



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Tuesday, September 13, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 2011.

I hereby appoint the Honorable JOHN J. DUNCAN, Jr. to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HONORING AMERICA'S FIRST RESPONDERS ABROAD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, this weekend, we honored those killed by the attack on America on 9/11—10 years ago. Many of those that were killed and gave their lives were first responders. And after the smoke cleared that day from Ground Zero, from the Pentagon down the street, and that special field in Pennsylvania, America went after Islamic terrorists who would murder in the name of religion.

The wars against our enemies have taken us to the desert of the gun and the valley of the sun in Afghanistan and then off to Iraq. I've been to Af-

ghanistan and to Iraq, as many Members have. And I can tell you, Mr. Speaker, that our military that is there representing us is the finest military that has ever existed in the history of this country.

Afghanistan is a land that seems to be cursed by God. It is a hard land. And in Afghanistan, on August 6, 2011, specially trained United States military were headed to root out the Taliban and help our Army Rangers who needed their support. The CH-47 Chinook helicopter they were in was shot down in the Wardak province of Afghanistan. Thirty Americans gave their lives that day, as well as eight loyal Afghans. They were our first responders abroad who go where the timid are not found and the weak of soul are never seen. Here are their names, Mr. Speaker, and their photographs.

The first one here, David Carter, Chief Warrant Officer of the United States Army National Guard, Colorado.

Next is Heath Robinson, Chief Petty Officer, United States Navy SEAL, Michigan.

Next to him, Mr. Speaker, is Alexander Bennett, Sergeant, United States Army Reserve, Washington.

Next to him is Kraig Vickers, Senior Chief Petty Officer, United States Navy SEAL, Hawaii.

Number five on this top line here is Jared Day, Petty Officer 1st Class, United States Navy SEAL, Utah.

And the last one on the first row is Jonas Kelsall, Lieutenant Commander, United States Navy SEAL, Louisiana.

I continue with the second row:

Jon Tumilson, Petty Officer 1st Class, United States Navy SEAL, Iowa.

Next to him is Michael Strange, Petty Officer 1st Class, United States Navy SEAL, Pennsylvania.

Aaron Vaughn, Petty Officer 1st Class, United States Navy SEAL, Florida.

Patrick Hamburger, Staff Sergeant, United States Army National Guard, Nebraska.

Next to him is John Faas, Chief Petty Officer, United States Navy SEAL, Minnesota.

And the last one on the second row is Matthew Mason, Chief Petty Officer, United States Navy SEAL, Missouri.

I continue with the third row of our warriors:

Robert Reeves, a person known by members of my staff, Chief Petty Officer, United States Navy SEAL, Louisiana.

Next to him is Stephen Mills, Chief Petty Officer, United States Navy SEAL, from the great State of Texas.

Next to him is Louis Langlais, Master Chief Petty Officer, United States Navy SEAL, California.

Next, Christopher Campbell, Petty Officer 1st Class, United States Navy SEAL, North Carolina.

The next warrior is Darrik Benson, Petty Officer 1st Class, United States Navy SEAL, California.

And the last one on this row is Jason Workman, Petty Officer 1st Class, United States Navy SEAL, Utah.

I continue, Mr. Speaker, and I hope you can see these photographs:

Jesse Pittman, Petty Officer 1st Class, United States Navy SEAL, California.

Next is Nicholas Spehar, Petty Officer 2nd Class, United States Navy SEAL, Minnesota.

Andrew Harvell, Staff Sergeant, United States Air Force, California.

Daniel Zerbe, Tech Sergeant, United States Air Force, Pennsylvania.

John Brown, Tech Sergeant, United States Air Force, Florida.

Kevin Houston, Chief Petty Officer, United States Navy SEAL, Massachusetts.

And the last row, Mr. Speaker:

Bryan Nichols, Chief Warrant Officer, United States Army National Guard, Kansas.

Spencer Duncan, Specialist, United States Army Reserve, Kansas.

Nicholas Null, Chief Petty Officer, United States Navy SEAL, West Virginia.

Thomas Ratzlaff, Senior Chief Petty Officer, United States Navy SEAL, Arkansas.

Brian Bill, Chief Petty Officer, United States Navy SEAL, Connecticut.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And John Douangdara, Petty Officer 1st Class, United States Navy SEAL, Nebraska.

Mr. Speaker, these are the men who gave their lives so that others could live. And while we mourn the lives they gave for the rest of us, we should thank the good Lord that such men as these lived—the Americans, the American breed, the rare breed, the finest we have.

And that's just the way it is.

REBUILDING AND RENEWING AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there has been much talk about jobs and economic recovery—sadly, more talk than action.

Today's consideration of extending the Surface Transportation Act and the FAA Authorization, both of which have expired, is a positive development. It puts a little more certainty for our partners in the State and local government. It avoids disastrous revenue losses. It's a positive signal of cooperation, with Chairs MICA and BOXER working with Majority Leader REID and Speaker BOEHNER. And it leaves important policies intact.

The 1991 ISTEA framework has proven effective in meeting transportation needs and providing economic activity. But now let's concentrate on what we do need.

We need more money, not less. Certainly we must reject the 30 percent transportation cut that is called for in the Republican budget, or a 34 percent reduction that's called for in the Transportation appropriations bill that is being considered. We need longer-term legislation, not shorter. Three months for aviation, 6 months for transportation is better than what we've been putting up with, but certainly not what our partners deserve.

Finally, we need more partnerships with our regional engines of growth at the local level, not a pullback by the Federal Government. We need a full reauthorization, one that is right sized for America's needs. We need to be more ambitious in terms of what we spend. Remember all the expert bipartisan commissions that called for much greater levels of investment 5 years ago. The need has not declined at all.

□ 1010

We can and we should combine these efforts with deficit reduction and economic recovery. This is what happened with Ronald Reagan in 1982, with Bill Clinton in 1993, what was called for by Simpson and Bowles, the cochairs of President Obama's deficit reduction commission.

Make no mistake. Unmet infrastructure needs threaten the health and

safety of our communities, our environment, and our global competitiveness. Congress will find a tremendous coalition supporting bold action from the business community, organized labor, contractors, environmentalists, engineers, architects, local government. The list is extensive, broad, and the commitment is deep. Many communities and some States have already stepped up on their own.

It's now time for the Federal Government to be a better partner, reclaiming the legacy of Abraham Lincoln, Teddy Roosevelt, Franklin Roosevelt, and Eisenhower, back when infrastructure investment was not partisan or particularly controversial, but a national vision that brought us together.

We can begin by passing this legislation later this afternoon. We need to move to a larger and a longer term agenda as we rebuild and renew America, jump-start the economy, and make our families safer, healthier, and more economically secure.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, like all my colleagues, I was home during the August break, accepting opportunities to speak at civic clubs, at town forums, and I did speak to a couple of military retiree groups.

Every time that I would make the statement that it is time to bring our troops home from Afghanistan—Mr. Speaker, I'm not an excellent speaker, I'm not even a good speaker, but I got applause, strong applause, from every one of those groups that I just named. They agree with me and many of my colleagues, one being on the floor today, JIM MCGOVERN from Massachusetts, that it's time to bring an end to our involvement in Afghanistan.

The amount of loss of lives is just astounding. And I have beside me a poster that depicts the pain of war. This lady and her little girl are accepting a folded flag off the coffin of her husband and the little girl's daddy. And the little girl is looking up like "I don't know what's happening." The wife is crying.

How many more families have to cry? How many children have to say, "I don't know my daddy; I didn't know my daddy because I was so young when he died"?

The President is asking for a jobs program. I think he's doing the right thing. Yet we're spending \$10 billion a month in Afghanistan to prop up a corrupt leader. It makes no sense. It doesn't make any sense to the American people, and it makes no sense to many of us in the House, both Republican and Democrat.

I understand from the newspapers that there's a conversation now going

on between the United States and Afghanistan which would provide so-called "strategic partnership agreement" between the two, America and Afghanistan, and this means that we could keep approximately 35,000 to 40,000 troops past 2014, 2015. This does not make any sense. I hope that this is not true, but I'm afraid that it is true.

And something else that bothers me about this conversation is that it will not be called a treaty because, if it's called a treaty, it has to come to Congress and be approved by Congress. This, again, takes away the voice of the American people, especially on this issue of Afghanistan, when the American people, in large numbers in all the latest polls, are saying get out, get out, get out.

History has proven that Afghanistan will never be anything more than what it is today. Great nations have tried in the past to try to create a national government in Afghanistan, and it never happened. Here we are going to spend \$10 billion a month, \$120 billion a year, to rebuild Afghanistan, and we don't even have the money to rebuild America.

I hope that the Congress will join those of us, again, Mr. MCGOVERN and myself and many others I could name in the House, that want to bring our troops home.

It brings me back to an article written by Andrew Bacevich. He was a Vietnam veteran himself. His son was killed in Iraq. And he wrote an article in the American Conservative about 2 years ago called "To Die for a Mystique," talking about Afghanistan.

Mr. Speaker, I hope that we will continue to bring forward on the floor of the House the issue of Afghanistan. It's not right to those families. It's not right to our military. Many of them have had five, six, seven deployments. They're tired. They're worn out. They've done their job. Bin Laden is dead. Al Qaeda has been moved out of Afghanistan. It is time to bring them home and rebuild America and help our veterans find jobs. I want to thank the President for mentioning that yesterday. We've got to help our veterans find jobs.

Mr. Speaker, I'm going to close now as I always do because it comes from my heart. I've signed over 10,374 letters since we went into Iraq. That was a mistake on my part to give President Bush the authority to go into a war that never had to be fought.

So I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

I ask God to please bless the House and Senate that we will do what is right in the eyes of God for God's people. I ask God to give wisdom,

strength, and courage to President Obama, that he will do what is right in the eyes of God for God's people.

And I will say three times, God, please, God, please, God, please continue to bless America.

ALTERNATIVES TO VIOLENCE: HOPE IN MEDELLIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, at the end of August, I was part of a weeklong fact-finding delegation to Colombia coordinated by the Washington Office on Latin America.

Our first stop was in Medellin. Hailed during 2005 to 2008 as the so-called "Medellin Miracle," we now know that the miracle was more illusion than reality, created by the iron fist of paramilitary leader Diego Murillo, alias Don Berna. He controlled all criminal activity in the poorest districts, or comunas, as they're known, that surround central Medellin. Since his 2008 extradition to the United States, hell has returned to the comunas, as neoparamilitary drug lords fight for control of drug trafficking, extortion, and other criminal activity.

But the "miracle" wasn't a total illusion. During those years of relative calm, the municipal government, under Mayor Sergio Fajardo, and his successor, current Mayor Alonso Salazar, made significant investments in youth organizations, education, and basic human services in the poorest neighborhoods. In greater Medellin, investments resulted in public parks, recreational spaces, culture, and a new public transit system. These changes, large and small, have helped civil society to better weather and confront the current explosion of violence that keeps Medellin in the ranks of Latin America's most violent cities.

There are an estimated 3,800 or more gang members in Medellin. And about 70 percent of their ranks are made up of young people between the ages of 11 and 17. In the past 2 years, nearly 2,000 young people between the ages of 11 and 25 have been killed.

We spent an entire day meeting with people and youth organizations in three of the city's most violent districts, Comunas 13, 8, and 5. Our guides were the dedicated staff of Fundacion Mi Sangre. They introduced us to John Jaime Sanchez, the director of Son Bata, an Afro-Colombian group that has achieved international fame by using music to help Comuna 13's young people find alternatives to violence.

We visited a local YMCA and its director, Alexandra Castillon. The YMCA has long served as an anchor and neutral space in Comuna 13. There we met leaders from Hip Hop Red Elite, Hip Hoppers for Peace, and the Kolacho

School, a music training school named in memory of a young boy killed in Comuna 13. The groups reach young people through the use of music and dance, helping them become leaders. These youth then use their art to reach others in their schools and on the streets with the message of non-violence.

We went across town to Casa de la Cultura, one of the few neutral spaces in Comuna 8.

□ 1020

We met students in youth groups called Diafora, La Villa, AK-47, New Dance and others. Their determination and enthusiasm to create a better future were undeniable. Rap group AK-47 joined with students playing classical music. They put on a stunning rap program against gang violence. I could have listened to their powerful words and music all day.

We ended the day sitting on the ground above a small park in Comuna 5 talking with more than 20 youth leaders about their daily lives and how they use art to promote human rights, recapture historic memory, and create a better community. I told them they should run for office because Medellin's future depended on their leadership.

The next day, our delegation returned to Comuna 5, this time with the Catholic Church and the mayor's adviser on peace and reconciliation. We met former and current gang members. We heard impassioned stories about how they want to leave the gangs and the endless violence. It's not an easy choice. They fear retaliation and not being able to support their families.

Many people in Medellin are helping them lay down their arms, but their futures are dangerous and limited. They also lack confidence in the police, some of whom are allied with one faction or another in the gang wars.

These youth put themselves at risk for advocating alternatives to violence and envisioning a future far different from the reality that surrounds them. They deserve our respect and our support—not just with funding but by increasing their visibility and their legitimacy.

Rarely on my trips to Colombia have I left the place with such strong and positive feelings; and after spending time in the most dangerous areas of the city, I came away with a sense of hope.

I often speak of what's going wrong in Colombia and the many problems that need to be addressed. In Medellin I found many examples of what is going right.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 22 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dr. Leroy Adams, Jr., Morning Star Baptist Church, Omaha, Nebraska, offered the following prayer:

Our God, we come with gratitude for another day and with thanksgiving in our hearts for the privilege of life and the opportunity to make this day purposeful.

We ask for Your blessings to this legislative body as they govern the welfare of all people of this great Nation. Endow them with wisdom, discernment, courage, and conviction to engage the issues of our day and for the generations to come to be better off as a result of all decisions made within this assembly hall.

Finally, I pray to You that a spirit of cooperation and sincerity would transcend our Nation to have solidarity, peace, and equality for all.

We ask this to be done this day and in the days to come to give glory and honor to You, our God, and we pray that Your blessings be upon us always.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. LEROY ADAMS, JR.

The SPEAKER. Without objection, the gentleman from Nebraska (Mr. TERRY) is recognized for 1 minute.

There was no objection.

Mr. TERRY. Mr. Speaker, I am honored to recognize our guest chaplain, my fellow Nebraskan and friend, Reverend Dr. Leroy E. Adams, Jr., who has served as the senior pastor of Omaha's

Morning Star Baptist Church since September of 1999.

Prior to serving in Omaha, Reverend Adams' ministry spanned more than a decade in Lawton, Oklahoma, and includes serving as a pastor in Stuttgart, Germany, for 2 years. Reverend Adams has earned his bachelor's, master's, and doctoral degrees from the Andersonville Baptist Seminary, and he is a graduate of the Harvard Divinity School's Leadership Institute.

He has made his country a priority. He is an 8-year veteran, having served honorably in the United States Army. He has made our Omaha community a priority, particularly the more vulnerable citizens, our youth, and our seniors.

When youth violence arose in our community, it was Reverend Dr. Adams who reached out to other pastors in North Omaha to unify efforts and message against the violence in our neighborhoods. He has reached out to help our seniors who needed housing.

Reverend Adams is nationally known as a wonderful preacher, a great teacher, an irreplaceable pillar in our community, and a friend to many. He is blessed by his two children, Leroy and Maria, and Omaha is, in turn, blessed by this minister and his family.

May God continue to bless his life, his family, and his ministry for years to come.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

"YES" TO JOBS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, data from the Bureau of Labor Statistics shows that while 14 million Americans are looking for work, there are only 3 million job openings. This means that if every single job was filled outright, there would still be 11 million Americans unemployed and looking for work.

Passing the President's jobs bill will help these people and help our overall economy. According to Mark Zandi, Moody's economist, the President's plan would add 2 percentage points to the GDP growth next year, add 1.9 million jobs by next year, and cut the unemployment rate by 1 percentage point next year.

Published reports indicate that economists across this country are giving the President's plan a thumb's up. This is a clear chance for all of us to say "yes"—yes to growth, yes to a middle class tax cut, and, most importantly, yes to jobs and our overall economy.

PRESIDENT'S SECOND STIMULUS INCREASES DEBT AND TAXES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Thursday the President addressed a joint session of Congress in order to describe his second stimulus. This proposal would create \$447 billion in new spending, being paid for by tax increases.

House Republicans remain committed to working together in order to create job growth and promote an environment that allows for small businesses to hire workers. Sadly, the administration's proposal pushes new taxes on small businesses, which would create an environment that destroys jobs. The President was previously correct, saying you do not increase taxes in a recession. Raising taxes destroys jobs.

The administration's last stimulus added \$814 billion to our debt. More importantly, it failed to accomplish the goal of keeping unemployment below 18 percent. Currently, 14 million people are unemployed and 25 million who want a full-time job do not have one.

The House Republicans have passed numerous bills to create jobs. House Republicans have shown their commitment to jump-starting the ability of small businesses to create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

JOBS

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, I come from a part of this country where my constituents are real down-to-earth people, commonsense people.

We want a good education for our kids, we want Medicare and Social Security for our seniors, and we want the Buffalo Bills to continue their winning streak. But more than anything, we want to get our people back to work—for our kids who thought a college education was the ticket to a good job, for our veterans who stepped out of line to go fight and protect us who now find themselves in the unemployment line, and for middle managers who thought they were set for life until the day the pink slip showed up on their desk and turned their lives upside down.

We all know we have to get this country back to work. We need to pass the American Jobs Act to do just that.

Just 24 hours ago, Democrats and Republicans stood shoulder to shoulder on the steps of this Capitol, united in remembrance of 10 years ago, the 10th anniversary of 9/11. Why can't we stand together again and do what's right for

the American people, Democrats and Republicans shoulder to shoulder? If we get the job done here, people out there will get jobs.

JOB CREATION

(Mr. FINCHER asked and was given permission to address the House for 1 minute.)

Mr. FINCHER. Mr. Speaker, I come to the floor this morning to discuss the need to create jobs, my priority since I arrived here in January.

Last Thursday, the President addressed Congress about his proposal to create jobs and move this country forward. We must do better.

Recently, I introduced two bills that are my proposals to help spur job creation:

I introduced the America's Energy Independence Act, which would prevent the EPA from enforcing its cross-State pollution rule for 10 years to keep the flow of electricity high and the cost of electricity for America's families low. The President recognized that the EPA's new smog standards would lead to job losses, but he played politics and only rescinded the standards until right after the election.

I also introduced the Invest in America Act, which would suspend the capital gains tax for 10 years, providing more certainty to families who are being penalized for selling their homes, their investments and farms.

Instead of spending money we don't have on initiatives that don't work, these bills provide actual help to Americans so they can get back to the business of making America great.

□ 1210

REGULATING CORPORATE ELECTION EXPENDITURES

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, John Paul Stevens warned that the Supreme Court's ruling in Citizens United threatened to undermine the integrity of elected institutions around the country. How right he was.

Since the Court's decision last January, corporate special interests have had unprecedented freedom to spend on our elections. In fact, campaign spending by outside groups surged to more than \$300 million in the 2010 election cycle and are already off the charts for this cycle. Likewise, State laws that limited corporate bankrolling of candidates have been struck down.

Mr. Speaker, we have unprecedented challenges in front of us. But how do we make the tough choices on the economy, on taxes, on protecting the vulnerable and investing in the future and creating jobs? We cannot stand

idly by while deeply flawed interpretations of the Constitution are used to obstruct our democracy rather than guiding it, putting lobbyists and piles of cash into policy and elections.

It's time for the people's House to stop the madness; and so this week I joined with Judiciary Committee Ranking Member CONYERS to reintroduce a constitutional amendment, House Joint Resolution 78, to reclaim Congress and to regulate corporate expenditures.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT

(Mr. GRIFFIN of Arkansas asked and was given permission to address the House for 1 minute.)

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of H.R. 2218, the Empowering Parents Through Quality Charter Schools Act.

This bill strikes close to home for me and my district in Arkansas where one charter school program, the Knowledge is Power Program, or KIPP, as it is called, has had a profound impact on the lives of its students and their families.

In one of the poorest cities in America, the town of Helena-West Helena has instituted a charter school that empowers students from high poverty communities to develop the character, knowledge, and skills necessary to follow their dreams and, more importantly, learn to value a life in pursuit of knowledge and truth.

KIPP students go above and beyond what is required; and for that, our country is a better place. These students have their parents and teachers to thank. They are always accessible and always committed to their education and their well-being. The KIPP approach shows that high standards overcome the obstacles created by socioeconomic and circumstances, as evidenced by KIPP Delta's first graduating class, 100 percent of which now attend college, and the establishment of a new KIPP school in Blytheville, Arkansas.

I urge my colleagues to pass this bill so children and their families all across the country have the opportunity to empower their own lives, their families, and their communities.

JOBS NOW

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, President Obama has offered the American Jobs Act, a clear path forward to putting our country back to work, helping small businesses succeed and hire and providing tax relief for our workers and rebuilding America. The emphasis of the plan is immediate action that will preserve and create jobs now. It will

put money into the pockets of working Americans now, and it will give businesses job-creating tax breaks now. It will provide a boost to the economy that we need now.

Mr. Speaker, it's time for Democrats and Republicans to work together and with our President to put the country back to work. The American people literally can't afford to wait a single day more. It's time to pass the American Jobs Act now.

RESPONSIBLE CHOICES

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, in these dire financial times, government must identify what works and what doesn't, even when it comes to sex education for our kids.

The CDC released a fascinating study this year that found that two-thirds of teens, ages 15 to 17, are abstaining from sex. In fact, 70 percent of parents support abstinence until marriage for their teens.

But under this administration, we have seen a troubling 16:1 funding disparity between contraceptive-centered education and sexual risk avoidance education.

That's why last week I filed a bill, H.R. 2874, to restore fairness to the funding and direct it instead to programs which give our kids the facts about contraception without distorting them.

I am a dad of four great kids, two of them teenagers. I have a 15-year-old daughter, Kylie, and a 17-year-old son, Karsten, who may, in fact, be watching right now. Nothing is more important to me than seeing them make responsible choices. I have every confidence that they will. Now I'm just hoping the House and Senate will do the same.

JOBS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, we are in a time of national economic crisis. There are 14 million Americans without a job. There are another 12 million who wish they could work but have given up looking altogether.

That's why last week President Obama presented Congress with an urgent proposal to create jobs and fix the economy. Republican economist Mark Zandi declared the President's plan would keep the U.S. from sliding back into the recession, add two points to the GDP, and add 1.9 million jobs. This plan is based on bipartisan proposals, and it won't add a dime to the deficit.

After 9 months of taking over the House, Republicans have not presented a single jobs bill. It's well past time for them to put politics aside and come to-

gether with Democrats to put the country back to work. With so many people suffering, we must act and we must act now.

REDUCING HURDLES TO JOB GROWTH

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, Mississippi is a great place to live, work, and raise a family; and I want to keep it that way. Mississippi is a proud right-to-work State. My State has attracted and continues to attract high-tech economic development projects and advanced manufacturing facilities.

At a time when more than 14 million workers are unemployed, we must do everything possible to remove government barriers to job creation and economic growth. As South Carolina knows too well, the National Labor Relations Board is stifling job creation, and their Federal intrusion must be restrained.

The Protecting Jobs from Government Interference Act will prohibit the NLRB from dictating where a private sector employer can locate. This is good for job seekers as well as job creators. Without restraint, all States, especially right-to-work States like my Mississippi, will be negatively impacted. We like to work in Mississippi and we like jobs, and we want more of them, not less.

SUPPORT AMERICAN JOBS ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of President Obama's American Jobs Act. As a senior member of the House Transportation and Infrastructure Committee, I am especially glad to see that the President has maintained his unwavering commitment to modernizing America's infrastructure. Our roads, bridges, highways, and transit systems support millions of jobs throughout the country that are crucial to strengthening our economy.

The establishment of a national infrastructure bank is a bipartisan proposal that I have been a strong proponent of for many years. More recently, I have learned that my senior Senator is also very supportive. This bank would leverage private and capital funds to invest in infrastructure projects of a national significance. It's public and private partnerships like this that make our country succeed, and we need more of them. I urge all of my colleagues to support this bipartisan measure.

God bless the troops, God bless America, and God bless the Members of the

people's House to rise above partisanship and be bipartisan in addressing the people's problems.

□ 1220

GOOD JOBS NOW

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, today, members of the Progressive Caucus stood up and displayed a videotape in which the jobs tour that we went on this summer was revealed. We showed the cities where Americans of all description stood up and said, We need jobs, good jobs, now. Americans from Detroit to Oakland and Minneapolis, Miami, all over this country, we went to talk to them face-to-face, and they told us what they wanted. They did their part by coming to tell us what they wanted.

Now it's time for us to do our part as Congress. Members of the Progressive Caucus will and are and already have introduced legislation dealing with good jobs—and good jobs now—in infrastructure, education, fair trade, and things like manufacturing. We're going to be forcing this agenda. It's what the American people expect, what they demand. And anyone who does not stand with us on this jobs agenda will be revealed to be not a friend of the American worker.

HOW TO CREATE JOBS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Last week, the President came to this House and gave an historic address in a joint session about the American Jobs Act. There were things in his proposal that I felt really good about and some that I felt not so good about. But I'm going to support the President because our country needs jobs. People in my district need jobs. This is the way to provide jobs.

You don't provide jobs by putting off EPA regulations, costing 350,000 lives by causing people to have breathing difficulties and asthma. Two friends of mine have had lung cancer and lost a lung. They may lose their life without a transplant, which also may put them in jeopardy of losing their lives. That's not the way you create jobs. You create jobs by giving people opportunities with summer youth programs and infrastructure jobs that create even more jobs. And tax breaks for small business. That's been offered. I hope we can come together in a bipartisan way.

I watched the Republican debate last night, and one of the candidates suggested it was the "Obama depression." I can't believe people are doing that. We just saw 9/11 and thought of the

horrors. The unfunded wars in Iraq and Afghanistan have caused this Bush recession.

PROTECT JOBS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, we've been talking about jobs, and we've been talking about our economy and how jobs relate to that. We must remember one thing: We are all workers. So, Mr. Speaker, one of the things that's very troubling is the fact that we don't seem to have a grasp on what the role of the National Labor Relations Board is. That's evidenced by H.R. 2587. What the National Labor Relations Board does is simply enforces the rights of workers. We are a great economy and we are a great country because we recognize that we are all workers and that as workers we have rights to be protected. One of the rights is to act in a concerted manner. And that's what this is all about. It protects people's rights to act together if they so wish. Now what is wrong with that? That's what makes us the United States of America. That's what makes us the greatest economy of the world. And that's what makes us a country that understands that in order to be a great economy, we must never forget the workers. We must never forget their rights. And we must always protect them.

AMERICAN JOBS ACT

(Ms. MOORE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE. Mr. Speaker, the President has sent us the American Jobs Act, a plan to put the country back to work while it makes investments in our struggling economy.

This bill would modernize and rehabilitate 30,000 public schools; establish a desperately needed infrastructure bank; pump \$50 billion into our aging roads, bridges, railroads, and airports. In fact, we have 71,000 "structurally deficient" bridges in this country. We're falling behind the rest of the world when it comes to modern railways, roads, and schools. And this bill is of critical importance to my district. Of the Nation's cities, Milwaukee has the second-largest percentage of its workforce in the manufacturing sector. Passing this bill means jobs for my constituents making support beams for bridges, manufacturing tools, building engines, putting together construction equipment, designing and producing computers for airports; trucking, rail, and port transportation. And yes, it even means making bacon and eggs at the local diner to support these workers.

Mr. Speaker, let's put America back to work. Pass the American Jobs Act and pass it now.

AMERICAN JOBS AGENDA

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to talk about jobs today.

The Republicans have taken us through a no-jobs winter agenda, a no-jobs spring agenda, a no-jobs summer agenda, and now we are about to enter fall. Everybody is talking about jobs but they're not really doing anything, other than blaming the President. It's been 250 days since Republicans have had control of this body. Not one single jobs bill has passed.

Yesterday, the President gave us a specific plan, but we've already heard from some colleagues on the other side of the aisle that they will not be in support of it. Is this a part of their no-jobs agenda for the fall? It looks like it. It's certainly not leadership, and it's not governance.

PASS THE AMERICAN JOBS ACT

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, today, the Census Bureau came out with new numbers on poverty in America. In 2010, 15.1 percent, which is 46.1 million Americans, lived in poverty. This is up from 14.3 percent, or 43.6 million Americans, in 2009. And 2.6 million more Americans fell into the ranks of the poor. For 2.3 percent of Americans, their incomes fell. This trend really does carry long-term and short-term consequences for our children, our families, and for our national and economic security. These are not people in Democratic districts only. These are individuals who live in Republican districts and Republican Tea Party districts and independent districts. These are people who live all over the country.

This summer, the Congressional Black Caucus and the Progressive Caucus went out and we listened to people. We helped find jobs for people. The stories that we heard were quite depressing but also reminded us of the job that we have to do. I want to just tell you one story of children who are now taking care of their parents because their parents lost a job. These children are working at minimum wage jobs, for instance, at McDonald's. This is a moral outrage. We've got to pass the American Jobs Act. Until we create jobs—and there are four individuals for one job—we need to pass H.R. 589, which would extend unemployment benefits for those who have hit the 99 wall.

That's the least we can do until we create these jobs.

□ 1230

SURFACE AND AIR TRANSPORTATION PROGRAMS EXTENSION ACT OF 2011

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2887) to provide an extension of surface and air transportation programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface and Air Transportation Programs Extension Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF SURFACE TRANSPORTATION PROGRAMS

Sec. 101. Short title.

Subtitle A—Federal-Aid Highways

Sec. 111. Extension of Federal-aid highway programs.

Sec. 112. Administrative expenses.

Subtitle B—Extension of Highway Safety Programs

Sec. 121. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 122. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 123. Additional programs.

Subtitle C—Public Transportation Programs

Sec. 131. Allocation of funds for planning programs.

Sec. 132. Special rule for urbanized area formula grants.

Sec. 133. Allocating amounts for capital investment grants.

Sec. 134. Apportionment of formula grants for other than urbanized areas.

Sec. 135. Apportionment based on fixed guideway factors.

Sec. 136. Authorizations for public transportation.

Sec. 137. Amendments to SAFETEA-LU.

Subtitle D—Highway Trust Fund Extension

Sec. 141. Extension of trust fund expenditure authority.

Sec. 142. Extension of highway-related taxes.

TITLE II—EXTENSION OF AIR TRANSPORTATION PROGRAMS

Sec. 201. Short title.

Sec. 202. Extension of taxes funding Airport and Airway Trust Fund.

Sec. 203. Extension of Airport and Airway Trust Fund expenditure authority.

Sec. 204. Extension of airport improvement program.

Sec. 205. Extension of expiring authorities.

Sec. 206. Federal Aviation Administration operations.

Sec. 207. Air navigation facilities and equipment.

Sec. 208. Research, engineering, and development.

Sec. 209. Essential Air Service.

TITLE I—EXTENSION OF SURFACE TRANSPORTATION PROGRAMS

SEC. 101. SHORT TITLE.

This title may be cited as the “Surface Transportation Extension Act of 2011, Part II”.

Subtitle A—Federal-Aid Highways

SEC. 111. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) **IN GENERAL.**—Except as provided in this title, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of SAFETEA-LU (Public Law 109-59), the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), titles I and VI of the Intermodal Surface Transportation Act of 1991 (Public Law 102-240), titles I and V of the Transportation Equity Act for the 21st Century (Public Law 105-178), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2011, under section 411(a) of the Surface Transportation Extension Act of 2010 (title IV of Public Law 111-147) are incorporated by reference and shall continue in effect until March 31, 2012.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Except as provided in section 112, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2011, and ending on March 31, 2012, a sum equal to ½ of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2011 under titles I, V, and VI of SAFETEA-LU (119 Stat. 1144) and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) **FISCAL YEAR 2012.**—Except as otherwise expressly provided in this title, funds authorized to be appropriated under subsection (b) for the period beginning on October 1, 2011, and ending on March 31, 2012, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as ½ of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2011 to carry out programs, projects, activities, eligibilities, and requirements under SAFETEA-LU (Public Law 109-59), the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), titles I and VI of the Intermodal Surface Transportation Act of 1991 (Public Law 102-240), titles I and V of the Transportation Equity Act for the 21st Century (Public Law 105-178), and title 23, United States Code (excluding chapter 4 of that title).

(2) **CALCULATION.**—The amounts authorized to be appropriated under subsection (b) shall be calculated taking into account any rescission or cancellation of funds or contract authority for fiscal year 2011 required by the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10) or any other law.

(3) CONTRACT AUTHORITY.—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and for the period beginning on October 1, 2011, and ending on March 31, 2012, shall be subject to a limitation on obligations for Federal-aid highways and highway

safety construction programs included in an Act making appropriations for fiscal year 2012 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed ½ of the limitation on obligations included in an Act making appropriations for fiscal year 2012.

(B) **EXCEPTIONS.**—A limitation on obligations described in subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code, for the period beginning on October 1, 2011, and ending on March 31, 2012, only in an amount equal to \$319,500,000.

(4) **CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.**—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2012 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this title for the period beginning on October 1, 2011, and ending on March 31, 2012, for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by ½.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) **FISCAL YEAR 2012.**—Notwithstanding any other provision of law, for the period beginning on October 1, 2011, and ending on March 31, 2012, the portion of the share of funds of a State under subsection (b) determined by ½ of the amount that the State received or was authorized to receive for fiscal year 2011 to carry out sections 1301, 1302, 1307, 1702, and 1934 of SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2011; bears to

(ii) the amount apportioned to the State for fiscal year 2011 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(2) TERRITORIES AND PUERTO RICO.—

(A) **FISCAL YEAR 2012.**—Notwithstanding any other provision of law, for the period beginning on October 1, 2011, and ending on March 31, 2012, the portion of the share of funds of a territory or Puerto Rico under subsection (b) determined by ½ of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2011 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) TERRITORY DEFINED.—In this paragraph, the term “territory” means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2011 to achieve the authorized purpose of the project or activity.

(B) RESERVATION AND REDISTRIBUTION OF FUNDS.—Funds made available in accordance with paragraph (1) of subsection (c) or paragraph (1) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) of subsection (c), or paragraph (1) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2011 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2011 for those projects and activities in all States.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of SAFETEA-LU (119 Stat. 1779) shall be continued for the period beginning on October 1, 2011, and ending on March 31, 2012, at ½ of the funding levels authorized for those programs for fiscal year 2011.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2011, except that designations for specific activities shall not be required to be continued for the period beginning on October 1, 2011, and ending on March 31, 2012.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2011 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

SEC. 112. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this title or any other law, there is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 111, for administrative expenses of the Federal-aid highway program \$196,427,625 for the period beginning on October 1, 2011, and ending on March 31, 2012.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

Subtitle B—Extension of Highway Safety Programs

SEC. 121. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$235,000,000 for fiscal year 2011.” and inserting “\$235,000,000 for fiscal year 2011, and \$117,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$108,244,000 for fiscal year 2011.” and inserting “\$108,244,000 for fiscal year 2011, and \$54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3) by striking “8” and inserting “9”;

(B) in paragraph (4)(C) by striking “fifth through eighth” and inserting “fifth through ninth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$25,000,000 for fiscal year 2011.” and inserting “\$25,000,000 for fiscal year 2011, and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$124,500,000 for fiscal year 2011.” and inserting “\$124,500,000 for fiscal year 2011, and \$24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$34,500,000 for fiscal year 2011.” and inserting “\$34,500,000 for fiscal year 2011, and \$17,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C) by striking “in each of” and all that follows through “fiscal years” and inserting “in each of the fifth through eleventh fiscal years”; and

(B) in subsection (b)(2)(C) by striking “fiscal years 2008, 2009, 2010, and 2011” and inserting “each of fiscal years 2008 through 2012”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$139,000,000 for fiscal year 2011.” and inserting “\$139,000,000 for fiscal year 2011, and \$69,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$4,116,000 for fiscal year 2011.” and inserting “\$4,116,000 for fiscal year 2011, and \$2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of SAFETEA-LU (23 U.S.C. 402 note) is

amended by striking “2011” and inserting “2012”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$29,000,000 for fiscal year 2011.” and inserting “\$29,000,000 for fiscal year 2011, and \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “fourth, fifth, and sixth” and inserting “fourth, fifth, sixth, and seventh”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$7,000,000 for fiscal year 2011.” and inserting “\$7,000,000 for fiscal year 2011, and \$3,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of SAFETEA-LU (23 U.S.C. 405 note) is amended by striking “fourth, fifth, and sixth fiscal years” and inserting “fourth, fifth, sixth, and seventh fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$7,000,000 for fiscal year 2011.” and inserting “\$7,000,000 for fiscal year 2011, and \$3,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$25,328,000 for fiscal year 2011.” and inserting “\$25,328,000 for fiscal year 2011, and \$12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of SAFETEA-LU (119 Stat. 1520) is amended by striking “2011” and inserting “2012”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2011” and inserting “2012”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2011” and inserting “2012”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2011” and inserting “2012”.

SEC. 122. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraphs (5) and (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) \$106,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraphs (E) and (F);

(2) by striking the period at the end of subparagraph (G) and inserting “; and”; and

(3) by adding at the end the following:

“(H) \$122,072,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by inserting “and \$15,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012” before the period at the end;

(2) in paragraph (2) by inserting “and \$16,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012” before the period at the end;

(3) in paragraph (3) by inserting “and \$2,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012” before the period at the end;

(4) in paragraph (4) by inserting “and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012” before the period at the end; and

(5) in paragraph (5) by inserting “and \$1,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012” before the period at the end.

(d) **HIGH-PRIORITY ACTIVITIES.**—Section 31104(k)(2) of title 49, United States Code, is amended by striking “2011” and inserting “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “fiscal year” inserting “fiscal year and up to \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(f) **OUTREACH AND EDUCATION.**—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “2011” and inserting “2011 (and \$500,000 to the Federal Motor Carrier Safety Administration, and \$1,500,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on March 31, 2012).”

(g) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2011” and inserting “2011 and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(h) **MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “September 30, 2011” and inserting “March 31, 2012”.

(i) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “September 30, 2011” and inserting “March 31, 2012”.

SEC. 123. ADDITIONAL PROGRAMS.

(a) **HAZARDOUS MATERIALS RESEARCH PROJECTS.**—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “2011” and inserting “2011 and \$580,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

(b) **DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “2011,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(2) in the first sentence of subsection (b)(1)(A) by striking “2011,” inserting “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subtitle C—Public Transportation Programs

SEC. 131. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2011” and inserting “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012”.

SEC. 132. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012.”;

(2) in subparagraph (A) by striking “2011,” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012.”; and

(B) in the matter preceding clause (i) by striking “2011” and inserting “2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012”.

SEC. 133. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012.”;

(B) in the matter preceding subparagraph (A) by striking “2011” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(C) in subparagraph (A)(i) by striking “2011” and inserting “2011 and \$100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2011” and inserting “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(B) in subparagraph (C) by striking “2011” and inserting “2011 and \$2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) in the first sentence by striking “2011” and inserting “2011 and \$5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(II) in the second sentence by striking “each fiscal year”;

(ii) in clause (i) by striking “\$2,500,000” and inserting “\$2,500,000 for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(iii) in clause (ii) by striking “\$2,500,000” and inserting “\$2,500,000 for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(iv) in clause (iii) by striking “\$1,000,000” and inserting “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(v) in clause (iv) by striking “\$1,000,000” and inserting “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(vi) in clause (v) by striking “\$1,000,000” and inserting “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(vii) in clause (vi) by striking “\$1,000,000” and inserting “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(viii) in clause (vii) by striking “\$650,000” and inserting “\$650,000 for each fiscal year

and \$325,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(ix) in clause (viii) by striking “\$350,000” and inserting “\$350,000 for each fiscal year and \$175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(B) in subparagraph (B) by adding at the end the following:

“(vii) \$6,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(C) in subparagraph (C) by striking “fiscal year” and inserting “fiscal year and during the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(D) in subparagraph (D) by striking “fiscal year” and inserting “fiscal year and not less than \$17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(E) in subparagraph (E) by striking “fiscal year” and inserting “fiscal year and \$1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

SEC. 134. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

“(G) \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

SEC. 135. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2011” and inserting “2012”; and

(2) by adding at the end the following:

“(g) **SPECIAL RULE FOR OCTOBER 1, 2011, THROUGH MARCH 31, 2012.**—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on March 31, 2012, in accordance with subsection (a), except that the Secretary shall apportion 50 percent of each dollar amount specified in subsection (a).”.

SEC. 136. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(C) by adding at the end the following:

“(G) \$4,180,282,500 for the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$113,500,000 for fiscal year 2011” and inserting “\$113,500,000 for fiscal year 2011, and \$56,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(B) in subparagraph (B) by striking “and \$4,160,365,000 for fiscal year 2011” and inserting “\$4,160,365,000 for fiscal year 2011, and \$2,080,182,500 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(C) in subparagraph (C) by striking “and \$51,500,000 for fiscal year 2011” and inserting “\$51,500,000 for fiscal year 2011, and \$25,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(D) in subparagraph (D) by striking “and \$1,666,500,000 for fiscal year 2011” and inserting “\$1,666,500,000 for fiscal year 2011, and

\$833,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(E) in subparagraph (E) by striking “and \$984,000,000 for fiscal year 2011” and inserting “\$984,000,000 for fiscal year 2011, and \$492,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(F) in subparagraph (F) by striking “and \$133,500,000 for fiscal year 2011” and inserting “\$133,500,000 for fiscal year 2011, and \$66,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(G) in subparagraph (G) by striking “and \$465,000,000 for fiscal year 2011” and inserting “\$465,000,000 for fiscal year 2011, and \$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(H) in subparagraph (H) by striking “and \$164,500,000 for fiscal year 2011” and inserting “\$164,500,000 for fiscal year 2011, and \$82,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(I) in subparagraph (I) by striking “and \$92,500,000 for fiscal year 2011” and inserting “\$92,500,000 for fiscal year 2011, and \$46,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(J) in subparagraph (J) by striking “and \$26,900,000 for fiscal year 2011” and inserting “\$26,900,000 for fiscal year 2011, and \$13,450,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(K) in subparagraph (K) by striking “and \$3,500,000 for fiscal year 2011” and inserting “\$3,500,000 for fiscal year 2011, and \$1,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(L) in subparagraph (L) by striking “and \$25,000,000 for fiscal year 2011” and inserting “\$25,000,000 for fiscal year 2011, and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(M) in subparagraph (M) by striking “and \$465,000,000 for fiscal year 2011” and inserting “\$465,000,000 for fiscal year 2011, and \$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(N) in subparagraph (N) by striking “and \$8,800,000 for fiscal year 2011” and inserting “\$8,800,000 for fiscal year 2011, and \$4,400,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$800,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “and \$69,750,000 for fiscal year 2011” and inserting “\$69,750,000 for fiscal year 2011, and \$29,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”;

(2) in paragraph (2)(A) by striking “2011” each place it appears and inserting “2012”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ADDITIONAL AUTHORIZATIONS.—

“(A) OCTOBER 1, 2011, THROUGH MARCH 31, 2012.—Of amounts authorized to be appropriated for the period beginning on October 1, 2011, and ending on March 31, 2012, under paragraph (1), the Secretary shall allocate

for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 50 percent of 85 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) UNIVERSITY CENTERS PROGRAM.—

“(i) OCTOBER 1, 2011, THROUGH MARCH 31, 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning on October 1, 2011, and ending on March 31, 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 50 percent of 85 percent of the amount allocated for fiscal year 2009 under each such clause.

“(ii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012, or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$49,455,500 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

SEC. 137. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking “2011,” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking “2011” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012”; and

(2) in the second sentence of subsection (d) by striking “2011” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking “September 30, 2011” and inserting “March 31, 2012”.

(d) OBLIGATION CEILING.—Section 3040 of SAFETEA-LU (119 Stat. 1639) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) \$5,059,238,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, of which not more than \$4,180,282,500 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2011” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2011” and inserting “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.”.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking “fiscal year” and inserting “fiscal year or period”; and

(2) by striking subsection (c) and inserting the following:

“(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

“(1) for each of fiscal years 2010 and 2011, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

“(2) for the period beginning on October 1, 2011, and ending on March 31, 2012, in amounts equal to 50 percent of 85 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).”; and

(3) in subsection (d)—

(A) by striking “fiscal year 2010, or a previous fiscal year” and inserting “fiscal year 2011, or a previous fiscal year”; and

(B) by striking “fiscal year 2011, or any subsequent fiscal year” and inserting “fiscal year 2012, or any subsequent fiscal year”.

Subtitle D—Highway Trust Fund Extension

SEC. 141. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2011” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “April 1, 2012”; and

(2) by striking “Surface Transportation Extension Act of 2011” in subsections (c)(1) and (e)(3) and inserting “Surface Transportation Extension Act of 2011, Part II”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking “Surface Transportation Extension Act of 2011” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2011, Part II”; and

(2) by striking “October 1, 2011” in subsection (d)(2) and inserting “April 1, 2012”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of such Code is amended by striking “October 1, 2011” and inserting “April 1, 2012”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 142. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “September 30, 2011” and inserting “March 31, 2012”:

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “October 1, 2011” and inserting “April 1, 2012”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of such Code is amended by striking “2011” and inserting “2012”:

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code is amended—

(1) by striking “October 1, 2011” each place it appears and inserting “April 1, 2012”;

(2) by striking “March 31, 2012” each place it appears and inserting “September 30, 2012”;

(3) by striking “January 1, 2012” and inserting “July 1, 2012”.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking “October 1, 2011” and inserting “April 1, 2012”.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of such Code is amended—

(A) in subsection (b)—

(i) by striking “October 1, 2011” each place it appears in paragraphs (1) and (2) and inserting “April 1, 2012”;

(ii) by striking “OCTOBER 1, 2011” in the heading of paragraph (2) and inserting “APRIL 1, 2012”;

(iii) by striking “September 30, 2011” in paragraph (2) and inserting “March 31, 2012”;

(iv) by striking “July 1, 2012” in paragraph (2) and inserting “January 1, 2013”;

(B) in subsection (c)(2), by striking “July 1, 2012” and inserting “January 1, 2013”.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “October 1, 2011” and inserting “April 1, 2012”.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—

(1) IN GENERAL.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-11(b)) is amended—

(I) by striking “October 1, 2012” each place it appears and inserting “April 1, 2013”;

(II) by striking “October 1, 2011” and inserting “April 1, 2012”.

(ii) CORRECTION OF CROSS REFERENCES.—Section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-11) is amended—

(I) by striking “section 9503(c)(4)(B) of the Internal Revenue Code of 1954 (relating to special motor fuels and gasoline used in motorboats)” in subsection (a) and inserting “section 9503(c)(3)(A) of the Internal Revenue Code of 1986 (relating to transfer to Land and Water Conservation Fund)”;

(II) by striking “section 6412(a)(2)” in subsection (b)(2) and inserting “section 6412”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

TITLE II—EXTENSION OF AIR TRANSPORTATION PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the “Airport and Airway Extension Act of 2011, Part V”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “September 16, 2011” and inserting “January 31, 2012”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking “September 16, 2011” and inserting “January 31, 2012”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “September 16, 2011” and inserting “January 31, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 17, 2011.

SEC. 203. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “September 17, 2011” and inserting “February 1, 2012”;

(2) by inserting “or the Airport and Airway Extension Act of 2011, Part V” before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking “September 17, 2011” and inserting “February 1, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 17, 2011.

SEC. 204. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) in paragraph (7) by striking “and” at the end; and

(B) by striking paragraph (8) and inserting the following:

“(8) \$3,515,000,000 for fiscal year 2011; and

“(9) \$1,181,270,492 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available for a portion of fiscal year 2012 pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2012, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking “September 16, 2011,” and inserting “January 31, 2012.”

SEC. 205. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking “September 17, 2011,” and inserting “February 1, 2012.”

(b) Section 41743(e)(2) of such title is amended by striking “and \$35,000,000 for each of fiscal years 2004 through 2011” and inserting “\$35,000,000 for each of fiscal years 2004 through 2011, and \$2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012.”

(c) Section 44302(f)(1) of such title is amended—

(1) by striking “September 16, 2011,” and inserting “January 31, 2012.”;

(2) by striking “December 31, 2011,” and inserting “April 30, 2012.”

(d) Section 44303(b) of such title is amended by striking “December 31, 2011,” and inserting “April 30, 2012.”

(e) Section 47107(s)(3) of such title is amended by striking “September 17, 2011,” and inserting “February 1, 2012.”

(f) Section 47115(j) of such title is amended by striking “fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before September 17, 2011,” and inserting “fiscal years 2004 through 2011, and for the portion of fiscal year 2012 ending before February 1, 2012.”

(g) Section 47141(f) of such title is amended by striking “September 16, 2011,” and inserting “January 31, 2012.”

(h) Section 49108 of such title is amended by striking “September 16, 2011,” and inserting “January 31, 2012.”

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “fiscal year 2009 or 2010, or in the portion of fiscal year 2011 ending before September 17, 2011,” and inserting “any of fiscal years 2009 through 2011, or in the portion of fiscal year 2012 ending before February 1, 2012.”

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “October 1, 2010, and for the portion of fiscal year 2011 ending before September 17, 2011,” and inserting “October 1, 2011, and for the portion of fiscal year 2012 ending before February 1, 2012.”

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2011,” and inserting “January 31, 2012.”

SEC. 206. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E) by striking “and” at the end;

(2) in subparagraph (F) by striking “2010.” and inserting “2010.”;

(3) by inserting after subparagraph (F) the following:

“(G) \$9,514,000,000 for fiscal year 2011; and

“(H) \$3,197,315,080 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

SEC. 207. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) in paragraph (5) by striking “and” at the end;

(2) in paragraph (6) by striking “2010.” and inserting “2010.”;

(3) by adding at the end the following:

“(7) \$2,731,000,000 for fiscal year 2011; and

“(8) \$917,704,544 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

SEC. 208. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) in paragraph (13) by striking “and” at the end;

(2) in paragraph (14) by striking “2010.” and inserting “2010.”;

(3) by adding at the end the following:

“(15) \$170,000,000 for fiscal year 2011; and

“(16) \$57,016,885 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

SEC. 209. ESSENTIAL AIR SERVICE.

Section 41742(a)(2) of title 49, United States Code, is amended by striking “there is authorized to be appropriated \$77,000,000 for each fiscal year” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund (established under section 9502 of the Internal Revenue Code of 1986) \$150,000,000 for fiscal year 2011 and \$50,309,016 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2887.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. I yield myself such time as I may consume.

Mr. Speaker, we are here today to extend once again authorization for the Federal Aviation Administration and for our Nation's transportation, highway, and transit programs.

Unfortunately, these are extensions that have been piled upon extensions for both of these programs. And while the legislation before us is important and it signifies a bipartisan, bicameral agreement to move forward, it must not be just a temporary bandaid for our important aviation, highway, rail, and safety programs, and for future job creation for our Nation.

To build our Nation's infrastructure and to really put people to work, we need long-term reauthorizations for these programs. Unfortunately, this bill is the 22nd FAA extension and the eighth surface transportation extension. Congress, unfortunately, has delayed passing a long-term FAA reauthorization for over 4 years, and a surface transportation bill has lagged for some 2 years. This action today represents a last chance to roll up our sleeves and get transportation projects moving forward in America again.

A couple of comments about this legislation.

H.R. 2887 is a clean 6-month extension for surface transportation programs, and it's also a clean 4-month extension for aviation programs. The extension's funding levels are consistent with the Full-Year Continuing Appropriations Act, our CR passed by Congress in April of this year.

For surface transportation, the bill authorizes \$19.9 billion for highway, \$660 million for highway safety, and \$5.1 billion for transit, for a total of \$25.6 billion. That's just for the 6-month period. While I would like to do a 6-year bill, our intention with this action today is to remain firmly committed to the commitment to do a 6-year transportation bill.

This is a 6-month extension. Why 6 months? Because our States and our other entities that depend on a reliable funding partner must have some certainty. When we did the CR—which expires in just a few weeks here—we were able to extend, on the seventh extension, our transportation programs until the end of this month. So we think this is being good stewards and responsible, again, in extending for 6 months a period in which there can be some stability in these important transportation projects, and also to make certain that jobs and employment in this area move forward.

In July, I released a transportation reauthorization proposal. This was an outline. We've been working with our Democrat colleagues in a bipartisan

fashion since that time to actually craft language which is acceptable to set forth the policy and the funding schedule, all of the authorization that's so important to keep our Nation's infrastructure projects moving forward. So this should give us enough time to complete that process and get that legislation before us. With unemployment in the construction industry at record-high levels, it's imperative that we also provide this time.

Let me talk about FAA for a minute. This bill does authorize funds through the end of January for FAA. This is a list of extensions of FAA. I had the opportunity, as the chairman of the Aviation Subcommittee, in 2003 to craft a 4-year FAA bill, which expired in 2007. So I helped write the last FAA 4-year authorization that expired in 2007. Here are the extensions.

The Democrats controlled the House of Representatives and the Senate. Here, if you start in when you had the Obama administration take over, they also controlled the White House, the House, and the Senate. And we get down to the 17th extension under Democrat control, and I have agreed to three of them. I said enough is enough, and we must move forward with a long-term authorization. I stand before you today and say that, while the measures that we took in the last extension for FAA were somewhat extraordinary, this situation demands attention and action for long-term legislation by the United States Congress, and I'm going to make certain that we do everything to see that people are working in this industry and that we meet our responsibility for setting the policy for one of the most important industries in the United States, our aviation industry.

So this is the history of what has taken place. This is the 22nd extension, and I can guarantee it will be the last extension because we must and we will pass a 4-year authorization. While there are some issues that remain to be resolved, we will continue working in a bipartisan manner. We passed legislation from the House. I look forward to working with Senator ROCKEFELLER and others, KAY BAILEY HUTCHISON, the ranking Republican in the Senate, Mr. COSTELLO and Mr. RAHALL, to get this legislation done.

I urge my colleagues to support these two extensions rolled into one, H.R. 2887.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 13, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 2887, the "Surface and Air Transportation Programs Extension Act of 2011," which is scheduled for floor consideration today.

As you know, the Committee on Ways and Means has jurisdiction over the Internal

Revenue Code of 1986, as amended (IRC). Sections 141 and 142 of this bill amend the IRC by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to March 31, 2012. Section 141 also amends the IRC by extending the Leaking Underground Storage Tank Trust Fund excise tax to March 31, 2012. Similarly, Sections 202 and 203 of this bill amend the IRC by extending the current Airport and Airway Trust Fund expenditure authority and the associated Federal excise taxes to January 31, 2012. In order to expedite H.R. 2887 for floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2887, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 13, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2887, the "Surface and Air Transportation Programs Extension Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 2887, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on H.R. 2887 does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I, or my designee, will include our letters on H.R. 2887 in the CONGRESSIONAL RECORD during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2887, the Surface and Air Transportation Programs Extension Act of 2011. In this regard, I do commend the Senate and House leadership for arriving at an agreement late Friday afternoon on an extension of our Nation's surface transportation programs through March 31, 2012, and the programs under the FAA through January 31, 2012, at the current funding levels and without any adverse policy riders.

I commend our chairman, Mr. MICA; the subcommittee chair, Mr. DUNCAN;

on Surface; the Air Subcommittee chair, Mr. PETRI; and our ranking subcommittee members, Mr. COSTELLO on Aviation and Mr. DEFAZIO on Surface.

Extending these programs is critical to our economic recovery. And the pending measure does so without any of the poison pills of the past or draconian cuts to investment in our surface transportation programs. Failure to extend the surface transportation programs could shut down more than 134,000 active highway and bridge projects and over 5,000 active transit projects, jeopardizing the jobs of more than 1 million private-sector American jobs over the next year.

The funding levels in the pending measure are far more preferable than what we are seeing proposed by Republicans on the Appropriations Committee. Just last week, they rolled out a fiscal year 2012 Transportation appropriations bill which proposes to slash highway and transit investment, destroying more than 600,000 good paying, private-sector American jobs, jobs that would be lost in every State of the Union.

I cannot support these dangerous and draconian cuts to investments in America's future. To keep pace with India, China, and our other international competitors, we need to invest more, not less in America's future. If we stop investing in the future, there is simply no way we can retire the debt of the past.

It is my hope that with this 6-month extension of highway, highway safety, and transit programs, we can come together and work to develop a long-term, robust Surface Transportation authorization bill that keeps the Nation economically competitive, meets the demands of the 21st century, and creates millions of family-wage American jobs.

□ 1240

The pending measure also provides for a clear extension in the Nation's aviation programs under the FAA. Our aviation system is slightly more than a month into its recovery from the shock, the shock of a Republican-led FAA shutdown for 2 weeks in July and August; and I'm pleased that my Republican friends have chosen not to force another shutdown. I trust they recognize the damage that was caused to our Nation's aviation system and the financial hardship placed on working-class families across the country when they chose to force a policy rider into an otherwise clean extension in July and caused a senseless 2-week shutdown of major parts of the FAA.

Pending the enactment of a long-term bill, and I join our chairman in our desire to see such passed, this short-term extension is the responsible path forward. It will avert more damage to the aviation system and the economy.

With that said, what we should be doing is completing the conference committee on the long-term FAA reauthorization bill. Three months ago, House and Senate negotiators informally narrowed down the list of differences between the two Chambers to just a few. The Senate appointed conferees over 5 months ago, yet the House has not followed suit. So let us finish a long-term reauthorization and show the American people that Congress puts planes and passengers before politics.

I urge support of the pending measure, and I reserve the balance of my time.

Mr. MICA. I yield myself 1 minute.

Again, I enjoy working with the ranking member, Mr. RAHALL, and just wanted to comment on his discussion of the FAA shutdown.

Just for the record, the facts are that the House of Representatives, in a bipartisan vote, passed an FAA extension on July 20, 3 days prior to the deadline, July 22, 2011.

Fact: the FAA extension contained reductions in thousand-dollar-plus airline pork subsidies affecting only three airports. The language that we adopted from the Senate affected 10 airports within 90 miles.

The Senate Democrats, after 2 weeks of forcing a partial FAA shutdown, meekly went to the Senate floor and, in 71 seconds, passed the House extension that was available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICA. I yield myself 15 additional seconds.

The fact is that only pork ticket subsidies were excluded.

The fact is that the Democrats controlled the United States House and Senate for 4 years, letting FAA authorization expire in 2007, forcing 17 extensions, and even with the Presidency from 2009 until the beginning of this year were unable to pass FAA legislation.

I yield 3 minutes to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my chairman.

I rise in support of the bill before us, H.R. 2887, the Surface and Air Transportation Programs Extension Act of 2011.

House and Senate negotiators have worked for the last 5 months to resolve the issues between the House and the Senate on the long-term FAA reauthorization bills. We're seeking this extension to allow time for us to complete negotiations on the final multi-year bill. We need to get a long-term FAA bill done so that the agency and airports can more efficiently plan and carry out programs and projects.

The bill before us, H.R. 2887, is a clean 4-month extension of the Federal Aviation Administration's taxes and programmatic authorities. The extension

will provide resources for the safe operation of the National Airspace System and for the continued certification services of the Federal Aviation Administration.

The bill also authorizes funding for the Airport Improvement Program which, together with the surface transportation programs extended in the bill, authorizes critical funding for important infrastructure construction projects that will help preserve and create much-needed jobs.

I also want to express my support for the extension of our surface transportation programs. We must continue to fund critical highway, bridge and other projects across our country in order to have the transportation network necessary for economic growth and our global competitiveness. The extension we have proposed is a sensible way forward, and I join Chairman MICA in urging my colleagues to support this legislation.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to our distinguished subcommittee ranking member, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank the ranking member for yielding to me.

Mr. Speaker, I rise in support of this legislation before us today. The legislation is a clean extension of the FAA bill and also takes the authorization through the extension through January 31 of 2012.

In February of this year, the Senate passed a bipartisan comprehensive FAA reauthorization bill by a vote of 87-8. By contrast, in April the House approved an extension that was very controversial, and it was a bill that was passed on a party-line vote. In fact, the House-passed bill passed by the narrowest vote margin for a House FAA authorization bill in almost 30 years.

I said at the time that the poison pill provision that was put in the bill by the majority would prevent the bill from passing both the House and the Senate and being signed into law by the President. And, in fact, the White House said that they would veto the legislation with the poison pill provision. So we knew at that point that the reauthorization bill was not going anywhere with that provision in the bill.

It's been 5 months since the other body invited the House leadership to appoint conferees and sit down at the table with Senate conferees to, in fact, try and work out an agreement between the House and the Senate. In July of this year, instead of passing a clean FAA extension, the Republican leadership put a poison pill provision in that extension that led to a shutdown of the FAA for almost 2 weeks, costing the FAA more than \$400 million in lost revenue in that 2-week period. I'm pleased that the House leadership stepped in, brought a clean extension to the floor today.

The American people are tired of all the games. They're tired of all the one side blaming the other side. They want reasonable people to come together, in this body and in the Senate, to act reasonably and do the right thing.

The Senate has appointed their conferees. We should appoint—the Republican leadership in the House should appoint conferees in this body immediately so that we, in fact, can get a long-term authorization bill. Let's stop the games. Let's appoint conferees so that we can pass a comprehensive reauthorization bill now.

Mr. Speaker, I rise in support of H.R. 2887, the "Surface and Air Transportation Programs Extension Act of 2011." This bill contains a "clean" extension of the Federal Aviation Administration's (FAA's) authority to spend from the Airport and Airway Trust Fund and to carry out airport improvement projects at current funding levels through January 31, 2012.

In February, the Senate approved a bipartisan comprehensive FAA reauthorization bill by a wide 87-to-8-vote margin. By contrast, in April the House approved an extremely controversial FAA reauthorization bill by a party-line vote. The House bill, in fact, garnered the narrowest vote margin for a House FAA reauthorization bill in almost 30 years, and the White House has threatened to veto it.

Since the House FAA reauthorization bill was introduced, I, and several House Republicans, have warned that it contains a number of controversial "poison pill" provisions that seriously jeopardize the enactment of a long-term bill this year. It is now clear that we were absolutely right.

It has been five months since the Senate invited House Republicans to join them at the bargaining table, appoint conferees, and complete work on a long-term FAA reauthorization. Yet Republican gamesmanship and insistence on poison pill provisions have so far led to an

FAA shutdown and a complete failure to enact long-term, job-creating legislation.

In July, the House Republicans attached an objectionable policy rider on rural air service cuts to the short-term FAA extension. The policy rider was included as a "tool" to pressure Senate Democrats into giving into Republicans' assault on collective-bargaining rights in a long-term reauthorization bill.

My Republican colleagues' strategy backfired, however, and resulted in a shutdown of the FAA for two weeks. In those two weeks, the shutdown cost the Nation almost \$400 million in lost revenue—more than 20 times the amount of money that, according to House Republicans, their policy rider would have saved over the course of an entire year. Tens of thousands of American jobs were jeopardized. The Nation cannot afford the cost and burden of a repeat performance, so I will support this clean four-month FAA extension.

However, I am very concerned about the events leading up to the introduction of this extension. Immediately following last month's disastrous FAA shutdown, House Republicans issued a defiant press release threatening to use new "tools" to coerce Senate Democrats. Yet, there have been no discussions or negotiations with the Senate since the shutdown, and House Republicans still refuse to appoint conferees to complete a long-term bill.

Late last week, Chairman MICA was quoted by reporters stating there would be a "new twist" in the FAA extension. Then on Friday, the press reported that House Republicans would introduce another "go it alone" FAA extension bill with across-the-board cuts to FAA programs. But on Friday night, House Republicans backed off their plan and made public a new clean highway and FAA extension.

Mr. Speaker, House Republicans just don't get it. The American public is sick and tired of grandstanding and games. Nobody wants to see any more new twists in reauthorizing the FAA. The House Republicans have failed to

enact a long-term FAA reauthorization bill this year, they have refused to appoint conferees and move the process forward, and they have nobody to blame but themselves for their failure.

While I support this four-month extension, I now believe that Congress should consider a long-term one year extension of FAA programs. I have said before, and I will say again, that serial extensions are creating uncertainty in the construction industry and costing us jobs. And now Republican political gamesmanship is creating new instability that is hurting the economy.

For the meantime, with these reservations, I support this extension in the interest of keeping hard-working Americans at work and preventing another shutdown.

I urge my colleagues to support H.R. 2887, the "Surface and Air Transportation Programs Extension Act of 2011."

Mr. MICA. I yield myself 1 minute.

Again, I think it's important that we pass this bipartisan extension. We wouldn't be here passing a combination of the transportation, highway, transit and FAA extensions if we hadn't taken action that was extraordinary. There was more than sufficient time for the Senate to act.

Again, and I will submit this as part of the RECORD, the Democrats had complete control of the House and Senate in extraordinary majorities and never passed a bill, never appointed conferees. We have only had this responsibility since the beginning of this year, and we will pass a long-term bill and take whatever action is necessary to do that.

Today we are moving the process forward, and I applaud leadership on both sides of the aisle, bipartisan, bicameral.

FAA EXTENSIONS

No.	Democrat or Republican House	Congress	Time period	Duration	Passed House	Passed Senate	Signed into law
1	Democrat	110th (PL 110-92)	10/1/2007-11/16/2007	2.5 months	9/26/2007	9/27/2007	9/29/2007
2	Democrat	110th (PL 110-116)	11/17/2007-12/14/2007	1 month	11/8/2007	11/8/2007	11/13/2007
3	Democrat	110th (PL 110-137)	12/15/2007-12/21/2007	1 week	12/13/2007	12/13/2007	12/14/2007
4	Democrat	110th (PL 110-149)	12/22/2007-12/26/2007	1 week	12/19/2007	12/19/2007	12/21/2007
5	Democrat	110th (PL 110-161)	12/26/2007-2/29/2008	2 months	6/22/2007	9/6/2007	12/26/2007
6	Democrat	110th (PL 110-190)	3/1/2008-6/30/2008	4 months	2/12/2008	2/13/2008	2/28/2008
7	Democrat	110th (PL 110-253)	7/1/2008-9/30/2008	3 months	6/24/2008	6/26/2008	6/30/2008
8	Democrat	110th (PL 110-330)	10/1/2008-3/31/2009	6 months	9/23/2008	9/23/2008	9/30/2008
9	Democrat	111th (PL 111-12)	4/1/2009-9/30/2009	6 months	3/18/2009	3/18/2009	3/30/2009
10	Democrat	111th (PL 111-69)	10/1/2009-12/31/2009	3 months	9/23/2009	9/24/2009	10/1/2009
11	Democrat	111th (PL 111-116)	1/1/2010-3/31/2010	3 months	12/8/2009	12/10/2009	12/16/2009
12	Democrat	111th (PL 111-153)	4/1/2010-4/30/2010	1 month	3/25/2010	3/26/2010	3/31/2010
13	Democrat	111th (PL 111-161)	5/1/2010-7/3/2010	2 months	4/28/2010	4/28/2010	4/30/2010
14	Democrat	111th (PL 111-197)	7/4/2010-8/1/2010	1 month	6/29/2010	6/30/2010	7/2/2010
15	Democrat	111th (PL 111-216)	8/2/2010-9/30/2010	2 months	7/29/2010	7/30/2010	8/1/2010
16	Democrat	111th (PL 111-249)	10/1/2010-12/31/2010	3 months	9/23/2010	9/24/2010	9/30/2010
17	Democrat	111th (PL 111-329)	1/1/2011-3/31/2011	3 months	12/2/2010	12/18/2010	12/22/2010
18	Republican	112th (PL 112-7)	4/1/2011-5/31/2011	2 months	3/29/2011	3/29/2011	3/31/2011
19	Republican	112th (PL 112-16)	6/1/2011-6/30/2011	1 month	5/23/2011	5/24/2011	5/31/2011
20	Republican	112th (PL 112-21)	7/1/2011-7/22/2011	3 weeks	6/24/2011	6/27/2011	6/29/2011
21	Republican	112th (PL 112-27)	7/23/2011-9/16/2011	2 months	7/20/2011	8/5/2011	8/5/2011

I would like to now yield 4 minutes to the ranking member of our Surface Transportation Subcommittee, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank Chairman MICA for yielding me this time and for his and Ranking Member RAHALL's outstanding work on this legislation.

Mr. Speaker, H.R. 2887 extends the surface transportation programs for another 6 months, from October 1 through March 31 of 2012, and the aviation programs for another 4 months, from October 1 through January 31 of 2012, at funding levels consistent with the full-year continuing resolution passed last April.

□ 1250

This extension is considered clean and no policy provisions were added. During this 6-month Surface Transportation extension, Congress will work hard to pass the committee's 6-year Surface Transportation reauthorization bill. The outline of the committee's proposal was unveiled in June and

makes much-needed reforms to our highway transit and highway safety programs.

The committee's proposal will streamline the project delivery process, consolidate existing programs, and better leverage existing revenues in the highway trust fund. According to the Federal Highway Administration, the project delivery process can take up to 15 years from planning through construction. This is government at its worst.

Limited financial resources for transportation and infrastructure can be more effectively utilized by accelerating the process for project approval. While project reviews are necessary to help protect the environment, a more reasonable process is essential to maximizing our taxpayer dollars.

Additionally, the bill consolidates existing programs that are duplicative and do not serve a Federal interest. Consolidation in our 6-year bill will help States allocate their Federal resources to projects and activities that are the most needed. These programmatic reforms will devolve the decisionmaking authority to State and local authorities, giving the State and local people more control over these important projects.

If Congress moves this landmark piece of legislation before the spring, as we all hope, it will be considered the signature jobs bill that Americans have been waiting for this Congress to pass. It will create millions of jobs for hard-working Americans right here in the United States—not in China or India or other countries—and will leave a lasting legacy of tangible improvements to our transportation infrastructure in this country. By passing a long-term reauthorization bill, Americans will be able to see their tax dollars going towards rebuilding and strengthening our Nation's highways, bridges, and transit systems.

Mr. Speaker, I also had the privilege to chair the Aviation Subcommittee for 6 years. A strong and efficient aviation system is vital to our economy, and I am pleased that we are also extending our air transportation programs in this bill. I hope we will soon pass our traditional multiyear FAA bill, too.

I urge my colleagues to pass this piece of legislation and work towards passing a long-term reauthorization bill for both our surface transportation programs and our air transportation programs.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Surface Transportation Subcommittee, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. The best way to put America back to work is to invest in the underpinnings of our economy: roads, bridges, highways, transit, rail,

our ports, our airports. These things serve the private sector and make us more productive and more competitive in the world economy.

Unfortunately, at the current levels of investment, we're not even keeping up with our mid-20th century surface transportation system. Just think before the interstate highways what a disconnected country this was. And guess what? We're headed back there.

We are not investing enough to maintain the Eisenhower legacy of the National Highway System. We have 150,000 bridges that need replacement or repair; 40 percent of the pavement needs not just resurfacing but underlayment, a \$70 billion backlog on our aged transit systems. And that's just to give us an updated and state of good repair, 20th century transportation infrastructure. We need a 21st century transportation infrastructure, which is going to require more investment.

And for the life of me, I don't get it on that side of the aisle. You've got this guy over there, the Republican Leader CANTOR. He says, well, we might take the tax cuts with Obama. Those return almost 80 cents on every dollar borrowed. But, oh, that other stuff, spending money, that's like stimulus. Building bridges, repairing highways, repairing and building transit systems, having a new 21st century system for our planes to navigate more efficiently in the sky with fewer delays and less fuel consumed, that is bad according to ERIC CANTOR. But no, the tax cuts, oh, yeah, we're for tax cuts. We'll give the people their money back and then they'll take care of those problems. We'll pass the hat to rebuild the bridges and the transit systems. We'll pass the hat to have a new aviation system for navigation.

Come on. Are we a great Nation or not? Are we going to give up? Are we just going to keep pretending, give the money back to the job creators. I haven't seen the job creators build a national highway system lately.

Now, the private sector does all of these projects. You'll say, well, the government can't make jobs. You're right. This is taxpayer-invested money designated by the government to needed investment done by lowest competitive bid by competent private contractors.

Millions of jobs are on the table, and not just in construction. You're talking about construction equipment. You're talking about sophisticated avionics. You're talking about transit vehicles that have electronics and motor drives and everything that all come from manufacturing. And we have the strongest buy America provisions of any part of the Federal Government for transportation investment.

So we're not going to hemorrhage this money to China like the tax cuts will for cheap junk bought from China.

No. This will create jobs here at home. The American people get it. We get it on our side of the aisle. It's time for the leadership on the Republican side of the aisle to get it, too.

Mr. MICA. I yield myself 30 seconds.

Again, just to deal with facts and reality, I think Mr. CANTOR, myself, and others on the Republican side support transportation, building the country's infrastructure and jobs. But we have to look at what took place.

Of a \$787 billion stimulus bill, only \$63 billion, 7 percent, went for infrastructure. Now, the proposal this week is up to 12 percent of \$450 billion. Eighty-one percent of the stimulus transportation projects were temporary, created temporary jobs for repaving sidewalks and short-term projects, and less than one-half of 1 percent of the stimulus money went for new construction.

I am pleased to yield at this time, if I may, 2 minutes to the chair of the Rail Subcommittee, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Where was the outrage when they passed the stimulus bill, as the chairman pointed out, that only 60-some billion dollars went to the highways and infrastructure of this country? That's when the outrage should have been put forth.

Where was the outrage on that side? There were more than just one of you over there. You should have stood up and you should have said right then and right there, as I did to the former chairman, I said, This is going to mess up a long-range highway bill. They're going to take that money and they're going to squander it.

We could have done half of a stimulus bill, put most of the money into the infrastructure of this country, and we wouldn't be sitting here today hearing this outrage on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to other Members in the second person.

Mr. SHUSTER. Let's move forward with a bill that's within our means.

Once again, I want to remind my friends on the other side, you had both bodies and the White House for 2 years. Where was the bill? There was no bill. Where were the jobs? There are no jobs.

I just would remind my colleagues we are borrowing 40 cents on every dollar this government spends. We've got to live within our means. And I'm willing to suggest that the bill that the chairman and our side is crafting is going to streamline this. We do have less money. There's no doubt about it. I'd like to see more money. We've got to find different revenue sources. But taxing the American people in economic downtime is not the right time to do it.

We can take that \$230 billion or \$240 billion going into the trust fund and by

streamlining and by taking all of these other programs that don't do anything to rebuild our roads and increase our capacity, take them off the table and let's focus on what we need to do, and that's build roads and bridges in this country.

So, again, I remind my colleagues, let's direct the outrage where it's due, and that's in a failed stimulus bill.

Again, I do rise today to support H.R. 2887, the surface and air transportation program. It's a clean extension for 3 months and 6 months. I think it's extremely important that this moves forward so that we don't stop the important bridge and road jobs and, of course, the safety programs and commerce that moves safely through the air. I think that's extremely important.

So again, I intended to stand up and speak more about these two bills, but again, when I hear this outrage, I want to make sure that there is outrage on our side about what's happened in this Congress over the last 4 years.

□ 1300

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished ranking member on our Economic Development Subcommittee, the gentlelady from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the ranking member for yielding. I thank the chairman for coming forward with this bill.

Enough of the outrage on both sides—if I may remind us all that that's precisely what the American people told us during recess they didn't want to hear.

I do want to correct one error that the prior gentleman just made: That there were no jobs in the American Recovery Act. There were 3 million jobs created or saved by the American Recovery Act; and if there had been more funds in that Act, we wouldn't be here today with the American Jobs Act trying to get more money to avoid a double-dip recession. This bill is not what the American people deserve, and I apologize to them that we have had to lower our standards, but it does save us from another jobs catastrophe like the one we experienced in July.

It saves a million transportation jobs. Imagine furloughing that many people if this bill, the Surface Transportation bill, were to run out on the 31st of this month. Both FAA and transportation authorizations are very short term, but both are clean. Both are about yesterday's business—about yesterday's airports because there is not enough money to bring us into the 21st century, and they're about yesterday's surface transportation infrastructure.

Yet it's hard to think of bills that would be on this floor during this time that would be carrying such a burden to get so much done at one time. At

this moment, this bill is carrying the jobs burden all by itself—a million jobs in surface transportation with at least 100,000 jobs at the airports. It's allowing the modernization of air transportation infrastructure to continue, which is what we lost when there was a 2-week furlough, and it's keeping our infrastructure from further deteriorating.

It's not what we deserve. You don't always get what you deserve, and we've got to fight to make sure the American people get just that.

Mr. MICA. I would like to yield 1¼ minutes to one of our vice chairs, the gentleman from New York (Mr. HANNA).

Mr. HANNA. I thank the chairman for yielding.

I am pleased to speak in favor of this bipartisan, bicameral deal to extend the two important transportation programs at current funding levels.

The 4-month extension of FAA programs will allow us enough time to iron out the final details of a long-term reauthorization. As a pilot myself, I know firsthand the benefits and efficiencies this will bring to our airports and airways as well as to our out-of-date air traffic control system. I am particularly pleased to be extending the highway and transit program for 6 months in order to ensure we have adequate time to pass the chairman and the committee's long-term plan.

New York and the country need long-term certainty and a steady stream of funding. We have spent too much time focusing on so-called "shovel ready" projects with little or no lasting economic or employment benefits.

I look forward to working over the next 6 months to pass a long-term reauthorization that will empower States to take on major projects, including bridge replacements, highway interchange improvements, and investments in our Nation's transit systems, as well as those in upstate New York. These are the types of projects that have the potential to provide jobs for years to come and to grow our economy in the long term.

Mr. RAHALL. May I have a time check, please, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia has 9 minutes remaining. The gentleman from Florida has 1¼ minutes remaining.

Mr. RAHALL. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

I listened to my friend from Pennsylvania, who is concerned about the Recovery Act. A number of us voted against it because it was too heavily weighted for tax cuts in an attempt to get Republicans to participate, but all of them voted "no" anyway. If you would have worked with us, we could have increased the amount of money

devoted to infrastructure, but it's this same myopia that we see when Republicans refuse to accept broad bipartisan support for FAA in the Senate. What was it? It passed 89–7 or something like that, and yet we in the House can't work with them to increase the investment for aviation.

It's sad. All you have to do is talk to the contractors in your district to find out that the Recovery Act kept them afloat. Contractor after contractor knows that it made a difference, but it's time for us to stop dancing around. We ought to approve the approach in a bipartisan way with the Senate, and we ought to step up and invest more in surface transportation, not less.

We will find that there is broad agreement with the business community, the U.S. Chamber, organized labor, environmental groups, local government. This is the way that we will put more Americans to work. You seem to acknowledge it, but you're not working with us in the spirit of Chairman BUD SHUSTER and Chairman DON YOUNG, who were willing to stand up and be counted in the need for more resources. We are facing a 34 percent reduction with the bill that the Republicans are dealing with now in the appropriations process, and you're not going to be able to get a decent 6-year authorization when you're slashing investments where America is falling behind.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I think we ought to take this very good, clean extension, use the 6 months to be able to build on a foundation of the original ISTEA, right-size it, accept the recommendations of broad bipartisan commissions that we need to be spending more, deal with the deficit reduction the way that it happened with Ronald Reagan and with Bill Clinton that includes more infrastructure investment, and agree with the Senate FAA approach. We'll be able to put millions of Americans to work and stop the partisan bickering that we don't need to do. It's not partisan in the Senate. It doesn't have to be partisan here.

Mr. MICA. I yield myself 15 seconds. Just to set the record straight, I went to the Democrat side, the other side of the aisle, when we proposed the stimulus legislation. I asked to double the amount for infrastructure. I think I got 14 or more votes from the other side of the aisle, but I had the motion to recommit. I offered it and it was not accepted.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia, Mr. HANK JOHNSON.

Mr. JOHNSON of Georgia. I thank the ranking member for yielding.

I rise in strong support of this bill, which will keep people working in

building our infrastructure. Failure to pass this bill would put politics first and would mean unnecessary economic pain for millions of Americans. We've seen in the past that stop signs and guardrails have been put out, that traffic jams have been started, and now we want to blame the drivers of the car for the traffic jam that the other side commenced. It doesn't make any sense.

Let's go ahead and pass this bill today. I commend my brother on the other side of the aisle for putting it forward—a clean bill. In Georgia, the highway bill provides more than \$97 million a month for infrastructure jobs, employing more than 22,500 Georgians. I urge my colleagues to support this bill so we can move past this stalemate and pass a long-term bill.

Mr. MICA. I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding, and I thank the ranking member and chairman for their leadership on this important bill, the Surface and Air Transportation Programs Extension Act.

This act includes a clean 6-month extension of our Nation's critical highway and transit programs. The funding provided in this extension to State Departments of Transportation and local transit agencies will keep Americans working and our economy moving while Congress acts to reauthorize these critically important programs. This extension is necessary to our Nation's economic health and to getting Americans back to work.

I applaud the bipartisan work of our Chamber's leadership in bringing this to the floor. However, I believe that, once the extension is passed, we should focus on bringing true high-speed rail to the Northeast Corridor.

□ 1310

As a representative of the citizens of the great city of New York, I understand the significant economic and transportation value of having a high-speed rail option that would serve the Northeast mega-region. Such an initiative would not only create high-paying construction jobs in the near term, but would spur economic development and growth throughout the region in the long term.

The Northeast region contains 20 percent of the Nation's population and just 2 percent of the land area. This density is evidenced by the fact that 70 percent of all chronically delayed flights originate in the New York-area airspace while 60 percent of the Northeast region's road miles are considered heavily congested.

At a time when highway and air modes are nearing capacity levels and jobs are at a premium, high-speed rail for the Northeast corridor must be a

serious consideration of this Congress. It would help our economic development and move our country forward in the 21st century, competing in the global markets.

Mr. MICA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. I yield the balance of my time to the ranking member of our Subcommittee on Railroads, the gentlewoman from Florida (Ms. BROWN).

The SPEAKER pro tempore. The gentlewoman is recognized for 3½ minutes.

Ms. BROWN of Florida. First of all, I want to thank Chairman MICA and Ranking Member RAHALL for bringing this clean FAA reauthorization extension bill to the floor.

Our Nation needs and deserves a well-funded multimodal transportation system. Business leaders, construction companies, labor groups, and rider advocates all agree that transportation infrastructure is critical to putting people back to work and improving our crumbling transportation system.

Transportation and infrastructure funding is absolutely critical to the Nation, and, if properly funded, serves as a tremendous economic boost and job creator. The fact is that the Department of Transportation's statistics show that for every billion dollars invested in transportation, we generate 44,000 jobs and \$6.2 billion in economic activity.

Indeed, our Nation's long-term prosperity requires that we invest in our infrastructure. For example, China is currently spending 9 percent of their GDP on infrastructure, about \$300 billion, while we are spending less than 2 percent.

Clearly this lack of investment has led to a crumbling infrastructure. The American Society of Civil Engineers in the 2009 Report Card for America's Infrastructure, gave the United States a grade of D.

It's time for this Congress and our committee to get serious about putting people back to work. There is no better way to do this than funding transportation at a level that is truly improving our system. We can no longer afford the status quo if we want to compete internationally with countries who understand the importance of infrastructure.

Let's pass this bill now. Let's finish a long-term FAA and surface reauthorization bill. As the Governor of Florida says, let's get to work, let's put people to work.

In an article that was in the Orlando Sentinel yesterday, Hank Fishkind said, "This is the recovery, and it's going to take time," but he points out the importance of the infrastructure and putting people to work.

Once again, I want to thank Mr. MICA, Mr. RAHALL, the committee, and the staff. Let's get to work and let's put the American people back to work.

[From the Orlando Sentinel, Sept. 11, 2011]

TALKING WITH . . . HANK FISHKIND: THIS IS THE RECOVERY—AND IT'S GOING TO TAKE TIME, ECONOMIST SAYS

(By Jim Stratton)

Hank Fishkind is a prominent Central Florida economist and former adviser to Florida Gov. Jeb Bush. He talked recently with Sentinel reporter Jim Stratton.

CFB: How bad has Central Florida's economy been in the last two years, and what's surprised you the most?

These are the worst economic conditions since the 1974-75 oil embargo. Not only has tourism turned down, but we had a boom and bust of unprecedented proportions in the real estate market. The thing that shocked me the most was the panic in the financial markets at the depths of the recession. We almost had a collapse of the banking system.

CFB: Do you believe we've moved into a recovery?

This is the recovery. It's not like we're going to get more recovery. This is it. From a national perspective, following the bursting of asset bubbles, national economies recover slowly. That's what history teaches us. We've had a tremendous asset bubble burst in the real estate market. It takes time to heal from that.

CFB: What policies would you suggest?

We need for the president to propose, and Congress to be accepting of, two major initiatives. We need, in the short run, to provide some stimulus, and we need in the longer run to restructure the entitlement programs and our tax system. If we choose to restrict spending significantly over next six to 12 months, we'll convert this slowdown into zero growth or a recession. We need to have some stimulative spending. Cutting now would be a dreadful error.

CFB: How much of the slow growth is function of people's fears and how much is a function of lingering structural problems?

There are still some substantial structural imbalances that hold back growth. Certainly that's true in the housing markets. In addition, the uncertainty over the debt ceiling, the debilitating debate, the downgrade of U.S. debt, the volatility in financial markets . . . All those things combined, legitimately make business and individual decision making more conservative.

CFB: Are tax increases needed to balance the budget?

There has to be tax increases as part of the program. We can't just simply hope and plan to cut costs sufficiently to make that happen. The costs cuts would be so dramatic as to compromise economic growth so much in the short run, that the long run might not matter.

CFB: How do you think Gov. Rick Scott has done from an economic policy standpoint?

I like the vision. I think that's important. I would like to see that vision built upon with more real action and less rhetoric. For example, the plan to stimulate and accelerate a billion dollars worth of road projects: It's a great idea. I think now we need to see it executed.

CFB: This area has talked a lot about the need to diversify the economy. How would you say local leaders have done?

I think that they've done a great job so far. Burnham is here. We have a major medical city at Lake Nona, in part because of public-private partnership. We have a wonderful simulation industry on the east side, because of public-private partnerships that helped keep Lockheed here. So I think we've done much better than most places. Going forward, in an environment of slow growth,

those places that are willing and able to continue to provide some public-private partnerships will greatly benefit.

CFB: You've developed the reputation as the guy developers and businesses go to when they need an economist's support before elected officials. Do you think that reputation is fair?

I would say I always tried to speak my mind as I really believed things to be. I've promoted projects when I believed that they add to the welfare and economy of the community.

Mr. MICA. Mr. Speaker, in closing, we do need to move forward. This isn't the time to bicker. This is the time to put people to work. This is the time to pass long-term reauthorization.

I said earlier this cannot be another Band-Aid. We have had 21 extensions. This is the eighth transportation bill extension.

My dad used to say, you know, JOHN, it's not how much you have, it's also how you spend it. We have to learn lessons. As of September 1, 2011, just a few days ago, 35 percent of the limited amount of transportation stimulus dollars for infrastructure still remained in Washington, so it's not just spending people's money, it's spending it wisely.

The other thing too is the money we spent; 82 percent of it went for short-term employment. Those jobs have come and gone, a little repaving, little jobs here. We need long-term commitment, so I am committed to do whatever it takes to pass a 6-year transportation bill and a 4-year FAA authorization.

The people of this country deserve no less than having responsible action by this Congress to move these important infrastructure and job-creating programs forward, and we are going to do it, mark my word.

I yield back the balance of my time.
Mr. RYAN of Wisconsin. Mr. Speaker, I have serious reservations about H.R. 2887, the "Surface and Air Transportation Programs Extension Act of 2011."

H.R. 2887 extends for six months, until March 31, 2012, the current spending levels for the surface transportation authorization SAFETEA-LU. This authorization expired in September 2009 and this will be the 8th short term extension. When this original 5-year authorization was passed, it set spending levels above estimated gas tax revenues with goal of spending down the excess balances in the Highway Trust Fund. Unfortunately, due to a number of factors, such as the economic downturn and more fuel efficient vehicles, the gas tax revenue plateaued while spending remained high. As a result, the Highway Trust Fund is now insolvent and has required almost \$35 billion in bailouts since 2008. Without reform, CBO estimates that the Highway account will require another bailout in the first few months of calendar year 2013 and a total of \$134 billion in General Fund transfers over the next ten years.

The House FY 2012 Budget anticipates a long-term surface transportation authorization bill that keeps the Highway Trust Fund solvent without additional bailouts or gas tax in-

creases. Maintaining the current unsustainable level of spending, even for just another 6 months, worsens the financial condition of the Trust Fund and makes the inevitable task of balancing its spending to meet revenues even more painful. I urge the House and Senate committees of jurisdiction to come to agreement on a new surface transportation bill that streamlines the numerous programs at the Department of Transportation into a smaller number of core highway activities; eliminates diversions to non-highway projects such as bike trails and museums; and eliminates earmarks such as the infamous "bridge to nowhere."

H.R. 2887 also extends for four months, until January 31, 2012, current spending levels for the Federal Aviation Administration (FAA). This will be the 22nd short-term extension since the last long term authorization expired in 2007. These programs are long past due for updated and reformed policies. Like current surface transportation spending, the FAA's Airport Improvement Program [AIP] has been spending at unsustainable levels and must be restructured to do more with less. Between 2000 and 2010, spending on the AIP program increased by 47-percent. In light of soaring deficits, these high levels cannot be sustained. The House FY 2012 Budget calls for reasonable spending reductions consistent with H.R. 658, the FAA Reauthorization and Reform Act of 2011, which maintains the ability for airports to obtain additional non-Federal sources of funding for important infrastructure investments.

Surface Transportation and FAA programs are a critical part of a 21st century infrastructure in the United States. We know these programs are outdated and some are on an unsustainable path. While letting these programs expire is not an option, Congress must act quickly to enact fiscally responsible and effective reformed authorizations.

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to thank the Chairman and Ranking Member for their efforts to pass this clean extension of both our surface and air transportation programs.

Working in a bipartisan fashion, we can avoid the previous clashes and political theatrics that forced 4,000 FAA employees and more than 70,000 construction workers off the job for two weeks without pay.

Our nation's transportation infrastructure is the backbone of our economy, and we must ensure our ability to move people and goods if we are to grow the economy and create jobs.

I know the Chairman and Ranking Member share my disappointment that we are not yet providing back pay for those FAA employees who were furloughed. As you know, I am a co-sponsor of Congressman LOBIONDO's bipartisan legislation to make those employees whole. They were innocent victims of our inaction, and we should restore those lost wages immediately.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2887, the Surface and Air Transportation Programs Extension Act of 2011. I am glad to see that a clean authorization could be reached, but there are important issues that must be considered in the future.

Prior to H.R. 658, the FAA Reauthorization and Reform Act being sent to the Senate, I of-

fered an amendment to establish a mandate that at the top twenty United States airports, there shall be no fewer than three air traffic controllers on duty during periods of airfield operations. I firmly believe this provision will ensure that air traffic control towers at high volume airports in this country will be appropriately staffed at all times.

We have all heard the recent stories of air traffic controllers falling asleep, or being locked out of the control tower, or for whatever reason, not being able to be on the job, on duty at critical times.

I submit that by simply having a codified policy that at the busiest and most critical airports we mandate there be personnel redundancy in control towers, we can make the aviation system much safer.

Think about the people on planes flying across our country. They are our grandmothers, husbands, wives, and babies. They are American passengers and their lives have value. To ensure their safety we must insist that air traffic controllers are vigilant. To ensure their vigilance we must set reasonable minimum standards.

After 9/11, we discovered the vital importance of protecting our domestic airspace. Air traffic controllers are part of the front line of defense to protect and ensure the safety of our air space. If they lose contact with a plane, they can alert authorities. If an air traffic controller at a major domestic and international airport is asleep at the wheel who will make that call?

It is unfair to put the lives of American passengers at high volume airports at any time in the hands of one individual, who may at some point be incapacitated. Even pilots have co-pilots. What if the controller fell ill? What then? What would you tell those passengers on the plane? Hope for the best? We need to provide the support that air traffic controllers need in addition to the responsibility.

This language I support creates a mandate, that at all times there must be a minimum of three air traffic controllers in the tower during hours of airfield operation. I commend Secretary LaHood for ordering a second air traffic controller to be on duty overnight at National Airport. However, the Secretary's action simply evidences that there is no current mandate for multiple air traffic controllers. According to the National Air Traffic Controllers Association, most airports operate 24 hours a day with two controllers in the tower for the midnight-to-6 a.m. shift. The operative word is "most"; we must act to create a uniform nationwide standard, verifiable and enforceable by the FAA.

This legislation extends the funding for surface transportation through March, and aviation through January. As we move forward and prepare to consider this legislation in the coming months, it is my hope that my colleagues will consider these important provisions. Increasing the number of air traffic controllers on duty is a simple way to keep the American people safe.

I am pleased to pass a clean extension of funding for our Nation's surface transportation and aviation networks. I will continue to advocate for an increased number of air traffic controllers as Congress returns to this issue in the next session.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 2887 Surface and Air

Transportation Programs Extension Act of 2011. When I came to Congress I fought to become a member of the Transportation and Infrastructure Committee because I know the importance of these issues for the people of the California 37th district as well as every American. Transportation is an issue that affects virtually every American every day and should never be put on the backburner.

H.R. 2887 will ensure that thousands of workers stay on the job and critical infrastructure projects do not come to a halt. Although I would much rather see a bill that reauthorizes our surface transportation and FAA programs long term, this bill will give the time we need to craft bipartisan long term bills. This bill extends the FAA and Surface Transportation reauthorization at the current level which is the lowest we should go. Not extending these programs would result in over 164,000 jobs lost in California infrastructure jobs alone. We have to look no further than August to see what happens when this Congress fails to act on reauthorizing these programs. Nearly, 90,000 jobs were put in jeopardy, over 3,600 FAA experts furloughed, \$11 billion in contracts in limbo, and millions of dollars were lost. We have seen what shutting down can do—now we should see what investing can do.

Reports from engineers to reports from truck drivers outline the unacceptable current state of our deteriorating transportation system and have called for an immediate investment. As a country we waste billions of dollars every year with unnecessary delays due to a crumbling and over-congested surface transportation system. We must simplify our transportation programs and focus on a performance based system. We must also make the difficult choices about how these programs get funded and avoid having to continuously path the highway trust fund.

I have introduced several pieces of legislation that take a commonsense approach to these reoccurring problems. It provides solutions like strengthening Title VI so that projects are not delayed and redesigned when they over look low income and minority based communities. Establishing a Freight Corridors of National Significance Program will improve the efficiency, operation, and security of the national transportation system to move freight by prioritizing, investing, and promoting partnerships that advance interstate and foreign commerce, promote economic competitiveness, job creation, and improve the mobility of goods. Finally, with the growing number of states with strong environmental controls, we should make every effort to eliminate duplicative procedures that delay projects, while maintaining environmental safeguards.

I urge my colleagues to support this clean extension of these two critical programs so we can get back to work on a long term full reauthorization. I look forward to working with Chairman MICA and Ranking member RAHALL in the Transportation and Infrastructure Committee to develop these common sense ideas that will create jobs and rebuild our infrastructure.

Ms. EDWARDS. Mr. Speaker, I rise in support of this bill. I am glad to see a clean bill come to the House floor that extends the authorization of the Federal Aviation Authority to

function through the end of January 2012. It is critical that we keep an important government agency like the FAA running and get 3,600 federal employees and some 70,000 construction workers back to work to make sure that our air travel and shipment of goods are conducted safely and efficiently.

However, this bill has been so scrubbed clean that it is missing a crucial component of fairness—back pay for those FAA employees who were furloughed during a nearly two week agency shutdown.

It should be common sense for us to come together to make sure that the aviation specialists, engineers, electronics technicians, logistics experts, medical professionals, support staff, and others who were abruptly laid off, through no fault of their own, receive the compensation they deserve. We can't let dedicated, hard-working federal employees suffer because my colleagues across the aisle were unwilling to compromise, causing a shutdown of the FAA and costing American taxpayers \$350 million in lost tax revenue.

I am grateful that those FAA employees whose functions were deemed "essential" and who continued to work during the shutdown—albeit without a salary and with no assurances of compensation—have received full compensation and benefits for that period. But that still leaves the vast majority of furloughed workers two-weeks short on pay, forcing many to draw on savings to make ends meet.

I also understand that there is some disagreement over whether the Department of Transportation has the authority to provide back pay to furloughed employees under the legislation we are considering since it operates retroactively to "erase" the authorization gap, or if Congress needs to pass a law.

This disagreement is a poor excuse for inaction. We would be adding insult to injury if we were to deprive furloughed employees of wages while we play the blame game for the second time—first on keeping the FAA open for business, and now on who can award a pay check. This is not new territory: we voted to compensate the 800,000 federal workers laid off during a 26-day budget stalemate in 1995–1996. We know how to do it. We just have to demonstrate the political will to get it done.

I urge the House leadership to bring to the floor as expeditiously as possible H.R. 2814 or other legislation to ensure that these furloughed employees get paid.

Mr. MULVANEY. Mr. Speaker, I have serious concerns about the policies of H.R. 2887, Transportation Extension, and the procedures the House used to pass it.

First, I applaud the House Leadership's numerous statements and actions on working towards fiscally responsible policies that begin to close our deficit and balance our budget. Achieving those two goals will certainly help create an environment for the private sector to create jobs. H. Con. Res. 34, the House Budget for Fiscal Year 2012, laid a solid blueprint for leaders in this Congress to follow towards that end.

Unfortunately, the actions taken yesterday fail to follow the spending plan that 235 members of the House agreed upon earlier this year. The House Budget calls for a transportation policy that puts the bankrupt Highway

Trust Fund and the insolvent Airport Improvement Program back operating within their means. Unfortunately, the bill we passed today sacrifices fiscal sanity for continued chaos.

Unlike the House Budget, the policies of this Transportation Extension would continue current spending levels that, without the aid of previous bailouts, would leave the Highway Trust Fund and the Airport Improvement Program completely bankrupt. In fact, the Congressional Budget Office estimates the current policy embraced by this "clean" Transportation Extension would require future billion dollar bailouts in 2013 and every year thereafter over the next decade. Unlike the FY2012 plan called for in the House Budget, the action we took yesterday simply avoids the necessary dirty work associated with making sound fiscal decisions.

Second, I was appalled by the procedure the House used in passing this bill. While I recognize the need to quickly move this bill by the start of Fiscal Year 2012, October 1, 2011, I do not believe that justifies suspending the House rules to move a bill that will cost tens of billions of dollars over six months without any opportunity to offer amendments either in the Rules committee or on the House floor. While such action does not technically violate our House or Conference rules, it certainly flies in the face of the higher standards those rules and protocols promote. Most notably, this multi-billion dollar Transportation Extension was only available for no more than a 24-hour review period, as opposed to the three-day review standard. Also, the bill failed to include a Congressional Budget Office cost estimate. Finally, it was unexpectedly voice voted without the opportunity for Representatives to record the collective voice of their constituents. As a result, we are left to less desirable means to record their vote.

Ultimately, yesterday's action is a missed opportunity to "advance policies that promote greater liberty, wider opportunity, . . . and national economic prosperity," as well as, "to make government more transparent in its actions, careful in its stewardship, and honest in its dealings." Had I the chance yesterday to vote, I would have voted against this Transportation Extension.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the Surface and Air Transportation Programs Extension Act, which would authorize surface transportation programs through March and the Federal Aviation Administration through January.

According to the Bureau of Labor Statistics, the construction sector faced 13.5 percent unemployment in August. The programs we authorize in this bill create the projects to help put this industry back to work—to rebuild roads and bridges, renovate airports, and expand mass transit options. These are good jobs, here at home, that improve efficiency and economic competitiveness.

But this bill is not enough. We cannot continue short-term extensions and stop-gap measures to make these critical investments. States need more certainty to plan their projects and industry needs to know that we are committed to rebuilding our infrastructure so they have the confidence to hire back employees who have been laid off.

Additionally, this bill does not include relief for those FAA employees who were furloughed through no fault of their own when Congress failed to extend authorization this summer. It is important to make these workers whole, and we should work quickly to provide retroactive pay.

Mr. Speaker, we need an ambitious agenda of investment that will put Americans back to work, repair our crumbling infrastructure, and jumpstart our economy. We need a long-term reauthorization of these critical programs. The American people are waiting—it's time to get the job done.

The SPEAKER pro tempore (Mr. SCHOCK). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 2887.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 392 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2218.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2218) to amend the charter school program under the Elementary and Secondary Education Act of 1965, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, September 8, 2011, a request for a recorded vote on amendment No. 8 printed in part A of House Report 112-200 by the gentleman from Iowa (Mr. KING) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112-200 on which further proceedings were postponed, in the following order:

Amendment No. 7 by Mr. HOLT of New Jersey.

Amendment No. 8 by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the minimum time for the second electronic vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 220, not voting 16, as follows:

[Roll No. 702]

AYES—195

Ackerman
Altmire
Andrews
Baldwin
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore

Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—220

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachus
Barton (TX)
Benishke
Berg
Biggart
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco

Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shinkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

King (NY)
Larson (CT)
Lewis (GA)
Lynch
Marino
Miller, Gary
Noem
Reyes
Towns
Visclosky

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1344

Messrs. ROHRBACHER, REED, DENHAM, DUFFY, ROSKAM, GINGREY of Georgia, Mrs. SCHMIDT, and Mrs. BLACK changed their vote from "aye" to "no."

Messrs. LEVIN, DAVID SCOTT of Georgia, and Ms. TSONGAS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 43, noes 374, not voting 14, as follows:

[Roll No. 703]

AYES—43

Amash	Franks (AZ)	Miller (FL)
Bartlett	Garrett	Mulvaney
Bishop (UT)	Gohmert	Paul
Blackburn	Graves (GA)	Pence
Brooks	Harris	Poe (TX)
Broun (GA)	Huelskamp	Pompeo
Burgess	Huizenga (MI)	Price (GA)
Burton (IN)	Hultgren	Renacci
Campbell	Jenkins	Rigell
Chaffetz	Johnson (OH)	Southerland
Coffman (CO)	Jordan	Stutzman
Duncan (SC)	King (IA)	Walsh (IL)
Duncan (TN)	Lamborn	Westmoreland
Flake	Mack	
Fleming	McClintock	

NOES—374

Ackerman	Carnahan	Dold
Adams	Carney	Donnelly (IN)
Aderholt	Carson (IN)	Doyle
Akin	Carter	Dreier
Alexander	Cassidy	Duffy
Altire	Castor (FL)	Edwards
Andrews	Chabot	Ellison
Austria	Chandler	Ellmers
Baca	Chu	Emerson
Bachus	Cicilline	Engel
Baldwin	Clarke (MI)	Eshoo
Barrow	Clarke (NY)	Farenthold
Barton (TX)	Clay	Farr
Bass (CA)	Cleaver	Fattah
Bass (NH)	Clyburn	Filner
Becerra	Coble	Fincher
Benishkek	Cohen	Fitzpatrick
Berg	Cole	Fleischmann
Berkley	Conaway	Flores
Berman	Connolly (VA)	Forbes
Biggart	Conyers	Fortenberry
Bilbray	Cooper	Foxx
Bilirakis	Costa	Frank (MA)
Bishop (GA)	Costello	Frelinghuysen
Bishop (NY)	Courtney	Fudge
Black	Cravaack	Gallegly
Blumenauer	Crawford	Garamendi
Bonner	Crenshaw	Gardner
Bono Mack	Critz	Gerlach
Boren	Crowley	Gibbs
Boswell	Cuellar	Gibson
Boustany	Culberson	Gingrey (GA)
Brady (PA)	Cummings	Gonzalez
Brady (TX)	Davis (CA)	Goodlatte
Braley (IA)	Davis (IL)	Gosar
Brown (FL)	Davis (KY)	Gowdy
Buchanan	DeFazio	Granger
Bucshon	DeGette	Graves (MO)
Buerkle	DeLauro	Green, Al
Butterfield	Denham	Green, Gene
Calvert	Dent	Griffin (AR)
Camp	DesJarlais	Griffith (VA)
Canseco	Deutch	Grijalva
Cantor	Diaz-Balart	Grimm
Capito	Dicks	Guinta
Capps	Dingell	Guthrie
Cardoza	Doggett	Gutierrez

Hahn	McCaul	Ruppersberger
Hall	McCollum	Rush
Hanabusa	McCotter	Ryan (OH)
Hanna	McDermott	Ryan (WI)
Harper	McGovern	Sánchez, Linda
Hartzler	McHenry	T.
Hastings (FL)	McIntyre	Sanchez, Loretta
Hastings (WA)	McKeon	Sarbanes
Hayworth	McKinley	Scalise
Heck	McMorris	Schakowsky
Heinrich	Rodgers	Schilling
Hensarling	McNerney	Schmidt
Herger	Meehan	Schock
Herrera Beutler	Meeks	Schrader
Higgins	Mica	Schwartz
Himes	Michaud	Schweikert
Hinchee	Miller (MI)	Scott (SC)
Hinojosa	Miller (NC)	Scott (VA)
Hirono	Miller, George	Scott, Austin
Hochul	Moore	Scott, David
Holden	Moran	Sensenbrenner
Holt	Murphy (CT)	Serrano
Honda	Murphy (PA)	Sessions
Hoyer	Myrick	Sewell
Hunter	Nadler	Sherman
Hurt	Napolitano	Shimkus
Inslee	Neal	Shuler
Israel	Neugebauer	Shuster
Issa	Nugent	Simpson
Jackson (IL)	Nunes	Sires
Jackson Lee	Nunnelee	Olson
(TX)		Oliver
Johnson (GA)		Owens
Johnson (IL)		Palazzo
Johnson, E. B.		Pallone
Johnson, Sam		Pascarell
Jones		Pastor (AZ)
Kaptur		Paulsen
Keating		Payne
Kelly		Pearce
Kildee		Pelosi
Kind		Perlmutter
Kingston		Peters
Kinzinger (IL)		Peterson
Kissell		Petri
Kline		Pingree (ME)
Kucinich		Pitts
Labrador		Platts
Lance		Polis
Landry		Posey
Langevin		Price (NC)
Lankford		Quayle
Larsen (WA)		Quigley
Latham		Rahall
LaTourette		Rangel
Latta		Reed
Lee (CA)		Rehberg
Levin		Reichert
Lewis (CA)		Reyes
Lipinski		Ribble
LoBiondo		Richardson
Loebsock		Richmond
Lofgren, Zoe		Rivera
Long		Roby
Lowey		Roe (TN)
Lucas		Rogers (AL)
Luetkemeyer		Rogers (KY)
Lujan		Rogers (MI)
Lummis		Rohrabacher
Lungren, Daniel		Rokita
E.		Rooney
Lynch		Ros-Lehtinen
Maloney		Roskam
Manzullo		Ross (AR)
Marchant		Ross (FL)
Markey		Rothman (NJ)
Matheson		Roybal-Allard
Matsui		Royce
McCarthy (CA)		Runyan
McCarthy (NY)		

NOT VOTING—14

Bachmann	Larson (CT)	Schiff
Barietta	Lewis (GA)	Smith (TX)
Capuano	Marino	Towns
Giffords	Miller, Gary	Visclosky
King (NY)	Noem	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1350

Mr. BURTON of Indiana changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chair, on rollcall No. 703, I inadvertently voted “no” when I intended to vote “yes.”

Stated against:

Mr. SCHIFF. Mr. Chair, on rollcall No. 703, had I been present, I would have voted “no.”

The Acting CHAIR (Mr. FLEISCHMANN). The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2218) to amend the charter school program under the Elementary and Secondary Education Act of 1965, and, pursuant to House Resolution 392, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. HANABUSA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. HANABUSA. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Hanabusa moves to recommit the bill H.R. 2218 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 20, after line 15, insert the following:

“(j) BACKGROUND CHECKS TO PROTECT STUDENTS FROM SEXUAL AND VIOLENT PREDATORS.—

“(1) BACKGROUND CHECKS.—Each State entity that receives a grant under this section shall have in effect policies and procedures for charter schools receiving funds under the entity’s program that—

“(A) require that criminal background checks be conducted for school employees that include—

“(i) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which such school employee previously resided;

“(ii) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which such school employee previously resided;

“(iii) a search of the National Crime Information Center of the Department of Justice;

“(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(v) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

“(B) prohibit the employment of an individual for a position as a school employee if such individual—

“(i) refuses to consent to the criminal background check described in subparagraph (A);

“(ii) makes a false statement in connection with such criminal background check;

“(iii) has been convicted of a felony consisting of—

“(I) homicide;

“(II) child abuse or neglect;

“(III) a crime against children, including child pornography;

“(IV) spousal abuse;

“(V) a crime involving rape or sexual assault;

“(VI) kidnapping;

“(VII) arson; or

“(VIII) physical assault, battery, or a drug-related offense, committed within the past 5 years; or

“(iv) has been convicted of any other crime that is a violent or sexual crime against a minor;

“(C) require that a charter school that receives information from a criminal background check conducted under this subsection that an individual who has applied for employment with such school as a school employee is a sexual predator report to local law enforcement that such individual has so applied;

“(D) require that the criminal background checks described in subparagraph (A) be periodically repeated; and

“(E) provide for a timely process by which a school employee may appeal the results of a criminal background check conducted under this subsection to challenge the accuracy or completeness of the information produced by such background check and seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check, but that does not permit the school employee to be employed as a school employee during such process.

“(2) DEFINITIONS.—In this subsection:

“(A) SCHOOL EMPLOYEE.—The term ‘school employee’ means—

“(i) an employee of, or a person seeking employment with, a charter school, and who has a job duty that results in exposure to students; or

“(ii) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a charter school, and whose job duty—

“(I) is to provide such services; and

“(II) results in exposure to students.

“(B) SEXUAL PREDATOR.—The term ‘sexual predator’ means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.”.

Mr. KLINE (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Ms. HANABUSA. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Hawaii is recognized for 5 minutes.

Ms. HANABUSA. Mr. Speaker, let us be very clear that this is a final amendment to the bill, which will not kill the bill and, if adopted, will still allow the bill to go to final passage. This is an attempt to make a bill better.

Regardless of how we may feel about the underlying bill, we can all agree that there is nothing we wouldn't do to protect our children. Again, this is not an attempt to the kill the bill. The bill will not be killed, and if this amendment is adopted, it will allow the bill to go forward to final passage. This just makes a statement that we should all be able to agree with, and that is that we wish to protect our children from sexual predators and abductors.

What this amendment does is to say anyone who receives a grant in support of the high quality charter schools requires that each State entity that receives a grant under this section shall require a criminal background check to be conducted of such school employees.

It also prohibits the employment of any individual for a position in such school, whether it's a nonprofit that does contracts with the school or the school, itself, until the criminal background check is done; and if you refuse to do so, you cannot be employed.

And if you're convicted of a felony—now, these are important points that we're protecting them from: homicide, child abuse and neglect, a crime against children, spousal abuse, sexual abuse, kidnapping, arson, physical assault or battery, drug-related offenses, or crimes against a minor—this is what this bill requires.

Now, in 2010 the GAO said we don't have any Federal bills that protect our children. Here we are. We're going to allow for grants to be given to charter schools. Why not just support this amendment which, in fact, will make this a better bill?

What it will do is it will say no one, no one shall work with our children until such time that they have done a criminal background check.

The bill also permits that, if you believe somehow you've been wrongfully accused, you can appeal. But during the period of time of that appeal, we're also protecting the children because you're not going to be able to work with them until such time as your appeal is done.

□ 1400

Think about this. This is a statement that we are saying we're going to make the schools better. We're going to make charter schools safe for the children. How can we not support such a measure?

That is why, Mr. Speaker, I ask that Members here support this motion to recommit.

And be very clear: this does not stop the bill. This is like a final amendment. Regardless of how it votes, we vote for it—and I think we should all vote for it—it will go to final passage. This is not going to, in essence kill, the bill. It will let it go forward.

So with that in mind, I can't imagine how anyone who sits in this Chamber can't be in support of this amendment. I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I would like to withdraw my reservation of the point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. KLINE. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, we're all concerned about the safety of our students and all of our schools. Ensuring our students are in a safe environment is a critical part of the duties of our teachers, principals, administrators, school authorities. But whether the students attend charter schools or traditional public schools, all of our students and parents need to know that schools are providing a safe environment for them.

That's why this issue is best considered when we look at the full Elementary and Secondary Education Act later this fall, the law that governs all public schools.

This motion would single out charter schools from the rest of the public schools, something we've worked very hard and in a bipartisan way to avoid.

Therefore, I urge my colleagues to vote against this motion, reject this motion to recommit, and support the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Ms. HANABUSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 189, noes 231, not voting 11, as follows:

[Roll No. 704]

AYES—189

Ackerman	Garamendi	Neal
Altmire	Gonzalez	Olver
Andrews	Green, Al	Owens
Baca	Green, Gene	Pallone
Baldwin	Grijalva	Pascarell
Barrow	Gutierrez	Pastor (AZ)
Bass (CA)	Hahn	Payne
Becerra	Hanabusa	Pelosi
Berkley	Hastings (FL)	Perlmutter
Berman	Heinrich	Peters
Bishop (GA)	Higgins	Peterson
Bishop (NY)	Himes	Pingree (ME)
Blumenauer	Hinchey	Polis
Boren	Hinojosa	Price (NC)
Boswell	Hirono	Quigley
Brady (PA)	Hochul	Rahall
Braley (IA)	Holden	Rangel
Brown (FL)	Holt	Reyes
Butterfield	Honda	Richardson
Capps	Hoyer	Richmond
Cardoza	Inslee	Ross (AR)
Carnahan	Israel	Rothman (NJ)
Carney	Jackson (IL)	Roybal-Allard
Carson (IN)	Jackson Lee	Ruppersberger
Castor (FL)	(TX)	Rush
Chandler	Johnson (GA)	Ryan (OH)
Chu	Johnson, E. B.	Sánchez, Linda
Cicilline	Jones	T.
Clarke (MI)	Kaptur	Sanchez, Loretta
Clarke (NY)	Keating	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kind	Schiff
Clyburn	Kissell	Schrader
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (VA)
Conyers	Larsen (WA)	Scott, David
Cooper	Larson (CT)	Serrano
Costa	Lee (CA)	Sewell
Costello	Levin	Sherman
Courtney	Lipinski	Shuler
Critz	Loeb sack	Sires
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Smith (WA)
Cummings	Luján	Speier
Davis (CA)	Lynch	Stark
Davis (IL)	Maloney	Sutton
DeFazio	Markey	Thompson (CA)
DeGette	Matheson	Thompson (MS)
DeLauro	Matsui	Tierney
Deutch	McCarthy (NY)	Tonko
Dicks	McCollum	Tsongas
Dingell	McDermott	Van Hollen
Doggett	McGovern	Velázquez
Donnelly (IN)	McIntyre	Visclosky
Doyle	McNerney	Walz (MN)
Edwards	Meeks	Wasserman
Ellison	Michaud	Schultz
Engel	Miller (NC)	Waters
Eshoo	Miller, George	Watt
Farr	Moore	Waxman
Fattah	Moran	Welch
Filner	Murphy (CT)	Wilson (FL)
Frank (MA)	Nadler	Woolsey
Fudge	Napolitano	Yarmuth

NOES—231

Adams	Berg	Brooks
Aderholt	Biggert	Brown (GA)
Akin	Bilbray	Buchanan
Alexander	Bilirakis	Bucshon
Amash	Bishop (UT)	Buerkle
Austria	Black	Burgess
Bachus	Blackburn	Burton (IN)
Bartlett	Bonner	Calvert
Barton (TX)	Bono Mack	Camp
Bass (NH)	Boustany	Campbell
Benishkek	Brady (TX)	Canseco

Cantor	Huelskamp	Posey
Capito	Huizenga (MI)	Price (GA)
Carter	Hultgren	Quayle
Cassidy	Hunter	Reed
Chabot	Hurt	Rehberg
Chaffetz	Issa	Reichert
Coble	Jenkins	Renacci
Coffman (CO)	Johnson (IL)	Ribbie
Cole	Johnson (OH)	Rigell
Conaway	Johnson, Sam	Rivera
Cravaack	Jordan	Roby
Crawford	Kelly	Roe (TN)
Crenshaw	King (IA)	Rogers (AL)
Culberson	Kingston	Rogers (KY)
Davis (KY)	Kinzinger (IL)	Rogers (MI)
Denham	Kline	Rohrabacher
Dent	Labrador	Rokita
DesJarlais	Lamborn	Rooney
Diaz-Balart	Lance	Ros-Lehtinen
Dold	Landry	Roskam
Dreier	Lankford	Ross (FL)
Duffy	Latham	Royce
Duncan (SC)	LaTourette	Runyan
Duncan (TN)	Latta	Ryan (WI)
Ellmers	Lewis (CA)	Scalise
Emerson	LoBiondo	Schilling
Farenthold	Long	Schmidt
Fincher	Lucas	Schock
Fitzpatrick	Luetkemeyer	Schweikert
Flake	Lummis	Scott (SC)
Fleischmann	Lungren, Daniel	Scott, Austin
Fleming	E.	Sensenbrenner
Flores	Mack	Sessions
Forbes	Manzullo	Shimkus
Fortenberry	Marchant	Shuster
Fox	McCarthy (CA)	Simpson
Franks (AZ)	McCaul	Smith (NE)
Frelinghuysen	McClintock	Smith (NJ)
Gallely	McCotter	Smith (TX)
Gardner	McHenry	Southerland
Garrett	McKeon	Stearns
Gerlach	McKinley	Stivers
Gibbs	McMorris	Stutzman
Gibson	Rodgers	Sullivan
Gingrey (GA)	Meehan	Terry
Goodlatte	Mica	Thompson (PA)
Gosar	Miller (FL)	Thornberry
Gowdy	Miller (MI)	Tiberi
Granger	Mulvaney	Tipton
Graves (GA)	Murphy (PA)	Turner
Graves (MO)	Myrick	Upton
Griffin (AR)	Neugebauer	Walberg
Griffith (VA)	Noem	Walden
Grimm	Nugent	Walsh (IL)
Guinta	Nunes	Webster
Guthrie	Nunnelee	West
Hall	Olson	Whitfield
Hanna	Palazzo	Wilson (SC)
Harper	Paul	Wittman
Harris	Paulsen	Wolf
Hartzler	Pearce	Womack
Hastings (WA)	Pence	Woodall
Hayworth	Petri	Yoder
Heck	Pitts	Young (AK)
Hensarling	Platts	Young (FL)
Herger	Poe (TX)	Young (IN)
Herrera Beutler	Pompeo	

NOT VOTING—11

Bachmann	Gohmert	Miller, Gary
Barletta	King (NY)	Towns
Capuano	Lewis (GA)	Westmoreland
Caffords	Marino	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1419

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WESTMORELAND. Mr. Speaker, on rollcall No. 704, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLINE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 365, noes 54, not voting 12, as follows:

[Roll No. 705]

AYES—365

Adams	DeFazio	Hoyer
Alexander	DeGette	Huelskamp
Altmire	DeLauro	Huizenga (MI)
Andrews	Denham	Hultgren
Austria	Dent	Hunter
Bachus	DesJarlais	Israel
Baldwin	Diaz-Balart	Issa
Barrow	Dingell	Jackson (IL)
Bartlett	Doggett	Jackson Lee
Barton (TX)	Dold	(TX)
Bass (CA)	Donnelly (IN)	Jenkins
Bass (NH)	Doyle	Johnson (OH)
Becerra	Dreier	Johnson, E. B.
Benishkek	Duffy	Johnson, Sam
Berg	Duncan (SC)	Jones
Berkley	Duncan (TN)	Jordan
Biggert	Ellison	Kaptur
Bilbray	Ellmers	Keating
Bilirakis	Emerson	Kelly
Bishop (GA)	Engel	Kildee
Bishop (UT)	Eshoo	Kind
Black	Farenthold	King (IA)
Blackburn	Farr	Kingston
Blumenauer	Fattah	Kinzinger (IL)
Bonner	Fincher	Kissell
Bono Mack	Fitzpatrick	Kline
Boren	Fleischmann	Labrador
Boswell	Fleming	Lamborn
Boustany	Flores	Lance
Brady (PA)	Forbes	Landry
Brady (TX)	Fortenberry	Langevin
Braley (IA)	Fox	Lankford
Brown (FL)	Frank (MA)	Larson (CT)
Buchanan	Franks (AZ)	Latham
Bucshon	Frelinghuysen	LaTourette
Buerkle	Gallely	Latta
Burgess	Garamendi	Levin
Burton (IN)	Gardner	Lewis (CA)
Butterfield	Gerlach	Lipinski
Calvert	Gibbs	LoBiondo
Camp	Gibson	Loeb sack
Campbell	Gingrey (GA)	Lofgren, Zoe
Canseco	Gohmert	Long
Cantor	Gonzalez	Lowey
Cardoza	Goodlatte	Lucas
Carnahan	Gosar	Luetkemeyer
Carney	Gowdy	Luján
Carson (IN)	Granger	Lungren, Daniel
Carter	Graves (GA)	E.
Cassidy	Graves (MO)	Lynch
Chabot	Green, Al	Mack
Chaffetz	Green, Gene	Maloney
Chandler	Griffin (AR)	Manzullo
Cicilline	Grimm	Marchant
Cleaver	Guinta	Markey
Clyburn	Guthrie	Matheson
Coble	Gutierrez	Matsui
Coffman (CO)	Hahn	McCarthy (CA)
Cohen	Hall	McCarthy (NY)
Cole	Hanabusa	McCaul
Conaway	Hanna	McClintock
Connolly (VA)	Harper	McCollum
Cooper	Harris	McCotter
Costa	Hastings (WA)	McGovern
Costello	Hayworth	McHenry
Courtney	Heck	McIntyre
Cravaack	Heinrich	McKeon
Crawford	Hensarling	McKinley
Crenshaw	Herger	McMorris
Crowley	Herrera Beutler	Rodgers
Cuellar	Higgins	McNerney
Culberson	Himes	Meehan
Cummings	Hinojosa	Meeks
Davis (CA)	Hirono	Mica
Davis (KY)	Hochul	Michaud
	Holt	Miller (FL)
	Honda	Miller (MI)

Miller (NC)
 Miller, George
 Moran
 Mulvaney
 Murphy (CT)
 Murphy (PA)
 Myrick
 Nadler
 Neal
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Olver
 Owens
 Palazzo
 Pallone
 Pascrell
 Paulsen
 Payne
 Pearce
 Pelosi
 Pence
 Perlmutter
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis
 Pompeo
 Posey
 Price (GA)
 Price (NC)
 Quayle
 Quigley
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Ribble

NOES—54

Ackerman
 Aderholt
 Amash
 Baca
 Bishop (NY)
 Brooks
 Broun (GA)
 Castor (FL)
 Chu
 Clarke (MI)
 Clarke (NY)
 Clay
 Conyers
 Critz
 Davis (IL)
 Deutch
 Dicks
 Edwards

NOT VOTING—12

Akin
 Bachmann
 Barletta
 Berman

□ 1427

Mr. PASTOR of Arizona and Ms. SUTTON changed their vote from "aye" to "no."

Mr. PAYNE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. PALAZZO) laid before the House the fol-

lowing resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
 Washington, DC, September 8, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, The Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER: I have accepted the nomination of the Democratic Caucus to serve on the Committee on Education and the Workforce for the remainder of the 112th Congress. I hereby submit my resignation from the Committee on Small Business.

Sincerely,

JASON ALTMIRE.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by the direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 398

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Altmire.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, yesterday, September 12, I was detained in my State on official business.

On rollcall vote 699 on the motion to suspend the rules and agree to H.R. 2076, to amend the United States Code regarding providing of investigatory assistance, I would have voted "aye."

On rollcall vote 700 on the motion to suspend the rules and agree to H.R. 2633, to amend the United States Code regarding time limits for appeals, I would have voted "aye."

On rollcall vote 701, H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information on financial disclosure reports, and for other purposes, I would have voted "aye."

Mr. Speaker, I rise to address the Chair regarding my absence from rollcall votes 699–701 on Monday, September 12, 2011.

For rollcall vote, 699, on motion to suspend the rules and agree to H.R. 2076, "To amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes," I would have voted "aye."

For rollcall vote 700, on motion to suspend the rule and agree to H.R. 2633, "To amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties," I would have voted "aye."

For rollcall vote 701, on motion to suspend the rules and agree as amended to H.Res. 1316, "To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purpose," I would have voted "aye."

□ 1430

ENSURING TRAVELING PUBLIC'S SAFETY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Members fly a lot, Mr. Speaker, and so I am delighted to know that we have moved on saving and coming together around the FAA extension.

Just a few weeks ago, I gathered at the airport that I represent, Houston Intercontinental Airport, to listen to the workers and those who secure our Nation's airports. From flight attendants to flight pilots or airline pilots, to machinists, to friends who were supporting them, the seafarers and communication workers, and an array of workers who work every day led by leadership from the AFL-CIO, those who work at the airport, city officials were all saying: I cannot believe that you would allow \$90 million to go awry and construction on airports around America to be unutilized.

It is time that we move forward with the FAA authorization. It is also time to appreciate collective bargaining, which is an important element of this, and to recognize and respect the various needs of the FAA.

I still believe there should be mandatory two air traffic controllers at every airport and mandatory time of rest. We need to ensure the traveling public's safety on the Nation's airlines. It is about time, and I congratulate this House for moving forward on the FAA authorization.

CONGRATULATING KEYSTONE LITTLE LEAGUE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on August 14, Keystone Little League from Clinton County, Pennsylvania, won the Little League Mid-Atlantic Region title. This win secured them a place in the Little League World Series Tournament.

A special group of young men made up the Keystone team. It wasn't just a talented Pennsylvania team making it to the World Series, or the fact that they were the first Clinton County team to make the World Series since 1949, but that for weeks these boys were perhaps the biggest story in the world of sports.

While some exceptional teams often hitch their success to one or two early developing kids, it was Keystone's teamwork, sportsmanship, and character that served to rally the entire State around them, creating record-breaking crowds as we watched their historic run for the world championship.

This team, more than any other, held their own against national competition, winning three of five games during the tournament.

In the end, Keystone left this season with something more than a regional title; they left with a legacy that will be remembered generations from now. I want to congratulate the whole team, the coaches, and the dedicated parents who helped make this season one for the record books.

Congratulations, Keystone.

2011 LITTLE LEAGUE BASEBALL EASTERN REGION
TOURNAMENT SUMMARY—Continued

Saturday, August 13.	28	Pennsylvania	3	New York	0
	29	Massachusetts.	7	Rhode Island	13
Rhode Island advances to the World Series in Williamsport, PA					
Sunday, August 14.	30	New Jersey ..	2	Pennsylvania	5
	Pennsylvania advances to the World Series in Williamsport, PA				

2011 KEYSTONE ROSTER

Player	Position	B/T
Pitchers:		
22 Landon Breon	P	L/L
2 Alex Garbrick	P	R/R
7 Tyler McClosky	P	R/R
24 Trebor Nicodemus	P	R/R
5 Cole Reeder	P	R/R
1 Eathan Watkins	P	R/R
Catchers:		
3 Wyatt Koch	C	R/R
Infielders:		
6 Talon Falls	SS	R/R
10 Brandon Miller	1B	L/L
12 Mitch Smith	3B	R/R
Outfielders:		
8 Mike Kiebler	OF	R/R
12 Mitchell Smith	OF	R/R
Staff:		
Bill Garbrick	Manager.	
Justin Kline	Assistant Coach.	
Chip Miller	Assistant Coach.	

TOURNAMENT SUMMARY
GAME 1: LOSS

Loss: 1-0 loss to Kentucky's North Oldham Little League (Great Lakes Region Champions)

"Keystone Little League, the 2011 Mid-Atlantic Champion, drew an all-time record crowd at the Little League World Series. An estimated 41,000+ fans visited Howard J. Lamade Stadium Friday evening for the 8 p.m. game. The game was originally scheduled for Volunteer Stadium, but was moved in advance to Lamade Stadium based on attendance estimates."

GAME 2: WIN

Victory: 2-0 victory over Cumberland Little League, R.I. (Northeast Region Champions)

"Northeast Manager David Belisle: Perhaps his words of highest praise were left for the Mid-Atlantic squad—whom his team built a strong rapport with during the recent regional tournaments in Bristol, Conn.:

"That's a classy team. I really want them to win it."

GAME 3: WIN

10-0 victory over Lafayette All-Stars, La. (Southwest Region Champions)

"Pitchers Landon Breon and Brandon Miller teamed up to throw the first no-hitter of the 2011 Little League Baseball World Series Monday night, as the hometown favorites representing the Mid-Atlantic region mercy ruled a potent Southwest team, 10-0, in four innings to continue their run to a title.

GAME 4: WIN

7-5 victory over Warner Robbins, Ga. (Southeast Region Champions)

Tuesday night, after finding themselves in a precarious position, giving up three runs in the top of the first, the Mid-Atlantic regional champs rode a deafening crowd of more than 32,000 to a comeback win, plating six runs in the bottom half of the frame to procure a lead they would never relinquish en route to a 7-5 victory over Warner Robbins, Ga. . . .

Garbrick, on the other hand, felt that the boisterous crowd fueled his team's

confidence—especially his de facto closer, Tyler McCloskey. With the Southeast Region champs trying to mount a late rally, he shut the door yet again, hurling only fastballs in 1.1 innings of one-hit ball. "I'm not nervous anymore," said the 5-foot-2, 92-pound McCloskey. "I've done this about a million times now."

Garbrick said his team is finally starting to realize what they've accomplished. On Thursday night, his fearless faction of hometown heroes will have a chance to take it one step further as they play in the United States Semifinal.

GAME 5: LOSS

2-0 loss to Ocean View Little League from Huntington Beach, Calif. (West Region Champions)

It was a dream run from a dream team of locals with a lot of talent and even more heart, but it wasn't to be in 2011, as the Mid-Atlantic champs from nearby Keystone Little League raised their caps to a resounding cheer after falling to the West All-Stars, 2-0, in Thursday night's elimination contest at Howard J. Lamade Stadium.

SEX TRAFFICKING IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE of Texas. Mr. Speaker, in the United States, throughout this entire land, there are 3,500 shelters—3,500 shelters—and these shelters are animal shelters. According to the Humane Society, there are at least 3,500 animal shelters in our Nation rescuing those animals, primarily dogs and cats, and making sure that they have some safety.

I have dalmatians. In fact, one of my dalmatians was from a shelter, Dalmatian Rescue in Dallas, Texas, is where I got it. Three thousand five hundred. Bear that number in mind, Mr. Speaker, because in the same United States of America there are five shelters—five—for minor sex trafficked victims in this country. Fifty beds in the whole Nation is what I understand that there are to take care of minors, primarily young girls who are trafficked throughout the United States for sexual pleasure.

Maybe we have gotten our priorities out of sync. You know, sex trafficking is nothing more than modern day slavery, and it is an epidemic in some parts of the world, and it even is coming to the United States. It's that crime to me that no one wants to talk about.

I spent a lot of time at the courthouse in Houston, Texas, as a prosecutor in felony court, as a criminal court judge for 22 years, and I heard a lot of cases. But this case of someone kidnapping a minor child and transporting them across the United States for sex slavery is one of those cases that is difficult to understand why it occurs in this Nation. And many people, many people in the academic areas and others don't want to admit that

2011 LITTLE LEAGUE BASEBALL EASTERN REGION
TOURNAMENT SUMMARY

DAY/DATE	GAME #	FINAL SCORE			
Friday, August 5.	1	Dist. Columbia.	2	Delaware	16
	2	Maine	2	New Hamp.	5
	3	Maryland	3	New York	7
	4	Connecticut	17	Vermont	0
Saturday, August 6.	5	Delaware	7	Maryland	1
	6	Massachusetts.	3	Rhode Island	5
	7	New Jersey ..	4	Pennsylvania	8
	8	Connecticut	10	Maine	1
Sunday, August 7.	9	Maine	9	Vermont	1
	10	New Jersey ..	13	Dist. Columbia.	5
	11	Connecticut	7	New Hamp.	9
	12	New York	3	Pennsylvania	5
Monday, August 8.	13	Maryland	17	Dist. Columbia.	9
	14	Massachusetts.	17	Vermont	1
	15	Delaware	12	New York	11
	16	New Hamp.	8	Rhode Island	0
Tuesday, August 9.	17	Maine	3	Massachusetts.	5
	18	Connecticut	3	Rhode Island	0
	19	Maryland	3	Pennsylvania	10
	20	Delaware	2	New Jersey ..	1
Wednesday, August 10.	21	Rhode Island	12	Vermont	4
	22	Massachusetts.	2	New Hamp.	5
	23	Dist. Columbia.	0	Pennsylvania	17
	24	New Jersey ..	6	New York	2
Thursday, August 11.	25	Connecticut	7	Rhode Island	8
	26	New Hamp.	4	Massachusetts.	9
Friday, August 12.	27	Delaware	1	New Jersey ..	2

takes place in this Nation, but human trafficking does take place, whether it's with minors or whether it's with adults, and primarily, Mr. Speaker, it's with women.

I have traveled to the Eastern European nations as a member of the Foreign Affairs Committee and have discussed with people in the Ukraine, Romania, Bulgaria, the problem those nations have when their young women are sold to other nations in sex trafficking. Here's the way it works on the international scale. One way it works, and in many of these Eastern European countries, young women can't work, can't find jobs, and so they will learn either through the Internet or from an ad in the newspaper, if they go to a certain country they will be promised a job. So they leave their home in the Ukraine or Romania, and they go to some foreign country. They meet up with some person. It's a male, of course, and he promises that he will take care of them and they will get a job doing something. And, of course, what they end up doing is becoming a piece of property for that male so that that person can sell that young female into sex slavery.

Back home where they come from, their families many times never know what happened to their daughter or their sister. They have just disappeared off in some other country. That takes place in that form in many countries throughout Eastern Europe and other nations as well.

Unfortunately, those who keep statistics estimate that overseas the customers, the ones that use that sex trafficked victim, about 25 percent, I understand, are Americans; Americans that go overseas for the purpose of engaging in prostitution as a customer of some person that is trafficked internationally.

But let's bring it back closer to home and what's taking place in the United States. Being from Houston, Texas, the location of Houston, Texas, where it is on the map and its closeness to other nations south of the border makes it, unfortunately, a hub for internationally sex trafficked victims that come into the United States, either stay in Houston or are trafficked to some other part of the United States, and it has become a hub, one of the hubs in this country for that awful, dastardly crime.

It works this way. This is one of the ways it works. Young women, either adults or minors in some foreign country, are smuggled into the United States illegally by someone who promises that when he gets them into the United States, he's got a job waiting for them. In some cases, these young women have paid this person to smuggle them into the United States. And once they're in the United States, they become the property of that sex trafficker, and he forces them into exploi-

tation. He uses threats against them. It's as simple as if you don't cooperate, I will have my friends in your country where your family is, I'll have them kill your family. So a 14-year-old girl, what decision does she make? She doesn't speak the language. She's in the United States, and this person says, either you cooperate and work for me, or I will make sure your parents are killed, and many times they choose the only alternative they think they have—to become a sex slave and be trafficked into the United States and allow that person to use them as property in the sex trafficking business.

□ 1440

When they come into the United States, they're promised a better life, a good job; but that doesn't really happen to some of them.

There are many stories. I'm going to talk about just two young women. Gabriella—that's not her real name—was working to support her family in Colombia. She was told by a friend—a male friend who recently moved to the United States—that she could make a whole lot more money if she came to the United States. So she took him up on the offer to let him get her into the United States; but as soon as she arrived here, that same "friend" forced her into prostitution.

She couldn't afford to come into the United States. So, he said, Well, I got you here. Now you've got to pay your way. The way you pay me for getting you here and the cost of me getting you into the United States is you're going to have to become a prostitute, and you're going to work for me, the pimp. If you don't, I'll harm your family back home in Colombia.

So for 5 years that young girl was moved around in different brothels, houses of prostitution. She said after she was finally rescued that she had no contact with the public and she really didn't even really know what city she was in. After years of servitude, ICE raided the brothel where she was held and Gabriella was rescued. She was one of the fortunate ones because she was referred to services where she received counseling and helped to find housing and care for her own child and also find a job.

But, sadly, this type of trafficking occurs in the United States. People—women—come into the United States looking for freedom and prosperity, a job that they can send money back home to their families; but they end up being property of someone else who sells them for sexual favors.

There are all kinds of ways that this is done. They're trafficked through massage parlors that advertise themselves as legitimate businesses. In reality, they're illegal sex rings. Part of that issue, massage parlors, occurs in the city of Houston, where women, primarily adult women, are smuggled into

the United States from Asian countries. They don't speak the language. They're used in massage parlors, which are nothing more than a front for illegal sex rings.

The problem that they have is this. This is a complicated problem. It's not an easy solution. They come into the United States. They're smuggled here. They don't speak the language. They come from a country where the police are corrupt, nobody trusts the government; and they find themselves in the United States, where law enforcement tries to help them, and they don't cooperate because they come from a culture where the police, law enforcement, are corrupt. They do not understand that they can get help in the United States.

That situation occurs—these massage parlors—occur in some places, and one of those is in Houston, Texas, where Constable Ron Hickman has put his special teams together to try to stop this epidemic that's occurring in parts of our State. These trafficking individuals—the traffickers—they're smooth operators, and they will do anything to get around the law and intimidate the victim to cooperate.

While victims are brought from overseas into our country, children in our own backyards are forced into a life of sexual exploitation. Let me distinguish here. I started out by talking about minor sex trafficking victims and how there are so few shelters for them, but let's distinguish the types of victims we're talking about.

We have the international victims who come into the United States, smuggled into the U.S. and they are transported around the United States for sexual favors. Then we have people that are already in the United States. Citizens or people that are here legally who are moved from city to city in the United States. So those are domestic trafficked victims.

Here's the big distinction, Mr. Speaker: generally speaking, if a person is brought into the U.S. as a trafficked sex victim and she gets involved in prostitution and she's rescued by Federal authorities, she's treated as a victim of crime and there are some places to place that rescued victim; but the rules don't seem to be the same and aren't the same in some cases for domestic trafficked victims. For example, if a victim is taken from Houston, Texas, kidnapped and taken to another State in the United States and is forced into prostitution by some pimp and law enforcement gets involved and they find her, in many cases she's treated as a criminal. She's arrested for prostitution. She's not treated as a victim.

Now, in all deference to our law enforcement folks, who do as good a job as they can, there is no place to put that trafficked victim as a victim of crime. So she's put in the criminal justice system, in many cases the juvenile

system because there's no place to put her. There are no shelters. There are no safe houses. There are no beds for those types of victims. Of course, it's a problem of resources.

But it's something that we need to understand how difficult that is on a minor child who is a victim of crime to be shoved into the general population as a juvenile or in the criminal justice system to get her out of that system and treat her like a victim. Of course, she has a whole life ahead of her. It starts out she's in the criminal justice system. Once that happens, the next time she's seen or picked up by law enforcement, even with good intentions, she's put back in the criminal justice system or the juvenile system.

So we have a standard here where we need to understand that we need to treat the victim of that traffic—the young woman, the minor child in some cases—they need to be treated as victims of crime and not criminals. We'll get to the criminals and who they are in just a minute.

Traffickers use and contact very vulnerable young women. Many times they abuse and they manipulate these young women. The children—these girls, primarily—come from families, but sometimes they are homeless. They're runaways or in some cases throwaways, as some call them; and they're very susceptible for trafficking. They really have no place to go in our society and our culture. They have no place to go. And so when they're roaming the streets and somebody comes up to them and treats them nice, promises he'll take care of them, give them a place to stay and give them money, they're susceptible to that. Once they get into that environment, they become a slave. They are a slave in 2011. Our culture needs to understand that.

The pimps, in many cases, will do anything. They will beat them, they will abuse them, they will drug them, and they will manipulate them through old-fashioned brainwashing.

Take the story of Maria. Maria was an 11-year-old girl. Eleven, Mr. Speaker. That's her actual age. She was raised by her grandmother in Los Angeles. Her mother died when she was very young and her father was not involved in her life. This young girl, as most girls, in my opinion, needed a strong male figure to help her. She was looking for someone since she didn't have a father figure around. She didn't know that this male figure would end up being someone who would treat her as a sex slave.

One day, this individual approached her. He treated her nice. He was 28 at the time. He took her shopping, bought her new clothes, treated her nice, took her to his house; and as soon as he went into that house with her, she didn't realize that she would never return to her home.

He treated her well at first, but soon he had other girls who lived in the

house take her to a house of prostitution, for lack of a better phrase, and show her how to be a prostitute. Because, you see, she was 11 years of age. She later learned that she was making about \$1,500 a night that she turned over to this 28-year-old pimp. Later, she said she was beaten and brainwashed and stuck in "the life" and trafficked throughout the United States.

Her pimp got all the money, making her believe that this is the way it should be and that he deserved the money while she was being raped by multiple men each and every night. He told her he owned her—and she believed it because she was 11. She was still maturing into society and what was right and what was wrong was all being taught differently to her.

□ 1450

Maria was arrested on multiple occasions and didn't even know her grandmother and her sister were looking for her until the first time she was arrested at the age of 14. Fortunately for Maria, there was a place for her to go to receive specialized services, and she was able to get counseling and eventually able to get out of this life of being a slave. She finally believed that she had some self-worth, where she believed before she had no worth as a person.

Part of the problem, Mr. Speaker, is we don't have enough places for young women like Maria—50 beds, only five shelters, I understand.

So the United States, as a Nation, as a culture, as a people, the greatest place on Earth, we need to understand that we have to deal with this issue. It's only going to get worse. And ignoring the problem will not solve the problem.

Of course, all different branches of law enforcement must work together—local, State, and Federal—on this issue, and especially on the issue of the fact that international trafficking victims in the United States seem to have some places to go when they're rescued and domestic trafficking victims don't, and especially those who are minor trafficking victims.

The Victims of Trafficking and Violation Protection Act of 2000 was the first large-scale Federal law to address human trafficking in this country. The law addresses both the global and domestic trafficking problem and also establishes an annual Trafficking in Persons Report that analyzes the issue of global and country-to-country trafficking and places countries on a list—on a tier is what it's called—of the worst offenders, and I think we should know who the worst offenders are.

The worst offending nations in the whole world that are kept up with—all countries are kept up with—on human sexual trafficking and slavery, here they are: Algeria, Burma, the Central

African Republic, Cuba, New Guinea, Iran—I'll repeat that one, Iran—North Korea, Kuwait, Lebanon, Libya, Madagascar, Saudi Arabia, the Sudan, Turkmenistan, Venezuela, Yemen, and Zimbabwe. Those are the worst countries for this issue of international sex trafficking.

This legislation was reauthorized in 2008 as the William Wilberforce Trafficking Victims Reauthorization Act. We have improved the law over the years, and it's time that we make trafficking—international trafficking and domestic trafficking—as an issue, a human rights issue, a children's issue. Whatever you want to call it, it's wrong, and we have to deal with it in this country. And we cannot put an end to it until we are aware of the fact that it does occur.

Just like the old days when many people used to say when I was a judge, oh, gangs aren't a problem, there are no gangs in the United States. Yeah, well, we found out that was wrong. It's the same issue when it comes to human sex slavery. It is occurring, and it will only get worse unless we do something about it.

Our laws must identify the people in the system. And I think it's important that we take the child, the trafficked person, and treat them as a victim of crime. We have to have that mindset that in many cases they are a victim of crime. We, as a culture, need to recognize that and treat them that way and rescue them from that environment. That's the primary duty that we have: Rescue that child, get them out of that environment, and help them.

Let me tell you, these are hard people to work with. These young women are hard. They are difficult. The agencies that work with them find them very difficult to work with, but that doesn't mean we should give up on them.

So we take the victim and we work with them and treat them like a victim. Then we take the customer, the person that pays for the service, pays the slave to perform some sexual activity, we take that person and we prosecute those individuals. And when they're convicted, I think their photographs ought to be on the Internet. Line them up. Let the country know who these people are that live in this Nation that buy sexual favors from children. Show who they are. But prosecute those people.

Too often in the area of prostitution—there are even some States that want to abolish it as a crime. Too often we center on the prostitute. And in some cases, the prostitute, unlike the cases I'm talking about, is committing a crime. They're doing it because they want to. They're not forced to do it. That's a different situation. But we center on the prostitute. Very seldom do we prosecute the male, the person

who uses the service. Our society better start prosecuting the person who needs to be prosecuted.

Then we deal with the trafficker, the slave owner. And there is no punishment that is strong enough for the slave owner in this country. Go after them. Make them know they're not going to do business in the United States and traffic international victims or domestic victims in this country. We will not stand for it. But let's come down hard on those guys and go after the other ones, too, who use that service and treat the victim as a victim.

The people who use that service, they need to know we're going to find out who they are and we're going to publicize their names because that's the demand that's created in this country. We cannot continue to let those that pay to abuse children continue to roam our streets, and we need to treat victims as such.

I am the cochairman of the Victims' Rights Caucus, along with my friend JIM COSTA from California, and one of the things we're trying to do is raise awareness for victims of crime, especially those of domestic trafficking victims that are arrested and treated as criminals when, in the case, they should be treated as victims of crime. We must make sure that the international and domestic victims are both treated as victims and both receive essential services, and there must be services provided for them. We must also make sure that the victim in this case is rescued, that, as a society, that is the first thing we try to do is rescue them.

As I mentioned earlier, it's my understanding there are only about 50 beds for minor sex trafficking victims in the United States and five shelters. We need to solve that problem and help those organizations that work with victims of crime have resources to house and treat and take care of those very special people.

There are many organizations that are trying to help in the area of rescue, stopping trafficking of victims. I'd like to mention those before I finish, Mr. Speaker.

Of course, I mentioned Constable Ron Hickman of Precinct 4 in Houston that's working on the prostitution involved in massage parlors and trying to prosecute the people who are involved in that, but also to rescue those victims that are very difficult to work with because they come from a culture where they don't work with law enforcement.

Another organization is the Arrow Ministries in Texas, the YMCA International Services. Children at Risk in Houston does a great job. They do exactly what their name says. They try to take care of kids, children that are at risk.

Houston Rescue and Restore, Arrow Ministries, Redeem Ministries. On the

national level, there are other organizations: Shared Hope International, The Rebecca Project for Human Rights, Polaris Project, Catholic Charities, Humanity United, World Vision, International Justice Mission, Vital Voices, the Coalition to End Slavery and Trafficking, Amnesty International, End Child Prostitution and Trafficking, Free the Slaves, Not for Sale Campaign, and Break the Chain Campaign, and there is that great organization, RAINN, as well.

Mr. Speaker, we, as a culture, as a society, as a country, as a people, I think that we are judged, we are judged as a people. The United States claims to be the world leader in human rights, and I think we are the world leader in human rights, and we should continue to be. Because we've been blessed with so much, we should try to protect the dignity of humans throughout the world, but especially humans here.

But we are judged not by the way we treat the rich, the famous, the popular, the powerful. We're judged by the way we treat the elderly, the weak, the poor, the children, victims of crime. That's how we're judged, not by the way we treat these other people.

So I hope that we understand the necessity, the importance of taking care of our greatest resource, and our greatest resource is children in this country. No matter who they are or what's happened to them in their life, we need to take care of them, especially those young that, in the year 2011, become the slaves of someone else for money.

□ 1500

Let's take care of this issue, Mr. Speaker, and stop this crime against humanity in this country and be the world leader.

And that's just the way it is.

I yield back the balance of my time.

THE SPENDING PROBLEM

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the gentleman from Indiana, (Mr. BURTON) will control the remainder of the time, 33 minutes.

Mr. BURTON of Indiana. Thank you, Mr. Speaker.

Mr. Speaker, a lot of times people ask me why do you have a Special Order when the Chamber is not in session and it doesn't appear anybody's paying any attention. We all have monitors back in our offices, and many of our Members who are not in attendance get a chance to hear what other Members have to say during Special Orders. It also allows us, if people across the country happen to be paying attention to what's going on in Washington, it gives them a chance to see and hear some of the issues that we're talking about.

One of the things that really concerns me that I hope everybody's con-

cerned about is the terrible spending problem we have here in Washington, and that spending problem, and what that spending problem causes. When you spend more money and you print more money and it gets into circulation, that's called inflating the money supply. When you inflate the money supply, ultimately that means that everything that money buys goes up in cost.

The trucks that transport our goods and services across the country have to pay for more diesel fuel, more for licenses, more for anything else; and all those costs are passed on to the people whose products they carry, and those people who make those products have to make a profit, so they have to raise the price of those products to the people who buy those products, whether it's a supermarket or a clothing store or whatever it is. Then when the consumer goes to buy those products that are transported, they have to pay more for them; and that's what we call inflation.

Now, we have, in the last couple of years, during the Obama administration, and the last part of the Bush administration, passed a bailout bill and a stimulus bill that have cost, collectively, close to \$2 trillion. That does not cover the other programs that have been increased, thus costing more money to the government and the taxpayer.

Then just recently, because we had these terrible crises on Wall Street and the banking crisis that we've had, we had the bailout, which cost well over \$1 trillion when you talk about the interest that's added to it; and because the economy continues to founder and we have unemployment that's above 9 percent, the Fed decided to have what they call QE1, quantitative easing, which increased the money supply again by several hundred billion dollars. And then we had quantitative easing, or QE2, which has raised the amount of money in circulation and exacerbated the problem that we're all facing today.

So I'd like to talk just a little bit about how this affects the average person. Mr. Bernanke, who's the head of the Federal Reserve Board, said that we don't have to worry about inflation. He said that, long term, the inflation rate is not going to get above 1.7 to 2 percent.

But let's just look at what the average person has to pay when they go to the store or the gas station to buy products. Milk—and everybody drinks milk, especially if you have kids—has gone up 38 percent since last year. That means if you buy milk, for every dollar you're spending it costs \$1.38, as opposed to last year. That's inflation.

The price of sugar—and sugar's used in cookies and cakes and all the things that we use on a daily basis, chewing gum, everything—has gone up 20 percent since last year. That's inflation.

The price of corn, which is used in feed for our animals, it's used in gasoline now, it's used on a daily basis by people across this country, corn has gone up 62 percent in the last year. So for each dollar that you spent for corn a year ago, now it costs \$1.62.

And as of August, the cost of beef, hamburger, steaks, whatever you buy, went up 13 percent over last year, and that amounts to about 52 cents a pound. So when you go buy a pound of hamburger, it's going to cost about 52 cents more than it did a year ago. That's killing the American people.

They tell us we do not have inflation, and anybody that goes to buy groceries or any commodity that's transported across this country is paying a heck of a lot more than they did last year. So when the administration and the Fed and the Treasury Department say we don't have an inflationary problem, talk to your wife, husband, talk to your wife. Wife, talk to your husband when he goes to buy gasoline.

And everybody knows that the amount of money they're making is not keeping up with inflation. That's why we have to get control of spending here in Washington. We have to get control of every government agency, and we have to get rid of a lot of government agencies that are not doing anything to really help our economy or our country.

Take, for instance, the Department of Education. Everybody says, well, we need to have a Department of Education. Why? Education is supposed to be conducted at the State and local level, controlled by the State and local governments. But we have an Education Department, and what has the Education Department contributed to our society? The quality of education has gone down, down, down, to where we're one of the least educated, as far as the quality of education is concerned, least educated countries in the western world, in the industrial world. So the Department of Education really isn't contributing anything except gobbling up an awful lot of our taxpayers' dollars. There's a whole host of agencies like that that we need to get rid of because we don't have the money to pay for them.

And yet the President came up the other night and he spoke in this Chamber, and he said we're going to have to spend another \$447 billion for a jobs bill. It's the same old story being written again and again by the administration. That's what we tried to do with the bailout and the stimulus bill and these other things.

Remember the shovel-ready projects? The President said, well, we didn't have as many shovel-ready projects as we wanted to. As a result, we didn't see anything except more and more unemployment.

Throwing money at the problem does not solve the problem. All it does is

cost the taxpayers more money, either in taxes or in a hidden tax that they pay when they go to buy food, clothes, groceries, or gasoline to get to and from work; and that's the problem that we have right now.

The President has a socialistic European approach to government. He believes that government ought to control health care. He believes that government ought to control the energy sector. And if we pass what was called cap-and-trade, which would deal with energy and the emission of CO₂ into the atmosphere, it would raise the cost of electricity and everything else that we use dramatically. In fact, he said himself during his campaign, or even before that, that cap-and-trade would essentially cause the prices to skyrocket for energy, just another thing that the American people have to pay for.

We don't have the money in our pockets. People's salaries aren't going up. We've got a huge number of people unemployed. We're paying unemployment to them on a weekly basis so that they can survive. They don't have the money.

But the government keeps spending and spending and spending, and we can no longer afford it because it's going to hit us with higher taxes. That's what he talked about right here last week: more taxes that we don't have, more spending that we can't afford, which leads to more inflation that people are feeling right now.

□ 1510

And if people don't believe me who may be paying attention to this, and I'm talking to my colleagues back in their offices, talk to your wife or your husband when they buy gasoline or go to the store. The average inflation rate right now I would guess is somewhere around 13 percent, and that is something we cannot afford. It's going to kill this economy and kill this country as the country that we've known all of our lives, and what we're passing on to our children is a lower standard of living than we've had, and we cannot afford that any longer.

What we need to do is streamline government, go back into our entitlements—Medicare, Medicaid, and Social Security—and figure out better ways, not eliminate them, but better ways to solve that problem. This House has sent a plan over to the Senate that would do that in an efficient and economic way and not bankrupt the country and solve that problem.

We need to go through every agency of government, and if they're not doing their job or if they're not necessary, get rid of them, cut them out, reduce the size of government, cut government spending.

Then, in addition to that, we ought to do like Ronald Reagan did when he came into office and we had double-digit inflation; double-digit unemploy-

ment, and double-digit interest rates. It was actually as bad or worse than it is right now. And he came in and he said instead of raising taxes, as they said he had to do, because they said that would bring revenue into the Treasury, he said, no, we're going to cut taxes.

And the reason he did that was because if you raise taxes, you take money out of business, you take money out of people's pockets, and that's money they can't spend. If they don't spend, they can't buy. If they can't buy, we don't produce. And if you don't produce, more and more people who do the producing are laid off and are going to the unemployment lines.

Conversely, if you cut taxes, you give business and industry more money to invest. You give individuals more money to spend. They can buy more and invest more, and we produce more because people can buy it, and that creates jobs. And when we create jobs, we create more taxpayers. And we went from \$500 billion in tax revenue under Reagan to \$1.3 trillion—almost triple—because we cut taxes and stimulated economic growth.

This administration believes in more government control over our entire economy and our society, and that's the reason we're in the mess we're in today, because government cannot create something unless it takes something away. We can't give jobs that the government creates unless we take it from you, the taxpayer, and that means either raise taxes or spend money we don't have and print it, and that creates inflation, which is a hidden tax on everybody in this country.

The bottom line is this country is in a very difficult situation. I serve as chairman of the Subcommittee on Europe and Eurasia. I'm going to be going to Greece in a couple of weeks. Greece has a socialistic economy. They're going down the tubes right now, and they're trying to find some way to bail themselves out. They're raising taxes. They're raising taxes on everything, electricity, everything they can. They're cutting the benefits to the people that work there because the benefits have been too high and the government can't afford them. All of these things, the salaries are being cut.

And what's happening in Greece is it's going belly up. And the effect of it is on all of the other countries that have investments in Greece, the banking, the financial institutions, all of them are really in trouble, and they're talking about a potential domino effect because of the failure of Greece and because of the socialistic approach that they've taken.

Italy's in trouble, Portugal's in trouble, Spain's in trouble, even France is in trouble because they've invested a lot of money through the financial institutions into Greece. The whole European continent's in trouble because

of the socialistic approach to government.

The thing that's kept America so strong all of our lives is free enterprise, the profit incentive for a businessman or a person to say, I want to make something of myself. And they open a gas station or a store and they work their tails off, and they have a chance to make their lives better. But when government starts taking over everything, it ruins it. That's what's happening in many countries in Europe, especially Greece.

So if any of my colleagues are paying attention on the Democrat side of the aisle or who are Independents or who are on the Republican side, I hope that you will realize the number one thing we have to do right now is get this government under control.

We need to cut regulations so business isn't strangled by the regulations that are costing them more and more money that they have to pass on to the consumer or they have to fire people because they can't afford them. We've got to cut taxes to stimulate economic growth, and that will bring more money into the Treasury, just like it did under President Reagan. And we've got to make sure that we eliminate unnecessary spending in these agencies of government like the Department of Education. Get rid of them because they're not doing anything except gobbling up our money.

If we do that, we're going to turn this country around, and we will remain the greatest country in the history of mankind. If we don't, if we continue down the road that this administration is taking us down, moving us towards socialism, toward government control over health care, energy, everything, then we'll see the quality of life that we've enjoyed go right down the tubes. It's up to the American people, and it's up to us in Congress to take the bull by the horns and deal with this.

So I say to my colleagues, please, pay attention to what I've said tonight. You may not agree with everything, but if you'll study the things that I've studied and look at what's going on in Europe, you'll understand very clearly that what I've said has merit, and we need to do it.

With that, Mr. Speaker, I yield back the balance of my time.

JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TONKO. Thank you, Mr. Speaker.

It's an important topic these days when we refer to jobs—jobs in America, jobs that we retain, jobs that we create.

The overwhelming issue right now in the minds and hearts of constituents across this country, I firmly believe, is about the dignity of work, jobs that need to be strengthened out there in number so as to provide for the opportunity for people to dream the American Dream, the American Dream of home ownership, of education for their children, of higher education pursuits, so as to unleash the skills and the talents and the passions of the next generations of workers.

Training, retraining programs to enable the human infrastructure required as an investment in the work zone of America is an important aspect of the investment that we need to make through policy reforms and policy strengthening and resource advocacy that we could do here in the Halls of Congress, on the floor of the House of Representatives to enable us to fill those coffers with the quality investments that need to be made from a human infrastructure perspective to a capital infrastructure, and certainly to a physical infrastructure as we go forward and allow this country to utilize its intellectual capacity, to use the brainpower of these United States to enable us to compete and compete effectively in a way that acknowledges that the jobs market, the jobs created, the jobs retained through advocacy here in Washington can speak to the ultimate highest priority that people have established for all of us who are serving, regardless of political persuasion or philosophical mindsets.

As we serve this Nation, we can best provide for an outcome of jobs that are created in our society. There is no stronger need. There should be no stronger commitment. The President showcased that when he was hosted here in the House of Representatives with a joint session of Congress. And the room was filled. The gallery was packed as people witnessed the very passionate speech from the leader of the free world.

As President Obama laid forth his vision, his plan, his initiatives, his goals for the American people, the House of Representatives and Members of the United States Senate got to hear firsthand what that effort is all about. People listened with intent to move forward with that blueprint for our future, a blueprint that would strengthen our economy and have an impact across the world.

We have this opportunity now to work in a bipartisan way in a bicameral response to what the President has highlighted to be his plan for jobs here in America.

I was happy to note that amongst his arguments, amongst his priorities happens to be the creation of an innovation economy, a response perhaps to an innovation economy that finds us as an "idea-ist" society investing in those ideas, investing in ideas that get

moved along perhaps to a prototype that moves along to a manufacturing sector.

□ 1520

I, before entering the Halls of Congress, before being elected to the House of Representatives, served as president and CEO of NYSEERDA, the New York State Energy Research and Development Authority. It is nationally recognized for its cutting-edge work being done in the science and tech aspects of high tech. By the way, in the district that I represent, the 21st Congressional District in New York State, much about the Capital Region and Mohawk Valley and Schoharie Valley of upstate New York have been dubbed recently by Brookings Institute to be the hottest territory, the strongest hub, the most active region in the country for green collar job growth. That's a feather in our cap; and if someone wants to see investment happening, it's there in the Capital Region of New York.

It took a partnership with academia and State government and Federal Government, yes; but it also was a partnership with the private sector, where great investments were made by the private sector in this high-tech agenda—in the science and tech agenda, nanoscience, semiconductor, advanced battery manufacturing. Now, that is somewhat clustering in its concept to draw more and more start-ups and entrepreneurial efforts and workers who are clustering in this way, with academia getting invested in the research aspects.

I mention that because the innovation economy is something that received high focus and an inordinate amount of attention in the speech made by the President. He understands and he has professed—and I agree with his assessment—that whoever wins this global race on innovation will emerge the exporter—the kingpin, if you will—of the global economy, the exporter of energy intellect and innovation and ideas that will enable us to, in a way, mimic the success stories of the space race—a global race that found fewer partners but found the United States of America being victorious.

That all began, I believe, with a setback. Sometimes failure is a misunderstood gift. In this case, through the Sputnik moment, America, in its defeat, had to stand up and dust off its backside and commit with passion, as experienced with the words of John F. Kennedy, who said we're going to do this effort of investing in the space race not because it's easy but because it's hard; and that attitude, that tone, that passion, that commitment, that resolve produced a winning moment, a winning moment when we were the first to achieve the daunting task of landing a person first on the Moon.

As a Nation, we took great pride in that event that happened some 40-plus

years ago. It was more than the magic moment of landing a person on the Moon and the infamous quote that talked about the giant leap for mankind. It was the unleashing of technology and untold aspects of our world, of our society, where technology reached communications and energy generation and education and health care, to name a few segments of activity out there.

That was a profound statement made by America and her brain power, America and her will—her will to invest in her people and in a mission that brought us together as a Nation, where everyone joined in the efforts to fine-tune the best way by which to pursue that mission. What happened really raised America. Her leadership potential, her leadership recognition in the global community became profoundly enhanced, and it was not just technology entering these different segments of our society but of bolstering all these aspects, the different sectors of our economy, and of course impacting not just for Americans but for people worldwide the quality of life that we enjoy, the opportunity to strengthen services, to be able to bring us together in almost a village capacity as a world simply because of technology.

Today, I would remind my colleagues in the House of Representatives and our partners down the Hall in the United States Senate that we have that same moment, that same challenge, that same need to resolve with passion again, to go forward—to go forward with a mission that allows us to invest in a clean-energy society, in a clean-energy economy into an innovation agenda. Think of it. We have so many opportunities here. We have committed so many times over to public and private aspects of research and development, of investment of research that leads to ideas or ideas that are built by that research to a greater capacity and then shared in a way that builds and develops the prototype that then creates the manufacturing aspect.

We've seen it with the chips manufacturing in my district. Perhaps the largest such construction of a chips manufacturing facility in all of America is taking hold in the region, in the area that I call home. That is enabling us to think beyond usual terms. We're thinking of chips applied to agriculture, chips applied to health care, chips applied to the education world. That is a marvel in and of itself, and it's enabling the best minds to cluster in an area like that which I represent, which is the 21st Congressional District in upstate New York in the Capital Region.

That's the investment that I believe America not only requires but that Americans are demanding of their leaders, leaders that occupy these seats here in Washington in the Halls of Congress. That's what they're asking for—

that sort of investment, that sort of magical quality that we have seen throughout her history.

It's replete with sagas of success that began oftentimes with hyphenated Americans in their first generation of connection to these soils investing in a way with this brightness of ideas coming from blue-collar workers, who enabled us to take a region like that which I represent and allow it to inspire a westward movement and an industrial revolution because, in the heartlands of the 21st Congressional District, we were the hosts to an Erie Canal/barge canal history.

What that pathway, that waterway pronounced with its own presence is the opportunity to build a Port of New York that then gave birth to a necklace of communities, dubbed "mill towns," that became these epicenters of invention and innovation. It was perhaps the first high-tech revolution taking hold in the 21st Congressional District of New York. It was there that all sorts of product lines were conceived and then further developed and then realized in the marketplace around the world, and these product lines inspired continued progress.

That's the sort of ilk that is American and uniquely American. That is the sort of investment that enabled us to produce these tremendously powerful chapters in our Nation's history, and it should be the inspiration.

These moments should be the inspiration for us to do the correct thing today: for us to understand that we do not cut our way to prosperity, that we do not cut our way to opportunity, but that certainly we can invest our way to opportunity and invest our way to a new economy, a stronger outcome, an investment in our working families, an opportunity for people to truly dream the American Dream. That's how we will survive. That's how we will meet the test in the present moment.

The President has challenged Congress—and rightfully so. This is not a time for political gamesmanship. This is not a time for simple negative response or rejection of a political kind.

□ 1530

This is about working as a team, executive branch with legislative branch, Republicans with Democrats, Senators with House of Representatives membership. That's what we can accomplish here if we set our hearts and our minds and our souls to an agenda that is in keeping with the tradition, the deeply rooted and powerful tradition of job creation in our society.

Think of it. Throughout our years, whether it was President Lincoln in the development of rail or Governor DeWitt Clinton in New York with the development of an Erie Canal, or President Eisenhower in the development of an interstate system, or President Roosevelt and the Corps that went

throughout this great country of ours State by State and built the infrastructure that really was a need for this country at a time when we were hurting from a grossly high unemployment statistic.

That's America at her best, at her brightest. It's her shining moment. The President is imploring all of us, as Members, as leadership in the Houses, to allow for America to have her next shining moment. Challenges in difficult times can produce the most deep, profound, uninhibited, unrestricted behavior, and we have that opportunity. We have that opportunity here to respond with this innovation economy. It takes investment.

As I indicated, when I served as president and CEO of NYSERDA, and before as energy chair for some 15 years in the New York State Assembly with the New York State legislature, it took an appropriate policy and then an investment that would enable us to respond in nontraditional terms, to be able to go forward with the kinds of intellectual response to deeply rooted concerns.

Think about it. We dismantled a monopoly situation for utility purposes, electric utility purposes, and chose through an administrative order with then-Governor Pataki to go forward with a competitive quality in our utility outreaches in New York State, a system designed for a monopoly setting that has to be adjusted to not only wheel electrons from region to region within our State, but from State to State, from State to New York State, and then from country to New York State.

So that took improvement that needed to be made in policy and in resource advocacy. I saw from my positioning in NYSERDA the benefits that came when we invested in research and development. Now, granted, all the stories, all the situations, all the scenarios within the research and development opportunities are not necessarily success stories. But without the dive into that opportunity, we will never feel the splash of success.

So many of those situations become a winning outcome. And when we have such an outcome, we are able to move forward and allow for us to even dream of the notion of enhancing our energy independence.

We cannot remain so gluttonously dependent upon fossil-based fuels to be our solution for our energy crisis. We simply cannot. We cannot. We need to make certain that we commit to an innovation cycle that enables us to dream outside the ordinary, to think beyond the barrel, think outside the barrel in the case of energy reform.

And those formats, those transformations need to again encourage the investment in higher education, in education, because we need, as early as the pre-K setting, to encourage the development of our students, especially with

the shortfall of engineers that we are producing in our society, and scientists.

Education in itself has the need for many reforms, but one of the areas of targeted concentration needs to be the increased numbers of individuals, especially in atypical formats with young women and students of color who need to be encouraged to pursue along the pathways of engineering and science. So we begin that investment but then we go forward with that cultivation of ideas that begins with the investment of the intellect of America, and what I witnessed were wonderful opportunities. We had witnessed all sorts of improvements to renewables, that was part of the NYSERDA agenda.

We saw all sorts of opportunities like kinetic hydropower where we would actually be able to do turbine-type settings in an ordinary wind turbine activity, but beneath the turbulence of water, to use the turbulence of water to crank out the energy supplies that we required. In a State like New York it holds vast potential. It holds tremendous potential.

The R&D commitment was there, the refinements came through the Department of Energy lab where they reviewed the product, saw where some of the weaknesses might be, engineered the assembly, the design of the turbine itself and the assembly of that turbine, designed it, redesigned it, and now we grow more and more committed to the opportunity for some of this use of turbulence of water to respond to our energy needs.

That's just one small sampling in one agency and one State of how we can grow the opportunities. Investing in battery manufacturing that enables us to respond to that linchpin that is our connector to investment into the future that enables us to, again, draw this energy independence agenda together in a way that not only grows our economy and protects our consumers and strengthens American job opportunities, but really creates a cutting-edge sort of job opportunity where, for the first time, these jobs appear on the radar so that we can begin to provide hope to individuals who may have that genius within them and will pursue that as a career path. But it begins with individual voices, individual voices in the House speaking to those issues of jobs and creation of jobs and investing in an innovation economy, investing in workers.

Certainly no one has been stronger in that attempt than my colleague, my friend from Kentucky's Third District. Representative JOHN YARMUTH has been a champion on the floor. He has been a champion at home speaking to the need for jobs in America. Make It in America, which is a mantra which he and I and our colleagues in the Democratic Caucus have adopted.

Representative YARMUTH, it is great to have you join us for this hour. Wel-

come, and I know you have been such a strong voice for jobs not only for Kentucky but for Americans coast-to-coast.

Mr. YARMUTH. I thank my friend from New York.

It's a great pleasure to talk about the subject that's on every American's mind, and that is, how do we rebuild America, how do we put Americans back to work, and how do we recreate the kind of America that we all once admired and will admire again?

You've talked about a very incredibly important element of the job creation agenda, and that is research and development. It's clear that the jobs that we look forward to in the next generation, and the generation after that, are jobs that probably don't exist today. We're going to find them. We're going to discover them. And if we don't do it, they will be invented somewhere else, and that's why the initiatives that you have been talking about in the energy field are so critical.

But I would like to talk today about a job opportunity that exists right now. The President referenced this in his speech last Thursday night, and I thought he was incredibly powerful and articulate in doing that. Because what he did was connect the dots. And when he talks about infrastructure and jobs, that's something that most Americans can understand.

When we built the interstate highway system, that created an awful lot of jobs, and it also established an infrastructure that has enhanced our commercial activity throughout this country for more than a half a century. And now today we have a gap in that interstate highway system, and it happens to be in my community.

Just last Friday, the bridge called the Sherman Minton Bridge which spans the Ohio River between Louisville, Kentucky, and New Albany, Indiana, was shut down because of structural deficiencies. So when the President speaks of infrastructure deterioration throughout the country and the thousands and thousands of bridges that need to be repaired, he didn't know at that time, the next day, one would become more than an abstract theory; it would become a reality.

□ 1540

We saw this, unfortunately, in Minnesota. We hopefully have averted a similar disaster in my community. But in the meantime, this bridge which was built 50 years ago which was examined just 2 years ago and judged to be structurally fine, because of advances in analysis of certain steel products, they did a different kind of analysis this year and found cracks in the support system and had to shut the bridge down.

What has this done? I-64, which begins in Virginia and runs through Lexington, Kentucky, and Louisville and

on to St. Louis, it's a major, major east-west artery of this country, and for this country's both civilian and commercial traffic. About 90,000 vehicles every day go across this bridge. Most of them in the morning come into Louisville; most of them in the afternoon go out of Louisville into Indiana.

Right now, all of that traffic is being diverted onto I-65. We have a great, centrally located community in Louisville. Three interstates converge there—I-71, I-65 and I-64—and they all converge in a pretty similar spot except now all that traffic that can no longer go on I-64 across the Sherman-Minton has to go across the I-65 bridge. That bridge is already taxed to its extreme. It is operating at 25 percent more than it was envisioned to hold. Now 90,000 more vehicles are going to be coming across that bridge every day.

So we don't know yet what's going to transpire with that Sherman-Minton bridge, whether it can be repaired, whether it is going to have to be condemned and rebuilt; but we do know if we had been making the kinds of investments in keeping our infrastructure current and modern and in making those investments over time, we would have had many, many thousands more people at work, and we probably would have avoided this situation.

So now this is both a very serious commercial and personal inconvenience, and I don't want to go quite so far as saying it's a disaster, but it is a very serious problem in my community. But it also could be something where we put many Americans back to work as we either fix it or replace it.

Again, we are at a time now where we have example after example, thousands of these around the country. We are at a juncture where we can borrow money to do this at historically low levels, and we can put tens of thousands of Americans back to work.

So as a theory as espoused in the President's speech Thursday night has become the reality in my community, it can become a reality of rebuilding America for all of us.

Mr. TONKO. Representative YARMUTH, let me add to your reality with my reality, one scenario being a couple of decades old now. In 1987, a bridge collapsed along the New York State Thruway system because of flooding. It came across a creek that you could walk across some years during the month of August. It had the CFS, the flow, equal to Niagara Falls with the flooding, and it wiped out a bridge. And I believe just about all of the tragedies, all of the loss of life, which was some 10 or 11 people, were not from the area. So we are all at risk with these deficiencies to which you alluded. So it is important for us to keep up the investments.

As we saw this year, some 500-year records broken with hurricanes from

the ravages of the waters of Irene and floods from the Tropical Storm Lee, wiped out infrastructure galore. And so now there is a need, a demand to have these bits of infrastructure restored and rebuilt; otherwise the economy suffers.

I saw what rail meant to jobs in my district through the course of time. I saw what the canal meant not only for jobs in my district, but in the western movement, the industrial revolution. So infrastructure is important. I dwelled on innovation to economy, but you are so right to bring up the need for infrastructure and those improvements. I thank you, Representative YARMUTH, for your thoughts and hang with us because this is an order where we want to talk about job creation.

We are joined by yet another outspoken voice from Maryland's Third Congressional District. Representative JOHN SARBANES is an outspoken advocate for job creation in our society. He knows from the Maryland experience that we need jobs. By the New York experience, by which I measure it all, we need jobs. Representative SARBANES, thank you for being a leader in the House and advocating for not only Make It in America but job creation of all types.

I yield to the gentleman.

Mr. SARBANES. I want to thank the gentleman for assembling us here today to talk about this critical issue of jobs. If you talk to the average American, the issue that they put at the top of the list and, frankly, it is the issue they have had at the top of their list for months now is the issue of jobs and creating jobs to get the economy moving again.

You were just talking about the infrastructure issue. It would be one thing if our infrastructure was in terrific shape, if we were sort of 100 percent repaired right now and everything was new and shiny, and then we had this economic crisis and we were looking around for ways to create good jobs to get ourselves back on our feet and there wasn't these infrastructure projects out there to provide those jobs. But that's not the case.

As you point out, as Congressman YARMUTH just pointed out, you can look out your window and you can see evidence of the crumbling infrastructure across the country. So do we call that fortuitous? I don't know how you would view it, but at a time when we are trying to create jobs in this country, the fact that our infrastructure needs to be rebuilt is a tremendous opportunity for the country.

I commend the President because in his address the other night, he put rebuilding the infrastructure front and center, not again just because it is a job-creation effort, although that is the number one premium that I think people are focused on, but because it has to be done. The amount of produc-

tivity this country is losing because of the waste and inefficiency of having this crumbling infrastructure is mind boggling. So at the same time you are rebuilding a country and creating jobs that way, you are also strengthening the country so that going forward we can be more efficient and we can be more productive.

But I want to extend this notion of rebuilding the country beyond just the physical infrastructure, because I think it also applies to the idea of strengthening our country in terms of human capital. We know we have to invest in human capital. I think some of us are embarrassed when we look at these comparisons with other countries around the world in terms of how our students do in terms of math or science, or other important subject areas where the United States really should be at the forefront, we should be on the cutting edge so we can be competitive, but we're not there.

So what do you do about that? Well, you rebuild the country in terms of investing in human infrastructure, in human capital and making the next generation as competitive and skilled as it can possibly be.

Yesterday, I was in Baltimore. We were celebrating Adult Education and Literacy Week. There are 90 million people, according to the research, there are 90 million Americans who would benefit from literacy, and in particular adult education opportunities. When you are in an economy where things are moving fast, where some opportunities disappear and other ones appear, you need to be able to go back to our community college system and other resources to get your skills ready to meet the new challenge. We ought to be investing in that.

I commend the President because when he came here the other night, not only did he talk about strengthening the physical infrastructure of the country, but he talked about the importance of investing in the human capital of this Nation, and I think every single American out there understands the imperative of rebuilding America. That can be our mantra. And when you rebuild America, you restore the American Dream.

The greatest frustration that people are feeling these days is they say, I worked hard, I played by the rules, but I'm not getting the opportunities to move ahead; and when you rebuild this country, you restore that American Dream. You get us back to where we need to be as a Nation, and that's what the American Jobs Act is intended to do. I think that's the agenda that the Democratic Party here in Congress is putting forward with the President. I am glad to support that. So I thank you for pulling us together today to focus on this very, very important issue of job creation.

Mr. TONKO. Representative SARBANES, I couldn't agree with you more.

I have witnessed what happens when we invest in training, retraining, and apprenticeship programs in pre-K through 12, in graduate school, in undergrad campuses and research centers. I witnessed the inspiration that a cleanroom science course provided for a young man 30, 35 years old, unemployed ready to leave our area. When he saw the cleanroom science at the local community college, which was an investment from the Federal Government, he did a U-turn in his stated plans.

□ 1550

This was something that was exciting. This was something that spoke to his heart and soul. This was something he wanted to engage in. And that's the opportunity that we can give people here.

The story line of America is basic. As you say, give me that American Dream. Let me unleash my skills, my talents. Let me raise a family, build a home, and dream that American Dream. We owe it to America.

And people have placed their faith in this jobs agenda. I can't tell you how many times that I know we've talked. We've heard it from our colleagues. People believe in that Make It In America opportunity. They believe in tethering that dream, that American Dream, so that households, middle class—let's rebuild that middle class. Let's take those values of the middle class and make it happen.

We're happy you joined us. Another partner of ours, a colleague who has led us oftentimes during Special Order on making it in America, on jobs, none other than California's 10th District Representative, JOHN GARAMENDI.

Representative GARAMENDI, we often talk about the east coast-west coast. The message is unique. It's commonplace across this country. Thank you again for your leadership on the floor on job creation.

Mr. GARAMENDI. Mr. TONKO and Mr. SARBANES, thank you for being here. I'm delighted to be able to join you today talking about infrastructure.

Earlier today, just a couple of hours ago, my office had representatives from the City of Davis, near Sacramento, and another community, Woodland, both of them in Yolo County. They're talking about an infrastructure project. The water systems in those communities have, for 150 years, depended on groundwater, but the groundwater is going bad. They need to develop a new water system—about \$300 million, \$400 million. They cannot continue with the present system. They need help. But they also, in doing that, are going to be able to employ a vast number of people and put in place the infrastructure those communities need. We're talking about the University of California, Davis campus,

with about 27,000 students at that campus, bad water. They need to rebuild their water system.

Right now, across America we're looking at more than 2 million construction workers, men and women that could build that water system for those communities. They're out of work. Two million are out of work.

The President came here last week and said Americans want to go back to work, they want a job, and he put forward to this body—to the Senate, the House—a proposal, the American Jobs Act. The American Jobs Act, putting Americans back to work.

You want to deal with the deficit? Take tax-takers, people that are unemployed, and make them taxpayers. We can do this and simultaneously solve the long-term deficit problem of this Nation by growing the American economy once again with, as you were saying so well, Mr. SARBANES, infrastructure projects.

You were talking about east coast-west coast, Mr. TONKO. Twenty-seven hundred miles of American roads almost unfit for travel. This is the kind of project that the President wants: \$50 million to rebuild the American transportation system so we can travel.

Mr. TONKO. That measurement, I'm assuming, was made before some of the ravages of floods in portions of our country or the tragedies in Texas with the many fires. As the President proposes this infrastructure improvement, there are those who are hurting right now who have been severely impacted by the ravages of the waters of Hurricane Irene that went so far northeast and inland that they broke centuries worth of recordkeeping.

Mr. GARAMENDI. Mr. TONKO, you and I were right here in the back of this House Chamber earlier today and you were sharing with me the stories. The reality in your district is these are your constituents who have been harmed. And we had our colleague, PETER WELCH from Vermont, who was also talking about the extraordinary damage done to the infrastructure in Vermont. As we rebuild those communities as part of this American Jobs Act, people go to work in those communities and are able to once again stand on their own.

Share with us some of the things that you've seen from your own district and the needs for infrastructure replacement in your communities.

Mr. TONKO. Well, it's amazing because there are situations—I'll first go to Representative WELCH's district in Vermont—where Route 4 has been wiped out. It's just about removed from the map.

What was just a couple of miles worth of activity for some people to travel to work now becomes this tremendous circuitous route that may even take you down into Massachusetts and back into eastern Vermont to

get to the locations. It has made life nearly impossible. I have seen numbers of bridges wiped out in upstate New York, a tremendous amount of bridges, locks that have been compromised in the area that I represent.

I talked about hosting the Erie Canal barge canal activity. The locks that came in the second phase of that canal development are now tremendously devastated by the powerful force of water, homes that have been knocked out, but the infrastructure and landslides of roads that are disappearing and different opportunities now that are really demanding of an investment like this in order for us to go forward.

As Representative SARBANES made mention, this is a part of the equation for success for jobs—not just jobs in the immediate zone to improve and repair and construct some of this infrastructure, but jobs in general. It is part of the equation of success. You have got to move that product line. You have got to deal with the freight issues.

So it is incumbent upon us to respond. If politics gets in the way here, it is grossly regrettable. It's unacceptable to hold back this Nation simply because you choose to do a knee-jerk political response to a plan outlined by a President who has shown a vision here that is laser sharp about what needs to be done.

Mr. GARAMENDI. You're absolutely correct. The President's American Jobs Act, which I'm embracing and I believe the Democratic Party has embraced, is one that is focused like a laser on the immediate challenge that America has—and that is: Employ Americans. Put Americans back to work.

Another thing that's in the bill—this is about schools. Forty-four percent of the principals across this Nation and all the schools across the Nation have reported that their school in one way or another is not satisfactory for students: the bathrooms are not working, the playgrounds are falling apart, the roofs are leaking.

We need to make American schools physically strong and pleasant for the students to be in. So this is a major piece of it. This also is improving the science laboratories. And the President has lined out about, I think, \$30 billion to rebuild the American schools. It's not just the schools that are going to benefit from that and the children that are in those classrooms and on the playgrounds, but it's the Americans that need jobs, and they'll get those jobs rehabbing and rebuilding the schools.

Mr. TONKO. Earlier, Representative SARBANES talked, Representative GARAMENDI, about human infrastructure. It begins with sound schools that are not crumbling over the students' heads but also an investment in education. Just recently, during our August district work period, I did a tour,

a number of tours in my district with manufacturing. But one story pops into mind where a manufacturer in Schoharie County, a very rural county in my district, has utilized the efforts of its CAT Center—the Center for Advanced Technology—to come up with an idea that created automation so that he can remain competitive in the global sweepstakes. But he needs people who are specifically trained and educated to run this automation aspect within his assembly process, and so it becomes very important that this human infrastructure is critical.

I'm reminded all the time about a centuries-old saga and decades-old stories of what we used to manufacture in America. After doing it someplace else, the daunting challenge to America, to a sophisticated society, is build the products not yet on the radar screen. And that takes intellect. That takes genius that's cultivated in our schools and in our colleges and our universities and research centers, and then we create that product line that is brand new. But that's a sophisticated society responding to a manufacturing challenge. And it begins with the human intellect; it begins with human infrastructure.

Representative SARBANES, you're so on target with that investment of capital infrastructure, physical infrastructure, and, indeed, human infrastructure, so thank you for bringing that into the discussion.

□ 1600

Mr. SARBANES. Will the gentleman yield?

Mr. TONKO. I yield to the gentleman from Maryland.

Mr. SARBANES. I just want to echo this idea of investing in manufacturing in this country.

The economists will tell you that a manufacturing job has a greater multiplier effect on the economy than any other kind of job that you can produce. So when you're investing in manufacturing, when you're creating manufacturing jobs, when you're making it possible for Americans to make things in America, you're having the maximum impact possible on the broader economy. So it makes sense to do this.

Congressman GARAMENDI referred to the repair and investment in our public schools across the country that the President wants to do. Thirty-five thousand public schools would benefit that have projects waiting to move forward. In other words, think about this; this is not a situation where you decide first that you're going to go out and build infrastructure, and then you've got to go first do the design and the plans and everything else.

I worked in Maryland for 8 years with the Baltimore City public school system, which at that time needed about \$1.5 billion worth of repairs just to get back to sort of what would be an acceptable standard in terms of the

physical plan of the Baltimore city school system. They know what they have to do. Those plans are complete, all the design specs are done, all they need is the resources to make it happen. They can start on those projects tomorrow. Are there workers out there to do it? You bet. There are millions of unemployed construction workers out there and others who are ready to step up and fill that void. So this is something you can do right away. That's the beauty of it. That's the beauty of what has been presented to us.

Mr. GARAMENDI. They could start tomorrow if Congress acts today to pass the American Jobs Act. Because the resources—that is, the money—would be there tomorrow. The day the President signs this bill, those men and women could go to work rebuilding those schools.

There is one other thing that's in the President's bill that I am really excited about because we've been talking about this forever and a day around here, and that is, Make it in America. There is a buy-America provision in this legislation. So when they go out and buy the paint, redo the heating and air conditioning system, those are going to be American-made paint, American-made air conditioners and heaters. That's the kind of thing we can do. We can use the American taxpayer money to rebuild the American manufacturing industry, just as you said. We can do it. It's billions of dollars of American money in transportation, bridges, roads, buses, and trains used for American-made equipment, making it once again in America. This is exciting. This is really rebuilding the manufacturing base.

Mr. TONKO. To Representative SARBANES' point, every year that's wasted, that is allowed to pass by, youngsters in the third, fourth, fifth grade, whatever, will never have the experience they ought to. So we're letting down the workers of tomorrow by this delay, by this resistance, this recalcitrance of a political order that is unacceptable.

I will just make the point that Wynn Kintz, who is the owner of the facility that I toured in Schoharie County, said that he reaches the community colleges routinely because he needs that upgraded skill set. There are manufacturing jobs across this country for which they need skilled labor, and if we walk away from that investment in human infrastructure, we've denied progress for this country.

We've been joined by an outspoken advocate for jobs—I mean a very loud voice because we've heard the volume cranked up—as the chair of our Democratic Caucus and the Representative of Connecticut's First Congressional District, and that is none other than Representative JOHN LARSON.

Representative LARSON, thank you for joining us in this Special Order.

Mr. LARSON of Connecticut. I am honored to join the gentleman from

New York, the gentleman from California, and the gentleman from Maryland.

Martin Luther King once described the need to act as the "fierce urgency of now." Nothing is more important to the American people, nothing is more important to anyone listening to this broadcast than seeing this country go back to work.

Representative GARAMENDI talked very eloquently about Make It in America. People want to see jobs created in this country and want to see Americans back to work because we all know that when we put America back to work by making things here in America, that it provides the opportunity for every American to succeed.

The President has called upon Congress to act. He did so in a speech last week. We need to respond now. He did so in bipartisan fashion, citing bills that have come from both sides of the aisle. Congress as an institution should be about the vitality of ideas that you heard expressed here this evening but then turned into a plan of action that sees us lowering our unemployment rate.

It is simply unacceptable that Congress would dawdle while 14 million Americans are unemployed and a sum total of 25 million Americans are underemployed. The time schedule that Congress has here should be expanded so that we're working every day to see that Americans are put back to work. Fourteen million Americans are crying out for the President's proposal to be enacted, to see this body take action. They are tired of the endless bickering between both sides and want to see action taking place in this body. My colleagues have outlined very specific proposals that will achieve those goals.

We've just witnessed one of our colleagues who spoke so eloquently—and I'm referring to Mr. TONKO from New York State—about what has happened to his community, his district, the very character of which was changed because of a calamity, more than a 500-year level storm that ravaged the States of Connecticut, New York, and Vermont and left people not only destitute in terms of their very homes and their livelihood, but again, seeking what is fundamental to this country, a certain sense of fairness and shared sacrifice and commitment to helping out fellow Americans. What better way than rebuilding our country and starting with those communities that have been ravaged. The youth that could be employed immediately in our urban and rural areas. The rebuilding, as Mr. GARAMENDI has said, of roads and bridges and sewage systems. And fire departments and public schools with broadband to light up the desktops of our children and the blackboards and white boards, if you will, of our teachers so that we can once again assume our rightful position as the preeminent

economic leader in this global economy.

We had Professor Dr. Joseph Stiglitz speak before the caucus today. And he said it very clearly—that job creation equals deficit reduction. We are not talking across the aisle here; we need to come together as Americans.

We witnessed this past weekend what can happen when America decides to be unified in common cause, as we did and as we responded after the events of September the 11th. We need to respond to the crisis at hand, which is 14 million Americans that are unemployed, the devastation that it has wreaked on our economy, what it's meant to our housing, what it's meant to our education system, what it's meant to our manufacturing base that Mr. GARAMENDI has talked about time and again on this floor. That's what we have to do—reinvest in Americans. And in doing so, as Dr. Stiglitz, the preeminent economist in this country, has indicated, we can both reduce our deficit by more than 25 percent and put America to work. What we need is action from this Congress, from this House of Representatives.

□ 1610

Bring the President's bill to the floor. If you won't bring the President's bill to the floor, then engage the select committee that has a very specific timeframe with deadlines and dates and no cloture votes in the Senate, no poison pill amendments in the House, an up-or-down vote on jobs. That's what the American people are demanding. That's what you gentleman have so eloquently put forward here.

Mr. TONKO. Chairman LARSON, we have precious few minutes left. I'll make a few comments and then yield to my gentlemen colleagues as we close this Special Order hour.

To me, you've identified it well. This country has had, throughout its history, its shining moments. This is our opportunity to invest in America's next shining moment. It will take commitment by the legislators here on the Hill in Washington, and encouraging and inspiring and building a tone that brings us together to think as one as a Nation, generation to generation to generation, region of the country to region of the country, political persuasion to opposite political persuasion, philosophy of difference to the philosophy of another kind, moving together, coming together, understanding this is our defining moment. It's our moment to create our next shining example of America at her best.

Representative SARBANES, thank you for joining us.

Mr. SARBANES. Thank you again, Congressman TONKO, for pulling us together this afternoon. I just want to make a couple of points.

Echoing what Congressman LARSON said, if you look at just what happened

over the last couple of weeks in terms of the disaster that hit the Eastern Seaboard, and you can look over the last few months across this country and see those sorts of disastrous effects happening to people, nobody would question that the Federal Government has an important role to play in coming to the assistance of people that are in that dire situation.

Whatever your larger philosophy is about whether government should be large or small and so forth, everyone agrees the government should be on the side of people that are facing such a desperate situation and should act quickly. So if we accept that proposition, we also ought to think about the 14 million people, JOHN, that you referred to, who basically are facing an economic hurricane every single day.

And it is the role, the appropriate role, the necessary role of the Federal Government taking those taxpayer dollars and saying, we're going to turn and help our fellow citizens in need, and we're going to do it quickly, and we're going to do it in a way that not only helps them, but is also good for the broader economy and will put people back to work.

Let me just finish with this last thought. I hope people watch this discussion, and I hope people keep track of who's going to be supportive of the American Jobs Act and who's not because there are going to be people in this Chamber who vote against it and drag their feet. And the reason I want people to pay attention is because people are getting cynical out there. And I hope that it will cure some of their cynicism to see that there are folks, yes, here in Washington who are absolutely determined to try to come to the assistance of people that are looking for good job opportunities out there.

So pay attention because there are people here who want to do the right thing, and hopefully that'll stop you from becoming so cynical.

Mr. TONKO. Thank you very much. To Chairman LARSON and then Representative GARAMENDI to close.

I yield to Chairman LARSON.

Mr. LARSON of Connecticut. Thank you again, PAUL, for organizing this Special Order. And I think JOHN SARBANES said it well. The gentleman from Maryland spoke eloquently about the need for us to act and the need for us to act now.

It has been a storm. It has been a hurricane for the 14 million people that are unemployed, and for their families; and all Americans are asking is the simple dignity that comes from being able to look across the table at your spouse and your family and let them know that they are safe and secure because you have a job and you are providing for them.

Mr. TONKO. I yield to Representative GARAMENDI to close.

Mr. GARAMENDI. Mr. TONKO, thank you for bringing us together. Yester-

day, the President delivered to this Chamber a comprehensive American Jobs Act, employment for perhaps 2, maybe more than 2, million Americans immediately available as soon as this Congress acts. And it is fully paid for. It will not add to the deficit. It is fully paid for through a series of tax increases on the superwealthy, and the oil companies finally having to give up our tax money that they've enjoyed for more than a century as a subsidy.

We can do this. We must do this. We must put America back to work. And in doing so, we will be able to deal with the deficit because Americans have come, once again, taxpayers, and we have created the critical investments in individuals, in education, in infrastructure and in small businesses, all of whom will benefit from the American Jobs Act.

It's our responsibility, it is our opportunity, it is America's opportunity to go back to work.

Mr. TONKO, thank you for bringing us together.

Mr. TONKO. It's been my pleasure and honor to work with you gentlemen.

With that, Mr. Speaker, I yield back the balance of my time.

HOW IT ALL FITS TOGETHER

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, this is a tough time in our American history. I was a history major at Texas A&M. I knew I owed the Army 4 years for the scholarship I had. I had been really inspired by American history in high school by Sam Parker, my teacher, my Scoutmaster. So I know a little bit about our history. I know a lot about world history as well. And it's important to take things in perspective, especially speeches here in Washington and take them from the perspective of how it all fits together.

Now, we have been in this Chamber, and I was sitting right back there on the aisle, and we had the President of the United States standing right there. I was on a direct line of sight to eye-to-eye with the President, except his eyes cut right into the teleprompter each time he looked my way so I don't think we ever made eye contact. But he kept telling us over and over, 16, 17 times, I didn't count them, I've been told, but he said we've got to pass this bill right now, right now. This bill, right now.

Well, unfortunately, last Thursday, when the President was saying we've got to pass this bill right now, there was no bill. There was no plan. He talked about his plan. He talked about his bill. They didn't have it quite ready yesterday until later. And we kept harassing the White House, saying we want to get a copy of the bill. We need

a copy of the bill. You've said pass the bill now. Do we not get to even have a copy of the bill before we have to pass it, or would it be okay if we could, you know, see it before we pass it? You know, it might be a good idea to file it at some point if we're going to pass a bill. That's just my thinking.

And so the White House was kind enough, late yesterday, to e-mail a copy of the bill. We got it up on our Web site at gohmert.house.gov. For others who are intrigued by the promises that have been made and what it actually does, let's see. It's called Saving Obama's Job. No, I'm sorry. American Jobs Act is the name of it.

It's interesting to hear somebody talk about their bill and then get it and dig through. I think I finished about 5 this morning going through all 155 pages of the bill. And it's most interesting. Some of these things I'm going to have to talk to people who have more expertise in particular areas. Some things it's pretty obvious what they say.

Page 6, he gets right into payroll tax relief. And again, as the person who came up with the idea for a tax holiday as a way to stimulate the economy back nearly 3 years ago, and as a person who, in January of 2009, told the President personally about my idea for a tax holiday. Moody's rated a tax holiday as increasing the GDP. It looks like more than other stimulus proposals. That was back in 2009, before this President squandered \$4.5 trillion above and beyond the amount around \$2.2 trillion or so a year that was coming in. It's shocking that we could go through that much money.

□ 1620

Of course we had 2 years, the first 2 years with the same party in power in the House and Senate as is in the White House. And as I found in my first term in 2005 and 2006, sometimes when you have the same party in the White House and in the House and Senate, if the people in Congress are not adequately restrained and cannot adequately restrain themselves, there ends up being a big spending frenzy.

In 2006, again, my second year in Congress, we spent over \$160 billion more than we took in. Democrats across the aisle rightfully tore after Republicans. How could you spend \$160 billion more than what we had coming into the Treasury? And they were right to do so. We should not have spent \$160 billion more than we had coming in.

Ironically, President Bush in 2008 had a bill passed by the Democratic-controlled House and Senate, a stimulus bill that opened the door a bit to these stimulus frenzies. And \$40 billion of that \$160 billion, as I recall, was going to be going to people who didn't pay any income taxes, as a rebate, which caused me to ask the President down here on the floor after the State of the

Union, How do you give a rebate to people that didn't put any 'bate' in?

Then after that we had TARP. President George W. Bush is a good man. He is smarter than most of the people in this town wanted to give him credit for. One of the wittiest people you'll ever want to be around. But he made the mistake of listening to, until now, the worst Treasury Secretary in the history of the country, Hank Paulson. And Paulson said, Look, give me \$750 billion; I can fix things.

Well, that was a mistake. Anybody that read that bill would understand that was not a bill that should have ever passed; and if more people on the House floor had read the bill, I am confident, I know they couldn't have brought themselves to vote for it; but they didn't read it, many didn't.

Well, that's why I spent most of last night going through the President's jobs bill. He does have some payroll tax relief. But compared to the payroll tax relief I was proposing, we were told it would be close to—if you just gave people all of their tax money in their check, it didn't need to come back from Washington. It would be in the check. If we passed it and the President had signed it on a Thursday, it would have been in their Friday check. All of the money, all of the taxes they paid.

That would have stimulated the economy, and we wouldn't have needed the government to say, Hey, let's bail out GM and let's bail out Chrysler, because if people had had their own money, they could have gone down and bought a car from the car manufacturer and dealer that they wanted to buy from instead of just throwing money at the car industry.

I appreciated the GM commercial saying, We paid our money back. Unfortunately, that was not true. It was a misrepresentation. Still money owed. Anyway, I guess he would do well in Washington with that kind of mentality.

The payroll tax relief provided here is just a fraction of what I was suggesting in late 2008, 2009. The President, in fact, when I told him the idea in January of 2009, said, That's a great idea. Have you talked to Larry? Talking about Larry Summers, who was right behind him at the time. I said, I'd love to talk to Larry Summers about it.

Summers reached around and gave me a card. The card said, Give me a call. He never took my calls. I waited a week, and then he didn't call me. I felt hurt, you know, like high school days when you're trying to ask somebody on a date, and they say, Let me get back to you. Well, I was snubbed. He didn't get back to me. Okay. Well, not the first time.

So I relentlessly called, and I was given eventually to some young man who sounded like his voice was still changing, telling me to leave a mes-

sage, and I didn't leave messages. And "Larry," as the President referred to him, never got back to me. And I understand he's not over there now.

But they called a tax holiday back in those days that got just a few bucks in people's pocket. Nothing like the stimulus would have been if people had been able to keep their own money, all of it, for a couple of months.

Now, this wasn't my motive. My motive was to stimulate. But there was a secondary occurrence that would have happened had we had a real tax holiday, even for 2 or 3 months. It would have been that workers across America, including union workers, would notice, many of them for the first time it would really come home, how much money they're sending to Washington every month and how much better their lives would be if they didn't send that much money to Washington every month, if they had their own money to give to their own charitable causes, they had their own money to bail themselves out, their own money to stimulate their own household. Everybody would have been better off.

But that's not the tack the President chose. He got what was originally touted to be an \$800 billion stimulus, and he also had about \$450 billion of the original TARP that he and Secretary Geithner were able to find ways to squander.

We were told if we did not pass the President's stimulus package back in early 2009, he said the unemployment rate, Mr. Speaker, might go as high as 8½ percent. That 8½ percent sounds pretty good. People remember him saying, Well, gee, if you'll pass this, unemployment will be around 8 percent at the worst. Wrong. But if you don't pass it, it could go as high as 8½ percent. I'd take that 8½ percent right now and have everybody that got that money give it back because it was, for the most part, wasted.

Now, people back then were told by the President, It's a stimulus bill. It's all about infrastructure. We're going to have this money go to infrastructure. Well, there was only a tiny pittance of what may have been more like a trillion dollars that went to infrastructure. That goes through page 16 with that part.

We get into first responder stabilization, and there is \$5 billion for one program, \$4 billion for another program, \$1 billion for the Attorney General first responder stabilization fund. Oh, I guess \$4 billion's for the Attorney General to carry out the competitive grant program.

It keeps being lost on people here that America's better off if you don't force people at the point of imprisonment, and IRS persecution, to give all of this money to Washington and then we'll dole it out as we see fit. The economy does better when you let people keep their own money and only bring

just as much as necessary. Don't try to run everybody's lives.

But at page 17, we're going to give all of this money to the Attorney General's Office and let them dole it out as they see fit. And we've seen that if you're a friend of the administration, you're going to do well. If you're not, they're going to sic on you all of the power of the bureaucratic, whether it's EPA, all of these administration's tools and you'll pay a price. We're finding that out in Texas.

Now, you go to the next page, page 18. You've got elementary and secondary schools. They're supposed to get money. But, of course, it's going to come through Washington because we know best. And we're going to dole some money to the States. We're going to dole some to State and local applications as indicated on page 19.

But you can't miss this. It's throughout the bill. Page 20, here we go again.

□ 1630

We saw it with the Solyndra fiasco in California and this administration giving away \$500 million that can't be accounted for now—just squandered. Well, we're going to do that some more. Maybe if we keep throwing money at a bad idea it will somehow, someday, in some way get a little better. So page 20 has got us prioritizing green practices kind of like a bankrupt Spain has done.

Now, there is money in here, page 21. This is nice—money even for private schools, but only if they have a child poverty rate of at least 40 percent. Then we've got community college modernization and more green jobs within the colleges, Page 23, and you go on and on. I mean, I went through this. It does go on and on.

Then we're told we're going to invest. This time we really, really mean it. We said we really meant it back in January of '09 that we're going to have infrastructure, and that's going to bring us up. We said it. We didn't spend it on infrastructure. We squandered it on ACORN and all these different groups, but this time we really, really, really mean it. Let's see. That looks like it's \$2 billion for that program, and on and on.

It's interesting. We've got all this money we're going to put toward highways and whatnot. Now, anyone, Mr. Speaker, who believed this was all going to go straight to infrastructure missed the point, because then we get over to page 40, and you get to the real jobs. This is where the jobs are really created. It starts on page 40. It's called the American Infrastructure Financing Authority. If you love Fannie and Freddie, you're going to love the American Infrastructure Financing Authority.

On page 41, you'll find out there are seven voting members appointed by the President. Well, he's good at creating

jobs—look at all the government jobs he has added—so that's who I want having appointed. I mean, he has appointed all these people from universities who have never created jobs in their lives, so they're perplexed as to why their programs aren't working. He does have the head of GE who's helping him with that jobs program. China is grateful. China is very grateful to the head of GE because he has created lots of jobs—they're just in China and not here. Maybe he'll get to be on this board as well. But it's another government program.

Let's see. I want to make sure I get this right. The board of directors' first appointees will be deemed the incorporators of AIFA—that's the American Infrastructure Financing Authority—but that will make for some good reading. I wouldn't read it right before going to bed because you might not be able to go to sleep.

Then we get over to page 56. This talks about the funding of the American Infrastructure Financing Authority and the administrative fees, which is section 257. Then we get into that it has hereby appropriated AIFA to carry out this act for the cost of direct loans and loan guarantees except for the limitations under section 253 and for administrative costs of \$10 billion that remain available until expended. Then you've got some other moneys there, but that's good news because you can spend that for administrative costs. Fortunately, in Washington, we don't run up much in the way of administrative costs.

Now, one thing that some people have talked about to raise a little bit of revenue is to sell some of our broadband spectrum. Then we also know that there are those in Washington who are not happy that the FCC has not been able to have a Fairness Doctrine so they can dictate what goes on the air. Well, not to worry because people, it seems, are going more and more to broadband than to radio waves and television waves. We're getting more and more broadband stuff. So we have the answer to the lack of a Fairness Doctrine that the FCC has wanted under this administration, but we've been able to avoid it so far.

There is nothing about a Fairness Doctrine in here, but fortunately, you get to page 75, and you find out we're going to establish—I love this name—a Public Safety Broadband Corporation. On the next page, 76, you find out it has established a private, nonprofit corporation, and you're going to have some members who know how to run a government operation and create government jobs. Of course it killed jobs in the private sector, but it's creating government jobs. That's down here. You've got the Secretary of Commerce, the Secretary of Homeland Security, the Attorney General—we're talking real job creators here—and others who

will be on that board. So people can feel better about that. If you don't think we have enough government control of things, well, this bill, you're going to love it: more government control, more government corporations.

The thing that many missed—and it jumped out at me as I sat back there and the President spoke—is when he said we want to work side by side with business. For people who have ears and can hear, that means this President wants to be your business partner. That scares some folks, and that's why I think you saw the market go down the next day. People who understand how real jobs in the real world are created know that the government being partners with people trying to generate jobs is a job killer. We don't need a government to be partners, side by side, working with business. The government, as designed by the Founders and as we're supposed to be carrying out, is supposed to be a referee to make sure people play fair. If the government had made sure people were playing fair instead of dictating every detail of their existence, then they would have noticed that Bernie Madoff was cheating people, but the government—our bureaucracy—was too concerned with dictating how people live, and they forgot about their job as referee.

I highlighted so much stuff as I went through the night, but I won't bore you with all of this, Mr. Speaker. Let's see: Public Safety Roaming and Priority Access. The FCC is going to get the report on the efficient use of public safety spectrum. Oh, extended benefit provisions. There's good stuff there.

I've been a fan of retraining people when there are jobs in one sector and people have lost jobs in another, and there are no jobs with the training they have. That's a good idea. It's better money than just throwing out unemployment reimbursement if you can train people to have real jobs. This bill spends billions of dollars. We've got the Reemployment NOW Program. That's a new Federal bureaucracy, a new Federal program. We've got the State Plan at page 98. We've got the Bridge to Work Program at page 99. We're going to retrain people for jobs. We don't have jobs that they can fill, but we're going to spend a lot of time training them for jobs that don't exist.

Wouldn't we be better off encouraging the real job creators, the small business folks, to create jobs and then train them for that? But no. We're going to suck more capital out of the financial community and into the government so we can retrain people for jobs that don't exist.

Then we have, on page 106, the Short-Time Compensation Program. The Short-Time Compensation Program means a program in which the participation of the employers is voluntary and the employer reduces the number of hours worked by employees in lieu of

layoffs. Such employees whose workweeks have been reduced by at least 10 percent are then eligible for unemployment compensation. If you lose 10 percent of your work time, guess what? We're now opening up a new avenue for unemployment compensation. Ten percent reduced is all it takes.

Employers—I've talked to so many—say, I don't want to fire anybody. I'm asking my employees to hang on. We're all reducing what we're taking in, and we're going to try to get through this without firing anybody, but everybody has had to take a cut.

□ 1640

Well, this will make them eligible for unemployment compensation, which raises their unemployment insurance rates they have to pay, which means they are going to have to lay off somebody in order to pay the additional unemployment insurance rates.

Of course, then you have got temporary financing of short-term compensation agreements at page 109. Oh, we've got grants. We've got subsidized employment for unemployed low-income adults. You know, instead of sucking all this capital out of the private sector, it seems like we would want to help create more jobs.

Well, if you're not satisfied with all the jobs that are created by the new government programs, new government agencies, wonderful that we have got something better than Fannie and Freddie for infrastructure financing, that's great, but I understand that lawsuit filing is down significantly around the country. Our Constitution tells you, and we know in our hearts that it's wrong to discriminate against people based on race, creed, color, national origin, gender, those things make sense. We shouldn't discriminate, and those are protected classes.

We've also added, no matter what your sexual preference, your sexual orientation, no matter what you're oriented toward sexually, because the Democratic majority would not allow us to define sexual orientation to exclude illegal activity. We know sexual orientation is a protected class now. We are adding in this bill a new protected class called unemployed. The title, on page 129, "Prohibition of Discrimination in Employment on the Basis of an Individual's Status As Unemployed."

It says right here in the findings that we "find that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce." It goes on and explains this in the preceding pages.

So the good news is, if you're unemployed and you go to apply for a job, and you're not hired for that job, see a lawyer. You may be able to file a claim because you got discriminated against because you were unemployed.

Now, some would point out, legitimately, that will discourage people from doing interviews of people unemployed, because if they do, they've got a claim or may have a claim to make against the employer for discrimination based on the fact that they were unemployed.

I think that this will help trial lawyers who are not having enough work, because it can open the door. We heard from our friends across the aisle in the preceding hour, 14 million people out of work, that's 14 million potential new clients that could go hire a lawyer and file a claim because they didn't get hired even though they were unemployed.

We've heard the President demonizing billionaires and millionaires. You know, why are the Republicans so strong on trying to bail out their rich friends?

Well, what we've learned here in this town in recent years is that if the very wealthy don't mind being called names, they will be enriched and even engorged. For example, we know that Wall Street executives have been called fat cats by this administration and demonized.

Yet the little secret behind the scene's joke is, don't mind being called names; this administration has brought more profit to Wall Street than Goldman Sachs has ever seen in their history. Wall Street executives and their families gave to President Obama 4-to-1 over JOHN MCCAIN, so, of course, they've got a good little deal going on there. And also, demonize the oil and gas industry even though, you know, you love British Petroleum because they were going to endorse the cap-and-trade bill, and you demonize them, and then you stick provisions in this bill that have no effect on the big major oil companies.

They will only affect, these provisions at the back at pages 151, 152, 153, they will not affect the big majors like British Petroleum except that because they will destroy the ability of independent producers that produce much or maybe most of the oil and gas in the continental U.S., it will drive them out of business. It will dry up investment.

This is repeal of the oil and gas working interest exception, the passive activity, so there are things in here that are going to dry up the independent oil company's ability to function.

And the pay-for—we were told over and over this is all paid for—is on page 155. Here it is, get ready: The Budget Control Act of 2011 is amended by striking \$1.5 trillion that the supercommittee is going to have to find in cuts and inserting \$1.95 trillion.

He's saying, It's all paid for. It's all paid for. And the way it's all paid for is the new supercommittee is now ordered under the President's bill to find another \$450 billion to pay for his bill. So it's all paid for, hallelujah, amen.

Now, there are so many more problems I haven't had a chance to get to, and there are probably some things that I probably missed even as I went through this, but there is such bad news for America in here.

Union workers, watch out: This may be the end of your jobs. But it's okay because the unions are growing by getting more government employees, not the hard-working folks in the regular unions. These are the government unions. It should say, instead of American jobs bill, saving the President's job bill, but this is a disaster for every other thinking person in America.

With that, Mr. Speaker, I yield back the balance of my time.

IN MEMORY OF JENNIFER ROSE CERNUTO

The SPEAKER *pro tempore*. Under the Speaker's announced policy of January 5, 2011, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 30 minutes.

Mr. MCHENRY. Mr. Speaker, today I rise to pay tribute to an amazing young lady from my district that was taken from us far too soon and far too young. Jennifer Rose Cernuto was a resident of Mooresville, North Carolina, in Iredell County in my district, and had just graduated from high school in May.

She was looking forward to beginning college as part of the honors program at High Point University in the fall. Jennifer and her twin sister, Stephanie, served as interns in my district office in Hickory last year. My staff still talks about them and the great work that they did and their wonderful personalities and their real gift for service.

Both Jennifer and Stephanie's interest and passion for learning the inner workings of government and the district office and the political process were far beyond their years. But it was in dealing with constituents and helping people that both Jennifer and Stephanie truly blossomed.

In fact, the Cernutos had an ability to speak to constituents, many of whom were upset about a problem that they were having or an encounter they had with a government agency or perhaps that their veterans benefits or a similar program weren't working for them. Calmly, they would document their issues and take good care with a thoroughness that most lifelong case-workers would envy. It was as if they had been on the job for years.

It was no surprise that Jennifer excelled in this type of work. Whether at school, at church, in everyday life, helping people was a hallmark of Jennifer Cernuto's life. In fact, she and Stephanie had just returned from Peru with a group of their fellow graduates from Southlake Christian Academy, where they helped build classrooms and

held Bible study classes for indigent children.

Jennifer and Stephanie, you know, they come from a great family. I have known their parents, Jeff and Lisa, for several years, and I am honored to count them as friends. They are some of Mooresville's most outgoing and most charitable people. And with fine parents like these, it's no wonder Jennifer, Stephanie, and their older sister, Samantha, turned out to be the fine young women that they did. Incredible, special, young ladies.

But tragedy struck this family and the entire Mooresville community over the July 4 weekend when Jennifer and Stephanie were involved in an automobile accident. Sadly, Jennifer was taken on that day and Stephanie was injured. But, thankfully, thank the Lord, she survived.

□ 1650

Thousands later turned out for Jennifer's memorial service and funeral. People asked, why did so many people, thousands of people, come out to this extraordinary 18-year-old young lady's funeral? It was, I think, put in the best words by the head of school at Southlake Christian Academy, Wayne Parker. He said, "Jennifer was full of joy that easily drew others, as she allowed her love of the Lord to shine through her."

Jennifer Rose Cernuto was a fine young lady, an impressive individual, and I was honored to know her. My staff still has the highest praise that they got to work with her. I say to Jeff and Lisa: You did a wonderful job raising that fine young lady. And I say to not just Jeff and Lisa but to Samantha and especially Stephanie, that the lives that Jennifer affected you can never count, but she had a wonderful and amazing impact in her brief time on this Earth. Her service will not be forgotten.

With that, I want to pay great honor and to remember Jennifer Rose Cernuto for the wonderful person and the wonderful individual she was in her brief time on this Earth. I want to say thank you for the opportunity to have known her.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARLETTA (at the request of Mr. CANTOR) for today on account of severe flooding.

Mr. REYES (at the request of Ms. PELOSI) for September 12 on account of a family medical emergency.

ADJOURNMENT

Mr. MCHENRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 14, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3075. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-097, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3076. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-042, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3077. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-059, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3078. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-054, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3079. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-079, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3080. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-078, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3081. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-082, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3082. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-073, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3083. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-076, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3084. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-085, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3085. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-108, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3086. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-071, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3087. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-083, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3088. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-058, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3089. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-027, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3090. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-070, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3091. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-072, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3092. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs [CMS-4131-F and CMS 4138-F] (RIN: 0938-AP24 and 0938-AP52) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3093. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Electronic Prescribing (eRx) Incentive Program [CMS-3248-F] (RIN: 0938-AR00) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROUN of Georgia:

H.R. 2900. A bill to amend chapter 44 of title 18, United States Code, to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. BRALEY of Iowa:

H.R. 2901. A bill to amend the Internal Revenue Code of 1986 to extend increase the rehabilitation credit applicable to Heartland disaster relief; to the Committee on Ways and Means.

By Ms. CHU:

H.R. 2902. A bill to establish a grant program to ensure that students in high-need schools have equal access to a quality education delivered by an effective, diverse workforce; to the Committee on Education and the Workforce.

By Mr. DENHAM (for himself, Ms. NORTON, and Mr. HANNA):

H.R. 2903. A bill to reauthorize the programs and activities of the Federal Emergency Management Agency; to the Committee on Transportation and Infrastructure.

By Mr. DENHAM (for himself, Ms. NORTON, and Mr. DIAZ-BALART):

H.R. 2904. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GIBSON (for himself, Mr. WELCH, Mr. TONKO, Mr. HINCHEY, Mr. MARINO, Mr. OWENS, Mr. MCINTYRE, Ms. DELAURO, Mr. COURTNEY, Ms. BUEKLE, Mr. LARSON of Connecticut, Mr. HANNA, and Ms. HAYWORTH):

H.R. 2905. A bill to temporarily waive the risk management purchase requirement for agricultural producers adversely impacted by Hurricane Irene or Tropical Storm Lee so that such producers are eligible to receive assistance under the Supplemental Revenue Assistance Program (SURE), Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP), and Tree Assistance Program (TAP); to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 2906. A bill to establish dual language education programs in low-income communities; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 2907. A bill to improve airport screening and security; to the Committee on Homeland Security.

By Mr. PAUL:

H.R. 2908. A bill to protect the First Amendment rights of individuals to share their experiences and perceptions of the effects of foods and dietary supplements; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Ms. KAPTUR, Mr. DEFAZIO, Mr. JONES, and Mr. ROHRBACHER):

H.R. 2909. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China, to provide for a balanced trade relationship between that country and the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT (for himself, Mr. BARTON of Texas, Mr. SHULER, Mr. COFFMAN of Colorado, Mr. BURTON of Indiana, Mr. MARCHANT, Mrs. MYRICK, Mr. LONG, and Ms. FOXX):

H. Con. Res. 77. Concurrent resolution expressing the sense of Congress that Taiwan and its 23,000,000 people deserve membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. BOREN (for himself, Mr. DINGELL, and Mr. CUELLAR):

H. Res. 397. A resolution reestablishing the House of Representatives Page Program; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H. Res. 398. A resolution electing a Member to a certain standing committee of the

House of Representatives; considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BROUN of Georgia:

H.R. 2900.

Congress has the power to enact this legislation pursuant to the following:

Second Amendment to the United States Constitution: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Mr. BRALEY of Iowa:

H.R. 2901.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. CHU:

H.R. 2902.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8, Clause 3 and Article 1, Section 9, Clause 7 of the Constitution of the United States of America, the authority to enact this legislation rests with the Congress.

By Mr. DENHAM:

H.R. 2903.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article I, Section 10, Clause 3 (relating to interstate compacts).

By Mr. DENHAM:

H.R. 2904.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. GIBSON:

H.R. 2905.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1, clause 3, and clause 18.

By Mr. GRIJALVA:

H.R. 2906.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mrs. LOWEY:

H.R. 2907.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. PAUL:

H.R. 2908.

Congress has the power to enact this legislation pursuant to the following:

The Testimonial Free Speech Act is justified by the First Amendment to the United States Constitution, which, by protecting the people's right of free speech, clearly gives Congress the Power to stop the executive branch from censoring the dissemination of an individual's testimonial regarding the individual's experiences with foods and dietary supplements.

By Mr. SHERMAN:

H.R. 2909.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. CONAWAY, Mr. ALEXANDER, Mr. GRAVES of Missouri, Mr. CHABOT, Mr. WEST-MORELAND, Mrs. ROBY, Mr. CASSIDY, Mr. PALAZZO, Mr. POE of Texas, Mr. LATHAM, Mr. HALL, and Mr. GUINTA.

H.R. 49: Mrs. BLACK, Mr. SAM JOHNSON of Texas, and Mr. SCOTT of South Carolina.

H.R. 50: Mr. MORAN.

H.R. 302: Mr. DUNCAN of Tennessee.

H.R. 363: Ms. MATSUI.

H.R. 399: Mr. RENACCI.

H.R. 415: Ms. MOORE.

H.R. 459: Mr. SCOTT of South Carolina.

H.R. 469: Mr. TONKO, Mrs. DAVIS of California, and Ms. ZOE LOFGREN of California.

H.R. 494: Mr. STARK.

H.R. 521: Mr. ELLISON.

H.R. 574: Mr. CONYERS and Ms. JACKSON LEE of Texas.

H.R. 687: Mr. LIPINSKI.

H.R. 711: Ms. WOOLSEY.

H.R. 721: Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, and Mr. TERRY.

H.R. 733: Mr. BASS of New Hampshire and Mr. MEEHAN.

H.R. 763: Mr. FLORES.

H.R. 886: Ms. SLAUGHTER.

H.R. 890: Mr. HULTGREN.

H.R. 891: Mr. DAVID SCOTT of Georgia and Mr. ROSS of Florida.

H.R. 892: Mr. LATOURETTE.

H.R. 904: Mr. SCHILLING.

H.R. 905: Mr. MEEHAN.

H.R. 906: Mr. HONDA.

H.R. 991: Mr. HANNA and Mr. DENHAM.

H.R. 1004: Ms. HERRERA BEUTLER.

H.R. 1044: Mr. MCKINLEY.

H.R. 1054: Mr. BOREN.

H.R. 1058: Mr. MEEHAN.

H.R. 1090: Mr. CONYERS.

H.R. 1113: Ms. RICHARDSON and Ms. SPEIER.

H.R. 1116: Mr. LANGEVIN and Mr. WALZ of Minnesota.

H.R. 1134: Mr. FLORES.

H.R. 1161: Mr. MCKINLEY and Mr. ALEXANDER.

H.R. 1167: Mr. HARRIS and Mr. BUCSHON.

H.R. 1179: Mr. NUNNELEE.

H.R. 1181: Mr. MCCOTTER.

H.R. 1195: Mr. KISSELL.

H.R. 1262: Mr. MORAN.

H.R. 1281: Mr. RENACCI.

H.R. 1348: Mr. ALTMIRE.

H.R. 1370: Mr. MATHESON.

H.R. 1375: Mr. KEATING.

H.R. 1394: Mr. FILNER and Mr. POLIS.

H.R. 1459: Mr. ROYCE.

H.R. 1477: Mr. LEWIS of Georgia.

H.R. 1489: Mr. JOHNSON of Georgia.

H.R. 1490: Ms. DEGETTE.

H.R. 1523: Mr. WAXMAN.

H.R. 1581: Mr. FLAKE and Mrs. MYRICK.

H.R. 1609: Mr. GOSAR.

H.R. 1631: Mr. BISHOP of New York.

H.R. 1681: Ms. HIRONO.

H.R. 1716: Mrs. NAPOLITANO.

H.R. 1723: Ms. WATERS.

H.R. 1744: Mr. MEEHAN.

H.R. 1755: Mr. FRELINGHUYSEN, Ms. BERKLEY, and Mr. CAMP.

H.R. 1792: Ms. MOORE.

H.R. 1802: Ms. SUTTON, Mr. MEEHAN, Mr. KILDEE, Mr. HASTINGS of Florida, and Mr. SHUSTER.

H.R. 1834: Mr. ROKITA and Mr. REHBERG.

H.R. 1848: Mr. BUCHANAN.

H.R. 1873: Mrs. CHRISTENSEN.

H.R. 1898: Mr. NUNNELEE.

H.R. 1910: Mr. PASCRELL.

H.R. 1936: Mr. GIBBS.

H.R. 1980: Mr. MANZULLO, Mr. WEST, and Mr. SMITH of New Jersey.

H.R. 1984: Mr. BLUMENAUER.

H.R. 1995: Mr. STARK.

H.R. 2019: Mr. WATT.

H.R. 2020: Mr. MICHAUD and Mr. WITTMAN.

H.R. 2074: Mr. CARTER.

H.R. 2077: Mr. SMITH of Nebraska.

H.R. 2104: Ms. ZOE LOFGREN of California, Mr. MILLER of North Carolina, and Ms. MATSUI.

H.R. 2164: Mr. MARCHANT.

H.R. 2195: Ms. SCHAKOWSKY.

H.R. 2210: Mr. CICILLINE.

H.R. 2250: Mr. WOODALL and Mr. BUCSHON.

H.R. 2369: Mr. HARRIS and Mr. GUINTA.

H.R. 2377: Mr. LIPINSKI.

H.R. 2407: Mr. HASTINGS of Florida.

H.R. 2426: Mr. KLINE, Mr. DOLD, and Mr. HULTGREN.

H.R. 2432: Mr. COSTELLO and Mr. LIPINSKI.

H.R. 2447: Mr. WEST, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. DAVID SCOTT of Georgia, Mr. WATT, Mr. CARSON of Indiana, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. CUMMINGS, Ms. SEWELL, Ms. MOORE, Ms. HOCHUL, Ms. SLAUGHTER, Ms. WATERS, Ms. EDWARDS, Mr. GUTTEREZ, Ms. MCCOLLUM, Mr. MORAN, Mr. STARK, Mr. WALZ of Minnesota, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. BOSWELL, Mr. BLUMENAUER, Mr. BACA, Mr. GENE GREEN of Texas, Ms. PELOSI, Ms. KAPTUR, Ms. HIRONO, Mr. HONDA, Mr. HURT, Mr. YOUNG of Florida, Mr. RAHALL, Mr. CONNOLLY of Virginia, Mr. CLARKE of Michigan, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, and Mr. COSTELLO.

H.R. 2458: Mr. MANZULLO.

H.R. 2463: Mr. YODER.

H.R. 2497: Mr. HARRIS.

H.R. 2500: Mr. GRIJALVA, Ms. CASTOR of Florida, and Mr. JOHNSON of Ohio.

H.R. 2505: Mr. RANGEL and Ms. SCHAKOWSKY.

H.R. 2528: Mr. MARCHANT.

H.R. 2541: Mr. THOMPSON of Pennsylvania.

H.R. 2543: Mr. HOLT.

H.R. 2545: Mr. CICILLINE.

H.R. 2659: Mr. STARK.

H.R. 2668: Mrs. MYRICK and Mr. KELLY.

H.R. 2674: Mr. DAVID SCOTT of Georgia.

H.R. 2675: Mr. ROKITA.

H.R. 2679: Mr. DAVID SCOTT of Georgia.

H.R. 2689: Ms. LINDA T. SANCHEZ of California.

H.R. 2757: Ms. VELÁZQUEZ and Ms. PINGREE of Maine.

H.R. 2772: Mr. FRANK of Massachusetts.

H.R. 2787: Mr. HEINRICH.

H.R. 2825: Mr. DIAZ-BALART.

H.R. 2842: Mr. SMITH of Nebraska.

H.R. 2847: Mrs. MYRICK.

H.R. 2856: Mr. COURTNEY.

H.R. 2857: Mr. ELLISON, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. KUCINICH, and Ms. WOOLSEY.

- H.R. 2859: Ms. PINGREE of Maine.
H.R. 2860: Mr. CONYERS.
- H.R. 2864: Mr. LARSON of Connecticut, Mr. NEAL, Mr. PIERLUISI, Mr. COURTNEY, Mr. NADLER, Mr. DICKS, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. YARMUTH, Mr. COHEN, Mr. SCHIFF, Mr. McDERMOTT, Ms. TSONGAS, Ms. MOORE, Mr. PASCRELL, Mr. WAXMAN, Mr. DAVID SCOTT of Georgia, Ms. BASS of California, Mr. KEATING, Mr. BISHOP of New York, Mr. POLIS, Mr. PRICE of North Carolina, Mr. SIRES, Mr. THOMPSON of California, Mr. ROTHMAN of New Jersey, Mr. WALZ of Minnesota, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. BERG, Mrs. MILLER of Michigan, Mr. CRENSHAW, Mr. LATTA, Mr. COLE, Mr. CULBERSON, Mr. DUFFY, Mr. HURT, Mr. QUAYLE, Mr. DOLD, Mr. NUGENT, Mr. ROONEY, Mr. BROOKS, Mr. LONG, Mr. SCHOCK, Mr. ROE of Tennessee, Mr. NUNNELEE, Mr. BONNER, Mrs. ROBY, Mrs. McMORRIS RODGERS, Mr. BILIRAKIS, Mr. DUNCAN of South Carolina, Mr. SCOTT of South Carolina, Mr. HULTGREN, Mr. GARDNER, Mr. WALDEN, Mr. PAULSEN, Mrs. DAVIS of California, Mr. GUINTA, Mr. HANNA, Ms. HIRONO, Mr. LIPINSKI, Mr. BROUN of Georgia, Mr. POMPEO, Mr. GUTHRIE, Mr. BENISHEK, Mr. ROGERS of Kentucky, Mr. GIBSON, Mr. LUETKEMEYER, Mr. PALAZZO, Mr. WEST, Mr. RUNYAN, Ms. ZOE LOFGREN of California, Mr. KINZINGER of Illinois, Mr. QUIGLEY, Mr. WILSON of South Carolina, Mr. HERGER, Mr. MILLER of Florida, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. FLEMING, Mr. MANZULLO, Mr. DENT, Mr. MICA, Mr. HUIZENGA of Michigan, Mr. GRIFFIN of Arkansas, Mr. SCALISE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. RYAN of Wisconsin, Mr. ROKITA, Mr. DIAZ-BALART, Mrs. CAPITO, Mr. McCAUL, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mrs. BLACK, Mr. WOMACK, Mr. SMITH of Nebraska, Mr. STUTZMAN, Ms. HAYWORTH, Mr. GOWDY, Ms. HERRERA BEUTLER, Mr. ADERHOLT, Mr. FARENTHOLD, Mrs. ELLMERS, Mr. GIBBS, Mr. RENACCI, Mrs. SCHMIDT, Mrs. BIGGERT, Mr. KINGSTON, and Mr. YOUNG of Indiana.
- H.R. 2867: Mr. JACKSON of Illinois.
H.R. 2885: Mr. McKEON and Mr. MARCHANT.
H.R. 2887: Mr. LEVIN and Mr. LEWIS of Georgia.
H.R. 2898: Mrs. BLACKBURN, Mr. RENACCI, and Mr. YODER.
H.J. Res. 13: Mrs. McMORRIS RODGERS.
H.J. Res. 69: Mr. SABLAN, Mr. MICHAUD, and Ms. NORTON.
H.J. Res. 70: Mr. SHIMKUS.
H. Res. 25: Mr. BILIRAKIS.
H. Res. 95: Mr. GRIFFIN of Arkansas.
H. Res. 134: Mr. GEORGE MILLER of California, Mr. KINZINGER of Illinois, and Mr. McNERNEY.
H. Res. 137: Mr. SCOTT of Virginia.
H. Res. 304: Ms. DEGETTE.
H. Res. 364: Mr. FORBES, Mr. POMPEO, Mr. LUCAS, Ms. BUERKLE, Mr. BOSWELL, Ms. BROWN of Florida, Mr. CARSON of Indiana, Mr. COSTA, and Mr. CUMMINGS.

SENATE—Tuesday, September 13, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who fulfills the desires of those who have reverence for Your Name, let Your will be done today on Capitol Hill. Give our Senators a clear understanding of Your providential purposes, so that they will not deviate from Your desired plan. Inspire them to seek Your guidance and depend on You to bring them through the myriad challenges of our time. Lord, infuse them with a spirit of reconciliation that will break down divisive walls, bringing harmony and cooperation. Strengthen them for this day's journey, as Your spirit empowers them to faithfully honor You in their thoughts, words, and deeds.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will resume consideration of the motion to proceed to H.J. Res. 66. This legislation is the vehicle we need to do the FEMA funding. The Senate will recess, as we always do on Tuesdays, from 12:30 to 2:15 for our weekly caucus meetings.

FEMA FUNDING

Mr. REID. Madam President, this week the Republicans sent a message to victims of the devastating hurricanes, wildfires, and tornados. That message was "tough luck."

Last night, we tried to move forward on a measure that would grant the Federal Emergency Management Agency additional funding to help communities devastated by natural disasters. This ought to be the least political issue we have, whether to reach out a helping hand to our friends and neighbors in a time of need.

These unfortunate people have lost friends and loved ones. They have lost their homes, businesses, and livelihoods. They have been destroyed by acts of God. I went over this with my wife last night, and she said: Why would you use a term like that? Well, in the law, that is what these floods, these terrible windstorms, and these fires are—they are acts of God. We can't plan for them; they just happen. In the law, that is the term of art we use.

These people have lost loved ones and friends, and their property is underwater or literally reduced to rubble. It is in our power to help them. It is an obligation we have to help them. Last night, Republicans overwhelmingly voted to prevent us from coming to their aid. They prevented us from getting disaster aid to American families and businesses that need it now. These unfortunate people, I repeat, don't need the help next week or next month or 6

months from now, they need it now, today. It is unthinkable that Republicans would waste time catering to the radical tea party while innocent victims of devastating disasters bide their time. One of the leaders of the tea party, a Member of the House of Representatives, has said very publicly that we should get rid of FEMA. But this is not a nation that stands idly by while our fellow Americans suffer. We are a nation of action. That is what we have always been. When it is in our power to aid a fellow citizen, we have always done what it takes. We have done it without politics, without pandering, without a moment's delay—until today.

This year the United States has dealt with more than its usual share of terrible natural disasters. Hurricane Irene is estimated to be one of the most costly disasters ever to hit this country. It caused flooding and wind damage from Florida to Maine. That is a long ways. It is a huge coastline. But its damage was not only to the coastline. Interior States such as Vermont suffered terrible damage, hundreds of bridges in Vermont, and scores of bridges in the State of the Presiding Officer, the State of New Hampshire. Crops were drowned all over the Northeast. It is rarely that this has ever happened.

Just a few short weeks ago an earthquake such as we have not had in this part of the country for 65 years occurred. The epicenter was in Virginia. It was felt by tens of millions of people in every corner of the Eastern United States. It damaged buildings in Richmond and closed the Washington Monument. The National Cathedral had some of its spires damaged. It is closed now. The 9/11 celebration was to take place there. They had to move it to the Kennedy Center. Some of the spires were knocked off the Mormon Temple that we see as we drive down the beltway. There was record flooding on the Mississippi and Missouri that cost lives and devastated farmland.

To get a picture of the devastation, 3 million acres of farmland is underwater now. This is not rice that grows there, these are crops that need to be away from that much water. It is devastating to farmland in that part of the country.

In February a massive blizzard buried the Midwest and Northeast with as much as 3 feet of snow, paralyzing the city of Chicago, and 36 people died. Even now, firefighters are battling terrible wildfires that have ravaged for weeks and weeks across central Texas. Those fires have killed people and driven residents from their homes, homes

they will never see again. In Texas, 2,000 homes have been burned to the ground. Since January, Texas has reported—this is not a misstatement—20,000 fires. Some of the small fires developed into big fires, burning almost 4 million acres of land. The State Forest Service in Texas responded to 19 new fires on Sunday alone, in 24 hours—almost a new fire an hour in Texas.

This year President Obama has issued disaster declarations in 48 States, and it is only September. Some States have had multiple disasters. The United States has had \$10 billion worth of disasters already this year. It is no wonder there are limited moneys left in FEMA's Disaster Relief Fund. FEMA has spent about \$400 million in the last 2 weeks alone making whole American families, victims of Irene and Lee, a tropical storm and a hurricane.

In short, FEMA is running out of money. They are almost broke. Funds are so low FEMA stopped rebuilding Joplin, MO, where more than 150 people died in that terrible tornado. FEMA has programs where they were rebuilding the schools and some of the public services that were so necessary. But they wanted to have enough money to supply the food, water, and emergency housing for victims of Hurricane Irene, so they pulled out of Joplin, MO.

We have seen the pictures. It is hard to comprehend what winds blowing almost 300 miles an hour do. They just eliminate everything on the ground. Any structure was eliminated.

This is not some Democratic idea that has come about, that we need to fund FEMA. Republican Governors are desperate for money. They have seen the destruction firsthand. I will pick just two: the Governor in New Jersey, Governor Christie, said this:

Our people are suffering now and they need support now.

Governor McDonald of Virginia said this:

My concern is that we help people in need.

He responded in that way because the Republican majority leader of the House said what we need to do is make sure these emergencies are paid for by taking money from programs that are now in existence.

We cannot be held hostage on that issue to appease the tea party. Hundreds of millions of dollars in disaster recovery projects are on hold. I mentioned Joplin, MO, as just one example. No matter how often we wish for a crystal ball, the process of guessing how much money we will need for natural disasters is not perfect. We have tried, but this has been a very devastating year. Each year Congress estimates how much it will cost this country to recover from inevitable storms and fires and floods, and then it reacts to what Mother Nature sends our way.

Now is the time to react. It is time to show Americans, as we did in the wake of September 11, that when disaster

strikes the Federal Government will be there to help rebuild.

These are very hard personal issues. Here in a Virginia suburb, a 12-year-old boy was out watching it rain. He was swept off his back step, and he is dead. Scores of people have been killed just in Lee and Irene. It is time for Republicans to prove that this Congress, for the first time, is willing to put politics aside for the good of the American people.

FEMA is an issue that is bipartisan in nature. Those storms don't just hit Republicans; they don't just hit Democrats; they don't just hit Independents; they hit us all. That is why we have to react to help people in America because they have been hurt.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE JOBS PLAN

Mr. MCCONNELL. Madam President, last week President Obama came up to Capitol Hill to unveil a stimulus bill he is calling a jobs plan, and yesterday the White House explained how they would like to pay for it. The first thing to say about this plan is that it is now obvious why the President left out the specifics last week. Not only does it reveal the political nature of this bill, it also reinforces the growing perception that this administration is not all that interested in economic policies that will actually work.

But none of this is news. Over the past few days, press reports have made it perfectly clear that this legislation is more of a reelection plan than a jobs plan. It is an open secret which Democrats all over Washington have been acknowledging to reporters since the moment the President revealed it. They have said that despite the President's calls to pass this bill immediately, the real plan is to let it hang out there for a while so Democrats can use it as an issue on the campaign trail. What is more, the President knew as well as I did when he unveiled this plan that Democrats in the Senate had already scheduled a full slate of legislative business for the next few weeks. So unless the White House wants to admit that it has no regard for its own party's legislative business in Congress, the President's call for immediate action was clearly little more than a rhetorical flourish.

But the specifics we got yesterday only reinforced the impression that this was largely a political exercise. For one, they undermined the President's claim that it is a bipartisan proposal because much of what he is proposing has already been rejected on a bipartisan basis. The \$½ trillion tax

hike the White House proposed yesterday will not only face a tough road in Congress among Republicans but from Democrats too.

The central tax hike included in this bill, capping deductions for individuals and small businesses, was already dismissed by a filibuster-proof, Democratic-controlled Senate in 2009. Another idea floated by the White House yesterday, a tax on investment income, has been vehemently opposed by the No. 3 Democrat in the Senate, among others. A proposal to raise taxes on the oil and gas industry was rejected as a job-destroying tax hike by both Democrats and Republicans just a few months ago, and for good reason, since the nonpartisan Congressional Research Service tells us it would not only raise gas prices but, in addition to raising gas prices, would move jobs overseas. So claiming this bill is bipartisan may sound good if you are out there on the campaign trail, but surely the President could come up with some proposals that both sides had not already rejected.

Here is how one prominent left-leaning analyst put it yesterday: "These aren't new policy ideas," he wrote. "The Obama administration has been looking to cap itemized deductions since the 2009 budget. Nor are they bipartisan policy ideas. . . ."

The specifics we got yesterday were disappointing for another reason as well. Not only have they failed to attract wide bipartisan support in the past, even if they did enjoy bipartisan support they wouldn't create any jobs. The President knows raising taxes is the last thing you want to do to spur job creation. He said so himself. Yet that is basically all he is proposing: temporary stimulus to be paid for later by permanent tax hikes so that when the dust clears and the economy is no better off than it was after the first stimulus folks find themselves with an even bigger tax bill than today.

The President can call this bill whatever he wants, but in reality all he is doing is proposing a hodgepodge of retreat ideas aimed at convincing people that a temporary fix is permanent and that it will create permanent jobs, and then daring Republicans to vote against it.

I think most people see through all of this. I think most Americans are smarter than that. I think they know our economic challenges are more serious than this and that they require serious long-term solutions. I think the American people realize we can do a lot better.

I have talked with a lot of job creators over the past few weeks, including many in my own State. It is no secret that they need to create jobs. Every one of them says the same thing. Yet the President refuses to do any of it.

If the President is truly interested in growing the economy and putting

Americans back to work, then he will leave the temporary proposals and the half measures and the tax hikes aside. He will consult with both parties and work with us on a plan that indicates he has learned something from the failures of the past 2 years and which actually has a chance of attracting bipartisan support.

He could start with a permanent reform of our broken tax system, reducing out-of-control Federal regulations, and by passing the trade bills that have been sitting on his desk since Inauguration Day 2009. All of this is doable, all of it should attract bipartisan support, and all of it would actually create jobs. That would be a jobs plan worthy of the seriousness of the moment.

But make no mistake, what the President proposed so far is not serious, and it is not a jobs plan. After what we learned yesterday that should be clear to everyone.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

THE PRESIDENT'S JOBS SPEECH

Mr. DURBIN. Madam President, I listened carefully to the statement made by the Republican leader. I noticed that for the last few days the Republicans have been very quiet and calm and circumspect in their reaction to the President's speech to a joint session of Congress last Thursday night. The President, of course, came to us and said this economy needs a helping hand; we have to step in and do something. We have to act and act now. He came up with a list of proposals Thursday night that I think really do address what America needs: First and foremost, to create jobs—that is the No. 1 priority. The President says we will do this by creating tax incentives for small businesses in particular to hire people who have been unemployed and to give raises to those who currently work.

He knows families are struggling across America, working families, middle-class families. Many of them are living paycheck to paycheck. A recent

poll asked working families in America how many could come up with \$2,000 in 30 days, either from savings or borrowing, to meet a medical emergency, for example. It turns out barely half of the working American families polled can do so. Barely half of them could come up with \$2,000. It is a reminder to many of us who have a comfortable life that the vast majority of working families struggle every single month to make ends meet. President Obama understands that, and that is why he has proposed a payroll tax cut that will put more money in the hands of working families. In Illinois, it will be an average of about \$1,400 a year. I wish it were more, but it is a recognition by the President that to get this economy moving again, people have to have more confidence in their own situation at home and more confidence in the future. Giving working families this spending power can make that difference.

The President also understands and I am sure the Presiding Officer understands as well that many of the families who are unemployed now are desperate. I visited with many of them during the August recess, going to the Elgin Work Center and to others in McHenry County. I sat down with these people who have been out of work for months—some even years—and asked them: What is your day like? They come to these job centers, they sit down, and they work on their resumes. They pore through all of the want ads, they pore through all of the information about people seeking new employees, and they send out their resumes as quickly as possible. Of course, very few of them get any response at all.

It is a desperate situation. Some of them have lost their homes. Some of them are seeing their kids returning from college, unable to continue their studies because Dad is out of work. Some of the marriages that have been involved have been strained and some have failed because of this economic hardship. The President understands that, and I hope we do too.

Unemployment compensation is absolutely essential as a lifeline to these families, and the President makes that part of his package.

When I hear the Republican leader call these suggestions a hodgepodge, I don't think he is fair and I don't think he is just. Take a look at the specifics: incentives for businesses to hire new workers, payroll tax cuts for working families for more spending money in hand, unemployment compensation for those who are out of work so they can survive.

The President also focuses on critical people. How many of us in the last 48 hours have given a speech somewhere at home or here talking about the great first responders of 9/11? The policemen, the firefighters, the medical professionals who literally risked and

some even gave their lives in response to that national emergency. We know what is happening across America. Many of these policemen and firefighters are losing their jobs, along with teachers. The President understands that, and he puts resources into saving some of those jobs so that we can have the protection we need in our communities and the teachers we need for the next generation of workers.

President Obama believes, and I agree, that we need to invest in America. When we build the infrastructure in America that will serve us in the 21st century, we create good-paying jobs right here at home. These are not jobs you can ship overseas. President Obama understands that. That is why that is a major part of his proposal. We are talking about highways and bridges and airports and ports and waterways and schools. The President understands that investment in America not only helps us today in invigorating the economy but will pay off for generations to come.

There were very few lines the President gave at his speech that drew standing applause from the Republican side. I felt at one point that the temperature of the Republican side of the aisle in the House Chamber was 40 degrees below that on the Democratic side. It was cold over there. There was one line they finally acknowledged, and that was when the President said: For goodness' sake, we owe it to our veterans who have come home to put them to work. To know that 10 percent of those people who risked their lives for America are now back home and in unemployment lines is absolutely unacceptable, and President Obama recognizes that in what he has called for to get this economy moving forward.

I don't think the Republican leader is fair in calling this a hodgepodge. It is a carefully constructed plan to get this economy moving forward. What really troubles the Republican leader—and I know he said as much this morning—is that President Obama pays for it. Over and over, we hear from the Republican side: Don't add to the deficit. Pay for what you do.

The President came out yesterday with his proposal of how to pay for it. How does he pay for it? For one, he takes away the subsidy to the oil companies. There is a Federal subsidy that comes out of the Treasury and goes to oil companies across America, raises gasoline prices through the roof, making them able to enjoy the biggest business profits in the history of the United States. Isn't it time to cut back on that subsidy and use those resources for the President's plan to get the economy moving forward?

The President limits the tax deductions and credits for those in higher income categories. I find it hard to understand why the Republican position is that we cannot ask those who are

well off, the most comfortable people in America, to pay one penny more in taxes. Their position is absolute: not one penny more in taxes for the wealthiest in America. I think it is fair to limit the tax cuts to the wealthiest so that we can provide tax cuts for working families. That is sensible. It is not only morally right, it is economically right, and it troubles me when I hear the Republican leader reject that out of hand.

It appears that the warmth of the August Sun is cooling now in September, and those who went home and heard how unhappy America is with congressional roadblocks and obstruction have forgotten that lesson. They have forgotten what they heard. They are coming back now and saying that once again we are going to have a face-off and a confrontation.

DISASTER RELIEF

Mr. DURBIN. There is one other area I wish to speak to. I know my colleague from New York is going to be on the floor shortly. The area I wish to speak to is disaster relief.

I strongly support the disaster relief funding bill. As Americans undertake the physically and emotionally difficult task of rebuilding, cleaning up, and recovering from hurricanes and flooding and even earthquakes, we must see that the Disaster Relief Fund is there so they can get back to their own lives as quickly as possible.

The year 2011 has been a record year when it comes to natural disasters. The cost of recovery from Hurricane Irene alone could reach \$1.5 billion. We have seen it this year in Illinois. It has been tough from Chicago to Cairo in the southern portion of our State. We have had blizzards and floods and tornadoes and troubles all around. Our State, like most other States, has seen the damage and has felt it personally. People are trying to put their homes back together again.

Here is a photo—I saw this in person when I visited the State earlier this spring—around Cairo in the southern part of the State. It was an awful situation. We had flooding along the Ohio River that troubled and bothered the folks who live in southern Illinois as well as Kentucky and adjoining States, Missouri. Some of our towns, such as Cairo, were literally threatened with being inundated. They had to blow levees, which basically means to open up a place for the river water to flow. That flooded farmland in Missouri and Illinois, and we have to be sensitive to the fact that there were real losses there that need to be paid for. That record flooding really slammed the southern part of our State. The devastation was felt in the entire region.

The damage was not just there. I hear from people throughout the southern part of the State who are still

struggling today because of this flooding. Anthony Miles in Urbandale, IL, is an example. Flooding from the Ohio River rose so high that he could not even find his lawnmower in the front yard. All he could see was the river water. In Metropolis, IL, my friend Mayor Billy McDaniel said that people are still trying to get the floodwater damage repaired in that town months later. Harrah's casino in Metropolis, which is a major employer and source of revenue in that area, was completely inundated with water, and hundreds of thousands of dollars in repairs need to be done.

Some argue when it comes to these disasters that we cannot afford to help people in America. It appears to me that the guiding principle and motto of the tea party in America is this: Just remember we are all in this alone. That is what we hear over and over from them. Whenever we have a problem facing us in America where we come together as a family to solve it, the tea party stands on the sidelines and says: Don't do it. Let them fail.

This morning, Senator REID quoted a leading tea party advocate in the House who said: The Federal Emergency Management Agency should be put out of business.

I wonder where he lives. I wonder if his home has been spared. I wonder if he has seen people who through no fault of their own have lost everything because of a disaster. When that happens in America, we step in and help one another. We don't get tied up in some political debate. We don't find ourselves completely stopped from stepping forward and doing what is right, and we can't let it happen this time either.

Those who say we have to cut other government programs and education, medical research, for example, to pay for the devastation, whether from Hurricane Irene or flooding or earthquakes or tornadoes, I just don't think they understand there are critical areas of government spending that have been cut back already, and to cut them even further would jeopardize the future of this country and the well-being of many families.

I wanted to show a chart here which demonstrates the amount requested by the administration over the years by different Presidents for the Disaster Relief Fund. In each and every one of these cases, regardless of whether it was a Democratic or Republican administration, how much of these funds do you think were offset with funds from other accounts in the Federal budget? None. Zero. In 2000, when more than \$3.5 billion was appropriated for disaster recovery, how much was offset? None. In 2005 and 2006, when communities all over the South were recovering from Hurricane Katrina and more than \$2 billion was appropriated each of these 2 years for recovery, how much

of that was offset? None. Under Republican Presidents, such as President Bush, as well as Democratic Presidents, such as Presidents Clinton and Obama, we have not required offsets in the rest of the budget when we have literally faced a disaster. We have stepped up, provided the money, and moved forward.

The number and cost of disasters have grown dramatically over the past few years. I do not want to engage the Senate in the debate about climate change because I know people get red in the face and want to come to the floor and tell us their political views of the science of this question. But I will tell you this: The property and casualty insurance industry of America testified before my committee recently and said they see what is coming—more disasters and more costs than we ever imagined. One of the experts said to be prepared to say every summer of your life from this point forward: This is the hottest summer I can ever remember. That is what the future is going to hold.

As these temperature swings get worse and worse, they precipitate these terrible storms. I am not an expert on much, but I am perhaps a little bit of an expert after almost 30 years of flying 48 roundtrips a year between Illinois and Washington, flying on commercial airplanes. I think I know a little bit about that, maybe even a little more than most. This is one of the roughest periods I can remember. For the last several months, the storms and turbulence have been greater than I can ever recall. I hope it is an anomaly. I hope it never happens again. We are told by the experts it is likely to continue. It means more storms, more damage, more disasters, and we do not have the funding here in Washington waiting to pay for it.

We have to step forward as the need arises and meet our obligations to the families and businesses that have been negatively affected. We know that this damage which I showed in the southern part of my State reaches all over the State. This is an area of Galena, IL, the home of General Grant, the President, Ulysses S. Grant, and this area in the northwest part of my State also has been flooded, causing extreme damage to the people in the area. It is just another example of what we have been through.

If we freeze the money for disaster relief, as some have suggested, it would mean the repairs being made to recover from floods and storms from April and May will not be reimbursed. From Metropolis, IL, and southern Illinois, they are facing damage there that needs to be repaired—the city of Carmi as well.

On Friday, President Obama requested \$5 billion in new disaster funding, \$500 million in supplemental money for fiscal year 2011. The President recognizes 2011 has been an exceptional year for natural disasters and

that the recovery from Hurricane Irene alone could tax FEMA beyond what it is capable of providing.

This money is desperately needed for the families and businesses trying to clean up and put themselves back on track. I strongly support the supplemental appropriations for the disaster relief fund. Let's help our fellow Americans get back on their feet.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT PATRICK HAMBURGER

Mr. JOHANNIS. Madam President, I rise today to honor a fallen hero, Nebraska Army National Guard Staff Sergeant Patrick Hamburger, a native of Lincoln who later settled in Grand Island, Nebraska.

Staff Sergeant Hamburger served his country as a flight engineer while mobilized with the Nebraska Army National Guard's Company B, 2nd Battalion 135th General Support Aviation, based in Grand Island. Staff Sergeant Hamburger and 29 fellow soldiers paid the ultimate price in support of Operation Enduring Freedom on August 6, 2011. He was the crew chief on the Chinook helicopter downed by enemy fire in Afghanistan. It is through extraordinary sacrifices such as his that we are able to enjoy the freedoms we have today.

Staff Sergeant Hamburger's unfaltering devotion to duty and pride in his country went beyond the time he spent in uniform. Patrick lived to help others. From his childhood in Lincoln, to mentoring fellow soldiers, those who knew him recall that he was always looking out for others. Patrick's brother Chris remembers his kind spirit by stating:

He didn't worry about himself half as much as he worried about everyone else. You could have been a complete stranger and if he could have helped you, he would have done it.

Thirteen years ago, that mentality and sense of patriotism led a young high school senior to take an oath to support and defend the Constitution of the United States and the State of Nebraska against all enemies, foreign and domestic. That oath brought opportunities for Staff Sergeant Hamburger to share his mechanical talent with his fellow soldiers.

Those closest to him will tell us his pride and joy were his family, his friends, and the "V-Day Express," the

Chinook helicopter he maintained. He loved being a soldier, and he took great pride in his service.

The decorations and badges earned during his 13 years of distinguished service speak to his dedication and to his skill: the Bronze Star, the Purple Heart, the Army Reserve Component Achievement Medal (4th Award), the National Defense Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Armed Forces Reserve Medal (with 10 year device), Armed Forces Reserve Medal (with Mobilization Device), the Noncommissioned Officer Professional Development Ribbon, the Army Service Ribbon, the NATO Medal, the Combat Action Badge, the Senior Aviation Badge, the Nebraska National Guard Homeland Defense Ribbon (with M device), the Nebraska National Guard Emergency Service Medal, the Nebraska National Guard Service Medal (10 year device), and the California National Guard Commendation Medal.

These medals, as well as Sergeant Hamburger's willingness to serve others in need, speak clearly to his commitment to upholding the values and ideals that all Nebraskans hold dear. We are proud of his character and the ways in which he represented Nebraska. I am confident that in the coming months, Nebraskans will surround and uplift his family and friends as they mourn the loss of a truly remarkable son, brother, and friend.

Today, as we bow our heads with the Hamburger family, I ask that God protect our servicemembers, both here and overseas.

We are truly grateful for the service and sacrifice made by those in uniform and their families.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.J. Res. 66, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the joint resolution (H.J. Res. 66) approving the renewal of the import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. The Senator from Vermont.

DESTRUCTION FROM HURRICANE IRENE

Mr. LEAHY. Mr. President, I have spoken to so many of my colleagues—I know I have with my good friend, a distinguished Member of this body, the Senator from Montana, and others—about what has happened in Vermont. We are a little State. We are 660,000 people. We are a State that has sent volunteers all over the country where people have been hit by earthquakes, tornadoes, hurricanes, and flooding, but now Vermont has been hit.

I was born in Vermont. My family came to Vermont in the 1800s. The only thing that could even begin to match what we have seen were the horrible floods of 1927. I was not alive then, but I remember the stories my parents told me. Certainly in my lifetime we have never seen anything like this. Vermont continues to grapple with the aftermath of Tropical Storm Irene. It does not make a difference if you are a Republican or a Democrat, all Vermonters are joined together to rebuild after this disaster.

I wish to call the Senate's attention today to the severe and extensive damage done to our State's transportation infrastructure and to how the washed out roads and bridges are affecting the lives of all Vermonters.

Here are a few of the scenes of the destruction. This was a main highway. You can see one lane here. Look what happened. The road does not begin to pick up again until we get over here. That was a highway that had been used for decades. It is Route 100, south of Plymouth.

Plymouth, VT, is where Calvin Coolidge was born. He was spending time there with his father when he got news that he had suddenly become President and was sworn in by his father, who was the justice of the peace. The deputy sheriff thought they may need security so he stood there with a pitchfork in one hand and a lantern in the other.

But this photo shows you what has happened. They tried to build a temporary bridge up there. As you know, being from a northern State, Mr. President, we are going to have snow in Vermont in a matter of weeks and, of course, companies stop making asphalt in early November.

This is a photo I took of U.S. Route 4. I took it from a helicopter when Governor Shumlin and I toured the State immediately after Irene. It is a major east-west route across Vermont. Again, look at this. We can't see one of the lanes of the road. It would have gone just like this, but it is gone, and look how deep it is. That is because this

river moved from where it had never been before and tore it out.

Governor Shumlin, the Governor of our State, General Michael Dubie, the head of our National Guard, and I toured the damage around Vermont by helicopter immediately after the storm. We actually needed the helicopter because many of the places we went were unreachable on the ground.

This third one is the New England Central Rail Line in central Vermont that hosts Amtrak's Vermonter train. One can actually get on the Vermonter here in Washington and take it to New York and go up through New England to Vermont, which I have done a number of times. Economic Recovery Act funds had just repaired this line to nearly mint condition. Look at it now. We couldn't take a train across it. It has sunk out from underneath the track. That is a pretty horrific situation.

This shot was taken along Vermont Route 30 in Jamaica, VT, or what is left of it. This is while rains from the remnants of Hurricane Lee fell on Vermont. We just got hit and hit and hit up there. We can see work crews trying desperately to stay ahead of the rising water and some of them, frankly, risking their lives to do that.

I might say, in that regard, we have had people come in to help out. I told the two Senators from Maine yesterday, we had highway construction people from Maine—crews, some on vacation—who came down and helped. In response, when we thanked them, they said: You helped us; we will help you. The Presiding Officer knows rural America. He knows we pitch in to try to help each other.

Unfortunately, this is just the tip of the iceberg. Roads, bridges, and rail lines all over the State have been wiped out. I apologize to my colleagues for being emotional, but this is my State. This is my home. It is the home of my ancestors. We have seen flooding close more than 300 town and State roads and damage more than 30 bridges, stranding people in more than one dozen towns for days. Damage to the State's Federal aid roads and bridges will exceed \$½ billion in our little State. It is going to take years and years to recover.

It has been extremely difficult to move emergency supplies and building materials around. Some of the washed-out roads have gaping gullies in the middle that are 30 feet or more deep. One can't drive a truck over that. Some of the reopened roads and bridges are not yet recommended for heavy traffic.

The consequences have been harsh. Residents are forced to make a 30-mile-plus detour to the nearest grocery store or doctor on mountain roads, many of them dirt roads. Businesses are struggling to reopen, rehire their people, and then to find new customers.

Schools have been forced to remain closed until repairs are made, and children are wondering—adding to the trauma of what they have seen—when they are going back to the normalcy of going to school. Tourists are worrying about traveling to Vermont this fall to see the foliage or this winter to do some skiing. These are major industries in our State.

The end of construction season in Vermont is fast approaching. As I mentioned earlier, by November, it will be too cold to lay asphalt. By December, snow and ice will cover the mountains, leaving many towns dangerously isolated. My home was safe, but I live on a dead-end dirt road. It is 2 miles to the nearest paved road. I know how easily these dirt roads can be disrupted.

I applaud the Vermont Agency of Transportation and the Vermont National Guard—along with the work crews and Guardsmen from States all around the country—because they are moving quickly to make emergency road repairs and install temporary bridges. Governor Shumlin, General Dubie, and I had to helicopter into one town because it was the only way to get there. At least now it has a temporary road. But these are lifelines to the hardest hit communities. We need to make more permanent repairs as soon as possible or future rains and the fall's freeze-thaw cycle will further deterioration of our roads and make them all but impassable in the winter and cut off major parts of my State.

Given the breadth and depth of Irene's destruction, on top of the disasters already declared in all 50 States, we have to ensure that FEMA and the Department of Transportation have all the resources they need to help our citizens in their desperate time of need.

The other night the President addressed the Congress and the Nation from the floor of the House of Representatives. On his way in, he leaned over and said to me: I am thinking of your people in Vermont. That means a lot. I applaud him for issuing the emergency declaration very quickly and then making adjustments when we needed them.

We have to replenish the FEMA disaster relief fund and the Federal highway emergency road fund, both of which are at dangerously low levels right now, not just for Vermont but for every other State that has been hit with the same kind of problems. Without supplemental funding to these and the other emergency accounts, Vermont and all the other 49 States with ongoing Federal disasters are not going to have the resources to rebuild.

Americans should be worried about Americans. The kind of money we are talking about we throw away in Iraq and Afghanistan in 1 week's time and we do it on a credit card and we say we don't have to pay for it. Now we have

some say: If we are going to help Americans, we better find out some way we can pay for it. What can we take away from other Americans to help these Americans? Can we take away from education, medical research, housing?

Let's start thinking about America. We have seen the billions, eventually trillions, we have spent trying to rebuild Iraq and Afghanistan, and we know how much that is appreciated. These are Americans who do appreciate and need the help.

Let us come home. Let us take care of the needs in America. There is so much on the line, so starkly for so many, it would be horrible and unseemly to play politics with disaster relief. We have never done this before.

I was heartened, as I came into one, badly damaged town and I got an e-mail from a very conservative Republican Senator who said: PAT, you helped us when our State was hit. What can we do to help your State? That is the kind of bipartisanship, Republicans and Democrats, have displayed in the past to come together.

Thousands of American families and businesses have been devastated by an unprecedented series of floods, tornadoes, hurricanes, and wildfires—look at the pictures out of Texas—and other disasters over these years. The people are hurting out there. They are not thinking about Democrats versus Republicans or red States versus blue States. They are saying: We are Americans. We help everybody else; we can at least help ourselves. People are desperate for a helping hand from their fellow Americans. We are one Nation. We have traditionally come to the aid of our fellow Americans in times of need.

In my 37 years in the Senate, we have always dealt with disaster bills together. We haven't cared whether it was a Republican State or a Democratic State or Democratic or Republican President. We have worked across the aisle, in the spirit of bipartisanship, in the best interests of America and in the best tradition of our country. As a nation, can we afford to toss that tradition and cooperation overboard? It is unconscionable that a small number decided to inject politics and political point-scoring into a situation that already is so difficult and so laden with grim realities for so many of our fellow citizens. Go and talk to a farmer who has seen his herd decimated and tell him that. Go and see a small business owner who is a major employer in a small town who is saying: I don't know how I can keep hiring these people. Go and tell a child who has asked their parents when the road will be done so we can go to school or visit grandma. Tell them. Tell them.

Leader REID is right to bring an emergency disaster relief package to the floor that will give aid to all 50 States suffering from the effects of unprecedented natural disasters. I state

the obvious when I say we need Republican cooperation to get this urgent job done. I encourage my colleagues to end this shameful filibuster of the disaster relief bill. Let us proceed to a full debate on how to help our fellow Americans—our fellow Americans—as quickly as we can.

I have taken a lot of time of the Senate. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to talk about the urgent need for FEMA disaster funds, which is under this Burma joint resolution. I was very concerned when I heard some of my colleagues in the House of Representatives demanding that spending cuts be in exchange for supplemental disaster relief funds. Last night, we could not even pass a procedural vote to proceed to a bill that would provide this needed relief. This raises the question, What kind of country are we? Are we a country that takes care of the victims of disasters without hesitation or reluctance or are we a country that engages in misguided debates in the midst of a disaster when our citizens need us the most?

My State of Minnesota has seen its fair share of natural disasters over the last few years. In the past year and a half, President Obama has declared seven Federal disasters in my State. I have seen the devastation Mother Nature can cause. I have seen communities that desperately need Federal assistance to recover. Northwest Minnesota has seen the phenomenon of 100-year floods turn into nearly annual events. Every spring, towns in the Red River Valley of the north hope that this year will not see another record-setting flood.

This spring, I visited Georgetown, MN, and watched as they built emergency earthen levees to protect their town. The town had run out of the clay needed to build their levee, and the only choice left for them was to dig up their baseball field—their park, the diamond and the rest of the park. I watched as they dug up the heart of their community to protect their homes and businesses.

That same day, I visited Oslo, MN. Flooding in the Red River turns Oslo

into an island town. Residents are cut off from the rest of Minnesota for weeks as the Red River floods all of the surrounding roads. That night, as I left, I was one of the last cars to make it out of town before all the roads were closed, and its residents prayed that the temporary levees would hold.

The residents of Georgetown and Oslo were doing what they could do to protect themselves, but not all disasters can be anticipated. On June 17 of last year, storms brought 39 tornadoes, 26 funnel clouds, and 69 reports of hail in Minnesota. Three Minnesotans died.

The town of Wadena was hit the hardest; 234 homes were damaged. The roof was torn off the high school, and the county fairgrounds and community center were destroyed.

After a disaster, Minnesotans have enough to worry about. It would be terribly unfair to pile politics on top of their worries. Natural disasters just happen. They are acts of God, and they happen without warning. Minnesotans need to know, when their State and local governments are overwhelmed, that their Federal Government will be there to help them recover. Every State needs to know that; we are one country. And they need to know we will not play politics with their lives and their livelihood.

Many of the same people who are demanding that we offset the costs of natural disasters have voted year after year to fund our wars in Afghanistan and Iraq without paying for them. Some have done this for nearly 10 years now. They have passed on well over \$1 trillion in debt to our children to finance wars that have not been a surprise and that we could have and should have been budgeting for from the beginning.

For the last 10 years, we have paid for wars by borrowing from countries such as China willing to finance our debt and by giant emergency spending bills, as they are called. That is unusual in American history, where wars usually prompt reevaluations of our fiscal policy.

This spring, I introduced my Pay for War resolution to address this fiscal irresponsibility. My resolution would simply require that war spending be offset in the future. To be sure, there can be real emergencies that require the immediate exercise of military force with its attendant costs. That is why my resolution allows the offset requirement to be waived in such emergencies. But when you know year-in and year-out that you are going to be at war, you should budget for that and not just pass the costs on to your children.

Iraq and Afghanistan have cost us well over \$1 trillion, and we will be paying for years to care for the veterans who came back with the wounds of war. That did not singlehandedly create our deficit problem, but it sure

made it a lot worse. Yet many of the same people who now demand that we must offset disaster spending for Americans who have lost their homes or are suffering otherwise have been fine with spending staggering sums of money on our wars—without offsetting them. Doesn't that seem just a little hypocritical? I wonder, what kind of mindset does it take to conclude that it is OK to pass on to your children the costs of war. Yet, when Americans have lost their homes or had their communities destroyed, it is not OK to respond to that emergency in an appropriate way? It just does not make sense to me.

When Congress plans its spending, it can and should be accounted for through a budget. But when emergencies arise—and natural disasters are the quintessential emergency—we should not hesitate to act for the good of the American people. I believe the United States of America is a country that protects its citizens when they are at their most vulnerable. I hope this Congress will confirm that conviction by voting for emergency aid to the communities across this Nation that have been devastated by natural disasters.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as you no doubt know, the State of Vermont has been hit very hard by Hurricane Irene. The storm caused widespread flooding, resulting in a number of deaths, the loss of many homes and businesses, and hundreds of millions of dollars in damage to our property and our infrastructure. I have visited many of the most hard hit towns, and I was shocked and moved by the extent of the damage. Many of these towns still today have very limited access because the roads and bridges that link them to the outside world have been destroyed. Irene will go down in history as one of the very worst natural disasters ever to hit the State of Vermont.

Let me take this opportunity again to thank everybody who has lent a hand to help their friends and neighbors stricken by this disaster. I especially wish to commend and thank our emergency responders—they did a fantastic job—the Vermont National Guard and our local officials for all they are doing to assist communities and individuals in getting back on their feet.

We still do not know the cost of this disaster, but let me share with you just a few preliminary figures, and really this is quite remarkable, remembering that Vermont is a State of about 630,000 people, with approximately 200,000 households.

Today, already more than 4,200 Vermonters—and by and large, those are households—have registered with FEMA. With 200,000 households, we

have over 4,000 that have already registered with FEMA.

To date, there have been more than 700 homes confirmed as severely damaged or totally destroyed. Again, we have about 200,000 households and 700 homes have been confirmed as severely damaged or completely destroyed.

More than 72,000 homes across the State were left without electricity. That is about one-third of the total. Thousands lost phone service. And in some areas, these services have still not been restored.

The storm knocked out 135 segments of the State highway system as well as 33 State bridges. Thirteen communities were completely isolated for days. Thirty-five roads and bridges are still shut down, while many others are only open for emergency services.

Hundreds of farms and businesses have been destroyed, undermining the fabric of our rural economy.

Our Amtrak and freight rail services were completely suspended, as tracks literally washed into rivers. One of our two Amtrak lines is still down today.

The State's largest office complex—we have a very large office complex in Waterbury, VT, near our State capital, in which 1,600 State employees go to work every day. It is the nerve center of the entire State. That complex was flooded. Those 1,600 workers have not been able to return to their offices, disrupting the ability of the State to deliver critical State functions.

At least 90 public schools were either directly damaged or inaccessible because roads washed out and could not be opened on time. Five public schools remain closed until further notice.

This is but a short list of the devastation experienced by the State of Vermont as a result of Hurricane Irene. I know that, as in times past, we will pick up the pieces and restore our homes and businesses. That is what Vermonters will do. Vermont communities stick together in hard times, and it has been absolutely amazing to see the volunteer efforts taking place from one end of the State to the other. What comes to mind now: police officers from the northern part of the State relieving their brothers and sisters in the southern part of the State who are under stress. We are seeing that in almost every area—strangers coming to help people whose homes and businesses were flooded. But the simple fact is, Vermont can not do it alone, nor can any other State hard hit by disasters. The scale of what Hurricane Irene did is overwhelming for a State of our size. The Federal Government has an important role to play in disaster relief and recovery. Historically it has, and today it has.

When our fellow citizens in Louisiana—and I see the Senator from Louisiana here—suffered the devastation of Hurricane Katrina, people in Vermont, in a very deep sense, were

there for them. When the citizens of Joplin, MO, were hit by the deadly tornadoes, people on the west coast were there for them. When terrorists attacked on 9/11, everybody in America was there for New York City. That is what being a nation is about.

The name of our country is the United—U-n-i-t-e-d—States of America, and if that name means anything, it means that when disaster strikes one part of the country, we rally as a nation to support our brothers and sisters.

I would like to thank, in that context, Majority Leader REID and Senator LANDRIEU for their commitment to drafting a disaster relief supplemental appropriations bill to provide \$6.9 billion in disaster relief funding.

At a time when funding is tight and every appropriation is subjected to even more intense scrutiny, the majority leader and Senator LANDRIEU are doing exactly the right thing in addressing these needs now. Senator REID has my full support.

While it is imperative for Congress to adequately fund FEMA's Disaster Relief Fund, the Federal response, in my view, should be more comprehensive, as it has been for past disasters of this scale.

In particular, it is imperative to address the severe damage to roads and bridges by providing funding for the Federal Highway Administration's Emergency Relief Program. In Vermont alone, preliminary estimates to the federal-aid highway system are well in excess of \$500 million and likely will be much more. That is an incredible amount of money for a small State such as Vermont. For a State that receives a total Federal apportionment of \$210 million annually, the scale of damage relative to our State's ability to pay for it cannot be overstated.

Similarly, it is important to provide sufficient emergency funding for programs such as community development block grants, the Economic Development Administration, the Emergency Conservation and Emergency Watershed Protection Programs at the Department of Agriculture, and the Disaster Loan Program at the Small Business Administration.

Additionally, given the significant impact of the floods on the stock of affordable housing, it is very important to include an appropriation for the HOME program, as well as an additional disaster allocation of low-income housing tax credits. In Vermont, more than 350 mobile homes were destroyed or severely damaged, and many trailer parks will never reopen. In other words, we are going to have to make up for a lot of lost affordable and lower income housing.

Let me conclude by saying this country has its problems. We all know that. But if we forsake the essence of what we are as a nation—and that is stand-

ing together when disaster strikes—if we forgo that and no longer live up to that, I worry very much about the future of America as a great nation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I wish to support the remarks of the Senator from Minnesota, Mr. FRANKEN, and the Senator from Vermont, Mr. SANDERS, who have described beautifully several different aspects of this debate. Senator FRANKEN said: How is it that so many on the other side rush to support funding for wars and rebuilding in Afghanistan and Iraq and never ask for one dime to be offset, and yet at a time when Americans need help, they are not, let's say, leaning forward?

I think there are a lot of Americans, not only from around the country but from their own States, who might be very puzzled by this sudden commitment to find offsets when it comes to rebuilding neighborhoods in Minnesota or Vermont or neighborhoods in Virginia or in Massachusetts or in other States, such as New York, which have been so hard hit. I think they will have some explaining to do, which is why I hope today, when we retake this vote, many of my friends on the other side will consider the leadership shown last night by Senators BLUNT, BROWN, COATS, COLLINS, HELLER, and SNOWE. These six Senators voted yes to move forward to try to find a way to find the political will to provide funding for disaster victims now, not wait but send them a powerful and strong and clear and unambiguous signal that the Senate and the Congress hear their cry. We know of their anxiousness and distress and we will respond and we will fight about how to pay for this later—but not now.

They need to hear from us now that help is on the way. What they need to hear is that the fund will be replenished. What they need to hear—the mayors, county commissioners, and Governors, Republicans and Democrats, from Governor Christie in New Jersey to Governor McDonnell in Virginia, who have given their support for funding disasters now—what they need to do is not worry about us because they have enough to worry about. They have roads to rebuild and neighborhoods to rebuild and rivers to get in their banks.

I heard today from Senator SCHUMER that in one of the canals—I think the Erie Canal—the lock is no longer connected to the canal. That is how powerful the water was. There is a lock and a canal, but they are not together. That is a problem not just for New York but for the entire northeastern transportation infrastructure, which affects us all.

As a Senator from Louisiana, I, of course, feel particularly strong about

this because many of these Senators, Republicans and Democrats, came to our aid 6 years ago when Katrina hit—the worst natural and manmade disaster because, as you know, it wasn't just the hurricane that did us in down there on the gulf coast, it was the collapse of a Federal levee system that should have held and didn't and breached or broke or evaporated in 52 places and left a major metropolitan, internationally famed city underwater and literally fighting for its very survival—a metropolitan area of over 1.5 million people.

This country rallied, after a lot of push from me and others and the private sector stood up and the nonprofit community was terrific. We still have literally thousands of volunteers still coming. It is so heartwarming. They are coming to Louisiana and to Mississippi to help us rebuild. I just drove the gulf coast 3 weeks ago—my husband and I. We said, let's go see the coast of Waveland and the coast of Mississippi and how it is coming along. I visit our neighborhoods regularly in south Louisiana to see how they are coming along. Still, 6 years later, they are struggling. I don't think there is 1 house up for every 10 destroyed in Waveland today.

That is how hard this work is. It doesn't happen automatically. Mississippi is working hard and Louisiana is working hard. I can only imagine how other States feel, such as Joplin, MO, which was hit by a tornado with winds that might have exceeded 250 miles an hour. That is unheard of.

This is not time for my friends on the other side to sit on their hands or take out their green eyeshade and pencil and figure out how we are going to pay for it this week. We have all year to discuss that. We need to send them emergency funding now and learn how to pay for it later.

This is what our map looks like. Green is too pleasant a color for this map. This indicates the destruction—or the number of disasters that have been declared by the President. For the first time, I believe, in our Nation's history, a disaster has been declared in every State but two—Michigan and West Virginia. Michigan technically could be declared a disaster because it has been under an economic disaster for several years but not a natural weather event. They most certainly are having very tough economic times in Michigan. West Virginia always has tough times as one of our poorest States. The whole country is in need.

Why would the other side sit when America is lit up with disasters? We have to ask them to reconsider and move forward with the \$7 billion help now. Not only is it the right thing to do and the moral thing to do and what Americans do for each other and what we should do, but it is all about—besides the moral aspect, which is obvi-

ously the most important—there being a real immediate economic benefit to this. If there was ever a jobs bill, this is it. I can promise you, having lived through this disaster recovery, it is like a shot in the arm for these communities. Literally, every single dollar that leaves our hands and goes to theirs will be spent immediately on food, clothes, and building materials. This is the most direct stimulative job creation we could do, and we need to do it now, this week, and send a strong signal to the House of Representatives: Don't fool around with disasters, and let's get this job done.

Let me just show you that when people say you haven't provided funding for disasters, we have provided funding in our base bill for disasters. I see the Senator from California, and I will be just 2 minutes more. I want people to know we have budgeted for disasters. I chair the Homeland Security appropriations bill. It is about a \$42 billion bill. As we know from marking the 9/11 anniversary this past Sunday, that department was created after 9/11 to respond to new threats. We pulled disparate agencies together—tried to pull them together. That is still a work in progress. We have \$42 billion. So we budgeted for FEMA in that budget, in 2003, \$800 million. It was obviously not enough. So then we went up because disasters were increasing to 128. In 2005, Katrina hit and completely shattered the model. The expenses of Katrina, Rita, and Wilma exceeded the entire budget of Homeland Security. It was \$43 billion just for Katrina, Rita, and Wilma. The whole budget is only \$42 billion.

When people say pay for it out of our budget, we cannot do that. In some cases, it exceeds the entire budget of the country. It is not right to pay for past disasters with money we use to prepare for future disasters. We have beefed up base funding, but we don't have the level of base funding that potentially may be necessary. Now is not the time—we can see—now is not the time to keep the east coast waiting and Missouri waiting and the floods along the Mississippi River waiting and some people in California waiting. Texas, might I say, has had 20,000 fires. This is not the time to keep the people of Texas waiting while we figure this out. Eventually, we are going to have to figure it out, but we don't have to do it this week.

I see the Senator from California. I will yield to her, and then I will be happy to add a few more comments to the record.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not agreed to on the motion to proceed to H.J.

Res. 66 be agreed to; that the motion to reconsider be agreed to; that the time until 4:15 p.m. be equally divided between the two leaders or their designees; and that at 4:15 p.m., the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed to H.J. Res. 66.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, there are a lot of things going on on Capitol Hill this afternoon. We will make sure people have ample time to vote, as long as somebody doesn't carry it to extremes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask the majority leader, before he leaves, I didn't hear all he said. Is this the fact that we are going to vote again on proceeding to a bill that will allow us to take up this emergency FEMA funding?

Mr. REID. My friend is absolutely right. We need to do this. During the caucus that was completed, the Senators from New York indicated, for example, that the Mohawk River because of the storms changed course. The Erie Canal lock doesn't work. They are going to have to spend lots of resources to get the Erie Canal back, which handles commerce in that part of the State. That is just one thing.

So the answer to my friend from California is, yes, we need to get people help now. People are desperate.

Mrs. BOXER. Mr. President, taking back my time, I am very pleased we are having another chance at this because—just for the information of the public—we fell short of the votes required to take up this emergency bill. I just looked up the meaning of “emergency” in the dictionary. It says:

A serious situation or occurrence that happens unexpectedly and demands immediate attention.

That was Webster's dictionary—no, it was dictionary.com. They have the best definition, and I want to repeat it. An emergency is a serious situation or occurrence that happens unexpectedly and demands immediate action.

That isn't a Democratic definition or a Republican definition or an Independent Party definition. That is what an emergency is. To anyone who says don't worry; if an emergency happens we can take care of it just from our existing funds, that is not true.

Senator LANDRIEU is our leader in the Appropriations Committee, and what she told us in a meeting we just had a few minutes ago is that there is support in her committee to fund FEMA—the Federal Emergency Management Agency. They are the ones, as everyone knows, who gets out there.

I will never forget the wonderful James Lee Witt who headed FEMA during the days of Bill Clinton. He was out there with Senator FEINSTEIN and myself when we had earthquakes, floods,

fires, and everything. There wasn't even a question. He knew we would rebuild. He knew he could make those commitments.

I will just say this: Senator LANDRIEU held up a map that shows 48 States having been hit by horrible emergencies, some that we never anticipated, such as a terrible earthquake right here in this area, floods that had not been experienced since the 1920s in Vermont, and California has had some horrible problems, and we have had some terrible emergencies. The President worked with the Governor, and we have these disaster declarations. But now, because the funds we set aside just weren't enough—and that isn't anybody's fault, it is an emergency, a serious situation that happens unexpectedly—we have to move.

I have heard one of the Republican leaders in the House say we have to cut spending to pay for this emergency. He has recommended a place to cut that will cut jobs. It will cut jobs and it will stop us from being able to reinvigorate our manufacturing sector. That is ridiculous, unnecessary, and unwarranted. We all know we are going to do deficit reduction. We all know there is a smart way to do it. We did it when Bill Clinton was President. We stopped spending on things we didn't need, we invested in the things we knew would create jobs, and we asked the billionaires to pay their fair share—thank you very much.

So let's not get this mixed up with deficit reduction. We are on a path to cut the deficit. We will cut the deficit. We know how to cut the deficit. We did it under Bill Clinton. We balanced the budget, we created surpluses, and we had the debt on the downswing. But don't confuse that with making sure our communities are OK.

The Senators from Vermont spoke today at our luncheon, and one of them had tears coming down his face talking about a woman who was very ill in one of their communities who had to go to chemotherapy. It used to be a 5-minute drive in her car. Now she has to drive an hour and a half in order to get her treatment. So please don't talk about making someone like that suffer even more. Talk about what we can do as a nation when we pull together as Democrats, Republicans, and Independents.

I spoke at a memorial in my hometown on September 11, and when I put together my remarks, I kept harping on the unity we had then.

Well, we need to be true to ourselves and to our constituencies and to our beliefs, but there are moments in time when we come together as Americans. I don't know the party affiliation of that woman in Vermont, and I could care less. We need to help people who get stuck in these fires, in these disasters—in earthquakes, floods, and droughts. I do not believe the American people think when we have that

kind of act of God—and that is the legal term as well as a true term—they are on their own.

Last night, our leader tried to move to a bill that would allow us to take up assistance to these people in desperate need and keep our promises to those who were the victims of disaster in my home State and other States. I believe I am correct that Senator LANDRIEU told us we have 48 States since January 1. So I don't know, but I think my caucus is going to stand on its feet until this is done. We are not going to back off.

This is one Nation under God, indivisible, with liberty and justice for all. I want to give justice to the people who are struggling, who are suffering, and who pay their taxes. I want to help the small businesses that are underwater. There is no liberty if someone is trapped in a house somewhere that is cut off because the road went out. The Senators from Vermont talked about the roads that are impassable—impassable.

So last night we had a bad vote. We didn't have enough votes. We need 60 votes. I hope anyone listening to the sound of my voice will call their Senator and double-check how he or she voted because Hurricane Irene could cost more than \$10 billion. It would make it 1 of the 10 most costly disasters in U.S. history. We have seen record flooding on the Mississippi and Missouri Rivers, and we have seen lives lost and farmland devastated.

Senators spoke in our caucus about what happened to their farmers. They do not have crop insurance for all these crops. These particular crops were not covered. One of our colleagues said: It is bad enough we have to import oil from other countries; do we want to start importing our food from China and be reliant on other countries for our food supply?

Right now, as I stand here, we have brave heroes—our firefighters—battling wildfires in California and Texas. Here is a picture, because a picture is worth a lot of words—here is a picture of a fire raging out of control. The firefighters are as close as they can get to the flames. This one shows the Comanche Fire in Kern County. It has burned more than 29,000 acres and is threatening 2,300 homes in Stallion Springs, CA.

The firefighters have gotten this fire 60 percent under control because they have had help from FEMA. They have been able to get help from the Federal Government. But the fire season in California has just begun. A lot of people don't realize that in our State September and October are the driest and the hottest months. So every wildfire threatens our communities just as this one. Right now FEMA barely has enough funds to get through the next couple of months. FEMA is running low on resources, and funds are so low

they can't provide assistance for communities that are rebuilding from past disasters let alone respond to what is happening right now on the ground as we speak.

I heard the Lieutenant Governor of Texas complaining—complaining—about the situation in Texas, that they need more Federal help. Well, fine. He ought to call up his Senators and tell them to vote with us today to get that Federal help.

We have more than \$380 million in disaster recovery projects on hold—several in California. We had a tsunami March 11, 2011. We need the \$5.3 million that has been promised to help communities in Del Norte, Monterey, and Santa Cruz, CA. This tsunami did damage.

Let me show a picture from the 2010 mud slide. In January and February of 2010 in California we were hit by severe winter storms, with flooding and mud slides. You can see a very important road has been blocked, again, shutting off people. We have a lot of mountains, so we have to cut through those mountains. Calaveras, Imperial, Los Angeles County, Riverside, San Bernardino, and Siskiyou Counties were hit, and FEMA promised them funding. They met the criteria, they had the level of damage, and they are waiting. Right now they can't proceed without the \$3.5 million they need to recover.

So that is what this impasse is about. This isn't about make-believe. This is about real people who are cut off, shut off, businesses shut down, people laid off, and suffering. So let's not have a political spat around here. This isn't a partisan issue. When your neighbor's house is on fire, you don't haggle over the price of a garden hose. You get the hose out, connect it, and put the fire out.

The good news is we have people from both parties who are starting to realize we have to do this. We have to send a message to the House. An emergency is an emergency. We have to put aside politics for the good of our country.

So I will close where I started, with the dictionary definition of "emergency": a serious situation or occurrence that happens unexpectedly and demands immediate action.

We all agree we have serious situations in our great land. We all agree we didn't expect all of this. Although, if I might say with a different hat on—my hat as the chairman of the Environment and Public Works Committee—we better understand that climate change is coming. We better understand what we are seeing now is going to be a new normal. It pains me to say we have done nothing in terms of addressing some of the causes. But guess what. Regardless of our views, as my kids would say, we are where we are, and it is what it is, and this is what it looks like in too many parts of our great Nation.

So an emergency is a serious situation or occurrence that happens unexpectedly and demands immediate action, and I echo the call by our Democratic leader for immediate action at 4:15. I hope the phones will light up and everyone will call their Senators. It is time to vote yes on our vote at 4:15 and get on with this so people will know we stand with them in this greatest of nations; that we don't walk away from our people when they are suffering like this.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from California for her poignant, eloquent, and appropriate words. I thank the chair of our Homeland Security Subcommittee which handles FEMA disasters for the great work she has done.

Mr. President, I spent several days, both this week and last week, visiting the places in upstate New York that were so badly damaged. Upstate New York is a large community. Without New York City and the suburbs we would still be about the eighth or ninth largest State, and the eastern half of upstate New York has been unexpectedly devastated not once but twice—first by Irene and then by Lee.

It comes on top of an awful season. Because we have had so much rain and the ground has been so wet when these torrential rains occur—one a hurricane, one a tropical storm—no groundwater could be absorbed and it made things worse. Let me tell you a few of the things I have seen, just to share with my colleagues.

We went to a small village in Schoharie County. Schoharie County is a beautiful agricultural, dairy county, and it is dotted by small towns like much of upstate New York. We have the third largest rural population in the country. Only Pennsylvania and North Carolina have larger rural populations than New York. We went down a beautiful street, a nice typical street. It could be a street you might see on an Ozzie and Harriet-type TV series. Every single house, street after street, had all its belongings piled in front. The water from Schoharie Creek had so overflowed its banks that the entire town was flooded, not by a foot of water but by 3, 4, 5, 6 feet of water. Out front you see the lives of the people whose lives have been so turned inside out by the torrent of water. They have lost thousands of dollars worth, each family, at a time they can ill afford it, but it is beyond that. It is the picture of grandma and grandpa at their wedding, the only one left. That is gone. It is the chair dad loved and sat in every night when he came home from work. It is their lives wiped out in a few sheer moments.

In this town in Schoharie County and in most of New York State, almost all, the evacuation plans were amazing. We lost very few lives. In some counties, with huge amounts of devastation, no lives were lost in most. That is because of the great emergency work of our relief workers. As bad as Schoharie County was, because years ago FEMA had installed their warning system and warning sirens, people were able to get out of their homes and avoid being drowned. A dam that again we had provided some dollars for, Federal dollars, didn't break. Had it, it would have been even worse. But FEMA money to prevent disaster has helped strengthen the Gilboa Dam. So the creek went over it and around it but not through it, and that saved lives.

I visited a place in Ulster County. These are vignettes. The town of Shandaken is beautiful, in the foothills of the Catskills. There is a major road that connects one part of Shandaken to the other, a county road. As you are driving along, it is newly paved macadam. All of a sudden you see the yellow strips to prevent you from going further and there is a 30-foot gash in the road, totally gone—30 feet. But what is astounding is it is 20 feet deep. At Esopus Creek, the waterway there changed its course, went through not just the macadam, not just the underlay that holds the road, not just the dirt fill of a foot or two, but through the bedrock, through 10 feet of bedrock. It will take years to bring this road back, and it is a cost the town of Shandaken can't afford. Our little towns, our little villages, our cities, even our counties of some significant population, can't absorb the millions and millions of dollars of damage. The total estimate by our Governor is we have suffered more than \$1 billion of damage from Irene alone, and of course Lee moved slightly further west than Irene.

I visited a lock in the Mohawk Valley and the city of Amsterdam. It had been very damaged. On a dam that a bridge went over, the metal of the bridge, the steel girders were twisted out of shape. But locks 9 and 10 a little further downriver are no longer functioning because the torrent of rain created such swells that the Mohawk changed its course. So the locks are here and the river is here.

The Erie Canal, one of our great pieces of history, is damaged so that it can't function. It won't function for quite a long time, even with Federal assistance—I don't know without Federal assistance what would happen—for months and even years.

Then I went to Binghamton. Maybe that was the saddest of all. Binghamton is a city that has struggled. It had IBM in its early days. IBM was founded there. Nothing is left of IBM there, and the city is struggling. It is at the confluence of two river valleys,

the Susquehanna and the Shenango, and it had been terribly flooded in 2006. Senator Clinton and I visited. It was awful—hundreds of homes, the sewage plant, the hospital, Lourdes Hospital. Incidentally, Lourdes Hospital wasn't damaged because, again, FEMA, with remediation money after 2006 helped supply some of the money for a wall that prevented the Shenango River from damaging the hospital. So it, thank God, is functioning.

But then we went to the shelter, with 500, 600 people who had been there for days and have nowhere to go because they lived in rental apartments in downtown Binghamton, which was totally flooded. Every hotel and motel room in Binghamton is taken. There are very few rental apartments. They have nowhere to go—nowhere to go. Maybe FEMA will come in and bring trailers, as they did for your great State of Louisiana, Madam President. But without FEMA, I don't know what these people will do.

They have food. The Red Cross is doing a great job. But they have nothing else. Their homes are gone, their belongings are gone, their clothes are gone. One gentleman came over to me and said, I would just like to try to get to my bank—which is closed and flooded—so I can take a few dollars out so I can buy some slippers. It is awful.

What does this mean policywise? It means America cannot ignore these people. The people of New York, when Louisiana had trouble, didn't say: Our tax dollars shouldn't go to Louisiana. The people of New York did not say, when there were terrible tornados in Joplin: Our tax dollars should not go to Joplin. And I hope that the people in the rest of the country, represented by so many here on both sides of the aisle, will not say we are not going to step to the plate. America has always stood for disaster relief—always—because we are one Nation. We all have known that when God-given disasters, way beyond the powers of mankind, come, no single community can take care of it themselves, and that is why the Federal Government has traditionally stepped in and regarded it as an emergency and we have stepped in. We haven't had strings attached or conditions, or: Put it in this bill and we will give you a little money now and we will see what you need later.

FEMA, by the way, has done a great job. I want to tip my hat to the people of FEMA who did such a wonderful job. But they are basically out of money. Right now in Missouri, none of the relief work continues despite the devastation in Joplin, because they only have money to deal with the immediate emergency of Lee and of Irene that hit New York State. The FEMA workers are doing great, and the people, the volunteers I saw everywhere, everyone is pulling together. Why can't

this Senate and this Congress pull together the way the people of our communities pull together when a disaster hits?

We had one gentleman whose house was gone but he hadn't even been able to tend to it because he was a skilled worker and he was tending to the homes of others for 5 days. I saw him and his sisters, and they even had some humor about it. They were wearing shirts, "Goodnight, Irene."

We have to pull together. We pay on an emergency basis, without looking for setoffs, for the war in Iraq and the war in Afghanistan. We build bridges there, we build roads there, we give aid there. Now we are saying, When it comes to our American citizens, we are not going to do that any longer? What is going on?

This afternoon we will vote simply on a resolution. To those of you not schooled in the arcane ways of the Senate, it is called a motion to proceed. It simply allows us to put legislation on the floor so we can aid these victims. And it can be amended. If some of our colleagues think this is wrong or that is wrong, they can debate it. But today's vote will say whether we should even begin to move to cover this, and we are getting it blocked. On last night's vote, six of our colleagues from the other side of the aisle joined us, but not enough.

And so here it is. This is not me speaking, this is the AP, almost universally regarded as a nonbiased news source: Republicans block Senate disaster aid bill.

What is going on? They don't block bridges and money for the war in Afghanistan and Iraq, to help rehabilitate those communities, and they are blocking this, for help in Missouri and Louisiana and New York and Vermont and the Missouri River Valley up through the Dakotas, the State of Missouri? What is going on here? This has never been a partisan issue.

Republican Governors whose States have been hard hit have called for help. Chris Christie, hardly a wallflower, hardly someone who doesn't relish a partisan battle when he thinks it is right, but to his credit, when he thinks it is wrong:

Our people are suffering now and they need support now. And they, Congress, can all go down there and get back to work and figure out the budget cuts later.

That is Governor Christie.

Governor Bob McDonnell, a well-known conservative:

My concern is that we help people in need. I don't think it's the time to get into the deficit debate.

Are my colleagues on the other side of the aisle listening? Let us begin to debate this bill. Let us move forward, and let us fund FEMA fully. Let's not put something in the CR and say, Well, in a month from now we will debate it. We all know CRs get tied up. FEMA

has run out of money now—now. So this vote will be a vote that determines whether we keep the American tradition of helping one another in a time of disaster here in America; and a vote no says, no, I don't want to do it. A vote no says I am not going to proceed to even debate the bill. A vote no is against the greatness of America, in my opinion, because we always have stood for helping people, being one Nation, under God, indivisible. When a part of the country desperately needs help, we all pull together to help them, knowing that if, God forbid, it happens to us down the road, the Nation will be there for us.

I was just at the 9/11 memorial service, the tenth anniversary. It was a time when we all pulled together. George Bush did not ask, when we were in the Oval Office and said New York desperately needed \$20 billion. Is it a blue State? How are we going to pay for it? He stepped to the plate. He was a patriot and he said: This is what America must do.

That was a manmade disaster, an awful disaster. Far more lives were lost than now. But it is not a different issue. This is a disaster, and people are hurting and people need help. The attitude of President George Bush hopefully will be the attitude of our colleagues across the aisle, that they won't block the bill, that they won't find seven excuses, or say, We will give you a little of the money a month from now in a continuing resolution, when the money is desperately needed now.

In conclusion, this vote is a crucial vote that says: Are we the same American people we have always been, who look out for one another, who help one another in a time of need, regardless of party and regardless of bickering and everything else? This vote will determine it. I urge a strong bipartisan vote for the resolution that we will vote on in an hour.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from New York for those very descriptive and moving comments about his State, and particularly the part of his State that we don't hear a lot about. That is why we depend on the Senators to speak the truth about what is going on and what they are seeing. I know the Senator from New Jersey is here to speak, but pictures are worth a thousand words and I wanted to put this chart up. I hope the cameras can grasp the horror of all four of these pictures. What is I think most telling about them is they are all from a different State in a different part of the country.

This picture is of Joplin, MO. I haven't myself personally been to Joplin, but before the year is out I will go, and I think other Senators should go see what has happened in one of the great tornado disasters in the history of our country.

This picture, which almost brings tears to my eyes because it looks exactly as Lake Pontchartrain looked in the city of New Orleans, I believe is from Irene, from North Carolina. It is heartbreaking. I am sure this is a family who was on the coast, and everything they had is destroyed. It really is quite moving.

This is a picture on the Mississippi River, I am not sure in what county. But when our Senators come to the floor to talk about rural areas and the devastation, at least in Missouri, you can walk down the street and find a neighbor whose home was equally destroyed and at least get a hug. Out here in these rural areas, you are by yourself. It could be miles between your house and your neighbor's home. You cannot even find the church where you worshipped together on Sunday.

Here is Texas. We prayed for the rain last week to go west to Texas. It hit Louisiana again. They are the ones who need it, but they cannot get it. There were 20,000 fires in Texas. There were thousands of homes burned up.

Before everybody starts to think, what is the great help—yes, FEMA is a great help. But let me put this in perspective. You get \$2,000 a family—\$2,000—to help buy a toothbrush, maybe a few pieces of clothing, some initial toiletries, et cetera, and you get \$30,000 for some immediate needs. It is not as if we are trying to send people \$1 million a house. How can people stand in the way of \$2,000 for immediate needs and \$30,000? If you had a house that was worth \$150,000 and you ran a little printing business and you lost both, the most you could get out of this bill is \$30,000. Do they think we are being too generous? It is minimum support. I want to make that clear—minimum support.

Some people are lucky enough to have insurance. If the insurance company steps up and does not try to pull out the fine print, as they did in Katrina, and come up with 100,000 excuses why they can't fund the homes, maybe they will get homes. This isn't us just trying to dump millions of dollars on people who do not deserve it.

That is what I wanted to say. I will have more to say, but I think these pictures speak 1,000 words. Again, FEMA is out of money. I don't want anybody coming here to vote to say: I didn't vote because FEMA has money. They are out of money. They are stopping projects all over the country because all they can basically do is have enough money to pay those immediate needs on the east coast. Joplin, MO, has been told: No, you have to wait. Louisiana, on the gulf coast, has been told: No, you have to wait. We are happy to wait a few weeks. We understand the dilemma. But this cannot go on week after week, month after month. We have to pass a bill for an entire year and not have to come back to it.

I see the Senator from New Jersey on the floor, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the passion of the Senator from Louisiana and her personal experience from Louisiana on the consequences of disaster. She speaks from firsthand knowledge and speaks for all of us in this respect.

I rise today because we as a nation have always come together to help each other in times of crisis without question, without politics. In my 20 years between the House and the Senate, I never questioned, in the midst of a disaster somewhere in the country—which, fortunately, for the most part has not been New Jersey—casting my vote to support those fellow Americans who found themselves in urgent need because of natural disasters having nothing to do with any control they had whatsoever.

This is not the time to politicize disaster aid. It is not who we are or what we expect this Nation to be. Our goal when disaster strikes is to unleash the full force of the Federal Government to help families in trouble and communities in ruin, not to score some political points by slowing relief and calling it responsible fiscal policy. In the wake of a storm, when the floodwaters rise, when the winds blow, when the storm surge rushes in, we should not be rallying our political base; we should be rallying the full force of emergency responders to help.

In the last few weeks, the east coast has suffered an earthquake, a hurricane, and some of the worst flooding my State has seen in years—a 100-year flood. I received a letter from a constituent in Moors Landing, in Monmouth County, who wrote:

Dear Senator MENENDEZ,

I live in Moors Landing, a development of homes in Howell Township, Monmouth County, New Jersey. Our community is in great need of assistance. One section of our community was devastated by flooding from an overflow of the Manasquan inlet on August 20 and 21. Homes and property were destroyed, and the families and lives of those homeowners were terribly disrupted.

Then, after the first calamity, Hurricane Irene brought further destruction to this same section of our community. But in addition to that repeated damage, Irene brought damage to a second section of our community.

Hurricane Irene, in addition to the added homes and property damage, forced many of our residents to be evacuated in order to avoid drowning in the rushing flood waters. This second catastrophe added to the misery and hardship suffered from our affected homeowners who lost their furniture, their carpets and flooring and everything in the first floor of their homes, their furnaces and air conditioning units, and all of them have to tear down their water damaged walls to avoid mold and dry out their homes.

All of this devastation and loss comes at a time when our people already are finding it difficult to make ends meet. These people

have no money to take on the added costs of repair; and now there is no one who would even buy their homes. So they are stuck with a true nightmare scenario—no money to fix things and no way to sell the homes. We need your help. I understand Federal funding from FEMA is available, and we urgently need your assistance in securing these funds for our neighbors so that these people can move on with their lives.

That constituent, a fellow American, deserves to know that her government will be there to help, that relief is on the way, not held up in Congress to satisfy some ideology or political agenda.

When disaster strikes, Americans come together. We do not hesitate. We do not ask why. We do not wait. We rush to our neighbors and do all we can to help them rebuild. After the damage and flooding Irene caused, we came together as we always do—as a community, each of us working together to help others.

I had the opportunity to tour the flooded areas of New Jersey with the Army Corps of Engineers. Then we went to Patterson. This is a picture of Patterson, NJ, and these responders are on a boat, with the President and Governor Christie of my State, to assess that damage.

After 5 days of flooding, there were still those who were homeless, trying to put the pieces of their lives back together. As we flew over the area with the President that day, we could see mud lines on homes indicating how high the floodwaters had reached. Then, tragically, we saw home after home where everything, up and down some streets—all the personal belongings of residents had been put out as trash, cherished pieces of their lives lost, ruined.

Paterson was particularly hard hit. Ironically, the river that once fueled the economy of Paterson washed out bridges, dams along the river were badly damaged, and power was knocked out for days. With the latest rains, flooding again took place even after Hurricane Irene. So the water may have receded, but the consequences have not.

We have been very pleased with the Federal response so far, a response that should have nothing to do with politics, nothing to do with political budget debates in Washington, and everything to do with the real needs of families in Paterson, in Lincoln Park, in Wayne, and in so many other places in New Jersey and across this country. Some of these people have to start over, start their lives over.

FEMA, along with other Federal, State, and local officials, needs the resources necessary not only to move in as quickly as possible to deal with the crisis but the resources necessary to deal with the aftermath—politics notwithstanding—because when one community is in trouble, we are all in trouble, and we pull together.

Frankly, I cannot believe there are those in this Chamber and in the other

body who see this as a political opportunity, those who would focus on the politics of relief even in the face of families who have watched their lives wash away, their property in ruins, and their communities devastated.

New Jersey suffered severe damages and left families, already struggling, with another challenge. It is up to all of us to help them. Irene was a powerful storm, but what we have learned is that there is nothing more powerful than what unites us as a community. It is in times such as these, when families and small businesses are trying to recover, that we appreciate the role of professional, well-equipped, well-trained local, State, and Federal boots on the ground.

In my view, one of the most legitimate and nondebatable roles of government—clearly, I have heard many of my colleagues refer to this in a different context—is the security of our people. If you are homeless as a result of a disaster, you have a security problem. In my view, one of the most legitimate and nondebatable roles of government is to provide a helping hand to a citizen when there is nowhere else to turn. Yes, we have to do all we can to keep our economy moving, create jobs, and reduce the deficit. We have to make cuts where we can. But in the face of disasters, we cannot say no to families who have lost everything. We cannot say no when floodwaters are rising, homes are lost, possessions are piled in the streets, and families are picking through the mud to put whatever pieces of their lives they can find together once again. We are not a nation that ties helping them recover to the politics of the moment. We are not a nation that leaves our neighbors alone in the time of tragedy. We do not stand down in times of crisis, we step up.

We in New Jersey are grateful to the President for coming to Paterson and to Wayne and for the rapid and effective response of FEMA and State and local officials, after Irene, to families who have lost so much. But any attempt to slow relief to these families is, in my view and in the view of Governor Christie of my State—any attempt to politicize this disaster to advance an ideology at the expense of all we stand for as a nation is not acceptable.

The President said we will do what is necessary to respond. Senator LAUTENBERG and I took the same view, and Governor Christie took the same view. We don't want to get into the politics of budget debates or whether this should be offset later on. That is a question for later on. The question right now for people who find themselves without a home so we can knock on that door is, Is the Federal Government—the one I pay my taxes to, the one I swear an oath of allegiance to every day—is it going to respond to me now?

I did not question the need to respond to tornadoes in Joplin, floods in the Dakotas, or the terrible consequences of the hurricane in Louisiana or any other place in this country, and I do not expect that my colleagues now will say no to their fellow Americans who need help now in New Jersey and in other States along the east coast. It is simply not the American way to not support the funds necessary and deal with the challenges these families have now.

Let's keep our eye on the ball. There are families in real need, really struggling in ways we cannot imagine. We have a real ability to put politics aside and do what is right. We will have that opportunity very shortly. Let's do what is right. Let's get this money to the Federal agencies that can help turn around these people's lives. That is the American way. That is the vote we will have later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from New Jersey for adding his strong and powerful voice to this. I wished to clarify a few points that I think are important for people to understand.

First, for those who might be engaging in or listening to this debate, we are going to have a vote in about an hour or so, and if we do not get 60 votes, we will likely not be able to replenish the FEMA coffers that are virtually empty. The Federal fiscal year, to remind everyone, does not start January 1. It starts October 1. We run on a fiscal year, not a calendar year. We are coming to the end of our year in September, this month. FEMA has run out of money in the last 11 days. I wish to submit for the RECORD—this is just an 11-day count, \$387 million worth of projects that have been halted because FEMA is stretching the few dollars it has have left to cover the emergency needs, literally, of meals and shelter for the people on the east coast.

In other parts of the country where there are jobs underway, rebuilding highways, rebuilding libraries, rebuilding schools, rebuilding sewer systems, water systems, et cetera, those projects have been sent a pink slip, basically, from Washington saying cease and desist. You know what the worst thing about that is, it is not necessary if we would immediately act and refill this coffer so these projects can get started immediately. What is very bad about this pink slip is that this \$387 million worth of projects, many of these projects have already been done by small businesses, private sector contractors. This is not money owed to the government. This is money, in large measure, owed to private small business people or medium-sized business people or, in some cases, large businesses that are in the process of fixing the library. In the last 11 days, because

of some ideology here, some sort of political party agenda, they have received a pink slip that says: Stop work.

If these companies that have already purchased the lumber or purchased the concrete or purchased the pipe to build the project do not get paid soon, they will go bankrupt. Believe me, I have companies in my State that have gone bankrupt because the Federal Government is a notoriously late payer even under good conditions. This is not what I would describe as a good condition. This is a terrible condition. So the other side needs to think about the politics of this. This is not just a moral question, it is a business question.

There are many dimensions to this question. We have basically sent a cease-and-desist order to \$387 million worth of contractors and businesses that might not be in New Jersey or affected in Vermont but are working on a project. They have a work order from the Federal Government, only to find out, sorry, Congress cannot decide how to pay, so good luck trying to make your payroll on Friday. This is wrong.

The second argument I would like to make to the other side when they are considering this important and significant vote is, when the other side says to me: Well, we need to budget for it, I would like to budget for it, but I do not have a crystal ball. I think I am a pretty good Senator, but one thing I do not do very well is predict the future. I sometimes have instincts about it, but I am not a fortune teller, and one would have to be a fortune teller to see what is happening.

This is not MARY LANDRIEU's opinion. These are the facts. In 2003, we needed less than \$1 billion to fund all disasters. It was a relatively mild year. Had we put \$2 billion in the budget, we would have had \$1 billion extra. The next year it jumped to \$5 billion. The next year it went up to \$45 billion. It broke all records. The next year it went down to \$12 billion. The next year it fell to \$8 billion. How are we on the Appropriations Committee—DANNY INOUE is a fabulous chairman from Hawaii and THAD COCHRAN is a terrific Senator from Mississippi, but neither THAD COCHRAN nor DANIEL INOUE can predict a year and a half out what the disasters are going to be and budget accordingly.

Even if you can't motivate yourself—some people here—to vote for people because they need help, just look at the argument on the finances. We do not know in advance. We could set aside some money, maybe more than the \$1.8 billion we have. I do not disagree there, but we still would have missed it every year except for 2 years. Even if we had put \$5 billion in the base budget, we would have still missed it. We cannot predict it. Should we set aside \$25 billion every year?

The point is, when disasters happen, just fund what we have committed to,

which is a base benefit package to people. As I said, no one is going to get rich off \$2,000 and \$30,000 to help people get themselves started. Hopefully, their insurance comes in, nonprofits step up to help. They can maybe dig into a little bit of their savings.

This is as much a jobs bill, it is as much a business bill as it is a bill that is the right moral thing to do for people. It is not because Democrats do not know how to budget. I am so tired of being lectured on the other side about Democrats don't know how to budget. I would like to remind everyone the last time this budget was balanced, we had a Democratic President. Democrats can balance budgets. I was a State treasurer for 8 years, and I did a lot to help my State get back on a strong financial footing. I am proud of my record and so is every Democrat here. It is impossible to predict in advance.

What we could do is what we always do, send help. Help these companies and help these people get jobs, put people to work in America. Do the right thing. Over the course of the next 6 months, as our big committee is working and trying to figure out lots of big problems we have—and this is one of them—we can have time to sit down and figure out, based on this reality, what we should do. If anyone has a suggestion, please come to the floor now.

My committee has been talking about this for 6 months, and I wish to say thanks to my cochair, Senator COATS, who serves with me on the Homeland Security Appropriations Committee. We have been thinking about this for 6 months. He voted yes yesterday because he knows there are not many good options out there. Can we find a way? Yes. Can we find it this week? No. We might not even be able to find it in the next 30 days, but I am confident that over the course of the next month and year we will find a way to pay for it.

Right now people in New Jersey and Vermont and Louisiana and Missouri and Minnesota and North Dakota do not want to listen to this. They want to tell their kids: Yes, we are going to rebuild. They want to tell their employees: Yes, we are going to put our business back. They do not need to listen to this and they should not have to.

I am urging a strong vote at 4:15. Again, we have, in the last 11 days, \$387 million in projects that have been stopped.

I ask unanimous consent to have printed in the RECORD the summary of projects on hold due to the immediate needs financing decision as of September 9, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROJECTS ON HOLD DUE TO IMMEDIATE NEEDS FINANCING DECISION AS OF SEPTEMBER 9, 2011

Alaska	\$378,971
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Alabama	7,378,107
Arkansas	3,659,364
Arizona	464,032
California	9,357,469
Connecticut	176,225
Florida	*65,879,997
Georgia	2,698,257
Guam	2,205,346
Hawaii	322,892
Iowa	*67,500,580
Illinois	2,930,339
Indiana	1,173,802
Kansas	1,596,523
Kentucky	3,405,166
Louisiana	*55,534,418
Massachusetts	256,659
Maine	73,640
Minnesota	7,334
Missouri	4,259,033
Mississippi	*69,992,729
Montana	4,093,487
North Carolina	92,517
North Dakota	*17,596,388
Nebraska	1,373,076
New Hampshire	129,251
New Jersey	1,293,220
New Mexico	88,333
New York	3,343,581
Ohio	286,364
Oklahoma	10,947,565
Oregon	8,831
Pennsylvania	577,858
Puerto Rico	1,952,676
Rhode Island	80,300
South Dakota	470,895
Tennessee	*37,277,063
Texas	5,153,160
Utah	765,107
Virgin Islands	220,229
Vermont	734,275
Washington	1,028,188
West Virginia	477,992
Total	\$387,241,239

* Small business.

Ms. LANDRIEU. Every day this list is going to get bigger and bigger. All this is is a pink slip to someone unrelated to the current emergency. They are working on emergencies from 3 years ago and now they are being put out of work because of this bullheadedness that is coming from someplace. I hope we can break through on that today.

Again, these pictures are difficult to see, but I think it is worth seeing them again. This is what people look like who are listening to this debate—this family sitting on those steps. Someone, either they or their neighbor, is going to say: Did you hear Senator LANDRIEU on the floor? Did you hear the Senate debate? Why would the Senate of the United States be arguing whether we can get aid? Aren't we building in Afghanistan and Iraq and we are not going to build in North Carolina? I think they are sitting on the Outer Banks of North Carolina thinking: What is going on in the Congress? People are going to be angry, believe me.

I do not know what we are going to tell them. What are we going to tell them if we vote no on this? Are we going to tell them we do not have the money? Are we going to tell them we cannot figure out how to budget it?

We will figure it out later. We have to, eventually. Every bill we enter into

has to be paid for, eventually. You know that, Mr. President. We do not have to decide that this week.

Let's tell them yes. Let's do the right thing and let's get help to Joplin, MO. Let's get help to our rural communities that sometimes get very forgotten. Let's get help to our folks in North Carolina and to our people in Texas who have been suffering terribly over this, and let's do it now.

Let me share another quote that I think is particularly significant. The Senator from New York talked about Gov. Bob McDonald, a conservative Republican from Virginia. He said fund it now. Another Republican Governor, New Jersey Gov. Chris Christie said:

Let's fund it now. It is not a Republican or Democratic issue.

I wish to read what Gov. Tom Ridge, the former Governor of Pennsylvania and the first Secretary of Homeland Security, a staunch Republican, said:

Never in the history of the country have we worried about budget around emergency appropriations for natural disasters, and, frankly, in my view, we shouldn't be worried about it now. We are all in this as a country. And when Mother Nature devastates a community, we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

He is a very influential leader in our country and was the first Secretary of Homeland Security. He ran the FEMA budget. He understands what is at stake.

Please, let's not make this a partisan issue. Let's get a strong bipartisan vote; the Senate can be very proud of that; and then we can negotiate the issues with the House. I will work with the House leadership to say there are several ways we can pay for this. We can debate it over the course of the next several months and maybe come up with a new way. I know one thing we cannot do is take it out of the Department of Homeland Security. Our budget would be devastated, and it wouldn't be fair to all the perimeters and the security and our ports and our firefighters to use their money to pay for past or present disasters. We could potentially find the money somewhere under some new mechanism, but let's not make the people of the east coast, the people of Joplin, MO, and the people of Louisiana, in the floods that we have just gone through ourselves, scapegoats. We will figure out there is time for debate later, but the time for action is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I ask unanimous consent to be able to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I listened carefully to our colleague from Louisiana and note a particular

distinction that her State brings; that is, the number of natural disaster problems that State has had and how diligently Senator LANDRIEU has fought to make sure that when we have a problem, we ask the government with a clear conscience to do its share in helping us cure the problem we get.

On Sunday just passed, we marked the 10th anniversary of the September 11 terrorist attacks. On that terrible day, 10 years ago, we were reminded that when tragedy strikes one part of our country, Americans pull together to respond. When our enemies and Mother Nature sends us their worst, Americans are at our best.

In the wake of recent storms across the country, including Hurricane Irene in my State of New Jersey, we see this same American spirit of cooperation coming through. Unfortunately, we learned that the spirit of neighbor helping neighbor stops with our Republican colleagues. We saw a shameful display where all but a handful of Republican Senators voted to block consideration of an emergency disaster relief bill. They chose not to let our government do its share in curing a problem that enveloped much of the country. They have chosen to use disaster relief victims as pawns in their political gamesmanship.

Make no mistake. The disaster relief bill is a critical lifeline to the families who are struggling to pick up the pieces of their shattered lives after Hurricane Irene.

Early estimates suggest this violent storm could be 1 of the 10 costliest storms in U.S. history, with damages that exceed \$10 billion. This is some of the worst flooding in a century, and it is a serious emergency.

Hurricane Irene produced devastating floods in New Jersey and other States along the east coast. A major tropical storm followed days later causing even more damage. In New Jersey alone at least 11 people were killed, and countless families were displaced after their homes were destroyed.

President Obama has declared the entire State of New Jersey—all 21 counties—a Federal disaster area. Earlier this month, the President came to New Jersey to see firsthand the destruction that Hurricane Irene has caused. I joined him on his tour of Paterson, NJ, my hometown, and one of the cities hit hardest by flooding. We witnessed unforgettable images. The streets and sidewalks were covered in mud, and inside homes—I saw it personally—mud covered the second floor of some. That is how deep the water was. Fourteen-foot crests followed what at times were very tepid streams. Walls were stained by high water marks. This picture shows some of the damage in the city of Paterson. Perhaps it is difficult to see, but what we are looking at is water—water everywhere—and it is entirely enveloping homes and businesses and the community.

Paterson is not alone. This is a scene in Boonton, NJ, where we see the road was washed away and people can't move from one part of the town to the other.

In Cranford, NJ, we see another disaster scene. Here we have what looks like debris piled up. This debris was furniture. It included beds, cribs, and refrigerators. It included all kinds of things—people putting their wares out on the front lawn, furniture never able to be used again, the houses themselves often not being able to be entered again.

This picture shows the damage in Bound Brook, NJ, and the high level of the water as it compares to the buildings constructed there. With Hurricane Irene, we witnessed nature's power to destroy. Now it is time to see the Federal Government's capacity to repair, rebuild, and restore.

Even before this hurricane struck, FEMA's primary source of funding for cleanup and recovery—the Disaster Relief Fund—was barely on life support. The tornadoes and flooding that wreaked havoc across our Midwest and South earlier this year, along with wildfires and other disasters, depleted the funds. That is why, in my role as vice chairman of the Homeland Security Appropriations Subcommittee, I helped to craft a bill to replenish the Disaster Relief Fund.

The Appropriations Committee approved this bill last week, and majority leader HARRY REID understood the urgency of the situation and brought emergency disaster relief legislation to the floor right away for us to consider—putting money into the relief fund so we can deal with the tragedies that have hit so many people in so many places.

What happened in the Senate yesterday? Republicans filibustered our attempts. I think everybody across America has learned about what the word “filibuster” means. It means stopping things, blocking things. They blocked our attempts to even allow an emergency disaster relief bill to be considered. What kind of foul play is that? They talk about saving money, and they talk about cuts. It is outrageous.

Some of them have claimed the bill would cost too much. But we all know the widespread damage that occurred demands a strong Federal response. We have to provide FEMA with the resources it needs to help New Jersey's people, businesses, and communities recover and rebuild from this disaster.

This bill also helps disaster victims in all 50 States—not just the States affected by Hurricane Irene. Every State has experienced disaster in recent years, and FEMA is working in every State to help these communities rebuild and recover. So if we fail to pass this bill, every State is going to suffer because if we can't help one State, we

can't help any States, and that is an unacceptable condition.

The fact is, the victims of Hurricane Irene and other recent disasters have enough to worry about. They shouldn't have to also wonder if their government is going to stand behind them.

I wish to be clear. The Federal Government plays a critical role in disaster relief efforts, and we have a responsibility to provide funding to help communities rebuild and to make sure the job gets done well.

For decades the Federal Government has had a track record of extending a helping hand to victims of natural disasters. This includes more than \$11 billion in emergency funding to help Texas, Alabama, Louisiana, and other States recover from hurricanes or flooding in 2008. Last year we approved more than \$5 billion in emergency funding to help States such as Tennessee and Kentucky recover from floods. The people in these States desperately needed our help, and Congress responded. We have to do the same now.

It is hard to understand why people on the Republican side in the House and in the Senate don't step up to their responsibilities. What are those responsibilities? Those responsibilities are to protect and secure the safety of our people. Without that, the country isn't quite what it should be by all measures. We have to do what we have to do, now.

As we fight our way out of a recession, this is no time to play politics and penalize people who are struggling. Moments such as this demand shared sacrifice. We face serious challenges in our country, but we cannot put a price on a human life and say, well, if it costs a lot over there, we are not going to do that to save people. Nothing is more important than keeping our families, our economy, and our communities safe.

So I call on my colleagues to put aside the Republican cloak, put aside the savings we think we can make from avoiding our responsibilities because no money is going to be saved. The costs are going to be there, and the misery is going to be extended.

So I urge us all to join to approve this bill. Few of us, if any, are exempt from the possibility of disaster in our States. So let's put the politics aside and make sure our first priority is helping people—helping individuals, helping families, helping the communities—and keeping functions going to permit our society to work.

With that, I close out my comments with wonderment as to what we have seen with the hard shell, heartless attitude about providing FEMA with the money to repair the results of disaster. It is almost incomprehensible. We heard a cry from one of the leaders on the Republican side in the House to say: Well, we first have to find the money to pay for it.

Like the Devil, we do. We don't do that when we see forests being ravaged by fire. We don't do it when we are attacked by outside enemies. We don't do it those times, and we ought not to do it now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I join my colleague, Senator LAUTENBERG, and the others who have come to the Senate floor this afternoon to talk about the importance of getting help for people who have been hit by disasters.

A little more than 2 weeks ago, Tropical Storm Irene came barreling through New Hampshire just as she came barreling through Vermont and New York and New Jersey and North Carolina and so many other States along the east coast. The storm dumped as much as 8 inches of rain in parts of New Hampshire, and the damage to property and infrastructure, especially in the northern part of our State, was significant. The surging waters and high winds destroyed roads and bridges, damaged thousands of homes, left nearly 200,000 without power, devastated businesses, and ruined crops.

While the devastation was terrible, I wish to begin by commending those dedicated first responders and emergency personnel who kept our residents safe and well-informed throughout the storm. I am also grateful for the tireless work of road crews, utility workers, and volunteers from across New Hampshire who began helping families and communities rebuild just as soon as the storm passed. Their hard work and community spirit are deeply appreciated.

For many of the towns hit by Irene, this is the third major flooding event of the year. It is the 7th in the last 2 years. These have been devastating floods.

I have a picture of the town of Plymouth, a beautiful community in northern New Hampshire where Plymouth State University is. What we can barely see in this section of the picture is the new ice hockey arena for Plymouth State that was just completed about a year ago. It is a beautiful, state-of-the-art arena that, unfortunately, was flooded by these floodwaters. Of course, we can see other damage to the town.

Many of the homeowners in the community of Conway, on the other side of the State, are people who suffered some of the worst damage and are elderly and disabled. They are people who are living on fixed incomes, who are least able to recover from this kind of disaster.

Others affected by the disaster are families who are already struggling to cope with difficult economic circumstances. New Hampshire emergency response officials toured Conway today, and they talked to our office and told us about the plight of one young family of three. Sadly, the father was laid off from his job just 3 days before the storm hit, and his wife, who stays at home and takes care of their 3-year-old, doesn't have a job outside the home. So with his layoff, they have lost their entire income, and now their home is so damaged they are worried about being homeless. They have no money to rebuild. Without FEMA assistance, this family could indeed wind up homeless.

Hundreds in the West Lebanon area in the western part of the State across the river from Vermont may be out of work for months. Peg Howard, who owns a boutique gift store in the area, told the Upper Valley News, which is the newspaper that serves Lebanon, that she fears damage from Irene will put her out of business. As a small business owner, she has no parent corporation to help her recover, so assistance from FEMA and other Federal programs may be her only option as she tries to rebuild her business.

Peg and the hundreds of others in New Hampshire and the thousands across the country who have been devastated are taxpayers, and this is their government. They help pay for it. Their tax dollars help fund our government, including FEMA. They have the right to expect that FEMA will be there when they need help.

It is not only sad but it is an outrage that some Members of Congress would deny those people who have been so hard hit by Irene and so many other disasters this year—that Members of Congress would deny them help in their time of need, and for no good reason. The reason is pure partisan politics. It is plain and simple.

Even in the best of circumstances, the costs of Irene would be a significant burden for New Hampshire to shoulder alone. Thankfully, President Obama quickly granted Governor Lynch's request for a major disaster declaration. A number of Federal agencies, including FEMA, are now on the ground providing essential assistance as we begin to restore our State's homes, businesses, roads, and utilities.

But New Hampshire is hardly alone in the need for assistance after Hurricane Irene. Other parts of the country are still rebuilding from disasters earlier this year, such as the devastating tornado in Joplin, MO. Soon FEMA's disaster relief fund, as we have already heard this afternoon, which was already running low prior to the storm, will no longer have the resources needed to continue meeting recovery needs.

In the last 2 weeks, FEMA has spent \$300 million providing relief to States

hit by Hurricane Irene. Less than \$500 million remains, which may not be enough to see us through the end of the month. New Hampshire, and the other States still recovering from disasters would be on their own if that happens. We cannot let that happen. We must act quickly to provide FEMA with the resources it needs to help our citizens and our towns recover.

In northern New England, we have a limited window to rebuild before the onset of winter brings our construction season to a stop. What is more, in New Hampshire, fall is a critical season for our tourism industry, as thousands of visitors come to take in the beautiful fall foliage. We need to immediately rebuild the bridges Irene destroyed, such as this one in Hart's Location, pictured here. As you can see from this picture, in another couple of weeks, this beautiful mountain, as shown in the background, with all of the green foliage will be turning all sorts of colors because of the fall foliage. If we cannot fix this road and bridges in a number of other places in New Hampshire, we will not be able to have a tourist season that can bring people to the State that can help those people whose jobs depend on that tourism industry. Any delay in FEMA assistance over the next few weeks could have a serious effect on recovery efforts and the hundreds of businesses and their employees who depend on the tourism industry.

Mr. President, I know you agree with me and with the other Senators who have come to the floor this afternoon who believe that natural disasters should be beyond politics and beyond partisanship. The people hurting all across this country are not Democrats or Republicans or Independents. They are citizens. They are taxpayers. Getting them the help they need demands bipartisan cooperation. In the past, we have always been able to come together and get people the help they need. This time should be no different.

I urge all of my colleagues in the Senate to work together to address this emergency and provide FEMA the resources it needs to carry out its mission. This has an immediate, real impact on so many Americans and we cannot delay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I had to slip away from the floor for a few minutes, and I understand that no one from the other side has come down to speak this afternoon. I cannot say I

blame them because it is a very tough position to take.

We are getting ready to take a very important vote in 5 minutes on whether we are going to provide disaster relief for the country, and particularly for the east coast, which has been so terribly hit with Hurricane Irene and then, of course, Tropical Storm Lee that came up through the gulf coast—and you know we have had our share of difficulty—but then it dumped additional rain in an area that was already saturated. We have wildfires raging in Texas. We have the destruction still in Joplin, MO, and other places throughout the Midwest.

The question for Americans in all of these States—Democrats, Republicans, and Independents, and some who are totally unaffiliated with the political process—is: Is Congress going to help? Our answer today needs to be yes. We need to fill the FEMA coffers that are empty. Our fiscal year ends this month. FEMA was given a certain amount of money in the earlier part of this year. The end of the year is coming up, and they are virtually out of money.

I submitted for the RECORD only 30 minutes ago that in the last 11 days \$387 million for ongoing construction projects for past disasters have been put on hold so FEMA can stretch those dollars to make sure people can eat in the shelters and at least have one set of clothes to wear in other parts of the country. This is unheard of in our Nation. We have never, ever gotten so low in our disaster account.

There is plenty of money in the account to rebuild Iraq. There is plenty of money in the account to rebuild Afghanistan. There is money in accounts for refugee camps all over the world. But the account for Americans who are homeless, desperate, and without their businesses, their churches and, in some cases, their neighborhoods is empty, and Members are going to come to the floor today and vote no? I strongly suggest a "yes" vote.

I said the reason we cannot budget exactly for these disasters is because we, A, do not know when they are going to happen, and we do not even know the amount of the damage. As I have shown in my arguments this afternoon, the amount wildly fluctuates. One year it was zero, over the last 10 years. One year it was zero. The next year it was \$5 billion. One year it was \$8 billion. The next year it was \$43 billion.

So I am saying, no one here—we are all very good, very powerful people, but we are not fortune tellers, and we do not have crystal balls on our desk, so there is no way we can know.

When people say to me: Well, you don't know exactly, but could you budget something, the answer is, yes, we could figure that out, but we do not have to figure that out today. We do

not even have to figure that out this month. We have this supercommittee set up to fix every problem in the world, it seems. We will just give them another one to work on because we have been working on this in the Appropriations Committee for some time. The White House is engaged. The Republican leadership, hopefully, will get engaged. The Democratic leadership is engaged. We will figure it out. But now is not the time to have the victims of these disasters and the survivors of these disasters worry about this.

We need to refill FEMA's coffers, refill the Corps of Engineers that are stretched beyond imagination at this time. You can imagine with the Mississippi River. The highest flooding in 50 years occurred this year. Now they have other flash floods all over the country—a bridge here, several bridges there, dams and dikes bursting. One of the Governors, I understand, just shut down a major bridge because they found a structural fault. So the Corps of Engineers has more than they can say grace over. Now is not the time to cut their budget. Now is the time to give them additional funding and do some reform of the Corps of Engineers that my people are crying for in Louisiana.

I think a picture is worth a thousand words. I know we are getting ready to vote, and the leader will come and, I guess, call for the vote. But a picture is worth a thousand words.

These are people who are desperate. I have shown this picture this afternoon. This is Joplin, MO. This is somewhere along the Mississippi River and the great flood. How lonely is this? At least in Joplin you could find a neighbor to talk to or a group of people who worshipped at a church, and you could pray together. This family is isolated, as others are in many rural communities. They need a yes from us this afternoon.

Here is Texas, and this breaks my heart. I think this is North Carolina. How sad are these pictures? They are real. Behind them are thousands of families and businesses.

In addition, if this argument of compassion doesn't move people, maybe the argument of flat business will move people. We are ready for the vote; I think the time has come. I urge my colleagues to please vote yes on this motion to proceed. If we get 60 votes, we can proceed to the disaster bill and figure out how to pay for it sometime in the next month ahead.

I thank the Chair.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant editor of the Daily Digest read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 154, H.J. Res. 66, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Harry Reid, Richard J. Durbin, Barbara Boxer, Mark R. Warner, Jeff Bingaman, Daniel K. Inouye, Ben Nelson, Patty Murray, Frank R. Lautenberg, Daniel K. Akaka, John F. Kerry, Ron Wyden, Bill Nelson, Jeff Merkley, Sheldon Whitehouse, Max Baucus, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.J. Res. 66, an act approving the renewal of import restrictions contained in the Burmese Democracy Act of 2003, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—61

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Blunt	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown (MA)	Kohl	Snowe
Brown (OH)	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Toomey
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	Manchin	Vitter
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NAYS—38

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Boozman	Hatch	Murkowski
Burr	Hutchison	Paul
Chambliss	Inhofe	Portman
Coats	Isakson	Risch
Coburn	Johanns	Roberts
Cochran	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Wicker
DeMint	Lugar	

NOT VOTING—1

Rubio

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon reconsideration, is agreed to.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I understand that Senator CONRAD is on the schedule to speak in just a few minutes, but with his permission I just wanted to say thank you to the Members who voted favorably to move forward with the discussion about how to fund disaster relief and to provide this emergency funding.

The leader has laid down a very responsible \$6.9 billion emergency bill for victims and survivors of the many disasters with which our country is struggling. These numbers were not pulled from the air. These numbers came through the appropriate appropriations committees. I think it is a solid amount to deal with the emergencies right before us for the next months and perhaps through the coming year. These numbers will be fine-tuned as we move forward. But it was a very powerful "yes" vote for thousands, tens of thousands of people who are waiting for us to say yes to move forward, filling the accounts that are now virtually empty, and giving a positive signal to Governors, both Republicans and Democrats; mayors, Republicans and Democrats; county commissioners, Republicans and Democrats, that help is on the way and that the Federal Government is not, and will not, turn its back on them at this time of need. So I thank the Members.

We had a strong vote, 61 votes. We needed 60; we got 61. But it was a strong vote, and I am glad we were joined by several Members from the other side, and I thank those who said yes to move this disaster relief forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I come to thank my colleagues as well for this strong vote to move forward on disaster relief. In almost every corner of America we have had unprecedented natural disasters this year, and my State has not been exempt.

I represent North Dakota, and we have had flooding unprecedented since records have been kept on the Souris River that goes through Minot, ND, the Missouri River that goes between Bismarck and Mandan, ND, the place where I come from. We have seen absolute devastation, water levels that changed virtually overnight. I can remember the forecast being raised 10

feet from Minot, ND, in a period of 48 hours, a higher water level than we have seen in over 100 years of recorded history. The same is true in the Missouri Valley Basin, with runoff the highest it has ever been. This has led to incredible flooding.

This is a picture from Minot, ND, where 11,000 people had to evacuate, 4,000 homes flooded. These are middle-class neighborhoods, and virtually no one had flood insurance. There were only 340 or 350 flood insurance contracts in this entire community of over 40,000 people because they had a Corps-certified levee protecting them that was supposed to be good for a 100-year flood. They had new dams that had been constructed in Canada and dams that had been enhanced in North Dakota. We hadn't had a major flood in 40 years.

FEMA is absolutely essential to helping these people get back on their feet. That funding is necessary, but it is not sufficient. Anybody who thinks we are going to get well on just FEMA funding does not understand the FEMA program. FEMA was designed to work in conjunction with insurance—homeowners insurance, flood insurance. But if there is a flood, homeowners insurance doesn't cover it. I can tell you, in a community that didn't have flood insurance—or almost no one did—if all they have is FEMA, it is important, it is essential, but it is not enough.

Nobody knows that better than the Senator from Louisiana, Ms. LANDRIEU.

I don't think in my entire time here I have ever seen anybody fight more doggedly, more persistently, or more effectively for their home State and their home community than MARY LANDRIEU did when they were hit with Katrina. MARY LANDRIEU is a hero because she would not take no for an answer.

I saw it time after time after time in the caucus, on the floor of the Senate, in committees. Do you know what. She delivered something that those people desperately needed. Good for her, and good for the people to have sent somebody here who would fight for them in their time of need.

Madam President, I am here representing a State at its time of need because we had thousands of people desperately affected—not as many as in the State of Louisiana; it is a much bigger population there. But in my State, when 11,000 people are evacuated in one town, that is a big deal. Eleven thousand people were forced out of their homes. They weren't just forced out overnight, they weren't just forced out over a weekend, they weren't just forced out over a couple of weeks, they have been out of their homes for months, and they are not getting back in their homes until sometime next year. Now, that is reality. Talk about a tough reality.

With FEMA they qualify for \$30,000—and thank God for it because without

it they would have nothing. That is it. That is it. These are people who have lost homes that were worth \$150,000, \$160,000, and they had a mortgage on them. What do they do? They are going to get \$30,000. Do they rehab the home? Do they rebuild the home? What do they do? Thirty thousand dollars when a home has been underwater for 6 weeks, for 8 weeks, thousands of homes that had 10 feet of water in them for weeks and weeks and weeks?

When the water recedes, as it has done now, they are left with a pile of muck. I have been there. I have seen it, I have smelled it, and it is not a happy circumstance. These people deserve some additional help.

Do you know what we did in Louisiana? We passed emergency supplemental appropriations for CDBG. I predict if that is not done now in this disaster, these communities will have a difficult time ever recovering because with homeowners insurance, they are not going to collect on that in a flood. Very few people had flood insurance because they thought they were protected by the dams. They are left with \$30,000 to recover. It doesn't add up.

We have to have additional CDBG funding because that is what was used in the floods of North Dakota in the 1990s that helped us recover. That was what was used in Louisiana to help them recover. That is what is going to be needed here in cases where flooding occurred.

Here is the headline from the Minot Daily News: "Projection: Devastation." When they were told the water level was rising as rapidly as it was, there was no time to defend the town.

They had levees that were supposed to be good for a 100-year flood, but Canada lost control of one of its major dams. Their provincial leadership told our Governor: The floodgates are wide open. We have lost control of the dam, and that wall of water is coming your way. That meant, in a short period of time the projections for the height of the water in Minot, ND, went up 10 feet in 48 hours. There is no way to raise miles and miles of levees 10 feet in 48 hours. That is humanly impossible.

What was the result? Everywhere you look, flooding. The Minot Daily News headline: "It's a sad day". Boy, it was a sad day. "The crest could be 10 feet higher than June 1."

In just a matter of days that wall of water was headed toward this community, and they had no time to raise their defenses. Here is the predictable result: That is Minot, ND, downtown. Water is everywhere—in every residential community in the valley, the business community. You can see, this water is not like the typical flood where the water comes and goes. Here, the water came and stayed and stayed for days and days and weeks and weeks and months. It wasn't until just recently that the floodwater receded.

This is a picture, again, from that community. In many cases all you can see are the rooftops.

Again, I want to say to those who might be listening because they need to understand, they need to understand: The FEMA assistance that we believe is now going to be on its way—in our case, some of it has already been received and we deeply appreciate it—it is not going to be enough. When someone has lost a \$160,000 house, \$30,000 is not going to touch the problem.

That is the reality, and the only way they are going to make meaningful inroads on that problem for people who didn't have flood insurance, through no fault of their own because they thought they were protected by new dams, by a levee—but, unfortunately, they faced something that has never been seen in history. It has never been seen in history. These are middle-class families, and they are devastated—there are over 4,000 homes destroyed in a community of 40,000 people.

If we don't get some additional help through additional funding for CDBG, those people's lives will be devastated. That is the reality. We did better for the people in Katrina. We did better for the people who were victims of the floods back in the 1990s because we passed emergency supplementals for CDBG to help people who were devastated, who needed a helping hand. We need to do it again.

I am pleased to say we have circulated a letter—and we have bipartisan signatures on it—to the leadership asking for CDBG funding on an emergency basis for the communities not just in my State but all across the country: the people in Joplin who were devastated by a tornado with wind speeds, I am told now, some of them up to 300 miles an hour; the people who have just been devastated by Irene; others who were affected by Lee; and others whom we can fairly anticipate will be hit as we go through the hurricane season.

We have seen natural disasters I think declared in all the States but two.

Yes, we need to replenish FEMA. We need to do it on an urgent basis. But we also need to add to CDBG funding so that people are not left devastated, with no chance to rebuild their lives.

I end with this headline: "Swamped." That is what happened in Minot, ND. That is what happened in other cities in my State as well—Bismarck, Mandan, my hometown area, and many other communities. Of course, we have the ongoing situation in Devils Lake, ND, where the lake has gone up 30 feet in the last 17 years. That is now three times the size of the District of Columbia and is within 3 feet of going over. That will be a major calamity for all of eastern North Dakota if it is not prevented.

I implore my colleagues: Yes, let's replenish FEMA funds on an emergency basis. That is essential. But let's not stop there. Let's also provide meaningful funding for CDBG because without it, families will have a very difficult time ever recovering from these devastating blows.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYMENT IMPACT ACT

Mr. BARRASSO. Madam President, last week the President addressed a joint session of Congress. He said he wanted to eliminate regulations—regulations, he said, that put “unnecessary burden on businesses at a time when they can least afford it.” We have heard this same message from the White House time and time again. The rhetoric coming out of this White House simply has not matched the reality. In fact, Washington continues to roll out redtape each day, and the redtape makes it harder and more expensive for the private sector to create jobs in this country.

The President also said that his administration has identified over 500 reforms to our regulatory system that would save “billions of dollars over the next few years.” I appreciate that the White House has identified wasteful regulations, but it will not really help our economy unless the White House repeals them. Since January, this White House has only repealed one single regulation, and it has to do, actually, with spilt milk. The President's new plan does nothing to fix the regulatory burdens faced by our job creators. It actually adds to the burdens of the job creators of this country.

The President has tried to justify this increasing avalanche of redtape. He said he doesn't want to “choose between jobs and safety.” In today's regulatory climate, that choice is a false choice. Washington's wasteful regulations are not keeping Americans safe from dangerous jobs. The American people cannot find jobs because no one is safe from the regulations coming out of Washington. For every step our economy tries to take forward, Washington's regulations continue to stand in the way.

Federal agencies' funding has increased 16 percent over the past 3 years while our economy has only grown 5 percent over these same 3 years. Wash-

ington's regulatory burden is literally growing three times faster than our own economy. This massive increase in Washington's power has only made the economy worse.

Americans know that regulating our economy makes it harder and more expensive for the private sector to create jobs. The combined cost of the new regulations being imposed by this administration just last month was over \$9 billion. Much of this cost has been borne by America's energy producers and has cost American workers thousands of red, white, and blue jobs.

Those who try to justify these policies claim they will help us create green jobs at some unknown time in the future. Our economy, our job market, is not a seesaw. Pushing one part down doesn't make the other side pop up.

This administration's out-of-control regulation is persistently dragging down large portions of our economy. The President has promised to stop this kind of overreach. Remember, he issued an Executive order at the start of this year that was supposed to slow down Washington's regulation. So what has this administration done about it? In the 7 months since the President issued his Executive order, hundreds of new rules have been either enacted or proposed. For every day that goes by, our job creators face at least one new Washington rule to follow.

When the President announced his Executive order, he said he wanted to promote predictability and reduce uncertainty. These are laudable goals, but a new rule every day does nothing to promote predictability and is the very definition of uncertainty.

The President talked about uncertainty just recently. The main source of uncertainty in the economy right now is Washington's regulations. Yet there was not a single sentence about regulations in the President's address just this week.

To make things worse, the people most victimized by this uncertainty are the very people the President claims he wants to help. The President said last year that when it comes to job creation, he wants to, as he said, “start where most new jobs do—with small businesses.” The sentiment is right, but, again, what has he done about it? According to the U.S. Chamber of Commerce, businesses with fewer than 20 employees incur regulatory costs that are 42 percent higher than larger businesses with up to 500 employees, and that is not counting the avalanche of new regulations that will come down the road. This year, over 50,000 pages of regulations have been added to the *Federal Register* already, and the chamber of commerce has said that the President's new health care law alone will produce “30,000 pages of new health care regulations, many aimed at small employers.”

The President has said he will keep trying every new idea that works and listen to every good proposal, no matter which party comes up with it. I have a pretty simple idea. If the President wants to know which proposals will work to create jobs, maybe he should require his regulatory agencies to tell him how their own actions will affect the job market.

Congressman LEE TERRY of Nebraska and I have a bill that will do just that. It is called the Employment Impact Act, S. 1219. This bill will force Washington to look before it leaps when it comes to regulation that could hurt America's jobs. Under our bill, every regulatory agency would be required to prepare what is called a jobs impact statement, and this jobs impact statement would need to be prepared with every new rule that is proposed. The statement would include a detailed assessment of the jobs that would be lost or gained or sent overseas by any given rule coming out of Washington. It would consider whether new rules would have a bad impact on our job market in general. This jobs impact statement would also include an analysis of any alternative plans that might be better for the economy. Most importantly, it would require regulatory agencies to look at how new rules might interact with other proposals coming down the road.

The problem with our regulations is not only that they are too sweeping, it is also that there are too many of them, so it makes no sense to look at an individual rule in a vacuum and enacting hundreds of them without knowing their cumulative effect. The effect of all of these together could spell death by a thousand cuts for hard-working Americans who are trying to work and support their families.

Also in keeping with the principles of transparency, this bill would require every jobs impact statement prepared by a Federal agency to be made available to the public. The American people deserve to know what their government is actually doing, and Federal agencies in Washington need to learn to think before they act.

Requiring statements from these agencies on what their regulations will do is nothing new. For 40 years, the Federal Government has always required its bureaucrats to ask the question of whether their actions will impact America's environment. They have to file environmental impact statements. What I am asking for here is a jobs impact statement.

Past generations of legislators rightly recognized the importance of America's land, air, and water, but it is important that we recognize the importance of America's working families as well. America's greatest natural resource is the American people. We are talking about people who want to work, are willing to work, are looking

for work, and yet cannot find a job. The Employment Impact Act will force Washington bureaucrats to realize Americans are much more interested in growing our Nation's economy than they are in growing our government.

I am going to continue to fight to see that the Employment Impact Act is passed and signed into law to help get Americans working again.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I wish to echo the comments made by my colleague from Wyoming regarding regulations. That is something I hear from small businesses all across South Dakota, traveling my State during the month of August. I toured businesses, and I visited with farmers and ranchers and small businesspeople. That was a recurring theme, one thing people continued to bring up unsolicited. When you asked them questions about what can be done to help create jobs, to get them investing and putting their capital to work, that was the overwhelming response. It came back literally every single time, that businesses are concerned about the overreaching regulations coming out of Washington, DC, and the economic uncertainty that it creates. Part of it just has to do with the predictability that businesses need to make long-term investment decisions. If they do not know what is going to happen next in Washington, DC, it makes it awfully hard for them to plan. So as a consequence of that, we see billions of dollars, trillions of dollars, sitting on the sidelines right now that could be invested and could be put to work, could be getting people back to work in this country.

Last week we all listened with great interest as the President came out to a joint session of Congress and made a speech about a jobs plan. He talked about passing this jobs plan. He has been traveling around the country making that same argument. What was interesting to me about that proposal—and, of course, the speech itself was sufficiently vague. It was very difficult to know exactly what was in that proposal, where more of those details now are coming to light. It sounded eerily similar to the very same proposal we voted on a couple of years ago in the Senate. It ultimately became law. It was called the stimulus bill. It had a pricetag of nearly \$1 trillion.

The assertions made at the time were along the lines that if we passed this it would keep unemployment below 8 per-

cent. We know employment is over 9 percent, and since that stimulus bill was passed we have lost 1.7 million jobs in our economy. There are 1.7 million fewer Americans employed today than there were when the stimulus bill passed a couple of years ago. So the question, then, is, Why would we want to go down that same path?

In many respects this proposal is like that one because it consists of more spending and more taxing and more borrowing—all the things we believe are detrimental to the economy in the long run. They do nothing to address the concern that was raised to me by the small businesses across South Dakota and the issue to which the Senator from Wyoming was just speaking; that is, the issue of overregulation that we keep hearing from our businesses across this country, the job creators in our economy.

It strikes me, if the President is serious about actually doing something that would create jobs in this country, it ought to involve putting policies in place that will be conducive toward long-term economic growth to provide the economic certainty these small businesses are asking for.

Right now there is uncertainty with regard to taxes. Tax rates are at least locked in now until the end of 2012, but beyond that it is anybody's guess. There is a concern, of course, that any proposal coming out of Washington right now that deals with deficit reduction might include higher taxes. That certainly is something the President put on the table yet again yesterday as a proposed way to pay for his new stimulus bill.

There is this repeated and consistent assault upon small businesses in the form of more regulations. The President backed off of the ozone regulations, which is something that everybody reacted very favorably toward in the business community and people I talked to. But there are so many other regulations that are out there: the CO₂ emission regulation, appropriated dust regulation, the change in the classification for coal ash. There are all kinds of regulations—particularly out of the EPA, but not exclusively the EPA—coming out of agencies of this government that are creating greater uncertainty and making it more difficult and more costly for small businesses to create jobs. So why not focus on that issue? Why not focus on getting the free-trade agreements?

There were three free-trade agreements essentially negotiated in the previous administration. They are languishing because they have not been submitted to Congress for ratification. The President talks about free trade and creating jobs through exports. We had three free-trade agreements in 2006 and 2007. Colombia was 2006. Panama and Korea were June of 2007. The President said: I want Congress to approve these free-trade agreements.

We cannot do that until he submits them to the Congress. We would love to approve those free-trade agreements. It would mean thousands of jobs in this economy. We know that. It is low-hanging fruit. It is something we could do today that is something positive to actually create jobs in this country.

Just as an example, in my State of South Dakota in 2008, the top three crops were corn, wheat, and soybeans. In those three commodities we had 81 percent of the market in the country of Colombia. In 2010 that had dropped off to 19 percent. It is a major collapse in our market share in that country simply because we have not ratified this free-trade agreement, and in the interim we have had other countries that have moved in and filled the vacuum.

Most recently the Canadians, on August 15, I think, had their own bilateral trade agreement with Colombia. We may go down to zero market share if we do not act quickly to get the free-trade agreements approved. It is not a function of us wanting to do it; it is a function of the President submitting those agreements to Congress for ratification. We cannot vote on and ratify those trade agreements, put them into effect, and get them implemented absent the President of the United States sending them to Capitol Hill. That is something on which Republicans would love to work with the President.

We would also love to work with the President on a moratorium on regulations. I think it would make perfect sense, given what we know about what small businesses are telling us in terms of creating jobs and hiring people and investing capital, that regulation is a huge impediment to that. So why not—at least for the foreseeable future, until such time as we start getting this unemployment rate down and get people back to work—put a moratorium on all these crazy regulations coming out of Washington, DC?

There are literally millions of jobs that are impacted by these various regulations according to estimates that have been put forward by organizations such as the chamber of commerce and others. There are millions of jobs in this country impacted by the issue of regulation. I would think it would make perfect sense for this President to say to us, as part of his jobs package, his jobs plan: We want to work with you to put a moratorium on regulations for a 2-year period, until the end of his term in office—whatever that period is—but at least some amount of time so businesses know with some certainty that if they invest their dollars, they are not going to be slapped with some new regulation coming out of Washington, DC.

There was a story just this morning about 500 jobs lost in the State of Texas over a new EPA regulation. We have seen examples of that in my State of South Dakota. We have had coal-

fired powerplants that have been nixed simply because of this uncertainty that has been created by regulations coming from Washington, DC. That is something that Republicans on Capitol Hill—if the President wants to be proactive in terms of job creation and actually having a forward-looking proposal and plan for job creation, he would certainly get cooperation from lots of folks on our side of the aisle when it comes to the issue of regulations.

Another thing we would be more than happy to work with the President on is broad-based and comprehensive tax reform. We all talk about it, and nobody seems to be willing, at least from the President's perspective, to put forward a proposal that would actually broaden the tax base in this country, lower the rates on businesses and individuals. I think it would lead to an enormous amount of economic growth. Most people and businesses I talk to suggest that right now in America the complexity in the Tax Code, the rates in our Tax Code, make us anticompetitive.

We lose jobs every single day to other countries around the world that have lower tax rates. Businesses are taking their capital and investing it overseas, creating jobs overseas, and are opposed to putting it in our country because our rates are not competitive. Our corporate tax rate at 35 percent is the second highest in the world. We are second only to Japan, and they were going to lower theirs prior to the tsunami.

The fact is, we have tax rates in America today that are making it very difficult for our businesses to compete and to keep those jobs and keep that investment in this country.

What can we do about that? Well, if we had broad-based tax reductions on individuals and small businesses in this country, lowered taxes on investment, I think we would see an explosion of economic growth and get these businesses—provided that there is enough certainty associated with that. In other words, we don't do it for a short period of time, we do it for a long period of time. If we do that, we will see businesses pick up on that signal from Washington, DC, and begin to invest again and get a rate structure that is competitive with other countries around the world.

Tax reform regulations, regulatory reform, a moratorium on regulations, trade, those are all issues that we are more than willing to work with this President on if he is willing to work with us because those are policies proven over time that actually will create jobs. Again, they are the things we consistently hear.

I dare to say that my colleagues on the other side of the aisle are hearing the same thing I am hearing. I hear it from colleagues on my side who are repeatedly visited by small businesses in

their travels in their individual States, and when they go to make contact with their small businesses they hear this over and over. These are the issues the American business communities are saying we need to address to get people back to work in this country.

I am certainly hopeful the President will change directions away from what he is proposing to do now, which is a very similar path to what was done 2 years ago, which we all know has been unsuccessful. If we look at it based upon the metrics—and, again, I am talking about job creation. If we look at it based upon the employment rate, the unemployment rate has gone up. The number of jobs lost has gone up. The amount of our debt has gone up by \$4 trillion. We have borrowed more, we are spending more, and we are getting nothing in return—in fact, the very opposite of what we hope to get; that is, job creation. That approach has not worked.

Let's not double down on that and go back and try the same failed policies again. Let's change direction. Let's go in a different direction for this country, and I would hope the President would do that.

The other thing that I think is particularly troubling about his proposal—not to mention some of the things that he put out in his speech last week that give me a good amount of heartburn in terms of the direction he is headed—is how he proposes to pay for that. It was indicated yesterday that 90 percent of the cost of this stimulus bill would be paid for by allowing or preventing people from taking deductions—the two top income tax rates in this country and the people who are in those income tax brackets, to be able to claim deductions on their tax returns.

Well, that impacts millions of Americans and millions of job creators, millions of small businesses, not to mention a lot of charities. Many of the people who contribute to charities today don't do it simply because of the tax consequence, but the amount they contribute to a charity is affected by the Tax Code, and reducing the amount they can deduct is going to make it more difficult for many of our charitable organizations that rely upon the generosity of people. In many cases these are high-income people in this country.

That being said, raising taxes, in my view, is not the way to pay for a new stimulus, a stimulus 2.0, an approach that has been tried and failed. It is something we should not be moving toward, but moving away from, and moving in a different direction.

Again, we have no greater priority in America today than getting this economy growing, creating jobs, getting people back to work. That helps bring in more revenue in the Federal Government and helps deal with our issue of

the deficit and the debt. There are two ways we can deal with that: We can reduce spending, and we can grow the economy. We have to do both.

Certainly, those are not unrelated. When we reduce spending, that is essential to growing the economy. We also have to put policies in place that will grow the economy and create jobs. Raising taxes is not the way to do that, and so the President's proposal to pay for his new stimulus bill which raises taxes on people is a wrongheaded approach that has not worked in the past. It will not work in the future. We need to try a different direction.

Republicans are willing, ready, and able to work with this President on passing trade agreements that have been languishing around here, literally, for 4 to 5 years; on reducing the overreaching regulations, which are creating economic uncertainty for our small businesses across this country; and on tax reform that would lower rates and broaden the tax base and bring in an incredible explosion of economic growth and jobs.

Those are the types of things we ought to be looking at—long-term policies that will affect in a positive way the environment, the atmosphere for our job creators, not doing another Washington-directed spending program that has already demonstrated that it doesn't work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYRIA

Mr. DURBIN. Mr. President, the world has witnessed considerable upheaval across the Middle East this year as citizens from all walks of life have turned out by the millions to say enough to repressive regimes, stagnant political systems, and a lack of economic opportunities.

In fact, we should probably look back to the summer of 2009 when thousands upon thousands of ordinary Iranians bravely took to the streets to peacefully protest the country's likely stolen election.

These Iranian citizens were met with brutal violence, death, detention, and unspeakable torture.

While Iran's ruling dictatorship was able to temporarily repress the public aspirations of its own people, the seeds for wider public discontent were taking root through much of the region.

First, in Tunisia we saw peaceful protests lead to the ousting of corrupt, long-time strongman President Ben Ali.

Next, Egyptian President Mubarak resigned following sustained peaceful

protests in Cairo and elsewhere in Egypt.

And certainly Muammar Qaddafi's reign of erratic and despotic rule is nearing an end.

Other popular calls for political and economic reform from Bahrain to Yemen remain in flux.

And as we saw this weekend with the violent and very troubling protests breaching the Israeli Embassy in Cairo, ousting a repressive regime is only one step on a long road toward building effective long-term democratic and economic institutions.

The United States stands ready to support these peaceful transitions, but most of the hard work must continue to come from within—from the people who made such historic change possible in the first place.

Amid so much upheaval and potential hope, it is critically important that we also keep our attention on what is happening in another very important country in the Middle East—Syria.

Since March, millions of protesters have peacefully taken to the streets of towns and villages across Syria demanding an end to the brutal dictatorship of the Assad family.

The Syrian people have suffered 40 years of economic hardship, political repression, and corruption under the Assad family—first under former President Hafez al-Assad and now under his son, Bashar al-Assad.

Let me give an example of life under the Assad regimes.

Almost 30 years ago, then-President Hafez al-Assad ruthlessly leveled a Portion of the town of Hama to put down a rebellion by his own people.

Between 10,000 and 20,000 fellow Syrians were literally buried to death in the rubble.

This is how political dissent was dealt with in Syria.

And what has been his son's strategy for addressing public demands for change while reform is sweeping the rest of the region?

Tragically, the same as his father—mass murder.

Since the popular uprising began, an estimated 2,000 people have already been slaughtered by Assad's security services.

Government snipers on rooftops have fired on those who dare to go outside in areas where protesters are active. Men have been rounded up and detained in nighttime house-to-house raids. Tanks and anti-aircraft guns have been used against civilians and civilian buildings.

A recent example—sadly one that is not at all unique—obviously shows that the current Assad regime has no sense of history.

Last month government troops backed by tanks, armored vehicles, and snipers entered the heart of Hama—the same town of Hama that had been flattened by Assad's father three decades

earlier—to quash antigovernment protesters.

Our dedicated U.S. Ambassador Robert Ford had gone to Hama not long before the siege to serve as witness to the unfolding events.

I wish to show this photo, which shows a giant Syrian flag held by the crowd during a protest against President Assad in the city of Hama on July 29.

The town—already under siege for days—saw its telephone, water, and electricity cut off at 5 a.m. as a prelude to the deployment.

Residents tried to stop the advancing armored columns with barricades—many of them built of furniture, iron railing, rocks, and cinderblocks—but stood little chance.

Dozens were killed and hundreds wounded.

Such public resilience and government brutality have continued unabated in Syria for months.

President Assad's tyrannical actions have been condemned around the world. The Arab League, not always known for its democratic advocacy, has urged Syria to “end the spilling of blood and follow the way of reason before it is too late.”

Syria's neighbor and significant trading partner Turkey has spoken out. Turkish President Gul said he has “lost confidence” in the Syrian government. Prime Minister Erdogan has said, “Turkey can no longer defend Syria.”

British Prime Minister Cameron, French President Sarkozy and German Chancellor Merkel jointly issued a statement urging Assad to “face the reality of the complete rejection of his regime by the Syrian people and to step aside in the best interests of Syria and the unity of its people.”

The United Nations human rights office in Geneva has issued a sweeping report concluding that the Syrian government might have committed crimes against humanity through summary executions, torture, and by harming children.

President Obama and Secretary of State Clinton have sharply criticized the Syrian government's crackdown from the start, and most recently the Administration announced additional sanctions against the regime, including those squeezing Assad's cash lifeline from petroleum exports. The European Union also cut its purchase of Syrian petroleum.

Senators GILLIBRAND and LIEBERMAN have introduced legislation—I am pleased to support—that further tightens sanctions against Syria's petroleum exports by penalizing those who buy Syrian oil or invest in its energy sector—an approach Congress has supported in the past against Iran.

I urge others to support this legislation and for the Congress to pass it expeditiously.

And when the crackdown in Syria began, I joined Senators LIEBERMAN, MCCAIN, CARDIN, KYL and at least 20 others on a Senate resolution condemning the violence. I understand that Senator PAUL has had a hold on that resolution for a number of months. I call on Senator PAUL to work with us on his concerns in a timely manner so we can move forward putting the Senate on record about these tragic events in Syria.

There is more still the international community can do.

Russia, China, India, Brazil and South Africa are still blocking a United Nations Security Council resolution that could impose more sweeping international sanctions on Syria. That some of these countries have emerged from decades under their own repressive regimes, only to sit silently as Assad slaughters his own people is extremely troubling.

Russia and China should also pledge not to purchase any surplus Syrian oil which is used by Assad to pay off his enablers and security henchmen.

Human rights monitors, humanitarian workers, and journalists must be allowed in the country.

And the International Criminal Court should look into indicting President Assad on war crimes.

This administration has shown great skill and diplomacy in navigating the turbulent calls for change in the Middle East.

These are demands from everyday people for a better life, for a chance to freely choose one's government, and to see hope and dignity for one's children.

The people of Syria should know that the rest of the world is watching and supporting their aspirations for freedom.

Saturday night in a suburb of Chicago I had a meeting with about 30 Syrian Americans, and we spoke at great length about the situation in the country of their birth. Many of them still have relatives, family, and friends, in Syria, and they are following on YouTube and through the international media the events of the day. They showed me on one of the computers nearby some of the YouTube footage which showed the Syrian security forces literally shooting a man dead, point blank. You could see him lying in the street, and you could see the blood flowing from his body.

To suggest that these peaceful protesters are anything else is to misstate the obvious. These people, by and large, in the streets of Syria are asking for the same thing that was asked for across the Middle East. They are asking for a chance for reform, for change, for self rule.

I promised my friends and people I represent in Illinois who have such strong feelings about Syria that I would do my best when I returned to Washington this week. This floor statement is just the beginning.

A few moments ago, I got off the telephone, having had a phone conversation with Ambassador Ford, who is in Damascus. He has done an exceptional job for our country. He has risked his life to let those who are protesting peacefully know that the United States is in their corner. We talked about the situation on the ground. He is a man of great talent and experience in the Middle East, and he analyzed all the different forces at work.

We know that Iran is, in fact, the major supporter and promoter of Assad and his repressive regime. We know, as well, that these five countries in the United Nations—Russia, India, China, Brazil, and South Africa—are stopping the United Nations action when it comes to Syria. I find it hard to imagine how some of these countries, in light of their own history, could ignore the obvious: the killing of innocent people in the streets of Syria. It cannot be tolerated, should not be condoned, and should not be protected by their veto in the United Nations.

I am going to work with President Obama and this administration and my friends in Congress on both sides of the aisle to let the people of Syria know that what is happening there has not been ignored by the U.S. Congress. I hope Senator RAND PAUL of Kentucky will at least lift his hold on bipartisan legislation which we have pending here which will express that sentiment in the strongest of terms.

The people of Syria deserve that message, to know that the people of the United States, through their elected representatives in the Senate, understand their plight, stand behind them, and will work to bring justice to their country.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH BOSTON VIETNAM VETERANS MEMORIAL

Mr. WEBB. Mr. President, I rise to express my congratulations and best wishes to the people of South Boston, MA, as they honor their community's

long tradition of service to country on the 30th anniversary of the South Boston Vietnam Veterans Memorial.

Thirty years ago, on September 13, 1981, the people of South Boston, led by their own citizens who had served in the Vietnam war, became one of the first communities in the United States to build and dedicate a permanent memorial in honor of those who had given their lives in Vietnam. I was privileged to be a speaker at the original dedication of the memorial, and I am honored to be returning to South Boston this year in order to once again pay tribute to those who served.

It is difficult for many of the generation that followed us to understand how bitterly our country had been divided by that war and how long it took to overcome if not resolve the divisions, often along class lines, that were left in its wake. I do not seek to reopen those wounds today, but it should not be forgotten that 25 young men from this solidly working-class community gave their lives in Vietnam, while Harvard College, located nearby on the far banks of the River Charles, lost a total of 12 out of the 11 classes from 1962 to 1972.

In building this memorial, the people of South Boston took it upon themselves to honor their own, and in so doing they reignited the spirit of service to country, not only here in Boston but elsewhere across our country. It was built through the dedication of friends and neighbors, acting together to honor and remember the service and sacrifice of those they knew and loved.

Many veterans from this community took strong roles in bringing the memorial to fruition, but I would like to extend a special recognition to Tommy Lyons, a Marine Corps veteran of Vietnam, who not only provided spirited and determined leadership on this Memorial but also went on to found the Semper Fidelis Society in Boston, which every November brings together more than 1,000 marines of all ages and wars for the most well-attended veterans' lunch in America.

Mr. President, 25 names are engraved on the South Boston memorial—all of them "Southie Boys," 15 of them marines, 9 soldiers, 1 airman. One of them was a lieutenant; the other 24 were enlisted men. All of them represent the best of citizen service, the willingness to put one's life on the line on behalf of our country.

In closing, I ask that the names of those inscribed on the memorial be printed below:

Joseph J. Agri, USMC
Charles A. Bazzinotti, USA
Richard J. Borovick, USA
John C. Calhoun, USMC
John H. Cole, USMC
Paul M. Daley, USA
Ronald L. Delverde, USMC
Joseph F. Desmond, USMC
Joseph W. Dunn, USMC
Devon M. Enman, USA

Gene D. Grover, USMC
Frank C. Hubicsak, USA
Douglas J. Itri, USA
John P. Jacobs, USMC
John G. Joyce, USA
Edward W. Milan, USAF
James E. O'Toole, USA
Burton W. Peterson, USMC
Paul H. Sheehan, USMC
James J. Stewart, USMC
Edward T. Stone, USMC
Edward M. Sullivan, USMC
Joseph E. Thomas, USMC
Donald J. Turner, USMC
James K. Wheeler, USA

REMEMBERING 9/11

Ms. SNOWE. Mr. President, I rise today on this most moving and memorable of occasions after we as a nation joined together to mark the solemn 10th anniversary of the attacks on September 11, 2001. Throughout my home State of Maine and across this great land, Americans are uniting as one nation indivisible as we pause to remember with the heaviest of hearts the tragedy that befell our nation 10 years ago—a morning that changed America—and Americans—forever.

We are all a different people in America—no matter our faith or ancestry—as a result of the horrific events on 9/11 that are ingrained upon the landscape of our consciousness for all time. We all know where we were and what we were doing at the precise time they happened. As many of us remember the assassination of President Kennedy, and some Pearl Harbor, our children will remember this day.

As we recall, that morning began with such remarkable blue skies, but ended with a Nation in mourning and stunned disbelief. In Washington, DC, I watched the images along with the rest of the world. Later, as the Sun set over the National Mall—still capped by smoke billowing from the wound in the side of the Pentagon—I will never forget gathering with my colleagues in the House and Senate on the Capitol steps to sing "God Bless America." We sang to send a message to the country and to the world that we would never be deterred—that freedom would never be crushed by the blunt and remorseless instruments of terror.

The notes of "God Bless America" still reverberate, the resilience we recaptured as a country remains pressed upon our national psyche, and the memory of the inspirational sacrifices of so many heroic Americans who perished that morning will forever have a home in our hearts and our prayers.

On this September 11 as in all that have preceded it, we mourn the loss of those eight individuals from Maine who were taken from us all too soon—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward.

We remember the heroic acts of valor that will always distinguish the men

and women of 115 different nations who went to work that day, or boarded a plane, or rushed to the aid of strangers whose lives they believed were as vital as their own—and never returned home. If 9/11 was a snapshot of horror, it also became a portrait of consummate humanity. If it laid bare the unimaginable cruelties of which humankind is capable, it also etched forever within our minds the heights to which the human spirit can rise—even and especially in the face of mortality.

Each had a soul, and having visited Ground Zero in the aftermath, I can tell you their presence still triumphed over the twisted destruction—and it always will. We recall that during one of the darkest days in our Nation's extraordinary and storied history, we also witnessed our Nation's mettle and solidarity, the inexhaustible courage and undaunted bravery that provided us with boundless inspiration and hope that sustained us then and inspires us today.

And nowhere was that more evident than with the first responders who, in the face of unspeakable adversity and peril, heroically ran toward the very dangers others were desperately trying to escape, placing their lives in harm's way in the most courageous and valiant of endeavors to save others without regard for their own safety.

As Americans, we are awed by the noble examples of courage and selflessness that emerged. When the alarm went off in fire stations across New York, firefighters were changing shifts. If they were on the way home, they turned around. If they were finishing up at the firehouse, getting ready to leave, they stayed. Some were retired—veterans already at home—and they reported in. Many were to find themselves climbing higher and higher in those great silver towers toward a fate that must have become clearer with every step.

Their valiant service and sacrifice are also a vivid reminder of the remarkable men and women exceptional enough to don our country's uniform to serve and defend our nation. Whether on our shores or soil here at home or around the globe, their steadfast sense of duty and love of country are an inspiration to us all, their commitment fortifies our will, and their professionalism steadies our hands in an uncertain world.

As I gathered with Mainers across our State, I could not help but feel that inescapable, palpable sense of patriotism that binds us all together as Americans. It is also, I believe, a continuation of the heightened love of country all of us experienced when our Nation's bravest and finest—in this case our Navy SEALs—achieved what Americas detractors said was unachievable. They triumphantly rid the world of public enemy number one, and brought justice to the evil incarnate that was Osama bin Laden.

In speaking of bin Laden, I have often sounded the refrain that you can run but you cannot hide. Well, thanks to the combined might of our military, intelligence, and counter-terrorism professionals, the message sent to the terrorists of the world with the death of Osama bin Laden is that America will prevail no matter how long it takes, whatever it takes, no matter where you are.

Though justice was finally rendered, the unending pain of loved ones lost does not ease with the passing of years, and yet out of these atrocities emerged heroes who were then and will forever be shining testaments to the very best of who we are as a nation. And so, today, we memorialize those whose lives were stilled on September 11, and at the same time, we cannot help but extol the courage and indomitable spirit they exhibited.

It was an unmistakable message to the world that we would never be deterred—that our freedoms could never be crushed by the cowardly instruments of terror that are no match against a resilient people certain in the knowledge that good ultimately triumphs over evil.

What better symbol could there be of our mettle as a people than the historic National 9/11 Flag initiative. Americans across our country are stitching together the tattered remnants of one of the largest flags that flew over the wreckage at Ground Zero. When our beloved banner of freedom arrived at the U.S. Capitol on July 14, I cannot begin to convey the sense of honor and privilege I experienced in contributing to its restoration. And to share in this event with first responders, 9/11 families, and veterans made this moment one I will treasure, always.

This expression of love for our homeland speaks to the inescapable belief that our strength as a nation has always emanated not from Washington, but from the people themselves—from tireless patriots of their own volition performing the most extraordinary of deeds.

Patriots like the exemplary Freeport Flag Ladies—Elaine Greene, Carmen Footer, and JoAnn Miller, who have waved American flags on Main Street every Tuesday morning, rain, snow, or shine, since 9-11 in tribute to those who have sacrificed for all of us—our brave servicemen and women and our first responders. It was the highest of honors for me to join them early Sunday morning on Main Street in Freeport to wave flags on the 10th anniversary.

Amid the trials and tribulations that this date in our history evokes, we take solace in the sacred truth that none of us grieves alone—that there are no strangers among us, only Americans. Indeed, out of the rubble rose our resolve, out of despair grew our determination, and out of the hate that was

perpetrated upon us proudly stood our humanity. And so, we venerate the American spirit that is stronger than stone and mortar, tougher than steel and glass, and more permanent than any pain or suffering that can be inflicted upon us.

ADDITIONAL STATEMENTS

COMMUNITY SHARES OF COLORADO

• Mr. BENNET. Mr. President, today I wish to honor Community Shares of Colorado, a philanthropic organization that is celebrating 25 years of supporting Colorado's communities. In its years of service, Community Shares has demonstrated a tireless commitment to supporting Colorado's non-profits and providing individuals with an opportunity to do the same.

Community Shares strives to connect Coloradans of any economic background with organizations that inspire them. The organizations staff and supporters firmly believe that philanthropy should not be restricted to the most affluent, but rather should be extended to include any and all who are willing to give. Using this approach, they have brought together average gifts of \$5 a week for a total of nearly \$20 million in support of more than 100 nonprofits.

Furthermore, Community Shares has recently begun a program entitled "My Colorado Project" aimed at encouraging our kids and young Coloradans to develop the habits of philanthropy and social responsibility. This innovative program expands traditional donation to include elements of social media and creates an engaging virtual community that involves our young, emerging philanthropists in supporting their communities and causes they care about with a geographic, age-accessible online tool.

The organizations that Community Shares supports are local and dedicated to the issues that define Colorado, from protecting our abundant natural resources to improving health care and promoting community leadership.

I join the State of Colorado in thanking the staff of this organization for their hard work and dedication, and I look forward to its continued success.●

MUSIC IN THE MOUNTAINS

• Mr. BENNET. Mr. President, today I recognize the 25th anniversary season of Music in the Mountains, a nonprofit classical music festival held in Durango, CO. This festival began in 1987 when Maestro Mischa Seminetsky assembled 11 musicians and offered 5 chamber music performances. Under the strong and capable leadership of executive director Susan Lander and current board president Terry Bacon, the

festival has grown to more than 220 musicians, many of whom are esteemed first chairs from orchestras across the country and a number of world renowned soloists. The festival now offers nearly thirty orchestral and chamber performances as well as a number of nontraditional musical events.

In addition the festival includes a conservatory program that provides musical training and mentoring for up to 100 young musicians from around the world. In 2000 Mischa Semnitsky and then-board president Ann Flatten began the Music in the Mountains Goes to School Program to reach out to local school children for instructional sessions and miniconcerts. Since then Music in the Mountains has become a regular partner with local schools in Durango offering a variety of teaching programs and activities during the school year that impact the life of hundreds of young students.

This festival would be remarkable in any community; I take particular pride in its being held in Durango, a town of 14,000 residents in the southwest corner of Colorado. The festival is a key component of southwest Colorado's summertime economy providing important economic benefits for the region. Most of the performances are held at the Durango Mountain Ski Resort, a stunningly beautiful resort north of Durango in the San Juan Mountains and an enchanting place to listen to world class music. I congratulate Music in the Mountains and all the volunteers, musicians and community leaders who have made this festival a brilliant success over the last 25 years.●

MAINE MILITARY FUNERAL HONORS PROGRAM

● Ms. COLLINS. Mr. President, today I recognize the contribution of the Maine Military Funeral Honors Program of the Army National Guard. The soldiers in this exceptional program perform military honors at the funerals for Maine's fallen warriors and veterans. They pay tribute to the men and women who have served our Nation, and provide comfort and dignity to the families during their time of loss.

On August 27, the Maine Military Funeral Honors Program performed its seven thousandth military funeral, a duty they have carried out since October 2004. Since that time, approximately 30 highly skilled and carefully selected soldiers of the Maine Military Funeral Honors Program have performed funerals for all of Maine's soldiers who have been killed in action, as well as funerals for veterans of every era, including one in July 2010 for a Civil War Veteran, William Wallace Clark, whose remains were recovered in July 2009 from an unmarked grave beside that of his wife. The team performed 424 military funerals in its first year, and this year they will perform

over 1,300—sadly more than 3 funerals per day as our World War II veterans are leaving us.

The soldiers of the Maine Military Funeral Honors Program proudly and respectfully render final honors for our fallen heroes, both past and present, from Fort Kent to Kittery, in the sweltering heat or the bitter cold. They never break military bearing and conform to the same exacting standards that are expected of all honor guards across the country, including those at Arlington National Cemetery.

The Maine Military Funeral Honors Program provides services to 96 percent of the Army veteran population in the State of Maine, a remarkable achievement unmatched by any other State. This year, the program will likely achieve 100 percent. As they continue to meet the growing number of requests to honor those who have answered the call to serve, I continue to be impressed by this exceptional program's dedication to honoring Maine's fallen Army veterans. On the occasion of their seven thousandth military funeral, it is an honor for me to pay homage to those who provide final honors to the best Maine and America have to offer.●

BONNEVILLE COUNTY, IDAHO

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Bonneville County's 100-year anniversary.

Established on February 7, 1911, by the Idaho Legislature, Bonneville County was formed out of Bingham County in eastern Idaho, along the Wyoming border. Bonneville County was named for CPT Benjamin Bonneville, an officer in the U.S. Army who was an explorer and fur trapper in the area in the 1830s.

Home to more than 100,000 Idahoans in an area of nearly 2,000 square miles, the county has diverse geography and industry. It is Idaho's fourth largest county and includes the six incorporated cities of Idaho Falls, Ucon, Iona, Ammon, Swan Valley, and Irwin. Outside of these cities, the county has many beautiful natural features, including the Snake River, Palisades Reservoir, Caribou National Forest, Grays Lake National Wildlife Refuge, and Targhee National Forest. Family farmers produce an abundance of agricultural products, including grain, livestock, fruits and vegetables, floriculture, and poultry, throughout the county. Bonneville County also leads the Nation in energy research and development through the Idaho National Laboratory, the Center for Advanced Energy Studies, and the AREVA Eagle Rock Enrichment Facility.

Bonneville County residents have much to celebrate with 100 years of accomplishments. The work of the Bonneville County Heritage Association

and volunteers to organize events observing this milestone, including the centennial Gala Celebration in November, is commendable. Many people have worked hard to make this celebration possible.

I was blessed to grow up and together with my wife raise our children in Bonneville County, where we experienced firsthand the exceptionalism of the people and the communities of the county.

Senator RISCH and I are proud to recognize this landmark anniversary. We congratulate Bonneville County residents for this centennial, and we wish its communities many more years of success.●

SECURITY STATE BANK

● Mr. KOHL. Mr. President, today I wish to recognize the 100th anniversary of Security State Bank. I am honored to have the opportunity to celebrate this extraordinary milestone.

For over a century, Security State Bank has provided its customers with the highest quality banking services. Since 1911, this locally owned institution has grown substantially and continues to promote economic growth throughout northern Wisconsin. Furthermore, Security State Bank has demonstrated an incredible commitment to customer service, as well as to the communities and employees it serves. Under the leadership of the bank's chairman and president, Mr. Willard Ogren, Security State Bank has prospered, further cementing its reputation as a fine lending institution but, more importantly, as a community leader dedicated to promoting financial stability and improvement.

I have both personal and professional admiration for independent banks that are focused on strengthening communities in both the best and worst economic times. For more than 100 years, Security State Bank has embodied the importance of building strong local connections.

It is for this commitment to providing every customer with the highest quality banking services and for their crucial role in community improvement that I am proud to recognize this occasion and 100 years of service that Security State Bank has provided to the people of the State of Wisconsin.●

CENTENNIAL OF MADISON COLLEGE

● Mr. KOHL. Mr. President, I am honored to have the opportunity to congratulate Madison College on their centennial celebration marking 100 years of providing high quality education to students in my State.

Wisconsin was the first State to establish schools for technical and vocational education. Madison College, founded in 1912 as the Madison Continuation School, was opened to provide vocational education to students

who dropped out of school. School administrators also targeted adult workers to help them maintain and flourish in their current jobs and also work toward obtaining new ones by providing the classes to help them do so. Throughout the years, Madison College tailored its educational role by responding to the Great Depression with increased craft specialty offerings, such as millinery and woodworking, and later in the post-World War II era, with the help of Federal funding, by honing workers' skills necessary for wartime jobs.

The focus and plan to ensure that every person gets a high-quality education remain true today at this fine institution. Currently, Madison College operates 12 locations in Madison and 4 regional campuses throughout a 12-county district in order to offer a wide variety of educational opportunities to the greatest number of students possible. Today, Madison College continues to add new programs, such as biotechnology and renewable energy, to keep up with the trends of the 21st century and continue to live up to their mission.

For a century of service I commend Madison College and recognize the faculty, students, alumni, and communities they call home. In these tough economic times, access to high-quality education and workforce development are critically important to our State and country finding our way to better financial times. Madison College has stood the test of time as well as economic cycles. I am honored to recognize Madison College on its centennial celebration and for all it has done for the State of Wisconsin and its citizens.●

MESSAGES FROM THE HOUSE

At 11:45 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

H.R. 2633. An act to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties.

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2887. An act to provide an extension of surface and air transportation programs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; to the Committee on the Judiciary.

H.R. 2633. An act to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2887. An act to provide an extension of surface and air transportation programs, and for other purposes.

S. 1549. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3168. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Inter-governmental Review" (7 CFR Parts 1778, 1942, 1944, 1948, 1951, 1980, 3560, 3565, 3570, 4274) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3169. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commercial Transportation of Equines to Slaughter" ((RIN0579-AC49) (Docket No. APHIS-2006-0168)) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3170. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Atrazine, Chloroneb, Chlorpyrifos, Clofencet,

Endosulfan, et al; Tolerance Actions" (FRL No. 8883-9) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3171. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfur Dioxide; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8887-2) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3172. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Passive Radio Frequency Identification" ((RIN0750-AH05) (DFARS Case 2010-D014)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3173. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Discussions Prior to Contract Award" ((RIN0750-AG82) (DFARS Case 2010-D013)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3174. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Alternative Line Item Structure" ((RIN0750-AH02) (DFARS Case 2010-D017)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3175. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Material Inspection and Receiving Report" (DFARS Case 2009-D023) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3176. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Construction and Architect-Engineer Services Performance Evaluation" ((RIN0750-AG91) (DFARS Case 2010-D024)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3177. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Designation of a Contracting Officer's Representative" ((RIN0750-AH35) (DFARS Case 2011-D037)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3178. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Positive Law Codification of Title 41 U.S.C." ((RIN0750-AG38) (DFARS Case 2011-D036)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3179. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Award Fee Reduction or Denial for

Health or Safety Issues" ((RIN0750-AH37) (DFARS Case 2011-D033)) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Armed Services.

EC-3180. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3181. A communication from the Acting Assistant Secretary for Housing-Federal Housing Commissioner, transmitting, pursuant to law, a report relative to the Federal Housing Administration's (FHA) General and Special Risk Insurance (GI/SRI) Fund and the FHA's Mutual Mortgage Insurance Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC-3182. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio and West Virginia; Determinations of Attainment of the 1997 Annual Fine Particle Standard for Four Nonattainment Areas" (FRL No. 9463-1) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Energy and Natural Resources.

EC-3183. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of *Echinacea tennesseensis* (Tennessee Purple Coneflower) from the Federal List of Endangered and Threatened Plants" (RIN1018-AW26) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3184. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—Subpart B, Federal Subsistence Board" (RIN1018-AX52) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3185. A communication from the Acting Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing Six Foreign Birds as Endangered Throughout Their Range" (RIN1018-AW39) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3186. A communication from the Wildlife Biologist, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011-12 Early Season" (RIN1018-AX34) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3187. A communication from the Wildlife Biologist, Fish and Wildlife Services, De-

partment of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AX34) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3188. A communication from the Wildlife Biologist, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations" (RIN1018-AX34) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3189. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio and West Virginia; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for Four Nonattainment Areas" (FRL No. 9463-1) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3190. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL No. 9463-6) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3191. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 52" (FRL No. 9464-6) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Environment and Public Works.

EC-3192. A communication from the Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Water, received in the Office of the President of the Senate on September 8, 2011; to the Committee on Environment and Public Works.

EC-3193. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Change of Name and Function; Technical Amendment" (Docket No. FDA-2011-N-0002) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3194. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Fiscal Year 2008 Low Income Home Energy Assistance Program (LIHEAP) Report; to the Committee on Health, Education, Labor, and Pensions.

EC-3195. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3196. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for the fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3197. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Canada for development, testing, and manufacture of the Improved Drive System transmission system and parts thereof, for the AH-64D Apache helicopter Block III upgrade for end-use by the U.S. Army in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3198. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad involving the export of defense articles, including technical data, and defense services to Mexico for the pre-cast and post-cast finishing operations of military aircraft, tank, and naval engine components to include engine hot-section blades for end use by United States military engine manufacturers in the amount of \$29,500,000; to the Committee on Foreign Relations.

EC-3199. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Monmouth, New Jersey, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AM49) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3200. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay for Sunday Work" (RIN3206-AM08) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3201. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Personnel Records" (RIN3206-AM05) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3202. A communication from the Director, Retirement Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees" (RIN3206-AM29) received in the Office of the President of the Senate on September 8, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3203. A communication from the Assistant Attorney General, Office of Legislative

Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2011"; to the Committee on Veterans' Affairs.

EC-3204. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Side Impact Protection" (RIN2127-AK82) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3205. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127-AK41) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3206. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (RIN2127-AK25) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3207. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment" (RIN2127-AL00) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3208. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Minor Editorial Corrections and Clarifications" (RIN2137-AE77) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3209. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification; Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards" (RIN2127-AK32) received in the Office of the President of the Senate on September 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3210. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Non-Sandbar Large Coastal Shark Research Fishery" (RIN0648-XA580) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3211. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Northern Area Trophy Fishery" (RIN0648-XA550) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3212. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA594) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3213. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA588) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3214. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA589) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3215. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA587) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3216. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA616) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3217. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA612) received in the Office of the President

of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3218. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA547) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-61. A resolution adopted by the Commission of Wayne County of the State of Michigan relative to support of an integrated network of high-speed trains and expanded Amtrak service as a key to economic development, job creation and fuel consumption reduction; to the Committee on Commerce, Science, and Transportation.

POM-62. A joint resolution adopted by the Senate of the State of California urging Congress to enact federal legislation to modernize the federal Toxic Substances Control Act of 1976 by strengthening chemical management through specified policy reforms; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION No. 3

Whereas, children and pregnant women are uniquely vulnerable to the health threats of toxic chemicals, and early life chemical exposures have been linked to chronic disease later in life; and

Whereas, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals to many diseases and health conditions that are rising in incidence, including childhood cancers, prostate cancer, breast cancer, learning and developmental disabilities, infertility, and obesity; and

Whereas, the President's Cancer Panel report released in May 2010 states "the true burden of environmentally induced cancers has been grossly underestimated," and the panel advised the President of the United States "to use the power of your office to remove the carcinogens and other toxins from our food, water, and air that needlessly increase health care costs, cripple our nation's productivity, and devastate American lives"; and

Whereas, workers in a range of industries are exposed to toxic chemicals which pose threats to their health, increasing worker absenteeism, workers' compensation claims, and health care costs that burden the economy; and

Whereas, a recent national poll found that 78 percent of American voters were seriously concerned about the threat to children's health from exposure to toxic chemicals in day-to-day life; and

Whereas, states bear an undue burden from toxic chemicals, including health care costs and environmental damages, disadvantaging businesses that lack information on chemicals in their supply chain, and increasing demands for state regulation; and

Whereas, the federal Toxic Substances Control Act of 1976 (TSCA; 15 U.S.C. Sec. 2601 et seq.), the primary governing federal statute, was intended to authorize the federal Environmental Protection Agency (EPA) to

protect public health and the environment from toxic chemicals; and

Whereas, when TSCA was passed, about 62,000 chemicals in commerce were “grandfathered in” without any required testing for health and safety hazards or any restrictions on usage; and

Whereas, in the 35 years since the enactment of TSCA, the EPA has required chemical companies to test only about 200 of those chemicals for health hazards and has issued partial restrictions on only five chemicals; and

Whereas, TSCA has been widely recognized as ineffective and obsolete due to legal and procedural hurdles that prevent the EPA from taking quick and effective regulatory action to protect the public against well-known chemical threats; and

Whereas, a strong uniform federal standard would be beneficial to both consumers and businesses; and

Whereas, in January 2009, the United States General Accounting Office (GAO) added the EPA’s regulatory program for assessing and controlling toxic chemicals to its list of “high risk” government programs that are not working as intended, finding that the EPA has been unable to complete assessments of chemicals of the highest concern. The EPA requires additional authority to obtain health and safety information from the chemical industry and to shift more of the burden to chemical companies to demonstrate the safety of their products. TSCA does not provide sufficient chemical safety data for public use by consumers, businesses, and workers and fails to create incentives to develop safer alternatives; and

Whereas, the National Conference of State Legislatures unanimously adopted a resolution in July 2009 that articulated principles for the reform of TSCA and called on Congress to act to update the law; and

Whereas, in August 2010, the Environmental Council of the States (ECOS), the national association of state environmental agency directors, unanimously adopted a resolution entitled “Reforming the Toxic Substances Control Act,” which endorsed specific policy reforms; and

Whereas, ten states have come together to launch the Interstate Chemicals Clearinghouse (IC2) to coordinate state chemical information management programs, and a coalition of 13 states issued guiding principles for TSCA reform; and

Whereas, seventy-one state laws on chemical safety have been enacted and signed into law in 18 states with broad bipartisan support over the last eight years; and

Whereas, California’s policy leadership on chemical management, although outstanding, cannot substitute for congressional leadership to reform TSCA, a reform which all parties agree is urgently needed; and

Whereas, TSCA is the only major federal environmental statute that has never been updated or reauthorized; and

Whereas, legislation to substantially reform TSCA was introduced during the 109th Congress in 2005, the 110th Congress in 2008, and again in the 111th Congress in 2010; Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California State Legislature urges the President and the 112th Congress of the United States to enact federal legislation to modernize the federal Toxic Substances Control Act of 1976 by strengthening chemical management through policy reforms that would do all of the following:

(a) Require producers and importers to perform comprehensive toxicity testing on their

products and to fully disclose the results of their testing.

(b) Require producers and importers to disclose the identities of chemicals in their products.

(c) Require immediate action to reduce or eliminate the worst chemicals, including persistent, bioaccumulative, and toxic chemicals, which are known as PBTs, and other priority toxic chemicals, to which there is already widespread exposure.

(d) Preserve the authority of state and tribal governments to operate chemical management programs that are more protective than the programs established by the federal government.

(e) Establish health safety standards for chemicals that rely on the best available science to protect the most vulnerable, including children and the developing fetus.

(f) Support those chemical manufacturers that are striving to establish that all existing and new chemicals are not harmful to human health, and to provide essential health and safety information on chemicals to inform the market, consumers, and the public.

(g) Reward innovation by fast-tracking the approval of new, demonstrably safer chemicals, and invest in green chemistry research and workforce development to boost American business and spur jobs making safer alternatives.

(h) Promote environmental justice by developing action plans to reduce disproportionate exposure to toxic chemicals in “hot spots” communities;

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the President pro Tempore of the United States Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1547. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Wendy Ruth Sherman, of Maryland, to be an Under Secretary of State (Political Affairs).

*Robert Stephen Ford, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic, to which position he was appointed during the recess of the Senate from December 22, 2010, to January 5, 2011.

Nominee: Robert S. Ford.

Post: U.S. Embassy Bahrain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by

them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Clare Alison Barkley: None.
3. Children and Spouses: None.
4. Parents: William Jack Ford—None. Marian Ford—None.
5. Grandparents: Deceased.
6. Brothers and Spouses: William E. Ford—None; Brian J. Ford—None.

Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic, to which position he was appointed during the recess of the Senate from December 22, 2010, to January 5, 2011.

Nominee: Norman L. Eisen.

Post: Ambassador to the Czech Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$28,500.00, 7/31/2008, Obama Victory Fund (Distributed \$1,150 to OFA, \$27,350 to DNC); \$2,300.00, 6/25/2008, Kissel for Congress; \$500.00, 6/18/2008, Friends of Jay Rockefeller; \$1,000.00, 6/12/2008, Pennsylvanians for Kanjorski; \$250.00, 3/27/2008, Al Franken for Senate; \$1,000.00, 3/15/2008, Berkowitz for Congress; \$1,000.00, 2/1/2008, Warner for Senate; \$1,150.00, 12/18/2007, Donna Edwards for Congress; \$1,150.00, 4/6/2007, Obama for America; \$2,300.00, 3/26/2007, Biden for President; \$2,300.00, 3/26/2007, Obama for President.
2. Spouse: M. Lindsay Kaplan: \$2,300.00, 6/25/2008, Kissel for Congress; \$2,000.00, 9/10/2008, Moveon.Org Political Action; \$1,150.00, 2/5/2008, Donna Edwards for Congress; \$1,000.00, 6/30/2007, Biden for President, Inc.; \$1,150.00, 4/6/2007, Obama for America; \$2,300.00, 3/6/2007, Obama for America.
3. Children and Spouses: Tamar Y. Eisen, none.
4. Parents: Frieda Eisen, none; Irvin Eisen—deceased.
5. Grandparents: All of my grandparents have been deceased for over 40 years.
6. Brothers and Spouses: Robert B. Eisen, none; Steven H. Eisen, none.
7. Sisters and Spouses: Not applicable.

*Francis Joseph Ricciardone, Jr., of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey, to which position he was appointed during the recess of the Senate from December 22, 2010, to January 5, 2011.

Nominee: Francis Joseph Ricciardone, Jr.

Post: U.S. Embassy Ankara.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Francesca Mara Ricciardone and Micah White: None. Chiara Teresa Ricciardone: None.
4. Parents: Francis J. Ricciardone, Sr., \$100, 2008, Republican National Committee. (Mother deceased).

5. Grandparents: Deceased.

6. Brothers and Spouses: Michael and Elizabeth Ricciardone, None; James and Lisa Ricciardone, None; David and Beverly Ricciardone, None.

7. Sisters and Spouses: Theresa Ricciardone and Peter Thayer, None; Marguerite Ricciardone and David R. Stone, \$100, 2/2010, Ellen Gibbs (D) (Selectman, Wellesley, MA).

*John A. Heffern, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Nominee: John Ashwood Heffern.

Post: United States Ambassador to Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: 0.
4. Parents: 0.
5. Grandparents: 0.

6. Brothers and Spouses: Christopher E. Heffern: \$200, 02/26/2008, Hillary Clinton (donor was sister-in-law Patricia Heffern).

7. Sisters and Spouses: Exact amounts unknown; those who donated anything at all claimed the amounts were negligible and were all for local candidates they did not disclose to me.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1545. A bill to designate Taiwan as a visa waiver program country under section 217(c) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1546. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON of South Dakota:

S. 1547. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. JOHNSON of South Dakota:

S. 1548. A bill to extend the National Flood Insurance Program until December 31, 2011; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (by request):

S. 1549. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

By Mr. BROWN of Ohio (for himself and Mr. REED):

S. 1550. A bill to establish the National Infrastructure Bank to provide financial assistance for qualified infrastructure projects selected by the Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK (for himself, Mr. ALEXANDER, Mr. RUBIO, and Mr. WYDEN):

S. 1551. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. DURBIN, Mr. ROCKEFELLER, Mr. MANCHIN, and Mr. PORTMAN):

S. Res. 261. A resolution designating the month of October 2011 as "National Medicine Abuse Awareness Month"; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 262. A resolution designating the week beginning on September 12, 2011, and ending on September 16, 2011, as "National Health Information Technology Week" to recognize the value of health information technology in improving health quality; considered and agreed to.

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. Res. 263. A resolution designating the week beginning September 11, 2011, as "National Direct Support Professionals Recognition Week"; considered and agreed to.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. Res. 264. A resolution designating September 12, 2011, as "National Day of Encouragement"; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. RUBIO):

S. Res. 265. A resolution honoring the lifetime achievements of E. Thom Rumberger; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 274

At the request of Mrs. HAGAN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 996, a bill to amend the

Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1060

At the request of Mr. BLUMENTHAL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1060, a bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1299

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1368

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1368, a bill to amend the

Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1425

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1425, a bill to amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

S. 1438

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1438, a bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 7.7 percent.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1438, *supra*.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1501

At the request of Mr. HELLER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1501, a bill to require the Joint Select Committee on Deficit Reduction to conduct the business of the Committee in a manner that is open to the public.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Tennessee

(Mr. ALEXANDER), the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mr. JOHANNES), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1527

At the request of Mrs. HAGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1531

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1531, a bill to provide a Federal regulatory moratorium, and for other purposes.

S. 1538

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1538, *supra*.

S. 1542

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1542, a bill to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

S.J. RES. 27

At the request of Mr. JOHANNES, his name was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON of South Dakota:

S. 1547. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to speak about the Export-Import Bank. Earlier today, I filed the Export-Import Bank Reauthorization Act of 2011. This legislation was approved unanimously by the Committee on Banking, Housing, and Urban Affairs last Thursday.

This legislation will ensure that the Bank remains able to continue to provide support for U.S. exporters and

workers. The bill extends the authorization of the Bank for 4 years, and will increase the Bank's lending authority to \$140 billion by 2015. It also strengthens transparency and accountability at the Bank, seeks to modernize the Bank's IT, encourages the Bank to increase projects designed to create renewable energies, and provides for greater oversight of the Bank's financing and any risks it might have to taxpayers.

The Bank's current authorization expires on September 30, 2011, and I hope that this legislation will pass as soon as possible to ensure that the Bank continues to operate.

The Export-Import Bank is the official export credit agency of the United States and it assists in financing the export of U.S. goods and services to international markets. Following the financial crisis, the Bank experienced a dramatic increase in its activities as many companies struggled to find financing in the private market. In Fiscal Year 2010, the Bank saw a 70 percent increase in authorizations from 2008. In fact, last year the Bank committed almost \$25 billion in support of U.S. exports—a record.

The Bank has been self-funding since 2008, regularly returning millions of dollars each year to the Treasury. This is a testament to the Bank's leadership under Chairman Fred Hochberg, as well as the good work of the dedicated staff and Board of the Bank.

All of the Bank's transactions are backed by the full faith and credit of the United States. Therefore, I am pleased that this legislation will help ensure that the Bank is working as efficiently and effectively as possible to protect the taxpayers.

Equally important is the Bank's goal to use exports to help create and maintain jobs here at home. This mission, embodied in the Bank's Charter, is at the very core of what Congress intended the Bank to do. I believe that while the Bank is doing a good job, it can—and must—do more. I believe this legislation will help the Bank reach that goal.

This bill is a bipartisan effort and I thank Senator SHELBY for his support. In addition, I thank Senator WARNER, the Chairman of the Subcommittee on Security and International Trade and Finance, Senator BENNET and Senator HAGAN for their extremely important input into this legislation. I urge all my colleagues to support the bill.

By Mr. REID (by request):

S. 1549. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Jobs Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Severability.
- Sec. 4. Buy American—Use of American iron, steel, and manufactured goods.
- Sec. 5. Wage rate and employment protection requirements.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

- Sec. 101. Temporary payroll tax cut for employers, employees and the self-employed.
- Sec. 102. Temporary tax credit for increased payroll.

Subtitle B—Other Relief for Businesses

- Sec. 111. Extension of temporary 100 percent bonus depreciation for certain business assets.
- Sec. 112. Surety bonds.
- Sec. 113. Delay in application of withholding on government contractors.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

- Sec. 201. Returning heroes and wounded warriors work opportunity tax credits.

Subtitle B—Teacher Stabilization

- Sec. 202. Purpose.
- Sec. 203. Grants for the outlying areas and the Secretary of the Interior; availability of funds.
- Sec. 204. State allocation.
- Sec. 205. State application.
- Sec. 206. State reservation and responsibilities.
- Sec. 207. Local educational agencies.
- Sec. 208. Early learning.
- Sec. 209. Maintenance of effort.
- Sec. 210. Reporting.
- Sec. 211. Definitions.
- Sec. 212. Authorization of appropriations.

Subtitle C—First Responder Stabilization

- Sec. 213. Purpose.
- Sec. 214. Grant program.
- Sec. 215. Appropriations.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

- Sec. 221. Purpose.
- Sec. 222. Authorization of appropriations.
- Sec. 223. Allocation of funds.
- Sec. 224. State use of funds.
- Sec. 225. State and local applications.
- Sec. 226. Use of funds.
- Sec. 227. Private schools.
- Sec. 228. Additional provisions.

PART II—COMMUNITY COLLEGE MODERNIZATION

- Sec. 229. Federal assistance for community college modernization.

PART III—GENERAL PROVISIONS

- Sec. 230. Definitions.
- Sec. 231. Buy American.

Subtitle E—Immediate Transportation Infrastructure Investments

- Sec. 241. Immediate transportation infrastructure investments.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

- Sec. 242. Short title; table of contents.
- Sec. 243. Findings and purpose.
- Sec. 244. Definitions.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

- Sec. 245. Establishment and general authority of AIFA.
- Sec. 246. Voting members of the board of directors.
- Sec. 247. Chief executive officer of AIFA.
- Sec. 248. Powers and duties of the board of directors.
- Sec. 249. Senior management.
- Sec. 250. Special Inspector General for AIFA.
- Sec. 251. Other personnel.
- Sec. 252. Compliance.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

- Sec. 253. Eligibility criteria for assistance from AIFA and terms and limitations of loans.
- Sec. 254. Loan terms and repayment.
- Sec. 255. Compliance and enforcement.
- Sec. 256. Audits; reports to the President and Congress.

PART III—FUNDING OF AIFA

- Sec. 257. Administrative fees.
- Sec. 258. Efficiency of AIFA.
- Sec. 259. Funding.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

- Sec. 260. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Subtitle G—Project Rebuild

- Sec. 261. Project rebuild.

Subtitle H—National Wireless Initiative

- Sec. 271. Definitions.

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

- Sec. 272. Clarification of authorities to repurpose Federal spectrum for commercial purposes.
- Sec. 273. Incentive auction authority.
- Sec. 274. Requirements when repurposing certain mobile satellite services spectrum for terrestrial broadband use.
- Sec. 275. Permanent extension of auction authority.
- Sec. 276. Authority to auction licenses for domestic satellite services.
- Sec. 277. Directed auction of certain spectrum.
- Sec. 278. Authority to establish spectrum license user fees.

PART II—PUBLIC SAFETY BROADBAND NETWORK

- Sec. 281. Reallocation of D block for public safety.
- Sec. 282. Flexible use of narrowband spectrum.
- Sec. 283. Single public safety wireless network licensee.
- Sec. 284. Establishment of Public Safety Broadband Corporation.
- Sec. 285. Board of directors of the corporation.
- Sec. 286. Officers, employees, and committees of the corporation.
- Sec. 287. Nonprofit and nonpolitical nature of the corporation.

- Sec. 288. Powers, duties, and responsibilities of the corporation.

- Sec. 289. Initial funding for corporation.
- Sec. 290. Permanent self-funding; duty to assess and collect fees for network use.
- Sec. 291. Audit and report.
- Sec. 292. Annual report to Congress.
- Sec. 293. Provision of technical assistance.
- Sec. 294. State and local implementation.
- Sec. 295. State and local implementation fund.
- Sec. 296. Public safety wireless communications research and development.
- Sec. 297. Public Safety Trust Fund.
- Sec. 298. FCC report on efficient use of public safety spectrum.
- Sec. 299. Public safety roaming and priority access.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

- Sec. 301. Short title.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

- Sec. 311. Extension of emergency unemployment compensation program.
- Sec. 312. Temporary extension of extended benefit provisions.
- Sec. 313. Reemployment services and reemployment and eligibility assessment activities.
- Sec. 314. Federal-State agreements to administer a self-employment assistance program.
- Sec. 315. Conforming amendment on payment of bridge to work wages.
- Sec. 316. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

PART II—REEMPLOYMENT NOW PROGRAM

- Sec. 321. Establishment of reemployment NOW program.
- Sec. 322. Distribution of funds.
- Sec. 323. State plan.
- Sec. 324. Bridge to work program.
- Sec. 325. Wage insurance.
- Sec. 326. Enhanced reemployment strategies.
- Sec. 327. Self-employment programs.
- Sec. 328. Additional innovative programs.
- Sec. 329. Guidance and additional requirements.
- Sec. 330. Report of information and evaluations to Congress and the public.
- Sec. 331. State.

PART III—SHORT-TIME COMPENSATION PROGRAM

- Sec. 341. Treatment of short-time compensation programs.
- Sec. 342. Temporary financing of short-time compensation payments in states with programs in law.
- Sec. 343. Temporary financing of short-time compensation agreements.
- Sec. 344. Grants for short-time compensation programs.
- Sec. 345. Assistance and guidance in implementing programs.
- Sec. 346. Reports.

Subtitle B—Long Term Unemployed Hiring Preferences

- Sec. 351. Long term unemployed workers work opportunity tax credits.

Subtitle C—Pathways Back to Work

- Sec. 361. Short title.

- Sec. 362. Establishment of Pathways Back to Work Fund.
- Sec. 363. Availability of funds.
- Sec. 364. Subsidized employment for unemployed, low-income adults.
- Sec. 365. Summer employment and year-round employment opportunities for low-income youth.
- Sec. 366. Work-based employment strategies of demonstrated effectiveness.
- Sec. 367. General requirements.
- Sec. 368. Definitions.
- Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed
- Sec. 371. Short title.
- Sec. 372. Findings and purpose.
- Sec. 373. Definitions.
- Sec. 374. Prohibited acts.
- Sec. 375. Enforcement.
- Sec. 376. Federal and State immunity.
- Sec. 377. Relationship to other laws.
- Sec. 378. Severability.
- Sec. 379. Effective date.

TITLE IV—OFFSETS

Subtitle A—28 Percent Limitation on Certain Deductions and Exclusions

- Sec. 401. 28 percent limitation on certain deductions and exclusions.

- Subtitle B—Tax Carried Interest in Investment Partnerships as Ordinary Income
- Sec. 411. Partnership interests transferred in connection with performance of services.

- Sec. 412. Special rules for partners providing investment management services to partnerships.

Subtitle C—Close Loophole for Corporate Jet Depreciation

- Sec. 421. General aviation aircraft treated as 7-year property.

Subtitle D—Repeal Oil Subsidies

- Sec. 431. Repeal of deduction for intangible drilling and development costs in the case of oil and gas wells.
- Sec. 432. Repeal of deduction for tertiary injectants.
- Sec. 433. Repeal of percentage depletion for oil and gas wells.
- Sec. 434. Section 199 deduction not allowed with respect to oil, natural gas, or primary products thereof.
- Sec. 435. Repeal oil and gas working interest exception to passive activity rules.
- Sec. 436. Uniform seven-year amortization for geological and geophysical expenditures.
- Sec. 437. Repeal enhanced oil recovery credit.
- Sec. 438. Repeal marginal well production credit.

Subtitle E—Dual Capacity Taxpayers

- Sec. 441. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
- Sec. 442. Separate basket treatment taxes paid on foreign oil and gas income.

Subtitle F—Increased Target and Trigger for Joint Select Committee on Deficit Reduction

- Sec. 451. Increased target and trigger for joint select committee on deficit reduction.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any subtitle of this Act shall be treated as referring only to the provisions of that subtitle.

SEC. 3. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4. BUY AMERICAN—USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 5. WAGE RATE AND EMPLOYMENT PROTECTION REQUIREMENTS.

(a) Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(b) With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(c) Projects as defined under title 49, United States Code, funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be subject to the requirements of section 5333(b) of title 49, United States Code.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

SEC. 101. TEMPORARY PAYROLL TAX CUT FOR EMPLOYERS, EMPLOYEES AND THE SELF-EMPLOYED.

(a) WAGES.—Notwithstanding any other provision of law—

(1) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of the Internal Revenue Code of 1986 shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a) of such Code), and

(2) with respect to remuneration paid during the payroll tax holiday period, the rate of tax under 3111(a) of such Code shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3221(a) and 3211(a) of such Code).

(3) Subsection (a)(2) shall only apply to—

(A) employees performing services in a trade or business of a qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(4) Subsection (a)(2) shall apply only to the first \$5 million of remuneration or compensation paid by a qualified employer subject to section 3111(a) or a corresponding amount of compensation subject to 3221(a).

(b) SELF-EMPLOYMENT TAXES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be—

(A) 6.2 percent on the portion of net earnings from self-employment subject to 1401(a) during the payroll tax period that does not exceed the amount of the excess of \$5 million over total remuneration, if any, subject to section 3111(a) paid during the payroll tax holiday period to employees of the self-employed person, and

(B) 9.3 percent for any portion of net earnings from self-employment not subject to subsection (b)(1)(A).

(2) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—For purposes of the Internal Revenue Code of 1986, in the case of any taxable year which begins in the payroll tax holiday period—

(A) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—The deduction allowed under section 1402(a)(12) of such Code shall be the sum of (i) 4.55 percent times the amount of the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section, plus (ii) 7.65 percent of the taxpayers net earnings from self-employment in excess of that amount.

(B) INDIVIDUAL DEDUCTION.—The deduction under section 164(f) of such Code shall be equal to the sum of (i) one-half of the taxes imposed by section 1401 (after the application of this section) with respect to the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section plus (ii) 62.7 percent of the taxes imposed by section 1401 (after the application of this section) with respect to the excess.

(c) REGULATORY AUTHORITY.—The Secretary may prescribe any such regulations or other guidance necessary or appropriate to carry out this section, including the allocation of the excess of \$5 million over total remuneration subject to section 3111(a) paid during the payroll tax holiday period among related taxpayers treated as a single qualified employer.

(d) DEFINITIONS.—

(1) PAYROLL TAX HOLIDAY PERIOD.—The term “payroll tax holiday period” means calendar year 2012.

(2) QUALIFIED EMPLOYER.—For purposes of this paragraph,

(A) IN GENERAL.—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding paragraph (A), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(3) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsections (a) and (b) to employers other than those described in (e)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a) to employers subject to the Railroad Retirement Tax. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(f) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

SEC. 102. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—Notwithstanding any other provision of law, each qualified employer shall be allowed, with respect to wages for services performed for such qualified employer, a payroll increase credit determined as follows:

(1) With respect to the period from October 1, 2011 through December 31, 2011, 6.2 percent of the excess, if any, (but not more than \$12.5 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for the corresponding period of 2010.

(2) With respect to the period from January 1, 2012 through December 31, 2012,

(A) 6.2 percent of the excess, if any, (but not more than \$50 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for calendar year 2011, minus

(B) 3.1 percent of the result (but not less than zero) of subtracting from \$5 million such wages for calendar year 2011.

(3) In the case of a qualified employer for which the wages subject to tax under section

3111(a) of the Internal Revenue Code of 1986 (a) were zero for the corresponding period of 2010 referred to in subsection (a)(1), the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for the period from October 1, 2011 through December 31, 2011 and (b) were zero for the calendar year 2011 referred to in subsection (a)(2), then the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for 2012.

(4) This subsection (a) shall only apply with respect to the wages of employees performing services in a trade or business of a qualified employer or, in the case of a qualified employer exempt from tax under section 501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(b) QUALIFIED EMPLOYERS.—For purposes of this section—

(1) IN GENERAL.—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(2) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (1), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(c) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) of the Internal Revenue Code of 1986 shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(d) APPLICATION OF CREDITS.—The payroll increase credit shall be treated as a credit allowable under Subtitle C of the Internal Revenue Code of 1986 under rules prescribed by the Secretary of the Treasury, provided that the amount so treated for the period described in section (a)(1) or section (a)(2) shall not exceed the amount of tax imposed on the qualified employer under section 3111(a) of such Code for the relevant period. Any income tax deduction by a qualified employer for amounts paid under section 3111(a) of such Code or similar Railroad Retirement Tax provisions shall be reduced by the amounts so credited.

(e) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (d). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) APPLICATION TO RAILROAD RETIREMENT TAXES.—For purposes of qualified employers that are employers under section 3231(a) of the Internal Revenue Code of 1986, subsections (a)(1) and (a)(2) of this section shall apply by substituting section 3221 for section 3111, and substituting the term “compensation” for “wages” as appropriate.

Subtitle B—Other Relief for Businesses

SEC. 111. EXTENSION OF TEMPORARY 100 PERCENT BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code is amended—

(1) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(2) by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 168(k) of the Internal Revenue Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

SEC. 112. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(c) SUNSET.—The amendments made by subsections (a) and (b) of this section shall remain in effect until September 30, 2012.

(d) FUNDING.—There is appropriated out of any money in the Treasury not otherwise appropriated, \$3,000,000, to remain available until expended, for additional capital for the Surety Bond Guarantees Revolving Fund, as authorized by the Small Business Investment Act of 1958, as amended.

SEC. 113. DELAY IN APPLICATION OF WITHHOLDING ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

SEC. 201. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) RETURNING HEROES TAX CREDITS.—Section 51(d)(3)(A) of the Internal Revenue Code is amended by striking “or” at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”.

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal revenue Code is amended by adding a new paragraph 15 as follows—

“(15) CREDIT ALLOWED FOR UNEMPLOYED VETERANS.—

“(A) IN GENERAL.—Any qualified veteran under paragraphs (3)(A)(ii)(II), (3)(A)(iii), and

(3)(A)(iv) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

“(i) In the case of qualified veterans under paragraphs (3)(A)(ii)(II) and (3)(A)(iv), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date; or

“(ii) In the case of a qualified veteran under paragraph (3)(A)(iii), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.”

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word “No” at the beginning of the section and replacing it with “Except as provided in this subsection, no”;

(2) the following new paragraphs are inserted at the end of section 52(c)—

“(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(A) The amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified veterans described in sections 51(d)(3)(A)(ii)(II), (iii) or (iv); or

“(B) The amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(2) CREDIT AMOUNT.—In calculating for tax-exempt employers, the work opportunity credit shall be determined by substituting ‘26 percent’ for ‘40 percent’ in section 51(a) and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(3) TAX-EXEMPT EMPLOYER.—For purposes of this subpart, the term ‘tax-exempt employer’ means an employer that is—

“(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(4) PAYROLL TAXES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

“(ii) amounts required to be withheld from such employees under section 3101(a), and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111(a).”

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being

equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Teacher Stabilization

SEC. 202. PURPOSE.

The purpose of this subtitle is to provide funds to States to prevent teacher layoffs and support the creation of additional jobs in public early childhood, elementary, and secondary education in the 2011–2012 and 2012–2013 school years.

SEC. 203. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR; AVAILABILITY OF FUNDS.

(a) RESERVATION OF FUNDS.—From the amount appropriated to carry out this subtitle under section 212, the Secretary—

(1) shall reserve up to one-half of one percent to provide assistance to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this part under such terms and conditions as the Secretary may determine;

(2) shall reserve up to one-half of one percent to provide assistance to the Secretary of the Interior to carry out activities consistent with this part, in schools operated or funded by the Bureau of Indian Education; and

(3) may reserve up to \$2,000,000 for administration and oversight of this part, including program evaluation.

(b) AVAILABILITY OF FUNDS.—Funds made available under section 212 shall remain available to the Secretary until September 30, 2012.

SEC. 204. STATE ALLOCATION.

(a) ALLOCATION.—After reserving funds under section 203(a), the Secretary shall allocate to the States—

(1) 60 percent on the basis of their relative population of individuals aged 5 through 17; and

(2) 40 percent on the basis of their relative total population.

(b) AWARDS.—From the funds allocated under subsection (a), the Secretary shall make a grant to the Governor of each State who submits an approvable application under section 214.

(c) ALTERNATE DISTRIBUTION OF FUNDS.—

(1) If, within 30 days after the date of enactment of this Act, a Governor has not submitted an approvable application to the Secretary, the Secretary shall, consistent with paragraph (2), provide for funds allocated to that State to be distributed to another entity or other entities in the State for the support of early childhood, elementary, and secondary education, under such terms and conditions as the Secretary may establish.

(2) MAINTENANCE OF EFFORT.—

(A) GOVERNOR ASSURANCE.—The Secretary shall not allocate funds under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2012 and 2013 meet the requirements of section 209.

(B) Notwithstanding subparagraph (A), the Secretary may allocate up to 50 percent of the funds that are available to the State under paragraph (1) to another entity or entities in the State, provided that the State educational agency submits data to the Secretary demonstrating that the State will for fiscal year 2012 meet the requirements of section 209(a) or the Secretary otherwise determines that the State will meet those requirements, or such comparable requirements as the Secretary may establish, for that year.

(3) REQUIREMENTS.—An entity that receives funds under paragraph (1) shall use those funds in accordance with the requirements of this subtitle.

(d) REALLOCATION.—If a State does not receive funding under this subtitle or only receives a portion of its allocation under subsection (c), the Secretary shall reallocate the State's entire allocation or the remaining portion of its allocation, as the case may be, to the remaining States in accordance with subsection (a).

SEC. 205. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this subtitle shall submit an application to the Secretary within 30 days of the date of enactment of this Act, in such manner, and containing such information as the Secretary may reasonably require to determine the State's compliance with applicable provisions of law.

SEC. 206. STATE RESERVATION AND RESPONSIBILITIES.

(a) RESERVATION.—Each State receiving a grant under section 204(b) may reserve—

(1) not more than 10 percent of the grant funds for awards to State-funded early learning programs; and

(2) not more than 2 percent of the grant funds for the administrative costs of carrying out its responsibilities under this subtitle.

(b) STATE RESPONSIBILITIES.—Each State receiving a grant under this subtitle shall, after reserving any funds under subsection (a)—

(1) use the remaining grant funds only for awards to local educational agencies for the support of early childhood, elementary, and secondary education; and

(2) distribute those funds, through subgrants, to its local educational agencies by distributing—

(A) 60 percent on the basis of the local educational agencies' relative shares of enrollment; and

(B) 40 percent on the basis of the local educational agencies' relative shares of funds received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2011; and

(3) make those funds available to local educational agencies no later than 100 days after receiving a grant from the Secretary.

(c) **PROHIBITIONS.**—A State shall not use funds received under this subtitle to directly or indirectly—

(1) establish, restore, or supplement a rainy-day fund;

(2) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(3) reduce or retire debt obligations incurred by the State; or

(4) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

SEC. 207. LOCAL EDUCATIONAL AGENCIES.

Each local educational agency that receives a subgrant under this subtitle—

(1) shall use the subgrant funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, recall or rehire former employees, or hire new employees to provide early childhood, elementary, or secondary educational and related services;

(2) shall obligate those funds no later than September 30, 2013; and

(3) may not use those funds for general administrative expenses or for other support services or expenditures, as those terms are defined by the National Center for Education Statistics in the Common Core of Data, as of the date of enactment of this Act.

SEC. 208. EARLY LEARNING.

Each State-funded early learning program that receives funds under this subtitle shall—

(1) use those funds only for compensation, benefits, and other expenses, such as support services, necessary to retain early childhood educators, recall or rehire former early childhood educators, or hire new early childhood educators to provide early learning services; and

(2) obligate those funds no later than September 30, 2013.

SEC. 209. MAINTENANCE OF EFFORT.

(a) The Secretary shall not allocate funds to a State under this subtitle unless the State provides an assurance to the Secretary that—

(1) for State fiscal year 2012—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2011; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)

at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2011; and

(2) for State fiscal year 2013—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2012; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2012.

(b) **WAIVER.**—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the State.

SEC. 210. REPORTING.

Each State that receives a grant under this subtitle shall submit, on an annual basis, a report to the Secretary that contains—

(1) a description of how funds received under this part were expended or obligated; and

(2) an estimate of the number of jobs supported by the State using funds received under this subtitle.

SEC. 211. DEFINITIONS.

(a) Except as otherwise provided, the terms “local educational agency”, “outlying area”, “Secretary”, “State”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) The term “State” does not include an outlying area.

(c) The term “early childhood educator” means an individual who—

(1) works directly with children in a State-funded early learning program in a low-income community;

(2) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

(3) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

(d) The term “State-funded early learning program” means a program that provides educational services to children from birth to kindergarten entry and receives funding from the State.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$30,000,000,000 to carry out this subtitle for fiscal year 2012.

Subtitle C—First Responder Stabilization

SEC. 213. PURPOSE.

The purpose of this subtitle is to provide funds to States and localities to prevent layoffs of, and support the creation of additional jobs for, law enforcement officers and other first responders.

SEC. 214. GRANT PROGRAM.

The Attorney General shall carry out a competitive grant program pursuant to sec-

tion 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for hiring, rehiring, or retention of career law enforcement officers under part Q of such title. Grants awarded under this section shall not be subject to subsections (g) or (i) of section 1701 or to section 1704 of such Act (42 U.S.C. 3796dd-3(c)).

SEC. 215. APPROPRIATIONS.

There are hereby appropriated to the Community Oriented Policing Stabilization Fund out of any money in the Treasury not otherwise obligated, \$5,000,000,000, to remain available until September 30, 2012, of which \$4,000,000,000 shall be for the Attorney General to carry out the competitive grant program under Section 214; and of which \$1,000,000,000 shall be transferred by the Attorney General to a First Responder Stabilization Fund from which the Secretary of Homeland Security shall make competitive grants for hiring, rehiring, or retention pursuant to the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), to carry out section 34 of such Act (15 U.S.C. 2229a). In making such grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34. Of the amounts appropriated herein, not to exceed \$8,000,000 shall be for administrative costs of the Attorney General, and not to exceed \$2,000,000 shall be for administrative costs of the Secretary of Homeland Security.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

SEC. 221. PURPOSE.

The purpose of this part is to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts across America in order to support the achievement of improved educational outcomes in those schools.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$25,000,000,000 to carry out this part, which shall be available for obligation by the Secretary until September 30, 2012.

SEC. 223. ALLOCATION OF FUNDS.

(a) **RESERVATIONS.**—Of the amount made available to carry out this part, the Secretary shall reserve—

(1) one-half of one percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 226 in schools operated or funded by the Bureau of Indian Education;

(2) one-half of one percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 226; and

(3) such funds as the Secretary determines are needed to conduct a survey, by the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States.

(b) **STATE ALLOCATION.**—After reserving funds under subsection (a), the Secretary shall allocate the remaining amount among the States in proportion to their respective allocations under part A of title I of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6311 et seq.) for fiscal year 2011, except that—

(1) the Secretary shall allocate 40 percent of such remaining amount to the 100 local educational agencies with the largest numbers of children aged 5–17 living in poverty, as determined using the most recent data

available from the Department of Commerce that are satisfactory to the Secretary, in proportion to those agencies' respective allocations under part A of title I of the ESEA for fiscal year 2011; and

(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in that State.

(c) **REMAINING ALLOCATION.**—

(1) If a State does not apply for its allocation (or applies for less than the full allocation for which it is eligible) or does not use that allocation in a timely manner, the Secretary may—

(A) reallocate all or a portion of that allocation to the other States in accordance with subsection (b); or

(B) use all or a portion of that allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I of the ESEA for fiscal year 2011 or such other method as the Secretary may determine.

(2) If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which it is eligible, or does not use that allocation in a timely manner, the Secretary may reallocate all or a portion of its allocation to the State in which that agency is located.

SEC. 224. STATE USE OF FUNDS.

(a) **RESERVATION.**—Each State that receives a grant under this part may reserve not more than one percent of the State's allocation under section 223(b) for the purpose of administering the grant, except that no State may reserve more than \$750,000 for this purpose.

(b) **FUNDS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **FORMULA SUBGRANTS.**—From the grant funds that are not reserved under subsection (a), a State shall allocate at least 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 223(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I of the ESEA for fiscal year 2011, except that no such local educational agency shall receive less than \$10,000.

(2) **ADDITIONAL SUBGRANTS.**—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 223(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most needed in the State, with priority given to projects in rural local educational agencies.

(c) **REMAINING FUNDS.**—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use that allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

SEC. 225. STATE AND LOCAL APPLICATIONS.

(a) **STATE APPLICATION.**—A State that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) an identification of the State agency or entity that will administer the program;

(2) the State's process for determining how the grant funds will be distributed and administered, including—

(A) how the State will determine the criteria and priorities in making subgrants under section 224(b)(2);

(B) any additional criteria the State will use in determining which projects it will fund under that section;

(C) a description of how the State will consider—

(i) the needs of local educational agencies for assistance under this part;

(ii) the impact of potential projects on job creation in the State;

(iii) the fiscal capacity of local educational agencies applying for assistance;

(iv) the percentage of children in those local educational agencies who are from low-income families; and

(v) the potential for leveraging assistance provided by this program through matching or other financing mechanisms;

(D) a description of how the State will ensure that the local educational agencies receiving subgrants meet the requirements of this part;

(E) a description of how the State will ensure that the State and its local educational agencies meet the deadlines established in section 228;

(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

(i) the LEED Green Building Rating System;

(ii) Energy Star;

(iii) the CHPS Criteria;

(iv) Green Globes; or

(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency;

(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this part; and

(H) such additional information and assurances as the Secretary may require.

(b) **LOCAL APPLICATION.**—A local educational agency that is eligible under section 223(b)(1) that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) a description of how the local educational agency will meet the deadlines and requirements of this part;

(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this part; and

(3) such additional information and assurances as the Secretary may require.

SEC. 226. USE OF FUNDS.

(a) **IN GENERAL.**—Funds awarded to local educational agencies under this part shall be used only for either or both of the following modernization, renovation, or repair activities in facilities that are used for elementary or secondary education or for early learning programs:

(1) Direct payments for school modernization, renovation, and repair.

(2) To pay interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

(c) **PROHIBITION.**—Funds awarded to local educational agencies under this part may not be used for—

(1) new construction;

(2) payment of routine maintenance costs; or

(3) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 227. PRIVATE SCHOOLS.

(a) **IN GENERAL.**—Section 9501 of the ESEA (20 U.S.C. 7881) shall apply to this part in the same manner as it applies to activities under that Act, except that—

(1) section 9501 shall not apply with respect to the title to any real property modernized, renovated, or repaired with assistance provided under this section;

(2) the term "services", as used in section 9501 with respect to funds under this part, shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include only—

(A) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(C) asbestos or polychlorinated biphenyls abatement or removal from school facilities; and

(3) expenditures for services provided using funds made available under section 226 shall be considered equal for purposes of section 9501(a)(4) of the ESEA if the per-pupil expenditures for services described in paragraph (2) for students enrolled in private nonprofit elementary and secondary schools that have child-poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this subpart for children enrolled in the public schools of the local educational agency receiving funds under this subpart.

(b) **REMAINING FUNDS.**—If the expenditure for services described in paragraph (2) is less than the amount calculated under paragraph (3) because of insufficient need for those services, the remainder shall be available to the local educational agency for modernization, renovation, and repair of its school facilities.

(c) **APPLICATION.**—If any provision of this section, or the application thereof, to any person or circumstance is judicially determined to be invalid, the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

SEC. 228. ADDITIONAL PROVISIONS.

(a) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 223(b)(1), by States reserving funds under section 224(a), and by local educational agencies receiving subgrants under section 224(b)(1) only during the period that ends 24 months after the date of enactment of this Act.

(b) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving subgrants under

section 224(b)(2) only during the period that ends 36 months after the date of enactment of this Act.

(c) Section 439 of the General Education Provisions Act (20 U.S.C. 1232b) shall apply to funds available under this part.

(d) For purposes of section 223(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

PART II—COMMUNITY COLLEGE MODERNIZATION

SEC. 229. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (h), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

(2) ALLOCATION.—

(A) RESERVATIONS.—Of the amount made available to carry out this section, the Secretary shall reserve—

(i) up to 0.25 percent for grants to institutions that are eligible under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to provide for modernization, renovation, and repair activities described in this section; and

(ii) up to 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this section.

(B) ALLOCATION.—After reserving funds under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to any remaining funds as the total number of students in such State who are enrolled in institutions described in section 230(b)(1)(A) plus the number of students who are estimated to be enrolled in and pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree in institutions described in section 230(b)(1)(B), based on the proportion of degrees or certificates awarded by such institutions that are not bachelor's, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System bears to the estimated total number of such students in all States, except that no State shall receive less than \$2,500,000.

(C) REALLOCATION.—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

(D) STATE ADMINISTRATION.—A State that receives a grant under this section may use not more than one percent of that grant to administer it, except that no State may use more than \$750,000 of its grant for this purpose.

(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such

time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

(1) how the funds provided under this section will improve instruction at community colleges in the State and will improve the ability of those colleges to educate and train students to meet the workforce needs of employers in the State; and

(2) the projected start of each project and the estimated number of persons to be employed in the project.

(c) PROHIBITED USES OF FUNDS.—

(1) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of routine maintenance costs; (ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or (iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or (II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(2) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) GREEN PROJECTS.—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified, verified, or consistent with the applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria, as applicable;

(4) Green Globes; or

(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(e) APPLICATION OF GEPA.—Section 439 of the General Education Provisions Act such Act (20 U.S.C. 1232b) shall apply to funds available under this subtitle.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant was, or will be, used;

(2) a description of the amount and nature of the assistance provided to each community college under this section; and

(3) the number of jobs created by the projects funded under this section.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965; 20 U.S.C. 1003) an annual report on the grants made under this section, including the information described in subsection (f).

(h) AVAILABILITY OF FUNDS.—

(1) There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this sec-

tion and out of any money in the Treasury not otherwise appropriated), \$5,000,000,000 for fiscal year 2012.

(2) Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of this Act.

PART III—GENERAL PROVISIONS

SEC. 230. DEFINITIONS.

(a) ESEA TERMS.—Except as otherwise provided, in this subtitle, the terms “local educational agency”, “Secretary”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ADDITIONAL DEFINITIONS.—The following definitions apply to this title:

(1) COMMUNITY COLLEGE.—The term “community college” means—

(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term “LEED Green Building Rating System” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) MODERNIZATION, RENOVATION, AND REPAIR.—The term “modernization, renovation and repair” means—

(A) comprehensive assessments of facilities to identify—

(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and (ii) needed facility improvements;

(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive “green” roofs); electrical wiring; water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

(D) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as

improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

(E) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

(F) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(G) retrofitting necessary to increase energy efficiency;

(H) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as "green cleaning" programs, to reduce or eliminate potential student or staff exposure to—

- (i) volatile organic compounds;
- (ii) particles such as dust and pollens; or
- (iii) combustion gases;

(I) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(J) installation or upgrading of educational technology infrastructure;

(K) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, and geothermal systems, and energy audits;

(L) modernization, renovation, or repair activities related to energy efficiency and renewable energy, and improvements to building infrastructures to accommodate bicycle and pedestrian access;

(M) Ground improvements, storm water management, landscaping and environmental clean-up when necessary;

(N) other modernization, renovation, or repair to—

- (i) improve teachers' ability to teach and students' ability to learn;
- (ii) ensure the health and safety of students and staff; or
- (iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

(O) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (L).

(7) **OUTLYING AREA.**—The term "outlying area" means the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(8) **STATE.**—The term "State" means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 231. BUY AMERICAN.

Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to funds made available under this title.

Subtitle E—Immediate Transportation Infrastructure Investments

SEC. 241. IMMEDIATE TRANSPORTATION INFRASTRUCTURE INVESTMENTS.

(a) GRANTS-IN-AID FOR AIRPORTS.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$2,000,000,000 to carry out airport improvement under sub-

chapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act or in title 49, United States Code.

(3) **DISTRIBUTION OF FUNDS.**—Funds provided to the Secretary under this subsection shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title.

(4) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(5) **ADMINISTRATIVE EXPENSES.**—Of the funds made available under this subsection, 0.3 percent shall be available to the Secretary for administrative expenses, shall remain available for obligation until September 30, 2015, and may be used in conjunction with funds otherwise provided for the administration of the Grants-In-Aid for Airports program.

(b) NEXT GENERATION AIR TRAFFIC CONTROL ADVANCEMENTS.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$1,000,000,000 for necessary Federal Aviation Administration capital, research and operating costs to carry out Next Generation air traffic control system advancements.

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act.

(c) HIGHWAY INFRASTRUCTURE INVESTMENT.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$27,000,000,000 for restoration, repair, construction and other activities eligible under section 133(b) of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under section 601(a)(8) of title 23.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable on account of any project or activity carried out with funds made available under this subsection shall be, at the option of the recipient, up to 100 percent of the total cost thereof. The amount made available under this subsection shall not be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in any Act or in title 23, United States Code.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—Of the funds provided in this subsection, after making the set-asides required by paragraphs (9), (10), (11), (12), and (15), 50 percent of the funds

shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2010 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division A of Public Law 111-117.

(5) **APPORTIONMENT.**—Apportionments under paragraph (4) shall be made not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each State an amount equal to 50 percent of the funds apportioned under paragraph (4) to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this subparagraph in the manner described in section 120(c) of division A of Public Law 111-117.

(B) One year following the date of apportionment, the Secretary shall withdraw from each recipient of funds apportioned under paragraph (4) any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this paragraph (excluding funds suballocated within the State) in the manner described in section 120(c) of division A of Public Law 111-117.

(C) At the request of a State, the Secretary may provide an extension of the one-year period only to the extent that the Secretary determines that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary notify in writing the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works, providing a thorough justification for the extension.

(7) **TRANSPORTATION ENHANCEMENTS.**—Three percent of the funds apportioned to a State under paragraph (4) shall be set aside for the purposes described in section 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005).

(8) **SUBALLOCATION.**—Thirty percent of the funds apportioned to a State under this subsection shall be suballocated within the State in the manner and for the purposes described in the first sentence of sections 133(d)(3)(A), 133(d)(3)(B), and 133(d)(3)(D) of title 23, United States Code. Such suballocation shall be conducted in every State. Funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided by paragraph (6)(A).

(9) **PUERTO RICO AND TERRITORIAL HIGHWAY PROGRAMS.**—Of the funds provided under this subsection, \$105,000,000 shall be set aside for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and \$45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code.

(10) **FEDERAL LANDS AND INDIAN RESERVATIONS.**—Of the funds provided under this subsection, \$550,000,000 shall be set aside for investments in transportation at Indian reservations and Federal lands in accordance with the following:

(A) Of the funds set aside by this paragraph, \$310,000,000 shall be for the Indian Reservation Roads program, \$170,000,000 shall be

for the Park Roads and Parkways program, \$60,000,000 shall be for the Forest Highway Program, and \$10,000,000 shall be for the Refuge Roads program.

(B) For investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act.

(C) One year following the enactment of this Act, to ensure the prompt use of the funding provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated.

(D) Up to four percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(E) Section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds set aside by this paragraph.

(1) **JOB TRAINING.**—Of the funds provided under this subsection, \$50,000,000 shall be set aside for the development and administration of transportation training programs under section 140(b) title 23, United States Code.

(A) Funds set aside under this subsection shall be competitively awarded and used for the purpose of providing training, apprenticeship (including Registered Apprenticeship), skill development, and skill improvement programs, as well as summer transportation institutes and may be transferred to, or administered in partnership with, the Secretary of Labor and shall demonstrate to the Secretary of Transportation program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome metrics, such as job placement and job retention rates, established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Investment Act;

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter; and

(vi) identification of areas of collaboration with the Department of Labor programs, including co-enrollment.

(B) To be eligible to receive a competitively awarded grant under this subsection, a State must certify that at least 0.1 percent of the amounts apportioned under the Surface Transportation Program and Bridge Program will be obligated in the first fiscal year after enactment of this act for job training activities consistent with section 140(b) of title 23, United States Code.

(12) **DISADVANTAGED BUSINESS ENTERPRISES.**—Of the funds provided under this subsection, \$10,000,000 shall be set aside for training programs and assistance programs under section 140(c) of title 23, United States Code. Funds set aside under this paragraph should be allocated to businesses that have proven success in adding staff while effectively completing projects.

(13) **STATE PLANNING AND OVERSIGHT EXPENSES.**—Of amounts apportioned under paragraph (4) of this subsection, a State may

use up to 0.5 percent for activities related to projects funded under this subsection, including activities eligible under sections 134 and 135 of title 23, United States Code, State administration of subgrants, and State oversight of subrecipients.

(14) **CONDITIONS.**—

(A) Funds made available under this subsection shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code.

(B) Funds made available under this subsection shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code.

(C) Funding provided under this subsection shall be in addition to any and all funds provided for fiscal years 2011 and 2012 in any other Act for “Federal-aid Highways” and shall not affect the distribution of funds provided for “Federal-aid Highways” in any other Act.

(D) Section 1101(b) of Public Law 109-59 shall apply to funds apportioned under this subsection.

(15) **OVERSIGHT.**—The Administrator of the Federal Highway Administration may set aside up to 0.15 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2015.

(d) **CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$4,000,000,000 for grants for high-speed rail projects as authorized under sections 26104 and 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, except that the Administrator of the Federal Railroad Administration may retain up to one percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this subsection, which retained amount shall remain available for obligation until September 30, 2015.

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) **FEDERAL SHARE.**—The Federal share payable of the costs for which a grant or cooperative agreements is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(4) **INTERIM GUIDANCE.**—The Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this subsection pursuant to that guidance until final regulations are issued.

(5) **INTERCITY PASSENGER RAIL CORRIDORS.**—Not less than 85 percent of the funds provided under this subsection shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors.

(6) **CONDITIONS.**—

(A) In addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this subsection, subsections 24402(a)(2), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this subsection.

(B) A project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this subsection.

(C) Recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

(e) **CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.**—

(1) **IN GENERAL.**—There is made available \$2,000,000,000 to enable the Secretary of Transportation to make capital grants to the National Railroad Passenger Corporation (Amtrak), as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432).

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) **PROJECT PRIORITY.**—The priority for the use of funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock.

(4) **CONDITIONS.**—

(A) None of the funds under this subsection shall be used to subsidize the operating losses of Amtrak.

(B) The funds provided under this subsection shall be awarded not later than 90 days after the date of enactment of this Act.

(C) The Secretary shall take measures to ensure that projects funded under this subsection shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources. The Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding sentence.

(5) **OVERSIGHT.**—The Administrator of the Federal Railroad Administration may set aside 0.5 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available in this subsection, and such funds shall be available through September 30, 2015.

(f) **TRANSIT CAPITAL ASSISTANCE.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$3,000,000,000 for grants for transit capital assistance grants as defined by section 5302(a)(1) of title 49, United States Code. Notwithstanding any provision of chapter 53 of title 49, however, a recipient of funding under this subsection may use up to 10 percent of the amount provided for the operating costs of equipment

and facilities for use in public transportation or for other eligible activities.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this subsection, except that the Federal share of the costs for which any grant is made under this subsection shall be, at the option of the recipient, up to 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for transit programs set forth in any Act or chapter 53 of title 49.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—The Secretary of Transportation shall—

(A) provide 80 percent of the funds appropriated under this subsection for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title;

(B) provide 10 percent of the funds appropriated under this subsection in accordance with section 5340 of such title; and

(C) provide 10 percent of the funds appropriated under this subsection for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section.

(5) **APPORTIONMENT.**—The funds apportioned under this subsection shall be apportioned not later than 21 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(C) At the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if the Secretary determines that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify in writing the Committee on Transportation and Infrastructure and the Committee on Banking, Housing and Urban Affairs, providing a thorough justification for the extension.

(7) **CONDITIONS.**—

(A) Of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1).

(B) Section 1101(b) of Public Law 109-59 shall apply to funds appropriated under this subsection.

(C) The funds appropriated under this subsection shall not be comingled with any prior year funds.

(8) **OVERSIGHT.**—Notwithstanding any other provision of law, 0.3 percent of the funds provided for grants under section 5307 and section 5340, and 0.3 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2015.

(g) **STATE OF GOOD REPAIR.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$6,000,000,000 for capital expenditures as authorized by sections 5309(b)(2) and (3) of title 49, United States Code.

(2) **FEDERAL SHARE.**—The applicable requirements of chapter 53 of Title 49, United States Code, shall apply, except that the Federal share of the costs for which a grant is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—

(A) The Secretary of Transportation shall apportion not less than 75 percent of the funds under this subsection for the modernization of fixed guideway systems, pursuant to the formula set forth in section 5336(b) title 49, United States Code, other than subsection (b)(2)(A)(ii).

(B) Of the funds appropriated under this subsection, not less than 25 percent shall be available for the restoration or replacement of existing public transportation assets related to bus systems, pursuant to the formula set forth in section 5336 other than subsection (b).

(5) **APPORTIONMENT.**—The funds made available under this subsection shall be apportioned not later than 30 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph, utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(C) At the request of an urbanized area, the Secretary may provide an extension of the 1-year period if the Secretary finds that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Banking, Housing,

and Urban Affairs, providing a thorough justification for the extension.

(7) **CONDITIONS.**—

(A) The provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this subsection.

(B) The funds appropriated under this subsection shall not be comingled with any prior year funds.

(8) **OVERSIGHT.**—Notwithstanding any other provision of law, 0.3 percent of the funds under this subsection shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2015.

(h) **TRANSPORTATION INFRASTRUCTURE GRANTS AND FINANCING.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$5,000,000,000 for capital investments in surface transportation infrastructure. The Secretary shall distribute funds provided under this subsection as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **PROJECT ELIGIBILITY.**—Projects eligible for funding provided under this subsection include—

(A) highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments;

(B) public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service;

(C) passenger and freight rail transportation projects; and

(D) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

(5) **TIFIA PROGRAM.**—The Secretary may transfer to the Federal Highway Administration funds made available under this subsection for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this subsection.

(6) **PROJECT PRIORITY.**—The Secretary shall give priority to projects that are expected to be completed within 3 years of the date of the enactment of this Act.

(7) **DEADLINE FOR ISSUANCE OF COMPETITION CRITERIA.**—The Secretary shall publish criteria on which to base the competition for any grants awarded under this subsection not later than 90 days after enactment of this Act. The Secretary shall require applications for funding provided under this subsection to be submitted not later than 180

days after the publication of the criteria, and announce all projects selected to be funded from such funds not later than 1 year after the date of the enactment of the Act.

(8) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under this subsection shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(9) **ADMINISTRATIVE EXPENSES.**—The Secretary may retain up to one half of one percent of the funds provided under this subsection, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this subsection. Funds retained shall remain available for obligation until September 30, 2015.

(i) **LOCAL HIRING.**—

(1) **IN GENERAL.**—In the case of the funding made available under subsections (a) through (h) of this section, the Secretary of Transportation may establish standards under which a contract for construction may be advertised that contains requirements for the employment of individuals residing in or adjacent to any of the areas in which the work is to be performed to perform construction work required under the contract, provided that—

(A) all or part of the construction work performed under the contract occurs in an area designated by the Secretary as an area of high unemployment, using data reported by the United States Department of Labor, Bureau of Labor Statistics;

(B) the estimated cost of the project of which the contract is a part is greater than \$10 million, except that the estimated cost of the project in the case of construction funded under subsection (c) shall be greater than \$50 million; and

(C) the recipient may not require the hiring of individuals who do not have the necessary skills to perform work in any craft or trade; provided that the recipient may require the hiring of such individuals if the recipient establishes reasonable provisions to train such individuals to perform any such work under the contract effectively.

(2) **PROJECT STANDARDS.**—

(A) **IN GENERAL.**—Any standards established by the Secretary under this section shall ensure that any requirements specified under subsection (c)(1)—

(i) do not compromise the quality of the project;

(ii) are reasonable in scope and application;

(iii) do not unreasonably delay the completion of the project; and

(iv) do not unreasonably increase the cost of the project.

(B) **AVAILABLE PROGRAMS.**—The Secretary shall make available to recipients the workforce development and training programs set forth in section 24604(e)(1)(D) of this title to assist recipients who wish to establish training programs that satisfy the provisions of section (c)(1)(C). The Secretary of Labor shall make available its qualifying workforce and training development programs to recipients who wish to establish training programs that satisfy the provisions of section (c)(1)(C).

(3) **IMPLEMENTING REGULATIONS.**—The Secretary shall promulgate final regulations to implement the authority of this subsection.

(j) **ADMINISTRATIVE PROVISIONS.**—

(1) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under

this subtitle shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(2) **BUY AMERICAN.**—Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to each project conducted using funds provided under this subtitle.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

SEC. 242. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Building and Upgrading Infrastructure for Long-Term Development Act”.

SEC. 243. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) infrastructure has always been a vital element of the economic strength of the United States and a key indicator of the international leadership of the United States;

(2) the Erie Canal, the Hoover Dam, the railroads, and the interstate highway system are all testaments to American ingenuity and have helped propel and maintain the United States as the world’s largest economy;

(3) according to the World Economic Forum’s Global Competitiveness Report, the United States fell to second place in 2009, and dropped to fourth place overall in 2010, however, in the “Quality of overall infrastructure” category of the same report, the United States ranked twenty-third in the world;

(4) according to the World Bank’s 2010 Logistic Performance Index, the capacity of countries to efficiently move goods and connect manufacturers and consumers with international markets is improving around the world, and the United States now ranks seventh in the world in logistics-related infrastructure behind countries from both Europe and Asia;

(5) according to a January 2009 report from the University of Massachusetts/Alliance for American Manufacturing entitled “Employment, Productivity and Growth,” infrastructure investment is a “highly effective engine of job creation”;

(6) according to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated \$2,200,000,000 investment is needed over the next 5 years to bring American infrastructure up to adequate condition;

(7) according to the National Surface Transportation Policy and Revenue Study Commission, \$225,000,000,000 is needed annually from all sources for the next 50 years to upgrade the United States surface transportation system to a state of good repair and create a more advanced system;

(8) the current infrastructure financing mechanisms of the United States, both on the Federal and State level, will fail to meet current and foreseeable demands and will create large funding gaps;

(9) published reports state that there may not be enough demand for municipal bonds to maintain the same level of borrowing at the same rates, resulting in significantly decreased infrastructure investment at the State and local level;

(10) current funding mechanisms are not readily scalable and do not—

(A) serve large in-State or cross jurisdiction infrastructure projects, projects of regional or national significance, or projects that cross sector silos;

(B) sufficiently catalyze private sector investment; or

(C) ensure the optimal return on public resources;

(11) although grant programs of the United States Government must continue to play a central role in financing the transportation, environment, and energy infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion clearly exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States ability to sustain long-term economic development, productivity, and international competitiveness;

(12) the capital markets, including pension funds, private equity funds, mutual funds, sovereign wealth funds, and other investors, have a growing interest in infrastructure investment and represent hundreds of billions of dollars of potential investment; and

(13) the establishment of a United States Government-owned, independent, professionally managed institution that could provide credit support to qualified infrastructure projects of regional and national significance, making transparent merit-based investment decisions based on the commercial viability of infrastructure projects, would catalyze the participation of significant private investment capital.

(b) **PURPOSE.**—The purpose of this Act is to facilitate investment in, and long-term financing of, economically viable infrastructure projects of regional or national significance in a manner that both complements existing Federal, State, local, and private funding sources for these projects and introduces a merit-based system for financing such projects, in order to mobilize significant private sector investment, create jobs, and ensure United States competitiveness through an institution that limits the need for ongoing Federal funding.

SEC. 244. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **AIFA.**—The term “AIFA” means the American Infrastructure Financing Authority established under this Act.

(2) **BLIND TRUST.**—The term “blind trust” means a trust in which the beneficiary has no knowledge of the specific holdings and no rights over how those holdings are managed by the fiduciary of the trust prior to the dissolution of the trust.

(3) **BOARD OF DIRECTORS.**—The term “Board of Directors” means Board of Directors of AIFA.

(4) **CHAIRPERSON.**—The term “Chairperson” means the Chairperson of the Board of Directors of AIFA.

(5) **CHIEF EXECUTIVE OFFICER.**—The term “chief executive officer” means the chief executive officer of AIFA, appointed under section 247.

(6) **COST.**—The term “cost” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) **DIRECT LOAN.**—The term “direct loan” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) **ELIGIBLE ENTITY.**—The term “eligible entity” means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, State, or other non-Federal governmental entity, including a political subdivision or any other instrumentality of a State, or a revolving fund.

(9) **INFRASTRUCTURE PROJECT.**—

(A) **IN GENERAL.**—The term “eligible infrastructure project” means any non-Federal

transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act.

(B) **TRANSPORTATION INFRASTRUCTURE PROJECT.**—The term “transportation infrastructure project” means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors:

- (i) Highway or road.
- (ii) Bridge.
- (iii) Mass transit.
- (iv) Inland waterways.
- (v) Commercial ports.
- (vi) Airports.
- (vii) Air traffic control systems.
- (viii) Passenger rail, including high-speed rail.
- (ix) Freight rail systems.

(C) **WATER INFRASTRUCTURE PROJECT.**—The term “water infrastructure project” means the construction, consolidation, alteration, or repair of the following subsectors:

- (i) Wastewater treatment facility.
- (ii) Storm water management system.
- (iii) Dam.
- (iv) Solid waste disposal facility.
- (v) Drinking water treatment facility.
- (vi) Levee.
- (vii) Open space management system.

(D) **ENERGY INFRASTRUCTURE PROJECT.**—The term “energy infrastructure project” means the construction, alteration, or repair of the following subsectors:

- (i) Pollution reduced energy generation.
- (ii) Transmission and distribution.
- (iii) Storage.
- (iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

(E) **BOARD AUTHORITY TO MODIFY SUBSECTORS.**—The Board of Directors may make modifications, at the discretion of the Board, to the subsectors described in this paragraph by a vote of not fewer than 5 of the voting members of the Board of Directors.

(10) **INVESTMENT PROSPECTUS.**—

(A) The term “investment prospectus” means the processes and publications described below that will guide the priorities and strategic focus for the Bank’s investments. The investment prospectus shall follow rulemaking procedures under section 553 of title 5, United States Code.

(B) The Bank shall publish a detailed description of its strategy in an Investment Prospectus within one year of the enactment of this subchapter. The Investment Prospectus shall—

- (i) specify what the Bank shall consider significant to the economic competitiveness of the United States or a region thereof in a manner consistent with the primary objective;
- (ii) specify the priorities and strategic focus of the Bank in forwarding its strategic objectives and carrying out the Bank strategy;
- (iii) specify the priorities and strategic focus of the Bank in promoting greater efficiency in the movement of freight;
- (iv) specify the priorities and strategic focus of the Bank in promoting the use of innovation and best practices in the planning, design, development and delivery of projects;
- (v) describe in detail the framework and methodology for calculating application qualification scores and associated ranges as specified in this subchapter, along with the data to be requested from applicants and the mechanics of calculations to be applied to that data to determine qualification scores and ranges;
- (vi) describe how selection criteria will be applied by the Chief Executive Officer in de-

termining the competitiveness of an application and its qualification score and range relative to other current applications and previously funded applications; and

(vii) describe how the qualification score and range methodology and project selection framework are consistent with maximizing the Bank goals in both urban and rural areas.

(C) The Investment Prospectus and any subsequent updates thereto shall be approved by a majority vote of the Board of Directors prior to publication.

(D) The Bank shall update the Investment Prospectus on every biennial anniversary of its original publication.

(11) **INVESTMENT-GRADE RATING.**—The term “investment-grade rating” means a rating of BBB minus, Baa3, or higher assigned to an infrastructure project by a ratings agency.

(12) **LOAN GUARANTEE.**—The term “loan guarantee” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(13) **PUBLIC-PRIVATE PARTNERSHIP.**—The term “public-private partnership” means any eligible entity—

- (A)(i) which is undertaking the development of all or part of an infrastructure project that will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or
- (ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State;

(B) which owns, leases, or operates or will own, lease, or operate, the project in whole or in part; and

(C) the participants in which include not fewer than 1 nongovernmental entity with significant investment and some control over the project or project vehicle.

(14) **RURAL INFRASTRUCTURE PROJECT.**—The term “rural infrastructure project” means an infrastructure project in a rural area, as that term is defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

(15) **SECRETARY.**—Unless the context otherwise requires, the term “Secretary” means the Secretary of the Treasury or the designee thereof.

(16) **SENIOR MANAGEMENT.**—The term “senior management” means the chief financial officer, chief risk officer, chief compliance officer, general counsel, chief lending officer, and chief operations officer of AIFA established under section 249, and such other officers as the Board of Directors may, by majority vote, add to senior management.

(17) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

SEC. 245. ESTABLISHMENT AND GENERAL AUTHORITY OF AIFA.

(a) **ESTABLISHMENT OF AIFA.**—The American Infrastructure Financing Authority is established as a wholly owned Government corporation.

(b) **GENERAL AUTHORITY OF AIFA.**—AIFA shall provide direct loans and loan guarantees to facilitate infrastructure projects that are both economically viable and of regional or national significance, and shall have such other authority, as provided in this Act.

(c) **INCORPORATION.**—

(1) **IN GENERAL.**—The Board of Directors first appointed shall be deemed the incorpo-

rator of AIFA, and the incorporation shall be held to have been effected from the date of the first meeting of the Board of Directors.

(2) **CORPORATE OFFICE.**—AIFA shall—

(A) maintain an office in Washington, DC; and

(B) for purposes of venue in civil actions, be considered to be a resident of Washington, DC.

(d) **RESPONSIBILITY OF THE SECRETARY.**—The Secretary shall take such action as may be necessary to assist in implementing AIFA, and in carrying out the purpose of this Act.

(e) **RULE OF CONSTRUCTION.**—Chapter 91 of title 31, United States Code, does not apply to AIFA, unless otherwise specifically provided in this Act.

SEC. 246. VOTING MEMBERS OF THE BOARD OF DIRECTORS.

(a) **VOTING MEMBERSHIP OF THE BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—AIFA shall have a Board of Directors consisting of 7 voting members appointed by the President, by and with the advice and consent of the Senate, not more than 4 of whom shall be from the same political party.

(2) **CHAIRPERSON.**—One of the voting members of the Board of Directors shall be designated by the President to serve as Chairperson thereof.

(3) **CONGRESSIONAL RECOMMENDATIONS.**—Not later than 30 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each submit a recommendation to the President for appointment of a member of the Board of Directors, after consultation with the appropriate committees of Congress.

(b) **VOTING RIGHTS.**—Each voting member of the Board of Directors shall have an equal vote in all decisions of the Board of Directors.

(c) **QUALIFICATIONS OF VOTING MEMBERS.**—Each voting member of the Board of Directors shall—

- (1) be a citizen of the United States; and
- (2) have significant demonstrated expertise in—

(A) the management and administration of a financial institution relevant to the operation of AIFA; or a public financial agency or authority; or

(B) the financing, development, or operation of infrastructure projects; or

(C) analyzing the economic benefits of infrastructure investment.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this Act, each voting member of the Board of Directors shall be appointed for a term of 4 years.

(2) **INITIAL STAGGERED TERMS.**—Of the voting members first appointed to the Board of Directors—

(A) the initial Chairperson and 3 of the other voting members shall each be appointed for a term of 4 years; and

(B) the remaining 3 voting members shall each be appointed for a term of 2 years.

(3) **DATE OF INITIAL NOMINATIONS.**—The initial nominations for the appointment of all voting members of the Board of Directors shall be made not later than 60 days after the date of enactment of this Act.

(4) **BEGINNING OF TERM.**—The term of each of the initial voting members appointed under this section shall commence immediately upon the date of appointment, except that, for purposes of calculating the term

limits specified in this subsection, the initial terms shall each be construed as beginning on January 22 of the year following the date of the initial appointment.

(5) **VACANCIES.**—A vacancy in the position of a voting member of the Board of Directors shall be filled by the President, and a member appointed to fill a vacancy on the Board of Directors occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(e) **MEETINGS.**—

(1) **OPEN TO THE PUBLIC; NOTICE.**—Except as provided in paragraph (3), all meetings of the Board of Directors shall be—

(A) open to the public; and

(B) preceded by reasonable public notice.

(2) **FREQUENCY.**—The Board of Directors shall meet not later than 60 days after the date on which all members of the Board of Directors are first appointed, at least quarterly thereafter, and otherwise at the call of either the Chairperson or 5 voting members of the Board of Directors.

(3) **EXCEPTION FOR CLOSED MEETINGS.**—The voting members of the Board of Directors may, by majority vote, close a meeting to the public if, during the meeting to be closed, there is likely to be disclosed proprietary or sensitive information regarding an infrastructure project under consideration for assistance under this Act. The Board of Directors shall prepare minutes of any meeting that is closed to the public, and shall make such minutes available as soon as practicable, not later than 1 year after the date of the closed meeting, with any necessary redactions to protect any proprietary or sensitive information.

(4) **QUORUM.**—For purposes of meetings of the Board of Directors, 5 voting members of the Board of Directors shall constitute a quorum.

(f) **COMPENSATION OF MEMBERS.**—Each voting member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(g) **CONFLICTS OF INTEREST.**—A voting member of the Board of Directors may not participate in any review or decision affecting an infrastructure project under consideration for assistance under this Act, if the member has or is affiliated with an entity who has a financial interest in such project.

SEC. 247. CHIEF EXECUTIVE OFFICER OF AIFA.

(a) **IN GENERAL.**—The chief executive officer of AIFA shall be a nonvoting member of the Board of Directors, who shall be responsible for all activities of AIFA, and shall support the Board of Directors as set forth in this Act and as the Board of Directors deems necessary or appropriate.

(b) **APPOINTMENT AND TENURE OF THE CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—The President shall appoint the chief executive officer, by and with the advice and consent of the Senate.

(2) **TERM.**—The chief executive officer shall be appointed for a term of 6 years.

(3) **VACANCIES.**—Any vacancy in the office of the chief executive officer shall be filled by the President, and the person appointed to fill a vacancy in that position occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(c) **QUALIFICATIONS.**—The chief executive officer—

(1) shall have significant expertise in management and administration of a financial institution, or significant expertise in the financing and development of infrastructure projects, or significant expertise in analyzing the economic benefits of infrastructure investment; and

(2) may not—

(A) hold any other public office;

(B) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(C) have any financial interest in an investment institution or its affiliates or any other entity seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust for the tenure of the service of the chief executive officer plus 2 additional years.

(d) **RESPONSIBILITIES.**—The chief executive officer shall have such executive functions, powers, and duties as may be prescribed by this Act, the bylaws of AIFA, or the Board of Directors, including—

(1) responsibility for the development and implementation of the strategy of AIFA, including—

(A) the development and submission to the Board of Directors of the investment prospectus, the annual business plans and budget;

(B) the development and submission to the Board of Directors of a long-term strategic plan; and

(C) the development, revision, and submission to the Board of Directors of internal policies; and

(2) responsibility for the management and oversight of the daily activities, decisions, operations, and personnel of AIFA, including—

(A) the appointment of senior management, subject to approval by the voting members of the Board of Directors, and the hiring and termination of all other AIFA personnel;

(B) requesting the detail, on a reimbursable basis, of personnel from any Federal agency having specific expertise not available from within AIFA, following which request the head of the Federal agency may detail, on a reimbursable basis, any personnel of such agency reasonably requested by the chief executive officer;

(C) assessing and recommending in the first instance, for ultimate approval or disapproval by the Board of Directors, compensation and adjustments to compensation of senior management and other personnel of AIFA as may be necessary for carrying out the functions of AIFA;

(D) ensuring, in conjunction with the general counsel of AIFA, that all activities of AIFA are carried out in compliance with applicable law;

(E) overseeing the involvement of AIFA in all projects, including—

(i) developing eligible projects for AIFA financial assistance;

(ii) determining the terms and conditions of all financial assistance packages;

(iii) monitoring all infrastructure projects assisted by AIFA, including responsibility for ensuring that the proceeds of any loan made, guaranteed, or participated in are used only for the purposes for which the loan or guarantee was made;

(iv) preparing and submitting for approval by the Board of Directors the documents required under paragraph (1); and

(v) ensuring the implementation of decisions of the Board of Directors; and

(F) such other activities as may be necessary or appropriate in carrying out this Act.

(e) **COMPENSATION.**—

(1) **IN GENERAL.**—Any compensation assessment or recommendation by the chief executive officer under this section shall be without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

(2) **CONSIDERATIONS.**—The compensation assessment or recommendation required under this subsection shall take into account merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel.

SEC. 248. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall—

(1) as soon as is practicable after the date on which all members are appointed, approve or disapprove senior management appointed by the chief executive officer;

(2) not later than 180 days after the date on which all members are appointed—

(A) develop and approve the bylaws of AIFA, including bylaws for the regulation of the affairs and conduct of the business of AIFA, consistent with the purpose, goals, objectives, and policies set forth in this Act;

(B) establish subcommittees, including an audit committee that is composed solely of members of the Board of Directors who are independent of the senior management of AIFA;

(C) develop and approve, in consultation with senior management, a conflict-of-interest policy for the Board of Directors and for senior management;

(D) approve or disapprove internal policies that the chief executive officer shall submit to the Board of Directors, including—

(i) policies regarding the loan application and approval process, including—

(I) disclosure and application procedures to be followed by entities in the course of nominating infrastructure projects for assistance under this Act;

(II) guidelines for the selection and approval of projects;

(III) specific criteria for determining eligibility for project selection, consistent with title II; and

(IV) standardized terms and conditions, fee schedules, or legal requirements of a contract or program, so as to carry out this Act; and

(ii) operational guidelines; and

(E) approve or disapprove a multi-year or 1-year business plan and budget for AIFA;

(3) ensure that AIFA is at all times operated in a manner that is consistent with this Act, by—

(A) monitoring and assessing the effectiveness of AIFA in achieving its strategic goals;

(B) periodically reviewing internal policies;

(C) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(D) reviewing and approving annual reports submitted by the chief executive officer;

(E) engaging one or more external auditors, as set forth in this Act; and

(F) reviewing and approving all changes to the organization of senior management;

(4) appoint and fix, by a vote of 5 of the 7 voting members of the Board of Directors, and without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, the compensation and

adjustments to compensation of all AIFA personnel, provided that in appointing and fixing any compensation or adjustments to compensation under this paragraph, the Board shall—

(A) consult with, and seek to maintain comparability with, other comparable Federal personnel;

(B) consult with the Office of Personnel Management; and

(C) carry out such duties consistent with merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel;

(5) establish such other criteria, requirements, or procedures as the Board of Directors may consider to be appropriate in carrying out this Act;

(6) serve as the primary liaison for AIFA in interactions with Congress, the Executive Branch, and State and local governments, and to represent the interests of AIFA in such interactions and others;

(7) approve by a vote of 5 of the 7 voting members of the Board of Directors any changes to the bylaws or internal policies of AIFA;

(8) have the authority and responsibility—

(A) to oversee entering into and carry out such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out this Act with—

(i) any Federal department or agency;

(ii) any State, territory, or possession (or any political subdivision thereof, including State infrastructure banks) of the United States; and

(iii) any individual, public-private partnership, firm, association, or corporation;

(B) to approve of the acquisition, lease, pledge, exchange, and disposal of real and personal property by AIFA and otherwise approve the exercise by AIFA of all of the usual incidents of ownership of property, to the extent that the exercise of such powers is appropriate to and consistent with the purposes of AIFA;

(C) to determine the character of, and the necessity for, the obligations and expenditures of AIFA, and the manner in which the obligations and expenditures will be incurred, allowed, and paid, subject to this Act and other Federal law specifically applicable to wholly owned Federal corporations;

(D) to execute, in accordance with applicable bylaws and regulations, appropriate instruments;

(E) to approve other forms of credit enhancement that AIFA may provide to eligible projects, as long as the forms of credit enhancements are consistent with the purposes of this Act and terms set forth in title II;

(F) to exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of AIFA;

(G) to sue or be sued in the corporate capacity of AIFA in any court of competent jurisdiction;

(H) to indemnify the members of the Board of Directors and officers of AIFA for any liabilities arising out of the actions of the members and officers in such capacity, in accordance with, and subject to the limitations contained in this Act;

(I) to review all financial assistance packages to all eligible infrastructure projects, as submitted by the chief executive officer and to approve, postpone, or deny the same by majority vote;

(J) to review all restructuring proposals submitted by the chief executive officer, in-

cluding assignment, pledging, or disposal of the interest of AIFA in a project, including payment or income from any interest owned or held by AIFA, and to approve, postpone, or deny the same by majority vote; and

(K) to enter into binding commitments, as specified in approved financial assistance packages;

(9) delegate to the chief executive officer those duties that the Board of Directors deems appropriate, to better carry out the powers and purposes of the Board of Directors under this section; and

(10) to approve a maximum aggregate amount of outstanding obligations of AIFA at any given time, taking into consideration funding, and the size of AIFA's addressable market for infrastructure projects.

SEC. 249. SENIOR MANAGEMENT.

(a) IN GENERAL.—Senior management shall support the chief executive officer in the discharge of the responsibilities of the chief executive officer.

(b) APPOINTMENT OF SENIOR MANAGEMENT.—The chief executive officer shall appoint such senior managers as are necessary to carry out the purpose of AIFA, as approved by a majority vote of the voting members of the Board of Directors.

(c) TERM.—Each member of senior management shall serve at the pleasure of the chief executive officer and the Board of Directors.

(d) REMOVAL OF SENIOR MANAGEMENT.—Any member of senior management may be removed, either by a majority of the voting members of the Board of Directors upon request by the chief executive officer, or otherwise by vote of not fewer than 5 voting members of the Board of Directors.

(e) SENIOR MANAGEMENT.—

(1) IN GENERAL.—Each member of senior management shall report directly to the chief executive officer, other than the Chief Risk Officer, who shall report directly to the Board of Directors.

(2) DUTIES AND RESPONSIBILITIES.—

(A) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer shall be responsible for all financial functions of AIFA, provided that, at the discretion of the Board of Directors, specific functions of the Chief Financial Officer may be delegated externally.

(B) CHIEF RISK OFFICER.—The Chief Risk Officer shall be responsible for all functions of AIFA relating to—

(i) the creation of financial, credit, and operational risk management guidelines and policies;

(ii) credit analysis for infrastructure projects;

(iii) the creation of conforming standards for infrastructure finance agreements;

(iv) the monitoring of the financial, credit, and operational exposure of AIFA; and

(v) risk management and mitigation actions, including by reporting such actions, or recommendations of such actions to be taken, directly to the Board of Directors.

(C) CHIEF COMPLIANCE OFFICER.—The Chief Compliance Officer shall be responsible for all functions of AIFA relating to internal audits, accounting safeguards, and the enforcement of such safeguards and other applicable requirements.

(D) GENERAL COUNSEL.—The General Counsel shall be responsible for all functions of AIFA relating to legal matters and, in consultation with the chief executive officer, shall be responsible for ensuring that AIFA complies with all applicable law.

(E) CHIEF OPERATIONS OFFICER.—The Chief Operations Officer shall be responsible for all operational functions of AIFA, including those relating to the continuing operations

and performance of all infrastructure projects in which AIFA retains an interest and for all AIFA functions related to human resources.

(F) CHIEF LENDING OFFICER.—The Chief Lending Officer shall be responsible for—

(i) all functions of AIFA relating to the development of project pipeline, financial structuring of projects, selection of infrastructure projects to be reviewed by the Board of Directors, preparation of infrastructure projects to be presented to the Board of Directors, and set aside for rural infrastructure projects; and

(ii) the creation and management of—

(I) a Center for Excellence to provide technical assistance to public sector borrowers in the development and financing of infrastructure projects; and

(II) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects; and

(iii) the establishment of guidelines to ensure diversification of lending activities by region, infrastructure project type, and project size.

(f) CHANGES TO SENIOR MANAGEMENT.—The Board of Directors, in consultation with the chief executive officer, may alter the structure of the senior management of AIFA at any time to better accomplish the goals, objectives, and purposes of AIFA, provided that the functions of the Chief Financial Officer set forth in subsection (e) remain separate from the functions of the Chief Risk Officer set forth in subsection (e).

(g) CONFLICTS OF INTEREST.—No individual appointed to senior management may—

(1) hold any other public office;

(2) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(3) have any financial interest in an investment institution or its affiliates, AIFA or its affiliates, or other entity then seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust during the term of service of that individual in a senior management position, and for a period of 2 years thereafter.

SEC. 250. SPECIAL INSPECTOR GENERAL FOR AIFA.

(a) IN GENERAL.—During the first 5 operating years of AIFA, the Office of the Inspector General of the Department of the Treasury shall have responsibility for AIFA.

(b) OFFICE OF THE SPECIAL INSPECTOR GENERAL.—Effective 5 years after the date of enactment of the commencement of the operations of AIFA, there is established the Office of the Special Inspector General for AIFA.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) HEAD OF OFFICE.—The head of the Office of the Special Inspector General for AIFA shall be the Special Inspector General for AIFA (in this Act referred to as the “Special Inspector General”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) BASIS OF APPOINTMENT.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) TIMING OF NOMINATION.—The nomination of an individual as Special Inspector General shall be made as soon as is practicable after the effective date under subsection (b).

(4) **REMOVAL.**—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) **RULE OF CONSTRUCTION.**—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) **RATE OF PAY.**—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **DUTIES.**—

(1) **IN GENERAL.**—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of AIFA.

(2) **OTHER SYSTEMS, PROCEDURES, AND CONTROLS.**—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) **ADDITIONAL DUTIES.**—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(e) **POWERS AND AUTHORITIES.**—

(1) **IN GENERAL.**—In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) **ADDITIONAL AUTHORITY.**—The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(f) **PERSONNEL, FACILITIES, AND OTHER RESOURCES.**—

(1) **ADDITIONAL OFFICERS.**—

(A) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) The Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(2) **RETENTION OF SERVICES.**—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

(3) **ABILITY TO CONTRACT FOR AUDITS, STUDIES, AND OTHER SERVICES.**—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) **REQUEST FOR INFORMATION.**—

(A) **IN GENERAL.**—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is prac-

ticable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) **REFUSAL TO COMPLY.**—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of the Treasury, without delay.

(g) **REPORTS.**—

(1) **ANNUAL REPORT.**—Not later than 1 year after the confirmation of the Special Inspector General, and every calendar year thereafter, the Special Inspector General shall submit to the President a report summarizing the activities of the Special Inspector General during the previous 1-year period ending on the date of such report.

(2) **PUBLIC DISCLOSURES.**—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

SEC. 251. OTHER PERSONNEL.

Except as otherwise provided in the bylaws of AIFA, the chief executive officer, in consultation with the Board of Directors, shall appoint, remove, and define the duties of such qualified personnel as are necessary to carry out the powers, duties, and purpose of AIFA, other than senior management, who shall be appointed in accordance with section 249.

SEC. 252. COMPLIANCE.

The provision of assistance by the Board of Directors pursuant to this Act shall not be construed as superseding any provision of State law or regulation otherwise applicable to an infrastructure project.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

SEC. 253. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM AIFA AND TERMS AND LIMITATIONS OF LOANS.

(a) **IN GENERAL.**—Any project whose use or purpose is private and for which no public benefit is created shall not be eligible for financial assistance from AIFA under this Act. Financial assistance under this Act shall only be made available if the applicant for such assistance has demonstrated to the satisfaction of the Board of Directors that the infrastructure project for which such assistance is being sought—

(1) is not for the refinancing of an existing infrastructure project; and

(2) meets—

(A) any pertinent requirements set forth in this Act;

(B) any criteria established by the Board of Directors or chief executive officer in accordance with this Act; and

(C) the definition of a transportation infrastructure project, water infrastructure project, or energy infrastructure project.

(b) **CONSIDERATIONS.**—The criteria established by the Board of Directors pursuant to this Act shall provide adequate consideration of—

(1) the economic, financial, technical, environmental, and public benefits and costs of each infrastructure project under consideration for financial assistance under this Act, prioritizing infrastructure projects that—

(A) contribute to regional or national economic growth;

(B) offer value for money to taxpayers;

(C) demonstrate a clear and significant public benefit;

(D) lead to job creation; and

(E) mitigate environmental concerns;

(2) the means by which development of the infrastructure project under consideration is being financed, including—

(A) the terms, conditions, and structure of the proposed financing;

(B) the credit worthiness and standing of the project sponsors, providers of equity, and cofinanciers;

(C) the financial assumptions and projections on which the infrastructure project is based; and

(D) whether there is sufficient State or municipal political support for the successful completion of the infrastructure project;

(3) the likelihood that the provision of assistance by AIFA will cause such development to proceed more promptly and with lower costs than would be the case without such assistance;

(4) the extent to which the provision of assistance by AIFA maximizes the level of private investment in the infrastructure project or supports a public-private partnership, while providing a significant public benefit;

(5) the extent to which the provision of assistance by AIFA can mobilize the participation of other financing partners in the infrastructure project;

(6) the technical and operational viability of the infrastructure project;

(7) the proportion of financial assistance from AIFA;

(8) the geographic location of the project in an effort to have geographic diversity of projects funded by AIFA;

(9) the size of the project and its impact on the resources of AIFA;

(10) the infrastructure sector of the project, in an effort to have projects from more than one sector funded by AIFA; and

(11) Encourages use of innovative procurement, asset management, or financing to minimize the all-in-life-cycle cost, and improve the cost-effectiveness of a project.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—Any eligible entity seeking assistance from AIFA under this Act for an eligible infrastructure project shall submit an application to AIFA at such time, in such manner, and containing such information as the Board of Directors or the chief executive officer may require.

(2) **REVIEW OF APPLICATIONS.**—AIFA shall review applications for assistance under this Act on an ongoing basis. The chief executive officer, working with the senior management, shall prepare eligible infrastructure projects for review and approval by the Board of Directors.

(3) **DEDICATED REVENUE SOURCES.**—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the infrastructure project obligations.

(d) **ELIGIBLE INFRASTRUCTURE PROJECT COSTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), to be eligible for assistance under this Act, an infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$100,000,000.

(2) **RURAL INFRASTRUCTURE PROJECTS.**—To be eligible for assistance under this Act a rural infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$25,000,000.

(e) **LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.**—

(1) **IN GENERAL.**—The amount of a direct loan or loan guarantee under this Act shall

not exceed the lesser of 50 percent of the reasonably anticipated eligible infrastructure project costs or, if the direct loan or loan guarantee does not receive an investment grade rating, the amount of the senior project obligations.

(2) **MAXIMUM ANNUAL LOAN AND LOAN GUARANTEE VOLUME.**—The aggregate amount of direct loans and loan guarantees made by AIFA in any single fiscal year may not exceed—

(A) during the first 2 fiscal years of the operations of AIFA, \$10,000,000,000;

(B) during fiscal years 3 through 9 of the operations of AIFA, \$20,000,000,000; or

(C) during any fiscal year thereafter, \$50,000,000,000.

(f) **STATE AND LOCAL PERMITS REQUIRED.**—The provision of assistance by the Board of Directors pursuant to this Act shall not be deemed to relieve any recipient of such assistance, or the related infrastructure project, of any obligation to obtain required State and local permits and approvals.

SEC. 254. LOAN TERMS AND REPAYMENT.

(a) **IN GENERAL.**—A direct loan or loan guarantee under this Act with respect to an eligible infrastructure project shall be on such terms, subject to such conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the chief executive officer determines appropriate.

(b) **TERMS.**—A direct loan or loan guarantee under this Act—

(1) shall—

(A) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations (such as availability payments and dedicated State or local revenues); and

(B) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(2) may have a lien on revenues described in paragraph (1), subject to any lien securing project obligations.

(c) **BASE INTEREST RATE.**—The base interest rate on a direct loan under this Act shall be not less than the yield on United States Treasury obligations of a similar maturity to the maturity of the direct loan.

(d) **RISK ASSESSMENT.**—Before entering into an agreement for assistance under this Act, the chief executive officer, in consultation with the Director of the Office of Management and Budget and considering rating agency preliminary or final rating opinion letters of the project under this section, shall estimate an appropriate Federal credit subsidy amount for each direct loan and loan guarantee, taking into account such letter, as well as any comparable market rates available for such a loan or loan guarantee, should any exist. The final credit subsidy cost for each loan and loan guarantee shall be determined consistent with the Federal Credit Reform Act, 2 U.S.C. 661a et seq.

(e) **CREDIT FEE.**—With respect to each agreement for assistance under this Act, the chief executive officer may charge a credit fee to the recipient of such assistance to pay for, over time, all or a portion of the Federal credit subsidy determined under subsection (d), with the remainder paid by the account established for AIFA; provided, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government. In the case of a direct loan, such credit fee shall be in addition to the base interest rate established under subsection (c).

(f) **MATURITY DATE.**—The final maturity date of a direct loan or loan guaranteed by

AIFA under this Act shall be not later than 35 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer.

(g) **RATING OPINION LETTER.**—

(1) **IN GENERAL.**—The chief executive officer shall require each applicant for assistance under this Act to provide a rating opinion letter from at least 1 ratings agency, indicating that the senior obligations of the infrastructure project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating.

(2) **RURAL INFRASTRUCTURE PROJECTS.**—With respect to a rural infrastructure project, a rating agency opinion letter described in paragraph (1) shall not be required, except that the loan or loan guarantee shall receive an internal rating score, using methods similar to the ratings agencies generated by AIFA, measuring the proposed direct loan or loan guarantee against comparable direct loans or loan guarantees of similar credit quality in a similar sector.

(h) **INVESTMENT-GRADE RATING REQUIREMENT.**—

(1) **LOANS AND LOAN GUARANTEES.**—The execution of a direct loan or loan guarantee under this Act shall be contingent on the senior obligations of the infrastructure project receiving an investment-grade rating.

(2) **RATING OF AIFA OVERALL PORTFOLIO.**—The average rating of the overall portfolio of AIFA shall be not less than investment grade after 5 years of operation.

(i) **TERMS AND REPAYMENT OF DIRECT LOANS.**—

(1) **SCHEDULE.**—The chief executive officer shall establish a repayment schedule for each direct loan under this Act, based on the projected cash flow from infrastructure project revenues and other repayment sources.

(2) **COMMENCEMENT.**—Scheduled loan repayments of principal or interest on a direct loan under this Act shall commence not later than 5 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer of AIFA.

(3) **DEFERRED PAYMENTS OF DIRECT LOANS.**—

(A) **AUTHORIZATION.**—If, at any time after the date of substantial completion of an infrastructure project assisted under this Act, the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act, the chief executive officer may allow the obligor to add unpaid principal and interest to the outstanding balance of the direct loan, if the result would benefit the taxpayer.

(B) **INTEREST.**—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest, in accordance with the terms of the obligation, until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) **CRITERIA.**—

(i) **IN GENERAL.**—Any payment deferral under subparagraph (A) shall be contingent on the infrastructure project meeting criteria established by the Board of Directors.

(ii) **REPAYMENT STANDARDS.**—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) **PREPAYMENT OF DIRECT LOANS.**—

(A) **USE OF EXCESS REVENUES.**—Any excess revenues that remain after satisfying scheduled debt service requirements on the infrastructure project obligations and direct loan

and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations under this Act may be applied annually to prepay the direct loan, without penalty.

(B) **USE OF PROCEEDS OF REFINANCING.**—A direct loan under this Act may be prepaid at any time, without penalty, from the proceeds of refinancing from non-Federal funding sources.

(5) **SALE OF DIRECT LOANS.**—

(A) **IN GENERAL.**—As soon as is practicable after substantial completion of an infrastructure project assisted under this Act, and after notifying the obligor, the chief executive officer may sell to another entity, or reoffer into the capital markets, a direct loan for the infrastructure project, if the chief executive officer determines that the sale or reoffering can be made on favorable terms for the taxpayer.

(B) **CONSENT OF OBLIGOR.**—In making a sale or reoffering under subparagraph (A), the chief executive officer may not change the original terms and conditions of the direct loan, without the written consent of the obligor.

(j) **LOAN GUARANTEES.**—

(1) **TERMS.**—The terms of a loan guaranteed by AIFA under this Act shall be consistent with the terms set forth in this section for a direct loan, except that the rate on the guaranteed loan and any payment, pre-payment, or refinancing features shall be negotiated between the obligor and the lender, with the consent of the chief executive officer.

(2) **GUARANTEED LENDER.**—A guaranteed lender shall be limited to those lenders meeting the definition of that term in section 601(a) of title 23, United States Code.

(k) **COMPLIANCE WITH FCRA.**—**IN GENERAL.**—Direct loans and loan guarantees authorized by this Act shall be subject to the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as amended.

SEC. 255. COMPLIANCE AND ENFORCEMENT.

(a) **CREDIT AGREEMENT.**—Notwithstanding any other provision of law, each eligible entity that receives assistance under this Act from AIFA shall enter into a credit agreement that requires such entity to comply with all applicable policies and procedures of AIFA, in addition to all other provisions of the loan agreement.

(b) **AIFA AUTHORITY ON NONCOMPLIANCE.**—In any case in which a recipient of assistance under this Act is materially out of compliance with the loan agreement, or any applicable policy or procedure of AIFA, the Board of Directors may take action to cancel unutilized loan amounts, or to accelerate the repayment terms of any outstanding obligation.

(c) Nothing in this Act is intended to affect existing provisions of law applicable to the planning, development, construction, or operation of projects funded under the Act.

SEC. 256. AUDITS; REPORTS TO THE PRESIDENT AND CONGRESS.

(a) **ACCOUNTING.**—The books of account of AIFA shall be maintained in accordance with generally accepted accounting principles, and shall be subject to an annual audit by independent public accountants of nationally recognized standing appointed by the Board of Directors.

(b) **REPORTS.**—

(1) **BOARD OF DIRECTORS.**—Not later than 90 days after the last day of each fiscal year, the Board of Directors shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the operations of AIFA, for such fiscal year;

(B) a schedule of the obligations of AIFA and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(C) the status of infrastructure projects receiving funding or other assistance pursuant to this Act during such fiscal year, including all nonperforming loans, and including disclosure of all entities with a development, ownership, or operational interest in such infrastructure projects;

(D) a description of the successes and challenges encountered in lending to rural communities, including the role of the Center for Excellence and the Office of Rural Assistance established under this Act; and

(E) an assessment of the risks of the portfolio of AIFA, prepared by an independent source.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an evaluation of, and shall submit to Congress a report on, activities of AIFA for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded infrastructure project, including a review of how effectively each such infrastructure project accomplished the goals prioritized by the infrastructure project criteria of AIFA.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—AIFA shall maintain adequate books and records to support the financial transactions of AIFA, with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each such project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of AIFA shall at all times be open to inspection by the Secretary of the Treasury, the Special Inspector General, and the Comptroller General of the United States.

PART III—FUNDING OF AIFA

SEC. 257. ADMINISTRATIVE FEES.

(a) IN GENERAL.—In addition to fees that may be collected under section 254(e), the chief executive officer shall establish and collect fees from eligible funding recipients with respect to loans and loan guarantees under this Act that—

(1) are sufficient to cover all or a portion of the administrative costs to the Federal Government for the operations of AIFA, including the costs of expert firms, including counsel in the field of municipal and project finance, and financial advisors to assist with underwriting, credit analysis, or other independent reviews, as appropriate;

(2) may be in the form of an application or transaction fee, or other form established by the CEO; and

(3) may be based on the risk premium associated with the loan or loan guarantee, taking into consideration—

(A) the price of United States Treasury obligations of a similar maturity;

(B) prevailing market conditions;

(C) the ability of the infrastructure project to support the loan or loan guarantee; and

(D) the total amount of the loan or loan guarantee.

(b) AVAILABILITY OF AMOUNTS.—Amounts collected under subsections (a)(1), (a)(2), and (a)(3) shall be available without further action; provided further, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government.

SEC. 258. EFFICIENCY OF AIFA.

The chief executive officer shall, to the extent possible, take actions consistent with this Act to minimize the risk and cost to the taxpayer of AIFA activities. Fees and premiums for loan guarantee or insurance coverage will be set at levels that minimize administrative and Federal credit subsidy costs to the Government, as defined in Section 502 of the Federal Credit Reform Act of 1990, as amended, of such coverage, while supporting achievement of the program's objectives, consistent with policies as set forth in the Business Plan.

SEC. 259. FUNDING.

There is hereby appropriated to AIFA to carry out this Act, for the cost of direct loans and loan guarantees subject to the limitations under Section 253, and for administrative costs, \$10,000,000,000, to remain available until expended; Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Federal Credit Reform Act of 1990, as amended; Provided further, that of this amount, not more than \$25,000,000 for each of fiscal years 2012 through 2013, and not more than \$50,000,000 for fiscal year 2014 may be used for administrative costs of AIFA; provided further, that not more than 5 percent of such amount shall be used to offset subsidy costs associated with rural projects. Amounts authorized shall be available without further action.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

SEC. 260. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle G—Project Rebuild

SEC. 261. PROJECT REBUILD.

(a) DIRECT APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until September 30, 2014, for assistance to eligible entities including States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), and qualified nonprofit organizations, businesses or consortia of eligible entities for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated, two thirds shall be allocated to States and units of general local government based on a funding formula established by

the Secretary of Housing and Urban Development (in this subtitle referred to as the “Secretary”). Of the amounts appropriated, one third shall be distributed competitively to eligible entities.

(2) FORMULA TO BE DEvised SWIFTLY.—The funding formula required under paragraph (1) shall be established and the Secretary shall announce formula funding allocations, not later than 30 days after the date of enactment of this section.

(3) FORMULA CRITERIA.—The Secretary may establish a minimum grant size, and the funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes in default or delinquency in each State or unit of general local government; and

(C) other factors such as established program designs, grantee capacity and performance, number and percentage of commercial foreclosures, overall economic conditions, and other market needs data, as determined by the Secretary.

(4) COMPETITION CRITERIA.—

(A) For the funds distributed competitively, eligible entities shall be States, units of general local government, nonprofit entities, for-profit entities, and consortia of eligible entities that demonstrate capacity to use funding within the period of this program.

(B) In selecting grantees, the Secretary shall ensure that grantees are in areas with the greatest number and percentage of residential and commercial foreclosures and other market needs data, as determined by the Secretary. Additional award criteria shall include demonstrated grantee capacity to execute projects involving acquisition and rehabilitation or redevelopment of foreclosed residential and commercial property and neighborhood stabilization, leverage, knowledge of market conditions and of effective stabilization activities to address identified conditions, and any additional factors determined by the Secretary.

(C) The Secretary may establish a minimum grant size; and

(D) The Secretary shall publish competition criteria for any grants awarded under this heading not later than 60 days after appropriation of funds, and applications shall be due to the Secretary within 120 days.

(c) USE OF FUNDS.—

(1) OBLIGATION AND EXPENDITURE.—The Secretary shall obligate all funding within 150 days of enactment of this Act. Any eligible entity that receives amounts pursuant to this section shall expend all funds allocated to it within three years of the date the funds become available to the grantee for obligation. Furthermore, the Secretary shall by Notice establish intermediate expenditure benchmarks at the one and two year dates from the date the funds become available to the grantee for obligation.

(2) PRIORITIES.—

(A) JOB CREATION.—Each grantee or eligible entity shall describe how its proposed use of funds will prioritize job creation, and secondly, will address goals to stabilize neighborhoods, reverse vacancy, or increase or stabilize residential and commercial property values.

(B) TARGETING.—Any State or unit of general local government that receives formula

amounts pursuant to this section shall, in distributing and targeting such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(i) with the greatest percentage of home foreclosures;

(ii) identified as likely to face a significant rise in the rate of residential or commercial foreclosures; and

(iii) with higher than national average unemployment rate.

(C) **LEVERAGE.**—Each grantee or eligible entity shall describe how its proposed use of funds will leverage private funds.

(3) **ELIGIBLE USES.**—Amounts made available under this section may be used to—

(A) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such properties;

(C) establish and operate land banks for properties that have been abandoned or foreclosed upon;

(D) demolish blighted structures;

(E) redevelop abandoned, foreclosed, demolished, or vacant properties; and

(F) engage in other activities, as determined by the Secretary through notice, that are consistent with the goals of creating jobs, stabilizing neighborhoods, reversing vacancy reduction, and increasing or stabilizing residential and commercial property values.

(d) **LIMITATIONS.**—

(1) **ON PURCHASES.**—Any purchase of a property under this section shall be at a price not to exceed its current market value, taking into account its current condition.

(2) **REHABILITATION.**—Any rehabilitation of an eligible property under this section shall be to the extent necessary to comply with applicable laws, and other requirements relating to safety, quality, marketability, and habitability, in order to sell, rent, or redevelop such properties or provide a renewable energy source or sources for such properties.

(3) **SALE OF HOMES.**—If an abandoned or foreclosed-upon home is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, marketable, and habitable condition.

(4) **ON DEMOLITION OF PUBLIC HOUSING.**—Public housing, as defined at section 3(b)(6) of the United States Housing Act of 1937, may not be demolished with funds under this section.

(5) **ON DEMOLITION ACTIVITIES.**—No more than 10 percent of any grant made under this section may be used for demolition activities unless the Secretary determines that such use represents an appropriate response to local market conditions.

(6) **ON USE OF FUNDS FOR NON-RESIDENTIAL PROPERTY.**—No more than 30 percent of any grant made under this section may be used for eligible activities under subparagraphs (A), (B), and (E) of subsection (c)(3) that will not result in residential use of the property involved unless the Secretary determines that such use represents an appropriate response to local market conditions.

(e) **RULES OF CONSTRUCTION.**—

(1) **IN GENERAL.**—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to eligible entities under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) **NO MATCH.**—No matching funds shall be required in order for an eligible entity to receive any amounts under this section.

(3) **TENANT PROTECTIONS.**—An eligible entity receiving a grant under this section shall comply with the 14th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd provisos of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5, 123 Stat. 218-19), as amended by section 1497(b)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, 124 Stat. 2211).

(4) **VICINITY HIRING.**—An eligible entity receiving a grant under this section shall comply with section 1497(a)(8) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, 129 Stat. 2210).

(5) **BUY AMERICAN.**—Section 1605 of Title XVI—General Provisions of the American Recovery and Reinvestment Act of 2009—shall apply to amounts appropriated, revenues generated, and amounts otherwise made available to eligible entities under this section.

(f) **AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.**—

(1) **IN GENERAL.**—In administering the program under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 or under title I of the Cranston-Gonzalez National Affordable Housing Act of 1990 (except for those provisions in these laws related to fair housing, nondiscrimination, labor standards, and the environment) for the purpose of expediting and facilitating the use of funds under this section.

(2) **NOTICE.**—The Secretary shall provide written notice of intent to the public via internet to exercise the authority to specify alternative requirements under paragraph.

(3) **LOW AND MODERATE INCOME REQUIREMENT.**—

(A) **IN GENERAL.**—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of eligible properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) **RECURRENT REQUIREMENT.**—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed-upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) **NATIONWIDE DISTRIBUTION OF RESOURCES.**—Notwithstanding any other provision of this section or the amendments made by this section, each State shall receive not less than \$20,000,000 of formula funds.

(h) **LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.**—No State or unit of general local government may use any amounts received pursuant to this section to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use, which shall not be construed to include economic development that primarily benefits private entities.

(i) **LIMITATION ON DISTRIBUTION OF FUNDS.**—

(1) **IN GENERAL.**—None of the funds made available under this title or title IV shall be distributed to—

(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) an organization which employs applicable individuals.

(2) **APPLICABLE INDIVIDUALS DEFINED.**—In this section, the term “applicable individual” means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(j) **RENTAL HOUSING PREFERENCES.**—Each State and local government receiving formula amounts shall establish procedures to create preferences for the development of affordable rental housing.

(k) **JOB CREATION.**—If a grantee chooses to use funds to create jobs by establishing and operating a program to maintain eligible neighborhood properties, not more than 10 percent of any grant may be used for that purpose.

(l) **PROGRAM SUPPORT AND CAPACITY BUILDING.**—The Secretary may use up to 0.75 percent of the funds appropriated for capacity building of and support for eligible entities and grantees undertaking neighborhood stabilization programs, staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities.

(1) Funds set aside for the purposes of this subparagraph shall remain available until September 30, 2016;

(2) Any funds made available under this subparagraph and used by the Secretary for personnel expenses related to administering funding under this subparagraph shall be transferred to “Personnel Compensation and Benefits, Community Planning and Development”;

(3) Any funds made available under this subparagraph and used by the Secretary for training or other administrative expenses shall be transferred to “Administration, Operations, and Management, Community Planning and Development” for non-personnel expenses; and

(4) Any funds made available under this subparagraph and used by the Secretary for technology shall be transferred to “Working Capital Fund”.

(m) **ENFORCEMENT AND PREVENTION OF FRAUD AND ABUSE.**—The Secretary shall establish and implement procedures to prevent fraud and abuse of funds under this section, and shall impose a requirement that grantees have an internal auditor to continuously monitor grantee performance to prevent fraud, waste, and abuse. Grantees shall provide the Secretary and citizens with quarterly progress reports. The Secretary shall

recapture funds from formula and competitive grantees that do not expend 100 percent of allocated funds within 3 years of the date that funds become available, and from underperforming or mismanaged grantees, and shall re-allocate those funds by formula to target areas with the greatest need, as determined by the Secretary through notice. The Secretary may take an alternative sanctions action only upon determining that such action is necessary to achieve program goals in a timely manner.

(n) The Secretary of Housing and Urban Development shall to the extent feasible conform policies and procedures for grants made under this section to the policies and practices already in place for the grants made under Section 2301 of the Housing and Economic Recovery Act of 2008; Division A, Title XII of the American Recovery and Reinvestment Act of 2009; or Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Subtitle H—National Wireless Initiative

SEC. 271. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) **700 MHZ BAND.**—The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) **700 MHZ D BLOCK SPECTRUM.**—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum frequencies from 758 megahertz to 763 megahertz and from 788 megahertz to 793 megahertz.

(3) **APPROPRIATE COMMITTEES OF CONGRESS.**—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(5) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(6) **CORPORATION.**—The term “Corporation” means the Public Safety Broadband Corporation established in section 284.

(7) **EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.**—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(8) **FEDERAL ENTITY.**—The term “Federal entity” has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) **NARROWBAND SPECTRUM.**—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) **NIST.**—The term “NIST” means the National Institute of Standards and Technology.

(11) **NTIA.**—The term “NTIA” means the National Telecommunications and Information Administration.

(12) **PUBLIC SAFETY ENTITY.**—The term “public safety entity” means an entity that provides public safety services.

(13) **PUBLIC SAFETY SERVICES.**—The term “public safety services”—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 272. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Paragraph (1) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended by striking paragraph (1) and inserting the following:

“(1) **ELIGIBLE FEDERAL ENTITIES.**—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use may receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.”.

(b) **ELIGIBLE FREQUENCIES.**—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) is amended by deleting and replacing subsection (B) with the following:

“(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or is assigned as a result of later legislation or other administrative direction.”.

(c) Paragraph (3) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended by striking it in its entirety and replacing it with the following:

“(3) **DEFINITION OF RELOCATION AND SHARING COSTS.**—For purposes of this subsection, the terms ‘relocation costs’ and ‘sharing costs’ mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology. Comparable capability of systems includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality. Such costs include—

“(A) the costs of any modification or replacement of equipment, spares, associated

ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

“(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary, which may be renewed, to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before relocation for the remaining estimated life of the system being relocated;

“(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with (i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs; (ii) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

“(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity’s primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process;

“(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

“(F) the costs of the use of commercial systems and services (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease, subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.”.

(d) A new subsection (7) is added to Section 113(g) as follows:

“(7) **SPECTRUM SHARING.**—Federal entities are permitted to allow access to their frequency assignments by non-Federal entities upon approval of the terms of such access by NTIA, in consultation with the Office of Management and Budget. Such non-Federal entities must comply with all applicable rules of the Commission and NTIA, including any regulations promulgated pursuant to this section. Remuneration associated with such access shall be deposited into the Spectrum Relocation Fund. Federal entities that incur costs as a result of such access are eligible for payment from the Fund for the purposes specified in subsection (3) of this section. The revenue associated with such access must be at least 110 percent of the estimated Federal costs.”.

(e) Section 118 of such Act (47 U.S.C. 928) is amended by:

(1) In subsection (b), adding at the end, “and any payments made by non-Federal entities for access to Federal spectrum pursuant to 47 U.S.C. 113(g)(7)”;

(2) replacing subsection (c) with the following:

“The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section (g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency. In addition, the amounts in the Fund from payments by non-Federal entities for access to Federal spectrum are authorized to be used to pay Federal costs associated with such sharing, as defined in section (g)(3) of this title. The Director of the Office of Management and Budget (OMB) may transfer at any time (including prior to any auction or contemplated auction, or sharing initiative) such sums as may be available in the Fund to an eligible federal entity to pay eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title. However, the Director may not transfer more than \$100,000,000 associated with authorized pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund. Within the \$100,000,000 that may be transferred before an auction, the Director of OMB may transfer up to \$10,000,000 in total to eligible federal entities for eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title for costs incurred prior to the enactment of this legislation, but after June 28th, 2010. These amounts transferred pursuant to the previous proviso are in addition to amounts that the Director of OMB may transfer after the enactment of this legislation.”;

(3) amending subsection (d)(1) to add, “and sharing” before “costs”;

(4) amending subsection (d)(2)(B) to add, “and sharing” before “costs”, and adding at the end, “and sharing”;

(5) replacing subsection (d)(3) with the following:

“Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the Committees on Appropriations and Energy and Commerce of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate at least 60 days in advance of the reversion of the funds to the general fund of the Treasury that such funds are needed to complete or to implement current or future relocations or sharing initiatives.”;

(6) amending subsection (e)(2) by adding “and sharing” before “costs”; by adding “or sharing” before “is complete”; and by adding “or sharing” before “in accordance”; and

(7) adding a new subsection at the end thereof:

“(f) Notwithstanding subsections (c) through (e) of this section and after the amount specified in subsection (b), up to twenty percent of the amounts deposited in the Spectrum Relocation Fund from the auction of licenses following the date of enactment of this section for frequencies vacated by Federal entities, or up to twenty percent

of the amounts paid by non-Federal entities for sharing of Federal spectrum, after the date of enactment are hereby appropriated and available at the discretion of the Director of the Office of Management and Budget, in consultation with the Assistant Secretary for Communications and Information, for payment to the eligible Federal entities, in addition to the relocation and sharing costs defined in paragraph (3) of subsection 923(g), for the purpose of encouraging timely access to those frequencies, provided that:

“(1) Such payments may be based on the market value of the spectrum, timeliness of clearing, and needs for agencies’ essential missions;

“(2) Such payments are authorized for:

“(A) the purposes of achieving enhanced capabilities of systems that are affected by the activities specified in subparagraphs (A) through (F) of paragraph (3) of subsection 923(g) of this title; and

“(B) other communications, radar and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

“(3) The increase to the Fund due to any one auction after any payment is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

“(4) Payments to eligible entities must be based on the proceeds generated in the auction that an eligible entity participates in; and

“(5) Such payments will not be made until 30 days after the Director of OMB has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives.”.

(f) Subparagraph D of section 309 (j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended by adding “, after the retention of revenue described in subparagraph (B),” before “attributable” and “and frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in 47 U.S.C. 923(g)(2)” before the first “shall” in the subparagraph.

(g) If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by sections 923 or 928 of Title 47 of the United States Code would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations the head of the executive agency shall notify the NTA of that determination prior to release of such information. In that event, such information shall be included in a separate annex, as needed and to the extent the agency head determines is consistent with national security or law enforcement purposes. These annexes shall be provided to the appropriate subcommittee in accordance with applicable stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 273. INCENTIVE AUCTION AUTHORITY.

(a) Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by deleting “and (E)” and inserting “(E) and (F)” after “subparagraphs (B), (D),”; and

(2) by adding at the end the following new subparagraphs:

“(F) Notwithstanding any other provision of law, if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of any auction proceeds that the Commission determines, in its discretion, are attributable to the spectrum usage rights voluntarily relinquished by such licensee. If the Commission also determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate; Provided, however, that with respect to frequency bands between 54 megahertz and 72 megahertz, 76 megahertz and 88 megahertz, 174 megahertz and 216 megahertz, and 470 megahertz and 698 megahertz (‘the specified bands’), any spectrum made available for alternative use utilizing payments authorized under this subsection shall be assigned via the competitive bidding process until the winning bidders for licenses covering at least 84 megahertz from the specified bands deposit the full amount of their bids in accordance with the Commission’s instructions. In addition, if more than 84 megahertz of spectrum from the specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available, provided that a majority of such additional spectrum is assigned via competitive bidding. Also, provided that in exercising the authority provided under this section:

“(i) The Chairman of the Commission, in consultation with the Director of OMB, shall notify the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives of the methodology for calculating such payments to licensees at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing; and

“(ii) Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this section and section 106 of this Act shall be deposited with the Public Safety Trust Fund established under section 217 of this Act.

“(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Incentive Auction Relocation Fund’.

“(ii) ADMINISTRATION.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the amounts deposited pursuant to this section.

“(iii) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 217 of this Act.

“(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

“(I) without fiscal year limitation;

“(II) for a period not to exceed 18 months following the later of—

“(aa) the completion of incentive auction from which such amounts were derived;

“(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); or

“(cc) the issuance of a construction permit by the Commission for a station to change channels, geographic locations, to collocate on the same channel or notification by a station to the Assistant Secretary that it is impacted by such a change; and

“(III) without further appropriation.

“(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

“(I) the reasonable costs of television broadcast stations that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

“(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.”.

SEC. 274. REQUIREMENTS WHEN REPURPOSING CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

To the extent that the Commission makes available terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, the Commission shall recover a significant portion of the value of such right either through the authority provided in section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or by section 278 of this subtitle.

SEC. 275. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is repealed.

SEC. 276. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

“(17) Notwithstanding any other provision of law, the Commission shall use competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. A service is defined to be predominantly for domestic satellite communications services if the majority of customers that may be served are located within the geographic boundaries of the United States. The Commission may, however, use an alternative approach to assignment of

such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity. This paragraph shall be effective on the date of its enactment and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based television or radio services as of the effective date.”.

SEC. 277. DIRECTED AUCTION OF CERTAIN SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this subtitle, the Assistant Secretary shall identify and make available for immediate reallocation, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”, to be made available for reallocation or sharing with incumbent Government operations.

(b) AUCTION.—Not later than January 31, 2016, the Commission shall conduct, in such combination as deemed appropriate by the Commission, the auctions of the following licenses covering at least the frequencies described in this section, by commencing the bidding for:

(1) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.

(2) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(3) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(4) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(5) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(6) At least 25 megahertz of spectrum between the frequencies of 1755 megahertz and 1850 megahertz, minus appropriate geographic exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to auction of spectrum frequencies identified in this paragraph.

(7) The Commission may substitute alternative spectrum frequencies for the spectrum frequencies identified in paragraphs (1) through (5) of this subsection, if the Commission determines that alternative spectrum would better serve the public interest and the Office of Management and Budget certifies that such alternative spectrum frequencies are reasonably expected to produce receipts comparable to auction of the spectrum frequencies identified in paragraphs (1) through (5) of this subsection.

(c) AUCTION ORGANIZATION.—The Commission may, if technically feasible and con-

sistent with the public interest, combine the spectrum identified in paragraphs (4), (5), and the portion of paragraph (6) between the frequencies of 1755 megahertz and 1850 megahertz, inclusive, of subsection (b) in an auction of licenses for paired spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this subsection, the term “covered spectrum” means the portion of the electromagnetic spectrum between the frequencies of 3550 to 3650 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(2) IN GENERAL.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding or allocation to unlicensed use, minus appropriate exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

(A) IN GENERAL.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, then the President shall, within 1 year after the date of such determination—

(i) identify alternative bands of frequencies totaling more than 20 megahertz and no more than 100 megahertz of spectrum used primarily by Federal agencies that satisfy the requirements of clauses (i) and (ii) of paragraph (2)(B);

(ii) report to the appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

(iii) make such alternative spectrum for assignment immediately available for reallocation.

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this subtitle.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this subtitle.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking “; and” and inserting a semicolon;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

“(i) the deposits—

“(I) of successful bidders of any auction conducted pursuant to subparagraph (F) of section 106 of this act shall be paid to the Public Safety Trust Fund established under section 217 of such Act; and

“(II) of successful bidders of any other auction shall be paid to the Treasury.”.

SEC. 278. AUTHORITY TO ESTABLISH SPECTRUM LICENSE USER FEES.

Section 309 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

“(m) **USE OF SPECTRUM LICENSE USER FEES.**—For initial licenses or construction permits that are not granted through the use of competitive bidding as set forth in subsection (j), and for renewals or modifications of initial licenses or other authorizations, whether granted through competitive bidding or not, the Commission may, where warranted, establish, assess, and collect annual user fees on holders of spectrum licenses or construction permits, including their successors or assignees, in order to promote efficient and effective use of the electromagnetic spectrum.

“(1) **REQUIRED COLLECTIONS.**—The Commission shall collect at least the following amounts—

“(A) \$200,000,000 in fiscal year 2012;

“(B) \$300,000,000 in fiscal year 2013;

“(C) \$425,000,000 in fiscal year 2014;

“(D) \$550,000,000 in fiscal year 2015;

“(E) \$550,000,000 in fiscal year 2016;

“(F) \$550,000,000 in fiscal year 2017;

“(G) \$550,000,000 in fiscal year 2018;

“(H) \$550,000,000 in fiscal year 2019;

“(I) \$550,000,000 in fiscal year 2020; and

“(J) \$550,000,000 in fiscal year 2021.

“(2) **DEVELOPMENT OF SPECTRUM FEE REGULATIONS.**—

“(A) The Commission shall, by regulation, establish a methodology for assessing annual spectrum user fees and a schedule for collection of such fees on classes of spectrum licenses or construction permits or other instruments of authorization, consistent with the public interest, convenience and necessity. The Commission may determine over time different classes of spectrum licenses or construction permits upon which such fees may be assessed. In establishing the fee methodology, the Commission may consider the following factors:

“(i) the highest value alternative spectrum use forgone;

“(ii) scope and type of permissible services and uses;

“(iii) amount of spectrum and licensed coverage area;

“(iv) shared versus exclusive use;

“(v) level of demand for spectrum licenses or construction permits within a certain spectrum band or geographic area;

“(vi) the amount of revenue raised on comparable licenses awarded through an auction; and

“(vii) such factors that the Commission determines, in its discretion, are necessary to promote efficient and effective spectrum use.

“(B) In addition, the Commission shall, by regulation, establish a methodology for assessing annual user fees and a schedule for collection of such fees on entities holding Ancillary Terrestrial Component authority in conjunction with Mobile Satellite Service spectrum licenses, where the Ancillary Terrestrial Component authority was not assigned through use of competitive bidding. The Commission shall not collect less from

the holders of such authority than a reasonable estimate of the value of such authority over its term, regardless of whether terrestrial services is actually provided during this term. In determining a reasonable estimate of the value of such authority, the Commission may consider factors listed in subsection (A).

“(C) Within 60 days of enactment of this Act, the Commission shall commence a rulemaking to develop the fee methodology and regulations. The Commission shall take all actions necessary so that it can collect fees from the first class or classes of spectrum license or construction permit holders no later than September 30, 2012.

“(D) The Commission, from time to time, may commence further rulemakings (separate from or in connection with other rulemakings or proceedings involving spectrum-based services, licenses, permits and uses) and modify the fee methodology or revise its rules required by paragraph (B) to add or modify classes of spectrum license or construction permit holders that must pay fees, and assign or adjust such fee as a result of the addition, deletion, reclassification or other change in a spectrum-based service or use, including changes in the nature of a spectrum-based service or use as a consequence of Commission rulemaking proceedings or changes in law. Any resulting changes in the classes of spectrum licenses, construction permits or fees shall take effect upon the dates established in the Commission's rulemaking proceeding in accordance with applicable law.

“(E) The Commission shall exempt from such fees holders of licenses for broadcast television and public safety services. The term ‘emergency response providers’ includes State, local, and tribal, emergency public safety, law enforcement, firefighter, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies and authorities.

“(3) **PENALTIES FOR LATE PAYMENT.**—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by this subsection.

“(4) **REVOCATION OF LICENSE OR PERMIT.**—The Commission may revoke any spectrum license or construction permit for a licensee's or permittee's failure to pay in a timely manner any fee or penalty to the Commission under this subsection. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted

its right to judicial review of such order under section 402(b)(5) of this title.

“(5) **TREATMENT OF REVENUES.**—All proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the General Fund of the Treasury.”.

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 281. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) **IN GENERAL.**—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this subtitle.

(b) **SPECTRUM ALLOCATION.**—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking “24” in paragraph (1) and inserting “34”; and

(2) by striking “36” in paragraph (2) and inserting “26”.

SEC. 282. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the Commission and the Corporation established in section 204 of this subtitle.

SEC. 283. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSE.

(a) **REALLOCATION AND GRANT OF LICENSE.**—Notwithstanding any other provision of law, and subject to the provisions of this subtitle, including section 290, the Commission shall grant a license to the Public Safety Broadband Corporation established under section 284 for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) **TERM OF LICENSE.**—

(1) **INITIAL LICENSE.**—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) **RENEWAL OF LICENSE.**—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the Corporation has met the duties and obligations set forth under this subtitle. A renewal license granted under this paragraph shall be for a term of not to exceed 15 years.

(c) **FACILITATION OF TRANSITION.**—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the Public Safety Broadband Corporation established under section 284.

SEC. 284. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) **ESTABLISHMENT.**—There is authorized to be established a private, nonprofit corporation, to be known as the “Public Safety Broadband Corporation”, which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(b) **APPLICATION OF PROVISIONS.**—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (sec. 29-301.01 et seq., D.C. Official Code).

(c) **RESIDENCE.**—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of

venue in civil actions, to be a resident of the District of Columbia.

(d) **POWERS UNDER DC ACT.**—In order to carry out the duties and activities of the Corporation, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(e) **INCORPORATION.**—The members of the initial Board of Directors of the Corporation shall serve as incorporators and shall take whatever steps that are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

SEC. 285. BOARD OF DIRECTORS OF THE CORPORATION.

(a) **MEMBERSHIP.**—The management of the Corporation shall be vested in a Board of Directors (referred to in this Title as the “Board”), which shall consist of the following members:

(1) **FEDERAL MEMBERS.**—The following individuals, or their respective designees, shall serve as Federal members:

- (A) The Secretary of Commerce.
- (B) The Secretary of Homeland Security.
- (C) The Attorney General of the United States.

(D) The Director of the Office of Management and Budget.

(2) **NON-FEDERAL MEMBERS.**—

(A) **IN GENERAL.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall appoint 11 individuals to serve as non-Federal members of the Board.

(B) **STATE, TERRITORIAL, TRIBAL AND LOCAL GOVERNMENT INTERESTS.**—In making appointments under subparagraph (A), the Secretary of Commerce should—

(i) appoint at least 3 individuals with significant expertise in the collective interests of State, Territorial, Tribal and Local governments; and

(ii) seek to ensure geographic and regional representation of the United States in such appointments;

(iii) seek to ensure rural and urban representation in such appointments.

(C) **PUBLIC SAFETY INTERESTS.**—In making appointments under subparagraph (A), the Secretary of Commerce should appoint at least 3 individuals who have served or are currently serving as public safety professionals.

(D) **REQUIRED QUALIFICATIONS.**—

(i) **IN GENERAL.**—Each non-Federal member appointed under subparagraph (A) should meet at least 1 of the following criteria:

(I) **PUBLIC SAFETY EXPERIENCE.**—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) **TECHNICAL EXPERTISE.**—Technical expertise and fluency regarding broadband communications, including public safety communications and cybersecurity.

(III) **NETWORK EXPERTISE.**—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) **FINANCIAL EXPERTISE.**—Expertise in financing and funding telecommunications networks.

(ii) **EXPERTISE TO BE REPRESENTED.**—In making appointments under subparagraph (A), the Secretary of Commerce should appoint—

(I) at least one individual who satisfies the requirement under subclause (II) of clause (i);

(II) at least one individual who satisfies the requirement under subclause (III) of clause (i); and

(III) at least one individual who satisfies the requirement under subclause (IV) of clause (i).

(E) **INDEPENDENCE.**—

(i) **IN GENERAL.**—Each non-Federal member of the Board shall be independent and neutral and maintain a fiduciary relationship with the Corporation in performing his or her duties.

(ii) **INDEPENDENCE DETERMINATION.**—In order to be considered independent for purposes of this subparagraph, a member of the Board—

(I) may not, other than in his or her capacity as a member of the Board or any committee thereof—

(aa) accept any consulting, advisory, or other compensatory fee from the Corporation; or

(bb) be a person associated with the Corporation or with any affiliated company thereof; and

(II) shall be disqualified from any deliberation involving any transaction of the Corporation in which the Board member has a financial interest in the outcome of the transaction.

(F) **NOT OFFICERS OR EMPLOYEES.**—The non-Federal members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(G) **CITIZENSHIP.**—No individual other than a citizen of the United States may serve as a non-Federal member of the Board.

(H) **CLEARANCE FOR CLASSIFIED INFORMATION.**—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, the non-Federal members of the Board shall be required, prior to appointment, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) **TERMS OF APPOINTMENT.**—

(1) **INITIAL APPOINTMENT DEADLINE.**—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this subtitle.

(2) **TERMS.**—

(A) **LENGTH.**—

(i) **FEDERAL MEMBERS.**—Each Federal member of the Board shall serve as a member of the Board for the life of the Corporation while serving in their appointed capacity.

(ii) **NON-FEDERAL MEMBERS.**—The term of office of each non-Federal member of the Board shall be 3 years. No non-Federal member of the Board may serve more than 2 consecutive full 3-year terms.

(B) **EXPIRATION OF TERM.**—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) **APPOINTMENT TO FILL VACANCY.**—Any non-Federal member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) **STAGGERED TERMS.**—With respect to the initial non-Federal members of the Board—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 3 members shall serve for a term of 1 year.

(3) **VACANCIES.**—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(c) **CHAIR.**—

(1) **SELECTION.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall select, from among the members of the Board, an individual to serve for a 2-year term as Chair of the Board.

(2) **CONSECUTIVE TERMS.**—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(3) **REMOVAL FOR CAUSE.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may remove the Chair of the Board and any non-Federal member for good cause.

(d) **REMOVAL.**—All members of the Board may by majority vote—

(1) remove any non-Federal member of the Board from office for conduct determined by the Board to be detrimental to the Board or Corporation; and

(2) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined by the Board to be detrimental to the Board or Corporation.

(e) **MEETINGS.**—

(1) **FREQUENCY.**—The Board shall meet in accordance with the bylaws of the Corporation—

(A) at the call of the Chairperson; and

(B) not less frequently than once each quarter.

(2) **TRANSPARENCY.**—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, to discuss security vulnerabilities when making those vulnerabilities public would increase risk to the network or otherwise materially threaten network operations, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(f) **QUORUM.**—Eight members of the Board shall constitute a quorum.

(g) **BYLAWS.**—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(h) **ATTENDANCE.**—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(i) **PROHIBITION ON COMPENSATION.**—Members of the Board of the Corporation shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

SEC. 286. OFFICERS, EMPLOYEES, AND COMMITTEES OF THE CORPORATION.

(a) **OFFICERS AND EMPLOYEES.**—

(1) **IN GENERAL.**—The Corporation shall have a Chief Executive Officer, and such other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board pursuant to this subsection. The Chief Executive Officer may name and appoint

such employees as are necessary. All officers and employees shall serve at the pleasure of the Board.

(2) **LIMITATION.**—No individual other than a citizen of the United States may be an officer of the Corporation.

(3) **NONPOLITICAL NATURE OF APPOINTMENT.**—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—The Board may hire and fix the compensation of employees hired under this subsection as may be necessary to carry out the purposes of the Corporation.

(B) **APPROVAL BY COMPENSATION BY FEDERAL MEMBERS.**—Notwithstanding any other provision of law, or any bylaw adopted by the Corporation, all rates of compensation, including benefit plans and salary ranges, for officers and employees of the Board, shall be jointly approved by the Federal members of the Board.

(C) **LIMITATION ON OTHER COMPENSATION.**—No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the officer or employee by the Corporation, unless unanimously approved by all voting members of the Corporation.

(5) **SERVICE ON OTHER BOARDS.**—Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.

(6) **RULE OF CONSTRUCTION.**—No officer or employee of the Board or of the Corporation shall be considered to be an officer or employee of the United States Government or of the government of the District of Columbia.

(7) **CLEARANCE FOR CLASSIFIED INFORMATION.**—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, at a minimum the Chief Executive Officer and any officers filling the roles normally titled as Chief Information Officers, Chief Information Security Officer, and Chief Operations Officer shall—

(A) be required, within six months of being hired, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) **ADVISORY COMMITTEES.**—The Board—

(1) shall establish a standing public safety advisory committee to assist the Board in carrying out its duties and responsibilities under this Title; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the Board determines are necessary.

SEC. 287. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) **STOCK.**—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or

any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(c) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(d) **PROHIBITION ON LOBBYING ACTIVITIES.**—The Corporation shall not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

SEC. 288. POWERS, DUTIES, AND RESPONSIBILITIES OF THE CORPORATION.

(a) **GENERAL POWERS.**—The Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of its Board, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this Title, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies, pursuant to guidelines established by the Director of the Office of Management and Budget.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To issue notes or bonds, which shall not be guaranteed or backed in any manner by the Government of the United States, to purchasers of such instruments in the private capital markets.

(9) To incur indebtedness, which shall be the sole liability of the Corporation and shall not be guaranteed or backed by the Government of the United States, to carry out the purposes of this Title.

(10) To spend funds under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this subtitle.

(11) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(12) To expend the funds placed in any reserve accounts established under paragraph (11) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this subtitle; or

(B) are otherwise approved by an Act of Congress.

(13) To build, operate and maintain the public safety interoperable broadband network.

(14) To take such other actions as the Corporation (through its Board) may from time to time determine necessary, appropriate, or

advisable to accomplish the purposes of this subtitle.

(b) **DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.**—

(1) **IN GENERAL.**—The Corporation shall hold the single public safety wireless license granted under section 281 and take all actions necessary to ensure the building, deployment, and operation of a secure and resilient nationwide public safety interoperable broadband network in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 284(b)(1), including by,—

(A) ensuring nationwide standards including encryption requirements for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network;

(C) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network; and

(D) establishing policies regarding Federal and public safety support use.

(2) **INTEROPERABILITY, SECURITY AND STANDARDS.**—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyber intrusions or cyberattack;

(B) be informed of and manage supply chain risks to the network, including requirements to provide insight into the suppliers and supply chains for critical network components and to implement risk management best practice in network design, contracting, operations and maintenance;

(C) promote competition in the equipment market, including devices for public safety communications, by requiring that equipment and devices for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used across the nationwide public safety broadband network operating in the 700 MHz band;

(iii) be able to be interchangeable with other vendors' equipment; and

(iv) backward-compatible with existing second and third generation commercial networks to the extent that such capabilities are necessary and technically and economically reasonable; and

(D) promote integration of the network with public safety answering points or their equivalent.

(3) **RURAL COVERAGE.**—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation, consistent with the license granted under section 281, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.

(4) **EXECUTION OF AUTHORITY.**—In carrying out the duties and responsibilities of this subsection, the Corporation may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the Corporation; and

(ii) network infrastructure constructed, owned, or operated by the Corporation; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the Corporation shall take such actions as may be necessary, including the development of requests for proposals—

(A) request for proposals should include—

(i) build timetables, including by taking into consideration the time needed to build out to rural areas;

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical, operational and security requirements of the network and, as appropriate, network suppliers;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) training needs of entities operating on and personnel using such network.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposal and otherwise carrying out its responsibilities under this subtitle, the Corporation shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of an Evolved Packet Core or Cores and any Radio Access Network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the Corporation and the single officer or governmental body designated under section 294(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the Corporation shall enter into agreements to utilize, to the maximum economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The Corporation shall ensure through the maintenance,

operation, and improvement of the nationwide public safety interoperable broadband network established under subsection (b), including by ensuring that the Corporation updates and revises any policies established under paragraph (1) to take into account new and evolving technologies and security concerns.

(5) ROAMING AGREEMENTS.—The Corporation shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety interoperable broadband users to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols, encryption requirements, and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety interoperable broadband network established under subsection (b).

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The Corporation, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 284(b)(1), shall represent the interests of public safety users of the nationwide public safety interoperable broadband network established under subsection (b) before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity regarding the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—Except as authorized by the President, the Corporation shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 289. INITIAL FUNDING FOR CORPORATION.

(a) NTIA PROVISION OF INITIAL FUNDING TO THE CORPORATION.—

(1) IN GENERAL.—Prior to the commencement of incentive auctions to be carried out under section 309(j)(8)(F) of the Communications Act of 1934 or the auction of spectrum pursuant to section 273 of this subtitle, the NTIA is hereby appropriated \$50,000,000 for reasonable administrative expenses and other costs associated with the establishment of the Corporation, and that may be transferred as needed to the Corporation for expenses before the commencement of incentive auction: *Provided*, That funding shall expire on September 30, 2014.

(2) CONDITION OF FUNDING.—At the time of application for, and as a condition to, any such funding, the Corporation shall file with the NTIA a statement with respect to the anticipated use of the proceeds of this funding.

(3) NTIA APPROVAL.—If the NTIA determines that such funding is necessary for the Corporation to carry out its duties and responsibilities under this Title and that Corporation has submitted a plan, then the NTIA shall notify the appropriate committees of Congress 30 days before each transfer of funds takes place.

SEC. 290. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—The Corporation shall have the authority to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety interoperable broadband network established under this Title.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any non-Federal entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a “covered leasing agreement” means a written agreement between the Corporation and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any non-Federal entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the Corporation.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the Corporation in carrying out its duties and responsibilities described under this Title for the fiscal year involved.

(c) REQUIRED REINVESTMENT OF FUNDS.—The Corporation shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, managing or improving the network.

SEC. 291. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(3) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the Comptroller General shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property

of the Corporation shall remain in the possession and custody of the Corporation.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the Corporation.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(B) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

SEC. 292. ANNUAL REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subtitle, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the President and the appropriate committees of Congress.

(b) **REQUIRED CONTENT.**—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section; and

(2) such recommendations or proposals for legislative or administrative action as the Corporation deems appropriate.

(c) **AVAILABILITY TO TESTIFY.**—The directors, officers, employees, and agents of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit made by the Comptroller General under section 291; or

(3) any other matter which such committees may determine appropriate.

SEC. 293. PROVISION OF TECHNICAL ASSISTANCE.

The Commission and the Departments of Homeland Security, Justice and Commerce may provide technical assistance to the Corporation and may take any action at the request of the Corporation in effectuating its duties and responsibilities under this Title.

SEC. 294. STATE AND LOCAL IMPLEMENTATION.

(a) **ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.**—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety interoperable broadband network established in this subtitle to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, identity management for public safety users and their devices, and other needs.

(b) **MATCHING REQUIREMENTS; FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) **WAIVER.**—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) **PROGRAMMATIC REQUIREMENTS.**—Not later than 6 months after the establishment of the bylaws of the Corporation pursuant to section 286 of this subtitle, the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) **CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.**—In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

SEC. 295. STATE AND LOCAL IMPLEMENTATION FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “State and Local Implementation Fund”.

(b) **PURPOSE.**—The Assistant Secretary shall establish and administer the grant program authorized under section 294 of this subtitle using funds deposited in the State and Local Implementation Fund.

(c) **CREDITING OF RECEIPTS.**—There shall be deposited into or credited to the State and Local Implementation Fund—

(1) any amounts specified in section 297; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) **BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—The Assistant Secretary may borrow from the General Fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed \$100,000,000 to implement section 294.

(2) **REIMBURSEMENT.**—The Assistant Secretary shall reimburse the General Fund of the Treasury, with interest, for any amounts borrowed under subparagraph (1) as funds are deposited into the State and Local Implementation Fund.

SEC. 296. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) **NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**—From amounts made available from the Public Safety Trust Fund established under section 297, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) **REQUIRED ACTIVITIES.**—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the Corporation and the public safety advisory com-

mittee established under section 286(b)(1), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety interoperable broadband network to be established under this title;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device “talkaround” standards for broadband networks, if necessary and practical, public safety prioritization, authentication capabilities, as well as a standard application programming interfaces for the nationwide public safety interoperable broadband network to be established under this title, if necessary and practical;

(5) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency and trustworthiness; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

(c) **TRANSFER AUTHORITY.**—If in the determination of the Director of NIST another Federal agency is better suited to carry out and oversee the research and development of any activity to be carried out in accordance with the requirements of this section, the Director may transfer any amounts provided under this section to such agency, including to the National Institute of Justice of the Department of Justice and the Department of Homeland Security.

SEC. 297. PUBLIC SAFETY TRUST FUND.

(a) **ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund to be known as the “Public Safety Trust Fund”.

(2) **CREDITING OF RECEIPTS.**—

(A) **IN GENERAL.**—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 273 of this subtitle; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 273 of this subtitle.

(B) **AVAILABILITY.**—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2018. Upon the expiration of the period described in the prior sentence such amounts shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) **USE OF FUND.**—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) **PAYMENT OF AUCTION INCENTIVE.**—

(A) **REQUIRED DISBURSALS.**—Amounts in the Public Safety Trust Fund shall be used to make any required disbursement of payments to licensees required pursuant to clause (i) and subclause (IV) of clause (ii) of section 309(j)(8)(F) of the Communications Act of 1934.

(B) **NOTIFICATION TO CONGRESS.**—

(i) **IN GENERAL.**—At least 3 months in advance of any incentive auction conducted

pursuant to subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating the disbursement of payments to certain licensees required pursuant to clause (i) and subclauses (III) and (IV) of clause (ii) of such section;

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum; and

(III) of the estimated payments to be made from the Incentive Auction Relocation fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(ii) **DEFINITION.**—In this clause, the term “appropriate committees of Congress” means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) **INCENTIVE AUCTION RELOCATION FUND.**—Not more than \$1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(3) **STATE AND LOCAL IMPLEMENTATION FUND.**—\$200,000,000 shall be deposited in the State and Local Implementation Fund established under section 294.

(4) **PUBLIC SAFETY BROADBAND CORPORATION.**—\$6,450,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 284, of which pursuant to its responsibilities and duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network. Funds deposited with the Public Safety Broadband Corporation shall be available after submission of a five-year budget by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget and Attorney General of the United States.

(5) **PUBLIC SAFETY RESEARCH AND DEVELOPMENT.**—After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, a Wireless Innovation (WIN) Fund of up to \$300,000,000 shall be made available for use by the Director of NIST to carry out the research program established under section 296 and be available until expended. If less than \$300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation established in section 284 and be available for duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network.

(6) **DEFICIT REDUCTION.**—Any amounts remaining after the deduction of the amounts required under paragraphs (1) through (5) shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

SEC. 298. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subtitle and every 2 years thereafter, the Commission shall, in consultation with the As-

sistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) **CONTENTS.**—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 273(a).

SEC. 299. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety users to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “Supporting Unemployed Workers Act of 2011”.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

SEC. 311. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **IN GENERAL.**—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(1) by striking “January 3, 2012” each place it appears and inserting “January 3, 2013”;

(2) in the heading for subsection (b)(2), by striking “January 3, 2012” and inserting “January 3, 2013”; and

(3) in subsection (b)(3), by striking “June 9, 2012” and inserting “June 8, 2013”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 101 of the Supporting Unemployed Workers Act of 2011; and.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 312. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) **IN GENERAL.**—Section 2005 of the Assistance for Unemployed Workers and Strug-

gling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “January 4, 2012” each place it appears and inserting “January 4, 2013”;

(2) in the heading for subsection (b)(2), by striking “January 4, 2012” and inserting “January 4, 2013”; and

(3) in subsection (c), by striking “June 11, 2012” and inserting “June 11, 2013”.

(b) **EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “June 9, 2013”.

(c) **EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**—Section 502 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a) by striking “December 31, 2011” and inserting “December 31, 2012”; and

(2) in subsection (b)(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 313. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) **IN GENERAL.**—

(1) **PROVISION OF SERVICES AND ACTIVITIES.**—Section 4001 of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note), is amended by inserting the following new subsection (h):

“(h) **IN GENERAL.**—

“(1) **REQUIRED PROVISION OF SERVICES AND ACTIVITIES.**—An agreement under this section shall require that the State provide reemployment services and reemployment and eligibility assessment activities to each individual receiving emergency unemployment compensation who, on or after the date that is 30 days after the date of enactment of the Supporting Unemployed Workers Act of 2011, establishes an account under section 4002(b), commences receiving the amounts described in section 4002(c), commences receiving the amounts described in section 4002(d), or commences receiving the amounts described in subsection 4002(e), whichever occurs first. Such services and activities shall be provided by the staff of the State agency responsible for administration of the State unemployment compensation law or the Wagner-Peyser Act from funds available pursuant to section 4004(c)(2) and may also be provided from funds available under the Wagner-Peyser Act.

“(2) **DESCRIPTION OF SERVICES AND ACTIVITIES.**—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

“(A) shall include—

“(i) the provision of labor market and career information;

“(ii) an assessment of the skills of the individual;

“(iii) orientation to the services available through the One-Stop centers established under title I of the Workforce Investment Act of 1998;

“(iv) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops

and may include referrals to appropriate training services; and

“(v) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

“(B) may include the provision of—

“(i) comprehensive and specialized assessments; and

“(ii) individual and group career counseling; and

“(iii) additional reemployment services.

“(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate, or shall have completed participation in, such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or complete such services or activities, as defined in guidance to be issued by the Secretary of Labor.”.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessments activities required to be provided under the amendments made by paragraph (1).

(b) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(A) by striking “There” and inserting “(1) ADMINISTRATION.—There”; and

(B) by inserting the following new paragraph:

“(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

“(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, out of the employment security administration account as established by section 901(a) of the Social Security Act, such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

“(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.

“(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.”.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008

(Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(A) in paragraph (2), by striking the period and inserting “; and”; and

(B) by inserting the following paragraph (3):

“(3) to the employment security administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).”.

SEC. 314. FEDERAL-STATE AGREEMENTS TO ADMINISTER A SELF-EMPLOYMENT ASSISTANCE PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 313, is further amended by inserting a new subsection (i) as follows:

“(i) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who meet the eligibility criteria specified in subsection (b).

“(B) PAYMENT OF ALLOWANCES.—The self-employment assistance allowance described in subparagraph (A) shall be paid for up to 26 weeks to an eligible individual from such individual's emergency unemployment compensation account described in section 4002, and the amount in such account shall be reduced accordingly.

“(2) DEFINITION OF ‘SELF-EMPLOYMENT ASSISTANCE PROGRAM’.—For the purposes of this title, the term ‘self-employment assistance program’ means a program as defined under section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), except as follows:

“(A) all references to ‘regular unemployment compensation under the State law’ shall be deemed to refer instead to ‘emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note)’;

“(B) paragraph (3)(B) shall not apply;

“(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

“(i) include any entrepreneurial training that the State may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and;”

“(D) the reference to ‘5 percent’ in paragraph (4) shall be deemed to refer instead to ‘1 percent’; and

“(E) paragraph (5) shall not apply.

“(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who has received any emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 26 times the individual's average weekly benefit amount of emergency unemployment compensation.

“(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

“(A) TERMINATION.—An individual who is participating in a State's self-employment assistance program may opt to discontinue participation in such program.

“(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual whose participation in the self-employment assistance program is terminated as described in paragraph (1) or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under this title, shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.”.

SEC. 315. CONFORMING AMENDMENT ON PAYMENT OF BRIDGE TO WORK WAGES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 103, is further amended by inserting a new subsection (j) as follows:

“(j) AUTHORIZATION TO PAY WAGES FOR PURPOSES OF A BRIDGE TO WORK PROGRAM.—Any State that establishes a Bridge to Work program under section 204 of the Supporting Unemployed Workers Act of 2011 is authorized to deduct from an emergency unemployment compensation account established for such individual under section 4002 such sums as may be necessary to pay wages for such individual as authorized under section 204(b)(1) of such Act.”.

SEC. 316. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), is amended—

(1) by striking “June 30, 2011” and inserting “June 30, 2012”; and

(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

PART II—REEMPLOYMENT NOW PROGRAM

SEC. 321. ESTABLISHMENT OF REEMPLOYMENT NOW PROGRAM.

(a) IN GENERAL.—There is hereby established the Reemployment NOW program to be carried out by the Secretary of Labor in accordance with this part in order to facilitate the reemployment of individuals who are receiving emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) (hereafter in this part referred to as “EUC claimants”).

(b) **AUTHORIZATION AND APPROPRIATION.**—There are authorized to be appropriated and appropriated from the general fund of the Treasury for fiscal year 2012 \$4,000,000,000 to carry out the Reemployment NOW program under this part.

SEC. 322. DISTRIBUTION OF FUNDS.

(a) **IN GENERAL.**—Of the funds appropriated under section 321(b) to carry out this part, the Secretary of Labor shall—

(1) reserve up to 1 percent for the costs of Federal administration and for carrying out rigorous evaluations of the activities conducted under this part; and

(2) allot the remainder of the funds not reserved under paragraph (1) in accordance with the requirements of subsection (b) and (c) to States that have approved plans under section 323.

(b) **ALLOTMENT FORMULA.**—

(1) **FORMULA FACTORS.**—The Secretary of Labor shall allot the funds available under subsection (a)(2) as follows:

(A) two-thirds of such funds shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

(B) one-third of such funds shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 27 weeks or more, compared to the total number of individuals in all States who have been unemployed for 27 weeks or more.

(2) **CALCULATION.**—For purposes of paragraph (1), the number of unemployed individuals and the number of individuals unemployed for 27 weeks or more shall be based on the data for the most recent 12-month period, as determined by the Secretary.

(c) **REALLOTMENT.**—

(1) **FAILURE TO SUBMIT STATE PLAN.**—If a State does not submit a State plan by the time specified in section 323(b), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under subsection (b) shall be allotted to States that receive approval of the State plan under section 323 in accordance with the relative allotments of such States as determined by the Secretary under subsection (b).

(2) **FAILURE TO IMPLEMENT ACTIVITIES ON A TIMELY BASIS.**—The Secretary of Labor may, in accordance with procedures and criteria established by the Secretary, recapture the portion of the State allotment under this part that remains unobligated if the Secretary determines such funds are not being obligated at a rate sufficient to meet the purposes of this part. The Secretary shall reallocate such recaptured funds to other States that are not subject to recapture in accordance with the relative share of the allotments of such States as determined by the Secretary under subsection (b).

(3) **RECAPTURE OF FUNDS.**—Funds recaptured under paragraph (2) shall be available for reobligation not later than December 31, 2012.

SEC. 323. STATE PLAN.

(a) **IN GENERAL.**—For a State to be eligible to receive an allotment under section 322, a State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require, which at a minimum shall include:

(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including which of the activities authorized in sections 324–328 the State intends to carry out and an estimate of the amounts the State intends to allocate to the activities, respectively;

(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes;

(3) a description of coordination of activities to be carried out under this part with activities under title I of the Workforce Investment Act of 1998, the Wagner-Peyser Act, and other appropriate Federal programs;

(4) the timelines for implementation of the activities described in the plan and the number of EUC claimants expected to be enrolled in such activities by quarter;

(5) assurances that the State will participate in the evaluation activities carried out by the Secretary of Labor under this section;

(6) assurances that the State will provide appropriate reemployment services, including counseling, to any EUC claimant who participates in any of the programs authorized under this part; and

(7) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes and effects, which the Secretary determines are necessary to effectively monitor the activities carried out under this part.

(b) **PLAN SUBMISSION AND APPROVAL.**—A State plan under this section shall be submitted to the Secretary of Labor for approval not later than 30 days after the Secretary issues guidance relating to submission of such plan. The Secretary shall approve such plans if the Secretary determines that the plans meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

(c) **PLAN MODIFICATIONS.**—A State may submit modifications to a State plan that has been approved under this part, and the Secretary of Labor may approve such modifications, if the plan as modified would meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

SEC. 324. BRIDGE TO WORK PROGRAM.

(a) **IN GENERAL.**—A State may use funds allotted to the State under this part to establish and administer a Bridge to Work program described in this section.

(b) **DESCRIPTION OF PROGRAM.**—In order to increase individuals' opportunities to move to permanent employment, a State may establish a Bridge to Work program to provide an EUC claimant with short-term work experience placements with an eligible employer, during which time such individual—

(1) shall be paid emergency unemployment compensation payable under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as wages for work performed, and as specified in subsection (c);

(2) shall be paid the additional amount described in subsection (e) as augmented wages for work performed; and

(3) may be paid compensation in addition to the amounts described in paragraphs (1) and (2) by a State or by a participating employer as wages for work performed.

(c) **PROGRAM ELIGIBILITY AND OTHER REQUIREMENTS.**—For purposes of this program—

(1) individuals who, except for the requirements described in paragraph (3), are eligible to receive emergency unemployment compensation payments under title IV of the

Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and who choose to participate in the program described in subsection (b), shall receive such payments as wages for work performed during their voluntary participation in the program described under subsection (b);

(2) the wages payable to individuals described in paragraph (1) shall be paid from the emergency unemployment compensation account for such individual as described in section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and the amount in such individual's account shall be reduced accordingly;

(3) The wages payable to an individual described in paragraph (1) shall be payable in the same amount, at the same interval, on the same terms, and subject to the same conditions under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), except that—

(A) State requirements applied under such Act relating to availability for work and active search for work are not applicable to such individuals who participate for at least 25 hours per week in the program described in subsection (b) for the duration of such individual's participation in the program;

(B) State requirements applied under such Act relating to disqualifying income regarding wages earned shall not apply to such individuals who participate for at least 25 hours per week in the program described in subsection (b), and shall not apply with respect to—

(i) the wages described under subsection (b); and

(ii) any wages, in addition to those described under subsection (b), whether paid by a State or a participating employer for the same work activities;

(C) State prohibitions or limitations applied under such Act relating to employment status shall not apply to such individuals who participate in the program described in subsection (b); and

(D) State requirements applied under such Act relating to an individual's acceptance of an offer of employment shall not apply with regard to an offer of long-term employment from a participating employer made to such individual who is participating in the program described in subsection (b) in a work experience provided by such employer, where such long-term employment is expected to commence or commences at the conclusion of the duration specified in paragraph (4)(A);

(4) the program shall be structured so that individuals described in paragraph (1) may participate in the program for up to—

(A) 8 weeks, and

(B) 38 hours for each such week;

(5) a State shall ensure that all individuals participating in the program are covered by a workers' compensation insurance program; and

(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate in guidance issued by the Secretary.

(d) **STATE REQUIREMENTS.**—

(1) **CERTIFICATION OF ELIGIBLE EMPLOYER.**—A State may certify as eligible for participation in the program under this section any employer that meets the eligibility criteria as established in guidance by the Secretary of Labor, except that an employer shall not be certified as eligible for participation in the program described under subsection (b)—

(A) if such employer—

(i) is a Federal, State, or local government entity;

(ii) would engage an eligible individual in work activities under any employer's grant,

contract, or subcontract with a Federal, State, or local government entity, except with regard to work activities under any employer's supply contract or subcontract;

(iii) is delinquent with respect to any taxes or employer contributions described under sections 3301 and 3303(a)(1) of the Internal Revenue Code of 1986 or with respect to any related reporting requirements;

(iv) is engaged in the business of supplying workers to other employers and would participate in the program for the purpose of supplying individuals participating in the program to other employers; or

(v) has previously participated in the program and the State has determined that such employer has failed to abide by any of the requirements specified in subsections (h), (i), or (j), or by any other requirements that the Secretary may establish for employers under subsection (c)(6); and

(B) unless such employer provides assurances that it has not displaced existing workers pursuant to the requirements of subsection (h).

(2) **AUTHORIZED ACTIVITIES.**—Funds allotted to a State under this part for the program—

(A) shall be used to—

(i) recruit employers for participation in the program;

(ii) review and certify employers identified by eligible individuals seeking to participate in the program;

(iii) ensure that reemployment and counseling services are available for program participants, including services describing the program under subsection (b), prior to an individual's participation in such program;

(iv) establish and implement processes to monitor the progress and performance of individual participants for the duration of the program;

(v) prevent misuse of the program; and

(vi) pay augmented wages to eligible individuals, if necessary, as described in subsection (e); and

(B) may be used—

(i) to pay workers' compensation insurance premiums to cover all individuals participating in the program, except that, if a State opts not to make such payments directly to a State administered workers' compensation program, the State involved shall describe in the approved State plan the means by which such State shall ensure workers' compensation or equivalent coverage for all individuals who participate in the program;

(ii) to pay compensation to a participating individual that is in addition to the amounts described in subsections (c)(1) and (e) as wages for work performed;

(iii) to provide supportive services, such as transportation, child care, and dependent care, that would enable individuals to participate in the program;

(iv) for the administration and oversight of the program; and

(v) to fulfill additional program requirements included in the approved State plan.

(e) **PAYMENT OF AUGMENTED WAGES IF NECESSARY.**—In the event that the wages described in subsection (c)(1) are not sufficient to equal or exceed the minimum wages that are required to be paid by an employer under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, whichever is higher, a State shall pay augmented wages to a program participant in any amount necessary to cover the difference between—

(1) such minimum wages amount; and

(2) the wages payable under subsection (c)(1).

(f) **EFFECT OF WAGES ON ELIGIBILITY FOR OTHER PROGRAMS.**—None of the wages paid under this section shall be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or Federally assisted program based on need.

(g) **EFFECT OF WAGES, WORK ACTIVITIES, AND PROGRAM PARTICIPATION ON CONTINUING ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.**—Any wages paid under this section and any additional wages paid by an employer to an individual described in subsection (c)(1), and any work activities performed by such individual as a participant in the program, shall not be construed so as to render such individual ineligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note).

(h) **NONDISPLACEMENT OF EMPLOYEES.**—

(1) **PROHIBITION.**—An employer shall not use a program participant to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).

(2) **OTHER PROHIBITIONS.**—An employer shall not permit a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent position;

(B) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(i) **PROHIBITION ON IMPAIRMENT OF CONTRACTS.**—An employer shall not, by means of assigning work activities under this section, impair an existing contract for services or a collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(j) **LIMITATION ON EMPLOYER PARTICIPATION.**—If, after 24 weeks of participation in the program, an employer has not made an offer of suitable long-term employment to any individual described under subsection (c)(1) who was placed with such employer and has completed the program, a State shall bar such employer from further participation in the program. States may impose additional conditions on participating employers to ensure that an appropriate number of participants receive offers of suitable long term employment.

(k) **FAILURE TO MEET PROGRAM REQUIREMENTS.**—If a State makes a determination based on information provided to the State, or acquired by the State by means of its administration and oversight functions, that a participating employer under this section has violated a requirement of this section, the State shall bar such employer from further participation in the program. The State shall establish a process whereby an indi-

vidual described in subsection (c)(1), or any other affected individual or entity, may file a complaint with the State relating to a violation of any requirement or prohibition under this section.

(1) **PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN BRIDGE TO WORK PROGRAM.**—

(1) **TERMINATION.**—An individual who is participating in a program described in subsection (b) may opt to discontinue participation in such program.

(2) **CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.**—An individual who opts to discontinue participation in such program, is terminated from such program by a participating employer, or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) of such Act or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.

(m) **EFFECT OF OTHER LAWS.**—Unless otherwise provided in this section, nothing in this section shall be construed to alter or affect the rights or obligations under any Federal, State, or local laws with respect to any individual described in subsection (c)(1) and with respect to any participating employer under this section.

(n) **TREATMENT OF PAYMENTS.**—All wages or other payments to an individual under this section shall be treated as payments of unemployment insurance for purposes of section 209 of the Social Security Act (42 U.S.C. 409) and for purposes of subtitle A and sections 3101 and 3111 of the Internal Revenue Code of 1986.

SEC. 325. WAGE INSURANCE.

(a) **IN GENERAL.**—A State may use the funds allotted to the State under this part to provide a wage insurance program for EUC claimants.

(b) **BENEFITS.**—The wage insurance program provided under this section may use funds allotted to the State under this part to pay, for a period not to exceed 2 years, to a worker described in subsection (c), up to 50 percent of the difference between—

(1) the wages received by the worker at the time of separation; and

(2) the wages received by the worker for reemployment.

(c) **INDIVIDUAL ELIGIBILITY.**—The benefits described in subsection (b) may be paid to an individual who is an EUC claimant at the time such individual obtains reemployment and who—

(1) is at least 50 years of age;

(2) earns not more than \$50,000 per year in wages from reemployment;

(3) is employed on a full-time basis as defined by the law of the State; and

(4) is not employed by the employer from which the individual was last separated.

(d) **TOTAL AMOUNT OF PAYMENTS.**—A State shall establish a maximum amount of payments per individual for purposes of payments described in subsection (b) during the eligibility period described in such subsection.

(e) **NON-DISCRIMINATION REGARDING WAGES.**—An employer shall not pay a worker described in subsection (c) less than such employer pays to a regular worker in the same or substantially equivalent position.

SEC. 326. ENHANCED REEMPLOYMENT STRATEGIES.

(a) **IN GENERAL.**—A State may use funds allotted under this part to provide a program of enhanced reemployment services to EUC claimants. In addition to the provision of services to such claimants, the program may include the provision of reemployment services to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note). The program shall provide reemployment services that are more intensive than the reemployment services provided by the State prior to the receipt of the allotment under this part.

(b) **TYPES OF SERVICES.**—The enhanced reemployment services described in subsection (a) may include services such as—

(1) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of EUC claimants and individuals described in subsection (a);

(2) comprehensive assessments designed to identify alternative career paths;

(3) case management;

(4) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State; and

(5) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment.

SEC. 327. SELF-EMPLOYMENT PROGRAMS.

A State may use funds allotted to the State under this part, in an amount specified under an approved State plan, for the administrative costs associated with starting up the self-employment assistance program described in section 4001(i) of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

SEC. 328. ADDITIONAL INNOVATIVE PROGRAMS.

(a) **IN GENERAL.**—A State may use funds allotted under this part to provide a program for innovative activities, which use a strategy that is different from the reemployment strategies described in sections 324-327 and which are designed to facilitate the reemployment of EUC claimants. In addition to the provision of activities to such claimants, the program may include the provision of activities to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

(b) **CONDITIONS.**—The innovative activities approved in accordance with subsection (a)—

(1) shall directly benefit EUC claimants and, if applicable, individuals described in subsection (a), either as a benefit paid to such claimant or individual or as a service provided to such claimant or individual;

(2) shall not result in a reduction in the duration or amount of, emergency unemployment compensation for which EUC claimants would otherwise be eligible;

(3) shall not include a reduction in the duration, amount of or eligibility for regular compensation or extended benefits;

(4) shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation) or allow a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation);

(5) shall not be in violation of any Federal, State, or local law.

SEC. 329. GUIDANCE AND ADDITIONAL REQUIREMENTS.

The Secretary of Labor may establish through guidance, without regard to the requirements of section 553 of title 5, United States Code, such additional requirements, including requirements regarding the allotment, recapture, and reallocation of funds, and reporting requirements, as the Secretary determines to be necessary to ensure fiscal integrity, effective monitoring, and appropriate and prompt implementation of the activities under this Act.

SEC. 330. REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.

The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to section 329 and the evaluations of activities carried out pursuant to the funds reserved under section 322(a)(1).

SEC. 331. STATE.

For purposes of this part, the term "State" has the meaning given that term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

PART III—SHORT-TIME COMPENSATION PROGRAM**SEC. 341. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.****(a) DEFINITION.**

(1) **IN GENERAL.**—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

"(v) **SHORT-TIME COMPENSATION PROGRAM.**—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

"(1) the participation of an employer is voluntary;

"(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

"(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are eligible for unemployment compensation;

"(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were totally unemployed from the participating employer;

"(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by their participation in the short-time compensation program;

"(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

"(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program, subject to other requirements in this section;

"(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

"(9) in the case of employees represented by a union as the sole and exclusive representative, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the applicable Federal laws; and

"(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program."

(2) **EFFECTIVE DATE.**—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) **TRANSITION PERIOD FOR EXISTING PROGRAMS.**—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.**(1) INTERNAL REVENUE CODE OF 1986.**

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));"

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

"(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and"

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking “the payment of short-time compensation under a plan approved by the Secretary of Labor” and inserting “the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)”.

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 342. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 343.—States may receive payments under this section and section 343 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 341(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the

date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 343. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 342(b), shall be eligible to receive payments under section 342 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 344. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that

are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraph (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 341(a)(3) and 342(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 341(a)), and a State with an agreement under section 343, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying \$700,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social

Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, \$700,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term "short-time compensation program" has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 345. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 346. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in States that have not enacted a short-time compensation program or entered into an agreement with the Secretary on a short-time compensation plan to determine the level of interest among such employers in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, \$1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle B—Long Term Unemployed Hiring Preferences

SEC. 351. LONG TERM UNEMPLOYED WORKERS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by inserting "\$10,000 per year in the case of any individual who is a qualified long term unemployed individual by reason of subsection (d)(11), and" before "\$12,000 per year".

(b) LONG TERM UNEMPLOYED INDIVIDUALS TAX CREDITS.—Paragraph (d) of section 51 of the Internal Revenue Code is amended by—

(1) inserting "(J) qualified long term unemployed individual" at the end of paragraph (d)(1);

(2) inserting a new paragraph after paragraph (10) as follows—

"(11) Qualified long term unemployed individual.

"(A) IN GENERAL.—The term 'qualified long term unemployed individual' means any individual who was not a student for at least 6 months during the 1-year period ending on the hiring date and is certified by the designated local agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

"(B) STUDENT.—For purposes of this subsection, a student is an individual enrolled

at least half-time in a program that leads to a degree, certificate, or other recognized educational credential for at least 6 months whether or not consecutive during the 1-year period ending on the hiring date.”; and

(3) renumbering current paragraphs (11) through (14) as paragraphs (12) through (15).

(c) **SIMPLIFIED CERTIFICATION.**—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 16 as follows:

“(16) Credit allowed for qualified long term unemployed individuals.

“(A) **IN GENERAL.**—Any qualified long term unemployed individual under paragraph (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

“(i) the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date.

“(B) **REGULATORY AUTHORITY.**—The Secretary in his discretion may provide alternative methods for certification.”.

(d) **CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.**—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word “No” at the beginning of the section and replacing it with “Except as provided in this subsection, no”; and

(2) the following new paragraphs are inserted at the end of section 52(c)—

“(1) **IN GENERAL.**—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified long term unemployed individuals described in subsection (d)(11); or

“(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(2) **CREDIT AMOUNT.**—In calculating tax-exempt employers, the work opportunity credit shall be determined by substituting ‘26 percent’ for ‘40 percent’ in section 51(a) and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(3) **TAX-EXEMPT EMPLOYER.**—For purposes of this subtitle, the term ‘tax-exempt employer’ means an employer that is—

“(A) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(B) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(4) **PAYROLL TAXES.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

“(ii) amounts required to be withheld from such employees under section 3101, and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.”.

(e) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on informa-

tion provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Pathways Back to Work

SEC. 361. SHORT TITLE.

This subtitle may be cited as the “Pathways Back to Work Act of 2011”.

SEC. 362. ESTABLISHMENT OF PATHWAYS BACK TO WORK FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund which shall be known as the Pathways Back to Work Fund (hereafter in this Act referred to as “the Fund”).

(b) **DEPOSITS INTO THE FUND.**—Out of any amounts in the Treasury of the United States not otherwise appropriated, there are appropriated \$5,000,000,000 for payment to the Fund to be used by the Secretary of Labor to carry out this Act.

SEC. 363. AVAILABILITY OF FUNDS.

(a) **IN GENERAL.**—Of the amounts available to the Fund under section 362(b), the Secretary of Labor shall—

(1) allot \$2,000,000,000 in accordance with section 364 to provide subsidized employment to unemployed, low-income adults;

(2) allot \$1,500,000,000 in accordance with section 365 to provide summer and year-round employment opportunities to low-income youth;

(3) award \$1,500,000,000 in competitive grants in accordance with section 366 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income adults and low-income youth to provide the skills and assistance needed to obtain employment.

(b) **RESERVATION.**—The Secretary of Labor may reserve not more than 1 percent of amounts available to the Fund under each of paragraphs (1)–(3) of subsection (a) for the costs of technical assistance, evaluations and Federal administration of this Act.

(c) **PERIOD OF AVAILABILITY.**—The amounts appropriated under this Act shall be available for obligation by the Secretary of Labor until December 31, 2012, and shall be available for expenditure by grantees and subgrantees until September 30, 2013.

SEC. 364. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED, LOW-INCOME ADULTS.

(a) **IN GENERAL.**—

(1) **ALLOTMENTS.**—From the funds available under section 363(a)(1), the Secretary of Labor shall make an allotment under subsection (b) to each State that has a State plan approved under subsection (c) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing subsidized employment opportunities to unemployed, low-income adults.

(2) **GUIDANCE.**—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor, in coordination with the Secretary of Health and Human Services, shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State and local plans and the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(b) **STATE ALLOTMENTS.**—

(1) **RESERVATIONS FOR OUTLYING AREAS AND TRIBES.**—Of the funds described subsection (a)(1), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide subsidized employment to low-income adults who are unemployed; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide subsidized employment to low-income adults who are unemployed.

(2) **STATES.**—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a)(1) among the States as follows:

(A) one-third shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(B) one-third shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(C) one-third shall be allotted on the basis of the relative number of disadvantaged

adults and youth in each State, compared to the total number of disadvantaged adults and youth in all States.

(3) DEFINITIONS.—For purposes of the formula described in paragraph (2)—

(A) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any contiguous area with a population of at least 10,000 and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary.

(B) DISADVANTAGED ADULTS AND YOUTH.—The term “disadvantaged adults and youth” means an individual who is age 16 and older (subject to section 132(b)(1)(B)(v)(I) of the Workforce Investment Act of 1998) who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(C) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the time specified in subsection (c), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require. At a minimum, such plan shall include—

(A) a description of the strategies and activities to be carried out by the State, in coordination with employers in the State, to provide subsidized employment opportunities to unemployed, low-income adults, including strategies relating to the level and duration of subsidies consistent with subsection (e)(2);

(B) a description of the requirements the State will apply relating to the eligibility of unemployed, low-income adults, consistent with section 368(6), for subsidized employment opportunities, which may include criteria to target assistance to particular categories of such adults, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(C) a description of how the funds allotted to provide subsidized employment opportunities will be administered in the State and local areas, in accordance with subsection (d);

(D) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(E) a description of the coordination of activities to be carried out with the funds provided under this section with activities under title I of the Workforce Investment Act of 1998, the TANF program under part A of title IV of the Social Security Act, and other appropriate Federal and State programs that may assist unemployed, low-income adults in obtaining and retaining employment;

(F) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of unemployed, low-income adults expected to be placed in subsidized employment by quarter;

(G) assurances that the State will report such information as the Secretary of Labor may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(H) assurances that the State will ensure compliance with the labor standards and protections described in section 367(a) of this Act.

(2) SUBMISSION AND APPROVAL OF STATE PLAN.—

(A) SUBMISSION WITH OTHER PLANS.—The State plan described in this subsection may be submitted in conjunction with the State plan modification or request for funds required under section 365, and may be submitted as a modification to a State plan that has been approved under section 112 of the Workforce Investment Act of 1998.

(B) SUBMISSION AND APPROVAL.—

(i) SUBMISSION.—The Governor shall submit a plan to the Secretary of Labor not later than 75 days after the enactment of this Act and the Secretary of Labor shall make a determination regarding the approval or disapproval of such plans not later than 45 days after the submission of such plan. If the plan is disapproved, the Secretary of Labor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval.

(ii) APPROVAL.—The Secretary of Labor shall approve a State plan that the Secretary determines is consistent with requirements of this section and reasonably appropriate and adequate to carry out the purposes of this section. If the plan is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN.—The Governor may submit a modification to a State plan under this subsection consistent with the requirements of this section.

(d) ADMINISTRATION WITHIN THE STATE.—

(1) OPTION.—The State may administer the funds for activities under this section through—

(A) the State and local entities responsible for the administration of the adult formula program under title I-B of the Workforce Investment Act of 1998;

(B) the entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act; or

(C) a combination of the entities described in subparagraphs (A) and (B).

(2) WITHIN-STATE ALLOCATIONS.—

(A) ALLOCATION OF FUNDS.—The Governor may reserve up to 5 percent of the allotment under subsection (b)(2) for administration and technical assistance, and shall allocate the remainder, in accordance with the option elected under paragraph (1)—

(i) among local workforce investment areas within the State in accordance with the factors identified in subsection (b)(2), except that for purposes of such allocation references to a State in such paragraph shall be

deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved, of which not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section; or

(ii) through entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act in local areas in such manner as the State may determine appropriate.

(B) LOCAL PLANS.—

(i) IN GENERAL.—In the case where the responsibility for the administration of activities is to be carried out by the entities described under paragraph (1)(A), in order to receive an allocation under subparagraph (A)(i), a local workforce investment board, in partnership with the chief elected official of the local workforce investment area involved, shall submit to the Governor a local plan for the use of such funds under this section not later than 30 days after the submission of the State plan. Such local plan may be submitted as a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998.

(ii) CONTENTS.—The local plan described in clause (i) shall contain the elements described in subparagraphs (A)–(H) of subsection (c)(1), as applied to the local workforce investment area.

(iii) APPROVAL.—The Governor shall approve or disapprove the local plan submitted under clause (i) within 30 days after submission, or if later, 30 days after the approval of the State plan. The Governor shall approve the plan unless the Governor determines that the plan is inconsistent with requirements of this section or is not reasonably appropriate and adequate to carry out the purposes of this section. If the Governor has not made a determination within the period specified under the first sentence of this clause, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after such approval.

(C) REALLOCATION OF FUNDS TO LOCAL AREAS.—If a local workforce investment board does not submit a local plan by the time specified in subparagraph (B) or the Governor does not approve a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive approval of the local plan under subparagraph (B). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under subparagraph (A)(i).

(e) USE OF FUNDS.—

(1) IN GENERAL.—The funds under this section shall be used to provide subsidized employment for unemployed, low-income adults. The State and local entities described in subsection (d)(1) may use a variety of strategies in recruiting employers and identifying appropriate employment opportunities, with a priority to be provided to employment opportunities likely to lead to unsubsidized employment in emerging or in-demand occupations in the local area. Funds under this section may be used to provide support services, such as transportation and

child care, that are necessary to enable the participation of individuals in subsidized employment opportunities.

(2) **LEVEL OF SUBSIDY AND DURATION.**—The States or local entities described in subsection (d)(1) may determine the percentage of the wages and costs of employing a participant for which an employer may receive a subsidy with the funds provided under this section, and the duration of such subsidy, in accordance with guidance issued by the Secretary. The State or local entities may establish criteria for determining such percentage or duration using appropriate factors such as the size of the employer and types of employment.

(f) **COORDINATION OF FEDERAL ADMINISTRATION.**—The Secretary of Labor shall administer this section in coordination with the Secretary of Health and Human Services to ensure the effective implementation of this section.

SEC. 365. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.

(a) **IN GENERAL.**—From the funds available under section 363(a)(2), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a State plan modification (or other form of request for funds specified in guidance under subsection (b)) approved under subsection (d) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) **GUIDANCE AND APPLICATION OF REQUIREMENTS.**—

(1) **GUIDANCE.**—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications, or for forms of requests for funds by the State as may be identified in such guidance, local plan modifications, or other forms of requests for funds from local workforce investment areas as may be identified in such guidance, and the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) **REQUIREMENTS.**—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Workforce Investment Act of 1998 relating to youth activities.

(c) **STATE ALLOTMENTS.**—

(1) **RESERVATIONS FOR OUTLYING AREAS AND TRIBES.**—Of the funds described subsection (a), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide summer and year-round employment opportunities to low-income youth; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide summer and year-round employment opportunities to low-income youth.

(2) **STATES.**—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the re-

mainder of the amounts described in subsection (a) among the States in accordance with the factors described in section 364(b)(2) of this Act.

(3) **REALLOTMENT.**—If the Governor of a State does not submit a State plan modification or other request for funds specified in guidance under subsection (b) by the time specified in subsection (d)(2)(B), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(d) **STATE PLAN MODIFICATION.**—

(1) **IN GENERAL.**—For a State to be eligible to receive an allotment of the funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998, or other request for funds described in guidance in subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including the linkages to educational activities, consistent with subsection (f);

(B) a description of the requirements the States will apply relating to the eligibility of low-income youth, consistent with section 368(4), for summer employment opportunities and year-round employment opportunities, which may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(F) assurances that the State will ensure compliance with the labor standards protections described in section 367(a).

(2) **SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.**—

(A) **SUBMISSION.**—The Governor shall submit a modification of the State plan or other request for funds described in guidance in subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance. The State plan modification or request for funds required under this subsection may be submitted in conjunction with the State plan required under section 364.

(B) **APPROVAL.**—The Secretary of Labor shall approve the plan or request submitted under subparagraph (A) within 30 days after submission, unless the Secretary determines that the plan or request is inconsistent with

the requirements of this section. If the Secretary has not made a determination within 30 days, the plan or request shall be considered approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which a disapproved plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) **MODIFICATIONS TO STATE PLAN OR REQUEST.**—The Governor may submit further modifications to a State plan or request for funds identified under subsection (b) to carry out this section in accordance with the requirements of this section.

(e) **WITHIN-STATE ALLOCATION AND ADMINISTRATION.**—

(1) **IN GENERAL.**—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve up to 5 percent of the allotment for administration and technical assistance; and

(B) shall allocate the remainder of the allotment among local workforce investment areas within the State in accordance with the factors identified in section 364(b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved. Not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section.

(2) **LOCAL PLAN.**—

(A) **SUBMISSION.**—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998, or other form of request for funds as may be identified in the guidance issued under subsection (b), not later than 30 days after the submission by the State of the modification to the State plan or other request for funds identified in subsection (b), describing the strategies and activities to be carried out under this section.

(B) **APPROVAL.**—The Governor shall approve the local plan submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan is inconsistent with requirements of this section. If the Governor has not made a determination within 30 days, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after approval.

(3) **REALLOCATION.**—If a local workforce investment board does not submit a local plan modification (or other request for funds identified in guidance under subsection (b)) by the time specified in paragraph (2), or does not receive approval of a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of the local plan modification or request for funds under paragraph (2). Such reallocations shall be made in accordance with the relative share of the

allocations to such local workforce investment areas applying the formula factors described under paragraph (1)(B).

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds provided under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, ages 16 through 24, with direct linkages to academic and occupational learning, and may include the provision of supportive services, such as transportation or child care, necessary to enable such youth to participate; and

(B) to provide year round employment opportunities, which may be combined with other activities authorized under section 129 of the workforce investment act of 1998, to low-income youth, ages 16 through 24, with a priority to out-of school youth who are—

(i) high school dropouts; or

(ii) recipients of a secondary school diploma or its equivalent but who are basic skills deficient unemployed or underemployed.

(2) PROGRAM PRIORITIES.—In administering the funds under this section, the local board and local chief elected officials shall give a priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector that meet community needs; and

(B) linking year-round program participants to training and educational activities that will provide such participants an industry-recognized certificate or credential.

(3) PERFORMANCE ACCOUNTABILITY.—For activities funded under this section, in lieu of the requirements described in section 136 of the Workforce Investment Act of 1998, State and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 367(a)(5).

SEC. 366. WORK-BASED EMPLOYMENT STRATEGIES OF DEMONSTRATED EFFECTIVENESS.

(a) IN GENERAL.—From the funds available under section 363(a)(3), the Secretary of Labor shall award grants on a competitive basis to eligible entities to carry out work-based strategies of demonstrated effectiveness.

(b) USE OF FUNDS.—The grants awarded under this section shall be used to support strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income adults or low-income youth with the skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and where employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership which includes a significant work-experience component;

(4) acquisition of industry-recognized credentials in a field identified by the State or local workforce investment area as a growth sector or demand industry in which there are likely to be significant job opportunities in the short-term;

(5) connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that includes concurrent skills training and other supports;

(6) career academies that provide students with the academic preparation and training, including paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and high-demand jobs; and

(7) adult basic education and integrated basic education and training models for low-skilled adults, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(c) ELIGIBLE ENTITY.—An eligible entity shall include a local chief elected official, in collaboration with the local workforce investment board for the local workforce investment area involved (which may include a partnership with such officials and boards in the region and in the State), or an entity eligible to apply for an Indian and Native American grant under section 166 of the Workforce Investment Act of 1998, and may include, in partnership with such officials, boards, and entities, the following:

(1) employers or employer associations;

(2) adult education providers and postsecondary educational institutions, including community colleges;

(3) community-based organizations;

(4) joint labor-management committees;

(5) work-related intermediaries; or

(6) other appropriate organizations.

(d) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible entities will carry out to provide unemployed, low-income adults and low-income youth with the skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income adults or low-income youth, consistent with paragraphs (4) and (6) of section 368, for activities carried out under this section, which may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided may be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the grant recipient will report such information as the

Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(9) provide assurances that the use of the funds provided under this section will comply with the labor standards and protections described section 367(a).

(e) PRIORITY IN AWARDS.—In awarding grants under this section, the Secretary of Labor shall give a priority to applications submitted by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas (PUMAs) as designated by the Census Bureau.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Education, Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

SEC. 367. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 and the nondiscrimination provisions of section 188 of such Act, in addition to other applicable federal laws.

(b) REPORTING.—The Secretary may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, grantees and subgrantees shall provide information relating to—

(1) the number individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under the Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this act, including—

(A) for adults participating in activities funded under section 364 of this act—

(i) entry in unsubsidized employment,

(ii) retention in unsubsidized employment, and

(iii) earnings in unsubsidized employment;

(B) for low-income youth participating in summer employment activities under sections 365 and 366—

(i) work readiness skill attainment using an employer validated checklist; or

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(C) for low-income youth participating in year-round employment activities under section 365 or in activities under section 366—

(i) placement in or return to postsecondary education;

(ii) attainment of high school diploma or its equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A);

(D) for unemployed, low-income adults participating in activities under section 366—

(i) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A); and

(ii) the attainment of industry-recognized credentials.

(c) **ACTIVITIES REQUIRED TO BE ADDITIONAL.**—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) **ADDITIONAL REQUIREMENTS.**—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) **REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.**—The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out pursuant to the funds reserved under section 363(b).

SEC. 368. DEFINITIONS.

In this Act:

(1) **LOCAL CHIEF ELECTED OFFICIAL.**—The term “local chief elected official” means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case where more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998.

(2) **LOCAL WORKFORCE INVESTMENT AREA.**—The term “local workforce investment area” means such area designated under section 116 of the Workforce Investment Act of 1998.

(3) **LOCAL WORKFORCE INVESTMENT BOARD.**—The term “local workforce investment board” means such board established under section 117 of the Workforce Investment Act of 1998.

(4) **LOW-INCOME YOUTH.**—The term “low-income youth” means an individual who—

(A) is aged 16 through 24;

(B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998, except that States, local workforce investment areas under section 365 and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 365 and 366 of this Act; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998.

(5) **OUTLYING AREA.**—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) **UNEMPLOYED, LOW-INCOME ADULT.**—The term “unemployed, low-income adult” means an individual who—

(A) is age 18 or older;

(B) is without employment and is seeking assistance under this Act to obtain employment; and

(C) meets the definition of a “low-income individual” under section 101(25) of the Workforce Investment Act of 1998, except that for that States, local entities described in section 364(d)(1) and eligible entities under

section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 364 and 366 of this Act.

(7) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and Puerto Rico.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

SEC. 371. SHORT TITLE.

This subtitle may be cited as the “Fair Employment Opportunity Act of 2011”.

SEC. 372. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce by—

(1) reducing personal consumption and undermining economic stability and growth;

(2) squandering human capital essential to the Nation's economic vibrancy and growth;

(3) increasing demands for Federal and State unemployment insurance benefits, reducing trust fund assets, and leading to higher payroll taxes for employers, cuts in benefits for jobless workers, or both;

(4) imposing additional burdens on publicly funded health and welfare programs; and

(5) depressing income, property, and other tax revenues that the Federal Government, States, and localities rely on to support operations and institutions essential to commerce.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to prohibit employers and employment agencies from disqualifying an individual from employment opportunities because of that individual's status as unemployed;

(2) to prohibit employers and employment agencies from publishing or posting any advertisement or announcement for an employment opportunity that indicates that an individual's status as unemployed disqualifies that individual for the opportunity; and

(3) to eliminate the burdens imposed on commerce due to the exclusion of such individuals from employment.

SEC. 373. DEFINITIONS.

As used in this Act—

(1) the term “affected individual” means any person who was subject to an unlawful employment practice solely because of that individual's status as unemployed;

(2) the term “Commission” means the Equal Employment Opportunity Commission;

(3) the term “employee” means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) applies;

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(D) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies;

(4) the term “employer” means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding cal-

endar year, and any agent of such a person, but does not include a bona fide private membership club that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies;

(5) the term “employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for individuals opportunities to work as employees for an employer and includes an agent of such a person, and any person who maintains an Internet website or print medium that publishes advertisements or announcements of openings in jobs for employees;

(6) the term “person” has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)); and

(7) the term “status as unemployed”, used with respect to an individual, means that the individual, at the time of application for employment or at the time of action alleged to violate this Act, does not have a job, is available for work and is searching for work.

SEC. 374. PROHIBITED ACTS.

(a) **EMPLOYERS.**—It shall be an unlawful employment practice for an employer to—

(1) publish in print, on the Internet, or in any other medium, an advertisement or announcement for an employee for any job that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(3) direct or request that an employment agency take an individual's status as unemployed into account to disqualify an applicant for consideration, screening, or referral for employment as an employee.

(b) **EMPLOYMENT AGENCIES.**—It shall be an unlawful employment practice for an employment agency to—

(1) publish, in print or on the Internet or in any other medium, an advertisement or announcement for any vacancy in a job, as an employee, that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that the employment agency or an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) screen, fail or refuse to consider, or fail or refuse to refer an individual for employment as an employee because of the individual's status as unemployed; or

(3) limit, segregate, or classify any individual in any manner that would limit or tend to limit the individual's access to information about jobs, or consideration, screening, or referral for jobs, as employees, solely

because of an individual's status as unemployed.

(c) **INTERFERENCE WITH RIGHTS, PROCEEDINGS OR INQUIRIES.**—It shall be unlawful for any employer or employment agency to—

(1) interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this Act; or

(2) fail or refuse to hire, to discharge, or in any other manner to discriminate against any individual, as an employee, because such individual—

(A) opposed any practice made unlawful by this Act;

(B) has asserted any right, filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(C) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(D) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(d) **CONSTRUCTION.**—Nothing in this Act is intended to preclude an employer or employment agency from considering an individual's employment history, or from examining the reasons underlying an individual's status as unemployed, in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual. Such consideration or examination may include an assessment of whether an individual's employment in a similar or related job for a period of time reasonably proximate to the consideration of such individual for employment is job-related or consistent with business necessity.

SEC. 375. ENFORCEMENT.

(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c), in the case of an affected individual who would be covered by such title, or by section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of an affected individual who would be covered by such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of an affected individual who would be covered by section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c); in the case of an affected individual who would be covered by such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of an affected individual who would be covered by section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) **PROCEDURES.**—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) **REMEDIES.**—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed \$1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), section 201(a)(1) of the Congress-

sional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed \$5,000.

SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) **ABROGATION OF STATE IMMUNITY.**—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) **WAIVER OF STATE IMMUNITY.**—

(1) **IN GENERAL.**—

(A) **WAIVER.**—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) **DEFINITION.**—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) **EFFECTIVE DATE.**—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) **REMEDIES AGAINST STATE OFFICIALS.**—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) **REMEDIES AGAINST THE UNITED STATES AND THE STATES.**—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies would be available against a non-governmental entity.

SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

TITLE IV—OFFSETS

Subtitle A—28 Percent Limitation on Certain Deductions and Exclusions

SEC. 401. 28 PERCENT LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

(a) **IN GENERAL.**—Part I of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 69. LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

“(a) **IN GENERAL.**—In the case of an individual for any taxable year, if—

“(1) the taxpayer’s adjusted gross income is above—

“(A) \$250,000 in the case of a joint return within the meaning of section 6013,

“(B) \$225,000 in the case of a head of household return,

“(C) \$125,000 in the case of a married filing separately return, or

“(D) \$200,000 in all other cases; and

“(2) the taxpayer’s adjusted taxable income for such taxable year exceeds the minimum marginal rate amount,

then the tax imposed under section 1 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (b). If the taxpayer is subject to tax under section 55, then in lieu of an increase in tax under section 1, the tax imposed under section 55 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (c).

“(b) ADDITIONAL AMOUNT.—The amount determined under this subsection with respect to any taxpayer for any taxable year is the excess (if any) of—

“(1) the tax which would be imposed under section 1 with respect to such taxpayer for such taxable year if ‘adjusted taxable income’ were substituted for ‘taxable income’ each place it appears therein, over

“(2) the sum of—

“(A) the tax which would be imposed under such section with respect to such taxpayer for such taxable year on the greater of—

“(i) taxable income, or

“(ii) the minimum marginal rate amount, plus

“(B) 28 percent of the excess (if any) of the taxpayer’s adjusted taxable income over the greater of—

“(i) the taxpayer’s taxable income, or

“(ii) the minimum marginal rate amount.

“(c) ADDITIONAL AMT AMOUNT.—

“(1) The amount determined under this subsection with respect to any taxpayer for any taxable year is the additional amount computed under subsection (b) multiplied by the ratio that—

“(A) the result of—

“(i) all itemized deductions (before the application of section 68), plus

“(ii) the specified above-the-line deductions and specified exclusions, minus

“(iii) the amount of deductions disallowed under section 56(b)(1)(A) and (B), minus

“(iv) the non-preference disallowed deductions, bears to

“(B) the sum of—

“(i) the total of itemized deductions (after the application of section 68), plus

“(ii) the specified above-the-line deductions and specified exclusions.

“(2) If the top of the AMT exemption phase-out range for the taxpayer exceeds the minimum marginal rate amount for the taxpayer and if the taxpayer’s alternative minimum taxable income does not exceed the top of the AMT exemption phase-out range, the taxpayer must increase its additional AMT amount by 7 percent of the excess of—

“(A) the lesser of—

“(i) the top of the AMT exemption phase-out range, or

“(ii) the taxpayer’s alternative minimum taxable income, computed—

“(I) without regard to any itemized deduction or any specified above-the-line deduction, and

“(II) by including the amount of any specified exclusion; over

“(B) the greater of—

“(i) the taxpayer’s alternative minimum taxable income, or

“(ii) the minimum marginal rate amount.

“(d) MINIMUM MARGINAL RATE AMOUNT.—For purposes of this section, the term ‘minimum marginal rate amount’ means, with respect to any taxpayer for any taxable year, the highest amount of the taxpayer’s taxable income which would be subject to a marginal rate of tax under section 1 that is less than 36 percent with respect to such taxable year.

“(e) ADJUSTED TAXABLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘adjusted taxable income’ means taxable income computed—

“(A) without regard to any itemized deduction or any specified above-the-line deduction, and

“(B) by including in gross income any specified exclusion.

“(2) SPECIFIED ABOVE-THE-LINE DEDUCTION.—The term ‘specified above-the-line deduction’ means—

“(A) the deduction provided under section 162(l) (relating to special rules for health insurance costs of self-employed individuals),

“(B) the deduction provided under section 199 (relating to income attributable to domestic production activities), and

“(C) the deductions provided under the following paragraphs of section 62(a):

“(i) Paragraph (2) (relating to certain trade and business deductions of employees), other than subparagraph (A) thereof.

“(ii) Paragraph (15) (relating to moving expenses).

“(iii) Paragraph (16) (relating to Archer MSAs).

“(iv) Paragraph (17) (relating to interest on education loans).

“(v) Paragraph (18) (relating to higher education expenses).

“(vi) Paragraph (19) (relating to health savings accounts).

“(3) SPECIFIED EXCLUSION.—The term ‘specified exclusion’ means—

“(A) any interest excluded under section 103,

“(B) any exclusion with respect to the cost described in section 6051(a)(14) (without regard to subparagraph (B) thereof), and

“(C) any foreign earned income excluded under section 911.

“(f) NON-PREFERENCE DISALLOWED DEDUCTIONS.—For purposes of this section, the term ‘AMT-allowed deductions’ means all itemized deductions disallowed by section 68 multiplied by the ratio that—

“(1) a taxpayer’s itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)) and that are not limited under section 56(b)(1)(A) or (B), bears to

“(2) the taxpayer’s itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)).

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations which provide appropriate adjustments to the additional AMT amount.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 2013.

Subtitle B—Tax Carried Interest in Investment Partnerships as Ordinary Income

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (4) as

paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary—

“(A) IN GENERAL.—In the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(i) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(ii) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.

“(B) ELECTION.—The election under subparagraph (A)(ii) shall be made under rules similar to the rules of subsection (b)(2).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after December 31, 2012.

SEC. 412. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) an amount equal to the net capital gain with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) subject to the limitation of paragraph (2), an amount equal to the net capital loss with respect to such interest for any partnership taxable year shall be treated as an ordinary loss.

“(2) RECHARACTERIZATION OF LOSSES LIMITED TO RECHARACTERIZED GAINS.—The amount treated as ordinary loss under paragraph (1)(B) for any taxable year shall not exceed the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under paragraph (1)(A) with respect to the investment services partnership interest for all preceding partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under paragraph (1)(B) with respect to such interest for all preceding partnership taxable years to which this section applies.

“(3) ALLOCATION TO ITEMS OF GAIN AND LOSS.—

“(A) NET CAPITAL GAIN.—The amount treated as ordinary income under paragraph (1)(A) shall be allocated ratably among the items of long-term capital gain taken into account in determining such net capital gain.

“(B) NET CAPITAL LOSS.—The amount treated as ordinary loss under paragraph (1)(B) shall be allocated ratably among the items of long-term capital loss and short-term capital loss taken into account in determining such net capital loss.

“(4) TERMS RELATING TO CAPITAL GAINS AND LOSSES.—For purposes of this section—

“(A) IN GENERAL.—Net capital gain, long-term capital gain, and long-term capital loss, with respect to any investment services partnership interest for any taxable year, shall be determined under section 1222, except that such section shall be applied—

“(i) without regard to the recharacterization of any item as ordinary income or ordinary loss under this section,

“(ii) by only taking into account items of gain and loss taken into account by the holder of such interest under section 702 with respect to such interest for such taxable year,

“(iii) by treating property which is taken into account in determining gains and losses to which section 1231 applies as capital assets held for more than 1 year, and

“(iv) without regard to section 1202.

“(B) NET CAPITAL LOSS.—The term ‘net capital loss’ means the excess of the losses from sales or exchanges of capital assets over the gains from such sales or exchanges. Rules similar to the rules of clauses (i) through (iv) of subparagraph (A) shall apply for purposes of the preceding sentence.

“(5) SPECIAL RULES FOR DIVIDENDS.—

“(A) INDIVIDUALS.—Any dividend allocated to any investment services partnership interest shall not be treated as qualified dividend income for purposes of section 1(h).

“(B) CORPORATIONS.—No deduction shall be allowed under section 243 or 245 with respect to any dividend allocated to any investment services partnership interest.

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—

“(A) IN GENERAL.—Any gain on the disposition of an investment services partnership interest shall be—

“(i) treated as ordinary income, and

“(ii) recognized notwithstanding any other provision of this subtitle.

“(B) EXCEPTIONS—CERTAIN TRANSFERS TO CHARITIES AND RELATED PERSONS.—Subparagraph (A) shall not apply to—

“(i) a disposition by gift,

“(ii) a transfer at death, or

“(iii) other disposition identified by the Secretary as a disposition with respect to which it would be inconsistent with the purposes of this section to apply subparagraph (A),

if such gift, transfer, or other disposition is to an organization described in section 170(b)(1)(A) (other than any organization described in section 509(a)(3) or any fund or account described in section 4966(d)(2)) or a person with respect to whom the transferred interest is an investment services partnership interest.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under subsection (a) with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under subsection (a) with respect to such interest for all partnership taxable years to which this section applies.

“(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(A)(ii) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—

“(A) IN GENERAL.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner, the partner receiving such property shall recognize gain equal to the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of such partner (determined without regard to subparagraph (C)).

“(B) TREATMENT OF GAIN AS ORDINARY INCOME.—Any gain recognized by such partner under subparagraph (A) shall be treated as ordinary income to the same extent and in the same manner as the increase in such partner's distributive share of the taxable income of the partnership would be treated under subsection (a) if, immediately prior to the distribution, the partnership had sold the distributed property at fair market value and all of the gain from such disposition were allocated to such partner. For purposes of applying paragraphs (2) and (3) of subsection (a), any gain treated as ordinary income under this subparagraph shall be treated as an amount treated as ordinary income under subsection (a)(1)(A).

“(C) ADJUSTMENT OF BASIS.—In the case a distribution to which subparagraph (A) applies, the basis of the distributed property in the hands of the distributee partner shall be the fair market value of such property.

“(D) SPECIAL RULES WITH RESPECT TO MERGERS, DIVISIONS, AND TECHNICAL TERMINATIONS.—In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(A)(ii) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in an investment partnership acquired or held by any person in connection with the conduct of a trade or business described in paragraph (2) by such person (or any person related to such person). An interest in an investment partnership held by any person—

“(A) shall not be treated as an investment services partnership interest for any period before the first date on which it is so held in connection with such a trade or business,

“(B) shall not cease to be an investment services partnership interest merely because such person holds such interest other than in connection with such a trade or business, and

“(C) shall be treated as an investment services partnership interest if acquired from a related person in whose hands such interest was an investment services partnership interest.

“(2) BUSINESSES TO WHICH THIS SECTION APPLIES.—A trade or business is described in this paragraph if such trade or business primarily involves the performance of any of the following services with respect to assets held (directly or indirectly) by the investment partnership referred to in paragraph (1):

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(3) INVESTMENT PARTNERSHIP.—

“(A) IN GENERAL.—The term ‘investment partnership’ means any partnership if, at the end of any calendar quarter ending after December 31, 2012—

“(i) substantially all of the assets of the partnership are specified assets (determined without regard to any section 197 intangible within the meaning of section 197(d)), and

“(ii) more than half of the contributed capital of the partnership is attributable to contributions of property by one or more persons in exchange for interests in the partnership which (in the hands of such persons) constitute property held for the production of income.

“(B) SPECIAL RULES FOR DETERMINING IF PROPERTY HELD FOR THE PRODUCTION OF INCOME.—Except as otherwise provided by the Secretary, for purposes of determining whether any interest in a partnership constitutes property held for the production of income under subparagraph (A)(ii)—

“(i) any election under subsection (e) or (f) of section 475 shall be disregarded, and

“(ii) paragraph (5)(B) shall not apply.

“(C) ANTIABUSE RULES.—The Secretary may issue regulations or other guidance which prevent the avoidance of the purposes of subparagraph (A), including regulations or other guidance which treat convertible and contingent debt (and other debt having the attributes of equity) as a capital interest in the partnership.

“(D) CONTROLLED GROUPS OF ENTITIES.—

“(i) IN GENERAL.—In the case of a controlled group of entities, if an interest in the partnership received in exchange for a contribution to the capital of the partnership by any member of such controlled group would (in the hands of such member) constitute property not held for the production of income, then any interest in such partnership held by any member of such group shall be treated for purposes of subparagraph (A) as constituting (in the hands of such member) property not held for the production of income.

“(ii) CONTROLLED GROUP OF ENTITIES.—For purposes of clause (i), the term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), applied without regard to subsections (a)(4) and (b)(2) of section 1563. A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(4) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), cash or cash equivalents, or options or derivative contracts with respect to any of the foregoing.

“(5) RELATED PERSONS.—

“(A) IN GENERAL.—A person shall be treated as related to another person if the relationship between such persons is described in section 267(b) or 707(b).

“(B) ATTRIBUTION OF PARTNER SERVICES.—Any service described in paragraph (2) which

is provided by a partner of a partnership shall be treated as also provided by such partnership.

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of gain and loss (and any dividends) which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(2) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of gain and loss (and any dividends) shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS’ QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES AND CAPITAL CONTRIBUTIONS.—In the case of an interest in a partnership which was not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership or by reason of a change in the capital contributions to such partnership, becomes an investment services partnership interest, the qualified capital interest of the holder of such partnership interest immediately after such change shall not, for purposes of this subsection, be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in

subsection (c)(2) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner’s interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(C) TECHNICAL TERMINATIONS, ETC., DISREGARDED.—No increase or decrease in the qualified capital interest of any partner shall result from a termination, merger, consolidation, or division described in section 708, or any similar transaction.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before January 1, 2013 unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(2) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any investment entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(5) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any investment entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(2).

“(D) INVESTMENT ENTITY.—The term ‘investment entity’ means any entity which, if it were a partnership, would be an investment partnership.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section, and

“(2) coordinate this section with the other provisions of this title.

“(g) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) APPLICATION OF SECTION 751 TO INDIRECT DISPOSITIONS OF INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

(1) IN GENERAL.—Subsection (a) of section 751 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) investment services partnership interests held by the partnership.”.

(2) CERTAIN DISTRIBUTIONS TREATED AS SALES OR EXCHANGES.—Subparagraph (A) of section 751(b)(1) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (i), by inserting “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) investment services partnership interests held by the partnership.”.

(3) APPLICATION OF SPECIAL RULES IN THE CASE OF TIERED PARTNERSHIPS.—Subsection (f) of section 751 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) investment services partnership interests held by the partnership.”.

(4) INVESTMENT SERVICES PARTNERSHIP INTERESTS; QUALIFIED CAPITAL INTERESTS.—Section 751 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(g) INVESTMENT SERVICES PARTNERSHIP INTERESTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ has the meaning given such term by section 710(c).

“(2) ADJUSTMENTS FOR QUALIFIED CAPITAL INTERESTS.—The amount to which subsection (a) applies by reason of paragraph (3) thereof shall not include so much of such amount as is attributable to any portion of the investment services partnership interest which is a qualified capital interest (determined under rules similar to the rules of section 710(d)).

“(3) RECOGNITION OF GAINS.—Any gain with respect to which subsection (a) applies by reason of paragraph (3) thereof shall be recognized notwithstanding any other provision of this title.

“(4) COORDINATION WITH INVENTORY ITEMS.—An investment services partnership interest held by the partnership shall not be treated as an inventory item of the partnership.

“(5) PREVENTION OF DOUBLE COUNTING.—Under regulations or other guidance prescribed by the Secretary, subsection (a)(3) shall not apply with respect to any amount to which section 710 applies.”.

(c) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM CERTAIN CARRIED INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Specified carried interest income shall not be treated as qualifying income.

“(B) SPECIFIED CARRIED INTEREST INCOME.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘specified carried interest income’ means—

“(I) any item of income or gain allocated to an investment services partnership interest (as defined in section 710(c)) held by the partnership,

“(II) any gain on the disposition of an investment services partnership interest (as so

defined) or a partnership interest to which (in the hands of the partnership) section 751 applies, and

“(III) any income or gain taken into account by the partnership under subsection (b)(4) or (e) of section 710.

“(ii) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of clause (i).

“(C) COORDINATION WITH OTHER PROVISIONS.—Subparagraph (A) shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(D) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(E) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after January 1, 2013.”.

(d) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of section 710(e) or the regulations or other guidance prescribed under section 710(h) to prevent the avoidance of the purposes of section 710.”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “, (i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(e) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) with respect to any entity, investment services partnership income or loss (as defined in subsection (m)) of such individual with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(B) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—Section 1402 of the Internal Revenue Code is amended by adding at the end the following new subsection:

“(m) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘investment services partnership income or loss’ means, with respect to any investment services partnership interest (as defined in section 710(c)), the net of—

“(A) the amounts treated as ordinary income or ordinary loss under subsections (b) and (e) of section 710 with respect to such interest,

“(B) all items of income, gain, loss, and deduction allocated to such interest, and

“(C) the amounts treated as realized from the sale or exchange of property other than a capital asset under section 751 with respect to such interest.

“(2) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of applying paragraph (1)(B)(ii).”.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) of the Internal Revenue Code of 1986

with respect to any entity, investment services partnership income or loss (as defined in section 1402(m) of such Code) shall be taken into account in determining the net earnings from self-employment of such individual.”.

(f) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 of the Internal Revenue Code of 1986 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 of the Internal Revenue Code of 1986 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnerships)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnerships.”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2012.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes January 1, 2013, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

(A) IN GENERAL.—Section 710(b) of such Code (as added by this section) shall apply to dispositions and distributions after December 31, 2012.

(B) INDIRECT DISPOSITIONS.—The amendments made by subsection (b) shall apply to transactions after December 31, 2012.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on January 1, 2013.

Subtitle C—Close Loophole for Corporate Jet Depreciation

SECTION 421. GENERAL AVIATION AIRCRAFT TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by striking “and” at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

“(v) any general aviation aircraft, and”.

(b) CLASS LIFE.—Paragraph (3) of section 168(g) Internal Revenue Code of 1986 is amended by inserting after subparagraph (E) the following new subparagraph:

“(F) GENERAL AVIATION AIRCRAFT.—In the case of any general aviation aircraft, the recovery period used for purposes of paragraph (2) shall be 12 years.”.

(c) GENERAL AVIATION AIRCRAFT.—Subsection (i) of section 168 Internal Revenue Code of 1986 is amended by inserting after paragraph (19) the following new paragraph:

“(20) GENERAL AVIATION AIRCRAFT.—The term ‘general aviation aircraft’ means any airplane or helicopter (including airframes and engines) not used in commercial or con-

tract carrying of passengers or freight, but which primarily engages in the carrying of passengers.”.

(d) EFFECTIVE DATE.—This section shall be effective for property placed in service after December 31, 2012.

Subtitle D—Repeal Oil Subsidies

SEC. 431. REPEAL OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: “This subsection shall not apply in the case of oil and gas wells with respect to amounts paid or incurred after December 31, 2012.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 432. REPEAL OF DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by striking section 193 (relating to tertiary injectants).

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 193.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 433. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 (relating to limitation on percentage depletion in the case of oil and gas wells) is amended to read as follows:

“SEC. 613A. PERCENTAGE DEPLETION NOT ALLOWED IN CASE OF OIL AND GAS WELLS.

“The allowance for depletion under section 611 with respect to any oil and gas well shall be computed without regard to section 613.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 434. SECTION 199 DEDUCTION NOT ALLOWED WITH RESPECT TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to income attributable to domestic production activities) is amended—

(1) by striking “or” at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof “, or”, and

(3) by adding at the end thereof the following new clause:

“(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.”.

(b) CONFORMING AMENDMENT.—Paragraph (9) of section 199(d) is amended to read as follows:

“(9) PRIMARY PRODUCT.—For purposes of subsection (c)(4)(B)(iv), the term ‘primary product’ has the same meaning as when used in section 927(a)(2)(C) as in effect before its repeal.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 435. REPEAL OIL AND GAS WORKING INTEREST EXCEPTION TO PASSIVE ACTIVITY RULES.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 (relating to passive activity defined) is amended by adding at the end thereof the following new subparagraph—

“(C) TERMINATION.—Subparagraph (A) shall not apply for any taxable year beginning after December 31, 2012.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 436. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Paragraph (1) of section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by striking “24-month” and inserting in lieu thereof “7-year”.

(b) CONFORMING AMENDMENTS.—Section 167(h) is amended—

(1) by striking “24-month” in paragraph (4) and inserting in lieu thereof “7-year”, and

(2) by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 437. REPEAL ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 43 (relating to enhanced oil recovery credit).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 43.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 438. REPEAL MARGINAL WELL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 45I (relating to credit for producing oil and gas from marginal wells).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 45I.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

Subtitle E—Dual Capacity Taxpayers

SEC. 441. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer or any member of the worldwide affiliated group of which such dual capacity taxpayer is also a member to any foreign country or to any possession of the United States for any period shall not be considered a tax to the extent such amount exceeds the amount

(determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection.”.

(b) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts that, if such amounts were an amount of tax paid or accrued, would be considered paid or accrued in taxable years beginning after December 31, 2012.

SEC. 442. SEPARATE BASKET TREATMENT TAXES PAID ON FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) combined foreign oil and gas income (as defined in section 907(b)(1)).”.

(b) COORDINATION.—Section 904(d)(2) of such Code is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

“(J) COORDINATION WITH COMBINED FOREIGN OIL AND GAS INCOME.—For purposes of this section, passive category income and general category income shall not include combined foreign oil and gas income (as defined in section 907(b)(1)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 907(a) is hereby repealed.

(2) Section 907(c)(4) is hereby repealed.

(3) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) TRANSITIONAL RULES.—

(A) CARRYOVERS.—Any unused foreign oil and gas taxes which under section 907(f) of such Code (as in effect before the amendment made by subsection (c)(3)) would have been allowable as a carryover to the taxpayer's first taxable year beginning after December 31, 2012 (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(B) LOSSES.—The amendment made by subsection (c)(2) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

Subtitle F—Increased Target and Trigger for Joint Select Committee on Deficit Reduction SEC. 451. INCREASED TARGET AND TRIGGER FOR JOINT SELECT COMMITTEE ON DEFICIT REDUCTION.

(a) INCREASED TARGET FOR JOINT SELECT COMMITTEE.—Section 401(b)(2) of the Budget Control Act of 2011 is amended by striking “\$1,500,000,000,000” and inserting “\$1,950,000,000,000”.

(b) TRIGGER FOR JOINT SELECT COMMITTEE.—Section 302 of the Budget Control Act of 2011 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

“(b) TRIGGER.—If a joint committee bill achieving an amount greater than ‘\$1,650,000,000,000’ in deficit reduction as provided in section 401(b)(3)(B)(i)(II) of this Act is enacted by January 15, 2012, then the amendments to the Internal Revenue Code of 1986 made by subtitles A through E of title IV of the American Jobs Act of 2011, shall not be in effect for any taxable year.”.

By Mr. KIRK (for himself, Mr. ALEXANDER, Mr. RUBIO, and Mr. WYDEN):

S. 1551. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Finance.

Mr. KIRK. Mr. President, I am pleased to stand here today and introduce the Medicare Common Access Card Act of 2011 with my colleague from Oregon, Senator RON WYDEN. Every year, at least \$60 billion in the Medicare program is attributed to waste, fraud, and abuse in the Medicare program. One of the fundamental steps Congress can take to address this is to upgrade the beneficiary's Medicare card using secure smart card technology, similar to the one already used for Department of Defense personnel.

Verifying identity through a secure smart card will protect a beneficiary's personal information, prevent fraud among beneficiaries and providers, and legitimize Medicare claims. The Department of Defense has issued over 20 million secure smart cards as their “Common Access Card,” CAC, to authenticate and verify users for access to programs and facilities. To date, DoD reports that not a single Common Access Card has been counterfeited. We cannot stop or prevent fraud in the system until we find a way to know and verify who is authorized to provide and receive benefits.

The Medicare Common Access Card Act of 2011 builds on the success of the DoD CAC card to establish a program that simply and securely verifies the identity of both Medicare beneficiaries and providers. By implementing well-established Common Access Card technology to protect the Medicare program, we can save U.S. taxpayers billions of dollars while securing the privacy of America's seniors. I urge my colleagues to join us in supporting the Medicare Common Access Card Act—a common sense approach to reforming Medicare, protecting seniors and pre-

venting millions of dollars in waste, fraud, and abuse.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 261—DESIGNATING THE MONTH OF OCTOBER 2011 AS “NATIONAL MEDICINE ABUSE AWARENESS MONTH”

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. DURBIN, Mr. ROCKEFELLER, Mr. MANCHIN, and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 261

Whereas over-the-counter and prescription medicines approved by the Food and Drug Administration have been determined to be safe and effective when used properly;

Whereas the abuse of such medicines can be extremely dangerous and produce serious side effects;

Whereas according to the Substance Abuse and Mental Health Services Administration's 2010 National Survey on Drug Use and Health, the nonmedical use of prescription drugs has risen, with 2.5 percent of the population engaging in nonmedical use of prescription drugs in 2008 and 2.8 percent of the population engaging in such use in 2009;

Whereas the 2010 National Survey on Drug Use and Health illustrates that the abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the most commonly abused illegal drug in the United States;

Whereas the 2010 Monitoring the Future survey, funded by the National Institutes of Health, indicates that approximately 5 percent of teenagers in the United States report having abused an over-the-counter cough medicine to get high, and prescription and over-the-counter drugs account for 8 of the 14 most frequently abused drugs by students in grade 12;

Whereas the 2010 Monitoring the Future survey also indicates that the intentional abuse of cough medicine among students in grades 8, 10, and 12 is at 3.2 percent, 5.1 percent, and 6.6 percent, respectively;

Whereas according to research from The Partnership at DrugFree.org, more than one-third of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas the lack of understanding by teenagers and parents of the potential harm of such powerful medicines makes it more critical than ever to raise public awareness about the dangers of the abuse of such drugs;

Whereas when prescription drugs are abused, such drugs are most often obtained through friends and relatives;

Whereas parents should be aware that the Internet gives teenagers access to websites that promote the abuse of medicines;

Whereas the designation of “National Medicine Abuse Awareness Month” promotes the message that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and such medicines can have serious or life-threatening consequences when used to get high or in large doses;

Whereas the designation of "National Medicine Abuse Awareness Month" will encourage parents to educate themselves about the problem of abuse of over-the-counter and prescription medicines, and talk to their teens about all types of substance abuse;

Whereas observance of "National Medicine Abuse Awareness Month" should be encouraged at the national, State, and local levels to increase awareness of the abuse of medicines;

Whereas educational tools, training programs, and strategies have been developed by the national organization that represents 5,000 anti-drug coalitions nationwide and the association representing makers of over-the-counter medicines, in order to help local coalitions demonstrate the best ways to engage and educate parents and grandparents, teachers, law enforcement officials, doctors, other healthcare professionals, and retailers about the potential harms of cough medicine abuse;

Whereas a partnership of nonprofit associations specializing in raising media awareness about substance abuse and organizations that represent the leading makers of over-the-counter drugs have developed a nationwide prevention campaign that utilizes research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines, in order to empower parents to effectively communicate with their children about this dangerous trend and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention of medicine abuse are critical components of what must be a multi-pronged effort to curb prescription and over-the-counter medicine abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2011 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a resolution designating October 2011 as National Medicine Abuse Awareness Month with my colleagues and friends, Senators CHARLES GRASSLEY, RICHARD BLUMENTHAL, SHELDON WHITEHOUSE, DICK DURBIN, JAY ROCKEFELLER, JOE MANCHIN and ROB PORTMAN.

According to the Office of National Drug Control Policy, prescription drug abuse is our Nation's fastest-growing drug problem. The U.S. Substance Abuse and Mental Health Services Administration's 2010 National Survey on Drug Use and Health found that the non-medical use of prescription drugs rose from 2.5 percent of the population in 2008 to 2.8 percent in 2009. The 2010 National Survey on Drug Use and Health illustrates that the abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number one illegal drug of abuse in the United States.

Sadly the number of people who have unintentionally overdosed on prescrip-

tion drugs is rising rapidly. The misconception that taking prescription drugs, even if not prescribed by a doctor is safer than using street drugs is becoming more and more widespread, as seen in the number of visits by individuals to hospital emergency rooms involving the misuse or abuse of pharmaceutical drugs which has doubled over the past five years.

Throughout National Medicine Abuse Awareness Month, we encourage communities to promote the message that over-the-counter and prescription medicines are to be taken only as labeled or prescribed and to encourage safe disposal of unused medications. Educating the public on the dangerous consequences of taking prescription drugs to get high or in large doses is critical.

We applaud the efforts of the Drug Enforcement Administration, DEA, and local and State law enforcement agencies across the country to collect potentially dangerous, expired, unused or unwanted medications during their nationwide prescription drug "take back" campaign. We invite our colleagues to join us in continuing the efforts of the DEA and partnering organizations to combat the misuse of psychotherapeutic medications by designating October 2011 as National Medicine Abuse Awareness Month. This is an opportunity for Americans to reaffirm our national, State and local level commitment to living healthy, drug-free lifestyles.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator FEINSTEIN in cosponsoring a resolution designating the month of October 2011 as National Medicine Abuse Awareness Month. The abuse of prescription drugs and cold medicine is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health (NSDUH), more and more people are turning to using controlled substances without a doctor's prescription. The same survey shows that nearly one-third of all respondents who initiated drug use in the past year used prescription drugs. People between the ages of 12 and 25 are the most common group to abuse these drugs.

More people are dying because of this abuse. The Centers for Disease Control and Prevention reports that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005. In my home State of Iowa, the Governor's Office of Drug Control Policy reports that at least 40 people died from an overdose of prescription painkillers in 2009. This represents a sharp increase in the last decade when only three people died from painkiller overdoses in 2000.

Abuse of over-the-counter, OTC, cough and cold medicines is also alarming. While these common cold medicines are safe and effective if used

properly, the abuse of these medicines can also be destructive. According to a study conducted by the Partnership for a Drug-Free America, nearly 1 in 10 young people between the ages of 12 and 17 have intentionally abused cough medicine to get high off its main ingredient dextromethorphan. This is a problem that cannot be ignored.

Millions of Americans use these medicines every year to treat a variety of symptoms due to injury, depression, insomnia, and the effects of the common cold. Many legitimate users of these drugs often do not use as much medication as the prescription contains. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, many of these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse these drugs reported that they obtained OTC and prescription drugs from a friend or relative or from the family medicine cabinet. As a result, groups and organizations like the Drug Enforcement Administration, the Office of National Drug Control Policy, the Community Anti-Drug Coalitions of America, the Consumer Healthcare Products Association, and the Partnership for a Drug-Free America have been reaching out to communities throughout the Nation to raise awareness of this growing drug abuse trend and encourage communities to tackle the problem head on. Many community antidrug coalitions, including those in Iowa, public health officials, and law enforcement officials have been holding town-halls, organizing community "clean out your medicine cabinet" events, and holding many other events to raise awareness of this growing abuse in an effort to reverse this trend.

We can stop the growing trend of medicine abuse in its tracks, but it will require all sectors of the community to join together to make it happen. The National Medicine Abuse Awareness Month resolution promotes the message that over-the-counter and prescription medicines must be taken as directed, and when used recreationally or in large doses they can have serious and deadly consequences. This resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in the home. I urge all my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 262—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 12, 2011, AND ENDING ON SEPTEMBER 16, 2011, AS “NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK” TO RECOGNIZE THE VALUE OF HEALTH INFORMATION TECHNOLOGY IN IMPROVING HEALTH QUALITY

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 262

Whereas healthcare information technology and management systems have been recognized as essential tools for improving patient care, ensuring patient safety, stopping duplicative tests and paperwork, and reducing health care costs;

Whereas the Center for Information Technology Leadership has estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to healthcare each year;

Whereas Congress has made a commitment to leveraging the benefits of healthcare information technology and management systems, including supporting the adoption of electronic health records that will help to reduce costs and improve quality while ensuring the privacy of patients;

Whereas Congress has emphasized improving the quality and safety of delivery of healthcare in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the healthcare system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on September 12, 2011, and ending on September 16, 2011, as “National Health Information Technology Week”;

(2) recognizes the value of information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the healthcare system of the United States.

SENATE RESOLUTION 263—DESIGNATING THE WEEK BEGINNING SEPTEMBER 11, 2011, AS “NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK”

Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas direct support professionals, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as “direct support professionals”) are the primary providers of publicly-funded long term supports and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, transportation to school, work, religious, and recreational activities, and general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to such individual’s family and community;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in such individual’s community, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many such professionals remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by such direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2011, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of supports to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 11, 2011, as “National Direct Support Professionals Recognition Week”;

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

SENATE RESOLUTION 264—DESIGNATING SEPTEMBER 12, 2011, AS “NATIONAL DAY OF ENCOURAGEMENT”

Mr. PRYOR (for himself and Mr. BOOZMAN) submitted the following res-

olution; which was considered and agreed to:

S. RES. 264

Whereas negative images, stories, and influences in the day-to-day lives of the people of the United States can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of the United States need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in the United States;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas, following the events of September 11, 2001, thousands of people made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the people of the United States; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2011, as “National Day of Encouragement”;

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether through an act of service, a thoughtful letter, or words of kindness and inspiration, and by that encouragement to boost the morale of all people of the United States.

SENATE RESOLUTION 265—HONORING THE LIFETIME ACHIEVEMENTS OF E. THOM RUMBERGER

Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas E. Thom Rumberger served in the United States Marine Corps;

Whereas Thom Rumberger earned a bachelor’s degree, with honors, and a J.D. from the University of Florida;

Whereas Thom Rumberger was a founding partner of the law firm Rumberger, Kirk & Caldwell, which has represented multinational corporations such as American Airlines, Inc., Sears, Roebuck and Co., and Toyota Motor Corporation;

Whereas Thom Rumberger was listed in Florida Super Lawyers every year from 2007 to 2010;

Whereas Thom Rumberger was appointed Circuit Judge in the 18th Judicial Circuit of Florida in 1969;

Whereas Thom Rumberger committed himself to numerous acts of public service, including serving on the Federal Judicial Advisory Commission of Florida and the Board of Supervisors of the Spaceport Florida Authority;

Whereas Thom Rumberger was one of the most steadfast champions of the Everglades in Florida;

Whereas Thom Rumberger served as lead counsel for the Everglades Foundation since 1999;

Whereas Thom Rumberger was instrumental in the passage of 2 amendments to the Florida Constitution and of section 601 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2680), known as the Comprehensive Everglades Restoration Plan;

Whereas Thom Rumberger was instrumental in obtaining several billion dollars in funding for Everglades restoration; and

Whereas Thom Rumberger served on the Florida Governor's 2001 Select Task Force on Elections and the 2002 Select Task Force on Election Procedures, Standards and Technology, and was Chairman of the Legislature's Study Committee on Public Records in 2002; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the professional success of E. Thom Rumberger; and

(2) recognizes and honors the lifelong dedication of Thom Rumberger to the protection of the Florida Everglades.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 13, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2011, at 10 a.m. to conduct a hearing entitled "Housing Finance Reform: Should There Be a Government Guarantee?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 13, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Is Poverty a Death Sentence?" on September 13, 2011, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 13, 2011, at 10 a.m. to conduct a hearing entitled "Ten Years After 9/11: Are We Safer?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 13, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Civil Rights Division Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISCAL RESPONSIBILITY AND ECONOMIC GROWTH

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Responsibility and Economic Growth of the Committee on Finance be authorized to meet during the session of the Senate on September 13, 2011, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Role of Tax Reform in Comprehensive Deficit Reduction and U.S. Fiscal Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 13, 2011, at 2:30 p.m. to conduct a hearing entitled, "Agro-Defense: Responding to Threats Against America's Agriculture and Food System."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 128; that the nomination be

confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 256 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) designating the week of October 2 through October 8, 2011, as "National Nurse-Managed Health Clinic Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services including

treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 35 years ago;

Whereas, as of June 2011, more than 250 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high-patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 2 through October 8, 2011, as “National Nurse-Managed Health Clinic Week”;

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 262, S. Res. 263, S. Res. 264, and S. Res. 265.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 262

Designating the week beginning on September 12, 2011, and ending on September 16, 2011, as “National Health Information Technology Week” to recognize the value of health information technology in improving health quality

Whereas healthcare information technology and management systems have been recognized as essential tools for improving patient care, ensuring patient safety, stopping duplicative tests and paperwork, and reducing health care costs;

Whereas the Center for Information Technology Leadership has estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to healthcare each year;

Whereas Congress has made a commitment to leveraging the benefits of healthcare information technology and management systems, including supporting the adoption of electronic health records that will help to reduce costs and improve quality while ensuring the privacy of patients;

Whereas Congress has emphasized improving the quality and safety of delivery of healthcare in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the healthcare system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on September 12, 2011, and ending on September 16, 2011, as “National Health Information Technology Week”;

(2) recognizes the value of information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the healthcare system of the United States.

S. RES. 263

Designating the week beginning September 11, 2011, as “National Direct Support Professionals Recognition Week”

Whereas direct support professionals, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as “direct support professionals”) are the primary providers of publicly-funded long term supports and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, transportation to school, work, religious, and recreational activities, and general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to such individual’s family and community;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in such individual’s community, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many such professionals remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by such direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2011, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of supports to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 11, 2011, as “National Direct Support Professionals Recognition Week”;

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

S. RES. 264

Designating September 12, 2011, as “National Day of Encouragement”

Whereas negative images, stories, and influences in the day-to-day lives of the people of the United States can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of the United States need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in the United States;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas, following the events of September 11, 2001, thousands of people made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the people of the United States; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2011, as “National Day of Encouragement”;

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether through an act of service, a thoughtful letter, or words of kindness and inspiration, and by that encouragement to boost the morale of all people of the United States.

S. RES. 265

Honoring the lifetime achievements of E. Thom Rumberger

Whereas E. Thom Rumberger served in the United States Marine Corps;

Whereas Thom Rumberger earned a bachelor's degree, with honors, and a J.D. from the University of Florida;

Whereas Thom Rumberger was a founding partner of the law firm Rumberger, Kirk & Caldwell, which has represented multinational corporations such as American Airlines, Inc., Sears, Roebuck and Co., and Toyota Motor Corporation;

Whereas Thom Rumberger was listed in Florida Super Lawyers every year from 2007 to 2010;

Whereas Thom Rumberger was appointed Circuit Judge in the 18th Judicial Circuit of Florida in 1969;

Whereas Thom Rumberger committed himself to numerous acts of public service, including serving on the Federal Judicial Advisory Commission of Florida and the Board of Supervisors of the Spaceport Florida Authority;

Whereas Thom Rumberger was one of the most steadfast champions of the Everglades in Florida;

Whereas Thom Rumberger served as lead counsel for the Everglades Foundation since 1999;

Whereas Thom Rumberger was instrumental in the passage of 2 amendments to the Florida Constitution and of section 601 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2680), known as the Comprehensive Everglades Restoration Plan;

Whereas Thom Rumberger was instrumental in obtaining several billion dollars in funding for Everglades restoration; and

Whereas Thom Rumberger served on the Florida Governor's 2001 Select Task Force on

Elections and the 2002 Select Task Force on Election Procedures, Standards and Technology, and was Chairman of the Legislature's Study Committee on Public Records in 2002: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the professional success of E. Thom Rumberger; and

(2) recognizes and honors the lifelong dedication of Thom Rumberger to the protection of the Florida Everglades.

MEASURES READ THE FIRST TIME—S. 1549, H.R. 2832, AND H.R. 2887

Mr. DURBIN. Mr. President, I understand there are three bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 1549) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

A bill (H.R. 2887) to provide an extension of Surface and Air Transportation Programs, and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will have their second reading on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, September 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the

Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.J. Res. 66, a joint resolution regarding Burma sanctions and the legislative vehicle for additional FEMA funds postclosure; finally, that all time during adjournment, morning business, and recess count postclosure on the motion to proceed to H.J. Res. 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we expect to begin the consideration of H.J. Res. 66 during Wednesday's session. We also hope to consider the FAA and highway extensions which were received from the House.

Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:50 p.m., adjourned until Wednesday, September 14, 2011, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 13, 2011:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARA E. RUDMAN, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

EXTENSIONS OF REMARKS

IN RECOGNITION OF PETER
STROHM'S 65TH BIRTHDAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Peter R. Strohm of Mantoloking, New Jersey as his friends and family gather to celebrate his 65th birthday on August 14, 2011. Mr. Strohm has exemplified outstanding dedication toward the members of the community through his professional and civic endeavors. His achievements are truly worthy of this body's recognition.

Mr. Peter Strohm is a successful product of Ocean County, New Jersey. By 1968, Mr. Strohm graduated cum laude from Washington and Lee University with a Bachelor of Arts in Economics. Concurrently, he enlisted in the United States Army Reserve in 1968. He served honorably as a reservist for twenty-eight years, retiring in 1996 as a Lieutenant Colonel. Mr. Strohm further enhanced his education, earning a Juris Doctorate (JD) from the Columbia University School of Law in 1971 and a Masters of Laws (LL.M.) from New York University School of Law in 1981. In 1988, he graduated from the United State Command and General Staff College of Fort Leavenworth, Kansas. Mr. Strohm has served as principal with the law firm of Rothstein, Mandell, Strohm, Must & Halm in Lakewood, New Jersey since 1971 and currently serves and chairs several committees on the Ocean County Bar Association and the New Jersey Supreme Court. As a result of his outstanding efforts, he was awarded the 2000 Professionalism Award from the New Jersey State Bar Association.

Since 2006, Peter Strohm has served as a Councilman in the Borough of Mantoloking. He currently maintains this position and continues to represent the interests of the residents of his town. In 2005, Mr. Strohm was appointed by the Governor of New Jersey to serve as a State Officer on the Tidelands Resource Council. He currently serves as State Committeeman, representing the Ocean County Democratic Committee.

Mr. Speaker, once again, please join me in thanking Mr. Peter Strohm for his valuable contributions to the Ocean County Community and congratulate him for 65 outstanding years of commitment.

IN RECOGNITION OF PARMA FIRE
DEPARTMENT'S 9/11 MEMORIAL
DEDICATION CEREMONY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the City of Parma Fire Department's 9/11 Memorial dedication ceremony. The Parma Fire Department will also be revealing an I-beam from the World Trade Center that will serve as a memorial to the victims of the events on September 11, 2001.

The Parma Fire Department is one of fifteen Northeast Ohio fire departments that have received portions of steel from the fallen World Trade Center. Parma firefighters will dedicate and unveil the beam at the Parma Fire Department training center at Parmatown Mall on Saturday, September 10, 2011. Parma firefighter, Doug Turner says, "This artifact will serve as a memorial to the innocent victims of the attacks on the World Trade Center, the Pentagon and Shanksville, Pennsylvania."

Mr. Speaker and colleagues, please join me in honoring and remembering some of the country's bravest heroes, the fallen firefighters and all those who sacrificed their lives on September 11, 2001 at the City of Parma Fire Department's 9/11 Memorial dedication ceremony.

IN HONOR OF DR. I.L. MULLINS,
SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Dr. I.L. Mullins, Sr. for his fifty years of dedicated civic leadership and pastoral service to the communities of Thomas County, Georgia. On Saturday, September 24, 2011, Dr. Mullins' family, friends and the First Missionary Baptist Church of Thomasville, Georgia will recognize his half-century of outstanding deeds by hosting a "Golden Jubilee Extravaganza" in his honor.

Dr. Mullins is one of the most courageous and committed individuals that I have ever encountered. He has been a source of counsel and advice as well as a fountain of inspiration for me over the last several years. I have been truly blessed by his warm friendship and support.

Throughout his illustrious career, Dr. Mullins has been a preeminent role model for local government officials and community leaders in Georgia and across our great nation. During the Civil Rights Movement of the 1960s, Dr. Mullins marched with Dr. Martin Luther King,

Jr., and was instrumental in organizing the local Thomasville branch of the National Association for the Advancement of Colored People (NAACP). Additionally, Dr. Mullins served effectively as a Thomas County Commissioner for five-terms that spanned over two decades.

Over the course of his lifetime, Dr. Mullins has masterfully balanced his civic responsibilities with his academic accomplishments and religious commitments. He received a Bachelor of Arts degree from Morehouse College in 1957 and went on to obtain his Masters of Divinity from the Interdenominational Theological Center & Gammon Theological Seminary in 1960. Furthermore, Dr. Mullins acquired his Doctor of Divinity degree from Faith College in Birmingham, Alabama in 1979.

Ordained as a minister on December 29, 1957, Dr. Mullins has served as the Pastor of the First Missionary Baptist Church in Thomasville, Georgia since 1961. Through his ministerial service, Dr. Mullins serves as the Dean of the Thomasville Extension Center of the American Baptist Theological Seminary and is a Volunteer Chaplain at Archbold Memorial Hospital.

Dr. Mullins is adored by many because of his unyielding zeal to help others and his passion for promoting harmonious relations among individuals from various backgrounds and different walks of life. Throughout my many years of association with Dr. Mullins, I have come to observe that it is his intrinsic intelligence and high academic acumen that make him wise, but it is his kind heart and charitable character that speak to why he is so widely beloved.

In light of his many accomplishments, my wife Vivian and I would like to extend our personal congratulations and warmest regards to Dr. Mullins, his beloved wife the former Josephine Lovejoy Ferrell, their children and grandchildren. I know that residents all throughout Georgia's Second Congressional District will forever be indebted to the Mullins family for selflessly allowing Dr. Mullins to be a mentor, father-figure and counselor to countless other families in communities throughout southwest Georgia.

Today, I ask my colleagues to join me in honoring Dr. Mullins for his noteworthy and dynamic career as one of our nation's most profound theologians, principled community leaders and thoughtful humanitarians.

TO HONOR THE LATE LEE ROY
SELMON

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor the life and career of Lee Roy Selmon, a Hall of Fame football player and a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pillar of the Tampa Bay community. As a player, Lee Roy Selmon was one of the greatest Buccaneers of all time, and his post-football career was equally distinguished.

The youngest of nine children, Lee Roy Selmon would join two of his older brothers on the defensive line at the University of Oklahoma in 1972. Referred to as a "Gentle Giant" by his peers, he would go on to be elected to the College Football Hall of Fame, leading Oklahoma to two national championships in 1974 and 1975. In 1999 Sports Illustrated magazine selected Selmon as a member of their NCAA Football All-Century Team.

In 1976, Selmon would join the Tampa Bay community as the first-ever draft pick of the expansion Tampa Bay Buccaneers. He proceeded to distinguish himself as one of the greatest NFL players of all time; during his career with the Buccaneers, he was selected to six consecutive Pro Bowls and named the NFL Defensive Player of the Year in 1979. The Buccaneers retired his number, 63, in 1986, and in 1995 he was inducted into the Pro Football Hall of Fame. In 2008, Lee Roy Selmon became the first-ever inductee into the Tampa Bay Buccaneers Ring of Honor, a fitting distinction for the original Buccaneer.

Lee Roy Selmon's professional accomplishments after his retirement from football are numerous; he was a philanthropist and a banker, an athletic director and an entrepreneur. The University of South Florida football program will forever bear his mark—as the Athletic Director during the Bull's emergence as a Division 1-A football team, the program greatly benefitted from Selmon's able stewardship.

Above all, those who knew Lee Roy Selmon speak of his decency, his kindness, his gentle nature, and his integrity as often as they speak of his athletic and professional accomplishments. He was undoubtedly one of the Tampa Bay area's greatest ambassadors.

The Tampa Bay community is proud to honor the life of Lee Roy Selmon, a great athlete and a man of character. His greatness and his humility continue to inspire those who knew him, and I ask that you and all Americans join me in honoring such a remarkable man.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT THEODOSIUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Saint Theodosius Cathedral, the oldest Orthodox parish in the State of Ohio.

The St. Theodosius parish was founded in 1896 and is the oldest Orthodox parish in the State of Ohio. The Cathedral was built by Russian immigrants in 1911 and has been a landmark in Cleveland's Tremont neighborhood ever since. St. Theodosius was the first Orthodox Church in the State of Ohio and for years was the only Orthodox Church in the City of Cleveland. It has had a rich history and attracted a multitude of parishioners from many of Cleveland's cultural groups.

St. Theodosius Cathedral is on the National Registry of Sacred Landmarks and is a Cleveland Sacred Landmark. The Cathedral also joined the National Register of Historic Places in 1974.

The St. Theodosius Parish will be celebrating the 100th Anniversary of the Cathedral September 9th through 11th with a series of liturgical and social events.

Mr. Speaker and colleagues, please join me in recognition of the 100th anniversary of St. Theodosius Cathedral. I hope their celebration this weekend will be joyous and reflective of the rich, spiritual history of the parish.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, September 12, 2011, I was unable to return to Washington, DC for votes, due to an important family event.

Had I been present I would have voted: on rollcall No. 699—"yes"—H.R. 2076, Investigative Assistance for Violent Crimes Act of 2011; on rollcall No. 700—"yes"—H.R. 2633, Appeal Time Clarification Act; on rollcall No. 701—"yes"—H.R. 1059, To protect the safety of judges by extending the authority of the Judicial Conference to redact information contained in their financial disclosure reports.

IN RECOGNITION OF MR. THOMAS TIGHE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mr. Thomas Tighe, a resident of Sayreville, New Jersey and an outstanding member of the community. On September 10, 2011, members of the Plumbers & Pipefitters Local Union Number 9 will honor Mr. Tighe at the Annual Dinner Dance in New Brunswick, New Jersey. His commitment to serve the members of the community is truly worthy of this body's recognition.

Mr. Tighe is an active member in the Middlesex County community. Tom began his career in 1971 serving a five-year apprenticeship in the United Association of Plumbers & Pipefitters with Local 270 in Perth Amboy, New Jersey. Over the last forty-one years, he proudly served as an Executive Board Member and Trustee for the Pension, Welfare and Surety Fund for the United Association of Plumbers & Pipefitters Local 9. In 1994, Tom was elected President of Local 9. The following year he became the first United Association organizer in the State of New Jersey and held this position until his retirement in 2011. In 2000, Tom was also appointed head of the newly formed New Jersey Building Trades Organizing Committee. Consequently, he was reappointed to head the Mega Base Organizing Committee to regain union work at

the old Fort Dix, McGuire Air Force Base and Lakehurst Naval Station in South Jersey in 2005.

Mr. Tighe currently serves as the Local 9 delegate and president of the Middlesex and Somerset Counties AFL-CIO Labor Council. In affiliation with the New Jersey and national AFL-CIO, members of this organization continue to support and represent labor and trade unions in their pursuit for social and economic justice in the workplace. Through his role as President, Mr. Tighe has encouraged and motivated his members to become involved in the legislative process through activism and awareness. Since 2009, Tom has served as President and admirably represents all the union members in Middlesex and Somerset counties.

In conjunction with his professional responsibilities, Tom served as President of the Middlesex County Ancient Order of Hibernians and is the past president of the David B. Kelly Chapter, Division I of the Ancient Order of Hibernians in South Amboy, New Jersey. Since 1997, Tom has served as a member of the Sayreville, New Jersey Planning Board and Vice Chair for the past three years. He currently serves as the vice president of the Middlesex County College Board of Trustees and Trustee Ambassador for the New Jersey Council of County College. He is also the Treasurer of the Kiddie Keep Well Camp for underprivileged children in Middlesex County. A former scoutmaster, Tom is currently a committee member for Boy Scout Troop 97 and was recently named the recipient of the prestigious 2009 Boy Scouts of America Man of the Year Award. Tom is happily married to his wife Diane for twenty-nine years. Together, they have two sons, Ryan and Daniel, who are currently attending college.

Mr. Speaker, once again please join me in congratulating Mr. Thomas Tighe for receiving the honor bestowed by the Plumbers & Pipefitters Local Union 9. Mr. Tighe continues to provide outstanding services to the members of the community and the constituents of my district.

IN HONOR OF THE HONORABLE JOE CIMPERMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Councilman Joe Cimperman for his significant contribution to the Cleveland community and to acknowledge his receipt of the 2011 Pan Award. Cleveland Public Theater's annual Pan Award recognizes individuals who have contributed significantly to the community.

Councilman Cimperman, a member of the Cleveland City Council since 1997, was born and raised in the St. Clair-Superior neighborhood where his family was active in the Slovenian community. Councilman Cimperman graduated from St. Ignatius High School and John Carroll University where he was Student Council President. During his time at John Carroll, Councilman Cimperman founded

Project GOLD, a service organization dedicated to helping underprivileged families.

After graduating college, Councilman Cimperman worked in an AIDS Hospice in Baltimore, helped developmentally challenged adults in Portland, Maine, and worked at the Cleveland West Side Catholic Center. In 1997, Mr. Cimperman became a City Councilman for Cleveland's Third Ward. As a City Councilman, Mr. Cimperman works to foster economic development in his ward by promoting the growth of culture and the arts. He works to foster the arts by creating new green areas in the Third Ward, establishing live-work spaces for artists, and improving the retail environment along Euclid Avenue.

Mr. Speaker and colleagues, please join me in honoring Councilman Cimperman for his service to the Cleveland community and his reception of the 2011 Pan Award. His dedication to improving the community is awe-inspiring. I wish him the best in all of his future endeavors.

A TRIBUTE IN HONOR OF PETER WALKER ON THE OCCASION OF RECEIVING THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor Peter Walker, a 2011 recipient of the St. Madeleine Sophie Award. The Award is given by the Sacred Heart School Community in Atherton, California, to individuals who have made sustained and significant contributions to the Schools and embody the Goals and Criteria of a Sacred Heart education. Peter Walker's commitment to the mission of Sacred Heart education is an inspiration to everyone, and has earned him the prestigious St. Madeleine Sophie Award.

Peter Walker was born in Newton, Massachusetts, and received a Bachelor of Arts in Philosophy and English Literature from Boston College, a Masters in Education in Counseling Psychology, also from Boston College, and a Master of Divinity from Weston School of Theology. Peter has been at Sacred Heart since 1993, and prior to that was a campus minister at Stanford University.

As a teacher and Head of the Religious Studies Department at Sacred Heart, Peter Walker is devoted to his students and fellow faculty members, as well as being dedicated to their spiritual growth and meeting their needs every day.

Peter enjoys the arts, reading, golf and travelling. Paris is a favorite destination of Peter and Megan Walker and they return there whenever possible.

Mr. Speaker, I ask my colleagues to join me in congratulating Peter Walker as he receives the St. Madeleine Sophie Award and to salute him for his tireless work on behalf of the Sacred Heart Schools community.

IN HONOR OF MRS. NORA ROMANOFF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Nora Romanoff for her significant contribution to the Cleveland community and to acknowledge her receipt of the 2011 Pan Award. Cleveland Public Theater's annual Pan Award recognizes individuals who have contributed significantly to the community.

Mrs. Romanoff has been the Associate Director of ParkWorks for the past fifteen years where she works to revitalize neighborhoods by developing public spaces. Mrs. Romanoff graduated from the University of Pittsburgh with a B.A. in Urban Studies and from Cleveland State University with a Master's Degree in Urban Planning, Design and Development.

As Associate Director of ParkWorks, Mrs. Romanoff promotes both neighborhood and downtown revitalization. Through ParkWorks, she engages with grassroots constituents and civic leaders to support a variety of programs within the community such as urban beautification, reforestation, and environmental education. Through ParkWorks, she has collaborated with partners such as Downtown Cleveland Alliance, Neighborhood Progress, Inc., University Circle Inc., and Cleveland Public Art.

Mr. Speaker and colleagues, please join me in honoring Mrs. Nora Romanoff for her service to the Cleveland community and her reception of the 2011 Pan Award. Her dedication to improving the community is nothing short of inspiring.

PERSONAL EXPLANATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PAULSEN. Mr. Speaker, on rollcall Nos. 699, 700, and 701, had I been present, I would have voted "yes."

REFLECTIONS ON THE 10TH ANNIVERSARY OF THE SEPTEMBER 11TH TERRORIST ATTACKS ON THE UNITED STATES

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. MCCOLLUM. Mr. Speaker, the morning of September 11, 2001 is still vivid in my mind—it was the start of a beautiful day in Washington. The shock and horror that ensued that morning in New York City, in a Pennsylvania field, and at the Pentagon is embedded in me. It is a permanent element of the American psyche, and it fills us all with emotions, especially fear, anger, grief, and sadness.

Nearly 3,000 victims of 9/11 were lost that day. The loved ones they left behind have spent ten years adapting to lives without husbands, mothers, brothers, and daughters. Even after ten years the loss must still be painful and difficult.

As a nation, we still feel the loss, the very sad sense of tragedy and hurt that touched us all. For all of us, September 11, 2001 remains a day that changed us and changed our country's future.

Our nation is strong. We as a people are far more powerful, resilient, and righteous than the perpetrators of the attack. The lessons of 9/11 continue to be studied, debated, interpreted, and acted on—to our collective benefit and, in some cases, to our detriment. But after ten long, difficult years since that beautiful morning, the most important lesson I can draw upon is the profound blessing I feel to be an American and to share this country, our values, and our freedoms with my fellow citizens.

We are one nation, one people and the painful, horrific tragedy of 9/11 shall always be a reminder of what it means to be an American standing together, united with my fellow citizens.

On this tenth anniversary, my thoughts, prayers, and profound sense of gratitude are with the victims of this attack, the men and women who have sacrificed their lives and bodies to keep our nation safe, and the family members who grieve for loved ones lost on September 11th and the many days since in which our fellow citizens have sacrificed for our nation.

TESTIMONIAL FREE SPEECH ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PAUL. Mr. Speaker, today I introduce the Testimonial Free Speech Act. This legislation prohibits the federal government from censoring an individual's account of his experience with foods and dietary supplements. Hard as it may be to believe, the government is prohibiting individuals from sharing their stories of how they improved their health by using foods and dietary supplements.

Just this year, armed federal agents raided the headquarters of Maxam Nutraceuticals, a company that produces and sells nutritional supplements for people with autism spectrum disorder and Alzheimer's disease. The raid was based on Maxam's alleged failure (a failure Maxam CEO James Cole disputes) to comply with a warning letter from the Food and Drug Administration (FDA) ordering Maxam to remove several "improper labels" from Maxam products. The labels in question were simply accounts from Maxam customers describing their experiences with Maxam products. That's right, the federal government sent armed agents into a private business because the business posted customers' testimonials.

Mr. Speaker, restricting communication of individuals' accounts of their experiences with foods and dietary supplements is a blatant violation of the First Amendment. The necessity for this bill shows how little respect the federal

bureaucracy has for the Bill of Rights and the principles of a free society. I therefore urge my colleagues to join me in taking a small step toward restoring free speech by cosponsoring the Testimonial Free Speech Act.

IN RECOGNITION OF LAKEWOOD
FIRE DEPARTMENT'S FALLEN
FIREFIGHTER MEMORIAL CEREMONY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Lakewood Fire Department's firefighters who have lost their lives in the line of duty and who will be honored at this year's annual Fallen Firefighter Memorial ceremony. This year's ceremony will be especially significant as it coincides with the 10-year anniversary of the events of September 11, 2001. The Lakewood Fire Department will also be revealing a sculpture constructed with steel beams from the World Trade Center at Station #1.

Lakewood Fire Department's annual Fallen Firefighter Memorial ceremony honors the firefighters who have sacrificed their lives, saving others. This year's ceremony will be dedicated to the four Lakewood firefighters who have lost their lives in the line of duty. Additionally, a special tribute will be made honoring the 343 firefighters who gave their lives on September 11, 2001.

Mayor Summers, Chief Gilman, Fire Marshal Dunphy, the Lakewood Firefighters, Cleveland Fire Department Color Guard, American Legion Honor Guard, Lakewood Fire Department Honor Guard, Lakewood High School Ranger Marching Band, Boy Scouts of America, and the Red Hackle Pipes and Drums will all be participating at this year's ceremony.

Mr. Speaker and colleagues, please join me in honoring and remembering some of the country's bravest heroes, the fallen firefighters from Lakewood and all the firefighters who sacrificed their lives on September 11, 2001 at this year's Fallen Firefighter Memorial ceremony.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I was not in attendance on Friday, September 9, 2011, due to catastrophic flooding in Pennsylvania's Fifth Congressional District. My presence was needed at home, on the ground, with my constituents, first-responders, and recovery teams. While back in Pennsylvania, I met with local officials and constituents to help assist in disaster recovery efforts. I also toured many of the towns in the 5th District of Pennsylvania that were most affected by the floods. Consequently, I missed

the vote on the Hunter Amendment to H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012.

Had I been present for rollcall vote number 695, my vote on Amendment #6, offered by Mr. HUNTER of California, to H.R. 1892 would have been "yes."

IN RECOGNITION OF MR. JOHN
LOUTH, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize John Louth, Jr., a forty-year member of the United Association, and an outstanding member of the community. On September 10, 2011, members of the Plumbers and Pipefitters Local Union Number 9 will honor Mr. Louth at the Annual Dinner Dance in New Brunswick, New Jersey. His commitment to serve the members of the community is truly worthy of this body's recognition.

Mr. Louth is an active member in the Middlesex County community. Mr. Louth served his apprenticeship with Local 432 in New Brunswick, New Jersey and, subsequently, became a member. Upon graduation in 1976, he became a Local 432 journeyman. In 1994, Mr. Louth was elected to the Executive Board of the newly created Plumbers and Pipefitters Local Union Number 9. Mr. Louth was also elected delegate to the United Association's convention in 1996. He was also elected Business Agent in 1997 and held this position for thirteen years until his retirement in 2010. Mr. Louth was also a member of the Middlesex County Building Trades and the New Jersey Pipe Trades.

He has proudly served as an active member of the New Brunswick Elks for thirty years and is currently enjoying his retirement in Midway Beach. John is also happily married to his wife Joanne for twenty-six years and has raised four children, Kelli, Eric, Marc, and Michael. John is an avid Yankees and Giants football fan and enjoys following Rutgers, and Notre Dame college football.

Mr. Speaker, once again please join me in congratulating Mr. John Louth, Jr. for his forty years of service and thanking him for his outstanding dedication to the residents of New Jersey.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I was not in attendance on Friday, September 9, 2011, due to catastrophic flooding in Pennsylvania's Fifth Congressional District. My presence was needed at home, on the ground, with my constituents, first-responders, and recovery teams. While back in Pennsylvania, I met with local officials and constituents to help assist in disaster recovery

efforts. I also toured many of the town's in the 5th District of Pennsylvania that were most affected by the floods. Consequently, I missed the vote on the Carney Amendment to H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012.

Had I been present for rollcall vote number 696, my vote on Amendment #7, offered by Mr. Carney of Delaware, to H.R. 1892 would have been "yes."

CELEBRATING THE SERVICE OF
LINDA S. ADAMS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. COSTA. Mr. Speaker, I rise today to congratulate Ms. Linda S. Adams on the occasion of her retirement as the State of California's Secretary for Environmental Protection. More than thirty years of service to California and its residents make her most deserving of this honor.

Linda was appointed as Secretary of the California Environmental Protection Agency (EPA) in 2006, by Governor Arnold Schwarzenegger. Her appointment was historical, as she was the first woman to ever be appointed to this position. As California's EPA Secretary, Linda had a number of responsibilities which helped ensure the well-being of the people of California. During her time as secretary, Linda oversaw the activities of the Air Resources Board, State Water Resources Control Board, Office of Environmental Health Hazard Assessment, Department of Toxic Substances Control, Department of Pesticide Regulation, and approximately 5,000 employees.

Upon her appointment, Linda began to do innovative work to address climate change and global warming. She was selected by Governor Schwarzenegger as the lead negotiator on Assembly Bill 32, the Global Warming Solutions Act of 2006. She was instrumental in launching the Green Chemistry Initiative, which calls for a more comprehensive look at California's chemical policies, as well as California's biomonitoring program which seeks to find links between environmental contaminants and human health. She has since continued to work closely with a number of states and countries to develop climate initiatives to achieve the greatest global reductions.

Before her service as Secretary of California's EPA, Linda functioned as the director of the California Department of Water Resources and as a member of Governor Gray Davis' staff. Prior to becoming a member of Governor Davis' staff, Linda served Californians for 20 years as a staff member for the California State Legislature. Of note was her time as chief consultant to the Senate Committee on Agriculture and Water Resources. During her time as a legislative staffer, she worked diligently on assisting the passage of Proposition 204, the Safe, Clean, Reliable Water Supply Act.

Linda has spent her life working on behalf of the people of California and has been a long-time friend of California's Central Valley. She

has worked on several air quality issues—a deeply important issue to the Central Valley, and most recently served as a member of the Central Valley Regional Water Quality Control Board.

I applaud Linda for her many years of diligent work on behalf of all of the people of California and the Central Valley. I invite my colleagues to join me in congratulating Linda on her retirement and thanking her for her innovative approach to enriching the lives of all Californians.

IN MEMORY OF JUDGE FRANK SCROGGINS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a true, dedicated public servant who left us much too soon. On Saturday, August 28, 2011, Frank Scroggins, county judge for Lafayette County, Arkansas, died unexpectedly at the too-young age of 62.

Throughout my term in Congress, I have had the distinct pleasure of working with Judge Scroggins and I have long admired and respected him. He was a very good friend.

The people of Lafayette County first elected Judge Scroggins of Stamps, Ark., in 1991 and he had served as county judge ever since. For 20 years, Judge Scroggins gave his all and fully embodied what it meant to be a public servant.

Judge Scroggins was so much a part of his community that, upon his passing, a newspaper proclaimed Lafayette County government had “lost its cornerstone.” Indeed, there is a deep absence in the heart of south Arkansas.

Judge Scroggins always worked tirelessly on behalf of the people of Lafayette County, never losing sight of what he was elected to do. From city council to the quorum court to the U.S. Congress, anyone who had the privilege of working with Judge Scroggins can attest to the sincerity, honesty and ferocity in which he served as county judge.

My thoughts and prayers are with his wife of 42 years, Brenda, and the rest of his family and friends during this very difficult time.

Today, I ask all Members of Congress to join me as we honor the life and legacy of Judge Frank Scroggins, who will be deeply missed in Lafayette County and throughout the State of Arkansas.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I was not in attendance on Friday, September 9, 2011, due to catastrophic flooding in Pennsylvania's Fifth Congressional District. My presence was needed at home, on the ground, with my constituents, first-re-

sponders, and recovery teams. While back in Pennsylvania, I met with local officials and constituents to help assist in disaster recovery efforts. I also toured many of the town's in the 5th District of Pennsylvania that were most affected by the floods. Consequently, I missed the vote on the Motion to Recommit with Instructions offered by Ms. HOCHUL from New York to H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012.

Had I been present for rollcall vote number 697, my vote on the Motion to Recommit with Instructions to H.R. 1892 would have been “no.”

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KINZINGER of Illinois. Mr. Speaker, on rollcall Nos. 699, 700, and 701, I was unable to cast my vote due to a delayed arrival to Washington, DC, caused by a mechanical problem with the aircraft.

Had I been present, I would have voted in favor.

A TRIBUTE IN HONOR OF JAN REEVES ON THE OCCASION OF RECEIVING THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor Jan Reeves, a 2011 recipient of the St. Madeleine Sophie Award. The Award is given by the Sacred Heart School Community in Atherton, California, to individuals who have made sustained and significant contributions to the Schools and embody the Goals and Criteria of a Sacred Heart education.

Jan Reeves has taught for thirteen years at Sacred Heart Lower and Middle Schools. As a teacher for 33 years, Jan says her years at Sacred Heart have been the most rewarding because she has had the “opportunity to expose students to a deeply enriched art experience.” Her lessons combine art history and world history, anthropology, music appreciation, poetry, religion and current events. This combined approach brings art to life for the students and keeps it fresh and relevant to them.

Jan Reeves credits her own middle school art teacher with introducing her to the visual arts and teaching her to appreciate them. She has patterned her teaching on his inspirational work, and has worked to teach her students as she was taught.

Jan Reeves says that receiving the St. Madeleine Sophie Award is “amazing,” but what she will remember most fondly from her years as a teacher is “how the students responded to those fine arts experiences”.

Mr. Speaker, I ask my colleagues to join me in congratulating Jan Reeves as she receives

the prestigious St. Madeleine Sophie Award and salute her for her extraordinary work and deep commitment to teaching her students the life-enriching appreciation of the arts.

IN RECOGNITION OF THE ELBERON MEMORIAL CHURCH'S 125TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Elberon Memorial Church as its members gather to celebrate its 125th anniversary. Since its founding in 1886, the church has provided a safe and hospitable environment for summer residents to worship. Their upcoming celebration is truly worthy of this body's recognition.

The Elberon Memorial Church touts a proud and longstanding history. From its humble beginnings when it was dedicated in 1866, the Elberon Memorial Church has continued to flourish. The lavish antique furnishings and beautiful stained glass windows continue to enhance the church's rich carvings, high ceilings and various gothic designs. Beautiful music can still be heard from the Roosevelt organ, an instrument built by the prestigious Hillborne Roosevelt. Ninety-eight percent of the church's original structure remains intact and continues to provide a venue for the parishioners to host family-oriented and community events. Sunday services, held from the first weekend in July through the first Sunday in September remain the cornerstone of the Elberon Memorial Church's activities. The success of this organization could not have been accomplished without the generous public support of parishioners and the community.

Mr. Speaker, please join me in acknowledging The Elberon Memorial Church as the parishioners celebrate its 125th anniversary and thanking the countless men and women who supported this thriving community. The Elberon Memorial Church community is tremendously valued in my district and the State of New Jersey.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I was not in attendance on Friday, September 9, 2011, due to catastrophic flooding in Pennsylvania's Fifth Congressional District. My presence was needed at home, on the ground, with my constituents, first-responders, and recovery teams. While back in Pennsylvania, I met with local officials and constituents to help assist in disaster recovery efforts. I also toured many of the towns in the 5th District of Pennsylvania that were most affected by the floods. Consequently, I missed the vote on final passage of H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012.

Had I been present for rollcall vote number 698, my vote on passage of H.R. 1892 would have been "yes."

CONGRATULATING GRAMBLING
STATE UNIVERSITY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to congratulate Grambling State University (GSU) on its 110th anniversary. This milestone is a testament that GSU is a true leader in education.

Opening on November 1, 1901, GSU was organized by a group of African American farmers who wanted to organize and operate a school for African Americans in north Louisiana. What began as an industrial school, Grambling State shifted its focus to rural teacher education in the late 1930s. GSU transformed in the early 1950s into an institution that offered students education in the areas of science, liberal arts, and business. The university now offers 68 degree programs to its students.

In recent years, Grambling has incorporated new academic programs and has added new facilities including a business and computer science building and school of nursing. Throughout the university's 110-year history, the value of each individual student has always been emphasized. GSU continues to be an institution "where everybody is somebody."

I commend Grambling State University on this significant milestone, and its dedication to positively influencing the lives of its students. I ask my colleagues to join me in honoring Grambling State University for this momentous occasion.

HONORING REVEREND AND MRS.
LESTER COUSIN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Reverend Doctor Lester Cousin and his wife, Mary Katherine Simpson Cousin. Their devoted service to the Calvary Baptist Church in White Plains, New York, will be recognized at the Retirement Banquet in their honor on September 17th, 2011.

For the last 38 years, Rev. Cousin has been the pastor of the Calvary Baptist Church. Under his leadership and vision, the church has tripled the size of its physical space—which now includes 18 classrooms, a youth church chapel, computer room, games and exercise room—and greatly expanded the spiritual and educational services it provides to meet the needs of a growing congregation.

Rev. Cousin, known fondly as the "Senior Pastor of White Plains" because of his long tenure, also carries out his ministry in the broader community. He served as Chaplain for the White Plains Police and Fire Departments

for 25 years, a Commissioner for the Public Access Cable TV Commission for seven terms, Treasurer of the Ministers Fellowship Council of White Plains and Vicinity, and is an active member of the White Plains/Greenburgh NAACP. He assists with the Pastoral Care Ministry of the White Plains Hospital Center and the Chaplain Staff at the Norwood E. Jackson Correctional Facility in Valhalla, New York, and has chaired the Annual Neighborhood Health Fair, which his church co-sponsors annually. Rev. Cousin also is a member of the Advisory Board of the Schnurmacher Nursing Home and an honorary member of the Board of Directors of S.H.O.R.E. (Sheltering the Homeless is Our Responsibility).

Rev. Cousin has been the worthy recipient of countless certificates, citations and honors. In 1987 he was awarded the Honorary Doctor of Divinity Degree from Shaw Divinity School in Raleigh, North Carolina. He is also a nationally known Gospel singer and recording artist.

Rev. Cousin and Mrs. Cousin, who have been married for 58 years, are deeply committed to serving their church and our community at large. I am proud to recognize Reverend Doctor Lester Cousin and Mrs. Mary Katherine Simpson Cousin for their almost four decades of inspirational leadership and example, hard work and dedication, and I urge my colleagues to join me in honoring their many contributions to the spiritual and civic life of White Plains and Westchester County.

COMMENDING MRS. RUTH
BROUSSARD

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to congratulate and honor a true living legend. This September, Mrs. Ruth Broussard will be honored by her induction into the "Order of Living Legends." Mrs. Broussard's dedication to the Acadian Museum, her town of Abbeville, Vermillion Parish, and the Acadian community as a whole make her deserving of this recognition.

After the completion of Mrs. Broussard's Bachelor of Arts degree from Louisiana State University, she began her career as an educator in Lake Charles before returning to her birth town of Kaplan, LA. Upon her return to Kaplan she became an active member of her community by joining the La Clique D' Etud where she organized many fundraising drives to help raise money for cancer research, and by forming the first Girl Scout Troop. Shortly after marrying her late husband, Justin John Broussard in 1941, he joined the U.S. Coast Guard and they were briefly relocated to Galveston, Texas while he served his country. Upon their return to the state they so dearly loved, they made their new home in Abbeville, LA. where they raised 3 children, Jay, Rebecca, and Eric. It did not take long for Mrs. Broussard to once again become an active part of her community. Over the years she has played an important role in many local organizations throughout the Acadian region, such

as the Vermillion Historical Society, which reflects her love for history and the history surrounding South Louisiana, serving as chairman of the Executive Committee for the Acadian Museum, her founding role of the Abbeville Tour Guides, a member of the St. Anne Altar Society, her involvement with the historic St. Mary Magdalen Catholic Church that she loves so much, and is a member of the Abbeville Arts Council, as well as being a very talented artist in her own right. In addition to her numerous roles of community service, she continued teaching elementary students for 18 years at Eaton Park Elementary. Mrs. Broussard's strong belief and value of education continues to be evident as she recently, at the young age of 93, began taking continuing education classes at the University of Louisiana-Lafayette.

Altruistic service and commitment to one's community like Mrs. Broussard's are what make our Bayou State's rich history transparent. The love for her culture and region has created a lifelong passion for service to her community and state. I ask my colleagues to join me in passing good wishes to a true living legend, Mrs. Ruth Broussard.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on September 9, 2010, I missed the following rollcall votes because I was unavoidably detained out of town: rollcall vote No. 695—on agreeing to the Hunter amendment; rollcall vote No. 696—on agreeing to the Carney amendment; rollcall vote No. 697—on motion to recommit H.R. 1892; and rollcall vote 698, on final passage of H.R. 1892. All of these rollcall votes were related to H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012.

If present, I would have voted "aye" on all four rollcall votes.

IN HONOR OF CHABOT COLLEGE'S
50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 50th anniversary of Chabot College in Hayward, California. Chabot College was the first college opened by the Chabot-Las Posas Community College District. On January 10, 1961 voters approved the formation of a junior college district, with the first board of trustees elected on April 18, 1961.

Chabot College opened for classes on September 11, 1961, on a 7.5-acre temporary site in San Leandro, California and an enrollment of 1,163 students. On September 20, 1965 students began classes on the 94-acre Chabot College site in Hayward. Today, Chabot has an enrollment of close to 15,000 students and

is a fully accredited institution that offers a curriculum of over 175 majors of study spread among its six academic divisions.

Fostering civic responsibility is one of the college-wide learning goals of Chabot. During the 2010 fall semester, senior faculty in the Administration of Justice and Political Science engaged in discussions about ways to revive the culture of civic engagement and service learning at the college. A key outcome of those discussions was an idea for a course in Law and Democracy as well as a Law and Democracy lecture series. California State Treasurer Bill Lockyer will deliver the inaugural lecture in this series on September 15, 2011, and the first Law and Democracy course will be offered during the Fall semester of 2012.

Lockyer's Law and Democracy lecture will be the keynote event of a weeklong celebration and will kick off three days of student-centered community engagement events that will culminate on Citizenship/Constitution Day on September 17, 2011. In conjunction with these other events, Chabot will provide its students with a training program in community organizing on September 16th and 17th.

A primary goal of the Law and Democracy lecture series is to expose Chabot College students, and the broader community, to a wide range of ideas and policy issues that impact their communities. Additionally, the organizers of the lecture series hope to help initiate conversations in the college and community about civic participation and responsibility.

I offer my congratulations to Chabot College on its 50th anniversary and for the launch of its curriculum in Law and Democracy and its Democracy Lecture series. Chabot is committed to nurturing an awareness of the importance of active civic engagement and responsibility in its students. I send best wishes for every success.

**EASTERN IOWA'S VETERANS OF
THE SECOND WORLD WAR**

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. LOEBSACK. Mr. Speaker, today I have the great honor of welcoming to our Nation's capital ninety Iowa veterans of the Greatest Generation. Accompanied by seventy volunteer guardians, these veterans have travelled to Washington, DC, to visit the monument that was built in their honor.

For many if not all of these veterans, today will be the first time they have seen the National World War II Memorial. I can think of no greater honor than to be there when they see their memorial for the first time and to personally thank Iowa's—and our Nation's—heroes.

I proudly have in my office a piece of marble from the quarry that supplied the marble that built the World War II Memorial. That piece of marble, just like the memorial that it built, reminds me of the sacrifices of a generation that, when our country was threatened, rose to defend not just our Nation but the freedoms, democracy, and values that we hold so dear. They did so as one people and one country. It is still awe inspiring today.

The sheer magnitude of what they accomplished, not just in war but in the peace that followed, has stood as an inspiration to every generation since. The Greatest Generation did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our Nation. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our Nation.

I am tremendously proud to welcome Eastern Iowa's veterans of the Second World War to our Nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

**CONGRATULATING WILMER RAY
BAILEY**

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to congratulate Wilmer Ray Bailey for being selected as a recipient of the Thomas Jefferson Award for Cooperative Weather Observing. This award is testament that Wilmer is a true leader for his volunteer service to the National Weather Service in Jena, La.

Wilmer has served as a volunteer weather observer for over 43 years, working closely with the local forecast office and serving his community as a long-standing reliable resource for weather and storm information. In addition, he served Louisiana for 30 years as a fire protection coordinator and dispatcher with the state's Office of Agriculture and Forestry. He works with the National Weather Service in Shreveport by giving accurate, timely, and reliable weather observations, but also as a trained Storm Spotter. Wilmer provides the irreplaceable service of relaying important and potentially dangerous weather conditions and damage reports from his community, which is hard hit by hazardous weather on a regular basis.

He is an example of how one person can affect the lives of many, and I commend Wilmer for his hard work and dedication to making a positive difference in the community. I ask my colleagues to join me in honoring Mr. Wilmer Ray Bailey for this significant achievement.

**IN RECOGNITION OF NORTH HILLS
HOSPITAL'S 50 YEARS OF SERVICE**

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. BURGESS. Mr. Speaker, I rise today to recognize the North Hills Hospital, as it has been providing excellent health care services to northeast Tarrant County for 50 years.

Originally named Glenview Hospital, North Hills Hospital was founded by six family physi-

cians in 1961 with initial funding provided by Rice University of Houston. When the hospital opened, it was the first suburban hospital in Northeast Tarrant County, and only the second hospital within the county to be located outside of downtown Fort Worth. In 1983 the facilities were moved to the current location in North Richland Hills and renamed as North Hills Hospital.

In the late 1990s the North Hills Hospital accomplished the impressive feat of becoming one of the only hospitals to score a perfect score on the Joint Commission Accrediting Survey. This hospital's commitment to stellar healthcare service is evident as it became the first hospital in the United States to achieve a Level 2 Chest Pain Center as well as the first hospital in Tarrant County to be named a Center of Excellence for Bariatric Surgery.

In order to improve upon their already outstanding healthcare services, North Hills Hospital now offers less invasive and highly innovative robotic surgery. Additionally, the hospital has implemented a \$33 million hospital expansion to provide better convenience for their patients.

Since its inception, North Hills Hospital has grown more than three-fold, expanding from a 50-bed facility to a 176-bed hospital with 700 employees and 400 physicians.

I am honored to represent the staff, physicians, administration and patients of North Hills Hospital as the representative of Texas's 26th district and celebrate the hospital's 50 years of commitment to health care.

**IN RECOGNITION OF REVEREND
NORWOOD RICHARD CUFF**

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Reverend Norwood Cuff for his thirty years of dedication to the ministry. On September 10, 2011, members of the Trinity African Methodist Episcopal Church in Long Branch, New Jersey will gather to recognize his devotion to members of the congregation. His thirty years of dedication and commitment to his faith and community are truly worthy of this body's recognition.

Rev. Cuff is an esteemed member of Salem High School's class of 1965. Beginning just eight months after graduation, he faithfully served his country as a member of the United States Navy. After completing his tour of duty, Rev. Cuff attained various retail positions before answering a strong religious calling. Rev. Cuff became an active member of Mt. Pisgah African Methodist Episcopal (AME) in Salem, New Jersey, filling the role of church organist. Under the pastoral leadership of Rev. John Boxley and the Mt. Pisgah church family, Rev. Cuff was recommended as a member to the New Jersey Conference Ministerial Institute of the AME Church. Shortly after, Rev. Cuff enrolled at Philadelphia College of Bible and completed his degree in 1984. In 1988, he graduated from the International Seminary with a Masters degree in Biblical Studies. He was later ordained as an Itinerant Deacon during his third year in the Ministerial Institute of

the AME Church. Rev. Cuff would later preside as Pastor at Bethel AME Church in Port Norris, New Jersey upon completion of his post graduate studies. He was ordained as an Itinerate Elder in the AME Church by Bishop Frank Cummings in 1984 and was later assigned the Pastor of St. Mark AME Church in Lindenwold, New Jersey. After two years of service, he was reassigned to Mt. Zion AME Church in Woodstown, New Jersey where he remained for twenty-two years. Rev. Cuff currently serves as Pastor at Trinity AME Church in Long Branch, New Jersey.

In addition to his religious service, Rev. Cuff was an admirable member of the West Deptford High School staff for fifteen years and officially retired from his position at the Woodbury Junior Senior High School in 2008. Among many worthy organizations, Rev. Cuff currently serves as Vice President of the Long Branch Urban Ministry, member of the Long Branch Housing Advisory Board and is Vice Chairman of the New Jersey Natural Gas—Long Branch Community Advisory Panel. Rev. Cuff is happily married to his wife, Bonita Wilson, for twenty-nine years. Together they have raised two daughters, Erinmarie C. Cuff-Feltcher and Lauren M. Cuff. He is also the proud grandfather of two granddaughters.

Mr. Speaker, once again please join me in congratulating Rev. Cuff for thirty years of outstanding service. Pastor Cuff's record of outstanding leadership and impressive mentorship is a shining example of what hard work and dedication can accomplish.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. HONDA. Mr. Speaker, I was unable to return to Washington, DC last week, and so I was not present for rollcall votes held on September 7th, 8th, and 9th.

Had I been present I would have voted:

"Yea" on Rollcall No. 692, on H. Con. Res. 67, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

"No" on Rollcall No. 693, on Ordering the Previous Question on H. Res. 392, the Rule providing for consideration of both H.R. 2218 and H.R. 1892, in order to allow Mr. Garamendi of California to offer his amendment to the Rule to give priority to eligible entities that plan to use materials made in America for the construction and renovation of school facilities.

"No" on Rollcall No. 694, on H. Res. 392, the rule providing for consideration of both H.R. 2218—Empowering Parents through Quality Charter Schools Act and H.R. 1892—Intelligence Authorization Act for Fiscal Year 2012.

"Yes" on Rollcall No. 695, on the Hunter amendment to H.R. 1892, which would require the Director of National Intelligence and the Secretary of Defense to establish a coordinated strategy to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

"Yes" on Rollcall No. 696, on the Carney amendment to H.R. 1892, which would express the sense of Congress that railway transportation security has been and must continue to be a priority of the intelligence community in infrastructure threat assessment.

"Yes" on Rollcall No. 697, the motion to recommit H.R. 1892, which would place priority on funding activities that counter the threat posed by transnational drug trafficking and the protection of U.S. borders from drug-related crime, violence and gang-related activity in connection with transnational drug trafficking.

"Yes" on Rollcall No. 698, final passage of H.R. 1892, although I share the concern expressed by a number of my colleagues about the CIA's role in Libya.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. HOLT. Mr. Speaker, I did not return to Washington in time on Monday September 12, 2011 and missed three votes.

Had I been present I would have voted "yes" on H.R. 2076—Investigative Assistance for Violent Crimes Act (Rollcall No. 699), "yes" on H.R. 2633—Appeal Time Clarification Act (Rollcall No. 700), and "yes" on H.R. 1059—Protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports (Rollcall No. 701).

COMMENDING THE CITY OF DEARBORN'S "RESPONSE TO BULLYING BEHAVIOR"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. DINGELL. Mr. Speaker, I rise today to recognize the city-wide response to bullying behavior in Dearborn, Michigan. Today, September 14, 2011, marks the first annual anti-bullying day in Dearborn. I am proud to have a city like this in my district, where they will not sit back and allow bullying behavior to go unnoticed and unpunished.

On this day, Dearborn Public Schools are also celebrating Diversity Day, a day for accepting and respecting everyone for who they are, and treating them all equally; a day to bring our wonderful community together. I ask, what better day is there for acknowledging the fight against bullying? Bullying doesn't only create rifts between families, students, and schools, but it is also detrimental to our local communities. We must not let individuals or groups be allowed to engage in misbehavior without punishment, rather it is important to send the message that such behavior will not be tolerated in our communities. Community leaders holding a public forum such as this one to raise awareness on the societal costs of bullying is an important first step to combating this problem.

Bullying can take on various forms and affect children and young adults of all backgrounds. With the vast use of online resources by children and young adults, more and more young people are being emotionally and physically victimized on a daily basis. In order to stop bullying we all need to do our part, this includes both students and teachers maintaining a vigilant lookout for this abhorrent behavior. Additionally, it is crucial that the victims of bullying have strong moral support from friends and family alike. Aside from lending emotional support, parents, friends, peers and teachers have a responsibility to report these incidents to their school in order to help prevent further incidents.

I commend the effort being made by the Dearborn community to end bullying. This is the all important first step in a fight to keep our children safe from the ridicule and abuse of bullies. I ask all of my colleagues to rise and join me in recognizing the magnificent work being done by the entire community of Dearborn, Michigan on the occasion of the first annual anti-bullying day.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. HURT. Mr. Speaker, I missed the following vote on rollcall No. 700—a recorded vote on H.R. 2633, to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties.

Mr. Speaker, I was not present for rollcall vote No. 700 on H.R. 2633. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PASTOR of Arizona. Mr. Speaker, on rollcall No. 699, 700 and 701, I missed because of airline delay (4 hr.).

Had I been present, I would have voted "yea" on all three.

IN RECOGNITION OF KELLY KRAFT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. BURGESS. Mr. Speaker, I rise today to recognize a constituent of the 26th District of Texas, Kelly Kraft. Mr. Kraft graduated from Ryan High School in Denton, Texas after lettering for four seasons and serving as captain of their golf team; he is currently a senior at Southern Methodist University where he has just completed his last season as an accomplished member of the Mustangs golf team.

One of Mr. Kraft's most recent achievements includes beating a top ranked opponent from UCLA as the national tournament came down to the wire. In the end, Mr. Kraft persevered and defeated his opponent to win the 111th U.S. Amateur Championship.

This victory was enough to solidify his spot on the U.S. Walker Cup team. The Walker Cup is a biennial golf tournament between teams comprising the leading amateur golfers of the U.S., Great Britain and Ireland. As the U.S. Amateur champion, Mr. Kraft has also qualified for next year's U.S. Open, Masters, and the British Open.

Mr. Kraft intends on finishing his Bachelors in Sociology this upcoming year at Southern Methodist University. Kelly Kraft excels in athleticism and perseverance, and I am proud to represent him in the U.S. House of Representatives.

REMARKS IN HONOR OF U.S. ARMY SPECIALIST MICHAEL C. ROBERTS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. GRANGER. Mr. Speaker, I rise today to honor the service of Army Specialist Michael C. Roberts who was killed on August 27, 2011 in Kandahar Province, Afghanistan in support of Operation Enduring Freedom while serving with the 561st Military Police Company, based at Fort Campbell, Kentucky.

Specialist Roberts was 23 years old and was from Watauga, Texas. He graduated from Richland High School in Fort Worth, Texas in 2006 where he played tuba in the band and was a varsity wrestler. Specialist Roberts was the youngest of three brothers to join the Army when he enlisted in November 2007. According to his brother Patrick, Specialist Roberts relished the opportunity to "have a positive influence." Specialist Roberts' first tour was to Iraq in 2009 in support of Operation Iraqi Freedom as a communications specialist with the 1st Cavalry Division based at Fort Hood, Texas. He re-enlisted in 2010 and transferred to Fort Campbell, Kentucky in February 2011.

Specialist Roberts was on his second tour when he was killed. He lost his life to a vehicle borne improvised explosive device that detonated near his patrol. Specialist Roberts was protecting a secured area outside a police station when a vehicle attempted to breach the area. Specialist Roberts engaged the enemy, forcing them to detonate the device prematurely, and preventing them from injuring or killing a large number of fellow soldiers. Specialist Roberts was recognized for his actions by being awarded the Bronze Star, Purple Heart, and Combat Action Badge. Our nation can never repay the debt we owe to this brave man and his family, who understand firsthand the meaning of service and sacrifice. Specialist Roberts represents the best values of this nation and of the United States Army.

Specialist Roberts is fondly remembered as someone who lived life to the fullest, laughed every day, was extremely generous, and stood strongly for what he believed.

I wish to extend my condolences to Specialist Roberts' parents, David and Kathy, and

his brothers Patrick and Brian, and hope that they continue to find solace in his lasting impact on both this grateful nation and his fellow soldiers.

MARKING THE 150TH ANNIVERSARY OF ORGANIZED CAMP IN THE UNITED STATES

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. PINGREE of Maine. Mr. Speaker, this summer marked the one-hundred-and-fiftieth anniversary of organized camp in the United States. Summer camps throughout the nation provide valuable educational experiences and offer the chance for children from all different backgrounds to spend time outdoors, connect with their peers, and learn life-long skills. In the summer of 1861, William Frederick Gunn and his wife Abigail organized the first summer camp in America by taking a group of kids into the wilderness along the Long Island Sound for two weeks. Since then, thousands of camps have been founded, and 150 years later there are over 12,000 summer camps nationwide. While times have changed, the purpose of summer camp has remained the same—to provide our youth with havens in which to grow and learn in nature.

In the State of Maine, we have nearly 200 camps—most of which are accredited by the American Camp Association—including sleep-away camps, day camps, and specialty camps. More than 18 of those have been operating for more than 100 years. In 1902, Wyonegonic Camps in Denmark, Maine opened its doors to girls and, today, remains the oldest continuously operating camp for girls in the country. Girls' camps play a pivotal role in young women's lives—providing settings in which they can grow confidence and develop as bright young women. Also in 1902, Pine Island Camp for boys opened in Belgrade Lakes, Maine and remains the oldest continuously operating camp for boys in the state. In 1908, two camps were opened by non-profit agencies in Maine: West End House Camp in East Parsonfield and Camp Jordan YMCA in Ellsworth.

Camp is a special place where kids get a chance to re-create themselves, develop independence, be physically active, and learn new skills outside of the traditional school setting. And, through exposure to new experiences, friendships with kids from other states and around the globe, campers gain perspectives on their own lives that augment their education during the school year. Camps are also a place to build lasting friendships—a home away from home where the camp community becomes a second family. In a fast changing world, summer camps continue to be a mainstay of American society—providing kids a time for quiet reflection away from the pressures of growing up in a modern world. As millions of summer campers head back to start another year of school, let's remember the valuable role that summer camps play in the year-round education of children.

REMEMBERING LOUISIANA STATE UNIVERSITY PROFESSOR DR. ROY K. DOKKA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday September 13, 2011

Mr. BOUSTANY. Mr. Speaker, I want to offer condolences upon the passing of Dr. Roy K. Dokka, professor and researcher at Louisiana State University, who died unexpectedly on August 1, 2011. His contributions as an educator in LSU's College of Engineering were invaluable, and he will be dearly missed by his family, peers, and the community.

Dr. Dokka held the Fruehan Family Professorship in Engineering, and was responsible for groundbreaking research during his tenure at LSU. Instrumental in establishing LSU's Center for Geoinformatics (C4G), Dokka served as the center's first Executive Director.

Since 2001, researchers at C4G have been dedicated to studying the causes of coastal erosion in Louisiana and other important geographic relationships. Use of the Global Positioning System (GPS), along with geodetic leveling, enables C4G engineers to closely study these relationships, providing essential data in understanding many geographic problems our state faces.

Dokka's research contributions continued in 2002 when he spearheaded a cooperative with Louisiana Spatial Reference Center (LSRC) and the National Geodetic Survey-NOAA. Together, this alliance works on creating an advanced positioning system for Louisiana.

Dokka also worked with the state legislature to ensure the efficient usage and application of C4G's resources across Louisiana and provide them with the knowledge to better understand and prevent coastal erosion.

Thanks to the contributions of Dr. Dokka, LSU's C4G will continue to be a valuable asset for government, industry and higher education. The center's work is especially timely considering the opportunities available through Geoinformatics to provide critical information and roadway assessment.

LSU acknowledges the importance of the research activity taking place at C4G, and has expressed its intention to continue and grow the institution in the absence of its founding executive director.

Dr. Dokka left an admirable legacy in his profession, and will be remembered as a vital member of the engineering community and a distinguished citizen of the State of Louisiana.

IN RECOGNITION OF VICKI AND DAVID PORTMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Vicki and David Portman, the 2011 Jewish Family and Children's Service of Greater Monmouth County's Tribute Dinner honorees. Mr. and Mrs. Portman have dedicated their lives to serving the community and are truly worthy of this body's recognition.

Mrs. Vicki Portman was compelled by childhood memories to give back to the community. Instilled with the basic tenets of Judaism, Mrs. Portman has been involved in the Jewish Federation of Monmouth County, where she chaired the Business and Professional Women Foundation and served as Vice President of Campaign as well as Allocations. Most recently, Mrs. Portman has been involved with the New York United Jewish Appeal (UJA) Federation and continues to hold several positions with the Manhattan Women's Campaign. Mrs. Portman is presently a member of Women's Executive Circle (WEC) and on the Board of Directors of UJA New York Federation, as well as many other prestigious organizations. She also sits on the Ethiopian Taskforce. Mrs. Portman earned her Bachelor of Arts from New York University and a Master's degree in Speech Pathology from Seton Hall University. She also completed a graduate certificate program in Training, Development & Organizational Diagnosis through the New School's Graduate School of Management. Mrs. Portman's professional endeavors led her to teach high school Public Speaking and English and she also served as school speech therapist. In 1988 she began Executive Communication, a communications consulting organization which she continues to manage today.

Mr. David Portman is the second of three children who were born and raised near Atlantic City, New Jersey. Mr. Portman's values of community, motivation to succeed and the desire to share his success with those less fortunate are evident through his various activities. He touts an impressive history of involvement and volunteerism in the Jewish Community, most notably filling the role of Building Fund Chairman and Vice President of Temple Beth Torah. Mr. Portman served two terms as President of the Monmouth County Jewish Federation and also held many other notable positions with this organization. Similarly, he is recognized for his role as Monmouth County Representative to New Jersey Board of Federations and was subsequently appointed Commissioner for Economic Development between Israel and New Jersey for his impressive actions. He has also served on the National Campaign Cabinet for Israel Bonds and as Vice President and on the Board of Directors for Hebrew Immigrant Aid Society (HIAS). Mr. Portman is the current Chairman of Development for the Home for the Aged of the Workman's Circle organization.

The Portmans share a passion for travel and often relate their travel destinations to their desire to further enhance their knowledge of Jewish history and culture around the world. Dedicated to protecting human rights and civil rights issues worldwide, Mr. and Mrs. Portman are lifetime members of the Holocaust, Genocide and Human Rights Education Center. They have also arranged separate scholarship funds to financially support a student's trip to Israel. The Portmans are the proud parents of three sons, Howard, Lee and Billy and have welcomed into their family their daughter-in-law Emily and three grandchildren, Ava, Max and Easy. Their continuous commitment to the Jewish community is only surpassed by their devotion to family.

Mr. Speaker, please join me in thanking Vicki and David Portman for their outstanding

service to the community and congratulate them on the honor bestowed by the Jewish Family and Children's Service of Greater Monmouth County. Their philanthropic efforts are a shining example of what hard work and dedication can accomplish.

SPEECH BY JEFFREY BLEICH, U.S.
AMBASSADOR TO AUSTRALIA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to share a speech given by Jeffrey Bleich U.S. Ambassador to Australia commemorating the 10th anniversary of the September 11, 2001 attacks. Mr. Bleich's speech eloquently addresses the tragedy of that day, our struggle to come to terms with what happened and our resiliency in the years since 9/11. The harrowing experience of his friend, Jeff Thompson, reminds us that while September 11th left an indelible mark on the nation, it was also a deeply personal tragedy for the thousands of Americans in New York City, Washington, DC, Pennsylvania and elsewhere, who felt the full brunt of the violence of that day on their families and friends. I am pleased to enter the Ambassador's full speech into the RECORD today.

SEPTEMBER 11TH 10 YEAR ANNIVERSARY COMMEMORATION SPEECH JEFFREY BLEICH U.S. AMBASSADOR TO AUSTRALIA

The Honorable Ms. Julia Gillard, Prime Minister of Australia and Mr. Tim Mathieson, Your Excellencies, Ambassadors and High Commissioners, of more than 70 nations, The Honorable Mr. Tony Abbott, Leader of the Opposition, Ms. Katy Gallagher, Chief Minister of the Australian Capital Territory, General David Hurley, Chief of the Australian Defence Force and Mrs. Linda Hurley, Members of the Parliament of the Commonwealth of Australia, Chiefs of the Australian Defense Force Services, Senior Members of the Australian Public Service, Members of Australian First Responder Services, and welcome to our visiting international dignitary, the Honourable Mr. Peter MacKay, Canadian Minister of National Defence, Distinguished guests, friends and family from many countries.

We come together today to remember a terrible day; but even more to consider the days that have followed and that will follow. It has been ten years since September 11.

The world that we imagined on September 10, 2001 all changed—changed utterly—in 24 hours. That morning of 9/11, thousands of men and women, Americans, Australians, and people of dozens of nationalities, Christians, Jews, Muslims, awoke thinking it was a normal day. In New York City they headed to work in the World Trade Towers. In Boston, Newark, and D.C., they rushed off to the airport to catch the early morning flight to San Francisco. In New York, firefighters and police officers—men and women—kissed their spouses or partners goodbye as they left for the station. They all had their plans for the day: their meetings, who they would see at lunch, friends, appointments, errands with children. The world they imagined that morning, like the life they imagined, was one filled with many more days and years. They assumed life in all its fullness, what-

ever that life was. The ideals they held, the religion they practiced, the people they chose as their friends, their political views, the words they chose to say.

We don't refer to these things usually as "freedom of religion," "freedom of speech," "freedom of association," "equality," or "liberty." We just call it living. We call it life. And likely so did the people on that day too.

But that casual belief changed on September 11. These men and women—sons, daughters, fathers, mothers—were killed that day for simply living as they did, and where they did. People from over 90 nations were killed because they chose to live in a land that celebrated these values.

For those of us who survived, it was also a day we never imagined. Wherever we were, in countries around the world, we imagined a normal day as well. None of us expected the world to stop, and for us to watch in horror as people—people like us—perished before our very eyes, in flames, and ash, and rubble.

Faced suddenly with a world that we'd never imagined, the stark question for each of us to answer was this: "what do we do now?"

If people like us were going to be killed for living as we did, what would we do now?

One of the people asking this question was my college roommate, Jeff Thompson. Jeff and his girlfriend lived in New York, where he worked in finance and also sometimes went on the road to play with his band.

On September 11, he was at work, on one of the top floors of the Second World Trade tower, when the first plane hit Tower One. Seeing the destruction next door, he started downstairs, but no one followed. He was halfway down, when the second plane hit—above him—cutting off all of his colleagues; everyone he knew from work. The stairwells filled with people as they marched down to get out of the building, while firefighters and police struggled to get up. Jeff was barely out of the tower when it all collapsed behind him. He was covered in dust, and blood, and tears.

There were no phones. No cars. No way to get back home to his flat except to walk. And so he walked. He walked 18 miles, back to his apartment. When he arrived his girlfriend was home mourning his death. And when she opened the door, Jeff—covered in dust—looked like a ghost. They stood crying at one another. And then, he dropped to one knee and he asked her to marry him. That is how he answered the question, "what do you do now?"

In the days and years since, they have married. They have a son. Jeff has left the glamorous lifestyle of high finance and show business, for a quiet life in a small town, where he teaches math. He has committed to the things that matter most to him: his wife, his child, his community, and to educating the next generation. He can never make sense of that day, and he will never be able to accept why he was spared when so many other good people perished. But in the days and weeks that have followed he has rededicated himself to doing the things they might have done if they had lived: living a free and good life.

Each day since that terrible day offers each of us the chance to do good things that help others. In the face of the question of September 12—what do I do now? There is no answer other than: I will be better.

In the 10 years since September 11, survivors of terrorism around the world have struggled just as Jeff has to understand what happened, and why, and how to stop it from happening again. Free people have come together from New York to Nairobi, Bali to

Belfast, Mumbai to Manila, Lahore to London, and many other places and nations afflicted by terrorism. We have all been more careful at our borders. We have been more aware in our intelligence. We have been more aggressive in our response to terror.

But we have been more than that. We have looked inward; and we have looked outward. We have been more inclusive of religions—learning each others traditions, hosting Iftars together, celebrating Ramadan and renewing our commitment to religious tolerance. We shared our thoughts and hopes and beliefs even more freely through our political processes. We innovated and built new ways to communicate—social media—that connected us to more people around the world than ever before in human history. We made more friends. And we invested more than ever in our alliances and in our communities around the world. We gave more aid. We supported more charities. We welcomed new Countries like South Sudan. And we celebrated the spirit of democracy among the people of Tunisia and other nations in this Arab Spring.

We fought even harder against agents of hate, and fear, and intolerance wherever they lived. Tens of thousands of us have served this cause, often putting our lives at risk in difficult and dangerous places. We've lost some of our best and bravest men and women. And all of us have invested billions of dollars to save the world from killers like Osama Bin Laden, and those who followed his sick beliefs.

The terrorists wanted us to respond in terror—to be afraid to live as we had, and to believe as we did. In the 10 years that have followed, we have done just the opposite. We went back into our office buildings. We went back onto our airplanes. We came together in our temples, and churches, and Mosques. We lined up at our ballot boxes. We volunteered to serve our nations. And we gathered publicly without fear, whether to enjoy the simple pleasures of a football game, or a concert, or a barbeque. And we came together each year on this day to remember those who we lost, and to rededicate our lives in their memory.

Today members of the Embassy did not mourn. They went to the Arboretum and planted new trees to make the world cleaner and more beautiful. They ran around Lake Burley Griffin to raise money to help those suffering from heart disease. We joined with our Australian friends to volunteer at homeless shelters, and with organizations throughout this City to live the principles and freedoms we cherish.

Around the world, we resisted the natural instinct of people when attacked to withdraw and close off; our response has been to reach out and embrace.

Confronted with hate, we choose not to hate.

Confronted with death, we choose to live.

Confronted with fear, we choose to hope.

We have done, as Jeff did 10 years ago tonight. Faced with unimaginable fear and death, he knelt to pledge his faith in love.

Thank you.

CELEBRATING THE 25TH ANNIVERSARY OF SECOND HARVEST FOODBANK OF SOUTHERN WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. BALDWIN. Mr. Speaker, I rise today in celebration of the 25th anniversary of Second Harvest Foodbank of Southern Wisconsin and to honor all those who worked to make this exceptional food bank successful over the last quarter century.

In the summer of 1984, the dream of a food bank in Dane County became a reality when the Southern Wisconsin Regional Foodbank, Inc., eventually renamed Second Harvest Foodbank of Southern Wisconsin, was created. It wasn't until 1986 that the first warehouse was established in Madison, but by the end of the year nearly three million pounds of food had been donated to 85 partner organizations. Over the next two decades, the food bank saw an explosion of increased services and growth, including countless new partnerships and programs, awards, and food distribution topping 6.8 million pounds by 2009.

Today, Second Harvest works hard to address the issue of hunger in our community. They handle 20,000 pounds of food per day, distributing over 8 million pounds through 350 partner agencies in sixteen Wisconsin counties annually. Second Harvest also operates services like the Kids Café and the Backpack programs, which provide food, nourishment, and health education to children. These programs are essential because statistics show that over 43% of those who do not have access to adequate amounts and types of healthy foods are children. Furthermore, the food bank operates thirty Mobile Pantry Program sites and has a long-standing partnership with the local NBC affiliate for their annual holiday food drive, providing an additional 1.5 million meals for families facing hunger.

Over the years, numerous people helped to make Second Harvest Foodbank an ongoing success. Today, a dedicated board of directors and admirable staff work to assist over 141,000 people in southwestern Wisconsin who continue to lack proper nutrition. It is without a doubt, however, that the impact that Second Harvest makes on our community would not be possible without the ongoing generosity of volunteers. These inspirational and essential workers average over 5,000 hours of monthly service, equaling the work of 30 full-time employees. Further, each hour of donated time equals 63 meals, and with over 62,000 hours donated volunteers have helped share more than 3.9 million meals.

It is hard to overstate the positive impact that Second Harvest has had and will continue to have on our community. For the fifth year in a row, Charity Navigator rated Second Harvest with four stars, highlighting its commitment to returning 94 cents of every dollar donated back to support the charity. Last year, with the help of so many donations, the food bank shared over 8.1 million pounds of food and each of their five different programs saw great success and growth.

In the words of Second Harvest's President and CEO, Dan Stein, "It is possible to end hunger." From Juneau to Green County, Crawford to Jefferson County and everywhere in between, Second Harvest has been a beacon of hope for our community and a model for charitable organizations. I proudly join those across Southern Wisconsin, the entire state, and the nation in celebrating the 25th anniversary of Second Harvest Foodbank and in thanking the employees, volunteers, and donors for their exemplary service to our community.

RECOGNIZING THE GREATER LAFAYETTE CHAMBER OF COMMERCE FOR BEING NAMED NATIONAL CHAMBER OF THE YEAR

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday September 13, 2011

Mr. BOUSTANY. Mr. Speaker, I am pleased to congratulate the Greater Lafayette Chamber of Commerce for being named National Chamber of the Year by the American Chamber of Commerce Executives.

This distinguished honor is awarded to chambers with superior member relations, operation management, and leadership within their community. The Greater Lafayette Chamber of Commerce has excelled in these areas over the past year. Panel members and former award recipients around the country determine which chambers are deemed most worthy to receive this title. I am very pleased our Greater Lafayette Chamber of Commerce was ranked as the best in the United States this year.

On August 4th, 2011, Lafayette's chamber was informed of this monumental accomplishment. This is the chamber's second national honor this year. Before receiving National Chamber of the Year, the Lafayette Chamber was given five stars by the United States Chamber of Commerce. Only one percent of chambers in the entire United States can claim this elite ranking.

The chamber's contributions to Lafayette and the surrounding areas continue to foster development and stability in the business arena. I thank them for their continued efforts to strengthen our community. The chamber is absolutely deserving of this esteemed award. On behalf of the people of South Louisiana, I offer my sincere congratulations.

IN RECOGNITION OF THE 75TH AN- NIVERSARY OF THE CAPE COD TIMES

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the seventy-fifth anniversary of the Cape Cod Times, a daily newspaper circulated throughout the towns and villages of Massachusetts' Cape and Islands.

Seventy-five years ago, businessmen J.P. Dunn and Basil Brewer came together in a Hyannis garage to publish the Cape Cod Standard-Times. This union grew out of the men's desire to provide the residents of the Cape and Islands with access to community news, so they teamed up with the New Bedford Standard-Times for joint distribution through the 1960s. By 1970, however, the success of local small businesses and industries had brought an era of expansion to the region, augmenting the need for a local paper to service the needs and interests of the unique communities of the Cape and Islands. In 1975, the first Cape Cod Times edition was published as an "independent Cape Cod newspaper, printed and published on the Cape, by Cape Codders, for Cape Codders."

Today, the Cape Cod Times provides over 60,000 readers in the region with daily headlines of national and local relevance—from summer beach closings to breaking news across the globe. The paper's circulation reaches beyond the Cape and Islands through its online subscription, allowing readers to stay up-to-date on community happenings no matter their location.

Time and time again, the paper has been recognized for its national significance, having been named to such prestigious awards as "Newspaper of the Year," "Website of the Year" and "Sunday Newspaper of the Year" by the New England Press Association, the New England Newspaper Association, and the New England Associated Press Executives Association.

Having owned a home on Cape Cod for twenty years, it is with pride and gratitude that I congratulate the Cape Cod Times, its editors and staff on providing seventy-five years of authentic journalism to the people of the Tenth Congressional District of Massachusetts. I extend my best wishes to the paper for many more years of award-winning journalism to come.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. CHU. Mr. Speaker, on September 12, 2011, I missed rollcall vote 699.

Had I been present for vote 699, on H.R. 2076, to clarify that the Department of Justice can provide investigatory assistance at the request of State and local authorities with respect to certain violent crimes, I would have voted "aye."

HONORING THE CHESTER LIBRARY'S 100TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Chester Library located in Morris County, New Jersey, as it celebrates its 100th anniversary this year.

The Chester Library officially opened on Labor Day in 1911 as a joint library of the Chesters. The library originally occupied a very small space above a metal shoe-support factory and was only open for selected hours on Saturdays. Due to difficulty attaining funding, it constantly moved from one location to another until it finally settled in its current home in 1981.

The library expanded in 2004 with the addition of a Children's Room and a public meeting room. The new room not only provided extra meeting space for the library, but it is also available for local non-profits to use.

With a collection of over 70,000 books, music CDs, audio books, movies, video games, e-books and periodicals, the Chester Library has come a long way from its modest start with merely 138 books. Available for borrowing are books, magazines, audio books, DVDs, video tapes, CDs, video games, puppets and puzzles. Residents of Chester Borough and Chester Township, as well as any person with a Morris Automated Information Network (M.A.I.N.) card, are free to search the shelves and take advantage of all the library has to offer.

With more than 300 programs for visitors, there is something for everyone. From story time for children to book discussions with the Young Adult Club and Computer Education for seniors, the Chester Library is a rich resource for the community. The library has 12 public computers with free Internet that provide visitors with convenient access to the Internet and other databases.

The Chester Library serves a vital role in the community. Not only does it provide access to numerous books, collections and databases, but the library also offers the people of Chester with a social community where everyone is welcome to share and enjoy.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Chester Library as they celebrate 100 years of supporting access to knowledge and information in the local community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,688,259,374,281.24.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,049,833,627,987.44 since then. This debt and its interest payments we are passing to our children and all future Americans.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on September 12, 2010, I missed the following rollcall votes because I was unavoidably detained out of town: rollcall vote No. 699—on motion to suspend the rules and pass H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011; rollcall vote No. 700—on motion to suspend the rules and pass H.R. 2633, the Appeal Time Clarification Act of 2011; and rollcall vote No. 701—on motion to suspend the rules and pass H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

If present, I would have voted "aye" on all three rollcall votes.

A TRIBUTE IN HONOR OF JOHN N. HUNTER ON THE OCCASION OF RECEIVING THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor John N. Hunter, a 2011 recipient of the St. Madeleine Sophie Award. The Award is given by the Sacred Heart School Community in Atherton, California, to individuals who have made sustained and significant contributions to the schools and embody the goals and criteria of a Sacred Heart education. John Hunter's commitment to the mission of Sacred Heart education spans decades, is an inspiration to everyone, and has earned him the coveted St. Madeleine Sophie Award.

John N. Hunter is a 1951 graduate of Stanford University and served his country as a member of the United States Army. He is a successful entrepreneur and has made significant contributions in the fields of education and community development.

John N. Hunter joined the Sacred Heart Schools Board of Trustees in 1978. This was a time of transition for the schools. John helped craft the first strategic plan and was a leader of the schools' first capital campaign. He has served on the board of the Religious of the Sacred Heart's Oakwood Retirement Community, and played a key role in expanding the facility and building a chapel.

John has been married to the former Josephine Kegley since 1959, and they are the proud parents of five children: Julene, Wendi, Elizabeth, John and Mary, all of whom attended Sacred Heart Schools in Atherton.

Mr. Speaker, I ask my colleagues to join me in congratulating John N. Hunter as he receives the St. Madeleine Sophie Award and salute him for his tireless work, his humility, his wonderful sense of humor, and his lasting commitment to the extraordinary education of the Religious of the Sacred Heart and their

schools in Atherton, California, where generations of children have been shaped, strengthening our community and our country.

HONORING RAYMOND F. "DOC"
KIERNAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2011

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Fire Commissioner Raymond F. "Doc" Kiernan who will be honored September 15 upon his retirement after a 45-year career with the New Rochelle, New York Fire Department.

A lifelong New Rochelle resident, Doc Kiernan was a true "firefighter's fire commissioner," rising through the ranks to become New Rochelle Fire Commissioner in 1985. His experience at every level of the Department

prepared him well. As Commissioner, he advocated tirelessly at all levels of government for increased resources for firefighter training and equipment. His knowledge became especially valuable after September 11, 2001, as I and other elected officials turned to Commissioner Kiernan for advice on complex issues such as emergency preparedness and radio interoperability.

Doc Kiernan's lifetime of dedicated service extends far beyond the New Rochelle Fire Department. He served in the United States Coast Guard on active duty and in the Reserve from 1965 through 1971. He was active in a number of professional organizations, including the International Association of Fire Chiefs, the Northeastern States Fire Consortium, the New York State Association of Fire Chiefs, the Westchester Career Fire Chiefs Association, the National Fire Protection Association, and the International Society of Fire Service Instructors. Additionally, Ray serves as a member of the Fire Advisory Board to the Westchester County Executive, on the Board

of Directors of the Westchester Fire Fighters Emerald Society Pipe Band and as the current past chairman of the New York State Career Fire Chiefs Committee. He previously was a member of the New Rochelle Fire Fighters Association Executive Board and is a past president of the New Rochelle Fire Officers Association.

Commissioner Kiernan also has shared his time and talents with a host of community organizations, including the United Way, on both the local and county level. He was a chair of New Rochelle Heart Committee of the American Heart Association. His many volunteer contributions have won him honors and awards from numerous organizations including the Knights of Columbus, Huguenot Lions Club, and Casa Calabria.

I am proud to recognize New Rochelle Fire Commissioner Raymond F. "Doc" Kiernan for his exemplary service and commitment, and I urge my colleagues to join with me in wishing him many happy years in retirement.

SENATE—Wednesday, September 14, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

As we come into Your presence today, O Lord, we, like Isaiah of old, need to be cleansed from our sinfulness. Forgive us for our failures and cleanse us from all unrighteousness.

Today, use our lawmakers so that their actions will help provide for the security and well-being of all people. Sustain our Senators with the protection of Your providence and give them Your peace. Give them also a spirit of unity and the wisdom to have respect one for the other.

Lord, thank You for the redemption You provide for Your people. Holy and awesome is Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will resume consideration of the motion to proceed to H.J. Res. 66, which is now a resolution regarding Burma sanctions and the legislative vehicle for additional FEMA funding. We expect to be in consideration of this legislation today. We also hope to consider the FAA and highway extension, which was received from the House yesterday. Senators will be notified when votes are scheduled.

FEMA VICTIMS

Mr. REID. Madam President, the House sent us a package, and I appreciate that very much. It funds the highway bill for 6 months, and it funds the FEMA bill for 4 months. That is terrific. We should move to this as quickly as we can; however, we are told it is going to be held up by the Republicans. If someone wants to have a vote on an amendment as it relates to this, I will be happy to discuss this with the Republican leader and see if we can work something out. In the instance I am talking about, however, the Senator said he doesn't want to vote; he just wants to hold up the bill. He said if we put in what we got from the House and stuck his provision in that, then he would be happy. Well, I guess anyone would. It is a pretty good way to legislate around here—just be a dictator and say: Either take this or leave it. That isn't the way things work around here. We have to have votes on issues to find out how people feel.

I am convinced his issue would lose overwhelmingly, but he is holding up this legislation, and we are in a position now legislatively that I can't get to this bill. We cannot get to this bill prior to Friday, when the FAA expires. So it is unfortunate that is the position we are in. One Senator is holding this up, and what it will do is—the highway bill does not expire on Friday; FAA does. But they are a package. If this continues, we will have about 80,000 people out of work by Saturday, 4,000 who work for the FAA and about 70,000 or 75,000 who are working on airport construction jobs. In Las Vegas, for example, there is a new tower being built because of McCarran Field being overwhelmed—the old tower can't handle things well—and those people will be laid off. That is the way it is all over the country. That is very unfortunate.

I really appreciate, Madam President, and I have tried to say individually—I have been to each Republican Senator—the Senators who have voted to help us move forward on funding for FEMA, I really appreciate it. As you know, we have a majority, but it is not a huge majority, and to get things done on issues that are specialized, we need seven Republicans, and we have eight Republicans in this instance who helped us pass this legislation. All the Democratic Senators voted for this, and we got those Republicans. This allows us now to fund FEMA.

I have told my friends on the Republican side of the aisle, if it is something that—if they want to change the numbers around, let's have a discussion on that. But right now, people are desperate.

Last night around 6 or 6:30, I spoke to the man who is in charge of FEMA, and he said we are spending money every day on Lee and on Irene. These are not a couple of women; one is a tropical storm, and the other is a hurricane. They are not spending money other places. Why? Because they don't have the money.

As the Presiding Officer knows, there are people in her State who have lost their homes. This is all up and down the coast, from the coast of Florida up to Maine, and even places inward. As we talked about yesterday, some of the very severe damage was not on the coastline but, for example, in the State of Vermont, the worst storm likely they have ever had, and those people are trying to get from one place to the next, but they have scores of bridges that are inoperable. And that money—what money they have left in FEMA—will run out I think he said on the 25th. If things keep going the way they are, on the 25th of this month, they will be out of money—no money.

So we need to get this done. Procedurally, we are on this, and I can't move to the highway bill and the FAA bill. And, I repeat, the FAA bill expires. So I hope we can have something worked out with this Senator so we can get this bill done.

The disasters facing this country are untoward. Forty-eight States have already had emergency declarations. Some States have had multiple emergency declarations. Only two States—West Virginia and Michigan—have not had emergency declarations. We have had in the State of Texas, as an example, 20,000 fires since the first of the year; on Sunday alone, 19 fires. Millions of acres have burned, and 2,000 homes have burned to the ground. That is what FEMA is all about.

FEMA is an organization that is relatively new, but as a country we have been helping people who have experienced disasters since we have been a country.

In the early 1800s, there was a big fire in the State of New Hampshire. I believe the date was 1813. The Federal Government stepped in to help with the rebuilding there. That is the way it should be. That is what our country is all about. I am sorry, Madam President, it was 1803. In 1803, the Federal Government played a role in rebuilding after a calamity in New Hampshire. Congress passed legislation that year to help New Hampshire recover from the devastating fire they had.

FEMA was established in 1979. To this point, it appears this could very likely be the worst disaster year in the history of the country. Irene alone is one of the five worst disasters monetarily we have had in this country.

So I hope my Republican colleagues will work with us and help us move these things along. It is important that we do that. It is important that we do that as quickly as we can so that people in Joplin, MO, and other places in the country that have been devastated can receive the help they deserve from the Federal Government.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

MEASURES PLACED ON THE CALENDAR—S. 1549, H.R. 2832, AND H.R. 2887

Mr. REID. Madam President, there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time en bloc.

The bill clerk read as follows:

A bill (S. 1549) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

A bill (H.R. 2887) to provide an extension of surface and air transportation programs, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings with respect to these three bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

The Senator from Nebraska.

ORDER OF PROCEDURE

Mr. JOHANNIS. Madam President, I ask unanimous consent that I be allowed to engage in a colloquy with my Republican colleagues—Senators ROBERTS, PORTMAN, HOEVEN, BLUNT, and ISAKSON—and in the event the minority leader does appear to offer comments, that we interrupt our colloquy for the minority leader to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE AGREEMENTS

Mr. JOHANNIS. Madam President, I rise today with my colleagues to talk about trade and the importance of trade and specifically to talk about three pending trade agreements. And when I say “pending,” man alive, am I emphasizing “pending.” These agreements have been around a very long time. And I am referring to Korea, Panama, and Colombia.

We all know the benefits of trade in the United States. In Nebraska, my home State, more than 19,000 jobs and more than \$5.5 billion in revenue were directly tied to exports last year.

In trade discussions, we often hear about the need to level the playing field. Well, these agreements do exactly that. They eliminate tariffs and a whole host of other barriers on most agricultural products, including products that are important to my State: beef, corn, soybeans, and pork. No doubt about it, they increase the economic opportunities for Nebraska farmers and ranchers, for businesses and for workers.

Well, for 3 years, we have heard the President say the right thing. In fact, every time he would say something about this, I thought, finally, the trade agreements are going to bust loose and we are going to have an opportunity to vote on them.

He said in last year's State of the Union:

If America sits on the sidelines while other Nations sign trade deals, we will lose the chance to create jobs on our shores.

Then again in May, the President called for a “robust, forward-looking trade agenda that emphasizes exports and domestic job growth.”

Just last week, the President noted that now is the time. He said, of “a series of trade agreements that would make it easier for American companies to sell their products in Panama, Colombia and South Korea,” now is the time. If now is the time, why is the ad-

ministration continuing to fail to act? It has been 1,538 days since the Korea agreement was signed. It has been 1,540 days since the Panama agreement was signed. It has been 1,758 days since we completed negotiations with Colombia.

As I said, I have colleagues with me today who are in a much better position than I would be to explain the positive impacts of these trade agreements. I am going to ask that Senator ROBERTS speak first, Senator PORTMAN, Senator HOEVEN, Senator BLUNT, and Senator ISAKSON. It is my hope that if there is time permitting, I will wrap up.

I ask Senator ROBERTS, as former chairman of the House Agriculture subcommittee and ranking member of the Senate Agriculture Committee today, how important are these agreements to agriculture and job creation in the United States?

Mr. ROBERTS. Madam President, I thank my colleague and dear friend from Nebraska for the question.

In the end, the biggest consequence for inaction that is now facing our Nation, our biggest challenge, is jobs. In regards to his question, the three pending trade agreements add up to \$13 billion in additional exports and an estimated 250,000 jobs. From the agricultural perspective, the three pending trade agreements represent \$2.5 billion, if they are ever implemented.

The estimates are that the three agreements in total are expected to increase direct exports by \$129.5 million just for Kansas farmers and ranchers and an additional 1,150 jobs for our State. For folks on the farm, these export markets are absolutely critical. Approximately one-third of our crop production is exported. For wheat, that number jumps to one-half.

The administration's prolonged delay is causing U.S. businesses and producers to simply lose market share. We are losing out. Other countries are not waiting. They are enacting trade agreements without the United States.

Let me give a very good example. The Colombia-Canada trade agreement went into force on August 15 of this year. Already, Nutresa, the largest food processor in Colombia, has announced it will source all of its wheat from Canada to take advantage of the lower duties the Canadian wheat will receive from the trade agreement. Nutresa's wheat demand alone represents 50 percent of all wheat imports to that country. Our Kansas Farm Bureau estimates that Kansas farmers stand to lose \$21 million from lost wheat sales alone and \$38 million from all agricultural exports just by doing nothing on the trade agreement.

Soon after the United States negotiated the trade agreement with Korea, the European Union followed suit. In July, the Korea-European Union trade agreement went into effect. According to Korean customs, within the first 29

days of July, I say to my friend, the European exports were up 34 percent.

Get this one: Notably, aerospace equipment increased by a whopping 1,693 percent. That is astounding. Kansas is a major player in the aviation sector, exporting \$2.7 billion in transportation equipment last year. As the aviation capital of the world, Wichita's aviation companies and 17,000 workers have much to lose in trying to compete against the European Union.

It is long overdue time for the President to put some action behind his words. Send the three trade agreements to Congress immediately.

I am going to make a statement that I regret to say. Trade assistance notwithstanding, I am very sad to say that I do not believe we are going to see any trade agreement this year or the next. I hope my prediction is not correct. This is ridiculous.

Every third foggy night, the President makes a speech and says: We need these trade agreements. We are losing market share.

Well, I don't see the trade agreements. These are not the trade agreements. Maybe somebody can find them here on the floor or in the House. Maybe they are somewhere. But I think they are in the White House, and until we get the politics out of this and the President sends the trade agreements here, what on Earth is he doing saying we should be passing these trade agreements? We don't have the bill. Send us the bill, Mr. President.

As the administration delays moving forward on these export agreements with Korea, Panama, and Colombia, what is happening to American exports to these important markets?

Senator PORTMAN is an expert on this issue. There is not anybody in this Senate who is more of an expert on trade. If you apply the administration's own metrics, how many jobs will be created—I am not talking about lost but will be created by these pending agreements?

Mr. PORTMAN. I thank my colleague from Kansas, who has just made the case eloquently as to why we need to move forward.

To answer his question, when you apply the metrics the President of the United States and his administration have used for these three trade agreements alone, they would create 250,000 new jobs. I ask my colleagues, with 9 percent unemployment and continued bad economic news, can't we use those jobs? By the way, jobs that are related to trade tend to be higher paying, tend to have more benefits. This is exactly what we need to do in this Senate and in the House and here in Washington—put the partisanship aside and move forward on what makes sense to create jobs.

I can't think of anything that would have a more immediate impact on those exporters Senator ROBERTS

talked about, who right now are seeing their market share eroded because the United States is sitting on its hands. In 2006, the Colombia agreement was finalized. It has been tinkered with since then, but we are talking 5 years ago. It is unbelievable. When we have sat on our hands and not moved forward with giving our farmers and our workers and our service providers the chance to go into that Colombian market, you are exactly right, they have gone ahead and made trade agreements with other folks.

Colombia is a great example. Back when we negotiated this agreement and completed it—and I was the U.S. Trade Representative then, as the Senator indicated, and I negotiated with the then-President of Colombia, President Uribe, who made lots of concessions, including on manufacturing and agricultural services. At that time, we had a 71-percent market share in terms of exports of agricultural products—wheat, corn, and soybeans—into Colombia—a 71-percent market share. Today, that market share is about 26 percent. Why? Because after we completed our agreement with Colombia, they engaged with other countries, including the Mercosur countries of Argentina and Brazil, and now they are buying their products instead from those countries that got their act together and moved forward with trade agreements that this President will not get his act together on and send to us.

As Senator ROBERTS said, just recently, in August, this summer, they completed an agreement with Canada. Guess what the Canadians love to export—the same kind of wheat we love to export. So the Senator is right, they are going to take the wheat market away from Kansas and North Dakota and other States that really need those jobs and need those exports.

We have to move forward. It is really a crime that we have not been able to provide our farmers, workers, and service providers these opportunities.

Mr. ROBERTS. Will the Senator yield for one quick question?

Mr. PORTMAN. Yes. Absolutely.

Mr. ROBERTS. The Senator has been there and done the negotiating. He knows these trade agreements not only apply to our exports but our national security. What has this continued delay done—what does it do to the credibility of the people who are actually negotiating, our trade representatives?

Mr. PORTMAN. Unfortunately, I think some of these countries—all three of which are great allies of the United States: Panama, Colombia, and South Korea—feel as though the United States has let them down.

We are going to move forward here, I believe. I am more optimistic than the Senator from Kansas. I believe the President will finally send these forward. He has to. The logic is difficult

to escape. Why wouldn't you? And that is good. We will be able to move forward, I hope, with not just opening more markets but helping on our relationships with these incredibly important allies. But in the meantime, there has been damage done. The Senator is absolutely right. I think they believe in some respects that the rug has been pulled out from under them. They made huge concessions and commitments to the United States and politically took great risks.

Frankly, in Colombia and Panama, where they moved forward immediately to ratify these agreements in their legislature, it wasn't just the administration, it was the elected representatives of the people, as we are, who took risks to say: Yes, we want to be a partner with the United States of America, the greatest economy on the face of the Earth and this beacon of hope and opportunity, and here we are in America letting them down.

So in both its commercial impacts on the United States—we have lost market share, we have lost jobs because of it, but it also has had an impact, as Senator ROBERTS says, in terms of our standing in the world.

We have to move forward not just with these three, but the important point is that we have to move forward with additional agreements. There are over 100 trade agreements being negotiated right now around the world, and because the United States does not have a trade promotion authority, the ability for the President to negotiate and bring an agreement back here for an up-or-down vote, we are not engaged in these agreements. We are engaged in one, which is a regional one—the trans-pacific partnership—but none of these bilateral ones, which is where you are really going to get these trade openings and new exports and, therefore, new jobs.

This is a bigger issue that must be addressed. This Congress, I hope, will address it in the context of the votes we are going to have in connection with the trade agreements. We are going to promote getting the United States back in the game of expanding our trade and helping U.S. jobs.

By the way, it was mentioned earlier that it is not just that we have the opportunity to create over 200,000 jobs. It is also that if we do not move forward on these three agreements, the U.S. Chamber of Commerce has done some analysis showing we would lose 380,000 jobs.

This sort of goes both ways. There is a cost to not moving forward, and that is also hundreds of thousands of jobs we desperately need in States such as Ohio and the States represented by the Senators who are here with us on the floor today. The International Trade Commission now says these three agreements alone would expand exports annually by \$13 billion—again meaning jobs and opportunity.

It is time for us to move forward. Senator ROBERTS has talked about what is happening with the European Union, which actually negotiated its agreements after we completed ours.

In the auto sector, by the way, there is an EU-Korea agreement that says the 8-percent tariff on imported cars has already started being reduced. That has resulted in the companies sending UK cars, including Hondas that are being produced in the United Kingdom—they are being exported to South Korea. We have a Honda plant in Ohio. I visited it recently. There are 4,200 Ohio workers there. We want to export Hondas from Ohio to Korea. We can do that with these export agreements.

It is time for us to move forward. It is not the time for us to play politics. We have to move forward because we need these jobs and because, again, the United States should be at the forefront of these agreements in order to not just protect the market share we have but expand it. Ninety-five percent of the consumers live outside of our borders, and we need to access those consumers.

I now ask, if I could, one of my colleagues to talk a little about his experience in his State.

JOHN HOEVEN was Governor of North Dakota, so he was like the trade representative from North Dakota. He was out there promoting trade as Governor, and North Dakota is a State that has a lot of exports, including wheat, as we talked about earlier, so they are being hit by what Senators ROBERTS and JOHANNIS talked about in terms of what is happening in Colombia today with the Canadian agreement and also the EU agreement with Korea.

I ask Senator HOEVEN if he would talk a little about why these agreements with Colombia and Panama are so important to his State.

Mr. HOEVEN. I thank Senator PORTMAN, and I thank Senator JOHANNIS for organizing this discussion on a very important issue, a timely issue. It is good to be here with Senator ROBERTS, with Senator BLUNT and Senator ISAKSON. I think, coming from our different States, we show how important these trade agreements are not only to our individual States across the country but how important these trade agreements are to our Nation right now.

When we are talking trade, we are talking jobs. We need to create more jobs in this country, and it is the private sector that creates jobs. It is business investment, it is companies that create jobs. Our job, our task, our role is to create an environment where our companies and our entrepreneurs and American ingenuity that built the greatest economic engine in the history of the world—this country, this economy, this U.S. economy—we have to create that environment so they can invest and create those jobs.

One of the important ways we do that is with good trade agreements. Let's make sure our companies can export their great products and services all over the world. We have to compete in a global, high-tech economy, and these trade agreements let us do it. That is why it is so important that we move forward.

Today, we are on the floor of the Senate saying: Why do we have these trade agreements? Thursday night, we heard from the President that we need to move forward with these trade agreements. We want to move forward with these trade agreements. We are ready to go. We have been for some time. In fact, the Senators here on the floor and others have been working very hard to do everything we can to make sure we have cleared the path so these trade agreements can come to the Senate floor.

It was not too long ago that Senator JOHANNIS, myself, and Senator PORTMAN went with Senator MITCH MCCONNELL and Senator MORAN over to South Korea to meet with President Lee. He wants the agreements. He is ready to go. As a matter of fact, he said, please ratify the agreements in your country, get them over to me, because I am ready to take that to my legislators and get this approved.

Second, our President said there are some concerns we need to deal with as part of these trade agreements. He said we need to address TSA, trade assistant adjustment. We said we will work with TSA. We will make sure we have enough Senators so it is squared away. We have it covered. That has been communicated. So the question is: Why at this point don't we have the trade agreements? That is the question I think that has to be asked. Where are they? Why aren't they here on the Senate floor so we can move forward with them? In our State, as others mentioned in their States, they are incredibly important.

A few big stats to follow on what Senator PORTMAN mentioned a minute ago. For every 4-percent increase in trade, we create a million jobs in this country. For every 4-percent increase in trade, a million jobs in this country are created. How important is that? The United States-South Korea free trade agreement alone means more than a quarter of a million jobs, more than \$10 billion in increased U.S. exports to that country alone. I cannot think of a time when it is more important to create those jobs than right now when we have more than 14 million people out of work and many more who are either not working because they have not been able to get a job or who are underemployed. Unemployment is more than 9 percent.

This is one of the ways we create that environment that gets our people back to work by empowering the private sector to make that investment and create those jobs.

I was just back in North Dakota, and one of the many events I went to was an expansion of one of the Caterpillar company's locations in West Fargo, ND. They remanufacture a lot of their equipment in West Fargo, ND. This equipment goes all over the world. It is part of the huge machines that Cat makes. They use these machines for excavating, for mining, road building, for all these things all over the world, and they are the technology leader in the world in this huge equipment. They bought Bucyrus, which is huge in mining, so now they are big in the mining business. Getting into places such as Colombia and Panama is incredibly important for Caterpillar. It is not just about creating jobs in North Dakota, but think of the impact throughout the heartland in Indiana or in Illinois or, as Senator ROBERTS talked about, agriculture.

In North Dakota we have more cattle than people. I think we have more than 3 million cattle. Right now to send them to South Korea, we pay more than 40 percent tariff. How do we compete with Argentina or Australia in that situation? This is an opportunity. This is absolutely an opportunity. We need to reach out and grab it with both hands. We have the President right now saying, pass those trade agreements. Absolutely. Please get them down here to us. We have worked so hard to make sure we have cleared all the hurdles, TAA, or whatever else is required. Bring those trade agreements to us. We stand ready to pass them.

Mr. PORTMAN. Would the Senator yield for a second? The Senator talked about being at home and talking to his constituents about this, and I am sure all of us have stories like this, but I will tell you this morning we had one of our weekly coffees and the Ohio pork producers came. There were about 12 pork producers from around the State of Ohio. Do you know what the No. 1 issue was they raised with me? Trade and getting these trade agreements done. Why? Because it affects their prices directly. They have to have these international sales in order to make ends meet. Particularly with the price of feed going up, they have to have these foreign markets. It was interesting that of all the issues they could have raised with me, the one they are most concerned about is to make sure we get these three agreements done, and then move forward with the additional agreements.

It is our job to provide the environment for success. Part of that environment is to give our exporters the ability to have a level playing field to access these markets. They are the best farmers in the world. We have some of the most productive land in the world. They just need a fair shake.

Mr. HOEVEN. It is absolutely true. In handing off the ball in this discussion, I want to go back to the trade adjustment assistance, which I mentioned earlier. There were a number of things the administration wanted to see before bringing these trade agreements forward to us for ratification. Senator BLUNT and Senator PORTMAN were instrumental—and along with these two, Senator JOHANNIS, myself, Senator ISAKSON, and others. We even signed on to a letter not once but I think twice, to make sure we got it right. Senator BLUNT's leadership in making sure we had taken all the necessary steps so the administration was prepared and willing to bring these agreements to the Senate floor has been covered. I thank the Senator for that leadership. He may want to touch on that, but I know how important the trade agreements are to the State of Missouri. But I also thank the leadership of Senator PORTMAN, as well, in making sure we addressed TAA and all of the issues that needed to be addressed as part of moving forward with these trade agreements.

Mr. BLUNT. I think what Senator PORTMAN and I thought when the President said for these three trade agreements to be voted on, we had to have trade adjustment assistance. We looked at the negotiated package. It was not exactly what any of us who signed the letter would have negotiated. We said, look, these are the jobs that are the low-hanging fruit of job creation if we get these three trade bills. We are willing to look at the Baucus camp-negotiated TAA, and support it in a way the White House can sign it and send these agreements up.

Senator HOEVEN mentioned, as he and I and all of us were sitting in the House Chamber last Thursday night, listening to the President's remarks when he said we need to pass these three trade agreements, I was almost sure the next sentence would be: And so tomorrow, I am sending these trade agreements up. That next sentence did not occur. Just like the week in August where the President was on his bus tour and every single day on the bus tour he said Congress can do something right now that would create more American jobs if they will pass these three trade agreements. Every time he said that, even though I was hearing it on the TV, I could not help but talk back to the television or the radio and say: Well, we cannot pass them unless you send them up. You are absolutely right, this is one of the easiest things we could do to create jobs, Mr. President, but we have to have the agreements from you before we can vote on them. Don't tell the American people all we have to do is pass the bill when you know that you have to send the bill up before we can pass the bill. We need these three agreements. As Senator PORTMAN has pointed out, we

need more agreements, but that is not happening right now. We do need the President to have the authority that I, and I think all of us, would be more than willing to give him, but that is not part of this package, the trade promotion authority we wish to see extended into the future.

Right now we have three agreements that have been negotiated for a long time, and whether it is the Missouri and North Dakota beef industry or the Missouri and Ohio pork industry or the grain industry that we all are impacted by, there is a real opportunity here and these markets are waiting for us.

To look at our State, since 2002, exports have increased more than three times faster than the State domestic product has grown. So for those who say, well, exports cost American jobs or Missouri jobs, they clearly provide those jobs. U.S. farm exports reached an all-time high in 2010, amounting to more than \$115 billion in sales. For every \$1 billion worth of agricultural exports, there are an estimated 8,000 jobs. So these countries are waiting for agreements that will increase trade in soybeans and beef and corn and pork and dairy products and processed food; in fact, in processed goods of all kinds. We cannot get to those markets until we pass these trade agreements.

All of us are eager to work with the President to get that done. All of us are eager for him to send us those trade agreements. Since these agreements were negotiated, others have negotiated agreements and launched them—and it may have been mentioned already this morning, but if it has not, it is important to understand that on July 1, the European Union trade agreement with South Korea went into place and they had a 1-month, 38-percent increase year over year the first month of that trade agreement.

The Canada-Colombia agreement went into place on August 15. Having been to Colombia and worked on this for some time, there is no question there is a preference for our goods, but once they start buying these other products, then you have to convince them you need to come back to the product you would rather have had to start with if that product had had an even shot at the marketplace.

Panama is negotiating all kinds of work agreements and expansion agreements on the canal we are disadvantaged in because we have not passed that agreement.

Let's get these three agreements done. Let's start creating the private sector jobs these agreements clearly will lead to. As we have talked to the White House and the President about that, my good friend from Georgia, JOHNNY ISAKSON, has been in the middle of all of those discussions. We know what can happen. For it to happen, we have to get these agreements sooner rather than later. Let's get them up

here. Let's get them passed. Let's get them back in the hands of our new trading partners and see these jobs increase.

I am pleased to recognize and encourage the ongoing efforts for this effort with my good friend, Mr. ISAKSON.

Mr. ISAKSON. I thank Senator BLUNT.

I thank Senator JOHANNIS for organizing this colloquy.

I represent a State that is home to the second largest port on the eastern seaboard in the United States of America. The port is Savannah. We are talking about creating jobs in America. The port of Savannah directly employs 300,000 people in the southeastern United States. Can you think of what an impact this is going to have to increase that employment if we get these free trade agreements?

Let me give you an example that is amazing. South Korea surpassed Japan in 2010 as the second largest Northeast Asian destination for South Atlantic exports behind only China—second largest in all of Asia behind only China—most of that going out of the port of Savannah, most of that being agricultural products from your State and from your State and from mine.

Senator PORTMAN talked about pork. In Georgia it is all about chickens and cattle. We are No. 1 in poultry, and South Korea is a huge importer of our poultry. They would be a lot bigger with a free trade agreement.

Let me give another number that is chilling. South Korea's imports from South Korea into the United States went up by 26 percent last year. Our exports to them went up by 15 percent. That is an 11-percent negative in the trade deficit, which causes us tremendous problems.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ISAKSON. Madam President, I ask for unanimous consent for 5 additional minutes to close.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. So my point is very simply this: We can help to balance our trade deficit. We can help to increase employment in the southeastern United States. We can help poultry, we can help pork, and we can help beef. It has been 968 days since the President could have sent us these free trade agreements, and he has not. My point in this debate is very simple. There is one person in the United States of America standing between us and more job creation, and it is the resident of the White House, President Obama.

I wish to turn it over to the organizer of this event, Senator JOHANNIS.

Mr. JOHANNIS. Madam President, I end my comments today by saying to all of my fellow Senators, thank you so very much for coming to the floor today and making the case. There is an

old saying in a profession I used to be engaged in: I rest my case. Well, after hearing from these fine gentlemen about the importance of these agreements and why we need to have the President send them here, I rest my case. It is going to improve job creation. It is going to improve our opportunity to export our products. It is going to level the playing field. It is going to give our producers the opportunity to reclaim market share that has been lost while we have been waiting for these agreements to come here.

The final point I wish to make is this. I come from a State where unemployment is right above 4 percent. In this recession in Nebraska, unemployment never went over 5 percent. In fact, as I was doing my townhall meetings across the State, I had members of my business community coming to me and saying: One of the challenges we are facing is finding the workers for the jobs we are creating. Therefore, in my State, trade adjustment assistance would not be the high priority it is in many States. Notwithstanding that fact, when Senator BLUNT came to me and said, look, the President is insisting on trade adjustment assistance as a condition to move these agreements and would I sign on to a letter that will back trade adjustment assistance, I said I would. Why? Because the trade agreements are important to us.

It is my hope that after the many speeches we have all given—the many speeches I have given on the importance of these agreements not only on the Senate floor but across this country—the President is listening and will finally send us these agreements so we can work with the President. We can join forces on these agreements and do everything we can to get the votes in the Senate and in the House to pass them and to put them on his desk and create 250,000 new jobs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

DISASTER RELIEF

Mr. BLUMENTHAL. Madam President, over the past 2 weeks, I have traveled the State of Connecticut, as the Presiding Officer has done in the State of New York, and she has described eloquently the damage she has seen in her State. I have seen much the same in mine. I have seen the destruction of small businesses, of homes; rivers swelling, flooding of historic dimensions causing significant destruction; the wind and rain striking Connecticut with a fury, its ferocity virtually unmatched in recent memory.

I met with families and community leaders, farmers and small businesses, about the help they will need to rebuild their homes and their businesses and their lives and their livelihoods. It is a powerful and moving struggle. The citi-

zens of Connecticut, similar to the citizens of New York and others struck by this storm, have acted with determination and resolve, not with desperation or despair. They are determined and dedicated to rebuild and recover from this storm, but they need the help that is provided by FEMA. We are here, hopefully in a bipartisan effort, to make sure these communities and others like them throughout the Northeast and throughout the United States have the help and the real consequential aid they need to make this recovery in rebuilding their lives.

The early estimates suggest that the damage caused by Irene could reach more than \$10 billion, making it one of the 10 costliest disasters in U.S. history. The suffering and real sadness of Connecticut citizens gives us a bond and a cause in common with millions of other Americans who have suffered from hurricanes, tornadoes, floods, and other natural disasters across the country. This year alone, we have seen flooding on the Mississippi and Missouri Rivers and other rivers in the Midwest, devastating tornadoes in the South, wildfires in the South and West, and now Hurricane Irene and Tropical Storm Lee.

In times of natural disaster, Americans come together. In times when they face crises, Americans rally as neighbors, as a community. Regardless of specific States where they live, they come together to rebuild their homes, to make common cause, to recognize our bonds as a nation. The spirit of our Nation is that we put people above politics every time, without exception; that we provide disaster relief for victims, such as Connecticut residents now, and with the resources they need to rebuild.

Currently, FEMA is funding disaster relief for over 550 disasters, including 29 in Oklahoma, 21 in Kentucky, 17 in Texas, 19 in Mississippi, and 18 in Kansas. Yet 2 weeks ago, House majority leader ERIC CANTOR stated that relief funds for Hurricane Irene would need to be offset by savings found elsewhere in the Federal budget. I reject that contention and so should this body and my colleagues from those States I have just named and all the other States in the Union. In fact, all but a handful or less have received and are receiving disaster relief just since January of this year.

We need to do everything we can to put Connecticut and America back to work, to make sure our economy moves forward again, to create jobs, and to reduce the deficit. Yes, we need to reduce the deficit and the debt and cut unnecessary and wasteful spending. However, we cannot permit Washington politics to create a legislative logjam and gridlock that bogs down these efforts for disaster relief. The need is too urgent for thousands of families and businesses in Connecticut

and around the country that have been devastated by these unprecedented floods and other natural disasters, such as hurricanes, wildfires, floods, and tornadoes.

Turning disaster assistance into a political football is unacceptable and unconscionable. It is a recipe for gridlock and it is just plain wrong. It is wrong and a disservice to the men and women whose homes and businesses have been hit by the forces of nature that are unpredictable and unpreventable. Now they are attempting to rebuild their lives, and we owe it to them to match their courage and resilience with efforts from FEMA.

We can't prevent those hurricanes or tornadoes or wildfires, but we can step forward when these disasters occur and lend a hand to our neighbors, as we have done throughout our history, and we can provide these communities with the real resources they need to recover, without distinguishing between what State or what part of the country.

There is one story from Connecticut which I think tells a lot about the choices we face right now. Mel Goldstein and his wife Arlene, whose home was completely destroyed by flooding caused by Hurricane Irene, are being told their homeowners insurance will not cover the damage. Their only hope of recovery is FEMA flood insurance and other FEMA assistance. Right now, they are using their savings to stay in a hotel while they rebuild their lives. Mel is one of the best known weathermen in the State of Connecticut. He is an icon in the broadcasting world and a hero to many of us for his struggle against cancer. His treatment in this unstable environment at this point in his recovery adds an unnecessary toll and stress to their lives. As we have in the past, we must come together to help folks such as Arlene and Mel Goldstein move on after the unthinkable happens in their lives. The unthinkable happened to them and to many of their neighbors in East Haven along the shores of Connecticut.

I have heard their voices and seen their faces throughout our State, in communities big and small, where flooding has put a small business out of business and where homes have been destroyed and people are living in shelters or with their neighbors or were for awhile. These kinds of human stories are part of the fabric of the larger story we need to recognize. I hope my colleagues will come together, as we did on the vote yesterday, to approve this measure. The vote yesterday signaled perhaps a return to the bipartisanship that should prevail when the Nation confronts crisis and disaster. Our No. 1 goal, which should be a bipartisan goal, must be to deliver help to our fellow Americans as quickly as possible.

Thank you. I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, Hurricane Irene and Tropical Storm Lee left a trail of devastation across New York State. I saw firsthand the impact they left on our communities: hundreds of families living in shelters, complete homes destroyed, belongings piled up on people's front yards, small businesses uncertain whether they would even reopen and worrying about whether they could hire back their employees, farms that had no feed for livestock for days, crops and livelihoods vanishing without any trace in a single day, crumbling bridges, washed-out roads, heating oil soaking into buildings and the ground. I was born and raised in upstate New York, and I can say we have never seen this kind of devastation—certainly not in my lifetime.

America has always stood by those who have suffered greatly from disaster and we have always helped them to rebuild. We have an obligation to these families, businesses, and farmers to help them rebuild today.

This picture is of downtown Binghamton. I met with hundreds of families displaced and placed in a Red Cross shelter at the University of Binghamton. They were on day four at the shelter, unclear if they would be able to see what was left of their homes.

I can't fully describe the worry and fear in the eyes of parents who are in a shelter with their children. I talked to one mother who has 10 children, the youngest of whom was 2 years old, trying desperately to keep them fed, keep them safe but literally having no sense of when she could return to her home and what it would look like when she returned.

I talked to one father whose daughter turned 13 years old that day in the shelter and his worry was mostly: I don't know what is in front of us. I don't know when we will be able to go home. I don't know how much has been destroyed, and I don't know how I will rebuild.

One parent I talked to was a young mother. She held a 6-week-old infant in her arms, and she said to me: I have everything I need right here. That exemplified the courage of Americans when they fight through suffering—the strength of New Yorkers that they will pull themselves up by their own bootstraps and make the difference. But we in Washington must help.

In Schoharie County, on the main street of the villages of both Schoharie and Middleburgh, every single home

was flooded. The water mark was at about 7 feet. As you drive down the main street and begin to talk to the business owners and the families, you can see there was not one left untouched. Every piece of these families' belongings is literally on the front lawns of these homes and businesses.

But I watched these business owners begin to rebuild. I could see them literally bringing the mud from the basements, bringing the mud from their ground floors, pulling down all the drywall because obviously the damage was so great it would cause long-lasting damage. People are very worried about how they can make sure their business is safe.

This is just a snapshot right here in this picture of the town of Middleburgh. This is the farming community within Schoharie County. These farmers have lost everything. I can tell you, the water was so strong, the surge was so great, it literally took trees out of the ground, completely uprooted and overturned. The crops that we could see on this farm—they were so covered with silt from the river, we could not even recognize what kind of crops they were. I saw potatoes that had been uprooted from the ground all over the road. That farmer could salvage nothing of their farm.

We had one farmer who came down to meet with me because her cows were stranded. They had 800 cows stuck because the roads had been completely washed out. They had no way to get feed up to those cows. They had no way to deal with manure and dump all the milk that had to be destroyed. They needed a rescue effort. Because of the efforts of our Governor—he reacted quickly—our National Guard got up there, got food and water up to those farmers, they fixed the road, and the feed was delivered. But this is the kind of reaction we need from government. This is why the Federal Government must be there to help and protect these families and businesses.

Our next picture is of Greene County. In Greene County, waters rushed down the main street of Windham—this is a picture of Windham—and destroyed all businesses in its wake. The homes of families were also destroyed. There was absolute destruction throughout Greene County.

I talked to just one business owner, and she had a business for children's clothing, children's needs, children's toys. She had just a couple employees, but she said: I have nothing to rebuild. I have no way that I can rebuild my business. I don't think I could rehire those employees.

So there is the feeling of hopelessness and worry and dread and concern on top of a very tough economy anyway. These are the businesses and families and farmers we need to help because we need them to rebuild. We need them to have the ability to rehire those em-

ployees, to produce food for our families, to make sure we have thriving communities once again.

The last picture I wish to show is of Keene, up in the North Country. In Keene, the river rose 22 feet above the flood stage, washing out roads and bridges, and it left much of the town actually stranded for days. Half the town's firehouse was ripped apart and swept away by the river. Up in the High Peaks, the rain came down so hard it brought huge chunks of the mountainside with it, creating slides that have changed the face of the Adirondacks for generations.

As you can see, this is just four communities. Throughout New York State—the North Country, the Capital Region, the Mohawk Valley, the Hudson Valley, the Southern Tier, and Long Island—no one can question the absolute devastation that these storms have left in our communities. We must stand with them in their greatest time of need.

Federal assistance is essential to help these families, these farmers, these businesses, and communities not only recover but rebuild and be stronger than they were before.

We need immediate funding for FEMA and the USDA disaster assistance to provide relief for these communities all across New York and for all the other States that were affected by these storms.

SYRIA SANCTIONS ACT OF 2011

Mrs. GILLIBRAND. Mr. President, I would now like to address a second issue that is causing me very grave concern. I would like to talk for a moment about a piece of legislation I have introduced with Senators KIRK and LIEBERMAN to toughen the sanctions on Syria.

Syrian President Assad has killed over 2,000 of his own people in an alarming torrent of violence from one of the world's most repressive regimes—2,200 people are estimated to have died so far.

Assad's aggression against the Syrian people is matched by his subversive aggression abroad. His regime is a state sponsor of terrorism, one of Iran's closest allies, and a key backer of Hamas and Hezbollah. Assad's regime has for years helped foreign fighters enter Iraq and kill our U.S. soldiers.

In response to this violent crackdown, I introduced the bipartisan Syria Sanctions Act of 2011 to hold Assad's regime accountable. This legislation would block access to the U.S. market for companies that invest in Syria's energy sector, purchase the country's oil, and sell gasoline to Syria. This sanction is critical, since Syria's energy sector accounts for one-third of that state's revenue.

I ask my colleagues to sponsor S. 1472 and send a clear message to Syria that

until the Assad regime responds to the democratic urging of its people, halts its nuclear development, and ends support for terrorism, Syria will not and should not have access to the global economy, and any company that does business with Syria will no longer have access to the global economy.

This legislation is very clear and simple: that no company should be allowed to put their profits before our national security.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.J. Res. 66, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the consideration of a joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to speak about the need to have a disaster assistance effort to support those in New York, your State, as well as across the country and the tremendous needs we have as a result of what has happened regarding the weather. This year we have seen a terrible string of natural disasters that have shut down businesses, farms, and left families homeless all across our country. As chair of the Agriculture Committee, I am particularly focused, of course, on what has happened to our farmers in America.

I am concerned about the flooding along the Mississippi and Missouri Rivers, the record droughts that have devastated the livelihoods of men and women who grow our food all across America. Earlier this year we had the worst drought in recorded history in Oklahoma, with about \$1.6 billion in crop losses. In Kansas I have had the opportunity, and my staff has, to join

with my ranking member, my colleague, Senator ROBERTS, to talk with folks and a chance to see that the drought had wiped out about \$2 billion in crops.

Floods in the Mississippi River Valley washed over 3 million acres—3 million acres—of farmland. Hurricane Irene destroyed more than 450,000 acres of cotton and 300,000 acres of corn in North Carolina. In New York we have seen similar damage to corn, soybeans, alfalfa, fruits, and vegetables. In Vermont crop losses are estimated at more than \$5 million.

All across our country we have serious challenges that are creating hardships for our businesses, our farmers, and our families. We need to respond. That is our responsibility. Right now the droughts are worse in Texas where the damage is also in the billions of dollars. We have more than 1,000 homes that have been lost.

Already this year there have been natural disasters in 48 of our States—48 out of 50 States have had natural disasters. Michigan, thank goodness, is one of the two States that has not been affected by the weather. But throughout our Nation's history when men and women in one part of the country were hit with a natural disaster, all of America came together to support them and to help rebuild.

That is what this effort is about, coming together as Americans. That is who we are as Americans. We stand with each other in times of trouble. This is not the time to play politics, not when hundreds of thousands of families, farmers, and businesses have been devastated by an unprecedented string of floods, tornadoes, hurricanes, wildfires, and other natural disasters.

Already, FEMA has had to halt rebuilding efforts in 41 States. So it is critical that we get this done. This legislation in front of us needs to pass, and it needs to pass quickly.

But I also want to tell you about another emergency that has taken place in my State and in too many other States. It is called a jobs emergency. We may not have been affected by the natural disasters of the weather, but as we look over the last decade in a global economy, as the economy has changed we have been through the same kind of devastation—over a longer period of time, but our people are affected as much as any other State disaster.

We have 14 million people out of work in this country—14 million people out of work. We have a huge national deficit. We will never get out of debt with more than 14 million people out of work. We have to make smart decisions on cutting what is not important, and we have to grow. We have to create jobs for people and support the efforts of the private sector to create jobs.

For each and every one of those families, their job search is an emergency. It is an emergency every time they

think about how to put food on their table. It is an emergency every month when they have to scrape together money for the rent or the mortgage. It is an emergency every minute of every day when those men and women are filling out applications, going to job fairs, trying their best to get back to work.

So I find in the middle of all of this, in the middle of support for all that is going on around the country in terms of natural disasters, it is extremely concerning—and in fact outrageous to me—that the House Republicans have proposed a job-killing offset to pay for the help that is critically needed for natural disasters; that would pull the rug out from under businesses and families all across our country and put up to 50,000 American jobs at risk. That is what they are proposing.

I absolutely oppose this. They propose paying for this critical disaster bill by taking dollars out of a very successful advanced manufacturing retooling program that we passed in the 2007 Energy bill—and it took a while to get it up and going. The previous administration never administered it. I thank the Obama administration for coming in in 2009 and beginning the process of putting it together and all of the rules it took, and so on. So it took a while to get up and going. It has not moved as fast as I would like at all. But, thank goodness, the Obama administration saw it as a priority and has moved forward to put it in place.

So what has happened already? Well, these retooling loans have meant 41,000 jobs in Tennessee, California, Indiana, Michigan, Delaware, Illinois, Kentucky, Ohio, and Missouri. These retooling loans have helped companies retool older manufacturing plants to build the products of the future in America rather than shipping those jobs overseas. It has been extremely successful.

In Michigan retooling loans made it possible for Ford Motor Company to save 1,900 jobs at the Michigan assembly plant in the city of Wayne so they could build the all new Ford Focus and the battery-electric Focus in America. In the process of that, as we partnered with them on battery funding as well—in the process of that, with the help of these retooling loans they are bringing jobs back from Mexico to support the work they are doing on the new vehicles.

I do not know how many economic development efforts we can stand on the Senate floor today and talk about in the Senate or House that are actually bringing jobs back from overseas. This is the program that the House Republicans want to cut. This loan—and it is a loan, so it has to be repaid—is allowing them to be able to have lower costs to be able to do the retooling on those older plants, to be able to make these new high-tech vehicles.

As I said, in the case of the Ford Motor Company, they have saved 1,900 jobs and are bringing jobs back from Mexico. Another Michigan company, Severstal North America, was able to secure a retooling loan to retool an old steel mill, the Rouge steel mill in Michigan, into a cutting-edge plant building advanced, high-strength steel for automotive production.

Jobs here. That does not count what is happening in States across America. That loan, along with private loans and a billion-dollar investment from the company, will help create over 2,500 constructive jobs and will bring the total number of permanent manufacturing jobs at that plant, again, to 1,900. That is a pretty good investment from a loan that is going to be paid back while creating jobs.

These are the kinds of things that we need to be doing—we need to be doing—to address the jobs emergency that Michigan and States all across the country are feeling and have been feeling. Right now there are 35 to 40,000 jobs at stake in this proposal by the House Republicans.

We have other companies that want to use the retooling loans to make things in America—in Michigan, Illinois, Ohio, Indiana, Louisiana, and Florida. These loans are expected to be approved in the next few months. They are very close, and we would see 35 to 40,000 jobs disappear—the opportunity for those jobs to disappear—if we were to accept the House proposal.

After the next round of manufacturing retooling loans, we could see another 10,000 jobs created across the country. But if these retooling loans do not happen, those jobs will not happen either. To add insult to injury, these companies have been working closely with the Department of Energy, in some cases for several years, in order to qualify for these loans.

They have had to undergo the most rigorous screening to make sure the products and companies are in sound financial shape, as they should. We need to make sure they are going through rigorous screening not only so they can be successful but to make sure that we are making products in America. It is an important project and partnership.

These companies have invested countless hours and, frankly, a lot of money to get these projects off the ground and to get to this point. As I indicated, we have a number of companies in States around the country that are within a month or 2 months or 3 months from being able to complete the deal and create the jobs.

We are so close, and the rug will be pulled out from under not only the companies but the communities and the families who are affected. These businesses are America's job creators. They are doing the right thing. They want to invest in America. While others have been on the sidelines waiting,

they have jumped in. They are committed to creating jobs. They want to make things here, and they have moved through a process, spent time, money—a tremendous amount of time. In fact, in my judgment, it hasn't moved as fast as it should. But they are now at a point to actually make it happen.

I am outraged that we would see an effort to end the creation of these jobs. There is no question, as I said, that we have had a series of natural disasters, and families, businesses, and farmers who are affected across this country. Even though those natural disasters, fortunately for us, did not come to Michigan, I support the effort to address them. We are all in this as Americans. But I will not—I will not—support an effort that, in the process, takes tens of thousands of jobs away, because the crisis for Michigan is a jobs crisis. We were the first ones in it. We have been in it the longest. We are coming out of it now but way too slowly. We are coming out of it because we have been creating partnerships to support the private sector to make things in America again.

I strongly urge everyone involved not to come forward with something that will in fact jeopardize these jobs. It makes absolutely no sense to me, and it is certainly something I will strongly oppose if it does.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent that I speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRS TAX SCAM

Mr. NELSON of Florida. Madam President, there is a tax scam that is going on in this country for which you certainly have to give some creativity to these thieves and robbers—and that is exactly what they are.

I first started to get wind of this when people in the Tampa Bay region of my State called in saying an interesting thing happened. They had sent in their income tax return, and they got back a notice from the IRS that their return had already been filed. What they found out was that somebody had stolen their Social Security number, had in their name filled out a tax return, and then, guess what. It showed they had a tax refund due.

When I started hearing from about 25 or 30 people, I knew there was something going on. Sure enough, law enforcement in the Tampa Bay region—the sheriff's office, the city police, combined with the State attorney and the U.S. Attorney—a couple of weeks ago had a bust and arrested 49 people who were in a scam whereby they procure people's Social Security numbers. What is unbelievable is the amount of money they were getting back, estimated at being, just in the Tampa Bay region, something like \$100 million in refunds. That is a rip-off of the American taxpayer because that is their money.

But the story doesn't stop there. Oh, if you were one of the victims whose Social Security number had been stolen and you wanted to file your tax return, the IRS is telling you you can't do it because you have already filed a tax return. Guess what a nightmare that is for the legitimate taxpayer.

So we have filed legislation. A number of Senators have joined me. No. 1, one of the unbelievable things was that it was difficult to get the IRS to cooperate with the local and State law enforcement agencies, because the IRS is prohibited because of privacy from sharing any of this information. And, of course, we want to protect the privacy of people, but we also want to go after these crooks.

We had done it a few years ago with regard to inmates in the Federal prison system by allowing the IRS, under the law we passed back in 2008, to cooperate with the Federal prison system in order to get the inmates who were filing false tax returns to get tax refunds. That was extended administratively into the State prison system with the IRS. But then this has been taken to a new level, one in which it is a great rip-off of the taxpayers.

What was incredible is when the Tampa police department and the sheriff's department ended up arresting some of these people, it was as if they didn't know they had done anything wrong.

What is going on? They did not know they had done anything wrong, and they are driving around in BMWs, with Rolex watches and gold chains all over them. It is the use of tools in the electronic age just the same as yesterday, when the thief used a crowbar to break in and steal somebody's possessions. This has to stop.

What we do not know is the extent to which this is all over the country. So the first thing we have to do is get the legal ability for the IRS, without divulging people's private financial information, to be able to cooperate with local and State law enforcement and the U.S. attorney to be able to go after these people, to identify them so the U.S. attorney and the State attorney can prosecute.

Additionally, we have to help the victims. In this legislation we filed, we

say the IRS will give the victims a special PIN number so they can file a return and that PIN number will identify them as a victim and it will not be kicked out of the system.

Additionally, since so much of this is being done electronically, we have to give the taxpayer the option to file what we called in the old days a paper tax return and in the process see if we can stop this; otherwise, if \$100 million has been stolen from the American taxpayer just in the Tampa Bay region of Florida, you can imagine how extensive this crime probably is across the entire country.

It is important we act and that we get to the bottom of it. If we pass a law, a crook will try to figure out a way to get around it. But when somebody in this electronic age can just sit at a computer, steal a Social Security number and then file a false tax return, enough is enough.

It is my delight to see my colleague from Maryland. It looks as if he has some good stuff to tell us.

I yield the floor.

Mr. CARDIN. Madam President, I am not sure it is good stuff, but it is what has happened in our State. I thank the Senator from Florida for his leadership on so many of these issues and his comments on the floor of the Senate.

About 2 weeks ago, right before Hurricane Irene struck, I was at the Maryland Emergency Management Center located in Reisterstown, MD. I was with Governor O'Malley, the Governor of our State, and other leaders. I saw our team there to prepare the people of Maryland for the onslaught of Irene and later from Tropical Storm Lee. I saw Maryland preparing the best it possibly could to minimize the risk to the people of our State from a natural storm. I saw the local officials do the right thing and tell people in our coastal areas to evacuate their homes because of the potential risk to life and property from this massive storm.

I also saw another agency that was located right there, side by side with the Maryland agencies, and that was FEMA, the Federal officials. These were people I met for the first time. They were not from Maryland. They had come in from other States to help the people of Maryland and provided the expertise to our State officials so we could properly prepare for this storm that was potentially damaging to the people of Maryland. They were there.

I thank President Obama for declaring, before the storm hit, emergency declarations to Maryland so we could utilize Federal resources and we could take maximum steps to minimize the loss of life and property. It was the right thing to do.

I take this time on the floor—I am going to talk a little bit about the damages that occurred in my State—to point out that we have always come to-

gether as a nation to stand by those who have been devastated through these natural disasters. This has been a particularly rough year. We have seen hurricanes and storms and tornadoes and flooding and even an earthquake on the east coast of the United States. This has challenged our ability to respond in a timely way. We have a responsibility to make sure our Federal agencies have the resources to respond—how they were able to be about Maryland before the storm, during the storm and after the storm and they are there now to help the people of Maryland. Our governments—our local governments, our businesses, and our residents are counting on that continued Federal purpose to get us through this very difficult period.

Hurricane Irene caused severe storms, flooding, and strong winds in the State of Maryland. It was followed by Tropical Storm Lee, which aggravated the flooding and other damage throughout the State, including damage to roads, water treatment plants, and agriculture. Our agricultural community was hit hard. Our water treatment facilities, the plants we depend upon to keep our waters clean and to keep our neighborhoods safe, were damaged severely by this storm. I have talked to our transportation people. Roads were knocked out. Damage was caused.

On the Eastern Shore of Maryland, as I have already indicated, there was a mandatory order for evacuation of Ocean City the weekend before the Labor Day weekend, resulting in heavy economic losses during one of the most profitable periods during the summer for that city. The flooding in Queen Anne's County destroyed railroad tracks. I have a photograph. This is, by the way, railroad tracks. They have been knocked out by the hurricane. As you can see, this required emergency attention.

Multiple roads were closed and numerous homes were flooded in the town of Millington after the Chester River flooded over its banks. In Millington, the wastewater treatment plant was disabled, also affecting the residents in Kent County. The storm in Talbot County caused roads and pipeline damage.

Let me show you this photograph, if I might, because I think it points out the problem. When that amount of water goes through the storm pipes, it can cause significant damage because these pipes were not able to handle the amount of water that was brought down by the hurricane and tropical storm. As a result, the pipes burst, causing the road which the pipe was under to give way, bringing about a road closure. That was terribly inconvenient, of course, to the people of that area, the businesses, et cetera. I am showing an example in Talbot County, MD, on the Eastern Shore. We could

show numerous other examples of the failure of stormwater management pipes as well as roads that had to be closed for public safety. In Caroline County, the towns of Federalsburg and Greensboro experienced major flooding of the Choptank River, including the malfunctioning of a wastewater treatment plant. In Cecil and Harford Counties, Irene led to the opening of a significant number of floodgates at the Conowingo Dam, due to rising water levels feeding in from the Susquehanna River. This was the first time the engineers took such measures since Tropical Storm Isabel hit Maryland in 2003. Opening the floodgates led to flooding and property damage in many areas, and mandatory evacuation orders were issued for Port Deposit and Havre de Grace, in Maryland.

People had to leave their homes. The streets were underwater. When the water receded, there was muck and damage to the towns.

In southern Maryland, damage from metal on a roof that was blown into a transformer forced the shutdown of a reactor at Calvert Cliffs Nuclear Power Plant. In Calvert County, many of the substations were damaged and rendered inoperable during Irene, resulting in widespread power outages for many customers and that forced businesses to close for several days. You heard about power outages. We had whole counties where everyone was out of power—everyone. In most of our counties the majority of people lost their power, not for a couple hours, for many days, causing major disruptions to our businesses, to our families, to schools that could not open and, therefore, parents who could not go to work because they had to deal with the unexpected news that the schools would be closed because there was no power in the schools themselves.

In the Washington metro region, Irene and the additional storms caused severe power outages and flooding in Montgomery and Prince George's Counties. In Prince George's County, the loss of power caused thousands of basements to flood. As you know, without power you cannot use your sump pumps. Without that, there is significant damage.

Frankly, because the water came in from the low level rather than from the roof, these property owners are now being challenged as to whether their insurance will cover this damage. That raises the importance, I might say, of the Federal protections that are available when a disaster is declared an emergency by the President because of the altercations over what insurance does not cover. All the more reason why the Federal Government must be there in its traditional role to help communities when a storm or emergency occurs.

Hurricane Irene and subsequent storms required governments to incur

additional expenses due to overtime needed for first responders who save lives and property after the storm. I must tell you, I saw those first responders. I saw them out there working 24-hour shifts in some cases. They didn't get home to their families because they were there to help us maintain order and help reduce the loss of life and the loss of property. I thank President Obama for making a timely major disaster declaration for the State of Maryland in advance of the hurricane. Maryland is now eligible for Federal disaster recovery dollars through the Federal Emergency Management Agency. The State budget has already been very much impacted. We all understand our States do not have the flexibility of our country. It is during emergencies that our State and local leaders look to Washington, look to their Federal Government to be there as a partner to deal with this issue that States cannot deal with.

Congress has always acted in a bipartisan manner to help Americans and their communities recover from natural disasters. Congress has never insisted that disaster fund being offset.

Let me explain this issue because it may be confusing to the people who are watching. Yes, the Federal Emergency Management Agency has a budget. FEMA has a budget. But you cannot predict the number and scope of natural disasters. No one had predicted this storm would be as widespread as it was. Hurricane Irene affected the entire east coast of the United States. FEMA did not have in its budget that type of a scenario, along with the tornadoes we had, along with what has happened in the Midwest. During this period, we have seen 48 of our States declared eligible for FEMA assistance. This affects our entire country. Now the people on the east coast of the United States are looking to the Federal Government to be there. We have always done this, as I said, in a bipartisan manner, without the requirement that if additional moneys are needed, those moneys will be appropriated by Congress. We will not ask other agencies to have to contribute toward that because that was not anticipated when we did the budget. I might point out that we had a very contentious fight over the Budget Control Act. That is the bill we passed that allowed us to increase our debt ceiling and set our budget allocations for fiscal year 2012, the year that will start on October 1.

As you know, there was an agreement in that Budget Control Act that permits the modification of the fiscal year 2012 discretionary cap to be adjusted to accommodate additional disaster relief funding without an offset. That is what we did. We came together as one entity recognizing we cannot predict the next hurricane, storm, earthquake, flood, or tornado. We just cannot predict that. Therefore, Demo-

crats and Republicans said adjust the cap. Meet whatever disaster is out there. Whether it was Katrina in Louisiana, whether it is a bridge falling down in Minnesota that the Presiding Officer had to deal with, whether it is tornadoes as we had in the Midwest, droughts and floods that occurred in our country, we will be there to help the people of America. We helped rebuild countries around the world. We want to make sure we help the communities.

I was with my colleagues from Vermont, and they shared with us the number of bridges that had been wiped out, people who have been isolated as a result of Hurricane Irene and then Tropical Storm Lee. We have a responsibility, and we recognize that in the budget agreement, that we adjust the caps without setoffs so the Federal Government can be there as a true partner in dealing with these issues. We were there for preparation. It is now time to help restore the communities. In some cases it will take months before we are back to normal. We know that, the people know that, but they have a right to expect that the Federal Government will be there to help.

I commend Senator LANDRIEU, the Chair of the Homeland Security Subcommittee of the Appropriations Committee; Senator INOUE and the members of the Senate Appropriations Committee. They recognize that. They have given us a budget that will accommodate the extra needs so FEMA will have the resources it wants.

I thank President Obama. His budget request to us reflects the resources we need so we have the recommendation from our Appropriations Committee. We have the leadership from the White House. Now it is time for us to act. We have the vehicle on the floor of the Senate. It is time for us to give the resources to the Federal agencies so they can be there in all parts of this country—including helping the people of Maryland cope with the disaster of Hurricane Irene and Tropical Storm Lee and the other natural disasters that have happened in other parts of the country by—taking up this issue now, passing it at this moment so the funds are there and the resources are there.

We can live up to the historical mission of the United States to always be there to help any part of our Nation affected by a natural disaster. I hope we will be able to bring up this issue quickly. As the vote in the Senate Appropriations Committee indicated, it should not be delayed because of offset issues. We should get the needed funds and resources to the agency, working with our State and local governments, working for our local communities so we can try to restore and rebuild those areas that have been devastated by these natural disasters. I would urge us to do that as quickly as possible.

Mr. President, I would yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TIM O'KEEFE

Mr. MCCONNELL. Mr. President, I rise today to bid a fond farewell to a man who has been a fixture in the Senate for 33 years. Mr. Tim O'Keefe of the Senate Disbursing Office is retiring today after more than three decades of service to this body and his country. Known to many as a loyal friend and well liked by nearly everyone he has met in these halls—including most of my colleagues and thousands of Senate staffers—he will be greatly missed.

Tim began his career with the disbursing office, and in the Senate, in 1978. Every Senate employee becomes familiar with that office early in their tenure because that is the office in charge of the Senate payroll as well as everything relating to an employee's compensation, payroll deductions, retirement, life and health insurance, and other benefits. The disbursing office used to be located in the Capitol when Tim started. In fact, it was located in S-233, which is now part of the Republican leader's office. During Tim's early years on the job, staffers and Senators alike would line up in the hallways on payday to receive their paychecks. Maybe that is how Tim became legendary for never forgetting a face or a name for so many members of this very large Senate family, and always having a kind word for every one of them.

The disbursing office moved in 1980 when my predecessor, Howard Baker, expanded the Republican leader's suite of offices. That is how Tim and his co-workers ended up in their now familiar location on the first floor of the Hart Building. Tim has kidded me about that a few times over the years. So on behalf of the Republican leader's office, let me take this opportunity to apologize to him for being booted from his perch.

Tim is a native Washingtonian. He attended St. John's College High School and the University of South Carolina, which has a heck of a good football team this year. Just as Tim is loyal to the Senate, he is a loyal alumnus of both those institutions. He goes to Columbia, SC, every year to see South Carolina play football. Tim is also a great fan of the Washington Redskins who, amazingly enough, are off to a good start this year. He has season tickets, and has been attending their games since his boyhood. He loves to talk football, college or pro, with folks in the office, but be careful if you are a Cowboys fan.

Tim's father George O'Keefe was a distinguished veteran who fought in World War II. His mother Gisela O'Keefe worked for the District of Columbia school system at Alice Deal Middle School. I know they would both be proud to see how well liked and well respected their son has become. Tim also has a brother, Dennis, who lives in South Carolina, and Tim lives in Alexandria with his teenage son Connor.

When the disbursing office held a retirement party for Tim a few weeks ago, he got quite the sendoff. It was the day of the historic earthquake, felt all along eastern North America from Quebec City to Atlanta and centered about 90 miles away in central Virginia. As Tim was opening his presents, the ground began to shake and the Capitol complex was soon evacuated. It is almost as if Washington, DC, itself was protesting that it did not want Tim to go.

Indeed, it will be hard for many to imagine the Senate with Tim gone. He has the longest tenure of anyone in the disbursing office today, and thousands of Senate staffers know him as the man who led them in the Federal oath of office they take on their first day on the job—the same oath the Vice President of the United States administers to Senators at the beginning of their 6-year terms.

In his retirement, Tim will have time to pursue his many interests, including his love of horse racing. He is particularly a fan of Lexington, Kentucky's Keeneland racetrack. And I would be remiss if I didn't mention that today, the day of his retirement, is also Tim's birthday.

I know many on Capitol Hill, after hearing about his retirement, have taken a moment to say thank you and goodbye to Mr. Tim O'Keefe. I wanted to make sure I was one of them. He will be missed here in the Senate, and we are very grateful for his 33 years of service.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POVERTY IN AMERICA

Mr. HARKIN. Mr. President, yesterday the Census Bureau released information about poverty, income, and health insurance in our country, and the news was, in short, devastating. The number of people in poverty is at an all-time high. Income gains over the last decade have been totally wiped out. Americans are struggling more than ever before.

I am appalled by these facts and I know my colleagues are too. Today I

wish to talk about these numbers, but I wish to talk about what we can do about them and about where our country's priorities must be and how we have to focus on rebuilding the middle class in light of the new census numbers.

Yesterday we learned that 46.2 million people in America were poor last year. That is more than 15 percent of Americans. Let me remind my colleagues what this means. The poverty line for a family of four with two adults and two children is \$22,000—just slightly over \$22,000 a year. Can anyone here in this body—and we all know what we make; every Senator, every Congressman, except leadership who get paid a little bit more, makes \$174,000 a year. If we think to ourselves: Could we and our spouses and two children live on \$22,000 a year, \$425 a week? But, beyond that, we also learned that deep poverty; that is, families with incomes less than half the poverty line, is also at the highest rate on record. More than 20 million Americans lived in deep poverty last year. That is just over \$11,000 a year for a family of four. That is almost mind-boggling. How do people live like that?

Our children are suffering incredibly high levels of poverty. The Census Bureau pointed out that 22 percent—1 out of every 5 kids in America—were poor last year. When compared to other industrialized nations—the OECD countries—the United States has one of the highest rates of child poverty in the world. That is inexcusable. It is a national crisis. It is something we should be discussing here on the Senate floor daily.

In addition to our children, other vulnerable populations are suffering as well. People with disabilities continue to face higher poverty than people without disabilities. About 28 percent—almost 1 out of 3 individuals with disabilities in America—are poor, compared with 12.5 percent of those without disabilities. That is twice the amount.

Minorities also face devastating levels of poverty. More than a quarter of Blacks and Hispanics—more than 25 percent or 1 in 4—are in poverty in America. Again, keep in mind, for a family of four, that is just \$22,000 a year. So 25 percent of Blacks and Hispanics are in poverty, 10 percent of Whites, 13 percent of Asians. These disparities are deeply troubling. More than 10 million Black and Hispanic children woke up this morning in a household struggling with poverty.

Again, we have to remember, while I talk about these as numbers, there is a real story, there is a real family, a real individual, a real child behind every one of them.

There are 46 million stories about families sitting around their kitchen table—if they are even lucky enough to have one—struggling to figure out how

to make ends meet, stories of people choosing between whether to pay the rent or pay the utility bills, choosing whether to pay for diapers or medication for their kids, choosing whether to put food on the table or gasoline in the car—so they might get to a minimum wage, part-time job someplace. This should not be happening in America.

We have heard a lot of talk and I have heard Senators and Members of the House in speeches recently talking about how we cannot afford this and we cannot afford that because, let's face it, we are broke, we are deeply in debt in this country and we are broke. I beg to differ. The United States of America is today the richest country in the world—the richest country in the history of the world.

If we are so rich, why are we so broke? We are not poor. We are the richest country in the world. So what this census report yesterday points out is this is a wake-up call that we are failing. We are failing our most vulnerable citizens. We are failing to provide a ladder of opportunity for people to become part of the middle class. We are destroying futures, destroying hope among our children.

First and foremost, I think this report yesterday graphically illustrates how dangerous it would be if we as lawmakers give in to the current atmosphere of budget hysteria—budget hysteria—fear, and fatalism that is now going on on Capitol Hill. By giving in to it, we eviscerate the essential economic security programs just because somehow we want to score political points.

Well, people all know that most people in poverty have a higher rate of not voting than wealthier people. We know that. So I guess, if you want to get votes, you appeal to people who have money. If you want to get elected, you appeal to people who have money because they are the ones who give you money to get elected by, like big corporations. So the poor are kind of forgotten about. So if we give in to this budget hysteria, the first people who are usually hurt are the most vulnerable of our citizens.

The Census Bureau's numbers show, again, without question how effective and important these safety net programs are to keeping millions of people out of poverty. Social Security alone—according to the census numbers, kept 20 million people above the poverty line. Unemployment insurance kept 3.2 million more people out of poverty.

We have always known these are crucial programs, but now we know just how important they are. And other programs, if they were counted by the official poverty measure, which they are not, would have lifted millions more people out of poverty. For example, the SNAP program—food stamps—would have lifted 3.9 million people above poverty. The earned-income tax

credit would have lifted 5.4 million people. Without these crucial safety net programs, the poverty situation would be much worse. Yet, mark my words, with this supercommittee that is meeting or whether we go into some kind of a sequestration or whatever that means around here, are we going to cut back on the food stamp program, are we going to cut back on unemployment insurance, maybe cut back on Social Security, as some would want to do, and Social Security benefits? That just means more people will fall below the poverty line.

I think the second lesson we can learn from this report is about the crippling effect falling paychecks and rising inequality are having on our economy. Income went down again last year. Real median household income was \$49,500. That is down 2.3 percent from the year before and down 6.4 percent since the start of the recession. This is not just the effect of the recession; these are long-term economic trends that have caused a dramatic increase in the income inequality in this country, and it has been going on for at least the last three decades, little bit by little bit by little bit, to the point now where we have a huge disparity in income equality in this country.

Again, paychecks for American workers are not falling because they are not working as hard or producing less. According to testimony from former Secretary of Labor Robert Reich to the HELP Committee, the typical American family is working more than 500 hours longer per year now than they were in 1979. Got that. The typical American family is working 500 hours longer per year than they were in 1979. In addition to working longer, their productivity, as measured by the Bureau of Labor Statistics, has continued to rise.

So what has happened? People are working longer. There is more production, more units per person per hour worked, and yet wages have fallen. Why is that? You would think wages and benefits would have gone up with longer hours and more productivity. Well, that is not what happened. It is not that companies cannot afford to pay their workers more. Profit margins of Standard & Poor's 500 companies are at their highest levels since the late 1960s. So what has happened during the last three decades, since 1979, is that the executives have shifted revenues from workers' paychecks to the corporate bottom lines and their own pockets—more to profit, more to capital, less to labor.

We cannot allow these trends to continue. Economists across the political spectrum agree that a major cause of our current economic stagnation is a chronic lack of demand. For nearly three decades, workers' incomes have been stagnant. Working families lack the purchasing power to drive Amer-

ica's consumer economy. Without adequate demand, businesses are reluctant to invest and hire. Simply put, until we raise the numbers on people's paychecks and the number of people working and making a paycheck, the economy will never recover.

The final lesson I think we can learn from yesterday's census report is about healthcare. There is a small silver lining here. While the recession is obviously continuing to impact health care coverage, there are some signs that the early stages of implementation of the affordable care act, that is, the health care reform bill, are making a difference. While the census data shows that the number of uninsured increased from 16.1 percent to 16.3 percent of the population—the Census Bureau deemed this “not statistically different”—the affordable care act's requirement that health plans provide dependent coverage to young adults to stay on their parents' policy until age 26 is making a difference.

The data from the Census Bureau shows that the 18-to-24 age group was the only group “to experience a significant increase in the percentage with health insurance over the past year,” up to 72.8 percent from 70.7 percent in 2009. So, again, there is a small silver lining there in terms of healthcare coverage for our younger population. So it is a modest step forward for young Americans.

But the overall picture the census report reveals is a nation—the United States of America—on the brink of a crisis. It should be a call to action. I think the President's jobs bill is a good start. We have to create more jobs, not just any job but good-quality jobs that pay decent wages and benefits, a job to lift a family out of poverty and not to keep a family in it.

Again, I have been paying attention a little bit to some of the debates that have been going on in the other party.

I was looking at the figures from the State of Texas that more jobs have been created in Texas than any other part of the country. Well, when you look closely, Texas had by far the largest number of minimum wage jobs than any other state, and the number of minimum wage workers more than doubled between 2007 and 2010. That is our future—minimum wage jobs at \$7.25 an hour? That is barely \$15,000 a year, under the poverty line for a family of four. Is that something to brag about, that we are creating more minimum wage jobs that will just keep families in poverty? As I said, we need jobs to lift families out of poverty, not keep them down, under the poverty level.

Lastly, I have said so many times here on the floor that we will not be able to tackle the problem of poverty in this country until we have a strong middle class and a clear path for people to become middle-class citizens. That

means we should invest more in education, more in innovation, more in infrastructure-building in this country. It means restoring a level playing field with fair taxation—fair taxation. To repeat something the President said the other night—why should Warren Buffett pay less of a percentage of his income than his secretary? You wonder why people get cynical about government. Of course they are cynical. They have every reason to be cynical when we pass these laws around here and we tax capital at a lower rate than we tax labor. Why should someone who is laboring and working be taxed at a higher rate than a wealthy person who maybe invested a lot of money, and they are putting it all into capital gains, and they are paying a lower rate of taxes than someone who is out there working for a living? Why is that fair?

Well, we also need vibrant unions, vibrant unions that can bargain collectively for their people for wages, hours, conditions of employment. We need a strong ladder of opportunity to give every American access to the middle class.

So, again, yesterday's poverty numbers told a bleak story about 46 million Americans who cannot make ends meet. I hope that next year at this time, when the new census numbers come out, we can begin to tell a different story about how we acted boldly, with imagination and vision, to help these people turn their lives around and build a better future. In a nation as strong and as vibrant and, yes, as rich—as rich—as the United States of America, no one who works hard for a living should have to live in poverty, and we should not rest until that vision becomes a reality.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

SPIRIT OF COOPERATION

Mr. SCHUMER. Mr. President, there has been a promising new tone in Congress since our return from the summer recess. It has taken some by surprise. But even more striking than the new tone is that it has brought with it a few modest signs of a new spirit of cooperation.

The House this week sent us the highway extension and an aviation extension that are clean. During August, there were clamors from some corners in the other party to mount a fight over the gas tax or insist on harmful cuts to road and bridge repair, even if these demands risked a shutdown of road construction projects. As recently

as last Friday, Republicans were planning to insist on a 5-percent cut to the FAA budget—a move that could well have threatened another shutdown of that agency like we saw in August. But both fears, fortunately, have receded. Barring a setback in the Senate, we should be able to extend both the FAA and highway measures on time and without controversy.

This is a very positive sign. There was a sour taste left in everyone's mouth at the end of the debt ceiling debate, and that is causing a change in behavior. It is actually bringing us together. That process was made unnecessarily difficult because of the extreme tactics of a bloc within the House. The political process broke down and the public noticed.

In the aftermath of that debate, it seems everybody finally realizes there is a premium on reasonableness. The public does not want to see more of the "my way or the highway" approach that has been exhibited by some in the House. That is why there was head scratching earlier this week to hear a new rumor in the Capitol that the House Republican leadership might consider seeking to reopen the debt ceiling fight, ignoring the agreed-upon spending level for the 2012 fiscal year. As you know, the deal included a top-line budget number of \$1.043 trillion for the fiscal year that begins October 1. This was a significant cut, an actual cut from the fiscal 2011 level of \$7 billion. This agreement was ratified by all of those who voted for the final debt ceiling agreement. It was hailed as one of the better aspects of the overall debt ceiling deal because it would mean a lesser likelihood of another budget fight on September 30.

However, since this number was agreed to, some extreme Republicans have started looking to cause trouble. They have tried to see the \$7 billion in cuts represented by the \$1.043 trillion figure as a floor, not a ceiling. This would be a violation not just of the spirit of the debt limit deal but the letter of it.

The public will not stand for another budget fight. Republicans should understand that more brinkmanship on the budget at the end of September is not in either side's interest. Some, thankfully, in the House leadership seem to realize this. Majority Leader CANTOR, in a memo to the House Republican caucus sent in August, warned against picking another budget fight on the CR. Leader CANTOR wrote:

While all of us would like to have seen a lower discretionary appropriation ceiling for the upcoming fiscal year, the debt limit agreement set a level of spending that is a real cut from the current year. I believe it is in our interest to enact into law full-year appropriation bills at this new lower level.

Leader CANTOR affirmed these remarks earlier this week:

I say to my Republican colleagues, a deal is a deal. It's hard to imagine you would go

back on the debt limit agreement, but if you are even considering it, please stop.

We already will likely need to take time next week resolving what level of FEMA funding we should appropriate for fiscal year 2012. Earlier indications are that some House Republicans may want to shortchange the level of funding FEMA says it needs for next year. I can't imagine why anyone would want to play games with disaster relief. But if they want to debate that, they should not also be tying it to another budget fight that we have already resolved and that nearly caused a default for the first time in American history. We should not go back over those pages. We have had enough debates on the docket without reopening the ones we have already done.

The public is tired of these fights, and the public understands who keeps instigating them. To the House Republicans I say: Don't go back on your word on the CR. Leader CANTOR was right when he said in August you should abide by the level agreed to over the summer. Stick with that decision and let's move on to other issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

INTERNATIONAL SPACE STATION

Mr. NELSON of Florida. Mr. President, I am very happy to announce to the Senate that today NASA announced its new, big rocket design, with the President stepping forth to indicate that he will request funding for the design and building of this rocket.

I want to take the opportunity to share with the Senate what this rocket is going to be. To set the stage, you will recall that we have the International Space Station up in orbit now. There is a combination of six astronauts on board. It is an international crew. The space station itself—people don't realize how big it is. If you think about sitting in a football stadium on the 50-yard line, and looking from one end zone to the other, that is how big the space station is—120 yards long.

The space shuttle has been the vehicle that we have used now for 30 years, the last 10 of which have been used to build the International Space Station. The Russians have been taking up some components, but the major components, the heavy components are being taken up in the cargo bay of the space shuttle and assembled over the last decade into the station. We have six astronauts doing research in the zero gravity of orbit.

The future rockets going to and from the space station—a space taxi, if you will—are a competition among commercial rocket companies, and we think that competition will bring down significantly the cost of those rockets to take cargo and crew, and at the end of this year one version of those rockets will in fact launch, rendezvous, and dock with the space station and deliver cargo.

To make those human rated, with all of the redundancies and escape systems to save human life, it is going to take another few years. Of course, it is a disappointment for so many of us that the new rocket, ready to go to and from the space station, as the space shuttle used to, is not ready for humans, even though we are launching cargo. Thus, in the interim, we have to rely on the Russians with their spacecraft, which we have done before, because when the Space Shuttle *Columbia* was destroyed on reentry back in 2003, for well over 2 years we were down and not flying the space shuttle, until we could make sure that it was fixed. We relied on the Russian Soyuz to get to and from the space station.

All right, that is going to low-Earth orbit. But NASA, with its human space program, has another mission. Now, with the nonmanned space program, we just launched to Jupiter, we just launched a mission to the Moon, next month we are going to launch a mission on Earth observations, and before Thanksgiving we are launching a Volkswagen-size Recovery to Mars, with six wheels powered by a plutonium source so it doesn't have to go to sleep in the Martian night. This will rove all over.

It has a pole that will stick up, with a laser, and it can zap rocks so we can analyze their chemical content. It has a big scooper that can also get us additional samples. It has two eyes that will pop up as it roams around so we can see in real time the surface of Mars.

So we have a vigorous space program. But we still have to do what NASA is supposed to do; that is, leave the orbit of the Earth and venture out into the heavens with humans. That is what was announced today—announced by Senator HUTCHISON and myself, with NASA Administrator General Charlie Bolden making the formal announcement. The President has signed off on the specifics.

I am going to explain this rocket. But before I do, let me say there have been a lot of critics saying: Oh, it will cost too much. Remember, last year we passed the NASA bill unanimously in the Senate and passed it in the House with an overwhelming three-quarters vote. That set the parameters on the funding for this new rocket, and all of NASA's figures have come in underneath those levels that we set in the NASA authorization bill. Those are the numbers the Office of Management and Budget and the White House have scrubbed to make sure they are realistic, and that is what has been announced today.

Here it is. This is the rocket. Just to give an idea of the scale of this monster, the space shuttle in the stack, with the external tank and the two solids on either side, the tallest point of that stack is the top of the external

tank. From here that would come up to right there. That gives an idea of how much larger this rocket is. This rocket will launch more payload than any rocket in America's space program and probably the Russian/Soviet space program, certainly, now. Back in the old Soviet days I don't think the Soviets had one that was anywhere near this one.

What this rocket has is a core, and this is a core with liquid oxygen, liquid hydrogen fuel tank. It is taking the space shuttle engines—so we can keep the cost down, and a lot of this has already been developed—and putting five in the tail of this first stage. So first stage, liquid hydrogen, liquid oxygen. But it is boosted on either side by those solid rocket boosters—in this case a new one. Under the space shuttle it was four segments, but this one has five segments. So it is elongated and gives more thrust. These, on future versions, will be competed as to whether it is going to be solid rockets—and, by the way, the consistency of this pencil eraser is what the solid rocket material looks like—or whether those in the competition will be liquid boosters.

All right, that is the core. That comes up all the way to here. Then there is the second stage. We have second-stage engines we have been using in the past called the J-2. They are now updated with a new, more powerful version called the J-2X. So we have a lot of history on these engines. That is what is going to be the second stage, which then takes the housing for a lot of the electronics, and then the capsule.

The tower at the top is an escape tower. We could actually have an explosion right here on the pad, and the crew could survive because they would eject in the full capsule, being thrust away from the explosion, and then the parachutes would deploy and the crew saved; likewise, we could save the crew on this rocket all the way to orbit. So if there was a problem, we could still save the human life of the four to seven astronauts who are going to be in this crew capsule. We could save their lives, and that was one of the mandates after we lost Columbia in the reentry over Texas. The investigation board said: Build a safer rocket, and certainly one that is more economical.

This is now on a schedule for its first test—this version. This is the smaller version. This thing can evolve. This is about 70 to 77 tons. This thing can evolve to 150 tons, and then we are talking about a monster. On this version they will test it on a schedule for 2017. They will have several other tests, and they are on a schedule to put a crew into this rocket in 2021. They are then scheduled to rendezvous, or land, on an asteroid—this will be the first time that has ever been done—as a way of preparing us to then go to Mars.

So that is what NASA has announced today. I want to give great credit—great, great credit—to Senator HUTCHISON. She has been the ranking member and, alternately, chairman of the Subcommittee on Science and Space and is now the ranking member of the full Committee on Commerce, Science, and Transportation. She has been a princess in helping guide, first of all, the NASA authorization bill and the funding. Tomorrow, she and Senator MIKULSKI—the chair of the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations—will be taking up NASA's budget as they get ready to come to the floor.

This rocket will now allow us to get out of low-Earth orbit, assemble components—heavy components—that ultimately will take us out into the heavens exploring in ways we never have even started to design. Remember, 40 years ago we went to the Moon. That was quite an accomplishment. But the Moon is about 250,000 miles from Earth. With rockets like these, we are going to go far out into the heavens to explore the origins of the universe, to explore that which we have never even dreamed of, as we fulfill our destiny as a people who are explorers and adventurers by nature.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I rise to join my colleagues in imploring Congress to provide needed assistance to our families, our communities, and our businesses suffering from the rash of natural disasters that have hit our country hard this year.

While many of us who represent States on the east coast planned to spend our final week of our August work period traveling our State, touring factories, stopping by schools, and visiting military bases, Mother Nature had other plans.

We still traveled to our States, but we saw a very different scene: whole streets and towns flooded, homes and businesses washed away from their foundations, destroyed crop fields, and constituents worried about the loss of their homes and mourning their loved ones.

Over 2 weeks ago, Hurricane Irene barreled down our eastern seaboard, and early estimates suggest it could be one of the top 10 costliest disasters in U.S. history. I am here to tell the story of North Carolina.

In the early morning of August 27, Irene first touched down over eastern North Carolina's Outer Banks. Even before it made landfall, the storm brought on several tornadoes along the coast that swept away entire homes.

This is a photo of what is left of three homes hit by tornadoes in Tyrrell County. I was there, and it was truly devastating. One elderly man who had one of these homes was there the next day with a rake, forlorn look in his eyes, and said: The only thing I own now are the clothes on my back.

By the time Irene finally moved beyond the State of North Carolina, six North Carolinians had been killed, storm surges 6 to 9 feet high had flooded many towns, more than 500,000 were without power, and countless homes, businesses, and schools had been destroyed or severely damaged.

Fortunately, our State had prepared diligently for days leading up to the storm, boarding up houses and businesses and declaring mandatory evacuations for tourists and residents in our most at-risk towns.

A lot of pundits woke after Irene hit and started saying: Hey, it wasn't that bad. I wish to invite those individuals to come to eastern North Carolina and see what I saw in the wake of Hurricane Irene.

I saw small business owners in downtown Manteo emptying stores they have run for decades, tossing their waterlogged inventory, moving their furniture to the curb, moving out carpet totally destroyed, and these business owners wondering if it was even worth reopening their stores.

There was a bookstore, and a resident in the community came up to me and he said: Senator HAGAN, I have raised my children by sitting on this man's knees having books read to him day in and day out. We need this bookstore back in Manteo.

I wish to be sure it gets there.

I also saw crops that had been beaten by wind and rain for 15 hours, and it looked like they had gone through the spin cycle of a washing machine. I saw flooding in the fields so severe that Agricultural Secretary and former Iowa Gov. Tom Vilsack said it was the worst agricultural flooding he recalled seeing.

I saw families clearing and burning debris, pumping floodwater, tossing aside their soaked possessions that were beyond saving.

I also stood along Highway 12, eerily quiet, a highway that is usually busy with traffic, totally still at the point where Irene had left a gaping hole, blocking any vehicle travel to and from Hatteras Island and the towns of Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, and Hatteras. We can clearly see the breach of the highway here. It actually breached in three separate points along Highway 12. The only way to get to the island now is by ferry;

and, according to local reports, the line for that ferry was 15 miles long this weekend.

That is the picture in North Carolina. It is not the only picture. While there were scenes of destruction and loss, I also saw tremendous acts of determination and kindness. If winds and rains may have swept away our possessions, they also stirred up the best parts of North Carolina spirit. Our intrinsic devotion to community and to assisting those in need produced countless heroes across our State the past 2 weeks.

Everywhere I went, I saw emergency workers, volunteer organizations, and members of the community reaching out to their neighbors in need. In Craven and Tyrrell Counties, the American Red Cross and the North Carolina Baptist Men and Women provided hot meals. The North Carolina Baptist Men and Women were there, distributing 5,000 meals one afternoon when I was with them and also helping shelter and debris removal for those affected by the hurricane.

The North Carolina National Guard activated 400 members—including a member of my own staff who serves in the Guard—to provide emergency water, food, and supplies to some of the hardest hit areas. Emergency workers throughout the State continue to help families, businesses, and entire communities recover and rebuild.

While the people of the great State of North Carolina are committed to getting themselves and their neighbors back on their own feet, we have to do the same in Congress. For the North Carolina families, farmers, fishermen, educators, seniors, and small businesses struggling to recover, government assistance cannot come fast enough. It must not leave too soon.

Here is my bottom line: Congress must fully fund Irene recovery efforts now. But we must also fund the emergency funding needs in tornado-devastated Joplin, MO, and Alabama, and the flooded communities of the Midwest, also, and in the wildfire disaster currently in Texas.

Without a doubt, this year, our country has been ravaged by an unprecedented series of natural disasters. Since January 1, the President has issued disaster declarations in 48 States, and the hurricane season is far from over.

We are aware of this trend all too well in North Carolina. Just about 4 months before Irene hit, 28 tornadoes touched down across central and southern North Carolina, the most severe weather to hit our State since 1984. More than 20 North Carolinians were killed, 6,200 homes damaged, and about 440 homes were completely destroyed; 21 businesses, including the largest employer in the town of Sanford, were demolished, with another 92 significantly damaged, leaving at least 2,000 North

Carolínians in that one area out of work. Shaw University, located in downtown Raleigh, was forced to close for the remainder of the semester due to the immense damage to its campus.

We will never be able to predict the whims of Mother Nature, but we are able to prepare and prepare we must. Right now, FEMA's Disaster Relief Fund is running dangerously low. Even before Hurricane Irene arrived we were using \$400 million a month on disaster relief efforts. Today the fund is down to \$377 million, not enough for a week of spending before Hurricane Irene hit, and we still have 3 weeks to go in this fiscal year.

If we do not act now to fix this shortfall, millions of Americans will be left behind. Already, FEMA is shifting funds away from vitally needed reconstruction projects in previously hard-hit areas to what they call "immediate needs" assistance. I do not believe any one of us wants to be in the position of telling one of our constituents—one of our small business owners, one of our school principals—that we can't help because they are not considered an "immediate need." American victims of natural disasters should not be left at the mercy of a rob-Peter-to-pay-Paul system. That is not who we are as Americans.

We have a choice right now. In my mind and in the minds of all North Carolínians affected by the storms of Irene and the tornadoes that took place in April, the choice is clear: Congress must make these FEMA supplemental funds available.

The Budget Control Act that we passed in early August established strict spending caps to get our fiscal house in order while also allowing for a limited amount of funds to be made available in case disaster struck. Disaster struck, and now is the time to make those funds available. Meeting these needs is not just a necessity for the people of my State and many others, but it is also wholly consistent with the fiscal discipline that we agreed on and voted on in August.

But FEMA funding is not enough. Our farmers in North Carolina and across the eastern coast were devastated by Irene, and they are in desperate need of assistance. North Carolina is an agricultural State. Agriculture generates about \$78 billion a year in economic activity, and it employs close to one-fifth of the workers in North Carolina. Our agricultural industry, particularly our cotton and tobacco farmers, are in trouble.

At the end of the day, when all of the damage assessments are completed, our farmers could be out more than \$400 million from Hurricane Irene, and these crops were just getting ready to be harvested. Our farmers in our State absolutely cannot afford a blow like this one. We in Congress need to work together so assistance from the U.S.

Department of Agriculture can be expedited and delivered in a timelier manner. We need to act soon.

I want to end with a story from my State that I believe is particularly relevant at this time when communities across the country are in the process of recovery. Back in April, one of the most recognizable scenes from the post-tornado coverage was of a Lowe's store in Sanford, NC. Unlike with Irene, there were few warnings of the tornado's arrival. But when Michael Hollowell, the store manager, saw the storm approaching his store—and it was very fast—he calmly moved every customer to the back corner where he knew—because he had been trained—they would be the safest. I saw that Lowe's the very next day.

This is what that store looked like. It was completely demolished. But every single person in the store when the storm hit was alive. Mike Hollowell is a hero, not just to those people in the Lowe's store but to people all over North Carolina. Last week, not even 5 months after this devastation, that same Lowe's reopened, and it reopened with 2,000 more square feet than it had before. It just shows that North Carolínians and people across the country are committed to a recovery that will leave our communities better than ever.

The people of this great country are stronger than any storm. They will rebuild and recover. But that process may take many months, it may take many years. As their representatives, we have a responsibility to provide a reliable, comprehensive program of relief for that duration. To do any less is a dereliction of duty.

I call on all my colleagues to pass this FEMA supplemental bill as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS BILL

Mr. SESSIONS. Mr. President, in recent days the President has repeatedly told Congress to pass the stimulus package immediately. This began during his joint address to Congress last week when he said at one point:

I am sending this Congress a plan that you should pass right away. You should pass this jobs plan right away. Pass this jobs bill—pass this jobs bill.

Immediately following the President's joint address to the Congress, Press Secretary Jay Carney declared:

The President will submit a bill early next week, the American Jobs Act, which will specify how he proposes paying for the American Jobs Act.

As ranking Republican on the Budget Committee and wrestling with these difficult issues—I know Senator CARDIN is a member of the committee—we tried to figure out what this means and how much money the spending will be. But the bill that was transmitted to Congress Monday afternoon does not contain any fiscal tables, costs for any of his provisions, actually how those provisions will be paid for and when the pay-for will occur, or even an overall pricetag for the bill.

How can the President call on Congress to “pass this bill immediately” when no one even knows how much it will cost or where the money is coming from?

I sent a letter yesterday to the President's Director of the Office of Management and Budget, Jack Lew, asking that this information be provided to the Congress at once. But so far we have had no response. Part of the reason we need this information is that the total cost of the President's bill may be much higher than advertised. That has been the pattern around here. No one should be surprised. When the President said his plan would be “paid for,” he did not specify if he meant the total cost—to include increased interest resulting from the borrowed money to be spent immediately—or just the cost of the jobs provisions alone, actually how much goes out the door. Depending on whether the money is spent out and when it is paid back—assuming it is ever paid back—interest costs resulting from just this bill's borrowing could top \$100 billion. In other words, the interest on the money over the 10-year window, the 10-year budget we are talking about—if we spend \$450 billion now, we pay interest on that money. It is borrowed money. People loan us the money and we pay interest. Interest rates alone now—CBO projects them to go up, our Congressional Budget Office. Certainly they will. They are extraordinarily low today. But, at any rate, we could easily see the interest on this money over 10 years reaching \$100 billion.

The problem with looking at it as a 10-year scenario is that the debt is probably not going to be paid off in 10 years. Most of the debts we run up will be part of our deficit. If we want to raise taxes to fund a new program, maybe we ought to raise taxes to pay off the debt we have instead of spending it on a new program. The debt we have distributes American wealth to people who hold our debt all over the world.

In my letter to OMB, I request tables showing the year-by-year data for this bill's budgetary impact, including projected changes to the deficit for each of the next 10 years. In other words, how will it play out? If we spend \$450 billion in 1, 2, or 3 years, how much does that run up the debt? When does the repayment begin? How will it be paid, and at

what rate? If the President wants to advocate for a sharp, near-term increase in the deficit in exchange for the possibility of some undefined economic future, with the possibility of a stimulus, he ought to make that argument clearly to the American people.

I believe the President also needs to be honest in admitting that the bill's short-term costs would wipe out—obliterate—the \$7 billion in savings next year resulting from the debt limit deal. In other words, we went through this long, painful exercise that resulted in an agreement in the eleventh hour and the 59th minute to save \$900 billion, and then, hopefully, form a committee that would save another \$1.1 trillion to \$1.5 trillion, only a fraction of this \$2.1 billion in savings, of the \$13 trillion the Congressional Budget Office tells us will be added to the debt in the next 10 years. So it would save a little over \$2 trillion over 10 years but, at the same time, we are running up over \$10 trillion in debt. So it is not a big enough step. It is a step. There is progress. I certainly respect that, but it wasn't much.

To show us how small it is, next year we are projected, under the agreement Congress ratified, to reduce spending by \$7 billion. That is all. That is all it would be reduced from this year to next year in actual spending levels. So I ask my colleagues: Don't we need to be careful? After all the effort we took to achieve that much savings, shouldn't we think very carefully about a new stimulus plan that would spend \$450 billion, obliterating that savings? I think we should. But, at any rate, we do need to know precisely how much it is going to cost and precisely how the money would be spent.

Let's flash back to February. The Office of Management and Budget Director, Jack Lew, said this. This was when the President submitted his budget for the next 10 years. It was brought up here on the floor of the Senate. In fact, I brought it up. It was voted down 97 to nothing. But this is what Mr. Lew said about that budget:

Our budget will get us, over the next several years, to the point where we can look the American people in the eye and say we're not adding to the debt anymore; we're spending money that we have each year, and then we can work on bringing down the national debt.

We all know there is a certain amount of political license people get to utilize in the political world, and exaggeration sometimes is forgiven. But let me tell my colleagues, this is the Office of Management and Budget talking about the President's budget that he had just submitted to Congress. He said:

Our budget will get us, over the next several years, to the point where we can look the American people in the eye and say we're not adding to the debt anymore; we're spending money that we have each year, and then we can work on bringing down our national debt.

What is the truth? The Congressional Budget Office scored this budgetary plan and this is what they concluded: that over a 10-year period there would be huge deficits every single year. In about year 6 or 7, the lowest deficit would occur—\$750 billion would be the lowest annual deficit that would occur—and by the 10th year we would be back up to \$1 trillion. President Bush's largest deficit he ever had was \$450 billion and he was criticized for that. So we are going to have the lowest—and he says this is going to pay down the debt and wouldn't be adding more to the debt if we passed his budget, when his budget spent more, taxed more, and ran up more debt. I believe this is the most irresponsible budget ever submitted to the Congress of the United States, at a time of national crisis, when all experts are telling us the greatest threat to our national security is our debt.

Forgive me if I want to see the fine print on this legislation, when an administration tells us that—and the President said very similar things; the President himself said very similar things—we would not be adding more to the debt.

We in Congress raised the legal debt limit—I did not vote for that particular bill—but we have breached, I am afraid, our economic debt limit. America's \$14.5 trillion gross debt is now 100 percent of our GDP, our economy. Experts tell us we have already crossed a dangerous threshold. Our debt is pulling down growth and putting a damper on job creation right now.

We have to ask ourselves: Can we continue to borrow, running up even more debt in the hope that we can spend it today in a sugar-high type stimulus to create jobs in the short run? The Congressional Budget Office scored the first stimulus package 2 years ago that has come nowhere near achieving what was promised for it. They said, OK, if you spend \$825 billion now, you will get some short-term economic benefit, but scored over a decade, we would have an economic decline. The net growth of the United States would be less over 10 years than if we didn't pass a stimulus package at all. When we get up to 100 percent of GDP, I submit it is even more dangerous to keep running up debt.

This is a dilemma. We are in a fix. The economy is not growing the way we wish it to grow. CBO was projecting in January of this year that economic growth for the first 6 months would be about 2.9 percent. We were hoping that would be true. But what happened? The first quarter of this fiscal year it was .4 percent—not 2 percent, not 2.9 percent—and the second quarter was extremely low also. We have averaged about 1 percent growth the first half of this year.

We want to do something to help this economy grow. I submit we should do

everything we can that would help our economy grow now that does not run up the debt. What are some of those things? Producing more energy at home, creating jobs here; pumping more energy supply which could bring down the cost of energy. We can bring down the cost of energy, create jobs, create tax revenue, and create growth that way. We should eliminate every regulation that is not beneficial to this economy, and there are a lot of them. Some regulations are good. Many of them add costs to the entire economy for little or no benefit. We need to have the kind of tax reform of a permanent nature that creates confidence in our economy—the kind of tax reform that advances economic growth rather than increasing taxes to give Washington more money.

Those are my suggestions about how to deal with this. First and foremost, we are going to look at this proposal. We certainly are worried about the status of the economy today. We are deeply disappointed in the job numbers that continue to fall and, hopefully, we will find the key to changing that. But fundamentally the economy will come back and jobs will come back when growth occurs and growth will occur not in the public sector but in the private sector. We need to ask ourselves what it is we can do to create a better climate for growth and job creation. We need to be rigorous in analyzing the President's proposal, and to look at the details of it and how much it is going to cost and how we plan to pay it back. I think at a very minimum, we are entitled to that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I thank my friend and colleague from Alabama who has come to the floor. We see the world differently, but we both acknowledge we are at a moment where action is the only alternative. Doing nothing is unacceptable. When President Obama came to speak to us in a joint session of Congress last week, that is what he told us. He basically said, Let's roll up our sleeves, work together, both parties in Congress, for a change, and do something about this economy.

There are 14 million Americans out of work. The report now from the Joint Economic Committee and others cites the highest level of poverty in our country in decades; the problems working families are having week to week, month to month, and year to year, falling behind, despite all of their hard work. Their wages aren't rising to keep up with the cost of living. Many are surviving paycheck to paycheck.

A survey was taken recently across America asking working families the following question: Could you come up with \$2,000 in 30 days if you had to, either from savings or borrowing it?

Fifty-three percent of working families said yes and 47 percent said no. That is how close to the edge almost half of working families are living. A \$2,000 medical bill at an emergency room is almost nothing these days—it is for a minor injury—and these families could not come up with it. That is what they are facing. That is why the President said let us focus on doing things that will help these families and equally, if not more importantly, help small businesses create jobs.

There is no argument here about creating an army of government jobs. That is not even on the table. The President is not proposing that. Here is what he said: Let's give a tax cut, a payroll tax cut to working individuals so they have more take-home pay. I took a look at what it would mean in the State of Illinois. It would mean that for the average income, which is \$53,000 a year, that family would get \$1,400 in tax cuts or \$120 a month. I think it is worth something to working families to have that much more in their pockets to meet the needs of their families and perhaps make some critical purchases for their children, for their future, whatever it might be. That is a tax cut the President has proposed.

He also proposed a tax cut for small businesses if they will hire unemployed people, a tax credit of up to \$4,000 to hire these folks, take them off the unemployed rolls, and put them to work.

I went to several job centers during the August recess. One was in McHenry, IL, and one was in Elgin, IL. I spent the better part of the day sitting with unemployed people and talking to them. You ought to go there. If you think unemployed Americans—the 14 million on whom we hear the statistics—are living the life of luxury on their unemployment checks, they are not. Most of them are struggling to survive, and many of them come each day to a job center to brush up their résumé, to find out the latest people asking for new workers and put in new applications day after day. Many of them are discouraged after submitting hundreds of applications with no response. Some go back to school. I met a few who really made the right life choice by going back to take courses at community college, where they could afford it, or at job-training centers where there would be no charge to them, so they could pick up a new skill in an area in which they could get a job. That is the reality. The President is trying to create tax incentives for small businesses to hire those people.

Usually the Republicans who come to the floor applaud tax cuts. My experience is that they are for tax cuts when times are good and bad, but this time they are against these tax cuts. What is the difference between these tax cuts and the ones the Republicans historically support? There are two dif-

ferences: The President's tax cuts are focused on middle-income families, not the wealthiest, and they are the President's tax cuts. Those are the two differences.

I hope some on the Republican side will reflect on the fact, as the President said, that the American people are not going to reward us for our campaign rhetoric if this economy does not turn around. They want us to work together to solve the problems facing our economy. They want tax cuts for working families. They want small businesses to have an incentive to hire people. They want us to focus on creating good-paying jobs here at home. What kinds of jobs? Building America.

As the President said, if we are going to succeed in this world, we need to outeducate our competitors, outinnovate our competitors, and outbuild them.

I went to China over Easter. What is happening in that country is incredible. They are building in every direction—building cranes and construction activity everywhere. They are building the infrastructure in China to become the No. 1 economic power of the world in the 21st century. What are we doing? We are hearing speech after speech saying that because of the deficit, we cannot invest in America. Some say we cannot invest in education. They argue that we cannot invest in research, we cannot invest in building America. I think they are wrong.

The deficit is a serious challenge. Even the Bowles-Simpson Commission, which I served on and voted for, said: When you get serious about cutting spending, do it when this recession is behind you. They know, we know you can't balance the budget with 14 million Americans out of work.

Let me say a word about the safety net in America. I made a visit in Champagne, IL, to a food-distributing operation. They distribute food to pantries and soup kitchens all around central Illinois. Unfortunately, their business has never been better. More and more families are showing up in these places for a helping hand. I went in there to hear how they are doing. They are getting a lot of help from the private sector that donates food that is near expiration, for example, and a lot of contributions from churches and charitable individuals. It is very heartwarming to see it.

As I went to tour this place, there was a young woman there. She was an attractive, well-dressed woman. I assumed she worked for this food depository. She said to me that she had a job in a local school district as a teacher's aide. I was a little bit puzzled as to whether she was on the board of directors or what her connection was. She came there to tell me that as a single mom with two little kids, even with a job in the school district, which she was happy to have, she still needed

food stamps to put food on the table every day for her kids.

I don't think Americans—those of us lucky enough to never have to worry about the next meal—know what families are going through, working families struggling with low income, trying to keep their kids well-fed and to do what every parent wants to do. More and more of these families are going to soup kitchens very quietly because that is a meal they don't have to pay for. They are going to the pantries to pick up the groceries. I have seen them in one of the nicest and most prosperous counties in my State, DuPage County. I went to the pantries there, and I saw the people coming through the door. You would not be able to pick them out, but they are working families who need a helping hand. That is the reality. That is why the safety net is so important.

I am troubled that so many people today are on food stamps. I am not troubled that they are on food stamps; I am troubled because they have to be on food stamps. I hear critics come to the floor who say: There are too darned many people on food stamps. There is something wrong here.

What is wrong is not the food stamps; what is wrong is hunger and low-income and working families struggling to get by paycheck to paycheck. That is what is wrong. The number of Americans now qualifying for this food stamp assistance is even going up among those who are employed, such as the lady I met in Champagne, IL. That is a reality.

Something else is happening too. As more and more people lose their jobs, they lose their health insurance. When I sit down with the unemployed, that is one of the first items that comes up. Once you have lost that health insurance premium your employer helps you pay, most folks can't afford it. It is just way beyond them. So they are out there without insurance, and they are vulnerable. Some of them have sick kids, chronically ill children, and they worry about it. They go to the free clinics. We are seeing more and more working families showing up at free clinics across America. That is a reality of this economy too.

When we talk about cutting spending on Medicaid, keep in mind who receives Medicaid payments in America. In my State of Illinois, 36 percent of Illinois children are covered by Medicaid insurance. When it comes to births in the State of Illinois, 52 percent of all births in Illinois are paid for by Medicaid. But the biggest single expense in Medicaid is neither one of those. Mr. President, 20 percent of the Medicaid recipients in my State account for 60 percent of the cost of the program: the elderly—parents, grandparents, great-grandparents in nursing homes and convalescent centers, on Medicare and broke and stay there because Medicaid steps in and

helps them keep things together, so they have at least some care and some attention in the late years of their lives. When we talk about cutting spending in Medicaid, we are talking about hurting the most vulnerable people in America: children, such as the kids of that single mom I met; those who need prenatal care so their babies will be healthy; and, of course, the elderly who are stuck in that situation.

The same thing is true with Medicare. I understand Medicare costs are going up dramatically. I also understand the number of people under Social Security and Medicare is going to rise as baby boomers reach that age. But we have to take care that at the end of the day we protect the basic premiums and benefits that are presently available under Medicare. For a lot of seniors, it is their only health insurance. It is what keeps them independent and strong. We can't compromise that basic protection by privatizing Medicare or raising the cost of Medicare beyond the reach of senior citizens.

Finally, when it comes to Social Security, let me just say that this is a program which means a lot. For 70 percent of Social Security recipients, it is a majority of their retirement. For 25 percent of the Social Security recipients, it is all they get. That is it. So guarding Social Security and protecting its future is important for our parents and grandparents. It is important for our country and for its future as well.

The President came forward, and he said: This is my jobs bill. This is what I think will help move America forward, put more spending power in the hands of working families, create incentives for small businesses to hire people, focus on putting firefighters, cops, and teachers back to work. That is a priority in our country for sure, and investing in building in America.

One of the few lines the President had that got a bipartisan standing ovation—and there were not many last Thursday—was when he said it is an embarrassment that 10 percent of our returning veterans are unemployed. Let's put our veterans back to work. That is part of our President's plan.

When I listened to the Senator from Alabama—he doesn't like the way the President is paying for the plan, but he does pay for it. How does he pay for it? One thing he does is he reduces the Federal subsidy to oil and gas companies. Filled your tank lately? Take a look at what they are charging at the pump. In Illinois and most places, it is over \$4. That is translating into the highest reported profits in the history of American business. Oil companies have never ever had it so good. President Obama has said—and I agree with him—that if there were ever a moment in time when the Federal subsidies to these oil companies should come to an

end, this is it. The money saved should go to small businesses and families across America in this difficult economy.

The President also believes—and I agree with him—that the wealthiest among us, those who are most comfortable, should be asked to share in the sacrifice. There are some on the other side who would not accept one penny more in taxes on the wealthiest people in America. I don't get it. As I travel around Illinois, a lot of families are sacrificing in this tough economy. They know they have to. It is the only way they are going to make it. They know that some of the government programs which have been around in the past are not going to be there in the future or may be not as generous.

If working families and middle-class families across America accept that reality, why can't the wealthiest families in America accept it too? Honestly, I think they can. By and large, the people I know who are blessed with a lot of wealth and a pretty comfortable life have said to me: Senator, I don't need all of this. I don't need all of that Social Security payment. I can get by without it. I don't mind paying a little more in taxes.

Those are the people I run into. But you hear from the other side that is totally unacceptable. Some of them have said the President's plan is going to fall flat on its face because it taxes the wealthy in America. I think the wealthy should pay their fair share, and I think the President's plan is an honest, good plan that moves us forward. So for those who are critical of it, give me your alternative.

I wrote down here what the Senator from Alabama suggested. He wants more energy produced here at home. I am for that. I think we ought to go to places where it is environmentally responsible and produce more energy here in the United States. But I will say two things to keep in mind:

No. 1, all of the known oil and gas reserves in the United States of America that we could reach onshore and offshore equal 3 percent of the known oil and gas reserves in the world. Each year, the United States of America consumes 25 percent of the oil and gas consumed in the world.

We cannot drill our way into energy independence. We can expand the base and do it in an environmentally responsible way, perhaps find better sources, newer sources for things such as natural gas, but this is not the answer to our prayers.

Secondly, moving toward energy efficiency is not only good for the environment, it is good for the bottom line for a family and for a business, promoting efficiency.

My wife and I take a little pride in the fact that we own a car, a Ford Fusion Hybrid, and we were kind of patting ourselves on the back a little bit.

As we came back from vacation in Michigan, we were getting 36 miles a gallon. We felt pretty good about it. I was bragging to my friends about it, and now I am bragging on the Senate floor. It can be done. We can create more fuel-efficient vehicles. We didn't compromise anything, and we bought American.

I think that is what we need to encourage in this country: cars and other energy-saving equipment made in this country, creating jobs, reducing the need for energy to be imported from overseas and reducing the pollution that, unfortunately, hinders our environment and our health. I think that is a good thing.

So on the Senator's first point, sure, more energy at home, but put it in perspective. That is not the answer to America's economic needs.

The second point he says is to eliminate certain regulations. That could be true. I am sure the President agrees there are regulations now that don't make any sense. Get rid of them. I am not sure this is a big ball and chain being dragged around by our economy, but there is no sense in wasting time or money on regulations that really don't serve a good public purpose.

The final point he said—and I couldn't agree more—tax reform. We lose \$1.2 trillion a year to the Tax Code. Credits and deductions and exclusions and special favors written in the Tax Code for businesses and individuals have to come to an end. I actually think that is a good way to raise revenue and maybe even reduce marginal tax rates for corporations and individuals in the process.

That is what Bowles-Simpson said. So even my friend from Alabama who spoke earlier—even he and I can find some common ground. I hope he will agree with me and the President: doing nothing is unacceptable. The President has said: No more games, no more delay, no more politics. Do something. That is the message I got in August, as I returned to Illinois. It is a message I hope my colleagues share as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do almost on a weekly basis, to talk about the healthcare law and, I do that as a physician, someone who has practiced medicine in Wyoming for a quarter of a century, taking care of Wyoming fami-

lies. I come to the floor because I have great concerns about this healthcare law.

We know—history proves—that landmark pieces of legislation written in Congress often contain drafting errors at one stage or another during the bill's development. This is one of the main reasons most landmark bills are written and negotiated in an open and transparent manner. Writing and negotiating bills in this way helps Members of Congress minimize mistakes. It helps uncover any unintentional consequences. It helps fix problems. This is done through rigorous committee and floor debate, as well as House-Senate conference committees, as the bills go through the process.

Most importantly, doing something in an open and transparent manner gives the American people, the folks at home, an opportunity to read a bill, to study it, to think about it, to discuss it during townhall meetings with their Members, and ask questions and weigh in.

Well, unfortunately, we all know the largest healthcare law ever enacted did not undergo an open, transparent, or bipartisan process. President Obama promised the American people they could watch the discussions and the writing process—he said—on C-SPAN. Well, instead, the President and Democrat leaders in both the House and the Senate sealed themselves behind closed doors. Their strategy? Pass sweeping healthcare legislation based on stealth and speed. Use sound bites to sell America about expanding coverage, about cutting costs, about improving quality, and then offer very few details explaining exactly how the bill would impact individual Americans, nor what it would cost the country.

Well, while this entire strategy was being played out, the President and Washington Democrats were writing the legislation behind closed doors. Why? Well, to limit the time the bills could be read and reviewed by the American public. Some in Washington thought rushing a healthcare bill into law before America could read it was the perfect way to avoid public debate and public questioning.

Many of us recall when former Speaker of the House NANCY PELOSI infamously said: First, you have to pass the bill to find out what is in it. Well, the President passed his healthcare law, and the American people continue, on a daily basis, to find out what is in it. They do not like it, and it is easy to understand why.

As the American people had a chance to read the details, they started asking more questions. The numbers simply were not adding up. Health care costs, they were seeing, were going up, even though the President promised that health care costs would go down. There were costly mandates on small employers, and that was going to discourage

hiring. NANCY PELOSI said they would hire 400,000 people immediately. They have not been hired. She said 4 million new workers would be hired ultimately. We have not seen it yet.

Mandates we have seen come out of the health care law do nothing to spur economic growth and help the 9.1 percent of individuals nationwide—14 million Americans—who are currently unemployed and are looking for work. Then there are even more government orders forcing individuals to buy one-size-fits-all, government-approved insurance or face a fine.

The American people have had 17 months to find out what is in the President's healthcare law. One news report after another has been uncovering a laundry list of so-called glitches in the healthcare law. Well, former Speaker PELOSI wanted the American people to find out what was in the law, and 17 months later the American people are finding out that the President and Washington Democrats did not even write it correctly.

On Wednesday, September 7, of this year, Investor's Business Daily printed an article titled, "Oops! No ObamaCare Tax Credit Via Federal Exchanges?" The article explains that the way ObamaCare was written, individuals who qualify for a taxpayer-funded subsidy to buy government-approved health insurance in the new State exchanges may not get it. Section 1311 of the healthcare law requires the States to set up a State-run "exchange." This State-based exchange is a place where individuals can use their government subsidy to buy health insurance. Now, if a State declines to set up their own exchange, then section 1321 mandates that the Federal Government set it up and run it for them.

Here is the catch: The healthcare law, as written, as signed by the President, explicitly says the taxpayer-funded subsidies can only go to people who are enrolled in exchanges set up by the State. Nowhere does the health care law mention that the subsidy can be given to people enrolled in the Federal exchange.

So the American people are now finding out that their family might actually qualify for government help to buy health insurance, but they are not going to receive the help. Instead, individuals enrolled in federally run exchanges could be forced to buy health insurance that, absolutely, they cannot afford.

Not only might this law cause individuals to spend money they do not have, the law may also offer taxpayer-funded subsidies to people who do not actually need it. Let me repeat that. The law may actually offer taxpayer-funded subsidies to people who do not actually need it.

At a time when our country can hardly afford to spend money we do not have, Medicare's Chief Actuary, Richard Foster, exposed yet another glitch

in the President's healthcare law. The law allows approximately 3 million middle-class early retirees to qualify for Medicaid. Well, Medicaid is a safety net program designed to help low-income Americans.

Here is how this one works: The health care law defines how the Federal Government will set an individual's Medicaid eligibility. The calculations are all based on income. Here is the glitch: The healthcare law excludes a large part of an individual's Social Security income from that calculation. Well, today, Federal low-income assistance programs are required to count Social Security benefits as part of an individual's income. Thanks to the healthcare law, early retirees earning up to \$58,840 a year could now be eligible for Medicaid.

Here is what Mr. Foster said in an Associated Press article. He said:

I don't generally comment on the pros or cons of policy, but that just doesn't make sense.

This is the Chief Actuary of Medicare. "I don't generally comment," he says, "on the pros or cons of policy, but that just doesn't make sense."

Well, I agree. That is why I cosponsored legislation introduced by Senator MIKE ENZI closing this loophole. Senator ENZI's bill, S. 1376, changes the healthcare law subsidy eligibility calculation to include all nontaxable Social Security income.

The Congressional Budget Office and the Joint Committee on Taxation estimate if we enacted Senator ENZI's bill, we will save the Federal Government and the American people about \$13 billion. The Senate should immediately take up S. 1376 and pass it. This is \$13 billion we can save right now, today. Let's show the American people that when we see our country spending money that it shouldn't, we will take a stand, collectively as a Senate, and stop it.

These examples—these two examples—inevitably beg the question: What next? Clearly, the self-described "most transparent Administration in history" has a lot of explaining to do. I do not believe my friends on the other side of the aisle, who wrote this very flawed healthcare law—and they did it behind closed doors—I do not think they knew what they were doing when they wrote these provisions. How do I know that? Well, if they understood how devastating their policies would be, I think they might have had second thoughts.

How many more disruptive, ticking time bombs are there lurking in this law and in the regulations that still have not been written about this health care law that was signed a year and a half ago? We do not know. We do not know because many of the provisions do not even go into effect until the year 2014 or later.

As a physician who has practiced medicine a long time, cared for pa-

tients all around the State of Wyoming, been active in the Wyoming health fairs, bringing low-cost health screenings to people all around the Cowboy State, I intend to fight each and every day in this Senate to make sure the American people will not have to find out what kind of additional ticking time bombs there are in the healthcare law. That is because I am more committed than ever to repeal the healthcare law and replace it with patient-centered care, replace it with healthcare reforms that help American families get the care they need, from the doctor they want, at a price they can afford.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know we have had several speeches over the last couple of hours on very important topics—the jobs bill, our efforts to stimulate the recovery, a response from one of our Democratic leaders to Senator SESSIONS, and the good Senator who was just speaking talking about healthcare—but I have come to focus our attention, if I could, again this afternoon on a particular issue. We spent most of yesterday talking about a matter that is absolutely right at hand; that is, disaster relief funding and calling on this Senate and the House of Representatives to focus some immediate and comprehensive thought and attention on this subject, which is affecting so many of our constituents—Republicans, Democrats, and Independents—in big cities, small towns, and rural areas all over this country.

In fact, this is the first year in our memory and in, I think, the recorded recent history, we have had a Presidentially declared disaster in 48 of our 50 States. Just a few days ago, we along the eastern seaboard and the gulf coast, where I am from representing Louisiana, suffered from the original hit and then remnants of Tropical Storm Lee and then Hurricane Irene.

There are some Senators who joined me in a press conference earlier today. I think it was the Senator from North Carolina who said it has actually been three disasters: an economic disaster, in terms of an economy that is weak and fragile and we are doing our best to lift it and to strengthen it, and then Tropical Storm Lee and then Hurricane Irene.

It has been millions and millions of dollars of damage. Unfortunately, we

on the gulf coast tragically are getting to be experts in this field because we, as Senators and House Members from the gulf coast, have battled multiple disasters over this last decade. Katrina and Rita, which broke all records, surpassed any planning this Government has ever done.

We had a FEMA that showed up not ready, not comprehensive enough in its view. Our people have suffered. But we have made a lot of changes since then, and here we are today with actually a better FEMA, from all accounts. I wish to give a lot of credit to this administration, particularly, and not just Homeland Security. But the Cabinet of this President has been extraordinary in their reasonableness when it comes to this subject.

I have seen the opposite. So I think I am in a position to see the difference. It is a big difference in this Obama administration in terms of the Cabinet. They want to say yes to disaster victims. They did not want to say no. That is very important. They cannot always say yes to everything, to rebuild every building, repave every street, elevate every home. But they are trying to say yes. Most importantly, the lawyers have been instructed to find a way forward, as opposed to instruction that came from the last administration which was to find a way to say no.

So let me give credit where credit is due, to the Obama administration and their willingness to be flexible, to be forward leaning, to have attorneys who are trying to be on the side of the taxpayer, on the side of the victims, and not shortchanging people in times of desperate need.

Having said that, the administration cannot do it all on its own. They need Congress, as the Constitution says, to provide the funding so the executive branch can do its job. The executive branch, by all accounts, even Republicans have come to the floor from States that have been hard hit and said: It is a more muscular FEMA, it is a more dynamic FEMA, it is a more flexible FEMA.

I wish to thank Senators LIEBERMAN and COLLINS. They are the authorizers. Yes, I have had a part of it—others have, but they have worked tirelessly after Katrina and the disaster that happened on the gulf coast, where we were all shamed when we saw what did not happen that should have.

We fixed a lot of it, and that is something to be happy and proud about. When government does set its mind to improve things, it can. But we cannot do anything without the funding. Right now, FEMA is empty. The pot of money is empty. Projects, millions, hundreds of millions of dollars today, not just in my State but in California, in Tennessee, in Iowa, in Texas, and in North Dakota—and I could go on and on—but for the Record let me say a couple.

In Tennessee, mitigation of private residences from the 2010 floods has been halted. For those who might not be familiar with the word "mitigation," which most people are, it means one could be elevating their house, one could be putting shutters or storm windows on their windows. Let's see what else. A person could be potentially strengthening the frame of their house if they are trying to mitigate against high winds from a tornado. There are rules that allow people to try to improve their home so the next time it happens not only are they not homeless, but taxpayers are not paying again for the same sort of incident.

The Federal Government, under good policy, requires a certain portion of all disaster funding to be specific, to go to mitigation because taxpayers think, when we are trying to rebuild from a flood or a storm or a tornado or a bridge collapse, do not just build the same old thing, try to mitigate so it does not happen again. That is smart because then we are not double, triple spending taxpayer money.

But in Tennessee this family, let's say, is in the middle of elevating their home. Let's say they have gotten it off the ground by 2 feet, and the contractor showed up on Monday. They were sent home because this project has been stopped. So somewhere there are homes in Tennessee—I am not sure in what particular community—where private sector contractors, many small business owners and their employees, showed up to work and were told: Go home. FEMA is out of money.

We have to fix this this week before we leave and, if not, at the latest by next week.

In Iowa, repairs for an electric utility—I am not sure who provides utilities in Iowa. Potentially, it may be, as in my State in rural areas, the local rural co-op. Everybody knows what a rural co-op is. Their project has been shut down. Potentially, people are still receiving electricity. I do not think people are sitting in the dark. I am hoping not. But whatever they were planning to repair and fix in Iowa has been halted because we have run out of money.

In Texas, repairs to the University of Texas medical facility have been stopped. In Louisiana, roadway construction has been stopped. In fact, there was an article in our paper, the *Times-Picayune*, just this week that said \$100 million for Jefferson Parish—\$100 million—that is just 1 of my parishes, 1 of 64, the suburban parish that sits right beside Orleans that was very hard hit by these storms, not as hard as Orleans Parish but received billions of dollars of damage—those projects have been put on hold while we move that money to help the victims in the Northeast. That should not be the case.

We need to act quickly to refill the FEMA funds. In addition, I understand

in North Dakota and in other places there are problems. It is not just the DRF. The Corps of Engineers in its budget last year did not have enough money for emergencies. I slipped out of the Chamber a few minutes ago to go actually meet with the mayor of Grand Isle, who was here, as he is quite often, advocating on behalf of the only barrier island that is inhabited in the State of Louisiana, and he brought up pictures. Again, they are too small to see, but I am going to have them blown up for tomorrow. But I have in my hand pictures of the levees that were just ripped up and destroyed again from Tropical Storm Lee. These were levees on the gulf that we just completed.

But because the Corps of Engineers, when they rebuild levees, in their authorizing legislation are prohibited—which makes no sense whatsoever, it is a complete waste of taxpayer money—they are prohibited from betterment. They can build back what was there, but they cannot build it better or higher, unless they are directed to do so.

I am about ready to direct them because I am tired, on behalf of my people and the people of this country and the taxpayers, from rebuilding levees 10 times in a matter of 5 years. It is a waste of money—it is aggravating to the people whose homes are behind these levees—because we do not even have a policy, when we are building levees, to be ordered to build them stronger, higher, except, of course, in the case of some levee systems in Katrina. That was specifically directed, and it is being done.

We are building around the city of New Orleans a much stronger, much better system. One would think that would be being done all over the country. It is not. Why? Because we are short on funding, short on political will, and short on imagination and creativity when it comes to building infrastructure in this country. I, for one, am tired of it. So are the people I represent.

I am asking the other side of the aisle to step up and to provide funding, funding that is not offset in the middle of a disaster. We will figure out how to pay for these later—these disaster funds later. But as I think Senator LEAHY said so eloquently in our press conference today: Do the Republicans, some people in the Republican Party, actually believe we want fire departments all over the United States, when someone's house is on fire and they show up with the engines, to debate in the middle of the street how they are going to pay for the extra overtime to put out the fire? I do not think so.

Even if the fire department is broke, even if the funding has run out, we do not want to have a debate over how they are going to pay for overtime when the fire is burning. Put the fire out. Bring the people to safety. Put the

families in shelter. Then go back to the city council meeting next week and they can debate for as long as they want how they are going to ultimately pay for it.

We paid for World War II, obviously. It was a long time ago. It is completely paid for. We paid for World War I. We are paying for Afghanistan. We are paying for Iraq, which, by the way, not one, single, solitary Republican—and not many Democrats, for that matter, but not one Republican whom I can recall stood and asked or debated for 5 seconds how we were going to pay for the wars in Iraq and Afghanistan.

But when the people of Vermont stand in front of their bridges collapsed, their homes collapsed, their schools collapsed, and say: We need help, we have to have now a month-long debate on how we are going to pay for it. We have not done this since the 1800s.

We will eventually pay for it. America has to pay for everything. We will pay for it. We do not have to have that debate now. What we do have to have a debate about is how do we repair levees and what is the best way to mitigate it. What are the new technologies that can be used to make our communities stronger and smarter? How can we streamline the process? How can we eliminate the redtape? How can we get help to people faster? That is what we should be debating.

Instead, I have CANTOR and BOEHNER making us argue about what offsets there are. So I have to go to the State of Maryland and say: Senator, what can you give up this year in your State? I have to go to Michigan: What can you up in Michigan? I have to go to California: What can you give up in California, so we can pay for people who are underwater in Vermont and North Carolina?

What kind of government is this? I do not want to be a part of that and I am not going to be. So we have to fund these disasters now. The saddest thing about all this—it is sad and it is also puzzling and it is perplexing and it is aggravating is that we already sort of made this deal 1 month ago, when we negotiated that big agreement we all came to, about how the levels of funding would be for 2012.

Everybody remembers that, before we left for August, and we had this big knock-down, drag-out—in that agreement, our leadership, Republicans and Democrats, already agreed to do something that I think is very smart. I want to show what they agreed to. They agreed—because it is a puzzlement—how do we fund in advance disasters, how do we know how much to set aside. It is a problem because every year is different.

I wish to show what our problem is, so people listening can give me their own suggestions about how to solve it. In 2003, we set aside, in the whole budget of the United States—we can see

this a little bit—\$800 million for disasters. But we had \$1.7 billion. So we were short \$984 million. We funded it. That went on our books.

The next year we said: Well, this year we had \$1.7 billion in disasters. So the next year we put \$1.8 in our bill, thinking we would cover it because last year was \$1.7. But, lo and behold, we had an additional \$3 billion worth of disaster funding. We did not know these disasters were going to happen.

So the next year we increased the amount of money in our base budget. Then, lo and behold, in that year, we put in \$2 billion dollars. Katrina hit.

The levees broke. Do you know what the bill came in for? It was \$43 billion. We had budgeted \$2 billion because in the history of the past that is all we needed to cover disasters. It went from \$2 billion to \$43 billion. Who would have had a crystal ball to know that? Did we sit and debate? Some people tried to, until I said there was no way I was going to have to find a \$43 billion offset before we can let the people of the gulf coast know that help was on the way. We spent what was required to help the gulf coast.

You can see the next year here. These numbers are very erratic, unpredictable. So what our leadership did, looking back on these 10 years and listening to the debate and argument, was come up with a pretty good plan. They said, OK, we will throw out the high number, we will throw out the low number—in 2009 we didn't have any emergencies. Can you imagine 1 year that you have no declared emergencies, and the next year you have one in almost every State? That is how erratic this is. It is not as though we are not trying to plan. It is just impossible by the nature of what an emergency or disaster is. You can plan for them, but you cannot always predict how many you are going to have and where they will be. Of course, everybody understands that.

What our leaders did is they threw out the top one and the bottom one and came up with an average. That average is about \$11 billion—a very reasonable approach. So they put in our agreement that we made 30 days ago—we said, OK, next year, this is what the Federal Government can spend and, in addition to that, you can go up to the average. You can spend an additional \$11 billion, which is a very small amount of money compared to the whole Federal budget.

You would think we would not be having this debate. Why? The need is very evident, the history would dictate that we don't have debate over disasters, and the Republican and Democratic leadership has already provided a way, over and above our 2012 numbers, to pay for these disasters.

I ask this: Why are we having to fight for this? That is a very good question. I think it is because some people

on the other side of the aisle think this is a good thing to fight about. They think they have to find a pay-for for everything we do even, as I have described, when you cannot predict. Even if you do plan responsibly, you never know, as in the cases of Katrina, Rita, and Wilma. But our leadership negotiated a way forward.

Yet we have people all over the country looking to the Republican leadership and listening to Representative CANTOR and to Speaker BOEHNER saying: I want to help you, ladies and gentlemen, but we have to find an offset.

I think people might say: Why didn't we hear that when they sent troops into Afghanistan or Iraq? Why didn't we hear that when they are rebuilding Iraq and Afghanistan? The same people are not yelling and screaming—or didn't do it when we went in there. I think we have a good point.

I am saying I am proud of the Senate for last night, with Democrats mostly—and, yes, about 8 Republicans—who voted to move this debate forward. I thank particularly Senator BLUNT from Missouri, who is an outspoken leader on the Appropriations Committee, for the need to act now, act quickly, to fund the DRF, the Corps of Engineers. Of course, Missouri has had terrible tornadoes and flooding. Not only did they have Joplin, but they had the great flood of the Mississippi River, which was the highest in 50 years. It was so high along our capital city when I visited our mayor a couple months ago—that is Baton Rouge, which is our largest city, since 100,000 people left New Orleans to literally live on higher ground, although it has broken their hearts and divided their families. They have moved to Baton Rouge, as we are rebuilding levees and our flood control is stronger in the southeastern part of our State. People spend time walking on levees and riding bikes on the levees. Of course, mechanical vehicles are not allowed. You cannot have cars, trucks, and four-wheelers because that would be destructive to our levees. Our levees are quite huge. They are almost like linear parks. For the first time in the history of anybody who can remember, the mayor had to declare that everyone stay off the levees because the water was so high and seeping through. We literally thought maybe some of these great levee systems would breach. Happily, they did not. It was a frightening situation for millions and millions.

In some parts of Missouri, and other parts north of us, the levees did breach. Sometimes the levees will blow to protect other areas. It is frightening if your business is behind one of those levees, as North Dakota residents know all too well.

Nonetheless, we should not be debating this. I hope our bill will pass this week and get over to the House for a quick vote. If the House decides to send

us a continuing resolution, please, I want the leadership to hear clearly what I am saying—and I will send them a message by letter in the next few minutes—please do not think you can nickel and dime recovery efforts, that you can fund it 6 weeks at a time, or 4 weeks at a time. Disaster recovery doesn't operate that way. Our mayors, Governors, the Republican Governor of New Jersey, the Republican Governor of Virginia, the mayor of Patterson, who was with us today, and mayors up along the east coast who are with their people every day—the mayor of Joplin, MO, who has to be able to know that he can plan a year out or 2 years out—having to rebuild an entire town is overwhelming even if you have the money and the plan. Can you imagine if you sort of have a plan, but you don't know if the Federal Government will provide you money? Do you know the frustrating council meetings and school board meetings that will be had, and they will say, well, the Republican party in Washington cannot figure out if we should get funding, but it is 6 weeks at a time?

I will not allow that to happen. I am going to draw the line in the sand right now. You may get around me on it, but it will take a huge effort to get around this desk on that subject—a huge effort. If I have to shut the Senate down—and I have done it before—I will do it again, because I can tell you, as much as my name is MARY LANDRIEU, you cannot rebuild communities with 6-week plans. It took us 2 years to put together the Road Home Program—2 years after we got the funding. The reason we could not put it together before was—even though Mississippi had their money because President Bush gave it to them right away but made the people of Louisiana wait—because Congress would not decide how much money to give us. No mayor, no Governor, no matter how great they are, no matter how smart they are, no matter how many engineers they have, no matter how many Rotary Clubs are helping, no matter what the chamber of commerce is doing, I am telling you that it cannot be done without a reliable source of funding, so the planners can say something like this: We lost eight schools in this flood. They bring the community together—and these are how these discussions go—and say we might not have money to build all eight, but we have money to build six. Which six do you want to build, and where, what materials do you want to use, and which kids should go to which schools?

I have been in these meetings. I am not going to allow the mayors and Governors to call their people together and say we lost six schools and we don't know when the money is coming to build them, and we cannot make any plans because the Republican leadership has decided that every 6 weeks

they are going to let us know how much money we are going to get.

That is not going to happen.

I want Speaker BOEHNER to think about this, and I want MITCH MCCONNELL to think about this, and I want the Republican leadership to think about it. I will negotiate on the top number. I will talk about maybe FEMA doesn't need quite this much. I will talk about maybe the Corps of Engineers doesn't need that much. But I will not, under any circumstances, agree to a 6-week or 4-week continuing resolution. You may run the Government of the United States that way. We have, unfortunately, gotten used to it. That is a sad commentary, I might say, that we run the greatest government ever created in the eyes and vision and hearts of mankind, but we operate it on a 6-week basis. That might be the game we play with the government, but I am not going to allow that game to be played with people who have lost their homes, lost their businesses, and who look up from a storm and say, my gosh, what happened to me? Then they don't know what is going to happen because we cannot make a decision that lasts more than 6 months or a year. So the minimum will be 6 months. I hope we can find the will to do a whole year, because without that you are going to shut down recovery operations at a time when it is heartbreaking to think of small business owners who have lost their print shop or their dress store or their shoe store, and they see everybody talking about creating jobs. They used to have three of them last week—selling printing material or selling shoes or whatever—and they are trying to get their business back, and we cannot decide—even though we have the money, even though we already budgeted the money, and although we already made an agreement about how we would do this—we are going to still argue.

I will tell you, if this is on the tea party's agenda, I suggest they take it off. If it is somebody else's agenda, please speak up. I have not had one single Republican Senator come down and defend this position, because it is indefensible. I hope when the leadership is negotiating—and they are doing so now—they will hear me in summary very quickly: The FEMA pot is empty. The Corps of Engineers is always running on fumes. Levees are breaking and flooding, and it is occurring in places that haven't flooded in a hundred years. When we wake up and realize that we have to put more money in emergency funding and be there when our people are hurting, as they are now—and we will eventually pay for this; we don't have to figure that out in the next 30 days. We have to give them a green light and the billions of dollars they need to operate for a year. Everything else is negotiable. But this is not going to be negotiated. We are not

going to rebuild pieces of 48 States 4 weeks at a time. That will not happen. Whatever amount of money we give, let it be for as long as we can make it, let it be as robust as it can possibly be, and let's give a green light to our Republican Governors, Republican mayors, Independents, and Democrats out there, who are shellshocked about the work before them.

The people in neighborhoods are still crying and in shock about what they have to do in making decisions. Should we come back? Should we not come back? What should our neighborhood or community do? Maybe we should all move to higher ground. These decisions are being made right now. The last thing they should worry about is Congress debating whether there is money there to turn that hose on.

Let's do our job the way we have done it for 150 years.

Let's continue to do it and let our people know we are there for them, as we try to be there for other people in the world who are caught in situations such as this. We most certainly need to be here for our people in America.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I come to the floor today to talk about a site of particular historic significance to the Commonwealth of Virginia and an action we in Virginia are requesting the President make. But before I get to that subject, I want to take a moment to echo what I know the Presiding Officer said, and my colleague, the distinguished Senator from Louisiana, and so many other of my colleagues who have come to the floor over the last few days to express concern and talk about the series of natural disasters and calamities our various States have experienced over the last few weeks and months.

We have had, in effect, the trifecta in the Commonwealth of Virginia in the last month, where, about a month ago, we had an earthquake hit—something that was a bit unprecedented in Virginia—which shut down schools in Louisa County. That earthquake also caused damage at the Washington Monument and at the National Cathedral, but in central Virginia—in Louisa County, in Mineral, and Culpeper, and other places around Virginia—it caused enormous damage.

We had Hurricane Irene, which—again, through central Virginia and down into Hampton Roads—caused enormous damage. Then, most recently, we had Tropical Storm Lee,

where I had the opportunity to visit a community not far from where I know some of the distinguished folks who work in the Clerk and Parliamentary Offices live—in Alexandria. Not too far away from there is a neighborhood named Huntington, VA. This community I walked through has been flooded out three times in the last decade. So we have a 100-year floodplain. Yet three times in the last decade they have been flooded out.

So all these folks—whether in Hampton Roads in Richmond or the folks in Louisa County and central Virginia with the earthquake or the folks in Huntington—are saying: We just need that assistance that other communities have when they have been met by natural disasters. What purpose do we have for government other than to make sure there is an emergency response, and then after that response that there is an ability to get people back on their feet?

So I thank my colleagues again, particularly the Senator from Louisiana, who has been tireless on this issue of making sure FEMA has the resources it needs to address these disasters, and that we do so in a meaningful way. We recognize, of course, we can't just put these on a credit card forever; that we have to have a rational way to pay it back and figuring out a 10-year rolling cycle to budget for emergencies ought to be part of our discussions going forward. But trying to say that must be done at this moment, with the economic downturn and the recession, while communities are in need—whether they are in Oregon or in Virginia or one of the other 48 States that have had a disaster declaration issued over the last year—is not the way we ought to be doing business.

FORT MONROE

Mr. President, in addition, I rise today to encourage President Obama to use his authority under an act that probably most in this Chamber are not that familiar with—called the 1906 Antiquities Act—to designate Hampton, VA, Fort Monroe, as a national monument, which would make it an official part of the National Park Service. Our hope is that the President will consider designating this in the coming days as this historic fort is turned back over to the State of Virginia, having gone through the BRAC process, with the Federal Government disposing of it.

Let me take a moment on the Senate floor this afternoon to tell you a bit about this special place. This fort was built in the early 1800s, but, actually, the fortifications go back much earlier than that. It is an area called Point Comfort. As early as 1608 Captain John Smith recognized the importance of building a fort at Point Comfort, as the English colonists called this land.

From its very beginnings, Fort Monroe has been associated with many key figures in American history. Robert E.

Lee supervised work on the fortress as a young U.S. Army lieutenant. Edgar Allan Poe, the famous poet—and I am sure our pages, at one point, hopefully, had to memorize “The Raven” in high school—was a soldier at Fort Monroe. Abraham Lincoln, during the midst of the Civil War, paid a critical visit to Fort Monroe. And Harriet Tubman, an incredibly important American—who was only recently, in the last 50 or so years appropriately recognized—nursed wounded soldiers there in 1865.

Another historic American figure had maybe mixed feelings about his visits to Fort Monroe. Jefferson Davis was at Fort Monroe on two very different occasions: First, as the U.S. Secretary of War, and later, as the former President of the Confederacy, he was imprisoned at Fort Monroe for 2 years.

By World War II, Fort Monroe was the headquarters of our military’s successful efforts to protect the mid-Atlantic coast. After World War II and to the current day it has been home of the Army Command responsible for training our warfighters.

For all of these various events alone, I would argue, as a Virginian, that would warrant the designation of Fort Monroe as part of the National Park Service. But its true historic significance goes back, actually, to a night in May of 1861.

During the Civil War, Fort Monroe had an important strategic role as one of the very few Union military installations located in the South that was never occupied by Confederate forces. For the folks who have traveled down to Norfolk and Virginia Beach, they know that Fort Monroe is the point that sticks out right before they go through the bridge-tunnel that takes them over to Norfolk and Virginia Beach. It has a commanding view of the whole gateway into what we call Hampton Roads.

On May 23, 1861, three slaves—Frank Baker, Shepard Mallory, and James Townsend—got into a small boat in Hampton, crossed the James River, and presented themselves at the front gate of Fort Monroe seeking safety and sanctuary. For the previous many weeks, Baker, Mallory, and Townsend had been forced by their owners to help construct a Confederate artillery post aimed directly at Fort Monroe. Obviously, that was not something these individuals wanted to be part of.

I want you to think a moment about the choices that were being made by these three men—these three slaves—Frank Baker, Shepard Mallory, and James Townsend. They left behind the community where they had spent most, if not all, of their lives. At least two of the three left behind wives and children. It was entirely possible that once these three men reached Fort Monroe, the Union soldiers would simply turn them around and send them back to their owners.

One of the things I think even students of American history sometimes forget is that it was the official U.S. Government policy, even in the so-called Confederate States, after the Civil War had begun in April of 1861, to still turn slaves back over to their owners.

Baker, Mallory, and Townsend had to know if they were returned as runaways, they could expect the most Draconian of punishments. But they figured the choice should be theirs to make, so they made it. They soon found themselves standing before the new commander of Fort Monroe, MG Benjamin Franklin Butler.

Deciding it might be easier to apologize later rather than seek permission beforehand, General Butler made a huge and historically courageous decision. He classified the three slaves as “contraband of war,” a policy that was later adopted across the Union to protect any slaves who managed to reach Union lines. As a result, Virginia’s Fort Monroe ultimately became a beacon of hope for thousands of enslaved people seeking freedom. In fact, Fort Monroe became known as the Freedom Fort.

The day after General Butler’s edict, eight more slaves showed up at Fort Monroe. The day after that, 47 more appeared. By the war’s end, thousands—literally thousands—had appealed for contraband status at Fort Monroe. General Butler’s declaration of this decision of “contraband of war” helped change the course of the Civil War and our Nation’s history.

This Thursday, September 15, the U.S. Army will officially hand over Fort Monroe to the city of Hampton and the Commonwealth of Virginia as part of the 2005 BRAC process. I proudly join with my colleague Senator WEBB, the bipartisan Virginia House delegation, Virginia’s Governor Bob McDonnell, local residents, and the National Trust for Historic Preservation in urging the President to take this opportunity to declare Fort Monroe a national historic treasure. By using the Antiquities Act to grant this designation, it also will allow us to begin the work to create a national park at Fort Monroe.

For more than 100 years, Presidents have used the Antiquities Act to protect some of America’s most important and beloved historic places. As a matter of fact, it was use of the Antiquities Act that first designated the Grand Canyon as well as the Statue of Liberty. So there is obviously enormous historical precedent. And there is no dispute over the historical significance of Fort Monroe.

Over the last few years, I have spent a considerable amount of time, both as Governor and then subsequently during the BRAC process and now as a Senator, working with State and local residents and officials to explore the

opportunities to partner with the National Park Service to preserve this incredible piece of American history. I spoke as recently as last Friday with the White House about Fort Monroe. I am hopeful we will have promising news in short order.

It would certainly be timely if the President’s decision could be announced this week, as the Army prepares to exit Fort Monroe, as our Nation marks the 150th anniversary of the Civil War, and as many Virginians focus anew on the future of this very special place.

I feel this is an especially appropriate time for the President to recognize the crucial role Fort Monroe has played in our Nation’s history, and I again urge him to use his long-established power under the Antiquities Act to keep this process on track.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGAN). Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE

Mr. BROWN of Ohio. Last week, new trade figures were released. I know the Presiding Officer from North Carolina is very concerned about what has happened with these trade figures and what it means for jobs in her State and in my State.

The trade deficit with China widened from \$26.7 billion in June to \$27 billion in July. That is one country in one month. Granted, it is the country we have the biggest trade deficit with, but it is 1 month. President Bush, Sr., some years ago, said that a \$1 billion trade surplus or trade deficit translated into some 13,000 jobs. Whether that number is precise or quantifiable or measurable is not the point. The point is that when we have persistently large trade deficits month after month, year after year, now decade after decade, we know what it means to the industrial base in our country.

I spent much of August in places such as Belmont County, St. Clairsville, Cleveland, Dayton, Mansfield, and Springfield, OH, where, in my State alone, these cities and communities had proud industrial heritages. They are places where people had real opportunity to join the middle class. After they graduated from high school, they could go and be trained and work in manufacturing and usually buy a

home, a car, and send their child to college. My wife is the daughter of a utility worker, since deceased, in northeast Ohio, and she and her two younger sisters and brother were able to go to, in her case, Kent State, and other universities, in part paid for by her father's work in manufacturing—if you will, his union card—and assistance from government Pell grants and all they were able to do so the kids didn't graduate with huge debt the way they too often do now.

The trade deficit with China through July 2011 totaled \$160 billion, up from \$145 billion over the same period in 2010. We debate the budget deficit, as we should. But too many politicians in this city, too many editorial writers, too many pundits and economists ignore the trade deficit. They are too focused on things such as pay-fors. They ignore how the trade deficit has a dangerous effect on American jobs.

The best way to get our fiscal house in order is to get America working again, and one way to do that is by cracking down on unfair trade practices of some of our so-called trading partners. When the President steps up and enforces trade rules—and while I do not agree with the President sending the Korea, Panama, and Colombia trade agreements to the Congress for votes because I don't think they serve America's interests, I do believe this President, more than his predecessors, has been, relatively—I say “relatively” but blessedly so, and in some cases aggressive at enforcing trade rules. I have seen that in Youngstown in creating jobs. I have seen it in Loraine, where it has created jobs, and in Fenway, where it has created jobs, and it has helped our industry in Butler County in steel, in paper, and in tires.

It is clear that part of this problem is currency manipulation from the Chinese, which undermines American manufacturing and our very own job-creating efforts. In June, the Economic Policy Institute released a new report showing that addressing Chinese currency manipulation could support the creation of 2.25 million jobs. Put that in contrast to what they say—the “free traders at any cost” sort of free market, free-trade fundamentalists who preach: Pass NAFTA. It will mean hundreds of thousands of jobs. Pass CAFTA. Pass PNTR with China. It will mean millions of jobs.

It never does. It means job growth, but the job growth usually takes place—with NAFTA, it was in Mexico; CAFTA, in Central America; and PNTR, in China, which is East Asia. There is job growth, but there is nothing close to net job growth in our country. Even that, the President is saying, with this new agreement with South Korea, that it will sustain or keep or contribute to sustaining or keeping 100,000 jobs or so. So even the promises aren't that great on this new trade

agreement, and we know they never live up to their promises. But we do also know if we stood up to currency manipulation, it could create 2.25 million American jobs. My friends on the other side of the aisle don't ever want to do any kind of direct spending on infrastructure in terms of job creation; that costs tax money. I think it is a good investment; they don't. But standing up on currency we know doesn't cost American taxpayers and it will, in fact, mean American jobs.

A paper mill in Butler County, down near Dayton and Cincinnati, someone who worked at that paper mill told me they are now competing with China for coated paper, which is a higher tech manufacturing of paper—the kind of magazine paper we all touch and use—that the pulp comes from Brazil, it is shipped to China, it is milled in China and shipped back to the United States and they undercut American prices. Yet only 10 percent of the cost of paper production is labor. What does that mean? It means they are gaming the currency system. They are subsidizing water and capital and land and they are paying low wages. How do we compete when they are not playing fair? Forget the low wages even for a minute. How do we compete when they are playing these currency games? By continuing the currency manipulation, we lose far too many jobs. By combating it, we help level the playing field for our manufacturers, we help our workers, we help spur our economic recovery.

That is why I introduced the Currency Reform for Fair Trade Act. It would strengthen countervailing duty laws to consider undervalued currency as an unfair subsidy in determining duty rates.

So when we contest on a trade agreement, all we are saying when we contest is that undervalued currency is considered an unfair subsidy, because it is. It is not hard to convince people of that. It is not hard to illustrate or prove that. So when an industry such as the coated paper company in Hamilton or the oil country tubular steel used in drilling in Lorain or in Youngstown, where there is a new steel mill because of a trade decision—the President made—thank you—or aluminum in Sidney—when an industry petitions the International Trade Commission for relief against unfair subsidies, currency manipulation under this new bill and amendment we are going to offer on the floor will be part of that investigation.

This is a designation that would ensure the government has the tools to respond on behalf of American manufacturers and workers by imposing countervailing duties on subsidized exports from China.

We have broad support here. Senator SCHUMER from New York, a Democrat, has been very involved. Senator SNOWE

from Maine, a Republican, has been very involved. Senator STABENOW, a Democrat from Michigan, and Senator GRAHAM from South Carolina, a Republican, have been very involved in understanding that these kinds of currency manipulations cost us American jobs and undermine our economy. This designation would ensure the government has the tools to respond on behalf of American manufacturers and workers by imposing these countervailing duties on subsidized exports from China. It is simple, straightforward, and achievable.

Addressing currency manipulation would decrease our budget deficit up to \$70 billion a year and somewhere between \$500 billion and \$800 billion over 10 years if sustained. Addressing our trade deficit should be part of the debate in reducing our budget deficit. If we are going to create jobs, we have to ensure that our trading partners don't stack the deck. We want trade, and we want more of it, but we want fair trade, not this kind of phony free trade.

Almost every country in the world practices trade according to their national interests. The United States in this body and the President of the United States—typically, Presidents in both parties—have practiced trade according to some economics textbook that is 20 years out of date. If we are serious about standing for American workers and companies that continue to play by the rules, we need to pass this legislation.

With each passing week, more companies and workers are faced with the harsh realities of unfair competition and unwanted cutbacks due to Chinese currency manipulation. In towns and cities across our country—go anywhere in this country, including Texas, where Senator HUTCHISON is from and who is awaiting a chance to speak on the floor, or North Carolina, the Presiding Officer's State, or my State, and we see that companies and workers are faced with the harsh realities of that unfair competition.

Workers have the proud tradition of making products that matter to America. From the tanks made in Lima, OH, supporting our troops abroad, to steel tubes created in Lorain, equipping our energy markets, Ohio manufacturers are vital to our Nation's security and economy. Our national security, our economic security, our family security, all those are dependent on making things in the United States of America.

My State is the third largest manufacturing State in the country. We are seventh in population, but we are third in manufacturing. We have lost far too many jobs in Zanesville and Jackson and Columbus and Akron because of this undermining of currency, because of this gaming of the system by China, its gaming of the system on currency.

It is time to take bold action. It is time to stand up to China. It is time to

practice trade according to our communities and our national interests. It is time to do that. It is time to pass this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NASA'S VISION

Mrs. HUTCHISON. Madam President, I wish to mark today, September 14 of 2011, as the day that NASA announced our vision for the future. Since the shuttle was retired earlier this year and we saw the last people go into space on an American flight, many of us have worried that there wasn't going to be another heavy launch vehicle that would take our astronauts to beyond low earth orbit. Today, after much study and a lot of going back and forth with NASA, I was encouraged to see the design approved by both NASA and the OMB, and I think it is going—well, it will be the heaviest, biggest, strongest, most robust vehicle we have seen since we put men on the Moon.

I was very concerned because of the long timeframe. Congress asked that this design be delivered by January of this year. We kept getting delays and delays and delays. Finally, Senator BILL NELSON and I just got frustrated about that timeline, so we had meetings.

As recently as yesterday, I met with the director of OMB, Mr. Jack Lew, who did come to my office to meet with Senator NELSON and myself and General Bolden, who is the NASA Administrator, to get his commitment that we would be on a robust timeline and that it would be as much a priority of NASA to go beyond low earth orbit as the ferry to the space station would be for NASA. We got those assurances from Mr. Lew and the NASA Administrator. Senator NELSON and myself, Senator ROCKEFELLER was represented, Senator BOOZMAN—we had all the relevant people in the loop on this issue because we want to make sure Congress and the administration are on the same goal with a timeline to achieve that goal.

What worried us about the delays were the loss of cost efficiencies and the loss of experienced personnel to design that new heavy launch vehicle.

We want to have the most experienced engineers who will use the proven technology that has been time tested and add to that proven technology the added boosters, the added capabilities that we know we must have to go to Mars, to an asteroid, and to make sure we do it in a safe manner.

I am very encouraged by the commitments that were made and the timetables we are seeing. I am told by the NASA personnel that we are now going to look, in 1 week or 2, to have the contract modifications in place that will tell the workers that they are going to have those jobs, that we are going to have that expedience, that they have a project to work on. I think it is essen-

tial we have that kind of experienced personnel to do this.

I am very pleased we now have this way forward. It is the most powerful vehicle we will have seen in many years. I think the announcement today is going to set us on a path. If we can see those contract modifications going out from NASA in the next week—or a little more, but no more than 2 weeks from now—then we will know there is progress and that we are going toward the time when we will have the building of that rocket, that we will have the design, followed by the building, and then, of course, testing, and then the launch.

I think when we saw that last flight come down this summer, so many people had very mixed feelings because space exploration has been a part of America's drive and spirit for all these years we have watched more and more things be accomplished. From President Kennedy's first challenge that we would put men on the Moon, Americans have been excited about that opportunity. They have not just been excited, though, about the exploration and the pushing of the envelope, they have also been excited with the quality of life that has been produced by what came from the research: the advancements we have had in medical treatment, MRIs, the advancements in products we have been able to discover.

I fully expect that with the space station we are going to be able to do the research on cancers that will grow in the microgravity conditions in space that will not grow the same way on Earth, and that maybe we will be able to test antidotes and medicines for those. That is why I was pleased the President did announce we would extend the space station until 2020. We have international partners as well. So we want to make sure we are a good partner, that we are a reliable partner, and that we do some things for mankind that might make a difference in our lives.

National security. We have gained so much in satellite-guided missiles for our national security. And being able to put a missile into a window from 1 mile out is because we have been able to discover in space the use of satellites. Earlier this summer the space shuttle carried the magnetic spectrometer that Dr. Ting, the Nobel laureate from MIT, built and insisted on putting on the space station, it will help us understand the nature of dark energy and its relationship to the origins and function of the universe.

We are looking at how matter was formed. We are looking at the cosmic rays. I went to the Johnson Space Center in Houston and saw from the space station the magnetic spectrometer that was getting the hits from cosmic rays. There were 60 scientists in the room who were tracking these hits, trying to determine what was hap-

pening when those cosmic rays hit the magnetic spectrometer because they want to see if we can understand the nature of dark energy. There are things we have not even thought of that we hope to find by using the space station, and then going to an asteroid or going to the Moon.

We have taken a first step today. I think many people in America were waiting for the blueprint for the future. Now I think we have one. As long as we stay on a regular timetable and with the funding levels that have been approved already in the authorization bill passed by Congress and signed by the President—if we can stick with those, this has the potential to bring us energy, health, possibly curing breast cancer, things that will make a difference in the lives not only of Americans but of our fellow citizens all over the world. That is what the investment can be in NASA if we go forward as we have made this blueprint to do.

We are in a time where we must be more efficient. We must fund the priorities and not fund the lesser priorities.

In today's markup of our committee, our Appropriations subcommittee that does fund NASA, we have found the priorities. We also cut programs. Senator MIKULSKI said in her whole time in the Senate she has never been an appropriator who actually cut programs. But we did today. We cut programs that were lesser priorities in different areas of our jurisdiction. But we funded NASA so we would have this heavy launch vehicle. We would fund the commercial vehicle that is going to take our astronauts to the space station. That is going to be done in the private sector. That was the balance we did in our authorization bill last year. Then we fund the Webb Space Telescope because that is part of the scientific advances we must make if we are going to know what is out there in space that we might be able to utilize or utilize the knowledge for better life on Earth.

I am very pleased we have the Appropriations Committee that will, hopefully, approve the bill tomorrow and that we have made those tough decisions. We came in under the 2011 continuing resolution on our overall bill. We came in under the President's request. But we have fully funded the priorities which have the possibility to reap the benefits from exploration and assure that America remains the No. 1 country in the world in space exploration. Our economy has benefitted, our national security has benefitted, and now we are going to be looking at health care possibilities, energy possibilities, and living in space, and seeing how we can do that in a better way.

I think we have a plan that will excite the American people again about what we can do in space if we put our minds to it, if we prioritize, if we are efficient with the taxpayer dollars, and

we do not lose sight of the vision that is the spirit of America.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I would like to spend a few minutes discussing some things in general.

In making a couple points today, I was referred to by one of our colleagues as a dictator. I am not offended at that; I understand the frustration of what is going on. But I think there are some significant points that the American people ought to hear about where we are and what we are doing.

Quite frankly, if we look at our financial situation and we look at the history of the world, no country has ever recovered from the situation in which we find ourselves in terms of our debt-to-GDP ratio and our debt-to-export ratio.

In August, before we left, we passed a piece of legislation that goes—a small amount—toward fixing the very real problems that are in front of our country in terms of spending money we don't have on things we don't absolutely need. But we have before us, and coming before us, two different pieces of legislation: One is a shell piece of legislation, and the assumption is the majority leader will utilize it to fund supplementation for disaster relief for the many areas in our country that need that funding. There is not a dispute that we should be doing that. There is a dispute about how much that should be. But the greatest dispute is, when we are running \$1.3 trillion and \$1.4 trillion deficits, and we know we have significant waste, duplication, and fraud in the Federal Government, whether we ought to spend another \$6 billion or \$7 billion by borrowing or we ought to actually reduce spending somewhere else to pay for a much more important and proper need in which the Federal Government has a role. That is the real debate.

I think we have worked a way to have appropriate amendments to try to pay for that, and we should probably go forward. There are, however, two other programs that are precarious in their funding: One is FAA—and we have coming to us the 22nd temporary reauthorization—and the Transportation bill, which is, I believe, its sixth temporary reauthorization.

Now, there are some real questions the American people ought to be asking about why 22 times we have temporarily reauthorized the FAA for a short

period of time, and why now we are on our sixth temporary—or fifth; I may be wrong on one of those numbers but close—temporary reauthorization. That is because we are not prioritizing what is important for the country in terms of our legislative agenda. We don't control that, but there are some things that the American people are interested in that we do control.

The highway trust fund has received a supplementation over the last 4 years of \$35 billion from the American taxpayer outside of the taxes they collect for that trust fund. Out of that amount of money billions of dollars have been spent on things other than highways and bridges.

We now have 146,000 deficient bridges in our country, some in every State in the country. We have more now after the floods in the Northeast. We have significant problems and we have a limited amount of money, and what is in front of us is another short-term extension of 6 months for the transportation funding which continues to spend money on items that are a low priority.

I am not saying we couldn't spend the money on it. But when we are short of money, and we are borrowing money to put money into the trust fund, and our No. 1 priority ought to be safety and quality roads and bridges, to spend significant funds on things that are not a priority now—not when we are head over heels in debt, not when the trust fund is precarious—then we ought to not force States to spend money they don't want to spend. Yet in this bill 10 percent of the surface transportation moneys have to be spent on enhancement.

So that tells Oklahoma, or any other State: If you have an excess number of bridges, it doesn't matter that that is a safety problem for your citizens; we are still going to make you spend this 10 percent money over here that doesn't have anything to do with safety or true transportation, but we are going to require it because we can—except, the problem is, the people in your State pay the taxes in the first place for their highways and their bridges, not for the museums, not for all the hundreds of other things that are spent that are low priority.

So I thought I might give us a little flavor of what some of those things are. If we were at a different time where we had an excess of funds, I am not saying they are necessarily bad. But when we have bridges falling down in this country, and concrete—like the summer before last in Oklahoma—falling out of an interstate highway bridge injuring somebody, falling onto their car as they drove under it, I would think that we would want to repair these 146,000 bridges rather than spend money redecorating a sign.

So I will not go through all of them—I will put all of them into the RECORD—

but let me go through a few of them just to see. If the American people actually believe we should not fix bridges or roads and we ought to spend money, I am fine. If the Senate believes we ought to not fix bridges, we ought not concentrate on safety, we ought not concentrate on the quality of our roads and bridges and they vote it down, I am fine too. But the fact is, we ought not to be spending money when we have the hundreds of thousands of bridges that are dangerous to people in this country.

All we are saying is, if a State wants to continue to spend money on something other than safety and bridges and roads, fine, it can, but don't make those of us who already have a big problem with safety have to spend money on something that doesn't protect our citizens, doesn't enhance their highways by spending money on something that is called an enhancement but doesn't enhance their safety or their ability to commute.

So what are some of them? Lincoln Highway 200-Mile Roadside Museum in Pennsylvania—it received \$300,000 in enhancement funding to commemorate the historic highway along the 200-mile route. Interpretive signage, colorful, repainted vintage gas pumps, engaging murals, refurbishing a large coffee pot.

Notably, Pennsylvania ranks No. 1 in the country in terms of bridge deficiency levels. Forty-six percent of the bridges in Pennsylvania are either structurally deficient or functionally obsolete. Mr. President, \$300,000 would have fixed two of them. So we chose to not fix two but spend the money elsewhere. At a different time, sure, or if Pennsylvania wants to spend it, let them. But don't force them to spend money on something that does not protect the quality of transportation for their citizens.

How about Chinatown Gateway, a \$250,000 enhancement to supplement the construction of the Twin Dragons Gateway to the Chinatown area? California has over 7,000 bridges that are structurally deficient or functionally obsolete. One out of every three bridges in California is in trouble, and we are doing aesthetics instead of fixing bridges.

How about the White Squirrel Sanctuary in Tennessee? Kenton, TN, located in Gibson County, calls itself “the Home of the White Squirrel.” They received \$110,000 in transportation enhancement funding to construct a white squirrel sanctuary with walking trails, brick crosswalks, a footbridge, and a parking lot. There are 3,856 bridges that are structurally deficient in the State of Tennessee. They didn't necessarily want to do this. They did not have any choice. They had to spend 10 percent of their surface transportation money on things such as this.

Tuscumbia Landing in Sheffield, AL—\$104,000 to investigate Tuscumbia

Landing's archaeological features. The only problem is, 23 percent of Alabama's bridges are structurally deficient. That could have fixed two of them.

How about the National Corvette Museum Simulator Theater in Warren County, KY—\$200,000 to build a grand simulator theater. Mr. President, 31 percent of the bridges they cross in Kentucky are structurally deficient or functionally obsolete.

The Pennsylvania Trolley Museum—\$400,000 to construct the Pennsylvania Trolley Museum. It is a great idea if we are in the black and have a good cashflow. But when Pennsylvania leads the Nation in deficient bridges and dangerous bridges, why would we spend that money? Why would we force them to spend that money?

I can go on. I will add to the RECORD many other examples, all the way up to 40 separate examples of where we are spending money but we are not fixing bridges.

I ask unanimous consent that those examples be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COBURN. We are not pouring asphalt, we are not laying concrete, we are not decreasing congestion, and we are not increasing safety. What we are doing is we are following the rules of Washington when we have greater needs. We are in trouble as a nation because Congress does not set priorities, and when they do set priorities, there is no connection to the reality of our financial situation.

We have some options on how to go forward. One of the options would be to take the FAA bill, split it out, approve it, send it back to the House, and FAA is taken care of. The second option would be to pass the highway extension for 6 months with the elimination of enhancements and send it back to the House. But I will not give a unanimous consent, as is my right as a Senator of the United States, for us to continue to spend billions of dollars on things that are not a priority when the country is struggling to survive. Its very survival depends on us changing the way we do business. If that means the highway transportation bill does not get approved, so be it. But there has to be a point in time in this country when we change direction and we start meeting the obligations that are put before us.

The No. 1 obligation is to start spending money where it does the most good and quit spending money we do not have on things we do not absolutely need. With a 35-percent deficit—and we are going to run another \$1.3 trillion deficit next year, which will cost a significant amount of funds for our kids and our grandkids just to repay what we are going to waste next year—there ought to be a time at which we say enough is enough.

I know there will be several, including my own senior Senator, who will be unhappy with my position, but I believe it is time to draw a line in the sand for the American people, for our future. It is not popular. It is certainly not expedient. But it is absolutely the right thing to do.

If the Senate wants to solve the problem of these two bills, we can split them or we can keep them together, but we need to end the enhancements right now until we get the highway trust fund healthy again, No. 1, and, No. 2, until we get our country healthy again. When we do, I will be happy to defer.

Remember, we are not saying you cannot do it. We are just saying you ought to have the option to not do it.

EXHIBIT 1

Kalaniana'ole Highway, Ka'li'i Scenic Shoreline Trail—Federal Transportation enhancement funds were used to intervene in a local land use dispute in Hawaii. A decades long dispute over the preservation of Hawaiian shoreline versus local developmental interests was assisted by the Department of Transportation, which used \$11 million in enhancement funds to acquire land for conservation purposes, effectively meddling in the local land use. In the mean time, 45 percent of Hawaii's bridges are either structurally deficient or functionally obsolete.

Antique bike collections—The University of California Davis received a transportation enhancement grant of \$440,000 to purchase 60 unique antique bikes for its Bicycle Museum Collection.

Shrine to Tennessee state history costs federal government \$23 million—Nashville, Tennessee received \$23 million in federal enhancement funding to construct its bicentennial ode to Tennessee state history. The project included the building of "a 1,400-foot Wall of History etched with historic events from the state's first two centuries, 31 fountains that each represent one of the state's rivers, and a 200-foot granite state map." The only thing more egregious than federal funds used for a clearly state interest, is that 20 percent of Tennessee Bridges are either structurally deficient or functionally obsolete.

ARTwalk—ARTwalk is tagged as a unique outdoor experience that constructs pathways between shopping areas, galleries, and museums in Rochester, Vermont. The project used \$234,000 in federal enhancement dollars to build the artsy outdoor museum, while 861 of Vermont's bridges remain either structurally deficient or functionally obsolete.

Old Roman Bath House Renovation—\$160,000 worth of enhancement funding was used in Berkeley, West Virginia for the renovation of the oldest building in town, an Old Roman Bath House. While local residents may be interested in visiting a bath house where George Washington used to frequent, federal taxpayers may find the connection to critical infrastructure more puzzling. Moreover, 36 percent of West Virginia's bridges remain structurally deficient or functionally obsolete.

Saddletree Factory Renovation—The Ben Schroeder Saddle Tree Factory, a historical factory in Madison, Indiana, received transportation enhancement funding for historical preservation purposes because the factory used to make Saddletrees, the foundation of a saddle. 21.5 percent of Indiana's

bridges are either structurally deficient or functionally obsolete.

Toledo Harbor Lighthouse—The Toledo Harbor Lighthouse in Toledo, Ohio, protected by the "phantom" officer Frank, will receive a \$500,000 enhancement grant to restore windows, doors, bricks, and shutters. This grant will not only help to restore the facade of the historical lighthouse, but also carry on the legendary ghosts of the haunted lighthouse. Unfortunately, "phantom" officer Frank will not be able to protect Ohio drivers from the 6,598 bridges that are either structurally deficient or functionally obsolete.

Critter Crossing—The Monkton, Vermont Conservation Commission received \$150,000 in federal grant money to build a—critter crossing, to save the lives of thousands of migrating salamanders and other amphibians that would otherwise be slaughtered by vehicle traffic on a major roadway. Thousands of blue- and yellow-spotted salamanders, frogs, and other amphibians spend the winter months in the rocky uplands near Monkton, but must return to low-lying wetlands in order to reproduce. To travel between these two areas, the salamanders must cross the heavily-traveled Monkton-Vergennes Road. While some conservationists have celebrated the project, others remain skeptical. "I certainly respect all species. However, I don't see the need to pay \$150,000 for a salamander crossing", read one email reportedly sent to the Burlington [Vermont] Free Press newspaper. "I realize there are a lot of other stupid things my tax dollars go toward, but this one is near the top of the list." Maybe the local communities will prevent the critters from crossing one of the 861 bridges that are either structurally deficient or functionally obsolete.

North Carolina Transportation Museum Spencer, North Carolina—The North Carolina Transportation Museum has received over 11 million to renovate and showcase steam locomotive artifacts. As of 2010, North Carolina has nearly 5000 bridges that are either structurally deficient or functionally obsolete.

Massachusetts bike and pedestrian allotted millions, but remain unspent—Massachusetts has received \$135 million in federal funds for bike and pedestrian projects since 1991, of which it has spent little more than \$51 million, according to The Boston Globe. That means nearly two-thirds of the funds provided in the last two decades by Congress to the state for such projects remain unspent. Perhaps Massachusetts would like to use their unspent funds to work on their 2,548 bridges that are either structurally deficient or functionally obsolete.

Nevada spending millions of federal transportation dollars to make Vegas highways beautiful—In 2008, Nevada received its transportation enhancement allotment of \$6,287,466. They decided to spend it in a variety of ways, a few million went to biking facilities and trails, a few million went to welcome centers and interpretive centers. \$498,750 even went for "decorative rocks, native plants, some pavement graphics, a few walls, and some great big granite boulders" to beautify an interchange to Las Vegas' 215 Beltway.

A couple miles down the highway, N-DOT beautified another interchange with "stripping in the rocks and some native plants." That project has cost \$319,163 so far this year.

The people of Nevada might have been able to think of some better things to spend that money on. One local who uses the interchange frequently was not impressed by the

expensive beautification project. "I'm busy watching where I'm going. I'm not looking at landscape improvements and stamped concrete."

Unfortunately, there is little that local officials can do to re-direct the money to better uses. "We applied for the federal enhancement dollars and those federal enhancement dollars can only be used for landscaping and pedestrian type improvements," explains the top civil engineer at the Clark County Public Works Traffic Management Division.

The N-DOT deputy director for southern Nevada is just as frustrated as many citizens that federal restrictions prohibit states from directing money where it is really needed. "It's really getting out of hand to where these pots of money have these constraints associated with them and you can't spend money where you want to." These restrictions sometimes leave states no choice but to spend money on frivolous projects or lose it entirely. The deputy director notes, "if N-DOT doesn't spend that money and employ workers in Nevada, another state is gonna have that money up for grabs."

Washington, DC receives Transportation Enhancement grants for murals and valet bikes—Washington, DC received nearly \$2 million in transportation enhancement grants in Fiscal Year 2010, ranging from \$50,000 to \$579,000. These grants include items such as the stabilization of historic murals and a grant for bicycle parking and valet services, along with the creation of a "Room to Breathe" poster. The \$2 million allotment would be much better used for bridge repair, as 158 of the 244 bridges in the District are either structurally deficient or functionally obsolete.

Railroad Caboose Relocation and Renovation—The Princeton Railroad Museum received a \$78,280 transportation enhancement grant to help pay for the relocation of a historic train caboose to be displayed and restored.

Texas Highway Rest Stops—The Texas Department of Transportation uses a substantial amount of their required transportation enhancement spending to build highway rest areas. Texas plans to spend \$262 million to build or overhaul roadside stops along its highways, with a majority of the funds coming from enhancement grants. However, some residents question the construction of rest stops in such close proximity to other commercial areas, leading one local resident to surmise about the \$10 million Salado rest area, "I think \$10 million would have made a nice third lane in a lot of spots . . . It's pretty spectacular for a rest area, for, I guess, \$2 million worth . . . \$10 million? That's a lot of money." Additionally, the Texas Department of Transportation spent \$16.2 million in enhancement funding on a Battleship Texas restoration project.

California Sculpture Competition—Federal transportation enhancement dollars were used as prize money for an art competition to find a sculpture fitting to place in a parking lot for a Laguna Beach, California Friday Film Series event.

Merchant and Drovers Tavern Museum—The Merchants and Drovers Tavern Museum in Union County, New Jersey received a \$210,790 transportation enhancement grant to create a museum on the second floor of the recently renovated building. The Merchants and Drovers Tavern Museum touts its amenities by letting visitors "experience the hospitality of the 1820s" and "quench his thirst in the taproom, sit for a while in the parlor or, perhaps, try a bed for size at this 'hands-

on' museum." Meanwhile, visitors should also be wary of driving over any New Jersey bridges on the way to the museum, as 35 percent of them are either structurally deficient or functionally obsolete.

Museum uses transportation funds for its Heating and Air Conditioning system—The Sayre Historical Society Museum in Bradford County, Pennsylvania received a transportation enhancement grant of \$74,704 for the "Sayre Historical Society RR Museum Heating and AC project." You read that correctly, American gas taxes are being directed towards heating and air installation.

War of 1812, Bladensburg, Maryland excavation—Enhancement funding was used to excavate several historical buildings in Bladensburg, Maryland to study the "transportation history" of the area. Bladensburg was used for troop movements during the War of 1812, as well as being a transportation hub during early America.

Funding for a Transportation Exhibit—\$300,000 in federal money will pay for a new exhibit on the history of transportation at a local museum in Missouri. The fresh display at the St. Charles County Heritage museum will explain the influence of rivers, railroads, roads, and trails in the region over the years. The grant application highlights how "The County and its residents have had to rely on multiple forms of transportation and as technology changed, the area had to adapt to the changing transportation methods/patterns."

Not everyone in the community agrees the federal government should fund this type of project. A county executive said, "It's the kind of thing the federal government can't afford to do." Other officials however have a different perspective on the federal funding. The county parks director explained how "the \$300,000 grant is 'a pretty insignificant amount of money compared to that total pool' of federal transportation spending." Maybe a more significant number should be 7,021, the number of Missouri bridges that are either structurally deficient or functionally obsolete.

Iowa town receives new entrance sign—Fairfield, Iowa used \$40,800 in transportation enhancement funds to upgrade its "Welcome to Fairfield" sign. It is likely that Iowans would welcome their transportation funds upgrading their bridges, as Iowa ranks 3rd in bridge deficiency rates in America.

Michigan Receives Transportation funds to plant flowers and rehabilitate an engine house—In 2010, the Michigan awarded \$5 million in federal transportation enhancement grants to various projects including reconstructing cobblestone roads, purchasing and installing bicycle racks, and "streetscaping" a downtown street in Bridgetown, Michigan with "decorative sidewalk treatments, street trees, perennial flowers and other decorative plantings, planters, and ornamental street lighting." One grant awarded \$336,490 to rehabilitate the historic Quincy and Torch Lake Railroad Engine House while another grant awarded \$1,490,280 to the Detroit Science Center to construct an exhibit depicting "how roads, tunnels and bridges are constructed."

Transportation Funding used to replace unaesthetic fencing around Oklahoma Capitol Oil Derricks—The Oklahoma Department of Central Services, the controller of Capitol Grounds, received \$216,000 in transportation enhancement funding to replace fencing around active oil wells on Lincoln Boulevard with a more aesthetically pleasing form of fencing. Unfortunately while Capitol Complex may look better, Oklahoma

bridge deficiency rates remain 2nd in the United States.

Over \$150,000 in Gasoline Taxes directed towards making brochures—Over the last 10 years, federal transportation enhancement grants have been used to produce brochures for various purposes including monuments paths, scenic trails, and bicycle safety. The State of Kansas even received a federal grant to install and replace their brochure display cases at SRA.

Enhancement funds used to help construct replica of historical schooner—In 2001, Burlington, Vermont received a \$20,000 grant to subsidize the building a full scale replica of the 1862-class sailing canal boat, the Louis McClure.

Crandall Farm Restoration project—Washington County, Rhode Island received a \$120,000 transportation enhancement grant for renovation of Crandall Farm. The project consisted of renovating the 1870 house on the farm into a welcome center and educational tool for the traveling public.

South Carolina uses gas taxes to purchase \$15,000 "Welcome Signs"—Orangeburg County, South Carolina received a \$34,965 transportation enhancement grant to help purchase three signs at a cost of \$44,500, or \$14,833 per sign. Unfortunately, South Carolina bridges are not as welcoming, as 22 percent of them are structurally deficient or functionally obsolete.

The State of Michigan receives nearly \$100,000 to celebrate mysterious centennial—In 2004, Michigan received a \$99,540 transportation enhancement grant for publications, historical commemorative items, and displays for a "centennial celebration." The only thing more puzzling than how these activities are related to transportation is that the centennial for Michigan Statehood occurred in 1937.

Mr. WHITEHOUSE. Madam President, today I rise to offer my support for the President's request for immediate supplemental assistance for the Federal Emergency Management Agency. This funding will enable FEMA to continue to provide critical aid to victims left in the wake of Irene's deadly path, and victims of other natural disasters that have struck throughout the country.

My home State of Rhode Island has experienced two major disasters in the last couple of years, so I know firsthand how hard homeowners, businesses, and municipalities have struggled to recover, even with Federal assistance programs.

This is not the time to play politics. If Congress fails to provide this emergency funding between now and September 30, we run the risk of completely running out of disaster funds. Our fellow Americans need this funding to recover from catastrophic disasters. Mother Nature does not distinguish between blue and red States, and both Democratic and Republican Governors—and in Rhode Island's case an Independent Governor—have asked for immediate disaster aid.

This supplemental funding will help replenish FEMA's Disaster Relief Fund, which pays for Federal disaster response and recovery activities. The fund has been running dangerously low as a result of the devastating tornado

in Missouri, tornados in Alabama, major flooding in the Midwest and South, wildfires in Texas, and the historic flooding caused by Hurricane Irene and Tropical Storm Lee.

This year's disasters have been particularly destructive and I urge my colleagues to remain committed to all the victims as they struggle to become whole again. We should approve this disaster aid to ensure that communities aren't left in ruins.

The shortfall in funding has already forced the administration to put certain disaster recovery activities on hold. My State, like many others, sustained a federally declared disaster last month as a result of Hurricane and Tropical Storm Irene. In order for FEMA to ensure it had the resources to provide immediate relief for new disasters such as Hurricane Irene, the agency had to freeze long-term recovery and mitigation projects.

This funding conundrum really hits home because in Rhode Island communities are still reeling from the historic flooding that occurred in the spring of 2010. Rhode Island saw more rain during that disaster than any month on record, and the devastation wrought by those storms exceeded anything in living memory.

I was on the ground during the flooding last year and have been intimately involved in the recovery process. I know how important FEMA's long-term recovery and mitigation programs are for revitalizing damaged communities, especially in States like mine that were already hurting from the difficult economic environment.

I urge my colleagues across the aisle to let us pass this critical legislation to provide supplemental funding for FEMA. Not only will it go a long way toward providing peace of mind should another disaster strike, it will also ensure that communities across the country that are still recovering from past disasters can continue to move forward in their recovery. This will make us a stronger and more resilient nation.

Mr. BAUCUS. Madam President, Nelson Mandela once said, "There is no easy walk to freedom anywhere."

The walk to freedom for the Burmese people has certainly not been easy, and it is far from complete.

The military-controlled government that rules Burma continues to maintain its tight grip over the Burmese people through fear, intimidation, and violence.

According to the State Department, over the last year the Burmese regime has "severely restricted and frequently violated freedoms of assembly, expression, association, movement, and religion."

And in furthering its hold over Burmese society, the regime has committed crimes of murder, abduction, rape, torture, recruitment of child soldiers, and forced labor—all with impunity.

In recent months however, we have seen some encouraging steps.

Last November, the Burmese regime released Aung San Suu Kyi, the Burmese democracy leader and winner of the Nobel Peace Prize, after a long and unjustified incarceration. And the regime has made some modest movement towards dialogue with the opposition.

But it is far too soon to think that the walk to freedom has succeeded. Just 2 months after releasing Aung San Suu Kyi, the regime dissolved the National League for Democracy, which has sought to bring democracy to Burma for more than 20 years.

And the regime keeps more than 2,000 political prisoners in detention.

As Aung San Suu Kyi herself has said, "If my people are not free, how can you say I'm free? We are none of us free."

In order to help the Burmese people on their march to freedom, I urge my colleagues to extend our sanctions against Burmese imports for another year.

Several of our trading partners—including the European Union, Canada, and Australia—have joined us in imposing trade and investment sanctions against Burma. And these sanctions have put significant pressure on the Burmese leadership.

So let us extend the import sanctions on Burma for another year. Let us do our part to help the Burmese people complete their long walk to freedom.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Wyoming.

Mr. ENZI. I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING MALCOLM WALLOP

Mr. ENZI. It is with a great deal of sadness I have to tell you that Senator Malcolm Wallop, the 18th Senator for the State of Wyoming, passed away this afternoon. He had been ill for some time but had had a very active life and made a great deal of difference to this body. We were very fortunate to have Malcolm Wallop represent us in the Senate for 18 years. For all of his three terms he was a powerful and effective presence in the Congress, assuring the people of Wyoming they were heard and that their concerns were being addressed. Although there are many accomplishments I could mention—and tomorrow I will probably mention quite a few more—I want to mention two of them today, as they were very significant efforts.

The first was the establishment of the Republican Steering Committee. He and two other Senators considered themselves to be the conservatives of the Senate and formed a special caucus that today has grown to include almost all the Republicans. It was for a smaller government and constitutional principles and spending constraints, and he stuck to those principles throughout his entire Senate career.

His other accomplishment—and I can think of none that would make him more proud than the mention that he started the Congressional Awards Program. This is a program for young Americans where they can do service for their community and receive an award from Congress. Congress puts no dollars into this, which would be part of the philosophy of Malcolm Wallop. He helped to provide for a number of people through the years to be able to come to Washington and receive the Gold Award. It is set up so when you do 100 hours of community service, you can get a bronze medal. When you do another 100 hours of service, you can get a silver medal. When you do 200 or more hours of service, you get a gold medal.

He helped to promote the community spirit and his community service has made a huge difference to Wyoming and has spread across the Nation. Of course, we are always very proud in Wyoming that more kids from Wyoming have gotten the gold medal than from any other State. It partly has to do with his founding of it and the time and effort he put into it, and that succeeding Senators have. Over the years it has served to inspire countless young Americans to believe in themselves and their ability to change the world beginning in their own backyard and to start some good habits. Thanks to his initiative, the young people of our Nation will continue to dare to do great service in their neighborhoods and communities, and I cannot think of a better way to have Senator Malcolm Wallop be remembered.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join my colleague from Wyoming because today Wyoming and America lost an extraordinary man. Senator Malcolm Wallop was a dedicated public servant and great legislator. He leaves a proud legacy of a Wyoming Senator who solved problems and initiated great solutions. He set a high bar for public service, and all of Wyoming is grateful.

Whether he was serving in the Army, the Wyoming legislature, or in the U.S. Senate, Malcolm Wallop always stood for freedom. For decades he worked to strengthen America's national security and to protect States rights. His common sense and his commitment helped break down Washington's barriers to

American energy development. Our Nation continues to benefit from his leadership.

There will be much more to say about Malcolm in these coming days and in the weeks ahead as we seek to honor his legacy.

I will miss Malcolm's friendship and his support. My wife Bobbi and I send our very heartfelt condolences to his family and to his friends throughout this great country. We will continue to keep the entire Wallop family in our thoughts and in our prayers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. REID. Mr. President, I ask unanimous consent that the remaining time postcloture be yielded back and the Senate proceed to consideration of H.J. Res. 66.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

AMENDMENT NO. 602

Mr. REID. I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 602.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. On that amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 603 TO AMENDMENT NO. 602

Mr. REID. I have a perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 603 to amendment No. 602.

The amendment is as follows:

At the end, add the following new section:
SECTION . EFFECTIVE DATE.

The amendments made by this division shall become effective 2 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 604 TO AMENDMENT NO. 603

Mr. REID. I have a second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 604 to amendment No. 603.

The amendment is as follows:

In the amendment, strike "2 days", and insert "1 day".

AMENDMENT NO. 605

Mr. REID. I have an amendment at the desk to the language that is proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Nevada [Mr. REID] proposes an amendment numbered 605 to the language proposed to be stricken by amendment No. 602.

The amendment is as follows:

On page 2, line 17, strike "on" and insert "3 days after".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 606 TO AMENDMENT NO. 605

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 606 to amendment No. 605.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid substitute amendment No. 602 to H.J. Res. 66, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Harry Reid, Patrick J. Leahy, John F. Kerry, Barbara Boxer, Patty Murray, Debbie Stabenow, Carl Levin, Kent Conrad, Dianne Feinstein, Tom Harkin, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Richard J. Durbin, Joseph I. Lieberman, Mary L. Landrieu, Benjamin L. Cardin.

CLOTURE MOTION

Mr. REID. I have a cloture motion on the underlying joint resolution which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 66, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Harry Reid, Patrick J. Leahy, John F. Kerry, Barbara Boxer, Patty Murray, Debbie Stabenow, Carl Levin, Kent Conrad, Dianne Feinstein, Tom Harkin, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Richard J. Durbin, Joseph I. Lieberman, Mary L. Landrieu, Benjamin L. Cardin.

MOTION TO COMMIT

Mr. REID. Mr. President, I have a motion to commit the joint resolution with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the joint resolution (H.J. Res. 66) to the Finance Committee with instructions to report back with an amendment numbered 607.

The amendment is as follows:

On page 2, strike line 17 through 19 and insert the following:

This joint resolution shall take effect on July 26, 2011.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 608

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 608 to the instructions on the motion to commit H.J. Res. 66.

The amendment is as follows:

In the amendment, strike "July 26" and insert "July 25".

Mr. REID. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 609 TO AMENDMENT NO. 608

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 609 to amendment No. 608.

The amendment is as follows:

In the amendment, strike "July 25" and insert "July 24".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived for the two cloture motions just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, sadly, in just 2 days, about 80,000 people will be out of work because of the obstructionism of one man. This Senator, the junior Senator from Oklahoma, is putting his own petty priorities ahead of the thousands of safety inspectors, construction workers, and contractors who are about to lose their health care and their livelihoods for the second time in the last few months. These workers will be furloughed or laid off on Friday if we don't reauthorize the Federal Aviation Administration.

The same Senator is holding up emergency funding for thousands of Americans—hundreds of thousands, actually—whose homes have been destroyed by tornadoes, floods, and wildfires. Keep in mind what I just said. We have a bill that came from the House of Representatives that funded for 4 months the Federal Aviation Administration. We have a bill that came from the House—they put them together—to fund the highway bill for 6 months. With those two bills together, almost 2 million jobs will be eliminated if we don't pass the highway bill by the end of the month but FEMA by Friday.

The Senator from Oklahoma, to whom I referred, doesn't like a provision in the highway bill. Stopping that is one thing. But now he is stopping us from doing something about people who are in desperate need of help, who have been hit hard by fires—in Texas alone, we have had 2,000 homes burned to the ground. So he is holding up emergency aid for Americans whose homes have been destroyed by tornadoes, floods, wildfires, and millions of acres of farmland are underwater, and he is jeopardizing almost 2 million jobs by blocking the highway bill. How he gets these together is something I cannot logically understand. He is stopping us from doing something on the FAA bill but also FEMA.

On Friday, as I said, it is going to cause 80,000 workers, thousands of whom are responsible for the millions of air travelers' safety every day. We have just been through this. A short time ago, we had the same issue, where the safety inspectors were paying for their own lunches when they would go out inspecting airplanes, and buying their own plane tickets, paying for their own hotel and motel rooms, and not being reimbursed.

It is interesting to note this same Senator voted for the highway bill in 2005—we do a major highway bill about every 5 years. He voted for that when

his party held the White House, although the bill included the same issue he has objected to today. I have been told his big concern is over bike trails, bike paths. But the interesting part is that he can have a vote on this. He wants a vote to get rid of bike paths. He is willing to do that. In fact, we have given him the same vote on an amendment before. In 2009, the Senate voted down the very same amendment. He has had this vote before, and it has failed before. He is not willing to even take a vote anymore. This is how far afield this is. He doesn't want a vote. He wants to put whatever he thinks is the right thing for the world and the country as it relates to highways in this bill and say: Just do it; I am a dictator, and I am going to put it in the bill, and you are not going to do anything around here.

We are willing to vote on this again, but we cannot get to a vote because he is blocking us from doing so. So one Senator out of 100 is holding up the important work of this body, demanding that we make this amendment law or else put 80,000 people out of work. This kind of obstruction should end. This is not logical, not rational. I have strong feelings about this part of the highway bill. But this is a bill that has billions of dollars in it. About 1.7 or 1.8 million jobs will be eliminated if we don't get this bill passed. So I urge my Republican colleague to reconsider how this gridlock harms real people in this country. It is hard for me to explain.

In Las Vegas we have a new tower that is being built for the air traffic controllers. It is needed very much. Air traffic into Las Vegas is heavy—about 60 million people a year arrive, and so we need a new tower. We started construction on it a few months ago. It was held up once because of this problem we have with this bill. Now it is to be held up again.

But this isn't just a Nevada issue, it is all over the country. About 75,000 construction workers are working on essential parts of our airports, and these jobs are badly needed. It is just the wrong thing for my friend to do. I hope he will allow us to move forward on FEMA and allow us to move forward on the Federal Aviation Administration legislation. Of course, on the highway bill, we will give him his vote. If he wants another vote, we will give him another vote if there is another part of the bill he doesn't like. But it is something we need to get done as quickly as possible—like in the next 24 hours.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE HAZARD HERALD

Mr. McCONNELL. Mr. President, I rise today to recognize one of Kentucky's oldest and most respected local newspapers, the Hazard Herald of Hazard, KY. In July of this year, The Hazard Herald celebrated over a century's worth of news coverage by publishing a 100th-anniversary edition of its morning paper. The Herald is, and has been, the most trusted source of local and national news to the people of Hazard and Perry County for decades.

Founder and prominent lawyer and statesman Bailey P. Wootton, who eventually served one term as Kentucky attorney general in the 1930s, envisioned that the Herald would serve as the primary medium for progress and information for the local community when he began publishing the paper in 1911. Over the years, the Herald became the heart of the community, sharing in both the triumphs and sorrows of citizens of the county as it grew alongside them.

From the arrival of the first train to Hazard Depot in 1912, which a year later would pave the way for boosting the region's coal industry, to the decade-defining flood of 1927 that devastated the county, the Herald was front and center. In the 1930s the Herald followed Bailey during his campaign to be elected Kentucky attorney general, as well as the Hazard High School boys' basketball team as they were eventually crowned State champions.

World War II in the 1940s forced the Herald to begin printing daily to keep people informed with the war efforts in Europe, and it remained so until the mid-1950s when it then alternated to a biweekly publication. The paper mourned President Kennedy's death with the nation in the 1960s, and provided an in-depth account of President Bill Clinton's visit to Hazard in 1999—which was printed in color after the paper adopted color printing technology in the middle of the decade. Most recently, the Herald has adopted online publications and social media to keep pace with the technological advancements that define news and media today.

Perry County is fortunate to have such an established and trusted news source to inform the great people of Kentucky. In the 100th anniversary edition of the Herald, printed July 27, 2011, there is an article that highlights the paper's founding and first decade of printing. To help celebrate this landmark occasion, Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hazard Herald, Centennial Edition, July 27, 2011]

The first decade 1911–1919: The Hazard Herald publishes first issue, begins a tradition still alive a century later.

The first edition of The Hazard Herald was hand set and came off the gasoline powered printing press on June 22, 1911. Though we can't find a copy of that first edition, the effect the Herald had on the local community during its first decade is certainly on record.

The Herald was operated by its founder and president at the time, Bailey P. Wootton, along with officers George W. Humphries, James B. Hoge, and W.C. Trosper.

During that first year, a one-year subscription to the Herald could be purchased for one dollar as the paper's staff covered the growth of Hazard, which at the time was still looking forward to the coming of the railroad a year later, a move that would open up a town that in the years prior was a remote hamlet nearly cut off by the rough and tumble foothills of the Appalachian Mountains.

The first two years of the Herald's publication were certainly not easy ones, as noted in Perry County Kentucky: A History, published by the Hazard Chapter of the Daughters of the American Revolution during the 1950s. A publisher in Hazard at that time certainly lacked some of the modern conveniences that newspaper staff today may take for granted: "With power still not available in 1911, a two H.P. gasoline engine was installed to run the press. After 1912, electricity was available and the changeover was made."

In those first years the Herald also served as a chronicler of Hazard's history (as it still does today). One of the most important events in that history was the arrival of the railroad. In the July 20, 1911 edition, the paper's fifth that first year, a story details work being completed by the Jones-Davis Company regarding construction of a section of the L&E Railroad which extended "from below Yerkes to the head of the river of the mouth of Buckeye Creek, about 18 miles."

The first train arrived at the Hazard Depot in 1912, and it not only opened avenues of travel in and out of the county, but it also paved the way for a more robust coal industry, as noted in the Herald's October 7, 1912 edition: "It will not be long before the coal from this city will be counted by the trainloads instead of the carload."

Other notable events during the decade include a fire in December 1913 that ravaged the business section of town, destroying \$50,000 worth of property, according to a headline of the day. Consumed in the fire was the D.Y. Combs Hotel as well as the offices of Dr. Gross and Dr. Hurst.

On August 17, 1914, the Herald reported on the first automobile to arrive in Perry County: "Last Thursday, Hazard and Perry County (sic) were honored by the first automobile ever inside the county limits. We have had the railroad trains upward of two years, and that has ceased to be a wonder; we have had one autocycle, which remained for a few days and departed from whence it came. But the crowning glory of all was the advent of the Ford touring car which passed through our city last Thursday. Now we are on the qui vive for the first aeroplane."

By 1916, Wootton was still listed as the president, with James B. Hoge and W.C. Trosper as secretary and manager respectively, and a weekly editorial appeared in the newspaper as well. In the January 27, 1916 edition, the Herald took to task the City of Hazard for allowing the city's sidewalks to fall in disrepair, writing: "In any case, there

has been no excuse on the part of either Big Bottom residents or the City government for leaving the walks up that way in the shape it has been for such a long time."

While the Herald maintained a local flavor during its first decade, in this age before the Internet and instant news delivery, the paper also made note of issues of national importance. By 1918, World War I ended with the abdication of Kaiser Wilhelm II on November 9. The Herald carried the story with the headline: "War Is Ended; Kaiser Abdicates."

By the end of the decade, the paper's yearly subscription rate had increased to \$1.50 while Bailey Wootton remained the president of the Herald Publishing Company, and John B. Horton had been serving as the editor.

FOREIGN POLICY

Mr. LIEBERMAN. Mr. President, I rise today to commend my friend and colleague, Senator MARCO RUBIO of Florida, on the outstanding speech he delivered yesterday at the Jesse Helms Center in Wingate, NC. I share Senator RUBIO's conviction that America is at our best in the world when we put our values at the center of our foreign policy, beginning with a commitment to the cause of freedom. Senator RUBIO's thoughtful warning against the danger of withdrawing behind our borders is especially timely and important. He is absolutely right that, when we do not confront monsters like al-Qaida abroad, they will sooner or later come to threaten us here at home.

I thank Senator RUBIO for delivering such a lucid and visionary speech. His remarks reaffirm for me the critical leadership role that I am convinced he will play in this chamber, and in our country, in the years to come. His voice is an important one. I ask unanimous consent to have printed in the RECORD Senator RUBIO's remarks as prepared for delivery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MARCO RUBIO'S REMARKS AS
DELIVERED TUESDAY, SEPTEMBER 13, 2011

Thank you. Thank you. Thank you very much. Thank you. First of all, thank you all for coming. I am honored and privileged to be here. I'm impressed by the good work, by the way, that the Helms Center is doing in teaching young people the foreign policy principles that Senator Helms stood for. And I'm honored by this opportunity to speak to you for a few moments eight and a half months into my Senate career on what I think is a historic and important moment in American history. And I hope by the end of our time here together tonight we'll all share that belief irrespective of where we fall on the individual issues.

I have come to deeply appreciate Jesse Helms' willingness to fight for his views—particularly in foreign policy—and his unwillingness to compromise on matters of basic principle. That made him rare in Washington, and it also made him influential. I want to read what a distinguished journalist once wrote that it was "his relentless, unswerving application of conservative principles to practically every issue" is what

"made him a major player in Washington and [in] national politics."

Jesse Helms was, in particular, an unswerving champion of freedom fighters. When he was still a junior Senator, he and a former governor of California—a fellow named Ronald Reagan—they worked together to introduce a "morality in foreign policy" plank to the 1976 Republican platform.

Here is what it said, it said: "The goal of Republican foreign policy is the achievement of liberty under law and a just and lasting peace in the world. The principles by which we act to achieve peace and to protect the interests of the United States must merit the restored confidence of our people."

It also said that "we must face the world with no illusions about the nature of tyranny." And it pledged that: "Ours will be a foreign policy that keeps this ever in mind."

Now, remarkably, this was controversial in the 1970s—the era of détente, of defeat and of retreat. The idea of placing morality at the center of our dealings with other nations was derided by supposed sophisticates as unrealistic and uninformed.

But then Ronald Reagan took these words to heart and he made them the center of his foreign policy—a foreign policy that even his critics now admit was remarkably successful.

President Reagan challenged the "evil empire."

"Tear down this wall," he demanded—and it came down. He won the Cold War not by coddling dictators but by confronting them—and by standing up for the principles that have defined us since the formation of our great Republic.

As I think about the challenges of the 21st century—challenges that range from upheavals in the Middle East to the fiscal crisis back home—I am mindful of Ronald Reagan's example and of Jesse Helms'.

I am guided by their understanding that America's strength lies in its ideals, and that if we are to make this century another American century, we must be prepared to fight for those ideals.

Now, fundamentally, I believe that the world is a better place when the United States of America is strong and prosperous. Now, I don't believe that America has the power or means to solve every issue in the world. But I do believe there are some critically important issues where America does have a meaningful role to play in resolving crises that are tied to our national interests.

If we refuse to play our rightful role and shrink from the world, America and the entire world will pay a terrible price. And it is our responsibility to clearly outline to the American people what our proper role in the world is and what American interests are at stake when we engage abroad.

At the core of our strength are the "self-evident" truths of the Declaration of Independence: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," that government exists to "secure these rights" and that it derives its "just powers from the consent of the governed."

These are not just our rights as Americans. These are the rights of all human beings. Nurtured in thirteen embattled colonies along the Eastern seaboard more than two centuries ago, the blessings of liberties have since spread to more than 100 countries around the world.

Freedom's domain now stretches from Mexico to Mongolia. Some of the world's democracies are ancient nations. Others are

more recent in origin. Some are poor. Others are rich. Some are Christian. Others Muslim, Jewish, Buddhist, Confucian, Hindu. All are united by their respect for certain fundamental human rights—even if they do not always achieve in practice the ideals they seek to honor. America should take pride in knowing that so many of the freedom movements we have seen around the world since 1776 draw their inspiration from the courage and the words of our own Founding Fathers.

The honor roll of free countries does not yet include the land of my parents or grandparents—Cuba—but that I believe is only a matter of time. Because sooner or later, the tides of freedom will wash against the shores of this island nation that has been trapped for too long in a prison constructed by Fidel and Raul Castro.

Why am I so confident about the future? Because in our time, we have seen how dictatorships have fallen and democracies risen—even in the most unpromising surroundings.

Just in the past year, in the Middle East—the region whose governments have been most resistant to freedom—we have seen the first stirrings of democratic upheavals. We do not know how the Arab Spring will ultimately turn out, but it has already proven one thing: that no faith, no ethnicity, no region, and no people are immune to the fundamental desire to control their own destiny.

As dissidents and freedom fighters battle dictators around the world, they look for support to the greatest democracy in the world. And America must answer their call.

We do not seek to impose our vision of government. We do not insist that every nation must have a presidency, a supreme court or a bicameral legislature. Nor do we have any intention of using force to depose every despotic regime on the planet.

But we must do what we can to champion the cause of freedom—not only with the power of our example but also with our money and our resources, our ingenuity and our diplomacy, and on rare occasion, when there is no good alternative and when our national interest is clearly at stake, our armed might.

Without our commitment to the rights of man enunciated by our forefathers, what are we? Just another big, rich country. But when we champion our ideals, we gain moral authority—and we gain physical security.

You see, we may not always agree with our fellow democracies, but seldom, if ever, do we fight them. The more functioning democracies there are—“functioning” being the important quality—the easier we can breathe.

States that do not respect the rights of their citizens seldom respect the rights of their neighbors. They become breeding grounds for all sorts of ills—from the trafficking of humans and drugs to contagious diseases and famine, from nuclear proliferation to terrorism—that threaten our own security.

Now some suggest that America should heed the famous words of John Quincy Adams and go “not abroad, in search of monsters to destroy.” The problem is if America turns inward and ignores the monsters abroad, they are likely to come here.

It happened in 1917 when German U-boats torpedoed American merchant ships.

It happened in 1941 when Japanese aircraft bombed Pearl Harbor.

And it happened ten years ago when Al Qaeda carried off the deadliest terrorist attack in history from a base in the Hindu Kush. If we do not have the luxury of ignoring developments in lands as remote as Af-

ghanistan, then there is no corner of the world from which we can safely turn our backs.

The fanatics who orchestrated the attacks of 9/11 were nurtured in lands that knew no freedom, in countries where, for too long, the people's pursuit of happiness had been subordinated to the rulers' pursuit of power. A lack of economic, social and political opportunity helped to create the conditions that enabled a radical few—deluded by demented doctrines of hate—to commit mass murder simply to make a statement.

The form of the threat was relatively novel: We were attacked not by another nation-state but by a band of terrorists who took shelter in a failed state. But this threat—like the threats of Nazism, fascism, and communism—comes from a sick and failed ideology.

With Osama bin Laden's recent demise, the founder of Al Qaeda joined a long list of tyrants—Adolf Hitler to Saddam Hussein—who have experienced for themselves the righteous wrath of a democracy bestirred from its peaceful pursuits.

I applaud President Obama for ordering the raid that finally brought Osama bin Laden to his just fate. I applaud the President, too, for his stirring words in support of reformers in the Middle East. I only wish that he had shown more commitment to the cause of freedom. He has been slow and hesitant, and we have missed some significant opportunities to alter the strategic landscape in America's favor. And the President's failure to lead has served to magnify the damage done to U.S. interests.

For example, in the summer of 2009, the young people of Iran took to the streets to protest against mullahs that had consigned them to poverty, while squandering oil riches to build nuclear weapons and support foreign terrorist groups. The President was so intent on negotiating with Iran's tyrants that he did little to help its people. As the Green Revolution fizzled, protesters demanded to know, “Obama, are you with us or against us?”

This year, the Administration did come to the aid of the people of Libya, but only after weeks of hesitation that allowed Moammar Qaddafi—an anti-American criminal—to get back on his feet and resume slaughtering his own people.

Then it took another four months before the President was willing to recognize the Transitional National Council as the rightful government of Libya. And even then, the Administration refused to commit the resources and make the tactical decisions that could have shortened this conflict.

The regime was so lacking in popular support that it finally fell, but the fact that the war dragged on so long has, at a minimum, raised the costs of reconstruction and lengthened the toll of the dead and wounded.

An anonymous presidential adviser justified this by claiming that it was part of a deliberate strategy to “lead from behind.”

We could see the same doctrine in effect in Syria where the President waited a full six months after the start of a popular uprising—six months that Bashar Assad and his goons spent indiscriminately slaughtering their own people—before calling for Assad's removal. And even then, the Administration refused to recall our ambassador or impose the entire list of sanctions that some of us in Congress had been pressing for.

Now the President's defenders suggest that it was right not to get more involved because they worry about the consequences of turmoil in the Middle East. I've often hear it

said that: “Better the devil you know.” We should be concerned about what will come next in places like Egypt that have been American allies.

I can understand why President Obama hesitated before finally withdrawing our support from Hosni Mubarak, which I believe, under the circumstances, was the right thing to do. But it is hard to see why we would hesitate in the case of Iran, Syria or Libya—all avowed enemies of America. It is hard to imagine a ruler worse than Ahmadinejad, Assad or Qaddafi, and easy to imagine that their successors might be much more amenable to our interests.

Even in countries such as Egypt, Bahrain and Saudi Arabia, we simply do not have the luxury of endorsing the status quo.

Instead of tying our fate to discredited dictators, we would be better advised to build constructive alternatives. That's what Ronald Reagan did when he pushed Ferdinand Marcos out of power in the Philippines in 1986. The following year he did the same thing when he helped push a military ruler out of power in South Korea and supported the transition to civilian rule. Today, South Korea is one of the world's freest countries—and one of the richest. Yet only forty years ago, it was poorer than North Korea and nearly as poor as Syria. Its transformation shows what is possible when free people are allowed to harness their full potential.

This is the change that we must encourage in the Middle East. Now unfortunately the views of some of the protestors distasteful. I certainly condemn the anti-Israel sentiments uttered by protest leaders, and I can understand why many Israelis are alarmed by the recent turn of events.

Israel is one of America's closest allies in the world, and our closest and most reliable friend in the Middle East. It is a shining bastion of democracy, liberty, and opportunity in one of the most blighted parts of the world. But the naïve strategy of trying to appease Islamist extremists like Iran, and turning our back on Israel, will only embolden our common enemies and weaken the prospects for peace—and for democracy itself.

For the sake of peace, and out of principle, the United States must strongly affirm its commitment to Israel, not just in words but in deeds.

At the same time, the people of Tunisia, Egypt, Libya, Syria, Yemen, and other Middle Eastern lands are in the streets because they want a better life for themselves and their children. They aren't asking for the imposition of a Taliban-style rule. They are asking for the ballot box and for economic opportunity. And if their desires are fulfilled, they will move closer to Thomas Jefferson's vision of the world than Osama bin Laden's.

That is why I am so concerned that the Administration may let this historic opportunity pass. I am glad that the President is trying to bring along our allies. But our allies would be the first to tell you that nothing important or difficult happens without American leadership. Unfortunately, that leadership has been missing at a critical juncture during the last few years.

Most recently, for example, it has been suggested that the advice of military commanders in Iraq be completely ignored in favor of a dramatic troop drawdown that even Iraqis say is too drastic.

It's a reminder that, in our republic, elections have consequences not just at home, but all over the world. Because while previous generations of leaders—and even some

I serve with today—have stood up for unpopular but necessary measures, even at the risk of losing elections, others are simply too willing to do what is politically self-serving. America, and the entire world for that matter, needs resolute leadership in this era of historic but volatile transformation, particularly in the Middle East—and particularly in Iraq.

Beyond the Middle East, in our own hemisphere, a combination of narco-trafficking networks, anti-American strongmen, and the increasing penetration of Iranian influence is raising dangers of a special kind. Individuals like Hugo Chavez, who have no business running anything in the first place much less a country, have worked strenuously to build a bloc of countries to work against U.S. interests—and at great risk to great friends like Colombia.

Again, the Administration has missed easy opportunities to stand with our allies, for instance, through free trade agreements. We cannot continue to ignore or be complacent about Latin America, nor can we relegate our friends in the region to anything less than high priority partnerships for us to continue nurturing.

After all, the security of our democratic society depends on the success of liberty in our own hemisphere. The fight against drug and human trafficking, and the infiltration of Islamist terrorists requires the success of economic and political freedoms—and of the rule of law—in Latin America. We must be more vigilant—and more decisive—in defending our interests in our own hemisphere.

And by the way, the notion that we should “lead from behind” would have been incomprehensible even to the Democrat who preceded President Obama. In his second inaugural address, President Bill Clinton said that “America stands alone as the world’s indispensable nation.” That is as true today as it was in 1997.

If America refuses to lead, who will combat international outlaws? Who will stop terrorists and weapons proliferators? Who will deal with the Iranian and North Korean nuclear programs? The rising disorder in Pakistan, Yemen and Somalia? The growing challenge from China which seeks to dominate East Asia, but won’t even let its own people use Google?

The world counts on America. And whether we like it or not, there is virtually no aspect of our daily lives that is not directly impacted by what happens in the world around us. We can choose to ignore global problems, but global problems will not ignore us.

Yet our ability to lead is threatened. It’s threatened not by any external foe, but rather by our own fiscal woes.

This year, the national debt surpassed the size of our economy and it will continue to grow unless we get it under control.

Now, I am a strong advocate of cutting unnecessary and wasteful spending, but the defense budget is not the biggest driver of our debt—it accounts for roughly twenty percent of our annual federal spending. By contrast, entitlement programs swallow more than half the budget and they are the main drivers of our debt.

The Pentagon already faced sharp cuts. During his last two years in office, Secretary of Defense Gates cut or curtailed procurement programs that, if taken to completion, would have cost \$300 billion. This summer, the President and congressional leaders agreed to cut another \$350 billion from the defense budget over the next ten years.

Those cuts by themselves alone are worrisome enough but what is more worrisome is

what’s looming: In the worst case scenario, if the so-called Debt Super Committee doesn’t reach any deal at all, the Pentagon could stand to be slashed by more than \$1 trillion over ten years.

Our new secretary of defense—himself is a well-known budget hawk—has warned that cutbacks of this scale would have a “devastating effect on our national defense.” I can but echo Leon Panetta’s words.

The American armed forces have been one of the greatest forces of good in the world during the past century. They stopped Nazism and Communism and other evils such as Serbian ethnic-cleansing. They have helped birthed democracies from Germany to Iraq. They have delivered relief supplies, and performed countless tasks in service to our nation.

All they have ever asked for in return is that we provide them the tools to get the job done—and that we look after them and their families. They have never failed us in our time of need.

We must not fail them now. We must maintain a strong national defense.

Foreign aid is also an important part of America’s foreign policy leadership. While we certainly must be careful about spending money on foreign aid, the reality is that it is not the reason we have a growing debt problem.

If it is done right, and when done in partnership with the private sector and faith-based community, foreign aid spreads America’s influence around the world in a positive way. Let me give you an example: the Bush Administration’s program to provide HIV medicine to Africa has not only saved lives, it has increased America’s influence across the continent. These are allies in the future that can be our partners, not just in our political struggles on the world stage, but in economic trade. And a world where people are prosperous and free to grow their economies and pursue their own dreams is a better world for all of us.

I began by quoting the words of Jesse Helms and Ronald Reagan. In closing, let me recall the great words of one of the most important Democrat leaders of the 20th Century—Harry S. Truman. In 1951, speaking to the New York Avenue Presbyterian Church in Washington, D.C., this is what he said:

“I have the feeling that God has created us and brought us to our present position of power and strength for some great purpose. It is not given to us to know fully what that purpose is. But I think we may be sure of one thing. And that is that our country is intended to do all it can in cooperating with other nations to help create peace and preserve peace in the world. It is given to us to defend the spiritual values—the moral code—against the vast forces of evil that seek to destroy them.”

There are still vast forces of evil seeking to destroy us. The form of the threat has changed since Truman’s time. But evil remains potent—and America remains the strongest line of defense, often the only line of defense.

I pray that we will continue to find the wisdom and courage—and resources—to act effectively in the defense of our moral code—the same code that we share with all civilized people. The world needed a strong America in Truman’s time. And if this is to be another American Century, the world needs a strong America now.

Because freedom cannot survive without us.

Thank you so much for having me. May God bless all of you and may God bless our country. Thank you.

REMEMBERING COMPTROLLER GENERAL ELMER B. STAATS

Mr. LIEBERMAN. Mr. President, today I pay tribute to the memory of Elmer B. Staats, one of the great civil servants of the post-World War II era. A former Comptroller General of the United States and head of the General Accounting Office, as GAO was then called, Mr. Staats died July 23 in Washington at the age of 97.

Elmer Staats had the distinction of serving under every U.S. President from Franklin Roosevelt to Ronald Reagan. But more important than the longevity of his career was his record of professional achievement. A leading figure in the world of public administration and government accountability, Elmer Staats was renowned for his dedication to constructive change and good government principles.

Appointed Comptroller General in 1966, Elmer Staats helped lay the foundation for the modern-day GAO. He transformed it from an agency primarily known for financial audit work to one that evaluates the effectiveness of virtually every Federal activity at home and abroad, from antipoverty programs to military spending to investments in infrastructure.

At the start of Staats’ tenure at GAO, accountants comprised more than 95 percent of the agency’s professional staff. By the time he retired in 1981, the agency’s workforce included such diverse professionals as economists, social scientists, attorneys, and computer experts—all career employees hired on the basis of their knowledge, skills, and ability.

Under Elmer Staats, GAO took a lead role in issuing auditing guidance. In 1972, the Comptroller General issued the first edition of what has come to be known as the “Yellow Book”—the final word on government auditing standards. He also directed GAO to issue guidance to help state and local auditors and was instrumental in establishing intergovernmental audit forums in the 1970s.

In addition, Elmer Staats sought to strengthen ties with the international auditing community through his active involvement and leadership in the International Organization of Supreme Audit Institutions. He founded GAO’s International Auditor Fellowship Program in 1979, which enables auditors from other countries to meet with GAO staff and acquire new knowledge and perspectives.

His is a living legacy that is still delivering results, both for Congress and the American people. Just name a Federal program or policy, GAO has probably reviewed it and made suggestions for improvement. Last year, measurable financial benefits from GAO work totaled nearly \$50 billion, an \$87 return on every dollar invested in GAO.

Elmer Boyd Staats was born in Richfield, KS, in 1914. His family were

wheat farmers. The only one of his eight siblings to attend college, Elmer Staats graduated Phi Beta Kappa from McPherson College in 1935, and later earned a master's degree in political science and economics from the University of Kansas and a doctorate in political economy at the University of Minnesota, where he wrote his dissertation on the new Social Security Administration.

Elmer Staats' career in the Federal Government began in 1939, when he joined the Bureau of the Budget, now the Office of Management and Budget. His talents were recognized early on, and he served in high-level posts at the Bureau under Presidents Truman, Eisenhower, Kennedy, and Johnson. Eventually, he became the Bureau's Deputy Director before President Johnson appointed him to a 15-year term as the fifth Comptroller General of the United States. He held that post through the administrations of Presidents Johnson, Nixon, Ford, and Carter, and into the early months of the Reagan administration.

After leaving GAO, Elmer Staats became the president and later chairman of the board of trustees of the Harry S. Truman Scholarship Foundation. He was a member of the Governmental Accounting Standards Board from 1984 to 1990. During the 1990s, he served as the first chairman of the Federal Accounting Standards Advisory Board.

Elmer Staats helped found the American Society for Public Administration in 1939 and later served as its national president and vice president. He was also a founding member in 1967 of the National Academy of Public Administration and remained a trusted advisor on many Academy projects over the years. He received numerous awards for distinguished public service, along with honorary degrees from eight universities. He was elected to the Accounting Hall of Fame in 1981.

When asked whether he was a Republican or a Democrat, Elmer always politely but firmly declined to answer. In fact, he was famous for having a needlepoint pillow in his office that featured an elephant on one side and a donkey on the other. The message about his and GAO's nonpartisan role in government was clear.

As Bob Schieffer observed in a recent commentary on "Face the Nation," Elmer Staats' reputation in Washington was such that you "knew you could take what his agency reported to the bank—its facts were seldom disputed, its neutrality never challenged, his political affiliation never known."

I want to express my gratitude for Elmer Staats' many years of exemplary service to our Nation. His intelligence, dedication, and integrity will be missed. At the same time, Elmer Staats set an example for the type of men and women who will be needed to help lead our government in the fu-

ture—individuals of outstanding ability, sound character, and a genuine commitment to the greater good.

My thoughts and prayers go to his three children—David Staats, Deborah Sanders, and Catharine Taubman—and to his three grandchildren and great-granddaughter.

CONSTITUTIONAL CONVENTION

Mr. LEAHY. Mr. President, this Saturday, the Nation marks the 224th anniversary of the day when the Founders signed the fundamental charter for our democracy—the Constitution of the United States. During the Constitutional Convention, the delegates debated hundreds of issues and proposals before crafting the final charter. Thankfully, the Founders had the foresight to know that their debate would not be the final word on the subject. The work of defining our Nation—ensuring protection of rights for all Americans—would continue, as we strive to create "a more perfect union."

It was through the leadership of the late Senator Robert C. Byrd that the Congress began to officially celebrate the signing of the Constitution, calling the September 17 anniversary Constitution Day. Senator Byrd understood the importance of ensuring that future generations value our Nation's founding charter. This week, in schools across the country, students will learn about the Constitutional Convention and the meaning of Constitution Day.

For well over two centuries, the Constitution has allowed America to flourish and, importantly, adapt to new challenges. Since the inclusion of the Bill of Rights in 1791, the Constitution has been amended just 17 times. There has been much discussion of late about amending our Nation's fundamental charter. As chairman of the Senate Judiciary Committee, that is not something that I take lightly. Proposing amendments to the Constitution should not be a reflexive response to political threats. Each Member of Congress swears to support and defend the Constitution; it should be treated with the reverence it deserves, not as leverage in heated political debate. While I certainly believe that the Constitution has been improved over time in our effort to create a more perfect union, those amendments were thoroughly considered and debated over time. Before we alter our national charter, we must openly consider whether such amendment would hamstring future generations.

Pressure groups may demand that elected representatives sign pledges about what they will and will not do if elected to office. The pledge I follow—the one I was honored to make again at the beginning of this Congress—is to uphold the Constitution. I take that pledge seriously. "We the People" owe

a great debt to the Framers of our Constitution. And as we commemorate the signing of the Constitution of the United States of America 224 years ago, I hope all Americans will take this opportunity to read the words of our founding charter and learn about how it protects us all.

TRIBUTE TO KEEGAN BRADLEY

Mr. LEAHY. Mr. President, with the Senate now back in session, as a Vermonter I would like to call the Senate's attention to Mr. Keegan Bradley's first-place finish in the 93rd Professional Golf Association's Championship Tournament on Sunday, August 14. Mr. Bradley is the first male golfer born in Vermont to win a major PGA Championship.

Keegan Bradley has earned a permanent place for himself, and Vermont, in the record books. As a rookie golfer, his participation in the 2011 PGA Championship is his first major tournament, making him one of only three rookie golfers ever to place first in a major tournament debut. This win also marks the end of a six-major tournament dry spell for American golfers. In order to win this year's PGA Championship, Bradley needed to demonstrate tenacity and determination. Keegan successfully came back from a four-shot deficit in the last three holes of the tournament, proving his ability to focus and overcome obstacles.

His PGA Championship win extends Mr. Bradley's successful start to his professional golf career. Most notably, he placed first in another PGA tournament earlier this year, the HP Byron Nelson Championship in Texas. In 2011 he has also finished in the top 10 in 4 PGA tournaments, as well as having finished within the top 25 in 10 others.

Even more impressively, Keegan Bradley has spent many of his younger years living in the New England area, with seasonal weather that did not always afford him the luxury of training year-round. This resulted in much time-sensitive dedication and focus, as winter weather inhibits year-round outside practice in our part of the country.

Keegan Bradley was born in Woodstock, VT, in 1986 and attended Woodstock High School. He is the son of Mr. Mark Bradley, golf professional at Crown Point Golf Club, and Mrs. Kay Bradley. Keegan is also the nephew of Ms. Pat Bradley, a Ladies Professional Golf Association Hall-of-Famer. I am proud to recognize Keegan Bradley for his accomplishment, both as a Vermonter and a professional golfer. I join all Vermonters in wishing him many more years of success.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2218. An act to amend the charter school program under the Elementary and Secondary Education Act of 1965.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2218. An act to amend the charter school program under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1549. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

H.R. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2887. An act to provide an extension of surface and air transportation programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3219. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the 2011 Tri-mester 2 Directed Loligo Squid Fishery" (RIN0648-XA617) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3220. A communication from the Acting Director, Office of Sustainable Fisheries, De-

partment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested" (RIN0648-XA632) received in the Office of the President of the Senate on September 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3221. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Reef Fish Fishery; 2011 Commercial Quota and 2011 Commercial Fishing Season for Greater Amberjack" (RIN0648-XA592) received in the Office of the President of the Senate on September 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3222. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2011 Winter II Quota" (RIN0648-XA555) received in the Office of the President of the Senate on September 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3223. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Modification of the Retention of Incidentally-Caught Highly Migratory Species in Atlantic Trawl Fisheries" (RIN0648-BA45) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3224. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fishery; Emergency Rule Extension, Revision of 2011 Butterfish Specifications" (RIN0648-BA86) received in the Office of the President of the Senate on September 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3225. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (RIN0648-XA610) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3226. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XA613) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3227. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch, Northern

Rockfish, and Pelagic Shelf Rockfish in the Western Regulatory Area and the West Yakutat District of the Gulf of Alaska" (RIN0648-XA544) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3228. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 15 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-BA71) received during recess in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3229. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 16, Framework Adjustment 44, and Framework Adjustment 45" (RIN0648-AY95) received during recess of the Senate in the Office of the President of the Senate on August 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3230. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; and Implementation of Additional Changes from the Annual Review of the Entity List" (RIN0694-AF22) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3231. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Event Data Recorders" (RIN2127-AK71) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3232. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Make In-operative Exemptions; Vehicle Modifications to Accommodate People with Disabilities, Head Restraints" (RIN2127-AK22) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3233. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "New Car Assessment Program; Safety Labeling" (RIN2127-AK51) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3234. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection" (RIN2127-AK80) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3235. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Air Brake Systems" (RIN2127-AK84) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3236. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service: Passenger Train Employees" (RIN2130-AC15) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3237. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2011 Update" (RIN2140-AB08) received during recess of the Senate in the Office of the President of the Senate on August 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3238. A communication from the Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Air Cargo Screening" (RIN1652-AA64) received during recess of the Senate in the Office of the President of the Senate on August 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3239. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Substantial Product Safety List: Hand-Supported Hair Dryers" (16 CFR Part 1120) received during recess of the Senate in the Office of the President of the Senate on August 23, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3240. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Substantial Product Safety List: Children's Upper Outerwear in Sizes 2T to 12 with Neck or Hood Drawstrings and Children's Upper Outerwear in Sizes 2T to 16 with Certain Waist or Bottom Drawstrings" (16 CFR Part 1120) received during recess of the Senate in the Office of the President of the Senate on August 23, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3241. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Poison Prevention Packaging Requirements; Exemption of Powder Formulations of Colesevelam Hydrochloride and Sevelamer Carbonate" (16 CFR Part

1700) received in the Office of the President of the Senate on September 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3242. A communication from the Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Claims for Patent and Copyright Infringement" (RIN2700-AD63) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3243. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "Reimbursable Space Act Agreements: NASA Generally Adhering to Fair Reimbursement Controls, but Guidance on Waived Cost Justifications Needs Refinement"; to the Committee on Commerce, Science, and Transportation.

EC-3244. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled "Training Necessary to Address Data Reliability Issues in NASA Agreement Database and to Minimize Potential Competition with Commercial Sector"; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the Acting Chief of the Division of Habitat and Resource Conservation, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammal; Incidental Take During Specified Activities (Beaufort Sea)" (RIN1018-AX32) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. RISKCH):

S. 1552. A bill to amend the Endangered Species Act of 1973 to provide an exception to that Act for actions carried out against grizzly bears in self-defense, defense of others, or a reasonable belief of imminent danger; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. ENZI):

S. 1553. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 1554. A bill to prohibit the further extension or establishment of national monuments in the State of Nevada except by express authorization of Congress, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 1555. A bill to authorize the use of certain offshore oil and gas platforms in the

Gulf of Mexico for artificial reefs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself and Mr. JOHNSON of Wisconsin):

S. 1556. A bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 1557. A bill to amend the Internal Revenue Code of 1986 to expand personal savings and retirement savings coverage by allowing employees not covered by qualified retirement plans to save for retirement through automatic IRAs, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. AKAKA, Mr. LEAHY, Mrs. MCCASKILL, Mr. FRANKEN, Mr. BLUMENTHAL, and Ms. MIKULSKI):

S. 1558. A bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1559. A bill to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1560. A bill to enhance access to controlled substances for residents of institutional long-term care facilities, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 266. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. BOXER, Mr. BEGICH, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. BENNET, Mr. INOUE, Mr. REED, Mr. BROWN of Ohio, Mr. DURBIN, Mr. UDALL of Colorado, Mr. WYDEN, Mr. MERKLEY, Mr. AKAKA, Mrs. HAGAN, Mr. CASEY, and Mr. CRAPO):

S. Res. 267. A resolution recognizing the Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mrs. BOXER, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 170, a bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac.

S. 309

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 676

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 805

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 805, a bill to amend the Consolidated Farm and Rural Development Act to improve the business and industry direct and guaranteed loan program of the Department of Agriculture.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 920

At the request of Mr. BLUNT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 920, a bill to create clean energy jobs and set efficiency standards for small-duct high-velocity air conditioning and heat pump systems, and for other purposes.

S. 967

At the request of Mr. MERKLEY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 1030

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1030, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 1224

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1224, a bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery program through fiscal year 2023.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1523

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1527

At the request of Mrs. HAGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 27

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 1557. A bill to amend the Internal Revenue Code of 1986 to expand personal savings and retirement savings coverage by allowing employees not covered by qualified retirement plans to save for retirement through automatic IRAs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN, Mr. President, I rise today to introduce the Automatic IRA Act of 2011. When fully phased in, this bill will give nearly 42 million Americans nationwide an easy, effective way to take responsibility for their financial futures and plan for a secure retirement. The Act incorporates the President's call, in his Proposed fiscal year 2010, 2011, and 2012 Budgets, for Congress to enact Automatic IRA legislation.

Currently, about half of American workers have no opportunity to save for retirement at work. In my home State of New Mexico, that share is nearly 60 percent. Among those lacking coverage at work, only one in ten contributes annually to an individual retirement account, IRA; the rest generally make no dedicated savings for retirement. The result? An alarming number of American workers are woefully unprepared for a financially secure retirement. According to Boston College's Center for Retirement Research, "in 2009 half of today's households will not have enough retirement income to maintain their pre-retirement standard of living, even if they work to age 65, which is above the current average retirement age." Especially in this period of economic uncertainty, it is imperative that Congress focus on this retirement savings crisis. My bill takes a common-sense approach to doing so.

Under this bill, most private-sector employees working in establishments of 10 or more employees who are not currently covered by a workplace retirement plan would be given the opportunity to save through regular payroll deposits that continue automatically, unless they elect out. The savings will be deposited into the worker's own IRA, which will be subject to the laws already in place governing IRA accounts. Employers' administrative functions will be minimal. And the arrangement is market-oriented; other than the smallest of accounts, automatic IRAs will be provided by the same banks, mutual funds, insurance carriers, and other institutions that currently provide them.

The automatic IRA approach is intended to help these households overcome the barrier of inertia. It builds on the successful use—encouraged by reforms I strongly supported the Pension Protection Act of 2006—of automatic features in 401(k) plans that encourage employees toward sensible decisions, while allowing them to make alternative choices. We have already seen evidence that automatic 401(k) enrollment can dramatically boost employee participation rates, from seven in ten eligible workers to 9 in 10. In the 401(k) context, the gains are even more striking for population groups least likely to save, including women, Latino, and low-income workers.

Of the 75 million American workers who now are not covered by employment-based retirement plans, an estimated 42 million would be eligible to save and enroll under Automatic IRA legislation. This includes more than 250,000 in my home state of New Mexico. Many of these individuals are familiar with IRAs. But when asked why they haven't used the existing program, about half point to issues relating to setup and decision-making as the key barriers. The automatic IRA would eliminate these barriers, and the Retirement Security Project estimates that automatic IRA legislation could increase net national saving by nearly \$15 billion annually.

This is the fourth consecutive Congress in which I have introduced Automatic IRA legislation. The concept was initially developed by scholars at the Brookings Institution and Heritage Foundation. Indeed, the Automatic IRA concept has long enjoyed broad support across the political spectrum. For instance, Martin Feldstein, chief economic advisor to President Reagan, has described himself as “a great enthusiast of automatic enrollment IRAs” who thinks “as a policy, it's a no-brainer” and “can't imagine why there would be any significant opposition from political players on either side of the aisle.”

Finally, this bill seeks to send a strong signal of preference for employers to offer qualified retirement plans,

like 401(k)s. Among other features, it doubles the credit for employers that newly establish qualified plans and it directs the Secretaries of the Treasury and Labor to implement final regulations and establish a model plan for Multiple Employer Plans.

I am grateful that my colleague on the Senate Finance Committee, Senator KERRY, is joining me in introducing this bill. I am also pleased to note the broad range of stakeholders supporting the Automatic IRA concept, including AARP; the American Society of Pension Professionals & Actuaries; Aspen Institute's Initiative on Financial Security; the Business and Professional Women's Foundation; CFED; Consumers Union; FINRA; the Minority Business Roundtable; New Economics for Women; the United States Black Chamber; the United States Women's Chamber of Commerce; Women Impacting Public Policy; and the Women's Institute for a Secure Retirement.

Ensuring easy access to a retirement account and the ability to have part of their wages go directly from their paycheck into this account are proven strategies to encourage retirement savings. I call on the Senate to take up this bill and give it full consideration.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1559. A bill to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce the San Juan Islands National Conservation Area Act.

The San Juan Islands in northwest Washington host some of the most beautiful, serene spots in the world. The San Juans are made up of 172 islands with over 300 miles of shoreline, some little more than rocks, others home to towns, farms, and forests. The coastlines are a mix of sandy and rocky beaches, shallow and deep harbors, and placid and reef-studded bays. And between the many islands run channels of water that support many of Washington's most important marine species, including abundant salmon runs and our majestic regional icon, the orca whale.

Included in the San Juan Islands are nearly 1,000 acres of land owned by the Federal Government, spread out over 60 separate locations and managed by the U.S. Bureau of Land Management, BLM. These parcels, which range from pine forests to lighthouses, provide recreational, ecological, historical, cultural, and scientific benefits to island residents and around 70,000 tourists that visit each year.

Despite their value, no long-term comprehensive management plan exists for these Federal parcels, threat-

ening continued preservation and public access to these sites. Many of these areas are fragile, increasing the challenge of accommodating increasing numbers of visitors.

In addition, San Juan Island residents have seen the possibility of public lands they treasure being transferred to private ownership. In 2005, the Washington State Department of Natural Resources made a unilateral decision to divest itself of all its properties in San Juan County, including Mitchell Hill, a popular and scenic hiking trail on San Juan Island. While these lands were actively pursued by a private, out-of-state, real-estate developer, I was proud to work with the San Juan Island community to help secure Federal funding to keep these lands in the public domain.

Unfortunately, the Bureau of Land Management lands in the San Juan Islands are not permanently protected or preserved in public ownership. Last July, Congressman LARSEN, the Bureau of Land Management, and I visited with residents and businesses that have been working for years to permanently protect these special places.

The legislation I introduce today is a direct result of our efforts and represents a consensus between the San Juan Island community, Congressman LARSEN, and the Department of the Interior. If enacted, the San Juan Islands National Conservation Area Act will designate all 1,000 acres of BLM lands in the San Juans as a National Conservation Area, ensuring that these natural treasures remain protected, accessible to the public, and better managed to accommodate visitor use.

National Conservation Area designated lands are considered some of the most important Bureau of Land Management properties and are therefore a higher priority for management funding than non-designated lands they manage. Specifically, National Conservation Area status would ensure the San Juan Island properties are appropriately managed to protect their unique qualities and not grouped in with other BLM lands where activities such as mining, oil and gas exploration, off road vehicle use, and grazing are allowed. Importantly, my legislation requires that the management plan drafting process allows for local input into how these properties are to be managed for the long-term.

A National Conservation Area designation will also foster a stronger working relationship with other agency partners such as the U.S. Fish and Wildlife Service and provide increased opportunities for sharing resources.

I am looking forward to working to advance this legislation through the Senate Energy and Natural Resources Committee, and through the full Senate. Through our efforts we will work to ensure that future generations will be able to enjoy these special parts of the San Juan Islands.

I would also like to thank my colleague Senator MURRAY for agreeing to cosponsor this legislation, and Congressman LARSEN for his leadership and introducing companion legislation today in the House of Representatives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Juan Islands National Conservation Area Act”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) land managed by the Bureau of Land Management in the San Juan Archipelago in the State of Washington comprising nearly 1,000 acres of small islands, rocks and reef, headlands, historic lighthouses, and ecologically important areas are of great value to people in the State of Washington and the United States;

(2) the area described in paragraph (1)—

(A) provides recreational opportunities for hiking, wildlife viewing, boating, picnicking, photography, sea kayaking, and camping; and

(B) is enjoyed by residents of the area and visitors;

(3) in 2010, the area described in paragraph (1) received more than 65,000 visitors in a county with a population of 15,769 residents;

(4) the area described in paragraph (1) preserves important local, national, and tribal cultural and historic sites, such as—

(A) lighthouses on Potos Island, Turn Point, and Cattle Point, which are registered as State Historic Structures;

(B) numerous archaeological sites, including shell middens, plank-house sites, and burial markers; and

(C) areas of cultural importance, including ancient Coast Salish camas cultivation sites, homesteads, reef-net sites, and settler cabins;

(5) the area described in paragraph (1) includes vanishing coastal flower meadows, spruce bogs, groves of Garry oaks and endemic coastal junipers, and other rare and fragile ecosystems that support numerous plant species and provide nesting habitat for seabirds, songbirds, bats, and other small native mammals;

(6) the area described in paragraph (1) is used by several nonprofit, government, and educational organizations for scientific research and education, including the San Juan Islands Experimental Education Outdoor Classroom; and

(7) establishing the San Juan Islands National Conservation Area is the best way to preserve, protect, enhance, and restore a landscape that is of local and national importance.

(b) PURPOSES.—The purposes of this Act are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term “Advisory Council” means the San Juan Islands National Conservation Area Advisory Council established under section 4(e).

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed under section 4(b).

(3) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the San Juan Islands National Conservation Area established by section 4(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. SAN JUAN ISLANDS NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State of Washington the San Juan Islands National Conservation Area, consisting of approximately 1,000 acres of public land in the State of Washington, as generally depicted on the map entitled “Proposed San Juan Islands National Conservation Area” and dated June 30, 2011.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in section 2(b).

(3) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) WILDLAND FIRE OPERATIONS.—Nothing in this Act prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this Act.

(5) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the National Conservation Area.

(6) TRIBAL CULTURAL USES.—The Secretary shall, in consultation with Indian tribes—

(A) ensure the protection of religious and cultural sites in the National Conservation Area; and

(B) provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996).

(d) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around the National Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the National Conservation Area can be seen or heard within the National Conservation Area shall not preclude the activity or use outside the boundary of the National Conservation Area.

(3) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the National Conservation Area only through exchange, donation, or purchase from a willing seller.

(B) MANAGEMENT.—Land acquired under subparagraph (A) shall become part of the National Conservation Area.

(e) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “San Juan Islands National Conservation Area Advisory Council”.

(2) MEMBERS.—

(A) COMPOSITION.—The Advisory Council shall be composed of 7 members, to be appointed by the Secretary.

(B) QUALIFICATIONS.—To the maximum extent practicable, the members appointed under subparagraph (A) shall—

(i) reside in or within reasonable proximity to San Juan County, Washington;

(ii) have backgrounds that reflect—

(I) the purposes for which the National Conservation Area was established; and

(II) the interests of the stakeholders that are affected by the planning and management of the National Conservation Area; and

(iii) be fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.

(3) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(4) APPLICABLE LAW.—The Advisory Council shall be subject to—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(5) TERMINATION.—The Advisory Council shall terminate on the date that is 1 year after the date on which the management plan is adopted by the Secretary.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land acquired by the United States after the date of enactment of this Act that is located in the National Conservation Area shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land (including interests

in the Federal land) located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—Any land acquired by the United States after the date of enactment of this Act that is located in the National Conservation Area shall be withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) **EFFECT.**—Nothing in this Act alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe.

By Mr. KOHL:

S. 1560. A bill to enhance access to controlled substances for residents of institutional long-term care facilities, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Nursing Home Resident Pain Relief Act of 2011. This legislation will help ensure that nursing home residents have timely access to pain medication as needed in emergency situations. By streamlining processes that can now cause delays in administering these vital drugs, the bill will also allow designated health care professionals to administer controlled substances to residents whose medical conditions warrant quick pain relief.

To accomplish these ends, the legislation amends the Controlled Substances Act, CSA, in several ways. First, it allows nurses and other appropriately licensed health professionals, designated by the nursing home and with approval from the physician, to order and administer pain medication to residents upon a physician's oral prescription. The bill also establishes a clear chain of accountability for these licensed health professionals, physicians, as well as for nursing homes and long-term care pharmacies.

Last year, the Special Committee on Aging, which I Chair, held a listening session where we heard about a recent Drug Enforcement Agency, DEA, enforcement initiative that has kept nursing home residents from receiving much-needed medication to manage their pain. For many years, nurses had been able to call urgently-needed prescriptions into pharmacies upon a physician's order over the phone. Pharmacies would fill the order, residents would get their pain medication, and physicians would follow up with written confirmation of the prescription. Now, DEA requires physicians to directly issue prescriptions in writing for Schedule II pain medications before they can be dispensed, including in emergency circumstances. This poses a problem for nursing home residents because facilities often do not have physicians on site to fill out the necessary paper work in time to provide criti-

cally needed pain medicine. The DEA's enforcement initiative has created an unintended consequence where nursing home residents often have to suffer for several hours or even days before they receive pain medication.

These delays have serious consequences. Here is an all-too-common scenario: an elderly resident that returns to a nursing home after surgery may be in more pain than his physician anticipated and need more medication than the physician prescribed to manage the pain. In order to access the medication he needs, the nursing home employees must first have his physician send a written prescription to a pharmacy. If the physician is difficult to locate or slow to respond, this can take hours or even days. The resident's pain may become so unmanageable while he waits that he must be transported by ambulance to a hospital emergency room. The ambulance ride and emergency room admission are not only expensive; they can set back the fragile resident's recovery from surgery. Our legislation would make these situations entirely avoidable.

DEA's enforcement initiative effectively put nursing home providers in a difficult position: If they follow the letter of the law, they are in danger of violating Health and Human Services regulations requiring them to administer medications in a timely manner. Failure to do so can result in monetary penalties. In addition, pharmacies could face fines under the CSA if they respond to the nursing home's order—which is almost always transmitted by a nurse—if they fill the order. As a result, a number of pharmacies, including several in the Midwest, are facing tens of millions of dollars in fines imposed by DEA.

Last year DEA issued a policy statement to provide a way for nursing home residents to access some kinds of medication more quickly. Under this new policy, a nursing home's licensed health care professionals may, on a physician's behalf, transcribe the physician's oral prescription for Schedule III, IV or V medications to a pharmacy to be filled. While we appreciated DEA's efforts, without amending the CSA the agency does not have the statutory authority to allow licensed health care professionals to transmit prescriptions for Schedule II controlled substances, the category under which nearly all pain medications fall. Legislation is required in order to provide nursing home residents prompt, reliable pain relief when they are suffering from severe injury or illness.

Our bill would provide a remedy by modifying the CSA to permit pain medication to be dispensed in emergency situations by nursing home professionals without a direct written order by a physician prior to its dispensing. Let me explain how this would work. A physician, if he or she chooses,

would be able to authorize the administrator of a long-term care facility to designate one or more licensed health care professionals employed by the facility to act as a "facility designee." In emergency situations only, and upon receiving an oral prescription from the physician, a facility designee would be permitted to contact a pharmacy to have the prescription filled and then dispense Schedule II medications to long-term care facility residents.

This would allow a physician to provide the prescription information to the facility designee via phone when a resident urgently needs pain medication and the physician is unavailable to transmit a written prescription to a pharmacy for a Schedule II controlled substance. The facility designee must document the physician's prescription in writing and transmit the written document to a pharmacy so that the prescription can be filled. After the pharmacy fills the prescription, it must send a copy of the written document memorializing the prescription to the physician for his or her endorsement. The physician must then send the endorsed document, confirming the oral prescription, to the pharmacy within five business days.

Diversion of controlled substances for illicit purposes is of great concern to me. That is why we have included numerous provisions to protect against diversion in nursing homes. For example, the bill requires careful record-keeping by facilities and pharmacies, which can then be reviewed by DEA as necessary. It requires each actor—the physician, facility designee, and pharmacist—to make a record of his or her role in the process. Long-term care facilities are asked to maintain a written or electronic logbook that memorializes prescriptions and their administration.

Additionally, the legislation enhances criminal and civil penalties for long-term care facility administrators and facility designees who divert drugs, or who violate recordkeeping requirements. These steps will help to ensure that pain medications get to those nursing home residents who need them.

I appreciate the great interest of the stakeholders, including long-term care facility, physician and pharmacy organizations, in solving this problem and I look forward to working with them to finally end the needless delay in pain relief. I would like to thank Attorney General Holder, DEA Administrator Michelle Leonhardt, and their staff for working with me on this legislation, and I look forward to continuing our work together to assure rapid approval by Congress.

Nursing home residents cannot wait for pain medication when they are in debilitating pain and our straightforward bill can help provide some needed relief. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL SAVE FOR RETIREMENT WEEK”, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES AND INCREASING PERSONAL FINANCIAL LITERACY

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 266

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is an important factor to workers understanding the true need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist workers in saving for retirement; and

Whereas October 16 through October 22, 2011, has been designated as “National Save for Retirement Week”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Save for Retirement Week”, including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and

are utilized by many people in the United States, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all people in the United States.

SENATE RESOLUTION 267—RECOGNIZING THE HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. BOXER, Mr. BEGICH, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. BENNET, Mr. INOUE, Mr. REED of Rhode Island, Mr. BROWN of Ohio, Mr. DURBIN, Mr. UDALL of Colorado, Mr. WYDEN, Mr. MERKLEY, Mr. AKAKA, Mrs. HAGAN, Mr. CASEY, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas beginning on September 15, 2011, through October 15, 2011, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 50,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas, as of May 31, 2011, there are 29,204 Hispanics serving with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas, as of May 31, 2011, 605 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 24 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2011, through October 15, 2011;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

AMENDMENTS SUBMITTED AND PROPOSED

SA 601. Mr. PAUL submitted an amendment which was ordered to lie on the table.

SA 602. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

SA 603. Mr. REID proposed an amendment to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 604. Mr. REID proposed an amendment to amendment SA 603 proposed by Mr. REID to the amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 605. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, supra.

SA 606. Mr. REID proposed an amendment to amendment SA 605 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 607. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, supra.

SA 608. Mr. REID proposed an amendment to amendment SA 607 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 609. Mr. REID proposed an amendment to amendment SA 608 proposed by Mr. REID to the amendment SA 607 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

TEXT OF AMENDMENTS

SA 601. Mr. PAUL submitted an amendment which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ OFFSET.

There is rescinded on a pro rata base from the unobligated balances made available to the President, the Department of State, or the United States Agency for International Development for foreign assistance programs for fiscal 2011 an amount equal to the amount appropriated under this Act to the Federal Emergency Management Agency for disaster relief for fiscal years 2011 and 2012.

SA 602. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

Strike all after the resolving clause and insert the following:

DIVISION A—RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This division shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. EFFECTIVE DATE.

This division shall take effect on the date of the enactment of this joint resolution or July 26, 2011, whichever occurs earlier.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

**DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY**

EMERGENCY CONSERVATION PROGRAM

For “Emergency Conservation Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

EMERGENCY FOREST RESTORATION PROGRAM

For “Emergency Forest Restoration Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

**NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM**

For “Emergency Watershed Protection Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Con-

gress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE II

**DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE III

**DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
MISSISSIPPI RIVER AND TRIBUTARIES**

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, \$60,000,000, to remain available until expended to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide related

to natural disasters, \$88,003,700, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$244,000,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) and as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE IV

**DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF**

For an additional amount for “Disaster Relief”, \$500,000,000, to remain available until expended: *Provided*, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for the “Disaster Relief” for expenses resulting from a major

disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$4,600,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended. This Act may be cited as the “Emergency Supplemental Disaster Relief Appropriations Resolution, 2011”.

TITLE V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: *Provided further*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That

the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

This division may be cited as the “Emergency Supplemental Disaster Relief Appropriations Resolution, 2011”.

SA 603. Mr. REID proposed an amendment to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

At the end, add the following new section:
SECTION . EFFECTIVE DATE.

The amendments made by this division shall become effective 2 days after enactment.

SA 604. Mr. REID proposed an amendment to amendment SA 603 proposed by Mr. REID to the amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

In the amendment, strike “2 days”, insert “1 day”.

SA 605. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

On page 2, line 17, strike “on” and insert “3 days after”.

SA 606. Mr. REID proposed an amendment to amendment SA 605 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 607. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

On page 2, strike line 17 through 19 and insert the following:

This joint resolution shall take effect on July 26, 2011.

SA 608. Mr. REID proposed an amendment to amendment SA 607 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

In the amendment, strike “July 26” and insert “July 25”.

SA 609. Mr. REID proposed an amendment to amendment SA 608 proposed by Mr. REID to the amendment SA 607 proposed by Mr. REID to the joint reso-

lution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

In the amendment, strike “July 25” and insert “July 24”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 14, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Moving Intercity Passenger Rail into the Future.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 14, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform Options: Marginal Rates on High-Income Taxpayers, Capital Gains and Dividends.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Securing the Pharmaceutical Supply Chain,” on September 14, 2011, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 14, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 14, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION,
AND COMMUNITY DEVELOPMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on September 14, 2011, at 2 p.m., to conduct a hearing entitled "New Ideas for Refinancing and Restructuring Mortgage Loans."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 14, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND
INVESTMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on September 14, 2011, at 9:30 a.m., to conduct a hearing entitled "Emerging Issues in Insurance Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Christina Wright of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Sarah Babcock and Danielle Fidler from Senator BAUCUS's staff be allowed floor privileges during the consideration of the pending Burma and disaster relief bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Foreign Relations Committee be discharged from further consideration of PN 828, Mary B. DeRosa, to be Alternate Representative to the United Nations; PN 829, Frank E. Loy, to be Alternate Representative to the United Nations; and PN 830, Kendrick B. Meek, to be Representative to the United Nations; that the nominations be confirmed en bloc;

the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

GENERAL ASSEMBLY OF THE UNITED NATIONS

Mary B. DeRosa, of the District of Columbia, to be an Alternate Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

Frank E. Loy, of the District of Columbia, to be an Alternate Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

Kendrick B. Meek, of Florida, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. Res. 267.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas beginning on September 15, 2011, through October 15, 2011, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 50,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools

in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas, as of May 31, 2011, there are 29,204 Hispanics serving with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas, as of May 31, 2011, 605 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 24 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2011, through October 15, 2011;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

ORDERS FOR THURSDAY,
SEPTEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 9:30 a.m., tomorrow morning, Thursday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each during that time, with the time equally divided and controlled between the two leaders or their designees, with

the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.J. Res. 66, a joint resolution regarding Burma Sanctions and the legislative vehicle for additional FEMA funds; and I also ask that when the Senate completes its business today, it adjourn as a further mark of respect to the memory of the late Senator Malcolm Wallop of Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. We are now considering the Burma Sanctions and FEMA regulations. As a reminder, I filed cloture on the substitute amendment and the joint resolution today. If no agreement is reached, a cloture vote on the substitute amendment will occur Friday morning. The filing deadline for all first-degree amendments to H.J. Res. 66 and the substitute amendment is 1 p.m. tomorrow. However, we hope to reach an agreement to complete consideration of H.J. Res. 66 and the FAA and highway extensions during tomorrow's session. Senators will be notified when votes are scheduled.

As things now stand, we will have a series of votes on Friday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, as a further mark of respect to the memory of Senator Malcolm Wallop of Wyoming.

There being no objection, the Senate, at 7:12 p.m., adjourned until Thursday, September 15, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DAVID CAMPOS GUADERRAMA, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE DAVID BRIONES, RETIRED.

DEPARTMENT OF STATE

MICHAEL ANTHONY MCFAY, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KURT B. HINRICHSEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RDML DAVID R. CALLAHAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND V. MASON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HYUN S. SIM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

OLGA BETANCOURT

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHAEL C. FREIDL

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

NATACHA L. MILLER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BENJAMIN D. OWEN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

HEIDI J. COX

To be major

JORDY C. COX
CHRISTOPHER A. KOVELL
RAFAEL NUNEZ
MARK A. RICH

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

COLIN A. BITTERFIELD
KENNETH H. SCHLORF II
STEPHEN J. SHANK
ANDREAS W. WOOTEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD J. ALLINGER
DALE J. BECK
JAMES D. BELLAMY
KENNETH W. BRACE
DANIEL W. CLARK
WILLIAM J. CLERKIN
CLAUDE N. CRESSY
ROBERT G. CROSWELL
TIMOTHY D. EVANS
WILLIAM G. FRANKENBERG
ELIZABETH F. HARRISON
ADRIANNE M. HOLT
ANA I. KUEHNE
JONATHAN R. LANE
KEITH L. LAWSON
WILLIAM R. MCSKIMMING III
JAMES H. MURPHY
ALAN NAPIER
FREDERICK S. REGEL
RICHARD B. SMESTAD
GREGORY J. SWATKOWSKI
PARIS D. UM
MICHAEL T. VAVREK
SHAWN A. WAGNER
ANGELA D. WOODS
MARGARET A. YOUNGBLOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN R. BENJAMIN
THOMAS A. JOHNSON
GERALD L. LEMASTERS
CAROL M. PASCO
BRADLEY T. RICHARDSON
DELAINE L. SAWYERS
RICHARD C. SWOOPE, JR.
MARK D. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

TERESE B. ACOCELLA
DANIEL F. BOHMER
WALTER H. CONNERY
JUAN J. FLORES
MARIA E. OTERO
BRYCE J. TAGGART
KIMBAL R. TAYLOR
RONALD S. WALLS
JEFFREY J. WEBB
LAURA A. WHEELER
GARY L. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL D. ALPERIN
JAMES C. ANDERSON
PEDRO J. ARROYO
DAVID A. BALT
ROBERT C. BASS
JAMES L. BUDNY
DARRELL L. CASS
KEVIN B. COSTELLO
TIMOTHY C. COUNIHAN
MANUEL A. ECHANDI
EDGAR A. FIKE IV
VICENTE E. FONT, JR.
JOE B. FOX
LAURENCE W. GEBLER
BERNARD T. GEISER
DENNIS A. GORT
JONATHAN R. GREIFER
PIETRO GUADALUPI
SIMON HAMID
CARL T. HASSELMAN
JOHN W. HUNNICUTT
CYRUS S. KUMP
EDWARD A. LELONEK
CHARLES D. MAGRUDER
LAWRENCE MARTINEK
TAMARIN L. MCCARTIN
BRIAN P. MCGLINCH
JEFFREY J. MCINTURFF
ALEXANDRE F. MIGALA
CARL M. MINAMI
EDWARD A. PEREZCONDE
ANDREW C. PETERSON
SCOTT D. PICKER
STEPHEN E. POST
FABRIZIO REMOTTI
RICHARD A. REUTLINGER
HERBERT W. RIDYARD, JR.
STEVEN L. ROMITI
NELSON G. ROSEN
BROOK D. SCOTT
ROBERT L. SHERIDAN
LANCE S. SMITH
WILLIAM J. STANTON
JERRY J. SVOBODA
JACQUELINE S. THOMPSON
JOHN E. TIS
GINO T. TREVISANI
KURT VONFRICKEN
BARRY K. WADE
STEVE W. WAXMAN
DAVID S. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CLAYTON T. ABE
DANIEL W. ALLEY
ROY G. BASSETT
NATHANIEL F. BROWN
WAYNE A. CAROLEO
PAUL N. CERVONE
PHILIP A. DINGMANN
ALBERT F. DINICOLA
SANTOSH DODDAMANE
STEVEN C. ESHENAU
CLARENCE L. KEMP
RONY R. LEE, JR.
MICHAEL D. MONETA
JONATHAN L. PARK
LEE A. PIETRANGELO
CARL T. REESE
HECTOR L. ROSADO
STEPHEN B. SHOOP
TERRENCE A. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE V. HANKEWYCZ
SU T. KANG
RALPH W. OGILVIE
DEAN J. ROBINSON
BARRY STEINBERG
HENRY K. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN F. BOWLEY
ROBERT C. BYRD
LILLIAN M. CONNER
CHRISTOPHER M. COSHATT
GLENN E. GARLAND
RICHARD J. GREEN
ROBERT D. HARRINGTON
ROBERT B. KOHL
MARY D. LEE
CAM W. LITTLE
DAVID C. MATHIS
TERRY A. MCCOEE
KRISTIN L. RAJALA
JAMES H. TIMMONS
MAUREEN E. WEBER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAMON M. ARMSTRONG
CODY B. AULL
CHARLES D. BAKER
SARAH B. BALLARD
JASON S. BALLIN
DEBRA D. BANKS
SEAN M. BARANIAK
PATRICK D. BARKER
THOMAS K. BARLOW
PETER J. BAUMEISTER
CARRIE A. BEATY
JASON R. BERNHARD
DANA L. BOE
STEVEN P. BOE
DENISE BOGGSWILKERSON
FRANK J. BOGNI
JACK R. BRANDAU
KENT C. BRANDEBERRY
ANDREW M. BRANHAM
NICHOLAS J. BREMER
BRIDGET S. BROWN
KEVIN A. BROWN
ANDREW S. CAMARATA
JACOB L. CAMP
HELEN L. CANN
AMY A. CANUSO
SAMUEL N. CAOILE
GREGORY G. CAPRA
PETER N. CARBONE
BROOKE A. CAUFIELD
KAI Y. CHENG
REGINA R. CHINSIOKWONG
CHRISTINA M. CHRICO
ANNA Y. CHOE
JAMES K. CLARK
JUSTIN S. CLARK
THERESA R. CLARK
JOHN T. CLEAVES
JAMES C. CLIFFORD
CAROLYN F. COGHILL
JOSHUA S. COLMAN
KRISTIN A. CONLEY
JONATHON COOKE
JAMES S. CORTES
WILLIAM J. COTTER III
STACY L. COULTHARD
BRADY B. COX
PATRICK D. CRONYN
BRYAN A. CURRIE
GREGORY A. DADEKIAN
BRANDON L. DAVALLE
LAWRENCE C. DECKER
KRISTINA L. DEPAOLO
JENNIFER R. DERBY
JOSHUA P. DETTMER
JAY R. DIAZPARLET
ANGELA M. DICARLOMEACHAM
BRIAN M. DIMMER
MARK S. DOUGLAS
ROBERT W. ENGELIN
JEREMY S. ENNIS
SARAH M. ESCOTT
LINETTE J. EWING
JERRY J. FASOLDT
DARYL B. FICK, JR.
SETH Y. FLAGG
DANIEL A. FOSTER
ELIZABETH M. FOWLER
JAMES R. FREDERICK
JON R. FREDERICK
KYLE D. GADBOIS
MICAH J. GASPARY
SARAH B. GENDERNALIK
ANTONINO GERMANA
ANTHONY A. GIBERMAN
LISA K. GIBSON
ERIC E. GLASS
JOSEPH P. GORMLEY
RYAN K. GOULD
SUZANNE R. GUDEMAN
PHILIP A. HAGAN
JESSICA M. HAMEED
NATHAN C. HAMMEL
JUSTIN A. HARDER
TRAVIS E. HARRELL
NIEKA K. HARRIS
JARED L. HARWOOD
ERIC W. HEWITT

YOREL C. HICKERSON
AMANDA I. HIGGINSON
JENNIFER L. HIPFLORES
GEORGE J. HNATH
ERROL C. HULL
MARK E. HUMPHREY
MEGHAN E. HUNTER
MATTHEW S. IRWIN
ASHLEY Y. JACKSON
SHANE D. JENSEN
PAUL D. JOHENK
CHARLES E. JOHNSON
JAMIE S. JOHNSON
JULIE L. KAESBERG
JEAN D. KEMP
JONATHAN S. KERR
CECILIA M. KIPNIS
LEAH K. KOHLER
KELLY G. KOREN
KATHERINE J. KOSS
JENNIFER A. KRUSE
TREVOR L. KUTTLER
MARCY G. LAKE
IAN A. LANG
MATTHEW A. LANGFORD
MICHAEL F. LAROCHELLE
KELLY S. LARSON
SUZAN M. LEWIS
SCOTT LIU
DEREK N. LODICO
DAWN M. LONG
ADRIENNE M. LOPATA
KATHLEEN M. LOVE
MARTIN W. LUNCEFORD
DIANA M. MACIAN
JOHN S. MADDOX
PATRICK W. MAGAJNA
RYAN A. MAKAR
KATHERINE L. H. MALOZZI
VENKAT R. MANGUNTA
DALICE A. MARRIOTT
MALCOLM C. MASTELLER
DOUGLAS C. MCADAMS
ELEXIS C. MCBEE
AMANDA C. MCCAULLEY
JONATHAN D. MCDIVITT
CHRISTINE E. MCDONALD
PATRICK T. MCVEY
ELLIE C. K. MENTLER
CAROLINE T. MESSMER
MATTHEW F. MESSOLINE
JORDAN J. MICHELENA
DEREK M. MILETICH
JONATHAN P. MILLER
CHRISTINE M. MINEROWICZ
TINIK A. MONTGOMERY
HEIDI K. MORGAN
LUCAS A. MUELLER
LYNITA H. MULLINS
KRISTINE B. MUNOZ
NOREEN E. MURPHY
ERIK J. NAGEL
JOSHUA D. NASSIRI
BENJAMIN E. NELSON
NICHOLAS T. NELSON
LUKE C. NICHOLAS
ANDRES A. NIETO
JUSTIN J. NORK
THAYS S. NOVIKOFF
MICHAEL J. OKASINSKI
NIELS H. OLSON
CHRISTIAN W. ORAM
YAN T. ORTIZPOMALES
BENJAMIN J. OSBORNE
AMANDA E. OWENS
ALFRED J. OWINGS II
MICHAEL B. PAUL
JAMI J. PETERSON
HOANGANH PHAN
AARON J. PHARISS
CHRISTOPHER R. PHILLIPS
HUY Q. PHUN
KEVIN A. PINKOS
ALEXANDRA L. PINON
MARINELLE PLATON
AJA E. POLLARD
MICHAEL W. PRUITT
TAMEKA J. PYLES
SARA J. QUAN
JOSHUA D. QUICK
JODIE D. RAPPE
ROBERT M. REED
SHANNON F. REEVE
KEITH E. REID
AARON J. REILLY
JASON P. RICE
JAMES R. RIPPPE
JOHN S. ROBERTSON
MATTHEW W. ROSE
JONATHAN M. ROTH
LEAH S. SAG
ADAM M. SANBORN
MICHELLE J. SANGIORGI
BRENDA J. SCHMIDT
BRIAN L. SCHMIDT
BREMEN K. SCHULTZ
PETER G. SEGUIN
JEREMY K. SELLEY
KELLI K. SHANNON
ANDREW E. SHEEP
ANGELA Y. SHEN
ALEXANDRA L. SINGER

MANISH SINGLA
KRIS SIRIRATSIVAWONG
MONIQUE E. SMITH
ROBERT B. SMITH
JENNIFER L. SOGGE
JEFFREY S. SORENSEN
CLAIR K. J. ST
SHANNON M. STACY
JAMES E. STANTON
EDWARD T. STICKLE, JR.
CORRIE E. STOFCHO
CHAD A. STORCH
JIMMY SUVATNE
NICHOLAS N. SWEET
AARON W. SWENSON
NADINE S. TASSIN
VIRGINIA P. TETI
ANGELA L. TOMASCHKO
ARTURO G. TORRES
KATHERYNN H. TRAN
DOUGLAS M. TURNER
ROBERT N. UNISZKIEWICZ
TYLER A. VACHON
FRANK E. VILLAUME IV
SHELTON A. VIOLA
CATHERINE M. VISINTAINER
HERRMANN P. F. VON
ROBERT B. WALTON
KARA B. WANCHICK
WILLIAM H. WARD
REX S. WATSON
AMY M. WELLS
NICHOLAS J. WELLS
DARYL W. WILLIAMS
RAQUEL T. WILLIAMS
DERIC M. WILSON
MATTHEW R. WILSON
BENJAMIN D. WIND
KRISTI M. WOOD
JEFFREY C. WORTHLEY
BRUCE A. YEE
MARISOL C. ZIEMBA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES P. ALDERETE II
JENNIFER D. ANDERSON
RANDY L. BALL
ERIC F. BAUMAN
SAMUEL S. BECK
ROBIN C. BENNETT
KITTIMA BOONSIRISERM SOOK
MARK A. BUCKNER
JORDAN N. BUZZELL
LAURA N. CARLE
JOSHUA E. COHEN
ANTHONY L. DAVIS
JEFFREY A. DRAUDE
MICHAEL G. FOUST
EDWARD J. GIVENS, JR.
JAYSON H. HUBER
DIANA H. KIM
PAUL E. KOCIAN
JASON W. MATHYS
DAVID C. MYHRE
CALEB J. NOORDMANS
CHRISTOPHER S. OSWALD
KENNETH J. OTTERSTEDT
MELANIE A. PERRY
BARRY E. PETERSON
JOHN J. PETRINI, JR.
AARON E. QUITMEYER
VERNE F. REED II
ANGELA C. SESSA
ANDREW D. SILVESTRI
SHAWN D. TEUTSCH
PHILLIP S. TIMMONS
VINH T. TON
JOSHUA C. TREESH
DUANE A. VANNIEUWENHUYZEN
WALTER B. VOLINSKI, JR.
JOHN P. WALSH
EVAN R. WHITBECK
SETH T. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SAAD M. ALAZIZ
DAVID H. ALLGOOD
EFLAND H. AMERSON
CLEMIA N. ANDERSON
JOHNFRITZ E. ANTOINE
RAOUL ARCHAMBAULT
JANETTE B. ARENCIBIA
LAURA J. BARKER
CHRISTOPHER E. BARNES
ALLISON L. BENNETT
WILLIAM O. BENNETT
WILLIAM R. BERG
HYRUM T. BROSSARD
FELECIA E. BROWN
JERRY BROWN III
ROXANNE G. BURRUS
LINDA P. BYRNE
TILFORD L. CLARK
JANIESE A. CLECKLEY
HEATH M. CLIFFORD

KAARIN E. COE
KATHLEEN A. COLTER
JOHN O. COOKE
BARRY A. COOPER
WILLIAM T. CRIDER
TIMOTHY V. CRUICKSHANK
MICHAEL A. CZIGLER
GRAHAM T. DANYLEYKO
DAVID P. DAY
CHRISTOPHER S. DEANGELIS
NANCY C. DELAHOYA
PRASAD B. DIWADKAR
KYLE D. DOHM
EMILY M. DOVER
MARIA D. EDUSADA
TESHARA E. FELDER
JOHN J. FRASER
REINA GOMEZ
PAUL C. GRAF
DANIEL O. GRAJEDA
TOBJAH T. GRIFFIN
FERNANDO S. GUEVARRA, JR.
SAACHA L. HAKE
MELISSA J. HARNLY
JOHN R. HAWLEY
WILLIAM P. HAYWOOD
SCOTT A. HAZELRIGG
AMY E. HENDRIX
NATALIA C. HENRIQUEZ
MONICA E. HERNANDEZ
MATTHEW J. HORNER
WILLIAM J. HOWES
DANIEL L. IMMEKER
SAMUEL H. JARVIS
ELMER L. JIMENEZ
BRADLEY E. JOHNSON
JASON M. JONES
PAMELA M. KLEPACTULENSRU
AUSTIN W. LATOUR
SAMUEL Y. LEVIN
CHRISTOPHER P. LINGARD
CARL E. LONG, JR.
DAVID J. LOOMIS II
KEVIN J. LYLE
SHAWNNA M. LYNCHCHEE
MICHAEL R. A. MABRY
RESSURRECCION J. MACASPA
NICHOLAS J. MARTIN
KIMBERLY L. MARYMAN
ELENA M. MATHIS
VENANCIO MAYSONET
JOHN W. MCAFEE
KEVIN P. MCMULLEN
TERRY D. MILES
JOSHUA A. MILLER
WILFREDO MORALES
GINA L. MOROSKY
MARLO M. NARRO
JULIA A. NEFCZYK
JAMES F. NOEL
JAMES M. NOGLE
KIMBERLY A. OELSCHLAGER
AYODELE O. OLARISI
TERRI K. OSNER
ANTHONY D. OWENS
EMILY A. OWENS
TOBY W. PALMER
MARGARET M. PARKS
MICHAEL S. PAYNE
TREVOR S. PETROU
DARREN J. PIERCE
ROBERT A. PILLITIERE
BRYAN L. PYLE
ADAM C. RAE
CALVIN W. RALLS, JR.
JEROME E. RANDLE
MATHEW A. RANDOLPH
ROY J. RANGLIN
ALBERT RICCARDI III
MEGAN J. RIEMAN
DAVID R. ROBISON
CARMEN F. ROWE
MICHELLE L. SCHOLL
NATHAN L. SEAMAN
ANTON SHUFUTINSKY
NATHANIEL M. SMITH
JOSEPH A. SORCIC
DARCY L. SOWARDS
LOREN R. STANDLEY, JR.
KEVIN L. STARKEY
JOSEPH G. STASTNY
SAM STEPHENS
GEORGE H. STERNS
MELISSA J. STRAHAN
LEEDJIA A. SVEC
FRANCIS TAM
ELMER F. TAYLOR, JR.
JESUS S. THOMPSON
SHANNON K. THOR
TYLER J. TOWERS
JAMES R. TUBERSON
MONIKA J. TURNER
KATHERINE L. VOGEL
DEAN J. WAGNER, JR.
SCOTT F. WEIDNER
JEREMY D. WILKINSON
BRANDON J. WILLIAMS
THOMAS M. WILLIAMS
SEAN O. WILSON
CHRISTINE M. ZOHLN
MICHAEL A. ZUNDEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL W. BLOOMROSE
DYLAN T. BURCH
HEATHER L. CASSIDY
JASON W. CONNORS
BRETT D. COOK
MARIO M. CORREA, JR.
MATTHEW P. CUTCHEN
CHRISTOPHER J. DEERWESTER
JONATHAN T. FLYNN
NATHANIEL R. GROSS
JUSTIN C. HENDERSON
JAMES M. KENNEDY, JR.
RUSSELL A. LANNUTTI
GREGORY W. MANZ
DAVID A. MELSON
BENJAMIN C. ROBERTSON
JACOB W. ROMELHARDT
LISA M. SENAY
DAVID M. SHULL
CHRISTOPHER C. SWAIN
JAMES M. TOOHEY
CHRISTOPHER P. TOSCANO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HECTOR ACEVEDO
ERICA L. ARNOLD
DAVID M. AUERBACH
RAFAL B. BANEK
DORA M. BERRIOS
SHAWN R. BOWDOIN
ARON W. BOWLIN
KELLY J. BOWMAN
JENNIFER M. BROOKS
BRANDI M. BROWN
CORNELIUS B. BROWN
JEAN E. BRUTON
CRYSTAL A. BRYANT
MELISSA K. BURKE
MARGARET A. S. BUSH
REGINALDO F. CAGAMPAN
LORI A. CAMPBELL
RICHARD B. CANONG
WARREN L. CANTRELL
TREVOR W. CARLSON
CECILIA R. COLEMAN
TAMERA A. CORSON
CURT P. CUNNINGHAM
JOANNE E. DANA
CHRISTINE D. DAVIES
DIANE L. DAVIS
WALTER J. DAVIS
CHEVAUX DAWKINS
LISA L. DOBISON
DANA DONES
LANCE K. DOWNING
JAMES J. DRISCOLL
NICOLE J. DUFFY
STEPHANIE L. DUFFY
CHRISTA D. DUNCANARFAA
VANESSA R. DUNN
BRIAN E. ELLIS
CAROL M. ELLSWORTH
BROOKES A. ENGLEBERT
JAMES L. ESTOESTA
ARNOLD FAJAYAN
CHERIE D. FERRIS
KIMBERLEE P. FLANNERY
THOMAS N. FULLER
GERALD T. GAMBALA
LACY L. GEE
ERINN V. GELAKOSKA
ELIZABETH K. GLOOR
KOREY A. GOULETTE
NOELLE M. GRIFFITH
STACEY M. HAMLETT
JASON A. HARRISON
BRADLEY S. HAZEN
JOHN F. HENLEY
LAWRENCE B. HENRY
RACHEL S. HERNANDEZ
DANETTE R. HINELY
JAMES T. HINKLE
TINA M. HITCHNER
TODD A. HLAVAC
PATRICIA A. HORN
PENNY J. JIMENEZ
ROBERT D. JOHNS
GREGORY A. JONES
ELIZABETH A. JORDAN
JAMES A. KETZLER
CASEY V. KIRBERGER
SHERRI L. LAMMERDING
SHANE E. LAWSON
SARAH A. LEDFORD
BRANDON J. LIMTIACO
MARY F. LISEK
JOHN LITCHFIELD
LEAH M. LIZADA
RODRIGO F. LOPEZ
RUBEN A. LOPEZ
CAROLE N. LOUIS
SCOTT M. MACDONALD
JOSEPH D. MCBEAIN

CHRISTOPHER J. MCCOMB
TONIA M. MCGHEE
ALEAH J. MCHENRY
HILARY A. MEYER
ERIC J. MILLER
JESSICA M. MILLER
MARK J. MILLER
ERIN C. MOHAN
SHAYNE O. MORRIS
AARON C. MYERS
DENISE D. NEUMANN
SO Y. NEWTON
ERIN R. OCKER
KAREN L. ORTOLANI
NANCY M. PEREZ
GLORIA C. PIERCE
JOSE L. PINON
TINA PLAGGEMEYER
TREVIA POERSCHMANN
SHANNA C. POWELLSEARCEY
SHARON QUALLIO
JAMES D. REICHERT
MICHAEL J. RIEGLER
JESSICA J. ROBINSON
WILLIAM J. ROLFES
GAYLORD M. ROMEROSA
MICHELLE E. SANABIA
STEVEN K. SARRO
PETER W. SCHENKE
EILEEN SCOTT
ANGELA M. SMITH
FIDEL S. SORIANO
CHAD M. SPRINGER
KIMBERLY STUART
STACEY M. STUMP
KENDER W. SURIN
JAMES A. TAMPLEN
STEPHEN V. THATE
FRANK D. TRATCHEL
BETTY A. ULMER
SHERWIN VALDEZ
LIGIA B. VILLAJUANA
MICHELLE L. WESTCOTT
CAROL E. WHEELER
ABIGAIL T. WHITE
MARIA WILLIAMS
RILEY L. WILLIAMS, JR.
ALFONZA WILLIS
BRANDON K. WOLF
DARCY T. WRIGHT
ANTHONY D. YARBROUGH
JAY ZULUETA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAVIER ARAUJO
FLORENCE D. BEATO
KRISTINA J. BICKING
BRYAN A. BOGGS
CLINTON S. BRYANT
TIMOTHY J. CALVO
KURT A. CELIS
PETER CHANG
KELLY M. CHUFO
BRIAN D. COLBURN
ERIC J. COOMES
TANYA K. CORMIER
AUTUMN L. DANIEL
EUGENE DAWSON, JR.
ANTHONY R. DICOLA
KIRK A. ENGLER
LEE H. EUBANKS
JOEL B. FREY
MONICA M. FREY
SCOTT W. FUTRELLE
PHILLIP J. GAGEN
JESUS M. GARZON
JUAN C. GONZALEZ
TERRY C. GRIGSBY
IVAN R. GUMBS
ANTHONY D. HARPER
JARRED S. HENLEY
JACKIE B. HURSE
SCOTT T. HUTTLESTON
WILLIAM M. JAKUBOWICZ
KEVIN J. KENT
MORDOCAI KIFLU
CRAIG A. KNOX
WALTER L. LAPTEW, JR.
SCOTT A. LONG
TAQUINA T. LUSTER
MICHAEL J. MACOMBER
MICHAEL H. MALONE
THELMA L. MANNING
ERIC A. MELO
JOHN R. MEYER
JAMIE L. MITCHELL
JASON A. MORGAN
SEAN A. NEER
THUAN M. NGUYEN
TONY N. NGUYEN
DAVID J. OZECK
ANNE R. PAINE
DERRICK L. PASLEY
MICHAEL J. PEREIRA
DOUGLAS M. QUINN
CHRISTOPHER C. RADKE
RICO A. REYES
RICARDO R. RODRIGUEZ
DAVID M. ROSS

JASON W. ROSS
 ERIKA M. SCHOENTHAL
 FRANK W. SHERMAN
 MATTHEW J. SHIELS
 MICHELLE A. SIMMONS
 ALBERT T. SONON IV
 JOSEPH K. SPEDE
 ROBIN L. TAYLOR
 NICHOLAS A. ULMER
 ERNESTO M. URETA
 THOMAS G. WALKER
 LAWRENCE S. WATKINS, JR.
 MATTHEW D. WILCOX
 KRISTOPHER F. WILLIAMS
 CHRISTOPHER T. WILSON
 RYAN J. WODELE
 RAYMOND C. YAU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS T. COOK
 JERRY D. DURHAM
 PAUL B. GREER
 SONG S. HWANG
 JEFFERY B. JENKINS
 JOHN F. KEITH
 RONALD J. KENNEDY
 NEAL R. KREISLER
 TAVIS J. LONG
 HARVEY C. MACKLIN
 MYRON D. MCCONVILLE
 ROBERT S. NELSON
 MICHAEL Q. OBANNON
 GLENN W. ORRIS
 JEFFREY B. PARKS
 CARL P. RHOADS
 RAY F. RIVERS
 LESZEK M. SIKORSKI
 TIMOTHY A. SPRINGER
 MICHAEL A. TAYLOR
 GUY A. THOMPSON
 COREY T. THORNTON
 WAYNE N. TOMASEK
 ULYSSES L. UBALDE
 LEROY C. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ADNAN S. AHSAN
 CHRISTOPHER L. ALMOND
 PETER R. BENSON
 BLAKE E. BURKET
 PETER R. CALI
 JUAN CHAVIRA
 BRIAN J. CRYSTAL
 ARCE D. DOBLE, JR.
 JAMES M. DOHM
 GRADY D. DONATHAN IV
 ELIZABETH A. DURIKA
 ALAN W. EICHELMAN
 TIMOTHY W. GLEASON
 CRYSTINE M. GOOD
 MICHAEL A. GUZZI
 JACKSON R. HABECK
 PHILLIP R. HAMROCK
 BENJAMIN P. HOFMAN
 DANIEL E. LUTZ
 CHAD M. MARSHALL
 ANDREW W. OLSEN
 ERNESTO S. PADILLA
 BRYAN M. PARNELL
 WILLIAM R. PITTCARIN IV
 AARON J. RIPPPE
 CHARLES E. ROY
 CLINTON R. ROY
 DANIEL J. SCHMITT
 BRIAN B. SCHONEFELD
 JACOB W. SEGALLA
 JAMES W. SHEFCHIK
 SPENCER L. SHIH
 THOMAS J. SOLEATHER
 JUSTIN D. SPINKS
 BENJAMIN H. TURNER
 REBECCA L. WALDRAM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

FABIO O. AUSTRIA, JR.
 MARVIN G. BOONE
 NOEL A. FONTANILLA
 ERIC W. HASS
 RHYSS B. HIZON
 DANIEL C. LEWIS
 ROLANDO R. PAGADUAN

LEON QUARLES
 DONNA L. SMOAK

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

MARY B. DEROSA, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FRANK E. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KENDRICK B. MEEK, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 2011:

DEPARTMENT OF STATE

MARY B. DEROSA, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FRANK E. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KENDRICK B. MEEK, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—Wednesday, September 14, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DENHAM).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 14, 2011.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WE NEED A REAL JOBS AGENDA, NOT ANOTHER ROUND OF NAFTA-STYLE DEALS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, you want to know why we have a budget deficit?

We have a budget deficit because we have a jobs deficit, and we have a jobs deficit because our Nation has been outsourcing millions of jobs for over a quarter century. White House after White House and Congress after Congress have allowed our manufacturing and jobs base to be whittled away through a trade regimen that outsources U.S. production and American jobs, financed by the same big Wall Street banks that caused the financial meltdown.

Year after year the United States continues to rack up enormous trade deficits with nation after nation. The numbers don't lie. They tell us that over 2.7 million manufacturing jobs alone were lost just during the Bush administration. Washington must finally confront our so-called free trade failed policies if we are going to be serious about creating jobs in order to balance the budget.

Last year, the trade deficit was another astonishing half a trillion dollars. Imagine a half a trillion, plus a half a trillion, plus a half a trillion, plus a half a trillion year after year after year. That equaled, just for last year, 7 million American jobs that were not created here because of our job-killing trade policies.

Rather than stopping this enormous outsourcing of America, we're being offered up more of the same, more failed free trade agreements, this time with Korea, Panama, Colombia.

Has Washington learned nothing, or are the economic powers that outsource these jobs bearing down on Washington so greatly that the American people can't be heard? The public's interest is being suppressed.

These agreements are another expansion of the same policies and processes that were enacted with NAFTA. We were all told in 1993 that NAFTA would create millions of jobs. Instead, we have seen exactly the opposite, millions of jobs decimated.

Our trade deficit with Mexico last year was over \$66 billion in the red. In 1993, proponents of NAFTA, like Gary Hufbauer and economist Jeffrey Schott, promised we would have, and I quote them, "an annual current account surplus with Mexico of about \$10 billion through the 1990s." That was an absolute falsehood. Obviously, they were all wrong, dead wrong. Instead, we saw over a third of all manufacturing jobs in the United States disappear since we signed that agreement and \$1 trillion accumulated trade deficit with Mexico. Not a single year since NAFTA's passage was the U.S. in the black.

We heard the exact same fairy tale regarding China's Permanent Most Favored Nation Status. We were told that that agreement in 1998 would create millions of jobs in America. Instead, the result has been a cumulative \$2 trillion trade deficit with China alone.

When you think about the budget deficit, you'd better think about the trade deficit because they are absolutely interlinked. You're not going to balance the budget until the American people go back to work, and they can't go back to work when their jobs are being sent elsewhere.

If you always do what you have always done, you will always get what you always got.

The Economic Policy Institute's analysis predicts that the agreement that's proposed with South Korea will cost us an additional 159,000 jobs in our

country. Since this January, we have already rung up, look at the numbers, over \$7 billion trade deficit with South Korea. With passage of the proposed agreement, do you think it's going to make the job situation better?

If you want to see just how poorly negotiated the Korea deal is, take a quick look at the auto provisions. There's no reciprocity. Last year, Korea sold nearly half a million cars in our country; 500,000 cars. The United States, you know how much we sell to them? Six thousand. What kind of deal is that?

And we'll be lucky if, under this agreement, where there's a hope that we might sell perhaps, 75,000 cars to Korea, so, they get a half a million, we get a handful? How's that a credible plan to create jobs in our country?

And then there are the other two proposed agreements with Panama and Colombia, the latest NAFTA expansion. What are the major commercial interests there?

The Government Accountability Office has identified Panama as a major haven for, guess what, tax avoidance. Panama is a popular destination for the very same multinational corporations that want to avoid paying their fair share of U.S. taxes by creating offshore subsidiaries.

And how about Colombia, which is the most dangerous country in the world if you care about labor rights, and no free country in the world does not have labor rights. Over 2,000 trade unionists, 2,000 have been assassinated there since 1990. What a pleasant place to do business. And there has been no justice for their victims and their families in the majority of those murder cases.

And what is the largest economic interest we have with Colombia? It has three letters. It isn't a place to export U.S.-made goods. Rather, it's more oil imports.

How can those that support these failed trade agreements want more?

We need to create jobs in this country again because, in order to balance the budget, you have to put the American people back to work, and you can't do that when you're outsourcing more of their jobs and importing more into our nation than we export.

PASS E-VERIFY TO CREATE AMERICAN JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. SMITH) for 1 minute.

Mr. SMITH of Texas. Mr. Speaker, for 2 years, 14 million Americans have

been out of work. Yet illegal workers hold 7 million jobs. It is inexcusable that American workers have to compete with illegal immigrants for scarce jobs.

Congress has the opportunity to open up millions of jobs for unemployed Americans by requiring all U.S. employers to use E-Verify. This program checks the Social Security numbers of new hires. E-Verify is free, quick and easy to use. Individuals eligible to work in the U.S. are confirmed 99.5 percent of the time.

The public also supports E-Verify. According to a recent Rasmussen poll, 82 percent of likely voters think businesses should be required to use E-Verify to determine if a new employee is in the country legally. This is one of the most important job creation bills Congress should pass and the President should sign.

JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, this week the Joint Select Committee on Deficit Reduction began work on a roadmap to bring down our Nation's deficit and restore our fiscal health. They heard from Doug Elmendorf, Director of the Congressional Budget Office, who reiterated once again what we already know, our Nation's current fiscal position is not sustainable.

We also know that the problem we're facing stems, in part, from buying things without paying for them, including two wars, tax cuts for the wealthiest in America, and a prescription drug program. But what matters now is taking action.

□ 1010

Over the month of August, we heard very clearly from the American public that they want us to work together on the issues they are most concerned about: jobs and the deficit. Action on one issue will directly impact on the other.

Creating jobs and growing the economy is one of the most important things we can do to bring down the deficit. And getting a handle on our fiscal situation will give confidence to encourage economic growth and job creation. Both the Bowles-Simpson and Domenici-Rivlin fiscal commissions supported this tenet by calling for immediate action to boost the economy while laying out a plan to reduce the deficit over the long term. This is why the joint select committee must succeed.

We have a responsibility to show Americans and the international community that we can meet the challenges we face, that we can join together and make the tough decisions

necessary to spur growth and to bring our debt under control.

I believe the committee must go beyond the \$1.5 trillion target in the deficit reduction bill if we hope to strengthen our economy and seriously change our Nation's fiscal outlook.

Over 60 economists and former Members of Congress signed a letter encouraging the joint select committee to reach the biggest agreement possible, and I want to join with them in that request. In their letter, signed by co-chairs of both the Bowles-Simpson and Domenici-Rivlin fiscal commissions, among others, they state, "We believe that a 'go big' approach that goes well beyond the \$1.5 trillion deficit reduction goal that the committee has been charged with and includes major reforms of entitlement programs and the Tax Code is necessary to bring the debt down to a manageable and sustainable level, improve the long-term fiscal imbalance, reassure markets, and restore Americans' faith in the political system."

I am in absolute agreement with that proposition. As the letter I just quoted indicates, the committee must also put all options on the table. That's a challenge on the Republican side; that's a challenge on the Democratic side. But it must be done because we cannot get to where we need to get without doing so.

The math is irrefutable. We cannot get to where we need to go if we ignore revenues or if we fail to ensure our safety net is sustainable for generations to come. A balanced approach that looks at defense spending, revenues, and entitlements is the only real way we're going to put America's fiscal house back in order.

A balanced approach is also key to making sure everyone pays their fair share. We cannot ask the middle class families and seniors to bear the entire burden of balancing the budget. The most well-off among us, which is most of us, by the way, in this body must also contribute to that objective.

But as we focus on ways to restore our budget balance, we cannot and must not forget the immediate jobs crisis that too many families face.

Any plan to bring down the deficit must start, as Bowles-Simpson and Domenici-Rivlin both observed, with getting people back to work. That is why I hope Republicans and Democrats will work together to bring the President's proposed American Jobs Act to the floor for a vote without delay. As the President said, we have 14 months to wait until the next election. People without jobs, people whose homes are underwater, people who have lost their homes, they don't have 14 months to wait.

The jobs program suggested by the President mirrors many components included in the House Democrats' Make It In America agenda and will help create jobs in the short term.

All of us, Democrats and Republicans alike, must be invested in the committee's success. I urge my colleagues on both sides of the aisle to be committed to the success of reaching agreement in this committee of 12. This is a time to put partisan politics aside and do the hard things, very hard things, the courageous things that we have to do for our country.

I believe we're equal to the task. And I say to my colleagues on both sides of the aisle, if we are not equal to the task, then all of our citizens will rightfully be extraordinarily disappointed, as they are today, in their elected representatives on both sides of the aisle.

Success of this committee, success of this House and the Senate in reaching and meeting the challenge that confronts us is essential if the confidence level of our own citizens and the international community is to be raised and given the level necessary for future success.

AMERICAN LAND ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, many, many years ago the second American Revolution took place when Washington, D.C., was invaded by the British in the War of 1812. Many forget that the Capitol, the White House, and Washington, D.C., were burned to the ground by the British. And after the War of 1812 was over with, America found itself in a situation that's not unfamiliar with us today. America was out of money.

So what did people decide to do here in this body of Congress about how to get more money into the Federal Treasury? They thought of a unique approach that maybe we ought to think of and do today.

Right now we talk about raising taxes, cutting spending, and we need more revenue. Maybe we ought to think outside of the box when it comes to revenue instead of more government taking from the people and giving it to its special groups. Let's do what they did at the end of the War of 1812.

The Federal Government decided that it would sell some of the land to Americans—what a novel thought—and let Americans own America. They could produce that land, and then they could pay more taxes. And that's what they did at the end of the War of 1812.

We talk about the land in America. Who is the biggest landowner in this country? Uncle Sam. Uncle Sam owns 27 percent of the land mass in the United States. This poster here shows the land area in red, including Alaska, that is owned by the Federal Government, Uncle Sam. Twenty-seven percent of the land! Half of the land west of the Mississippi, or in the West, belongs to the Federal Government.

Those folks in the West, half of it belongs to Uncle Sam. He's their neighbor in every western State. It's different in the East because much of that land was sold at the end of the War of 1812.

Now, 27 percent, what does that mean? That's really hard to understand how much that is. If you were to superimpose the 27 percent of the land mass in the United States into Europe, you would find that Uncle Sam would own almost all of Europe. Western Europe is about 27 percent of the land mass of the United States. And of course that includes the United Kingdom, the Netherlands, Belgium, France, Switzerland, Germany, Austria, Italy, Poland, and even Spain.

Now, we're talking about a lot of land. Does Uncle Sam really need all of that land? Much of it's unproductive, not paying any taxes, not paying any revenue to local and State governments.

So maybe we should do something that our forefathers, our ancestors did—sell some of that land to Americans and allow that revenue to come into the Federal Treasury so we can pay off all of our debts that we have accumulated over the years. Twenty-seven percent of the land mass is 623 million acres in this country.

Ronald Reagan tried to do that when he was President, but it did not go very far at all. You know, even President Obama mentioned about a month ago that there's 300 acres in Los Angeles County that's owned by the Federal Government. We could sell that for \$2 billion.

So maybe we need to think outside of the box. I've introduced the American Land Act. We talk about the American Jobs Act. The American Land Act would require that the Federal Government sell a portion of that land over a period of years.

Now, I want to be careful to state we're not talking about the national parks. We're not talking about Yosemite. We're not talking about the marshes and environmentally sensitive areas in this country. We're talking about unused land by the Federal Government. And then we could raise some revenue.

I believe that this could be up to about \$200 billion of revenue that would be brought into the United States. Sell it to Americans and that will bring revenue into our treasury. When Americans own America, they can also develop that land. Then they can be productive and then they can pay even more taxes.

□ 1020

When people own land, they pay property tax. That tax primarily goes to local and State governments, which pays for our school systems. So that undeveloped land, that unused land, some of that should be sold to Ameri-

cans. Let Americans buy American. Real property in the hands of real Americans. What a novel thought that is.

Uncle Sam, the Federal Government, is all about power and control over everything. Loosen up a little, and let Americans buy part of America. Uncle Sam shouldn't prevent Americans from having a real stake or share in our country, the United States of America. It doesn't belong to Uncle Sam—at least it shouldn't. It should belong to Americans. The United States owns most of the grand estate in this country, and it's time to let more Americans own it because America should belong to Americans.

And that's just the way it is.

A REFLECTION ON THE COLLECTIVE BARGAINING SYSTEM AND LABOR UNIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. It is unfortunate there is an attempt to scapegoat America's unions for the economic problems that beset us.

After all, it was not America's grocery clerks, nurses, teachers, postal workers, and electricians who nearly caused the meltdown of the economy. It wasn't America's labor unions that were pushing for tax loopholes that made our revenue system a hopeless, inefficient mess. It wasn't unions that pushed for shortcuts for worker safety that produced the tragedy that we've seen in our mines. America's working men and women didn't engineer poor loans, systematically cheat consumers, and transform financial institutions into giant casinos.

No doubt there were some consumers who took unfair advantage as well as others who were not as vigilant as they should have been in the financial meltdown; but the truth is they were part of an unprecedented economic scheme that played on those weaknesses, the gullibility and some individual greed to make it into a vast industry.

Are there some areas where unions are too effective in securing benefits for their members? That probably depends on who you ask about the give and take of the collective bargaining process. The leadership of unions are, in fact, much more democratic than their corporate counterparts. Union officials are routinely challenged for reelection. There are insurgents even in the most powerful and entrenched unions, something one seldom sees on the boards of public corporations. How many business directors are defeated? It's not easy to even have opposing nominees through today's shareholder democracy. It's pretty sketchy compared with what happens with unions.

There is a very direct remedy for union power in the negotiation process.

For 18 years, I was a local elected official, part of that time responsible for a collective bargaining program. I like to think that I bargained tough but that I bargained fair—but I bargained. I've supported collective bargaining rights for public employees since I was first in the Oregon legislature and still believe that honest, tough, principled negotiations will lead to the best results.

Having someone attempt to dictate working conditions unilaterally is not calculated to produce enhanced productivity. It matters how people are treated and how they feel. Employee-owned corporations illustrate this principle in spades, some of which are not only employee-owned but have unions in addition. One of the best performing of the world's economy is Germany, where they still manufacture and have a huge export market for high-value products. The Germans work hard to integrate labor and business with government in the decision-making process, something that is, sadly, too rare in the United States.

Unions are not the answer for every employee and every company, but every employee and every company ought to have that option. Even companies that are nonunion benefit. I've had executives from successful companies candidly tell me that they treat their employees right because they don't want them to unionize. Even these nonunion company employees benefit from higher wages, better benefits, and a system that respects worker rights because of the competition with the unions.

Instead of treating employees fairly by allowing them to organize, far too many corporations have chosen instead to attack the fundamentals of collective bargaining. It is today an art form in some companies to stall, delay, intimidate, even to flagrantly violate the laws of collective bargaining in this country, weak as they are and as ineffectively as they are enforced.

Collective bargaining has been systematically under attack by my Republican friends in Congress as Republican administrations have fought to make a National Labor Relations Board that is toothless, passive and unable or unwilling to protect the rights of employees to organize. This is not calculated to produce a spirit of cooperation. It is not clear that people need to cheat in order to avoid any excesses of collective bargaining.

I would argue the opposite.

It's not just workers in companies, union and nonunion, who benefit from unions. American society benefits. It was organized labor that spearheaded the effort for a 40-hour workweek. It is not just rhetoric that unions brought you the weekend. Unions have played a key role in extending security to millions of Americans in the workplace, in consumer safety and in environmental protections.

Again I don't pretend unions are perfect and I've had some differences with them over the years. But make no mistake: Unions are amongst the few who stand up to some of the more egregious economic follies, for justice in the workplace, for protecting the unorganized, fighting for a minimum wage, even a living wage.

It's important to reflect about our collective bargaining system. I'm all for fine tuning, but I am adamantly opposed to gutting rights and protection of workers.

I think we all should start by acknowledging the debt we owe to unions and work to stop this wholesale assault on America's workers.

THE OBAMA ADMINISTRATION, "THE SINGLE BIGGEST IMPEDIMENT TO JOB GROWTH"

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BROWN) for 5 minutes.

Mr. BROWN of Georgia. A legendary Georgia businessman recently called the Obama administration "the single biggest impediment to job growth."

That same man, Mr. Bernie Marcus, also says the business that he founded would have never succeeded if he were trying to start it today. Home Depot, his Georgia-based company, currently has more than 2,200 stores all across the United States. They support more than 300,000 American jobs, and they generated \$68 billion in revenue just last year.

Now, imagine the impact on our country if companies that start out like Home Depot—which started as an individual store—or other small businesses weren't able to flourish. That is what the Obama administration is trying to do to the American Dream today. By creating a huge bill with ObamaCare and a failed stimulus bill and by piling thousands of new government regulations onto the backs of small businesses, it is no wonder that job creators are afraid to expand and hire new people.

And so, after 2½ years of growing the Federal Government and \$4.5 trillion in spending later, the Obama administration has given us another proposal of the same old failed policies. Unfortunately, their latest solution to our 9 percent unemployment rate comes with a price tag of almost a half trillion dollars, money that we just simply do not have. So to pay for the American Jobs Act, as I like to call it "stimulus part II," our Democrat leaders want to hike taxes on families and job creators.

We've been down this road before. The stimulus did not work 2 years ago, and it will not work today. Hiking taxes in the middle of a recession will make our economy worse, not better. When will this administration learn that more of the same just simply isn't

good enough anymore? Jobs will come when government gets out of the way—by getting rid of ObamaCare, by stopping the reckless spending here in Washington and the threat of higher taxes, and by ending the uncertainty in the marketplace.

□ 1030

Congress needs to pass my jobs bill, which would immediately and permanently lower the corporate tax rate to zero, and it will permanently lower the capital gains tax to zero. This will stimulate our small businesses so that they can do what they do best, grow, expand and to thrive.

In the words of Mr. Marcus, the founder of Home Depot, "It's time to stand up and fight."

The free enterprise system has made this country what it is today, and we must have policy that makes it prosper.

CONSTITUTIONAL RIGHTS FOR PUERTO RICAN CIVILIANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise today to ask us to take action on a scathing Department of Justice investigation of a police department that "regularly violates the constitutional rights of civilians through illegal searches, detentions, and arrests," that "continues to demonstrate a deliberate indifference to the public's safety and the civil rights of individuals engaging in protected speech activities during protests," a police force where "officers engage in a pattern and practice of unreasonable force and other misconduct to suppress the exercise of protected First Amendment rights."

The report details the abuse against the people of Puerto Rico that they are facing by the Puerto Rico Police Department. Underscore, I said, "I rise to bring the urgent attention of the U.S. House of Representatives to a human rights and civil rights crisis." I further stated, "where the right of students to protest and speak their minds is being denied with clubs and mace and pepper spray."

I spoke those words 7 months ago on this floor. The DOJ report states that the Governor of Puerto Rico has "supreme authority" over the police. Did he use that supreme authority to respond to Puerto Ricans who asked for help? Yes, he did.

The Governor's ruling party took immediate action after I detailed the abuse. The ruling party was outraged. It was outraged at me. Facing a civil rights crisis, the ruling party of Puerto Rico acted without hesitation, convening the legislature to urgently pass legislation to censure me for speaking out.

In part, the censure reads: "Congressman LUIS GUTIERREZ made false allega-

tions about a supposed human rights crisis in Puerto Rico; he expressed himself in a denigrating and malicious manner about the honorable body of the Puerto Rico police; all of which tends to hurt the good image and good name of Puerto Rico."

Here's the problem: The ruling party of Puerto Rico has made clear time and time again they are not concerned about the abuse of their people, only that the world might notice that abuse. They don't seem to understand that if you love people, you stand up and you speak out, not pretend that everything is all right.

For standing up, the Government of Puerto Rico gave me a 600-word censure. But the government didn't give one word, not one word of censure, to what happened to Rachel Hiskes.

Here's what the DOJ describes happened to her:

"A student journalist, Rachel Hiskes, entered the Capitol with other individuals and attempted to access the senate chambers.

"Puerto Rico Police Department officers, who had been dispatched to the capitol earlier in the day, stopped Hiskes and hit her.

"She was not resisting or combative. Hiskes then sat in the hallway with other visitors in protest. A capitol employee then sprayed Hiskes and others with chemical irritants.

"As Hiskes tried to get up, an officer hit her across the back with a baton, causing her to fall. An officer continued to push and strike her with his baton, driving her toward the doorway.

"When she reached the door and had her back to the officer, the officer shoved her out onto the concrete stairs using his baton and hitting her in the neck.

"Hiskes was never arrested or charged with any crime."

Instead of protecting people like Rachel, the government derided the people.

This Governor's chief of staff, a man he has absurdly tasked with responding to the Department of Justice report, said protesting workers would be treated as "terrorists" and boasted he would personally kick protesting students off campus.

This government cannot fix a problem they helped to create and expand.

The students, bloodied with batons, deserve more. The workers beaten and the journalists pepper-sprayed deserve more.

And, to be clear, the many honorable and brave Puerto Rican police officers, men and women who are incorruptible, who do their jobs right and risk their lives every day, they deserve more too.

When crimes like these are brought to light, we expect criminal indictments.

I want to see a special prosecutor appointed, the grand jury seated, the trials begun and see those responsible,

not just the police officers following orders but those who directed the police to systematically suppress free speech, sent to jail.

The goal must be to reestablish the rule of law and to reestablish a police department in Puerto Rico that protects and serves the people. The goal must be a police department fighting crime, not committing crime. The goal must be that no government can act with impunity against its own people.

And I have one last recommendation. The Governor of Puerto Rico should apologize to his people. Puerto Ricans have called out for help. In response, the Governor and the ruling party have led an effort to demonize them for standing up for their civil rights.

Governor, the Department of Justice of the United States of America has just made clear that your people were right and you were wrong, and it is time for you to say you're sorry.

HONORING MAJOR GENERAL THEODORE MALLORY III

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, there are men who watch life go by as a spectator, and then there are the Ted Mallorys of the world. In one of life's greatest mysteries, Ted Mallory's time on Earth came to an end June 26 after a late diagnosis of stomach cancer.

Major General Theodore "Ted" Mallory III had embraced his many gifts and lived one of the fullest lives I have ever been privileged enough to encounter. The Bible says: As iron sharpens iron, so one man sharpens another. Ted made it his personal mission to sharpen the lives of those men and women around him, and he pushed people to their highest potential.

After attending Auburn University, Ted entered into the U.S. Air Force Officer Training School in 1965 and graduated with the U.S. Air Force Outstanding Graduate Officer Award, among many other awards that he obtained while in training. These were the first of many commendations Ted would receive throughout his 36-year military career. A recipient of the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal, National Defense Service Medal with one bronze service star, Republic of Vietnam Gallantry Cross with Palm, and Global War on Terrorism Service Medal. Ted truly embodied the ideal airman. He was also awarded the Daughters of the American Revolution Medal of Honor. I would need an hour on this floor, Mr. Speaker, of time just to list all the rest of Ted's accomplishments.

His education did not stop at Auburn University. In addition to the military professional education programs of-

fered through the Air Force, Ted is also an alumnus of the John F. Kennedy School of Government at Harvard University.

After he left active duty service, Ted entered into the Air National Guard, where he served for 30 years and held the roles of group commander, wing commander, and chief of staff. He was promoted to major general in 1997 and retired in 2001 as commander of the Air National Guard/Air Education and Training Command.

While serving in the Air National Guard, he remained active in his community, serving on the Fayette County school board for 10 years as chairman, and on the Georgia School Board Association as president in 1986. Ted served on several additional boards, including my academy nomination board, and was president of the Joseph Sams School board of directors, a school serving the needs of children with mental and physical disabilities, and Ted took me on a tour of that facility about 2 months before he passed away.

His accomplishments reach far beyond military service, though. Ted was also a very successful businessman in the aviation industry. His focus was always on safety and flying, where he was training new pilots, or as a senior vice president of Flight Operations and chief safety and security officer for ASTAR Air Cargo.

□ 1040

General Mallory is now flying sorties far above us all, watching down on his loved ones left behind. My wife, Joan, and I will continue to pray for Alice, his wife of 44 years, his soul mate; his children, Teddi and T.J. and their families; his grandchildren, Mallory and Thomas; and his sister and brother-in-law, Molly and Tom. May all those who have been touched by Ted's life find comfort knowing that his legacy will live on in both our lives and our memories.

So Ted, until we meet again one day, I want to thank you for everything you did to better our lives and our country. I miss you, Teddy. We all miss you.

A COST-EFFECTIVE CIVILIAN SURGE FOR AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday the U.S. embassy and NATO headquarters in Kabul were attacked. The Taliban, which we know has exerted its influence in many of the remote regions of the country, is now flexing its muscle in the supposedly secure capital. It's just the latest piece of evidence that the military occupation of Afghanistan is having exactly the opposite of its intended effect. Nearly a decade after we allegedly defeated the

Taliban and drove them from power, they remain as fearless and undaunted as ever.

The longer we have boots on the ground, the more we prop up the very enemy we are supposed to be fighting. And for this, the American people have the privilege of shelling out \$10 billion a month.

I ask my friends on the other side of the aisle, the ones who are lecturing us every day about cutting spending, isn't there something better we can do with the taxpayers' money?

Well, it turns out there is, and it would do more to promote security and counterterrorism than waging a bloody and violent war.

For years now, I've been promoting a platform I call "SMART Security." SMART Security represents a wholesale change in the way we protect our country and promote our values abroad. It puts us in a position of partner, not invader. It's smart because it treats warfare as a very last resort. It's smart because it uses different tools to engage other nations and resolve global conflicts. It's smart because it emphasizes diplomacy, pursues multilateralism, promotes democracy, and respects human rights. And it's smart because it would dramatically increase our investment in international development projects that will lift people up instead of tearing their country down.

What we need in Afghanistan and poor countries around the world is a civilian surge, one that will rebuild infrastructure, power lines, schools, hospitals, economic opportunity, and much more, whatever that nation would find useful that we could help with.

You think it sounds expensive? It's a drop in the bucket. I'm talking about pennies on the dollar compared to a 10-year military occupation. In fact, The Washington Post noted last week that civilian efforts in Afghanistan have cost the United States about \$1.7 billion over the last 2 years. Let's compare \$1.7 billion over 2 years to \$10 billion a month in Afghanistan. And even that level of funding is now facing tough scrutiny here on the Hill. Are you kidding me? Let's put this into perspective—\$1.7 billion, we spend that much on the war in Afghanistan in less than a week, and that's what we invest in 2 years of civilian efforts.

If we ended this war, we could reinvest the money in the bigger, bolder surge that we really need and still have plenty left over to create jobs right here at home and meet other important obligations. But right now, Mr. Speaker, our priorities are completely distorted. We are sacrificing the lives of our troops in a morally reprehensible war that is fiscally reckless and strategically an epic, historic failure. After 10 years, it's time to bring our troops home, make the change we so desperately need.

Embrace and adopt the principles of SMART Security.

TEXAS LEGISLATURE CALLS ON CONGRESS TO PASS BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. MARCHANT) for 5 minutes.

Mr. MARCHANT. Mr. Speaker, in the last few weeks as I traveled across my district, the 24th District of Texas, it became very obvious to me that the number one issue on the minds of my constituents is out-of-control Federal spending.

In the last legislative session in Texas, my former colleagues in the Texas legislature passed a resolution addressing this out-of-control Federal spending. The resolution requested that the Congress pass a balanced budget amendment to the Constitution and send it to the States for ratification.

This is the resolution I have in my hand that was sent to me by the State representatives and the senators in my district that I represent. By overwhelming votes in both houses, the house and the senate, the Texas legislature passed this resolution that I'm holding right here in my hand. The Texas House of Representatives approved this bill by a vote of 115-17 on April 13, and the Senate adopted the bill on May 19 by a vote of 28-3.

This resolution calls on Congress to enact the best measure to stop runaway Federal spending. We can best ensure our future prosperity by passing a balanced budget amendment. I would like to personally thank the members of the Texas legislature that represent parts of my district, the 24th District of Texas. I applaud them for sending this resolution urging us to take action. My sincere thanks go to State Senator Jane Nelson, State Senator Chris Harris and State Senator John Carona, and to State representatives Vicki Truitt, Burt Solomons, Linda Harper-Brown, and Todd Smith. These brave men and women have taken a courageous stand on this issue, and I feel it's my obligation to follow through with their request.

The Federal Government must end sustained deficit spending. In fiscal year 2010, the Federal Government accumulated a deficit in excess of \$1.3 trillion, an annual deficit that exceeds the entire gross State product of Texas. In order to finance our current deficit, we borrow 40 cents of every dollar we spend—40 cents on the dollar—money that could easily go to pay our national debt down.

The longer we wait only results in more debt, debt that we will pass along to our children and to our grandchildren. Our national debt currently stands at \$14.7 trillion, which equals a debt per taxpayer of \$131,288. This is a problem we can no longer ignore.

I urge my colleagues to join me in supporting the Texas legislature's request for prompt passage of a balanced budget amendment.

THE STATE OF TEXAS HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 18

Whereas, the gravity of federal debt and federal obligations was established early in American history, with deficit occurring only in relation to extraordinary circumstances, such as war; yet for much of the 20th century and into the 21st, the United States has operated on a budget deficit, including the 2010 budget year, which surpassed an astounding \$1.3 trillion, an annual deficit that exceeded the entire gross state product of Texas; and

Whereas, the federal debt is greater than \$14 trillion, a sum that if shared equally by each person in America would be a burden of over \$45,000 per person, and yet the federal government continues to accrue debt; and

Whereas, the higher the deficit, the more the government must spend on paying interest on the debt; compounding the problem is the use of deficit spending, which becomes a responsibility for future generations of Americans to assume without their consent; and

Whereas, Congress has attempted to set budgetary restraints for itself in the form of a balanced budget amendment; the proposal won wide support in 1995, failing by only one vote in the senate; and

Whereas, many states have previously requested that Congress propose a constitutional amendment requiring a balanced budget, but Congress has proven to be unresponsive; and

Whereas, this growing burden of public debt is a threat to the nation's economic health, and action must be taken to restore fiscal responsibility; a balanced budget amendment would require the government not to spend more than it receives in revenues and compel lawmakers to carefully consider choices about spending and taxes; by encouraging spending control and discouraging deficit spending, a balanced budget amendment will help put the nation on the path to lasting prosperity; Now, therefore, be it

Resolved, That the 82nd Legislature of the State of Texas hereby respectfully urge the Congress of the United States to propose and submit to the states for ratification an amendment to the United States Constitution providing that except during a war declared by the Congress of the United States pursuant to Article I, Section 8, Clause 11, United States Constitution, or other national emergency, the total of all federal appropriations for a fiscal year may not exceed the total of all estimated federal revenue for that fiscal year and providing for a spending limitation; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

UNDERAGE DRINKING AND FTC WE DON'T SERVE TEENS INITIATIVE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to discuss the topic of underage drinking. It is an issue that challenges every generation of public officials, parents, educators, law enforcement, industry members, and concerned citizens. But through bipartisan leadership and almost three decades of public and private effort, our Nation has made some substantial progress. I mention "bipartisan" because it was President Reagan who teamed up with Democrats in Congress to enact the National Minimum Drinking Age Act of 1984.

□ 1050

At the signing ceremony, the President's remarks are a great lesson in federalism and national leadership that remains very important today. He said that underage drinking is a problem that is "bigger than the individual States." He called underage drinking a "grave national problem" that "touches all our lives." President Reagan concluded, "With the problem so clearcut and the proven solution at hand, we have no misgiving about this judicious use of Federal power."

I said that this was a bipartisan effort. Our colleague from the other body, Senator LAUTENBERG from New Jersey, was instrumental in guiding the measure through Congress, and he continues to be a forceful advocate for young people today.

According to the National Highway Safety Administration, the number of fatalities in teen drunk driving crashes has declined 74 percent since the early 1980s. Studies from the Department of Transportation and Government Accountability Office indicate that the 21-year-old drinking age has saved tens of thousands of lives. Most government measures of underage drinking have also declined.

Parents, educators, and other adults who have influence on young people need to recognize that older teens are still capable of making youthful mistakes, and some of these mistakes can be fatal. We should not do anything that allows our young people to obtain alcohol before they reach the legal drinking age. We need to remain involved in their lives and do everything we can to encourage and insist that they make responsible decisions.

Back in 2006, our colleague LUCILLE ROYBAL-ALLARD led the effort to enact the Sober Truth on Preventing Underage Drinking Act, better known as the STOP Act. The law established a framework for cooperation among Federal agencies with responsibility to address underage drinking. In mid-July, we received a report from the Federal

Interagency Coordinating Committee that was formally established by the STOP Act. It documents Federal Government prevention initiatives across 17 agencies, including the Federal Trade Commission, which created the We Don't Serve Teens program as a public education and outreach initiative.

The 2011 launch of We Don't Serve Teens occurred last week in Chicago and throughout the Nation. One purpose of the We Don't Serve Teens initiative is to inform parents and all adults that teen drinking is not inevitable. Crown Imports and MillerCoors, the number two and number three American beer suppliers, are both headquartered in the district I represent in Chicago. Both companies have supported the We Don't Serve Teens program since it began in 2006.

I am pleased that these two companies have joined the FTC, Members of Congress, Chicago officials, and thousands of concerned citizens to support We Don't Serve Teens. We need everyone at the table. Industry members have a unique ability to reach out directly to local stores, bars, restaurants, and other places where alcohol is served.

The We Don't Serve Teens message is reinforced. I commend these efforts. I especially commend the distributors of these alcoholic beverages in their effort to make sure that teens handle alcohol responsibly. The best way is to not drink at all.

POVERTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise today as the founding member and a cochair of the Congressional Out of Poverty Caucus. The 42 members of the caucus work every day to ensure that we meet our economic and, yes, our moral obligation to the most vulnerable across this Nation—those people facing or living in poverty.

Yesterday, the United States Census Bureau released data showing that 2.6 million more Americans fell into poverty, making it 46.2 million people living in poverty in America. This is the highest number since the Census Bureau started keeping these records in 1959. Fifteen percent of Americans lived in poverty last year. The poverty rate among African Americans in 2010 was 27.4 percent; for nonwhite Hispanics it was 26.6 percent; for Asian Pacific Islanders it was 12.1 percent; and for non-Hispanic whites it was 9.9 percent.

Digging deeper into the disparities, the data reveals that the real median income declined for white and black households between 2009 and 2010. Real median income for each race and Hispanic-origin groups have not recovered to the pre-2001 recession all-time highs.

According to the Center for Budget and Policy Priorities, the Census data reveals that both the number and percentages of people living in deep poverty hit record highs, meaning that some 20.5 million Americans had cash incomes below \$11,000 for a family of four. In addition, the Census reports that the median household income fell 2.3 percent, or \$1,100, in 2010.

Those at the bottom of the income scale have lost far more ground than those at the top. Income inequality continues to grow at alarming rates. We know that this crisis is even worse in communities of color.

The national average of children living in poverty in America is 20 percent. That's outrageous. For African American children, it's 36 percent; for Latino children, it's 31 percent. That's hard to believe. The median net worth of white families in 2009 was 20 times greater than that of the average black family, and 18 times greater than the average Hispanic family.

These are not just statistics. These are real human beings who deserve an opportunity to live the American Dream, which to our dismay, unfortunately, has turned into a nightmare for millions. So the Out of Poverty Caucus cochairs, Congressmen BACA, BUTTERFIELD, CONYERS, HONDA, and myself, sent a letter to the President asking him to address our Nation's job crisis, which is a national emergency, through a bold package of direct investment which is aimed at our Nation's most vulnerable—those facing or living in poverty. We asked that he consider including programs like the TANF Emergency Contingency Fund, which gets money out of the door across the country efficiently and effectively, and it puts people to work. We asked for job training at communities affected by the Great Recession, which of course is the depression for these communities, and we asked for programs that will help train and put our Nation's young people to work.

We are pleased and thankful that in the President's jobs bill he did embrace some of our suggestions, including building on programs like the TANF Emergency Contingency Fund and on the job training, youth employment, extension initiatives, and extending unemployment compensation, but we also still believe that unemployment compensation must be extended to those who have exhausted their benefits after 99 weeks until we create these jobs, because there are four individuals looking for one job. After 99 weeks, these individuals are no longer eligible for unemployment compensation. So we're asking that H.R. 589 be considered, which is a bill by Congressman BOBBY SCOTT and myself, to extend this unemployment compensation by 14 weeks. That's the least we can do.

Make no mistake about it, people are suffering. Children don't have enough

to eat. People want and need jobs, as we saw during the Congressional Black Caucus' very important and successful jobs tour and the Congressional Progressive Caucus' Speak Out for Jobs Now tour. People want our economy to grow, but they know that they need a job to do this.

Our country needs full employment for people to turn the economy around. More and more people are falling into poverty than ever before—from all walks of life and educational backgrounds.

The Out of Poverty Caucus will continue to sound the alarm about the growing crisis of people living in or facing poverty. I want to remind everyone that many middle-income people are on the verge of falling into poverty. As we say, many are one paycheck away from poverty. It is critical that America returns to the land of opportunity for all.

□ 1100

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise today, as I have done virtually every week, to tell a story of a man or a woman in the military who has been raped. Nineteen thousand are raped every year in the military. Only 13 percent report the rapes because there has been such an ineffective addressing of this issue. So today, I rise again to tell another story.

I hear from victims who have been sharing their stories with me by emailing me at stopmilitaryrape@mail.house.gov. It is time for us to act. We have known of this problem for over 16 years. We have had 18 hearings and reports on this issue, and yet nothing changes.

So today I'm going to tell you about Darchelle Mitchell, an airman. And she writes: "I never thought that I would be a victim of such a horrible and traumatic event, nor did I believe that it would occur under the blanket of freedom I swore to fight for. I decided to serve my country as an example for my two boys and to do my share to better my Nation.

"In my first year, I began to accept the unwanted comments of my shape, size and looks as though it was part of something to deal with when working and living with men on a ship. It escalated to the uncomfortable motions by a superior trying to pull me into a two-manned rack that was in the office. I reported the incident to my immediate supervisors requesting that they speak with him, and the responses were always that the superior meant no harm and that he was just being playful. This led to my superior grabbing me by the top of my head and pushing it into

his genital area, stating, "I bet I can make you say 'oh, God.'"

"After the reporting of this incident, I suffered the backlash of being blackballed. My job assignments became very difficult, and I bounced around from command to command until someone was willing to take the chance to allow me to perform as an airman trying to advance.

"I worked very hard to remove the negative light that was cast upon me. I went on to advance to a dual-qualified second class petty officer in less than 3 years. Despite my efforts of advancing and volunteer services, the stigma remained with me.

"I decided to take orders to Italy and move my family to another country in an attempt to step away from the negative light. Within the first 3 months of my tour in Italy, I was raped by another servicemember. I did everything in accordance to the training provided by the military. I reported the incident to NCIS and suffered through a rape kit. My children were present and had to experience something that no parent could ever dream of allowing their children to go through.

"With his DNA found in my rape kit, his fingerprints found throughout my room, and ripped clothing, the servicemember was found not guilty. The explanation given to me was, 'It is no question that his genitals touched your genitals, but it is reasonable to believe that he thought he had your consent.' From that, I was expected to return to work as if tomorrow was just another day. My superiors continued to treat me as if I brought shame to their command. The trauma was so overwhelming that I attempted to take my life on two occasions.

"Despite the constant reminder that the military is a man military, I graduated with my master's in business administration, volunteered at numerous organizations, and regained some confidence in my safety around people. This was not supposed to be the intended meaning of the sacrifices that veterans go through to serve their country.

"I pray that my experiences are not completely in vain and that one day no one will ever have to suffer what my family and I are still suffering."

For Darchelle and every other servicemember, we must take steps to prevent this crime from happening and punish the perpetrators when it does. We should not be a country in which it is more likely to be taken into someone's room to be violated, to have violence committed against you by another member of the service, more likely than by the enemy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 4 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily with high hopes for a better future for our great Nation.

Deepen their faith, widen their sympathies, heighten their aspirations, and give them the strength to do what ought to be done for this country. Give them the wisdom and perseverance to work together constructively to address the pressing issues facing our Nation.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Massachusetts (Ms. TSONGAS) come forward and lead the House in the Pledge of Allegiance.

Ms. TSONGAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches from each side of the aisle.

FREE STUFF

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Ron and Cynthia Barrs from Texas sent me this email:

"The folks who are getting the free stuff don't like the folks who are paying for the free stuff because the folks who are paying for the free stuff can no longer afford to pay both for the free stuff and their own stuff. And the folks who are getting the free stuff want even more free stuff on top of the free stuff that they're already getting. So now the ones who are forcing the people to pay for the free stuff have told the people who are receiving that free stuff that the people who are paying for the free stuff are mean and greedy. So the people who are getting the free stuff have been convinced they need to despise the people who are paying for the free stuff. And they are promised more free stuff if they vote for the ones who force others to pay for the free stuff."

Mr. Speaker, there's just not enough stuff for free.

And that's just the way it is.

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, last week President Obama laid out a plan of action to create new jobs and strengthen our economy. Now the American Jobs Act has been sent to Congress, and it is up to us to catch the ball and run it into the end zone.

The American people are suffering. They are in pain. They are hurting. They need and deserve our help now, not tomorrow. They don't need more excuses.

The American Jobs Act contains tax incentives, Federal incentives that will give our economy an immediate boost. Ninety-eight percent of businesses will have payroll tax cut in half. The new tax credit will encourage businesses to hire returning veterans, and 280,000 teachers will be saved from being laid off. New investments will help build our roads, our bridges, our airports and rail systems, and not the bridges to nowhere.

Let's invest in the American people and work together to build our economy. This is not about allowing President Obama a win. This is about the American people, people who need jobs now, and building our economy.

Let's work together. Let's help the American people who are suffering.

A JOBS PLAN THAT WORKS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, instead of President Obama's no-jobs plan, which is just more of the same, I'd like to give my 2 cents worth on what it takes to create jobs right here in America. Why? Because I know what it's like to take a risk and open a business, to hire someone and make a payroll.

Putting a moratorium on all new regulations would be a good start. Repealing the job-killing ObamaCare and Dodd-Frank financial reform laws—which are actually no reform at all and are already decimating our economy—and putting forth a balanced budget amendment to the Constitution. If President Obama adopted these approaches, immediately capital would start flowing, which would then create jobs.

What we can no longer afford are the current, Big Government, socialist policies that will only put us further into debt and hurt job creation.

I have created hundreds of jobs in my district in Louisiana. How many jobs has the President created in his 2½ years? I would say net negative on that.

THE 20TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, on January 21, 1990, over 300,000 Ukrainians joined hands to create a 300-mile human chain from Kiev to Lviv in a show of unity and support for Ukrainian independence. One year later, on August 24, 1991, Ukraine rose from under its Soviet yoke and declared its independence.

I stand here today to commemorate the 20th anniversary of Ukraine's independence and to commend them on their many democratic achievements over the last two decades. Yet as we celebrate Ukraine's severing of its Soviet chains, we must be aware of new restraints, for new shackles in the form of press crackdowns and opposition intimidation threaten to re-enslave Ukrainians and reverse their many hard-fought freedoms.

I have faith in the spirit of the Ukrainian people and hope they will join hands again, as they did 20 years ago, and continue to stand strong for freedom and democracy, knowing America will always be standing beside them.

As they say in Ukraine: Together we are many. We cannot be defeated.

HONORING CHIEF WARRANT OFFICER DAVID R. CARTER

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Madam Speaker, today I rise to honor a soldier who made the ultimate sacrifice and laid down his life for our freedom: U.S. Army Warrant Officer 4 David R. Carter.

Chief Warrant Officer Carter dedicated himself to over 24 years of military service. As a member of the Colorado Army National Guard, he de-

ployed to Afghanistan this summer. On August 6, 2011, he was piloting a CH-47 helicopter on a mission to reinforce a unit under attack in Wardak province. On that tragic day, he was one of 30 Americans who lost their lives when their helicopter was brought down by enemy fire.

David Carter was regarded as one of the most highly trained aviators in Colorado, with multiple combat deployments and over 4,000 flight hours. He is also remembered for the tremendous impact he had on his family, friends, and community. Friends recall that he was never too busy to help out with a problem.

Chief Warrant Officer David Carter personified the honor and selflessness of service as a citizen soldier. His bravery and dedication to duty will not be forgotten.

As a Marine Corps combat veteran, my deepest sympathies go out to his family, fellow soldiers, and all who knew him.

□ 1210

WORK TOGETHER TO PASS AMERICAN JOBS ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, the American people have waited too long for this Congress to put the focus where it belongs—on creating jobs and getting the Nation back to work. Now we must boldly make up for lost time. We need a plan as serious as the challenges we face. The American Jobs Act is that plan.

We will harness the industry and energy of the American people. We will give small businesses, the backbone of our economy, the incentives and assistance that they need to hire and to grow. We will put people to work building a transportation infrastructure worthy of the 21st century. We will stop teachers from being laid off and help end the outrage of our crumbling schools.

The American Jobs Act is good news for veterans, construction workers, teachers, firefighters, the long-term unemployed, and good news for all Americans who can look forward to a stronger economy and a more competitive Nation. Let's work together to pass this bill and get the American people the help they need and the support they deserve.

TIME TO GET AMERICA WORKING AGAIN

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, there are 14 million Americans out of work. We have a record 30 straight

months of unemployment at 8 percent or above—the longest stretch since the Great Depression. That's simply unacceptable. The President and the Congress must work together to grow the economy and create jobs. As a businessman for over 30 years, I have seen firsthand that the government does not create jobs. The private sector does. Small business does.

My jobs plan would expand overseas markets for U.S. goods and services, lower taxes on business, eliminate frivolous lawsuits, and abolish unnecessary regulation. We need to get our financial house back in order and move towards a constitutional balanced budget amendment. It's time we work together to get America back to work.

INVESTING IN CLEAN ENERGY TECHNOLOGIES

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, we need to put people back to work, and it is past time that this issue is finally getting the national attention necessary to get something done. As we work to finally enact a jobs plan, we should be investing not only in our workforce, but also in our future competitiveness, which is why we should invest in the next revolution—clean energy technologies. We export billions of dollars each year to import the energy that powers our country. If we can harness the power of clean, renewable energy, we will not only create high-paying jobs but we can begin to address the real threat of climate change as well.

By investing in clean energy technologies, such as wind and solar, we can begin to replace many of the manufacturing, construction, and high-tech jobs lost during the recession. We should take advantage of this unique opportunity to immediately create good jobs here in America while safeguarding the future of our children and grandchildren at the same time.

PRESIDENT'S SCORECARD ON JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Nation's unemployment rate is a gruesome 9.1 percent. This marks the largest period of high unemployment since the Great Depression. More than 14 million Americans are unemployed. More than 25 million Americans who want a full-time job don't have one. In today's Politico, Josh Boak reported that "Long-Term Jobless at 50-year Record." The State's front page revealed the Nation's poor have swelled to a sad record of 46.2 million people. The Democrat

chairwoman says the President “owns” the economy.

The President’s policies are sadly failing. He’s on the wrong track, as evidenced in New York. He needs to change course with a bipartisan tax cut in the tradition of Presidents Kennedy and Reagan. The President’s proposal for a second half-trillion dollar stimulus is a repeat of failure. Out-of-control borrowing and spending and the failed stimulus have aggravated unemployment. Tax increases destroy jobs. House Republicans will continue to lead bipartisan efforts of creating an environment for job creation that promotes small businesses.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PASS THE AMERICAN JOBS ACT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, despite the fact that we face persistent unemployment and slow economic growth, Republicans would rather waste time with debt ceiling disapproval resolutions and risk default again than come up with real answers to our most pressing problems. Democrats want to pass the American Jobs Act right now to get people back to work. We want to offer payroll tax breaks to small businesses that create jobs, not continue corporate welfare to major oil companies. We want to create infrastructure banks to repair and rebuild our communities, not delay these highway projects to score political points.

Monday, in Politico, a senior Republican aide was quoted as saying he “didn’t want to hand Obama a win” on jobs legislation. It’s clear that Republicans care more about beating the President than beating unemployment. The jobless of this country cannot wait another 14 months. Pass the American Jobs Act today.

COMMONSENSE SOLUTIONS FOR JOBS

(Mr. FLORES asked and was given permission to address the House for 1 minute.)

Mr. FLORES. Madam Speaker, our country is facing record deficits, high unemployment, and stagnant economic growth. Yet President Obama is doubling down on the triple threat of taxation, regulation, and spending that is crushing job growth. This week, the President has been touting his so-called “jobs plan.” But his detrimental policies have forced a power generation company in Texas to close five facilities and sacrifice 500 middle class jobs. The impact of this EPA shutdown will reduce generating capacity in Texas by 1,300 megawatts, a move which the

Electric Reliability Council of Texas says could spur future power outages.

These regulations hurt middle class jobs and harm electric reliability in Texas with no scientific evidence that power generation in Texas is causing nonattainment of clear air standards in other States. Not only are this administration’s disastrous policies preventing future job creation; they’re destroying existing jobs. Instead of proposing the same failed idea that Washington can create jobs, we need to get Washington out of the way and rely on commonsense Main Street solutions that put Americans back to work.

NASA ANNOUNCEMENT ON SLS

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Madam Speaker, this morning, NASA announced the design of a new space launch system which will be the basis for future exploration beyond low Earth orbit. It is a critical step, but one among many we need to take. Although I am pleased this decision was made, it is long overdue since it was mandated by the NASA authorization bill passed in the last Congress. This announcement combines existing technologies while enabling new ones, all the while attempting to maintain the most skilled and dedicated workforce in existence in human space flight. NASA’s plan still lacks the destination focus I would like to see, and we must be diligent in keeping costs manageable, especially in these difficult economic times. But the investment in our Nation’s space program enables men and women like those at the Stennis Space Center to do what they do best—test rocket engines for space flight.

America is the leader in human space flight. Today’s decision helps continue that leadership role.

□ 1220

DISASTER RELIEF SUPPLEMENTAL

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, 2 weeks ago, Hurricane Irene ravaged the east coast, including the State of New Jersey. Earlier this year, tornados leveled parts of the Midwest, and now Texas is experiencing one of the worst wildfires in its history. Furthermore, on the heels of Hurricane Irene, Tropical Storm Lee hit New Jersey, causing more damage and forcing more people from their homes. Homes have been destroyed, businesses are suffering, and many areas are still covered in water.

While many major disaster declarations have been made, the availability of Federal assistance remains uncer-

tain. Today, I rise to ask my colleagues to work in a bipartisan manner to immediately pass emergency disaster relief legislation to support recovery efforts. Communities across the country have witnessed unthinkable destruction and endured great loss, and it is the Federal Government’s responsibility to replenish the Disaster Relief Fund to ensure that these communities receive help in their time of need.

I urge my colleagues to join me in supporting supplemental disaster relief. We must come together now to provide disaster assistance to these devastated areas.

PRESIDENT OBAMA’S JOBS BILL

(Mr. SOUTHERLAND asked and was given permission to address the House for 1 minute.)

Mr. SOUTHERLAND. Madam Speaker, I rise today with great disappointment in the President’s most recent proposed bill to create jobs. I was hopeful that the President would offer a commonsense, pro-growth agenda. Unfortunately, the House continues to stand ready without a proposal that is acceptable.

But this administration continues to offer the same tired, Big Government proposals. One example is the section that creates, in 17 pages, a wholly government-owned corporation—that’s right, government-owned corporation—complete with a chief financial officer, chief risk officer, chief compliance officer, chief operations officer, chief lending officer, general counsel, board of directors, and billions of dollars in new taxpayer money.

It appears once again that this administration is more focused on growing government than it is on growing jobs.

AMERICAN JOBS ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker and Members, jobs are the issue, and the American Jobs Act is the solution that this House should consider on the floor immediately. This bill will help reverse the flow of jobs overseas and will help rebuild the manufacturing base in America, providing good jobs for hardworking Americans.

Make It In America creates jobs in America. This bill builds America. The long-term FAA reauthorization will create 150,000 jobs, and reauthorizing the surface transportation bill will support 134,000 projects around the country, 5,000 mass transit projects, and nearly 1 million jobs over the next year. The national infrastructure bank proposal would combine public and private resources to build, rebuild, and repair the country’s key infrastructure.

This bill also helps create jobs through the Tax Code. The proposal cuts the payroll tax in half for 98 percent of businesses on their first \$5 million in payroll; it offers a \$4,000 tax credit to employers for hiring long-term unemployed workers—get them on the tax rolls and not on the unemployment rolls—and it starts a “Returning Heroes” hiring tax credit, between \$5,600 and \$9,600 for firms that hire unemployed veterans.

We have the responsibility to help our country climb out of this tough economy, and this bill is a proposal that deserves bipartisan support to help accomplish that.

REGULATIONS DON'T CREATE JOBS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, I rise today to join the chorus of Americans asking Washington to stop damaging the economy with job-killing regulations. Small businesses don't thrive when they're hit with additional burdens from the Federal Government.

As unbelievable as it sounds, some in this body actually believe that new regulations create jobs because they force businesses to hire people to comply with the new mandates. Madam Speaker, this defies common sense. And that's why I am introducing two bills: one which would pause all new regulations for a year so that businesses would know the rules they are to live under, and another that would require Federal regulators to analyze the impact of their new rules on jobs and to find the least costly alternative for each new business mandate.

Madam Speaker, let's come together and agree that regulations don't create jobs. And let's pass commonsense legislation to get America working again.

THE URGENT NEED FOR JOB CREATION IN AMERICA

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Madam Speaker, I rise today to discuss the urgent need to create jobs in America.

Millions of Americans have lost their jobs through no fault of their own, and finding a job now is as hard as it has been in generations. Our country needs decisive action, and we need it now.

Earlier this week, the President submitted the American Jobs Act to Congress, and I ask my colleagues in both parties to put partisanship aside and work together to create jobs our country desperately needs. Many of the proposals included in the American Jobs Act enjoy bipartisan support, and I call on Speaker BOEHNER and Leader CAN-

TOR to work together in good faith to bring forward good jobs proposals from both parties to Congress.

We won't have an economic recovery without putting people back to work.

AMERICAN JOBS ACT

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute.)

Mr. LANGEVIN. Madam Speaker, too many people in America are out of work, and as the President said in his speech last week, too many people are living day to day, paycheck to paycheck, struggling to find work. That is why we need to pass the American Jobs Act now.

A consequence of such high unemployment is poverty. Yesterday, the Census Bureau reported that our country's poverty rate last year was an astonishing 15.1 percent, the highest it has been in almost two decades. With 22 percent of our children living in poverty, this report makes clear who has borne the brunt of our country's economic woes.

I believe that all of my colleagues share a strong love of this Nation and its children, but in order for them to succeed, we must ensure that they have access to health care, housing, modern classrooms, and qualified teachers. We must also put their parents on a path back to work.

Madam Speaker, it is a travesty to have even one child living in poverty in this country, let alone one in five of our children. It is also unconscionable to allow our actions, or inactions, to affect their future prosperity. Let's work together in a bipartisan way now to pass the American Jobs Act today.

HOUSE RESOLUTION 352

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, 53 years ago, China declared ownership of the islands in the Eastern Sea, which include the Spratly and the Paracel Islands.

On September 14, 1958, then-Prime Minister Pham Van Dong of North Vietnam issued a diplomatic note affirming the declaration from China regarding the Chinese ownership of those islands. When this decision became known, Vietnamese students and bloggers organized unprecedented protests in Hanoi and in Saigon against China's violations of Vietnam's sovereignty in the Eastern Sea. The Vietnamese security police were ordered to end the public demonstrations regarding the issue of the Spratly and Paracel Islands and detained over 40 activists who were involved in this protest.

Since early August of this year, at least 13 young patriots have been ar-

rested by police and the Ministry of Public Security in Vietnam, and several of these activists are prominent bloggers, such as the Vinh Diocese of the Congregation of the Most Holy Redeemer, for this same issue.

As a cosponsor of House Resolution 352, I call for a framework in accordance with the United States Convention on the Law of the Sea for a peaceful resolution to this conflict.

Furthermore, I urge the Vietnamese Government to unconditionally release all advocates who were exercising their rights as citizens to call for social justice and protesting the sovereignty of Vietnamese territories from China.

AMERICAN JOBS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, as I traveled throughout my district these last few weeks, one issue dominated all conversations—jobs.

As my colleagues on the other side created the default crisis this summer, the American people threw up their hands in disgust and dismay, and I don't blame them. Our constituents know the number one issue facing this country is jobs, and they know this Congress must take concrete actions to grow our economy, and it must take them now.

The good news is we have a plan. The American Jobs Act is a commonsense, bipartisan plan to put Americans back to work and strengthen our economy. It keeps teachers in the classrooms and cops and firefighters on our streets. It rebuilds our crumbling roads and bridges, modernizes our schools, and rehabilitates our neighborhoods. It cuts taxes for small businesses, workers and their families.

The time for political games—which are costing jobs and creating economic uncertainty—has passed. I urge the House leadership, help us pass the American Jobs Act, and let's pass it now.

□ 1230

AMERICANS LIVING IN POVERTY

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Madam Speaker, today we learned that 46 million Americans are living in poverty. More people are suffering economically than at any time since the Great Depression. But we learned from an excellent article by Scott Lilly of the Center for American Progress that history may be repeating itself.

In 1937, conservative Republicans succeeded in virtually eliminating the Federal jobs programs of the New Deal,

so as to eliminate the Federal deficit. But the results were catastrophic to America's economy and society. Half of the 8 million jobs that had been created by the New Deal were lost, and unemployment went over 19 percent.

Economists generally classified the economic reversal in 1937 and 1938 as a second depression. Not until military spending began to revive activity in 1940 did unemployment again drop to less than 15 percent.

That was a long and painful experience. It would be tragic if we permitted the new conservative crowd in Washington to repeat it by killing President Obama's jobs act and sending us back into a double-dip recession.

Those who don't learn from the past are doomed to repeat it.

JOBS IN AMERICA

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Madam Speaker, I rise today to discuss the all-important issue of jobs in America.

As I travel around my district, I frequently hear discussions about jobs. But more importantly, I hear discussions about jobs that have gone unfilled. In my district alone, that is 2,600 jobs. In America it is 3.2 million jobs that are ready to be filled today.

We must come together, as Members of Congress, to provide assistance that helps us train people, relocate them, or do whatever is necessary to bring people to jobs; 3.2 million people back to work, that's significant. I hope that my colleagues in Congress will work with me to put 3.2 million Americans back to work.

This is not a situation where there are not jobs. This is a situation where there are unfilled jobs.

INVEST IN DETROIT

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Madam Speaker, I offer this Congress and this country a simple, yet powerful, way to create new, good-paying manufacturing jobs in the United States, and that's by investing in Detroit, by allowing the tax dollars that Detroiters pay to be invested back in Detroit; invested to help make the streets of Detroit safer, to help improve Detroit schools, to help train Detroiters for jobs, to help rebuild our city.

You see, this type of investment will definitely create jobs in Detroit. But more importantly, Detroit's manufacturing know-how, our trained workforce, investing in Detroit will help put Americans back to work. So by helping put Detroiters back to work, you're going to help put this country back to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011".

SEC. 2. ESTABLISHMENT AND COMPOSITION.

(a) MEMBERSHIP.—Section 201(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Nine" and inserting "five";

(2) in clause (i), by striking "Three members" and inserting "One member";

(3) in clause (ii)—

(A) by striking "Three members" and inserting "Two members";

(B) by striking "two of the members" and inserting "one member"; and

(C) by striking "one of the members" and inserting "the other member"; and

(4) in clause (iii)—

(A) by striking "Three members" and inserting "Two members";

(B) by striking "two of the members" and inserting "one member"; and

(C) by striking "one of the members" and inserting "the other member".

(b) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) in paragraph (1), by striking the last sentence and inserting the following: "An individual is not eligible to serve more than two consecutive terms as a member of the Commission. Each member serving on the Commission on the date of enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 may be reappointed to not more than one additional consecutive term.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "May 15, 2003, through May 14, 2005" and inserting "May 15, 2012, through May 14, 2014";

(B) in subparagraph (B) to read as follows:

"(B) PRESIDENTIAL APPOINTMENTS.—The member of the Commission appointed by the President under subsection (b)(1)(B)(i) shall be appointed to a 1-year term.";

(C) in subparagraph (C)—

(i) by striking "three members" and inserting "two members";

(ii) by striking "the other two appointments" and inserting "the other appointment"; and

(iii) by striking "2-year terms" and inserting "to a 2-year term";

(D) in subparagraph (D)—

(i) by striking "three members" and inserting "two members";

(ii) by striking "the other two appointments" and inserting "the other appointment"; and

(iii) by striking "2-year terms" and inserting "to a 2-year term"; and

(E) in subparagraph (E), by striking "May 15, 2003, and shall end on May 14, 2004" and inserting "May 15, 2012, and shall end on May 14, 2013"; and

(3) by adding at the end the following new paragraph:

"(3) INELIGIBILITY FOR REAPPOINTMENT.—If a member of the Commission attends, by being physically present or by conference call, less than 75 percent of the meetings of the Commission during one of that member's terms on the Commission, the member shall not be eligible for reappointment to the Commission.".

(c) ELECTION OF CHAIR.—Section 201(d) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(d)) is amended by inserting at the end the following: "No member of the Commission is eligible to be elected as Chair of the Commission for a second, consecutive term.".

(d) QUORUM.—Section 201(e) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(e)) is amended by striking "Six" and inserting "Four".

(e) APPLICABILITY.—A member of the United States Commission on International Religious Freedom who is serving on the Commission on the date of enactment of this Act shall continue to serve on the Commission until the expiration of the current term of the member under the terms and conditions for membership on the Commission as in effect on the day before the date of the enactment of this Act.

SEC. 3. APPLICATION OF ANTIDISCRIMINATION LAWS.

Section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) is amended by inserting after subsection (f) the following new subsection:

"(g) APPLICATION OF ANTIDISCRIMINATION LAWS.—For purposes of providing remedies and procedures to address alleged violations of rights and protections that pertain to employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, veterans' employment and reemployment, intimidation or reprisal, protections under the Americans with Disabilities Act of 1990, occupational safety and health, labor-management relations, and rights and protections that apply to employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, all employees of the Commission shall be treated as employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives and the Commission shall be treated as an employing office of the Senate or the House of Representatives.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking "for the fiscal year

2003" and inserting "for each of the fiscal years 2012 and 2013".

SEC. 5. STANDARDS OF CONDUCT AND DISCLOSURE.

Section 208 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435a) is amended—

(1) in subsection (c)(1), by striking "\$100,000" and inserting "\$250,000"; and

(2) in subsection (e), by striking "International Relations" and inserting "Foreign Affairs".

SEC. 6. TERMINATION.

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking "September 30, 2011" and inserting "September 30, 2013".

SEC. 7. REPORT ON EFFECTIVENESS OF PROGRAMS TO PROMOTE RELIGIOUS FREEDOM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act.

(b) CONSULTATION.—The Comptroller General shall consult with the appropriate congressional committees and nongovernmental organizations for purposes of preparing the report.

(c) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) A review of the effectiveness of all United States Government programs to promote international religious freedom, including their goals and objectives.

(2) An assessment of the roles and functions of the Office on International Religious Freedom established in section 101(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(a)) and the relationship of the Office to other offices in the Department of State.

(3) A review of the role of the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(b)) and the placement of such position within the Department of State.

(4) A review and assessment of the goals and objectives of the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)).

(5) A comparative analysis of the structure of the United States Commission on International Religious Freedom as an independent non-partisan entity in relation to other United States advisory commissions, whether or not such commissions are under the direct authority of Congress.

(6) A review of the relationship between the Ambassador at Large for International Religious Freedom and the United States Commission on International Religious Freedom, and possible reforms that would improve the ability of both to reach their goals and objectives.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" has the meaning given the term in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

Madam Speaker, first of all, let me thank ILEANA ROS-LEHTINEN, the chairwoman of our committee, and HOWARD BERMAN for their fine work in helping to bring this very important legislation to the floor today.

I want to thank especially Congressman FRANK WOLF, the author of this legislation, who is also the author of the original International Religious Freedom Act that was passed back in 1998, against considerable odds, opposition from the Clinton administration, for example, opposition from a number of people on both sides of the aisle. But at the end of the day, that legislation, historic, was signed into law and was signed by President Clinton. So he came around and actually put his signature on that historic legislation.

So I again want to thank Mr. WOLF for his famous leadership. He has been a leader on human rights and on religious freedom in particular for more than 30 years. And that culminated, at least on the religious freedom side, with the enactment of the International Religious Freedom Act.

Madam Speaker, religious freedom, the right to worship and practice one's faith according to the dictates of one's own conscience, is a foundational human right. Not only is it an essential element in our Constitution; it is intrinsic to the human dignity of every man and woman on this Earth and was enshrined in the universal declaration of human rights.

But it is a right denied or curtailed for millions, really billions, according to some estimates, even a majority of the people living in the world. For Copts in Egypt, for Christians, Buddhists, and Uighurs in China, Montagnards, Evangelical Christians in Central Vietnam, Jews in Baha'i in Iran, many Buddhist monks in Burma and, of course, this rising pernicious tide of anti-Semitism, not just in the Middle East but in many parts of Europe, and even in the United States, the ability to live their faith without threat of persecution is a distant and unrealized promise.

I was pleased to work with Mr. WOLF years ago, as I mentioned, on this legislation. And I actually chaired the hearings on the legislation. And again, there was considerable opposition that was turned around, and at the end of the day this legislation did become law.

The U.S. Commission on International Religious Freedom was an important part of this effort. It was created as an independent body of experts to review the facts and make policy recommendations from a vantage point outside of our diplomatic corps, where bilateral and other concerns had sometimes resulted in the soft-pedaling of severe ongoing violations of religious freedom around the world.

Even today, when the quality of State Department reporting on religious issues, while it's improved, the commission continues to serve as a critical role and a sounding board and a catalyst. One indicator is the fact that the commission's list of recommended, what is called "countries of particular concern" for severe violations of religious freedom, remains larger than the number actually designated by the State Department. They ought to be the same, but they are not.

Just yesterday, Secretary Clinton rightfully designated the People's Republic of China, Burma, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan as countries of particular concern. But the State Department's list does not add any new countries from last year, and one of the most glaring omissions of all is Vietnam, whose policies have more than earned that badge of shame.

Secretary Clinton did not designate Egypt either, or Iraq, Nigeria, Turkmenistan and Pakistan, as recommended by the commission. So, unfortunately, their recommendations went unheeded. But it does provide an important backdrop and framework to review and to look at what it is that the State Department is doing.

We need, Madam Speaker, this commission more than ever. Already in the Congress, we have had three comprehensive hearings on religious freedom: one in the Tom Lantos Human Rights Commission in January regarding the religious freedom of minorities in the Middle East; one in the committee that I chair, the Africa Global Health global Human Rights Committee, regarding the prioritization of religious freedom in U.S. foreign policy; and one just last month in the Helsinki Commission on the particular plight of Coptic Christians in Egypt. That hearing brought to light an egregious policy that is acted out in Egypt each and every day, where young Coptic Christian girls, some as young as 14 and 15, are kidnapped. They are forced into Islam, and then they are, at age 18 or thereafter, given in marriage forcibly to an Islamic man.

□ 1240

That is an outrage against women's rights, human rights, and religious freedom as well.

The Commission has been an invaluable resource to Congress as we monitor the protection and promotion of

religious freedom around the world and the response of the administration on this very important issue. They have also a resource to governments seeking to remedy religious freedom abuses within their own borders. For instance, in Indonesia, the Commission worked with members of the Indonesian House of Representatives and civil society groups and introduced measures to strengthen provisions in the criminal code regarding attacks on religious gatherings and amend the law governing the building of religious venues.

The Commission also continues to help network human rights and legal advocates in Indonesia and elsewhere around the world working to defend individuals accused of blasphemy and religious minorities facing intimidation and violence from extremist groups. The Commission's work in Indonesia will have practical impact on the exercise of human rights and the preservation of peace in that country.

Other governments have looked to the Commission as a model for their own religious freedom commissions.

The bill before us today includes a number of bipartisan reforms to the Commission authorities and operations to make their work even more effective.

Again, I want to thank Ms. ROS-LEHTINEN, the chairwoman, and thank HOWARD BERMAN for their leadership in ensuring the bill came to the floor today and for their support for the bill.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.

I would like to thank the sponsor of this legislation, the gentleman from Virginia (Mr. WOLF), who has been a leader on this issue for, as my colleague Mr. SMITH pointed out, well over a decade on the question of international religious freedom.

We're fortunate to live in a country that was founded by religious refugees on principles of tolerance. We strive to adhere to article 18 of the Universal Declaration of Human Rights, which states that "everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to manifest his religion or belief in teaching, practice, worship, and observance."

But elsewhere around the globe, religious freedom and human rights are routinely violated. Countless men, women, and children face violence, persecution, and discrimination because of their faith. Violent extremist attacks have taken place in the Middle East and South Asia. The regimes in North Korea and Iran actively repress religious freedom. Apostasy and blasphemy laws have fueled discrimination

against religious minorities in Afghanistan, Pakistan, and Saudi Arabia.

Other religious minorities like Tibetan Buddhists, Uighur Muslims, Ahmadis, Baha'is, Assyrian Christians in Iraq, Copts in Egypt face violence and government restrictions. And anti-Semitism is still prevalent around the world.

Just yesterday, Secretary Clinton designated Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan as countries of particular concern that have "engaged in or tolerated particularly severe violations of religious freedom."

While these may be the worst offenders, we have serious concerns about religious freedom in many other countries around the world. More than ever, we need the U.S. Commission on International Religious Freedom to continue its important work.

The bipartisan bill before us today reauthorizes the Commission, also known as USCIRF, which is set to expire at the end of the month. The bill also contains some sensible reforms that will strengthen USCIRF's efforts to monitor and report on the status of freedom of religion abroad. These reforms include the process of selecting the chair, terms of service for members of the Commission, and a GAO study on improving the effectiveness and coordination of all U.S. Government bodies that focus on international religious freedom.

In particular, I would like to thank Mr. WOLF for agreeing to include a provision that clarifies that USCIRF is subject to the same workplace restrictions and civil rights laws as the rest of the Federal Government.

Congress has long provided that the Federal Government, including the executive and legislative branches, is subject to laws intended to keep the American workplace safe and free from discrimination, including the Family and Medical Leave Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, OSHA, and workplace protections for veterans.

However, under current law, it is unclear whether USCIRF's employees could resolve disputes over workplace protections through the procedures designed for executive branch workers or under the procedures that apply to legislative branch employees through the Congressional Accountability Act. This legislation will ensure that all claims will now be resolved under the procedures created by the Congressional Accountability Act. USCIRF supports this clarifying position.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, it is a distinct privilege to yield such time as he may consume to the chairman of the Appropriations Subcommittee on Commerce, Justice,

Science, and Related Agencies, the author of the original International Religious Freedom Act, an historic piece of legislation and today's reauthorization, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Madam Speaker, before I begin, I want to thank Foreign Affairs Committee Chairman ROS-LEHTINEN; ranking member, Mr. BERMAN; the Human Rights Committee chairman, Mr. SMITH, who's been a champion on all of these issues from the very first day he got in here; and their staffs. The staffs have made all the difference in the world.

I want to particularly thank the chairman's staff, Yleem Poblete and Doug Anderson, for their help, and also the leadership on both sides and my side, and the leadership staff who have really tried to work this and get this thing through. I'm going to say some things that hopefully are not too controversial, but I do want to thank them for getting this thing out and getting it moving because, if it didn't move today, it may very well come to an end.

I rise in support of this critical legislation to reauthorize and reform the U.S. Commission on International Religious Freedom. The sad truth, though, Madam Speaker, this bill has been held hostage by the other body—and keep the word "hostage" out there as we think in terms of what this bill would do and what's taking place around the world. And if we do not pass this bill in this form today, the likelihood of this Commission shutting down is very, very high.

I wish I could name—I know the House rule—and I would name the members over there if anyone asks me, but it's being held hostage. Some in the other body are now saying that even these are not the changes that they would like to see to the Commission. And, quite frankly, I believe that some over there and this very administration would not mind seeing this Commission shut its doors.

This was a bipartisan issue for years. Scoop Jackson, the leader, Jackson-Vanik, President Reagan. To my side, Reagan said the words in the Constitution were a covenant to the entire world, not just to the people in Philadelphia in 1787 but to the entire world. And yet religious freedom, often referred to as the first freedom, is central to our American values and should be featured prominently in foreign policy.

But, sadly, the constituency for human rights and religious freedom issues is growing smaller and smaller in Washington and in this Congress. These issues have become second-class citizens in this Congress and in this town. There are no big law firms downtown. They're representing the Saudis. They're representing the Chinese. They're representing filth and garbage in certain cases, but no one represents human rights and religious freedom.

So there are all the Members who have agonized and pushed and pulled and want to kill this. I'm concerned because as we stand here today and debate, and you've got to know this, Iraqi Christians are being killed. People who speak the same language as Jesus, the Aramaic language, and more biblical activity took place in Iraq than almost any other country other than Israel, they're being killed; and Iraqi women are being forced to do terrible things in order to keep their families.

And there are some who don't want this bill to pass. They never talk about the Iraqi Christians. Yet many of them supported the Iraqi war and yet they say nothing.

The Baha'is in Iran and Egypt are being marginalized, and I never hear a word said.

Chinese Bishops. I can remember Congressman SMITH took Holy Communion from Bishop Su. Bishop Su was arrested and has never been seen since, maybe once being forced into a public security police car and taken away.

□ 1250

Protestant pastors are being arrested today as we speak in China, and yet this doesn't really seem to bother this place. It's almost like, Well, you know, what are we going to do? You know, man does not live by bread alone. These are important issues. Go back to Scoop Jackson. Go back to Ronald Reagan. Go back to the Constitution. Go back to the Declaration of Independence.

Shabaz Bhatti, the Christian minister in the government, was gunned down because of his faith, because he was a Christian. The Ahmadiyya Muslims in Pakistan are being persecuted. They're going through a very, very difficult time. There are the Coptic Christians. I was in Egypt in July, and the Coptic Christians—8.5 million—are going through a very difficult time.

As Mr. SMITH just said, anti-Semitism is running rampant. Anti-Semitism is running rampant in this world, and yet there are some who are trying to kill this Commission, for some reason, over in the other body. We're having such a hard time.

The Buddhists in Tibet, they can't even have a picture of the Dalai Lama. Hu Jintao, who is the current President of China, was the one who cracked down on Tibet and raided all those monasteries, and yet, with this bill, some are just saying, Well, you know, I don't know, and I don't know, and I don't know.

Though this bill is not what we originally planned, the Commission has said they can live with these provisions so that the Commission may remain a reliable voice for the world's persecuted people. As Mr. SMITH said, there probably is not a time that you do need this Commission more than now. Since the passage of this legislation, religious freedom has been elevated at times in

U.S. foreign policy, but it still does not enjoy the preeminence it deserves.

Sadly, a strong U.S. voice on these critical issues has arguably never been more needed. The Commission faces extinction at the end of the month. Members of Congress know, if you knock this bill down, if you want to kill this Commission and if they vote "no," it will go out of business by the end of this month if the Congress fails to pass it.

Just yesterday, as Mr. SMITH said, the State Department released its annual International Religious Freedom Report. In the report, several challenges to religious freedom were pinpointed. People around the world continue to face violent extremist attacks, apostasy and blasphemy laws, repression, and anti-Semitism. According to a Pew Research Study released in 2009, one-third of all nations, containing 70 percent of the world's population, severely restrict religious freedom.

I want to thank again Ms. ROSELEHTINEN and Mr. BERMAN and my good friend Mr. SMITH and their staffs.

I don't know what we would say to the Christian community around the world and to the Baha'is and to those concerned about anti-Semitism and the Buddhist community in Tibet and the Uyghurs in China if this thing fails to pass. They would say, What's taking place in Washington? Why is this no longer an issue that this Congress and this administration care about? So I would hope we should pass it. I think we should have a roll call vote. Every Member should stand up and explain what they're going to do.

Madam Speaker, I would like to thank Foreign Affairs Committee Chairman ROSELEHTINEN, Ranking Member BERMAN, Human Rights Subcommittee Chairman SMITH, and their staffs for working tirelessly in a bipartisan manner to continue to fight for those who are persecuted for their religious beliefs. I would like to particularly thank the chairman's staffers, Yleem Poblete and Doug Anderson, for their help. Thank you also to our leadership for bringing this bill to the floor.

I rise in support of this critical legislation to reauthorize and reform the U.S. Commission on International Religious Freedom (USCIRF). The sad truth is that this bill has been held hostage in the other body, and if we do not pass this bill in the form it is in today, the commission will shut down.

Some in the other body are now saying that even these are not the changes they would like to see to the commission, and quite frankly, I believe that some over there and this very administration would not mind if the commission were to shut its doors.

Religious freedom, often referred to as the first freedom, is central to our American values and should be featured prominently in U.S. foreign policy. Sadly, the constituency for human rights and religious freedom issues is growing smaller and smaller in Washington and in Congress. These issues have become second class citizens in this Congress.

I am deeply concerned because, as we stand here and debate this bill, Iraqi Christians

are being killed, Baha'is are being marginalized in Iran, Chinese bishops and Protestants pastors sit in jail, Christian and Ahmadi continue to be repressed in Pakistan, Coptic Christians are having a difficult time in Egypt, and anti-Semitism is growing around the world.

Though this bill is not what we originally planned, the commission has said they can live with these provisions so that the commission may remain a reliable voice for the world's persecuted people.

Recognizing that this critical issue and other human rights related issues are often relegated to the sidelines within the State Department, I authored legislation more than 10 years ago, in 1998, to establish the International Religious Freedom Office at the State Department, headed by an ambassador at large, and to create the U.S. Commission on International Religious Freedom (USCIRF)—an independent, bipartisan Federal Government commission, charged with monitoring the status of freedom of religion or belief abroad and providing policy recommendations to the President, Secretary of State, and Congress.

Since the passage of this legislation religious freedom has been elevated within U.S. foreign policy. But it still does not enjoy the preeminence it deserves. And sadly, a strong U.S. voice on this critical issue has arguably never been more needed. USCIRF faces extinction at the end of this month if Congress fails to pass the bill before us today and it is not signed into law.

Just yesterday, the State Department released its annual International Religious Freedom Report. In the report, several challenges to religious freedom were pinpointed. People around the world continue to face violent extremist attacks, apostasy and blasphemy laws, repression, and anti-Semitism. According to a Pew Research Study released in December 2009, one-third of all nations, containing 70 percent of the world's population, severely restrict religious freedom.

This legislation will reauthorize the U.S. Commission on International Religious Freedom until September 30, 2013. USCIRF, unlike the State Department, is unencumbered by the impulse to maintain good bilateral relations above all else . . . an impulse which sadly can result in critical issues of religious freedom being sidelined in the pursuit of broader foreign policy goals.

USCIRF regularly holds briefings and hearings on and off the Hill and is frequently called upon to provide expert witness testimony to Congress.

Just in the last year the commission has taken a leadership role on a series of key issues. It was quick to recognize the strategic importance and courageous voice of the late Shabaz Bhatti, Pakistan's federal minister of Minorities Affairs, an outspoken critic of his nation's draconian blasphemy laws.

During a critical time for the people of Sudan, the USCIRF issued special recommendations on the implementation of the historic Comprehensive Peace Agreement.

It made a series of policy recommendations aimed at preserving and protecting Iraq's besieged religious minorities.

It has actively worked with dozens of Hill offices on combating the "defamation of religions" resolution before the United Nations.

In short, ensuring that the commission is reauthorized is of paramount importance. In a Constitution Day speech, President Ronald Reagan famously described the United States constitution as “a covenant we have made not only with ourselves, but with all of mankind.”

Passage of this legislation will go a long way in helping us keep that covenant. I urge my colleagues’ support. We must let the world know that the U.S. Congress continues to believe in the importance of protecting the first freedom for every person in this world.

Mr. BERMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. I yield myself the balance of my time.

I just want to again thank Congressman FRANK WOLF, Chairman WOLF, for his eloquence and for his passion for those men and women and children of faith who suffer terrible, terrible injustices around the world, including persecution.

There were two books that got me involved, in all candor, in religious freedom issues—there were two incidents in my first year in Congress in 1981—“Tortured for Christ,” by Richard Wurmbrand, who was a great evangelical pastor who spent years being tortured by the Securitate in Romania because of his faith. He made an appeal, and he said, Do not sit idly by while men and women of any faith are being tortured and persecuted because of that faith, because it’s not just the individual who suffers; the entire family suffers; and very often they’re incarcerated and tortured as well.

The other was the trip to the Soviet Union with the National Conference on Soviet Jewry in 1982, January. It was 10 days in Moscow and Leningrad, meeting Soviet Jewish refuseniks who were persecuted, who were put into psychiatric prisons simply because of their faith.

A couple of years later, Mr. WOLF and I went to Perm Camp 35 in the Ural Mountains. It took years to negotiate our way in. This was in 1987. We met with persecuted Jewish refuseniks and Christians and political prisoners who were there simply because of their faith. It was where Natan Sharansky had spent a number of his years incarcerated by the cruel dictatorship of the Soviet Union.

In China today, the believer Christians, Uyghurs, Tibetans, and Buddhists are tortured beyond anyone’s imagination. It’s real. It’s happening today. In Vietnam, there has been a backlash against people of faith ever since they got trading benefits and the bilateral trade agreement and MFN were extended to them, or PNTR. They have done a backlash to men and women of faith that is unprecedented, and ought to be on the CPC list of the International Religious Freedom Commission. I hope people will go to the Web site. Check out this wonderful Commission, which if it is not renewed

by the end of this month, goes out of business.

I would call out our Members on the other side of this Capitol, the other body, to pass this legislation immediately. We ought to be strengthening and significantly expanding it, not doing less than status quo, which is what we’re doing today because of some budget concerns that people have. This is the quintessential watchdog agency in this town. It doesn’t get the big press, as Mr. WOLF said. It doesn’t have the big bucks—no K Street lobbyists—but it is a wonderful and a very important and effective Commission that keeps track of religious persecution globally, that keeps us in line in the House and the Senate and also the State Department. I read their reports. I read them from cover to cover. Please, I would ask the Members of this body to support this legislation and call on our friends in the Senate to do likewise.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 2867, “United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.” This legislation mandates the United States Commission on International Religious Freedom (Commission) compliance with federal anti-discrimination laws, restricts the Commissioner to two consecutive terms, and requires the Commissioner to attend 75 percent of Commission meetings. H.R. 2867, extends the Commission’s sunset date by two years, and appropriates \$4.29 million for FY12 and FY13. In addition, H.R. 2867 requires study to determine the Commission’s effectiveness to ensure that the act is being implemented properly.

As a senior Member of the Judiciary and Homeland Security Committees, I understand the importance of protecting the religious rights of men, women, and children throughout the world. By advocating for religious stability, we in turn decrease the likelihood of religious extremism and advance the growth of healthy nations. The United States Commission on International Religious Freedom serves as an essential fact finder and impartial advisor on these matters.

The 18th District of Texas is home to many different faiths and religious backgrounds and welcomes a variety of views on religion. This reflects the principles of freedom of religion upon which our nation was founded. The founding fathers understood the importance of freedom of religion and the perils of religious persecution. Respect for the religious practices of others is woven into the very fabric of the United States.

The United States Commission on International Religious Freedom is an independent, bipartisan commission. The Commissioners are appointed by the President and Congress. The Commission’s core mission is to review international violations of religion freedom and make policy recommendations to the President, the Secretary of State and Congress. These recommendations impact the lives of millions of people of faith around the world. I believe in the importance of protecting those

who are being persecuted based upon their religious beliefs.

According to a Pew Research Study released in December 2009, 198 countries, containing 70 percent of the world’s population, severely restrict religious freedom. The study found that 101 governments used force against religious groups or individuals. Christians and Muslims, who make up more than half of the world’s population, were harassed in more countries than other religions, although the study does not reflect the intensity of the persecution. This study was conducted prior to the Arab Spring. Many of the nations with increasing religious restrictions are the very nations that have seen popular uprisings and subsequent crackdowns—among them Egypt, Yemen, Syria and Libya, a clear indication that we need this Commission more than ever.

I firmly believe that the Commission has a positive impact on the lives of millions of people of faith throughout the world, especially at a time when many governments continue to repress religious freedom and persecute persons on the basis of their religion. Such repression only stands to marginalize vulnerable populations, emboldens extremists, fuels sectarian tensions, and robs societies of the moral and charitable contributions of faith communities.

Repression of religious freedom runs contrary to shared universal values and undermines genuine stability. In the words of Secretary of State Hillary Rodham Clinton “Religious freedom provides a cornerstone for every healthy society. It empowers faith-based service. It fosters tolerance and respect among different communities. And it allows nations that uphold it to become more stable, secure, and prosperous.

The Commission monitors religious freedom through the lens of international human rights standards, such as those found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Forty-five years ago the nations of the world signed the International Covenant on Civil and Political Rights (ICCPR), which codified in international law the right to religious freedom. The ICCPR affirmed under Article 18 of the Universal Declaration of Human Rights that “everyone shall have the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The Commission is not a tool to advance religious beliefs or any specific values. It is focused on addressing the religious climate in each country based upon the ICCPR. By relying on international human rights standards as specified in ICCPR, The Commission guards against any attempts to impose American values on other nations, but rather examines the actions of foreign governments against these universal standards and by their freely undertaken international commitments. This Commission is a vital resource in learning to address conflicts between religious groups, especially in the wake of the Arab Spring.

As the Commission serves to address the violations of religious freedom abroad, Congress is charged with ensuring the Commission itself is in compliance with laws that protect the rights of workers and those they serve. H.R. 2867 reflects the principle that discrimination has no place within our government and will ensure that the commission itself complies with all federal anti-discrimination laws. This is an essential distinction from the current law, which lacks these robust discrimination protections. This legislation further underscores the importance of this Commission by expending the sunset date of the Commission by 2 years to September 30, 2013. Lastly, the amount of appropriations allotted for the Commission would be amended by striking \$3,000,000 for the fiscal year 2003, to \$4,291,000 for fiscal years 2012 and 2013.

I firmly believe that H.R. 2867 will allow the Commission to continue to address international religious persecution, provide much needed discrimination protections, and will garner the appropriate amount of oversight to ensure that the Commission operates as effectively.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H.R. 2867, a bill to reauthorize the U.S. Commission on International Religious Freedom (USCIRF).

Around the world, millions of people suffer persecution merely because they practice a different religion than other people around them. No one should be made to feel that the practice of their religion is a crime or a source of shame. Such persecution violates their inalienable human right to practice the religion of their own choosing and promotes political instability. The historical record is replete with incidents of violence and conflicts that have their source in sectarian and religious differences and rivalries.

The U.S. Commission on International Religious Freedom is an important advocate for the freedom of religion and helps promote the issue as an integral part of the U.S. foreign policy and national security agendas. Additionally, by providing data analysis and assessment of conditions in affected areas, USCIRF enables the U.S. to impact acts of religious repression and intolerance in countries around the world.

USCIRF helps to advance the visibility of religious freedom as a priority of U.S. foreign policy and helps to address the challenges of religious extremism, intolerance, and repression throughout the globe.

I support the USCIRF and its mission and I encourage my colleagues to join me in support of H.R. 2867.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2867, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

DISAPPROVAL RESOLUTION RELATING TO DEBT LIMIT INCREASE

Mr. REED. Madam Speaker, pursuant to section 3 of House Resolution 392 and as the designee of the majority leader, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Reed moves that the House proceed to consider the joint resolution (H.J. Res. 77) relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

The SPEAKER pro tempore. Pursuant to section 3101A(c)(3) of title 31, United States Code, the motion is not debatable.

The question is on the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the title of the joint resolution.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of the President's exercise of authority to increase the debt limit, as exercised pursuant to the certification under section 3101A(a) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to section 3101A(c)(4) of title 31, United States Code, the joint resolution is considered as read, and the previous question is considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate, equally divided and controlled by the gentleman from New York (Mr. REED) as the proponent and the gentleman from Michigan (Mr. LEVIN) as the opponent.

The Chair recognizes the gentleman from New York.

□ 1300

Mr. REED. Madam Speaker, I yield myself such time as I may consume. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED. I am pleased to offer this resolution of disapproval of the request from the President of the United States to borrow an additional one-half trillion dollars. Dealing with this national debt is one of the primary rea-

sons why I ran for Congress. It is to stop the endless borrowing of Washington, D.C. on the backs of our children and our grandchildren. I am also pleased to offer it in the House as the demonstration of a commitment to ending the decades-old borrow-and-spend practices and mentality that runs rampant here in Washington.

Our national debt has reached its breaking point. The need to make serious decisions to get our spending under control has never been more urgent. We have all heard the words of Admiral Mike Mullen, chairman of the Joint Chiefs of Staff. When asked what is the most direct threat to our Nation, his immediate and clear response was that our national debt is the greatest threat to our national security. The recent downgrade of our national credit rating by S&P further demonstrates the necessity of making significant structural changes to the way we spend money in Washington, D.C.

My focus here today, because we know the Senate has acted and this resolution did not pass the Senate—and is likely not to result in the borrowing of the President getting the additional half a trillion dollars of borrowing—but it's to send a message to the Nation that we need to act proactively in this Chamber and in both Chambers of this House. We need to recognize the national debt. And rather than deal with it in a crisis situation, we should be mindful of it in a proactive, strategic, open and honest manner so that we have good, sound policy responses to the issue that we face and finally tame this beast known as the national debt.

We have spent over \$15 trillion of money we did not have. That national debt is growing at the rate of \$58,000 per second. That's \$55,000 owed by every man, child and woman in America. That level of borrowing, that level of spending is just not acceptable because it jeopardizes our Nation and, more importantly, jeopardizes our Nation for the generations yet to come.

The American people have made it clear. They spoke loudly in November 2010, and we are listening. More borrowing won't solve the problem. In fact, it will dig the hole even deeper. Borrowing even more before we can enact significant spending cuts to begin dealing with the root problem is a foolish errand. We have a responsibility to future generations to take immediate action.

I will continue along the path of working on both sides of this Chamber to try to identify common ground to solve this crisis on the national debt. The continuing resolution last spring and the Budget Control Act, which requires this vote, are only the beginning.

This war on our national debt is going to go on for many years to come; but we need to take those first steps because with every journey it takes the

first step to get us on the path too success. I know the battles ahead will not be popular, and there will be tremendous political pressure on all of us to continue to borrow and spend as usual, but we must stand up to that political pressure. We must honor our oath to do our duty and do our job in this Chamber, and that means standing up and changing the path of Washington, D.C. Making difficult decisions now is the only way we can win this war on what is a common enemy we all face, our national debt.

It is my hope this resolution continues to show the President how serious we are about this issue and at the same time that we are dealing with this issue we will focus on jobs, we will focus on the economy. We, in the United States Congress, have to be able to walk and chew gum at the same time. We are competent men and women in this Chamber who love our great Nation.

We must come together on all fronts at all times, not only on the national debt but on our economy, on getting Americans back to work. And I think, with that bipartisan attitude, it will be amazing what we can accomplish in order to achieve all those goals, the national debt being one of the critical ones that we must face head on today.

With that, I reserve the balance of my time.

Mr. LEVIN. I yield myself such time as I may consume.

Madam Speaker, we should not even be considering this resolution. I repeat, we should not even be considering this resolution. We should be moving forward, not backwards. This resolution is a dangerous distraction from the unprecedented challenge before us.

Fourteen million Americans are looking for work. The Census Bureau reported just yesterday that the poverty rate is higher than it's been in 17 years, and median income in this country is at 1996 levels.

The President has proposed a jobs bill that one knowledgeable observer, Mark Zandi, estimates would create 1.9 million new jobs and add 2 percentage points to GDP growth next year. We need action to spur economic growth and job creation. That's what we should be considering today.

Instead, through this resolution, Republicans want to prolong the agony of the debt limit debate and take us back to the brink of default, which would be where we would be if you succeeded.

This bill can pass the House only if Members who voted "yes" in August on this issue decide in essence to vote "no" in September. "Yes" in August, "no" in September.

This Nation wants us to be guided by the needs of the Nation, not the internal politics of a caucus or a conference. We have seen the consequences of that kind of Republican brinkmanship. Standard & Poor's said, in downgrading

our credit rating: "It involved a level of brinkmanship greater than what we had expected earlier in the year."

In August, consumer confidence dropped by the largest amount since the peak of the financial crisis in 2008, and the conference board noted a direct link between the fall and the debate over default. I think we need only to check 401(k) statements from August to remember the precipitous drop in the stock market.

Were this resolution to become law, all those who speak or vote for it have to understand that the U.S. would default on its obligations for the first time in our history. This would throw our economy back into deep recession, trigger \$400 billion in immediate job-destroying cuts, and call into question our ability to pay earned Social Security and Medicare benefits.

Madam Speaker, we should not be considering this resolution today. We should be moving forward on the President's plan to jump-start our economy and create jobs for American workers.

□ 1310

The American Jobs Act will put more money in workers' pockets through a temporary tax cut, saving the average family \$1,500. It would also keep over 6 million workers from losing their unemployment benefits while they continue searching for work and provide new employer incentives to help get them hired.

If we don't act on these issues, over a million people will lose their unemployment benefits in January and over 2 million in February. So we need to act. We need to look ahead, not just try to go backwards.

So I strongly urge my colleagues to vote "no" on this resolution so we don't waste one more minute on a renewal of Republican brinkmanship. Fourteen million Americans who are looking for a job and 43 million Americans who are living in poverty cannot afford to wait 1 minute longer.

I reserve the balance of my time.

Mr. REED. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. MACK).

Mr. MACK. I thank the gentleman.

Madam Speaker, I rise today in support of this resolution of disapproval because Washington will continue to have a deficit spending problem until we say enough is enough and we put a stop to it. The gentleman across the aisle would like to say this is going backwards. Every time I hear someone on the left speak, it ends up costing us more money. We need to stop the insanity here in Washington. We need to stop this overspending. It seems like the only proposals that are coming our way are more spending and more taxes, so I strongly support this resolution.

I opposed the debt deal because we can no longer wait to make deep spending cuts and balance our Federal bud-

et. We need to act now. Today we have an opportunity to prevent some of the debt deal from going into effect and disallow the government from borrowing another \$500 billion—borrowing another half trillion dollars.

Recently, we heard the President keep saying on his new proposal: Pass this bill now. Pass this bill now. Pass this bill today. I'm saying and the American people are saying: Stop the spending now. Stop the spending today. Stop putting this burden on our children and grandchildren. Yet the President wants to continue to go out there and sell a jobs plan that is more of the same, and he wants to pay for it mysteriously, shockingly, by raising taxes that will do nothing but kill jobs. So his own proposal that he wants the Congress to take up, in effect, will destroy jobs.

Somehow we have to convince the people here in Washington and the President that it's not the government that creates jobs. It's the individual. It's the entrepreneurs, the people willing to take risks. But they are not willing to take risks in an economy where the President continues to try to push more regulation and more laws and more taxes. It just doesn't make sense, and the American people are fed up. They've had it. Enough is enough. We've spent way too much money.

During the August district work period, over 500 people showed up to my town hall meeting in Fort Myers, Florida. And do you know what I heard over and over again? "Hold the line on government spending." "Stay strong." "Reduce government."

And this one I love: "It's not your money; it's my money." See, only in Washington do the people in this room look at it as their money. They look at your money as their money. It's not. It's the people's who have earned it.

Now a comment was made by a constituent of mine, Edward Benet, which I think speaks directly to this issue. He said: "We have to reduce the size and scope of government. I'm unemployed, but just because I don't have a job doesn't mean my neighbor should have to pay for me." And then he continued on: "The best way for government to help is to step aside, get out of the way, and let individuals and businesses do what they do best."

He and his family are willing to sacrifice to preserve the economic freedom for Americans. We must cut spending now. That's why I introduced the 1 Percent Spending Reduction Act, commonly known as the Mack Penny Plan. With this plan, we can balance the budget in 8 years by capping spending at 18 percent of GDP in the 7th year and cutting 1 penny out of every Federal dollar for 6 years. One penny. Everybody at home, every business, every individual has had to take more than 1 penny out of their home budget or 1 penny out of their business budget over

the last 4 to 6 years. And for the Federal Government to instead be talking about spending more money every year, we need to cut spending. We need to balance our budget. My plan will balance the budget in 8 years.

And for those people who might want to say we're not for just across-the-board cuts, great. What we've said is Congress decides where the 1 percent comes from. But if the Congress fails, then we're going to require an across-the-board cut. So we can either work together, or one way or another we'll get the 1 percent across the board.

The deficit spending has to stop. Like I said before, enough is enough. I support this resolution, and I would encourage all of my colleagues, Democrats and Republicans, to join me in supporting this resolution.

Mr. LEVIN. Madam Speaker, I yield myself 15 seconds to say to the gentleman, working together won't work if you undo the work that we did together.

I now yield 5 minutes to the ranking member of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I'm a great fan of the tradition of comedy in America, and I want to salute my Republican colleagues for this tribute to one of our great comedians who died tragically early, Gilda Radner, who in the early days of "Saturday Night Live" invented the character of Roseanne Roseannadanna, who would get on the news segment and say something outlandish. And then when she was corrected, her response was, "Never mind."

This is the "never mind" resolution that the Republicans have brought forward. People should understand what this says. It says that the bill that we passed that kept the government from shutting down—and I didn't like the bill, but I liked the part of it that kept the government from shutting down. I was ready to vote just for an increase in the debt limit. Singling out the increase in the debt limit and canceling it, that's what this does. What this says is—and here's the problem. We have a majority that has a problem with reality. They have a problem with reality in the field of science. They have a problem with reality in the field of the economy.

One of the manifestations of that is their objection to raising the debt limit that was in large part necessary because of debt they incurred. You know, when the debt limit came up, it struck me: It wasn't my debt limit; I didn't vote for the war in Iraq at a cost of a trillion dollars; I didn't vote to give millionaires a tax cut that they didn't need and that had no beneficial effect on the economy. But I did, out of a sense of responsibility, vote to raise the debt limit. Now, I voted against

one of them, but I voted for several others.

What this bill says is this: Yes, we had to, because we were getting a lot of pressure, vote to raise the debt limit, but now that that is safely behind us, we're going to pretend that we were really against it. So this is the "never mind" resolution. People should understand this. What this resolution would do would be to undo what just happened.

So we have Members on the majority side who have trouble explaining to their primary voters why they had a temporary embrace of reality. Now they're not comfortable with that. Their primary voters aren't comfortable with that. So having done what they had to do, they now want to pretend that they're going to undo it.

The Senate has already killed this. They don't want it to pass because, understand what it would do, it would put us right back in the debt limit situation crisis.

And, by the way, these are people who are putting this resolution forward who purport to believe that a major concern with the economy today is the uncertainty that faces investors. So what do they do? They bring up a resolution today that would re-create—if anyone took it seriously, and I will give them the credit of saying that they don't. But if anyone took it seriously, it would re-create the greatest source of uncertainty we've seen in a long time, whether or not the Federal Government was going to shut down. So that's the phoniness of this.

□ 1320

Now let's talk about the substance. My colleagues claim to be against spending. Apparently, in their world, the nearly \$700 billion that is spent annually by the Pentagon isn't spending. I don't know what it is. We have a situation in which this year in the budget the Republicans brought forward a bill to increase military spending by \$17 billion while funds for local police and funds for local street repair were cut. So that's the problem.

Yes, I am for reducing spending. I am for reducing a swollen Pentagon budget. We had the President reduce by 10,000 the troops in Afghanistan. Many on the Republican side, including their leadership, criticized him for that. Do they think 10,000 troops in Afghanistan are paid for with "funny" money?

The fact is that while on the one hand we hear these complaints about spending, we have people who are pushing for more and more spending. And I have to say here that I would include my administration in this. And I think if the President expects us to go along with certain restraints elsewhere, adding billions of dollars to what we have already wasted in Iraq by keeping thousands of troops in Iraq beyond this—and, by the way, why are we

keeping troops in Iraq? One of the leading advocates for keeping troops in Iraq, a leading Republican Senator, Senator GRAHAM, said we must keep our troops in Iraq because we have to police the border between the Arabs and the Kurds, that at a time when we are denying funds to our cities to police their own areas.

So, let's be clear. First of all, this sham says, You know what? We had to vote to raise the debt limit. We're now going to engage in this mock exercise of taking back what we did. If anybody takes it seriously, it will send waves of uncertainty back into the economy. But, secondly, going forward, yes, join us. And that includes some on the Republican side—unfortunately, a small minority. Don't give more and more and more for the military not to defend America, not to fight terrorism. Those things are not in controversy, but to subsidize the wealthy European nations.

Madam Speaker, the NATO nations outside the United States spend an average of 1.7 percent of their gross domestic product on the military. We spend 5.4 percent—more than three times as much. And my Republican colleagues have resisted reducing that. What they want to do is subsidize the social safety nets and the spending of Western Europe at the expense of spending here. And how do we do that? By allowing them to hold down the military.

So people who want to keep troops in Iraq; people who objected when the President began a withdrawal that was too timid, in my judgment, from Afghanistan; people who want to continue to spend unnecessarily and unwisely not to defend America but to keep America the worldwide policemen have no credibility in complaining about spending.

Mr. REED. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Tennessee (Mr. DESJARLAIS).

Mr. DESJARLAIS. I thank the gentleman.

For too long, the Federal Government has been allowed to engage in an irresponsible spending spree that has resulted in the accumulation of over \$14 trillion of debt, and \$3 trillion of that debt occurred in just the last 3 years under President Obama.

Does anyone really believe that the American people have received a good return on their investment? I know that many of my constituents in Tennessee's Fourth District don't. Unemployment is still above 9 percent, and our economy is still not creating jobs. And now this President claims to need a \$2.4 trillion blank check to continue with his failed policies. That means our national debt would be close to \$17 trillion by the end of next year. Enough is enough.

The latest assessment of our debt indicates it will reach 109 percent of GDP

in the next decade. That will only further degrade employers' confidence in our economy and hinder their ability to create jobs. We cannot allow that to happen. I was elected by the people of Tennessee's Fourth Congressional District to come to Washington to finally make the Federal Government learn to live within its means. No more borrowing 40 cents out of every dollar, no more trillion-dollar deficits, no more stimulus spending, and, most importantly, no more expecting our children and grandchildren to pay for all of this.

The debt limit debate provided us with a real opportunity to put our Nation back on a fiscally sustainable path by finally forcing the Federal Government to make difficult, but badly needed, spending decisions—decisions that I am more than willing to make. I believe that we missed an opportunity to open up the books and do something that should have been done years ago—prioritize our spending.

It is hard to believe that with all the waste, fraud, and abuse that occurs within the Federal Government that we would have any problem cutting enough spending so that raising the debt limit would be unnecessary. When families in my district have spent more than their budget allows, they look to how they can cut back, not how they can borrow more money. Maybe they don't take a vacation that summer. Maybe they go out to eat less often or hold off on purchasing a new car. The point is they know that the answer to getting back on the right fiscal track is spending less, not borrowing more. The same should hold true for the Federal Government.

I urge my colleagues to join me in voting in favor of this joint resolution of disapproval.

Mr. LEVIN. I yield 3 minutes to another member of the Ways and Means Committee, the gentleman from Seattle, Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I rise in opposition to this resolution because it is in favor of the United States defaulting on its debts. The Republican Party is calling for the United States to default, to tell the whole world: we don't pay our debts. That's what this is about, and it doesn't do one single thing to help American workers or businesses with jobs.

Now, make no mistake: The House of Representatives is being used by the Tea Party as an attack machine on the President. They will delay action on anything that helps the economy. The President came up here on Thursday with a plan. Where's the schedule for bringing it out on the floor to create jobs? No, we have to come up here with this resolution. For the majority, delaying economic recovery is a small price to pay if they can win an election. They don't care about ordinary folks, working people. They only care about people on the top. Instead of

doing something to help create jobs, they have brought up this bill to gin up their extreme base that thinks the only thing Americans should build together are roads and a Defense Department. That is what the U.S. Government is all about. Nothing else makes any difference. We don't need to invest in health or science. What do we need science for? It will work out. Don't worry.

In this resolution the Republicans are voting for the United States not to pay its bills. That's what we're spending time on. Today is just another day in the Alice in Wonderland of the Republican House. Pure politics and nothing to help the American people get jobs. This whole Republican Congress is about the Presidential election. It has been from the beginning back in January. Not helping the middle class. What have they done for foreclosures in this country? What have they done for youngsters trying to go to school? What have they done for anything except try and get the President? They are trying it by stopping the economy from moving forward.

I urge my colleagues not to just vote "no" on this but for the majority to withdraw it and bring up the American Jobs Act. The President brought it up here. It deserves to be brought up to the floor and debated and amended and passed.

I sometimes wonder when I listen to the discussion about this doing stuff to pay someplace down the road, some long-term investment, if a Republican has ever bought a house. I remember when I bought my first house in Seattle. I was 25 years old. I was a medical resident. I paid \$16,400 for it. And I wondered if I would ever be able to pay for it, because I wasn't making that much money in those days.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. McDERMOTT. Lo and behold, I bought the house. And you know what? Thirty years later I paid off that house. That's what investment is about. What the President is saying is that we have to invest in this country if we're going to bring it out of the problems it's in. And that means infrastructure on the ground and it means in human beings in education.

□ 1330

If we don't invest, as the Greatest Generation did after the Second World War—here came Eisenhower and said, hey, we've got to build roads. Nobody said, well, you know, we can't go in debt for all that. Nobody said we can't invest in human beings.

We did the GI Bill of Rights, and that's what made us the strongest country in the world. We took every veteran who came back from the war and said here's a college education; get

it and take it out and make this country work. That was investment. But not today's Republican Party. Oh, no, we can't, we mustn't.

Don't you understand investment?

Mr. REED. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank the gentleman from New York for yielding time to me.

Madam Speaker, it's been said that leadership is willing to make hard choices, fact-based choices to come up with solutions to solve problems and deliver results.

Now, we gathered here last Thursday in this Chamber to hear the President, with a much-touted plan beforehand that he was going to bring forth to the American people that was going to help solve the high unemployment in this country and get our economy back on a competitive basis. I can tell you, Madam Speaker, I sat there and I listened very intently, and I left this Chamber with great disappointment because it's not enough.

Furthermore, he is proposing taxes, new taxes, taxes on energy production, American energy production. Now, let's look at the facts of what happened.

Yes, we had an oil spill in the Gulf of Mexico, and it was dealt with. It was a tragic situation, but it has been dealt with. The fact of the matter is we need American energy production to move this country forward. And now what we're seeing with the lifting of the moratorium is this continued de facto moratorium because of slow-walking of exploration plans and permits.

Now, what does this mean? If we brought back the permitting process to the same timeframe we had before—without sacrificing safety—bring it back into a reasonable amount of time, let's say 30 days to take care of these permits, in 1 year, the year 2012, 230,000 jobs would be created, new jobs, good, high-paying jobs. And not only that, a third of those jobs would be beyond the Gulf Coast States around this country, in California and Florida and in the central part of the country. This would add \$34 billion to our GDP. And that's just getting things back to where they were. That's not even talking about expanding exploration in these shale formations or looking at the east and west coast where we can do more or Alaska. These energy jobs are good-paying jobs. And not only that, it would bring in, in 1 year, \$12 billion more into the Treasury and reduce our bill on foreign oil by \$15 billion. And that's just getting us back to where we were.

Now, I stood here and listened to the President. Instead, he offers taxes, \$45 billion more in new taxes on independent oil and gas companies. That's going to hurt American energy production, it's going to kill American jobs,

and it's going to do nothing to help solve our economy.

Furthermore, he chided us about the trade agreements. We have three trade agreements sitting there. They've been there for 3 years. They've been negotiated. They're ready to go. And he said Congress needs to pass them. Well, Mr. President, the answer is: Send them to Congress and we'll pass them. That's the process.

And beyond that, what is our trade policy? This country is losing credibility globally and it's losing its leverage because we have no trade strategy, a strategy that's going to promote American-manufactured goods, American farmers and their commodities so that we can sell these around the world to open markets. That will get our economy going.

If we want to solve our debt problem, yes, we've got to balance our budgets, yes, we've got to deal with the debt problem—we've taken some steps—but I saw nothing that the President offered. That's why I'm here supporting this resolution, to push this President to consider the steps that need to be taken to promote American competitiveness, private sector job growth. That's what we need in this economy.

Now, the President had the answer. He was standing here at this podium and he had the answer right up there on the wall of the House behind him. There is a plaque up there, and it's a quote from Daniel Webster. And that first sentence of the quote says, "Let us develop the resources of our land." What's wrong with that, Mr. President?

For God's sake, we need American energy production, and it's simple. With the stroke of a pen, he could solve this permitting problem and at least get us back to where we were, create 230,000 jobs next year and add to our GDP growth. And this would be a start, a down payment to a comprehensive energy strategy for this country. This is a no-brainer.

We need natural gas as part of our transition strategy. His policy is going to lock out natural gas production in this country. Ninety-seven percent of it is done by small domestic companies here in the U.S., and these taxes will put many of these companies out of business.

Mr. President, read the plaque. Let's develop our natural resources. Let's do what we have to do. Let's promote a very aggressive, export-oriented trade policy.

And we need a willing partner to move forward with tax reform. We're getting half-hearted signals. This country needs fundamental tax reform. We want to do it on the House Ways and Means Committee. We're ready. We stand ready as willing partners, but yet we're getting signals—mixed signals. This administration has not shown a serious intent to move forward with fundamental tax reform that will un-

leash American ingenuity and entrepreneurship in this country.

And that's what I heard all through August when I was back home in my district when I talked to folks. They want to see an energy strategy. They want to see comprehensive tax reform that simplifies our Code and lowers rates and clears up some of the loopholes. They want to make sense out of this Tax Code. And they want to see us selling goods overseas, letting our ports expand.

He didn't even mention maritime infrastructure. We've got bills right now that would improve our maritime infrastructure without costing one penny more in deficit spending. Why aren't we acting on these things?

We're tired of rhetoric. We're tired of political talking points. And what we need is action. The American people have had enough. And I say let's get to work. Let's get this House moving on fundamental changes that will improve this economy and create private sector jobs.

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

I want to say to the gentleman from Louisiana, I listened intently, and I don't understand how he could have voted "yes" to raise the debt ceiling in August and now, in essence, he's going to vote "no" and bring this country back to the brink of chaos.

I now yield 3 minutes to the very distinguished gentleman from Massachusetts, a very active member of our committee, Mr. NEAL.

Mr. NEAL. Madam Speaker, I'm fascinated by this argument, for the people that are viewing it, largely because this is not an argument about new spending; this is an argument about paying for past spending. So when Bill Clinton said adieu, said goodbye to the American people on January 19, 2001—this is fact, not opinion—America was staring at a \$5.6 trillion surplus. On January 20, George Bush took the oath of office, and when he left 8 years later, we were looking at a \$10.6 trillion deficit.

Let's recount those years: Two wars, \$2.3 trillion worth of tax cuts, and a prescription D benefit that was unfunded. And all of the money they applied to those arguments—and I am very pleased by the fact I voted against those tax cuts, spoke against them, and voted against the war in Iraq. But all of the money that I've just referenced was borrowed money by the Republican Party. They borrowed all of the money for it—fact, not opinion. And now the bill has come due, and they're on the floor talking about fiscal rectitude.

Now, here's what I think is important: The gentleman from Florida opened this debate, my friend, Mr. MACK, by talking about our money and how that money is utilized. Well, guess what? The veterans hospitals, 35,000

men and women wounded in Iraq and Afghanistan, is he saying that that's not our money that ought to pay for those hospitals?

□ 1340

Joe Stiglitz has estimated that the cost of disability for the war in Iraq will be between \$500 billion and \$900 billion.

I hope people pay attention to what I'm about to say. Almost one out of two people who have served us honorably in Iraq and Afghanistan, they're coming back with a long-term disability. Those VA hospitals are going to be stretched for years to come.

Now, whether you were for Iraq or against it, our responsibility is to pay for those men and women who served us honorably: 20 years old, life expectancy of 80, they're in our care for the next 60 years.

I would note with some humor that the Republican leadership did not send out, today, people that were here for the tax cut vote or for the vote on the war in Iraq. Remember weapons of mass destruction and how that vote was to take place?

Friends, this is about paying our bills. This is not about new spending. And I hope there's no confusion in the hinterlands. Today, because of the wars in Iraq and Afghanistan, every American citizen has a bill of \$17,000.

They helped bring us to this path of fiscal irresponsibility during their years of borrowing and borrowing and borrowing, and they ask the American people to embrace amnesia. They set the fire, and now they're calling the fire department.

This is a very simple vote. It's about paying our bills.

Mr. REED. I am pleased to yield 5 minutes to my colleague from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Madam Speaker, I'd like to thank the gentleman from New York for yielding on such an important subject that we're talking about today.

I would like to make a couple of points in reference to what the gentleman from Massachusetts just made regarding the Republican Party. And I would say that the Republican Party did make mistakes at the beginning of this decade. I would say the Democrat Party has made some mistakes in the last several years. I think there's plenty of blame to go around for both parties in Washington.

But there's a new crew in town. There's 87 new Republicans that were elected last November from all across this country who have joined those in our party who are saying stop the spending. Stop the madness. We're working against ourselves, folks.

Madam Speaker, I would say that we wouldn't have to continue having this discussion if we would stop spending, stop borrowing, and then we would focus on the economy. It's going to

take both sides to come together to fix the problem within our economy.

We're going to have to control our spending. We're going to have to help those Americans who are out there and those who are actually establishing jobs, those who are creating jobs. It's not the U.S. Government that is going to create the jobs for those who are unemployed.

I believe that we have a great opportunity right now to again say, let's stop this sort of spending binge in Washington, D.C. We're passing on debt to our kids and our grandkids. This is an opportunity for us to come together, both parties, and say, let's forget about the sins of the past. Let's pay those bills. But let's not continue to spend the way that we're spending today.

From a debt of \$79 million when the Revolutionary War ended, the United States has racked up a debt of nearly \$14.6 trillion. It would take nearly everything that Americans produced in all of last year to pay off the existing national debt.

Right now I see two competing visions in Washington and across this country, Madam Speaker. The first vision is the "business as usual" vision. And we see a lot of that right here in Washington. It says we need to blindly increase our debt; and if people complain, call it investment instead of debt.

In May, President Obama called for a no-cuts-attached increase to the debt ceiling. He didn't give up his call for a blank check until his request had failed here in this House by an overwhelming and bipartisan vote of 97-318.

The second vision that I hear a lot about back in Indiana is the same vision and the same work that families do every year. You figure out how to live within your means. You have real cuts, not budgetary gimmicks. You don't fool yourself when you're sitting around the kitchen table trying to figure out the mess that you find yourself in. It's based on the truth.

Families sit down at the kitchen table and have the heart-to-heart talks about the situation that they're in. Two conclusions that they usually come to are, we have to cut spending, and we're going to have to figure out how to bring more dollars in. It accepts the challenge, Americans accept the challenge, knowing that these things are not easy.

We know that the "business as usual" vision, it's broken, and it will inevitably lead us to ruin and more ruin. This vote is a vote against that vision.

I come to the floor to support the second vision, the vision that Americans across this country support, a vision that is shared by the men and women of northeast Indiana. It is a vision of prudence, honest conversations, and optimism.

When we get pulled into these discussions because of the continual discussion about more spending, we cannot focus on the important part of getting people back to work and growing our economy. Government doesn't create jobs. Governors don't create jobs. Americans create jobs. I believe in the American people, and that hope is still a part of our vocabulary.

I believe that we're also changing the discussion here in Washington. Career politicians have had their day in Washington, and it's time to talk about cuts. And since we've talked about cuts, the sky has not fallen. Optimism is a part of what the American fabric is built upon. I believe that this Joint Deficit Committee needs to find common ground for actual cuts and that the Senate will pick up the job growth bill that we passed right here on the floor of the House of Representatives this Congress.

We all knew that this debt ceiling debate was never going to be our final battle in a struggle for balanced budgets and fiscal responsibility. It gives us the chance to continue to talk about it. And if we want to continue to raise the debt, if we want to continue to increase spending, we'll continue to talk about why we need to restrain Washington politicians.

I'm going to continue the dialogue. I believe it's crucial. It's an important part of saving this country's economic future for my kids, for our children and for our grandchildren across this country.

Government has, for too long, continued this business as usual and the status quo vision that I talked about earlier. Americans are going to have to pay back all of this debt. This may not be a tax increase, but inevitably and indirectly it is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REED. I yield the gentleman an additional minute.

Mr. STUTZMAN. So, Madam Speaker, I come to the floor in support of this resolution because I believe that we need to all agree, Republicans and Democrats, that we're going to limit spending, we're going to stop borrowing.

We can pay our bills back. But at the same time we're going to focus on job creation, getting people back to work, as the gentleman from Louisiana mentioned, the energy jobs that were talked about. That was one of the things the President didn't discuss in his address the other night is he didn't talk about energy.

We are the leaders in the world on production. I come from a district of a lot of manufacturing; and I believe that if we would focus on energy, cut spending, we need to reform government. That's what's going to get people back to work. The economy's going to grow. We will still be number one in the world.

Mr. LEVIN. I yield myself 30 seconds.

This resolution isn't about a new vision. It's really about blind rage. There may be a new crew in town; but if this were to pass, it would be a wrecking crew because, essentially, we would be back on the edge, once again, of default.

I now yield 2 minutes to the very distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Madam Speaker, America was united in its disgust at the spectacle in Washington during the debt ceiling fiasco. The Republican threat of default ranks among the most reckless and destructive political stunts in modern American history. It undermined the fragile, but recovering, economy and reduced faith in the United States of America. It has also undermined the American people's trust in its government.

There's no reason to have a debt ceiling at all. It doesn't restrain spending since the spending has already been committed. It just threatens our credit, and it weakens our country.

That's why I, Representative NADLER, and Representative MORAN introduced this morning the Full Faith and Credit Act, a bill to do away with the debt ceiling once and for all.

□ 1350

But if we are going to have a debt ceiling, the threat by Members of Congress to refuse to raise it is an outrage. We've already made these commitments; yet some would have us default. Some would undermine the full faith and credit of the United States. Some would do irreparable damage to our economy and our standing in the world. It's a disgrace. It's a total disgrace.

And the American people see it for what it is: part of a concerted effort to undermine this economy in order to undermine the President and fulfill the congressional Republicans' Inauguration Day vow to do everything within their power to ensure that President Obama would be a one-term President.

Mr. REED. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the gentleman from New York yielding to me.

I do support this resolution.

Here in this Chamber—actually, here in America—we often talk about achievements in terms of metrics: the larger, the better. For a private company, it's impressive when it has a large budget, a large workforce, and a large profit and a large presence.

The Federal Government, as an institution, should not talk this way, even though similar assertions would all be true. Washington spends too much, employs too many people, and is too intrusive in the lives of all Americans.

The major difference is that private business makes investments that deliver returns, and failure to do so is the

demise of the business. The Federal Government's spending, though, often fails to deliver real results. But the Federal Government does not meet its demise; rather, the all-too-often negative consequences fall on taxpayers and usually result in a new government program or one or dozens more.

But if we were thinking like a businessperson, we would consider the results that have come from past investments before making another.

Two-and-a-half years ago, the previous Congress and this current President implemented a stimulus that ultimately will cost Americans more than \$1 trillion. This mega-investment was supposed to create 3.5 million jobs. This investment was supposed to bring an unemployment rate of 6.4 percent last month. But what has actually happened? The President is more than 6 million jobs short and unemployment stood at 9.1 percent last month. That's not even counting the millions of Americans who are underemployed.

The Budget Control Act, which the President signed, was supposed to be about putting an end to Washington's business as usual: spend and borrow, spend and borrow some more. Yet when the President came before us here in this very room a week ago tomorrow, all we heard was a recycled idea: another stimulus, another \$450 billion exercise in excessive spending that will underperform and underdeliver.

Spend, spend, spend, raise taxes and borrow more to pay for that spending. Raise those taxes from the very individuals and businesses that can actually create jobs that will get the economy out of this rut and put millions of Americans to work. And along the way, let's demonize job creators. That's what happened in this Chamber.

I believe the Federal Government should function as efficiently and as effectively as a private business; but it, by no means, should be able to brag about a large budget that fails to deliver and which only adds to the red ink each year.

Before adding to the \$15 trillion in debt this country already has or sustaining more years of trillion dollar annual deficits, we have no choice, and the American people expect no less, cut current spending and cap future spending obligations and pass a balanced budget amendment.

I support this resolution.

Mr. LEVIN. It is now my privilege to yield 3 minutes to another active member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman.

I think it's clear that this resolution is just not my cup of tea, but I can tell you if we followed the path that was just recommended, Republicans could drive us deeper into recession or even depression.

It's as if the Republicans who are here today wanted to start Halloween

early because they keep trying to bring back to life, as if it were some zombie, the specter of debt default that has already caused us so many problems.

Building on their earlier success in sowing panic and reaping fear in our global financial markets that contributed to the first-ever downgrade of our Nation's credit rating, these professional obstructionists are determined to keep trying to wreak havoc.

As families are demanding action on the economy, a response to jobs, the Republicans instead are focusing on pandering to a small group of people for whom reality doesn't seem to make much difference. The problem is reality has a Democratic bias when it comes to this question of the economy and job creation.

I think if the Republicans really want to help us close the debt gap, the best way to do that is to get this economy moving. An increase in economic growth will do more than any of the things that he just mentioned—some amendment that might be approved years from now—will do more to help us get the debt under control than most anything else.

Of course, how did we end up with the debt that we have today? Much of it is directly related to the policies of the Bush-Cheney years when Republicans were totally ignoring the issue of debt: unpaid wars, tax cuts based on the mythology that they would pay for themselves when they just dug us deeper into debt. And now we face the need to try to get our economy moving again. Their solution? Do less. Jeopardize the full faith and credit of the United States.

I think one of the problems that we have here, and it afflicts the Democratic Party to some extent as well as the Republicans, but especially with our Republican colleagues, is that we've just got too many certified smart people here in Washington. They're so smart they know what they know; they just don't know what the American people are experiencing. You don't have very many people advising about this economic recovery.

Whoever had to drive a truck for a living? You don't have people who even had to worry about whether they could make their next truck payment. And you sure don't have people advising who've had their house foreclosed and had to move their family into a truck. But that's the plight that too many Americans face today, and we need to be responding to their legitimate concern that what we need to do is focus on the demand side of the equation and help improve demand and get this economy going again.

I like the idea of focusing on our roadways, our trucks, our crumbling bridges and the like, building the infrastructure that will help American business as well as the people who would do that construction work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. DOGGETT. I believe that focusing on our infrastructure, our roads, bridges, our schools, focusing on what is happening inside our schools with so many teachers threatened with dismissal around the country with the cutback in State and local budgets, that's the kind of focus that can help get America moving and address the debt issues at the same time.

I would urge my colleagues to vote "no" on today's empty political resolution so we can focus on what really makes a difference to working families across this country.

Mr. REED. Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 3 minutes to the very distinguished gentleman from New York, CHARLES RANGEL.

Mr. RANGEL. Madam Speaker, I rise against this resolution.

I had thought that the Congress had already passed this very, very embarrassing experience.

When you read the papers today and see the pain that exists throughout these United States, it is not Republican or Democratic pain. It's pain that they're feeling as a result of the lack of economic growth in our great country.

And when you see the number of years and decades that this Congress has approved the President's authority to increase the debt ceiling for the purpose of maintaining the fiscal integrity of our country and, therefore, the democracy-loving countries that depend on the credibility of our fiscal condition, I would have hoped that we would think of this issue not in terms of the political implications, but how does the world perceive us to be.

Quite frankly, without being political, in watching the debate the other night, it wasn't that it annoyed me, but I was just so embarrassed that the world might think that that represented the principles of my country, people laughing about execution and laughing about people dying.

I'm certain nobody in this body takes pride in that type of thing. But to go against the President's ability to maintain the integrity of the United States of America, I think it is just so wrong.

There are good reasons that we can't challenge as to why our polling as a body is so low.

□ 1400

I don't think anyone can walk away feeling proud—liberal, conservative—about what's going on. The reason is because people don't go to sleep at night worried about what we're doing and debating on the question of revoking, of giving the power to the President to protect the integrity of our great Nation. No. They're going to bed

at night having hope that maybe tomorrow they'll get a job, that maybe they'll be able to guarantee their health insurance, that maybe their kids will have a better life, that maybe we'll stop fooling around, playing politics with the future of this great country, that just maybe, one day, we'll be more concerned about the lack of default and the credit of our country than our own reelections.

I know it seems absurd that we can wish that; but if you think about it, they're not talking about Democrats' polls being low, and they're not just talking about Republicans' polls being low. They're talking about all of us.

The greatest thing about America, far beyond our military and economic wealth, is the trust that people used to have in government. Once they lose that, whether they're poor or whether they belong to that small number of people who hold the Nation's wealth, then the country is in desperate trouble.

So I hope that people who witness this debate recognize that the opposition is not speaking for the country or the Congress, but probably for the Republican National Committee.

Mr. REED. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to another member of our committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. This pointless exercise that the House has embarked upon here today illustrates the challenge that we have to try and deal meaningfully with the very real problems that America expects us to make progress on. This resolution has already been laid to rest in the Senate. It has been defeated. Ain't going to happen. So, no matter what the result of the hours of debate that we have here today, it will make absolutely no difference.

It is an extension of what happened with the totally manufactured crisis surrounding the debt ceiling earlier this year. The debt ceiling increase was to deal with bills that we had already incurred, for which Congress over the years had already approved the spending, and we'd borrowed the money for it. It made no difference about future debt. It made no difference about the spending commitments that had already been made. Yet we watched tremors go through international markets, not because America couldn't pay its bills, but because some politicians, for their own purposes, were willing to risk that America didn't pay its bills.

Unprecedented.

We've raised the debt ceiling over 100 times. There was no doubt that we would, in fact, honor our commitments; but there were people talking crazy enough that cast doubt. That, I think, at least in part, is why we have seen the markets in the United States

be on a roller coaster and people watch their 401(k)s maybe become 301(k)s one afternoon before they go up a little again and then go back down.

It doesn't have to be this hard if, instead of a pointless exercise, we would spend some time on areas where actually Congress could come together and cooperate on dealing with the infrastructure crisis in this country, where there is broad support from the business community, organized labor, contractors, local government, environmentalists to move forward to rebuild and renew this country, putting not tens of thousands but millions of Americans to work in strengthening our country and our economy. We could be dealing with something like this, but we're not.

We could deal with reforms in agriculture that would put more money in the hands of America's farmers and ranchers, less in mega-agribusiness. We'd save money, and we'd improve the state of agriculture. While we're at it, we could probably improve the health of our children in school with their nutrition, but we're not dealing with that.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. Most tellingly, we should be accelerating the reforms that the last Congress enacted. When they started, most of them were bipartisan ideas that have been implemented, in some cases, by Republican Governors. The difference between what America spends on health care this year and what the second most expensive country, Switzerland, spends is \$3,000 a person, \$3 trillion over 10 years. If we could just spend as much as the second most expensive country in the world.

We ought to be working on things like this that will make a difference for America, put them back to work, have fiscal stability—and maybe regain a little confidence in the political process instead of pointless exercises like this. I hope—I hope—that we will get this out of our system, get down and get to work. America deserves our best, not our worst, which is on exhibit here today.

Mr. REED. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my good friend from Michigan for yielding.

Let me take this opportunity to thank the 174 Republican Members of this House who voted with us in a bipartisan fashion just last month to avert the first Federal default in the Nation's history. It may not have been an easy vote for some, but it was the

right thing to do to prevent a catastrophe that would have certainly shaken further our fragile economic recovery. Today's vote is no different.

I urge my colleagues to not give in to the political gamesmanship that Standard & Poor's cited as the very reason for its bleak downgrading of the United States' credit rating. We must reaffirm our commitment that America will meet its obligations, and we don't want to find ourselves politically explaining how we voted for it before we voted against it.

Make no mistake that voting in favor of this resolution will, in fact, lead to the very default we voted to avoid with the Budget Control Act. You cannot now be for default after having just voted against it. We must reject this resolution and move on to the real challenge of working with a bipartisan supercommittee to restore fiscal responsibility, revive our economy and, most importantly, re-instill confidence in the American citizen and the American business community.

Mr. REED. I continue to reserve the balance of my time.

Mr. LEVIN. Does the gentleman from New York have any more speakers?

Mr. REED. I have one additional speaker, and then I am prepared to close after that, I believe.

Mr. LEVIN. I reserve the balance of my time.

Mr. REED. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I know of the intentions of my colleagues across the aisle. You want to try to make America a better place.

We had the prior speaker indicate that tremors were sent through the financial markets because some politicians, for their own purposes, put the financial integrity at risk. The Democratic speaker before that indicated that we should not go against the President's ability to protect the integrity of the United States. The Democratic speaker before that said that no one was apparently advising Republicans who had missed a truck payment. Things like that.

Guess what. I know that was not intended to be misleading. I know the intent was not that, but the fact is some of us go home as we did in August.

□ 1410

Some of us get out into the far reaches, the most rural areas of America, our districts. We talk to those people. They're struggling with gas prices. They are having all kinds of trouble making ends meet, and they cannot understand how the people that are sent to Washington as representatives don't get it, how we could come up here and we can't control our spending.

So I wanted to help illuminate those friends who are mystified as to what our own purposes were in opposing a

debt ceiling bill that jacked up the debt ceiling and then says, you know, we are going to cut 1, maybe 2, 2.5 trillion over 10 years when everyone in this body either knows or needs a good education to know that there is not a court, there is no way in the world you can bind a future Congress into making cuts that they have not agreed to. You can't do that. It's not enforceable. So the trick here in Washington is to back load all of the massive cuts, have a little trickle of cuts now.

So our own purposes boil down to this: I didn't deserve to be born in America. None of us that were born here did. We weren't born here because in the womb we did something deserving of being born in America. We are the most blessed nation in the history of the world, and it's not because of what anybody living today has done. We were blessed. We were born here. So many have been able to immigrate here and be blessed because of what prior generations have done: the responsibility, putting their lives on the line in war, struggling through depression to be accountable, struggling through the earliest days when they pledged their lives, their fortunes, their sacred honor. Those people are the reason we have been blessed.

So to make clear about what our own purposes were in opposing that debt ceiling, that didn't really do any kind of significant cuts in the next year, 2 years, back loaded them for 10 years, because that's irresponsible. And if future generations have any hope at all of being blessed as we have been, it's up to us. We can't repay the people that paid the ultimate price and that scraped and saved and were responsible in Congresses for 200—well, not 200, but 150 years or so that lived within their means. We can't repay them, but we can repay them by being responsible for the future.

So to come in and to have a debt ceiling increase time after time after time is not a real debt ceiling. And it is not an adequate defense to say, well, Bush did it; well, Clinton did it; well, Bush did it before him or Reagan did it, and just go on down, Carter did it. At some point we have to be responsible for our own actions and quit playing the pointing game and say, look, our time is now. We are elected to be responsible now. Our own purposes are to be responsible for the debt that we are incurring now. The \$4.5 trillion more than has been brought in is pretty irresponsible. That's no way to go.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REED. I yield the gentleman 1 additional minute.

Mr. GOHMERT. But if you want the numbers, if we are only able to save a trillion dollars over 10 years, which is quite possible under the debt ceiling deal that passed, then it will take 150 years before the budget balances if we

continue to cut 1 trillion every year, and it will only add about \$120 trillion to the 14 trillion we have now. If we could save 2 trillion every 10 years, then we are looking at 80 years before we balance the budget and only adding 72 trillion to the debt that we have.

That's irresponsible. This country won't be around in this form, this Congress, and therefore that is our special purpose for doing this. That is why we say it's time to stop the debt ceiling bill from where it was, get responsible, and propose real cuts so this Congress does what the people who are missing payments are trying to do—live within their means.

Mr. LEVIN. I yield myself 30 seconds.

I want to say to the gentleman from Texas I disagree with his position, but I respect it. I can understand that those who voted "no" will now vote "yes." What is not understandable is that those on the Republican side who voted "yes" are now voting "no."

I yield 4 minutes to our distinguished whip, the gentleman from the proud State of Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

The previous speaker voted to go deeply into debt. Frankly, I voted for some of those programs myself, two of which were to support the efforts in Afghanistan and Iraq. We didn't pay for them.

As has been said, I didn't vote for it initially, but I think it's a good program. We have made it better for the prescription drug program, and the gentleman wasn't here when we passed that, but we didn't pay for it. He is correct: It doesn't matter which side didn't pay for it; we haven't paid for it.

This bill is about whether or not we are going to stand up and say, yes, we voted to pay for it but, guess what, we had our fingers crossed; we are not going to do it. We said we were going to do this. We took some tough action. Both sides joined together, both leaderships joined together and said we are going to do this.

Now, this bill is a phony. This is posturing. This is politics. This is pure politics because the United States Senate has already rejected this bill and only one House needed to reject it. We are going to have an extension of the debt.

The extension of the debt will simply mean that those items that we all voted on will be paid for, that we won't welsh on our debts, that America will pay its debts.

Now, this bill is about, oh, no, let's not pay our debts. Let's pretend that they don't occur, that we really don't have to pay them. America's welshing on its debts really won't have much consequence; although the overwhelming majority of people believe that if we welsh on our debts it will have extraordinary consequences. In fact, it's having extraordinary con-

sequences on our economy right now, as we speak. It's undermined the confidence in America that we had this confrontation about whether America was going to pay its bills.

I rise, Mr. Speaker, to urge my colleagues to vote down this resolution of disapproval which is transparently political and which will do nothing to secure our Nation's fiscal future. In fact, this resolution is premised on the assumption that the American people are ignorant—I don't believe that—ignorant about the nature of our debt ceiling and the sources of America's fiscal challenges.

As often as some in this House attempt to falsely persuade the American people that raising the debt ceiling means taking on more debt, we will be here to repeat the truth. This is about nothing more than paying the bills we have already incurred. The American people understand that fact, as evidenced by their disgust with the partisan brinksmanship that almost brought America to the brink of default.

What Americans want to see is us coming together to take real action on two issues they are deeply concerned about: jobs and our mounting deficit.

One of the most important things we can do to reduce the deficit is to create jobs, grow our economy, get people back to work.

The President has put forward the American Jobs Act, which incorporates many elements of House Democrats' Make It in America agenda to create jobs. I hope my Republican colleagues bring it to the House floor for a vote as soon as possible.

Over the long term, though, we must lay out a path to restore fiscal sustainability. And the only path that is feasible fiscally, politically, and morally is one that is balanced and asks everyone to pay their fair share, not let some of the special interests and favored few be left out of the obligations to bring fiscal responsibility to this Nation. All of us need to be included. A balanced solution is favored by an overwhelming majority of Americans and even three-quarters of Republicans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. HOYER. The Joint Select Committee on Deficit Reduction must put aside partisan politics and put some hard choices on the table, choices that encompass both spending and revenue, and we must support their efforts to reach agreement.

□ 1420

That's what the American people deserve. That's the difference between posturing on our fiscal future, as this vote today does, and leading on our fiscal future. I urge my colleagues, let's

vote down this empty resolution which is a pretense, a pretend, a statement that we don't like debt. Nobody likes the debt we've incurred, and everybody ought to join together in paying it down.

Ladies and gentlemen, this is an issue of responsibility. It's not easy. It's not always politically popular. We've incurred a debt. It is our responsibility collectively, not as Republicans or Democrats, but as Americans to come together and pay down this debt and not pretend that simply by defeating a resolution, or passing a resolution of so-called disapproval—which is already a dead letter, and everybody on your side of the aisle knows it's a dead letter because the Senate has already voted.

This is just a statement that I don't like debt. None of us like debt. Let's join together and reduce it as we did in the nineties.

Mr. REED. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I just wanted to make sure the record was clear.

My dear friend from Maryland said there were those on this side who wanted to welsh on our debt, and that's not the case. The thing that we want to do is stop incurring debt. We are all about being good for the debt we incur. We don't want to welsh on any agreements. I didn't ask my friend for time, so my time is very limited. I just wanted to correct the record. We're not out to welsh on anything. We're here to say, let's quit incurring debt. That's the whole point.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I think we have already set the parameters for this discussion. We can see by the throngs that are on the floor of the House how keenly important this is to the American people. The reason why I say that is because important discussions draw Members even away from their duties elsewhere. But we know that the reason why we are speaking to empty seats is, one, because the other body has resoundingly denounced and voted this particular provision down because we have reached a compromise, a respectable compromise that we realize we have to pay our bills.

But of course those who believe that they are not in the people's House, they can put this resolution on the floor because if they look to what the people want, 46 percent of the American people believe that jobs are more important than reducing the deficit. More than 65 percent believe we should be doing a jobs bill. We have the greatest poverty among children of all sectors in all areas of the country right now as I speak. And the new population of the impoverished are those recent

college graduates. All of the stars in the eyes and excited parents who've paid large amounts of dollars to ensure that their young ones have an opportunity for a college education, there are no jobs.

Now, I don't concede to the fact that the only initiative that should come about should be from the government, but we are the umbrella on a rainy day. This is a small measure that the President has offered, a small, constructive measure, his jobs bill. It is balanced across the board. It provides relief for small businesses. It provides the jobs that they will create. It gives incentives to hire someone. It works with our larger companies as well. And, of course, it puts back to work what has been a devastating phenomenon in our communities, taking away firefighters, police and teachers. You're going to feel the pinch when your young children are in classes that are 50 and 60 persons. So this is realistic.

It also addresses the question of the 46.2 million Americans who are living in poverty. As I indicated, a disproportionate share of those are children.

So what we are doing today goes smack against what the people want, and this is the people's House. I am concerned that we are not only being redundant, but we're saying to the world: smack us as irresponsible. We have the money to pay our bills, but we want the word to go out: we are irresponsible. We're not paying any bills. We're not Greece, we're not Spain, we're not Italy. We are Americans, and we have the know-it-all and the commitment to be the greatest country.

I've never taken seriously the pundits about America's decline; but it is a decline if we get on the floor of the House and ignore the needs of our brothers and sisters, ignore the needs in the Northeast where there's been a devastating hurricane, ignore those in the Southwest where 1,400 homes have been burned to the ground in Texas. Who is going to help those folks besides their private insurance? They need the Federal Government, the rainy day umbrella on a rainy day or when a fire is there, the hose for the fire.

So I ask my colleagues to consider being realistic and rational. Vote this down. Put a jobs bill on the floor and do what the people want, create jobs now.

Mr. Speaker, I rise today in strong opposition to H.J. Res. 77, a Resolution of Disapproval intended to prevent President Obama from raising the debt ceiling by \$500 billion as he is authorized to do by the debt ceiling agreement reached last month. This resolution will obstruct the federal government from meeting their financial obligations; measures like this one have already failed in the Senate. This is a colossal waste of valuable legislative time. The message has been heard loud and clear, we must address the debt limit; however another message is being muffled—the need to focus on jobs. Here we are once again with

another proposal before the House that appears to throw caution to the wind. This joint resolution is gambling on our financial future, if this amendment passes then we will fail to raise our nation's debt limit and will allow our nation to default.

We should have learned a valuable lesson from what happened the last time my colleagues on the other side of the aisle tried to suggest that we should allow our nation to default. The stock market reacted immediately and a well known credit company lowered our nation's credit rating. We need to maintain our creditworthiness to meet the needs of the very people we have been sent here to serve. I am disappointed that my colleagues on the other side of the aisle are more interested in playing political games than creating jobs or improving the economy.

Attempting to prevent the President from raising the debt ceiling to pay for the needs of the country and functions of the government will only lead us to the brink of another crisis. This is a continued effort by my Republican friends to ransom the American economy in order to extort the American public.

Instead of working toward a bipartisan job creation bill, congressional Republicans are attempting to constrain the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

There has been a consistent theme this Congress of failing to bring forward measures that will create jobs. My Republicans colleagues have set the agenda. They seem focused on cutting programs that benefit the public and those in need, while making no concrete attempt to focus on job creation and economic recovery. This bill is wasting a tremendous amount of time when we should be focused on paying our nation's bills and resolving our differences.

In my district, the Texas 186, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of American living in poverty at the highest rate in over 50 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program, SNAP, that fed 3.9 million residents of Texas in April 2011, or the Women, Infant, and Children, WIC, Program that provides nutritious food to more than 990,000 mothers and children in my home state.

In 2010, there were 46.2 million Americans living in poverty nationwide. According to the 2010 Federal poverty threshold, determined by the US Census, a family of four is considered impoverished if they are living on less than \$22,314 per year.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

Attempts to prevent President Obama from raising the debt ceiling threaten our ability to keep paying for programs that benefit the least

among us, and I for one, will not turn my back on the Americans who are the most in need of compassionate leadership and responsible governing.

Threatening an increase in the debt ceiling threatens our ability to pay for Medicare, which guarantees a healthy and secure retirement for Americans who have paid into it for their entire working lives. Protecting Medicare represents the basic values of fairness and respect for our seniors, including the 2.9 million Texans who received Medicare in 2010.

Yes, we must take steps to balance the budget and reduce the national debt, but not at the expense of vital social programs. It is unconscionable that in our nation of vast resources, my Republican colleagues would pass a budget that cuts funding for essential social programs. Poverty impacts far too many Americans and social safety nets provide these individuals with vital assistance.

Perhaps my friends on the other side of the aisle are content to conclude that life simply is not fair, equality is not accessible to everyone, and the less advantaged among us are condemned to remain as they are, but I do not accept that. That kind of complacency is not fitting for America.

Prior to the existence of the debt ceiling, Congress had to approve borrowing each time the federal government wished to borrow money in order to carry out its functions. With the onset of World War I, more flexibility was needed to expand the government's capability to borrow money expeditiously in order to meet the rapidly changing requirements of funding a major war in the modern era.

To address this need, the first debt ceiling was established in 1917, allowing the federal government to borrow money to meet its obligations without prior congressional approval, so long as in the aggregate, the amount borrowed did not eclipse a specified limit.

Since the debt limit was first put in place, Congress has increased it over 100 times; in fact, it was raised 10 times within the past decade, and last month, we were able to negotiate another compromise, and keep the country from default. I urge my colleagues not to undermine the agreement that was reached by attempting to block the President's ability to raise the debt ceiling.

Once again, the American economy hangs in the balance as the act of the President raising the debt ceiling becomes an irrelevant spending debate that is as unnecessary as it is perilous, as increasing the debt ceiling does not obligate the undertaking of any new spending by the federal government. Rather, raising the debt limit simply allows the government to pay existing legal obligations promised to debt holders that were already agreed to by Presidents and Congresses, both past and present.

This resolution is a petulant attempt to undermine President Obama. The bill itself says it is a joint resolution "relating to the disapproval of the President's exercise of authority to increase the debt limit". Exercise of authority. It does not say unlawful exercise of authority, or unconstitutional exercise of authority. The language of the bill itself makes it clear the President has the authority to raise the debt ceiling as indicated in the agreement reached on August 2.

Passing this resolution will not decrease spending; it will merely compromise our ability to pay for spending already authorized. This bill does nothing to reduce the deficit, or address the budget, it only risks our economic standing and ability to pay our nation's bills, while simultaneously hurting the nation toward another debt ceiling crisis.

Instead of spending time on resolutions designed to cast the President in a negative light, it is time for this Congress to come together, and pass meaningful legislation that will benefit the American people. In his address to a joint session of Congress last Thursday, President Obama gave this body a great opportunity to achieve bipartisan, job creating legislation that will invest in small business, help families that have been struggling with chronic unemployment, assist veterans in finding jobs, and invest in our infrastructure.

It is time for a new sense of bipartisanship. It is time for Congress to work together to aggressively take on job creation. It is time to end these divisive tactics and compromise to encourage the rapid job growth the American people deserve. I urge my colleagues, Democrats and Republicans alike, to stand up and vote no on this partisan resolution; we can, and we must take this opportunity to declare our intent to do what is right, face what is hard, and achieve what is great.

Instead of attempting to embarrass the President, I urge my friends on both sides of the aisle to come together, and focus on passing legislation that will help the American people by improving the economy and creating jobs. Now is not the time for partisan malice, now is not the time for H.J. Res 77; now is the time for this Congress to do all it can to usher in a new age of American ingenuity and prosperity. H.J. Res. 77 is simply a way to engage in past battles, and I am voting against it in order to focus on the future.

Mr. REED. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from the great State of New York, Representative REED, for recognizing me, but most of all for bringing this resolution. I support it, and I urge everyone here to support it.

As you may remember, it was a two-step process when the debt ceiling was increased: an initial \$400 billion immediately to avert the possibility of a default. That has been done. But an additional \$500 billion will not go out if this resolution passes. I think we need to slow down and take a look at our spending before we commit another trillion dollars of debt.

We did reduce next year's budget by, I believe, \$31 billion over last year. That's a good step. That's a step in the right direction, but it's only a small step when you realize that this year's deficit is \$1.3 trillion. So \$31 billion is only a small step in the right direction. So this would give us more time and seriousness of purpose to look at additional savings.

So with that prospect in mind, I would urge my colleagues to support

this resolution. Let's slow down the adoption of an additional half trillion of debt. I urge support.

Mr. LEVIN. I yield myself the balance of my time.

Very briefly, in one sense this is a meaningless resolution. My guess is that opinion makers in this country and I think abroad will consider it not meaningful, that it's going through the motions.

But there is a real danger here, and that is what it says about the dynamics on the majority side. That's the worrisome thing. It isn't that we would slow things down. If this were to pass and become law, indeed, the ceiling would fall. We would go into default very soon.

And I guess what this resolution being allowed to be brought up says is that there's a feeling within majority ranks that we have to let some bring this up, and perhaps a lot who voted "yes" now in essence vote "no" in order to bring some kind of peaceful equilibrium within the ranks of the majority.

The problem is that we need to be able to reach across the aisle. Having set up a select committee, it says we need to worry less about the dynamics within our caucus or conference and more about reaching common ground.

□ 1430

That's why this exercise isn't meaningless. The danger is that it will become very meaningful and that we will become—this Congress—essentially handicapped, if not imprisoned, by the inability of the majority on this side to step up to the plate and realize that in order to solve our problems there needs to be a balanced instead of imbalanced approach; that we have to look at revenues as well as spending cuts. That's the significance of this being brought up here.

I think all of us need to take another look before we essentially change our votes. And, essentially, it would mean "signaling." It will be still more difficult than the present perilous path to make meaningful our effort to move ahead in this country to address the job needs in this country, and yes, to address the deficit, but mainly or essentially to get our economy growing again. If we don't send that right signal here today, and send the wrong signal, I'm afraid this vote will become too meaningful.

I strongly urge that people vote "no." I strongly urge on the Republican side that those who stepped up to the plate last time, step up to the plate this time and not duck for what is essentially an internal political dynamic. The dynamics of this country in terms of jobs and job growth, those dynamics are too essential for partisan internal politics to reign supreme on this floor at this time.

I yield back the balance of my time.

Mr. REED. Mr. Speaker, I yield myself the balance of my time.

I truly appreciate the sentiments of my colleague from Michigan, and I truly appreciate the debate that we've had today on this resolution.

It is time that we come together. As a member of the freshman class that's come to Washington, DC, I can tell you it is not a group of radical extremists, but men and women who have left their families, who have left their businesses, and have come down here to Washington, DC to accomplish what needs to be accomplished, that is, to get the fiscal house of Washington in order; it is to have the ability and skill to deal with the economy and put people back to work.

We have the energy, we have the desire to reignite this country so that generations of our children and grandchildren will be able to enjoy the benefits that we have all benefited from. We come here sincerely to reach across the aisle to have an open and honest dialogue with each and every one of the Members of this House, and that is why this debate is such a positive thing, in my mind. Because we are now starting down the path of recognizing that the debt has to be dealt with once and for all, but at the same time we must work together to heal our country, to reignite our country's economy so that people can afford the American Dream that they so deserve and as each and every one of us has always benefited from.

So I come here this afternoon and offer this resolution to send a message to the President, to the world, to my colleagues on the other side of the aisle that we cannot take our eye off the ball. We have to do all things. Because we are in a historic time when the issues we face can no longer be pushed down the road. It is now time to lead. It is now time to come together and act for this great Nation, the United States of America.

In this vote, I urge all my colleagues to support the passage of this resolution to send that message that we will deal with the debt, we will deal with the economy, we will deal with the jobs, and we will create an environment upon which the private sector will blossom again and people will benefit for generations to come.

Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 77, a resolution disapproving of President Obama's exercise of authority to increase the debt limit. The recent decision by the President to raise the debt ceiling was not one made in haste or taken lightly, but rather it is one that absolutely must be made. The consequences of not acting are so grave that we could not let it be an option as it would do great irreparable damage to our economy. We played with fire last month, and although we ultimately approved an increase, we spooked world markets and caused an un-

precedented downgrading of our country's heretofore sterling credit rating. In brief, we must raise the debt ceiling to prevent a default on our Nation's obligations, avert an international economic crisis, and prevent further harm from being visited upon middle class families.

My colleagues have failed to recognize the damage their political posturing is doing to our economy. We have wasted plenty of floor time on theater, and in the meantime have let our Nation dangle on the precipice of default. Instead of rehashing old arguments and playing the same political blame games, we should come together and focus on the main problem facing Americans today: jobs. When I was back home in Michigan during the August recess, I heard firsthand from my constituents about the urgent need to create jobs, regenerate our economy, and get America going again. People across our Nation are hurting and are sick of the inaction in Washington.

President Obama should be commended for taking the initiative on this important issue by unveiling the American Jobs Act. While we may disagree on the specifics of his proposal, it should be considered on merit alone and Congress should come together to reach consensus on what can be done to improve the economy. Resolutions such as this one are nothing but a distraction from this important mission, which is why I am voting against it today.

Mr. HOLT. Mr. Speaker, nearly two-thirds of Americans say that job creation should be Washington's top priority. But no one here needs an opinion poll to learn that. I am sure all my colleagues are hearing what I hear by mail, fax, e-mail, Twitter, phone calls, Facebook, and passersby on the street. Everyone is saying, "Congress, get on with it! Make jobs! Get America to work! Get my husband, my cousin, my daughter to work." And, yet again, the Republican majority in the House is playing political games—wasting time debating a senseless resolution when we could, and should, be doing the work that the American people sent us here to do: creating jobs and revitalizing our economy. I recently visited several manufacturers in Central New Jersey to hear directly from job creators about what the federal government can do to promote growth. The political circus surrounding the debt ceiling negotiations was not mentioned once. With 25 million Americans either unemployed or underemployed, it's time to stop the political shenanigans and focus on the task at hand: putting America back to work. The debt ceiling debate this summer already wasted months that could have otherwise been spent focusing on job creation. In the end, the government made the responsible choice to pay its bills—case closed. Instead of further exacerbating the partisan divide on Capitol Hill, we should be coming together to fashion an effective, bipartisan jobs bill that the American people expect and deserve. How much time must we waste before we get serious about putting America back to work?

Mr. PETERS. Mr. Speaker, I rise today in opposition to H.J. Res. 77. This resolution is another pointless political gesture put forward by Republicans in their efforts to fight our President tooth and nail, regardless of the impact on American families and our economy.

This resolution has already failed in the Senate; it is going nowhere. It is beyond irresponsible to spend time catering to far-right Tea Party Members with doomed procedural technicalities while American families face a jobs crisis.

Early this year, we were seeing hundreds of thousands of jobs created each month and real economic recovery was taking root. Since then, Republicans have manufactured one crisis after another. Whether it is threatening to shut down the government, default on our debt, or cripple the FAA with furloughs, Republicans have shown an unbelievable willingness to harm our economy so they can score points with their Tea Party base.

Washington gave our country a pointless, dangerous debt limit showdown in July, and our nation's employers responded by creating zero new jobs in August. We need to move past this divisive, debt limit gamesmanship and take action to get our economy moving by passing the American Jobs Act now.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the statute, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 186, answered "present" 2, not voting 11, as follows:

[Roll No. 706]

AYES—232

Adams	Cantor	Forbes
Aderholt	Capito	Fortenberry
Akin	Carter	Fox
Alexander	Cassidy	Franks (AZ)
Altmire	Chabot	Frelinghuysen
Amash	Chaffetz	Gallagher
Austria	Coble	Gardner
Bachus	Coffman (CO)	Garrett
Bartlett	Cole	Gerlach
Barton (TX)	Conaway	Gibbs
Bass (NH)	Cravaack	Gibson
Benishek	Crawford	Gohmert
Berg	Crenshaw	Goodlatte
Biggert	Culberson	Gosar
Bilirakis	Davis (KY)	Gowdy
Bishop (UT)	Denham	Granger
Black	Dent	Graves (GA)
Blackburn	DesJarlais	Graves (MO)
Bonner	Diaz-Balart	Griffin (AR)
Bono Mack	Dold	Griffith (VA)
Boustany	Duffy	Guinta
Brady (TX)	Duncan (SC)	Guthrie
Brooks	Duncan (TN)	Hall
Broun (GA)	Ellmers	Hanna
Bucshon	Emerson	Harper
Buerkle	Farenthold	Harris
Burgess	Fincher	Hartzler
Burton (IN)	Fitzpatrick	Hastings (WA)
Calvert	Flake	Hayworth
Camp	Fleischmann	Heck
Campbell	Fleming	Hensarling
Canseco	Flores	Herger

Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCauly
McClintock
McCotter
McHenry
McIntyre

McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam

Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Rangel
Renacci
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky

ANSWERED "PRESENT"—2
Ribble

NOT VOTING—11
Walsh (IL)
Bachmann
Barletta
Capuano
Deutch
Giffords
Grimm
Lewis (GA)
Marino
Nadler
Townsend
Yarmuth

□ 1502

Mr. DREIER changed his vote from "aye" to "no."

Messrs. ROGERS of Alabama, GOOD-LATTE, WHITFIELD, ALEXANDER, and Ms. HERRERA BEUTLER changed their vote from "no" to "aye."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. GRIMM. Mr. Speaker, on rollcall No. 706, I was unavoidably detained. Had I been present, I would have voted "aye."

HOUR OF MEETING ON TOMORROW

Mr. SCALISE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2881

Mr. WEST. Mr. Speaker, I ask unanimous consent for Representative HASTINGS of Washington to be removed as a cosponsor of H.R. 2881 and be replaced with Representative HASTINGS of Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HONORING CUMBERLAND AMERICAN LITTLE LEAGUE TEAM

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to honor the Cumberland American Little League team from my home State of Rhode Island. Cumberland American reached its first Little League World Series after winning the New England Regional Championship. It was one of 16 teams out of 6,800 Lit-

tle League All-Star teams that made it to the World Series in Williamsport, Pennsylvania.

Congratulations to Cumberland American for working so hard and for showing such great sportsmanship in the World Series. In my record book, Cumberland American is a champion, not because it drove in the most runs or caught the most fly balls, but because of the dedication and respect and sportsmanship they showed while playing this great game.

Little League baseball is more than a game. It's an enrichment activity that fosters community spirit and helps young people develop critical skills. The coaches, sponsors, Little League officials, and parents who cheered from the stands all played valuable roles in making Cumberland American a success and providing a safe and nurturing environment for these young people to grow.

Thank you to all who made this possible. Again, my congratulations to each of our Cumberland American Little League Baseball players.

CUMBERLAND, RHODE ISLAND AMERICAN LITTLE LEAGUE TEAM ROSTER

Players: Jacob Glod; Austin Cabral; Stephen Dugas; Max Hanuschak; Cam Rosa; Connor Lavalley; Chris Wright; Connor Mastin; James Belisle; Thomas Faltus; Matt Murphy; Colin Cannata; Ryan McCormick.

Coaches: Dave Belisle; Chris Gold; Matt Wright.

AMERICAN JOBS ACT

The SPEAKER pro tempore (Mr. WEST). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I suspect that all of us, all 435 of us, went back to our districts during the August recess. Now, I would suspect that most every Member of this House heard what I heard. I suspect that all of us who were listening heard the same message: When can I go back to work? When will there be a job for me? I'm going to lose my house because I lost my job. I can't afford to put my kids through school. You guys have got to get the job engine working once again. You've got to get Americans back to work.

Well, we are back here at work, and we're probably at the 257th day of this Congress, and yet the Republican majority has yet to put one jobs-creating bill on the floor. Now, they put a lot of bills on the floor, all of which would actually reduce employment. You cut the budgets, you're cutting somebody's job.

Fortunately, last week, the President of the United States came before this Congress, stood there where the Speaker is now standing, and presented to

NOES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)

DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gingrey (GA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur

Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmuter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall

the American people an answer to the question that all of us heard during the recess. And he said: We can and we will put Americans back to work when Congress acts on this jobs act.

The American Jobs Act is now before the United States Congress and the United States Senate, and it's time for us to act so that Americans can go back to work.

Some say we could delay until after the next election. It will be 17 months—just short of a year and a half—before the next Congress will be in session and we will be able to pass legislation. There is not an unemployed American in this Nation that can or wants to wait 17 months to get a job. We have the opportunity today to put Americans back to work with the American Jobs Act.

The American Jobs Act works. It works. Americans can immediately go back to work as soon as that legislation is passed by this House and the Senate and put on the President's desk.

This afternoon, we're going to take maybe an hour with my colleagues to talk about various parts of the American Jobs Act, and we're going to start right now with the Representative from Illinois.

JAN, if you would join us, you talked earlier about this very eloquently on the steps of the Capitol. Please share with us.

□ 1510

Ms. SCHAKOWSKY. Let me add a personal twist to all of this about jobs.

When I grew up in Chicago—I was the daughter of a furniture salesman and a Chicago public schoolteacher—the American Dream was alive and well. On my dad's modest income, we could afford a little house in a quiet, middle class neighborhood.

Back then, a man could work in the steel mills on Chicago's South Side—one good union job with family health care benefits and a decent pension—and really live a middle class life. The family could own a home and buy a car and even send the kids to college. That was the 1950s, and anything seemed possible if you were willing to work hard. Incomes were going up for everyone. Income inequality was shrinking, and Americans were experiencing the greatest growth in living standards in history. For most working families, that American Dream was in reach, and that was the normal.

But today, after decades of attacks on organized labor, the passage of tax policies that favor wealthy individuals and corporations, the growing disparity of income, the squandering of a budget surplus, and the turning of a blind eye to Wall Street greed and recklessness, that dream is drowning in a sea of joblessness. I feel like the Republicans are pushing this as the new normal: that the rich get richer and the rest of the country gets poorer.

Fortunately, our President, President Barack Obama, has made it perfectly clear that we are not helpless in the face of our daunting but man-made economic challenges, and he has proposed a jobs bill that will immediately improve people's lives and jump-start the economy.

The answer to this jobs crisis is surprisingly simple. If you want to create jobs, then create jobs, good jobs—jobs that can provide people with a middle class life, that can rebuild our middle class, jobs like the 35,000 schools that under the President's bill will be repaired.

There are children all over this country right now who are sitting in classrooms where the ceilings are crumbling, that have dangerous asbestos in them, that are leaking energy, that don't have the wiring for the new technologies that our children need to succeed in this world and to get those 21st century jobs. We don't have the kind of schools and classrooms in which our children are going to be able to compete in this 21st century world. At the same time, we have hundreds and thousands of construction workers and electricians and boilermakers and maintenance workers who are jobless right now, who are sitting home, unemployed, who are more than willing to roll up their sleeves and give our schoolchildren the kind of classrooms that they deserve.

So here we have a tremendous need, and we have the people who can answer that need. Not only will they be back to work, but it will jump-start our economy and be good for everyone. It is not rocket science. We can do this, and we need to do it now. As the President said, the election isn't until 14 months from now. The Republicans seem to want to adjudicate this issue at that time, but this isn't about politics. This is about all those families who simply want a job. They don't want to be receiving unemployment benefits. As a matter of fact, they want to pay taxes.

If we want to reduce the deficit, jobs are the answer once again. Jobs equal deficit reduction. That's why we can't wait to pass this American Jobs Act. We need to enlist the help of all Americans to call their Members of Congress, Republicans and Democrats—I'm talking about the people out there regardless of party—to say, "We need to pass this right now." This is the way that we can get back to what the normal was when I was growing up, when there was opportunity. People lived a middle class life. Instead, we're watching that middle class disappear and that American Dream slip through our fingers. The economy needs to be revived. The President has the answer. We need to do it now.

Mr. GARAMENDI. I thank the gentlelady from Illinois who speaks so eloquently on this.

As you were talking about the schools, 44 percent of the principals

across this Nation say clearly that their schools are not up to the standard that they want to have their own children in. In the classrooms, paint on the walls is falling off and bathrooms are inadequate, playgrounds and the like. There are 35,000 schools across this country that can be repaired, that can be rebuilt—new classrooms, science classrooms, upgrading the Internet systems in these schools, and the playgrounds. All of that is possible.

How correct you are when you say there are men and women out there who are ready to do that work. These are a lot of jobs. This isn't heavy equipment work. This is heavy "person power" work. Let's put these people to work.

Ms. SCHAKOWSKY. May I say one more thing about it?

Mr. GARAMENDI. Please.

Ms. SCHAKOWSKY. These are jobs that can be created right away. I'm from the Midwest, so we actually have a construction season; but for fixing schools, you can do that around the year, around the calendar. We can put these people to work within a few months. They can be on the job, earning money. This is such a sensible program.

Mr. GARAMENDI. Actually, in discussing this with the administration, the day the bill is signed, the schools can begin the work because the administrative process is very straightforward. This is a very, very important one. We're talking 35,000 schools, perhaps several hundred thousand or a couple hundred thousand men and women going to work immediately to repair our schools. Wouldn't that give us community pride? My school is getting repaired. It's getting a paint job. The toilets are getting fixed and the classroom, the science classroom.

This is community pride. This is American pride in our most basic of investments—the investment in our children.

Ms. SCHAKOWSKY. The sign you have there says that poor conditions of their schools interfere with students' learning. So we are also depriving our children of that sense of pride that will motivate them to be good students, to learn, to be ready to take over in this 21st century job market.

Mr. GARAMENDI. One of my favorite subjects is Making It In America. The way the legislation is written, when that gallon of paint, when that heating/air-conditioning system or the playground equipment is brought to the school, it's going to be made in America. It's going to be made in America because the legislation that the President brought to us says that the money will be used to buy equipment made in America.

I notice that our colleague from Maryland, DONNA EDWARDS, has joined us.

I know we were talking earlier about some of your favorite subjects. I believe it was infrastructure. So please, if

you will, DONNA, join us in this conversation.

Ms. EDWARDS. I want to thank the gentleman because I think that we've received some rather sobering news about the state of America and the state of American workers—the state of Americans.

It is that here we are at a time when we've reached the highest poverty rates in 52 years in this country, where median incomes are down lower than they've been in a generation—7 percent less, in fact, than what median incomes were even in 1999—where nearly a third of African American families in this country live in poverty, where millions upon millions of children in this country go to bed hungry because they live in poverty, because their families—their parents—don't have a chance for a job and an opportunity.

I think that that should be sobering news for us, not as Democrats and Republicans; it should be sobering news for us as Americans. That's why, when I heard President Obama in this House speaking to the American people about the need to create jobs right now, I know what I heard was a message that said: I suppose with the politics we could politic this out for 14 months, that we could fight amongst ourselves as Democrats and Republicans for 14 months, that we could in the political arena just raise millions and millions of dollars to run campaign ads and make annoying phone calls to people across this country for 14 months—or we could take a different path.

□ 1520

We could take a path that's really about creating jobs and opportunities for people who are living in poverty, for Americans who want to work right now.

I had a really interesting experience for me over the break that the Congress had. I visited the new Martin Luther King, Jr., memorial with my mother—my mother, who was born at the beginning of the Depression, my mother, who lived in a community in North Carolina where she would visit the local town and had segregated water fountains, where people really struggled. They were farmers who struggled greatly to put food on the table.

On the way to the Martin Luther King, Jr., memorial, we passed the memorial to FDR. I saw there the statues representing people who were standing in employment lines and in food lines, and I saw the words of that wonderful President who recognized that he had to get beyond the politics to a point where we were creating jobs, not just meaningless jobs, but jobs that were about rebuilding the Nation's infrastructure, that were about putting people to work so that they could put food on their tables so that they could make a contribution to this country.

So as I walked, as we walked from the FDR memorial over to the Martin Luther King, Jr., memorial, I said to myself that the United States right now, in this time of great need, with 14 million people unemployed, that we need an FDR moment, that the American people need an FDR moment and that that moment has to be about creating jobs for people right here in America, for rebuilding our manufacturing sector, for investing in research and development and innovation and creativity, for taking those 150,000 bridges across this country that are falling apart.

And I know when I drive over a bridge, I don't say, Is this a Republican bridge or is this a Democratic bridge? What I say is, Is this a bridge that I can get my car over that waterway safely? And when I look at that bridge and I see the steel beams, I know that those are steel beams manufactured by people right here in the United States.

When I look at the asphalt and the cement that covers that bridge, I see work that took place right here in the United States. When I look at those bridges and these 150,000 bridges all across the country that need to be rebuilt by hardworking Americans, what I see are the light posts up by the bridge with the electricity running through them or the solar panels on them that are put there and built there by American workers.

So when the President says to pass the American Jobs Act right away, the reason he is saying that is because those are jobs right now for hardworking Americans who actually want to work hard, building things in this country, rebuilding all of our infrastructure, our bridges, our roadways, our water and sewer systems that are falling apart. They want to do this.

I think it's really incumbent on us to do it, and I think that the American people ought to hold each and every one of us to account for failing to do it.

I note, as Mr. GARAMENDI is showing here and that we will see, that nearly 2 million construction workers across this country are unemployed. When our colleague, JAN SCHAKOWSKY from Illinois, talks about the 35,000 schools that need to be reconstructed for the 21st century so that our young people can learn in a 21st-century learning environment, it is not just because it feels good but because it will make a difference to our own competitiveness for the 21st century. What I know is that those are those 2 million construction workers who are unemployed across this country who can do that work in our schools, in their communities.

So I think that this is a real imperative, and I would just urge our colleagues to look beyond the D and an R and look to a job for the American people who are asking us to do this for them, but also to do this for us. I don't know how it is that we survive in a

global economy when we are not producing anything, when we are not putting our people back to work, when we are not engaged in rebuilding all of our infrastructure that was decades in the making from FDR and beyond and is now falling apart.

I owe that to my mother and my grandmother and my grandfather for the generation that did all of that for us. We owe it to them not to allow it to fall apart.

So I say, yes, let's pass the American Jobs Act now.

Mr. GARAMENDI. Representative EDWARDS, thank you so very much for your compassion and passion for these issues. Bringing FDR, the monument, and Martin Luther King together around this set of issues is really important.

This is the worst economy since the Great Depression, and I remember on one of those plaques at the FDR memorial—and I may get this wrong a little bit—but he said, we measure our progress not by those who have much could have more, but by those who have little have enough. He had the compassion.

Last week, the President brought to us an answer to the compelling question that we hear—what are you going to do about jobs?—the American Jobs Act.

You spoke so eloquently about the infrastructure—the streets, the bridges, the schools—and that 2 million construction workers are out of jobs. The President has proposed a \$50 billion immediate infusion of money into America's infrastructure—into our roads, our bridges, our water systems, our airports. There is \$50 billion available this year to put Americans back to work.

It's not just the construction workers that will have those jobs, because these people will be able to keep their homes. They will be able to buy their food; they will be able to bring that money back into their economy with what is called the multiplier effect. And so that \$50 billion may run through the economy three times, two and a half times, so that instead of 2 million, maybe it will be 3 million that will get their jobs.

I know that you want to add to this, Ms. EDWARDS.

Ms. EDWARDS. Thank you for that.

I just want to remind our colleagues that for every \$1 billion, \$1 billion that we invest in repairing the Nation's infrastructure, we create 35,000 jobs: \$1 billion, 35,000 jobs.

So the multiplier effect is really tremendous. It is the construction worker on the site, but it's also the canteen truck that drives up—that's the small business person at that site. It's the engineers and all of the technicians who develop that amazing engineering for these construction sites. It's the architects who are designing a revamped

school in a neighborhood to educate our children to compete in the 21st century. So \$1 billion equals 35,000 jobs.

Mr. GARAMENDI. There you have it. That's when we have the opportunity if we act now. If this Chamber, empty but for three of us and our staffs here and the desk crew, were to act tomorrow on the legislation that the President has brought before us—it's in proper form; it's before us—we could take it up, and these people, all that you talked about, could be at work in the next couple of weeks. That's the possibility.

Ms. EDWARDS, thank you so much for joining us and for your eloquence and for your determination to make this happen.

Our friend from Tennessee (Mr. COHEN) has joined us. Please share with us your thoughts from middle America.

□ 1530

Mr. COHEN. Thank you, and I appreciate your leading this hour.

Just last week, the President stood just behind where you're standing and addressed this Congress—bipartisan, bicameral, Senators and House Members—and laid out a plan to fix this economy. Pass this bill, he said. And we need to pass the bill. The President and his team have put a lot of work into it. People want jobs. They want to work.

In my district, there are more unemployed. Every weekend when I go out in my district, people come up to me and tell me they are either looking for a job, have lost their job and are looking for a job. We need to find ways to put those people to work. We are working on ways to make schools better. Building infrastructure which is so important to Memphis, Tennessee, where we have rails, roads, rivers, and runways, the distribution center of America, is so important. And if you put the money in infrastructure, which this plan plans on, Make It In America, if you do infrastructure, it's got to be made in America. You can't export those jobs overseas, and you put people to work immediately. What they are building are avenues that make commerce move and work.

Federal Express moves more packages around the world than any other American company, and Memphis International Airport is the largest American cargo airport in the world. We create jobs by putting money into infrastructure. Teachers, policemen, and firefighters, 3 million kept their jobs because of the recovery bill that we passed that did successfully help this country stay out of a great depression.

Sometimes, Mr. GARAMENDI, I'm amazed at the rhetoric that you hear from some people, particularly from the other side, who blithely tell people that the American Recovery and Reinvestment Act was \$770 billion that didn't make a difference. The fact is

that 40 percent of the American Recovery and Reinvestment Act, so as to pass the Senate where we needed Senator COLLINS' and Senator SNOWE's votes, were the Republican endorsed and loved tax cuts. How can they talk out of both sides of their mouth and say that a bill, 40 percent of which—which means over \$300 billion of tax cuts—didn't do any good, because now all they talk about is tax cuts.

But when the President of the United States proposes and the Congress with him in a bipartisan effort passes tax cuts—and I'm not sure that the American Recovery and Reinvestment Act was bipartisan. That was strictly Democrats. But when we passed tax cuts with a few Republicans in the Senate, in their minds, it didn't create any jobs. But when they propose tax cuts, this is Christopher Columbus' new way to find the New World. Well, it's hypocritical.

We need to support our President because he is the President. There isn't a red America and a blue America. There is, as he said in his speech at the 2004 Democratic Convention, the United States of America. People need to understand that. We need to be here for that red, white, and blue flag, for this country, to put this country back to work, to keep it as the most competitive country in the world so we don't fall behind China and India in engineering and science, and coming up with programs that give our children an opportunity to be able to fill the jobs of the 21st century—the green jobs that the President has proposed that are the jobs of the 21st century, and the technology jobs that we haven't done a good enough job in filling, giving money to colleges to do the research for industry to create jobs.

In our caucus yesterday, we had Joseph Stiglitz, a Nobel Prize winning economist. I read Krugman a lot, a Nobel Prize winning economist. Both say basically the same thing: The austerity programs proposed by the other side don't work. They've used them in Japan; didn't work. Greece, England, didn't work—unless you're in the upper 1 percent. If you wear a crown and you're the queen or the prince or the leaders of whatever, it works. But in this country, we don't have that kind of royalty, but we're starting to have a separate society with the upper 1 percent who the Republican Party won't raise their taxes no matter what, and the rest.

The President is right. We need to think about the whole country. We need to come together as a United States of America, not a red, a blue, a Democrat or Republican, and create jobs. The President's plan, over half of it, is tax cuts.

Our colleagues on the other side of the aisle say we can go for what we like there even though they said it didn't work when the President and the

Democrats passed it in the Recovery Act, but they can't go for the infrastructure jobs that, of course, help businesses—trucking businesses, the airline industry, and the transportation industry. Automobiles and trucks have to have highways. So we need to pass this.

I support the President. I took an oath to do what I could to make this country better. We need to come together now because this is a crisis time.

Mr. GARAMENDI. Mr. COHEN, thank you so very much. Your experience from the great Midwest, along America's great river, is really important for us to understand.

We really have an opportunity here right now. This legislation is before Congress and the Senate, and we have an opportunity for a better deal for America. It's an investment in America. We talked about the infrastructure. That's an investment that will last for 50 to 100 years because it's in the ground. It's the roads, the sanitation system. It's also a critical investment in tomorrow's workers, in our children.

The American Jobs Act has money for 280,000 teachers; 280,000 teachers will be able to stay on the job. Right now in California, teachers are getting laid off as they are in most other States of this Nation. That means that classroom sizes are going up, and the educational opportunity for our children is diminishing. We have no more important investment. Roads are important and bridges are important, but the most important investment in any society, in any economy is the investment in education, in the children, in tomorrow's workforce. 280,000 teachers will be able to stay in the classroom. This money flows directly to the school districts, not a big administrative task at all but one that goes there directly.

Small businesses. Our Republican colleagues love to talk about small businesses, and they say, correctly, most jobs are created by small businesses. That's true. That's accurate. Sixty-four percent of the new jobs over the past 15 years were created by small businesses. But what are they doing for small businesses? Cutting the contracts that the small businesses depend upon as they push an austerity budget.

The American Jobs Act takes a different path. It tells small businesses: You get an immediate tax break; 3.1 percent of your payroll tax will be eliminated in the next year. That's a lot of money, and I'll explain how much it is. In addition to that, if you hire a long-term unemployed worker, your entire payroll tax will disappear.

Let me tell you what that means. Let's take a warehouse.

You've got warehouses in your district?

Mr. COHEN. We've got lots of warehouses. They're full of goods ready to

go on Federal Express planes and service the rest of this Nation. It all starts in Memphis, Tennessee, and goes out from there.

Mr. GARAMENDI. I thought they might have some of that Tennessee whiskey in them. Some of that, too?

Mr. COHEN. Some of that, too.

Mr. GARAMENDI. So a warehouse with a payroll last year of \$7 million that this year hires 40 new workers, it would add \$2 million to its payroll. It would get a full refund of the 6.2 percent payroll taxes paid on the \$2 million of payroll. How much is that? That's \$124,000 that goes immediately to the bottom line of that warehouse. In addition to that, they have already seen a 3.1 percent reduction—actually, it's a 50 percent reduction in their payroll tax for workers who were already there, and that's another \$155,000. So we are looking here at \$279,000 of reduced expenses, taxes, to that company. That means that they can improve the warehouse. That means they can expand or hire more workers. This is in the President's American jobs program specifically for small businesses.

Listen up, America. Listen up businesses out there. There is an opportunity here for you to immediately expand your business, reduce your payroll taxes, hire new workers, bringing a new worker on that has been on long-term unemployment and paying no payroll taxes for the next year. This is very, very important and very big, and it is immediately available as soon as the leadership, the Republican leadership in this House, brings the American jobs bill to the floor.

Mr. COHEN, if you would like to carry on here, I know you have some more thoughts.

□ 1540

Mr. COHEN. Well, just the whole prospect. Jobs are so important. I was thinking back about Stiglitz. I think you were there at the caucus. He and Krugman say the same thing, that there's several ways you can get yourself out of this deficit. He went back into a little bit of history about how during the Clinton years we had a big deficit from the Reagan-Bush years and that President Clinton, with a bill that was passed in this Congress with all Democrat votes in about 1994, I think, put us on a road to balance the budget, and got us a surplus. It got us a surplus by the time President Clinton left office.

Stiglitz said, which is so true—it's a factoid—the surplus was lost because of two wars, one of which was a volunteer war, not related to 9/11—Iraq—and Afghanistan, that were both passed through these Congresses, which were Republican-controlled. Republican Congresses, without being funded. Then the Bush tax cuts giving the wealthiest people the largest tax cuts and contributing to the largest disparity in wealth that we've ever had in this Nation.

Now, the wealthy can only spend so much. There are only so many Chanel purses a woman can buy. There are only so many Rolex watches a guy can have, but we are losing a middle class. Then we put all this wealth through these tax cuts on the richest, making their tax rates the lowest since the 1950s, and then extended it for 2 years, the inheritance tax, to where the wealthy get to keep more and more in perpetuity.

The middle class is disappearing in this country. Jobs are being shipped overseas. Taxes stay high on them. They're living paycheck to paycheck. They've got their children in school. Pell Grants are in danger. They almost were reduced in the last month or two, but we salvaged them in the final bill. People are having trouble making ends meet, and the middle class has got to be there to be a consumer group. If you don't have consumers, you can't have an economy to service people who are making goods and services. You've got to have a customer. We're losing the customer base.

We can ship all the jobs we want off to Southeast Asia and China, where they don't pay any salaries and don't give any benefits; but those people aren't our market, and if our people can't buy goods, then we're not going to have any manufacturing base and the opportunity to make it in America.

So we've got to build up the middle class. We've got to produce jobs, and we've got to see to it that the middle class is given priority and not the richest 1 percent.

The President's plan, which is so great, is it's all paid for. It's paid for. But paid for by a tax that's appropriate for the people who can afford it.

Tell us how we can deal with that and keep this as a paid-for program.

Mr. GARAMENDI. I've been kind of shuffling the boards down here because you went through several subjects along the way, and each one is so terribly important and pertinent to the issue. But I think I can wrap it all up in this, and that is, America lost about 50 percent of its manufacturing jobs in the last 20, 25 years. We went from 20 million, 21 million manufacturing jobs to just over 10 million today, but we can once again rebuild the American manufacturing sector. That's where the middle class jobs are.

You had talked about tax policy, that the tax policy has shifted from one that was broad based and which the wealthy and everybody participated in in a progressive mechanism in which now the wealthy—and Warren Buffett has said it so very well—he actually pays a lower tax rate than does his secretary. He said, This is wrong. This is upside down and wrong. And he's quite correct. But if we take a look at the manufacturing sector of America and we apply a couple of principles, that is, that we're going to buy American—and this has to do with our policies here.

Trade policies. We've been giving it away in these international trade deals. On the taxes, we just talked about that. The tax burden has shifted from the wealthy down to the middle class, further eroding the purchasing power and the status of the middle class, so much so that just yesterday the Bureau of Labor Statistics came out with a report that the poverty level in America has reached the highest level in 52 years. That's the pushing down of the American middle class so that those at the bottom have been pushed out of the middle class into poverty.

Mr. COHEN. Out of six adults—think about that—one out of six adults. Now this body of which I am extremely proud to be a Member is not representative of America. Because if it were, one out of six, or 74 people, would be earning \$22,000 a year or less for a family of four. So that doesn't happen. One out of five children in this country is now living in poverty—they're in my district—and people can't get along without having a job.

Mr. GARAMENDI. Exactly right. Twenty-two million children living in poverty, not knowing where their next meal is going to come from. At the same time, they're cutting the food programs.

This is our program. This is the President's program. Every one of the things that is in the American Jobs Act is here. Taxes. There are tax breaks for businesses. And this entire program is paid for by ending the giveaway of our tax money to the oil companies. That's \$4 billion a year—\$40 billion over the next decade—of our tax money going to support the oil industry, the wealthiest industry in this world.

Mr. COHEN. How about the hedge fund guys? There's another Steve Cohen. There's the one in New York that's got all the money, the hedge fund guy, billions and billions of dollars.

What does he pay on his income?

Mr. GARAMENDI. Well, he pays 15 percent. Somehow or another they got into the law. The hedge fund folks that are making hundreds of millions of dollars a year—in some cases, billions—are paying 15 percent on their income. Now they've got it classified as capital gains when, in fact, it's their labor. That is, it's their work. As you and I are working here and as people are working in the manufacturing plants, it's their work, but it's taxed at 15 percent, not at 35 or 38 percent. What's that all about? Where are we going to end that tax break? That's about \$17 billion over 10 years.

Mr. COHEN. And that shouldn't exist. That's absurd. There's another Steve Cohen, the magician, and apparently he had something to do with the Tax Code when they took care of the other Steve Cohen.

Mr. GARAMENDI. So taxes are part of it. The energy policy, we haven't talk about that. We talked about labor—putting men and women back to work. And the education system, 280,000 new teachers or teachers in the classroom. Research and infrastructure, this is part of the Make it in America agenda which can be carried out with the American Jobs Act.

So, if we pass the American Jobs Act, we've got a really good opportunity to once again make things in America, because the legislation calls for about \$50 billion in infrastructure and the establishment of an infrastructure bank for sanitation, water systems, Internet, high-speed cable, and all of those kinds of things in the infrastructure bank. So we may be looking at \$60 billion, \$70 billion a year of investment in these infrastructure projects. Coupled with that is Buy America, Make it in America. Buy American-made buses, American-made locomotives. The concrete and steel in the bridges, that's going to be American made.

I can tell you one of the greatest horror stories about infrastructure. It's right in San Francisco, just outside my district. The San Francisco Bay Bridge, a multibillion-dollar rebuilding of the Bay Bridge because it falls down in an earthquake. It did once. We don't want it to happen again. Multibillion dollars. To save 10 percent, the contract went to Chinese steel companies. All of the steel manufacturing in that bridge comes from China. Thousands of jobs in China. And to make things worse, the inspectors were over there, and they didn't do a good job. Beyond that, when the bridge parts came over here, Chinese workers came with the bridge. No more of that. We're going to make it in America.

I've got a bill in—others are working on this—and that is, if it's American taxpayer money, by God, it's going to be used to buy American taxpayer goods and services. We can do this, and the first step is the American Jobs Act.

Mr. COHEN. You mention on there—I looked at your chart—education. Part of the American Jobs Act is to rebuild our schools and to go to work and make them structurally sound and also energy efficient. When you look at labor, it's work. The labor movement has been attacked all over this country, and it's labor who's created the middle class and seen to it they got good jobs and opportunities and wages and benefits.

In my community, we just had a grocery store taken over by a large national grocery store. A grocery store from another city had come in and taken over some local owners. One man worked there for 44 years. He'd been making \$9.85 an hour and working 40 hours a week. They came in and said, You can work 16 hours. You'll get \$7.50 an hour. You won't get your benefits that you had accumulated, and you'll

go to another store. He quit. They did a lot of employees that way.

What happened yesterday? Help inform me. Because I heard this, and it's difficult to believe: Bank of America, did they make something like \$7 billion last year? And how many people did they lay off yesterday?

□ 1550

Mr. GARAMENDI. They're talking about laying off 40,000 people across America in the next year.

Mr. COHEN. So how does that jibe with what we hear from the other side about just trust business to hire people, that the jobs come from business and the private sector?

They're making \$7.8 billion. They benefited from the TARP—a President Bush/Secretary Paulson plan that I supported in a bipartisan manner that kept Bank of America alive. I think they're on the hook, maybe, since some Federal recent action considering their loans and all. But \$7 billion, and they're laying off 30,000 to 40,000 people? Those people are going to need unemployment benefits, and it's not because they don't want a job. They've been put out.

A lot of qualified people who can do jobs and are intelligent don't have jobs because they are not there. But the people at the top are making more money than ever. They're eating at Masa in New York. They're eating the \$500 dinner at the Japanese restaurant and not thinking twice about it, and they're firing people right and left. The limousines are still moving. The wealthy are still doing whatever they've been doing. They've got their jets—not the football team—their private jets. They're living great, but the American Dream is disappearing. The American Dream disappeared for my grocery workers. It's disappearing for Bank of America employees. It's disappearing for a lot of people.

Mr. GARAMENDI. The American public, through the TARP program, bailed out Wall Street, bailed out the banks, and the banks have done nothing. The big Wall Street banks have done nothing except enrich themselves at the expense of the American taxpayer. Those days should be over. We need to move in a different direction.

One of the groups we really need to help are those men and women that have been fighting the wars. Now, my personal view is that the war in Afghanistan ought to stop tomorrow. We ought to bring that \$120 billion a year that we're spending in Afghanistan, bring it back here, invest it in America in education and bridges, infrastructure and debt relief; 120 billion a year in Afghanistan, and we're still spending a vast amount of money in Iraq. End those wars, bring that money home. Bring the soldiers home. And when we do, we're bringing home a lot of wounded Americans, wounded Amer-

icans who need our respect and who need jobs.

In the American Jobs Act there is a special place for veterans, special advantage. They deserve it. They're the ones that have sacrificed. They're the ones that took time out of their lives to fight those wars. Whatever we may think about those wars, we can only think good thoughts and honor the veterans, and here's a way to do it.

There are 877,000 unemployed veterans in America today—nearly 1 million; 877,000 looking for work. In the American Jobs Act, there is a very special tax credit available to any employer who hires a veteran. You can reduce your taxes by \$5,600 right off the bottom, \$5,600 tax credit—not a deduction, but a credit. And if you happen to hire one of those wounded vets—and we know them, we've seen their pictures, we know what post-traumatic stress syndrome is all about—hire a wounded vet, and it's a \$9,600 tax credit to every employer, whomever it happens to be, across this Nation. Now that's what we need to do.

All the talk about balancing the budget, all the talk about a deficit hasn't put one person to work in America; in fact, it has laid off hundreds of thousands of people. We need to put America back to work. The American Jobs Act does that, and it does it in a very special way. For those Americans that have been out there sacrificing in Iraq, in Afghanistan it gives them an opportunity. It gives every employer an incentive to hire those workers. We owe it to these men and women. And when these men and women go back to work, they become taxpayers. And when men and women in America go back to work and become taxpayers, then the deficit will be resolved, then we will solve the deficit.

We need to make cuts, we need to do those things, but those are in the out years. Right now, it is about jobs. The President has given us the legislation. The question for our Republican leadership here is—they control this House; they're the ones that set the agenda; they're the only ones that can bring a bill to the floor—When will you bring the American Jobs Act to this floor so that we can put Americans back to work?

Mr. COHEN, I know how deeply you feel about this. I know that in your district your people that you represent are hurting. They want jobs.

We're going to wrap this up in just a few moments. So for our closing remarks, go for it.

Mr. COHEN. Thank you, Mr. GARAMENDI.

Every weekend I'm home—and the weeks that I'm home, because we're home many weeks now, this Congress doesn't work them very much. We spend a lot of time at home. And that's a beautiful thing for us, but not a great thing for America because we need to

be here, working on trying to get a jobs bill passed, which hasn't been introduced by the majority yet.

But Professor Stiglitz talked about the causes of the loss of the surplus that President Clinton and the Democratic Congress got in the late part of the 20th century. It was the two wars—voted for by this Congress, supported by President Bush, the Bush tax cuts—passed by this Congress, proposed by President Bush; and Medicare part D, President Bush's Medicare plan to take care of the insurance companies. That's what did it. Those were the causes.

Professor Stiglitz, and he has a lady that works with him—I think her name is Linda Bilmes—they've studied what it's going to cost in America in the years to come with the veterans. Now, the ones we can employ, we need to employ. But 1 to 2 percent are going to come back disabled, and they're going to need veteran services and they're going to need money for the rest of their lives. So these wars, particularly the Iraq war—President Bush and the Republican Congress' war—is going to cost this country for another 70 years, at minimum; and we need to be prepared for that.

We need to come together. And there's no question that when Professor Stiglitz said, when you can borrow money at like 1 or 2 percent and make a greater percentage on it, this is the time that you borrow because rates are so low. And the top people in economics say this whole idea of the austerity and the cut is wrong. What does it do? It helps the wealthy because they're immune to it. The benefit for the low-cost labor they get overseas and the salaries they get here, they get great tax rates, helps them.

But what else does it help? It helps what Senator McConnell said was the number one job of this Congress the first day after President Obama was elected, to defeat President Obama. That's what Senator MITCH McCONNELL said was the number one priority that he had. He's a focused man. I admire him for the fact that he gets an issue and he stays on it and he's focused. And he thought that and thinks that when he works on the debt ceiling, when he works on the deficit, when he works on the American Jobs Act. It's all about one thing—not employing Americans, but taking two Americans, Barack Obama and JOE BIDEN, and making them unemployed. That's not appropriate.

Mr. GARAMENDI. We have a different view here. I'm confident that the President will be reelected because he understands very clearly that we need to put Americans back to work. And he has given us the American Jobs Act—complete legislation. All the sections are there. All the writing is done. All the legal work is done. It is now before the United States Congress and the

Senate, and it's up to us, 435 of us in this House. Are we ready to act? Are we ready to do what Americans want us to do? And that is to put them back to work.

Mr. COHEN. Pass the bill.

Mr. GARAMENDI. Pass the bill. Pass the bill. Put Americans back to work.

I'm going to quickly go through some of the parts of this bill and the way in which they affect Americans.

It's about investment, investing in our infrastructure: \$50 billion directly available for the transportation sector—rail, high-speed rail, intercity rail, bridges, roads, \$50 billion available this year to put men and women back to work repairing our transportation infrastructure. Another \$10 billion for an infrastructure bank in which the pension funds of America, the public pension funds, could invest. And perhaps another \$20 billion or \$30 billion in that infrastructure bank to once again augment the development of the infrastructure that we need—water systems, sanitation systems, all of those communications systems that we desperately need.

□ 1600

That's on the infrastructure side.

On the education side, repairing our schools:

Thirty-five thousand schools to be repaired, repainted, classrooms, science laboratories, as well as the playgrounds; 35,000 schools out there. Your neighborhood school, the opportunity for it to have a new paint job, a new bathroom, whatever is needed;

280,000 teachers. You could fill the entire stadium in Ann Arbor, Michigan, football, 100,000, and still have a third game with only 80,000 people. 280,000, think of it. The Ann Arbor, Michigan, stadium filled 2.8 times over. Teachers in the classroom. This is exciting.

Veterans, a very powerful incentive where a business can reduce its tax burden. That is the bottom-line tax reduced by \$9,600 when you hire a disabled veteran. That man, that woman is going back to work, becoming a taxpayer. Once again, pride in our Nation. This is powerful.

For the unemployed, an extension of unemployment benefits, and we didn't even get to that today—and all of this in the context of rebuilding the American manufacturing sector.

More than 10 million American manufacturing jobs have been lost in the last two decades. We can put them back to work if we use our public policy, use our tax money that's going to build those bridges or those roads, buses and locomotives, use our tax money to buy American-made, American-made equipment. All it takes is a law, and it works.

Sacramento, California, near where I live, has built—or Siemens, a German company, has built a major manufac-

turing plant in Sacramento, California, to manufacture light railcars and Amtrak locomotives.

Why did they do that? They did that because the American Recovery Act, the stimulus bill that our Republican colleagues like to trash, said that the money for transportation systems—buses, light rail, and trains—must be spent on American-made equipment. So Siemens said, well, if that's the law, we want the business. They built the plant, and they're manufacturing light rail cars and locomotives today in America, using American equipment, using American workers. That's what we can do if we are willing to pass the laws to make it in America.

Photovoltaic systems, wind turbines, all of these things supported with our tax dollars. Why not use those tax dollars to buy American-made solar cells and wind turbines?

The President has given us the opportunity to do what we should do, as representatives of the American people. Put Americans back to work. Pass the American Jobs Act. Pass the American Jobs Act.

Mr. COHEN, wrap this up for us.

Mr. COHEN. I just thank you, Mr. GARAMENDI, for the leadership and for putting this hour together and allowing me to join you. And let's say it together. Pass the bill.

Mr. GARAMENDI. Pass the bill.

Mr. Speaker, I yield back the balance of my time.

OUR COUNTRY IS IN TROUBLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it never ceases to be an honor for me to be able to speak on this floor. The freedoms we have, the blessings, we've received because of those who've gone before us.

The country is in trouble. People around the world cannot believe that the greatest nation in the history of mankind just cannot make itself live within its means. So businesses, manufacturing have flocked away from America.

I know there are some who believe that the greatest thing that can happen for America is for those manufacturing jobs to leave America because they believe, gee, they hurt the environment because they pollute, so just as well they go to some other Third World country or China or other place, when the truth is, apparently, when those same manufacturing companies leave the United States, they go to nations that, on average, pollute, depending on the nations, 4 to 10 times more than we do here in the United States. For those that understand the way the world turns, as pollution goes up in

Asia, we usually breathe it here in the United States. So that hasn't worked out so well for the environment of the planet. We're hurting the planet as we drive manufacturing jobs out of America.

This administration has used the EPA as a sword, as a tool to drive more and more manufacturing and production out of the United States, hurting the country more and more, not because, necessarily, they want to intentionally hurt the country. I'm not saying that. They just think we're better off.

If they're not willing to have a draconian EPA being, as the President said in his speech, working side by side with them in private business, good riddance. Go somewhere else. Because, in the President's own words, that's what he said, and it was the scariest thing I heard that the President said last week, standing right here at the second level in this Hall, the line, and I'll read from his speech directly. He said, "We need to look for ways to work side by side with America's businesses."

America's businesses do not need a government that wants to be their partner. The government in this country, according to the Constitution, metaphorically speaking, is supposed to be a referee—keep the playing field fair, keep it level, make sure everybody has a chance to compete and compete fairly, and stay out of the way. Do not interfere. Don't try to be a partner with business. Stay out of the way and be a referee.

It's when this United States Government has tried to be a partner that so often it gets in trouble, and it kills businesses and it kills jobs, and people flee and go to some other country where they're allowed to produce things without the government trying to be their partner.

Anybody that wants the government to be their partner should go to Venezuela or Third World nations. They're more than happy to partner with those businesses.

But some years back there was a group of us that went to China, and we met with a number of CEOs of international corporations that have taken their American jobs by the thousands, taken their businesses, their manufacturing production and gone to China. I had the feeling that when we talked to them and asked them the question, "Why did you move all these jobs to China?" that they would say, well, they just couldn't work with the labor unions. The price of labor was too high. Regulations were too much. But the number one answer was because of the corporate tax. The corporate tax in America, in the United States, is the highest corporate tax in the world.

□ 1610

Now corporations, those that understand business law, corporations, direc-

tors, and officers, have a fiduciary duty to their stockholders to try to make as much money as they can. Unless some, Mr. Speaker, do not know who the stockholders are, more and more they're union workers; they're American workers across their countries; they're small business owners and operators, franchise operators; they're the rank and file across the country—State employees, local employees, Federal employees. But more than that, businesses across America, they have retirement accounts that invest in these companies.

Those companies' officers and directors have a fiduciary duty that they have to—or they could be sued—have the best interests of the company and the stockholders at stake in the decisions they make. If you go to law school—I hopefully have saved somebody a lot of money—that's it in a nutshell.

So, when a group of corporate leaders is trying to decide how can we avoid being sued by the stockholders by doing the best thing to help them create the most revenue for their stock—what can we do? What will enhance their dividends?—they have to look. When they see the United States of America is taxing corporations at 35 percent and they see that China taxes at 17 percent, you would think it was pretty much a no-brainer. That's basically what they said.

I was gratified to hear that, whether it's union labor or nonunion labor, across the board, the experience that the corporate leaders that I talked to in China say really their best workers are right here in the United States—union workers, nonunion workers—and that, generally speaking, they have better quality control over products produced here in the United States of America. So, when they move plants from here in the United States to other places like China, they have wonderful workers, but the quality control is not as good as what they have here.

But if you think about it and you realize, gee, they would pay half the corporate tax in China that they pay here by the billions, then they could afford to build state-of-the-art facilities, where facilities here in the United States, their manufacturing plants, may be falling apart and getting older. Well, you could go build a state-of-the-art facility in a place like China, and because of the tremendously reduced corporate tax, by the time you really get around to paying much tax, you've paid for the plant.

I was advised privately that it was possible the Chinese Government would make deals with some companies if they were big enough, and it might be, for example, they would say, Look, you move your manufacturing plant, hire these thousands of employees here in China instead of in the United States, and we'll make a deal with you. No corporate tax for 5 years.

Then, depending on the company and the negotiations, they might say, And then for the next 5 years, maybe 5, 7 percent, maybe 10 percent. Maybe then it goes to 17, or maybe by 15 years you get to the 17 percent rate.

But in those kind of scenarios, they say, We paid for a state-of-the-art facility by the time we ever get around to paying corporate tax. Whereas, if we kept those jobs in America, facilities getting older, we just can't produce dividends and returns on money for stockholders. We're just treading water. Here, because the corporate rates are half as expensive, then we can produce, we can compete anywhere in the world. Our goods are that much cheaper.

Now, it is true our labor is more expensive, but, in general, we have good laborers in this country, and there are Americans that are willing to work, willing to do the jobs. From talking to employers, though, we could use a lot more people willing to be employees who can pass a drug test. That's kind of important.

Now, I have had so many constituents say, Look, you have to pass a drug test in order to get employment for most important jobs nowadays, whether it's with a grocery company back home or a small operator. I was talking to an independent oilman this afternoon that drills wells from Longview, Texas, and he was saying, We have to give people drug tests.

He was telling me, because of the drilling that's currently going on in east Texas, he's having trouble finding enough workers right now, today. While people are unemployed around the country, he's having trouble right now, today, finding enough people who can pass a drug test and are willing to work hard on an oil well, and he would put them to work.

In fact, he was telling me this afternoon, they'd start out at \$50,000 a year. They'd have health care. It's hard, dirty, long hours, tough work, but it's a good living. But so many of the people that apply can't pass a drug test. And because it's such difficult work physically and it requires that you be alert because all of the other people on the rig have to count on each other, kind of like in a military operation, the equipment is so dangerous, if somebody has taken drugs and is not at peak performance, they can get somebody killed. It's happened far too many times. They have to have people pass a drug test.

That's just this afternoon. Well, think about it. If we had manufacturers coming back into America because the corporate tax rate was less than 17 percent, then the manufacturing jobs show up like crazy.

Now, I realize from hearing all of the news, apparently the big emphasis of the national union leaders, who sure don't seem to be speaking to all of the

union folks I know, but their emphasis seems to be basically we're not doing very well getting union members from private corporations. So they've gone all after government employees: Let's try to unionize government employees because maybe we can pick them up.

And what I think eventually rank-and-file union workers for private companies will begin to understand is it seems that they're being thrown under the bus. The concentration seems to be for more government workers, less private workers, which means they're driving for more jobs in the government sector, which kills off the private sector, which will kill off those jobs for the union members who have jobs in the private sector.

So, as I sat back here listening to the President's speech last Thursday night and as I struggled with what the President was saying—because some of it didn't seem to me that it was going to create the jobs he was promising, but I was willing to wait for the bill and not judge from a speech, because it's been said around here before that CBO cannot score a speech. Well, that was before, a couple years ago, when the administration got on to them, and basically they did score a speech, but that's because the White House is able to exert pressure on CBO that the Republicans have not been able to see fit to do.

I know Mr. Elmendorf was not happy with my reference, but the fact is, after Mr. Elmendorf met with the President in the woodshed, or the Oval Office, he came back and was able to bring down the scoring of ObamaCare by about a quarter of a trillion dollars or so. Then after ObamaCare passed, they said, Whoops, looks like maybe we underestimated by about a quarter of a trillion dollars.

That makes for a pretty big plus-or-minus margin of error when CBO can't do better than that, but CBO and the rules were created by the most liberal Congress in history until about 5 years ago. They created CBO. They created the rules for scoring. They yanked us out of Vietnam without a chance to make sure our allies there would not be killed, so most of them were. They also created an automatic baseline for government budgets that increases every year. They created a formula. It increases every year.

□ 1620

Now, I was here in '05 and '06, and I am embarrassed that, as Republicans, our party did not have the nerve to eliminate the CBO, to eliminate the ridiculous rules by which bills are scored. The actual reality and history and recurrent numbers of what happens—when you do this, you get this effect—you can't consider that. They have to use rules that don't apply in the real world and without taking into consideration the effects that have

been had when an action is taken every time.

So we get terribly inaccurate scoring from a government entity, and we also have this automatic baseline that increases every year. There is not a business or home in America that can plan a budget by saying, We're automatically going to increase our budget every year from now on. No matter how much income or revenue we have each year, we're going to keep increasing our budget. That is what has been happening for 37 years, since 1974.

The Budget chairman back in '05 and '06 was not willing to do it, but I am extremely gratified that our bright chairman of the Budget, this Budget chairman, is going to do it, in that this year he's going to take up a zero baseline budget. I filed one in my first Congress back in '05 and '06, in my second Congress in '07 and '08, in my third Congress in '09 and 2010, and in this Congress. I am delighted. I don't care whose name is on the bill; but when we finally eliminate the automatic increases in the Federal budgets every year, that's going to be huge, and it's going to be better than anything that the President has proposed by way of producing revenue and balancing the budget.

I do appreciate the White House emailing their version of the American Jobs Act.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. If I might inquire of the Speaker, a parliamentary inquiry: If there are charts around on the floor, can anybody use those?

The SPEAKER pro tempore. The gentleman is free to use charts in debate.

Mr. GOHMERT. Thank you, Mr. Speaker, because I saw my friends across the aisle using a chart that said the "American Jobs Act." It makes a wonderful chart if it's still on the floor, because that's what we're talking about, an American Jobs Act.

The President kept saying, Pass it right away. Act now. Pass this jobs bill. Pass it right away. Pass it again right away. Pass the bill right away. They'll get back on their feet right away if we pass the bill. Anyway, just on and on—pass the bill, pass the bill, pass the bill. So I heard the speech. I got a copy of the speech, and I like to highlight stuff where I can find it easier. So we've got all this "pass it now," "pass it right away" stuff highlighted.

Where is it? We were told to pass it now, to pass it right away. We heard the speech Thursday night. We didn't get a bill Friday. We didn't get a bill Saturday. Obviously, it can't be filed Saturday or Sunday if we're not in session. We didn't get it, though, through email. They send the stuff when it's needed, but nothing Saturday, nothing Sunday.

On Monday, we were inquiring of the White House by email, by phone, Look, when are you going to let us see what this bill we've got to pass last week is?

We finally got a copy, and I was up until 5 a.m. on Tuesday morning going through it—tagging it, highlighting it, being staggered by the stuff in here that will kill jobs instead of create them—oh, other than the jobs that are created for the government that will help kill the economy. I couldn't believe this was being called an American Jobs Act, but it was not a surprise to me even at noon today when we inquired and found that no one had been willing to file an American Jobs Act in the House of Representatives. It had been available. The President had been talking about it since last Thursday, but nobody had been willing to actually file that bill in the House.

I have been through the President's American Jobs bill, and I am absolutely convinced—absolutely no question—that this will hurt our economy. It creates massive, bigger government intrusion. If you like Freddie and Fannie Mae, you will love the new American Infrastructure Financing Authority. What a wonderful government creation that is. We're going to provide billions and billions of dollars to create this new government entity. But not to worry—these are people who will be running it who really know what they're doing—right?—because the Secretary of Transportation is going to be in charge. I do know the Secretary of Transportation right now, and I like him very much. He's a good guy. Nonetheless, we're creating another government nightmare called the American Infrastructure Financing Authority.

Unbelievable.

You would have thought we would have learned a lesson—but not to worry. These are people who will be appointed by the President. Some other people here in Congress can throw in some recommendations, but they're appointed. The seven voting members are appointed by the President. So that will be wonderful. They'll run all our infrastructure requirements for us, and of course the President will appoint the chief executive officer.

Having been a history major in college, I do believe that the best indication of future performance is past history, past performance. With the auto czars and the private committee composed of a bunch of auto czars, I read somewhere that not any of them had ever worked in the auto industry at all, and most of them didn't even own a car. Nonetheless, they had put them in charge of our auto industry.

That kind of scares you when you think about it and when you think this is the same guy who's going to appoint all these people to run the brand-new American Infrastructure Financing Authority. That's AIFA, and it is just another nightmare. It's going to help bankrupt America quicker than this administration has already been doing.

I know people like to throw blame around. There is plenty of blame to go

around because I know, in 2006, I was on this side of the aisle, hearing people stand up at the Democratic microphones, saying what I knew to be true. They were right. We had no business spending \$160 billion more than we took in. That was un-American. It was outrageous. This body had no business authorizing expenditures of \$160 billion more than we took in. They were right. The Democrats were right when they said we should not spend in a year \$160 billion more than we took in.

Nowadays, people like to say, Well, it's Afghanistan and Iraq that have broken this country and have made us bankrupt. That's not the case. We were in Afghanistan; we were in the worst part of the expenditures in Iraq during those days, and we overspent what we had coming in by about \$160 billion. If anybody back then had told me that within 4 years those same people who condemned this side of the aisle for overspending by \$160 billion would be just fine with overspending by \$1.6 trillion, I would never have believed it.

□ 1630

There is no way, with the speeches that were given here in '05, '06, '07 about the Republicans' irresponsibility in '05 and '06, my freshman year, over \$160 billion more being spent than we brought in, that they would have any nerve or ability to stand up and say I'm voting to spend \$1.6 trillion more than we're going to take in. I just didn't think, I wouldn't have believed that anybody would be willing to do that. Well, they have, and we as a country have.

But I went through the President's bill. Yesterday I went through much of it, but there is a little more that needs to be said, for example, to illuminate the President's comments about he wants to go after the profits of Big Oil; and he does that in his bill, we were told. He was going to fix it for Big Oil.

Well, I was a little cynical, I was a little leery, because I have heard the President call the Wall Street executives fat cats. He has called them names, said we wouldn't be letting them do that, that we ought to go after them, that kind of stuff.

Yet I knew that, while he was calling them names, at the same time his governing made sure that an entity like Goldman Sachs made more money than they've ever made in their history. They should have had to file for bankruptcy. Instead, now they're making more money than they've ever made in history, and this President is presiding in such a way it's bad for America, but Wall Street is doing great, and some would say that doesn't make sense because we know that Wall Street is mainly Republicans.

But if you look into it, as the Heritage Foundation has—my friend Mike Franc there has done the research—you found out that, in essence, corporate

executives on Wall Street, when you include their immediate family that donates with them, donate about 4-1 or donate about 4-1 for Obama over McCain. And Mike had said, when he first saw that, he thought, wow, that's intriguing. That may be different from prior years, But as he checked on it, it wasn't that different from prior years, donations from Wall Street.

Then you get to realizing, wait a minute, Democratic Presidents, Members here in this body are constantly deriding these greedy, evil people on Wall Street; and yet they're generally giving 4-1 to Democrats over Republicans. There are 4-1 Democrats on Wall Street in executive positions than there are Republicans. Well, no wonder. It starts making more sense that they would do much better under Democratic administrations since it helps to know people in those kinds of positions.

But we were told by the President he's going after Big Oil. The provisions in this President's bill—it's at page 151—repeal the deduction for intangible drilling and development costs in the case of oil and gas wells. Now, the bill has a dishonest word here. It says repealing oil "subsidies."

A subsidy, you can look it up, Webster, wherever you want to, but the definition will basically be the same wherever you look it up. A "subsidy" is a grant or a gift of money. There are no grants or gifts of money, and there wasn't anybody that wanted to go after British Petroleum more than I did around here when we found out 800 violations or so and when all the other majors were having maybe one or two in the gulf.

Yet they were involved in crony capitalism. So the administration looked the other way over and over and over again until the Deepwater Horizon blew out. People were killed, you know, not only lives lost but fortunes lost. The Gulf of Mexico was devastated all because this administration and those inspectors that were sent looked the other way to all of this pitiful way that drilling was done because they were buddies, crony capitalism.

So when you look here at what the President actually has in his bill, who it's going to help and who it's going to hurt, what you see are these deductions here that he's repealing—the repeal of deduction for tertiary injectants, the repeal of the percentage depletion allowance for oil and gas wells. Section 199, the deduction attributable to oil, natural gas or primary products thereof, the repeal of oil and gas working interest exception to passive activity rules.

I read through these, checked with experts and find out, CPAs, people that do the tax returns for independent oil companies, and I was reminded, this stuff basically applies only as a deduction for an oil company that produces

less than a thousand barrels of oil. All of the majors that this President says he wants to go after and go after their profits, they're majors.

All of the deductions that he is trying to repeal, they're not going to affect, they're not really going to hurt the major oil companies. They're going to devastate the independent oil companies. That will be the result here.

So he says he wants to go after the majors, but that's just not what he is doing in his bill, and I know that, being a community organizer, he's not that well up on what he's going to hurt and what he's going to help. But the fact is there are figures that indicate American production activities are dominated by independent producers, who drill 95 percent of the Nation's natural gas and oil wells, accounting for 67 percent of total U.S. natural gas and oil production. That's the independent oil companies of America. Ninety-five percent of the drilling, 67 percent of the production is not ExxonMobil. It's not Shell. It's not British Petroleum. It's the independent oil companies in America.

And who are they? They're people that cannot go to the banks, for the most part, to get a loan. Any bank that would loan an oil company money to drill a particular well is probably going to get shut down because the chances are, in most cases—certainly in the investments I have had—you are more likely to have a dry hole than you are to hit anything that's really going to be of a sufficient, productive nature.

So, of course, once you have established a field, the odds go up dramatically, but most of these wells, when it's not an established field and it's just helping produce more from a known field, you can't get loans. The only way independent oil companies have to be assured of being able to drill oil wells is not to go get a loan, and they also know that if they invest and pay all of the 100 percent of their own drilling and they hit a few dry holes in a row, they're going to be bankrupt, if there were so many of them.

What most independent oil companies do, they do studies geologically. They have to hire geologists most of the time. I am told they were independent geologists. I know a great number of those. They do great work. They will study an area, and they will hire a landman to come in and study who owns what interests in the minerals, who owns what rights that they're going to have to acquire in order to do drilling, and then they hire people that are involved in drilling.

They're not like the majors where they've got all they need to go do all the drilling. They hire independent mud companies, independent wire line companies. They will often have to have people come out and feed them, and if they don't, they're going to have people who need to go eat somewhere.

It is hard, nasty, 24-hour-a-day work. You don't stop 8-5. You have to do shifts because you can't afford to get somebody too tired for staying on a rig too long. But they employ millions of people. They cause the employment of millions around America even though there aren't that many that actually work on the wells, themselves.

□ 1640

They create jobs. They don't just save them like this President says he's been doing. And so what's the President doing? He, in his bill, is not touching, he's not going to hurt the Big Oil companies. They're going to apparently do as well as his good friends at General Electric.

So what we have seen is, if you're really friends with this administration, or to be fair, the parties in power, then odds are you're going to get your tax bills through and you are going to be like General Electric, you're going to be like Warren Buffett, and you're going to be able to skate through without paying virtually any tax.

I loved the way Art Laffer explained to it me in his living room after a Sunday lunch one day last year. We talked about these taxing concepts. I just love the guy. He is so brilliant. He's charming and funny. He sure got us out of a mess back in 1980-1981 because he was the adviser to Ronald Reagan. Art Laffer was his economic adviser.

Many people have heard about the Laffer curve because for people in government who want to maximize the amount of revenue to the Federal Government so they can spend more, how do you do it? Well, if you don't have any kind of tax at all, the government has no tax at all, then the revenue of the Federal Government would be zero on this end. If the government taxed a 100 percent tax, very, very quickly nobody would work. Nobody's going to work to produce 100 percent revenue for the Federal Government unless the whole Nation is enslaved, and God forbid that that will happen.

So on the two ends of the graph, you have zero revenue to the Federal Government, if it is zero percent tax altogether, and on the other end you have zero revenue to the Federal Government if there's 100 percent tax. So somewhere in between, you reach the maximum efficiency for bringing in revenue to the Federal Government. If you tax too high, then you start hurting the amount of revenue percentage-wise coming in, and so you actually get less revenue when you pass that maximum point. Before that point, you can continue to raise taxes and actually increase revenue. Beyond that, the revenue starts coming down. So as Art has described it, you need to cut taxes 30 percent, and you will get us out of this horrific doldrums of an economy.

I was back at Fort Benning, Georgia, at the time, and things were not good.

The military was not respected at all. I liked Ronald Reagan a lot. Of course, when you're in the military, you can't say anything negative about the Commander in Chief or you've committed an offense under the UCMJ. You can't criticize someone in your chain of command, including the Commander in Chief. So we just had to bite our tongues, but we could see Jimmy Carter was doing such damage to this country economically and in the foreign arena. It was just tragic.

I liked Ronald Reagan. He said he was going to be able to help bring down double-digit inflation, double-digit unemployment and double-digit interest rates. As much as I liked him, I recall telling my wife, Kathy, back at Fort Benning, I like him, but I don't care who the President is, there's no way a President can actually help do all that, really have that kind of effect.

He proved me wrong. With Laffer's guidance, taxes were cut 30 percent, and the economy took off. Because the economy took off and there were more jobs, unemployment dropped dramatically. Interest rates were able to come down dramatically. We had a 12¼ percent or something loan on our first home in Georgia just off post in Fort Benning. It may have been 12¾ percent. Some folks told me that was crazy—it was too high—but it wasn't long before interest rates some places were 18 percent, so 12 wasn't so bad. Now, interest rates came down under Reagan, but it was Laffer who said bring down the taxes by 30 percent, and you'll do dramatic work on creating a better economy.

I love the story Art Laffer tells about getting a call from President Reagan. He said, Art, great news. We got your tax cut.

Art said, in essence, this is my paraphrase: That's great, Mr. President. Congratulations.

Art, you don't seem excited. Why aren't you excited? This is great news. We got the tax cut with the Democratic House and Senate. They're going to cut it 30 percent.

He said, Congratulations, Mr. President. That's great.

President Reagan said, Why aren't you more excited?

He said, Mr. President, I understand you're going to cut it like half a percent the first year, 10 percent the next year, and another 20 percent the third year.

He said, Well, that's the deal we had to cut with Congress. We couldn't get all 30 percent at once.

As I recall, he said something like, Mr. President, if you were going shopping and the place you were going to go shopping had a half of one percent sale this month and then 10 percent sale next month and then 20 percent sale the next one after that, when are you going to go shopping?

He said Reagan was quiet for awhile and then finally said, Are we going to have a couple of bad years?

He said, Yes. Now it's going to be 3 years before the economy heals. We could have had it this year.

President Reagan got the best he could in 1981 and 1982, and those were not good years. In 1983, the economy surged, and more money was brought into the coffers.

The problem, though, is that the Democratic Party got so excited controlling the House and Senate—Reagan and Laffer had set up such a situation here, and there was so much more money coming into the coffers, the Federal revenues—that they started spending like never before. They can blame Reagan, but the Constitution makes very clear, Congress spends the money.

So really, this year, we are still working off of what Congress did or didn't do last year under Speaker PELOSI. Next year, beginning October 1, will be the first full year we are back at least as Republicans being in control of one House. So I think it is very, very important what we try to do to generate jobs and when you know that these provisions are going to devastate independent oil companies that do 95 percent of the drilling in continental America and won't hurt Exxon, British Petroleum, and, in fact, because 95 percent of the drilling will not get done in the continental United States.

I guess that's why the President was trying to do this. They apparently don't like drilling. They don't like mining. They don't like any of this stuff occurring on our soil. They would rather it go somewhere else where they pollute a lot more. But we are talking about millions of jobs that will be lost because of the devastating effect of destroying independent oil and gas businesses—and all of that when we've gotten such great news over the last few years. We went from having basically no natural gas reserves to having 100—some say 200, some say 300—years of natural gas reserves.

Some fleets of trucks are starting to convert to natural gas. If we converted cars and trucks—you can't order them from Detroit yet that come equipped with natural gas. You can get them done after they leave the factory. But if we started getting natural gas vehicles like some fleets have done, travel is a lot cheaper. You don't have the pollution you have with gasoline. It burns clean. You do have CO₂.

So look out. We're going to grow more plants, because plants have to have CO₂ in order to have photosynthesis, in order to produce O₂ as a by-product from growing as a plant. So, gee, if we use more natural gas, we may end up with more healthy plants. So that may be a difficult thing if people don't like green plants.

I couldn't help but notice on page 155—and I have read through here—the President has things like eliminating deductions. He says this bill is paid for.

In his speech he says—and I want to read it correctly. He told us back 2 years ago during his health care speech, if you misrepresent my bill, I'm going to call you out. So let me read what he says.

He says, "And here is the other thing I want the American people to know. The American Jobs Act will not add to the deficit. It will be paid for."

That's what he said.

What he's counting on, what he references on page 4 of his speech—and it's on page 155—yes, there is elimination of deductions. In reality, it's going to cost this government revenue. It's not going to create more Federal revenue.

□ 1650

It's going to cost jobs. There will be fewer people paying as much income tax. That will hurt the Federal coffers more. We'll have more deficit spending. We can't get that under control. But we just passed a deficit bill I didn't support because it didn't have adequate cuts in there. There was no restraint on spending that was really adequate. If you only cut \$1 trillion over a 10-year period, and we all know—everybody in here knows—you can't bind future Congresses. So all the cuts that do not occur within the next year or year and a half, there's no reason to think that they will happen. You can't bind future Congresses.

Anyway, even if we did cut \$1 trillion—not much the next year, but it gets heavier toward the end of the 10 years. If we were to cut \$1 trillion over 10 years and we were to do that every 10 years, within exactly 150 years we will finally balance the budget, and we will have only added \$120 trillion to the \$14.3 trillion or \$14.6 trillion that we've run up in deficit spending now. If we were able to reach this wonderful goal of \$2 trillion in cuts in the next 10 years and do that ever 10 years, then we can balance the budget in only 80 years. We'll only add around \$72 trillion in additional deficit spending to our deficit.

So the joint committee was charged: Find \$1.5 trillion somewhere between now and basically Christmas, the end of the year. Actually, we found out today they're really going to need to find it by the 1st of November. This is how the President pays for his \$450 billion spending spree, where we create the American Infrastructure Financing Authority—a new Fannie and Freddie on steroids. We create a new massive government bureaucracy.

The FCC wanted to have a fairness doctrine and control what people said on the airwaves. They want to dictate everything that gets done in the media on the airwaves, but they were realizing more and more people are going to broadband and less and less to the airways. They're losing control of things. So the President addresses

that. It's not a jobs bill in the private sector, but it creates a brand-new authority, government entity. Well, actually, he describes it in his bill as a private nonprofit group. He appoints the directors, of course, and it's called the Public Safety Broadband Corporation. Wow, it's going to kill the private sector. But more government jobs. Good news there.

And here's the pay-for. If we had a drum roll, Mr. Speaker, we could ask for it. The Budget Control Act of 2011 is amended by striking \$1.5 trillion that they have to find in cuts in the next month or so and inserting \$1.95 trillion in cuts. That's it. Magically, he just found \$450 billion in cuts, but it's because he told the supersubcommittee: Go find this extra money. What a great revenue-enhancing deficit spending cut that is.

This bill is a disaster. It sets up a program that will allow people who have their hours reduced by 10 percent to start collecting unemployment compensation. It requires State agencies to start mandating that those employers involved certify that even if they cut an employee's hours, they're going to still have the same health care benefits, retirement benefits. I talked to some employers today about it. They said, We'll have to give up providing health care and retirement benefits because we need the flexibility. If we're all taking a cut, then let's take a cut.

I want to challenge my own Republican leadership, Mr. Speaker. Most of America is not even aware that this year we put our mouth where our money is, and we actually voted to cut our own budgets by 5 percent. And next year we're cutting our own budget by 6 percent. Well, we haven't done enough with that. I would challenge our own leadership, and I hope that we'll seize the day—seize the moment—and be able, because we would have the right to do this since we're cutting our own budgets. America doesn't know that, but we are.

Okay. All Federal Government, here's the deal. We're cutting our own budget in Congress by 5 percent this year, 6 percent next year, and we're doing it to every department in the country. We have the moral authority to do that since we're cutting our own. We should do that. Let's get spending under control. But the President uses, apparently, Rahm Emanuel's own philosophy about: Don't let a good crisis go to waste. So he's got this 155-page bill that he finally made available Monday night but that nobody has filed here in the House.

We need American jobs. We need American jobs now. I am convinced that if we eliminated the corporate tax altogether, you would hear a gigantic sucking sound, I believe Mr. Perot used to say, of manufacturers leaving other countries and flocking back to America, making more income than they

had in the past, because for the first time—Donald Trump is a sharp man. He has made a lot of money. He has advocated that we put a 25 percent tariff on everything we buy from China.

If you studied the situation and understand the treaties—I don't like most of them, but if you look at what we've done, if we set a 25 percent tariff on everything America buys from China, we have violated a number of contracts and agreements. There's penalty phases to that. We start a trade war. I don't think China wins, but I know we don't either. I don't think anybody wins a trade war that that would start.

So inspired by Donald Trump saying, Why don't we put a 25 percent tariff on everything we buy from China—and I've talked to Art Laffer. He likes the idea. He's got some other alternatives as well, but one of them is you eliminate the corporate tax altogether. I really think it's one of the most insidious taxes in America because people have had to be sold a bill of goods to believe that you won't have to pay it. We're going to make these evil, greedy corporations do it.

And I will admit to you, sometimes unions are very helpful because greed does take over. But the thing is, if you eliminate the corporate tax, who's been paying that? The consumers and lower wage earners in those corporations. In some cases, there are studies that have indicated that. But it's the consumers that have to pay the corporate tax. If a corporation doesn't pass that tax on, they can't stay in business.

If you eliminate the corporate tax, you'll have jobs flooding back into America, and you'll have more people paying income tax. The Laffer curve won't be zero taxes on this side with zero revenue. It will be zero corporate tax. But even at the same tax levels, you will have dramatic increases in the Federal revenue because so many more people will be employed, things will be going well, and the economy will have a jump-start like we've never seen before.

So after nobody else would file an American Jobs Act, as the President proposed, and having examined it over and over in the last couple of days, having checked today at noon to see if anybody had the nerve to file this disastrous bill that will kill jobs, run up the price of gasoline and oil and make everybody's life more miserable, more government intrusion into broadcast, more government intrusion into financing things—not Fannie or Freddie because we've still got them around, but a new infrastructure financing authority—I realize this is a disaster for America.

So I filed not a 115-page bill but actually a 2-page bill today at about 1:20, and it says: To amend the Internal Revenue Code of 1986 to repeal the corporate income tax. Be it enacted by the Senate and House of Representatives of

the United States of America and Congress assembled. This Act may be cited as the "American Jobs Act of 2011." It repeals the corporate income tax, repeals the alternative minimum tax, and there will be so many more people paying income tax, people will not believe the kind of money that will flow into the Federal Government, not that that's a good thing, but we can at least pay down our debt if we're responsible.

□ 1700

I'm so excited that the Tea Party is getting fired up. I see people from all races, all walks of life in the Tea Party. The one thing they seem to have in common is they're paying income tax, and they're tired of carrying half of the country on their backs. So this is a start, I believe—it is a jobs bill—and you will see jobs flood this country, and we'll get on track.

In the few minutes I have left, let me just tell you about a man that probably had the most influence on my life behind my father. His name was Sam Parker. There have been wonderful men in my life, women in my life, teachers in my life that affected me.

Sam Parker was hired by the Mount Pleasant School Board in 1952 to be a coach and to teach history. He was the head coach of the Mount Pleasant Tigers football team. In 2 years' time, in 1953, he had led them to being undefeated after the first nine games. He turned the program around. He was a devoted Christian, belonged to the Methodist church there, started teaching Sunday school. His wife, Norween, was the librarian at the junior high.

After nine games, we went to play Sulphur Springs, and people were saying, This looks like the best team in 3A, in Texas; they very well could win the State. They went to Sulphur Springs. Some team members told me it was their fault; they didn't take it serious enough, and they lost by one touchdown. That was Friday night. Monday morning, the school board fired Sam Parker.

Then he and his wife had a tough decision. They believed that God had called them to Mount Pleasant to plant their roots, invest their lives, and change America from that small place. Well, he did the unthinkable. He stayed and taught American history after being fired as head football coach.

And 7 years later, I met him in a park recreation program he put on for young kids in the public park down there each summer. I worked with him one summer as a teenager with the kids. He taught more kids how to play baseball in Mount Pleasant during those years than anybody else in town. He was my scoutmaster. He had a troop there. He was my scoutmaster through my becoming an Eagle Scout there at Mount Pleasant, and he taught me American history. He continued to teach Sunday school.

The man that coached 2 years at Mount Pleasant High School changed Mount Pleasant in an incredible way. He was still alive in 1991. Before he died, they renamed the football field Sam Parker Field. He taught me American history. He served in World War II. He loved this country. His son was my best friend—is still a dear friend.

Those are the kinds of people that have changed America. Those are the kinds of people who are the reason we have been blessed like we've been blessed. And if we don't have more people willing to put pettiness aside, goofy ideas that enrich their cronies, goofy ideas that increase power for some people and get back to what made America great, we're going to lose this country. As Ben Franklin said in 1787, we will become a byword down through future generations because we had the greatest country ever given to mankind, and we became irresponsible and lost it.

It's time for major changes.

With that, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore (Mr. FARENTHOLD). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1841

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FARENTHOLD) at 6 o'clock and 41 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Ms. PELOSI) for today and September 15 on account of a death in the family.

Mr. NADLER (at the request of Ms. PELOSI) for today and September 15 on account of a family emergency.

Mr. BARLETTA (at the request of Mr. CANTOR) for today and the balance of the week on account of severe flooding in his district.

Mrs. NOEM (at the request of Mr. CANTOR) for September 12 until 2 p.m. and September 13 on account of family reasons.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 9 a.m. tomorrow.

There was no objection.

Accordingly (at 6 o'clock and 41 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Thursday, September 15, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Region 1; Technical Correction [FRL-9449-3] received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cobalt Lithium Manganese Nickel Oxide; Significant New Use Rule [EPA-HQ-OPPT-2009-0922; FRL-8878-2] (RIN: 2070-AB27) received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Modifications; Chemical Data Reporting [EPA-HQ-OPPT-2009-0189; FRL-8872-9] (RIN: 2070-AJ43) received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0157; FRL-9447-6] received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0158; FRL-9447-7] received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Attainment Demonstration for the 1997 8-Hour Ozone Standard, and Approval of Related Revisions [EPA-R08-OAR-2010-0285; FRL-9276-8] received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Limited Federal Implementation Plan; Prevention of Significant Deterioration; California; North Coast Unified Air Quality Management District [EPA-R09-OAR-2011; FRL-9448-5] received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric

Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export [EPA-HQ-OAR-2010-1040; FRL-9448-4] (RIN: 2060-AQ82) received August 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3102. A letter from the Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees Petition for Rule-making Filed by Fixed Wireless Communications Coalition to Amend Part 101 of the Commission's Rules to Authorize 60 and 80MHz Channels in Certain Bands for Broadband Communications [WT Docket No.: 10-153, RM-11602] received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3103. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: Extreme Sailing Series Boston; Boston Harbor, Boston, Massachusetts [Docket No.: USCG-20114-0103] (RIN: 1625-AA08) received August 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 1070. A bill to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act; with an amendment (Rept. 112-206). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HULTGREN:

H.R. 2910. A bill to require parental consent to release records of home-schooled students; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. BURGESS, Mr. ROSS of Florida, Mr. MICA, and Mr. FARENTHOLD):

H.R. 2911. A bill to amend the Internal Revenue Code of 1986 to repeal the corporate income tax; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself and Mr. INSLEE):

H.R. 2912. A bill to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, and for other purposes; to the Committee on Natural Resources.

By Mr. COFFMAN of Colorado (for himself and Ms. FOXX):

H.R. 2913. A bill to amend title 5, United States Code, to provide for the termination of further retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan; to

the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Ms. BASS of California, Mrs. CHRISTENSEN, Mr. CICILLINE, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. MCDERMOTT, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. RANGEL, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. STARK, Ms. WOOLSEY, Mr. FILNER, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Ms. CLARKE of New York, Ms. WATERS, and Mr. COURTNEY):

H.R. 2914. A bill to create an emergency jobs program that will fund 2,242,000 positions during fiscal years 2012 and 2013; to the Committee on Education and the Workforce, and in addition to the Committees on Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCLINTOCK:

H.R. 2915. A bill to repeal the Western Area Power Administration borrowing authority, and for other purposes; to the Committee on Natural Resources.

By Mr. CULBERSON (for himself and Mr. BISHOP of Utah):

H.R. 2916. A bill to enforce the tenth article of amendment to the Constitution of the United States as it relates to the autonomous sovereign police powers of the States; to the Committee on the Judiciary.

By Mr. CULBERSON (for himself and Mr. BISHOP of Utah):

H.R. 2917. A bill to restore State sovereignty, and to dedicate excess grant funds to deficit reduction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. CHABOT, Mr. DIAZ-BALART, Mr. ANDREWS, Mr. ROYCE, and Mr. BURTON of Indiana):

H.R. 2918. A bill to strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan, as codified in the Taiwan Relations Act, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. ADERHOLT, Mr. BONNER, Mr. ROGERS of Alabama, Mr. BROOKS, and Ms. SEWELL):

H.R. 2919. A bill to eliminate the reimbursement requirement for certain tornado

shelters constructed with Federal assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CLARKE of Michigan:

H.R. 2920. A bill to establish the Detroit Jobs Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York:

H.R. 2921. A bill to amend the Small Business Act with respect to assistance under section 8(a) of that Act and goals for procurement contracts, and for other purposes; to the Committee on Small Business.

By Ms. DEGETTE:

H.R. 2922. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. DONNELLY of Indiana:

H.R. 2923. A bill to direct the Secretary of Defense to establish a Quality Assurance Surveillance Plan for security contractors operating in Afghanistan and in support of other contingency operations; to the Committee on Armed Services.

By Mr. FORBES:

H.R. 2924. A bill to expedite the deployment of highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself and Mr. BLUMENAUER):

H.R. 2925. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOWDY (for himself and Mr. MULVANEY):

H.R. 2926. A bill to abolish the National Labor Relations Board and to transfer its enforcement authority to the Department of Justice and its oversight of elections to the Office of Labor-Management Standards of the Department of Labor; to the Committee on Education and the Workforce.

By Mr. GRIFFIN of Arkansas:

H.R. 2927. A bill to give priority to local and State artists when selecting appropriate artwork for Federal buildings; to the Committee on Transportation and Infrastructure.

By Mr. KILDEE:

H.R. 2928. A bill to provide relief to the Pottawatomie Nation in Canada for settlement of certain claims against the United States; to the Committee on Natural Resources.

By Mr. LABRADOR (for himself and Mr. SIMPSON):

H.R. 2929. A bill to amend the Endangered Species Act of 1973 to provide an exception to that Act for actions carried out against grizzly bears in self-defense, defense of others, or a reasonable belief of imminent danger; to the Committee on Natural Resources.

By Mr. MCHENRY:

H.R. 2930. A bill to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER (for himself, Mr. JOHNSON of Georgia, Mr. MORAN, and Mr. BLUMENAUER):

H.R. 2931. A bill to amend title 31, United States Code, to eliminate the statutory cap on the public debt and to place limitations on the purposes for which public debt may be issued; to the Committee on Ways and Means.

By Mr. PENCE:

H.R. 2932. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. POLIS:

H.R. 2933. A bill to amend title 17, United States Code, to remove the exclusion from Federal copyright of sound recordings fixed before February 15, 1972; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CAMPBELL, and Mr. ROYCE):

H.R. 2934. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain retirement plan contributions picked up by governmental employers; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky:

H.J. Res. 79. A joint resolution making continuing appropriations for fiscal year 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. KISSELL, Mr. CARNAHAN, Ms. LEE of California, Mr. CONYERS, Ms. FUDGE, Mr. WELCH, Mr. PETERS, Mr. CLAY, Ms. HAHN, Mr. QUIGLEY, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GRIJALVA):

H. Con. Res. 78. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Con. Res. 79. Concurrent resolution expressing the sense of Congress that Libya's frozen assets be utilized to pay for NATO's military campaign; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HULTGREN:

H.R. 2910.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

By Mr. GOHMERT:

H.R. 2911.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution Article I Section 8 Clause 1: The Congress shall have Power To lay and collect Taxes...

U.S Constitution—Amendment XVI

By Mr. LARSEN of Washington:

H.R. 2912.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Mr. COFFMAN of Colorado:

H.R. 2913.

Congress has the power to enact this legislation pursuant to the following:

The power of Congress to make law regarding the compensation for the services of Senators and Representatives, as enumerated in Article I, Section 6, Clause 1 of the United States Constitution, as amended by the 27th Amendment to the United States Constitution.

By Ms. SCHAKOWSKY:

H.R. 2914.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. McCLINTOCK:

H.R. 2915.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 1 and Article I, section 8, clause 18 of the Constitution of the United States of America.

By Mr. CULBERSON:

H.R. 2916.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment, Constitution of the United States

By Mr. CULBERSON:

H.R. 2917.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment, Constitution of the United States

By Ms. ROS-LEHTINEN:

H.R. 2918.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

(The Constitutional authorities cited in our Committee reports on legislation during the past several years are highlighted on the other side of this page.

The overwhelming majority have cited "article I, section 8 of the Constitution."

A handful had slightly more specific citations to "article I, section 8, clause 18 of the Constitution."

A couple bills with trade/sanctions components have cited "article I, section 8, clauses 3 and 18 of the Constitution."

And one anti-trafficking bill (with significant domestic law enforcement components) cited "article I, section 8 of the Constitution and the Thirteenth Amendment to the Constitution."

The one consistent exception is Resolutions of Inquiry, which always cite "article I, section 1 of the Constitution.")

By Mr. BACHUS:

H.R. 2919.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States).

By Mr. CLARKE of Michigan:

H.R. 2920.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States

By Ms. CLARKE of New York:

H.R. 2921.

Congress has the power to enact this legislation pursuant to the following:

This bill, the "Expanding Opportunities for Small Business Act of 2011" is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and amends the Small Business Act with respect to assistance under 8(a) of that Act and goals for procurement contracts.

By Ms. DEGETTE:

H.R. 2922.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States.

By Mr. DONNELLY of Indiana:

H.R. 2923.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution (Clauses 12, 13, 14 and 16) grants Congress the authority to raise and support Armies, provide and maintain a Navy, make rules for the government and regulation of the land and naval forces, and regulate the militia.

By Mr. FORBES:

H.R. 2924.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

By Mr. GERLACH:

H.R. 2925.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GOWDY:

H.R. 2926.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. GRIFFIN of Arkansas:

H.R. 2927.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KILDEE:

H.R. 2928.

Congress has the power to enact this legislation pursuant to the following:

Section 8: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LABRADOR:

H.R. 2929.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MCHENRY:

H.R. 2930.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight.

By Mr. NADLER:

H.R. 2931.

Congress has the power to enact this legislation pursuant to the following:

Art. I, sec. 8, cl. 1 (to pay Debts), cl. 18 (To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof).

By Mr. PENCE:

H.R. 2932.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Amendment I of the United States Constitution.

By Mr. POLIS:

H.R. 2933.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. LORETTA SANCHEZ of California:

H.R. 2934.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Amendment XVI: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

By Mr. ROGERS of Kentucky:

H.J. Res. 79.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United

States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. LOBIONDO and Ms. HANABUSA.
H.R. 36: Mr. CONYERS.
H.R. 58: Mrs. HARTZLER.
H.R. 104: Mr. DOLD.
H.R. 192: Mr. BLUMENAUER.
H.R. 250: Ms. CLARKE of New York.
H.R. 333: Mr. SARBANES.
H.R. 369: Mr. KINGSTON.
H.R. 409: Mr. SCHIFF.
H.R. 420: Mr. DUFFY.
H.R. 451: Mr. JACKSON of Illinois.
H.R. 618: Mr. CICILLINE.
H.R. 640: Mr. ALTMIRE and Mr. OLVER.
H.R. 646: Mr. CONYERS.
H.R. 674: Mr. PETERS, Mrs. ADAMS, Mr. WALDEN, Mr. FRELINGHUYSEN, Mr. PEARCE, and Mr. ROONEY.
H.R. 687: Mr. SARBANES.
H.R. 719: Mr. CALVERT.
H.R. 734: Mr. ROSS of Florida.
H.R. 735: Mr. HUIZENGA of Michigan.
H.R. 817: Mr. DUNCAN of Tennessee.
H.R. 876: Ms. SCHWARTZ.
H.R. 923: Mr. DIAZ-BALART.
H.R. 931: Mr. SCALISE.
H.R. 984: Ms. JENKINS.
H.R. 1001: Mr. JACKSON of Illinois, Mr. PETERSON, Mr. HINCHEY, Mr. GALLEGLY, and Mr. SMITH of New Jersey.
H.R. 1090: Mr. SCHOCK.
H.R. 1167: Mr. ROYCE, Mr. FLORES, and Mr. POMPEO.
H.R. 1172: Mr. LEWIS of Georgia.
H.R. 1173: Mr. WALDEN.
H.R. 1175: Mr. MCNERNEY.
H.R. 1195: Mr. CICILLINE.
H.R. 1259: Mr. ROGERS of Michigan, Mr. TURNER, Ms. GRANGER, and Mr. CRENSHAW.
H.R. 1283: Mr. SARBANES.
H.R. 1297: Mr. GRAVES of Missouri.
H.R. 1307: Mr. MANZULLO.
H.R. 1314: Mr. CICILLINE.
H.R. 1335: Ms. MCCOLLUM.
H.R. 1340: Mr. CHAFFETZ.
H.R. 1348: Mr. DOYLE.
H.R. 1356: Mr. MANZULLO.
H.R. 1366: Mrs. NAPOLITANO and Mr. BUTTERFIELD.
H.R. 1370: Mrs. CAPITO.
H.R. 1404: Mr. KISSELL and Mr. CICILLINE.
H.R. 1416: Mr. WATT.
H.R. 1418: Mr. FARR.
H.R. 1427: Mr. THOMPSON of Mississippi and Mr. CHAFFETZ.
H.R. 1456: Mr. HINCHEY.
H.R. 1465: Mr. OLVER and Mrs. MALONEY.
H.R. 1558: Mr. THORNBERRY, Mr. SHUSTER, and Mr. HULTGREN.
H.R. 1612: Ms. SUTTON.
H.R. 1672: Mrs. MILLER of Michigan, Mr. BILBRAY, and Ms. WOOLSEY.

H.R. 1699: Mr. WALSH of Illinois.
H.R. 1744: Mrs. CAPITO and Mr. WALDEN.
H.R. 1749: Mr. ROTHMAN of New Jersey, Mr. CONYERS, Mr. MURPHY of Connecticut, Ms. HOCHUL, Ms. LEE of California, Mr. ELLISON, Mr. NADLER, Ms. JACKSON LEE of Texas, and Ms. EDWARDS.
H.R. 1756: Mr. PETRI.
H.R. 1834: Mr. NUGENT and Mr. MARCHANT.
H.R. 1864: Mr. FORBES.
H.R. 1916: Mr. KEATING and Mr. JOHNSON of Illinois.
H.R. 1941: Mr. GONZALEZ and Mr. LIPINSKI.
H.R. 1971: Mr. ROSS of Arkansas.
H.R. 1993: Ms. GRANGER.
H.R. 2009: Mr. MACK.
H.R. 2016: Mr. MCNERNEY.
H.R. 2042: Mr. KIND and Mr. CALVERT.
H.R. 2069: Mr. LARSEN of Washington.
H.R. 2077: Mr. WALDEN.
H.R. 2092: Mr. KINGSTON.
H.R. 2108: Mr. SMITH of Washington.
H.R. 2193: Ms. MOORE.
H.R. 2236: Mr. MCGOVERN.
H.R. 2245: Ms. NORTON, Mrs. NAPOLITANO, and Ms. ESHOO.
H.R. 2250: Mr. CUELLAR and Mr. MANZULLO.
H.R. 2267: Ms. PINGREE of Maine, Mr. BUTTERFIELD, Ms. BALDWIN, Mr. LOEBSACK, Ms. WOOLSEY, Mr. HOLT, and Mr. MEEHAN.
H.R. 2299: Mr. SCOTT of South Carolina, Mr. SESSIONS, Mr. GRAVES of Missouri, and Mr. DENHAM.
H.R. 2304: Mr. CALVERT.
H.R. 2307: Ms. ZOE LOFGREN of California.
H.R. 2324: Mr. STARK.
H.R. 2369: Mr. ANDREWS, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CAMPBELL, Mr. PALAZZO, Mr. PASTOR of Arizona, Mr. BILBRAY, Mr. BISHOP of Georgia, Mr. BRADY of Texas, Mr. BRALY of Iowa, Mr. CLEAVER, Mr. COOPER, Mr. CRAVAACK, Mr. DENT, Ms. EDWARDS, Mrs. ELLMERS, Mr. HONDA, Mr. HUIZENGA of Michigan, Mr. KILDEE, Mr. LEVIN, Mrs. LOWEY, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. SCOTT of Virginia, Mr. STARK, Mr. TERRY, Mr. THOMPSON of California, Ms. WATERS, and Mr. WATT.
H.R. 2401: Mr. ROONEY, Mr. FLAKE, and Mr. FARENTHOLD.
H.R. 2407: Mr. TIBERI.
H.R. 2432: Mr. MANZULLO.
H.R. 2453: Mrs. BLACKBURN.
H.R. 2457: Mr. MCKINLEY.
H.R. 2471: Mr. WAXMAN.
H.R. 2483: Mr. MANZULLO.
H.R. 2485: Mr. OWENS.
H.R. 2499: Mr. TONKO.
H.R. 2505: Mr. FALEOMAVAEGA and Ms. WOOLSEY.
H.R. 2514: Mr. ROYCE.
H.R. 2524: Ms. WOOLSEY.
H.R. 2528: Mr. WOMACK and Mr. LATHAM.
H.R. 2529: Mr. JOHNSON of Ohio and Mr. ROSS of Florida.
H.R. 2568: Mr. GRIMM.
H.R. 2569: Mr. MORAN.
H.R. 2579: Mrs. NOEM.
H.R. 2580: Mr. ROSS of Florida and Mr. PASCRELL.
H.R. 2634: Mr. GRIJALVA.
H.R. 2674: Mr. DICKS.
H.R. 2681: Mr. ROONEY, Mr. WOMACK, Mr. BENISHEK, Ms. JENKINS, and Mr. WOODALL.
H.R. 2752: Mr. FLORES, Mr. LANDRY, and Mr. BRADY of Texas.
H.R. 2759: Ms. RICHARDSON.
H.R. 2760: Mr. ROTHMAN of New Jersey.
H.R. 2763: Ms. MCCOLLUM, Mr. FILNER, Mr. MORAN, and Mr. DIAZ-BALART.
H.R. 2815: Mr. GRAVES of Missouri.
H.R. 2820: Mr. CLARKE of Michigan.

H.R. 2822: Ms. BORDALLO, Mr. YOUNG of Alaska, and Mr. PIERLUISI.

H.R. 2830: Mr. CAPUANO and Mr. ADERHOLT.

H.R. 2833: Mr. SMITH of Nebraska, Mr. HUELSKAMP, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. PAULSEN, Mrs. ROBY, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. SCHWEIKERT, Mr. PENCE, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. BUCSHON, Mr. ROE of Tennessee, Mr. AUSTIN SCOTT of Georgia, Mr. CAMPBELL, Mr. FLEISCHMANN, Mr. HUNTER, Mr. SOUTHERLAND, Mr. LANDRY, Mr. FLEMING, Mr. MCHENRY, Mr. PRICE of Georgia, Mr. HARRIS, Mr. GUINTA, Mr. BURTON of Indiana, Mr. AUSTRIA, and Mr. ROKITA.

H.R. 2834: Ms. JENKINS, Mr. POMPEO, Mr. LATTA, Mr. MCCOTTER, Mr. WITTMAN, Mr. SHUSTER, Mr. THORNBERRY, Mr. SENSENBRENNER, Mr. AUSTIN SCOTT of Georgia, and Mr. HUELSKAMP.

H.R. 2840: Mr. LANDRY.

H.R. 2847: Mr. ROE of Tennessee.

H.R. 2848: Mr. POMPEO and Mr. PITTS.

H.R. 2852: Mr. PRICE of Georgia, Mr. QUAYLE, Mr. FRANKS of Arizona, Mr. PEARCE, Mr. CAMPBELL, Mr. HERGER, and Mrs. LUMMIS.

H.R. 2853: Ms. SLAUGHTER.

H.R. 2854: Mrs. ADAMS, Mr. LONG, Mr. CHAFFETZ, Mr. DUNCAN of Tennessee, Mr. CRAWFORD, Mrs. BLACKBURN, Mr. BILIRAKIS, Mr. PEARCE, Mr. FRANKS of Arizona, Mr. SOUTHERLAND, Mr. RIBBLE, and Mr. HUELSKAMP.

H.R. 2855: Mr. GRIJALVA, Ms. FUDGE, Ms. LEE of California, and Ms. CLARKE of New York.

H.R. 2865: Mr. LONG and Mr. WOLF.

H.R. 2867: Mr. LAMBORN.

H.R. 2882: Mrs. MALONEY, Mr. SERRANO, and Mr. RANGEL.

H.R. 2884: Ms. RICHARDSON, Mr. HINOJOSA, Mr. STARK, and Mr. CLAY.

H.R. 2885: Mr. ROHRABACHER, Mr. CAMPBELL, Mr. SENSENBRENNER, Mr. BILBRAY, Mr. CHAFFETZ, Mr. ROGERS of Michigan, Mr. YOUNG of Florida, Mr. FORBES, Mr. ROYCE, Mr. MCCAUL, Mr. WEST, Mr. YOUNG of Alaska, Mr. ROE of Tennessee, Mr. ROSKAM, Mr. KING of New York, and Mr. PALAZZO.

H.J. Res. 20: Mr. WOODALL.

H.J. Res. 69: Mr. PIERLUISI.

H.J. Res. 72: Mr. DEFAZIO.

H. Con. Res. 39: Mr. JOHNSON of Ohio.

H. Res. 134: Mr. NUGENT.

H. Res. 137: Mr. MORAN, Ms. WILSON of Florida, Mrs. LOWEY, Mr. KEATING, Mr. NEAL, and Mr. OLVER.

H. Res. 241: Mr. AUSTRIA.

H. Res. 333: Mr. RYAN of Wisconsin and Mr. CARDOZA.

H. Res. 378: Mr. TOWNS.

H. Res. 385: Mr. SCOTT of Virginia.

H. Res. 394: Mr. FLEMING, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. MULVANEY, Mr. ROE of Tennessee, Mr. HERGER, Mr. PEARCE, Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. BILBRAY, Mr. ROSS of Florida, Mr. BURTON of Indiana, and Mr. WESTMORELAND.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 2883, the Child and Family Services Improvement and Innovation Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 2883, the Child and Family Services Improvement and Innovation Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 79, the Continuing Appropriations Resolution, 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2881: Mr. Hastings of Washington.

EXTENSIONS OF REMARKS

COMMEMORATING THE 300TH ANNIVERSARY OF WARMINSTER TOWNSHIP, PENNSYLVANIA

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. FITZPATRICK. Mr. Speaker, it is with great pleasure that I rise today to recognize the township of Warminster, Pennsylvania, upon the celebration of its 300th anniversary.

The township derives its name from the town of Warminster, in Wiltshire, England. Warminster is the twin township of Southampton, Pennsylvania, which lies immediately southeast and adjoining. It is also bounded by the townships of Northampton, Warwick, and Warrington, all of which lie in my Congressional district, the 8th District of Pennsylvania. To this day, Warminster has the same limits as when originally laid out, with an area of over six thousand and ninety-nine acres.

Warminster was one of the earliest townships settled in America, with roots tracing all the way back to the 17th century. John Hart and John Rush were among the most prominent early settlers in Warminster, both arriving shortly after William Penn in the latter part of the 17th century. Combined, Hart and Rush owned over one thousand acres of land in the Warminster area. They, along with many other early settlers and statesman, helped to foster growth in Warminster by aiding in road and church construction, and farm development, thus laying the groundwork for the beautiful township of Warminster.

Many years later, Warminster became a refuge for American soldiers during the Revolutionary War, at the battle of Crooked Billet. In the skirmish action, British forces launched a surprise attack against Brigadier General John Lacey and three regiments of Pennsylvania militia, forcing them to retreat into the farms in Warminster.

During the wake of WWII, Warminster also became the home of one of the largest naval modification units in the area. At the Naval Air Development Center in Johnsville, large quantities of aircraft parts were modified for use in the war, and progress was made on the development of guided missiles. The NADC also played a critical role in training mercury astronauts and establishing the United States as the world leader in technology and space exploration. During the cold war era, the NADC employed over 2600 people, including 1600 scientists and engineers, and 300 members of the military.

With such a rich history, it is clear that Warminster Township deserves much recognition and praise. I am honored to represent the people of Warminster Township, and wish them all the best on this momentous occasion.

LETTER FROM AMBASSADOR OF THE REPUBLIC OF AZERBAIJAN, YASHAR ALIYEV

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. BOREN. Mr. Speaker, as co-chairmen of the Congressional Azerbaijan Caucus, Congressman BILL SHUSTER of Pennsylvania and I would like to bring a letter to the attention of our House colleagues that we received from the Ambassador of the Republic of Azerbaijan, Yashar Aliyev.

EMBASSY OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED STATES OF AMERICA,

Washington, DC.

Hon. DAN BOREN,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BOREN, I am writing to express my concerns of the reports that on September 13, 2011 the so-called "Office of the Nagorno-Karabakh Republic in the USA", the Embassy of Armenia to the United States and major Armenian-American organizations are organizing event on the premises of the U.S. Congress, dedicated to the so-called "20th Anniversary of Independence of the Nagorno-Karabakh Republic". According to the news reports Mr. Ashot Ghulian, who presents himself as the "Chairman of the NKR Parliament", will be visiting Washington D.C. and will be the keynote speaker at the event.

In this regard, I draw your attention to the fact that so-called "Nagorno-Karabakh Republic" is a self-proclaimed entity created on the occupied territories of Azerbaijan, supported by Armenia and essentially is under its direction and control. It is entirely unrecognized as such, even by Armenia.

As a result of the Armenia-Azerbaijan conflict hundreds of thousands of the Azerbaijanis were expelled from the Nagorno-Karabakh region and surrounding territories of Azerbaijan. Four UN Security Council resolutions adopted in 1993 following the armed seizure of Azerbaijani territory reaffirm the sovereignty and territorial integrity of the Republic of Azerbaijan, demand immediate, complete and unconditional withdrawal of the occupying forces from all occupied regions.

By engaging in public campaigns using the Congress premises the agents of the separatist regime pursue the goal of distracting the attention of the Members of Congress and broad American public from the continued occupation of the territories of Azerbaijan by the Armenian armed forces, accompanied by gross violation of human rights of hundreds of thousands of the Azerbaijani IDPs. Their ultimate goal is to consolidate the occupation of these territories and to prevent return of the displaced Azerbaijani population to their homes and properties from which they were forcibly expelled.

Allowing organization of such activities on American soil encourages the Government of

Armenia to hold on to its uncompromised position in peace negotiations and complicates the already difficult settlement process. Participation of Members of Congress in these events may be qualified as support for the separatist regime and negatively affects the honest broker image of the United States as a Co-Chair of the OSCE Minsk Group tasked to find just and peaceful solution to the conflict.

Azerbaijan is an important strategic partner of the United States. Azerbaijan provides multi-faceted support for U.S. operations in Afghanistan and remains a steadfast supporter of Israel. Our two countries cooperate on counterterrorism and nonproliferation issues. Moreover, Azerbaijan greatly contributes to the energy security of the United States and Europe.

I ask you to refrain from participating in this event that is directed against the sovereignty and territorial integrity of the Republic of Azerbaijan, a key ally of the United States in the strategic Caspian region and to voice your opposition to using Capitol grounds for such activities.

Sincerely,

YASHAR ALIYEV,
Ambassador of the Republic of Azerbaijan.

IN RECOGNITION OF NICHOLAS CARL GOTTUSO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Police Captain Nicholas Carl Gottuso, "Nick," for his 32 years of service with the Hillsborough Police Department.

Captain Gottuso began his career in law enforcement in 1976 as a Dispatcher for San Mateo County Communication. In 1980 he was hired by the Pacifica Police Department as a Patrol Officer, where he served for two years. In January 1983 he was hired by the Town of Hillsborough as a Police Officer, promoted to Corporal in 1990, Inspector in 1992, Sergeant in 1993, Lieutenant in 1999, Police Commander in 2002 and achieved the rank of Police Captain that same year. During Captain Gottuso's employment with the Hillsborough Police Department, he trained as a Field Training Officer, a Background Investigator, and a Traffic Investigator; and he served as the Head Range master and was responsible for the selection and designation of a standardized firearm, the Beretta 92F.

Captain Gottuso proved to be invaluable to his community as both a field agent and an administrator. He was one of the Founding Commanders of the North Central Regional SWAT Team, served as a Sniper Team Commander and led and participated in dozens of successful operations, many of which led to the capture of criminals and the saving of innocent lives.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As a police captain, Captain Gottuso responded to numerous bank robberies and other active shooter incidents. Time and again, Captain Gottuso put his life on the line for the residents of Hillsborough, and the community will forever be indebted to him for his bravery, selflessness, and competence.

Even when Captain Gottuso wasn't on the front lines, he worked tirelessly to improve the lives of Hillsborough's residents, as well as the lives of the men and women serving our country abroad. Gottuso worked with overseas Unit Commanders during his time as the administrator of the Adopt-a-Troop program, a non-profit organization that sends much-needed care packages to our troops fighting overseas in Iraq and Afghanistan.

In 2004, I worked closely with Captain Gottuso to redesignate the Eugene A. Doran Memorial Bridge which spans the scenic Crystal Springs Dam on I-280 in San Mateo County. The bridge was named after the slain Hillsborough police officer and we passed a California Senate Resolution to include Officer Doran's son who died in the line of duty in Vietnam. The Bridge was renamed the Officer Eugene and Marine Lance Corporal Patrick M. Doran Memorial Bridge.

Despite Captain Gottuso's extensive service on the front lines of law enforcement, he never lost his sense of humor or desire to entertain. Captain Gottuso's ability to lighten the mood delighted generations of schoolchildren during police presentations. His yearly narration of the K-9 squad demonstration made it a truly enjoyable and memorable event for anyone who witnessed it.

Nicholas Carl Gottuso was born in Ft. Carson, Colorado in 1954 and attended Mills High School in Millbrae, California. In his spare time he enjoys boating, karate, flying, coaching soccer and he is an avid Marksmanship advocate.

In 1991 he married his wonderful wife Paulette and they are the proud parents of Dominic, Marisa, Nicolette and Samantha.

Captain Gottuso's dedication to public safety, effective enforcement of the law, record of bringing criminals to justice and protecting innocent life and property while maintaining the highest level of professionalism and an infectious sense of humor all warrant special gratitude and recognition.

Mr. Speaker, I ask the members of this body to join me in honoring Nicholas Gottuso upon his retirement for his dedication to public service at the Hillsborough Police Department.

IN RECOGNITION OF JOHN AND MARY ANNE COX, AND JIM AND PAULETTE PHILLIPS, FOR THEIR ESTABLISHMENT OF THE HEROES RUN/WALK

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize the extraordinary fortitude and abiding generosity of two sets of parents of fallen heroes.

John and Mary Anne Cox lost their son, Army Specialist Gregory Cox, in Iraq in Sep-

tember of 2004. Less than 2 years later, in February of 2006, Jim and Paulette Phillips lost their son, Marine Lance Corporal Steven Phillips, in the same war.

In the face of such horrific personal loss, the parents of Army Specialist Cox and Lance Corporal Phillips chose neither to languish in their own sadness, nor make their own emotional convalescence the focus of their lives. Instead, in the spirit of the selflessness of their courageous sons, they chose to create an event devoted to enriching the lives of others.

The event, the annual Heroes Run/Walk, will take place for the fifth time this Saturday, September 17, 2011, at Green Cove Yacht Club in Millsboro, Pennsylvania. The majority of the proceeds from the event will benefit the memorial funds that have been established to honor the sacrifices of Specialist Cox and Lance Corporal Phillips. Specialist Cox's fund provides support to graduates of Greene County High Schools entering the Army Reserve Officers' Training Corps (ROTC) or intending to pursue a field of study that will lead to a career in public service. Lance Corporal Phillips' fund provides support to the computer-aided technology drafting program at Greene County Career and Technology Center. Part of the proceeds from the Heroes Run/Walk will also be used to fund the transportation of veterans living in Greene County who are receiving treatment at the Veterans Affairs Pittsburgh Healthcare System.

Last year, the race's over 400 registrants raised in excess of \$15,000. Sponsors and organizers of the event expect a strong turnout again this Saturday, and are eager to once more honor the memory of Specialist Cox and Lance Corporal Phillips.

The Heroes Run/Walk is a testament to its founders, John and Mary Anne Cox, and Jim and Paulette Phillips, and demonstrates their capacity to turn tragedy into an amazing gift for others. They deserve both our support and appreciation.

IN RECOGNITION OF ANN BARLOW

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Ann Barlow who served as president and chairperson of the board for the Professional Businesswomen of California for the last four years. Ann has been an inspirational and effective leader of PBWC which I founded 23 years ago to help women advance professionally. The board of directors is very fortunate to retain her as a member, but will certainly miss her gracious leadership.

Ann became involved with PBWC as soon as she moved from New York to the Bay Area in 2005. She happened to move in next door to the former president, Debra Boblitt, who immediately recognized Ann as a perfect candidate for the board. She was voted in as president two years later.

Ann possesses all the qualities and qualifications it takes to be a successful business woman; she is smart, creative, professional, funny, warm, beautiful and generous. She has

lent her talents to Peppercom for the last ten years. She is a partner and the president of its West Coast operations and led the founding of GreenPepper, Peppercom's environmental sustainability services.

Before she joined Peppercom, Ann led the New York office of Interpublic Group-Owned Mindstorm Communications.

Ann is a master communicator and has written numerous articles and given many speeches on environmental issues and digital communication. In 2009, Ann was named one of the Bay Area's most influential women by the San Francisco Business Times. This year she was chosen to participate in the prestigious Tedwoman conference.

Ann was born in Davenport, Iowa on August 15, 1960. She went to Freeport High School in Freeport, Illinois and received her B.A. in Journalism from the University of Illinois.

She lives in San Ramon, California with her husband Bob, two children Chris and Vivian and her two spoiled beagles Kipper and Osgood. In her spare time she enjoys reading, cooking, playing golf, talking politics and walking with Kipper and Osgood.

Mr. Speaker, I ask this body to join me in honoring Ann Barlow for her extraordinary contributions to improve the lives and careers of thousands of women in California and all over the world.

COMMENDING RANDY BURGESS FOR 33 YEARS OF OUTSTANDING SERVICE TO THE U.S. FOREST SERVICE

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Mr. Randy Burgess who recently retired from the Pisgah National Forest with 33 years of outstanding service to the U.S. Forest Service.

Mr. Burgess began his work in forests during summers while in college at Eldorado and Stanislaus National Forests in California. After he graduated from Virginia Tech with a bachelor's degree in wildlife and forest management, he worked as a ranger at several national forests such as those in Sumter, South Carolina, and Rio Grande, Colorado. He began work at the Pisgah National Forest in 2003.

During his 8 year tenure as head of the Pisgah District Operations, Mr. Burgess was instrumental in the upkeep and renovations in and around the forest. Mr. Burgess helped improve water quality through stream stabilization projects, supported various volunteer corporations, implemented upgrades at the Cradle of Forestry, provided public restrooms in the forest, and built a connector trail from the city of Brevard to the Pisgah National Forest. The 5.5-mile-long Estate Trail opened to the public on October 15, 2010, and has been a tremendous benefit to the citizens of that area. Mr. Burgess also served as a Forest Service Liaison to my office, lending his expertise in conservation to positively impact national policy. Mr. Burgess' leadership over the last few

years has left a great mark on the Pisgah National Forest and provided positive influence on Congressional policy.

Mr. Burgess has shown extraordinary dedication to our community and has had an indelible impact on the Pisgah National Forest. The service that Mr. Burgess has contributed to Western North Carolina and the U.S. Forest Service is truly inspiring and I am proud to represent him. I ask my colleagues to join me in recognizing the exceptional career and service of Mr. Randy Burgess.

HONORING LEO J. HULSEMAN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, seventy-five (75) years ago Leo J. Hulseman established the Paper Container Manufacturing Company in Chicago, Illinois, and by the 1940s began manufacturing a paper cone cup known as the "Solo Cup" which provides unparalleled hygiene and convenience to consumers; and

Whereas, the "Solo Cup" was such an inspiration that the company itself was renamed Solo in the 1940s and become a brand that would become ubiquitous across America and the world; and

Whereas, Solo Cup has grown to be a \$1.6 billion company and has demonstrated its concern for the environment by introducing many product lines relying on compostable and renewable sources; and

Whereas, Solo Cup is a recognized industry leader in the areas of sustainability and beautification receiving the 2010 Keep America Beautiful Corporate Leadership Award; and

Whereas, The Solo plant in Conyers, Georgia is a place where 400 of our citizens are employed and is an enthusiastic participant in Georgia's Work Ready Program; and

Whereas, The Solo Company has proven to be a great corporate citizen supporting community outreach and educational initiatives by working closely with public officials, the Conyers-Rockdale Economic Development Council and the Rockdale Chamber of Commerce; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Solo Company, its management and employees for leadership and service to our district;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim September 13, 2011, as Solo Cup Company Day in the 4th Congressional District of Georgia.

Proclaimed, This 13th day of September, 2011.

HONORING THE LIFE OF MR. WILLIAM SANDERS, EDUCATOR, COMMUNITY LEADER AND BUSINESSMAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize the life of educator and community leader, William Sanders. Mr. Sanders was born March 27, 1928, in Monticello, Mississippi.

Upon graduation from McCullough High School in Lawrence County, Mr. Sanders continued his education at Alcorn College, where he played basketball. While attending Alcorn, Mr. Sanders was called to fulfill his military duties and later completed his degree in Agriculture Research. Mr. Sanders served in the Army in the 31st Artillery Brigade and was stationed in Alaska during his tour. Additionally, he was assigned to the Special Services. He was honorably discharged from the Army at the rank of Sergeant.

Mr. Sanders's first professional job was as an educator in the Jefferson County School District, where he also served as principal, assistant principal and football and basketball coach. He would go on to teach in the Hattiesburg and Brookhaven School District, and concluded his career in education with the Hinds County School District. Mr. Sanders worked towards a master's degree during the summers in Boston and Indiana Universities. Mr. Sanders was the Chief Financial Officer for the first Head Start Program in the state of Mississippi, the Child Development Group of Mississippi (CDGM).

Mr. Sanders did not limit his education to the classroom; he remained active in his community, socially and politically, as well as entrepreneurially. Upon leaving CDGM, Mr. Sanders successfully, owned and operated the Delta Drive Texaco service station in Jackson, Mississippi, where his greatest satisfaction was employing others in his community. He was an industry pioneer and received several awards in recognition of his shrewd business sense.

Mr. Sanders married Emma Dunbar Sanders and had six children. He and his family were actively involved in the Civil Rights movement and made enormous sacrifices in an effort to amplify the voice of oppressed blacks in the segregated south. His actions helped shape future civil rights policy in the segregated south and advance the rights and freedoms of African Americans.

Mr. Sanders, a loyal Democrat, was actively involved in local, state and national politics. He attended the Democratic National Conventions in New York, Boston, Chicago, Los Angeles and most recently the 2008 Democratic Convention in Denver where Senator Barack Obama received the Democratic Party's nomination. He took great pride in the election of the first African American president and viewed this as a logical result of the Civil Rights Movement.

Again, I ask that my colleagues please join me in saluting the life and legacy of educator, community leader and businessman Mr. William Sanders.

HONORING THE 40TH ANNIVERSARY OF COMMUNITY SHARES OF WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. BALDWIN. Mr. Speaker, I rise today to honor the 40th anniversary of Community Shares of Wisconsin and to recognize the commitment of its participants to serving their communities.

In 1971, amidst a deep societal divide over civil rights issues and the Vietnam War, a number of area volunteers created the Madison Sustaining Fund, America's first social action fund. Today, the fund now known as Community Shares of Wisconsin (CSW) partners with donors and non-profit member groups to address social, economic, and environmental challenges through grassroots activities, advocacy, research, and public education.

CSW continues to effect change in all aspects of our society by supporting the work of its non-profit member groups. The sixty-three non-profit member groups currently supported by Community Shares of Wisconsin are groups independently involved in tackling social and environmental issues both locally and nationwide. By working with CSW, each member non-profit group gains access to a larger network of supporters and more abundant resources with which to advance its mission.

For 40 years, CSW has utilized this pooled resource model to devise innovative solutions and ideas that generate lasting changes in social justice across the United States. It is due to the hard work of CSW member organizations like the Fair Housing Center of Greater Madison that more Wisconsinites can live in affordable housing complexes that offer permanent shelter and community safety. Other members of the CSW, like the Wisconsin Women's Network, are committed to the betterment of women's health, safety, and workplace protections. Although these are just a few examples, it is without a doubt that the civil rights and liberties of our family, friends, and neighbors stand better protected today thanks to the dedication and commitment of CSW member groups.

In addition to advancing social justice, the pursuit for environmental preservation is one of CSW's highest priorities. By supporting non-profit groups such as Clean Wisconsin, Friends of Wisconsin State Parks, and the River Alliance of Wisconsin, CSW works to improve the condition of Wisconsin's waters and its air quality. The great State of Wisconsin now thrives as a haven for residents and tourists who take pleasure in the outdoors and depend on the State's natural resources on a daily basis.

Today, CSW continues to bring together thousands of donors to benefit a multiplicity of causes through its non-profit member groups. I extend my sincerest congratulations to Community Shares of Wisconsin on its 40 years of forward thinking and its steadfast pursuit of justice and environmental protection for our community, both here in Wisconsin and across this great Nation.

IN RECOGNITION OF MICHAEL J.
CRILLY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, it is with great respect and admiration that I rise today to pay tribute to Superintendent Michael J. Crilly, who retires this month from the Jefferson Union High School District.

Superintendent Crilly came up through the ranks, spending 39 years in the Jefferson Union High School District as teacher, vice principal, principal, associate superintendent and, for the past 17 years, superintendent. During his tenure at the helm, Mike led the district through two successful bond campaigns, allowing school buildings and fields to be upgraded and modernized to better serve a growing and changing student body. He partnered with the City of Daly City to develop the Challenge Leadership Program, bringing students from various schools together to find ways to improve their education and learn important leadership skills. Mike also formed a partnership with San Francisco State University, the South San Francisco Unified School District and Serramonte Shopping Center to conduct an annual college fair, providing students access to representatives from nearly 70 colleges and universities.

In 2007, he was named Regional Superintendent of the Year by the Association of California School Administrators, a recognition justly deserved.

Mr. Speaker, Mike Crilly is not an administrator who feels that public service ends at the close of business. He gives tirelessly to his community, having served as President or Chairperson of the San Mateo County Superintendents' Association, Daly City—Colma Chamber of Commerce and Western Association of Schools and Colleges Accrediting Committee. Mike has also served on the Association of California School Administrators, Daly City Economic Development Advisory Committee, Daly City—Quezon City Sister City Committee, Pacifica Library Task Force, Skyline College President's Council and the Seton Medical Center Board of Directors.

A native San Franciscan, Mike Crilly was educated in local schools. He received his Bachelor of Arts from St. Patrick's University and his Secondary Teaching Credential and Administrative Services Credential from the University of San Francisco. Mike and his incredible wife, Patricia, raised three inspiring daughters—Jennifer, Megan and Erin—and Mike's retirement will leave even more time to enjoy his family, especially grandchildren Brayden and Ellie.

If I know Mike, retirement will also encourage more home remodeling and gardening projects but I'm sure there'll be plenty of baseball squeezed in as well.

Mr. Speaker, Superintendent Crilly has served his students and his community with the greatest honor and distinction. I am privileged to call him a friend and fellow public servant. I ask my colleagues in the House of Representatives to join me in thanking Superintendent Michael J. Crilly for his service to

our nation and to the students and taxpayers of the Jefferson Union High School District.

IN RECOGNITION OF KAREN
PHILIP

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, it is with immense appreciation and a tinge of regret that I rise today in honor of Karen K. Philip, who retires at the end of this month as Deputy Superintendent of the San Mateo County Office of Education.

There is no doubt that she has earned her retirement, after thirty-eight years educating the children—and impressing the parents—of California's 12th Congressional District.

Mr. Speaker, I doubt that anyone has ever met Karen Philip where they did not learn something. She is the consummate educator, beginning in 1973 in the South San Francisco Unified School District, where she served for seventeen years as a teacher, speech therapist, special education administrator and principal, Karen has dedicated her life to the children of San Mateo County.

From there, she was recruited by the Millbrae School District to serve as Assistant Superintendent for Curriculum and Instruction and, after just two years, was appointed Superintendent of the District, a post she held for fifteen years. During her tenure in Millbrae, the schools in her charge received many prestigious awards, including three California Distinguished School Awards and the National Blue Ribbon, awarded in Washington D.C. to Taylor Middle School.

Throughout her career, Deputy Superintendent Philip has been tapped for numerous leadership positions, including serving as President of the San Mateo County Superintendents Association, the Special Education Local Plan Area Board, and Soroptomist International of Millbrae/San Bruno. She has also been named a "Woman of Distinction" by Soroptomist International, received the California "Schoolmasters Award" in 2011 and was inducted into the San Mateo County "Women's Hall of Fame".

Mr. Speaker, as with all true educators, Karen's greatest achievement is in the many thousands of children—most who are now adults—who have benefitted from her passion and extraordinary talent for teaching. No doubt, our county's loss is Karen's grandchildren's gain. Now they get to spend even more time soaking in all the incredible lessons their brilliant grandmother has to offer.

Karen was born and raised in Michigan and attended Detroit's Wayne State University, where she received a Bachelor of Arts in Speech and English and her Master Degree in Communication Disorders and Sciences.

Mr. Speaker, I have been honored to work with this incredible woman on promoting sound education policy for more than two decades. I ask my colleagues in the House of Representatives to join me in thanking Deputy Superintendent Karen Philip for her remarkable service to our Nation's children and wish

she and her husband, Lou, a phenomenal retirement filled with exciting travel, good health and the love of their amazing family: Kimberly and her husband Keith, Jeff, and his wife Jenn, and grandchildren Lydia, Mark, Caitlin, John, Emma and Amelia.

RECOGNIZING DR. GEORGE R.
CARRUTHERS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Dr. George R. Carruthers, a world-renowned scientist, an innovative leader in astronomy and engineering, and a resident of the District of Columbia.

Through the guidance and encouragement of his father, Dr. Carruthers discovered his interest in engineering. After graduating from Englewood High School in Chicago, Dr. Carruthers earned a bachelor's of science degree in aeronautical engineering, a master's degree in nuclear engineering, and a doctorate degree in aeronautical and astronomical engineering at the University of Illinois.

Though born in Ohio and raised in Illinois, Dr. Carruthers has spent most of his distinguished career as a resident of the Nation's capital. Since joining the U.S. Naval Research Laboratory in 1964, Dr. Carruthers has co-invented the far-ultraviolet electrographic camera, which was first used in sounding rockets in 1966 and was used during the Apollo 16 mission to the moon in 1972, giving scientists fresh, revealing images of Earth and space. He was also the first to detect molecular hydrogen in deep space in 1970. Dr. Carruthers has been a driving force in the use of ultraviolet astronomy. Not only was he involved in the review of the early design of the Hubble Space Telescope, which was carried into orbit in 1990, where it remains and continues to operate, he has refurbished the telescope in the observatory on the campus of Howard University, enabling students, educators, families, and the general public to use the telescope to view special astronomical events.

Dr. Carruthers was inducted into the National Inventor's Hall of Fame in 2003 and has received numerous awards, including the Black Engineer of the Year in 1987, the Arthur S. Fleming Award in 1971, the Exceptional Achievement Scientific Award from the National Aeronautics and Space Administration in 1972 and the Warner Prize from the American Astronomical Society in 1973.

The District of Columbia and its residents are particularly grateful for Dr. Carruthers' work in helping to develop the next generation of engineers by creating the Science and Engineering Apprentice Program, a summer program in which D.C. Public Schools high school students work side-by-side with professional scientists. Dr. Carruthers has also edited and co-authored several publications and co-produced a series of instructional videos on Earth and space science for high school students.

For more than two decades, Dr. Carruthers has been an active member of Science, Mathematics, Aerospace, Research, and Technology (S.M.A.R.T.), Inc., where he has

shared his knowledge through presentations and hands-on activities with students, educators, families, and the general public. Dr. Carruthers spent six years coordinating workshops in aerospace, science and technology for African-American students in the D.C. metropolitan area for S.M.A.R.T. and the National Air and Space Museum.

Dr. Carruthers is the editor of the National Technical Association (NTA) Journal and newsletter, is the President of the D.C. Chapter of NTA, and was a secretary of the Development Fund for Black Students in Science and Technology for more than two decades.

For a lifetime of achievements and for continuing contributions to science, engineering, and astronomy, as recognized throughout the Nation and the world, I ask the House to join me in celebrating the uniquely distinctive place of Dr. George R. Carruthers in science.

PERSONAL EXPLANATION

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. HIMES. Mr. Speaker, I was unable to be present to cast my vote on Mr. HOLT's amendment to H.R. 2218—Empowering Parents through Quality Charter Schools Act. I wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 702, I would have voted "yes."

IN RECOGNITION OF RICHARD BOITANO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in recognizing Richard Boitano as he retires as Associate Superintendent of Education for the Jefferson Union High School District.

Rick Boitano has served his community for 38 years as a teacher, Vice-Principal, District Director of Pupil-Personnel Services and Associate Superintendent. In addition, he has been active in numerous organizations dedicated to helping young people and the community at large, including the San Mateo County Juvenile Justice Planning Council, San Mateo County TANF Planning Council, San Mateo County Community Schools Task Force, Board of Directors of Youth Empowering Systems, Inc., San Mateo County Juvenile Justice and Delinquency Prevention Commission, Pacifica Youth Service Bureau, Every 15 Minutes Alcohol Abuse Prevention Program and the Association of California School Administrators.

In addition, Rick has been a presenter at the California State Juvenile Officers' Association Annual Training Conference, the San Mateo County Prevention Coordinators Meeting, and the National School Transportation

Association Convention on Gang Awareness, School Safety and Gang Intervention.

Rick has also served as Chairperson of the WASC School Accreditation Process and the San Mateo County Gang Task Force Schools Division. In addition, Rick is a member and past president of St. Pius Catholic Church Mens' Club.

Rick Boitano was born and raised in San Francisco, having received his Bachelor of Arts, Secondary Teaching Credential and Administrative Services Credential from the University of San Francisco. He and Beverly, his lovely wife of 35 years, have raised four boys—Tim, Jonathan, Matt and Andrew—and his retirement will provide extra time for his grandson, Jude.

Mr. Speaker, I commend Rick for his decades of service to the young people of California's 12th Congressional District. He has earned his retirement and I wish him nothing but the best, which is exactly what he gave the students and parents of the Jefferson Union High School District every day for thirty-eight years.

RECOGNIZING AZERBAIJAN AND THE AZERI PEOPLE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. SHUSTER. Mr. Speaker, as the Co-Chairman of the Congressional Azerbaijan Caucus, I would like to take this opportunity to recognize Azerbaijan and the Azeri people for their ongoing support of the United States and our allies in the Global War on Terror. Azerbaijan has been a consistent supporter of U.S. efforts in the fight against terrorism, and the Azeris have worked with us to strengthen economic and political stability in the Caspian region. It is important that we recognize the sacrifices made by our allies and continue to thank them for their support.

As we reflect back on the recently passed 10th anniversary of the terrorist attacks of September 11, we must remember that the fight against terrorism is not a fight against Islam. On September 11, 2001, Americans of all faiths and citizens from around the world tragically lost their lives.

Today, uniformed and civilian men and women around the world work shoulder to shoulder to combat the ongoing threat of terrorist attacks that don't just affect the United States, but virtually every nation. This effort is not one of faith; rather it is an effort to keep citizens of all nations safe from barbaric acts of terrorism.

Immediately after 9/11, Azerbaijan, a majority Muslim nation, was among the first to offer strong support and assistance to the United States. Azerbaijan participated in operations in Iraq and is actively engaged in Afghanistan, having recently doubled its military presence there. Azerbaijan has extended important over-flight clearances for U.S. and NATO flights to support ISAF and has regularly provided landing and refueling operations at its airports for U.S. and NATO forces. Also, Azerbaijan plays an important role in the Northern

Distribution Network, a supply route to Afghanistan by making available its ground and Caspian naval transportation facilities.

Additionally, Azerbaijan provides specialized training for Afghan police, border guard officers and de-miners, education and training of Afghan civilian and military medical doctors, and medical treatment of Afghan citizens at Azeri hospitals. Azerbaijan has provided medical equipment and supplies to Afghanistan as well as assisting in the construction of schools and hospitals there.

Azerbaijan remains a reliable partner of NATO and the EU in the South Caucasus through its consistent and effective contribution to common goals and objectives. Azerbaijan is also an active partner of the United States in efforts regarding the nonproliferation of weapons of mass destruction through its participation in programs such as Caspian Guard and Cooperative Threat Reduction.

On July 5, 2011, an Azerbaijani aircraft flying a support mission for NATO troops crashed as it descended into Bagram Airfield in Afghanistan. While it is my understanding that investigations are ongoing, it has come to my attention that one leading theory is that Taliban fighters may have shot down the aircraft as it made its final approach. While we await further information on exactly what happened that night in Afghanistan, it is important that we recognize the loss of life of the nine crew members on board that flight who made the ultimate sacrifice.

While we can take comfort knowing that we are not alone in this fight, we must also make sure we comfort those who make sacrifices alongside us. It is with a heavy heart that I offer my thanks and appreciation to the family, friends, and countrymen to those crew members of Silk Way Airlines IL-76. The world is a safer place due to their commitment to support and supply our troops and allies in their hunt for those seeking to harm peace-loving people around the world.

ENDING CONGRESSIONAL PENSIONS

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing legislation to put an end to the defined benefit retirement plan currently available to Members of Congress.

These are extremely difficult economic times. We are in a debt crisis that will require sacrifices on the part of all Americans. I served in both the U.S. Army and the Marine Corps, and I was taught that leaders should never ask others to do anything that they themselves would be unwilling to do. Congress needs to set an example and lead the way for the country. I think this is a good start.

The defined benefit retirement plan gives Members of Congress an averaged percentage of their annual salary (currently \$174,000) for every year they serve in Congress. To be eligible for the retirement plan they must first serve at least five years. They will then receive 1.7% for every year up to 20 that they

serve in Congress, and 1% for every year after 20. For example, if a Member of Congress served for 20 years, and they were at least 62, he or she would receive 34% of their salary, or \$59,160 per year, based on the current salary. Members of Congress pay 1.3% of their salary into the pension plan and are required to pay into Social Security at the same rate as everyone else. They may contribute to a Thrift Savings Plan that has a match similar to many private sector 401(k) plans.

My legislation will honor any retirement benefits accrued prior to the passage of this bill, and will keep the Social Security and Thrift Savings Plan in place.

I believe that Members of Congress should feel the same economic pressures the rest of society does, and I firmly believe that the current effort to reduce spending and constrain the size and scope of government requires that all possible solutions be taken, including cuts to the Congressional budget. I urge the passage of this bill.

IN RECOGNITION OF THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF SAN FRANCISCO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor the Building Owners and Managers Association of San Francisco on the historic occasion of its 100th anniversary.

BOMA San Francisco has been advocating for commercial real estate interests, training future leaders and promoting sustainable practices. I have partnered with BOMA since my days on the San Mateo Board of Supervisors and in the California Legislature and have witnessed its effective work that supports business growth, which in turn creates tax dollars for important public services.

Healthy commercial real estate provides homes for countless businesses that employ our workforce. BOMA always strives to create better work environments for our future generations. It has been honored for its progressive environmental policies to help promote energy conservation and sustainable practices in office buildings. BOMA is also a tireless advocate of emergency preparedness.

For 20 years BOMA has partnered with the San Francisco Fire Department and put big smiles on children's faces. The San Francisco Firefighter Toy Program is the oldest program of its kind in the country and has donated over a million toys to disadvantaged children.

Mr. Speaker, the Building Owners and Managers Association of San Francisco has left its mark on San Francisco and made it a more beautiful, healthy and happier city for a century. I ask this body to honor BOMA on May 19, its 100th anniversary.

MASS GRAVES HOLD THOUSANDS, KASHMIR INQUIRY FINDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. BURTON of Indiana. Mr. Speaker, tonight I wish to call the attention of my colleagues to the most recent developments in India-controlled Kashmir. In late August, the Jammu and Kashmir State Human Rights Commission stated that it had found evidence of 2,156 unidentified bodies buried in approximately 40 mass graves, officially recognized for the first time, that pockmark the landscape of this long troubled region. This disturbing revelation, while horrific in scale and heart-breaking in scope, has the potential to serve as a catalyst to propel Kashmir forward, away from its violent past. For the first time, everyone in Kashmir, as well as the rest of the world, will be forced to acknowledge the wanton violence and unrest that have torn their communities apart.

History has taught us that in conflicts like the one propagated on Kashmir and its people, the first casualty is always the truth. The findings in this inquiry have now irrefutably confirmed the very worst fears of people like myself, who have been concerned about this issue since 1989. It is my sincerest hope that when finally faced with the sum of their actions to this point, those responsible for these crimes will see the error of their ways and summarily be brought to justice; I also hope that all of the well intentioned people of the region, whether they are Kashmiri, Pakistani, or Indian, can use this tragic circumstance to begin to work towards reconciliation, and finally move towards a peaceful resolution for everyone living in Kashmir. I am submitting an article from the August 23, 2011 edition of the New York Times and strongly urge my colleagues to read it.

MASS GRAVES HOLD THOUSANDS, KASHMIR INQUIRY FINDS

(By Lydia Polgreen)

NEW DELHI.—Thousands of bullet-riddled bodies are buried in dozens of unmarked graves across Kashmir, a state human rights commission inquiry has concluded, many of them likely to be those of civilians who disappeared more than a decade ago in a brutal insurgency.

The inquiry, the result of three years of investigative work by senior police officers working for the Jammu and Kashmir State Human Rights Commission, brings the first official acknowledgment that civilians might have been buried in mass graves in Kashmir, a region claimed by both India and Pakistan where insurgents waged a bloody battle for independence in the early 1990s. The report sheds new light on a grim chapter in the history of the troubled region and confirms a 2008 report by a Kashmiri human rights organization that found hundreds of bodies buried in the Kashmir Valley.

Tens of thousands of people died in the insurgency, which began in 1989 and was partly fueled by weapons, cash and training from Pakistan.

According to the report, the bodies of hundreds of men described as unidentified militants were buried in unmarked graves. But of the more than 2,000 bodies, 574 were identified as local residents.

"There is every probability that these unidentified dead bodies buried in various unmarked graves at 38 places of North Kashmir may contain the dead bodies of enforced disappearances," the report said.

The report catalogs 2,156 bodies found in graves in four districts of Kashmir that had been at the heart of the insurgency. It called for a thorough inquiry and a collection of DNA evidence to identify the dead, and, for the future, proper identification of anyone killed by security forces in Kashmir to avoid abuse of special laws shielding the military from prosecution there. Thousands of people, mostly young men, have disappeared in Kashmir. Some went to be trained as militants in the Pakistan-controlled portion of Kashmir and were killed in the fighting. Many others were detained by Indian security forces. The wives they left behind are known as half-widows, because the fates of their husbands are unknown. Parents keep vigil for sons who were arrested two decades ago.

Parveena Ahanger's son Javed was taken away by the police on Aug. 18, 1990, and never seen again. An investigation found that he had been killed by security forces, but they have not been prosecuted, she said.

"I never got any response from the government," she said. "I never got his dead body."

After years of fighting in the courts to find out what happened to Javed, Ms. Ahanger was skeptical that the human rights report would get her son's body back, or bring her justice.

"If the high court doesn't give any justice on this issue, what will the state human rights commission do?" she said.

Zahoor Wani, an activist who works with the families of people who disappeared during the insurgency, said that the report was a welcome first step but that the government must identify the dead and allow families to bury their relatives.

"It is a very good thing that they acknowledge it," Mr. Wani said. "These families have been living in a hope to see these people again."

"They are neither dead nor alive," he said. "We need to move them to one pole or the other."

Hari Kumar contributed reporting.

IN RECOGNITION OF MATTEO RIZZO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise this evening to pay tribute to Matteo Rizzo, a lifelong educator who is retiring as Superintendent of the Jefferson Elementary School District, serving the communities of Daly City and Colma, California.

In his tenure as Superintendent, Mr. Rizzo has been known for his personal involvement with all the stakeholders in his district, from teachers, to parents, to administrators and, most importantly, the students themselves. He served as the District's representative in staff contract negotiations, oversaw budget decisions, coordinated the recruitment, selection and assignment of teachers, principals and other personnel and put his imprint on every aspect of life and learning in the Jefferson Elementary School District.

As is the case in school districts across our country, Superintendent Rizzo was asked to do the impossible—educate a diverse student population in an environment of dwindling financial resources, all the while staying focused on preparing them to achieve to their utmost ability in an increasingly competitive world.

To do this, Matteo relied heavily on the skills he gained as an Assistant Superintendent, Principal, Vice-Principal and teacher—all within the Jefferson Elementary School District. His unsurpassed institutional knowledge and commitment to bettering the lives of young people will be sorely missed and not easily replaced. Fortunately, he leaves his successor with a legacy of excellence and community involvement that can be built upon in future years.

Mr. Speaker, Matteo Rizzo is a living example of the benefits of public education and the fruits of hard work. A product of local schools, he is a graduate of San Francisco State University, where he received a Bachelor of Arts in Mathematics, his California Teaching Credential and two Masters of Arts—one in Education and another in Educational Administration.

He has been honored at every step of his career, including earning a "California Distinguished School" award for Fernando Rivera Middle School in 2001, while serving as the school's principal.

Mr. Speaker, Superintendent Rizzo has certainly earned his retirement. On behalf of the Congress of the United States of America, I wish to thank him for his exceptional service to our nation and wish him only the best as he now has time to travel with his amazing wife, Clydie, play a lot more golf, do a little more duck hunting and, as rumor has it, learn to play the guitar.

Matteo Rizzo, simply put, is a good man who spent his entire professional career doing good for his community. There's no need to tell that to the thousands of children he educated, or his son, Matthew, and daughter-in-law, Jill, but the rest of America can benefit from knowing that extremely capable and committed professionals like Matteo Rizzo show up at school districts across this country every day with no other goal than to move our country forward, one student at a time.

It is for these reasons and more that I ask my colleagues to join me in thanking Superintendent Matteo Rizzo for his service.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. SMITH of Washington. Mr. Speaker, on the afternoon of Tuesday, September 13, 2011, I recorded an erroneous vote on Final Passage of the bill H.R. 2218. I intended to vote "no" on rollcall vote No. 705, on passage of H.R. 2218, the Empowering Parents through Quality Charter Schools Act.

IN RECOGNITION OF THOMAS
MOHR

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, it is with great pleasure that I rise to recognize the tireless public service of Thomas Mohr, who is retiring as President of Cañada College in Redwood City, California.

I have had the privilege of knowing and working with Tom for many years. He is without peer and his calm demeanor and inspired leadership will be sorely missed.

While serving as President, Tom revamped Cañada College's planning process and turned it into a state leader in the accreditation process. He helped establish new four-year degrees in art, psychology, human services and business administration by forging new relationships with nearby Notre Dame de Namur University. Under Tom's watch, Cañada started the Center for Teacher Efficacy to provide professional development opportunities for San Mateo County high school teachers. He also developed an Honors Transfer Program designed to support highly motivated students as they pursue their educational goals.

Tom attracted more than \$3 million in grants for Science, Technology, Engineering and Mathematics education at the college, established the Veterans Resource and Opportunity Center, and expanded the school's study abroad program. For these and other accomplishments, President Mohr received the 2010 Shirley B. Gordon Award of Distinction from Phi Theta Kappa, the national honor society for two year colleges.

Tom holds a Bachelor of Science from St. Louis University and a Master of Arts from the University of San Francisco. He has been an educator on the San Francisco Peninsula since working as a Chemistry teacher in the Jefferson Union High School District in 1961. Since then, Tom has served in nearly every capacity an educator can—teacher, principal, assistant superintendent, superintendent and most recently, college president.

Ironically, Tom thought he had retired six years ago when he left the San Mateo Union High School District. But, ever the public servant, when his community came calling, Tom answered. He agreed to serve as Cañada's President on an interim basis, not knowing that it would stretch into a six-year commitment.

Mr. Speaker, everyone in this body knows that there are no easy solutions to improving education in America. Were it only possible to clone a thousand or so Tom Mohrs, our nation's students would, indeed, be in capable hands. Since we can't do that, we are best served to simply follow his example and learn from the many lessons this lifelong educator has taught us.

PAYING TRIBUTE TO THE BOOKER
T. WASHINGTON LEARNING CEN-
TER ON THEIR 25TH ANNIVER-
SARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. RANGEL. Mr. Speaker, it is with great enthusiasm that I rise to congratulate The Booker T. Washington Learning Center as they reach their 25th milestone. This accomplishment has been achieved through dedication and committed service to the most vulnerable children and their families in my Congressional District.

Since 1986, thousands of families have found support, opportunity and resources that have made a life-changing difference through the Booker T. Washington Learning Center. They have made it possible for people in my community to not only survive, but thrive. The center was originally founded under the parent organization, East Harlem Churches and Community Urban Center by Reverend Leroy Ricksy who decided to help four children being raised by their grandmother. Today, the learning center led by Executive Director, Reverend Kimberly Wright, has expanded its services to include an after school program, Saturday readings, adult education, summer camp, college preparation and support, and art therapy. There is a very personal approach taken at Booker T. They offer children, teens, and adults the extra that they need in order to find success.

The Learning Center is able to look back over these 25 years and feel proud of the investment that they have made in so many lives. They have watched their children grow up to be extremely responsible, hard working, and productive citizens. There are so many who have overcome learning disabilities, achieved academic success—even in a failing school system, graduated high school and gone on to college. It continues to be a cornerstone in my beloved East Harlem Community for families who would otherwise not be able to afford quality services for their children and have no place to turn. Their programs meet the needs of many who are in desperate need of guidance and academic support. The small group of young people the learning center started with are all enjoying their careers, their families, and their lives. They have overcome poverty and beaten the odds.

Booker T. could not exist if it were not for people who believe in our youngsters and their work. They are most fortunate in having the most dedicated group of staff and volunteers that continue to ensure that Booker T. offers quality enrichment programs that move people from poverty and despair to independence and hope.

Mr. Speaker, I ask that you and my colleagues join me in celebrating with the staff and wonderful volunteers at the Booker T. Washington Learning Center on their milestone. Let's encourage others to help programs like these to ensure that they continue to offer a helping hand to our fragile families and make certain that each child in our great nation find a second home, a second family,

and a second school in our learning institutions.

INTRODUCING A RESOLUTION REGARDING THE USE OF LIBYA'S FROZEN ASSETS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a resolution expressing the sense of Congress that Libya's frozen assets be used to pay for humanitarian relief and military operations associated with the current conflict in that country.

Since Libyan dictator Muammar Qaddafi responded to peaceful demonstrations by attacking Libya's own citizens, the United States has been actively engaged with our international allies in thwarting the ability of the Qaddafi regime to visit violence, murder, and destruction on the people of Libya. This past February, the United States imposed economic sanctions on Libya and froze the assets of its leadership, promising to hold Qaddafi, his family, and the government of Libya accountable for its human rights abuses. It is estimated that the value of these assets exceed \$30 billion.

On March 19, with the authority of the United Nations, the United States Armed Forces and our coalition partners launched Operation Odyssey Dawn in an effort to enforce the Security Council resolution. That mission has since come under NATO command and is now called Operation Unified Protector. Our Armed Forces have assisted in combat operations including providing intelligence, aerial refueling, targeting, and other aspects of NATO's daily bombardment of Libyan forces loyal to Qaddafi. We have already spent over one billion taxpayer dollars on this effort, with operations costing millions more every day.

When the United States recognized the Transitional National Council as the legitimate governing authority of Libya on July 15, it paved the way for the Council to access some of the frozen assets to be used for humanitarian relief and reconstruction efforts. With the Qaddafi regime at an end and the dictator himself on the run and in hiding, the United States will be moving into a posture that puts less emphasis on military operations and more focus on supporting the Transitional National Council's efforts to establish a working government.

The United States should pursue with the Council the viability of using some of those assets to reimburse NATO members for the cost of their military operations in support of the Libyan people. I urge my colleagues to support this resolution.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF BRISBANE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I rise to celebrate the 50th anniversary of the city of Brisbane, California. Nestled in the lower slopes of San Bruno Mountain, "the City of Stars" stands as a symbol of light in the Bay Area. Back in the sixth century the Ohlone Indians enjoyed the abundance of resources the land offered. They thrived as hunters and gatherers until the Spanish conquistadores claimed the land in the early 16th century.

The deed to the land changed hands several times before any significant development occurred. The need for real estate triggered by the 1906 San Francisco Earthquake brought new focus to the valley. Developers immersed themselves in the area with new vigor, naming their new hope for future growth "Visitacion City."

It wasn't until the arrival of Arthur Annis that the town finally got off the ground. The "Daddy of Brisbane" came to the area in 1929, bringing hope to an area that desperately needed it. During the worst years of the Great Depression, Annis encouraged settlement and development through extremely cheap land prices. Between 1929 and 1933, over 400 homes were built.

Annis' signature contribution was the rechristening of Visitacion City as Brisbane. There are two competing theories about how Annis chose the name Brisbane. His daughter insists he named it after the city in Australia, while others believe he named it after the American journalist Arthur Brisbane. Whatever its origins, the name Brisbane has come to mean a city that draws its strength from hope, even in the darkest times.

This strong spirit can be seen in the tradition from which Brisbane draws its nickname, the "City of Stars." In 1940, Brisbane prepared to employ its citizens in the ongoing war efforts and the future was once again uncertain. Resident Arthur Kennedy struck out against the doubt by placing a simple star above his house for the holiday season. Soon, this symbol of brightness could be found above many a house, and the tradition lives on today during every Christmas.

The city was incorporated in 1961. Since incorporation, Brisbane has had twenty-five mayors, including John Turner, James Williams, Jess Salmon, Ed Schwenderlauf, John Bell, Robert McLennan, S.J. Guardino, Julius Stern, Anja Miller, Art Montenegro, Paul Goercke, Jeannine Hodge, Don Bradshaw, Fred Smith, Bill Lawrence, Ray Miller, Lou Graham, Steve Waldo, Brad Kerwin, Lee Panza, Clara Johnson, W. Clarke Conway, Cyril Bologoff, Michael Barnes, and Sepi Richardson.

Brisbane also holds the distinction of being the first community in the United States in which a habitat conservation plan (HCP) was developed. This historic plan, developed in the 1980s, helped to save the Mission Blue butterfly and the Callippe Silverspot butterfly. The HCP served as a model for an amendment to

the Endangered Species Act. In addition to legal protections related to land use, Brisbane's fog and ample rains succor the flora needed to create an environment in which these and other species of butterflies may roam largely unmolested over 3,000 acres of undeveloped land.

Brisbane's reputation as a can-do community received national attention in 1990 when residents came together to rescue Humphrey, a disoriented humpback whale who regularly became stranded at various locations around San Francisco Bay. When Humphrey found himself stuck on an embayment very close to Brisbane's Sierra Point, hundreds of Brisbane citizens gathered to cheer the Coast Guard and Humphrey onward towards the whale's successful extraction.

Brisbane hosts a thriving economy including a booming biotechnology sector, a popular harbor for private boats, and other more traditional businesses such as a 100-year-old manufacturer of fruit juices, A.C. Calderoni. Eventually, Brisbane will likely also be the site of a booming clean tech energy sector as the city redevelops vast parcels of unused lands near the bay. Brisbane's economy is so vibrant that the population of the city doubles during the workday.

While not every step in its history has been easy, its residents have always pressed towards the future. Even as it has grown from its decidedly humble origins to its current population of 4,282 residents, the sense of family and community that spurred its development has never diminished.

Mr. Speaker, I ask this body to join me in celebrating the history and future of the city of Brisbane as it celebrates its 50th anniversary on September 10, 2011.

TRIBUTE TO MRS. MARGARET FUENTES GONZALEZ ZEPEDA OF SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Margaret Fuentes Gonzalez Zepeda on the occasion of her 96th birthday and tribute at the Guadalupe Community Center in San Antonio, Texas.

Born in 1915 Margaret "Margarita" Gonzalez was the daughter of Simon Gonzalez and Maria Fuentes Gonzalez. Margaret and her family grew up in San Antonio, and in April 1931, she married Manuel Zepeda, a union that would last 44 years, produce three girls and one boy.

Margaret worked for the San Antonio Housing Authority for over 20 years and rose to the position of Assistant Manager. Additionally, Margaret was extremely active in the community, and she used sports as a method to mentor San Antonio youth. Through sports Margaret developed a strong sense of discipline that she took to the Guadalupe Community Center and to the City of San Antonio as a recreation leader.

After retirement Margaret accelerated her own participation in sports, and in the late

1980s began her journey into the Senior Olympics. Since 1990 Margaret has participated in Senior Olympics in a variety of sports including: bowling; walking; horse shoes; softball and football for accuracy and distance; and each year has qualified for the National Games. At the age of 96, Margaret has won over 100 gold and silver medals. She has been to the National Games in Baton Rouge, Louisiana (twice); San Antonio, Texas; Tucson, Arizona; Orlando, Florida and has brought home the Gold or Silver (Tucson) every time.

Margaret Zepeda has a "never give up" spirit that impacted the self worth of each child she mentored. She instilled in them pride and discipline, and an understanding that love and command of sports was the great equalizer. For her half century of community work and leadership to the children of San Antonio, I join in celebrating the tribute hosted at the Guadalupe Community Center by the cadre of successful women who began their lives under the tutorage of Margaret Fuentes Gonzalez Zepeda.

TRIBUTE TO SHERRI WINDER

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. CHAFFETZ. Mr. Speaker, today I honor Sherri Winder, a beautiful and devoted wife, mother, grandmother, and excellent member of my staff. Sherri passed away on Sunday, September 11th, 2011 in a tragic car accident in southern Utah. We are all stunned by the sudden and devastating loss of this wonderful woman.

As a faithful employee, Sherri brought grace and style to everything that she did. She was an elegant lady. She was an extremely kind, caring, and selfless person. She was a faithful volunteer in her community and church. She made an immediate and profound impact in my office. My staff and I are each deeply affected by her loss.

I am honored to have been one of the many people touched by Sherri's kindness and generosity. Sherri lived the principle of gratitude—always expressing her appreciation to others and making them feel valued. Sherri was perpetually positive and instantly brought a smile to all those with whom she came in contact. Her love of life and sincere caring was contagious and welcomed by all.

Sherri was involved in politics for all the right reasons. She was the first volunteer in Jon Huntsman's 2004 gubernatorial campaign, she was a prolific grass roots organizer, organizing the efforts to incorporate Taylorsville as a city, and she was a stalwart employee serving all who needed assistance. Sherri simply wanted to help people and strengthen our community. She was known and loved by people all across the Salt Lake Valley. But no more so than by the five loving children she and her husband Kent raised together.

Sherri Winder leaves behind a legacy of service and gratitude. She is survived by her husband, Kent, and their five adult children, Mike and Karyn Winder, Aimee and Matt New-

ton, Tami and Tom Larsen, Nathan Winder, and Isaac and Candelyn Winder, as well as 11 grandchildren with one on the way.

On behalf of both my staff and the constituents of the Third Congressional District who were served so well by Sherri, I extend my deepest sympathies to Kent and his family. Our thoughts and prayers go out to them during this most difficult time.

And although we mourn the loss of Sherri at this time, we will always celebrate her brilliant life, cherish her wonderful friendship, strive to emulate her amazing qualities, and work as she did to improve the world and community around us. She will be sincerely missed, but her profound legacy will never be forgotten.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. SPEIER. Mr. Speaker, I would like to state for the RECORD that my vote against the Holt amendment to the Empowering Parents through Quality Charter Schools Act was made in error. I strongly support this amendment that requires the Secretary of Education to give priority to schools that make investments in green building improvements. We must ensure that Federal investments in our schools set the highest standard for green school building practices. I remain a staunch supporter of green building innovation and I look forward to advancing this important cause in Congress.

HONORING J. CONRAD (JC) SENECA ON HIS NEW RESTAURANT, THE ARMOR INN TAP ROOM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. HIGGINS. Mr. Speaker, today I rise today to honor J. Conrad (JC) Seneca upon the occasion of the opening of his new restaurant, the Armor Inn Tap Room, in Western New York.

An entrepreneur with a diversified portfolio of business interests, JC recently purchased the former Hoak's Armor Inn, located in the town of Hamburg. That establishment has undergone a tremendous rehabilitation, and will feature upscale dining in an historical atmosphere. Located where it is, it is certain to draw the attention of Buffalo Bills fans, tourists and the local community.

None of this comes as much of a surprise, however, because JC has been a substantial member of our community throughout his life. A native of the Cattaraugus Reservation in Irving, JC was a multi-sport star athlete while at Silver Creek High School. After graduation, JC served with honor and distinction with the United States Air Force, eventually studying at Bryant and Stratton and at Buffalo State College.

After a stint as a radio disc jockey, JC became incredibly active within the Seneca Na-

tion and on behalf of Native Americans throughout the United States. JC currently serves as a Seneca Tribal Councilor, and has served in a number of business and government capacities on behalf of his nation. JC was a member of President-elect Bill Clinton's Transition Team and has led efforts to ensure cooperative working relationships between other governments and the Seneca people.

You know, Mr. Speaker, we all are a product of our upbringing, and JC is no different. JC's father, William Seneca, an ironworker and World War II Marine veteran, served honorably as President of the Seneca Nation, and later served as Special Liaison Officer for the Bureau of Indian Affairs. JC's mom practiced nursing, and was later elected Clerk of the Seneca Nation. Without question, JC's parents served as a strong example for the value of public service and instilled in him a dedication to make contributions back to his own community. As a result, all of those who comprise all of his communities—on a large or small scale—are better for the contributions he continues to make.

JC's new enterprise will add dozens of additional names to the list of employees—native and non-native—for whom he has helped create jobs in Western New York. That is why, Mr. Speaker, I urge you to join with me and with all Western New Yorkers in wishing the very best of luck to JC Seneca upon the opening of the new Armor Inn Tap Room, and to thank JC and his family for the many significant contributions that they make to life here in Western New York.

A TRIBUTE TO CHARITY CAMPBELL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Ms. Charity Campbell, a Norwalk physical education teacher known for her leadership and high expectations, in receiving the 2012 Iowa Teacher of the Year Award from Governor Terry Branstad.

Along with teaching sixth and seventh grade physical education at Norwalk Middle School, Ms. Campbell is the Norwalk Middle School girls' track coach and girls' varsity track coach at Norwalk High School. It's her outstanding leadership qualities in addition to skills in physical education that make her special to the Norwalk community.

For example, Ms. Campbell helped her craft and create a mentoring program for first-year teachers at Norwalk schools. She instructs teachers how to use activities that will increase the student's hands-on learning directed at helping them focus and succeed in the classroom.

In 2010, Ms. Campbell's physical education program was named as a top observation program through PE4Life, a nonprofit organization dedicated to improve children's health and wellness in their everyday lives.

I am honored to represent Ms. Campbell in the United States Congress, and I wish her the best in her continuing service to the Norwalk community. I know my colleagues in the

U.S. Congress will join me in congratulating and honoring Ms. Charity Campbell and her 15 years of teaching young lawns.

TRIBUTE TO MR. R. CATER LEE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the life of a truly great American, Mr. R. Cater Lee, of Gulf Shores, Alabama, who passed away on August 13, 2011, at the age of 90.

Mr. Lee was a veteran of World War II and a member of America's "Greatest Generation" who helped to liberate Europe from Nazi tyranny. He flew 31 missions with the 448th Bomb Group, Second Air Division, of the Eighth Air Force in the European Theatre. He proudly served as a bombardier and navigator aboard the B-24 Liberator. For his courage and service he was awarded the Distinguished Flying Cross and the Air Medal with four Oak Leaf Clusters. Mr. Lee so loved his country that he continued to serve in the U.S. Air Force Reserves during the Korean War, attaining the rank of Major.

After his service to his country, Mr. Lee came home to Alabama, eventually settling in Birmingham, where in 1966 he was one of the co-founders of Vulcan, Inc. He would serve as president of the company for twenty years. At the time of his death, he was chairman of the board of Vulcan Inc., in Foley. Not only a patriot and successful businessman, Mr. Lee was also a leader in his community.

He was a past chairman of the South Baldwin Chamber of Commerce and of the Gulf Shores Water Board. He was a former member of the Gulf Shores City Council and recipient of the Free Enterprise Person of the Year Award. Mr. Lee's love of country was only rivaled by his love of family, community, and golf. He served as president of Gulf Shores Golf Club for many years.

Mr. Lee cherished all four generations of his family. The loss of Mr. Lee is one that should be mourned throughout the state and nation, as he was the embodiment of American ideals of patriotism, hard work and giving back to one's community.

On behalf of the people of South Alabama, I offer condolences to his daughter, Linda Lee Koniar and her husband, John, and his two sons, Bubba and his wife, Cheryl, and Tommy and his wife, Sandra. Mr. Lee had eight grandchildren and seven great-grandchildren, all of whom he loved with all his heart. My thoughts and prayers go out to all his family.

VOTE ON H.R. 2587, PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. WEBSTER. Mr. Speaker, on Thursday, September 15, 2011, I will be absent and un-

able to cast my vote in favor of H.R. 2587, the Protecting Jobs from Government Interference Act, because I will be in Florida attending the memorial service for my friend, David I. "Dave" Bitner. David Bitner was a great Florida statesman, my esteemed colleague in the Florida legislature, and my personal friend for over 20 years. I was saddened by Dave's death on September 8, 2011, which came soon after his diagnosis with ALS (Lou Gehrig's disease). Although I wish to cast my vote in favor of H.R. 2587, my long-time friendship with Dave and his wife, Wendy, requires me to attend the memorial service in Dave's honor.

I support the Protecting Jobs from Government Interference Act, and I voted in favor of H. Res. 372, the rule for H.R. 2587, in the Rules Committee hearing held on July 26, 2011. (Rules Committee Record Vote No. 121.) I strongly believe in the right of American business owners to make decisions regarding where and when to conduct business, and the right of states to determine the best labor policies for their citizens. I oppose excessive governmental regulation and interference by federal executive agencies that do not have the authority to supplant the best operational judgment of businesses in their employment, production, location, and other investment decisions. Recently, the National Labor Relations Board has taken unprecedented, protectionist actions on behalf of labor unions that fly in the face of federalism, and this cannot be allowed to continue. I am proud to represent the constituents of the 8th Congressional District of Florida, which is a right-to-work state, and I will continue to oppose efforts to impede American private enterprise, capitalism, and economic freedom.

Mr. Speaker, I would have voted "yea" in favor of H.R. 2587, had I been present, rather than in Florida for the memorial service for my friend, David Bitner, in support of his wife, Wendy.

HONORING LT. COL. ANTHONY SHAFFER, SENIOR INTEL-
LIGENCE OFFICER, UNITED STATES ARMY RESERVE (RETIRED)

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. JONES. Mr. Speaker, I am proud to rise today to honor Lt. Col. Tony Shaffer, Military Intelligence Corps, for his twenty-five years of service as a field intelligence operative aid more than three decades of service to the Nation in both the Army National Guard and Army Reserve.

Col. Shaffer's extensive career started in January 1981, while still in high school, when he enlisted in the Ohio Army National Guard.

He went on to graduate from Wright State University in 1986. And this year, 2011, Col. Shaffer was chosen as their College of Liberal Arts Alumnus of the Year.

Col. Shaffer's storied career has been distinguished by his willingness and ability to work at the cutting edge of our Nation's intel-

ligence community. He has successfully endeavored to adapt new technology and use these capabilities to ensure the protection of the American people. It is likely that most of Lt. Col. Shaffer's work will never be fully recognized—but I can assure you it is appreciated by me and the American people.

During his initial years of service, he deployed to Germany during REFORGER 85 to conduct anti-terrorism operations against the Red Army Faction, RAF, and other German based terrorism groups. He was also assigned to the Army's New York City Resident Office during a critical period when foreign terrorists were targeting the United States.

In 1988 he attended training at "The Farm" where he graduated first in his class of the Military Operations Training Course, MOTC, at Camp Perry, VA.

He was promoted to Captain in 1990 and was brought to active duty by the Army for the first Gulf War in 1991 where he worked to develop a key classified program named STARWATCHER B. After the conclusion of the first Gulf War, he was appointed to serve as the chief of the Army's global clandestine HUMINT collection program, and ran specific the Special Access Program, SAP, operation, unclassified nickname: CAROLINA MORNING, which netted highly significant information that was critical to the national leadership during the 1990s.

He was the senior HUMINT advisor to the J2/Senior Intelligence Officer of Joint Interagency Task Force East, JIATF-E. JIATF-E conducted counter-drug operations in the Transit Zone between Columbia and the United States southern border. During this tour he was successful in integrating highly specialized hybrid technology/human intelligence operations to obtain high value intelligence information to support the operational forces.

In 1995, Tony transitioned to Defense Intelligence Agency, DIA, as part of the consolidation of all Service, Army, Navy, Air Force, and USMC, controlled HUMINT into the Department of Defense.

He created and directed Task Force STRATUS IVY—a one-of-a-kind special mission task force that harnessed the skills of officers from the National Security Agency, NSA, Army Intelligence and Defense Intelligence Agency that conducted direct support to Department of Defense, Special Operations Command and other non-DoD agencies.

After his promotion to Major, due to his highly sought after skills, he was assigned to serve at both the HUMINT Support Element, HSE, at both Special Operations Command, SOCOM, and the Joint Special Operations Command, JSOC. He also served as a team leader of classified element that provided direct support to the Director of Operations of Defense HUMINT Service, DHS.

During this period of his career he participated in multiple highly classified operations—the most notable, a project known as ABLE DANGER—the controversial counterterrorism operation that was designed to detect, degrade and counter Al Qaeda capabilities that was successful in detecting Al Qaeda cells operating within the United States before the 9/11 attacks.

He had two peacetime overseas deployments—the first to Thailand where he was attached to the III Marine Expeditionary Force,

MEF, to attend Exercise COBRA GOLD 1991; the second to New Zealand with attachment to the New Zealand Defense Force for Joint Warrior Interoperability Demonstration in mid 2001.

Just after the 9/11 attacks, in December 2001, he was returned to active duty for a 30-month period, during which he commanded a DIA operating base and had two successful combat tours to Afghanistan.

He commanded Field Operating Base, FOB, Alpha, a joint DIA/CIA brigade equivalent unit conducting classified collection and special operations support regarding terrorists just after the 9/11 attacks.

During his two undercover combat tours in Afghanistan, he participated in the search for senior Al Qaeda leadership in Afghanistan and is credited for helping to break the back of the Taliban's first attempt to return to power in Afghanistan.

Col. Shaffer received the Bronze Star Medal, BSM, for performance as an Operations Officer of the HUMINT Support Detachment in Afghanistan supporting CJTF 180 and CJFT 121.

After promotion to lieutenant colonel in 2005, he was attached to Navy's premier counterterrorism think-tank, DEEP BLUE at the Pentagon where he worked on key situational awareness and counterterrorism technology and tools.

In 2005 to 2006, Tony worked with the U.S. Congress and testified on multiple issues that relate to the 9/11 terrorist attacks and intelligence failures.

In 2006 he was assigned to and commanded the Special Troops Battalion, STB, of the 9th Theater Support Command, Ft. Belvoir, VA.

He was then, in 2007, selected to serve as the G6/Senior Information Officer, Anti-Terrorism Officer and Public Affairs Officer of the 94th Division, Force Sustainment, Ft Lee, VA—the 94th Division was re-activated in 2008 and was one of Gen. George Patton's key divisions that participated in the Battle of the Bulge, Ardennes, in 1944–45. He remained with the 94th Division until he reached his mandatory retirement date, MRD, in July of 2011.

He continues to serve this great Nation through his work at the Center for Advanced Defense Studies where, as a Senior Fellow, he continues to influence national defense strategy and policy through research and advocacy of critical national security issues.

Over these three decades Lt. Col. Shaffer has served with distinction and unmatched willingness to conduct high risk operations, while always recognizing the ethical and moral responsibility of his office.

Lt. Col. Shaffer's keen operational judgment and dynamic leadership has contributed substantially to the development of critical national level intelligence capabilities—many of which remain in operation today. His influence over national defense and security is indelible and significant—his service has constantly worked to identify threats and then develop capability to protect the American people. He consistently worked to influence national intelligence policy and capabilities to insure the security of the American people and has done so in keeping with the highest traditions of the U.S. Army.

On behalf of my colleagues on both sides of the aisle, I would like to recognize Col. Shaffer's outstanding accomplishments, courageous attitude and past and present devotion to this Nation. I wish to congratulate him, his wife Rina, and sons Alexander and Ryan on the completion of long and distinguished career.

HONORING MACK STRONG AND ZOE HIGHEAGLE-STRONG

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. REICHERT. Mr. Speaker, I rise today in recognition of a husband-and-wife team filled with love, faith, and determination. I'm proud to call them constituents and friends and I'm honored to be able to recognize their efforts on this floor today.

Mack Strong and Zoe Higheagle-Strong will be honored on Saturday evening, September 17 by the Association of Washington Generals as the Washingtonians of the Year. Mack and Zoe earned the honor by founding and leading the TEAM-WORKS Academy, a program that "develops strong minds, strong bodies, and strong character in underserved youth." Founded in 2002 by Mack and Zoe, TEAM-WORKS Academy grew out of many years of dedicated community service and a strong belief in the validity of their vision for the future. I am thankful that Mack, a graduate of the University of Georgia and a longtime fullback of the Seattle Seahawks, put down roots in the community. His selfless and tireless work on behalf of at-risk youth in my District and beyond is an inspiration. And his wonderful wife Zoe, a member of the Nez Perce tribe and the Executive Director of TEAM-WORKS, is an inspiration to us all. The tandem of Mack and Zoe in the Puget Sound region represent an unstoppable force in the betterment of our communities, schools, and families.

It is clear that TEAM-WORKS is having a positive effect on the young people it directly serves. Over and over again, I hear stories and see the results of improved performance in the classroom and on the field of play. Mack, an accomplished athlete, believes that the link between consistent physical activity and school performance in our young people is a strong one. I couldn't agree more. I think the tactics of TEAM-WORKS should be replicated across this Nation. Mack and Zoe are doing remarkable things. Reading and math scores are up. Relationships at home have never been better. TEAM-WORKS is a god-send and Mack and Zoe show no signs of slowing down.

Again, Mr. Speaker, please join me in thanking Mack and Zoe for their efforts and congratulate them on their well deserved honor. They truly represent the best of the State of Washington. In addition, Mr. Speaker, I want to thank the Association of Washington Generals for recognizing their efforts and providing Mack and Zoe with the kind of official recognition too many of our best community leaders go without.

IN SUPPORT OF THE WORKERS OF THE UNITED STATES POSTAL SERVICE

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. RICHARDSON. Mr. Speaker, I rise in support of the 685,000 workers of the United States Postal Service (USPS), who face a devastating future which may close thousands of post offices, eliminate hundreds of mail processing facilities, lay off 120,000 of their colleagues, cut their pay, and end their collective bargaining rights.

Each day, the USPS processes an average of 584 million pieces of mail and delivers to 146 million addresses. In my home State of California alone, there are a total of 38,000 active and retired letter carriers.

These employees are fixtures within their communities and are some of the most dedicated, hard-working people out there. That is why I have been a strong advocate for letter carriers throughout my career in public service.

The United States Postal Service offers the most affordable postage in the industrialized world, while being able to sustain efficient delivery schedules at no expense to the taxpayer.

Established in 1775, the Postal Service and the thousands of families who depend on it now face an unprecedented crisis.

Since 2006, an unsustainable retiree healthcare system has saddled the USPS with a \$5.5 billion overcharge to be paid in full at the beginning of every year. Based on longterm projections which are routinely called into question, this fund has established an enormous, unused surplus, estimated by the Postal Regulatory Commission and the Inspector General of the Postal Service to be between \$55–75 billion.

No other Federal agency or private business is forced to pre-fund retiree health benefits in this manner. Since it is not funded by taxpayers, this requirement puts the USPS at a distinct competitive disadvantage. Fixing this problem would allow the Postal Service to compete more effectively with the private sector and return to profitability.

Without this mandate, the USPS would have actually been profitable to the tune of \$611 million over the last 4 years, saving its \$15 billion line of credit from the U.S. Treasury to ride out the bad economy. Instead, the entire agency, which has not taken taxpayer funds for 30 years, is facing default. Its line of credit is nearly exhausted.

Mr. Speaker, the real financial struggles at USPS do not stem from the cost of labor, but from the 2006 congressional mandate requiring the USPS to pre-fund future retiree benefits.

Unfortunately, House Republicans are bent on destroying the Postal Service as we know it and using this crisis as an opportunity to weaken collective bargaining rights.

The House Oversight and Government Reform Committee conducted a hearing in April entitled: "Are Postal Workforce Costs Sustainable?" Led by Committee Chairman DARRELL

ISSA, this hearing was held to investigate a recent agreement between the USPS and the American Postal Workers Union.

Chairman ISSA's decision to hold a hearing to scrutinize and interfere with the collective bargaining process represents a dangerous precedent that could lead to more GOP interference in labor-management agreements.

In June, Chairman ISSA proposed H.R. 2309, the Postal Reform Act of 2011, which would establish a "solvency authority" with the power to unilaterally cut wages, abolish benefits, and end protection against unfair layoffs. It orders \$1 billion worth of post office closures in the first year and another \$1 billion worth of facility closures in the second year. It also ends Saturday deliveries.

Mr. Speaker, 6-day delivery is an important service that the USPS provides to the American people and is vital to its long-term sustainability. Ending Saturday deliveries reduces incentive for the American people to send mail through USPS and would lead to more jobs lost and larger reductions in service.

If Saturday delivery ends, it is possible that 80,000 full- and part-time jobs could be eliminated. At a time when we are still recovering from the worst economic recession since the Great Depression, now is not the time to put thousands of jobs in jeopardy.

The USPS estimates that cutting deliveries on Saturday will cut costs by 5 percent, but will slash mail delivery by 17 percent. Clearly the money saved by eliminating Saturday delivery is negligible and does not justify the lapse in efficiency and the loss of jobs that would certainly follow.

Reducing mail delivery service to 5 days a week would cause delays in the delivery of mail and would inevitably lead to increased costs due to the overtime Postal Service workers will be forced to endure in order to handle the backlog of mail. It is also vital for seniors who depend on mail-order prescription drugs and small businesses that need Saturday delivery to meet payroll.

Most importantly, ending Saturday service will remove the Postal Service's key strategic advantage over its competitors and result in a massive loss of revenue for the program.

We can't allow House Republicans to pursue an agenda that threatens the well-being of thousands of working families in California and across the Nation. They want to turn back the clock on the progress that has been made over the last century to ensure that American workers have the right to organize and demand fair wages and benefits.

We cannot stand by while thousands of American workers lose their jobs, and House Democrats are putting forth solutions that will take immediate steps to end this crisis without cutting jobs or resorting to taxpayer funded bailouts.

Take for instance H.R. 1351, the United States Postal Service Obligation Recalculation and Restoration Act of 2011, which would realign the Postal Service's retiree health prefunding schedule to a larger time period consistent with what the Postal Service can afford. It would do this by first establishing the exact size of the surplus and then transferring it to the Postal Service Retiree Health Benefits Fund where it belongs.

Furthermore, when the Post Office Department became the Postal Service in 1971, em-

ployees who belonged to the Federal pension fund started contributing to the new Postal Service. For employees who worked for both the Post Office Department and the Postal Service, the Federal and the postal pension funds shared responsibility. However, the Federal fund paid for retirements based on 1971 salaries, not final salaries. In essence, the Federal fund collected full contributions, but paid only partial benefits. The USPS was short-changed \$75 billion as a result of this error.

H.R. 1351 takes necessary steps to correct this by altering the methodology used to determine the allocation of costs for retirement benefits between the Federal government and the USPS. By making these changes, Congress has the ability to significantly help the USPS cover its expected \$238 billion shortfall for the next decade.

Now more than ever we must fight to preserve the legacy of the letter carrier and promote the value of the services that the workers of the United States Postal Service provide to millions of Americans every day.

H.R. 1351 is supported by the National Association of Letter Carriers, the National Association of Postal Supervisors, the American Postal Workers Union, the National Rural Letter Carriers' Association and the National Postal Mail Handlers Union. Advocating for working people is very personal and important to me. You see, you are looking at a Member of Congress who had the opportunity to have a mother who was part of a bargaining unit, who was a member of a union.

She had an opportunity to have someone advocate on behalf of not only herself, but her two daughters as well. And because my mother had that support, she was able to send her daughters to good schools, she was able to put braces on our teeth, and she was able to ensure that, yes, that little girl back in Los Angeles, California, would have an opportunity to one day become a Member of Congress.

Now more than ever, postal workers, teachers, firefighters, police officers and all other public employees must stand together to protect their jobs and their families, in California and across America.

Mr. Speaker, the alternative to H.R. 1351 is a violent downgrade of Postal Service operations which would cost tens of thousands of jobs immediately. Between their recent willingness to hold the nation's economy hostage for spending cuts and their attacks on worker's rights in Wisconsin, it appears that House Republicans would risk a total shutdown of the Postal Service if it meant further weakening the rights of public sector unions.

That is why I stand with 192 of my colleagues in our support for the thousands who play an essential role in connecting our people and building our communities. We cannot afford to lose so many jobs and hard-won benefits by failing to act on a common sense fix to an immediate crisis.

TRIBUTE TO MR. MELVIN E. PIERCE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the memory of a truly wonderful man, Mr. Melvin E. Pierce, a longtime resident of Semmes, Alabama, who passed away August 19, 2011, at the age of 73.

Mr. Pierce was a husband, father, friend, an entrepreneur and community leader. He wore many hats over his professional career, and is perhaps best known for his successful painting business. He began a career in painting as an apprentice and used his knowledge to later found and develop the Melvin Pierce Painting Company. He subsequently established Melvin Pierce Marine Coatings, Melvin Pierce Sandblasting, Highway Maintenance, Inc., and Dothan, Inc. of Semmes.

His community involvement ranged from president and founding member of "Friends of Semmes," which pioneered the incorporation of Semmes, to recipient of the 2005 Woodman of the World Outstanding Citizen Award. He was one of the founding members of the Dixie Youth Baseball Program in Semmes. And, in 2003, he was honored with the Award of Gratitude from the Semmes Community Park.

Professionally, he was an active member of the Associated General Contractors (AGC) and the Associated Builders & Contractors. He was a board member of the Mobile Water and Sewer Board, the Abba Shrine Temple, Trade Builder's Association and Woodman of the World. His considerable involvement with contracting gave him the opportunity to play a major role in numerous construction and renovation projects like the Mobile Convention Center and Mobile Government Plaza, the restoration of the historic Alabama Capitol in Montgomery, and the Beau Rivage Resort and Casino in Biloxi, Mississippi.

Melvin Pierce was the epitome of a community-minded businessman and volunteer and his involvement in so many different aspects of South Alabama will be hard to replace. In addition to possessing a charitable heart and an unequalled love of community, he helped found the Christmas parade, Azalea Festival, Easter Egg Hunt and a food pantry in Semmes.

On behalf of the people of South Alabama, I would like to extend my deepest condolences to his wife of 50 years, Evelyn, as well as his surviving children, George, David, Deborah, Jay, Regina and Rebecca, as well as his grandchildren, and his family and friends. You are all in our thoughts and prayers.

HONORING REVEREND CARL GILLIARD FOR TWENTY-EIGHT YEARS OF SERVICE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to recognize Reverend Carl Scott Gilliard for

twenty-eight years of service to the Savannah, Georgia community. Reverend Gilliard, a native of Savannah, has been diligently working to make Georgia a better place through his leadership, community service and passion. Reverend Gilliard has dedicated his life to helping others and serving his community.

A graduate of Alfred Ely Beach High School and Morris Brown College, he first became active in civic affairs in 1984 when he served as the youth coordinator for the presidential campaign of Reverend Jesse Jackson. After working with Reverend Jackson, Pastor Gilliard began his public affairs talk show, "Tell It Like It Is," which became the number-one rated radio program for ten consecutive years. In 1995, Reverend Gilliard was ordained and served as pastor of the Miracle Christian Life Center for six years until he was appointed President of the Georgia Coastal Southern Christian Leadership Conference.

Throughout Reverend Gilliard's years as a community activist, he has led a variety of successful efforts to improve the lives of his fellow citizens, including founding the Chatham County Youth Commission, chairing Unity in Our Community, starting the Savannah Out Marching Against Drugs movement, and organizing prayer vigils throughout Savannah.

Currently, Reverend Gilliard is the Host of "The Urban Journal." In addition, Reverend Gilliard is the CEO of Savannah Feed the Hungry where twice a week he offers a short message of encouragement and prayers to the hundreds who come seeking food at the newly opened Life Center.

I congratulate Reverend Gilliard on his many years of service. He has devoted his life and time to helping others and continues to make invaluable contributions to the city of Savannah and the state of Georgia, and I wish him many more years to come.

**CONGRESS NEEDS A FRESH,
BIPARTISAN START**

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. KILDEE. Mr. Speaker, I submit for the RECORD, a thoughtful, clear and eloquent opinion piece written for The Washington Post by my friend Congressman JOHN DINGELL. As the Dean of the House and one of the hardest working members of this body, Congressman DINGELL has seen many Congresses come and go and has witnessed countless successes and failures. His wisdom and experience is unmatched. Every member of Congress, and those who aspire to be, will benefit from reading this and historians will find this article valuable in understanding the changes that have taken place in Congress throughout the 20th century. It certainly is an important document that will continue to be a source of information about Congress for years to come.

[From the Washington Post, Sept. 9, 2011]

CONGRESS NEEDS A FRESH, BIPARTISAN START
(By John D. Dingell)

I am saddened by what I heard when I was home for the August congressional recess. The American people are fed up with finger-

pointing, blame games and infighting by all of us in Washington—the president, Congress and the media.

They are angry and frustrated, and they want Congress to do its constitutional duty. Only 12 percent think we are doing a proper job. It is easy to see why the public is losing confidence in the federal government.

In our debates over the fiscal 2011 spending bill and the debt limit, Congress put off its duties until the eleventh hour in favor of partisan squabbling and stubborn political games. I am ashamed of our performance—of us all, on both sides of the aisle. As a member of Congress who takes pride in this institution and holds its history and procedures in high regard, I am deeply disappointed by the unwillingness of members of all parties to come together for the common good.

Our Founding Fathers intended no parties when they created this institution. And until recently, members took the time to stay in Washington and learn the substance of issues, as well as the rules laid out by our forefathers in the Constitution and by previous generations in Congress. We learned how to draft good, bipartisan bills. Most members of Congress wouldn't remember, and for many Americans this may seem hard to believe, but there was a time not so very long ago when Republicans and Democrats worked well together. We worked long hours, typically five days a week or more for months at a time. Members of both parties came to the table ready to work, debate and negotiate.

For many years, legislation was drafted from the middle, and we passed bipartisan bills frequently. It wasn't uncommon for an important bill to get 400-plus votes; we didn't stop just because we had 218. Members didn't engage in partisan misbehavior for the sake of a good Twitter hit or the opportunity to call out the other side on cable news. Rather, members had respect for one another and for the political spectrum. They managed to limit outside parties from disrupting the legislative process for political gain.

We in Congress are tearing our country apart and weakening the foundation established by great leaders before us. Is anyone in Congress truly proud that we have not produced a budget? That we caused the downgrading of U.S. government securities, as well as appalling disorder and confusion in financial markets? Or that this situation caused the lack of job creation and economic growth that has contributed to the hopelessness and misfortune of millions of Americans?

Wrangling by all parties, from the top down, cripples our work, and media that encourage confrontation instead of negotiation fuel the fire. Being locked into this system of starting from the far left or the far right and then doing just enough for passage may get a single bill done, but it's not a system that produces the best law that does the most good for all Americans.

This partisan viciousness needs to stop.

I am ashamed of our recent record. I am disgusted with our performance, Republican and Democratic alike. There has been failed leadership and, worse, failed following within the ranks—and we owe the country far better. My daddy taught me that if God had wanted us to talk more and listen less, he would have given us two mouths and one ear. In our most combative moments, we must remember that no cause is greater than this institution and the ideals on which it was founded; no single man or woman is greater than this body and the collective wisdom we are capable of exhibiting. If we hold on to

that core principle, we can make changes that will be better for Congress as an institution and for the American people.

We must all help this body improve and call upon our colleagues to join in doing better. It is our duty. If we do not, the people, in their righteous and justified outrage, will get rid of us all—as well they should. I beg my friends in Congress and the administration to put the interests of this great nation before partisan political interests and not let the rivalries of the past prevent us from acting in ways that will better the future of our nation.

The writer, a Democrat from Michigan, is dean of the U.S. House of Representatives and a senior member of the House Energy and Commerce Committee.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. SMITH of Washington. Mr. Speaker, on Monday, September 12, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 699 (on the motion to suspend the rules and pass H.R. 2076, as amended), "yes" on rollcall vote No. 700 (on the motion to suspend the rules and pass H.R. 2633, as amended) and "yes" on rollcall vote No. 701 (on the motion to suspend the rules and pass H.R. 1059).

**OUR UNCONSCIONABLE NATIONAL
DEBT**

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,717,868,058,346.24.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,079,442,312,052.44 since then. This debt and its interest payments we are passing to our children and all future Americans.

**"CONSIDER THE POSSIBILITIES"
PERSONAL ACHIEVEMENT
AWARD WINNERS**

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the winners of the "Consider the Possibilities" Personal Achievement award from the HealthSouth Rehabilitation Hospital of Altoona, given to encourage and reward personal achievement within its community.

HealthSouth has presented rehabilitation awards to members of their community who have remained steadfast in overcoming an illness or disability. This year I congratulate: Danielle Gibbons and Frank Germino, winners of the "Consider the Possibilities" Personal Achievement Award; and Shelly Beaver, Sherri McGregor, and Joe Reed, winners of the Advocate Award.

Danielle Gibbons is the winner of the HealthSouth "Consider the Possibilities" Personal Achievement Award. On June 18, 2010, Danielle, 37 years old at the time and a single mother of two, was involved in a motor vehicle accident. Danielle was driving when another vehicle crossed the center line and hit her head on. The other driver was killed and Danielle was left with life threatening injuries. Danielle had to be cut out of the car, and was transported to the hospital where surgeons were ready to amputate her right leg. Instead, she insisted that she be flown to Pittsburgh where she underwent nine surgeries in order to keep her right leg. In October 2010, Danielle began physical therapy and she made remarkable progress. In less than one year, she was ambulating independently. Danielle has returned to work full time as a nurse practitioner. I commend her for her perseverance and good attitude.

Frank Germino is also the recipient of the HealthSouth "Consider the Possibilities" Personal Achievement Award. On October 9, 2010, Frank's life was changed forever when he fell 12 feet from a tree stand while hunting. Frank broke his back in five places. After a five hour surgery, he was told that he would never walk again due to the extensive damage that was incurred. Frank was determined to walk again and after months of rehab and therapy, Frank did just that. His courageous spirit is an inspiration to everyone around him.

Shelly Beaver and Sherri McGregor are the recipients of the HealthSouth Advocate Award. Through the efforts of Shelly Beaver, Certified Therapeutic Recreation Specialist, and Sherri McGregor, Education and Training Specialist at Penn State Altoona, "Sense-ational Endeavors" was developed. The program creates a combination of sensory activities, physical movement, and social skill development. In addition to therapeutic programs, campers engage in recreational activities and exercise tailored to their ability. Both Shelly and Sherri have dedicated their lives to enriching the lives of countless children.

Joe Reed is also the recipient of the HealthSouth Advocate Award. Joe is responsible for bringing a Miracle League to Blair County. The Miracle League provides baseball for all children with special needs. The field is constructed using a cushioned rubber surface with everything flat and level so there is nothing to trip over. Joe first heard about the Miracle League during a trip to Moody, Alabama while visiting friends in the fall of 2003. About two weeks later he read about it in the Kiwanis Magazine and knew this was something that Blair County needed. He returned to the Moody field, and then went to see the original Miracle League field in Conyers, Georgia. There, he met with the Executive Director of the Miracle League Association, Diane Alford. After getting permission to use the land owned by the Kiwanis Club of Eldorado, he

assembled a Board of Directors in early 2004 and began fundraising and promotion. Joe raised over \$150,000. Construction began in the fall of 2006. The total cost of the project was \$497,000. Opening day was July 21, 2007 with 24 children. Today they have 125 players and over 175 volunteers.

Congratulations to Danielle, Frank, Shelly, Sherri, and Joe. Their accomplishments are a testament to us all that with hard work, persistence, and a big heart, we can overcome any hardship. I congratulate each of them on their perseverance, and I wish them the best as they continue to overcome illnesses and disabilities while setting an example for the rest of the community.

TRIBUTE TO LANCE CPL. TRAVIS MICHAEL NELSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Lance Cpl. Travis Michael Nelson who recently lost his life in the service of his country. We will always be indebted to his sacrifice for our freedom and we join his family and many friends in mourning his loss.

Lance Cpl. Nelson was assigned as a rifleman with the 1st Battalion, 6th Marine Regiment, 2d Marine Division from Camp Lejeune, North Carolina. He lost his life during combat operations in Helmand Province, Afghanistan on August 18, 2011, one month after his unit's arrival.

He was a dedicated Marine who loved his country and loved the Marine Corps. He always wanted to be a Marine and beginning at the age of 14 he devoted his youth to preparing for his eventual role as a defender of America. Prior to his active duty service, he was a member of the Young Marines of Pensacola, Florida and the Pace High School Naval Junior Reserve Officer Training Corps program.

A native of Pace, and a resident of Bratt, Lance Cpl. Nelson, also had relatives in the nearby South Alabama towns of Atmore, Brewton, East Brewton and Daphne.

On behalf of the people of Alabama, I wish to extend condolences to his parents, Scott and Beckie Nelson; his brother, Daniel Nelson; his half brother, Chandler Case; sisters, Jenna Nelson, and Anna Nelson; and grandmothers, Anna Sanspree and Louise Nelson; as well as his fiancée, Madeline Cates.

You are all in our thoughts and prayers.

Mr. Speaker, I would like to add to this tribute the words of Sherry Digmon, publisher of Atmore magazine made in honor of Lance Cpl. Nelson.

"In tragedy, we come together. Atmore and the surrounding area came together in August as we all mourned the death of Marine Lance Cpl. Travis Nelson who was killed while on duty in Afghanistan. He was 19.

Most of us didn't know LCpl. Nelson, but we all knew him. His was the face of the young man who always wanted to be a Marine, who loved the flag and country, and who enlisted to preserve our freedoms.

On Friday, August 26, as we waited for the funeral procession to make its way down Main Street from the First Baptist Church to Oak Hill Cemetery, we looked at the people around us, almost all holding flags—the veterans lined up on the sidewalk in front of the American Legion building; the kids and the older folks; people who came out of their businesses and stood in the mid afternoon sun.

The Patriot Guard Riders came to Atmore to accompany the body of LCpl. Nelson and his family from Petty Eastside Chapel Funeral Home to First Baptist Church, then from the church to Oak Hill Cemetery. My hat is off to this fine group of men and women on motorcycles who show their respect to the fallen soldier by honoring and protecting the sanctity of his funeral and burial.

Someone in our group said, "That's America." We agreed. And then I said, "That's Atmore."

This was one event I hope never to witness again—the funeral of a young soldier. I hope never again to think about how a mama feels when she sees the officers standing at her front door. How a fiancée feels when she finds out her intended has been killed. How the men in his unit felt when they heard he didn't make it."

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. VISCLOSKY. Mr. Speaker, on September 13, 2011, I was absent from the House and missed rollcall votes 702 and 703.

Had I been present for rollcall 702, on agreeing to the amendment, Holt of New Jersey Amendment No. 7 to H.R. 2218, the Empowering Parents through Quality Charter Schools Act, I would have voted "Aye."

Had I been present for rollcall 703, on agreeing to the amendment, King of Iowa Amendment No. 8 to H.R. 2218, the Empowering Parents through Quality Charter Schools Act, I would have voted "no."

CELEBRATING ALYCE L. DIXON ON HER 104TH BIRTHDAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in celebrating Alyce L. Dixon on her 104th birthday on September 11, 2011.

As the Nation and the city recalled a tragic day ten years ago that changed the lives of many and altered American history, the District of Columbia celebrated Alyce's birthday and applauded her for her support to the country and to the city.

Alyce Dixon has spent most of her life as a resident of the District of Columbia. After graduating from Paul Lawrence Dunbar Senior High School, she attended Howard University

in the District. Ms. Dixon worked at the Lincoln Theatre, at an insurance company, and was one of the first civilian employees at the Pentagon, from which she retired after 35 years of service to the Federal Government.

Alyce Dixon was one of the first women to join the military and one of the first African-American women to become a member of the Women's Army Corps. While in the Army during World War II, Ms. Dixon served as part of the 6888th Postal Battalion in France, Scotland, and England, where she and other African-American women sorted mail for soldiers. Before retiring from the military, Ms. Dixon received the Good Conduct Medal to commemorate her service to the Army. She continued to serve the public by volunteering at Washington Hospital Center and Howard University Hospital for 12 years.

As a resident of the Washington, DC VA Medical Center, Alyce is loved by the hospital staff, personnel, and residents alike. She has the unique ability to bring joy to others, and is known especially for her bubbly personality and comedic storytelling.

Ms. Dixon is a member of Jones Memorial United Methodist Church, where she has graced the congregation with inspirations for a long life, filled with joy and laughter. She has also supported DC students in their pursuit of higher education through generous donations to church scholarships and youth programs.

In celebrating this significant milestone, we acknowledge the extraordinary personal qualities and contributions of Alyce Dixon to her family and to our community. Her birthday gives me, her family, and friends, as well as the residents of the District of Columbia, an opportunity to thank her for her many gifts of love, friendship, and consideration for others. I ask the House to join me in celebrating the 104th birthday of Alyce L. Dixon, a special woman whose service to this country and community is greatly appreciated.

RECOGNIZING THE YOUNG AMERICA'S FOUNDATION

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mr. MCCLINTOCK. Mr. Speaker, the attack against our Nation ten years ago today was our generation's Pearl Harbor. Indeed, in many ways it was far more infamous. More Americans died on September 11th than in the attack on Pearl Harbor. It was an attack not upon some distant outpost but upon our Nation's greatest city and our Nation's capital city. It was an attack not upon heavily armed warships, but upon defenseless Americans peacefully going about their business.

This atrocity set new records for its ruthlessness and barbarity and depravity. Benjamin Netanyahu called it a "wake-up call from hell," and that's exactly what it was. It is appropriate, though, to note one constant that defines us as a people and that guarantees us that all will come right. I speak of something that can only be described as the Spirit of America.

The attack on our Nation ten years ago reminded us that the American spirit is still very

much alive, and that this generation is more than capable of rising to great acts of heroism.

The attack ten years ago produced a pantheon of heroes—Americans who had gone about their business one peaceful morning, and in a few brief moments found themselves facing well prepared, intractable and barbaric adversaries.

At that fateful moment, they rose to the occasion. They resisted with everything they had. On December 7th, cooks became gunners and nurses passed the ammunition. On September 11th, office workers became rescue workers and businessmen laid down their cell phones and took up hand-to-hand combat in the skies over Pennsylvania.

Centuries from now, Americans will proudly remember the story of the young men and women aboard Flight 93 as it headed for our Nation's Capitol: how they responded instantly to their country's peril—and armed only with their bare hands stopped cold those who would destroy our Nation. In his last words heard over his cell phone, Todd Beamer asked—not just of his fellow passengers, but of all of his fellow countrymen: "Are you guys ready"? His answer on behalf of us all was, "Then let's roll."

The memory of firefighters and police officers rushing into the burning buildings as everyone else rushed out personified duty and honor for an entire generation.

For those young people in our Nation who were not alive to experience, or were too young to remember that day just over ten years ago, we have an obligation as a society to pass on our memories and the lessons we learned, purchased at the high price of innocent life and years of conflict.

I rise today in recognition of the ongoing work of the Young America's Foundation to preserve our history for future generations.

Each year Young America's Foundation helps students—many of whom comprise the "9/11 generation"—to properly remember the anniversary of the September 11 terrorist attacks through their 9/11: Never Forget Project. Young America's Foundation began this program in 2003.

Young America's Foundation works with students to establish American flag memorials—displays consisting of 2,977 American flags representing each person tragically killed in the terrorist attacks. This year, students at more than 280 schools erected such memorials on their school grounds. Students held campus-wide moments of silence or prayer on September 11, at 9:11 a.m., hosted patriotic speakers and first responders at their schools, and provided 9/11: Never Forget posters and other materials to distribute on the anniversary. Young America's Foundation is making sure that future generations understand the events of that horrific day, remember its victims and remember the many examples of courage, patriotism and dedication which have, and will continue to inspire so many.

This tenth anniversary year is not just a time to memorialize the fallen—as important as that is. This upcoming September 11, we humbly celebrate America's endurance, strength, and goodness. In doing so, we will ensure that future generations will never forget.

While we can erect grand edifices and give speeches about 9/11, it is this simple and

poignant tribute in remembrance of those we have lost and all those who serve that speaks loudest across the years. It is my privilege to rise today and thank the Young America's Foundation for its ongoing service to our Nation and our posterity.

HONORING SERGEANT KEVIN GLASER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2011

Mrs. EMERSON. Mr. Speaker, I rise today in honor of Sergeant Kevin Glaser of Sikeston, Missouri, for his 28 years of dedicated law enforcement with the Missouri State Highway Patrol. The people of my congressional district and the State of Missouri are grateful for Kevin's commitment to ridding our communities of illegal drug activity.

For 22 years Kevin has been on the front lines of drug enforcement in Missouri as the leader of the Southeast Missouri, SEMO, Drug Task Force. The SEMO Drug Task Force's main objective is to crack down drug creation, distribution and use through southern Missouri. Kevin commanded the task force for over 16 years.

Kevin displayed courageous leadership in the face of great challenges in the name of safer Missouri communities. As methamphetamine use spread across rural America, Kevin and his squad made record arrests and seizures. In fact, over 75 percent of their efforts in drug enforcement were fighting the scourge of meth use in southern Missouri.

In a 1997 L.A. Times article, Kevin was quoted as saying: "It's hard to imagine a drug controlling you the way it does . . . They see their family falling apart, their bodies falling apart, but the only thing that matters to them is the dope." This drug was Kevin's enemy and the SEMO Drug Task Force's enemy, and they fought the enemy tirelessly.

I am thankful for Kevin's dedicated service with the Missouri State Highway Patrol. I am excited for his retirement, although I hear he is still playing an advisory role with the officers' training. Kevin, I wish you the very best on this new venture.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for

printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 15, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED SEPTEMBER 20

9:30 a.m.

Armed Services

To receive a closed briefing on Iran.

SVC-217

Budget

To hold hearings to examine promoting job creation in the United States.

SD-608

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine intelligence community contractors, focusing on striking the right balance; to be immediately followed by a closed hearing in Senate Security Conference Room 1.

SD-342

10 a.m.

Finance

To hold hearings to examine tax reform options, focusing on incentives for innovation.

SD-215

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine new ideas to address the glut of foreclosed properties.

SD-538

Joint Economic Committee

To hold hearings to examine the debt limit.

210, Cannon Building

2:30 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

Business meeting to mark up proposed budget estimates for fiscal year 2012 for Labor, Health and Human Services, and Education, and Related Agencies.

SD-124

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

SEPTEMBER 21

10 a.m.

Finance

To hold hearings to examine dually-eligible beneficiaries, focusing on improving care while lowering costs.

SD-215

Foreign Relations

To hold hearings to examine the nominations of Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajewski, of Virginia, to be Ambassador to the Kingdom of Bahrain, and Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, all of the Department of State.

SD-419

Homeland Security and Governmental Affairs

Business meeting to resume consideration of S. 1546, to authorize certain programs of the Department of Homeland Security.

SD-342

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of The American Legion.

SDG-50

10:15 a.m.

Judiciary

Crime and Terrorism Subcommittee

To hold hearings to examine countering terrorist financing, focusing on progress and priorities.

SD-226

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Google, focusing on consumers and competition.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1119, to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, S. 1207, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach, S. 1307, to authorize the Secretary of Com-

merce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska, S. 1401, to conserve wild Pacific salmon, and S. 1430, to authorize certain maritime programs of the Department of Transportation, and promotion lists in the United States Coast Guard and the National Oceanic and Atmospheric Administration.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine transforming wartime contracting, focusing on recommendations of the Commission on Wartime Contracting.

SD-342

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine a recently released report by the National Park Service, focusing on "A Call to Action Preparing for a Second Century of Stewardship and Engagement".

SD-366

SEPTEMBER 22

9:30 a.m.

Armed Services

To hold hearings to examine the United States strategy in Afghanistan and Iraq.

SH-216

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the "Tribal Law and Order Act" one year later, focusing on improved public safety and justice throughout Indian country.

SD-628

2:30 p.m.

Intelligence

To hold hearings to examine the nomination of Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

SH-216

POSTPONEMENTS

SEPTEMBER 20

10 a.m.

Judiciary

To hold hearings to examine if today's political rhetoric is true to the United States Constitution.

SD-226

HOUSE OF REPRESENTATIVES—Thursday, September 15, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 2011.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Most Reverend Thomas John Paprocki, Bishop of Springfield, Illinois, offered the following prayer:

Almighty God, we come to You in prayer and seek Your blessing on the United States House of Representatives.

Because our vision of Your goodness is clouded by sin, we seek Your light to guide us on our way.

Because we do not always listen as we should to Your commands, help us to hear Your Word.

Because we often fail to think in accord with Your wisdom, we need Your truth to enlighten our minds.

Because Your ways are not our ways, give us prudence and courage to follow Your will.

May we take inspiration from Springfield's most famous citizen, Abraham Lincoln, who reminded us that "a house divided against itself cannot stand." May we heed his call and follow his example.

We ask You, dear God, to grant these prayers and lead us to the glory of Your Kingdom, where You live and reign forever and ever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. SCOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. SCOTT of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING BISHOP THOMAS PAPROCKI

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 1 minute.

There was no objection.

Mr. QUIGLEY. Mr. Speaker, I rise to honor today's guest chaplain, Bishop Thomas Paprocki of Springfield, Illinois. I've known Bishop Paprocki for over 20 years, as he served as auxiliary bishop of the Archdiocese of Chicago before becoming Bishop of Springfield.

The good bishop is also known in other circles only as the "Holy Goalie"—the man who saves souls and goals. Bishop Paprocki and I have played hockey together many times, and it's always a comfort to know I've got the bishop behind me manning the net.

But his heroics on the ice pale in comparison to his service to our community. In these years since joining the priesthood in 1978, he has shown a dedication to helping the poor and disadvantaged. With his DePaul law degree, he set forth to found the Chicago Legal Clinic to assist these struggling communities.

His work is an inspiration to us all. I am lucky to call the bishop a good friend.

Thank you, Bishop Paprocki, for joining us here today. See you on the ice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

HOUSE REPUBLICANS FIGHTING TO PROTECT AMERICAN JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, with more than 14 million Americans unemployed, the irresponsible agenda of the National Labor Relations Board is destroying more jobs. In April, the NLRB filed a complaint against The Boeing Company for cre-

ating thousands of jobs in a right-to-work State, South Carolina.

The Protecting Jobs from Government Interference Act will promote, today, a positive environment for job creators by developing their businesses in a State that offers the best opportunities for job growth. The new law will prohibit the NLRB from dictating where employers can relocate, shut down, or transfer employment.

I am proud of the leadership of the four freshmen from South Carolina making a difference promoting jobs, led by Congressman TIM SCOTT of North Charleston who introduced this legislation, and I'm grateful to be an original cosponsor with Congressman TREY GOWDY of Spartanburg, Congressman JEFF DUNCAN of Laurens, and Congressman MICK MULVANEY of Indian Land.

This legislation will provide the certainty for job creators to invest in the economy and put Americans back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CLIMATE CHANGE AND ITS THREAT TO FUTURE GENERATIONS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, during our discussion of the Federal debt, we heard a lot of discussion about threats to our children's and our grandchildren's future. What we have not heard enough discussion about is another threat to our children's and our grandchildren's future, and that is the threat of climate change.

We have seen the first bitter taste of this oncoming tsunami of change with 7 inches of rain in 3 hours in Virginia, with wildfires in Texas that have been unprecedented in our Nation's history. And now our current job crisis does not give us the luxury of ignoring this long-term threat to our children's and our grandchildren's future.

I want to alert Members to a thing they can check on right now, the Climate Reality Project, which is something going on until 7 o'clock tonight—climateresearchproject.org. If people are interested in what is happening to our country today, around the country and the world, check out climateresearchproject.org. It is a bitter taste. Let's keep our eye on that ball as well.

REFUNDABLE CHILD TAX CREDIT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Last year, illegal immigrants bilked \$4.2 billion from U.S. taxpayers due to a loophole with the refundable child tax credit. According to a new report, this rampant abuse has cost American taxpayers billions. That's just wrong.

It's time to close this loophole. That's why I've reintroduced the commonsense legislation, H.R. 1956, that stops the child tax credit sham.

The bill requires tax filers to provide their Social Security number to receive that benefit. With the dire need to cut government spending, I hope this simple fix gets a serious look as a way to stamp out waste, fraud, and abuse.

If you want to stop illegal immigrants from duping taxpayers for billions of dollars every year by fraudulently claiming this credit, call the White House at 202-456-1414. Tell them to pass this bill right now. Tell them that H.R. 1956 should be a top priority.

BIPARTISAN APPROACH

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, today I rise to draw attention to a September 8 Washington Post editorial written by the dean of the House, the Honorable JOHN DINGELL, entitled "Congress Needs a Fresh, Bipartisan Approach."

Congressman DINGELL reminds us of a time not too long ago when Members from both sides of the aisle worked together for long hours for months on end to solve the problems of the day. These were times when Members were motivated less by the reward of a good media hit and more by the reward of overcoming the challenges that confronted the Nation.

Today, we face the critical challenge of getting Americans back to work. This isn't a Republican or a Democratic problem, and the fix that will get folks back to work doesn't prefer one side or the other. Americans can no longer afford the political games that consume us now.

I encourage my colleagues to heed the advice of our distinguished colleague. Let's roll up our sleeves and work together to get our economy back on track.

□ 0910

TAX HIKES ON JOB CREATORS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, last week in this Chamber, the President challenged a joint session of Congress to pass his jobs stimulus bill. He promised the American people that it would be paid for. This week, we learned that it will be 100 percent paid for through tax hikes on job creators.

Pinnacle Asset Integrity Services is a small business engineering firm employing 100 people in the district I represent in Pasadena, Texas. Pinnacle's president told me that the higher taxes proposed by President Obama would not affect his personal salary, but higher taxes would severely restrict the funds available to him to pay employees while maintaining the reserve cash needed for monthly salaries. The result? Layoffs.

Mr. Speaker, tax hikes on job creators like Pinnacle are simply not the solution. Regulatory certainty and reasonable tax rates will do wonders for job creation. I urge my colleagues to stand with the job creators and reject this tax increase.

Let's get America back to work.

PASS JOBS LEGISLATION

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. In this Chamber, there is a lot of back and forth about who creates jobs and who doesn't. Some have suggested it's not government, only business, or vice versa. It's both.

How about the construction worker who built a Federal highway so businesses can ship their products? That's how we work together.

How about the teacher who works a 14-hour day to educate the next generation of small business owners? That's how we work together.

Tell it to a veteran that's not a real job if he spent 2 years away from his wife and child to protect our democracy and the freedom of business owners to expand their wealth. That's how we work together.

Personally, I don't think I or the American people give a dang who creates the jobs. All that matters is that the jobs are created. Let's get to work for America. We don't have to sit here and set up false choices and pit the worker at a private factory against the teacher who teaches our children. We all have a role to play in getting this country back to work. Let's end the partisanship, work together and pass jobs legislation.

HOLDING OUR MILITARY FAMILIES FISCALLY HOSTAGE

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Our military families are the heart and soul of our Armed Forces. Recognizing this, tomorrow in Fort Rucker, Alabama, there will be a spouse day. Army husbands and wives will run an obstacle course, fly simulators, and shoot M16s to experience life as an Army soldier.

Military families are a vital part of my district, and it is my great honor to represent them. Recently, I was in Fort Rucker and I was speaking to a soldier, and his expectant wife was sitting next to me. With tears in his eyes, he said, Don't worry about me. I'm okay. Just make sure she's okay.

Unnecessary defense cuts could change our military as we know it today. These cuts will not affect military operations as much as they could weaken viable support for military spouses and their children. Regardless of politics, our military families must continue to have the resources necessary to serve in their support role as military dependents.

LET'S PASS THE AMERICAN JOBS ACT

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, I have a great idea. Let's pass the American Jobs Act.

It cuts taxes, it invests in infrastructure, and most importantly, it helps small businesses be more competitive in the global economy. Economists of all political stripes tell us that this act will create 1.9 million jobs, and it does it, in part, by making sure that U.S. taxpayer dollars are spent on U.S. jobs by applying the Buy American provisions.

We should pass the American Jobs Act, and then we should take the simple idea that U.S. taxpayer dollars should go to create U.S. jobs and then apply it to every corner of the Federal Government. For instance, we could create another 600,000 jobs on top of the 1.9 million if we'd just clean up loopholes that allow for thousands of defense contracts to go to overseas companies.

You see, rhetoric on the floor of the House of Representatives doesn't create jobs. Real, now-focused policies do, like the American Jobs Act and the Buy American policy.

U.S. OBJECTION TO PALESTINIAN STATEHOOD IN THE U.N.—A HOLLOW, LONE VOICE OF REASON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Palestinians are going to the United Nations to seek some type of recognition as a state, but this decision should

only be decided with direct negotiations with Israel and Palestine. The Palestinians have rejected this proper process for peace and go instead to the anti-Israel U.N. for recognition.

Dore Gold, a former Israeli ambassador to the U.N., said: "If there was a U.N. resolution whose first clause was anti-Israel and whose second clause was that the Earth was flat, the U.N. would pass it."

The U.S. has come to this issue late, and even though it will object to the Palestinian statehood through the U.N., in recent years, the United States has given mixed signals about its support for Israel. That is unfortunate. Israel is our most loyal friend and ally in the Middle East.

The U.S. objection to the Palestinian statehood in the U.N. will be a hollow, lone voice of reason. It will show once again that the U.S. has little leadership in the United Nations. However, the U.N. will reaffirm its position of bigotry against all things Israel even if it means proclaiming the Earth is flat.

This is yet another reason to cut U.S. aid to the U.N. We don't need to pay the U.N. to hate Israel. They will do it for free.

And that's just the way it is.

PASS THE JOBS ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. I am very worried about our country. Democrats and our President are calling on the Congress to pass the Jobs Act so that our fellow Americans who have been unemployed can go back to work; so that teachers, firemen, and police can keep their jobs; so that those whose incomes have dropped will have a little more money to spend on their families; so that our children will have schools that show we care about them; and so that struggling small businesses will get the help they need.

Building the political will to do this requires not only patriotism; it requires compassion. After watching the Tea Party debate, where the audience and some candidates indicated an uninsured person should be left to die and where there was loud applause for capital punishment, I wonder if we can still feel another's pain.

This calls out to the good people that I know who remain the majority in this country to do more, to speak louder to drown out the voice of hate, and to renew and strengthen the values that have always made the United States of America the greatest country in the world.

We are commanded to love our neighbor. As my pastor preached last Sunday, if we do, we will not wish our neighbors ill or do them harm.

PROVIDING FOR CONSIDERATION OF H.R. 2587, PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

□ 0920

Mr. SCOTT of South Carolina. Because the one Republican amendment submitted to the Rules Committee was not germane and because the Democrats chose not to offer any amendments at all, House Resolution 372 provides for a closed rule for consideration of H.R. 2587, the Protecting Jobs from Government Interference Act.

Mr. Speaker, I rise today in support of this rule and the underlying bill. The underlying bill would amend the National Labor Relations Act to prohibit the NLRB from ordering any employer to relocate, shut down or transfer employment beginning the date of passage. Since the NLRB filed suit against Boeing, I have been reminded of an old saying: "A government that is big enough to give you all you want is big enough to take it all away."

What you see now is exactly that, Big Government killing jobs under the guise of protecting workers. Let me be clear. Despite what opponents will say, this is not a union issue. This is a classic example of government overreach which will, in the end, destroy American jobs and encourage companies to look elsewhere in the world.

With unemployment at 9.1 percent and an economy which is best described as fragile, we do not have the luxury of being able to afford this action. Plain and simple, my legislation will remove the NLRB's ability to kill jobs.

The government, especially an unelected board, does not need to be involved in the business decisions of the private sector. In fact, it cannot be. We already live in a country where our corporate tax structure is the second highest in the world, and we cannot add another strike against us.

Today, the NLRB's overreach threatens 1,100 jobs in my hometown of north Charleston. Let me say that again: 1,100 jobs already created and filled. Who is to say tomorrow it does not preclude another company from looking to expand, not just in South Carolina, a State where our unemployment rate is at 10.9 percent, but anywhere in the country. This instability is the last thing our job creators need right now.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. This commonsense solution will help spur job creation and, more importantly, it will remove impediments to job creation.

I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill, and I reserve the balance of my time.

Mr. MCGOVERN. I thank the gentleman from South Carolina (Mr. SCOTT) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this yet another closed rule and in even stronger opposition to the underlying bill.

The difference between the two parties could not be any clearer. While Democrats continue to push for legislation that will create American jobs, Republicans continue to attack American workers.

After more than 250 days, the majority, House Republicans, have no jobs agenda, nothing. Instead, they have brought forth job-destroying legislation that could cost up to nearly 2 million jobs, and they have voted to end Medicare, cut Social Security and slash Medicaid.

Today, sadly, is no different. Instead of bringing the American Jobs Act to the floor, the Republican leadership gives us H.R. 2587, the "GOP Job Outsourcers' Bill of Rights."

Mr. Speaker, it is no secret that my Republican colleagues detest the National Labor Relations Board. They

have made that crystal clear in the past few months with their amendments to cut the NLRB's funding and undermine its authority.

But today they have sunk to a new low. The bill before us guts the very fundamental rights of American workers to fight for better wages and working conditions, and it makes it easier for companies to outsource American jobs overseas.

Not a single hearing was held on this bill, not one. No objective assessments were done by the GAO or the Congressional Research Service, not even any evaluation on the impact on wages or job security of the millions of American workers who will be touched by this legislation.

If this is the Republicans' idea of a job-creation plan, they are even further off base than I thought.

I would like to think that my Republican colleagues haven't thought through the wide-ranging repercussions of this bill. So let me take a moment to educate them.

Companies in the United States are free to move their operations as they see fit, as long as it's not in retaliation for workers exercising their right to organize, to demand better benefits and safer working conditions, or to ensure a full day's pay for an honest day's work.

And the plain fact is, if a company is allowed to retaliate against its workers simply for exercising their lawful rights, every worker in every other State, including South Carolina, will lose some of their fundamental rights. A year from now, if Boeing decides to move production from South Carolina to China, to retaliate against workers who try to organize a union, the NLRB would have no power to order those jobs to be kept or transferred back to the United States. For many American workers today, the NLRB's authority to restore or reinstate work that has been unlawfully transferred, outsourced, or subcontracted away from workers exercising their lawful rights is the only remedy they have to keep their jobs.

By eliminating the power of the NLRB to order work be restored or reinstated, a CEO may simply eliminate the work and thereby the worker. That CEO may even explain to the workforce that he eliminated the work because it was pro-union. Even worse, H.R. 2587 would apply retroactively to any complaint that has not been resolved by the time of enactment, including the Boeing case.

This is a terrible, terrible, terrible precedent. Congress has no business sticking its nose into an ongoing legal proceeding. We have no business changing the rules of the game in the middle of the game.

Republicans have sent a clear message: if you aren't a CEO of a Fortune 500 company, you shouldn't have any

rights in the workplace. For the millions of hardworking middle class workers who are struggling to support their families and pay their bills, H.R. 2587 is a slap in the face.

Democrats will not stand idly by as this Republican Congress tries to dismantle the rights of American workers. American workers have fought hard and earned these rights. They have sweated and bled and sometimes died to secure them. I am proud to stand with those workers and their families.

I find it sad that this Republican leadership, a leadership that routinely fights to protect tax loopholes for corporations that shift jobs overseas, is now bringing this horrible anti-worker bill to the floor.

I urge my colleagues to reject this far-reaching legislation and get back to work to bring real and meaningful job creation bills to the floor. Stop this assault against American workers.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. There are a couple of comments I would like to make on my good friend's comments.

For one thing, not a single union employee, not a single employee in Washington State—Puget Sound, Washington State—has lost their job because of the new line of work being done in North Charleston, South Carolina.

Another comment that my good friend made had to do with Medicare and what the Republicans are doing to Medicare. Let us not forget the fact that without any question the legislation that has the greatest impact on Medicare and its funding for the future happens to be the national health care plan passed by the Democrats where they stripped \$500 billion, \$500 billion, out of Medicare to pay for the debacle known as national health care.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JOE WILSON.

Mr. WILSON of South Carolina. Thank you, Mr. SCOTT, for your leadership.

The Protecting Jobs from Government Interference Act will prohibit the National Labor Relations Board from dictating where private businesses can and cannot choose to create jobs.

The legislation ensures private businesses across America will be able to promote job growth by making decisions based on the best interests of their shareholders and workers. The act prohibits the NLRB from ordering employers to relocate, shut down, or transfer employment. It fosters a positive environment for employers to develop their businesses and the State that offers the best opportunities for growth and job creation.

It's truly sad that this legislation must be created to counter the overreaching agenda of the job-killing

NLRB. Earlier this month, the Bureau of Labor Statistics announced that the national unemployment rate is at 9.1 percent. This means there were 14 million Americans that were without jobs. So I find it bizarre that in this climate of high unemployment, the NLRB is attempting to destroy thousands of jobs in South Carolina.

In fact, as Politico has reported, the 1.1 million square-foot building is built. I was there for the groundbreaking. I was there for the topping out.

Already, as my colleague, Congressman SCOTT, has pointed out, 1,100 people are employed today. Another 8,000 people will be employed across this State of South Carolina. This is not a hypothetical issue. It is a completed plant with jobs, with families at risk today.

This year, my birthplace has served as the center of this controversial ruling by the administration that a large manufacturer that's created jobs across the country cannot relocate.

□ 0930

This is now unprecedented. The Boeing complaint is a threat to all right-to-work States, not just South Carolina. The NLRB is chasing jobs overseas. Being a right-to-work State means employees in those States can choose for themselves whether to join a union. The NLRB complaint against Boeing is really without merit. It falsely indicates that Boeing "transferred work" of the 787 Dreamliner assembly line from Washington State. However, not a single union employee has lost a job due to the decision to locate a new, second line for 787s.

The NLRB efforts may have an unintended consequence. With the legal theory a business cannot expand from a union State to a right-to-work State, business will get the message never to locate in a union State in the first place. The only safe location is to establish a business in a right-to-work State.

I applaud the proactive efforts of Congressman SCOTT in introducing the bill. I want to thank the chairman of the Education and Workforce Committee, JOHN KLINE, along with the distinguished subcommittee chairman of Health, Employment, and Labor, Congressman PHIL ROE of Tennessee.

I urge support by my colleagues.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to clarify a few points. I would remind my friend from South Carolina that he and every single Republican in this House voted for the Republican line budget, which basically destroys Medicare as we know it, voucherizing the entire system.

I also will remind him that it is his party's leading Presidential candidate right now who is advocating eliminating Social Security. And now we

have a bill on the floor that my Republican friends are supporting that will make it easier and more likely that U.S. corporations will ship U.S. jobs overseas.

Stop the assault on American workers.

At this time I would like to yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to point out and clarify a few points that have been made here this morning. Regarding the Boeing case, this is a clear overreach into the decision of the National Labor Relations Board.

The National Labor Relations Act, section 7, establishes the basic right for employees in this country to self-organize, to join, to form, and to assist labor organizations.

The Boeing workers have been organized with and by the Machinists Union since the 1970s. There has been a long and good relationship there. The union and the employees at Boeing were trying to exercise their basic section 7 rights. However, the management of Boeing, which is a good company, but clearly in this case the management of Boeing committed an unfair labor practice by threatening the employees that if they exercised their rights under section 7, they would move the work out of Washington, out of Puget Sound, and relocate it down to South Carolina, which they did.

The National Labor Relations Board followed the law. This is not a close case. This is the only decision that the board could possibly come up with under the law. We are a nation of laws. You may not like the result, but like it or not, workers in this country have a basic right to join unions. I know that that's not a popular idea lately. However, in this case, I completely support the board's actions. I think they followed the law.

I rise in strong opposition to the rule and to the underlying bill, and I ask my colleagues on both sides of the aisle to vote against this bill.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee, Mr. PHIL ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I rise in strong support of America's job creators, the rule, and H.R. 2587, Protecting Jobs from Government Interference Act.

What this bill does is it simply amends the NLRA, which was passed in 1935, and prohibits the National Labor Relations Board from ordering employees to relocate, shut down, or transfer employment under any circumstances. In other words, it allows managers to make business decisions that are in the best interest of their company and their employees.

Let's just give a CliffsNotes version of this.

Boeing is a great American company. I visited that company in Washington State. I've also seen the Boeing plant in Charleston, South Carolina. What happened was they moved a second line of business there. The Machinists Union disagreed with that. Lodge 751 lodged a complaint.

What the NLRB is supposed to be is an impartial referee. It's like a basketball game. When you go into a gym, you expect the referees to be fair to both sides. And to my friend on the other side, the NLRB oversees elections, but you have a right as an employee to vote for or against a union. You have both rights.

What this is doing is: What about the people who work in South Carolina? The company has invested over a billion dollars to create good-paying American jobs. One week ago today, the President of the United States stood right where you are and made a very eloquent speech about job creation. But I guess it doesn't matter in South Carolina where those 1,000 jobs—1,100 people are working. It's not a very complicated issue. A company should be allowed to move within the borders of this country.

I was raised in a union household. My father belonged to the union. He lost his job several decades ago to a foreign country, so I know what that's like. Certainly I am very pleased that the people in Washington State have added jobs, not lost jobs out there.

So I believe that this absolutely is an egregious overreach of the NLRB, and I encourage my colleagues to vote for this rule and vote for this very important piece of legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I just want to respond to those statements.

It is a simple case; I agree with that part. And Boeing is a good company, a good American company. But in this case, if you read the facts of the case, their management made multiple threats to the employees that, if they chose to exercise their rights as employees under the law, that they would move the work away from Puget Sound and locate it in South Carolina. And that's exactly what they did. That's exactly what they did.

You can manage a company, but you cannot use your management rights to trample on the rights of those basic employees.

Mr. SCOTT of South Carolina. Mr. Speaker, I would certainly love to hear a single case, a single specific comment, a single specific fact to undergird your comments, I would say to my friend from Massachusetts.

I yield 3 minutes to the gentleman from Tennessee, JOHN DUNCAN.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of this rule and H.R. 2587, the bill that it brings to

the floor, and I thank the gentleman for yielding.

The Boeing Company, which operates a huge manufacturing plant in Puget Sound, has built a new production line for its 787 Dreamliner fleet in South Carolina. There has been no coinciding layoff at the Puget Sound facility. In fact, not a single job was lost in the State of Washington as a result of Boeing's decision. On the contrary, Boeing has added an additional 2,000 jobs in Puget Sound since that time; yet the National Labor Relations Board decided that Boeing was harming the labor unions in Washington, so they made this unfortunate decision.

No department or agency of the Federal Government has ever told any business that it could not or even should not move from one State to another without demonstrating the type of violation alleged in its case. For the National Labor Relations Board to tell Boeing that it cannot move from Washington to South Carolina with no substantive evidence of antiunion hostility is an unprecedented, a dictatorial power grab that makes people wonder if we still live in a free country.

If the shoe was on the other foot, Mr. Speaker, if a conservative majority on the NLRB told a company it could not move from a basically nonunion State to a heavily unionized State, those who are opposing this bill would be screaming to the high heavens.

This action by the NLRB will stifle economic growth all across this Nation and could cause more American companies to go to other countries or discourage businesses from moving here in the first place.

□ 0940

I am certain that those who created the NLRB could never have imagined that a future board would make such an extreme, radical decision such as this. The NLRB was not set up to be a one-sided, unfair, biased agency that was set up just to protect unions. It was and is supposed to be a fair, impartial, nonpolitical arbiter between labor and management, business and unions. Every Member who represents a right-to-work State, such as my State of Tennessee, should be very concerned about this decision.

Boeing had a 39-day strike in 2008 that cost the company an estimated \$2 billion. The CEO of Boeing Commercial told the Seattle Times last year, "We can't afford to have a work stoppage every 3 years. And we can't afford to continue this rate of escalation of wages."

This administration claims to be concerned about jobs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN of Tennessee. Just a few weeks ago, The Washington Post

showed that 82 percent of the American people believe it is either very hard or somewhat hard to find a job. Now, unelected power-mad bureaucrats at the NLRB, who do not have to worry about their jobs, have made a decision that will stifle job creation and business growth and expansion all over the country. We should pass this bill and overturn this shortsighted decision that could possibly protect some jobs in Washington, but will ultimately hurt working people all through this Nation.

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

I want to make it crystal clear that this Republican bill does not protect or create jobs. What it does is it forces American workers to fight over existing jobs by giving up their legal rights and underbidding each other. This is about a race to the bottom.

The problem I have with my Republican friends is their economic policies are all about lowering the standard of living for working families in this country. We should be trying to increase the living standards for American workers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield myself an additional 30 seconds.

Rather than bringing up a bill that makes it easier and more likely for U.S. corporations to send U.S. jobs overseas, they ought to be bringing to the floor the President's jobs bill that he talked about here in the United States Congress about putting people back to work. He came up with a series of bipartisan initiatives that will help stimulate and jump-start this economy. Rather than doing that, which will put people back to work, we're debating an anti-worker bill that's going to make it more likely that U.S. corporations will ship U.S. jobs overseas.

It is wrong, and I would urge my Republican friends to stop your assault on American workers.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. I would just say to my good friend, Mr. MCGOVERN, that there's no doubt about it that the President's jobs plan does one thing. And it's consistent with what the NLRB would do as well. It doesn't simply ship American jobs overseas. It ships American companies overseas so they do not have to play in the quagmire pit called the regulations that this President and the Federal Government have imposed on businesses.

To quote from the conservative Chicago Tribune: The NLRB's worst decision, however, is its unprovoked "hit" job on Boeing. There's no question that whether you're a conservative, a liberal; whether you are a passionate believer in the future of this Nation and this world, here's one thing we all have in common: the decision for the NLRB

to attack America's greatest and largest exporter is wrong and indefensible.

I yield 3 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. Mr. Speaker, we just spent several weeks back in our own districts, and I had a chance to talk to a lot of folks—and a lot of my Democrat friends. I do have some of those. They're always asking me, Why can't you just agree with the President? Why can't we go along with what the President says? And I always enjoy when I get the opportunity to come before this body and look exactly at what the President says and to look at what he says about what we're talking about today.

What do we know what the President has said? The President said in this very room just last week that he was for jobs. That's what Boeing is doing. And the NLRB is fighting them. The President has said he's for manufacturing jobs. He said that he's calling for all of us to come together—private sector, industry, universities, and the government—to spark a renaissance in American manufacturing and help our manufacturers develop cutting-edge tools. That is exactly what Boeing is doing and exactly what the Obama administration's NLRB is fighting, Mr. Speaker.

What else is the President for? He's for exports. He's called on us to double our exports. In fact, he pointed out, correctly so, that 95 percent of the world's customers and the world's fastest growing markets are outside our borders. We need to compete for those customers because other nations are. We need to up our game, and that is exactly what Boeing is trying to do in North Charleston and exactly what the Obama administration's NLRB is fighting right now.

What else has he talked to us about? He's told us how important it is to have jobs here. Again, just last Thursday night, in this very Chamber, he said, And we're going to make sure the next generation of manufacturing takes root not in China or Europe, but right here in the United States of America.

That is exactly what Boeing is doing in North Charleston. They could have opened this plant overseas. In fact, in hindsight, given the treatment of the NLRB, maybe they should have. But they didn't. They chose to create jobs here in the United States in Charleston, South Carolina, and the Obama administration is fighting them at every particular step.

Why are we here, Mr. Speaker? We're here because the President's words don't match his actions. We're here and we are not agreeing with our colleagues across the way because they are not backing up what they say with what they do. If the President would do the right thing and do what he did last week—he rolled back—and give credit

where credit is due—he rolled back the new EPA rules on the ozone emissions, he could do the exact same thing before the end of the day today on this NLRB action against Boeing. And he could do the right thing and encourage jobs here in the United States, exactly as he said we would be doing.

But since he won't match his words to his actions, we must pass this rule and we must pass this bill.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON), who believes that it is wrong for the Republicans to pass legislation to make it easier for U.S. corporations to ship U.S. jobs overseas.

Ms. SUTTON. I thank the gentleman for the time.

Mr. Speaker, it is no secret that the American people are very concerned about the failure of House Republicans to help the American people get back to work. But, Mr. Speaker, it seems that we may have it all wrong. It turns out that House Republicans have been working to create jobs, just not here in America.

While the American people are suffering, H.R. 2587 gives big corporations which are already flush with profits and tax breaks yet another free pass to take jobs from hardworking American men and women and ship them overseas. Without the support of the National Labor Relations Board to help American families get a fair shake, we can only expect to see more layoffs, lower wages, and a bleaker future for America's middle class.

Instead of stripping power away from the NLRB to ensure the rights of workers are upheld and handing it to corporations to bust unions and outsource jobs, we should be working to create good-paying jobs right here in America, right in Ohio. We should be working to level the playing field for the American workers, who are the best, hardest-working, most innovative workers in the world.

It is time that the Republicans join us in that fight, and it's time that they join us in voting "no" on this rule and on this very bad legislation, H.R. 2587. Stand up for the American worker.

Mr. SCOTT of South Carolina. My good friends on the left continue to talk about shipping jobs out of America. I want to make sure that everyone still recognizes the fact that the great State of South Carolina is still a part of the United States of America. In fact, when you think about it, you must scratch your head when in fact the Washington State employees now have more people there working than they had when we opened the plant in North Charleston. In fact, if you're talking about creating American jobs in American States—U.S. States—South Carolina—you would simply look at the fact that 1,100 employees have been hired in North Charleston.

You would think about the fact that the compounding impact of those jobs in North Charleston could create up to 12,000 new American jobs in our States.

So the fallacy of the left is nothing more than rhetoric.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Ladies and gentlemen, I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act, that would end the funding for the NLRB's lawsuit against Boeing.

□ 0950

I'm an original cosponsor of this legislation because I believe that what the NLRB has done to Boeing and to the people of South Carolina is one of the most egregious bureaucratic abuses of power that this administration has perpetrated. And with this administration, honestly, that's saying something.

Earlier this year, the NLRB decided that it had the power to tell a company where it could move, what it could build, and how much. Whatever you think of the NLRB, whatever stance you have on Big Labor and labor unions, would you ever think that our government would consider such an unconstitutional power grab?

In the midst of this Great Recession, when our number one focus should be on creating jobs, the NLRB is trying to stop an American company from building American airplanes with American workers, South Carolinians, right here in America.

During a recent Congressional hearing, one of my colleagues from South Carolina, he asked the head lawyer for NLRB if he knew of a single union worker who had lost their job because Boeing decided to expand production in South Carolina. NLRB's lawyer did not have an answer.

But if NLRB wins this lawsuit—listen clearly, America: If NLRB wins this lawsuit, the decision will be made, not whether to locate in a union State or a right-to-work State, the decision American companies will make will be about whether to continue production in the United States of America or take those jobs and that manufacturing process to another country. That is the hard reality of what NLRB is doing today.

I ask my colleagues to join the South Carolina delegation, and America, today in standing up for freedom, standing up for the right to start a business, standing up for American jobs, standing up to the bullying tactics of an out-of-control bureaucracy.

Mr. Speaker, let's pass this bill. Let's pass it right away. This is an actual jobs bill that you can go and read. And this is one that we can pass right now. We can pass this bill today, and we can get Americans back to work.

Mr. MCGOVERN. Mr. Speaker, let there be no mistake. The Republican bill creates open season for CEOs to punish workers for exercising their basic rights.

My friends on the other side fight tooth and nail to protect all these corporate tax loopholes that actually encourage companies to move their jobs overseas. We can't touch them. They fight with passion on the floor to protect them.

But when it comes to protecting American workers, they're AWOL. I don't know what it is that they have against American workers, but this bill undermines the rights of American workers to be able to stand up and ask for a decent wage for an honest day's work. It undermines their ability to ask for benefits like a good retirement benefit. This is about taking away rights and powers of workers.

Granted, these workers don't give big PAC checks. They're not the leaders of the Fortune 500 companies. But these people are the backbone of our economy. We should be standing up for American workers in this Congress. We should be fighting to protect American jobs to keep them in the United States.

This bill makes it easier, in fact, more likely that corporations and companies will retaliate against workers who stand up for their rights by sending their jobs overseas to places like China. Why in the world are we doing this?

We should be trying to find a way to empower workers in this country. It shouldn't be about a race to the bottom. And it shouldn't be about States competing for existing jobs.

This is a bad bill. This is a bad precedent. And quite frankly, again, it is typical of what the Republican agenda is all about when it comes to the economy. It's about a race to the bottom. It's about lowering the standard of living for American workers while protecting the big CEOs, the heads of the Fortune 500 companies. Their rights are always protected. But when it comes to the little guy, my Republican friends are on the opposite side.

Mr. Speaker, I now yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Let's be clear. Let's talk about South Carolina for a second. No one has mentioned this. South Carolina is a right-to-work State. What does that mean?

It guts the ability of workers to organize and to form unions to fight for higher wages and safer workplaces. Why do you think Boeing was going to South Carolina? Because they thought it was going to be worse for them or better for them? A right-to-work State that guts unions, that's why they went.

Millions of Americans are working today and they're looking for work. They're struggling to keep their homes. They are out of work. They're

not working. And yet we are debating legislation that tries, once again, to eviscerate unions, accelerate that race to the bottom.

This bill does nothing to create good, well-paying jobs here in America. It guts the regulatory powers of the National Labor Relations Board. It legalizes runaway shops. It allows companies to fire employees trying to start a union. It's a right-to-work State, and actually makes it easier to ship jobs overseas.

None of this is what our economy needs right now. It's like what we have seen from Republican governors in States like Wisconsin, Ohio, Indiana. This legislation represents yet another front in the majority's ideological assault against workers' rights all across the country.

I represent a community where the right to organize was hard won at the dress shops, where my mother sewed collars for pennies, at the gun factories, the aerospace industry, the government offices, and the great universities of my state.

The families of my district know from hard-won experience that labor unions fight for employee rights, higher standards, greater equality, security in work and retirement. They help ensure that workplaces and politics are driven by the dreams and the aspirations of working people, not by corporate power and the narrow agenda of the elites.

Unions were instrumental in forming the broad-based middle class in this country, and thanks to decades of systematic efforts by companies to deny their rights, as well as misguided trickle-down policies that never do trickle down, union membership has fallen in our country.

Middle class workers have been squeezed. Their wages have stagnated, their benefits cut, their job security weakened, their wage and hour protections have been violated, and all the while, income inequality has steadily risen in this Nation, to the point where even as over 15 percent of the population today lives in poverty, 1 percent of people now make 23 percent of income in America.

This Republican majority is trying to go for the killing blow. They, once again, attempt here to make a bogey man of the NLRB.

The Board's function is only to defend the rights that we consider fundamental, the right to form a union, the right to be represented by that union in dealings with employers, and the right to be free from retaliation from doing so.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. The Board also enforces laws that protect employers and third parties against practices by

unions considered to be unfair or harmful. In fact, the NLRB charter and structure were amended to meet Republican concerns in 1947 by the Taft-Hartley legislation.

Today the NLRB is simply doing its job, finding fair remedies for employees and employers in workplace disputes and prosecuting violations when they occur. Nothing radical about the NLRB.

What's radical is the anti-union message that this majority continues to try to foist on the American people. They've tried to slash funding for the NLRB. They've tried several times to repeal Davis-Bacon. They're trying now to severely limit workers' fundamental right to organize collectively.

The bill is not a serious attempt to restore jobs, restore economic growth, or address budget deficits. It's about marginalizing the labor movement—and with it the capacity for working people to find fairness in the workplace. It will harm middle class families already dealing with a tough economy. It will grease the wheels for companies to move jobs overseas.

I urge my colleagues to stand with American workers and vote against this rule.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 90 seconds to the gentlewoman from Tennessee, Mrs. DIANE BLACK.

□ 1000

Mrs. BLACK. I thank my colleague from South Carolina for yielding time.

Mr. Speaker, I'm here today as a member of a right-to-work State and a cosponsor of this legislation to speak out against NLRB's actions against Boeing in South Carolina and NLRB's assault on the right-to-work States. Not only are the NLRB's actions a gross intrusion of government on private business, but this suit, if allowed to proceed, would have a chilling effect on the business growth in all right-to-work States like Tennessee.

In my home State, the unemployment rate is at a staggering 9.8 percent. And in some of my counties, we are well over a double digit in unemployment. Too many Tennesseans are out of work, and I don't want companies with good-paying jobs to feel like they can no longer move a facility to Tennessee for fear that there will be an NLRB lawsuit.

The actions of NLRB set a very dangerous precedent that the Federal Government can tell a private company in which State they can or cannot locate. Policies like this could very well drive a company to leave the United States and go overseas where agencies like this don't exist. That is why I stand here today in strong support of the Protecting Jobs from Government Interference Act. This is an important first step not only to put NLRB on notice that their actions will be checked

by Congress, but also to ensure that NLRB cannot dictate which State an employer can locate jobs in the United States.

At a time when 14 million workers are unemployed, we must get Federal agencies like NLRB out of the way and clear the path for job creation.

Mr. MCGOVERN. Mr. Speaker, I remind my colleagues on the other side of the aisle that it's September. When are you going to bring a jobs bill to the floor? When are you going to bring legislation that's going to help put people back to work during this difficult economy?

At this time I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I don't mean to contradict my colleague, but the Republicans do have a jobs plan. Now, it's true that Majority Leader CANTOR kicked off the week by saying, Not a penny for infrastructure. We don't want to just build things in America. We don't want to invest. That doesn't put people to work. You know, the \$50 billion the President proposed, that would create about 1.5 million private sector jobs in the construction industry, but they're not interested in that.

They do have a jobs plan: snakes. Yes, snakes. Yesterday, in the Oversight Committee, they held a hearing similar to what we're talking about here today on a job-killing regulation being proposed by the Obama administration. Keep out invasive species. Giant pythons, which are taking over the Everglades, the Republicans say that is a job-killing restriction. Just think of all the jobs related to snakes. First, there's the importer of these invasive species. Secondly, we sell them. Then there are people who raise things for them to eat.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. DEFAZIO. I thank the gentleman.

Then when they escape, we hire people, pest control eliminators, to go out and try to find them when people abandon them. What a jobs creator.

No, we're not going to rebuild our infrastructure. We're not going to try and continue to have fair wages for people who build the best airplanes in the world, Boeing. No, those things are off the table as far as the Republicans are concerned. It's job-killing regulations, that's what's hurting America.

Come on guys, get real. Let's rebuild America. Let's invest. Let's pay workers a fair wage. You know, when a worker earns a fair wage, they can afford to go to the small business down the street and patronize them and buy their goods. And then maybe some day, if you stop these job-killing trade deals, they'll be able to buy goods that are actually made in America with their decent wages at an American company. Get real.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Kansas, Mr. MIKE POMPEO.

Mr. POMPEO. I thank the gentleman for yielding and for his hard work on this important piece of legislation.

In Kansas, we build airplanes with American workers. The Boeing Company has a big facility there. Indeed, last night, on a telephone town hall, I had a worker from Boeing call in. He was very worried about his continued employment right in Wichita, Kansas, and in America. He was worried because this administration has taken actions to destroy manufacturing and aviation manufacturing here in America.

I rise in support of this rule and the underlying legislation because the NLRB has no business telling The Boeing Company, who wants to invest hundreds of millions of its own dollars—not taxpayer dollars, its own dollars—creating jobs in South Carolina. What next? An attack on Kansas? An attack on aviation workers all across America?

We need to pass this piece of legislation immediately and ask the President to sign it. It's too important to American workers to allow the NLRB to continue the Big Government policies of this administration.

Mr. MCGOVERN. I yield myself 1 minute.

Mr. Speaker, we should be talking here on the floor and debating and considering an infrastructure bill to put people back to work. We should be taking up the entirety of the President's jobs proposal that he delivered in a speech a week ago. We should be taking up things that will actually help this economy and put people back to work. Instead, we are dealing with a bill that will make it easier and more likely for U.S. corporations to ship U.S. jobs overseas. And this is a bill that creates a new race to the bottom for American workers' rights, wages, benefits, and working conditions, and it is bad for this economy.

Why do my Republican friends continue to insist that the only way to deal with our economic problems is to lower the standard of living and the quality of life for American workers? Why are all the tough choices being made on the backs of American workers?

We can do much better in this country. We need to be focusing on jobs, not on this stuff.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, Mr. STEVE PALAZZO.

Mr. PALAZZO. Mr. Speaker, I hear across the aisle my colleagues talking about what have the Republicans done to create jobs, and they point out where we've created a job.

Well, I don't think it's the government's responsibility to create jobs,

but it is our responsibility to foster a healthy business climate in this Nation where our entrepreneurs and small business owners can go out and create jobs, expand, and increase the benefits and the pay of their employees. But you're not going to do that if you increase their taxes. You're not going to do that if you have unelected bureaucrats running around increasing job-stifling regulations and circumventing Congress' efforts to foster an atmosphere in this country to create jobs. You're not going to do that if we continue to have frivolous litigation. All these things taken together develop a certain amount of uncertainty in our Nation, and capital sits on the sidelines or it goes overseas to a more friendly job creation environment.

I'm in one of those 22 proud right-to-work States. In Mississippi, we love the high-tech jobs we're getting and the advanced manufacturing jobs and the Department of Defense aerospace industry, shipbuilding. We like jobs in Mississippi. And this Protecting Jobs from Government Interference Act will prohibit the NLRB from telling private sector companies where they can or cannot locate.

We must restrain them. We must stop this, because the industries that we have collected over the past several years in the State of Mississippi, I firmly believe these companies would not have located either to the United States or they would have not located to my State if it wasn't for the fact that we have a great workforce and we're a right-to-work State. We would have lost these jobs forever. We would have never seen them. They would have left America or they would have stayed in the foreign country they came from.

We like to work in Mississippi. We like jobs. We want more of them, not less.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman talks about creating a healthy business climate. I don't know how we're creating a healthy business climate by passing a bill that makes it easier and more likely that U.S. corporations will ship U.S. jobs overseas.

After more than 200 days in the majority, House Republicans have passed no bills, none, no bills to create jobs, moving instead on job destroying legislation that could cost up to nearly 2 million jobs, with more to come.

This week, to make matters worse, we're taking up this legislation that will encourage the shipping of jobs overseas and a bill that will weaken the middle class. Instead of creating jobs and strengthening the middle class and protecting workers' rights, the Republicans are making it easier for corporations to send American jobs overseas. And it allows employers to punish their employees for simply exercising their rights to organize, to demand bet-

ter benefits and safer working conditions, and to ensure a full day's pay for an honest day's work. I mean, that's what this bill does.

You know, in 2000, the National Labor Relations Board was able to force a company to bring jobs back to the United States from Mexico, as the company was charged with shipping jobs to Mexico in retaliation against workers seeking to organize a union. Under this Republican bill, American workers would lose this protection.

Again, their plan for the economy is all about lowering the standard of living, lessening the quality of life for American workers, while protecting those who are most fortunate in this country, those who head up the big companies.

□ 1010

We should be debating on this floor today the President's job bill. If my Republican friends don't want to vote for it, they don't have to; but that's the legislation that should be brought before the Members of this Congress today, not this bill, a bill that punishes American workers. Enough. You've been punishing American workers since you took the majority. Enough is enough.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia, Mr. ROBERT HURT.

Mr. HURT. I thank the gentleman from South Carolina for yielding and for his leadership on this important issue.

Mr. Speaker, I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act.

Over the past 2½ years, this administration has vastly expanded the size and scope of the Federal Government and supported policies that have destroyed jobs, stifled investment and innovation, and slowed our economic recovery in Virginia's 5th District and across the country.

One of the most recent and troubling examples of this government overreach is the latest move by the unelected National Labor Relations Board to block Boeing from creating thousands of jobs in South Carolina. This kind of government intervention is a direct attack on our economic freedom and has disastrous effects on 5th District Virginians and all Americans. It has the potential to cost thousands of jobs at a time when we need jobs most.

It dangerously and unacceptably inserts the Federal Government into the business decisions of private companies, and it threatens to undermine the economic competitiveness of all States, such as Virginia, that have right-to-work laws.

Being the northernmost right-to-work State on the east coast has helped make Virginia the best place in

the country to do business and has helped promote job growth and economic investment across the 5th District and our Commonwealth.

At a time when millions of Americans are out of work and unemployment remains unacceptably high, right-to-work States should not be penalized by an intrusive and overbearing Federal Government for their ability to attract new business, investment, and jobs.

As part of the House's job-creation agenda, H.R. 2587 would remove the Federal Government as a roadblock to job growth by preventing the NLRB from dictating where employers and private businesses can set up their operations, putting our economic recovery back where it belongs—in the hands of the people instead of the Federal Government.

If we are serious about getting our economy back on track, we must support these kinds of policies that help restore certainty to the marketplace and provide our true job creators with the confidence and freedom and opportunity necessary to do what they do best: innovate, grow their businesses, and get America working again.

That is why I'm proud to cosponsor H.R. 2587. I urge my colleagues to support this bill.

Mr. SCOTT of South Carolina. Mr. Speaker, I advise my colleague from Massachusetts that I have no remaining speakers.

Mr. MCGOVERN. Then I yield myself the balance of my time.

Mr. Speaker, let me state for the record that this bill is not a retaliation against right-to-work States. I'm not a big fan of right-to-work States in terms of how they treat workers and those who want to organize unions; but this bill is really about protecting workers from corporations that retaliate against them simply for demanding their rights and organizing for their rights.

The Republican bill changes the rules mid-trial to benefit a particular Fortune 500 company, Boeing; but this bill has wide-ranging repercussions for American workers. This bill does not protect or create jobs. It just doesn't. It forces American workers to fight over existing jobs by giving up their rights and underbidding each other. It's a race to the bottom.

The Republican bill makes it easier to ship U.S. jobs overseas. There's no question about that. And the Republican bill creates an open season for CEOs to punish workers for exercising their rights. Again, this is a further assault on the rights and protections that workers have fought so hard for for so many decades, and this bill undermines the duty to bargain in good faith. This is an anti-union bill—there is no question—among other things.

The bill also encourages law-breaking and intimidation by employers. It

removes a key disincentive against employers who unlawfully threaten employees with job loss during organizing drives.

The Republican bill creates a new race to the bottom for American workers' rights, wages, benefits, and working conditions. We're going in the wrong direction with this bill.

This bill is one more assault on American workers, on the American middle class. Time after time after time the Republican leadership has stood up for Big Business and against the American middle class. Higher gas prices—Republicans protect Big Oil tax breaks and do nothing to help the average consumer. Health care coverage for our kids through the age of 25—Republicans side with the health care companies that put profits over patients.

With this bill, Republicans are promoting job creation overseas by allowing companies to move overseas in retaliation of workers who are exercising their own legal rights. Not only that, this bill goes back in time and applies this bill retroactively. This is just like changing the value of a touchdown in the middle of the Super Bowl simply because you don't like the score of the game. This bill would be a joke if it weren't so serious.

I would urge my colleagues on both sides of the aisle, this is not about protecting right-to-work States. Really, this is not even about unions. This is about the rights of workers in this country. This is about protecting American jobs. This is about urging companies to invest in the United States and not making it easier for them to create jobs overseas.

We're in a difficult economy right now, Mr. Speaker. We should be debating on this floor the President's job bill. Every day we should be doing something about jobs. And, instead, here we are in September. My Republican colleagues have done nothing. They've done nothing except continue an assault on middle class families.

Today, it's workers. They're going after Medicare in the Ryan budget. Their leading Republican Presidential candidate is talking about eliminating Social Security. All the protections, all the rights that middle class families have fought for and have won that are essential to a decent quality of life they're trying to take away. Enough.

I urge my colleagues to vote "no" on this closed rule and "no" on this bill.

I yield back the balance of my time.

Mr. SCOTT of South Carolina. I yield myself the balance of my time.

Mr. Speaker, my good friend from Massachusetts continues to talk about the President's jobs plan that is nothing more than a brand spanking new stimulus plan spending \$467 billion by increasing taxes on everyone, including the middle class. I cannot find it in my heart to say to Mr. MCGOVERN that the President's plan has any opportunity of

passing in this House, because the bottom line is simply this: we ought to spend our time focused on the things that we have in common. It is time for the games to stop.

We should look at the President's plan and pick out those parts of the plan that we agree with. We should start by talking about having an opportunity to work on corporate tax reduction, flattening the tax rate for corporations. We have the second highest tax rate in all of the world, and this environment creates an unlevel playing field for America's job creators.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SCOTT of South Carolina. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I'm just curious. When are we going to debate a bill on this floor that helps create jobs? Why don't you bring the President's plan to the floor and let's have it out?

Mr. SCOTT of South Carolina. Our President wants an up-or-down vote on this one package.

We believe that the fastest and most effective way to show the American people that partisan politics is over and that we're now focused on the American people, we will take those parts, those aspects of the President's bill that we agree with, like regulatory reform like we're doing today, and simply say to the American people that we're listening. We will take, without any question, an opportunity to debate the necessity of reducing the corporate tax structure to make America's corporations more competitive.

Mr. Speaker, I sincerely hope we can move past the politics and the games which so often sidetrack things in Washington and pass this important legislation here today.

This is not a question of pro-union—I agree with you—or anti-union. It is a question of right versus wrong.

The NLRB has plenty of tools at its disposal to protect workers and hold employers accountable for unlawful labor practices. There is simply no reason it should have the power to dictate where a private business can establish its workforce.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1020

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-

minute votes on adopting House Resolution 372, if ordered, and suspending the rules and passing H.R. 2867.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 20, as follows:

[Roll No. 707]

YEAS—234

Adams	Goodlatte	Nunes
Aderholt	Gowdy	Nunnelee
Akin	Granger	Olson
Alexander	Graves (GA)	Palazzo
Amash	Graves (MO)	Paul
Bachus	Griffin (AR)	Paulsen
Bartlett	Griffith (VA)	Pearce
Barton (TX)	Grimm	Petri
Bass (NH)	Guinta	Pitts
Benishek	Guthrie	Platts
Berg	Hall	Poe (TX)
Biggart	Hanna	Pompeo
Billray	Harper	Posey
Bilirakis	Harris	Price (GA)
Bishop (UT)	Hartzler	Quayle
Black	Hastings (WA)	Reed
Blackburn	Hayworth	Rehberg
Bonner	Heck	Reichert
Bono Mack	Hensarling	Renacci
Boren	Herger	Ribble
Boustany	Herrera Beutler	Rigell
Brady (TX)	Huelskamp	Rivera
Brooks	Huizenga (MI)	Roby
Broun (GA)	Hultgren	Roe (TN)
Buchanan	Hunter	Rogers (KY)
Bucshon	Hurt	Rogers (MI)
Buerkle	Issa	Rohrabacher
Burgess	Jenkins	Rokita
Burton (IN)	Johnson (IL)	Rooney
Calvert	Johnson (OH)	Ros-Lehtinen
Camp	Johnson, Sam	Roskam
Campbell	Jones	Ross (AR)
Canseco	Jordan	Ross (FL)
Cantor	Kelly	Royce
Capito	King (IA)	Runyan
Carter	King (NY)	Ryan (WI)
Cassidy	Kingston	Scalise
Chabot	Kinzinger (IL)	Schilling
Chaffetz	Kline	Schmidt
Coble	Labrador	Schock
Coffman (CO)	Lamborn	Schweikert
Cole	Lance	Scott (SC)
Conaway	Landry	Scott, Austin
Cravaack	Lankford	Sensenbrenner
Crawford	Latham	Sessions
Crenshaw	LaTourette	Shimkus
Culberson	Latta	Shuler
Davis (KY)	Lewis (CA)	Shuster
Denham	LoBiondo	Simpson
Dent	Long	Smith (NE)
DesJarlais	Lucas	Smith (NJ)
Diaz-Balart	Luetkemeyer	Smith (TX)
Dold	Lummis	Southerland
Dreier	Lungren, Daniel	Stearns
Duffy	E.	Stivers
Duncan (SC)	Mack	Stutzman
Duncan (TN)	Manzullo	Sullivan
Ellmers	Marchant	Terry
Emerson	McCarthy (CA)	Thompson (PA)
Farenthold	McCaul	Thornberry
Fincher	McClintock	Tiberi
Fitzpatrick	McCotter	Tipton
Flake	McHenry	Turner (OH)
Fleischmann	McIntyre	Upton
Fleming	McKeon	Walberg
Flores	McKinley	Walden
Forbes	McMorris	Walsh (IL)
Fortenberry	Rodgers	West
Fox	Meehan	Westmoreland
Franks (AZ)	Mica	Whitfield
Frelinghuysen	Miller (FL)	Wilson (SC)
Gallegly	Miller (MI)	Wittman
Gardner	Miller, Gary	Wolf
Garrett	Mulvaney	Womack
Gerlach	Murphy (PA)	Woodall
Gibbs	Myrick	Yoder
Gibson	Neugebauer	Young (FL)
Gingrey (GA)	Noem	Young (IN)
Gohmert	Nugent	

NAYS—177

Ackerman	Baca	Bass (CA)
Altmire	Baldwin	Becerra
Andrews	Barrow	Berkley

Berman	Frank (MA)	McNerney	Tierney	Visclosky	Watt
Bishop (GA)	Fudge	Meeks	Tonko	Walz (MN)	Welch
Bishop (NY)	Garamendi	Michaud	Towns	Wasserman	Wilson (FL)
Blumenauer	Gonzalez	Miller (NC)	Tsongas	Schultz	Woolsey
Boswell	Green, Al	Miller, George	Velázquez	Waters	Yarmuth
Brady (PA)	Green, Gene	Moore			
Braley (IA)	Grijalva	Moran			
Brown (FL)	Gutierrez	Murphy (CT)	Austria	Larsen (WA)	Rush
Butterfield	Hahn	Napolitano	Bachmann	Lewis (GA)	Schrader
Capps	Hanabusa	Neal	Barletta	Marino	Van Hollen
Cardoza	Hastings (FL)	Olver	Capuano	Nadler	Waxman
Carnahan	Heinrich	Owens	Giffords	Pence	Webster
Carney	Higgins	Pallone	Gosar	Rogers (AL)	Young (AK)
Carson (IN)	Himes	Pascrell	Kaptur	Ruppersberger	
Castor (FL)	Hinchey	Pastor (AZ)			
Chandler	Hinojosa	Payne			
Chu	Hirono	Pelosi			
Cicilline	Hochul	Perlmutter			
Clarke (MI)	Holden	Peters			
Clarke (NY)	Holt	Peterson			
Clay	Honda	Pingree (ME)			
Cleaver	Hoyer	Polis			
Clyburn	Inslee	Price (NC)			
Cohen	Israel	Quigley			
Connolly (VA)	Jackson (IL)	Rahall			
Conyers	Jackson Lee	Rangel			
Cooper	(TX)	Reyes			
Costa	Johnson (GA)	Richardson			
Costello	Johnson, E. B.	Richmond			
Courtney	Keating	Rothman (NJ)			
Critz	Kildee	Roybal-Allard			
Crowley	Kind	Ryan (OH)			
Cuellar	Kissell	Sánchez, Linda			
Cummings	Kucinich	T.			
Davis (CA)	Langevin	Sanchez, Loretta			
Davis (IL)	Larson (CT)	Sarbanes			
DeFazio	Lee (CA)	Schakowsky			
DeGette	Levin	Schiff			
DeLauro	Lipinski	Schwartz			
Deutch	Loeb sack	Scott (VA)			
Dicks	Lofgren, Zoe	Scott, David			
Dingell	Lowe y	Serrano			
Doggett	Luján	Sewell			
Donnelly (IN)	Lynch	Sherman			
Doyle	Maloney	Sires			
Edwards	Markey	Slaughter			
Ellison	Matheson	Smith (WA)			
Engel	Matsui	Speier			
Eshoo	McCarthy (NY)	Stark			
Farr	McCollum	Sutton			
Fattah	McDermott	Thompson (CA)			
Filner	McGovern	Thompson (MS)			

NOT VOTING—20

□ 1046

Messrs. HONDA, TONKO, SHERMAN, and LARSON of Connecticut changed their vote from “yea” to “nay.”

Mr. MCINTYRE changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 707 I missed the vote due to a personal family issue. Had I been present, I would have voted “nay.”

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, September 14, 2011.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Scott Gilles, Deputy Sec-

retary of Elections, on behalf of Nevada Secretary of State, the Honorable Ross Miller, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Mark E. Amodei was elected Representative to Congress for the Second Congressional District, State of Nevada.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

STATE OF NEVADA,
OFFICE OF THE SECRETARY OF STATE,
Carson City, September 14, 2011.

Hon. KAREN L. HAAS,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, September 13, 2011, for Representative in Congress, from the Second Congressional District of Nevada, show that Mark E. Amodei, received 74,976 votes or 57.93 percent of the total number of votes cast for that office.

It would appear from these unofficial results that Mark E. Amodei was elected as Representative in Congress from the Second Congressional District of Nevada at this time. Please note, pursuant to Nevada Revised Statutes 293.403, any candidate who is defeated at any election may demand a recount of the votes within 3 working days following the canvass of the vote. At this time, the canvass has not been scheduled.

As soon as the official results are certified to this office by the counties within the State of Nevada and canvassed by the Supreme Court, an official Certificate of Election will be transmitted to you as required by law.

Respectfully,

ROSS MILLER,
Secretary of State.

2011 UNOFFICIAL SPECIAL ELECTION RESULTS—SEPTEMBER 13, 2011

[U.S. Representative in Congress District 2—2 Year Term]

	Percent	Total Votes	Carson City	Churchill	Clark	Douglas	Elko	Esmeralda	Eureka	Humboldt	Lander	Lincoln	Lyon	Mineral	Nye	Pershing	Storey	Washoe	White Pine
Amodei, Mark E.	57.93	74,976	6,472	3,002	3,499	7,866	3,369	158	272	1,471	597	503	5,833	514	2,746	525	658	36,596	895
Fasano, Timothy	1.87	2,415	196	171	63	138	154	9	16	51	29	19	241	52	141	45	41	1,010	39
Lehmann, Helmut	4.14	5,354	349	216	138	444	139	13	12	133	50	12	360	80	159	82	68	3,048	51
Marshall, Kate	36.06	46,669	3,824	993	2,180	3,284	962	30	69	580	131	119	2,413	335	1,407	217	360	29,362	403

2011 SPECIAL ELECTION VOTER TURNOUT—
CONGRESSIONAL DISTRICT 2

[Turnout with 100.00% of County Precincts reporting as of 11:08 PM]

Active Registered Voters	396,090
Election Day Turnout	53,724
Early Turnout	67,014
Absentee Turnout	8,865
Total Turnout	129,603
Percent Turnout—Active Voters	32.7%

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2011.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Robert Brehm and Mr.

Todd Valentine, Co-Executive Directors, New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Bob Turner was elected Representative to Congress for the Ninth Congressional District, State of New York.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

STATE BOARD OF ELECTIONS,
Albany, NY, September 14, 2011.

Hon. KAREN L. HAAS,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, September 13, 2011 for Representative in Congress from the Ninth Congressional District of New York show that David I. Weprin received 27,599 votes, Bob Turner received 32,403 votes, and Christopher P. Hoepfner received 277 votes cast for that office.

To the best of our knowledge and belief at this time, there is a court proceeding (Tur-

ner v Weprin, and the NYCBOE commissioners, the NYCBOE and the City of New York) that temporarily enjoins and restrains the respondent board of elections from certifying any candidate as the candidate duly elected to the office of Representative in Congress, 9th Congressional District.

As soon as the official results are certified to this office by all county boards in the Ninth Congressional District in New York an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,
TODD D. VALENTINE.

SWEARING IN OF THE HONORABLE MARK AMODEI, OF NEVADA, AND THE HONORABLE BOB TURNER, OF NEW YORK, AS MEMBERS OF THE HOUSE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada, the Honorable MARK

AMODEI, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the gentleman from New York, the Honorable BOB TURNER, be permitted to take the oath of office today.

His certificate of election has not arrived, but I am not aware of any reason why the House should not see him sworn today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will the Representatives-elect and the members of their respective delegations present themselves in the well.

The Representatives-elect will please raise their right hands.

Mr. AMODEI and Mr. TURNER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now Members of the 112th Congress.

WELCOMING THE HONORABLE MARK AMODEI TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 1 minute.

There was no objection.

Ms. BERKLEY. Mr. Speaker, it is my great pleasure to welcome Representative AMODEI to Congress. Our new colleague is a native son of Nevada and a graduate of the University of Nevada, where he served in the ROTC program and later served on active duty in the Army, first in artillery and then as a JAG officer.

He has worked for the people of Nevada for many years as an assemblyman and as a member of the State Senate. I look forward to working with the gentleman as we represent the citizens of the great State of Nevada.

I now yield to my colleague and friend, Representative HECK.

Mr. HECK. I thank the gentlelady for yielding.

I too want to offer my congratulations to MARK AMODEI. I had the honor

of serving alongside him in the State Senate, where he distinguished himself as president pro tempore and a member of the Natural Resources Committee, where he was the go-to guy on a lot of issues important to Nevada regarding water laws, grazing rights, and public lands issues. He's a fellow veteran. It's an honor to have him here. I wish him well, and I ask the entire House to welcome here as well.

Ms. BERKLEY. Mr. Speaker, I now yield to the gentleman from Nevada, Representative MARK AMODEI.

The SPEAKER. The gentleman from Nevada is recognized.

Mr. AMODEI. Thank you, Mr. Speaker.

Thank you, brand new colleagues, for your courtesies. I will endeavor to do the best I can to bring honor to this House and help you with the work that we have to do.

I was told that the longer you talk, the less popular you are; so I yield back my time.

Thank you very much.

WELCOMING THE HONORABLE BOB TURNER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York (Mr. RANGEL) is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Thank you, Mr. Speaker.

Most of us know that we are so honored to be Members of this august body and that whenever we have an election, the winners clearly are Members of the Congress, the Constitution, and our great country.

We from New York have the special history of not being partisan and working together for our districts, our communities, our country. PETER KING has been here long enough to remember the days when adversaries could also be friends.

On behalf of the Congress and the New York delegation, we all welcome the Honorable BOB TURNER in joining our group. We in the State delegation look forward to working with him.

At this time, Mr. Speaker, I yield to my distinguished friend, PETER KING, from the great State of New York.

Mr. KING of New York. Thank you, Congressman RANGEL.

As all of you know, this is not something we're used to doing in New York. But it's a great moment. It's a great moment for New York. It's a great moment for the people of the Ninth Congressional District. It's a special privilege for me to be able to introduce our newly elected Member.

BOB TURNER is an Army veteran. He's an extremely successful businessman. Most importantly, he's the proud husband of Peggy, proud father of 5 children, and proud grandfather of 13 children. I can tell you he's a great friend

and a great human being. He's going to make an outstanding Congressman. I'm so proud to be here today with BOB TURNER, as I've been during the years I've come to know him and to respect him. He's going to be a truly outstanding addition to this body and great fighter for the people of New York.

Thank you, Chairman RANGEL.

Mr. RANGEL. Mr. Speaker, I thank you for the great privilege of bringing to you our newly elected Member, the Honorable BOB TURNER.

The SPEAKER. The gentleman from New York is recognized.

□ 1100

Mr. TURNER of New York. Thank you, Mr. Speaker. Thank you, Congressman RANGEL. Thank you, Congressman KING.

With true humility, I accept this awesome responsibility, and I pledge not to forget how I got here. It was an important bipartisan election; it's the only way it can be done in New York City. And I will also promise not to forget why I'm here, and it's the future, which is ably represented here by these handsome grandchildren, not even the whole brood. Follow a good example and be brief.

Thank you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlemen from Nevada and New York, the whole number of the House is 434.

PROVIDING FOR CONSIDERATION OF H.R. 2587, PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 18, as follows:

[Roll No. 708]

YEAS—239

Adams	Bartlett	Bishop (UT)
Aderholt	Barton (TX)	Black
Akin	Bass (NH)	Blackburn
Alexander	Benishke	Bonner
Amash	Berg	Bono Mack
Amodei	Biggart	Boren
Austria	Bilbray	Boustany
Bachus	Bilirakis	Brady (TX)

Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler

Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts

NAYS—176

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Cardoza
Carnahan

Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar

Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lipinski
Loeb sack

Ackerman
Bachmann
Bachman
Baretta
Capuano
Cassidy
Giffords
Larsen (WA)
Lewis (GA)
Marino
McHenry
Miller, George
Nadler

NOT VOTING—18

Pence
Quigley
Rush
Waxman
Webster
Young (AK)

□ 1106

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. CASSIDY. Mr. Speaker, on rollcall No. 708 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:
Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 708 I missed the vote due to a personal family issue. Had I been present, I would have voted "nay."

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

The SPEAKER pro tempore (Mr. POE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 21, not voting 21, as follows:

[Roll No. 709]

YEAS—391

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodel
Andrews
Austria
Baca
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Billbray
Billakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings

Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Lipinski
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)

Hultgren
Hunter
Hurt
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem

Nugent	Rohrabacher	Smith (WA)
Nunes	Rokita	Speier
Nunnelee	Ros-Lehtinen	Stark
Olson	Roskam	Stearns
Olver	Ross (AR)	Stivers
Owens	Ross (FL)	Sullivan
Pallone	Rothman (NJ)	Sutton
Pascarell	Roybal-Allard	Terry
Pastor (AZ)	Royce	Thompson (CA)
Paulsen	Runyan	Thompson (MS)
Payne	Ruppersberger	Thompson (PA)
Pearce	Ryan (OH)	Thornberry
Pelosi	Ryan (WI)	Tiberi
Perlmutter	Sánchez, Linda	Tierney
Peters	T.	Tipton
Peterson	Sanchez, Loretta	Tonko
Petri	Sarbanes	Towns
Pingree (ME)	Scalise	Tsongas
Pitts	Schakowsky	Turner (NY)
Platts	Schiff	Turner (OH)
Poe (TX)	Schilling	Upton
Polis	Schmidt	Van Hollen
Pompeo	Schock	Velázquez
Posey	Schrader	Visclosky
Price (NC)	Schwartz	Walberg
Quayle	Schweikert	Walden
Quigley	Scott (SC)	Walz (MN)
Rahall	Scott (VA)	Wasserman
Rangel	Scott, Austin	Schultz
Reed	Scott, David	Waters
Rehberg	Sensenbrenner	Watt
Reichert	Serrano	Welch
Renacci	Sessions	West
Reyes	Sewell	Whitfield
Ribble	Sherman	Wilson (FL)
Richardson	Shimkus	Wilson (SC)
Richmond	Shuler	Wittman
Rigell	Shuster	Wolf
Rivera	Simpson	Womack
Roby	Sires	Woolsey
Roe (TN)	Slaughter	Yarmuth
Rogers (AL)	Smith (NE)	Yoder
Rogers (KY)	Smith (NJ)	Young (FL)
Rogers (MI)	Smith (TX)	Young (IN)

NAYS—21

Amash	Labrador	Price (GA)
Broun (GA)	Marchant	Rooney
Conaway	McClintock	Southerland
Farenthold	Miller (FL)	Stutzman
Flake	Mulvaney	Walsh (IL)
Graves (GA)	Palazzo	Westmoreland
Kingston	Paul	Woodall

NOT VOTING—21

Bachmann	Gohmert	McHenry
Barletta	Hastings (WA)	Nadler
Capuano	Honda	Pence
Crawford	Landry	Rush
Dicks	Larsen (WA)	Waxman
Fincher	Lewis (GA)	Webster
Giffords	Marino	Young (AK)

□ 1114

Mr. HOLT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 709, had I been present, I would have voted “yea.”

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 709, I missed the vote due to a personal family issue. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall vote 706 that was taken yesterday on the adoption of H.J. Res. 77, I inadvertently voted “no” when I intended to vote “yes.”

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 79, CONTINUING APPROPRIATIONS RESOLUTION, 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-207) on the resolution (H. Res. 399) providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 372, I call up the bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MCCLINTOCK). Pursuant to House Resolution 372, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Jobs From Government Interference Act”.

SEC. 2. AUTHORITY OF THE NLRB.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160) is amended by inserting before the period at the end the following: “: Provided further, That the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or employer who shall be engaged in production or other business operations, or to require any employer to make an initial or additional investment at a particular plant, facility, or location”.

SEC. 3. RETROACTIVITY.

The amendment made by section 2 shall apply to any complaint for which a final adjudication by the National Labor Relations Board has not been made by the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. KLINE) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2587.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I rise in support of H.R. 2587, and I yield myself such time as I may consume.

The Protecting Jobs From Government Interference Act is a common-sense proposal that will prevent the National Labor Relations Board from dictating where an employer can and cannot create work. Upon the date of enactment, this limitation will apply to all cases that have not reached final adjudication by the full Board.

Now, more than ever, the American people are looking for leadership out of Washington and some common sense. They want to know their elected officials are willing to take on the tough issues and make the difficult decisions needed to get this economy moving again. They need to believe Congress has the courage to tear down old barriers to new jobs, regardless of the political cost. After 31 straight months of unemployment above 8 percent, we cannot afford to cling to the status quo any longer.

This legislation represents an important step in the fight to get our economy back on track. It tells job creators they don't have to fear an activist NLRB reversing important decisions about where to locate a business. It offers workers peace of mind by ensuring no Federal labor board can force an employer to ship their jobs across the country. And it tells the American people we are serious about getting government out of the way of small business owners and entrepreneurs who are desperately trying to do what they do best, create jobs and opportunities for our Nation's workers.

On April 20, the National Labor Relations Board sent a shock wave across our struggling economy. In a complaint filed against the Boeing Company, the NLRB demanded that this private company relocate work already underway in South Carolina to Washington State. The Board has more than a dozen remedies available to protect workers and hold employers accountable. Regrettably, the Obama NLRB exercised the most extreme remedy and, as a result, put the livelihoods of thousands of South Carolina workers on the line. Equally troubling, countless workers across the country now fear they could be subject to a similar attack in the future.

Make no mistake. Every worker deserves strong protections that ensure they are free to exercise their rights under the law. This legislation preserves a number of tough remedies for the Board to punish illegal activity. This Republican bill simply says that forcing a business to close its doors and relocate to another part of the country is an unacceptable remedy for today's workforce.

If the NLRB is allowed to exercise this radical authority, it will have a chilling effect on our economy. Businesses, at home and abroad, will reconsider their decision to invest in our country and create jobs for American workers. We have already heard stories of Canadian business leaders doing just that. No doubt, these difficult choices are being discussed on shop floors and boardrooms across the country and outside our borders.

Last month, this Board unloaded a barrage of activist decisions that undermine workers' rights and weaken our workforce. If the President will not hold the Board accountable for its job-destroying agenda, Congress will. It is time we forced the NLRB to change course. This is a sensible reform that will encourage businesses to create jobs right here at home.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself 3 minutes.

For years, the understanding in this country has been, if you show up for work every day and work your heart out and do your best, what you get in return is a good wage, good benefits, and a future that's secure as long as your company's secure, but it seems like that version of the American Dream moves another continent, another ocean, another day away each day that goes by.

□ 1120

Outsourcing is destroying the middle class in the United States of America, and this bill is the outsourcers' bill of rights. It says to an employer, if you want to use as an excuse the collective bargaining and union activities of your employees and you want to pick up and move to Central or South America or Asia, here's the way to do it.

This bill draws a map of jobs outside—rather, it draws a map as to how to take jobs from inside the United States and move them outside the United States. If an employer, under our law for decades, says that I'm gonna shut down and move my plant or my office because you dared to try to organize a union or you've spoken up for the rights of the workers, that's illegal. The purpose of this bill is to remove the only effective remedy to combat that illegality.

If this bill became law, here's what would happen:

An employer who says, I'm tired of employees speaking up for their own rights. I'm tired of union organizing. I'm tired of collective bargaining. I'm moving to Malaysia, it would still be illegal under this bill for the employer to say that, but there would be nothing the labor board could do to stop that; because if the employer formed a shell company in Malaysia and took all of the money and put it in the shell com-

pany, and the labor board said, Well, you've got to pay backwages to the people you just laid off, there would be no money to pay the backwages.

This is the outsourcers' bill of rights. We don't need an outsourcers' bill of rights. We need a working person's bill of rights in this country. We need a bill of rights that says, if you hold up your end of the bargain, the American Dream will no longer move out of your reach.

This is a bill that overreaches, it undercuts the middle class of this country, and it should be defeated.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to the chair of the Health, Employment, Labor, and Pensions Subcommittee, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of America's job creators and H.R. 2587, the Protecting Jobs from Government Interference Act.

What this bill does is simple. It amends the NLRA, the National Labor Relations Act, which was passed in 1935, and prohibits the National Labor Relations Board from ordering employees to relocate, shut down, or transfer employment under any circumstance. In other words, it allows managers to make business decisions that are in the best interests of their company and their employees.

In filing the complaint against Boeing, the NLRB's general counsel has put 1,100 good-paying South Carolina jobs at risk. Mr. Speaker, I was in South Carolina about 5 weeks ago and viewed that plant. It's a huge plant with 1,100 people working today—American people working. This shot across the bow of American business sends a clear message: Don't do business in a right-to-work State.

My colleagues on the other side of the aisle suggest that Boeing decided to build a plant in South Carolina as an act of retaliation against a unionized workforce, but not a single worker in Washington State has lost his or her job. They've added jobs. And I'm glad that they have. I'm left to wonder that if the fact that South Carolina, like Tennessee, is a right-to-work State has the NLRB to conclude that a job created in Washington is more valuable than a job created in South Carolina.

I grew up in a union household. My father worked in a factory making shoe heels for BFGoodrich and Co., and his job was outsourced to Mexico in the early seventies. So I've been through that as a family. I understand that very well.

Very simply what happened, Mr. Speaker, is this, is that a company wanted to expand a business line, a 787 Dreamliner, and they built a huge factory in Charleston, South Carolina. A complaint was brought by the general

counsel, NLRB, against this. It's now being adjudicated very expensively in the courts. Think what a message this sends to job creators in America. If I were a business, there is no way I would move to a non-right-to-work State because you can never get out if this ruling is upheld.

And I might add also that there are over a dozen remedies that the NLRB has: awards for backpay, effective bargaining, offer of employment, placement of preferential hiring, payment for travel and moving, and on and on. Over a dozen remedies.

Mr. Speaker, I strongly encourage us to support this bill. The fact is, with 14 million Americans out of work, 2 million more than when I came to this Congress 3 years ago, we need every job in every corner of the country. The administration's answer is more spending and more regulation. It's a recipe for failure.

It's time we recognize a fundamental truth that government doesn't create jobs; businesses do. But instead of trying to get the government out of the way of our job creators, this administration seeks to throw up more roadblocks.

I urge my colleagues to support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The record should reflect the fact that there is an allegation that Boeing, in the case that the gentleman mentioned, because of reasons of union discrimination moved those jobs. There is nothing in this case that says, if a company uses a legitimate business reason other than discriminating against worker rights, they can't do so.

At this time I am pleased to yield 1½ minutes to a lifelong advocate for the working people of the United States of America, my friend from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, in September 2010, my Republican colleagues issued A Pledge to America, stating that it is time to do away with old agendas. That much is clear.

However, what is also clear is that this pledge is not to the majority of the American people but to corporate America. To make matters worse, Republicans are taking up legislation that will encourage the shipping of jobs overseas and weaken the rights of middle class workers.

Furthermore, my Republican colleagues have fast-tracked what is more appropriately called the "Job Outsourcers' Bill of Rights" in the interest of their cronies in corporate America.

Proponents of this bill claim that it will protect jobs by prohibiting the government from interfering with a company's ability to move its operation. However, the law that Republicans are trying to amend to do so, the National Labor Relations Act, does not

restrict the location of company operations at all unless the company's location effort is an act to retaliate against workers exercising their right to organize, to demand better benefits, safer working conditions, and ensure a full day's pay for an honest day's work.

This is obviously a response to the case against Boeing, and I find it inappropriate. Change in the law in the middle of trial is irresponsible and dangerous.

The United States Chamber of Commerce wrote a letter in support of this bill. But as noted in the letter, they represent the interests of business. Well, I represent the interests of the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. PAYNE. I was voted into this position not by Wall Street, not by corporate America, not by those people who reside in high-rise skyscrapers, but by hardworking Americans who want to raise their families the way that we had an opportunity to raise ours rather than ratchet it down to the bottom.

I believe that this bill is foolish, hazardous to the well-being of our Nation's workers, and our economic development.

It is time for the Republicans to abandon this pledge to corporate America. I urge my colleagues to vote against this outsourcing bill.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to a wonderful representative of the people of Tennessee and the American people, a member of the committee, the gentleman from Tennessee, Dr. DESJARLAIS.

□ 1130

Mr. DESJARLAIS. I thank the chairman for yielding.

I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act.

As I have traveled Tennessee's Fourth Congressional District and spoken with 30-plus job creators, our conversations inevitably focus on one basic complaint: that the Federal Government's overregulation of the private sector is impeding job creation in this country.

Instead of reducing the regulatory burdens on business, an act which would most certainly create much needed private sector jobs, this administration has used its labor board to make it harder to do business in America. Nowhere is this more apparent than in its recent unfair labor practice complaint against Boeing.

If you want to talk about creating jobs, let's look at the facts: Boeing has invested approximately \$1 billion to build a plant in South Carolina, which will create new, well-paying jobs in South Carolina.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 30 seconds.

Mr. DESJARLAIS. Despite the fact that not one—not one—single employee in Washington has lost his or her job due to Boeing's decision, the administration is attempting to destroy those South Carolinian jobs.

I urge my colleagues to vote for this bill.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice against outsourcing, my friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to the outsourcers' bill of rights.

This bill would be devastating to workers across this country and kick off a new race to the bottom. The outsourcers' bill of rights is a naked attempt to directly interfere in a pending Labor Relations Board case. Now, there is much to be said about workers' rights and the importance of protecting them; but in the short time I have, let me just say a little bit about what this means for the American economy.

It makes it easier to ship jobs overseas. It eliminates the only remedy to force companies to bring work back from overseas. Companies that make a commitment to the welfare of their employees—well-run companies—and make commitments to their home communities rather than shopping for the latest lowest pay scale someplace in the world actually do better in the long run.

So the outsourcers' bill of rights is not only contrary to the interest of workers; it's bad for our economy at large. We need to improve worker protections, not weaken them. Yet the majority party and the proponents of this bill continue their assault on the rights of working men and women. It doesn't create a single job.

With 25 million Americans unemployed or underemployed, the majority today continues their "no jobs" agenda, bringing to the floor a special interest that is dealing with one particular case rather than creating jobs. It is not good legislative policy to legislate on individual cases. I urge my colleagues to oppose the outsourcers' bill of rights.

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for yielding some time.

I rise to give my strong support to this measure. This straightforward legislation before us today prohibits the National Labor Relations Board from dictating where private businesses can and cannot locate jobs in America. Mr. Speaker, let me say that again: this straightforward legislation before us

today prohibits the NLRB from dictating where private businesses can and cannot locate jobs in the United States.

It's almost a bizarre situation that we're in. An American company wants to provide American jobs in America, and we have an agency of this administration that is trying to prohibit that.

Because of recent overreach by the NLRB, we, unfortunately, need to have this legislation. Businesses that want to hire Americans in America ought to be able to do so. For Americans wondering why jobs are going overseas, it's that there are too many regulations—and too many bizarre regulations—that are forcing companies out of this country just so they can stay in business.

We must continue to empower businesses to create jobs, increase investment, and keep production capabilities right here at home. Not only does that produce a strong economy; it keeps a strong middle class. This bill does just that by letting us stand strong in our commitment to America's job creators. It's just disappointing that we have to bring this bill forward over an administration and a bureaucracy that doesn't understand the success of this country's last 200 years.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

The previous speaker's claim that the National Labor Relations Board is dictating where jobs go in America is utterly incorrect. If any company said, We want to move from State A to State B because we think the State tax structure in State B is more favorable to us, they have an absolute right to do so. The issue is whether they can move because they want to discourage and undercut the right of collective bargaining. If they want to destroy collective bargaining, they can.

At this time, Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice for the working families of America, the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. I rise in strong opposition to H.R. 2587.

In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come to the table, have a voice in their workplaces, be able to negotiate for fair wages and benefits. This belief helped build the middle class in Hawaii and across our country.

Right now, what working men and women need most are champions in their corner, champions who are fighting for real jobs. Instead, this bill takes aim at our working families. It's another direct assault on them and on workers' rights.

Let's face it. Companies today can move their business operations for any business reason at all except for an illegal one. Today, retaliating against workers who want to organize and join a union is illegal. This bill changes

that. It says companies can go ahead. You can move your jobs to other States or even to other countries to punish your workers who want to organize and have a voice. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. Workers have already taken big hits in their paychecks and in their retirements over the years.

We should not make it easier for businesses to game the system. I urge my colleagues to fight against this bill and to stand with the working men and women of this country.

Aloha.

Mr. Speaker, I rise today in strong opposition to H.R. 2587. In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come together to have a voice in their workplace, to be able to negotiate fair wages and benefits. This belief helped build the middle class in Hawaii and across the nation.

Right now what working men and women most need are champions in their corner: champions who are fighting for jobs. Instead, this bill aims its fire at our working families. It's another direct assault on workers' rights.

Because companies today can move their business operations for any business reason at all, except an illegal one. Retaliating against workers who want to join a union is illegal. This bill changes that.

It says companies can go ahead and move jobs to other states or even other countries to punish their workers. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. And that's just wrong.

Working men and women have already taken a big hit in their paychecks and retirements over the last few years. We shouldn't be making it easier for businesses to game the system.

I urge my colleagues to stand with working men and women to fight this bill and end these attacks on workers' rights.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank Chairman KLINE for yielding me this time and for his leadership in moving this legislation to the floor. I thank Congressman SCOTT of South Carolina for his leadership in introducing this legislation, and I thank all those who join with me in supporting what I think is an important job-creating bill for this country.

It's important not just in right-to-work States, like South Carolina or Virginia; but it's important in States that don't have protection of workers under right-to-work laws, like Washington State, because businesses both in this country and overseas that are looking to invest are not going to look in places where they can be subsequently restrained from being able to expand their business—and that's what is happening here. They're expanding their business to another State if they locate in a place where that can happen to them.

They are also not going to locate in right-to-work States. No. When they need to expand, they're not going to have any statement about what their intentions are or why they're doing it, as is the case with most companies. They're simply going to locate in China or Taiwan or Thailand or India or in 100 other countries around the world that are very friendly and welcoming to employers who want to grow and expand businesses. Unless the United States changes this law and restrains the National Labor Relations Board from making these kinds of decisions, we're going to suffer greatly in job loss.

So this is a great job-creating bill. I encourage my colleagues to support the Protecting Jobs from Government Interference Act that amends the NLRA to prohibit the NLRB in future and pending cases from ordering an employer to close, relocate, or transfer employment under any circumstances.

This is an important measure. This will not just save 1,000 jobs in South Carolina. This will save hundreds of thousands of jobs across this country. It will ensure that employers have greater freedom to make one of the most basic management decisions: where to locate a business.

□ 1140

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Virginia just said that this bill restrains companies from growing jobs. Here's what it restrains. It restrains from saying to a worker who dares to stand up and bargain for themselves and fight for themselves, "You're fired." That's what it restrains; and it should restrain that, because that's our law.

Mr. Speaker, at this time I am pleased to yield 1½ minutes to one of the most passionate voices for working Americans in the modern history of this country, my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The National Labor Relations Act was a New Deal initiative which helped save American capitalism by creating a process which would protect the rights of employees and employers. This was before NAFTA, GATT, and the WTO, which tore legal rights for workers apart, moved millions of jobs out of the U.S.

Yes, we stand for the workers at Boeing in Washington State, but we also stand for the workers at Boeing in South Carolina, because they will have no recourse if Boeing wants to move jobs to China.

You can't say you want to create jobs here at home while destroying the rights of workers to organize, the right to collective bargaining. These are basic rights in a democratic society.

You can't say you want to protect American jobs and not protect American workers. Take away workers'

rights to free speech, take away workers' right to due process and you create a new class of slave laborers here in the United States who are helpless to stop the movement of jobs out of America.

This bill not only sacrifices the rights of Boeing workers in Washington State, it also sacrifices laws that are designed to protect workers' rights. It's an attack on all American workers.

It's one thing to take the side of the boss or the owners; it's another thing to take the side of the boss or the owners when they want to move jobs out of America.

Stand up for the American workers, stand up for workers' rights, stand up for American jobs, and stand up for employers who want to keep jobs in the United States.

Mr. Speaker, I rise in strong opposition to H.R. 2587. H.R. 2587 would severely undermine the intent of the National Labor Relations Act, which is to give workers and their employers a fair and level playing field, and it is another flagrant attack on the fundamental rights of the American worker. If this bill becomes law, the National Labor Relations Board will be unable to impose a meaningful penalty on an employer who violates the law by moving work elsewhere solely to avoid employees who exercise their rights. This bill sends a signal to American workers that the rights of multinational corporations to outsource their jobs are more important than their fundamental right to organize.

Mr. Speaker, the American Middle Class made this country great, but predictions for its future are dire. We have had forty years of wage stagnation for Americans, coupled with record corporate profits. Yet, over 5 million manufacturing jobs have been lost in the past decade, and since the start of the Recession alone, we have lost more than 7 million jobs. American workers today are already more vulnerable to being fired without cause, more vulnerable to not getting severance, and more vulnerable to being part of a mass layoff with little notice than any worker in any other comparable western country—countries like the UK, Australia, Canada, Ireland, France and Germany.

This legislation will make the situation worse. This goal of this bill is to snuff out the right of the American worker to seek justice when their fundamental rights are trampled upon.

Do not be fooled. This bill is not about some lofty economic principle of "free movement of capital to invest where it sees fit." This is not about "big government interfering with job creation." No, this bill is about destroying unions and about interfering with an ongoing legal proceeding brought by an independent agency tasked by the United States Congress with protecting both employees and employers against violations of our Nation's labor laws. If you care about the future of the American middle class and American workers, I urge you to reject this bill.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Indiana (Mr. BUCHSHON).

Mr. BUCSHON. Thank you, Mr. KLINE.

Mr. Speaker, I rise today to talk about jobs. The first thing I want to do is correct this ridiculous notion that this bill causes jobs to go overseas. I would argue it does just the opposite.

Just like Dr. ROE, I grew up in a union household. My father was a United Mine Worker, and that's why I am here today. I was elected to Congress to protect all workers, not just a select few.

Ninety-three percent of American workers are not in a union; 7 percent are, in the private sector. The National Labor Relations Board complaint is an attack on American job creators.

Again, I was elected to protect all workers, not just a select few.

The NLRB's decision to punish Boeing for creating 1,100 new jobs is just another example of the administration abusing its position to advance a biased agenda. I want to remind everyone no jobs were taken from Washington State.

This is a straightforward bill that prohibits the NLRB from ordering an employer to close, relocate, or transfer employment under any circumstances. This bill will create an environment necessary for employers to develop their businesses in the State that offers the best opportunity—and, I would argue, in the best country that offers the best opportunity—to grow and create jobs and not have this left up to a board of unelected bureaucrats in Washington, D.C.

I urge my colleagues to support this bill, and let's get America back to work.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a daughter and sister in a union family who doesn't forget where she came from, the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise today in opposition of H.R. 2587, a bill I call the "Outsourcing Bill of Rights."

Especially during these difficult economic times, we have come together to do the patriotic thing—protect and create jobs here at home.

This legislation eliminates the NLRB's already limited authority to order an employer to restore work taken away in a wrongful way. By passing this bill, we are telling our Nation's workers we cannot and we will not help them. Plain and simple, if this bill passes, it will lead to increased outsourcing of jobs. Further, the bill will make certain that employers will not be held accountable.

My colleague on the other side just mentioned that 93 percent of American workers are not unionized, and I also would like to bring up the point that we have seen wages across this country going down and yet we have seen the

profits in corporations going up. That's why we are in the situation we are in right now.

I come from a union family, and I am proud of that. It was able to give us the education that we needed, for my father and mother to be able to buy us a home. That, we're not seeing today. Why? Because we're hitting the workers. Why did we have unions in the first place? To give them a voice.

I urge my colleagues to oppose this bill. In my opinion, the corporations should be a little bit more patriotic and start hiring people so we can get this economy going and make this great country what we are. America can go forward, but not without good pay for our workers.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to another member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank the chairman for his leadership on this issue and so many others on the Education and Workforce Committee.

Mr. Speaker, the NLRA is supposed to balance the rights of employees, employers, and the general public, but you would never know that from the recent actions of the NLRB. This unelected group of executive branch recess appointees has abandoned all pretense of objectivity and has become, frankly, nothing more than a taxpayer-funded law firm for Big Labor.

Boeing is the most glaring example of their overreach, but it is not the only one. At a time when union membership is at a historic low, the NLRB seeks to give Big Labor a historically high level of influence with this administration, whether it's quickie elections or mandating advocacy posters in the workplace or this, the economic death penalty. The NLRB is out of control and it needs to be reined in so it does not do even more damage to this fragile economy.

With respect to the bill at hand in which my friend and colleague Mr. SCOTT seeks to remove a single remedy from the arsenal of the NLRB, leaving a dozen other remedies, this bill simply says that you cannot force Boeing to close a billion-dollar facility, which is already being constructed in Charleston, and fire the thousand workers who have been hired and send the work back to Washington State, which is tantamount to the economic death penalty. Not a single worker has lost a job or a benefit in Washington State, Mr. Speaker, when Boeing started this separate, distinct supply line.

The NLRB thinks a company should stay in a union State no matter how many work stoppages there are, no matter how many customers have threatened to go do business somewhere else because they can't get their planes on time, no matter how many fines have been paid because of late de-

livery of airplanes because of work stoppages, no matter what. No matter how much money is lost, Mr. Speaker, the NLRB thinks that Boeing should have to stay in a union State because it planted a flag originally in a union State.

This Congress has limited civil remedies when they have been abused. This Congress has limited criminal remedies whether they have been abused. And this Congress must limit administrative remedies when they are being abused, as they are now. Even the Chicago Tribune, Mr. Speaker, hardly a bastion of conservative thought, acknowledges that the NLRB is out of control.

I will ask my colleagues on the other side the same question I asked Lafe Solomon, the general counsel for the NLRB. Can you name me a single solitary worker who has lost a job because of Boeing's decision to start a separate line of work in North Charleston? Can you name me a single solitary worker who has lost a benefit or suffered any recrimination, any reparation because of Boeing's decision?

Mr. Speaker, if this administration were serious about job creation, they would have reined in this agency a long time ago. They did not, and we must.

□ 1150

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

My friend who just spoke indicated that this decision, or attempt by the NLRB, would destroy jobs in South Carolina. That's not accurate. On page 8 of the NLRB's complaint, it says the relief requested by the NLRB does not seek to prohibit respondent, Boeing, from making nondiscriminatory decisions where work will be performed, including work at its North Charleston, South Carolina, facility.

At this point I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a strong, progressive voice for working people in the United States.

Ms. WOOLSEY. I thank the ranking member for yielding to me.

When the President spoke in this Chamber last week, he urged us to focus on jobs. Believe me, this outsourcer's bill wasn't what he had in mind. He demanded that we move urgently to create new jobs, certainly not jeopardize the ones we already have. This outsourcer's bill of rights is nothing more than a gift to the majority's corporate cronies. It gives unscrupulous employers the green light to retaliate against workers, to punish them for engaging in union activities, or for fighting for their rights as workers. And they do that by saying that it is perfectly okay to pick up and leave town, and they do that after the president of Boeing actually admitted the reason they were moving to South Carolina was because there was too

much union activity in Seattle. That is retaliation, my folks.

Someone tell me how exactly is this supposed to revive our economy? It's part of the Republican vendetta against workers and their collective bargaining rights. It's part of their orchestrated assault on the labor movement that built the American middle class. This is not the time to be undermining or threatening the job security of any American. It is time to defeat this bill and move immediately to pass a big, bold jobs bill, one that will put America back to work.

Mr. KLINE. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 14 minutes remaining. The gentleman from New Jersey has 17 minutes remaining.

Mr. KLINE. Thank you very much, Mr. Speaker.

Then at this time I will yield 2 minutes to another member of the committee, the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I rise today in support of H.R. 2587, the Protecting Jobs From Government Interference Act, of which I am a cosponsor. Representing a district in the State of Alabama, a right-to-work State, the current activist agenda of the National Labor Relations Board greatly concerns me.

Congress has a responsibility to ensure that the NLRB objectively applies the law written by the people's elected representatives. Congress must also work to ensure that labor interests are not undermining the employer's efforts to create jobs. At a time when millions of individuals are unemployed and searching for work, public officials in Washington should look to provide greater certainty to America's employers so they can grow businesses and create new jobs, not hinder them.

Unfortunately, the recent rulings and proceedings of the NLRB have demonstrated otherwise. I enter this letter of support of H.R. 2587 from the Associated Builders and Contractors of Alabama in the CONGRESSIONAL RECORD. ABC represents over 800 commercial construction companies in my State, all of whom are concerned that the NLRB has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of unions. The Federal Government, especially the NLRB, has no right to dictate where a company can or cannot create jobs. The Protecting Jobs From Government Interference Act will provide employers with the certainty they need to invest in our economy and put Americans back to work right here at home in the United States.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Birmingham, AL, July 29, 2011.

DEAR CONGRESSMAN ROBY: On behalf of Associated Builders and Contractors of Ala-

bama (ABC), that represents 800 commercial construction companies in our state, I am writing to express our strong support for H.R. 2587, the Protecting Jobs from Government Interference Act. ABC urges House Members to support H.R. 2587 and will consider this vote a "KEY VOTE" for our 112th Congressional Scorecard.

Alabama being a right to work state, this bill further strengthens what your constituents feel is in the best interest of Alabama.

For more than a year, the National Labor Relations Board (NLRB) has moved forward with an agenda that is stifling job creation and economic growth. The NLRB's decisions, proposed rules, invitations for briefs and enforcement policies demonstrate that the agency has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of politically powerful unions.

Recent rulemakings and decisions by the NLRB will have negative implications for workers, consumers, businesses and the economy. These actions inevitably will reduce employee access to secret ballots; limit an employer's ability to effectively communicate the impact of unionization to its workers ("ambush" elections); trample private property rights; invite greater union intimidation of employees, consumers and small businesses; and limit the ability of U.S. businesses to quickly and flexibly adjust to the demands of a changing economy and global competition.

The NLRB has also taken unprecedented steps to mandate where and how one company—Boeing—can operate and expand its business. The federal government has no right to dictate where a company can or cannot create jobs. The Protecting Jobs from Government Interference Act would encourage investment in our economy by guaranteeing that businesses and entrepreneurs retain the ability to decide where to conduct business and where to locate jobs.

At this time of economic challenges, it is unfortunate the NLRB continues to move forward with policies that threaten to paralyze the construction industry and impede job growth. With an unemployment rate exceeding 15 percent, ABC members and construction workers cannot afford this burden.

ABC urges House Members to support H.R. 2587 and will consider this vote a "KEY VOTE" for our 112th Congressional Scorecard.

Sincerely,

JAY REED,
President.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the most effective leading voice for working people in America today, the senior ranking Democrat on the Education and Workforce Committee, my friend from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for that nice introduction.

Mr. Speaker, I rise in very strong opposition to this legislation, H.R. 2587.

This special interest bill is a job killer. It is simply a job killer. It was spurred by a particular case involving a Fortune 500 corporation, The Boeing Company. But this bill is not just about Boeing. This bill is really about working Americans all across this country, and they should pay very careful attention to this bill and to this debate because it affects their

livelihoods, their ability to support their families, the safety of their jobs at work, the conditions under which they work, and their ability to participate through their increased productivity in higher wages and better conditions.

This bill takes those rights away from workers, from all workers, all across the country. This isn't just about whether you belong to a union or not. This is about whether or not your employer can retaliate against you by taking your work away, by sending your work down the road or out of the country. It makes it easier to outsource because you simply, in response to a request by workers that they might share in the profits of the company, they might have higher wages, their work can disappear in an arbitrary fashion. And they have to understand that that's what happens under this legislation.

For the first time in 70 years, American workers in the workplace will not be protected. They will not be protected for the right to have a grievance against the employer for their wages or for the benefits that they are paid because the employer, for the first time in 70 years, will have the ability to say: Well, if you need more wages and you want more wages, you know what I'm going to do, I'm going to take your jobs and I'm going to outsource them. I'm going to send them to China. I'm going to send them to India. I'm going to send them to another part of the country because I'm not going to pay higher wages. Today, that's illegal. Under this law, it will not be. They can take your job and your work away from you. We've got to understand what that means.

We just saw that wages have taken one of the largest hits in a decade in this country. We have seen, as workers fail to organize in the workplace, wages have continued to go down. And at the same time, we have seen the CEOs and the management of companies take out tens of millions of dollars a year for each and every one of them, but not share it with the workers. They have decided that they'll take the increased productivity of the most productive workers in the world, the American worker, and they'll take that increased productivity and they'll take it for themselves. They won't continue the bargain that we have in this country that if you work hard, you'll be able to improve your lot in life. And so we've seen wages have stagnated in this country. And now this. If you try to get better wages, if you seek to improve your lot in life, if you seek to improve the ability of your kids to go to school, to provide for your family, your work can be taken away. This is a first in America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. This is a first in America. We must repudiate this on behalf of families that are struggling all across the country, those who are fortunate enough to continue to have a job, but they can't have a job living under this threat that they won't be able to better themselves if their employer decides to be selfish, decides to retaliate against them for seeking to organize to do something on their behalf. It's a fundamental part of the contract in America for workers. It doesn't exist in a lot of other parts of the world, but it does here. It has led to the middle class in this country, and it's the middle class that is threatened by this legislation.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say on the previous speaker that we have a czar to control these executive pays, and so if that czar is not doing his job, that's another problem we need to address.

I rise today in support of H.R. 2587, the Protecting Jobs From Government Interference Act. After the unprecedented actions by the National Labor Relations Board early this year, I was proud to join the gentleman from South Carolina and support this legislation.

Right now, our economy is suffering, and that suffering is felt even more in the South where States like Georgia and South Carolina have unemployment rates higher than the national average. We need to encourage companies to invest in those States most hard-hit. The Boeing plant in South Carolina directly created thousands of jobs in South Carolina, and indirectly through suppliers and construction created hundreds more.

□ 1200

Instead, the President has once again overstepped his executive authority and allowed the union attack dog to threaten to shut down the plant in South Carolina, jeopardizing thousands of jobs.

I strongly encourage my colleagues to support H.R. 2587 and stop the National Labor Relations Board from killing jobs.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

We don't have a czar controlling executive pay in this country. We have executives acting like czars outsourcing jobs around the world and ruining the middle class. That's the problem in the United States.

It is my privilege at this time to yield 3 minutes to the Democratic whip, who strongly understands the value of collective bargaining, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

First of all, the issue here has been raised by a case that is not yet concluded. Let me state that again: the issue raised in this legislation is reference to a case that is not yet concluded and seeks to interpose our judgment for the finder of fact and law's judgment. Normally, we believe that's a bad practice in a Nation of laws, not of men.

Secondly, this bill shows clearly a basic difference between many of us on this side and many on that side of the aisle, and that is whether or not you believe that working men and women have the right to come together to organize and to bargain collectively for their pay, their benefits, and their working conditions. In fact, it is my belief that the overwhelming majority of working Americans, whether or not they have joined such an organization, find their workplace safer, healthier, their pay better, and more availability of benefits than they would have if men and women had not been guaranteed the right to bargain collectively, for which they fought and some died in the 1930s and 1940s and later, because people did not want them to do that. They wanted to say: I don't care how much money we make, this is your portion.

Now, we see superathletes not stand for that if they're in the NFL or in the NBA or the NHL. We understand that. They see their enterprises making great money because they're great players. But the owners want to pay them what they need to pay them. Why? Because they want to maximize profits. I'm for that. That's the free enterprise system.

So we set up a system where we can bargain and we can come to a fair resolution. But this bill says that the concomitant of that right, which is that the employer cannot retaliate for the exercising of a legal right, will be jettisoned. That's what this bill says pretty simply. Yes, you have the right to bargain collectively; but if we don't like what you're doing, we're taking a hike. We're going to retaliate.

I do not decide today whether or not that will be the finder of fact and law's conclusion in this case. I don't know that Boeing did that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. I do not know whether that will be the ultimate conclusion, whether Boeing in fact violated the law by retaliating. And I've told my friends at Boeing that I don't know that that's going to be the conclusion. But I do know this: I am for working men and women having the right that they've had for some 70 years. And I believe that working men and women in America, organized or unorganized, are better off because we adopted a law to protect that right. Do not jettison.

And I close with this. I quote from a letter sent by hundreds of professors

with expertise in this area: "We are dismayed that a single complaint should be the basis for so fundamental a reversal of longstanding law."

Do not take this step. Reject this bill. Vote "no."

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. Thank you, Mr. Chairman.

Mr. Speaker, in the past, unions have been about protecting workers. As a physician, I know that one of the major reasons for the increase in life expectancy between the first and second half of the last century was due in large part to increases in worker safety, which were brought about by actions of unions.

I grew up in a union household. In fact, when my father was injured on the job, it was his union that helped represent him in court and put food on the table for my family. Too often, today's unions are more about politics and protecting their clout than protecting workers.

This change in focus is exemplified by a Boeing union newsletter that stated that "2,100 bargaining unit positions may be lost," if Boeing located a new manufacturing plant in South Carolina. Not jobs, not employees, not brothers and sisters, but bargaining unit positions. These employees were reduced to nothing more than a number.

Employers must have the ability to locate where they can find the best employees, period. I worry that if the NLRB takes away that ability and prevents them from creating jobs in a right-to-work State like South Carolina, what does that mean for other right-to-work States like my State of Nevada, the State hardest hit by the recession and with the highest unemployment rates in the Nation. Would the NLRB take similar action against a company trying to create jobs in Nevada? That's a risk Nevadans cannot afford to take.

H.R. 2587 maintains an employer's ability to locate where they can find the best employees; and that is why I support this legislation, and I strongly urge my colleagues to do the same.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the leader who's leading the fight against outsourcing and for collective bargaining, the minority leader of the House Democrats, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and commend him for his tremendous leadership on behalf of America's workers. Thank you, Mr. ANDREWS, for your leadership.

Mr. Speaker, across the country, Americans of every political party and every background—Democrats, Republicans, independents, and others—agree

that our Nation's top priority must be the creation of jobs and economic growth and security. Yet for more than 250 days, the Republican majority in the House has refused to listen to them. They, the Republicans, have failed to enact a single jobs bill. And the American people do not have the luxury of waiting any longer for Congress to act to create jobs.

The President has proposed the American Jobs Act. He's called upon us to pass the bill now. We support that, as do the Democratic Members of the House. But today, instead of passing a jobs bill, we are wasting the time of the Congress by attacking workers instead of strengthening them. We are debating a bill to undermine the foundation of our middle class instead of fighting to put people to work rebuilding our roads, bridges, railways, broadband lines, schools, airports, and water systems. We are voting on a measure to send jobs overseas instead of focusing on how to keep jobs here at home through our Make it in America initiative advanced by our Democratic whip, Mr. HOYER. Make it in America—how to strengthen our economy and our national security by stopping the erosion of our manufacturing base, indeed, by strengthening our manufacturing and industrial base.

I want to recognize my colleague, Congressman GEORGE MILLER, the ranking member on the Committee on Education and the Workforce, for his leadership, his knowledge, and not only his intellect but his passion and tireless advocacy on the subject of America's workers. As Congressman MILLER has said, our Republican colleagues have proposed the so-called outsourcers' bill of rights or as I prefer to call it, the Outsourcers' Bill of Wrongs—because this legislation has the wrong priorities for America's economy and for American workers.

□ 1210

The bill is about more than one company or a single case; it is about the economic security of America's workforce and families.

Rather than create jobs, this measure encourages the outsourcing of jobs and undermines the rights of middle class workers. This bill cuts the National Labor Relations Board, makes it easier for corporations to ship jobs overseas, and allows employers to punish their employees for simply exercising their rights to organize, to demand better benefits and safer working conditions, and to ensure a full day's pay for a full day's work.

For months in Wisconsin, Ohio, and States nationwide, Americans have seen Republican Governors and legislatures attack teachers and public servants. And we've seen these workers, union and nonunion alike, inspire the Nation to fight back. Now Republicans have brought their assault on working

Americans to our Nation's Capitol, to the floor of the House, claiming their actions will help the economy. But it will do just the opposite. It will weaken our workers, our middle class, and our families—indeed, the cornerstones of our economic prosperity, of our middle class, and of our democracy.

The "Outsourcers' Bill of Wrongs"—or Rights—is not about jobs; it's about dismantling protections established specifically to strengthen the rights of workers. We need these protections now more than ever.

Listen to this: Last year, American companies created 1.4 million jobs overseas—overseas—while raking in enormous profits. We must create these jobs here at home.

Democrats will stand strong for our working men and women. We will stay focused on jobs and economic growth.

On a personal note, Mr. Speaker, the other night I had one of the thrills of my political lifetime. I received—such an honor for me—the Frances Perkins Award from my colleague, LYNN WOOLSEY, a champion for working families in our country.

For those of you who may not know Frances Perkins from history, she was the first woman to serve in the Cabinet of a President of the United States. She was the Secretary of Labor. And she was responsible for many important initiatives: the 40-hour workweek, the ability for workers to bargain collectively. She was a remarkable champion for working people in our country. She was largely responsible for creating Social Security. Imagine having that as her credentials. Imagine what a thrill it was for me to receive an award named for her, especially given by Congresswoman LYNN WOOLSEY, a champion on the Education and Workforce Committee.

Much of what she did, the credit was given to the President of the United States, as is appropriate. More than 75 years ago, upon the signing of the National Labor Relations Act, President Franklin Roosevelt said this:

"By preventing practices which tend to destroy the independence of labor, this law seeks, for every worker within its scope, that freedom of choice and action which is justly his." I guess he could have said his or hers.

That "independence," that "freedom of choice and action" has rested at the core of a growing, thriving American workforce. It has not limited the ability of companies to move, change, or extend their operations. It has simply ensured that companies treat their workers in ways consistent with the laws of our land.

The independence and freedom of our workers have helped build and expand our middle class, which is the backbone of our democracy, and drive unprecedented prosperity for our families and for our Nation, and it must be preserved in our time. I call upon my col-

leagues to do just that, to preserve this right in our time.

I call upon my colleagues to oppose this legislation, to uphold the value of fairness for our workforce, and to get to work putting the American people back to work by bringing President Obama's bill, the American Jobs Act, to committee and to the floor to again give people hope and confidence and the dignity of a job.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. ANDREWS) has 8¾ minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 9 minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 2½ minutes to a member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, I rise in support of this legislation on behalf of the American public that has had enough; on behalf of those tens of millions of people who pay their taxes, live within their means, and give their hand to a neighbor in need, for they have had enough; on behalf of those like Boeing, whose innovation, entrepreneurship, and technology ensures that more moms and dads will not have to witness a flag-draped coffin bringing their son or daughter home from a land far away, for they, too, have had enough. I rise on behalf of those like my dad, who fought and bled against tyranny to make sure that the future that he gave to his children would be a future of freedom, for those, too, have had enough.

Mr. Speaker, there is no defending the overzealous oligarchs at the National Labor Relations Board. Their actions are a symptom of a regulatory board gone amuck. In fact, the irony of this is that if Boeing wants to escape their reach, their jurisdiction, the only way to do so is to move overseas, which is contrary to what any of us want when we want jobs here in America. Nowhere in America should your government be able to tell you what you can or cannot do just because they believe what your intentions are.

Mr. Speaker, this administration needs to stop reading minds and start reading the Constitution. The Boeing decision is a vivid reminder that absolute power corrupts absolutely. And we could dismiss it if it were only an isolated case, but it is not. Americans have endured an administration that fines American citizens for not buying a product, raids—with guns drawn—an American guitar manufacturer for not shipping jobs overseas, conducts aerial searches and seizures of American businesses without their knowledge, and orders Federal employees not to speak to Members of Congress.

Mr. Speaker, free enterprise is not the problem; it is the solution. And, Mr. Speaker, contrary to what the other side may say, labor is not the enemy. Labor is the backbone of the

American economy. But both should be aware of a government that can tell you what to do just because of what you think, and both should be aware of a government that can tell you what to buy just because they think that's what you need.

I pray that this legislation is the cornerstone of a renewed free market citadel called America. The reign of the regulator is over. The American people want their country back, and there are still patriots in this House.

Mr. ANDREWS. Mr. Speaker, I yield myself 10 seconds.

I'm sure the gentleman did not mean to imply that those of us who take our side are not patriots. We think patriotism includes the right to freely and collectively bargain, and we stand for it.

I am pleased at this time to yield 1 minute to a widely respected advocate of the people of the State of Washington, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I am very concerned about this outsourcing bill and its tenor.

If you want to change what's legal or illegal, then this body should address those issues. But this bill won't change what's legal or illegal; it will simply stop current law from being enforced.

The NLRB is a law enforcement body. It follows an independent, adjudicative process.

□ 1220

If we want to change the laws it enforces, that's subject to debate, but this bill won't do that, and that's why I'm opposing it.

I haven't taken a position on the case that brings us here today, and I don't intend to here, but I can say this firmly: Elected officials should not be politicizing an ongoing adjudicative process. Politics should not interfere with justice in this or any other case.

I won't support a bill that doesn't change the underlying law but only changes the ability of those we've charged with enforcing it with the ability to do so. Don't allow one controversy to sully Uncle Sam's ability for justice in this country.

Mr. KLINE. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. I thank the chairman for yielding, and I thank him for his leadership on this issue.

Mr. Speaker, I rise today in strong support of this bill.

I want to start by making a comparison and contrasting the events recently in the great State of South Carolina with that of my home State of Arkansas.

In Arkansas, aerospace is one of our top exports. We have more jobs in Arkansas affiliated with the aerospace industry than any other sector of our manufacturing economy. With aviation

manufacturers like Hawker Beechcraft and Dassault Falcon, thousands of Arkansas families enjoy high-paying jobs. Communities, schools, and small businesses are all positively impacted by the aviation industry's choice to locate in Arkansas. But, Mr. Speaker, if the NLRB had had their way, none of this would have ever been a reality in my home State of Arkansas.

The recent action by the NLRB is a case of massive overreach, overreach that attempts to tell a business where and when they should locate their businesses that employ people and create jobs. You see, Mr. Speaker, South Carolina, along with Arkansas, are right-to-work States. Right-to-work States focus on fostering economic conditions that allow the private sector to create jobs and prosper.

And again, not a single job was lost as a result of Boeing's decision to open another manufacturing plant in the State of South Carolina. Yet the NLRB chose to attack the private sector once again. And that's just indicative of this administration's economic agenda that focuses on growing government instead of creating jobs and growing our economy.

In closing, Mr. Speaker, the NLRB decision sets a dangerous precedent. This bill is the first step to limit the government overreach that threatens Arkansas companies and job creators all across the country.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a person who understands the international implications of economic growth and collective bargaining, my good friend from California (Mr. BERMAN).

Mr. BERMAN. Thank you, Mr. ANDREWS.

Mr. Speaker, I would like the proponents of this legislation to look at this fact situation:

Let's assume there was compelling evidence that an employer decided to move a production line from one part of the country to another part of the country because he wanted to find a workforce that was white and not African American or not Latino, or that was much more likely not to have women applying to work on that manufacturing line than where he was located. Would anyone here suggest there should be a bill that, notwithstanding Title VII of the Civil Rights Act, should let that employer, with a discriminatory motive and a racist intention, move his plant for that reason?

This is not a bill about what an employer can or cannot do. This is a bill about motivation. The Civil Rights Act, 1964, the right of employees to organize, form unions, bargain collectively, and to prohibit employers from retaliating against that, 75 years ago.

If you really want to have the job creators do whatever they want, as you like to say, get rid of the workers' right to choose, get rid of collective

bargaining, remove the protections against discrimination, against unions, but don't pretend you're trying to do something for reasons that disguise the motivation for the reason.

Mr. KLINE. Mr. Speaker, may I inquire again about the time remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Minnesota has 5 minutes remaining.

Mr. KLINE. I will inform my colleague from New Jersey that I am expecting another speaker; so at this time I will reserve the balance of my time.

Mr. ANDREWS. I thank my friend.

Mr. Speaker, I am very pleased to yield 2 minutes to a passionate voice to fight the ravages of outsourcing in our country, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I stand in strong opposition, Mr. Speaker, to this bill.

The National Labor Relations Board exists to ensure that companies do not discriminate against workers who exercise their rights under Federal law. That protection prevents the illegal offshoring of American jobs.

In 2000, for example, a California jewelry manufacturing company took aggressive action to discourage its employees from organizing, a right that is protected under Federal law. When the company failed, it announced plans to relocate its operations to Mexico. The Board was able to prevent this from happening.

Using the authority this bill would eliminate, the Board prevented the company from moving American jobs to Mexico. If H.R. 2587 is enacted, companies will be able to ship jobs overseas in retaliation against American workers exercising their rights.

Unfortunately, H.R. 2587 is part of a larger campaign to attack workers' rights. That campaign includes an investigation by the Oversight Committee into the Board's ongoing prosecution of The Boeing Company for allegations of illegal retaliation against workers in Washington State for exercising their rights under the law.

A Washington Post editorial warned that the committee should not "sabotage" this ongoing legal process. And 34 law professors urged the committee to let the Board do its job without interference. Instead, the committee issued a subpoena, threatened contempt, and even intimidated NLRB attorneys trying to do their job.

If H.R. 2587 becomes law, even if Boeing is found to have violated workers' rights, no remedy will exist to restore those rights to workers. Nobody interested in protecting American jobs should support this bill.

I strongly urge my colleagues to vote against H.R. 2587.

Mr. KLINE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1 minute to a gentlelady who favors job creation over outsourcing, the gentlelady from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Speaker, H.R. 2587 should be really called the "Death of the Workers Rights Act." This amends the National Labor Relations Act of 1935. And remember why that act was created. We were in the Great Depression.

So why was it then passed? Because workers could join unions even back then, but they could be fired for joining the union and for striking. Does that sound familiar? This caused great labor unrest in this country, a country that was struggling to get back on its feet.

Remember, we are a country of workers. Workers made this country, and workers will continue to make us the great country that we are.

What the NLRB said was workers could organize to act in a concerted manner for mutual aid and protection. This act basically eliminates the remedies if that right is violated.

Now, remember, the NLRB must prove that these protected rights were violated. They just simply can't go in and act willy-nilly. They have to prove these allegations.

There will be no rights for these workers if this bill is allowed to pass.

Mr. KLINE. Mr. Speaker, it is apparent that we have two speakers, a gentleman from Virginia and one from Texas who apparently are not going to be able to get here on time; so I will be closing when Mr. ANDREWS has exhausted his speakers.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time it is my honor to yield 1 minute to a gentlelady who has been a fierce advocate for jobs for New York City but, more importantly, for all of America, the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, today I rise in opposition to H.R. 2587. This bill, which was rammed through committee without so much as a legislative hearing, does not create or protect jobs, in spite of its misleading title. What this bill does is give American workers an unfair choice: your rights or your job.

H.R. 2587 creates an open season for CEOs to punish workers for exercising their rights. This bill allows companies to relocate or eliminate jobs in retaliation against employees who exercise their right to organize, strike, or engage in collective bargaining activity.

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This Republican-sponsored bill accomplishes this by eliminating the National Labor Relations Board's power to order work be restored or reinstated. In practical terms, this would mean that if a CEO wanted to punish workers for organizing or striking, the CEO

could simply choose to relocate or eliminate the work and thereby eliminate the worker without fear of being held accountable.

I ask my colleagues to oppose this bill and vote it down today.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. ANDREWS. I yield myself the balance of my time.

Mr. Speaker, when one listens to the back-and-forth in this debate, there's a lot of different points and I'm sure some confusion that flows from that. But the debate's really pretty simple, and it's about one question: If a group of people working at a business in this country chooses to try to organize a union and bargain collectively for their wages and their working conditions, and the employer is discomforted by that and the employer comes in and says, "I don't like the fact you're trying to form a union and bargain collectively and assert your rights, so I'm moving to Malaysia. I'm out of here," should that be legal or not? We believe emphatically it should be illegal.

To say to American workers that they dare to speak up for themselves, they dare to assert their rights, they dare to bargain collectively, therefore their jobs could be moved overseas is wrong. It is illegal today to do that.

Now, in the Boeing case, a judge will decide whether or not Boeing did that. If the judge decides that Boeing didn't, the case is over. If the judge decides that Boeing did, then there will be remedies that would lie against Boeing.

But this is what this case is really about, this issue is really about, this bill is really about in the lives of daily Americans. How many of our constituents are sick and tired of making a call about their credit card or some other account and realize that the person in the call center at the other end is in Asia and has no idea what they're talking about?

If you want more outsourcing, if you think the problem in America is that too many jobs are being created here and we do more for other countries around the world, then this is your bill. But if you've had it with outsourcing, if you want jobs to be created in America, what we ought to do is defeat this bill and rapidly bring to the floor the jobs plan the President of the United States stood in this Chamber last week and proposed.

Let's stop creating jobs around the world and start creating jobs around America. Let's stand up for collective bargaining, and let's defeat this bill.

STATEMENT OF PROFESSORS FROM COLLEGES AND UNIVERSITIES ACROSS THE UNITED STATES ON HR 2587

HR 2587, currently being considered by the House of Representatives and endorsed by a majority of the House Committee on Education and the Workforce, would amend the National Labor Relations Act to take away from the NLRB the ability to remedy unfair labor practices involving the removal of

work or the elimination of jobs by requiring employers to undo their unlawful actions. As scholars of law and labor policy, we are deeply concerned about the far-reaching impact this bill would have on employees' basic rights to organize, to bargain collectively, and to engage in other concerted activities protected by the NLRA.

The language of the proposed amendment to the Act is sweeping. It provides that the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or persons who shall be engaged in production or other business operations. This language has been justified by the bill's sponsors and critics of the Board as a response to the NLRB Acting General Counsel's actions in issuing a complaint against Boeing Corporation. As such, it would prevent the Board and the courts from directing Boeing to restore work to its employees in Washington State in the event that the company is found to have illegally moved the work in retaliation for those workers' exercise of legally protected rights.

But that unprecedented interference with a pending legal proceeding for the benefit of a particular employer is not all that the bill would do. If enacted, HR 2587 will eliminate the ability of the NLRB and the courts to effectively remedy any discriminatorily motivated decision to transfer work from employees or eliminate their jobs not for legitimate business reasons, but because the employees have engaged in union or other NLRA-protected activity. It will also eliminate any meaningful remedy for an employer's refusal to bargain with a union in circumstances where it is required to do so before transferring or contracting out work performed by workers the union represents.

The Board has long held that moving jobs from one facility to another or shutting down a particular operation to avoid unionization or to punish workers for engaging in protected activity violates a basic policy of the Act, that of insulating union activity from economic reprisal.¹ The same is true of discriminatorily motivated decisions to subcontract or outsource work.² The standard remedy for such a violation, regularly affirmed by the Federal Courts of Appeals, is an order to the employer to return the work that has been unlawfully eliminated or removed.³ In the interests of economic efficiency, however, the Board will not require restoration of work if the employer can show that it would be "unduly burdensome" to do so.⁴

An order to restore work that has been eliminated or removed is also the standard remedy in cases where the employer's actions were taken in violation of its duty to bargain. In unionized workplaces, employers have a legal obligation to bargain over certain decisions affecting where and by whom bargaining unit work is performed. If the employer acts unilaterally, without first bargaining with the union until the parties reach agreement or are at impasse, the Board routinely orders the employer to rescind the unilateral action and restore the work until the duty to bargain has been satisfied, subject again to the "unduly burdensome" standard.⁵

If HR 2587 becomes law, the Board will be precluded from ordering this common-sense relief. Employers will be able to eliminate jobs or transfer employees or work for no purpose other than to punish employees for

exercising their rights and the Board will be powerless to direct the employer to return the work regardless of the circumstances.

Without the ability to order a unionized employer to bring back work that has been unilaterally transferred or outsourced in violation of the duty to bargain, the Board will also be unable to insure that employees, through their union, are able to engage in meaningful bargaining over such decisions.

We are dismayed that a single complaint, not yet tried by an administrative law judge argued to the Board, or ruled on by the courts, should be the basis for so fundamental a reversal of long-standing law. The legal theory on which the Acting General Counsel's complaint against Boeing is based is thoroughly consistent with existing law. Contrary to the claims of critics, the Acting General Counsel is not seeking to dictate where Boeing assigns work, but only to insure that such actions are not taken in retaliation for workers' exercise of rights protected by the NLRA. In fact the complaint itself specifically states that "the Acting General Counsel does not seek to prohibit Respondent from making nondiscriminatory decisions with respect to where work will be performed, including nondiscriminatory decisions with respect to work at its North Charleston, South Carolina, facility."

But as we have shown, the impact of HR 2587 would go well beyond overruling the Acting General Counsel's actions in the Boeing case. If enacted, it will give tacit permission to employers to punish any segment of their workforce that chooses to unionize or to exercise the right to strike by eliminating their jobs. It will allow unionized employers who find it convenient to ignore their duty to bargain with the union before transferring or eliminating bargaining unit work to act unilaterally without concern for legal consequences. Employers will be able to eliminate lines of work, hire subcontractors, switch jobs to non-union facilities or transfer them out of the country in violation of the NLRA—secure in the knowledge that the Board will be unable to order it to undo those actions.

In the Committee report regarding the bill, the majority states, "To ensure employees can continue to exercise their rights under federal labor law, the NLRB will continue to have more than a dozen strong remedies against unfair labor practices to protect workers and hold unlawful employers accountable." However, the report does not list those remedies and we are at a loss to identify them. The Board's remedial power under existing law is already severely restrained. The Board cannot impose sanctions. It may not seek to punish wrongdoers. It cannot impose fines; it cannot require anything that would amount to a new contract between the parties. If the bill passes, the Board will have no effective response to basic unfair labor practices.

The Committee majority seeks to justify the reducing of employee rights and Board authority by claiming that it is merely strengthening the employer's right to make basic business decisions, including where and how to invest its resources. We reject the premise that restoring work to those who would perform it were it not for the employer's unlawful action violates an employer's basic entrepreneurial rights. The policy of restoring victims to the position they would have been in had it not been for unlawful conduct is common throughout our legal system, and it represents no more than a recognition of simple justice.

ENDNOTES

¹See, for example, *Frito-Lay, Inc.* 232 NLRB 753 (1977) (employer violated the Act by shut-

ting down plant and transferring the work to another facility in response to a union organizing campaign); *Lear Siegler, Inc.*, 295 NLRB 857 (1989) (same).

²See, for example, *Century Air Freight*, 284 NLRB 730 (1987) (employer's subcontracting of trucking work violated Act because purpose was to avoid bargaining with union). See also *Aguayao v. Quadrtech Corp.*, 129 F. Supp. 2d 1273 (C.D. Cal. 2000) (granting the Board's request for an injunction stopping an employer from moving its California operations to Mexico in retaliation for union organizing).

³See, for example, *Mid-South Bottling Co. v. NLRB*, 876 F.2d 458 (5th Cir. 1989) (affirming appropriateness of Board order directing bottling company to reopen a distribution facility closed because employees voted for union representation); *Woodline Motor Freight, Inc. v. NLRB*, 843 F.2d 285 (8th Cir. 1988) (upholding Board order requiring employer to restore trucking operations transferred to another facility after employees engaged in union organizing campaign); *Statler Industries, Inc.*, 644 F.2d 902 (1st Cir. 1981) (approving Board order directing employer to restore office jobs relocated to another facility in order to frustrate union organizing activity).

⁴*Lear Siegler, Inc.*, supra, 295 NLRB at 861.

⁵The Board's authority to order such a remedy in refusal to bargain cases was expressly affirmed by the supreme Court in *Fibreboard Paper Products Corp. v. NLRB*, 379 U.S. 203 (1964), which upheld a Board order directing an employer that contracted out the work of its maintenance employees without first bargaining with the employees' union to resume maintenance operations and reinstate the employees. The Court said the order restoring the status quo ante "to insure meaningful bargaining" was well-designed to promote the policies of the Act and had not been shown to impose an undue burden on the employer. *Id.* at 216.

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Laurence Shute, Professor Emeritus of Economics, Economics, California State Polytechnic University, Pomona

Louise Simmons, Ph.D., Professor, School of Social Work, University of Connecticut

Joseph E. Slater, Eugene N. Balk Professor of Law and Values, University of Toledo College of Law

David Smith, Professor, Sociology, UC—Irvine

Betsy Smith, Ph.D., Adjunct Professor of ESL, Language and Literature Department, Cape Cod Community College

David Whitten Smith, S.T.D., S.S.L., Emeritus Professor, Theology; Justice and Peace Studies, University of St. Thomas

Carol Smith, Dr., Retired Faculty, CCNY, Dept. of Special Programs, CUNY

Jeffrey Spear, Professor, English, New York University

Susan J. Stabile, Robert and Marion Short Distinguished Chair in Law, University of St. Thomas School of Law

Theodore J. St. Antoine, Professor Emeritus of Law, Law School, University of Michigan Law School

Howard Stein, Professor, DAAS, University of Michigan

Joan Steinman, Distinguished Prof. of Law, Law, Chicago—Kent College of Law, Ill. Inst. of Tech.

Katherine V.W. Stone, Arjay and Francis Miller Distinguished Professor of Law, UCLA School of Law

Ann Strahm, Assistant Professor, Sociology, CSU Stanislaus

Jill Strauss, Adjunct Assistant Professor, Sociology of Conflict, John Jay College, CUNY

Mary Rose Strubbe, Professor, Law, ITT Chicago—Kent College of Law

Stephen J. Sullivan, Ph.D., Professor, Philosophy, Edinboro University of Pa.

April Susky, Academic Advisor/Professor, Student Success, University of Alaska Southeast, Sitka Campus

Gerald Swanson, Dr., Professor (retired), Science, Daytona State College

Kim Tan, Professor, Accounting & Finance, California State University Stanislaus

Mark Tauger, Dr., Professor, History, West Virginia University

Donald Taylor, Assistant Professor, Labor Education—School for Workers, University of Wisconsin

Daniel Thau Teitelbaum, M.D., Adjunct Professor, Occupational and Environmental Health, Colorado School of Public Health, University of Colorado Denver

Paul Thompson, Professor, Associate Professor, Film and Television, New York University

Donald Tomaskovic-Devey, Professor and Chair, Sociology, University of Massachusetts

Robert Vaden-Goad, Ph.D., Associate Professor, Mathematics, Southern Connecticut State University

Adrienne Valdez, Faculty member, Center for Labor Education and Research, University of Hawaii—West Oahu

Joseph Varga, Professor, Labor Studies, Indiana University

Steven Volk, Professor, History, Oberlin College

Paula Voos, Professor, School of Management and Labor Relations, Rutgers

Katherine Walstrom, Ph.D., Professor, Div. Natural Sciences, New College of Florida

Devra Weber, Professor, History, University of California, Riverside

Eve Weinbaum, Director, Labor Studies, UMass Amherst Labor Center

Marley S. Weiss, Professor of Law, University of Maryland School of Law

Martha S. West, Professor of Law Emerita, University of California Davis School of Law

Ahmed A. White, Professor of Law and Associate Dean for Research, University of Colorado School of Law

Lucy Williams, Professor of Law, Northeastern University School of Law

John Willoughby, Dr., Professor, Economics, American University

Steve Wing, Associate Professor, Department of Epidemiology, University of North Carolina

Michael J. Wishnie, Clinical Professor, Yale Law School

Goetz Wolff, Professor, Urban Planning, UCLA

Marty Wolfson, Director of the Higgins Labor Studies Program, Department of Economics, University of Notre Dame

John Womack, Jr., Robert Woods Bliss Professor of Latin American History and Economics, Emeritus, History Department, Harvard University

Nan Woodruff, Professor, History, Penn State University

David Yamada, Professor of Law, Law School, Suffolk University Law School

Alex Zukas, Professor, Social Sciences, National University

other side, Mr. Speaker, believes that employers, the private sector, small businesses, entrepreneurs, middle-size businesses and large businesses create jobs, put Americans to work.

Now, the National Labor Relations Act, as has been discussed, has been around for a long time. Neither side is suggesting that Americans don't have the right to organize and to bargain. I beg to differ with my colleagues on the other side. That's not what this is about.

But what we have here is a case where the act creates a board which, by its nature, changes back and forth, depending upon who's in the White House, so that it has more Democrats one time and more Republicans another. And so I would argue and have argued that for some time, the board, in enforcing the act, is causing some whipsaw of the economy. I'll concede that.

But right now with this board, I would argue that, as one of my colleagues on the other side said, there was an agenda over here. I agree, there is an agenda. The board has an agenda.

There is a rainfall, a torrent of rulings coming out of this board that strike at the heart of American job creators that create jobs. One of those rulings—and I agree that it's an interim ruling. It's a ruling by the acting general counsel. One guy looks at the actions that a major American company has taken to create more jobs, to spend a billion dollars, build a plant in South Carolina, hire over a thousand people. One guy says, No, I don't think so. I think, says he, this is a transfer of work and it's in retaliation; I think that.

So it's been pointed out this is an ongoing process. And one of my colleagues in the committee said, Well, nothing bad has really happened here. Let's let this play out.

No, no. I beg to differ.

Go to Charleston, South Carolina. Talk to those thousand employees about their future and the uncertainty that this brings. Talk to the companies who are looking at creating jobs, starting businesses in this country and are looking at this ruling and the threat this poses and reconsidering their actions.

So, Mr. Speaker, I believe we have a choice. We can stand, we can sit, we can watch, or we can step up and try to help Americans get back to work in America by stopping this action and the threat that it poses to companies across America.

So I encourage my colleagues to vote for this legislation. Let's get Americans back to work in America.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to the so-called "Protecting Jobs from Government Interference Act." It's a nice name for a bad bill.

This bill is not about protecting American jobs or American workers. It's about protecting

big businesses who want to move jobs out of American communities without consequence. It's about forcing American workers to accept the lowest common denominator rather than standing up for fair pay and safer working conditions.

For more than 75 years, federal law has guaranteed employees the right to organize without threat of retaliation. If workers decide to form a union, the company can't punish them by moving operations down the street or out of the country. But this bill would allow companies to retaliate with impunity by stripping the National Labor Relations Board of its power to enforce that law.

Today's legislation is a response to an ongoing dispute between the NLRB and Boeing. I understand that many of my colleagues have strong opinions on that issue, but it is not the business of this Congress to legislate on an individual case. It is not appropriate to dismantle the enforcement mechanism to secure a result for any party.

This bill makes sweeping changes to worker protections and would have severe consequences. Rather than creating a single job, it would give employers free rein to eliminate jobs or move them overseas to punish workers for exercising their rights.

Mr. Speaker, this bill strips fundamental protections from American workers, leaving them and their jobs less secure. It turns back the clock on 75 years of employment law. It is the wrong direction for America, and I urge my colleagues to reject it today.

Mr. BLUMENAUER. Mr. Speaker, I am deeply disappointed by the bill the Republican majority is bringing to the floor today. While I am used to the Republicans attacking new protections for American workers, this bill attacks and removes long-standing enforcement provisions of the National Labor Relations Board, virtually eliminating its protection for U.S. workers.

This bill prohibits the National Labor Relations Board from carrying out its mandate to prevent unfair labor practices and would even allow companies to move outside of the United States to avoid union organizing. In other words, this bill makes it easy for companies to outsource jobs to other countries in order to avoid paying our workers family wages, providing health benefits, and meeting basic safety and environmental obligations.

Under current law, it is illegal to retaliate against workers for union activity or to threaten workers to discourage union activity. Not only does the bill remove the power from the National Labor Relations Board to block such retaliation or threats, but the bill even prevents the Board from seeking such an order. Our laws may set forth strong worker protections, but this bill prevents the exercise of those protections, reducing those promises to empty words.

It is appalling to me that the Republican majority is considering rolling back provisions that have protected workers for decades. I urge my colleagues to vote against this ill-considered legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 2587, the misleadingly named "Protecting Jobs From Government Interference Act."

This legislation, if enacted, would gut key provisions of the National Labor Relations Act,

a law which has ensured the right of working Americans to fight for better working conditions, a better salary, and better benefits for themselves and their families for more than 75 years.

H.R. 2587 would strip from the National Labor Relations Board the ability to take action against any employer that has been found to violate the law by closing an office, relocating a plant or firing workers in retaliation for exercising their rights to organize or petition for fairer benefits.

Even worse, passage of this legislation would open the door for companies to engage in the practice of illegally moving jobs overseas. In the past, the NLRB has been able to take action against companies that have attempted to move their operations overseas who do so with the clear goal of punishing employees for exercising their fundamental organizing rights.

This legislation would open the door to wholesale off-shoring of U.S. jobs at a time when this Congress should be discouraging such behavior.

A bill of this magnitude, which would set back decades of established labor law and precedent, should be considered in a much more deliberative manner.

I call on my colleagues on both sides of the aisle to vote in favor of working Americans and to oppose this legislation.

Mr. DINGELL. Mr. Speaker, I rise in unequivocal opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This devious legislation carries on in my Republican colleagues' fine tradition of masking hard truth with pithy and inaccurate turns of phrase. H.R. 2587's goal is not to protect jobs, but rather to neuter the National Labor Relations Board (NLRB) and the protections it affords America's working men, women, and their families.

In point of fact, H.R. 2587 will prohibit the NLRB from reinstating production lines closed as retaliation for union activities. The bill will also prevent the Board from issuing any order that rescinds any relocation, transfer, subcontracting, or outsourcing of work by a company as retribution for union activities. As I have said, this bill does nothing to offer increased protections to American workers. It will, however, protect union-busting activities by businesses that are still sitting on billions of dollars and asking for a tax holiday for repatriated profits, yet all the while making precious little effort to add new jobs.

Mr. Speaker, my friends on the other side of the aisle are using a pending dispute between the NLRB and a certain airplane manufacturer to justify the supposed need for this abominable legislation. H.R. 2587 is explicit proof of the Republican Party's strong desire to wipe out the very unions that built this country's middle class and make sure American workers have no better protections than their brethren in third-world countries.

I urge my colleagues to oppose this bill.

Mr. POE of Texas. Mr. Speaker, this piece of legislation is critical to prevent the National Labor Relations Board from disrupting business and job growth by ordering an employer to relocate.

The purpose of this board is to protect workers, not to leave them in fear that their jobs

may be relocated on the whim of the Board's members.

The NLRB has no place in telling businesses where they can operate.

Businesses create jobs, not the government.

In this economic climate, the last thing we need is for businesses to have any more anxiety preventing them from hiring more workers.

Boeing, who the NLRB has attacked, is creating jobs in both South Carolina and Washington.

With the attempt by NLRB to force Boeing to move the newly created jobs in South Carolina to Washington, jobs will now be lost in South Carolina.

Texas like South Carolina is a Right to Work State.

Businesses that operate in non-Right to Work States should not have to be intimidated from opening up locations in Right to Work States like South Carolina and Texas because of concerns that moving to these states will be considered "transferring" work.

The NLRB should not have the power to force the relocation of a business.

It has over a dozen other remedies to protect workers.

The National Labor Relations Act needs to be amended to prevent this.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill which is an attack on the fundamental rights of working men and women.

We are debating this bill at a time when roughly 13½ million Americans are unemployed and the labor force participation rate is still at a low—not seen in over a generation. This House should be focused on paying our bills, creating jobs, strengthening the middle class, and protecting workers rights. Instead, the Republican Majority has brought a bill to the Floor that does nothing to help our economy or create jobs, but instead makes it easier for corporations to send American jobs overseas and allows employers to punish their employees for exercising their rights to organize and ensure a full day's pay for an honest day's work.

H.R. 2587 will strip the National Labor Relations Board (NLRB) of its authority to enforce basic labor protections, and will allow employers to openly discriminate against union workers. With this bill, companies will be allowed to outsource jobs and intimidate and fire workers without repercussions in retaliation for American workers who exercise their rights under current U.S. law.

Mr. Speaker, the assault on union employees is happening across the country from Wisconsin, to Ohio, and now right here in the House of Representatives. We must not let it continue if we want to preserve our nation's middle class which is in serious decline. There is no question that the unions have contributed to building the middle class in this country.

According to the Bureau of Labor Statistics, union workers are more likely than non-union workers to be covered by health insurance, and receive pension benefits and paid sick leave. We must not ignore the critical role that unions have played in building America by helping improve the wages and working conditions of union and non-union jobs alike.

I urge my colleagues to stand up for working families, for a stronger middle class, and

a growing economy. For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair pay and benefits and safer working conditions. I pledge to fight to maintain those rights and protections and urge a no vote on this harmful legislation.

Mr. MORAN. Mr. Speaker, today the House of Representatives passed H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation, should it become law, would destroy a pillar of America's economic prosperity when we need it most. The bill strips the National Labor Relations Board of its ability to sanction companies that retaliate against employees seeking to exercise a basic constitutional right.

The facts of the case, though often misrepresented or obscured by partisan disdain for working people, are clear. Under a federal statute that has been in force since 1935, workers at the Boeing Corporation complained that the corporation moved a manufacturing plant to a different state in direct retaliation for labor strikes. The National Labor Relations Board, as is prescribed in the same statute, investigated the case. As part of their investigation, NLRB investigators collected evidence from both parties. The NLRB has not yet determined whether this evidence warrants a complaint against Boeing. In short: the process which has been in place for more than 75 years is working as designed, but it has not been completed. This bill would halt the investigation of this legally introduced complaint, and it would gut the statute that governs the relationship between workers and bosses.

At a time when the President and others have correctly argued that the U.S. government should not be assisting corporations to ship jobs overseas, we are gutting the U.S. government's role in ensuring that workers have a fighting chance to improve their lives, provide for their families, and keep quality jobs.

We should all be in this together: workers, corporations, and the federal government. We ought to be working as a team to boost U.S. efforts to remain competitive in a tough global economy. The American middle class today faces devastating attacks on its health care, retirement security and real wages, while corporate profits and CEO salaries are skyrocketing. I strongly oppose this misguided effort to gut protections for America's workers.

The fact is that under the NLRA, a corporation may outsource jobs for practically any reason, just not for an illegal reason. Under the law, due process protects corporations and workers, ensuring that both sides have their say. In fact, even if the NLRB rules that Boeing has acted illegally, a decision would not infringe Boeing's—or any corporation's—right to open manufacturing facilities anywhere. They just can't do it to punish the workers they rely on to compete.

This legislation throws those critical worker protections away for the short sighted purpose of rewarding one Fortune 500 company that has been able to compete globally in a tough business environment by hiring qualified workers to build the best planes in the world. Now Republicans in the House of Representatives want to turn those workers and their families out on the street for exercising their right to bargain.

In order to recover from the recession, the United States needs to address the growing disparity in wealth in our country. Despite the recession, corporations today are bringing home more profit than ever before. Tax rates are the lowest they have been in decades. What corporations need is consumers, and if we don't protect the middle class through sensible, longstanding safeguards such as those set out by the NLRA, the economy will never recover.

Sadly, those on the other side of the aisle are desperate to return to policies that created the recession. They want tax cuts for the richest and deregulation across the board. We have seen this before, and we know where it leads.

Future prosperity calls for a different approach. Collective bargaining is part of one of the foundational rights set out in the First Amendment of the Constitution, the right to free assembly. It has worked for America's workers, it has been essential to the creation of our broad middle class, and it is essential that we preserve it.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to H.R. 2587, or the "Outsourcers' Bill of Rights." This bill would encourage businesses to ship jobs overseas and weaken the rights of American workers. There's never a good time for this kind of misguided legislation, but it's hard to imagine a worse time than right now.

This bill would prohibit the National Labor Relations Board (NLRB) from directing an employer or company to restore or reinstate work that has been unlawfully transferred, outsourced, or subcontracted away from workers in retaliation for exercising their rights, such as organizing a union.

Furthermore, it would apply retroactively to any complaint that has not been resolved by the time of enactment. Its impact is dangerous and wide-ranging. Simply put, this bill strips away the authority of the NLRB to effectively remedy unlawful practices against workers.

This ill-timed legislation would effectively encourage companies to outsource their jobs overseas. In 2000, the National Labor Relations Board was able to force a company to bring jobs back to the U.S. from Mexico, as the company was charged with shipping jobs to that country in retaliation against workers seeking to organize a union. If this bill passes, American workers would lose this critical protection.

For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair wages and safe working conditions. As President Obama stated earlier this month, when it comes to labor relations, "we shouldn't be in a race to the bottom . . . America should be in a race to the top."

Mr. Speaker, the priority of Congress should be to raise the living standards of the middle class and working families in America. I urge my colleagues to vote against this bill and join the race to the top.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 2587, which is a misguided attempt to intervene in an ongoing labor case and which has much broader and serious consequences for American workers and American jobs.

Last April, the National Labor Relations Board general counsel issued a complaint in response to a petition alleging that Boeing Corporation had located an aircraft production line in South Carolina. The charge is that Boeing made the move to retaliate against Washington state union workers who had exercised their legally-protected rights.

The April complaint didn't result in a final outcome—it just sent the case to an independent administrative law judge who is now considering arguments and evidence from both sides in the dispute. Even if the judge finds that Boeing did discriminate against workers for exercising their legal rights, Boeing could still argue that it would have made this business decision anyway or that moving production back to Washington state would impose an undue burden.

The bill before us is a response to a case that has not even been decided and where the burden of proof is high. Congress—which passed the laws under which the case is being adjudicated—should not intervene to determine the outcome of this ongoing judicial proceeding. More than that, Congress should not pass a bill with impacts that would go far beyond the Boeing case and allow companies to ignore labor laws by shipping jobs not just to another state but to another country.

In the past, the National Labor Relations Board has acted to prevent companies from shipping jobs to countries like Mexico in order to avoid legal organizing efforts by American workers. Such actions would be impossible if this legislation were to become law. Union workers who want to use legally-protected rights to improve workplace safety or to maintain middle-class wages and decent benefits could see their jobs shipped overseas—away from an American economy that is in desperate need of more jobs, not fewer.

By creating these disincentives, H.R. 2587 would encourage a “race to the bottom.” Even the threat of a plant shutdown would be a significant disincentive to workers, who would have no remedy to ensure enforcement of their legal rights. Workers could face a Hobson's choice—either exercise legally-protected rights and risk their jobs being shipped overseas, or forgo those rights and accept jobs that may come with low wages, inadequate benefits, and dangerous working conditions.

Rights are not rights unless they are enforceable. Workers will not have a voice at work if any time they seek to speak out, they can see their jobs disappear to another country.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to this legislation. President Franklin Delano Roosevelt said about the National Labor Relations Act, which created the National Labor Relations Board, that “by preventing practices which tend to destroy the independence of labor, it seeks, for every worker within its scope, that freedom of choice and action which is justly his.” This legislation today would seek to undermine that freedom of choice and action by giving employers the ability to penalize workers who choose to exercise their right to organize and encouraging companies to move their jobs overseas. Make no mistake, the majority is using a disagreement with one decision made by the NLRB as an opportunity to make

sweeping changes at the expense of the rights of workers across the country. This is not what the American people want and is not the direction we should be heading as a country.

Instead the opportunity we must take advantage of is the mandate that the American public has given us which is to work together to ensure that we are doing everything we can to create jobs and get our economy going again. This divisive piece of legislation will only hinder that effort to work in a bipartisan manner to reach the goal of reducing the unemployment rate and thus reducing the deficit. I urge my colleagues to oppose this bill and to get to work on creating jobs and growing our economy.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 2587, the misnamed Protecting Jobs from Government Interference Act.

This bill dismantles key functions of the National Labor Relations Board and guts more than 70 years of established labor law in our country. If this legislation becomes law, it would eliminate nearly all worker protections when companies illegally fire workers and close or move plants in retaliation for union activities.

The proponents of this legislation claim that it will create jobs, but it does no such thing. Instead, it creates a race to the bottom with regard to workers' rights. This bill sends a message that we've abandoned the American worker.

H.R. 2587 will encourage employers to move jobs to states with less worker protections. It will also make it easier to outsource jobs to other countries. In my district, we've seen plants close, thousands of workers lose their jobs, and communities hurting as a result. We should be creating good jobs in this country and ensuring that hard working Americans don't have to give up their rights when they go to work in the morning. One way we can do that is by voting against this misguided bill and demonstrating that many of us in Congress still stand with the American worker.

Mr. LEVIN. Mr. Speaker, 75 years ago the National Labor Relations Act was passed to give workers a say in the workplace—the right to organize and bargain collectively. It was a key to the building of the American middle class: a decent wage, health care, a pension.

The Republicans want to repeal the legislation of the last half of the 20th century—Social Security, Medicare, and Medicaid. And now with the bill before the House, the majority party begins to repeal the National Labor Relations Act.

This bill's scope is monstrous. It prohibits the National Labor Relations Board, in cases where an employer illegally acts against an employee's right to organize, to “rescind any relocation, transfer, subcontracting, outsourcing” anywhere.

This bill is part of the Republican effort to destroy the rights of workers to be represented in the workplace. It is an open invitation to the further outsourcing of jobs. It is vital to defeat this dangerous piece of legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to express my strong opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation does absolutely nothing to protect jobs; in fact, it puts them at risk. A more accurate title for this bill would be the Outsourcer's Bill of Rights.

This legislation is an assault on working Americans. H.R. 2587 guts the National Labor Relations Act, renders the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

It is the National Labor Relations Act that prevents companies from outsourcing or transferring, subcontracting or relocating jobs for discriminatory reasons. The Act protects jobs by prohibiting employers from taking work away from anyone—union or non-union—because they have exercised their rights. Current law does not dictate where companies can and cannot run their businesses; it merely ensures that companies are not permitted to relocate to another state or to another country in order to pay workers lower wages.

The National Labor Relations Acts protects the rights of American workers, and keeps American jobs from being shipped overseas, so long as the Act has an effective enforcement mechanism. The Protecting Jobs from Government Interference Act strips that mechanism, the National Labor Relations Board (NLRB) of its ability to enforce the law by ensuring jobs that are unlawfully outsourced are returned to America. The NLRB, for example, was able to order jobs back to America from Mexico in 2000, when the jobs were relocated overseas to prevent workers from unionizing.

H.R. 2587 would not only prevent the NLRB from protecting jobs from illegal outsourcing, it would also allow companies to subcontract work away from unionized workers, and eliminate jobs done by pro-union employees.

This legislation undermines American workers by eliminating laws that prevent employers from discriminating against workers that exercise their rights to competitive wages, benefits, and safe working environments.

I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces hard working Americans to compete for jobs based on who will accept the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. The Protecting Jobs from Government Interference Act protects nothing but special interest and corporate profits by undermining the law that prevents discrimination against Americans who simply want to exercise their rights.

This bill forces Americans to compete for lower wages instead of strengthening the middle class by providing employees with competitive wages, fair benefits and safe working conditions. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting American jobs.

My Republican friends have not passed a single bill to create jobs, and the Protecting Jobs from Government Interference Act is no exception. In fact, this reckless legislation threatens American jobs and undermines workers' rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in opposition to H.R. 2587, the "Protecting Jobs from Government Interference Act."

This bill is before us because of an ongoing dispute between the International Association of Machinists and the Boeing Company that stems from an issue involving my district in Washington State.

The case is proceeding through a well-established process where the facts of the case and the application of the law to those facts will be determined by an Administrative Law Judge, the National Labor Relations Board (NLRB), and possibly the federal courts.

This case should be determined based on the facts and the law—not on politics.

For this bill to come to the floor while this case is ongoing is troublesome and threatens the independence of the NLRB.

Congress should not be attempting to influence the NLRB process for political gains.

The NLRB is an independent adjudicatory agency.

We need to protect the independence of the NLRB and allow it to do its job.

Instead of playing politics we should instead be focused on creating jobs and getting our economy back on track.

Last week, the President challenged this Congress to put aside partisanship and get to work on creating jobs.

The single biggest action Congress could take to save and create jobs is make significant investment in our transportation infrastructure that will create private sector construction jobs, invest in the repair and maintenance of highways, roads, bridges and transit, and set the foundation for future economic growth.

This is what we should be talking about today. Not attacking an independent agency that is simply doing its job.

I urge my colleagues to vote no on this bill and allow the NLRB to determine this case based on the facts and law—not on politics.

And let's get back to work doing what the American public wants us to do—creating jobs.

Ms. McCOLLUM. Mr. Speaker, once again this Tea Party Republican majority is determined to ignore the jobs crisis in this country and instead focus the energy and efforts of Congress on busting unions and attacking the federally protected rights of workers to organize. This legislation is a direct assault on workers' rights in order to protect the profits of one corporation—Boeing. This legislation es-

entially tells 14 million unemployed Americans that their needs are irrelevant as long as there is a CEO in America who wants to crush a union.

The National Labor Relations Act, a Federal law, prohibits a company from taking actions, such as firing an employee or relocating a factory, against workers for exercising federally protected rights that include forming a union or striking. The National Labor Relations Board (NLRB) filed a complaint against Boeing in April 2011, accusing the airline manufacturer of building a plant in South Carolina as retaliation against union employees in Washington State who have engaged in strikes. The Seattle Times quoted one Boeing executive as saying that the main factor for putting the new plant in Charleston, SC was "... that we cannot afford to have a work stoppage, you know, every three years."

The legislation on the floor of the U.S. House today, H.R. 2587, is the Tea Party Republican attempt to reward a corporation that breaks the law in order to bust union workers. Rather than negotiate with union workers to reach contract agreements, Boeing built a new \$750 million facility in South Carolina. This legislation in essence sanctions any company in America to move their operations to any low-wage location where workers' rights are ignored, whether inside or outside the U.S.

Tea Party Republicans have titled this bill the Protecting Jobs from Government Interference Act, but it really should be called the Busting Unions and Outsourcing Jobs to Protect Corporate Profits Act. It is remarkable that Members of Congress can vote to sanction the export of U.S. jobs to other countries just to ensure corporate friends can squeeze every dollar of profit available out of their low-wage workers. This legislation is truly a betrayal of the American people, but it fits into the alarming trend advocated by Tea Party Republican legislators at the State and Federal level to eliminate worker rights and protections. If their goal is to return to the days of sweatshops and the abuse of workers they are certainly moving in that direction.

I truly hope that every Minnesotan who is a member of a union, retired from a union, or has a loved-one in a union is paying attention to what is happening in America. The corporate elites and the legislators their secret money have paid to elect are destroying workers rights. This U.S. House of Representatives, once known as the People's House, now appears to be owned by corporations. Our democracy is at risk along with the rights of workers and the wages of every middle class American.

This legislation is a harbinger of the battle working people, regular Americans, face as corporations dictate to elected leaders. I oppose H.R. 2587 and I oppose the union busting, anti-working American agenda it represents.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 2587, to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 4. PROTECTING U.S. JOBS FROM OVERSEAS OUTSOURCING.

Nothing in this Act or the amendment made by this Act shall limit the National Labor Relations Board's authority to order an employer to maintain or restore jobs within the United States that have been or will otherwise be outsourced to a foreign country in violation of the National Labor Relations Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, the bill before us today would prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance. Any circumstance? What about jobs that are illegally outsourced to foreign countries like China, India, and the Philippines?

Under the Republican bill, if a company sends an American job overseas illegally, the NLRB is stripped of its authority to do anything about it.

Why would any Member of this House intentionally want to allow corporations to ship American jobs to China in violation of the law amid the largest American jobs crisis in a generation?

Mr. Speaker, my amendment is very simple, and it does not kill the underlying bill. This final amendment simply maintains the National Labor Relations Board's ability to go after corporations that illegally outsource jobs overseas.

□ 1240

This is just good old-fashioned common sense.

Again I ask, why would we say to corporations, "Go ahead. Violate the law. Ship good jobs to India and China. We'll just turn our heads the other way"? That doesn't make any sense, and it would certainly kill jobs here in America. Yet section 2 of the bill clearly states that the board shall have no power to order an employer to restore or reinstate any work product, production line, or equipment to rescind any relocation, transfer, subcontracting, or outsourcing.

Let me say that again, "or outsourcing."

The bill makes no exception for violations of the law. Why would we want to undermine enforcement of the law rather than address violations of the law?

Chairman KLINE just said that we have some fundamental differences. He's right. We do. But if we can agree on nothing else, we should be able to agree that outsourcing American jobs to foreign countries like China and India is a scourge on our current efforts to create jobs here at home and that we should do everything in our power to stop outsourcing.

Mr. Speaker, outsourcing is a real problem for our economy. The relentless pursuit of a less expensive workforce to the detriment of the American worker is deplorable. Corporations all over the country are moving the jobs of hardworking Americans overseas. Estimates indicate that American jobs are being sent overseas at a rate of 12,000 to 15,000 jobs per month.

According to a study by Duke University, more than 50 percent of companies have offshoring strategies in place, up from 22 percent in 2005. Furthermore, 60 percent of companies currently offshoring say they have plans to aggressively expand outsourcing activities.

Finally, the Commerce Department tells us that the American companies cut their workforces in the U.S. by 2.9 million workers over the last decade while increasing employment overseas by 2.4 million.

Mr. Speaker, this final amendment does not kill the bill. It simply allows the cops to go after the robbers. It allows the NLRB to enforce the law when someone violates the law. The amendment does nothing to prevent private businesses from making decisions about where their operations are best located as long as that activity is not in violation of the National Labor Relations Act.

Again, this is just common sense. A vote for this final amendment is a vote to protect American jobs from outsourcing. I urge my colleagues to join me in protecting American jobs.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I appreciate the words of my colleague from New York, but if he and others on the other side of the aisle are looking for a way to stop jobs from going overseas, I've got really good news for him. H.R. 2587 is a step in the right direction.

Right now, the National Labor Relations Board is exercising an extreme remedy that has a chilling effect on job creators here and potential job creators who would like to come here from abroad. And right now, Members of Congress have an opportunity to say, "Stop."

But don't take my word for it. Listen to the employers, themselves.

Recently, the National Association of Manufacturers asked thousands of American manufacturers a simple question about the Boeing complaint, which was: Could this NLRB complaint negatively impact your decisions on hiring or workforce expansion plans?

Sixty-nine percent of those manufacturers who responded to the survey said, yes, this complaint could negatively impact decisions to grow their businesses and hire new workers.

At a recent hearing of the Education and the Workforce Committee, former NLRB Chairman Peter Schaumber described an encounter with 60 Canadian business leaders. Mr. Schaumber told us, "A few with whom I had an opportunity to speak with afterwards expressed real concern about doing business in the United States as a result of the agency's complaint against the Boeing Company."

Thanks to the NLRB's actions, efforts by manufacturers to hire workers are being undermined, and international employers are concerned about doing business here in the United States. This is the hostile environment to new jobs and economic growth that is created by this decision, and it must end.

So, as I noted earlier today, we can stand by or sit by, or we can stand up and do something about it. My friends had ample opportunities to offer amendments in committee. They chose not to do that. It was a procedural step. I understand that. It doesn't go to fix the hostile environment that has been brought forward by this activist NLRB.

I urge my colleagues to vote "no" on the motion to recommit and "yes" on the underlying bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 189, nays 235, not voting 9, as follows:

[Roll No. 710]

YEAS—189

Ackerman
Altmire
Andrews
Baca
Baldwin

Barrow
Bass (CA)
Becerra
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell

Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)

Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascarell

Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco

Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp

Huizenga (MI)	Mica	Runyan	Black	Hall	Pence	Filner	Levin	Richmond
Hultgren	Miller (FL)	Ryan (WI)	Blackburn	Hanna	Petri	Fitzpatrick	Lipinski	Rothman (NJ)
Hunter	Miller (MI)	Scalise	Bonner	Harper	Pitts	Frank (MA)	Loeb sack	Royalb-Aillard
Hurt	Miller, Gary	Schilling	Bono Mack	Harris	Platts	Fudge	Lofgren, Zoe	Ruppersberger
Issa	Mulvaney	Schmidt	Boren	Hartzler	Poe (TX)	Garamendi	Lowe y	Rush
Jenkins	Murphy (PA)	Schock	Boustany	Hastings (WA)	Pompeo	Gibson	Luján	Ryan (OH)
Johnson (IL)	Myrick	Schweikert	Brady (TX)	Hayworth	Posey	Gonzalez	Lynch	Sánchez, Linda
Johnson (OH)	Neugebauer	Scott (SC)	Brooks	Heck	Price (GA)	Green, Al	Maloney	T.
Johnson, Sam	Noem	Scott, Austin	Broun (GA)	Hensarling	Quayle	Green, Gene	Markey	Sanchez, Loretta
Jordan	Nugent	Sensenbrenner	Buchanan	Reed	Grijalva	Grijalva	Matsui	Sarbanes
Kelly	Nunes	Sessions	Bucshon	Herrera Beutler	Rehberg	Grimm	McCarthy (NY)	Schakowsky
King (IA)	Nunnelee	Shimkus	Buerkle	Huelskamp	Reichert	Gutierrez	McCollum	Schiff
King (NY)	Olson	Shuster	Burgess	Huizenga (MI)	Renacci	Hahn	McDermott	Schrader
Kingston	Palazzo	Simpson	Burton (IN)	Hultgren	Ribble	Hanabusa	McGovern	Schwartz
Kinzing er (IL)	Paul	Smith (NE)	Calvert	Hunter	Rigell	Hastings (FL)	McKinley	Scott (VA)
Kline	Paulsen	Smith (NJ)	Camp	Hurt	Rivera	Heinrich	McNerney	Scott, David
Labrador	Pearce	Smith (TX)	Campbell	Issa	Roby	Higgins	Meehan	Serrano
Lamborn	Pence	Southerland	Canseco	Jenkins	Roe (TN)	Himes	Meeks	Sewell
Lance	Petri	Stearns	Cantor	Johnson (IL)	Rogers (AL)	Hinchey	Michaud	Sherman
Landry	Pitts	Stivers	Capito	Johnson (OH)	Rogers (KY)	Hinojosa	Miller (NC)	Sires
Lankford	Platts	Stutzman	Carter	Johnson, Sam	Rogers (MI)	Hirono	Miller, George	Slaughter
Latham	Poe (TX)	Sullivan	Cassidy	Jones	Rohrabacher	Hochul	Moore	Smith (WA)
LaTourette	Pompeo	Terry	Chabot	Jordan	Rokita	Holden	Moran	Speier
Latta	Posey	Thompson (PA)	Chaffetz	Kelly	Rooney	Holt	Murphy (CT)	Stark
Lewis (CA)	Price (GA)	Thornberry	Coble	King (IA)	Ros-Lehtinen	Honda	Napolitano	Sutton
LoBiondo	Quayle	Tiberi	Coffman (CO)	King (NY)	Roskam	Hoyer	Neal	Thompson (CA)
Long	Reed	Tipton	Cole	Kingston	Ross (AR)	Insl ee	Olver	Thompson (MS)
Lucas	Rehberg	Turner (NY)	Conaway	Kinzing er (IL)	Ross (FL)	Israel	Owens	Tierney
Luetkemeyer	Reichert	Turner (OH)	Cooper	Kline	Royce	Jackson (IL)	Pallone	Tonko
Lummis	Renacci	Upton	Cravaack	Labrador	Ryan (WI)	Jackson Lee	Pascrell	Towns
Lungren, Daniel	Ribble	Walberg	Crawford	Lamborn	Scalise	(TX)	Pastor (AZ)	Tsongas
E.	Rigell	Walden	Crenshaw	Lance	Schilling	Johnson (GA)	Payne	Van Hollen
Mack	Rivera	Walsh (IL)	Cuellar	Landry	Schmidt	Johnson, E. B.	Pelosi	Velázquez
Manzullo	Roe (TN)	West	Culberson	Lankford	Schock	Kaptur	Perlmutter	Visclosky
Marchant	Rogers (AL)	Westmoreland	Davis (KY)	Latham	Schweikert	Keating	Peters	Walz (MN)
McCarthy (CA)	Rogers (KY)	Wilson (SC)	Denham	Latta	Scott (SC)	Kildee	Peterson	Wasserman
McCaul	Rogers (MI)	Wittman	Dent	Lewis (CA)	Scott, Austin	Kind	Pingree (ME)	Schultz
McClintock	Rohrabacher	Wolf	DesJarlais	LoBiondo	Sensenbrenner	Kissell	Polis	Waters
McCotter	Rokita	Womack	Dold	Long	Sessions	Kucinich	Price (NC)	Watt
McHenry	Rooney	Woodall	Dreier	Lucas	Shimkus	Langevin	Quigley	Welch
McKeon	Ros-Lehtinen	Yoder	Duffy	Luetkemeyer	Shuler	Larsen (WA)	Rahall	Wilson (FL)
McKinley	Ross (FL)	Young (AK)	Duncan (SC)	Lummis	Shuster	Larson (CT)	Rangel	Woolsey
McMorris	Royce	Young (IN)	Duncan (TN)	Lungren, Daniel	Simpson	LaTourette	Reyes	Yarmuth
Rodgers			Ellmers	E.	Smith (NE)	Lee (CA)	Richardson	Young (AK)
Meehan			Emerson	Mack	Smith (NJ)			
			Farenthold	Manzullo	Smith (TX)			
			Fincher	Marchant	Southerland			
			Flake	Matheson	Stearns			
			McCarthy (CA)	Flake	Stivers			
			Fleischmann	McCaul	Stutzman			
			Fleming	McClintock	Sullivan			
			Flores	McCotter	Terry			
			Forbes	McHenry	Thompson (PA)			
			Fortenberry	McIntyre	Thornberry			
			Fox	McKeon	Tiberi			
			Franks (AZ)	McMorris	Tipton			
			Frelinghuysen	Rodgers	Turner (NY)			
			Gallegly	Mica	Turner (OH)			
			Gardner	Miller (FL)	Upton			
			Garrett	Miller (MI)	Walberg			
			Gerlach	Miller, Gary	Walden			
			Gibbs	Mulvaney	Walsh (IL)			
			Gingrey (GA)	Murphy (PA)	West			
			Gohmert	Myrick	Westmoreland			
			Goodlatte	Neugebauer	Whitfield			
			Gosar	Noem	Wilson (SC)			
			Gowdy	Nugent	Wittman			
			Granger	Nunes	Wolf			
			Graves (GA)	Nunnelee	Womack			
			Graves (MO)	Olson	Woodall			
			Griffin (AR)	Palazzo	Yoder			
			Griffith (VA)	Paul	Young (FL)			
			Guinta	Paulsen	Young (IN)			
			Guthrie	Pearce				

NOT VOTING—9

Bachmann	Giffords	Nadler
Barletta	Lewis (GA)	Waxman
Capuano	Marino	Webster

□ 1312

Messrs. CARTER, TERRY, MULVANEY, AMODEI, BILIRAKIS, TURNER of Ohio, LOBIONDO, and RUNYAN changed their vote from “yea” to “nay.”

Ms. BROWN of Florida, Messrs. DAVIS of Illinois, CONYERS, GARAMENDI, and OLVER changed their vote from “nay” to yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 9, as follows:

[Roll No. 711]

YEAS—238

Adams	Austria	Benishek
Aderholt	Bachus	Berg
Akin	Barrow	Biggert
Alexander	Bartlett	Bilbray
Amash	Barton (TX)	Bilirakis
Amodei	Bass (NH)	Bishop (UT)

Ackerman	Carnahan	Crowley
Altmire	Carney	Cummings
Andrews	Carson (IN)	Davis (CA)
Baca	Castor (FL)	Davis (IL)
Baldwin	Chandler	DeFazio
Bass (CA)	Chu	DeGette
Becerra	Cicilline	DeLauro
Berkley	Clarke (MI)	Deutch
Berman	Clarke (NY)	Dicks
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Doggett
Blumenauer	Clyburn	Donnelly (IN)
Boswell	Cohen	Doyle
Bradley (PA)	Connolly (VA)	Edwards
Braley (IA)	Conyers	Ellison
Brown (FL)	Costa	Engel
Butterfield	Costello	Eshoo
Capps	Courtney	Farr
Cardoza	Critz	Fattah

NAYS—186

NOT VOTING—9

Bachmann	Giffords	Nadler
Barletta	Lewis (GA)	Waxman
Capuano	Marino	Webster

□ 1322

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WEBSTER. Mr. Speaker, on rollcall No. 711, I was attending a memorial service in Florida. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, this week I missed several rollcall votes and I wish to state for the RECORD how I would have voted had I been present: rollcall No. 699—yes; rollcall No. 700—yes; rollcall No. 701—yes; rollcall No. 702—yes; rollcall No. 703—no; rollcall No. 704—yes; rollcall No. 705—no; rollcall No. 706—no; rollcall No. 707—no; rollcall No. 708—no; rollcall No. 709—yes; rollcall No. 710—yes; rollcall No. 711—no.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the majority leader, the gentleman from Virginia (Mr. CANTOR), for the purposes of inquiring of the majority leader the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon in pro forma session.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Friday.

The House will consider a few bills under a suspension of the rules on Tuesday and possibly Wednesday. A complete list of suspension bills will be announced by the close of business tomorrow afternoon.

The House will also consider a short-term continuing resolution to fund the government, and Members are advised that the rule debate for that measure may take place on Tuesday. I do not expect the resolution, itself, however, to be debated until Wednesday.

Finally, we will take up H.R. 1705, the bipartisan Transparency in Regulatory Analysis of Impacts on the Nation, otherwise known as the TRAIN Act, which will measure the full consequences of regulations on job creation and, in particular, the Utility MACT and Cross-State Air Pollution Rules.

If any additional legislation is added to next week's schedule, it will be announced by close of business tomorrow.

Mr. HOYER. I thank the gentleman for his information. I note that he has indicated the CR will be considered sometime next week, either Tuesday, but most likely on Wednesday. It's my understanding that the supplemental for emergency requirements of FEMA will be included in the CR; is that accurate?

Mr. CANTOR. I'd say to the gentleman that what will be in the CR is the budgeted amount for all of fiscal year 2012, which is \$2.65 billion, will be in the CR, front-loaded. In other words, the agency will have access to all of those funds prior to the expiration of the CR November 18.

In addition to that, we have, as the gentleman knows, funded out of this House the emergency supplemental, which was \$1 billion more than that which the agency had requested, all of which was offset. That, too, will be in the CR.

Mr. HOYER. I thank the gentleman.

When you say all of that has been offset, it is my understanding that in fact in the CR for 2011—not for 2012, but for 2011—there is a \$1.5 billion offset included; is that accurate?

□ 1330

Mr. CANTOR. Yes, that is accurate.

Mr. HOYER. And it's further my understanding that that offset, which is

unusual in that, as the gentleman knows, during the Bush administration, as happens, we had natural disasters and emergencies—hurricanes, floods, even earthquakes—that require local governments and local agencies and individuals to respond, and we have responded to them with assistance, but the eight times that we did that during the Bush administration, we did not offset it. We did not offset it on the theory that this was an emergency that occurred that was unplanned for and that we would, in fact, obviously pay for it, but pay for it in subsequent years.

It's my understanding that the offset that is being considered is \$1.5 billion from the Advanced Technology Vehicle fund. The problem with that, as I see it, is we are talking about creating jobs, and the President has presented a jobs bill. I'll talk about that in just a minute. But the fund that is in question to date has created 39,000 jobs, and the loan applications in progress are projected to create 50,000 or 60,000 additional jobs.

Therefore, if we use this as an offset, which would set a precedent, although I understand that precedent's not being followed for 2012, what we are doing, in my view, Mr. Leader, is undermining a specific item in the current scheme of things that is, in fact, creating jobs, as I said, 39,000 jobs, with the loan applications that are in progress now expected to create an additional 50,000 to 60,000 jobs, that we undermine that effort.

Frankly, on our side, we would hope that we could return to what is precedent, and that is, in an emergency, respond with emergency funding as we did throughout the Bush administration, not with the concept that we wouldn't pay for it. You and I both agree that paying for this is critically important, and in fact, I think you and I are both of the opinion that, hopefully, the committee of 12 is set up to look at how we get our finances back in line with our revenues and expenditures, that that needs to be done.

But certainly, this is a new precedent. And, unfortunately, it appears that you have targeted—I don't mean you, personally, but the CR would target a particular item that is exactly what we want to do, and that is creating jobs.

Would the gentleman like to comment on that?

I yield to my friend.

Mr. CANTOR. Sure, I do. And, Mr. Speaker, I know the gentleman is committed to paying for what we spend, and he, if anyone, would put as a priority that we ought to act accordingly.

I find it somewhat ironic that the gentleman is defending what occurred during the Bush administration, as I will posit what occurred during the Clinton administration, because President Clinton, under his administration,

actually signed four separate supplementals that were offset, including flooding and the Oklahoma City bombing.

So the gentleman is correct; there's precedent on either side. I think he would agree with me, Mr. Speaker, that now is the time for us to begin to really put forth a concerted effort to act responsibly, not just say we're going to act responsibly and attempt to off-lay the obligation to the Joint Select Committee. We have an opportunity to do so now.

And the gentleman refers to the offset that some on his side have raised as an objection. I would say to the gentleman, the facts are: There's currently \$4 billion in unobligated budget authority remaining under the Advanced Technology Vehicles Manufacturing Loan program, and this so-called pay-for just rescinds a billion and a half of that total, and the program will have remaining in it \$2.5 billion.

I think it's worthy of note, Mr. Speaker, that this money has been laying around since September 30, 2008. That is 3 years.

So I don't think, Mr. Speaker, that anyone is intending to do anything damaging to potential job creation here. What we're trying to do is finally face facts. We in this body, in this town, must stop the Federal Government from continuing to spend money it doesn't have.

And I yield back.

Mr. HOYER. I thank the gentleman for yielding.

Of course it's money the government doesn't have. As you know, revenues are at the lowest point they've been in some six decades in America—on one hand because we are not collecting revenue and, on the other hand, because people don't have money in their pockets to pay revenues. They're not working; therefore, they're not paying taxes, and therefore, revenues are down for those two reasons.

I would say to my friend that it's my understanding that the account that you have targeted has some \$3.9 billion in pending requests, which are the items that would lead to 50,000 to 60,000 new jobs.

Now, at a time when we're not creating sufficient jobs for our people—let's assume, for the sake of argument, you want to offset this money. You and I both agree it ought to be paid for. The question is: When do you pay for it? Do we pay for it right now?

The fact of the matter is, if you target this particular fund, you are targeting a fund which has demonstrably grown jobs in America. Some 39,000 jobs have been created as a result of loans out of this fund. There is \$3.9 billion. You indicate there is still money in the account. You're absolutely right on that. But there are pending requests, again, which would result in 50,000 to 60,000 new jobs, which would

be revenue creation for the Federal Government.

So, in fact, it appears that we may be cutting off our nose to spite our face here, and I would urge the gentleman to perhaps revisit this.

The gentleman mentioned the Clinton administration. As the gentleman will well recall, the concerns were not as high then because, during the Clinton administration, of course, we were creating over 3 million jobs per year on average so that the private sector was humming along very well and created 22 million jobs during the Clinton administration.

Unfortunately, that was not the case in the last administration, nor has it yet been the case in this administration, although there were 2 million jobs, as the gentleman knows, created in the last 20 months. However, the last 2 months have been stagnant, and that's not good for anybody. It's not good for Republicans or Democrats, but, more importantly, it's not good for the country. Therefore, I would urge us to make sure that we do not target a fund which has already demonstrably created jobs.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. Mr. Speaker, if I could respond to the gentleman.

First of all, the gentleman knows good and well that the situation with the Federal debt was entirely different back under the Clinton administration times.

Mr. HOYER. Reclaiming my time. I do know that very, very well. We had surpluses, not deficits.

Mr. CANTOR. And there was also a Republican Congress that was at work trying to help job creation then at that time as well. So if one wants to claim, we both can claim credit. But as the gentleman knows, I prefer to look forward to see if we can work together.

So with that in mind, the gentleman, of anyone in this body, has been committed to trying to take a fiscally responsible approach, and that's what we're trying to do here. I would say to the gentleman, instead of just trying to claim numbers, as if there is some panacea going on here and as if the move to offset using funds obligated for this program would somehow threaten job creation, if you look at the numbers, this year, all that has been allocated from the available \$4 billion is \$780 million. That's all that's been allocated and approved under this program. Again, remember, the money has been laying around since September 30 of 2008. That's 3 years.

In addition, Mr. Speaker, I'd say to the gentleman, the gentleman claims the 33,000 jobs that were actually created by this program, but many would say that these jobs already existed at existing Ford Motor Company plants. And the administration, I know, has claimed that these jobs have been saved when there's no indication that, in reality, that is the case.

So, again, instead of trying to make all these claims and trying and continue to make promises that, frankly, can't be substantiated, what we're trying to do is do what every family's got to do around its table and every small business person has got to do at the end of each pay period—figure out how they're going to make it through the end of the month.

□ 1340

Just as if a family was facing a situation where they had saved \$25,000, \$30,000 and they wanted to use that money to buy a new car, and God forbid somebody got very sick that needed that money in their family. Most families are going to take that money and decide not to buy the new car and instead help the family member who needs it.

That's what we're trying to do here, Mr. Speaker. We're not trying to suggest that perhaps there isn't some laudable intent under this program. What we've identified is moneys unspent that have been obligated, moneys that apparently do not go out as quickly as the gentleman may suggest to, as he says and claims, create jobs, and take that money and prioritize it by saying it belongs to help the people in a disaster so they can get the relief they need.

Mr. HOYER. I thank the gentleman for that response.

We could go back and forth on how many jobs were, in fact, created. My belief is that there were substantial numbers of jobs created by this fund and the prospect of those 50,000 or 60,000 jobs is real, not ephemeral, not just a debating point.

But I would say to my friend, my friend has been recently quoted, I'm sure accurately, perhaps—and correct me if I'm wrong—in saying that during the first 8 months we focused on cuts of our “cut and grow,” and now we need to focus on grow. I would tell my friend, assuming that quote is accurate, that, in fact, here we are again focused on cut, not on grow.

Clearly, whatever the specific number is, I think that is, frankly, not refutable, that the investment in advanced manufacturing technology vehicles is, in fact, going to make us more competitive globally, is going to enhance the ability to make it in America, not only to succeed in America but to make “it”—in this case, advanced vehicles which are competitive in the international markets.

This is a specific area where we have tried to invest in making sure that we make “it”—in this case, advanced technology vehicles—and I don't think it's good policy for us to be focused on cutting back on those areas which have the promise of growth and jobs. That is what I tell my friend.

Obviously, the gentleman is correct, but I want to tell the gentleman also

that if you keep cutting revenues, as we did in 2001 and 2003, and then you keep escalating spending, as we did over the last 10 years, inevitably you're going to get to the point where that family is not going to have any revenues to pay its bills, as the gentleman points out.

But it's inevitable that when you continue to cut revenues and if you don't cut spending, you're going to be in trouble. That didn't happen in the last decade. It didn't happen in the last administration. In fact, as you know, exactly the opposite happened. We escalated spending more than we did under the Clinton administration; and, therefore, we find ourselves in a hole. The economy went into the tank, and it's struggling.

I agree with you. It doesn't matter why it's struggling, who's to blame. It's struggling. As a result, what the President has done is come before us and said, Look, here's a jobs bill. We need to build jobs. I'm not going to go through all the polling data. I'm sure my friend has seen it. There's a recent CNN poll which shows that the public, by big numbers, wants us to focus on creating, building, expanding jobs. And very frankly, the public believes that you need to invest to do that, by pretty good numbers.

I'm for disciplining spending. I will vote to discipline spending, but I don't think that targeting job-creation projects is the way to discipline it when Americans all over this country are really hurting because there are not jobs available for them.

I want to thank the gentleman for what I think are very measured and positive responses to the President's suggestion on how we create jobs in this country. I would ask the gentleman what plans the gentleman has and his party has to move forward on the legislation that the President has asked to create jobs, to invest in growing our economy, and to help those small businesses expand and create jobs and to help those who do not have any job and who are worried about how to put food on their family's table, as well as investing in infrastructure and keeping teachers on the job.

We think this legislation is critically important. We think the American people in the most recent CNN poll have responded very positively. They think this is a productive way to go forward.

Can the gentleman tell me whether or not there are plans to have the committees move forward or for us to move forward on this legislation?

Mr. CANTOR. I thank the gentleman.

The gentleman may have seen remarks I made earlier in this week and last week about the President's job plan. What I said is there is a lot of area I think that we can actually work together on. I do reject the President's demand for an all-or-nothing approach, that perhaps his way is the only way,

because there are items in the President's plan that we take strong disagreement with.

So I do think the American people do want us to try and drive towards results here, and I do think there are some areas we can work on together.

We support the extension bonus depreciation. We support removing the pending application of the withholding on government contractors. We support facilitating and increasing small business access to capital. We support incentives to hire veterans. We support reforming the unemployment insurance system in this country, free trade agreements. We would love to entertain serious discussions on how you reform this system so that we can get a better return and improve infrastructure spending in this country.

There are many areas. Small business tax relief, the President discussed. We have our own ideas. As the gentleman knows, the House is proceeding on our agenda for job creation. It's rolling back regulations that are impeding job growth, the one that was just passed prior to the Members leaving the Chamber today. We will have one every week that we believe, after having consulted with small businesses around this country, are getting in the way of their jumping back in the game of job creation.

So we all have ideas. It's not just the President's plan that will come up in this House. We are going to work together to find areas of agreement.

So I look forward to working with the gentleman to achieve that end so that, yes, the middle class in this country can get back to work as we see small businesses beginning to rev up again towards an economic recovery.

Mr. HOYER. I thank the gentleman for his comments.

I also want to say that, yes, I have seen his comments. I think they have been positive. I think the gentleman has just gone through a list on places where we can, perhaps, find common ground. What we need, of course, is a vehicle, hopefully on this floor in the very near future, in which to find common ground and also to offer alternatives that each of our parties or individuals in this House think will, in fact, grow the economy and create jobs. I think that would be very useful.

The President indicated in his speech a sense of urgency that the American people feel. They gave us that message very loud and clear. I think all of us share that message. To think about somebody being unemployed for 3 months or 6 months or 18 months or 2 years, not want to, and have the ability to work and can't find a job is a crisis, is in fact a depression in that person's life—not only psychologically but actually.

So I would urge the gentleman to bring something to the floor as soon as possible that incorporates that on

which we can agree and gives us an opportunity to offer solutions that, perhaps, the House will agree on. And if not, we won't agree.

I also welcome the gentleman's rejection of the philosophy of "my way or the highway." We welcome that recognition, that, in fact, we have to reach compromise if we're going to move this country forward.

If I might in closing, let me, perhaps, ask you about the schedule longer term than next week.

□ 1350

Obviously, we have a special committee. I think the gentleman and I are both committed to—I know I am committed to—the success of that committee. I think it is absolutely critical to give our business community confidence, to give our people confidence, and to give the international community confidence that this government can, in fact, work and can address very serious problems—in this case, the debt and deficit—but also confront the problem of growing our economy. As both the Bowles-Simpson Commission and the Rivlin-Domenici Commission said, we ought to address both. That's what the jobs bill is about, and that's what the special committee is about.

Does the gentleman have any thoughts in terms of the probability of the schedule that you have issued that indicates that we'll get out on December 8? As we know, the committee has to be voted on by December 23. That doesn't mean we have to wait until the 23rd, assuming the committee comes out with a positive report.

Could you elaborate somewhat on what you see the schedule to be and the certainty with which Members can plan based upon the schedule that has been issued given what faces us?

Mr. CANTOR. I thank the gentleman.

I think, as the gentleman knows, we've been really trying to stick to the schedule and to afford Members some certainty so that they can schedule their business and their time with their constituents in their districts. The hope is at this point for us to absolutely stick to the schedule. We, at this point, have no changes in the recess times.

As for whether we are going to go longer than December 8, obviously the work of the joint select committee bears greatly on that. As the Speaker and as the gentleman knows, the joint select committee is expected to report by November 23. If all goes well, we should be able to live up to the schedule as printed. Again, it all depends on the work of the joint select committee.

Mr. HOYER. I thank the gentleman for his comments, and I thank him for his time today.

I yield back the balance of my time.

ADJOURNMENT TO MONDAY, SEPTEMBER 19, 2011

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. WOODALL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONGRATULATIONS TO LANDAU EUGENE MURPHY, JR.

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, America has voted. The Nation voted for a winning combination of humility, hard work, a lifelong dream, and finely tuned talent. Today, I join with my friends and colleagues from Logan County, West Virginia, in congratulating Landau Eugene Murphy, Jr., this year's winner of NBC Television's "America's Got Talent."

Landau's journey is a true American success story. Coming from humble beginnings, he worked hard, never lost faith in his Lord, and always remained determined to pursue his dream.

I believe what Landau accomplished last night should stand as an example to every young person throughout this great Nation. He has shown them that they should always set their goals high and work until they get there; and indeed, if you should take some blows, just let the record show you did it your way.

I send my very best to Landau, his lovely wife, Jennifer, and their family as they begin this new and exciting journey in their lives. I know that Landau remains as humble today as he was when he first took the stage at the Logan County Arts and Crafts Fair's annual talent show some years ago.

I commend the Logan County Chamber of Commerce, the Hatfield-McCoy Convention and Visitors Bureau, and Diana Barnette, and all the fine folks at Fountain Place Cinema 8 in Logan, West Virginia, for their support of their hometown hero. As we have always done in West Virginia, we stand behind and support our own, and the work these organizations and individuals have done is phenomenal. Undoubtedly, their efforts were instrumental in Landau's victory.

Mr. Murphy accepted his victory with the high fives of his competition—the hallmark of good sportsmanship. Throughout the weeks of competition, he often spoke of his respect, compassion, and friendship with his opponents—a timely lesson for us all.

I hope my colleagues will congratulate all those whose talent carried them to the final weeks of a long competition. I thank America for recognizing a true talent in this fine son of West Virginia. Thankfully, we will be hearing a lot from him in the many years to come.

HONORING CORPORAL DAKOTA MEYER

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, I rise today to honor one of my fellow marines and a truly brave and heroic American, Corporal Dakota Meyer. This week, Corporal Meyer is receiving the highest military honor our Nation has to offer, the Congressional Medal of Honor.

As a scout sniper with the Third Battalion, Third Marines, Corporal Meyer ran through enemy fire multiple times in an attempt to save fellow U.S. servicemembers in Kunar province, Afghanistan. Facing enemy fire, Corporal Meyer killed at least eight bad guys, personally evacuated 12 friendlies, and provided cover for another 24 of his fellow marines and soldiers during the 6-hour battle.

Corporal Meyer had, no doubt, distinguished himself above and beyond the call of duty, and truly is an American hero. He knowingly risked his own life to save the lives of others. I congratulate him on this honor.

Semper Fi, Corporal Meyer.

CONSTITUTION WEEK

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. On the 17th of September in 1787, the United States Constitution was ratified. Senator Byrd in the year 2005 introduced the House-passed Constitution Day. So, this weekend, we'll be celebrating Constitution Day.

When I think of the Constitution, I think of Dr. Martin Luther King and the right to peacefully assemble, which is enshrined in the First Amendment. That meant he could go to Selma, that he could come to Washington and fight for civil rights and secure those rights for the people of this Nation.

I also think of women's rights embodied in the 19th Amendment. Women were given the right to vote—Tennessee being the perfect 36th State to give women that right to vote.

I think of a woman's right to choose, which is given through the Constitu-

tion and the Bill of Rights—in the Ninth Amendment, the Fourth and through the First and Third as well.

But that is just the tip of the iceberg. The Constitution embodies the fundamental values of this Nation: freedom, fairness, justice, and equality. We haven't always lived up to the Constitution's ideals; but with the rights it guarantees and the freedoms it protects, we can continue to move forward and be the more perfect Union that it promises.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. DREIER, California
Mr. DANIEL E. LUNGREN, California
Mrs. MILLER, Michigan
Mr. SMITH, Nebraska
Mr. HUIZENGA, Michigan
Mr. HIGGINS, New York
Mr. MEEKS, New York
Ms. SLAUGHTER, New York
Mr. WELCH, Vermont
Mr. LARSEN, Washington

HONORING THE SERVICE OF HIS EXCELLENCY YASHAR ALIYEV, AMBASSADOR OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHUSTER. I thank the Speaker.

Today, I rise to honor the distinguished service of my good friend, His Excellency Yashar Aliyev, who in October 2006 was appointed by President Ilham Aliyev as Ambassador of the Republic of Azerbaijan to the United States of America.

I am proud to serve as the cochairman of the Congressional Azerbaijan Caucus.

Azerbaijan is an important strategic partner of the United States. Located in a geopolitically dynamic region between Europe and Asia and sandwiched between Russia and Iran, Azerbaijan is a secular country with a predominantly Muslim population that has also been home for more than a millennia to vibrant Christian and Jewish communities. Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global energy security.

On the security front, immediately after 9/11, Azerbaijan was among the

first to offer strong support and assistance to the United States. Azerbaijan participated in operations in Kosovo and Iraq and is actively engaged in Afghanistan, having recently doubled its military presence there.

Ambassador Aliyev has made an indelible mark on deepening U.S. and Azerbaijan relations.

□ 1400

Bilateral trade is expanding as Azerbaijan diversifies its economy, enabling it to increasingly contribute to the economic growth of the United States.

Baku and Washington cooperate on counterterrorism and nonproliferation of weapons of mass destruction. Moreover, this continued development of Azerbaijan's natural resources contributes greatly to the energy security of the United States and Europe. Working with Ambassador Aliyev, we have more than doubled the size of the Azerbaijan Caucus in Congress and continue to bring attention to this vital strategic partner.

Prior to his appointment as Ambassador, Aliyev served as Azerbaijan's permanent representative to the United Nations from 2002 to 2006. During this period he was chairman of the Fourth Committee of Special Political and Decolonization of the 60th U.N. General Assembly, vice president of the 59th General Assembly, vice president of the Economic and Social Council from 2004 to 2005, and vice president of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001.

Ambassador Aliyev began his diplomatic career at the United Nations in 1992, serving as political affairs counselor and charge d'affaires of Azerbaijan's permanent mission. He was also Azerbaijan's first delegate to the First and Fourth Committees at the 47th through 56th sessions of the United Nations General Assembly.

Having joined the Ministry of Foreign Affairs in Azerbaijan in 1989, Ambassador Aliyev held the posts of political officer, first secretary and deputy director in the Ministry's Department of Information and Political Analysis, as well as director of the Department of International Organizations.

Ambassador Aliyev took up oriental studies at Azerbaijan State University in 1972 and received the school's highest degree in 1977. He pursued postgraduate research at the Oriental Studies Institute of Russia's Academy of Sciences in Moscow from 1980 to 1982. In the early 1990s, he also studied for a year at the Diplomatic Academy of Russia's Ministry of Foreign Affairs. He is fluent in English, Arabic, Russian, and Turkish.

On a personal note, I will miss Ambassador Aliyev, and I extend to him my highest regards and well wishes, to him and to his family in all their future endeavors. In our years working

together, the Ambassador has become a truly valued friend.

It has been my pleasure to visit Azerbaijan twice with him and also to host him in my district in Pennsylvania on two occasions, including sharing a recent birthday celebration together.

Ambassador Aliyev, best wishes in all your future endeavors. I look forward to building on our future partnership with Azerbaijan and continuing our friendship in years to come.

I yield back the balance of my time.

STATE OF OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 55 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the honor to be recognized to address you here on the floor of the United States House of Representatives for the minutes allocated, and I have enjoyed this privilege many times over the years. I think this is the greatest deliberative body in the world, and sometimes we can do a little better than we actually do, but in the end, the voice of the American people does come here.

I look back on the intense debates that we had when we went through the throes of a national debate. Over one summer, it was cap-and-trade, or we called it cap-and-tax, the idea that we would limit American industry, chase American industry over to places like China and India where they would pump smoke up into the atmosphere and send us back goods that were built more cheaply than we would build them under American regulations here. That legislation did pass this House. It was killed in the Senate, but that consumed a summer.

The next summer, we had the debate of ObamaCare. I could go into that quite deeply, Mr. Speaker, but I will say that it was an intense debate that took place on the floor of the House of Representatives, on the floor of the Senate, and on the floor of almost every home in the United States of America, in the streets of America and on the grounds surrounding the Capitol and then, of course, in all the office buildings around the Capitol.

For the first time that I know of in history, a Member of Congress called people from all 50 States to come here to petition the government for redress of grievances, peaceably petition the government for redress of grievances. That was the plea of the American people; 40,000 to 60,000 people surrounded this Capitol in November, on a Thursday in November, November 5 of that year. Later on in the spring, they came back again and again and again.

For the first time in history, the entire Capitol grounds were surrounded by people, not just a human chain

touching their fingertips or holding hands all the way around, but a human doughnut six and eight deep everywhere, with thousands of people standing in the curves and the corners. They came here to say to the people that were duly elected representatives of the American people here in this Congress, Keep your hands off of my health care; we don't want Obama administration care. That message echoed in this building.

On that night that ObamaCare was poised for passage, the people doing business up here in the Rules Committee couldn't do business for a time because the echo in the windows from the people outside was so great that they couldn't have a conversation to be able to actually conduct the business of passing a rule that brought ObamaCare here to the floor.

And there was hokum involved in the process even down to the point of circumventing the filibuster in the Senate and going through a reconciliation package and passing legislation on the promise that other legislation would be passed, and passing legislation on the promise that the President would issue an Executive order to—get this, Mr. Speaker—amend the legislation that was on the floor. That's how bizarre this process became.

For a couple of years, a Member of Congress didn't have an ability to bring an amendment to the floor to even force the debate or a vote trying to perfect legislation. That's how far the wheels came off of this Congress. The American people were delivered something that they had resoundingly rejected. That was ObamaCare.

In the aftermath of those shenanigans that took place that consumed the summer and the fall and the next spring and longer, the American people went to the polls the following November. They sent 87 new freshmen Republicans here to Congress in exactly the fashion that the Founding Fathers imagined, and that fashion was to have the House of Representatives, with elections every 2 years, be the quick reaction force, that in the period of 2 years—at that time, history didn't turn as fast as it does today, but it's still, I think, soon enough to bring people here to start to reverse the mistakes that are made by the previous Congress.

Now, we are not in a position to undo some of those bad things that have come upon this Congress right now. I thought we had that leverage a couple of times already in this Congress. Those moments have passed. And I believe, Mr. Speaker, that now, if we can find and create that opportunity, I am all for it, and I am looking for somebody to lead us into a way that we can undo some bad legislation.

But where we are today in this deliberative body is that we put the brakes on most bad things that have been hap-

pening here in this Congress, and we are laying the groundwork to call in the reinforcement within the visioning of the Founding Fathers so that we can undo the bad things, and it's going to take some help in the United States Senate and in the White House.

So here's America, as we had a conversation here on the side earlier. There was, a couple of years ago, I would say now, a serious discussion about whether I would go back to Iowa and run for Governor, and the questions that I had, Mr. Speaker, in front of me were this: that we were looking at what turned out to be the Dodd-Frank bill, the financial regulation bill. We were looking at cap-and-trade, or cap-and-tax, which is a more accurate way to describe it. We were looking at ObamaCare. I am thinking, I would have to spend 14 months back in Iowa campaigning for that job. And if I carried my luggage into the Governor's mansion and looked out the window onto an America that had been saddled with this burden, the burden of Dodd-Frank, the burden of ObamaCare, and the burden, perhaps, of a cap-and-tax piece of legislation, it would be impossible to undo, and it would be impossible to fix America from a State office such as I have mentioned. Those things weighed heavily on me.

Today, here's where we are. This process has moved forward. Cap-and-tax has been essentially killed, temporarily killed, I will say, in the United States Senate, thanks to the filibuster and thanks to the work of the people on that side. It did pass through this House under the Pelosi Speakership.

□ 1410

ObamaCare is now the law of the land; but it is repealable, Mr. Speaker, and that gives me great hope. And Dodd-Frank also is repealable. So when I look at the Presidential candidates, who also are poised, seeking the nomination to challenge the White House, the Senators that I am convinced will come into the United States Senate, the new blood that will come into the House of Representatives with even deeper convictions on the Constitution and constitutional conservatism, the idea across America is this: Government has mismanaged so much of what has come out of this Federal Government, they want a smaller, more responsive Federal Government. They want a government that does less with less, a government that balances the budget, and they want to have their freedom back. The American people want to have their liberty back, Mr. Speaker.

I would ask this question, and it's this that Ronald Reagan asked in 1980. He said: Are you better off today than you were 4 years ago? And the American people answered with a resounding "no." And they voted "no" on Jimmy Carter and "yes" on Ronald Reagan,

and we got the greatest President of the century, who served two terms and put us back on track and got us believing in ourselves again.

Today and throughout this 14 months or so until the next election, we have to be asking not the question of are you better off today than you were 4 years ago—not a lot of people can say they are—but the question really is, Mr. Speaker, are you more free today? Do you have more liberty today than you had 4 years ago? Do you and your children and your grandchildren have more potential to enjoy the fruits of their labor? Is this society more open to success? And is America moving along and continuing to be the dominant economic force in the world, the dominant cultural force in the world, the dominant foundation for Western Civilization? Are we going to continue to be that, or are we going to watch the continuum of this history wind its way down, and will we trail in the dust the golden hopes of all humanity? Is that the future for this country?

Now, there's not an image that I can see that the President has laid out for us on a direction on where we can go. I have watched what he has done. I think I know what he believes in. I have looked him in the eye when he has told me what he believes in, and one of those things is Keynesian economics.

The President told a group of us on February 10, 2009, to be precise, that Keynesian economics works. He said to us that Franklin Delano Roosevelt's New Deal actually did work but that Roosevelt lost his nerve, and he pulled back in the second half of the 1930s when he should have been borrowing and spending more money. And because he pulled back, according to the President, it brought about a recession within a depression. Unemployment went up, and then along came World War II, the greatest economic stimulus plan ever.

That was a little classroom lecture. Well, it was a statement, not necessarily a lecture, to be fair, Mr. Speaker. But that was the President's position on that day, and I'm sure that's something he has held for a long time. He didn't make it up while he was standing there. It came out of him as a conviction. That's how it sounded to me.

I'm of the exact opposite conviction, Mr. Speaker. I'm of this conviction: that Keynesian economics always was a mistake. Oh, and for the record, John Maynard Keynes was the most influential economist of his time. He came to prominence in the 1920s and then even more prominence in the 1930s as he proposed that the Federal Government should get money into the hands of people so that people could spend the money. And if they spent the money, it would stimulate the economy. That's the Keynesian approach.

Even though he said this facetiously, I believe it illustrates the Keynesian economic theory, this narrative. And this is a narrative told by John Maynard Keynes, himself. He said, I can solve all of the unemployment in the United States of America, and here's how I would do it. Just give me an abandoned coal mine and I will go out into that coal mine—he'd send other people, actually—with drilling rigs, and they will drill holes down all over the coal mine. And then we'll stuff them full of cash. And then we'll fill the coal mine up with garbage and heap it full of garbage and then turn the entrepreneurs loose, which would then solve all of the unemployment in America.

Just to flesh that out a little bit, Mr. Speaker, if you turn the entrepreneurs loose on an old coal mine that is full of garbage and has holes drilled with cash in it, they've got to go in and move the garbage off. They've got to locate the holes. They've got to clean out the holes. They've got to get down to the cash, and doing all of that will require somebody to rehandle the garbage again, somebody to set up the showers, somebody to take care of the medical needs and the food needs, and after awhile the banking needs when they start to come up with the cash. See, he understood how the economy goes when you get money flowing in the economy, how that actually happens.

But what Keynes missed was, where was the cash going to come from in the first place? You can't go out and borrow money and bury it and have people dig it up and think you're doing something productive. That's the equivalent of paying each other to do each other's laundry. You've produced nothing extra from it; you just trade dollars.

What has built America, the strength of this country economically has been free market capitalism competition. And because of the competition, we have had inventors and entrepreneurs. We have had more patents, trademarks, and copyrights per capita, at least, than any other country in the world. And the reason for that is because Americans are natural entrepreneurs. We're natural creators, and we have the resources to do it. And I don't just mean gold and oil, and I always have to put corn in there as a natural resource, Mr. Speaker. I know you use it for grits; but for us, we feed most of it to livestock and turn some of it into ethanol.

But all of those resources that we have in this country, Americans have developed them. We've grown them. We've mined them out of the Earth. We've turned our timber into valuable products. We've cut trees and turned them into ships, and we traded around this world. And we did that early in this country. American clipper ships were the class of the world.

We have had this success because we produced. We produced goods and serv-

ices that had a marketable value both domestically and abroad. That is still what will bring America out of the economic doldrums, producing goods and services that have a marketable value both domestically and abroad, not spending money, not the little sugar high of handing somebody money and saying here are your food stamps, here's your unemployment check. Do nothing except go out and spend the money. That is only at best a sugar high. And for the economy, it's temporary.

Even if Keynes was right on any part of it, it would be this: Dump in billions, hundreds of billions, and in the case of the President of the United States, we're talking about trillions of dollars dumped into this economy. The best you can hope for with a Keynesian economist on steroids, which is our President, is this: that he might have diminished the depths to which we otherwise could have fallen to some degree. We will never know how much, but what I guarantee you is the depths that might have been diminished, certainly the breadth of this trough of the economic downward decline that we're in is much broader, and it's going to take us a long, long time to recover.

And a way to explain that, Mr. Speaker, is this. If you are a small business, a large business, or a government and if you go out and borrow too much money and you have a revenue stream coming in and now you have to service the debt, you have to pay the interest and the principal on the debt. The banker's in there. He's going to collect his money. So you have a fixed income and you have borrowed more money, which means more interest has to go, and it has to also pay off the principal or you can never stop the drain, and it weighs you down.

There are businesses—I'll actually say many of them in my State—that have actually, literally, not figuratively and not virtually but literally, been under water all summer long in the floods of the Missouri River. If all they have for relief is a small business disaster loan and they can get a preferential interest rate of maybe some number approaching 4 percent interest, still if they get stacked with too much debt, they can't have the income to service that debt.

The same with the country. The United States of America borrows money and hands it to people and tells them: You don't have to work for this. You don't have to produce anything for this. We just want you to spend it. That's your patriotic duty, to take the money that we've borrowed from the Chinese and the debt burden we put on our grandchildren, and put it into people's hands and say it's the patriotic thing. Take your food stamps and take your rent subsidy and your heat subsidy and your unemployment check, and go engage in commerce. That's patriotic.

No, what's patriotic is carry your own weight. I mean, John Smith said clear back in the 1600s: no work, no eat. That's also part of the New Testament. Where he lifted that from, I believe, was in Galatians: He who would not work would also not eat. That doesn't mean that we don't want to take care of people that can't help themselves, but people that can help themselves need to help themselves and all of the rest of us.

We're hearing the statements come out of people that generally sit over on this side of the floor, Mr. Speaker, this belief of economic stimulus. The former Speaker of the House, Speaker PELOSI, has consistently said that unemployment checks are one of those reliable and immediate forms of economic recovery.

□ 1420

You get a lot of bang for the buck when you pay people not to work, and they will go out and spend that money immediately. Therefore, we should pass out unemployment checks and stimulate the economy.

That statement is ridiculous where I come from, Mr. Speaker, to pay people not to work and somehow in that formula it stimulates the economy.

Another statement came from our Secretary of Agriculture, Tom Vilsack, who consistently—at least it shows up in the media hits consistently—has said that food stamps are also an economic stimulator, that for every dollar in food stamps that you hand out, you get \$1.84 in economic activity. Well, that may be, but if you had somebody actually producing something in exchange for that food stamp, you would have the economy growing. You would be building capital within your economy.

We have this massive amount of capital here in the United States of America, and it's built within—part of it is cash. Part of it is the real estate value that's been improved by putting buildings and fixtures out. Part of it is the equipment that we've manufactured, and it's the utilization of that. All of that is part of the capital base of America. Our knowledge base is part of the capital base in America. And here we have the Federal Government and the President's proposal with his jobs plan, by the way, continuing to want to extend unemployment benefits another year, believing that that's an economic stimulus plan.

Now, if I were a younger man, or let's just say a boy who was looking at this economy from the simplistic way of what pays and what doesn't, and if someone said to me when I was 16 years old, "Well, here's how we stimulate the economy. We're going to hand out unemployment checks and food stamps," that's what we're hearing, Mr. Speaker. We're hearing this out of the people that speak for the White House. Hand-

ing out unemployment checks and handing out food stamps is an economic stimulus plan.

I'm back to: Produce goods and services that have a marketable value both here and abroad. When I say that, we have to compete with the value, the prices of those goods other countries can produce so that we have an opportunity to outsell them when they want to sell here and we have an opportunity to outsell them in their countries. We have to be better at some of those things.

But this economy will not recover if we're going to continue to borrow money, put the debt on the heads of our grandchildren, and think that spending money solves anything.

I have a little granddaughter that's closing in on a year old now. She's just taken her first steps, about 10 or 12 of them last night as a matter of fact. Her name is Reagan Ann King. When she was born into this world, her share of the national debt, what she owes to Uncle Sam when she took her first breath as a new American citizen and a miracle from God, was \$44,000, her share of the debt.

And we worry about a college student that has a degree with a \$40,000 student loan to pay off. I'll submit, Mr. Speaker, they at least have a diploma, in a likely case, and they have an education in every case and an opportunity to earn that back. And from the time they leave college and the toll starts to ring on their student loan, they have an opportunity to go to work and to stop the interest and pay the interest and start to pay the principal on their student loan.

But this little girl, Reagan Ann King, that's just taken her first dozen steps last night, this little girl doesn't have a chance to start earning that back. Her \$44,000 worth of debt is accumulating interest every day, every day of her little life until—she's turned around a year old—until she's 10, until she's 20, until she gets an education that's good enough for her to start actually earning her share and paying taxes and starting to pay down this national debt.

How much is that \$44,000 going to be before she gets a chance to stop the bleeding just for her? By the time she's 10 and starts fifth grade, it will be not \$44,000, but \$88,000. That's an actual calculation rounded to the nearest thousand. It's not just 44 times 2. That's \$88,000. Welcome to fifth grade, Reagan Ann King. Now your share of the debt is \$88,000. How does that make you feel? Study hard.

We'll give you another Republican approach here, Mr. Speaker, that I think illustrates the right attitude. It caught me a little off guard. I had a conversation with my oldest son and his little 6-year-old daughter, who was telling me her favorite subject is math. Our family is in the construction busi-

ness. We do a lot of work that requires engineering. And so I immediately said to her, Study hard; focus on your math. That means if you're good in math, you can be an engineer, and your daddy needs an engineer. Her daddy said immediately, I don't need another mouth to feed. She can study hard and carry her own weight and make a living in the world.

Now, think about the difference in that. Rather than opening up the door and saying, Study hard; become an engineer; I can use one in the company—which I think he could—he said, She can make her own way.

The attitude when you're 6 years old, growing up, that you're going to go out into the world and make your own way, even though by then there's maybe a third generation company, it surprised me that he saw the world so clearly and instantly directed his child to, Stand on your own.

Mr. Speaker, we need more young Americans growing up being told on a daily basis, You're going to have to carry your own weight. You're going to have to make your own way. You're going to have to build an education and plan your future and control your own destiny.

When you do that, the most patriotic thing you can do is serve God and country, in that order. Take care of your family. Take care of your State. Do your thing to contribute to our society and our economy.

There is—well, there is, but there should not be—a free lunch.

Mr. Speaker, I'm listening to the Presidential campaign and listening pretty closely and talking to a number of the candidates. What I'm not hearing is any of the candidates really addressing the situation we have of, in the United States, there are 72 different means-tested welfare programs, Federal welfare programs. Seventy-two. There's not a person on the planet that can even name them all from memory, let alone read, learn, understand, and draw judgment on how they interact with each other, let alone whether or not they motivate people to take care of themselves, go to work, do the right thing, be responsible. We like to think so. Seventy-two.

Why does the Federal Government have 72 different means-tested welfare programs? That's because there were 72 different constituency bases out there that certain Members of Congress decided they could slip into one bill or another and send a press release back to their district and say to somebody, Look what I did for you. Here's your rent subsidy. Here's your heat subsidy. Here's your ADC check. Here's your TANF money. Here's your food stamp money. And then they have the audacity to come to the floor to ask for more and more money for rent and heat subsidy at the same time.

I don't want anybody to go cold. I don't want anybody to go hungry. But

neither do I want to see generations of Americans who have been conditioned and trained that they don't have to contribute to this society.

I will give you an example. It was written up in the Des Moines Register about 15 years ago where they went into a residential area in Milwaukee, Wisconsin. Odd that they would go from Des Moines to Milwaukee. But I remember the article. And they did a study in a six-block by six-block segment; 36 square blocks, six squared. It was a residential area of families whose predecessors in the thirties had moved up to Milwaukee from the gulf area in Mississippi—generally in that area, Mississippi and Alabama—to take on the brewery jobs that blossomed in Milwaukee when prohibition was over. These families that had moved in had moved up there for the jobs.

Three generations later, they surveyed all of those residences in a residential area 36 square blocks, and there wasn't a single employed male head of household in any of those homes in 36 square blocks. And as I read through that article twice, because I wanted to see what I missed, the lament by the author was—seemed to be, at least—that we couldn't bring jobs to the people that lived in that neighborhood in Milwaukee, so wasn't that the failure of government that we couldn't get jobs established there. I read it completely differently. If your granddaddy moved to Milwaukee to get a job, why can't you, as a grandson, move somewhere to get a job?

□ 1430

Why don't people migrate to take a job? And the answer to that question is: seventy-two different means-tested welfare programs. They're being paid not to. The safest thing you can do is stay in a home that's maybe been in your family for two or three generations, that may well be paid for. And you've got the system of the public benefits all figured out, and so those checks come in once a month and take care of all of your worldly needs. And if you need a little cash aside from that, then you can go out and work in the black market, work in cash, or trade on the side. That's what we have for economies. I've sat in those areas in those communities and just watched the traffic.

And what does this trace back to? Well, I have a viewpoint that I think is completely objective, and it's just illuminated a little more because I come from farm country, but it's this: All new wealth comes from the land. If you watch any dollars that are flowing anywhere, if you trace them back through the economy, whoever has that dollar in their hand, if you could trace it back to the person that handed them that dollar and the person that handed the second person the dollar, and go on back, where does it take you if you

trace each one of those transactional exchanges? It will take you back to the land.

In the world, all new wealth comes from the land. You can mine it out of the Earth in the form of gold or platinum; you can pump it out in the form of oil; you can bring out limestone and aggregate of all kinds. That's a new wealth. It sits there, waiting to be developed, and then you turn that into concrete and steel from iron ore, and the list goes on. Or as an exception, I guess, would be if you could seine some fish out of the sea and maybe you can raise a little algae in the sea; but, otherwise, it grows out of the soil.

New wealth comes from this Earth in one form or another, and we use it to produce the necessities of life. Those necessities which were simplified down to food, clothing and shelter, all that comes out of the Earth. Those are the necessities. I used to get into this debate with former Congressman Tom Feeney from Orlando, Florida, Disney World territory—a very smart and effective Member of this Congress and a good friend whom I admire and respect. When I would tell him all new wealth comes from the land, he would say, oh, no, it comes from the airport. Well, they do, Mr. Speaker, fly down to Orlando—and it's a refreshing injection of capital into the economy in the Orlando area, but that's not the new wealth. It's just newly arriving in Orlando.

When you trace it back, it's the disposable income that comes from the people that are producing goods and services that have a marketable value both domestically and abroad. And they're producing it from the raw materials as are mined out of the Earth or are value adding to the crops that grow from the soil. That's what this country is, and that's how this economy works. And if you don't understand that and you're trying to manage a country that has about a \$15 trillion gross domestic product and you believe that spending money is a solution rather than producing goods and services, you can understand then why we're in the situation that we are in.

I think the Speaker and I agree completely on what I'm about to say. And I'm going to take this back again to Ronald Reagan, who once said that what you tax, you get less of. Well, I look around the United States and I look at our tax policy that we have, and I start looking for productivity, and that's earnings, savings and investment. They identify the productivity in this country. And if you have any earnings, any savings, or any investment, the first lien on all of that, the one who holds the mortgage collateral on it is Uncle Sam.

The Federal Government has the first lien on all productivity in America. So if you walk in and you punch the time clock on a Monday morning

at 8 o'clock and you hear that thunk, just think of that as Uncle Sam's arm going out and his hand is out. He will take every dime you earn until he's satisfied—and that might be before noon and it might be after.

Then when Uncle Sam puts all that in his pocket, then you can start to earn a little money for the Governor—he doesn't take as long. You can pay him as a rule, and he gets his hand in his pocket, and now you can start to work for yourself and your children and your families.

The first lien on all productivity in America is held by Uncle Sam, the Federal Government. Earnings, savings, and investment is all taxed in this country unless they have found a way to get you through this loophole. So because what you tax, you get less of, that means that you get less production because we tax it all. If you produce and the Federal Government taxes it, it's a disincentive for production, so we produce less.

If we're going to come out of this economic decline that we're in, if spending were going to solve this problem, we would have solved it by now—this Keynesian economic experiment of the President's.

But it's production that will solve it. We need to take the tax off all production in America, which is all earnings, savings and investment, so that it will thrive and it will prosper. And when we tell people in this country, you can invest all the capital you want to invest, you can earn all you want to earn, you can save all you want to save, and when you do that, we're not going to tax any of it; you can pile up as much cash and capital and savings as you want, not one dime of Federal tax will be on any of that that you earn, when we do that—and I pray one day we will do that—the average worker will get 56 percent more in their paycheck.

There will be a lot more production in this country; it will be a lot more competitive. And then people can pay their tax with a national sales tax, the option of paying taxes, which is a decision that you make when you consume. That's what the Fair Tax is. And that's what brings us out of this mess that we are in, and it needs to be a very high priority.

I need to hear the Presidential candidates talk about their position on a national sales tax. They talk around it, and they will say, I'm for a Fair Tax or a flat tax or anything that taxes us less. That's not good enough. If you want to lead this country, lay out a tax proposal that actually solves this problem that we're in.

I have looked at this proposal, Mr. Speaker, for more than 30 years now. And I don't know how many years ago it was when they invented the Rubik's Cube, where you could turn that thing around and arrange the colors on all the sides of the cube, but I have turned

the Rubik's Cube of the Fair Tax over and over, every possible way that I can look at it.

And the more I look at it—usually when you get to looking at something, it starts to look a little worse the longer you look at it. The longer I look at this, the Rubik's Cube of the Fair Tax, the better it looks to me. And that's more than 30 years of looking at the proposal; and, actually, that's more years than we've had the proposal, but I've advocated for a national sales tax since about 1980. And that was back when I got audited one too many years in a row and I decided, why do I have the IRS in my life? Why are they making Monday morning quarterback decisions? Why am I looking at paying interest in penalty on a tax liability that, to this day, I do not believe that I legally owed? It's because the IRS has so much power that you can't fight them. You can fight them, but you're going to lose.

That was a painful thing for a person of principle to come to, a realization that I had to go to the bank and borrow money to pay the IRS, because even though I'm right, it would cost me my business if I stopped producing long enough to fight the IRS. That was the equation that I was faced with.

So I want to challenge anybody in this House of Representatives that wants to debate tax policy on the Fair Tax. I would be real happy to yield to anybody that would come down here on the floor, set up a Special Order for the purpose, go just about anywhere I can logistically get to face off with somebody that thinks the Fair Tax is a bad idea. It is a great idea.

I sat down with Alan Greenspan within a month of the time that he stepped down as chairman, his retirement, and I said to him, Here are all the things that the Fair Tax does, and I went through the list. I said it eliminates personal income tax and corporate income tax and payroll income tax, including Medicare, Medicaid and Social Security. It puts a check and a prebate into everybody's household to reimburse them a prebate for the taxes that they would pay on their spending up to the poverty level. It provides an incentive for people to invest money, and it will attract capital from all overseas.

I went through all of that, and I said, I need you to challenge me on any point that I have made. I don't want to be making this argument across this country and have a position that I can't sustain. Test me. Challenge me. He listened as I went through the list, and he looked up at me and he said, You left out provides an incentive for savings and investment. This country needs an incentive for savings and investment. Add that to the list and keep saying it. You're right on all of those points. Well, I had actually just forgotten to say it provides an incentive for savings and investment.

But it illustrated to me how carefully Alan Greenspan was listening to that presentation, how he identified the omission that I had left out. And it was an astute response. And I said to him, I need you to advocate for this. And he said to me, You will not find serious economists that disagree with you on this position.

□ 1440

The fair tax does all the things that you say it does. It's not an economic question, because serious economists will not disagree. It's a political question, and you are the politician, meaning me, Mr. Speaker, and you need to solve the political question. It's not an economic argument.

So it comes back to the same thing over and over again. Here we are in this great country. We are a wealthy country. We are also a productive country, and we do have a good work ethic even though it's being undermined by 72 different means-tested Federal welfare programs.

We're a great country, and we have the resources to solve any problem that can be solved. We can come up with the money to do it. We either have the technology or we can develop the technology. We've got the man-and-womanpower. We've got the work power to do all of that. We can solve everything.

But when I look at the problems that are unsolved and unresolved in the United States of America, invariably it comes back to the political question. It's politics that stick in the middle of this. It's not because we don't have enough people with common sense. We have people with competing interests, and we have people that confuse the issue, and they bog this thing down, and they make it a lot harder than it needs to be because they're looking for some kind of political benefit from it.

But we have the solution here at our fingertips. This Congress, if we were able to get a fair tax bill to the floor of the House of Representatives for an up-or-down vote, I would say there'd be a Vegas line on whether that would pass or not, Mr. Speaker, but I believe it would. I believe this House of Representatives would vote to scrap the entire Internal Revenue Code and scrap the IRS, itself, and replace it with a national sales tax. I believe this House of Representatives would vote to take all the tax off of productivity in America and put that tax over on a revenue-neutral basis onto consumption, instead, of goods and services, goods and services that have a marketable value both domestically and abroad.

I believe the House of Representatives would pass that legislation if we could get it to the floor for a vote. And I believe, in the process of doing this, they would be granting to American manufacturers, in the stroke of a pen, a 28 percent marketing advantage over

foreign competitors when it comes to manufacturing.

If you take a Mazda that's presumably built 100 percent in Japan, compared to a Ford built 100 percent in America, and each of them were sitting on a dealer's lot, perhaps across the street from each other and the sticker price on these two comparable valued vehicles was each \$30,000, then competition would have set that.

Well, into that Ford is embedded 22 percent of Federal taxes that are built into the price of that Ford, because corporations don't pay taxes; consumers pay it. Corporations aggregate them, and they put it into the price of the products that they produce. So your \$30,000—you pass the fair tax, competition drives out of the Ford the embedded Federal tax. So your \$30,000 Ford becomes \$23,400. That would be the new sticker price.

Now, it would take 12 to 18 months to turn the inventory over and get competition to drive that down. \$23,400 would be then the new sticker price on your Ford, with the fair tax passed. But your Mazda's still going to be 30,000 because its tax structure is Japan, not the United States.

So then you add in an embedded 23 percent sales tax into both vehicles, and your Ford price, to drive it off the lot, presuming it's not a deductible business purchase, goes from what was \$30,000, knocked down to \$23,400 because the embedded Federal tax comes out of the price, and you add in 23 percent tax. You drive your Ford off the lot for \$30,400. But your Mazda needs to also pay the 23 percent embedded tax. It comes off the lot at \$39,000. So you end up with an \$8,600—28 percent—marketing advantage, the Ford over the Mazda.

Now, what does that bring about, Mr. Speaker? Instead of \$800 million worth of Mazdas coming to the United States aboard ships on an annual basis, you've got Fords being sent to Japan and to Korea and to China and to Europe and all around the world. We're making more and more cars, and we're shipping them all around the world because we now have a tax structure that ceases to punish production and provides an incentive for savings and investment and gives those workers that are making the Fords 56 percent more in their paycheck. And those people that run the manufacturing plants, whether it's cars or whether it's trailer axles or whether it's the modern version of the widget, all have a competitive advantage now that gains 28 percent.

We've reached a static level in the things we produce, and sometimes a half of a percent is enough to make the difference on whether you sell large volumes into foreign countries. A half of a percent, maybe even a tenth of a percent.

Well, can you imagine sitting there, let's just say—I'm just thinking shipping product over into a place like

Asia, and you're there where the margins are so tight sometimes you can sell, sometimes you can't, and you've got to ratchet your price down a little and try to get it sold. This goes on every day, people that are looking for that tiny little edge that lets them get in there and export something to a foreign country.

With the fair tax, they're sitting there with a tiny little edge or no edge. Maybe they're behind the curve, and all of a sudden here comes a 28 percent marketing advantage. Whoosh, it goes overseas. We light this country up. We light this country up. We become the manufacturing center for the world again. We find jobs for people. They're out there for American labor to produce a high return so that their highly productive workers—we're the most productive workers in the world today, and we will increase our manufacturing. We will increase our exports. We'll reverse this trade imbalance, and it will be a surplus of exports. And instead of us being a debtor nation, we will become a prosperous nation.

By the way, if exports are working, think what can happen. We've got a dollar that's being devalued by the White House and by the Fed. They're printing money and dumping the currency in, and the value of the dollar is dropping. And what is one of the reasons? It's because, if a dollar doesn't buy much, then people in foreign countries can buy more things from the United States.

Look how it works the other way. When we get this 28 percent marketing advantage, we can start to tighten up our currency and start to give it value again. Maybe we can get to that point where we can put a gold standard under it or a basket of currency, a basket of commodities that would be used in lieu of a gold standard so that our dollar has a value that can be anchored to commodities that actually can be exchanged for, rather than the full faith and credit of the Federal Government.

The fair tax solves everything good that can be solved by a tax policy. It does everything that anybody else's tax policy does that's good. It does them all. And it does them all better. And I will stand on that statement, Mr. Speaker. And I will challenge any Member of this Congress or anybody that has a legitimate reputation out across this country to stand up and we'll take this issue on anywhere.

This is one of these times when I'll just say that this is one of the things that I have been right on for a long time. A lot of others have been right on this for a long time, and it's getting to the point where it's high time that we move a fair tax.

We had a little hearing in the Ways and Means Committee here a few weeks ago. I'm glad to have that. I don't know if the Earth shook when we did that or not, and I don't know how

much it illuminated the knowledge base of the Members. But I will tell you that the public would be disappointed if they knew how shallow the knowledge base is among many of the Members of this Congress when it comes to a national sales tax. It's shallow. They can't pass the test. They don't want to spend the time to do that. They're just navigating themselves away from the political liabilities that come up every day in this trade. They don't have the time to dig down into it. And so you need to focus them, and the public needs to focus them, Mr. Speaker.

The fair tax needs to move. We need to have it in the debate of the Presidential race. I want to do all we can to bring it up in that debate.

And as the clock ticks down, I want to shift the gear a little bit because it's important for me to address what's going on with the natural disasters in the country, primarily the floods that we've had on the Missouri River.

We have been underwater since early or mid-June. We have more water that's come down the Missouri River than at any time prior to this year in history. This is from Sioux City, downstream. And they can talk about it very well up into the Dakotas. KRISTI NOEM and RICK BERG are very knowledgeable on what the disaster has done to them upstream.

But where we are, Sioux City on down, that river has been, since June, and I will say mid-June, it's been about—the narrowest typical place that you would see would be the water would be a mile and a half wide. This is a river that, I wouldn't recommend it, but it can be swum across. And about a mile and a half wide downstream from Sioux City, and as you go further south it gets to be 4, 5, 6, 8 miles wide at Glencoe, and north of the Omaha airport, 11 miles wide. Water 11 miles wide, and it narrows up downstream from Omaha to 4 to 5 miles, maybe 6 miles wide, all the way down into Missouri and into SAM GRAVES' district, typical, on down.

□ 1450

We have seen more water come down that river this summer than ever before. And it is a flood of massive proportions. And when I tell you a river that's 11 miles wide for 3 months long, it gives you a sense of what it is, but people have to be thinking it's stagnant water that's sitting there that can't escape. But it's really not. It's water with a velocity of 3-5 miles an hour, even out away from the central stream of the channel; and in the central stream of the channel it's 11-12 miles an hour but out a way at the base of the hills, and it's flooded hill to hill. The water is moving along at a clip that's, oh, a fast pace if you're walking, is what it would be.

And we have watched business after business, farm after farm, residence

after residence go underwater. They sandbag, set up pumps, and then they lose the battle. And then the house and buildings fill up with water, sometimes clear up to the eaves, sometimes halfway up on the windows of the living room.

And we have miles and miles of trees that have been standing in water that is 10-, 12-, 16-foot deep for the better part of the summer. I'll say all summer. And when the wind blows and the water starts to go down, the trees just tip over. Miles and miles of huge trees laying down, the swath of them just fallen over by wind and gravity and nothing for their roots to hang on to, and hundreds of thousands of farm fields that are underwater, and flooded with huge sand bars that are created by the current and all kinds of junk washed out into the middle of them.

This is what we're dealing with on the Missouri River.

The Corps of Engineers has built in the upper Missouri River six dams. They're known as the Pick-Sloan Program. That began sometime in the '40s and '50s. They looked back on the historically highest flood, which was 1881, and they had a large flood in 1943. It wasn't as much as 1881, but it was a heads-up wake-up call that started Congress working. And they began working on this Pick-Sloan Program to prevent flooding in the Missouri River.

In 1952, there was a huge flood, and that accelerated the construction. They completed in the late 1950s and early 1960s the six-dam reservoir complex of the Pick-Sloan Program that goes clear on up into Montana.

They wrote a master manual for the Corps of Engineers that guides them on how they shall manage the reservoirs and how they shall manage the Missouri River. The master manual, Mr. Speaker, has been amended. I believe there have been five different versions. But in each of those versions, the Corps of Engineers says use the same amount of storage capacity for flood control.

There is a permanent pool, and above that permanent pool they have always kept 16.3 million acre feet for flood control. The reason that they have 16.3 million acre feet is because that was the amount that was calculated that was necessary to protect from the floods of the largest run-off ever experienced, which was 1881. In 1881, 49 million acre feet of water came down. In 2011, the number will be 61 million acre feet of water.

So I have a bill I trust was introduced this afternoon or will be before the fall of the gavel today, Mr. Speaker, that requires the Corps of Engineers to manage the Pick-Sloan Program, to protect from serious downstream flooding, and to adjust those flood levels to the largest amount ever experienced. And that language then means 2011 run-off rather than 1881 run-off.

So if we get another year of this kind of run-off, we will be using the storage

rather than having it be part of the permanent pool so that all of this downstream flooding that has wiped out hundreds and hundreds of square miles and set it under a flowing current of water for the whole summer can all be protected.

They easily have the storage capacity to protect all of us downstream from that type of serious flooding. The legislation that I have that has been sponsored by representatives from at least four States along the Missouri—and I'm not sure who else might have signed on it this afternoon—just simply says to the Corps of Engineers: Adjust the flood storage from the 16.3 million acre feet to an amount that will protect from serious downstream flooding.

That's the message in the bill. That's what I'm going to ask this Congress to pass. That's what I think we have a reasonable chance of having unanimous support among the States affected by the Missouri River floods all the way up to the headwaters and all the way down to St. Louis. I'm hopeful every Member will sign on. It's bipartisan. We have about the same number of Democrats as we do Republicans on that bill, and it's something I feel the need to notice this Congress that is something that I'd ask for support, and hopefully we can start to move it through.

So, Mr. Speaker, as we get close to wrapping up business in this Congress for this week, I think about what we have ahead of us.

Of course one of the things we have ahead of us is how do we fund this government beyond September 30. That will be ultimately, I believe, a CR, a continuing resolution. We have the debt ceiling debate behind us, at least for now. We have the pressure points that are set up by the debt ceiling bill. I have never been a fan of a supercommittee of 12 apostles sitting in a room, deciding for all of the rest of us what they think is best. The product that may come from there, if it's used right, can be useful, and it can produce a happy ending here.

I'm hopeful that they will make suggestions and work with the committees. And the cuts that we must get in this Congress, I believe, need to be produced by the committees that have the most and the best knowledge about the subject matter at hand, that it's not just a slash-and-burn from inside the—perhaps, and maybe not—closed doors of the supercommittee. And I think this country has got a long ways to go.

But in the end, here's what gets us where we need to go. Pass the Fair Tax, Mr. Speaker. That turns this economy back around and does all the things that I've said. It does everything good that everybody's policy does. It does them all. It does them all better.

It gives people back their freedom. It gives them 56 percent more in their

paycheck. They decide when to pay taxes when they make a purchase. And it rewards production. It stops punishing production. And in the end, it inversely rewards production. People will produce more. They'll earn more. They'll save more, will export more. Our dollar will be worth more. People's labor will be worth more.

And the 80 million Americans that are of working age but are simply not in the workforce need to be put to work. We can't have a Nation of slackers and then have me have to sit in the Judiciary Committee, listening to them argue that there's work that Americans won't do so we have to import people to do work Americans won't do and borrow money to pay the welfare of people that won't work. That is a foolish thing for a Nation to do.

We've got to get this country back to work and get those people out of the slacker roles and on to the employed roles. That and revalue the dollar.

We've got to balance the budget. That means pass a balanced budget amendment that actually is a legitimate balanced budget amendment with a supermajority required to waive the balance, a supermajority required to raise the debt ceiling, a supermajority required to exceed 18 percent of the GDP, and a supermajority required to, as I said, raise taxes, balance the budget, and exceed the debt limit.

So if we can do those things—repeal ObamaCare, pass the Fair Tax, pass a balanced budget amendment out of this Congress, ask the States to save us—that would be a pretty good foundation to build this country on, and it would be a good foundation for little Reagan Ann King, who's just taken her first steps in the last 24 hours, to look ahead and think, Grandpa actually is doing something here in Congress. It's going to open the door up for her and all of her generation to come in and contribute to this country and still have something left for themselves and start to get to the point where we can one day start to pay down this national debt.

Mr. Speaker, I appreciate your attention here this afternoon, your service in this Congress as well.

I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

AMERICA'S SPENDING

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. We're at the end of another week of session here.

You know, the President's been traveling around the country. I know that costs millions and millions of dollars to put Air Force One in motion, hopping all over the country. I've also seen what it takes from a security standpoint to prepare for a President to come anywhere. Because of the sniper weapons available these days, they have to be so thorough.

□ 1500

The Secret Service has to go along and check. Anything they can see, they have to check out. Well, that takes several days.

So, to the average person, you think, Well, gee. The President just comes in. He's gone in 30 minutes. No big deal. But for those whose life's work it is in the government to make sure that things go properly, it is an extremely onerous task. We owe so much to those who protect those who are leaving the country, not so much the people in Congress. I know we had people in Congress who were advocating that we all ought to have our own security detail; but as one of my constituents said one morning at 2 a.m. in Wal-Mart, "Wow, you really don't have any security," and I said, "No. It's just you, me and the syrup here." I don't think we should have to have security. If it comes to that, this country is in such trouble that I'm not sure we'll have it back in any proper form anyway.

In the meantime, I am an advocate of letting people in Washington, D.C., who aren't prior convicted felons and who meet the requirements, of being able to carry. Let folks carry. Not here in the Capitol, of course. You don't need one here. We've got the finest we could hope for, Mr. Speaker. I know you know the Capitol Police are fantastic. We've got some up in the gallery who make sure that things are orderly up there; and as we know from the last 20 years, there are times they've had to lay down their lives to protect the public here.

So we are greatly blessed, but it all comes back to this, that we're talking about millions and millions of dollars for the President to go anywhere. Ever since 1 week ago, we were chastised by the President here on the House floor, as he spoke from the podium here, that we needed to pass his bill. Somebody else counted them. I didn't. We've got to pass this bill right now, right away, right now. Pass this bill now. It turns out the whole time the President was saying "this bill," there was no such bill, which brought back memories of exactly 2 years before when at that time the President demanded to come address a joint session of Congress.

Under the rules of Congress, the laws of the land, no one can demand to come speak to the Senate or House unless they're invited, but that was overlooked back in September of 2009. The President was not doing well in the

polling with his health care ideas. He figured, if he came and spoke here on the floor, because he is such a gifted reader, that he might be able to persuade people to support a bill they otherwise didn't like.

So he came and he spoke. He spoke of this bill, my bill, this plan, my plan. I couldn't find a bill. I couldn't find a plan anywhere. It was even 2 weeks later that I asked the Cabinet member charged with Health and Human Services—it's her area—since the President was so accusatory and said, If any of you misrepresent my bill, I am going to call you out, I wanted to make sure I didn't misrepresent anything. I asked the Secretary of Health and Human Services: Where do I get a copy of the President's bill? She said these words: I think he was talking about a set of principles.

Ah, it couldn't have been. He said this bill, my bill, this plan, my plan. He didn't have a plan. He didn't have a bill. He was talking about a set of principles? How could he condemn us for misrepresenting a bill or a plan that he didn't have? Not then. It turns out he didn't.

So, as I heard the President say repeatedly to pass this bill, pass this bill, to do it right now, right now, I wondered if, yet again, 2 years later, he was making the same error—demanding we pass a bill that didn't exist. It turns out my concerns were well-founded. He had no bill. He had no plan. He had a speech.

But as we've learned from CBO, generally speaking, unless they're chastised sufficiently by the President or the White House, CBO cannot score a speech. If they're chastised sufficiently, then CBO will give them some sort of scoring because there are pressures that can be brought to bear from the White House that somehow, apparently, make them sensitive, which is another whole point. I really don't believe that we will be able to fix the problems of the massive overspending, the overtaxing, the dramatic problems with the overvexation, the overburdened laws and regulations until we change a number of things.

One of those is we eliminate the Congressional Budget Office and eliminate the rules under which bills are scored. Those rules were put in place in 1974 by the same Congress that forced the military to rush out of Vietnam, leaving many report, around 2 million people who had helped us to be wiped out—murdered, killed—because the Congress didn't care. That same Congress put in rules that would require that a bill be scored as to the effect it would have on our economy, on spending, on revenue. It required it would be scored under rules that do not allow the scorer to take into consideration reality, history, facts. All they're allowed to do is to consider the formulas—the rules under which they're bound by that 1974 Congress. That's it.

Now, we've gotten horrible scoring, and it can't be blamed on CBO or on the Joint Commission on Taxation. It's the rules that are the problem. But when a group comes back with a score of around \$800 billion and then later they have to confirm in reality it's more like, say, \$1.1 trillion, then you realize on an \$800 billion bill that the score really should put boldly that you have to consider that with a 30 to 40 percent margin of error, plus or minus. So here is the score, plus or minus 30 or 40 percent, and that's about the best we can do.

Since that is the best that CBO can apparently do, it's time to have some massive changes in this place. It's time to use reality. It's time to use history and not some 1974 liberal Congress' idea of how we get the government taking over everybody's lives. That's no way to run government unless you're in some country besides the United States of America.

There's an old saying in this town, Mr. Speaker: No matter how cynical you get, it's never enough to catch up.

In my 6½ years here in Congress, I've found that's certainly true because you want to trust everybody. You want to believe that when people say things in this town it's true, but then you find out, for example, that you can have a leader of the country tell everybody that we need to go after the Big Oil companies. They're having massive profits, and we're going after those companies. Then you find out that the bill that's produced to go after those companies has no adverse effect on those companies whatsoever, and in fact, it will make them even bigger profits than they might have ever imagined.

Now, I know there have been some issues about the bill title, "American Jobs Act of 2011," and yes, I am the one who filed the American Jobs Act of 2011.

□ 1510

I think it will be a wonderful thing when we in this body can work together. We can have our disagreements. I found, in a deacon body, even though there was a lot of nasty, mean things said, that if we had prayer together and we came together, we had meals together, we could work together.

One of the things that's so troubling on this floor is when people come so close to impugning the integrity of other people. I know some people that have diametrically opposed views of how this country should work, but I know in their heart they want the country to work well and succeed. I just believe from history they're wrong, but there are people in this body who you might think we were so far from each other politically that we wouldn't want to have anything to do with each other.

DENNIS KUCINICH is one of those people that is quite far afield from me on

so many political issues, but DENNIS has never lied to me; he has always been up front. I find him to be a man of conviction, and I find him refreshing. MARCY KAPTUR and I disagree on many issues, maybe most issues, but I know she is a person of integrity. She has never lied to me; she has never been anything but honest with me.

There are numerous people. Bill Delahunt and I would spar in Judiciary Committee many, many times, other committees, subcommittees, here on floor; but I always found Bill Delahunt—what I would call a liberal from Massachusetts, a Democrat—to be an honorable man, a man of integrity, and I believe with all my heart that he had a heart for this country and he wanted to see it work.

We ought to be able to work together when people realize that we have got common goals, the common goal being the good of the country. So let's at least find things we could agree on.

When I was engaged in trials—and I have been involved in many trials as an attorney, and as a judge, and then oversaw them briefly as a chief justice, but engaged as a lawyer—there were many times when we started in the discovery process that I told opposing counsel, we can do this one of two ways. We can fight, scrape and fuss over every question, over every interrogatory, over every deposition, but we both know the rules require certain things will need to be produced, that certain things will need to be disclosed.

So I would prefer to do it that way, amicably, and the people that win are the clients because they don't have to pay near as much money. Because it doesn't take near as much time if you can agree on the things that you know you are going to have to produce and quit having a motion to compel, a motion to protect, all this kind of stuff.

Sometimes we had attorneys that could work together well, and sometimes they would hit me with a discovery demand out of the blue that was so grossly unfair, but not illegal, that you would find out, okay, this is the way you want to go. I didn't want to go this way, but I believe so strongly in the interests of the person I am representing and believe so strongly in the process, itself, that if you want a fight, you will have a fight.

If somebody is going to travel around the country, condemning me and other people in this body for refusing to pass a bill, knowing that that bill does not exist, it is not in existence because legally it has not been filed, then we are going to do some battle over that. If I am going to be condemned for a week for refusing to pass an American Jobs Act of 2011, well, after 6 days or so, it's time to have an American Jobs Act that we can pass or at least that I could go along with.

I would certainly like, Mr. Speaker, the President and others to know I am

flexible, but the corporate tax is one of the most insidious taxes that we have in this country because it's not an honest tax. Governments had represented to voters for years and years that we have got this tax over here. We go after the mean, evil, greedy corporations—and some do have greed as a material factor in their business—but the thing is, that's not what a corporate tax is about.

A corporation cannot stay in existence if they don't have their customers or clientele pay the corporate tax. So a corporate tax is not actually a tax on a corporation. A corporate tax is, instead, requiring the corporation to be the collection agent. Oh, make no mistake, that tax will come from the rank-and-file people across this great country. They're the ones that are going to pay that tax. The corporations are a collection agent. They collect the tax from their customers, and then they pass it on to the Federal Government.

The trouble is, in this country now, we have the highest corporate tax in the world, any developing nation for sure, 35 percent; in China, 17 percent, and they do cut deals where they will reduce it to zero tax for 5 years, I have been told by some people there. You get a deal—zero tax for 5 years and then gradually work up to 17.

Not here in the United States. We are going to slap a 35 percent tax on anything a company in America produces. That sure makes it tough to compete in the global market.

Now that we have got planes, ships that move so quickly, rail that goes across borders, it is important that we be able to compete in the global market. And if we are going to slap a 35 percent tariff on everything an American company produces in this country, they are going to have to move and go to a country where there is not such a high collection fee that corporations are required to collect in this country. They are going to go to a country like China that charges a lot less for a collection fee from the customers.

But if people could get their mind around the fact that it isn't making the greedy corporations pay, in fact, the greediest corporations are the ones that don't pay anything. You know, we found out that the close cronies of the President at GE are able not to pay any tax, but the mom-and-pop-type small business corporations, they are having to pay the tax.

Gibson is employing a lot of people. I got a Gibson guitar when I was 8 years old, a fantastic guitar. We are going to send in armed agents to harass those people. That's no way to draw business back into this country.

You reduce the corporate tax. If you reduce it at all, the more you reduce it, the more jobs are going to come back because that means more and more corporations will be able to compete in the global market, and they'll be able

to come back here, union members, not the government union members—and that seems to be where union leadership wants to go these days. Forget the manufacturing unions. We are driving those jobs out of America. But any historian will tell you, when a nation that is protecting other nations—and we are; we are protecting the free world—that requires that nation to have a military.

Any nation that cannot provide its own military with the things it needs to protect itself—that means steel; it means all kinds of metal; it means gunpowder; it means, actually, uranium as we have nuclear subs and ships; it means wood products; it means tires. We are buying tires for Humvees from China these days. Excuse me? We have to be able to have no supply line to be able to provide the things that we in this country need to defend ourselves and provide them in this country. It's time to quit driving companies, including manufacturing jobs, out of the country. This bill drives more jobs out.

You have got to have energy. Those that are familiar with the Battle of the Bulge can dispel the myth that some think, gee, the war was won before the Battle of the Bulge.

□ 1520

Some say they buy into the Russians' explanation that we had whipped the Germans all by ourselves, we didn't need the allies otherwise, but if you really study the Battle of the Bulge, what won that for the Allies was the fact that the Germans were running out of gasoline.

So what does the President do to help us? He said go against and take the profits of these massive, big oil companies. Instead, page 151 through 154, he rips the heart out of the independent oil and gas industry.

In order to drill a well in America, you have to raise capital. If you're one of the majors like Exxon, like British Petroleum, the dear friends of the President, if you're one of those big companies, you've got enough money of your own. You're capitalized; you can do these things. But for over 94 percent of the wells drilled in the continental United States, they're raising money. They have to raise capital. Well, this knocks the fool out of their ability to raise capital. Not only that, it repeals the deductions that are not even available to any company that produces more than a thousand barrels of oil a day. That's the majors.

So all this will do is eliminate over 94 percent of the wells drilled in the continental United States. The result will be a higher cost of oil. It will make even more profits for the President's friends at British Petroleum. British Petroleum is friends of the President, they love the cap-and-trade idea, and they're going to love this bill by the President.

Also, we know, we've heard complaint after complaint from State after State, and they're saying, You are giving us so many unfunded mandates. We just can't take this any more. Stop already. We just can't stand this kind of help much longer.

So if you look through this bill, you end up finding out there is a little provision—and, like I say, I was up until about 5 a.m. Tuesday going through this lovely thing, but there is a provision at the bottom of one of the pages, rather obscure, and my staff made copies. I've got the best staff in the world, but I don't believe they got my tag back on that page. The title of the little section is Federal and State Immunity, but then you read the section, it has nothing to do with Federal immunity. Under the law, the Federal Government and the State government are immune from being sued, but in that provision it actually says that, gee, if a State accepts any money at all from the Federal Government, any money at all, then they have effectively waived their sovereign immunity and are therefore subject to suit.

I just found it. It's page 133:

"A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity." It goes on.

So at a time when States say we can't afford any more unfunded mandates, the President proposes a bill to let them get sued a bunch more by people who are unemployed. That's just got to be great news.

And we're seeing the hearings go on about Solyndra. This administration, it appears from the evidence, we'll get the final verdict later, but they rushed in to give them \$500 million of stimulus money so crony capitalism could occur and certain people could engorge themselves, and all at the taxpayers' expense, and it turns out that probably future generations will be paying for that.

If you like the way that was handled, you've got to be reassured, because in this bill there are a number of references that green programs, like Solyndra, will have priority, and we'll rush a lot more money out there.

There are a lot of things we could agree on in that bill that the President never had anybody willing to file. There was a provision for a payroll tax holiday. Well, you would figure I'd support that. I'm the guy who proposed it 3 years ago and personally explained it to the President and Larry Summers in January of 2009. But it sure would've been better if we did it before this administration squandered \$4.5 trillion more than we brought in. We could've given everything in the United States

who pays income tax a tax holiday for 3 years, and it would've only run up \$3.6 trillion. We would have saved \$900 billion. If you don't think that people having all of their own income tax from 3 years would've stimulated this economy, then you need to embrace this President's bill because you'll love it.

Nonetheless, there are things that we could agree on. Both Houses, both parties, I think, agree that we were willing to sell some more broadband spectrum. That's there in the bill, but then he uses that as a platform to create another bureaucracy, a Big Brother coming into your computer, because it's the Public Safety Broadband Corporation that's created and will just really make sure that Big Brother government intrudes in your life.

When you boil it all down, we have a moral problem in America. The Founders continually pointed to God and said that's where we need to have our focus. As Ben Franklin said, without His concurring aid, we will succeed in our political building no better than the builders of Babel. We'll be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

So whether anybody believes in God or not, as the Founders did, over a third of the Declaration of Independence signers were not just Christians, they were ordained ministers, to take one's eyes off of self and put them on something higher and greater avoids the kind of engorgement, the self-satisfaction, the self-emphasis that we've gotten into. That's the reason you run up trillions of dollars of debt without any regard for the children, the grandchildren, and the generations to come.

I have to make this personal note reference. It breaks my heart to see that in college football. Nobody loves college football more than I do. I attended Texas A&M, and I know a lot of people are excited about Texas A&M perhaps going to the Southeastern Conference for money. All about money. The traditions of Texas A&M make it unique and I think the greatest public institution of higher education in the country. I'm very proud of it, but it's the traditions. And now we see that over a hundred years of tradition, going back to 1876, are ready to be thrown away for money. Just money. Greed money. Forget tradition that makes your institution great. Forget it all. Forget the State rivalries. Forget it all. We're talking about cash.

Isn't that what got us in trouble in this country in the first place, when we put cash, greed for ourselves above the interests of the country or the institutions we represent?

To close with this example, my senior year in the Corps Cadets, I was the second level below the Corps commander. I was one level right below the commander. There were four of us at

that level, major unit commanders. There was a Corps commander. He didn't get along very well. He didn't play very well with others. And the first meeting we had, all of the senior leaders in the Corps Cadets, he had his staff put together tables end to end. He got up there with a corncob pipe like MacArthur, walked up and down and condescended and cajoled all his classmates like they were 2-year-olds.

□ 1530

I approached him after the meeting and I said, Man, these guys have seen you naked. We're all classmates. We're all friends. You need to try to work together. Don't just condemn everybody. And I think if we could get to that level in here—not that we run around naked together—but just where we can work together as friends, disagreeing on issues.

But unless one person has a 100 percent lock on God's truth 100 percent of the time, we should listen to each other, not condemn each other; and we can get these things worked out, put greed aside and help this country last 200 more years.

With that, Mr. Speaker, I yield back the balance of my time.

REPORT REGARDING ICELAND'S COMMERCIAL WHALING ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-54)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Natural Resources and ordered to be printed:

To the Congress of the United States:

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M.

Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland's sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland's exports of whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and

State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6 months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.

THE WHITE HOUSE, September 15, 2011.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEBSTER (at the request of Mr. CANTOR) for today on account of attending a memorial service for David Bitner.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 2011, at noon.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

MARK E. AMODEI, Nevada Second.

ROBERT L. TURNER, New York Ninth.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Caputo, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck"

Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Guterrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A. S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Insee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNerney, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher,

Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Robert L. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner*, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu*, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3104. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act in the Rural Utilities' Distance Learning, Telemedicine, and Broadband (Broadband) Programs account, 12-1232; to the Committee on Appropriations.

3105. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-05; to the Committee on Appropriations.

3106. A letter from the Secretary, Department of the Treasury, transmitting a report entitled "Report to the Congress on Secured Creditor Haircuts"; to the Committee on Financial Services.

3107. A letter from the Secretary, Department of the Treasury, transmitting As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3108. A letter from the Under Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3109. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting the Department's report entitled, "Country Reports on Terrorism 2010"; to the Committee on Foreign Affairs.

3110. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3111. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2010 and June 30, 2011; to the Committee on Oversight and Government Reform.

3112. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Ombudsman report to Congress for the year 2009; jointly to the Committees on Energy and Commerce and Ways and Means.

3113. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Evaluation of the National Competitive Bidding Program For Durable Medical Equipment, Prosthetics, Orthotics, and Supplies"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. H. Res. 399. A resolution providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes (Rept. 112-207). Referred to the House Calendar.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2401. A bill to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes; with an amendment (Rept. 112-208). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2646. A bill to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes; with an amendment (Rept. 112-209). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POLIS:

H.R. 2935. A bill to authorize the full funding of part B of the Individuals with Disabilities Education Act by making certain spending cuts to the Department of Defense; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. DONNELLY of Indiana, Mr. ALTMIRE, Mr.

BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, and Mr. SHULER):

H.R. 2936. A bill to amend the Small Business Jobs Act of 2010 with respect to the Small Business Administration's Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. UPTON (for himself and Mr. DINGELL):

H.R. 2937. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. FLAKE, Mr. GOSAR, Mr. QUAYLE, and Mr. SCHWEIKERT):

H.R. 2938. A bill to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Natural Resources.

By Ms. SLAUGHTER:

H.R. 2939. A bill to provide for the disposal of drugs pursuant to national pharmaceutical stewardship programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 2940. A bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D; to the Committee on Financial Services.

By Mr. QUAYLE (for himself, Mr. PAUL, Mr. MCHENRY, Mr. YODER, Mr. HULTGREN, Mr. SMITH of Texas, and Mr. DOLD):

H.R. 2941. A bill to make the internal control reporting and assessment requirements of the Sarbanes-Oxley Act of 2002 optional for certain smaller companies; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself, Mr. GRAVES of Missouri, Mr. TERRY, Mr. LATHAM, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBSACK, Mr. FORTENBERRY, Mrs. NOEM, Mr. LUETKEMEYER, Mrs. HARTZLER, and Mr. CLEAVER):

H.R. 2942. A bill to direct the Chief of the Army Corps of Engineers to revise the Missouri River Mainstem Reservoir System Master Water Control Manual to ensure greater storage capacity to prevent serious downstream flooding; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Kentucky:

H.R. 2943. A bill to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. SCOTT of Virginia):

H.R. 2944. A bill to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. WALSH of Illinois:

H.R. 2945. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 2946. A bill to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. CRAVAACK:

H.R. 2947. A bill to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Ms. NORTON, Mr. CICILLINE, Ms. BASS of California, Ms. SLAUGHTER, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. TONKO, Mr. GUTIERREZ, Ms. CLARKE of New York, Mr. JACKSON of Illinois, Mr. ELLISON, Mrs. CAPPS, Mr. BLUMENAUER, Mr. TIERNEY, Ms. RICHARDSON, Mr. NADLER, Ms. ESHOO, and Mr. COHEN):

H.R. 2948. A bill to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts, as well as community colleges, across America in order to support the achievement of improved educational outcomes in those schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DONNELLY of Indiana (for himself, Mr. BOREN, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, and Mr. SHULER):

H.R. 2949. A bill to amend the Small Business Act with respect to goals for procurement contracts awarded to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. DONNELLY of Indiana (for himself, Mr. BOREN, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SHULER, and Mr. MICHAUD):

H.R. 2950. A bill to amend the Small Business Jobs Act of 2010 with respect to small business access to capital, and for other purposes; to the Committee on Small Business.

By Mr. FORBES (for himself, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. HENSARLING, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. PITTS, Mrs. BLACKBURN, Mrs. ELLMERS, Mr. LATTA, Mr. CANSECO, Mr. PENCE, Mr. NUNNELEE, Mr. WITTMAN, Mr. MILLER of Florida, Mr. HUELSKAMP, and Mr. FLEMING):

H.R. 2951. A bill to intensify stem cell research showing evidence of substantial clinical benefit to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. CRAVAACK, Mr. BROOKS, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. LATTA, Mr. MCKINLEY, Mr. GINGREY of Georgia, Mr. JOHNSON of Ohio, Mr. ROYCE, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. POSEY, Mr. GOHMERT, Mr. FLORES, Mr. DUNCAN of South Carolina, Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. SCALISE):

H.R. 2952. A bill to provide for expedited removal of certain aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself and Mr. STARK):

H.R. 2953. A bill to require States to take certain additional steps to assist children in foster care in making the transition to independent living, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Ms. BASS of California, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BROOKS, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CHU, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Mr. FALOMAVAEGA, Mr. FATTAH, Ms. FUDGE, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. KUCINICH, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Mr. PIERLUISI, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. RUSH, Mr. SABLAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. SIREN, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT, Ms. WILSON of Florida, and Ms. WOOLSEY):

H.R. 2954. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Budget, Veterans' Affairs, Armed Services, Agriculture, the Judiciary, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 2955. A bill to amend title 10, United States Code, to clarify the requirement of the Department of Defense to procure footwear from American sources; to the Committee on Armed Services.

By Ms. MOORE (for herself and Ms. FUDGE):

H.R. 2956. A bill to amend title 39, United States Code, to provide for additional criteria for the United States Postal Service to consider with respect to closing or consolidating a post office, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NADLER:

H.R. 2957. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 2958. A bill to provide a short-term disability insurance program for Federal employees for disabilities that are not work-related, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NUNES (for himself, Mr. KIND, Mr. BLUMENAUER, Mr. COLE, Mr. LUCAS, Mr. RANGEL, Mr. CALVERT, Mr. JOHNSON of Illinois, Mrs. ELLMERS, Mr. MARCHANT, Mr. SIMPSON, Mr. LATHAM, Mr. BOSWELL, Mr. DENHAM, Mr. BOREN, Mrs. CAPPS, and Mrs. NOEM):

H.R. 2959. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSON (for himself, Mr. GUTHRIE, and Mr. SESSIONS):

H.R. 2960. A bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes; to the Committee on Energy and Commerce.

By Mr. POMPEO (for himself, Mr. LANFORD, Ms. JENKINS, Mr. HUELSKAMP, Mr. YODER, Mr. LUCAS, Mr. BOREN, Mr. COLE, Mr. SULLIVAN, and Mr. GRIFFITH of Virginia):

H.R. 2961. A bill to amend the Patient Protection and Affordable Care Act to have Early Innovator grant funds returned by States apply towards deficit reduction; to the Committee on Energy and Commerce.

By Mr. REED (for himself, Mr. PASCRELL, Mr. NUNES, Mr. LARSON of Connecticut, Mr. HERGER, and Mr. PITTS):

H.R. 2962. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 2963. A bill to authorize the Secretary of Housing and Urban Development to provide grants to eligible nonprofit organizations to provide specialized housing and social services to elderly individuals who are the primary caregiver of a child that is related to such individual; to the Committee on Financial Services.

By Mr. YODER (for himself, Mr. MCHENRY, Mr. QUAYLE, Mr. HUELSKAMP, Mr. FLEMING, Mr. LANDRY, Mr. POSEY, Mr. PRICE of Georgia, Mr. FLORES, Mr. DUNCAN of South Carolina, Mrs. MYRICK, Mr. PITTS, Mr. BRADY of Texas, Mr. ROE of Tennessee, Mr. HERGER, Mr. ROKITA, Mr. POMPEO, and Mr. LABRADOR):

H.R. 2964. A bill to amend the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Rules, and the

Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Illinois:

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress that the United Nations or NATO should investigate the treatment of black Africans in Libya; to the Committee on Foreign Affairs.

By Mr. GRIJALVA (for himself and Mr. HINOJOSA):

H. Res. 400. A resolution expressing the sense of the House of Representatives that a National Hispanic-serving Institutions Week should be established, and commemorating the 25th anniversary of the Hispanic Association of Colleges and Universities; to the Committee on Education and the Workforce.

By Mr. LEVIN (for himself, Mr. HOLDEN, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. RANGEL, Mr. RYAN of Ohio, Ms. KAPTUR, Ms. SLAUGHTER, Mr. GERLACH, Mr. BARTLETT, Mr. NADLER, Mr. TOWNS, and Mrs. LOWEY):

H. Res. 401. A resolution observing the 20th anniversary of Ukrainian independence and expressing strong and continued support to the Ukrainian people for their efforts toward ensuring democratic principles, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YODER (for himself, Mr. MCHENRY, Mr. QUAYLE, Mr. HUELSKAMP, Mr. FLEMING, Mr. SOUTHERLAND, Mr. PRICE of Georgia, Mr. ROKITA, Mr. POMPEO, and Mr. LABRADOR):

H. Res. 402. A resolution expressing the sense of the House of Representatives that the Office of Management and Budget should direct all Federal agencies to postpone for one year the implementation of major rules; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POLIS:

H.R. 2935.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BOREN:

H.R. 2936.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution.

By Mr. UPTON:

H.R. 2937.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FRANKS of Arizona:

H.R. 2938.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. SLAUGHTER:

H.R. 2939.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 3, and 18 of Section 8 of Article I of the Constitution

By Mr. MCCARTHY of California:

H.R. 2940.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. QUAYLE:

H.R. 2941.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mr. KING of Iowa:

H.R. 2942.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14 gives Congress the authority to make rules for the government and regulation of the land and naval forces.

By Mr. DAVIS of Kentucky:

H.R. 2943.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defense and general Welfare of the United States."

By Mr. SMITH of Texas:

H.R. 2944.

The authority to enact this bill is derived from, but not limited to, Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. WALSH of Illinois:

H.R. 2945.

Congress has the power to enact this legislation pursuant to the following:

"The Congress shall have the power to lay and collect taxes, duties, imposts and excises,..." Article I Section 8 of the U.S. Constitution.

By Mr. COHEN:

H.R. 2946.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. CRAVAACK:

H.R. 2947.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the United States Constitution.

By Ms. DELAURO:

H.R. 2948.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution

By Mr. DONNELLY of Indiana:

H.R. 2949.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8, Cl. 3 "To regulate commerce among foreign nations and the several states."

By Mr. DONNELLY of Indiana:

H.R. 2950.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8, Cl. 3 "To regulate commerce among foreign nations and the several states."

By Mr. FORBES:

H.R. 2951.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18

By Mr. HUNTER:

H.R. 2952.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article 1, Section 8 grants Congress the authority to provide for the common defense and general welfare of the United States and Clause 4 of Article 1, Section 8 states that Congress shall "establish a uniform Rule of Naturalization."

By Mr. LANGEVIN:

H.R. 2953.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Ms. LEE of California:

H.R. 2954.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MICHAUD:

H.R. 2955.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. MOORE:

H.R. 2956.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 8 of article I of the Constitution regarding the power to "establish Post offices and Post Roads."

By Mr. NADLER:

H.R. 2957.

Congress has the power to enact this legislation pursuant to the following:

Article 1, sec. 8, cl. 4 ("To establish a uniform Rule of Naturalization"), and cl. 18

("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.")

By Ms. NORTON:

H.R. 2958.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

By Mr. NUNES:

H.R. 2959.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. OLSON:

H.R. 2960.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers)

By Mr. POMPEO:

H.R. 2961.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. REED:

H.R. 2962.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 7, and Article I, Section 8 of the United States Constitution.

By Mr. SERRANO:

H.R. 2963.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof. (Article 1, Section 8, Clause 18)

By Mr. YODER:

H.R. 2964.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. DENT and Mr. SHIMKUS.
H.R. 25: Mr. HUNTER.
H.R. 157: Mr. CASSIDY and Mrs. CAPITO.
H.R. 210: Mr. DOYLE and Ms. WATERS.
H.R. 237: Mr. CICILLINE.
H.R. 302: Mr. CALVERT.
H.R. 329: Mr. SCHOCK.
H.R. 360: Mr. SCHILLING.
H.R. 374: Mr. AUSTIN SCOTT of Georgia.
H.R. 436: Mr. MCINTYRE.
H.R. 452: Mr. LOBIONDO.
H.R. 583: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 610: Mr. GALLEGLY.
H.R. 667: Mr. CONYERS.
H.R. 676: Ms. SEWELL.
H.R. 693: Mr. FITZPATRICK.
H.R. 718: Ms. SUTTON, Mr. BACA, Mr. GARRETT, Mr. BERMAN, Mr. STEARNS, Ms. KAPTUR, Ms. SLAUGHTER, and Mr. ROSS of Florida.
H.R. 719: Ms. JENKINS.
H.R. 721: Mr. DUNCAN of South Carolina and Mr. DUFFY.
H.R. 733: Mr. KING of New York.
H.R. 750: Mrs. BLACK, Mr. GUINTA, Mr. GRAVES of Missouri, Mr. FLORES, and Mr. DESJARLAIS.
H.R. 757: Mr. ROTHMAN of New Jersey.
H.R. 758: Mr. DUNCAN of Tennessee.
H.R. 797: Mr. FARR.
H.R. 800: Mr. FITZPATRICK.
H.R. 812: Mr. CARSON of Indiana.
H.R. 817: Mr. CALVERT.
H.R. 854: Mr. THOMPSON of California.
H.R. 860: Mr. JOHNSON of Ohio, Mr. FORBES, Mr. GUTIERREZ, Mr. BOUSTANY, Mr. GRIFFIN of Arkansas, and Mr. FATTAH.
H.R. 873: Mr. HOLT.
H.R. 886: Mr. SERRANO and Mr. LATHAM.
H.R. 894: Mr. DEFazio.
H.R. 935: Mr. GERLACH.
H.R. 973: Mr. GARY G. MILLER of California.
H.R. 1031: Ms. CASTOR of Florida and Mr. RANGEL.
H.R. 1037: Mr. PLATTS.
H.R. 1040: Mr. HUNTER.
H.R. 1063: Mr. BACA, Mr. DUNCAN of Tennessee, Ms. PINGREE of Maine, Ms. LORETTA

SANCHEZ of California, Mr. ENGEL, Mr. JOHNSON of Illinois, and Mr. HEINRICH.

H.R. 1103: Mr. CARSON of Indiana.

H.R. 1116: Mr. SMITH of Washington and Mr. MILLER of North Carolina.

H.R. 1155: Mr. QUIGLEY.

H.R. 1167: Mr. GOWDY.

H.R. 1171: Mr. INSLEE and Mr. LOBIONDO.

H.R. 1206: Mr. YOUNG of Indiana and Mr. DUNCAN of South Carolina.

H.R. 1219: Mr. PETERS, Mr. LOEBSACK, Mr. GRIJALVA, and Mr. LUJAN.

H.R. 1240: Ms. CHU.

H.R. 1244: Mr. OWENS, Mr. GRIJALVA, and Mrs. NOEM.

H.R. 1262: Mr. GRIJALVA.

H.R. 1297: Mr. MILLER of North Carolina.

H.R. 1351: Ms. BROWN of Florida and Mr. CARNEY.

H.R. 1418: Ms. BERKLEY and Mr. RYAN of Ohio.

H.R. 1426: Mr. McDERMOTT, Mr. KILDEE, and Ms. ZOE LOFGREN of California.

H.R. 1434: Mr. BROOKS.

H.R. 1451: Ms. ZOE LOFGREN of California and Mr. YOUNG of Alaska.

H.R. 1465: Mr. BUTTERFIELD.

H.R. 1506: Mr. HIMES.

H.R. 1509: Mrs. BLACK, Mr. BOUSTANY, Mr. BERG, Mr. CONAWAY, and Mr. FARENTHOLD.

H.R. 1533: Ms. HOCHUL, Mrs. NAPOLITANO, Mr. OWENS, Mr. RIGELL, Mr. BILIRAKIS, and Mr. ANDREWS.

H.R. 1537: Mr. LARSON of Connecticut.

H.R. 1546: Mr. LOBIONDO.

H.R. 1633: Mr. ROGERS of Alabama.

H.R. 1639: Mr. HUNTER.

H.R. 1648: Mr. SCOTT of Virginia, Mrs. DAVIS of California, Ms. CASTOR of Florida, Ms. WATERS, and Mr. HIGGINS.

H.R. 1653: Mr. GRAVES of Missouri.

H.R. 1666: Mr. KILDEE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1723: Ms. WILSON of Florida and Mr. WILSON of South Carolina.

H.R. 1738: Mr. MICHAUD and Mr. LOBIONDO.

H.R. 1754: Mr. TONKO and Mr. SCHIFF.

H.R. 1755: Mr. SOUTHERLAND.

H.R. 1756: Mr. DUNCAN of South Carolina, Mr. GERLACH, and Mr. PLATTS.

H.R. 1780: Mr. HOLT.

H.R. 1781: Mr. SARBANES, Mr. RUSH, Ms. SCHWARTZ, Mr. WAXMAN, and Ms. DELAURO.

H.R. 1803: Mr. GARY G. MILLER of California.

H.R. 1815: Mr. GALLEGLY.

H.R. 1834: Mr. PITTS and Mr. DUNCAN of South Carolina.

H.R. 1867: Mr. ROSS of Florida.

H.R. 1895: Mr. CASSIDY.

H.R. 1897: Mr. ALTMIRE.

H.R. 1905: Mr. DUFFY, Ms. ESHOO, and Mr. WEST.

H.R. 1946: Ms. HERRERA BEUTLER and Mrs. CAPITO.

H.R. 2005: Mr. RUNYAN, Mr. MARKEY, Mr. MATHESON, Mr. LANCE, Mr. GONZALEZ, Mr. WOLF, and Mr. TOWNS.

H.R. 2040: Mr. MANZULLO and Mr. GOHMERT.

H.R. 2059: Mr. SMITH of New Jersey.

H.R. 2063: Mr. PETERS.

H.R. 2086: Mr. ELLISON and Mr. LYNCH.

H.R. 2088: Mr. DOGGETT, Mr. HIGGINS, and Mr. STARK.

H.R. 2106: Mr. CALVERT, Mr. CANSECO, Mr. MCKINLEY, and Mr. SHIMKUS.

H.R. 2108: Mr. FLORES.

H.R. 2123: Mr. MURPHY of Connecticut.

H.R. 2229: Ms. WOOLSEY.

H.R. 2245: Mr. DEFazio and Ms. PINGREE of Maine.

H.R. 2250: Mr. FLAKE.

H.R. 2256: Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. MCNERNEY, Mr. LIPINSKI, Mr. HIMES, and Mr. HIGGINS.

H.R. 2273: Mr. CAMP, Mr. ROGERS of Alabama, Mr. DENT, Mr. BISHOP of Utah, Mr. ROONEY, Mr. SENSENBRENNER, and Mrs. EMERSON.

H.R. 2299: Mr. LATHAM and Mr. GARY G. MILLER of California.

H.R. 2341: Mr. HEINRICH and Mr. PAYNE.

H.R. 2353: Mr. HOLDEN, Ms. RICHARDSON, and Ms. SUTTON.

H.R. 2362: Ms. RICHARDSON, Mr. INSLEE, and Mr. BOREN.

H.R. 2387: Mr. MILLER of Florida and Mr. HULTGREN.

H.R. 2401: Mr. ROGERS of Alabama, Mr. BONNER, and Mrs. EMERSON.

H.R. 2404: Mr. GUTIERREZ.

H.R. 2433: Mr. GUINTA and Mrs. NOEM.

H.R. 2446: Mr. MANZULLO.

H.R. 2447: Ms. FOXX, Mr. WEBSTER, Ms. BASS of California, Mr. BACHUS, Mr. AL GREEN of Texas, and Mrs. CHRISTENSEN.

H.R. 2459: Mr. HARPER and Mr. DEFazio.

H.R. 2479: Ms. JACKSON LEE of Texas.

H.R. 2481: Mr. BURTON of Indiana.

H.R. 2492: Mr. KILDEE and Ms. WOOLSEY.

H.R. 2500: Mr. TONKO.

H.R. 2505: Mr. GUTIERREZ.

H.R. 2513: Mrs. NAPOLITANO.

H.R. 2514: Mrs. BLACK and Mr. GUINTA.

H.R. 2530: Mr. DEUTCH.

H.R. 2563: Mr. MARCHANT, Mr. HULTGREN, and Mr. GRIMM.

H.R. 2600: Mr. SCHOCK, Mr. JOHNSON of Ohio, and Mr. TONKO.

H.R. 2659: Mr. FARR.

H.R. 2675: Mr. BURTON of Indiana.

H.R. 2681: Mr. ROGERS of Alabama, Mr. CRITZ, Mr. POMPEO, Mr. SOUTHERLAND, and Mrs. EMERSON.

H.R. 2698: Mr. DICKS and Mr. DEFazio.

H.R. 2705: Mr. MCNERNEY, Mr. STARK, Mr. LUJAN, Mr. FILNER, Mrs. NAPOLITANO, and Mr. CAPUANO.

H.R. 2752: Mr. DUNCAN of South Carolina.

H.R. 2774: Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. FLORES, and Mr. FLEMING.

H.R. 2796: Mr. RIBBLE.

H.R. 2798: Mr. ELLISON, Mr. GRIJALVA, and Mr. CLAY.

H.R. 2799: Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. PAYNE, Mr. RUSH, Ms. BROWN of Florida, Mr. KUCINICH, Ms. NORTON, Mr. RANGEL, Mr. CLAY, Ms. WOOLSEY, and Mr. ELLISON.

H.R. 2800: Mr. ELLISON, Mr. GRIJALVA, and Mr. CLAY.

H.R. 2823: Ms. LEE of California.

H.R. 2829: Mrs. ADAMS, Mr. CANSECO, Mr. DIAZ-BALART, Ms. FOXX, Mr. GOSAR, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. KELLY, Mr. LANDRY, Mr. MEEHAN, Mr. SMITH of Nebraska, and Mr. SHIMKUS.

H.R. 2833: Mr. ROSKAM, Mr. FARENTHOLD, and Mr. CALVERT.

H.R. 2835: Mr. RICHMOND and Ms. CHU.

H.R. 2840: Mr. LATOURETTE.

H.R. 2847: Mr. CARTER.

H.R. 2852: Mr. HUNTER.

H.R. 2856: Mr. REED.

H.R. 2883: Mr. MARCHANT, Mr. BOUSTANY, Mr. STARK, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. LEVIN, Mr. BERG, Mr. CROWLEY, Mr. REED, Mr. REICHERT, Mr. TIBERI, Mr. ROSKAM, Mr. McDERMOTT, and Mr. LANGEVIN.

H.R. 2885: Mr. McCLINTOCK, Mr. CULBERSON, Mr. QUAYLE, Mr. CARTER, and Mr. STIVERS.

H.R. 2897: Mr. GRIFFIN of Arkansas.

H.R. 2898: Mr. RIGELL and Mr. CALVERT.

H.R. 2914: Mr. MCGOVERN and Mr. GEORGE MILLER of California.

H.R. 2919: Mrs. ROBY and Mr. JONES.

H.R. 2925: Mr. SHIMKUS.

H.J. Res. 69: Mr. LOBIONDO and Mr. SCOTT of Virginia.

H.J. Res. 73: Mr. QUAYLE.

H. Con. Res. 72: Mr. TONKO, Ms. PINGREE of Maine, Mr. McDERMOTT, Mr. SABLAN, and Mr. BACA.

H. Con. Res. 77: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McCAUL, and Mr. WALSH of Illinois.

H. Con. Res. 78: Mr. MICHAUD, Mr. TOWNS, and Mr. MORAN.

H. Res. 137: Mr. PASTOR of Arizona.

H. Res. 231: Mr. HONDA and Mrs. NAPOLITANO.

H. Res. 253: Mr. GOODLATTE and Mr. CALVERT.

H. Res. 271: Mr. LUETKEMEYER.

H. Res. 298: Mr. PLATTS and Mr. MICHAUD.

H. Res. 364: Mr. COURTNEY, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. BROUN of Georgia, Mr. KINZINGER of Illinois, Mr. NUGENT, Mr. SOUTHERLAND, Mr. MURPHY of Pennsylvania, Mr. GOHMERT, and Mr. MARINO.

H. Res. 394: Mr. AUSTIN SCOTT of Georgia, Mr. GOHMERT, Mrs. BLACKBURN, Mr. GAR-

RETT, Mr. SCHILLING, Mr. FLEISCHMANN, Mr. LANDRY, Mr. RUNYAN, and Mr. CHAFFETZ.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.J. Res. 79 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.J. Res 79, the Continuing Appropriations Resolution, 2012, do not contain any congressional ear-

marks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. FITZPATRICK.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CRITZ on House Resolution 310: Allyson Y. Schwartz.

Petition 2 by Mr. GOHMERT on the bill H.R. 1297: John Campbell, Phil Gingrey, Joe Wilson, Howard Coble.

SENATE—Thursday, September 15, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The PRESIDING OFFICER. Our friend, Rabbi Leslie Gutterman, rabbi for 40 years of the Temple Beth El in Providence, RI, will now lead the Senate in prayer.

The guest Chaplain offered the following prayer:

O God, whose spirit is with us in every righteous act, invoke Your blessing upon the elected representatives of our government. Enlighten with Your wisdom those whom the people have entrusted with the guardianship of our rights and liberties.

On this day, proclaimed as the International Day of Democracy, we pray that our country may ever be a beacon of freedom, justice, and peace. We pray for those in other lands who are oppressed and persecuted.

Grant that this new day not be lost to us. May it be filled with Your purpose and our labors rewarded by the satisfaction gained by all who pursue a life of righteousness, virtue, and honor. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The majority leader is recognized.

Mr. REID. Mr. President, I yield the floor to the Senator from Rhode Island at this time.

WELCOMING RABBI GUTTERMAN

Mr. REED. Mr. President, I rise to thank and commend Senator WHITEHOUSE for inviting Rabbi Leslie Gutterman here to deliver the prayer.

Les Gutterman has been an extraordinary figure in our State, a man of great wisdom, compassion and kindness, who has, since 1970, contributed extraordinarily to the State of Rhode Island and to the people of Rhode Island.

His congregation goes far beyond denominational lines. He is literally the rabbi for everyone. In fact, he is my rabbi, and I am pleased and proud to say that.

Mr. President, again, I am delighted to welcome Rabbi Gutterman here today.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is a great honor and a great pleasure to join my senior Senator JACK REED in welcoming Rabbi Leslie Gutterman from Providence, RI, here onto the Senate floor to open the Senate on this day by leading us in prayer.

Rabbi Gutterman is a personal friend, but he is more than that. He is a person of real significance in the Rhode Island community. He has served as the rabbi of Temple Beth El for 40 years, which means he has officiated at the weddings of the children of people whose bar mitzvahs at which he officiated, and he has officiated at the bar mitzvahs of the grandchildren of people whose weddings at which he officiated. He is an important part of the Rhode Island community. He has been described as a community asset and a moral compass for Rhode Island. In addition, he is just a beautiful person.

He and his wife Janet have come here today to join us, and we are very proud and delighted that we could share this moment of the morning with our colleagues and with Rabbi Gutterman.

I yield the floor back to the majority leader with great pride in the presence of Rabbi Gutterman on our floor this morning.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business for 1 hour. The majority will control the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of H.J. Res. 66, which is a joint resolution regarding Burma sanctions and the legislative vehicle for additional FEMA funding. The filing deadline for all first-degree amendments to the substitute amendment and to H.J. Res. 66 is 1 p.m. today. I filed cloture on the substitute amendment and on H.J. Res. 66 last night. If no agreement is reached, there will be a cloture vote on the substitute amendment on tomorrow morning. We hope to reach an agreement to complete action on the joint resolution as well as FAA and highway extension today. Senators will be notified when votes are scheduled.

REMEMBERING SENATOR MALCOLM WALLOP

Mr. REID. Mr. President, Malcolm Wallop of Wyoming is a man with whom I served in the Senate for approximately 10 years. He represented the State of Wyoming. During that time, I can remember the work he and Alan Simpson did together—Alan Simpson, another retired Senator from Wyoming. Senator Wallop died yesterday. He was 78 years old.

Senator Wallop was a fine man. His roots in Wyoming stem back to pioneer ancestors in the Big Horn. Although he was born in New York, he served his country admirably in the Army and then worked for many years as a cattle rancher and businessman before running for office. He was extremely good friends with the great Nevadan Paul Laxalt.

There were occasions when Malcolm and I didn't agree on political issues, but he was always an agreeable man, a very fine man. I honor his service today, both as a soldier and a Senator, and certainly will miss him, as everyone in Wyoming will and all of his colleagues who worked with him here in the Senate.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, in my office right across the hall, I have a wonderful picture painted by a Nevadan. It is a big painting, and it shows this handsome young man on this horse with all the trappings of a horse that is really nice, a nice horse and a beautiful saddle, and all the adornments on this man's clothes are good. I am sure the painting didn't take into consideration how he really looked when he arrived in the Las Vegas Valley because this

man, Rafael Rivera, was the first non-Indian to see the Las Vegas Valley, and I am sure he was worn out and tired because he was basically lost. He was part of a Spanish expedition, and he left them almost 100 miles from where he wound up in Las Vegas. But for us, Rafael Rivera is the person who founded Las Vegas. He was able to see this beautiful place in 1829, and as a result of that, we have a number of facilities named after Rafael Rivera, as well they should be, in Las Vegas Valley.

The picture is painted perfectly. It shows Las Vegas Valley's Sunrise Mountain. The difference is, there are no people there. Now there are 3 million people in Nevada, and we have little Sunrise Mountain there. In the painting, there is no one or anything around it, but of course now there are buildings and hotels and lots of activity there.

Today, though, Mr. President, I join more than 50 million Hispanic Americans in the United States in marking the first day of Hispanic Heritage Month. This celebration of history and culture lasts through October 15. So I look forward to the opportunity of bringing Hispanic heritage and all it has to Nevada and the rest of the country to honor the contributions of a population that is such an integral part of our national identity. For hundreds of years, Latinos have helped shape the face of this Nation.

I wrote a history of my birthplace, Searchlight, NV, and one of the interesting things I found in my research is that the railroad was built into Searchlight in the early 1900s, it is 26 miles, and it was a difficult railroad to build, but it was basically built by Mexicans who had come to the United States to do the labor that it took to do that. Some 7,000 of them built that railroad. It is not very long—26 miles long—but it took a lot of work to get it done.

So everywhere you go in America, everywhere especially you go in the West, you find contributions made by Hispanics. They have made contributions in the battlefield, in the workplace, and the classroom. They have spurred progress in the laboratory, playing field in all athletics, and, of course, in the halls of justice. They have shaped the way we farm and the way we do business. They have influenced our art and our literature. Construction sites of casinos and shopping centers around the State of Nevada—they have contributed mightily to that work that is being done and has been done.

The language has even influenced the name of the State of Nevada, which means "snow covered." Las Vegas means "the meadows" in Spanish.

Hispanic Americans have also played an important role in this Nation's Armed Forces, as I mentioned just a minute ago. They have served in every conflict since the Revolutionary War. Nearly 30,000 of them have fought for

our country in Iraq and Afghanistan and are still fighting. I thank them for their brave and dedicated service.

Every year, Latinos help propel contributions to our economy. More than 2.3 million Hispanic-owned businesses employ millions of Americans and provide crucial goods and services.

Mr. President, before leaving the subject of veterans and the good things they do, I want to make sure the Republican leader recognizes that we all celebrate a Kentuckian who today is going to be awarded the Medal of Honor, for this 23-year-old boy, in the fields of Afghanistan, saved the lives of about 40 soldiers—1 person. They had a wonderful piece on public broadcast today about his courage and what he did—of course wounded himself, but he carried people to and from battle and saved the lives, as I indicated, of a couple score of people. His name is Dakota Meyer. So I congratulate the Republican leader for having such fine people come from the State of Kentucky.

Today, the Senate recognizes the commitment of more than 50 million Hispanic Americans, family, community, and country. And that is the way it should be.

FEMA

Mr. REID. Mr. President, I want to spread on the record how much I appreciate the support of the Republicans in allowing us to be able to get on the FEMA bill. We are on that bill now. We have some amendments pending. If we are not able to work out an agreement on that today, we will have votes on a number of cloture issues relating to that most important legislation affecting millions of Americans who have been devastated by Mother Nature.

I am disappointed, however, in one of our Republican colleagues who at this stage is holding up something that is so vitally necessary.

The House sent us two pieces of legislation that passed overwhelmingly in the House, one that will keep 1.7 or 1.8 million people working on highway and other construction around the country dealing with highways. That is an extension of 6 months. They also sent to us a 4-month extension, fully funded, of the Federal Aviation Administration, also vitally important.

Unless my friend, the junior Senator from Oklahoma, agrees to allow us to go forward, one Senator will stop 80,000 people from working. I hope he will reconsider. The issue he has presented is a little unusual. He says he doesn't like bike paths being part of the highway bill. Well, for most Americans they are absolutely important. They are good for purposes of allowing people to travel without burning all the fossil fuel on the highways.

I got up this morning very early, and I went out and did my exercise. I am not exaggerating, there were scores, at

least 30 or 40 bikes—so scores may be a slight exaggeration—of people not just for exercise but traveling to work with backpacks on. That is what bike paths are all about.

We have told my friend the Senator from Oklahoma: If you don't like it, we will have a vote on it.

He said: I don't want a vote.

He said: Whatever I want, I want stuck in that bill.

We can't do that. That isn't what the House sent us, and we can't do that.

He said: Well, separate the two bills.

We have the bills from the House of Representatives. That is the arrangement we have made, and it is a good arrangement to get these two vitally important pieces of legislation passed so that we can keep people—almost 2 million people—working.

I am disappointed in that. I hope we can work something out during the day because it is really unfair for him to hold up this extremely important legislation.

There is not a State in the Union that does not have problems with 80,000 people laid off. In Nevada we have a new tower being built at McCarran Field. That is important. These people will have to stop working. That is wrong. One Senator? It is not fair to the Senate or to the country.

Will the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EYE-OPENING POVERTY

Mr. DURBIN. Mr. President, the report this week about the rate of poverty in America is an eye opener. The numbers that have been reported are

stunning. The number of Americans living in poverty now stands at 46.2 million people. That is an increase of 8.9 million since 2007, just in 4 years. This has increased significantly since the year 2000. The poverty threshold for a mother and father with two children is an annual income of \$22,000 a year. That is less than \$2,000 a month. So for that family of four, what we are seeing is 46 million Americans make less than that. I think all of us understand how difficult it is in this day and age to survive and raise a family, but this national poverty rate should be a wake-up call to us. I hope it puts a couple of things in perspective.

I spoke on the floor yesterday about visiting a warehouse in Champagne, IL, a warehouse for the food depositories in the area. It is a warehouse where they process and send out food for food pantries that are managed by local groups, churches and the like. Almost every State has them—I am sure they do. I was in this warehouse during the August recess to talk about the increased volume of people who are going to food pantries on a regular basis. I visit these food pantries to introduce myself to those who are coming in and to learn as much as they want to tell me about their circumstances.

At this warehouse in Champagne, IL, was a woman who was very attractive and well-dressed, standing there, and I assumed she worked at the warehouse. It turned out I was wrong because she said at one point she was a teacher's aide in the local school district. I thought, Why is she here? I kept thinking to myself, I wonder why she is here. Maybe she is on the board of this food depository. It turns out she was there to tell me her story. She is a single mom with two young children. She has a full-time job as a teacher's aide in the school district. Because her income is below the poverty level, she qualifies for not only food stamps but also uses these food pantries. She said to me she wanted to express her gratitude that we now have extended the SNAP program, the food stamp program, to include fresh produce, fruits, and vegetables. She said it means I can take my kids to the local farmers market and they get to meet the farmers and ask questions and hear stories about where these things come from, the fruits and vegetables we buy and, she said, I get to buy healthy food to give to my kids.

I never would have picked her out of a crowd as a person who needed help to feed her children—and she did. She told me: Without this, I would be struggling. It is an eye opener for all Americans, when we hear 46 million of us are living in poverty. These are our neighbors, our friends, the people with whom we go to church. These are folks you may see in the store. They are people who are struggling, many of them working but not making enough money. Some have full-time jobs,

many have part-time jobs. It is a reminder, as we get into this deficit debate, never to lose sight of the safety net in America.

We are a kind and caring people. We have proven that over many generations. We do things many other countries do not do. For one thing, we have our young men and women volunteer to risk their lives in foreign lands to try to bring peace.

In addition to that, we have been engaged for over a century in helping other countries that are struggling. I just received a handwritten letter from two grade school children in Illinois about those who are starving in Somalia. It was a heartfelt letter, asking me to do something. That is not unusual. It is a sentiment expressed over and over again in our country. We need to have the same empathy and the same compassion for our own in America.

What that means is not only saying good things and perhaps helping through our churches and other charities, but also making certain that the safety net programs in our country are there for those who are struggling. We are engaged in a mighty debate now about deficit reduction. I have been part of it for a little while in some capacities. I keep reminding those who are in the debate that there are some programs that are absolutely essential. Some of them are obvious: the food stamp program, to make sure the lady I mentioned and others like her have enough food for their children; the Medicaid Program, which provides health insurance for one-third of America's children. In Illinois it pays for over 50 percent of births and it takes care of our elderly when they are in a nursing home and run out of their savings.

As we talk about deficit reduction, let us focus on making certain at the end of the day the safety net is still in place. Let us make sure the childcare deductions that we have in the Tax Code are there for working families, the Earned Income Tax Credit, a program started under President Reagan which acknowledges that many people who are working still need a helping hand in our Tax Code; Medicaid, that I mentioned earlier; the food stamp program; housing programs for those who are homeless and need a helping hand. The safety net has to be honored and has to be preserved in the course of our deficit debate.

But I would also say, at this point, the President has challenged us to stop giving speeches and to start moving forward on getting America back to work. He made a proposal in last Thursday's joint session of Congress to give working families across America a payroll tax cut. What would it mean in Illinois? The average income in Illinois is about \$53,000 a year. The President's payroll tax cut would be worth \$1,400 to every family making that amount of

money. That is \$120 a month. It may not sound like much for people who are wealthy, but for those who are struggling paycheck to paycheck, it could make a difference.

President Obama wants to give more income security to middle-income families. That is what his proposal is about. He has turned around and said when it comes to small businesses, let us give them incentives to hire the unemployed. The only line the President delivered a week ago that I remember got a standing ovation from both sides is when the President said let's incentivize employers to hire our veterans. Everybody stood up. We know that is the right thing. They served our country, they came home, and we ought to give them a hand to help them. That is part of the President's plan.

But he went beyond that and said if people have been unemployed and an employer is willing to hire them, let us give them a tax credit to do it. The President is moving tax benefits to small businesses, the so-called job creators we hear so much about, and I believe they are, as well as to working families. But it is all paid for. This is where many Republicans take exception.

How does the President pay for getting America back to work? He asked for sacrifice from the wealthiest people in America. There are some members of the Republican Party who would not impose 1 penny more in taxes on the wealthiest people in America. They are prepared to see every other family in America sacrifice except for those who can sacrifice without feeling any pain in their lives. I don't think that is fair and I think the President is right. Those who are making the highest incomes in America should join with every other family in America and help us get beyond this recession.

Also, the President starts eliminating the subsidies, the Federal subsidies for oil companies. I don't have to remind Americans what the price of gasoline is; they know it. In Illinois it is over \$4 a gallon in many places I traveled to during the recess. These oil companies are witnessing the highest profits in the history of American business. The President has said, and I agree: It is time to cut the Federal subsidy, the tax subsidy for oil companies, these profitable companies that make so much money for their shareholders and give so many bonuses to their officers.

Many Republicans object. They do not want to raise taxes on the oil companies. They do not want to raise taxes on the wealthiest people in America. I think they ought to put it in perspective. If we can help middle-income and working families get through the recession, stop living paycheck to paycheck and have a little bit of a cushion in their lives, if we can give small businesses incentive to hire Americans and

turn this economy around, that is what America needs. Let's get beyond the rhetoric that has stalled efforts in Washington. Let's get beyond the obstructionism and the obstacles. Let us finally work together with the President's leadership and come up with a plan to put America back to work.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

TRIBUTE TO SERGEANT DAKOTA MEYER

Mr. MCCONNELL. In a ceremony at the White House this afternoon, SGT Dakota Meyer of the U.S. Marine Corps will become the first living Marine recipient of the Medal of Honor, our Nation's highest award for valor, the first recipient in 41 years.

The Medal of Honor is awarded for conspicuous gallantry and bravery at the risk of one's own life, above and beyond the call of duty.

Every American can be proud of Sergeant Meyer, age 23, for his exceptional valor in combat in Afghanistan. I am particularly proud that Sergeant Meyer is a Kentuckian. I am honored that heroes like him come from the Bluegrass State. Sergeant Meyer hails from Columbia, KY, and is a 2006 graduate of Green County High School where he played on the football team. On September 8, 2009, his unit assignment was with Marine Embedded Training Team 2-8, Regional Corps Advisory Command 3-7, operating in Kunar Province, Afghanistan. That day he was sent to aid a group of marines, soldiers, and Afghans trapped under heavy enemy fire from three different sides. "We're surrounded," one of them broadcast over the radio. "They're moving in on us."

Air support to assist the Marines was unavailable, as the fighting was too fierce for helicopters to land. Then-Corporal Meyer requested permission to enter the zone of fire to come to their aid four times, and four times his request was denied. After four denials he decided to go anyway, in an armored vehicle mounted with a .50-caliber machine gun with one other marine as a driver. Twice they attempted to reach their comrades and twice were forced back by bullets, rocket-propelled grenades, and mortars. A bullet hit the vehicle's gun turret, striking Corporal Meyer's elbow with shrapnel. Ignoring his injury, he left the vehicle and charged ahead alone to rescue his fellow fighters. Under intense enemy fire, he reached a trench where helicopter pilots had reported their position. There he found his three fellow marines and a Navy hospital corpsman all dead from gunshot wounds. Still under fire, Corporal Meyer carried their bodies back to a humvee with the help of Afghan troops and escorted them to a forward-operating base about 1 mile

away. He was determined to fulfill the Marines' credo, to never leave a marine behind. Corporal Meyer and the three marines whom he refused to abandon all knew each other well and worked together in the same four-man training team. He considered them close friends.

In addition to the four Americans Corporal Meyer pulled out of the firefight, a U.S. Army soldier and at least eight Afghan troops plus an Afghan interpreter were killed in the attack. They had faced more than 50 enemy insurgents armed with machine guns, assault rifles, and rocket-propelled grenades during a 6-hour firefight.

Now a sergeant, Meyer combines his great heroism with great humility. He said:

This isn't about me. If anything comes out of it for me, it's for those guys.

He left Active-Duty service in June 2010 and currently serves in the Inactive Ready Reserve of the U.S. Marine Corps Reserve.

I know my colleagues join me in saluting SGT Dakota Meyer for his extraordinary display of selfless valor, for which he will be awarded the Medal of Honor at a White House ceremony this afternoon. He may not think of himself as a hero, but his country certainly does. His heroism and meritorious service has already been recognized in the many awards, medals, and decorations he has received, including the Purple Heart Medal, the Navy and Marine Corps Commendation Medal with "V" Device for valor, the Navy and Marine Corps Achievement Medal, the Good Conduct Medal, and the Combat Action Ribbon.

His fellow Kentuckians and an entire grateful Nation thank him for his service. Brave men and women like him honor us and our country and make us proud that America boasts the finest Armed Forces in the world.

THE ECONOMY

Mr. MCCONNELL. It has been 1 week now since the President unveiled his second stimulus. Today, 1 week later, White House aides are expected to hold a briefing to explain it all to the Democrats who do not understand the details.

One would think they would want to be briefed on details before the President demanded they pass it right away, not after. Then, again, the White House probably expected stronger support from Democrats than it has gotten so far. After all, this bill's top selling point, according to the President, is that both parties should like it. Yet so far the only thing both parties in Congress seem to agree on is there has to be a better way.

Earlier this week, after several of us suggested the President would have a hard time convincing Members of his own party to support this plan, a num-

ber of them have proved us right. While the President was in Ohio insisting over and over that Congress pass the bill, it seemed as though the only Democrats who were even willing to talk about it on Capitol Hill were tearing it apart. We had the Democratic majority leader basically treating it like a legislative afterthought. One freshman Senator called parts of the bill frustrating and unfair. Another Democrat called a central part of the bill terrible. One veteran Democrat was tamping down expectations of it passing in one piece. Another veteran Democrat suggested a completely different approach to jobs. I know the President and his advisers are keen on this idea of making Republicans look bad, but from what I can tell, he has a big problem at the moment lining up supporters in his own party.

That brings me to the real issue. The truth is, the President has a problem that no amount of political strategizing can solve: His economic policies simply have not worked. Yet he and his advisers seem to be the only folks in Washington who are not ready to admit it. We are in the middle of a crisis. The average length of unemployment is at an alltime high. Median income is going down instead of up. Poverty levels are higher than they have ever been in two decades. Millions of Americans cannot find work. The numbers just keep getting worse and the President's solution is to demand another Washington stimulus bill. Is that because the first one worked out so well?

The first stimulus is a national punch line: turtle tunnels, sidewalks to nowhere, and now we are hearing reports that the White House fast-tracked a \$½ billion loan to a politically connected energy firm that their own analyst said was not ready for prime time. This place, this energy firm, was supposed to be the poster child of how the original stimulus would create jobs. Now it is bankrupt and most of its 1,100 employees are out of work. And they want another stimulus?

Even if we do not know about any of the waste or the alleged cronyism, here is the bottom line: 2½ years after the President signed the first stimulus, there are 1.7 million fewer jobs in this country. That is 1.7 million fewer jobs after borrowing and spending \$825 billion to create them. What more do we need to know than that? We have done that. We have gone down that road before. Shouldn't we try something different? How about we do what just about every job creator in America is telling us they need in order to create jobs? Tax reform. Loosening the grip of government regulations and free-trade agreements. That is how we will create a better environment for jobs in our country. It might mean the President doesn't get his tax hikes, but it would mean more jobs.

I know some people sometimes get attached to a single idea, and this President seems to have come into office with one big idea; that there is not a problem we have in this country that bigger government cannot solve. At a certain point, we have to take stock. We have to check the results and see how we are doing. I think it is pretty clear to most people what the results suggest. It is time to change course.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 18½ minutes remaining on the Democratic side.

Mr. DURBIN. I see several of my Republican colleagues, and I would like to ask unanimous consent that they be allowed to use their morning business time and our 18½ minutes remaining be preserved until after their speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, the Republican Senators have come to talk about education, No Child Left Behind, and I ask consent to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. The Senators who will be here will be Senator ISAKSON, Senator BURR, Senator KIRK, and Senator ENZI. Will you let each of us know when we have consumed 5 minutes?

The PRESIDING OFFICER. The Chair will do so.

REFORM OF NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, in the world in which we live, every American's job is on the line. As every American knows, better schools mean better jobs. Schools and jobs are alike in this sense: Washington cannot create good jobs and Washington cannot create better schools, but Washington can create an environment in which others can create good jobs and environments in which teachers and principals and students and communities can create better schools, along with their parents.

A good place for Washington to start is with the five pieces of legislation we introduced today to fix the law known as No Child Left Behind. No Child Left Behind was a bipartisan effort in 2001 and 2002. President Bush and Democratic Members of the Senate and the House and Republicans as well agreed on it. By the 2013-14 school year, the law said that all 50 million students in

nearly 100,000 public schools would be proficient in reading and math. There would be State standards, tests to measure performance against those standards, and requirements that the more than 3,000 teachers in America be highly qualified. There would be school report cards, disaggregated by subgroups of students, and schools that failed to make what was called adequate yearly progress would receive Federal sanctions. There would also be more choices of schools and charter schools for parents.

During the last 9 years, Federal funding for elementary and secondary education programs has increased by 73 percent, while student achievement has stayed relatively flat. Our legislative proposals would set a new, realistic, but challenging goal to help all students succeed and to end the Federal mandates which have Washington, DC deciding which students and teachers are succeeding and failing.

Our legislation would require States to have high standards that promote college and career readiness for all students and would continue the reporting of student progress so parents, teachers, and communities can know whether students are succeeding. It would encourage teacher and principal evaluation systems, relating especially to student achievement, and would replace the Federal definition of a highly qualified teacher. It would consolidate Federal programs and make it easier to transfer funds within local school districts. It would expand charter schools and give parents more choices. For the bottom 5 percent of schools, the Federal Government would help States turn them around. Much has happened during the last 10 years, and it is time to transfer back to States and to local governments the responsibility for deciding whether schools and teachers are succeeding or failing.

Since 2002, 44 States have adopted common core academic standards. Two groups of States are developing common tests to see whether the students are meeting those standards, and more than 30 States are working together to develop common principles for holding schools and districts accountable for student achievement. Thanks to No Child Left Behind, we now have several years of school-by-school information about student progress that puts the spotlight on where work needs to be done.

In addition, many States and school districts are finding ways to reward outstanding teaching and school leadership and to include student performance as a part of that evaluation. As common sense as that idea may seem, it was not until Tennessee created the Master Teacher Program in 1984 that one State paid one teacher one penny more for teaching well. All the sponsors of the five pieces of legislation we introduced today are Republicans.

Many of the ideas were either first advanced or have been worked out in concert with President Obama and with his excellent Education Secretary, Arne Duncan, as well as with Democratic Senators here and with Republican and Democratic colleagues in the House. In other words, we have made a lot of progress.

In the Senate, my judgment is that we are not far from agreement on a bipartisan bill, with most of the differences of opinion centering around what I would characterize as provisions that would create a national school board. We on the Republican side want to continue to work with our colleagues across the aisle and in the House. Our purpose in offering our ideas is to spur progress so we can enact a bill before the end of the year. The House of Representatives has passed its first bill to fix No Child Left Behind with bipartisan support. It would expand charter schools and is similar to the charter school bill Senator KIRK will introduce today. The President has met with us and given us his blueprint. The Secretary has warned us that, under existing law, most schools will be labeled as failing within a few years, and he is proposing to use his waiver authority to avoid that. The Secretary clearly has that waiver authority under the law, and I support his use of it in appropriate ways.

I am introducing legislation today to make it clear that the appropriate use means using the waiver to accept or reject State proposals based upon whether those proposals enhance student achievement and not to impose a new set of Washington mandates. But the best way for us to relieve the Secretary of the need to consider waivers and to help American children learn what they need to know is for us to work together in the Senate and in the House to fix No Child Left Behind.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks, and following the remarks of all the Senators, the following documents: Why we need to fix No Child Left Behind; how the environment has changed in the past 10 years; a summary of the nine proposals Secretary Duncan, Senator HARKIN, Senator ENZI, and others of us have worked on; a summary of the legislation introduced by Senator ISAKSON to fix title I; a summary of the legislation that I am a principal sponsor of to fix title II; a summary of Senator BURR's proposal on titles II and IV; a summary of Senator KIRK's legislation on charter schools; and a summary of the legislation that I am also introducing on waivers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. ALEXANDER. Mr. President, Senator ISAKSON of Georgia has a distinguished career in education, not just as a leader in the Senate of Georgia, but as chairman of the Georgia School Board, appointed by Gov. Zell Miller, and as a former Member of the House of Representatives who was a key author of No Child Left Behind when it was enacted in 2002.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the great Senator from the State of Tennessee for his recognition and whose own record in education is quite distinguished, including his tenure as a university president at the University of Tennessee, to his leadership on the Health, Education, Labor, and Pensions Committee, and, obviously, his service as Secretary of Education for the United States of America.

I appreciate the reference to 10 years ago when we wrote No Child Left Behind. There were nine of us, five Republicans and four Democrats, who locked ourselves up in the House Education Committee offices for about 6 weeks writing the document that became the law of the land, and it has served the country well for 20 years.

A title I provision of that is the free and reduced lunch provision, which is the main title of the Elementary and Secondary Education Act, and it is the main title that delivers educational entitlements, requirements, and regulations under No Child Left Behind.

The reason I am the principal sponsor of the removal—not the removal but the reform—of title I is because No Child Left Behind requirements under title I have worked and it is time to go to the next step. I wish to be very specific about saying it has worked.

As everyone knows, adequate yearly progress, or AYP, is the goal of title I, to see to it that every child every year is making adequate yearly progress toward improvements in reading comprehension and mathematics. When we started AYP, we knew when we wrote it that if the bill worked, it would become harder and harder and harder to reach AYP because the baseline was being built every single year.

The reason Senator ALEXANDER talked about so many schools falling into “needs improvement” is because we pushed the achievement level so high that meeting AYP on a continuing and improving basis is difficult. So it is time to terminate AYP as a requirement of the bill, but it is not time to throw out the system that made it work.

Disaggregation of students, first of all, was critically important. Public education in the United States prior to the No Child Left Behind law exhibited school systems and schools that basically hid behind mean average scores or an ITBS mean average score. This comparison of ITBS test scores to

other States in the Nation is an aggregation of all students’ performance and an averaging of that performance. It took the eye off the ball and the individual student.

So what No Child Left Behind says is, test every student and disaggregate them by sex, race, disability, by non-English-speaking, and rate each disaggregated group by AYP. If only one school fails to make adequate progress, then the whole school goes to “needs improvement.” So we have a lot of schools labeled “needs improvement” while making the best improvement they have ever made. So it is time to end AYP, but it is not time to end disaggregation or the test scores.

The greatest accountability measure—and all of us as politicians know it—is transparency. This bill will require the transparency of all the test scores of each individual child and the transparency of each individual in each individual disaggregated group to ensure we continue to know how our kids are doing and compare them on a year-to-year basis. But we do away with “needs improvement” because it has served its purpose.

Now, on disaggregated groups there is one other thing the title I change does that I want to particularly emphasize on the Senate floor today. The biggest disaggregated group in terms of causing schools or systems to fall under “needs improvement” is those special needs children considered under IDEA or the Individuals With Disabilities Act. They are all individuals who have an individual disability that affects their academic achievement or their ability to learn.

When we passed IDEA in 1978, if I remember correctly, through Public Law 94-192, we dictated that we would give special emphasis and training to those special needs kids and try and identify their special needs and meet them within the public education system. When No Child Left Behind disaggregated them into a single group and tested them, we tested 98 percent of them with the same paper and pencil test. These are kids with a plethora of disabilities that one single test could not possibly meet. We gave a 2 percent cognitive waiver, disability waiver, so they could have an alternative assessment for up to 2 percent of the students, but 98 percent had to take the same test.

This reform of the IDEA portion of title I of No Child Left Behind simply says this: Every year, at the beginning of the school year, when the parent and the teacher and the school meet to put out the individual education plan, the IAP for that student, the parent, the teacher, and the school will determine what the assessment vehicle is that best measures the assessment of that child—not a single, one-size-fits-all, paper-and-pencil test. That is going to ensure that IDEA students get the in-

dividual attention they deserve and the measurement against the individual disabilities they have that is appropriate as approved by their parents, their teacher, and their school, and it will make a remarkable difference for IDEA kids.

I am very proud of that provision and the flexibility it gives to the system to assess appropriately rather than force a one-size-fits-all test against 98 percent of our children with disabilities.

So to repeat what I said at the beginning—

The PRESIDING OFFICER. The Senator’s 5 minutes has expired.

Mr. ISAKSON. It is a good time for me to repeat what I said at the beginning. I am proud to be building on the success of No Child Left Behind, and I am proud that Senator ALEXANDER has taken leadership on this committee to move forward on this reauthorization of IDEA and No Child Left Behind.

Mr. ALEXANDER. Mr. President, I thank Senator ISAKSON for his leadership in education in the State of Georgia and on this bill.

Senator RICHARD BURR of North Carolina has focused on elementary and secondary education for many years, especially on making it easier for local school districts to use the Federal dollars that are made available and on finding ways to encourage student and teacher evaluation. He is introducing a bill, which I am proud to cosponsor, amending titles II and IV of the Elementary and Secondary Education Act.

Mr. BURR. Mr. President, I thank the Senator from a State once owned by North Carolina, and a distinguished Member of this august body.

What are we doing here today? We are responding to what every CEO has said and every local leader has said and every parent has said: If you want a future in this country, you have to fix K-12 education. We have to make sure every child in this country has the foundational knowledge to meet whatever challenge they are faced with in a lifetime.

Washington is good at coming up with new programs and, to be honest, when we look back over the history of the last couple decades, every year we come up with a new program to fix K-12. What is obvious? We never fix it. But what we hear loudly and clearly from people who are on the front lines—those elected and those non-elected and those who are charged with educating our children—is give them flexibility. We can’t design one program in Washington that works in Raleigh, NC, and works in Knoxville, TN, much less in rural North Carolina or rural Tennessee.

What I propose is very simple: that 59 pots of money, 59 different programs, be merged into two pots, and that those local school systems have the flexibility and the capability to choose

what they are going to use that money for to educate our kids. What a novel thought, that we would take the people on the front line—for the first time, I am suggesting that Washington give up the power we have to say: You do it our way or you will not get the money.

We are faced in the future with some degree of austerity. We are not going to have the money to throw it out and see what works. But that is Washington's typical response. Now it is time to begin to focus not on that we think works but what the teachers and the principals and the elected officials locally, but more importantly, the community decides works.

Senator ISAKSON alluded to a number of factors we use as to how we gauge success or failure. I will tell my colleagues the gauge we ought to have: What does a parent think? The likelihood is that by the time we get those standard tests, it is probably too late to fix it for their kids, but it may fix it for somebody else's.

What we are attempting to do today as we reform K-12 education through these bills is to lay the gauntlet down and say that no child will be exposed to an inferior education in the future because we are going to empower—not Washington—we are going to empower the local community.

Again, what I am simply doing in the Empowering Local Education Decision Making Act of 2011 is to take 59 programs under elementary and secondary education and put them into flexible foundational block grants. Some might say the State is going to steal money off it. No. We limit it to 1.5 percent to administer the program. It has a formula that satisfies exactly how this money is going to be distributed so it is done fairly.

Where we don't exercise Washington authority is we don't tell the local school system: Here is the only way you can use it. We say to the local school system: Here are 59 programs. You pick the ones that best fit what your needs are in your community. In addition to that, those two pots of money we have created are 100 percent transferable. If you feel that one pot doesn't meet the need which might be in your area, then you can shift all of that money over to the other pot. So if you believe that focusing on teacher quality is better versus students, you have the flexibility to do it without asking us for a waiver. In addition to that, if title I is where you need additional funds, both pots of money are transitional to title I for additional support for at-risk kids.

That is something we have never done. Just this week I received a letter from the Council of Great City Schools, a coalition, by the way, of our Nation's largest central school districts. In their letter they wrote this:

Both Title II and Title IV of the Elementary Secondary Education Act have become

unwieldy and unfocused over the past authorizations, and are in substantial need of rewriting. Your effort to simplify and clarify the purposes and flexibilities within these key programs is noteworthy.

With budgetary constraints faced at all levels of government, streamlining federal requirements, providing predictable and consolidated formula-based funding streams to local school districts, and ensuring local district decision making in the use of funds under your bill is particularly welcome.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURR. I urge my colleagues to read these bills. Look at your school systems. Make a decision that is right for the future of every child in this country and support our reauthorization efforts.

I thank the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from North Carolina, Mr. BURR, for his insight and leadership on how we help create an environment in which teachers, parents, principals, and community leaders can make schools better, rather than through orders sent from Washington telling them how to do that.

Senator KIRK from Illinois will be here in a few minutes to introduce the charter school bill, which is the same bill that passed the House of Representatives yesterday with 365 votes in a bipartisan way.

As I mentioned at the outset, our purpose is to get things moving. We think there ought to be a law before the end of the year that fixes No Child Left Behind. Toward that end, the senior member of the Senate Health, Education, Labor and Pensions Committee, Senator ENZI of Wyoming, began to meet quietly more than a year ago with the chairman of the committee, Senator HARKIN, and with Secretary Duncan and, on some occasions, with the President. They were able to come to a good deal of agreement about fixing No Child Left Behind, and then, on the nine areas we would focus on, which I put into the RECORD a few minutes ago.

Senator ENZI is here now, and I thought he might want to speak about that effort. While all of us who are introducing these bills today are Republicans, we are only doing this as a way of moving the process forward and are hoping to attract Democratic support so we can end up with a bipartisan result. I believe, at the same time, that Senator ENZI is continuing to meet with Senator HARKIN, the chairman of the committee, with the hope that we will achieve that bipartisan result.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to thank the Senators who have spoken for all of their efforts and thought. A lot of times people think that what is being discussed on the floor is the only thing that is happening in the Congress. There are things happening in

the background that are probably achieving more than the debates that happen here. A lot of times what people get to see here is the blood on the floor that results in nothing. But everyone recognizes the importance of education and recognizes that there has been a significant effort made since 1965 with K-12 education. It has been renewed several times. In every single instance, it has been renewed in a very bipartisan way. We want that to continue to happen. The value of the Senate and the House is to have a lot of different opinions on how something can be done and then to bring those together to form something usable in whatever area we are working on.

I cannot thank Senators ALEXANDER, ISAKSON, BURR, and KIRK enough for the work they have done in this area. It does help us to focus, and I am working with Senator HARKIN to try to come up with a bipartisan bill. I think we have been making good progress. I have used the nine core components of these bills that Senator ALEXANDER mentioned as reasons for stepping back and taking a look at what we are doing to make sure the States can have as much of a role as possible, but the local people have an even greater role in what is happening in education. That is where we are trying to keep the focus, and this has been very helpful in my discussions with Senator HARKIN, to make sure we stay on track with those things.

Senator ALEXANDER mentioned the nine things. Secretary Duncan traveled through most of the United States holding listening sessions to find out what kind of problems people had. He agreed that the nine things we had on this list were the problems with No Child Left Behind that needed to be fixed. Senator HARKIN looked at that list and agreed in the same way.

We have come up with some solutions, and those need to be put in a bill, and that bill needs to be passed this year. Next year we get into Presidential elections. I cannot see where that is going to make things more bipartisan or help education. There are a number of things that No Child Left Behind did. One is the disaggregation, which did show some problems across the country, where kids were being left behind. A lot of times when we focus on education, we focus on the State and on the school district. Once in a while we focus on the school. But what we have been trying to do is get the focus on the kid to make sure our children are learning what they need to know to be able to survive. That is one of the places we will be able to greatly improve as we move on in this effort.

One of the surprises to everybody will probably be to find out that the Federal Government only requires one Federal test. You always hear about all the testing the kids have to take across the Nation. A lot of that is locally imposed, but they are tests they

think are necessary. But the Federal Government says you need to have one at the end of the year, and that is what we have concentrated on with the disaggregation.

There have been a lot of surprises for people as they actually take a look at what that rather voluminous bill has in it. I think we are moving to a point where we should be able to get something done and get something done relatively quickly. Again, it will be because of the work of these people who have put together some bills to bring attention to some very specific parts that need improvement. I thank them for doing that.

I yield the floor.

Mr. ALEXANDER. Mr. President, I thank Senator ENZI and I thank him for his leadership and the constructive way he and Senator HARKIN are working together.

I should emphasize, as I said in my remarks, the respect all of us have for Secretary Duncan. He has done a terrific job staying in touch with us without regard to political party, and the President and he have stuck their necks out on some issues that are not entirely popular with their Democratic constituency. We respect that as well.

As I said, our effort is to take these ideas and recognize we are in the ninth year of a bill that was supposed to be fixed after 5 years, and to get it done before the end of the year.

One example of what we could do the Senator from Illinois will talk about. He has been the leader on expanding opportunities for parents and communities to use charter schools. The House of Representatives acted on that bill yesterday.

Senator KIRK.

Mr. KIRK. Mr. President, joining as part of this effort, I think we need to reform No Child Left Behind and that we should focus on making sure we preserve disclosure and the right of parents to know how their schools are doing, without destroying the school, without having an AYP measurement that somehow says most, if not all, schools are failing.

As part of this effort, I am introducing the Empowering Parents Through Quality Charter Schools Act to emphasize charter schools and to make sure their opportunities are more widely available to parents and children, especially in inner cities.

This is a chart I have in the Chamber that shows the top 10 nonselective—meaning they take everyone—public high schools in Chicago. They are ranked in order of ACT scores. You can see from the chart, Lincoln Park High School is No. 1, not a charter school. But in the top 10, 8 of them are charter schools, and these are in some of the toughest neighborhoods in Chicago. That is why this is one of the No. 1 issues being discussed right now in Chicago. Mayor Emanuel is doing an out-

standing job of leading a reform effort to make charter schools more available, to expand the day of instruction, and to expand the number of days in the school year because right now Chicagoland suffers from some of the lowest numbers of days of instruction in the country. Right now, for example, in Chicagoland, only about 10 percent of kids have the opportunity to go to a charter school. I think we should set a goal of at least 50 percent having that opportunity.

Recently, I was able to visit the Noble Street School, also another school which was represented about 99 percent African American, with overwhelmingly free and reduced-lunch kids. This school is outperforming all of its peers, despite not having any selection criteria, and being able to take kids from all walks of life, including special-needs kids.

We are seeing something working here. Mayor Emanuel sees it. I see it. That is why in the House of Representatives, when the companion legislation was considered, 365 Representatives, including well over 100 Democratic representatives, supported our charter school bill. We are introducing the companion bill over here. I am hoping for equal amounts of bipartisan support because what we see is working in Chicago can work elsewhere.

The charter school movement has generally focused on inner cities. But I want to make sure charter schools are offered to kids in Peoria, in Springfield, in Rockford, and in Metro East. So the kind of success we are seeing here—8 out of 10 top performers being charter schools for nonselective public high schools—is something I think we should have offered here. That is why I applaud our ranking member and especially Senator ALEXANDER for putting together this group of bills to offer higher education performance for America's kids, especially in the tough global political environment they will be in.

With that, I yield back to our leader on this joint effort and the ranking minority member and thank them for the opportunity to speak.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Fifteen seconds.

Mr. ALEXANDER. Thank you, Mr. President. Every American knows that every American's job is on the line. Every American knows that better schools mean better jobs. We are ready to work with the President and with our Democratic colleagues to create an environment for better schools in this country by fixing No Child Left Behind.

Mr. President, I yield the floor.

EXHIBIT 1

ELEMENTARY AND SECONDARY EDUCATION:
HOW HAS THE ENVIRONMENT CHANGED OVER
THE PAST 10 YEARS?

1. Standards: All states have content standards in place for reading/language arts

and mathematics. 44 States are working together in a Common Core state-led effort to improve their standards.

2. Assessments: All states are conducting annual assessments in reading/language arts and mathematics that are aligned to state standards and are publicly reporting their results. Two groups of states are working together to develop common assessments aligned to the Common Core standards.

3. Data: Disaggregation of data by states and districts provides greater information on how schools and students are performing by race, income, English proficiency and disability. This makes it easier to identify the achievement gaps and target efforts to address problems.

4. Auditing: All states are participating in the National Assessment of Educational Progress, NAEP/Nation's Report Card, which serves as an audit of the quality of state standards and assessments.

5. Robust Awareness: Because of data, parents, teachers, principals, legislators, and Governors are paying more attention to education issues, and thus holding their districts, schools, and teachers accountable.

6. Charter School Growth: The number of students enrolled in public charter schools has more than tripled to 1.4 million and the percentage of all public schools that were charter schools has increased from 2% to 5%, comprising 4,700 schools nationwide.

7. School Choice: Not much, but some growth in school choice (i.e. Milwaukee, Florida).

WHAT THE NATION HAS LEARNED FROM NO CHILD LEFT BEHIND: THE GOOD AND THE BAD THE GOOD

Disaggregated Reporting: The disaggregation of data by subgroups has allowed us to see how all students are performing.

Annual Assessments: Provides basic information on the performance of students in mathematics, English/Language Arts, and Science.

Public Reporting: Increased public reporting of state, district, and school performance has provided the public with better information on the quality of local schools.

Parental Involvement: Provides greater information to improve parental involvement in school-level decisions.

THE BAD

Goal of 100% Proficiency by 2014: Sets unrealistic and unproductive mandate that all students are proficient by 2014.

Adequate Yearly Progress (AYP): Rigid federal mandates of how to achieve proficiency and tells states from Washington which schools are succeeding and which are failing.

Highly-Qualified Teachers (HQT): Onerous federal definition of what constitutes a qualified teacher.

Unfunded Mandates: Federal mandates far exceed the 9-10% federal investment in education.

Ineffective spending: Dedicates billions in limited federal dollars to small and ineffective programs that don't have a record of success.

WHY WE NEED TO FIX NO CHILD LEFT BEHIND

100% proficiency by 2014 will not happen.

Adequate Yearly Progress with its prescriptive 64-part formula will result in every school getting a failing grade.

Teachers focus too much on testing and no one understands what the results mean.

Sanctions impact rural schools more.

Highly Qualified Teacher requirements create unusual restrictions particularly with respect to rural, special education, and English as a second language teachers.

State and local flexibility is limited and there are duplicative and overlapping programs.

Allowable uses of federal funds are too limited and restrictive.

One size fits all mentality of Washington's "good" ideas. We need local solutions.

Parents are too often left out of the equation.

HOW TO FIX "NO CHILD LEFT BEHIND"

1. Set a new, realistic but challenging goal to help all students succeed.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a federally-defined adequate yearly progress mandate.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools).

4. Require states to have high standards that promote college and career readiness for all students.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools.

7. Provide school districts with the ability to transfer funds more efficiently among the five largest federal education programs.

8. Consolidate and streamline more than 80 programs within NCLB and eliminate those that are duplicative and unnecessary.

9. Empower parents.

HOW TO FIX "NO CHILD LEFT BEHIND"

1. Set a new, realistic but challenging goal to help all students succeed. Establish a national goal that all students will be 'college and career ready' by high school graduation. States will use annual reading and mathematics assessments, including student growth, to measure progress toward the goal.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a federally-defined adequate yearly progress mandate. 95% of schools will no longer face federal sanctions. These schools will continue annual reading and mathematics assessments and public reporting requirements. The emphasis will be on helping states to catch these successful schools and struggling schools doing things right, instead of announcing their failure.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools). States will identify, for federal accountability purposes, the bottom 5% of schools that receive Title I funding. These schools will be required to choose an intervention model from a defined list of options. The models will be broad and include options for rural schools and provide flexibility for state innovation.

4. Require states to have high standards that promote college and career readiness for all students. Require states to adopt 'college and career ready' standards that are aligned with higher education, career and technical education standards, and workforce skills within the state. There will be no preference or prohibition for states to adopt a specific set of standards, including the Common Core standards.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements. Encourage states and school districts to develop teacher and principal evaluation systems to identify high performing teachers and principals and

eliminate the federal "highly qualified teacher" definition. Innovative teacher and principal pay programs will continue to be supported through the Teacher Incentive Fund program.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools. States, school districts and schools will continue to report information regarding student achievement on annual reading, mathematics and science assessments. Other reported information will include high school graduation rates and teacher certification. All of this information will continue to be disaggregated by race and ethnicity, socio-economic status, disability status, English proficiency, gender, and migrant status to maintain public accountability for all student subgroups. Unnecessary and irrelevant federal reporting requirements will be eliminated.

7. Eliminate school districts with the ability to transfer funds more efficiently among the five largest federal education programs. School districts will have more flexibility to meet their local needs by transferring funds among the 5 major federal education programs. This will allow school districts to better target federal resources to improve student academic achievement.

8. Consolidate and streamline almost 60 programs within NCLB to allow State and local leaders to meet student needs in their states and districts. Consolidate the programs authorized in NCLB into flexible funding streams that allow States and local school districts to fund locally-determined programs that meet the unique and specific needs of the students in their States and districts.

9. Empower parents. Parents will receive meaningful information on the performance of their children's schools so they can be more effectively involved in their children's education. The law will continue to support the expansion of high-quality charter schools. For those parents whose children attend the state-identified bottom 5% of schools, they will have the option of public school choice to transfer to another public school.

THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 2011

EMPOWERING STATE AND LOCAL EDUCATION LEADERS TO IMPROVE PUBLIC SCHOOLS

Establishes College & Career Readiness Goal: States are asked to develop and maintain academic content standards and assessments that will prepare students for college- and career-readiness without interference by the Federal government about whether to work alone or in partnership with other states.

Empowers State and local leaders to develop their own accountability systems: Instead of a "One Size Fits All" Washington-approach, states will develop their own systems designed to ensure that all students graduate from high school college- and career-ready, without Federal interference or regulations on state standards, assessments, growth models for accountability, or how to develop teacher and principal evaluation systems that are based on improving student achievement.

Eliminates Adequate Yearly Progress (AYP): The Federal government is taken out of the business of determining if local schools and districts are succeeding or failing in educating their students by ending the Washington-based AYP system of how to identify schools.

Asks States to Identify the Bottom 5% of Lowest Performing Schools: States will be

required to identify the bottom 5% of Title I receiving elementary and secondary schools, using their state-developed accountability system, and local school districts will be required to implement a school improvement strategy for their lowest performing schools. School districts will continue to be required to provide public school choice to students in these lowest performing schools.

Eliminates "Highly Qualified Teacher" Requirement: States will be freed from the onerous "Highly Qualified Teacher" requirements and empowered to maintain and improve their own teacher and principal licensure and certification requirements.

Maintains Public Reporting Requirements: States and local school districts will continue to report disaggregated data on student achievement, while requiring annual report cards at the school, school district and State level.

Reduces Paperwork & Federal Intrusion: The bill dramatically simplifies the Title I State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

THE TEACHER AND PRINCIPAL IMPROVEMENT ACT OF 2011

PREPARING, TRAINING, AND RECRUITING EFFECTIVE TEACHERS AND PRINCIPALS TO IMPROVE STUDENT ACHIEVEMENT

Addressing State and local needs for teacher and principal training: States and local school districts will conduct a needs assessment to determine what professional development teachers and principals need to improve student achievement and then target resources to meet those needs.

Supports the State-led Development of Teacher/Principal Evaluation Systems: States and local school districts are empowered to develop their own teacher and principal evaluation systems that are based significantly on student academic achievement. The Federal Government would be prohibited from regulating or controlling those state and local evaluation systems, allowing local innovation and leadership to flourish.

Maintains Strong Reporting Requirements: States and local school districts will provide important data on the quality and effectiveness of teachers and principals, as well as the results of teacher and principal evaluation systems if developed, to inform parents and the community about who is teaching in the classroom and leading our schools.

Teacher Incentive Fund: Authorizes the Teacher Incentive Fund to provide competitive grants for states, districts, and partnerships with private-sector organizations to implement, improve, or expand comprehensive performance-based compensation systems for teachers and principals, while leaving broad latitude in how states develop such systems, as well as prioritizing high-need schools.

Encourages Innovative Private-Sector Involvement: Authorizes competitive grants for national non-profit organizations, such as Teach for America and New Leaders for New Schools, to help states and local school districts that have a demonstrated record with teacher or principal preparation, professional development activities, and programs.

Reduces Paperwork and Federal Intrusion: The bill dramatically simplifies the Title II State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

EMPOWERING LOCAL EDUCATIONAL DECISION MAKING ACT OF 2011

State and local school districts, not Washington, D.C., are the best makers of educational decisions. Unfortunately, in the last

few decades, the federal government, believing it knew best, has exploded the number of small, categorical education programs in K-12. Almost every year, yet another new program has been created in pursuit of the newest educational rave. And with each of these new programs, States and local school districts have lost flexible federal funding sources that allow them and not the latest fad to determine how best to allocate federal resources to meet the unique and specific needs of the individual students in their States and districts.

The Empowering Local Educational Decision Making Act of 2011 streamlines 59 programs into 2 flexible foundational block grants. Rather than Washington and the federal government determining funding priorities for States and local school districts, the Empowering Local Educational Decision Making Act puts locals in charge by allowing them the flexibility to fund locally-determined programs and initiatives that meet the varied and unique needs of individual States and localities.

FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

Consolidates 34 programs into ONE flexible, formula-driven Fund for the Improvement of Teaching and Learning to fund locally-determined needs and initiatives related to—

Increasing the capacity of local school districts, schools, teachers, and principals to provide a well-rounded and complete education for all students.

Increasing the number of teachers and principals who are effective in increasing student academic achievement.

Ensuring that low-income students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects.

SAFE AND HEALTHY STUDENTS BLOCK GRANT

Consolidates 25 programs into ONE flexible, formula-driven Safe and Healthy Students Block Grant to fund locally-determined needs and initiatives for improving students' safety, health, and well-being during and after the school day by—

Increasing the capacity of local school districts, schools, and local communities to create safe, healthy, supportive, and drug-free environments.

Carrying out programs designed to improve school safety and promote students' physical and mental health well-being, healthy eating and nutrition, and physical fitness.

Preventing and reducing substance abuse, school violence, and bullying.

Strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

ENHANCED FLEXIBILITY THROUGH FUNDING TRANSFERABILITY

To provide additional funding flexibility to State and local school districts, under the Empowering Local Educational Decision Making Act of 2011 districts will be able to transfer up to 100% of their allocations under the Fund for the Improvement of Teaching and Learning and the Safe and Healthy Students Block Grant between the two programs or into Title I, Part A.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT 2011

SENATOR KIRK CHARTER SCHOOL BILL

This bill will modernize the charter school program by encouraging the expansion of high-quality charter schools and allowing

charter school management organizations to receive assistance directly from the federal government.

Modernizes the Charter School Program to address present realities for public school choice, by incentivizing expansion and replication of successful charter models, providing support for authorizers, and enhanced opportunities for facilities financing.

Encourages states to support the development and expansion of charter schools.

Streamlines federal Charter School Program funding to reduce administrative burdens and improves funding opportunities for the replication of successful charter models and facilities assistance.

Allows proven, high-quality charter school management organizations to apply directly to the federal government, as well as local education agencies, deleting a layer of bureaucracy with the State government.

Facilitates the establishment of high-quality charter schools and further encourage choice, innovation and excellence in education.

Supports an evaluation of schools' impact on students, families, and communities, while also encouraging sharing best practices between charters and traditional public schools.

THE STATE INNOVATION PILOT ACT OF 2011

The bill clarifies waiver authority that is currently in the Elementary and Secondary Education Act. The clarified waiver provision authorizes State educational agencies and local school districts to submit a request to the Secretary of Education to waive any statutory or regulatory requirement of the law.

State and local leadership: The bill improves the waiver authority currently in law by clarifying that the waiver process is intended to be led by state and local requests, not Washington mandates.

Deference to state and local judgment: If the Secretary chooses not to immediately approve a waiver request, the bill directs the Secretary to develop a peer review process that defers to state and local judgment on waiver requests.

Transparency: The bill ensures that the peer review process will be open and transparent so that it is clear what states and local school districts are asking to waive and what peer reviewers think about those waivers.

Prohibiting additional regulations: The bill prohibits the Secretary from imposing by regulation any additional requirements to waiver requests not authorized by Congress.

The bill encourages State and local education leadership in developing and implementing innovative strategies in:

College and career ready academic content and achievement standards for all public elementary and secondary school students;

High-quality academic assessments that are aligned with and are designed to measure the performance of local educational agencies and schools in meeting those standards;

Accountability systems that are based on those college and career ready standards, as well as other academic indicators related to student achievement; and

Programs to improve principal and teacher quality and effectiveness.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Mr. President, I wish to speak briefly on the subject of our relations with Pakistan.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PAKISTAN

Mr. KIRK. Mr. President, earlier this week, I gave a talk based on my service in Afghanistan as a reservist, about the growing threat of a new group to our forces in Afghanistan, ISAF, and the Afghan Government. It is not al-Qaida, which is armed and dangerous, but a shadow of its former shadow. It is not the Taliban, which is still extremely armed and dangerous. It is a new group called the Haqqani Network.

Recently, there was a high-profile attack on the Afghan Government and ISAF headquarters in Kabul, the capital of Afghanistan. The U.S. Ambassador 2 days ago then announced this was the work of the Haqqani Network. That is a very important factoid. Then yesterday, the Secretary of Defense also highlighted the Haqqani and pointed a direct finger at the Government of Pakistan and its intelligence service, the ISI.

It is all well known that while there are terrorists operating loosely in Pakistan who attack Afghans and Americans, it is the Haqqani Network that enjoys the official support and backing of the intelligence service of Pakistan.

Given this new information, and especially given the statement by the U.S. Ambassador in Afghanistan, Ryan Crocker, and now our Secretary of Defense, Leon Panetta, the Senate should engage in an agonizing reappraisal of military assistance to Pakistan. We should base our reappraisal on the statements of our own Ambassador in Kabul and the Secretary of Defense himself.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I want to talk about the disaster funding debate that is going on this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER FUNDING

Mr. BLUNT. I appreciate the Presiding Officer's recognition.

Mr. President, this is a debate that has become the debate as part of the Burma Sanctions Act, which if we were debating the Burma Sanctions Act I would also be for Burma sanctions. But in the debate on disasters, Missouri has played an unfortunate leading role this year of all kinds.

We have had floods along the Mississippi River. We have had floods

along the Missouri River. Joplin, MO—one of the bigger cities in our State—was hit by a tornado. We have evacuated a place in southeast Missouri, a floodway called Birds Point, where, for the first time since 1937, the Corps of Engineers decided that 130,000 or so acres had to be used as a floodway. All the crops that were already planted and up were, obviously, destroyed as part of that.

I was in that floodway for a couple of different days in August, and I will say, the resilience of Missouri farmers to get about 80 percent of that floodway back in soybeans means the economic loss, the crop loss, will not be what it was. But the recovery loss is substantial, as is the cost of rebuilding that levee back to the level it was before the Corps exercised the long plan that had not been used to take it down.

Tornadoes struck St. Louis at the airport and around Lambert Field, in communities around Lambert Field. Tornadoes in Joplin were significant. I mentioned on the floor of the Senate before that I live close to Joplin. It was in my congressional district for 14 years. I had an office there. I am probably as familiar with Joplin as anybody who does not live there or has not lived there.

As I went to the scene of this tornado, the devastation made a city that I was very familiar with—at least a half-mile path, 6 miles across that city—virtually unrecognizable by me or the local police officer who was driving me around. There were no street signs left. Every block looked like the block on either side of it—an incredible amount of devastation.

There were 162 people killed either at the time of the tornado or who within a few days of the tornado died as a result of injuries; 900 people were injured. A hospital was destroyed that will cost about \$500 million to replace. The high school was destroyed. The vo-tech school was destroyed, lots of elementary schools destroyed, 500 commercial properties, 8,000 apartments and homes, and I think “destroyed” in virtually all those cases would be the right word; some of them salvageable, most of them not. Homes, churches, elementary schools, the Catholic school—all destroyed by that tornado.

While we make headway every day, finding housing for people in that community who were affected by the loss of those 8,000 homes, and while the schools were up and running by the day schools were scheduled to start 90 days later, in an incredible way, looking for whatever space was available and turning that into schools for this year, there is clearly a lot to be done.

This exceeds the capacity of an individual community or even a State to do what needs to be done. I am in the process, and have been for some time now, of discussing with GAO the exact right request, to be sure we are not de-

claring disasters as national disasters that are not national in scope, that we have not gotten into a habit of saying: That is a disaster, the Governor ought to send a request to the President and the President ought to grant it. We do not want to be doing that when a State or a community could handle the problem. But we do always want to be sure we have the resources necessary when States and communities cannot possibly handle this kind of problem by themselves.

The tornado I talked about was one; the flooding in the entire Mississippi Valley watershed, which is I think the fourth largest watershed in the world. And whether it was the Missouri River or the Ohio River or the Mississippi River itself, or the Arkansas River, all of this flooding that occurred this year has set a recovery number that does require national involvement. If we do not recover from these floods, the right kinds of things do not happen.

I had a county commissioner tell me over August that the factory does not open until the highway opens. And the highway does not open until flood protection is guaranteed. And flood protection is not guaranteed until we appropriate the money.

You know we should be and appropriately are focused on jobs as the No. 1 priority in the country today, private sector jobs. But there are a lot of private sector jobs in my State and others that have not been there for months now because the factory is closed or the business is closed. That factory is not going to open again until people can get to work. And people are not going to be on the highway to get to work until the levee is rebuilt. And the levee is not going to be rebuilt until the Corps of Engineers has the money to do the job they are supposed to do and meet their obligations. The Corps is responsible for taking care of some of our most pressing needs, whether it is restoring the levee at Bird's Point or levees in northwest Missouri in Holt County, which has 165,000 acres—more than half the county—underwater. A lot of that has been underwater now for 3 or 4 months.

I talked to a farmer in my office yesterday who went to his own home for the first time in 3 months, by driving a tractor over some fairly high water areas but passable areas. His home had not been flooded, but everything around it was. So he had not been there for 3 months when we talked yesterday until he went this week.

Whether it is water along the entire Missouri River, which has been in flood stage through the month of August, recovering from what has happened on the Mississippi River, we need to do our job. In our case, the Missouri River, this has not been a 1-week flood; this is a 3- and 4-month flood.

I do not remember a time ever—in fact, I am not aware of a time ever—

when the entire Missouri River from the Missouri border in the northwest corner of the State to St. Louis was in flood stage the entire month of August, and in some cases has been in flood stage now for what is 4 months. Community development block grants that help with disasters provide communities a short-term and long-term way to meet disaster recovery. Disaster community development block grant funds can pick up where FEMA leaves off. I hope that is part of our plan as we look for this disaster bill, which I am intending to support—or the final, or another disaster bill that we can agree to with the House—to be sure that we make it possible for these communities to do what they could not do on their own or could not even do with State assistance.

In Joplin, it is things such as underground utilities and storm sewers and sanitary systems of all kinds, owner-occupancy programs to get people who owned a house but may never own one again because the house they owned, through frankly their own inability or their oversight or their decision not to have insurance—you know, if you own a house and you do not have a loan, there is no banker to tell you that you have to get insurance. We will have some people who are negatively affected by that. But that was a decision they made. However, getting them into a house that they do not own is something that there are government programs for that are designed to help.

Community development block grants allow qualifying communities to meet local matches and local needs without a whole lot of redtape, less redtape than a lot of other things that the government does. And, of course, with the most recent hurricane, Hurricane Irene, suddenly FEMA says: Well, I know we made a lot of commitments to other communities that are already in progress, but we now have to turn to the new disaster. I appreciate turning to the new disaster. But you cannot forget that a community has problems they cannot deal with that we said we were going to help with, just because the TV satellite truck has gone somewhere else. I think it is important that FEMA meets its obligations.

As I said before, I think it is important in an ongoing way we are sure that we have a standard for natural and national disasters that truly are national in scope. With thousands of acres of Missouri farmland still underwater, with communities trying to recover from tornados, with commitments that FEMA has told them to move forward on and now suddenly does not have the money that they had already committed, we need to be concerned about that.

Programs such as watershed emergency protection and conservation emergency protection that are in this bill that were in the Agriculture appropriations bill that the committee voted

out earlier this week will have a big impact on meeting these obligations.

Despite the unprecedented year, my State and Americans everywhere are responding to these disasters, this is a time when the Federal Government needs to do what the Federal Government has said it is there to do. Hopefully we will do this with this bill or some other bill that comes quickly that allows these communities to meet their needs, these farm families to get back to work, these factory workers to see the factory doors open again. I am supportive of this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized without objection in the majority's time. Only 4 minutes is remaining.

Mr. BURR. Mr. President, am I incorrect that the other side has a speaker coming at 11 o'clock?

The PRESIDING OFFICER. The Chair does not have information about that.

Mr. BURR. I will take whatever time the Chair gives me. I will yield, when I need to, to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Let me add to what my good friend from Missouri talked about. That is about the Federal commitment to disaster. North Carolina happens to be one of those States that is probably the most recent. We welcome the attention of FEMA, but we also have the last disaster before. And just like he expects the promises to be fulfilled, even though we are first in line now, we expect the promises to be fulfilled to those who are already out there. Our country is great enough to do it. It is the greatest country in the world. But it means we have got to do it in a responsible way. Part of that means we need to pay for it. I hope my colleagues will join what I think will be a House effort to expedite the funding needed for disaster relief but to do it in a way that we do not charge future generations because of our fiscal irresponsibility.

I had the opportunity to participate in a colloquy earlier on reforms to K-12 education. I wish to take the few remaining minutes I have to talk a little bit more about that, because I think to some degree we hear about education and the failures of K-12.

Senator KIRK alluded to some charter schools in Chicago. I want to mention a school nobody hears about. It is called the KIPP Academy. Technically, it is a charter school. It started in Houston, TX. Then it expanded. Its second location was in New York City. Its third location was targeted to be Atlanta, but halfway between Atlanta and New York they found a little county in rural North Carolina. It is called Northampton County, and a little community there called Gaston, NC, the last place you would expect a Texas in-

novative charter school to say, let's put a facility here. Predominantly minority; clearly below the average income level of every county in North Carolina; challenged for economic development. They do not have the infrastructure. But KIPP looked at it and said: You know, no child should go without what we are out there to offer. Today the success rate of that school is off the chart. But it also is in every KIPP location that has opened.

When you have successes such as that, whether they are in Houston, TX, or New York City, or Gaston, NC, the responsible thing is to stop and take a breath and ask yourself: What have they figured out that either we have not in Washington or what flexibility do they have that we do not give everybody else?

When you walk into a KIPP school, it is markedly different as soon as you walk in the door. Most kids are in uniforms. The school day is longer. The teachers are partners in education, which begs me to talk a little bit about Teach for America, the program that many Members of Congress support.

Teach for America challenged the next generation of kids who want to be educators to commit a certain portion of their life in these at-risk locations. It is a program we ought to support because its standards for its teachers exceed the definition we have for "highly qualified." As a matter of fact, not only do their credentials make them one of the best individuals to put into a classroom, you match that with their passion for their students to succeed, and all of a sudden you have got a formula for success regardless of the socioeconomic conditions of the child who came.

Well, I fear Teach for America is not going to get the attention of Congress that it should. Yet across this country, when you find successful, qualified teachers, they have come out of this program. The commitment to be there for 2 years or 3 years or 5 years is no longer a contract that they are waiting for the end of; they are looking for the opportunity to make this a career.

It is those teachers, those Teach for America graduates, who are finding their way to being the principals of schools, to being elected on the school board, to being involved in areas that, for once, now these Teach for America graduates are challenging traditional education to live up to what this obligation is they have got. That is to make sure that every child has the foundational education they need to compete.

It does not matter whether the example I talk about is the KIPP Academy charter model that was started in Houston or whether it is the Noble Street charter that was created in Chicago. All of these examples were not created here. They were not created in Congress or in Washington. Yet what

typically we do is we try to import the solution from here.

I will be the first to tell you, a principal is much closer to your children than the Congress of the United States. They are much closer to the school. They are much closer to the school system. They have greater influence on the outcome. Where have we been influencing education? We influence it on the input side, not the output side, because we say: Here is some money. We have got some money. But you can only use it for this because we have determined this is the solution to the problem. KIPP sort of broke the mold. They said: Our mission is to educate every child. We want to see them succeed.

Let me give my colleagues an example. In Charlotte, NC, they opened a KIPP Academy, K-8, next door to a traditional K-6 school. There is no way anybody can look at it and say, this drew kids who were in a different neighborhood. No, it drew kids from exactly the same neighborhood. But if you look at the performance side by side physically, the performance of the kids in the KIPP far exceeds the performance of the kids in the traditional public school system.

(Mr. BROWN of Ohio assumed the chair.)

Mr. BURR. Why? Because KIPP officials have the flexibility to design how they educate those children. The goal at the end is the same—to meet a standard of performance, to meet an educational level that is set nationally.

To me, it only makes common sense for us to see the ones that exceed the goals we set and ask how do we import what they do into the rest of our K-12 system? Part of it is recognizing the fact that up here we don't have the solutions; we are merely a financial partner. That is one of the reasons this morning I introduced a bill. What that bill does is it takes 59 pots of money—59 separate programs that were funded last year. In one area, we call it the fund for improvement of teaching and learning, to say we can take 59 programs and combine them into two pots of money; one is teaching and learning and the second one is safe and healthy students.

In the teaching and learning area, we have consolidated about 24 funding programs into one. We have said to local educators that they can use this money however they want, if their focus is teaching and learning, and they can pull out of the other pot any moneys they need for programs that address safe and healthy students.

We went a step further and said, if one of these pots of money doesn't work for them, then we will give them 100 percent transferability from one pot to the other. So if their objective and their need is greater in teaching and learning, we will give them the ability to take the safe and healthy

student money and throw it over into the teaching and learning pot so they can access more funds.

In addition, some communities across the country might need additional help in title I, at-risk students. We allow 100 percent transferability of both of those into title I. For those concerned with title I, not only do we not touch it, we make it available to receive additional funding if a school system decides to do it, not a bureaucrat in Washington, DC.

Under the fund of improving teaching and learning, States and local school districts may use funds for activities and programs that meet the purposes of the fund for the improvement of teaching and learning and their unique and individual needs. These may include evaluation systems for teachers and principals that take into account data on student academic achievement and growth as a significant factor.

That is exactly what Senator ISAKSON was talking about, the need for accountability. But we are trying to take a majority of the responsibility for accountability and send it to the local school systems. All we can see are numbers up here in comparison to what our goal is for people to hit. I am concerned that a community takes ownership in the performance of their school system because that community is reliant on their success for their future.

My hope is, school systems and communities around the country will see this as a tremendous opportunity to once again not only take control of local education but to be empowered to make decisions on the way they teach our kids.

It reforms teacher and principal certifications, recertifications, licensing, and tenure; alternative routes for State certification of teachers and principals, including mid-career professionals from other occupations, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers and principals.

There is this whole pool of people we exclude because they didn't go through a traditional method of being classified a teacher. Yet their base of knowledge, their expertise and, I suggest, their passion, in many cases, exceeds those who might be in the classroom today.

Is it reasonable to believe that a pharmacist has the institutional knowledge to teach chemistry? I hope so because we trust him every day when we go into a pharmacy. If a pharmacist feels impassioned enough that he or she wants to go into a high school and teach chemistry, what they might lack in the educational process of becoming a teacher they certainly have in knowledge; but more important, they may have the passion to want to be in there and, more important, they have an understanding of why the success of that student is absolutely vital.

It includes performance pay systems; differential, incentive, and bonus pay for teachers in high-need academic subjects and specialty areas and teachers in high-poverty schools and districts; teacher achievement initiatives that promote professional growth, multiple career paths, and pay differentiation.

Everywhere else in the world we pay bonuses for performance. In the government, we pay bonuses even when people don't perform. I haven't quite figured that out. When we introduce bonuses, it is not based upon whether somebody—an agency or a department—succeeded; it becomes part of their annual stipend. We have to revisit that. Why would we institute it in government and then suggest that when we import this into K-12 education, somehow it is wrong?

The only reason it is wrong is because the teachers union doesn't like it because they don't negotiate. That has to change. The teachers union doesn't know our children. The truth is, the only reason the majority of the teachers actually join the union is because they are the only source of liability coverage, liability insurance that teachers can get. The fact is, you and I would not teach in a classroom without liability insurance, based upon the accusations and charges some families come up with against teachers. Ask them, if you don't believe me. Maybe we ought to look at the Federal umbrella and allow teachers to access liability from us and maybe contract with a third-party insurer and give them the opportunity to go into that classroom and only be concerned with educating children. I have never had anybody from Teach for America talk to me about liability coverage. They only come and talk to me about the success of their students or the need to expand programs at work and about the need for flexibility at the local level because they have gone to multiple school districts and they do things differently, because that is where the administration told them they had to go to get their Federal money.

I am suggesting a radical change: Taking 59 programs, put them into two pots, shake them up, and say: You pick what is best for the school system you are in.

With safe and healthy student block grants, the local districts could use the funds for activity and programs to meet the purposes of safe and healthy students and their individual needs, which are not limited to drug and violence prevention activities and programs, before and afterschool programs, including during summer recess periods, and programs that extend the schoolday, week, and school year calendar.

It includes school-based mental health services. Some of these sound eerily familiar because we have heard

people in our community saying we are not doing enough in mental health. That may not be the issue in the community next to us. This now allows the flexibility for the school systems that need to access it to access it. I think every Member here wants to make sure there are afterschool opportunities for the many families in which both the husband and wife work.

Up to this point, we said: Here is the program; you have to use this program. Now what I am saying is: Here is the money; you decide what program best fits your school system. It may not be at the local rec center; it may actually be in the school. Think about it. It is already a facility we own. We are going to have to heat it and cool it. Why not utilize it other than just during the meat of the education day?

It includes emergency intervention services following traumatic crises. It seems every year we have these events that happen, and sometimes we forget the effect it has on these students. I talked earlier about eastern North Carolina and the effect of Hurricane Irene. I have communities right now where people have not been able to return to their homes. The road is gone, the power is not back on, and the only access is by ferry. Don't for a minute believe this doesn't have an effect on a fifth grader. Maybe school had only been in effect about a week, but they are traumatized from it. If it is identified by a school system, now they have the flexibility to treat that, because I can assure you that if they are traumatized, the ability to learn is probably minimized.

There are programs that train school personnel to identify warning signs of youth suicide. I would like to suggest that doesn't exist, but the truth is, we know it does. In many cases, it is identified by the people who spend the most time with them, which are the teachers, coaches, and administrators. They don't have the capacity to intervene in any way, shape or form. Now the flexibility is at least there.

I am not suggesting that any of these areas are things school systems have to do. But I think, for once, we have laid out a buffet and said they can pick and choose what works. If I could best summarize where I think our focus should be in Washington on K-12, it is on the outcome. Are our kids learning?

Last year, about 66 percent of our Nation's high schoolers graduated on time. In North Carolina, it was barely over 70 percent graduating on time. Let me assure the pages who are here and young folks who might be listening to this, there is a Federal law that says every company has to accept an application from somebody who is looking for a job. There is no Federal law that says they have to interview that applicant. If you are an employer today and you have 100 applications and 98 have a high school diploma and two of them

don't, I can assure you the two who don't have a high school diploma will not be invited back for an interview. They are out of the pool of selection because that has become the base minimum for consideration of a job that might have any upward mobility. It doesn't mean every child has to have a 4-year degree. But it does mean, from a standpoint of the business world, business has sort of cut it off and said our threshold is a high school diploma. A high percentage of our kids are not graduating from high school on time. If I was on the floor talking about health care today, we would call this an epidemic and we would fix it. No, this is education. This is somebody else's children. I have raised mine and educated mine.

This is the future fabric of America. We can either fix education or the rest of the world will clean our clock economically in the future. The secret to long-term success is making sure we field a team of highly gifted, knowledgeable Americans. If we plan to do that with a high of 60 percent of our kids with barely a high school diploma, I assure you the rest of the world will see that as an opportunity to surpass us and bury us. We have an opportunity to fix it now.

We talked earlier about No Child Left Behind—the right direction of legislation that was severely implemented incorrectly. It could have been a real winner if people embraced it, but they didn't. Now, 9 years later, 4 years after we were supposed to assess its success, make changes, and reauthorize it, we are in the ninth year, struggling to put together a reauthorization bill—in large measure because up until now everybody wanted to try to create a Washington bill to initiate solutions to elementary and secondary education versus a local approach that Washington is a partner in that provides flexibility and imagination.

We are going to spend a lot of time between now and the end of the year because it is vital we get reauthorization in 2011. I don't think we can let another class of students suffer through the lack of flexibility in the school systems they live in.

Senator KIRK talked about the need to expand charter school opportunities. I am for it. I cosponsored the bill. But just because there has been a private alternative that works, let's also face the reality that we are not going to put every child in America in a charter school. We might ought to, but we are not. And unless we want to say up front that everybody who is not in a charter school is going to suffer and they are not going to have the educational foundation kids over here have, then we better do both at the same time—provide that new avenue of education, which is an expansion of charter school opportunities; challenge the private sector, like KIPP stepped

up; and design a school that works and at the same time look at the public side of it and say: What do we need to do as a country?

I would suggest, when we honestly look at that and we focus on outcome versus input, what we will find is we have to empower more of the local community. We have to challenge business leaders in that community to hold the school system accountable. We have to challenge parents to actually look at the performance of their children and to hold those principals and administrators and teachers accountable for the performance of their kids. We have to make sure a community sees the success of education as the ability for that community to grow in the future.

When you go into a community, the worst thing you can hear, as a Member of Congress, is that when the kids graduate from high school, they never return. They never return because the business opportunities aren't there. Usually that is rooted in the fact that K-12 in that community doesn't work because wherever you have an educated workforce, you have a company looking to make investments.

I have heard my colleagues say that North Carolina has unfair advantages in economic development; that we have 58 community colleges, and that gives us something to sell that everybody else doesn't have; that we have the mountains and the beach, and that is not something everybody has. It is all a good thing to sell, but let me tell you what North Carolina really has. Let me tell you why companies around the world are investing in North Carolina. It is because we produce the second largest pool of graduates of higher education annually than any State in the country other than California. When a company invests \$1 billion in North Carolina, they know every year they can reach into the graduate pool and have a shot at getting the cream of the crop of those students. Why would it be any different for a company looking at locating in any community? If they look at a community that has a pitiful performance in K-12, why would they ever think of making the investment there? They will make the investment where the future workforce is available. If they believe the kids graduate and leave and never come back, they will look for where those kids moved to and make their investment there.

If we want to keep communities alive, whether they are in Ohio or North Carolina, we have to find a way to make K-12 a success in every community, big and small, urban and rural, and it starts by legislation that empowers those local school systems and, more importantly, shifts accountability from Washington and puts it back into the community, makes it the responsibility of the officials, the business leaders, and, most important, the parents.

Mr. President, I thank the Chair for accommodating me this morning. I noticed the other speaker didn't come in, so I am thrilled I was given the extra time.

I urge my colleagues over the months to come to pay attention to the K-12 reauthorization. There are many proposals out there. Not all will work, and we are not assured any are certain to succeed. But if you look for guidance, talk to the people who are closest to the problem. What they are screaming for today is the flexibility to put the money where it can have the greatest effect on the outcome of education, and that is this legislation.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATION ON HOLD

Mrs. BOXER. Mr. President, I come to the floor frustrated, angry, and disturbed that our Republican colleagues are holding up three crucial bills. And America needs to hear this. They are stopping us from completing our work on our emergency FEMA bill, which contains the monies needed throughout this country to rebuild and repair storm damage, a lot of it infrastructure—sewer plants, waterplants, roads, bridges, and highways.

We see pictures of what is happening in places such as Vermont, where, as Senator LEAHY told us yesterday, a woman he talked to has to drive 1-hour-plus for her chemotherapy because the road is gone, and it used to take her 5 minutes. We need to fix that road. We need to fix the roads, the bridges, the highways, the sewer systems, the water systems, the schools that get harmed in these natural disasters, and the Republicans are holding up the bill to let us do that.

We have holds—more than one—on the highway bill, known as the Transportation bill, and the FAA, our Nation's aviation bill. And here is the real shocker: The FAA and the Transportation bill, which have been merged into one bill, have come over from the House of Representatives, and the House relented on the numbers. They are at current levels of spending. They are clean extensions, which we wanted, but the Republicans over here will not let us get to those bills.

Tomorrow, the FAA authorization to fix up the airports, rebuild the airports, expires. So there will be no fee

as of tomorrow, and we have to stop, midstream, our airport improvements that are going on. It is called the airport improvement fund. They already shut that down once. I went around my State and saw safety projects stopped midstream. Now they are doing it again right over here—the Republicans right over here—holding up the FAA bill again. It means 70,000 jobs lost on Friday night.

They are holding up the highway bill, the Transportation bill, which—I am so proud—in our committee, we got the extension. Everybody agreed to it, Republicans and Democrats, in the committee. Republicans are holding it up now on this floor. It is a clean extension. It is 1.8 million jobs, everybody. There are 1.8 million jobs relying on that extension. It has come over here from the House. Take it up and pass it. Oh, no. Oh, no. There they go again, stopping progress in this country.

I will tell you why I am so particularly frustrated. It has to do with the rebuilding that is going on and that has gone on in Iraq and Afghanistan with American dollars. Not one Republican ever objected. Let me show you the pictures. Let me show you the pictures.

This is a picture of a new water treatment plant that has been built in Nassiriya, Iraq, at a cost of 277 million American dollars. Not one Republican said: Stop this. Not one Republican said: Pay for it by cutting some other program. What is going on?

Let me show you the picture of a water treatment plant near the border of Mexico in my State of California. It is old. I visited this treatment plant. It got hurt in an earthquake, and FEMA—the bill they are holding up—will pay to finish this water treatment plant, which has to be fixed before another earthquake hits us. And we know that is what is happening.

So they were fine with building a water treatment plant in Iraq—not a complaint, not a murmur, not a word, not an amendment—but we have to fix our water treatment plants here with the FEMA bill, and they are holding up the bill, and everybody knows that because we could have taken care of that yesterday. So that is an example.

Here is another example. This is a picture of road construction in—and I want to say this right—Kapisa Province, Afghanistan. Everyone is very proud that America has built a road there. We have spent a lot of tax dollars in Afghanistan and Iraq. I am happy for the people there that they have a road, and, God, we pray that nobody blows it up. But I have to tell you, if you are going to build roads in Afghanistan, you had better build roads here in America or the American people are going to rise up and say: Who are you fighting for?

I have never heard one Republican say: Oh, they are building a road in Af-

ghanistan. That is an earmark. That is an earmark. Let's stop it. That is a problem. Let's stop it. We are spending X number of dollars. Let's cut another program. Never a word. But now we have our highway bill right now coming over from the House. They changed their mind over there. They did not cut it. It is current levels of funding. It is a good bill. It will last for 6 months' funding. It will preserve 1.8 million jobs. And the Republicans are holding it up right now.

Why do you think this Chamber is empty? Why do you think I am here letting off steam? Because we are not voting. Let us vote. If you don't like the highway bill, vote against it. If you don't like it, that is fine, vote against it. Let us vote. Ninety people will vote for it, probably. Let us vote.

So here you have a picture of the excitement around a new road. Let's take a look at another picture of a road in my home State.

In January and February of 2010, California was hit by terrible winter storms and flooding and mudslides. This picture shows a road that was blocked after these storms. These storms hit us in many counties: Imperial, Los Angeles, Riverside, Calaveras, San Bernardino, Siskiyou—all of these counties declared emergencies. They are all waiting for the funds to rebuild a road that looks like this. It is impassible, shutting people down—a lot like the roads in Vermont now and other places.

They are holding up the FEMA bill, they are holding up the highway bill, they are holding up the Federal Aviation bill, and it is wrong. I have never heard them say: Strike that road we are building in Afghanistan; it is an earmark. But they are holding up, they are holding up the three bills we need to do.

So now I am going to show you another program. This is a brand new air traffic control tower being built in Mosul, Iraq, at a cost of \$10 million. You can see it is almost ready. The scaffolding is on it. It has been built. I never heard one Republican say: Oh, wait a minute, let's strike some other money somewhere else to pay for this air traffic control tower. I never heard one Republican object to building this air traffic control tower in Iraq—not a word—but when it comes to our air traffic control towers, you hear plenty.

They stopped us from moving ahead with the FAA reauthorization before we left for the summer break. It resulted in 70,000 people being laid off. And here is one of my towers in Palm Springs, stopped in the middle, shut down in the middle. The workers had to leave. They lost money, the contractor did. The workers—some of them went off to other jobs, and they had to hire new workers. I stood in front of this tower. I stood in front of the tower in Oakland. I went to Los

Angeles and saw the work stoppages that occurred on the new Tom Bradley terminal because the Republicans shut us down.

Now, today, we come back. We all think we have a new attitude around this place, but we are shut down again. And we have 24 hours to get this FAA bill done or 70,000 workers will be out again. And we have until September 30 to pass the Transportation bill or 1.8 million workers will be out of work.

Now, we have heard complaints from the other side as to why they are holding it up, so let me give you some of that argument.

One of our Senators from Oklahoma, Senator COBURN, says he wants to hold up the Transportation bill, which includes Transportation and FAA, because he doesn't like one part of the program. Two percent of the funds go to things he doesn't like. Well, he has every right to that opinion and every right to work with us on an amendment and get it done, but he is holding it up. We could have had that amendment yesterday.

He doesn't like the transportation enhancements program. For the record, there are a number of things in that portion—which is a relatively small amount of the bill, 2 percent of the bill—and we are reforming that section next year when we get to the new bill, but he is holding it up. Now, he is wrong to hold it up because of what I told you. He is putting at risk all of these safety improvements at our airports, he is putting at risk 1.8 million jobs on the Transportation bill, and he is putting at risk 70,000 jobs at FAA because he doesn't like this program.

He also misled people. He said we spend 10 percent of our transportation money on this transportation enhancements program. We do not. We spend 2 percent. Ten percent is not 2 percent.

He went on to say that safety should be a top priority. And we agree. But he doesn't understand what the transportation enhancements program is. It is about safety. It is about safety. The transportation enhancements program is mainly about saving lives by preventing bicycle-and-pedestrian fatalities. That is what it does. It says to the States: We have a pot of money here. If you want it, you need to make sure you make safety improvements for pedestrians and bicyclists.

Pedestrians and bicyclists account for 13 percent of traffic fatalities nationwide, with more than 47,000 pedestrians killed in the 9-year period 2000 to 2009. That is the equivalent of a jumbo jet crashing every month. So the safety enhancements supported by the program Senator COBURN wants to eliminate are needed to prevent these deaths.

Bike paths and pedestrian walkways are important. Fifty percent of trips are 3 miles or less, 12 percent of all

trips are made by bicycling and walking, and bicycle commuting has increased by more than 40 percent between 2000 and 2008.

So why on Earth does he want to hold up this critical bill and the FAA bill—because they are married together—to say he is for safety when he wants to eliminate this whole program, which is dedicated to safety for our pedestrians and our bicyclists, 47,000 of whom perished because we don't have these safety enhancements in place? All Americans benefit from the program he wants to eliminate.

We strengthen local economies, we improve the quality of life, we protect the environment, and he is willing still—because that is what he is doing by holding this up—to risk shutting down our Nation's entire surface transportation system as well as critical FAA programs and more than 1 million jobs because he doesn't like this program.

Well, do you know something, every one of us here has a pretty big ego. You get here and, yeah, it is important. Set it aside. You don't like something? Offer an amendment. Don't hold up all of these bills. It is wrong because if we do what they did—shut down the FAA—it makes a rough economy rougher, and it stalls us from doing the work we have to do. No one stalled the airport improvements in Iraq. No one stalled over there, on the Republican side, the road improvements in Iraq. No one stopped improvements in Afghanistan. No one stopped water system improvements in the war zones. But somehow, when it comes to America, well, we had better cut this and cut that and offset this and offset that.

We have a budget. We are going to live by it. We have an emergency. If we look at the explanation in Webster's dictionary of an emergency—here it is, an emergency:

No. 1, an unforeseen combination of circumstances or the resulting state that calls for immediate action

Webster's dictionary has it right. This ought to be put on the desk of every one of my Republican colleagues. Another definition:

No. 2, an urgent need for assistance or relief.

When there is an emergency, one steps to the plate and solves the problem. Just ask Senator LANDRIEU, who has been leading the battle on this FEMA bill. We cannot tell people out there that they only have 30 days' of funding because they have to enter into a contract. It may take 3 or 4 months to rebuild a bridge. It may take 6 or 7 months to rebuild a water treatment system. But that is the way they approach it over there—when it comes to America.

When it comes to funding wars and rebuilding the war zones, I don't hear a peep out of them, not a peep. I say it is time for America. We have a choice.

We can stand up for America right now, today. We can pass these three bills.

The FEMA bill gives our Governors and our people in the States the assurances that FEMA will team up with them and do what it takes to rebuild after these horrifying emergencies—which, by the way, are becoming more and more frequent because of climate change. But that is another matter for another day. That is another battle for another day.

Unfortunately, in this body science takes a back seat to politics and the special interests that want to say: Oh, climate change; no big deal. We need to protect our turf. That is what they say. And we have done nothing.

The President has done what he can, and bless him for it—fuel economy, all these things. But it gets worse and worse. We have done nothing. I have four grandkids, and I am so hoping in the rest of the time I have to be in this body and on this Earth that I can get us moving on this climate change. But, oh, no. So I guess we sit back while we see more and more extreme weather emergencies, while we see extreme weather emergencies.

If the other side doesn't want to do anything about the cause of it, fine. That is their choice. They have to live with themselves. They can at least help us adapt to these problems, and that means paying to fix our roads, bridges, highways, our water systems, our sewer systems, all these things that get exposed to these weather emergencies.

Do you know 70 percent of our bridges are deficient? I thank my ranking member on the Environment and Public Works Committee, Senator INHOFE. He and I don't see eye to eye on the environment. That is an understatement. But when it comes to the infrastructure, we agree. He talks about the tragic death of a young woman who was walking and a bridge literally fell apart. It fell and killed her.

This is America. Seventy percent of our bridges are deficient, and we have colleagues holding up this bill? I say shame on them. Shame on them for doing that. It is outrageous. We finally got the House to come to us, to come to our number to freeze spending. I thank them for that. They came to their senses. They realized we need to build our highways. We need to maintain our airports. They sent us a bill that is good.

On FEMA, they are not so good. On FEMA, they are doing a bad thing over there. They are trying to cut programs that create jobs to pay for these emergencies. That is a whole other deal. But today we have a bill for FEMA that would do the job.

I said in my last talk about FEMA and the emergencies that we face: If your neighbor's house is on fire, don't

waste time and fight about the cost of the garden hose. You will get that later. Your garden hose helps them, and you feel they are a part owner. You can discuss it later. Get out the garden hose, put out the fire, and everybody is going to be OK.

Playing games with these things is not right. It is beneath the dignity of the people of America who think we are a bunch—let me rephrase that—who do not rate us very highly. That is an understatement too. How much lower can you go than 13 percent?

I would say this: If we cannot do these bills we do not deserve to be 13 percent popular. We do not. We have certain basic responsibilities, and I am sick and tired of paying for roads and bridges and embassies and buildings and everything else in Iraq and Afghanistan. We have given those people our finest. They have bled, they are still bleeding, and they have to take responsibility for their own nation. We have to take responsibility now for our Nation.

Time is short. If the Senate does not pass that highway bill, 1.8 million highway and transit jobs are at risk. If the Senate does not pass the FAA bill by tomorrow, 70,000 jobs are at stake.

We saw what happened. I visited the airports. It was tragic to see people saying: I had no job—because these are all private sector jobs mostly. There are some government jobs. For example, the FAA inspectors—some of whom paid on their own dime to fly across the country and inspect some of the projects. God bless them, and we better pay them for what we did.

My understanding is this bill does not do that, but Congressman MICA claims he is going to take care of that. But we are about to do it again over here if Republicans do not come to their senses.

In summing up, this is a day for us to make a clear point that America has to start taking care of its people. We all read the papers. We know what is happening to the middle class. We know what is happening to the poor. We know what is happening to our roads. We know what is happening to our bridges. We know our airport system is from the last century. We have to have NextGen. We need to move to a GPS system, away from a radar system. They say: No, no, no.

The message has to go out to the American people. They blame everybody, and I don't blame them. But right now it is clear: The Democrats in the Senate want to pass three bills right now. They are all very important. One of them is the emergency FEMA bill to pay for these terrible disasters that have been hitting us. Those are emergencies, and we need to go ahead and respond.

No. 2, a highway bill to fix our deficient bridges, to fix our highways and our roads that are 50 percent deficient.

In other words, half of them are not up to standard. We are living off our grandparents' investments at this point. We have to invest in our infrastructure and all the jobs that come with it.

So we have those three bills. FAA and highway have been merged, and then we have the FEMA bill. We are sitting around not voting. Everybody, look at this Chamber. No one is here. No voting is taking place because we are the subject of a filibuster, which means a big stall.

Again, I ask my friends on the other side: Where was your outrage when we were building roads and highways and bridges and airports in Iraq and Afghanistan?

Where was your outrage about the money?

Where was your outrage about cutting something else to pay for that?

Where was your outrage?

I tell you I never saw it. I never felt it. I never heard it. It is, in a way, humiliating for the American people that somehow they are just not as important.

I am here to tell them they are important. Their jobs are important. Their work is important. America, as an economic leader, is important. So I will be back on the floor to debate any one of my colleagues on the other side who disagree with anything I said—and that is fine.

They may disagree. They may defend why they allowed projects to go through abroad but not here. They may say why they want to cut safety programs from the highway bill that will save lives. By the way, that transportation enhancements program they want to do away with was a bipartisan idea that came from Republican John Chafee and Democrat Daniel Patrick Moynihan in 1991. That sounds like 20 years to me. Twenty years we have had that program.

Can we look at it? Can we reform it? Can we make it work better? Of course. But don't just stand here.

By the way, one of our Republican friends said just cut it, and we do not even need a vote. Just take it without a vote.

No. If we are going to vote on that, we are going to fight about it and have a vote. But let's have a vote. Every minute this Chamber sits idle, let me tell you what happens outside in the real world. This is the fake world out there. In the real world people are calling one another: What are they doing over there? We have a chance to get these bills done fast. What are they doing?

Finally, we get a bill that comes over from the House that is bipartisan that is a freeze, that has everything intact, that sends a message we can move forward with FAA for 4 months, 6 months on the highway bill, and we cannot get it done.

I urge my Republican friends to change their minds and change their tune and stand up for America. Let's get on with the business of taking care of this country: its highways, its bridges, its roads, its airports, its emergencies. If they do that maybe we will see the American people have a little more faith in us because right now they have lost faith. And I don't blame them one bit.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded and to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC DEVELOPMENT

Mr. BROWN of Ohio. I was listening to the Senator from California describe how the American taxpayers pay for all kinds of public facilities from utilities to schools to water systems to energy production in other countries around the world, and according to Senator BOXER there is never objection to that from the other side of the aisle. But when the President of the United States wants to do that same kind of construction in the United States of America, there seems to be objection. I was taken by that, one, because it is true; second, because it is pretty unbelievable that when the President decides that working with the Congress—causing the Congress to pass legislation so we can build schools and renovate schools in Michigan or California or Cleveland or Toledo—that some conservative Members of Congress in both Houses say, well, we can't do that even though we want to pay for it by closing the Wall Street tax loopholes, by taking away oil company subsidies, by closing the tax incentives that are in Federal law now that encourage companies to leave Hamtramck or leave Youngstown and go to Wuhan or Shanghai.

I was on a conference call yesterday with some school principals in Ohio, a principal from Zanesville, a moderate-sized community in eastern Ohio, who had been a principal in a nearby rural school district some years before, who was talking to me about how important school renovation is. The average school building in the United States is 40 years old. We would put so much effort in infrastructure in the 1940s, 1950s, 1960s, and 1970s, from Dwight Eisenhower with the interstate system to school superintendents and local taxpayers building schools and new water and sewer systems—including all the infrastructure we built in this country after World War II—in a bipartisan way

to help our country grow. We put people to work doing the construction. We put people to work doing the manufacturing for materials used in the construction, and putting people to work because we built this infrastructure that the Kroger Company in Cincinnati needs to move its produce and other things for their stores all over the Midwest. It is the kind of infrastructure rebuilding that helps us with economic development.

The President was in Columbus 2 days ago talking at Fort Hayes High School about school construction and how important that is. I was talking to the school principal, who used to work in Maineville, and he told me how several years ago his school building was old and decrepit and needed fixing. He also said the test scores were not very good for these students. He said after they built a new school building and put these students in a place that they could learn better, it sent a message to these students that, yes, we care about education. He said the test scores went up markedly. I said, because of the new building? He said, yes. Uncategorically, he said yes.

We tell our young people in this country that education is most important, and then we send them to schools that don't look good. I wonder what students think when we put this premium on education, but then we don't act on it. He and the other principals talked about leaking roofs and mold on the walls. They talked about dark and dank hallways in auditoriums. They talked about the lack of technology.

What the President is trying to do—and what Senator BOXER was talking about, more with aviation and highways, but schools also—when he talks about investing in school renovation, one, it means jobs immediately for carpenters and electricians and plumbers and laborers and all kinds of people. It also means jobs immediately for the people producing the steel, the manufacturers, the cement, and the insulation. The biggest insulation plant in the United States of America is in Newark, OH. It creates jobs right now but it also means better schools for our kids, and it means long-range economic growth, long-range prosperity, and a better environment for us as a country.

What troubles me so much, as Senator BOXER said, is we are putting money into schools and water facilities in Iraq and Afghanistan—and I am okay with that if it serves our national interest. I am not okay when there are no objections to that from conservative politicians, but they object to doing that at home with schools in Chillicothe and Mansfield and Springfield and Lima and Youngstown and Akron.

It is so important to move forward on the school construction and jobs bill. Mr. President, \$1 billion in investment in school construction and renovation

creates about 10,000 jobs. Those 10,000 jobs are mostly middle-class jobs in manufacturing and the trades actually doing the construction and the building. It makes so much sense, and I am hopeful as the President goes around the country explaining it—he was in Columbus 2 days ago—that my colleagues on the other side of the aisle decide, yes, maybe we ought to actually focus on jobs and do the right thing.

I yield the floor and suggest the absence of a quorum.

The Presiding Officer (Mr. LEVIN). The clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 66, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Pending:

Reid amendment No. 602, to provide additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 603 (to amendment No. 602), to change the enactment date.

Reid amendment No. 604 (to amendment No. 603), of a perfecting nature.

Reid amendment No. 605 (to the language proposed to be stricken by amendment No. 602), of a perfecting nature.

Reid amendment No. 606 (to amendment No. 605), of a perfecting nature.

Reid motion to commit the joint resolution to the Committee on Finance with instructions, Reid amendment No. 607, to change the enactment date.

Reid amendment No. 608 (to the instructions) amendment No. 607), of a perfecting nature.

Reid amendment No. 609 (to amendment No. 608), of a perfecting nature.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the motion to commit and the pending amendments, with the exception of the Reid substitute amendment No. 602, be withdrawn, and the following amendments be the only amendments in order to the Reid substitute amendment No. 602: Coburn amendment No. 610 and Paul amendment No. 613; that the time until 4 p.m. be equally divided and controlled be-

tween the two leaders or their designees—and this will be for debate on the amendments and the joint resolution—with 30 minutes for Senator COBURN and 15 minutes for Senator PAUL—and this 15 minutes will come from the Republican leader's time—and at 4 p.m. the Senate proceed to vote on the amendments in the following order: Coburn amendment No. 610, Paul amendment No. 613, and, finally, the Reid substitute amendment No. 602, as amended, if amended; that there be no amendments, points of order, or motions in order prior to the votes other than budget points of order and the applicable motions to waive; that the amendments not be subject to division; that all of the amendments be subject to an affirmative 60-vote threshold; that the motions to reconsider be considered made and laid upon the table; and, finally, if the Reid substitute amendment, as amended, if amended, achieves 60 votes, the joint resolution, as amended, be passed; if the Reid substitute does not achieve 60 affirmative votes, the cloture motions be withdrawn and the joint resolution be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to suggest the absence of a quorum, but in doing so, I ask unanimous consent that the time run equally for both the Democrats and the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 610 TO AMENDMENT NO. 602

Mr. COBURN. I ask that amendment No. 610 be considered as pending, brought up, and read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610 to amendment No. 602.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To save at least \$7,000,000,000 by consolidating some duplicative and overlapping Government programs)

At the appropriate place, insert the following:

SEC. ____ CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

Mr. COBURN. Mr. President, the bill we have before us today is a bill to fund emergency relief through FEMA for a lot of the emergency disasters our country has experienced over the past 6 months.

I don't think there is a large disagreement that we ought to take care of the areas that are the Federal responsibility in the respective States for the extreme weather as well as fire-related tragedies that have been experienced by a multitude of States. However, the question is, given where we stand as a country, do we just borrow the money to do that and add it to the debt or is the government running so efficiently that we can't cut something else and make a choice about how we pay for it? The bill as brought forward has no pay-for at all. In other words, the assumption is that if we pass this bill, we will go and borrow approximately \$7 billion more in the international markets.

What I would put forward is that we know we have plenty of areas we can cut now that are not effective, not efficient, that are wasteful, that are duplicative, and we would not have to borrow that additional money. The easiest

thing in the world is to spend somebody else's money. And what we are doing with this bill by not paying for it is actually asking our grandchildren to pay for an obligation we have today.

The amendment I have asked to be called up is nearly identical to an amendment this body passed by a vote of 64 to 36 in April of this year.

The Government Accountability Office brought forth a report on duplication that showed hundreds of millions of dollars in wasteful duplication. This is not the only area we could go, but this is an area we have already agreed as a body is an effective way to pay and save money. We could easily find \$7 billion by eliminating multiple programs that accomplish the same thing. Let me give some examples of what the GAO showed.

The Department of Defense and the VA are both creating new medical record systems as we speak, both paying for independent contractors doing the same thing. They are going to have intertwined medical records ultimately. We do not need to set up two different programs. By doing that, we could save a couple of billion dollars, just by having one program for both VA and DOD.

We have multiple contracts, according to the GAO, in terms of inter-agency and areawide contracts that actually increase our procurement costs, where we could consolidate those and have one contract and actually save money. But we have not done that. That is something that can be done by the OMB at our direction.

The other area which is extremely interesting—and the President has already agreed to this. They are already starting to do it. But we could do it much faster and save a significant amount of money. We could save \$150 billion to \$200 billion over the next 10 years just by consolidating data centers. We initially had some 500 of those. I think we are up to around 2,000. We had 434 in 1998 and 2,000 Federal data centers in 2010. What everybody knows is we could cut that by about half, not have any change in the effectiveness, and save about \$150 billion over the next 10 years.

This amendment identifies the areas listed in the GAO report and instructs the OMB to find those that are most likely to be achievable to come to \$7 billion. We have agreed to do this in the past on a previous bill when Senator WARNER and I offered this amendment jointly to pay for the spending.

I can go on with a lot of other areas in terms of wasteful spending. I will not. But I make this one plea: In August we left after passing a debt limit increase, the largest debt limit increase we have ever incurred in segments, and said we were going to start living within our means. We have created a supercommittee to find \$1.5 trillion over the next 10 years in savings.

While they are doing that, if we decide to pass an emergency supplemental bill for FEMA and do not pay for it, we are going to be working in exactly the opposite direction of what we said we needed to do.

The facts are, we are almost schizophrenic. We say we need to cut spending. Yet we are going to spend \$7 billion more. Yet we do not want to find some spending to cut to pay for it; we just want to borrow it. You can understand why very few Americans have confidence in us. On the one hand we are addressing the problem, and on the other hand we are ignoring the problem.

I think it would behoove the confidence level in this institution if, in fact, we tried to pay and found the courage and the willpower to say if we are going to spend additional money, we are going to create priorities, and we are actually going to eliminate spending somewhere else to be able to pay for this, to be able to do this more important thing.

I have trouble understanding, even when I talk to our colleagues privately, why we would not do this; why we would not pay for this \$7 billion by reducing wasteful spending elsewhere.

As we go to the vote at 4 o'clock, the question that people ask is, Why was it OK to cut the spending from these departments back in April, but it is not OK to cut the spending now? Sixty-four of our colleagues voted to cut this spending in April. I know several are opposed to paying for this, but we are in a new day. We live in a new world.

The Oklahoma Chamber of Commerce was here this week. The title of their meeting was "New Realities." The new reality is that we are going to run to the end of the time at which we can borrow money or afford to pay the interest rate on the money that we can borrow, and the discipline we need is to live within our means.

This is one step that will be the right thing to do for future generations. It is the right thing to do to build confidence in our institution, and it is the right thing to do to eliminate waste and duplication in the Federal Government.

I yield the floor, suggest the absence of a quorum, and make a point I will talk again on this prior to the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 613

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendment No. 613.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 613 to amendment No. 602.

Mr. PAUL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To offset the disaster relief appropriations by rescinding amounts for foreign assistance programs)

On page 12, between lines 11 and 12, insert the following:

TITLE VI OFFSET

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

Mr. PAUL. Mr. President, this is an amendment to pay for the emergency funds. I think for too long in this body we have just simply added on funds, often for good causes, but we keep spending money we do not have. I think the mark of a good legislator is making priorities. If we choose to spend some money on an emergency, we should take the money from somewhere else in the budget.

In this amendment we have proposed to take the money from foreign aid. When the American people are asked if they think we should be sending welfare to other countries or building bridges in other countries when our bridges are falling down in this country, 77 percent of them think we should not be sending money overseas when we have problems at home. This amendment would take unspent foreign aid money from this year and apply it toward the disaster funding. It would also take some unspent money from the State Department.

I think it is responsible budgeting. It is essentially taking money from another area, spending it, and not adding to our debt. There are repercussions to the debt we have. I tell people the debt has a face. Every time we drive to the store our gas prices are rising or our food prices are rising. The reason our prices are rising is because we have to pay for the debt by printing new money. As we print new money at the Federal Reserve to pay for our debt, we diminish the value of the dollar so our gas prices rise and our food prices rise.

Also, economists have said up to 1 million jobs a year are being lost to pay for our debt. What I ask for is, as we pay for these natural disasters we take the money from elsewhere in our budget.

I also rise in support of the plea of Senator COBURN not to target the transportation funds. Right now we are asking that highway funds, 10 percent of them, go to beautification projects—turtle tunnels, movie theaters. In our State of Kentucky, we have a bridge that was closed this week, the Sherman Minton Bridge. Of three bridges in Louisville, one of them is closed. Traffic is stacked up for hours and you are telling me we need to have turtle tunnels? Something is seriously wrong with government when we are forcing State governments to spend 10 percent of their transportation money on turtle tunnels, white squirrel parks, and movie theaters.

Another bridge is needed in the northern part of our State, Brent Spence Bridge, where debris from the bridge is falling. Four years ago we had a bridge in Minneapolis that fell into the river and killed 13 people. We, as a nation, need to set our priorities, but I think it is incorrect and a real problem that we are telling people they have to take 10 percent of the transportation funds and put them into bike paths.

I am a bicyclist and I like bike paths as much as anybody. But when bridges are falling into a river and a major metropolitan area such as Louisville, KY, has one-third of its bridge capacity closed because the bridge is dangerous to travel on, these are emergency problems.

It also buys into what I am talking about with foreign aid. We cannot send welfare to other countries that we do not have. We are not sending them money that is from our savings. We are sending money that we are borrowing from China or that we are printing. There are ramifications to this debt. We are borrowing money at \$40,000 a second. There are ramifications to this borrowing. It has a face. It is just not an empty number.

When we say our national debt is \$14 trillion or that we are adding \$1.5 trillion to the debt every year, there are ramifications to that, and there is a face. The face is unemployment. The face is people losing jobs. We see it in the grocery store with our prices rising. The debt has ramifications.

In Europe, we are seeing the end stages of this in some cases. We are seeing chaos and rioting in the streets. We had rioting in London recently. We had rioting in Greece, Portugal, Spain. All of these countries are tumbling under a burden of debt, and it has been predicted that this is coming to the United States. It is coming soon. It is a contagion of debt that is sweeping the world, and it is all pyramided upon the U.S. dollar.

Once upon a time, banks in Europe held gold as their reserve. They now hold the dollar as reserve. When the dollar tumbles or when we have trouble paying for our debt, there will be massive worldwide problems. We are in the

middle of the worst recession since the Great Depression, and there are no signs that any of the policies coming from the White House are working. In fact, the first stimulus package did not work. Two million more people are out of work since the President came into office. The price of gasoline has doubled. Our debt has been downgraded. We are set to accumulate, under this administration, more debt than all 43 previous Presidents combined. It is not working.

Recently, the President came over to a joint session of Congress and presented to us the "son of stimulus"—the son of a stimulus that did not work in the first place. He said we are just going to tax those rich people.

Rich people hire poor people. Most of us have jobs because rich people hired us. They are talking about adding \$400 billion in new taxes on those who make \$200,000 a year or more.

You say the rich ought to pay their fair share. The rich are paying for the income tax—47 percent of Americans pay no income tax. So half of Americans are already paying for all of the income tax. The Bush tax cuts actually made the Tax Code more progressive because they dropped off more people from the lower end. If we look at those who make more than \$200,000 a year, it is 3 percent of the public. They earn 30 percent of the income and pay 50 percent of the income tax.

If you are saying the Tax Code needs to be made more fair, it would probably be that we would have to make the Tax Code less progressive.

The bottom line is, if I thought it would help people, we could do it. It is going to hurt people. The head of the Congressional Budget Office is an objective spokesman who analyzes government. He testified before the supercommittee yesterday that it would be a mistake to raise taxes. The preponderance of economists say it would be a mistake to raise taxes in the middle of a recession. It will lead to more joblessness.

Pitting one group—class envy—pitting one group against another gets us nowhere. Years ago we tried this. We said we will have a special tax on those who own yachts. Guess who lost their jobs. The men and women making \$40,000 and \$50,000 a year lost their jobs. It does not work. It is unhealthy. It is not good for America to blame one class of people versus the other. We want to lift everyone in America. We want a thriving economy. When we lowered tax rates in the 1980s, we had 6 percent and 7 percent growth in a year. We are at 1 percent growth and we look like we are headed in the wrong direction. They say the definition of insanity is doing the same thing over and over and expecting a different result.

This new jobs plan by the President is the "son of stimulus." It is the son of a stimulus that did not work the

first time. When we calculate it, it cost \$400,000 per job. It did not work. We should not be doing the same thing over and over again and expecting a different result.

I would say in conclusion that my amendment is the responsible budgetary amendment, and it pays for the new disaster funding. If we wish to help people and we think our Federal Government should be involved with disaster funding, it should be paid for. It should not be borrowed from China, and it should not be simply printed up at the printing press. We should pay for it.

I urge other Senators to support my amendment which would offset the disaster funding by reducing a corresponding amount from foreign aid, the welfare we give to other nations, many of them rich nations. I would ask serious consideration of it.

I would also ask serious consideration of Senator COBURN's proposal that when we have bridges crumbling in our country, we not force States to build turtle tunnels, squirrel sanctuaries, and movie theaters. We have crumbling bridges and we need to get this through and we need to say we are not going to force the States to decide to have these beautification projects.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll. The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—H.R. 2887

Mr. COBURN. Mr. President, I would like to say Senator REID and I have had several discussions today and we are working to try to resolve an impasse we have, but we are not there yet. I wanted to be clear with my colleagues what my intent was, and if we can work the problems out, I am happy to try to do that.

I have three separate unanimous consent requests I am going to be asking for. One will separate the FAA bill, pass it, and send it to the House. Another will separate the Transportation bill, eliminating the transportation enhancement component of it and send it to the House, and another one eliminates the transportation component of the combined bill and sends it back to the House. I understand the leader is concerned with those but felt I would exercise my right to offer those unanimous consent requests.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, and my

amendment at the desk related to a 4-month extension shall be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that the Coburn amendment at the desk related to repealing the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that my amendment at the desk related to a 6-month surface transportation extension that repeals the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 167, H.R. 2887, the Surface and Air Transportation Programs Extension Act; that the only first-degree amendments in order to the bill be the following: Coburn amendment regarding transportation enhancements, Paul amendment regarding limitation on highway trust funds, and the Paul amendment regarding FAA funding levels; that there be up to 2 hours of debate on the amendments, equally divided between the two leaders or their designees, prior to a vote in relation to the amendments in the order listed; that there be no amendment in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to a vote on passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill

other than budget points of order and the applicable motions to waive; and the motions to reconsider be considered made and laid upon the table.

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum, and I ask unanimous consent that the time until 4 o'clock be equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we are looking at a FEMA emergency supplemental. There is no doubt this country has sustained a series of disasters that will require Federal support and funding. We have seen them in Alabama, my home State, where we had the worst series of tornadoes in history, and some of the most powerful, that completely demolished two-story brick homes with nothing but foundations left. Lives were lost to an extraordinary degree, and people were injured.

We have had floods. We have had fires and droughts around the country. We have some of that every year, and some of this is unusual. So it is incumbent upon us in Congress to wrestle with that and to try to figure out what should be done and how we can best supplement the insurance and State actions and local people's abilities to respond and share a bit of the pain throughout the country.

Since I have been interested in the emergency bill and I have some ideas, I was surprised we were told it was going to be added to the Burma sanctions bill, and it was going to be \$6.9 billion. I hadn't had a chance to know and review and see what those numbers were and whether they were justified. But Majority Leader REID said we want to move to that. That is what we want to do.

Some said—and surely it is not true—that Senator REID was setting a trap for the Republicans; that he would offer this bill, throw it out there, and he would have extra money in it and we would complain. Then he would say: The Republicans don't love people who have suffered with a disaster as I love people who have suffered with a disaster. You don't care. You don't want to help people who are hurting. You are not good people. I am a good person. I love them more than you do.

I hope that is not true. I do not believe it is true. Surely, it is not true. But I will just point this out: that President Obama's funding request for this supplemental that we have seen

was for \$500 million in 2011, \$4.6 billion for next year, totaling \$5.1 billion. That is what the President proposed. But the Senate Democrats' proposal that Senator REID has moved forward has \$804 million in 2011, \$6.1 billion in 2012, for a total of \$6.9 billion. That is about almost a \$2 billion difference.

You know they say: That is not much money, just \$2 billion. We spend a lot more money than that around here on all kinds of things, and we shouldn't worry about it, SESSIONS. You are just slowing down the emergency bill. It has to go through right now.

I just pointed out previously that \$2 billion is a lot of money. We have an education budget in my State that is pretty sizable, but the basic general fund budget of Alabama is about \$2 billion. We are an average-sized State. We are about one-fiftieth—4 million people—of the United States. So \$2 billion is \$2 billion. A billion here and a billion there, you are talking about real money. I am just raising a question. I suggest that this kind of rapid spending, emotional, political movement of money through this body is why this country has gotten into financial trouble. We just increase the pricetag for a bill by \$2 billion and rush it through and attack anybody who has the gumption to stand, such as Senator TOM COBURN, and raise some real questions about it. How much of this can we pay for? Can we pay for it all—we probably could and probably should—or pay for part of it so it is not borrowed? You see, an emergency in general is debt. When we declare something an emergency, we are adding to the debt. It means it is not under the budget. We have a budget limit, and all spending is supposed to be under our budgetary limit, although we have not had a budget in 2 years. But when we do a supplemental, it does not count that way.

I have seen the Presiding Officer be pretty sophisticated in these things. I remember, I was talking to a senior Congressman about an emergency bill years ago that was not truly an emergency, and he said: Well, JEFF, we need to put it on the emergency supplemental.

I said: Why?

He said: It doesn't count against the deficit.

I said: Why?

He said: I don't know. It just doesn't count.

What he meant was it was not part of the budgetary numbers. It was on top of it. It added to the debt in general.

We have to be careful about that. We are borrowing now 40 cents of every \$1 we spend. That is not a misprint. I am not speaking erroneously. Forty cents of every \$1 that is spent this year is borrowed.

Responsible senatorial management requires us to examine the legislation. When we have a bill that is about 40

percent more than the President asked for, maybe that ought to throw up a red flag around here. Maybe we ought to examine it more closely because every single penny that is spent should be spent wisely. There are two areas: Are we spending money that is not needed at all—and we have had some of that under emergency spending—or are we spending money that could be spent better on other problems that arose from the emergency than the problems we are spending it on?

I have been to hurricane damages, I have been to flood damages, I have been to tornado damages, drought damages. It is hard to get the money to the people who truly need it and whom you can justify. This is not just throwing money at something.

So we can do a better job of that. Congress needs to be more involved. I think \$2 billion is a lot. We ought to be careful before we do that. Most of the money is not going to get spent until next year, by far. Overwhelmingly, 80 percent of it is to be spent next year. I believe we ought to be taking time to do this right.

I would also like to take the opportunity, while I have the floor, to address this morning's hearing in the Budget Committee, on which I am the ranking member. At today's hearing, I emphasized the economic danger our country is facing as a result of the increasing deficit. We had three economists testify. Two of them were selected by our Democratic majority colleagues. We asked whether they agreed that it would be wise to pursue policies that create jobs without creating debt. They all acknowledge that increasing debt is a dangerous thing.

We discussed whether we should seek ways to create jobs and growth in America without adding to the debt. Wouldn't that be smart? They all agreed it would—things such as producing more American energy, reducing costly bureaucratic regulations, and instituting growth-oriented tax reform. All three witnesses said those are good things to do for America.

I would say, if we are going to spend \$7 billion or \$5 billion on an emergency, it helps Americans' growth, productivity, and competitiveness if that money is spent the best possible way, every penny of it to help people truly in need and to help increase our national productivity.

Those are some of the concerns I have. I just wanted to share those thoughts because I think we would have been better off had this bill come through the regular process, we had full testimony from the administration witnesses, from FEMA, which will be handling the money, setting forth in detail where they expect to spend the money, how it is needed, and how they are going to do it in a way that is fair and helps the people in the right way. I do not believe the way this bill is

moving is careful enough, and I believe it places at risk the treasury of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, in a few minutes we are going to be voting on a bill that has been put on the floor that would address many of the emergency disaster needs that have come our way this last year.

In my State of South Dakota, it has been a year for the record books. We have had historically cold winters the last couple of winters. We had a historically wet spring and, if you look at the Missouri River basin, unprecedented amounts of runoff, to the point where we had flooding on the Missouri River throughout the entire basin, up and down. My State of South Dakota, of course, was impacted dramatically by that, as were many of the States in the basin, and I think, like a lot of parts of the country this year that have experienced weather-related disasters, there are a lot of people who have been hurt by that. In my State of South Dakota, we have a lot of homeowners in the Pierre and Fort Pierre area and the Dakota Dunes area and the Yankton area. We have had tremendous wet weather in northeastern South Dakota, and there are a lot of people who have been flooded up there.

We have people in these areas of my State who literally have lost everything—their homes. It was not one of those situations where you get an event that comes through, it is gone quickly, and you can go in and clean up and recover. In this case, they were floods that persisted over long periods of time—in this case months. I remember touring some of those areas in my State and in some cases having to go out there literally in a boat to see homes and having to walk into a home in waders because the water in the living room was literally up to my waist. And the water was there literally for weeks. There were a lot of black mold problems, of course, just a tremendous amount of damage.

As I said, in many cases these are people who for various reasons did not have flood insurance, in most cases because they were told they didn't need it, they were not in the flood plain. These were homeowners who, when the Missouri River dams were built, thought, at least, that they were protected by those dams and as a consequence, perhaps, did not purchase flood insurance, with rare exceptions. Of course, in all of these cases too

there are homeowners who, if they did not have flood insurance, have in some cases lost everything. I am not talking about just homeowners who have resources and means, I am talking about people—I met with retired schoolteachers who put everything they had into these homes along the Missouri River, and now they have literally lost everything. So I can appreciate how important it is that we do everything we can to respond to this enormous weather-related disaster that has come our way.

I have great sympathy for those other areas of the country that have been impacted this year as well. I know that on the east coast, we had flooding from the hurricane, and we have had tornadoes this summer that have wiped out parts of entire communities.

It has been a very difficult weather year, and as we approach this issue of how to deal with that, I think it is important that we bear in mind—that we do everything possible to address the needs these homeowners have and try to help them rebuild their lives and put things back together.

So as we get into this debate, certainly I recognize the importance of us having a response. I think that one way or the other, Congress will respond, whether it happens today or in the form of some relief that may be coming over from the House of Representatives. But I believe it is important that we do that. It is also important, given the budgetary circumstances in which we find ourselves, that we pay for it. I think there are a couple of amendments we are going to vote on this afternoon that would accomplish just that.

The Senator from Oklahoma has proposed an amendment which many of us have voted for in the past. I think it got 64 votes here in the Senate, both Republicans and Democrats supporting it. It would do away with some of the duplication we have in our Federal Government.

The Government Accountability Office has identified lots of areas of duplication. In fact, I think the Senator from Oklahoma has already gone through some of those, but I have been here on the floor and addressed some of these as well: 56, or thereabouts, programs spread across 10 or so agencies that deal with financial literacy; 82 programs that deal with the issue of teacher training. I think you have to argue that there is plenty of waste and duplication and redundancy in our Federal Government, and we ought to be doing everything we can to eliminate that, particularly if we are looking at prioritizing where we spend our tax dollars.

In a case such as this, we have people across our country who have been hurt by these natural disasters who need our assistance. It strikes me, at least, that if we are serious about priorities—

and I think all budgets are about priorities—we ought to be able to find some savings in these programs and agencies that have been identified by the GAO that would enable us to find the funds that are necessary to cover the disaster effort.

So I would come down here and speak in support of the Coburn amendment.

I think the Paul amendment as well seeks to use unobligated balances from USAID, the State Department. Of course, we are getting to the end of the year, and if there are funds that have not been obligated, that have not been used, that strikes me as well as a way in which we can find some resources that would help us prioritize and put them where they are really needed right now; that is, to deal with these impacted communities, these impacted families, these impacted homeowners, and helping them rebuild their lives.

But fundamentally, when you have a \$1.3, \$1.4 trillion annual deficit and when you are already at \$14 trillion in debt and it is growing at the rate it is, when you have a debt-to-GDP which is literally about 1 to 1, about 100 percent—you have to go back to the end of World War II to find a time in our Nation's history when we have seen that kind of debt. These deficits to GDP, debt to GDP, spending to GDP are at historic highs. It strikes me that even for important matters such as disaster relief, we have to be as responsible as we possibly can and make sure we are doing justice to the American taxpayer and not spending money we do not have.

I think the House of Representatives—and what they intend to do is address this through the continuing resolution which will be coming our way sometime next week. Their approach is to put some additional money, supplemental money, into FEMA, into the Corps of Engineers—those agencies that are kind of on the front lines in responding to many of these disasters. I hope we have an opportunity to vote on that legislation. That will be paid for. That will be within the budget. That will not be deficit spending or borrowing from our children and grandchildren, adding more to the debt. So I think it is a responsible and reasonable way to deal with this, and maybe in the end that is where this ends up.

But the debate we are having today is whether we are going to appropriate \$6.9 billion, around \$7 billion for disaster relief. I don't think we have a full grasp yet of what some of these damages are. The assessments are still coming in. But I think it is important that we be responsible in how we distribute disaster relief, that we know as much as possible about the full scale and the dimensions of the problem and what those damages are and then, secondly, that we do everything we can to find areas in the budget in which we can offset that disaster relief.

So I hope we can support the amendments that are before us today. As I said before, the Coburn amendment is not something new to the Senate. The Coburn amendment is an amendment many of us have supported in the past. Sixty-four Senators—that is a very large bipartisan majority here in the Senate—have supported this amendment to do away with these duplicative programs and to try to gain some efficiency and some savings in our Federal Government.

It strikes me, at least, that when we are dealing with an issue as important as disaster relief is to so many Americans, we certainly ought to be able to prioritize and take some of those duplicative programs and some of those redundant programs we have in the Federal Government that have been identified by the Government Accountability Office—ask the OMB to identify \$7 billion in savings in order to offset the costs of what we are doing here with regard to disaster relief.

So I am certainly going to support these amendments—and I hope my colleagues will—for a lot of reasons. Again, we need to respond when we have a natural disaster such as this, but we need to do it in a responsible way. And when we are running these massive annual deficits we are running today, we need to do everything we possibly can to see that we are paying the Nation's bills, that we are not adding it to the credit card, not handing the bill to our children and grandchildren, not spending money we do not have, but doing everything we can to live within our means. It is the responsible way to go about this. In my view, it is a reasonable way to go about this. I think it is the right way to deal with the Nation's business; that is, to pay your bills. The Coburn amendment does that. His amendment, I guess of the two, specifically directs the \$7 billion. I am not sure whether the Paul amendment has a specific score on it. But either would be an important, in my view, message to the American people that we are serious about getting our fiscal house in order. So I hope we will have both Republicans and Democrats here in the Senate that would support both of those amendments.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I ask unanimous consent to speak as in morning business for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM DUST REGULATION

Mr. JOHANNIS. I rise today to actually extend an invitation. The invitation I extend is to our EPA Administrator, Lisa Jackson. The reason for the invitation is very straightforward. There is a lot of confusion about EPA's position on regulating farm dust. It is

remarkable. The Administrator says one thing, but then the agency takes a different position—back and forth, back and forth it has gone.

Administrator Jackson said, and I am using her words, "It is a myth that EPA is proposing to regulate farm dust." That seems pretty clear, but then her agency says: Well, no, we cannot distinguish between farm dust and other dust subject to regulation, so rural America is not off the hook, it is out of luck.

Well, I was very pleased recently to offer a solution to this EPA dilemma. My solution was offered in partnership with my friend and colleague from Iowa, Senator CHUCK GRASSLEY, and others actually from both sides of the aisle. We proposed a simple solution to this confusion. We proposed legislation that—very straightforward—says: EPA cannot regulate farm dust unless there is scientific proof that it causes harm.

That proof does not exist today. Meanwhile, Ms. Jackson and her agency continue to have problems getting this story straight. You see, she scoffs at the idea of regulating farm dust, and then her agency turns around and says: Well, it is really a possibility.

I understand that sometimes the direction from the top can get muddled as it works its way down. After all, EPA is a very large organization.

Surely, Administrator Jackson does not intend to be saying one thing while her agency is saying and potentially doing something quite different. So I am hopeful I have come up with yet another solution.

Today, Senator GRASSLEY and I sent a letter to Administrator Jackson. We have invited her to publicly support our bill blocking the regulation of farm dust. After all, using her own word, this was a "myth" in the first place. I think it is a perfect solution. She says EPA has no intention of regulating farm dust, so there is absolutely no reason why she would not support this legislation that makes it official. My letter invites her to put her words into action by issuing a straightforward supportive statement. I look forward to hearing back from her or simply seeing her statement of support in print. Either will be acceptable.

I will tell you this: I believe if Administrator Jackson stands up in response to this and says, yes, I was serious, we are not going to regulate farm dust, that is a myth, and Senator JOHANNIS has it all wrong, I believe rural America will cheer.

Supporting my bill that puts an end to this crazy, ridiculous notion of regulating farm dust would do more to improve Administrator Jackson's image than the charm offensive EPA has recently undertaken.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFICIT REDUCTION

Mr. LEVIN. Madam President, I understand that a couple of our colleagues are on their way, and I will yield to them if they get here as expected.

In the meantime, I wish to share some thoughts with the Senate about the very complex and difficult duty we all now face, which is to agree to legislation that will reduce the deficit by at least \$1.2 billion over the next decade. And, if we fail to do that, by the end of the year, huge automatic budgets in vital national programs, including in security, will take effect to meet the deficit reduction goal. Those automatic cuts would take an unacceptable toll on vital programs. I believe every Member of Congress must do their best to avoid that outcome, and that begins with the 12 members of the Joint Select Committee who have been given the assignment of crafting a plan for us to consider.

Despite the difficulty, the task is achievable. We can reach our deficit reduction targets and help ensure fiscal stability while avoiding not only the damaging automatic cuts but also avoiding devastating cuts to defense, health, education, and other programs vital to America and to its families. Achieving this goal will require sacrifices. Everyone is going to have to contribute. But if all of us, every American, will make the sacrifices necessary, we can get this done.

How can we do it? Well, we could pretend we can resolve this problem by ignoring why we got here to try to balance the budget by simply cutting more spending or we can take a realistic look at both spending and revenues. We need to take a realistic look at both spending and revenue. A little historical perspective might be helpful.

Federal revenues today are at the lowest share of gross domestic product in generations, just 14.9 percent. For the past 60 years, that number has averaged about 18 percent, and during that period we have balanced the budget five times, and each time revenues totaled 19 percent of gross domestic product or higher.

Past efforts to reduce high deficits have made new revenue a significant part of the equation. President Reagan presided over three deficit reduction plans that achieved more than three-quarters of their deficit reduction through revenue increases. That was President Reagan. Revenue increases were a major part of his deficit reduction plan. The deficit reduction legisla-

tion that we passed in 1990 under the first President Bush achieved about one-third of its deficit cuts through added revenue. President Clinton's 1993 deficit reduction plan was roughly 55 percent new revenue and 45 percent spending cuts and yielded our most recent balanced budgets.

Apart from history, the mathematical reality simply is that we must generate additional revenues. If we are going to reduce the deficit and do so while avoiding unacceptable cuts to programs that provide for the common defense and general welfare, revenue must be part of the discussion.

Many of our Republican colleagues have focused solely on nondefense discretionary programs for deficit reduction. The simple fact is those programs are not big enough to allow real deficit reduction. They make up only about 12 percent of the Federal budget. If we eliminated all those programs, zeroed them out, we would have done grave harm to millions of American families, but we still would have huge deficits as far as the eye can see.

So as the Concord Coalition, a non-partisan group, said: For a grand bargain on deficit reduction, finding a way to bring in some revenue is a crucial piece of the puzzle.

The nonpartisan Committee for Responsible Federal Budget said that putting the deficit on a downward path requires looking at ways to generate additional revenues.

In the balance of my remarks I set out seven different loopholes which need to be closed. It is only fair that these loopholes be closed. They are loopholes which cannot be justified. They are loopholes which I think almost every American would say should not be in our Tax Code. If we simply will change our Tax Code and reform it and close these loopholes, we can raise about \$1 trillion over 10 years. That is a huge part of what this Joint Select Committee is required to do.

We have to protect middle-class families from tax increases. We have to protect them from losing critically important programs, such as education. We can do that. I have sent a letter to the members—including my dear friend from Massachusetts—of our select committee laying out the seven loopholes which can, and should, be closed which will have an equitable impact. It is only fair these loopholes be closed, and I have laid out including the use of offshore tax havens to avoid paying taxes. In this letter that went to all the members of this Joint Select Committee, I have set forth what these loopholes are.

So revenue needs to be part of the joint select committee's agenda. Our deficit reduction plans will require sacrifice not just from middle-class families but from the corporations and upper income Americans who have done very well in recent years even as

middle-class incomes have stagnated. In fact, from 1980 to 2008, the share of all U.S. income going to the top 1 percent of Americans more than doubled, from 10 percent to 24 percent. I make my proposals with that troubling fact in mind. Mr. President, I ask unanimous consent that my letter to the members of the Joint Special Committee be included in the RECORD after my remarks.

The letter identifies seven possible steps to eliminate wasteful tax expenditures and loopholes so as to share the burden of deficit reduction more broadly. As I say in the letter, "Those measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes." Each is practical and doable, each achieves real deficit reduction, and each protects the programs that defend our nation and support middle-class families without increasing the tax burden on the investments that help our economy grow.

I plan in the coming days to lay out these ideas in more detail, but to explain them briefly.

The first two proposals would close two kinds of unjustified loopholes that benefit corporations and wealthy individuals at the expense of working families: offshore tax shelter abuses that cost American taxpayers billions of dollars a year and a loophole that forces American taxpayers to subsidize the stock options that corporations grant to their executives.

The third and fourth would close two Wall Street tax loopholes, the "carried interest" loophole that forces Americans to subsidize the paychecks of hedge fund managers, and a derivatives blended tax rate loophole that promotes speculation in futures and options, favoring derivatives over long-term investments that boost economic growth.

The fifth and six would promote tax fairness and ensure shared sacrifice in reducing the deficit by restoring upper bracket income tax rates and capital gains tax rates to rates closer to historic norms.

The seventh is an administrative change, eliminating the use of paper tax liens and creating an electronic database of those liens.

I will discuss these changes in more detail in the days ahead, but let me emphasize today the role they can play in deficit reduction. Combined, these common-sense changes could reduce our deficits by \$1 trillion over the next 10 years—a sum that would make the committee's difficult goal, one the Congress and the entire government share, much more achievable.

For Republicans, adopting some of these ideas will be difficult. I would say, in empathy and not in anger: Welcome to the club. The spending cuts that will be necessary for significant

deficit reduction will be difficult as well. They will hurt real American families, in real ways, and they will damage programs that are at the core of my own party's philosophy about the important role of government in helping to create shared prosperity. Democrats will have to compromise on these cuts. Republicans will also have to compromise, and accept the reality that revenue must be part of the equation, if we are to do our duty.

The ideas I have proposed, and will discuss in more detail in the days ahead, outline a path toward such a compromise. It is a fair path. If Republicans are willing to embrace compromise, we can reduce our deficit while helping to protect middle-class families from further economic harm. If Republicans are not willing to compromise, the automatic cuts involved in sequestration that would be forced upon the American people will make our country less safe and the livelihoods of our families less secure. I hope my proposals will help us work together to avoid that tragic outcome.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter which I sent to the members of that Joint Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 2011.

Hon. PATTY MURRAY
Hon. MAX BAUCUS
Hon. JOHN KERRY
Hon. JON KYL
Hon. ROB PORTMAN
Hon. PAT TOOMEY
Hon. JEB HENSARLING
Hon. XAVIER BECERRA
Hon. DAVID CAMP
Hon. JAMES CLYBURN
Hon. FRED UPTON
Hon. CHRIS VAN HOLLEN

DEAR MEMBERS OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION: As you work to construct a proposal to reduce the federal budget deficit and ensure long-term fiscal stability for our government, I urge you to eliminate wasteful tax expenditures and loopholes and restore more balance to the tax code. These measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes.

Here are seven tax reforms that could together raise over one trillion dollars to reduce our federal deficits.

(1) Target Offshore Tax Abuses. The Stop Tax Haven Abuse Act (S. 1346) would combat offshore tax abuses. It contains more than a dozen provisions to shut down offshore tax loopholes and expose offshore tax cheats, including measures to penalize offshore financial institutions and jurisdictions that impede U.S. tax enforcement; stiffen penalties on aiders and abettors of tax evasion; shift the burden of proof establishing who controls an offshore entity; stop companies managed and controlled in the United States from claiming foreign status; treat U.S. deposits and investments by offshore subsidiaries of U.S. parent corporations as taxable repatriated income; and treat credit default swap

payments made from the United States to offshore recipients as taxable U.S. source income.

(2) End the Corporate Stock Option Loophole. The Ending Excessive Corporate Deductions for Stock Options Act (S. 1375) would eliminate a corporate loophole that currently gives special tax treatment to corporations that pay their executives with stock options. Stock options are the only type of compensation which, due to a special method for calculating the tax deduction, often allows corporations to deduct more than the compensation expense shown in their books. The latest data available shows that, over a five-year period, from 2005 to 2009, corporate stock option tax deductions as a whole exceeded corporate stock option book expenses by \$12 to \$61 billion each year, forcing ordinary taxpayers to subsidize tens of billions of dollars in excessive executive pay tax deductions. Closing this loophole would end this unfair tax subsidy of corporate executive compensation.

(3) End the Carried Interest Loophole. Under current law, hedge fund and private equity fund managers treat certain income received from managing investments as "carried interest" taxable at the lower, long-term capital gains rate, instead of ordinary income tax rates. That income is not, however, a return on a capital investment made by the fund managers with their own money, but is instead compensation for work performed for other investors. Closing this loophole and treating carried interest as ordinary income would end an unfair taxpayer subsidy of this Wall Street income.

(4) End the Derivatives Blended Rate Loophole. Under current law, profits from some derivative trades are taxed at a "blended rate" comprised of part capital gains and part ordinary income, even in the case of derivatives held for minutes. This special tax treatment, enacted in 1981, favors derivatives like futures over stocks, and encourages bets on derivatives over direct capital investments that are key to economic growth. Closing this tax loophole would put a stop to that market distortion.

(5) Restore Reagan-Era Capital Gains Rates. In recent years, tax rates have been repeatedly lowered for capital gains derived from stock, bonds, and derivative transactions compared to income derived from the salaried work performed by most Americans. Despite the fact that capital gains rates currently range between 0% and 15%, our economy has little to show for it in the way of increased investment or other economic benefits. At the same time, these lower rates have greatly increased the deficit. While long-term investments should receive some degree of favorable treatment, restoring capital gains rates to Reagan-era levels in line with ordinary income rates—as several bipartisan deficit reduction proposals have suggested—would not only make the federal tax system more fair, but also end a tax expenditure costing hundreds of billions of dollars over ten years.

(6) Restore Upper Income Tax Brackets. Today, the wealthiest one percent of Americans take home 24 percent of all U.S. income, the highest percentage since the Great Depression. Yet, just a few decades ago, that number was below 10 percent. Rather than have their share of the tax burden go up accordingly, the wealthiest few have had their tax rates lowered several times. Our economy has not grown as a result of this special treatment, but our deficit has. Restoring ordinary income rates on those earning over \$250,000 would reduce our deficit by hundreds

of billions of dollars over the next 10 years while restoring balance to the tax code.

(7) Eliminate Paper Tax Liens. The Tax Lien Simplification Act (S. 1390) would create an electronic federal tax lien registry, available to the public at no cost, in place of the current antiquated system requiring federal tax liens to be filed on paper in 4,000 locations across the country. This simple, good government bill would save administrative costs, while expediting the removal of tax liens and freeing up an entire IRS division to tackle the collection of unpaid taxes that pose an unfair burden on honest taxpayers.

These common sense proposals, if enacted, would significantly reduce the federal deficit, while removing economic distortions from the marketplace and ending unfair tax expenditures and loopholes that disadvantage average taxpayers. Thank you for your consideration of these proposals.

Sincerely,

CARL LEVIN.

Mr. KERRY. Madam President, I yield myself such time as I use.

Let me, first of all, thank the Senator from Michigan, the chairman of the Armed Services Committee, for his comments and particularly for the recommendations that he is going to make to the supercommittee, to each of us. I think all of us in the Senate know Senator LEVIN is one of the most creative and thoughtful Senators. I am confident that the suggestions he makes are going to be important ones that are going to be worthy of consideration.

I know also, because it is something I began to focus on back in the 1980s, this issue of offshore havens is absolutely staggering. I look forward to this. I know the Senator has led the Permanent Subcommittee on Investigations on that. They have done outstanding work. I am confident that a lot of that work can be certainly put on the table, and it ought to be seriously considered. My hope is we can do something about it.

Mr. LEVIN. I thank my friend.

AMENDMENT NO. 613

Mr. KERRY. Madam President, one of the amendments we will vote on shortly is an amendment by Senator RAND PAUL with respect to cutting—or an offset, if you will—of \$6.9 billion from the State Department and USAID in order to fund FEMA disaster relief programs.

First of all, a number of colleagues have come to the Senate floor over the last couple of days and talked about the principle that has governed our efforts to provide disaster assistance through all of the years of this institution. We do not know how to plan on the amounts. We do not hold people accountable to other programs because of acts of God, natural disasters that arise suddenly, and the Nation has always been rich enough and responsible enough to guarantee that we provide assistance to communities that have been hard hit by a flood, by a tornado, ravaged by fires—by some natural disaster.

I think the notion that suddenly we are going to start offsetting at a time when we are engaged in a very delicate balance of offsets with respect to the regular budgeting process is to try to put in place an inappropriate principle at an inappropriate time.

That argument has been made considerably. I want to talk for a minute about the merits of this particular proposal on its face. Let me make as clear as I can that this amendment would be absolutely devastating to our foreign aid and development programs. It would decimate agencies that have already taken huge funding cuts in fiscal year 2011, and it would completely undermine core national security priorities and humanitarian commitments.

Senator PAUL argues that foreign aid is “welfare we give to other nations, many of which are rich nations.” I disagree with both parts of that sentence, and I disagree profoundly with the notion that foreign aid is somehow welfare.

Foreign aid is an investment in our national security; it is not a gift to other countries. It is a very small investment that provides an enormous return in so many different ways in terms of advancing the interests of our country, of our citizens. Because of foreign aid in many parts of the world we have relationships, and we have programs, we have initiatives, joint ventures that make Americans safer every single day. We need to put politics aside and focus on concrete facts.

I know the easiest thing in the world is to walk into a big townhall meeting and say we ought to be building in—whatever the community you are in—before we send money somewhere else, and everybody cheers. There is an instant reaction—easy applause, easy politics, but not smart politics in terms of the interests of our country.

The fact is all of our foreign aid programs, all of our foreign policy initiatives, all in the State Department, everything we do in USAID, all the things we do from sending a diplomat to Baghdad or Pakistan or Afghanistan, every effort we make to help reverse the global HIV/AIDS epidemic, all of the things our State Department engages in make up barely 1 percent of the annual budget.

So often when we go out to those townhalls that are ready to applaud the idea of just giving the money here, we ask people: How much do you think we give in foreign aid? And people say: Oh, my God, it is 50 percent of our budget or 10 percent or 5 percent. It is none of those. It is barely 1 percent.

We spend about \$700 billion on our military. By contrast, the international affairs budget in its entirety is less than one-tenth of the Pentagon's. A former Secretary of Defense, Bob Gates, pointed out, I think only a year or so ago, that if we took the entire Foreign Service roster we could

barely crew one aircraft carrier in the U.S. Navy.

I understand we face a budget crisis in our own country. Obviously, I understand that. We are working hard to address this issue in the new committee that has been formed by the Congress. But if we cut these funds now, I guarantee my colleagues we will pay a much stiffer price later for increased threats to our national security, for loss of opportunity, for loss of business, for graver crises, all of which will come as a result of America pulling back.

I remind Senators our foreign policy and development programs have already been cut to the bone. The final fiscal year 2011 spending agreement cut \$6.5 billion from the international affairs budget. That is a 10-percent cut. How many agencies took a 10-percent cut? It happens to also be a 15-percent cut from the President's request.

At a time that we are fighting a war in Afghanistan, when we are managing turmoil in the Middle East, when we are trying to guarantee that in Egypt, which we have encouraged to have an uprising, which we have celebrated for its reach for democracy and for freedom, at a time when it is trying to do it, are we going to pull the rug out from under them and say: Go ahead Muslim brotherhood, its pickings are all for you?

It doesn't make any sense at a time when we are coping with unprecedented famine in the Horn of Africa, millions of people starving to death, a global tragedy that challenges the morality of our Nation—it would be unbelievably extreme and irresponsible to take the approach that Senator PAUL's amendment takes. It would jeopardize our national security in several important ways. Let me just name a few specifically.

First of all, it would threaten the State Department and USAID's ability to serve as a critical partner to the military in postconflict situations. For instance, in Afghanistan we are working hand in hand, State Department and Defense Department, in order to be able to transition to the Afghan forces. This would put those troops at risk, put that effort at risk. I think it would raise serious questions about the viability of what we are trying to accomplish.

We are at a critical juncture in those efforts to stabilize Afghanistan and Pakistan. Cutting our aid to those countries will impact our military operations. For all of those Senators who want to get out of Afghanistan faster, we pull the aid out from underneath it, and we may be getting out in a way we do not want to, or we will make it longer before we get out in the way that we do want to.

I suggest respectfully Senator PAUL said he would “much rather send . . . professors around the world than . . . our soldiers.” I don't know an Amer-

ican who would not rather do that. We all hope that can happen as soon as possible. But we cannot just ordain it by saying: Here it is, here is what we are doing, and change the situations on the ground. The wish does not become the father to the fact in those situations.

As we have seen in recent days with the attack on our embassy in Kabul, there is a lot of work to be done in Afghanistan before our college deans can take over from our district support teams.

This cut would set back progress in creating markets for U.S. goods and services. Here we are struggling to create jobs in the United States. One of the best opportunities for jobs is export—export to the new, emerging middle classes of India, Brazil, Korea, Mexico, China, other places. We want to sell them those products. But if all of a sudden we are pulling back our ability to marshal opportunities in those markets, if we reduce the ability of the U.S. businesses to get those opportunities, we diminish our own efforts to strengthen our economy.

We don't just face a budget deficit crisis, we also face a jobs deficit. In the face of global competition, our growth in our exports is directly tied to our ability to create new American markets. Money we spend helping to stabilize emerging economies has an amazing impact on our own economy, and that has been proven for all the years, certainly, since the end of World War II.

The Paul amendment would also lead to a \$1 billion cut in our battle against global AIDS. PEPFAR, the President's program on which George Bush—President George Bush, Republican—worked with us on the Foreign Relations Committee, a program Senator Helms and Senator Frist and I and others originally developed, a program that currently supports 3.5 million people on lifesaving HIV/AIDS treatment, a reduction this size to 2011 funds would mean that around 1 million people would be thrown off of those treatments, dramatically reducing the numbers of lives saved through this program.

We are a country that has prided ourselves on our willingness to live our values. The Judeo-Christian ethic is one of charity and one of concern for the poor, the downtrodden, the sick, and so forth. It is hard for me to understand how we can take an ethic of our private lives that everybody talks about so pronouncedly around here and look at the fact that there are some folks in America who tithe 10 percent of their income, or others who give a fixed percentage of their income in order to help the world, and here we are, as a matter of national policy, going to put 1 million people at risk from a program we are currently saving lives on? I don't understand that kind of value system.

It would derail our efforts to forestall famine in the Horn of Africa, and that would trigger long-lasting suffering and destabilize the neighboring countries such as Yemen, Kenya, and Somalia. In Somalia alone approximately 3.2 million people are in need of immediate lifesaving assistance, a half million children are acutely malnourished, and more than 29,000 children under the age of 5 have tragically died.

This planet knows how to feed people. Rich countries have an obligation to try to do that. Our obligation is de minimis. We should not come in here installing a new principle all of a sudden, for the first time ever, saying we have to offset money to pay for emergency assistance to our communities at the expense of young kids who are starving in another part of the world.

I hope my colleagues will recognize this amendment is not the right way to approach this. It would have a negligible impact on our budget deficit, and its real impact on our security would be enormous.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I know the vote has been scheduled, but I ask unanimous consent 2 minutes be provided prior to the amendment votes and 4 minutes prior to final passage.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 610

Who yields time?

Ms. LANDRIEU. Madam President, how much time before the vote?

The PRESIDING OFFICER. There is 2 minutes.

Ms. LANDRIEU. I wish to speak, if I could, before the time is out.

The PRESIDING OFFICER. Without objection.

Ms. LANDRIEU. Madam President, in a few minutes, because the two amendments have been debated extensively this afternoon, I want to thank the Senator from Massachusetts for his strong objection to one of the amendments and the eloquent way he expressed the feelings of so many of us who will be voting with Senator KERRY against the Paul amendment.

Let me put this up, as I have been using this all week. The underlying bill we will be voting on in a few minutes will give the Senate the opportunity to vote for disaster relief now. It is the only vehicle available to us in the Senate to vote for relatively full disaster relief for the year 2012 now. I want people to realize, as they are considering how they are going to vote, we received 61 votes.

The PRESIDING OFFICER. The time has expired.

Ms. LANDRIEU. I understand we are out of time. I will speak later. Again, it gives us an opportunity to vote for disaster relief now.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. LANDRIEU. I yield back the time, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—54

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Baucus	Heller	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shelby
Cochran	Klobuchar	Snowe
Collins	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Webb
Enzi	McCaskill	Wicker

NAYS—45

Akaka	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

PAUL AMENDMENT NO. 613

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on the Paul amendment No. 613. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that there be an additional 1 minute for Senator LINDSEY GRAHAM to speak on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, my State was devastated by Hurricane Irene, and I am going to do everything possible to help Vermonters get the aid they need. But I strongly oppose the

amendment offered by the junior Senator from Kentucky.

First, it is a terrible idea to cut critical national security programs to offset funding for emergency disasters. It would set a precedent and make it infinitely harder to help our States cope with these crises, whether it is Katrina or whether it is earthquakes or no matter what it is.

Disasters strike unexpectedly. The funding to recover and rebuild is not built into the budget. They strike Republican and Democratic States alike. To say in this: Well, why don't we cut out our State Department or our embassies, so we cut out the aid the United States gives to Haiti—we live in a global economy—this amendment makes no sense.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

This is very important. We are broke at home, and there are a lot of things we could and should be doing for our States. I want to try to get our fiscal house in order, but we have to defend this country. The foreign operations account is national security in another form. If you just do not always want to bomb people, you need to help people help themselves, and the money in this account will allow people to stand up against terrorism and do things America has been doing for a long time; that is, helping people who really would be better off for the experience and have a kindness toward us.

If you think Israel needs a friend now, this would hurt our relationship in terms of support to Israel. So all of those in this body who want to make sure Israel gets the right message at a time of need, please vote against this amendment because it will hurt our relationship.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky is recognized.

Mr. PAUL. Madam President, I think we ought to make just one clarification of fact. Israel gets all their foreign aid in the beginning of the year. They get it differently than any other country. This amendment will not affect any funding to Israel. This funding will take away a percentage. It is about 10 percent of foreign aid.

Foreign aid or welfare is opposed by 77 percent of Americans. Even if you thought it was a good idea to give welfare to foreign countries, you do not have it. So you are borrowing this money from China or you are printing it up and you are adding to the debt. Our country faces a debt crisis. We are borrowing \$40,000 a second. I think it is unwise, when bridges are falling down and being closed in Louisville, KY, to send money to other countries, particularly money we are borrowing and printing.

I urge the support of my amendment to eliminate the 10 percent of foreign

aid. I think it is a very reasonable proposal.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Paul amendment No. 613.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—20

Barrasso	Inhofe	Sessions
Burr	Johnson (WI)	Shelby
Coburn	Lee	Thune
DeMint	Moran	Toomey
Enzi	Nelson (NE)	Vitter
Grassley	Paul	Wicker
Hutchison	Roberts	

NAYS—78

Akaka	Durbin	McConnell
Alexander	Feinstein	Menendez
Ayotte	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Graham	Murkowski
Bennet	Hagan	Murray
Bingaman	Harkin	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Risch
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Rubio
Cardin	Kirk	Sanders
Carper	Klobuchar	Schumer
Casey	Kyl	Shaheen
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCasikill	Wyden

NOT VOTING—2

Heller	Kohl
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The PRESIDING OFFICER. On this vote, the yeas are 20, the nays are 78. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader is recognized.

Mr. REID. Before I recite the unanimous consent request that I hope will be approved, what we intend to do is have a vote on final passage of the joint resolution now before us, 10 minutes of debate, there will be votes on two amendments and then final passage. So we have four more votes and we should be finished.

I wish to express my appreciation to everyone. You will note in my last two

speeches I made before the Senate yesterday and today, I said a lot of nice things about Republicans, the reason being that is how we have accomplished a lot. We got a decent bill from the House and we have been able to move forward on this legislation.

The Republican leader and I had quite a long conversation here in the well. We have a lot of work to do, but we want to do it together. So the cooperation we have had this week by both Democrats and Republicans has been extremely important.

UNANIMOUS CONSENT AGREEMENT—H.R. 2887

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, after consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 167; that the only first-degree amendments in order to the bill be the following, the text of which are at the desk: Paul regarding limitation of highway trust fund; Paul regarding FAA funding levels; that there be up to 10 minutes of debate on the amendments and the bill to be equally divided between Senators PAUL and the majority leader or their designees, prior to votes in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to vote on the passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill other than the budget points of order and the applicable motion to waive; that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I rise today to join my colleagues in urging the Senate to adopt this resolution and replenish the disaster relief fund without further delay.

To so many people struck by disaster this year, this fund is a life preserver to help carry them over until they can get back on their feet and begin the long, hard road to recovery. Without assistance from this fund, many disaster survivors would have no place to live due to damaged and exposed homes; critical commuting routes would remain impassable; and debris would mar communities and morale for months on end.

We are not just talking about a few disaster areas. This year seems like a record for major disasters, affecting all parts of our country. Nearly every State has sought and received assistance, which is why the fund is now perilously low. It has dwindled to about \$377 million. At this rate, Senate appropriators say the fund may last for just days.

As I speak, wildfires are still blazing through drought stricken central

Texas. The worst wildfire in Texas history closed area schools down last week, 1,500 homes were destroyed in hundreds of fires, and tens of thousands of acres have been scorched.

My home State of Connecticut was among those affected when Hurricane Irene swept ashore at the end of August, bringing gale force winds and tidal surges that knocked out power for days in many areas, damaged millions of dollars worth of property, and left whole communities under water. And when Irene struck, it didn't just touch down in one State or two. It sideswiped practically the entire eastern seaboard from North Carolina to Maine.

In Connecticut alone, the early preliminary and therefore probably low estimates of damage from this single disaster are around \$300 million.

These major calamities only take us back to the last week of August.

In June and July, record flooding on the Mississippi and Missouri Rivers displaced thousands of people and ravaged land throughout the West and Midwest.

A string of tornadoes ripped through the Southeast and Midwest in April, killing hundreds of people, destroying countless homes and businesses and costing billions of dollars. A third of Joplin, MO, was wiped out, and that community continues to struggle to rebuild.

In February, the Midwest and Northeast were buried under 2 feet of snow.

That is not an exhaustive list, but the point is that these disasters have been equal opportunity ravagers, affecting almost every State in the Union this year. In fact, the President has declared this year a state of emergency in 47 States! Only Nevada, West Virginia, and Michigan have been spared.

So the replenishment of the disaster relief fund should not divide us along partisan lines. Nor should it divide us among geographic lines, or city versus rural lines. This fund has been tapped by almost every one of our States, and I know that the people of Connecticut were relieved when they learned that the Federal Government would help them get their lives back on track. I suspect the citizens of every other State that received disaster relief funds were similarly grateful.

Frankly, it doesn't really matter if 2 States or 47 States have been declared disaster areas. Helping people in need is what our Government does. The whole point of a federal government is to handle challenges that individual States, much less individual communities, cannot. The defense of our Nation is first and foremost among these Federal responsibilities, but so is providing aid to people and States following a natural or man-made disaster that takes as heavy a toll as this year's disasters have.

Congress has a long history of supplementing the disaster relief fund

to cover those in need. From 2003 to 2010, \$12.3 billion was appropriated through the regular appropriations process. But six times that much—\$73.4 billion—was appropriated through supplemental funding.

It should be noted that only a small part of the administration's request seeks supplemental funding. The bulk of the request is for fiscal year 2012, and the aid requested constitutes disaster relief within the meaning of the Budget Control Act, which allows discretionary spending levels to be raised up to a certain limit—a limit that is not breached by the administration's request.

Already FEMA has had to start prioritizing its relief activities so that those in most immediate need can be assisted. In other words, longer term recovery projects not yet in the FEMA pipeline have been put on hold. That is how low the reserves are in the disaster recovery fund.

Current and future survivors will continue to receive assistance to help replace or repair damages to property or cover other personal losses. States will also continue to receive reimbursement for debris removal, emergency response and protective measures, and other critical needs. But FEMA has essentially had to begin rationing aid. That is just plain wrong. The people who suffer in one disaster are no more or less entitled to aid than those who suffer in another disaster. We are a humane country, not a selectively humane country.

As I said when I toured flooded homes on the Connecticut shore 2 weeks ago, the Federal Government does not default on its obligations—whether we are talking about debts to foreign nations or promised aid to its own citizens in need, through no fault of their own.

I have faith my colleagues will come together across party lines, as we have done so many times in the past, to replenish FEMA's disaster relief fund, which was designed to help make people whole again after major disasters.

Mr. LEVIN. Madam President, we soon will vote on a measure that includes two significant pieces of legislation. I support passage of both—one that upholds our duty to assist Americans coping with natural disasters, and one that upholds our duty as Americans to speak out against oppression and abuse around the world.

The first measure provides emergency supplemental funding for disaster relief and recovery efforts. Congress must do its job to appropriate emergency funding for disaster response and recovery quickly and thoughtfully, as we have done numerous times in the past. I will vote for this measure because the \$6.9 billion in emergency supplemental funding for disaster relief and recovery is necessary to help families and businesses

bounce back from catastrophic loss, to rebuild damaged infrastructure, to respond to emergencies, to restore forests and watersheds damaged by disaster, and to improve flood control structures. Importantly, this legislation does not set the bad precedent of requiring an offset in order to help communities and families when disaster strikes.

The second measure would renew sanctions against Burma by extending the import restrictions put in place under the Burmese Freedom and Democracy Act of 2003.

While the Burmese government has shown some recent signs of a willingness to implement meaningful reforms, legitimate questions regarding its commitment to these reforms as well as continuing concerns about the ongoing detention of political prisoners and about serious human rights violations justify the renewal of these sanctions.

I urge my colleagues to approve this important measure as a reaffirmation of our concern for those here at home who are struck by disaster, and for those abroad who suffer under oppression.

AMENDMENT NO. 602

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on Reid amendment No. 602. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would like to speak for final passage. I would like to speak last.

Is there anyone who wants to speak in opposition?

The PRESIDING OFFICER. Is there someone to speak in opposition?

Ms. LANDRIEU. If not, then I will take the time to close. I wanted to say thanks to several Members, many Members on my side who have helped this week to clarify this issue and to build support for disaster funding for the 48 States that are currently experiencing devastation.

I wish to thank Members on the other side of the aisle, particularly Senators BLUNT, VITTER, RUBIO, others, Senator SNOWE who have left their voice and their vote to help us get to this point. I particularly wish to thank Senator BLUNT for spending 15 minutes on the floor today saying how crucial this is not only to his State of Missouri but to the whole country.

I wish to thank the Members on my side, Senators LEAHY and SCHUMER and HAGAN and others who have helped so much this week—Senator SHAHEEN, who has been at all the press conferences, Senator SANDERS.

Let me say this is the only vehicle—the only vehicle—we have before us to do long-term full funding for the disaster relief. This bill will provide help to Nebraska, to Minot, ND, to New York, to the east coast, to Tuscaloosa, AL, Joplin, MO.

If we do not vote for this, the DRF funding will be empty. This money

gives us not only additional funding for disaster relief, but it also provides an additional \$1.1 billion for the Corps of Engineers and funding for a few other programs that are essential to rebuilding.

I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Since there is no opposition that is going to speak, I would like to take those 2 minutes as well.

This is a very important vote. I know there are some people who think we should have gone through a regular process. The last time we went through a regular process, with individual votes coming to the floor by October 1, was 1994. It is 2011. As the appropriator, the chair of this committee, I knew that was not a way to go to bring quick relief to the disaster victims who need help.

So the stand-alone approach, sending a strong vote from the Senate today, will help us negotiate with the House. They have a different idea. I happen not to agree with their idea. They are entitled to their own idea. We are entitled to our own idea, and our own idea is with Democrats and Republicans voting yes on this Burma sanctions bill, we can send reliable, long-term funding.

In closing, let me tell you what the alternative is if you vote no. If you vote no on this and think you can go home and tell your people you helped them, you are going to be faced next week with a vote to give your people 6 weeks of disaster funding. That is how long the continuing resolution lasts.

Believe me, having had to rebuild a good part of our State, you cannot do it 6 weeks at a time. I strongly suggest you give a strong vote for disaster victims, long-term funding they can rely on, and we negotiate with the House next week.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to the Reid amendment No. 602.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—62

Akaka	Bingaman	Brown (MA)
Baucus	Blumenthal	Brown (OH)
Beahm	Blunt	Cantwell
Bennet	Boxer	Cardin

Carper	Landrieu	Rockefeller
Casey	Lautenberg	Rubio
Collins	Leahy	Sanders
Conrad	Levin	Schumer
Coons	Lieberman	Shaheen
Durbin	Manchin	Snowe
Feinstein	McCaskill	Stabenow
Franken	Menendez	Tester
Gillibrand	Merkley	Toomey
Hagan	Mikulski	Udall (CO)
Harkin	Murkowski	Udall (NM)
Heller	Murray	Vitter
Hoeven	Nelson (NE)	Warner
Inouye	Nelson (FL)	Webb
Johnson (SD)	Pryor	Whitehouse
Kerry	Reed	Wyden
Klobuchar	Reid	

NAYS—37

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Boozman	Hatch	Paul
Burr	Hutchison	Portman
Chambliss	Inhofe	Risch
Coats	Isakson	Roberts
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Kyl	Wicker
Crapo	Lee	
DeMint	Lugar	

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 37. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution, H.J. Res. 66, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

The joint resolution (H.J. Res. 66), as amended, was passed, as follows:

H.J. RES. 66

Resolved, That the resolution from the House of Representatives (H.J. Res. 66) entitled "Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.", do pass with the following amendment:

Strike all after the resolving clause and insert the following:

DIVISION A—RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) *IN GENERAL.*—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) *RULE OF CONSTRUCTION.*—This division shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. EFFECTIVE DATE.

This division shall take effect on the date of the enactment of this joint resolution or July 26, 2011, whichever occurs earlier.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appro-

riated, to provide emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For "Emergency Conservation Program" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

EMERGENCY FOREST RESTORATION PROGRAM

For "Emergency Forest Restoration Program", for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For "Emergency Watershed Protection Program" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$60,000,000, to remain available until expended to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Operation and Maintenance" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, \$88,003,700, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$244,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Flood Control and Coastal Emergencies", for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) and as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE IV

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for "Disaster Relief", \$500,000,000, to remain available until expended: Provided, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for the "Disaster Relief" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$4,600,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended. This Act may be cited as the "Emergency Supplemental Disaster Relief Appropriations Resolution, 2011".

TITLE V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: Provided further, That funds shall be awarded directly to the State or unit of general local government at

the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

This division may be cited as the "Emergency Supplemental Disaster Relief Appropriations Resolution, 2011".

SURFACE AND AIR TRANSPORTATION PROGRAMS EXTENSION ACT OF 2011

Mr. REID. Mr. President, I move to proceed to H.R. 2887 under the terms of the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2887) to provide an extension of surface and air transportation programs, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the three votes that will come soon be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will be 10 minutes of debate equally divided between the Senator from Kentucky, Mr. PAUL, and the Senator from Nevada, Mr. REID, or their designees.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 621 AND 622

Mr. PAUL. Mr. President, I ask unanimous consent to call up en bloc my amendments Nos. 621 and 622.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 621 and 622.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 621

(Purpose: To limit the amount authorized to be expended from the Highway Trust Fund in any fiscal year to the amount anticipated to be deposited into the Highway Trust Fund in that fiscal year)

On page 38, line 24, strike "(d)" and insert the following:

(d) LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

AMENDMENT NO. 622

(Purpose: To decrease the authorization of appropriations for the Federal Aviation Administration to fiscal year 2008 levels)

At the end of title II, add the following:

SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

Mr. PAUL. Mr. President, we are considering today the highway bill and the FAA bill. The highway bill is a trust fund. When we hear the words "trust fund," we should have trust that money is only spent on highways. Unfortunately, that money has been spent through the years on other items. The same applies to the Social Security trust fund and with the Medicare trust fund. It is all sent to the General Treasury, and it is not protected.

What I am asking today through this amendment to the highway bill is that we keep the trust fund separate and the trust fund spends only money that comes in from the gas tax. If we continue to spend money that is not coming in from the gas tax, this will be money borrowed from China or simply printed, and there are ramifications to borrowing \$40,000 a second.

So my amendment to the highway bill would say we only spend what comes in through taxes. I consider this to be responsible budgeting and what we should be doing and likely what we were probably obligated under the original trust agreement to do. So I urge passage of this amendment which would limit the highway trust fund to that amount of funds coming in through taxes.

My second amendment is to the FAA bill. This amendment says spending in the FAA bill go to 2008 levels. Since 2008, spending in our government has gone up 25 percent. We are mounting a deficit of \$1.5 trillion. Our Nation's debt is \$14 trillion. There are significant ramifications to incurring so much debt.

The debt does have a face—it is the face of unemployment. Economists have said our debt burden is leading to our losing 1 million jobs a year; that 1 million people are out of work because of the debt we carry. Economists have also said this debt burden, when it is paid for through the printing of money, leads to higher prices in the stores. Our gas prices have doubled not because gas is more precious but because our dollar is less precious. Our dollar is less precious because we are paying for a debt by inflating the currency.

What this amendment asks is that we go back to 2008 levels, which, believe it or not, if we did this through the entire government, will still not balance the budget. This is a modest proposal. It is the very least we can do if we believe in a responsible budget and that we must balance our budget.

The second amendment would take spending to 2008 levels, and I encourage the Senate to pass these amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the majority leader has asked that Senator ROCKEFELLER have 2½ minutes of the time that remains on our side, which shall be divided, and I will have the 2½ minutes to speak about the highway amendment, which I would share that, if he wants to, with Senator INHOFE. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Senator REID has 5 minutes total under his control.

Mrs. BOXER. That is what I said, 2½ minutes and 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. If I can clarify, I think the Senator from California is saying the highway bill will get 2½ minutes, and we will agree to split our time with the ranking members.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in opposition—very strong opposi-

tion—to the Paul amendment. The Senate voted on this earlier this year and turned it down very emphatically. The Federal Aviation Administration, FAA, is taken for granted by some. They just assume there will always be money and everything can go on constantly. The Senate has rejected this.

The FAA has raised very substantial concerns publicly—but more importantly, from my point of view, to me privately—that at all levels they will have to start compromising safety, although they will not intend to, and eventually we will put FAA at risk.

It is a very bad and dangerous amendment—a mischievous amendment—and it should be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I urge my colleagues not to support the Paul amendment on FAA. Although I understand what he is trying to do, to bring it down, this is a clean extension that has been passed by the House. The House has gone out for the weekend, and the FAA authorization lapses tomorrow. We have had a shutdown of the FAA in the last 6 weeks and it disrupts airport expansions, and it disrupts the FAA itself.

We will work with Senator PAUL to make sure we are doing everything we can to cut the FAA budget, but this is a clean 2011 extension, with no additions, and I urge my colleagues to support the bill without the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you can tell me when I have finished with 1½ minutes, please.

The PRESIDING OFFICER. Yes.

Mr. INHOFE. Point of inquiry, Mr. President. At some point I want 30 seconds, if we can figure out how to do that.

Mrs. BOXER. I will reserve the rest of the time for the Senator to close. So tell me when I have used that 1½ minutes, and the Senator will have 1 minute left.

Today, Mr. President, was a very rough day for us to get to this moment. I thank everyone who came together to finally get this moving.

Let me tell you why we are at a critical moment. We clearly have to keep the FAA going, and we are. I think we are going to win that amendment. On transportation, Senator PAUL has offered an amendment that technically doesn't do anything, but it is his intent, as he said, to cut the funding by one-third.

If that amendment were to pass, and if his intent was carried out, it would mean we would lose 608,000 jobs right away—608,000 jobs right away. We can't afford to do that.

The funding is in this bill. There is no need to cut this bill. It is paid for, and we are ready to go. Republicans and Democrats on the Environment

and Public Works Committee are in agreement on a clean extension.

I thank my ranking member. As everyone knows, we do not see eye to eye on the environment, and that is an understatement.

The PRESIDING OFFICER. The Senator has used her allotted time.

Mrs. BOXER. On infrastructure, we are together. We want a clean extension. We fight for these jobs and these businesses.

I thank the Chair, and I yield the remainder of my time to the ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. We have two amendments we are talking about now in a short period of time. First, I will support the FAA amendment. I think Senator PAUL has a good idea.

I would only say this: I want my Republican conservatives to listen carefully. This is totally different than any other bill because what this is—there is adequate money right now in the highway trust fund to carry out the existing spending until 2013. So I would only say that money is dedicated for that purpose, and it is going to be spent for that purpose. Anything that came from a source other than a gas tax was merely paid back from money borrowed out of the trust fund. So from a moral standpoint, this should be spent on infrastructure on the highway bill—on the extension. Then we will be able to talk about something more important, which is the bill coming up, and that will be the permanent one.

So I think it is not going to make any difference. I will oppose it on concept because that money is dedicated for a purpose and paid for by people who believe we are going to improve our highways.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes.

Mr. PAUL. Mr. President, I am satisfied, and I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 621.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—14

Burr	Crapo	McCain
Chambliss	DeMint	Paul
Coats	Johnson (WI)	Risch
Coburn	Kyl	Toomey
Corker	Lee	

NAYS—84

Akaka	Graham	Moran
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Portman
Bennet	Hoeben	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inhofe	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Brown (MA)	Johnson (SD)	Schumer
Brown (OH)	Kerry	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Durbin	McCaskill	Warner
Enzi	McConnell	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NOT VOTING—2

Kohl	Rubio
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The PRESIDING OFFICER. On this vote, the yeas are 14, the nays are 84. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE ON AMENDMENT NO. 622

Under the previous order, the question is on agreeing to amendment No. 622, offered by the Senator from Kentucky, Mr. PAUL.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yes."

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—36

Ayotte	Boozman	Coburn
Barrasso	Burr	Corker
Blunt	Chambliss	Cornyn

Crapo	Johanns	Portman
DeMint	Johnson (WI)	Risch
Enzi	Kirk	Roberts
Graham	Kyl	Sessions
Grassley	Lee	Shelby
Hatch	McCain	Thune
Heller	McConnell	Toomey
Inhofe	Moran	Vitter
Isakson	Paul	Wicker

NAYS—61

Akaka	Franken	Murray
Alexander	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Hoeben	Reed
Bingaman	Hutchison	Reid
Blumenthal	Inouye	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Coats	Lugar	Udall (NM)
Cochran	Manchin	Warner
Collins	McCaskill	Webb
Conrad	Menendez	Whitehouse
Coons	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murkowski	

NOT VOTING—3

Kohl	Landrieu	Rubio
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The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Under the previous order requiring 60 votes, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

Mr. LEVIN. Mr. President, I will vote for passage of H.R. 2887, a combined FAA and surface transportation extension bill.

This legislation averts a damaging shutdown of either program. If we fail to extend these programs, it will mean layoffs and the loss of significant revenue to fund airport and road programs.

The current FAA extension expires tomorrow and the current surface transportation extension expires at the end of the month, along with the authority to collect the Federal gas taxes that fund the Highway Trust Fund. Passing this bill quickly and extending the FAA reauthorization for 4 months and the surface transportation bill for 6 months allows Congress more time to work out the issues that are holding up completing long-term reauthorizations.

Just as important, it keeps thousands of workers on the job, supporting their families.

Mr. HATCH. Mr. President, I want to explain my vote of the FAA extension.

As I have said many times, I share House Transportation and Infrastructure Committee Chairman MICA's frustration, and the frustration of Republican leadership in both the House and the Senate, that favors to organized labor have overshadowed the prospects for long-term FAA reauthorization.

Last year the National Mediation Board changed the rules under which employees of airlines and railroads are able to unionize. For decades the

standard has been that a majority of employees would have to agree in an election to form a union. However, the new NMB rules changed that standard so that all it takes to unionize is a majority of employees voting. The NMB wants to permanently impose unionization with less than majority support.

The House passed long-term FAA reauthorization bill includes language I strongly support that eliminates this favor for big labor.

The enactment of a long-term FAA reauthorization bill is very important and is something we need to accomplish. However, the NMB issue needs to be resolved for long-term FAA reauthorization to occur. I will work with my colleagues on a resolution, but they should be on notice that avoiding the issue through 22 short-term extensions is no longer an alternative. I hope my friends have a restful weekend, but they shouldn't feel too relaxed even though we just extended the FAA for 4 months. We need to get back to work on a long-term FAA reauthorization bill right away.

Mr. LEAHY. Mr. President, Senators SANDERS, LAUTENBERG, CONRAD, GILLIBRAND and I filed an amendment to provide an additional \$2.5 billion to the Federal Highway Administration's Emergency Relief Fund, which is woefully underfunded right now. In addition, our amendment would waive the \$100 million per State cap on emergency funding, which has been done for previous disasters, and allow 100 percent Federal reimbursement for disaster repair work occurring more than 180 days after the disaster.

Nearly 3 weeks ago, Vermont bore the full brunt of then-Tropical Storm Irene as it turned gentle mountain streams and valley rivers into raging torrents of destruction. Whole towns were cut off from the outside world. Homes, businesses, farms, water systems, and miles of roads and bridges were swept away. And some Vermonters lost their lives in these devastating floods.

Roads, bridges, and rail lines all over the State have been wiped out. Flooding closed more than 300 town and State roads and damaged more than 30 bridges in Vermont, stranding people in more than a dozen towns for days. It is going to take years and years for my small State to recover.

In the aftermath, it has been extremely difficult to move emergency supplies and rebuilding materials around, as some of the washed-out roads have gaping gullies in the middle that are 30 feet or more deep, and some of the reopened roads and bridges are not yet recommended for heavy traffic.

The consequences have been harsh. Residents are forced to make 30-mile-plus detours to the nearest grocery store or doctor—on mountain roads, some of them unpaved. Businesses are

struggling to reopen and find customers. Schools have been forced to remain closed until repairs are made. And tourists are worried about traveling to Vermont this fall to see the foliage or this winter to do some skiing.

Our small State is stretched to the limit right now. Winter is fast approaching, which means the end of the construction season is near. By November it will be too cold to lay asphalt, and by December snow and ice will cover the mountains, leaving many towns dangerously isolated. We need to make more permanent repairs as soon as possible or future rains and the fall's freeze-thaw cycle will further deteriorate our roads and make them all but impassable this winter. With just weeks to accomplish so much, we need the full and immediate support of FEMA, the Department of Transportation, and many other Federal agencies.

Earlier natural disasters across the Nation have drawn down our emergency fund accounts, jeopardizing the ability to respond in those States, as well as the newly stricken States such as Vermont. FEMA has less than \$400 million in its disaster account for the rest of fiscal year 2011, and the Federal Highway Administration's disaster account is under \$200 million. On top of that, the Federal highway account already has over \$1 billion in backlogged projects waiting for funding. Since damage to Vermont's Federal-aid roads and bridges alone will exceed half a billion dollars, it is unclear whether the \$2.5 billion we propose in this amendment will even cover all of the costs for declared disasters including Irene. But it is a good start.

We must act quickly to replenish FEMA's disaster relief fund, Federal highway's emergency road fund, and a variety of other disaster accounts that are at dangerously low levels right now. Without additional funding to these and other emergency accounts, Vermont and all of the other 49 States with ongoing Federal disasters will not have the resources they need to rebuild.

Thousands of American families and businesses have been devastated by an unprecedented series of floods, tornadoes, hurricanes, wildfires, and other natural disasters this year. The people hurting out there are desperate for a helping hand from their fellow Americans. Given the breadth and depth of Irene's destruction, on top of the ongoing disasters already declared in all 50 States, we must ensure that FEMA, the Department of Transportation, and all of the other Federal agencies involved in disaster-relief efforts have the resources they need to help our citizens in their desperate time of need.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—92

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Schumer
Cantwell	Kerry	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Webb
Crapo	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	

NAYS—6

Coburn	Johnson (WI)	Paul
DeMint	Lee	Toomey

NOT VOTING—2

Kohl	Rubio
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The bill (H.R. 2887) was passed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with an exception for myself and the other Senator from Wy-

oming, concerning a tribute to Malcolm Wallop, who passed away yesterday, and that we might have such time as needed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FROM THE STATE OF WYOMING

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 268, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) relative to the death of the Honorable Malcolm Wallop, former Senator from the State of Wyoming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased.

Mr. ENZI. Mr. President, it was with a mixture of sadness for his loss and gratitude for having known him that I received the news that Malcolm Wallop had passed away yesterday. He was a man of strong principles who served over the years with some truly remarkable people, such as Dick Cheney and Al Simpson, to make up some of the most influential and strongly united State delegations I have ever seen.

Those of us who served with him will remember him with a great deal of fondness as one of the greatest warriors from Wyoming and the West who have ever served in the Senate. Whether a person agreed with him or not, he earned the respect of those he served with because it was clear he spoke from the heart with words that reflected his commitment to his home State of Wyoming and our Western way of life.

Malcolm was born in New York and later attended and graduated from Yale University. He immediately felt the call to serve his country, and he joined the Army. Then, when his days in the military were over, he returned to his life as a rancher in Wyoming. It was a vocation he took up with great passion as it reflected his love of the land and his enjoyment of the great outdoors. I think those long hours spent on his ranch gave him the time he needed to think about that which really mattered to him and to his future. It must have been there that he began to get his thoughts together and speak his mind on a long list of issues that mattered to him and to all of those who shared his political philosophy. It led him on a path over the years that would see him writing a long list of prestigious and popular publications that got him noticed and quoted throughout his long and productive career.

Malcolm found his home on his ranch, but he really found his true calling when he ran for and won a seat in the State legislature, first in the house and later on in the Senate. It was in the State legislature that he developed a well-earned reputation for being a thoughtful legislator who became the voice of his constituents as he worked to ensure their concerns were heard and heard clearly on a number of issues that affected them and their daily lives.

Encouraged by what he had been able to do, Malcolm ran for Governor, but

God needed a legislator, so he lost the primary. Malcolm then set his sites on serving in the U.S. Senate. He ran against a three-term incumbent. He knew running for the Senate would not be easy, but he was always one willing to do whatever was needed to ensure he achieved his objectives. The Senate race proved to be no exception.

OSHA, the Occupational Safety and Health Administration, had come into being and drafted its first regulations. Malcolm noted the requirements for extensive port-a-potties and built an ad that made the point. Of course, we can't show videos on the floor, but I have to describe this ad because it is still considered one of the classics of running for office.

The camera first shows a cowboy in a blue work shirt and a tattered straw hat saddling and mounting his horse while the announcer says:

Everywhere you look these days, the Federal Government is there, telling you what they think, telling you what they think you ought to think, telling you how you ought to do things, setting up rules you can't follow. I think the Federal Government is going too far. Now they say if you don't take that portable facility on a roundup, you can't go.

At that point, you see the cowboy shake his head in disgust, and then cut back to a donkey tied behind the cowboy's horse, and strapped on the donkey's back is a portable toilet. The cowboy rides off.

That ad got him noticed and elected, along with his great ability to explain things.

After a spirited campaign, Malcolm proudly took his oath of office and prepared for the challenges that would lie ahead as Wyoming's newest Senator. Some may have thought it wise to start slowly and eventually gain momentum but not Malcolm. He got here and started right to work on what he came here to do. Over the years, he served on a long list of committees, and he had an impact on each and every one of them. They included the Energy and Natural Resources Committee, the Finance Committee, the Small Business Committee, the Armed Services Committee, and the Select Committee on Intelligence. He will also be remembered as the first non-lawyer to serve on the Judiciary Committee.

Malcolm served for 18 years in the Senate, and the record reflects that he used his time wisely and well. Although it would be impossible to list everything he was able to accomplish during his service, quite a few milestones stand out that had a great impact not only on his constituents but on people across the whole country.

His legislation to cut inheritance and gift taxes was passed by Congress, an achievement that was hailed as one of the major legislative accomplishments at that time on tax reform. He also fought to stop the Federal Government's effort to control Wyoming's

water resources and the taking of private property.

Although Malcolm's career had begun right in his own backyard, it wasn't long before he had expanded his sights and soon began to work on energy and foreign trade issues which took him to conferences and meetings all over the world. He had a great deal of success in those efforts as he worked to strengthen our relationships with our foreign trade partners. Because of his concern about our national defense, Malcolm was heavily involved in the work that was being done internationally on arms control. He was an active participant in a number of those talks. Ultimately, the human rights issues and Western pressure on them helped to bring about deliberations on the Baltics and Eastern Europe.

Still, no matter where he was or what he was doing, he never lost his focus on his constituents back home and how they were being affected by what the Federal Government was doing or proposing. That is why so many in Wyoming will always remember him as a warrior who fought with all his might to put an end to the battle that was going on back then to increase Federal regulations and reduce State and local control over many facets of life in Wyoming and the West. He knew it had to be stopped, and he did not rest until he made it happen.

Malcolm was a true conservative, and the principles and values that meant so much to him helped to set his inner compass and guide and direct him in everything he did. His commitment to conservative values was so strong that it led him to create the Republican steering committee, which now includes just about all the Republicans in the Senate. He knew how important it was to create a working group that would serve as a sounding board that would provide guidance and direction for the ideas and proposals he and other conservatives wanted to offer to control spending, to limit the growth of government, and to ensure freedoms we have all come to cherish as Americans, to see that they would forever be protected and preserved.

His love of outdoor sports led him to champion a tax on hunting and fishing equipment that could only be used for habitat and facilities. Supported by the sportsmen, that provision is still in place, and we protect its use, to be used for what it was intended.

These are just a few of the items you could find on a list of Malcolm's accomplishments in the Senate. There are many, many more that would be part of the legacy of his service. But there is one more at the top of the list which I know was closest to his heart and which I have to mention before I close.

Throughout his life, Malcolm was a strong believer in the importance of the volunteer spirit. That is why he

proposed the Congressional Awards program. First of all, it did not cost anything, which he appreciated as a fiscal conservative. Secondly, it was best described as a challenge issued to young people all across the Nation to get up, get active, and get involved down the street, down the block, or across town. It helped young people to realize that no matter the problem, there was something they could do to help solve it.

Malcolm proposed the idea, and Congress soon passed it. No other award program is quite like it, and no other award like it is issued by Congress. It is not an easy award to earn. I am certain that is how Malcolm intended for it to be. Any young American who has a dream they wish to pursue can earn one of these important awards. Whether it is a bronze, silver, or gold award, each participant sets his own goal and works with an adviser to get there, step by step. They set their own standards in four program areas: volunteer public service, personal development, physical fitness, and exploration. How well they do in each of these categories determines which award they will earn.

It may be because of Malcolm's status as the founder of the program that it always seems to me that when the gold award winners come to Washington, DC, for the presentation ceremony, there are more Wyoming winners than those from any other State. Just like Malcolm, I am very proud of the spirit of my State's young people and the way they answer this and every challenge—with enthusiasm and determination to do whatever it takes to succeed.

In the years to come, the Congressional Awards will continue to be one of the best parts of Malcolm Wallop's legacy of service to the Nation, and it will inspire and encourage countless more young people to do whatever they can to change the world around them, beginning like Malcolm did, right in their own backyard. It already has a great record of successes, and I cannot think of a better way to remember Malcolm Wallop. In fact, it is probably how he would most want to be remembered.

After Malcolm had served three terms in the State senate and given 18 more years of his life to the people of Wyoming, he took another long walk on his ranch, gave it some thought, and decided it was time for him not to retire—for someone like Malcolm never slowed down—he just felt it was time for him to change direction. So he announced he was stepping down from the Senate to give someone else a chance to continue the work that must be done to make Wyoming and our Nation a better place to live for us all.

It was not long after leaving the Senate that Malcolm founded an organization called the Frontiers of Freedom to enable him to continue his work to ad-

dress the issues of personal freedom and the need to keep our government from growing too large and too powerful. I have always felt, like Will Rogers said so many years before him, that he opened his office just a short distance from Washington so he would be better able to keep an eye on us.

In the years he served at the helm of the Frontiers of Freedom, it was clear that it reflected the true north of Malcolm Wallop's inner compass. Just like he had done for so many years, the organization was completely focused on many of the issues he had worked on in the Senate, and, like him, it was a much valued and important presence in the ongoing conversation and debate about the direction in which our country was headed and whether that needed to change.

Now Malcolm is taken from us all too soon. He will be greatly missed, and he will never be forgotten. When I learned of his passing, my thoughts turned to those Wyoming Senators we have lost over the last few years: Craig Thomas, Cliff Hansen, and now Malcolm Wallop. They may be gone, but their memories will live on and serve to remind us that each and every one of us—Americans all across this country of ours—has something to offer to make a difference in the world. If we do not do what God has sent us here to do, no one else will be able to do it for us.

Diana and I join in sending our heartfelt sympathy to Malcolm's family and to everyone who knew him personally or politically or who followed his public life. He was a remarkable individual who fulfilled his life's dream by working hard, always giving the best he had to offer, and constantly looking ahead to the problems that were looming on the horizon so they could be addressed before they became too difficult to handle.

At moments such as these, I have always believed there is no greater gift we can give to someone who is grieving the loss of a loved one than to keep them in our thoughts and hold them gently in our prayers. I have found that God has a way of hearing and healing us in our darkest hours. May His presence now be a source of peace and comfort to all those who mourn Malcolm's loss. The knowledge that there are so many who will never forget him may, in time, help to soften the pain his passing leaves behind for all who knew him, loved him, and called him their friend.

To heal the empty spot in our hearts, I encourage all who knew Malcolm to write down their memories and share them. I know with full confidence this will not be the last time Malcolm Wallop's name will be heard on the Senate floor. In the years to come, we will often think of him and the example he provided at so many times. But for now, let us say goodbye to our friend. He will be missed, but he will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to honor one of our former colleagues and a dear friend. U.S. Senator Malcolm Wallop died yesterday, September 14, 2011, at his Wyoming home overlooking the majestic Big Horn Mountains.

Senator Wallop will be remembered as a unique and enduring figure in the history of Wyoming and in the history of the United States. Malcolm was a stalwart defender of freedom and democracy around the world and a determined advocate for limited government and opportunity for every person. Like that iconic range in northern Wyoming that he loved, Malcolm stood very tall—as a citizen, as a State and Federal legislator, and as a loyal guardian for Wyoming people and our way of life.

I want to send my deepest condolences to Malcolm's family back in Wyoming and around the country: to Isabel, his wife; to his beloved children, Malcolm, Matthew, Amy, and Paul; to his dear sisters, Jeannie and Carolyn.

I also want to offer my condolences to all of those folks who worked for Senator Wallop during his years of extraordinary public service. I have met most and have known many over the years. My wife Bobbi served on his very first staff in Washington, and last night she shared with me again what we have all come to know: Malcolm was a kind, caring, and extraordinary gentleman. Malcolm's staff served him ably and honorably.

I know there are also some in this body today who served alongside Malcolm Wallop. You no doubt remember him well. It was just 4 years ago that Senator Wallop returned here to this Chamber and attended my own swearing-in on June 25, 2007. On that day, as is tradition, Senator Wallop walked with me up to the President's desk to take the oath. He stood with me during the ceremony and offered private words of encouragement and advice. I was honored that day to have him there next to me, and it saddens me greatly to join Senator ENZI to announce his death.

Malcolm Wallop was someone I followed throughout his career. I admired him greatly. He was a man whom many of us looked up to, as he grew into one of the most influential legislators of his time.

"Hello, my friend"—that was his classic western rancher's drawl, and it was what you heard if Malcolm Wallop was on the other end of the phone line or came through the door. Malcolm was a real-life version of anyone's image of a western gentleman.

Today, I remember him as a brilliant servant-leader. He possessed a special western wisdom, which often found those around him racing just to catch

up. He found great contentment in all of the many facets of his life. Even during recent years, when numerous medical challenges conquered his physical body, his spirit and his intellect were never diminished.

Public service was his heritage and his calling. His grandfather, Oliver Henry "Noll" Wallop, founded the Canyon Ranch in the Big Horn Mountains of Wyoming in 1888. That is before Wyoming even became a State. Noll had the distinction of serving first in the Wyoming State Legislature and then, later in life, in the House of Lords in Great Britain. Noll was the youngest son of Lord Isaac Newton Wallop, the fifth Earl of Portsmouth. When Noll's older brothers died, he reluctantly returned to England to fulfill the family duty. However, his own son Oliver, who was Malcolm's father, had been grown up and he remained in Wyoming.

Malcolm was born in 1933, and Big Horn was always his home. His children and his grandchildren are the fourth and fifth generations of his family to make their lives in the beautiful Big Horn Mountain area of north central Wyoming. They ranch, they own businesses, they teach, they raise their children, they serve their community—all those things we do to make this Nation strong.

Malcolm was a pilot. He served as a first lieutenant in the U.S. Army. He was a cattle rancher elected to the Wyoming State Legislature, serving both in the house as well as in the senate from 1969 through 1976.

In 1974, Wallop ran unsuccessfully for Governor of Wyoming. But it was during that summer campaign that Malcolm began to distinguish himself as a principled and energetic future force in Republican politics. He did not shy from the tough issues; instead, he seemed to gather strength from the challenges.

Only 2 years later, he unseated incumbent U.S. Senator Gale McGee and became Wyoming's 19th Senator, serving from 1977 to 1995.

When Malcolm was elected to this body in 1976, it was really something. You heard about the commercials from Senator ENZI. Well, a group of young people had gathered around to support his very unlikely bid to serve Wyoming in the U.S. Senate. The national press called it the Children's Crusade. Many of those young people came to Washington with him, and my wife Bobbi Brown was among those, who began her own public service career as part of his first-term staff.

It is an indication of the affection and the loyalty felt by those who were part of his team that more than 60 people gathered with Malcolm in Wyoming in 2006 for a 30-year reunion.

He served three terms in the Senate, and his work here was very broad in scope. His presence was lasting, and it touched on the mercurial issues of the

late 1970s and 1980s, from energy policy to the environment, from national security to tax reform.

One of our own colleagues, Senator CARL LEVIN, said of Malcolm:

While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why.

He went on to say:

And his patriotism is second to none in this body.

Malcolm Wallop was the first elected official to propose a space-based missile system, which eventually became part of our Strategic Defense Initiative. He was highly regarded for his knowledge and understanding of defense issues and surely helped bring the Berlin Wall down. Later in his Senate service, he was a member of the Helsinki Commission, and he traveled in Eastern Europe and the former Soviet Union as an arms control negotiator.

Speaking of their strategic partnership, President Reagan said: "Leadership, hard work, experience, loyalty to Wyoming—that's what Malcolm Wallop is all about." Malcolm was fiercely protective of States rights, property rights, the rights to privacy, and he was a champion of the rights of the individual.

He was remembered for the Wallop amendment to the Surface Mining Control Act, a property rights issue which forced the Federal Government to compensate property owners whose ability to mine was undercut by regulation. He worked successfully to protect State interest in the Clean Water Act. He brought significant wilderness to Wyoming through the 1984 Wilderness Act.

He was a key force behind the passage of the far-reaching 1982 Energy Policy Act. Senator Wallop, on more than one occasion, commented that he "was not burdened with a law degree." Yet he was selected in his very first term to serve on the Judiciary Committee, the first nonlawyer ever so chosen.

Perhaps his greatest contribution was his landmark legislation to address the heartbreaking issue of parental kidnapping. He was one of a long and distinguished line of Wyoming Senators who served with distinction on the Senate Finance Committee. His 1981 bill to cut inheritance and gift taxes is remembered as one of the most substantive changes to tax policy that decade.

He appreciated opportunities which allowed for private/public sector partnerships. Early in his Senate career, there was talk of establishing a national service requirement for young people. But Malcolm felt that if we were going to require young people to serve the Nation, the Nation should recognize them for the service so many were already providing through their daily lives.

This resulted in his leadership to establish the Congressional Award. He joined with colleagues in both Houses of Congress in a bipartisan effort and a unique program available to all interested young people in the country was created.

It is a program of Congress which operates with private sector funds. It is an earned honor and is the highest honor which we bestow on our Nation's young people. The many young people in my State who participate in the Close Up program do so because Malcolm thought it was an important opportunity for his young constituents. At the time, Close Up only offered their program in the cities. Malcolm worked to convince the Close Up Foundation that a statewide program would work. I believe Close Up today counts their Wyoming program as one of its most successful.

Malcolm Wallop reached across Capitol Hill. He reached across party lines in the creation of the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Trust Fund, which has resulted in billions of dollars generated by users for support of fisheries and wetlands around the country.

But it was not all serious. He was an enthusiastic supporter of his staff's efforts to deal with their homesickness in July. In July of 1977, he held the first Frontier East, an east coast celebration of Cheyenne's Frontier Days, which is known simply as COWPIE. COWPIE stands for the Committee of Wyoming People in the East. It is still today one of the Washington area's most celebrated summer events.

My wife Bobbi reminds me how absolutely joyful Malcolm was each year on his birthday. His birthday was February 27. As Bobbi reminds me, that is when his staff organized the Wally Awards, making great fun of themselves and their boss. I am told the best was the impersonation of him by his chief of staff, Bill Hill. That is the same chief of staff who then went on to serve as Chief Justice of the Wyoming Supreme Court.

Malcolm remained forever steadfast against the growth and the power of centralized government. He warned: "As we remain the sheep, the government happily remains our shepherd."

He talked often as a Senator of our shrinking freedom and the battle to lay claim to our fragile liberty. That was Malcolm Wallop. When he announced his retirement in 1993, after 18 years in the Senate, Senator Wallop told the Casper Star Tribune simply: "I don't think the only place to fight for freedom is in the halls of Congress."

His life after the Senate was filled with his continuing work on issues focusing on constitutionally limited government, a strong national defense, and the rights of the individual. To address these issues, he founded the Frontiers of Freedom.

He spoke with power and eloquence about the issues which he found to be the core of our great country. In a 2003 interview with Peter Evans, he said:

You'll find in the American people an enormous sense of pride and self assurance that only comes from people living free. It's unbelievably invigorating, and very reassuring, to know the great experiment is in the hands of people who don't even know it, and isn't in the hands of the people who think they hold it.

Malcolm Wallop was so many things. But what Malcolm Wallop was not was sentimental. The new phase of his life was the full phase of his life. He did not dwell on past things. His energy was always spent looking forward.

I wish to conclude by repeating Senator Wallop's own words. Speaking in 2005 before the Ronald Reagan Gala sponsored by the Frontiers of Freedom, Senator Wallop spoke about his own beliefs.

Government was not meant to possess us, rule us, encompass us, judge for us, substitute for us. It was meant to serve us. We were founded as a noble self-governing tribe of free people respecting each other as Americans under God—not under Washington. Americans know this even if their government does not.

The biggest difference between the principle of government in America, and anywhere else is that here the rulers must stick to clearly defined tasks, while ordinary people may do whatever they wish. We must make up our minds to put this principle into practice again, lest we lose the spirit that made us the envy of the world.

Most important, the American model is based on a certain kind of people—defined not by race but by virtue and by the willingness to take responsibility for our own lives. People fit to be Americans ask for blessings only from God. Because being Americans is not a matter of birth, we must practice it every day—lest we become something else.

The size of our continent, its fabulous wealth, its indescribable beauty, the ships, tanks and airplanes in our arsenal, are no treasure compared to the moral character of the American people. I pray to God that he will graciously help us preserve and protect that splendid moral base.

To Isabel and his beloved children, Malcolm, Matthew, Amy, and Paul, to his dear sisters, Jeannie and Carolyn, we thank you for letting him share so much of his life with us all. There is no question our world is better for the time he spent addressing the great issues of the day and we are grateful.

We can cherish our memories and stories of Malcolm knowing he would cast a wry glance and wonder why we were not spending our thoughts and our energy on a challenge that needed our attention. It is what he would expect of all of us. It is the example he left for us. It is his legacy.

So, today, godspeed, Malcolm. The Senate, Wyoming, the United States of America, has lost one of its most steadfast defenders.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISAPPEARING MIDDLE CLASS

Mr. BENNET. Mr. President, I went back to the office and I saw my senior Senator sitting here at this late hour and I wanted to come down and keep him company. So I am glad to be here with you tonight, proud to be from the West tonight with two great Senators from Wyoming remembering Malcolm Wallop's service in this body. It was wonderful to hear their remembrances of him. I am glad we were here to share that being from the West.

Similar to the Presiding Officer, I spent most of August in our beautiful State—the most beautiful State in the United States, if I do say so myself—in townhall meetings, mostly in red parts of the State, but in red and blue parts of the State. They do not actually think of themselves that way, but that is how Washington would talk about it.

In the townhalls, I always start the same way. I say: Ask any question you have. Bring any criticism you have. I tell them I was an urban school superintendent for almost 4 years, it is impossible to hurt my feelings. It was beaten out of me a long time ago. Then we have a conversation.

This time, every single meeting started with somebody saying: What is wrong with you guys? Why can't you work this out in Washington, DC? We are struggling in the worst economy we have had since the Great Depression, and what we see are a lot of political games being played back there.

That is the version of the conversation I have heard now for 2½ years in our State.

Then, one of the things we get into at the very beginning is the fact that this is not a garden-variety recession that we are just coming out of. This is the first time—this last decade, not just this recession, the last decade—the first time in this country's history when median family income actually declined instead of going up.

Generation after generation after generation of Americans saw their income rise. Median family income is sort of shorthand for middle-class family income in this country. It is the backbone of this country, and it has fallen for the first time in a decade, as the cost of health insurance doubled on the people who live in Colorado, and the cost of higher education went up by 60 percent.

People are saying: MICHAEL, I have been at my job for this whole decade and I am earning less at the end of the decade than I was at the beginning of the decade. My costs of not “nice to

have,” my costs of critical things to move my family ahead to create stability for me and my small business—such as health care, such as higher education—have done nothing but skyrocket.

I am going to show you some numbers that are pretty scary that came out this week from the Census Bureau that reflect, in numbers, what I am talking about and reflect how profound the structural issues are that we face in our economy, structural that do not fit on the back of a bumper sticker or a political slogan or during a debate at night on the television set.

This week's Wall Street Journal, on Monday, had an article on the front page with the headline that reads as follows: “As Middle Class Shrinks, P&G Aims High and Low.” P&G is Procter & Gamble. There is not a more iconic brand in our country's history when it comes to the middle class than Procter & Gamble.

Here are some of the things they make: Crest toothpaste; Head & Shoulders shampoo; Tide detergent; Pampers' diapers—I am glad to be out of those in my house, by the way—Bounty paper towels; Downy fabric softener, Scope mouthwash; Duracell batteries; Charmin toilet paper; Bounce fabric softener—nobody needed fabric softener before there was a middle class in this country, but they make it—Mr. Clean; Pepto Bismol; Pringles; Swiffer brooms and dusters—we have that in our closet—Old Spice deodorant; Nyquil cough syrup; Puffs tissues; Ivory soap; Covergirl makeup.

That is what Procter & Gamble makes. That is what they sold to the great middle class in this country for decades. Here is this article that says Procter & Gamble aims high and low.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 2011]

AS MIDDLE CLASS SHRINKS P&G AIMS HIGH AND LOW

(By Ellen Byron)

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle.

That's forced P&G, which estimates it has at least one product in 98% of American households, to fundamentally change the way it develops and sells its goods. For the first time in 38 years, for example, the company launched a new dish soap in the U.S. at a bargain price.

P&G's roll out of Gain dish soap says a lot about the health of the American middle class: The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

"It's required us to think differently about our product portfolio and how to please the high-end and lower-end markets," says Melanie Healey, group president of P&G's North America business. "That's frankly where a lot of the growth is happening."

In the wake of the worst recession in 50 years, there's little doubt that the American middle class—the 40% of households with annual incomes between \$50,000 and \$140,000 a year—is in distress. Even before the recession, incomes of American middle-class families weren't keeping up with inflation, especially with the rising costs of what are considered the essential ingredients of middle-class life—college education, health care and housing. In 2009, the income of the median family, the one smack in the middle of the middle, was lower, adjusted for inflation, than in 1998, the Census Bureau says.

The slumping stock market and collapse in housing prices have also hit middle-class Americans. At the end of March, Americans had \$6.1 trillion in equity in their houses—the value of the house minus mortgages—half the 2006 level, according to the Federal Reserve. Economist Edward Wolff of New York University estimates that the net worth—household assets minus debts—of the middle fifth of American households grew by 2.4% a year between 2001 and 2007 and plunged by 26.2% in the following two years.

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

Food giant H.J. Heinz Co., for example, is developing more products at lower price ranges. Luxury retailer Saks Inc. is bolstering its high-end apparel and accessories because its wealthiest customers—not those drawn to entry-level items—are driving the chain's growth.

Citigroup calls the phenomenon the "Consumer Hourglass Theory" and since 2009 has urged investors to focus on companies best positioned to cater to the highest-income and lowest-income consumers. It created an index of 25 companies, including Estee Lauder Cos. and Saks at the top of the hourglass and Family Dollar Stores Inc. and Kellogg Co. at the bottom. The index posted a 56.5% return for investors from its inception on Dec. 10, 2009, through Sept. 1, 2011. Over the same period, the Dow Jones Industrial Average returned 11%.

"Companies have thought that if you're in the middle, you're safe," says Citigroup analyst Deborah Weinswig. "But that's not where the consumer is any more—the consumer hourglass is more pronounced now than ever."

Companies like Tiffany & Co., Coach Inc. and Neiman Marcus Group Inc., which cater to the wealthy, racked up outside sales last Christmas and continue to post strong sales.

Tiffany says its lower-priced silver baubles, once a favorite of middle-class shoppers craving a small token from the storied jeweler, are now its weakest sellers in the U.S. "I think that there's probably more separation of affluence in the U.S.," Tiffany Chief Operating Officer James Fernandez said in June.

Firms catering to low-income consumers, such as Dollar General Corp., also are posting gains, boosted by formerly middle-class families facing shrunken budgets. Dollar stores garnered steady sales increases in recent years, easily outpacing mainstream counterparts like Target Corp. and Wal-Mart

Stores Inc., which typically are more expensive.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

Despite its aggressive expansion around the world, P&G still needs to win over a healthy percentage of the American population, because the U.S. market remains its biggest and most profitable. In the fiscal year ended June 30, the U.S. delivered about 37% of P&G's \$82.6 billion in annual sales and an estimated 60% of its \$11.8 billion in profit. P&G says that Americans per capita spend about \$96 a year on its products, compared with around \$4 in China.

During the early stages of the recession, P&G executives defended its long-time approach of making best-in-class products and charging a premium, expecting middle-class Americans to pay up.

But cash-strapped shoppers, P&G learned, aren't as willing to splurge on household staples with extra features. Drove of consumers started switching to cheaper brands, slowing P&G's sales and profit gains and denting its dominant market share positions.

In late 2008, unit sales gains of P&G's cheaper brands began outpacing its more expensive lines despite receiving far less advertising. As the recession wore on, U.S. market-share gains for P&G's cheaper Luvs diapers and Gain detergent increased faster than its premium-priced Pampers and Tide brands.

At the same time, lower-priced competitors nabbed market share from some of P&G's biggest brands. P&G's dominant fabric-softener sheets business, including its Bounce brand, fell five percentage points to 60.2% of the market as lower-priced options from Sun Products Corp. and private-label brands picked up sales from the second quarter of 2008 through May 2011, according to a Deutsche Bank analysis of data from market-research firm SymphonyIRI.

P&G's grasp of the liquid laundry detergent category, led by its iconic Tide brand, also posted a rare slip over the same period as bargain-priced options from Sun and Church & Dwight Co. gained momentum. Even the company's huge Gillette refill razor market suffered, declining to 80.1% by May from 82.3% in the second-quarter of 2008, as Energizer Holdings Inc.'s less-expensive Schick brand gained nearly three points.

P&G began changing course in May 2009. After issuing a sharply lower-than-expected earnings forecast for the company's 2010 fiscal year, then-CEO A.G. Lafley said the company would take a "surgical" approach to cutting prices on some products and develop more lower-priced goods. "You have to see reality as it is," Mr. Lafley said.

When the company's 2009 fiscal year ended a month later, P&G's sales had posted a rare drop, falling 3% to \$76.7 billion.

In August that year, P&G's newly appointed CEO, company veteran Robert McDonald, accelerated the new approach of developing products for high- and low-income consumers.

"We're going to do this both by tiering our portfolio up in terms of value as well as tiering our portfolio down," Mr. McDonald said in September 2009.

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one, when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20% rise in income disparity over the past 40 years, according to the U.S. Census Bureau.

"We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. "I don't think we've typically thought about America as a country with big income gaps to this extent."

Over the past two years, P&G has accelerated its research, product-development and marketing approach to target the newly divided American market.

Globally, P&G divides consumers into three income groups. The highest-earning "ones" historically have been the primary bracket P&G chased in the U.S. as they are the least price sensitive and most swayed by claims of superior product performance. But as the "twos," or lower-income American consumers, grew in size during the recession, P&G decided to target them aggressively, too. P&G doesn't specifically target the lowest-income "threes" in the U.S., since they comprise a small percentage of the population and such consumers are typically heavily subsidized by government aid.

At the high end, it launched its most-expensive skin-care regimen, Olay Pro-X in 2009, which includes a starter kit costing around \$60. Previously, the Olay line had topped out around \$25. Last year, the company launched Gillette Fusion ProGlide razors at a price of \$10 to \$12, a premium to Gillette Fusion razors, which sell for \$8 to \$10, and Gillette Mach3, priced at \$8 to \$9.

At the lower end, its new Gain dish soap, launched last year, can sell for about half per ounce of the company's premium Dawn Hand Renewal dish soap, which hit stores in late 2008.

Developing products that squarely target the high and low is proving difficult for a company long accustomed to aiming for a giant, mainstream group.

Conquering the high end is difficult because it usually involves a smaller quantity of products.

"We do big volumes of things really well," said Bruce Brown, P&G's chief technology officer. "Things that are smaller quantities, with high appeal, we're learning how to do that."

Likewise, the cost challenges at the bottom of the pyramid are also proving difficult, Mr. Brown said. Over the past two years, P&G has increased its research of the growing ranks of low-income American households.

"This has been the most humbling aspect of our jobs," says Ms. Jackson. "The numbers of Middle America have been shrinking because people have been getting hurt so badly economically that they've been falling into lower income."

Mr. BENNET. I wanted to read a few excerpts from it because I think it is instructive about what we are doing.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off

more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

What is happening now? For generations Procter & Gamble's growth strategy was focused on developing household staples for the vast American middle class. Now, P&G executives say many of its former middle-market shoppers are trading down to lower priced goods—widening the pools of have and have-not consumers at the expense of the middle. That has forced P&G, which estimates it has at least one product—and you heard the list, so this won't be surprising in 98 percent of American households—to fundamentally change the way it develops and sells its goods.

For the first time in 38 years, for example, the company launched a new dish soap in the United States at a bargain price. P&G's rollout of Gain Dish Soap says a lot about the health of the middle class. The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

If you needed any example of what our families are struggling with in Colorado every single day, here is a business plan that is modeled on a perpetually shrinking middle class by a company whose whole business model in their history was based on a rising middle class.

I will skip the next one in the interest of time. I will go right to the end. I want to show some numbers. This was the conclusion of the article:

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20 percent rise in income disparity over the past 40 years, according to the U.S. Census Bureau. "We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's Vice President of consumer market knowledge for North America. "I don't think we typically thought about America as a country with big income gaps to this extent."

I don't think we typically thought about America that way either. It is not who we purport to be or who we are going to be. In order to put us on a path that will actually produce a rising middle class again, instead of a division among the very wealthy at the top and the poorest of the citizens at the bottom, we are going to have to come together on some pretty serious choices.

I know there have been some who argue that this is all a problem that is caused by too many regulations, and I am the first to say we should only have the regulations that we need. Some say the threat of any revenue—even at a time when we are collecting less revenue as a percent of our economy than

we have over the last 30 years—some are saying any revenue is choking off this recovery.

Let me show you something very surprising. This is high-tech Senate stuff. Here are some lines on a chart. I know people probably cannot see the detail at home. They can get it on the Web site. This blue line, from 1992 to 2010, which is about 20 years, represents what is called the productivity index. It shows that we have become far more productive as an economy over the last 20 years. It is not surprising that we have, and we have because we have had a technological revolution that has made us more productive.

See at the very end where the recession is, look what happened to the productivity index during our recession—because with every single month that went by we were losing jobs; American business was doing what they had to do, which was figure out how to get through the recession and get to the other end; how to ring out every efficiency they could, how to make themselves as productive as they could. They did and they have. We are much more productive today than we were here.

The green line is our gross domestic product, our Nation's economy per capita, the amount of money per person that our economy is generating. Here is an amazing fact. This is where we were before the recession. This is where we are today. Our economy is the same size today as it was before we went into the recession. We are producing about the same economic output as a nation that we were producing before we went into this downturn. I was shocked when I learned this number.

But look at this. Here is our employment level. Here is our employment level today. We have 14 million people unemployed, but we are producing about the same as we were before we went into this horrible recession.

That is a structural unemployment problem. That is not a problem that will be solved by slogans, and it is not going to be a problem that is solved by companies that have become much more efficient at what they do. It is going to be solved by companies that will be started tomorrow and the day after tomorrow—small businesses, venture-backed firms, people who are inventing the technology of the 21st century, the products and services of the 21st century, not the products and services of the 20th century. That is the only way we are going to put these people back to work. We could be investing in infrastructure too; that would help.

This line is median family income, which is what I started this conversation with. This is a terrible story. It is not just a sad story, it is a terrible story. That is that line for median family income. It was over \$53,000 in 1999. It is \$49,000 today. It is almost \$4,000 less in real dollars in a decade.

I could have brought in another slide which shows that this trend has actually been going on a little longer than that. Think about that. It means half of the families in 1999 were earning less than \$53,000, and half were earning more than \$53,000. Today half are earning less than \$49,000 and half are earning more than that.

These are folks who have done absolutely everything that anybody ever asked them to do. But I don't care whether you are a family or a business, it makes it very hard for you to make ends meet if that is the slope that you are on. I argue that we cannot consume one more decade of this new century, with economic policies that are leading us here, and expect to have a vibrant middle class. I want to be in an economy where Procter & Gamble has to change their business model to catch up with a rising middle class, not be in a position that they are in today where they believe they have to bet on a falling middle class.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. BENNET. Sure.

Mr. SCHUMER. I compliment him on this outstanding speech. The hour is late and many colleagues have gone home, so I hope he will send this to every one of our colleagues. It has been a joy for me to stay and listen.

The only question I wanted to ask—and we talked about this last night at dinner—here is another interesting fact amid so many that my colleague brought up in this great speech.

If we look at that chart, from 1999 to 2007, before the recession hit, median income didn't go up.

Mr. BENNET. Exactly.

Mr. SCHUMER. That is a question we have to ponder. We need great minds like the Senator's to figure out the answer. If we just blame the recession and think it will come back up, it won't. The kinds of structural changes my colleague talks about are so needed if we are not going to have a continually declining middle class, even in a period of growth. Am I right about that assumption?

Mr. BENNET. I thank the Senator from New York. He is right about that. What he will see on another slide—not tonight—is that we were already on this decline. This is not news to people living in our States. It is not news to people trying to figure out how to make ends meet week by week. This is not news to them. It is not news to the people who came to my townhalls and said they cannot afford to send their kids to the best schools. They sent their first kid to the fancy school, but they cannot send their second kid there. They are upset that we are not getting done what we ought to be getting done.

What we see on this other chart is that this decline was happening already because the economy wasn't lifting all boats, and it was widening in

equality terribly. I have things tonight that talk about that. Then the recession accelerated that decline. They lost 2.3 percent of median family income in the recession, which is more than any of the previous recessions, going back to the Great Depression. So that is how tough this is.

The Senator is right. If we keep doing what we have done for the decade that led us into this recession, if we go back to those policies and readopt those policies, and that is where we end up, we will continue to see this slide.

Mr. SCHUMER. I thank my colleague.

Mr. BENNET. I thank the Senator from New York. This gives a sense of the widening inequality that has happened. This is average income, which is different from median income. The amazing thing is, while middle-class income has been falling, and it fell throughout this 10 years, average income actually went up because a few people at the very top of the economy did incredibly well over this period of time. They have done incredibly well. This is the very top 1 percent of our earners who went from here to up here.

The top 1 percent saw that, and here is everybody else. This red line is 90 percent of the people in America. Their average income was flat from 1967 to 2006. That is 90 percent of the people who live in the United States. It is hard to see how people can get ahead under circumstances like that.

It is no wonder that we have these alarming numbers this week from the Census Bureau which show there are 46.2 million Americans now living in poverty. That is a 46-percent increase since 2000. I had to look to make sure I was reading that right. Since 2000, when 31 million people were in poverty, it has gone up to 46 million people in poverty today, and 22 percent of the children in the United States of America tonight are living in poverty. Over one-fifth of the children living in the United States tonight are living in poverty. And, by the way, as a former superintendent of the Denver public schools, I can tell you we are not doing ourselves any favors when the chances of a child living in poverty in this country graduating from college are roughly 9 in 100, which is what their chances are today. Ninety-one out of one hundred poor kids in the country can't expect to get a college degree; can't expect to be anywhere but on the margin of our democracy or our economy. I wonder what effect that will have on our median family income going forward.

This is the last slide, because I know the hour is late, and it is one that was in the Washington Post. I am not going to bother to describe the details, but you can find it on the Web site and it is worth looking at. It is worth looking at.

This red line—and it is the only thing I will talk about from this slide—shows

what the bottom 90 percent—and it seems ridiculous to talk about the bottom 90 percent—what the 90 percent of earners in this country earned as a percentage of the income that everybody earned in the United States from before the 1920s to today, essentially. For the vast majority of time or some majority of time in the period from World War II—the end of World War II—until the present, the bottom 90 percent of earners earned roughly 70 percent of the income in the United States—a majority of the income, 70 percent of the income—for a long time. Now they are earning roughly 50 percent. The bottom 90 percent is earning roughly 50 percent of the income. That means, by the way, the other 10 percent are earning roughly 50 percent of the income. That is how it is distributed. It is a unique moment in the country's history, actually, uniquely unbalanced. In fact, we have to go back to 1928—the year before the market crashed, the year before Black Friday, the year before our financial markets collapsed and put us into the Great Depression—to find income disparity that looks like the income disparity we face today.

In my view, the 20th century represented a period in this country's history of limitless opportunity, limitless economic growth, limitless educational attainment. Our democracy succeeded in generating an economy that gave everybody a fighting chance. Maybe a definition of whether we are giving people a fighting chance is whether middle-class income is rising or falling. Now we are in a period where it is falling and we find ourselves in the position of producing the same domestic product we were producing before this recession with 14 million more people unemployed.

The economists tell us we have recovered, that we are in a recovery. The technical definition is that we are in a recovery because the technical definition is based on whether GDP is growing. That is a very cruel definition of recovery for the 14 million people who are unemployed. It is a very cruel definition of recovery for a middle class that is getting wiped out because median family income is falling.

Look, the people who live in Colorado, notwithstanding all of this, are optimistic. They are optimistic about their communities and they are optimistic about their families. It gets tougher and tougher, but they rise to the occasion. And you know what. That is what they are asking us to do. They are asking us to knock off the political games that seem to be only about Washington and seem to have nothing to do with the challenges they face.

Today was a good day here. I was pleased. It has been a long time. I was pleased to join my senior Senator and about 30 other Democrats and Republicans at an event to say it is time for us to think big about solving this coun-

try's fiscal challenges and that we are anxious to work together to do it. We are anxious to create a comprehensive plan to deal with it. We should be taking exactly the same approach on jobs.

Getting our fiscal house in order is incredibly important to encourage and inspire confidence in our markets and confidence in our businesses and confidence in our local economies. But our work won't stop there. We need to reinvent our Tax Code so it is driving innovation and driving a rising middle class. We need to reimagine our regulatory code so it is doing the same. We need to educate the children in this country so they can take on the jobs of the 21st century, because the jobs of the 20th century are not coming back. We will be waiting in vain for those jobs to come back.

The people in my meetings back in Colorado are demanding—that is the right way to say it, they are demanding—we work together. Our State is a third Republican, a third Independent, and a third Democrat, but they are Coloradans before any of that, and they are Americans maybe even before that, and it is time for us to meet their standard.

Tonight we had votes on the reauthorization of FEMA—our emergency agency—to respond to the incredible tragedies that have happened around the country. It got 62 votes and we were able to pass it. We had a vote on the transportation extension, the FAA reauthorization, and I think the vote was 92 to 6, with Democrats and Republicans moving this country forward. That is what we have to do in order to get this economy going again. The people in Colorado today are saying: We want more of that and less of the bickering, more problem solving and less finger pointing. My hope is that on an occasion such as today, when we actually have made some progress, no matter how limited, it may give us the chance to move forward together.

Mr. President, I appreciate the Chair's endurance and allowing me to speak on the floor tonight.

COMBATING AUTISM

Mr. MENENDEZ. Mr. President, I want to address a very important issue that is currently before the Senate. This past Tuesday I submitted a bill to the Senate—the Combating Autism Reauthorization Act, S. 1094—for a unanimous consent agreement. Since then, the Republicans have blocked this bipartisan bill from passing. The Health, Education, Labor and Pensions Committee reported this legislation unanimously on September 7, 2011.

My legislation is a simple 3-year extension of the Combating Autism Act, CAA, of 2006. This original legislation was passed out of the Senate by unanimous consent on December 7, 2006, and signed into law shortly thereafter. This

landmark legislation included provisions relating to the diagnosis and treatment of persons with autism spectrum disorders, ASD, and expanded and intensified biomedical research on autism, including a focus on possible environmental causes. Additionally, it provides for detailed surveillance by the Centers for Disease Control and Prevention, CDC, of the increasing prevalence of autism spectrum disorders, ASD. The Act also reconstitutes the Interagency Autism Coordinating Committee to advise the Secretary, coordinate the federal response to autism and develop the annual strategic plan for autism research.

I am greatly disappointed that my colleagues on the other side are playing politics with this bill. On September 30, just a couple of short weeks from now, the programs authorized under the CAA sunset, and with them the myriad programs which have helped families better understand, treat and live with ASD. Now is not the time for politics. Now is the time to reauthorize the Combating Autism Act so families living with ASD can continue receiving the care and support they deserve.

NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Mr. President, September 16 is National POW/MIA Recognition Day.

Throughout history, American men and women have stood up to defend freedom by courageous and selfless service across the world. Today, 46,010 American men and women are actively engaged in uniform in Iraq with a total of 84,310 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Iraq operations. Mr. President, 98,900 military personnel are deployed in Afghanistan, with a total of 131,900 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Afghanistan operations. Others

are engaged in Libya operations. All are fighting to ensure our security here at home, to protect the life and liberty of our friends and allies, and to promote American values.

Amidst the current economic crisis and countless other challenges, one thing is clear, members of Congress and the executive branch cannot become distracted from a commitment to ensure the return of POWs and MIAs at the end of hostilities. This commitment must continue through painstaking on-site investigations, diplomatic negotiations and complete examinations of records following a conflict.

As we look forward with resolve, I would like to recognize the work that the many POW/MIA organizations have done, led by the Department of Defense Prisoner of War/Missing Personnel Office, DPMO. The painstaking work of recovery operations has, since January, seen the return of 32 Americans from World War II and the war in Southeast Asia. Nevertheless, 1,683 remain unaccounted for at this time from SEA, 1,292 from Vietnam alone. Last year, those numbers stood at 1,703 and 1,305 respectively.

This June, in an effort to recover nine American servicemembers from crash sites in Laos, 25 Joint POW/MIA Accounting Command, JPAC, recovery members deployed, marking the 119th Joint Field Activity conducted. As a member of U.S. Pacific Command, JPAC is an organization of over 400 military and civilian specialists whose mission is to return America's heroes home and achieve the fullest possible accountability of Americans lost in our Nation's past conflicts.

In Korea, where the fighting ended in 1953, progress continues. This year, Joint Recovery Operations have been conducted in North Korea resulting in the recovery of seven Americans to their families and final resting places. Two have been identified from World War II recoveries. Teams from the U.S. Army Central Identification Laboratory in Hawaii continue to implement

cutting-edge DNA technology, and as renowned experts in the field, have contributed their know-how and direct assistance to the operations in New York and the Pentagon.

JPAC announced on August 12 that teams had been recently deployed to Vietnam, Canada, Vanuatu, Germany and Papua New Guinea to search for Americans unaccounted for from the Vietnam War and World War II.

The deployment to Vietnam, the 104th joint field activity to that country, has approximately 35 team members who will search for five Americans at burial and aircraft crash sites in three provinces. They expect to spend 35 days on the mission.

Separately, JPAC team members and Navy divers from Virginia Beach, Va. have deployed to Newfoundland province in Canada to search for three Americans that remain unaccounted for from a World War II aircraft crash. The team will conduct underwater excavations for 30 days at the crash site.

We must also be vigilant on the topic of American POWs and North Korea, and I have encouraged the Obama administration to include this important issue in any talks with North Korea.

As we all know, this is a team effort requiring the commitment and dedication of the Congress, the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the NSA. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors will gain further information about the servicemen still missing to honor their sacrifice and provide peace and solace to their loved ones. You are not forgotten.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of Indiana's missing and unaccounted for from the Korea and Vietnam wars.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIETNAM/SOUTHEAST ASIA

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Bancroft, William W. Jr.	11/13/1970	NBR	O2	USAF	N. Vietnam	Indianapolis.
Beals, Charles Elbert	07/07/1970	NBR	E4	USA	S. Vietnam	French Lick.
Beecher, Quentin Rippetoe	06/11/1967	PDF	W2	USA	S. Vietnam	Terre Haute.
Breiner, Stephen Eugene	09/24/1968	NBR	E2	USMC	S. Vietnam	Decatur.
Carver, Harry Franklin	04/10/1968	NBR	E6	USA	S. Vietnam	New Albany.
Chomel, Charles Dennis	06/11/1967	NBR	E2	USMC	S. Vietnam	Columbus.
Clark, Lawrence	10/18/1966	PDF	E5	USAF	N. Vietnam	Logansport.
Clem, Thomas Dean	05/03/1968	PDF	O2	USMC	N. Vietnam	New Paris.
Davis, Gene Edmond	03/13/1966	PDF	E5	USAF	Laos	Evansville.
Ducat, Phillip Allen	09/25/1966	NBR	O3	USMC	S. Vietnam	Fort Wayne.
Duval, Dean Arnold	03/13/1966	PDF	E3	USAF	Laos	Monticello.
Green, George Curtis Jr.	12/04/1970	NBR	E5	USA	Laos	Attica.
Heitman, Steven W.	03/13/1968	PDF	E5	USA	S. Vietnam	Indianapolis.
Held, John Wayne	04/17/1968	PDF	O3	USAF	S. Vietnam	Indianapolis.
Hills, John Russell	02/14/1966	NBR	O4	USAF	Laos	South Bend.
Johns, Paul F.	06/28/1968	PDF	O4	USAF	Laos	Laconia.
Johnson, James Reed	08/21/1966	NBR	E3	USA	S. Vietnam	Indianapolis.
Jones, Grayland	11/23/1969	NBR	E3	USA	S. Vietnam	Indianapolis.
Klute, Karl Edwin	03/14/1966	NBR	O3	USAF	S. Vietnam	Richmond.
Knochel, Charles Allen	09/22/1966	NBR	O3	USN	N. Vietnam	Lafayette.
Kuhlman, Robert J. Jr.	01/17/1969	PDF	O2	USMC	S. Vietnam	Richmond.
Lambton, Bennie Richard	06/13/1966	NBR	E7	USN	N. Vietnam	Indianapolis.
Lautzenheiser, Michael	10/26/1971	NBR	E5	USA	S. Vietnam	Muncie.
Lawson, Karl Wade	04/09/1968	NBR	E4	USA	S. Vietnam	Terre Haute.
Lyon, James Michael	02/05/1970	PDF	O3	USA	S. Vietnam	Indianapolis.
Mann, Robert Lee	10/22/1965	NBR	O3	USAF	S. Vietnam	Lafayette.

VIETNAM/SOUTHEAST ASIA—Continued

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Martin, Jerry Dean	11/03/1970	NBR	E3	USA	S. Vietnam	Bedford.
McGarvey, James Maurice	04/17/1967	PFD	04	USMC	N. Vietnam	Valparaiso.
Midnight, Francis B	08/23/1967	PFD	02	USAF	N. Vietnam	Gary.
Miller, George C	03/12/1975	NBR		CIV	S. Vietnam	IN.
Mitchell, Harry E	05/05/1968	PFD	E8	USN	S. Vietnam	Marion.
Montgomery, Ronald Wayne	10/02/1969	NBR	E5	USN	N. Vietnam	Moore's Hill.
Moore, Ralph Edward	05/03/1967	NBR	E3	USA	S. Vietnam	Indianapolis.
Nellans, William L	09/17/1967	PFD	03	USAF	N. Vietnam	Warsaw.
Newburn, Larry Stephen	08/29/1967	NBR	E3	USA	S. Vietnam	Kokomo.
Parker, Thomas Aquinas	04/05/1967	NBR	E6	USN	S. Vietnam	Oxford.
Posey, George Ray	09/05/1968	NBR	E3	USN	S. Vietnam	Anderson.
Rogers, Billy Lee	12/01/1969	NBR	E3	USN	N. Vietnam	Gary.
Rogers, Charles Edward	05/04/1967	NBR	04	USAF	Laos	Gary.
Schoonover, Charles David	01/16/1966	NBR	04	USN	S. Vietnam	Indianapolis.
Smith, Ronald Eugene	11/28/1970	NBR	E7	USA	Laos	Covington.
Soucy, Ronald Philip Sr	05/23/1967	NBR	E5	USN	N. Vietnam	Whiting.
Staehli, Bruce Wayne	04/30/1968	PFD	E3	USMC	S. Vietnam	Crown Point.
Stonebraker, Kenneth Arnel	10/28/1968	PFD	03	USAF	N. Vietnam	Hobart.
Stuart, John F	12/20/1972	PFD	04	USAF	N. Vietnam	Indianapolis.
Stuckey, John Steiner Jr	11/11/1967	NBR	E2	USA	S. Vietnam	Cloverdale.
Trampski, Donald Joseph	09/16/1969	PFD	E2	USA	S. Vietnam	Chesterton.
Wagner, Raymond Anthony	03/27/1972	NBR	E3	USAF		Evansville.
Whittle, Junior Lee	09/24/1966	NBR	E4	USA	S. Vietnam	Indianapolis.
Wright, Thomas T	02/27/1968	PFD	03	USAF	Laos	Gary.
Young, Jeffrey Jerome	04/04/1970	NBR	E3	USA	S. Vietnam	Indianapolis.

Korea

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Acton, Floyd Neal	05/17/1951	MIA	E4	USA	Korea	Jackson.
Adams, James Dwight	11/29/1950	KIA	E4	USA	Korea	Tippecanoe.
Akers, Herbert D	12/01/1950	POW	E4	USA	Korea	Vigo.
Anspaugh, George	05/17/1951	MIA	E7	USA	Korea	DeKalb.
Archer, Robert Gene	12/02/1950	POW	E4	USA	Korea	Clay.
Baker, David	11/28/1950	MIA	E3	USA	Korea	Lake.
Baker, Donald Lewis	09/06/1950	POW	E5	USA	Korea	Howard.
Barker, Donald Lee	11/26/1950	KIA	E4	USA	Korea	Cass.
Bauer, Lester William	07/27/1950	MIA	E4	USA	Korea	Clinton.
Beard, Robert Allen	11/26/1950	MIA	02	USA	Korea	Vermillion.
Beed, Milton Marion	02/12/1951	POW	E7	USA	Korea	Marion.
Bender, Victor Vernon	12/27/1950	MIA	E7	USA	Korea	Marion.
Berry, A D	12/02/1950	POW	E8	USA	Korea	Vandervurgh.
Binge, Charles F.	07/15/1953	MIA	E4	USA	Korea	Newton.
Blasdel, William Stanley	11/28/1950	MIA	E4	USMC	Korea	New Albany.
Bowerman, William J.	12/02/1950	MIA	E4	USA	Korea	DeKalb.
Bowman, Allen Milford	11/28/1950	KIA	E4	USMC	Korea	Covington.
Bradley, Eldon R.	11/02/1950	POW	E4	USA	Korea	St. Joseph.
Brock, Kenneth Wilber	12/01/1950	KIA	E3	USMC	Korea	Indianapolis.
Brown, Kenneth	08/14/1952	KIA	E3	USA	Korea	Marion.
Brown, Thomas James	05/18/1951	MIA	E4	USA	Korea	Elkhart.
Burch, Hugh Maynard	04/12/1951	MIA	E6	USA	Korea	New Carlisle.
Burns, Forrest S.	08/30/1952	KIA	02	USA	Korea	Bartholomew.
Byard, Billie Jack	11/28/1950	KIA	E3	USA	Korea	Marion.
Caddell, Donald	01/12/1952	KIA	E1	USN	Korea	Greene.
Calhoun, Stanley Louis Jr.	10/01/1950	MIA	EMFN	USA	Korea	Dunkirk.
Chadwell, George R.	12/12/1950	MIA	E3	USA	Korea	Tippecanoe.
Chappel, Richard A.	11/02/1950	MIA	E4	USA	Korea	Allen.
Clark, Harold Robert	02/13/1951	POW	E3	USA	Korea	Marion.
Clifford, Clyde R.	07/26/1950	MIA	E4	USA	Korea	Elkhart.
Coleman, James Allen	04/25/1951	KIA	E7	USA	Korea	Vermillion.
Conde, Louis Bernard	01/29/1952	MIA	E5	USA	Korea	Lake.
Conrad, Jack Dwayne	07/31/1950	KIA	E2	USA	Korea	Delaware.
Conrad, Richard Leon	07/31/1950	KIA	E3	USA	Korea	Delaware.
Constant, James L.	09/08/1950	MIA	E3	USA	Korea	Marion.
Cosby, Folton	08/15/1950	NBD	E7	USA	Korea	Edinburg.
Cowger, John Harold	11/28/1950	KIA	E4	USMC	Korea	Terre Haute.
Cox, Clarence Vernon Jr.	11/01/1950	MIA	E7	USA	Korea	Madison.
Cozad, Kenneth Lee	07/30/1950	MIA	E5	USA	Korea	Jennings.
Cranor, George Eldon	11/28/1950	MIA	E3	USA	Korea	Lake.
Criswell, Reed A.	02/13/1951	POW	E4	USA	Korea	Washington.
Cunningham, William R.	12/02/1950	MIA	E4	USA	Korea	Vigo.
Dally, Kenneth Horton	12/01/1950	POW	E8	USA	Korea	Steuben.
Dalton, Howard Dale	04/27/1951	POW	E4	USA	Korea	Tippecanoe.
Davis, Ezekiel Alfonso	02/11/1951	MIA	E1	USA	Korea	Grant.
Davis, Jack A.	02/12/1951	MIA	E3	USA	Korea	St. Joseph.
Davis, Norman Glen	09/12/1951	MIA	E6	USAF	Korea	Hymera.
Debaun, George Jr.	07/25/1953	MIA	E4	USMC	Korea	Shelbyville.
Decker, Hobart	12/20/1950	NBD	E3	USA	Korea	IN.
Decker, Raymond Alfred	07/19/1951	MIA	02	USAF	Korea	Hobart.
Delong, Clayton C.	12/12/1950	MIA	E4	USA	Korea	Allen.
Dennis, Gene Alton	09/28/1952	MIA	02	USAF	Korea	Marion.
Dewitt, Stanley L.	12/06/1950	MIA	E5	USA	Korea	Cass.
Dick, William L. Jr.	08/15/1950	MIA	E3	USA	Korea	Jennings.
Doody, James Thomas	07/17/1952	KIA	E4	USA	Korea	Marion.
Drew, Donald Dale	07/20/1950	MIA	E4	USA	Korea	Washington.
Dunn, James R.	11/02/1950	MIA	E7	USA	Korea	Knox.
Durakovich, Joseph	11/28/1950	MIA	E8	USA	Korea	Lake.
Eads, Donald Wayne	03/26/1953	MIA	E3	USMC	Korea	Bloomington.
Eaton, John Omer	07/20/1950	POW	E4	USA	Korea	Crawford.
Eggers, Herbert Phillip	07/16/1950	MIA	E3	USA	Korea	Marion.
Emrick, Howard W.	07/20/1950	MIA	E3	USA	Korea	Allen.
Enright, William Chester	12/02/1950	KIA	E5	USMC	Korea	Hammond.
Estes, Robert Vernon	11/30/1950	POW	E4	USA	Korea	White.
Faith, Don Carlos Jr.	12/02/1950	KIA	05	USA	Korea	Daviess.
Finch, Robert Clarence	09/07/1951	MIA	02	USAF	Korea	Lafayette.
Fluhr, Peter Paul Jr.	09/03/1950	MIA	E4	USA	Korea	Scott.
Frakes, Edward Leo	10/03/1951	MIA	02	USMC	Korea	Branchville.
Frankart, Ned Charles	11/03/1951	KIA	02	USAF	Korea	Fort Wayne.
Frans, Jack Marvin	02/12/1951	MIA	E4	USA	Korea	Daviess.
Frantz, George Arthur	07/11/1950	POW	E3	USA	Korea	Marion.
Garrigus, Charles	12/01/1950	KIA	E5	USA	Korea	Gibson.
Gibson, Clifton E.	10/15/1952	MIA	E3	USA	Korea	St. Joseph.
Gibson, Willard M.	12/01/1950	POW	E5	USA	Korea	Sullivan.

Korea—Continued

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Goe, Clyde	11/30/1950	MIA	E8	USA	Korea	Brown.
Goodall, Robert	02/12/1951	POW	E3	USA	Korea	Delaware.
Greene, Joseph P.	02/14/1951	KIA	E3	USA	Korea	Vanderburgh.
Griffith, Jack Walter	07/04/1952	MIA	01	USN	Korea	Evansville.
Gude, Edward Allen	11/19/1950	MIA	E4	USA	Korea	Perry.
Guyenn, John Edwin	11/04/1950	POW	E4	USA	Korea	Huntington.
Hamilton, Donald Sewell	12/02/1950	MIA	E5	USA	Korea	Greene.
Hamm, Donald Lane	11/28/1950	MIA	E5	USA	Korea	Daviess.
Hammon, Keith Edward	11/08/1952	MIA	E6	USAF	Korea	Rockville.
Harmon, Gilbert Larry	07/26/1953	MIA	E3	USMC	Korea	Terre Haute.
Harris, Elmer Jr.	11/28/1950	MIA	E4	USA	Korea	Monroe.
Harris, Max Eugene	12/12/1950	POW	E7	USA	Korea	White.
Harrison, Bannie Jr.	12/01/1950	POW	E4	USA	Korea	Allen.
Hatch, Gene N.	12/01/1950	POW	E5	USA	Korea	Allen.
Hay, Kenneth Verne	03/19/1951	POW	E4	USA	Korea	Wayne.
Henkenius, Leo Joseph	11/28/1950	MIA	E3	USMC	Korea	Fort Wayne.
Hill, James Fella	12/01/1950	POW	05	USA	Korea	Spencer.
Hinds, Robert Lee	12/07/1950	KIA	E3	USMC	Korea	Indianapolis.
Hodge, William M.	07/26/1950	MIA	E1	USA	Korea	Lake.
Holle, Joseph Francis	07/08/1953	MIA	E4	USA	Korea	Marion.
Holman, Charles Rutherford	08/01/1952	KIA	02	USN	Korea	Indianapolis.
Hubartt, Ralph Ernest Jr.	11/27/1950	MIA	E4	USA	Korea	Huntington.
Hukill, Paul F.	11/30/1950	POW	E3	USA	Korea	Lake.
Inman, Richard George	07/07/1953	MIA	01	USA	Korea	Knox.
Jaynes, Edward R.	12/01/1950	MIA	E3	USA	Korea	Gibson.
Jester, William F.	07/12/1950	POW	02	USA	Korea	Marion.
Jester, William R.	07/11/1950	POW	E4	USA	Korea	Switzerland.
Jinks, Leonard W. E.	07/16/1950	MIA	E4	USA	Korea	Ripley.
Jochim, Cornelius A.	11/28/1950	MIA	E7	USA	Korea	Vanderburgh.
Johnson, William H.	12/03/1950	MIA	E3	USA	Korea	Clark.
Killar, Paul Martin	07/09/1953	MIA	E3	USA	Korea	Lake.
Lander, Lawrence Edward	12/01/1950	POW	E5	USA	Korea	Vanderburgh.
Leffler, Everett W.	11/30/1950	MIA	E4	USA	Korea	Knox.
Liddle, Harry H. Jr.	06/11/1952	KIA	E3	USA	Korea	Dearborn.
Loveless, Larry	08/11/1950	KIA	E3	USA	Korea	Harrison.
Lykins, Earl Paul	07/20/1950	POW	E4	USA	Korea	Randolph.
Mace, Delbert Ulysses	12/12/1951	KIA	E7	USA	Korea	Porter.
Magnus, Donald F.	07/12/1950	POW	E4	USA	Korea	Vanderburgh.
Manion, Everett D.	07/22/1950	MIA	E4	USA	Korea	Montgomery.
Mariatt, Donald Lee	11/28/1950	MIA	E4	USA	Korea	Jasper.
Martin, Albert F.	10/29/1952	MIA	E4	USA	Korea	Jay.
Martin, Herbert O.	09/05/1950	KIA	E3	USA	Korea	Gibson.
Mastabayov, Steve A.	08/14/1952	MIA	E3	USA	Korea	Lake.
McClain, Earl E.	09/04/1950	MIA	E5	USA	Korea	Marion.
McDaniel, Charles H.	11/02/1950	MIA	E8	USA	Korea	Jennings.
McDaniel, Raymond John	11/28/1950	KIA	03	USA	Korea	Monroe.
McFarren, Edward Q.	11/28/1950	MIA	E3	USA	Korea	Kosciusko.
McIntyre, James T.	07/11/1950	POW	E4	USA	Korea	Floyd.
McKeehan, Herbert V.	11/02/1950	KIA	E3	USA	Korea	La Porte.
McNally, Joseph Lawrence	11/02/1950	MIA	E8	USA	Korea	Hancock.
Meshulam, Morris	12/01/1950	POW	E4	USA	Korea	Marion.
Metzcar, Maurice R.	04/25/1951	POW	03	USA	Korea	Delaware.
Michaels, Melvin J.	09/07/1951	KIA	E3	USA	Korea	Porter.
Middleton, Harry Richard	04/30/1951	KIA	03	USAF	Korea	Nappanee.
Minniear, Robert G.	11/30/1950	POW	E4	USA	Korea	Tippecanoe.
Mishler, James E.	11/30/1950	POW	E3	USA	Korea	Clay.
Mitchell, Donald K.	11/30/1950	KIA	E4	USA	Korea	Lake.
Moore, John D. Jr.	11/27/1950	POW	E5	USA	Korea	Lake.
Morris, Clarence Taylor	12/27/1952	MIA	E3	USMC	Korea	Gary.
Morris, David Wesley	02/12/1951	POW	E4	USA	Korea	Madison.
Morris, Russell F.	02/13/1951	MIA	E5	USA	Korea	Delaware.
Mullett, Richard Everett	06/15/1952	MIA	E8	USMC	Korea	Butler.
Murdock, Jackie Lee	07/06/1950	POW	E3	USA	Korea	Montgomery.
Myers, Donald William	12/02/1950	MIA	E3	USMC	Korea	Fort Wayne.
Neiswinger, Thomas W.	09/06/1950	MIA	E4	USA	Korea	Clay.
Nicholson, Richard L.	09/06/1950	MIA	E4	USA	Korea	Henry.
Northcutt, Charles Jr.	07/20/1950	MIA	E4	USA	Korea	Montgomery.
Olcott, Richard Lee	10/06/1951	KIA	02	USAF	Korea	Fort Wayne.
Pearson, Raymond Edward	07/14/1950	POW	02	USA	Korea	Montgomery.
Pickens, Russell B.	07/20/1950	MIA	E4	USA	Korea	Allen.
Pleiss, Lewis Peifer	09/23/1951	MIA	02	USAF	Korea	New Albany.
Plump, James	11/27/1950	KIA	E8	USA	Korea	St. Joseph.
Pothast, Bobby Lee	06/13/1952	KIA	E3	USMC	Korea	Indianapolis.
Reynolds, Bernard Clayton	05/18/1951	MIA	E4	USA	Korea	Randolph.
Rice, Donald Ray	05/18/1951	POW	E5	USA	Korea	Porter.
Rider, Alexander David	12/06/1950	KIA	E6	USMC	Korea	Gary.
Riley, Charles D.	11/28/1950	POW	E4	USA	Korea	Delaware.
Rodman, Marvin L.	10/20/1952	MIA	E7	USA	Korea	Washington.
Ross, Edward F.	04/25/1951	MIA	E5	USA	Korea	DeKalb.
Ross, Robert Lewis	06/10/1952	MIA	E6	USAF	Korea	Rockville.
Ruby, Gene Robert	11/30/1950	KIA	E3	USMC	Korea	Roanoke.
Rush, John Earl	12/02/1950	MIA	E4	USMC	Korea	South Bend.
Scott, Marle D.	11/29/1950	KIA	E3	USA	Korea	Fountain.
Scott, Richard Dale	10/01/1950	MIA	E3	USN	Korea	Peru.
Sechman, Donald R.	07/20/1950	MIA	E6	USA	Korea	Montgomery.
Selman, Clifford Gene	05/17/1953	MIA	02	USAF	Korea	Lafayette.
Serwise, Luther Dean	02/12/1951	MIA	E7	USA	Korea	Lake.
Shepler, Gerald Ivin	11/29/1950	KIA	E4	USA	Korea	Union.
Simmons, Wallace Jr.	12/06/1950	MIA	E8	USA	Korea	Marion.
Smith, Charles E.	07/27/1950	MIA	E3	USA	Korea	St. Joseph.
Smith, Leland Ford	11/28/1950	POW	E4	USA	Korea	Steuben.
Soderstrom, Marvin W.	09/09/1951	MIA	E3	USA	Korea	Porter.
Spangler, Donald E.	11/02/1950	MIA	E3	USA	Korea	Delaware.
Stebbens, Alvin Lowell	12/02/1950	MIA	E4	USA	Korea	Grant.
Strawser, Paul P.	07/06/1950	POW	E4	USA	Korea	Steuben.
Sturdivant, Charles	02/12/1951	POW	E3	USA	Korea	Huntington.
Sturgeon, Gene Alfred	11/28/1950	KIA	E4	USMC	Korea	Connersville.
Surber, Harold Paul	05/18/1951	POW	E4	USA	Korea	Marion.
Tabaczynski, Edwin Felix	08/20/1951	KIA	01	USAF	Korea	Mishawaka.
Talley, James Willis	11/26/1950	KIA	E3	USA	Korea	Lake.
Thurman, John Edward	10/16/1952	NBD	E3	USAF	Korea	Greensboro.
Titus, Robert Eli	07/16/1950	POW	E3	USA	Korea	Grant.
Toops, William Wilbur	06/16/1952	KIA	02	USAF	Korea	Anderson.
Turner, Robert William	10/12/1950	KIA	E7	USN	Korea	Logansport.
Wagner, Gene Lewis	07/16/1950	POW	E4	USA	Korea	White.
Wasiak, Richard L.	12/02/1950	MIA	E4	USA	Korea	Lake.

Korea—Continued

Name	Date of incident	Status	Rank	Branch	Country	Home of record
White, Robert Lee	11/30/1950	POW	E4	USA	Korea	Henry, Decatur.
White, Robert Louis	11/30/1950	MIA	E5	USA	Korea	Evansville.
Wilder, Robert Dewitt	10/06/1952	KIA	E4	USMC	Korea	Walkerton.
Williams, Grover Lois	11/28/1950	MIA	E4	USMC	Korea	Tippecanoe.
Wilson, Merble Eugene	02/15/1951	POW	E3	USA	Korea	Greencastle.
Wolung, John George	11/05/1952	MIA	O3	USAF	Korea	Lake.
Zekucia, Bernard M.	08/27/1951	KIA	E4	USA	Korea	

NBD = Non-battle Death

NBR = No body recovered

PFD = Presumptive Finding of Death

RECOGNIZING WOMEN IN SCIENCE

Ms. LANDRIEU. Mr. President, I rise today to honor an extraordinary group of women for their passion and commitment to scientific research. These women have pursued careers in the science, technology, engineering and mathematics, or STEM, fields knowing that their hard work and dedication might one day have profound effects in the worlds of science and medicine.

In partnership with the American Association for the Advancement of Science, the L'Oréal USA for Women in Science Fellowship program was established in 2003. Today, five remarkable women are being accepted into this fellowship where they will join the 35 postdoctoral women scientists from across the United States who came before them.

I would like to recognize each of these five women: Dr. Trisha Andrew, for research in organic electronics with the possibility of improving the performance of polymer-based solar cells; Dr. Karlin Bark, for work in haptic feedback that aims to help retrain the motor pathways of stroke survivors; Dr. Sasha Devore, a neuroscientist studying sensory processing which could lead to understanding numerous neurological diseases and disorders; Dr. Regan Blythe Towal, a biomedical engineer working to understand information processing of the nervous system thus leading to improved robotic technologies; and, Dr. Tijana Ivanovic, a virologist working on how viruses, such as influenza, enter into cells. These women are truly an inspiration to us all.

Please join me in honoring these five extraordinary women and the L'Oréal USA for Women in Science Fellowship Program for striving to raise awareness of women's contributions in the field of scientific research and serving as strong female role models for generations to come.

TRIBUTE TO WOLFGANG MATTES

Mr. LEVIN. Mr. President, today, I honor a son of Michigan, Mr. Wolfgang "Wolf" Mattes, a loving husband, dedicated father, caring friend, and stalwart patriot. Mr. Mattes will celebrate his 80th birthday on Sunday, September 18.

Mr. Mattes is a dedicated public servant who has selflessly served his coun-

try, State and community in various capacities for nearly six decades. Known as an honest, warm, and generous man, Mr. Mattes chose a career as a public servant and worked for the city of Detroit for many years, where he retired as the supervising naturalist at the Belle Isle Nature Center. Wolf is a wildlife conservationist at heart and spent countless hours rehabilitating wild animals and protecting their habitat. Additionally, when his country called, he did not hesitate to respond and proudly served in the U.S. Army during the Korean war.

An avid sports fan and athlete, Wolf worked as an usher at Tiger and Olympia Stadiums. At Olympia Stadium, he was the guard for the Red Wing's locker room and bench and was known as "Wolfie on the bench" by the players. After Olympia Stadium closed, the Detroit Red Wings brought him with them to Joe Louis Arena, where he worked in the press box.

Mr. Mattes understands the value and importance of community service, and his many efforts have been fittingly honored through his selection as a volunteer and firefighter of the year, Kiwanis volunteer of the year, and Elk volunteer of the year.

On Sunday, we will all look back and see the hallmarks of a life well lived. He is beloved not for a litany of accomplishments, but simply for who he is. Beneath a humble exterior lies a generous and kind soul. His quiet determination, unflinching kindness, and unyielding spirit have made him a pillar not only of a proud and loving family, but of all who have come to know him.

He remains the dedicated husband to his lovely bride Barb, whom he met at Michigan State on a blind date over 52 years ago, and he has been a wonderful father to his adoring daughters Erika Lynn Mattes Rebbe, Heidi Leigh Mattes Mason, Brigitte Beth Mattes Cooper, and Inger Ann Mattes Griffin.

Today, we offer heartfelt congratulations to Wolf as he celebrates his 80th birthday. This is truly a joyous occasion. His unending love of family, friends, and country, as well as his devotion to those who have had the privilege of knowing him serve as inspiration to all.

Happy birthday, Wolf. May you enjoy happiness, good fortune, and good health for many years to come.

REMEMBERING ADMIRAL ERNEST JOSEPH KING

Mr. BROWN of Ohio. Mr. President, I rise to speak today as citizens of Lorain County, OH soon gather to honor one of their favorite sons, ADM Ernest Joseph King, an American hero, who served as commander in chief of the U.S. Fleet, and Chief of Naval Operations during World War II.

This Sunday, September 18, 2011, Admiral King's memory will be honored with a Lorain elementary school named in his honor. An open green space, in the shape of an anchor, will be dedicated directly across the street from the admiral's birthplace, a home at 113 Hamilton Avenue that still stands today. Both the elementary school and the green space will remind future generations of the admiral's contributions to our country and the personal traits that made him an American hero: tenacity, love of country, fearlessness.

Ernest Joseph King was born in Lorain on November 23, 1878, to Elizabeth and James Clydesdale King. He was the older brother to two sisters and two brothers. Admiral King attended Lorain High School and graduated fourth in his class from the U.S. Naval Academy in 1901. Still enrolled at the Naval Academy, he served in the Spanish American War. In 1905, he married Martha Lankin Edgerton in Baltimore, with whom he raised six daughters and a son. King was known to return to Lorain throughout his life to visit his childhood friends.

After his distinguished service in World War I, in 1927, he became a naval aviator, and only 6 years later, he was made chief of the Bureau of Aeronautics of the U.S. Navy, where he made patrol bombers an essential naval arm. He was appointed by President Franklin D. Roosevelt in World War II as chief of the U.S. Fleet and Chief of Naval Operations, taking the post only 2 weeks after the attack on Pearl Harbor. He earned his nickname, Eagle Eye Ernie, by possessing boundless energy, and being a strict disciplinarian.

He retired from the Navy as a decorated officer, having been awarded 10 medals and 14 Foreign Awards, including the Navy Distinguished Service

Medal and the National Defense Service Medal. Upon Admiral King's passing, on June 25, 1956, President Eisenhower remarked: "Admiral King carried his heavy responsibility with courage, brilliance and continued devotion to duty."

This weekend, the city of Lorain, the Black River Historical Society, Charleston Village Society, Lorain City Schools, along with several members of Admiral King's family will join together to honor the legacy of an American hero. For school children who will attend Admiral King Elementary School, and for all Lorain residents who will pass by his home on Hamilton Avenue, let us remember the lessons of Admiral Ernest Joseph King, that patriotism and service forever anchors the greatness of our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SHELLY FAGENSTROM

• Mr. BAUCUS. Mr. President, today I recognize Shelly Fagenstrom, an outstanding educator from my home State of Montana. Shelly is the principal of East Middle School in Great Falls and has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2011.

Shelly has taught and served as an administrator in the Great Falls school system for 38 years; all but 2 of those have been at the middle school level. She has been the principal at East Middle School since 2005 and prior to that served for 6 years as the principal at Paris Gibson Middle School. This isn't the first time Shelly has been honored for her dedication to her students—in 2010 she was named Educator of the Year by the Montana Parent Teacher Association.

In nominating her for these awards, teachers, staff, students, and parents have praised Shelly's work to build a respectful environment at East Middle School while creating a personalized learning environment for each student, her ability to collaborate and seek innovative solutions to complex problems. Shelly has also worked to integrate more technology into the curriculum to help prepare students for the challenges of the 21st century economy. Shelly says she loves being in education, "because of the relationships you build with kids and their families. I love the energy of middle-schoolers, you can't take yourself too seriously with them."

Shelly is also involved in the Great Falls community volunteering for the United Way and serving in leadership positions at Central Christian Church. This month Shelly will be visiting Washington, DC, with other award-winning principals when they will be rec-

ognized for their hard work and achievement in educating and preparing our children for the future, and have the opportunity to share ideas on how to strengthen our education system.

I congratulate Shelly on being named the 2011 Montana Principal of the Year and thank her for her decades of service to the Great Falls school system. Montana has some of the best teachers, principals, and school administrators in the country. I would like to commend all of them for their hard work and dedication in providing young Montanans with a world class education that prepares them for a bright future.●

TRIBUTE TO MR. AND MRS. VIRGIL POE

• Mrs. HUTCHISON. Mr. President, today I wish to honor the 65th wedding anniversary of Mr. and Mrs. Virgil Poe, the parents of my good friend serving the 2nd District of Texas, Congressman TED POE.

In the summer of 1945, following his service in Germany in the Second World War, TSgt Virgil Poe was stationed at the US Army Post in Fort Hood, TX, re-equipping and preparing for a possible land invasion of Japan. At the same time, Miss Dorrace Hill was serving the local Army hospital as a volunteer for the Red Cross. On a Wednesday night during that summer of 1945, Virgil met Dorrace at a prayer meeting church service. The next year, the couple was married on October 16, 1946.

Virgil and Dorrace began their wedded life operating a DX service station where Virgil pumped gas, sold tires, and fixed cars. Soon thereafter, they moved to Abilene, TX, where Virgil enrolled at Abilene Christian University. While there, he supported his family and paid his tuition by working nights for Southwestern Bell and KRBC Radio.

After college, the Poes moved to Houston, where Virgil and Dorrace raised TED and Jayne. Virgil worked for more than 40 years as an engineer at the Southwestern Bell Telephone Company, and the Poes were active members of the Memorial Church of Christ.

Virgil and Dorrace's marriage is rooted in faith and love. The Poes are celebrating 65 years of marriage surrounded by their beloved family, including their son TED and his wife Carol and their daughter Jayne, their 8 grandchildren, and 13 great-grandchildren. Mr. President, I am proud to honor the 65th wedding anniversary of Virgil and Dorrace Poe, and join with their family and friends in recognizing them on this special occasion.●

REMEMBERING HENRY TAUB

• Mr. LAUTENBERG. Mr. President, I speak today in commemoration of the life of Henry Taub, founder of ADP in 1949 at 21 years of age. He was 19 years old when he received his degree in accounting from NYU.

The company then called Automatic Payrolls was started with a loan of \$5,000.

Henry Taub and I became acquainted in 1952 when we both worked in a building in Paterson, NJ where Henry's payroll service company was based. Our occasional contact served to familiarize me with a vital service to businesses large and small.

It was in 1952 that I joined this fledgling organization to become its first salesman and early on a senior member of management. Henry, his brother Joseph Taub, and I worked well together, and the business began the growth that would lead ultimately to a status few companies achieve.

Today ADP employs over 45,000 people in 23 countries and holds the record for at least 10 percent growth in profits each year for 42 years in a row. It is a record unmatched by any other publicly held company. It is now also only one of four companies in our country to qualify as a AAA rated company.

Thirty years at ADP in various assignments as head of marketing, president, chairman, and CEO of ADP brought me to think my experience might be of value for service in the public interest. In that connection I decided to try to win a seat in the U.S. Senate. Good fortune came my way, and in 1982 I won a first term as a Senator.

My business experience and background credentials were principal issues in a tough campaign. I learned a great deal over the three decades at ADP, but a major factor in that success was my good luck to have worked side by side with Henry Taub.

Henry was an unusually talented individual. He had superb instincts buoyed by extraordinary intelligence. His modesty was widely known, and a subtle demeanor was included. He was a strategic thinker and responded calmly and directly with problem solving.

Additionally, he had an outstanding ability to bring people to his views, earning enormous respect and allegiance. He was highly moral and honest and encouraged trust in all who knew him. He was without trappings, and with Henry Taub his word was his bond. He shared affection and deep love with family and friends and could always be counted upon for straight answers when questions arose.

Henry Taub was my junior by a few years, but through more than 50 years of friendship, his high personal standards set a target for decency and quality in life. He will long be remembered as an example for others to follow and

I remain extremely grateful for his contributions to my life.

I ask to have printed in the RECORD, a copy of the obituary that appeared in the New York Times at the time of his passing.

The information follows.

[From the New York Times, Apr. 4, 2011]

HENRY TAUB, A FOUNDER OF A PAYROLL FIRM THAT BECAME A GLOBAL GIANT, DIES AT 83

(By Duff Wilson)

Henry Taub, a founder of the payroll company that grew into the global giant Automatic Data Processing, died on Thursday in Manhattan. He was 83 and lived in Tenafly, N.J.

The cause was complications of leukemia, his son Steven said.

For many years Mr. Taub was also a co-owner of the New Jersey Nets.

Starting in 1949 in an office above a Paterson, N.J., ice cream parlor and then in a hotel basement, Mr. Taub and his brother, Joseph, built the company on a reputation for precision and timeliness. They were joined in the early years by an aspiring salesman who had been their childhood friend—Frank R. Lautenberg, now a Democratic senator from New Jersey.

“The idea was not a brilliant idea, it was a good idea, but what we did in terms of hard work made it,” Senator Lautenberg said in an interview on Sunday. “Lots of seven-day workweeks, lots of 12-hour days.”

Today, A.D.P., based in Roseland, N.J., has annual sales of more than \$9 billion and about 550,000 clients and is one of the world’s largest providers of business services. Back then, however, it was a shoestring operation: the Taubs often delivered payrolls by bus and cleaned their own offices at night.

“Each of us had a function,” Senator Lautenberg said. “Henry was the strategic one in the firm and designed the system, and Joe managed the operation, and I was the marketer, the salesman.”

The company, initially called Automatic Payrolls, changed its name to Automatic Data Processing in 1958 and went public in 1961. The timing was perfect because I.B.M. had recently begun marketing an attractively priced business computer system that increased A.D.P.’s capabilities.

Mr. Taub was president of the company from 1949 to 1970, chairman and chief executive from 1970 to 1977 and chairman from 1977 to 1985. He was an honorary board chairman since then. Senator Lautenberg left the company in 1983 after winning election to the United States Senate. He is now the longest-serving senator in New Jersey history.

Mr. Taub and his brother were among seven local businessmen who were co-owners of the struggling Nets franchise in the National Basketball Association for almost 20 years. The Nets suffered injuries, coaching changes, many losses and bickering among the owners, who were known as the Secaucus Seven. When the owners tried to turn things around in 1996, they selected the well-liked Mr. Taub as chairman. Two years later, they sold the team to another group of New Jersey businessmen.

Henry Taub was born in Paterson on Sept. 20, 1927, the son of a junk dealer, and was raised in a working-class neighborhood there. “The streets were just filled with people and kids and debate and excitement and, from my point of view, intellectual fervor,” he said in a 1996 interview with *The New York Times*.

After skipping two grades in public school, Mr. Taub graduated from New York Univer-

sity with a degree in accounting in three years at 19 and joined an accounting practice. When a client, a clothing business, did not issue paychecks one week because of an illness, causing an employee walkout, Mr. Taub had the idea for a new business: payroll processing.

Mr. Taub retired from A.D.P. in the mid-1980s, when the company said it was processing paychecks for a 10th of the nation’s work force. Afterward he became involved in an array of community, philanthropic and other business endeavors. With his wife he created the Henry and Marilyn Taub Foundation, with assets estimated at \$150 million.

He financed the Taub Institute for Research on Alzheimer’s Disease and the Aging Brain at Columbia University, the Taub Center for Israel Studies at New York University and the Taub Center for Social Policy Studies in Israel in Jerusalem.

Among other activities, he was president of the American Technion Society, the United States affiliate of an Israeli institute of technology, and was chairman of the institute’s international board of governors. He was chairman of the United Israel Appeal from 1986 to 1990.

He was also a trustee of New York University and served on the boards of Rite-Aid, Hasbro, Bank Leumi and Trust Company of New York, Interfaith Hunger Appeal and the New York Shakespeare Festival/Public Theater.

Mr. Taub is survived by his brother, Joseph; his wife of 53 years, Marilyn; their three children, Judith Gold, Steven and Ira; and 10 grandchildren. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENT’S REPORT TO CONGRESS RELATIVE TO THE SECRETARY OF COMMERCE’S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN’S PROTECTIVE ACT OF 1967, AS AMENDED (THE “PELLE AMENDMENT”) (22 U.S.C. 1978) THAT NATIONALS OF ICELAND HAVE CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION PROGRAM—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman’s Protective Act of 1967, as amended (the “Pelly Amendment”) (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland’s certification, which remains in effect today.

Iceland’s commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland’s sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC’s scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland’s exports of whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland’s actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland’s increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC’s conservation program because: (1) Iceland’s commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC’s scientific body advised

would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6 months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.

THE WHITE HOUSE, September 15, 2011.

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

At 2:44 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstances.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. DREIER of California, Mr. LUNGREN of California, Mrs. MILLER of Michigan, Mr. SMITH of Nebraska, Mr. HUIZENGA of Michigan, Mr. HIGGINS of New York, Mr. MEEKS of New York, Ms. SLAUGHTER of New York, Mr. WELCH of Vermont, and Mr. LARSEN of Washington.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar pursuant to Public Law 112-25, section 301(a)(2):

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3247. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan" (Docket No. APHIS-2011-0075) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3248. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Navy account 17* 1804, during Fiscal Year (FY) 2004 and FY 2006 at the Bureau of Naval Personnel and was assigned Navy case number 07-10; to the Committee on Appropriations.

EC-3249. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-069, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3250. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-3251. A communication from the Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3252. A communication from the Acting Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "The Fiscal Year 2010 Inventory of Contracts for Services"; to the Committee on Armed Services.

EC-3253. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ships Bunkers Easy Acquisitions (SEA) Card and Aircraft Ground Services" ((RIN0750-AH07) (DFARS Case 2009-D019)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3254. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Presumption of Development Exclusively at Private Expense" ((RIN0750-AF84) (DFARS Case 2007-D003)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3255. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" ((RIN0750-AG89) (DFARS Case 2009-D026)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3256. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Annual Representations and Certifications" ((RIN0750-AG39) (DFARS Case 2009-D011)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3257. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8195)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3258. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510-AB25) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3259. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Retail Foreign Exchange Transactions" (RIN1557-AD42) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3260. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3261. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation and Amendment of Exemptions" (17 CFR Part 200) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3262. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AB24) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3263. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Air Transportation and Aviation Fuels Excise Taxes" (Notice 2011-69) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3264. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2011-75) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3265. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "List of Nonbank Trustees and Custodians" (Announcement 2011-59) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3266. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement of the Results of the 2010-2011 Allocation Round of the Qualifying Advanced Coal Project Program" (Announcement 2011-62) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3267. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2011-45) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3268. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 6707A and the Failure to Include on Any Return or Statement Any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction" ((RIN1545-BF61) (TD 9550)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3269. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Form 990" ((RIN1545-BH28) (TD 9549)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3270. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-3271. A communication from the Secretary of the Department of Homeland Security, transmitting, a legislative proposal relative to implementing a pay reform initiative referenced in the Department of Homeland Security's Fiscal Year 2012 Congressional Budget Justification; to the Committee on Homeland Security and Governmental Affairs.

EC-3272. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled "Satellite Television Extension and Localism Act"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2219. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-78).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 112-79).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2551. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-80).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York.

Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York.

James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas.

Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Ms. COLLINS):

S. 1562. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on to the 10 year average; to the Committee on the Budget.

By Mr. UDALL of New Mexico (for himself and Mr. CRAPO):

S. 1564. A bill to amend the Clean Air Act to improve the renewable fuel program by combining the categories of "cellulosic

biofuel" and "advance biofuel" into 1 technology- and feedstock-neutral category of "advanced biofuel", and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1566. A bill to amend the Elementary and Secondary Education Act of 1965 regarding public charter schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. ISAKSON, Mr. KIRK, Mr. ROBERTS, and Mr. WICKER):

S. 1567. A bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. RUBIO, Mr. GRASSLEY, Mr. ROBERTS, Mr. WICKER, and Mr. CORNYN):

S. 1568. A bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1569. A bill to amend the Elementary and Secondary Education Act of 1965 to provide State educational agencies and local educational agencies with flexible Federal education funding that will allow such State and local educational agencies to fund locally determined programs and initiatives that meet the varied and unique needs of individual States and localities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. KIRK, Mr. RUBIO, Mr. ROBERTS, and Mr. WICKER):

S. 1571. A bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARASSO, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 268. A resolution relative to the death of the Honorable Malcolm Wallop, former Senator for the State of Wyoming; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN):

S. Res. 269. A resolution designating the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON):

S. Res. 270. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 484

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 641

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 693

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1094, a bill to reauthorize the Com-

bating Autism Act of 2006 (Public Law 109-416).

S. 1151

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1151, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1280

At the request of Mr. ISAKSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from North Caro-

lina (Mrs. HAGAN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1399

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1399, a bill to protect children affected by immigration enforcement actions, and for other purposes.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Florida (Mr. RUBIO) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1528

At the request of Mr. JOHANNES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1538, a bill to provide for a timeout on certain regulations, and for other purposes.

S. 1540

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow credits for the purchase of franchises by veterans.

S. 1552

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1552, a bill to amend the Endangered Species Act of 1973 to provide an exception to that Act for actions carried out against grizzly bears in self-defense, defense of others, or a reasonable belief of imminent danger.

S. 1558

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, Agriculture is one of the key forces driving Oklahoma's economy. In 2008 alone, Oklahoma's agriculture industry directly supported 188,000 jobs and contributed more than \$8.5 billion to the State's economy. The importance of agriculture to the Nation's economy is also difficult to understate, and the industry's products rank among the top exports each year. This year, USDA estimates that U.S. farmers and livestock producers will export nearly \$140 billion in goods to nearly every country on Earth.

Knowing that strength, it is not surprising that the industry is a hotbed of

innovation. The agriculture community has long been involved in the research and development of better crops and farming methods. This work has produced crops that are resistant to drought and certain farming chemicals, are packed with more and better nutrients, and ultimately provide higher yields for every acre farmed. This research will only grow in importance as the global population continues to grow and demand more food. Fortunately, the United States is leading the world in this effort.

Oklahoma is also a key agriculture R&D player in the United States. This is in large part due to the work of the Samuel R. Noble Foundation. Headquartered in Ardmore, OK, the Noble Foundation is one of the top 50 private foundations in the United States, and the foundation employs hundreds of scientists, agriculture consultants, and research personnel who are actively researching better agriculture products and practices. Between 2009 and 2010, the foundation spent nearly \$80 million on agriculture research activities, and this work has recently resulted in development of Texoma MaxQ II, a cool-weather fescue grass that will reduce the reliance of livestock producers upon costly hay and feed for their livestock during the winter months. I congratulate the Noble Foundation on this breakthrough and look forward to hearing about the future benefits of this research.

The Food and Agriculture Organization has estimated that food productivity will need to expand by 70 percent over the next 40 years to meet rising global demand. This underscores the need for continued funding for agriculture research and development so that more breakthroughs like those at the Noble Foundation occur. Today, a substantial amount of agriculture research funding is provided by the Federal Government; however, the government's share is declining. Since fiscal year 2010, Federal funding for agriculture research has decreased by nearly \$200 million, and further cuts are likely as we try to tackle the national debt. Because government is scaling down its role, Congress should do what it can to encourage the private sector to fill the gap.

One way that we can do this is with the Charitable Agriculture Research Act, of which I am a cosponsor. This bill, introduced today by Senators STABENOW and THUNE, will allow the creation of Agricultural Research Organization, ARO, which would extend public charity tax status to entities conducting continuous agriculture R&D in collaboration with land-grant universities and agriculture colleges.

Currently, several organizations conducting research focused on agriculture are structured as private foundations. This is one of the two main types of

charities that are provided with beneficial tax treatment under U.S. law. Public charities—the other type—are given full tax exempt status, but because private foundations are often very large and supported by a small group of donors, they are not completely tax free and must pay taxes on the investment income earned by their endowments. Donors are also prevented from collecting their full deduction on gifts relative to those made to public charities. Because of these restrictions, the United States is not reaching its full potential when it comes to attracting private dollars for agriculture research.

The Charitable Agriculture Research Act seeks to encourage individuals and families of wealth to contribute more of their assets to public agricultural research by working in conjunction with the Nation's land-grant universities and non land-grant colleges of agriculture. This legislation will provide donors with an additional option of where to direct their agriculture research and development donations.

This beneficial tax treatment does not come without restrictions. To maintain its tax exempt status, an ARO must conduct research and development on agriculture issues in conjunction with a land-grant university or an agriculture college. An ARO must either commit more than 50 percent of its assets to the continuous active conduct of agriculture research or it must expend at least 3.5 percent of its endowment for the same in each calendar year. These restrictions are put in place to ensure that the ARO structure is not being abused as a tax shelter for the accumulated personal wealth of an ARO's benefactors.

Over the past decade many families with a passion for agricultural research have expressed their desire to do for their geographies and their crops of interest what the Noble Foundation has done for Oklahoma, forages, and beef cattle operations. However, the tax code is not conducive to such efforts and discourages them from maximizing their contributions to agricultural research.

The ARO tax structure is modeled after the extremely successful Medical Research Organization model. Similar to AROs, these charities must do their medical research in conjunction with a non-profit or government hospital. The Howard Hughes Medical Institute and the Stowers Institute for Medical Research are prime examples of MROs. The MRO structure has made these organizations more effective and productive, and I expect no less from the ARO tax structure.

This bill will directly benefit Oklahoma by building on its legacy as a leader in agriculture R&D. As better agricultural methods and crop yields are produced in Oklahoma, the State will continue to serve as a global leader in agriculture. Oklahoma is home to

86,000 farms that occupy 80 percent of the State's land area. The State has the land, the natural resources, and the facilities necessary to enhance agricultural research. The creation of AROs will help attract the necessary private capital to build on this success and boost research at our Nation's land-grant universities and non land-grant colleges of agriculture.

ARO's will not be provided with a new tax incentive or a benefit greater than existing charitable organizations. They will, however, offer individuals an additional choice of where to send their charitable dollars. When individuals donate to AROs they will have certainty that their money will contribute directly to agriculture research rather than to other causes, which are guarantees not provided by most other charitable organizations. As we face deeper budget cuts on everything from education to agriculture research, we need to take the steps to encourage the private sector to step into the void left by Washington. AROs will help do this in the agriculture R&D community, so I urge its swift passage.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on the 10 year average; to the Committee on the Budget.

Ms. SNOWE. Mr. President, I rise today in support of the Safeguarding Disaster Funding Act of 2011, which I am introducing along with Senator BROWN from Massachusetts. This legislation would amend the Congressional Budget Act and the Budget Control Act to require the President to provide a more comprehensive view of disaster funding in his annual budget request.

Our bill would ensure that the true cost of disaster assistance is reflected in the President's budget, by requiring that Presidents' annual budget requests for disaster programs include funding levels equal to the average amount provided annually over the previous ten years, excluding the highest and lowest years, to account for years with unusually high or low disaster activity.

As disaster funding is already considered "no-year" money, unused monies would carry over to support years where additional funds are required. The status quo of Congress providing emergency appropriations to support these efforts, rather than including reasonable estimates, based on past disaster activity trends, is fiscally irresponsible. We should be working with the Administration to fund the necessary and appropriate activities of the Federal government, including disaster assistance. Responsible budgeting for disasters is the right thing to do for the victims of devastation, as the vivid images of the damage from Hurricane Irene have reminded us.

Hurricane Irene caused more than 4.5 million homes and businesses along the East Coast to lose power, including nearly 185,000 in my home State of Maine, which suffered flooding and washed out bridges in the Western portion of the state. But now that the winds and rain have subsided, our cities and towns must rebuild from the devastation.

With the Federal Emergency Management Agency's funding currently running unnecessarily low, they now must work on an "immediate needs funding" basis, meaning that non-emergency recovery projects are put on hold. Support of natural disaster recovery should not be stalled by the need for Emergency Supplemental Appropriations. While we cannot completely predict the number or nature of natural disasters, we do know that these events occur and cause massive damage. Policymakers cannot continue to play with the livelihoods of recovering Americans; assurances must be made that their recovery is facilitated through current Federal disaster recovery programs.

The Safeguarding Disaster Funding Act of 2011 will ensure that the President properly accounts for disaster spending. By basing the President's budget request for disaster funding on a ten-year average, and excluding the highs and the lows, we are assuring that funds are neither overextended nor falsely underestimated. In these hard economic times, Congress must promote fiscal responsibility while ensuring that those areas struck by disasters are able to access the funds needed to quickly rebuild.

I hope that my fellow colleagues will support this bill. In the wake of recent disasters it is readily apparent that we must plan better for these events.

By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, today over 15 percent of Americans live in poverty including 22 percent of our children. 46.2 million Americans and 16.4 million children struggle every day to survive in a system that is demoralizing and unfortunately does more to maintain people who live in poverty than to help them escape. Last year, 2.6 million Americans were added to the poverty rolls and 8.9 million have been added since 2007.

This must change. That is why I am today reintroducing the National Opportunity and Community Renewal Act. This legislation puts forth some new ideas and will grant waivers to ten communities so they can test different

approaches to combatting poverty. I am not saying this is the only path forward or the most suitable path forward. But we must begin somewhere and we must take a comprehensive approach. As Robert Kennedy once said when talking about tackling the poverty problem in our country, we must "grab the web whole." Piecemeal approaches won't work.

I know there are other Senators and Congressmen along with policy professionals and academics who share my concern and commitment to reducing poverty. I invite people to review this proposal. Let me know what you think and if you have other ideas to bring them to the table. It is long past time to reestablish our national commitment to the least fortunate.

We must also acknowledge that there is not one answer to helping people out of poverty. That is why this legislation is important. It will allow communities to pursue innovative approaches to problems arising from poverty and avoids a "one size fits all" method. This legislation also targets individuals and mandates the creation of an individual opportunity plan for every household. It also helps address the root causes of poverty by giving local communities to design programs that fit their community and they would not be restricted by the current law. These pilots will help us test new ideas and understand how new approaches can help lift people out of poverty.

In closing, I should note it has been almost fifty years since Michael Harrington published *The Other America* and opened Americans eyes to the pernicious impact of poverty. While there have been improvements made in the ensuing years we still have a long way to go. Let us begin anew today.

By Mr. MCCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, when poor children in low performing schools need help, what options are available to their parents to give them a chance to improve their learning achievement? Sadly, very few options exist to give children in low performing schools a chance.

I am pleased to introduce legislation that will protect and enhance the right of parents to have final say in their children's education. In order to create better outcomes for our nation's youth, we must restore power to parents. We must ensure that parents have real choices to raise their child's achievement level when schools fail to do so. The Tutoring for Students Act, furthers this critical goal by establishing a state-level grant program to give low-income parents the ability to provide their children high quality academic tutoring.

Low-income parents should have the same opportunities to help their children achieve as families with greater economic means.

Tutoring is as much a part of education in America as the yellow school bus or the neighborhood school building. If your child is struggling academically, and you have the financial means to do so, you get your child a tutor. Tutoring is time proven and common sense. Equally, while there are many ideas about how to improve education in America, one thing upon which everyone agrees plays a critical role in any child's education: the active involvement of their parents.

The Tutoring for Students Act encourages the active engagement of parents by giving them a say in helping their child's education. Parents can drive schools to apply for tutoring grants. Parents choose to enroll their children. Parents pick which tutoring provider they send their child to. Parents receive progress updates on their child.

For too long in this country the debate about education has been more about the institutions—the institution of powerful unions, the institution of the school bureaucracies. Make no mistake about it, strong leadership in the classroom and in school administration is important. However, education is not about protecting and preserving union contracts and the jobs of bureaucrats. Education is about our children. If they aren't getting what they need in the classroom, we need to work with schools to help them improve. At the same time, we must provide students in struggling schools with the help they need to ensure they receive a quality education.

The foundation for success in education is setting high expectations for our schools and holding them accountable to develop our most precious resource—our children. Every child, no matter what their economics, deserves not only a chance, but has an absolute right, to a good education. If students can't get what they deserve in the classroom, then we must empower parents with educational support tools and the ability to make meaningful choices about what is best for their children.

When Congress passed No Child Left Behind, embedded in that landmark legislation were certain programs specifically designed to recognize the importance of parental empowerment and parental participation. Supplemental Education Services is a program specifically designed to give low-income families the ability to access educational support opportunities just like families with more financial freedom, to shop for the best tutoring services for their child.

Thoughtful education reform means building upon successes and lessons learned. We have learned a great deal

since passage of No Child Left Behind. That includes our experience in providing tutoring services to low-income children. One of the most important lessons we learned is that tutoring works. In March, the U.S. Department of Education released a study stating that the tutoring program led to significant gains in math and reading student achievement. Studies by respected organizations like the Rand Corporation and school districts like the Chicago Public schools have come to similar conclusions.

Another important lesson from NCLB is the cynical lengths to which some low performing schools districts are willing to go in order to avoid accountability and deny parents the opportunity to access tutoring services for their children. Far too often these districts gamed the enrollment process for tutoring services, making it difficult, if not impossible for parents to exercise their right to take advantage of the SES program and get their children the educational support services—tutoring—they desperately needed. Similarly, due to poor oversight, there have been cases where tutors failed to meet their responsibility to provide high quality tutoring.

These problems are addressed in this legislation by establishing a state-administered grant program. Any school can elect to participate, allowing low-income parents with children attending participating schools to take advantage of high quality tutoring services. The Tutoring for Students Act requires strict oversight of tutoring service providers, from certification to evaluation, in order to ensure that parents can rely upon qualified tutoring service providers to help their children.

I do not favor more Federal control over education. That is why the Tutoring for Students Act is not a Federal mandate. Rather, it is a guarantee that parents will have the right to stand up for their children and give them the opportunity for a better education and a better life. Empowering parents with the ability to positively impact their child's education is not a mandate. It is common sense. Freedom is not a Federal mandate. It is an individual right. The best use of Federal dollars in education is to make them more accessible to parents, empowering them to look out for the needs of their children. High quality tutoring is a commonsense, academic lifeline.

In my home State of Arizona, organizations like the Education Breakthrough Network to Literacy Volunteers of Tucson and the Arizona Chapter of Campfire USA have voiced their strong support. Nationwide, organizations such as the United Farm Workers of America, the National Urban League, the Commonwealth Foundation and the John Locke Institute continue to stand up for the rights of parents to have more tools and choices to

help their children achieve. There is strong support for this program among communities across America, particularly among the parents who so often do not have a voice representing their needs and interests here in Washington.

I look forward to working with Senator ENZI, Senator HARKIN, and the rest of my colleagues to secure passage of meaningful education reform that includes protecting and strengthening the ability of parents to make educational choices for their children, choices that include high quality tutoring.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. MCCONNELL, Mr. REID of Nevada, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United

States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased.

SENATE RESOLUTION 269—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 2011, AS “NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK”

Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 19, 2011, as “National Historically Black Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 270—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL LIFE INSURANCE AWARENESS MONTH”

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 270

Whereas the vast majority of people in the United States recognize that life insurance is important to protecting their loved ones;

Whereas the life insurance industry pays approximately \$60,000,000,000 to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one;

Whereas, as of the date of agreement to this resolution, the unfortunate reality is that approximately 95,000,000 adults in the United States have no life insurance, and ownership of both individual and employer-sponsored life insurance has declined in recent years;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2011 as “National Life Insurance Awareness Month” as a means to encourage consumers to become more aware of their life insurance needs, seek advice from qualified insurance professionals, and take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Life Insurance Awareness Month”; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 610. Mr. COBURN submitted an amendment intended to be proposed to amendment

SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

SA 611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 612. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 613. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 614. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 615. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 616. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 617. Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 618. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 619. Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 620. Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 621. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes.

SA 622. Mr. PAUL proposed an amendment to the bill H.R. 2887, supra.

TEXT OF AMENDMENTS

SA 610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

At the appropriate place, insert the following:

SEC. ____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of

enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE, OVERLAPPING, AND INEFFECTIVE GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant departments and agencies, including the Secretary of the Department of Labor, the Secretary of the Department of Health and Human Services, and the Secretary of Education, to—

(1) use available administrative authority to consolidate Government employment and training programs with duplicative and overlapping missions identified in the 2011 Government Accountability Office reports to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and “Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies” (GAO-11-92), including the Department of Health and Human Services’ Temporary Assistance for Needy Families (TANF) and the Department of Labor’s Employment Service and Workforce Investment Act (WIA) Adult programs, and apply the savings towards deficit reduction;

(2) reduce by no less than 10 percent the excessive administrative costs of Government employment and training services identified in the 2011 Government Accountability Of-

fice reports to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and “Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies” (GAO-11-92), including the \$160,000,000 spent by the Temporary Assistance for Needy Families program to administer employment and training services and the \$56 million spent by the Department of Labor to administer the WIA Adult program, including the approximately \$4,000 spent for each WIA Adult participant who receives training services, and apply the savings towards deficit reduction;

(3) eliminate, as part of the consolidation described in paragraph (1), Government employment and training programs that have not demonstrated effectiveness in documenting a high rate of participants entering full-time employment or obtaining other positive job-related outcomes, such as increased wage or promotion;

(4) identify and report to Congress any legislative changes required to further eliminate, consolidate, streamline, and reduce administrative costs of Government employment and training programs with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(5) determine the total cost savings that shall result to each department and program from the actions described in paragraphs (1), (2), and (3); and

(6) rescind from the appropriate accounts of the Department of Labor and the Department of Health and Human Services the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated under paragraph (5).

SA 612. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET INCREASE IN SPENDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$28,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans

Affairs, or the Social Security Administration.

SA 613. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

On page 12, between lines 11 and 12, insert the following:

**TITLE VI
OFFSET**

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

SA 614. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. 3. EXEMPTION.

The reconstruction process of any road, highway, or bridge that is in operation or under construction when damaged by a natural disaster, including a flood, and reconstructed in the same location shall be exempt from any environmental review under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

SA 615. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HIGHWAY EMERGENCY RELIEF.

(a) **DEFINITION OF QUALIFYING STATE.**—In this section, the term “qualifying State” means a State in which—

(1) there occurred, during fiscal year 2011, a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(2) the major disaster or emergency resulted in estimated damages to the Federal-aid highway system in the State in an amount that exceeds an amount equal to twice the total annual apportionment provided to any State under section 104(b) of title 23, United States Code, for fiscal year 2011.

(b) **EXEMPTION.**—As determined by the Secretary of Transportation—

(1) in the case of a qualifying State, notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(2) in the case of any State described in subsection (a)(1), the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by the State shall not apply.

(c) ADDITIONAL FUNDING.—

(1) **IN GENERAL.**—Subject to paragraph (2), there is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the “Emergency Relief Fund”, authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of that section resulting from a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), \$2,500,000,000, to remain available until expended.

(2) **BUDGET CONTROL AUTHORITY.**—The amount made available by paragraph (1) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

SA 616. Mr. SANDERS (for himself, Mr. LEAHY and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DISASTER ASSISTANCE.

(a) **DEFINITIONS.**—In this section—

(1) the term “covered major disaster” means the major disaster described in paragraph (2) for a covered State;

(2) the term “covered State” means a State for which the Federal obligations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster dur-

ing fiscal year 2011 are not less than double the threshold amount applicable to fiscal year 2011 under section 206.47(b) of title 44, Code of Federal Regulations; and

(3) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) **INCREASED FEDERAL SHARE.**—Notwithstanding any other provision of law, for assistance under section 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) provided in a covered State relating to the covered major disaster for the State, the Federal share of the assistance shall be 100 percent of the eligible costs under such sections.

(c) **MITIGATION ASSISTANCE.**—Notwithstanding the second sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)), for a covered State that has a mitigation plan approved by the Administrator of the Federal Emergency Management Agency under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165), the total of contributions in the covered State under such section 404 for the covered major disaster shall not exceed 20 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) in the State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to the covered major disaster.

SA 617. Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 4, line 18, strike “\$135,000,000” and insert “\$500,000,000”.

SA 618. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 12, between lines 11 and 12, insert the following:

TITLE VI—GENERAL PROVISIONS

SEC. 601. NO REIMBURSEMENT REQUIRED FOR COVERED TORNADO SHELTER FACILITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Emergency Management Agency (in this section referred to as “FEMA”) shall not require an educational institution Public Assistance applicant to reimburse FEMA for the market value of a covered temporary tornado shelter facility when the facility is no longer needed for its temporary purpose.

(b) **DEFINITIONS.**—In this section the following definitions apply:

(1) **COVERED TEMPORARY TORNADO SHELTER FACILITY.**—The term “covered temporary tornado shelter facility” means a structure—

(A) designed to provide children protection from a tornado; and

(B) constructed or acquired with Federal financial assistance.

(2) **EDUCATIONAL INSTITUTION.**—The term “educational institution” means any elementary school or any secondary school that is an eligible applicant for FEMA assistance pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

SA 619. Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EMERGENCY RELIEF FUND.

(a) **FUNDING.**—There is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the “Emergency Relief Fund”, authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of such section resulting from a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$2,500,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

(b) **DISASTER-RELATED REPAIR WORK.**—

(1) **DEFINITION OF QUALIFYING STATE.**—In this subsection, the term “qualifying State” means a State in which a major disaster or emergency was designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) **EXEMPTIONS.**—As determined by the Secretary of Transportation, in the case of a qualifying State—

(A) notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(B) the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by a State shall not apply.

SA 620. Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 10, line 14, strike "\$100,000,000" and insert "\$1,000,000,000".

SA 621. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

On page 38, line 24, strike "(d)" and insert the following:

(d) LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

SA 622. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 15, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 15, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform Options: Promoting Retirement Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Future of Employment for People with the Most Significant Disabilities" on September 15, 2011, at 10 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 15, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tribal Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 15, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 15, 2011, at 10 a.m., to conduct a hearing entitled "Disaster Recovery: Evaluating the Role of America's Small Business in Rebuilding Their Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 15, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 15, 2011, at 2:30 p.m., to conduct a hearing entitled, "Improving Financial Accountability at the Department of Defense."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 358; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Wendy Ruth Sherman, of Maryland, to be an Under Secretary of State (Political Affairs).

Mr. INHOFE. Mr. President, I would like to inform the Chamber that I support the nomination of Wendy Sherman to be Under Secretary of State for Political Affairs. I had previously voted against her nomination earlier this week when it was brought before the Senate Foreign Relations Committee, but I have received information since that leads me to change my vote.

My good friend Senator ISAKSON of Georgia spoke to me about his 30-plus-year relationship with the Sherman family. Ms. Sherman's mother, Miriam "Mimi" Sherman, started working for Northside Realty, Senator ISAKSON's business based in Marietta, GA, in the late seventies and eighties. Mimi Sherman, who passed away in 2005, was a terrific person, and Senator ISAKSON was very happy to call her a close friend and fellow coworker. He also has known Wendy during this entire time and knows that she embodies the same qualities that her mother did. He is confident that she is qualified for the position and will do a great job at the State Department as Under Secretary of State for Political Affairs.

I have great respect for the wisdom and good judgment of my friend from Georgia. We both serve on the Africa Subcommittee, and as its ranking member, Senator ISAKSON always ensures that the views of his fellow Republican members are fully represented, even to the point of sharing his own speaking time at hearings with members like me who are passionate about bringing relief to the people on the African Continent. And when he expresses confidence in a particular person like Wendy Sherman, whom he has known personally for over three decades, that is good enough for me.

I support Ms. Sherman's nomination to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 269, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 269) designating the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—H.R. 2587

Mr. BENNET. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

Mr. BENNET. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 16, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, September 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, there will be no rollcall votes on Friday. The next rollcall vote will be Monday, September 19, at 5:30 p.m.

ORDER FOR ADJOURNMENT

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

COSTS OF HEALTH CARE

Mr. WHITEHOUSE. Mr. President, we all traveled over to the House Chamber a few days ago to hear President Obama present his jobs plan, a jobs plan for which I intend to support and fight. But during the course of that speech, we also heard the President indicate that he was going to come and make some recommendations to the Senate and to the House regarding our debt and deficit strategy.

I come to the floor today to urge the White House, in dealing with our debt and our deficit issues, to pursue a strategy for cost reduction in our

health care system that does not rely on harmful cuts to our seniors' Medicare benefits. I cannot tell you how important this is in Rhode Island where we have a significant senior population. Many of our seniors are low income. The average Social Security benefit is around \$13,000 to \$14,000.

Some of the ideas that have been floated in this body—more than just floated; they have actually passed the Congress, the House of Representatives—would be devastating to Rhode Island seniors: an end to Medicare in 10 years; \$6,000 in increased costs to each senior, on average, per year, hidden in what the Republicans like to call their cut, cap and balance plan, with an even worse attack on Medicare and on Medicare beneficiaries than was in the House budget that passed, which was a bad enough attack on its own. That simply is more than seniors in Rhode Island can manage. It is not fair; it is not right. And, most importantly it is not necessary.

I do concede that rising health care spending has placed a lot of stress on our national budget. In the joint session of Congress in September 2009, President Obama himself said: Put simply, our health care problem is our deficit problem. Nothing else even comes close.

If you go to the other side of the political spectrum and to the other Chamber of Congress, Congressman RYAN said: Our debt and deficit problem is, at its core, a health care problem. I agree with that. We need to address it. The question is how.

The fundamental fact that so many of our colleagues overlook in their urgency to attack Medicare—a program that Republicans have been against from its very founding and that the renewed tea party assault on Medicare has revived—has misled the debate, because the cost problem in Medicare is not a problem that is unique to Medicare. Wherever you look in the American health care system, costs are exploding. They are going up in Medicare probably at a lower rate than other quadrants of the health care sector, but they are going up. They are going up in Medicaid. States are having trouble dealing with that burden. They are going up in TRICARE and in veterans' care. Indeed, Secretary Gates said: Health care costs are eating the Defense Department alive. Eating the Defense Department alive, health care costs are. And if you are in private insurance, whether it is Kaiser or United or Blue Cross, pick your insurer, the costs are going up dramatically. Our own hospitals in Rhode Island, which provide health care, are watching their health care costs accelerate at significant rates far above a multiple of our rate of inflation.

This problem of rising health care costs is creating real strain. It is not just creating strain on the Federal

budget—granted, it is creating strain in the Federal budget—but it is also creating incredible stress on seniors, on small business owners who can't afford health insurance for themselves, or have to whittle away at the health insurance their employees have in order to keep it affordable, or have to give it up entirely as they face the stresses of this economic downturn.

As the Presiding Officer, the senior Senator from Colorado, knows because his, like Rhode Island, is a small business State. When you are a small business, your employees are pretty darned close to family. When you have to whittle away at their health care benefits, when you have to whittle away at what they get, when you have to raise their costs, that is a hard decision for that small business owner/manager to make.

It is tough on American families. It is tough on big businesses. It is tough on American big export companies. Our automobile industry, the tractor manufacturers, the road building equipment manufacturers, the folks who build big American products that we export overseas, we build enormous amounts of health care costs into those products. It has been estimated that nearly \$2,000 in health care costs goes into an American car. Well, the foreign car that competes in the international market with that American car comes out of a national health care system. So that health care cost isn't in the cost structure of the company that makes the car. And because they collected most of their taxes through a value-added tax, it doesn't even come in through the tax system, because the export products get out of those companies and into the international market without a tax burden. So there are our products, trying to compete overseas, with this weight of our health care system cost on them and it helps make America uncompetitive. So it is not just Medicare. It is everywhere in the American health care system. It is systemwide.

A couple of years back, when we were first discussing this issue and the White House held a couple of health care conferences, I was fortunate to be invited to those conferences. The President used a metaphor in discussing where we were in health care in those discussions. He used the discussion of us being headed for a cliff. If we didn't do something about our health care costs as a country, we were headed for a cliff.

Well, nothing has changed. We are still headed for that cliff, and the solution we have to find is to take the bus that we are all on and turn it before we get to the cliff.

It is not an adequate solution to simply throw seniors off the bus in order to lighten the Medicare cost load without doing what we need to do to change the direction of the American health

care system to alleviate this cross-system, this economywide burden.

Fortunately, we gave President Obama tools to do this in the Affordable Care Act. We fought about all sorts of elements in the Affordable Care Act. We fought about the public option. We fought about universal coverage. There were imaginary claims raised that there were death panels in the health care bill. It was considered to be socialized medicine, the same phrase that was trotted out years ago to oppose Medicare. They brought that old stalwart phrase out again—totally false.

The only socialized medicine we have in this country is the kind we give our veterans, which is the very best quality care they are entitled to—what Bob Dole has said is the place we should look toward for health care reform. But that is a separate argument. But my point is there was a whole lot of phony controversy about that health care bill.

What was completely not discussed was that a huge chunk of that bill was dedicated to delivery system reform of the health care system, to turning the bus before we hit the cliff. There is a lot in there for the President to work with. There are literally dozens of programs and pilots to turn us in this new direction. I urge very strongly, as we address the government health care cost problem that we face, we look at it as a systemic problem, and we address it as a health care cost delivery system problem rather than pick out seniors, throw them off the bus, and keep it careening toward the cliff without changing its underlying direction. That would be, in medical parlance, a misdiagnosis of the illness and a mistreatment of it as a result, and fundamentally malpractice. But that is the direction we are being led, and I am here to urge us that we go in a different direction.

There is a lot to be gained. America's health care system is provably, wildly inefficient. We burn more than 18 percent of America's gross domestic product on our health care system every year—18 percent. To put that into context, the next most inefficient industrialized competitor that we deal with internationally runs at around 12 percent of gross domestic product. So here we are, the United States of America—the most innovative, the most technologically developed country in the world, a country that prides itself on efficiency, on common sense, on making smart decisions—and what are we doing? We are 50 percent more inefficient than the most inefficient other industrialized country in the world.

One would think that we would not be the most inefficient. One would certainly think we would not be the most inefficient by a margin of 50 percent over the second most inefficient country in the world. It just does not make

any sense, but that is how bad it is. That is a pretty strong measure of how laden with excess costs our national health care system is.

For all of that, we do not get better outcomes. I wouldn't mind spending 50 percent more than Switzerland or France or any other country if we got 50 percent better outcomes, if we lived 50 percent longer, if we were 50 percent healthier, if we had 50 percent better care, if we had 50 percent better maternal mortality in childbirth—but we do not. When we look at the measures of how we do for our people in the American health care system, we compare with countries such as Greece and Croatia. We are down in the thirties in the ranking if you look at most of the quality measures.

Incredibly overbloomed expenditure and at best moderate performance are the two prevailing characteristics of our health care system. That means there is a lot of ground to be gained.

It has been quantified by President Obama's own Council of Economic Advisers who estimated \$700 billion every year could be saved if we cleaned up the health care system and made it moderately efficient. We could save that \$700 billion without harming the quality of care for Americans.

That seems like a big number, but actually the New England Healthcare Institute says that number is \$850 billion a year. George Bush's Treasury Secretary, Secretary O'Neill, who knows a lot about this from his time as CEO of Alcoa and as the person leading the Pittsburgh Regional Health Initiative, combined with the Lewin Group, which is a very well regarded Washington institution that looks at health care issues and evaluates them, they both agree that the number is \$1 trillion a year that we could save without harming the experience or quality of care for the American consumer.

We tried to throw pretty much everything we could at this problem in the Affordable Care Act. A consultant to the administration, MIT Professor Jonathan Gruber, said about the Affordable Care Act and its delivery system reform component:

Everything is in here. I can't think of anything I would do that they are not doing in that bill.

We gave the administration literally everything they could want, everything they asked for. I had a group that met with me as we were designing the Affordable Care Act, people from unions, people from NGOs that work on health care issues, people from the business sector, people who are experts in this area—to say, What are we missing? What more could we put in to help get at this problem of excessive costs for moderate results?

By the time the bill came to the floor, this was the answer from my group: Nothing. We can't think of anything else. We tried. It is all in there.

So I agreed with Professor Gruber's assessment.

What is the nature of what we did? It boils down to what I contend are five basic strategies. One is quality improvement. The quality of American medicine is not anywhere near as good as it should be. Anybody who was listening to me talk, who has had a loved one in their family seriously ill, ill for any length of time, or who has been seriously ill themselves, they know that from their own experience. They know of the lost records. They know of the confusion between multiple doctors who are treating them and not talking to them, maybe both prescribing medications that are contra-indicated with each other, but they don't know the other one is doing it. They know the experience of having to be your own navigator through this complex system. They know what a nightmare that is. They know it. It is not a debatable proposition.

It also works out in some pretty identifiable data. Nearly one in every 20 hospitalized patients in the United States gets a hospital-acquired infection. A hospital-acquired infection should be a "never" event. If we apply the Pronovost principles and do things started in Michigan and are carried out around the country now, we can knock that down by about 90 percent, but still it is endemic.

Everybody knows somebody who has gone to a hospital for a procedure and came out with a hospital-acquired infection, often a life-threatening one. Just treating those infections costs about \$2.5 billion a year. They are completely avoidable.

That is just one element of the health care system. If we got after the quality gaps in our health care system, the savings would be far greater. So there is a lot to be gained in quality. That is one of the five.

The second is prevention. We do not analyze and evaluate and implement prevention strategies very well as a country. We don't even evaluate effectively what prevention methods save enough money in the long run that we should just pay for them for everybody because it saves money to have people do this. We don't differentiate between what is probably a good idea for an individual to pay for and what is such a good idea and saves so much money that it should be part of the baseline of medical treatment that every American gets. It doesn't matter how sick they are, doesn't matter how old they are, doesn't matter how wealthy they are, doesn't matter where they live, they should be getting this prevention treatment because it saves all of us money.

We should be analyzing those things, proving them and putting that prevention strategy to work because the cheapest way to treat an illness is to prevent it in the first instance. The

third is payment reform. We pay doctors more—the more they prescribe, the more tests they order, the more medications they order, the more procedures they direct, the more they get paid. It should come as no surprise that when you send that incentive out there into that particular marketplace, you get dramatic overuse, which has been quantified in study after study.

This bill, the Affordable Care Act, has pilots to start directing the payment for medical procedures and for medical care based on the outcomes so that its value is how well you get that dictates payment, not how much the doctor does to you. That will be a paradigm shift in health care. You have to get it right. It is not easy to do. It is going to take some doing, but it is vitally important. That is the third part.

The fourth is administrative simplification, in particular, administrative simplification in the area of the warfare that currently exists between health insurance companies and hospitals and doctors. Ask any hospital, ask any doctor what it is like dealing with the insurance companies, trying to get paid for the services they deliver. They will tell you it is torture.

The last time I was at the Cranston Community Health Center in Rhode Island, they told me half of their personnel are dedicated to trying to get paid. The other half do the health care work. Half of their personnel are dedicated to trying to get paid. And they have a \$200,000 a year contract with experts to try to help train the 50 percent of their personnel who are dedicated to trying to get paid in what the latest tricks are from the insurance industry so they can keep ahead of the game. Because it is an arm's race. Well, my guess is that about 10 percent of the health care dollar that goes through the insurance companies goes to delay and denial of payment. There is 10 cents right off the top, leaving only 90 cents for the rest of the health care equation.

The doctors and the hospitals have to fight back. They have to hire their own consultants and their own experts and their own billing companies. They are not as efficient. There are more of them. They are more spread out. It is not what they are expert at. It is harder for them to fight back. I think they pay more than 10 cents out of every dollar. You put the 2 together, that is 20 cents out of the health care dollar on the private insurance side that does not go to health care at all. It goes to fund the arms race between insurers and doctors over getting paid.

This year Health Affairs: Journal of Health Care Policy published a study that compared the administrative costs of physician practices in Ontario, Canada, and physician practices in the United States. It found if doctors in the United States could lower their administrative costs to match those of

the Ontario physicians, the total savings would be approximately \$27.6 billion a year. The Ontario doctors have administrative costs, but they have a single-payer system and it is pretty easy to deal with. The \$27.6 billion is primarily fighting with the different insurance companies that all have different systems about claims and billing. There are big savings to be had by eliminating that unnecessary and expensive warfare that produces zero health care benefit to anybody.

The last piece, which is the structure for most of the rest of it, is a solid, strong health information technology infrastructure for this country. I can go to a bank anywhere in this country and I can take out my ATM card and access my checking account. I can find out what is in my savings account. I can do transactions. I can make deposits. However, if I step out of that ATM booth and get whacked by a taxicab and rushed to the emergency room, they have no idea what my health history is or what my health records are. We do not have a modern electronic health record in this country. We do not have modern electronic infrastructure in this country.

When I started arguing about this a few years ago, I can remember *The Economist* magazine publishing an article that said the health care industry in America was the worst industry for the deployment of information technology of all of the American industries except one. The only industry that was behind the health care industry and the deployment of information technology was the mining industry. We have improved, thanks to President Obama and this administration putting a big investment in this area, but we have a long way to go because we were way behind the curve.

Those five things—quality improvement, serious investment and prevention where it saves money, payment reform so that the system has incentive to provide value rather than volume, knocking down the administrative overhead that drapes over this system and weighs it down, and a robust health information technology infrastructure, those are the five keys and almost every single one of the programs I referred to that is in the Affordable Care Act fits one of those principles.

Why are we not doing this? Why is this not a bigger part of the debate if it is \$700 billion to \$1 trillion a year, if the result is better care for Americans, fewer medical errors, more prevented illness, less nonsense and unnecessary care from their doctors in chasing the payment model of volume, less fighting with the insurance company over trying to get paid and a health information record that is yours, that is private, that is secure, that goes with you wherever you are?

There was a fellow in Rhode Island whose daughter was taken ill. She had

a pretty serious condition. She was taken to the emergency room in Rhode Island, and they realized that this was bad. They needed specialty care, specialty machinery and treatment, and they had to rush to the specialty hospital in Massachusetts that could do the work on her she needed to save her life. So off they went. When they got there, they discovered that they had not brought her paper health records with her. They had to redo all the testing. They had to start from scratch. Seconds counted as they fought for this woman's life. Thankfully it all turned out fine, but it put her life at risk and it cost a fortune to redo all the tests. It made her recovery harder because a lot of time was wasted. Are you kidding me, a paper health record? But that is where we are.

All of this is win-win. Where is the pressure to do it? Well, there is a problem, and the problem is that it is not the kind of change that CBO—the people who guide our budget decisions around here—can score. I asked Alan Simpson from the Simpson-Bowles budget group during one of our Budget Committee hearings if he believed that reducing health care costs through delivery system reform is an important part of addressing our debt and deficit problem. And he answered: What you are saying is exactly right. It is not, unfortunately, scoreable. That is why it is not in our report.

I get it. It is not scoreable. It is not in the report. We should not overlook these factors as we make these decisions on behalf of the American people because even if you cannot score how you get to that \$700 billion in savings or if the New England Health Care Institute is right, that \$850 billion, or if Bush Secretary O'Neill is right, that \$1 trillion a year in savings using methods that improve both our experience and quality of care needs to be a priority even if it is not scoreable.

Tomorrow I will send a letter to the President, which the Presiding Officer has been good enough to sign, along with a broad array of my colleagues who have agreed to cosign, which reiterates the case I make here tonight. The letter urges the President's attention to the potential of delivery system reform rather than Medicare benefit cuts for seniors. It should be our first priority to fix that overloaded 50 percent more inefficient than the most inefficient country in the world system, the one with \$700 billion or \$850 billion or \$1 trillion in annual savings that are possible. Fix that before you go to a senior who had no part in this, who cannot help but try to do their best, and say to them, we are taking away your benefit. That is not the way to proceed. That is the wrong way to proceed. It is morally wrong and it is wrong as a matter of policy.

Where I contend we are—and I will say this in closing—there is a move-

ment and an industry emerging in the area of health care delivery system reform. It is strong in the private sector, whether we look at places such as Palmetto down the Carolina Coast; Geisinger in the Pennsylvania area; up in the Wisconsin area, Gundersen Lutheran; out toward Utah, the west, Inner Mountain; Mayo in Minnesota and Florida; or Kaiser, based in California. These are all major American health care delivery companies that have seen the potential delivery system reform. They are working hard to make it happen. They are committed to it, and they are getting results. We need to have their back. We need to support them as they do this.

But it is never going to be scorable because this is not a mathematical equation where we say: You are not getting this benefit. We are going to take away 20 percent of what you get. We are going to run it through the same nonsensical system that causes most of our cost problems and at the end we are going to say it is going to be 20 percent cheaper. It is easy to do the math that way, but it is a pretty cruel way, and it is lazy because we need to be in the middle fixing that piece.

But it is not arithmetically easy because where we are is like the early stages, I contend, of the airline industry—I should say of the flight industry. What did we know when the Wright Brothers first put their flying machine into the air at Kitty Hawk? We knew a curved surface sped through the air, generated lift. We knew a whirling air screw generated propulsion, and we knew that if you twisted the ends of the wings, you could control the direction. Those principles haven't changed.

I just got back from Afghanistan and Pakistan. We flew for 14 hours from the Arabian Peninsula back to Dulles Airport. That plane had movies on it. It had food on it. Everybody was comfortable. It had air-conditioning. We landed a plane that was the size of probably the average small town in America at the time the Wright Brothers were flying and everybody on it felt perfectly safe and comfortable. It came down a tube of electronic decision support for those pilots so they knew exactly what was going on every moment. If you went back to the Wright Brothers, you could not score in the actuarial sense the progress that would lead us in less than a century from a rickety wooden canvas, manned kite, puffing down the beach at Kitty Hawk, to these sleek, computer-guided, miraculous aircraft that fly us in comfort around the world today. You could not do it. But that didn't mean we shouldn't bet on it. That didn't mean we shouldn't pursue it. That didn't mean it wouldn't make a huge difference in the quality of mankind's life to be able to have that technological lead.

So that is where we are. These five principles are a little bit beyond the Kitty Hawk stage perhaps but not by much. If we invest and if we get behind this, the day will come, and it will come soon, when the quality of health care each one of us receives—we will look back and we will think, what we are getting now, that was canvas and wood sticks. That was primitive. We will have personalized electronic health care. Companies will emerge to create applications so whatever illness you have, the very best treatment will be downloaded so you know what you should be doing, when, and it will be adjusted for your blood type and family history and gender, if it is a factor that makes a difference, and for your body mass. Whatever it is that is relevant to you getting the best treatment as an individual, that is the kind of stuff that will be available. We will aggregate the data about what is effective, and people who have far more brilliance than I will plow through all the data about America's health care experience and they will start learning things about what works and what doesn't, what two things we didn't notice are connected. We will start to find those anomalies or those associations, and that will open a whole new era of discovery and treatment. Between those new applications that will guide in a personalized way health care for Americans, based on their own data and based on the best available information so your doctor is a little bit like that pilot landing the plane out of Dulles, making their own decisions, flying the plane directly but surrounded by that decision support that makes plane landings so safe—if your wheels aren't down, the alarms go off. If you get out of the glide slope, the alarms go off. If there are wind gusts on the field, the alarms go off. All that information and more is captured so the pilots can focus on flying the plane. That is the kind of support our doctors can have. That is the kind of support we can have. Those are American industries that will grow and emerge.

So we need to get behind this. I feel very strongly about this, as my colleagues can tell and as the four pages have had to wait and listen to me at this late hour can tell. But I say now it would be a shameful act on the part of the Congress of the United States if, with an opportunity like that in front of us, if with a compelling cost target, as we have from delivery system reform in front of us, and with the proven thesis that by getting there we actually improve the quality of care for people—we are not taking anything away; we are making their quality and experience of care better, which is a win-win-win. If we turn away from that win-win-win and instead take the easy, lazy way of throwing seniors off the bus and putting Medicare benefit cuts on them and let that bus just keep

rocketing toward that cliff, that will be a moment that will merit the scorn of the American people and the shame of our own conscience because we will have done the wrong thing and we will have done it because it was the easy way out.

I urge the White House not to take that road and to instead redouble their efforts on delivery system reform, back Secretary Sebelius in what she is doing and Don Berwick in what he is doing and, most significantly, put a hard date and dollar metric out there so the world can evaluate how well the administration did. If this is as important as I think it is, if this is as important as the administration thinks it is by the work they have already dedicated to it, then they should be willing to set for themselves a date and dollar savings target to tell the country: By this date, we will save this many hundreds of billions of dollars a year through delivery system reform. If we don't, then it is murk, it is mush. There is no accountability to it. It is generally going in the right direction.

A young President many years ago had a similar opportunity. We were losing the space race to the Soviet Union. He could have said in his speech: I think it is time that we bent the curve of America's space program. I think it is time we bent the curve of America's space exploration. But he didn't. He said something much more specific. He said: Within a decade, the United States of America is going to put a man on the Moon and bring him home safely. If President John Fitzgerald Kennedy had given that first speech, we would never have put a man on the Moon. The reason we put a man on the Moon is because when a President of the United States sets a hard target for the Government of the United States, that vast bureaucracy moves to achieve that purpose. If the President of the United States denies that vast bureaucracy, the clarity of that purpose does not give a specific measurable goal, and it makes that goal far less likely to achieve.

So not only do I ask the White House to turn away from Medicare benefit cuts and redouble their efforts on delivery system reform, I ask them to decide how much they are going to save, and by when, and let us know so we can evaluate their success in meeting that goal. I promise them every support in reaching that goal.

I thank the Presiding Officer for his patience and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:07 p.m., adjourned until Friday, September 16, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RONALD LEE BUCH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE DAVID LARO, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

ALASTAIR M. FITZPAYNE, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE KIM N. WALLACE.

DEPARTMENT OF DEFENSE

BRAD CARSON, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED.

THE JUDICIARY

KEVIN A. OHLSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE ANDREW S. EFFRON, TERM EXPIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN ROSS BEYRL, OF MICHIGAN
ROBERT O. BLAKE, OF MARYLAND
JEFFREY DAVID FELTMAN, OF OHIO
MARGARET SCOBEY, OF TENNESSEE
HARRY K. THOMAS, JR., OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CHARLES V. BARCLAY, OF CALIFORNIA
JOHN R. BASS II, OF NEW YORK
ROBERT STEPHEN BEECROFT, OF CALIFORNIA
RICHARD C. BEER, OF VIRGINIA
PHILIP JACKSON BREEDEN, OF CALIFORNIA
PETER MEIER BRENNAN, OF OREGON
SCOTT P. BULTEWICZ, OF OHIO
BEATRICE A. CAMP, OF VIRGINIA
JUDITH BETH CEFKIN, OF TEXAS
ANDREW GILMAN CHRITTON, OF TEXAS
PETER CLAUSSEN, OF FLORIDA
THOMAS FREDERICK DAUGHTON, OF NEW YORK
PANAKAL DAVID, OF NEW YORK
JOSEPH ADAM ERELI, OF THE DISTRICT OF COLUMBIA
RODNEY ALLEN EVANS, OF VIRGINIA
PAUL MICHAEL FITZGERALD, OF VIRGINIA
THOMAS R. GENTON, OF NEW JERSEY
TATIANA CATHERINE GPOELLER-VOLKOFF, OF THE DISTRICT OF COLUMBIA

BRIAN L. GOLDBECK, OF NEVADA
DOUGLAS C. GREENE, OF VIRGINIA
DOUGLAS M. GRIFFITHS, OF TEXAS
FRANCISCA THOMAS HELMER, OF CALIFORNIA

ALEXANDER KARAGIANNIS, OF MISSOURI
THOMAS PATRICK KELLY, OF CALIFORNIA
JAMES ALAN KNIGHT, OF NEW YORK
JERRY P. LANIER, OF NORTH CAROLINA

BARBARA ANNE LEAF, OF VIRGINIA
FRANK JOSEPH LEDAHAWSKY, OF NEW JERSEY
EDWARD ALEX LEE, OF TEXAS

DAVID ERIK LINDWALL, OF TEXAS
MICHELLE RABAYDA LOGSDON, OF FLORIDA
SHARON E. LUDAN, OF VIRGINIA

ERIC H. MADISON, OF VIRGINIA
CHRISTOPHER J. MARUT, OF CONNECTICUT
ATHENA M. MOUNDALLEXIS, OF TENNESSEE

DANIEL R. MUHM, OF WASHINGTON
RICHARD A. NICHOLAS, OF COLORADO
EDWIN RICHARD NOLAN, JR., OF VIRGINIA

GEETA PARI, OF NEW YORK
MARJORIE R. PHILLIPS, OF VIRGINIA
GEOFFREY R. PYATT, OF CALIFORNIA

PAMELA G. QUANRUD, OF VIRGINIA
MICHAEL A. RAYNOR, OF MARYLAND
FRANKIE ANNETTE REED, OF MARYLAND

NANCY C. ROLPH-O'DONNELL, OF VIRGINIA
ERIC SETH RUBIN, OF NEW YORK
RICHARD MILTON SANDERS, OF PENNSYLVANIA

DANIEL L. SHIELDS III, OF PENNSYLVANIA
SANDRA JEAN SHIPSHOCK, OF VIRGINIA
KAREN CLARK STANTON, OF VIRGINIA

MARK CHARLES STORELLA, OF MARYLAND
ALAINA TEPLITZ, OF THE DISTRICT OF COLUMBIA
HEATHER ANN TOWNSEND, OF THE DISTRICT OF COLUMBIA

HUGH FLOYD WILLIAMS, OF PENNSYLVANIA
SUSAN L. ZIADEH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BRIAN C. AGGELER, OF THE DISTRICT OF COLUMBIA
ELIZABETH MOORE AUBIN, OF MARYLAND
COLOMBIA A. BARROSSE, OF VIRGINIA

GLORIA F. BERBENA, OF CALIFORNIA
PAUL SIDNEY BERG, OF NEW YORK
RENA BITTER, OF THE DISTRICT OF COLUMBIA
STEVEN CRAIG BONDY, OF VIRGINIA
PAUL A. BROWN, OF TEXAS
RUSSEL BROWN, OF MARYLAND
IAN G. BROWNLEE, OF MARYLAND
RANDALL C. BUDDEN, OF MICHIGAN
KATHRYN A. CABRAL, OF FLORIDA
ELLEN MARY CONWAY, OF MARYLAND
JOYCE EDITH CURRIE, OF VIRGINIA
JON F. DANILOWICZ, OF VIRGINIA
ELIZABETH W. DAVIS, OF CALIFORNIA
MICHAEL J. DODMAN, OF VIRGINIA
BRUCE E. DONAHUE, OF VIRGINIA
DALE B. EPPLE, OF WASHINGTON
MARTHA E. ESTELL, OF VIRGINIA
ANNETTE P. FEELEY, OF THE DISTRICT OF COLUMBIA
ROBERT S. GILCHRIST, OF FLORIDA
LINDA THOMPSON-TOPPING GONZALEZ, OF THE DISTRICT OF COLUMBIA

CANDY GREEN, OF CALIFORNIA
ALYSON LYNN GRUNDER, OF VIRGINIA
BONNIE S. GUTMAN, OF THE DISTRICT OF COLUMBIA
KATHERINE B. HADDA, OF NEW YORK
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LISA KENNEDY HELLER, OF VIRGINIA
DAVID EDWARD HENIFIN, OF VIRGINIA
KATHLEEN M. HENNESSEY, OF NEW YORK
PATRICIA K. KABRA, OF THE DISTRICT OF COLUMBIA
EDWARD WESLEY KASKA, JR., OF VIRGINIA
KATHLEEN ANN KAVALEC, OF CALIFORNIA
ATUL KESHAP, OF VIRGINIA

MARC E. KNAPPER, OF CALIFORNIA
DAVID J. KOSTELANCIK, OF ILLINOIS
STEVEN HERBERT KRAFT, OF VIRGINIA
JOHN M. KUSCHNER, OF NEW HAMPSHIRE
KAMALA SHRIN LAKHDHIR, OF CONNECTICUT
TIMOTHY LENDERKING, OF THE DISTRICT OF COLUMBIA
MARK A. LEONI, OF CALIFORNIA

MARK STEVEN MAYFIELD, OF TEXAS
PATRICIA SHEEHAN MCCARTHY, OF VIRGINIA
JOHN F. MCNAMARA, OF MARYLAND
WILLIAM R. MEARA, OF NEW YORK

STEPHANIE ANNE MILEY, OF VIRGINIA
RICHARD M. MILLS, JR., OF FLORIDA
PETER F. MULREAN, OF NEW YORK
MIREMBE NANTONGO, OF KANSAS

WILLIAM A. OSTICK, OF GEORGIA
NANCY BIKOFF PETTIT, OF VIRGINIA
JOAN POLASCHIK, OF VIRGINIA
EMILIA A. PUMA, OF VIRGINIA

RICHARD S. SACKS, OF VIRGINIA
JO ANN E. SCANDOLA, OF THE DISTRICT OF COLUMBIA
ANDREW J. SCHOPFER, OF THE DISTRICT OF COLUMBIA
JEFFREY R. SEXTON, OF FLORIDA

GARY LEE SHEAFFER, OF VIRGINIA
ADNAN A. SIDDIQI, OF TEXAS
ANDREW D. SIEGEL, OF CALIFORNIA
LAWRENCE ROBERT SILVERMAN, OF VIRGINIA

TERESA FAYE STEWART, OF TENNESSEE
MARY E. TARNOWKA, OF CALIFORNIA
MARK TONER, OF MARYLAND
CONRAD ROBERT TRIBBLE, OF CALIFORNIA

KATHERINE VAN DE VATE, OF TENNESSEE
LEO F. VOYTKO, JR., OF VIRGINIA
MATTHEW ALAN WEILLER, OF NEW YORK
HOYT B. YEE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES B. ANGELL, OF CALIFORNIA
MICHAEL J. BARELA, OF VIRGINIA
MAURICE C. CROSSLAND, JR., OF PENNSYLVANIA

JAN MARIE FLATTUM-REIMERS, OF NORTH DAKOTA
MELISSA CLAIRE FOYNES, OF TEXAS
GLEN A. GERSHMAN, OF MARYLAND
PETER G. GIBBONS, OF VIRGINIA

BARRY L. HANEY, OF FLORIDA
PETER S. HARGRAVES, OF TEXAS
LEIGH ANN KIDD, OF VIRGINIA
ANDRIY R. KOROPECKY, OF MARYLAND

DOYLE R. LEE, OF FLORIDA
NIAL E. MEEHAN, OF VIRGINIA
EDWARD J. MIRON, OF NEW YORK
JOHN S. MORETTI, OF VIRGINIA

KURT E. OLSSON, OF VIRGINIA
LAWRENCE PAUL OSTROWSKI, OF FLORIDA
JOSEPH N. RAWLINGS, OF GEORGIA
JIM W. SCHNAIBLE, OF VIRGINIA

DANIEL J. WEBER, OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT DONOVAN, JR., OF THE DISTRICT OF COLUMBIA
PETER FOWLER, OF THE DISTRICT OF COLUMBIA
ALBERT KEYACK, OF VIRGINIA
BARBARA LAPINI, OF VIRGINIA

LINDA MINSKER, OF THE DISTRICT OF COLUMBIA
BRENDA VANHORN, OF VIRGINIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

To be rear admiral (lower half)

CAPTAIN MARK E. BUTT

CAPTAIN LINDA L. FAGAN
CAPTAIN THOMAS W. JONES
CAPTAIN STEVEN D. POULIN
CAPTAIN JAMES E. RENDON
CAPTAIN JOSEPH A. SERVIDIO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE GRADE INDICATED IN THE REGULAR ARMY
NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND
3064:

To be major

KELLY A. CRICKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE GRADE INDICATED IN THE REGULAR ARMY MED-
ICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS
531 AND 3064:

To be major

DAMIAN G. MCCABE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDI-
CATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C.,
SECTION 531:

To be major

JOHN R. PENDERGRASS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT D. BLACK
GEORGETTE GOONAN
TRUDY A. SALERNO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES A. CHRISTENSEN
CHRISTOPHER J. DEMEULENAERE
FORD D. PAULSON
KATHLEEN A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MATTHEW J. CONDE
RAYMOND FEELEY
MICHAEL E. GAFNEY
DANE S. HARDEN
GARY J. MCKAY
OWEN F. MUELLER
VICTOR M. PALOMARES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LEE A. ADAMS
ROXANNE M. ARNDT
BEVERLY A. BLAIR
PATRICIA M. BRIGHAM
NANCY A. CANTRELL
DIANE L. CASSELL
MARY A. COLBERG
VALERIE COLEMAN
JOHN N. ELZIE
SUSAN M. FITZGERALD
NANCY P. GRIEGO
GARY J. GROSSI
GLORIA HARRIS
LAVONNA J. HEATH
DIANNE JACKSON
CINDY B. KATZ
TRISHA E. KILIAN
SHERRIE L. LAKES
KATHRYN A. MARTIN
JAMES D. MELSON
CATHLEEN M. NELSON
DARLENE M. NICHOLS
SUSAN M. PALMER
BARBARA J. PILAK
MARILYN E. RICHMONDJOHNSON
JOAN M. RUTTLEKING
JOY A. SAARI
ROBERT T. SHORT
JAN L. SHRINER
CAROL STPIERRE

JODENE M. STRONG
PATRICIA L. TENHAAF
CHRISTIAN L. TOLLIVER
MARK A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KATHIE S. CLARK
RONALD D. EARDLEY
NANCY L. MCCLAUGHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

LYNN R. GAYLORD
SIERRA A. GOWER
NATALIE R. HIGHLEY
CAROLYN A. HUNT
MARION J. JARRETT
ELENOR G. JESSEN
DOROTHY JOHNSON
VICKI L. NOLIN

THE FOLLOWING NAMED OFFICERS IN THE GRADE IN-
DICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C.,
SECTION 531:

To be major

NATHAN W. BLACK
GREGORY L. CATO
TROY G. DANDERSON

CONFIRMATION

Executive nomination confirmed by
the Senate September 15, 2011:

DEPARTMENT OF STATE

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN
UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

EXTENSIONS OF REMARKS

HONORING RIVERBANK NAVAL
PETTY OFFICER THIRD CLASS
JAMES RAY LAYTON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor fallen Riverbank Naval Petty Officer Third Class James Ray Layton.

HM3 James Ray Layton was born in Livermore, California on January 29, 1987 and died September 8, 2009 in Kunar Province, Afghanistan serving during Operation Enduring Freedom. Artist, healer and music lover James Ray Layton brought joy and love into the lives of his family, friends and Comrades in Arms.

At the time of his death Layton was assigned to Combined Security Transition Command in Afghanistan, which is responsible for training and equipping Afghan security forces. Lt. Cmdr. John Daniels, a Navy spokesman at the Pentagon, said Layton deployed to Afghanistan with an element of the Okinawa-based 3rd Marine Division. Layton enlisted Dec. 20, 2007.

Layton's death was described by McClatchy Newspapers correspondent Jonathan Landay, who was embedded with a group of Marines and pinned down by heavy fire in a rugged section of Kunar Province on Tuesday. "The Marines were cut down as they sought cover in a trench at the base of the village's first layer cake-style stone house. Much of their ammunition was gone. One Marine (later determined to be Layton) was bending over a second, tending his wounds, when both were killed, said Marine Cpl. Dakota Meyer, 21, of Greensburg, Ky., who retrieved their bodies."

Layton is the 28th soldier or Marine from the Northern San Joaquin Valley and foothills killed in the wars in Iraq and Afghanistan, and the first from Riverbank.

He is survived by his father Brent Layton, mother Nikki Freitas, step-father Gilbert Freitas, brothers Jonathon, Jesse, Brandon and Sage, and sister Jordan, grandmothers Kathy Anderson and Shirley Hughes, grandfather Winn Layton, stepsister Andrea Freitas, stepbrother Jason Freitas, and loving aunts, uncles and cousins and friends. He was preceded in death by his Papa, Ray Hughes.

HONORING MR. RONNY VANDYKE
UPON THE OCCASION OF HIS RETIREMENT

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to highlight the career of Mr.

Ronny VanDyke on the occasion of his retirement, on September 1, 2011, and to thank him for his more than thirty-three years of distinguished service and dedication to the United States House of Representatives.

Mr. VanDyke has played an integral role in the Information Technology journey of the House. He began in 1978 as a COBOL programmer supporting mainframe applications, transitioned readily into online application development using CICS, and then integrated mainframe and workstation technologies for the Information Services and Integrated Systems (ISIS) project. Finally, Mr. VanDyke worked on the design, development and support of the CAO's Web-based services.

Mr. VanDyke developed the first electronic mail system on the House mainframe and played a key role in the design and development of the mainframe-based Member Information Network (MIN). MIN provided congressional offices with online information services including newswires, LEGIS and GRANTS, as well as Member services such as scheduling, casework and tracking. Mr. VanDyke excels at developing standardized processes that are then readily adapted for multiple uses in support of House office business.

Mr. VanDyke played a key role in the design and development of the first release of the www.house.gov web site and the Write Your Representative Service, providing Members their first opportunity for a customized Web presence and e-communications.

Many of the core services Mr. VanDyke originally developed for the mainframe, he successfully made available on the Internet. These services continue to provide Member offices ease of communication with their constituency including, but not limited to, Google Site Search, custom in-House content management and publishing services, zip code authentication, and Web form processes enabling both the development of dynamic surveys as well as the electronic submission of constituent requests to one's specific House Representative.

Mr. VanDyke's knowledge, experience, dedication and consistently outstanding performance of his daily tasks have been exemplary. His ability to adapt to emerging technologies and his skilled transition of core House services has provided House offices seamless support and earned the respect of his co-workers, peers and management. Mr. VanDyke has provided House offices with superior customer service, almost always from behind the scenes, by providing those on the front lines with the confidence to propose technical solutions knowing that he will make it work.

On behalf of the entire House community, we extend congratulations to Mr. Ronny VanDyke for his many years of dedication, outstanding contributions and service to the House.

We wish him many wonderful years to fulfill his retirement dreams.

EDISON INTERNATIONAL

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. DREIER. Mr. Speaker, I would like to take this opportunity to recognize Edison International on its 125th year of business.

Edison was founded on July 4, 1886 in Visalia, California and from then on, Edison has worked to find new and more efficient ways to serve its customers safely and reliably. For example, in 1898, Orville Ensign, an Edison engineer, designed the first insulator made from porcelain instead of glass which enabled the company to increase voltage on transmission lines. In the early 1900s, Edison engineer James Lighthipe designed the longest and highest voltage transmission line. It was also the first to be supported entirely by steel towers.

Today, Edison employs over 14,000 individuals in Southern California alone and its utility subsidiary, Southern California Edison, has over 12,000 miles of transmission lines. Edison is also currently building the Tehachapi Renewable Transmission Project, the largest wind transmission venture in the United States. Edison is also involved with developing wind energy. Edison Mission Energy, one of the largest developers of wind energy, has 30 projects in operation or under construction in 11 states.

Edison continues looking towards the future and is leading an initiative to prepare the electric grid for the widespread adoption of plug-in electric vehicles. Finally, Edison is currently working to upgrade its electric system infrastructure so that they will be prepared for the next 125 years.

It is important to note the dedication of Edison International to the communities it serves. With many families struggling in the current economy, Edison is working with residents and businesses to help them save money by utilizing energy efficiency techniques. In addition, in 2010, employees contributed \$4.3 million to schools and non-profits. This year, to celebrate its 125th anniversary, Edison employees are taking part in 125 community service events, including assisting City of Hope and other valuable organizations.

Congratulations to Edison and its employees for 125 years of innovation, reliable service and commitment to the community.

HONORING NATHAN JAY
CHALLOUPKA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Nathan Jay

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chaloupka. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project. Nathan designed and built an outdoor prayer and meditation area for the First United Methodist Church of Kearney.

Mr. Speaker, I proudly ask you to join me in commending Nathan Jay Chaloupka for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING STREET SOCCER USA

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. MCINTYRE. Mr. Speaker, I rise to recognize Street Soccer USA, a leader in sports-based youth development for Americans facing homelessness.

SSUSA builds trust through sports to help adults and youth overcome homelessness, and is a powerful tool for workforce development, educational advancement, improved health, and crime and violence reduction.

This summer, over 200 athletes from 18 U.S. cities competed as part of the Nation's premier sport-for-change event in DC June 10–12.

I ask my colleagues to please join me in congratulating this year's participating teams. They are among a distinguished group of individuals dedicated to improving their lives.

Congratulations to the men's and women's teams from Street Soccer Minneapolis, both of whom took home the Leonsis Trophy for first place.

Thanks to the hard-working employees and volunteers who made the event such a huge success. May God bless you with many more successful years ahead.

Indeed these individuals are demonstrating that ending homelessness and poverty is a team sport!

HONORING CHRISTOPHER NOAL BROWNING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Christopher Noal Browning. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop

237, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has contributed to his community through his Eagle Scout project. Christopher designed and constructed a divider wall around the restrooms at Bunceton Park in Bunceton, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Christopher Noal Browning for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DR. WILLIAM ASTOR KIRK, SR., EDUCATOR AND SOCIAL ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Dr. William Astor Kirk, Sr., educator, social activist and author. Dr. William Astor Kirk, Sr., was the eldest of six children born to Alex and Exella Kirk in Harleton, Texas. He briefly attended Wiley College in Marshall, Texas before enrolling in Howard University in Washington, DC where he received both a bachelor's and master's degree, respectively.

Dr. Kirk led a life devoted to family, faith and intellectual pursuits and fought to bring about social justice and equality for African Americans in public facilities and accommodations in educational institutions. Dr. Kirk and his wife of more than sixty years, Vivian Tramble married in 1946 and had two children. The Kirk's core values centered on faith and family and intellectual curiosity and social responsibility—beliefs Dr. Kirk graciously shared with family and friends.

Upon completing his Master's degree in Government from Howard University in 1974, Dr. Kirk and wife Vivian relocated to Austin, Texas where he assumed the position of professor of Government and Economics at Huston-Tillotson College. Dr. Kirk, active in Austin civic life was an organizer in the local chapter of the NAACP and arranged peaceful protests that led to desegregation of the Austin Public Library and many other public facilities. Dr. Kirk's work against discrimination also focused on the University of Texas where he applied and was admitted to a PhD Program. Dr. Kirk's refusal to study in segregated classes prompted a lawsuit by the Austin chapter of the NAACP. Subsequently, Kirk began his studies at the University after a United States Supreme Court ruling of *Sweatt v. Painter*, which ended segregation of the University's school was applied to its graduate program as well. In 1958, W. Astor Kirk, Sr. became the first African American to earn and receive a Doctorate in Political Science from the University of Texas.

Dr. Kirk was awarded a Fulbright Scholarship and studied at the London School of Eco-

nomics and Political Science in London, England. Professionally, in addition to his teaching post at Huston-Tillotson, Dr. Kirk was adjunct Associate Professor at the University of Maryland and had teaching assignments at Rutgers University, Boston University School of Theology and Howard University.

Dr. Kirk also had a distinguished career as a federal government executive and management consultant. In 1968, Dr. Kirk was personally recruited by President Lyndon B. Johnson for the post of Deputy Regional Director (Southwest Region) of the United States Office of Economic Opportunity. He continued his government service under the Nixon, Ford, Carter and Reagan administrations. Following his retirement from the federal civil service, Dr. Kirk founded and was CEO of Organization Management Services Corporation, an organizational development firm.

Prior to his passing, Dr. Kirk initiated an anti-discrimination mass petition in an effort with the Church to end, in his words, "the mandatory negative differential treatment of gays, lesbians and bisexuals United Methodists."

Dr. Kirk's lifetime of contributions to education, racial and gender equality and broad civil rights issues inspires all, as he was not afraid to tackle the biggest, most looming issues of his day.

Again, I ask that my colleagues please join me in saluting the life and legacy of educator, humanitarian and social activist, Dr. William Astor Kirk, Sr.

RECOGNIZING ANTONIO M. "TONY" PÉREZ 2011 FRANK P. ZEIDLER PUBLIC SERVICE AWARD HON- OREE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Antonio M. "Tony" Pérez, recipient of the 2011 Frank P. Zeidler Public Service Award. Mr. Pérez is a long-time social justice advocate, mentor, community leader and consummate professional. He currently serves as secretary-executive director of the Housing Authority of the City of Milwaukee (HACM). The Frank P. Zeidler Public Service Award acknowledges residents whose efforts most embody the social justice and public service values and vision of former Mayor Zeidler, who died in 2006 at the age of 93.

Mr. Pérez' body of work has been exemplary. He founded the Milwaukee Community Service Corps (MCSC), a non-profit vocational training organization that continues to provide employment and education to young adults in Milwaukee. It was modeled after the 1930s Civilian Conservation Corps (CCC). Mr. Pérez developed a holistic program that integrates education and life skills with on-the-job work experience for low-income 18–23-year-olds. During his tenure at MCSC from 1991 to 2000, more than 900 participants found jobs and received more than \$4.5 million in income. MCSC serves an average of 100 young participants per year and has served approximately 2,000 young adults since its inception.

In 1996, Mr. Pérez was one of six inspirational youth role models and mentors profiled on PBS', "The Merrow Report: Searching for Heroes". Mr. Pérez serves on a number of prestigious committees and has received numerous awards including member of the Executive Committee of the AmeriCorps National Civilian Community Corps, past president of the National Association of Service and Conservation Corps, and has served as a consultant to the Peace Corps. In 2006, HACM received the prestigious World Leadership Award in London, England for developing solutions to housing that are innovative to city leaders around the world. Also, in 2007 Mr. Pérez was recognized by the National Child Labor Committee with the Lewis Hine Award.

At HACM, Mr. Pérez oversees an internationally-recognized agency that provides affordable housing options for over 12,000 low-income families, elderly and disabled persons in the City of Milwaukee. During his tenure, the agency received or leveraged more than \$265 million in development resources. Accomplishments while at HACM include the construction of the \$28 million Milwaukee Job Corps Center in conjunction with the U.S. Department of Labor. The facility opened in the fall 2010 and has resulted in the creation of over 125 administrative, teaching, health care and service jobs. Additionally, during his tenure the City of Milwaukee obtained a five-year, \$24 million federal Enterprise Zone grant that helped thousands of youth gain training and employment.

Mr. Speaker, I am proud Antonio M. "Tony" Pérez hails from the 4th Congressional District and that I can call him friend. I am honored to give praise to his many accomplishments and life time commitment to youth and the entire Milwaukee Community. I wish him many more years of success.

HONORING AUSTIN SALMON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Austin Salmon. Austin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Austin has been very active with his troop, participating in many scout activities. Over the many years Austin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Austin became a brotherhood member of the Order of the Arrow and earned the rank of Fire Builder in the Tribe of Mic-O-Say, as well as maintaining a position on the Honor Roll of Liberty North High School in Liberty, Missouri. Austin has also contributed to his community through his Eagle Scout project. Austin built shelving and renovated the basement of Blue Ridge Trinity Lutheran Church in Raytown, Missouri, a small church long in need of the renovation.

Mr. Speaker, I proudly ask you to join me in commending Austin Salmon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PHARMACEUTICAL STEWARDSHIP ACT OF 2011

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the Pharmaceutical Stewardship Act of 2011.

Across the country, unused and expired pharmaceuticals are polluting our water ways, poisoning our children, and putting our public safety at risk. Americans should have a convenient and safe option when they want to rid their cabinets of unused drugs. The pharmaceutical stewardship bill I introduced today would ensure that these drugs are kept out of drinking water and out of the hands of both criminals and unsuspecting children.

The need for a safe drug disposal program has never been greater. In a 2008 investigation, pharmaceutical contamination was found in 24 out of 28 metropolitan areas' drinking water. Over 50 pharmaceuticals or byproducts were found in the Philadelphia source watershed alone.

Unlike the citizens of approximately a dozen other countries, Americans do not have a convenient and consistent place to bring their medications. Without a drug take back program, pharmaceuticals are frequently diverted to purposes for which they were not intended.

The results can be deadly. Unguarded, unused pharmaceuticals can cause accidental poisonings, be misused, or diverted for criminal purposes.

Every fifteen minutes, a child under four will overdose on drugs found at home. In 2011, the Centers for Disease Control (CDC) reported that unintentional prescription opioid overdoses now kill more Americans than cocaine and heroin combined. In Florida, the death rate for prescription drugs increased 84 percent.

Without safe disposal options, our most vulnerable and unsuspecting citizens are in the bull's eye of a proliferating pharmaceutical black market. The elderly are at risk of violent home break-ins, scams, and death as prescription drug addicts seek to steal their medications.

Drug thieves also target 'open house' events and ask to use the bathroom in order to have access to the medicine cabinet. The problem is so rampant that realtors in Ohio are given medication lockboxes to store medications during open houses and the National Association of Realtors recommends hiding all prescription medications during open houses.

Americans who want to reduce the threat to their health and safety posed by leftover prescription medications have few options.

Federal agencies from the Office of National Drug Control Policy to the Drug Enforcement Agency are encouraging Americans to use secure medicine take-back programs to return

drugs for environmentally sound disposal. But these programs are too few and far between, and communities are struggling to provide them. Because secure take-back programs are not widely available, the FDA currently recommends that the most toxic and addictive substances be flushed down the toilet and into the wastewater system. When take-back programs are not available, federal agencies are forced to advise that all other unwanted pills should be mixed with undesirable substances in an attempt to prevent theft and then thrown in the trash for delivery to the landfill.

The current disposal methods are inadequate and even dangerous. A mother with Crohn's disease was prescribed an opioid patch 100 times stronger than morphine but she was afraid her plumbing could not handle the used patch so she threw it away. Her 4-year old died after finding and applying the patch from the trash.

Furthermore, pharmaceuticals disposed in the trash or down the drain reach our nation's waterways and our drinking water.

In 2002, the United States Geological Survey found that 80 percent of streams and 93 percent of groundwater was contaminated with at least one pharmaceutical. In 2008, an investigation found that at least 46 million Americans are exposed to prescription drugs through their drinking water. Others are exposed when food crops are fertilized with polluted biosolids and absorb pharmaceuticals through the roots to the plant itself. Perhaps even more frightening is that the current extent of pharmaceutical pollution is unknown and understudied.

Aquatic organisms and indeed whole ecosystems can never escape this witches brew of pharmaceuticals. The USGS recently reported the widespread sexual disruption in fish across the United States. Of the many compounds in the pharmaceutical slurry that aquatic organisms swim in, estrogens are particularly concerning. In a review of the literature, fish were found to be particularly susceptible to these endocrine disrupting chemicals. Intersexed fish are found around the nation and even at a wastewater treatment plant in the Nation's Capital. In this District of Columbia study, female eggs were found in over 80 percent of the small mouth bass male reproductive organs.

Unused and expired pharmaceuticals are a threat to our homes, families, communities, and the environment. Sporadic take back events are not sufficient. DEA Administrator Michele M. Leonhart recently stated that the 309 tons of pills collected at two recent community-funded take-back events "represents a clear need for a convenient way to rid homes of unwanted or expired prescription drugs."

Public safety organizations and medical organizations have called for expanded drug takeback programs. The Blue Cross Blue Shield Association (BCBSA) senior vice president and chief medical officer, Allan Korn, M.D., stated that "Unused prescription medicines that remain in homes can be misused or abused if they get in the wrong hands of children, family or friends," and commended, "providing a safe and easy way for Americans to drop off their unnecessary prescription drugs."

The bill I introduce today would help solve these serious environmental, public health,

and public safety concerns by providing Americans with a convenient way to safely dispose of their pharmaceuticals. Producer responsibility and stewardship is the backbone of this legislation. Simply put, producers must take responsibility for their product beyond the initial manufacture and sale. By establishing a national drug take back program financed by producers, this legislation will help reduce the supply of unused medications across the country and prevent the entry of pharmaceuticals into the water supply.

In addition, this legislation establishes a commission of stakeholders to investigate risks, causes, and potential solutions of pharmaceutical contaminants in the environment and waterways. Using this information, the Commission will develop a strategy that will prevent pharmaceutical contaminants from polluting our waterways and environments from cradle-to-grave.

Without a safe means of disposing our pharmaceuticals, we risk our public health, our public safety, and our environment. We cannot wait any longer for action.

HONORING SAMUEL MORRISON
EVANS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel Morrison Evans. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Samuel has earned 65 merit badges and spent countless hours volunteering at the Cameron Food Pantry and with the American Legion. Samuel has also contributed to his community through his Eagle Scout project. Samuel planned and constructed landscaping around Parkview Elementary in Cameron, Missouri. Samuel also designed and painted murals inside the school gymnasium to make the room more appealing to the student population.

Mr. Speaker, I proudly ask you to join me in commending Samuel Morrison Evans for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF MRS. HELEN
W. SOGGS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mrs. Helen W. Soggs, a long-

time, active member of the Greater Cleveland community.

Helen was born on March 4, 1921, as a first generation American, in Cleveland, Ohio. At the age of four, her family moved to Cleveland's Old Brooklyn neighborhood. She attended Oak Park School, Our Lady of Good Counsel Catholic School and James Ford Rhodes High School. Following her high school graduation, in 1939, Helen enrolled in typing and shorthand classes at the Dyke School of Commerce.

On May 4, 1941, Helen married Kenneth Soggs. Because of Kenneth's job as a construction equipment operator, the young couple frequently relocated throughout the onset of World War II before returning to Old Brooklyn. During the War, in 1942, Helen became the first woman to be hired by Republic Steel; she worked as a "scale girl" for three years.

Following the War, Helen and Kenneth started their family and had two sons. The Soggs family would eventually settle in Seven Hills, Ohio. Kenneth and Helen became involved in family-owned furniture stores, including Parma Home Appliance and Pleasant Valley Furniture. Helen would later work for Higbee's on their furniture customer service team. She retired in 1986.

Helen was an involved member of the Greater Cleveland community. She was a parishioner of St. Columbkille Catholic Church and an active member of her ladies mission circle. She was involved with the Seven Hills Golden Agers, St. Columbkille Golden Agers, Justo Lane Club and was a longtime volunteer as an election day poll worker.

Mr. Speaker and colleagues, please join me in remembrance of Mrs. Helen W. Soggs. I offer my condolences to her sons, Loree and Jim, her eight grandchildren, and four great-grandchildren.

HONORING DAKOTA MEYER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. WHITFIELD. Mr. Speaker, the small community of Columbia in south central Kentucky is not unlike many of the rural areas of America that have given of their best young men and women to guarantee our freedom. As of today, however, Columbia has the distinction of being the birthplace of Dakota Meyer, only the third living recipient and the first Marine to be awarded the Medal of Honor for actions in Iraq and Afghanistan.

Today, President Barack Obama will award Dakota Meyer the Medal of Honor for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. He will receive the Medal of Honor for his courageous actions while serving as a member of Marine Embedded Training Team 2-8, Regional Corps Advisory Command 3-7, in Kunar Province, Afghanistan, in support of Operation Enduring Freedom. He and his family will join the President at the White House to commemorate his example of selfless service.

The Medal of Honor is awarded to members of the Armed Forces who distinguish them-

selves with meritorious conduct involving great personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades, and the action must have involved risk of life. There must be incontestable proof of the performance of the meritorious conduct, and each recommendation for the award must be considered on the standard of extraordinary merit.

On September 8, 2009 an Afghan battalion was set to go to a village in the Ganjgal Valley. According to the plan, Meyer was to stay with the vehicles near the mouth of the valley and the Afghan soldiers and their U.S. advisers would walk into the village from there. But as the lead of the column approached the village more than 50 insurgents fired from positions on mountains surrounding the valley and from within the village. The troops were trapped.

Back at the vehicles, Meyer heard the firing. When requests for airstrikes and permission to drive into the valley were repeatedly denied, Meyer set himself in the turret of a Humvee and rode straight into the firefight, taking fire from all directions. He went in not once, but five times, trying to rescue his comrades and taking to foot in an effort to locate his team. During about six hours of chaotic fighting, he took out eight Taliban militants and provided cover for Afghan and U.S. servicemen to escape the ambush, according to a Marine Corps account of the events. Meyer saved the lives of 13 U.S. troops and 23 Afghan soldiers.

I join Dakota Meyer's hometown of Columbia, Kentucky in pride as they celebrate this rare distinction for their native son. Meyer joins the ranks of a small company, who in the face of adversity rise to the occasion and do what needs to be done regardless of the consequences. His heroic actions reflect the values taught and practiced in small communities throughout the heart of America.

PERSONAL EXPLANATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. BUCHANAN. Mr. Speaker, on rollcall No. 706 I was inadvertently recorded as voting "nay."

Please let the permanent record reflect that I support H.J. Res. 77 and my vote should be recorded as "aye."

I support H.J. Res. 77 because Congress should not increase the debt limit until additional substantial cuts are made to the Federal budget.

IN HONOR OF MR. JAY WILLIAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Jay Williams, who has recently been appointed as the Department of Labor's Executive Director of the Office of Recovery

for Auto Communities and Workers by President Obama.

Mr. Williams was born and raised in Youngstown, Ohio. He attended Youngstown State University and studied finance. After graduating, he began working with banks around the Youngstown area. He continued working in the banking industry as an examiner for the Federal Reserve Bank of Cleveland.

Upon leaving the financial industry, Mr. Williams became the director of Youngstown's Community Development Agency. He served as the leader of Youngstown 2010. This ongoing initiative plans for a Youngstown that is "smaller, greener, cleaner, makes efficient use of its available resources, and capitalizes on its many cultural amenities and business advantages."

In 2005, Mr. Williams was elected as the Mayor of Youngstown. He was the first African American elected as Youngstown's mayor and was also the first independent candidate elected since 1922. Mr. Williams was re-elected in 2009. On July 6, 2011, President Obama announced Mr. Williams as the Executive Director of the Office of Recovery for Auto Communities and Workers; he began on August 8, 2011.

Mr. Speaker and colleagues, please join me in honoring Mr. Jay Williams as he begins his tenure as the Executive Director of the Office of Recovery for Auto Communities and Workers. I extend my congratulations and well wishes as he embarks on this new endeavor.

SCHOOL VIOLENCE AND BULLYING

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to discuss an important issue that affects too many young people across this country. As many students look forward to the new school year, there are too many who fear returning because their school environment is made unsafe by bullying. Bullying is not a rite of passage and no child should be afraid to go to school. An unsafe school environment, including one made unsafe by daily bullying and harassment, leads to increased absences and decreased graduation rates.

A majority of parents, students, and educators report that bullying and harassment are issues of major concern. To combat this problem, I have introduced the Safe Schools Improvement Act which would help schools and school districts develop and improve anti-bullying and anti-harassment initiatives. Fortunately, others are also beginning to address this issue and are seeking ways to address bullying and make schools safer.

One effort to combat bullying in our schools is the "be a STAR (Show Tolerance And Respect) program" being led by World Wrestling Entertainment, WWE, in collaboration with the Creative Coalition, the National Education Association's Health Information Network, NEA HIN, Stomp Out Bullying, the Gay & Lesbian Alliance Against Defamation, and the National

School Climate Center amongst others. This program provides teachers across America with a comprehensive toolset to teach children an anti-bullying message. 'be a STAR' is providing an easily accessible teaching aid written by the NEA HIN and educator Dr. Fran Prolman that meets National Education Standards. This teaching aid is available at no cost to educators and is designed to promote positive and equitable social environments for students within and beyond the classroom setting. The alliance is also offering a "Start Your Own Be a STAR" Chapter toolkit encouraging students to spread the anti-bullying message in their schools and communities. The be a STAR Alliance has also been instrumental in encouraging students to seek out resources or proper intervention to help protect victims of bullying and other forms of intolerance through its 'be a STAR' pledge.

I had the opportunity to participate in anti-bullying events with WWE Superstars Rey Mysterio and Eve, Los Angeles Mayor Antonio Villaraigosa, American Idol Winner Jordan Sparks, actor Tim Daly, Dancing with the Stars' Chelsie Hightower and many more. I joined them at the Algin Sutton Community Center to discuss with children the issue of bullying and to deliver a strong anti-bullying message of tolerance and respect. The reaction from the more than 500 children and families that participated was very positive. Through its participation and leadership in the alliance, WWE has demonstrated a real commitment to raise awareness about bullying, and is working in local communities around the country and overseas to combat bullying in our schools.

The anti-bullying movement has a new champion in the 'be a STAR' Alliance, co-founded by WWE and The Creative Coalition and I want to commend them for the great work they are doing to promote equality for all people regardless of age, race, religion and sexual orientation.

TWO MIGHTY OAK TREES: SYMBOLS OF THIS GREAT STATE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. POE of Texas. Mr. Speaker, my grandfather, Theodore Otto Herman Hill, or "Thunderhead" as he was more appropriately known, was a hunter, a taxidermist and a Teddy Roosevelt conservationist. He was the frontiersman type. He could tell the type of tree by looking at the bark or observing the leaves. He predicted the weather by watching the actions of animals. He found and collected arrowheads on his land in central Texas. His love of nature was impressed on me as a child.

Being born near where Texas independence was declared, Washington-on-the-Brazos, he told me many stories of famous Texas trees. Two trees in particular stand out in my mind.

In Gonzales, Texas, stands the "Sam Houston Oak." This tree was made famous 175 years ago this month during the War for Texas Independence. Before towns were settled, un-

usual or gigantic trees were often used as landmarks for people to gather under to worship, to hear campaign speeches or to prepare for battle.

William Barrett Travis and 187 volunteers sacrificed their lives on the altar of freedom after 13 glorious days at the Alamo. Sam Houston and his boys regrouped with Seguin and his company of Tejanos at this mighty oak. This tree became a rendezvous place for the new Texas Volunteers to organize and to later fight dictator Santa Anna.

The "Sam Houston Oak" site is considered by most historians as the beginning of the "road to San Jacinto" taken by General Sam and his ragtag bunch of freedom fighters on April 21, 1836, in the final battle for independence along the marshy banks of the San Jacinto River. Today, a historical marker along St. Louis Street in Gonzales recognizes this historical tree.

Another tree my outdoorsman grandfather told me about was the "Treaty Oak." The Treaty Oak is an immortal symbol of Texas history that holds a special place in the hearts of all Texans. It is more than 500 years old. The Treaty Oak was a place of worship for the Comanches and Tonkawa Indians. The story goes that Stephen F. Austin signed the first boundary treaty with the Indians under the Treaty Oak, which is located in downtown Austin.

The Treaty Oak has endured multiple threats throughout its life. In 1920, the land that the Treaty Oak lives on was put up for sale, and the tree was almost cut down. There was a massive outcry to save the Treaty Oak. Texans felt a loyalty to this tree and so in 1947, the city of Austin purchased the land so that the Treaty Oak could remain untouched as a historic treasure for the state of Texas forever.

Back in 1989, a criminal by the name of Paul Cullen poisoned the great tree. In some sinister deliberate effort to kill the great tree, Cullen poisoned it with enough pesticides to kill a hundred trees. And as most outlaws do, he bragged about his crime, resulting in his swift arrest and incarceration. He was charged with felony criminal mischief.

Of course, I promptly volunteered to try that case while I was still a judge in Houston. Although I didn't get to hear the case, a jury of 12 tree-loving Texans in Austin found him guilty and sentenced the culprit to nine years in prison for trying to kill the mighty oak. The nation was stunned that Texans would send a person to prison for so long for "just" trying to kill a tree. But this wasn't any old tree. This tree was a symbol of Texas.

Amazingly, the Treaty Oak survived the attack, and her survival has astonished cynics who predicted the tree would certainly die. While she may not stand as mighty as before, she continues now to be a new symbol of Texas perseverance, ruggedness and determination.

Two mighty oaks of Texas . . . symbols of no place but Texas.

And that's just the way it is.

IN HONOR AND RECOGNITION OF
THE 2011 HISPANIC HERITAGE
MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 2011 Hispanic Heritage Month, as we celebrate the members of this community and their invaluable contributions to the Greater Cleveland Area and to our country.

In 1968, Hispanic Heritage Week began; the week was expanded to a month in 1988. Every year, Hispanic Heritage Month begins on September 15, a day that is celebrated in Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua as the anniversary of their independence. Mexico and Chile's independence days also fall within the month. This year's theme is "Many Backgrounds, Many Stories . . . One American Spirit."

Hispanic Heritage month celebrates and illuminates the significant contributions that Americans of Hispanic heritage have had on American culture. Hispanic Americans have contributed immeasurably toward efforts to elevate the human condition. Americans of Hispanic descent have served our country in numerous ways—as elected officials, teachers, musicians, physicians, veterans, community activists, and dedicated employees in virtually every sector of the economy. Their rich and diverse culture has touched the life of every American and has been an invaluable addition to Cleveland's diverse social fabric.

Mr. Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage month of 2011, as we recognize the great contributions made by Hispanic Americans in my district and around the country.

A TRIBUTE IN HONOR OF DR. C.J.
HUANG ON THE OCCASION OF
RECEIVING THE DEAN'S MEDAL
FROM THE STANFORD UNIVERSITY
SCHOOL OF MEDICINE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor Dr. C.J. Huang who was awarded the Dean's Medal on Saturday, September 10, 2011, by Dean Philip Pizzo of the Stanford University School of Medicine. Dr. Huang called the event the 'happiest day of his life' and he spoke eloquently about his philosophy and that of generations in his family of giving and the privilege of philanthropy. Dr. Huang was described in the event program as follows:

"Dr. Chang Jen Huang was born in 1916 in Liu Yang City, in Hunan Province, China. He received a Master's degree in engineering from University of Michigan, Ann Arbor, and is a special member of the Stanford Research Institute. Dr. Huang has established a number of graduate scholarship funds and fellowships at Stanford supporting surgical oncology, car-

diovascular research, and the exchange of medical education and research between China and the United States.

Dr. Huang is a passionate supporter of Dr. Sam So, Lui Hac Minh Professor in the School of Medicine and Director of the Asian Liver Center at Stanford University. Dr. Huang is the honorary founder of the Asian Liver Center, established in 1996, to address the disproportionately high prevalence of Hepatitis B and liver cancer in the Asian and Pacific Islander populations) with the ultimate goal of eradicating Hepatitis B worldwide.

A dedicated philanthropist in many areas related to education and global health, Dr. Huang has most recently given a gift to establish the C.J. Huang Building at Stanford University. When constructed, this building will be the future home of the Asian Liver Center and other medical school programs."

Mr. Speaker, I ask my colleagues to join me in honoring a great philanthropist, one whose life's work has been to promote science and education. Dr. Huang's support of the Asian Liver Center will help eradicate this disease and his gifts to Stanford will ensure that future generations will enjoy a high quality of life because of his extraordinary vision and generosity.

WE MUST CONTINUE TO STAND
WITH ISRAEL

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. JORDAN. Mr. Speaker, this past weekend's shocking attack on Israel's embassy in Cairo reminded us of the ongoing challenges faced by Israel as it continues to take risk after risk in the name of establishing lasting peace in the Middle East.

Thousands of rioters knocked down a recently installed protective barrier, ransacked the embassy, burned Israeli flags, and held six security guards hostage. These shameful acts had the potential to do great harm to the hard-won 1979 peace treaty—a treaty penned barely a generation after the Holocaust and in the wake of the blatant 1973 attacks by Egypt and Syria that opened the Yom Kippur War.

Set even in the face of evidence that the rioters seek an end to the peace treaty, Israel remains dedicated to it. Israeli Prime Minister Benjamin Netanyahu paid rich tribute to the ultimate actions of Egyptian authorities to quell the riot and rescue the embassy guards. He pledged that the ambassador and the embassy's staff will return to Cairo when security can be better guaranteed. Israelis well know that peace with Egypt is in the best interest of both nations and the entire region.

As Prime Minister Netanyahu said in his May address to Congress, Israel is "the one anchor of stability" in the Middle East. Unwavering, self-sustaining, and yet faced with threats to its sovereignty from many sides, Israel has taken every chance to secure peace over its six-plus decades of existence. The prime minister has repeatedly said that Israel is willing to make "painful compromises" to achieve a two-state solution and quell vio-

lence in Gaza and the West Bank. In response, Israel is vilified in the United Nations, mocked for its attempts to survive, and met with open calls for its elimination.

Mr. Speaker, we must continue to stand shoulder to shoulder with Israel, a vanguard against the terror states of the Middle East. Our two nations share a strong, long-lasting partnership based on mutual democratic values and freedoms. We must remain united against all threats to Israel's peace, stability, and its very existence—which, as we were reminded just days ago, cannot be taken for granted.

IN REMEMBRANCE OF MR. JOSEPH
LECZNAR, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. Joseph Lecznar, Sr., a dedicated leader of Greater Cleveland's Polish community.

Joe was born to Anthony and Mary Lecznar on July 25, 1921 in the southern province of Lancut, Poland. After attending elementary and junior high school, Joe began working on his family's farm. He served in the Polish Armed Forces, 2nd Corps during World War II and was wounded in action. He fought in many battles throughout the War and was honored with many medals and commendations for his bravery. He transferred to England and was honorably discharged in 1947.

Following the War, Joe immigrated to Toronto, Canada and later Cleveland, Ohio to join his siblings. He attended the Westside Technical Center to study to become a tool and die maker. He worked for the Chrysler Corporation for 30 years, where he was awarded with a citation and plaque for excellence.

Joe was an active member of his community; in particular the Greater Cleveland Polish community. He was a member of the Polish Army Veterans Association of America, Alliance of Poles, Polish National Alliance, Polish Legion of American veterans, Association of Polish Women, Polish American Congress, Parma Polish American League, Foundations and Center of the 2nd Polish Corps and the Chopin Singing Society.

Mr. Speaker and colleagues, please join me in remembrance of Mr. Joseph Lecznar, Sr. I offer my condolences to his wife, Irene; four children, Joseph, Barbara, Daniel and Nancy; and nine grandchildren, Joseph III, Julie, Jessica, Nicholas, Lindsey, LeAnn, MacKenzie, Morgan and Macy.

HONORING CHRISTIAN CHURCH
HOMES OF NORTHERN CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the 50th Anniversary of Christian Church Homes of Northern California

(CCH). Since its debut in 1961, CCH has provided quality, affordable housing in creating caring communities for low-income seniors, as well as assisting its residents with accessing critical services to maintain their well-being.

It was the vision of church members in 1959 that led to the start of a committee that explored innovative ways to take action to the issue of fewer housing choices for seniors in northern California. In 1961, the committee moved forward to incorporate, and three years later, they received their first U.S. Department of Housing and Development (HUD) loan and began construction on Garfield Park Village in Santa Cruz, CA.

Today, CCH serves more than 6,000 residents in over 60 properties in six States—California, Colorado, Florida, Missouri, Oregon, and Texas. CCH employs around 450 experienced people and works with 350 dedicated volunteers to keep and maintain a high quality of life for its residents through community events, activities, and services such as fresh produce markets, “feel good bingo,” computer labs, wellness clinics, exercise rooms, and education workshops.

CCH takes pride in its Service Coordination Program that provides resident assessments and referrals to services that match the needs of the residents. Through the guidance of service coordinators, residents can access the resources available in the greater community, which ultimately can allow for extended ability to remain in their CCH community.

Moreover, CCH has been leading the “Aging in Place” movement that blends health and human service provisions into affordable senior housing. These features allow for our senior citizens to live comfortably and become better acquainted with their community, while maintaining dignity and independence.

As a private non-profit corporation, CCH has benefitted from leveraging public and private resources for affordable housing development. By accessing all available funding on the Federal, State, local, and private levels, it allows CCH to provide additional services and benefits to its residents. In addition, a majority of its communities are funded through HUD, and many communities offer Project-based Section 8 or other subsidy programs which allow residents to pay 30 percent of their income in rent.

On behalf of California’s 9th Congressional District, I want to extend my congratulations on this important milestone. I want to thank all of the many people who have contributed to the continued success of Christian Church Homes of Northern California. I wish you the very best.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes on September 12, 2011, which included roll call votes 699, 700 and 701.

If I had been present, I would have voted in favor of rollcall vote 699, H.R. 2076, the Inves-

tigative Assistance for Violent Crimes Act of 2011.

If I had been present, I would have voted in favor of rollcall vote 700, H.R. 2633, the Appeal Time Clarification Act of 2011.

Finally, if I had been present, I would have voted in favor of rollcall vote 701, H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

IN RECOGNITION OF THE LEVERETT JOHNSON HISTORICAL MARKER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Leverett Johnson Historical Marker being dedicated in Westlake, Ohio’s Evergreen Cemetery on September 15, 2011.

Leverett Johnson became the City of Westlake’s first settler in 1811 at the age of sixteen. On August 15, 1814, he married Abigail Cahoon, marking the first marriage in the City of Westlake. Leverett and Abigail raised nine children together in a cabin that he built.

Leverett was an active and dedicated member of his community. He served as the township trustee and treasurer for Westlake from 1815 through 1847. Additionally, he was Westlake’s Justice of the Peace from 1822 through 1833. He continued his political career and served as the Cuyahoga County Commissioner in 1829 and was elected to serve in the Ohio State legislature five times between 1837 and 1856.

In 1820, Leverett generously donated a piece of his land to the City of Westlake for the purpose of creating a cemetery, the Evergreen Cemetery. The Cemetery now serves as the final resting place for many of Westlake’s early settlers, including the Johnson family. It is one of Westlake’s most historic locations. Now, 200 years later, the Ohio Historical Society is honoring the City of Westlake’s founder, Leverett Johnson, and his legacy, with an Ohio Historical Marker.

Mr. Speaker and colleagues, please join me in recognition of the dedication of the Leverett Johnson Historical Marker.

COMMENDING TEXAS CITY, TEXAS ON ITS 100 YEAR ANNIVERSARY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. OLSON. Mr. Speaker, I rise today to commend Texas City, Texas on its one hundred year anniversary. Located alongside Galveston Bay, this city has made significant contributions to both the Houston and Texas economies. Congratulations to Texas City for a wonderful century of contributions to the Great State of Texas!

September 16th, 1911 marks the founding of Texas City. This city has grown from a sleepy town of 3,500 people in 1925, to a vibrant city of more than 45,000 people today.

Texas City plays a critical role in our state’s economy with its contributions to the shipping and petrochemical industries. The Texas City Industrial Complex is a leading center of the petrochemical industry.

The history and economic efforts of Texas City bring pride to our state. Congratulations to Texas City for one hundred years of excellence and to a bright future ahead.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall 700 and 701. Had I been present I would have voted “yes” and “yes” for these measures.

Bill	Rollcall No.	Vote
H.R. 2633—On Motion to Suspend the Rules and Pass as Amended	700	Yes
H.R. 1059—On Motion to Suspend the Rules and Pass	701	Yes

HONORING ALFRED L. PELOQUIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KILDEE. Mr. Speaker, I rise today with a heavy heart and deep sympathy to commemorate the life of a tremendous journalist and friend Alfred L. Peloquin.

Mr. Peloquin enlisted in the U.S. Army in 1943, where he was a 1st lieutenant and later promoted to captain in the U.S. Army Reserve. After a stint in Europe during WWII he became a reporter at The Bay City Times in 1946. He was later named city editor of The Times in 1959. In the 1970s he was named metro editor of The Saginaw News until 1981 when he was named editor of the Flint Journal, a job he held until his retirement in 1989.

During his time in journalism, Alfred Peloquin remained deeply involved in each community, serving as chairman of Bay City’s Planning Commission, Commodore of the Bay City Yacht Club, a member of the Bay City Ski Club, Bay City Industrial Development Committee, the Bay City Community Concerts Association and Chairman of the United Fund Campaign. In Flint, he helped establish the former Alliance for Greater Flint and the community-wide World of Difference anti-prejudice program. He also created a high school workshop for minority journalists.

Shortly after his retirement, he joined the Flint AARP chapter and held a variety of posts with the local and Michigan AARP. Mr. Peloquin was active in AARP from April 1990 until December 2005 and his positions include Chairman of the AARP Michigan State Legislative Committee and member of AARP’s Executive Leadership Council. In the 90s, he

was also vice chairman of the Bay City Planning Commission, director for Jennison Hardware Co., a member of the Steering Committee for the Bay County Civic Arena and a member of the Community Round Table on Care for the Patient with Dementia. He sponsored numerous seminars and public forums addressing civic responsibility and good government and he continued to share his wisdom and knowledge to aspiring journalists throughout his retirement.

Mr. Speaker, I would like to offer my deepest sympathies to the Peloquin family and my gratitude for having met Alfred. I am a better person for knowing him and our community is better because of his tireless and dedicated work.

RECOGNIZING THE 20TH ANNIVERSARY OF UKRAINE'S MODERN INDEPENDENCE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the twentieth anniversary of Ukrainian independence. Twenty years ago Ukraine succeeded from the Soviet Union and on August 24, 1991 asserted its independence. For the first time since 1921, Ukraine was once again free. The Western world and in particular the United States welcomed Ukraine's sovereignty and its pursuit of democratic ideals.

Ukraine as a new nation has achieved much in the short time. Ukrainians enjoy the ability to share with the world their language, culture, history, and heritage without fear of persecution. During the Orange Revolution of 2004 the world saw Ukrainians united to uphold the sacred belief that in a democracy the will of the people must be fulfilled.

As we look back, we must remember that the path to democracy faces difficulties. Ukraine still struggles with its past, both inside and outside its borders. Legacies of the Soviet Union can still be seen in Ukrainian politics today. Political opponents have been intimidated and journalists harassed. Ukraine struggles to maintain civil liberties and the national identity of Ukraine has been endangered. Russia continually attempts to subjugate Ukraine by threatening Ukrainian territorial integrity, attempting to create Ukrainian reliance on Russian energy, and threatens Ukraine's pro-European ambitions. There are many challenges in democratization, but with the will of the Ukrainian people and the support of the world they can be realized.

On this twenty-year anniversary of independence I would like to offer my best wishes to all Ukrainians around the world who join us in celebrating this great milestone. It is important that we all reaffirm our strong commitment to Ukraine's independence as well as our tireless efforts to help democracy live strong in Ukraine.

IN RECOGNITION OF COGSWELL HALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Cogswell Hall, a permanent housing residence for low income adults facing critical life challenges.

Founded by Mrs. Benjamin Cogswell in 1889, Cogswell Hall evolved from her earlier advocacy work as leader of the Women's Christian Temperance Union (WCTU). In 1878 Mrs. Cogswell formed the Missionary Committee of the Open Door to provide young women temporary shelter, training, employment services, and spiritual guidance. However, she soon realized that these women needed a permanent residence and the Home of Friendless Girls was established.

The Training Home for Girls continued to operate. After several moves, it settled at its current location on Franklin Boulevard in 1914. In 1952, the Training Home for Girls was renamed Cogswell Hall in honor of its founder. Cogswell Hall has also adapted its mission several times, expanding its clientele from adolescent girls to women of all ages with limited incomes and disabilities.

Today, Cogswell Home's mission is to "provide safe, affordable housing and supportive services to adults of limited income facing critical life challenges who may otherwise be homeless." They serve as a permanent home for adult men and women facing life struggles ranging from developmental and physical disabilities to mental illness and addiction to abuse and HIV/AIDS.

Mr. Speaker and colleagues, please join me in recognition of the Cogswell Hall, as they continue to serve as a safe haven for Greater Cleveland's disadvantaged.

IN HONOR OF CAPTAIN GORDON ROSS NAKAGAWA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. FARR. Mr. Speaker, I rise today to pay tribute to a true American hero. Captain Gordon Ross Nakagawa was a career naval officer who completed his life journey with incredible dignity and grace on August 23, 2011. He was just 77 years old. Gordon's golden spirit was admired by many and will be deeply missed. I count myself privileged to have known him and know that his memory will be with us for generations to come.

Gordon was born on June 13, 1935 in Auburn, California. In 1941, Gordon, his parents Bunny and Harriet, and two brothers were sent to an internment camp at Tule Lake, California, and later to a farm labor camp in Caldwell, Idaho. In 1945, they returned to California where Gordon attended elementary school in Lincoln. There he first set eyes on his wife Jeanne. He graduated from UC Berkeley, where he served as the NROTC Midshipmen Battalion Commander.

On February 7, 1958, Gordon received his commission as an ensign in the United States Navy. He was designated a Naval Aviator in August 1959, earning the coveted Naval Aviation "Wings of Gold." After receiving a master's degree in electrical engineering from the Naval Postgraduate School (NPS) in 1966, he was selected to fly Navy jets. He flew 185 combat missions in an A-6 Intruder. In December 1972, during Operation Linebacker II, his aircraft was struck down by enemy fire in North Vietnam. The North Vietnamese held Gordon as a prisoner of war at the infamous "Hanoi Hilton" until his release on March 28, 1973.

Gordon's service in the Navy continued until September 1989. During his career, he helped develop tactics to protect carrier groups, taught at the United States Naval Academy, and coordinated all major design competitions for U.S. Naval Aviation. He ended his active duty career as Chair of Tactical Analysis at NPS. Gordon was awarded two Legions of Merit, two Bronze Stars, two Purple Hearts, two Meritorious Service Medals, Distinguished Marksman (Rifle) Medal, Distinguished Pistol Medal, Prisoner of War Medal, and various other campaign, service, and individual awards.

Active duty retirement did not end Gordon's public service career. He continued to educate our service members at NPS and served on the Monterey Peninsula Unified School District Board for over 8 years. He was an active member in numerous organizations including the Military Officers Association of America, Naval Postgraduate School Foundation, the Marina Foundation, the Veterans Transition Center, and the Central Coast State Veterans Cemetery. His commitment to his community was honored by being named the 2004 Monterey County Veteran of the Year, and sharing the 2006 Marina Citizen of the Year with his wife.

Gordon's life is a great American story. He was a hero who defended our nation with valor, an esteemed educator who shared his knowledge with generations of students, and he was a strong leader in the community who led by example. Above all, he was a devoted husband to Jeanne; a loving father to Gregory, Kathleen, and Steven; and a caring grandfather to Ryan, Graham, and Tait.

Mr. Speaker, I speak on behalf of the whole House when I extend my deepest sympathies to the family of Captain Gordon Ross Nakagawa, and extend to them the gratitude of the nation.

COMMEMORATION OF THE SERVICE OF JUKE VAN OSS

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. HUIZENGA of Michigan. Mr. Speaker, I would like to honor Juke Van Oss's 60 years of broadcasting on WHTC 1450 in Holland, Michigan. On Aug. 9, Juke celebrated 60 years of service to the station and his community.

Juke's work in radio began during World War II in the Philippines and Korea. No doubt,

his service transmitting codes and protecting radio equipment helped coordinate American troops against the great foes of National Socialism and Fascism. For any American, this service should be more than sufficient to earn the gratitude of others, but Juke further endeared himself to the people of West Michigan with his work during peacetime.

After the war, Juke attained his amateur license and became a radio engineer for WHTC at the age of 27. Juke recognized that radio is a medium like no other. Nothing else commands such great respect for the spoken word, and Juke soon learned to inspire that respect in listeners throughout the community. One morning, the scheduled announcer failed to arrive on time so Juke took a seat at the microphone. An instant favorite of listeners, Van Oss began hosting his own morning show, and for the past 45 years he has hosted "Talk of the Town." Juke became a local celebrity in the Holland area as thousands of families invited him into their homes, and men and women enjoyed his company during their daily commutes. Juke used radio to knit together and tighten a community. He helped make national issues local, and local people neighborly.

Mr. Van Oss is not only a radio personality, but a community servant. He served as a member of the Saugatuck Schools Board of Education and Village Council, including three years as Mayor, as well as President of the Chamber of Commerce and a seat on the Region 8 Criminal Justice Planning Council. I fervently wish for every community in our Nation their own Juke. Mr. Speaker, please let it be known that on this Sept. 16, 2011, that the U.S. House of Representatives acknowledges the achievements of Mr. Van Oss and wishes him the best in his future years in broadcasting.

TRIBUTE TO KIDNEY DISEASE AWARENESS WEEK

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. OWENS. Mr. Speaker, I rise today to honor the American Nephrology Nurses Association as well as all those involved in the annual Kidney Disease Awareness Week, which took place this year from August 8th through August 12th.

There are over four hundred thousand Americans who have irreversible kidney failure, and the only treatment for this disease is dialysis or kidney transplantation. However, transplants are limited due to the shortage of donors, and the majority of patients who suffer from this forgotten ailment must undergo regular dialysis treatments.

The leading causes of end-stage kidney disease (ESRD), a disease that 24,000 New Yorkers suffer from, are Hypertension and Diabetes. An additional 15,000 people in my state suffer from these two ailments and are at risk of ESRD. Despite these staggering numbers, debilitating kidney diseases are typically forgotten.

Our area Nephrology Nurses play a fundamental role in providing our sick with dialysis

and related treatments in my community and across the entire country. I applaud them for their efforts to contribute to the overall health of our nation.

Mr. Speaker, I thank the American Nephrology Nurses Association for their work to treat these diseases and urge every American to observe Kidney Disease Awareness Week this August.

CONGRATULATING STREET SOCCER USA ON THE OCCASION OF THE 4TH ANNUAL STREET SOCCER USA CUP

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize Street Soccer USA—a leader in sports-based youth development for the least-served in our country—on the occasion of its 4th Annual Street Soccer USA Cup that was held here in Washington, D.C. this summer.

Street Soccer USA is an effective and innovative organization which builds trust through sports to better leverage existing social services in communities across the U.S., enhancing their outcomes and tying the greater community to the issues of homelessness and poverty in a new way. Building on the basic sports platform, Street Soccer USA creates a positive community around people who are homeless, dramatically transforming their lives.

SSUSA uses team sports to deliver job and life skills training and other specialized services, ultimately connecting participants directly to jobs, education, and housing. It has a broad coalition of implementing parties in 18 cities across the United States, including the Foundation for Change in Montgomery County in my district. The program's systemic approach is designed to build trust, self-esteem, discipline, and basic financial literacy. Mentoring and goal setting practices are designed to transform lives and address barriers like drug addiction and mental instability head on.

In 2010, SSUSA launched a research initiative with four universities to examine the impact of sport based programming on marginalized populations and looking both at the impact of its 265 day a year programming and its single day events.

Since its creation in 2007, SSUSA has a history of success including 410 players placed in jobs and housing through 18 programs across the country. 92 percent of participants show a new motivation for life, and 75 percent pursue further education, address substance abuse issues, reconnect with family, or address mental health issues.

This June, members of the Montgomery County program joined over 200 athletes overcoming homelessness from 18 cities across the United States to compete alongside an estimated 500 youth, adult, and corporate team players as part of the nation's premier sport for social change event in D.C. The Cup attracted national media attention and participation from professional athletes, and involved grassroots outreach throughout the Spring and Summer. I am proud that the Montgomery

County team took home a second place finish to the Street Soccer Minneapolis team during a hard-fought battle that ended in overtime penalty kicks.

Top achievers on and off the field were selected to represent the United States men's and women's teams at the 56 Nation Homeless World Cup in Paris, France in August.

Two members of the Montgomery County program, Salvador "Chamba" Matos and Alvaro Gonzales, were among the 16 chosen from 8 different cities to represent our country in Paris. Both have returned safely and are now employed, housed, and using their free time to help others who are in the situation where they once found themselves.

Mr. Speaker, I ask my colleagues to join me in congratulating all of this year's participating Street Soccer USA Cup teams and the players chosen for the national teams. They are among a distinguished group of individuals dedicated to improving their lives.

I also want to recognize SSUSA's entire staff of employees and volunteers, who work so hard to strengthen their organization and help so many, and extend to them my best wishes for many successful years ahead. They are demonstrating that ending homelessness is a team sport.

RECOGNIZING ORANGE COUNTY'S 1ST ANNUAL STAND DOWN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to proudly recognize the First Annual Orange County Stand Down to be held in Santa Ana, California on September 17–18, 2011. Nationally, it is estimated that one-third of the homeless population in the United States are veterans of the United States Armed Forces, many of whom face a constant battle with the effects of their time in service to our nation. There are approximately 5,000 veterans residing within the borders of Orange County that currently experience some form of homelessness during the year.

This event will create a "one-stop" environment for these homeless veterans and their families to receive basic social services such as veterans benefit assistance, mental health and substance abuse counseling, along with housing and employment placement assistance. The first Orange County Stand Down expects to serve approximately 400–500 of the county's homeless veterans and their families, many of whom have served their country valiantly in theaters of combat ranging from World War II to the current wars in Afghanistan and Iraq. Attendees of the Stand Down will be able to receive hot showers, new clothing, hot meals and a chance to bond with their fellow veterans.

Veterans First, a community-based organization in my district that serves homeless veterans along with other community groups and government entities such as the United States Veterans Administration (VA), State of California Employment Development Department (EDD) and Department of Motor Vehicles

(DMV), the County of Orange, the American Legion, Elks Lodge, American GI Forum, the American Red Cross, and Furnishing Hope, have come together to serve a group of brave individuals who have fought for the freedoms we value and cherish.

I would like to recognize the First Annual Orange County Stand Down and commend its mission to restore honor to our homeless veterans and assist them in rebuilding their lives.

As ranking woman on the Armed Services Committee, I would like to extend best wishes of success to the First Annual Orange County Stand Down in the hopes that it will become a sustainable annual event to assist our homeless veterans until all of our heroes are no longer on the streets.

HISPANIC SERVING INSTITUTION WEEK, SEPTEMBER 19-25, 2011

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize the important role that Hispanic Serving Institutions (HSIs) play in educating our nation's students. And I congratulate those institutions for their efforts as HSIs across the country celebrate National HSIs Week next week, September 19-25, 2011.

Hispanic Serving Institutions play an important role in educating many underprivileged students and helping them attain their full potential through higher education. National Hispanic-Serving Institutions Week recognizes the contributions of these exemplary institutions at the forefront of service to our nation's youngest and largest ethnic population. It is significant that we pay tribute to them for their commitment to secure academic access, equity, excellence and success for every American.

Hispanic-Serving Institutions provide hope and opportunity to America's diverse communities of learners, reflecting the belief that every American should have access to a college education. While HSIs constitute less than 5 percent of America's institutions of higher education, they enroll 50 percent of all Hispanic Americans enrolled in colleges and universities.

This year also marks the 25th Anniversary or Silver Anniversary of the Hispanic Association of Colleges and Universities (HACU), an association working to improve the capacity of HSIs to help students succeed across our nation.

In honoring the many contributions of Hispanic-Serving Institutions (HSIs), we recognize the critical role that HSIs play in providing quality educational opportunities to Hispanics and to all other students who attend these institutions.

Congratulations to HACU and to the nation's Hispanic Serving Institutions, and thank you for your service to our communities and your contributions to higher education.

THE INTRODUCTION OF THE FEDERAL EMPLOYEE SHORT-TERM DISABILITY INSURANCE ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the Federal Employee Short-Term Disability Insurance Act of 2011. This bill will offer federal employees short-term disability insurance at no cost to the federal government. Employees will be responsible for 100 percent of the premiums. If federal employees elect to purchase the short-term insurance provided for in my bill and they become injured or ill because of a non-work related injury or illness, federal employees will be able to collect disability insurance benefits, for up to one year, to replace a portion of their lost income.

I decided to investigate how we could provide short-term disability insurance to federal employees after learning that many of them already buy short-term disability insurance in the private market at high individual rates. Although federal employees have good health insurance, federal health benefits do not replace lost income if employees are unable to work. And, while federal employees may have limited available sick or annual leave days, these are often insufficient to cover the costs of an employee's living expenses if he or she has to be out of work for an extended period of time. Moreover, although there are long-term disability options for federal employees who become permanently disabled, federal employees do not qualify if they have not worked for at least 18 months. My bill does no more than put federal employees in the same position as their private sector counterparts, who have access to disability insurance at group rates. The bill will not allow participating employers to exclude persons based on pre-existing conditions. And, because of the federal government's purchasing power, the bill will provide all of these benefits at a more competitive rate than is available if the employees seek such insurance as an individual.

According to the Social Security Administration, studies indicate that a 20-year-old worker has a 30 percent chance of becoming disabled by retirement age. The majority of disabilities are not caused by major accidents, but by conditions or illnesses such as cancer or back injuries, according to the Council for Disability Awareness.

I strongly urge my colleagues to support this bill.

**LANDAU ENGINE MURPHY, JR.
AMERICA'S GOT TALENT WINNER**

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. RAHALL. Mr. Speaker, America has voted. The Nation voted for a winning combination of humility, hard work, life-long dream, and finely tuned talent. Today, I join with my

friends in Logan County and all throughout West Virginia in congratulating Landau Eugene Murphy, Jr., this year's winner of NBC Television's "America Got Talent."

Landau's journey is a true American success story. Coming from humble beginnings, he worked hard, never lost faith in his Lord, and always remained determined to pursue his dream.

I believe what Landau accomplished last night should stand as an example to every young person throughout this great Nation. He has shown them that they should always set their goals high and work until they get there, and indeed, if you should take some blows, just let the record show, you did it your way.

I send my very best to Landau, his lovely wife, Jennifer, and their family as they begin this new and exciting journey in their lives. I know that Landau remains as humble today as he was when he first took the stage at the Logan County Arts and Crafts Fair's annual talent show some years ago.

I would like to commend the Logan County Chamber of Commerce, the Hatfield and McCoy Convention and Visitors' Bureau, and Diana Barnette and all the fine folks at Fountainplace Cinema 8 in Logan for their support of our hometown hero. As we always have in West Virginia, we stand behind and support our own, and the work these organizations and individuals have done is phenomenal. Undoubtedly, their efforts were instrumental in Landau's victory.

Mr. Murphy accepted his victory with the hugs and "high fives" of his competitors, the hallmark of good sportsmanship. Throughout the weeks of competition he often spoke of his respect and compassion for, and friendship with, his opponents—a timely lesson for us all.

I hope my colleagues will congratulate all those whose talent carried them to the final weeks of a long competition. And, I thank America for recognizing a true talent in this fine son of West Virginia. Thankfully, we will be hearing a lot more from Landau Eugene Murphy, Jr., for many more years to come.

IN RECOGNITION OF GARY YATES

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Gary L. Yates for providing two decades of leadership in health philanthropy through his work at the California Wellness Foundation.

After three years at Children's Hospital Los Angeles, Mr. Yates joined the Foundation as a senior program officer in 1992, was named the Interim President in 1994 and President and CEO in 1995.

Mr. Yates received his B.A. in Government from American University and his Masters in Counseling Psychology from the University of Northern Colorado. He also served in the United States Army from 1968-1970. He is a licensed marriage, family, child therapist and a clinical assistant professor of pediatrics at the University of Southern California Medical School where he trains doctors, psychologists, and social workers on how to work with adolescents. In brief, he is dedicated to improving health outcomes for those most in need.

Since joining the TCWF, Mr. Yates has worked tirelessly to create, lead and support initiatives to improve health and decrease violence throughout the state of California. In 1992, he led TCWF's first proactive grantmaking program, a 10-year, \$60 million Violence Prevention Initiative. His approach to grantmaking has ensured that funds reach the right people, places, and causes, such as environmental health, violence protection, teen pregnancy prevention and women's health.

Mr. Yates' commitment to philanthropy can only be described as inexhaustible and inspirational. He also serves as a member of the board of Independent Sector and is co-chair of Voices for Philanthropy, a project of the Philanthropy Roundtable. He has previously served as the treasurer of Hispanics in Philanthropy, vice-chair of the boards of the Council on Foundations and Independent Sector, and chair of the boards of Grantmakers in Health, the Foundation Consortium, and Southern California Grantmakers.

During his time at TCWF, Mr. Yates has received many prestigious awards and honors, and this fall he will be recognized by the Center for Community Health and Well-Being, the California Primary Care Association and the National Hispanic Health Foundation.

It has been a personal privilege to work with him on a myriad of issues over the years, especially women's health.

Mr. Yates and his wife Ann are the proud parents of five sons.

Mr. Speaker, it is right to honor Gary L. Yates for his tireless dedication to the people of California upon the occasion of his retirement on September 14, 2011, after 19 years as a leading health philanthropist.

TRIBUTE TO DR. EDWARD A.
SHELDON

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. OWENS. Mr. Speaker, I rise today to honor and remember the life of Dr. Edward A. Sheldon, founder of Oswego State University in New York, as we celebrate the college's 150th anniversary.

A native of Perry Center, New York, Dr. Sheldon spent decades devoting his life to the New York education system by organizing and spearheading an educational system accessible to all children. Throughout the years, he served as a teacher, superintendent, and secretary of the board of education in Oswego, NY. In 1861 he founded the Oswego Primary Teachers' Training School, known today as Oswego State University. Serving as President until 1897, he worked to transform the subject matter and methods of formal education and to extend educational opportunities to all children.

Through his lifetime, Dr. Sheldon garnered national attention creating the Oswego method of object training. His time spent working to enhance the quality of education in Upstate New York provided a strong foundation for countless students and teachers.

Mr. Speaker, I rise today to honor and remember the life of Dr. Edward A. Sheldon and

congratulate Oswego State University on their 150th year.

HONORING MAYOR JOHN HAMM III

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the dedicated community service of Madison, Illinois Mayor John Hamm III as he is recognized for his lifetime of community service by the Southwestern Illinois Chamber of Commerce of Madison County.

As the Executive Director of the Madison County Housing Authority, John has taken the Authority to a new level of activity, constructing hundreds of new residential units and communities in southwestern Madison County. He has overseen the redevelopment of numerous homes and properties and created new housing opportunities for the people of our area. He has helped break ground and redevelop new housing facilities for seniors and low to moderate income families, giving many families a place to call home.

Mayor Hamm has been a consistent, active participant in community service for Southwestern Illinois serving as a municipal representative on the Southwestern Illinois Metropolitan Area Planning Commission and East West Gateway Council of Governments.

Both he and his wife, Carol, have been longstanding community supporters of Madison's schools and are active with sports groups, booster clubs and many service organizations within the community.

In his longstanding roles, first as a City Council Member in 1987 and then as Mayor of the City of Madison beginning in 1997, Mayor Hamm has been a champion for his local community. He has undertaken aggressive steps to rid the community of over 100 derelict properties and has worked tirelessly to bring in new businesses, such as Abengoa Bio Energy, Mattingly Lumber and Gateway International Raceway. He has been successful in securing both state and federal grants and funding for a new fire station, parks and walking trails and was instrumental in securing the Chain of Rocks Bridge as a tourist destination.

As a Commissioner of the Tri City Regional Port District since 1997, Mayor Hamm has been an active leader in developing the Port District, working with my office to help in the transfer of the former U.S. Army Charles Melvin Price Support Center to the Port in 2000. During the last several years, over \$325 million in both public and private investment has been made at the Port with an annual economic impact of over \$200 million to the regional economy.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Mayor John Hamm in recognition of his years of service as a community leader and to wish him and his family the very best in the future.

A TRIBUTE TO DOLORES REID
BARKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Dolores Reid Barker, a charismatic Brooklynite who carries the energy to inspire and motivate others.

Ms. Dolores Reid Barker is a native of Colon, Panama but was raised in the Costa Rican province of La Lola by her maternal grandparents. Ms. Barker received her primary and secondary education in Costa Rica before migrating to the United States to pursue her quest and rich interest in attaining advanced degrees. With dedicated and focused attention, Ms. Barker obtained her Bachelor of Arts Degree from Brooklyn College, a Masters Degree in Special Education from Long Island University, and a second Masters in Educational Administration and Supervision.

Through her academic achievements, Ms. Barker developed a relentless focus on the student-teacher relationship as a prerequisite for sustained student success. It was this emphasis that drove Ms. Barker to assume the first of several positions in the academic environment as a bilingual teacher, eventually becoming staff developer/resource specialist and assistant principal. It is of most importance to Ms. Barker that she clearly communicates her vision of high achievement and teacher accountability in order to build a positive rapport with the parents of children. Ms. Barker currently holds the position of principal of one of New York City's elementary schools, PS 95 Queens, where she raised the schools' evaluation from mediocrity to high achievement.

Within her community Ms. Barker is very active with her Seventh Day Adventist church and several organizations. The organizations Ms. Barker works with include the Concerned Women of Brooklyn Inc., the National Association for the Advancement of Colored People, Phi Delta Kappa, The Interfaith Medical Auxiliary and Assistant Coordinator of the New York State Geography Bee.

She has also been the recipient of many awards for her ardent advocacy for teaching, learning, and leadership. The latest two were the Certificate of Excellence which was presented to her by the Community District Education Council, and Educator of the Week which was featured on Univision, Channel 41 New York.

A piece of inspiration that motivates Ms. Barker is found in Philippians 4:13, "I can do all things through Christ who strengthens me." Mr. Speaker, I would like to recognize Ms. Dolores Reid Barker for her contribution to the education of Brooklyn students and the community.

COMMEMORATING THE NATIONAL
RECONNAISSANCE OFFICE'S 50TH
ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to commemorate the 50th Anniversary this month of the National Reconnaissance Office. The National Reconnaissance Office was secretly created in 1961 in response to the Soviet launch of Sputnik with the purpose of overseeing "all satellite and overflight reconnaissance projects whether overt or covert." This information was Declassified to the public in 1992. Today the NRO is in charge of designing, building, launching, and maintaining the United States of America's intelligence satellites. When the United States needs eyes and ears in critical places where no human can reach—be it over the most rugged terrain or the most hostile territory—we turn to the National Reconnaissance Office.

We are proud to applaud the National Reconnaissance Office for recently completing one of the most aggressive launch campaigns since its inception by launching six complex satellite systems in only seven months. With fewer people and less infrastructure than in years past, this great accomplishment is a testament to the diligent National Reconnaissance Office program teams and the essential collaborative launch efforts with the United States Air Force and the talented workforce they draw from across the Department of Defense and the Intelligence Community. Whether creating the latest innovations in satellite technology, contracting with the most cost-efficient industrial supplier, conducting rigorous launch schedules, or providing the highest-quality products to our customers, these successful launches prove the National Reconnaissance Office's never-ending commitment to protect our Nation and its citizens.

As one of the 16 Intelligence Community agencies, the National Reconnaissance Office is a hybrid organization consisting of some 3,000 personnel that is jointly staffed by members of the Armed Services, the Central Intelligence Agency and Department of Defense civilians. Headquartered in Chantilly, Virginia, the National Reconnaissance Office launches from Cape Canaveral, FL and Vandenberg Air Force Base, California, while maintaining ground station operations in Virginia, Colorado, New Mexico, the United Kingdom, and Australia. This unique composition and placement of the National Reconnaissance Office workforce allows for launching and operating the most technically-capable systems to continued operations of legacy satellites in order for the United States to remain the premier space reconnaissance organization in the world.

Together with other Defense Department satellites, National Reconnaissance Office systems play a crucial role in providing: global communications, precision navigation, early warning of missile launches and potential military aggression, signals intelligence, and near real-time imagery to United States forces in support of the war on terrorism and other con-

tingency operations. Additionally, National Reconnaissance Office satellites have played an ever increasing role in supporting civil customers, assess crop production, map habitats of endangered species, track oil spills, and study wetlands.

Through continued vigilance from above, the National Reconnaissance Office provides America's policymakers, intelligence analysts, warfighters and homeland security specialists the critical information they need to keep America safe, secure, and free. For these many achievements, I join my colleagues in congratulating the men and women who support the National Reconnaissance Office on 50 years of outstanding service to our nation and may they continue on this path to reach even greater milestones in space reconnaissance for years to come.

RECOGNIZING CONSTITUTION DAY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize the importance of Constitution Day, happening this Saturday, September 17, 2011, celebrating the 224th anniversary of our Founding Fathers' signing of the Constitution. Constitution Day gives us an opportunity to reflect on the past success of our founders in the form of the Constitution, the two centuries of progress since, and the future promise of the United States under the guidance of the document given to us in 1787.

Constitution Day reminds us to review the whole document and what it means to our country, and shows that support for the Constitution requires more than chanting slogans at a political rally. Calling yourself a "strict constitutionalist" means nothing if you don't bother to read the entire Constitution and fight for everything it includes, not just the portions that fit neatly with your personal political philosophy.

As an Iowan, and a student of the Constitution for more than 30 years, I take pride in repeating our state's motto: "Our Liberties we prize and our rights we will maintain." Constitution Day gives us an opportunity to reflect on the document that prizes our personal liberties and preserves our rights in a system of laws that recognize the individual spirit of every American, and has made our Nation a shining beacon in the world. The development of the Constitution has recognized the rights of all men and women, and created a system of equality that has helped our Nation move past prejudice and discrimination in some of our darkest hours.

Constitution Day gives us an opportunity to reflect on the system of justice for all by creating an impartial judiciary and a system of law that recognizes the rights of every citizen to file a grievance against their government or fellow man. It lets us reflect on the goals of a responsive executive, a representative legislature, and a responsible judiciary working on behalf of all citizens to preserve their rights, respect their liberties, and allow for progress. It reminds us to all work harder to support the progress of the United States.

I ask all my colleagues and constituents to join me in recognizing Constitution Day and reflecting on the lasting work of the Founding Fathers.

RECOGNITION OF THE 50TH WEDDING
ANNIVERSARY OF
CHARLES AND ELIZABETH SES-
SIONS OF PACE, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Charles and Elizabeth Sessions on the occasion of their 50th wedding anniversary.

Charles and Elizabeth Sessions were married on September 15, 1961 by Reverend Bo Lowery at Pace Assembly of God. Charles and Elizabeth are deeply rooted in Northwest Florida and are lifetime residents of Pace, Florida. As active members in the local community, they were entrepreneurs and owned several businesses in the area. Charles won the first Pace Pioneer Award from the Pace Chamber of Commerce and served on the first planning board for Santa Rosa County, all with Elizabeth by his side.

Charles and Elizabeth are parents to three children, Greg and twins Kim and Ken; and have two grandchildren, Chloe and Brandon. Now retired, Charles and Elizabeth enjoy spending their time with their family, traveling, and their favorite pastime—fishing on Lake Kissimmee or on the river in Camden, Alabama.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Sessions on their 50th wedding anniversary. They are truly an outstanding family from the First District of Florida. My wife Vicki and I wish their entire family all the best.

A TRIBUTE TO DECORAH HIGH
SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the excellence in education in Iowa, and to specifically congratulate Decorah High School in Decorah, Iowa. The United States Secretary of Education Arne Duncan announced today that Decorah High School has made the list of the Nation's 2011 Blue Ribbon Schools.

The Blue Ribbon Schools Program honors public and private elementary, middle and high schools that are either academically superior or that demonstrate dramatic gains in student achievement. In the words of Secretary Duncan, "National Blue Ribbon Schools are committed to accelerating student achievement and preparing students for success in college and careers. Their success is an example for others to follow."

Decorah High School is among the state's highest performing schools. Decorah High School students scored in the top ten percent in Iowa with at least 40 percent of their students from disadvantaged backgrounds improving their performance on state assessments or nationally normed tests. Additionally, the students at Decorah High School averaged a full three points higher on their ACT scores than the national average.

Decorah High School's principal Kim Sheppard and one additional teacher will be invited to Washington, DC for the awards ceremony, to take place on November 14th and 15th. At this ceremony, Decorah High School will receive a Blue Ribbon Schools plaque and a flag to signify its elite educational status.

I consider it a great honor to represent Decorah High School Principal Kim Sheppard, the teachers, students, school board members and administrators of the Decorah Community School District in the United States Congress. I wish Decorah High School continued academic excellence as they provide a positive impact on future leaders of our state and country.

A TRIBUTE TO SERGEANT DAKOTA MEYER

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor Sergeant Dakota Meyer, U.S. Marine Corps, who has virtuously served the United States and the Commonwealth of Kentucky.

Today, Sgt. Meyer will receive the Medal of Honor, the nation's highest medal for bravery, for his courageous actions while serving as a member of the Marine Embedded Training Team 2-8, Regional Corps Advisory Command in Kunar Province, Afghanistan in support of Operation Enduring Freedom.

On Sept. 8, 2009, Meyer's actions saved the lives of 13 U.S. troops and 23 Afghan soldiers.

Taliban insurgents were dug into the high ground and hidden inside a village, pouring down deadly fire at Afghan forces and their American advisers. Armed militants swarmed the low ground to try to finish off the troops.

Meyer's team was pinned down near the village. Defying orders to stay put, Meyer set himself in the turret of a Humvee and rode straight into the firefight, taking fire from all directions. He went in not once, but five times, trying to rescue his comrades.

During about six hours of chaotic fighting, he killed eight Taliban militants and provided cover for Afghan and U.S. servicemen to escape the ambush.

We owe our freedom to exceptional soldiers, like Sgt. Meyer, whose bravery and heroism, and the bravery of those who he fought alongside of, will forever be remembered and appreciated.

I ask my colleagues to join me today in honoring Sergeant Dakota Meyer for his steadfast commitment to the U.S. Marine Corps, his fellow soldiers, his nation and the Commonwealth of Kentucky.

RECOGNIZING THE ACHIEVEMENTS OF MR. RALPH D. REID

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Ralph D. Reid, Vice President of Corporate Social Responsibility (CSR) for Sprint Nextel. In Ralph's role, he has responsibility for Community Affairs, Employee Engagement and Volunteerism, CSR strategy and operations, and Corporate Diversity and Inclusion. He also directs Sprint's philanthropic activities as President of the Sprint Foundation and works diligently for the residents of the Fifth District of Missouri, which I am honored to represent. This week, Mr. Reid is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri and the nation.

Ralph graduated from Oakwood College in Huntsville, Alabama with a Bachelor of Science in Business Administration and Accounting. He received his Law Degree from the University of Missouri—Kansas City. Ralph is currently President—Board of Directors of the Kansas City Downtown Minority Development Corporation, and the Vice President—Board of Directors of the Kansas City United Community Action Agency. He has served on multiple boards, including the Greater Kansas City Chamber of Commerce, the United Way of Greater Kansas City, the Salvation Army, the Greater Kansas City Urban League, Boys and Girls Club of Greater Kansas City, the Kansas City Repertory Theater, Oakwood College, Park University, and the Shawnee Mission Medical Center. He serves with me as a Trustee of the National World War I Museum Board. Mr. Reid was recognized by Savoy Magazine as one of the 100 Most Influential African Americans in Corporate America for 2010.

For those reasons and more, it is indeed an honor and privilege to recognize Mr. Reid's contributions to the State of Missouri and induct Mr. Ralph Reid into the Missouri Walk of Fame at its annual reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Mr. Ralph D. Reid and commending him on his induction into the Missouri Walk of Fame. Further, the entire State of Missouri is better because of his endless commitment to serving the residents of the State of Missouri and the Greater Kansas City Metropolitan Area. He is a true role model, not just to the African-American community in Missouri, but to the entire nation. May his success serve as a stepping stone for Kansas Citizens in general and African Americans in particular who are eager to become as successful in their chosen profession and community activism.

50TH ANNIVERSARY OF BECTON, DICKINSON AND COMPANY

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to recognize the 50th anniversary of Becton, Dickinson and Company (BD) in Canaan, CT. BD is an example of an innovative corporation who provides hard working Americans with high quality manufacturing jobs. Starting with only 8 associates in 1961 in a 25,000 square foot facility, BD's footprint in Canaan has expanded 8 times and now employs over 350 people, making it the largest employer in the community.

BD has been a world leader in medical technologies throughout the company's history. In 1925, BD patented the Yale Luer-Lok syringe, which provides a simple and secure way to lock a needle onto a syringe. To this day, the Luer-Lok connector is still the standard for syringes in the United States.

Continuing to revolutionize the medical industry, BD created the world's first disposable plastic syringe, the BD Plastipak, which was exclusively manufactured at the Canaan facility. The Canaan manufacturing facility in 2002 became the first site to manufacture BD's newest syringe, the BD Integra, which is spring engineered to eliminate accidental needle-sticks and provide great dosing accuracy. The facility is the largest manufacturer of disposable syringes in the world, producing approximately two billion syringes annually.

Further, BD has been a great example of corporate social responsibility in Connecticut. The company served as the corporate sponsor for Juvenile Diabetes Research Foundation in order to raise money in Northwest Connecticut for diabetes research. BD has donated generously to The United Way, and also mentors students from Housatonic Valley Regional High School. In 2007, BD was named to Ethisphere Magazine's inaugural list of most ethical companies, and has since placed on the list every year.

In reflection of the 50th anniversary of BD in Canaan, CT, I ask my colleagues to join me in recognizing and honoring a company that has truly transformed the medical technology industry.

HONORING YOUTH WHO REPRESENT JUNIOR ACHIEVEMENT OF SOUTH FLORIDA

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. DEUTCH. Mr. Speaker, I rise today in honor of the outstanding youth who represent Junior Achievement of South Florida, and their effort to foster an understanding of the United States Constitution in our community.

Junior Achievement is a non-profit organization that provides thousands of students across the world with a series of business, economics, free-enterprise, and life-skills programs. In South Florida, the young people of

Junior Achievement are truly shining through their work to bring the Spirit of Freedom Experience to the Junior Achievement World Huizenga Center at Broward College. Envisioned by President Ronald Reagan, the Spirit of Freedom Experience aims to boost reverence for the founding principles of our nation by presenting bronze plaque replicas of the U.S. Constitution and the Bill of Rights to communities across America. The efforts of these Floridians will culminate during this year's Constitution Week as five plaques, representing our nation's founding documents, will be unveiled to the South Florida community.

Among those present to recognize the work of Junior Achievement and to commemorate the unveiling of these historical documents is Captain Scott F. O'Grady, an American whose career in the military epitomizes the spirit of public service. In a story of great perseverance, Captain O'Grady survived in hostile territory for six days after his aircraft was struck down by a Soviet missile during a NATO mission in Bosnia. All those present for the Spirit of Freedom experience will undoubtedly be inspired by Captain O'Grady's courage and commitment to country.

Junior Achievement's efforts to prepare young people to succeed as individuals and as citizens are truly commendable. It is an honor to recognize a group of young Americans who have already accomplished so much on behalf of our community by bringing the Spirit of Freedom Experience to South Florida.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. NEUGEBAUER. Mr. Speaker, due to an unforeseen delay earlier this week, I was unable to vote on the following bills: H.R. 2076, H.R. 2633, and H.R. 1059 that were rollcall vote numbers 699–701. Had I been present, I would have voted the following way: rollcall No. 699, H.R. 2076, Investigative Assistance for Violent Crimes Act of 2011, “yea”; rollcall No. 700, H.R. 2633, Appeal Time Clarification Act, “yea”; rollcall No. 701, H.R. 1059, To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes, “yea.”

TRIBUTE TO USA NATIONAL TEAM AT THE 2011 RUGBY WORLD CUP

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to recognize the United States national rugby team, the Eagles, on their victory over Russia in the wee hours of this morning during the 2011 Rugby World Cup competition in New Zealand. Although rugby may not be as pop-

ular in the United States as many of our other sports, the Rugby World Cup is now established as the third biggest sporting event in the world behind the Olympic Games and FIFA World Cup for soccer.

The Eagles played their first match against Ireland on September 11 and lost to the much higher ranked team 22–10, after starting the day with a church service to commemorate the victims of the 9/11 attacks on the United States. I know this event held particular meaning for the members of the team from the Mid-Atlantic (MARFU) and Northeastern Rugby Union (NRU). Today's 13–6 win over Russia marks an important victory for the Eagles in their pool play at the tournament. I wish them the best of luck in their upcoming matches against Australia on September 23 and Italy just four days later.

My best wishes go to the host nation of New Zealand as they organize this event on the world stage for the second time in its 24 year history. At the inaugural Rugby World Cup in New Zealand in 1987 it is estimated 600,000 fans attended matches with 300 million people tuning in on television from 17 countries. The last World Cup in 2007, held in France, Scotland and Wales, saw 2.25 million fans filling the parks and 4 billion watching televised coverage from 200 nations. This year the numbers are expected to be even higher as the sport is growing in many countries, like ours, where it is the largest growing team sport on college and high school campuses across the nation. I wish New Zealand the best of luck and commend them for welcoming the millions of visitors to their shores for this spirited competition despite the devastating earthquakes suffered in Christchurch earlier this year.

I applaud the Eagle's victory today and commend each of these young men from across the country for the hard work and dedication they have committed representing our country at their sport's highest level.

Mr. Speaker I ask that you and my colleagues join me in congratulating the members of the U.S. national rugby team and wishing them continued success at the 2011 Rugby World Cup.

2011 Rugby World Cup USA Squad: Inaki Basauri; Chris Biller; Todd Clever; Patrick Danahy; Paul Emerick; Tai Enosa; Eric Fry; JJ Gagliano; Colin Hawley; Nic Johnson; Scott LaValla; Mike MacDonald; Nese Malifa; Matekitonga Moeakiola; Brian McClenahan; Takudzwa Ngwenya; James Paterson; Mike Petri; Shawn Pittman; Blaine Scully; Junior Sifa; Hayden Smith; Louis Stanfill; Andrew Suniula; Roland Suniula; Kevin Swiryn; Phillip Thiel; Tim Usasz; John van der Giessen; Chris Wyles.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,683,910,471,705.99.

On January 6, 2009 the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,045,484,725,412.19 since then. This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO NASA DRYDEN FLIGHT RESEARCH CENTER

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. MCCARTHY of California. Mr. Speaker, I rise today to recognize the Dryden Flight Research Center as it commemorates 30 years of space shuttle operations. Located at Edwards Air Force Base in California, Dryden is NASA's primary center for atmospheric flight research and operations and has been a vital component of the Space Shuttle Program.

Located in the western Mojave Desert, Edwards Air Force Base has been the site of 54 shuttle mission landings since 1981. Additionally, as a result of the important work done by the Dryden professionals, the skies over Dryden have been the site of major advancements in the design, capability, and safety of many state-of-the-art civilian and military aircraft.

Tirelessly committed to its mission of advancing technology and science through flight, Dryden's projects have been critical in carrying out NASA's missions of space exploration, space operations, scientific discovery, and aeronautical research and development. Some of these critical projects include managing the Stratospheric Observatory for Infrared Astronomy (SOFIA) program, serving as the primary alternate landing site for the space shuttle, and providing orbital support for the International Space Station.

The Dryden Flight Research Center has served a vital role by leading in aeronautics and space technology. Having enjoyed the experience of watching space shuttle landings firsthand, I am honored to recognize Dryden on its 30 years of operations now and for all its contributions to the Space Shuttle Program.

RECOGNIZING THE ACHIEVEMENTS OF MR. OLLIE W. GATES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Ollie W. Gates, a businessman, humanitarian, community developer, and a resident of the Fifth District of Missouri, which I am honored to represent. Mr. Gates is President of Gates Bar-B-Q, and is recognized as one of the purveyors of the best barbecue in the Nation, if not the world. His sauces and seasonings are shipped around the world and his famous greeting, “Hi, May I Help You?” is also known world-wide. Some Presidents of

the United States have either stopped at his local establishments or had his barbecue products shipped to the White House. This week, Mr. Gates is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri and the Nation.

After receiving a football scholarship from Maryland State College (now the University of Maryland, Eastern Shore) and excelling there for two years, Mr. Gates moved closer to home to help in the family business, graduating from Lincoln University in Jefferson City, Missouri with a Bachelor of Science in Engineering. Upon completion of his studies, he joined the U. S. Army. He was a 1st Lieutenant at the conclusion of active duty service, and thereafter served in the Army Reserves in Kansas City, Missouri.

Mr. Gates' list of achievements read like a Who's Who in business, volunteerism, and philanthropy. He served on the Kansas City Board of Parks and Recreation for 18 years, many of those as President. He was the spearhead of the Black Veterans Memorial in Kansas City to honor a group of soldiers never-before-memorized in Kansas City and he is in the process of renovating a building to honor his friend Buck O'Neil, a manager with the Kansas City Monarchs baseball team in the Negro Leagues, and a coach with the Chicago Cubs in the Major Leagues. He has served on numerous civic boards including the Missouri Highway and Transportation Commission, Bruce R. Watkins Foundation Inc., US Bank Corporation, Negro Leagues Museum, Spirit of Freedom Foundation Inc., City of Fountains, and the Enshriners to name a few. Mr. Gates has also been recognized for many civic honors such as Restaurateur of the Year Award by the Greater Kansas City Restaurant Association, Citizen of the Year Award by the Chamber of Commerce of Greater Kansas City, Outstanding Leadership Award by the NAACP, Executive of the Year Award by the Corporate Report of Kansas City, Missouri, and the Hall of Fame Award and Distinguished Alumni Award both from Lincoln University. Mr. Gates has received many more accolades too numerous to mention.

Ollie Gates has been recognized in the form of music by Professor Bobby Watson, director of the University of Missouri, Kansas City Conservatory of Music in the jazz ensemble work, The Gates BBQ Suite. This is a seven-part rendition which has been put on CD. There is also a CD recorded by Kansas City rapper, Tech N9ne entitled The Gates Mixed Plate. Mr. Gates was this year's "hero" to elemen-

tary students at the Gladstone Elementary School in Kansas City. The kids sang a song to him entitled "Hi, May I Help You!" which was a spin-off of the saying that employees of Gates Bar-B-Q say to everyone who comes into their restaurants to order food.

For those reasons and more, it is indeed an honor and privilege to induct Mr. Ollie W. Gates into the Missouri Walk of Fame at its annual reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Mr. Ollie W. Gates and applaud his endless commitment to serving the residents of the State of Missouri and the Greater Kansas City Metropolitan Area. He is a true role model, not just to the African-American community in Missouri, but to the entire community nationally. We are certain that his success as an entrepreneur and his use of his considerable gifts in rebuilding 12th Street, east of Troost, and the entire area around 47th Street from the Paseo to Troost Avenue will serve as a stepping stone or road map for many other African-Americans eager to become as successful in their own undertakings as Ollie W. Gates has exemplified.

A TRIBUTE IN HONOR OF STANLEY N. COHEN, M.D. ON THE OCCASION OF RECEIVING THE DEAN'S MEDAL AT THE STANFORD UNIVERSITY SCHOOL OF MEDICINE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor Stanley N. Cohen, M.D., who was awarded the Dean's Medal on Saturday, September 10, 2011, by Dean Philip Pizzo of the Stanford University School of Medicine. He noted in his comments at the event that it was a particular honor to be honored by his colleagues and by Stanford. Dr. Cohen was described in the event program as follows:

Stanley N. Cohen, M.D., is a magna cum laude graduate of Rutgers University. He received his M.D. from the University of Pennsylvania School of Medicine in 1960. Following subsequent training at the National Institutes of Health, he joined the Stanford faculty in 1968.

Dr. Cohen is the Kwoh-Ting Li Professor in the School of Medicine, Professor and former Chair of Genetics, and Professor of Medicine at Stanford. He and his colleague, Herbert W.

Boyer, Ph.D., of the University of California, San Francisco, revolutionized the fields of biology and chemistry by inventing genetic engineering. Their discovery of a methodology for propagating DNA, the hereditary material of all living things, in foreign hosts has provided the cornerstone for virtually all modern biological and medical science, and a foundation for the current revolution in the diagnosis and treatment of disease.

Dr. Cohen has received numerous honors, including the National Medal of Science, the National Medal of Technology, the Lasker Award for Basic Medical Research, the Wolf Prize in Medicine, the Research Award of the Helmut Horten Foundation, the Prix de L'Institut de la Vie, the Lemelson-MIT Prize, the Albany Medical Center Prize in Medicine and Biomedical Research, and the Shaw Prize in Life Science and Medicine. He has been elected to the National Inventors Hall of Fame. He is a member of the National Academy of Sciences and a past chair of its genetics section, a member of the Institute of Medicine of the National Academy of Sciences, and a fellow of the American Academy of Arts and Sciences. Dr. Cohen has also received ScD honoris causa degrees from Rutgers University and the University of Pennsylvania.

Mr. Speaker, I ask my colleagues to join me in honoring a truly great American, one whose life's work has enhanced the lives of others and will continue to do so for generations. Together with other brilliant scientists, he continues to build on his discoveries. He adds great luster to Stanford University and to American science, and I'm extraordinarily proud to honor him and his work in the U.S. House of Representatives.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2011

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded vote for rollcall 706. During this time, I was on a conference call with FHWA Administrator Victor Mendez. We were discussing the closure of the Sherman Minton Bridge, which has severely impacted transportation and commerce in my district.

Had I been present I would have voted "no" for this measure.

Bill	Rollcall No.	Vote
H.J. Res. 77—On Passage	706	No

SENATE—Friday, September 16, 2011

The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, You are our light and salvation. We will not fear. You protect us from dangers, seen and unseen. We will not be afraid.

You know the pressures and tensions that beset our Nation and the need for Your wisdom on Capitol Hill. Make all of us worthy of the high calling You have given us to be faithful stewards of the responsibilities before us to serve You and our country. Inspire our lawmakers to seek to serve, rather than being served, following Your example of humility and sacrifice.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOE MANCHIN III led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOE MANCHIN III, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MANCHIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no votes today. The next vote will be on Monday, September 19, at 5:30 p.m.

We believe we will begin consideration of the trade adjustment assistance bill on Monday. We are working on procedures to get to that today.

We have a lot to do. Next Friday, we have to have a continuing resolution passed in this body. We had a good week this week. We were able to get the highway bill extended for 6 months, the Federal Aviation Administration for 4 months, and, of course, we were able to have that significant vote on FEMA legislation so vitally important to our entire country. It is interesting to note that the President has had emergency declarations of disasters in 48 States. The Presiding Officer's is one of those that did not have one, as well as the State of Michigan.

MEASURE PLACED ON THE CALENDAR—H.R. 2587

Mr. REID. Mr. President, H.R. 2587 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

Mr. REID. Mr. President, I would object to any further proceedings in regard to this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

NATIONAL POW/MIA RECOGNITION DAY

Mr. REID. Mr. President, today we pay tribute to the American men and women who traveled abroad to defend this great Nation but never returned home to our shores. We also honor those who have suffered as prisoners of war. We are grateful to them every day. Today, which is National POW/MIA Recognition Day, we dedicate our remembrance to their sacrifice.

I had the good fortune to be appointed in 1992 by Majority Leader Mitchell to be a member of the Select Committee on MIA/POW. The committee was chaired by JOHN KERRY, and it was a wonderful experience for a number of reasons, not the least of which was to watch Senator KERRY be-

cause I really, frankly, didn't know him very well. I had been in the Senate for a few years, but when you work here, sometimes you don't really understand how good people are until you work with them on a really close-knit basis, as I did with him because of that appointment.

He did a magnificent job of chairing that committee. Of course, he had some standing to look at what went on in Vietnam since he was wounded three times and had a number of Silver Stars for his heroism in Vietnam. But legislatively that was a great experience for that year, to look to see what had happened in Southeast Asia all over, not only Vietnam, Laos, and Cambodia, but people who had been taken prisoner of war and certainly, if not, were missing in action. It was a good experience for me, and I will always remember that. So this day, National POW/MIA Recognition Day, recalls those memories of many years ago of the hearings we held and the evidence we gathered to make a decision as to what really took place there.

More than 83,000 Americans are missing from World War II, Korea, the Cold War, Vietnam, and, of course, the gulf war. There are also soldiers, sailors, and marines reported missing from our wars in Afghanistan and Iraq that are going on right now. We should not and we will not rest until we have accounted for every missing American serviceperson who has fought to protect the freedoms we enjoy as Americans. Although they are missing, they are not forgotten.

It is difficult to comprehend the suffering of families who have lost loved ones. I am hopeful and somewhat confident that it is a comfort to them today to know we give thanks and praise for their dedication to the ideals upon which this Nation was founded. That is why today we commemorate the sacrifices made by those families as well as the soldiers they loved.

I also give thanks for the brave men and women who wear the uniforms of the U.S. armed services today, including more than 2,000 Nevadans currently deployed around the world—not in the service but Nevadans deployed around the world. Anything worth having, of course, is worth defending, and our freedom is one of the most precious.

So today we thank those volunteers who have placed themselves in harm's way to protect this great country. Many of them have paid the ultimate price for our liberty. So today and every day they have the thanks of a grateful Nation, but especially today, for their faithful and selfless service to their country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

DEFICIT REDUCTION

Mr. LEVIN. Mr. President, yesterday I spoke on the floor about the need to restore revenue as part of our deficit reduction efforts. I explained that I have sent a letter to the members of the Joint Select Committee, now crafting a deficit reduction plan, with seven ideas on how to address our revenue shortfall in ways that reduce the deficit, protect economic growth, and ensure that the sacrifices which are necessary to achieve our budget goals are shared broadly among the American people. Together, these proposals would reduce deficits on the order of \$1 trillion over 10 years.

Today I want to go into greater detail on two of those ideas to address loopholes and tax breaks that are as damaging to our budget as they are unfair to working families. One proposal would stop corporations and individuals from using offshore tax gimmicks to dodge the taxes they owe. The other proposal would close a loophole that gives corporations a huge tax break when they award stock options to their executives, effectively using the hard-earned tax dollars of American families to subsidize the paychecks of CEOs and other top executives.

Let's begin with the goal here, deficit reduction. Budget experts tell us we cannot close our budget gap with spending cuts alone. Revenue must play a role. These two proposals can help. The Permanent Subcommittee on Investigations, which I chair, has estimated that the use of offshore tax havens by wealthy U.S. taxpayers costs our Treasury around \$100 billion a year. I believe the legislation to address that issue can recover a significant portion of that loss. The Joint

Committee on Taxation estimated that a previous version of the legislation would recover nearly \$30 billion over 10 years, but new provisions that we have included should raise that figure significantly. Closing the stock option loophole would save \$25 billion over 10 years, according to the Joint Committee on Taxation. This revenue would help the Joint Committee in its difficult task of achieving at least \$1.2 trillion in deficit reduction and it would help restore fairness to the Tax Code without penalizing activities that contribute to economic growth or raising taxes on middle-income Americans.

Our work on the Permanent Subcommittee on Investigations has, for more than a decade, exposed the ugly truths of tax haven abuse. A single building in the Cayman Islands called the Uglad House serves as the mail drop for nearly 19,000 companies incorporated there for tax-dodging purposes. Of the 100 largest publicly traded corporations in America, 83 have subsidiaries in tax havens. Hedge funds, whose employees live right here in the United States, pretend to be based in tax havens to dodge U.S. taxes. An army of lawyers, bankers, and accountants helps U.S. taxpayers use offshore abuses to avoid taxes. All of this shifts the tax burden of these tax dodgers onto the backs of honest taxpayers.

Yesterday, the Internal Revenue Service announced that they have recently completed an offshore program where they give a degree of amnesty to people who are willing to come in and pay their taxes. Thirty thousand such people have come in since 2009, and that is the tip of the iceberg, as our Permanent Subcommittee on Investigations disclosed.

How do we combat this? Several colleagues and I have introduced legislation called the "Stop Tax Haven Abuse Act," S. 1346. Our bill will authorize the Treasury Secretary to take special measures against foreign jurisdictions or foreign financial institutions that impede U.S. tax enforcement by prohibiting U.S. financial institutions from doing business with those foreign financial institutions in uncooperative jurisdictions. It will help the IRS identify ownership and control of offshore entities. It would stop corporations whose management and control are located primarily in the United States from claiming foreign status to dodge taxes. It would prevent businesses from dodging taxes by claiming that assets physically held in the United States should be treated as offshore assets for tax purposes. And it would treat derivatives payments sent from the United States to offshore entities as taxable income. Enacting this legislation and ending these offshore abuses would penalize tax dodging, not legitimate economic activity, and it will help to bring down the deficit.

Similarly, closing the stock option loophole would not penalize productive

economic activity. It would, instead, end an unaffordable Federal subsidy for corporate executive pay. Today, under tax rules for reporting stock options, corporations report stock option expenses on their books when those stock options are granted, but they use another method to claim a different—and usually a much higher—expense on their tax returns when the stock options are exercised. The result is that corporations can usually claim far larger tax deductions for stock options pay on their tax returns than the actual expense they show on their books for those same options. They get a much bigger tax deduction for exactly the same tax option expense as they show on their books. Stock options are the only type of compensation for which the Tax Code allows a corporation to deduct as an expense for tax purposes more than what they show on their books for that same expense. IRS data shows that from 2005 to 2009, this loophole allowed companies to claim between \$11 billion and \$52 billion each year in excess tax deductions.

Legislation I have introduced with Senator SHERROD BROWN and Senator McCASKILL would end these excess deductions by requiring corporate stock option tax deductions to equal the stock option expense shown on the corporate books for those same options. It would not affect the taxes paid by individuals who receive the stock options—their taxes would not be affected, as now they pay for the actual sales price minus their cost. It would not affect so-called incentive stock options, often used by startup companies. It would make stock option pay subject to the same \$1 million cap on corporate tax deductions that applies to other forms of executive pay. These proposals alone will put a major dent in the deficit. They would ensure that multinational corporations and wealthy individuals pay the taxes they owe, just like working Americans. If we are to seriously reduce the deficit, these kinds of tax reforms and the resulting added tax revenues must be part of the discussion. I urge my colleagues, especially those on the Joint Select Committee, to embrace these ideas.

Again, I sent a letter yesterday to the members of the joint committee, all the members, laying out these seven ideas which together will raise over \$1 trillion in 10 years.

I am going to return to the floor in the days ahead to discuss additional reforms, with the resulting revenues, that were set out in my letter to the Joint Select Committee. These changes, these reforms, this loophole closing, will help to close the gap between spending and revenues that all of us I know want to close.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. WYDEN. Mr. President, I am going to take just a little time this morning to make some remarks with respect to the issue of tax reform and particularly try to lay out why the naysayers, those who say tax reform is not going to make any difference anytime soon or there has not been a lot of groundwork laid—those are the two major arguments they are making—I am going to try to lay out why those arguments are wrong.

To start with, they reflect a misunderstanding about markets, about free enterprise and about what drives the American economy. One of the major reasons consumers are not spending and businesses are not hiring workers is uncertainty about taxes. Enacting fundamental tax reform that encourages the use of free enterprise and markets would start changing consumers' behavior very quickly and business would be in a position in West Virginia and Oregon and everywhere else to start making judgments with respect to investment.

They cannot make judgments right now when we have these piecemeal tax changes that might last 1 year or even less. That is not the way the American economy works. Businesses in West Virginia and Oregon are thinking about investments that can last 5, 10 years and even longer and they need some certainty. I am going to spend some time talking about permanent tax reform, enacted early next year, and making a start at it with our supercommittee. We have the good fortune of having Chairman BAUCUS on it. I serve on the Finance Committee with him. Chairman DAVE CAMP, chairman of the House Ways and Means Committee is also on it. What I feel very strongly about—as does the cosponsor of the tax reform legislation I have offered, Senator COATS—is they can make a good start on tax reform in the supercommittee and I am going to outline how that could take place and then Congress could finish it up early next year.

Let's start by talking about how we might see people's behavior start changing and getting consumers back into the marketplace and businesses start making investment decisions. My own view is, if working families knew at the end of the year or early next year they would get real tax relief as we get underway with the tax legislation I have been part of with Senator COATS and Senator BEGICH and former

Senator Gregg and if middle-class folks knew reduced tax rates were going to be in place not just for 1 year but for the long term, they would start making the kinds of decisions they are putting off now because they are uncertain today and they are going to be uncertain next year and the year after if we continue to make these changes in tax law by piecemeal.

My view is, if we saw permanent tax reform enacted early next year, we would see consumers making the kind of purchases they have been postponing in major appliances, new cars, and the other investments they make when they know the economy is going to start picking up because millions of others are going to go back into the marketplace, just like themselves. When businesses see additional demand for their products, they will go out and start hiring more workers.

Let's talk for just a minute about how fundamental tax reform puts more money into the pockets of the middle class. Under the legislation I have been a part of, with two Republicans and Senator BEGICH, a typical couple making \$90,000 would pay close to \$5,000 less in taxes, according to estimates by the Congressional Budget Office.

The reason that is the case is our bipartisan tax reform triples the standard deduction for that middle-class couple. It triples the standard deduction. Let me emphasize it is permanent. I wish to say that again—permanent. It is not something that is going to be jerked away in 1 year. It is something that would be locked into the Tax Code on a permanent basis. Economists and others have repeatedly said, when we make those kinds of changes and typical families know on a permanent basis they will have more money in their pockets, they will go out and make the major purchases they have put off in West Virginia and Oregon over the last few years.

I have talked to folks at coffee shops and know the Presiding Officer spends a lot of time getting out and talking with folks in his state. When I go into coffee shops and I ask people, in particular, about why they are putting off major purchases—they talk about appliances and cars—they say: I don't know what is going to happen. I heard there was this tax break I was going to get for 1 year, and I don't know what is going to happen after that.

We need to make permanent changes in the tax law, give permanent tax relief to middle-class people, and then, based on everything we know about economics, people start changing their behavior. They are not going to do it in a big way without permanent and predictable changes, changes they can count on that will not be jerked away from them in another year or so.

The same principle goes for business. Once they know there is going to be a new tax system in place with reforms.

By the way, virtually all the reform plans take the corporate rate today, which is now the second highest in the world, down to somewhere in the mid-twenties as a percentage. Senator COATS and I, with Senator BEGICH, are at 24 percent. The Bowles-Simpson proposal is a little bit higher, but everybody is pretty much in the same place. If we do that on a permanent basis, businesses will be able to start planning, and they will start planning immediately for the beneficial effects of consumers going back into the marketplace because of permanent changes in the individual Tax Code and because they know that the tax rates are going to be lower. Once a reform tax system is signed into law, we have more certainty and we would begin to see the spending, hiring, and investment decisions that are not being made today in the American marketplace by the consumer and by business.

It would also be possible to further jump-start the process and generate economic growth even more quickly. For example, as part of permanent tax reform we could allow the consumer an advanced refund of the reduced taxes they will be getting under tax reform. The Congress did that a few years back. It helped a bit in terms of consumer demand but, again, it was short term. Since it was not combined with permanent reform of the Tax Code to provide future certainty, it didn't stimulate as much demand either in the short term or the long term as it might have if it were coupled with permanent reform. But it did help.

The bottom line is that enacting fundamental tax reform now would provide immediate benefits to the economy by ending the uncertainty that I happen to believe is strangling our prospects for real, significant, long-term economic growth. We all understand the American tax system is an anti-growth mess. It is riddled with loopholes and tax dodges. I sit on the Senate Finance Committee, and for a big part of the tax system today the language is pretty much incomprehensible gibberish. So we do need to make these changes.

Now I wish to get into this issue of whether it is not going to be possible to do tax reform now because the groundwork hasn't been laid. I am sure the distinguished Senator from West Virginia has heard this argument: Gosh, we could do it in 2013; we ought to spend more time studying it—and all of that. I will tell my colleagues that the uncertainty of putting it off again going to continue to harm the economy—in fact, I predicted after the lameduck session of the Congress in 2010 that unless we get people moving in a bipartisan way on tax reform, we would have the same debate in the lameduck session of the 2012 Congress—exactly the same debate—about whether we are going to extend the Bush tax cuts on a temporary basis.

So if we aren't successful in pushing permanent tax reform onto the agenda, that is what will happen. We will have the same debate in the lameduck session in the 2012 Congress that we had during the lameduck session in the 2010 Congress, which will be about, once again, trying to patch up this dysfunctional anti-growth tax system we have in our country.

So I wish to spend a few minutes addressing the claim that it is not possible to do tax reform now because the groundwork hasn't been done. That is awfully puzzling to me, given all of the tax reform proposals that are out there now and how similar they are. For example, when Erskine Bowles and Alan Simpson came to the Senate Budget Committee, they said point-blank that they modeled their tax reform recommendations after the bill that Senator Gregg and I had spent week after week for 2 years working on. That was, of course, flattering. We were happy about that. But the fact is, going all the way back to some of the studies done by the Commission appointed by President George W. Bush and then highlighted by the work done for President Obama, the Volcker Commission, there has been an awful lot of common ground.

For example, the tax rates under all of these major proposals involve, on the individual side of the Tax Code, taking the country from six major brackets to three major brackets. The Bowles-Simpson proposal comes in around 12 percent for the lowest rate, 22 percent for the rate in the middle, and 29 percent for the rate at the top.

The proposal I have been part of with former Senator Gregg and Senator COATS and our colleague and friend, MARK BEGICH, we are a bit higher than that. That is because under our proposal we didn't make changes with respect to the mortgage interest deduction and the charitable deduction or the changes with respect to middle-class folks who depend on their employer for their health care and their retirement. So the point is, we have something we can have a real debate on right now.

Let me highlight one other point. We touched on it yesterday when our group of more than 30 senators got together. The Wyden-Coats-Begich proposal has been scored by the Joint Committee on Taxation, the committee that specifically looks at the impacts of changes in tax law. So if the distinguished Senator from West Virginia, the Presiding Officer of the Senate, wants to come in and make a modification in tax law—for example, adjust the rates, say, in these three brackets one way or another, because we have the numbers now from the Joint Committee on Taxation, and it is the only proposal—our bill, the only proposal—they have scored, we can give to the Senator from West Virginia

and any other Member of the Senate—the other 98 Senators not here—we can give them the actual numbers that have been furnished by the official scorekeeper, the Joint Committee on Taxation, so we can be in a position to have a real debate.

There has been an enormous amount of groundwork done on this issue. I have already mentioned the similarity and reforms on the individual rates. The corporate rate reform proposals are similar. Repealing the alternative minimum tax is in our bill. It is in all of the bills. We understand what a crushing burden this alternative minimum tax is.

We have middle-class folks all over America, and the Presiding Officer probably has somebody who, say, is on the police force in a town in West Virginia, and perhaps that police officer's spouse is a teacher, and they can be filling out their taxes twice with this bureaucratic nightmare called the alternative minimum tax. It wasn't intended for those kinds of people. It was intended for wealthier people who had managed to get out of paying taxes altogether.

So we are in a position to move forward. What I and others have said is that if we started in the supercommittee by laying a baseline, a foundation—they already have an opportunity for simplicity by moving from those six brackets to three; they already have an opportunity on the corporate rate where essentially all of the reforms are in the vicinity of going from 35 percent to the mid-twenties, all of the reforms talking about abolishing the alternative minimum taxes, all of the reforms talking about getting taxpayers, individuals, and businesses off the roller coaster of constant tax changes—the supercommittee could make a very significant start on major tax reform by the end of the year, and then early next year we could have a guaranteed legislative process.

Let me use those words specifically. We could have a guaranteed legislative process where the Finance Committee, under the leadership of Chairman BAUCUS, and the Ways and Means Committee, under the leadership of Chairman CAMP, could enact permanent tax reform by early next year.

I have already talked about how markets work. I think if this holiday season the American consumer can have a sense that we are going to make a break with tax policy as we know it today—we are going to stop all of these piecemeal, temporary changes, and we are going to make permanent changes that are going to be built around reform principles which are widely accepted—ever since the 1980s when Democrats and Ronald Reagan worked together on tax reform, the fundamentals of tax reform have been very clear. They are all about eliminating preferences—all of these special interest

tax breaks and dodges and loopholes and preferences, eliminating them—and using those dollars to hold down the marginal rate, the rate we pay on the last dollar we earn while keeping progressivity, while keeping a sense of fairness.

Those principles are very clear. All the reform proposals are based on them. It sure seems to me if middle-class people can have the certainty of knowing that tax policy is going to change so they can start making decisions about their economic future and have a real sense that it isn't going to just change in a year, that it isn't just temporary, I think we will start seeing beneficial changes in the American marketplace very quickly. That, of course, is what tax reform is all about. It is about getting consumers back into the marketplace and about businesses growing again because they know they are going to have more consumers and they know they are going to be in a better position to compete in tough global markets. That means jobs.

I wish to wrap up by talking about tax reform and jobs—and, remember, we have not had fundamental tax reform for a quarter century. For a quarter century, this country has been making almost one tax change a day—almost one tax change a day—thousands and thousands of tax changes cumulatively. Talk about what that means for uncertainty for a business and a consumer. We can make a break with that and do what was done in 1986, which translated into a big boost for our economy.

I wish to give the numbers specifically so folks will see what this tax reform issue is all about. According to the Bureau of Labor Statistics, in the 2 years after the 1986 tax reform bill our country created 6.3 million new jobs. I said 6.3 million new jobs. That sounds pretty good. I think that would go over pretty well at a coffee shop in West Virginia, and it certainly does in Oregon.

I am not going to come to the floor and say every one of those jobs is due to tax reform. There are a host of issues that go into judgments with respect to why consumers buy those appliances and those basic necessities and why businesses invest and hire. But I will tell my colleagues one thing: We couldn't have generated 6.3 million new jobs in the 2 years after the 1986 tax reform bill if we had seen a tax reform proposal enacted that didn't make sense for the American economy. It wouldn't have happened.

Clearly, consumers and businesses believed this was a proposal moved by a Republican President, Ronald Reagan, and a host of very progressive Democrats—folks such as Congressman Dick Gephardt who later ran for President with strong backing of American labor. They came together and created 6.3 million new jobs in 2 years with the

kinds of reforms that Senator COATS and former Senator Gregg and Senator BEGICH and I advocate now, that are in line with the fundamental thinking of the Bowles-Simpson proposal, the reforms proposal by former President George Bush, and President Obama's own commission directed by Paul Volcker.

We have a chance now to make fundamental changes—fundamental changes—that will change the direction of our economy and the psychology of the American marketplace. In this debate, we can talk, for example, about the issues that are front and center with American workers. I am certain that in those coffee shops in West Virginia, one of the things that is said again and again is: Senator, make sure you keep the jobs here. Keep them at home. We are tired of all those jobs going offshore.

Senator COATS and I have a proposal that takes away the tax breaks for shipping jobs overseas and uses those dollars to create jobs here at home—red, white, and blue jobs, jobs that pay good wages here in the United States because we change tax policy and make it more attractive to do business in the United States.

We can talk about the various ways to do it. There is discussion about a territorial system, there is discussion about a worldwide taxation system for the multinational corporations. The bottom line—again, reflected in all of the reform proposals—is that competitive rates, which means lowering rates for small business and businesses of all sizes doing business in the United States, will help us create more jobs, and they will be red, white, and blue jobs. They will be jobs here in the United States.

So I assume this weekend—whether it is in coffee shops or on talk shows or wherever—people are going to be talking about this discussion about taxes, and they will say: Oh, I don't know if those folks in Washington are going to get anything done. And if they do anything, it will probably be a temporary thing, and they will all talk about why, if you had real tax reform, it might not do anything soon. And, well, it will take a lot more study, and that sort of thing.

I have been convincing this morning about why I believe permanent tax reform—permanent tax reform—will start changing the behavior of consumers in the marketplace, get them back into the marketplace, buying those products that fuel a consumer-driven economy. They will start doing it quickly if they see permanent tax reform enacted. I hope I have been able to clearly outline why a great deal of groundwork has been done already to allow us to move forward—not do the entire tax reform effort in the 6 or 8 weeks that the supercommittee has, but to get a foundation, a baseline in

place, a baseline that is built around these areas of consensus, changes that are advocated, essentially, by all the reform proposals, and then allow the Senate Finance Committee, under the leadership of Chairman BAUCUS, and the House Ways and Means Committee, under the leadership of Chairman DAVE CAMP, to use the first few months of next year with their committees—the committees of jurisdiction; the Finance Committee here in the Senate, and the Ways and Means Committee in the other body—that they take the first 90 or 120 days to enact permanent tax reforms.

I think that will be a huge boost for the American economy. I think it will change the behavior of American consumers and American business because that is what markets do. They react when positive and permanent changes are put in place.

This can be thoroughly bipartisan. It was in 1986 when a whole host of quite progressive Democrats got together with Ronald Reagan. I have had the pleasure, over the last few years, to work with two outstanding Members on the other side of the aisle, former Senator Gregg and Senator COATS, and Senator BEGICH of Alaska, a former small businessperson.

This is not like health care; we have done it before. The reform proposals are very much built around the same sort of principles which were the fundamentals of tax reform in 1986. While I know there is going to be considerable debate this weekend about whether tax reform can be done, whether it is going to change anybody's behavior or change anybody's behavior soon, I wanted to weigh in and outline why looking at the principles of the market, I believe, is going to change consumer behavior, change consumer and business behavior for the better, and that there has been a lot of groundwork laid that we can build on.

There is an opportunity, an opportunity for Democrats and Republicans in this Chamber to come together and take steps, steps that will end this anti-growth mess of a tax system, and give our consumers and businesses the certainty and predictability they need to grow, to come back into the American economy.

We will talk some more about this on the floor of this great body in the days ahead. I just want the American people to know this is an opportunity where, if there is a will to do permanent tax reform, there is a way to get it done.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 166, H.R. 2832.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 166, H.R. 2832, an act to extend the Generalized System of Preferences, and for other purposes.

Harry Reid, Max Baucus, Robert P. Casey, Jr., Mark Udall, Debbie Stabenow, Jeff Bingaman, Daniel K. Inouye, Maria Cantwell, Patty Murray, Richard Blumenthal, Michael F. Bennet, Patrick J. Leahy, Tom Harkin, Barbara Boxer, Kent Conrad, Sherrod Brown, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived and at 5:30 p.m., Monday, September 19, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 2832.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I want everyone within the sound of my voice to understand that I do not like the Colombia Free Trade Agreement, the Korea Free Trade Agreement, or the Panama Free Trade Agreement. I will vote against them. But I have been asked on numerous occasions to move these trade matters to the floor.

That is what I have agreed to do, and I am going to do that. But it is very difficult for me to understand, when my Republican colleagues, the Chamber of Commerce, and others support these trade agreements, and they want them done, and now when I want to move to them, I cannot do it. It is hard to comprehend that we have to file cloture on a motion to proceed to an agreement we have. The agreement we have is that we are going to do trade adjustment assistance, and a few other

stops in the middle, and then we are going to do the free trade agreements. Again, this is the pattern we have experienced for the last 8 months. It doesn't matter what it is.

This is something they agreed with. We are attempting to move to the free trade agreements and they are stopping us from doing that.

I hope the American people get the picture, and I am confident they are getting the picture more clearly every day. There isn't a thing we can bring up here that they don't stall to the very limit of the procedures here. Again, we are going to move to the free trade agreements. The first part of the deal is trade adjustment assistance. We have to invoke cloture to do this. I think that is a travesty and it is too bad.

MORNING BUSINESS

BUDGETARY ADJUSTMENTS

Mr. CONRAD Mr. President, last week, pursuant to section 106 of the Budget Control Act of 2011, I filed new committee allocations, new budgetary and Social Security aggregates, and a revised pay-as-you-go scorecard. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal years 2011 and 2012.

First, as specified under section 106(b)(1), I filed new allocations to the

Committee on Appropriations. For 2012, that allocation was set consistent with the sum of the two limits on discretionary spending set forth in the Budget Control Act. Section 101 of the Budget Control Act establishes a limit of \$684 billion in new budget authority for the security category and \$359 billion in new budget authority for the nonsecurity category, for a total of \$1,043 billion. To match the divisions provided by the Budget Control Act, I am subdividing the initial allocation of \$1,043 billion in budget authority provided to the Committee on Appropriations into two separate amounts, \$684 billion for security funding and \$359 billion for nonsecurity funding.

Second, section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported three bills last week that are eligible for adjustments under the Budget Control Act. In total, I am making adjustments to the 2012 allocation to the Committee on Appropriations and the budgetary aggregates of \$5.769 billion in budget authority and \$1.157 billion in outlays. Those adjustments reflect the sum of \$5.511 billion in budget authority and \$0.958 billion in outlays for funding designated for disaster relief, \$0 in budget authority and -\$0.007 billion in outlays for funding designated as an emergency, and \$0.258 billion in

budget authority and \$0.206 billion in outlays for funding designated as being for overseas contingency operations.

Finally, I am making technical adjustments to the 2011 and 2012 budgetary aggregates. These adjustments are being made to remove amounts that the Senate allocates to the Appropriations Committee each year but does not count as part of the spending aggregates. A similar adjustment will be made at the time the Congress clears the relevant appropriations bills, such that the adjustments do not change the total amount of room that is available to the Senate under the aggregates in either year.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES.—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]		
	2011	2012
Current Spending Aggregates:		
Budget Authority	3,076,930	2,854,385
Outlays	3,167,997	2,987,419
Adjustments:		
Budget Authority	-6,045	-396
Outlays	-6,023	-4,998
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,853,989
Outlays	3,161,974	2,982,421

REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]					
	Initial allocation/limit	Subdivide 2012 budget authority	Current allocation/limit	Adjustment	Revised allocation/limit
Fiscal Year 2011:					
General Purpose Discretionary Budget Authority	1,211,141	n/a	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	n/a	1,391,055	0	1,391,055
Fiscal Year 2012:					
General Purpose Budget Authority	1,043,000	n/a	n/a	n/a	n/a
Security Discretionary Budget Authority	n/a	684,000	684,000	4,458	688,458
Nonsecurity Discretionary Budget Authority	n/a	359,000	359,000	1,311	360,311
General Purpose Discretionary Outlays	1,262,000	n/a	1,262,000	1,157	1,263,157

DETAILS ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

[In billions of dollars]				
	Disaster relief	Emergency	Overseas contingency operations	Total
Homeland Security:				
Budget Authority	4.200	0.000	0.258	4.458
Outlays	0.084	-0.007	0.206	0.283
Agriculture:				
Budget Authority	0.266	0.000	0.000	0.266
Outlays	0.107	0.000	0.000	0.107
Energy and Water:				
Budget Authority	1.045	0.000	0.000	1.045
Outlays	0.767	0.000	0.000	0.767
Total:				
Budget Authority	5.511	0.000	0.258	5.769
Outlays	0.958	-0.007	0.206	1.157
Memorandum:				
Security Budget Authority	4.200	0.000	0.258	4.458
Nonsecurity Budget Authority	1.311	0.000	0.000	1.311
General Purpose Outlays	0.958	-0.007	0.206	1.157

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2887. An act to provide an extension of surface and air transportation programs, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE
CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

ADDITIONAL COSPONSORS

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1369

At the request of Mr. CRAPO, the name of the Senator from West Vir-

ginia (Mr. MANCHIN) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1507

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DEMINT), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. THUNE), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1517

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1517, a bill to provide for the creation of jobs.

ORDERS FOR MONDAY,
SEPTEMBER 19, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 19; that following the prayer

and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes; that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 166, H.R. 2832, the GSP Act, with the time until 5:30 p.m. equally divided and controlled between Senators BAUCUS and HATCH or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be on Monday at 5:30.

ADJOURNMENT UNTIL MONDAY,
SEPTEMBER 19, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:17 a.m., adjourned until Monday, September 19, 2011, at 2 p.m.

HOUSE OF REPRESENTATIVES—Monday, September 19, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 2011.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and with thankful hearts, we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 15, 2011 at 5:50 p.m.:

That the Senate agreed to with an amendment H.J. Res. 66.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2011 at 9:07 a.m.:

That the Senate passed without amendment H.R. 2887.

That the Senate agreed to S. Res. 268.
With best wishes, I am,
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore WOLF on Friday, September 16, 2011:

H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 19, 2011, at 11:35 a.m., and said to contain a message from the President whereby he submits the fiscal plan entitled, "Living Within Our Means and Investing in the Future," the President's Plan for Economic Growth and Deficit Reduction.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

LIVING WITHIN OUR MEANS AND INVESTING IN THE FUTURE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-55)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committees on Agriculture; Armed Services; Education and the Workforce; Energy and Commerce; Financial Services; House Administration; the Judiciary; Natural Resources; Oversight and Government Reform; Rules; Science, Space, and Technology; Small Business; Transportation and Infrastructure; and Ways and Means and ordered to be printed:

To the Congress of the United States:

This continues to be a time of challenge for our country. We face an economic crisis that has left millions of our neighbors jobless, and a political crisis that has made things worse. Millions of Americans are looking for work. Across our country, families are doing their best just to scrape by—giving up nights out with the family to save on gas or make the mortgage, or postponing retirement to send a child to college.

These men and women grew up with faith in an America where hard work and responsibility paid off. They believed in a country where everyone gets a fair shake and does their fair share; they believed that if you worked hard and played by the rules, you would be rewarded with a decent salary and good benefits. If you did the right thing, you could make it in America.

For decades now, Americans have watched that compact erode. They have seen the decks too often stacked against them. And they know that Washington has not always put their interests first. Too often, our Nation's capital has been consumed by partisanship. Too often, the needs of special interests or politics have been put ahead of what is best for the country.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That is what must change. The American people work hard to meet their responsibilities. Now, as the Nation faces an economy that is not growing and creating jobs as it should, so must its leaders. While the continued recovery of our economy will be driven by the businesses and workers across our land, policymakers in Washington can take steps to help Americans right now and set the most favorable conditions we can for growth and job creation for years to come. We can live within our means and invest for the future.

That is why last week I presented to the Congress and the American people the American Jobs Act, to provide a jolt to the economy and give companies confidence that if they invest and hire, there will be customers for their products and services. This jobs bill will put more people back to work and more money in the pockets of those who are working. It will create more jobs for construction workers, more jobs for teachers, more jobs for veterans, and more jobs for the long-term unemployed. It will provide a tax break for companies that hire new workers, and it will cut payroll taxes in half for every working American and every small business. It will create jobs for people to rebuild our aging infrastructure and repair and modernize at least 35,000 schools. Moreover, the proposals in the American Jobs Act are the kind of proposals that have been supported by Democrats and Republicans in the past.

I am committed to paying for this jobs bill. The Budget Control Act that I signed into law last month will cut annual Government spending by about \$1 trillion over the next 10 years. It also charges the Joint Select Committee on Deficit Reduction with finding an additional \$1.5 trillion in savings. As part of this jobs bill, I am asking the Congress to increase that amount so that it covers the full cost of the American Jobs Act. In addition, I believe that the Congress should seize the opportunity that this new Committee presents and do much more so that we can put the country on a sustainable fiscal path, which is critical for our long-term economic growth and competitiveness.

For this reason, I am sending to the Congress this detailed plan to pay for this jobs bill and realize more than \$3 trillion in net deficit reduction over the next 10 years. Combined with the approximately \$1 trillion in savings from the first part of the Budget Control Act, this would generate more than \$4 trillion in deficit reduction over the next decade. This would bring the Nation to the point where current spending is no longer adding to our debt and where our debt is no longer increasing as a share of our economy—an important milestone on the way to restoring fiscal discipline and moving us toward balance.

This plan is a balanced one that asks everyone to do their part. It includes nearly \$580 billion in cuts and reforms to mandatory programs of which \$320 billion is savings from Federal health programs such as Medicare and Medicaid. These changes are necessary to maintain the promise of Medicare as we know it.

The plan also realizes more than \$1 trillion in savings over the next 10 years from our drawdowns in Afghanistan and Iraq. And the plan calls for the Congress to undertake comprehensive tax reform that lowers tax rates, closes loopholes, boosts job creation here at home, cuts the deficit by \$1.5 trillion, and observes the Buffett Rule—that people making more than \$1 million a year should not pay a smaller share of their income in taxes than middle-class families pay.

To assist the Committee in its work, I also included specific tax loophole closers and measures to broaden the tax base. Together with the expiration of the high-income tax cuts from 2001 and 2003, these measures would be more than enough to reach this \$1.5 trillion target. They include cutting tax preferences for high-income households, eliminating tax breaks for oil and gas companies, closing the carried interest loophole for investment fund managers, and eliminating benefits for those who use corporate jets.

In sum, the plan I am sending to the Congress today is a blueprint for how we can reduce this deficit, pay down our debt, and pay for the American Jobs Act in the process. I have little doubt that some of these proposals will not be popular with those who benefit from these affected programs. And some of these changes are ones that we would not make if it were not for our fiscal situation. But we are all in this together, and all of us must contribute to getting our economy moving again and on a firm fiscal footing.

After all, we are all connected. No single individual built America on his or her own. We built it together. We have been, and always will be, “one Nation, under God, indivisible, with liberty and justice for all.” We have always been a people with responsibilities to ourselves and with responsibilities to one another. This means that as Americans work hard to find a job, keep their businesses afloat and grow, and provide for their kids, their representatives in Washington must meet their responsibilities and make the tough choices needed to get our economy back on track.

This plan lives up to a simple idea: as a Nation, we can live within our means while still making the investments we need to prosper. It follows a balanced approach: asking everyone to do their part, so no one has to bear all the burden. And it says that everyone—including millionaires and billionaires—has to pay their fair share.

These may be tough times for our country, but I have a deep faith in the American spirit, and we are tougher than the times we live in and bigger than the politics we have recently seen. If we all put partisanship aside and roll up our sleeves, I have no doubt that we can meet the challenges of the moment and show the world once again why the United States of America remains the greatest country on Earth.

BARACK OBAMA.

THE WHITE HOUSE, September 19, 2011.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by Speaker pro tempore WOLF on Friday, September 16, 2011:

H.R. 2887. An act to provide an extension of surface and air transportation programs, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 12 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 20, 2011, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3114. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting material violations or suspected material violations of regulations relating to the Treasury, pursuant to 31 U.S.C. 3121 nt. Public Law 103-202, section 202; to the Committee on Financial Services.

3115. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on modification to the auction process that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

3116. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2010, through December 31, 2010; to the Committee on Financial Services.

3117. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3118. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the State of Missouri

since May 22, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3119. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's twelfth report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Commerce.

3120. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 8-11 informing of an intent to sign a Memorandum of Understanding with the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

3121. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Annual Report on the Global Fund to Fight AIDS, Tuberculosis, and Malaria, as requested in Pub. L. 108-25; to the Committee on Foreign Affairs.

3122. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report for FY 2011; to the Committee on Oversight and Government Reform.

3123. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report for the National Tropical Botanical Garden for the period from January 1, 2010 through December 31, 2010, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

3124. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Grand Marais, MN [Docket No.: FAA-2011-0047; Airspace Docket No. 11-AC-L-1] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hannibal, MO [Docket No.: FAA-2011-0046; Airspace Docket No. 11-ACE-1] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Staunton, VA [Docket No.: FAA-2010-1285; Airspace Docket No. 10-AEA-27] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Fulton, MO [Docket No.: FAA-2011-0121; Airspace Docket No. 11-ACE-2] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3128. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ranger, TX [Docket No.: FAA-2010-1240; Airspace Docket No. 10-ASW-18] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3129. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of

Class E Airspace; Ava, MO [Docket No.: FAA-2011-0122; Airspace Docket No. 11-ACE-3] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3130. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Talkeetna, AK [Docket No.: FAA-2011-0444; Airspace Docket No. 11-AAL-07] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hearne, TX [Docket No.: FAA-2011-0214; Airspace Docket No. 11-ASW-2] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30798; Amdt. No. 3439] received August 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Airplanes [Docket No.: FAA-2011-0530; Directorate Identifier 2011-CE-012-AD; Amendment 39-16770; AD 2011-17-06] (RIN: 2120-AA64) received August 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3134. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's statement of actions with respect to the Government Accountability Office report GAO-11-553R; to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 2883. A bill to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes; with an amendment (Rept. 112-210 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 908. A bill to extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility anti-Terrorism Standards program; with an amendment (Rept. 112-211). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 2883 referred to the Committee of the whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. TURNER of Ohio:

H.R. 2965. A bill to amend title 38, United States Code, to provide for penalties for employees of the Veterans Health Administration who intentionally fail to follow infection control practices; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. BILBRAY, Mr. GERLACH, Mr. LOBI-ONDO, Mrs. BIGGERT, Mr. RAHALL, Mr. PIERLUISI, Mr. CONNOLLY of Virginia, Ms. BERKLEY, Mr. BARTLETT, Mrs. DAVIS of California, Mr. ISRAEL, Mr. KING of New York, Mr. GRIJALVA, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. PETERS, Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. CAMPBELL, Mr. NADLER, Mr. YOUNG of Florida, Mr. LANCE, Mr. GEORGE MILLER of California, Mr. SHERMAN, Mr. OLVER, Mr. REICHERT, Mr. FITZPATRICK, Mr. ACKERMAN, Ms. LEE of California, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. PLATTS, Mr. FRANK of Massachusetts, Mr. WHITFIELD, Mr. LANGEVIN, Mr. PASCRELL, Mr. WATT, Mrs. MCCARTHY of New York, Mr. FILNER, Mrs. NAPOLITANO, Mr. MORAN, Ms. WOOLSEY, Mr. FRELINGHUYSEN, Mr. JONES, Mr. HINCHAY, Mr. KUCINICH, Mr. STARK, Mr. LEVIN, Mr. ROTHMAN of New Jersey, Mr. RANGEL, Mr. CLEAVER, and Mr. SMITH of New Jersey):

H.R. 2966. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TURNER of Ohio:

H.R. 2965.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. BURTON of Indiana:

H.R. 2966.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under clause 3 of Section 8 of Article I of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 298: Mr. GONZALEZ and Mr. AL GREEN of Texas.

H.R. 459: Mrs. HARTZLER and Mr. FITZPATRICK.

H.R. 733: Mr. SMITH of New Jersey.

H.R. 890: Mr. KISSELL.

H.R. 891: Mr. HOLDEN and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1166: Mr. WEST, Mr. COBLE, and Mr. CHABOT.

H.R. 1235: Mr. ROGERS of Alabama.

H.R. 1296: Ms. MCCOLLUM.

H.R. 1418: Mr. REED, Ms. LEE of California, and Mr. WILSON of South Carolina.

H.R. 1505: Mr. DUNCAN of South Carolina.

H.R. 1639: Mr. MURPHY of Pennsylvania, Mrs. ELLMERS, Mr. JOHNSON of Ohio, Mr. MACK, Mr. FINCHER, and Mr. SHIMKUS.

H.R. 1834: Mr. HARRIS.

H.R. 1965: Mr. LONG.

H.R. 2005: Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. DAVIS of Illinois, Mr. CAPUANO.

Mr. TERRY, Mr. LATOURETTE, Ms. BERKLEY, Mr. SHERMAN, and Mr. GRIFFIN of Arkansas.

H.R. 2047: Mr. POSEY, Mr. BURTON of Indiana, and Mr. ROSS of Florida.

H.R. 2077: Mr. COFFMAN of Colorado.

H.R. 2207: Mrs. CHRISTENSEN, Mr. GRIJALVA, and Mr. TONKO.

H.R. 2447: Mr. FRANK of Massachusetts, Mr. CRITZ, Ms. ROS-LEHTINEN, Mr. SHULER, Mr. BRALEY of Iowa, Mr. SABLON, Mr. NADLER, Ms. BERKLEY, and Mr. ROSS of Florida.

H.R. 2478: Mr. GUTHRIE.

H.R. 2555: Mr. HIGGINS and Mr. FILNER.

H.R. 2557: Mr. LANGEVIN.

H.R. 2569: Mr. LATHAM, Mr. SENSENBRENNER, and Mrs. EMERSON.

H.R. 2668: Mr. GARY G. MILLER of California, Mrs. HARTZLER, Mr. FILNER, and Mr. SCHWEIKERT.

H.R. 2675: Mr. CALVERT.

H.R. 2825: Ms. WILSON of Florida.

H.R. 2842: Mr. COFFMAN of Colorado.

H. Res. 137: Ms. CLARKE of New York and Mr. CLAY.

H. Res. 394: Mr. DESJARLAIS.

SENATE—Monday, September 19, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our defender, we call to You in prayer. Our Nation cannot prosper without Your watch care and Your gracious providence. For Your loving kindness and tender mercies, we praise Your Name.

As our Senators grapple with the complex challenges of our time, be for them a shepherd who leads and guides. Lead them to live with a generous spirit that comes from a confidence in Your abiding presence. May they walk in the path of gratitude, meditating on Your words and glorifying Your Name. Thank You for being our refuge and defense. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be

in a period of morning business. During that period of time Senators will be allowed to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of H.R. 2832, which is the trade assistance legislation as tied in with the GSP bill.

At 5:30 there will be a cloture vote on the motion to proceed. We hope to get consent to begin consideration of the bill after the vote.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4:45 p.m. today so that Senators can speak regarding the tributes they wish to make to former Senator Charles Percy of Illinois.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RENO AIRSHOW TRAGEDY

Mr. REID. Mr. President, I was saddened to hear of the terrible accident on Friday at the Reno airshow, which killed 10 people and injured many more. I just received word an hour or two ago that another person has died in the hospital. My heart goes out to those who were hurt, and my thoughts are with the families of those who lost their lives when the pilot of a World War II airplane crashed into spectators.

I commend the many first responders who rushed to the scene Friday. Their quick thinking and skillful assistance saved lives. While this crash was devastating—and it was—it is fortunate and I am glad the pilot took quick action to avoid additional loss of life by avoiding a grandstand packed with thousands of spectators.

My four grandchildren and my son attended the show on Thursday. My oldest grandson Mitchell was at the event with a Scout Troop on Friday, just hours before this terrible accident. Although officials are investigating the crash, initial reports indicate that a piece of the plane's tail broke off prior to the accident.

I hope this terrible event, the first of its kind in this Nation, will not deter people from attending airshows in the future. Thousands of people enjoy these shows every year. The late Senator Ted Stevens attended this show many times and told me it was the best of its kind. I will continue to monitor the investigation, of course.

REMEMBERING SENATOR CHARLES PERCY

Mr. REID. Mr. President, this weekend Senator Charles Percy of Illinois, the progressive Republican and father-in-law of Senator JAY ROCKEFELLER, died at age 91. He had been failing for some time, and I maintained contact with Senator ROCKEFELLER about his wife's father. I didn't know Senator Percy—only by reputation. But I do know he was an independent thinker and a moderate who always put his country before party. The Senate could use more of his brand of pragmatism today.

Senator Percy was a proponent of tough environmental regulations and consumer protections and was an outspoken opponent of the Vietnam war and a proponent of nuclear non-proliferation. He was also a Navy veteran and businessman who was often mentioned as a Presidential contender.

This body, the Senate, honors him for his faithful service to his country as a sailor and as a Member of Congress. My thoughts are with his family, including Senator ROCKEFELLER and his lovely wife Sharon.

REDUCING THE BUDGET DEFICIT

Mr. REID. Mr. President, today President Obama laid out a common-sense plan to substantially reduce the budget deficit. I congratulate President Obama for his vision. Last week he presented the country with a roadmap to reduce our jobs deficit, a proposal to create nearly 2 million jobs and reduce unemployment by a percentage point. Today he has also offered a pathway to reduce our budget deficit—not only the jobs deficit but a budget deficit. It is a concrete strategy to cut the deficit by more than \$4 trillion over the next decade and to do it fairly.

The plan calls for shared sacrifice for all Americans, including those who can best afford to help. It calls on those who have benefited from the tax policies that sunk this country deeper and deeper into debt to help get us out of this debt.

Americans know shared sacrifice is the best path to fiscal sustainability. All the polls indicate that Republicans believe that, Democrats believe that, and Independents believe that. They believe many of the richest few should pay more, and one of the richest of all of them, Warren Buffett, agrees. That is why the President has proposed the so-called Buffett rule, that no American making more than \$1 million a year should pay a lower tax than this Nation's middle class.

This would apply to the top three-tenths of 1 percent—that is all, a small group of Americans—but they are the richest of the rich just like Mr. Buffett. Warren Buffett believes it is unfair that he pays a lower income tax than his secretary. This is what he said:

If you're in the luckiest 1 percent of humanity, you owe it to the rest of humanity to think about the other 99 percent.

Actually, it is more than 99 percent; it is 99.7 percent. There are about 22,000 people in this country who make more than \$1 million a year—this is net income—yet paid less than 15 percent of income in taxes. The top 400 earners in this country, all of whom make more than \$110 million a year, pay a small percentage of their income in taxes. They pay a smaller share than plumbers and teachers and factory workers. More than anyone else these millionaires and billionaires benefit from these tax cuts that contributed \$3 trillion to our deficit. They helped plunge this Nation into a financial hole. Yet congressional Republicans believe the middle class and seniors, not the millionaires and billionaires who enjoyed trillions in tax breaks, should bear the burden of getting us out of that hole.

A balanced approach to reducing the deficit means those who benefited the most from policies that created our deficit should also help solve the deficit crisis we have. A balanced approach means everyone pays his or her fair share. It means middle-class seniors and those who can least afford it will not bear the heaviest burden. So I commend President Obama for insisting on basic fairness as we address our deficit problem.

TRADE ADJUSTMENT ASSISTANCE

Mr. REID. Mr. President, last week was a productive one in the Senate. We reached a bipartisan agreement to pass emergency aid for communities affected by devastating floods, tornadoes, and wildfires. We also reauthorized the Federal Aviation Administration, keeping 80,000 safety inspectors and construction workers on the job. We passed a highway bill keeping 1.8 million people at work building bridges and highways.

Congress has no duty more pressing than putting people back to work, and this highway legislation will do just that. But we can and must do more. That is why this week the Senate will take up the trade adjustment assistance legislation. The TAA Program helps U.S. workers who lose their jobs because of international trade to learn new skills so they can reenter a changing workforce, and it helps them pay for health insurance while they are training for new jobs.

A global economy means fierce global competition. Unless our workforce is flexible and well-trained, we cannot hope to compete.

Between 2001 and 2008, Americans lost 2.4 million jobs because of trade with China. The Trade Adjustment Assistance Program is retraining many of these people, getting them back to work and into the workforce and boosting our economy at the same time. It is unfortunate that my Republican colleagues who say they care so much about free trade have prevented three such agreements from moving forward because of objections to this trade adjustment assistance legislation.

We have known for a long time we were going to move to this trade adjustment assistance. It is unthinkable that the Republicans would stop us from doing that, and that is just what happened. As we struggle to rebound from the worst recession in generations, it is unthinkable that we would abandon hard-working Americans who lost their jobs through no fault of their own.

The trade adjustment assistance legislation provides a lifeline they need to get back on their feet.

Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:45, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. BOOZMAN. Mr. President, in the decade that has passed since the devastating attacks of 9/11, we have seen enormous changes in our daily lives. For many of us, these changes have become routine. We have become more alert to potential suspicious activities, accustomed to additional screening procedures at airports, and understand the need for additional security precautions in places that could be seen as potential targets for terrorists. For

many other Americans, though, their lives were altered in ways that are anything but routine. These are the families, friends, and brothers in arms of those who have given their lives in the global war on terror, including the over 3,000 lives taken in the horrific attacks on our Nation on September 11, 2001.

This past Sunday was a somber day to reflect, remember, and honor the lives that have been cut short by terror. On Sunday morning, I spoke at my church about the impact 9/11 had on me personally and us collectively as a nation. It is important to take the time in the Senate Chamber to remember these brave heroes. We all remember where we were at the time the planes struck the towers and the awful feeling when we realized this was not an accident. We remember the emotional outpouring our Nation shared and how the tragedy brought us all closer together. What happened after the moments of devastation on September 11, 2001, unified our Nation and demonstrated the perseverance and the will of the American people.

We remember the people who refused to leave an injured coworker and those who led others to safety. We remember the firefighters, the policemen, and all the first responders who saved lives that day, many of whom gave their lives in doing so. We remember the heroes at the World Trade Center, the Pentagon, and the brave passengers of Flight 93. We also remember all the brave service men and women who fought and continue to fight to keep us free. They do so by choice. They do so out of love of country, and they do so to protect our Nation, our freedom, and our values.

Since the 9/11 attacks, thousands of Arkansans have been deployed to far regions of the globe to fight terrorism. The Arkansas National Guard, which has historically been a reserve unit, has taken on a more active-duty role in the war on terror. Units from the Arkansas National Guard have played a vital role in the war on terror with deployments to Afghanistan and Iraq, and some units having served multiple tours on the battlefield. American's military personnel and veterans of the global war on terror can be proud of all they have accomplished. Their continued efforts brought Osama bin Laden, the mastermind behind these attacks, to justice, along with a number of his top lieutenants and numerous Taliban commanders. They continue to battle bin Laden's fanatical followers and protect us from those who remain committed to inflicting harm on the United States.

Many of the veterans from the global war on terror have returned home with permanent, life-altering injuries. We have worked hard in this body and in the House to ensure that they and all the veterans of this war receive all the care and benefits they have earned and

deserve upon their return. We must continue to uphold our promise to our veterans. We must also continue to ensure that our military personnel on the battlefield have everything they need to successfully accomplish the mission and to return home safely.

According to the U.S. Central Command, more than 6,200 servicemembers have made the ultimate sacrifice for our freedoms in Operations Iraqi Freedom and Enduring Freedom. Each one is a portrait of bravery. Navy Corpsman Michael Vann Johnson, Jr., a native of Little Rock, was the first Arkansan killed on the battlefield in the global war on terror. He was killed by selflessly tending to wounded colleagues in Iraq. Since his death, another 101 Arkansans have given their lives for our country in the conflicts in Afghanistan and Iraq. This year alone, we have lost five servicemembers from Arkansas.

At the beginning of the year, SGT Ethan C. Hardin was killed in action in the Logar Province of Afghanistan. He was killed when insurgents attacked his unit with an improvised explosive device. Sergeant Hardin was 25 at the time of his death. Sergeant Hardin grew up in Fayetteville, AR, and was remembered by his high school principal as a young man with a "pleasant, likable, gentle personality." His pastor echoed those thoughts, calling Sergeant Hardin a "warrior" who was motivated to take up arms for his country not out of any hostilities toward the enemy but, rather, out of a strong desire to keep our country safe.

Less than a week after the death of Sergeant Hardin, SGT Zainah C. Creamer was killed in the Kandahar Province of Afghanistan when insurgents attacked her unit with an IED. Sergeant Creamer was born in Texarkana, TX, and graduated from Arkansas High School in Texarkana, AR. She was 28 at the time of her death. Sergeant Creamer's friends and family say they will remember her lovely singing voice and her love of country, friends, family, and fellow soldiers, including her K-9 partner Jofa. A soldier for more than 6 years, Sergeant Creamer was assigned to the 212th Military Police Detachment as an Army dog handler. She and her K-9 partner were assigned to check vehicles and facilities for explosives and were carrying out a routine clearance mission when the blast occurred.

In March, another IED attack in the Kandahar Province once again impacted Arkansas. Army CPL Loren Buffalo of Mountain Pine, AR, was only 20 years old when insurgents took his life. Corporal Buffalo was carrying on the family tradition of military service. His father and his uncle served in the Army and his great-grandfather was a B-17 bomber pilot during World War II. His father says Corporal Buffalo was a dedicated military man who

loved music, liked to hunt and ride horses.

Last month, two Arkansans were among the 30 U.S. servicemembers killed when their Chinook helicopter was shot down in the Wardak Province of Afghanistan. The Taliban claim responsibility for the attack, which resulted in one of the greatest losses of U.S. military lives in a single incident in the decade-long war in Afghanistan. Most of those killed in the attack were U.S. Special Forces personnel.

Navy Special Warfare Operator Senior Chief Petty Officer Thomas A. Ratzlaff of Green Forest, AR, was one of those Special Forces officers killed in the attack. Senior Chief Ratzlaff graduated from Green Forest High School in 1995 and immediately enlisted in the Navy to begin the process of achieving his lifelong dream of becoming a Navy SEAL. According to the Green Forest mayor Charlie Reece, Senior Chief Ratzlaff developed a reputation as one of the most highly decorated officers in his elite unit, but humbly remained grounded. The mayor called him a "high-class young man." Senior Chief Ratzlaff was 34 at the time of his death.

Air Force Tech SGT John W. Brown of Siloam Springs, AR, was also killed in that attack. An accomplished athlete in his youth, Sergeant Brown played football and basketball. He went to John Brown University on a swimming scholarship. In Siloam Springs, he was known for his positive attitude, his intelligence, and his sense of humor. After seeing a video of a special operations unit, he abandoned plans to become a nurse anesthetist and enlisted in the Air Force where he was assigned to the elite 24th Special Tactics Squadron at Pope Field, NC. He was 33 at the time of his death.

This is something we need to remember not just on anniversary dates but at all times. It should serve as the ultimate reminder that we in this Chamber have an obligation to come together and to make this country a better place.

I ask my colleagues in the Senate to join me in honoring their lives and their legacy, as well as the sacrifice of all who have fought and died in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. Let us never forget their sacrifices and let their legacies be an inspiration for every American.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

REDUCING THE BUDGET DEFICIT

Mr. LEVIN. Mr. President, I wish today to discuss two more ways to re-

duce the budget deficit by eliminating tax loopholes and special tax breaks and restoring fairness to the Tax Code while protecting essential programs for American families.

Last week I sent a letter to members of the Joint Select Committee on Deficit Reduction outlining a 7-point plan that could lower the deficit by \$1 trillion over 10 years through some restored revenues. I spoke last week on the floor about the necessity of addressing revenue, not just spending cuts, to achieve real deficit reduction. I discussed in some detail two of the proposals in my plan, which are combating offshore tax haven abuse and eliminating the tax loophole that forces taxpayers to subsidize stock option compensation for corporate executives.

Since I spoke last week, President Obama has outlined his ideas for deficit reduction. Significantly, the President has embraced the need to restore significant revenues to reduce the deficit. I believe the President's proposals are an important step toward serious deficit reduction. Indeed, some of his ideas parallel the proposals which I have made to the joint select committee.

Today I wish to outline and describe two more of my proposals, each dealing with a tax loophole that benefits Wall Street at the expense of working families and our fiscal well-being. One would end the carried interest loophole that allows hedge fund managers to pay the lower capital gains tax rate on their pay for managing investments. The second would end the blended rate loophole that gives preferential status to income from derivatives trading even in the case of derivatives held for seconds or minutes. That preferred status is given over the kinds of long-term investments that are more important in helping put capital to work, growing the economy, and creating jobs.

Each of these two loopholes amounts to a subsidy. Working American families who pay their taxes every year end up carrying an extra burden because these provisions allowed Wall Street to pay a lower tax rate and the rate applied to average workers. I cannot see how anybody can explain to working Americans that they must bear a greater tax burden so hedge fund managers get a tax break on pay that often amounts to millions of dollars a year or so that speculative traders can pay a lower tax rate on so-called investments they might hold for just a few seconds.

Let's first talk about the carried interest loophole. Hedge fund managers generally make their money by charging their clients two fees. First, the manager gets a management fee, typically 2 percent of the assets. Second, the manager typically gets 20 percent of the profits from those investments above a certain level. That 20 percent

is known as carried interest and, under current law, hedge fund managers can treat that income as a long-term capital gain taxed at a maximum rate of 15 percent and not at the higher ordinary income rates.

What is the blended rate loophole? Since 1981, those who trade in some financial products such as futures contracts and options have enjoyed a specially created tax loophole that allows them to pay a lower rate than, for example, traders who buy and sell stock. No matter how long a speculator holds on to a futures or options contract—again, even if it is a few seconds—their gains and losses are taxed at a lower so-called blended rate; that is, part at the capital gains rate and part at ordinary income. So a dealer who buys a stock and sells it within a year must pay taxes at the ordinary income rate, while that same dealer who buys an option and sells it 30 seconds later gets to pay the lower capital gains rate on most of that income.

These special tax breaks impose an unfair burden on American taxpayers, and they contribute significantly to the budget deficit. Based on estimates from the Joint Committee on Taxation, eliminating the carried interest loophole could reduce the deficit by \$20 billion or more over 10 years. The Joint Committee has made no estimates of the cost to the Treasury of the blended rate loophole, but it is reasonable to assume that ending it would reduce the deficit by billions of dollars.

Beyond their fiscal impact, these proposals would help restore fairness to the Tax Code. These tax subsidies give preference to activities that do not contribute much to economic growth or job creation the way other activities that don't enjoy the same subsidies do. Instead, they subsidize hedge fund managers and derivative dealers.

Take the carried interest loophole again for a moment. We tax income that investors receive from hedge funds and other investments at the lower capital gains rate because, in theory at least, those investments help put capital to work, creating jobs and growing the economy. But the hedge fund manager isn't putting his own capital at risk; he is just doing his job, the same as his employees or the janitor who cleans his office at night. This tax break doesn't reward risk taking or job creation; it rewards what is already an extremely lucrative profession. According to a survey by a magazine covering the hedge fund industry, the top 10 hedge fund managers last year each made at least \$440 million. Six made more than \$1 billion in 1 year. It is hard to imagine that we need to offer a tax break to encourage people to become hedge fund managers.

Similarly, the derivatives blended-rate loophole doesn't just add to the deficit, it is plainly unfair. It is unfair not only to working Americans who

have to pay higher tax rates than these derivative traders, it is also unfair to investors who risk their capital and long-term stock and other investments that are more important to job creation but don't enjoy that same tax break. This loophole gives preferential treatment to short-term, speculative trades over long-term, patient capital, and that is exactly the wrong message to send.

We should end these Wall Street loopholes. I have encouraged the members of the joint select committee to end them. We should end them because they add to the deficit, because they subsidize activity that does not need a subsidy and that does not add much to economic growth, and because they are unfair to the millions of American taxpayers who do not enjoy the same tax breaks and have to pay more in taxes to make up for these unfair subsidies. Eliminating them would be good for our economy. It would enable us to reduce the deficit by billions of dollars a year. It would help us fund important programs that protect seniors and children, programs that make our Nation stronger.

So I hope the joint select committee will look hard at these and other proposals in my plan as they carry out their difficult task. I will be back again in the next few days to discuss three more ideas that can reduce the deficit, protect the middle class, and avoid Draconian cuts in vital programs.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANGELS IN ADOPTION

Mr. JOHANNIS. Mr. President, each year I nominate outstanding Nebraskans as Angels in Adoption, thanking them for their shining example of caring for children in need, children who want nothing more than a family of their own.

This year, I am pleased to share the story of Paul and Mandy Mueting of Kearney, NB. They are true adoption heroes who have opened their hearts and home to three young boys.

After Paul and Mandy had their biological daughter, Lydia, and became parents for the first time, they could not imagine a child not having the blessing of a loving family. Soon after, they learned of a young mother—a ward of the State herself—who was considering making an adoption plan

for her then 22-month-old and 4-month-old boys named Steven and Edward.

In August 2007, the boys were placed in the Mueting home and a plan was put in place for an open adoption. However, the birth mother left without relinquishing her parental rights. This was a setback for the Muetings, but they continued to care for and love the boys with the hope that they could still someday adopt them. Several months later, the boys' birth mom returned, asking for another chance to mother Steven and Edward. The Muetings took time to grieve their loss but did not give up hope of adopting children.

In December 2008, the Muetings were informed by Nebraska Children's Home Society that another birth mother selected their family and wished to place her soon-to-be-born son with them. Evan was born in January 2009. The Muetings were overjoyed. They welcomed Evan into their family with joy.

Not long after they settled in with their new son, the Muetings received yet another call. Steven and Edward's birth mom had again made a decision to relinquish her parental rights. Seeing the love the Muetings had for her children, she requested that the boys be placed once again with Paul and Mandy. This was a big decision. It meant instantly doubling the number of children in their family from two to four. They knew that providing love and care to three adopted children is a big responsibility.

Well, you will not be surprised to learn that Paul and Mandy didn't hesitate a moment. With open arms, they welcomed Steven and Edward back into their lives. The adoption was finalized last year. I am told that Lydia has fully adjusted to being outnumbered by three brothers. All four are fortunate to have each other, a wonderful home, and loving parents.

It is with great pleasure and admiration that I nominate Paul and Mandy Mueting as Angels in Adoption. They are a wonderful example of compassion. My hope is that their story will encourage others to open their hearts to vulnerable children whose only dream is a loving and permanent home.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the roll call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. I would ask unanimous consent that I may speak for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL FINANCIAL CRISIS

Mr. KYL. This month marks the third anniversary of the Federal seizure of Fannie Mae and Freddie Mac, the collapse of Lehman Brothers, the bailout of AIG, and other events that marked a turning point in the global financial crisis.

At the time, many journalists, pundits, and policymakers were eager to interpret the crisis as a failure of capitalism, as some called it, or a failure of free markets. There was a famous Newsweek cover that said, "We're All Socialists Now."

This interpretation is fundamentally flawed, and I wish to speak a little bit about that. Blaming capitalism and free markets and deregulation for causing the crisis that occurred 3 years ago does not tell the real story. We must remember that misguided government policies played a big role in pumping up the housing bubble, and they have subsequently played a big role in delaying our recovery from this crash. So I wish to briefly discuss the findings of several economists who highlight these points.

Loose monetary policy was one such misguided policy that fueled the crisis. Writing recently in the quarterly journal, *National Affairs*, Stanford economist John Taylor pointed out that U.S. monetary policy became highly discretionary in the years leading up to the 2008 crisis, whereas monetary policy had been more rules-based during the previous two decades. Taylor has determined:

The low interest rates set by the Federal Reserve from 2003 to 2005 added fuel to the housing boom and led to risk-taking and eventually a sharp increase in delinquencies and foreclosures and in the toxic assets held by financial institutions. A more rules-based Federal funds rate—particularly one that held to the general approach that characterized Fed decisions throughout the 1980s and '90s—would have prevented much of the boom and bust that followed.

This, according to economist John Taylor. In other words, with tighter, more prudent monetary policy, the housing bubble would have been significantly smaller.

Another major cause of the bubble was Federal housing policy, especially the reckless mortgage activities of government-sponsored enterprises Fannie Mae and Freddie Mac. These two institutions, operating under an implicit government guarantee, played a central role in the housing bubble. The government's guarantee permitted them to operate without adequate capital, to assume more risk than competing financial institutions, and to borrow at a below-market rate of interest. Between 2004 and 2007, Fannie and Freddie became the largest buyers of so-called subprime and Alt-A mortgages.

As Columbia Business School economist Charles Calomiris has observed:

Logic and historical experience suggest that even in the presence of loose monetary

policy and global imbalances, if the U.S. government had not been playing the role of risky-mortgage purchaser in the years leading up to the crisis, mortgage-related losses would have been cut by more than half.

To be sure, government entities were not the only institutions promoting the growth of nontraditional mortgages. But government policy was the critical factor that made the bubble so dangerously large. Housing-finance expert Peter Wallison of the American Enterprise Institute argues that:

Without the huge number of defaults that arose out of the U.S. housing policy, defaults among the mortgages in the private market would not have caused a financial crisis.

So with better, more responsible Federal housing policies, the crisis might have been avoided or have been less severe.

Government failures have also, in the words of Nobel Prize-winning economist Gary Becker, "prolonged the crisis." Indeed, the economy has not responded well to the prodigious spending, trillions in debt, and countless new regulations imposed during the Obama administration. The economic policies of the last few years seem to have hampered the confidence of job creators, while creating widespread uncertainty and undermining confidence.

Michael Boskin of Stanford, in a piece entitled "The Obama Presidency by Numbers," said this:

President Obama's debt explosion will be a drag on the economy for years to come. . . . The share of Americans paying income taxes is the lowest in the modern era, while dependency on government is the highest in U.S. history.

These are dreary findings.

In January 2009, the U.S. unemployment rate stood at 7.6 percent. By October 2009, it had surged above 10 percent despite the passage of the \$1.2 trillion stimulus bill. Unemployment has been above 9 percent for 26 of the 30 months since the passage of the stimulus. In fact, Boskin has found that even by the administration's inflated estimates of jobs "created or saved" by the stimulus, each job has cost \$280,000—each job, \$280,000. That is five times the average American's annual pay. Remember, that is borrowed money that will eventually have to be taken out of the private sector to pay it back.

In addition to the failed stimulus package, the last Congress also enacted a pair of 2,000-page bills that were supposedly designed to repair the health care and financial systems. In the view of Becker, "These laws and the continuing calls for additional regulations and taxes have broadened the uncertainty about the economic environment facing businesses and consumers. This uncertainty decreased the incentives to invest in long-lived producer and consumer goods. Particularly discouraged was the creation of small businesses, which are a major source of new hires."

My point is not to needlessly pile on President Obama but to underline the need for a new approach. His policies have made things worse, and the uncertainty surrounding his new proposals has crippled America's economic recovery. As Carnegie Mellon economist Allan Meltzer has written, "High uncertainty is the enemy of investment and growth."

America's job creators are eager to know whether their taxes will be raised at the end of 2012, whether the new health care law will force them to lay off a substantial number of workers, whether the Dodd-Frank bill will impose unforeseen new costs, and whether the administration will impose even more regulatory hurdles. Notably, despite the administration's recent rhetoric about regulatory review, the massive new regulations in its two signature bills—health care and financial regulatory reform—will not be reconsidered.

In conclusion, the 2008 financial crisis was not simply a failure of capitalism or a result of free market economic policies. We can reasonably say the crisis would not have been nearly as severe or may even have been avoided entirely without misguided government policies.

All of us here would like to see a strong economic recovery, but reckless spending, debt, more regulation, and government intervention have not boosted the economy so far. It is time for another approach, one that eschews the top-down Washington management and focuses on creating incentives and long-term certainty in the private sector.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SENATOR CHARLES PERCY

Mr. ROCKEFELLER. Mr. President, I rise today with a deep sense of honor and a deep sense of sadness to speak about the late Senator Charles Harting Percy of Illinois who passed away this past Saturday, with his family surrounding him.

Before I begin, though, I also wish to speak about two other losses to the Senate family. One, of course, is Kara Kennedy, the beloved daughter of Senator Ted Kennedy, as well as Eleanor Mondale, the beloved daughter of Vice President and Senator Fritz Mondale.

Each of these two wonderful people died at the age of 51 and it is incomprehensible. It is terrible. They were far too young to be taken from us. The Percy and Rockefeller family love flows to their families.

Senator Chuck Percy was blessed to live a long and accomplished life. He lived to be 91 years old. Many of my colleagues know Senator Percy was a distinguished Republican Member of the Senate for 18 years, from 1967 to 1984, which is the year I came to the Senate. He was chairman, as people know, of the Senate Foreign Relations Committee, and a man with an absolutely vast talent that he poured into every aspect of his public service as well as his private business career. He was extraordinary in that way. He had brains. He had vision. He had stamina. He had energy. He was incredibly athletic. He could do anything for any amount of time and under all of this was built this incredible discipline that made him do it all.

Most importantly to this Senator, Chuck Percy was my father-in-law for more than four decades, since I was lucky enough to marry his unique and beautiful daughter, Sharon Percy, who, I might say, has many of the characteristics, nature and habits of Senator Percy. It just worked out that way. She has those characteristics. He extended to me in every way the great gift of joining the family he nurtured, watched over, cared for, and protected all of his life, and for that, obviously, I am forever grateful.

I wish to share a few remembrances of Senator Percy with my colleagues because many here didn't know him—a few did, but most did not; with the people of Illinois, and with all of the family and friends who are hurting from the news of his loss.

Chuck Percy was absolutely unshakeable in his belief in the future. He believed in our country and he believed in our ability to make this world a better place, if we would only put our minds and will and discipline to it. He was a believer. He always saw not through a glass darkly but through a glass brightly. It was his nature. He was guided more by what was right than by party label.

Interestingly, in a press interview in 2008, then-Senator Barack Obama noted that his hope was that more Republicans would look at members of their party for inspiration and then compare them to Abraham Lincoln and Chuck Percy, two “pretty good Republicans,” he said.

What made Chuck so magnetic and so successful was his determination to share his optimism, to share his sense of promise with everyone around him, even at a very young age.

Chuck Percy began his business career not at Bell & Howell, where in fact at the age of 29 he became the youngest CEO and president of a major American

company, but in fact he did it years earlier at the age of 4. His family was impoverished. They had been devastated by the Great Depression. They faced bankruptcy. They shifted from place to place in some of the most difficult parts of Chicago. So Chuck Percy at the age of 4 wanted to help, and he knew how to help: the entrepreneurial instinct. He took cookies, baked presumably at home, and sold them on the streets of Chicago for a very little amount of money, but he made money from that which he then turned over to the family.

He helped his impoverished family weather the Great Depression and pushed himself, by force of will, to get an education, all the way through the University of Chicago, on scholarship.

Before his business career took off, as did many men of his generation, Chuck Percy went off to war serving his country for 3 years as a naval officer during World War II. Upon returning home, he rejoined Bell & Howell and led that company from 1949 to 1964 through an astounding thirty-two fold increase in the expansion of sales, in what were then cutting-edge film products.

He launched his political career in large part to get back into public service because he missed it. He yearned for it. One could argue that business might have been his real calling, or maybe public service was, but to him he was interested in everything and wanted to do everything. So he had a chance to get back into public service, but he had no grand ambition. He simply wanted to find ways to challenge himself and to help make the country better.

Chuck Percy had a seriousness of purpose. As a young man he resolved to read all of the great books of his generation and generations that preceded him, the master works, as well as the Constitution, the Bill of Rights, the Federalist Papers. He not only read them, but he discussed them all with his professor. It was a stunning emphasis to drive himself to increase his knowledge to the highest level possible.

But Chuck also had a sense of fun and of sport. He loved to be active. He loved to ski, among other things. As fate would have it, he was skiing in Idaho when then-President Eisenhower called him in 1959 to see if he could be persuaded to work on a project to reinvigorate the Republican Party by leading a commission on national goals. It was an ambitious task and rife with political risk for Chuck, but Chuck didn't hesitate. His work helped pave the way for his election, in fact, to the Senate in 1966.

But even more than that, his report served as a template for the reflection and soul searching that went on in this country ahead of that 1976 bicentennial. He cared about the 200th anniversary of America. Everybody did, but he

really did, and he wanted to know what we could do better, what we could do more of, and that is what he used that commission for. He wanted America to be a better nation.

As a Senator, Chuck Percy took a strong interest in the economy and international affairs. As chairman of the Foreign Relations Committee he traveled the globe, going to countries whose names were hardly known at a time when very few Senators were even traveling at all. He could do that as chairman of the Foreign Relations Committee, but he wanted to do that and he was good at it. He would get into the tiniest track of a small village to try and meet people, maybe even breaking cultural habits by trying to shake hands with people who were not allowed to shake hands because they were considered too impoverished. Nothing discouraged him, and he wanted to make himself a better person and a better Senator.

Chuck was on a trip to inspect the battlefields of Vietnam, even though he was very skeptical of that war. He was on a helicopter when his aircraft took fire from the Vietcong in a hamlet about 90 miles north of Saigon.

The helicopter lifted off for safety, but left Chuck with four other men and two guns between them to huddle against the ground as mortar shells exploded 15 feet away and small arms fire whizzed overhead. Additional U.S. helicopters soon arrived and rescued the men, and the story went on. He was fearless.

When he came to the Senate, Chuck took on the culture of the Senate. He didn't like a lot of what he saw. I am looking, as I speak now, at Senate pages. He thought there was no reason why girls could not be Senate pages as easily as boys, but that was the custom then. Girls were not deemed to be able to do the work. There was an attitude here in the Senate then that the opportunity of being a page was suited for boys, and during the debate, interestingly, some Senators worried about girl pages not being able to carry copies of the CONGRESSIONAL RECORD to the Senate desks.

He cosponsored the Equal Rights Amendment and spent the better part of his career arguing that women should have the same opportunities as men. Senator Percy knew firsthand from the remarkable women in his own life, his own family, and the remarkable women in his office that women can do anything men can do, and perhaps better. In fact, Senator Percy was furious when he found out that textbooks paid for by the Federal Government included sentences such as “girls should be nurses and secretaries, while boys should be doctors and businessmen.”

Chuck Percy also cared deeply about helping less fortunate Americans. People think of him as always having been

very rich. No. He was very poor and his family was even poorer. He struggled for a long time. He is rightly credited for authoring and pushing the first-ever legislation to create opportunities for home ownership for low-income Americans.

He focused on older Americans. He wrote a book back in 1974 about the daunting process of growing old in America. This is back in 1974, 9 years after Medicare, and the shameful living conditions and hospital conditions the elder poor had to face. His book was a call to action and a moral imperative to restore dignity to aging.

Chuck favored open government and sunshine laws at a time when it was not popular. He felt strongly that in a democracy, the military establishment should be held accountable and answer specifically to civilian leaders.

He also opposed, for the most part, war and took many positions that undoubtedly hurt him within his party.

But, in fact, he defied party labels, describing himself as “fervently moderate.” So aggressively did he seek out evenhandedness that it was known by those who knew him that at his dinner parties at his house, they were always equally divided between Democrats and Republicans; specifically, one Republican, one Democrat, and different parts of the government and business. It was a matter of principle to him.

He wanted to hear all sides, though he was absolutely resolute when he made up his mind. One of the things I thought was most captivating about Chuck was the fervor with which he held his beliefs.

Senator Percy's desire to be President came to be well known—and he wrote about it publicly—but the timing was never quite right so that did not happen.

He lost his race for a fourth Senate term in 1984, just when this Senator was coming into the Senate, and it was one of several very difficult times Chuck Percy faced in his life with courage and with grace.

Early in his life, his family was literally penniless when his father lost his job and all their savings. Then later, at the midpoint of his career, he lost a beloved daughter, Sharon's twin sister Valerie, in an unspeakable and lethal crime that still tears at the soul of our family. Then, in his final years, he was struck down by Alzheimer's for a decade or more. There is no cure for Alzheimer's. The end was fated.

He was never downcast. He was always—until he no longer could—trying to read, walk, play tennis, have meals outdoors, and do something. But it was through the whole of his dynamic and full life that Chuck Percy steadily became the great man whom I have been privileged to know, admire, and love deeply.

Chuck warmed to a challenge. He leaned into life in every way—insisting

for himself, his children, and his grandchildren that the best part of living consists of learning, improving, and trying to do better each day. His energy and his focus on this process, fueled in part by Christian Science, was amazing and unmatched, as far as I am concerned.

He was an incomparable father to Sharon and to her siblings. He lived what he believed—very simple—never wavered in his unconditional support and love, and sought and created truth.

America benefitted greatly from his life and from his service. The entire Percy and Rockefeller families have been incredibly and indelibly shaped by his legacy and by his love.

I ask unanimous consent that a statement from the Percy and Rockefeller families be printed in the CONGRESSIONAL RECORD. Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE PERCY AND ROCKEFELLER FAMILIES ON THE PASSING OF SENATOR CHARLES H. PERCY

It is with a profound sense of personal loss that the family of former Senator Charles H. Percy announces his death on Saturday, September 17, 2011, at the age of 91.

He loomed as large in his private life as he did in his public one.

His determination—to overcome odds, to help others, to persuade decision-makers to actions he believed were important—showed us how much can be achieved through the inspiration of a single man.

The energy and enthusiasm he brought to everything in his many-faceted life encouraged us to rise early and to embrace each day's opportunities for work and fun until late at night, and buoyed us up when we flagged. His courage in the face of devastating adversity made us braver and taught us resilience. His insistence on a balanced perspective in his public life, (calling himself “fervently moderate”), helped us understand it is both possible and preferable to live in a world without partisanship.

He led by example with his self-confidence, relishing the company of people who challenged and informed his thinking, including his outstanding business and Senate staff. He provoked animated discussions around the dinner table and roared with laughter at Capitol Steps skits at his expense. His voice was strong and deep, and it filled and warmed a room.

He taught us humility and respectfulness as, win or lose, he would show up at the Chicago Loop the day after each election to thank the voters. He taught us generosity, as he tried to help others as he'd been helped along the way. He taught us how powerful unconditional love can be.

He went through life with his arms flung wide. He welcomed all who wanted to accompany him on his journey, celebrated the victories with them, and supported and comforted them through his own difficult times.

He unreservedly believed he would be joining the loved ones who had gone before him, and in the face of such conviction we cannot but believe he is having the joyous reunion he had longed for.

We also believe he would want to thank extended family, friends, colleagues, and compatriots for so enriching his life. We will all miss him.

The family will be holding a private service. In lieu of flowers, contributions may be made in the name of Charles H. Percy to The Friends of Georgetown Waterfront Park (P.O. Box 3653, Washington, D.C. 20027) or WETA (3939 Campbell Avenue, Arlington, VA 22206).

The PRESIDING OFFICER (Mr. COONS). The Senator from Illinois.

Mr. DURBIN. Mr. President, first, let me extend my sympathy to my colleague, JAY ROCKEFELLER from West Virginia, son-in-law of the late Senator Chuck Percy, and, of course, his wife, Senator Percy's daughter, Sharon. They are great friends, and I know this loss, though they all found it inevitable, still brings pain to their lives. I hope the reflections of so many people in the greatness of Chuck Percy and his contribution to Illinois and to America will help to, in some ways, alleviate the pain they are going through.

I join my colleague, Senator KIRK, today in paying tribute to our fallen colleague and friend, Senator Charles Percy, who died on Saturday. He served Illinois and our Nation for 18 years here in the Senate.

Although he ran against the two men who were my greatest political inspirations—Senator Paul Douglas and Senator Paul Simon—I always regarded Senator Percy as a friend and as an honest and honorable representative of our State of Illinois.

It is a little known fact about Chuck Percy that he was nearsighted in one eye and farsighted in the other. That unusual vision was a good metaphor for his politics as well. He described himself as “fervently moderate.” A progressive Republican, he said he was “a conservative on money issues but a liberal on people issues.” He used the word “liberal” in the days when you could get away with it.

Charles Harting Percy was born in 1919 in Pensacola, FL. His family moved to Chicago's Rogers Park neighborhood when he was a baby. His father worked as a bank clerk. His mother taught violin for 25 cents a lesson. The bank at which his father worked failed in the Depression and the Percy family was forced into bankruptcy and onto relief.

Chuck Percy got his first job at the age of 5, selling magazines, to help his family along. He sold his mother's homemade cookies door to door, rose at 3:30 in the morning to deliver newspapers and parked cars and worked as a janitor—all while he was in high school.

He worked his way through the University of Chicago on a half-tuition scholarship. Along the way, he had an economics professor, Dr. Paul Douglas.

In 1936, while Chuck Percy was still in college, his Sunday school teacher encouraged him to enter a training program at the man's company. The company was Bell & Howell, near Skokie, IL, a very small manufacturer, at the time, of home movie cameras.

After graduating from the University of Illinois with a degree in economics, Chuck Percy went to work full time at Bell & Howell. At 23, he was elected to the board of directors. At age 29, he was named Bell & Howell president and chief executive officer, the youngest person to head a major American corporation up to that time.

In 14 years, under Chuck Percy's leadership, Bell & Howell extended its reach in the consumer electronics market. Its number of employees increased twelvefold, and its annual sales climbed from \$13 million to \$160 million.

In 1964, Chuck Percy was a delegate to the Republican National Convention. It was the same year he ran unsuccessfully for Governor of Illinois against Otto Kerner.

Two years later, Chuck Percy challenged that former University of Chicago professor, Paul Douglas, for his seat in the Senate. I knew all about that campaign. It was my first. I was a college student and an intern to Senator Douglas and went back to work on his campaign in Illinois when Chuck Percy challenged him.

In the final weeks of that campaign, I was with Senator Douglas in my hometown of East St. Louis, IL. He was staying at the Holiday Inn, and he received word, early in the morning, that Chuck Percy's daughter, Valerie, had been murdered in their home.

Senator Douglas—I remember this to this day—saw a church across the street from that Holiday Inn—it was Saint Henry Catholic Church—and though Douglas was a Quaker and later a Unitarian, he said: I am going to that church to pray. He went in and he prayed for the Percy family. He walked out the door and he said, in quiet tones to his staff: This campaign is over until Chuck Percy announces it will resume, and we will say nothing about this tragedy other than to express our sympathy to his family. What a different day in American politics.

Both candidates declared a halt to the campaign. It lasted nearly 1 month. It was the month of September. That decision showed a humanity and a respect which is missing on too many occasions from today's politics.

Chuck Percy went on to win that campaign. In the Senate, he backed consumer protection and environmental efforts and supported international nuclear nonproliferation. When you listen to his agenda of priorities, you find it hard to place it in today's very conservative Republican agenda.

A Navy veteran, he was an outspoken opponent of the war in Vietnam. It was an act of political courage that earned him a place on Richard Nixon's infamous enemies list.

He was the first Senator to call for an independent prosecutor to investigate Watergate.

In 1970, he joined the Foreign Relations Committee. One decade later, when he rose to chair that committee, he explained his views on foreign policy this way:

I don't want foreign policy developed just by one party and ride roughshod over the other party. I'd much more value a bill that has bipartisan support. That's what this committee achieved in World War II, achieved in the Marshall Plan.

Chuck Percy was reelected to the Senate in 1972 by more than 1 million votes, the largest plurality of any Senate candidate in the Nation that year. He won a third term in 1978.

Running for a fourth term in 1984, he was challenged in a bitter primary by an archconservative—a man whose money came from out of State and was never traced. Although he won that primary, he would go on to lose the general election to my friend, Senator Paul Simon, who won with 50.1 percent of the vote.

That same year, Senator Percy's son-in-law, our colleague, Senator ROCKEFELLER, was elected to the Senate from West Virginia.

After leaving the Senate, Senator Percy said his proudest accomplishment in office had been pushing for more opportunity for women in the Federal Government. His lasting legacy goes way beyond that.

In 1970, it was Senator Chuck Percy who persuaded Richard Nixon to nominate one of Senator Percy's former classmates for a spot on the Court of Appeals for the Seventh Circuit. Five years later, that former University of Chicago classmate, John Paul Stevens, was elevated to the U.S. Supreme Court, where he served with distinction until his retirement last year.

I can recall when Senator Percy was in office. I had backed his opponent, Senator Douglas, whom he defeated in 1966. I contacted his office. I was a student at Georgetown Law School. We had a group of Democrats, and I thought: I will just take a flier here. Let me call his office and see if he will meet with us. Of course, he said yes. The next thing you know, 10 Georgetown University Law Center young Democrats were sitting in Chuck Percy's office. He knew it, and we had a good time, a good exchange. That is the kind of person he was. That is the kind of politics he practiced. That is a reminder of what life was like not that long ago.

After leaving office, Senator Percy became an international relations and trade consultant and board chairman of an organization that administers education and cultural exchange programs.

Two years ago, his daughter, Sharon Percy Rockefeller, announced that her father had Alzheimer's. Senator Percy had been struggling with the disease for more than a decade.

Even out of office, he would call me from time to time, usually with a re-

quest about Washington, DC. Illinois was his love and the Chicago area always his hometown. But he had a passion and love for Washington too and he worked hard to make this a better city.

I wish to offer my deepest condolences to Senator Percy's wife of more than 60 years, Loraine, to Sharon and JAY ROCKEFELLER and all the Percy children, grandchildren, and great-grandchildren.

I feel honored to have been schooled in politics in Illinois during this era, to have known such extraordinary men when I was just a youngster, a college student starting out. Knowing all of them and watching them in public service gave me an impression and an ideal of what this job should be all about.

When I heard of Senator Percy's death—I know his family had anticipated it—it brought back many memories of the fine contribution he made to Illinois and to the Nation. We are lucky to have had men like him, successful in so many ways, devoting a major part of their lives to public service. We are also fortunate they did it with such a feeling of responsibility, not only to their State and Nation but also to be public servants in the best sense of the word, working with everyone to try to find solutions to problems. It is a lesson we need to relearn today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I ask unanimous consent to suspend the time limitation and continue for 8 minutes to eulogize Senator Percy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KIRK. Mr. President, I rise along with my colleague from Illinois, our senior Senator, Mr. DURBIN, and, of course, Senator ROCKEFELLER, related to the Percy family, to eulogize Senator Percy, whom we lost on Saturday—a great and one of the most successful Illinois Senators.

Senator Percy dedicated much of his life to serving our Nation, first in the U.S. Navy and then for 18 years in the Senate.

I think I am the only Member of the Senate who actually voted for Senator Percy and volunteered in his campaign, along with my mom, when I was only 12 years old. Senator Percy, we knew, was a focused and disciplined leader, who succeeded at nearly everything he put his mind to.

He graduated from my alma mater, New Trier High School, and also lived in Kenilworth, IL, my hometown. He later, after graduating from New Trier, went to the University of Chicago. After getting a bachelor's degree in economics, he joined a small camera company called Bell & Howell.

He then led Bell & Howell, starting at the age of only 29, into making military cameras and movie projectors and then a new product called microfilm. As the leader of Bell & Howell, he was one of our greatest job engines of the State of Illinois. Employment grew 12 times under his leadership and earnings 32 times. But Charles Percy wanted to do more for his country.

As we heard, at the request of President Eisenhower, he helped write "Better Decisions For America" as part of the Republican platform of 1960. Charles Percy ran for Governor in 1964, but he lost that election. In the not-so-proud tradition of Illinois, that Governor then went to jail and Percy became seen as a corruption fighter in our State. Just 2 years after that defeat, Charles Percy was elected by the people of Illinois to represent them in the Senate, defeating Paul Douglas.

During that campaign, his daughter Valerie was murdered in my hometown and his hometown, Kenilworth—one of our town's only murders. It was through this tragedy that we saw so clearly Charles Percy's quiet dignity.

In the Senate, Chuck Percy was first known as a proponent of a foundation to back home ownership for low-income families. He was the toast of this town in the 1960s, described by the New York Times as "the hottest political article in the Republican Party." He even led in polls for the 1968 Republican nomination for President.

Senator Percy, though, was at heart an independent who took on corruption in his own State, and especially his own party. He moved the first resolution calling for an independent prosecutor on the Watergate scandal. The New York Times reported:

Nixon fumed to his cabinet that he would do all he could to make sure that Mr. Percy, who already voted against two Nixon nominees for the Supreme Court, would never become President.

Senator Percy fought corruption wherever he saw it. In 1977, he took on White House Budget Director Bert Lance for backdating checks to gain tax deductions. Lance later resigned.

Senator Percy was best known for his work as chair of the Senate Foreign Relations Committee during historic times, when the United States recovered its nerve and stared down the Soviet Union, and it won the Cold War outright.

He was a gentle man, disciplined in swimming every day, and a devout Christian Scientist who read the Bible each evening.

Senator Percy was a strong, honest, and principled man whose integrity remained uncompromised in his nearly 20 years in the Senate. He believed that accountability, checks and balances, and transparency should be the driving forces of government.

We will miss his moderate, fiscally conservative brand of politics. His leg-

acy is one of genteel, thoughtful leadership, and his fight against corruption in Illinois is sorely missed today.

I send my sincere condolences to Senator Percy's wife Loraine and his children, Sharon, Roger, Gail, and Mark, and their spouses—including our colleague Senator ROCKEFELLER—and to the grandchildren, great-grandchildren, and many friends and family who will mark his passing at the funeral on Wednesday.

Senator Percy was one of the best-remembered Illinois Senators. He represents a tradition, in some sense followed by me. As a former volunteer for his campaign and one who voted for him, we mark his loss today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2832, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be divided and controlled between the Senator from Montana, Mr. BAUCUS, and the Senator from Utah, Mr. HATCH, or their designees.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I say to my friend from Alabama, I don't plan to take a lot of time—maybe 10 minutes total.

Mr. President, in 1934, President Franklin Delano Roosevelt said:

No country, however rich, can afford the waste of its human resources. Demoralization caused by vast unemployment is our greatest extravagance.

President Roosevelt said these words at a fireside chat nearly 80 years ago. Our economy was slowly on the path of recovery after suffering the worst financial crash in American history. Roosevelt had turned his focus to helping the "permanent army of unemployed" Americans—those Americans who didn't have jobs. His resulting investment in America's human resources put millions of people back to work.

Today, we face a similar situation. After a significant financial crisis, our economy is in tough shape. Our economic recovery is fragile but improving. Housing foreclosures have slowed

and investors are looking for new opportunities. We have a long way to go. But 14 million Americans are still looking for work—and that is just unemployed. If you add the underemployed, it is probably closer to 20 million, and maybe more than that. Like President Roosevelt, we must bolster our investment in American human resources because, as in 1934, America's strength is in its people.

When people are denied the opportunity to work, they are denied the dignity that comes with that work—let alone the income, let alone providing for their families. Trade adjustment assistance, or TAA, is the right investment in America's workers. TAA provides training and income support to thousands of Americans so they can get a good-paying job right here in our own country. TAA helps them earn the dignity that comes from putting in a good day of work.

I worked with my friend, Ways and Means Chairman DAVE CAMP, from Michigan, who is a good man. We worked together on a TAA agreement that improves the efficiency, accessibility, and effectiveness of the program. I highly commend Representative DAVID CAMP. Our staffs have worked very closely over and over to try to find a common agreement for reauthorizing trade adjustment assistance. We worked to scale back the cost of the program, while maintaining the importance of training that helps workers secure good-paying jobs here at home.

The amendment we are offering today is one I made with Chairman CAMP on TAA. It extends coverage to workers in the services sector, which makes up 80 percent of our economy. It wasn't there before, at least not before 2009. Extending this coverage means manufacturing workers, as well as computer programmers and airline maintenance technicians will have equal access to the TAA Program.

It also extends TAA to all workers. Current law does not cover 8 of our top 10 trade partners, including China, Japan, and Korea. Our amendment removes this geographic limitation and expands TAA's benefits to cover trade with all countries.

Job retraining is the heart of TAA. This training has a proven track record of providing workers the skills they need to secure their next job. We know it works—and it works well—in my State of Montana and across the country.

Al Drebes worked at Plum Creek Lumber Mill in Pablo, MT. In January 2009, Al was laid off. With a young family, he needed to quickly find a new job. But after he spent months sending his resume around, he realized he needed to update his skills.

What did he do? Al signed up for TAA and began training in recreation power equipment repair. Following his classroom training, TAA partnered him

with a local employer, S&S Sports, which specializes in all-terrain motor vehicles, jet skis, and other such things that are so important to so many people in our country—and, I might add, they are a lot of fun. Al began on-the-job training with S&S and did such a great job that the company hired him full time. Because of TAA job training, Al now has the security and dignity that comes with a full day's work, and he continues supporting his family.

In addition to providing essential job training, our TAA amendment also helps American workers maintain health insurance for themselves and their families. TAA-eligible workers have access to the health coverage tax credit, which provides a 72.5-percent tax credit subsidy to make health care more affordable; otherwise, they would not have any health insurance. With nearly 50 million uninsured Americans, this benefit is more important than ever.

Finally, the TAA agreement strengthens programs that help America's small businesses and small farmers. These programs—TAA for Firms and TAA for Farmers—provide targeted, intensive technical assistance to help small businesses and farmers improve their business plans, and they provide seed money to implement those plans.

This bill also provides duty-free access to the U.S. market for imported products from certain developing countries.

The Generalized System of Preferences, otherwise known as GSP, lowers the costs on inputs for American employers across the United States. American manufacturers use GSP imports—imports from developing countries, where the tariffs are reduced so imports can come in more easily—to build cars, produce steel, and manufacture hydropower turbines, for example.

Since GSP expired last year, American companies have paid nearly \$400 million in tariffs on these imports. That is an added cost to American business of \$400 million. By reauthorizing and extending GSP, we ensure that these workers, and workers in 129 countries around the world, have the opportunity to earn the dignity of work.

This amendment, in short, helps save and create American jobs. It helps Americans keep their jobs by providing the low-cost inputs U.S. manufacturers need. It helps Americans who lose their jobs get the skills they need to secure a new job and earn the dignity a solid day of work provides. The amendment is fully offset and doesn't add a dime to our deficit.

This amendment invests in America's human resources, just as President Roosevelt envisioned. It ensures our workers are not demoralized by unemployment and that they are energized by the hope of again standing on their own two feet.

I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the chairman for his hard work on this bill. I have supported him so many times in the past and hoped over the last several years as we have discussed my little problem in Haleyville, AL, that maybe some agreement could be reached. But the U.S. Trade Representative, who talks sympathetically and does nothing, and the congressional committee seem to be of the view that any change, even though that is what they are empowered to do, is somehow not possible and we should not make changes in our trade law. So I objected today to going to this bill because I wish to see modest changes made in it.

We are facing job losses in America. As my colleague has said, more than 25 million Americans are unemployed or underemployed. The unemployment rate remains above 9 percent. In Alabama, unemployment is now higher than the national average. A few years ago, we were below the national average.

In times such as these, Congress ought to consider options that create a favorable environment for businesses without adding more to the debt by spending money to try to stimulate the economy. One such measure would be a small change in the generalized system of preferences—the GSP—which the Senate is considering this week.

Some background: The GSP was enacted in 1974 to give developing countries duty-free access to our markets, while still protecting American industries. Importantly, a key concept of the whole plan of GSP was if a product is made in America, that type of good is not allowed duty-free access to GSP. They would not be allowed to be imported duty free if we have an ongoing market. In some instances, we did not have ongoing production, so we allowed poorer countries to import duty free because it didn't lay off American jobs. Importers are not allowed the preference of a lower rate under those circumstances.

Unfortunately, the U.S. Trade Representative concluded otherwise a number of years ago and made an exception, straying from the original, fundamental purpose and principle. And that exception threatens the American sleeping bag textile industry and those industries that support it.

In 1992, the U.S. Trade Representative added sleeping bags to the list of GSP-eligible products in a special effort to support—it appears, at that time—the textile industry in Czechoslovakia. But, apparently, Czechoslovakia never produced a sleeping bag. Apparently, this was a political deal. They wanted to help Czechoslovakia after the fall of the wall.

I can understand that, but do you see what is happening? Some political part of the government worrying about foreign policy decides we don't care too much about American sleeping bags, or whatever, because we want to make friends with this country. So we forego American jobs for foreign jobs as a way to win favor with those countries.

Now, I am not saying that is never good, but I am saying when we do that time and time again we begin to concede too much of American wealth and jobs.

So GSP was in effect in 1974 to help those countries, and I don't think it should have been changed. But a few years ago, a Chinese company began to produce sleeping bags and import them into the United States. They are not eligible to be a GSP low-cost, duty-free shipper because they are not a poorer nation that qualifies under the GSP. But they began to import into the United States, and when it became clear we had a good American company that could compete effectively against them, they realized there was a loophole and that Bangladesh could qualify for this loophole. So they moved their plant over to Bangladesh—at least in name they moved it—and continued to supply the materials to Bangladesh where the sleeping bags are produced and then imported duty free under this loophole that should never have been created because it has put Americans out of work.

So with regard to China, I just have to note it is not a principled free-trade country. They are out aggressively to advance their interest and the interests of their companies and to sell everything they can sell abroad to advance their interests regardless of how many Americans are placed out of work. So I think our leaders have to begin to be sensitive to these practices.

When will we start tough negotiations on behalf of our workers instead of resisting efforts to help our workers be competitive? Instead of standing up and being tough with JEFF SESSIONS, the Senator from Alabama, they need to stand up and be tough with people in Beijing, it seems to me. I believe in free trade. My voting record proves this. I have supported virtually every free-trade agreement. But free trade is not free if we allow ourselves to be exploited, if we hand unfair advantage to other nations.

Haleyville is a small town. It is in the county of Winston—known as the Free State of Winston. Winston County claims and, I think, in effect did secede from Alabama when Alabama seceded from the Union. There are people in Winston County named Ulysses right now, after Grant. It is a remarkable county. It is an hour and a half from Birmingham, the closest center. It is very rural—15,000, 20,000, 25,000 people.

Also, Marion County is in the same area, and they have high unemployment—about 12 percent unemployment

in that area. These 100 or so jobs are important.

I went there a few months ago. The local high school band played, and they welcomed me. All the employees were there. They pleaded with me to do what I could to help them save their jobs, and I promised to do so. But I am afraid we are in a mood, and the bill is moving, and we will just move it through and people will forget those people back home in Haleyville. But I am not forgetting them.

I believe they have a legitimate request to make of their government to adhere to the true principles of GSP—that they don't get to import textiles into the United States if there is a domestic manufacturer that would be adversely affected. They can import, but they have to pay the 9-percent tariff that other countries pay on textiles.

So I am afraid what is happening in Haleyville, sadly, is a symbol of our broken system. This trade loophole contradicts GSP principles. I believe it is indefensible. It is a benefit to China paid for directly by American workers. It just is. This company in Alabama pays taxes, obeys the regulations, plays by the rules, and they ask for nothing more than a fair shake. But how do our laws reward them? Out of the blue, they find they have competition from a foreign import. So we give Bangladesh the ability to skip all the taxes other importers pay, and primarily to the benefit of a Chinese company so they can undersell the plant in Alabama.

What happened to the President's pledge of just last week when he said he wanted to make sure more products are stamped with three words: "Made in America?" The GSP is supposed to exclude benefits to American-made textiles and import-sensitive products. Yet through a loophole and a ruling by the USTR, sleeping bags are not even considered a textile. If sleeping bags are not a textile, what are they? They are not food, they are not a water pump, they are not a piece of machinery, they are not a bench. They are made of fabric and fibers. They are clearly a textile. For this reason, some sections of the United States Code—including the Berry amendment—designates sleeping bags as textiles explicitly. It makes no sense for the government to recognize sleeping bags as textiles under some sections but not others. So all I am proposing is to bring uniformity to the law and following the intent of the GSP as initially passed.

The fast-growing exports from Bangladesh are threatening American sleeping bags throughout the United States. It is an industry that has grown throughout the United States. Exxel Outdoors—really a California company—employs nearly 100 people in a county with unemployment at 12 percent. But already Exxel has seen a 20-

percent decrease in its sales. If the appropriate changes are not made, this factory will close and 100 American workers in Alabama will lose their jobs, and others around the country will lose their jobs.

Let me tell you a little more about Exxel. They came under new ownership in 2000. The new owner had planned to close the factory and send the jobs to Mexico to try to build a plant in Mexico. Instead, he realized the competitiveness of being in Alabama at this plant. He met and liked the people in Haleyville. They surprised him. He thought he would try it, he would give it a shot. He brought jobs back from Mexico and China. Since then they have prospered, creating quality sleeping bags right here in the United States.

Exxel uses suppliers in New York State, New Jersey, North Carolina, Tennessee, and Mississippi. This is how a manufacturing system works in a country such as the United States. It has ripple effects far beyond what some people might think.

I met one of the great industrialists in Germany recently who is investing in Alabama. He told me we have to have a Renaissance in manufacturing in the industrialized first world, and he was very sincere about this. He is a highly intelligent, accomplished man.

As you can see from this map, this little plant in Alabama is supporting people in Mississippi; Cullman, AL; Atlanta, GA; Volunteer Thread in Nashville; Wiggy's in Clinton, TN. They make sleeping bags. I have a letter from them saying their business will be threatened too. Martex Fiber in Spartanburg; Consolidated Fibers in Charlotte; Royal Slide in New Jersey; Polartec in Lawrence, MA; Pennsylvania, New York, Vermont, Colorado, and California. So these things have ramifications.

Indeed, recently, by chance, I was talking to a person with deep experience in the textile industry, and he told me they are becoming more competitive. He says we are actually gaining back jobs from abroad. That is exactly what was happening here. This man gambled. He bet on the United States. He didn't know they would figure out a way to go to Bangladesh and undercut him.

So this carve-out created for Czechoslovakia, discovered and used by a Chinese company, is creating jobs abroad and not in the United States. So the proposed fix I have suggested is not some sort of corporate welfare. It would not lower taxes for any business. Indeed, it would ensure we collect a little tariff duty on products coming in from Bangladesh. They can ship them in, but they have to pay the normal tariff of 9 percent on imported textiles. It would not add one cent to the deficit of the United States. It would give no loan guarantees, no subsidies, no hand-

outs. The fix simply declares sleeping bags are what they are—textiles—and subject to the rules of textiles under GSP. Really, it would ensure Exxel and other companies in the United States have the same competitive position they had before this plant was moved to Bangladesh.

Some are calling this an earmark. I don't believe that is true or fair to say. Earmarks give direct financial benefit to an entity through tax benefits or government grants. This is not a grant. It does not eliminate tariffs so Exxel will pay less taxes. It doesn't give a direct benefit to Exxel. It does not cost the United States one cent. It eliminates an unfair earmark that already allows a Chinese-run company to purchase raw materials worldwide, manufacture sleeping bags at a Bangladesh factory, and then import them into the United States duty free.

I repeat: I am trying to strip an earmark. I am trying to actually strip an earmark for China from the bill that is before us. I am asking that we uphold the values and rules we have put into law. I don't know how this was changed after Congress passed it in 1974, stating if you import textiles you have to pay a tariff unless there is no domestic manufacturer of that textile against whom you are competing. How that got changed, I am not sure.

So I ask that we eliminate the special benefit that has been provided to this country and this one textile.

Exxel is just one company that is currently being hammered by this unfair loophole. They are indeed in financial threat. They were supplying 30 percent of the sleeping bags in the United States. They saw a decline of 20 percent already in that product.

Mr. President, I will offer for the RECORD letters written by other businesses in support of Exxel's efforts.

Stein Fibers of Charlotte says:

Exxel Outdoors has been a solid customer of Stein Fibers, Ltd for many years. We supply synthetic fiberfill for sleeping bags made at their Haleyville, Alabama factory.

Wiggy's Inc. says:

Bangladesh recently entered the U.S. market and supplied over 700,000 sleeping bags last year.

Wiggy's makes sleeping bags in Grand Junction, CO. They have copied their Senators, and they ask that we support my effort.

Rusken corrugated containers in Cullman, AL, supplies the shipping packages for these products as they are shipped.

Dunlap Industries in Chattanooga, TN, says they are one of the largest suppliers of thread in the United States, and Exxel is a customer of theirs.

Smurfit-Stone Container Corporation in Tupelo, MS, is also a supplier of Exxel.

Royal Slide Sales Company, Inc., of Garfield, NJ, says:

As Royal Slide provides sleeping bag carry cases to Exxel's Haleyville, Alabama factory, the resulting decrease in their business from this surge in duty-free importation of synthetic fill sleeping bags is directly leading to a decrease in our business.

They support reform.

Martex Fiber says:

We are a major supplier of fiberfill to Exxel Outdoors. We have been proud to watch one of the last—

Listen to this—

We have been proud to watch one of the last remaining American sleeping bag factories keep going steadily, even as virtually all its competitors moved their facilities to other countries.

They go on to say that Exxel is entitled to relief.

Consolidated Fibers of Charlotte, NC, says:

The impact on our company will be great if the Exxel Outdoors factory is forced out of business by these foreign imports without duty. We supply a great deal of fiberfill to Exxel on an ongoing basis.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STEIN FIBERS, LTD.,

Charlotte, NC, February 5, 2010.

Re Comments—Exxel Outdoors petition, GSP, sleeping bags, HTSUS #9404.30.80, Docket #USTR-2010-0004.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: Exxel Outdoors has been a solid customer of Stein Fibers, LTD for many years. We supply synthetic fiberfill for the sleeping bags made at their Haleyville, Alabama factory.

We are writing in support of withdrawing from GSP, the sleeping bags coming in duty free to the United States under HTSUS 9404.30.80. With duty free status, the importers of these bags are taking away significant business from Exxel Outdoor, which in turn will hurt our business.

If these sleeping bags continue to get duty free treatment under GSP, before long Exxel's factory will be forced to close down. In 2009 Exxel Outdoor accounted for \$407,985.80 of our revenue, which would be of significant loss to our company.

If you would like to discuss this with me, please contact me at your convenience.

Sincerely,

RANDY LAYMAN,

Stein Fibers, LTD.

WIGGY'S INC.,

Grand Junction, CO, May 24, 2011.

Hon. RON KIRK,

U.S. Trade Representative, Executive Office of the President, Washington, DC.

DEAR AMBASSADOR KIRK: I understand that the Administration will decide soon on the petition filed by Exxel Outdoors (USTR-2010-0017) and determine if sleeping bags should be duty-free under the Generalized System of Preferences (GSP), assuming that Congress re-authorizes that program. I am writing to urge you to recommend that imports of sleeping bags from all countries remain subject to the normal U.S. duty-rate of 9 percent. If non-down sleeping bags from low-wage countries like Bangladesh are duty-free, it will pose a great threat to the remaining U.S. sleeping bag producers such as Wiggy's.

Until recently China was the only meaningful foreign competitor in the U.S. sleeping bag market. Imports from China are, and always have been subject to the normal duty rate for sleeping bags. This has enabled some U.S. manufacturers such as Wiggy's to remain competitive with foreign suppliers. However, Bangladesh recently entered the U.S. market and supplied over 700,000 sleeping bags last year.

With rising costs in China and other global dynamics, Bangladesh is the world's low-cost manufacturer of textile products such as sleeping bags. Manufacturers in Bangladesh are ramping up production of sleeping bags and will continue to do so, just as they are with other textile products. There is little doubt that over the next few years Bangladesh will take a sizable share of the U.S. market presently filled by China. The only remaining question is: Will Bangladesh also capture the market share presently serviced the U.S. manufacturers? The answer to that question will be determined by the decision you are about to make the petition filed by Exxel Outdoors.

U.S. manufacturers can compete if the trade laws are fair and equitable. It is grossly unfair that Bangladesh can import fabrics, fiber fill and other materials duty-free from China, assemble them into sleeping bags, and export the finished product duty-free to the U.S., even though the vast majority of those sleeping bag inputs are products of China. Conversely, U.S. manufacturers must pay duty on any of the components we import to produce sleeping bags.

I trust you will recognize this injustice, and agree that GSP is not supposed to harm or threaten U.S. manufacturing. Please grant Exxel Outdoors' request to remove non-down sleeping bags from GSP.

Sincerely,

JERRY WIGUTOW,

President.

RUSKEN PACKAGING, INC.,

Cullman, AL, February 3, 2010.

Re Docket # USTR-2010-0004, Exxel Outdoors Petition on Sleeping Bags, HTSUS # 9404.30.80.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: Rusken Packaging has enjoyed a long time relationship with Exxel Outdoors, supplying them with shipping cartons for their sleeping bags. Exxel is a stellar example of the quality work ethic that we have here in Alabama.

We wholeheartedly support Exxel in their petition to withdraw synthetic-filled sleeping bags from the GSP. We believe this creates unfair competition for Exxel's American-made product. This is not only harming Exxel, it is hurting the American companies that Exxel sources from, such as Rusken Packaging.

For the good of many American businesses, please remove these sleeping bags from the GSP.

If you would like anything additional from me, I will be glad to make myself available to you.

Warm regards,

JOHN GIATINNA,
Rusken Packaging, Inc.

FEBRUARY 10, 2010.

Re Docket USTR-2010-0004—Exxel Outdoors Petition on GSP, HTSUS # 9404.30.80.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: As one of the largest suppliers of thread in the United States, U.S. Thread is in strong favor of the petition to remove synthetic fill sleeping bags from the

GSP—the same type of bags that are cut and sewn at the Exxel Outdoors factory in Alabama.

This special duty-free treatment for sleeping bag imports from other countries could very well force Exxel to shut down their Alabama factory. This would negatively impact U.S. Thread's business to a great extent, and many communities throughout the Southeast United States.

We can ill afford to lose a significant customer like Exxel Outdoors. The loss of Exxel Outdoors would devastate the community of Graysville, TN by adding to already astronomical unemployment rate in this area. We have been supplying Exxel Outdoors with all of their sewing thread for many years, and if Exxel were forced to close their doors due to, what we believe, would be an extremely unfair trade agreement, an already economically depressed area would experience the loss of an additional 200 jobs, and a revenue loss to U.S. Thread of \$500,000 per year.

U.S. Thread has already lost far too many textile and apparel customers to foreign competition. Evidence of this is the fact that in 2000 our active employee number was 80. In 2010, that number has been reduced to just 25. We can factually attribute this directly to foreign, absurdly low cost labor, arid back room trade deals.

Thank you for this opportunity to express our support on this important matter. Please do not hesitate to contact me if you have any questions or would like further comment.

ROBBIE OWENS,

DIRECTOR OF SALES AND MARKETING,

U.S. Thread/Dunlap Industries, Inc.

SMURFIT-STONE

CONTAINER CORPORATION,

Tupelo, MS, February 5, 2010.

Re Docket—USTR-2010-0004, Exxel Outdoors Petition, HTSUS #9404.30.80.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: Smurfit-Stone Container Corporation strongly supports the petition by Exxel Outdoors to remove synthetic-filled sleeping bags from the list of duty-free imports in the GSP.

The duty-free importing of these sleeping bags is giving foreign countries an unjustifiable price advantage over Exxel's product, hurting their sales.

As a result, Smurfit-Stone directly loses business from Exxel. We supply Exxel Outdoors with hundreds of thousands shipping cartons per year, but this will continue to significantly decrease as the duty-free foreign imports continue.

In the event Exxel were to close its facilities in Alabama, the impact to Smurfit-Stone Container Corporation would be a loss of approximately \$500,000 in packaging revenue, which would in turn affect more than 200 Mississippi workers.

We greatly appreciate this opportunity to share our views with you. Please do not hesitate to contact us if you would like anything further from us.

With thanks,

DANNY KENNEDY,
Smurfit Stone Container Corporation.

ROYAL SLIDE SALES CO., INC.,

Garfield, NJ, February 5, 2010.

Re Docket #—USTR-2010-0004, Petition regarding GSP treatment of HTSUS #9404.30.80.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: Royal Slide Sales Company respectfully agrees with the petition of Exxel Outdoors, requesting that you withdraw certain sleeping bags from the GSP list of products.

As Royal Slide provides sleeping bag carry cases to Exxel's Haleyville, Alabama factory, the resulting decrease in their business from this surge in duty-free importation of synthetic fill sleeping bags, is directly leading to a decrease in our business.

We do not object to imports generally. To the contrary, Royal Slide imports many of our products. But when imports of a finished product directly threaten a U.S. manufacturer, at minimum imports should be assessed the normal duty-rate.

The duty-free imports are giving them what we see as a large, unjustified price advantage over Exxel, and we request that you rule to remove the imports from the GSP.

Should I be able to assist you further with your inquiry into this issue with any additional information, please do not hesitate to contact me at the number or email provided below.

Sincerely,

LEW NEUMAN,
Royal Slide Sales Company.

MARTEX FIBER,
February 4, 2010.

Re Exxel Outdoors GSP Petition on HTSUS 9404.30.80, Docket # USTR-2010-0004.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: Martex Fiber Southern Corporation is submitting this letter to urge that you remove the synthetic-filled sleeping bags from GSP, as Exxel Outdoors' petition requests.

We are a major supplier of fiberfill to Exxel Outdoors. We have been proud to watch one of the last remaining American sleeping bag factories keep going steadily, even as virtually all its competitors moved their facilities to other countries.

As importers are now bringing in duty-free sleeping bags, this is taking away Exxel's ability to compete in its industry. As Exxel Outdoors loses this business, so does Martex Fiber.

The U.S. textile industry has already suffered enough. Given the tow wages and other advantages companies operating in foreign countries have, it is only fair that importers of sleeping bags pay the normal duty rate of 9%.

Please do not hesitate to contact me if you would like any additional from me on this.

Very best,

JIMMY JARRETT,
President, Martex Fiber Southern Corporation.

CONSOLIDATED FIBERS,
Charlotte, NC, February 5, 2010.

Re Docket USTR-2010-0004, Petition by Exxel Outdoors On Sleeping Bags HTSUS #9404.30.80.

SECRETARY, UNITED STATES INTERNATIONAL TRADE COMMISSION: We at Consolidated Fibers support without hesitation, the petition by Exxel Outdoors to remove synthetic fiberfill sleeping bags (HTSUS #9404 30.80) from the GSP duty-free treatment.

The impact on our company will be great if the Exxel Outdoors factory is forced out of business by these foreign imports without duty. We supply a great deal of fiberfill to Exxel on an ongoing basis.

The closure of this factory would weigh negatively on our revenues and our staff.

America cannot afford to lose any more good jobs because of a duty-free advantage given to products from another country. Especially in the Exxel's area of the country where the unemployment rate is nearing 18%.

I will be happy to make myself available to you for discussion, or to answer any ques-

tions you may have. My contact information is provided below. Thank you.

Best Regards,

BOB KUNIK,
Owner, Consolidated Fibers.

Mr. SESSIONS. Companies in North Carolina, New Jersey, Tennessee, Colorado, and Mississippi are asking for help on this matter.

I support the GSP. I believe in trade. I will continue to support it. But I only ask that when we have a problem, either the USTR or the Congress listen to somebody and fix it every now and then, not just consider we have a big train here and we are not going to stop to listen to anybody with a suggestion for improvement. A small change will prevent an unfair benefit from accruing to a Chinese company and will prevent more Americans from losing their jobs. This will ensure that trade is free and principled and plentiful.

Senator BAUCUS and I have talked about this, and he has looked at me sadly and listened patiently. But we are down at the licklog, and no relief has been obtained, and that is why I am here today.

I thank the Chair.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR CHARLES PERCY

Mr. SESSIONS. Mr. President, I would like to share a few thoughts on the passing of Senator Chuck Percy.

Among other things he did in his remarkable life—successful in business and politics—he had a connection to Mobile, AL, my hometown. I believe he was born in Pensacola, FL, and was connected to Thomas Hord Herndon, who was a Congressman from Alabama and resided in Mobile and was well known. I am a distant descendent of Congressman Herndon, and I can always remember, as a young person, particularly my great-aunts talking about him. They followed his career, and I began to follow his career. Maybe it was a factor in my becoming a Republican at a time in Alabama when most were not. He was successful and young and vibrant and created a great image for public service, and it filtered down to this young guy in rural Alabama in a positive way.

So I would just say, Senator ROCKEFELLER, we have lost a great American. He had a tremendously successful career in business and politics. He was a man of integrity and drive and commitment and good spirit. I think we are wise in this body to pause a moment and to be appreciative and to remember people who serve their country in that fashion.

My sympathies are with the Percy family and the Rockefeller family.

I yield the floor.

• Mr. HATCH. Mr. President, I ask the RECORD to reflect that if I would have been present for today's vote, I would have voted to invoke cloture on the motion to proceed to H.R. 2832, to extend the Generalized System of Preferences.

I would like to express my continued support for the extension of the Generalized System of Preferences, GSP. As the GSP expired on December 31, 2010, I am quite happy to see the Senate finally poised to take up this much overdue extension of this valuable trade program.

I am also hopeful that this process will finally lead to quick consideration of our pending trade agreements with Colombia, Panama, and South Korea.

These agreements are long past due. Unfortunately, they have been delayed because the President has made it clear that his most important trade priority is to spend more money on a domestic worker retraining program of dubious effectiveness. He has also made it clear that, unless Congress accedes to his demands, he will never submit these job creating trade agreements to Congress. It is a travesty that the President cares more about spending money than creating jobs.

Yet now that we have this trade vehicle on the floor, I am hopeful we can find a way to allow a full and fair debate on TAA—and in doing so, finally remove what we hope is the last obstacle in front of these three free trade agreements.

The GSP bill itself is important to our economy. The 2-year extension of GSP will provide greater certainty for both U.S. businesses and developing country exporters who are able to utilize the benefits of the program. The program has secured strong bipartisan support for over three decades, and I only expect this trend to continue.

The GSP allows for nonreciprocal, duty-free tariff treatment of certain products from designated developing countries. In fact, some of the top GSP beneficiary developing countries in 2010 were Angola, Indonesia, Equatorial Guinea, South Africa, the Philippines, and Turkey. In order to be designated as a beneficiary country, nations must adhere to an extensive criteria list. In turn, GSP is not only a trade program, but can also be seen as one of our effective foreign policy tools.

For starters, beneficiary countries must protect intellectual property rights, recognize workers' rights, commit to the elimination of child labor, and prevent the seizure of property belonging to U.S. citizens or businesses.

GSP continues to promote trade, rather than aid, to nations that are advancing their economic development; it has worked to stimulate U.S. exports in these markets; and encourages the

elimination of trade barriers in developing countries.

What does this mean for the United States? This means our Nation not only has an opportunity to assist developing countries to promote economic growth in their nations, but we also have an opportunity for our American businesses to thrive, while lowering costs for American consumers. Across our Nation, U.S. manufacturers and importers benefit by receiving goods and raw materials at a lower cost. According to the U.S. Chamber of Commerce, approximately three-quarters of U.S. imports that rely on the GSP program, use raw materials, parts and components, or machinery and equipment, to manufacture goods in the U.S. for domestic consumption or for export.

So, although the GSP program was initially created to assist with economic growth in the developing world, it now provides great assistance to our businesses here in the United States.

In 2010 the United States imported \$23 billion in GSP-eligible goods from 129 countries around the world. This includes 4,800 eligible products. And, according to the Office of the United States Trade Representative, GSP saved American importers \$682 million in duties in 2010. These numbers cannot be overlooked—they represent millions of dollars in savings for our manufacturers, retailers, farmers and families. GSP is particularly helpful for our small businesses. The savings on duties by these small businesses allows them to compete with larger companies.

During these uncertain and challenging economic times, we must give our businesses the necessary tools to compete not only in the global market, but also here at home. Unfortunately, the 9 months that the program has not been operational has negatively affected the competitiveness of thousands of American businesses that rely on duty-exemptions. For these companies, GSP is an integral component of their business model.

In fact, according to the Coalition for GSP, from December 31, 2010, when the GSP program expired, U.S. companies have paid an additional \$1.8 million a day in new duties. To date, this amounts to nearly \$480 million in unnecessary additional costs for companies. Businesses in every state in the Nation have been affected by the expiration of GSP and have a vested interest in the renewal of the program.

For example, in my State of Utah—the only State in the country to import Indonesian steam and vapor turbine parts—tariffs have exceeded \$235,000 for these goods in the months following the expiration of GSP. Components such as mountings for buildings imported from Thailand, cost Utah businesses an additional \$178,000 in tariffs through July of this year. And the total amount of Utah imports

of GSP-eligible goods from January until July 2011 exceeded \$26.2 million, of which an additional \$1.1 million in unnecessary import taxes were paid.

I have heard from Utah manufacturing companies, like Black Diamond Equipment, which is headquartered in Salt Lake City and employs more than 475 people worldwide. That company develops, manufactures and distributes a broad range of products including those used for mountain climbing, camping, and skiing. As of June 2010, they incurred more than \$40,000 in tariffs for goods imported from the Philippines—goods that otherwise would have been covered under GSP.

If GSP is not renewed, Black Diamond is projected to pay over \$100,000 in unnecessary tariffs by the end of the year. As if that was not enough, because of these duties, Black Diamond is faced with reduced sales, competitiveness issues, and a limited hiring ability for their Utah office. To help companies like Black Diamond succeed, we must act now to renew GSP.

I have shared just a few examples of the additional costs incurred by businesses in my State, and unfortunately, there are many other similar scenarios across the Nation due to the expiration of GSP.

These Utah companies and other businesses around the country are left with difficult decisions about downsizing, hiring freezes, and employee layoffs—this at a time when our economy needs more than ever to be adding jobs. We must lift this additional burden on our small businesses, manufacturers, and farmers, by renewing GSP today, and making sure we provide retroactive application.

I urge my colleagues to come together and extend the Generalized System of Preferences until July 31, 2013, and provide the much-needed retroactive benefits to our U.S. companies.●

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 166, H.R. 2832, an act to extend the Generalized System of Preferences, and for other purposes.

Harry Reid, Max Baucus, Robert P. Casey, Jr., Mark Udall, Debbie Stabenow, Jeff Bingaman, Daniel K. Inouye, Maria Cantwell, Patty Murray, Richard Blumenthal, Michael F. Bennet, Patrick J. Leahy, Tom Harkin, Barbara Boxer, Kent Conrad, Sherrod Brown, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to

proceed to H.R. 2832, an act to extend the Generalized System of Preferences, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. PAUL), and the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 8, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—84

Akaka	Enzi	Merkley
Alexander	Feinstein	Mikulski
Ayotte	Franken	Moran
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Portman
Blumenthal	Heller	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Shaheen
Casey	Kirk	Snowe
Chambliss	Klobuchar	Tester
Coats	Kohl	Thune
Cochran	Landrieu	Toomey
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Coons	Levin	Warner
Corker	Lieberman	Webb
Cornyn	Lugar	Whitehouse
Crapo	Manchin	Wicker
Durbin	McConnell	Wyden

NAYS—8

Coburn	Lee	Shelby
DeMint	McCain	Vitter
Kyl	Sessions	

NOT VOTING—8

Burr	McCaskill	Risch
Hatch	Menendez	Stabenow
Inhofe	Paul	

The PRESIDING OFFICER. The yeas are 84, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SERGEANT JOE SZCZERBA

Mr. COONS. Mr. President, I rise today to honor a hero. I rise to remember the sacrifice of a man I am proud to have known. I rise to remember SGT Joe Szczerba of the New Castle County Police who was killed in the line of duty just this past Thursday night.

Sergeant Szczerba and several other officers responded to a disorderly conduct call in New Castle, DE, just before midnight. The officers arrived on the scene and set up a perimeter. Sergeant Szczerba spotted the suspect and gave chase. A seasoned officer, Sergeant Szczerba attempted to subdue the man, and in a very tough fight that ensued he was stabbed.

The suspect continued to resist arrest. Although seriously wounded, Sergeant Szczerba worked with three other officers to take the suspect into custody. Only then did he acknowledge his injury. Officers on the scene performed CPR until county paramedics arrived, but it was not enough. Sergeant Szczerba did not make it.

When I was county executive for New Castle County for 6 years, after a particularly long or difficult day, as I was heading home, I would flip on the police scanner in my car and listen to the chatter, to the calls from dispatch and the officers responding. I was always mindful in those hours that here I was heading home to my family and safety and here were our officers heading out on patrol into a dark and uncertain night.

My phone rang at 5 a.m. this past Friday morning, and it was my friend, Chief Mike McGowan, the county's police chief—his voice weighted down with grief. It was the worst news I have ever received in public life.

New Castle County had only lost one previous officer in a line-of-duty death when CPL Paul Sweeney was in a traffic accident nearly 40 years ago in 1972, but never had an officer been murdered in the line of duty. Each year, as county executive, when I attended our annual police memorial, we would quietly pray that we would never know this day.

Just roughly 2 weeks earlier, Delaware had marked the second anniversary of the killing, in the line of duty, of another brave and decorated local police officer, Patrolman Chad Spicer of Georgetown. It was just too soon for this to have happened again. We all know there is risk—grave risk—in policing, but this could not have happened again. Delaware is a State of neighbors, and as a State we are still mourning Chad's death, and we could not possibly have lost another brave police officer. But we did. This Friday he will be laid to rest.

My State is grieving. In the days that have passed, I have grappled with two questions. I have asked myself over and over: How is it that people continue to do these terrible and dangerous things? How is it that senseless violence continues to claim the lives of the innocent?

As I spoke at the graduation ceremony this past Friday for the Delaware State Police and the Municipal Police Academy and looked at the young men and women who were right in front of me about to take their oath and put on their badge and take on, willingly, this most dangerous and honored profession, another question emerged to me: Why is it that we continue to have men and women who volunteer, who step forward, and who take on this most important and difficult task of preserving the peace, of protecting our communities? What more can we do to support them, to protect them, and to honor them?

These are the questions I challenge all of us to consider.

SGT Joe Szczerba was on the New Castle County police force for 18 years. He was greatly respected by his colleagues on the force and in the community he served. His wife Kathy; his brothers Ed, Gerald, and Stephen; his sisters Nancy and Karen and a host of nieces and nephews survive him.

Today, Heaven is a safer place because Joe Szczerba is on patrol. He was a good man and a great cop, and he died a hero. He died doing what he was called to do, and he died doing what he loved to do. For that, all of Delaware is grateful. We will treasure his memory and honor his sacrifice.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. KYL. Mr. President, recently, international media and diplomatic attention has focused on the inspiring stories of citizens across the Middle East and North Africa demanding greater participation in their government.

While the regime changes in Libya, Egypt, and Tunisia have certainly

opened the door for democratic progress in a region long dominated by authoritarian rulers, we cannot allow these hopeful aspirations to monopolize our focus or distract our attention from the fact that brutal and oppressive regimes remain.

Today, I want to highlight an especially dangerous and odious regime—that of Iranian President Mahmoud Ahmadinejad and the mullahs in Tehran.

I am seriously concerned by Tehran's continued march toward a nuclear weapon. Earlier this month the International Atomic Energy Agency, IAEA, published a report confirming the obvious—that Iran remains in violation of United Nations Security Council resolutions to halt its nuclear program, and that it is not cooperating with the IAEA.

We also know that the Iranian regime continues to increase its support for terrorist groups operating in Iraq; reports also indicate that it is providing weapons and assistance to the Assad regime in Damascus in its brutal crackdown on the Syrian people.

Iranian authorities, apparently fearful of the popular unrest that swept longtime leaders in Egypt and Tunisia from power—and which is currently threatening Bashar al-Assad's dictatorship in Syria—have cracked down on dissent and increased the arrest and detention of activists and opposition figures in the past months—even arresting young people with squirt guns.

One dissident whose case I have been following is Bahareh Hedayat, a student and women's rights activist. Bahareh was arrested in December 2009 for participating in Iran's prodemocracy student movement and placed in solitary confinement in the notorious Evin prison. After nearly 2 months of interrogation, she was sentenced to 9½ years in prison for her activism. Her 9½ year sentence included 5 years for "activities against the state," 2 years for insulting Supreme Leader Khamenei, and 6 months for insulting Mahmoud Ahmadinejad. Iranian authorities also reinstated a 2-year sentence she received in connection with a 2006 women's rights protest that had been suspended.

While in prison, Bahareh has endured Evin's harsh conditions, interrogation, and a lengthy solitary confinement, all while being denied contact with her husband and family. She has kept her spirit and has even protested her detention and treatment with hunger strikes. However, detention has taken a toll on her and her health has deteriorated. Earlier this year she developed gall stones, and while it was clear that the prison's facilities could not provide adequate treatment, she was only allowed to seek outside care this month. After receiving treatment, she was promptly returned to prison last week.

Bahareh Hedayat and dissidents like her—those who have been brutally punished for seeking basic human freedoms—has shown great courage in confronting the brutality and intolerance of the Iranian regime. She and thousands of others have sacrificed immeasurably to bring about reform in Iran, the United States must show similar courage and do all in its power to support their vision of a peaceful, free, and democratic Iran.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ARICK MICHAEL DOBSON
TARR

Mrs. SHAHEEN. Mr. President, I rise today to pay tribute to the life of PFC Class Arick Michael Dobson Tarr, who died at the young age of 20 on July 30, 2011, at Fort Lewis, in Tacoma, WA, where he was stationed. Private First Class Tarr was assigned to the Headquarters and Headquarters Company, 2nd Battalion, 1st Infantry at Fort Lewis and served his country with honor and distinction on a tour of duty in Afghanistan. He was preparing to leave in January to return to New Hampshire.

Americans across the country gathered recently to commemorate the tenth anniversary of September 11, 2001, and to reflect on how the tragic events of that day changed our Nation and all Americans on a personal level. Although Arick was only 10 years old at the time, his life was forever changed by 9/11. That day sparked within him a desire to join the Army and defend the freedoms we hold dear.

Arick defended the American people with courage and distinction, receiving many awards for his service, including the National Defense Service Medal, Afghanistan Campaign Medal with Bronze Service Star, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, NATO Medal, Combat Infantry Badge, Marksmanship Qualification Badge, and Overseas Service Bar.

Arick is remembered by family and friends as having a larger than life personality and a contagious smile. He understood the importance of family and was a role model for his two brothers and six cousins. Although Arick spent much of his life in South Portland, ME, he was very excited to return to New Hampshire after his service, to attend college and begin a new chapter of his life with his fiancée.

Our Nation can never adequately thank this young hero for his willingness to heed the call to defend the American people and our way of life. I hope that, even in these dark days, Arick's family can find comfort in knowing that all Americans share a deep appreciation for his brave service and sacrifice.

Arick is survived by his fiancée, Stefani Greco; his parents, Richard and Jennifer; and his two brothers, Tanner

and Wyatt, all of Litchfield, NH. He also leaves behind a caring extended family. This young hero will be missed by all.

I ask my colleagues and all Americans to please join me in honoring the bright life and brave service of PFC Arick Tarr.

INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I intend to object to proceeding to the nomination of Norm Eisen to be Ambassador to the Czech Republic at the Department of State for the following reasons.

I object to the proceeding to the nomination because of Mr. Eisen's role in the firing of the inspector general of the Corporation for National and Community Service, CNCS, and his lack of candor about that matter when questioned by congressional investigators. The details of Mr. Eisen's role in the firing and his misrepresentations about that matter are detailed in the Joint Minority Staff Report of the House Committee on Government Reform and the Senate Finance Committee, dated November 20, 2009. I would also ask unanimous consent that a letter of January 12, 2011, sent by myself and Congressman ISSA to Mr. Bauer, then counsel to the President, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,

Washington, DC, January 12, 2011.

Hon. ROBERT F. BAUER,

Counsel to the President, The White House, Washington, DC.

DEAR MR. BAUER: We write to express our objection to the President's use of a recess appointment to install Norman L. Eisen as U.S. Ambassador to the Czech Republic. As you know, we objected to Mr. Eisen's nomination on the grounds that he attempted to constructively remove the Inspector General (IG) of the Corporation for National and Community Service (CNCS) without the prior notice required by law and that he misled Congressional investigators.

It is our concern that the President's decision to force through such a nominee without the advice and consent of the Senate signals a departure from his recent pledge to work cooperatively with Congress.

The President announced Mr. Eisen's nomination on June 28, 2010. On September 27, 2010, Senator Grassley provided public notice of his intention to object to the nomination. Senator Grassley referred to "Mr. Eisen's role in the firing of the Inspector General of the Corporation for National and Community Service and his lack of candor about that matter when questioned by Congressional investigators."

During that investigation, a bicameral group of investigators learned Mr. Eisen personally delivered an ultimatum to former CNCS IG Gerald Walpin demanding that he resign or be terminated within one hour. At the time he delivered the ultimatum, no notice had been provided to Congress as is legally required by the Inspector General Reform Act (IG Act). As you know, the IG Act

requires the President to communicate in writing the reasons for removal of an IG to Congress not later than 30 days prior to taking action.

During an interview on June 17, 2009, Mr. Eisen refused to answer at least 12 direct questions. He did, however, assert on that date that the CNCS Board of Directors unanimously supported the removal of IG Walpin. He also asserted that the White House conducted "an extensive review" in response to concerns raised by the Board about IG Walpin's fitness following a May 20, 2009 CNCS Board meeting. According to Mr. Eisen, his "extensive review" substantiated the Board's concerns and informed the decision to remove IG Walpin.

Our investigation found that, contrary to Mr. Eisen's assertions, the Board had not unanimously expressed a desire to have Mr. Walpin removed prior to the decision. Moreover, we could find no evidence that Mr. Eisen's "extensive review" consisted of anything more than simply asking the CNCS General Counsel to document the Chairman of the Board's concerns about Mr. Walpin. Mr. Eisen did not interview the CNCS Directors. He did not provide Mr. Walpin or anyone else in the Office of Inspector General an opportunity to be heard. He took action based on incomplete information provided only by individuals who had adversarial relationships with the IG.

Mr. Eisen has had several opportunities to address our concerns and has yet to do so. He failed to be forthcoming and responsive during his initial meeting with our staff on June 17, 2009. He again demonstrated a lack of candor in response to Questions for the Record following his nomination hearing before the Senate Foreign Relations Committee on July 22, 2010.

In the interest of allowing Mr. Eisen to address our concerns, we scheduled a meeting with our staff for December 16, 2010 at 11:30 A.M. At approximately 11:15 A.M., the White House postponed the meeting until 2:15 P.M. At approximately 2:00 P.M., the meeting was canceled by the White House Office of Legislative Affairs without further explanation. By calling off a face-to-face meeting in favor of a recess appointment, the White House sent the message that the President is not interested in hearing the concerns of Republican Members of Congress.

In short, Mr. Eisen took action on behalf of the President that ran afoul of the IG Act and subsequently misled Congressional investigators in lieu of conducting a fair, thorough, and responsible investigation. Senate confirmation, under the advice and consent clause, is one of the strongest checks on executive power. Recess appointments are meant to fill vacancies that arise during a long recess, not to bypass the confirmation process. We are troubled by the Administration's circumvention of that process, especially in this instance. The vacancy arose on January 20, 2009, and yet the President waited eighteen months before making an appointment. Given that there had already been considerable public controversy over Mr. Eisen's actions in this matter at the time of his appointment, issues with his confirmation should have been easily anticipated. For these reasons, we believe that a recess appointment of Mr. Eisen to serve as a United States Ambassador is particularly inappropriate.

Thank you for your attention to this important matter. We look forward to working with the White House toward our mutual goal of identifying and deploying qualified

individuals of the highest integrity to serve American interests abroad.

Sincerely,

DARRELL ISSA,
Chairman, U.S. House
Committee on Over-
sight and Govern-
ment Reform.

CHARLES E. GRASSLEY,
United States Senator.

HISPANIC HERITAGE MONTH

Mr. UDALL of Colorado. Mr. President, I rise to join my fellow Coloradans, my colleagues in the U.S. Congress, and others across the country to celebrate and acknowledge the many accomplishments and contributions of the Hispanic community in the United States and especially in Colorado. I have come to the floor on several occasions to highlight the long history of Latinos in Colorado. The community's presence in our State precedes its statehood and Hispanic heritage continues as a vibrant part of Colorado's cultural and social landscape every month of the year. Today, I would like to specifically highlight the contributions Colorado's Hispanic community have made and continue to make to Colorado's economy and to our current economic recovery.

More than 150 years ago, a gentleman by the name of Dario Gallegos established Colorado's longest running general store in San Luis, CO. The store has served Colorado's oldest town consistently for well over a century and today continues not just as an important fixture in the San Luis Valley, but also as a part of Colorado's cultural heritage. The efforts of entrepreneurs such as Mr. Gallegos and those who followed, serve as an example of the entrepreneurial spirit that drives Colorado's Hispanic community to provide valuable services to their communities that enhance all Coloradan's quality of life. Today, Hispanic-owned businesses of all sizes and type dot the Colorado landscape in every part of our state, whether rural or urban. I am proud of the success these businesses have been able to find in Colorado and equally proud that the Latino community continues to be a vibrant part of Colorado's cultural and social landscape.

Hispanic businesses are a driving force in both urban and rural economic growth. Minority-owned businesses in the United States have increased twice as fast as all other U.S. businesses, and in Colorado, the number of Hispanic-owned firms increased by 40 percent from 2002 to 2007. This increase in Hispanic-owned businesses in Colorado has continued since 2007 and has helped sustain our State economy as well as stimulate job growth across the entire State's population. Minority-owned businesses are especially important to Coloradans because they provide jobs to Coloradans as well as valuable services that meet the needs of Hispanic and non-Hispanic communities alike.

I was pleased that the Minority Business Development Agency and the U.S. Department of Commerce worked to establish the Denver Minority Business Center earlier this summer. This center shows the increased commitment to support minority-owned businesses in Colorado. The new Denver Minority Business Center will further promote the growth of minority-owned businesses in Colorado by ensuring they have the technical skills to access contracting and financing opportunities they need to succeed.

Despite the tremendous potential and growth among minority firms, they still face the challenges that all businesses are facing in a capital constrained market. Also troubling is that research has shown that these challenges can be heightened for minority-owned firms. For instance, minority-owned firms are less likely to receive loans than nonminority-owned firms, making it more difficult for minority-owned firms to secure the capital they need to establish themselves. This is why the Denver Minority Business Center will be a valuable asset to our entire State.

To help business owners start or grow their business, I introduced a credit union lending bill that would responsibly lift the cap that limits the amount of money credit unions can lend to small businesses. By doing so, new loans can help open the doors to new businesses and thereby create more than 100,000 new jobs across the Nation in the first year. This is another example of how we can support Hispanic and non-Hispanic businesses alike to continue to prosper. I understand that there remains much to be accomplished and I am glad that Colorado's Hispanic-owned businesses and workers are willing and ready to be part of the solution.

I am proud to celebrate Hispanic Heritage Month. As we celebrate the many contributions of Colorado's Hispanic community to our State, I hope that we can draw attention to the need to cooperate so that we can find shared solutions to create a stronger environment for all businesses to thrive.

ADDITIONAL STATEMENTS

KOTA RADIO OF SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, today I recognize a broadcasting pioneer in my home state of South Dakota. KOTA Radio is celebrating its 75th anniversary this November and I would like to commend the great work of the Duhamel family in building KOTA into a well-respected and recognized broadcasting entity in western South Dakota and parts of Wyoming, Nebraska, and Montana.

On November 26, 1936, Black Hills Broadcasting began radio operations as

KOBH—Kall of the Black Hills—and began broadcasting from the penthouse of the Alex Johnson Hotel. The station became known as KOTA in 1945. Helen Duhamel purchased a minority interest in Black Hills Broadcasting in 1943, expanded her holdings in 1948, and by 1954 she had purchased all remaining common stock and Duhamel Enterprises was formed. She helped pave the way for women in South Dakota business and was one of the first women in the Nation to have such an integral role in the broadcasting business.

Over the years, many members of the Duhamel family were intimately involved in the day-to-day operations of KOTA and Duhamel Enterprises. Helen continued to serve as president and general manager of the station until 1976, when her son William F. Duhamel took over both positions. Bill Duhamel has served amiably and with the highest degree of professionalism and dedication for the past 35 years and shows no signs of slowing down. Bill grew up at his mother's side around the station learning the broadcasting and journalism professions, and he passed on that passion to his daughter Helene, who serves as a television anchor at the station, and other family members over the years who have been integrally involved in the family businesses.

As part of their celebration this year, Duhamel Enterprises has broadcast a daily reflection, going back to the same day in 1936 and providing listeners with recollections of local, state and national news items from that year. They are transferred in time and are reminded of local businesses, some that have long since shuttered while others remain vibrant and strong to this day. They are reminded of the cost of a gallon of milk or loaf of bread. The stories have rekindled great memories for listeners of all ages.

KOTA and Duhamel Broadcasting has won numerous awards for their broadcasting and journalistic excellence over the years. The Duhamel family and their family of employees have been very involved as well in community activities, most notably the KOTA Care and Share Food Drive, which has been organizing massive food and monetary donation drives to help feed the area's hungry for the past 27 years.

Over the years, Duhamel Enterprises has expanded broadcasting coverage to include the eastern half of Wyoming and the northwestern portion of Nebraska. The radio and broadcasting professionals at KOTA have been well-recognized and awarded for their excellence and many of the KOTA broadcasters were journalistic pioneers who helped foster and produce styles of news gathering and presentation styles envied by many young broadcasters.

I congratulate KOTA Radio and Duhamel Enterprises as well as Bill Duhamel, members of the Duhamel

family and their broadcasting family on the occasion of the station's 75th anniversary, as well as their numerous contributions to the Rapid City and Black Hills communities through journalistic and broadcasting excellence as well as their community presence.●

RAPID CITY HARNEY LITTLE LEAGUE BASEBALL

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and congratulate the Rapid City Harney All-Star Little League for their impressive teamwork and sportsmanship.

In the past 4 years, 2 other South Dakotan teams have earned their way into the Little League World Series. Like the teams that have gone before them, I believe the Harney All-Stars stand as strong examples of the very best this sport has to offer. These dedicated young athletes worked together as a team and exhibited the kind of sportsmanship that can serve as a model for every American, including professional athletes playing in the major leagues, to emulate. There is no doubt in my mind these young athletes played to the best of their abilities and truly had both the hearts and their heads in the game.

I offer my sincere appreciation to all of this year's exceptional team members: Tristan Deming, Justin Kraemer, Riley McSherry, Seth Brewer, Zach Solano, Cameron Fees, Madden Pikula, Erik Petry, Timmy Paris, Kyle Maguire, Hayden McGriff and Brett Beyer. I would also like to acknowledge Coach Kasey McGriff, who helped lead the Harney team to the Little League World Series.

These young people represented Rapid City and the State of South Dakota in an extraordinary fashion. While the final outcome of the Little League World Series was not what these young athletes had hoped for, their hard work and sportsmanship well represent the very best of South Dakota's values.●

TRIBUTE TO STAFF SERGEANT RAVEN S. TAYLOR

● Ms. MURKOWSKI. Mr. President, I speak today in honor of one of our Nation's finest, a member of the U.S. Air Force. I am pleased to announce that Raven S. Taylor was selected as one of 12 airmen who earned the award of Outstanding Airman of the Year, and I am proud to note that Raven earned this distinction while serving in the rank of senior airman at Eielson Air Force Base, AK. She has since been promoted to staff sergeant. This is an auspicious occasion and no small feat considering the 12 airmen were selected from an eligible pool of over 288,000 for their superior leadership, job performance, and personal achievement.

Raven is a native of Waycross, GA. She graduated with honors from Prince County High School and enlisted in the Air Force in 2007. After basic training and technical school as a aerospace medical technician, Alaska welcomed her to Eielson as her first duty assignment. Like many others who come to our State, Raven felt right at home, thriving in her job at the hospital and making meaningful contributions to the community. She oversaw some 650 preventive health assessments and supervised the infection control program, which achieved a flawless record of zero infections reported over 18,000 patient visits. Raven assisted with 20 minor surgeries and worked over 1,000 hours of ambulance service, where she was credited with helping to save the life of a gunshot victim. While at Eielson she found time to volunteer with the USO, Big Brothers Big Sisters, the Air Force Sergeants Association, and youth cheerleading. Add to this her work toward a bachelor's degree in nursing, and it is clear why she stood out from her peers for this prestigious award.

Excellence is contagious. Rewarding the best of the best motivates others in their own endeavors. In a time when our servicemembers are all volunteers, the professionalism and proficiency of the force is fueled by those within the ranks who lead by example and uphold the core values of their service. The example Raven set through her exceptional performance has undoubtedly been transmitted to countless other airmen she served with. Alaska is proud to have had her.

Alaskans take pride in treating our military better than any other State, and we like to think our support makes them better soldiers, airmen, sailors, marines, and coast guardsmen. We know they make us better. Our military members are a reassuring presence in our communities, and we hope our faithful patriotism reciprocates the inspiration we draw from theirs. Raven has recently been transferred to Yokota Air Base, Japan, but I trust she will fondly remember her time in Alaska. I congratulate Sergeant Taylor on her selection as one of the 12 Outstanding Airmen, I thank her for her service, and I look forward to hearing of her continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISCAL PLAN ENTITLED "LIVING WITHIN OUR MEANS AND INVESTING IN THE FUTURE" RECEIVED DURING ADJOURNMENT OF THE SENATE ON SEPTEMBER 19, 2011—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To The Congress of the United States:

This continues to be a time of challenge for our country. We face an economic crisis that has left millions of our neighbors jobless, and a political crisis that has made things worse. Millions of Americans are looking for work. Across our country, families are doing their best just to scrape by—giving up nights out with the family to save on gas or make the mortgage, or postponing retirement to send a child to college.

These men and women grew up with faith in an America where hard work and responsibility paid off. They believed in a country where everyone gets a fair shake and does their fair share; they believed that if you worked hard and played by the rules, you would be rewarded with a decent salary and good benefits. If you did the right thing, you could make it in America.

For decades now, Americans have watched that compact erode. They have seen the decks too often stacked against them. And they know that Washington has not always put their interests first. Too often, our Nation's capital has been consumed by partisanship. Too often, the needs of special interests or politics have been put ahead of what is best for the country.

That is what must change. The American people work hard to meet their responsibilities. Now, as the Nation faces an economy that is not growing and creating jobs as it should, so must its leaders. While the continued recovery of our economy will be driven by the businesses and workers across our land, policymakers in Washington can take steps to help Americans right now and set the most favorable conditions we can for growth and job creation for years to come. We can live within our means and invest for the future.

That is why last week I presented to the Congress and the American people the American Jobs Act, to provide a jolt to the economy and give companies confidence that if they invest and hire, there will be customers for their products and services. This jobs bill will put more people back to work and more money in the pockets of those

who are working. It will create more jobs for construction workers, more jobs for teachers, more jobs for veterans, and more jobs for the long-term unemployed. It will provide a tax break for companies that hire new workers, and it will cut payroll taxes in half for every working American and every small business. It will create jobs for people to rebuild our aging infrastructure and repair and modernize at least 35,000 schools. Moreover, the proposals in the American Jobs Act are the kind of proposals that have been supported by Democrats and Republicans in the past.

I am committed to paying for this jobs bill. The Budget Control Act that I signed into law last month will cut annual Government spending by about \$1 trillion over the next 10 years. It also charges the Joint Select Committee on Deficit Reduction with finding an additional \$1.5 trillion in savings. As part of this jobs bill, I am asking the Congress to increase that amount so that it covers the full cost of the American Jobs Act. In addition, I believe that the Congress should seize the opportunity that this new Committee presents and do much more so that we can put the country on a sustainable fiscal path, which is critical for our long-term economic growth and competitiveness.

For this reason, I am sending to the Congress this detailed plan to pay for this jobs bill and realize more than \$3 trillion in net deficit reduction over the next 10 years. Combined with the approximately \$1 trillion in savings from the first part of the Budget Control Act, this would generate more than \$4 trillion in deficit reduction over the next decade. This would bring the Nation to the point where current spending is no longer adding to our debt and where our debt is no longer increasing as a share of our economy—an important milestone on the way to restoring fiscal discipline and moving us toward balance.

This plan is a balanced one that asks everyone to do their part. It includes nearly \$580 billion in cuts and reforms to mandatory programs of which \$320 billion is savings from Federal health programs such as Medicare and Medicaid. These changes are necessary to maintain the promise of Medicare as we know it.

The plan also realizes more than \$1 trillion in savings over the next 10 years from our drawdowns in Afghanistan and Iraq. And the plan calls for the Congress to undertake comprehensive tax reform that lowers tax rates, closes loopholes, boosts job creation here at home, cuts the deficit by \$1.5 trillion, and observes the Buffett Rule—that people making more than \$1 million a year should not pay a smaller share of their income in taxes than middle-class families pay.

To assist the Committee in its work, I also included specific tax loophole

closers and measures to broaden the tax base. Together with the expiration of the high-income tax cuts from 2001 and 2003, these measures would be more than enough to reach this \$1.5 trillion target. They include cutting tax preferences for high-income households, eliminating tax breaks for oil and gas companies, closing the carried interest loophole for investment fund managers, and eliminating benefits for those who use corporate jets.

In sum, the plan I am sending to the Congress today is a blueprint for how we can reduce this deficit, pay down our debt, and pay for the American Jobs Act in the process. I have little doubt that some of these proposals will not be popular with those who benefit from these affected programs. And some of these changes are ones that we would not make if it were not for our fiscal situation. But we are all in this together, and all of us must contribute to getting our economy moving again and on a firm fiscal footing.

After all, we are all connected. No single individual built America on his or her own. We built it together. We have been, and always will be, “one Nation, under God, indivisible, with liberty and justice for all.” We have always been a people with responsibilities to ourselves and with responsibilities to one another. This means that as Americans work hard to find a job, keep their businesses afloat and grow, and provide for their kids, their representatives in Washington must meet their responsibilities and make the tough choices needed to get our economy back on track.

This plan lives up to a simple idea: as a Nation, we can live within our means while still making the investments we need to prosper. It follows a balanced approach: asking everyone to do their part, so no one has to bear all the burden. And it says that everyone—including millionaires and billionaires—has to pay their fair share.

These may be tough times for our country, but I have a deep faith in the American spirit, and we are tougher than the times we live in and bigger than the politics we have recently seen. If we all put partisanship aside and roll up our sleeves, I have no doubt that we can meet the challenges of the moment and show the world once again why the United States of America remains the greatest country on Earth.

BARACK OBAMA.

THE WHITE HOUSE, September 19, 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3273. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service,

Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Pears Grown in Oregon and Washington; Assessment Rate Decrease for Fresh Pears” (Doc. No. AMS-FV-11-0060; FV11-927-2 IR) received in the Office of the President of the Senate on September 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3274. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dried Prunes Produced in California; Decreased Assessment Rate” (Doc. No. AMS-FV-11-0068; FV11-993-1 IR) received in the Office of the President of the Senate on September 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3275. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Pears Grown in Oregon and Washington; Assessment Rate Decrease for Processed Pears” (Doc. No. AMS-FV-0070; FV11-927-3 IR) received in the Office of the President of the Senate on September 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3276. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Correction” ((Doc. No. AMS-FV-10-0015C; FR) (RIN0581-AD03)) received in the Office of the President of the Senate on September 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3277. A communication from the Acting Administrator of the Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports” (Doc. No. AMS-CN-11-0026; CN-11-002) received in the Office of the President of the Senate on September 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3278. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program, Livestock Indemnity Program, and General Provisions for Supplemental Agricultural Disaster Assistance Programs” (RIN0560-AH95) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3279. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tetrachlorvinphos; Extension of Time-Limited Interim Pesticide Tolerances” (FRL No. 8887-5) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3280. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Food Emergency Response Network; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3281. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AF34) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3282. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3283. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-3284. A communication from the Director of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Licenses, Certifications, and Approvals for Material Licenses" (RIN3150-AI79) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Environment and Public Works.

EC-3285. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Proposed Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-500, Revision 2, 'DC Electrical Rewrite—Update to TSTF-360'" (NUREG-1430, -1431, -1432, -1433, -1434) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3286. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Plating and Polishing" (FRL No. 9466-1) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3287. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Particulate Matter Emissions from the Operation of Outdoor Wood-Fired Boilers" (FRL No. 9468-4) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3288. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8889-2) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3289. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Withdrawal of Certain Federal Aquatic Life Water Quality Criteria Applicable to Wisconsin" (FRL No. 9466-3) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3290. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oregon: Final Approval of State Underground Storage Tank Program" (FRL No. 9465-3) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Environment and Public Works.

EC-3291. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Recovery Audit Contractors" (RIN0938-AQ19) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Finance.

EC-3292. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Due Dates for Estate Tax Return or Form 9939, Extension of Time to Pay Estate Tax, and Penalty Relief" (Notice 2011-76) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Finance.

EC-3293. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Treatment of Employer Provided Cell Phones" (Notice 2011-72) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Finance.

EC-3294. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, a semiannual report detailing telecommunications-related payments made to Cuba pursuant to Department of the Treasury licenses; to the Committee on Foreign Relations.

EC-3295. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items ((1) low rail contour tape laying machine, (2) filament winding machines, and (1) 20 inch jet mill) not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-3296. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items (6,000 kilograms of Carboxy Terminated Polybutadiene and other items) not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-3297. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items ((1) 8 micron master jet mill and other items) not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-3298. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Rate In-

crease Disclosure and Review: Definitions of 'Individual Market' and 'Small Group Market' (CMS-9999-F)" (RIN0938-AR26) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3299. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Early Intervention Program for Infants and Toddlers with Disabilities" (RIN1820-AB59) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3300. A communication from the Director, Recruitment and Hiring/Hiring Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Noncompetitive Appointment of Certain Military Spouses" (RIN3206-AM36) received in the Office of the President of the Senate on September 15, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3301. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Georgia Advisory Committee; to the Committee on the Judiciary.

EC-3302. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Commonwealth of the Northern Mariana Islands Traditional Worker Classification" (RIN1615-AB76) received in the Office of the President of the Senate on September 15, 2011; to the Committee on the Judiciary.

EC-3303. A communication from the Vice Chair, Federal Election Commission, transmitting, pursuant to law, the Commission's fiscal year 2013 budget request; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1574. A bill to designate certain Federal lands in San Diego County, California, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. CRAPO):

S. 1575. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. NELSON of Florida):

S. 1576. A bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Ms. SNOWE, Mr. WYDEN, Mr. CRAPO, Ms. STABENOW, Mr. CORNYN, Ms. CANTWELL, and Mr. MENENDEZ):

S. 1577. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

By Mr. TOOMEY (for himself and Mr. BOOZMAN):

S. 1578. A bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. KIRK, Mr. ROCKEFELLER, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 271. A resolution honoring the life and legacy of the Honorable Charles H. Percy, former Senator for the State of Illinois; considered and agreed to.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 119

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 119, a bill to preserve open competition

and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 170

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 170, a bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac.

S. 409

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 579

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 579, a bill to amend title 10, United States Code, to direct the Secretary of Defense to provide members of the Individual Ready Reserve, Individual Mobilization Augmentees, and inactive members of the National Guard who served in Afghanistan or Iraq with information on counseling to prevent suicide, and for other purposes.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 633

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 839

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 839, a bill to ban the sale of certain synthetic drugs.

S. 960

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1223

At the request of Mr. FRANKEN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1285

At the request of Mr. KOHL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1315

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1315, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri

(Mrs. McCASKILL) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1486

At the request of Mr. ROBERTS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1486, a bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

S. 1495

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1495, a bill to amend the school dropout prevention program in the Elementary and Secondary Education Act of 1965.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1542

At the request of Mr. BAUCUS, the names of the Senator from Michigan

(Ms. STABENOW) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1542, a bill to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 248

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 248, a resolution supporting the goals and ideals of National Brain Aneurysm Awareness Month.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1574. A bill to designate certain Federal lands in San Diego County, California, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am proud to introduce the Beauty Mountain and Agua Tibia Wilderness Act of 2011. I am pleased to have worked with Representative DARRELL ISSA on this legislation.

My bill would add 13,635 acres to the Beauty Mountain Wilderness and 7,796 acres to the Agua Tibia Wilderness in northern San Diego County, preserving thousands of acres of natural habitat that are home to golden eagles, mountain lions, and other iconic species. The bill complements the Riverside County wilderness designations in the California Desert and Mountain Heritage Act, which I authored with Representative MARY BONO MACK and which was signed into law in 2009.

In addition to designating new wilderness, my bill would require the Bureau of Land Management to work with The Conservation Fund to construct new recreational facilities at the Beauty Mountain Wilderness, promoting increased visitor access and enjoyment of this wonderful resource.

The proposed Beauty Mountain Wilderness additions in northern San Diego County serve as a vital biological corridor connecting the Palomar, San Jacinto, and Santa Rosa Mountains. With its captivating rock formations, rich chaparral, oak woodlands, and rolling hills, the name "Beauty Mountain" is only fitting to describe this area. These lands afford visitors many opportunities for recreation. The California Riding and Hiking Trail crosses the area, and during spring, aromas of sage, manzanita, and California lilac delight visitors.

The proposed Agua Tibia Wilderness additions span much of the scenic northern portion of the Palomar Mountain Range in the Cleveland National Forest. The landscape in this area is marked by deep canyons blanketed in coastal sage and chaparral. Seasonal streams wind through canyon valleys lined with willow, oak, and cottonwood trees, providing a cool haven for native species. Stately big cone Douglas firs and other conifers stand tall against the north-facing slopes of the area. The Cutca Trail passes through the wilderness for visitors to enjoy outdoor activities.

Protecting these areas is not only good for the environment, but also good for the economy. The Outdoor Industry Association estimates that outdoor recreation supports more than 400,000 jobs and contributes \$46 billion annually to California's economy. Based on the models of Colorado State University resource economists John Loomis and Robert Richardson, the relatively modest wilderness additions in my bill could generate nearly \$330,000 per year in local revenue.

That is why my bill has earned support from a diverse group of stakeholders, including the Cities of Oceanside, Perris and Vista; Chambers of Commerce in Canyon Lakes, Lake Elsinore, Murrieta, Oceanside, Temecula, Vista and Wildomar; Off-Road Business Association; American Motorcycle Association District 37 Dual Sport; California Wilderness Coalition; The Wilderness Society; The Conservation Alliance; San Diego Audubon Society; San Diego River Coalition; Friends of the Santa Margarita River; and Sierra Club Santa Margarita Group.

By permanently protecting these natural treasures, we can preserve important habitat and migratory corridors, ensure that future generations can come to visit these places to recreate and revel in their scenic beauty, and help stimulate the local tourism and recreation economy in San Diego County. I look forward to working with my colleagues to enact this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—HONORING THE LIFE AND LEGACY OF THE HONORABLE CHARLES H. PERCY, FORMER SENATOR FOR THE STATE OF ILLINOIS

Mr. DURBIN (for himself, Mr. KIRK, Mr. ROCKEFELLER, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr.

CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANN, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 271

Whereas the Honorable Charles H. Percy was born Sept 27, 1919, in Pensacola, Florida;

Whereas in 1949, at the age of 29, the Honorable Charles H. Percy became President of Bell & Howell, the youngest person to head a major corporation at that time;

Whereas the Honorable Charles H. Percy served in the United States Navy for 3 years during World War II, earning the rank of Lieutenant;

Whereas the Honorable Charles H. Percy was elected to the United States Senate in 1966 and served the people of the State of Illinois with distinction for nearly 20 years;

Whereas as a Senator, the Honorable Charles H. Percy implemented a system of consultation in the nomination process of Federal judges;

Whereas in 1973, the Honorable Charles H. Percy sponsored legislation (Senate Resolution 105) which called for a special prosecutor to investigate the Watergate scandal;

Whereas the Honorable Charles H. Percy founded and cochaired the Alliance to Save Energy, a nonprofit organization that promotes energy efficiency worldwide;

Whereas the Honorable Charles H. Percy served as Chairman of the Senate Foreign Relations Committee from 1981 through 1985;

Whereas the Honorable Charles H. Percy served as Chairman of the Board of Trustees at the Institute of International Education from 1985 until his death;

Whereas the Honorable Charles H. Percy showed humility in his work and respect for the responsibilities of government during his years of service to the United States; and

Whereas the Honorable Charles H. Percy passed away on September 17, 2011, and is survived by his wife Loraine Guyer, his children, Gail Percy, Mark Percy, Roger Percy, and Sharon Percy Rockefeller, wife of Senator Jay Rockefeller: Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Charles H. Percy, former Senator for the State of Illinois;

(2) conveys the condolences of the Senate to the family of the Honorable Charles H. Percy;

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the House of Representatives and the family of the Honorable Charles H. Percy; and

(4) requests that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles H. Percy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 623. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 624. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 625. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 626. Mr. MCCONNELL (for himself, Mr. HATCH, Mr. JOHANN, Mr. COATS, Mr. LUGAR, Mr. GRASSLEY, Mr. RUBIO, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. PORTMAN, Mr. HOEVEN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 623. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 201. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the date of the enactment of this Act and without regard to any substitution made by section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note prec.)) is amended—

(1) in section 245, by striking “2007” and inserting “2017”;

(2) in section 246(b)(1), by striking “the date that is 5 years” and all that follows through “State” and inserting “December 31, 2017”;

(3) in section 256(b), by striking “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning October 1, 2007” and inserting “each of fiscal years 2012 through 2017, and \$4,000,000 for the 3-month period beginning October 1, 2017”;

(4) in section 285, by striking “2007” each place it appears and inserting “2017”; and

(5) in section 298(a)—

(A) by striking “2003 through 2007” and inserting “2012 through 2017”; and

(B) by striking “October 1, 2007” and inserting “October 1, 2017”.

SA 624. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the

Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—NORMAL TRADE RELATIONS TREATMENT FOR MOLDOVA

SEC. 01. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF MOLDOVA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that the denial of nondiscriminatory treatment should no longer apply to the products of Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 shall cease to apply to Moldova.

SA 625. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 201. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the date of the enactment of this Act and without regard to any substitution made by section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note prec.)) is amended—

(1) in section 245, by striking “2007” and inserting “2014”;

(2) in section 246(b)(1), by striking “the date that is 5 years” and all that follows through “State” and inserting “December 31, 2014”;

(3) in section 256(b), by striking “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning October 1, 2007” and inserting “each of fiscal years 2012 through 2014, and \$4,000,000 for the 3-month period beginning October 1, 2014”;

(4) in section 285, by striking “2007” each place it appears and inserting “2014”; and

(5) in section 298(a)—

(A) by striking “2003 through 2007” and inserting “2012 through 2014”; and

(B) by striking “October 1, 2007” and inserting “October 1, 2014”.

SA 626. Mr. MCCONNELL (for himself, Mr. HATCH, Mr. JOHANN, Mr. COATS, Mr. LUGAR, Mr. GRASSLEY, Mr. RUBIO, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. PORTMAN, Mr. HOEVEN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—TRADE PROMOTION AUTHORITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Creating American Jobs through Exports Act of 2011".

SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

"(A) may enter into trade agreements with foreign countries—

"(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

"(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and";

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

"(C) The President may enter into a trade agreement under this paragraph—

"(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

"(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c)."; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "before July 1, 2005" and inserting "on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "after June 30, 2005, and before July 1, 2007" and inserting "on or after June 1, 2013, and before December 31, 2013"; and

(II) in clause (ii), by striking "July 1, 2005" and inserting "June 1, 2013";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "April 1, 2005" and inserting "March 1, 2013";

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "June 1, 2005" and inserting "May 1, 2013"; and

(ii) in subparagraph (B)—

(I) by striking "June 1, 2005" and inserting "May 1, 2013"; and

(II) by striking "the date of enactment of this Act" and inserting "the date of the enactment of the Creating American Jobs through Exports Act of 2011"; and

(D) in paragraph (5), by striking "June 30, 2005" each place it appears and inserting "May 31, 2013".

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting ", or";

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) establishes a Trans-Pacific Partnership,"; and

(C) in the flush text at the end, by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Creating American Jobs through Exports Act of 2011"; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking "the enactment of this Act" and inserting "the date of the enactment of the Creating American Jobs through Exports Act of 2011".

NOTICE OF INTENT TO OBJECT

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of Norman L. Eisen to be ambassador to the Czech Republic at the Department of State, dated September 19, 2011.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 22, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Tribal Law and Order Act One Year Later: Have We Improved Public Safety and Justice Throughout Indian Country?"

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following members of my staff be granted floor privileges during the consideration of the Generalized System of Preferences Act: Jane Beard, Sarah Babcock, Danielle Fidler, Sara Harshman, Madeline Forbis, Laura Jaskierski, Stephen Simpson, and Jonathan Goldman.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE CHAIR

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, in consultation with the majority leader, pursuant to Public Law 68-541, as amended by Public Law 102-246, appoints Christopher G. Long of Delaware, vice John Kluge, and Kathleen L. Casey of Virginia, vice John Medveckis, as members of the Library of Congress Trust Fund Board for a term of 5 years.

HONORING THE LIFE OF THE HONORABLE CHARLES H. PERCY, FORMER SENATOR FROM ILLINOIS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 271, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 271) honoring the life and legacy of the Honorable Charles H. Percy, former Senator from the State of Illinois.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be

agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas the Honorable Charles H. Percy was born Sept 27, 1919, in Pensacola, Florida;

Whereas in 1949, at the age of 29, the Honorable Charles H. Percy became President of Bell & Howell, the youngest person to head a major corporation at that time;

Whereas the Honorable Charles H. Percy served in the United States Navy for 3 years during World War II, earning the rank of Lieutenant;

Whereas the Honorable Charles H. Percy was elected to the United States Senate in 1966 and served the people of the State of Illinois with distinction for nearly 20 years;

Whereas as a Senator, the Honorable Charles H. Percy implemented a system of consultation in the nomination process of Federal judges;

Whereas in 1973, the Honorable Charles H. Percy sponsored legislation (Senate Resolution 105) which called for a special prosecutor to investigate the Watergate scandal;

Whereas the Honorable Charles H. Percy founded and cochaired the Alliance to Save Energy, a nonprofit organization that promotes energy efficiency worldwide;

Whereas the Honorable Charles H. Percy served as Chairman of the Senate Foreign Relations Committee from 1981 through 1985;

Whereas the Honorable Charles H. Percy served as Chairman of the Board of Trustees at the Institute of International Education from 1985 until his death;

Whereas the Honorable Charles H. Percy showed humility in his work and respect for the responsibilities of government during his years of service to the United States; and

Whereas the Honorable Charles H. Percy passed away on September 17, 2011, and is survived by his wife Loraine Guyer, his children, Gail Percy, Mark Percy, Roger Percy, and Sharon Percy Rockefeller, wife of Senator Jay Rockefeller: Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Charles H. Percy, former Senator for the State of Illinois;

(2) conveys the condolences of the Senate to the family of the Honorable Charles H. Percy;

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the House of Representatives and the family of the Honorable Charles H. Percy; and

(4) requests that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles H. Percy.

ORDERS FOR TUESDAY, SEPTEMBER 20, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday,

September 20; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate adopt the motion to proceed to H.R. 2832, the GSP bill and the vehicle for Trade Adjustment Assistance; further, that the Senate recess from 12:30 until 2:15 p.m. for our weekly caucus meetings.

Finally, I ask unanimous consent that Senator HELLER be recognized at 2:30 p.m. for up to 20 minutes as in

morning business to deliver his maiden speech as a U.S. Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow we will begin consideration of the GSP and Trade Adjustment Assistance bill. We will work on amendments to the bill and notify Senators when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 271, as a further mark of respect to the memory of the late Senator Charles Percy of Illinois.

There being no objection, the Senate, at 6:35 p.m., adjourned until Tuesday, September 20, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED NATIONS

ANN MARIE BUERKLE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RUSS CARNAHAN, OF MISSOURI, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601; AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. TERRY A. WOLFF

EXTENSIONS OF REMARKS

IN CELEBRATION OF THE ACCOMPLISHMENTS OF LILLIAN A. GAMBONE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Lillian A. Gambone of Norristown, Montgomery County, Pennsylvania on her installation as President of the Women's Auxiliary to the Firemen's Association of the State of Pennsylvania.

A Norristown native, Ms. Gambone joined the Fairmount Engine Company No. 2 Ladies Auxiliary in 1983. She served as Secretary for eleven years and has held the office of Vice-President since 2009. Additionally, Ms. Gambone has served on numerous committees throughout the course of her membership and is especially noted for chairing the home-made cake and pie sale for many years. She is a hard worker and dedicated to all of her commitments, including her roles as mother and grandmother.

Ms. Gambone joined the Women's Auxiliary to the Firemen's Association of the State of Pennsylvania on September 28, 1989, served as Secretary for the Women's Auxiliary, and in 2008, was elected Vice-President and rose through the ranks to become President.

Mr. Speaker, in light of her years of service to the community and litany of outstanding accomplishments, I ask that my colleagues join me today in recognizing Lillian A. Gambone on the occasion of her installation as President of the Women's Auxiliary to the Firemen's Association of the State of Pennsylvania.

TRIBUTE TO TAFT UNION HIGH SCHOOL

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2011

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Taft Union High School in my district which celebrated its 100th anniversary yesterday on September 18, 2011.

Taft Union High School is located in the city of Taft and is a comprehensive public high school where students receive the best possible education. The school provides programs for students to develop their communication skills, critical thinking and problem solving capabilities, and technological aptitude. These programs help develop the students into independent thinkers who are active participants in their communities.

I celebrate with the students, parents, teachers, staff, and alumni of Taft Union High

School on such an outstanding accomplishment of providing opportunities for teamwork, leadership, competition, and personal and intellectual development over the last century. The many years of dedication to the young people in Kern County will continue to benefit us for years to come.

On behalf of the residents of the 22nd Congressional District, I commend Taft Union High School on the 100th anniversary of its founding. I am very proud of the accomplishments of the school since its founding in 1911 and I know that the parents, teachers, neighbors and fans in our community will join me in congratulating this wonderful achievement and we hope there are 100 years to come.

RECOGNIZING THE 75TH ANNIVERSARY OF RIDGE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Ridge Fire Company on its 75th anniversary of selfless dedication and commitment to its community.

This is a great milestone and a considerable accomplishment and I take great pleasure in being able to honor the men and women of the Ridge Fire Company for their dedication and outstanding service.

For 75 years the officers, firefighters, and fire police of Ridge Fire Company have proudly and capably served and protected the thousands of citizens of northern Chester County, including the Townships of East Coventry, South Coventry, East Vincent, Warwick and West Vincent. They have always answered the call to help their neighbors in distress, whether it is putting out a fire, aiding those whose homes have flooded, or rescuing animals.

Mr. Speaker, I ask that my colleagues join me today in recognizing Ridge Fire Company on its 75th anniversary and to honor this exemplary organization for its commitment, dedication, and outstanding history of service to its community.

A STATEMENT BY RABBI ISRAEL ZOBERMAN

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2011

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the RECORD on behalf of my constituent, Dr. Israel Zoberman. Dr. Zoberman is the Founding Rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia.

He is also the president of the Hampton Roads Board of Rabbis and Cantors. Dr. Zoberman asked me to enter the following remarks into the RECORD regarding the 10th Anniversary of the terrorist attacks of September 11, 2001. Dr. Zoberman's statement follows:

We are duty-bound to respond to the significant and related dedications of the Martin Luther King Jr. Monument in The Mall of our nation's capital, Flight 93 National Memorial in Shanksville, Pennsylvania, honoring 40 lost souls, and the Stone Memorial and Garden of 184 benches for the perished at the Pentagon involving American Airlines Flight 77, and that of the Memorial and Museum on the hallowed grounds of the World Trade Center with its majority of victims, 2,753, upon the 10th anniversary of the horrific strikes of 9/11. Terrorism, whether from within or without, cannot be tolerated.

The Rev. Dr. Martin Luther King Jr. representing the Civil Rights Movement of the 1960's will now be lastingly visible in stone along with some of his writings—teachings forever etched in the heart and mind of a repentant and grateful nation. We pledge to remember both the pain and promise of that trying and triumphant era in American History.

The impressive monument is a statement of faith in what the martyred Nobel Peace Laureate means to a shared fractured past and, perhaps even more importantly, to our shared future as well. Dr. King's sacrifice of his very life, which he had envisioned, and all, including American Jews, who heroically participated with him, contributed to the eventual success of the monumental struggle to liberate America from its shackles to a demeaning past of inhumane slavery and of its aftermath of brutal violence and disgraceful discrimination. Dr. King's prophetic spirit of justice—planted, nourished and sustained by Israel's Biblical prophets—is ours as we continue his and our timeless journey to make America faithful to its most noble promise and premise that God's divinity and human dignity go hand in hand.

The uncommon courage and ingenuity under harrowing circumstances of United Airlines Flight 93 passengers, bringing down their hijacked plane, are fittingly honored and memorialized in a lonely Pennsylvania field, turned symbol of American inner strength in face of adversity and a spirit that cannot be vanquished. Converting American Airlines Flight 77 into a weapon against the Pentagon, which is entrusted with our national defense, brought death of innocent civilians and committed professionals all valiant heroes of a grateful nation.

The erection of the uniquely inspiring Memorial and Museum at the 10th anniversary of the ghastly strikes and its haunting images of 9/11 by Islamist extremists committed to disrupting and destroying the pluralistic and embracing American way of life and civilization itself without moral restraints, is a somber occasion for sacred recollection, reflection and resolution. We prayerfully recall the victims who were caught by utter surprise and shock, becoming martyred heroes, their agonizing families whose lives have been cruelly interrupted, the fortunate survivors who escaped

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the inferno but not the nightmares, the first respondents and recovery workers, some of whom paid with their lives or got severely sick. Etched in my memory of 9/11/2001 will be arriving in my synagogue following an early morning Neptune Festival Interfaith Prayer Breakfast at the Founders Inn in Virginia Beach. A phone call awaited me from the local media concerning the first hit at the twin towers, as I was watching in disbelief the second hit. I knew then and there that our world will never be the same.

Let us resolve not to allow brazen terrorism using loaded civilian planes as missiles to plunge into the packed multinational World Trade Center, to topple our faith in what America proudly and rightly stands for, making her the world's greatest democracy and indispensable light to humanity. Mindful of living in a challenging volatile global community, not without opportunity, we remain vigilant in protection of our constitutional rights even as we secure our shaken and wounded nation from potential harm, while overcoming crippling divisiveness from within.

Continuing to stand up to evil, there is no other choice, may we yet turn pain into promise, violence into vision, fear into faith, vulnerability into virtue and blemishes into blessings.

I wrote the following poem in the wake of 9/11.

Mangled iron mingled with human
bits of crushed hopes
wedded to once a teeming
empire's cathedral brought down
by God's creatures too,
welding a monument to doomsday's promise
of hate's power.
Once again ashes blowing
in the wind of dust
an inferno called infinity
with no answer to the mystery
of faith persisting to ignite
smoldering embers of life.

May the divine gifts of Shalom's healing,
hope and harmony be bestowed upon us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 20, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED SEPTEMBER 21

10 a.m.

Environment and Public Works

Business meeting to consider S. 97, to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay, S. 893, to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine, S. 1400, to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, the nomination of Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, and proposed resolutions relating to the General Services Administration.

SD-406

Finance

To hold hearings to examine dually-eligible beneficiaries, focusing on improving care while lowering costs.

SD-215

Foreign Relations

To hold hearings to examine the nominations of Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajeski, of Virginia, to be Ambassador to the Kingdom of Bahrain, Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, and Michael A. Hammer, of the District of Columbia, to be Assistant Secretary for Public Affairs, all of the Department of State.

SD-419

Homeland Security and Governmental Affairs

Business meeting to resume consideration of S. 1546, to authorize certain programs of the Department of Homeland Security.

SD-342

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of The American Legion.

SDG-50

10:15 a.m.

Judiciary

Crime and Terrorism Subcommittee

To hold hearings to examine countering terrorist financing, focusing on progress and priorities.

SD-226

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Google, focusing on consumers and competition.

SD-226

Joint Economic Committee

To hold hearings to examine manufacturing in the United States of America, focusing on how United States trade policy offshores jobs.

SH-216

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine transforming wartime contracting, focusing on recommendations of the Commission on Wartime Contracting.

SD-342

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine a recently released report by the National Park Service, focusing on "A Call to Action Preparing for a Second Century of Stewardship and Engagement".

SD-366

3 p.m.

Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2012 for Transportation, Housing and Urban Development, and Related Agencies, Department of State, Foreign Operations, and Related Programs, and Labor, Health and Human Services, Education, and Related Agencies.

SD-106

SEPTEMBER 22

9:30 a.m.

Armed Services

To hold hearings to examine the United States strategy in Afghanistan and Iraq.

SH-216

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers, Executive Office of the President, David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development, and Cyrus Amir-Mokri, of New York, to be Assistant Secretary of the Treasury.

SD-538

Judiciary

Business meeting to consider S. 1151, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 1408, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 1535, to protect consumers by mitigating the vulnerability of personally identifiable information to theft through a security breach, providing notice and remedies to consumers in the wake of such a breach, holding companies accountable for preventable breaches, facilitating the sharing of post-breach technical information between companies, and enhancing criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information, H.R. 2480, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2012, 2013, and 2014, and the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen,

to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, and Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York.

SD-226

Deficit Reduction

To hold hearings to examine an overview of revenue options and reforming the tax code.

2123, Rayburn Building

1:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine improving educational outcomes for our military and veterans.

SD-342

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Russia's upcoming elections and the struggle for public and competitive politics.

210, Cannon Building

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the "Tribal Law and Order Act" one year later, focusing on improved public

safety and justice throughout Indian country.

SD-628

2:30 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine protecting seniors and persons with disabilities, focusing on an examination of court-appointed guardians.

SD-226

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine the European debt and financial crisis, focusing on origins, options and implications for the United States and global economy.

SD-538

Intelligence

To hold hearings to examine the nomination of Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

SD-138

SEPTEMBER 23

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Corinne Ann Beckwith, and Catharine Friend Easterly, both to be an Associate Judge of the District of Columbia Court of Appeals, and Ronald David McCray, of Texas, to be a Mem-

ber of the Federal Retirement Thrift Investment Board.

SD-342

OCTOBER 4

10 a.m.

Joint Economic Committee

To hold hearings to examine the economic outlook.

SH-216

POSTPONEMENTS

SEPTEMBER 21

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1119, to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, S. 1207, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach, S. 1307, to authorize the Secretary of Commerce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska, S. 1401, to conserve wild Pacific salmon, and S. 1430, to authorize certain maritime programs of the Department of Transportation, and promotion lists in the United States Coast Guard and the National Oceanic and Atmospheric Administration.

SR-253

HOUSE OF REPRESENTATIVES—Tuesday, September 20, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

HONORING THE LIFE OF FORMER SENATOR CHARLES H. PERCY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, it was with great sadness that we received the news this past weekend of the passing of one of my long-time family friends and one of the most dedicated public servants I've ever had the privilege of knowing or serving with. I'm referring, of course, to Senator Charles Percy, who passed away on Saturday morning at the age of 91.

Senator Percy was someone whom I first met when I was a kid at summer camp in Colorado. Tragically, his daughter Valerie had been murdered. And, of course, her twin is Sharon Percy Rockefeller, who serves with great distinction as the head of the WETA board and who has many other civic duties here in Washington, DC.

I met Senator Percy when we were at Valerie Lodge, which was named for his daughter, the camp in California; and at that moment, Mr. Speaker, I saw someone who was clearly very dedicated and extraordinarily principled. His entire life was dedicated to public

service and to doing everything he possibly could to ensure that life was better for all around him.

I came to Congress a little more than a decade after I'd met him when I was at summer camp. He immediately took me under his wing, and he made the pilgrimage from the Senate here to the House of Representatives, and visited me in my office several times. I took my first trip with him to Mexico, and it was the U.S.-Mexico Interparliamentary Conference. I remember very vividly nearly three decades ago—well, actually, three decades ago—what it is that he said, Mr. Speaker.

He talked about the challenge and the relationship between the United States and Mexico, and he characterized his remarks as it related to his twin daughters, Sharon and Valerie. In that speech, he said, So many people talk about twins and the similarities. He said, For me, the greatness is to look at the differences between the two.

He carried that personal message as he referred to the challenging relationship between the United States of America and Mexico, and I was struck by that. He was chairman of the Senate Foreign Relations Committee, and I was privileged to serve two terms here in the House while he served in the Senate.

So I want to say to his wonderful wife, Loraine, and to all of the other children and relatives and friends of Senator Charles Percy that he lived an amazing life. It was one that was an inspiration to me, and I will greatly miss him.

MOURNING THE LOSS OF IMOGENE JOHNSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. BOREN) for 5 minutes.

Mr. BOREN. Mr. Speaker, I rise today to mourn the loss of Imogene Johnson of Okemah, Oklahoma, who passed away on September 14, 2011, at the age of 90.

Imi, as we all knew her, was a very close friend of the Boren family, and I can remember seeing her face at some of my earliest campaign events. She was always there.

She was the wife of Oklahoma Fourth District Congressman Glen D. Johnson, Sr., and the mother to Glen D. Johnson, Jr., the former speaker of the Oklahoma House of Representatives and now our current Chancellor for Higher Education. She supported both

her husband and her son faithfully, and I know her son especially will miss her.

Imi was a civic leader and a dedicated public servant. She was a member of the Okemah Chamber of Commerce, an active member and past president of the American Legion Auxiliary, and a member of the PEO. In 1999, the city of Okemah honored her by inducting her into the Okemah Hall of Fame for her dedication to her hometown.

Again, Imi was truly an inspiration to her beloved Oklahoma, and I am honored to have called her a friend. I know she has her son and other family scattered across the State of Oklahoma, particularly in Okemah. She has touched them and many, many other Oklahomans. Again, we will greatly miss her.

THE DEATH OF U.S. SENATOR CHARLES H. PERCY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT) for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to a man who served Illinois, our country, and people from other nations around the world for decades before his death this weekend at age 91. That man is Senator Charles H. Percy of Illinois.

Already, his life, legend, and list of accomplishments as a Senator, a statesman, and a larger-than-life political figure are well documented. Others have articulated these things far better than I could today, and I am confident that history will record them well.

But, Mr. Speaker, what I wish to convey today are the warm and wonderful stories and the testimonies about Chuck Percy that have only come to me from those who knew him and loved him and from those whose views and sentiments I hold in the highest regard. Their stories are not always well suited for publication or for statements on the House or Senate floor; but they are funny, warm, endearing, and genuine. They reflect the incredible love of life, humanity, and humor that made working for or with Senator Percy so incomparable. These volunteers, former Members, and political leaders cannot address the House about him today; but I can, and it is my honor to do so.

They are some of the finest leaders of Illinois today, like State Comptroller Judy Baar Topinka, who launched her first campaign for office years ago after serving as a Percy campaign coordinator. They are State Treasurer Dan

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rutherford and U.S. Senator MARK KIRK, who served on the Youth for Percy brigade. They are former Congresswoman and U.S. Labor Secretary Lynn Martin, whose very first campaign as a volunteer was to help elect Chuck Percy. Then you've just heard from Representative DAVE DREIER on his reflections of his being with Chuck Percy.

If you talk to them, they will say that his enthusiasm and commitment to making a better State, country, and world are what motivated them to answer the call and launch their own political careers. His energy and enthusiasm, his openness to differing views, and his passion for improvement were infectious. They will tell you of a dark moment of loss or sadness or disappointment in their lives when he was there for them with a loving phone call or note. He was, in a word, an inspiration to all of them.

They are former Illinois Governors Jim Thompson and Jim Edgar, whose natural talents thrived under Chuck Percy's guidance and inspiration. He saw in them the makings of outstanding leaders, and they succeeded in their own rights. He never looked over his shoulder, worrying about those who might challenge his own leadership. He embraced them, encouraged them, and made their success his success. Unlike others in politics today, his generosity to others was boundless and without the slightest hint of envy or competitiveness. With Chuck Percy, there was no zero sum; there were only pluses for everyone.

They also are the other leaders outside of Illinois, like the former HUD Secretary and USTR, Ambassador Carla Hills, who first headed Percy's Alliance to Save Energy in the 1970s when it became clear to Percy that our reliance on foreign oil was unsustainable.

□ 1210

They are former Senator Fred Thompson, in whom Percy saw a brilliant prosecutor and future star of the Senate. They are those who went on to become leaders in their own countries, like the late Prime Minister of India, Rajiv Gandhi and President of Lebanon Rafic Hariri, both of whom strove for peace and tragically were cut down by assassination.

They are Federal district and appellate judges and a Supreme Court Justice, whose service to our country might never have been possible were it not for the fact that Chuck Percy believed in them and believed that the cronyism and corruption in judicial selection must end. He saw in them a commitment to the law, the Constitution, and justice, and with them helped to transform the Illinois bar from one of the most corrupt in the country to one of the most respected.

Last but not least, there are thousands of staff members and volunteers

whose lives were forever changed and guided by this dear man whom they referred to simply as "CHP" or "The Senator." They are a formidable network of outstanding individuals who are as devoted to him as they are to each other and to public service. Each of them has gone on to do good things because of the confidence that he inspired in them and his belief that everything is possible if only you want to work hard enough for it.

They are my constituents and volunteers. They are my chief of staff, Kathy Lydon, and chief of volunteers, Carolyn Stillman, and many others and all the outstanding people that I have met through their fellowship. They are hundreds of Illinois and Washington businessmen, lawyers, teachers, homemakers, and, yes, even reporters whose lives were forever changed by this very special man.

To a one, they will say, "There is no one, no one quite like Chuck Percy."

So today, Mr. Speaker, I want to say to them and to the Percy family, Lorraine, Sharon, and Senator JAY ROCKEFELLER, Roger and Penny, Gail and Wade, Mark and Leslee, and all of their wonderful children, grandchildren, and families, our thoughts and prayers are with you. We thank you for sharing this wonderful man with us, with the people of Illinois, America, and the world.

HONORING CASSANDRA LLOYD WARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise this morning to pay tribute to some great Americans. I want to join my colleague from Illinois (Mrs. BIGGERT) in recognizing the extraordinary life and work of Senator Charles Percy. He will certainly be missed. Also, I want to extend condolences to the Mondale and Kennedy families, who also lost a daughter this weekend at the young age of 51.

But, Mr. Speaker, I have come to the well today to pay tribute to another great American, to a friend in North Carolina who has lost a long but courageous battle to breast cancer at the age of 51. Mrs. Cassandra Lloyd Ward was the daughter of Johnnie and Mary Lloyd of Williamston, North Carolina. She was also the wife of Mr. Everett B. Ward. For 29 long years, they were married. Everett is a well-respected public servant in North Carolina with our State Department of Transportation.

Cassandra was a career educator in Wake County, North Carolina. Many of you will recognize that as our capital city of Raleigh. She worked for many years in the Wake County Public Schools. The epitome of educational

excellence, Cassandra touched the lives of countless individuals who have now become productive citizens in our communities across America.

Cassandra was employed by the Wake County Public School System beginning with Youngsville Elementary, Henry Adams Elementary, Dillard Drive Elementary, and, finally, Forest Pines Elementary School. She was a lifelong member of the North Carolina Association of Educators.

Cassandra Ward, Mr. Speaker, was a graduate of Williamston High School in Martin County, North Carolina, also a graduate of historic St. Augustine's College in our capital city of Raleigh, which is an HBCU, a historically black college there in the Raleigh community.

As a member of Davie Street Presbyterian Church in Raleigh, Cassandra was a church leader, not only a member of the Presbyterian Church, but she was also a deacon in the church. She advocated that the church serve the least of these in our society. She was a member of a great sorority, the Alpha Kappa Alpha Sorority, Incorporated. In that capacity, as a member of the Alpha Theta Omega Chapter, she served and chaired many committees, particularly the Black Family/Black Heritage; Health, Social and Sisterly Relations; Salvation Army; and Christmas Stocking Stuffing committees. Those were a lot of committees.

And, Mr. Speaker, she was a very active individual. She also found time to be associated with the Gamma Sigma Boule of Sigma Pi Phi Fraternity. She was what was referred to as an archousa. It took me a while, Mr. Speaker, to figure out how to pronounce that word, but she was an archousa of Gamma Sigma Boule of Sigma Pi Phi Fraternity.

Mr. Speaker, Cassandra Ward leaves a very, very loving family. In addition to her parents and her husband, she leaves three siblings, Johnnie Lloyd, Jr., Jarvis Lloyd, and one loving sister that she was extremely close to, Crystal Lloyd Williams, and her sister-in-law, Felecia Hardy, and her husband, Dr. James Hardy.

She is also survived by other relatives and friends, and especially her very special nieces and nephews: Johnnie Lloyd, III; Alecia Hardy, Jarvis Lloyd and Eboni, Jamie Hardy, Jamecia Hardy, Mary Noel Williams, and Gabrielle Williams. They all comprise the wonderful family of Cassandra Lloyd Ward.

I ask my colleagues today to join with me in honoring the life and work of this great American, Cassandra Lloyd Ward.

DON'T ASK DON'T TELL REPEAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, today is a very important day in our fight to achieve full equality for all Americans in the face of prejudices of various sorts. To commemorate, I want to read a very extraordinary document. It is headlined, "Don't Ask Don't Tell Repeal." It's an official communication.

"Today marks the end of 'Don't Ask Don't Tell.' The law is repealed. From this day forward, gay and lesbian soldiers may serve in our Army with the dignity and respect they deserve. Our rules, regulations, and policies reflect the repeal guidance issued by the Department of Defense and will apply uniformly without regard to sexual orientation, which is a personal and private matter.

"For over 236 years, the U.S. Army has been an extraordinary force for good in the world. Our soldiers are the most agile, adaptable, and capable warriors in history—and we are ready for this change.

"Over the last several months, our leaders, soldiers and Department of the Army civilians have discussed, trained, and prepared for this day. The President, the Secretary of Defense, and the Chairman of the Joint Chiefs have certified that repeal is consistent with military readiness, effectiveness, unit cohesion, and recruiting and retention. Your professionalism, leadership, and respect for your fellow soldiers will ensure that this effort is successful.

"At the heart of our success is adherence to the Army values. These standards not only infuse every facet of our culture and operations, but also guide us as we adapt to change. Loyalty, duty, respect, selfless service, honor, integrity, and personal courage are not mere words to us—they are the very principles by which we live, train, and fight.

"Accordingly, we expect all personnel to follow our values by implementing the repeal fully, fairly, and in accordance with policy guidance. It is the duty of all personnel to treat each other with dignity and respect, while maintaining good order and discipline throughout our ranks. Doing so will help the U.S. Army remain the strength of the Nation."

It is signed by Raymond F. Chandler, III, the Sergeant Major of the Army; Raymond T. Odierno, General, United States Army Chief of Staff; and John M. McHugh, Secretary of the Army and, parenthetically, our former colleague on the Republican side.

□ 1220

Mr. Speaker, we have a history in this country of prejudice being enacted; and through the efforts of many people, the policy embodying that prejudice can be overcome. And as we debate any single effort to overcome prejudice, we are told that the effect of diminishing that prejudice, the effect of

repealing that rule will be chaos, will be disorder, will be social unrest; and it is never true.

Seven years ago, the State I am privileged to represent in this House established same-sex marriage; and there were predictions of doom, predictions that this would be a terribly upsetting factor. None of those predictions have come true. Not a one. As we debated last year the repeal of the unfortunate statute which said that brave and patriotic gay and lesbian and bisexual and transgender members of the armed services would have to lie about who they were, would have to hide who they were or else lose the right to serve their country, a right which some evade but for which they were prepared to fight, we once again heard predictions that this would be disruptive, that it would cause diminution of the ability of our brave men and women to serve their purposes.

Let me predict today, Mr. Speaker, that every one of those prejudices 3 and 4 years from now will be proven as wrong as the predictions that same-sex marriage would be disorganizing. We will now see gay men and lesbians serving this country openly and proudly as they have been serving this country proudly, but unfortunately not openly, for some time. I hope people are making note of the predictions that were made on the floor of this House, in the Senate, and in the country about the negative consequences of "don't ask don't tell," because they will soon be shown to have been wholly false.

Finally, I want to commend Sergeant Major Chandler, General Odierno, and Secretary McHugh. This is a very profound and important document. They are acting in the highest traditions of their constitutional duty, of patriotism, and of respect for our constitutional principles. I welcome this statement, and I believe it is going to be proven to be a harbinger of a situation in which the full integration of gay and lesbian and bisexual and transgender members of the military goes forward with no negative consequences, with all of the positive consequences that come from respecting people and abolishing prejudice.

REMEMBERING SENATOR CHARLES PERCY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise this morning to pay tribute to a great American who lived in the State of Illinois, who represented it and the country well, Senator Charles Percy.

I recall that when Senator Percy was elected, I was a young schoolteacher, community activist. I also was an individual who interacted with lots of people who were very cynical about government, politics, whether or not there

was any potential for change. So we had an opportunity to see in action one of the most forceful individuals in public life, one that you didn't describe necessarily as a Democrat or a Republican. You didn't characterize him as a conservative or a liberal. You really thought of Senator Percy as simply a good, solid United States Senator who represented well not only his constituents, but who provided leadership for the Nation and for the country.

I think I learned at that time the meaning of town hall meetings because Senator Percy would hold those; and although he was a Republican by political stripe—and many of the people where I lived and interacted with were Democrats in terms of political stripe—we just would turn out at Senator Percy's town halls to know what was taking place, what was going on, what was happening. I personally owe a tremendous debt of gratitude to him for helping to shape my own political philosophy, some of my political ideology, some of the things that I dream about and hope for and work towards.

And so I extend condolences to his family, wish them well, and know that America is a better place because Chuck Percy served in the United States Senate and served all of America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 25 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear Lord, we give You thanks for giving us another day.

It is the beginning of a new workweek, and facing these decisive times we use this moment to be assured of Your presence and to tap the resources needed by the Members of this people's House to do their work as well as it can be done.

May they be led by Your spirit in the decisions they make. May they possess Your power as they steady themselves amid the pressures of persistent problems. May their faith in You deliver them from tensions that tear the House apart and from worries that might wear them out.

All this day and through the week, may they do their best to find solutions to pressing issues facing our Nation. Please hasten the day when justice and love shall dwell in the hearts of all peoples and rule the affairs of the nations of Earth.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RAISING TAXES DESTROYS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in August 2009, the President stated, "You do not raise taxes in a recession." This week, the same President proposed \$1.5 trillion in higher taxes as more than 14 million Americans are without jobs.

The President's tax increase proposal is based on the false belief that Big Government can spend the money of hardworking American families better than the people who have earned it.

Tax increases destroy jobs. You cannot create jobs by increasing taxes. The merit of an economic policy can be tested by the amount of jobs it creates. So far, this President's policy has failed. Zero new jobs were created in August.

By passing numerous bills that focus on getting Americans back to work, House Republicans have focused on job creation since January. It's time for this administration to change from failed policies.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our prayers are with Aiken and Barnwell, Assistant Solicitor Steve Kodman and Jennifer, and their sons, Patrick, Thomas, and Drew.

PRESIDENT OBAMA HAS DEFINED THE UNCERTAINTY THAT'S HURTING OUR ECONOMY

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, recently I had the opportunity to meet with a constituent of mine who also happens to be a minor celebrity. Rock Katschnig is the farmer who had the chance to ask President Obama last month about regulation and red tape coming from unelected and unaccountable bureaucracies, such as the EPA. The President's not-so-reassuring response: "If you hear something's happening but hasn't yet, don't always assume it's true." What President Obama said defines the uncertainty that has crippled our small businesses, entrepreneurs, and job creators and hamstrung our economic recovery.

Businesses don't plan just for tomorrow; they plan for next week, next month, and next year. All red tape, even if it hasn't happened yet, affects a business's decisions about hiring, expansion, and investment. That's why businesses are desperate for regulatory certainty, a message I heard not only from Rock, the farmer, but from countless other small business owners across my district. They want to grow, but they won't if they don't know what Washington will do to them. And that's why we are advancing our fall agenda to deliver that regulatory certainty so that small business owners and enterprises can invest, grow, create jobs, and get our economy moving again.

OLD WEST STYLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, at a border forum in Brownsville, Texas, yesterday, Special Ranger Roland Garcia for the Texas and Southwestern Cattle Raisers Association testified about the results of the porous and unsecure border and how it affects ranchers. He said the drug cartels are a fearsome enemy. "They intimidate landholders and instill terror in them—then fear follows."

The landholders are fearful to report cross-border activity because of the silent threat of reprisal and retaliation. The landholders feel that the government cannot protect them, their land, or their cattle. Texas ranchers fear that they may be targets of kidnappings for ransom. They have received death threats if they report illegal activity to law enforcement.

Ranger Garcia is concerned that landholders will start self-policing, in other words, organize and deal with the cartel intruders themselves—old west style. This testimony is yet more alarming evidence that the invasion of our borders by the cartels is a real na-

tional security threat to the people who live near our border.

And that's just the way it is.

MEDIA BIAS CHANGES ELECTION RESULTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, liberal media bias gives Democratic candidates an extra 8 to 10 percentage points in a typical election, according to a study by UCLA political science professor Tim Groseclose. For example, Professor Groseclose found that if media bias didn't exist, JOHN MCCAIN would have defeated Barack Obama with 56 percent of the vote.

In his new book, "Left Turn: How Liberal Media Bias Distorts the American Mind," Professor Groseclose writes, "While the job of a journalist is to shine light on facts, they use a prism, bending the light and causing it to make a left turn. The end result is that we, the readers and viewers of the news, are more likely to see facts from the left side of the spectrum."

As we approach another important election year, the national media should give Americans the facts, not tell them what to think.

□ 1410

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I am writing to inform you of my resignation, effective immediately, from the House Judiciary Committee. It is my intention that this is a leave of absence with retention of my seniority and I fully intend to serve on this Committee again in the next Congress. If you have any questions, please feel free to contact me directly, or your staff can contact my Legislative Director, Coby Dolan.

Sincerely,
DEBBIE WASSERMAN SCHULTZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 20, 2011 at 11:18 a.m.:

That the Senate agreed to S. Res. 271.
Appointments:
Library of Congress Trust Fund Board.
With best wishes, I am,
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Parole Commission Extension Act of 2011".

SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF 1984.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "24 years" or "24-year period" shall be deemed a reference to "27 years" or "27-year period", respectively.

SEC. 3. PAROLE COMMISSION REPORT.

Not later than 180 days after the date of enactment of this Act, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following:

(1) The number of offenders in each type of case over which the Commission has jurisdiction, including the number of Sexual or Violent Offender Registry offenders and Tier Levels offenders, for fiscal years 2006 through 2011.

(2) The number of hearings, record reviews and National Appeals Board considerations conducted by the Commission in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(3) The number of hearings conducted by the Commission by type of hearing in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(4) The number of record reviews conducted by the Commission by type of consideration in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(5) The number of warrants issued and executed compared to the number requested in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(6) The number of revocation determinations by the Commission in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(7) The distribution of initial offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(8) The distribution of subsequent offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(9) The percentage of offenders paroled or re-paroled compared with the percentage of offenders continued to expiration of sentence (less any good time) in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(10) The percentage of cases (except probable cause hearings and hearings in which a continuance was ordered) in which the primary and secondary examiner disagreed on the appropriate disposition of the case (the amount of time to be served before release), the release conditions to be imposed, or the reasons for the decision in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(11) The percentage of decisions within, above, or below the Commission's decision guidelines for Federal initial hearings (28 C.F.R. 2.20) and Federal and D.C. Code revocation hearings (28 C.F.R. 2.21).

(12) The percentage of revocation and non-revocation hearings in which the offender is accompanied by a representative in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(13) The number of administrative appeals and the action of the National Appeals Board in relation to those appeals in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(14) The projected number of Federal offenders that will be under the Commission's jurisdiction as of October 31, 2014.

(15) An estimate of the date on which no Federal offenders will remain under the Commission's jurisdiction.

(16) The Commission's annual expenditures for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(17) The annual expenditures of the Commission, including travel expenses and the annual salaries of the members and staff of the Commission, for fiscal years 2006 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2944 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, on October 31, the authorization for the United States Parole Commission will expire. H.R. 2944, the United States Parole Commission Extension Act of 2011, extends the Commission's authorization for an additional 3 years.

I thank Judiciary Committee Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Ranking Member BOBBY SCOTT, who is here on the floor today, for joining me in sponsoring this legislation.

The Parole Commission is an independent agency within the Department of Justice that supervises Federal offenders who are eligible for parole.

In 1984, Congress abolished Federal parole and replaced it with a determinate sentencing system. Federal offenders who were sentenced prior to November 1, 1987, were grandfathered under the parole system. The Parole Commission has been kept in place since then on a temporary basis to continue supervision of these Federal offenders.

In an effort to lower local crime rates, the District of Columbia followed the Federal example and also abolished parole. Under the new D.C. system, the D.C. Superior Court imposes a term of incarceration and supervised release.

Congress subsequently expanded the jurisdiction of the Parole Commission to include both parole and supervised release offenders from the District of Columbia. The group of offenders the Parole Commission was originally intended to supervise, Federal offenders who are eligible for parole, is a finite number of offenders that is growing smaller every year.

Today, however, the majority of the Commission's workload concerns the District of Columbia offenders. Like the population of Federal offenders eligible for parole, the parole-eligible D.C. offender population is also declining over time, although at a slower rate than Federal offenders. However, because all incoming offenders are now sentenced under the new law, the D.C. supervised release offender population is increasing.

At some point in the future, no Federal offenders will remain under the Commission's jurisdiction. At that time, Congress should assess the need to continue a Federal Parole Commission within the Justice Department.

In addition to extending the Commission authorization for 3 years, H.R. 2944

requires the Commission to submit a report to the House and Senate Judiciary Committee within 180 days of enactment. The commission last provided such a report in 2006.

H.R. 2944 requests the Commission to provide a variety of information relating to each category of offenders under the Commission's jurisdiction for fiscal years 2006 through 2011. The report asks the Commission to provide the projected number of Federal offenders who will be under the Commission's jurisdiction as of October 31, 2014, the date this authorization is set to expire. The report also requests an estimate of the date on which no Federal offenders will remain under the Commission's jurisdiction.

This report will inform Congress about where the Commission's resources are being directed, and enable us to decide whether any changes to the Commission are necessary to reflect its decreasing Federal parole responsibilities.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. I rise in support of H.R. 2944, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2944, which will extend the United States Parole Commission's authority for an additional 3 years. The current authority is set to expire October 31, 2011.

Although Federal parole was abolished with the passage of the Sentencing Reform Act effective November 1, 1987, those sentenced for an offense committed prior to the effect of the date of the abolition, and those sentences that have not yet been completed, remain eligible for parole.

Moreover, the Parole Commission has jurisdiction over other offenders, including the Uniform Code of Military Justice offenders and those under transfer treaties between the United States and other countries. Currently there are over 1,000 parole-eligible prisoners under the Commission authority.

The Sentencing Reform Act requires that release dates be set for all remaining offenders eligible for parole prior to the expiration of the Parole Commission. The Department of Justice is concerned that if the Commission's current authority is allowed to expire, Federal offenders who were sentenced for offenses committed prior to November 1, 1987, will begin to file motions for release under the Sentencing Reform Act, since the act requires such offenders to be given release dates 3 to 6 months prior to the expiration of the commission. We are now beyond that period at this point and no release dates have been set.

For this reason, it is important that we extend the U.S. Parole Commission's authority as soon as possible. I urge my colleagues to support this bill

and thank the chairman of the committee, the gentleman from Texas, for his leadership.

I yield back the balance of my time. Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2944.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

DEATH IN CUSTODY REPORTING ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2189) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death in Custody Reporting Act of 2011".

SEC. 2. STATE INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) IN GENERAL.—For each fiscal year after the expiration of the period specified in subsection (c)(1) in which a State receives funds for a program referred to in subsection (c)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).

(b) INFORMATION REQUIRED.—The report required by this section shall contain information that, at a minimum, includes—

(1) the name, gender, race, ethnicity, and age of the deceased;

(2) the date, time, and location of death;

(3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(4) a brief description of the circumstances surrounding the death.

(c) COMPLIANCE AND INELIGIBILITY.—

(1) COMPLIANCE DATE.—Each State shall have not more than 120 days from the date of

enactment of this Act to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) INELIGIBILITY FOR FUNDS.—For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10 percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(d) REALLOCATION.—Amounts not allocated under a program referred to in subsection (c)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(e) DEFINITIONS.—In this section the terms "boot camp prison" and "State" have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

(f) STUDY AND REPORT OF INFORMATION RELATING TO DEATHS IN CUSTODY.—

(1) STUDY REQUIRED.—The Attorney General shall carry out a study of the information reported under subsection (b) and section 3(a) to—

(A) determine means by which such information can be used to reduce the number of such deaths; and

(B) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by paragraph (1).

SEC. 3. FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT.

(a) IN GENERAL.—For each fiscal year (beginning after the date that is 120 days after the date of the enactment of this Act), the head of each Federal law enforcement agency shall submit to the Attorney General a report (in such form and manner specified by the Attorney General) that contains information regarding the death of any person who is—

(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or

(2) en route to be incarcerated or detained, or is incarcerated or detained at—

(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency;

(B) any State or local government facility used by such Federal law enforcement agency; or

(C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

(b) INFORMATION REQUIRED.—Each report required by this section shall include, at a minimum, the information required by section 2(b).

(c) STUDY AND REPORT.—Information reported under subsection (a) shall be analyzed and included in the study and report required by section 2(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2189 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Death in Custody Reporting Act of 2000 directed the Justice Department's Bureau of Justice Statistics to collect data on deaths that occur at two stages of the criminal justice system: deaths that occur in the process of arrest and deaths that occur in jails and prisons. The provisions of that Act expired in 2006.

H.R. 2189 reauthorizes this data collection program. It further directs the Attorney General not only to collect the data, but also to study the data to determine how to reduce deaths in custody in the future.

The bill also extends the reporting requirements to deaths that occur in Federal custody. And it ensures that those States that make a good faith effort to report this data to the Attorney General will not lose 10 percent of their Federal justice assistance funds if their data submissions are untimely.

The Bureau of Justice Statistics reports that between 2001 and 2006 there were over 18,000 state prisoner deaths. There were an additional 7,000 local prisoner deaths between 2000 and 2006.

□ 1420

More than nine out of every 10 State prisoner deaths were the result of illness or suicide, and eight out of 10 deaths at the local jail level were from those same causes. Although illness-related deaths have increased slightly in recent years, the homicide and suicide

rates in the State prisons have dramatically decreased over the last 25 years.

The collection of this data will help Federal, State, and local governments examine the relationship between deaths in custody and the proper management of jail and prison facilities. It will also provide important information to Congress on any need to improve Federal custody procedures.

Because the Bureau of Justice Statistics has continued to collect the information even though the prior law has expired, this bill will not impose any new costs on the agency.

The House passed similar legislation in the 110th and the 111th Congresses with overwhelming bipartisan support. I want to thank the gentleman from Virginia (Mr. SCOTT) for introducing this bill and for his interest and knowledge of the subject. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to support H.R. 2189, the Death in Custody Reporting Act of 2011.

The bill would require local, State, and Federal law enforcement agencies to report to the Department of Justice information about deaths of individuals which occur while in their custody. We've learned from history about how useful this information can be.

In the 1980s, there was an increased focus on conditions in State and local jails and prisons and the problem of prisoners dying in custody. The interest in oversight of this issue was generated primarily because of the rising tide of expensive wrongful death cases brought in relation to these deaths. Press reports in the 1990s concerning prison abuses and deaths of those incarcerated being attributed to suicide led Congress to develop legislation in response to this problem.

The Death in Custody Reporting Act of 2000 was enacted to require States to report quarterly to the Attorney General brief information regarding the death of any person in the process of arrest or who is otherwise in custody, including jails, prisons, and juvenile facilities.

That law expired in 2006, which led to the effort to reauthorize substantially the same requirements on States and to extend them to Federal agencies as well, which is what H.R. 2189 would do.

This extension, as the gentleman from Texas has mentioned, modifies the sanctions applied for those who do not comply with providing the information. It is expected that the information will be given and negotiations, rather than mandatory sanctions, should result in the information being available.

With detailed statistical data, policymakers at the local, State, and Federal levels can make informed judgments

about the appropriate treatment of prisoners and develop ways to lower the prisoner death rate. In fact, since the focus on deaths in custody emerged in the 1980s and the enactment of the law in 2000, there have been significant declines in deaths of those in custody.

This bill is an important reaffirmation of the importance of requiring that States submit this information and expands this commitment to Federal law enforcement agencies as well.

This initiative has a history of strong bipartisan support; and I thank my colleagues from the other side of the aisle, particularly the gentleman from Texas, the chair of the Judiciary Committee, Mr. SMITH, for bringing the bill to the floor today.

I urge my colleagues to support the bill, Mr. Speaker, and I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2189, "the Death in Custody Reporting Act of 2011," would require Federal law enforcement agencies and States that receive certain Federal funds to report to the Department of Justice (DOJ) any deaths of persons arrested or detained by law enforcement personnel under their jurisdiction. H.R. 2189 directs DOJ to prepare a report, within two years of enactment, on the information provided by Federal agencies and States and on ways to reduce the number of such deaths.

As a Senior Member on the Judiciary Committee, I am always concerned about the care of all persons detained by Federal, State, and local authorities. Whenever a death occurs in local jails, State prisons, or during the process of arrests by local and State law enforcement, we must ensure that there are systems in place which can identify the reasons behind each death—in the hope that when possible we can prevent these deaths. The collection of this type of information is a vital first step in this process. The Bureau of Justice Statistics (BJS) collects and disseminates this type of data. Originally the program was initiated by The Death in Custody Reporting Act of 2000, upon the expiration of the Act; the BJS continued to collect this information. The BJS needs our support as they represent a unique national resource for understanding mortality in the criminal justice system.

We all know the important role that law enforcement officers play in protecting our streets and our neighborhoods. This data reflects the challenges that they must face in the line of duty and how to best address those challenges. According to the Bureau of Justice Statistics, forty-seven States and the District of Columbia reported 2,002 arrest-related deaths during the three years from 2003 through 2005. Homicides by State and local law enforcement officers were the leading cause of such deaths at 55 percent of deaths, followed by alcohol and drug intoxication incidents, which accounted for 13 percent of deaths, and suicides that represented 12 percent of deaths. In 80 percent of homicides by law enforcement officers, the person being arrested

reportedly used a weapon to threaten or assault the arresting officer. Virtually all homicides by officers which accounts for 96 percent of deaths were caused by firearm use. According to the FBI during the same period 380 law enforcement officers were killed in the line of duty of which 159 were homicides. Having these facts readily available will allow authorities to find ways to address the issues faced by those being detained, in detention, and those responsible for safeguarding our neighborhoods and upholding our laws.

H.R. 2189 requires States to report to the Attorney General on quarterly basis information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison. To encourage compliance with this requirement States that fail to comply must pay a penalty. H.R. 2189 also requires the head of each Federal law enforcement agency to provide a report directly to the Attorney General. The Attorney General will then study the information and report on means by which it can be used to reduce the number of such deaths.

Summarily H.R. 2189 reauthorizes the Death in Custody Reporting Act. This legislation requires the submission of death statistics at the Federal, State and local levels. The legislation also provides for reductions of up to ten percent of Federal Byrne JAG grant funds at the discretion of the Attorney General, in the event of a State's non-compliance with the reporting requirements. H.R. 2189 also requires an accurate and complete study and report of information on deaths that occurred in custody. Further, H.R. 2189 does not authorize or require any additional spending.

For these reasons I support this legislation and firmly believe it can be used to advance our understanding of mortality in the criminal justice system, which will one day save a life. We must continue to protect persons who are in the custody of Federal, State, and local authorities. I urge my colleagues to lend their support to the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2189.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 25 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1533

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 3 o'clock and 33 minutes p.m.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT OF 2011

Mr. JOHNSON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2646) to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Health Care Facilities Capital Improvement Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Authorization of fiscal year 2012 major medical facility projects.
- Sec. 3. Modification of authorization for certain major medical facility construction projects previously authorized.
- Sec. 4. Authorization of fiscal year 2012 major medical facility leases.
- Sec. 5. Authorization of appropriations.
- Sec. 6. Modification of requirements relating to congressional approval of certain medical facility acquisitions.
- Sec. 7. Limitation on authority of Secretary of Veterans Affairs to use bid savings on major construction projects to expand purpose of major medical facility projects.
- Sec. 8. Name of Department of Veterans Affairs telehealth clinic, Craig, Colorado.
- Sec. 9. George H. O'Brien, Jr., Department of Veterans Affairs Medical Center.
- Sec. 10. Extension of certain expiring authorities.
- Sec. 11. Authorization of appropriations for comprehensive service programs for homeless veterans.
- Sec. 12. Reauthorization of appropriations for financial assistance for supportive services for very low-income veteran families in permanent housing.
- Sec. 13. Extension of grant program for homeless veterans with special needs.
- Sec. 14. Extension of specially adapted housing assistance for individuals residing temporarily in housing owned by a family member.
- Sec. 15. Extension of funding fees.
- Sec. 16. Notice and verification of the use of income information from other agencies.
- Sec. 17. Termination or reduction of certain benefits and services based on income information obtained from other agencies.

SEC. 2. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2012, with each project to be carried out in the amount specified for each project:

(1) Construction of seismic corrections for Building 100 at the Department of Veterans Affairs Medical Center in Seattle, Washington, in an amount not to exceed \$51,800,000.

(2) Construction of seismic corrections and renovation of various buildings to include Building 209 for housing facilities for homeless veterans at the Department of Veterans Affairs Medical Center in West Los Angeles, California, in an amount not to exceed \$35,500,000.

SEC. 3. MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN FAYETTEVILLE, ARKANSAS.—Section 803(3) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended—

(1) by inserting “and a parking garage” after “clinical addition”; and

(2) by striking “\$56,163,000” and inserting “\$90,600,000”.

(b) MODIFICATION OF EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT IN ORLANDO, FLORIDA, PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—Section 802(11) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461), as amended by section 702(b)(4) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137), is amended by inserting “, including a Simulation, Learning, Education, and Research Network Center,” after “Florida, area”.

(c) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN PALO ALTO, CALIFORNIA.—The Secretary of Veterans Affairs may carry out the major medical facility project at the Department of Veterans Affairs Medical Center in Palo Alto, California, for which amounts were appropriated under chapter 3 of title I of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2326) under the heading “CONSTRUCTION, MAJOR PROJECTS” under the heading “DEPARTMENT OF VETERANS AFFAIRS” in an amount not to exceed \$716,600,000.

(d) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SAN JUAN, PUERTO RICO.—Section 701(3) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137) is amended by striking “\$225,900,000” and inserting “\$277,000,000”.

(e) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ST. LOUIS, MISSOURI.—Section 803(5) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking “\$69,053,000” and inserting “\$346,300,000”.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2012 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

- (1) Columbus, Georgia, Community-Based Outpatient Clinic, in an amount not to exceed \$5,335,000.
- (2) Fort Wayne, Indiana, Outpatient Clinic, in an amount not to exceed \$2,845,000.
- (3) Mobile, Alabama, Outpatient Clinic, in an amount not to exceed \$6,565,000.
- (4) Rochester, New York, Outpatient Clinic, in an amount not to exceed \$9,232,000.
- (5) Salem, Oregon, Community-Based Outpatient Clinic, in an amount not to exceed \$2,549,000.
- (6) San Jose, California, Outpatient Clinic, in an amount not to exceed \$9,546,000.
- (7) South Bend, Indiana, Outpatient Clinic, in an amount not to exceed \$6,731,000.
- (8) Springfield, Missouri, Community-Based Outpatient Clinic, in an amount not to exceed \$6,489,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2012 or the year in which funds are appropriated for the Construction, Major Projects, account \$87,300,000 for the projects authorized in section 2.

(b) **MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2012 or the year in which funds are appropriated for the Construction, Major Projects, account \$850,070,000 for the projects authorized in section 3.

(c) **AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2012 or the year in which funds are appropriated for the Medical Facilities account \$49,292,000 for the leases authorized in section 4.

(d) **LIMITATION.**—The projects authorized in sections 2, 3, and 4 may only be carried out using—

- (1) funds appropriated for fiscal year 2012 pursuant to the authorization of appropriations in subsection (a) of this section;
- (2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2012 that remain available for obligation;
- (3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2012 that remain available for obligation;
- (4) funds appropriated for Construction, Major Projects, for fiscal year 2012 for a category of activity not specific to a project;
- (5) funds appropriated for Construction, Major Projects, for a fiscal year before 2012 for a category of activity not specific to a project; and
- (6) funds appropriated for Construction, Major Projects, for a fiscal year after 2012 for a category of activity not specific to a project.

SEC. 6. MODIFICATION OF REQUIREMENTS RELATING TO CONGRESSIONAL APPROVAL OF CERTAIN MEDICAL FACILITY ACQUISITIONS.

Section 8104 of title 38, United States Code, is amended—

- (1) in subsection (b)—
- (A) in paragraph (1)—
- (i) by striking “detailed description” and inserting “detailed estimate of the total costs”;

(ii) by striking “a description of the consideration” and inserting “a detailed report of the consideration”;

(iii) by adding at the end the following: “Such detailed estimate shall include an identification of each of the following:

- “(A) Total construction costs.
- “(B) Activation costs.
- “(C) Special purpose alterations (lump-sum payment) costs.
- “(D) Number of personnel.
- “(E) Total costs of ancillary services, equipment, and all other items.”;
- (B) by striking paragraphs (2) and (3) and redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;
- (C) in paragraph (2), as so redesignated, by striking “a five-year period and a ten-year period” and inserting “a five-year period, a ten-year period, and a twenty-year period”;
- (D) in paragraph (3), as so redesignated, by inserting before the period at the end the following: “, including information on projected changes in workload and utilization over a five-year period, a ten-year period, and a twenty-year period”;
- (E) in paragraph (4), as so redesignated—
- (i) by striking “Current and projected” and inserting “Projected”;
- (ii) by inserting before the period at the end the following: “(including and identifying both recurring and non-recurring costs (including activation costs and total costs of ancillary services, equipment and all other items) over a five-year period, a ten-year period, and a twenty-year period”;
- (F) in paragraph (6), as so redesignated—
- (i) by striking “a description of each alternative to construction of the facility that was considered.” and inserting “each of the following”;
- (ii) by adding at the end the following new subparagraphs:

“(A) A detailed estimate of the total costs (including total construction costs, activation costs, special purpose alterations (lump-sum payment) costs, number of personnel and total costs of ancillary services, equipment and all other items) for each alternative to construction of the facility that was considered.

“(B) A comparison of total costs to total benefits for each such alternative.

“(C) An explanation of why the preferred alternative is the most effective means to achieve the stated project goals and the most cost-effective alternative.”;

(2) in subsection (d)—

(A) by striking “major medical facility project” each place it appears and inserting “major construction project”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “major medical facility projects” and inserting “major construction projects”;

(ii) in subparagraph (B), by striking “major medical facility” and inserting “major construction project”.

SEC. 7. LIMITATION ON AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO USE BID SAVINGS ON MAJOR CONSTRUCTION PROJECTS TO EXPAND PURPOSE OF MAJOR MEDICAL FACILITY PROJECTS.

Section 8104(d)(2) of title 38, United States Code, as amended by section 6, is further amended by adding at the end the following new subparagraph:

“(C) The Secretary may not obligate an amount under subparagraph (A) to expand the purpose of a major construction project except pursuant to a provision of law enacted after the date on which the Secretary submits to the committees described in subparagraph (B) notice of the following:

“(i) The major construction project that is the source of the bid savings.

“(ii) The major construction project for which the Secretary intends to expand the purpose.

“(iii) A description of such expansion of purpose.

“(iv) The amounts the Secretary intends to obligate to expand the purpose.”.

SEC. 8. NAME OF DEPARTMENT OF VETERANS AFFAIRS TELEHEALTH CLINIC, CRAIG, COLORADO.

(a) **DESIGNATION.**—The Department of Veterans Affairs telehealth clinic in Craig, Colorado, shall after the date of the enactment of this Act be known and designated as the “Major William Edward Adams Department of Veterans Affairs Clinic”.

(b) **REFERENCES.**—Any reference in any law, regulation, map, document, record, or other paper of the United States to the clinic referred to in subsection (a) shall be considered to be a reference to the “Major William Edward Adams Department of Veterans Affairs Clinic”.

SEC. 9. GEORGE H. O'BRIEN, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) **DESIGNATION.**—The Department of Veterans Affairs medical center located in Big Spring, Texas, shall after the date of the enactment of this Act be known and designated as the “George H. O'Brien, Jr., Department of Veterans Affairs Medical Center”.

(b) **REFERENCES.**—Any reference in any law, regulation, map, document, record, or other paper of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be considered to be a reference to the “George H. O'Brien, Jr., Department of Veterans Affairs Medical Center”.

SEC. 10. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) **RECOVERY AUDITS FOR CERTAIN CONTRACTS.**—Section 1703(d)(4) of title 38, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2020”.

(b) **HOMELESS VETERANS REINTEGRATION PROGRAMS.**—Section 2021(e)(1)(F) of such title is amended by striking “2011” and inserting “2012”.

(c) **TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.**—Section 2031(b) of such title is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(d) **ADDITIONAL SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.**—Section 2033(d) of such title is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(e) **HOUSING ASSISTANCE FOR HOMELESS VETERANS.**—Section 2041(c) of such title is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(f) **ADVISORY COMMITTEE ON HOMELESS VETERANS.**—Section 2066(d) of such title is amended by striking “December 30, 2011” and inserting “December 31, 2012”.

(g) **AUTHORITY TO TRANSFER REAL PROPERTY.**—Section 8118(a)(5) of such title is amended by striking “the date that is seven years after the date of the enactment of this section” and inserting “December 31, 2018”.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013 of title 38, United States Code, is amended—

- (1) by striking “subchapter” and all that follows through the period at the end and inserting the following: “subchapter amounts as follows”;

(2) by adding at the end the following new paragraphs:

“(1) \$150,000,000 for each of fiscal years 2007 through 2009.

“(2) \$175,100,000 for fiscal year 2010.

“(3) \$217,700,000 for fiscal year 2011.

“(4) \$250,000,000 for fiscal year 2012.

“(5) \$150,000,000 for fiscal year 2013 and each subsequent fiscal year.”.

SEC. 12. REAUTHORIZATION OF APPROPRIATIONS FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) IN GENERAL.—Subsection (e) of section 2044 is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(D) \$100,000,000 for fiscal year 2012.”; and

(2) in paragraph (3), by striking “2011” and inserting “2012”.

(b) TECHNICAL AMENDMENT.—Paragraph (1) of such subsection is further amended by striking “carry out subsection (a), (b), and (c)” and inserting “carry out subsections (a), (b), and (c)”.

SEC. 13. EXTENSION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) of title 38, United States Code, is amended by striking “2011” and inserting “2012”.

SEC. 14. EXTENSION OF SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking “2011” and inserting “2012”.

SEC. 15. EXTENSION OF FUNDING FEES.

Section 3729(b)(2) of title 38, United States Code, is amended by striking “October 1, 2011” each place it occurs and inserting “November 18, 2011”.

SEC. 16. NOTICE AND VERIFICATION OF THE USE OF INCOME INFORMATION FROM OTHER AGENCIES.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “November 18, 2011”.

SEC. 17. TERMINATION OR REDUCTION OF CERTAIN BENEFITS AND SERVICES BASED ON INCOME INFORMATION OBTAINED FROM OTHER AGENCIES.

(a) TITLE 38.—Section 5317A(d) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “November 18, 2011”.

(b) SOCIAL SECURITY ACT.—Section 453(j)(11)(G) of the Social Security Act (42 U.S.C. 653(j)(11)(G)) is amended by striking “September 30, 2011” and inserting “November 18, 2011”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. JOHNSON) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JOHNSON of Ohio. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2646, as amended, the Veterans Health Care Facilities Capital Improvement Act, would encompass the Department of Veterans Affairs' request for major medical facility projects and leases for fiscal year 2012 and extend certain expiring authorities.

The bill before us today tracks with the resources that were provided in the

appropriations bill that passed the House with bipartisan support.

The VA provides high-quality medical care and services to our honored veterans through an extensive and diverse portfolio of medical facilities. This national infrastructure generates a great deal of costly construction and maintenance needs which the Department must address.

Section 2 of the bill would authorize the appropriation of \$87 million for seismic corrections and renovations at facilities in Los Angeles, California, and Seattle, Washington.

Section 3 of the bill would authorize the appropriation of \$850 million to construct and modify medical facilities in Palo Alto, California; St. Louis, Missouri; San Juan, Puerto Rico; Fayetteville, Arkansas; and Orlando, Florida.

Section 4 would authorize the appropriation of \$50 million for leasing eight out-patient medical facilities in Columbus, Georgia; Salem, Oregon; Springfield, Missouri; Fort Wayne, Indiana; Mobile, Alabama; Rochester, New York; San Jose, California; and South Bend, Indiana.

Section 6 of the bill would clarify what information the VA must provide to Congress when seeking authorization for a major medical project or facility project or lease.

Under current law, the VA is required to submit to Congress a prospectus for all major medical facility projects and lease requests. The information should include details relating to construction, equipment, and other costs for the proposed project, as well as any and all alternatives considered and data on projected utilization and operating costs. However, the VA has not provided this information in sufficient detail to allow Congress to effectively evaluate proposed projects and alternatives. Without accurate and complete information, Congress cannot carry out its statutory mission of ensuring an equitable distribution of medical facilities to provide access to care for our veterans across the United States or be assured we are good stewards of taxpayer dollars.

To similarly improve oversight, section 7 of the bill would require the VA to obtain congressional authorization when using bid savings to expand the purpose of a major medical facility project.

Section 8 of the bill would name the VA telehealth clinic in Craig, Colorado, the “Major William Edward Adams VA Clinic.” This provision was adopted from H.R. 1658, introduced by my friend and colleague SCOTT TIPRON from Colorado, and I thank him for bringing this proposal forward. Major William Edward Adams, a Medal of Honor recipient, was a true American hero, and this designation would appropriately memorialize his brave service.

Section 9 of the bill would name the VA medical center in Big Spring,

Texas, the “George H. O'Brien, Jr., Department of Veterans Affairs Medical Center.” I would also like to thank my friend and colleague from Texas, RANDY NEUGEBAUER, for his efforts to introduce H.R. 558, which became this provision. George H. O'Brien, Jr., is also a Medal of Honor recipient, and it is important that we recognize his honorable service.

Additionally, the bill would extend, for various periods, expiring authorities for several programs, including those that provide services to homeless veterans.

It is deeply concerning that veterans continue to be overrepresented in the homeless population, and helping homeless veterans and those at risk gain access to the support they need to reintegrate into stable community environments and lead productive lives is one of the highest priorities of the Veterans' Affairs Committee.

The extension of these programs would provide comprehensive supportive services to help homeless and at-risk veterans find permanent housing, overcome substance use or other issues, gain meaningful employment, and put them on the path to being productive, successful members of our society.

This legislation represents a bipartisan effort, and I would like to express my thanks to Chairman JEFF MILLER and Ranking Member BOB FILNER, as well as Subcommittee on Health Chairwoman ANN MARIE BUEKLE and Ranking Member MIKE MICHAUD, for their efforts to quickly move this important legislation through committee and to the House floor.

□ 1540

Further, the manager's amendment reflects an agreement reached with the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senator PATTY MURRAY and Senator RICHARD BURR. I extend my appreciation to them for their work on this bill. It is my expectation that, following consideration in the House, the Senate will act to take up H.R. 2646, as amended, and the legislation will be presented to the President for signature prior to the end of the fiscal year.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 2646, as amended, and I reserve the balance of my time.

Mr. WALZ of Minnesota. I yield myself such time as I may consume.

I would like to thank the gentleman for his hard work on this bill as well as the chairman and the ranking member. I would also like to thank the gentleman for his service to this Nation in uniform and now on the VA Committee—a tireless advocate for our veterans. I think this piece of legislation authorizing the construction and some important things that you've just heard the gentleman talk about is a

model for how we can do business here in a bipartisan manner—agreeing on things, discussing them, moving out of subcommittees, through the full committee, and now here to the House floor. So thank you for that.

Mr. Speaker, our most solemn obligation is to take care of the men and women who have served our Nation and to ensure that they have access to the benefits and the quality health care that they've so rightly earned. We have an obligation to make sure the places that they receive care are world class and safe.

H.R. 2646, as amended, would authorize \$937,370,000 for seven major medical facilities. These projects include critical improvements to VA medical centers to protect them in the event of natural disasters and to protect our recovering veterans by addressing basic safety needs, such as adding fire extinguishers and abating existing asbestos. The projects also provide for state-of-the-art facilities and training centers to improve the care veterans receive and to make sure that veterans feel comfortable and welcome at all our facilities. Additionally, the bill would authorize funds for eight new major medical facility leases that will assist the VA in bringing health care closer to veterans and improve the quality of current health care services, especially in rural America.

It contains several extensions of authority for homeless programs and supportive services for very low-income veteran families. We owe it to our veterans to ensure they have access to secure, safe, clean housing that offers a supportive environment.

Finally, this bill extends programs that are critical for our veterans who suffer from mental health issues. Nearly 30 percent of the patients the VA sees during any given year have a mental health diagnosis. We've taken strides to address this ever-growing issue, but we still have a long way to go. With the growing number of veterans returning from Iraq and Afghanistan and with an increasing number of veterans suffering from mental health issues, we must work together to tackle this challenge, and this legislation helps by extending those programs.

I would certainly encourage my colleagues to do what's right by our veterans and to support this good piece of legislation, H.R. 2646, as amended.

I reserve the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield 3 minutes to my friend and colleague from the great State of Texas, Representative RANDY NEUGEBAUER.

Mr. NEUGEBAUER. I thank the gentleman for yielding.

Earlier this year, I introduced H.R. 558. This legislation would rename the Veterans Affairs Medical Center located in Big Spring, Texas, after Medal of Honor recipient George H. O'Brien, Jr. I would like to thank Chairman

MILLER and Congressman FLORES for working to include this legislation as a part of the bill before us today.

Born in Fort Worth, Texas, in 1926, Mr. O'Brien enlisted in the Marine Corps while attending Texas Tech University. Shortly after graduation, he was deployed to Korea.

On October 27, 1952, the Americans mounted a counterattack during the Battle of the Hook, a position of key strategic significance. When the battle began, Second Lieutenant O'Brien leapt from his trench and bravely led his platoon into deadly small arms, artillery, and mortar fire against a numerically superior force.

Mr. O'Brien's official citation tells his story best: "Although shot through the arm and thrown to the ground by hostile automatic-weapons fire as he neared the well-entrenched enemy position, he regained his feet, waved his men onward, and continued to spearhead the assault, pausing only long enough to go to the aid of a wounded marine. Encountering the enemy at close range, Second Lieutenant O'Brien proceeded to hurl handgrenades into the bunkers and, utilizing his carbine to best advantage in savage hand-to-hand combat, succeeded in killing at least three of the enemy."

Impressively, despite being wounded, Second Lieutenant O'Brien refused to be evacuated for medical treatment for nearly four hours, and continued to lead his men in battle.

One year to the day after his actions, Mr. O'Brien was awarded the Medal of Honor by President Eisenhower for "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a rifle platoon commander in action against enemy aggressor forces."

Upon his discharge from the United States Marines, O'Brien settled in Big Spring, Texas, to raise a family and begin a career in petroleum geology. He often participated in volunteer programs at the Big Spring VA. In a 2003 interview with American Veteran magazine, old Mr. O'Brien stated, "This Medal of Honor is not mine. I hold it in trust for so many young people who didn't become grandfathers." George Herman O'Brien, Jr., passed away on March 11, 2005. He was 78 years old.

I urge my colleagues to support the underlying bill, and I am proud to honor this great American veteran.

Mr. WALZ of Minnesota. Mr. Speaker, I urge the support of this important piece of legislation. Again, I thank the gentleman from Ohio and the staff on both sides for putting together an important piece of legislation for America's veterans.

As I have no further requests for time, I yield back the balance of my time.

GENERAL LEAVE

Mr. JOHNSON of Ohio. Mr. Speaker, I ask unanimous consent that all Mem-

bers have 5 legislative days in which to revise and extend their remarks on the manager's amendment to H.R. 2646, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHNSON of Ohio. Once again, I encourage all Members to support H.R. 2646, as amended, and I yield back the balance of my time.

Mr. STUTZMAN. Mr. Speaker, I rise today in support of H.R. 2646, the Veterans Health Care Facilities Capital Improvement Act of 2011. This bill authorizes appropriations for the Department of Veterans Affairs to begin major construction projects and enter into leases for VA facilities in 15 cities. These construction projects and leases will help many veterans around the country receive the best care they possibly can.

One of those leases has special significance for Hoosier veterans. Today, I'm very pleased that Fort Wayne, Indiana, will benefit from a lease that will support an important annex to the VA hospital that serves vets in northeast Indiana.

A 27,000 square-foot annex will provide a mental health clinic, Post Traumatic Stress Disorder Clinic, and substance abuse clinic. This bill is the final step in moving the lease for this annex into fruition and extending health services for veterans in northeast Indiana. This annex will only add to the array of services already provided by the Fort Wayne VA Hospital. It's not the last chapter in our ongoing effort to ensure quality care for our vets, but it's an important one.

Nearly 30 percent of our men and women returning from Operations Enduring Freedom and Iraqi Freedom who use the VA Health System have Post Traumatic Stress Disorder. Seven percent of newly returning veterans enrolled in the VA Health System are addicted to alcohol and/or other substances. It's only right to take care of those who have risked their lives for our Nation.

When I came to Washington, I knew it was critical to obtain a seat on the House Veterans Affairs Committee for this very reason. I have the honor of working for the Fort Wayne hospital and veterans health care in northeast Indiana. This bill is not only important to Hoosier veterans, but also for our veterans around the country. I urge my colleagues to support the passage of H.R. 2646.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2646, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 3 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1554

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 3 o'clock and 54 minutes p.m.

COMBATING AUTISM REAUTHORIZATION ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2005) to reauthorize the Combating Autism Act of 2006.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Autism Reauthorization Act of 2011".

SEC. 2. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) in section 399AA(e), by striking "2011" and inserting "2014";

(2) in section 399BB(g), by striking "2011" and inserting "2014";

(3) in section 399CC(f), by striking "2011" and inserting "2014"; and

(4) in section 399DD—

(A) in subsection (a), by striking "Not later than 4 years after the date of enactment of the Combating Autism Act of 2006" and inserting "Not later than 2 years after the date of enactment of the Combating Autism Reauthorization Act of 2011"; and

(B) in subsection (b), in paragraphs (4) and (5), by striking "the 4-year period beginning on the date of enactment of this Act" and inserting "the 6-year period beginning on the date of enactment of the Combating Autism Act of 2006".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 399EE of the Public Health Service Act (42 U.S.C. 280i-4) is amended to read as follows:

"SEC. 399EE. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—To carry out section 399AA, there is authorized to be appropriated \$22,000,000 for each of fiscal years 2012 through 2014.

"(b) AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.—To carry out section 399BB, there is authorized to be appropriated \$48,000,000 for each of fiscal years 2011 through 2014.

"(c) INTERAGENCY AUTISM COORDINATING COMMITTEE; CERTAIN OTHER PROGRAMS.—To carry out sections 399CC, 404H, and 409C, there is authorized to be appropriated \$161,000,000 for each of fiscal years 2011 through 2014."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2005, the Combating Autism Reauthorization Act of 2011, would enable the Department of Health and Human Services to continue its important work to understand, treat, and cure autism spectrum disorders.

In 2000, Congress passed the Children's Health Act that included funding for research and surveillance on autism. Eventually in 2006, Congress passed the Combating Autism Act that is now being reauthorized.

The Combating Autism Act authorizes HHS to research on autism spectrum disorders and other developmental disabilities at NIH, convene an Interagency Autism Coordinating Council, conduct surveillance to identify the extent of the disorder, and promote early screening and train medical personnel to identify children at risk.

Since the program was first passed in 2006, research has led to better diagnosis, more comprehensive surveillance and programs that offer support and respite for families. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. DOYLE. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to see that the House of Representatives is considering legislation to reauthorize the Combating Autism Act, and it's not a moment too soon with the Combating Autism Act set to expire at the end of this month.

I want to take this opportunity to emphasize the importance of this act, and I also want to thank my counterpart, my colleague and my good friend, CHRIS SMITH, on the other side of the aisle, for his leadership on this issue.

Five years ago, the House of Representatives passed bipartisan legislation by a voice vote that provided the support and direction for the country's first autism-specific research. That bill, the Combating Autism Act, included life-changing provisions relating to the diagnosis and treatment of persons with autism spectrum disorders, and expanded biomedical research on autism, including an essential focus on possible environmental causes.

With this funding, the Centers for Disease Control have been able to put together detailed surveillance of autism so that we have better data to use. Autism screening at well-baby checkups have become mainstream, and parents are better educated about the warning signs, along with the treatment options. Additionally, stand-

ards of care for those with an autism spectrum disorder have been developed for both physical and behavioral health where there had been none.

Early diagnoses and intervention for children with autism is utterly life changing. It can mean the difference between independence in the community and living in a communal home. It can mean the difference between speaking or being mute. And for many parents, it means peace of mind and a support network that would have been impossible without this initial investment in research on autism spectrum disorders.

I introduced this legislation with my good friend, CHRIS SMITH, as part of a three-bill package. Those pieces of legislation would ensure that there are also services available to adults with autism, which I think is critical. It's my hope that in the future this body will have a conversation about the needs of adults living with autism, and that we will consider how best to provide for them so that everyone has a long, fulfilling and productive life.

But, for now, it is of grave importance that the House passes this reauthorization with the same overwhelming support as 5 years ago and that we can get this bill to the President's desk by the end of this month.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman from Pennsylvania and, in fact, both gentlemen from Pennsylvania.

Mr. DOYLE, I commend you, and I commend my colleague, CHRIS SMITH, for your excellent work over the years in combating autism and for bringing this bill to reauthorize the Combating Autism Act.

As Mr. DOYLE said, there is an increasing prevalence of autism, and it is a diagnosis and a condition that these children and their families deal with for their entire life. It's a challenge for those families, a tremendous challenge, one that can't be overstated; but it's also a challenge for society as well because the long-term cost involved in providing care for individuals with development disorders can be great, although it can be lessened. There is hope; there is treatment.

The blessing of recent years, in fact, has been that new research and early intervention programs are making an enormous difference in bettering the lives of young boys and girls with autism spectrum disorders.

□ 1600

With early intervention, many can lead much better if not almost normal lives, which is a blessing for all of us, and it's a joy to see. It's a joy to see these children respond to early intervention and begin to develop emotionally.

As a member of the Congressional Autism Caucus, I personally have seen exciting innovations at facilities using a comprehensive approach to care. Mitchell's Place in Birmingham is helping young children and adolescents in Alabama improve both their academic performance and social behavior by combining the latest in research and services with a structured and caring environment.

That center was started by Mr. and Mrs. Allen Meisler whose young son had autism, and it is a blessing for our community. You only need to visit that center and see the beautiful children and the new hope that they have, not only they but their proud parents and grandparents as they realize that every day, every week, every month they are improving and becoming more a part of society and more a functioning individual as far as their interaction with others. It is literally a godsend to these people. It's an oasis. It's a spring in the desert.

A coordinated and comprehensive approach to the treatment of autism spectrum disorders has been key to this encouraging process. My home State of Alabama, I am proud to say, has recognized the importance of close cooperation when Cam Ward formed the Alabama Interagency Autism Coordinating Council in 2008. To a certain extent it looked to Pennsylvania and the work that had been done there. Children and parents across my State are being helped by the council's planning and awareness efforts.

Finally, the Combating Autism Act has been crucial to promoting a coordinated approach on the national level. The renewal of this legislation will build on the successes that have already been achieved in a responsible and effective way. I close by saying that it's my hope that this legislation will receive overwhelming bipartisan support because it is doing good work while making life-changing investments in the health and well-being of very special children and very precious children.

I thank you, Mr. DOYLE.

Mr. DOYLE. Mr. Speaker, I would like to thank the gentleman from Alabama, a valuable member of the Autism Caucus, for his words of support.

My good friend, CHRIS SMITH, has joined us on the floor. CHRIS, you weren't here, I thanked you for your leadership, and it's good to see you.

Mr. Speaker, at this time I would like to yield 3 minutes to my friend and colleague, the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me first thank Congressman DOYLE for yielding me time and certainly thank him for his leadership on this very important issue. Not only has he led on this issue, but he has led on the Energy and Commerce Committee for many years, and I just want to thank him publicly for

his friendship and his leadership. Also let me thank Congressman CHRIS SMITH for his bipartisan spirit and his willingness to work on this very important issue. These two men working together have really and truly made a difference. I join the chairman of the subcommittee, Mr. PITTS, and all of the others, in thanking them for a job well done.

Mr. Speaker, later today the House is going to take up this legislation, the Combating Autism Reauthorization Act of 2011. Make no mistake about it, I intend to vote for this very important bill.

However, I have come to the floor today to make a very simple but important point that I had intended to raise had this bill been heard in regular order and had it been considered by our committee.

Although autism occurs in every racial, ethnic, and socioeconomic group, studies show clearly that, on average, a diagnosis of autism or autism spectrum disorder is actually delayed by almost 2 years for African American and Hispanic children as compared to their Caucasian counterparts. Many of my colleagues may not know this, but it is a clear fact, minority children are much more likely to be misdiagnosed with conduct-related or adjustment disorders.

Since research shows that early detection yields better, more effective results, it is imperative, Mr. Speaker, that we expand efforts to address disparities in awareness, diagnosis, treatment, and services. In carrying out the programs of the Reauthorization Act, I simply ask the Secretary of Health and Human Services to make every conceivable effort to address the well-documented needs of minority children who are diagnosed with this disease that we refer to as autism.

I want to thank you for listening and thank you for your advocacy, and I urge my colleagues to support passage of H.R. 2005.

Mr. PITTS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH) and thank him for his leadership on this issue.

Mr. SMITH of New Jersey. I thank my good friend, the chair, Mr. PITTS, for yielding and for his leadership on all issues relating to health, and in particular on autism. I do want to thank Speaker BOEHNER and Majority Leader CANTOR for bringing the bill to the floor. Without them, it wouldn't be on the floor today. And I also thank Energy and Commerce Committee Chairman FRED UPTON. And of course, again, Chairman PITTS.

And I want to thank my good friend Mr. DOYLE. We have worked on this for well over a decade. We formed the Autism Caucus. It has over 100 members. It is totally bipartisan. It has been a pleasure to work with him, and I thank him for his leadership as well.

Mr. Speaker, I do rise in support of this bill, H.R. 2005, the Combating Autism Reauthorization Act of 2011. This legislation is critically important to continue without interruption the progress that has been achieved to date in understanding autism and in developing interventions that will have the greatest impact in helping individuals affected by autism or other developmental disabilities.

When I first got elected to Congress in 1980, the autism community accepted that autism prevalence rates in the United States were something on the order of 3 in 10,000. Today it is estimated to be 1 in 110, and in some places like New Jersey, the data suggests 1 in 94, for a total of about 1.5 million individuals in the U.S. who are suffering from autism.

On May 31 of this year, I chaired a hearing as chairman of the Africa, Global Health, and Human Rights Subcommittee, a hearing entitled, "Global Autism: A Developmental Disability Pandemic." My committee received testimony that some 67 million people worldwide suffer from ASD in the world. There are tens of millions in Africa, according to the World Health Organization. It is an epidemic, and this legislation, the Combating Autism Act, is a very responsible and, I would suggest, modest effort to combat this pandemic that's occurring.

In 1998, Mr. Speaker, the wonderful parents of two autistic children in my district, Bobby and Billy Gallagher, asked me to look into what appeared at the time to be an autism prevalence spike in Brick Township, New Jersey. I invited CDC and the Agency for Toxic Substances and Disease Registry, ATSDR, and others to investigate. Not only did their probe show what appeared to be elevated numbers of children with the disorder in Brick Township, but the data strongly suggested a much wider problem than anticipated in other parts of my State because they weren't doing comparisons, and the data calls produced information which said, we have a problem not just in Brick, but elsewhere.

In direct response to that, in 1999 I introduced the Autism Statistics, Surveillance, Research, and Epidemiology, or ASSURE, Act to establish centers of excellence and create a Federal advisory committee which became Title I of the Children's Health Act of 2000. I always want to thank Chairman BILIRAKIS for including it in his bill. It made all the difference in the world. Five years later, the initiative was reauthorized and expanded in the Combating Autism Act, the law we respectfully ask Members to renew today.

□ 1610

According to the NIH, autism spectrum disorder—and just for the record, again, autism is defined as impaired verbal or nonverbal communication

skills and social interactions, and restricted, repetitive, and stereotyped patterns of behavior ranging in impact from mild to significantly disabling—it ought to be noted that the Combating Autism Act of 2011 will continue the success of the CAA of 2006 by authorizing funding for programs at NIH, CDC, and HRSA for 3 additional years.

I would point out, and this is important, autism spectrum disorder is very expensive and, again, efforts made to mitigate its prevalence and to treat with early intervention those who show or manifest signs of it are not only humane, and that should be our driving force, but they are also very cost effective. It's estimated that ASD costs per year are between \$35 billion and \$90 billion dollars, with a "b." So the costs are very, very large.

H.R. 2005, as my colleagues I know have said, would also reauthorize the Interagency Autism Coordinating Committee, or the IACC, a panel of government and public members tasked with coordinating all ASD-related activities within HHS, as well as developing and annually updating a strategic plan for ASD research in order to enhance the quality, efficacy, and applicability of research grants. In other words, let's spend the money wisely.

To avoid waste and duplication, the IACC has crafted three strategic research plans: one in 2009, one in 2010, and another for this year. For example, in 2009, the strategic plan included 40 research objectives, including development of new diagnostic tools, identification of genetic and environmental risk factors, and assessments of services for people with ASD in all ages in a community setting.

It should be noted that the aging-out issue is becoming increasingly a concern. What does a parent whose son or daughter or sons or daughters turn 21 and the full array of those services are no longer available? What do they do?

Recently I met with Chuck Colson's daughter, who wrote a book called "Dancing with Max," a wonderful story of love between a mother and son. Her son now is aging out, and she is frightened by the prospect of what happens if she gets elderly and those services are not there. We need to be focusing on that.

The 2010 strategic plan had 32 new objectives, including health disparities in early diagnosis and treatment of co-occurring conditions, such as epilepsy, sleep, and gastrointestinal disorders. The 2011 strategic plan added another 16 objectives, including studies on the use and accessibility of alternative and augmentative communication tools for nonverbal individuals.

I just want to say to my colleagues, and I have much more that I will put into the RECORD of how important it is, but all these different agencies of government are surging to try to combat autism. We need to reauthorize this

legislation. The CDC has its "learn the signs, act early campaign." My friend, Mr. BUTTERFIELD, earlier mentioned the fact that minority communities have been left out or diagnoses are often not done in a timely way. That is absolutely true. And more needs to be done. The programs are in place. The policies are in place. We need to continue what is truly a very, very effective use of taxpayer dollars to help these autistic children.

There is also the problem, as the information has shown, that early detection is key to mitigating the impact of autism. But still, even with 10 years' experience educating doctors, parents, and educators, there is still about a 2-year lag when there's a detection of something is wrong with my son or daughter before that diagnosis is actually made. The earlier we start the intervention strategies, the greater chance that child will have a quality of life and a life where they can then achieve their goals and their dreams, but if we don't catch it early and begin taking action, very often, the life of that child is more seriously impaired.

This legislation, like I said, is a modest step, but a very crucial step. I want to thank all the organizations for the work that they have done—they have been tremendous—the NGOs that are in the community, Autism Speaks, the Autism Society, the AUUCD, all of the groups, for the work that they have done in educating Members.

And again, thank you Chairman PITTS for bringing this bill to the floor, and to ERIC CANTOR for scheduling it and ensuring that we can act on this in a timely way, and again my good friend on the other side of the aisle, Mr. DOYLE, for his leadership.

Mr. Speaker, I rise today in support of H.R. 2005, the Combating Autism Reauthorization Act of 2011. This legislation is critically important to continue without interruption the progress achieved to date in understanding autism and in developing interventions that will have the greatest impact in helping individuals affected by autism or another developmental disability.

When I first got elected to Congress in 1980, the community accepted that autism prevalence rates in the United States were 3 in 10,000. Today, it is estimated to be 1 in 110, and in some places like New Jersey, 1 in 94—for a total of 1.5 million individuals in the United States. On May 31 of this year, I chaired a hearing entitled, "Global Autism: 'A Developmental Disability Pandemic,'" and my committee received testimony that some 67 million people suffer from ASD worldwide.

In 1998, the wonderful parents of two autistic children in my district, Bobbie and Billy Gallagher, asked me to look into what appeared to be an autism prevalence spike in Brick Township, New Jersey. I asked CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) and others to investigate, and not only did their probe show what appeared to be elevated numbers of children with the disorder in Brick, but the data strongly

suggested a much wider problem than anticipated in other parts of the State.

In 1999, I introduced the Autism Statistics, Surveillance, Research and Epidemiology (ASSURE) Act to establish centers of excellence and create a Federal advisory committee, which became Title I of the Children's Health Act of 2000.

Five years later, the initiative was reauthorized and expanded in the Combating Autism Act—the law we respectfully ask members to renew today.

According to the National Institutes of Health, Autism Spectrum Disorder (ASD) is "characterized by impaired verbal and non-verbal communication skills and social interactions and restricted, repetitive and stereotyped patterns of behavior, ranging in impact from mild to significantly disabling."

The total cost to society of ASD has been estimated from 35 to 90 billion dollars annually. The Harvard School of Public Health calculated that it can cost \$3.2 million to take care of one autistic person over his or her lifetime. Looking at medical expenses alone, a CD study of employer-based health insurance showed that individuals with an ASD had average medical expenditures that exceeded those without an ASD by \$4,100 to \$6,200 per year.

A decade of research, surveillance, treatment and education has had a significant positive impact on the ASD affected person, as well as his or her family—who, as we all know, face huge financial and emotional challenges of their own.

The Combating Autism Reauthorization Act of 2011 will continue the success of the CAA of 2006 by authorizing funding for programs at NIH, CDC, and HRSA for three additional years. Total funding for the legislation will be at the fiscal year 2011 appropriated level of \$231 million for each of fiscal years 2012, 2013, and 2014. The Reauthorization Act will authorize appropriations of \$22 million for surveillance; \$48 million for education, early detection, and intervention; and \$161 million for NIH research and operation of the Interagency Autism Coordinating Committee.

This is not considered "new" money, but rather a straight-line reauthorization of total funds for the legislation, in compliance with the "cut-go" requirements of the 112th Congress. The Combating Autism Reauthorization Act also retains sunset and reporting provisions that ensure appropriate review and accountability.

H.R. 2005 reauthorizes the Interagency Autism Coordinating Committee (IACC)—a panel of government and public members, tasked with coordinating all ASD-related activities within HHS, as well as developing and annually updating a strategic plan for ASD research. In order to enhance the quality, efficacy and applicability of research grants and to avoid waste and duplication, the IACC has crafted 3 strategic research plans in 2009, 2010, and 2011.

For example, in 2009, the strategic plan included 40 research objectives, including the development of new diagnostic tools, identification of genetic and environmental risk factors, and assessments of services for people with ASD of all ages in a community setting.

The 2010 IACC strategic plan has 32 new objectives, including health disparities in early

diagnosis and treatment of co-occurring conditions, such as epilepsy and sleep and gastrointestinal disorders.

And the 2011 strategic plan added another 16 objectives, including studies on the use and accessibility of alternative and augmentative communication (AAC) tools for nonverbal individuals.

The IACC also summarizes advances in ASD research identified as having the greatest impact on the field of autism, which has included the association between family history of autoimmune disease and ASD, genetic risk factors, racial disparities, and novel ways to diagnose ASD using speech patterns. Just for fiscal year 2010, NIH awarded 528 grants from baseline funding to pursue promising research related to autism.

This reauthorization bill also continues support of the critical surveillance and epidemiology programs that were established by the Children's Health Act and strengthened by the Combating Autism Act.

The Autism and Developmental Disabilities Network (ADDM) has published the most comprehensive and highest quality estimates to date of the prevalence of ASD in multiple areas of the U.S.

The Centers for Autism Developmental Disabilities Research and Epidemiology has implemented the Study to Explore Early Development (SEED), which is the largest study planned to date of the causes of autism, including genetic and environmental risk factors. The study has enrolled 2700 families and initial findings are due next year.

The CAA also focuses on programs in education, early detection and interventions that have already impacted the lives of hundreds of thousands of individuals with autism and other developmental disabilities and their families.

CDC's health communication campaign, "Learn the Signs. Act Early," educates parents, health care professionals, and early childhood educators about the importance of monitoring a child's developmental milestones, seeking further evaluation where there is a concern, and seeking early intervention services as soon as possible.

The Maternal and Child Health Bureau of the Health Resources and Services Administration developed and implemented the Combating Autism Act Initiative, which is conducting research on and providing training to health professionals in the use of valid, reliable screening and diagnostic tools and in the provision of evidence-based interventions for children with ASD or another developmental disability.

As a result of increased awareness of the public, of educators, and of health care professionals, the median age for diagnosis of autism—which currently is about 4.5 years—appears to be on the decline. However, it is important to continue our efforts, as there is still on average a 2 year time gap from developmental concerns to actual diagnosis, research has demonstrated the positive impact of implementing behavioral intervention before age 3, and Applied Behavioral analysis has shown significant improvement for children as young as 18 months.

In summary, under the Children's Health Act and the Combating Autism Act, our scientific

infrastructure for addressing autism and other developmental disorders has developed and we have made major advances in our understanding of ASD. For the first time, we have high quality data on prevalence and data to support analysis of causes of autism, and a clearer picture of promising paths and gaps in research. Health professionals have a level of knowledge for greatly improved diagnostics and interventions to provide meaningful medical and behavioral benefits. There is optimism that a sustained focus on genetic and environmental triggers will lead to efficacious treatments and prevention strategies. Importantly, the infrastructure and programs are in place to continue our progress.

I want to thank our Speaker BOEHNER and Majority Leader CANTOR, as well as Energy and Commerce Chairman UPTON, Health Subcommittee Chairman PITTS for the leadership that have shown in moving this legislation forward. I also would like to thank my friend and autism caucus co-chair, Congressman MIKE DOYLE, for his work in developing and supporting this legislation.

Mr. DOYLE. I want to thank my friend, CHRIS SMITH, for his important words. I hope all Members were listening carefully because the clock is running.

Mr. Speaker, we anticipate maybe some people coming to the floor to speak, so at this time I will reserve the balance of my time.

Mr. PITTS. I yield 1 minute to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Speaker, I rise today in support of the Combating Autism Reauthorization Act of 2011, and I want to thank my colleagues, particularly Congressman SMITH, Congressman DOYLE, and Chairman PITTS, for their great work on bringing this to the forefront today.

Experts estimate that one in every 110 children is diagnosed with autism. As a whole, developmental disabilities affect an increasing number of young people, and specifically students. In an effort to help provide students with exciting education and enrichment opportunities, I was honored to establish the Congressional Internship Program for Individuals With Intellectual Disabilities in 2010. Last week, 22 congressional offices, Republican and Democratic, welcomed 11 developmentally disabled students to their staffs to serve as interns for this fall.

Collecting data for autism spectrum disorders and other developmental disabilities is vital to ensuring that every young person with a significant disability has the opportunity, the encouragement, and the support to become gainfully employed in an integrated setting, pursue a postsecondary education, and contribute to and engage in meaningful ways in typical community settings once they leave high school. This gives these individuals with autism hope.

I urge my colleagues to support this legislation.

Mr. DOYLE. I yield myself the balance of my time.

Mr. Speaker, I first learned about autism when I was a young staffer in the Pennsylvania State senate. A gentleman by the name of Dan Torisky came into our office one day. His son, Eddie, had autism, and he had asked us to see what we could do at the State level to give him and his family some help. Eddie was a young man at that time. He's an adult now. He's in his mid-forties. A lot of people's idea of autism I think was from the movie "Rain Man." That was about the only thing they knew about autism. It was something that people didn't understand and something that was frequently misdiagnosed.

When CHRIS and I decided to form this caucus over 10 years ago, one of the goals that we had was to bring education and awareness, not only to our colleagues, many of whom were not familiar with the disorder, but also to the public, and also to bring some attention to the researchers at NIH too, that there was something much bigger to this than people realized. It has borne fruit over the years. We've seen research dollars greatly increased at NIH.

I want to also echo what my friend, CHRIS, said about the parents' groups. This is really the strength of the autism community. It's not the Autism Caucus. It's not CHRIS SMITH or MIKE DOYLE. It's really the parents of these children that formed the many different groups you see out there. Their grassroots effort really has grown this movement, brought attention to it, given it strength and brought us to where we are today.

We have a clock ticking. This act expires at the end of September. I know there's some concern over in the Senate with some of our colleagues about reauthorizing these specific bills. I hope that all of us will speak to our colleagues over in the Senate—I certainly intend to speak to mine—and stress the importance of continuing the great progress that's been made over these past 5 years. This is not a time for us to stop what we're doing and to pull support for this very, very important act.

I hope that we will pass this swiftly in the House of Representatives, and I hope all of us will use whatever influence we may have with our colleagues in the other body to see that they also get this reauthorized by the end of the month so that the President can sign it for all of the families out in America who are dealing with this disorder.

With that, Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I have no other speakers. I urge Members to support H.R. 2005. I commend, again, CHRIS SMITH and MIKE DOYLE for their leadership on this issue.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2005, the Combating Autism Reauthorization Act. As a founding Member of the Congressional Children's Caucus, I am greatly concerned with the impact that autism has on children and their families.

The Centers for Disease Control and Prevention (CDC) estimates that Autism Spectrum Disorders impact an average of 1 in 110 American children, and 1 in 70 boys. We can all benefit from learning about this disease; autism occurs in all racial, ethnic, and socioeconomic groups. Continuing research on treating this disease is essential for children's health. Thousands of children with autism disorders have already shown significant improvement and increased independence resulting from early detection and new treatments.

Currently, there are between 1 and 1.5 million Americans living with a form of autism. If current diagnostic rates remain the same or increase, more children will be diagnosed with autism this year than AIDS, diabetes and cancer combined. Autism is the fastest growing serious developmental disability in the country. In my home state of Texas, where I represent the 18th Congressional District, there are 1 out of every 163 public students who are eight years old has a form of autism.

As many parents can attest, autism is an extremely costly disability; the average annual medical expenditures for individuals with autism are between 4 and 6 times greater than those without autism. The Center for Disease Control (CDC) places the average lifetime care cost for an autism patient at 3.2 million dollars. This legislation provides funding for services to assist individuals with autism and their families, and allocates vital dollars toward research to improve care and treatment.

The Combating Autism Act of 2006 was a landmark piece of legislation that raised awareness of autism spectrum disorders, and organized an aggressive federal response to autism. Reauthorizing this bill continues funding at current levels, \$693 million dollars over 3 years for biomedical and treatment research, and services for those living with autism and their families.

In 2006, the Combating Autism Act established the disease as a national health priority, increased awareness, and highlighted the need for swift and urgent action to address autism. Since that time, promising developments and innovations have helped individuals living with autism lead more independent lives. Improvements in detection and treatment have led to increased independence in teenagers and adults with autism.

The Combating Autism Reauthorization Act is a shining example of how government can do more than issue Social Security checks

and debate debt reduction. This legislation clearly demonstrates that our government can be a force for good, and a mechanism for change. New science and new technology have presented an unparalleled moment of possibility; this legislation has the power to make real differences in the lives of those affected by autism.

Mr. Speaker, we all have constituents living with autism. We all have constituents whose child, sibling, cousin, or friend is living with a form of autism. This disability affects Americans of all races and backgrounds, and I urge my colleagues to join me in supporting H.R. 2005, the Combating Autism Reauthorization Act.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 2005, the Combating Autism Reauthorization Act of 2011, a bill important to many families in Hawaii.

H.R. 2005 reauthorizes the landmark Combating Autism Act of 2006, which significantly increased both the depth and breadth of the federal response to the national and public health emergency posed by autism spectrum disorders (ASD).

Since passage of that law, we have made tremendous strides in federally-funded and directed research. It was the detailed surveillance by the federal Centers for Disease Control under the act that identified the increasing prevalence of autism: 1 in every 110 American children—including 1 in 70 boys—is diagnosed with an ASD, making it the nation's fastest-growing, serious developmental disorder.

I've heard from a mother in Kailua on the island of Oahu who credits the 2006 law for providing her family with needed medical attention and assistance for their autistic child. H.R. 2005 builds on our good efforts.

I became a cosponsor of the bill because I believe it supports hope and opportunity for a brighter future for families not only in Hawaii but across our nation. I urge my colleagues to join me in voting in support of the H.R. 2005.

Mr. LOEBACK. Mr. Speaker, today, one in every 110 children is diagnosed with autism and 1.5 million individuals in the United States are affected by this disorder. The rate of autism is increasing by at least 10 percent annually, but scientists do not yet know why. That is why research into causes and treatments for autism is so important.

That is why I rise today in support of the Combating Autism Reauthorization Act of 2011, which would reauthorize the surveillance and research program for autism spectrum disorders and other developmental disabilities through 2014. The bill would also authorize programs for education, early detection, and intervention, which will give the families affected by this disorder access to the best available care and help make everyone more aware of the impact autism can have on those diagnosed and their families.

Autism affects the constituents of every single Member of Congress. In my own district I have met with families who are affected by autism and participated in walks to raise awareness of this disorder. I urge my colleagues to support bipartisan passage of this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr.

PITTS) that the House suspend the rules and pass the bill, H.R. 2005.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1620

CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1852) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospital GME Support Reauthorization Act of 2011".

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking "through 2005 and each of fiscal years 2007 through 2011" and inserting "through 2016";

(2) in subsection (f)(1)(A)(iv), by striking "2011" and inserting "2016"; and

(3) in subsection (f)(2)(D), by striking "2011" and inserting "2016".

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service Act (42 U.S.C. 256e(b)(3)(D)) is amended by striking "Not later than the end of fiscal year 2011" and inserting "Not later than the end of fiscal year 2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1852, the Children's Hospital Graduate Medical Education Support Reauthorization Act of 2011, would enable the Department of Health and Human Services to continue to provide funding to freestanding children's hospitals to support the training of pediatricians and other residents. This funding is critical to ensuring the adequacy of the pediatric workforce in the United States.

The program was first enacted by Congress in 1999 with wide bipartisan support and has been reauthorized twice. Since the enactment of the bill, the number of pediatricians trained has increased by 35 percent.

The week we marked up this bill, I met 10-year-old Anna Lipsman. Anna is

a bright, outgoing young girl who is fighting leukemia. Diagnosed just a few months ago, Anna spent 2 weeks undergoing treatment at the Children's Hospital of Philadelphia. She is successfully fighting her disease, but will still need additional treatments over the next 2½ years. Anna is a strong, personal reminder of why I introduced this bill.

With the reauthorization of H.R. 1852, we hope to send a clear message to the Obama administration and the Department of Health and Human Services that this bill is important to ensuring that children receive adequate health care.

I would like to thank Mr. PALLONE and all the 114 cosponsors that worked on this legislation.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. DOYLE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Children's Hospital Graduate Medical Education Support Reauthorization Act, offered by my good friends, Mr. PITTS and Mr. PALLONE. I know Mr. PALLONE is on his way to the floor and will be speaking shortly. This critical legislation will reauthorize the Children's Hospital Graduate Medical Education program through 2016 to ensure that our children have access to the care they need and deserve, and I urge my colleagues to pass this bill with unanimous support.

The original bipartisan program was enacted over a decade ago to provide children's hospitals across the country with the Federal support to implement and carry out necessary residency training programs. Last year alone, over 50 children's hospitals received funding to carry out these training programs. Today, over 40 percent of pediatricians and pediatric specialists are trained through the Children's Hospital Graduate Medical Education program. This program is vital to maintaining the pediatric workforce and ensuring children's access to the highest levels of pediatric care provided in this country.

The Children's Hospital GME program is a critical investment in our children's health, and I am proud today that we will vote to reauthorize this hugely successful program.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. PITTS. I yield such time as he may consume to the gentleman from New Jersey (Mr. LANCE), a member of the subcommittee.

Mr. LANCE. Mr. Speaker, I rise in strong support of H.R. 1852, legislation to reauthorize the Children's Hospital Graduate Medical Education program.

Today's legislation will assist pediatric training programs across the country by maintaining and strengthening existing hospital graduate medical education programs for children.

Independent children's hospitals have an indispensable role in the children's health workforce, training 40 percent of all pediatric residents and 43 percent of pediatric specialty fellows, and providing pediatric training for many other residents. Nowhere is this more evident than Children's Specialized Hospital in Mountainside, New Jersey, in the district I have the honor of serving. Under the strong leadership of my friend, Amy Mansue, the staff does an excellent job training and caring for children and making sure that highly qualified, effective medical personnel exist.

I thank Health Subcommittee Chairman PITTS for his tremendous work in this effort, as well as Ranking Member PALLONE. And I thank them for working in a bipartisan capacity to bring this legislation to the floor. I am honored to serve on Chairman PITTS' subcommittee, and I am pleased that the full Energy and Commerce Committee has agreed with what we have tried to accomplish in the subcommittee.

I urge all of my colleagues here in the House of Representatives to support H.R. 1852. It is essential that this program be reauthorized.

Mr. DOYLE. Mr. Speaker, it appears the gentleman from New Jersey (Mr. PALLONE) is not here yet. His flight was late getting in.

Therefore, I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. In conclusion, I would like to thank the ranking member of the subcommittee, Mr. PALLONE, for his leadership on this issue. It has been a bipartisan effort on the Health Subcommittee and Energy and Commerce Committee.

I urge all Members to support the Children's Hospital Graduate Medical Education Support Reauthorization Act, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1852, "The Children's Hospital GME Support Reauthorization Act of 2011," would amend the Public Health Service Act to reauthorize payments to children's hospitals operating training programs that provide graduate medical education. These payments would be made to hospitals for both direct and indirect costs related to graduate medical education.

Americans across our nation need care, and the Children's Hospital GME (CHGME) program has been utilized by hospitals across our country to train doctors who can provide that

care. I represent the 18th District which is home to the Methodist Hospital System, one of the largest medical institutions in the world. In 2010, the Methodist Hospital System graduated sixty-nine doctors from the resident CHGME program. That is 69 additional doctors who will meet our growing health care needs. H.R. 1852 will allow Houston to continue to recruit and train so many talented doctors.

Overall, freestanding children's hospitals have increased their medical resident training programs by 35 percent since 1999. If CHGME is allowed to expire we will lose the gains we have made in this field. There is no reasonable argument for allowing this program to expire as it provides a great benefit at a marginal cost. For this fiscal year, the program has spent .0085 percent of the federal budget. This small expenditure allows children's hospitals to train more than 5,600 full-time equivalent residents—more than one third of our nation's pediatricians.

According to the Association of American Medical Colleges, the nation could face a shortage of as many as 150,000 doctors in the next 15 years. The funds generated from this legislation will help train the medical professionals we desperately need. In a time when there are growing health disparities within our nation. It is important to address the needs of underserved urban areas. The more medicinal professionals we train there is an increase likelihood that these underserved communities will have access to proper medical care.

The program supports 56 hospitals nationwide and trains more than 5,000 medical residents each year. It started 12 years ago as an effort to provide children's hospitals with funding for residencies and fellowships. There are other federal programs to assist residency funding exist; however, the CHGME program caters to pediatrics, while others are open to all teaching hospitals.

This funding is vital as it will help to cover the cost of 5,600 pediatric residencies at more than 50 children's hospitals across the United States. Forty percent of the nation's pediatricians and 43 percent of pediatric subspecialists receive training from the program. We must train the very professionals who will one day save the life of a child.

The CHGME pays for the salaries of medical students and compensate hospitals for patient care costs that are often higher in teaching hospitals than non-teaching hospitals. We should provide the funds necessary to train students in a profession that will benefit society.

I support this legislation because it will increase the quality of medical training in the United States. I believe that H.R. 1852 improves upon a system that sets the bar for medical care internationally. Through government funding, the program has succeeded in bolstering research potential at these institutions as well as helping to cure a problem that supersedes political boundaries: children's illness. This bill creates positive effects that cross party lines, and I urge my distinguished colleagues to vote a resounding and unified "yes."

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 1852, the Children's Hospital Graduate Medical Education (CHGME) Support Reauthorization Act.

The future of pediatric health care cannot be compromised. As a supporter of the original legislation that established the CHGME program, and a cosponsor of H.R. 1852, I believe we must provide all the resources needed to guarantee that children's hospitals can continue to provide quality and timely care to their patients. As a mother and grandmother, I know how important it is for families in the Chicagoland area to know that Children's Memorial Hospital is there for them.

Support for physician education and training is essential to ensure patient access to care. Multiple expert bodies have identified a need for more pediatric subspecialists and have recommended expansion of medical education for pediatrics. In a letter to members of the Energy and Commerce Committee, the National Association of Children's Hospitals wrote that "thanks to CHGME, children's hospitals have enriched their training experience by providing greater community-based opportunities in underserved urban and rural areas. This has increased access to care and the likelihood that residents will practice in medically underserved areas."

The funding from the CHGME program helps to ensure that children have access to the trained professionals they need. CHGME currently provides funding to 56 hospitals in 30 states to support pediatric residency training. Today, freestanding children's hospitals train over 40 percent of pediatricians, 43 percent of pediatric specialists, and most pediatric researchers.

Taking care of the health needs of children must be a top priority—we cannot afford to jeopardize their well-being and future. I urge my colleagues to support H.R. 1852, doing so will help to ensure that children have access to the trained pediatricians they need.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 1852.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 27 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 2944, de novo;

H.R. 2189, de novo;

H.R. 2646, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 712]

YEAS—415

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan

Buschon
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley

Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)

Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hincey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin

Lewis (CA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schultz
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—18

Baca	Lewis (GA)	Rohrabacher
Bachmann	McGovern	Ryan (OH)
Buerkle	Paul	Ryan (WI)
Carnahan	Pelosi	Schrader
Giffords	Quayle	Smith (NJ)
Gutierrez	Reichert	Young (FL)

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEATH IN CUSTODY REPORTING ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2189) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SMITH of Nebraska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 18, not voting 17, as follows:

[Roll No. 713]

YEAS—398

Ackerman	Boustany	Clyburn
Adams	Brady (PA)	Coble
Aderholt	Brady (TX)	Coffman (CO)
Akin	Braley (IA)	Cohen
Alexander	Brooks	Cole
Altmire	Brown (FL)	Conaway
Amodei	Buchanan	Connolly (VA)
Andrews	Bucshon	Conyers
Austria	Burgess	Cooper
Bachus	Burton (IN)	Costa
Baldwin	Butterfield	Costello
Barletta	Calvert	Courtney
Barrow	Camp	Cravaack
Bartlett	Campbell	Crawford
Barton (TX)	Canseco	Crenshaw
Bass (CA)	Cantor	Critz
Bass (NH)	Capito	Crowley
Becerra	Capps	Cuellar
Benishek	Capuano	Culberson
Berg	Cardoza	Cummings
Berkley	Carney	Davis (CA)
Berman	Carson (IN)	Davis (IL)
Biggert	Carter	Davis (KY)
Bilbray	Cassidy	DeFazio
Bilirakis	Castor (FL)	DeGette
Bishop (GA)	Chabot	DeLauro
Bishop (NY)	Chaffetz	Denham
Bishop (UT)	Chandler	Dent
Blackburn	Chu	DesJarlais
Blumenauer	Cioccilline	Deutch
Bonner	Clarke (MI)	Diaz-Balart
Bono Mack	Clarke (NY)	Dicks
Boren	Clay	Dingell
Boswell	Cleaver	Doggett

Dold	Donnelly (IN)	Kind
Doyle	Dreier	King (IA)
Duffy	Duffy	King (NY)
Edwards	Edwards	Kinzing (IL)
Ellison	Ellison	Kissell
Ellmers	Ellmers	Kline
Emerson	Emerson	Kucinich
Engel	Engel	Lamborn
Eshoo	Eshoo	Lance
Farenthold	Farenthold	Langevin
Farr	Farr	Lankford
Fattah	Fattah	Larsen (WA)
Filner	Filner	Larson (CT)
Fincher	Fincher	Latham
Fitzpatrick	Fitzpatrick	LaTourette
Fleischmann	Fleischmann	Latta
Fleming	Fleming	Lee (CA)
Flores	Flores	Levin
Forbes	Forbes	Lewis (CA)
Fortenberry	Fortenberry	Lipinski
Fox	Fox	LoBlundo
Frank (MA)	Frank (MA)	Loeb
Franks (AZ)	Franks (AZ)	Loeb
Frelinghuysen	Frelinghuysen	Long
Fudge	Fudge	Lowey
Galleghy	Galleghy	Lucas
Garamendi	Garamendi	Luetkemeyer
Gardner	Gardner	Lujan
Garrett	Garrett	Lummis
Gerlach	Gerlach	Lungren, Daniel
Gibbs	Gibbs	E.
Gibson	Gibson	Lynch
Gingrey (GA)	Gingrey (GA)	Mack
Gonzalez	Gonzalez	Maloney
Goodlatte	Goodlatte	Manzullo
Gosar	Gosar	Marino
Gowdy	Gowdy	Matheson
Granger	Granger	Matsui
Graves (MO)	Graves (MO)	McCarthy (CA)
Green, Al	Green, Al	McCarthy (NY)
Green, Gene	Green, Gene	McCaul
Griffin (AR)	Griffin (AR)	McClintock
Griffith (VA)	Griffith (VA)	McCollum
Grijalva	Grijalva	McCotter
Grimm	Grimm	McDermott
Guinta	Guinta	McHenry
Guthrie	Guthrie	McIntyre
Hahn	Hahn	McKeon
Hahn	Hahn	McKinley
Hall	Hall	McMorris
Hanabusa	Hanabusa	McMorris
Hanna	Hanna	Rodgers
Harper	Harper	McNerney
Hartzler	Hartzler	Meehan
Hastings (FL)	Hastings (FL)	Meeks
Hastings (WA)	Hastings (WA)	Mica
Hayworth	Hayworth	Michaud
Heck	Heck	Miller (FL)
Heinrich	Heinrich	Miller (MI)
Hensarling	Hensarling	Miller (NC)
Herger	Herger	Miller, Gary
Herrera Beutler	Herrera Beutler	Miller, George
Higgins	Higgins	Moore
Himes	Himes	Moran
Hinche	Hinche	Mulvaney
Hinojosa	Hinojosa	Murphy (CT)
Hirono	Hirono	Murphy (PA)
Hochul	Hochul	Myrick
Holden	Holden	Nadler
Holt	Holt	Napolitano
Honda	Honda	Neal
Hoyer	Hoyer	Neugebauer
Huelskamp	Huelskamp	Noem
Huizenga (MI)	Huizenga (MI)	Nugent
Hultgren	Hultgren	Nunes
Hunter	Hunter	Nunnelee
Hurt	Hurt	Olson
Inlee	Inlee	Olver
Israel	Israel	Owens
Issa	Issa	Palazzo
Jackson (IL)	Jackson (IL)	Pallone
Jackson Lee	Jackson Lee	Pascrell
(TX)	(TX)	Pastor (AZ)
Jenkins	Jenkins	Paulsen
Johnson (GA)	Johnson (GA)	Payne
Johnson (IL)	Johnson (IL)	Pelosi
Johnson (OH)	Johnson (OH)	Pence
Johnson, E. B.	Johnson, E. B.	Perlmutter
Johnson, Sam	Johnson, Sam	Peters
Jones	Jones	Peterson
Jordan	Jordan	Petri
Kaptur	Kaptur	Pingree (ME)
Keating	Keating	Pitts
Kelly	Kelly	Platts
Kildee	Kildee	Polis

Price (GA)	Price (NC)	Quigley
Price (NC)	Quigley	Rahall
Quigley	Rahall	Rangel
Rahall	Rangel	Reed
Rangel	Reed	Rehberg
Reed	Rehberg	Renacci
Rehberg	Renacci	Reyes
Renacci	Reyes	Ribbie
Reyes	Ribbie	Richardson
Ribbie	Richardson	Richmond
Richardson	Richmond	Rigell
Richmond	Rigell	Rivera
Rigell	Rivera	Roby
Rivera	Roby	Roe (TN)
Roby	Roe (TN)	Rogers (AL)
Roe (TN)	Rogers (AL)	Rogers (KY)
Rogers (AL)	Rogers (KY)	Rogers (MI)
Rogers (KY)	Rogers (MI)	Rokita
Rogers (MI)	Rokita	Rooney
Rokita	Rooney	Ros-Lehtinen
Rooney	Ros-Lehtinen	Roskam
Ros-Lehtinen	Roskam	Ross (AR)
Roskam	Ross (AR)	Ross (FL)
Ross (AR)	Ross (FL)	Rothman (NJ)
Ross (FL)	Rothman (NJ)	Roybal-Allard
Rothman (NJ)	Roybal-Allard	Royce
Roybal-Allard	Royce	Runyan
Royce	Runyan	Ruppersberger
Runyan	Ruppersberger	Rush
Ruppersberger	Rush	Ryan (OH)
Rush	Ryan (OH)	Sanchez, Linda
Ryan (OH)	Sanchez, Linda	T.
Sanchez, Linda	T.	Sanchez, Loretta
T.	Sanchez, Loretta	Sarbanes
Sanchez, Loretta	Sarbanes	Scalise
Sarbanes	Scalise	Schakowsky
Scalise	Schakowsky	Schiff
Schakowsky	Schiff	Schilling
Schiff	Schilling	Schmidt
Schilling	Schmidt	Schock
Schmidt	Schock	Schwartz
Schock	Schwartz	Schweikert
Schwartz	Schweikert	Scott (SC)
Schweikert	Scott (SC)	Scott (VA)
Scott (SC)	Scott (VA)	Scott, Austin
Scott (VA)	Scott, Austin	Scott, David
Scott, Austin	Scott, David	Sensenbrenner
Scott, David	Sensenbrenner	Serrano
Sensenbrenner	Serrano	Sessions
Serrano	Sessions	Sewell
Sessions	Sewell	Sherman
Sewell	Sherman	Shimkus
Sherman	Shimkus	Shuler
Shimkus	Shuler	Shuster
Shuler	Shuster	Simpson
Shuster	Simpson	Sires
Simpson	Sires	Slaughter
Sires	Slaughter	Smith (NE)
Slaughter	Smith (NE)	Smith (NJ)
Smith (NE)	Smith (NJ)	Smith (TX)
Smith (NJ)	Smith (TX)	Smith (WA)
Smith (TX)	Smith (WA)	Southerland
Smith (WA)	Southerland	Speier
Southerland	Speier	Stark
Speier	Stark	Stearns
Stark	Stearns	Stivers
Stearns	Stivers	Sullivan
Stivers	Sullivan	Sutton
Sullivan	Sutton	Terry
Sutton	Terry	Thompson (CA)
Terry	Thompson (CA)	Thompson (MS)
Thompson (CA)	Thompson (MS)	Thompson (PA)
Thompson (MS)	Thompson (PA)	Thornberry
Thompson (PA)	Thornberry	Tiberi
Thornberry	Tiberi	Tierney
Tiberi	Tierney	Tipton
Tierney	Tipton	Tonko
Tipton	Tonko	Towns
Tonko	Towns	Tsongas
Towns	Tsongas	Turner (NY)
Tsongas	Turner (NY)	Turner (OH)
Turner (NY)	Turner (OH)	Upton
Turner (OH)	Upton	Van Hollen
Upton	Van Hollen	Velázquez
Van Hollen	Velázquez	Visclosky
Velázquez	Visclosky	Walberg
Visclosky	Walberg	Walden
Walberg	Walden	Walz (MN)
Walden	Walz (MN)	Wasserman
Walz (MN)	Wasserman	Schultz
Wasserman	Schultz	Waters
Schultz	Waters	Watt
Waters	Watt	Waxman
Watt	Waxman	Webster
Waxman	Webster	
Webster		

Welch	West	Whitfield
West	Whitfield	Wilson (FL)
Whitfield	Wilson (FL)	Wilson (SC)
Wilson (FL)	Wilson (SC)	
Wilson (SC)		

Wittman	Wolf	Womack
Wolf	Womack	Woolsey
Womack	Woolsey	Yarmuth
Woolsey	Yarmuth	
Yarmuth		

NAYS—18

Amash	Broun (GA)	Duncan (SC)
Broun (GA)	Duncan (SC)	Duncan (TN)
Duncan (SC)	Duncan (TN)	Flake
Duncan (TN)	Flake	Gohmert
Flake	Gohmert	
Gohmert		

NOT VOTING—17

Baca	Gutierrez	Reichert
Bachmann	Lewis (GA)	Rohrabacher
Black	Markey	Ryan (WI)
Buerkle	McGovern	Schrader
Carnahan	Paul	Young (FL)
Giffords	Quayle	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1903

Messrs. POE of Texas, WESTMORELAND, and KINGSTON changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2646) to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHN-SON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 18, as follows:

[Roll No. 714]

YEAS—412

Ackerman	Bass (CA)	Bono Mack
Adams	Bass (NH)	Boren
Aderholt	Becerra	Boswell
Akin	Benishek	Boustany
Alexander	Berg	Brady (PA)
Altmire	Berkley	Brady (TX)
Amash	Berman	Braley (IA)
Amodei	Biggert	Brooks
Andrews	Bilbray	Brown (GA)
Austria	Bilirakis	Brown (FL)
Bachus	Bishop (GA)	Buchanan
Baldwin	Bishop (NY)	Bucshon
Barletta	Bishop (UT)	Burgess
Barrow	Blackburn	Burton (IN)
Bartlett	Blumenauer	Butterfield
Barton (TX)	Bonner	Calvert

that widened the tribe's economic and natural resource development. Between 1986 and 1988, Mr. House worked to complete two major water compacts to provide water throughout the Ute territories. In addition, Mr. House oversaw several building projects, including a tribal health center and casino. In his last term as chairman, Mr. House, Sr., focused primarily on tribal safety, widening the tribe's police force from 2 officers to more than 12 officers.

On Saturday, September 17, 2011, Mr. House was tragically taken from us after a motorcycle accident outside of Cortez, Colorado.

Madam Speaker, it is an honor and a privilege to recognize Mr. Ernest House, Sr. His leadership and dedication to the Ute Tribe has benefited thousands, and he will be greatly missed by the Ute Tribe and the State of Colorado.

PASS THE JOBS BILL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I rise on behalf of the 64 percent of Americans—and growing—who say, "Pass the jobs bill."

I rise on behalf of those who have sought to get work time and time again. I rise on behalf of the citizens of the State of Texas, for the 8.3 percent—and growing—unemployed individuals in our own State, which has been represented to be a State that has no unemployment. We are resilient, yes. But in working with the United States, it is important to note that we must do something to restore the opportunities for people to work and to restore human dignity.

As the President said, we should have one purpose in this House. It should be to work for the American people. We can balance this budget, we can reduce the deficit, but we really can put people to work: firefighters and teachers and police officers. We can invest in this economy, we can provide education, and we can put Americans back to work.

Let's not make ourselves number one. Let's make the American people number one. Pass the jobs bill now.

HISPANIC HERITAGE MONTH

(Mr. CANSECO asked and was given permission to address the House for 1 minute.)

Mr. CANSECO. Madam Speaker, I rise today in honor of the 25th Annual Hispanic Heritage Month.

America is a Nation of immigrants, and each immigrant group has added to the richness that is American culture. Hispanics are no different and are an important chapter in the story of America.

My parents came to this country from Mexico, seeking the American

Dream. They instilled in me the belief that with hard work and dedication, one could create a better future. This is one of the great common denominators of the immigrant experience in America. They raised me to believe that, in America, the land of opportunity, if I worked hard every day I could make a difference for myself and my family.

This month gives us the opportunity to celebrate Americans of Hispanic ancestry because they believe in the American Dream and have made a difference in their lives and in America by chasing this dream.

Just as my parents taught me, I believe that individual freedom and liberty will lead us to a future of economic and social prosperity. Our businesses will grow, our economy will prosper, and America will continue to thrive.

Hispanics understand the vitality of small businesses as the single fastest-growing segment of small businesses in this country, generating almost \$400 billion in annual revenue. I believe that Hispanics will continue to play a vital role in the American economy and society, and that their contributions will only continue to grow.

□ 1920

SMALL BUSINESS IS BIGGEST ENGINE FOR JOB CREATION

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, listening to the prior Member talk about small business, I have to say I agree that small business is the biggest engine for job creation in this country.

It was such a pleasure today to join Vice President JOE BIDEN at Wrap-Tite, Inc., in Solon, Ohio, and to see the role that government must play when the market isn't fully functioning and when the banks aren't fully lending, and to see the Small Business Administration's 504 loan guarantee program at work creating jobs at this wonderful, wonderful company that now has millions and millions of dollars in sales.

When the regular banks weren't working, it was the SBA, Small Business Administration, that we support, some of us support, that was able to draw on the capital that made possible the investment for expansion, and they have hired five more people.

Imagine if there were 30,000 more companies in America that could do that, with the changes in the Jobs Act that the President is proposing, in order to reduce payroll taxes on individuals, as well as businesses and the other incentives for small business creation, we can really help lift this economy when she can't lift herself alone. It was a pleasure to be there today.

I congratulate Wrap-Tite and want to say it was great to celebrate that pa-

triotic spirit of making the market work.

PULMONARY FIBROSIS AWARENESS WEEK

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, 48,000 Americans a year walk out of their doctor's office with the news that they have pulmonary fibrosis, joining the nearly 200,000 Americans already afflicted with this little understood killer. There is no known cure for this lethal lung disease, which takes the life of an American on average every 13 seconds, more than 40,000 individuals annually, roughly the same number as those afflicted with breast cancer.

This week is National Pulmonary Fibrosis Awareness Week, and I ask my colleagues to join me in cosponsoring the Pulmonary Fibrosis Research Enhancement Act. This bipartisan legislation will create a national registry, encourage Federal research at the National Institutes of Health, and also create a national action plan so that we can better understand this deadly disease and one day discover an effective treatment.

Madam Speaker, this effort is really critical to giving hope to the hundreds of thousands of people who live with this debilitating disease.

HONORING SENATOR CHARLES PERCY

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, I rise today to remember Senator Charles Percy, who passed away just this last week at the age of 91. Senator Percy served the great State of Illinois for 18 years. His leadership was recognized by his colleagues, and he went on to chair the Senate Foreign Relations Committee. He was also beloved by his constituents for his efforts to provide home ownership to low-income families and his work to eliminate corruption in judicial selection in Chicago and ensuring that all judicial nominations were done through a strict advisory process.

I am honored to say that Senator Percy is from the 10th District. He is also a graduate of New Trier High School, as am I. In fact, I remember delivering literature as a child for Senator Percy.

Senator Percy's legacy will remain in the hearts and minds of the people of Illinois. Always fighting for justice and those without a voice, he is truly going to be missed. My thoughts and prayers are with his family today.

HISPANIC HERITAGE MONTH

(Mr. RIVERA asked and was given permission to address the House for 1 minute.)

Mr. RIVERA. Madam Speaker, it is with a great sense of honor and pride that I join Congressman CANSECO and my fellow Hispanic American Members of Congress in recognizing Hispanic Heritage Month.

Hispanic Heritage Month provides us with the opportunity to acknowledge the enormously positive contributions of Hispanic Americans to this diverse Nation of ours. Hispanic Americans are some of the most patriotic and hard-working people that America has ever known. Whether serving in the military or creating jobs, the Hispanic community is the embodiment of the American Dream and the embodiment of American values, faith in God, devotion to family and love of country, which is precisely why Hispanic Heritage Month is an entirely appropriate time to commend the Hispanic American community for enriching the diverse fiber of this great Nation.

A TRIBUTE TO LEO BORJA TUDELA

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, today, as we struggle with the future of the United States Postal Service, I want to pay tribute to one of the many dedicated individuals who has kept the mail on its way to our homes and businesses in this Nation for almost five decades.

Mr. Leo Borja Tudela was born in the village of Garapan in the Northern Mariana Islands in 1943. His mother, Magdalena Tudela Salas, was the daughter of Jesus Sablan Tudela and Anunciasion Borja Tudela, who raised their grandson.

Leo worked very hard for an education, moving to Guam for high school, returning to college after service in the United States Army, and finally earning a master's degree with honors in California.

Mr. Tudela took his education and crafted a career with the Postal Service, rising to a vice presidency, and today directing operations in the Asia/Pacific-Micronesia region as a member of the Postal Career Executive Service.

Leo Borja Tudela's career exemplifies the power and benefit of education. I congratulate him. And I encourage young people in the Northern Mariana Islands and throughout America to follow that example for their own benefit and for the ultimate benefit of our Nation.

Today, as we struggle with the future of the U.S. Postal Service, I want to take a moment to pay tribute to one of the many dedicated individuals, who has kept the mail on its way to

our homes and businesses in this nation for almost five decades.

Mr. Leo Borja Tudela was born in the Northern Mariana Islands in the village of Garapan on the island of Saipan on July 17, 1943. His mother, Magdalena Tudela Salas, was the daughter of Jesus Sablan Tudela and Anunciacion Borja Tudela, who raised their grandson.

Leo was educated at William S. Reyes Elementary School in Chalan Kanoa, graduating with honors. During his elementary years, Leo also served as an altar boy at the Chalan Kanoa Diocese Catholic Church. There he met Pale Arnold, who recognized the young man's intelligence and drive and arranged for him to attend St. Jude Intermediate Catholic School in Sinajana on Guam under the sponsorship of the Capuchin Fathers in Agaña Heights. Leo completed his education on Guam at George Washington High School, serving as editor in chief of the yearbook and graduating in 1962 with honors.

Mr. Borja's education was interrupted by the draft—he served in the U.S. Army for three years, earning a Soldier of the Month Award and Good Conduct Medal before being honorably discharged. But after this military service, Mr. Tudela immediately returned to his education. He first entered the Junior College of San Mateo, California, then moved to California State University at Hayward, California.

This is also when he began to work for the U.S. Postal Service, which would become his life-long career. He took up a part-time position as a postal assistant in South San Francisco, and later moved to full-time, though still in school. Mr. Borja worked the graveyard shift, eight hours each night, then went to his college classes in the morning. Afternoons and evenings were devoted to studies and a little rest. Then at eleven o'clock at night it was back to the post office to move the mail. Mr. Borja maintained this grueling schedule throughout the time it took to earn first his bachelor's degree and then a master's—graduating with honors in both degrees.

Now Mr. Borja's postal career began in earnest. He was promoted to management and sent as an equal employment office specialist to Salt Lake City, Utah. His next assignment was as MSC Director of Employee and Labor Relations in Boise, Idaho, then District Director of E&LR in San Juan, Puerto Rico, in Boston, Massachusetts, and in Santa Ana, California. Moving up the management ladder, Mr. Borja was appointed to be the Manager Sectional Center, City of Industry, East of Los Angeles, California, Division Manager/Postmaster in Oklahoma City, Oklahoma, and District Manager for South Florida in Miami.

In 1992, he became the Vice President for the Southeast Area, responsible for Alabama, Florida, Georgia, Tennessee and Mississippi. He oversaw operations involving more than 92,000 employees, 20,731 post offices, and a budget of three billion dollars.

Throughout his rise in responsibility, Mr. Tudela—and the Postal Service—continued to invest in his education. He attended a number of executive training programs in the Ivy League, at MIT, the University of Virginia, and at Duke.

Though his career had taken him far from his humble roots in the Northern Mariana Is-

lands, Mr. Tudela never forgot his home; and, eventually, his postal service work returned him to the Pacific. He is presently the Director, Asia/Pacific-Micronesia, PCES—Postal Career Executive Service, overseeing all mail to and from Micronesia. He is involved with managing, and participated in crafting, the compact agreements between the United States and the Freely Associated States of Micronesia, which include the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia. This work requires him to coordinate with the U.S. State Department and its three embassies in these nations, and with the U.S. Department of the Interior, which also has responsibilities in the region. The U.S. Postal Service and the services it provides are an important component of those compact relationships, benefiting both the Freely Associated States governments and businesses in Micronesia.

He has contributed to development on his home island, as well. In 1990, Mr. Tudela was very instrumental in building a new post office in his birth village of Chalan Kanoa. Land was at a premium on the islands at that time and the Northern Marianas government asked for three million dollars for the property needed for the new facility. Mr. Tudela, through his personal perseverance, worked with the local government, even having local legislation enacted, which resulted in the land being leased to the Postal Service for just one dollar per year for 40 years, with an option for another 40 years truly an example of good financial management at the Postal Service. With the land issue overcome, Mr. Tudela then took personal interest in overseeing the design and construction of the new post office in "C.K.," which the community much enjoys to this day.

Certainly another point of pride for Mr. Tudela has been the opportunity to participate in dedication of special issue stamps commemorating his home. In 1993, Mr. Tudela was there to dedicate the Northern Mariana Islands stamp issued by the U.S. Postal Service. And just last month, on August 12, he dedicated the Northern Mariana Islands stamp that is part of the Flags of Our Nation series.

Although this well-deserved tribute is for Mr. Leo Borja Tudela, it is my hope that calling attention to his life, which began so humbly but has proceeded to become so noteworthy, will serve as an inspiration for others from the Northern Mariana Islands. The lesson is well known, but not always applied: pursue an education—not just in youth, but throughout life, do your best, persevere, work hard. Your effort will be rewarded, just as it has for Mr. Leo Borja Tudela, and will benefit us all.

CHINESE DRYWALL

The SPEAKER pro tempore (Mrs. ROBY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. RIGELL) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGELL. Now, imagine you worked hard and saved for a down payment of your own, a down payment on the American Dream. Imagine that you found the right place, secured the financing and happily started your life as a homeowner.

Now, imagine months later, though, that your house is filled with a putrid, rotten, egg-like odor that just permeates your home, makes your children sick with severe headaches and nose bleeds. Imagine the mounting frustration when the copper coils on your AC unit and your refrigerator corrode, develop leaks and have to be replaced again and again and again.

You ultimately have to move your family into a rental home and find out that the cause of all of this pain and grief is nothing other than defective drywall that fills your home and was imported from China. Madam Speaker, many of my constituents don't have to imagine that nightmare. They are experiencing it and living it right now.

Some have been dealing with this issue for more than 2 years without relief. Many are severely financially strained as they continue to have to pay the mortgage on the first home and then go out and find a second residence to live in and pay for both. Some have had their homes foreclosed on. Some have gone into bankruptcy. I have been in these homes. These people are hurting, our fellow American citizens.

And because our legal system is flawed, the manufacturers of the contaminated drywall that is coming from China are not being held accountable for a defective, dangerous product. Even if a judgment is made in favor of the homeowners, it can't be enforced.

That is not right. Homeowners' insurance and builders' insurance is not covering the damages. At the end of the day, who is left holding the bag? It's the owner of the home. This is not the American way.

Their finances are devastated, their credit ratings are ruined. Now I am working with a bipartisan group with my colleagues doing everything we can on the Contaminated Drywall Caucus to forge a better path for our fellow citizens.

We have had hearings, we have met with the Consumer Product Safety Commission, we have written letters to the President. We have asked for assistance from the United States Trade Representative, but it's not enough. We must, we must hold the Chinese manufacturers accountable for the defective products they shipped to our Nation and that fill our American homes.

So I call on the committees of jurisdiction to hold hearings, to investigate and move forward some practical solutions to this problem that is hurting so many of our neighbors.

Madam Speaker, I yield back the balance of my time.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Alabama (Mr. BROOKS) is recognized for the remainder of the hour.

Mr. BROOKS. Madam Speaker, according to a 2009 study by the Pew Hispanic Center, 7.8 million illegal aliens hold jobs in America. Madam Speaker, there is a sure-fire way to create jobs now for American citizens: evict all illegal aliens from America and immediately open up millions of jobs for unemployed Americans.

The eviction of illegal aliens from America has the side benefit of eliminating the abundance of cheap, illegal alien labor which, in turn, forces blue color wages up, thus helping American families afford and pursue the American Dream.

□ 1930

Unfortunately, Madam Speaker, there are those in Washington who chase a different dream, a class warfare nightmare, that pits unemployed Americans against illegal aliens in a competition for scarce jobs.

The White House and too many Members of Congress seek amnesty for millions of illegal aliens, thereby legitimizing criminal conduct and depriving American citizens of job opportunities.

Madam Speaker, Congress and the White House must create jobs now for American citizens. We can and must fight for American citizens, not turn our heads the other way, which gives illegal aliens preference over American citizens.

But the issue of illegal aliens is greater than just jobs and better incomes for American citizens. Illegal aliens crowd our hospital emergency rooms, delaying treatment for Americans and driving up health care costs because too many illegal aliens don't pay their bills. Too often, illegal aliens get free health care on the backs of our already stressed American taxpayers. Illegal aliens also do not produce enough in tax revenue to pay for our schools; yet illegal alien children overcrowd our schools, thereby reducing the quality of education for American children.

Illegal aliens commit horrendous crimes against American citizens, crimes that strain State and Federal judicial systems, police and sheriff departments, and prisons that are already overcrowded and in a financial crisis.

Supreme Court Justice Sandra Day O'Connor, in one of her last Supreme Court opinions, wrote in 2005 in *Medellin v. Drake*, that: "In 2003, over 56,000 noncitizens were held in State prisons. Noncitizens accounted for over 10 percent of the prison populations in California, New York, and Arizona. As of February 2005, 119 noncitizens from 31 nations were on State death row."

Madam Speaker, so that I am clear, let me emphasize that death row is not just for any kind of murderer. Death row is for murders where victims are tortured or raped before killed. Death row is for murders where multiple citi-

zens are killed. In sum, death row is reserved for only the most heinous of murderers.

Hundreds if not thousands of Americans are dead today because the United States Government has been derelict in its duty to protect American citizens from illegal aliens.

For example, in my home of Madison County, Alabama, population roughly 300,000 people, we have had more American citizens killed or murdered by illegal aliens than we have had lost in combat in Iraq and Afghanistan combined. Madam Speaker, let me share with you a personal story that happens to have happened in Huntsville, Alabama. But, the truth be told, similar events have likely happened throughout America.

On April 17, 2009, a 19-year-old man in my hometown of Huntsville by the name of Tad Mattle was needlessly killed by an illegal alien who has since been convicted of murder and sentenced to 15 years in prison, at a cost to Alabama taxpayers well into the hundreds of thousands of dollars.

So that we are clear about the illegal alien's conduct, he was drunk. He was wanted for crimes in several States. When he murdered Tad Mattle, he was fleeing the scene of yet another crime. What had Tad Mattle done wrong? Absolutely nothing.

Tad Mattle was driving home from a church social with his girlfriend. He was lawfully stopped at an intersection not far from my own home. After everything was said and done, at the end of an illegal alien crime spree, both Tad Mattle and his girlfriend were subjected to force trauma and burned beyond recognition. Both died.

Why did this needless crime occur? Why were these two young person's lives snuffed out? Because our American Government has steadfastly failed and refused to protect American citizens from illegal aliens.

Madam Speaker, please let me share with you information about Tad Mattle, told in the words of his grieving father, Dan Mattle:

Tad Mattle was the first child of Dan and Terri Mattle, born on November 8, 1989, in Florissant, Missouri. Tad was very curious and enjoyed figuring out how things worked. Shortly after his parents installed safety locks on all of the cupboards, he figured them out and then taught his little brother how to defeat them.

He loved to play outside in the dirt and loved the water. He enjoyed trying different sports. More than anything, however, he loved building and creating. To the frustration of his parents, he would scatter Legos all over the floor as he created ships, starships, and airplanes. On family vacations, he reveled in the sand as he built sand castles. When he was 8 years old, he helped his father rebuild an engine on the family truck.

At age 9, Tad Mattle and his family moved back to Huntsville, Alabama. Being very social, he quickly made new friends at church and school.

In Cub Scouts, he achieved the Arrow of Light award. In his last year, he won the Pack Pinewood Derby Contest. In middle school, Tad joined the Boy Scouts and joined the school band as a percussionist. Tad thoroughly enjoyed making music, and he kept switching between first and second chair with one of his friends.

During a scout trip in this period, Tad went caving with his father. By the time he was 13, he was a qualified vertical caver. By age 14, he had achieved a prestigious award among the caving community by completing his "Vertical 8."

In high school, Tad Mattle became heavily involved in the marching and symphonic bands. In his last 2 years, he served as the percussion section leader.

Tad also pursued an advanced diploma by taking advanced placement science and math classes. In addition to these activities, he continued serving the community through Boy Scout and church youth group service projects. With his troop, in which he served as a leader, he participated in many different activities.

On a Boy Scout troop hike on the Appalachian Trail, Tad helped maintain morale with his goofy sense of humor. Tad is especially remembered for his Julie Andrews impersonation as he skipped down a meadow on Siler Bald, wearing a 40-pound backpack, while the troop sang "The Sound of Music."

Tad was very excited when he became old enough to drive. He wanted his own car, so he took a job to earn money for it. He bought a neglected Toyota Supra that cost only \$475. He spent the next few months restoring it to running condition. In his junior year of high school, Tad took an auto body collision repair course and completely restored the body of that car. He was so proud on the day he brought it home from the paint booth. He took meticulous care of that car and never abused it because he did not want to destroy all of his hard work.

During his senior year of high school, Tad achieved the rank of Eagle Scout. For his Eagle leadership service project, he chose to rebuild a boat dock at the Madison County Boat Harbor on the Tennessee River. The original dock was a hazard to users due to warped, splintered, and rotten boards. Tad's leadership resulted in 190 man-hours of volunteer labor that saved the county thousands of dollars.

In 2008, Tad graduated from high school with an advanced diploma. His dream was to work in an auto body collision repair and open his own shop. As he worked the following summer and winter, he realized that an education would be necessary to fulfill his dream.

Tad applied to the University of Alabama in Huntsville, and with his excellent top 1 percent ACT score of 32, he was quickly accepted. On April 14, 2009, just 3 days before his murder, Tad received a letter awarding him the UAH Presidential Full Scholarship which covered all tuition for his mechanical engineering degree. Tad was so excited as he read this letter to his parents that night.

Three days later, on April 17, his father's birthday, Tad attended a church social with his family and girlfriend. After the social, he and his girlfriend headed to her cousin's house to watch a movie. While stopped at a traffic light, Tad's car was rammed by a truck driven by a drunk illegal immigrant who was fleeing from the police. Tad and his girlfriend were killed instantly, which was a blessing because the impact ruptured the gas tank of the car Tad had so meticulously restored and burned the two beyond recognition.

There were no skid marks from the drunken driver's vehicle, and accident investigations indicated the truck impacted between 67 and 72 miles per hour, almost double the legal speed limit. The illegal immigrant responsible for this crash had seven different aliases, had four different DUI arrests, and was wanted by at least four other States for misdemeanors and felonies.

□ 1940

According to police records, he was to have been deported in 2001. Let me reread that part for emphasis. The illegal immigrant responsible for this crash had seven different aliases, had four prior DUI arrests, and was wanted by at least four other States for misdemeanors and felonies. According to police records, he was to have been deported in 2001.

Tad left behind a family that still mourns his loss. His brother and sister have dealt with depression, nightmares, and guilt. His mother still deals with days of depression. This loss was completely unnecessary but occurred because of a failure by the Federal Government to perform its duty to protect legal citizens' rights to life, liberty, and the pursuit of happiness. As Tad's father, all I ask is that the government perform its Constitutional obligations to its citizens to prevent other families from experiencing this same nightmare.

Madam Speaker, Tad Mattle's tragic story is one of many that I could tell here today, and his story illustrates so clearly why the Federal Government must stop being derelict in its duty to ensure the safety and security of American citizens.

There are many Tad Mattles in America, each and every one of them victims of crimes that could have been prevented. In that vein, I introduced the Jobs for Americans Act. It empowers State and local governments to

help the Federal Government by passing laws that identify illegal aliens, deter illegal aliens from entering the United States, apprehend illegal aliens, or encourage or otherwise cause illegal aliens to leave the United States.

States aren't asking for another Federal handout. They're asking for freedom from Federal interference. They're asking for the freedom to protect their citizens' lives and livelihoods. This act ensures that the Federal Government will appreciate, not punish, States that do the hard work of enforcing our laws.

Madam Speaker, when States like Arizona, Alabama, Georgia, and many others act to stop illegal aliens, they should be given letters of appreciation from Washington leaders for doing Washington's job. Instead, they receive lawsuits from the President's Justice Department. That is wrong. And the Justice Department's conduct will only victimize more American citizens.

Madam Speaker, my Jobs for Americans Act prevents these wasteful Justice Department lawsuits against States that are only trying to protect their citizens from illegal aliens and the Federal Government's dereliction of its duties.

Today, I ask my colleagues to join me in supporting American jobs. The Jobs for Americans Act does just what it says. It returns jobs to the American people. Its premise is simple. If the Federal Government won't do its job, it should get out of the way for States and those who will.

At this point, I yield to my good colleague from Alabama.

Mr. ADERHOLT. Madam Speaker, I want to congratulate the gentleman from Alabama, my colleague in the Fifth Congressional District, for organizing this tonight. We are all here tonight to discuss what America is facing, and that is a self-imposed security crisis.

The main concern is that it appears that the administration is ignoring its responsibility to enforce our Nation's immigration laws. For our security, economic well-being, and safety, immigration enforcement does matter.

Since the beginning of the current administration, we have seen decisions and policies that have denigrated immigration enforcement. It started with the identification of "priorities" where the Department of Homeland Security announced it would focus largely on removing only those aliens convicted of serious crimes.

More recently, Immigration and Customs Enforcement, or ICE, as it is referred to, issued guidance directing broad use of prosecutorial discretion. Let me explain how that works. ICE agents locate a fugitive who has been ordered to be removed. The fugitive is arrested in his apartment where four other people are present. ICE agents ascertain that all these individuals are illegal aliens, though they do not have

an actual criminal conviction. Pursuant to ICE priorities, these individuals would not be arrested.

This process on whether to prosecute or not was intended to be exercised on a case-by-case basis, not by front-line officers directed to ignore the law, but by supervisors and attorneys looking at the law and the facts of a particular case and considering humanitarian concerns or national security interests. Now, front-line agents and officers in the middle of an encounter are being asked to essentially conduct an on-the-spot investigation.

Under the administration's policy, front-line officers and agents don't have much of a choice but to ignore the law and leave the illegal alien behind, unless the alien is a fugitive or has an actual criminal conviction.

Not only do we have memos directing front-line officers to ignore illegal aliens under the current administration, but we have committees second-guessing decisions officers, attorneys, and judges make. The Department of Homeland Security set up a task force of outsiders to tell the Secretary whether this policy should include ignoring illegal aliens encountered at traffic stops and those who would have drunk driving violations. The Department is also establishing a committee to review all 400,000 immigration proceedings, including for aliens with final removal orders, to decide whether these illegal aliens should actually be removed.

This is the problem, and it leads to cases like the one that my colleague from Alabama just talked about, Tad Mattle. The new policy, in effect, refuses to enforce immigration law until, and let me stress that, until a serious, perhaps violent crime, has been committed. If immigration law had been enforced, Tad's life may have been spared.

Today, more than ever, our Nation's fiscal resources are constrained. Despite that fact, this body has made immigration enforcement and homeland security a priority. Congress, under both Republican and Democrat leadership, has consistently provided ICE with funds above those funds they have requested, and that's to ensure strong enforcement and security. Funds the Department of Homeland Security received at the hand of this Chamber should not be used to blatantly ignore the law or for the implementation of flawed and reckless policies that provide backdoor amnesty.

These memos and committees may allow millions of illegal immigrants to remain in the United States in violation of existing law and regulation and compete with unemployed Americans and legal immigrants working for scarce jobs.

While the Federal Government seems to find loopholes to keep illegal aliens who pose public safety threats in this

country, States like my home State of Alabama are being prosecuted for attempting to take this problem into their own hands. Alabama and other States burdened with these issues shouldn't have to worry about Federal intervention. Alabama was the fifth State in this country to adopt laws addressing illegal immigration. The legislature of Alabama and the Governor have opted to act. Instead, the administration has filed a judicial action. The administration should take this as a wake-up call, a bold reminder of the Federal Government's duty to protect each and every American from being the victim of crimes that can so easily be prevented. The Federal Government should be working with States to ensure the safety of all Americans.

This is not a time for partisan politics. This is a time for a robust, coordinated effort to guarantee the security of our citizens and to protect our Nation's borders.

I thank the gentleman from Alabama for yielding.

Mr. BROOKS. Madam Speaker, I next recognize the gentlelady from Tennessee, Congresswoman DIANE BLACK.

Mrs. BLACK. I thank the gentleman from Alabama for yielding.

Madam Speaker, the tragic death of Tad Mattle that took place in Huntsville, Alabama, on April 17, 2009, serves as a sad reminder of the broken immigration system that we have here in the United States. We see stories like this in our local newspapers and on our local and national news. They're reminders that we have a serious illegal immigration problem in our country and the need to take action to secure our borders. As a member of the Immigration Reform Caucus, I believe that while we are a nation of immigrants, we are first and foremost a nation of laws. I'm a cosponsor of a number of comprehensive bills that would help combat illegal immigration. One bill, the CLEAR Act, would authorize State and local law enforcement to assist in the enforcement of the U.S. immigration laws, which means that they can investigate, apprehend, and transfer over to ICE officials illegal aliens in the United States.

□ 1950

Another bill that I'm cosponsoring goes after sanctuary cities, denying State Criminal Alien Assistance Program funding for any State or local government that has in place any law, policy, or procedure that breaks Federal immigration law.

The SAVE Act is another great bill. The SAVE Act would increase Border Patrol and investigative personnel, encourage recruitment of former military personnel and use of Department of Defense equipment, calls on the administration to develop a national strategy to secure our borders and, finally, directs authorities to check against ter-

rorist watch lists those persons suspected of alien smuggling and smuggled individuals.

Defense of our country and securing our borders is one of the primary responsibilities of government, and I believe that those who enter this country illegally are not only breaking the law, but risking the very security of this country.

I thank the gentleman for yielding.

Mr. BROOKS. Madam Speaker, I next recognize the gentleman from Georgia, Congressman ROB WOODALL.

Mr. WOODALL. I appreciate my friend from Alabama for yielding.

Candidly, I can't say it much better than my freshman colleague from Tennessee just did. We are a Nation of immigrants, and we are a Nation of laws. And my question is, When did it become so clear to everyone else that those things were in conflict with one another? Because when I look at it, it's not in conflict at all; in fact, it's in concert, in concert with one another.

It was hard to listen to the story that my friend from Alabama was telling because it's not a story that you only hear once. It's a story that you hear heartbroken families tell over and over and over again. It's a family in Alabama, it's a family in Georgia, it's a mom in South Carolina, and it's a grandmother from Indiana, and on and on and on.

What I want to know is, Who is it who's coming to defend that story tonight? Because I hear it in town hall meetings all the time, and I know my friend from Alabama hears the same thing: ROB, I want you to go up there and I want you to fight for what's right, and I don't want you to compromise. Well, I don't want to compromise on principle. There is absolutely no principle I have that I'm interested in compromising on. But what I tell folks back home is there's common ground. There's common ground where no matter where you sit on the political spectrum you can see your way clear to this path forward.

What I want to know from my colleagues—and I wish there were more of them in the Chamber tonight—and, again, I'm grateful to my friend from Alabama for putting this hour together—but where are the folks who oppose enforcing the laws? Where are the folks who believe that legal immigration is what we don't want and illegal immigration is what we do want?

Where are the folks who believe that when criminals commit crimes, they're not supposed to be prosecuted? Where are those folks defending that? Because what I see in my part of the world—and I'm there in the northeastern suburbs of Atlanta—what I see in my part of the world are people who are proud of our history as an immigrant Nation and proud of our future as an immigrant Nation.

I tell folks all the time I don't worry that people want to come to America.

I worry about the one day people don't want to come to America. What happens when they want to take their big brain and their hard work ethic and their entrepreneurial ideas and take it to China or take it to India or take it to Brazil? I worry about that.

We have so many challenges, as my friend from Alabama knows, in terms of restructuring our legal immigration process. I am heartbroken that we spend even a moment arguing amongst ourselves about the necessity of shutting down illegal immigration now—not tomorrow, not a week from tomorrow, not after the next election cycle, today.

Of the few things that the United States Constitution empowers the Federal Government to do, requires that the Federal Government do, enforcing our border security is one; and we don't do that well. We have so many conversations down here, as the Speaker knows, about all the things the Federal Government should stick its nose into, as if we're going to do those well. What about the one the Constitution requires us to do, which is secure our borders?

For me, the untalked-about victim in the illegal immigration debate is the legal immigrant. Have you ever been to a naturalization ceremony? Do you have any friends who have been naturalized, who have earned the right to be a United States citizen? Wow. Wow. It's tears, but it's tears of joy. I wish we were teaching the same thing to our young people in schools that we're teaching to our immigrants in their citizenship classes, who are developing this deep and abiding respect for the rule of law and the American way of life.

And the victim, when we turn a blind eye to illegal immigration, is the legal immigrant who does it all right because they're the victim of the animus that comes out of this debate. They're a victim of the sadness. In fact, I will tell you, the angriest people—again, I come from the Deep South. A lot of folks have a lot of stereotypes about how it is in the Deep South. But I will tell you, the angriest people in my part of the world about illegal immigration are not the ninth generation white guy; it's the legal immigrants.

Somebody stopped me the other day and they said, ROB, if you ever pass an amnesty bill—which we never will do, just to be clear, never, ever going to happen, not while I'm here in Congress—give me my money back. You can't give me my life back; you can't give me back all the years and years and years I worked and I waited on the list and I waited patiently in my home country until my number came up, you can't give me that back, but I want my money back because it wasn't cheap. It's not. Being a United States citizen is advanced citizenship. It requires

great commitments, as it is a great opportunity; and we treat it in this country as if it's a nothing.

As my friend from Alabama knows, there's another bill, introduced by my friend from Iowa (Mr. KING), called the Birthright Citizenship Act—and I'm a cosponsor of that act—that goes back to the 14th Amendment. It goes back to that time in this country when we were struggling with our national identity and says those born in the United States, under the jurisdiction thereof, shall be United States citizens.

As you tell the story, I say to my friend from Alabama, of someone who has been convicted of crime after crime after crime, of someone who has warrants out for their arrest across the United States, of someone who hasn't yet found a single American law that they have chosen to obey, I tell you that person is not under the jurisdiction of the United States, and births that are associated with that person do not give rise to citizenship in the United States.

But the courts have said Congress just won't decide on this; Congress won't take a stand on this. Well, STEVE KING of Iowa said, yes, we will. And I was proud to join him on that to define what is the greatest gift we have in this country, and that's the gift of American citizenship. I was born with it, and I'm grateful for it every day of the week, but we treat it like it's nothing. And I will say to folks who think that it's nothing, go to one of these naturalization ceremonies. Talk to your friends and neighbors who have worked for it and earned it, and they will tell you that it's something.

And in the army that we're developing across America to come and stand strong on the issue of illegal immigration, the army that's forming across America to say we are proud that we're a Nation of immigrants, but we're even more proud that we're a Nation of laws, that army is composed of legal immigrants of every stripe from coast to coast, from north to south. It makes me so proud because I think that's what America is all about.

I want to go back and say to the gentleman from Alabama, thank you for introducing the American Jobs Act. For folks who look those things up on TV, it's H.R. 2670, I believe; is that correct?

Mr. BROOKS. Yes.

Mr. WOODALL. Again, where are those folks? We're not talking about compromising our principles; we're talking about pursuing those things that are common ground. In this era of 10 percent unemployment, who are those folks who think that hard-working, taxpaying American citizens don't deserve that job first if they're willing to work for it? Who is that?

I'm sure that there has been an editorial or two in your local newspapers—if your newspapers are any-

thing like mine—that have not reacted all that kindly to your decision to stand up and do what is right. But doing what's right is not always easy, and it's rarely appreciated in its time. It's often appreciated as history writes it. But who is it who believes that folks who have paid their taxes for a decade, who have been laid off in the middle part of their life, who can't afford to send their kids to college, who can't afford to buy medicine for their wife? Who are those people who believe that those folks don't deserve first crack at that job? First crack.

□ 2000

We have a legal immigration process in place in this country that will allow you to come here the right way, get a green card the right way, and apply for jobs just like everybody else. Folks do it. Do it, and I welcome you.

But in this era of unemployment, who are those folks who defend this practice of illegal labor? I will tell you, it's not just the folks who go to work. It's the folks who employ those folks who go to work. This is not about illegal immigrants alone. This is about those businesses that hire those illegal immigrants.

A crime is a crime here in this country. They're not all the heartbreaking crimes that my friend from Alabama has described, but they are crimes that have consequences. These are not victimless crimes. Illegal immigration is not a victimless crime.

The victim could be that American who can't find a job to support his kids and his family. The victim could be that school district that can't afford to sort out how those classes are going to go, that can't afford all the teachers, but has an increasing workload because of the children associated with illegal immigration today.

The victim could be that health care system that can't treat folks as they'd like to treat them, doesn't have enough money to deal with the community as it is, and the burden keeps growing and growing and growing. It is not a victimless crime.

In terms of finding common ground, I looked at my friend ROB BISHOP's bill. ROB BISHOP is from Utah, and he's introduced H.R. 1505, the National Security and Federal Lands Act.

Now, the preposterous things that we discuss here in Washington, this is one. Look it up for yourself. H.R. 1505, what it does is it changes the law, changes the law so that Border Patrol agents can access areas of the border. Hear that. There is a bill in this Congress to change the law so that Border Patrol agents can get access to the border. 4.3 million acres of border designated wilderness along our southern border, and in those areas the Border Patrol can't use motorized vehicles, can't construct roads, can't even install security and communication apparatus. Hear that. Hear that.

The law of the land in America today is that the Border Patrol agents cannot patrol the borders. H.R. 1505 will change that, and I hope we'll pass that here.

I want to say finally to my friend from Alabama, you and I are both new here. I've only been here 9 months, and I'm learning something every day here. I was more than a little bit surprised when the administration came out and said, no, it's really not whether or not you're illegal; it's whether or not you're illegal and when we make our decisions about whether or not to deport you.

But what I learned in that conversation is that we have a backlog of deportations in this country. When we talk about funding priorities in this country, for the last 9 months I've been focusing on funding the Border Patrol. I thought what we needed were more boots on the ground, and I still believe we do. But what I have learned from the administration is we also need more bottoms in the seats in immigration courtrooms across this country. We may need more immigration judges. If we don't have enough people to process all the deportations that are in line, what we need is not to stop the deportations; what we need is to hire more people to process those deportations.

I tell you, I'm a small government conservative. You're not going to find many government programs that I want to come down here and spend money on. But again, the Constitution has given to you and me the responsibility of enforcing this part of the law, has given us the responsibility of securing our borders; and if what it takes to be successful is spending more money to hire more immigration court judges to fill more buses to comply with more of the law that is, in fact, the law of the land, then I'm prepared to do that.

I appreciate the administration, again, for educating me in that way, because I had no idea that we were so successful at identifying folks and we just weren't successful at finishing that deportation process.

So I say to my friend from Alabama, again, I so much appreciate his leadership on this issue. I am a proud supporter of the Jobs for Americans Act. I look forward to bipartisan support on that act because, again, we're not talking about asking anyone to compromise their principles. We're asking people to celebrate that we are an immigrant nation and that we are a nation of laws. And I tell you, I don't want to live in a nation that is willing to give up on either one of those, and we don't have to.

I thank my friend.

Mr. BROOKS. Madam Speaker, I want to express my thanks for the eloquence of Congressmen ROB WOODALL of Georgia, DIANE BLACK of Tennessee,

and ROBERT ADERHOLT of the State of Alabama.

I pray that the American people and Washington, D.C., will be mindful of the loss of Tad Mattle, the suffering of his family, and the sufferings of hundreds, if not thousands, of other Americans under similar, yet difficult, circumstances, all brought about because our Federal Government is derelict in its duty to protect American citizens from the conduct of illegal aliens.

With that, Madam Speaker, I yield back the balance of my time.

AMERICAN JOBS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Madam Speaker, thank you for the opportunity to discuss employment, or lack of employment here in the United States.

We just listened to a discussion about the problem, and certainly immigration is a piece of the problem. But in the whole totality of the extraordinary unemployment in the United States, it is but one piece. The solutions to the crisis that faces America and Americans is way beyond just the immigration policy.

I would hope that my colleagues from the Republican side would work towards a comprehensive immigration reform program, one that certainly will deal with the border and security on the border, although I think much of what was said earlier is overblown.

And dealing with deportations, I would point out that the current Obama administration has deported more people in the last year than in the entire 8 years of the Bush administration.

Much needs to be done. A comprehensive immigration policy needs to be put in place. But if it were in place today, the unemployment in this Nation would not be solved by that alone.

There is a solution that's at hand. There's an opportunity for this Congress to act immediately to bring back American jobs, to put Americans back to work. It's the American Jobs Act.

A week ago, a little more than a week ago now, the President stood before a joint session of Congress here in this Chamber filled with Democrats, Republicans, Senators and Members of Congress, and he presented to us a comprehensive program to put Americans back to work. I want to discuss that tonight and also pick up the issue that he raised yesterday about how we do that, how we put Americans back to work and, in the next several years, bring the deficit under control and put America's financing back in shape.

It's the American Jobs Act, a very comprehensive proposal, a very bold

proposal, and one that would actually, not by his estimate but by the estimate of independent economists, employ some 1½ to 2 million Americans immediately. And I'd like to tell you how that might come about if this House were to pass the legislation.

□ 2010

We know that for America to succeed both in the short term and the long term, it's not only about going back to work, it's also about critical investments.

Over the weekend, back in my district in California, the East Bay area of San Francisco Bay and up into the Central Valley, I had the opportunity to talk to teachers, teachers who were very concerned that given the financial situation in California, that they were going to be laid off, and generally it's the new, the young teacher that has only been there a little while that's given the pink slip and sent on down the road.

This is a personal issue in my family. My daughter and son-in-law are teachers, and their class size has already grown from 20, 21 to 34, 35 in the second-grade class. A very difficult teaching situation. Yet, more layoffs are likely to occur.

One of the fundamental investments that needs to be made in any society that wants to grow, that wants to prosper, that wants to have social justice is the education of the young, and in the case of the United States, with the extraordinary number of unemployed, some 12 million to 14 million, and underemployed, perhaps another 10 million, it's the reeducation of those that have already been in the workforce. So a key investment is education. In the American Jobs Act, the President has proposed a very strong, vibrant, and necessary program to keep teachers in the classroom and to bring teachers back into the classroom. He's proposed that we fund 280,000 teaching positions across this Nation. Now, that's a huge number of teachers, many of whom have already been laid off and did not arrive for this fall school year. We can put them back into a classroom as soon as this Congress and the Senate passes the American Jobs Act. It's about \$30 billion, \$35 billion to do this.

Is it money well spent? Well, if you want to consider investments in the most critical of all the things that a Nation does, it's the education of their children. This is an enormous and the important factor in building the future of America and simultaneously putting people back to work.

When these teachers go back to work, that cycles money into the community. So the grocery store, the arts store, programs that require books and pamphlets and so forth, all of those things will begin to be circulating in our community.

So this is one of the key programs that the President has proposed, the

American Jobs Act—fixing our schools, putting teachers back to work. And that is a critical investment.

If I might just put up another way of describing this.

If you really care about America, and you want to have a better America, then we simply have to invest in America. There are numerous ways we can do it. We talked about the education programs, and that's certainly one.

This is another one here that relates to education. I don't know if you can see this, but that's a young technician in a laboratory, perhaps in a hospital or quite possibly in a program, a new business like I saw in Davis, California. It's a biotechnology firm that actually produces herbicides and pesticides that are taken out—well, first discovered in the environment. These may be bugs, these are a fungus, these are bacteria that exist naturally in our environment that in one way or another kill bugs or kill unwanted plants.

So they're discovering these, they are then understanding the chemical, the biological nature of it, and then mass producing these biological pesticides and herbicides.

Two things they need. They will eventually go out with an IPO so they'll need capital, and that's another piece of what the President is proposing. But they also need technicians in the laboratory. In going through this particular lab, I said, How is your employment? The owner of it said, Well, we're at 90 employees now. We're 2 years, 3 years old, and we need to grow, but I can't find the technicians.

In the President's program there is a specific reeducation program that's available for young men and older men and women that want to learn a new technology, a new trade, and that's the technicians here, so that they can fill those four immediate openings that exist in Davis, California, for lab technicians.

Similarly, the community colleges will be able to receive the Pell Grants and the grants and loans for the first time ever to provide money so that these people can go to work.

There is yet one other program, and we'll get to the construction here in a little while as we go through this.

One of the key aspects of the President's jobs program is the fact that we have about 3 million, almost 4 million men and women who have served in the Iraq and Afghanistan theaters. Many of those are still there but most have come home.

When they leave the military, they have one of the highest unemployment rates of any group in the United States. This is simply wrong. These are men and women that have served this Nation heroically and in considerable danger, and in many, many cases having suffered grievous injuries.

We need to pay special attention to them and recognize that they have acquired some very, very important

skills. They know how to work, they know how to show up on time. They know how to take instructions. What they don't know is how to be a lab technician, and they don't know that there are job opportunities out there.

So the President has proposed a special program to encourage American employers, for example the biotech firm that I discussed earlier, to reach out to veterans. There is a \$5,600 tax credit. This is not a deduction. This is right-off-the-bottom-line taxes, \$5,600 for any company that has less than \$50 million of payroll to hire a veteran returning from the wars. It's incredibly important and the right thing for America to do.

The other thing, and this is even, I think, more—well, just as important and perhaps more important. This \$9,600 tax credit—again, this is a reduction in an employer's taxes of \$9,600 for each wounded veteran, disabled veteran that has returned from the wars. We only need to look at the photos that are too often in our newspapers about post-traumatic stress syndrome, about the men and women who have suffered grievous injuries of one sort or another. But if an employer is willing to reach out, they will be able to receive a \$9,600 tax credit for those wounded warriors.

These are America's heroes. These are the men and women who should be first in our thoughts and first in line.

This can be combined with the educational programs that I discussed earlier so that as these veterans come back, they have the opportunity to learn a new skill, perhaps as a lab technician, and carry on and work through with a good career ahead of them that has enormous upside potential.

□ 2020

Once you're in these high-tech businesses and the laboratory is there, the opportunity to go on and get additional education and additional pay and benefits is clearly before you.

So this is one of the other aspects of the American Jobs Act. It's good for employers. They need an employee they can deduct off their taxes. It's \$5,600 by hiring a veteran or \$9,600 for hiring a disabled veteran. It's a very good, a very, very solid program in the American Jobs Act.

It doesn't stop there. Let me bring up one other item that I think we should really be focusing on.

I said earlier I'd come back to this issue of the construction worker over here. The unemployment in construction is probably well over 30 percent. In some parts—and I know this is in California—it's in the range of 50 percent. So the men and women who are in the construction industry have suffered enormous unemployment, in part because of the housing market, in part because of the cutback in State and local government expenditures.

But in the President's American Jobs Act, there is a critical investment for this Nation, and that is the investment in the infrastructure. A big word. Most of us now know it. Infrastructure are roads, airports, water systems, sanitation systems, and even the modern communication systems, not of telecommuting, but of various kinds of microwave systems and other fiber optic systems. All of those are modern infrastructure.

Now, across America, we have allowed our infrastructure to deteriorate. Our bridges are in bad shape. More than 60 percent of the bridges in America need to be repaired and made stronger. There are earthquake standards that are not met. Virginia wasn't thinking too much about those until about a month ago, and then suddenly Virginia began to think about earthquake standards. I will tell you that this building—this Capitol—was built a century or more ago, and they weren't thinking about earthquakes at that time.

All across this Nation, the infrastructure needs to be modernized; it needs to be brought back up to speed. So the President has proposed a \$50 billion sum of money immediately available for the infrastructure of the Nation—bridges, roads, airports, the infrastructure of the modern communication systems. All of that is immediately available and, in addition to that, a very innovative—and I think a very important—idea called an “infrastructure bank.”

An infrastructure bank has been talked about for a long time. Europe has had one for more than two decades. What it is is an initial investment by the government and then an additional investment by public pension funds, by individuals. That infrastructure bank operates just as a commercial bank does. It's not a bunch of pork barrel projects by me or any of my colleagues but, rather, projects that are brought that are cash flow. They are able to repay the loans, repay the loan guarantees, and perhaps, depending upon the structure of the proposal, are able to get a grant of some sort. That could turn into another \$50 billion very, very quickly.

I know that, out in California, CalPERS—the big public pension fund—has already said they're going to commit \$800 million to infrastructure in the State of California. With an infrastructure bank in place, such as the President has proposed, they may put in \$2 billion, \$3 billion, \$4 billion. They certainly have the money.

Now, in this House, my colleague from Connecticut, ROSA DELAURO, has pushed the infrastructure bank for several years, but has gotten no traction from our Republican friends. At the same time, several Republicans have signed onto that infrastructure bill, so it is bipartisan and bicameral, as the Senate has a similar bill on that side.

This is something we can do immediately. This is not new science. This is not a new program. It's a program that has been around a long time, that is not yet in law but that has been fully vetted; and it can happen very quickly as soon as the American Jobs Act is passed. If that happens, we'll be looking at at least \$50 billion for infrastructure projects and quite possibly much more than that if the infrastructure bank comes along.

Let me take up one other aspect of this program. There is not a community in America that has all of its public schools as neat, as well painted and as well conditioned as a community would want. In fact, in many of our communities, our schools are an embarrassment. They're rundown. The paint is chipping off the walls. The playgrounds are in disarray. The toilets don't work. The lab is a 1950 laboratory. There are no Internet communications within the school.

The President has proposed about a \$25 billion to \$30 billion program to renovate America's schools, to take those schools that are rundown whether they are in rural areas or in urban areas. Schools that are rundown, schools that are in need of rehabilitation, remodeling and upgrading would be in line, and it's calculated that there are 35,000 schools that could benefit from this program.

Now, who's going to do the work? These are new jobs—these are new job opportunities—and much of this work is not of a very high skill but, rather, of a skill that could be met by many of the unemployed. So this is cleanup. It's painting. It's the other kinds of work that may not require the highest of skill levels, but that is one of the additional programs that's available and is a key infrastructure program. So, as we go through these various elements that the President has proposed in the American Jobs Act, we will find the opportunity to put Americans back to work.

I notice that my colleague from New York has joined us; and we'll begin, once again, the east coast/west coast.

Earlier on, I talked about the education program. I talked about the veterans programs that the President has proposed, and I'd gotten into the infrastructure. We have yet to hit the unemployment and some other areas, but take us wherever you want, Congressman PAUL TONKO from the State of New York, the birthplace of the Industrial Revolution. We haven't talked about Making It in America yet, which is one of your favorite themes. So please, Mr. TONKO, share with us your thoughts.

Mr. TONKO. Absolutely.

Representative GARAMENDI, thank you. Thank you for leading us again in another very thoughtful hour of discussion about the importance of deciphering the facts out there that will

springboard the comeback—the economic recovery—of this Nation, and it must be done with the deepest and most profound sense of academics. The American public is counting on Congress working with the President to make jobs more abundant in our society.

You talked about skills and the development of skills. Recently, during our district work period, I traveled to Schoharie County in my district and saw the benefits of the investment of automation in manufacturing. I was reminded by Wynn Kintz of Kintz Plastics that it's important for us to develop the skills that are required today in manufacturing. He's involved with a CAT center—a center for advanced technology—in the Capital Region. He works with RPI and other institutions. He works with the private sector community in that compact that really puts together the vision and the need, the compact that expresses the need for manufacturing.

Now, there are those who would suggest that manufacturing is dead, that we've seen our heyday, that it's over, that it's history. Well, when you talk to America's manufacturers, they will tell you that they need to develop the human infrastructure, that they need today's skills to meet today's competition. They will tell you about doing it smarter so as to be that sharpest competitor on the global scene, and they will talk about innovation.

Just how does innovation happen?

It's taking ideas and moving them along, investing in R&D, building a prototype, developing that impact in manufacturing, and making certain that we are at the cutting edge, that we're investing with America's brainpower—its know-how—that we're pulling together the intellectual capacity and making it work; but when we introduce innovation, we need people with the skill set to run these automated mechanisms in the manufacturing line.

□ 2030

So it is absolutely essential, it's so vitally important to develop the skill set, the know-how in order to put people to work and make us competitive. It's happening as we speak.

Mr. Kintz advised me that across this country, from my end of the country to your end, Representative GARAMENDI, we need skilled labor of the newest kind.

I can tell you, there are many people who have been displaced from the workforce through no fault of their own. Their job may have been shipped offshore. They have a high work ethic, they have tremendous skill, but now it needs to be honed into present-day application, training, retraining, enabling us to advance innovation, advance manufacturing. These are important aspects to the work that needs to be done.

In the Make It In America efforts where we enable people to dream the American Dream, where we cultivate that climate where you can tether to the American Dream, we can introduce the source of policies that it takes to advance Make It In America.

The President has done that with his American Jobs Act. We, as Democrats in the House of Representatives, have made it our mantra over and over again stating “make it in America,” and that takes on tremendous meaning. It takes on a variation of meanings. You can make it in America, produce it in America. You can make it in America. You can survive and grow economically in America.

There's all sorts of making it in America themes that are interpreted through that statement. And it does incorporate sound trade policy. It incorporates an investment through incentives that provide the tax initiatives that will enable people to be strong. It takes that energy core ingredient, gives us the opportunities to be innovative in the energy costs, which could shave a tremendous amount of price off the final product: labor, investing in the human infrastructure, education from pre-K, from pre-K all the way to advanced degrees.

We need to invest in education, higher education and research. Without cultivating ideas, without inspiring that sort of genius that comes up with very clever concepts, we are nowhere as a society.

Finally, the infrastructure, putting together the sorts of efforts that will enable us here at home to ship our products, to have the infrastructure not only of the ordinary, traditional type, but to invest in broadband so that communications could be state-of-the-art, so that we invest in a grid system that enables us to reach through the arteries and veins of the network, the transmission and distribution networking, making certain it's state-of-the-art.

We saw what happened, did we not, in August of 2003 when a failure in Ohio put out the lights on Broadway in New York City and impacted my district in upstate New York for weeks upon weeks.

These are the factors, these are the motivating disciplines within our efforts to enable us to boldly say that's a Make It In America initiative. We're going to make it happen. We're working really hard. We're proud of the efforts made by the White House. It's a plan. It's a vision, laser sharp in its focus, on putting people back to work, restoring the dignity of work.

We've talked about it, gathering around the table, the dinner table at home. It's so very valuable when we can talk about having people bring home that paycheck. People have been denied that opportunity in far too many homes—14 million Americans,

unemployed. They ought not wait 14 months for Congress to work with this President to get something done.

I'm just happy to join you on the floor of the House of Representatives and thank you for the leadership that you exert on this issue.

Mr. GARAMENDI. You also, Mr. TONKO. You have been here night after night with the same theme, the Make It In America theme. You went through these so very, very well, a trade policy that really positions America to once again be the manufacturer for the world.

Tax policy, we've done a lot on tax policy already. Let me just mention two things. One we did last year. Unfortunately, none of our Republican colleagues were with us on that, but at that time the Democrats had the majority. We eliminated about \$12 billion of tax breaks that American corporations received. Our tax money was given to those American corporations for shipping jobs offshore. What? You mean they got a subsidy for shipping jobs offshore? They did. We ended it. So those are the kinds of tax policies we're talking about.

Now the President has proposed a continuation of another tax policy that we put in place last year. He wants to continue it as part of the American Jobs Act, and that is to give a business the opportunity to expense in 1 year, in 1 year, the cost of capital equipment so that it's not depreciated over 7 years. That's an enormous advantage for a business to make the capital investment.

Now, there is one thing that I would add to that. The President said it, but it wasn't specific to this, and that is that that capital equipment, that that lathe, that that welding machine, that that saw, whatever it happens to be, or the cultivator, the tractor out in farm areas, that that be an American-made piece of equipment, that the equipment be made in America. Because, once again, we're using our tax money to subsidize the capital equipment when I want my tax money to be used for American-made equipment.

And, in fact, guess what? I've got a piece of legislation—I got so excited, you will have to forgive me, but I have a piece of legislation that does just that. It couples up with what the President's been talking about. He talked about American made, that we buy American. Well, H.R. 637 says for that construction, for that infrastructure, airports, highway, high-speed rail, trains, et cetera, that they are made in America. These are opportunities for all parts of America, and it works. It works.

Mr. TONKO. Let me share a perspective with you, Representative GARAMENDI. And I know we've talked about this, but we'll share it for the sake of those viewing the discussion this evening on the House floor.

My district has been severely impacted by the ravages of the waters of Irene and then with the one-two punch, if you will, when the Tropical Storm Lee wreaked devastating damage upon the upstate New York area, certainly in Pennsylvania and in Massachusetts, in Vermont, in Connecticut, to name a few, and then even into the Southeast with the Carolinas.

But if ever you wanted to see a snapshot of change from just hours' worth, people were disconnected from their neighborhood, farmers who had to pour milk into the waters, the ravaging waters, because they had no connection to the outside world, roads wiped away by the force of water, bridges discontinued, rail systems knocked out, rail stopped until they could reconstruct that rail line. That pointed out with such significant measure, in such significant measure, in very bold terms, the value of infrastructure.

This screeching halt to a regional economy came about through the forces of Mother Nature, and it just brought into clear vision for me just what this infrastructure debate is and how folks can ignore the value of infrastructure on this House floor and want to do political games on an idea that really talks about shipping freight across this country, shipping the essential materials for our manufacturing lines across this country. Infrastructure is that major artery. It's the lifeblood flow into our communities that enables the economic comeback to truly be that noble, bold approach, infrastructure, and to put together in the American Jobs Act an infrastructure bank bill that allows us to place \$10 billion that will leverage, we believe, \$100 billion that then enables all sorts of constructs to occur and puts together a working plan for America's skilled labor. It is a powerful expression of job creation, job retention.

It's what really is the pulse of America. It is that heartbeat of activity to our roads and bridges and rail system and airports that really tells the true story.

Mr. GARAMENDI. We can rebuild America, and we're certainly going to have to rebuild your part of America. You and your constituents in upper New York and in Vermont were devastated by Hurricane Irene, floods that had not been seen, perhaps, in the entire modern history of those areas. So that needs to be rebuilt.

But you are quite correct about the rest of the Nation. San Francisco Bay Bridge went down in the 1989 earthquake, the Loma Prieta earthquake, and devastated the economy of San Francisco. Freeways collapsed.

So we know that we need to build to a higher standard and we know we need to repair. These are American jobs that are readily available today. And when we couple it with the American-produced cement and steel and equipment

that's American made, we will generate a new resurgence of America's manufacturing industry. It can be done. All we need is a vote of this House. All we need is a vote on the President's American Jobs Act.

□ 2040

It's all there. The Buy America, Make It in America is there. The construction jobs are there; the education is there; 1.5 million to 2 million Americans going back to work the day or shortly after the President signs that legislation. This is really an opportunity. And to sit here and to waste time, it just seems to me to be a tragedy.

We need help in Vermont. We need help in New York. Your people do. They have been devastated. And yet that bill hasn't even passed this House to provide the money for it. We have to do it. It's up to us. This is our task.

Mr. TONKO. It is. I think it highlights exactly the concern that many of us have in terms of the response to what is—what has pretty much rendered some areas of our country to be acknowledged almost as a war-torn area where craters have been created by the force of water, where roads are no longer in play, where businesses have been shut down, where homes have been lost totally to the waters, to the rivers that flow in their communities. And when you look at that devastation, you would think that the first thing we would do is respond in earnest and quickly and with a depth of acknowledgment that appropriates resources to get things going again.

Well, our farmers need assistance, and they're not getting it through the response here with the concurrent resolution. It's a trade almost that we are asked to make about offsets that we can find. These are people that are looking for their children's school clothes in the rubble. They're searching for pictures of grandparents to have something to cling to in the aftermath of that devastation.

They are wondering if they will ever open their business again, and we're not responding fully. We're looking for ways to cut so as to slide dollars over. Are you going to cut that youngster who now has no home? Are you going to cut her education? Are you going to cut his health care? Are you going to disavow any need for public safety?

These are the efforts, these are the challenges that when America reviews the process, it gets cynical, and I understand the cynicism. There's a lot of concern about stepping up to the plate and showcasing for America what effective government is all about. This is what my district is looking for right now. And when they hear about this expression of offsets, I know people in my district, I have known them for years, they are like extended family after 3½ decades of representing them at some level of government.

And I know their philosophy may not be my political philosophy, but they are angered about the talk of offsets, as they have to look for new homes and look for shelter and for food and clothing. They are angry to hear about this offset. They are angry to hear about the total disavowing of ag assistance when now they have to rebuild their fields, clear it of debris, and re-create the watershed areas that they need. These are urgent measures, and they are not going to be tolerating any sort of political gamesmanship.

Mr. GARAMENDI. If I might just add, I was the insurance commissioner in California twice, first in the early 1990s, and then again from 2003 to 2007 or 2008. During that period of time, we had many emergencies in California. We had fires and earthquakes, and always we could count on the Federal Government immediately providing assistance. Sometimes fast, tens of millions, hundreds of millions, of dollars made available immediately to rebuild. And it was never, never a question of having to take money away from an existing program so that aid could be brought to California.

When the hurricane went through New Orleans, nobody said, well, we're going to take care of New Orleans and we're going to cut education or we're going to cut research. They simply put the money together during the Republican, the Bush period, to rebuild New Orleans. And that was a multi-billion-dollar project.

Now here we are with these disasters in the Northeast. And our Republicans are demanding an offset, that is, in order to provide money to rebuild the Northeast, we're going to have to cut out the research for advanced auto technology. This is the future of the American auto industry. This is how to build a better electric motor for a car, a better battery so that we can make those things in America rather than importing them from China or Korea or Japan.

The opportunity for America's auto industry to advance with more fuel-efficient cars, all of that will be pushed aside for the first time in anybody's memory here. And some people have been here 50 years. Never before was an offset required, particularly one that would harm the future of the American automobile industry.

So we are going, This doesn't make any sense. Let the compassion and the generosity of America express itself, as it has done so many, many times. And simply say, okay, we are going to appropriate the money. We'll dig deeper. We'll appropriate the money. We'll rebuild. And in rebuilding, much of it will be made in America.

Mr. TONKO. I think if I might, Representative GARAMENDI, that's where I can acknowledge that my district regardless of political persuasion, regardless of philosophy, people have been

impacted by those statements. They are just trying to process that sort of thinking that would just call to a grinding halt any response that is going to be sufficient simply because it is ruled by some sort of new restrictive qualities.

Well, these are people in pain. These are people who are hurting through no fault of their own. They have been impacted by the forces of Mother Nature. We have seen it, as you have rightfully said, from coast to coast. There have been tragedies out there and disasters and challenges galore through the ages of our history. And we have always responded in that American pioneer sort of way, to be there, roll in the assistance and take care of it. When one amongst us is hurt, everyone feels the pain.

So this is really tragic, and it then challenges our bigger picture here. If we can't be responsive in moments like that, how do you convince some in the House that the urgency to invest in an innovation economy, to invest in a global race on clean energy and innovation, how do you encourage them to understand the urgency for that moment, because if we are just living for the moment and not looking forward, if we don't have the vision as is suggested, we shall perish. That is just what we need right now.

We won the global race on space because with passionate resolve we determined that we were going to land the person on the Moon before any other nation; and we did it. We unleashed untold levels of technology that impacted every sector of the economy and every dynamic that defines our quality of life. From health care to communication to energy generation to education and beyond, all of that was impacted by the pioneer spirit of the global race on space.

We are at that same sort of defining moment. Are we going to shine? Is this going to be a shining moment for America? Are we going to allow the challenge to pass us by? Is that American in spirit? I would suggest not.

The moment today requires the sort of belief in our Nation's ability, and the leadership that should be expressed in the Halls of government here in Washington is silenced by that sort of thinking. And so we can, we must, we need to go forward with the soundness of investment in an innovation economy. When we talk about growing jobs and investing in the American worker, think of it, the linchpin to energy independence, battery manufacturing, advanced battery manufacturing.

□ 2050

I see it happening in my district. But it started with R&D. It starts with an investment of ideas, moving them along and building the prototype.

You mentioned earlier that my district was the host territory to the In-

dustrial Revolution. That didn't just happen. There were people with boldness that said, let's create a port called New York City, and let it connect the great ocean to the Great Lakes. Because of my location, my geography, upstate New York became that link to a great ocean, to the Great Lakes. It inspired the birth of a necklace of communities called mill towns that then rose to be the epicenters of invention and innovation. That pioneer spirit is alive today in my State, in your State, and in the 48 other States. We should be proud of that. We should nurture it. We should make certain that it speaks forcefully to job creation. That's the plan of the President's American Jobs Act, and it's the vision of Make It in America that you and I so often speak to during these Special Orders on the House floor.

Mr. GARAMENDI. We can. Yes, we can. We can rebuild America. We really can do it. You gave a wonderful example of the way in which the great Industrial Revolution in this country took place, government doing its piece and the private sector doing that piece, government setting the stage with infrastructure and then the private sector coming along building the mill towns, building the factories, and the government aiding in the research all along the way.

There's a very interesting story about the telegraph. It would not have happened had not that idea been brought to the Congress and then the Congress funding the initial implementation of the telegraph. So we've seen over the history of America the role of government. The President has laid out in the American Jobs Act a very powerful message about the role of government, together with the free enterprise entrepreneurial system, building once again the America that we want.

We have maybe another 15 minutes, I think, here, and I want to take this to another part of what the President talked about yesterday. There are two Americas. We are two very different Americas. There is the very wealthy America, and then there is the rest of America. I put this up because I was listening, as I was traveling to one of my meetings in the district over the weekend, to a radio talk show. It was KGO radio in San Francisco. They had a talk show on in support of food banks. They were taking the entire day and assisting in raising money. This is one of the most-listened-to stations on the entire West Coast. They go from Vancouver all the way down to San Diego with their radio signal, and it was a whole day dedicated to food banks and raising money for food banks.

The story line was very simple. Food banks are being inundated by men and women that can no longer buy food. They are unemployed. They are simply to a point where they cannot any

longer. The stories were heart-wrenching. Men and women, families that had worked their entire life, that had always been able to come home with food and a paycheck and been able to pay the rent or pay the mortgage had lost their job, and they didn't know what to do. They were embarrassed to go to the food bank. They thought it was begging. That's not the case.

Nonetheless, the stories tore me apart and caused me to come back and find out about child poverty in this Nation, the richest nation in the world. No other nation, no matter what you think of China, no matter what you think about India and how they have grown or any part of the European Union, no other nation in the world has the wealth of America, and no other industrialized country in the world has the same extraordinary child poverty. What are we? What are we in America if we don't care for our children?

Look at this. Nearly 25 percent, some were 23, 24 percent, one in four children in this Nation live in poverty, and they're hungry. They are hungry. This has to be addressed. The President's jobs program puts men and women back to work so that they can care for their children.

There is another story behind this, and that is that the rate of poverty in America is the highest it has been since 1962, during the Kennedy period. In the Johnson period, 1963, '64, '65, America started a war on poverty, and the poverty rate in this Nation fell precipitously. Senior poverty with Medicare and Medicaid; men and women in their senior years were taken out of poverty because they could afford health care. They had health care available to them. And other programs were institutionalized. Here we are, 40-some years later, the highest incident of poverty in America since prior to the war on poverty in the 1960s. We have to address this.

Mr. TONKO. Representative GARAMENDI, it is often said that a nation can be measured by the work it does for those in the dawn of life, and the quality of life for those children living in poverty understandably is reduced. And so the challenge to all of us in this country, what ought to move that moral compass of America, is the reflection on that statement that you just made.

If we're content with that statistic, if we're content with the direction in which that statistic is moving, then it is a puzzling statement. It ought to haunt us as a society. And as we weaken and as we grow more and more into the ranks of poverty, the entire Nation, all income strata, are challenged by that. We are all weakened by that statistic because as we empower each and every American, we, as a nation, collectively grow stronger. The impact is not only just living in poverty, it is more incidents of disease, risks to

health care and poorer education. We need to strengthen the homes. You don't do it with policies that obviously have created this growing divide. That gap is growing between the comfortable and uncomfortable, and it's why there has to be this revisitation, if you will, of tax policy.

Now there are those who say, well, if you adjust this, it's class warfare. It's not class warfare. If everything were at its even level and you adjusted it, you could call it class warfare. This is an exercise in justice, social and economic justice. And it also can be argued that if we had those higher tax rates and we had a series of years of economic growth in the Clinton years, then how do you rationalize the tax rates having been higher back then? It certainly could be argued that it didn't ward off economic growth, economic strengthening of our Nation.

So there is a call here, a clarion call, a wake-up call to visit policy that will undo this social and economic injustice. It hurts all of us, and it can't continue. I know that in the stats that you shared there is another one, another statistic that is troublesome. We have now dropped below \$50,000 as the median household income. I believe we are in the range of \$48,000 to \$49,000, maybe perhaps just slightly more than \$49,000. That is troublesome. As that median continues to dip, that is a hurtful acknowledgment that there are failed policies out there that need to be turned around.

Mr. GARAMENDI. Let me put a couple of more facts on the table and then let's talk about the policy changes that can redirect that. This is the last 40 years, 1979 to 2006, prior to the Great Recession. During that period of time, there was a shift of wealth and of income, wealth and of income, from the middle class and the low-income to the very wealthy. This lays it out. Again, this is prior to the Great Recession. If we look at it in the Great Recession, these statistics are even more startling.

□ 2100

For the low end, the poorest, 11 percent growth. And then you move up to the second group, 18 percent, 21 percent, 32 percent. For the top percentage, the top 20 percent, a 256 increase in income and wealth.

Looking at the statistics, a wage earner in a factory versus the CEO, it used to be 1 to 40, now it's 1 to 300. We've seen an enormous shift in wealth from the working middle class families to the very, very wealthy. If you overlay this with the 2007, 2008, 2009, and where we are today in 2011, it would be even more startling because now these are running negative, as you said just a moment ago. For the middle class, that's here and down, not the top 20 percent, but down here, this is the top 1 percent.

Mr. TONKO. So pre-recession, we were 32 percent at the best, anywhere from 11 percent to 32 percent growth, versus 256 percent growth for that top 1 percent perched at the top of the economic ladder, the income strata.

Mr. GARAMENDI. We use Donald Trump as the example here, but there are probably 400 to 500,000 that fall into this category; extraordinary wealth.

Now, we've been talking all night about the American Jobs Act, so I'm going to put this back up for us to ponder for a moment: the American Jobs Act. Total cost of the American Jobs Act: \$450 million. The President yesterday said it can be paid for, and he laid out a way to pay for it and, simultaneously, over the next decade, bring down the American deficit—solve the deficit and pay for the Jobs Act. And he said that there are three ways to do it:

First, those who have much must participate. They must share in bringing America back. So he has suggested that the highest income, that 1 percent, those who make over \$1 million, that they participate, that they no longer would be able to have a tax rate lower than their assistants. That's the Buffett Rule. That's a big piece of it, about \$800 billion over the next decade.

He also said that corporations that pay no income tax today—corporations like General Motors, corporations like Verizon, some of America's biggest corporations pay zero income tax. Last year, General Electric paid zero and got about \$5 billion back in rebates. Something is seriously wrong, the President says. That cannot happen anymore. Everybody has to participate.

He also said that other tax breaks for the oil companies should end. So putting together these tax increases on those who have much, the super-wealthy in America, the hedge fund manager that pays 15 percent on his income where you and I and others may pay 30 percent, something's wrong here. So that's what he is recommending.

We need to move very vigorously forward on the American Jobs Act, put people back to work, and simultaneously solve the overall budget deficit by not only new taxes, but also with additional cuts. That's the President's proposal.

Mr. TONKO. I would add to that that the jobs piece is so significant. Because we can talk about tax reform, but unless you have a job and an income, then it renders itself somewhat meaningless.

I would also add, Representative GARAMENDI, the concern that as more and more pressure has befallen the 50 States, we've seen cuts to programs and resources. These services don't go away, and so the payment comes down to the local level with property tax payments that are now snuffing out the American Dream for America's work-

ing families, for the middle class. So not only is the tax policy suffocating for middle class Americans, but the counter effect of property taxes growing in order to continue services means that more and more pressure—income tax, property tax pressure, school tax pressure—is befalling the middle class. When people want to walk away from this agenda to make progressive reforms to tax policy, it scares me because this is our moment, our tipping point to turn things around.

I know that you want to close. I thank you for the outstanding leadership in bringing us together, Representative GARAMENDI. It is always a pleasure to join with you. We will continue to forcefully speak to the reforms we need.

Mr. GARAMENDI. The East-West show will continue, and the Make It in America agenda will be the American agenda because Americans want to make things in this country. They want to rebuild the manufacturing industry. The President has given us a way to do that with the American Jobs Act. Trade policy, tax policy, energy, labor, Make It in America. Make the jobs in America. Rebuild America's manufacturing base. Rebuild the American middle class. We will do it. And if we pass the American Jobs Act, it can happen very quickly.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2608, CONTINUING APPROPRIATIONS ACT, 2012

Mr. WOODALL (during the Special Order of Mr. GARAMENDI), from the Committee on Rules, submitted a privileged report (Rept. No. 112-212) on the resolution (H. Res. 405) providing for consideration of the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2401, TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. WOODALL (during the Special Order of Mr. GARAMENDI), from the Committee on Rules, submitted a privileged report (Rept. No. 112-213) on the resolution (H. Res. 406) providing for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYAN of Wisconsin (at the request of Mr. CANTOR) for today on account of a death in the family.

Ms. BUERKLE (at the request of Mr. CANTOR) for today on account of official business.

Mr. REICHERT (at the request of Mr. CANTOR) for today and the remainder of the week on account of illness.

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 12, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1249. To amend title 35, United States Code, to provide for patent reform.

ADJOURNMENT

Mr. TONKO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 21, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3135. A communication from the President of the United States, transmitting a budget request for disaster response needs through Fiscal Year (FY) 2012; (H. Doc. No. 112—56); to the Committee on Appropriations and ordered to be printed.

3136. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending June 30, 2011; to the Committee on Armed Services.

3137. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Rear Admiral (lower half) David G. Simpson, United States Navy, to wear the authorized insignia of the grade of rear admiral; to the Committee on Armed Services.

3138. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Contractors Performing Private Security Functions (DFARS Case 2011-D023) (RIN: 0750-AH28) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3139. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Ac-

quisition Regulations Supplement; Nonavailability Exception for Procurement of Hand or Measuring Tools (DFARS Case 2011-D025) (RIN: 0750-AH17) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3140. A letter from the Regulatory Specialist, LRA, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision Integration Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (RIN: 1557-AD47) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3141. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Chile pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3142. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3143. A letter from the Secretary, Department of Energy, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2008 and 2009, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Energy and Commerce.

3144. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act (RIN: 1210-AB44) received August 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3145. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3146. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Efficiency Design Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings [Docket No.: EERE-2011-BT-STD-0005] (RIN: 1904-AC41) received August 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3147. A letter from the Secretary, Department of Health and Human Services, transmitting report to Congress on the Backlog of Postmarketing Requirements (PMRs) and Postmarketing Commitments (PMCs) for 2011; to the Committee on Energy and Commerce.

3148. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Gearhart, Madras, Manzanita, and Seaside, Oregon) Station KNRQ-FM, to Change Community of License from Tualatin to Aloha, Oregon [MB Docket No.: 10-118] (RM-11603) (RM-11631) (File No. BMPH-20100805AKO) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3149. A letter from the Chief of Staff, Media Bureau, Federal Communications Commis-

sion, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Eau Claire, Wisconsin) [MB Docket No.: 11-100] (RM-11632) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3150. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program [CG Docket No.: 10-51] received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3151. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance for the Assessment of Beyond-Design-Basis Aircraft Impacts (Regulatory Guide 1.217) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3152. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3153. A letter from the Chairman, Parliament of the Republic of Moldova, transmitting a letter wishing peace and prosperity for the United States on Independence Day; to the Committee on Foreign Affairs.

3154. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Board's inventory of commercial activities for 2010; to the Committee on Oversight and Government Reform.

3155. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's Annual No FEAR Report to Congress for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

3156. A letter from the Acting Chief, Division of Habitat and Resource Conservation, Department of Interior, transmitting the Department's final rule — Marine Mammals; Incidental Take During Specified Activities [Docket No.: FWS-R7-FHC-2010-0098] (RIN: 1018-AX32) received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3157. A letter from the Acting Chief — Endangered Species Branch of Listing, Department of the Interior, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Emergency Listing of the Miami Blue Butterfly as Endangered, and Emergency Listing of the Cassius Blue, Ceraunus Blue, and Nickerbean Blue Butterflies as Threatened Due to Similarity of Appearance to the Miami Blue Butterfly [Docket No.: FWS-R4-ES-2011-0043] (RIN: 1018-AX83) received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3158. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Largemouth Sawfish [Docket No.: 0906221082-0484-03] (RIN: 0648-XQ03) received July 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3159. A letter from the Assistant Secretary for Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Amendment of Effective Date (RIN: 1205-AB61) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3160. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30793; Amdt. No. 3435] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3161. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30792; Amdt. No. 3434] received August 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3162. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — FIR Altitudes; Miscellaneous Amendments [Docket No.: 30794; Amdt. No. 495] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3163. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Implementation of Federal Acquisition Regulation (FAR) Award Fee Language Revision (RIN: 2700-AD69) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

3164. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Major System Acquisition; Earned Value Management (RIN: 2700-AD29) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

3165. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Release of Information from Department of Veterans Affairs Records (RIN: 2900-AN72) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 405. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes (Rept. 112-212). Referred to the House Calendar.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 406. Resolution providing

for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes (Rept. 112-213). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUMMINGS (for himself and Mr. LYNCH):

H.R. 2967. A bill to enhance the long-term profitability of the United States Postal Service through enhanced innovation, operational flexibility, workforce realignment, and regulatory relief; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN:

H.R. 2968. A bill to require the Secretary of the Treasury to mint coins in commemoration of President James Monroe, and for other purposes; to the Committee on Financial Services.

By Mr. BURGESS (for himself, Mr. KIND, Mr. LEWIS of California, Mrs. BLACKBURN, Mr. HIMES, Mr. LATHAM, Mr. SMITH of New Jersey, Mr. ROGERS of Michigan, Mr. HURT, Mr. YOUNG of Florida, Mr. LANCE, Mr. BACHUS, Mr. MCKINLEY, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. BOREN, Mr. STARK, Mr. INSLEE, and Mr. LEWIS of Georgia):

H.R. 2969. A bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. ISRAEL, Mr. SERRANO, Ms. NORTON, Mr. GRIJALVA, Ms. BORDALLO, Mr. CONYERS, Ms. LEE of California, Ms. EDWARDS, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, and Mr. RUNYAN):

H.R. 2970. A bill to award a Congressional Gold Medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. HULTGREN:

H.R. 2971. A bill to amend titles 23, 45, and 49, United States Code, to encourage the use of private-public partnerships in transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself and Mr. HIGGINS):

H.R. 2972. A bill to permanently reauthorize the EB-5 Regional Center Program; to the Committee on the Judiciary.

By Mr. MATHESON:

H.R. 2973. A bill to direct the Secretary of the Interior to extend an exemption from certain requirements of the Endangered Species Act of 1973 to protect public health and safety; to the Committee on Natural Resources.

By Ms. MOORE (for herself and Ms. LEE of California):

H.R. 2974. A bill to amend title 49, United States Code, to require that not less than 10 percent of the amounts made available for certain high-speed rail projects be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 2975. A bill to authorize the Secretary of the Interior to enter into an agreement with the Battery Conservancy to construct and operate a performance facility at Castle Clinton National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. ROTHMAN of New Jersey (for himself and Mr. KING of New York):

H.R. 2976. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHWEIKERT (for himself, Mr. HENSARLING, and Mr. LUETKEMEYER):

H.R. 2977. A bill to improve the circulation of \$1 coins, to remove barrier to the circulation of such coins, and for other purposes; to the Committee on Financial Services.

By Mr. AUSTIN SCOTT of Georgia (for himself, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. NUNNELEE, Mr. WILSON of South Carolina, Mr. MULVANEY, Mr. LONG, Mr. ROSS of Florida, Mr. BROUN of Georgia, Mr. FLEISCHMANN, Mrs. ELLMERS, Mr. CANSECO, Mr. LANDRY, Mr. DUNCAN of South Carolina, Mr. FLORES, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. FARENTHOLD, Mr. CRAWFORD, Mrs. BLACK, Mr. GINGREY of Georgia, Mr. BROOKS, Mrs. ROBY, Mr. PITTS, Mr. KINGSTON, Mr. PAUL, and Mr. RIBBLE):

H.R. 2978. A bill to amend the National Labor Relations Act to modify the authority of the National Labor Relations Board with respect to rulemaking, issuance of complaints, and authority over unfair labor practices; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself and Mr. ROTHMAN of New Jersey):

H.R. 2979. A bill to defer mortgage payment due dates and to prohibit creditors from imposing late fees, increasing interest rates, or submitting adverse credit information with regard to the account of a mortgage holder whose principal residence has been severely impacted by a natural disaster for up to a 90-day period following issuance of a disaster declared by the Presidential for the area in which the mortgage holder's principal residence is located, and for other purposes; to the Committee on Financial Services.

By Mr. TONKO:

H.R. 2980. A bill to limit reimbursement for excessive compensation of government contractors equal to the pay of Cabinet Secretaries; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H. Res. 403. A resolution honoring those persons whose lives have been taken by bacterial meningitis and those who continue to struggle with bacterial meningitis and its consequences, and supporting all work for the eradication of bacterial meningitis in the United States; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California:

H. Res. 404. A resolution recognizing the service and sacrifice of members of the Armed Forces and veterans who are Latino; to the Committee on Armed Services.

By Mr. BURTON of Indiana (for himself, Ms. DELAURO, Mr. YOUNG of Florida, Mr. ISRAEL, Ms. MATSUI, Mr. CLARKE of Michigan, Ms. RICHARDSON, Mr. CARNAHAN, Mr. BARLETTA, Mr. RUSH, Ms. MCCOLLUM, Mr. CARDOZA, Mr. RYAN of Ohio, Mr. CHAFFETZ, Mr. REED, Mr. LEVIN, Ms. HOCHUL, Mr. BOSWELL, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. DONNELLY of Indiana, Mr. KILDEE, Mrs. DAVIS of California, Mrs. LOWEY, Mr. CRAWFORD, Mr. PETERS, Ms. BORDALLO, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Ms. MOORE, Ms. TSONGAS, Ms. CASTOR of Florida, Ms. HERRERA BEUTLER, Ms. WOOLSEY, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HINCHHEY, and Ms. SLAUGHTER):

H. Res. 407. A resolution expressing support for designation of September 2011 as National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Ms. CLARKE of New York (for herself, Mr. RANGEL, Mr. TOWNS, and Mrs. CHRISTENSEN):

H. Res. 408. A resolution recognizing the impact of Mr. Hulbert James on politics, urban development, and New York City, and paying tribute to Mr. Hulbert for his lifetime of public service; to the Committee on Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

130. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 7 commending its educators who teach about human rights and genocide; to the Committee on Foreign Affairs.

131. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 11 urging the defeat of H.R. 1161; to the Committee on the Judiciary.

132. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution 9 urging the President and the Congress to immediately address the serious privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency; to the Committee on Homeland Security.

133. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 10 supporting the school-based health center program; jointly

to the Committees on Energy and Commerce and Education and the Workforce.

134. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 90 opposing the budget cuts proposed by the President and the Congress; jointly to the Committees on Foreign Affairs and Energy and Commerce.

135. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 27 urging the Congress to provide additional federal aid to the State of Hawaii for the provision of various state services to migrants from the Compact of Free Association nations; jointly to the Committees on Foreign Affairs and Energy and Commerce.

136. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 53 urging the Congress to provide additional federal aid to the State of Hawaii for the provision of various state services to migrants from the Compact of Free Association nations; jointly to the Committees on Foreign Affairs and Energy and Commerce.

137. Also, a memorial of the Council of the City of District of Columbia, relative to Resolution 19-143 proposing a transfer of jurisdiction; jointly to the Committees on Oversight and Government Reform and Natural Resources.

138. Also, a memorial of the Council of the City of District of Columbia, relative to proposing a transfer of jurisdiction; jointly to the Committees on Oversight and Government Reform and Natural Resources.

139. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 12 requesting the enactment of the Federal Strengthening Medicare and Repaying Taxpayers Act of 2011; jointly to the Committees on Ways and Means and Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 2967.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 1 and Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. WITTMAN:

H.R. 2968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States grants Congress the authority to coin money, regulate the value and fix the standard of weights and measures.

By Mr. BURGESS:

H.R. 2969.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section 8, Clause 3: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes" as well as Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the

United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. BACA:

H.R. 2970.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. HULTGREN:

H.R. 2971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. LARSEN of Washington:

H.R. 2972.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Mr. MATHESON:

H.R. 2973.

Congress has the power to enact this legislation pursuant to the following:

The 10th Amendment of the Constitution.

By Ms. MOORE:

H.R. 2974.

Congress has the power to enact this legislation pursuant to the following:

Congress' power under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. NADLER:

H.R. 2975.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, 17, and 18.

By Mr. ROTHMAN of New Jersey:

H.R. 2976.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers,

and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. SCHWEIKERT:

H.R. 2977.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, ("The Congress shall have Power To . . . coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.")

By Mr. AUSTIN SCOTT of Georgia:

H.R. 2978.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. SMITH of New Jersey:

H.R. 2979.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clauses 3 and 18 of the Constitution.

By Mr. TONKO:

H.R. 2980.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. WOOLSEY.
H.R. 100: Mr. NUGENT.
H.R. 178: Mr. LONG and Ms. EDWARDS.
H.R. 181: Mr. ROE of Tennessee.
H.R. 186: Mr. COFFMAN of Colorado.
H.R. 218: Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. FALDOMA VAEGA, and Mr. TOWNS.
H.R. 303: Mr. COSTELLO, Mr. BENISHEK, and Mr. COFFMAN of Colorado.
H.R. 363: Mrs. DAVIS of California.
H.R. 370: Ms. WASSERMAN SCHULTZ.
H.R. 371: Mr. GARY G. MILLER of California.
H.R. 402: Mr. LANGEVIN.
H.R. 466: Mr. LYNCH, Ms. ZOE LOFGREN of California, Mr. COOPER, Mr. DAVIS of Kentucky, Ms. SLAUGHTER, and Mr. SMITH of Washington.
H.R. 494: Ms. BALDWIN.
H.R. 512: Mr. SERRANO and Ms. JACKSON LEE of Texas.
H.R. 530: Mr. FRANK of Massachusetts and Ms. WOOLSEY.
H.R. 538: Mr. GOODLATTE.
H.R. 615: Mr. HUELSKAMP.
H.R. 640: Mrs. EMERSON.
H.R. 645: Mr. SCOTT of South Carolina.
H.R. 683: Mr. JOHNSON of Georgia and Mrs. CHRISTENSEN.
H.R. 733: Mr. JONES and Mr. BARTLETT.
H.R. 735: Mr. DESJARLAIS, Mr. MCKEON, and Mr. RIVERA.
H.R. 760: Mr. CARDOZA and Mr. DENHAM.
H.R. 808: Mr. SERRANO.
H.R. 835: Mrs. BUCHANAN.
H.R. 883: Mr. MILLER of North Carolina.
H.R. 891: Ms. SCHAKOWSKY.
H.R. 895: Mr. DUNCAN of South Carolina.
H.R. 959: Mr. RIVERA.
H.R. 1025: Ms. HERRERA BEUTLER.
H.R. 1041: Ms. TSONGAS.
H.R. 1042: Mr. ROHRABACHER, Mrs. BONO MACK, and Mr. DREIER.
H.R. 1063: Mr. COOPER.

H.R. 1084: Ms. KAPTUR.
H.R. 1085: Mr. HIGGINS.
H.R. 1106: Mr. BRALEY of Iowa.
H.R. 1167: Mr. CANSECO.
H.R. 1179: Mr. AKIN, Mr. MANZULLO, Mr. JOHNSON of Ohio, and Mr. SCOTT of South Carolina.
H.R. 1195: Mr. LOBIONDO.
H.R. 1206: Mr. DUFFY, Mrs. MYRICK, Mr. GRAVES of Missouri, and Mr. FLEISCHMANN.
H.R. 1235: Mr. ROSS of Florida.
H.R. 1259: Mr. PRICE of Georgia.
H.R. 1322: Mr. KUCINICH and Mr. TOWNS.
H.R. 1332: Mr. DEFazio, Mr. ALTMIRE, Ms. KAPTUR, Mr. GARY G. MILLER of California, Mr. CHABOT, Mrs. BIGGERT, Mr. COHEN, and Mr. KING of New York.
H.R. 1340: Mr. ROSS of Arkansas, Mr. FLEISCHMANN, and Mr. WESTMORELAND.
H.R. 1351: Mr. MANZULLO, Mr. MCKINLEY, Mr. MILLER of North Carolina, Mr. THOMPSON of Mississippi, and Mr. PRICE of North Carolina.
H.R. 1370: Mr. FINCHER.
H.R. 1389: Mr. SHERMAN.
H.R. 1465: Ms. SLAUGHTER.
H.R. 1489: Ms. ZOE LOFGREN of California and Mr. DEFazio.
H.R. 1509: Mr. PAUL, Mr. DAVIS of Kentucky, and Mr. BUCHANAN.
H.R. 1547: Mr. PRICE of North Carolina.
H.R. 1550: Mr. LEWIS of Georgia.
H.R. 1588: Mr. KINGSTON.
H.R. 1606: Mr. KILDEE.
H.R. 1639: Mr. GRIFFITH of Virginia, Mr. GIBBS, and Mr. SENSENBRENNER.
H.R. 1653: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, Mr. KINZINGER of Illinois, and Mr. WHITFIELD.
H.R. 1683: Mr. KINGSTON.
H.R. 1704: Mr. PRICE of North Carolina and Ms. HIRONO.
H.R. 1723: Mr. LANKFORD.
H.R. 1756: Mr. HARRIS.
H.R. 1776: Mr. RANGEL.
H.R. 1780: Mr. CICILLINE and Mr. VAN HOLLEN.
H.R. 1792: Ms. SCHWARTZ.
H.R. 1801: Mr. BILIRAKIS.
H.R. 1848: Mr. GARY G. MILLER of California.
H.R. 1865: Mr. NUGENT, Mr. AUSTIN SCOTT of Georgia, Mr. HUELSKAMP, and Mr. BENISHEK.
H.R. 1903: Ms. WASSERMAN SCHULTZ.
H.R. 1909: Mr. SCHWEIKERT and Ms. MCCOLLUM.
H.R. 1946: Mr. WELCH.
H.R. 1947: Mr. PRICE of North Carolina.
H.R. 1971: Mr. WELCH and Mr. JOHNSON of Georgia.
H.R. 1980: Ms. BORDALLO, Mr. HULTGREN, and Mr. PASCRELL.
H.R. 1996: Mr. HULTGREN, Mr. BRADY of Texas, Mr. FLORES, Mr. GOHMERT, Mr. FLEMING, and Mr. CANSECO.
H.R. 2005: Mr. SABLAN, Mrs. MALONEY, Mr. MEEHAN, Mr. HONDA, and Mr. REYES.
H.R. 2020: Mr. KISSELL and Mr. MORAN.
H.R. 2033: Mrs. LOWEY.
H.R. 2040: Mrs. LUMMIS, Mr. CAMPBELL, Mr. COFFMAN of Colorado, Mr. DUNCAN of Tennessee, and Mr. GINGREY of Georgia.
H.R. 2059: Ms. FOXX, Mr. BONNER, Mr. CARTER, Mr. MANZULLO, Mr. MARINO, Mrs. BLACKBURN, Mrs. BLACK, Mr. MCHENRY, Mr. CANSECO, Mr. COBLE, and Mr. SENSENBRENNER.
H.R. 2068: Mr. GARDNER.
H.R. 2123: Mr. TIERNEY.
H.R. 2134: Mr. TONKO.
H.R. 2139: Mr. NUNNELEE, Mr. SCHILLING, Mr. AUSTIN SCOTT of Georgia, Mr. ACKERMAN, Mr. HIGGINS, Mr. KEATING, and Mr. BASS of New Hampshire.

H.R. 2140: Ms. DELAURO, Ms. MCCOLLUM, and Mr. HINOJOSA.
H.R. 2159: Mr. LANGEVIN.
H.R. 2164: Mr. SESSIONS.
H.R. 2167: Mr. WELCH, Mr. BOREN, and Mr. FITZPATRICK.
H.R. 2168: Ms. ZOE LOFGREN of California and Ms. SCHAKOWSKY.
H.R. 2250: Mr. ROONEY, Mr. FLEISCHMANN, and Mr. KINGSTON.
H.R. 2257: Mr. MURPHY of Pennsylvania, Mr. NUNNELEE, Mr. FORBES, and Mr. WALSH of Illinois.
H.R. 2308: Mr. GRIMM.
H.R. 2324: Ms. MCCOLLUM.
H.R. 2346: Ms. BALDWIN.
H.R. 2349: Mr. BILIRAKIS.
H.R. 2369: Mrs. BLACK, Ms. HERRERA BEUTLER, Mrs. EMERSON, Mr. WEBSTER, and Mr. SCOTT of South Carolina.
H.R. 2381 Mr. RANGEL.
H.R. 2426: Mr. GARY G. MILLER of California and Mr. JOHNSON of Ohio.
H.R. 2433: Mr. JOHNSON of Ohio.
H.R. 2444: Mr. LUJAN.
H.R. 2446: Mr. HUIZENGA of Michigan.
H.R. 2471: Mrs. MYRICK.
H.R. 2479: Mr. CICILLINE.
H.R. 2492: Mr. HOLT.
H.R. 2497: Mr. SESSIONS.
H.R. 2501: Mr. COHEN, Mr. HINCHEY, Ms. CHU, Mr. OLVER, Mr. GUTIERREZ, Ms. BASS of California, Mr. LEVIN, and Mr. KUCINICH.
H.R. 2512: Mr. AMODEI.
H.R. 2514: Mr. GOWDY.
H.R. 2528: Mrs. EMERSON.
H.R. 2541: Mr. DICKS, Mrs. HARTZLER, Mr. BUTTERFIELD, Mr. PETERSON, Mr. GOODLATTE, and Mr. JONES.
H.R. 2543: Ms. CHU.
H.R. 2614: Mr. POLIS.
H.R. 2657: Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mrs. MALONEY, Mr. BERMAN, Mr. KILDEE, Mr. ACKERMAN, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.
H.R. 2679: Mr. FARR.
H.R. 2681: Mr. AUSTRIA and Mr. BISHOP of Georgia.
H.R. 2721: Mr. HALL and Mr. NADLER.
H.R. 2731: Mr. DAVIS of Kentucky.
H.R. 2745: Mr. AMODEI.
H.R. 2752: Mr. BENISHEK.
H.R. 2772: Mr. GUINTA.
H.R. 2774: Mr. HENSARLING, Mr. HARRIS, and Mrs. MYRICK.
H.R. 2787: Mr. LUJAN and Mr. PASTOR of Arizona.
H.R. 2852: Mr. COFFMAN of Colorado.
H.R. 2854: Mr. GIBSON, Ms. FOXX, Mr. STIVERS, Mr. CANSECO, and Mr. WESTMORELAND.
H.R. 2856: Mr. OLVER.
H.R. 2865: Mr. GARY G. MILLER of California.
H.R. 2866: Ms. RICHARDSON and Mr. COFFMAN of Colorado.
H.R. 2881: Mr. CARNAHAN.
H.R. 2885: Mr. SESSIONS, Mr. ISSA, and Mr. WOMACK.
H.R. 2888: Mr. JONES and Mr. HUNTER.
H.R. 2914: Mr. WELCH and Mr. PAYNE.
H.R. 2919: Mr. LONG.
H.R. 2926: Mr. ROSS of Florida, Mr. WILSON of South Carolina, and Mr. CANSECO.
H.R. 2948: Mr. GARAMENDI and Ms. WOOLSEY.
H.R. 2951: Mr. HUIZENGA of Michigan.
H.R. 2952: Mr. KLINE and Mr. NUNNELEE.
H.R. 2954: Mr. WELCH, Mr. FILNER, and Mr. BECERRA.
H.J. Res. 13: Mr. ROGERS of Alabama and Mr. WOMACK.
H. Con. Res. 72: Mr. OLVER and Ms. CHU.
H. Res. 16: Mr. DUNCAN of South Carolina.
H. Res. 130: Ms. LORETTA SANCHEZ of California.

H. Res. 134: Mr. CROWLEY.
H. Res. 137: Mr. MARKEY.
H. Res. 177: Mr. PETERS, Mr. PAYNE, and Mr. AUSTRIA.
H. Res. 255: Mr. THOMPSON of Mississippi.
H. Res. 365: Mr. CONYERS.
H. Res. 367: Mr. BARLETTA and Mr. CARNEY.
H. Res. 394: Mr. GUINTA, Mr. MCCLINTOCK, Mr. LONG, Mr. AUSTRIA, Mr. GRIMM, Mr. SMITH of Texas, Mr. CANSECO, and Mr. CAMPBELL.
H. Res. 397: Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. FARR, Mr. CLEAVER, Mr. GONZALEZ, and Mr. CONYERS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 2943, the Short-Term TANF Extension Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget, in H.R. 2943, the Short-Term TANF Extension Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RUSH

The amendment to be offered by Representative RUSH, or a designee, to H.R. 2401, the TRAIN Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Tuesday, September 20, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we believe that You will never fail or forsake us, but help us to never take Your love and faithfulness for granted. Empower our Senators to be good stewards of the many blessings and of the responsibilities and opportunities You have given them. Lord, open their minds and give them a vision of the unlimited possibilities available to those who trust You as their guide. Incline their ears to hear Your voice and fill them with Your power, O Lord of Hosts. You are the King, eternal, immortal, invisible, who alone is wise. You deserve the honor and glory forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

be in morning business for an hour. The Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will begin consideration of H.R. 2832, which is the Generalized System of Preferences Act that is a vehicle for trade adjustment assistance that we are going to be working on.

We are going to recess today from 12:30 until 2:15 p.m. for our weekly caucus meetings.

At 2:30 p.m. today, Senator HELLER will be recognized to deliver his maiden speech in the Senate.

We will work through amendments to trade adjustment assistance. I will notify Senators when votes are scheduled.

SENATOR LAMAR ALEXANDER

Mr. REID. Madam President, I see on the floor today my friend LAMAR ALEXANDER from the great State of Tennessee. I just received a news flash that he was going to relinquish his leadership position and stay in the Senate and run for reelection. I do not know all the reasons for his doing this, but I want the record to be spread with the fact that I have found LAMAR ALEXANDER to be one of the most thoughtful people I have ever served with in the Senate. There are many issues he gets no credit for that were resolved because of his ability to see the big picture.

We had this big issue dealing with the so-called nuclear option, as to what would happen in the Senate with some of our rules changes. He stepped in, completely out of the limelight, and because of his idea we resolved that issue.

There are many other examples such as that. He is a unique person in this body. He accomplishes a great deal and gets credit for not a lot, and that is unfortunate. But that is who he is and who he has always been. I know he will continue being a stalwart in the Senate. I look forward to working with him, but I look forward mostly to his sense of fairness, which he has been so very exemplary during my time with him in the Senate.

DON'T ASK, DON'T TELL

Mr. REID. Madam President, 60 years ago this Nation's Armed Forces were segregated by race. Thirty-five years ago women were not allowed to attend our Nation's military academies. Until today—in fact, last night at midnight—thousands and thousands of qualified, dedicated men and women were barred from military service or expelled from

the Armed Forces because they were honest about their sexual orientation. Today I am glad to say the time has passed when Americans, willing to give their lives to defend this great Nation, could be turned away from service because of who they loved. Today, don't ask, don't tell is no longer the law of the land. For 17 years we have asked our soldiers to defend a flag that stands for liberty and justice for all, and then required some of those soldiers to keep who they were a secret. In too many cases we have robbed them of their right to fight for their country altogether.

Listen to this staggering number: More than 13,000 American servicemembers have been discharged because of this law. The law has been in effect just a short period of time but more than 13,000 have been discharged because of this law which institutionalized discrimination against openly gay soldiers, sailors, marines, and airmen. I say "openly gay." This wasn't the case. Some were suspect. There was a long interview on Public Broadcasting this morning about a woman who was discharged at age 22 because of someone reporting they had seen her in a bar with another woman. We will never know how many people; that is, capable men and women, were never offered patriotic service. They could not because the law exposed them to career-ruining discrimination. We have the 13,000-plus, plus thousands of others who said there is no need to do this because I would have to live a lie.

The military's highest commanders and a vast majority of servicemembers agree our fighting force is better off knowing we will have the best and brightest volunteers, regardless of sexual orientation, race, ethnicity, religion, or gender. There is no place for intolerance in our great Nation and certainly not in our Armed Forces tasked with protecting them.

I am happy to say that today our military policies and our national values are in line. From today forward, no qualified man or woman willing to fight for a nation founded on the principles of tolerance and equality will ever again be denied the right to do so.

FEMA

Mr. REID. Madam President, on Wednesday the House, we are told, will send us a continuing resolution to fund the government through November 18. I was disappointed to see the House shortchanged the Federal Emergency Management Agency. We have been told specifically what they intend to do

and it is a real shortchange, by failing to provide the funding to adequately help Americans whose lives have been devastated by floods, hurricanes, and tornadoes. It is staggering to understand the depth of the concern people have.

Yesterday morning I received a call from KENT CONRAD, Senator from North Dakota, who proceeded to explain to me about a city in North Dakota by the name of Minot, a town of about 40,000 people. Twenty-five percent of the homes in Minot, ND, are underwater. Most of those underwater are ruined forever. These are not big mansions. They are homes people have lived in, sometimes for a very long period of time.

Yesterday I was speaking to Senator HOEVEN, who certainly knows North Dakota as well as anyone. He served as Governor there and is now in the Senate. We were talking about the flood. Of course, one of the things people are saying is: Why didn't Congress and the President plan for all this? As Senator HOEVEN described in some detail, how do you estimate something that has never, ever happened before? Not a 50-year flood took place in North Dakota, not a 100-year flood, not a 500-year flood—it is something that has never happened, ever. This in spite of the fact that they built some dams, even some in Canada, to stop the flooding. It didn't matter, this was so immense. It had never happened before in North Dakota. A sparsely populated State has been devastated by these floods—natural, you say, but certainly unusual floods that have ravaged that State.

That is not the only State. Many States have been hammered hard. Who would ever have thought, a year ago, that a relatively small community, Joplin, MO, would be hit by almost 300-mile-an-hour winds. The winds didn't just whip through, they roiled around there for such a time that they basically destroyed that town.

There are many other examples of what has happened, being unable to determine what would happen in the future. Suffice it to say we provided funds last week here in the Senate to help Americans whose lives had been devastated by floods, hurricanes, tornadoes, and other natural calamities. In a bipartisan bill for FEMA and other agencies, we passed that help disaster victims need—an additional \$6.9 billion. That is probably not enough, frankly. After the Appropriations Committee did their work, reported the bill out, a bill of some \$6 billion, I asked the different subcommittees to find out what additionally was needed. They came back with another \$3 billion. We pared that down because we wanted to keep within the agreement we had from the Deficit Reduction Act which set that at \$7 billion, and we are slightly under that. That is why we came in with that figure.

That funding, \$6.9 billion, while it does not give everyone everything, will help rebuild after several costly natural disasters, not the least of which is Hurricane Irene.

Tomorrow when the Senate receives the House bill to fund the government for 6 more weeks, we will amend it with the language the Senate passed, the Senate FEMA legislation. This year President Obama has declared disasters in all but two States, and FEMA is quickly running out of money to help American families and communities recover.

I talked to Mr. Fugate, the head of FEMA, last Thursday. He said they have enough money to last probably until September 25th. That is even on a very narrow plane that they are working on. They have stopped the work in Joplin, MO. They have stopped the work because of the devastation that happened in the gulf previously. The only money they are spending now deals with Tropical Storm Lee and Hurricane Irene. They have no more money. They are out of money. So it is desperate.

I know this amendment will enjoy the support of my Republican colleagues as it did last week. We had 10 who stepped forward and it was very important that they did that. Last week, a bipartisan group of Senators agreed that helping communities destroyed by natural disasters was too important to let politics get in the way.

PROTECTING THE MIDDLE CLASS

Mr. REID. Madam President, Americans have sent a message to Congress that no issue is more important to them than jobs. But for Republicans, job creation is less important than slashing spending on initiatives that create jobs and the Social Security and Medicare benefits seniors have earned. Democrats believe we can reduce the deficit without abandoning job creation. We can make smart, strategic cuts that will not further slow down our struggling economy, while protecting and advancing initiatives that create jobs. That is why President Obama has released detailed proposals to create 2 million jobs now while reducing the deficit by more than \$4 trillion over the next decade.

But many Republicans have criticized both proposals even before looking at their substance. It seems they are more concerned with protecting millionaires, billionaires, hedge fund managers, and private jet owners than fighting for the middle class. They claim it is class warfare to ask the wealthiest 400 Americans who made an average, these 400, of \$271 million each to pay the same tax rate as librarians, police officers, air traffic controllers, and others—secretaries, as Mr. Buffett talked about.

The truth is, Republicans are just defending the economic policies that besieged the middle class for years. It is class warfare to ask middle-class Americans to get by on less while those same 400 Americans are paying less than 18 percent in their taxes, lower than the secretaries and janitors who work for them.

Let me explain this as well as I can. We will do whatever it takes to protect the middle class and seniors, even if it means the richest of the rich in America have to contribute a little bit more than they do now. We will fight for the policies that create American jobs even if it means CEOs and hedge fund managers making hundreds of millions of dollars every year have to contribute the same amount as teachers or firefighters, whose salaries are a fraction the size of theirs. It is simple fairness.

With 14 million Americans out of work, we have 14 million reasons to put job creation ahead of tax breaks for millionaires and billionaires. As the economist and former Labor Secretary Robert Reich said:

True patriotism isn't cheap. It's about taking on a fair share of the burden of keeping America going.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRADE PROMOTION AUTHORITY

Mr. McCONNELL. Madam President, everyone knows the top issue on the mind of most Americans right now is jobs. What I have said is that the one thing we could all do right now to help spur job creation is to pass the three free-trade agreements with Panama, Colombia, and South Korea. Republicans in Congress have been urging the President to pass these agreements for nearly 3 years. Yet they have languished on his desk for no good reason. It is time to send them up so we can act. At a moment when 14 million Americans are looking for work, it is indefensible for the White House to demand a vote on trade adjustment assistance as a condition for action.

Still, I and others have agreed to allow it so we can finally move ahead on these vital trade deals. It is my expectation, based on the understanding I have with the administration, that the President will stop dragging his feet soon and submit all three of them for a quick approval. At long last, U.S. businesses that want to expand here at home but which have been held back by the President's refusal to act will be able to compete on a level playing field in these markets, and it will create jobs in the process. These agreements, while helpful, are not enough.

In order to create the kind of jobs we need, we need more trade deals than

these three. That is why I have been a strong advocate for granting this President the same trade promotion authority every other President has enjoyed since 1974. Also known as fast track, TPA creates expedited procedures for congressional consideration of trade agreements that the administration negotiates with our trading partners. TPA has long had bipartisan support and led to numerous trade agreements with 17 new countries during the Bush administration, including the 3 we hope to consider shortly.

Unfortunately, Democrats and their union allies allowed TPA to expire in 2007. This President has made no effort whatsoever to revive it. Without TPA, the United States will likely never agree to another deal. The unions will make sure of that. We have seen what happens next. After the North American Free Trade Agreement passed in 1993, TPA expired, and in the 8 years that followed the United States did nothing, while other countries moved ahead integrating themselves in the global economy. We cannot let that happen again. We cannot miss more opportunities to compete in foreign markets with U.S.-made products just because unions do not want to.

Consider this: According to the Business Roundtable, while our trade agenda has lapsed, the European Union is negotiating 16 trade agreements with 46 countries. Japan is negotiating 7 agreements with 38 countries, and even China is negotiating 11 agreements with 18 countries.

What about the United States? We have signed none since this administration began, and we are actively negotiating only one, a pact that will open opportunities to American businesses and workers across the Pacific Rim. I and many of my colleagues and many of our allies overseas want to know what is the President's plan to enact that one deal if he does not ask for, has not received, and does not even seem to want trade promotion authority; is he ready to watch all these opportunities vanish? We cannot allow these opportunities for American jobs to simply drift away.

We must reauthorize TPA, along with TAA. Historically, TPA and TAA have moved together; in 1974, when TPA was created; in 1988, when it was reauthorized; and again in 2002, when TAA was expanded to its current prestimulus levels. That is why I am offering an amendment that will grant this President trade promotion authority through 2013. It is the same term the Democrats are insisting we reauthorize trade adjustment assistance. My amendment builds into it the same accountability to Congress and the need to consult with Congress that previous TPAs have had. It is based on legislation offered by a bipartisan pair of trade leaders, Senator PORTMAN and Senator LIEBERMAN.

We are going to hear Democrats arguing we have not had enough time to carefully consider this expansion of trade promotion authority and work on the negotiating objectives we generally include in the bill. I would remind them I first called for TPA last May. Since that time, I have heard nothing from my Democratic colleagues or the White House about their interest in renewing this authority. There has been zero outreach. When I suggested I would be willing to support an extension of TAA if we could reauthorize TPA, there was nothing.

In my view, if the White House will not show leadership on this issue, if they are too worried about owning other free trade agreements or as being seen by some of their allies as promoting them too aggressively, it is my view we ought to help them get there. That is why I am offering this amendment to show the world some in Congress are ready to move forward and lower the barriers that keep American goods out of foreign countries and which American consumers all benefit from our integration into the world economy.

With 14 million Americans out of work and thousands of Americans looking for opportunities to sell American-made goods around the world, we cannot afford to wait, as we did on these three free-trade agreements, while the administration makes up its mind that American jobs are more important than appeasing their union allies.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee.

STEPPING DOWN FROM REPUBLICAN LEADERSHIP

Mr. ALEXANDER. Madam President, I thank my friend of 40 years, the Republican leader, for being here for these remarks I am about to make. I thank my colleague, Senator CORKER, and several other of my Republican colleagues for, on very short notice, coming to the Senate floor for these brief remarks.

Next January, following the annual retreat of Republican Senators, I will step down from the Senate Republican leadership. My colleagues have elected me as Republican conference chairman three times, and I will have completed

4 years or the equivalent of two 2-year terms at that time. My reason for doing that is this, stepping down from the Republican leadership will liberate me to spend more time trying to work for results on issues I care the most about. That means stopping runaway regulations, runaway spending, but it also means confronting the timidity that allows health care spending to squeeze out support for roads, support for research, support for scholarships, and other government functions that make it easier and cheaper to create private sector jobs.

I wish to do more to make the Senate a more effective place to address serious issues. For 4 years in our caucus, my leadership job has been this: to help the leader succeed, to help individual Republicans succeed, to look for a consensus within our caucus, and to suggest a message. I have enjoyed that. However, there are different ways to offer leadership in the Senate, and I have concluded, after 9 years, this is now the best way for me to make a contribution.

It boils down to this: Serving in this body, as each one of us knows, is a rare privilege. I am trying to make the best use of that time while I am here. For the same reason, I plan to step down in January from the leadership, I will not be a candidate for leadership in the next Congress. However, I do intend to be more, not less, in the thick of resolving issues, and I do plan to run for reelection in the Senate in 2014.

These are serious times. Every American's job is on the line. The United States still produces about 23 percent of the world's wealth, even though we only have about 5 percent of the world's people. All around the world people are realizing there is nothing different about their brains and our brains and their using their brain power to try to achieve the same kind of standard of living we have enjoyed in the United States.

As a result of this, some have predicted that within a decade, for the first time since the 1870s, the United States will not be the world's largest economy. They say China will be. My goal is to help keep the United States of America the world's strongest economy.

There are two other matters that are relevant to the decision I am making that I would like to address. The first is this: When I first ran for the Senate in 2002, I said to the people of Tennessee—and they were not surprised by this—that I will serve with conservative principles and an independent attitude. I intend to continue to serve in the very same way.

I am a very Republican Republican. I grew up in the mountains of Tennessee and still live there in a congressional district that has never elected a Democrat to Congress since Abraham Lincoln was President of the United

States. My great-grandfather was once asked about his politics. He said: I am a Republican. I fought for the Union, and I vote like I shot.

I have been voted five times by Tennessee Republicans to serve in public office. I have been elected three times by Senate Republicans as conference chair. If I could get a 100-percent Republican solution of any of our legislative issues, I would do it in a minute. I know the Senate usually requires 60 votes for a solution on serious issues, and we simply cannot get that with only Republican votes or only Democratic votes.

Second, by stepping down from the leadership, I expect to be more, not less, aggressive on the issues. I look forward to that. The Senate was created to be the place where the biggest issues producing the biggest disagreements are argued out. I don't buy for 1 minute that these disagreements create some sort of unhealthy lack of civility in the Senate. I think those who believe the debates in our Senate are more fractious than the debates in our political history simply have forgotten American history. They have forgotten what Adams and Jefferson said of one another. They have forgotten that Vice President Burr killed former Secretary of Treasury Alexander Hamilton. They have forgotten that Congressman Houston was walking down the streets of Washington one day, came across a Congressman from Ohio who had opposed Andrew Jackson's Indian policy and started caning him, for which he was censured. They have forgotten there was a South Carolina Congressman who came to the floor of the Senate and nearly killed, by hitting him with a stick, a Senator from Massachusetts. They have forgotten that another Senator from Massachusetts, named Henry Cabot Lodge, stood on the floor and said of the President of the United States, Woodrow Wilson: I hate that man. They forgot about Henry Clay's compromises and the debates that were held during the Army-McCarthy days. What of the Watergate debates? What of the Vietnam debates?

The main difference today between the debates in Washington and the debates in history are that, today, because we have so much media, everybody hears everything instantly. If one would notice, most of the people who are shouting at each other on television or the radio or the Internet have never been elected to anything.

It would help if we in the Senate knew each other better across party lines. To suggest we should be more timid in debating the biggest issues before the American people would ignore the function of the Senate and would ignore our history. The truth is, the Senators debate divisive issues with excessive civility.

I have enjoyed my 4 years in the Republican leadership. I thank my col-

leagues for that privilege. I now look forward to spending more time working with all Senators to achieve results on the issues I care about the most—issues that I believe will help determine for our next generation what kind of economy we will have, what our standard of living will be for our families, and what our national security will be.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, I would say to my friend of 40 years that even though there are a number of colleagues on the Senate floor, I am confident we all agree this is not a eulogy in which we are about to engage. Really, I have a great sense of relief that my friend is going to run again in 2014 and continue to make an extraordinary contribution to the Senate and to America.

When I first met LAMAR he was at the White House. I had just come here as a legislative assistant to a newly elected Senator. He had already accomplished a lot. He had been elected Phi Beta Kappa at Vanderbilt and graduated from New York University Law School. He had clerked for a well-known circuit judge, been involved in Howard Baker's first campaign, had helped him set up his first office, and that was before I met him.

Since I have met him, as many of my colleagues are already aware, it is hard to think of anybody—it is hard to think of anybody—who has done more things well. He went home in 1970 and ran a successful campaign for, I think, the first Republican Governor of Tennessee elected, certainly, since the Civil War. He ran for Governor himself in a very bad year in 1974. It didn't work out too well. But one of the things we know about our colleague LAMAR is that he is pretty persistent. So he tried it again in 1978. He was elected Governor, reelected Governor in 1982—a spectacular record.

Then he did something very unusual. I remember knowing about it at the time. I kept up with him since we had met years before when we were in Washington. He took his entire family and went to Australia for 6 months. He put the kids in school there and actually wrote a book called "Six Months Off," which I read then. I don't know how many books Senator ALEXANDER sold, but it was a fascinating review of basically just taking a break, going somewhere else, doing something entirely new before getting back on the career treadmill that we, of course, knew he would do.

So once the Australian experience was over, this extraordinarily accomplished and diverse individual became president of the University of Tennessee. That was back when they used to play football, and then-President

Bush 1 asked him to become Secretary of Education. So he was a Cabinet member.

Oh, by the way, I think I left out that at his mother's insistence he became quite proficient at piano. He is a fabulous piano player and musician. My mother let me quit. That was the only mistake she made in an otherwise perfect job of raising me. But Senator ALEXANDER's mother, by insisting that he continue to take piano, gave him that dimension as well.

So here we have a guy who has been Governor, president of his university, a member of the Cabinet and, as if that were not enough, he went into the private sector and started an extraordinarily successful business, which did very well. I expect our colleague from Tennessee thought his public career was over, but then Fred Thompson decided he wanted to go do something else. All of a sudden he was in the Senate—not just in the Senate but then became a leader in the Senate in a very short period of time.

We have had an opportunity to get to know our colleague. It is hard to think of anybody more intelligent, more accomplished, as well as more likeable than LAMAR ALEXANDER.

So I must say to my good friend from Tennessee, I am relieved he is not leaving the Senate. This is not a eulogy, but it is an opportunity for those of us who have known and admired the Senator from Tennessee for a long time to just recount his extraordinary accomplishment during a lifetime of public service. It has been my honor to be his friend, and I will continue to be his friend, and I am glad he will continue to be our colleague.

I yield the floor.

Mr. ALEXANDER. Madam President, I thank the Republican leader. I am deeply grateful for his comments, with one single exception. I have great confidence in Derek Dooley. He is a fine football coach at the University of Tennessee. They are playing very good football, and I intend to be at my usual seats at the Georgia game in 2 weeks.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, I wish to say to my colleague I certainly have enjoyed his comments, and I am excited for him. I sit very close to him in the Senate, and I am with him a great deal. I do plan on keeping a cane out of the reach of my colleague for a few days.

I very much appreciate his service and leadership to the Republican Party in the Senate. I think in his position he has brought out the best in all of us in the best way he could. I am excited for him. I look at this as a great day for the Senate. It is a great day for our country. This is a great day for the State of Tennessee.

I can tell my colleague, based on the conversations we have had and the way

I know my colleague, the Senate is going to become very quickly a more interesting place to serve. For all of us who have been concerned about our lack of ability to solve our Nation's greatest problems, I look at what the Senator has done today as a step in the direction toward us being able as a body to more responsibly deal with the pressing issues he outlined in his talk.

So I thank my colleague for having the courage to step down from a position that many Republican Senators would love to have. I thank my colleague for the way he serves our country. I thank him for the example he has been to so many in his public service in our State and in our country, and I thank the Senator for being my friend.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Madam President, I rise today to echo the comments of colleagues earlier about the contribution of LAMAR ALEXANDER, our friend and colleague, as well as somebody who has had an impact not just on the State of Tennessee but on the United States of America. I think one of the toughest things a Member of the Congress can do is to, No. 1, step down from leadership, or, No. 2, voluntarily leave the body.

I think it says more about LAMAR ALEXANDER than any comments that can be made; that he understands where he is going, and I think he stated it very well. His contribution to the future of this country is what he is most concerned with, and that is why this country is blessed to have leaders such as he. We welcome him back into the ranks of the normal, the general population of what has been the asylum of late. I hope LAMAR will be a great influence in our ability to get the body of deliberative debate and participation back, and that is certainly his quest.

One of his passions, though, is education. I was shocked he didn't mention that in his litany of areas he would delve into. But I know earlier last week he and I and others introduced five reforms to K-12 education.

When we talk about the future, whether it is Senator ALEXANDER or myself or others, we say the future of this country is conditional upon how well we educate the next generation and how we make sure the next generation has the foundational knowledge they need to compete in a 21st-century economy.

I think it is safe to say today our record is not good. Just 70 percent of our high school seniors graduate on time. Let me say that again: 70 percent of our high school seniors will graduate on time. Many of those will never go back. They will not cross the goal line. In today's economy, their likelihood of being invited for a job interview is slim to zero.

We have Federal laws that require an employer to accept an application from

whoever walks in the door. However, when it gets down to the interview process, I can assure my colleagues that when employers look at that résumé and it doesn't have high school graduation on it, they will certainly invite others who at least have that threshold of education, if not further degrees. So I think we owe it to the next generation to be candid with them and tell them that this is a minimum to have an opportunity for unlimited success.

If we ever get to a point that this is not about an opportunity of unlimited success, America will have changed greatly, and I think that is one of the passions Senator ALEXANDER has. That is why he is so involved in issues such as education and why he is willing to sacrifice leadership for greater involvement in the policies.

In the bills we introduced last week, there were two that LAMAR and I did together. Let me share with my colleagues what those bills do.

Today, we have 97 authorized programs and 59 of them are funded. They are all funded individually. That means we make money available to a State and consequently to a school district. But their requirement to access that money is they have to do exactly what we structured in the program. Many schools do not need that program, and they forego that money. Yet on the Senate floor we have debated frequently the need to get more resources into especially at-risk school districts to bolster that foundational education.

We simply leave title I alone—it is targeted at a specific population—but we take all these other 59 programs that were funded last year and meld them into two pots of money: One pot is designed for improvement in teaching and learning; the other pot is designed for safe and healthy student block grants.

You might say: Well, what if a school system does not need a fund for improvement of teaching and learning, but they do need more money for safe and healthy students? We allow 100 percent transferability between those two areas. So if a school system purely needs teaching and learning, and they want to focus on all of that, they will take that safe and healthy student block grant money and put it over into teaching and learning. By the same token, for school systems that might not see the benefits there, but they have a growing title I population, we allow 100 percent transferability up to the title I program.

What are we trying to accomplish? We are trying to do what school systems have told us year after year, decade after decade: Give us more flexibility. Let us decide what it is we need for our students to learn. This is not about input. This is about output. This is about focusing on how we improve education to where every child crosses

that goal line of success; that then the foundational knowledge base is so great that they are marketable in whatever direction our economy decides to go.

The challenge for us—a lot like what Senator ALEXANDER did today; he gave up power, a position in leadership—it means the Congress has to give up the power of deciding exactly how every school system is going to implement programs. We have to be big enough to realize that the one-size-fits-all structure from Washington does not work; that every school system in America is a little bit unique; and, yes, we recognize the fact that not every State is necessarily the best fiduciary of the funds. This legislation only requires the States to siphon off 1.5 percent of the money. We are not going to build a palace or create a bureaucracy in State capitals in education off of these programs anymore. The intent is to take this money and put it into the classroom; make sure the skills of the teacher are better; make sure, in fact, we are teaching teachers the right way to teach today.

I know we are not allowed to have electronics on the Senate floor. We hide them in our pockets real well. Kids are not allowed to have electronics in school. They hide them in their pockets real well. When we all leave where it is prohibited, this is the first thing we pull out of our pockets. We check our messages. We check sports scores. We check the news. Some of us old people make phone calls. But we have a generation that does nothing but text.

They are different than I am. I am a little bit different than LAMAR. Every generation is going to be different. But walk in a classroom today, and the first thing a teacher says is, Open your book to page 44. Yet in between the covers of a book we have a generation that has never delved into it. They have gone between the covers of their iPad, their Kindle, their PDA in their pockets. They read books, they play games, but they do it in a different way.

It is time for us to recognize the fact that they learn differently because they communicate differently. Our ability is to take somebody my age who still has a passion for the classroom and to change the way they teach through how we take them through continuous education. You see, effectiveness is, in part, connecting with the people we are trying to teach. If we do that in the right way, we are going to be successful.

I am not trying to create the model in Washington and to say to the States and localities: Here is the only way you can do it. We are trying to give them the flexibility of the money, and let them design the programs they think will work. Again, with that, though, it requires us to let go of that power of

accountability. There is no reason for Washington to be accountable for every K–12 system in this country. We can be a partner, and I think the appropriate role is a financial partner. But as to accountability, I do not want to be in Washington determining whether a school is a pass or a fail or whether a teacher is highly qualified. At best, it is arbitrary that we would come up with something.

I want to empower communities, I want to empower parents, I want to empower the business community to say: You determine success and failure. I want to empower principals and administrators: You determine whether teachers are qualified.

I do not want to sit in Washington and define how pharmacists who have lost their passion to work in a drugstore cannot shift over and become chemistry teachers in a high school because I have determined they are not qualified to do it. Yet, day in and day out, I would go into the pharmacy, and I would allow them to compound drugs for me. But they cannot go in a classroom and explain to kids how that works or, more importantly, how the interaction of compounds actually happens. That is not my role. It is not our role. Our role is to encourage, by making sure the tools are there for those closest to the problem to come up with solutions.

Well, what we did last week was a minor step in the right direction. I hope my colleagues will look at the legislation and will entertain cosponsoring it. I hope the Secretary of Education will look at it, even though we have had conversations that have continued since the first of the year, and we have a ranking member and a chairman engaged in the reauthorization of elementary and secondary education right now. I hope we influence their ability to get some type of an agreement.

But I think it is also important to understand that within the context of this issue are things that all of us know work. Let me give you a couple examples.

Senator KIRK introduced a bill on expansion of charter schools. Why is that important? It is not important because we simply want to create competition with the public model. Charter schools have become an incubator of new ideas, of new ways to teach.

In Houston, TX, some former Teach for America students created KIPP Academy and immediately had such success that they exported KIPP Academy to New York. Their intent was to go from New York to Atlanta, and somehow they happened to stop in Northampton County, NC, in a little town called Gaston. It is in the middle of nowhere. But like all of North Carolina, it is beautiful. Its students are at risk. There is no economic driver in that county. But for some reason,

KIPP stopped there and created a school. Now we have taken underperforming students and through KIPP all of them excel.

I can take you to Charlotte, NC, where KIPP finally found a home and was located next door to the elementary school. There is no way anybody can claim they draw from a different population. They draw from the same school neighborhood. Yet if we compare KIPP to the traditional elementary school next door, the performance of those students is off the charts. At some point, we have to look at it and say: This model works. How do we replicate it? But we are hung up in that one is public and one is charter.

Well, let me tell you, if we could replicate all of them to be KIPP, I would not care what we call them, and I would care less about how we funded them. I would only care about the outcome, how many students have the education foundation we need. In KIPP's case, it is almost 100 percent.

One big component of KIPP is the fact that they plug in to Teach for America graduates, teachers who enter the system knowing that for a period of time their agreement is they are going into at-risk areas; they are going in dealing with students "somebody" has deemed hard to complete the process. They go in with a different passion. They do not go in surprised with the makeup of the students in their classroom on the first day. They go in expecting this job to be tough, knowing their creativity and their innovation is going to be challenged.

What we have found so far is that for those Teach for America graduates, they end up staying longer than, in fact, the contractual period of time. They find it is much easier, but also much more satisfying, to take the most at risk and to make sure they have that education foundation that is needed.

That is incorporated into these bills. It is not just left to a simple line item that, in this particular case, I think, has been zeroed out in the President's budget. But it can be incorporated into this where we cannot only fund but we can expand Teach for America. With Senator KIRK's bill we can expand what KIPP is doing. We can challenge other individuals in other areas of the country to create KIPP-like models that work.

My challenge today is to assure all Members of the Senate and all Americans. Our kids deserve us to try. We have been dictating from Washington for decades, and we continue to see 30-plus percent of our kids not reach that goal line. If they do, they do it in a way that is not necessarily advantageous to their future.

If we want our country to continue to prosper, if we want to continue to be the innovator of the world, then we have to create a pool, a generation of

kids, where 100 percent of them are prepared to compete. I think that is exactly why Senator ALEXANDER stated he was willing to give up the rein of leadership, to be more integrally involved in the solutions that are crafted on this floor and in this Congress. That is why I said earlier, America has benefited because we have people such as LAMAR ALEXANDER here.

I am convinced that over the next several months, the reauthorization of elementary and secondary education will be front and center. I can only ask my colleagues that they spend the time looking at some of the suggestions that are on the table already. Authorship means nothing to me. It is outcome. Change the bill in a way that still stays within this framework—I will be a cosponsor of anything. Start to make Washington more dominant in the control of how the money is used or what the programs look like—I have been there. We have tried that. Not only does it not work, educators have told us it is increasingly more frustrating for them and they will drop out of the system.

We have to create a system that is a magnet for talent, a magnet for people who are as passionate as LAMAR ALEXANDER, something that gives us hope in the future that our kids have a better chance of succeeding than they have had over the past few decades. I think the Empowering Local Educational Decision Making Act of 2011 is a start, and I think the next generation is worth the investment of time on the part of our Members to look at this legislation and to get behind it.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEMA FUNDING

Mr. SCHUMER. Madam President, first, I would like to talk a little about the upcoming FEMA bill. As I understand it, the House intends to send us a CR with FEMA funding only at the level of \$3.65 billion, which is a level that is completely inadequate to meet FEMA's needs. They intend to put \$1 billion in for 2011, which is more than is actually needed in 2011, but then they ask that it be paid for with \$1.5 billion, which is not the way mathematics is supposed to work.

The real problem is that the total amount of \$3.65 billion is inadequate given the terrible tragedies we have had over the last several months and

years. We are still rebuilding from Katrina, the Joplin tornado was devastating, and, of course, the storms that hit the Northeast, including my beloved State of New York, were just awful. Just in New York State alone, it is estimated that cleanup costs will be closer to \$2 billion. So you can imagine that \$3.65 billion is not even close to enough.

The good news is what we intend to do here under the leadership of Majority Leader REID, which is to take the CR they send us and add to it the very bill that passed last Thursday night, which adds approximately \$7 billion to FEMA. That is the amount of money that is needed. It adds some money to the Army Corps of Engineers, the U.S. Department of Agriculture, and other places the Governors of the States have told us are needed. And given the fact that 10 Republicans voted for it, we have every expectation that amendment will pass and we will send it back to the House. So the House should understand there will be a measure to adequately fund FEMA, and we will do that this week. Again, we have every expectation that the 10 Republican Senators who voted with us last Thursday night will cast the same vote on the same exact measures because the disasters in their States are not any less this week than they were last week.

BUDGET DEFICIT

I also wish to address the President's proposal on the budget deficit, particularly on the tax side, and the many arguments being tossed around by many of our colleagues on the other side of the aisle.

Yesterday, the President put forward a blueprint for the joint committee to consider this fall, and it included a very commonsense principle; that is, those very few among us who are fortunate enough to make over \$1 million a year should pay the same effective tax rates at the end of the day as middle-class households.

A number of Republicans rejected the President's plan before he even announced it. As soon as it was suggested that we should ask the wealthiest few among us to pay their fair share, many on the other side began labeling it class warfare. Apparently, they think they can slap that old label on the President's proposal and be done with it. But their refusal to address the proposal on the merits is revealing. They know they will lose any argument about the policy itself because it makes sense economically and because the American people support it. Even Republicans in the country—59 percent in a recent poll I saw—support the wealthiest among us paying a fair share and support not giving them the continued Bush tax breaks at a time when we have record deficits and we are asking everybody else to sacrifice.

This is, emphatically, not class warfare. It is not class warfare to fight for

the middle class, that is for sure. It is not class warfare to say we need funding for roads and bridges and teachers and that the wealthiest among us should pay their fair share to do it. Let me ask a question, Madam President. Is it class warfare when Republicans advocate tax cuts for the wealthy? Do we call that class warfare?

The debate about the progressivity of the Tax Code has existed for over 100 years in this country, and there are different policy prescriptions. Most Democrats and most Americans believe the wealthy don't pay their fair share. That is not to begrudge the money they have made. There are a lot of wealthy citizens in my State, and I am proud of them. I am proud they made a lot of money. And many of them believe they should pay a fair share. It is not just Warren Buffett. It is not class warfare to ask that. It is not class warfare to advocate tax cuts for the wealthy or tax increases for the middle class. That is not class warfare. To try to call it this name is unfair.

Let me make a second point. We have a need to do this. The President is not proposing things such as the Buffett rule out of vengeance. He said yesterday: "It's not because anybody looks forward to the prospects of raising taxes or paying more taxes." But we do have a consensus that has been reached here—it is one of the few—that we should reduce the deficit. We all know we have to. There are two ways to do it. One is by cutting spending, and when we cut spending, it hurts middle-class citizens. Middle-class citizens need help to pay for college; wealthy people don't. So if you cut student loans or Pell grants or Stafford loans that go to the middle class, it is not going to affect wealthy citizens—they can afford college themselves—but it does affect the middle class. When you cut Medicare, it doesn't hurt the wealthy. They can afford any doctor or hospital they want. God bless them. They have earned their money, and they deserve that. We don't have a system that mandates everyone must have the same. But it sure hurts the middle class.

So the bottom line is very simple: If everyone has to pay their fair share so we can get the deficit down, the only way the wealthy pay their fair share is by making sure their tax rates are at least the same as average Americans, and perhaps they should be a little bit higher. So there is a choice.

We don't do this because we want to raise taxes and certainly not because we think the wealthy have gotten an unfair advantage. That is a different argument, and I don't believe that. I am proud when New Yorkers or Americans climb the ladder and make a lot of money due to hard work and their ideas. We do it because we don't want to lay off more teachers, because we don't want to see our infrastructure

crumble, because we don't want to say we can't create jobs, and yet we don't want to increase deficit spending. If we want to keep the deficit down but keep our schools good and our infrastructure good and our basic research good, the only way to do it is to ask the wealthy to pay a fair share. That is why we do it. And that is not class warfare; that is a policy debate which we welcome.

To sum up that point, either we ask big oil companies to give up special subsidies or we gut education or medical research. Either we ask the wealthiest Americans to pay their fair share or we will have to ask seniors to pay more for Medicare. We can't do both if we want to keep the deficit in line. America's middle class knows this. We know their median income is declining. We know the only place on the economic spectrum where incomes are going up is at the high end, and we know the right policy is to make those folks at the high end pay their fair share.

My colleagues are in for a rude awakening. I have talked to a couple of the people who study the polling data and what the average American thinks. And let me tell you, they think the phrase "class warfare" means war on the middle class. They think it means the wealthy get away with what they do not. So when our colleagues talk about class warfare, maybe it resonates with a few on the hard right among the very wealthy who don't want to pay any taxes at all—and Lord knows we have heard enough from them in this place—but to the middle class, it means the middle class is being beleaguered, not being helped, and even being attacked by circumstances beyond their control. So when we say the wealthiest should pay their fair share, middle-class Americans will not see that as class warfare. They will not. They will understand what we are doing.

I am so glad the President has decided to take this fight to the American people. It is a fight where we are on their side. That is what all my experience shows when I go around New York, and that is what the polling data shows. We are doing what is right for the future of this country and for our children and grandchildren.

So let's have the debate and let's dispel this idea that simply because we want the wealthy to pay a fair share, we dislike them and it is class warfare, that it is negative toward them. It is not. It is the right way for all Americans to make the pie grow in America and not have the various parts of America fight with one another because Medicare is being cut, because teachers are being cut and the deficit is going up and hurting our children and grandchildren.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I wish to thank my colleague from New York, and I would ask the Chair how much time is remaining in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. Nineteen minutes.

Mr. DURBIN. I thank the Chair.

DEFICIT REDUCTION

Mr. DURBIN. Let me thank my colleague from New York for his statement about the challenges we face. I have been involved for over 1½ years in deficit reduction talks on a bipartisan basis with the Bowles-Simpson Commission, the Gang of 6, now the Gang of 38—I believe was the last number of Democratic and Republican Senators who have publicly stated they are willing to move forward in a process based on the principles of the Bowles-Simpson Commission.

At a time when most Americans have given up hope that Congress will ever work on a bipartisan basis to solve our problems, I hope our effort will be viewed as positive and helpful to the supercommittee's work. We are doing everything we can to make sure they are successful and they have a very difficult assignment and a difficult timetable.

In the meantime, though, I understand, as the Senator from New York, my colleague who spoke earlier, that if we are serious about deficit reduction, it not only must involve cuts in spending, but it also must involve revenue and a serious look at the future of entitlement programs.

Currently, Social Security untouched will pay every promised benefit for the next 25 years with a cost-of-living adjustment; then it runs into trouble—a 22 percent cut in benefits, if we don't do something. The same cannot be said for Medicare. As strong as it is, as important as it is, it has about 12 years of solvency before we have to do something significant. Medicaid, which is a very critical health insurance program for millions of Americans, is threatened by State revenue declines and all the problems we have in Washington with our own deficit.

So these three entitlement programs need to be viewed in an honest context to keep them strong, to protect the basic benefit structure that underlies each of these bills and laws, and we need to do that as well. We need to put it all on the table. It is spending cuts. It is revenue. It is entitlement reform. It all has to come together. When the President says the wealthiest among us should be willing to help us through this crisis by sharing part of the burden, that is not unreasonable.

I have yet to hear the Republican plan for getting this economy moving forward. It appears they have no plan and are dedicated only to protecting those with the highest incomes in

America. That is not a recipe for success. It may be somebody's ideas of a campaign platform, but it isn't a platform to build the economy.

I also heard this morning when the Republican leader came to the floor, Senator MCCONNELL, and talked about the need to pass trade agreements. I voted for trade agreements. I believe the U.S. workers and businesses can compete in this world successfully if the rules are fair and we are given a chance with the markets, and I voted for trade agreements in the past.

The Senator from Kentucky asked for us to pass more as soon as possible, but he did say something which caught my attention:

In a moment when 14 million Americans are looking for work—

Senator MCCONNELL said—

it is indefensible for the White House to demand a vote on trade adjustment assistance as a condition for action.

I couldn't believe my ears when I heard that. Trade adjustment assistance is designed to put people who have lost their job because of trade agreements back to work. So it is totally defensible, totally consistent, and an important part of economic recovery.

The Alliance for American Manufacturing released a report this morning that 2.8 million jobs have been lost or displaced in America between 2001 and 2010 due to our growing trade deficit with China—2.8 million jobs. As we speak about expanding trade adjustment assistance so those who have lost their jobs to nonfree-trade agreement countries such as India and China, we are talking about putting Americans back to work. This should not be viewed as an obstacle, a diversion or inconsistent with economic recovery.

I couldn't follow the logic of the Senate Republican leader this morning when he was talking about trade adjustment assistance being indefensible at a time of high unemployment. It is totally defensible, totally consistent with putting Americans back to work.

For the record, since 2009, trade adjustment assistance has provided assistance to 447,235 workers in America who have been displaced due to trade agreements. It helps their families with income, with health care, with opportunities for retraining and education.

THE DREAM ACT

Mr. DURBIN. Madam President, it was 10 years ago when I introduced the DREAM Act. It is an important piece of legislation for thousands of people who are living in America who are literally without status, without a country.

The DREAM Act says, if one came to the United States as a child, if they are a long-term U.S. resident, if they have good moral character, if they have graduated from high school and they

are prepared to complete 2 years of college or enlist in our military, we will give them a chance to be legal in America. That is what it says.

The young people who are affected by it are many times people who have never known another country in their lives. They got up at school, as Senator MENENDEZ has said so artfully, they pledged allegiance to the only flag they have ever known. They sing the only national anthem they have ever known. They speak English and want a future in America. Yet they have no country. Because their parents brought them to this country as children, because their parents did not file the necessary papers, they are without a country and without a future. The DREAM Act gives them a chance—a chance to excel and prove they can make this a better nation.

The Obama administration recently made an announcement that I think is not only the right thing to do but paves the way for us to give these young people a chance.

We think we have 10 million undocumented people in America, and it is very clear the Department of Homeland Security is not going to deport 10 million people—that is physically impossible—nor should we. I certainly would be opposed to that notion. But what they are trying to do is to remove those people from America who are undocumented who pose a threat to our Nation.

They have been criticized by some. The deportations under the Obama administration are even higher than the Bush administration. They have tried to go after those with criminal records and those who are not going to be a benefit to the United States, and I think that is the right approach to use. But they said recently that they were going to make it clear that those eligible for the DREAM Act, these young people, of good moral character, graduates of high school, and those who are pursuing college degrees, are not going to be their targets. They have limited resources. They are going after the people who can threaten our country, those whom we don't want in the United States. I think that was the right thing to do, and I think that was a policy consistent with keeping America strong and building for America's future. But we need to do more.

In addition to having a sensible policy when it comes to deportation, we need a sensible immigration policy, and I think it starts with the DREAM Act.

I have come to the floor many times and told the stories about the young people who would be affected by the DREAM Act. Let me tell you two stories this morning that I think are illustrative of why this is morally important and important for us as a nation to consider as quickly as possible.

This wonderful young lady whom I have met is named Mandeep Chahal.

She was brought to the United States from India 14 years ago, when she was 6 years old. Today, Mandeep is 20. She is an academic all-star. She is an honors premed student at the University of California, Davis, where she is majoring in neurology, physiology, and behavior.

Mandeep has also been dedicated to public service. In high school, she helped to found an organization known as One Dollar for Life, for poverty relief around the world. She was voted the member of her class "most likely to save the world." At her college, Mandeep is the copresident of STAND, an antigenocide group.

Mandeep has so much to offer America. But, unfortunately, she was placed in deportation proceedings earlier this year. Mandeep and her friends responded the way many young people do today—they went to Facebook and asked for help.

The response was amazing: 20,000 people sent faxes to the Department of Homeland Security to save this young lady from deportation. On the day she was scheduled to be deported, she was granted a 1-year stay.

Her first thought was to try to prevent other people from going through what she had just experienced. So just 1 week after her deportation was suspended, she came to the U.S. Capitol, where I had an opportunity to meet her. She spoke publicly about her experience, and she called for the deportations of all DREAM Act students to be suspended.

I met her while she was here and asked her to explain to me why she wants to stay. She said: "I will send you a letter," and she did. Here is what it said:

I have spent years in the United States, and consider it my only home. My family, friends, and future are in the United States, which is where I belong. My dream is to become a pediatrician so I can treat the most helpless and innocent among us. I hope to serve families in low income communities who are otherwise unable to afford medical care. I wish to remain in the United States so that I can continue to make a positive difference and give back to the community that has given me so much.

Would America be better off if we deported Mandeep Chahal back to India? I don't think so. She left that country when she was 6 years old. In her heart, she is an American. She just wants a chance to prove it and to make this a better nation.

Let me introduce to you one other person whom I have also met, another wonderful story.

Fannie Martinez, brought to the United States from Mexico 9 years ago when she was 13. She lives in Addison, in the State of Illinois, a straight A student in high school. Earlier this year, she graduated summa cum laude at Dominican University in River Forest, IL, with a major in sociology. This month she is beginning to work on a

master's degree at the University of Chicago's Harris School of Public Policy.

Keep in mind, these students who are excelling get no help—none—from the Federal Government. If we think college is a burden now for those who borrow the money or are given grants, most of these students have to earn the money if they are going to go through school.

Let me tell you something else about Fannie Martinez. She is married to David Martinez, who has served in the U.S. Army Reserves for the last 8 years. Here is a picture of the two of them together. David is currently deployed to Afghanistan, putting his life on the line for our country. Yet his worry is not just the enemy in Afghanistan. His worry is that his wife Fannie is going to be deported while he is serving overseas.

Fannie sent me a letter, and here is what she said about her situation:

My husband is constantly worried about my status in this country. He knows that I am always at risk of being placed in deportation proceedings and he is afraid of not having his wife with him once he returns from Afghanistan. The passage of the DREAM Act will give me the confidence to live without fear and frustration. It will allow me and my husband to plan our future without having to deal with the possibility of my deportation and my lack of opportunities. I care about my community—

Fannie wrote—

and I know I can help improve society if I am allowed to live in the U.S. and am given lawful permanent residence.

David Martinez, her husband, is willing to give his life for our country. We should give him and his wife Fannie a chance to pursue their dreams—the American dream.

I don't know that I have ever dealt with an issue that has meant so much to me personally because there isn't a place I go in America—anywhere—that I don't have some young person come up and look me in the eye and say: I am a DREAMer. I am counting on you.

They are counting not just on me, but they are counting on the Senate, they are counting on the Congress, they are counting on our government and our Nation to step forward and realize this is the morally right thing to do and that these dynamic, wonderful young people will make this a better nation.

I urge my colleagues, please, put partisanship aside, support the DREAM Act. It is the right thing to do for the future of our Nation.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding the majority still has a few minutes left in morning business.

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. REID. I yield that back.

The ACTING PRESIDENT pro tempore. The time is yielded back.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed to H.R. 2832 is agreed to, and the clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 633

Mr. REID. On behalf of Senators CASEY, BROWN of Ohio, and BAUCUS, I call up amendment No. 633.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CASEY, Mr. BROWN of Ohio, and Mr. BAUCUS, proposes an amendment numbered 633.

Mr. REID. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Before noting the absence of a quorum, it is my understanding the Republican leader is on his way to the floor to offer an amendment, and I think everyone should understand there will be no business conducted until he shows up.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 626 TO AMENDMENT NO. 633

Mr. MCCONNELL. Mr. President, I call up my amendment No. 626, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. HATCH, Mr. JOHANNES, Mr. COATS, Mr. LUGAR, Mr. GRASSLEY, Mr. RUBIO, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. PORTMAN, Mr. HOEVEN, and Mr. CORNYN, proposes an amendment numbered 626 to amendment No. 633.

Mr. MCCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide trade promotion authority for the Trans-Pacific Partnership Agreement and for other trade agreements)

At the end, add the following:

TITLE III—TRADE PROMOTION AUTHORITY

SEC. 301. SHORT TITLE.

This title may be cited as the “Creating American Jobs through Exports Act of 2011”.

SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

“(A) may enter into trade agreements with foreign countries—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and”;

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

“(C) The President may enter into a trade agreement under this paragraph—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “before July 1, 2005” and inserting “on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “after June 30, 2005, and before July 1, 2007” and inserting “on or after June 1, 2013, and before December 31, 2013”; and

(II) in clause (ii), by striking “July 1, 2005” and inserting “June 1, 2013”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “April 1, 2005” and inserting “March 1, 2013”;

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “June 1, 2005” and inserting “May 1, 2013”; and

(ii) in subparagraph (B)—

(I) by striking “June 1, 2005” and inserting “May 1, 2013”; and

(II) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(D) in paragraph (5), by striking “June 30, 2005” each place it appears and inserting “May 31, 2013”.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting “, or”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) establishes a Trans-Pacific Partnership;”; and

(C) in the flush text at the end, by striking “the date of the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to speak about the amendment the majority leader just called up. The Trade Adjustment Assistance Program in particular is what I will focus on in my remarks. I want to, first of all, thank the majority leader for his leadership on this issue, helping us get started today. I am particularly grateful for the strong leadership Chairman BAUCUS has provided, the chairman of our Finance Committee. I thank him and his staff for their tireless efforts, not just leading up to today but over a long period of time. He has been such a strong advocate for this program.

For many months Chairman BAUCUS has led the charge to assure that a strong Trade Adjustment Assistance Program is reinstated because it is important public policy for our workers, to get them retrained and to make sure they have the skills needed to compete in such a tough economy. I appreciate his work.

I also appreciate Chairman BAUCUS's work for many years fighting for workers, especially when their jobs are at risk, their livelihoods and their families' economic security. I thank Chairman BAUCUS and so many others. My colleague Senator BROWN of Ohio has been a tremendous leader on this issue as well.

One thing we all understand, whether we are Democrats or Republicans or Independents, is that we are still in the midst, still in the grip of a jobs crisis all across the country. It knows no geographic boundaries, it knows no party. People are worried, concerned that their jobs will continually be at

risk. Some, of course, have already lost their jobs—almost 14½ million Americans at last count.

In the midst of that crisis, it is critically important that we take the steps here to make sure those who want to get back into the workforce, those who want to improve their skills or be retrained in some way or another, have that opportunity. We know in the next couple of weeks the Congress will be taking up free trade agreements. But before we do that, before we begin the debate, before we consider those agreements, we have to make sure our workers have the protections they need to deal with the ravages of unfair foreign competition.

There are lots of ways to talk about this program and this issue. Some of them, frankly, get a little academic. The best way for me to understand the importance of trade adjustment assistance is very much consistent with the recent and unfortunate economic history of my home State of Pennsylvania. In our Commonwealth—by way of one example, but it is the best example I can cite because of the numbers of workers affected—in the Commonwealth of Pennsylvania in the 1970s and 1980s, in a short period of time, in less than a decade, we had tens of thousands of steelworkers lose their jobs. These were folks who worked in steel mills, not just for a couple of years but in many instances decades. They would graduate from high school, go into the steel mill and be virtually guaranteed of a job for the rest of their lives—a good job with good benefits on which they could support their families.

Then we know what happened to those workers and that industry. A lot of their jobs were destroyed in the 1970s and 1980s because of the decline of the steel industry. It is at times such as that, when someone who has worked their whole life and put all of their energies into a job and that job goes away in a matter of weeks or months or a few short years, we have to make sure we are there for them at that moment. One of the ways we can be there for them is with trade adjustment assistance.

I and every Member of the Senate could point to other examples as well, but I remember that horrific history in Pennsylvania where families were destroyed because of the loss of a job.

Our trade policies have hit a lot of American workers very hard. Especially today we are seeing that. I mentioned Pennsylvania's manufacturing jobs as an example. According to an analysis by the Joint Economic Committee, of which I am the chairman, from 1997 to 2010—just 13 years—manufacturing went from 16.4 percent of the gross State product of Pennsylvania down to 12.1 percent. In 13 years, a short period of time, there was that kind of decline in manufacturing jobs, from roughly 16.5 to 12. In total, the job

loss in Pennsylvania manufacturing was nearly 300,000 good-paying jobs.

While trade adjustment assistance cannot bring those jobs back, we can take steps to help those workers in a tough time as they transition to new employment, to new skills and to new opportunities. Many displaced workers need considerable training to reenter the labor market. Imagine if any one of us did the same job for years or decades and then had to turn on a dime to adjust to the difficulties in the economy. It takes a while. According to a report by the Joint Economic Committee as well, many of these folks who have lost their jobs are much older than the rest of the workforce. They need to gain a number of skills. Fifty-seven percent of current participants in the Trade Adjustment Assistance Program are 45 years of age or older—57 percent. Trade adjustment assistance can better address the needs of these displaced workers by requiring training and giving additional time for workers to gain the skills necessary to reenter the workforce to prepare to compete in a tough economy, in a world economy.

We know these programs work. We know, based upon the JEC report I cited earlier, 53 percent of those who participated in Trade Adjustment Assistance Programs were reemployed within 3 months; 53 percent were reemployed after 3 months after leaving the program itself. These participants also found lasting employment, with 80 percent of those workers employed within the first 3 months remaining employed by an additional 6 months.

We know that in 2009, several reforms were made to the program to reflect the realities of the modern workforce and the modern labor market. The amendment I offer today with my colleague Senator BROWN of Ohio would reinstate these reforms, including the following, by way of an economic summary: No. 1, providing trade adjustment assistance benefits to service sector workers; No. 2, covering workers whose firms shift production to non-free-trade agreement partner countries—for example, China and India. We hear a lot of people talking around here about how we have to compete with China and India and keep our workers at a high skill level to do that. This is one way to do that. No. 3, finally, increasing the health care tax credit subsidy to 72.5 percent and hereby addressing one of the most significant costs for those without a job, the cost of health insurance.

We all know, and I know firsthand, the benefits of a strong trade adjustment assistance program based upon what has happened in Pennsylvania over many years.

According to the Department of Labor, from May of 2009 through June of 2011—a little more than 2 years—nearly 10,000 additional workers qualified for assistance due to these essen-

tial reforms in Pennsylvania. So the reforms we made in 2009 have helped nearly 10,000 workers in Pennsylvania. If you look at it nationwide, 185,783 additional workers were certified for TAA participation because of those reforms. In total, trade adjustment assistance has assisted nearly half a million people over this time period. Our action this week will ensure that thousands of American workers will be able to count on retraining and other support if they lose their job through no fault of their own.

More and more jobs—and we all know this but it bears repeating—have been sent overseas, leaving workers out in the cold. Nothing they did has caused outsourcing of their job, and yet they are left with the consequences and their families suffer with those same consequences. To get jobs in new industries, workers need new skills. They need to be retrained and introduced to new skills. Trade adjustment assistance helps those workers hurt by foreign trade get back to work, while also ensuring workers have a skilled workforce at the same time.

Finally, let me urge all my colleagues to support this amendment. Trade adjustment assistance has a long and proud history of bipartisan support in the Senate, and I hope we can continue that with this amendment and with this work. Those who have been affected by this know this story better than I or better than any of us, and it is about time we stood with those workers when they and their families are suffering.

I would yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that immediately following my remarks, if it is all right with the distinguished Senator from Ohio, the former Trade Representative, the other distinguished Senator from Ohio, Mr. PORTMAN, be allowed to give his remarks.

THE PRESIDING OFFICER. Is there objection?

Mr. BROWN of Ohio. No.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I apologize to Senator BROWN, but Senator PORTMAN was promised he would be able to speak at 11:45.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I thought Senator HATCH said that the senior Senator from Ohio, then the junior Senator from Ohio.

THE PRESIDING OFFICER. The UC request is for the Senator from Utah, the junior Senator from Ohio, then the senior Senator from Ohio.

Mr. BROWN of Ohio. I didn't understand that from my conversations, but I do not object.

Mr. HATCH. Mr. President, I strongly oppose the TAA amendment offered by

my good friend and colleague from Montana, Chairman BAUCUS. Before I get into the specifics, I think it is important to put this debate in context. For years I have been working to ensure that our pending trade agreements with Colombia, Panama, and South Korea receive fair consideration in the Senate. Unfortunately, while I worked to get these agreements approved, others placed obstacles in the way. As a result, days, weeks, and months passed. Eventually those months turned into years. Now 4 years later, we are taking out the sixth renewal of trade adjustment assistance in the time these trade agreements languished. To me, it is highly ironic that we not only passed but expanded legislation to help workers who are allegedly harmed by trade agreements five times over the last 4 years, while we have yet to pass a single trade agreement.

This March President Obama made himself perfectly clear: Unless Congress agreed to spend more money for this pet trade priority, he would never send a trade agreement to Congress and U.S. workers would never benefit from these agreements. Basically, the President held U.S. exporters hostage while he squeezed more spending out of Congress.

Despite my deep disappointment in the President's failure to make these agreements a priority, I am pleased we are having this debate today. Earlier this summer the administration tried to jam the domestic spending program into the Korea Free Trade Agreement implementing bill. I strongly opposed this move. I believe it violated longstanding trade rules and seriously jeopardized approval of the South Korea agreement.

I strongly encouraged the White House to reconsider so we could have a robust debate with TAA considered solely on its merits. After all, if there is such a strong bipartisan support for the program, it should not be shielded from a debate and vote in an open forum. It appears the administration realized their position was untenable in the face of unequivocal Republican opposition. Thankfully they chose to heed my advice and today we have an opportunity to consider and fully debate TAA.

If TAA passes the Senate, it should remove what we hope is the last obstacle the President and his party placed in front of FTAs. We will see. To date there is little evidence that the President is finally ready to step up to the plate. It has not been for lack of effort on our part. House leadership made it clear that TAA will be considered in tandem with the FTAs, as the President requested. Chairman CAMP worked with Senator BAUCUS to develop a substantive deal on TAA, as the President requested. Despite my deep reservations about the program, a number of my Republican Senate colleagues

stepped up in support of the TAA compromise negotiated by Chairman BAUCUS and Chairman CAMP and even put their assurance in writing to support TAA. Before the August work period, Senators MCCONNELL and REID articulated a process for consideration of TAA and the FTAs, as the President agreed or requested.

Still the administration refuses to provide any real assurance that it will actually send the pending free trade agreements to Congress for a vote. I am very disappointed we still have not heard definitively from the White House that they will send up the three FTAs. As for the trade adjustment assistance amendment before us today, I wish to summarize for my colleagues my concerns with the proposed expanded program, and my objections to additional domestic spending for this program at a time of immense budget difficulties.

First, there is little evidence that the TAA Programs actually work. In fact, the opposite is true. Recent studies by professors at American University have found that the TAA program:

... has no discernible impact on the employment outcome of the participants.

If that is the case, I cannot understand why we would expand this ineffective program.

This summer I was surprised to learn from an article in the Wall Street Journal that the Department of Labor is 4 years late on producing a report to Congress intended to demonstrate that the numerous Trade Adjustment Assistance Programs actually improve the employment outcome for TAA participants. Yet today we are considering an amendment to not only reauthorize the program for 3 years but to make many of the benefits retroactive. Before we authorize \$1 billion more in taxpayer spending, shouldn't we know if the program actually improves the job prospects for TAA beneficiaries?

My friend and colleague from Oklahoma, Dr. COBURN, has made it a priority to identify and eliminate wasteful government programs. In his first report on the subject, the Government Accountability Office identified dozens of programs without any identifiable metrics on whether they actually succeeded in their mission. At a time of crushing budget deficits and increasing debt, Congress could easily start by eliminating these programs that have no proven track record of success and, in my opinion, we would have to put TAA at the top of that list. Consider that we are still waiting on the report from the Department of Labor on TAA's efficacy. I suspect if the facts and data clearly demonstrated benefits to workers participating in the TAA Programs, the report would have been issued years ago. I am sure this report will be issued, but only after TAA has been passed. I cannot support increasing funding for a program without any

real evidence that it works. Some will argue more people are using the program, therefore it must be working. I strongly reject that argument. Spending more money and certifying more workers does not mean a program is succeeding. It simply means the program is expanding, and that is my second concern. Like many Federal Government programs, this domestic spending program continues to grow and grow. TAA money now goes to farmers, firms, community colleges, and service workers. Even more troubling, the critical nexus between job loss caused by trade agreements and TAA eligibility has been jettisoned. Today all workers who lose their jobs allegedly due to "globalization" could be eligible. As the global economy and global supply chains become more integrated, I suspect the potential number of beneficiaries and the cost to the U.S. taxpayer will grow enormously.

Third, at a time when we need to severely constrain Federal spending, this program increases it. In 2009, TAA was significantly expanded as part of the President's failed stimulus bill. Most of those increased costs are included in the TAA amendment before us today, but there may be additional hidden costs. Because the income support and the health coverage tax credit are entitlements, there is no cap on future spending. Although the health coverage tax credits are to expire when ObamaCare goes into full effect, I have serious doubts that they actually will. History shows again and again it is much easier to create an entitlement than to end one.

As I said, I suspect this program, like most Federal programs, will cost more than expected, especially after unemployment insurance returns to its traditional 26-week level, which will consequently increase the use of trade reallocation allowances and increase the TAA Program's cost.

Fourth, the program is fundamentally unfair. Suppose one of our fellow Americans loses their job or his job because their factory burns down, another loses their job because his or her company could not compete with a domestic competitor, and a third loses his or her job because of foreign competition. How can we tell two of our fellow Americans "tough luck"? Two can only use the general job training and unemployment insurance programs while the third worker is provided with a host of more training, income support, and health care benefits. This does not seem right to me. Why are we picking winners and losers amongst the other 14 million Americans looking for work?

I am also troubled that although union workers are less than 7 percent of the private sector workforce, union workers receive over a third of TAA certifications. I do not see why we should support this vicious cycle.

Unions drive industry after industry into bankruptcy by insisting on restrictive work rules and overly generous compensation and benefits plans, and the taxpayer gets to clean up the mess by providing the now unemployed workers with a new set of benefits far more generous than those received by others. Unfortunately, encouraging vicious cycles appears to be an objective to this administration when it comes to TAA.

Let me share with you another one. By now most of you have heard of a company called Solyndra. It was held up by the President and his administration as an example of the wonders of the stimulus and its ability to transform taxpayer dollars into green jobs. Here is how President Obama described it:

And we can see the positive impacts right here at Solyndra. Less than a year ago, we were standing on what was an empty lot. But through the Recovery Act, this company received a loan to expand its operations. This new factory is the result of those loans.

Well, the President was right about that. The new factory was a result of the taxpayer-provided loans. According to the Wall Street Journal, those very same taxpayer loan guarantees also were a prime cause of Solyndra's bankruptcy. The "taxpayer dollars to create green jobs" alchemy worked about as well as medieval attempts to turn lead to gold.

That is not the end of the story. To ensure the circle of taxpayer losses remains unbroken, the former Solyndra employees have now applied for trade adjustment assistance. That is right. As reported first by Americans for Limited Government, and then confirmed by Investors Business Daily, Solyndra employees have applied to the Department of Labor for trade adjustment assistance.

To recap, the administration provides loan guarantees to a failing company and in the process saddles the taxpayer with over \$½ billion in potential liability. These same loan guarantees precipitate the demise of said company, and this, in turn, justifies the receipt of new taxpayer-funded benefits for the now unemployed workers, benefits that go beyond and cost far more than those the other unemployed people in this country receive.

The administration likes to talk about the multiplier effect of new Federal spending, but I don't think this is what they had in mind. For each initial wasted taxpayer dollar, the government multiplies the losses and manages to waste another quarter. Solyndra tried to make solar panels but ran up their costs far higher than even domestic competitors. Ultimately, with costs above the competition, the company failed. Of course, the failure was blamed on China. If you cannot even outcompete U.S. companies, it wasn't foreign competition that

ruined your business, it was simply a failed business model.

During our hearing on the South Korea Trade Agreement, Deputy U.S. Trade Representative Marantis testified that the purpose of the TAA Program is to help workers manage the transition to globalization and help workers train to be able to take advantage of the opportunities presented in the new economy.

Well, according to President Obama and Vice President BIDEN, green jobs such as those found at Solyndra were supposed to be the jobs of the new economy. Now that the new economy venture failed, those very same workers are going to be retrained, at taxpayers' expense, for other jobs in the new economy. Government, under the President's green agenda, picks winners and losers and then pays off the losers when it makes the wrong picks. Pardon the American taxpayer for jumping to the conclusion that this plan doesn't make sense.

Let's not forget that a handful of States receive the lion's share of TAA money. Again, this is unfair on its face and represents a distorted allocation of Federal resources.

President Reagan did not graduate from an Ivy League college and he was not the editor of any law review, but the man understood how the economy grows and what types of programs waste precious government resources. This was his assessment of TAA:

The purpose of TAA is to help these workers find jobs in growing sectors of our economy. There's nothing wrong with that, but because these benefits are paid out on top of normal unemployment benefits, we wind up paying greater benefits to those who lose their jobs because of foreign competition than we do to their friends and neighbors who are laid off due to domestic competition. Anyone must agree that this is unfair.

That was President Reagan.

I certainly do, as do most of my constituents, think the last thing this economy needs is another big spending program.

Another important point is that TAA fuels the fire of virulent antitrade propagandists. TAA supporters say the program keeps faith with American workers and helps build support for trade. I think just the opposite is true. Unions and other antitrade zealots gleefully use TAA data to make the case that trade causes outsourcing and job loss. After all, the number of trade-dislocated workers is certified by the government.

As the program is expanded to include more and more people and entities, including community colleges, firms, farmers, and fishermen, the myth that trade is bad for the American worker finds ready fodder and continues to build. Instead of helping build the case for trade, TAA certifications are used to show that trade is bad. In the end, TAA is really just a government subsidy for an antitrade propaganda.

Many of those dedicated to fighting a market-opening trade liberalization agenda and who are hostile to a thoughtful and ambitious trade policy cite each TAA certification and each TAA benefit conferred as further evidence that trade and trade agreements are bad for America. These same groups use TAA certifications and TAA workers to attack the companies that laid those workers off as outsourcers, even attempting to name and shame the CEOs of those companies. For goodness' sake, why should we expand a program that arms the harshest trade critics with more fodder for their ill-informed and relentless attack on trade?

Finally, TAA should move with TPA. Despite what many of my colleagues and many so-called trade experts say, TAA does not move with trade agreements. In fact, historically significant expansions and reforms to TAA have moved with omnibus trade legislation that included grants of trade negotiating authority to the President.

There is a myth that TAA has always received strong bipartisan support. Again, the historical record does not bear this out. A simple review of a very helpful history of TAA provided by CRS this August shows just how controversial TAA has always been and continues to be and confirms that TAA reforms traditionally move with TPA.

Inexplicably, this President doesn't want TPA trade promotion authority—and the White House is actually encouraging Leader REID and Democratic Senators to vote down a TPA amendment. Leader MCCONNELL will offer. Leader REID and Chairman BAUCUS and the White House have also apparently asked the business community to oppose an amendment on TPA as well, despite the fact that the business community has uniformly supported the granting of trade negotiating authority to every President, regardless of party.

This is all baffling to me. But I agree with Leader MCCONNELL that the President needs TPA whoever the President is—as soon as possible, and I can't imagine any President not wanting that authority. As I suspect the Democrats will vote down granting their President trade negotiating authority, I must also be inclined to vote against this TAA amendment.

Much has been said about TAA and that it is the price for free-trade agreements. But we are paving new and dangerous ground by holding three trade agreements hostage to expanded TAA. Each time we have tried to move these agreements, a new roadblock has been erected. And while we dilly and dally, our trade competitors take more of our market share around the world, and American businesses and farms lose more money and more jobs.

There has to be a better way. I urge the President to reconsider his trade priorities. Instead of expending his political capital on expanding the Fed-

eral Government, he should liberate the U.S. worker by accepting our offer to provide him with the authority to open new markets to U.S. exports. Our economy is in dire straits, unemployment is sky high, and Federal spending is out of control. We need the President's leadership, and we need it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, let me start by thanking the senior Senator from Ohio for his generosity in allowing me to speak now. I also commend Senator HATCH, who has been a leader in expanding exports and therefore creating jobs for many years, and again he is standing today talking about the importance of us moving forward on a progrowth trade agenda, including giving the President the ability to have trade promotion authority. That is what I wish to talk about today.

Senator MCCONNELL, the Republican leader, introduced an amendment to the underlying legislation saying that, along with trade adjustment assistance, for the same 3 years there also be trade promotion authority given to this President, which all of his predecessors have had. That makes sense. The legislation in the amendment is actually identical to legislation I introduced my first week here in the Senate on a bipartisan basis with Senator LIEBERMAN to provide the President with trade promotion authority. It is incredibly important.

I think it goes without saying that we live in an increasingly interconnected world where the movement of goods and services and people across borders is part of our economy. It is very much an economy where the United States is connected to our global competitors. We are moving forward around the globe on various arrangements, export agreements at a rapid pace. Yet I am sorry to say the United States is simply not a part of that because we do not have trade promotion authority.

These agreements that are being negotiated open markets for workers and farmers and service providers to be able to expand exports, again, of goods and services.

By the way, there are over 100 of those bilateral agreements being negotiated today. Guess how many the United States is party to. None, not a single one. The reason is that we don't have the ability through trade promotion authority to have the United States at the table negotiating to open these markets for our workers and our farmers and our service providers.

There is one agreement on which we are negotiating, a regional agreement called the Trans-Pacific Partnership. I support the continued negotiation there, but, frankly, it is not a bilateral agreement that is likely to reduce barriers significantly.

The United States is getting left behind. We lost trade promotion authority in 2007. It expired. At that time, President George W. Bush came to the Congress and asked for it to be renewed. Then a Democratically controlled Congress said: No, we don't want to give you the ability to negotiate these agreements that help, as Senator HATCH has said, expand jobs in this country.

President Obama's administration has not asked for the authority. In fact, as Senator HATCH has just indicated, they don't seem interested in having it, which is unbelievable to me—that you would not want the ability to negotiate with other countries to knock down barriers to help our workers, our farmers, and our service providers here in this country. But that is where we are right now.

Before the 2007 expiration of trade promotion authority, the United States was active and involved in agreements that knocked down barriers to our exports. There were three agreements negotiated now 3 and 4 years ago, and these were agreements with Panama and Colombia and Korea. Those are the three agreements that have been talked about a lot on this floor over the last day because the trade adjustment assistance we are talking about is related to those three agreements. We need to get them done. They have been languishing for too long. Obviously, the United States, not being able to negotiate anything in the interim period, has fallen behind, but at the least, we should move ahead and ratify these three agreements. The President's own metrics tell us these three agreements alone will generate 250,000 new jobs in this country. Look, with unemployment at over 9 percent, we need those jobs, and the jobs tend to be better paying jobs with better benefits.

What has happened in the interim while we have not moved forward with these agreements? Well, Korea has started a negotiation with the European Union since our agreement was finalized and completed that agreement and now made that agreement effective in July of this year. Exports from the European Union to Korea increased 36 percent in July alone. Our exports to Korea during that time period, by the way, increased less than 3 percent.

What is happening? We are losing market share. We are losing jobs while we sit back and allow these other countries to negotiate. Remember, over 100 agreements are being negotiated, and we are not parties to any of them.

The same thing is happening in Colombia. Since we negotiated the agreement with Colombia, Colombia started negotiating with other countries, including Argentina and Brazil, and guess what has happened. They have completed that agreement, it has gone into effect, and, again, our market

share has diminished. We used to provide about 71 percent of the agricultural exports, including corn, wheat, and soybeans, to Colombia when we completed the agreement. Today, that market share is down to 26 percent. That means farmers in Ohio, Montana, Utah, Pennsylvania, and elsewhere are being disadvantaged by our trade policy.

We have to move forward with these agreements. Instead of having increased exports from Seoul, Bogota, Calgary, and Munich, they should be coming from Cincinnati and Cleveland and Columbus and Dayton. Interestingly, Korea and Colombia have now started negotiating an agreement with themselves. Again, we are not moving forward because we are not part of these agreements because we do not have trade promotion authority.

I think these three agreements that I hope the President finally sends to the U.S. Congress for ratification are examples of the kinds of agreements that we could have been negotiating over the past 3 or 4 years and that we should start negotiating tomorrow, by this Senate and the House, giving the President the trade promotion authority he needs to be able to have those negotiations and to open those markets for U.S. products.

The reality is that trade promotion authority is vital for any President to have. Why? Because if you don't have trade promotion authority, the other countries will not sit down at the table and bargain with you. It is a pretty simple concept. If you want to get the best deal from another country, you have to have trade promotion authority because here in America, after we negotiate an agreement at the executive branch level, it has to come to Congress, and other countries don't want to renegotiate an agreement with the U.S. Congress that would be full of amendments and changes. So in order for us to ensure we can get the best deal, we have to give the President trade promotion authority.

Every President since Franklin Delano Roosevelt has asked for this authority and received it. It is unbelievable to me that this President does not want that. I believe he must want it—any President would—and he should ask for it, and we should provide it to him. This amendment does exactly that.

Congress has given TPA authority to Democrats and Republicans alike. It is not a partisan issue. So a Republican Congress has given it to a Democratic President and vice versa.

I stand as a Republican telling my colleagues that I would like to give it to President Obama. The underlying amendment we are talking about provides trade promotion for 3 years, so it would be for the remainder of the President's term and, if he is reelected, for the next couple of years or, if a Republican is elected, for that person. It

should not be about party; it should be about our country.

The President has been talking in the last couple of weeks about the fact that he wants products stamped with three words: "Made in America." I couldn't agree with him more. He is saying they should be exported all around the world? How is that going to happen? It is going to happen by opening these markets, by leveling the playing field for us as Americans so we can compete and win.

When we open these markets, we expand exports dramatically.

Think about this: Countries with which we currently have trade agreements which comprise less than 10 percent of the global GDP—think about it. We do not have an agreement with China or the European Union. It is about 10 percent or less of the global economy. Yet that is where we send about 41 percent of our exports.

These agreements are good for us, which is why the Colombia agreement, the Panama agreement, and the Korea agreement, in my view, will be able to pass this floor easily because the facts are there, if the President will just send them. By giving the President trade promotion authority, we could go on and, indeed, make good on his promise to have more products stamped with those three words, "Made in America," sent all over the world.

It is a little bit ironic to me that the underlying bill we are talking about, the TAA, the trade adjustment assistance, is attached to the generalized system of preferences, GSP. It is not legislation I oppose, but it is legislation that opens the United States more to products from other countries. So here we are talking about opening up the United States more with the GSP bill, and yet we are not willing to put in place measures to open up other markets more for the United States of America through trade promotion authority. How does that make sense? But that is where we are.

To my colleagues, I will say, if we are not engaged in opening markets, we are falling behind. America needs to get back in the game again. We need to take a leadership role in global trade. That means giving this President and all future Presidents the ability to negotiate, just as all of their predecessors have had. I strongly urge my colleagues, Democrat and Republican alike, to give to this President the same authority other Presidents have had of both parties. Our economy and the future for our children and our grandchildren depend on it.

Again, I thank my colleague from Ohio for his generosity, and I yield the floor.

THE PRESIDING OFFICER. The senior Senator from Ohio.

MR. BROWN of Ohio. Mr. President, I thank the Senator from Ohio for his kind words. I appreciate his support,

his public support—he did not speak specifically on the Casey-Brown-Baucus amendment, I do not believe; I had to step out for a moment, but I know he has said positive words about restarting, if you will, trade adjustment assistance, and with some expansion, not quite as good as it was 2 years ago, but still a very important program.

I appreciate Senator PORTMAN's words and his support of expanding it, and I hope he joins with some other Republicans in actually supporting the Casey-Brown-Baucus amendment.

I particularly thank Chairman BAUCUS for his strong support of trade adjustment assistance. Senator CASEY, especially, has pushed for this for, well, almost a year now, when in December we did everything but beg our colleagues to renew this program that helps workers who are unemployed through no doing of their own.

In early 2009, we had written a very good trade adjustment assistance: If you lose your job because of a trade agreement, or if you lose your job because of trade, even if it is a service job—it used to just be manufacturing—you will get two things: One, you will get trade adjustment assistance so you can continue with your life and not get foreclosed on, you can continue to provide for your kids, and you can have a little bit of money to get retrained.

I met a woman in Youngstown not too long ago who lost her manufacturing job to trade. She got TAA. She used that money to go to nursing school at Youngstown State University, and she was in school with her daughter who was also getting a nursing degree. You think: That is exactly how TAA works. There are those examples, I am sure, in Philadelphia and Harrisburg, and I will bet you there are even examples in Provo of trade adjustment assistance working in that way. That is why it is so very important.

At the same time, the language we wrote also gives help for people to continue their health insurance. I was at a place in Columbus not too long ago that specializes in helping people get back on their feet and get work. To hear someone tell a story: First, they lose their job. They do not get much assistance. Then they lose their health care. Then they have to talk to their 12-year-old son and 14-year-old daughter about moving because they lost their home.

Does nobody here—I should not say “nobody” because a lot of my colleagues do care, but does nobody here care about somebody who has to sit down with their kids and say: Sorry, honey, we are going to lose our home because of foreclosure because we lost our jobs and we are not getting retrained and finding any work? That, to me, is what this is all about.

I want to talk a little bit about trade adjustment assistance beyond what I said, but I also want to talk about

some of my colleagues' statements about trade and what it has done for this country, to this country. I hear all the theories. Every country in the world practices trade according to its national interests. The United States of America practices trade according to an economics textbook that is 20 years out of date.

In my first year in the House of Representatives, the Congress passed the North American Free Trade Agreement, something I know if Senator CASEY had been here he would have voted against it. I voted against it. I remember the promises, the promises from the free-trade-at-any-cost crowd, that NAFTA would create hundreds of thousands of jobs. They said it with NAFTA. They said it with PNTR with China. They said it with the Central American Free Trade Agreement: If you pass this, it is going to mean more manufacturing and more high-tech jobs and stronger communities. Look what it has meant.

Go to Springfield, OH, go to Ash-tabula, go to Lima, go to Mansfield, go to Zanesville, go to Chillicothe, go to Xenia. Look at these medium-sized cities of 30,000, 40,000, 50,000, 60,000 people, and look at what has happened to them. Often in smaller communities—the Senator from Montana, the Presiding Officer, knows this—a husband and wife both work at a plant.

In Jackson, OH, I was walking a picket line with some workers who were locked out, and then the plant ultimately closed. For a number of the people I saw, the husband and wife both worked at this manufacturing plant, each making about \$12 or \$13 or \$14 an hour. They were middle class with their combined income. When this plant moved overseas, their family income was wiped out.

It happens over and over in small towns. It happens in Dayton and it happens in Cleveland and it happens in Columbus and Philly and Pittsburgh and Harrisburg. It happens in small towns and big cities.

Then we see this free-trade-at-any-cost crowd come to the Senate floor and say: If we only had trade promotion authority, we could do more of this because it works so well. Free trade has worked so well for our country.

Why have we lost these hundreds of thousands of jobs? Do you know why? Because the business plan in this country, the business plan, never in world history—I do not think we have seen this ever in world history—is where a business plan for a company is to shut down production in Steubenville, shut down production in Toledo, move that company to Shanghai, move that company to Mexico City, make those products, and sell them back into the United States. So their business plan is to shut down manufacturing in this country, go overseas, hire cheaper

workers, in places where there are weaker environmental laws, non-existent worker safety laws, and sell the products back into the United States.

That is what our manufacturing policy has been. That is why this whole idea of Korea and Colombia and Panama—as if Mexico and Central America and China were not enough—this whole idea of free trade at any cost is bankrupting our country. That is why wages during the last 10 years, during the Bush administration and since—since 2001, wages in this country have gone down. We have lost jobs in this country, almost. We have not grown jobs in this country. It is about what we had in 2001, with a much larger population.

Wages down, job growth flat, and the trade policy is working? So our answer is, let's do more of it, as if NAFTA and CAFTA and PNTR were not enough? Let's do more trade agreements? Let's send more jobs overseas? Also, we can practice trade according to what the Washington Post and the New York Times and the rightwing papers and the leftwing papers and the Harvard economists and the economic elite in this country say? Also, they can follow what they learned in economics 101, taught with a textbook that is 20 years out of date? It is not working for our country.

I was talking on the phone today with a retiree in eastern Ohio, and she had just been with her son who was about to be deployed at his base. She and her husband went and visited her son. He is a marine. She went to the commissary, and do you know what. She bought a hat that said “Marines.” I think it said “Marines.” She bought a hat. She bought a bunch of stuff at the commissary. Where was it made? Guess. It was not made in Helena. It was not made in Harrisburg. It was not made in Columbus. This is insane. We have American flags that are made abroad. We have products in commissaries that are made abroad. We have products Senator SANDERS spoke out against sold here in the U.S. Capitol that are made abroad. Why? Because we have a trade policy that is morally bankrupt, politically bankrupt, economically bankrupt, and it is not working for our country.

That is why this whole idea of trade promotion authority so we can do more of the same makes no sense at all. But it is also why we need to pass the Casey-Brown-Baucus amendment. When we made the reforms to TAA in 2009, 185,000 additional trade-affected workers became eligible in every State. Mr. President, 227,000 workers in 2010 alone participated in TAA. They got trained for new jobs that employers are looking to fill. I think we all know that we have, even in these bad economic times, jobs that remain unfilled because they cannot find workers with the right skills. This will help to fill that gap. We should all be for this.

According to the Peterson Institute, before the recession hit, between 2001 and 2007, two-thirds of TAA participants found jobs within 3 months of leaving the program. Ninety percent stayed at these jobs for at least a year. It is a program that works. It helps people get health care. It helps people stay in their homes. It helps people get new skills so they can work.

The last comment I will make: I have said enough about the bankruptcy of American trade policy, its moral bankruptcy and economic bankruptcy alike. Our trade deficit in 2010—I do not like to come to the floor and use a lot of numbers—if this is not reason enough, in 2010 our trade deficit was \$634 billion. You do know what that means. That means, basically, every day we buy almost \$2 billion more worth of goods made abroad than we sell abroad—almost \$2 billion a day.

If one-tenth the attention was paid to the trade deficit as we pay to the budget deficit, this would be a better country. We would see more manufacturing in places such as Cleveland and Columbus and Dayton.

Our trade deficit with China was \$273 billion in 2010. Ten years before—before PNTR—our trade deficit with China was \$68 billion. It went from \$68 billion to \$273 billion in one decade. That works so well that we should do more of it? President Bush said \$1 billion in trade surplus or trade deficit translates into 13,000 jobs, a \$1 billion trade surplus means 13,000 additional jobs, \$1 billion trade deficit means 13,000 fewer jobs.

So our trade deficit with China last year was \$273 billion. You do not have to be good in math to know that translates into a lot of jobs. Making products sold at the Capitol, making products sold at commissaries, making products sold all over—until we figure this out and pass trade agreements that are actually in our national interests, we are simply, pure and simple, betraying our national interests and betraying the middle-class families and the families in our country that aspire to be middle class.

I support the Casey-Brown-Baucus amendment and thank Chairman BAUCUS again for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUESTS— S. 1094

Mr. MENENDEZ. Mr. President, I have come to the floor to pursue a unanimous consent request on something that is critical to families in my home State of New Jersey, which has the highest rate of autism, but is also critical to families across the country who have a loved one who faces—in the spectrum of autism and other developmental issues—the need to get the

help, so their child, their loved one, can fulfill their God-given capabilities.

Last Tuesday morning, a full week ago from today, I sent this bill before the Senate for unanimous consent, and that unanimous consent was cleared on the Democratic side, but it has not been cleared on the Republican side, which has prevented this bill from passing.

This legislation was reported out of the Senate Health, Education, Labor, and Pensions Committee on September 7 without amendment and with unanimous support, Republicans and Democrats together. This result, the result of a bipartisan effort with Senator ENZI, who is the ranking member of the Health, Education, Labor, and Pensions Committee, is vital to ensuring that the programs created under the landmark Combating Autism Act of 2006 continue.

That bill was signed into law by President George W. Bush after passing the Senate on a unanimous consent. This long history of bipartisan support only adds to my confusion as to why there are colleagues on the other side of the aisle who are currently preventing the bill from passing.

This legislation has unanimous support from Democrats and strong bipartisan support throughout the Senate, including nine Republican cosponsors.

Without Senate approval, the Combating Autism Act will sunset at the end of next week, leaving countless families across our Nation without the support they need in caring for their children with autism.

This bill provides an additional 3 years of guarantees simply in the context of an authorization. Obviously, we would have to go through the appropriations process and there would have to be debate and it would be voted on the floor, but that authorization for 3 years at the fiscal year 2011 appropriated levels for the programs for the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration is vital to continuing our efforts on diagnosing autism spectrum disorder, advancing behavioral therapies to improve social abilities with those with autism, providing families with education and support services to better understand autism, and to coordinating Federal efforts on researching autism.

I have worked closely with Senator ENZI, who has been a cochampion in regard to this legislation and addressing all concerns. Since it cleared the Health, Education, Labor, and Pensions Committee with full bipartisan and unanimous support, I thought we had succeeded in addressing those concerns. I have not been approached or heard a single objection from any Republican as to why they might hold this bill, and I have been open in my willingness to work with the other side

in addressing their policy concerns. Having not heard a single objection to the merits of this legislation—which, by the way, is an exact replica of what is being offered by the Republican majority in the House—I have to assume this is for reasons other than policy.

We have had a week to bring this forward. It has caused incredible uncertainty and unnecessary worry for the parents of children with autism as they wait anxiously to learn if the government is going to continue to reauthorize the very essence of the programs that have helped their children be able to fulfill their God-given potential to the maximum ability they can. I have met family after family who tell me this legislation has made an enormous difference in their lives. So I don't understand any reason, considering all the work that has been done, considering the bipartisan support, considering the House Republican majority is offering the same legislation, why we have not been able to pursue this.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 163, S. 1094, the Combating Autism Reauthorization Act; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of myself and several colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I wish to commend my colleague for his attention to this issue. Autism is a very difficult issue for many families, and the incidence of autism in our country is growing. I am thankful Congress, in its wisdom, a number of years ago, established agencies such as the Centers for Disease Control and the National Institutes of Health, where we have scientists and physicians and many others who are dedicating themselves to researching not just autism but cures for many diseases.

I appreciate again my colleague bringing this up, but I am afraid this is another example of political good intentions having many unintended consequences. The lobby to support autism is definitely very strong, and we appreciate that, but there are many diseases that children and people throughout our country face. We have put experts in place to determine where we can spend the money we allocate for medical research, and we need to leave that to the experts.

We have seen unintended results when our government tries to pick winners and losers. We tried to do it in the solar business 1 year or so ago. There are many companies in the solar business, but we picked one, and we didn't

exactly know what we were doing. We gave \$½ billion dollars to an effort that turned out not to be the best place to send taxpayer money.

Autism research will continue, and I think that is something we need to make very clear. The people we have put in charge of doing medical research will continue to do that medical research. The Congress does not have to decide how much we are going to spend on all the different diseases that affect Americans. There are many children facing diseases we don't understand, and they do not have the lobby many other diseases have. We cannot, from a political perspective, in an attempt to demonstrate our compassion, try to direct all the scientific and medical research from the floor of the Congress.

So I wish to make it clear that all of us who object support autism research. We will continue to try to make sure the funding for medical research is there. But it makes absolutely no sense for us, from where we sit, to try to play scientists and physicians and to know where the best outcomes will be and where we get the most for our money. If we are going to do that, we might as well decide what kind of medical equipment is going to be used or what kind of drugs are going to be used, and we certainly don't have that capability.

I am very thankful Dr. COBURN has taken up this issue for years and urged us to leave the decisions for medical research in the hands of those who understand it. Our job, as a Congress, is to continue to appropriate the money, which we will, for medical research. Autism research will continue, as well as research for many other diseases. Hopefully, we can make sure that funding is there because many families are suffering and we need to make sure we do our part in the research area.

So I welcome my colleagues in the majority bringing this bill to the floor for debate. We certainly are not blocking debate on this issue. But passing something such as this, without any debate and without any open vote, is not what Congress should be doing right now.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Chair for the recognition, and I wish to recognize the good work my colleague, the Senator from New Jersey, has done on this issue.

I have been in the Senate a little over 6 years and I was cajoled into allowing this to pass the last time it passed. I have blocked every other disease-specific piece of legislation, and there is a reason for that. Both the last Director of the NIH and the current one caution against us being specific in what we demand them to do. There is a reason for that. Our science is changing enormously—enormously. We are

now at the molecular level, at the genetic level, and at the immune level of thousands of diseases. What we research in diabetes now has prevalence for neurosciences. What we research in neurosciences now has prevalence for tons of other diseases. Dr. Zerhouni has said: Please don't do this.

I am known in this body to be a stickler on spending, but if there were two areas I would increase spending in our budget it would be to the NIH and to the National Science Foundation—both of them—and I recently reported out a report that was somewhat critical of some of the spending on the National Science Foundation. We can do everything better. But the important aspect is no one who is opposing the reauthorization of this bill right now is opposed to autism research or the ideas behind it. What we are opposed to is tying the hands of the researchers and the Directors at NIH and telling them what they should do and how they should do it.

I would also dispute the fact the money will go away. The CR we are going to consider this week will continue this funding at the level it is until November 18, which gives us plenty of time to work with Senator MENENDEZ to work out some of our problems with this piece of legislation. So we come to this debate in good faith. We recognize the emotional ties associated with such a devastating disease. As an obstetrician and pediatrician, I have diagnosed it. I have treated it. I have sat with the families as they have suffered through the consequences of this disease. I don't take it lightly. But I also don't take lightly our inability to make the clear choices and ratchet around the moneys for the NIH.

What we should do is say: NIH, here is your money. Go where the science helps the most people in the quickest way and where the science leads us. At a time when our country is desperate to get our fiscal house in order, what we want is the most efficient NIH. What we want is nonduplicative grants at the NIH. What we want is no fraud in the grants associated with autism, which have been published and which people are now in jail for. We want that eliminated. We want the oversight on the NIH to be across the board in every area. Are they doing what we are asking them to do to spend the money wisely and what the science would tell them to do, not what any one particular interest group would tell them to do?

So I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1094, the Combating Autism Reauthorization Act, and that my amendment at the desk related to requiring the Secretary of HHS to identify and consolidate duplicative and overlapping autism funding throughout the Federal Government be agreed to, the bill, as amended, be read a third

time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I understand that. My commitment is to work with the Senator from New Jersey to try to solve this problem before any funding would change, and I don't think it is going to change.

I would also note for my colleagues that last year we had over \$450 billion appropriated by the appropriators that was not authorized for anything. There were no authorizations at all. So this money isn't going to go away. There is no hurry. There is no tragedy. We can continue, and we can work as colleagues to try to solve our problems as well as meet the demands the Senator from New Jersey thinks must be met.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. First of all, I appreciate my colleague's offer and certainly we will take him up on it—to have a discussion to see if we can come to a common understanding because the issue is far more important than anyone's ideological views. I look forward to working with him and others who are concerned.

Let me say, however, there are some inconsistencies. If you do not believe there should be a disease-specific reauthorization, then the CR does exactly that. It will be for a more limited time, but it will, in fact, reauthorize this bill but only to November 18. So whether that debate is about reauthorizing a disease-specific allocation, which is what I was trying to accomplish, or whether in the CR, I assume it will be the thinking of my colleagues to object to the CR on the basis it has a disease-specific reauthorization for a much smaller period of time, until November 18. I am not quite sure how that logic follows at the end of the day.

Secondly, I think it is rather cruel to use an analogy that talks about loan guarantees to some energy entity and talking about autism and families. When I hear the word "lobby," that, of course, creates a pejorative description. What is the lobby here? The lobby here is parents—American citizens, husbands and wives, taxpayers who advocate for their children before their representatives. I thought, in a representative democracy, citizens have the right to go to their elected representatives and advocate for a point of view—even if, admittedly, that point of view is on behalf of the welfare of their child.

So I have a problem when I hear, in this context, the word "lobby," as if it

is a negative when a universe of parents in our country who pay taxes are simply trying to accomplish getting their government's attention on a disease that afflicts their children and their ability to function in this society to the maximum potential their God-given abilities give them. I don't care about listening to a lobby. The last time I checked, this is what democracy is all about.

Finally, I would simply say there is no guarantee—I know my colleague suggested there is a guarantee—that research into autism will continue. There is no guarantee of that. There is no guarantee of that. The reason why I objected to the other unanimous consent by my colleague from Oklahoma is because, in fact, we have a set of circumstances, if we read that unanimous consent request, where there would be a diminution of funds at the end of the day. So we either believe in a disease-specific reauthorization, which to some degree would be allowed, but then we take away all the funds.

The whole reason this legislation came to being was to coordinate the very efforts of the Federal Government together to, in essence, meet the challenge of autism.

Even when we listen to debate on disease-specific legislation and the opposition to disease-specific legislation, I would emphasize that while the name would suggest this is only about autism, this improves services for children with many different developmental disorders and conditions—from autism, yes, but Down syndrome, cerebral palsy, spina bifida, intellectual disabilities, and epilepsy.

So it is a program that involves a number of efforts, broadly based, to prevent and detect and improve the health infrastructure for all children who might face any of these developmental disabilities, not just autism.

Every year this program trains thousands of professionals to better care for individuals with a broad range of developmental disabilities, including but not limited to autism spectrum disorders. Given the long waiting lists that families often endure to receive diagnostic and treatment services, these programs are essential in addressing an urgent national health need.

So, Mr. President, I don't quite understand the opposition. It boggles my mind. They are against disease-specific legislation even though this has passed by voice vote in the past? Even though this passed unanimously out of the committee? Even though a disease-specific provision will be in the CR, which I assume they would oppose if they don't want legislation to move forward? Then they tell families they are lobbyists, and they have no right to lobby, that we shouldn't listen to their voices? Then they say there will be—don't worry, there will be money for re-

search, when there is no guarantee? That is cruel, in my view, and there is no reason for it.

I would only hope we can have a change of heart so we can have families who have an incredible challenge and who love their children and want to do everything they can to help them fulfill the maximum of their potential to be able to do so. That is what we have done for several years now under this legislation.

My God, if we can't get things like this passed, I don't know where we are headed in the Senate. But I hope for a better day, and I am going to continue and insist until we achieve this.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PALESTINIAN U.N. REQUEST

Mr. CARDIN. Mr. President, I take this time to bring to the attention of my colleagues activities that will take place this week in New York at the United Nations and the request that has been made by the Palestinians that they seek status as an independent state with full membership in the United Nations.

It is clearly the position of the United States, it is clearly I think the position of the international community, that there needs to be two states, a Jewish State of Israel along with an independent Palestinian State, living side by side in peace. But the only way that will take place is through direct negotiations between the Palestinians and the Israelis. Prime Minister Netanyahu, the Prime Minister of Israel, was here in Washington and spoke before a joint session of Congress. He laid out very clearly how peace in the Middle East needs to evolve, through the recognition by the international community of the Jewish State of Israel and an independent Palestinian State through direct negotiations between the Palestinians and the Israelis.

Israel has been one of our strongest allies. They have been a loyal ally to the United States. We share common values. It is strategically critical to the United States, particularly in that part of the world. It is clear to all that the only way we will achieve the two

states will be through direct negotiations between the Palestinians and the Israelis. The Palestinians have been reluctant to have these direct negotiations and tried to use intermediaries. They need to do it directly. Sit down with the Israelis. Negotiate the issues. That is the way to move forward to accomplish their goal.

The action they are seeking in the United Nations will be counterproductive. We have gone on record, every single one of us in the Senate of the United States, in S. Res. 185, a resolution I brought forward with my colleague from Maine, Senator COLLINS. It was passed unanimously by the Senate. It stated very clearly that if the Palestinians were to pursue this unilateral action through the United Nations, that would not advance the peace process, that it would be counterproductive to the objectives of the Palestinians to establish an independent state.

This past week, Senator COLLINS and I sent a letter to President Abbas, the President of the Palestinian group. We told him that we believed trying to go directly to the United Nations, circumventing the peace process, would be a lack of good faith in peace negotiations and that it would have repercussions on United States foreign policy.

What we have been told by the Palestinians is they will seek full membership as a state in the United Nations, going to the Security Council. That is not going to succeed. We hope the Security Council will recognize the inappropriateness of such action and will not take it up or will not provide the necessary support to forward it to the General Assembly. In the unlikely case that it were to get the necessary support in the Security Council, the United States has made it clear that it would veto any such action, for good reason—because it would be counterproductive to achieving the objectives of two states living side by side in peace.

The Palestinians may go to the General Assembly. Although they cannot get full membership, they could try to advance a resolution within the General Assembly in the United Nations. We know the numbers. We know what could happen. But I must tell you, seeking some form of recognition through the General Assembly, circumventing the peace process and the Security Council, will be harmful to advancing the peace process and the objectives of the Palestinians for an independent state.

Let the parties negotiate directly, in good faith. Israel has indicated they are prepared to do that. We have been prepared to do that—negotiate in good faith through direct negotiations. There are no shortcuts to achieving this. Moving through the United Nations will not achieve those objectives.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The junior Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEVADA TRAGEDIES

Mr. HELLER. It is an honor serving the people of the great State of Nevada, and today I am speaking on their behalf for the first time in the Chamber of the Senate. Before I begin, I would like to take a moment to reflect on two tragic events that have taken place in Nevada recently.

In Carson City, our Nation lost three Nevada National Guard members at a local restaurant shooting. Those members were MAJ Heath Kelly, SFC Miranda McElhiney, and SFC Christian Riege.

The other was the horrific crash at the Reno air races this weekend. As with the shootings in Carson City, this terrible event not only impacted the communities in northern Nevada but the entire State and the Nation. Having visited the scene where the crash occurred, it is difficult to describe the amount of damage that took place there.

Our State's first responders and medical personnel did an amazing job in a very difficult situation. My thoughts and prayers go out to all the victims and their families, and I wish the injured a quick recovery.

REENERGIZING AMERICA

Mr. HELLER. Mr. President, I am deeply humbled by the opportunity to stand here today and to address the body as Nevada's 25th Senator. Nevada is a small State, but it is one that has provided many with a great chance to succeed. Most people know that it was in Nevada where Samuel Clemens began to sign his writings as Mark Twain and reported on the territorial legislative sessions. However, the reason Samuel Clemens came to the Nevada territory was to follow his older brother, Orion Clemens, who served as the first and only secretary of the Nevada Territory. That position would later become secretary of state, a position which I held prior to my service in Congress.

Similar to the Clemens brothers who sought greater opportunities, it is in a State such as Nevada where a son of a mechanic can have the opportunity to interact with those who are responsible for governing the State. For instance, as a boy I delivered the newspaper to then-Gov. Mike O'Callaghan. For a time, I went to Sunday school with then-Lt. Gov. HARRY REID's sons, and I was educated at the same public high

school as Senator Paul Laxalt. Our current Governor, Brian Sandoval, is someone whom I used to play organized basketball with. I wish to thank Senator Laxalt for his support and Senator REID for being here today. I also wish to thank Senator MCCONNELL for being here as well.

My father's automotive shop was across the street from the Nevada State legislature, so many of the legislators would come into my dad's business. I spent a lot of time there as a kid working in that garage, sweeping floors, repairing cars, fixing engines and transmissions. In that shop, I learned the value of hard work and responsibility and the importance of family.

I am proud of what I learned growing up in Nevada: values from two great parents, good teachers, and good neighbors. Nevada values such as faith in God, hard work, honesty, and commitment to family—these are the values I try to bring to Washington, DC, every day.

Although Nevada has changed over the years, in many ways it is very much the same place as when I grew up. I bring this up because I recall what it took for my father to keep his business in operation, and I think about what might have happened if he were still in business today. During this time when so many people are hurting and our economy is so fragile, it is important to understand how government impacts our economy and businesses across the Nation. While Washington politicians tarnish one another, Americans are still out of work. My home State of Nevada, in particular, leads the Nation in unemployment, foreclosures, and bankruptcies. Nevadans do not want finger-pointing; they want jobs. Nevadans do not want political talking points; they want to keep their homes. Nevadans do not want to hear all the promises; they want to pass on a better future to their children and grandchildren.

Job creation and economic recovery should be a bipartisan value. Unfortunately, Washington is paralyzed by politicians and has been reduced to sound bites. Too often it seems we cannot move beyond the politics of today. It appears we are more interested in press conferences than solving our Nation's most pressing problems—issues such as Medicare, which is on the verge of bankruptcy. Instead of strengthening and preserving the program, it is often used as a political weapon.

The truth is, Washington has not done enough to get our Nation back on track and the American people know it. I recently received a letter from a small business owner who had this to say:

My business had to dramatically cut our spending and unfortunately lay off half of our good employees. Many of our customers have lost their jobs and their homes due to

government intervention in the housing market and massive mismanagement of our tax dollars . . . government employment has gone up, while private sector employment has dropped.

These are the kinds of stories I hear from Nevadans far too often.

For over 4½ years I have done weekly telephone townhall meetings, where I have the opportunity to speak with thousands of households across my great State. During a recent round of phone calls, I have been asking participants if they believe their children and grandchildren will have a better economic future than we have today. More than two-thirds of these respondents say no. Many Nevadans believe the economic burden of our national debt and the impact it will have on future generations will lead to fewer opportunities and less upward mobility. I am certain Nevada is not alone in this sentiment.

Do we want to be the first Congress that hands our children and grandchildren a lesser quality of life? This should serve as a wake-up call for Washington.

Passing a better life to our children and grandchildren is a value we all share as Americans. From all corners of Nevada and our Nation, the message is clear. The status quo is not working. We can no longer afford to ignore the biggest problems facing our country: government spending and the national debt. The choices are clear. We can continue down this path which leads to bigger government, higher taxes, less jobs, and rationed health care for our seniors or we can decrease government spending, create jobs, and fulfill our promises to future generations. Washington needs to place its trust in the American people to reenergize our economy, not the Federal Government. It was Reagan who said:

From time to time, we have been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. But if no one among us is capable of governing himself, then who among us has the capacity to govern someone else?

Our debt will serve as an anchor on future prosperity if we do not work today to solve this problem. Business as usual is not an option. What we do as Senators and the decisions we make are critically important to those whom we wish to represent. Sometimes the results of our actions are seen immediately and sometimes the full ramifications take decades to unfold. Record deficits, high unemployment, an anemic recovery, and inflation are fueling anxiety over our Nation's fiscal health. The key to recovery is to create an environment where economic growth can flourish and provide certainty and stability to our Nation's job creators.

I evaluate legislation through what I call the entrepreneurial standard or

the “more, higher, less test.” Does this bill provide more competition with higher quality at less cost? What would a small businessman do? If the Federal Government approached problems through an entrepreneurial perspective, we would have a more efficient government at less cost to the taxpayer.

Unfortunately, our government is not providing that certainty today. We have a temporary Tax Code, overly burdensome regulations, and an ever-increasing national debt. There is no question the Federal Government must stop spending money we do not have. If we are going to keep America exceptional, we have to chart a new direction for our country.

As families across Nevada struggle to pay their bills and fight to keep their homes, government spending has grown exponentially. This must end if we are going to turn this economy around. We must focus on the long-term health of our economy and remove impediments that have caused economic stagnation and disabled businesses from creating new jobs.

The Federal Government has been on a massive spending spree, and it is time for this reckless behavior to end. History offers little evidence that massive deficit-financed spending leads to economic recovery. As an opponent of the stimulus and the Wall Street bailout, I believe reining in government spending is critical to economic recovery and the future of our country.

The unemployment rate, foreclosures, bankruptcies, all represent people who have become victims of this recession. There are those who have endured pay cuts to keep their jobs, individuals who are underemployed, and seniors on fixed incomes dealing with the increases in cost-of-living expenses. No question, times are tough.

So the question we must answer is, Do we have the courage to overcome partisan divides and work together to solve our Nation's problems?

While we all may not be members of the same political party or share the same philosophy of government, I believe we are all here to do what is right. In these difficult times, it is more important than ever that we work together, find common ground, and make tough decisions to create jobs and get people back to work.

Every day I go to work to advocate for the great State of Nevada, and every day I let Nevadans know there is someone in Washington who is on their side. There is not a day goes by that I do not think about what can be done to create jobs and get our economy moving again.

This is not the first time Americans have endured tough times, and it probably will not be the last. There will be better days ahead. However, it is incumbent upon us to effect change in difficult times to create a better future.

Today, we are at a crossroads, possibly a defining moment in our Nation's history, where we must change the way we govern. The window of opportunity is available, but it is growing smaller every day. Mark Twain wrote: “You are a coward when you even seem to have backed down from a thing you openly set out to do.”

I ask another question: What is it that we set out to do? I ran for office to make a difference, to leave this place better than I found it. We still are the greatest Nation on Earth, with the greatest form of government. Our best days are yet to come—if we act now to return our Nation to what made us great: families, entrepreneurs, community, the American dream.

We must stop the mindset that we have all the answers here in Washington because I can assure my colleagues we don't. The answers are out there. They are in places such as Nevada, Alaska, Ohio, and perhaps Kentucky; in small towns and large cities across this country. Let the American engine fire again. Tear down the barriers to growth and opportunity and launch this great Nation to its great next chapter. I stand ready to serve and ready to bring us all together.

When my children and grandchildren look back many years from now, it is my hope that history will show we rose to the occasion to ensure their future and the future of our great Nation. I am confident we can meet those challenges. Our strength as a nation is bigger than the troubles of today. May God bless the State of Nevada and may God bless this great country.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I congratulate my colleague on his fine speech. I was happy to hear him mention some of my family. I think most everyone in Nevada knows that my son Leif is one of his best friends and vice versa. So I congratulate the Senator from Nevada on his first speech. It will be the first of many, and the first one is always the hardest. After that, it is a lot easier.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me add to the remarks of the distinguished majority leader and say congratulations to our brandnew Senator from Nevada for his outstanding inaugural address. He is off to a very fast start representing the people of Nevada and doing a wonderful job. I congratulate him again for an outstanding address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—Continued

Mr. WYDEN. Mr. President, under the leadership of Chairman BAUCUS, I

have the honor of chairing the Senate Finance Subcommittee on International Trade. That is why I wish to take a few minutes to outline some of the issues I think are relevant to this important debate, about going to bat for workers under the trade adjustment program.

In my home State, about one out of six jobs depends on international trade. The trade jobs tend to pay better than the nontrade jobs. So I have said my philosophy about international trade is, what we ought to do is everything possible to grow things in Oregon and in the country, to make things in Oregon and across America, add value to them here, and ship them somewhere because this is an extraordinary opportunity we have in front of us in terms of expanding exports.

The fact is, the American brand—the brand that is attached to American goods—the exports we send all over the globe are something consumers worldwide want. That is my first point. More than 90 percent of the world's consumers live outside the United States—90 percent—and they are all potential customers for the products we make in the United States. More customers for American products means American businesses have to make more products. To make more products, they go out and hire more workers. Hiring more workers to make more products to sell to more consumers is the upside of the trade debate we are starting today.

Dismantling trade barriers to American exports gives our businesses access to those new consumers. Doing that creates and supports good-paying jobs—jobs people can support a family on, with a family-wage job.

As I mentioned, trade-related jobs provide better benefits and pay than many of those jobs unrelated to international trade. That is why when we have an opportunity to open markets to American products and American exports we ought to take advantage of it.

Point No. 2 is that our successful efforts to open markets are undermined when foreign governments and foreign competitors cheat. I use that word specifically because cheating is exactly what engaging in unfair trade practices that work to undermine our producers and our innovators is all about. So a central component of our trade policy always has to be enforcement—enforcement of U.S. trade laws and global trade rules.

Senator SNOWE, Senator PORTMAN, Senator BLUNT, Senator McCASKILL, Senator SCHUMER, Senator BROWN, and I have been focused specifically on stopping foreign suppliers from laundering their merchandise to evade U.S. antidumping and countervailing duty laws. These are the duties that are put in place to remedy the damage that unfairly traded imports cause to American producers. Those foreign trade

cheats, especially those from China, have been found guilty of dumping their goods in our country. Instead of stopping the dumping or paying the appropriate duties, the Chinese goods are shipped into a country such as Korea where the goods get repacked into boxes that say "Made in Korea" in order to avoid the U.S. trade remedy laws.

All of this has been occurring under the sleepy eyes—the sleepy eyes—of our customs agency. Fortunately, with bipartisan support, the Senate is positioned to act on this matter and address the issue. It will not come a minute too soon.

I was stunned when the staff of my Subcommittee on International Trade basically set up a sting operation, set up a dummy company, and we were amazed at the number of firms, particularly from China, that basically said: Look, we are plenty interested in figuring out how to get around American trade laws.

So these foreign trade cheats are out there. They are looking for ways to exploit the fact that the customs agency has not been tough, has not been relentless, particularly not with respect to protecting our manufacturers.

So point No. 2 is to make sure in the days ahead we put in place a stronger response to trade cheating, where cheats from China and other countries literally launder their merchandise, stamp it as coming from somewhere else, in order to avoid our trade laws.

The third point speaks to the bill we discuss today, and especially to the valuable Casey-Brown-Baucus amendment that I hope we will be voting on shortly. America's ability to compete in the global economy rests on opening foreign markets, enforcing the trade rules, and preparing our workforce—the American workforce, the workforce on which American businesses depend—to be globally competitive for the jobs of tomorrow.

That is what the TAA, trade adjustment assistance, Program is all about. Just as over 90 percent of the world's consumers live outside the United States, so does over 90 percent of the world's workers. Although we have the most productive, innovative workforce in the world, sometimes a foreign producer finds a way to do something better or produce something more efficiently than an American one. The result is, we can have Americans losing jobs through no fault of their own.

So the Congress decided long ago that the best way to respond to global competition was to meet it head on, to meet it directly, and that is what a trade agenda with a robust Trade Adjustment Assistance Program does.

Trade adjustment assistance throws a lifeline to the workers who lose their jobs, and to their families, because we have been open, we have been free, we have been expansionist in the area of

trade, particularly when it comes to creating exports. Trade adjustment assistance provides American workers with an opportunity to acquire the skills they need to not just become re-employed but to help American businesses better compete in the global marketplace while those families make their way back to the American economy, where they can earn a wage at which they can support their families.

Trade adjustment assistance is a pretty modest program. The lifeline that is thrown to these workers is modest—just a few hundred dollars a week on average—and the job training that is provided to those workers is typically provided through existing infrastructure such as our community colleges. Trade adjustment assistance provides just enough assistance for resourceful and thrifty and industrious workers to rebound from a trade-related job loss. That, in effect, is what I hope we can start looking at programs such as trade adjustment assistance as being.

What we want these programs to be all about is to be something of a trampoline, where, in effect, people can get a modest amount of assistance, and through that modest amount of assistance be in a position to bounce back to the American economy with skills that have been improved and be in a position to again make a good wage at a company that can be involved in areas such as exports and productivity and innovation-driven services.

For much of the last half of the century, the United States vigorously promoted an open and global economy. As a result, our country launched an effort to become the largest, most dynamic market in the world. Today that global market is more competitive than ever before. The rise of China and India and other emerging markets, such as Brazil and Russia, provide extraordinary opportunities to our innovators and our producers. But we do not get to be the top economy as a result of some kind of entitlement program. We have to constantly work at it. We have to constantly work at the task of making more innovative and more productive goods and services.

Together, Federal Government officials, businesses, and workers have the opportunity to seize the possibilities that a global economy provides and also overcome its challenges. Certainly, it is more important than ever to do that in the face of growing foreign competition. That means joining again now, on a bipartisan basis, to support trade adjustment assistance.

I would just like to note, having been involved in these issues since I came to the Senate, trade adjustment assistance has historically been a bipartisan program. It has been a program where the Congress, Democrats and Republicans, consistently said we can look at trade, we can look at exports as a vehi-

cle for more family-wage jobs in our country—making things here, growing things here, adding value to them here, and shipping them somewhere. But certainly, in an ever-changing world, we are going to see some of our workers needing the opportunities to upgrade their skills that trade adjustment assistance allows.

So I very much hope my colleagues will support the Casey-Brown-Baucus amendment. It has my full support. It is very much in the spirit of the bipartisan work that has been done on trade adjustment assistance in the past.

Mr. President, I see other colleagues waiting to speak, and with that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

FISCAL PLANNING

Mr. SESSIONS. Mr. President, yesterday, the President provided a fiscal plan on paper that he said reflects his latest fiscal vision for the country. It seems to be about the fourth vision we have had this year, and he has said we need to be honest with the American people and talk straight to them. I certainly believe that is correct, and I would share some thoughts about the President's plan and express disappointment that he has not been honest and direct with the American people, has not discussed in sufficient depth, in my opinion, the Nation's need to reduce spending because our debt is surging larger than it ever has in our history and presents a danger today and in the future.

The President needs to talk more about that. If we are going to ask the American people to reduce their spending, to take less from the government, to tighten belts, then we need to know why. I do believe he has not been sufficiently informative in his conversations because many of them emphasize increasing investments in various programs, in spending programs he has advocated, but with regard to the plan that was introduced yesterday he claims it would increase the fiscal year 2012 deficit by \$300 billion; that is, next year it would increase the debt by \$300 billion, but he says it would reduce deficits over the next 10 years, in the outyears, by \$3.2 trillion.

We know what happens now happens. Spending that occurs today—the money is out the door—and promises to raise revenue in the future become less certain as each year passes by.

But assuming this is true, assuming we would actually do in the next 10 years the kind of things that would pay for this short-term spending, I would advise my colleagues that the fundamental claim the President is making—assuming his numbers are correct, and we do the things he suggests—it overstates by \$1.8 trillion the amount of the savings. Mr. President, \$3.2 trillion, no. Mr. President, \$1.8 trillion reduced from that, and we are looking at

about \$1.4 trillion in savings and not \$3.2 trillion. That is the fact. I will share with my colleagues the sad, grim fact of that.

How did it happen? Well, the bill, as the Washington Post said, is being criticized because of gimmicks that are in it.

First gimmick: The war-funding gimmick. The plan shows \$1.1 trillion over 10 years in savings from putting a cap on war-spending costs. But those costs are going to decrease as the war effort unwinds whether or not this proposal is in place. They have been long been planned.

The President's proposed caps on war spending manipulate baseline concepts to show the savings that have been long planned and new—something he came up with this week, I suppose—new choices which inflate the spending cuts in his plan. In other words, it inflates the amount of spending he has cut by \$1.1 trillion.

The Congress has dealt with this little gimmick in the budgetary process. I serve as ranking member on the Budget Committee, and we wrestled with these baselines and scoring possibilities. But that gimmick—the \$1.1 trillion gimmick—was rejected during the recent debt ceiling debate, raising the debt limit. We talked about that and we didn't do it because it is not an accurate explanation of the cutting of spending. We don't have any plan to continue to spend in Iraq and Afghanistan the \$158 billion we spend this year. And for 10 years? Give me a break. That has never been our plan and shouldn't be assumed as a baseline for spending. Claiming credit for not continuing that is not a legitimate way to analyze how much you have cut spending.

Some have said PAUL RYAN and the House Republicans, when they passed their budget, included the \$1.1 trillion when they said they reduced spending by \$6.2 trillion. They proposed a budget to cut \$6.2 trillion. They also proposed a growth-oriented tax reduction and simplification plan that would create economic growth, netting out \$4 trillion in actual savings. But PAUL RYAN and his committee did not—I have checked the numbers—consider \$1.1 trillion in war savings—which no one has disputed should occur—off the present amount we are spending. He did not include that in the \$6.2 trillion. He did have an alternative analysis that showed that, and people have seized upon that to say his fundamental proposal of a \$6.2 trillion spending reduction included it. It did not.

Another big gimmick—one used too often in this body—is what we call the doc fix of Medicare. The Balanced Budget Act, in the late 1990s, proposed substantial reductions in physician fees. As the years have gone by, it has become more and more plain that doctors cannot sustain a 20-percent reduc-

tion or more in their fees for doing Medicare work. So each year we put that money back in. But it is part of the plan of a long-term budget. The statute itself has not been changed. So every year we have this little problem: Are we going to cut the doctors 22 percent or are we going to avoid cutting the doctors 22 percent? Well, we don't want to cut the doctors that much. They can't function. That is too big a cut for them. So we find the money some way every year. Mostly, we have borrowed it.

The President's plan assumes that money will be found for the doc fix and they will do it over 10 years to the tune of \$293 billion. This trick counts the higher spending as a given rather than as a policy choice that needs to be offset. Without this gimmick, the President's health care savings of \$320 billion the plan suggests will occur becomes health care savings of only \$27 billion. You don't save \$293 billion because of this gimmick because it is unpaid for. There is no source of income to pay for the President's assumption. We will pay \$293 billion, which means he only saves \$27 billion in health care, not \$320 billion.

I believe this is a truly honest and fair analysis of the President's proposal. It is incorrect, putting it kindly.

There is another little gimmick. When the President talks about cutting spending—when he says we are cutting spending—what does he include in that? He is counting as spending reductions the net interest effects of his proposed policy changes, even though interest costs are the secondary effect of his proposed tax hikes.

For example, if you raise taxes and don't cut spending—and spending has not been cut in this plan—you raise taxes and you reduce projected deficits, we think about \$1.4 trillion under the plan, less than half of what was projected, then you don't pay as much interest because you don't accrue as much debt. And you don't pay as much interest on a debt that is not accrued. They are scoring that as if they cut spending, when it is a natural by-product of increased taxes.

So when you remove the accounting tricks and the Washington gimmicks that have contributed to this country being in the fiscal condition we are in, you are left with only half of the \$3 trillion in deficit reduction the White House promised.

The White House also claims the President's plan has \$2 in spending cuts for every \$1 in tax hikes—\$2 in spending cuts for every \$1 in tax increases. Indeed, early in the year he suggested we should have a plan that would have \$3 in spending cuts for every \$1 in tax hikes. But is this accurate? Is it true we are achieving \$2 in spending cuts for \$1 in tax hikes?

If you eliminate the gimmicks, you will see it is absolutely not true. Under

the plan, total Federal spending—including the jobs plan's stimulus bill—the new stimulus bill—will increase. The President's plan will not decrease total Federal spending. It will increase, not decrease. There is no cut in spending. On balance, there is not a penny of net spending that is cut—on net.

In a speech, the President said:

I'm proposing real serious cuts in spending. When you include the \$1 trillion in cuts that I've already signed into law, these would be among the biggest cuts in spending in our history.

Well, that is not true. It is not accurate. I don't think it bodes well for us to be able to reach an agreement on these very serious issues if the President is pretending his plan cuts war costs or counts interest that shouldn't be counted or proposes we have a doc fix without any money with which to fix it. Those are the kinds of things that get us into trouble.

Despite the substantial increase in taxation under the President's plan, deficits would not be tamed. At no point over the next 10 years would deficits be smaller in nominal terms than the \$459 billion recorded before he became President. That is the highest deficit in history. President Bush was roundly criticized for the \$459 billion during his time. The lowest deficit under today's plan—the lowest over 10 years—would be \$476 billion in the out-years, and it would start going back up again under the plan they propose, leading to a \$565 billion deficit in 2021. And by the way, the last 3 years of deficits have been \$1.3 trillion, \$1.2 trillion, and this year will be \$1.4 trillion in debt. So next year's deficit will actually surge beyond the current projections. We had hoped they would come down. But because of the new spending in this plan, \$350 billion will be added to the deficit next year, putting us well over \$1 trillion in deficit again next year. At a time when we should be reducing deficit spending, the immediate impact of the plan will be to increase spending, fostering more fear and uncertainty in our economy and the conclusion among the financial investors here and worldwide that we still haven't gotten the message and we are still out of control.

Over the next 10 years, deficits would total \$6.4 trillion, and gross Federal debt would grow by \$9.7 trillion. Gross Federal debt would grow by \$9.7 trillion, exceeding \$24 trillion in 2021, when last year we had about a \$13 trillion debt. That would put our debt over 100 percent of GDP.

Properly accounting for the effect of the President's proposed policy changes, the actual amount of debt reduction proposed by the President is \$1.4 trillion, consisting of \$146 billion in spending increases that would increase the debt and \$1.5 trillion in tax increases. So we may have raised a few weeks ago our legal debt limit, allowing us to run up more debt, but we have

breached our economic debt limit. America's \$14.5 trillion gross debt we have today is 100 percent of our economy.

A prominent study from economists Rogoff and Reinhart—praised by Secretary Geithner as “excellent”—shows when a nation's gross debt reaches 90 percent of GDP it loses, on average, a percentage point or more in GDP growth that year. Our debt is depressing growth. Our debt is now 100 percent of GDP, and our growth is unexpectedly slow this year. Could that be a part of the cause? Some economists say no, but it certainly is consistent with the projections in their plan.

So the plan that was presented, I have to say, is gimmick piled upon gimmick, adding up to little more than a tax hike camouflaged as fiscal restraint. Promised spending control is nowhere to be found. When you are in a crisis, you must deal honestly with the American people. You must present the facts, along with a credible solution, and call on the people to respond and sacrifice together. Americans are good, decent, hard-working people who will accept a difficult choice if given to them in honest terms. But the White House is trying to be clever at the expense of being credible.

The debt is destroying jobs today, I believe. If we are going to restore confidence in growth, credibility in the President and in Congress is one asset we cannot afford to borrow against.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SESSIONS. Mr. President, can I ask unanimous consent to have 1 additional minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to congratulate my colleague Senator WYDEN on his work on this legislation, and also would thank him for his efforts to reach an agreement to improve our Tax Code. It is a big deal. A lot of expert witnesses have appeared before the Budget Committee. Senator WYDEN is a member of the Budget Committee. Those witnesses have told us that properly improving our Tax Code could improve growth, create jobs, and make America stronger. I appreciate the Senator's hard work and am looking at his proposal and thank him for contributing positively to the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just before he leaves the floor, let me tell Senator SESSIONS how much I appreciate the kind words and enjoy working with him. We serve on the Budget Committee together and talk often about economic issues. I wish to tell my colleague that I look forward to working with him on tax and budget issues in the days ahead especially.

AMENDMENT NO. 626

Mr. President, what I would like to do now is take just a couple minutes to talk about the amendment offered by the distinguished Republican leader, Senator MCCONNELL, to extend trade promotion authority—what is known as TPA—for 2 years.

I am certainly interested in working with the leader. Certainly, Chairman BAUCUS has made it very clear that he wants to continue to work on this issue. But I would oppose the McConnell amendment this afternoon, and I want to outline specifically why.

The last time Congress passed trade promotion authority was in 2002, essentially almost one decade ago. The McConnell amendment would simply continue Congress's instructions that were formulated back then, as I said, almost one decade ago. But the fact is, the American economy has changed dramatically since TPA was adopted last, and the overseas trade barriers have changed dramatically. Yet the McConnell amendment simply hasn't kept up with the times. What I wish to do is outline a few examples of areas where we face very different economic challenges.

I would also like to say we talked about this very briefly in the Senate Finance Committee. It was raised by the ranking minority member on our subcommittee, Senator THUNE. So it is clear there is an interest in the Finance Committee in working on this issue.

Trade promotion authority is a hugely important and complicated issue. When it was considered the last time, there were extensive hearings in the Finance Committee. Many amendments were authored. There was considerable time devoted to it. That has not been the case at all with respect to reauthorization, and it is why, in particular, I wish to make sure that when the Congress next deals with trade promotion authority, we deal with some of the most important challenges. I am going to outline a few of those.

Digital goods and services would be of special concern that we have looked at in our community. Digital goods, for an example, would be software. Digital services would highlight cloud computing. I know it is something that has been of great interest in Minnesota. It is all about the Internet playing an increasing role in the American and the global economy. It is a platform for global commerce.

I believe the Internet represents the shipping lane of the 21st century. It is the shipping lane for goods and services, and the 2002 version of trade promotion authority doesn't have the kinds of policies that are necessary to address today's challenges that affect our ability to export American goods and digital services.

A second example would be the question of labor and environmental stand-

ards with respect to our trade goals and intellectual property protection for pharmaceutical drugs.

In May of 2007, congressional Democrats and Republicans got together, on a bipartisan basis, to update trade goals with respect to key issues such as labor and the environment and intellectual property protection as it related to pharmaceutical drugs and therapies. These agreements that were entered into in 2007 aren't reflected in the 2002 version of trade promotion authority. So extending the 2002 version of trade promotion authority is another area where, if we simply support the McConnell amendment this afternoon, trade policy has not kept up with the times.

Finally, I would just like to mention China. The fact is, in 2002, we had a relatively short experience with China at the World Trade Organization and, more than ever before, state-owned enterprises play a role in global commerce, particularly given the rise of China. I think all of us agree our trade agenda ought to include promoting discipline so state-owned enterprises do not undermine the American private sector. That requires reconsidering, again, the provisions found in the 2002 version of trade promotion authority.

What it comes down to is that this issue deserves more consideration than a floor amendment with just a modest number of Senators even being aware of the history and the issues and the complexity of the issues. In fact, it would be fair to say that a significant number of Senators on both sides of the aisle weren't even a member of this body back when trade promotion was considered last in 2002.

So what it comes down to for me is, American trade policy is too important to construct on the back of a galloping horse. That, in my view, would be what the Senate would be doing if it simply adopted the McConnell amendment. Chairman BAUCUS is opposed to this amendment. He, such as myself, has made it clear he is interested in working with colleagues on a bipartisan basis on this issue, and it is an important part of the role of both the executive branch and the Congress in terms of looking at trade policy, and it is particularly important right now when, in a host of areas—I will give another example.

I cited already digital goods and environmental labor standards and state-owned enterprises. We had a very valuable hearing in the Subcommittee on Trade Finance on fishing issues, which are also playing an increasingly important global role in trade agreements and trade policy. That also was not part of any discussion back in 2002. Those issues and others need to be aired. They ought to be aired on a bipartisan basis.

I thought Senator THUNE, when we were in the Finance Committee, was

right to ask about this issue. There is going to be an opportunity in the days ahead to work on this. Chairman BAUCUS has made it clear that he wants to work with colleagues on a bipartisan basis on trade promotion authority. I do as well. I already made that pledge to the ranking member of our subcommittee, Senator THUNE, who has been very easy to work with on a host of these trade issues. He has made some particularly important points with respect to digital goods and services and the opportunity for our high-tech sector—wrote a good article on it just a couple days ago.

Suffice it to say, there is a lot of interest on our side of the aisle in working on this issue. But I would urge colleagues to resist the McConnell amendment this afternoon when it comes up for a vote for the reasons I have outlined, and there will be time for the kind of debate on trade promotion that I think is appropriate, one that reflects the opportunities and challenges of an economy in 2011 that is very different than the one we were addressing when we last did trade promotion authority in 2002.

In an effort to come up with a unanimous consent agreement that can resolve the question of the upcoming votes, I would just say to Senators on both sides of the aisle that certainly the next hour would be a very good time for Senators who would like to speak on the Casey-Brown-Baucus amendment or the McConnell amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ DEADLINE

Mr. TESTER. Mr. President, during a trip to Baghdad this past January, I had the opportunity to meet with several members of the Montana National Guard's 163rd Combined Arms Battalion. That day, I told them that I was proud of each and every one of them, from unit commander LTC T.J. Hull and SGM John Wood, right on down the line. Through courageous service to our country, they were making tremendous sacrifices on our behalf, and they were representing the very best of Montana.

This month, these folks have been coming back home to Montana from their demobilizing station in Washington State. Today, I join their families, their friends, and their neighbors in welcoming the last group of those citizen soldiers back to Montana.

Job well done, soldiers. And I thank you.

For nearly a year, these 600 Montanans served in some of the harshest conditions imaginable—escorting numerous convoys across dangerous terrain and conducting other critical security missions throughout Iraq. At one point over the last 12 months, this unit accounted for more than half of Montana's best and brightest serving overseas. They gave up the comforts of their families, their homes, and their communities to bring stability to a nation on the other side of the world. Through it all, they showed courage in difficult times. They remained strong. And they were always in our thoughts and prayers.

Now they are home. It is our duty to continue our support by providing the benefits, quality care, and services they need as they transition back to their families, to their jobs, and to their communities. Many Iraqi veterans make that transition with success, coming home to good jobs and welcoming communities. But for others, making that transition is no easy task. It is no secret that there is a potential for higher rates of substance abuse, higher divorce rates, higher unemployment rates. The effects of post-traumatic stress disorder and traumatic brain injury can impact entire families. Thankfully, veterans often look after each other. We should recognize the important role of America's veterans service organizations and their willingness to help with that transition.

Montana was one of the first States in the Nation to adopt the Beyond the Yellow Ribbon Program. It involves entire families of National Guard soldiers and airmen, preparing them for the changes that come before, during, and after deployment. The Beyond the Yellow Ribbon Program is a success, and I am pleased that in the last Congress my colleagues gave all States the resources to implement it.

Furthermore, I will do my best to make sure we keep up our end of the bargain. Whether it is college education, health care, or compensation for an injury suffered on the field of battle, we will honor our commitment to our heroes. We make this promise to the men and women of the 163rd and to Montanans who make up the many other units of the Montana National Guard that were deployed this year and to those folks who are part of Montana's Red Horse Squadron, now in Afghanistan. To our reservists and to the folks serving in the Active-Duty military today, we make the same commitment.

Even as we make this commitment, many folks in Montana are wondering what should happen next in Iraq. Since 2003, our Nation has sent hundreds of thousands of young men and women to fight in Iraq. We have done so at an

enormous cost—4,474 Americans have given their lives, and more than 32,000 have been wounded. We cannot put a number on those who suffer from the injuries that are unseen. And let's not forget that the price tag of this war that was put on our children is quickly approaching \$1 trillion, and then there are the tens of billions of dollars in waste and fraud.

The war in Iraq started with political leaders who had their own agenda. They went there looking for weapons that never existed. But through it all, the professionalism of our military never faltered. They provided security and democracy to a nation that had never known it.

But for far too long, Iraqi politicians did nothing to secure their own future. I first went to Iraq in 2007 and returned there again this past January. I was struck by how much it changed in those 4 years. Iraq was finally moving forward after too many wasted years, too many wasted dollars, and too many lives lost. There are many reasons for the change. The improved security from our military and the training provided by our troops played a big role. But American diplomats and military leaders told me that the biggest reason for the progress in Iraq was this: The Iraqis were told in no uncertain terms that the United States was leaving. Our military presence would end on December 31 of this year. That was what galvanized Iraqi politicians to take control of their own country.

Today, I am sending a letter to the President calling on him to stand by his commitment to pull all U.S. Operation New Dawn troops out of Iraq by the end of this year. We should bring the last of them home on schedule. U.S. marines will still guard our embassy, as they always have, and we will still maintain a strong diplomatic presence in Iraq.

Despite this year's deadline, I know there is talk of the possibility of keeping a sizable force of U.S. troops in Iraq through next year. If that is the case, it is not good. We cannot afford moving the goalposts. Across Montana and this Nation, people are saying: Come home and come home now. I know sectarian violence in Iraq will continue. We should not be asking American troops to referee a centuries-old civil war. That conflict is likely to continue into the distant future regardless of our presence.

Iraq now has the tools it needs to secure its economy. Iraq must solve the problems for its own people. Keeping thousands of U.S. troops in Iraq would needlessly put them in more danger, it would cost American taxpayers more money, and it would further distract us from our core objectives of protecting U.S. citizens and further dismantling al-Qaida and other terrorist groups. That is where our focus must be, and that is why I am saying let's end this war for good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak as in morning business for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JOSHUA J. ROBINSON

Mr. JOHANNIS. Mr. President, I rise today to remember a fallen hero, U.S. Marine Corps Sergeant Joshua J. Robinson of Douglas, Nebraska. Sergeant Robinson was killed in action on August 7, 2011, while conducting patrol operations in the Helmand Province of Afghanistan. He was in his third tour of duty. His story of service comes to us at a time when many are reflecting on the 10th anniversary of the September 11th terrorist attacks—a fitting time to recognize the patriotism of a fallen hero.

Sergeant Robinson enlisted in the Marine Corps in 2003, a time when Operation Iraqi Freedom was in the beginning stages and many were unsure of what was to come. He felt the call to serve and was rightfully proud of his commitment to defend and protect our country. Sergeant Robinson's love of the outdoors provided him with many of the skills needed to be the best Marine he could be.

Sadly, his life was cut short too soon, and the Robinson family laid their Marine to rest in Hastings, Nebraska on August 16, 2011. Sergeant Robinson returned to his birthplace with valor and honor, having been awarded the Purple Heart, the Combat Action Medal, the Iraq Campaign Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, and many other decorations during his military career. He died a brave and most honorable death. We are proud to call him one of our own.

The tradition of military service is strong in our great state of Nebraska, but strong soldiers are not possible without the support of family. I am confident Nebraskans will rally around Sergeant Robinson's family during this difficult time. He is mourned by his wife, two sons, mother and stepfather, sisters, and many others. It is the strength of his wife Rhonda that will remind Wyatt and Kodiak of the love their father had for them and for his country.

His mother Misi provided insight into her son's position to serve when she said:

Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

I know his family is proud of him and will always remember his spirit, his competitiveness, and his enthusiasm for adventure.

May God bless the Robinson family and all of our fighting men and women in harm's way.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DON'T ASK, DON'T TELL REPEAL

Mr. COONS. Madam President, I rise today to mark a momentous day and to stand with the millions of Americans for whom the end of don't ask, don't tell means the beginning of a real era of new equality for our Nation. It has been 60 days since Secretary Panetta, Chairman Mullen, and President Obama certified the U.S. Armed Forces were ready for the repeal of don't ask, don't tell. After 18 long years, today that policy finally comes to an end.

This is an important day. It is a good day. Today is a good day because our Nation, in my view, is taking a major step forward not just in the pursuit of equal rights but in the pursuit of equal responsibility. Today is a good day because we always talk about equal rights, but with don't ask, don't tell we are talking about Americans who sought equal responsibility, Americans who wanted to serve their Nation.

Nearly 14,000 LGBT Americans wanted to serve their Nation in their military but were deemed unfit to serve not because of what they did but because of whom they loved, as if loving another man made a soldier unable to aim a rifle or unwilling to die for his country. But for as many servicemembers who were drummed out—both literally and figuratively—under don't ask, don't tell, I cannot help but wonder how many more served in silence, proud of their uniform but made to feel ashamed of the person underneath.

LTC Charles George served his country for more than 30 years, including 28 years as a commissioned officer in the U.S. Army. His uniform is decorated with a wide range of medals and ribbons for dedicated service. When he graduated from ROTC in 1980, Charlie's boyfriend Dennis was there, and he wrote to me recently about his experience. He said:

I sat next to his mother, keeping quiet so I wouldn't draw attention to our relationship. During his actual pinning, my eyes never left his for the entire process. I was so proud of him. At one point, his eyes found me in the audience and we smiled to each other. I still remember that moment.

That was the last of those moments they would have. In 30 years of dedicated Army service, that ROTC ceremony was the only military activity of Charlie's that Dennis would be able to be a part of. Charlie was determined to

serve our Nation, and so they had to keep their relationship a secret.

Charlie steadily rose through the ranks to first lieutenant and then to captain. He was promoted to major and ultimately lieutenant colonel. These were all proud moments for Charlie, but Dennis could not be in the room for any of them. "The only thing harder than being a soldier is loving one," they would later recall hearing. I would offer the only thing harder than loving a soldier would be having to keep that love a secret from the world for a decade.

After 9/11, then-MAJ Charlie George was activated from Reserve duty, and like so many military families they discussed their now uncertain future. If Charlie had died in the service of his country, there would be no call on Dennis's phone from the Army, no knock on his door. Dennis would receive no crisply folded flag presented by a military honor guard. Dennis would never be able to be buried next to Charlie at the Arlington National Cemetery.

For 31 years they kept their relationship and their love a secret. Colonel George retired this year—a milestone he will celebrate next month in Rehoboth Beach, DE. For the first time since that ROTC ceremony more than three decades earlier, Dennis will be there proudly looking on. No more secrets, no more hiding, just the respect and dignity they both deserve—not just because of Charlie's long and dedicated service to the U.S. Army or because of Dennis's silent sacrifice but because they are both Americans.

I was proud to cosponsor the repeal of don't ask, don't tell last fall. I was even prouder to vote for it. Madam President, 3 months ago I was 1 of 13 Senators to record a video telling the gay, lesbian, bisexual, and transgender youth of this country that it gets better. As Americans we tell our kids that equality for all is a founding principle of our Nation, but our actions in so many ways have in the past failed to live up to these brave words. Our video was a promise to this generation of Americans, to the generation of my children, a promise that we are working to build an America free of legal discrimination, free of discrimination in our society; that LGBT youth have a future in this country where they will be entitled to the same rights, privileges, and responsibilities as every other American.

Bit by bit we are going to tear down these walls of discrimination. This is how we make it better. Don't ask, don't tell was discrimination, plain and simple. But today it is no more. Today is a good day.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE and Mr. BLUNT pertaining to the introduction

of S. 1583 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUNT. Madam President, I wish to speak for a few minutes today about the bill that is on the floor, the amendment, in fact, to the general system of trade preferences bill. That amendment is trade adjustment assistance. Frankly, it is not a bill I would have drafted on my own, but my guess is neither would have the two people who negotiated the bill. This is a compromise between Chairman CAMP in the House and the Senator from Montana here. It is a compromise that reflects exactly that. It is not what either one of them may have come up with, and certainly not what I would have come up with. But, based on the President's determination, it is essential to move on to the three trade agreements that have been waiting to be voted on for 3 years now.

I intend to vote for this. I am looking carefully at the amendments. I am supportive of the two amendments we will vote on today. But if they would disrupt the balance of this agreement that has been made, I am going to look very carefully at that as these votes are cast.

Certainly, I wish for this President and all of his successors to have trade promotion authority. I think we have seen the difficulty of the President being able to negotiate a treaty as an agreement. A trade agreement that comes to the Senate and that could be amended by the Senate and which takes two-thirds of the Senate to approve—those days are over. Before trade promotion authority, we had essentially gotten out of the treaty agreement on trade because who wants to make that kind of agreement? Who wants to get into a room and negotiate a trade agreement only to see the thing maybe they thought was the biggest thing they had given up or the biggest thing they had gotten taken out of the agreement before the Senate votes on it?

So this up-or-down, yes-or-no, majority-in-the-Senate and majority-in-the-House trade promotion authority is very important. I wish we had an agreement that this President wanted right now, and that the next President—whoever that is and whenever that is—would have the ability to continue, because since we ran out of the trade promotion authority law, we have not had any agreements negotiated.

In fact, the three we have negotiated now, I want to talk about for a minute, but they have been available for 3 years and I am eager for the President to send them up. The President says this TAA issue, this trade adjustment assistance issue, has to be understood to be completed and will be completed, or at least he has to be assured it will be completed, before we get those three agreements.

It would be fine with me if we could adjust this some. I want to see the bill of my good friend from Oregon, who is on the floor, Mr. WYDEN, considered, of which I have cosponsored, on transshipments, where many of us in this body have problems in our States—I have two major problems I could talk about for a long time, but I will not today—where the proper authority has looked at what is happening, and they said: No, you have unfair trade practices. So there is a penalty on the country that is using those unfair practices to compete. But then what that country does is they start labeling the product as if it were from somewhere else, and they may ship the product through that other country and get it labeled there or they may short circuit that and put the label on it in their own country and say it was made somewhere else so when it comes in here, suddenly it does not have that penalty. Whether that is relabeling or I think, as my good friend from Oregon calls it, merchandise laundering, where you make the merchandise appear to be something it is not, so you no longer pay the penalty, I would love to see that on a bill here in the near future.

The other Senator from Oregon and I have a bill on affordable footwear that has trade impact I would love to see on a bill. This is a bill that potentially might have jurisdiction to go on. But that is not the agreement that has been made between the House and the Senate. I am going to be supporting that agreement and not doing anything that makes it impossible for us to get these three trade agreements. I am absolutely banking on the commitment by the President of the United States that if this happens, the three trade agreements come to the Congress. When they come to the Congress, I believe they pass the House and Senate, and they create great opportunity for American workers to send their products to other countries.

One of these agreements that has been there for a long time is the agreement with Colombia. Colombia already is able to ship its products in here without tariff under something that routinely passes the Congress called the Andean Preferences Act. So this is not about whatever labor conditions there are in Colombia. Their products already come here. This is about whether U.S. workers are going to have every possible advantage in Colombia. This is about whether Caterpillars made in the United States or John Deere tractors or moving equipment made in the United States has the same advantage in Colombia that the same piece of equipment made in Canada has. Right now, they do not have that advantage. We need to see that they do.

As to Korea, the European Union negotiated a trade agreement long after we negotiated this agreement, but it

went into effect the first of July, and the year-to-year comparison, July over July, is, I think, 38 percent bigger this July than it was last July. The only difference between this July and last July is the trade agreement.

These are three countries where all of their trading history, all of their buying history—Panama being the third of the three—would be that given the choice of an American product to buy or a product from any other country but their own, they would give preference to the American product. But we are giving away that market advantage by not creating this opportunity for American workers and American companies, big and small.

Agriculture is a huge beneficiary of these agreements. Lots of agriculture, lots of grain crop agriculture, lots of meat crop agriculture—whether it is chickens or poultry of all kinds or pork or beef—is very dependent on American family farmers who will see a great opportunity in each of these countries, given the opportunity to get their product under these agreements.

I am hoping that enough of my colleagues and I are able to get this general system of preferences bill, as amended with the TAA, done so we can get on to the job-creating work of these three trade bills. These are opportunities to create more private sector American jobs. Over and over, almost every Member of the Senate says that should be our No. 1 priority. The President says that is his No. 1 priority.

This work, combined as we get to the trade agreements, lets us do the easiest part of job creation and our No. 1 priority, which is to let American workers compete in places where the consumer wants to buy American products, eliminate those barriers, and move forward with these agreements and the bill on the floor today. Then, hopefully, we can get to the transshipment bill; hopefully, we can get to the Affordable Footwear Act, and, hopefully, we will eventually see TPA. The Senator from Utah has a bill that would synchronize trade adjustment assistance with any trade bill. And, of course, we should do that.

But let's get this work done. I look forward to this being done, and the President sending the bills up so that before the next month passes, hopefully, we will be seeing American products have the advantage they have been waiting for now or at least eliminate the disadvantage they have had needlessly for the 3 years since these agreements were all negotiated.

I yield the floor.

The ACTING PRESIDENT pro tempore. The SENATOR from Oregon.

Mr. WYDEN. Madam President, I want to respond very briefly to my friend from Missouri, and then I know the Senator from California is here, and she wishes to speak for about 10 minutes. I am going to be very brief.

First, I want to thank Senator BLUNT for working with us in a bipartisan way. He played a key role in trying to advance this issue and worked very closely with all of us in the Finance Committee, Chairman BAUCUS, myself, and others.

The Senator from Missouri is absolutely right with respect to the tariff issue. The fact is, the American market is open. We essentially have some of the lowest tariffs around. In many of the markets around the world—and certainly in a number of areas with these three countries—we face much higher tariffs. So if we come up with an effort to, in effect, level the playing field, that means American companies, particularly American exporters, benefit more than do the folks around the world. So I think the point the Senator from Missouri has made is a very valid one.

I also want to thank him for his comment with respect to the trade cheats. We are going to have further discussions with respect to TPA, and I see the distinguished ranking minority member. When we talked about this in committee, I made it very clear I intend to keep working with Senator HATCH and Senator THUNE, who is the ranking member of the subcommittee. The challenge is to make sure TPA keeps up with the times. Because if we just reauthorize in 2011 TPA of 2002, we are not going to be dealing with digital goods and digital services, we are not going to be dealing with State-run enterprises, we are not going to be dealing with labor and environmental issues. That is why we are going to have to continue that work in a bipartisan way.

Madam President, Senator BOXER was going to speak next. Then I understand Senator HATCH wants to discuss his amendment, and I intend to remain for that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, first, I want to say thank you to the leadership on this bill. This trade adjustment assistance is so critical. When we talk about creating jobs, we also want to talk about retraining those who need, in this century, the new kinds of training it takes to keep up in this economy and this world economy. So I want to thank them for their leadership.

JOBS AND DEFICIT REDUCTION

Madam President, I want to talk about jobs and deficit reduction. The good news on this front is that President Obama has presented to the Nation both a jobs plan and a deficit reduction plan. He has shown the Nation,

through this plan, that while we must cut the deficit and the debt in the long term, we have to focus on jobs in the short term. His plan ensures that middle-class Americans get the jobs and the opportunities they need to continue to move ahead. It also makes sure we have a fair tax system in place so everyone pays his or her own fair share—not too much, not too little, but fair. So this approach is welcome.

I will tell you why I welcome it. Because the approach outlined by President Obama—deficit and debt reduction, investments in jobs—was the same vision that worked before when Bill Clinton was the President. I had the honor of being here in this body to support those policies. People forget that when Bill Clinton became President, there were deficits and debt as far as the eye could see, and this country was going on the wrong path. What he did was to make sure everyone paid his or her own fair share so we had the revenues we needed to make the investments we needed to create the jobs we needed.

In those years, the investments were in high-tech and biotech, and we really broke through on the global scene. Madam President, 23 million jobs were created and deficits were turned into surpluses. I remember looking back at the record. Some of my Republican colleagues who are still here today said: The Clinton approach is going to lead to the worst deficits, no job creation. They were incorrect.

We lived through it, and we know that vision of cutting spending on what does not work, increasing spending on investments, everyone paying their fair share—all that turned into prosperity, 23 million jobs. What perplexes me is that my colleagues on the other side of the aisle want to go back to the Bush years, trickle-down economics, more tax breaks for millionaires and billionaires, no investments, so we even lose funding for our teachers, our firefighters, our nurses, and even our transportation stakeholders.

I am so grateful we passed an extension of the highway bill for 6 months. But, believe me, we face perils ahead because the House cuts that bill by a third, and we have to make sure that does not happen because 1.8 million jobs are at stake.

So I am perplexed that my Republican friends only evidence compassion and concern for the millionaires and the billionaires, but not for the middle class. Their compassion for the wealthiest is overwhelming. Their expressions of concern for billionaires—mind boggling. They call them the job creators, even though they are not the ones creating the jobs. The jobs are being created, if they are at all, by the way, by the small businesspeople. For 64 percent of new jobs, the creation comes from small business. They do not earn a million dollars. No way. So

they call millionaires and billionaires job creators, which they are not, and they cry bitter tears that we might ask a millionaire or a billionaire to pay a fair share.

When I was young—and maybe I shouldn't tell the truth because this is going to date me—there was a show on television called "Dragnet." The star of it was Joe Friday. Joe Friday used to say: "Just the facts." So let's look at just the facts. Let's look at the facts. Why are my Republican friends defending the wealthiest among us? Since 1995, the wealthiest 400 Americans have seen their tax rates fall by 40 percent, while their average income has quadrupled. Let me say that again. The wealthiest 400 families saw their income go up by four times and their tax rates went down by 40 percent. Why do they have to cry for that situation? Why the tears?

Here is another fact and this is amazing. The wealthiest 400 families are worth more than 50 percent of American families. Let me say that again. The wealthiest 400 families in America are worth more than 50 percent of America's families. Senator BERNIE SANDERS from Vermont brought that fact to us. Why the tears for those 400 families?

One of those people, Warren Buffett, came forward. Bless his heart. He said his effective tax rate is lower than his secretary's. His effective tax rate is lower than his secretary's. Why are we crying for people who earn millions and billions and pay a lower effective tax rate than their secretaries? I thank Warren Buffett for coming forward and other millionaires and billionaires have come forward and basically underscored that. Here is what he said:

My friends and I have been coddled long enough by a billionaire-friendly government. It's time for our government to get serious about shared sacrifice.

I think he is right. Why should a millionaire or billionaire pay an effective lower tax rate than firefighters who risk their lives every day, than nurses who save lives every day, than their own assistants and secretaries who are so important in running their enterprises? Our President Obama has suggested millionaires and billionaires pay the same effective tax rate as their employees. That should be embraced, not attacked as class warfare.

I ask, is it class warfare to say to a millionaire or a billionaire they should pay the same effective tax rate as their secretary or is that just the moral thing to do? It is the moral thing to do. Is it the fair thing to do? It is the fair thing to do. Our country needs everyone to help us as we tackle the deficit. So why the tears? Why the tears? These are not the job creators. These are not people who have given the last 10 years. We have seen their incomes rise exponentially and their taxes go down.

So I don't think it is class warfare at all. It is just a talking point for Republicans. But since they have raised it, I would say this. I don't think it is class warfare to ask millionaires and billionaires to pay the same effective tax rate as their secretaries, but I think Republican policies are class warfare on the middle class. Look at their policies. They would end Medicare and put middle-class senior citizens in jeopardy. They want to privatize Social Security and put middle-class seniors in jeopardy. They want to cut one-third of the funds from transportation, which would mean 600,000 layoffs for middle-class workers.

They stopped us from helping small business by blocking Senator LANDRIEU's Small Business Innovation Act. They blocked the EDA—the Economic Development Act—which would have created 1 million jobs over 5 years. They have taken no action on the FAA bill. They have not appointed conferees, and we can't get that bill done that is hundreds of thousands of jobs.

When Republicans took control of the House, gross domestic product had grown at an average of 2.5 percent after the Recovery Act. Now it is down to 0.7 percent—from 2.5 percent of growth to 0.7 percent. The Republican Congress put the brakes on job creation, and that is a strong reason why this economy has slowed.

Even before they have read the fine print of President Obama's proposal, they say it is dead on arrival. So let us be clear: Again, asking millionaires and billionaires to pay the same as their secretaries is not class warfare, it is moral. Mark Cuban, the owner of the Dallas Mavericks, says it is the most patriotic thing we can do.

So instead of crying for millionaires and billionaires, I am thinking of sending a box of Kleenex tissues over there to PAUL RYAN, who is lamenting this attack on millionaires and billionaires. Poor thing. Poor guys, poor gals. Instead of doing that, let's fight for the middle class around here. Let's get our arms around deficit reduction by asking everyone who can to pay their fair share.

By the way, let's give tax breaks to the middle class. Do you know these same Republicans who are crying their tears for the millionaires and billionaires say they do not want to give a tax break to working people? They are against the payroll tax proposal which would suspend that payroll tax for a period of time. I ask them to stop blocking bills that would create jobs. Stop blocking tax breaks for the middle class. Stop going after middle-class seniors. Stop crying for billionaires and help us pass elements of the Obama jobs plan which include bipartisan proposals all of us have supported in the past.

I think that is critical. We did this before with Bill Clinton—we created

jobs, we strengthened the middle class, and we created surpluses by asking everyone to pay their fair share. Remember, when our President took over, this country was bleeding 700,000 jobs a month. I remember that—700,000 a month. We were on the verge of losing our automobile industry. This President took action. He doesn't get the credit for that, and that is OK. There will be time enough to spell it out. But all we have to do is look back to those days. Credit was frozen.

The Presiding Officer remembers that. Capitalism was coming to an end. This President acted. I have to say this: I don't want to go back to those days of bleeding 700,000 jobs a month. I don't want to go back to the days of credit freezes. I don't want to see these deficits continue. I want everyone to pay their fair share. Most of all, I want jobs for the American people.

So if we can stop crying tears for the people who have it all and we can roll up our sleeves and work together for the middle class, we will strengthen this Nation. We will solve our problems, just as we did when Bill Clinton was President. We have the roadmap. President Obama has taken steps to follow that roadmap. We know it works. We will get these deficits down, we will get the debt down, we will help the middle class and, yes, the wealthiest among us will pay the same tax rate effectively as their secretaries. You know what, if we do that, Democrats and Republicans can feel good about this country again. Let's work together and let's not say now that we can't ask billionaires to pay their fair share and let's not keep the middle class from getting their tax cuts and their jobs. That is what is important.

I wish to thank the leaders on this issue for letting me have the time to talk about this middle-class attack that we are seeing, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I wish to talk about an amendment I intend to offer linking TAA expansion to enactment of the three pending free-trade agreements.

I will send an amendment to the desk in the near future for consideration. This amendment makes the effective date for additional TAA funding contingent upon the enactment of our free-trade agreements with Colombia, Panama, and South Korea.

It is unfortunate this amendment is necessary. Supporters of this trade adjustment assistance bill tell us that TAA is a necessary precondition to submission of our pending free-trade agreements—a necessary precondition of the President. The President and his supporters say if TAA does not pass, the free-trade agreements will never be sent to Congress for our consideration.

I find this logic disturbing. It basically boils down to this: Spend more

taxpayer money on one of our pet trade priorities or we will refuse to allow Congress to vote on trade agreements that we know will create jobs. The administration has said it will create 250,000 new jobs. By the way, at a time when unemployment is over 9 percent, I simply can't understand why the President continues to hold up these FTAs and their consideration.

Even today, we don't know if the President will actually send the FTAs to Congress if we pass TAA. So my amendment is very simple. It allows TAA to be approved, but it will only go into effect once the President submits the trade agreements to Congress, they are all approved, and when they are signed into law.

To me, this amendment is about fundamental fairness. If we are to meet the President's demands, we can at least ensure our top priorities are addressed as well.

I think it is worth taking a moment to review how we got here.

In December 2010, the President announced he had finally reached agreement with South Korea to renegotiate parts of that trade agreement. Touting the benefits of these changes, the President seemed poised to immediately begin working with Congress toward its quick implementation; that is, the implementation of the Korean Free Trade Agreement.

In February, Senator MCCONNELL and I wrote to the President commending him for his strong support for the South Korea agreement but also expressing disappointment we did not see the same level of commitment to our pending free-trade agreements with Colombia and Panama. At that time, we warned that further delay would mean lost market share and alienation of key Latin American allies. We also made it clear each agreement would receive broad bipartisan support once the President submitted them to Congress for approval.

Three days later, the President responded when Ambassador Kirk testified before the Ways and Means Committee that the President had directed him to immediately intensify engagement with Colombia and Panama to resolve the administration's outstanding issues with these two agreements.

Senator BAUCUS and I welcomed that development when we wrote to Ambassador Kirk on February 14 and asked that he be prepared to provide testimony regarding what additional steps the administration believed Colombia and Panama should take and to provide a clear and expeditious timeline for moving both agreements through Congress.

Shortly thereafter, in early March, Ambassador Kirk notified Congress the administration was ready to begin technical work on the South Korea implementing bill with the intent to seek approval in the spring of this year.

Senator BAUCUS and I welcomed this development but again called for a specific timeline for resolution of the outstanding issues with Colombia and Panama.

During our March 9 hearing on the administration's trade agenda, I made it clear that consideration of the South Korea agreement, without a clear path for the Colombia and Panama agreements, was simply not acceptable and that should the President ignore the will of Congress and send the Korea agreement without Colombia and Panama, I would do everything I could to make sure those two agreements were considered at the same time as Korea.

Shortly thereafter, in early April, the President finally took steps to fully engage with the Government of Colombia, announcing an agreement on a labor action plan that would enable the administration to begin working with Colombia to achieve benchmarks that, if met, would then enable the President to submit the agreement to Congress. A few weeks later, Panama met one of President Obama's preconditions for consideration of their FTA when they approved a tax information exchange agreement and finalized additional modifications to Panama's labor laws.

So there we stood in May, on the cusp of victory. Months of intense congressional pressure appeared to have finally resulted in an opportunity for Congress to consider our trade agreements with these important allies. But alas, it was not to be.

Mr. WYDEN. Would the Senator yield for a unanimous consent request? Because 5 o'clock is coming.

Mr. HATCH. I would be happy to yield, without losing my right to the floor.

Mr. WYDEN. I thank my colleague. Certainly, when I am done, the Senator is next to continue his comments.

I ask unanimous consent that the pending McConnell amendment No. 626 be modified with the DeMint language which is at the desk; and Senator HATCH or his designee then be recognized to offer amendment No. 641; that the time until 5 p.m. be equally divided between the two leaders or their designees for debate on the McConnell amendment, as modified; that at 5 p.m., the Senate proceed to executive session to consider the following judicial nominations: Calendar Nos. 169 and 170; that there be up to 15 minutes of debate on the nominations, equally divided, in the usual form; that upon the use or yielding back of the time, Calendar No. 169 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 170; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nomina-

tions be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; that upon disposition of the judicial nominations, the Senate proceed to a vote in relation to the McConnell amendment, as modified; that there be no amendments, points of order or motions in order to the McConnell amendment prior to the vote on the amendment, other than budget points of order and the applicable motions to waive; that the amendment not be divisible and it be subject to a 60-affirmative vote threshold; the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 626), as modified, is as follows:

At the end, add the following:

TITLE III—TRADE PROMOTION AUTHORITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Creating American Jobs through Exports Act of 2011".

SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

"(A) may enter into trade agreements with foreign countries—

"(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

"(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and";

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

"(C) The President may enter into a trade agreement under this paragraph—

"(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

"(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c)."; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "before July 1, 2005" and inserting "on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "after June 30, 2005, and before July 1, 2007" and inserting "on or after June 1, 2013, and before December 31, 2013"; and

(II) in clause (ii), by striking "July 1, 2005" and inserting "June 1, 2013";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "April 1, 2005" and inserting "March 1, 2013";

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "June 1, 2005" and inserting "May 1, 2013"; and

(ii) in subparagraph (B)—

(I) by striking "June 1, 2005" and inserting "May 1, 2013"; and

(II) by striking "the date of enactment of this Act" and inserting "the date of the en-

actment of the Creating American Jobs through Exports Act of 2011"; and

(D) in paragraph (5), by striking "June 30, 2005" each place it appears and inserting "May 31, 2013".

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting ", or";

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) establishes a Trans-Pacific Partnership,"; and

(C) in the flush text at the end, by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Creating American Jobs through Exports Act of 2011"; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking "the enactment of this Act" and inserting "the date of the enactment of the Creating American Jobs through Exports Act of 2011".

SEC. 303. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section 202, is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

"(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.".

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, on the cusp of victory, the President sacrificed it by demanding more government spending on a controversial domestic training program.

After first asking Colombia, Panama and South Korea to take unprecedented steps to solve our President's concerns with each agreement, the administration held a press conference and, with no prior congressional consultation or notice, announced that they would not submit our pending trade agreements to Congress unless Congress first agreed to continue funding a domestic spending program at near stimulus levels.

This was an astounding development. Instead of working with Congress to seek approval of these job-creating trade agreements the President chose to try and force Congress to agree to additional domestic spending first. In an opinion editorial, the Wall Street Journal called this move "extortion."

Weeks of intense negotiations followed between the White House, Senator BAUCUS and Chairman CAMP to develop a package that would expand and renew trade adjustment assistance through 2014.

Meanwhile, committee staff worked with the White House to prepare the implementing legislation for quick congressional consideration. It appeared that we were once again close to successfully considering these important trade agreements.

But yet again, it was not meant to be. Upon reaching an agreement on the

substance of a trade adjustment assistance package with Chairman CAMP the White House again changed course, turning its back on a willing Congress and instead trying to force through consideration of trade adjustment assistance by including it in the implementing bill for the South Korea FTA.

And, once again, this was done with virtually no notice or consultation with Congress.

The reaction by the Republican caucus was predictable. We fought the administration's efforts to abuse trade promotion authority for its own narrow purposes and pushed for consideration of trade adjustment assistance on its own merits.

Our position was made clear in a letter—signed by every Republican member of the Finance Committee—to the President, in which we expressed our united opposition to inclusion of expanded trade adjustment assistance in an implementing bill submitted to Congress under trade promotion authority.

The administration ignored our concerns, and pushed forward on a partisan path to force a vote in the Senate Finance Committee.

As a result, while the implementing legislation for the Colombia bill and Panama bills received strong bipartisan support, the South Korea implementing bill moved through committee on a strict party line vote—the first time a trade agreement has done so in over 25 years.

The administration then vowed to move forward on this path within days.

After that we heard remarkably little from the administration about their intentions regarding these trade agreements. Until August, of course, when the President repeatedly called upon Congress to take the agreements up “right now” to help create jobs.

This hollow call for action typifies the President's approach to the trade agenda. By calling upon Congress to act, he appears to be embracing the agreements and pushing for their quick approval. But, like so many of the President's trade initiatives his words do not match his deeds.

In reality, Congress cannot take up these agreements “right now.” President Obama is relying upon a trade law called trade promotion authority to protect each of these agreements from being blocked or amended by Congress.

In order to take advantage of this statutory authority, it is not Congress but the President who must take the first step and submit each agreement for consideration. If the President does not submit them, Congress cannot act under trade promotion authority.

The President and his team know this. In fact, here is a chart which outlines the TPA process called “How A Trade Agreement Moves Through Congress Under TPA.”

This was taken directly from the Web site of the Office of the United States

Trade Representative. It clearly shows Congress cannot act until the President submits the agreements.

But why take responsibility for moving the agreements when it's much easier to blame their continued delay on Congress? The fact is the President wants all the benefits of trade promotion authority but none of the responsibility.

Once they were called out on the mismatch between their words and deeds, the administration finally reined in their rhetoric but provided little guidance as to what their actual plans are.

In the meantime, Republicans continued to push for consideration of the three pending FTAs. Back in July, a group of Republican Senators signed a letter vowing to help the administration achieve its objective of gaining approval of trade adjustment assistance in exchange for submitting the FTAs. Despite a clear path forward the President remains silent to this day.

As the President continues to delay, our country cedes each of these markets to our foreign competitors. Our economy and our workers are suffering under horrific levels of unemployment—almost one in ten American workers is out of a job under this administration. We can't afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing.

While our economy remains troubled, and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, we hear nothing but silence from the President.

A case in point: the European Union's exports to South Korea increased almost 45 percent in the first 20 days since that agreement went into force on July 1. Their share of Korea's import market increased from 9.5 percent to 10.3 percent in just 3 weeks.

Meanwhile, the U.S. share of Korea's import market dropped from 10.5 percent to 8.4 percent. Unless we act soon, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote that “if there is any doubt about the seriousness of the problem for U.S. agricultural exports, one need only consider the damage that has already been done by the delay in implementing the Colombia FTA.”

“Argentina and Brazil have negotiated trade agreements . . . with Colombia that have given them preferential access . . . as a result, U.S.-produced corn, wheat and soybeans have been hit hard, with the combined share of Colombia's imports for these products falling to 28 percent from 78 percent since 2008.”

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters.

I appreciate the President's goal of doubling exports. Having goals is great. But we all know that, if you don't do the work or take action, goals become little more than false hope—they never become reality.

The President and his cabinet admit that these agreements are key to their goal of doubling exports. Yet the action necessary to reach that goal, submission of the agreements, still remains in the distant future. Instead, we watch the days slip by, and with each day our overseas markets erode.

The fact is that each of these agreements is critically important to our economy. For my home State of Utah and for workers across the country they mean more opportunity and jobs.

The National Association of Manufacturers estimates that U.S. workers lose \$8 million in wages and benefits every day these agreements are delayed.

I for one stand ready to continue to fight for their consideration and approval. We have come a long way since January of this year, but we are not done yet.

I hope the President will heed my call and submit these agreements to Congress so we can approve them. But history has shown that this President won't act unless he is forced to. This amendment I am offering will continue to put pressure on him to act and to act soon.

The time for dithering and deliberation is over. Let's adopt this amendment and ensure that our work in moving TAA forward leads to the promised result—submission of the three pending free trade agreements by the President and their quick enactment in to law.

AMENDMENT NO. 641 TO AMENDMENT NO. 633

Madam President, I send amendment No. 641 to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Utah [Mr. HATCH] proposes an amendment numbered 641.

Mr. HATCH. I ask unanimous consent that further reading be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the effective date of the amendments expanding the trade adjustment assistance program contingent on the enactment of the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act)

On page 31 of the amendment, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect

on the date on which the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act have been enacted into law.

Mr. HATCH. Madam President, I am prepared to proceed.

EXECUTIVE SESSION

NOMINATION OF JOHN ANDREW ROSS TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

NOMINATION OF TIMOTHY M. CAIN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session and the clerk will report the nominations.

The legislative clerk read the nominations of John Andrew Ross, of Missouri, to be United States District Judge and Timothy M. Cain, of South Carolina, to be United States District Judge.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, while I am pleased we are going to confirm the nominations today, they have been pending in the Senate for 117 days for no reason or justification.

More troubling, the time of vacancies in courts around the country have remained at or above 90 for 2 years. We should be acting on the other 27 judicial nominations reported favorably by the Judiciary Committee and ready for an up-or-down vote. Never during either Republican or Democratic administrations have I seen a time when nominations, approved unanimously by the Judiciary Committee, then wait month after month after month to be considered on the floor.

Mr. President, President Obama came to Congress 2 weeks ago and made a compelling case for passing the American Jobs Act. The bill he asked us to pass includes bipartisan proposals that have received broad approval in the past from members of both parties, including extensions of tax relief for businesses to encourage hiring. They are consensus proposals we can enact today. We should answer the President's call and act right away to help get Americans back to work and grow the economy. With the unemployment rate at an unacceptable 9 percent, we in Congress should be doing all we can to help our fellow Americans.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at 11 per-

cent, with 94 vacancies on Federal courts around the country. We can act today to bring down that rate dramatically by considering and confirming 29 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action. With very few exceptions, the judicial nominations now on the calendar are not controversial and could be confirmed today.

Twenty-five of the 29 judicial nominations on the Senate Calendar were reported unanimously, and all but 1 of the 29 was reported with significant bipartisan support. All 28 of these consensus nominees have been favorably reported after a fair but thorough process, including an extensive background material on each nominee and the opportunity for all Senators on the committee, Democratic and Republican, to meet with and question the nominees. They have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. These are the kinds of consensus nominees that in past years would have been considered and confirmed within days or weeks of being reported, not delayed for weeks and months.

Certainly this was the practice we followed during President Bush's two terms, when consensus judicial nominees reported without any objection by the Judiciary Committee were confirmed an average of 28 days after they were reported. In President Obama's nearly 3 years in office that wait time for unanimously reported nominees to be considered by the Senate has nearly tripled to 78 days, and that number continues to climb as the delays continue. It is taking nearly three times as long for nominees that are by every measure consensus, noncontroversial nominations. They are nearly all confirmed unanimously when the Senate is finally allowed to vote. We should act today and not delay further.

The effects of these unnecessary delays have been dramatic and damaging. During the first years of the Bush and Clinton administrations, we were able to reduce vacancies significantly by confirming judges. The vacancies that had numbered over 100 early in those administrations were dramatically reduced by this juncture. By early September in the third year of the Bush administration judicial vacancies had been reduced to 54. By early September in the third year of the Clinton administration they had been reduced to 55. In contrast, the judicial vacancies now in September of the third year of the Obama administration stand at 94, with a vacancy rate of 11 percent, nearly double where it stood at this point in President Bush's third year.

As the Congressional Research Service confirmed in a recent report, this is a historically high level of vacancies, and this is now the longest period of

historically high vacancy rates on the Federal judiciary in the last 35 years.

Even though Federal judicial vacancies have remained near or above 90 for more than 2 years, the Senate's Republican leadership continues to delay votes on qualified, consensus nominations. Republican obstruction has led to a backlog of over two dozen judicial nominations pending on the Senate's Executive Calendar, nearly half of them to fill judicial emergency vacancies. No consensus nomination to fill a judicial vacancy should be left to languish on the calendar 1 day longer than necessary, let alone for months and months.

Millions and millions of Americans are directly affected by this obstruction. More than half of all Americans—nearly 170 million—live in districts or circuits that have a vacancy that would be filled today if the Senate would act. More than half of all States—27—are served by courts that have nominations currently pending on the Senate's Executive Calendar. The Republican leadership should explain to the millions of Americans in these States why they will not vote. They should explain to the people of Louisiana, Maine, New York, Texas, Arkansas, Pennsylvania, Florida, Wyoming, Alaska, California, Delaware and Arizona why there continue to be vacancies on the Federal district courts in their States that could easily be filled if the Senate would vote on the President's qualified, consensus nominees. They should explain to the people of the many States that comprise the Second Circuit—Vermont's circuit—and the Fourth, Fifth and Ninth Circuits why those important Federal appeals courts are short on badly needed judges who could be confirmed today.

These 170 million Americans should not have to wait more weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country. They should not have to bear the brunt of having too few judges available to do the work of the Federal courts. At a time when judicial vacancies remain above 90, these needless delays perpetuate the judicial vacancies crisis that Chief Justice Roberts wrote of last December and that the President, the Attorney General, bar associations and chief judges around the country have urged us to join together to end. The Senate can and should be doing a better job working to ensure the ability of our Federal courts to provide justice to Americans across the country.

Some have pointed to delays on judicial nominations in the past, real or imagined, to justify the continuing failure to take serious action to address the vacancies crisis. They recall selected instances where Democrats voted against some of President Bush's controversial nominees to justify the

across the board freeze on dozens of consensus nominees. They forget the progress we were able to make in those years to confirm judicial nominees and fill vacancies. We confirmed 100 judges in the 17 months I chaired the Judiciary Committee in 2001 and 2002. The Senate has yet to confirm 100 judges in this, the 32nd month of the Obama administration. This is another issue on which I hope that we can rise above what the President called “the political circus” to return to Senate’s tradition practice of quickly considering and confirming consensus judicial nominations.

At the end of President Bush’s first 4 years in office, the Senate had confirmed 205 of his judicial nominees. We have a long way to go to reach that total before the end of next year. At this point in the Presidency of George W. Bush, 149 Federal circuit and district court judges had been confirmed: On September 19 of the third year of President Clinton’s administration, 162 Federal circuit and district court judges had been confirmed. By comparison, although there are 29 judicial nominees stalled and awaiting final consideration by the Senate—many of them stalled since May and June—we have yet to confirm even 100 of President Obama’s circuit and district court nominees.

I hope that we can come together to return to regular order in the consideration of nominations as we have on the Judiciary Committee. I have thanked the Judiciary Committee’s ranking member, Senator GRASSLEY, many times for his cooperation with me to make sure that the committee continues to make progress in the consideration of nominations. Regrettably, it has not been matched on the floor, where the refusal by Republican leadership to come to regular time agreements to consider nominations has put our progress—our positive action—at risk.

The two judicial nominations we consider today are the kind of nominees we can and should consider more quickly.

The nomination of Timothy Cain to fill a judicial emergency in the District of South Carolina has the support of both his Republican home State Senators—Senators GRAHAM and DEMINT. Senator GRAHAM was a law partner with Judge Cain in the 1990s, and he has spoken to the committee with enthusiasm about Judge Cain’s experience and qualifications. During his 25-year legal career, Judge Cain has served as a city and county attorney, as an assistant prosecutor and a public defender, and as a judge in family court for the past 11 years. He has been selected to sit by designation on the South Carolina Supreme Court on five occasions. Judge Cain has seen the practice of law from all sides, and he will be a strong addition to the Federal bench.

John Ross is nominated to fill a judicial emergency in the Eastern District of Missouri and has the bipartisan support of his home State Senators. Judge Ross has served as a State judge in Missouri for over a decade. Since 2009, he has been the presiding judge for Missouri’s 21st Judicial Circuit. He previously spent 9 years as the St. Louis County counselor, and 12 years as a State prosecutor, where he rose through the ranks to become the chief trial attorney in the St. Louis County Prosecutor’s Office. Judge Ross has served the people of Missouri for his entire professional career. I am glad that the Senate will vote on his nomination today.

Both of these nominees will fill judicial emergency vacancies. Both have the support of their home State Republican Senators. Both were reported by the Senate Judiciary Committee unanimously, without any objection from a single Republican or Democratic member of the committee. They are both by any measure consensus nominees. Yet, their nominations have been pending on the Senate’s Executive Calendar for 117 days, since May 26, with no reason or justification given for the delay.

While I am pleased we will consider these two nominations today and confirm them, this has taken far too long. More troubling still, these nominations are only 2 of the 29 judicial nominations reported favorably by the committee and ready for final Senate action. Despite a serious judicial vacancies crisis on Federal courts around the country, where vacancies have remained at or above 90 for over 2 years, Senate Republicans refuse to consent to consider nominations more efficiently. I hope that this month Senators will finally join together to act to bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

VERMONTERS HELPING VERMONTERS

Mr. President, I will continue because I am not taking time from anybody on this. The time has been reserved to talk some more, to talk about what has been happening in Vermont.

I have spoken many times about my native State and what we went through with Tropical Storm Irene.

I was born in Vermont. My family came to Vermont in the 1800s. Nothing in my lifetime has approached the devastation we see in our State. Vermonters have continued to struggle to regain a sense of normalcy. Bridges, railroads, and roads remain damaged or wiped out. Those many homes, businesses, and schools that were not entirely washed away are in need of profound repairs. Farmers are struggling

to salvage what they can of their livelihoods.

It is late September. In Vermont, October can bring snow. But amid the din and destruction of the debris of this horrific natural disaster come hundreds of heartening stories of either things I have seen firsthand or I have heard about Vermonters rising to the occasion to help their neighbors and friends, even strangers, to mobilize to recover.

I saw a man shoveling out a store. I asked him if it was his store. He said: No. I said: Do you live here? He said: No; I live two towns over. I said: Do you know the store owner? He said: No. But, he said, I wasn’t damaged. I wasn’t hurt; he was. I would hope that if I was hurt, somebody would help me.

Vermonters are known for our sense of community. We are known for our plentiful determination. Our State’s people have proven their fortitude tenfold in the aftermath of this disaster.

The Weston Playhouse, a renowned playhouse, where actors from around the country come in the summertime, had half their theater performance stage wiped out by the floods. The theater group stripped the entire playhouse, set up a temporary stage so they could perform their upcoming show.

The Town Meeting House in Pittsfield has been converted into a medical clinic. The Air National Guard dropped more than 14,000 Meals Ready to Eat in the town so that those stranded had enough food. In addition to those meals, many others have donated meat and other goods so there is plenty of food to go around. Schools have fundraised to help provide free hot breakfasts to students, and Vermonters around the State have opened their homes to those who have lost theirs during the storm.

Various fundraisers, including some college students who are classmates of my son, have a group called Phish. They did their first live concert in years and they raised over \$1 million—just one thing after another. But then, there are also bake sales and car washes to raise money.

One way where the indomitable Vermont spirit has endured is through the remarkable efforts of Vermont students and schools. Schools have started. I know; I have grandchildren going to school there. The schools faced tremendous challenges to open their doors just days after Irene descended on us. Many had to delay opening for a few days because the school buildings were serving as community centers for families who had lost their homes and children who had lost everything in the storm. But let me show a couple examples of students making the most.

Look at this New York Times picture. This is the Barstow Memorial School students in Chittenden. Chittenden is actually in Rutland County, down in the southwest part of

our State. They used this trail to navigate on their way to school. They were going to go to school. They were cut off. There was no road to go to school, to get to the schoolbus. The parents of these children said: They are going to school.

Look at the mud on this child's legs. Look at the people. Look at them walking, carrying things. "We are going to school."

The washout on Route 4 took weeks to fix, so these students slogged along a muddy trail to meet vans and cars half a mile away, whether it was raining or dark or cold or anything else, and these cars carried the students to buses to take them the rest of the way to school. Community members helped chaperone the children on the trail. The whole community turned out. They stood there and they passed out snacks and refreshments.

When these students arrived at school, they were caked with mud. They didn't look like the children who normally come to school, but they were proud of their twice-a-day routine. They made it to school.

Moretown Elementary. This is one town over from where I live. I had a grandmother born there. They fared worse than many schools in the State. The buildings sustained damage and flooding overtook the school's septic system. The principal and teachers came together. They organized a series of field trips to get the kids out of the devastated town so they could continue in their studies. They visited Shelburne Farms and Montshire Museum, just to name two venues. Last week, with the school still closed, they met. They met. Look at that. The baseball field was covered by donated tents, as seen in this photo from the Web site of the Vermont Public Radio, where teachers held classes. The school's offices operated from pop-up trailers. Kids took well to their new school schedule, and teachers there are glad to provide the support they need.

The children of Vermont and their families and teachers are doing their utmost to make their way through these extremely difficult times. But these inventive measures are not permanent solutions. Vermonters are doing all they can and more to help each other recover, which makes it all the more dismaying that some in Congress seemed determined to play politics with disaster relief. Millions of American families and businesses, not just in Vermont but across the country have been devastated by an unprecedented series of floods, tornadoes, hurricanes, wildfires and other natural disasters this year, reaching into nearly every single State of our Union. This is no time to dawdle or to ignore the urgent needs of fellow Americans. We are one Nation, and until now we have willingly and generously come to the aid of our fellow Americans in times of need.

This is the time to help our fellow Americans who have suffered tremendous losses. Many of our states will take years to recover. I am pleased the Senate passed this essential bill last week, and I urge the House to send this emergency disaster relief bill to the President, without further delay.

We Americans are spending hundreds of billions of dollars to rebuild Iraq and Afghanistan. Let's spend this money amount to rebuild America for Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are on judicial nominees; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. I would like to, first of all, yield such time as he might consume, before I speak, to the Senator from South Carolina so he can speak about one of the judges that are up for nomination.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I wish to thank you and Senator LEAHY for bringing the nomination to the floor.

Very quickly, colleagues, this is a confirmation vote for Timothy Cain to be a Federal judge in South Carolina. Tim was my law partner, so I will just put my biases right out on the table.

He has been a family court judge since 2000 in the Tenth Judicial Circuit, dealing with the most complicated and emotional issues in the law, and we will not find one person who has practiced before Tim Cain as a lawyer who has anything other than high praise for the way he handles himself.

Tim has been a prosecutor, a public defender. He was assistant county attorney. He has a very distinguished record in the law. But, more important, he is one of the most decent people I have ever met. His wife Renee and son Martin are the most charming, decent people one could ever hope to meet. I thank President Obama for nominating him. I appreciate the support from Senator LEAHY and Senator GRASSLEY working this nomination through the process.

This will be a big win for the State of South Carolina and all who come before Judge Cain. He is a total package of intellect, character, integrity, common sense, judicial disposition and demeanor, and I could not be more proud. This is probably one of the most satisfying moments I have had as a Senator, to get up and recommend to my colleagues the approval of Tim Cain to be a Federal judge in the State of South Carolina. I just can't wait to see him take over in our courts and administer justice.

So I say to Senator GRASSLEY and Senator LEAHY, thank you both.

I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of John Andrew Ross to be U.S. district judge for the Eastern District of Missouri, and also Timothy M. Cain, to be district judge for the District of South Carolina.

Both seats have been deemed to be judicial emergencies. With these votes, we have confirmed 67 article 3 judicial nominees during this Congress. Of these, 23 have been for such judicial emergency type districts. I am pleased that we continue to have great progress in lessening the burden of our overworked courts, particularly concentrating upon judicial emergencies.

I am somewhat surprised in the delay in bringing these votes we are going to have today to the full Senate, at the majority leader's request.

Senate Republicans cleared these votes nearly 2 weeks ago, with the anticipation that the Senate would vote on these nominees last Monday, September 12. So I hope everyone understands these nominees could have been confirmed 8 days ago. It was not the Republicans then holding up these for the last 8 days.

As I noted, we continue to make great progress in proceeding to President Obama's judicial nominees. These votes today are somewhat of a milestone. They are the 99th and 100th confirmation of President Obama's judicial nominees. As of today the Senate has confirmed 63 percent of President Obama's judicial nominees since the beginning of his Presidency.

Earlier today the Senate Judiciary Committee held its 14th nomination hearing. We have now heard from 82 percent of President Obama's judicial nominees this Congress. At this point in the 108th Congress, only 79 percent of President Bush's judicial nominees had received a hearing. We have also reported 69 percent of President Obama's judicial nominees compared to 67 percent of President Bush's.

I am pleased with the progress and will continue to move forward with consensus nominees.

Now I would like to say a few words about these two nominees.

John Ross is nominated to be U.S. district judge for the Eastern District of Missouri. He presently serves as a circuit judge for the 21st Judicial District in Missouri. Appointed to that position by the Governor in January 2000, Judge Ross was retained by the voters in Missouri in the retention elections of 2002 and 2008. During his tenure, Judge Ross was elected assistant presiding judge by his judicial colleagues in that circuit and served in that office from 2005 to 2009. He was subsequently elected as presiding judge and has served in that capacity from 2009 until now.

Prior to his appointment to the State bench, Judge Ross served as county counselor for St. Louis County and in

the St. Louis County's Prosecuting Attorney's Office. He is a graduate of Emory University and the Emory School of Law. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Ross "well qualified."

Timothy M. Cain is nominated to be U.S. district judge of South Carolina. Judge Cain presently serves as a South Carolina Family Court judge in the Tenth Judicial Circuit. The South Carolina General Assembly elected him to that position in 2000 and reelected him in 2004 and 2010. In 2005 the chief justice of South Carolina's Supreme Court appointed Judge Cain to serve as the chief administrative judge for the Family Court of the Tenth Judicial Circuit. By designation of the chief justice, Judge Cain also served as acting associate justice for the South Carolina Supreme Court on several occasions.

Prior to his judicial service, Judge Cain had a distinguished private practice in South Carolina. He maintained a general practice and assisted in representing several local governments and municipal clients. During his years of private practice he also served the public sector. Judge Cain served as a part-time assistant public defender with the Oconee Defender Corporation in that State.

From 1988 to 1990 he served as assistant solicitor general for the Solicitor's Office of the Tenth Judicial Circuit, where he represented South Carolina in prosecuting child abuse and neglect cases and various criminal cases.

In 1992 the county supervisor appointed Judge Cain as county attorney for that home county.

He is a graduate from the University of South Carolina and the University of South Carolina School of Law. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Cain "qualified."

I congratulate both nominees and yield the floor.

The PRESIDING OFFICER. Under the previous order, Calendar No. 169 is confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy M. Cain, of South Carolina, to be United States District Judge for the District of South Carolina?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 140 Ex.]

YEAS—99

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Blumenthal	Hoeven	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Roberts
Burr	Johnson (WI)	Rockefeller
Cantwell	Johnson (SD)	Rubio
Cardin	Kerry	Sanders
Carper	Kirk	Schumer
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shaheen
Coats	Kyl	Shelby
Coburn	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCain	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Franken	Merkley	Wyden

NOT VOTING—1

Bingaman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that there be 2 minutes equally divided prior to the next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

AMENDMENT NO. 626

Mr. MCCONNELL. Mr. President, my amendment on which we are about to vote would grant to the President something no President has had since trade promotion authority expired back in 2007. Without trade promotion authority, there will be no other trade agreements. We all know that. If America wants to be the leader of the world in trade, we have to have trade agreements.

What I have done here is offered trade promotion authority—what we used to call fast-track—as an amend-

ment to trade adjustment assistance. They have been historically linked going back to 1974. I think it is a big mistake for our country, even if we provide trade adjustment assistance, to just operate as if there are not going to be any more trade agreements in the United States. We used to be the leader in world trade.

My party does not occupy the White House. I want the President of the United States, whoever that is, to have trade promotion authority because I would like to see us have an opportunity to have trade agreements in the future. All of our competitors have taken advantage of the fact that we have not had a trade agreement for years.

These three agreements were actually negotiated by the previous administration. So if we would like for this President or the next President—because this would extend TPA to the end of 2013, so it will grant this authority to the next President, whoever that is, in addition to this President—if my colleagues think we ought to have another trade agreement sometime in the future for the United States of America, I urge them to support my amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I agree with much of what the minority leader said. I very much believe we should negotiate free-trade agreements with other countries. I think we are behind the curve. Other countries are negotiating. We are being left behind. We should negotiate agreements that are good agreements.

The amendment offered by the Senator from Kentucky, however, is the 2002 version. A lot has changed in the last 10 years. There are environmental provisions, labor, and China is very much a competitor. I think it would be unwise to extend TPA because there are changes in the world today that this version does not reflect. It has to be updated to the current times.

Second, if this amendment would pass, then we wouldn't be getting free-trade agreements. The Speaker has made it very clear he wants a clean bill and then he will take up TAA—this bill—which many of us support by a large margin, and then he will take up the free-trade agreements. So if this body wants TAA and wants the FTAs, we have to vote against this amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 626, as modified, offered by the Senator from Kentucky, Mr. MCCONNELL.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—45

Alexander	Enzi	McCain
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Pryor
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lieberman	Vitter
DeMint	Lugar	Wicker

NAYS—55

Akaka	Graham	Nelson (FL)
Baucus	Hagan	Paul
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskey	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 45, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to address the Senate for about 6 or 7 minutes on a trade issue that normally I would be offering an amendment on. I am not going to offer an amendment during this debate because I think it is very important we move forward with this legislation so, hopefully, the President will stop moving the goalposts and send to the Senate Panama, Colombia, and South Korea.

But the reason I address the issue of the general system of preferences is because, quite frankly, I am sick and tired of a lot of nations—that may not be considered developed yet but advanced very rapidly in the last 20 years—taking advantage of our GSP system. I do not mind them taking advantage of our GSP system, but what irritates me is a lot of times in WTO negotiations, they are the very same countries that are finding fault with the United States and Europe not giving enough on agricultural issues, as an example, at the very same time these countries have very high tariffs on our products getting into their

country, when they get, under GSP, their products into our country duty free.

So, Mr. President, I want you to know I appreciate the fact we are finally debating the merits of trade legislation.

Most people agree that one way we can help our economy is by opening and expanding markets for American-made products. I look forward to the President, as I just said, sending us the free-trade agreements. In the meantime, much of the discussion has centered on the bill before us, the GSP and the Trade Adjustment Assistance Program.

While it is important for us to have a discussion on the merits of TAA, I do not want my colleagues to overlook the significance of the underlying bill. This bill extends the general system of preferences. This program provides one-way—and I want to emphasize—duty-free access to U.S. markets. So over a period of several decades, we have been awfully good to a lot of countries that we think we ought to help and we have been helping.

The basic principle, then, behind the GSP is to provide certain goods made in developing countries with preferential market access to the United States in the form of this duty-free status. The intention is to help spur economic growth in developing nations.

I support the premise that we can help developing countries by promoting trade. But I can also tell you that our patience is getting very thin with some of those countries, particularly when we see them not reciprocating in a way that they have the capability of reciprocating. Our trade relations, however, should increasingly be based upon reciprocity by which other countries will provide the same open access to U.S. exports. In other words, as those countries become more developed, we need to require that they move toward operating on a level playing field with the United States.

Congress needs to take, then, a hard look at GSP and scrutinize whether it is helping accomplish the U.S. trade agenda. I think we would find some of these countries coming up short. In another environment of discussing trade, I would be taking a different approach: that we would send a clear signal to some of these countries of our impatience, and they are going to have to graduate off GSP. If other nations believe they will always enjoy GSP, then what incentives do they have to open their markets to U.S. goods? That is why we ought to very much advance the system of graduating off GSP with some of those countries.

There are nations that benefit from GSP that, quite frankly, have moved beyond what I consider to be developing countries. I continue to question why we provide preferential treatment at all to the products from countries

such as Brazil and India. These countries have at times worked against the trade interests of the United States, including resistance to reducing high tariffs on U.S. exports. Both of these countries have countless products competing in the global market with U.S. products.

I am not offering an amendment, as I have already said, to this GSP bill, not because I do not think my position is good but because I want to see the pending trade agreements submitted and approved by the Congress. I am not interested in raising any barriers that make that task more difficult than the President has already made it.

However, I will continue to push for reform of GSP. I urge my colleagues to take a close look at this program and consider the points I have raised in the past and I am raising right now but not raising in the form of an amendment that ought to be offered at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Ms. LANDRIEU. Mr. President, I know the short debate we had, just in the last couple of hours, and the votes are important, about the Senate and the House figuring out a way as to how to move forward on some of the trade agreements that are pending, and the appropriate ways to make sure American workers are not left behind, that they are actually helped and supported. And those issues are very important.

But I come to the floor today to talk again about another important issue that is pending before the Congress right now that is of extreme importance to millions and millions of Americans who are following this debate through the viewing of the procedures here on the Senate floor and in the House, and also following on Twitter and other Internet sites and opportunities on their local news and radio stations about what we are doing on disaster relief.

That is a good question because I think—and many of the Senators, Democrats and Republicans, as well, on the Senate side; particularly 10 of my colleagues from the other side who stood with us last week to say—it is time to fund the disasters in America today.

We are questioning why the House of Representatives is dragging its feet on this important issue or why the leadership, the Republican leadership in the

House would be even hesitating to fund the ongoing needs of FEMA, the Corps of Engineers, the Department of Housing and Urban Development through community development block grant funding and agricultural disaster relief, which is so important.

In disasters, sometimes the pictures are focused on cities or suburbs, and it is heartwrenching.

It is heartrending.

I will show you some of those pictures now. This is Joplin, MO, earlier this year. A third of the city was literally destroyed by a group of tornadoes that came through. Some of the weather specialists said they had never clocked winds of this speed and power in the entire time they have been recording this data. They said they believe some of the winds exceeded 300 miles per hour. This is horrifying.

For those of us who shudder at category 4 and 5 hurricanes which can blow up to 150 miles an hour, the idea of 300-mile-an-hour winds is beyond our comprehension. But that is what happened in Joplin, MO.

Then, here we have the Outer Banks of North Carolina. It is heartbreaking to see the water come up on barrier islands. We have many barrier islands where people live safely. When the water rises, everybody doesn't just pick up and leave the island forever. They use their engineering and might to come up with better technology. They invest wisely. That is what we have to do to help these families.

These fires could be California, and it could also be Texas. Texas has had over 20,000 wildfires this year, I understand.

Here is a rural community. Sometimes we see pictures of these urban areas and these coastal areas that make for great television, but we don't always see farm communities underwater. This is what happened around our country. Why the Republican House leadership says that now is the time to try to find offsets for these disasters—had we insisted on that for the Katrina and Rita recoveries, the gulf coast would still be devastated. But year after year as a country, when our people have been harmed by natural disasters this National Government has come together and said: Yes, we as a nation, the United States of America—we are not a divided nation—is going to come to help our brothers and sisters who need help.

Why is this different? The House Republican leadership can't run fast enough to spend money and send money to Iraq and Afghanistan to rebuild those communities and those cities. Yet when our own people from these communities ask for help, they want to now throw up the smokescreen that we have to find an offset.

Let me give two good reasons: One, we are eventually going to have to pay for everything the Federal Government shells out. We are going to have to find

the money to pay for it. But we don't have to find it this week. We don't have to find it next month. We can debate that as the process of legislation goes on. We can say yes to full funding for disasters now, not an inadequate amount of money, which is what the House wants to do.

Let me tell you how ridiculous the House position is. Not only do they want to partially fund FEMA and basically fund it for only 6 weeks, which is the extension of the continuing resolution, they want to basically say we will extend the Government of the United States to operate for 6 weeks at the current level of spending, and we will agree that FEMA can operate for another 6 weeks.

If they don't already know this, let me remind them that Governors, mayors, and county commissioners who are struggling to rebuild communities after disasters such as this need a little more than 6 weeks to do planning. They need a year or two sometimes to actually come out of shock, to have public meetings with people.

I have been through this and lived through this. You have to organize community meetings neighborhood by neighborhood. Sometimes in a community—let's say in Joplin—I don't know how many schools they had, but in our case out of 147 public schools in New Orleans we had 100 that were damaged beyond repair, uninhabitable. We could not decide in 4 weeks what we were going to do. We had to take a long time, and we needed to know that the Federal funding would be there. This government acted—not as quickly as I would have liked, but it acted under the prior administration.

Finally, we got the long-term funding commitments that our Governors and mayors needed—Democrats and Republicans alike—to lay down good and smart plans because they knew what they could count on. Why the House doesn't want to do that, I don't know.

Second, I have heard criticism of the Senate approach, which I am proud to lead. They say things in the press such as: Well, the Senate just picked a number out of the air.

Let me be very clear. We picked no number out of the air. The clerks of the Appropriations Committees, who are steeped and knowledgeable about what these agencies need now and what they may need in the years ahead, met and crunched the numbers. Senator REID looked at those numbers, took them down a bit to try to accommodate the anxiety on the other side of the aisle about spending too much money, and came up with a rational, reasonable number for FEMA, for agricultural relief, and for community development block grants. I think under the circumstances that is about the best we could do.

Do you know what the House of Representatives did, which makes no sense

whatsoever? I hope some of the print press are listening to this so they might write this in the newspapers tomorrow. They took last year's number. These disasters are happening now. They took the number that was in the bill before the disasters happened and plugged that in, like they are doing something good for the country, and basically said: Take 6 weeks of it, and then we are out of here. We are going home for the week.

I don't take kindly to any kind of criticism that the Landrieu numbers or the Senate numbers might not be crunched or reviewed carefully enough. I have done the best review I can possibly do, and I have every confidence that the numbers I have presented to this Senate—about \$6.9 billion—are as accurate an assessment I have at my fingertips to say what we are going to need in the next year.

At least I am dealing in reality. In what land do they live? This isn't about a year and a half ago; this is about now. Their number is wrong, their approach is wrong, their approach is totally insignificant and inadequate, and it is morally wrong.

I will not even ask the clerk to do a beautiful job trying to type everything we say—and sometimes it is hard to keep up—because we don't have everything written down, and I am not even going to ask them to print this in the RECORD because it is really too long. I want to read a little bit from this.

This is the whole list of projects that the Republican House leadership, with all their—I will say what it is; it is shenanigans. These are the projects they have stopped. We all know about big cities such as New Orleans and Chicago and New York. We hear about all these big cities such as Denver and Birmingham, AL, but we don't hear about cities like this so often. I will read some of them into the RECORD because these taxpayers deserve to have their cities read into the RECORD. That is where these projects are going on that the Republican leadership in the House says they don't really need the money now and they can wait. These have all been put on hold.

Here is a town I have never been to, Crooked Creek, AL. There is a public building there—a vehicle maintenance shop—that is on hold. Here are Florence, AL, and Lipscomb, AL, and Evergreen, AL. There are five pages for little towns in Arkansas that maybe don't make the front page of the New York Times or the Washington Post, but they are important communities. They are important to our country. Here is Herbert Springs. I have never heard of it, but I am sure it is a lovely place to live. They have several projects that have been held up.

I could go on and on through every State in our country—small towns and counties that have been devastated—roads, bridges, public buildings, and water-sewer control facilities.

Again, I think people at home are looking at and reviewing this debate and saying: Let me get this straight. Speaker BOEHNER and Majority Leader CANTOR rush to fund rebuilding in Iraq and Afghanistan and didn't require offsets when we went into war and this rebuilding effort. But now we have to debate for weeks and months over finding proper offsets to rebuild here?

I hope people will let their voices be heard in the next couple of days. It is very important.

We had a very important vote on the floor of the Senate last week. We don't often have bipartisan cooperation. I thanked by name the 10 Republican Senators who helped on this effort because they said: Party politics is important, and sometimes party politics dictates the way that I should look and vote and feel, but not on this because this is disaster aid that is either going to my State—or, potentially, in Senator RUBIO's case, who knows what disasters are like in Florida. He said: It could happen, Senator LANDRIEU, and if it happens in Florida, I certainly want to come back and ask the Nation to help and not have to be engaged in a debate in finding an offset. I would rather work with my mayors and county commissioners to find a way to rebuild.

I have embellished a little bit of the conversation, but I know that is what was on his mind. He said: I can't think of what Florida would do.

Senator VITTER from Louisiana, who has been shoulder to shoulder with me in helping with our disaster recovery—we have pages. Jefferson Parish called me the other day—a Republican mayor of Jefferson Parish—and said he has \$100 million in help for Jefferson Parish stopped up because of this unnecessary debate.

We have the two Senators from Maine, Ms. COLLINS and Ms. SNOWE, who most certainly felt the effects of Hurricane Irene up the east coast. We also had Senator TOOMEY from Pennsylvania whose State also received record amounts of flooding. We had Senator BLUNT from Missouri—the people of Missouri not only are desperate for FEMA money, they need agricultural help immediately, community development block grant funding, and they need Corps of Engineers funding. Is there Corps of Engineers funding in the House approach? Zero. Zero for the Corps of Engineers.

If you are representing a community that has had flooding because your levee failed or you don't have a levee and you need one or because your runoff or streams were not regulated appropriately, you most certainly don't need to call Craig Fugate. You need to call the Corps of Engineers. They are going to tell you they are out of money. We have grossly underfunded the Corps, in my view, in capital projects year after year. And, frankly,

both Republican and Democratic Presidents have been guilty of underfunding the Corps of Engineers and their budgets because in the old days, when we could earmark, we would add back money to the Corps. But those days are over, A, because we are not earmarking and, B, because we are on tight constraints.

The Corps of Engineers has no emergency funding. If you are interested in protecting your communities and levees and flood control, and you vote against the Senate position, you are going to have a lot of explaining to do because even when you go home and pound your chest and say: I voted for the House number that was last year's number, there is no money there for the Corps of Engineers. So good luck explaining that to your constituents. I could not explain it to mine and remain a Senator from Louisiana.

This is an example of what some of my coastal levees look like.

The other thing we have to battle—but this is a battle for another day—is when the levees break up like this—and this is the coastal barrier—the Corps of Engineers is actually prohibited from building them better. We have had solutions for this. We are going to try to get that changed. But this is a constant battle and a big issue not just for the State of Louisiana but for the gulf coast, the eastern seaboard, and the west coast as well. So we will continue to work in that regard.

Mr. President, I ask unanimous consent to speak for an additional 5 minutes. I don't see anyone else on the floor wishing to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Let me show what some of the Republican leaders who are not in the House of Representatives are saying. And we should listen to them because this is from the Governor of New Jersey, Governor Christie, a leader in the Republican Party, a conservative leader of the Republican Party. No one would accuse him of not being a strong voice for conservative philosophy. He said: Now is not the time, ladies and gentlemen in Congress, to argue for weeks and weeks or months and months about finding offsets for these disasters. Let's fund them. Let's fund them robustly. These are job-creation opportunities for our communities. It is about smart planning and being a reliable partner with the State of New Jersey and my counties. He said: Let's get about the business.

In fact, he specifically said:

You want to figure out budget cuts, that's fine. You expect the citizens of my State to wait? They're not going to wait, and I'm going to fight to make sure that they do not. Our people are suffering now and they need support now. We need support now here in New Jersey, and that is not a Republican or a Democratic issue.

I just got off the phone with Governor Christie within the hour, and this

is still his position. He said he is not backing down, and he is going to continue to give voice to this issue. I wish the Republican leaders in the House would listen to him.

We have had Republican leaders in the Senate—I named about six of them—and I want to compliment the others later on when I get back to that point.

This is what Gov. Bob McDonnell of Virginia said:

My concern is that we help people in need. For the FEMA money that's going to flow, it's up to them on how they get it. I don't think it's the time to get into that deficit debate.

I want people to think about this. Let's say we have another hurricane season like we had—I believe it was right before Hurricane Katrina. I believe it was in 2004 that we had four hurricanes hit the State of Florida—four in 1 year. It was devastating to the State of Florida.

Does anyone think it would be the right thing to do to get the Governor of the State of Florida, the Senators of the State of Florida, the entire congressional delegation of the State of Florida and every accountant working for every county to come up to Washington and go through the Federal budget to find where they can cut, right there, that week, while the winds have just died down? Would we have to get the Florida accountants to come up here to find an offset so we could send the help to Florida?

That argument is ludicrous on its face. I wouldn't want Senator RUBIO worrying about that. I wouldn't want Senator NELSON worrying about that. I would want them comforting their people. That is what I would want to see them do because I had to do an awful lot of that. And I am sure they would do it naturally. I would want them going shelter to shelter and telling people it is going to be OK. I would want them visiting with businesspeople, pleading with them not to pick up stakes now but to invest in Florida because it can be a good place to come back to. I would want them saving their universities and working on that as well. The last thing they would need to be doing—and their staff—would be taking out a pencil and putting on their green eyeshades and going through the Federal budget to see where we could eliminate this from Colorado, with no time for hearings or oversight because we have to act now. Let's just cut out all these programs.

That is hogwash. It is ludicrous on its face. It is not the way a government should be run. It is not about conservatives or liberals; it is truly just stupidity. It makes me so angry that anyone would suggest this.

So, again, let's send the help now. We can find a way to pay for this. We are finding a way to pay for Katrina now. We do it through the ordinary budget

process. We are finding a way to reduce the deficit substantially. That is what the committee of 12 is about. That is what all our debates are about. That is what the appropriations process is about. But not now.

Tom Ridge. If you don't think the Governor of Virginia is an expert on this or the Governor of New Jersey—though I think they are pretty strong public figures—how about the first Secretary of the department that oversees disaster response, Tom Ridge himself? Here is what Tom Ridge said last week when this debate started:

Never in the history of the country have we worried about budget around emergency appropriations for natural disasters. And frankly, in my view, we shouldn't be worried about it now. We're all in this as a country. And when Mother Nature devastates a community, we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

Thank you. That is exactly what we should be doing.

So, Mr. President, I have tried, as the leader of this committee, not to make this a Democratic or Republican issue. I have asked and succeeded in getting 10 of my Republican colleagues to join the effort. So this isn't trying to make one party look good or one party look bad. All we want to do is help disaster victims and help the Governors and the mayors and the county commissioners who, right now, believe me, are just pulling their hair out. They have very limited tools. They are not sure what they can do.

People are angry, they are devastated, and they are shocked. Families are having to bunch in and live together. Some people are still in shelters. I have been through this nightmare. I know what they are going through. And then they have to hear from Washington that the ERIC CANTOR crowd decided now is the time for us—even though for 50 years we have been doing emergency funding—to figure out where to get offsets before we can send them help. This is no way to run a railroad, and it is no way to fund disaster assistance.

As I said earlier, this color is too pleasant—this green on this map—to really reflect what this map shows. These are all the States in the Nation that are experiencing disasters this year. For the first time in a very long time—maybe in our history—we have had Presidential disasters declared in all but two States. They are different kinds of disasters—some fire, some floods, some earthquakes—but nonetheless devastating to the communities trying to rebuild. So this isn't a Texas or Louisiana or just a west coast issue, this is an entire nation that is waiting for Congress to act and to send not just FEMA money but FEMA, the Corps of Engineers, Agriculture, and community development block grant funding. For the life of me, I cannot understand why we are having this debate at all.

Just to recap, here is the list. And I will not ask that it be submitted for the record because it is too long and comprehensive. It is very fine print of project after project that has now been stopped—stopped—because FEMA is operating on fumes. They are virtually out of money.

Now, yes, the new fiscal year for the Federal Government starts next week, but, remember, the House of Representatives only offered 6 weeks of help based on last year's reality. They are not even taking into account what actually happened. They are just saying: Well, we budgeted \$2.65 billion last year; that must be good enough for this next year—not taking into account any of the realities of what I have just talked about. And by the way, you can have basically a 6-week rate—no money for the Corps of Engineers, no money for Agriculture.

Please, if you hear one thing—any of the Members of the House who are considering voting for this—please don't try to go home and explain this to your constituents because hopefully they will be smart enough by listening to this debate and understanding that you really didn't vote to help them. You voted for some philosophy that is hard for even some in your party to understand, but you did not vote to help your constituents.

One final point. People on the other side will say: Well, I voted for this \$2.65 billion, and I know it is not a real number, but it is sort of enough to get everybody through, and then we will pass the regular appropriations. Mr. President, I have heard that as well. And then when the regular appropriations bills come, this money can be tucked into these bills and help will be on the way, they will say.

Well, I want to say again that 1994 was the last time this Congress passed all 13 appropriations bills on time and got them to the President's desk. So that is wishful thinking. That is not going to happen this year, no matter how hard we try, because it hasn't happened since 1994.

So don't think you can fool your people and say: Well, I voted for this, but we are going to help you through the appropriations process. I am on the Appropriations Committee. We have had a very difficult time because of all sorts of reasons in getting our process back on track. We are supposed to be finished with all of our bills in November. It is already the end of September, and we still don't have all our bills out of committee. And even if the House has their bills out of committee, getting those numbers reconciled between the House and the Senate sometimes takes months. Sometimes, Mr. President, as you know, we never get to it and we just do a continuing resolution. So there is not enough appropriations in the regular bills.

So for all the reasons I spoke of—and I will end where I started—let's fund

disasters now. Let's fund the help to our people now. We are going to be here until Friday—potentially our leadership will keep us in until we get this resolved. But the Senate has made a great bipartisan effort, with Senators such as Senator BLUNT and Senator TOOMEY and Senator VITTER and the Senators from Maine and other Senators from the other side who have joined this effort.

I am asking the House: Please reconsider your position. Please fund disasters now. We will figure out the way to pay for this over time. We have already made provision for this in the negotiations that were done a month ago between the Republican and House leaders. Our people are depending on us to act.

Mr. President, again I urge my colleagues in the House, please reconsider your position. Join the bipartisan work underway in the Senate to get this job done for the people we represent and the people of our country who are truly desperate for us to act right now.

Mr. President, I yield the floor.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 139, a vote on the motion to invoke cloture on the motion to proceed to consider H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes. Had I been present, I would have voted yea to the motion to invoke cloture.

RECOGNIZING SOUTHEAST KENTUCKY COMMUNITY AND TECHNICAL COLLEGE

Mr. MCCONNELL. Mr. President, I rise today to recognize one of Kentucky's most successful educational institutions, Southeast Kentucky Community and Technical College, SKCTC. Beginning last year, SKCTC celebrated its 50th anniversary of providing higher education in southeastern Kentucky across five full-service campuses. To commemorate the event, SKCTC's Pineville campus held an open house for over 500 high school students from the area. To highlight the school's success over the years, President Dr. W. Bruce Ayers gave a presentation of SKCTC's history to all who attended.

SKCTC's Pineville campus was originally launched in the early 1960s as a nursing school. Over the years, the school expanded its buildings and curriculum and has become the main location for many of SKCTC's medical programs.

The campus is home to about 50 percent of the school's allied health students, who are enrolled in programs such as respiratory therapy, radiologic technology, surgical technology, clinical lab technology, or one of several nursing programs to become a licensed

practical nurse or a registered nurse. As a whole, SKCTC holds a remarkably high pass rate on licensing exams for graduated students—some of the medical programs maintain a pass rate of 100 percent. As a result, the majority of SKCTC students leave the school with a medical license of some kind.

The people of southeastern Kentucky are privileged to have such a reputable institution that continues to provide future generations of Kentuckians with a quality education year after year. To help celebrate this landmark occasion, Mr. President, I ask unanimous consent that an article describing the anniversary celebration at SKCTC—Pineville be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Middlesboro Daily News, Mar. 22, 2011]

SKCTC ANNIVERSARY CELEBRATED AT
PINEVILLE CAMPUS
(By Lorie Settles)

PINEVILLE.—The fiftieth anniversary of Southeast Kentucky Community and Technical College (SKCTC) was commemorated at the Pineville campus on Friday with an open house for area high-school students.

Members of the faculty and staff of SKCTC Pineville welcomed nearly 500 teens on Thursday and Friday, reported Kim Ayers, the college's recruiter. The guests hailed from high schools including Jellico, Harlan Independent, Cumberland Gap, and Knox Central.

Students enjoyed guided tours of the campus on Thursday and Friday, and were presented with facts and demonstrations about the programs available at the Pineville Campus.

"We are delighted to be able to celebrate the fiftieth anniversary on the Pineville Campus and we are equally delighted to have so many folks visit us," said Dr. W. Bruce Ayers, President of SKCTC. "This campus has meant so much to the area and so much to the college for a number of years."

The southeast division of the University of Kentucky was launched in 1960, and has been an important facet of the Bell County community since the birth of the Pineville and Middlesboro branches of the college.

At the open house, Dr. Ayers shared some of the history of the institution. The Pineville campus, he explained, joined the SKCTC family in 1998, but had been in the area for some time.

"This particular campus actually began as an LPN nursing school down in Pineville, and moved here after they were flooded out in the 1970s. They moved up here, got a new building and expanded the curriculum. They've been doing a splendid job here in allied health since that time," said Dr. Ayers.

Although the building situated on Log Mountain is relatively small compared with many other campuses, it is able to house a number of programs in the medical field. Each year, students begin programs in Respiratory Therapy, Radiologic Technology, Surgical Technology, Clinical Lab Technology, or enroll in a nursing program to become a Licensed Practical Nurse or Registered Nurse.

The Pineville campus is a vital part of the SKCTC family, serving as a main location for many medical programs.

"We train probably about 50 percent of our allied health students for the entire college

here," remarked Dr. Ayers of SKCTC Pineville.

The majority of those students leave the school with a medical license. Ayers reported that the campus boasts "remarkably high pass rates" on licensing exams, and that several programs maintain a pass rate of 100 percent.

Those numbers serve as proof, he says, that students in the area are as bright and capable of success as students anywhere in the country.

SKCTC's anniversary was celebrated in Middlesboro in December.

REPEAL OF DON'T ASK, DON'T
TELL

Ms. COLLINS. Mr. President, I rise today to recognize the repeal of the Don't Ask, Don't Tell law. Today marks the end of the 60-day waiting period following notification to Congress that the necessary certifications were made by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff regarding this change in policy. I am pleased that this discriminatory law was relegated to the past early this morning at midnight.

I am proud to have played a role in this repeal, and I thank my colleague Senator LIEBERMAN who, when prospects seemed most dire, worked with me to develop a strategy to pass a stand-alone version of the bill that ultimately resulted in repeal of DADT.

It was almost 4 years ago when I first asked ADM Michael Mullen, then Chairman of the Joint Chiefs of Staff, about the Don't Ask, Don't Tell policy. That was the first, but not the last, time that Admiral Mullen courageously testified in front of the Senate Armed Services Committee about the need to debate and evaluate the DADT policy.

It seemed to me then—as it does now—that our Nation should not refuse the service of patriots who willingly answer the call to arms, simply on the basis of their sexual orientation. If individuals are willing to put on the uniform of our country, to be deployed in war zones like Iraq and Afghanistan, to risk their lives for the benefit of their fellow citizens, then we should be expressing our gratitude to them, not trying to exclude them from serving or expelling them from the military.

Since 1993, more than 13,000 men and women have been dismissed from service and countless more have been barred from serving. Society has changed a great deal in the last 18 years since President Clinton signed the "Don't Ask, Don't Tell" law, and I am proud Congress took the lead to repeal the law.

I thank the LGBT community for their outreach and support of this effort. I especially was honored by the number of servicemembers both active duty and retired who have thanked me for this effort, or who have shared their

personal story of how the law was affecting their lives. I recently received one of those stories on a postcard with a stamp from overseas that was signed "An Army Soldier." I would like to have his message printed in the RECORD because his words represent the sentiment of so many other brave men and women of our fighting forces.

His postcard says this:

Dear Senator Collins, I will still be deployed in Afghanistan on 20 September when [Don't Ask, Don't Tell] is finally repealed. It will take a huge burden off my shoulders—a combat zone is stressful enough on its own . . . I will repay your courage with continued professionalism.

With a spirit of service such as this, is there any doubt we should be welcoming this warrior into our military? I want to thank this anonymous soldier for taking the time to share this important message with me and with my colleagues. Because of soldiers like him, our country remains strong and our military united in a common cause with the freedom of individual expression guaranteed by the liberties they fight to preserve.

TRIBUTE TO ADMIRAL MIKE
MULLEN

Mr. GRAHAM. Mr. President, today I wish to pay tribute to Mike Mullen who is retiring as the 17th Chairman of the Joint Chiefs of Staff after more than 43 years of distinguished service to our country.

Admiral Mullen began his rise in the Navy as a midshipman at the U.S. Naval Academy, where he became a proud graduate in 1968. Upon graduation, then Ensign Mullen reported aboard the USS *Collett*, deploying to the Western Pacific and participating in combat operations off the coast of Vietnam. Eventually, his career at sea would include serving aboard six other warships, including command of three, as well as command of the George Washington Carrier Strike Group and U.S. Second Fleet.

He supplemented his systems engineering degree from Annapolis with a master of science degree in operations research from the Naval Postgraduate School in Monterey, CA, and a business degree from the advanced management program at Harvard.

Ashore, he similarly distinguished himself with tours at the U.S. Naval Academy, the Bureau of Naval Personnel, the staff of the Chief of Naval Operations as well as in the Office of the Secretary of Defense.

With an already exemplary career of service at sea and ashore, Admiral Mullen became the Navy's 32nd Vice Chief of Naval Operations in 2003. During the first half of 2005, he served as Commander of NATO's Joint Force Command Naples and Commander, U.S. Naval Forces Europe, leading the Alliance's peacekeeping operations in the

Balkans and its critical training mission in Iraq.

In July of 2005, he became the top uniformed leader in the Navy as the 28th Chief of Naval Operations. With the Nation fighting two wars, he oversaw the service's efforts to man, train, and equip our Navy to fulfill its traditional missions at sea. Facing innovative and nontraditional enemies, Admiral Mullen conceived and championed the Navy's vital contribution to the fight on the ground in Iraq and Afghanistan.

Dedicated to keeping the sea lanes free, deterring aggression, and maintaining our Nation's maritime superiority, he also led efforts to stabilize the Navy's shipbuilding program to support a 313-ship fleet.

On October 1, 2007, Admiral Mullen assumed duties as the 17th Chairman of the Joint Chiefs of Staff. Facing a myriad of challenges, and with ongoing conflicts in both Iraq and Afghanistan, he worked tirelessly with our Nation's leadership to oversee multiple, sustained joint military operations. Admiral Mullen's efforts played a vital role in disrupting terrorist networks, providing humanitarian assistance at home and abroad, and improving the security and stability in Iraq.

Recognizing the danger of an Allied failure in Afghanistan, he became an early and vocal proponent of resourcing the war by expanding counterinsurgency capabilities and fostering closer ties with strategically vital Pakistan.

Never forgetting that those who return from war often continue to bear scars—both seen and unseen—Admiral Mullen and his wife Deborah passionately represented the interests of the men and women returning from the battlefield. He initiated an unprecedented nationwide dialogue to advance awareness and support for the many issues facing our warriors, veterans, and their families.

Many have recognized Admiral Mullen's dedication to service with a wide range of awards and decorations. But I know first hand that his truest reward is the satisfaction he must feel for a lifetime of service to a country he so deeply loves. Admiral Mullen's commitment to the Americans who have given so much will endure well beyond his days in uniform.

I will add that Admiral Mullen's legacy will continue in another way after retirement. He and Deborah continue to proudly support their sons, John and Michael, as they pursue their own uniformed service in support of the world's greatest Navy.

The U.S. Navy and our military will never forget the service of Mike Mullen, one of its most respected and valued leaders, who took the helm during a dynamic and uncertain time in our Nation's history. And none of us will ever forget how he led—with hu-

mility, a selfless devotion to others, and integrity.

Please join me in recognizing and commending ADM Mike Mullen for a lifetime of service to his country and to wish him the best in his retirement. May God bless Mike and Deborah, and their family, for all they have given and continue to give our country. We remain in their debt.

TRIBUTE TO BILL ENGEMAN

Mr. PORTMAN. Mr. President, I rise today to recognize Cincinnati resident Bill Engeman, who has made countless contributions to the sport of rowing over the past 30 years. Bill will be leaving Cincinnati later this year for Lancaster, OH, and I would like to thank Bill for his years of selfless efforts to encourage the sport of rowing.

Since the early 1980s, Bill has been a leader in advancing rowing in southwest Ohio. In the fall of 1981, Bill helped found the University of Cincinnati Rowing Team. Bill also has helped develop many rowing programs and build many boathouses at East Fork State Park and along the Ohio River. He also worked to bring the Men's and Women's National Collegiate championship to the region multiple times in the 1980s and 1990s. Bill was inducted into the National Rowing Hall of Fame in 1998.

In 2008, I had the opportunity to work with Bill to construct the Matt Maupin Memorial Pavilion at East Fork State Park, named in honor of a local high school rower and brave soldier who was killed in the line of duty in Iraq. Over the last 3 years Bill has worked to help rebuild the national rowing program in Iraq and assist in its journey to qualify young athletes for the London Olympics in 2012. This latest project is having a global impact and illustrates his commitment to rowing and the youth of the world.

Bill Engeman has given tremendously to the Cincinnati area and the sport of rowing over the years, and thousands of area residents have benefited from his legacy. Bill will be honored for his efforts on Tuesday, September 27, 2011. I would like to join with his many friends in congratulating Bill and thanking him for all he has done. While he may be moving to another city, he will always be considered the father of rowing in Cincinnati.

REMEMBERING HENRY SMITH, JR.

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in honoring the life of Mr. Henry Smith, Jr. The people of Louisiana lost a giant of a man when Henry A. "Buster" Smith, Jr. passed away on Friday, September 9, 2011, at age 82 after a lengthy illness.

Born in St. Charles Parish and raised in an area outside of New Orleans

known as the River Parishes, Mr. Henry, as we affectionately knew him, was a confident and self-made man who had an optimistic outlook on life that would lift you when you were in his presence. He, and others like him, helped build this Nation.

Mr. Henry was a product of the River Parishes whose people draw their strength and sustenance from the Mississippi River, and whose ingenuity and hard work built the incredible industrial complex along the river that fuels so much of our Nation's energy and commerce. He was the guiding force in the development of what became the Magnolia Companies, a multicompany conglomerate in the fields of construction, housing, material sales, real estate, finance, disaster recovery and consulting. He traveled the world in order to help people recover from disasters on six continents, but always returned home to Louisiana and his beloved River Parishes. Mr. Henry assisted with securing the futures for hundreds of families by creating opportunities for meaningful and rewarding work for them to pursue.

Mr. Henry was a champion for his community and the surrounding region. He supported numerous charities, churches and schools in and around the New Orleans area, including the Ursuline Academy, Sacred Heart Catholic Church, First Baptist Church of Norco, and the Mahalia Jackson Early Childhood Development Center. He was a leader who was sincere and steadfast in his drive to help others. He truly believed in the spirit and generosity of mankind and thought that everyone deserved a chance.

He was very passionate about politics and immersed himself in supporting candidates for local, State, and Federal office. I was fortunate enough to have Mr. Henry's support and counsel through my years in politics. Even though Mr. Henry was opinionated, he always said that no matter what, there were two sides to every story. He was a Democrat but was always more interested in the merits of a debate rather than partisanship. He believed most of all in moving his community, State, and Nation in a positive direction. We could certainly use more people like Mr. Henry.

Above all else, Mr. Henry was devoted to his family his sons, Glen and his wife Marilyn and Gary and his wife Pam, along with his grandchildren, Representative Gary Smith, Jr. and his wife Katherine, Rebecca Smith Tassin and her husband Justin, and Madison Elizabeth Smith—just as they were to him and each other. The Smith family is one of the most loving families I have ever known. Mr. Henry worked joyfully with his two sons Glen and Gary every day for more than 40 years. Never have I seen two sons more devoted to their father.

Today I ask my colleagues to join me along with Mr. Henry's family in honoring and celebrating the life of this most extraordinary son of Louisiana.

ADDITIONAL STATEMENTS

TRIBUTE TO DAN FLOWERS

• Mr. BOOZMAN. Mr. President, today I wish to recognize the life and career of Dan Flowers, who is retiring as director of the Arkansas Highway and Transportation Department after a lifetime of service and dedication to the State.

Dan Flowers began his career with the Arkansas Highway and Transportation Department more than 40 years ago after spending his summers in college as an employee in the departments Resident Engineer Office in his hometown of Batesville. He held this position for 4 years until he graduated in 1969 from the University of Arkansas at Fayetteville with a bachelor of science degree in civil engineering. Enjoying his time with the department, Dan went on to complete the engineering orientation program and was assigned as a planning engineer in the Planning & Research Division. He has worked in a total of eight other engineering and management positions within the Department before being promoted to director in 1994.

Dan Flowers has had many achievements during his career as the director, and in announcing his retirement to his staff he was quick to point out the collaborative effort "we plan, we build, we maintain, and we manage—but the key word in all of that is WE."

Perhaps one of Dan's greatest accomplishments was the 1999 interstate repair program and one that he says was the most interesting. The 5-year, \$1 billion repair program overhauled the Arkansas interstate system which included 54 projects and more than 350 miles of interstate. Dan has truly helped make Arkansas roads safer and his work has touched countless lives.

Not only was he active in transportation on a regional level but also highly active on a national level. As a new member on the House Transportation and Infrastructure Committee I quickly learned how well respected Dan was not only in Arkansas but across the country as witnesses would tell me of their appreciation for his work. He has served on numerous organizations from president of the Southeastern Association of State Highway & Transportation Officials and the American Association of State Highway and Transportation to chairman of the American Associations Special Committee on International Activities Coordination, and prior to being president Dan served as chairman of the Associations Subcommittee on Design, Standing Committee on Highways, and as the associations vice-president.

Dan has also earned many accolades for his work. In 2001, the Arkansas Chapter of the Associated General Contractors presented Flowers with its most prestigious award, the Skill, Integrity, and Responsibility Award, SIR, for his outstanding contributions to the industry, and in 2004 the University of Arkansas Department of Civil Engineering dedicated the Dan Flowers Education and Training Facility.

Dan has displayed dedication, perseverance, and commitment to excellence. I appreciate his friendship and am grateful for his years of service and efforts devoted to the State of Arkansas.●

REMEMBERING JACKIE LEE HOUSTON

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the life, accomplishments, and service of the late Jackie Lee Houston—a prominent businesswoman and philanthropist in the Coachella Valley. She passed away on September 14, 2011.

Jackie Lee Houston was born and raised in Seattle, WA. She began modeling as a pre-teen and continued to do so through graduation from the University of Washington, from which she earned a degree in economics and fashion design in 1956. Her modeling led to a television career as Seattle's first female weathercaster, as well as hostess of the "Hoffmann Easy Vision Talent Show." For a brief period, she pursued a professional career in Los Angeles as a model for Oscar-winning fashion designer Edith Head; but eventually she returned to Seattle to marry her college sweetheart, James Houston.

In 2005, Jackie and James purchased CBS affiliate KPSP located in Thousand Palms—at the time, Jackie was one of only two women in the United States who owned a television station. Through public service announcements and profiles, they utilized their community-focused station to promote causes across the Coachella Valley—from helping the homeless to supporting food banks to AIDS research.

A passionate philanthropist, Mrs. Houston quietly helped struggling individuals and her efforts benefitted a wide array of organizations, projects, and endeavors—including Angel View Crippled Children's Foundation, Palm Springs Stroke Recovery Center, Desert AIDS Project, Palm Springs International Film Festival, Palm Springs Art Museum, McCallum Theatre, Fashion Week El Paseo, and December Festival of Lights parade. She also gave unstintingly of her creativity and time—using her Rolodex and her home to groom a new generation of philanthropists and to organize distinctive red-carpet events that raised millions for charity.

In recognition of Mrs. Houston's profound influence on the Coachella Val-

ley and the inspirational legacy she leaves for the community, the city of Palm Springs will name the new main entry plaza of the Palm Springs Convention Center in her honor.

On a more personal note, it was an honor for me to have known Jackie. She and her husband founded an extraordinary food bank called FIND, which is run by Jackie's daughter-in-law, Lisa Houston. I was honored to visit FIND with Jackie and Jim at FIND's original Cathedral City location in 2009 and again in 2010 at its new home in Indio. I saw her great pride in this particular project which helps so many survive, particularly in this tough economy.

I extend my heartfelt condolences to the family and friends of Mrs. Houston. She will be sorely missed by so many, including me.●

TRIBUTE TO MARGARET NACHTIGALL

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and honor the service of Mrs. Margaret Edna Nachtigall upon her retirement as executive director of the South Dakota Stockgrowers Association.

Margaret was born on May 18, 1937, to parents Leslie and Edna Coates, in Edgemont, SD. She grew up and spent her childhood on the family ranch near Burdock, SD, which instilled in her a strong work ethic and a love of animals, especially horses and cattle. This love for animals blossomed into volunteer work with community agricultural education and outreach through the 4-H program. She could often be found showing her calves and lambs at the Fall River County Fair in Edgemont and the Western Junior Livestock Show in Rapid City. Her love for horses eventually led her to compete in barrel racing and break-away roping. In 1955, she even ended up fifth in break-away roping at the National High School Finals.

Margaret's insatiable drive for learning, combined with her love of animals, eventually led her into the world of cattle breeding and the role that nutrition plays in reproduction. By the time she began her work for the American Breeder Service her business had grown to the point that she was booked solid during breeding season. That work ethic and passion extends into everything Margaret does.

Margaret's service to the South Dakota Stockgrowers Association spans many years and has had a significant impact on the association and its members. I have always valued Margaret's insight and input on a number of issues impacting agriculture. She has offered a very important voice on behalf of South Dakota Stockgrowers and agriculture producers over the years and her knowledge, expertise and advice have helped guide me and my staff

when it comes to general agriculture, farm and ranch, and trade policy. Her work helped us to finally get a country-of-origin labeling law in place in the 2008 farm bill and she helped to lay the groundwork for the livestock competition rule currently pending with USDA's Grain Inspection, Packers, and Stockyards Administration, GIPSA.

In addition to the valuable input and guidance she has given me over the years, she also served as an effective and well-liked leader of the Stockgrowers Association. As just one testament to Margaret's leadership, Larry Nelson, past president of the organization, has this to say about her: "Margaret has been an asset to the South Dakota Stockgrowers Association as our Executive Director. Her strong work ethic and her commitment to the independent, family-owned ranches of South Dakota have shown through her work. I am grateful for her dedication to advancing the policies of the South Dakota Stockgrowers Association and her work to promote our livestock industry."

Margaret's life work on issues that concern cattle producers and their operations has been done because of an intense love for the ranching industry. It is because of the work of people like Margaret that the cattle and ranching industry continues to thrive and maintain its crucial role throughout South Dakota. I am proud to recognize and honor Margaret's retirement from the South Dakota Stockgrowers Association, and am delighted to join with her family and friends in congratulating her on this occasion.●

REMEMBERING VICTOR BUSSIE

● Ms. LANDRIEU. Mr. President, I come before you today to celebrate the life and contributions of one of Louisiana's favorite sons. This week the citizens of Louisiana are remembering the monumental life of Mr. Victor Bussie. Mr. Bussie passed away Sunday, September 4, 2011, at the age of 92. He was laid to rest in Baton Rouge, LA last Friday. Mr. Bussie was buried not far from our State Capitol, where he fought tirelessly for more 50 years to strengthen and uphold the rights of working men and women in Louisiana and across the Nation.

A hero to thousands, the scourge of some, and ally for many; Mr. Bussie spent a lifetime fighting side-by-side with like-minded men and women. He was motivated by a sense of justice and a desire to secure worker protections and the fundamental civil rights that many of us take for granted. During his 41 years at the helm of the Louisiana AFL-CIO Mr. Bussie saw the evolution of not just workers rights but our country's constant struggle for fundamental civil rights. From 1956-1997 Mr. Bussie worked to secure civil rights, equal rights for minorities and

women, a fair minimum wage, adequate workplace safety, defined pension plans, and numerous other fair labor laws for the people of Louisiana.

Mr. Bussie kept his sharp and analytical mind to the very end. He passed with his beloved wife Fran at his side.

When I began my political career as a State legislator almost 33 years ago, Mr. Bussie was a fixture at the Louisiana Legislature. He spent tireless hours effectively advocating on behalf of the hundreds of thousands of men and women he represented. I remember him as fearless and resolute in his belief in civil rights and fair treatment for all. He refused to back down even after his house was bombed by a member of the Ku Klux Klan in 1967. In 2010, I attended a dinner honoring the lifetime achievements of Mr. Bussie and was in awe of his accomplishments. Mr. Bussie was a strong willed and tenacious advocate for what he believed in but he consistently treated everyone with dignity and respect.

Mr. Bussie was born in Natchitoches Parish, home of the oldest permanent settlement in the Louisiana Purchase. His family later moved to Boyce in the central part of Louisiana near Alexandria. He served in the Navy during WWII and later worked as a hose man with the Shreveport Fire Department. Many times over the years he described to me how much he had loved being a firefighter and how much he loved the camaraderie among the men in his unit.

It was because of his sense of fairness, sharp intellect and demeanor that he was approached by his fellow firefighters to represent their interests. In 1956, he was elected president of the Louisiana AFL-CIO. He remained president until his retirement in 1997. Throughout his career Mr. Bussie acted with dignity and garnered the respect of even from those who opposed his position.

Mr. Bussie was a giant in the State of Louisiana and an example of how passionate advocacy could and should be expressed with dignity and grace. Like countless other Louisianians, I am a better person for having known him. On behalf of the U.S. Senate, I wish to offer my condolences to his wife Fran, the entire Bussie family, and all the members of the Louisiana AFL-CIO. Louisiana lost a true hero.●

TRIBUTE TO SUE COPINGA

● Mr. LEE. Mr. President, it is my pleasure today to offer my sincerest congratulations to an inspirational constituent of mine, Sue Copinga. Sue is the recipient of the 2011 LifePoint Hospitals companywide Mercy Award. LifePoint's Mercy Award recognizes individuals who follow in the footsteps of the company's founding chairman and CEO Scott Mercy, who passed away in 2000. Sue works at Castleview Hospital

in Price, UT and is a patient advocate in the emergency room, while working part time as an emergency medical technician. Castleview Hospital serves residents of Carbon and Emery Counties. Like so many rural hospitals around the country, Castleview is the only hospital for miles around, making it a vital resource where citizens of Carbon and Emery Counties can get the medical care they need.

While Sue has a deep history of giving back to others through her job and in her personal life, she demonstrated her extraordinary dedication to caring for others during one of the worst mine disasters in Utah's history. On August 6, 2007, the Crandall Canyon Mine collapsed in the middle of the night, trapping six miners underground. Sue did not hesitate. Immediately after learning of the tragedy, Sue headed straight to the scene to provide whatever assistance was necessary. She spent the following days and nights at the site standing ready, eager and willing to treat the men we all hoped and prayed would be rescued. Then, on August 16, a second collapse brought the walls down around rescuers who were working tirelessly to free the trapped miners. The second collapse claimed the lives of three men and injured numerous others.

Sue provided emergency care to injured rescuers and miners, despite the dangerous conditions. She voluntarily went into the mine that day not only to help those who were injured, but also to spare fellow EMTs from being put in harm's way. Sue was worried about a coworker with six young children and told this fellow EMT to stay behind, noting that her own children are grown and raised.

Sue's commitment to caring for others is also what makes her invaluable as a patient advocate in the emergency room of Castleview Hospital, where she has worked for 14 years. During her days—and often long nights at Castleview—Sue touches countless lives, making a positive impact on each patient she encounters. Sue provides care and compassion to her patients at a time when they need it most, and has come to be known affectionately as "Grandma Sue" for the way she soothes children, the most vulnerable of her ER patients—children.

Sue's devotion to helping others is not confined to the hospital's walls. She also serves part time as an EMT where she provides patients emergency care and transport in critical situations. When Sue isn't caring for patients in the emergency room or ambulance, she is educating future generations of EMTs. For fifteen years, Sue has given back to her community by teaching countless people how to save others' lives in times of crisis.

Sue lives in Elmo, one of Utah's smallest towns. She is the proud mother of 5 children, including a Navajo foster daughter, and has 19 grandchildren.

Sue also plays a role in supporting the children of her larger community by leading church youth groups and chairing an annual "community day" in her town.

It gives me great pleasure to know that Sue's caring, selflessness, and devotion to her community is being recognized through the LifePoint Hospitals Mercy Award.●

TRIBUTE TO MRS. SARAH J. GREENLEE

● Ms. MURKOWSKI. Mr. President, I speak today in honor of Mrs. Sarah J. Greenlee, who this week accepted the 2011 Joan Orr Air Force Spouse of the Year award. Sarah was selected from thousands of nominees worldwide who selflessly support their loved ones in uniform. I am pleased to note that Sarah earned this honor while serving in the great State of Alaska at Joint Base Elmendorf-Richardson. Sarah and her husband, LTC Paul Greenlee, have recently been transferred to Joint Base Pearl Harbor-Hickam, but Sarah has left an indelible mark on the Anchorage area through her volunteer work and leadership in the community.

Sarah was born into a military family and traveled extensively in the United States and Europe before graduating from Clark High School in San Antonio. She attended Southwest Texas State University, where she earned a bachelor's degree in psychology, and later the University of Texas-Arlington, where she achieved a master's degree in social work. Sarah subsequently entered the Air Force through the Commissioned Officer Training Program as a social worker. After 4 years of service, Sarah left the Air Force to become a full time wife and mother. Sarah and Paul are proud parents of Andrew, Rachel, and Zoe.

There is a saying in the military that "home is where the service takes you," and for the Greenlees home has been Mississippi, Washington, Illinois, Alaska, and now Hawaii. While we ask much of our men and women in uniform, we recognize it is the entire family who serves. With every move, families say goodbye to dear friends, kids start school in new places, and the clock starts ticking again toward the next transition. Despite enduring these frequent moves, military spouses quickly become leaders on base and in the local community. Sarah Greenlee is a fitting case in point.

Sarah took several actions worth noting. We had two tragic aircraft accidents last year in Alaska where we lost the crews of a C-17 and an F-22 within a matter of months. In the aftermath, Sarah jumped in with support and comfort, providing food and offering encouragement to leaders and personnel from the affected units. She opened her home to children of commanders working on the recovery effort, relieving

them to focus on obligations to their units.

Sarah's impact in the local community was no less remarkable. She was active in the Mount Spurr Elementary School PTA and Anchorage Faith and Family Church. Pastors Brant and Tamara Barker, founders of the church, have travelled from Alaska to Washington to celebrate Sarah's significant accomplishment.

Those who know Sarah best say she is a source of encouragement for all she meets. Her listening ears, compassionate words, and acts of kindness bring others support and hope.

The Air Force Spouse of the Year award is named after the late Joan Orr, wife of former Secretary of the Air Force Verne Orr. Mrs. Orr was a rare, inspirational leader who would accompany her husband on visits to bases, meeting with families and visiting community support facilities. During the Christmas holiday, the Orrs traveled to remote bases in my home State of Alaska to visit servicemembers who were separated from their families. Mrs. Orr had a passion for teaching dance. Even as she struggled with the debilitating effects of Lou Gehrig's disease, she never cancelled a dance class. From a wheelchair and using a writing slate when her voice failed, she taught up to 2 weeks before her death. Sarah, like Joan, realized she had something to give and the willingness in her heart to give it.

I offer warm congratulations to Sarah on her selection as the 2011 Air Force Spouse of the Year and wish her and her family a bright future.●

TRIBUTE TO PHILIP RUSH HALEY

● Mr. VITTER. Mr. President, today I honor an American patriot and a constituent of mine, Philip Rush Haley of Denham Springs, LA. Phil grew up in Baton Rouge, LA and enlisted in the U.S. Marine Corp in 1939 at age 18.

While stationed in Manila, Philippine Islands, Mr. Haley served as a guard outside the office of Admiral Hart, Commander in Chief of the Asiatic Fleet. After Admiral Hart left the Philippines, Mr. Haley relocated to Corregidor and was placed under the command of LTG Jonathan Wainwright. The American forces surrendered to the Japanese in 1942, and it was at this time Mr. Haley became a prisoner of war.

The State Times in Baton Rouge wrote an article entitled "Local Marine Declared Missing in Action." Most in his family thought Phil Haley was dead, but his mother maintained that Phil's strength and resilience would keep him alive. Nearly 1 year later, the Haley family received word that Phil was indeed alive at Mukden, a Japanese POW camp located in Manchuria, China.

Phil would be in the camp for 3½ years before the war ended and he was

liberated by the Russians. His positive attitude and perseverance, as his mother predicted, did indeed keep him alive.

Phil is still persevering. He understands the importance of service, and the Marine motto always faithful. Many consider him to be a patriarch and a well-respected leader in his church. He is constantly serving others in his community through his active involvement in First Baptist Church of Denham Springs. Phil is an ordained deacon, a member of the building committee, and a member of the "Helping Hands" team.

On this special day we will all look back and see the hallmarks of a life well lived. His quiet determination, unfailing kindness, and unyielding spirit have made him a pillar not only of a proud and loving family, but to all who have come to know him. Beneath a humble exterior lies a generous and kind soul. He is beloved not for a litany of accomplishments, but simply for who he is.

Tom Brokaw, in his book "The Greatest Generation," notes that their sacrifices made possible the many comforts and conveniences we enjoy today. It is my honor to pay tribute to this great American. He, like so many today, went into harm's way and sacrificed so much so that we can experience our liberties today. I am humbled to have the opportunity to express my appreciation for Mr. Philip Rush Haley's service to our country, and wish him all the best in years to come.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3304. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Editorial Correction to the Export Administration Regulations" (RIN0694-AE90) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3305. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109A and A109AH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0861)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3306. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6-45 Series and CF6-50 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0998)) received in the Office of the President of the

Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3307. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Truck Safety Standards; Concrete Cross-ties" (RIN2130-AC35) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3308. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Procedures for Protests and Contract Disputes" ((RIN2120-AJ82) (Docket No. FAA-2010-0840)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3309. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, A109C, and A109K2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0823)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3310. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Route Q-37; Texas" ((RIN2120-AA66) (Docket No. FAA-2009-0867)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Hawaiian Islands, HI" ((RIN2120-AA66) (Docket No. FAA-2011-0754)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Copperhill, TN" ((RIN2120-AA66) (Docket No. FAA-2011-0402)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Forest, VA" ((RIN2120-AA66) (Docket No. FAA-2011-0378)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittee of Budget Totals for Fiscal Year 2012" (Rept. No. 112-81).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Janice Eberly, of Illinois, to be an Assistant Secretary of the Treasury.

*Maurice B. Foley, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

*Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

*Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts:

S. 1579. A bill to amend title 37, United States Code, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. LEE):

S. 1580. A bill to direct the Secretary of the Interior to extend an exemption from certain requirements of the Endangered Species Act of 1973 to protect public health and safety; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL:

S. 1581. A bill to improve the importer of record program and the collection of fees and duties in connection with the importation of merchandise into the United States, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KIRK, and Mrs. BOXER):

S. 1582. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. BLUNT, and Mr. CHAMBLISS):

S. 1583. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 1584. A bill to provide for additional quality control of drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mrs. MURRAY, Mr. BROWN of Ohio, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SANDERS, Mr. BEGICH, Mr. CARDIN, Mr. MERKLEY, Mr. UDALL of Colorado, Mr. AKAKA, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 1585. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DURBIN):

S. Res. 272. A resolution designating November 1, 2011, as "National Jobs Day"; to the Committee on the Judiciary.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 273. A resolution congratulating the Nunaka Valley Little League junior girls softball team on their performance in the Junior League Softball World Series; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 170

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 170, a bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.

409, a bill to ban the sale of certain synthetic drugs.

S. 466

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under Holocaust-era insurance policies.

S. 534

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 570

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloging the purchases of multiple rifles and shotguns.

S. 633

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 965

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1324

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1507

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition

of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1556

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1556, a bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes.

AMENDMENT NO. 626

At the request of Mr. COBURN, his name was added as a cosponsor of amendment No. 626 proposed to H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. KIRK, and Mrs. BOXER):

S. 1582. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, today I am pleased to join with Senator FRANK LAUTENBERG to introduce the Clean Coastal Environment and Public Health Act of 2011 to help protect the millions of Americans who utilize public beaches each day.

Unfortunately, every year many beaches go unmonitored or face severe delays in receiving test results of levels of contamination in coastal waters. Without proper monitoring and notification, thousands of citizens risk illness due to growing contamination of our coastal waters. Beach closings are a far too regular occurrence along the 52 public Lake Michigan beaches in my home State of Illinois. According to the Illinois Department of Public Health, there were 579 beach closures or contamination advisories last year, an 8 percent increase from 2008. Beach

closures greatly affect the health of our children and families—a recent University of Chicago study showed swim bans at Chicago's beaches due to *E. coli* levels cost the local economy \$2.4 million in lost revenue every year. This bipartisan legislation requires rapid testing methods to detect water contamination in 4 hours or less, faster notification and decision about closures and advisories within 2 hours. These measures can help save millions of Americans from hospital bills or unnecessary beach closings.

But we must not ignore the more dangerous toxin which has far reaching consequences for the most vulnerable members our society—our children. Mercury pollution is a serious problem nationwide and is particularly concerning since large amounts can accumulate in fish tissue. Mercury levels in the Great Lakes, particularly in Lake Michigan, are poorly understood. Moving forward, it is critical that we revise the outdated monitoring and testing of this dangerous toxin. This bill also requires the Administrator of the Environmental Protection Agency to update existing monitoring protocols and develop updated testing recommendations for the existence of mercury in Great Lakes coastal waters, sediment and fish.

Protecting the Great Lakes and our coastal waters is one of my top priorities in Congress. I am proud to be the lead cosponsor of this important legislation that addresses a key problem facing our Great Lakes beaches. I urge my colleagues to support this bill to help safeguard our future generations and our most precious natural resource.

By Mr. INHOFE (for himself, Mr. BLUNT, and Mr. CHAMBLISS)

S. 1583. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, being from Oklahoma, I can remember back in the days when they called Oklahoma, southern Kansas, northern Texas, and southwestern Missouri tornado alley. I say to my good friend from Oregon that I have been in aviation for many years. I know people who won't even fly airplanes through what we call tornado alley. But by now I think we know that tornadoes are a daily threat to Americans each spring as severe weather rolls across the country. In the past 30 years, over 34,000 tornadoes have touched down somewhere in the country, which means that one touches down, on average, every 8 hours of each day. This chart right here shows that each one of these little green dots represents a tornado.

As we all witnessed once again this spring, many of these tornadoes grow

into very voracious and dangerous storms that bring significant harm to property and life. This year, 57 such tornadoes struck 14 States and claimed 550 lives. Alabama was the hardest hit. I can remember when Oklahoma was ranked as the hardest hit. They had over 240 killed. Missouri also suffered heavily with the loss of 157 people in Joplin. I say to my friend from Missouri, who is on the floor, I was up in Joplin right after that happened, down close to the Oklahoma border. It is something you have to witness before you understand it. In my State of Oklahoma where we have more than our fair share of violent tornadoes, this spring's storms resulted in the death of 14 people and the injury of many others. Until you have this happen, and you go on site, which I always make it a point to do—after each tornado in Oklahoma, you go down and talk to the people. You think of little kids looking for their toys and this type of thing, but they are gone and gone for good.

While this year has seen a large number of fatal tornadoes, they are a nationwide threat each spring. Since 1980, 734 tornadoes have claimed 2,462 lives in at least 37 different States, including 126 in my State of Oklahoma. Unfortunately, many of these lost lives could have been avoided had storm shelters been more widely used.

In the past few months, a number of Oklahomans have asked me if there is a Federal program that promotes the installation of tornado storm shelters. They observed that those individuals who have these storm shelters live through it. They may lose their property, but they live through it. So they think, Well, government gets involved in all of these programs; what are they going to do to help us encourage people to build storm shelters? When I looked into it, I came up emptyhanded despite the fact that hundreds of millions of dollars are obligated each year to mitigate the effects of natural disasters.

Since death is one of the worst effects of natural disasters, one would think tornado storm shelters, which are the safest way to ride out tornadoes, would be a high priority, but only limited funds have been made available in the past, and it has been sporadic and poorly allocated. Most of the funds have been made available through FEMA's Hazardous Mitigation Grant Program, which is a mandatory program that allocates funds to States to help them better prepare for future disasters. States are able to direct some of this money to residential storm shelter construction, but to do this they have to go through a lot of hoops—through a lengthy process of coordinating a program with FEMA. Needless to say, it is a bureaucratic nightmare and hugely expensive.

Oklahoma did this after the devastating tornadoes of May 3, 1999. Fifty people died and many others were in-

jured that day. As the recovery effort took hold, it became clear to public leaders that staggeringly few Oklahomans had storm shelters accessible for their homes. Because of this, Oklahoma's Department of Emergency Management worked with FEMA to create a temporary rebate program to encourage individuals to install storm shelters in their homes. The rebate was worth \$2,000, and the funding cap was set at \$6 million.

Unfortunately, the program didn't perform as well as they would have liked. It was a popular program and funding depleted quickly. But because of the rebate amount, only 3,000 homeowners were able to take advantage of the program, despite its \$6 million funding level. We are talking about in the State of Oklahoma.

Furthermore, because this program was run through FEMA, it had a lot of paperwork requirements and was time consuming for the State to actually formalize. The ultimate decision of who received the rebate rested with FEMA and the Oklahoma Department of Emergency Management and they decided who received the rebate and who did not. If you ask me, that is a pretty expensive, poorly designed program, but that is generally the way FEMA structures these programs when States go to the trouble of requesting them. All told, FEMA's sporadic Hazard Mitigation Grant Program for residential storm shelters has supported the construction of only 15,000 storm shelters at a staggering cost of \$35 million. That is \$2,000 for each storm shelter.

A different approach is needed to encourage a wider group of people to install tornado storm shelters. This would help mitigate the loss of life during tornadoes. To give people the opportunity—I have 20 kids and grandkids. My first concern every time I hear of a tornado coming is for them. That is why we have introduced this bill called the Storm Shelter Tax Relief Act. It provides a tax deduction of up to \$2,500 to any individual who installs a qualified storm shelter. The cost of this deduction is fully offset, which I will explain in a minute, where it is coming from, and there are reductions in other areas of spending.

First, the deduction can be claimed by any taxpayer. If someone in Oklahoma, Kentucky, or Tennessee decides they need a storm shelter at their house, they can pay to have one installed and then claim the incentive by deducting up to \$2,500 from their income when they file their taxes. Claiming this incentive would not require dealing with a big bureaucracy. One doesn't have to fill out the forms. One does not have to go through all the red tape. That is one of the reasons people don't do it under the existing programs. As I said before, previous programs that have been administered

through FEMA place the power of the shelter incentive into the hands of an agency and not a family, not individuals. The agency then decides who does and does not receive the incentive. I think it is best when this middleman can be avoided, and a tax deduction does that. The Tax Code is blind and provides the incentive to anyone who decides in their best judgment that they need a storm shelter.

Lastly, and probably most importantly, the tax deduction is a better allocation of scarce taxpayer resources. A rebate that covers a large portion of a shelter's cost, as the Oklahoma program did, can foster moral hazard. What I mean is that when free money is on the table, people generally take it. In this case, people may take the rebate to buy a storm shelter because it is free, not because it is what they need. A tax deduction doesn't allow this because the actual incentive is much lower in value. No one is going to go out and spend \$2,000 or more on a storm shelter because they get to write that amount off of their taxable income. Nobody does that. A rational individual would only go out to buy a shelter if they know they need one and then it has the added benefit of being deducted from their income, so it is a much better way of approaching it. On the aggregate level, this allows a lot more people to get the incentive at the same cost compared to the rebate programs that have been used in the past. A tax deduction provides a nudge to taxpayers to take practical steps to stay safe in areas where tornadoes are common. It is a commonsense approach and a better way to use taxpayer resources.

Further, this proposal's \$41 million cost is fully paid for by rescinding funds authorized for storm shelter construction grants through the programs administered through HUD. In other words, we are doing this program and providing countless more shelters at a cost that would merely mean a tax deduction, and it is going to have a lot more people participating in the program. This means that existing unspent HUD funds that are duplicative of other FEMA spending will be redirected to a more effective policy in order to accomplish the same goal: Encourage the installation of more storm shelters to save lives from deadly tornadoes.

Many may wonder why this is something the Federal Government should be doing. In reality, this falls squarely within the purpose of the hazard mitigation priorities of the Federal Government. FEMA defines hazardous mitigation as "any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event." HMGP regulations state that projects "retrofitting structures . . . to minimize damages from high winds, earthquake, flood, wildfire, or other natural

hazards" are eligible for the expenditure of program dollars. The main goal of all this spending is to reduce the likelihood of losses of life and property, and retrofitting buildings to lessen the likelihood of damage caused by tornadoes is an eligible expense. That is what this tax deduction does.

Furthermore, the threat of deadly and dangerous tornadoes stretches far across the Nation. We saw the first map, but this map shows it is not just the tornado alley I referred to right here. With the exception of mountainous areas here, the danger zone is all across America. Not surprisingly, Oklahoma is right in the center. When we look at where deadly tornadoes have occurred during the past 30 years, it is spread across the entire eastern half of the country. All the States in red have had at least one deadly tornado every other year since 1980, and most of them have had even more. This may be surprising, but the threat is real. It needs to be addressed. More tornado storm shelters need to be constructed around the country and Federal policies encouraging this need to be changed. That is why we are introducing the Storm Shelter Tax Relief Act. The number of this bill, I say to my colleagues, is S. 1583. It was introduced today. I think those of us who have lived in these tornado-prone areas—I can tell stories about tornadoes picking up a horse and replacing it, dropping it someplace. In my personal experience, my wife was after me about 50 years ago when we had a place up in the country—we still have the same place—and I had a red Jeep. That red Jeep was one we had for a long time. She said, How come you don't have that insured? I said, What could happen to a red Jeep in the middle of the country in Oklahoma? Well, a tornado came along, picked up a tree and dropped it right on top of my red Jeep. It cut it in half. So they are totally unpredictable.

I can tell more stories about Moore, OK, when we had our 1999 tornado where everything was devastated on one side of the street and nothing was touched on the other side of the street.

It is an art to understanding where these are coming from. We now have developed that art. There is not a person who could be in the path of a tornado who doesn't have the facilities and the resources to see what is out there and where it is coming. What they don't have is a way, if it is unavoidable, to protect themselves if it hits them. The obvious answer is a storm shelter.

I appreciate the Senator from Missouri, who is going to speak next, co-sponsoring this bill. We would like to have more cosponsors. We have every intention of getting this passed.

With that, I yield the floor.

The PRESIDING OFFICER *pro tempore*. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to cosponsor the bill with Senator INHOFE. Between he and I, we may have been to the scenes of more tornadoes than almost anybody else in America who is not a storm chaser. Because of where we live and what we have done, we have had a chance to see the aftermath of many tornadoes. Unlike the floods we have dealt with in our State this year and the hurricanes we have dealt with in other States recently, the tornado is there and you don't get much warning, and that storm shelter needs to be close if you want a chance to get into it. The bill he has drafted and I am proud to cosponsor with him provides an opportunity to get that storm shelter nearby.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 272—DESIGNATING NOVEMBER 1, 2011, AS "NATIONAL JOBS DAY"

Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 272

Whereas people in the United States want to work and contribute to the national economy;

Whereas the national unemployment rate in the United States remains stubbornly above 9 percent;

Whereas the Office of Management and Budget Fiscal Year 2012 Mid-Session Review of the Budget projects that the unemployment rate may stay above 8.3 percent in 2012;

Whereas almost half of unemployed people in the United States have been out of work for 6 months or more and more than 25,000,000 people in the United States are not able to find a full-time job;

Whereas throughout the history of the United States, in times of crisis, the private sector has come together and helped lead the United States forward;

Whereas the private sector can lead the economic recovery by hiring workers from the United States;

Whereas small and large businesses have the power to fuel growth and help bring the United States back to normal levels of employment;

Whereas *uhireU.S.* is a national initiative to rally the business community in the United States to come together in its own best interest to hire 1,000,000 workers by the end of 2011;

Whereas employing 1,000,000 more people will increase the demand for the goods and services that businesses need to sell, and increase positive sentiment toward businesses;

Whereas *uhireU.S.* is supported by many non-governmental organizations; and

Whereas it is important to designate a day for everyone throughout the United States to focus on overcoming the human and economic costs of high unemployment: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2011, as "National Jobs Day";

(2) encourages businesses, starting on November 1, 2011, to pledge to add not less than

1 unemployed worker for each 100 employees; and

(3) supports the goal of the uhireU.S. initiative to put new life into the economy by promoting a wave of business ingenuity that puts 1,000,000 individuals who are jobless back at work by the end of 2011.

SENATE RESOLUTION 273—CONGRATULATING THE NUNAKA VALLEY LITTLE LEAGUE JUNIOR GIRLS SOFTBALL TEAM ON THEIR PERFORMANCE IN THE JUNIOR LEAGUE SOFTBALL WORLD SERIES

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 273

Whereas the Nunaka Valley Little League junior girls softball team is comprised of young women from Anchorage, Alaska who play softball;

Whereas the Nunaka Valley Little League junior girls softball team compiled an impressive record in the 2011 regular season, outscoring opponents 428 to 83;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in the district and State tournaments on the way to winning the Alaska State Championship;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in 4 games and won the West Regional Tournament held in Marana, Arizona;

Whereas in August, 2011, the Nunaka Valley Little League junior girls softball team represented the West Region at the Junior League Softball World Series in Kirkland, Washington;

Whereas in 2011, Nunaka Valley Little League junior girls softball team manager Richard Knowles led the team to the Junior League Softball World Series for the second time in 3 years;

Whereas in 2011, the Nunaka Valley Little League junior girls softball team won 4 games and lost just 2 games en route to a third place finish in the Junior League Softball World Series;

Whereas more than 2,000 teams and 30,000 players compete in Junior League Girls Softball each year;

Whereas the Nunaka Valley Little League junior girls softball team finished the 2011 season ranked third in the world;

Whereas the hard work and dedication of the entire Nunaka Valley Little League junior girls softball team and the support of their families led the team to success in 2011;

Whereas Little League softball and baseball has provided a positive athletic experience and fostered teamwork and sportsmanship to millions of children in the United States and around the world; and

Whereas Alaskans everywhere are proud of the Nunaka Valley Little League junior girls athletes, Jacynne Augufa, Leilani Blair, Heather Breslin, Metanoya Fiame, Morgan Hill, Julia Merritt, Gabrielle Meyerson, Taria Page, Hannah Peterson, Sydney Smith, Lauren Syrup, and Nanea Tali, on the 2011 softball season: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the athletes, parents, and coaching staff of the Nunaka Valley Little League junior girls softball team on an impressive 2011 season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Nunaka Valley Little League President, Greg Davis; and

(B) the Nunaka Valley Little League junior girls softball team manager, Richard Knowles, and coaches Rick Peterson and Richard Hill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 627. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 628. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 629. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 630. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 631. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 632. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 633. Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra.

SA 634. Mr. CORNYN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 635. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109-416); which was ordered to lie on the table.

SA 636. Mr. CARDIN (for himself, Mr. SCHUMER, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 637. Mr. BINGAMAN (for himself, Mr. AKAKA, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 638. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 639. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 641. Mr. HATCH proposed an amendment to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra.

SA 642. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself,

Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 643. Ms. CANTWELL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 2832, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 627. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act have been enacted into law.

SA 628. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking “contributed importantly to such workers’ separation or threat of separation and to” and inserting “was a substantial cause of such workers’ separation or threat of separation and of”; and

(B) in subparagraph (B)(ii), by striking “contributed importantly to” and inserting “was a substantial cause of”;

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking “contributed importantly to” and inserting “was a substantial cause of”; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking “contributed importantly to such total or partial separation, or threat thereof, and to” and inserting “were a substantial cause of such total or partial separation, or threat thereof, and of”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking “(B)” and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) **TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**—

(1) **IN GENERAL.**—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking “contributed importantly to” and inserting “was a substantial cause of”.

(2) **CONFORMING AMENDMENT.**—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SA 629. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. REPORT ON IMPACT OF FREE TRADE AGREEMENTS ON EMPLOYMENT IN THE UNITED STATES.

(a) **IN GENERAL.**—Not later than 1 year after the date on which a free trade agreement specified in subsection (b) enters into force, the Secretary of Labor shall submit to Congress a report assessing—

(1) the number of workers dislocated because of the entry into force of that agreement; and

(2) the overall impact of that agreement on employment in the United States.

(b) **FREE TRADE AGREEMENTS SPECIFIED.**—A free trade agreement specified in this subsection is—

(1) the United States–Korea Free Trade Agreement;

(2) the United States–Colombia Trade Promotion Agreement; or

(3) the United States–Panama Trade Promotion Agreement.

SA 630. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, between lines 2 and 3, insert the following:

SEC. 217. PLAN TO LEVERAGE PRIVATE SECTOR RESOURCES TO ASSIST WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Commerce, shall submit to Congress a plan to effectively leverage private sector resources to assist workers who are eligible for trade adjustment assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to find employment.

SA 631. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. RENEWAL OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) **EXTENSIONS.**—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking everything after “suitable for use in men’s and boys’ shirts” in the article description column and by striking the date in the effective date column and inserting “12/31/2013”:

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) **EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.**—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “beginning in fiscal year 2007” and inserting “for fiscal year 2011 and each fiscal year thereafter”;

(B) by striking “grown in the United States” each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting “that

produce ring spun cotton yarns in the United States” after “of pima cotton”;

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1)—

(i) by striking “grown in the United States” and inserting “during the year in which the affidavit is filed and”; and

(ii) by inserting “in the United States” after “cotton yarns”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SA 632. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE —CURRENCY EXCHANGE RATE TRANSPARENCY

SECTION .01. SHORT TITLE.

This title may be cited as the “Currency Exchange Rate Transparency Act”.

SEC. .02. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.

(a) **IN GENERAL.**—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country (or extending permanent normal trade relations) shall be subject to a point of order pursuant to subsection (c) unless—

(1) the bill is accompanied by a Presidential certification described in subsection (b); and

(2) the bill contains a provision approving that certification.

(b) **CERTIFICATION.**—

(1) **IN GENERAL.**—A certification described in this subsection means a certification submitted by the President to the Congress that, in the 10-year period preceding the certification, the government of a country described in paragraph (2) has not engaged in the intervention or manipulation of the rate of exchange between that country’s currency and the United States dollar for purposes of preventing effective balance of payments adjustments or gaining unfair competitive advantage in international trade.

(2) **COUNTRY DESCRIBED.**—A country described in this paragraph is a country—

(A) with respect to which the United States is entering into a trade agreement; or

(B) with respect to which the United States is extending permanent normal trade relations

(c) **POINT OF ORDER IN SENATE.**—

(1) **IN GENERAL.**—The Senate shall cease consideration of a bill to implement a trade agreement (or to extend permanent normal trade relations), if—

(A) a point of order is made by any Senator against the bill because the bill is not accompanied by a certification described in subsection (b); and

(B) the point of order is sustained by the presiding officer.

(2) WAIVERS AND APPEALS.—

(A) WAIVERS.—Before the presiding officer rules on a point of order described in paragraph (1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in paragraph (1) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(B) APPEALS.—After the presiding officer rules on a point of order under this paragraph, any Senator may appeal the ruling of the presiding officer on the point of order as it applies to some or all of the provisions on which the presiding officer ruled. A ruling of the presiding officer on a point of order described in paragraph (1) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(C) DEBATE.—Debate on a motion to waive under subparagraph (A) or on an appeal of the ruling of the presiding officer under subparagraph (B) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

SA 633. Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Trade Adjustment Assistance Extension Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

Sec. 200. Short title; table of contents.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

Sec. 201. Application of provisions relating to trade adjustment assistance.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 211. Group eligibility requirements.

Sec. 212. Reductions in waivers from training.

Sec. 213. Limitations on trade readjustment allowances.

Sec. 214. Funding of training, employment and case management services, and job search and relocation allowances.

Sec. 215. Reemployment trade adjustment assistance.

Sec. 216. Program accountability.

Sec. 217. Extension.

PART III—OTHER ADJUSTMENT ASSISTANCE

Sec. 221. Trade adjustment assistance for firms.

Sec. 222. Trade adjustment assistance for communities.

Sec. 223. Trade adjustment assistance for farmers.

PART IV—GENERAL PROVISIONS

Sec. 231. Applicability of trade adjustment assistance provisions.

Sec. 232. Termination provisions.

Sec. 233. Sunset provisions.

Subtitle B—Health Coverage Improvement

Sec. 241. Health care tax credit.

Sec. 242. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.

Sec. 243. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

Sec. 251. Mandatory penalty assessment on fraud claims.

Sec. 252. Prohibition on noncharging due to employer fault.

Sec. 253. Reporting of rehired employees to the directory of new hires.

PART II—ADDITIONAL OFFSETS

Sec. 261. Improvements to contracts with Medicare quality improvement organizations (QIOs) in order to improve the quality of care furnished to Medicare beneficiaries.

Sec. 262. Rates for merchandise processing fees.

Sec. 263. Time for remitting certain merchandise processing fees.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) REPEAL OF SNAPBACK.—Section 1893 of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111-5; 123 Stat. 422) is repealed.

(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on February 12, 2011, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapters 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) REFERENCES.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 211. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in paragraph (2) of subsection (b), as redesignated, by striking “(d)” and inserting “(c)”;

(4) in subsection (c), as redesignated, by striking paragraph (5); and

(5) in paragraph (2) of subsection (d), as redesignated, by striking “, (b), or (c)” and inserting “or (b)”.

(b) CONFORMING AMENDMENTS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “Subject to section 222(d)(5), the term” and inserting “The term”; and

(B) in subparagraph (A), by striking “, service sector firm, or public agency” and inserting “or service sector firm”;

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.

(a) IN GENERAL.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) in paragraph (3)(B), by striking “(D), (E), or (F)” and inserting “or (C)”.

(b) GOOD CAUSE EXCEPTION.—Section 234(b) of the Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read as follows:

“(b) SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.”.

SEC. 213. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “(or)” and all that follows through “period”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “78” and inserting “65”; and

(ii) by striking “91-week period” each place it appears and inserting “78-week period”; and

(2) by amending subsection (f) to read as follows:

“(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”.

SEC. 214. FUNDING OF TRAINING, EMPLOYMENT AND CASE MANAGEMENT SERVICES, AND JOB SEARCH AND RELOCATION ALLOWANCES.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(1) by inserting “and sections 235, 237, and 238” after “to carry out this section” each place it appears;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “of payments that may be made under paragraph (1)” and inserting “of funds available to carry out this section and sections 235, 237, and 238”; and

(B) by striking clauses (i) and (ii) and inserting the following:

“(i) \$575,000,000 for each of fiscal years 2012 and 2013; and

“(ii) \$143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”;

(3) in subparagraph (C)(ii)(V), by striking “relating to the provision of training under this section” and inserting “to carry out this section and sections 235, 237, and 238”; and

(4) in subparagraph (E), by striking “to pay the costs of training approved under this section” and inserting “to carry out this section and sections 235, 237, and 238”.

(b) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

(1) IN GENERAL.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended—

(A) in the section heading, by striking “FUNDING FOR” and inserting “LIMITATIONS ON”; and

(B) by striking subsections (a) and (b) and inserting the following:

“Of the funds made available to a State to carry out sections 235 through 238 for a fiscal year, the State shall use—

“(1) not more than 10 percent for the administration of the trade adjustment assistance for workers program under this chapter, including for—

“(A) processing waivers of training requirements under section 231;

“(B) collecting, validating, and reporting data required under this chapter; and

“(C) providing reemployment trade adjustment assistance under section 246; and

“(2) not less than 5 percent for employment and case management services under section 235.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235A and inserting the following:

“Sec. 235A. Limitations on administrative expenses and employment and case management services.”.

(c) REALLOTMENT OF FUNDS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by adding at the end the following:

“(c) REALLOTMENT OF FUNDS.—

“(1) IN GENERAL.—The Secretary may—

“(A) reallocate funds that were allotted to any State to carry out sections 235 through 238 and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

“(B) provide such reallocated funds to States to carry out sections 235 through 238 in accordance with procedures established by the Secretary.

“(2) REQUESTS BY STATES.—In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of reallocated funds under that paragraph pursuant to requests submitted by States in need of such funds.

“(3) AVAILABILITY OF AMOUNTS.—The reallocation of funds under paragraph (1) shall not extend the period for which such funds are available for expenditure.”.

(d) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1)—

(A) by striking “An adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may” and inserting “to”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “An” and inserting “Any”; and

(ii) by striking “all necessary job search expenses” and inserting “not more than 90 percent of the necessary job search expenses of the worker”; and

(B) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”; and

(3) in subsection (c), by striking “the Secretary shall” and inserting “a State may”.

(e) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1)—

(A) by striking “Any adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may file” and inserting “to file”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking “The” and inserting “Any”; and

(ii) by striking “includes” and inserting “shall include”; and

(B) in paragraph (1), by striking “all” and inserting “not more than 90 percent of the”; and

(C) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”.

(f) CONFORMING AMENDMENTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (b), in the first sentence, by striking “appropriate” and inserting “appropriate”; and

(2) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking “\$55,000” and inserting “\$50,000”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(i), by striking “\$12,000” and inserting “\$10,000”; and

(B) in subparagraph (B)(i), by striking “\$12,000” and inserting “\$10,000”.

(b) EXTENSION.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

SEC. 216. PROGRAM ACCOUNTABILITY.

(a) CORE INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Section 239(j)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2311(j)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

“(i) the percentage of workers receiving benefits under this chapter who are employed during the first or second calendar quarter following the calendar quarter in

which the workers cease receiving such benefits;

“(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

“(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

“(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this chapter or during the 1-year period after such workers cease receiving such benefits.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.

(b) COLLECTION AND PUBLICATION OF DATA.—

(1) IN GENERAL.—Section 249B(b) of the Trade Act of 1974 (19 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting “(including such allowances classified by payments under paragraphs (1) and (3) of section 233(a), and section 233(f), respectively) and payments under section 246” after “readjustment allowances”; and

(ii) by adding at the end the following:

“(D) The average number of weeks trade readjustment allowances were paid to workers.

“(E) The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “training leading to an associate’s degree, remedial education, prerequisite education,” after “distance learning.”;

(ii) by amending subparagraph (B) to read as follows:

“(B) The number of workers who complete training approved under section 236 who were enrolled in pre-layoff training or part-time training at any time during that training.”;

(iii) in subparagraph (C), by inserting “, and the average duration of training that does not include remedial or prerequisite education” after “training”; and

(iv) in subparagraph (E), by striking “duration” and inserting “average duration”; and

(v) in subparagraph (F), by inserting “and the average duration of the training that was completed by such workers” after “training”; and

(C) in paragraph (4)—

(i) by redesignating subparagraph (B) as subparagraph (D); and

(ii) by inserting after subparagraph (A) the following:

“(B) A summary of the data on workers in the quarterly reports required under section 239(j) classified by the age, pre-program educational level, and post-program credential attainment of the workers.

“(C) The average earnings of workers described in section 239(j)(2)(A)(i) in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this

chapter, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.”; and

(D) by adding at the end the following:

“(6) DATA ON SPENDING.—

“(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.

“(B) The total amount of the payments to the States to carry out sections 235 through 238 used for training, in the aggregate and for each State.

“(C) The total amount of payments to the States to carry out sections 235 through 238 used for the costs of administration, in the aggregate and for each State.

“(D) The total amount of payments to the States to carry out sections 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.”.

(2) **EFFECTIVE DATE.**—Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) **ANNUAL REPORT.**—Section 249B(d) of the Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by striking “December 15” and inserting “February 15”.

SEC. 217. EXTENSION.

Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

“SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

“(a) **IN GENERAL.**—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this chapter for the preceding fiscal year. The data shall include the following:

“(1) The number of firms that inquired about the program.

“(2) The number of petitions filed under section 251.

“(3) The number of petitions certified and denied by the Secretary.

“(4) The average time for processing petitions after the petitions are filed.

“(5) The number of petitions filed and firms certified for each congressional district of the United States.

“(6) Of the number of petitions filed, the number of firms that entered the program and received benefits.

“(7) The number of firms that received assistance in preparing their petitions.

“(8) The number of firms that received assistance developing business recovery plans.

“(9) The number of business recovery plans approved and denied by the Secretary.

“(10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 253(b)(1).

“(11) Sales, employment, and productivity at each firm participating in the program at the time of certification.

“(12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

“(13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.

“(14) The financial assistance received by each firm participating in the program.

“(15) The financial contribution made by each firm participating in the program.

“(16) The types of technical assistance included in the business recovery plans of firms participating in the program.

“(17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

“(18) The total amount expended by all intermediary organizations referred to in section 253(b)(1) and by each such organization to administer the program.

“(19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

“(b) **CLASSIFICATION OF DATA.**—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

“(c) **REPORT TO CONGRESS; PUBLICATION.**—The Secretary shall—

“(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

“(2) publish the report in the Federal Register and on the website of the Department of Commerce.

“(d) **PROTECTION OF CONFIDENTIAL INFORMATION.**—

“(1) **IN GENERAL.**—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255 the following:

“Sec. 255A. Annual report on trade adjustment assistance for firms.”.

(3) **CONFORMING REPEAL.**—Effective on the day after the date on which the Secretary of Commerce submits the report required by section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2356) for fiscal year 2011, such section is repealed.

(b) **EXTENSION.**—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(1) by striking “\$50,000,000” and all that follows through “February 12, 2011.” and inserting “\$16,000,000 for each of the fiscal years 2012 and 2013, and \$4,000,000 for the 3-

month period beginning on October 1, 2013, and ending on December 31, 2013.”; and

(2) by striking “shall—” and all that follows through “otherwise remain” and inserting “shall remain”.

SEC. 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) **IN GENERAL.**—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

(1) by striking subchapters A, C, and D;

(2) in subchapter B, by striking the subchapter heading; and

(3) by redesignating sections 278 and 279 as sections 271 and 272, respectively.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in the matter preceding paragraph (1), by striking “December 15 in each of the calendar years 2009 through” and inserting “December 15, 2009,”;

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) providing the following data relating to program performance and outcomes:

“(A) Of the grants awarded under this section, the amount of funds spent by grantees.

“(B) The average dollar amount of grants awarded under this section.

“(C) The average duration of grants awarded under this section.

“(D) The percentage of workers receiving benefits under chapter 2 that are served by programs developed, offered, or improved using grants awarded under this section.

“(E) The percentage and number of workers receiving benefits under chapter 2 who obtained a degree through such programs and the average duration of the participation of such workers in training under section 236.

“(F) The number of workers receiving benefits under chapter 2 served by such programs who did not complete a degree and the average duration of the participation of such workers in training under section 236.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), on or after October 1, 2012.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in subsection (c)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking the semicolon and inserting “; and”;

(bb) by striking clauses (iii) and (iv); and

(cc) by redesignating clause (v) as clause (iii);

(II) in subparagraph (B), by striking “(A)(v)” and inserting “(A)(iii)”;

(ii) in paragraph (5)(A)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “, and other entities described in section 276(a)(2)(B)”;

(bb) in subclause (II), by striking the semicolon and inserting “; and”;

(II) by striking clause (iii); and

(B) in subsection (d), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Subsection (b) of section 272 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended by striking “278(a)(2)” and inserting “271(a)(2)”.

(d) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Community College and Career Training Grant Program.

“Sec. 272. Authorization of appropriations.”.

SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) is amended to read as follows:

“(d) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to the trade adjustment assistance for farmers program under this chapter during the preceding fiscal year:

“(1) A list of the agricultural commodities covered by a certification under this chapter.

“(2) The States or regions in which agricultural commodities are produced and the aggregate amount of such commodities produced in each such State or region.

“(3) The number of petitions filed.

“(4) The number of petitions certified and denied by the Secretary.

“(5) The average time for processing petitions.

“(6) The number of petitions filed and agricultural commodity producers approved for each congressional district of the United States.

“(7) Of the number of producers approved, the number of agricultural commodity producers that entered the program and received benefits.

“(8) The number of agricultural commodity producers that completed initial technical assistance.

“(9) The number of agricultural commodity producers that completed intensive technical assistance.

“(10) The number of initial business plans approved and denied by the Secretary.

“(11) The number of long-term business plans approved and denied by the Secretary.

“(12) The total number of agricultural commodity producers, by congressional district, receiving initial technical assistance and intensive technical assistance, respectively, under this chapter.

“(13) The types of initial technical assistance received by agricultural commodity producers participating in the program.

“(14) The types of intensive technical assistance received by agricultural commodity producers participating in the program.

“(15) The number of agricultural commodity producers leaving the program before completing the projects in their long-term business plans and the reason those projects were not completed.

“(16) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

“(17) The average duration of benefits received under this chapter.

“(18) The number of agricultural commodity producers in operation as of the date of the report and the number of agricultural commodity producers that ceased operations after completing the program and in the 1-year period following completion of the program.

“(19) The number of agricultural commodity producers that report that such producers received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the date of the report.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.

(b) EXTENSION.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking “and there are appropriated”; and

(2) by striking “not to exceed” and all that follows through “February 12, 2011” and inserting “not to exceed \$90,000,000 for each of the fiscal years 2012 and 2013, and \$22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013”.

PART IV—GENERAL PROVISIONS

SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(B) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date

of the enactment of this Act may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(II) EFFECT OF FAILURE TO MAKE ELECTION.—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(III) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974—

(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on February 12, 2011; or

(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting “before February 13, 2010” for “more than one year before the date of the petition on which such certification was granted” for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to

a petition described in subparagraph (C), the Secretary shall—

- (i) reconsider that determination; and
- (ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

- (i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and
- (ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 232. TERMINATION PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

- (1) by striking “February 12, 2011” each place it appears and inserting “December 31, 2013”;

(2) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking “that chapter” and all that follows through “the worker is—” and inserting “that chapter if the worker is—”; and

(B) in subparagraph (A), by striking “petitions” and inserting “a petition”; and

(3) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 251” after “chapter 3”;

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 292” after “chapter 6”; and

(C) by striking paragraph (3).

SEC. 233. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting “104-week period” for “104-week period” and all that follows through “130-week period”; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting “65” for “52”; and

(II) by substituting “78-week period” for “52-week period” each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

(3) section 245 of that Act shall be applied and administered by substituting “2014” for “2007”;

(4) section 246(b)(1) of that Act shall be applied and administered by substituting “December 31, 2014” for “the date that is 5 years” and all that follows through “State”;

(5) section 256(b) of that Act shall be applied and administered by substituting “the 1-year period beginning on January 1, 2014” for “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007”;

(6) section 298(a) of that Act shall be applied and administered by substituting “the 1-year period beginning on January 1, 2014” for “each of the fiscal years” and all that follows through “October 1, 2007”; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting “2014” for “2007” each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) TERMINATION OF CREDIT.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “, and before January 1, 2014” before the period.

(b) EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.—

(1) PARTIAL EXTENSION OF INCREASED CREDIT RATE.—Section 35(a) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(2) EXTENSION OF ADVANCE PAYMENT PROVISIONS.—

(A) Section 7527(b) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(B) Section 7527(d)(2) of such Code is amended by striking “which is issued before February 13, 2011”.

(C) Section 7527(e) of such Code is amended by striking “80 percent” and inserting “72.5 percent”.

(D) Section 7527(e) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(3) EXTENSION OF CERTAIN OTHER RELATED PROVISIONS.—

(A) Section 35(c)(2)(B) of such Code is amended by striking “and before February 13, 2011”.

(B) Section 35(e)(1)(K) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2012, coverage” and inserting “Coverage”.

(C) Section 35(g)(9) of such Code, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(D) Section 173(f)(8) of the Workforce Investment Act of 1998 is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments

made by this section shall apply to coverage months beginning after February 12, 2011.

(2) **ADVANCE PAYMENT PROVISIONS.**—

(A) The amendment made by subsection (b)(2)(B) shall apply to certificates issued after the date which is 30 days after the date of the enactment of this Act.

(B) The amendment made by subsection (b)(2)(D) shall apply to coverage months beginning after the date which is 30 days after the date of the enactment of this Act.

SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) **IN GENERAL.**—The following provisions are each amended by striking “February 13, 2011” and inserting “January 1, 2014”:

(1) Section 9801(c)(2)(D) of the Internal Revenue Code of 1986.

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)).

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

(2) **TRANSITIONAL RULES.**—

(A) **BENEFIT DETERMINATIONS.**—Notwithstanding the amendments made by this section (and the provisions of law amended thereby), a plan shall not be required to modify benefit determinations for the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, but a plan shall not fail to be qualified health insurance within the meaning of section 35(e) of the Internal Revenue Code of 1986 during this period merely due to such failure to modify benefit determinations.

(B) **GUIDANCE CONCERNING PERIODS BEFORE 30 DAYS AFTER ENACTMENT.**—Except as provided in subparagraph (A), the Secretary of the Treasury (or his designee), in consultation with the Secretary of Health and Human Services and the Secretary of Labor, may issue regulations or other guidance regarding the scope of the application of the amendments made by this section to periods before the date which is 30 days after the date of the enactment of this Act.

(C) **SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.**—In the case of a TAA-related loss of coverage (as defined in section 4980B(f)(5)(C)(iv) of the Internal Revenue Code of 1986) that occurs during the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, the 7-day period described in section 9801(c)(2)(D) of the Internal Revenue Code of 1986, section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) **IN GENERAL.**—The following provisions are each amended by striking “February 12, 2011” and inserting “January 1, 2014”:

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)(iv)).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD CLAIMS.

(a) **IN GENERAL.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (10), by striking the period at the end of subparagraph (B) and inserting “; and”; and

(2) by adding at the end the following new paragraph:

“(11)(A) At the time the State agency determines an erroneous payment from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

“(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State.”.

(b) **APPLICATION TO FEDERAL PAYMENTS.**—

(1) **IN GENERAL.**—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, if the State determines that an erroneous payment was made by the State to an individual under any such program due to fraud committed by such individual, the State shall assess a penalty on such individual and deposit any such penalty received in the same manner as the State assesses and deposits such penalties under provisions of State law implementing section 303(a)(11) of the Social Security Act, as added by subsection (a).

(2) **DEFINITION.**—For purposes of this subsection, the term “unemployment compensation program of the United States” means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291–2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) **AUTHORITY.**—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 252. PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

(a) **IN GENERAL.**—Section 3303 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.**—

“(1) **IN GENERAL.**—A State law shall be treated as meeting the requirements of subsection (a)(1) only if such law provides that an employer’s account shall not be relieved of charges relating to a payment from the State unemployment fund if the State agency determines that—

“(A) the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and

“(B) the employer or agent has established a pattern of failing to respond timely or adequately to such requests.

“(2) **STATE AUTHORITY TO IMPOSE STRICTER STANDARDS.**—Nothing in paragraph (1) shall limit the authority of a State to provide that an employer’s account not be relieved of charges relating to a payment from the State unemployment fund for reasons other than the reasons described in subparagraphs (A) and (B) of such paragraph, such as after the first instance of a failure to respond timely or adequately to requests described in paragraph (1)(A).”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) **AUTHORITY.**—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 253. REPORTING OF REHIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES.

(a) **DEFINITION OF NEWLY HIRED EMPLOYEE.**—Section 453A(a)(2) of the Social Security Act (42 U.S.C. 653a(a)(2)) is amended by adding at the end the following:

“(C) **NEWLY HIRED EMPLOYEE.**—The term ‘newly hired employee’ means an employee who—

“(i) has not previously been employed by the employer; or

“(ii) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) **COMPLIANCE TRANSITION PERIOD.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirement before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

PART II—ADDITIONAL OFFSETS**SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS (QIOS) IN ORDER TO IMPROVE THE QUALITY OF CARE FURNISHED TO MEDICARE BENEFICIARIES.**

(a) **AUTHORITY TO CONTRACT WITH A BROAD RANGE OF ENTITIES.**—

(1) **DEFINITION.**—Section 1152 of the Social Security Act (42 U.S.C. 1320c–1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) is able, as determined by the Secretary, to perform its functions under this part in a manner consistent with the efficient and effective administration of this part and title XVIII;

“(2) has at least one individual who is a representative of health care providers on its governing body; and”.

(2) **NAME CHANGE.**—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(A) in the headings for sections 1152 and 1153, by striking “UTILIZATION AND QUALITY CONTROL PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(B) in the heading for section 1154, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(C) by striking “utilization and quality control peer review” and “peer review” each place it appears before “organization” or “organizations” and inserting “quality improvement”.

(3) **CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.**—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking “utilization and quality control peer review” and inserting “quality improvement” each place it appears;

(B) by striking “quality control and peer review” and inserting “quality improvement” each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking “peer review organization” and inserting “quality improvement organization”;

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking “peer review” and inserting “quality improvement”;

(E) in section 1867(d)(3), in the heading, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(F) in section 1869(c)(3)(G), by striking “peer review organizations” and inserting “quality improvement organizations”.

(b) **IMPROVEMENTS WITH RESPECT TO THE CONTRACT.**—

(1) **FLEXIBILITY WITH RESPECT TO THE GEOGRAPHIC SCOPE OF CONTRACTS.**—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

“(a) The Secretary shall establish throughout the United States such local, State, regional, national, or other geographic areas as the Secretary determines appropriate with respect to which contracts under this part will be made.”;

(B) in subsection (b)(1), as amended by subsection (a)(2)—

(i) in the first sentence, by striking “a contract with a quality improvement organization” and inserting “contracts with one or more quality improvement organizations”; and

(ii) in the second sentence, by striking “meets the requirements” and all that follows before the period at the end and inserting “will be operating in an area, the Secretary shall ensure that there is no duplica-

tion of the functions carried out by such organizations within the area”;

(C) in subsection (b)(2)(B), by inserting “or the Secretary determines that there is a more qualified entity to perform one or more of the functions in section 1154(a)” after “under this part”;

(D) in subsection (b)(3)—

(i) in subparagraph (A), by striking “, or association of such facilities.”; and

(ii) in subparagraph (B)—

(I) by striking “or association of such facilities”; and

(II) by striking “or associations”; and

(E) by striking subsection (i).

(2) **EXTENSION OF LENGTH OF CONTRACTS.**—Section 1153(c)(3) of the Social Security Act (42 U.S.C. 1320c–2(c)(3)) is amended—

(A) by striking “three years” and inserting “five years”; and

(B) by striking “on a triennial basis” and inserting “for terms of five years”.

(3) **AUTHORITY TO TERMINATE IN A MANNER CONSISTENT WITH THE FEDERAL ACQUISITION REGULATION.**—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

“(4) The Secretary may consider a variety of factors in selecting the contractors that the Secretary determines would provide for the most efficient and effective administration of this part, such as geographic location, size, and prior experience in health care quality improvement. Quality improvement organizations operating as of January 1, 2012, shall be allowed to compete for new contracts (as determined appropriate by the Secretary) along with other qualified organizations and are eligible for renewal of contracts for terms five years thereafter (as determined appropriate by the Secretary).”;

(B) in subsection (c), by striking paragraphs (4) through (6) and redesignating paragraphs (7) and (8) as paragraphs (4) and (5), respectively; and

(C) by striking subsection (d).

(4) **ADMINISTRATIVE IMPROVEMENT.**—Section 1153(c)(5) of the Social Security Act (42 U.S.C. 1320c–2(c)(5)), as redesignated by this subsection, is amended to read as follows:

“(5) reimbursement shall be made to the organization on a monthly basis, with payments for any month being made consistent with the Federal Acquisition Regulation.”.

(c) **AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIALIZED FUNCTIONS AND TO ELIMINATE CONFLICTS OF INTEREST.**—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(1) in section 1153—

(A) in subsection (b)(1), as amended by subsection (b)(1)(B), by inserting after the first sentence the following new sentence: “In entering into contracts with such qualified organizations, the Secretary shall, to the extent appropriate, seek to ensure that each of the functions described in section 1154(a) are carried out within an area established under subsection (a).”; and

(B) in subsection (c)(1), by striking “the functions set forth in section 1154(a), or may subcontract for the performance of all or some of such functions” and inserting “a function or functions under section 1154 directly or may subcontract for the performance of all or some of such function or functions”; and

(2) in section 1154—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “Any” and inserting “Sub-

(II) by inserting “one or more of” before “the following functions”;

(ii) in paragraph (4), by striking subparagraph (C);

(iii) by inserting after paragraph (11) the following new paragraph:

“(12) As part of the organization’s review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures specified pursuant to section 1833(i)(1)(A) which are performed in the area, or, at the discretion of the Secretary, a sample of such procedures.”; and

(iv) in paragraph (15), by striking “significant on-site review activities” and all that follows before the period at the end and inserting “on-site review activities as the Secretary determines appropriate”.

(B) by striking subsection (d) and redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following new subsection:

“(b) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) must perform all of the activities described in such paragraph, except to the extent otherwise negotiated with the Secretary pursuant to the contract or except for a function for which the Secretary determines it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.”.

(d) **QUALITY IMPROVEMENT AS SPECIFIED FUNCTION.**—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following new paragraph:

“(18) The organization shall perform, subject to the terms of the contract, such other activities as the Secretary determines may be necessary for the purposes of improving the quality of care furnished to individuals with respect to items and services for which payment may be made under title XVIII.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2012.

SEC. 262. RATES FOR MERCHANDISE PROCESSING FEES.

(a) **FEES FOR PERIOD FROM JULY 1, 2014, TO NOVEMBER 30, 2015.**—For the period beginning on July 1, 2014, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.3464” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.3464” for “0.21”.

(b) **FEES FOR PERIOD FROM OCTOBER 1, 2016, TO SEPTEMBER 30, 2019.**—For the period beginning on October 1, 2016, and ending on September 30, 2019, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.1740” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.1740” for “0.21”.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9) and (10)) with respect to processing merchandise entered on or after October 1, 2012, and

before November 12, 2012, shall be paid not later than September 25, 2012, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2011, and before November 12, 2011, as determined by the Secretary of the Treasury.

(b) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Not later than December 12, 2012, the Secretary of the Treasury shall reconcile the fees paid pursuant to subsection (a) with the fees for services actually provided on or after October 1, 2012, and before November 12, 2012.

(2) REFUNDS OF OVERPAYMENTS.—

(A) After making the reconciliation required under paragraph (1), the Secretary of the Treasury shall refund with interest any overpayment of such fees made under subsection (a) and make proper adjustments with respect to any underpayment of such fees.

(B) No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2012, and before November 12, 2012.

SA 634. Mr. CORNYN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on “Military and Security Developments Involving the People’s Republic of China,” found that “China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing’s terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland’s favor.” In this report, the Department of Defense also concludes that, over the next decade, China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing’s terms”.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan’s air force in an unclassified report, dated January 21, 2010. The DIA found that, “[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.” The report concluded, “Many of Taiwan’s fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force.”

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan “would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,” including 23,407 direct jobs, while “economic benefits would likely be realized in 44 states and the District of Columbia”.

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China’s two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China’s favor;

(4) China’s military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan’s air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan’s existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

SA 635. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109-416); which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. FUNDING.

Notwithstanding any other provision of law, the Secretary of Health and Human

Services, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, may continue to fund programs authorized under part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) using funds otherwise available to the Secretary or the Directors, and shall identify and consolidate duplicative and overlapping autism programs and initiatives throughout the Federal Government.

SA 636. Mr. CARDIN (for himself, Mr. SCHUMER, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE ____ —MODIFICATION OF WOOL TRUST FUND

SEC. ____ 01. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking “subject to the limitation in subparagraph (B)” and inserting “subject to subparagraphs (B) and (C)”; and

(2) by adding at the end the following new subparagraph:

“(C) ALTERNATIVE FUNDING SOURCE.—Subparagraph (A) shall be applied and administered by substituting ‘chapter 62’ for ‘chapter 51’ for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).”

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 AND 2011.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600)), subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011.

(2) **PAYMENT OF AMOUNTS.**—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) **RULE OF CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) **CONFORMING AMENDMENTS.**—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(e) **DISCRETIONARY AUTHORITY.**—

(1) **IN GENERAL.**—Section 4002(c)(3) of Public Law 108-429 is amended by inserting “(or to protect domestic manufacturing employment, and at the sole discretion of the U.S. Customs and Border Protection, no later than April 15)” after “March 1 of the year of the payment”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall be effective for payment year 2011 and thereafter.

SA 637. Mr. BINGAMAN (for himself, Mr. AKAKA, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 21 and all that follows through page 66, line 6, and insert the following:

(a) **FEES FOR PERIOD FROM OCTOBER 1, 2011, TO NOVEMBER 30, 2015.**—

(1) **IN GENERAL.**—For the period beginning on October 1, 2011, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(A) in subparagraph (A), by substituting “0.3474” for “0.21”; and

(B) in subparagraph (B)(i), by substituting “0.3474” for “0.21”.

(2) **AVAILABILITY OF FUNDS FOR TRADE ENFORCEMENT.**—Of the amount of fees received under section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) for the period beginning October 1, 2011, and ending December 31, 2014, not to exceed \$15,000,000 shall be available to the Office of the United States Trade Rep-

resentative until December 31, 2014, for activities relating to trade enforcement.

SA 638. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. REPORTS ON ECONOMIC AND EMPLOYMENT IMPACT OF FREE TRADE AGREEMENTS.

Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the United States International Trade Commission shall submit to Congress a report on the impact of free trade agreements to which the United States is a party on the economy of, and employment in, the United States.

SA 639. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CITRUS DISEASE RESEARCH AND DEVELOPMENT

SEC. —01. SHORT TITLE.

This title may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2011”.

SEC. —02. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of enactment of this Act, there are no cost effective or environ-

mentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 3(a) of this Act.

(c) **EFFECT ON OTHER ACTIVITIES.**—Nothing in this Act restricts the use of any funds for scientific research and technical activities in the United States.

SEC. —03. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) **IN GENERAL.**—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

“(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a trust fund to be known as the ‘Citrus Disease Research and Development Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

“(b) **TRANSFER OF AMOUNTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund amounts that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

“(2) **LIMITATION.**—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

“(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or

“(B) \$30,000,000.

“(C) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

“(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

“(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

“(A) for expenditures relating to citrus disease research and development under section 4 of the Citrus Disease Research and Development Trust Fund Act of 2011, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

“(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

“(d) INVESTMENT OF TRUST FUND.—

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

“(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

“(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

“(3) an assessment of the amounts available in the Trust Fund for future expenditures.

“(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2011.

“(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2011 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.

“The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the

President determines that entering into the trade agreement could result—

“(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

“(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2011.”

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

“Sec. 1001. Citrus Disease Research and Development Trust Fund.

“Sec. 1002. Reports required before entering into certain trade agreements.”

SEC. 404. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3(a) of this title.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) **TECHNICAL AND LOGISTICAL SUPPORT.**—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(i) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) **OTHER DEPARTMENTS AND AGENCIES.**—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) **GENERAL RESPONSIBILITIES OF THE BOARD.**—

(A) **IN GENERAL.**—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) **CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.**—

(A) **IN GENERAL.**—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) **AFFIRMATIVE SUPPORT REQUIRED.**—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) **SECRETARIAL APPROVAL.**—

(i) **IN GENERAL.**—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) **CONSIDERATIONS.**—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as Huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) **REPORT TO CONGRESS.**—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) **CONTRACTS AND AGREEMENTS.**—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) **ADMINISTRATIVE COSTS.**—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) **TERMINATION OF BOARD.**—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of enactment of this Act.

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 303. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section 202, is fur-

ther amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

“(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.”.

SA 641. Mr. HATCH proposed an amendment to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; as follows:

On page 31 of the amendment, between lines 7 and 8, insert the following:

SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act have been enacted into law.

SA 642. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 31 of the amendment, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) **TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.**—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking “contributed importantly to such workers’ separation or threat of separation and to” and inserting “was a substantial cause of such workers’ separation or threat of separation and of”; and

(B) in subparagraph (B)(ii), by striking “contributed importantly to” and inserting “was a substantial cause of”;

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking “contributed importantly to” and inserting “was a substantial cause of”; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) **TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking “contributed importantly to such total or partial separation, or threat thereof, and to” and inserting “were a substantial cause of such total or partial separation, or threat thereof, and of”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking “(B)”;

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and

moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) **TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**—

(1) **IN GENERAL.**—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking “contributed importantly to” and inserting “was a substantial cause of”.

(2) **CONFORMING AMENDMENT.**—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SA 643. Ms. CANTWELL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE —AFFORDABLE FOOTWEAR

SEC. 01. SHORT TITLE.

This title may be cited as the “Affordable Footwear Act of 2011”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately \$2,000,000,000 during 2010.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this title.

(5) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

(6) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(7) The outdoor industry develops innovative and high performance footwear that promotes healthy and active lifestyles through outdoor recreation.

SEC. 03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) there is no production in the United States of many footwear articles;

(2) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(3) the reduction or elimination of duties on such articles will result in reduced retail prices for a wide range of consumers.

SEC. 04. AMENDMENT TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

The Additional Notes to chapter 64 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“5. For the purposes of determining the constituent material of the outer sole pursuant to Note 4(b) of this chapter, the constituent material of an outer sole consisting of rubber or plastics to which textile materials are attached or into which such materials are otherwise incorporated shall be deemed to be only rubber or plastics, and no account shall be taken of the textile materials.”.

SEC. 05. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.

(a) **DEFINITIONS.**—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“20. For the purposes of headings 9902.64.25 through 9902.64.58:

“(a) The term ‘footwear for men’ means footwear of American men’s size 6 and larger for males and does not include footwear commonly worn by both sexes.

“(b) The term ‘footwear for women’ means footwear of American women’s size 4 and larger, whether for females or of types commonly worn by both sexes.

“(c)(i) The term ‘work footwear’ means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

“(A) has outer soles of rubber or plastics;

“(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, industrial, public safety, or transportation sec-

tors that are not normally worn as casual, dress, or similar lightweight footwear; and

“(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage, or static-buildup).

“(ii) ‘Work footwear’ does not cover—

“(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

“(B) footwear designed to be worn over other footwear;

“(C) footwear with open toes or open heels; or

“(D) footwear (except footwear covered by heading 6401) of the slip-on type or other footwear that is held to the foot without the use of laces or a combination of laces and hooks or other features.

“(d) The term house slippers means footwear of the slip-on type designed solely for casual indoor use. The term ‘house slippers’ includes—

“(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, nongrain leather, or textile material;

“(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

“(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

“(e) For purposes of subheadings 9902.64.28, 9902.64.32, and 9902.64.51, the dollar amount specified as the value of a good shall be as follows:

“(i) In calendar years 2011 through 2013, \$22/pair.

“(ii) In calendar years 2013 through 2016, \$24/pair.

“(f) The term waterproof footwear means footwear designed to protect against penetration by water or other liquids, whether or not such footwear is primarily designed for such purposes.”.

(b) **AMENDMENTS TO HTS.**—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

“	9902.64.25	Vulcanized rubber lug boot bottoms for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2016
	9902.64.26	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15)	Free	No change	No change	On or before 12/31/2016
	9902.64.27	Footwear (other than work footwear or footwear designed to be worn over or in lieu of other footwear as a protection against water, oil, grease or chemicals, or cold or inclement weather) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.40)	Free	No change	No change	On or before 12/31/2016

9902.64.28	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. Note 20(e) to this chapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women or does not exceed 17.78 cm if for persons other than men or women, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, and where such protection includes protection against water imparted by the use of a coated or laminated fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2016
9902.64.29	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, for men or women, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is slip-on footwear (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.30	Tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.31	Footwear with outer soles and uppers of rubber or plastic, not covering the ankle, other than work footwear or house slippers (provided for in subheading 6402.99.31)	Free	No change	No change	On or before 12/31/2016
9902.64.32	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. Note 20(e) of this chapter, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, and where such protection includes protection against water imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2016
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than house slippers (provided for in subheading 6402.99.40)	Free	No change	No change	On or before 12/31/2016
9902.64.34	Footwear with outer soles and uppers of rubber or plastics other than house slippers (provided for in subheading 6402.99.70)	Free	No change	No change	On or before 12/31/2016
9902.64.35	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2016
9902.64.36	Footwear for men, and footwear for youths and boys, covering the ankle, valued over \$12/pair, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is waterproof footwear, other than work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, and other than slip-on footwear (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.37	Slip-on footwear for men and footwear for youths and boys covering the ankle; such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued over \$20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.38	Footwear for men, other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over \$12/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016
9902.64.39	Footwear for youth and boys other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2016

9902.64.40	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, valued over \$12/pair, such footwear of a height which from the bottom of the outer sole to the top of the upper does not exceed 13 cm, or which exceeds 21 cm, or regardless of height, is waterproof footwear, or footwear where the difference in height between the bottom of the sole at the ball of the foot to the top of the midsole and from the bottom of the heel to the top of the midsole is over 30 mm, other than work footwear and other than slip-on footwear (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.41	Slip-on footwear (other than footwear for men or footwear for youths or boys) covering the ankle; such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued over \$20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.42	Footwear for women other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over \$12/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.43	Footwear for persons other than women, other than slip-on footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
9902.64.44	Tennis shoes, basketball shoes, gym shoes, training shoes and the like for youths and boys (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2016
9902.64.45	Footwear valued over \$2.50/pair (other than footwear for men, youths and boys, house slippers, work footwear and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like) (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2016
9902.64.46	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.11.50, 6404.11.60, 6404.11.70 or 6404.11.80)	Free	No change	No change	On or before 12/31/2016
9902.64.47	Sports footwear (other than ski boots, cross country ski footwear and snowboard boots) for persons other than men or women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.48	Ski boots, cross country ski footwear and snowboard boots for men or women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.49	Tennis shoes, basketball shoes, gym shoes, training shoes and the like, covering the ankle, for men and women (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2016
9902.64.50	Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15)	Free	No change	No change	On or before 12/31/2016
9902.64.51	Footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles of rubber or plastics and uppers of textile materials, valued over the dollar amount specified in U.S. Note 20(e) to this chapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women, or does not exceed 17.78 cm if for persons other than men or women, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather and where such protection includes protection against water imparted by the use of a coated or laminated fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2016
9902.64.52	Footwear for men with outer soles of rubber or plastics and uppers of vegetable fibers, other than house slippers (provided for in subheading 6404.19.25)	Free	No change	No change	On or before 12/31/2016

9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.35)	Free	No change	No change	On or before 12/31/2016
9902.64.54	Footwear for women, with outer soles of rubber or plastics and uppers of textile materials other than house slippers (provided for in subheading 6404.19.50)	Free	No change	No change	On or before 12/31/2016
9902.64.55	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided from subheading 6404.19.60, 6404.19.70, 6404.19.80, or 6404.19.90)	Free	No change	No change	On or before 12/31/2016
9902.64.56	Footwear with uppers of leather or composition leather for men (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2016
9902.64.57	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.90)	Free	No change	No change	On or before 12/31/2016
9902.64.58	Footwear not elsewhere provided for in chapter 64 (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2016.

SEC. 06. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on the 15th day after the date of the enactment of this title; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such day.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 20, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 20, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform Options: Incentives for Innovation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 20, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on September 20, 2011, at 10 a.m., to conduct a hearing entitled “New Ideas to Address the Glut of Foreclosed Properties.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 20, 2011, at 9:30 a.m. in order to conduct a hearing entitled, “Intelligence Community Contractors: Are We Striking the Right Balance?”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Andi Lipstein Fristedt, a detailee to the Senate HELP Committee, be granted floor privileges for the duration of Senate floor business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the following members of the Finance Committee staff be granted floor privileges during consideration of the Generalized Sys-

tem of Preferences Act: Derrick Riggin, Chris Arneson, Miranda Dalpiaz, Nick Malinak, Cosimo Thawley, Tyler Evilsizer, Stephen McGraw, and Claire Green.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the Senator from Indiana, Mr. COATS, to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

UNANIMOUS CONSENT AGREEMENT—H.R. 2832

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow, Wednesday, September 21, the Senate resume consideration of H.R. 2832, the general trade preference legislation; that following reporting of the bill, Senator McCAIN or his designee be recognized to call up amendment No. 625; that the time until 12:30 be equally divided between the two leaders or their designees for debate on the McCain and Hatch amendments; further, at 12:30 the Senate proceed to votes in relation to the Hatch amendment No. 641 and McCain amendment No. 625, in that order; that there be 2 minutes equally divided prior to each vote, there be no amendments, points of order, or motions in order to either amendment prior to the votes on the amendment other than budget points of order and the applicable motions to waive; that each amendment

be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY,
SEPTEMBER 21, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to

speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 2832, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Tomorrow there will be two rollcall votes at about 12:30 in relation to the Hatch and McCain amendments.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent we adjourn under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Wednesday, September 21, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 2011:

THE JUDICIARY

JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

TIMOTHY M. CAIN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

EXTENSIONS OF REMARKS

A TRIBUTE TO VAN HARDEN AND BONNIE LUCAS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Van Harden and Bonnie Lucas of the "Van and Bonnie in the Morning" radio show. Van and Bonnie are Iowa radio icons and broadcast their show daily on the legendary Newsradio 1040 WHO. Van and Bonnie are winners of multiple coveted Marconi Awards from the National Association of Broadcasters, including their most recent, which is why I stand before you today. I am honored to announce that Van and Bonnie have been declared the winners of the 2011 "Personality of the Year Award" among medium-sized market radio stations by the Marconi Radio Award Selection Academy.

What makes this award so exciting for Van and Bonnie, and for Iowa, is that it exemplifies the rewards of hard work from humble beginnings. Van Harden was raised in Adel, Iowa, where he developed his passion for the intimate Iowa communities that make our state so great. Van knew he wanted to turn his passion into a career by promoting and informing Iowans on the radio. His dream became a reality after graduating from Drake University in 1973, where he majored in broadcast journalism and got his first on-air job with KDLS-AM in Perry, Iowa. After jobs in Tulsa, Oklahoma at KWEN-FM and KRNT-AM in Des Moines, he became the host of the morning program at 1040 WHO-AM in Des Moines in 1986.

Similarly, Van's co-host, Bonnie Lucas of Monroe, Iowa, has been with the WHO morning program for 17 years. Bonnie's first job in radio began in 1979 at KRNT, where she was a former co-worker of Van's. In the seven and a half years Bonnie spent at KRNT, she worked in the traffic department, served as secretary to the General Manager, worked as the Assistant Sales Manager and finally went into sales for KRNT. After Bonnie started her own small fitness center business and worked for a communications company, she tried out for Van's co-host position in August 1994 and has been with the award-winning program ever since.

Van and Bonnie's commitment to Iowa is virtually unparalleled as they are up every morning by 3:30 a.m. to be on the air by 4:59 a.m. They have made a name for themselves as the most listened to morning show in the state and bolstered an already esteemed radio station with their enthusiasm, knowledge, creativity, and family-friendly humor. They do an exceptional job of utilizing WHO's 50,000 watts to connect with each Iowan who tunes in and leave their listeners with a smile as the day begins.

Van and Bonnie have provided years of sunshine to our state's early risers, and I am honored to recognize the most recent affirmation of their stellar broadcasts. I congratulate Van, Bonnie, their correspondent Mark Allen, and all of their coworkers as they continue to wake up Iowa with a smile.

RECOGNITION OF THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. BOREN. Mr. Speaker, I rise today and ask my colleagues to join me in recognizing an important day for the Republic of China (ROC), National Day, also known as "Double Ten Day". On October 10, 1911, the Qing Dynasty collapsed as a result of the Wuchang Uprising and ushered in the beginning of representative government in China. This year, Double Ten Day holds special significance as the Republic of China marks its 100th birthday. This will be a day of great celebration and thanksgiving throughout the country, and I call on my colleagues to join me in offering congratulations and good wishes to President Ma Ying-jeou and the people of Taiwan.

It was under the leadership of Dr. Sun Yat-sen that over two thousand years of dynasties were brought to an end. The past century has seen tremendous growth and development for the Republic of China on Taiwan. It has developed a dynamic democratic system of government, spurred steady economic growth, and encouraged the flourishing of the arts and sciences with an emphasis on free and open dialogue and debate.

Under the leadership of President Ma, Taiwan has continued to strengthen its economy through extensive foreign trade. The United States recently welcomed another Taiwanese agricultural trade mission, which offers the promise of strong export market for our farmers and a steady supply of food supply for the citizens of Taiwan. President Ma has also helped ease tensions with mainland China through economic agreements which have led to benefits for all.

Because of this, I stand today with the people of Taiwan as they celebrate the 100th anniversary of the founding of the Republic of China. May their commitment to freedom and democracy continue to flourish in the decades and centuries to come.

HONORING TREVOR WAYNE PARKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Trevor Wayne Parker. Trevor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 303, and earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many scout activities. Over the many years Trevor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Trevor has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Trevor Wayne Parker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE NAMING OF THE MIDPARK POST OFFICE THE DAVID J. DONAFEE POST OFFICE BUILDING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of David John Donafee, upon the official naming of the Midpark Post Office, the David J. Donafee Building, and in recognition of his service to our community.

Mr. Donafee had longstanding ties within the Cleveland community. The youngest of four siblings, he was born on April 29, 1965, and raised in Brook Park, Ohio. He graduated from Berea High School and Polaris Career Center and went to work as a steelworker prior to his employment with the U.S. Postal Service. Mr. Donafee was tragically killed while delivering mail on his route in Parma Heights, Ohio, on February 14, 2008.

Mr. Donafee's legacy in the Greater Cleveland community, and with his colleagues at the postal service, is that of a genial and positive spirit. In addition to his fourteen years of service to the community through the U.S. Postal service, he was well-known in the local hockey community for his support of and involvement in his children's youth hockey league.

David Donafee was the kind of employee that anyone would have wanted to have as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

colleague. He was always on the lookout for ways to help his customers. In the office, he was conscientious and willing to go above and beyond to help fellow employees. With customers and coworkers alike, he was always courteous. He was dedicated to family and friends. What made him unique and set him apart was that, regardless with whom he interacted, he would add a little bit of humor that would make the day a little easier.

Mr. Speaker and colleagues, please join me in honor and memory of David John Donafee, upon the official naming of the Midpark Post Office, the David J. Donafee Building on September 18, 2011. Mr. Donafee's service to his family, friends, and the community greatly influenced the lives of everyone he has known. He will forever be remembered along the streets of Parma Heights and throughout the Greater Cleveland community.

IN RECOGNITION OF
INTERDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 2011 Interdependence Day, celebrated annually on September 12th. Interdependence Day is a global celebration targeted at raising awareness of the interdependent character of global society.

Interdependence Day began in 2000, when a small group of international artists, political activists and scholars came together and began a dialogue about the possibilities of interdependence between nations. Following the tragic events of September 11, 2011, this small group's idea began an international movement, the Interdependence Movement. Today, the Interdependence Movement is comprised of a global group of citizens known as Citizens without Borders. This group is focused on "creating a constructive interdependent consciousness that facilitates global cooperation and global governance."

Every year since the 2003 Interdependence Day celebration in Philadelphia, the world's citizens have come together in Rome, Paris, Morocco, Mexico City, Brussels, Istanbul, Berlin and most recently, New York City. The 2011 Interdependence Day celebration coincided with the 10th anniversary of the events of September 11, 2001 and was especially important to the kick-off of the Interdependence Movement as a year long project.

Mr. Speaker and colleagues, please join me in recognition of the 2011 Interdependence Day, which was celebrated on September 12th in New York City. I wish the Citizens without Borders my best as they strive towards an international community that comes together for global peace and understanding.

ON PALESTINIAN STATEHOOD AND
THE U.N. BID FOR RECOGNITION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. KUCINICH. Mr. Speaker, this week, the Palestinian Authority (P.A.) will seek recognition of a Palestinian state on 1967 borders at the United Nations (U.N.) The United States has reportedly given the P.A. private assurances over opposing future Israeli settlement building in the West Bank and has urged the P.A. to return to the negotiating table. Yet the threats by this Congress to cut off aid to the P.A. for making such a move fail to recognize that the efforts of the P.A. to seek recognition from the U.N. and from other states are born directly of the failure of the so-called "peace process" that has allowed settlement construction in the West Bank to continue and that threatens to destroy any hope of the very two-state solution we advocate for.

In July, I opposed a one-sided resolution that condemned any attempt by the P.A. to seek recognition from the U.N., but made no mention of the continued settlement building in the West Bank and East Jerusalem that led to the breakdown in negotiations between Israel and the Palestinians. By only holding one side accountable for such unilateral actions, we undermine the very negotiations we claim to support. A just solution and good faith negotiations will not succeed as long as the United States allows settlement building to continue. We cannot be an honest broker or claim to act in Israel's best interests while turning a blind eye to actions that undermine its security.

True, long-term stability and security for Israel is dependent on peace with its Palestinian neighbors. I unequivocally support a negotiated solution to the Israeli-Palestinian conflict. But a just, negotiated solution can only be achieved when both sides are held accountable for actions that undermine the reality of a two-state solution on the ground.

ERNEST HOUSE SR. TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the former Ute Mountain Ute Tribal leader from the Weeminuche Tribe, Ernest House Sr. Over the past 30 years, his influence, dedication and leadership to the Ute Mountain tribe has grown the tribe's influence in the state of Colorado and in the United States.

Mr. House is the grandson of the Ute Mountain Ute tribe's last hereditary Chief, Chief Jack House. In the last years of Chief Jack House's life, Mr. Ernest House Sr. cared for him, learning much about the tribe's history and potential for future plans.

Mr. House was first elected to the Ute Mountain Tribal Council in 1979. Three years later, Mr. House became chairman for the first time, beginning the first of his four non-

consecutive four-year terms as chairman for the Ute Mountain Tribe—his last term ending in 2010.

As chairman, Mr. House helped the Ute Tribe accomplish several projects that widened the tribe's economic and natural resource development. Between 1986 and 1988, Mr. House worked to complete two major water compacts to provide water throughout the Ute territories. In addition, Mr. House oversaw several building projects, including a tribal health center and casino. In his last term as chairman, Mr. House Sr. focused primarily on tribal safety, widening the Tribe's police force from two officers to more than 12 officers.

On Saturday, Sept. 17, 2011, Mr. House was tragically taken from us after a motorcycle accident outside of Cortez, Colorado.

Mr. Speaker, it is an honor to recognize Mr. Ernest House Sr. His leadership and dedication to the Ute Tribe has benefited thousands, and he will be greatly missed by the Ute Tribe and the state of Colorado.

KEVIN WODLINGER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Mr. Kevin Wodlinger for his work with the local Colorado Honor Flight Network, an organization that flies veterans to Washington to see the World War II memorial.

The Honor Flight Network was founded in 2005 by retired Air Force Captain and physician assistant Earl Morse. Mr. Morse retired from the United States Air Force in 1998, and recognized the need for an organization to help World War II veterans fly to see their memorial in Washington. In May of 2005, the first World War II veterans were flown from Springfield, Ohio to see their memorial.

When Mr. Wodlinger received news of this organization, he knew he needed to help to get this program to Colorado's Western Slope. In 2009, the first Western Slope Honor Flight took off.

In April of 2011, Mr. Wodlinger was honored with the Red Cross Hero nomination for his efforts to start the Western Slope Honor Flight. After receiving this nomination, Mr. Wodlinger claimed he only wanted to make sure that the World War II veterans from Colorado's Western Slope, the "real heroes," were recognized.

Mr. Speaker, it is an honor to recognize Mr. Kevin Wodlinger. His work with the Honor Flight Network has provided hundreds of World War II heroes the ability to see the memorial America erected in their honor.

TIM JACKSON TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Mr. Tim Jackson, president of the Colorado Automobile Dealers Association and advocate for Colorado drivers and Colorado auto dealers.

Mr. Jackson has spent his professional life advocating on behalf of small businesses and Colorado consumers. As the State Director of the National Federation of Independent Business, Mr. Jackson pursued the Colorado legislature on behalf of small businesses.

As President of the Colorado Automobile Dealers Association, Mr. Jackson has urged the Colorado state legislature and the United States Congress to implement policies that help local Colorado new car and truck dealers to maintain their businesses while selling environmentally-safe cars to the Colorado public.

In 2009, Mr. Jackson won the Outstanding Automotive Trade Association Executive from the National Automobile Dealers Association.

Mr. Speaker, it is an honor to recognize Mr. Tim Jackson. The state and people of Colorado are lucky to have such a determined, entrepreneurial-minded leader advocating on their behalf.

**HONORING AIMEE SORDELLI FOR
RECEIVING THE CHARLES E.
PIPER AWARD**

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Aimee Sordelli, who will receive the 26th Annual Charles E. Piper Award in November. The Charles E. Piper Award is presented by the Berwyn Development Corporation to honor achievement in business and service to the community. Since moving to Berwyn in 1995, Ms. Sordelli has dedicated herself to making the community safer, cleaner, and healthier.

During the past 16 years, Aimee Sordelli has amassed an impressive record of service, including sitting on several boards that strive to improve life for Berwyn citizens. Currently, Ms. Sordelli is Chairwoman of the Cook County Senior Advisory Board. She is also a member of the 708 Mental Health Board and the Main Street Board, as well as a Berwyn Township Trustee. There is scarcely a charitable organization in Berwyn to which she does not lend her time. When she is not volunteering for Earth Day clean ups or the Depot Beautification Campaign, Ms. Sordelli is at meetings for Senior Advocate Health Care, the Berwyn Development Corporation, or the Depot District Special Events Committee. In addition to her charitable endeavors, Aimee Sordelli works as an Operations Manager at the Loyola Marymount Hospital in Maywood, Illinois.

Perhaps even more impressive than the many leadership positions Ms. Sordelli holds

in her community is the constant generosity and support she offers her neighbors. Ms. Sordelli once saved the life of her next door neighbor by using a baseball bat to fend off an attacking pit bull. On September 11, 2001, she brought a pot of chili to her local Berwyn fire department. As her own act of remembrance, Ms. Sordelli has made feeding her local first responders an annual event. Today, it is a community wide operation with catered meals for Berwyn firefighters, police, and paramedics. It is not only her illustrious achievements, but also her kind and genuine demeanor that make Aimee Sordelli a citizen worthy of distinction and recognition.

I ask you to join me in honoring Ms. Aimee Sordelli on her selection as the 2011 recipient of the Charles E. Piper Award, and may she continue to make a difference in the lives of her fellow citizens for years to come.

**HONORING LT. COL. TERRENCE J.
MCCOLLUM ON HIS PROMOTION
TO THE RANK OF LIEUTENANT
COLONEL IN THE UNITED
STATES AIR FORCE**

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor an exemplary citizen and Illinois' 3rd District constituent, Lt. Col. Terrence J. McCollum. On June 30th, 2011, then Major McCollum was promoted to the rank of Lieutenant Colonel in the United States Air Force. It is a privilege to recognize his many accomplishments and dedicated service to our country today.

Lt. Col. McCollum began his decorated military career upon graduation from the United States Naval Academy in 1994 with a degree in Oceanography. His academic ambitions led him to George Washington University Law School, where he graduated with a Juris Doctor in 2002. Finally, he earned a Masters degree in Business Administration at Colorado State University in 2011.

Upon graduating from the United States Naval Academy, Lt. Col. McCollum was stationed on the USS *Peterson* in Norfolk, Virginia as a Naval Officer. He has served on several tours abroad, including a recent tour at Kunsan Air Force Base in Korea. Lt. Col. McCollum has pursued a career geared toward assisting his fellow officers with legal matters. A devoted husband and father to three daughters, Lt. Col. McCollum currently serves as Deputy Staff Judge Advocate for Headquarters at the Joint Base Pearl Harbor-Hickam in Hawaii.

Lt. Col. McCollum's numerous accomplishments include earning a Meritorious Service Medal with three oak leaf clusters, a Joint Service Commendation Medal, a Navy/Marine Corps Commendation Medal, and a Navy/Marine Corps Achievement Medal. Additionally, Lt. Col. McCollum was consecutively named Deputy Staff Judge Advocate of the Year for the 9th Air Force from 2007–2009. These accomplishments and many others speak to Lt. Col. McCollum's commitment to defending the

best interests of his colleagues and preserving the security and well-being of our nation.

Lt. Col. Terrence J. McCollum's notable accomplishments, academic achievements, and dedicated service to his country embody what it means to be an exemplary United States citizen. I am proud to count him among the fine citizens of Illinois' 3rd District, and I wish him the best as he continues to proudly serve our country.

**TO COMMEMORATE THE LIFE OF
GAIL CHATFIELD**

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. CARNAHAN. Mr. Speaker, our nation most recently commemorated the tenth anniversary of 9/11; honoring those first responders who risked their lives to save others. Today, I rise to recognize the life of one of Missouri's finest first responders: Gail Chatfield.

Gail Chatfield's life was one of unselfish public service. Gail served our nation in the Armed Services during the Korean War, dedicated his life to ensure others were safe by serving in the St. Louis Fire Department from 1957–79. Gail also was elected to the Missouri General Assembly, representing the citizens of the City of St. Louis; he fought continuously for affordable healthcare for his fellow citizens. Gail's public service did not end there: My father, Governor Mel Carnahan appointed Gail as Missouri's Fire Marshal, serving from 1993–1995. He served on the St. Louis Labor Council (AFL–CIO).

Gail was a leader who led quietly by example. He was competent, determined, and accomplished many great things, especially in the important field of public safety, all done with a sense of duty, purpose and humility.

Gail was a loving husband, father, and grandfather, and great-grandfather. His wife Lois, and their four children Keith, Kathy, Greg, Pamela and the Chatfield grandchildren, great-grandchildren will miss him.

He dedicated his life to helping others whether it was performing his heroics in a fire or working in the Missouri General Assembly helping those less fortunate—Gail was friend to many Missourians. He was friend of mine. I will miss him.

**COMMENDING THE FRANCISCAN
MISSIONARIES OF OUR LADY**

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to congratulate the Franciscan Missionaries of Our Lady for their century of faith and service to the State of Louisiana. This honor is shared as many lives have been touched through the three sanitariums operating in our state.

Franciscan Missionaries of Our Lady started in France in 1854 when seven groups of Franciscan sisters banded together. As the organization rapidly grew throughout the world, the first North American expansion happened in 1911 with the healing ministry being established in Monroe, LA. Two years later, St. Francis Sanitarium opened in Monroe.

After the first establishment in this city, the Franciscan Missionaries of Our Lady were invited to open two more sanitariums throughout Louisiana: Baton Rouge's Our Lady of the Lake Sanitarium was dedicated in 1923 and Lafayette's Our Lady of Lourdes Hospital in 1949.

Even today, the congregation of the Franciscan Missionaries of Our Lady remains committed to the ministry of healthcare and spiritual wholeness—serving all of God's people.

This organization is an example of how a small founding group can grow to touch the lives of many, and I commend their hard work and dedication to making a positive difference across our state. I ask my colleagues to join me in honoring the Franciscan Missionaries of Our Lady for their century of service.

A TRIBUTE TO THE LIFE OF
GABRIEL "GABE" TERRONEZ

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. COSTA. Mr. Speaker. I rise today to pay tribute to the life of Mr. Gabriel "Gabe" Terronez, who passed away on July 8, 2011 at the age of seventy-one. Gabe was a distinguished boxer, educator, and community leader who always placed the utmost importance on hard work and leading by example. He served as a role model for an entire community and will be deeply missed.

Gabe Terronez was born on March 24, 1940 to Jesus and Paula Terronez in Cameron, Texas. His family settled in the great San Joaquin Valley where his athletic gifts were able to flourish. While a student at Corcoran High School, Gabe earned championships in wrestling and in track. Not only did Gabe possess superior athletic talent, he was also a man of outstanding character.

In 1957, Gabe joined the United States Marine Corps, where he served his Nation proudly. During his time in the Marines, Gabe won the Inter-Service Boxing championship. In 1960, Gabe competed in the Olympic trials and was also a number five world-ranked welterweight with a 32–8 record and 19 knock-outs.

Following his seven-year career, Gabe decided to broaden his horizons and pursue an undergraduate degree. He used his earnings from professional boxing to help pay for his college tuition. After attending Fresno City College and California State University, Fresno, Gabe earned a Bachelor's Degree in Spanish.

Gabe spent his adult life serving the public in a number of capacities. Upon graduating from college, he worked for then-governor, Ronald Reagan, as a community relations consultant. Gabe later went on to work for the University of California, focusing his time on

migrant and at-risk adolescents as a youth development specialist until his retirement in 1992. Gabe served as an exceptional role model for these young men and women because he was an example of the American Dream. By working hard and showcasing determination in all of his endeavors, Gabe encountered great success in his life.

Gabe was preceded in death by his wife of 25 years, Elizabeth Huerta Terronez. He is survived by his children Stephanie, Dante, Desiree, Damien, and Nicole; his grandchildren Nicholas and Mia Elizabeth; and his siblings, Cecil, Lupe, and Janie.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of Gabriel "Gabe" Terronez, an honorable and respected man whose talent and passion were not only exhibited in the boxing ring, but also in his unwavering commitment to our community and his loving family.

RECOGNITION OF EMPLOYEES OF
THE OFFICERS AND THE INSPECTOR
GENERAL OF THE U.S.
HOUSE OF REPRESENTATIVES
WITH 25 YEARS OF SERVICE TO
THE HOUSE AND RECIPIENTS OF
THE HOUSE EMPLOYEE EXCELLENCE AWARD

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to congratulate and recognize outstanding employees of the Officers (Clerk of the House, Sergeant at Arms, and Chief Administrative Officer) and the Inspector General of the U.S. House of Representatives who have reached the milestone of 25 years of service to the U.S. House of Representatives, as well as the recipients of the House Employee Excellence Award.

The House's most important asset is its dedicated and exceptional employees, whose work often behind the scenes, is vital in keeping the operations and services of the House running smoothly and efficiently. The employees we recognize today are acknowledged and commended for their hard work, dedication, professionalism, support of House Members and their staffs and constituents, and for their contributions day-in and day-out to the overall operations of the House. These employees have a wide range of responsibilities that support the legislative process, assure the security of the institution, maintain our technology and service infrastructure, and contribute to a more effective and efficiently operating House support structure. They have accomplished a great many things in a wide range of activities, and the House of Representatives and its Members, staff, and the general public, are better served because of them.

We honor the individuals named below for 25 years of dedicated service to the House. Collectively, this group has provided two hundred seventy-five (275) years of service to the U.S. House of Representatives:

Gretchen Ewers, Office of the Chief Administrative Officer;

Kevin Harris, Office of the Chief Administrative Officer;

Darius Holmes, Office of the Sergeant at Arms;

Thomas E. Mako, Office of the Chief Administrative Officer;

Craig D. Pence, Office of the Chief Administrative Officer;

Dean Phan, Office of the Chief Administrative Officer;

Paul Rossiter, Office of the Chief Administrative Officer;

Airlie Shoemaker, Office of the Chief Administrative Officer;

David Sparling, Office of the Chief Administrative Officer;

Matthew B. Smith, Office of the Clerk;

Sandra E. Watkins, Office of the Chief Administrative Officer.

We also recognize and congratulate four House employees for receiving the Employee Excellence Award. This is a merit-based award, given to one employee from each House Officer organization, and the Office of Inspector General. Selected employees exhibited outstanding overall job performance and displayed a willingness to go above and beyond the call of duty throughout the last year. We honor the individuals named below for receiving this prestigious award.

Traci L. Brasher, Office of the Sergeant at Arms;

Faye Cobb, Office of the Chief Administrative Officer;

Michele Herzfeld, Office of the Clerk;

Gregory M. Roberts, Office of Inspector General.

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their professionalism and commitment to the U.S. House of Representatives as a whole, and in particular to their respective House Officers and the Inspector General. Their long hours and hard work are invaluable, and their years of unwavering service, dedication, and commitment to the House set an example for their colleagues and other employees who will follow in their footsteps. I celebrate our honorees, and I am proud to stand before you and the nation on their behalf to recognize the importance of their public service.

KEVIN JEFFERSON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. HOYER. Mr. Speaker, I rise to honor the memory of Kevin Jefferson, a lifelong community leader and public servant. Through his work on issues from voter registration to gun control community empowerment, and through his service as an Itinerant Elder in the African Methodist Episcopal Church, Kevin made a lasting difference for the better in the time that he was given.

Kevin began his career in public service early as a student at Bowie State, where he played an active role in student life. After serving on Rev. Jesse L. Jackson's Presidential campaign staff in 1984 and 1988, Kevin joined

the national staff of the Rainbow/PUSH Coalition, through which he promoted voter registration and education. He went on to become the first National Minority Affairs Coordinator at Handgun Control, Inc., and in this role, traveled the country to help secure support for the Brady Gun Control Bill. His leadership on these important initiatives led to his involvement with President Clinton's Presidential campaign. And in 2000, he was appointed to the Federal Emergency Management Agency, and later held numerous positions at the State Department. Kevin also served as Special Assistant to the Secretary of Labor, Honorable Alexis Herman, and was appointed to the Office of the President, Community Empowerment Board. Throughout his lifetime, Kevin served on a number of Presidential campaigns, worked closely with the DNC and served as the Executive Director of the Democratic National Committee Voting Rights Institute. He is honored and respected by the Democratic Party for his hard work and support.

I join Kevin's family, church and all those who knew and loved Kevin in appreciation for his well-lived life and in fond reflection on his memory. I was proud to count him as a friend, and he will be dearly missed.

**HONORING SAN RAFAEL POLICE
CHIEF MATTHEW ODETTO**

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the legacy of a passionate and dedicated public servant. San Rafael Police Chief Matthew Odetto announced his retirement in July 2011, the culmination of thirty years of work serving the people and public safety of Marin County. His leadership has touched the lives of countless Marin residents, and his example has helped forge new bonds between our law enforcement organizations and the communities they serve.

Odetto comes from a family with well-established roots in Marin County and in law enforcement. He started his career in 1981 as a deputy with the Marin County Sheriff's Office, based in Southern Marin, where he rose to the rank of Lieutenant. In that position, he served as commander of the Sheriff's SWAT team and was lead instructor for the Emergency Vehicle Operation Course.

In 2000, Odetto became the Tiburon Chief of Police, a position he held for six years before his appointment as San Rafael Chief of Police in December 2006. Chief Odetto, firmly committed to maintaining services to San Rafael residents in spite of economic difficulties, guided the Police Department as it confronted newly limited resources. He built partnerships with community groups, solicited support from the private sector, and made community policing a priority. He secured new funding sources to ensure that gaps in resources were covered, eventually providing for the return of the Citizen's Academy program, which introduces the public to the work of the San Rafael Police Department and its law enforcement officers.

Mr. Speaker, I ask you to join me in thanking Chief Odetto for his contributions to Marin County. He has set an admirable standard for compassionate and responsive public service, and we wish him the best in his retirement.

HONORING JON D. SPALDING

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. ROGERS of Michigan. Mr. Speaker, I would like to take this time to commend Jon D. Spalding, an outstanding citizen and business leader from Perry, Michigan. I want to recognize him today as he completes his service as a national officer of the National Association of Professional Insurance Agents. Mr. Spalding also served with distinction a term as President of the association.

Mr. Spalding has distinguished himself throughout his career as a professional insurance agent and he has exhibited only the highest standards of honesty, integrity and professionalism, serving as the President of the Professional Insurance Agents of Michigan.

Jon D. Spalding's tenure as president of PIA National marks the first time in the history of the National Association of Professional Insurance Agents that a father, and then his son, has served as President of the organization. Jon D. Spalding was President of PIA National in 2009–2010; his father, Robert M. Spalding, Sr. served as President of PIA National in 1995–96.

With his years of hard work and dedication Jon D. Spalding has earned the respect and admiration of his many colleagues throughout the insurance industry.

He has embodied the motto of his insurance association, "Local Agents Serving Main Street America." Therefore, I would like to congratulate and commend Jon D. Spalding of Perry, Michigan upon the successful completion of his service as a national officer and as President of the National Association of Professional Insurance Agents.

**NATIONAL DAY FOR THE
REPUBLIC OF CHINA ON TAIWAN**

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. WESTMORELAND. Mr. Speaker, as the Republic of China on Taiwan celebrates the 100th anniversary of their founding, I rise to celebrate their National Day and to commend them for 100 years of progress. As a friend and ally of the United States, the Republic of China on Taiwan is a model for nations around the world: a peaceful and prosperous democracy.

I would like to take a moment and commend the 23 million citizens of Taiwan for their commitment to peace. As a symbol of this commitment, the Republic of China on Taiwan recently melted down artillery shells and used

the metal to construct a "peace bell." Given the many struggles and hardships the people of the Republic of China on Taiwan have faced—and the threats they continue to face—they deserve enormous credit for their sustained desire for peace. We celebrate these efforts to maintain good relations with other countries, and the United States is proud to call the Republic of China on Taiwan a partner in peace.

In closing, I hope my colleagues will join me in thanking President Ma, Vice President Siew, and the people of the Republic of China on Taiwan for their continued commitment to peace on this anniversary of their National Day.

**INTRODUCTION OF THE FAIR AND
EQUITABLE POSTAL SERVICE ACT**

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Ms. MOORE. Mr. Speaker, I am pleased to rise with my colleague from Ohio, MARCIA FUDGE, to introduce the "Fair and Equitable Postal Service Act."

We are all concerned about the fiscal crisis facing the United States Postal Service. This summer, the Postal Service released a list of some 3600 post offices, branches, and stations that are under review for closure or consolidation. According to recent testimony by the Government Accountability Office, as many as 12,000 Postal Service retail facilities may be on the chopping block in the next few years.

While Congress gave the Postal Service authority "to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities . . . as it determines are needed," that same charge also requires that postal services be established "of such character and in such locations, that postal patrons throughout the Nation will . . . have ready access to essential postal service."

The legislation we introduce today would give the Postal Service guidance as it works to balance those obligations in a way that ensures that these closures don't fall on the backs of the most vulnerable. It would require the Postal Service, as it considers closures, to specifically examine the needs and impacts of its closures on low-income, elderly, and other populations that have the least means to access alternatives because of limited transportation options and internet access.

For these populations, their local offices provide a range of services that they simply may not have the resources or ability to access elsewhere. The need for this bill was only reinforced yesterday with the release of a Census Bureau report which found that the poverty rate increased in 2010. There were 46 million people in poverty last year. If you don't have enough money to pay for food and keep the lights on, what are the chances you have the income to pay for broadband to access postal services online?

Further, this legislation would prevent any closures that would have a "disproportionate,

unreasonable, or undue burden on these populations." The impetus for this legislation was the proposal by the Postal Service to close 5 out of the 26 retail facilities in the Milwaukee area. Every one of the facilities under review are located in one portion of the city with high rates of poverty. If approved, these closures would effectively cut off postal services for residents in these communities.

Too often decisions like these are driven by only one consideration: cutting costs. This bill sends a message to the Postal Service that it must consider the challenges faced by these populations when access to postal services is reduced.

The Postal Service is a national service. It's trusted by the American public. It offers services that are a vital lifeline for all Americans at all income levels, ages, and stages in life. Congress mandated a nationwide postal service—not a two-tier system where post offices in high income areas are able to keep their lights on while those in inner-city and rural communities slowly fade away. I urge my colleagues to cosponsor this legislation.

HONORING BECHTEL BWXT IDAHO
LEGACY AT AMWTP

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. SIMPSON. Mr. Speaker, as a representative of Idaho's Second Congressional District and member of the House Energy and Water Development Subcommittee, it gives me great pleasure to recognize Bechtel BWXT Idaho's exemplary eight year legacy at the Advanced Mixed Waste Treatment Project, AMWTP.

Under BBWI's supervision, AMWTP is the United States Department of Energy's most advanced waste treatment facility, safely and compliantly sending more radioactive waste to the DOE Waste Isolation Pilot Plant for permanent disposal than any other site in the DOE Complex.

The excellence of BBWI and its employees shows through numerous awards ranging from the 2005 Department of Energy Electrical Safety Challenge to the multiple National Safety Awards received in 2010. Employees have worked more than 12.4 million hours and 2,839 days without a lost-time injury and have shipped more than 43,718 cubic meters of transuranic, mixed low level, and low level waste.

BBWI is also an active and involved corporate partner to Idaho. Supporting its community through contributions such as civic, cultural arts, and educational organizations, BBWI helps strengthen the fabric of communities and improve the quality of life for Idahoans.

I am proud to represent AMWTP, a leading corporation in Idaho and for other waste treatment sites across the country.

HONORING MR. CLAUDE DOUTHIT
FOR HIS LIFETIME DEDICATION
TO THE NORTH SHORE ROAD
SETTLEMENT

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Mr. Claude Douthit for a life dedicated to helping others in Western North Carolina.

Mr. Claude Douthit, a native of Swain County in Western North Carolina, has dedicated hard work and countless hours into the North Shore Settlement. When the federal government purchased 44,000 acres of North Carolina mountain land and built Fontana Dam on the Little Tennessee River to generate hydroelectric power for the war effort, Mr. Douthit, a Tennessee Valley Authority employee, initially favored the building of the road.

The rising waters of Fontana Lake flooded several small communities, forcing more than 200 families out of their homes expecting the government to follow through on its wartime pledge to build a road they could use to reach abandoned home sites and family cemeteries.

Instead, the government delayed, and thirty years later, only 6.2 miles of pavement and a short tunnel had been built at the eastern tip of Fontana Lake. Convinced that the road would never be finished, Mr. Douthit began working for an alternate solution, a cash settlement for Swain County. In 2000 Mr. Douthit and his wife Jean Douthit helped to organize a group called Citizens for the Economic Future of Swain County, gathering support from a broad coalition of conservationists, parks enthusiasts, environmentalists, public officials, and private organizations.

Mr. Douthit was determined to get a settlement for the county and through his hard work and that of the Citizens for the Economic Future of Swain County, an agreement was finally reached in 2010, with the government agreeing to pay \$52 million to the county. This settlement agreement will guarantee that Swain County has the resources it needs to thrive and grow for decades to come.

It is an honor to represent selfless, hard-working citizens like Mr. Claude Douthit. His devotion to his community is a great source of pride to me and to Western North Carolina. I ask my colleagues to join me today in recognizing Mr. Claude Douthit for his lasting impact on Swain County.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,729,488,947,751.89.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,091,063,201,458.09 since then. This

debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO THE HONORABLE
RICHARD BERDNIK

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the achievements of an outstanding individual, Sheriff Richard Berdnik, who will be recognized by the Central of Polish Organizations of Passaic, Clifton and Vicinity on Saturday, September 17, 2011. Sheriff Berdnik has been selected as the Continent's 2011 Marshal and will lead them in the 74th Annual General Kazimierz Pulaski Memorial Parade in New York City on Sunday, October 2, 2011.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known. Richard has been a true public servant, one whose commitment to excellence and integrity has helped to enhance and protect countless lives.

Richard is the son of Bernice and Basil Berdnik, Polish immigrants who endured the hardship of Stalin's gulags. He is a graduate of both the New Jersey State Police Academy and the prestigious National Academy of the FBI.

Sheriff Berdnik's bravery and involvement in the community make him an esteemed individual among his colleagues as well as the citizens he serves. He has been honored with a number of awards; among them The Meritorious Service Medal he received for his quick and efficient response in apprehending criminals. He is also a "Life Saving" Medal recipient, having saved the lives of an elderly person and a child from a burning house.

Sheriff Berdnik is a member of several professional associations, including the FBI National Academy Associates, the New Jersey Honor Legion of Decorated Officers, the Clifton PBA Local 36 and the Passaic County Chiefs of Police Association.

Sheriff Berdnik served as a Police Officer in the City of Clifton for almost 30 years. The knowledge and experience he has acquired has made him not only a great officer, but an outstanding role model to younger police officers. It is his commitment, dedication and ambition that helped him rise through the ranks of the Clifton Police Dept. These same characteristics are what led to his selection as a candidate and his election to the office of Passaic County Sheriff in the November of 2010.

As Sheriff, Richard has been a loyal and energetic leader, and has displayed wisdom and courage in situations requiring strong direction. Sheriff Berdnik demonstrated his leadership during the floods of Hurricane Irene and Tropical Storm Lee. He made Passaic County proud when he recently testified in front of the House Committee on Homeland Security about the need for comprehensive legislation to combat the threat from weapons of mass destruction (WMD).

More than just being a valued leader in the community and honorable public official, he is

a beloved husband and father. Richard and his wife, Monica, have been married for over 25 years and have four children: sons, Ryan and Kevin and daughters, Ashley and Alyssa. Ashley is also being honored by the same organization as their Miss Polonia 2011. The Berdnik Family has consistently displayed some of the highest American ideals, among which are courage, determination, and integrity, and I trust he will continue that legacy.

Though the job of a United States Congressman involves much that is rewarding, few experiences compare to meeting, working with and having the honor of recognizing the impressive accomplishments of individuals like Sheriff Richard Berdnik.

Mr. Speaker, I ask that you join our colleagues, the Central of Polish Organizations, the County of Passaic, the Berdnik family, Richard's colleagues and friends in celebrating the great achievements of my friend, Sheriff Richard Berdnik; recognized tonight for his leadership, his loyal service to the public and his celebration of his heritage.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. NADLER. Mr. Speaker, I was unable to be in Washington, DC on September 12, 2011 and September 14–15, 2011. Had I been present, I would have voted "aye" on rollcall vote No. 699, the Investigative Assistance for Violent Crimes Act; "aye" on rollcall vote No. 700, the Appeal Time Clarification Act of 2011; "aye" on rollcall vote No. 701, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports; "no" on rollcall vote No. 706, relating to the disapproval of the President's exercise of authority to increase the debt limit; "no" on rollcall vote No. 707, on ordering the previous question on the rule for H.R. 2587; "no" on rollcall vote No. 708, the rule providing for consideration of H.R. 2587; "aye" on rollcall vote No. 709, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011; "aye" on rollcall vote No. 710, the motion to recommit H.R. 2587; "no" on rollcall vote No. 711, final passage of the Protecting Jobs from Government Interference Act.

100TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA (TAIWAN)

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, on this 100th anniversary of the founding of the Republic of China (Taiwan), I wish to extend my best wishes to our Taiwanese friends.

Taiwan's continued success and growth into one of the world's most vibrant democracies

despite tremendous adversity is a testament to the skill of its leadership and the resolve of its people. Due credit must be given to President Ma Ying-Jeou for his tenacity in advancing the cause of peace in the Asia Pacific region.

It is my greatest hope that Taiwan and its neighbors, in particular the People's Republic of China, will continue to deepen cultural and economic ties to promote lasting peace in the region and in the world.

TAIWAN'S 100TH ANNIVERSARY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, 100 years ago on October 10, Sun Yat-sen, a Chinese doctor, led his people to overthrow the dynastic rule that governed his people for many centuries.

We have celebrated his achievements and his advocacy of his three principles of the people: Nationalism, Democracy, and the People's Livelihood.

Today, these three principles have been the legacy of Taiwan's President, Ma Ying-jeou, playing an integral role in making the Republic of China (Taiwan) a vibrant democracy and a leading force in today's international community.

We congratulate Taiwan on the historic celebration of their 100th anniversary.

HONORING THE GROUNDBREAKING OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS' CHAPEL IN CAMDEN, NJ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Church of Jesus Christ of Latter-day Saints in New Jersey on the occasion of the groundbreaking ceremony for their house of worship. This new building, located in the heart of Camden, will be a welcoming sanctuary, serving the needs of the people of Pennsauken and the City of Camden. Services will be open to the community and bilingual.

The history of the Church of Jesus Christ of Latter-day Saints in New Jersey dates back to the Church's founder, Joseph Smith Jr., who preached here. In 1944, the Church first established a congregation in Camden, where Church members from all over South Jersey gathered to worship. Over the years the Church has grown to fifteen congregations in South Jersey, including two in Camden alone. Members have met in various buildings throughout Camden and in neighboring towns.

This building represents economic opportunity and investment in the City of Camden, as well as spiritual and personal growth for the community members. The chapel will be a gathering place for prayer, study, and service. I hope that this chapel will inspire further de-

velopment in Camden and that its congregants will continue their good deeds in the region.

Mr. Speaker, the Church of Jesus Christ of Latter-day Saints' commitment to the betterment of the City of Camden should not go unrecognized. I commend them for their hard work within the South Jersey community and congratulate them on the occasion of the groundbreaking of their new chapel.

EXPRESSING RESPECT FOR THE DIGNITY OF ALL WORK AND ALL WORKERS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. INSLEE. Mr. Speaker, in the 1930s, as Americans slowly walked the road to recovery and rebuilt a country ravaged by the Great Depression, workers sought security and stability and unified representation. The National Labor Relations Act outlined the rights of both workers and employers and put forward rules to bring fairness to the union election process. Project labor agreements were established, and the Davis-Bacon Act created prevailing wage requirements. All this in a country still living in the shadow of the largest economic collapse the world had ever known. Our economy rebounded, and the middle class flourished. American manufacturing set the global standard, and much of the work was done by workers who enjoyed the right to collectively bargain with their employer. Our country respected the dignity of all work, and all workers.

Now, in the wake of the worst recession of our lifetime, some leaders appear to be trying to pull the rug from underneath working families who are already on the floor. We have witnessed attacks on collective bargaining rights in the state legislatures of Wisconsin and Ohio, and the repeated attempts of Congress to erode workers' rights. From repealing Davis-Bacon wage requirements to ending the power of regulators to enforce existing labor law, the same workers who made this the wealthiest country on the planet are now at times disparaged and denigrated by some rather than being protected and praised. Workers exercising their right to bargain collectively did not bring us to the brink of another Great Depression. Project labor agreements didn't cause our housing market to collapse. Prevailing wage requirements aren't causing our community banks to fail.

Rather, the protection of workers' rights, such as collective bargaining, has helped to create a strong American middle class, which has in turn spurred the growth of the U.S. economy. Collective bargaining is just that, bargaining. Protecting the rights of employees does not mean handicapping employers, it means respecting the dignity of all work, and all workers. As our country continues to walk the road to recovery, we should be mindful of this example, and we should respect the dignity of the workers who will take us there.

CONGRATULATING CHICAGO IRON & SUPPLIES, INC., AS THE ASHLAND AREA DEVELOPMENT CORPORATION'S 2011 BUSINESS OF THE YEAR

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. DUFFY. Mr. Speaker, I rise today to congratulate Chicago Iron & Supplies, Inc., from my hometown of Ashland, Wisconsin, for being named the 2011 Business of the Year by the Ashland Area Development Corporation.

From what began as a small five-person fur, animal and metals business in the late 19th Century, Chicago Iron & Supplies has transformed into the successful metal company it is today. The Orensten family purchased Chicago Iron in 1957, and their hard work and entrepreneurial spirit is a living example of the American Dream.

Small businesses, like Chicago Iron, are the drivers of our economy and their success is fuel to the economic engine of local communities. For over 50 years, Chicago Iron has been an exemplary small business whose success extends throughout Ashland, creating jobs and work for other local businesses.

Over the last half century, the Orensten family has not only invested in their business, but they have also invested greatly in the community of Ashland. It is my hope that the Orensten family and Chicago Iron & Supplies find continued success for many years to come.

HONORING THE BRAVERY AND
HEROIC DEEDS OF IGOR TOBAS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the heroic deeds of a young man from Memphis, Tennessee whose quick thinking and courage helped save the life of a child caught in an unfortunate accident. Igor Tobas, 21, was working as a valet at Elfo Grisanti's restaurant on September 10th when he was alarmed by the sounds of a child screaming in agony. Igor quickly rushed to the scene to find that Caleb Roedel, 15, had sustained a severed leg from the knee down after his leg became trapped underneath a slow moving train. Tobas, without delay, tied his belt around Caleb's leg to prevent him from losing blood and he continued to apply pressure to the wound until paramedics arrived on the scene.

The paramedics continued to use Igor's belt until they were able to airlift the child to a local hospital. If it were not for the quick thinking and heroic act of Igor Tobas, Caleb Roedel would possibly not be alive today.

What makes this event so remarkable is not only the quick thinking of Igor but the fact that he does not consider himself to be a hero. When asked about the event, Igor responded by saying that he only did what he could since

no one on the scene knew what to do. Even more remarkable, Tobas returned to work after the event even though his arms were still covered in blood after saving a child's life. His boss, Mr. Grisanti, said of Tobas, "the world needs more people like him."

Mr. Speaker, I ask all of my colleagues to join me in honoring the brave actions of Igor Tobas. His actions clearly show that anyone can perform acts of heroism if they simply choose to engage in service to their fellow citizens, regardless of the situation. While Mr. Tobas does not consider himself to be a hero, I think that the family of Caleb Roedel and citizens of Memphis surely do. Thank you, Igor Tobas, for your courage and commitment to protecting the life of a fellow citizen. It is my sincere hope that we can all find it in our hearts to follow your example in the future.

SOUTH ALABAMA HONOR FLIGHT
SIX ARRIVES IN WASHINGTON, DC

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. BONNER. Mr. Speaker, it is with great pride that I recognize Honor Flight South Alabama and the World War II veterans this very special organization is bringing on its sixth flight to Washington, DC on September 21, 2011.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from southwest Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. armed forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say "thank you," yet for those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

This Honor Flight begins at dawn when the veterans will gather at historic Fort Whiting in Mobile and travel to Mobile Regional Airport to board a chartered flight to Washington. During their time in their nation's capital, the veterans will visit the World War II Memorial, Arlington National Cemetery, and other memorials.

The veterans will return to Mobile Regional Airport that evening, where some 1,000 people are expected to greet them.

Mr. Speaker, the September 21, 2011, journey of heroes from South Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II—for they collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedoms we enjoy.

I salute each of the veterans who made the trip to Washington. May we never forget their

valiant deeds and tremendous sacrifices: Clinton Ames, Jr., Curtis Avinger, Robert Bagwell, Elwood Barden, Jack Bayuk, Sidney Biehl, Clarence Blocker, Byron Bower, James Boykin, Donald Brassfield, Robert Brown, James Butcher, John Butt, Leon Cain, Sr., Leo Cain, Sr., Arlee Carmichael, Alfred Chance, John Courtney, Jr., James Crocker, Joseph Croom, John Cunningham, Dr. George Dacovich, Sr., Robert Denniston, Glenn DePorter, Murray Driskell, James Dyess, Sr., James Edwards, Roy Eveland, Wilbur Ferguson, Vaughn Frederick, Dorothy Frost, Edward Gilbert, Jr., Sidney Gillikin, Bobby Graham, William Grimes, Joseph Hanson, George Harrison, Richard Howser, Gary Hunter, Morris Jackson, William Jenkins, Joseph Kress, Phillip Laden, Peter Leonardis, Roger Lewis, Harlan Mahan, Annie Mathews, Joseph Maury, James McArthur, Hezzie McCaughn, Joseph McCorquodale, Lee McCurley, Grover McLwain, Alney McLean, Alfred Meadows, Jr., Mary Moebius, George Moody, Leon Mote, Warren Nelson, Lionel Noonan, Charles Odom, William Olsen, Sr., Robert Ownby, Hurshel Paul, Walter Pawlak, Hilton Peyregne, Frank Phillips, Jim Rainer, Jefferson Ratcliffe, Sr., Willard Ready, J.C. Reed, William Ross, Wayne Roth, James Santa Cruz, Raymond Scott, James Smith, Jerry Stastka, John Taylor, Thomas Turk, Florian Turla, Clyde Ussery, Alfred Webb, George Weldon, James Wicks, Leroy Williams, James Wright, and Harvey Younce.

RECOGNIZING MOVEMENT IS LIFE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. FATTAH. Mr. Speaker, I rise today to recognize the 2011 National Caucus on Arthritis and Musculoskeletal Health Disparities and Movement is Life. This body may not know that arthritis is the number one cause of disability in the United States, according to the Centers for Disease Control and Prevention (CDC), affecting 46 million Americans, and costs the U.S. economy \$128 billion annually in medical costs and lost wages. The burden of arthritis falls more acutely on some members of our population, and African Americans and Latinos, and women of all backgrounds, face more severe osteoarthritis and disability, yet receive less than optimal access to diagnostic, medical, and surgical intervention than do other groups.

Additionally, there is a lack of awareness about the connection between musculoskeletal health disparities, increasing physical inactivity levels, and disparities in chronic diseases such as diabetes, obesity, and heart disease among women, African-Americans and Latinos. The Movement is Life Work Group Caucus has been established, and the second annual meeting is currently underway in Washington, D.C., to develop action plans aimed at reducing musculoskeletal health disparities. By promoting early intervention, the Caucus seeks to slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement

in order to improve the health of those currently disadvantaged as well as the overall health of the nation.

I was introduced to the Movement is Life initiative by its co-chair Dr. Ibrahim; a Core Investigator with the VA Center for Health Equity Research and Promotion, Chief of Medicine at the Philadelphia Medical Center, and Professor and Vice Chair of Medicine at the University of Pennsylvania Perelman School of Medicine. His work on understanding and intervening on racial disparity in access and utilization of joint replacement in the management of knee/hip osteoarthritis provides a national model for advancing health disparities research from first-generation studies that detected disparities in care, to second-generation studies exploring the reasons for these disparities, to the first-ever third-generation intervention trial to reduce well-documented disparity.

I commend Dr. Ibrahim and Movement is Life on their second annual meeting, and for their efforts in creating a dialogue which draws attention to these health disparities that continue to impact our national economy and many lives around the country. I strongly encourage all to discuss musculoskeletal issues with their doctors and to participate in physical activity and daily movement in order to limit the exasperation of related chronic diseases and lead an independent, productive, and healthy lifestyle.

IN HONOR OF THE NEW YORK CITY STREET RENAMING OF EAST 111TH STREET, BETWEEN 1ST AVENUE AND FRANKLIN D. ROOSEVELT DRIVE AS PHILIP REED WAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the New York City street renaming of East 111th Street, between 1st Avenue and Franklin D. Roosevelt East River Drive after my beloved friend, political ally, and the late former New York City Council Member Philip Reed. Elected in 1997, Phil represented East Harlem and Manhattan Valley, and parts of the Upper West Side and the South Bronx. He left office in 2005, unable to seek re-election to a third term because of term limits. He was a Democrat, and the first openly gay black member of the City Council. Phil passed away on November 6, 2008, two days after fulfilling his last wish to vote for and witness the election of Barack H. Obama as President of the United States of America.

Born on Feb. 21, 1949, Philip Reed, a New York native, was the son of a black father and a white mother. He and a twin sister, Elinor, were raised by their mother and stepfather, both white, in an upper-middle-class Manhattan world of civil rights activism, prep schools, and Martha's Vineyard. Phil dropped out of Ohio Wesleyan University and received conscientious objector status during the Vietnam War.

Philip Reed began his activism, participating in the Civil Rights Movement, the Free Speech

Movement, and the Vietnam War protests, as a student and tennis athlete. He took part in civil disobedience at the University of California, Berkeley Campus in Oakland and was arrested. He later became a leader in the Gay Rights Movement and was one of the legendary participants of the Stonewall Riots, which were a series of spontaneous, violent demonstrations against a police raid that took place in the early morning hours of June 28, 1969, at the Stonewall Inn, in the Greenwich Village neighborhood of New York City.

As a local community activist, Phil worked with Central Park West North Block Association, Community Board 7 and the NYPD to rid Central Park North and the surrounding Manhattan Valley neighborhood of drugs, crack cocaine, trafficking and prostitution. He challenged the Community Board and Borough Presidents to bring issues that are more diverse to the board, and increase the number of minority appointments to the Community Board. As a Democratic District Leader, Phil helped to make Three Parks Independent Democratic Club one of the largest and most diverse productive Independent Democratic clubs on the upper West Side Manhattan Valley and city of New York.

As a New York City Councilman, Phil Reed is responsible for authoring and passing historic legislation to ban racial and religious profiling in New York City, the use of cell phones in places of public performances, and predatory lending. As Chair of Consumer Affairs, he created identity theft legislation to protect all New Yorkers and sought to reform and increase vendor licenses for all potential entrepreneurs living in the city. As a member of the Aging Committee, he directed funding to purchase vans, upgrade kitchens and food pantries for senior centers and programs. He renovated libraries to include air conditioning and fought for and secured funding to preserve and expand El Museo Del Barrio, the Metropolitan Museum of Art, and the Museum of the City of New York, which Mayor Giuliani tried to relocate to the Tweed Building in lower Manhattan.

He created cultural pathways along the East 103rd Street Corridor, installed new historic street lamps and poles, planted trees and installed tree guards along the East 116th Street, West 106th Street, East 138th Street and East 106th Street corridors. He led, managed and funded the Frederick Douglass Memorial Circle and West 110th Street Gateway Project and directed funding that increased the number of police emergency call boxes throughout the northern end of Central Park. He funded new technology for computers and science labs for public schools throughout the entire district.

As Member of the Health Committee he protected and preserved HIV/AIDS funding from cuts and made sure those funds were distributed to the areas and agencies in the field that did the work and outreach. He kept the Health Department from closing the 115th Street Community Health Office and dental clinic in East Harlem. He organized one of the largest coalitions to fight against the redevelopment of the 100th Street Bus Depot, and even though the community lost that fight, he made the MTA spend an additional 15 million dollars to add a roof and state of the air ventilation sys-

tem to enclose and protect asthmatics from diesel fuel exposure. Because of that coalition's fight, the MTA purchased a record number of clean air and hybrid buses. He re-established and nurtured the East Harlem Asthma Working Group and at the urging of Senator Hillary Clinton in 2003, the group held New York City's First Annual Asthma March. Phil's annual asthma symposiums were effective and known throughout the city.

Phil will be greatly remembered for his work to improve, create and refurbish open space and directed most of his capital dollar allotments to the restoration and creation of parks and playgrounds throughout the Eight Council District and beyond, including Hudson River Park, Riverside Park Ball Fields and the Frederick Douglass Memorial Circle. Phil funded a nature pathway boardwalk and bridge on Randall's Island, and today thousands and thousands of public school children from East Harlem and beyond are learning hands-on about nature and their environment through programming through the Randall's Island Sports Foundation.

Parks funded by Philip Reed: Peoples Park and Playground (Mon Haven), Brook Park (Mott Haven), Millbrook Playground (Mott Haven), Happy Warrior Park and Playground (Manhattan Valley), Frederick Douglass Ball Field, Playground and Pool (Manhattan Valley), Riverside Ball Fields (Manhattan Valley/Upper West Side), Broadway Malls & Water Truck (Manhattan Valley/Upper West Side), Booker T. Washington Playground (Manhattan Valley), Thomas Jefferson Ball Fields and Recreation Center (East Harlem), Robert McNair Park and Playground (East Harlem), Central Park Zoo & Tiger Bathrooms (Central Park), Wagner Houses Playground (East Harlem), East 103rd Street Community Garden (East Harlem), 97th Street Park Avenue Mall (East Harlem), Randall's Island's Nature Boardwalk and Pedestrian Bridge (Randall's Island/Ward Island).

Mr. Speaker, please join me, the city of New York and a very grateful Nation as we celebrate the legacy of a true American hero by the street renaming of East 111th Street, between 1st Avenue and Franklin D. Roosevelt East River Drive as "Philip Reed Way."

IN RECOGNITION OF THE SERVICE AND RETIREMENT OF ELIZABETH "LIZ" DECKER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to recognize the service of a longtime public servant, Mrs. Liz Decker, to Alabama's Third Congressional District.

Liz will retire on September 30, 2011. After working as a packer and fine threads spinner at the Blue Mountain Cotton Mill in Anniston, Alabama, Liz became the church secretary at Gladeview Baptist Church in 1973. In 1977, she worked as an assistant to the Calhoun County Superintendent of Education and in 1981 began her Federal service by working for

former Third District Congressman Bill Nichols who served in Congress from 1967 until he passed away in 1988. Since then, Liz has continued working for the Third Congressional District for three more Representatives, including Congressman Glen Browder, Congressman Bob Riley and now in my office. In addition, Liz also was elected to the Board of the Calhoun County Board of Education for two six-year terms. Liz is married to Ronald Decker.

Liz has served countless East Alabamians through the years, assisting them with any number of concerns they may have had, from the grants process to casework focusing on immigration and Social Security. She is known as a kind and genuine public servant, and a joy to have in the Third District family. She will be missed. Thank you, Liz, for your service to the people of the Third District. On behalf of so many East Alabamians you have helped, we wish you well and congratulate you on your retirement.

THE END OF DON'T ASK, DON'T
TELL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. BLUMENAUER. Mr. Speaker, today, we move one step closer towards full equality by ending the immoral and irresponsible practice of discriminating against courageous Americans who want to serve their country. I am proud to have voted again and again for Don't Ask Don't Tell's repeal because I know—and the military has told us—that ending this policy will strengthen our armed forces.

A comprehensive report from the Defense Department found that of the 400,000 service members and 150,000 military spouses, 70 percent of military personnel thought the repeal would be positive, mixed, or no consequence. This is a remarkable finding, and makes the policy seem all the more indefensible for the more than 14,000 service members who have been discharged.

Brave Americans have served and sacrificed in silence for years while the military enforced a discriminatory and harmful policy. Today this policy is officially a thing of the past, a relic of a different time.

The road to equality is long, winding, and will have many bumps along the way. Today, I have the 14,000 discharged service members in my thoughts as we celebrate the end of an era of discrimination. Tomorrow, we will get back to work, fighting for the Employment and Student Non Discrimination Acts, the Safe Schools Improvement Act, and the Respect for Marriage Act that will overturn DOMA.

CELEBRATING THE 25TH ANNIVERSARY OF WHCR 90.3 FM PUBLIC ACCESS RADIO, "THE VOICE OF HARLEM"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. RANGEL. Mr. Speaker, I rise with great jubilation to recognize the WHCR 90.3 FM Public Radio Station, also known as The Voice of Harlem, to recognize the station's twenty-five years of broadcasting in New York City. As I speak with profound elation, I ascend to celebrate the hard work and devout effort of WHCR and the amazing people who have contributed to its success all these years and have truly made it Harlem's Voice. WHCR will commemorate their twenty-five years of broadcasting on Friday, September 16, 2011 at the prestigious Aaron Davis Hall.

In my community of Harlem, WHCR is well known for its service as a non-commercial public radio station. Owned and operated by the City College of New York, WHCR gives both City College students and community members the skills to host and produce music and talk shows. The station seeks to empower its listeners by providing informative, educational and cultural programming that speaks to the diverse populations of Harlem, Upper Manhattan and some sections of the Bronx, Queens, and New Jersey.

People around the world can listen to and watch programming on WHCR online. WHCR offers a mixture of music and talk programming and has 20,000 terrestrial, Internet listeners weekly, and 8,000 Internet viewers. The station has served for twenty-five years as the voice of a community that is greatly underserved by the mainstream media.

On-air personality Dee Ramey, the host and producer of the "I Love Jazz!" show on WHCR, is one of those amazing people who have contributed so much. Her show's mission is to drive demand for jazz music, serve as a cultural resource, and connect an increased number of musicians, music presenters, and listeners to community radio, by providing entertainment and information to the growing listenership of WHCR jazz shows. Her valiant efforts have created a new generation of jazz and music connoisseurs in Harlem.

Dee took the initiative to create the first annual "I Love Jazz" Fan Award in an effort to further promote music and the arts throughout the greater community of Harlem. It is my honor and privilege to present this year's "I Love Jazz" award on behalf of my colleagues in the United States Congress to Kevin Walters, the owner of "Creole Supper Club," located in my District in East Harlem. Kevin is a New Yorker at heart with a strong passion for fine music and art and truly deserving of this recognition.

Dee Ramey's "I Love Jazz" radio show airs biweekly on Wednesdays from 6 pm–8 pm and offers an eclectic mix of musical styles. The show unleashes the passion of the jazz fan by inviting individuals to spread their love for jazz through sharing their personal experiences, favorite music, and unique insight into the world of jazz. Interviews with prominent

artists and jazz luminaries are a feature on the show, and to name just a few, have included Gracie Tate, Jimmy Heath, Jimmy Scott, Gloria Lynne, Nat Hentoff, Melba Moore, Thelonious Monk, Jr., Wycliffe Gordon, George Gee, Bobby Sanabria, Loren Schoenberg, Billy Mitchell (Mr. Apollo), and Camille Yarbrough.

Mr. Speaker, I urge my colleagues to join me in saluting WHCR 90.3 FM Public Access Radio, on their 25th anniversary.

TRIBUTE TO THE DIXIE BOYS
BASEBALL TEAM OF BRUNSWICK
COUNTY, NORTH CAROLINA

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. MCINTYRE. Mr. Speaker, it is my great pleasure to rise today to recognize the Dixie Boys baseball team of Brunswick County, North Carolina, for being named National Champions of the 2011 Dixie Boys World Series.

This year, the Brunswick County team won every match against the other states without losing a single game. The team went on to win the 2011 Dixie Youth World Series held in Beaufort, South Carolina, earning the title of National Champions on August 3, 2011. This is the fourth time that a North Carolina team has earned this title since 1956.

In a true feat of excellence, the team from Brunswick scored 80 runs during its seven games, and failed to score in the double digits in only two of those seven games. As a team, Brunswick County had a strong batting average of .450, with team member Kevon Perkins leading with an astounding .750 average. With an outstanding number of 80 runs, this team truly deserves acclaim for their remarkable accomplishment in the Dixie Boys World Series.

This was Brunswick County's third consecutive year as North Carolina's representing team for the Dixie Boys World Series. The Brunswick County Team went undefeated for its seven games of play, and showcased an unwavering mental and physical tenacity throughout the Dixie Boys championship. This is especially true for their victory over the reigning champion of the Dixie Boys championship, the same team which defeated North Carolina in the past championship game of two years ago.

As founder of the Congressional Caucus on Youth Sports, and also as both a long-time little league coach and one who grew up playing baseball in, as well as a charter member of a youth baseball organization, I appreciate the dedication, determination, and teamwork that earned these players the esteemed title of National Champions.

Mr. Speaker, the members of the Brunswick County baseball team deserve acclaim for their skill as well as for being outstanding ambassadors of Southeastern North Carolina, and the State of North Carolina. Their names are Gray Cheers, Dylan Howard, Shakeem Graham, Chris Graham, Hunter Price, Justin Wittkowsky, Kevon Perkins, Blain Hollis, Randy Mac Clark, Jerry Martin, Shelton Perkins, Garrett Scoggins and Dylan Darguzas. Coaches

were Bobby Scoggins, Randy Fennell and Jeffrey Hollis.

Mr. Speaker, I wish to honor and acknowledge accomplishments of not only the Brunswick County team, but also the parents, relatives and citizens who were so supportive of their children's efforts throughout this championship season. Of equal mention are the coaches and assistant coaches who were instrumental in guiding the team to becoming champions of the Dixie Boys World Series; without these coaches, victory would not have been possible.

Mr. Speaker, I urge my colleagues to join me in congratulating the Brunswick County Dixie Boys World Series Championship team and wishing them the very best in all of their future endeavors.

IN RECOGNITION OF THE NAACP
MID-MANHATTAN BRANCH 45TH
ANNIVERSARY OF ITS FOUNDING
CHARTER AND IN CELEBRATION
OF THEIR 10TH ANNUAL FREE-
DOM FUND ROY WILKINS AWARD
LUNCHEON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the National Association for the Advancement of Colored People (NAACP) Mid-Manhattan Branch's 45th Anniversary as they celebrate their 10th Annual Freedom Fund Roy Wilkins Award Luncheon on Saturday, September 17 at the elegant Marina del Rey in the Bronx, New York.

In the mid 1960's a group of citizens, concerned that there was no NAACP Branch in the Mid-Manhattan area, met for several months to plan a branch. Over 500 letters co-signed by Roy Wilkins and Ralph Bunche, invited hopefully interested residents to a meeting at Freedom House (120 Wall Street, New York, NY). The meeting began the enrollment of members that continued until the 50-membership requirement for the Charter was obtained. On June 8, 1966, The Mid-Manhattan Branch received its Charter from the National Office of the NAACP.

Among those playing a key role in securing the Charter were Tom Allen, Harold Bailer, Gloster Current, Max Delson, Shirley Stewart Farmer, Bernard Leannan, Stanley Lowell, Morris Milgram, Bill Morrison, Frederick O'Neal, Betty Stebman and Roy Wilkins. In 1973, branch members agreed that a building was needed to maximize the services to the community. On May 25, 1978, Roy Wilkins and Benjamin Hooks dedicated the Roy Wilkins Center Building in a special ceremony.

For forty-five years, the Mid-Manhattan Branch has been an advocate for all its citizens in the struggle for civil rights and equality in playing an active role in confronting the gaps and disparities in healthcare, economics and education funding.

Today, under the leadership of Branch President Geoffrey E. Eaton, the Mid-Manhattan Branch has over 760 members, with ten working Committees—Act-So, Criminal Jus-

tice, Civic Engagement, Education, Fund-raising, Health, Housing, Membership, Veteran Affairs and Youth Council. The NAACP, under the leadership of our Chairman Roslyn M. Brock, and President Benjamin Todd Jealous is more diverse and more active than before and the Mid-Manhattan Branch continues to be actively and directly involved with voter education, registration and mobilization, as well as youth development and enrichment programs like mentoring and mentorship.

The Mid-Manhattan Branch has brought their informative General Membership meetings closer to the community and to the public at large and are broadcast monthly on Manhattan Neighborhood Network Cable Television (MNN). This year, they held their second annual Criminal Justice forum featuring the U.S. Secret Service, FBI, DEA, ATF, U.S. Marshall Service, NYPD, featuring the role of women in law enforcement at Wadleigh School for the Performing Arts. They are empowering more parents on issues of education and focusing more time on HIV/AIDS Awareness, Obesity and other health concerns. At the 102nd National Convention in Los Angeles, Mid-Manhattan took 2nd Place in the Thalheimer Award competition.

Mr. Speaker, I ask all of my colleagues to join me in saluting all the officers, executive committee and members of the NAACP Mid-Manhattan Branch as they celebrate their 45th Anniversary of their founding Charter and 10th Annual Freedom Fund Roy Wilkins Award Luncheon.

COMMEMORATION OF TAIWAN'S
100TH ANNIVERSARY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Ms. FOXX. Mr. Speaker, one hundred years is a long time. Much has happened in these last 100 years since a group of Chinese people, led by Sun Yat-sen, threw off the yoke of warlords and emperors to become the Republic of China (Taiwan).

China has a long history as one of the earliest centers of human civilization. It brought us the invention of paper, the written word and so many scientific developments, but it is during these last 100 years that we have seen the great progress of Taiwan developing into one of the strongest democracies in the world.

We congratulate Taiwan on its 100th anniversary and for its role in shaping the destiny of its people. We look forward to continuing Taiwan's partnership with the United States through the Taiwan Relations Act in promoting peace and progress for humanity.

THE ALAMO: THE THERMOPYLAE
OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. POE of Texas. Mr. Speaker, a plaque on the Alamo wall states: "The Alamo: The

Thermopylae of Texas." The Alamo is a tribute to all those that are defiant against any form of tyranny. It is important for us to recognize all those that sacrificed for freedom, yesterday, today, and tomorrow. Remember who we are and what we stand for. This week, we "Remember the Alamo."

One hundred seventy-five years ago, 187 freedom fighters started assembling in an old beat-up mission in San Antonio. Juan Seguin and his company of Tejanos, rode into the Alamo and readied for battle alongside William Barrett Travis, Jim Bowie, and Davy Crockett. This rag-tag group of relentless patriots, made up of men from nearly every State in the Union and 13 foreign countries, including Mexico, readied for one of the most storied battles in our history.

Outnumbered by an overwhelming Mexican army, these Texas warriors knew that surrender was not an option. Retreat was never on the table. Victory or death.

On February 23, 1836, Santa Ana's army of 1,500 well armed troops unleashed on the defenders of the Alamo. During the siege, Travis sent out his famous call for reinforcements. Juan Seguin was the last messenger to leave, riding though enemy lines carrying the final message from the beleaguered mission. Unfortunately, the call for help was not answered in time. On March 6, 1836, Travis and 187 volunteers sacrificed their lives on the altar of freedom after thirteen glorious days at the Alamo.

It was at his final battle that my favorite Texas war hero, William Barrett Travis, penned the most famous letter in Texas history. From behind the walls of a besieged run-down mission in San Antonio, Travis wrote:

To the people of Texas and all Americans in the world, fellow citizens and compatriots, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man.

The enemy has demanded surrender at its discretion. Otherwise, the fort will be put to the sword. I have answered that demand with a cannon shot. And the flag still waves proudly over the north wall.

I shall never surrender or retreat. I call upon you, in the name of liberty and patriotism and everything dear to the American character, to come to my aid with all dispatch.

If this call is neglected, I am determined to sustain myself for as long as possible, die like a soldier who never forgets what is due his honor and that of his country. Victory or death.

I could read this over and over. As a child, I was so intrigued by this letter. I would always be the first in my class to volunteer to play Travis at any given opportunity, if only just to read his words aloud. To me, he was the ultimate hero.

History teaches us everything we need to know, if we just look. This letter was written nearly two centuries ago and its message still rings true today. It's a story of "liberty and patriotism and everything dear to the American character." Freedom is still worth dying for. And to do so as a soldier, "is what is due his honor and that of his country."

Travis believed these words wholeheartedly. He believed that the cause for independence was worth his life. Our freedom

fighters today understand these words as well, they know that America is worth fighting for and that defeat is not an option.

When I visit our troops over in Iraq and Afghanistan, the Texas boys, and gals, are easy to spot. They usually have a Texas flag flying on their humvee. (I have even seen one on a tank.) My personal favorite is the "Don't Mess with Texas" bumper sticker. And when you meet these modern-day freemom fighters, you know that no truer words have ever been spoken. There's just something about a Texas warrior.

As we continue to celebrate the 175th anniversary of Texas Independence this year, I will take a look back at those that put it all on the line for freedom. As much as some things change, the most important, thankfully stays the same. A century and half later, that same dogged determination that filled that little Spanish Mission is what continues to set us apart from all the rest. "God and Texas."—William Barrett Travis.

And that's just the way it is.

**HONORING DIONNE WARWICK ON
HER 50TH ANNIVERSARY IN THE
RECORDING INDUSTRY**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. RANGEL. Mr. Speaker, today I rise in recognition of my good friend and outstanding recording artist Dionne Warwick as she proudly celebrates her 50th year in the recording industry.

M. Dionne Warwick has, over an illustrious four-decade career, established herself as an international musical legend. Her reputation as a hit maker has been firmly etched into public consciousness, thanks to nearly 60 charted hits since "Don't Make Me Over" began its climb up the charts in December 1962. As a performer, she has charmed and entertained audiences on every continent, amassing a worldwide audience. Dionne received her first Grammy Award in 1968, and in doing so became the first African-American solo female artist of her generation to win the prestigious award for Best Contemporary Female Vocal Performance.

In recent years, Dionne's pioneering efforts have focused on leading the music industry in the fight against AIDS. Her Grammy-winning, chart topping, single "That's What Friends Are For," lead the way by raising, literally, millions of dollars for AIDS research. Throughout the world, Dionne has devoted countless hours to a wide range of humanitarian causes, serving as the U.S. Ambassador for Health throughout the Eighties. In 2002, she was named a global Ambassador for the United Nations' Food and Agriculture Organization. Dionne has spearheaded the long overdue development and production of a history book that will detail African and African-American history for use in schools, libraries, and bookstores throughout the world. She continues her work as a socially conscious and concerned global citizen.

Mr. Speaker, I ask that you and my fellow colleagues join me in celebration for such a national icon. With such a legacy of accomplishments and achievements, there is no question on how she has lasted over 50 years in the music business. As she looks forward to another decade of great music, nothing seems impossible to Dionne, a woman who has inspired and empowered millions through her music, her performances, and her work as a humanitarian.

**RECOGNIZING NATIONAL DAY FOR
THE REPUBLIC OF CHINA ON
TAIWAN**

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. LONG. Mr. Speaker, I rise today to honor the people and leaders of the Republic of China on Taiwan as their day of National Celebration, October 10, 2011, approaches. This special day recognizes the founding of the country and this year the anniversary is especially powerful as October 10, 2011 marks the end of a "Spectacular Century" and the beginning of another great century for the Republic of China.

I would like to highlight the economic success of the Republic of China on Taiwan over the last century, a success which has rightly been called a miracle. Beginning with very little economic activity just a few decades ago, the Republic of China on Taiwan now has a dynamic economy which is the envy of the world. Moreover, Taiwan has been a fair trading partner; while total trade with the United States reached an all-time high in 2010, almost half of this trade total, \$251 billion, was due to the Republic of China importing goods from the United States. In fact, U.S. exports to the Republic of China have grown even during the Great Recession, creating jobs all across America. Our relationship is a model for fair trade between countries benefiting both sides, a model we should highlight here today.

I urge my colleagues to join me in congratulating the people of the Republic of China on Taiwan on their economic success and thanking them for their continued efforts to work with the United States to foster economic growth in our country. When the day of National Celebration arrives, the people of both the United States and the Republic of China on Taiwan have much to celebrate.

**224TH ANNIVERSARY OF THE SIGN-
ING OF THE UNITED STATES
CONSTITUTION**

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. DENHAM. Mr. Speaker, I rise today with my colleague, Mr. NUNES, to commemorate

the 224th anniversary of the signing of the United States Constitution on September 17, 1787, in Philadelphia, Pennsylvania.

The signing of the Constitution by thirty-nine delegates to the Constitutional Convention, led by George Washington, represents the formal beginning of our Republic. In conjunction with the Bill of Rights, the Constitution is one of the greatest documents in history, a model for more than 100 governments around the world; what President Lincoln describes in his Gettysburg Address as a "government of the people, by the people, for the people."

Mr. Speaker, please join Mr. NUNES and me in celebrating the 224th anniversary of this historic day, and in recognizing the contribution of the U.S. Constitution to American freedom.

**HONORING GOLD STAR MOTHER
OF CAPTAIN KIMBERLY HAMPTON**

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I submit the following remarks from Mrs. Ann Hampton, who recently traveled to the Kurdish Region of Iraq. She is the proud Gold Star Mother of Captain Kimberly Hampton, who was killed in action on January 2, 2004, in Fallujah, Iraq.

"My recent trip to the Kurdistan Region of Iraq was everything I hoped it would be, and more! Traveling with another gold star mom and dad, a medically retired soldier, and the founder of the Friends of Kurdistan Foundation, the visit was filled with welcome events. We met several Kurdistan Regional Government officials, who all willingly gave us their undivided attention and treated us graciously. We were told over and over that their nation is our nation, their homes, our homes, and that we share the bonds of friendship forever. Their deep appreciation to the United States for liberating them from Saddam's tyrant regime knows no end. They said thanks.

"We visited hospitals, clinics, and villages in Kurdistan where progress is being made just as there are still hurdles ahead. We visited homes and were welcomed with open arms. We visited the home of a widow who lost 20 family members in one of the regime's chemical attacks. She fed us cantaloupe, bread and water, almost all she had. We visited a camp and were fed peaches and water, almost all they had.

"One very important thing Kurds and other Iraqis do have now is hope; hope for peace, security and maybe one day, prosperity. There was significant construction across Iraqi Kurdistan, which is a good sign that people have risen and taken charge of their freedoms, and serve also as role models to peoples in other countries in the Middle East and North Africa.

"I am very grateful for the opportunity to visit Kurdistan, and hope to go back again to continue my humanitarian work. Seeing and hearing the appreciation of the Kurdish people for the U.S. has made a tremendous impact on my healing, as a proud mother of an American soldier, Kimberly, killed in action liberating Iraq. The only way to move for-

ward is by strengthening people-to-people links between Americans and Iraqis, in and out of government. The people of Kurdistan extended their hand to me, and I am grateful."

As the co-chairman of the Kurdish Regional Congressional Caucus I have visited the Re-

gion, and my oldest son led an Army National Guard convoy through the Region. We share the optimism of Mrs. Hampton that the liberated Kurdish Region of Iraq has a bright future of peace, security, and prosperity as a friend of America.

HOUSE OF REPRESENTATIVES—Wednesday, September 21, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. McCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 21, 2011.

I hereby appoint the Honorable TOM McCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

PAY A FAIR SHARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Well, I was initially very supportive of the President's proposed Buffett tax based on the premise that no millionaire or billionaire should pay a lower tax rate than a checkout clerk at the Albertsons supermarket or a small business owner who only earns \$40,000 a year. It seemed fair to me. But, you know, then I started listening to the Republican response, and it's pretty heavy and it really gives you pause to think about whether or not this is a good idea for our country. It's class warfare. It will hurt job creation. You know, these are arguments. It won't raise money. These are arguments that certainly are very, very telling.

In fact, I have some direct quotes from one Representative: "This is really the Dr. Kevorkian plan for our economy. It will kill jobs, kill businesses, and yes, kill even the higher tax revenues that these suicidal tax increasers hope to gain."

Another Representative: "Class warfare may win political campaigns, but

it doesn't spur economic growth. Raising the capital gains tax may garner political capital, but it will not create any jobs."

And then, finally, of course: "When are we going to get it? We do not have a revenue problem in this Congress; we have a spending problem."

Those are heavy criticisms. And just think if they proved true what a disaster it would be for America. Now, of course, these criticisms were all leveled in 1993, the last time we had a Democratic President propose that millionaires and billionaires should pay a fair rate of taxes in this country.

The first one was from Representative Christopher Cox, a total idiot who ran the Securities and Exchange Commission while Wall Street gambled our economy into the tank. He said the part about killing jobs, and we wouldn't get jobs and we wouldn't get higher revenues.

Well, actually, with the Clinton tax increases, we did get higher revenues, we did balance the budget, we did pay off debt, and we had 3.8 percent unemployment. And we were asking the job creators, the millionaires and billionaires, to pay a fair share. I guess Chris was wrong.

Well, let's see, the second one was from former Representative Pryce of Ohio about political capital not creating any jobs. Well, we already addressed that. We had 3.8 percent unemployment.

What have they done to create a single job so far this year? Nothing. In fact, they eliminated jobs. But, you know, that's because we want to give the job creators a break. We don't want to tax them, all to protect tax cuts.

And then, finally, the final quote about we don't have a revenue problem; we have a spending problem is from then Representative BOEHNER, now Speaker BOEHNER.

Now, of course, our taxes are at 15 percent of our gross domestic product, considerably lower than the percent of taxes that were levied in the Reagan era. And, you know, we do have a revenue problem, \$5 trillion of tax cuts over the last decade, \$5 trillion, 5 thousand billion dollars of tax cuts, heavily oriented toward the job creators—the millionaires and the billionaires.

Where are the jobs? Where are the jobs?

It doesn't work. First it was 8 years of Bush tax cuts, then 2 years of Bush-Obama tax cuts, and now we have President Obama's further proposed tax cuts.

Tax cuts don't create jobs.

Now, I think, actually, now I have considered their arguments, the President's right. Billionaire hedge fund speculators on Wall Street, let's think about it. Their rate of taxation is 15 percent on billions of dollars of income. A small business owner, \$50,000 a year, whoa, more than twice that. Army captain, just back from defending America in Afghanistan, whoa, more than twice that.

Who gives more value to this society, the parasite on Wall Street who is speculating and driving up the price of our fuel and making billions of dollars doing it or the Army captain or the small business owner, the real job creators?

We can, by levying a fair rate of taxes on the millionaires and billionaires under the Buffett tax—the best investor in this country, who thinks this is the direction we should go—we can both create jobs, stabilize the economy, get down the deficit, and continue to fund critical programs. Ironically, in the grand deal that was adopted back here a month ago that I voted against, there was only one specified cut, one cut specified in that bill—graduate student financial aid. That's because at the country club they don't meet anybody who can't put their kids through medical school.

We need doctors. We need other professionals. We need to help the next generation succeed, education and infrastructure investment, and we need money to help pay for it.

GENERAL AVIATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Mr. Speaker, I rise this morning to talk about how our President has systematically and relentlessly attacked the general aviation industry.

You know, this is one of the few last great manufacturing gems left in America. It creates \$1.2 million jobs—the gentleman before me was speaking about jobs—1.2 million jobs in America and \$150 billion worth of income and a tremendous amount of exports.

This industry is enormously important to my district, but not just my district, the air capital of the world, but all across the country. These are good jobs. These are middle class jobs. They are jobs for machinists and welders and riveters and managers and purchasing people who make some of the finest airplanes in the world.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But instead of supporting the general aviation industry and welcoming those jobs, the President has attacked it. At the very least, he could just leave it alone. But this is part of his larger class warfare effort.

He demonizes general aviation users. He calls them corporate fat-cat jet owners at every turn. But it's not impacting the folks who use those as business tools; it's impacting the people who build these airplanes. They are productive. They are working to grow their businesses, and they are growing jobs.

His rhetoric kills sales of American manufactured goods and, with them, the jobs that are created when those airplanes are built. You know, he has attacked it in multiple ways.

Most recently the Department of Transportation issued something called BARR. It's a program which has long ensured basic privacy rights for general aviation users by allowing them to opt out of being tracked by everybody with an Internet connection. But on August 2, the FAA changed that rule and said, no, now anyone with an Internet connection can find out and violate the privacy rights of anybody who decides to fly in an airplane all across the country unless they specifically opt out and can state a valid security threat.

This is an unprecedented step. It will facilitate serious violations of privacy, and it doesn't help create jobs in America.

I have introduced a piece of legislation called the BARR Preservation Act, along with Kansas Senator PAT ROBERTS, and I would urge my colleagues to support that legislation. It will create jobs in America.

Now the President most recently announced, as part of his efforts to reduce the deficit, user fees on general aviation aircraft, over \$100 per flight, not to mention the enormous bureaucracy it will take to collect this set of taxes. At a time when America has got unemployment of one in six or more, it's no time to add taxes on folks who are trying to fly their airplane around this country to get from Topeka to Des Moines, to get to small towns to support American manufacturing. This President wants to put taxes on general aviation users.

□ 1010

Finally, let me just talk for a moment about the taxes and the rhetoric. Mr. President, this industry is not asking for a handout. This President mistakes hardworking people for folks who are looking for something from the Federal Government. All we ask is to be left alone. We don't want the bailouts that the city of Detroit received and that the automotive folks received. We're not asking for tax favoritism. All we're asking is that you respect the hardworking people of Kansas and all

across America who build the finest airplanes in the world. This is, Mr. Speaker, failed leadership.

We have \$4 trillion in additional debt and a loss of 2 million jobs under this President. Don't give us a bailout; don't give us a handout. We don't want special favors. Simply leave us alone to grow and create good, middle class, hardworking people's jobs right in Kansas and right in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

LACEY ACT PROTECTS AMERICAN JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, last week in a speech before the Economic Club of Washington, Speaker BOEHNER used this tried and true Republican applause line: "Excessive regulations are making it harder for our economy to create jobs." But then he followed up with a real-life example. "Last month, Federal agents raided Gibson Guitar factories in Tennessee. Gibson is a well-respected American company that employs thousands of people. The company's costs were \$2 million to \$3 million. Why? Because Gibson bought wood overseas to make guitars in America. Seriously."

Well, seriously, Mr. Speaker, you were seriously—well, not necessarily you, I know you can't write all of your speeches, but you were done a disservice by your speech writers who could have done a little more research about the background of what was happening there. The Federal Government was involved with enforcing the Lacey Act which actually makes it easier to protect American jobs and manufacture here at home.

In 2008, I was pleased to be part of leading an effort working with the Bush administration in a bipartisan fashion to amend the Lacey Act, which bars trade in illegally harvested species to include trade in illegally harvested timber. Illegal logging threatens some of the world's richest and most vulnerable forests, but more important, it threatens tens of thousands of jobs right here in the United States. Over 50 trade associations, nonprofits, and unions representing the entire range of the U.S. economy signed statements supporting this amendment to the Lacey Act and its proper implementation.

This is serious business. People who cheat by knowingly using wood products that are bought illegally overseas cost American jobs. The estimate was over \$1 billion every year in lost opportunities and lower prices because of the illegal logging. We wanted to increase

American jobs here at home, so we created a mechanism so that people would have an incentive to stop cheating, to stop competing unfairly against American businesses that are following the rules.

It's interesting to note that in 2009 when Gibson was first brought to the attention of the enforcement agencies and a process started, because of concerns that they may have taken illegal timber from Madagascar, on the floor of the House, over 400 Representatives voted in favor of a resolution I had condemning illegal logging in Madagascar.

We find there are people right here in the United States who understand this dynamic. The success of the Lacey Act rests on a simple principle: rewarding companies that follow the law while shedding light on bad actors. It ensures that American business using foreign wood, like guitar makers, pay attention to the sources of their wood. We had very powerful testimonies of what happens in illegal logging. It doesn't just destroy fragile ecosystems and threaten a scarce and dwindling supply of rare species of wood, it destabilizes those countries. The people who are engaged in the traffic of illegal timber threaten, they corrupt, and sometimes they kill. It is possible to figure this out. People need to pay attention.

Guitar makers like C.F. Martin Guitar are strongly supportive of the law. I quote: "I think the Lacey Act is a wonderful thing. I think illegal logging is appalling," the company's CEO, Chris Martin, said in a recent interview. "It should stop, and if this is what it takes to stop unscrupulous operators, I'm all for it."

Mr. Speaker, this is serious business. Being able to have protections to protect American manufacturers from unfair competition by people who skirt the rules, people who cheat, is in everybody's interest. Let's let the process ongoing right now work its way out. Let's see if there's a problem. But by all means, we ought to protect the integrity of the Lacey Act, which is designed to save these tens of thousands of jobs here at home and the environment abroad.

CREATING JOBS IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 2 minutes.

Mr. NUGENT. Mr. Speaker, I rise today to emphasize one more time that the Federal Government doesn't create jobs; it's small businesses and entrepreneurs. You just heard my friend talk about Gibson Guitar and vilify Gibson Guitar because they purchased wood from a foreign operator, an operator that violated a law of another country and brought that wood to America for Gibson Guitar, one of the oldest American producers of guitars today. Gibson Guitar employs people in

America. Gibson Guitar has done things that may be reprehensible to some. Obviously to those who are employed by that company, it's not.

As we move along, you know, we need to remember what jobs are created by small manufacturers. What is the Federal Government supposed to do? This Federal Government not only raided Gibson Guitar, told them to close down their lines, laid people off from work—or hey, they have a better idea: Why don't you just move your operation to another country? That's what this administration's message is to manufacturers and the job creators in America. If you don't like it, just go ahead and move to another country. Take those jobs and give it to someone else other than Americans.

I think we are wrongheaded in our approach. We look at regulations as an end-all to everything, just not commonsense solutions. When we talk about creating jobs in America, I have gone across my district, and I ask the job creators, the small businesses: What can we do in D.C. to help you?

And they said: Mr. Congressman, just get out of our way. Allow us to do the things that we need to do to create jobs here in America.

□ 1020

THE TRAIN ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Mr. Speaker, the House this week will take up a bill called the TRAIN Act. The acronym stands for Transparency and Regulatory Analysis of Impacts on the Nation. It is quite a mouthful, but what it's going to do, very specifically, is delay the implementation of two very important Clean Air Act standards that protect human health and the environment. Now, we can have a lot of arguments about proper regulation, which ones are good and which ones are bad, but can we really argue about the necessity of taking appropriate action to protect the air we breathe?

The Clean Air Act has been very successful in improving air quality around this country. Obviously, much more needs to be done. But the two provisions that are under attack by the so-called TRAIN Act are:

One regulation that regulates cross-State air pollution. Now, if you live in one State and there is a coal-burning plant in another State, the law of air motion means that the pollution is going to follow the path that the air travels, and people in a State that are on the receiving end of polluted air ought to have some protection. This has a significant impact on health. It is not as though you can have appropriate regulatory safety without having the Federal Government have some

role, since air does travel according to the law of physics, not according to an act of Congress.

A second provision is the power plant emissions of mercury limitation. Mercury is a known carcinogen. It is extremely dangerous to our health, particularly that of infants. And the success that we've had in limiting mercury pollution has had dramatic impacts—positive impacts—on our health. Why? Why would we delay the implementation of a mercury regulation that is going to have significant and immediate benefit?

There may be some cost to this; that's true. But what about the cost in lives? What about the cost in health care expenditures by allowing pollution to occur?

When we do something and price it cheaply by ignoring what the external impacts of allowing something to be theoretically cheap, in the terms of lives lost, in terms of health care expenses incurred, we're not saving anybody money. We're making some money for the owners of the polluting entity, but we are not making money for society, and we are certainly not protecting it.

We have to have careful regulation. We should always be willing to look at them to get rid of things that don't make sense and aren't getting the job done, but we also need proper regulation. And when it comes to health and safety, clean air and mercury, those are two provisions that should not be delayed. This legislation would do that. It's harmful to our health, and it will be harmful to our economy.

HONORING SENATOR MALCOLM WALLOP

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wyoming (Mrs. LUMMIS) for 5 minutes.

Mrs. LUMMIS. Mr. Speaker, I rise today with a heart that is both heavy and full of pride. On September 14, former U.S. Senator Malcolm Wallop passed away at the age of 78. Senator Wallop brought to the Congress his considerable influence, outspoken conservatism, and keen intelligence. The word "statesman" only begins to scratch the surface of Malcolm Wallop's accomplishments.

After serving in the Wyoming Legislature for several terms, Malcolm Wallop was elected to the United States Senate in 1976, a seat he held for 18 years. In the Senate, he served on numerous committees. He was the ranking member of Energy and Natural Resources and was the first nonlawyer in the history of the Senate to serve on the Judiciary Committee.

His efforts on the Judiciary Committee led to the enactment of the first international parental kidnapping statute, protecting children from being abducted overseas by noncustodial parents.

Through his work on Finance, Congress cut inheritance and gift taxes in 1981, which, among other things, ensured that ranching families could continue their operations upon the death of a family business partner.

He was also a tireless promoter of free trade, making new numerous trips abroad to promote GATT to reduce tariff barriers.

Due to his service on the Intelligence and Armed Services Committees, Senator Wallop served on the Helsinki Commission, which was charged with negotiating a number of complex arms control treaties, including SALT I, II, and III. Senator Wallop was one of the first persons outside of the old Soviet Union to meet with Aleksandr Solzhenitsyn while he was still a prisoner in the gulag.

In the Cowboy State, Senator Wallop was a champion of protecting the western way of life, including an amendment to the 1980 Clean Water Act prohibiting Federal usurpation of State water rights and an amendment to the Surface Mining Control Act that directed the Federal Government to compensate owners of mineral rights for the loss of the right to mine.

Senator Wallop was one of the first legislators to lead the charge against the "War on the West," which subordinated States' rights and severely limited multiple use of our public lands. In 1984, the Republican Senator partnered with Democrat John Breaux of Louisiana to author the Wallop-Breaux Sport Fishing Restoration Act to promote boat safety and fish habitat conservation along with enhancing fishing opportunities, including those for the handicapped.

Senator Wallop was also committed to education and volunteerism. In 1979, Congress passed his legislation establishing the Congressional Award Program, which is privately funded and is the only volunteer award given in the name of Congress. Wyoming is proud to have the most active participation in that program.

Upon his retirement from Congress, Senator Wallop founded Frontiers of Freedom, a conservative think tank promoting freedom, fewer Federal regulations, and smaller government.

He was a man of supreme integrity, incredible intellect and a quick wit, humble to a fault and exceedingly kind. I am told he always had time to ask a Capitol Hill elevator operator or police officer about their family on his way to a vote. He had a tremendously devoted staff, many of whom worked for him for the full 18 years of his tenure in the Senate.

Finally, Malcolm Wallop was the descendant of an entrepreneurial pioneer family who had roots in Wyoming and the British Isles as well. Senator Wallop's grandfather served not only in England's Parliament but the Wyoming Legislature. The first polo field

in the United States was built on the Wallop family ranch at Big Horn, Wyoming.

Senator Wallop was a man blessed with four wonderful children, many grandchildren, and his wife, Isabel. My thoughts and prayers are with his family. In their time of sadness, let them be comforted in the knowledge that Wyoming stands strong today because of Senator Wallop's untiring love of, and commitment to, our great State.

GOOD RIDDANCE TO "DON'T ASK, DON'T TELL"

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday was a truly historic day in our country's struggle for equal rights for all people. Leaders of the United States Army sent a notice to soldiers serving around the globe that simply said the following: "Today marks the end of 'Don't Ask, Don't Tell.' The law is repealed. From this day forward, gay and lesbian soldiers may serve in our Army with the dignity and respect they deserve. Our rules, regulations, and politics will apply uniformly without regard to sexual orientation, which is a personal and private matter."

Mr. Speaker, 18 years after this hideous policy was first implemented, it is now gone. And the thousands of soldiers who were shamefully discharged under Don't Ask, Don't Tell may apply for reenlistment.

To the men and women whose service and sacrifice have made us so proud, we say, as of yesterday: "You no longer have to live a lie." To them, we say: "You no longer have to choose between your personhood and your patriotism." To them, who have had the courage to do right by America, we now say: "Your Nation now has the courage to do what is right by you."

Air Force Lieutenant Josh Seefried, a leader among gay and lesbian servicemembers, describes the oppressive nature of this policy in this way. He said: "It consumes your thought process, it consumes your future, because of the fear of getting caught."

Mr. Speaker, it is incomprehensible to me that anyone—in particular, brave, selfless members of our military—should live any day in fear of "getting caught." This step is hugely welcomed, and it is long overdue.

□ 1030

"Don't ask, don't tell" was opposed by an overwhelming majority of Americans because it violated the values we claim to stand for as a Nation. It was not only tearing at our moral fabric; it was undermining our military readiness and national security as well. At a time when we're asking so much of our servicemembers, putting them on the

front lines of two wars, we owe them, at the very least, and we have finally brought them the dignity of a discrimination-free workplace.

I salute President Obama, and I salute our military brass for their leadership in reversing this injustice. I salute the Members of Congress, Democrat and Republican, who voted for the repeal. And of course we all owe a debt of gratitude to those who serve with honor and integrity, those who defended American rights and freedoms even when America wouldn't afford them the same rights and freedoms.

So, Mr. Speaker, now there will be no sanctioned bigotry or homophobia in the Armed Forces of the greatest country on Earth. Our military will accept everyone who demonstrates their fitness to serve. Their sexuality will be irrelevant. They may be as open about it or as discreet about it as they choose.

Good riddance to "don't ask, don't tell." Our country will be stronger, safer, and fairer without it. And while we support our troops by eliminating this wrong-minded policy, let's take the next step and support all of our troops, regardless of their sexual orientation, by bringing them home from Iraq and Afghanistan.

PUERTO RICO INVESTMENT PROMOTION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, the coming months represent a defining moment for our Nation. Responsible leaders from both political parties understand that we must come together on behalf of the American people to create jobs for millions of unemployed workers and to put our Nation on the path to fiscal stability.

President Obama has transmitted the American Jobs Act to Congress, and I hope its key components will be enacted into law. The supercommittee has begun its work of proposing responsible ways to grow our economy while reducing our deficits. The work that lies ahead will not be easy, but it must be done.

With this as backdrop, I rise this morning to discuss the Puerto Rico Investment Promotion Act, which I will introduce tomorrow. The bill is designed to attract investment to Puerto Rico and to create jobs on the island, where the unemployment rate over the last decade has consistently stood six to eight percentage points above the national average. At the same time, the bill seeks to generate new revenue for the Federal Government and to encourage job-creating investment in the 50 States, where unemployment now exceeds 9 percent.

This bill is endorsed by Puerto Rico's Governor, Luis Fortuno, the leaders of

Puerto Rico's two main political parties, and the island's business community.

At the outset, it is important to explain why I'm promoting legislation of this sort. Like the States, the U.S. territory of Puerto Rico faces serious economic challenges. However, the economic problems of Puerto Rico have proven to be structural and chronic, not cyclical and temporary.

I believe that Puerto Rico's economy will never unleash its tremendous potential under its current political status. And I support statehood for the island in part because history shows that every territory that joins the union experiences substantial increases in its economic activity and standard of living. However, until a majority of Puerto Rico's people express a desire for statehood and Congress welcomes the island as a full member of the American family, it is incumbent upon me to take all reasonable steps to strengthen the island's economy within the severe constraints imposed by the current territorial status.

My aspiration for Puerto Rico is that it will enjoy the political, social, and economic equality that only statehood offers; and I look forward to the day when it will no longer be necessary for Puerto Rico's leaders to petition the U.S. Congress for customized, island-specific legislation to encourage job-creating investment, and to compensate—at least somewhat—for the countless ways in which our political status does damage to our people. But until that day arrives, we must be as pragmatic about the present as we are hopeful about the future.

To explain the bill, a little background is in order. Currently, nearly all of the large U.S. firms that conduct business in Puerto Rico are organized as controlled foreign corporations, CFCs. A CFC's earnings are not subject to any Federal taxation until they're distributed, usually in the form of a dividend, to its U.S. parent, a process known as repatriation. CFCs in Puerto Rico and in foreign countries have little incentive to repatriate because those earnings, once received by the parent, are subject to full Federal taxation. As a result, billions of dollars in CFC earnings remain in foreign banks, where they generate no Federal revenue and create no American jobs.

My legislation seeks to integrate Puerto Rico companies into the U.S. tax system. It would authorize, but not require, companies that are incorporated in Puerto Rico and that earn at least 50 percent of their income on the island to operate as domestic U.S. companies. The bill would promote consistency and uniformity by bringing the treatment of an electing Puerto Rico company in line with the current treatment of a Puerto Rico individual under section 933 of the Internal Revenue Code.

Specifically, an electing company would be subject to Federal taxation on its worldwide income, except on the income it earns in Puerto Rico. Because it is a domestic rather than a foreign firm, the Puerto Rico corporation could distribute its earnings to its U.S. parent in the form of a dividend under section 243 of the Tax Code, which allows the parent to deduct a substantial amount of a dividend, depending on the parent's ownership stake in the subsidiary. Therefore, profits that were previously kept outside of the United States are now more likely to be brought back into this country, where they may be subject to a reduced, but still meaningful, level of taxation under section 243 and used to create jobs in America.

Moreover, as I already noted, under this legislation, electing corporations that have income derived from sources outside Puerto Rico—whether in the States or foreign countries—would become subject to Federal taxation on that income. This will generate additional revenue for the U.S. Treasury, since CFCs with non-Puerto Rico-source income currently pay no Federal tax on that income.

I hope my colleagues will support this bill.

This legislation is a substantial improvement over earlier proposals put forward by leaders in Puerto Rico with the goal of encouraging job-creating investment on the Island. Those proposals were carefully considered by the Federal Government and were met with resistance, even by Members of Congress and other Federal officials sensitive to Puerto Rico's unique circumstances. The primary shortcoming of those proposals is that they sought benefits without burdens. My legislation, by contrast, is balanced. It would benefit both Puerto Rico and our Nation. I hope my colleagues on both sides of the aisle will support it.

REBUILD THE AMERICAN DREAM JOBS FRAMEWORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA) for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, this summer I took part in the Speak Out for Good Jobs Now! Rebuild the American Dream tour. Thousands of concerned Americans packed rooms across this country to share their stories of hardship, unemployment, and struggle. From these stories, my colleagues in the Congressional Progressive Caucus and I wrote the Rebuild the American Dream Jobs Framework, which outlines how we will put America back to work and get our economy moving again. I wanted to take some time today to share some of the stories and realities that we heard on this tour.

My first story is from Kimberly Lawrence from my State of Arizona. She says, "I waited more than 30 years to finally receive a modest inheritance

from my grandmother's property. I used the money to make improvements on my home that my husband and I were buying, and to open my own childcare business. It happened that the year I opened is the same year the economy failed. I struggled to hold on, but when the new Governor of Arizona stripped away childcare subsidies and at the same time raised licensing fees by 200 percent, I lost nearly all of my clientele.

"I lived in a town that relied on hospitality jobs, which, coupled with all else, crippled the local economy and forced me out of business. My husband was laid off from his cabinet-maker job. And now, after struggling, our home is in foreclosure and set for auction. Everything I hoped for had finally taken shape, just to be ripped away. I have since left my husband and am now searching for a job in California. I have been applying and sending resumes for 6 months now and have had only two interviews. I am 50 years old, sleeping on my sister's couch, with nothing to look forward to in my retirement. I suppose I simply won't have that pleasure."

The next story comes from Bhisma Ramdass of Florida:

"I live in Palm Beach County. I work for the largest hospital corporation in the world. I also had another job to make ends meet.

□ 1040

"I had a daughter that was born premature. The economy got bad. I lost money from the other job. Took time off to care for my wife and baby. Unable to make full payments to Chase for the mortgage, they eventually foreclosed my home. My wife and three girls moved out. Chase got money from the Federal Government for my house, and they got my house. Do I owe them money if they sell my house for less than I owe? Is that fair? I have worked hard since I was 15 years old. I have provided for my family and gladly pay my taxes. Is that fair?"

The final story is also from Arizona, Thom Reiser:

"I'm retired and moderately well off financially. I've been doing a great deal of research on the economy and the history of these United States. I believe the middle class has suffered very much in the past 30 years. There's been a great shift of wealth. However, my greatest concern is for the present economy. We need to put people back to work. A second stimulus is needed, but aimed directly at the jobless. Much of these funds should be given to states for immediate relief. Teachers, police, firefighters, and many others have lost their jobs, plus others that have to create jobs and infrastructure on our roads. Also, those unemployed should be retrained to do useful work while they're unemployed. Thank you for listening."

The American people are demanding we do something to get America back to work. These were just three of the stories we heard. I hope that we listened, and I hope that all of Congress listened. The urgency is jobs. The demand from the American people is jobs. And our responsibility is to provide the American people with the opportunities of employment and a secure future.

THE PALESTINIAN AUTHORITY AND ISRAEL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today to urge President Obama to take a strong stance against the Palestinian Authority's efforts to seek unilateral recognition for statehood from the United Nations.

Mr. Speaker, Israel is our ally, an ally that has proven, time and again, a devotion to freedom, democracy, peace, and economic stability. Indeed, Mr. Speaker, Israel is our greatest ally in the turbulent Middle East, and we need to support their efforts to resolve their issues with the Palestinians. The President must show that America is resolute in support of Israel and that he is determined that we find real solutions for peace in the Middle East.

Mr. Speaker, solutions between Israel and the Palestinians will come through good-faith negotiations and cooperation. Solutions and peace come through both sides sitting at the table with equal determination to reach an agreement.

I hope that the President realizes all of this, and that he will show America's support for Israel and be a strong voice for peace reached through negotiations and partnership. The President should make clear to the Palestinian Authority that the way to a bright and stable future for the Palestinian people will be through talking to Israel, not unilaterally seeking statehood through the U.N.

I urge all of my colleagues in this House and the Members of the Senate to join me in this call.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Judith Wright, First Parish Unitarian Universalist Church, Northborough, Massachusetts, offered the following prayer:

We gather this afternoon, a rich tapestry of faith woven together by diverse religious and spiritual beliefs.

In the midst of this theological diversity, may we choose acceptance and love towards one another and strive to live harmoniously and respectfully with all people of our great country and all living beings on our fragile, cherished planet.

May that which guides us towards the highest within ourselves lead us on this precious day, as well as every day of our lives, to embrace compassion, love, and equity in all relations.

May we respect the inherent worth and dignity of every person and grasp our profound interconnectedness with all.

May we ceaselessly help those who suffer, for as they suffer, so do we.

May people everywhere live in peace with each other and all living creatures without disturbing one another.

In the name of all that is holy.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND JUDITH WRIGHT

The SPEAKER. Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 minute.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I rise in honor of Reverend Judith E. Wright, who is serving as the House guest chaplain today.

For the past 9 years, Reverend Wright has served as the minister of the First Parish Unitarian Universalist Church in Northborough, Massachusetts. During this time, Reverend Wright has played an integral role in our community, engaging her parishioners and encouraging their support

for vital safety net programs in central Massachusetts.

Under her leadership, the First Parish has directly supported many social action programs, including the Community Meals Program and Habitat for Humanity. As we continue to emerge from a damaging recession, it is more important than ever to encourage support for these organizations that assist our neighbors by helping to provide food for those who are hungry and shelter for those who are homeless.

Reverend Wright's dedication to assisting the most vulnerable members of our community is laudable, and I am deeply inspired by her work to better the lives of the people of central Massachusetts.

It is one of Reverend Wright's parishioners, Stephanie Sullivan, who first approached my office about the possibility of Reverend Wright serving as the guest chaplain. Stephanie's profound respect and admiration for the work of Reverend Wright motivated me to nominate her to serve as our guest chaplain today.

I ask my colleagues to join me in welcoming Reverend Wright to the Chamber and in celebrating her lifetime of service.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ONE YEAR LATER, PIRATES ON THE LAKE NOT PROSECUTED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it's been almost a year since David Hartley was gunned down by Zeta pirates on Falcon Lake in Texas. The Hartley family still has no suspect, no body, and no justice. David's wife, Tiffany, can't get any answers from our government since it apparently has abandoned the investigation of her husband's murder, so she has actually sued the government to get information.

When ICE Agent Jaime Zapata was murdered in Mexico, the United States quickly pressured Mexico to investigate the homicide, as it should. But why is our government silent about finding who is responsible for killing David Hartley and other Americans murdered in lawless Mexico?

On Monday, at a border forum I held in Brownsville, Texas, Tiffany Hartley said: "The men who murdered David are right across the river. They aren't in Afghanistan; they aren't in Iraq. They're in our own backyard."

The United States hunts down terrorists around the globe. It's time we hold Mexico accountable for finding the narcoterrorists in their country who murder Americans.

And that's just the way it is.

THE END OF DON'T ASK, DON'T TELL

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, yesterday marked the end of the military's Don't Ask, Don't Tell policy. For 18 years, it forced thousands of servicemen and -women from our Armed Forces and discouraged countless other patriotic Americans from enlisting. The policy weakened our military by removing highly skilled, trained, and capable servicemembers from the ranks at a time when we were sending our men and women in uniform on multiple deployments to fight two wars.

Today, our country is stronger because we all benefit from a military that takes advantage of all the talents our Nation has to offer.

This policy ended because of the work of many, including my predecessor, Congressman Marty Meehan, who introduced the first bill in the House of Representatives to repeal this policy.

Our servicemen and -women are, first and foremost, Americans protecting freedom throughout the world. Today, at last, all these brave people no longer have to hide who they are in order to serve their country.

THE UNITED NATIONS AND ISRAEL

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, Israel is America's best and only reliable ally in the Middle East. Now the national security of Israel is being threatened by the Palestinians' rejection of the Oslo Peace Accords as they seek recognition directly from the United Nations.

America stands firmly with Israel and believes that peace in the Middle East can only be achieved through a negotiated solution.

I call on the Palestinian Authority to make peace with the democracy of Israel and the free world and to reject the terrorists of Hamas.

Prime Minister Netanyahu should be applauded for his efforts to restart direct, one-on-one negotiations with President Abbas without the influence of outside organizations.

Today, President Abbas should abandon Palestine's push for a vote on statehood and reengage with Israel to forge a lasting peace accord.

REPEAL OF DON'T ASK, DON'T TELL

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I stand before you today under the dome of our Nation's Capitol to applaud the final repeal of the discriminatory policy known as Don't Ask, Don't Tell.

The men and women who fight for our country as members of our Armed Forces fight for what's right, what's fair, and what's just. They fight without asking at what cost, without asking why and how long they must endure.

This September 11 marked 10 years since that fateful day when our country was attacked. As I returned home from Chicago, boarded my plane and landed safely in Washington, I marveled at the dome that still sat, untouched by those who would do us harm, because of those who had no fear, those who gave their last full measure of devotion.

And today, I'm emboldened further by the fact that these same soldiers who have continued to fight and die for our safety can now do so without having to hide who they are or who they love. Our soldiers fight for what's right, what's fair, and what's just. Finally, we have managed to provide the same to them.

□ 1210

NO NEW TAXES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, the President's plans to raise taxes on small business across America will hurt the economy and kill jobs. Small business creates 70 percent of the jobs in America. Unemployment is 9 percent in the country and even higher in my State of Florida.

The threat of a double-dip recession is greater than ever. The last thing we should be doing is raising taxes on job creators.

The White House claims the \$1.6 trillion tax increase won't affect small businesses and jobs. But as someone that's been in business 30 years and created thousands of jobs, they're wrong.

Millions of small businesses file their individual taxes through an individual tax code, and that means that their taxes will go up. In fact, 48 percent of small business income will face higher tax rates under the President's plan.

We need to enact pro-growth policies that create jobs, not kill them. I urge

my colleagues to reject the administration's tax hikes on job creators.

DON'T ASK, DON'T TELL REPEAL

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I want to note that the sun indeed came up in America today even after we've allowed people who are gay and lesbian to serve in our military.

We had a discussion for about 18 years, and now we have finally taken a step forward to liberty and freedom and equality again as we have so many times in American history.

Now we need to make sure that those new families that are serving in the military get their benefits like everyone else, and that's the next thing we need to work on.

Then we have to realize that the day will come when we recognize full marriage equality in this great country as another step forward just like we had yesterday. And when that great day comes, the sun will come up in the morning in America because we were continuing our quest to be a more just, more equal society.

NEW TAXES WILL NOT CREATE NEW JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, raising taxes on hardworking American families in this economy will not create new jobs. The President already explained that raising taxes in a down economy does not make sense.

Washington's financial problems are not caused by a shortage of revenue. Washington's financial problems are a direct result of skyrocketing wasteful spending such as \$16 muffins for the DOJ. Promises like the failed stimulus bill have been revealed as empty slogans, failing the promise of holding unemployment below 8 percent. Twenty-five million Americans are still seeking full-time jobs.

The best way to promote jobs is to offer solutions focused on getting Americans back to work. Providing certainty with regard to tax reform while easing the burden of unnecessary regulations will enable job creators to hire once again.

House Republicans have sought to achieve this goal by passing legislation aimed at cutting redtape involved with running small businesses. Reforms are being blocked by liberals with the threat of a Presidential veto.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

REPEAL OF DON'T ASK, DON'T TELL

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the end of a shameful and discriminatory policy, the policy of Don't Ask, Don't Tell, and to honor our brave military men and women who have served under it for almost two decades.

As Thomas Jefferson wrote in our Declaration of Independence, "Our country was conceived on the promise that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Through nearly two-and-a-half centuries, these words have guided our Nation and made our society even more free. Repealing Don't Ask, Don't Tell is one more step towards full equality, but there is still so much work to be done.

Regrettably, because of the Defense of Marriage Act, servicemembers will continue to face disparities for family programs and benefits even though they've made the same sacrifices as their fellow members of the armed services. This is not right. Let us be guided by the words of Thomas Jefferson and provide these men and women with the benefits they've earned in service to our country.

I commend President Obama for bringing an end to this divisive policy and the senior members of our Nation's military who have begun to implement the change, and congratulate my colleagues here in Congress.

I'm proud to honor the service of all of our men and women in uniform who serve in harm's way and to mark the end of Don't Ask, Don't Tell.

TRIBUTE TO CHIEF WARRANT OFFICER 4 DAVID R. CARTER

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, today I rise to honor a soldier who made the ultimate sacrifice and laid down his life for our freedom, United States Army Chief Warrant Officer 4 David R. Carter.

Chief Warrant Officer Carter dedicated himself to over 24 years of military service. As a member of the Colorado Army National Guard, he deployed to Afghanistan last summer. On August 6, 2011, he was piloting a CH-47 helicopter on a mission to reinforce a unit under attack in Wardak Province. On that tragic day, he was one of 30 Americans lost when their helicopter was brought down by enemy fire.

Dave Carter was regarded as one of the most highly trained aviators in

Colorado, with multiple combat deployments and over 4,000 flight hours.

He is also remembered for the tremendous impact he had on his family, friends, and community. Friends recall that he was never too busy to help out with a problem.

Chief Warrant Officer David Carter personifies the honor and selflessness of service as a citizen soldier. His bravery and dedication to duty will not be forgotten.

As a Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow soldiers, and all who knew him.

REPEAL OF DON'T ASK, DON'T TELL

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I'm proud to come before this body today to celebrate the end of the discriminatory Don't Ask, Don't Tell policy.

For too long, American service men and women selflessly fought to protect our freedoms without receiving the same freedoms and protections in return. Under this flawed policy, we dismissed 14,000 patriots from our forces, and we turned away countless more Americans who simply wanted to volunteer to defend the country that we share.

Today our Nation shows the world that we can rise above prejudice and fear and take a long overdue step towards protecting our servicemembers and reducing discrimination in America.

But I am sad to say that this weekend, we received a terrible reminder that our work is not done. A 14-year-old boy from my community who was teased by his classmates about his sexual orientation took his own life. This heartbreaking tragedy was needless and should be a reminder to all of us that there are many more like Jamey Rodemeyer who are made by some to believe that it's not okay to be who they are.

Mr. Speaker, I am proud of how far we've come, but I know that there remains a long road ahead of us. I am committed to continuing this fight for full equality for all Americans and implore my colleagues to do the same.

"NO" VOTE NEEDED BY U.N.

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, on Friday, Palestinian Authority President Abbas plans to seek recognition of a Palestinian state before the United Nations. A vote in the U.N. will bypass bilateral peace negotiations between Israel and the P.A. and will threaten the success of a mutual solution.

Leaders in the United States, Israel, and the P.A. have long worked toward a mutual solution, and the P.A., seeking unilateral recognition from the U.N. is not only harmful to these efforts, but also to the security of the State of Israel.

It's also important to note that the action coincides with a period of extreme volatility between Israel and their Middle Eastern neighbors. Israel's alliance with Turkey has continued to unravel over the past year, and its peace agreement with Egypt is in jeopardy.

The Palestinian Authority's move to circumvent direct talks with Israel will undermine Israel's right to exist. I call for President Abbas to withdraw his request for a U.N. vote and instead finally agree to sit down at the negotiating table with the U.S. and Israel to develop a mutual, legitimate solution.

REPEAL OF DON'T ASK, DON'T TELL

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. As a former lieutenant commander in the United States Navy Reserve, I rise to applaud the repeal of the discriminatory Don't Ask, Don't Tell policy.

This backward policy has turned away over 14,000 able-bodied men and women from our military while our Nation is fighting two wars. It wasted over \$1.3 billion taxpayer dollars through investigations, legal proceedings, and wasted training for fighter pilots, mechanics, medics, and even Arabic translators.

I am proud to have fought for this necessary change and feel privileged to have been able to cast my vote to make this misguided policy a relic of the past. Our military can now recruit and train qualified patriotic and courageous Americans who want to serve our country regardless of their sexual orientation.

During my service in the United States Navy Reserve, I served with many dedicated men and women who were always ready to serve their country. I was never concerned about their sexual orientation. Implementation of repeal marks not just an increase in military readiness but a significant step forward for civil rights and equality.

□ 1220

RECOGNIZING THE HISTORY AND ACCOMPLISHMENTS OF THE KANSAS SCHOOL FOR THE DEAF

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to recognize the history and ac-

complishments of the Kansas School for the Deaf as we prepare to celebrate the school's sesquicentennial this week. It was 150 years ago that Philip A. Emery began teaching deaf students in a small two-room schoolhouse in Baldwin City, Kansas, using the techniques of Thomas Hopkins Gallaudet.

Throughout the years, the Kansas School for the Deaf has been noted for its academic excellence in pre-college preparation and its career and transition program, leading to job placement upon graduation.

Along the way, the school has had many exciting moments, including almost being destroyed in Quantrill's infamous sacking of Lawrence, Kansas, and even boasts of beating the University of Kansas baseball team twice, in 1897 and 1900.

As the oldest educational institution in the State of Kansas, the Kansas School for the Deaf continues to provide a world-class education to young students, and I am proud in the United States Congress to represent the school and its many families and students.

CELEBRATING HISPANIC HERITAGE MONTH

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, September is the month in which we celebrate the many contributions Latinos have made and continue to make to our great country.

Hispanic Americans are our teachers, religious leaders, doctors, lawyers, health care providers, astronauts, scientists, small business owners, and entrepreneurs. They are local and national officials providing leadership in the face of unprecedented challenges both at home and abroad.

But perhaps our greatest pride comes from our impressive record of service to this country. When grave threats imperil America's freedom, Latinos answer the call. This is highlighted by the fact that Latino servicemen and -women have earned more medals and commendations per combatant than any other ethnic group.

As we celebrate the contributions Latinos have made to our country, let us not forget our future. The stories of our Nation's Latino trailblazers serve as an inspiration to young Latinos; but like all American children, they must have the opportunity to develop their talents and reach their full potential to keep our country great.

I look forward to working with my colleagues to ensure all of America's children are prepared to lead. Only then can America realize its promise in the 21st century.

THE OFFICIAL REPEAL OF “DON’T ASK, DON’T TELL”

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, I rise today in support of the historic, official repeal of Don’t Ask, Don’t Tell. Today, nearly two decades after its enactment, our lesbian, gay, and bisexual servicemembers can finally serve and defend the country they love without the fear of being discharged. Never again will members of our military be forced to serve in the shadows, to lie about their identities, or to be afraid to talk about the people they love.

Let us remember the 14,000 loyal servicemembers who were discharged under this discriminatory policy over the years; for now they can serve alongside their military friends and family with dignity and honor. Let us also remember those individuals who served in silence and sacrificed their lives so that we, as Americans, could live freely.

As vice-chair of the LGBT Caucus in Congress, I see the repeal of Don’t Ask, Don’t Tell as another step towards ensuring that all citizens, both inside and outside of the military, are never subject to discrimination on the basis of sexual orientation. Today signifies a crucial milestone in history and is a victory, not just for the LGBTQ community, but for America as a whole.

IN CELEBRATION OF HISPANIC HERITAGE MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, September is Hispanic Heritage Month, and we celebrate as members of the Hispanic community the contributions that have been made to the United States throughout our history.

The story of Hispanic Americans is truly the American story. Our dream is the American Dream. In America, if you work hard, play by the rules and dream big, there is no limit to what you can achieve.

Succeeding in all walks of life and serving as patriots in the American Armed Forces, Hispanics have enriched in so many different ways our way of life. Their advances in universities from their knowledge and talent have continued to play a vibrant role as we strengthen the fabric of America. Hispanic Americans’ commitment to faith, family, hard work, and perseverance adds to that rich diversity and vibrancy. It makes our country a melting pot like no other place in the world.

Today and every day, we should take time to note and to celebrate the wonderful contributions of the Hispanic community in the San Joaquin Valley and across America.

“DON’T ASK, DON’T TELL” IS FINALLY NO MORE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, two decades after its enactment, “Don’t Ask, Don’t Tell” is finally no more. At last, gay men and women can now openly serve in our military without having to hide who they are.

Eliminating this practice is a historic step forward in our pursuit of a more perfect Union. With this progress, our country’s military can now become a shining example of equality—an example to be followed by all sectors of our society.

Just as important, this change will make our Armed Forces stronger. Young Americans who had previously been deterred from joining our military will now step forward, enlist, and serve the country they love. Many formerly discharged servicemembers will reenter the armed services to serve alongside friends and family. Ultimately, our military will benefit from a broader and deeper pool of talent. Now, as we move forward in fully implementing this change, we must ensure that same-sex families receive the same benefits as other military couples.

Mr. Speaker, although our work continues, today we are one step closer to the ideal that we are all created equal.

“DON’T ASK, DON’T TELL” IS HISTORY

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, last year, I read on the House floor a letter from an active duty servicemember in Afghanistan. He shared how he and his partner of 10 years had managed the hardship that comes along with three deployments to Iraq and Afghanistan. Despite their shared sacrifices, his partner received no support from the military and would not be officially informed of his death.

While serving on active duty, he became aware of a number of other soldiers who were gay. In one case, it was only after a friend died of wounds from an IED, and he received a letter from the deceased soldier’s partner, expressing how much he had loved the Army. Of course, this letter had to be sent anonymously because, until yesterday, its very existence could have led to the soldier’s discharge.

The indignity of concealing who you are and who you love in order to protect your country has ended. No longer will we subject the brave men and women who volunteer to serve our Nation to a shameful vow of silence, asking them to lie about themselves. This policy was wrong; and now it’s history, and our Nation and our military are stronger as a result.

To all who serve our Nation in uniform, we are so proud of each and every one of you.

□ 1230

SUPPORTING WORKERS OF THE USPS

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. Mr. Speaker, I rise in support of the 685,000 workers of the United States Postal Service who are facing a very devastating future without our action. If Congress doesn’t act now, we could potentially lose 120,000 jobs, imagine that, that are in jeopardy today.

The United States Postal Service offers a very affordable system, but right now they are in jeopardy. Why? Because back in 2006, they were, I would say, in a discriminating way, required to pay \$5.5 billion in overcharge into benefits that are not incurred at this time. Based on long-term projections, they have an estimated surplus—imagine that in this time—of \$55 billion to \$75 billion. Without this mandate, the USPS would actually have a \$611 million benefit that could help out in this tough economy.

Mr. Speaker, there are 685,000 workers who are not at fault for this requirement, and this \$5 billion requirement needs to stop now so our postal service can continue.

THE GREATEST HITTER WHO EVER LIVED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to honor Ted Williams, the last baseball player to hit .400 or better for a season, a feat he accomplished 70 years ago this very month, September 1941, which has never been equaled. Ted wasn’t just a remarkable baseball player; he was a remarkable American who also served his country as a Marine Corps pilot in World War II and the Korean War.

Ted Williams once said: “A man has to have goals—for a day, for a lifetime—and that was mine, to have people say, ‘There goes Ted Williams, the greatest hitter who ever lived.’”

Not only did he have a goal, but he also harnessed the determination and hard work necessary to succeed. Today I honor a man who was a friend, a constituent and a great American on the anniversary of his greatest achievement. He will always be remembered as baseball’s greatest hitter.

OFFICIAL REPEAL OF DON'T ASK, DON'T TELL

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, today, I would like to thank my colleagues in the LGBT Equality Caucus, Leader PELOSI, Congresswoman BALDWIN, Congressman FRANK, everyone today as we celebrate the end of a discriminatory era against gay and lesbian servicemembers in America with the official repeal of Don't Ask, Don't Tell.

For too long, this failed policy unfairly denied fundamental human rights to highly qualified individuals who wish to serve our country. As a vice-chair of the congressional LGBT Equality Caucus, I am pleased that the tireless work of our congressional colleagues, the administration, and the LGBT community resulted in the end of Don't Ask, Don't Tell.

Although this is a remarkable step forward, we still have a long way to go to attain full equality. Lesbian, gay, bisexual, and transgendered people continue to be targets of discrimination in our policies, our laws, and our society. I have always said that discrimination is un-American, and we as a Nation must continue to fight for policies that bring us closer to fulfilling the principles we espouse.

I encourage all of us to stay committed to ensuring that sexual orientation and gender identity are no longer a cause for inequality.

HONORING LATINOS IN THE MILITARY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week I introduced House Resolution 404, a resolution honoring Latinos in the military; and I rise today to recognize all the great contributions and service that Latinos have given to this country.

In fact, Latinos have fought in every United States military conflict that we have had, and today nearly 163,000 Latinos—and Latinas—serve in the regular components of the Armed Forces. The contributions and sacrifices that they make to defend our Nation are often overlooked. So I encourage the Secretary of Defense to increase promotion opportunities for Latinos in the Armed Forces.

It's my firm belief that the military should invest in outreach to minority communities and to work to mitigate the barriers that hinder more Latinos from advancing up the career ladder in our Armed Forces, because our Armed Forces need Latinos. Latinos, like all those who serve, continue to sacrifice their lives daily in Operation Iraqi

Freedom and Operation New Dawn. We have lost lives of Latinos also, 539.

I salute the dedication of our Latino servicemembers.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-57)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2011.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, September 21, 2011.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AUTHORIZING USE OF EMANCI- PATION HALL TO AWARD CON- GRESSIONAL GOLD MEDAL

Mr. HARPER. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 28) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRES- SIONAL GOLD MEDAL.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on November 2, 2011, to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. HARPER) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. I yield myself such time as I may consume.

Mr. Speaker, this resolution honors those brave and courageous Japanese Americans who served in the U.S. Army's 100th Infantry Battalion and 442nd Regimental Combat Team, as well as those who served in the indispensable Military Intelligence Service.

The 100th Infantry Battalion fought valiantly in the treacherous Italian campaign, earning their nickname the Purple Heart Battalion because of their bravery and sacrifice.

The 442nd Regimental Combat Team was formed in 1943 from Japanese Americans living in relocation camps. A week after D-day, the 100th Battalion and the 442nd were merged into a single unit, which fought heroically in Europe, as seen in their rescue of the

famous “Lost Battalion” in France near the German border.

□ 1240

These Japanese American units suffered enormously high casualty rates and received over 18,000 individual decorations, including 9,486 Purple Hearts. For their service in eight major campaigns in Italy and France, the 100th Infantry Battalion and the 442nd Regimental Combat Team earned eight Presidential Unit Citations.

Members of the Military Intelligence Service were Japanese Americans who served this country by intercepting radio messages, translating documents, writing leaflets encouraging opposing troops to surrender, and helping our forces understand the enemy we were fighting. In fact, according to General MacArthur’s intelligence officer, Charles Willoughby, the efforts of the Military Intelligence Service “shortened the war by 2 years.”

Mr. Speaker, Second Lieutenant DANIEL INOUE, who received a battlefield commission in November 1944, was one of these brave men. Gravely wounded in April 1945, Lieutenant INOUE received the Distinguished Service Cross. It is fitting and proper that our distinguished colleague in the other body sponsored this legislation, and I’m honored to speak in support of it here today.

I ask my colleagues to support this resolution authorizing use of Emancipation Hall in November for this Congressional Gold Medal ceremony.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,

Washington, DC, September 19, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I write to formally notify you that the Committee on House Administration hereby waives further committee consideration of S. Con. Res. 28, a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II, in order that the legislation may proceed expeditiously to the House floor for consideration.

Sincerely,

DANIEL E. LUNGREN,
Chairman.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

On October 5, 2010, President Obama signed into law S. 1055, a bill granting the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service the Congressional Gold Medal. This concurrent resolution authorizes use of Emancipation Hall in the Capitol Visitor Center to award the Congressional Gold

Medal to these brave service men and women in recognition of their dedicated service during World War II.

The 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service were compromised predominately of Japanese Americans during World War II. At that time, many of the soldiers’ families were subject to internment and discrimination, yet these courageous Americans fought with distinction and valor.

Collectively, the 100th Infantry Battalion and 442nd Regimental Combat Team became the most highly decorated unit of its size and length in the history of the United States Army, receiving seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier’s Medals and over 4,000 Purple Hearts.

The contributions of Japanese Americans were not limited to the front line. The Military Intelligence Service provided critical classified information that was vital to the success of the United States military in the Pacific theater.

The recognition of these Americans is overdue, and Emancipation Hall is a befitting place to bestow this award for the sacrifice and dedication that was shown in the face of discrimination.

Join with me today in supporting this concurrent resolution, and I reserve the balance of my time.

Mr. HARPER. I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Pennsylvania for allowing me to speak on this important resolution.

On behalf of our chairwoman, JUDY CHU, and our Asian Pacific Caucus, I rise today in support of Senate Concurrent Resolution 28, a resolution that would authorize the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service in recognition of their dedicated service during World War II. I want to personally thank Senator DANIEL INOUE for sponsoring this resolution, and I thank also my fellow Members of Congress and colleagues who join me in support of this important bill.

Mr. Speaker, as a Vietnam veteran and also as a former member of the 100th Battalion, 442nd Infantry Reserve Unit out of Honolulu, Hawaii, I am proud to say that we must recognize Senator DANIEL INOUE and also the late Senator Spark Matsunaga, both of Hawaii, who distinguished themselves

in battle as soldiers with the 100th Battalion and 442nd Infantry during World War II.

As we all know, Mr. Speaker, after the surprise attack on Pearl Harbor on December 7, 1941, there was such an outrage and cry for all-out war against Japan, days afterwards our President and the Congress officially declared war against Japan. Out of this retaliation against Japan, however, tens of thousands of Americans were caught in the crossfire. These Americans just happened to be of Japanese ancestry.

The Federal Government immediately implemented a policy whereby over 100,000 Americans of Japanese ancestry—men, women, and children—were forced to live in what we called relocation camps but were actually more like prison or concentration camps. Their lands, their homes, their properties were confiscated by the Federal Government without due process of law. It was a time in our Nation’s history when there was so much hatred, bigotry, and racism against our fellow Americans who just happened to be of Japanese ancestry. Despite all of this, Mr. Speaker, over 10,000 Japanese Americans volunteered to join the U.S. military, despite the fact that their wives, their parents, their brothers and sisters are in prison behind barbed wire fences in these relocation camps.

As a result of such volunteerism, two combat units, the 100th Battalion and the 442nd Infantry Combat Group, were organized and immediately sent to fight Nazi Germany in Europe.

In my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units. These units suffered an unprecedented casualty rate of 314 percent. They emerged as the most decorated combat units of their size in the military history of the U.S. Army. The 100th Battalion and 442nd Infantry received over 18,000 individual decorations for bravery and courage in the field of battle, many awarded posthumously. They were awarded 53 Distinguished Service Crosses, 560 Silver Stars, 9,486 Purple Hearts, and 7 Presidential Unit Citations, the Nation’s top award for combat units. And yet, ironically, only one Medal of Honor was awarded to these soldiers.

It was not until 1999 that Congress took corrective action by mandating a reexamination of why just one Medal of Honor was awarded to these Japanese American soldiers. As a result of the review process, President Clinton awarded 20 additional Congressional Medals of Honor to these brave Japanese American soldiers. And Senator INOUE was one of the recipients of the Congressional Medal of Honor.

We should also note that while the 100th Battalion and 442nd Infantry were

fighting on the front lines, thousands of Japanese Americans also joined the first military foreign language school, the Military Intelligence Service, where they learned Japanese.

During the war, about 6,000 MIS agents fought in all Army units in the Pacific and were assigned to Allied forces in Australia, Britain, China, Canada, and India. They staffed theater-level intelligence centers, and their duties included the 442nd infantry.

On October 5, 2010, President Obama granted the Congressional Gold Medal collectively to the 100th Infantry Battalion, 442nd Regimental Combat Team, as well as the 6,000 Japanese Americans who served in the Military Intelligence Service during World War II.

I believe that each one of these American heroes should be recognized for this high honor here in the heart of our Nation's capital, the U.S. Capitol, for their bravery, their patriotism, and their selfless service. I ask my colleagues to support this resolution to honor these men and women who valiantly served our Nation.

Mr. Speaker, on behalf of Chairwoman CHU, the Congressional Asian Pacific American Caucus, Congresswoman HIRONO, Congresswoman HANABUSA, and Congressman HONDA, I rise today in support of S. Con. Res. 28, a resolution that would authorize the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service in recognition of their dedicated service during World War II. I thank Senator DANIEL INOUE for sponsoring this resolution, and I thank my fellow members of Congress who join me in support of this important bill.

As a Vietnam veteran and also a former member of the 100th Battalion, 442nd Infantry Reserve Unit in Honolulu, Hawaii, I am especially proud to say that we must recognize Senator DANIEL INOUE, and also highly respected, the late Senator Spark Matsunaga of Hawaii, who distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry during World War II.

As we all know, after the surprise attack on Pearl Harbor on December 7, 1941, there was such an outrage and cry for an all out war against Japan and days afterwards our President and the Congress officially declared war against Japan. Out of this retaliation against Japan, however, tens of thousands of Americans were caught in the crossfire. These Americans just happened to be of Japanese ancestry.

The Federal Government immediately implemented a policy whereby over 100,000 Americans of Japanese ancestry were forced to live in what were called relocation camps, but were actually more like prison or concentration camps. Their lands, homes and properties were confiscated by the Federal Government without due process of law. It was a time in our Nation's history when there was so much hatred, bigotry and racism against our fellow

Americans who happened to be of Japanese ancestry.

Despite all this, over ten thousand Japanese Americans volunteered to join the U.S. military, despite the fact that their wives, parents, brothers and sisters were imprisoned behind barbed wire fences in these relocation camps. As a result of such volunteerism, two combat units, the 100th Battalion and the 442nd Infantry Combat Group, were organized and immediately sent to fight Nazi Germany in Europe.

Mr. Speaker, in my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units. These units suffered an unprecedented casualty rate of 314 percent. They also emerged as the most decorated combat unit of their size in the history of the United States Army. The 100th Battalion and 442nd Infantry received over 18,000 individual decorations for bravery and courage in the field of battle, many awarded posthumously. They were awarded 53 Distinguished Service Crosses, 560 Silver Stars, 9,486 Purple Hearts, and 7 Presidential Unit Citations, the Nation's top award for combat units. And yet, only one Medal of Honor was awarded at the time.

It was not until 1999 that Congress took corrective action by mandating a reexamination of why just one Medal of Honor was awarded to these Japanese Americans. As a result of this review, President Clinton awarded 20 additional Congressional Medals of Honor to these brave Japanese American soldiers.

It was while fighting in Europe that Senator INOUE lost his arm while engaged in his personal battle against two German machine gun posts. For his heroism, he was awarded the Distinguished Service Cross. Senator INOUE was also one of those recipients of the Medal of Honor and I was privileged to witness this historical moment at a White House ceremony.

Mr. Speaker, we should also note that while the 100th Battalion and 442nd Infantry were fighting on the front lines, thousands of Japanese Americans also joined the first U.S. military foreign language school, the Military Intelligence Service (also known as the M.I.S.), where they learned Japanese.

During the war, about 6,000 M.I.S. agents fought in all Army units in the Pacific and were assigned to allied forces in Australia, Britain, Canada, China, and India. They staffed theater-level intelligence centers and their duties included translating captured documents, interrogating prisoners of war, and listening to all enemy radio communications.

At Bougainville in 1942 an M.I.S. agent translated an uncoded Japanese radio transmission describing Admiral Yamamoto's inspection schedule of the bases around the Solomon Islands, thereby leading to the successful interception of Yamamoto's aircraft. This victory resulted in a boost in morale for the Allies in the Pacific since Admiral Yamamoto had directed the Japanese attack on Pearl Harbor.

In 1944, the M.I.S. also translated the Japanese Imperial Navy's "Z-Plan," which outlined defense strategies in the Pacific. The translation of this vital document made it possible for the U.S. Navy to gain victory in the Mari-

anas, the Philippines, and in other areas of the Pacific.

At war's end, the M.I.S. facilitated local surrenders of Japanese forces as well as the occupation. Working in military government, war crimes trials, censorship, and counterintelligence, these silent warriors contributed to the occupation's ultimate success.

Though many would only come to know of these stories decades later, these brave Americans earned the respect of our Nation's military leaders at a time when many Americans saw them as enemies. President Harry Truman called the Japanese Americans in the M.I.S. the "human secret weapon for the U.S. Armed Forces" and General Willoughby, MacArthur's intelligence chief credited the M.I.S. Nisei with shortening the war by two years and saving possibly a million American lives. President Truman was also so moved by the bravery of the 100th Battalion and 442nd Infantry in the field of battle, as well as that of African American soldiers during World War II, that he issued an Executive Order to finally desegregate all branches of the Armed Services.

On October 5, 2010, President Barack Obama granted the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and 442nd Regimental Combat Team as well as the 6,000 Japanese Americans who served in the Military Intelligence Service during World War II.

Mr. Speaker, I believe that each one of these American heroes should be recognized for this high honor here in the heart of our nation—the United States Capitol—for their bravery, patriotism, and selfless service. I ask my colleagues to support this resolution to honor these men and women who valiantly served our Nation.

Mr. HARPER. I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I would like to add my support to President Obama's signing into law S. 1055 on October 5 of this last year, which grants the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service the Congressional Gold Medal and also authorizes the use of Emancipation Hall in the Capitol Visitor Center to award this medal to the brave service men and women in recognition of their service during World War II, which my husband was a participant of.

For too long, we tended to ignore the contributions of our military men and women simply because they don't look traditional.

□ 1250

I know that in California, we did the same thing with the fishing village in San Pedro that had been ignored. They lost everything and were put into camps during the war.

On another matter, Mr. Speaker, I would like to take this moment to address an issue that is very, very disconcerting to many of us, especially those in the Latino community.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRADY of Pennsylvania. I yield the lady 1 additional minute.

Mrs. NAPOLITANO. I thank the gentleman.

Mental health in our Latino community has been ignored for too long, especially in all minority communities but mostly in Hispanic. It's an issue that we need to take the stigma out of, because we don't want to hear it, we don't want to see it, and we certainly don't want to speak about it. Suicide is the third leading cause of death for Hispanic Americans aged 15 to 24, the 13th leading cause for Hispanics of all ages. To quote Mia St. John, three-time world boxing champion, Latina, affected by mental illness growing up and a strong mental health advocate, "I was the first generation in my family born in America. All I wanted to be was American. I had stress and depression symptoms that professionals could have recognized as anxiety or psychosis. By the time I was 18 I was homeless and contemplating suicide."

We have H.R. 751, the Mental Health in Schools Act, onsite mental health delivery services for our youth, which will save lives and give hope and shares the message to never be afraid or be ashamed to ask for help.

I ask for support for mental health and H.R. 751.

Mr. HARPER. I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. I now yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise as a very proud honorary member of the Nisei vets, the group that you are honoring today and in support of this resolution.

Seattle was the site of a roundup of thousands of Americans. Ordinary Americans, had businesses, had truck farms, kids were going to high school and were going to college. One of them, a young man named William Nakamura, was an 18-year-old kid at Garfield High School who was rounded up and taken out to the middle of Idaho to a camp out there. And then the government said, if you'd like to come back and join the military and serve, you can.

There was lots of debate among the people in the camps about whether they should come back or not. And as you heard, 10,000 came back and were the most decorated unit in the history of the United States military. They distinguished themselves beyond any group that has ever served for this country.

William Nakamura took out two machine gun nests and was himself killed, and the courthouse in Seattle is now named after him as a memorial to what this country really stands for. The Japanese Americans, the Nisei vets, set an example for this country we must never forget.

As we look at our Muslim brothers, and we sometimes can't distinguish just exactly—you hear ugly talk that's reminiscent of what went on in this country in the early 1940s. We must never let us act again as we did against these Japanese Americans. They proved that an American is an American, no matter what his face looks like or her face looks like, they are Americans. They deserve that respect and they deserve the due process of law. They lost all their property in Seattle, unless they could give it to someone and say, would you take care of this? Some people did get it back at the end because other, Caucasian Americans, took it and held it for them and gave it back after the war. They did not receive due process of law. There were all kinds of violations of their civil rights. And that's why this memorial is important for us to remind ourselves of how real Americans act, no matter where they came from, and how much they're willing to give to make this country the strong place that it is.

Mr. HARPER. Mr. Speaker, I have no other speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Again, I urge all Members to support this resolution. I'm extremely proud myself to support it. My father was a member of the United States Marine Corps that served in the Pacific theater, and I'm sure he was very proud of the Japanese American men and women that were out there supporting and helping him.

With that, I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I rise today in support of S. Con. Res. 28, which will allow the use of Emancipation Hall in the U.S. Capitol for a Medal of Honor Ceremony.

During World War II, many members of University of Hawaii's Reserve Officers Training Corps, ROTC, were Nisei, the American-born sons of Japanese immigrants. After the attack on Pearl Harbor, these brave men aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii.

Despite their bravery and loyalty to the United States, in January of 1942 the U.S. Army discharged all Nisei in the ROTC unit, deemed them ineligible for service, and segregated all Japanese-Americans out of their military units. Meanwhile, over a hundred thousand Japanese-Americans were forcibly moved from their homes to internment camps. This forced ouster forever changed the lives of these Japanese-Americans, many of whom lost their land and other property.

Nonetheless, members of the Hawaii Provisional Infantry Battalion, made up of Japanese-Americans, joined the 100th Infantry Battalion, also comprised of Japanese-Americans, to train as soldiers. President Roosevelt admired their bravery and determination, and decided to allow Nisei volunteers to serve in the military again, where they were incorporated into the 442nd Regimental Combat Team.

Members of the 100th and the 442nd risked their lives to fight for our country and allies in Europe. The 442nd "Go for Broke" unit was sent repeatedly to the front lines. The 4,000 men who started in April 1943 needed to be replaced more than three times. The unit became the most decorated in U.S. military history for its size and length of service, with the 100th Infantry Battalion earning the nickname "The Purple Heart Battalion." The 100th and the 442nd received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and more than 4,000 Purple Hearts, among numerous additional distinctions. One of these Medal of Honor recipients is Hawaii's own senior Senator, DANIEL K. INOUE, the sponsor of today's resolution.

The Army's Military Intelligence Service, MIS, was composed of about 6,000 Japanese-American soldiers who conducted covert intelligence missions, including translating enemy documents, interrogating enemy prisoners of wars, intercepting radio transmissions, and persuading enemy combatants to surrender. The contributions of the MIS have only recently come to light and been publicly acknowledged.

Last year Congress passed and President Obama signed into a law a bill to collectively award the Medal of Honor to Japanese American Veterans of the 442nd Regiment, the 100th Infantry Battalion, and the Military Intelligence Service. It was a distinct honor to be present at the bill signing and meet several of these heroes in person.

Today's resolution allows the use of Emancipation Hall on November 2, 2011 in the U.S. Capitol for a ceremony to present the Medal of Honor to these brave Japanese-American veterans for their service and sacrifice during World War II. Many veterans from Hawaii or their next-of-kin will travel a great distance to attend this ceremony.

I urge my colleagues to support this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. Con. Res. 28, the concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II. This resolution awards well deserved recognition and the honor of the Congressional Gold Medal to the brave soldiers who dedicated their lives to service during World War II.

Emancipation Hall, located in the Capitol Visitor Center is a fitting location for recognizing these courageous patriots; in Emancipation Hall there stands a replica of the Statue of Freedom, the statue that sits atop the Capitol dome. The Statue of Freedom is described by Thomas Crawford, its creator, as an allegorical figure of freedom, "triumphant in both war and peace." Triumphant in both war and peace. I can think of no place more appropriate to honor the brave men of the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service. They chose to enter into military service,

made a commitment to this country and to each other, fought for freedom, and were triumphant in war and peace.

The Congressional Gold Medal is an award bestowed by Congress for outstanding deeds or acts of service to the security, prosperity, and national interest of the United States. The Congressional Gold Medal is the highest civilian award. The men and women of the Armed Forces, past and present, devote their lives to the security, prosperity and national interest of the United States. It is a great honor and privilege to be able to recognize the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, for their dedicated service during World War II.

In 1944, the 100th battalion and the 442nd battalion merged to fight against Germany and defend freedom and democracy in Europe. Among the members of these battalions were many Hawaiians and Japanese Americans. Mr. Speaker, these are exemplary examples of bravery and the extraordinary measure of these men, who rose to meet a challenge and answered a call to defend the Nation. Their courage showed the world, and shows us today, that as a nation, our capacity to overcome may well be limitless.

The men of the Armed Forces in World War II fought to defend the very ideals on which our Nation was founded. The 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service risked their lives to defend that which Americans cherish, liberty, democracy, and the basic freedoms of the Constitution. They gave this Nation more than their support, they gave it their strength, and some gave their lives, in what Abraham Lincoln called "the last full measure of devotion."

Mr. Speaker, the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service deserve this honor, as they deserve our respect, our admiration, and our enduring gratitude. Their legacy of selfless patriotism lives on today, and serves as an example for all Americans. I am proud to support S. Con. Res. 28, a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II. I am pleased to join my colleagues in supporting this very worthy resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 28.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CHRISTOPHER S. BOND UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 846) to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHRISTOPHER S. BOND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, shall be known and designated as the "Christopher S. Bond United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Christopher S. Bond United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 846.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. Mr. Speaker, I yield myself as much time as I may consume.

Senate bill 846 would designate the newly constructed federal courthouse at 80 Lafayette Street in Jefferson City, Missouri, as the "Christopher S. Bond United States Courthouse."

I would like to take this opportunity to thank Senator BLUNT of Missouri for introducing this legislation. I want to thank his colleague, Senator MCCASKILL, also of Missouri, for cosponsoring this bill.

Senator Bond has honorably served the State of Missouri and this Nation for many decades. He was born in St. Louis, Missouri, and went on to pursue his undergraduate degree at Princeton University and his law degree at the University of Virginia. After law school, he clerked for the Honorable Elbert Tuttle, who was then the Chief Judge of the United States Fifth Circuit Court of Appeals in Atlanta, Georgia.

After a brief time of private practice in Washington, DC, he moved back to Missouri, where he was elected as Missouri State auditor in 1970. Two years

later, Senator Bond was elected Governor of Missouri, making him the youngest Governor in State history. He served two terms, from 1973 to 1977 and from 1981 to 1985.

In 1986, Senator Bond ran successfully for the United States Senate, where he represented citizens of Missouri for 24 years until his recent retirement after the 111th Congress.

During his time in the Senate, he served on several committees and was chair of the Committee on Small Business and Entrepreneurship from 1995 to 2001.

I believe it is appropriate that we honor Senator Bond's dedicated service for his State and country. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of S. 846, a bill that names the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the "Christopher S. Bond United States Courthouse."

Senator Kit Bond is a sixth-generation Missourian with a long and distinguished career in public service spanning over 40 years, serving in many different capacities as an elected official at both the State and federal levels. Senator Bond served as a law clerk to the Fifth Circuit Court of Appeals, as a Missouri Assistant State Attorney General, Missouri State auditor, Governor of Missouri, and finally in his longest-serving post, as United States Senator from 1987 to 2010 from the State of Missouri.

□ 1300

In the Senate, Senator Bond served on the Committees on Appropriations, Commerce, Science, Transportation and Intelligence. As ranking member of the Select Committee on Intelligence, Senator Bond played an important role as Congress crafted its anti-terrorism policies in the aftermath of the September 11 terrorist attacks.

Senator Bond also worked well with Members across the aisle on many issues, including perhaps one of his proudest legislative accomplishments as a cosponsor of the Family Medical Leave Act, signed into law by President Bill Clinton in 1993.

Finally, Senator Bond was a vigorous advocate for the State of Missouri, proudly championing and pursuing Federal investment in support of public housing, university research, defense, agriculture and infrastructure throughout the State. Senator Bond and I worked very closely on a number of projects for Missouri and Illinois and the St. Louis region, including the new Mississippi River Bridge, which is under construction now.

In January 2009, Senator Bond announced that he would not run for reelection in 2010, noting that in 1973, at

33 years old, he had become the youngest Governor ever to be elected in Missouri and that he had no desire to become Missouri's oldest Senator.

Naming the Federal courthouse in Jefferson City as the Senator Christopher "Kit" Bond Courthouse is a fitting tribute, and I support the passage of Senate bill 846, which honors his service to our country and to this great institution.

I urge my colleagues to join me in supporting this legislation, and I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. I thank the chairman for bringing this bill forward.

I am so excited to be here today and so proud to support Senate bill 846, which renames the new Federal courthouse in my district of Jefferson City the Christopher S. Bond United States Courthouse. This is such a fitting tribute to a great Missourian, who I have had the privilege of knowing and working with over the years.

Senator Bond was first elected in 1986 to the U.S. Senate and served over 24 years representing our State here valiantly in the United States Congress. And before he came here to the Senate, he served two terms as Governor and was also State auditor.

He is known for accomplishing many things—and there's not enough time to share all of them—but one thing he is certainly noted for is that he started the Parents as Teachers program and took it statewide. That has benefited thousands of children in Missouri and across this country, and certainly I participated with our daughter. It's a wonderful, wonderful program.

He is also a great supporter of free trade. He had been a champion of building highways and infrastructure, which has enabled vital investments in our roads and bridges in Missouri. He was vice chairman of the Senate Select Committee on Intelligence, and he worked for bipartisan support to renew the Foreign Intelligence Surveillance Act.

He is a strong defender of our military and our national defense. As part of the Defense Appropriations Subcommittee, he worked to continue operation of Boeing's F-15 production line in a plant next to the St. Louis airport. And we always heard about how proud he was of his son's service in the military.

But being from the farm, I appreciated Senator Bond's support of agriculture. He was certainly a leader in making Missouri a leader in agricultural research. He is a leader whose service has improved the lives of thousands of Missourians, an example of patriotism that has inspired future leaders to follow in his footsteps.

Every time now that Missourians will drive by this courthouse, they will

be inspired to serve their fellow man—service above self—just like Kit Bond has done all of these years.

I want to close with some words that Kit said himself about his service, and I think it's an example for all of us in Missouri and across this country. He said: "Serving Missouri has been my life's work. I have walked the land, fished its rivers, and been humbled by the honesty and hard work of our people. The highest honor is to receive and safeguard the public trust."

Mr. COSTELLO. Mr. Speaker, I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I rise in support of S. 846, which would designate the name of the United States courthouse in Jefferson City, Missouri as the Christopher S. Bond United States Courthouse. We would like to congratulate Mr. Bond on behalf of our office for this prestigious honor.

Mr. Bond served the State of Missouri for over 4 decades, beginning as the Assistant Attorney General in 1969, where he led the Consumer Protection Division. He then went on to be elected Missouri State Auditor in 1970 until 1973. Later in 1973, at the age of 33, he was elected Governor of Missouri, making him the youngest Governor in the State's history. He served as Governor from 1973 until 1977, and again from 1981 until 1985. Mr. Bond then went on to serve as a United States Senator from 1987 until his retirement in January of 2011.

Kit Bond has served our State and our Country with dedication, and naming the United States Courthouse after him is an appropriate manner in which to show our appreciation for all of his hard work over the last 40 years for the people of Missouri and all Americans. Once again, on behalf of our office and the entire State of Missouri, we would like to congratulate him and we wish him the best.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 846.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DENHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SHORT-TERM TANF EXTENSION ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2943) to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Short-Term TANF Extension Act".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS THROUGH DECEMBER 31, 2011.

(a) IN GENERAL.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through December 31, 2011, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through the first quarter of fiscal year 2012 at the level provided for such activities for the corresponding quarter of fiscal year 2011.

(b) MAINTENANCE OF EFFORT.—Section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking "or 2012" and inserting "2012, or 2013"; and

(2) in subparagraph (B)(ii), by striking "2011" and inserting "2012".

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2943, legislation to temporarily extend the authorization of Temporary Assistance for Needy Families and related programs.

Since it replaced the New Deal-era welfare program in 1996, TANF has been successful at cutting welfare dependents by 57 percent through the end of last year. Even more importantly, by promoting work among single parents, who are the most common welfare recipients, it helped significantly

reduce child poverty in female-headed families over time.

Even at today's elevated unemployment rates, TANF continues to promote more work and earnings and less poverty. But despite this general progress, TANF can and should be strengthened to do more, especially to help more low-income families work and support themselves in the years ahead. Unfortunately, too many parents are exempted from work requirements today for a variety of reasons we learned at a recent hearing held by the Ways and Means Subcommittee on Human Resources, which I am privileged to chair.

But given the current administration's support for only a straight 1-year extension of current law, which is a view shared by the other body, there are limited prospects for making needed changes to TANF before the program expires at the end of this month. That's the reason for the short-term extension before us today.

This 3-month extension will provide an opportunity for Congress, including the Joint Select Committee on Deficit Reduction, to review TANF alongside other entitlement programs this fall. Important questions need to be asked, including what is the proper funding level for these programs and how can they best be focused on engaging low-income parents in work and other productive activities so more can support themselves in the long run.

Another thing this additional time will let us do is to take action to close what some call the "strip club loophole." This refers to an outright abuse of taxpayer trust permitted under current law when adults on welfare spend taxpayer funds on liquor, gambling, tattoos, or even visits to strip clubs. As recent exposes have revealed, too many welfare recipients access taxpayer funds at cash machines in casinos, liquor stores, strip clubs, and even on cruise ships.

Some States have already taken action to close this loophole by blocking access to welfare EBT cards at such establishments. There is bipartisan legislation to require all States to do that, and doing so is something of particular interest to our colleague, Senator COBURN. I share his commitment to getting this done this fall and urge all my colleagues to support action that we will take to close this loophole.

The legislation before us is designed to provide time for a closer review of and action on these sorts of issues. Importantly, it does not add to our deficit since it simply continues current TANF funding for 3 months. I note that TANF is a fixed block grant, which is not adjusted for inflation.

I wish we were debating legislation today that extended and actually improved TANF programs so that they work better; but given the impediments before us, the bill before the

House today offers the best chance that we will be able to do that in the near future, and I urge all of my colleagues to support it.

I reserve the balance of my time.

□ 1310

Mr. DOGGETT. I yield myself 5 minutes.

Mr. Speaker, this is a bipartisan bill, which I fully support, but it is important to understand what this bill does and what it does not do. It is important to understand which provisions we agree upon and which ones we accept as only being better than the alternative of allowing this important law and all those who count on it to expire next week.

Last week, the Census Bureau reported that more Americans were poor in 2010 than at any time on record. Regrettably, my home State of Texas was leading the way with one of the highest poverty rates anywhere in America.

The Texas Center for Public Policy Priorities, a nonpartisan group, recently reported that "The heart of the American Dream is at risk in Texas." For the first time in generations, there are more people falling out of the middle class than joining its ranks. And what a struggle it is for those families trying to hold on.

In a neighborhood near downtown San Antonio, Andrew Ramos and his wife, Nina, are struggling just to keep food on the table for themselves and their 2-year-old daughter. Andrew lost his job, and Nina works at a local pizza parlor where she makes about \$200 a week. There are so many families just like the Ramos family—almost one in five in poverty in Bexar County.

As John Turner at the Capital Area Food Bank concludes: Hunger is a result of lack of income and of a livable wage. It affects too many of our neighbors, he says, under the current Texas economic model.

The demands on our food banks, which serve as effective public-private partnerships, are immense. The Capital Area Food Bank, this year, is delivering 50 percent more food to poor people than it did 3 years ago.

But I don't really hear anyone facing up to this harsh reality—not our Governor in Texas, not the President of the United States, and certainly not the leadership here in the House. In fact, the Administration has shown little interest and almost no guidance in reforming this legislation.

Rather than respond to rising deprivation and declining opportunity, this legislation continues for another 3 months, the Temporary Assistance for Needy Families Act. This is a program that today provides direct assistance to only one in every five children living in Poverty in America. That's the lowest level of poor children receiving direct assistance since 1965. And of course in Texas it's much worse, where

only one in every 20 poor children receive direct assistance from TANF.

The bill before us also does not address a program agreed to originally when the Welfare Reform Act was enacted—a bill that I voted for to address the particular needs of high poverty States like Texas and many in the South—called TANF Supplemental Grants. Their name is really a misnomer because they're not a supplement; they're essential to the work of States that have higher poverty rates.

Ever since that time of the Welfare Reform Act, Texas and those States have depended on supplemental TANF. It is not included in today's legislation, and that means that Texas will lose about \$50 million every year that it relies on to work with child care, with preventing pregnancy, with other issues like school dropouts, programs that rely on these funds today.

Allowing these grants to expire is in sharp contrast to what happened in 2001 when Governor Rick Perry wrote to then-Whip Tom DeLay urging the extension of TANF supplemental grants, saying: "These grants have played an important role in helping hardworking men and women in Texas achieve independence from public assistance. Congress designed the supplemental grants to address the critical program needs of States." Those were words of Governor Rick Perry, who is silent on this matter today about how we enable more Texans to move from welfare to work.

Mr. Speaker, we cannot allow the funding for TANF to expire next week, and so I join wholeheartedly with this renewal legislation. But we also need to move past doing the very least that we can do and start responding to the mounting challenges that families not just in Texas but across our country face. TANF has not been adequately responsive to the increased level of needs during these bad economic times.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. Mr. Speaker, I yield myself 1 additional minute.

I think also of the words of Claudia Herrington, who works at El Buen Samaritano, dealing largely with Latino families. She writes: "This is not the American Dream I believe in. This is not the American Dream my father believed in when he emigrated from Cuba here in the 1960s. I know our country is better than that, regardless of political affiliation. And I know that investment in our people and their ability to earn a decent living is a worthwhile policy."

We need a policy that is more safety net than hole, and I hope eventually we can work together to achieve that.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's suggestion that this legislation

should be amended to revive the TANF Supplemental Grants program.

TANF supplemental grants expired in June 2011 in accordance with legislation Democrats crafted last year that President Obama signed into law. These payments have now expired and are not payable under current law. Extending them would mean spending more money to revive the program, which is beyond the scope of what we're doing today in maintaining only current TANF programs.

Since TANF supplemental grants were first paid, about \$4 billion in extra TANF programs have been paid out only to a minority of States. At some point, we have to ask when such supplemental spending should come to an end. The last Congress, which, again, was led by Democratic majorities, said the end should come this past June. I respect that judgment.

The committee is obviously aware of Mr. DOGGETT's bill to extend these payments yet again, but we don't know how he would pay for that since the bill he introduced includes no pay-for. That would mean increasing our current historic deficits even more.

All States received a share of \$5 billion in special welfare funds in the 2009 stimulus bill. That was on top of almost \$17 billion in TANF block grant payments all States receive each year, including those that previously collected supplemental grants. The States that collected supplemental grants received about \$913 million of that \$5 billion in one-time funds, or the equivalent of almost three years of supplemental grant payments.

I appreciate the gentleman's argument for extending these payments by reviving the now-ended Supplemental Grants program. The legislation before us does not do that, since it simply extends current law programs. But I know he and I will continue to have fruitful discussions and work together about this and other TANF funding and related issues, and I appreciate his continued input and effort.

With that, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I would yield myself 15 seconds to say that under Democratic leadership we extended the supplemental TANF program that Governor Rick Perry was so proud about in 2001. We extended it four times. The only reason that it existed in the spring of this year was because of our extensions. It should be extended once again, and I hope in the process we can do that.

I would now yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I come to the floor on this noncontroversial bill and as a proud member of the Ways and Means Committee to show the Congress and the country that we are concerned about more than just taxes.

I want to thank Mr. DAVIS for his leadership in this area and especially my friend Mr. DOGGETT, who have stuck with the committee in trying to make certain that we improve the life of those people who are so vulnerable in our society.

To think that one out of five children in America, the United States of America, is living in poverty, to recognize that 46 million people, a family of four makes less than \$22,000 is certainly not what has inspired so many people to get out of poverty and move into the middle class, which is the heart of America and the heart of our economy.

This bill does just that. It comes to us to look to give authority to the States to see what works, to make certain that people don't have to stay on welfare, that they can have a goal in being fully employed. And it takes a way the image that we have, as a country, that we applaud people who are being executed, that we applaud those people that don't have health insurance.

No, America is more than that. And during these hard times, we have to make certain that we do as the members of this committee, a classic example is Mr. DOGGETT, is Mr. DAVIS, both on a hardworking committee, but care enough about the people in our country to show that this is bipartisan. And the people that are poor, the people that are in need, the people that are without homes and without hope are not Democrats; they're not Republicans. They are people in our country. And we have an obligation to show that there is a need for government. There is a need for caring.

And I am proud to be a member of this committee and a Member of this Congress to show that's what our country is all about.

□ 1320

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington State, the former chair of this subcommittee, Mr. McDERMOTT.

Mr. McDERMOTT. I want to say just a few words about this. Obviously, I support the extension of the TANF. But I think that there is a real need—and we've been extending it 1 year at a time, 1 year at a time, 1 year at a time for some time—there really is a need to re-look at the whole concept of what this safety net really needs to be.

We wiped out welfare as we know it, as was the phrase in 1996, at a time when the economy in this country was going straight up. Anybody could find a job if they looked for one. And it was very clear that there were efforts in that bill to push people off the rolls and out into the work market. Now, it was possible to do that.

Today, however, you have a situation where there are four people that are

looking for every job that's out there. You have many middle class families who have exhausted 99 weeks of unemployment and have nothing in this country except food stamps.

Now, it sort of depends on whether or not we're going to have a middle class in this country when we have a downturn like this and we decide whether we're going to help the middle class make it. We've got foreclosures that won't quit. And we've had no proposals out of the House to do anything about foreclosure prevention.

So you have middle class people who've lost their job, their unemployment is gone, they are now having their house foreclosed, and they look to their government for a safety net and find nothing but food stamps.

In my belief, there is a time when we should help the middle class in this country be able to go through what may be another year or two, we're not quite sure how long it will be, but it should not be that there is no program available to help middle class people who have fallen on very difficult times.

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. I yield myself such time as I may consume.

Mr. Speaker, the House should approve this important bipartisan legislation today. To fail to approve this modest extension would cause even more people to suffer with the expiration of these programs next week.

Mr. Speaker, it may not be in vogue to discuss the problems of poor people in America today, but we need to hear more about it in this House. We need to hear more about it in Washington, DC.

Certainly we want to support and encourage the middle class in America—very, very important—but we need to create more opportunity to broaden that middle class. For the many people who struggle and hope that lives will be better for their children and that they will face less obstacles than their parents have faced, we need to provide that temporary assistance to needy families. The current program leaves out too many and forgets too many of those families in their struggle.

The omission of TANF supplemental grants, which we renewed four times in the last two Congresses, is not being renewed here, which means that in Texas and in so many high-poverty States, we will not have the support that Governor Rick Perry once called for. We will have a broadened gap and a lack of services.

Many of the dollars that we've received in that program in Texas have gone into child protective services to protect abused and neglected children. They will no longer have that assistance. I hope in the course of the legislative process of the renewal of this legislation, we might eventually get TANF supplemental grants into the bill.

Today we see so many who are losing the opportunity to share in the American Dream. We have an opportunity to continue at least a minimal level of support to them. We should do that, but we should commit ourselves to doing even more.

I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, H.R. 2943 simply is a short-term continuation of Welfare to Work programs that have successfully cut welfare dependence and promoted work. I urge my colleagues to support this legislation and to work with us to design a long-term reauthorization bill that fixes flaws in the system, fixes broken processes and allows agencies to communicate in a more holistic way as we address this to eliminate waste of taxpayer dollars and ultimately to design a long-term reauthorization bill that further promotes work and independence from welfare.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2943, "The Temporary Assistance for Needy Families Extension Act," which extends the authorization of the Temporary Assistance for Needy Families (TANF) state block grant program for three months, through December 31, 2011. Under current law, the program's authorization is set to expire on October 1, 2011, at the end of FY 2011. H.R. 2943 authorizes "such sums as may be necessary" to carry out the program at the same level as FY 2011 or \$16.48 billion according to CRS and extends funding for the basic block grant, healthy marriage and responsible fatherhood competitive grants, mandatory child care grants, and certain other funds.

As Chair of the Congressional Children's Caucus, I am keenly aware that the youngest among us often suffers the most when programs, like TANF, are underfunded. We must take a proactive role in protecting children from lives of abject poverty.

I represent the 18th Congressional district in Houston, Texas. In my district, more than 190,000 people live below the poverty line. Programs like TANF are vital to these families. At a time when the Census Bureau places the number of Americans living in poverty at the highest rate in over 50 years.

Across our nation the poverty rate has climbed to 14.3 percent in 2009, the highest level since 1994 and is likely to continue to climb. At this time children are again bearing the brunt, more than one in five children lived in families with incomes under the official poverty level which was \$22,050 for a family of four in 2009. Similarly more than one in five children lived in households that did not always have the resources to purchase food.

In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. Further, The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

Many people assume that Texas was not hit as hard by the recession as other states be-

cause our unemployment rate is still below the national average. While our unemployment rate is low compared to the U.S. (8.2 versus 9.8 percent, respectively, in November 2010), it is still nearly double where it stood in November 2007 (4.4 percent). In fact, Texas' unemployment rate has been around 8 percent for the last 16 months, which is extremely high given Texas' recent history. This has resulted in nearly one in three Texas children living with a parent who does not have a full-time, year-round job, making them particularly vulnerable.

When a household falls into poverty, children are exposed to increased parental distress, inadequate childcare arrangements, and poor nutrition. In past recessions, it took many years for employment and incomes to rebound, and low-income families rebound more slowly than others.

Public benefits such as TANF help families bridge the gaps in difficult economic times and are critical in reducing the effects of a recession. Cutting these supports will hurt child and family wellbeing and damage the Texas economy by taking money out of the private economy for critical local businesses such as grocery stores and medical providers.

Although TANF is not perfect, I believe that is an essential part of the safety net for very low-income families with children. These benefits do not provide families with the ability to live a lavish life style, they do provide a life line to families at a critical time in their lives, such as periods of unemployment or disability, or when a newborn joins a family. The goal of TANF is to be a temporary safety net and to help families in need to regain their balance, when a hard time causes them to lose their balance.

TANF provides access to paths out of poverty through services such as job training or counseling for mental health issues. State also uses the block grants for a wide range of work supports, including child care and transportation. For these reasons I support H.R. 2943.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2943.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2883) to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child and Family Services Improvement and Innovation Act".

TITLE I—EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS

SEC. 101. STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.

(a) *EXTENSION OF PROGRAM.*—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking "2007 through 2011" and inserting "2012 through 2016".

(b) *MODIFICATION OF CERTAIN STATE PLAN REQUIREMENTS.*—

(1) *RESPONSE TO EMOTIONAL TRAUMA.*—Section 422(b)(15)(A)(ii) of such Act (42 U.S.C. 622(b)(15)(A)(ii)) is amended by inserting "including emotional trauma associated with a child's maltreatment and removal from home" before the semicolon.

(2) *PROCEDURES ON THE USE OF PSYCHOTROPIC MEDICATIONS.*—Section 422(b)(15)(A)(v) of such Act (42 U.S.C. 622(b)(15)(A)(v)) is amended by inserting "including protocols for the appropriate use and monitoring of psychotropic medications" before the semicolon.

(3) *DESCRIPTION OF ACTIVITIES TO ADDRESS DEVELOPMENTAL NEEDS OF VERY YOUNG CHILDREN.*—Section 422(b) of such Act (42 U.S.C. 622(b)) is amended—

(A) by striking "and" at the end of paragraph (16);

(B) by striking the period at the end of paragraph (17) and inserting "and"; and

(C) by adding at the end the following:

"(18) include a description of the activities that the State has undertaken to reduce the length of time children who have not attained 5 years of age are without a permanent family, and the activities the State undertakes to address the developmental needs of such children who receive benefits or services under this part or part E."

(4) *DATA SOURCES FOR CHILD DEATH REPORTING.*—Section 422(b) of such Act (42 U.S.C. 622(b)), as amended by paragraph (3) of this subsection, is amended—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) and inserting "and"; and

(C) by adding at the end the following:

"(19) contain a description of the sources used to compile information on child maltreatment deaths required by Federal law to be reported by the State agency referred to in paragraph (1), and to the extent that the compilation does not include information on such deaths from the State vital statistics department, child death review teams, law enforcement agencies, or offices of medical examiners or coroners, the State shall describe why the information is not so included and how the State will include the information."

(c) *CHILD VISITATION BY CASEWORKERS.*—Section 424 of such Act (42 U.S.C. 624) is amended by striking the 2nd subsection (e), as added by section 7(b) of the Child and Family Services Improvement Act of 2006, and inserting the following:

"(f)(1)(A) Each State shall take such steps as are necessary to ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care under the responsibility of the State during a fiscal year is not less than 90 percent (or, in the case of fiscal year 2015 or thereafter, 95 percent) of the total number of such visits that would occur during the fiscal year if each such child were so visited once every month while in such care.

"(B) If the Secretary determines that a State has failed to comply with subparagraph (A) for a fiscal year, then the percentage that would otherwise apply for purposes of subsection (a) for the fiscal year shall be reduced by—

“(i) 1, if the number of full percentage points by which the State fell short of the percentage specified in subparagraph (A) is less than 10;

“(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

“(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.

“(2)(A) Each State shall take such steps as are necessary to ensure that not less than 50 percent of the total number of visits made by caseworkers to children in foster care under the responsibility of the State during a fiscal year occur in the residence of the child involved.

“(B) If the Secretary determines that a State has failed to comply with subparagraph (A) for a fiscal year, then the percentage that would otherwise apply for purposes of subsection (a) for the fiscal year shall be reduced by—

“(i) 1, if the number of full percentage points by which the State fell short of the percentage specified in subparagraph (A) is less than 10;

“(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

“(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.”

(d) **TECHNICAL CORRECTION.**—Section 423(b) of such Act (42 U.S.C. 623(b)) is amended by striking “per centum” each place it appears and inserting “percent”.

SEC. 102. PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) **EXTENSION OF FUNDING AUTHORIZATIONS.**—

(1) **IN GENERAL.**—Section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking all that follows “\$345,000,000” and inserting “for each of fiscal years 2012 through 2016.”

(2) **DISCRETIONARY GRANTS.**—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking “2007 through 2011” and inserting “2012 through 2016”.

(b) **TARGETING OF SERVICES TO POPULATIONS AT GREATEST RISK OF MALTREATMENT.**—Section 432(a) of such Act (42 U.S.C. 629b(a)) is amended—

(1) by striking “and” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; and”; and

(3) by adding at the end the following:

“(10) describes how the State identifies which populations are at the greatest risk of maltreatment and how services are targeted to the populations.”

(c) **REVISED PURPOSES OF FAMILY SUPPORT SERVICES AND TIME-LIMITED FAMILY REUNIFICATION SERVICES.**—

(1) **FAMILY SUPPORT SERVICES.**—Section 431(a)(2) of such Act (42 U.S.C. 629a(a)(2)) is amended to read as follows:

“(2) **FAMILY SUPPORT SERVICES.**—

“(A) **IN GENERAL.**—The term ‘family support services’ means community-based services designed to carry out the purposes described in subparagraph (B).

“(B) **PURPOSES DESCRIBED.**—The purposes described in this subparagraph are the following:

“(i) To promote the safety and well-being of children and families.

“(ii) To increase the strength and stability of families (including adoptive, foster, and extended families).

“(iii) To increase parents’ confidence and competence in their parenting abilities.

“(iv) To afford children a safe, stable, and supportive family environment.

“(v) To strengthen parental relationships and promote healthy marriages.

“(vi) To enhance child development, including through mentoring (as defined in section 439(b)(2)).”

(2) **TIME-LIMITED FAMILY REUNIFICATION SERVICES.**—Section 431(a)(7)(B) of such Act (42 U.S.C. 629a(a)(7)(B)) is amended by redesignating clause (vi) as clause (viii) and inserting after clause (v) the following:

“(vi) Peer-to-peer mentoring and support groups for parents and primary caregivers.

“(vii) Services and activities designed to facilitate access to and visitation of children by parents and siblings.”

(d) **UNIFORM DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.**—Section 431(a) of such Act (42 U.S.C. 629a(a)(5) and (6)) is amended by striking paragraphs (5) and (6) and inserting the following:

“(5) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 428(c).

“(6) **TRIBAL ORGANIZATION.**—The term ‘tribal organization’ has the meaning given the term in section 428(c).”

(e) **SUBMISSION TO CONGRESS OF STATE SUMMARIES OF FINANCIAL DATA; PUBLICATION ON HHS WEBSITE.**—Section 432(c) of such Act (42 U.S.C. 629b(c)) is amended—

(1) by striking all that precedes “shall” and inserting the following:

“(c) **ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.**—

“(1) **IN GENERAL.**—The Secretary”; and

(2) by adding after and below the end the following:

“(2) **INFORMATION TO BE INCLUDED.**—The compilation shall include the individual State reports and tables that synthesize State information into national totals for each element required to be included in the reports, including planned and actual spending by service category for the program authorized under this subpart and planned spending by service category for the program authorized under subpart 1.

“(3) **PUBLIC ACCESSIBILITY.**—Not later than September 30 of each year, the Secretary shall publish the compilation on the website of the Department of Health and Human Services in a location easily accessible by the public.”

(f) **GAO REPORT ON MULTIPLE SOURCES OF FEDERAL SPENDING AND FAMILY ACCESS TO SERVICES.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) identifies alternative sources of Federal funding that are being employed by States or other entities for the same purposes for which funding is provided under subpart 1 or 2 of part B of title IV of the Social Security Act; and

(2) assesses the needs of families eligible for services under such program, including identification of underserved communities and information regarding—

(A) the supports available for caseworkers to appropriately investigate and safely manage their caseloads;

(B) the length of the wait time for families to receive substance abuse and other preventive services; and

(C) the number of families on waiting lists for such services and the effect of the delay on healthy, successful reunification outcomes for such families.

(g) **TECHNICAL CORRECTIONS.**—

(1) Section 432(a)(8)(B) of the Social Security Act (42 U.S.C. 629b(a)(8)(B)) is amended in each of clauses (i) and (ii) by striking “forms CFS 101—Part I and CFS 101—Part II (or any successor forms)” and inserting “form CFS-101 (including all parts and any successor forms)”.

(2) Section 433(c)(2) of the Social Security Act (42 U.S.C. 629c(c)(2)) is amended—

(A) in the paragraph heading, by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS”; and

(B) by striking “benefits benefits” each place it appears and inserting “benefits”.

SEC. 103. GRANTS FOR TARGETED PURPOSES.

(a) **EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.**—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended—

(1) in paragraph (4)(A), by striking “433(e)” and all that follows and inserting “433(e) \$20,000,000 for each of fiscal years 2012 through 2016.”; and

(2) in paragraph (5), by striking “437(f)” and all that follows and inserting “437(f) \$20,000,000 for each of fiscal years 2012 through 2016.”

(b) **REVISION IN USE OF MONTHLY CASEWORKER VISITS GRANTS.**—Section 436(b)(4)(B)(i) of such Act (42 U.S.C. 629f(b)(4)(B)(i)) is amended—

(1) by striking “support” and insert “improve the quality of”; and

(2) by striking “a primary emphasis” and all that follows and inserting “an emphasis on improving caseworker decision making on the safety, permanency, and well-being of foster children and on activities designed to increase retention, recruitment, and training of caseworkers.”; and

(c) **REAUTHORIZATION OF REGIONAL PARTNERSHIP GRANTS TO ASSIST CHILDREN AFFECTED BY PARENTAL SUBSTANCE ABUSE.**—

(1) **EXTENSION OF PROGRAM.**—Section 437(f)(3)(A) of such Act (42 U.S.C. 629g(f)(3)(A)) is amended by striking “2007 through 2011” and inserting “2012 through 2016”.

(2) **REVISIONS TO PROGRAM.**—Section 437(f) of such Act (42 U.S.C. 629g(f)) is amended—

(A) in the subsection heading, by striking “METHAMPHETAMINE OR OTHER”; and

(B) in each of paragraphs (1), (4)(A), (7)(A)(i), and (9)(B)(iii), by striking “methamphetamine or other”; and

(C) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) **REQUIRED MINIMUM PERIOD OF APPROVAL.**—

“(i) **IN GENERAL.**—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years, subject to clause (ii).

“(ii) **EXTENSION OF GRANT.**—On application of the grantee, the Secretary may extend for not more than 2 fiscal years the period for which a grant is awarded under this subsection.

“(C) **MULTIPLE GRANTS ALLOWED.**—This subsection shall not be interpreted to prevent a grantee from applying for, or being awarded, separate grants under this subsection.”;

(D) in paragraph (6)(A)—

(i) by striking “and” at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following:

“(iv) 70 percent for the sixth such fiscal year; and

“(v) 65 percent for the seventh such fiscal year.”;

(E) in paragraph (7)—

(i) by striking “shall” and all that follows through “(A) take” and inserting “shall take”; and

(ii) in subparagraph (A)(iv), by striking “; and” and inserting a period;

(iii) by striking subparagraph (B); and

(iv) by redesignating clauses (i) through (iv) of subparagraph (A) as subparagraphs (A) through (D), respectively, and moving each of such provisions 2 ems to the left; and

(F) by adding at the end the following:

“(10) **LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES OF THE SECRETARY.**—Not more than 5 percent of the amounts appropriated or reserved for awarding grants under this subsection for each of fiscal years 2012 through 2016 may be used by the Secretary for

salaries and Department of Health and Human Services administrative expenses in administering this subsection.”

(3) **EVALUATIONS.**—Not later than December 31, 2012, and not later than December 31, 2017, the Secretary of Health and Human Services shall evaluate the effectiveness of the grants awarded to regional partnerships under section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) and shall publish a report regarding the results of each evaluation on the website of the Department of Health and Human Services. Each report required to be published under this subsection shall include—

(A) an evaluation of the programs and activities conducted, and the services provided, with the grant funds awarded under such section for fiscal years 2007 through 2011, in the case of the evaluation required by December 31, 2012, and for fiscal years 2012 through 2016, in the case of the evaluation required by December 31, 2017;

(B) an analysis of the regional partnerships awarded such grants that have, and have not, been successful in achieving the goals and outcomes specified in their grant applications and with respect to the performance indicators established by the Secretary under paragraph (8) of such section that are applicable to their grant awards; and

(C) an analysis of the extent to which such grants have been successful in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

SEC. 104. COURT IMPROVEMENT PROGRAM.

(a) **GRANT PURPOSES.**—Section 438(a) of the Social Security Act (42 U.S.C. 629h(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “; and” and inserting “, including the requirements in the Act related to concurrent planning;”; and

(B) in subparagraph (B), by adding “and” at the end; and

(C) by adding at the end the following:

“(C) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption;”; and

(2) in paragraph (4)—

(A) by inserting “(A)” after “(4)”; and

(B) by striking the period and inserting “; and”; and

(C) by adding after and below the end the following:

“(B) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption.”.

(b) **SINGLE GRANT APPLICATION.**—Section 438(b)(2) of such Act (42 U.S.C. 629h(b)(2)) is amended to read as follows:

“(2) **SINGLE GRANT APPLICATION.**—Pursuant to the requirements under paragraph (1) of this subsection, a highest State court desiring a grant under this section shall submit a single application to the Secretary that specifies whether the application is for a grant for—

“(A) the purposes described in paragraphs (1) and (2) of subsection (a);

“(B) the purpose described in subsection (a)(3);

“(C) the purpose described in subsection (a)(4); or

“(D) the purposes referred to in 2 or more (specifically identified) subparagraphs (A), (B), and (C) of this paragraph.”.

(c) **AMOUNT OF GRANT.**—Section 438(c) of such Act (42 U.S.C. 629h(c)) is amended to read as follows:

“(c) **AMOUNT OF GRANT.**—

“(1) **IN GENERAL.**—With respect to each of subparagraphs (A), (B), and (C) of subsection (b)(2)

that refers to 1 or more grant purposes for which an application of a highest State court is approved under this section, the court shall be entitled to payment, for each of fiscal years 2012 through 2016, from the amount allocated under paragraph (3) of this subsection for grants for the purpose or purposes, of an amount equal to \$85,000 plus the amount described in paragraph (2) of this subsection with respect to the purpose or purposes.

“(2) **AMOUNT DESCRIBED.**—The amount described in this paragraph for any fiscal year with respect to the purpose or purposes referred to in a subparagraph of subsection (b)(2) is the amount that bears the same ratio to the total of the amounts allocated under paragraph (3) of this subsection for grants for the purpose or purposes as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under this section for grants for the purpose or purposes.

“(3) **ALLOCATION OF FUNDS.**—

“(A) **MANDATORY FUNDS.**—Of the amounts reserved under section 436(b)(2) for any fiscal year, the Secretary shall allocate—

“(i) \$9,000,000 for grants for the purposes described in paragraphs (1) and (2) of subsection (a);

“(ii) \$10,000,000 for grants for the purpose described in subsection (a)(3);

“(iii) \$10,000,000 for grants for the purpose described in subsection (a)(4); and

“(iv) \$1,000,000 for grants to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

“(I) are operating a program under part E, in accordance with section 479B;

“(II) are seeking to operate a program under part E and have received an implementation grant under section 476; or

“(III) has a court responsible for proceedings related to foster care or adoption.

“(B) **DISCRETIONARY FUNDS.**—The Secretary shall allocate all of the amounts reserved under section 437(b)(2) for grants for the purposes described in paragraphs (1) and (2) of subsection (a).”.

(d) **EXTENSION OF FEDERAL SHARE.**—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking “2002 through 2011” and inserting “2012 through 2016”.

(e) **TECHNICAL CORRECTION.**—Effective as if included in the enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006, section 8(b) of such Act (120 Stat. 513) is amended by striking “438(b) of such Act (42 U.S.C. 638(b))” inserting “438(b)(1) of such Act (42 U.S.C. 629h(b)(1))”.

SEC. 105. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.

(a) **IN GENERAL.**—Part B of title IV of the Social Security Act (42 U.S.C. 621–629i) is amended by adding at the end the following:

“Subpart 3—Common Provisions

“SEC. 440. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.

“(a) **STANDARD DATA ELEMENTS.**—

“(1) **DESIGNATION.**—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

“(2) **DATA ELEMENTS MUST BE NONPROPRIETARY AND INTEROPERABLE.**—The standard data elements designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

“(3) **OTHER REQUIREMENTS.**—In designating standard data elements under this subsection, the Secretary shall, to the extent practicable, incorporate—

“(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(B) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(b) **DATA STANDARDS FOR REPORTING.**—

“(1) **DESIGNATION.**—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, shall, by rule, designate data reporting standards to govern the reporting required under this part.

“(2) **REQUIREMENTS.**—The data reporting standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely-accepted, non-proprietary, searchable, computer-readable format;

“(B) be consistent with and implement applicable accounting principles; and

“(C) be capable of being continually upgraded as necessary.

“(3) **INCORPORATION OF NONPROPRIETARY STANDARDS.**—In designating reporting standards under this subsection, the Secretary shall, to the extent practicable, incorporate existing non-proprietary standards, such as the eXtensible Business Reporting Language.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2012, and shall apply with respect to information required to be reported on or after such date.

SEC. 106. PROVISIONS RELATING TO FOSTER CARE OR ADOPTION.

(a) **EDUCATIONAL STABILITY FOR EACH FOSTER PLACEMENT.**—Section 475(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)) is amended—

(1) in clause (i), by striking “the placement” and inserting “each placement”; and

(2) in clause (ii)(I), by inserting “each” before “placement”.

(b) **FOSTER YOUTH ID THEFT.**—Section 475(5) of such Act (42 U.S.C. 675(5)) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following:

“(I) each child in foster care under the responsibility of the State who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.”.

(c) **DESCRIPTION OF ADOPTION SPENDING.**—Section 473(a)(8) of such Act (42 U.S.C. 673(a)(8)) is amended by inserting “, and shall document how such amounts are spent, including on post-adoption services” before the period.

(d) **INCLUSION IN ANNUAL REPORT OF ADDITIONAL INFORMATION ON CHILD VISITATION BY CASEWORKERS.**—Section 479A(6) of such Act (42 U.S.C. 679b(6)) is amended—

(1) by striking “and” at the end of subparagraph (A); and

(2) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

“(B) the total number of visits made by caseworkers on a monthly basis to children in foster care under the responsibility of the State during

a fiscal year as a percentage of the total number of the visits that would occur during the fiscal year if each child were so visited once every month while in such care; and”.

SEC. 107. EFFECTIVE DATE.

(a) *IN GENERAL.*—Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on October 1, 2011, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) *DELAY PERMITTED IF STATE LEGISLATION REQUIRED.*—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B, or a State plan approved under subpart 2 of part B or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this title, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

TITLE II—CHILD WELFARE DEMONSTRATION PROJECTS

SEC. 201. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a–9) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) *LIMITATION.*—During fiscal years 2012 through 2014, the Secretary may authorize demonstration projects described in paragraph (1), with not more than 10 demonstration projects to be authorized in each fiscal year.”.

(B) by striking paragraph (3) and inserting the following:

“(3) *CONDITIONS FOR STATE ELIGIBILITY.*—For purposes of a new demonstration project under this section that is initially approved in any of fiscal years 2012 through 2014, a State shall be authorized to conduct such demonstration project only if the State satisfies the following conditions:

“(A) *IDENTIFY 1 OR MORE GOALS.*—

“(i) *IN GENERAL.*—The State shall demonstrate that the demonstration project is designed to accomplish 1 or more of the following goals:

“(I) Increase permanency for all infants, children, and youth by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youth.

“(II) Increase positive outcomes for infants, children, youth, and families in their homes and communities, including tribal communities, and improve the safety and well-being of infants, children, and youth.

“(III) Prevent child abuse and neglect and the re-entry of infants, children, and youth into foster care.

“(ii) *LONG-TERM THERAPEUTIC FAMILY TREATMENT CENTERS; ADDRESSING DOMESTIC VIOLENCE.*—With respect to a demonstration project that is designed to accomplish 1 or more of the goals described in clause (i), the State may elect to establish a program—

“(I) to permit foster care maintenance payments to be made under part E of title IV to a long-term therapeutic family treatment center (as described in paragraph (8)(B)) on behalf of a child residing in the center; or

“(II) to identify and address domestic violence that endangers children and results in the placement of children in foster care.

“(B) *DEMONSTRATE READINESS.*—The State shall demonstrate through a narrative description the State's capacity to effectively use the authority to conduct a demonstration project under this section by identifying changes the State has made or plans to make in policies, procedures, or other elements of the State's child welfare program that will enable the State to successfully achieve the goal or goals of the project.

“(C) *DEMONSTRATE IMPLEMENTED OR PLANNED CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.*—

“(i) *IN GENERAL.*—The State shall demonstrate that the State has implemented, or plans to implement within 3 years of the date on which the State submits its application to conduct the demonstration project or 2 years after the date on which the Secretary approves such demonstration project (whichever is later), at least 2 of the child welfare program improvement policies described in paragraph (7).

“(ii) *PREVIOUS IMPLEMENTATION.*—For purposes of the requirement described in clause (i), at least 1 of the child welfare program improvement policies to be implemented by the State shall be a policy that the State has not previously implemented as of the date on which the State submits an application to conduct the demonstration project.

“(iii) *IMPLEMENTATION REVIEW.*—The Secretary may terminate the authority of a State to conduct a demonstration project under this section if, after the 3-year period following approval of the demonstration project, the State has not made significant progress in implementing the child welfare program improvement policies proposed by the State under clause (i).”;

(C) in paragraph (5), by inserting “and the ability of the State to implement a corrective action plan approved under section 1123A” before the period; and

(D) by adding at the end the following:

“(6) *INAPPLICABILITY OF RANDOM ASSIGNMENT FOR CONTROL GROUPS AS A FACTOR FOR APPROVAL OF DEMONSTRATION PROJECTS.*—For purposes of evaluating an application to conduct a demonstration project under this section, the Secretary shall not take into consideration whether such project requires random assignment of children and families to groups served under the project and to control groups.

“(7) *CHILD WELFARE PROGRAM IMPROVEMENT POLICIES.*—For purposes of paragraph (3)(C), the child welfare program improvement policies described in this paragraph are the following:

“(A) The establishment of a bill of rights for infants, children, and youth in foster care that is widely shared and clearly outlines protections for infants, children, and youth, such as assuring frequent visits with parents, siblings, and caseworkers, access to attorneys, and participation in age-appropriate extracurricular activities, and procedures for ensuring the protections are provided.

“(B) The development and implementation of a plan for meeting the health and mental health needs of infants, children, and youth in foster care that includes ensuring that the provision of health and mental health care is child-specific, comprehensive, appropriate, and consistent (through means such as ensuring the infant, child, or youth has a medical home, regular wellness medical visits, and addressing the issue of trauma, when appropriate).

“(C) The inclusion in the State plan under section 471 of an amendment implementing the option under subsection (a)(28) of that section to enter into kinship guardianship assistance agreements.

“(D) The election under the State plan under section 471 to define a ‘child’ for purposes of the

provision of foster care maintenance payments, adoption assistance payments, and kinship guardianship assistance payments, so as to include individuals described in each of subclauses (I), (II), and (III) of section 475(8)(B)(i) who have not attained age 21.

“(E) The development and implementation of a plan that ensures congregate care is used appropriately and reduces the placement of children and youth in such care.

“(F) Of those infants, children, and youth in out-of-home placements, substantially increasing the number of cases of siblings who are in the same foster care, kinship guardianship, or adoptive placement, above the number of such cases in fiscal year 2008.

“(G) The development and implementation of a plan to improve the recruitment and retention of high quality foster family homes trained to help assist infants, children, and youth swiftly secure permanent families. Supports for foster families under such a plan may include increasing maintenance payments to more adequately meet the needs of infants, children, and youth in foster care and expanding training, respite care, and other support services for foster parents.

“(H) The establishment of procedures designed to assist youth as they prepare for their transition out of foster care, such as arranging for participation in age-appropriate extra-curricular activities, providing appropriate access to cell phones, computers, and opportunities to obtain a driver's license, providing notification of all sibling placements if siblings are in care and sibling location if siblings are out of care, and providing counseling and financial support for post-secondary education.

“(I) The inclusion in the State plan under section 471 of a description of State procedures for—

“(i) ensuring that youth in foster care who have attained age 16 are engaged in discussions, including during the development of the transition plans required under paragraphs (1)(D) and (5)(H) of section 475, that explore whether the youth wishes to reconnect with the youth's biological family, including parents, grandparents, and siblings, and, if so, what skills and strategies the youth will need to successfully and safely reconnect with those family members;

“(ii) providing appropriate guidance and services to youth whom affirm an intent to reconnect with biological family members on how to successfully and safely manage such reconnections; and

“(iii) making, when appropriate, efforts to include biological family members in such reconnection efforts.

“(J) The establishment of one or more of the following programs designed to prevent infants, children, and youth from entering foster care or to provide permanency for infants, children, and youth in foster care:

“(i) An intensive family finding program.

“(ii) A kinship navigator program.

“(iii) A family counseling program, such as a family group decision-making program, and which may include in-home peer support for families.

“(iv) A comprehensive family-based substance abuse treatment program.

“(v) A program under which special efforts are made to identify and address domestic violence that endangers infants, children, and youth and puts them at risk of entering foster care.

“(vi) A mentoring program.

“(8) *DEFINITIONS.*—In this subsection—

“(A) the term ‘youth’ means, with respect to a State, an individual who has attained age 12 but has not attained the age at which an individual is no longer considered to be a child under the State plans under parts B and E of title IV, and

“(B) the term ‘long-term therapeutic family treatment center’ means a State licensed or certified program that enables parents and their children to live together in a safe environment for a period of not less than 6 months and provides, on-site or by referral, substance abuse treatment services, children’s early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or classes leading to a secondary school diploma or a certificate of general equivalence.”;

(2) by striking subsection (d) and inserting the following:

“(d) DURATION OF DEMONSTRATION.—

“(1) IN GENERAL.—Subject to paragraph (2), a demonstration project under this section may be conducted for not more than 5 years, unless in the judgment of the Secretary, the demonstration project should be allowed to continue.

“(2) TERMINATION OF AUTHORITY.—In no event shall a demonstration project under this section be conducted after September 30, 2019.”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “(which shall provide,” and all that follows before the semicolon;

(B) by striking “and” at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

“(7) an accounting of any additional Federal, State, and local investments made, as well as any private investments made in coordination with the State, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project; and”;

(4) by redesignating subsection (g) as subsection (h);

(5) by striking subsection (f) and inserting the following:

“(f) EVALUATIONS.—Each State authorized to conduct a demonstration project under this section shall obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

“(1) comparison of methods of service delivery under the project, and such methods under a State plan or plans, with respect to efficiency, economy, and any other appropriate measures of program management;

“(2) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under a State plan or plans, for purposes of assessing the effectiveness of the project in achieving program goals; and

“(3) any other information that the Secretary may require.

“(g) REPORTS.—

“(1) STATE REPORTS; PUBLIC AVAILABILITY.—Each State authorized to conduct a demonstration project under this section shall—

“(A) submit periodic reports to the Secretary on the specific programs, activities, and strategies used to improve outcomes for infants, children, youth, and families and the results achieved for infants, children, and youth during the conduct of the demonstration project, including with respect to those infants, children, and youth who are prevented from entering foster care, infants, children, and youth in foster care, and infants, children, and youth who move from foster care to permanent families; and

“(B) post a copy of each such report on the website for the State child welfare program concurrent with the submission of the report to the Secretary.

“(2) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

“(A) periodic reports based on the State reports submitted under paragraph (1); and

“(B) a report based on the results of the State evaluations required under subsection (f) that includes an analysis of the results of such evaluations and such recommendations for administrative or legislative changes as the Secretary determines appropriate.”; and

(6) by adding at the end the following:

“(i) INDIAN TRIBES OPERATING IV-E PROGRAMS CONSIDERED STATES.—An Indian tribe, tribal organization, or tribal consortium that has elected to operate a program under part E of title IV in accordance with section 479B shall be considered a State for purposes of this section.”.

TITLE III—BUDGET PROVISIONS

SEC. 301. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. DAVIS of Kentucky. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2883, the Child and Family Services Improvement and Innovation Act, a bill that continues a tradition of bipartisanship in crafting child welfare legislation.

The bill we’re considering today reauthorizes two important child welfare programs, incorporating a series of improvements developed during hearings held by the Ways and Means Subcommittee on Human Resources over the past few months.

In addition to continuing and making improvements to two major child welfare programs, this bill also renews authority for the Secretary of Health and Human Services to approve child welfare waivers during the next 3 years. Past waivers have allowed States to test new and better ways of helping children at risk of abuse and neglect.

Earlier this year, the House unanimously passed legislation renewing this authority, but the Senate has not followed suit.

This bill, which our colleagues in the Senate also support and which was favorably reported by the Senate Finance Committee yesterday, will allow innovation to continue and may yield information to improve child welfare programs in the future. The bill will also establish a process to create needed data standards in child welfare programs. This language is a first step towards improving collaboration between social service programs.

We have often heard in hearings that States and programs within States have difficulty coordinating services because of difficulty sharing data, and that this lack of coordination increases costs and decreases effectiveness. This bill directs the Secretary of HHS to work with the States to establish national data standards so that all State child welfare programs are speaking the same language.

To show the wide support for this bill, Mr. Speaker, I would like to insert letters of support into the RECORD from the following organizations: The National Conference of State Legislatures; the American Public Human Services Association; the Conference of Chief Justices and the Conference of State Court Administrators; the American Institute of CPAs; the American Humane Association; the North American Council on Adoptable Children; Voice for Adoption; the Association on American Indian Affairs; the National Indian Child Welfare Association; Youth Villages; First Focus Campaign for Children; Zero to Three (The National Center for Infants, Toddlers and Families); the National Foster Care Coalition; the Child Welfare League of America; the Children’s Defense Fund; the Center for the Study of Social Policy; and the Public Children Services Association of Ohio.

NATIONAL FOSTER CARE COALITION,
Washington, DC, September 13, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources, House of Representatives, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER HATCH, CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: The National Foster Care Coalition extends its support to the reforms made through the Child and Family Services Improvement and Innovation Act of 2011.

In these challenging times we still believe important reforms can be made with the child welfare system. Waiver provisions provide an opportunity for states to strengthen their child welfare systems in some very important ways.

We appreciate and support the inclusion of important provisions we highlighted including: Greater attention placed on the care and the development of infants and toddlers who come into contact with the child welfare system. Continuation of the substance abuse grants and that these grants will have a broader substance abuse focus. Funding for child welfare workforce development and the accompanying requirements on monthly visits to children in foster care. Additional clarification on the state tracking and reporting of the adoption maintenance-of-effort provisions as enacted by PL 110-351 will provide a greater assurance that more funds are re-invested into state child welfare systems. Clarification of the education protection for children in foster care. Provisions that will help address issue young people in foster care face with identity theft. Attention to youth rights, participation in transition planning, and connections with birth family members.

We also support the increased attention to tracking the use of psychotropic medications, the increased focus on addressing trauma, the new study on the recruitment of foster, adoptive and kin parents and we want to extend our assistance in addressing the challenges of making improvements to data collection and data matching.

We appreciate your efforts to move the Child and Family Services Improvement and Innovation Act of 2011 forward in a bipartisan/bicameral way by the end of September. The National Foster Care Coalition will promote this legislation among its membership and is pleased to provide any assistance in moving the legislation forward.

Sincerely,
THE NATIONAL FOSTER CARE COALITION.

PCSAO,

Columbus, OH, September 14, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources, House of Representatives, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER HATCH, CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: Public Children Services Association of Ohio supports The Child and Family Services Improvement and Innovation Act of 2011.

As a state that has shown improved outcomes related to our budget neutral Title IV-E Protect Ohio Waiver (Ohio leads the nation with a 43% Safe Reduction in the number of children in foster care between 2002-2010; AFCARS data), we strongly support Congress' recognition that children and families in other States can also benefit from Title IV-E Waivers allowing flexible funding. We encourage you to consider broader child welfare funding reform in the near future.

Ohio's child welfare system is also extremely supportive of reauthorization of the Stephanie Tubbs Jones Child Welfare Services and Promoting Safe and Stable Families programs under the present funding. Ensuring funds to strengthen families—keeping them intact, reunifying or finding and supporting alternate permanent families—is essential for our children's well being. We know that children grow best in stable, permanent families.

The Court Improvement Program in Ohio has aided in reforming our system. Courts play a critical role in decision making and oversight related to child safety and permanency, and the CIP in Ohio has focused on timeliness, improving procedures, focused well being oversight and adapting court philosophy and procedure as more children are raised by kinship families.

Ohio is struggling with too many children coming into foster care due to pervasive addictions to prescription pain killers, heroin, and other substances—we support the substance abuse grants part of this bill, and appreciate the broader application for various substances, to allow time-limited treatment services so children can safely reunify with recovered parents.

Ohio is ready to embrace other bill provisions such as addressing issues for foster children and youth including prevention of identity theft and improving transitional youth planning, improving educational outcomes, strengthening sibling connections, and addressing the developmental needs of infants and toddlers in foster care. Our Child Fatality Review system already strives to review all available data and apply lessons and recommend improved policy to prevent future child deaths, and Ohio is dedicated to re-investing saved funds as more children become eligible for Title IV-E Adoption Assistance funds.

We appreciate your efforts to move The Child and Family Services Improvement and Innovation Act of 2011 forward in a bipartisan/bicameral way by the end of September, 2011. As elected and representative Trustees of Public Children Services Association of Ohio, we urge Congress to promptly pass this important legislation.

Please contact PCSAO's Executive Director, Crystal Ward Allen, at 614-224-5802 or crystal@pcsao.org with any questions, concerns or requests.

Sincerely,

CRYSTAL WARD ALLEN,

Executive Director, PCSAO on behalf of Public Children Services Association of Ohio, 2011 Board of Trustees:

Chip Spinning, President/Director, Madison Co. Dept. of Job & Family Services;

Denise Stewart, Vice President/Director, Mahoning County Children Services;

Randall Muth, JD, Secretary/Director, Wayne County Children Services;

Maira Weir, Treasurer/Director, Hamilton Co. Dept. of Job & Family Services;

Scott Ferris/Director, Allen County Children Services;

Andrea Reik/Director, Athens County Children Services;

Dwayne Pielech/Director Belmont Co. Dept. of Job & Family Services;

Kate Offenberger/Director, Carroll Co. Dept. of Job & Family Services;

Catherine Hill/Director Hocking County Children Services;

Teresa Alt/Director, Huron Co. Dept. of Job & Family Services;

June Cannon/Director, Miami County Children Services;

Gary Crow/Director, Lorain County Children Services;

Corey Walker/Director Paulding Co. Dept. of Job & Family Services;

Lisa Wiltshire/Director, Scioto County Children Services;

John Saros, JD/Director, Summit County Children Services.

FIRST FOCUS

CAMPAIGN FOR CHILDREN,

Washington, DC, September 15, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources, House of Representatives, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER HATCH, CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: I am writing on behalf of First Focus, a bipartisan advocacy organization committed to making children and their families a priority in federal policy and budget decisions, to thank you for your leadership and commitment to moving forward The Child and Family Services Improvement and Innovation Act of 2011 in a bicameral and bipartisan manner by the end of September 2011. We are pleased that the bill re-authorizes the Stephanie Tubbs Jones Child Welfare Services Program and the Promoting Safe and Stable Families (PSSF) Program, and restores waiver authority to the Secretary of Health and Human Services. We hope that Congress will follow your lead and swiftly pass this critical legislation.

First Focus is dedicated to the long-term goal of substantially reducing the number of children entering foster care, while working to ensure that our existing system of care protects children and adequately meets the needs of families in the child welfare system. We are especially concerned with increasing our federal investments in prevention efforts and providing supports and services for at-risk families to ensure they never enter the child welfare system in the first place.

As you know, initially created in 1993, PSSF was reauthorized in 1997 under the Adoption and Safe Families Act. The program was amended in 2001 and again in 2005 as part of the Deficit Reduction Act. The 2006 Child and Family Services Improvement Act extended funding for the program until 2011. It is currently authorized through September 30, 2011. The program supports a number of critical State (and eligible tribal) child welfare activities, including family preservation services, family support services, time-limited family reunification services, and adoption promotion and support services.

PSSF is a relatively small funding stream compared to the open-ended entitlement for foster care under SSA Title IV-E, but is still critical to the work of State social service agencies given that it may be used to provide services to children and families in need and to help keep families together. In contrast to the bulk of federal child welfare funding, which is targeted solely at foster care, PSSF seeks to prevent child abuse and neglect, avoiding the removal of children in the first place while supporting timely reunification. These funds are often combined with other State and local resources as well as private funds, and support a range of services, including parenting classes that promote competencies and positive relationship skills; home-visiting services for at-risk parents as well as other family-based services; respite care for caregivers of children with special needs; and a range of other innovative programs and services for at-risk families. According to the FY 2009 National Child Abuse

and Neglect Data System (NCANDS), states reported that they provided prevention services to more than three million children. PSSF allowed states to pay for services to 30 percent of those children. These are critical services and we believe that the reauthorization of PSSF will only strengthen the program and its core goals, ensuring its success for years to come.

We also applaud your efforts to ensure that child welfare waiver demonstration projects are reauthorized and remain a critical vehicle for promoting flexibility while fostering innovation in practice at the state level. We are especially pleased that the bill authorizes ten new demonstration projects annually for a duration of five years. While we would urge you to consider extending waiver authority beyond FY 2014, we are encouraged by your efforts to ensure that demonstration projects continue in the near term. Absent a broader reform of the child welfare financing structure, states are in need of greater flexibility in the use of available federal child welfare funds. In addition to title IV-B programs, child welfare waiver demonstration projects are a critical vehicle for providing a broad array of support services to children and families, and promote flexibility and foster innovation in practice at the state level.

Among other provisions, we are pleased that The Child and Family Services Improvement and Innovation Act includes new requirements for states to address the emotional trauma experience by children in foster care, adopt protocols for prescribing and monitoring psychotropic medications, and describe their efforts to address the developmental needs of young children in care and reduce their length of stay in care. The bill also continues grants to address substance abuse in families with children at-risk of entering into foster care, continues funding for the Court Improvement Program, and provides needed clarification with respect to a provision in the Fostering Connections to Success and Increasing Adoptions Act related to ensuring the educational stability of foster children for each foster care placement.

First Focus stands prepared to work with you to ensure swift passage of The Child and Family Services Improvement and Innovation Act. We thank you for your leadership on this and other issues impacting children and families, and look forward to working with you to ensure better care for our nation's most vulnerable children.

Sincerely,

BRUCE LESLEY.

CWLA,

Washington, DC, September 15, 2011.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources,
Longworth, Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources,
Longworth, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of the Child Welfare League of America (CWLA) and our public and private member agencies that work directly with abused, neglected, and vulnerable children, youth, and their families, this letter is in support of the Child and Family Services Improvement and Innovation Act (HR 2883) to reauthorize Title IV-B of the Social Security Act and restore the authority of the U.S. Department of Health and Human Services (HHS) to authorize demonstration projects via a waiver of Title IV-E. CWLA members are located in all fifty states and

provide a range of child welfare services from prevention to placement and permanency services including child protection, family support and preservation, adoptions, foster care, kinship care, and treatment services provided in residential settings. As a non-profit leadership and membership-based child welfare organization, CWLA is committed to engaging people everywhere in ensuring that all children and youth have the support that they need to grow into healthy contributing members of society.

Part I, Child Welfare Services (CWS) provides critical flexible funding for a broad range of services designed to support, preserve, and/or reunite children and their families. While we know that prevention services are underfunded, in light of current austerity we acknowledge that the maintenance of this program's \$325 million authorization is positive. However, with the expectation of further cuts to discretionary funding levels over the next decade, it is critical to reiterate within this context that vulnerable children and families should be held harmless in all budget balancing strategies.

State Child Welfare Services Plans serve as a lynchpin for the continuum of strategies designed to prevent and ameliorate maltreatment. Through requirements encompassing case reviews, permanency planning, program development, agency administration, and systems collaboration activities, fundamental protections and core service provision is ensured for the vulnerable populations served with these funds. CWLA commends the subcommittee for strengthening these plans. H.R. 2883 requires the plans to respond to identified emotional trauma needs associated with maltreatment and removal, strengthens oversight of prescription medication monitoring protocols, encourages activities to reduce time in foster care and address developmental needs especially for children younger than five, and mandates the reporting of child maltreatment deaths.

Part II, Promoting Safe and Stable Families (PSSF) is an important funding stream for the operation of specific service categories. Although the services overlap, the four specified categories in PSSF create important distinctions in types of families in need. The additional targeted activities bring attention and resources to pressing needs including caseworker visits, substance abuse, court improvement, and mentoring for children of prisoners. CWLA supports the way that HR 2883 maintains this structure. Again, while we see a need for additional resources, we recognize the nation's strained financial condition. Therefore, we appreciate the continuation of \$200 million in discretionary funds and the room appropriators have to fully fund the program. In recognition of the difficulty of increasing funding, we think it is important that HR 2883 amends the reporting requirements to Congress to include actual spending in addition to planned spending by service category. We believe that increased tracking of these funds will further reveal that they are supporting necessary and effective programs for vulnerable children and families.

Courts are an integral component of the child welfare system, providing pivotal decisions of maltreatment findings and approval of permanency changes. PSSF is one of the few places in child welfare law where funding is provided for the courts. We appreciate your receptiveness to our suggestions for the continuation of the \$30 million annual set-aside for the Court Improvement Program and the dedication of \$1 million specifically for tribal courts and are pleased to see them

both included in HR 2883. In addition, we support the way the bill bolsters court improvement plans by clarifying that they should include requirements related to concurrent planning and increasing and improving the engagement of the entire family in court processes. CWLA also applauds the enhancement of the substance abuse and mentoring grants under HR 2883. Because all children affected by parental substance abuse, regardless of the particular substance used, deserve assistance, CWLA strongly agrees with the removal of the provision giving greater weight to applicants addressing methamphetamine abuse specifically.

CWLA welcomes the bill's data standardization and improved data matching section. We understand that the administration has undertaken efforts in this direction and appreciate the recognition in both branches of government of the critical importance of sharing information across systems. CWLA is also very pleased to see the changes HR 2883 makes related to foster care and adoption, including the clarification of the educational stability requirement for children in care, the efforts to address any credit issues for foster children at least 16 years of age, and the requirement for states to document savings from the de-link of adoption assistance payments. Furthermore, we support the related requirement to document spending on post-adoption services. This is a strong recognition of the importance of supporting lasting permanency.

Title II of the bill restores the ability of HHS to authorize demonstration projects through Title IV-E waivers designed to increase permanency, improve outcomes, and prevent abuse and neglect. CWLA believes that waivers can be helpful in testing and evaluating innovative approaches within the child welfare system that have promising potential. However, CWLA does not believe that the restoration of waiver authority constitutes a comprehensive solution to the problems facing the child welfare system. More ambitious approaches to reforming the federal financing structure should be undertaken. Accordingly, CWLA supports the bill's three-year restoration of waiver authority while consensus on more comprehensive approaches is being developed. CWLA specifically supports the eligibility requirements included in HR 2883. The policy conditions have the power to encourage states to implement practices that will improve their child welfare systems and the lives of those within them.

CWLA appreciates your leadership in crafting this important legislation. HR 2883 makes positive improvements to IV-B and IV-E of the Social Security Act and we support its passage. If you have any follow up questions, feel free to contact Sean Hughes, Director of Congressional Affairs at 202-590-8772 or Suzanne Ayer, Policy Associate at 202-688-4178.

Sincerely,

CHRISTINE JAMES-BROWN,
President/CEO.

SEPTEMBER 19, 2011.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources,
Committee on Ways and Means, House of Representatives,
Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources,
Committee on Ways and Means,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: We write in support for the Child and Family Services Improvement and

Innovation Act (H.R. 2883) and specifically to express our appreciation for the provisions that would promote the positive development of very young children in the child welfare system. Our organizations have worked together to identify ways that all levels of government could better address the developmental needs of infants and toddlers who have been abused or neglected. This work resulted in the publication last spring of *A Call to Action on Behalf of Maltreated Infants and Toddlers*, which advocates for child welfare policies and practices that view the care of young children through a developmental lens. We are so pleased that the legislation you have introduced would take important steps toward infusing child welfare policy with that developmental approach.

We particularly appreciate the provision requiring state child welfare plans to include a description of activities to address the developmental needs of young children. Early brain development occurs at life-altering speeds, making infants and toddlers particularly vulnerable to the effects of abuse and neglect. Maltreatment can literally alter the chemistry of the brain, weakening its architecture and placing young children at significant risk for later cognitive, social, and emotional deficits. If child welfare practices are not oriented toward supporting this sensitive stage of development, as well as families' ability to nurture their children, they can compound the effects of maltreatment. Ensuring that child welfare practices are informed by what we know from the science of brain development can promote early intervention that will improve the outlook for these babies and avoid the costs to both child and society resulting from developmental impairments.

The significance of the legislation you have authored becomes clear when we consider that infants and toddlers represent a quarter of children who are abused and neglected and almost a third of children entering foster care. We believe it will encourage states to reexamine how they are addressing child welfare cases involving young children and consider steps to systematically promote positive development for vulnerable babies.

We appreciate your leadership in highlighting the needs of young children within federal child welfare law. We stand ready to help the Congress, the Administration, and the states in building a child welfare system that helps all young children realize their potential.

Sincerely,

AMERICAN HUMANE
ASSOCIATION,
CENTER FOR THE STUDY OF
SOCIAL POLICY,
CHILD WELFARE LEAGUE OF
AMERICA,
CHILDREN'S DEFENSE FUND,
ZERO TO THREE.

ZERO TO THREE

Washington, DC, September 19, 2011.

Hon. GEOFF DAVIS,
*Chairman, Subcommittee on Human Resources,
Committee on Ways and Means, House of
Representatives, Washington, DC.*

Hon. LLOYD DOGGETT,
*Ranking Member, Subcommittee on Human Resources,
Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of Zero to Three, I write to offer our support for the Child and Family Services Improvement and Innovation Act (H.R. 2883) approved by the Ways

and Means Committee last week. Zero to Three is a national nonprofit organization dedicated to promoting the healthy development of infants and toddlers. We believe this legislation will help ensure the well-being of our most vulnerable children: infants and toddlers in the child welfare system. We particularly appreciate the provision requiring state child welfare plans to include a description of activities to address the developmental needs of young children. This provision is a tremendous step forward for children whose development is threatened by maltreatment and, at times, foster care practices that are not informed by the science of early brain development. Other provisions adding services to enhance child development and facilitate family visitation will also promote child well-being and healing parent-child relationships.

These steps are particularly important, because infants and toddlers are the most vulnerable to maltreatment and comprise 31% of children entering foster care. The first three years of life are a time of rapid brain development, when the foundation for all learning that follows is created. Relationships are the context within which early development unfolds, so it is not surprising that babies are particularly sensitive to the effects of maltreatment. Maltreatment can literally alter the chemistry of the brain, weakening its architecture and placing young children at risk for later cognitive, social, and emotional deficits. Maltreated infants and toddlers are four to five times more likely than other young children to have developmental impairments. The removal of babies from their parents' care, coupled with foster care practices that often are not guided by their developmental needs, can compound the effects of maltreatment. The good news is that intervening early with practices that support healthy development can improve the outlook for these babies and avoid the costs to society that accompany developmental impairments.

Last spring, Zero to Three joined with American Humane Association, Center for the Study of Social Policy, Child Welfare League of America, and Children's Defense Fund to issue *A Call to Action on Behalf of Maltreated Infants and Toddlers*. This publication advocates for child welfare policies and practices at all levels of government that view the care of young children through a developmental lens. This legislation is the first step in answering that call. We believe it will spur states to bring the science of early brain development into their child welfare systems. We applaud your leadership in infusing this perspective into federal child welfare law and promoting positive development for vulnerable babies.

Thank you for all you do for young children who face great adversity in their lives.

Sincerely,

MATTHEW E. MELMED,
Executive Director.

□ 1330

I also want to thank the ranking member of the Human Resources Subcommittee, Mr. DOGGETT of Texas, for working with me on this legislation and for his efforts to improve how we serve children and families across the country.

Finally, I want to note that this legislation does not add to the deficit since it simply extends current funding levels of the programs that are extended.

I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. DOGGETT. I yield myself 5 minutes.

Mr. Speaker, the chairman, Mr. DAVIS, is correct. We have worked on this together. We have participated in hearings and have learned together and cooperated on this very important subject to which we may bring differing perspectives but a common goal of wanting to respond to the needs of America's most vulnerable children.

I believe that this bipartisan legislation which I do fully support, is important; however, it is also important to understand what we support and where we have differences and to understand what this legislation accomplishes and what it fails to accomplish. This bill is certainly preferable to allowing two very important laws to expire next week.

Each year, over 700,000 children here in America become victims of abuse and neglect, perpetrated by the very people who are supposed to love and care for them. I think most Americans, as do my wife, Libby, and I, when we're back home in Texas and surrounded by Clara, Zayla, and Ella, our three granddaughters, believe it's just almost incomprehensible that parents or grandparents could cause harm to a member of their own families. Yet that is the reality that too many of our children face. One expert came to our committee during the hearing and suggested that, once every 6 hours of every day, a child dies in America as a result of abuse.

I agree that both the Child Welfare Services and the Promoting Safe and Stable Families laws should be renewed for another 5 years. I disagree that these programs should be continued at their current baseline funding levels since, with need growing and funding limited, too many of our most vulnerable children cannot access the services that they so desperately need. These are the children whose neglect not only produces problems for them, but will produce more problems for all of American society in the future. They are the children we should be helping today so that we are not incarcerating them after they have done harm to someone tomorrow.

Less than half of the children in foster care in America today receive federal assistance to help with the room and board. Today, 40 percent of children who are found to be victims of abuse and neglect don't receive any follow-up or intervention at all. That is a very big gap that will likely only grow over the course of the next 5 years with the legislation that we are renewing.

In my home State of Texas, the Promoting Safe and Stable Families Act accounts for a very significant source of funding to help our youngest Texans. According to one of our witnesses

in committee, Dr. Jane Burstain of the Center for Public Policy Priorities in Austin, funding from this program accounted for \$2 of every \$3 supporting child abuse and neglect prevention programs last year. In San Antonio, for example, these programs provide important resources to help vulnerable families through the Bexar County Child Welfare Board.

This bill also grants States support for parental substance abuse programs. My friend Darlene Byrne, a district judge in Austin, Texas, who helped establish the Family Treatment Drug Court that was partially funded by dollars from this act that we're renewing, writes that she has seen new babies who are not drug positive, moms and couples reunify with their families, and workers receive their GEDs or high school diplomas and find employment. Those are the people that these programs help.

In short, she says that this program has contributed in transforming lives and in helping to stop the cycle of drug abuse, poverty, and violence in Texas. It is important both to those who benefit directly and to all of us who have a stake in having folks participate to the full extent of their God-given potential, not posing dangers to the rest of our society.

Today's legislation also includes, as Mr. DAVIS indicated, some modest policy changes that strengthen the States' abilities to respond to at-risk children. Mr. Speaker, the bill, I believe, leaves too many problems unresolved. I think, though, in this current climate that the renewal of the legislation as it's proposed is the best that we can do for our at-risk children. This bill reauthorizes help to at least some children who become victims of maltreatment. It provides family support and activities to some vulnerable families, and it promotes adoption services for those children who cannot safely return to their biological parents.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. I yield 4 minutes to the former chair of this Subcommittee on Human Resources, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of this bill to renew the Nation's child welfare programs. I'm glad to see this happening as it has in the past by unanimous consent, and it's important not just to keep these programs funded and renewed. With more than one in five children in the country living in poverty and with so many odds stacked against foster kids, we need to do more. We need to make progress. That's why I'm so supportive of this bill, because it is not just an extension of the program; it has some important and targeted innovations.

Some States, especially my home State of Washington, have some truly new ideas about how they can do more to prevent children being put into foster care even in tough economic times. One of the real innovations of this bill is to give States waivers for some governmental funding restrictions so that they can test these innovative interventions in their child welfare programs. If the States can maintain their current quality and if the innovations they want to try meet solid criteria, the Federal Government should be a partner in making real progress. That's what these new waivers do.

Washington State is one of the leaders in innovating child welfare policy, and it has some things it has been eager to try out. Right now, the law doesn't allow for this kind of experimentation, but this bill gives States a way to begin. Washington State is not alone. There is room for 10 States to have these kinds of programs. There are some States already ready to make these moves.

Now, the Department of Health and Human Services allowed this kind of thing in the past, but it was allowed to lapse. This is really an extension of something we've had before. HHS was allowed to give out a number of waivers in the past, and some progress was made in a number of States. This bill restores that limited waiver authority and sets out criteria to keep the integrity and level of effort they need to have. We need to allow these States to do it.

In addition to extending the program and making more room for innovation, the bill does something else that's really important. In 2008, we passed the Fostering Connections and Increasing Adoptions law. This Fostering Connections law did a lot of good in helping foster kids have a better chance of truly making it in this country. Among other things, it addressed the health concerns of foster children who moved from home to home and from health care setting to health care setting, and it required States to develop health coordination plans for these kids so that they had some continuity of care. These plans had to include oversight of prescription medications, including psychotropic drugs.

As a psychiatrist who has worked with children in child welfare and the juvenile justice system, I am very concerned about the use of psychotropic drugs. It has bothered me for a long time. In the fostering care population, it is a particularly vulnerable group because of this question of continuity of care. You want somebody to be monitoring what's happening as they move from home to home to home. We need to do more. We need to get a clearer picture of what is happening with these kinds of medications in the foster kids, and we need to make sure they are being used properly and are not overly prescribed.

□ 1340

One of the parts about this whole law that's crazy is that when a kid gets to 18 they could be on a medication. When they hit 18, they're done. Their Medicaid ends. They have no continuity of the drugs. They go off cold turkey. So there's some real questions that we need to answer here.

This bill takes the 2008 requirements another step forward and it requires States to adopt protocols for using and monitoring psychotropic medications among foster children.

Mr. Speaker, I speak strongly in favor of the bill and urge my colleagues to say "yea."

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. I yield 2 minutes to my colleague from California (Ms. BASS), one of the leaders on this subject of foster children, who came and testified to our committee based on her long experience working in the State of California in the assembly on this subject.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of H.R. 2883, the Child and Family Services Improvement and Innovation Act. As co-chair of the bipartisan Congressional Caucus on Foster Care, I am proud to stand with my colleagues on both sides of the aisle in support of this important legislation.

Youth in the child welfare system fight for what so many of us take for granted—a family. In California, my home State, the Nation's largest foster care system in any given year, as many as 100,000 children can be placed in temporary out-of-home care. Foster parents and relatives are the frontline caregivers for children when their parents are unable to care for them.

A pool of dedicated, loving foster parents is critical for our Nation's foster youth as they wait to be reunited with their parents or achieve permanency with a relative caregiver or adoptive family. However, there is a significant shortage of foster parents.

In May, I introduced legislation calling for a study to find out how to best recruit and retain foster parents. This was included in the original House bill reauthorizing title IV-B child welfare programs introduced in August. I'm pleased that the modified bill before us today includes a provision that encourages States to develop and implement a plan to improve the recruitment and retention of high-quality foster family homes.

H.R. 2883 builds on some of the best practices that were shared with me as I've traveled California hearing from youth, child welfare workers, and parents. The bill also appropriately addresses challenges facing the child welfare system by requiring States to address emotional trauma in foster children and to adopt protocols for using and monitoring psychotropic medications.

I am very pleased with the comments of my colleague, Mr. McDERMOTT, who talked about the use of psychotropics, and I would just add that, in too many cases, the children are prescribed multiple medications. And in talking with a number of youth up and down the State of California, one of the things that many youths said to me was, Can you please help me get off the medication.

I would like to thank Ways and Means Chairman CAMP, Ranking Member LEVIN, Human Resources Subcommittee Chair GEOFF DAVIS, and Ranking Member DOGGETT for their unwavering commitment to our most vulnerable youth.

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 2 minutes to my colleague from Rhode Island (Mr. LANGEVIN), who has been very active in a Foster Youth Financial Security Act.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Child and Family Services Improvement and Innovation Act.

This bill includes a provision from the Foster Youth Financial Security Act that I introduced with my colleague from California (Mr. STARK) to address disturbingly high rates of identity theft among foster youth. I, along with many others, was absolutely outraged to find that foster children are disproportionately victims of identity theft since their personal information passes through so many hands.

Mr. Speaker, as I saw firsthand when my parents welcomed foster youth into our home over many years, they already faced tremendous obstacles without the increased threat of having their identity taken and their credit ruined, which prevents them from finding a place to live, accessing credit on their own, or obtaining other basic needs.

This bill would ensure that each foster youth over 16 years of age receives free credit checks before leaving the system and assistance clearing any inaccuracies that may have come to light. Reports have shown that if done effectively, the cost is minimal.

I want to thank, Mr. Speaker, the committee for their interest in this issue and the many advocates who have championed this cause. This is only the first step in providing foster youth the tools that they need and deserve to succeed, and I look forward to our continued work together on this issue.

As I pointed out so many times, the kids in foster care already face significant challenges of their own of a personal nature. It is a shame that their identity is stolen and they're further victimized. This bill would identify problems early on and clear up the inaccuracies so they can start their adult life with a fresh start with their credit intact.

I thank both gentlemen, the chair, and the ranking member for their outstanding support of this provision.

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time.

Mr. DOGGETT. I yield myself the balance of my time.

Mr. Speaker, some in this House have suggested earlier in the year that the programs embodied in this legislation, and everything else that opens opportunities through government support from Pell Grants to Title I funding for education to the school lunch program to Head Start, that all of these are "welfare" and should be cut. Fortunately, that approach is not being taken here today. We are reauthorizing, in a bipartisan way, these two very important programs that would expire next week.

Mr. Speaker, however, it should be noted that, much like somebody might be flatlined, we are flat funding the renewal of these programs, meaning that in 5 years we are authorizing the same amount of money for these programs, if it can be appropriated, that existed last year. That means that there are many needs in our country that will not be fully addressed in this legislation. It means that last year, if less than half of those in foster care received support for food and board, they will be in the same situation over the course of this legislation. It means that the 40 percent of children who are subject to abuse and neglect are unlikely to be able to access services as they were last year.

But renewing this legislation remains, despite those deficiencies, an important accomplishment in the current political environment. And, as Mr. DAVIS and a number of other speakers have noted, we have made some modest improvements.

Another of those not touched on yet is our work in this legislation to ensure that children in foster care can stay in the schools that they started in, even though they may be moved between families. That's an important part of adding a little certainty to the lives of children who have been abused or neglected and find themselves with a great deal of uncertainty.

It is for the improvements in this act and the recognition of what harm would be done if this act were not adopted here in a bipartisan way that so many child advocacy groups have joined in supporting it—the Child Welfare League of America, First Focus, Zero to Three—as well as groups of those organizations that are involved in administering some of these funds: the National Conference of State Legislatures, the American Public Human Services Association, and the Conference of State Court Administrators.

□ 1350

I believe this legislation is important. It's important to get it adopted

promptly. I hope the Senate will respond to our bipartisan approval today, as Mr. DAVIS has suggested they have already begun to do in the committee process, and move forward to see it fully adopted by next week. I urge all of my colleagues to join in supporting this legislation, and I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I am grateful to my friend, the gentleman from Texas (Mr. DOGGETT), for working with me to bring this measure to the floor today and thank him and thank both the majority and minority staffs for their hard work on this effort. H.R. 2883 is a bipartisan, bicameral, no-cost effort to extend and make modest adjustments to programs designed to help ensure the safety and well-being of children at risk of abuse and neglect. We need to do all we can to ensure more children remain safely in their homes, and this bill will help to do so.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
September 13, 2011.

Hon. DAVE CAMP,
Chairman, House Ways & Means, Cannon
House Office Building, Washington, DC.

Hon. SANDY LEVIN,
Ranking Member, House Ways & Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP AND REPRESENTATIVE LEVIN: On behalf of the National Conference of State Legislatures (NCSL), we urge you to support H.R. 2883, a bill to renew the authority of the Secretary of the Department of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs and reauthorizing the Promoting Safe and Stable Families (PSSF) program. Congressmen Geoff Davis and Lloyd Doggett have fashioned bipartisan legislation that helps create opportunities to enhance the state-federal partnership to assist our nation's most vulnerable children.

NCSL supports reinstating and expanding federal waiver authority so that states can test the results of increased funding flexibility on the development of service alternatives and on the overall delivery of child welfare services. This allows states to target programs to address the needs of their youngest citizens. By renewing and extending Title IV-E waiver authority through 2014, H.R. 2883 will give states an enhanced ability to provide early intervention and crisis intervention services that will safely reduce out-of-home placements and improve child outcomes.

NCSL supports the reauthorization of the PSSF program. The PSSF program enhances state efforts to develop additional family preservation, family reunification, and family support programs. We appreciate the flexibility provided to states in H.R. 2883 and that the legislation does not preempt current state laws.

H.R. 2883 will allow states to improve the quality of their child welfare interventions and reinvest savings in their programs. It will also provide both state and federal legislators tools to develop innovative and effective approaches to transform the lives of

children who are at risk of abuse and neglect. We applaud Congressmen Davis and Doggett for crafting this legislation.

Sincerely,

WILLIAM T. POUND,
Executive Director, NCSL.

NATIONAL INDIAN
CHILD WELFARE ASSOCIATION,
Portland, OR, September 13, 2011.

Hon. GEOFF DAVIS, *Chair*,
Hon. LLOYD DOGGETT, *Ranking Member*,
House Ways and Means Subcommittee on Human Resources.

Hon. MAX BAUCUS, *Chair*,
Hon. ORRIN HATCH, *Ranking Member*,
Senate Finance Committee.

DEAR REPRESENTATIVES DAVIS AND DOGGETT AND SENATORS BAUCUS AND HATCH: The National Indian Child Welfare Association (NICWA) writes this letter in support of the Child and Family Services Improvement and Innovation Act (HR 2883/S 1542) which would reauthorize programs under Title IV-B of the Social Security Act—Stephanie Tubbs Jones Child Welfare Services; Promoting Safe and Stable Families; Regional Partnerships on substance abuse; and the Court Improvement Program.

Committee staff on both sides of the aisle has been most open to meeting with us, and we thank them for their hard work and interest in more heavily involving Indian and Alaska Native communities in these programs. We especially thank Sonja Nesbit, Ryan Martin, Diedra Henry-Spires, and Becky Shipp.

NICWA has worked on several reauthorizations of Title IV-B, notably in 2006 when a number of improvements were enacted regarding tribal participation. The 2006 Act increased tribal allocations and provided common sense flexibility for tribal administration of the programs.

In fiscal year 2011, 170 tribes/tribal organizations received \$6.2 million from the Child Welfare Services Program and 126 tribes/tribal consortia received \$11 million from the Promoting Safe and Stable Families Program. In addition, tribes are the lead grantee in six of the 53 Regional Partnerships substance abuse grants.

The Title IV-B program that has bypassed tribes is the Court Improvement Program and we are most grateful for the breakthrough on this matter in the Child and Family Services Improvement and Innovation Act. The bill would, for the first time, make tribes eligible to apply for competitive grants for this program and would allocate \$1 million annually for this purpose. There is a great need in Indian Country for assistance for tribal courts work in the area of child welfare. We also appreciate the provision which would allow tribes operating Title IV-E (Foster Care and Adoption Assistance) programs to apply for waivers for child welfare demonstration projects.

Again, thank you. We look forward to continuing to work with you on child welfare matters.

Sincerely,

TERRY L. CROSS,
Executive Director.

YOUTH VILLAGES,
September 13, 2011.

Hon. GEOFF DAVIS, *Chairman*,
Ways and Means Subcommittee on Human Resources, Longworth House Office Building, Washington, DC.

Hon. LLOYD DOGGETT, *Ranking Member*,
Ways and Means Subcommittee on Human Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of Youth Villages, I am writing in support of your bill, H.R. 2883, and to thank you for your leadership on this issue. This legislation provides for the extension of the important Promoting Safe and Stable Families program as well as critical authority for the Department of Health and Human Services to extend the Title IV-E waiver program, which has demonstrated substantial impact since creation in 1994. These waivers provide states with greater flexibility in the use of Federal funds for alternative services and supports that promote safety, permanency and well-being for children in the child protection and foster care system.

Youth Villages is a leader in innovative and effective services for troubled youth and their families. Since 2008, Youth Villages has had the opportunity to work collaboratively with several local, privatized child welfare organizations, known as Community Based Care agencies in implementing Florida's Title IV-E waiver. Youth Villages has three offices in Florida and is working with local entities to implement our intensive in-home Intercept services, identify and serve underserved or 'stuck' populations, and provide them with outcome data to support the impact of their waiver effort.

As a result of the flexibility afforded by the Title IV-E waiver, intensive reunification and targeted prevention services are given greater focus in the state's child welfare service approach. Without the award of the waiver, it would have been difficult for Youth Villages to expand its Intercept program into the state to serve the child welfare population. In the three years that Youth Villages has been operating in Florida, we have served over 300 children across the Central and Southern regions of the state at a significantly lower cost than traditional child welfare placement services. More importantly, they have achieved such outcomes as: over 70% of children still at home, over 80% having graduated or actively engaged in school, and over 80% having had no trouble with the law six months after discharge from services.

Youth Villages pledges its full support of H.R. 2883, as this legislation has the ability to transform the child welfare system from one that incentivizes out-of-home placement to a system that promotes in-home treatment and family unification.

Regards,

PATRICK LAWLER,
CEO, Youth Villages.

VOICE FOR ADOPTION,
Washington, DC, September 14, 2011.

Hon. MAX BAUCUS,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Hon. GEOFF DAVIS,
Longworth House Office Building, House of Representatives, Washington, DC.

Hon. ORRIN HATCH,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Hon. LLOYD DOGGETT,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMEN BAUCUS AND DAVIS AND RANKING MEMBERS HATCH AND DOGGETT: On behalf of Voice for Adoption's members I am writing to thank you for your leadership and your bipartisan and bicameral effort to introduce the Child and Family Services Improvement and Innovation Act (S. 1542/H.R. 2883). Voice for Adoption (VFA) is a membership advocacy organization; we speak out for our nation's 107,000 waiting children in foster care. Our members, who are spread across the country, recruit families to adopt children and youth with special needs. VFA members also provide vital support services both before and after adoption finalization to help adoptive families through the challenges they often face raising children with painful pasts.

Voice for Adoption supports this legislation, which acts to reauthorize two major child welfare programs, the Stephanie Tubbs Jones Child Welfare Services Program and the Promoting Safe and Stable Families (PSSF) program. Under the PSSF program the adoption promotion and support services category provides funding to recruit and support families for children who are waiting to be adopted.

We commend the authors of this bill for not only acting in a bipartisan/bicameral manner, but also for making potentially impacting improvements in the reauthorization of these programs. We applaud the strengthening of language that requires states to document the use of dollars saved from the federal adoption assistance de-link, created under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). Voice for Adoption hopes that through future guidance States are encouraged to spend a portion of these adoption de-link funds on post-adoption support services. VFA also supports other important improvements made in the bill including: the requirement for better reporting on post-adoption services spending and transparency to access this data, the requirement of States to address the developmental needs of young children and reducing their amount of time spent in foster care, the requirement of States to address emotional trauma and the clarification of educational protections for children in foster care, the requirement for state protocols and procedures relating to the use of psychotropic medications, ID theft issues for foster youth, inclusion of state waivers and measures that include quality of care improvements for foster children.

Voice for Adoption is proud to support this bipartisan/bicameral legislation, as it exists to reauthorize programs that protect children and families and promote both permanency and support for children in foster care. We are also happy to inform and encourage our members to support this bill.

Sincerely,

NICOLE DOBBINS,
Executive Director.

ASSOCIATION ON
AMERICAN INDIAN AFFAIRS,
Rockville, MD, September 14, 2011.

Re H.R. 2883 and S. 1542.

Hon. MAX BAUCUS, *Chair*,
Senate Finance Committee,
Hon. GEOFF DAVIS, *Chair*,
Hon. LLOYD DOGGETT, *Ranking Member*,
House Ways and Means Committee, Sub-
committee on Human Resources.

DEAR SENATORS BAUCUS AND HATCH AND REPRESENTATIVES DAVIS AND DOGGETT: Thank you for your introduction of H.R. 2883 and S. 1542, the Child and Family Services Improvement and Innovation Act. The Association on American Indian Affairs (AAIA) strongly supports this legislation.

AAIA is an 89 year old Indian advocacy organization located in South Dakota and Maryland and governed by an all-Native American Board of Directors. We have been involved with Indian child welfare issues for decades, including working closely with the House and Senate on tribal provisions in the Child and Family Services Improvement Act of 2006 and the Fostering Connections to Success and Promoting Adoptions Act of 2008.

We are particularly supportive of the provisions in both bills that would allocate \$1 million for competitive Court Improvement Program grants to Indian tribal courts and allow tribes operating Title IV-E programs to apply for waivers for child welfare demonstration projects. We also appreciate and support the language that would make the definition of Indian tribes consistent in both Parts 1 and 2 of Title IV-B.

Once again, thank you for your support of this legislation and these tribal issues and to the House and Senate staff (Sonja Nesbit, Ryan Wilson, Diedra Henry-Spires and Becky Shipp) that have been so helpful in this process.

Sincerely,

JACK F. TROPE,
Executive Director.

AMERICAN HUMANE ASSOCIATION,
September 14, 2011.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources,
House of Representatives.

Hon. MAX BAUCUS,
Chairman, Finance Committee, U.S. Senate.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources,
House of Representatives.

Hon. ORRIN HATCH,
Ranking Member, Finance Committee, U.S. Senate.

DEAR CHAIRMAN DAVIS, CONGRESSMAN DOGGETT, CHAIRMAN BAUCUS AND SENATOR HATCH: American Humane Association extends its support to the reforms made through the Child and Family Services Improvement and Innovation Act.

Through the joint efforts of the House and Senate and the leadership of both parties, we believe you have written a strong bill to reauthorize the Child Welfare Services and Promoting Safe and Stable Families programs (Title IV-B part 1 and part 2).

In testifying last June in the United States House of Representatives, the American Humane Association outlined a number of important changes that could be made through this reauthorization. We appreciate and support the inclusion of many of those recommendations as well as several other provisions in this legislation that we believe will assist children and families touched by the child welfare system. Some of the key provisions of this bill that we see as particularly important include:

The greater attention placed on the care and the development of infants and toddlers who come into contact with the child welfare system;

The continuation of the substance abuse grants and that these grants will have a broader substance abuse focus;

The bill's continued funding for child welfare workforce development, the stronger language on workforce support and the accompanying requirements on monthly visits to children in foster care;

The clarification on the state tracking and reporting of the adoption maintenance-of-effort provisions as enacted by PL 110-351 (Fostering Connections Act);

The clarification on access to education for children in foster care;

The continuation of court improvement funding; and

The attention paid to the problem of identity theft for children and youth in foster care.

In addition there are several other improvements in this legislation in regard to reports by the Department of Health and Human Services and the extension of waiver authority which we have also talked positively of in past statements to both the House and Senate Committees.

Once again we restate our appreciation of your efforts to move this forward in a bipartisan fashion with all due speed. Please feel free to reach out to the American Humane Association for any additional assistance in moving forward with this legislation and other matters before your committees.

Sincerely,

JOHN SCIAMANNA,
Director, Policy and Government Affairs,
Child Welfare.

NORTH AMERICAN COUNCIL
ON ADOPTABLE CHILDREN,
St. Paul, MN, September 16, 2011.

Hon. GEOFF DAVIS,
Longworth House Office Building, House of Representatives,
Washington, DC.

Hon. LLOYD DOGGETT,
Cannon House Office Building, House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES DAVIS AND DOGGETT: On behalf of the North American Council on Adoptable Children (NACAC), I am writing to express our support for the Child and Family Services Improvement and Innovation Act (H.R. 2883). We are grateful for your leadership in introducing this important legislation and strongly believe it will improve the lives of vulnerable children and their families.

NACAC is an adoption support and advocacy organization with more than 1,000 members nationwide. We represent adoptive and foster parents, adoptees, adoption professionals, parent support groups, and adoption agencies and organizations. Since 1974, we have supported the right of every child to have a permanent, loving family and advocated for adoptive families to receive necessary supportive services.

NACAC strongly supports the Stephanie Tubbs Jones Child Welfare Services Program and the Promoting Safe and Stable Families (PSSF) program. In particular, we are happy that the PSSF program has required states to designate at least 20 percent of the funds to adoption support and promotion services. These funds have been used across the country to recruit families for foster children who cannot return home and to support families raising these children with special needs.

We were pleased that H.R. 2883 will continue these valuable efforts while also adding several enhancements. We strongly support requiring states to document how they spend the funds reinvested as a result of the maintenance of effort provision of the Fostering Connections to Success and Increasing Adoptions Act of 2008, which expanded federal eligibility for Title IV-E adoption assistance. In addition, however, NACAC would recommend that the legislation require states to spend a portion of these reinvestment funds on post-adoption services. Since special needs adoptions generate this additional revenue for states, it is reasonable to request that a specific portion of the funds be invested in post-adoption services. As you well know, the majority of children adopted from foster care have significant special needs, and post-adoption services ensure these children have the best chance of being adopted and for living successfully in safe and stable families.

Again, we thank you for your commitment to children and families through your introduction of the Child and Family Services Improvement and Innovation Act.

Sincerely,

JOE KROLL,
Executive Director.

AMERICAN PUBLIC
HUMAN SERVICES ASSOCIATION,
September 16, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate,
Washington, DC.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources,
House of Representatives, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee,
U.S. Senate, Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER HATCH, CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of the American Public Human Services Association (APHSA), I write to thank you for your leadership in introducing the Child and Family Services Improvement and Innovation Act of 2011. This legislation addresses the importance of prevention programs and support of community-based services for children and families at risk or in crisis, including through extending grant authority to the Department of Health and Human Services (HHS) for new child welfare waivers through 2014. This legislation also reinforces Congress's recognition of the need for state flexibility and accountability to enable public agencies to be good stewards of public funds and to manage performance, self-correct, innovate and enhance their ability to achieve positive outcomes.

The Child and Family Services Improvement and Innovation Act reauthorizes two essential prevention and family support programs and outlines key improvements to child welfare practices designed to improve outcomes for at-risk children, youth and families. APHSA members appreciate the changes to the current methodology for calculating monthly caseworker visits. These provisions are closely linked with the recommendations that APHSA and The National Association of Public Child Welfare Administrators (NAPCWA) presented before the House Ways and Means Subcommittee on Human Resources during the "Hearing on Protecting At-Risk Youth." The change in

calculation will not only better reflect states' performance on this indicator, but also highlight the diligent efforts made by casework staff.

APHSa and our member agencies fully support the efforts to address children's emotional and behavioral health needs and welcome stronger, more collaborative partnerships with other agencies across the human service continuum to meet the enhanced data and tracking provisions outlined in the bill.

APHSa also fully supports the renewal and expansion of the HHS Secretary's authority to grant waivers for states to flexibly use IV-E funds to test innovative strategies in child welfare programs. Earlier this year, APHSa provided comments, concerns and recommendations to the previous House and Senate proposed waiver bills (H.R. 1194 and S. 1013) and are pleased to see that the current bill includes provisions consistent with our member states' practices, as well as new provisions that conform to our member states' views.

APHSa members are pleased to see the time period to operate a waiver expanded to five years. We are also pleased to see that states can apply for a waiver by implementing two program improvement areas and that only one of them needs to be a new program. APHSa also appreciates the clarification that states currently operating waivers and successfully achieving outcomes will be allowed to continue those improvements as this bill expands the program to 10 new demonstration projects. In these current budgetary times, it is critical for new waiver states to innovate their practices and service array, while current waiver states increase the knowledge and evidentiary base for programs and practices that work.

APHSa also fully supports reauthorization of the Court Improvement Program. The Court Improvement Program allows our member agencies to work in close partnership with their state and local judicial system to meet the safety, permanency and well-being needs of children in a timely and complete manner. This program also supports the essential cross-system training of judges, attorneys and other legal representatives in child welfare cases.

Once again, we look forward to continuing the work of improving services and outcomes for at risk children. We continue to be available as a resource as regulations and guidance is developed to meet the provisions of the Child and Family Services Improvement and Innovations Act of 2011.

Sincerely,

TRACY L. WAREING,
Executive Director.

AMERICAN INSTITUTE OF CPAS,
Washington, DC, September 20, 2011.

Re The Child and Family Services Improvement and Innovation Act, H.R. 2883.

Hon. GEOFF DAVIS,
Chairman, Subcommittee on Human Resources of the Committee on Ways and Means, House of Representatives Washington, DC.

Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources of the Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of the 377,000 members of the American Institute of Certified Public Accountants (AICPA), I am writing in support of your legislation, H.R. 2883, the "Child and Family Services Improvement and Innovation Act." The bill calls for grant-

ees of Federal funds under the Child Welfare Services program and the Safe and Stable program to report certain data to the Department of Health and Human Services (DHHS), and for DHHS to develop a rule designating standard data elements and data reporting requirements for the information to be reported. The legislation specifies that DHHS "shall, to the extent practicable, incorporate existing nonproprietary standards, such as eXtensible Business Reporting Language (XBRL)."

The use of data tagging to enhance both the transparency and the ability to analyze financial and other data has been proved time and time again. XBRL provides a detailed yet customizable approach to gathering data and will provide significant transparency to the Federal government and the American people regarding the use of taxpayer funds.

XBRL has been used for a number of years by the Federal government in areas such as Federal Deposit Insurance Corporation call reports and public company financial reporting to the Securities and Exchange Commission. Importantly, such standardized business reporting is also expanding in both the United States by state governmental agencies and worldwide, where data standards are being leveraged to significantly reduce the compliance reporting burden and, at the same time, enhance the usability and transparency of reported information. Including provisions to require reporting of information under the Child and Family Services Improvement and Innovation Act will make the reporting process more efficient and enhance comparability of such information for DHHS, the Congress, and other stakeholders who need to monitor and analyze the use of these funds.

Thank you again for your leadership on this important issue. We are also happy to discuss with you additional areas where implementation of data standards can further enhance reporting and make it more valuable to all types of stakeholders of data. If you have any questions, or if we can be of any further assistance, please contact Diana Huntress Deem.

Sincerely,

BARRY C. MELANCON, CPA,
President and CEO.

CONFERENCE OF CHIEF JUSTICES,
CONFERENCE OF STATE COURT ADMINISTRATORS,

Washington, DC.

Re Child and Family Services Act (HR 2883).

Hon. GEOFF DAVIS,
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. LLOYD DOGGETT,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: On behalf of the Conference of Chief Justices and the Conference of State Court Administrators, we write to support the Child and Family Services Act that includes reauthorization of the three Court Improvement Program (CIP) grant programs through FY 2016 at the current \$30 million level. The three Court Improvement Program (CIP) grant programs are critical for state courts as they provide the only federal funds to state courts for the purpose of improving state court oversight of abuse and neglect cases; and have been invaluable in assisting courts to improve and expedite our processes and procedures. These funds have resulted in abused and neglected children moving more expeditiously to safe and per-

manent homes and improved outcomes for children in need of protection. Our work, however, is not complete, so the reauthorization of these funds will allow us to continue our work to improve results for these children.

We appreciate the new purpose which would allow CIP funds to be used "to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption". This new purpose provides state courts with greater flexibility in the use of the funds. We also support the provision that would allow state courts to submit a single application for the three CIP grants. This will allow state courts to eliminate duplicative paperwork and reporting, which will free up time for reform efforts. While the legislation reduces the amount of funds available to state courts, we do understand the need to also provide financial assistance to tribal courts.

Thank you again for your efforts on behalf of state courts. If we can provide you with additional information, please do not hesitate to contact us or Kay Farley, who is with the Government Relations Office of the National Center for State Courts.

Sincerely,

CHIEF JUDGE ERIC T.
WASHINGTON,
President, Conference of Chief Justices.

ROSALYN W. FRIERSON,
President, Conference of State Court Administrators.

Mr. Speaker, I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I rise in support of the Child and Family Services Improvement and Innovation Act (H.R. 2883). This legislation shows that we can work together across the aisle to improve our child welfare system. Yet this bill is just one step in our ongoing efforts to fix the foster care system. In this time of unacceptable poverty and inequality, we must continue to support families in order to prevent kids from being neglected or abused. As we debate how to shrink our debt, we must also ensure that preserving and improving the safety net that protects our children is a higher priority than protecting special interest tax breaks.

Despite the fact that I am not on the Human Resources Subcommittee for the first time in many years, I am pleased that my colleagues still listen to some of my ideas. Last year, Congressman LANGEVIN and I introduced a bill to reduce the high number of foster youth who are victims of identity theft and are unable to secure student loans or even get a credit card. Today's legislation includes a provision from our bill that will provide youth who are about to age out of foster care with a copy of their credit report as well as resources to help clear up any credit issues. This provision is what I hope is the first movement toward ensuring that foster youth leave the system with a clean financial slate and a chance to succeed.

There are many important provisions in today's bill: maintaining a set-aside to support caseworker visits with foster children; decreasing the overuse of psychotropic drugs on foster youth, and improving education stability for children in care.

Children in foster care are our collective responsibility. The reforms made in this bill will

make children safer. I thank the Chairman, the ranking Member, and all the staff involved in crafting this legislation and I urge my colleagues to support it today.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2883, "The Child and Family Services Improvement and Innovation Act," which reauthorize Title IV-B of the Social Security Act, including the Promoting Safe and Stable Families and Child Welfare Services programs, while also reinstating the authority of the U.S. Department of Health and Human Services to authorize States to implement innovative demonstration programs through Title IV-E waivers.

As Chair of the Congressional Children's Caucus, I have been a stalwart supporter of protecting the health and welfare of children and families. Today there are more than 463,000 children and youth that are in out-of-home care. Every day, more than a half million U.S. children are in the foster care system with over 120,000 waiting to be adopted. With no permanent legal guardians, they are our Nation's children, and we have a responsibility to ensure a bright future for those who are handed a rough start in life. Foster children like all children deserve a safe environment to grow and flourish in. This piece of legislation is a step in the right direction in addressing the needs of our Nation's children when they need our help the most. There are many silent heroes who have opened their homes and taken on the role of foster parents, social workers, mentors, caregivers and volunteers to the children in this Nation. These young kids need to know someone is looking out for them and supporting legislation like the Child and Family Services Improvement and Innovation Act provides these silent heroes with additional resources and requirements to meet the needs of children in care.

There are an estimated 12 million foster care alumni in the U.S. representing all walks of life. Each and every one of the 12 million alumni has a story of their struggles, challenges and success. The foster care system is supposed to ensure that children are cared for by members of our communities on a full-time or temporary basis when their parents are unable to provide adequate care. Often the natural parents cannot provide for a child's care for a variety of reasons such as due to incarceration, physical or mental illness, behavioral difficulties, or problems within the family environment. These issues may include child abuse, alcoholism, extreme poverty, or crime. These children often become wards of the State and we have the responsibility to protect their interests and to ensure they are provided with the care they need.

If even a single child continues to be abused or neglected while under state supervision then that is one child too many. This legislation, although not ideal, is a valid attempt to address the needs of families in crisis. In 2001, an estimated 903,000 U.S. children were found to be victims of abuse or neglect. This number is above the estimated 879,000 child maltreatment victims in 2000 but below the annual estimated highs of more than 1 million child maltreatment victims recorded through the mid-1990s. For the year 2001, States reported 59 percent of these victims experienced neglect, compared to 63 per-

cent in 2000 and 58 percent in 1999. The percentage of physical abuse and sexual abuse victims has declined over the past 5 years but held constant between 2000 and 2001. These children need our protection. There are over 500,000 children in foster care and with this economic downturn I hope this number does not keep on rising. But hope is not enough, we need to continue to fund programs to help these children and their families.

The size of the foster care caseload rises or falls depending upon both the number of entries to foster care—children who are removed from their homes in a given year—and the number of exits in that same year—children reunited with their families, adopted, emancipated, or placed in another permanent setting. The number of entries to foster care has outpaced the number of exits for two decades.

Accountability is key, children who received "services from Child Protective Services died as a result of abuse 16 times more often than children in the general population 16.3 percent of all fatalities were children who had received services or were 'known to the system'. These children were already in a high risk category however, we must do our best to transform these numbers and ensure their safety. Currently at least 716 thousand children received "services" (28 States reporting) or 1 percent of the general population. If CPS intervention had no effect, 1 percent of this group would have suffered a fatality; if CPS intervention had made an improvement, the percentage would be less than 1 percent. However, it is 16.3 times that amount. (18 States reporting)

At this time children are again bearing the brunt of families in crisis. When a household falls into poverty, children are exposed to increased parental distress, inadequate childcare arrangements, and poor nutrition. This will lead to an increase of families needing child welfare services. For these reasons I support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2883, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2608, CONTINUING APPROPRIATIONS ACT, 2012

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 405

Resolved, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. House Resolution 399 is laid on the table.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 405 provides for a closed rule for the consideration of H.R. 2608. It's a temporary continuing resolution that will fund the operations of the United States Government through November 18 of this year. It is important to note that the funding levels in this CR are the very same fiscally responsible levels that this Congress and President Barack Obama approved in the Budget Control Act just 1 month ago. This is not a departure from our path of restoring fiscal sanity, Mr. Speaker. We are committed to continuing on that path. But, unfortunately, the actions of the other body leave us no choice but to consider this continuing resolution today.

I take no pride, Mr. Speaker, in sharing with you—actually, that's not true. That's not true at all. I take great pride in sharing with you what the House has done over the last 6 months, 7 months, 8 months; but I take no pride at all in pointing out what has not happened on the other end of this Capitol to do the work that needs to be done.

Constitutionally, we are required to fund the operations of the government. June 2 of this year, the House passed the Homeland Security appropriations bill. To date, the Senate has not.

On June 14 of this year, the House passed the Military Construction and Veterans Affairs bill. This is the one bill that our friends in the Senate have passed as well.

June 16, the House passed the Agriculture appropriations bill. To date, the Senate has taken no action at all.

July 15, the House passed the Energy and Water appropriations bill. To date, the Senate has not.

July 22, the House passed the Legislative Branch appropriations bill. To date, the Senate has not.

Mr. Speaker, I did not run for Congress last November, I did not show up here as a freshman to continue business as usual, passing continuing resolution after continuing resolution after continuing resolution. And I know my friends on both sides of the aisle believe that's a process which has long since exceeded its usefulness.

I am so proud that we as a body have begun to pass those appropriations bills one by one by one. And what have we gotten because of that? We've gotten oversight. We've had the opportunity to discuss line by line by line what are our priorities as the House. Now, those priorities differ from time to time between my friends on the Democratic side of the aisle and my friends on the Republican side of the aisle, but we have an opportunity at least to discuss those priorities.

When the other body fails to pass the appropriations bills, what choices do we have left? What choices are available to me as a new freshman Member of the House? I could choose to abrogate responsibility. I could choose to say no. No, we're just going to wait, and if the Senate fails to act, then so be it. Let the government shut down and let the chips fall where they may. That's not the kind of operation I want to run. That's not why I came to the United States Congress. I came to the United States Congress because this is the people's House. This is where thoughtful discussion of the people's priorities takes place.

What brings me to the floor today is to consider this continuing resolution that for just 1½ short months, through November 18, will extend the operations of the government so we can continue that thoughtful discussion that I know so many of the Members here came for.

With that, I urge my colleagues to thoughtfully consider this rule today, thoughtfully consider the underlying bill; and I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we are here today because our colleagues in the Republican majority have failed. They failed the most basic responsibility of this institution, as my colleague has mentioned,

to pass regular and routine bills to keep the government's doors open, to keep retirement checks in the mail, and vital government services available to the American people.

In a few days the fiscal year will end; and without a stopgap measure, funding for essential government services will run out. Despite 9 months of claims from the Republican majority that things have changed and despite a pledge to America that promised a different Washington, and despite endless calls for a regular appropriations process, not a single appropriations bill has been enacted for the upcoming fiscal year which begins October 1.

Throughout this failed process, the majority has blamed everyone but themselves. They have pointed fingers at President Obama, complained about our colleagues in the Senate, and blamed the Washington status quo that they say they can't control. Throughout the process, the one group of people they won't lay responsibility with is themselves.

After 9 months with not a single bill successfully making its way through Congress, finger-pointing rings hollow. Not only has no appropriations bill been enacted, but half of the necessary appropriations bills haven't even been brought to the floor for a vote. The majority controls this body and has used their powers to pursue sideshow legislation and dangerous games of default, but they can't schedule a vote for the most fundamental pieces of legislation that we consider every year.

As I stand here today to vote on a billion-dollar Band-Aid that will allow us to scrape by until November, the hope is by November the majority will be able to do the job they failed to do all year. Growing up, every child hopes for such a homework extension. By the time we are elected to Congress, however, we should know that our work must be handed in on time.

□ 1400

Sadly, today's legislation isn't even the biggest failure of leadership that we are facing in the House. If the press reports are accurate, we may be headed for an even bigger failure in November. In recent days, reports have surfaced that the majority plans to fund the entire Federal Government with one massive, trillion-dollar omnibus bill.

This bill would explicitly break a promise that the Republican majority made to the American people. In the Pledge to America, their leadership included a goal entitled "advance legislative issues one at a time." In the document they explain, "we will end the practice of packaging unpopular bills with must-pass legislation to circumvent the will of the American people. Instead, we will pass major legislation one issue at a time."

During a speech at the American Enterprise Institute in 2010, Speaker

BOEHNER affirmed the need to consider appropriations legislation one bill at a time, saying he wanted to do away with the concept of comprehensive spending bills. On the eve of assuming the majority in the House, Speaker BOEHNER elaborated, saying, "I do not believe that having 2,000-page bills serves anyone's best interest. Not the House, not for the Members and not the American people." But, if press reports are correct, a 2,000-page bill or more is what we will get.

Let's be clear. The prospect of omnibus funding is happening for two simple reasons: First, our colleagues on the other side will not work in a bipartisan manner. There are no Democrat fingerprints on any bills that come to the floor to make the compromise necessary to reach consensus. They continue to pass legislation filled with special interest favors and ideological pursuits that the American people never asked for and don't want. As a result, the legislation is built to fail, and fail it does—over and over again.

Secondly, instead of doing the tough, unglamorous, work of the House, we have spent most of the time on ideological quests and political games. Instead of fulfilling the pledge to uphold the Constitution, the majority has worked to fulfill campaign pledges to Grover Norquist and the far right. Instead of creating jobs, our colleagues on the other side have spent months on end pushing a partisan agenda that has covered everything from the trivial to the very real dangers of default.

Instead of funding the Department of Energy, the majority has tried to micromanage our lightbulbs. Instead of funding the Nation's schools, they tried to eliminate Big Bird. Instead of funding the EPA, they tried to sell the land surrounding the Grand Canyon to the state-owned mining companies of Russia and South Korea. Instead of funding cancer research conducted by the NIH, they have tried, repeatedly, to repeal health care reform. And instead of setting a responsible budget for the next fiscal year, they brought our economy to the brink of default and led to the first-ever downgrade of our Nation's credit.

Even today, our colleagues on the other side are injecting politics into a stopgap CR. Today we are considering legislation that will only provide disaster relief to hurricane victims if billions of dollars are taken from a successful alternative energy program that has created 39,000 jobs to date and is poised to create 60,000 more. We were told in the Rules Committee that this was money simply lying there.

In effect, the other side of the aisle is telling the American people that Congress will either help rebuild shattered communities or Congress will create new green jobs, but we refuse to do both. This immoral approach reflects a House of Representatives that is void

of responsible leadership from those in charge.

Today I'll do the little bit that I can to provide leadership sorely lacking from those in charge. Mr. Speaker, if we can defeat the previous question at the end of this debate, I will offer an amendment to the rule to ensure that disaster victims get the help they need. My amendment will allow Representative DINGELL to offer a motion to strike the unacceptable House language that says all disaster aid must be offset and substitute the bipartisan Senate approach.

Since 2004, American taxpayers have spent over \$3.4 billion on infrastructure in Afghanistan and even more in Iraq. Not a single one of those \$3.4 billion was held hostage or offset by any program in our budget. But now, as many Americans are struggling to rebuild and get their lives back to normal, the majority refuses to help unless they are allowed to defund a successful program they happen to dislike. Remember, what this says is that the American public is financing the reconstruction of Afghanistan and Iraq with taxpayer money, but taxpayer money without an offset will not be used to help the American taxpayer. That takes a lot of explaining.

Because the majority decided that pursuing a partisan agenda was more important than meeting the basic needs of the country, we face the prospect of a trillion dollar, 1,000-page bill to keep the government running because the other side will not stop playing politics and start governing as we are all expected to do. This failure is a disservice to the American people, an abdication of our responsibilities as legislators, and a shame to the expectations, responsibilities and duties of the House.

The majority rode into Washington vowing to change the ways of the past, but over the last 9 months, the American people have witnessed a case study in abandoned responsibilities and misguided priorities. Until the Republican majority begins to govern with responsibility, I fear this Congress will continue to live up to the low regard our Nation has for it, which brings shame on us all. I urge my colleagues on the other side to stop serving their political interests, start doing bipartisan bills, and start serving our country.

In closing, I urge my colleagues to vote "no" on today's rule and the underlying legislation, and I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am proud to yield 5 minutes to a gentleman who has presided over the most open Rules Committee in recent memory, not just a chairman, but my chairman, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding and congratulate him on his stellar management of this very important rule.

Mr. Speaker, I've been listening to the remarks of my very good friend and distinguished colleague, the ranking minority member of the Committee on Rules, the gentlewoman from Rochester, New York (Ms. SLAUGHTER) and I have to say that as I listen to the remarks, I'm going to keep my hands on my side. I'm not going to point the finger of blame at anybody. I'm simply going to state a few facts that I think are important for all the Members of this House to look at.

It's true, the last 9 months under this Republican majority have been very difficult, very painful, and very challenging for us as we've been tackling the challenge of job creation and economic growth. There's a reason that we have had such a difficult time in the last 9 months here in this Congress. And the reason is very simple: Last year, for the first time in nearly three decades since the 1974 Budget and Impoundment Act was established, we didn't even have a budget proposed from the then-majority.

And the fact that there was no budget proposed in the last Congress to deal with the very important spending priorities that we, as a Nation, needed to address, and the fact that we had not one single appropriations bill, not one single appropriations bill, completed in the last Congress—we inherited at the beginning of this year, and Democrats and Republicans alike will acknowledge it, we inherited a hell of a mess. It was a big mess that we inherited. And guess what? We decided that we were going to tackle that mess in a bipartisan way.

My friend who has just talked about the need for bipartisanship, we began in dealing with the appropriations process with, as Members will recall, being here for hours and hours and hours because Democrats and Republicans alike were able to put their mark—their mark—on this spending bill which we, because of the lack of action in the last Congress, inherited in this 9 months.

And so my friend is absolutely right. The last 9 months have not been easy. They've not been easy at all. And I appreciate the fact that she has worked in a bipartisan way in a number of areas, because as she knows very well, the bill that we're going to be considering this week, the regulatory relief bill, we make every amendment that complied with the rules of the House in order. So many more Democratic amendments have been made in order than Republican amendments on a number of pieces of legislation, and that's so that we can do exactly what my friend has said hasn't happened, and that is work in a bipartisan way.

Now I think that probably the single largest bipartisan achievement that we've had in this past 9 months has been the agreement that we came to at the end of July, and that was an agree-

ment that Democrats and Republicans alike recognized had to be addressed, we needed to increase the debt ceiling.

□ 1410

We didn't like the fact that there had been so much spending that had taken place, but we recognized that it had to be done. So Democrats and Republicans came together to make that happen.

We have further opportunities for bipartisan agreement coming right down the pike. Democrats and Republicans, alike, have said we need to open up new markets around the world for us to create union and nonunion jobs so that we can export more manufactured products from the United States of America into these markets. And we have three pending trade agreements with Colombia, Panama, and South Korea that will go a long way towards doing what it is Democrats and Republicans, alike, want to do.

I'm not going to accuse a single Democrat of not wanting to create jobs in this country. Everybody wants to make sure that their constituents aren't hurting, that their constituents aren't losing their homes, their jobs, their businesses. I know that everybody, Democrat and Republican, alike, wants to make that happen. We will have an opportunity, in a bipartisan way, to do just that, Mr. Speaker, when it comes to these market-opening agreements in these very, very, very important countries that will help us again create union and nonunion jobs.

And I think when it comes to the issue of job creation and income growth, we need to look at the unfortunate mischaracterization that has been made time and time again of things like the tax cuts that have enjoyed bipartisan support, what I call the Bush-Obama tax cuts.

First, the '01 tax cuts, I will acknowledge, were not real growth creators, but the '03 tax cuts generated economic growth that actually enhanced the flow of revenues to the Federal Treasury. And that's not my speculation. All one needs to do is simply look at the raw numbers.

In 2003, Mr. Speaker, the Federal Treasury had \$1.782 trillion in revenues from all sources. That was in '03. At the time we saw those tax cuts put into place, \$1.782 trillion in revenues. Up until the economic downturn in 2007, we saw an increase of 44 percent in the flow of revenues that came into the Federal Treasury to \$2.567 trillion. Now, that's an increase, Mr. Speaker, of \$785 billion that came in.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The time of the gentleman has expired.

Mr. WOODALL. I yield the gentleman an additional 5 minutes.

Mr. DREIER. I thank my friend for yielding.

That, Mr. Speaker, was a 44 percent increase, increasing by \$785 billion the

flow in revenues from the '03 revenue flow of \$1.782 trillion to the '07 revenue flow of \$2.567 trillion.

The reason I use these numbers is that we all are focused on job creation and economic growth. We all know that increased gross domestic product will go a long way towards dealing with our deficit challenges and the difficulties that we face. And, Mr. Speaker, what I want us to do is recognize that, as my friend from Lawrenceville very generously said, I presided over more open rules than we had in the Republican Congress in the past and certainly than we had in the 4 years that preceded this. And I'm proud of that. I'm very proud of the fact that we've been able to make so many amendments in order that my Democratic colleagues have offered. We have a Hastings amendment that we made in order on the bill that we're going to be considering later. I'm happy that we've done that. We will have a chance to debate these issues and I hope come to a bipartisan agreement.

Mr. Speaker, I will just say in closing that we have had a difficult 9 months. My friend from Rochester is absolutely right. It's been a challenging 9 months. And as long as Americans are hurting, it's going to always be difficult for us here. But being able to establish priorities, to come together in a bipartisan way, is important.

This measure that we're considering today is being done at the request of the bipartisan leadership of our colleagues in the other body who want to be able to move this continuing resolution through as expeditiously as possible to, as my friend from Lawrenceville said, recognize that between now and November 18 we simply want to ensure that the resources are there.

I see my friend from Vermont, and I will say to my friend that I read and looked at the photographs of the flooding that has taken place in Vermont. It has been devastating. I've looked at the disasters that have taken place across this country. My State of California suffers from earthquakes, fires, flooding, lots of disasters. An earthquake was felt in this Capitol during the month of August. We know that disasters occur. We must do everything we can to address those. But calling for an \$8 billion increase in spending beyond the \$1.43 trillion that this continuing resolution calls for is not the answer.

We need to prioritize to ensure that those who are really suffering can, in fact, have their needs addressed, and I believe that this House, in a bipartisan way, can and should and, I hope, will do that.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentleman from Massachusetts, a Member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, today the Republican majority has made a

mockery of both the process for and the content of this short-term continuing resolution.

Over the past several weeks, wildfires, floods, tornados, and earthquakes have brought tragedy to so many Americans, and, as it always has, the United States Government is responding with vitally needed resources and support. The Senate has already passed a disaster relief bill twice as large as the package contained in this CR and with the appropriate emergency designation. But House Republican leaders have decided to cut the Senate amount in half and tie it to an ideologically driven offset that takes modern technology off the table for U.S. car and vehicle manufacturers and which could cost thousands of current and future jobs.

And please don't tell me that it's all about balancing the budget and ending emergency spending that isn't paid for. The continuing resolution that we're debating today includes money to continue the misguided war in Afghanistan to the tune of \$10 billion each month. None of it is paid for, not a penny. It's never been paid for. It's always been borrowed money that each week adds billions to the deficit. If my Republican friends believe we don't need to offset billions of dollars for war, then why are they demanding that we offset disaster aid for families who were flooded out by a hurricane or whose homes were burnt to the ground by a wildfire?

Mr. Speaker, we've been in Afghanistan for 10 years. We know how much it costs. Its funding is as predictable as it gets, yet each and every year money for the war receives a so-called "emergency" designation, but responding to unpredictable natural disasters does not? It makes no sense. And if the Republican leadership has figured out a way to accurately predict the next tornado or earthquake, I would like to hear it.

The American people are tired of the hypocrisy and tired of the Republican priorities that make it easier to invest overseas and nearly impossible to help people here at home.

I urge my Republican friends to put the American people first. I urge my colleagues to oppose this closed rule and oppose the underlying bill.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), the distinguished ranking member of the Committee on Ways and Means.

Mr. LEVIN. We've heard a lot of rhetoric the first 10 minutes, or whatever, on the majority side, but rhetoric cannot mask, cannot obscure reality. The reality is this is an antijobs bill.

In '07, we put forth the Advanced Technology Vehicle Manufacturing loan program. It has worked. Tens of

thousands of jobs have been created as a result of that program in Michigan, Illinois, Ohio, Indiana, Louisiana, and Florida. And so now the majority says they're going to pay for this bill. How? By ending a program that has created jobs. That's the reality. It cuts it off, even though there are applications pending that will create thousands of more jobs in the manufacturing base of this country, in Indiana, Missouri, Ohio, California, Michigan, and other States.

It's inexcusable. It's inexcusable.

Mr. WOODALL. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Georgia.

Mr. WOODALL. I appreciate the gentleman yielding.

You may have some information that we did not have in the Rules Committee. My understanding is that this program, which has billions that were appropriated in 2008 and have not yet been spent, not only can—

Mr. LEVIN. You've been misinformed. There are millions and millions of dollars that are already in the pipeline to be spent and applications for the balance of that money. That's a fact.

□ 1420

So if you've been misinformed, I suggest that you go back to the Rules Committee and take another look at this. This is an anti-jobs bill when we need jobs in the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Chair.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to speak to what's inexcusable here. And I hate that that's where we have to end up.

The truth of the matter is what we have down here today is the re-litigation of something that we already litigated in July and August, and that is that this bill today funds just until November 18 at the level that we, as a body, agreed to. You may not like it, I may not like it, but we agreed to it: a level that's 1043, \$1.043 trillion. That's a big number. That is a big number.

This resolution today, this continuing resolution to get us through November 18, does not re-litigate that decision. We spent a lot of time on that in July and August, and again, we come from different places on whether or not that's the right number. I probably say it's too high, you may say it's too low, but this is simply a resolution that implements the will of this House.

Mr. LEVIN. Will the gentleman yield?

Mr. WOODALL. I would be happy to yield to my friend.

Mr. LEVIN. There is nothing in that decision, nothing in that action that

paid for a continuing resolution that will take away jobs from the businesses and workers of the United States of America, purely and simply.

Mr. WOODALL. Reclaiming my time from my friend, you're absolutely right that this bill does not define where those \$1.043 trillion go, and I take issue with that too.

I go back to what you called rhetoric, the 10 minutes that we spent at the beginning where we went through line by line to talk about, golly, the work I'm so proud of that you and I have done together, the individual appropriations bills that you and I have worked through together, doing what was supposed to be done in this House. That was the time to do these things, one by one, and, golly, we did. We did.

Mr. LEVIN. Will the gentleman yield?

Mr. WOODALL. I would be happy to yield to my friend.

Mr. LEVIN. So now you're saying we're paying for it by taking away jobs from businesses and workers. That's what this does. You can't hide that fact.

Mr. WOODALL. Reclaiming my time, as I'm not the chairman of the committee, I will quote the chairman of the committee, who tells us that not only can we use this offset here today, but there remains not millions, but billions of dollars in the account to be used for this purpose; dollars that were appropriated, Mr. Speaker, in 2008, 3 years ago. They remain unspent, but we leave them there just in case. Just in case.

And what I would say to my friend is, if we can just get around to doing this process right again, and I have great hope that we can, if we can get back to doing the process right, we'll have this discussion not on a \$1.043 trillion continuing resolution, and not even on a half-trillion dollar continuing resolution, but on the Energy and Water appropriations bill. We'll be able to get back to it, and I have that great wish for this House, Mr. Speaker.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I want to yield myself 10 seconds to say that I said in my opening statement that this program has already yielded 39,000 jobs, on its way to 60,000, which will not be able to be met because you are using this as the offset.

I am happy to yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), who suffered great damage in the hurricane.

Mr. PASCRELL. Look, we're all Americans. We're not Democrats, Republicans.

You had 5,000 people evacuated in my district. When you see the damage in small towns and large towns, then you can appreciate it. The President came, the Governor of the State, who is not of my persuasion, came. They saw it firsthand. Homeland Security came.

Mr. Fugate from FEMA came. They saw it firsthand. The damage is deep, and it's not going to be taken away and remedied within 2 weeks, 2 months, or 2 years because the ground was so saturated that trees fell without any wind, and are still falling.

Now, we are only one of 51 districts affected in 15 States, and we're talking about over 30 million people. And for the first time since I've been a Member of Congress, the other side, your side, wants to make this conditional, the aid, so that we carve out from either this program or that program, which is immaterial at this point, the money to help these very people.

The estimates are very clear as to how much this is going to cost, beyond our wildest dreams. We don't stop and ask those folks in Joplin, who had a huge tornado, where 160 people were killed, we don't say, wait till we go and rob Peter in order to respond to your emergency.

The fires in Texas—we have never done this on an emergency. This is an absolute disgrace because we're all Americans. We're not Democrats or Republicans.

Why didn't we do this, for crying out loud, in 2001 when we went to war? We didn't say, let's take from this program or that program. That was an emergency. We came up with the money and we sure as hell didn't pay for it, did we? And now look where we are economically.

We're talking about an emergency in our own country here, in our own neighborhoods. We need both sides to come together, and that's why we formed the coalition of Democrats and Republicans. And Republicans are not going to vote for this either. I'm telling you right now. So why don't we come together. They passed a clean bill in the Senate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman another 10 seconds.

Mr. PASCRELL. This coalition is going to stay strong because America is more important than either party, and we need to help our brothers and sisters who are hurting right now, many that will not return to their homes. They can't. Think about that.

Mr. WOODALL. Mr. Speaker, to correct what may be a misunderstanding about the swiftness with which this Congress is reacting to those tragedies, I yield 5 minutes to the chairman of the Appropriations Committee, who has moved immediately on these issues, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

As to the point, Mr. Speaker, of whether or not we offset these emergency bills, over the last 10 years, we have used offsets in over half of the emergency spending bills and

supplementals, over half, 15 of 30, actually, including war supplementals, emergency supplementals, military construction, defense supplementals, disaster relief and recovery, in 2008, for example, and on and on.

Using offsets to pay for disaster relief is the rule here. This is not an exception. And we're only offsetting \$1 billion of it. In fact, when the Homeland Security bill passed a few months ago, it included this very offset, and the bill passed by bipartisan support throughout the body. You've already voted for this, and, I might add, successfully.

Now, on that green car fund—I'm going to call it that—there's over \$4 billion this minute sitting idle in that account, and it's been sitting idle for 3 years. The \$1.5 billion rescission in subsidies we propose will not have a significant impact on the program, contrary to what some people say. All applications for those loans in late-term stages and negotiations will not be affected. Talk to the agency downtown, which we have. They will not be affected.

The factory in Michigan or Indiana will not be affected. In total, eight pending applications for loan guarantees totaling over \$6 billion will not be impacted by this offset. Michigan has the largest stake: four applications totaling \$4.7 billion in loan guarantees, which are free and clear.

□ 1430

Other States with applications in the queue that are safe from this round of cuts include Indiana and Louisiana.

Now, Mr. Speaker, this bill contains \$3.65 billion for immediate disaster relief, which our people need and deserve. As this bill works its way through the process until November 18, no doubt FEMA will have by then completed their surveys and investigations of disasters and can tell Congress, through the White House, how much more money is needed; and we'll provide it. It's covered in the debt ceiling bill that passed this body a few weeks ago.

I'm telling you the Appropriations Committee will provide whatever relief is required when we get the documentation, which is traditional, as all of the Members of this body know because they helped prepare those investigations.

So this is a clean bill. This merely extends the time for us to work with the Senate to perfect a continuing bill for the balance of 2012. It gives us 5 or 6 weeks, but only 3 or 4 of those weeks will be available because both bodies will not be here all that time. This is a clean bill. And it provides disaster relief in the appropriate way. And there's plenty of money there for the immediate needs that we've been told about by FEMA.

Mr. Speaker, I urge the adoption of the rule and the underlying bill.

Ms. SLAUGHTER. I yield 3 minutes to the gentleman from New York, a

member of the Committee on Appropriations, Mr. HINCHEY.

Mr. HINCHEY. Mr. Speaker, I rise in opposition to the rule and more broadly to the manner in which the House has dealt with disaster relief funding.

This year, our country has experienced some of the worst natural disasters in more than a generation. The cost of Hurricane Irene alone is estimated to be over \$1.5 billion and Tropical Storm Lee's costs are still being tallied.

Yet despite these overwhelming needs, the disaster aid included in this bill is grossly inadequate and would not sufficiently help the millions of Americans who are recent victims of floods, hurricanes, tornadoes, and wildfires.

My district took a one-two punch from Hurricane Irene and Tropical Storm Lee. In the southern tier of New York, we've just seen the second 500-year flood in 5 years both in Broome and Tioga counties. Scores of homes were completely destroyed, and there are over a hundred people who are still living in an emergency center in Binghamton not knowing when they'll be able to return to their homes, if they can return ever at all.

Major companies have been shut down because their facilities are flooded. The total cost to rebuild the region will likely exceed \$250 million.

In the Hudson Valley, Hurricane Irene caused massive power outages and record flooding. In Ulster County, 60 percent of residents lost power; seven bridges were destroyed. In fact, two of those bridges were just washed away and not found.

Vegetable farmers in Ulster, Orange, and Sullivan Counties suffered devastating losses; and because the crop insurance program remains wholly inadequate for them, these farmers may get no assistance at all. Ulster and Orange Counties alone have an estimated \$62 million in agricultural losses. Yet this bill does nothing for these farmers.

And just when some of these communities began building from Irene, a second round of flooding from Lee washed away much of their hard work. Now they need to start the recovery work again.

The Senate has already passed a \$7 billion standalone disaster bill that funds the President's FEMA budget request and provides additional emergency assistance for the Department of Agriculture and other agencies that are seeing their disaster funds dwindle. This is absolutely necessary.

This bill that we are dealing with here today is a half job. It's playing politics with the lives of people who are desperate and are begging us to set aside games and get this done. Let's put an end to it now so that we can take up the Senate's bill so that we can adequately deal with this problem and solve the problems for all of these people in so many ways.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

To get back on the topic of this continuing resolution today, that is, this number that we agreed on just a month ago, \$1.043 trillion, to fund the operations of this government.

Mr. Speaker, I go back and I look at emergency requests that this body has made. Now, I'm a freshman. I was just elected in November, began my service in January. But over the last 10 years, there have been 30 emergency and supplemental bills passed.

Now, what I would say to my friends who have been here longer than I have is perhaps if you have to do it three times a year, it's really not a surprise. Perhaps we ought to be able to budget for it.

And to his great credit, and to the committee's great credit, and candidly I would say to the House's great credit, we are trying for the first time in a long time to say you know what, we can't prevent tragedy. Tragedy is going to happen. But we can plan ahead for tragedy so that the American people have the security of knowing the money's going to be there when they need it.

And when I look, Mr. Speaker, at the way we're pouring money out of this body, I worry will the money be there when the American people need it. This budget makes sure that it does.

Mr. HINCHEY. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from New York.

Mr. HINCHEY. Thank you very much. I deeply appreciate it.

The situation that we're dealing with here is critically important. It's harming huge numbers of people.

What the Senate has done is an adequate solution to this problem. They've provided the adequate funding that is going to deal with this. There have been at least seven Republicans over there in the Senate who supported that bill and voted for it. Why are you not dealing with an adequate solution to this problem? Why are you insisting on half ways, not dealing with the kinds of issues that need to be dealt with?

Mr. WOODALL. Reclaiming my time.

The SPEAKER pro tempore. The gentleman from New York will suspend.

The gentleman from Georgia has the floor.

Mr. WOODALL. I thank you, Mr. Speaker.

Because I hope where my friend was going to go was an acknowledgment that this process has provided twice the amount of disaster funding that the President requested, twice that amount in FY11, plus it forward-funds FY12.

Mr. Speaker, again, I am proud that we are trying to grapple with these issues. There is not a person on the floor of this House that is saying "no" to Americans in distress. What folks

are saying is "yes" to making sure that when those distresses come again, we budgeted for it.

I would now like to yield 2 minutes to my friend, the chairman of the Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Let me just reiterate.

The \$1 billion in the fiscal '11 portion of this bill is two times the amount the President requested. We doubled it. The amount that's in the bill for fiscal 2012, \$2.65 billion, is more than the initial request that was made to us by the White House. We're here to tell you—and I've repeated this now four times—whatever the amount is needed that we see FEMA coming to us requesting, we're going to provide. Now, we've got until November 18 by this extension, by this CR, and during that period of time we will get the documentation from the White House and from FEMA about additional funds that are requested.

I assure the gentleman from New York who spoke, your concerns will be addressed during these next few weeks, and the money will be there that's documented from the White House and from FEMA for disaster relief. We will not let our people hurt.

Ms. SLAUGHTER. I'm going to give myself another second here just to say I keep hearing that we're all set for next year in the budget, but who's going to tell Mother Nature just how much we can afford and hope that we don't get more than that?

I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

□ 1440

Mr. ANDREWS. Mr. Speaker, America has had an economic disaster and a natural disaster. The economic disaster is 15 million people unemployed, and then we had the natural disasters of August. This bill tries to help the natural disaster get solved by making the economic disaster worse. It takes a program that has produced 39,000 private sector jobs and cripples it.

Now, the ostensible purpose for this is that we want to offset the spending to help deal with the natural disasters we had around this country in August; but on multiple occasions in the last 7 years, different administrations came to the Congress and asked for infrastructure spending to help rebuild Iraq—\$3.7 billion worth of it to help rebuild Iraq and not a penny of offset.

Ladies and gentlemen, if we can vote to spend the public's money to rebuild roads and bridges in Iraq, let's not require an offset to rebuild roads and bridges in New York and Vermont and New Jersey. The right vote is "no." Rewrite this bill, and do so in a way without worsening our economic disaster.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from

Vermont (Mr. WELCH), who watched Route 4 in Vermont crumble like a cookie in the rain and wash away.

Mr. WELCH. I thank the gentlelady for yielding.

This bill is not about the offset. This bill is not about whether we're going to pay for emergency spending. We must and we will. What this bill is about is whether we're going to help 427 residents of Pittsfield, Vermont, who were in the wake of the wrath of Hurricane Irene.

That flood came down and ripped their road to the north and ripped their road to the south, and the water went in the middle, taking out homes and taking out public buildings. That's the selectboard—volunteers. It was that volunteer fire department—volunteers. They didn't have time to have an argument about offsets. They had to find out how they could get an excavator in there, and if they didn't have one, they had to borrow one. They had towns that weren't leveraging some disputes they might have had about whether they would turn back an excavator or earthmoving equipment to help them out. They did it. They had their school running the next day, not because they had a school that was functional—their kids couldn't even get out. They did one thing first, and that was to set up school on the green. They set it up on the green. Two days after this hurricane, the kids were going to school, and their parents were making them feel secure. They couldn't get to a passable road for several days. What did they do? They cut a path through the woods so that, for half a mile, kids could walk and get to transportation.

Now, they're going to have a tab even if we help them, and they know they have to pay for it; but, you know, if your neighbor's house is on fire and if you've got a boundary line dispute, you can use the leverage of his urgent necessity to get that fire hose and hold off and get it on condition that he cave—or you can do the right thing.

Every time this Congress has had an opportunity to come to the aid of your district or mine, we've stepped up. No Vermonter has ever complained to me that we used his tax dollars to help out in Texas, to help out in Ohio, to help out on the gulf coast; and we didn't make it conditional in getting our way—my offset, what might be Afghanistan, and yours might be some environmental program. We knew that was not the time to do it. We are in this together.

This Congress has an obligation to the American people. I have an obligation to the folks in your district, as you do in mine, to do the right thing when an act of God requires for its remedy an act of Congress. Let us act, Mr. Speaker.

Mr. WOODALL. Mr. Speaker, I yield myself 30 seconds just to say that we have the distinguished Appropriations

chairman here on the floor, who has said, not only have we doubled the President's request here, but there is a commitment to making the dollars available to everyone who is in need in these disasters. That's the kind of commitment this Nation has always made to its citizens. That's the kind of commitment that this bill continues to make to America's citizens.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, last Friday, the President signed the patent reform bill; but before the ink is dry on the patent reform bill, the agreement that led to the passage of it that all of the fees that are collected by the Patent and Trademark Office will be used by the Patent and Trademark Office is reneged on in this continuing resolution.

This is a job-creating bill, an innovation-creating bill, and because we have been taking the money of the Patent and Trademark Office for years and diverting it to the general fund, we have, in effect, imposed a tax on innovation in this country. The appropriators promised us that they were going to correct this problem, but there is nothing in this bill to address that promise. I don't see how I can support a continuing resolution that does not honor the commitment that was made in our patent reform bill.

Just last Friday, the President signed the America Invents Act (AIA), a bipartisan bill that promises to stimulate innovation and create jobs and add fuel to our economy. The AIA created a mechanism for USPTO, beginning in FY2012, to access all of the fees it collects by allowing USPTO to notify Congress that the Office will need the excess fees to support its operations and hire the staff required to reduce the staggering backlog of patent applications. Now, despite this hard fought deal—one which I opposed precisely because it depends upon an annual commitment to honor and implement the deal—the CR before us fails to put the USPTO on the firm, stable footing we all agreed was necessary for it to dig out of the backlog, avoid a tax on innovation, and stimulate job growth.

Under the current CR, for at least 7 weeks the USPTO will be held to a spending rate based on last year's FY11 appropriations, a rate that ignores Congress's directive and authorization that the USPTO be able to use the fees it collects in order to support implementation of the act and that those funds not be diverted to pay for wars, government waste and other Federal Government operations. I will resist the temptation to say, "I told you so," because that would not advance the debate or solve the serious problem I have identified before and identify again today. What is most compelling is that ensuring that the PTO has access to all of its funds costs nothing to the American taxpayer. It is, therefore, confusing why we are again facing such a heavy lift to simply give the PTO access to the funds it earns through its operations. But what is clear

to me is that, without a provision to ensure adequate funding for the PTO, the bill the President just signed will not serve the important purposes it was designed to serve. This CR does not provide such funding, and I cannot support the CR. I urge my colleagues who say they believe in reducing the tax burden on businesses, large and small, those who fought to ensure that the independent engines of economic growth run at full throttle, I urge them to vote no on the rule and against this CR and work to get the funding the USPTO needs and that this Congress promised it would have.

Mr. WOODALL. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this bill is brought to us by people who know the cost of everything and the value of nothing. The hard fact of the matter is they've fought two wars on the credit card. This is one of the few times that we've ever found that they have required offsets for emergencies, so now we're trying to fix a bad bill.

I want to make the observation that we have a serious problem. We have a natural emergency, and we have people who have a lasting unemployment situation that is going to destroy the country and destroy families and people in this country.

Having said that, I am baffled as to why we are considering a measure that is going to cut funding for the Advanced Technology Vehicle Manufacturing program. This is a loan program that has created or saved over 40,000 jobs so far, and if it's left alone and not destroyed, as would be done here, it will create another 10,000 more by year's end.

For all the talk in Washington on that side of the aisle about creating jobs, we find that they're out to kill jobs again, and killing ATVM just plain makes no sense. It is going to prevent job creation. The Economic Policy Institute just released a report that my home State of Michigan has lost nearly 80,000 jobs to China since 2001, where they sustain and support their industry and where we do not. If we cripple this loan program, Michigan and the rest of the country can expect to lose even more jobs and their ability to compete globally in the 21st century.

I understand we're living through tough economic times and have to squeeze every penny to make sure it counts, but I want to remind everybody here present that there are more applications in the pipeline than there is money to participate in this particular program. So we are essentially robbing Peter to pay Paul, but it is going to come at an enormous cost to the economic future of your constituents and mine.

Now, it comforts me that many of my colleagues have seen through this

rascality and have observed it for what it is. Over 100 of them have signed on to a letter by my friends Mr. PETERS and Ms. ESHOO in opposition to gutting ATVM.

I urge my colleagues to stand up for what is right by defeating the previous question and by adopting my amendment. If we can't do that, let's vote this rule down and let's vote this bill down, and let's go about the Nation's business in a wise and sensible fashion which will create jobs and not strangle economic opportunity for our people.

I want to thank the distinguished gentlewoman from New York for her leadership on this matter; but I want to denounce the behavior that I see on the other side, where they are walking into one of the most important issues that this country confronts with their eyes completely closed.

Mr. WOODALL. I continue to reserve the balance of my time.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

□ 1450

Mr. ELLISON. Mr. Speaker, there is a not-so-thin line between being frugal and fiscally responsible and then downright cheap and stingy, and this bill demonstrates the difference.

To say to somebody who was in a disaster, to say to somebody who might lose everything, where the waters are rising, the fires are burning, the storms are knocking things down, to say, you know what, we can only help you if we cut somewhere else, is the most stingy, shortsighted, poorest form of representative government I have ever seen. It is outrageous to tell Americans facing disaster that you don't get any help unless you can find how to squeeze it out somewhere.

Americans help Americans. Americans stand up for each other at a time of crisis. This is a hallmark of who we are, and it doesn't matter whether you are Republican or Democrat, whether you are from the north, the south, the east or the west, whether you are black, white, Latino, wherever you come from, when Americans are in trouble, Americans respond. And we don't reach inside and say, well, if I can afford it, we will help you out. We just jump forward and we help out.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. ELLISON. No, I will not yield, and I won't cede any of my time, so you don't need to ask again.

I am also just absolutely appalled, appalled, that the Republican bill will cost at least 10,000 good-paying American manufacturing jobs and perhaps tens of thousands more by cutting the Advanced Technology Vehicle Manufacturing loan program, which is putting Americans to work at producing cleaner American cars.

This provision, perhaps more than any other, demonstrates the fraudulent

nature, fraud, fraud, of claiming that the Republicans are trying to produce jobs. They are not trying to make jobs.

They run around saying that rich people are job creators, they are profit creators. And you know who is absolutely not a job creator? Anyone who votes "yes" on this bill.

Vote "no," absolutely "no" on this bad piece of bill.

Mr. WOODALL. Mr. Speaker, I am proud that we have been able to have a conversation with one another and yield that time throughout the day.

In order to continue that, I yield 1 minute to the chairman, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Thank you for yielding.

The previous speaker doesn't understand the bill. The \$2.65 billion in the 2012 portion of the bill is not offset, only the portion for fiscal 2011 is required to be offset. And I would remind the gentleman, as well as everyone else, many of whom voted for the Homeland Security bill a few months ago, it included this provision.

The disaster relief money, twice what the President requested of us, we doubled his request. That part is offset, the fiscal 2011 moneys, but the bulk of the money in this bill, the \$2.65 billion for fiscal 2012, it's not offset. So the gentleman is incorrect.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, I come from the Greater Detroit area, which has been especially hard hit from this recession.

When many wanted to let the auto industry fail, I stood with President Obama, and now the Big Three auto companies are once again earning profits and creating jobs in our region.

Today, however, the House Republicans are trying to pass job-killing cuts to our auto industry by eliminating section 136 loans. We have the support of the Big Three auto manufacturers, as well as several labor unions and environmental groups but, sadly, the Tea Party can't even say "yes" to a program that has created and protected 41,000 jobs. In fact, according to experts, this program is directly responsible for bringing manufacturing of the Ford Focus automobile from Mexico to Michigan, with American workers making the Ford Focus.

We absolutely need to fund disaster relief for communities affected by the recent natural disasters, but that doesn't mean we need to cause an economic disaster for our workers.

I urge my colleagues to vote "no" on the rule and "no" on the continuing resolution because we need to be working to create more American manufacturing jobs, not destroying them.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, it would seem that we would come to the floor of the House at this time and celebrate a continuing resolution in the backdrop of Tropical Storm Lee and Hurricane Irene, the enormity of the tragedy in Vermont.

I know that my colleagues from that area are in pain and still suffering from the devastation. I noticed upstate New York, Prattsville in particular, a city that is full of pain with individuals who are at loss of why their town is no longer.

But in that instance, as my colleagues know, my Republican friends know, although we have had some moments that we have not been proud of, such as in the gulf region when we were not prepared for Hurricane Katrina, we have still risen to the occasion thereafter and said to the American people that if you are in a disaster, this Nation will come to your aid.

Unfortunately, this CR does not in any way benefit the American way, for here we have a fix that is really a broken fix.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentlewoman 1 additional minute.

Ms. JACKSON LEE of Texas. Rather than declaring disasters what they are, emergencies, and providing the dollars that we need, we are, in essence, if I might use the old-fashioned term, nickel and diming our responsibilities. It is patently unfair to put the American people in the crosshairs of our politics about having an offset for emergency funding.

Do you want to tell that, if we look back at 2005 to the thousand-plus that died in Hurricane Katrina, you have to have an offset? Let's think about whether we're going to send you any money.

Now, I know that there is a need for this legislation to pass, but once we concede the idea that the American people will be put in the pickle of an offset, that means that disaster knocks at your door, not at your invitation, and the Federal Government, which is, in fact, the umbrella on a rainy day, it will not be there. I will not be able to tolerate that.

What we should be doing is passing a CR that declares emergency funding what it is—to be there for the American people. And this next thing we should be doing is passing the President's jobs bill, for that is how we will ensure that we are doing the job that the American people want.

This CR is a bunch of smoke and mirrors, and I will not tell the American people that they are second-class citizens. If I can find the dime to pay for your misery, I will look for the dime. That is not the American way.

Mr. WOODALL. I yield 1 minute to the chairman of the committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding again. I'll be very brief.

The gentleman who just spoke mentioned Katrina and that we should not offset expenses of emergency disaster spending. In fact, in 2006 that's exactly what we did do. We required offsets for aid for Katrina and other matters, \$33.5 billion in offsets in Katrina aid in 2006. And then again in 2007, we offset \$939 million in offsets for, among other things, Hurricane Katrina recovery.

As I have said before, over the last 10 years, we have offset more than half of the disaster emergency relief bills we have passed here. It's not unusual, and the gentlelady is mistaken that we did not request offsets for Katrina. We did.

Mr. WOODALL. I say to my friend to from New York, I have no more speakers and am prepared to close.

Ms. SLAUGHTER. I thank the gentleman.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order a motion to strike the unacceptable House disaster funding language and substitute the bipartisan Senate approach.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I want to urge my colleagues to vote "no," defeat the previous question, and if we are successful in defeating the previous question and offering our amendment, then we will get on with the underlying House amendment.

I yield back the balance of my time.

□ 1500

Mr. WOODALL. Mr. Speaker, I yield myself the balance of my time.

I think one thing that unites us as Republicans and Democrats, and actually unites us as Americans, is when we face adversity, we say: Can we do better? Can we do better? You know, it's one thing to muddle through, but it's something else to learn from that experience and come back the next time and do better.

Now, I'm proud to be here as part of a freshman class, Mr. Speaker; 89 new Republican freshmen, 10 new Democratic freshmen. Ninety-nine Members of this House are brand new this year; 99 Members of this House. And so we look back. We look back on profligate spending where even though American families are asked to prioritize their spending each and every day, for some reason the Congress didn't. Even though small businesses are asked to prioritize their spending every day, for some reason Congress didn't.

What this new Congress has done, Mr. Speaker, this 112th Congress has done, is to say: Can we do better? And the answer is yes. Why are the American people so cynical about Congress, Mr. Speaker? Why are our approval ratings in the tank? It was less than 2 months ago, less than 2 months ago we agreed that for next year we should spend \$1.43 trillion. And we're already talking about that we've got that number wrong and we want to spend more. Folks, we have to make those priority decisions. Thirty times, Mr. Speaker, thirty times in the last 10 years we came up with emergency spending. Thirty times, Mr. Speaker.

Let me just ask you, the Defense Iraq-Afghanistan supplemental in 2004, is anybody surprised that it took more money in those places than we had budgeted? Anybody think that's a surprise? I'm not surprised by that, Mr. Speaker. I wasn't here, but I'm not surprised. What I wish we could have done was budgeted better for that. Did we know in 2004 that it was going to take more money? Of course we did. But what did we do? We gamed that system.

What is this Appropriations Committee doing? What is this Appropriations Committee doing? They're saying that they know tragedy is going to befall Americans. They don't know what; they don't know when; but they know that it's going to happen. And so they're going to budget for it. Why? Because we tell Americans day after day after day that programs that they count on might not be there tomorrow. Why? Because we're broke. We tell Americans every day something that they might want to do, something they thought might be available, it might not be available. Why? Because we're broke.

But I agree with my friends on the Democratic side of the aisle, when folks are facing disaster, they don't want to have to ask that question. When folks are facing personal tragedy, they don't want to have to ask that question: Will there be money there? Will there be help there?

No, in our communities, we know the help is going to be there. We know our neighbors are going to be there for us, and we know our families will be there for us. And for the first time in a long time, Mr. Speaker, we now know that the American Congress is going to be there, too, because we are changing business as usual.

We asked the question: Can we do better? And the Speaker and the committee chairmen said, Yes. Yes, we can. I encourage support for the rule, and I encourage a vote on the underlying resolution.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 405 OFFERED BY
MRS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 3. Notwithstanding any other provision of this resolution, after expiration of debate on the motion to concur specified in the first section of this resolution it shall be in order to consider the motion to amend printed in section 4 of this resolution. That motion may be offered only by Representative Dingell of Michigan or his designee, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against that motion are waived.

SEC. 4. The motion to amend referred to in section 3 is as follows:

"(1) Strike sections 125 and 126 of the House amendment (and redesignate the subsequent sections accordingly).

"(2) At the end of the House amendment, before the short title, insert the following:

"SEC. __ Notwithstanding any other provision of this Act, there is hereby enacted into law the provisions of division B of the amendment adopted by the Senate on September 15, 2011, to House Joint Resolution 66 (112th Congress), relating to emergency supplemental disaster relief appropriations."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend

the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 405, if ordered, and suspending the rules with regard to Senate Concurrent Resolution 28 and S. 846.

The vote was taken by electronic device, and there were—yeas 237, nays 188, not voting 8, as follows:

[Roll No. 715]

YEAS—237

Adams	Brooks	Culberson
Aderholt	Broun (GA)	Davis (KY)
Akin	Buchanan	Denham
Alexander	Bucshon	Dent
Amash	Buerkle	DesJarlais
Amodei	Burgess	Diaz-Balart
Austria	Burton (IN)	Dold
Bachus	Calvert	Dreier
Barletta	Camp	Duffy
Bartlett	Campbell	Duncan (SC)
Barton (TX)	Canseco	Duncan (TN)
Bass (NH)	Cantor	Ellmers
Benishek	Capito	Emerson
Berg	Carter	Farenthold
Biggart	Cassidy	Fincher
Bilbray	Chabot	Fitzpatrick
Bilirakis	Chaffetz	Flake
Bishop (UT)	Coble	Fleischmann
Black	Coffman (CO)	Fleming
Blackburn	Cole	Flores
Bonner	Conaway	Forbes
Bono Mack	Cravaack	Fortenberry
Boustany	Crawford	Foxx
Brady (TX)	Crenshaw	Franks (AZ)

Frelinghuysen	Latta	Rogers (KY)	Matsui	Pingree (ME)	Sherman
Galleghy	Lewis (CA)	Rogers (MI)	McCarthy (NY)	Polis	Shuler
Gardner	LoBiondo	Rohrabacher	McCollum	Price (NC)	Sires
Garrett	Long	Rokita	McDermott	Quigley	Slaughter
Gerlach	Lucas	Rooney	McGovern	Rahall	Smith (WA)
Gibbs	Lummis	Ros-Lehtinen	McIntyre	Rangel	Speier
Gibson	Lungren, Daniel E.	Roskam	McNerney	Reyes	Stark
Gingrey (GA)	Mack	Ross (FL)	Meeks	Richardson	Thompson (CA)
Gohmert	Manzullo	Royce	Michaud	Richmond	Thompson (MS)
Goodlatte	Marchant	Runyan	Miller (NC)	Ross (AR)	Tierney
Gosar	Marino	Ryan (WI)	Miller, George	Rothman (NJ)	Tonko
Gowdy	McCarthy (CA)	Scalise	Moore	Roybal-Allard	Towns
Granger	McCauley	Schilling	Moran	Ruppersberger	Tsongas
Graves (GA)	McClintock	Schmidt	Murphy (CT)	Rush	Van Hollen
Graves (MO)	McCotter	Schock	Nadler	Ryan (OH)	Velázquez
Griffin (AR)	McHenry	Schweikert	Napolitano	Sánchez, Linda T.	Visclosky
Griffith (VA)	McKeon	Scott (SC)	Neal	Sanchez, Loretta	Walz (MN)
Grimm	McKinley	Scott, Austin	Olver	Sarbanes	Wasserman
Guinta	McMorris	Sensenbrenner	Owens	Schakowsky	Schultz
Guthrie	Rodgers	Sessions	Pallone	Schiff	Waters
Hall	Meehan	Shimkus	Pascarell	Pastor (AZ)	Watt
Hanna	Mica	Shuster	Payne	Schrader	Waxman
Harper	Miller (FL)	Simpson	Pelosi	Schwartz	Welch
Harris	Miller (MI)	Smith (NE)	Perlmutter	Scott (VA)	Wilson (FL)
Hartzler	Miller, Gary	Smith (NJ)	Peters	Scott, David	Woolsey
Hastings (WA)	Mulvaney	Smith (TX)	Peterson	Serrano	Yarmuth
Hayworth	Murphy (PA)	Southerland		Sewell	
Heck	Myrick	Stearns			
Hensarling	Neugebauer	Stivers	Baca	Lewis (GA)	Reichert
Herger	Noem	Stutzman	Bachmann	Luetkemeyer	Sutton
Herrera Beutler	Nugent	Sullivan	Giffords	Paul	
Huelskamp	Nunes	Terry			
Huizenga (MI)	Nunnelee	Thompson (PA)			
Hultgren	Olson	Thornberry			
Hunter	Palazzo	Tiberi			
Hurt	Paulsen	Tipton			
Issa	Pearce	Turner (NY)			
Jenkins	Pence	Turner (OH)			
Johnson (IL)	Petri	Upton			
Johnson (OH)	Pitts	Walberg			
Johnson, Sam	Platts	Walden			
Jones	Poe (TX)	Walsh (IL)			
Jordan	Pompeo	Webster			
Kelly	Posey	West			
King (IA)	Price (GA)	Westmoreland			
King (NY)	Quayle	Whitfield			
Kingston	Reed	Wilson (SC)			
Kinzinger (IL)	Rehberg	Wittman			
Kline	Renacci	Wolf			
Labrador	Ribble	Womack			
Lamborn	Rigell	Woodall			
Lance	Rivera	Yoder			
Landry	Roby	Young (AK)			
Lankford	Roe (TN)	Young (FL)			
Latham	Rogers (AL)	Young (IN)			
LaTourette					

NAYS—188

Costa	Higgins
Costello	Himes
Courtney	Hinchey
Critz	Hinojosa
Crowley	Hirono
Cuellar	Hochul
Cummings	Holden
Davis (CA)	Holt
Davis (IL)	Honda
DeFazio	Hoyer
DeGette	Inslee
DeLauro	Israel
Deutch	Jackson (IL)
Dicks	Jackson Lee (TX)
Dingell	Johnson (GA)
Doggett	Johnson, E. B.
Donnelly (IN)	Kaptur
Doyle	Keating
Edwards	Kildee
Ellison	Kind
Engel	Kissell
Eshoo	Kucinich
Farr	Langevin
Fattah	Larsen (WA)
Finler	Larson (CT)
Frank (MA)	Lee (CA)
Fudge	Levin
Garamendi	Lipinski
Gonzalez	Loeback
Green, Al	Lofgren, Zoe
Green, Gene	Lowey
Grijalva	Lujan
Gutierrez	Lynch
Hahn	Maloney
Hanabusa	Markey
Hastings (FL)	Matheson
Heinrich	

McCarthy (NY)	Pingree (ME)	Sherman
McCollum	Polis	Shuler
McDermott	Price (NC)	Sires
McGovern	Quigley	Slaughter
McIntyre	Rahall	Smith (WA)
McNerney	Rangel	Speier
Meeks	Reyes	Stark
Michaud	Richardson	Thompson (CA)
Miller (NC)	Richmond	Thompson (MS)
Miller, George	Ross (AR)	Tierney
Moore	Rothman (NJ)	Tonko
Moran	Roybal-Allard	Towns
Murphy (CT)	Ruppersberger	Tsongas
Nadler	Rush	Van Hollen
Napolitano	Ryan (OH)	Velázquez
Neal	Sánchez, Linda T.	Visclosky
Olver	Sanchez, Loretta	Walz (MN)
Owens	Sarbanes	Wasserman
Pallone	Schakowsky	Schultz
Pascarell	Schiff	Waters
Pastor (AZ)	Schrader	Watt
Payne	Schwartz	Waxman
Pelosi	Scott (VA)	Welch
Perlmutter	Scott, David	Wilson (FL)
Peters	Serrano	Woolsey
Peterson	Sewell	Yarmuth

NOT VOTING—8

Baca	Lewis (GA)	Reichert
Bachmann	Luetkemeyer	Sutton
Giffords	Paul	

□ 1530

Messrs. ROTHMAN of New Jersey, LARSON of Connecticut, Ms. FUDGE, and Mrs. NAPOLITANO changed their vote from "yea" to "nay."

Mrs. MYRICK changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 10, as follows:

[Roll No. 716]

YEAS—238

Adams	Burgess	Duncan (TN)
Aderholt	Burton (IN)	Ellmers
Akin	Calvert	Emerson
Alexander	Camp	Farenthold
Amash	Campbell	Fincher
Amodei	Canseco	Fitzpatrick
Austria	Cantor	Flake
Bachus	Capito	Fleischmann
Barletta	Carter	Fleming
Bartlett	Cassidy	Flores
Barton (TX)	Chabot	Forbes
Bass (NH)	Chaffetz	Fortenberry
Benishek	Coble	Foxx
Berg	Coffman (CO)	Franks (AZ)
Biggart	Cole	Frelinghuysen
Bilbray	Conaway	Galleghy
Bilirakis	Cravaack	Gardner
Bishop (UT)	Crawford	Garrett
Black	Crenshaw	Gerlach
Blackburn	Culberson	Gibbs
Bonner	Davis (KY)	Gibson
Bono Mack	Denham	Gohmert
Boustany	Dent	Goodlatte
Brady (TX)	DesJarlais	Gosar
Brooks	Diaz-Balart	Gowdy
Broun (GA)	Dold	Granger
Buchanan	Dreier	Graves (GA)
Bucshon	Duffy	Graves (MO)
Buerkle	Duncan (SC)	Griffin (AR)

Griffith (VA)	Manzullo	Rooney	Olver	Roybal-Allard	Speier	Brown (FL)	Garamendi	Loebsack
Grimm	Marchant	Ros-Lehtinen	Owens	Ruppersberger	Stark	Buchanan	Gardner	Lofgren, Zoe
Guinta	Marino	Roskam	Pallone	Rush	Thompson (CA)	Bushon	Garrett	Long
Guthrie	McCarthy (CA)	Ross (FL)	Pascrell	Ryan (OH)	Thompson (MS)	Buerkle	Gerlach	Lowey
Hall	McCaul	Royce	Pastor (AZ)	Sánchez, Linda	Tierney	Gibbs	Gibson	Lucas
Hanna	McClintock	Runyan	Payne	T.	Tonko	Burton (IN)	Gibson	Luetkemeyer
Harper	McCotter	Ryan (WI)	Pelosi	Sanchez, Loretta	Towns	Butterfield	Gingrey (GA)	Lujan
Harris	McHenry	Scalise	Perlmutter	Sarbanes	Tsongas	Calvert	Gohmert	Lummis
Hartzler	McKeon	Schilling	Peters	Schakowsky	Van Hollen	Camp	Gonzalez	Lungren, Daniel
Hastings (WA)	McKinley	Schmidt	Peterson	Schiff	Velázquez	Campbell	Goodlatte	E.
Hayworth	McMorris	Schock	Pingree (ME)	Schrader	Visclosky	Canseco	Gosar	Lynch
Heck	Rodgers	Schweikert	Polis	Schwartz	Walz (MN)	Cantor	Gowdy	Mack
Hensarling	Meehan	Scott (SC)	Price (NC)	Scott (VA)	Wasserman	Capito	Granger	Maloney
Herger	Mica	Scott, Austin	Quigley	Scott, David	Schultz	Capps	Graves (GA)	Manzullo
Herrera Beutler	Miller (FL)	Sensenbrenner	Rahall	Serrano	Waters	Capuano	Graves (MO)	Marchant
Huelskamp	Miller (MI)	Sessions	Rangel	Sewell	Watt	Cardoza	Green, Al	Marino
Huizenga (MI)	Miller, Gary	Shimkus	Reyes	Sherman	Waxman	Carnahan	Green, Gene	Markley
Hultgren	Mulvaney	Shuster	Richardson	Shuler	Wilson (FL)	Carney	Griffin (AR)	Matheson
Hunter	Murphy (PA)	Simpson	Richmond	Sires	Woolsey	Carson (IN)	Griffith (VA)	Matsui
Hurt	Myrick	Smith (NE)	Ross (AR)	Slaughter	Yarmuth	Carter	Grijalva	McCarthy (CA)
Issa	Neugebauer	Smith (NJ)	Rothman (NJ)	Smith (WA)		Cassidy	Grimm	McCarthy (NY)
Jenkins	Noem	Smith (TX)				Castor (FL)	Guinta	McCaul
Johnson (IL)	Nugent	Southerland				Chabot	Guthrie	McClintock
Johnson (OH)	Nunes	Stearns	Baca	Hastings (FL)	Sutton	Chaffetz	Gutierrez	McCollum
Johnson, Sam	Nunnelee	Stivers	Bachmann	Lewis (GA)	Welch	Chandler	Hahn	McCotter
Jones	Olson	Stutzman	Giffords	Paul		Chu	Hall	McDermott
Jordan	Palazzo	Sullivan	Gingrey (GA)	Reichert		Cicilline	Hanabusa	McGovern
Kelly	Paulsen	Terry				Clarke (MI)	Hanna	McHenry
King (IA)	Pearce	Thompson (PA)				Clarke (NY)	Harper	McIntyre
King (NY)	Pence	Thornberry				Clay	Harris	McKeon
Kingston	Petri	Tiberi				Cleaver	Hartzler	McKinley
Kinzinger (IL)	Pitts	Tipton				Clyburn	Hastings (FL)	McMorris
Kissell	Platts	Turner (NY)				Coble	Hastings (WA)	Rodgers
Kline	Poe (TX)	Turner (OH)				Coffman (CO)	Hayworth	McNerney
Labrador	Pompeo	Upton				Cohen	Heck	Meehan
Lamborn	Posey	Walberg				Cole	Heinrich	Meeks
Lance	Price (GA)	Walden				Conaway	Hensarling	Mica
Landry	Quayle	Walsh (IL)				Connolly (VA)	Herger	Michaud
Lankford	Reed	Webster				Conyers	Herrera Beutler	Miller (FL)
Latham	Rehberg	West				Cooper	Higgins	Miller (MI)
LaTourette	Renacci	Westmoreland				Costa	Himes	Miller (NC)
Latta	Ribble	Whitfield				Costello	Hinchey	Miller, Gary
Lewis (CA)	Rigell	Wilson (SC)				Courtney	Hinojosa	Miller, George
LoBiondo	Rivera	Wittman				Cravaack	Hirono	Moore
Long	Roby	Wolf				Crawford	Hochul	Moran
Lucas	Roe (TN)	Womack				Crenshaw	Holden	Mulvaney
Luetkemeyer	Rogers (AL)	Woodall				Critz	Holt	Murphy (CT)
Lummis	Rogers (KY)	Yoder				Crowley	Honda	Murphy (PA)
Lungren, Daniel	Rogers (MI)	Young (AK)				Cuellar	Hoyer	Myrick
E.	Rohrabacher	Young (FL)				Culberson	Huelskamp	Nadler
Mack	Rokita	Young (IN)				Cummings	Huizenga (MI)	Napolitano

NAYS—185

Ackerman	Cuellar	Israel
Altmire	Cummings	Jackson (IL)
Andrews	Davis (CA)	Jackson Lee
Baldwin	Davis (IL)	(TX)
Barrow	DeFazio	Johnson (GA)
Bass (CA)	DeGette	Johnson, E. B.
Becerra	DeLauro	Kaptur
Berkley	Deutch	Keating
Berman	Dicks	Kildee
Bishop (GA)	Dingell	Kind
Bishop (NY)	Doggett	Kucinich
Blumenauer	Donnelly (IN)	Langevin
Boren	Doyle	Larsen (WA)
Boswell	Edwards	Larson (CT)
Brady (PA)	Ellison	Lee (CA)
Braley (IA)	Engel	Levin
Brown (FL)	Eshoo	Lipinski
Butterfield	Farr	Loebsack
Capps	Fattah	Lofgren, Zoe
Capuano	Filner	Lowey
Cardoza	Frank (MA)	Luján
Carnahan	Fudge	Lynch
Carney	Garamendi	Maloney
Carson (IN)	Gonzalez	Markley
Castor (FL)	Green, Al	Matheson
Chandler	Green, Gene	Matsui
Chu	Grijalva	McCarthy (NY)
Cicilline	Gutierrez	McCollum
Clarke (MI)	Hahn	McDermott
Clarke (NY)	Hanabusa	McGovern
Clay	Heinrich	McIntyre
Cleaver	Higgins	McNerney
Clyburn	Himes	Meeks
Cohen	Hinchey	Michaud
Connolly (VA)	Hinojosa	Miller (NC)
Conyers	Hirono	Miller, George
Cooper	Cooper	Moore
Costa	Holden	Moran
Costello	Holt	Murphy (CT)
Courtney	Honda	Nadler
Critz	Hoyer	Napolitano
Crowley	Inslee	Neal

NOT VOTING—10

Hastings (FL)	Sutton
Lewis (GA)	Welch
Paul	
Reichert	

□ 1537

Mr. ROKITA changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF EMANCIPATION HALL TO AWARD CONGRESSIONAL GOLD MEDAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution (S. Con. Res. 28) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and concur in the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 717]

YEAS—424

Ackerman	Bartlett	Bishop (UT)
Adams	Barton (TX)	Black
Aderholt	Bass (CA)	Blackburn
Akin	Bass (NH)	Blumenauer
Alexander	Becerra	Bonner
Altmire	Benishak	Bono Mack
Amash	Berg	Boren
Amodei	Berkley	Boswell
Andrews	Berman	Boustany
Austria	Biggart	Brady (PA)
Bachus	Bilbray	Brady (TX)
Baldwin	Bilirakis	Braley (IA)
Barletta	Bishop (GA)	Brooks
Barrow	Bishop (NY)	Broun (GA)

Brown (FL)	Garamendi	Loebsack
Buchanan	Gardner	Lofgren, Zoe
Bushon	Garrett	Long
Buerkle	Gerlach	Lowey
Burgess	Gibbs	Lucas
Burton (IN)	Gibson	Luetkemeyer
Butterfield	Gingrey (GA)	Lujan
Calvert	Gohmert	Lummis
Camp	Gonzalez	Lungren, Daniel
Campbell	Goodlatte	E.
Canseco	Gosar	Lynch
Cantor	Gowdy	Mack
Capito	Granger	Maloney
Capps	Graves (GA)	Manzullo
Capuano	Graves (MO)	Marchant
Cardoza	Green, Al	Marino
Carnahan	Green, Gene	Markley
Carney	Griffin (AR)	Matheson
Carson (IN)	Griffith (VA)	Matsui
Carter	Grijalva	McCarthy (CA)
Cassidy	Grimm	McCarthy (NY)
Castor (FL)	Guinta	McCaul
Chabot	Guthrie	McClintock
Chaffetz	Gutierrez	McCollum
Chandler	Hahn	McCotter
Chu	Hall	McDermott
Cicilline	Hanabusa	McGovern
Clarke (MI)	Hanna	McHenry
Clarke (NY)	Harper	McIntyre
Clay	Harris	McKeon
Cleaver	Hartzler	McKinley
Clyburn	Hastings (FL)	McMorris
Coble	Hastings (WA)	Rodgers
Coffman (CO)	Hayworth	McNerney
Cohen	Heck	Meehan
Cole	Heinrich	Meeks
Conaway	Hensarling	Mica
Connolly (VA)	Herger	Michaud
Conyers	Herrera Beutler	Miller (FL)
Cooper	Higgins	Miller (MI)
Costa	Himes	Miller (NC)
Costello	Hinchey	Miller, Gary
Courtney	Hinojosa	Miller, George
Cravaack	Hirono	Moore
Crawford	Hochul	Moran
Crenshaw	Holden	Mulvaney
Critz	Holt	Murphy (CT)
Crowley	Honda	Murphy (PA)
Cuellar	Hoyer	Myrick
Culberson	Huelskamp	Nadler
Cummings	Huizenga (MI)	Napolitano
Davis (CA)	Hultgren	Neal
Davis (IL)	Hunter	Neugebauer
Davis (KY)	Hurt	Noem
DeFazio	Inslee	Nugent
DeGette	Israel	Nunes
DeLauro	Issa	Nunnelee
Denham	Jackson (IL)	Olson
Dent	Jackson Lee	Oliver
DesJarlais	(TX)	Owens
Deutch	Jenkins	Palazzo
Diaz-Balart	Johnson (GA)	Pallone
Dicks	Johnson (IL)	Pascrell
Dingell	Johnson (OH)	Pastor (AZ)
Doggett	Johnson, E. B.	Paulsen
Dold	Johnson, Sam	Payne
Donnelly (IN)	Jones	Pearce
Doyle	Jordan	Pelosi
Dreier	Kaptur	Pence
Duffy	Keating	Perlmutter
Duncan (SC)	Kelly	Peters
Duncan (TN)	Kildee	Peterson
Edwards	Kind	Petri
Ellison	King (IA)	Pingree (ME)
Ellmers	King (NY)	Pitts
Emerson	Kingston	Platts
Engel	Kinzinger (IL)	Poe (TX)
Eshoo	Kissell	Polis
Farenthold	Kline	Pompeo
Farr	Kucinich	Posey
Fattah	Labrador	Price (GA)
Filner	Lamborn	Price (NC)
Fincher	Lance	Quayle
Fitzpatrick	Landry	Quigley
Flake	Langevin	Rahall
Fleischmann	Lankford	Rangel
Fleming	Larsen (WA)	Reed
Flores	Larson (CT)	Rehberg
Forbes	Latham	Renacci
Fortenberry	LaTourette	Reyes
Fox	Latta	Ribble
Frank (MA)	Lee (CA)	Richardson
Franks (AZ)	Levin	Richmond
Frelinghuysen	Lewis (CA)	Rigell
Fudge	Lipinski	Rivera
Gallegly	LoBiondo	Roby

Roe (TN)	Scott (VA)	Tsongas	Blackburn	Flores	Levin	Roby	Scott (VA)	Tsongas
Rogers (AL)	Scott, Austin	Turner (NY)	Blumenauer	Forbes	Lewis (CA)	Roe (TN)	Scott, Austin	Turner (NY)
Rogers (KY)	Scott, David	Turner (OH)	Bonner	Portenberry	Lipinski	Rogers (AL)	Sensenbrenner	Turner (OH)
Rogers (MI)	Sensenbrenner	Upton	Bono Mack	Foxx	LoBiondo	Rogers (KY)	Serrano	Upton
Rohrabacher	Serrano	Van Hollen	Boren	Frank (MA)	Loebsock	Rogers (MI)	Sessions	Van Hollen
Rokita	Sessions	Velázquez	Boswell	Franks (AZ)	Lofgren, Zoe	Rohrabacher	Sherman	Velázquez
Rooney	Sewell	Visclosky	Boustany	Frelinghuysen	Long	Rokita	Shimkus	Visclosky
Ros-Lehtinen	Sherman	Walberg	Brady (PA)	Fudge	Lowey	Rooney	Shuler	Walberg
Roskam	Shimkus	Walden	Brady (TX)	Gallegly	Lucas	Ros-Lehtinen	Shuster	Walden
Ross (AR)	Shuler	Walsh (IL)	Brady (IA)	Garamendi	Luetkemeyer	Roskam	Simpson	Walsh (IL)
Ross (FL)	Shuster	Walz (MN)	Brooks	Gardner	Luján	Ross (AR)	Sires	Walz (MN)
Rothman (NJ)	Simpson	Wasserman	Broun (GA)	Gerlach	Lummis	Ross (FL)	Smith (NE)	Walz (MN)
Roybal-Allard	Smith (NE)	Schultz	Brown (FL)	Gibbs	Lungren, Daniel	Rothman (NJ)	Smith (NJ)	Wasserman
Royce	Smith (NJ)	Waters	Buchanan	Gibson	E.	Roybal-Allard	Smith (TX)	Schultz
Runyan	Smith (TX)	Watt	Bucshon	Gingrey (GA)	Lynch	Royce	Smith (WA)	Waters
Ruppersberger	Smith (WA)	Waxman	Buerkle	Gonzalez	Mack	Runyan	Southerland	Watt
Rush	Southerland	Webster	Burgess	Goodlatte	Maloney	Ruppersberger	Speier	Waxman
Ryan (OH)	Speier	Welch	Burton (IN)	Gosar	Manzullo	Ryan (OH)	Stark	West
Ryan (WI)	Stark	West	Butterfield	Gowdy	Marchant	Ryan (WI)	Stearns	Westmoreland
Sánchez, Linda	Stearns	Westmoreland	Calvert	Granger	Marino	Sánchez, Linda	Stivers	Whitfield
T.	Stivers	Whitfield	Camp	Graves (GA)	Markey	T.	Stutzman	Wilson (FL)
Sanchez, Loretta	Stutzman	Wilson (FL)	Campbell	Green, Al	Matheson	Sarbanes	Sullivan	Wilson (SC)
Sarbanes	Sullivan	Wilson (SC)	Canseco	Green, Gene	Matsui	Scalise	Terry	Wittman
Scalise	Terry	Wittman	Cantor	Griffin (AR)	McCarthy (CA)	Schakowsky	Thompson (CA)	Wolf
Schakowsky	Thompson (CA)	Wolf	Capito	Griffith (VA)	McCarthy (NY)	Schiff	Thompson (MS)	Womack
Schiff	Thompson (MS)	Womack	Capps	Grimm	McCaul	Schilling	Thompson (PA)	Woolsey
Schilling	Thompson (PA)	Woodall	Capuano	Guinta	McClintock	Schmidt	Thornberry	Yarmuth
Schmidt	Thornberry	Woolsey	Carnahan	Guthrie	McCollum	Schock	Tiberi	Yoder
Schock	Tiberi	Yarmuth	Carney	Gutierrez	McCotter	Schrader	Tierney	Young (AK)
Schrader	Tierney	Yoder	Carson (IN)	Hahn	McDermott	Schwartz	Tipton	Young (FL)
Schwartz	Tipton	Young (AK)	Carter	Hall	McGovern	Schweikert	Tonko	Young (IN)
Schweikert	Tonko	Young (FL)	Cassidy	Hanabusa	McHenry	Scott (SC)	Towns	
Scott (SC)	Towns	Young (IN)	Castor (FL)	Hanna	McIntyre			
			Chabot	Harper	McKeon			
			Chaffetz	Hartzler	McKinley			
			Chandler	Hastings (FL)	McMorris			
			Chu	Hastings (WA)	Rodgers			
			Cicilline	Hayworth	McNerney			
			Clarke (MI)	Heck	Meehan			
			Clarke (NY)	Heinrich	Meeks			
			Clay	Hensarling	Mica			
			Cleaver	Herger	Michaud			
			Clyburn	Herrera Beutler	Miller (FL)			
			Coble	Higgins	Miller (MI)			
			Coffman (CO)	Himes	Miller (NC)			
			Cohen	Hinche	Miller, Gary			
			Cole	Hinojosa	Miller, George			
			Conaway	Hirono	Moore			
			Conyers	Hochul	Moran			
			Cooper	Holden	Murphy (CT)			
			Costa	Holt	Murphy (PA)			
			Costello	Honda	Myrick			
			Courtney	Hoyer	Nadler			
			Cravaack	Huelskamp	Napolitano			
			Crawford	Huizenga (MI)	Neal			
			Crenshaw	Hultgren	Neugebauer			
			Critz	Hunter	Noem			
			Crowley	Hurt	Nugent			
			Cuellar	Inslee	Nunes			
			Culberson	Israel	Nunnelee			
			Cummings	Issa	Olson			
			Davis (CA)	Jackson (IL)	Olver			
			Davis (IL)	Jackson Lee	Owens			
			DeFazio	(TX)	Palazzo			
			DeGette	Jenkins	Pallone			
			DeLauro	Johnson (GA)	Pascarell			
			Denham	Johnson (IL)	Pastor (AZ)			
			Dent	Johnson (OH)	Paulsen			
			DesJarlais	Johnson, E. B.	Pearce			
			Deutch	Johnson, Sam	Pelosi			
			Diaz-Balart	Jones	Pence			
			Dicks	Jordan	Perlmutter			
			Dingell	Kaptur	Peters			
			Doggett	Keating	Peterson			
			Dold	Kelly	Petri			
			Donnelly (IN)	Kildee	Pingree (ME)			
			Doyle	Kind	Pitts			
			Dreier	King (IA)	Platts			
			Duffy	King (NY)	Poe (TX)			
			Duncan (SC)	Kingston	Polis			
			Duncan (TN)	Kinzinger (IL)	Pompeo			
			Edwards	Kissell	Posey			
			Ellison	Kline	Price (GA)			
			Ellmers	Kucinich	Price (NC)			
			Emerson	Labrador	Quayle			
			Engel	Lamborn	Quigley			
			Eshoo	Lance	Rahall			
			Farenthold	Landry	Rangel			
			Farr	Langevin	Reed			
			Fattah	Lankford	Rehberg			
			Finler	Larsen (WA)	Renacci			
			Fincher	Larson (CT)	Reyes			
			Fitzpatrick	Latham	Ribble			
			Flake	LaTourette	Richardson			
			Fleischmann	Latta	Richmond			
			Fleming	Lee (CA)	Rivera			

NOT VOTING—9

Baca	Lewis (GA)	Sires
Bachmann	Paul	Slaughter
Giffords	Reichert	Sutton

□ 1546

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHRISTOPHER S. BOND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 846) to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered “present” 2, not voting 22, as follows:

[Roll No. 718]
YEAS—407

Ackerman	Bachus	Berg
Adams	Baldwin	Berkley
Aderholt	Barletta	Berman
Akin	Barrow	Biggert
Alexander	Bartlett	Blibray
Altmire	Barton (TX)	Bilirakis
Amash	Bass (CA)	Bishop (GA)
Amodei	Bass (NH)	Bishop (NY)
Andrews	Becerra	Bishop (UT)
Austria	Benishek	Black

Cleaver	Clyburn	Coble	Coffman (CO)	Cohen	Cole	Conaway	Conyers	Cooper	Costa	Costello	Courtney	Cravaack	Crawford	Crenshaw	Critz	Crowley	Cuellar	Culberson	Cummings	Davis (CA)	Davis (IL)	DeFazio	DeGette	DeLauro	Denham	Dent	DesJarlais	Deutch	Diaz-Balart	Dicks	Dingell	Doggett	Dold	Donnelly (IN)	Doyle	Dreier	Duffy	Duncan (SC)	Duncan (TN)	Edwards	Ellison	Ellmers	Emerson	Engel	Eshoo	Farenthold	Farr	Fattah	Finler	Fincher	Fitzpatrick	Flake	Fleischmann	Fleming
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Harris Rigell
ANSWERED “PRESENT”—2

Garrett Mulvaney

ANSWERED “PRESENT”—2

Baca	Grijalva	Sewell
Bachmann	Lewis (GA)	Slaughter
Cardoza	Paul	Sutton
Connolly (VA)	Payne	Webster
Davis (KY)	Reichert	Welch
Giffords	Rush	Woodall
Gohmert	Sanchez, Loretta	
Graves (MO)	Scott, David	

□ 1552

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2608.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 405, I call up the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Program Extension and Reform Act of 2011”.

SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) **IN GENERAL.**—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 2 of the Small Business Additional Temporary Extension Act of 2011 (Public Law 112-17; 125 Stat. 221), is amended by striking “July 31, 2011” each place it appears and inserting “July 31, 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on July 30, 2011.

SEC. 3. REPEALS AND OTHER TERMINATIONS.

(a) **GENERAL PROVISIONS.**—

(1) **EFFECTIVE DATE.**—A repeal or other termination of a provision of law made by this section shall take effect on October 1, 2011.

(2) **RULE.**—Nothing in this section shall affect any grant or assistance provided, contract or cooperative agreement entered into, or loan made or guaranteed before October 1, 2011 under a provision of law repealed or otherwise terminated by this section and any such grant, assistance, contract, cooperative agreement, or loan shall be subject to the applicable repealed or otherwise terminated provision, as in effect on September 30, 2011.

(3) **APPLICABILITY OF TEMPORARY EXTENSIONS.**—A repeal or other termination of a provision of law made by this section shall have effect notwithstanding any temporary extension of programs, authority, or provisions under the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742).

(4) **DEFICIT REDUCTION.**—Any savings resulting from this Act and the amendments made by this Act shall be returned to the Treasury for deficit reduction.

(b) **POLLUTION CONTROL LOANS.**—Paragraph (12) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(A) The Administration” and inserting “The Administration”; and

(2) by striking “research and development” and all that follows and inserting “research and development.”.

(c) **SMALL BUSINESS INSTITUTE.**—Subparagraph (E) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is repealed.

(d) **DRUG-FREE WORKPLACE GRANTS.**—Paragraph (3) of section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in subparagraph (R) by adding “and” at the end;

(2) in subparagraph (S) by striking “; and” and inserting a period; and

(3) by striking subparagraph (T).

(e) **CENTRAL EUROPEAN SMALL BUSINESS ENTERPRISE DEVELOPMENT COMMISSION.**—Section 25 of the Small Business Act (15 U.S.C. 652) is repealed.

(f) **PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.**—Section 27 of the Small Business Act (15 U.S.C. 654) is repealed.

(g) **PILOT TECHNOLOGY ACCESS PROGRAM.**—Section 28 of the Small Business Act (15 U.S.C. 655) is repealed.

(h) **NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**—

(1) **IN GENERAL.**—Section 33 of the Small Business Act (15 U.S.C. 657c) is repealed.

(2) **CORPORATION.**—Beginning on the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(i) **LEASE GUARANTEES AND POLLUTION CONTROL.**—Part A of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 692 et seq.) is repealed.

(j) **ALTERNATIVE LOSS RESERVE.**—Paragraph (7) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is repealed.

(k) **SMALL BUSINESS TELECOMMUTING PILOT PROGRAM.**—Subsection (d) of section 1203 of the Energy Independence and Security Act of 2007 (15 U.S.C. 657h) is repealed.

(l) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **SMALL BUSINESS INVESTMENT ACT OF 1958.**—Section 411(i) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(i)) is amended to read as follows:

“(i) Without limiting the authority conferred upon the Administrator and the Administration by section 201 of this Act, the Administrator and the Administration shall have, in the performance of and with respect to the functions, powers, and duties conferred by this part, all the authority and be subject to the same conditions prescribed in section 5(b) of the Small Business Act with respect to loans, including the authority to execute subleases, assignments of lease and new leases with any person, firm, organization, or other entity, in order to aid in the liquidation of obligations of the Administration hereunder.”.

(2) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) **TITLE 38.**—Subsection (h) of section 3452 of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SEC. 4. TERMINATION OF EMERGING LEADERS PROGRAM.

Notwithstanding any other provision of law, effective October 1, 2011, the Administrator of the Small Business Administration may not carry out or otherwise support the program referred to as “Emerging Leaders” in the document of the Small Business Administration titled “FY 2012 Congressional Budget Justification and FY 2010 Annual Performance Report” (or any predecessor or successor document).

MOTION TO CONCUR

The **SPEAKER** pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Rogers of Kentucky moves that the House concur in the Senate amendment to H.R. 2608 with an amendment.

The text of the amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not

otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-I line item in a budget activity within an appropriation account and an R-I line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. Notwithstanding any other provision of this Act, effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329), \$500,000,000 is rescinded, \$774,000,000 is hereby transferred to and merged with "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief", and \$226,000,000 is hereby transferred to and merged with "Corps of Engineers—Civil—Flood Control and Coastal Emergencies": Provided, That the amounts made available by this section for the Corps of Engineers—Civil shall be for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011: Provided further, That the amounts transferred by this section shall remain available until expended: Provided further, That each amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 126. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 127. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities,

including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 130. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2011”.

SEC. 131. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 132. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 134. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 135. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 136. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 137. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 138. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act of 1945.

SEC. 139. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 140. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e–3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 141. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for

purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) PAYGO COMPLIANCE.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(c) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(d) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the “Continuing Appropriations Act, 2012”.

The SPEAKER pro tempore. Pursuant to House Resolution 405, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to bring to the floor the continuing appropriations resolution to keep the Federal Government operating until November 18 of this year. For procedural reasons, this is being done as an amendment to the Senate amendment to H.R. 2608 to speed passage through the Senate, at their request; but in substance, this is the same as the continuing resolution, H.J. Res. 79, that I introduced on September 14.

This CR, Mr. Speaker, will give Congress the time needed to complete fiscal year 2012 appropriations and to adequately fund vital government programs and services by working to put Federal spending on a more sustainable course. Just as significantly, this bill provides desperately needed funding for disaster recovery and relief.

I would have preferred to have completed the appropriations process in regular order, and I believe the House made great strides in doing so. The Appropriations Committee moved on 11 of the 12 annual appropriations bills, and six bills have cleared the House; but we still need time to collaborate with our colleagues in the Senate in order to complete this work, and a short-term bill will allow us to do so.

As we saw last year and into the spring, the threat of a government shutdown causes dangerous economic instability, and at this precarious time, we need to bolster American public confidence that their representatives in Washington are working for them and are not letting politics come before people.

The CR continues government operations at a rate of \$1.043 trillion—the total amount agreed to by the Congress and the White House in the Budget Control Act. It's clean of most policy

provisions to ensure swift passage, but we've provided small changes for safety, security, and continuity of essential programs.

For instance, we've extended Federal flood insurance availability and the availability of defense survival equipment for our troops abroad. In addition, this CR will help meet the needs of the thousands of families, businesses, and communities burdened by recent natural disasters by providing an immediate \$1 billion in emergency 2011 funding now as well as an additional \$2.65 billion for the next year. We are helping our citizens get back on their feet.

The \$776 million in the bill for the FEMA Disaster Relief Fund, which is \$276 million more than the President or the Senate proposed, is time-sensitive and critical. That fund is now below \$250 million and is running out of money fast. Unless we provide additional funding, within a matter of days the Disaster Relief Fund will soon be empty, leaving millions of people in the lurch.

The \$1 billion in emergency funding for fiscal year 2011 has been offset by a cut to the Department of Energy's Advanced Technology Vehicle Manufacturing loan program, which has more than \$4 billion in unspent idle funds in the pipeline. It has been there for 3 years. Now is the time to use those idle dollars for true and immediate purposes: aiding our fellow citizens in their times of greatest need as they cope with the aftermath of wildfires, tornadoes, earthquakes, and hurricanes—an unprecedented string of disasters in this country.

Now, the notion of offsetting emergency spending has gotten a lot of attention as of late. Let me be very clear that offsetting emergency spending is not a unique practice. In fact, over the last 10 years, the Congress has used offsets in at least 15 of 30 emergency supplemental spending bills—half of them. In total, the Congress has passed over \$60 billion in emergency offsets in the last 10 years, most of which had a large amount of support on both sides of the aisle, including the support of former Speaker PELOSI.

The loan program used as an offset in this bill has had excess funds for years, and taking the money will not negatively affect that program. All entities in final loan stages will still get the funding they've worked for. Furthermore, this offset is identical to the one already passed by the House in June as part of the Homeland Security appropriations bill. We've already voted for it.

□ 1600

In addition, the committee will continue to consider additional disaster funding over the next few weeks as we bring the fiscal year 2012 appropriations process to a close, hopefully by

November 18, including reviewing estimates that are still coming in from recent disasters so that families and communities can get the assistance they need while making sure that every dollar is well spent.

The Budget Control Act, which both Houses in Congress and the White House agreed to, provides for 2012 disaster funding in that capacity. But with respect to this continuing resolution, at this time we do not have all of the necessary information on the cost of the recent disasters nor the time to work out a final comprehensive agreement with the White House and the Senate.

As Members of this body know, back in their home districts, the FEMA administration works to survey the damage and report that to the White House who, in turn, makes the request to Congress for disaster funds. That's the normal procedure in which we are involved now, and I assure the Members that, as we get those estimates from the White House in the next few weeks and months, they will be addressed and monies will be available.

Therefore, we must meet the most immediate need and provide additional funding now for FEMA to keep that program going for the next several months. That's what this continuing resolution does and why we, the House and Senate, have to pass this bill immediately.

This CR lives up to the guidelines set in the Budget Control Act, as well as our commitment to responsible and reduced levels of spending. We can ride our fiscal ship while still supporting the essential government programs and services and disaster aid.

With this in mind, it is my intention that Congress complete the fiscal year 2012 appropriations work without any further delay. The sooner we pass this CR, the sooner we can focus on this long-term appropriations legislation and get it done before November 18.

I urge my colleagues in both Chambers to support this bill so we can send it to the President as soon as possible.

I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may consume.

Madam Speaker, I rise in reluctant opposition to the continuing resolution. For the most part, it is a clean CR. It provides funding at \$1.043 trillion through November 18. The amount reflects the Budget Control Act cap on FY 2012 appropriations. The CR continues funding as provided in FY 2011 with a 1.503 percent across-the-board cut to come down from approximately 1.059 to 1.043.

The CR adds a handful of anomalies requested by the administration through OMB, including provisions to cut back on overseas contingency operations funds from the level of 2011 down to the level that was passed in the Defense appropriations bill, which is ap-

proximately 118; authorize DHS work on national special security events; extend flood insurance; and delay the Postal Service payment obligation. The last provision will allow mail service to continue while Congress pursues legislative reforms.

The matter that concerns me and the Democratic Caucus is the way the majority has provided disaster relief funding. FEMA's Disaster Relief Fund is precariously short on money in FY 2011. Americans are trying to rebuild their lives after the devastating effect of floods, wildfires, and hurricanes in a record year of natural disasters, and FEMA is running out of resources to help them.

FEMA has deferred funding for all long-term rebuilding projects to focus on immediate needs. The administration requested a \$500 million supplemental appropriation for the remaining days in the fiscal year. They requested 2011 emergency funds. They did not recommend an offset. This has been the practice for supplemental disaster relief.

Since 2002, Congress appropriated \$95 billion in supplemental disaster relief. All of it was designated as an emergency, and none of it was offset. Some other emergencies may have been paid for during the Clinton administration; however, during the Bush administration, this was not so for disaster relief. Now, there were other categories of emergency spending and other supplementals that were offset but not disaster relief.

For fiscal years 2002 through 2006, President Bush requested supplemental disaster relief funding eight times. Each of the eight times was designated as an emergency and none were offset. With Republicans in the majority, some of the Bush emergency disaster relief bills, without offsets, were approved by voice vote and some were considered under unanimous consent.

Nonetheless, House Republicans today insist on departing from this practice. They take \$1.5 billion from the Advanced Technology Vehicle Manufacturing program at the Department of Energy to pay for \$1 billion in disaster relief, disaster and emergency relief. We have discussed compromise with the other side. They have been unwilling to accept our suggestions.

The Advanced Technology Vehicle Manufacturing program was started in 2008 to reinvigorate American manufacturing. To date, this program has awarded \$3.5 billion of credit subsidy to promote energy efficient advanced vehicles and their component parts. The Department of Energy estimates that loan guarantees have created or maintained, in total, 39,000 jobs in California, Delaware, Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee.

Some have suggested that this program has been slow to spend emer-

gency funding provided in the FY 2009 CR. I say the loan review process is and ought to be strenuous. One company, Tesla, originally applied under a different loan program in 2006 and received an ATVM loan in 2010. It required 4 years of due diligence and review to qualify for the loan.

Having read many of the press releases that went out when there was another DOE program that ran into difficulties, I didn't note anybody there saying we shouldn't take time for due diligence. Due diligence is required.

By the way, the company in question, Tesla, employed about 400 workers before receiving the loan. Today, they have 1,400 employees in the fields of engineering research and development, design, manufacturing, assembly, maintenance, service, sales, and support.

The ATVM program has an additional 18 loan applications in progress that are projected to create 50,000 to 60,000 more jobs, in total, in California, Florida, Illinois, Indiana, Louisiana, Michigan, Missouri, and Ohio. One pending application would support investments at 11 plants in Illinois, Indiana, Michigan, and Ohio. The company employs over 56,000 workers, and they are adding nearly 9,000 new workers since 2009. Some of the jobs will be at risk by using this offset.

This is not the time to put American manufacturing jobs at risk. If you want to make it in America, you can't take away this funding.

□ 1610

If there is one thing we've learned on the economic forefront, it's that we need a growth policy, we don't need a cut policy. Cut and grow just ain't so.

I would point out that we need to get people back to work. And the way you do that is programs like this that are going to hire people instead of fire people. We have been doing a lot of firing, and it hasn't worked. When are we going to wake up? When is the majority party going to realize that we have to do something to create growth and stimulate the economy and put people back to work? The only way we're going to get the deficit down is to bring unemployment down.

This is an employment program. It should be supported. We should defeat the continuing resolution and come up with—either take this out or come up with another offset that doesn't hurt job creation in our country.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 2 minutes.

The gentleman mentioned in his statement that we had not used offsets to fund disaster relief; I beg to differ. In 2001, emergency supplemental, offset; 2002, emergency supplemental, offset; 2004, disaster relief for wildfire and others, offset. And in 2005, offset for relief for the tsunami. In 2006, relief for

Katrina, offset. In 2008, disaster relief and recovery, \$20 billion in offsets. I could go on. There are many times where we have used the offsets to pay for supplementals. In fact, over the last 10 years, 15 of the 30 emergency spending bills and supplementals were offset, for a total of \$60 billion over the last 10 years.

Now, on this offset that has been mentioned, over \$4 billion sits idle in that account and has so for 3 years now as the administration has been slow to obligate that money. The \$1.5 billion rescission in subsidies we propose will not have a significant impact on the program. This is the same rescission, Madam Speaker, that we used in the 2012 Homeland Security appropriations bill that passed this House with bipartisan support in June. Exactly the same. And yet the Senate didn't act and that billion dollars was not available for disaster relief.

States with applications in the queue in this program, like Indiana, Louisiana, Ohio, Michigan, Florida, Missouri, California and many others, will still receive their due diligence just like before and could receive awards as well.

I reserve the balance of my time.

Mr. DICKS. I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, the fact that we are even debating the substance of this continuing resolution is a telling statement about the priorities of the current House majority.

FEMA's disaster relief fund, after all, is operating on fumes. Since late August, the agency has deferred funding for all long-term rebuilding projects in order to have enough resources to meet the most pressing emergency needs. This means that critical rebuilding efforts in over 40 States—Louisiana, Mississippi, Florida, Iowa, North Dakota, Tennessee, Missouri, Alabama, my own State of North Carolina and others—are on hold. Thousands of people who would currently be earning a good paycheck by working on rebuilding efforts are not, and communities that are still recovering from past disasters are being told to move to the back of the line to make way for those affected by the more recent disasters.

Madam Speaker, this Congress has a responsibility to make good on our promise to these communities by ensuring that FEMA has enough resources to respond to all major disasters. Regardless of where and when they occurred, we must not pit one State or one region against the other.

The administration has made clear what it will take: a \$500 million supplemental appropriation for the remainder of this fiscal year, and an increase of \$4.6 billion above its initial request for fiscal year 2012. This CR includes \$1 billion in supplemental fiscal 2011 fund-

ing, and a \$2.65 billion downpayment toward fiscal 2012. But I'm not satisfied with either the amount or with the price of inclusion.

Since 2002, Congress has appropriated \$95 billion in supplemental funding for the disaster relief fund and additional disaster funding for the Corps of Engineers. Those are the two accounts we are talking about here, and that has all been designated as an emergency and none of it offset.

Now, at a time when communities up and down the eastern seaboard are still reeling from the aftermath of Hurricane Irene, at a time when millions of Americans are still struggling to find a good job, House Republicans are telling us that this time around, FEMA won't get any more disaster relief funding for the current year unless we take money from another Federal agency. This is a radical departure from the way in which both parties have treated emergency disaster relief over the past decade, and it will undermine our economic recovery.

The Advanced Technology Vehicle Manufacturing program which our Republican colleagues propose to cannibalize, that program stands to add tens of thousands of good paying jobs in an industry that will be critical to our future economic competitiveness. This is a bad precedent, and it's bad policy.

It's no wonder the American people are fed up with Congress. Once again the majority is putting partisan ideology ahead of the dire needs of the American people by telling our communities they won't get relief until we wage yet another budget battle here in Congress.

I urge my colleagues to oppose this approach and instead support the disaster relief measure approved by the Senate which would fully fund FEMA's needs without requiring yet another fight over spending offsets.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. ADERHOLT), chair of the House Appropriations Subcommittee on Homeland Security.

Mr. ADERHOLT. I want to thank the distinguished chairman of the full Appropriations Committee for yielding, and, Madam Speaker, I rise in strong support of this must-pass resolution.

Not only does this CR provide the necessary funds and authority to keep the government open, it also provides an immediate and a substantial infusion of vital funding to both FEMA's disaster relief efforts and the Corps of Engineers' flood control and coastal emergency account, and it does all of this in a fiscally responsible way. This resolution before us today complies with the recently enacted Budget Control Act and provides the Appropriations Committee of the House and Senate ample time to do our work on the FY 2012 budget.

For the hard-hit communities all across the country, including my home State of Alabama, which was hit hard back in April, and those devastated by fires, floods, tornadoes, and hurricanes over the past 12 months, this CR will sustain FEMA's disaster relief and recovery efforts and help the Corps with additional funding for emergency flood control projects.

As I mentioned, my home State of Alabama was hit hard back on April 27, so if anyone is interested in sustaining FEMA's disaster relief, it would be me. And I do believe this bill does the job, and just that.

The duration of this CR will provide the time to review and scrutinize FEMA's preliminary damage estimates for Hurricane Irene, estimates that are based on historical projections rather than actual data and claims that are still in the process of being collected. This oversight will enable the Appropriations Committee the time to properly and responsibly address the administration's full supplemental request, a request that was submitted to Congress only about 2 weeks ago. And while Congress has an undeniable obligation to thoroughly address our Nation's disaster relief needs, we can no longer afford to simply throw money at calamities and then ask the hard questions later on. We have to get our funding priorities right the first time, and that is exactly what both Chairman ROGERS and I have repeatedly said when it comes to appropriations for homeland security.

Madam Speaker, this CR is the right tool for the right time, and I urge my colleagues to support this vital resolution and responsibly address our Nation's most pressing needs.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Kentucky.

□ 1620

Mr. ROGERS of Kentucky. The gentleman is the chair of the Homeland Security Subcommittee which funds FEMA.

Mr. ADERHOLT. Exactly.

Mr. ROGERS of Kentucky. Now, you passed a bill back in June that provided \$1 billion for FEMA for disaster relief; is that right?

Mr. ADERHOLT. We passed that.

Mr. ROGERS of Kentucky. What happened to that bill?

Mr. ADERHOLT. It passed the committee.

Mr. ROGERS of Kentucky. I mean, after it passed the House.

Mr. ADERHOLT. And it passed the House and was sent to the Senate.

Mr. ROGERS of Kentucky. And what happened then?

Mr. ADERHOLT. And that's where it's sitting.

Mr. ROGERS of Kentucky. Nothing has taken place in the Senate since June?

Mr. ADERHOLT. Absolutely.

Mr. ROGERS of Kentucky. And your bill would have provided \$1 billion today for disaster relief, and the other body hasn't acted?

Mr. ADERHOLT. We did that, as you say, back well before June. It passed the House in June, and it sits over there even today.

Mr. ROGERS of Kentucky. No wonder they're operating on fumes.

I'm talking about FEMA.

I thank the gentleman for yielding.

Mr. DICKS. I yield 4 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Energy and Water Appropriations Subcommittee.

Mr. VISCLOSKY. I appreciate the gentleman yielding, and I rise to oppose the taking of the \$1.5 billion from the advanced technology vehicle manufacturing account to offset a portion of the Army Corps disaster needs estimated to be \$2.256 billion instead of declaring this matter an emergency.

I do think as a matter of policy this institution and the Congress as a whole needs to have the intestinal fortitude to understand that we have natural disasters every year, and we need to set aside moneys to fund those and not to take money out of investment accounts that create jobs in the United States of America.

We have two problems that we're discussing today. One is a natural problem. We have had tornadoes, we have had floods, we have had hurricanes, we have had an earthquake, and we have had wildfires. So what is new?

The fact is in every year save two since 1997, the Congress has recognized the need for emergency funds to respond to the impacts of natural disasters on our Nation's water resources infrastructure. Since 2001, the Congress has provided more than \$24 billion in emergency funds to the Army Corps of Engineers for this very purpose. And according to the Corps of Engineers, we have spent \$5.12 billion on an emergency basis in Afghanistan and Iraq on economic infrastructures.

Now, some suggest all of this has to be offset because we have a fiscal crisis. I would point out that those emergency declarations for water emergencies in 1998 occurred and the budget of the United States was balanced. There was an emergency declaration as far as those water projects in 1999, and we had a balanced budget. There was not an emergency declaration in 2000, and we balanced a budget. In 2001 we had an emergency declaration for water disasters, and we balanced the budget. That's not an argument not to meet the human crisis that people are facing in this country.

I certainly think that my colleague from Washington covered the account as far as vehicle manufacturing very well and the investment it represents and the jobs maintained and created

that are represented again in this account.

And certainly Chairman ROGERS makes a point, and rightfully so, that many of these dollars have now been allocated to specific loan programs and others, eight specifically, will be resolved by the end of this year. Again, this offset would not impact those, and the chairman is absolutely correct. However, I do point out to my colleagues that the remaining 10 projects are in the stage of due diligence, the same words that my colleague from Washington used, to compete for the remainder of the \$1.5 billion with approximately 10,000 jobs at stake.

Mr. DICKS. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Washington.

Mr. DICKS. Isn't it true that the industrial States are the ones that are getting most of this money because that's where the automobile industry has over the years been located?

Mr. VISCLOSKY. The gentleman is correct. But I would broaden that to suggest the United States of America is getting that money, and people who want to make things in the United States of America and manufacture things in the United States of America are getting that money.

Mr. DICKS. Isn't it true we already know this program works, this program received \$7.5 billion, and \$3.5 billion of it has been obligated and is out there as loans? I think it tripled under the loan guarantee program.

The SPEAKER pro tempore (Mrs. CAPITO). The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 2 additional minutes.

And so we are seeing that this program actually works. I mean, if there was some question that it was something that hasn't worked, but it is creating jobs and it will create jobs in the future. And there is a whole bunch of people in there making applications from many of these States that you and I just talked about.

Mr. VISCLOSKY. Right. We have 10 pending, and I would not be on the floor if I did not believe we've maintained and created jobs and we have potentially 10,000 more jobs than we can create with the \$1.5 billion that is pending; and I would point out, again, I would broaden your observation to the entire United States of America.

I mentioned two problems we face. The second is manufacturing in the United States of America. In 1977, we had over 18 million Americans engaged in manufacturing. Last year, we had over 11 million. The real hourly wage for what an American worker is paid for 1 hour's worth of their physical labor, whatever they may do in this country, is 53 cents less in 2010 than it was in 1977. That's not the country I want to leave the children of this

world, and I'm convinced it's because of the loss of those manufacturing jobs.

If it's good enough to declare an emergency and build a children's hospital in Basra, Iraq, we ought not to take money out of an investment account that creates jobs in the auto industry to help people in Tuscaloosa, Alabama.

If it is good enough to declare an emergency to have generators installed in Kandahar, Afghanistan, by the Army Corps of Engineers, we ought not to take money away from job-creating programs to help people in Springfield, Massachusetts. If it's good enough to build a hydroelectric dam in Afghanistan on an emergency basis, we ought to declare an emergency to help people in Smithville, Mississippi.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. VISCLOSKY. I think I have made my point. I think the gentleman has, and I think this is the wrong policy. Again, institutionally we need to come to grips with natural disasters, set those moneys aside; but in the alternative and in the intermediate term, we need to recognize them for what they are and not rob the future of this Nation economically to do so.

Mr. ROGERS of Kentucky. I yield 3 minutes to the distinguished chairman of the Subcommittee on Foreign Operations of Appropriations, the gentleman from Texas (Ms. GRANGER).

Ms. GRANGER. Madam Speaker, I rise today in support of this bill to fund the continuing operations of the Federal Government until November 18. I appreciate the leadership of Chairman ROGERS in addressing the responsibilities of this Congress.

Passing this stopgap measure will give Congress time to complete the fiscal year 2012 appropriations process. In spite of our late start, the Appropriations Committee was still able to move 11 of the 12 appropriations bills this year. However, the committee still needs time to collaborate with the Senate.

The continuing resolution funds vital government programs and services and allows essential bills to be paid. It reduces spending to the levels agreed to by the Congress and the administration in the Budget Control Act that was signed into law in August. And it avoids controversial policy riders in order to ensure swift passage.

There are many reasons Members should support this bill. Perhaps one of the most important is what this bill does for our military. Without a CR, our servicemembers and their families don't get paid. They would have to continue to do their work protecting the country, but they would have to do it while worrying about whether they would be able to pay their bills or mortgage.

Our brave men and women in uniform already faced that possibility earlier this year. They deserve better. They need to know that the United States Congress stands behind them. This bill addresses disaster relief, and it funds it in a responsible way.

□ 1630

I urge my colleagues to support this bill so it can be enacted as soon as possible and the Appropriations Committee can complete its work without any further delay. This is a responsible action for us to take to go forward. The American people expect the Congress to do our jobs. The Appropriations Committee must complete its work.

Mr. DICKS. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), a member of the Appropriations Committee.

Mr. ROTHMAN of New Jersey. I thank my distinguished chairman and the ranking member for this conversation.

Madam Speaker, Congress has found the money over the years for disaster relief for all other parts of the country time and time again, whether it was forest fires in the West, droughts in the Southwest, flooding in the Midwest, tornados in the South. Now the Republican majority in the House of Representatives says that when the Northeast suffers devastating flooding as a result of Hurricane Irene and Tropical Storm Lee, you won't get enough to cover all of your damages and we're going to have to cut other investments in programs that create manufacturing jobs in America. That's simply outrageous.

I saw firsthand the devastation that occurred in my district in northeastern New Jersey. Thousands of my constituents lost their possessions, were forced to evacuate from their homes or were without power for days, and critical infrastructure was damaged. Recovery efforts are beyond the means of the State and local governments. Our neighbors, our local communities, our local businesses need Federal help to rebuild and they need it now in full, just like every other part of the country in all the years past.

This is not a partisan matter in the Northeast. My Republican Governor, Governor Chris Christie from New Jersey, said our people are suffering now and they need Federal support now, and he was right.

It is time to meet the disaster needs of American citizens in New Jersey, in northeastern United States of America, to do so now and in full. And the Republican majority should get rid of the bill it has now—which I'm going to vote against—and give full relief to the American people from New Jersey. We've been paying the tab for others for a long time. We need the help now.

Mr. DICKS. Madam Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 9½ minutes remaining and the gentleman from Kentucky has 14½ minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to a very hardworking member of our committee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Madam Speaker, I rise to urge support of H.R. 2608, the Continuing Resolution Act of 2012.

Frankly, I had hoped not to be here in this particular capacity. I had hoped by this point this year we would have been able to restore complete regular order and move our appropriations bills through in a normal fashion. And, frankly, thanks to the leadership of Chairman ROGERS and the cooperation of Chairman DICKS, we've made a lot of progress in doing just that, and hopefully next year we'll be able to complete that progress and build upon what's been accomplished this year. However, there is a genuine need for this continuing resolution at this particular time for a number of reasons.

First, with all due respect, our friends on the other side of the aisle didn't write a budget this year, and that took up quite a bit of time earlier this year getting ready for 2011. Second, we all know we had a prolonged debate over the debt ceiling. That took up a lot of time. And finally, with all due respect to our friends on the other side of the Rotunda, the Senate operates at a rather leisurely pace these days when it comes to budgeting and appropriating—and, frankly, has for several years. That needs to change.

Some people in this Chamber will oppose this bill because it "doesn't have enough money for disaster relief." The reality is it does. And we can add to that, once the continuing resolution is completed and the appropriations process moves forward, as necessary with due diligence.

Frankly, a lot of this talk about not having enough relief is simply a ruse to spend more money in other areas without being responsible and offsetting expenses from existing revenue. Some on my side of the aisle will oppose this legislation because it spends too much. And, frankly, I have a good deal of sympathy with that. We all would like to lower spending while taking care of legitimate disaster relief.

But this agreement is one that operates under a total spending level. It's been worked out and it's a compromise, and it's one that we ought to honor, honestly, on both sides of the aisle. And my friends who oppose it because it spends too much will only end up triggering additional spending if this legislation doesn't pass. It's a responsible bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield the gentleman an additional 30 seconds.

Mr. COLE. In closing, Madam Speaker, it's a responsible piece of legislation. We ought to act on it.

Frankly, it shouldn't be a partisan football. We can take care of people that need relief fully and expeditiously, we can exercise our responsibilities in appropriate oversight fashion, and we can continue to work toward deficit reduction in the long term if we pass this continuing resolution.

Mr. DICKS. Madam Speaker, I yield 2½ minutes to the ranking Democratic member of the Natural Resources Committee, Congressman ED MARKEY of Massachusetts.

Mr. MARKEY. I thank the gentleman from Washington State.

We're having 100-year floods every year. We're having tornados rip through Joplin. We have floods in Vermont, in New Jersey, New York. We have hurricanes all across the country. We have 48 States who have had emergency declarations so far this year. The planet is warming; the weather is worsening.

What is the response of the Republicans? They have to find the money—they say all of a sudden—for disaster relief for people who are suffering, for people who are desperate, for people whose lives have been altered permanently.

They say we have to cut something. Now, do they say we're going to cut the nuclear weapons program because America doesn't need any more nuclear weapons? No. Are we going to cut the breaks that we give to oil and coal? No, we're not going to touch those things. Where are we going? What does the Republican Party do? What does the Tea Party want? I ask what the Tea Party wants.

The Tea Party wants to cut the Clean Car Factory Fund. Now, what is that? Well, that's the fund that we have that's going to invent the automobiles and the trucks that go 60, 70, 80, 90 miles per gallon without having to use oil. Now, why is that important? Two reasons: One, it's the oil that's being burnt that creates the greenhouse gases that are warming up the planet, causing all of these weather conditions that are leading to these disaster relief programs that have to have more money in them as each year goes by; and, two, it is so that we can tell the OPEC ministers, We don't need your oil any more than we need your sand.

So what are they doing here today? They're taking the one program that is central to the health and well-being of our country and to our national security—so that we alter our relationship with OPEC—and they are slashing it. They are slashing the one program that reinvents the vehicles that we drive. They are slashing the one program that gives young people in our country some hope that we are going to invent our way out of this problem.

You don't have to be Dick Tracy to figure out what's going on here. The oil industry, the coal industry, all of the polluting industries are saying kill the program that makes sure that the vehicles we get in 20 years get 75 or 100 miles per gallon without using one gallon of oil.

Vote "no" on this terrible bill.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to the distinguished chair of the Legislative Branch Appropriations Subcommittee, the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding the time.

I just want to urge my colleagues to vote in favor of this continuing resolution.

This body has been doing a lot of things to try to get the economy moving again, to try to put people back to work, create jobs. One of the ways we can do that is to change this culture of spending into a culture of saving. Quit crowding out the private sector so that the private sector can come in and do the job creation that we know they can do.

□ 1640

We've taken some giant steps on stopping all the spending that's gone on here. Last year we did some good things. Eventually we funded the government at less than last year's level, and this year we hoped that we would come in and do the individual Appropriations subcommittees. In the House we passed six of those through the full House. Unfortunately, the Senate only passed one, and so we find ourselves now in a situation where we have to pass a continuing resolution.

But, again, all the subcommittees that came before this full House funded their subcommittees at less than last year's level. We now have a continuing resolution that has funding that's less than last year. It's been agreed to by the House, agreed to by the Senate, and agreed to by the President.

And we can argue about the process. We can argue about whether it should be a little more or a little bit less. But we'll give ourselves until November 18 to finalize all the work that needs to be done. And so I think it's appropriate that we pass this, move forward, and continue to try to get a handle on the spending to help get our economy moving again.

Mr. DICKS. May I inquire how much time remains?

The SPEAKER pro tempore. The gentleman from Washington has 7 minutes remaining. The gentleman from Kentucky has 10½ minutes remaining.

Mr. DICKS. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the distinguished chair of the Labor-HHS Subcommittee, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. Chairman.

Madam Speaker, there is no phrase that better embodies the fact that something here in Washington is broken than "government shutdown." Yesterday we heard those words for the second time in a year, and that tells us the old ways of doing things simply don't work anymore. It's time for a new direction.

Every month we're faced with new unemployment numbers, new market losses, and new deficit figures. We can never forget that behind those numbers are people. Unemployment isn't just a number; it's people who worry about how they will fill their gas tanks or put food on their table.

Market losses aren't just lines on a graph; it's the retirement savings of seniors across the country who struggle to afford medicine they need. And deficit isn't just borrowed money; it's the future being stolen from our children and our grandchildren.

As subcommittee chairman of Labor, Health and Human Services and Education appropriations, I support this continuing resolution. Not only does it prevent a government shutdown, it gives us time to finish working on the remaining appropriations bills in an open and transparent way.

I look forward to my subcommittee introducing and debating their work. Let me tell you a little bit about it. As we've been crafting this bill, I've worked closely with you, Members of this body, and listened to folks from Montana and throughout the country. We want it to be a balanced plan that fundamentally improves how the government spends its money, the hard-working money of taxpayers.

We want to make government more accountable and efficient, saving as much as possible on top of the savings from earlier this year. In addition to eliminating inefficient programs, we'll improve the remaining government by defunding enforcement of unnecessary and overreaching regulations. These regulations cost jobs and hamper economic recovery.

By spending strategically, we can maintain critical funding for things like education and biomedical research. To be successful in tomorrow's economy, our children need to be prepared for the skilled jobs that are going unfilled today. We also need to invest in basic research so the U.S. can continue to be a leader in biomedical advancements. Our subcommittee wants to do that.

Our legislation will keep the promise we made to rein in government spending and government growth. It's the next step, not the final one. We still have a long way to go, but by finding ways to do more with less, we are changing the direction in Washington. That's what the American people want, and I'm confident that by passing this

continuing resolution it will give us the time to do it in the open and do it right.

With that, I hope you'll vote for this continuing resolution.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Washington for yielding to me, and I rise today in strong opposition to H.R. 2608, the Continuing Appropriations Act of 2012. I oppose playing political games with FEMA disaster funding while American citizens are recovering from recent natural disasters that have wiped out homes, businesses, and lives.

In an unprecedented move, the Republican majority requires an offset for FEMA funding. FEMA must be fully funded so that my constituents can continue recovering from the devastation of Hurricane Irene. By requiring this offset, we're playing politics with the lives of those who need our assistance most.

Let me tell my Republican colleagues that if you want an offset, let's get rid of the Bush tax cuts for the rich. That's an offset that you won't want to get rid of.

This bill presents a false choice: that we need to cut off one hand to save the other. The bill slashes funds from a program that would reinvigorate the manufacturing sector and decrease our reliance on foreign oil to fund FEMA. We can do both, and we need not buy in to this ridiculous logic. In times of disaster, we must always take care of our citizens and our country first, period.

Try telling my constituents who are struggling in the aftermath of a hurricane, sorry, you'll have to wait till we find an offset. Sorry, we really don't care about your problems. We have other pressing things to do.

Reasonable Democrats and Republicans maintained the practice of helping constituents in the past. Why this policy has changed is beyond me.

Madam Speaker, disasters are not associated with one political party, and helping our citizens should be a top priority of both.

I urge a "no" vote on the CR, and urge the majority to bring a bill to the floor that fully funds FEMA and doesn't harm job creation and does the right thing.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Does the gentleman realize that back in June, in this body we passed, with bipartisan support, the Homeland Security bill, which contained \$1 billion for FEMA, sent it to the Senate, and it's been laying there for the last 3 months? Did the gentleman know that?

Mr. ENGEL. I do know that. Unfortunately, it's been difficult passing

things in the Senate because, quite frankly, the minority filibusters everything to death, and getting the 60 votes is very, very difficult.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Madam Speaker, I yield 2 minutes to the very hardworking chair of the Interior subcommittee on appropriations, the gentleman whose subcommittee held more hearings than any other, I think 22 different hearings—we had 150 committee-wide, but he won the award for the most hearings—the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the chairman for yielding.

Madam Speaker, many Members of Congress, myself included, recognize that if we want to get our economy going again we need to take steps to get our fiscal house back in order and provide certainty to the marketplace so small business and job creators can begin hiring again.

Until we finish the regular appropriations process for the coming year, we won't be able to implement the necessary spending reductions and policy reforms needed to get our economy moving again.

While the House has come close to passing all of the appropriation bills out of committee and many of the bills on the floor, the Senate has passed only one bill so far. This CR gives us time to complete that work, while cutting current spending. To me, that seems like a much more reasonable solution than threatening another government shutdown, which will only hurt the economy.

Congress has one responsibility each year, and that is to pass the 12 appropriations bills by the beginning of the year. That job has been made harder this year by the fact that the previous majority did not complete their work by the end of 2010.

But I've got to tell you, in all honesty, this debate has almost been bizarre to me today. People have asked me whether we need to offset emergency spending, and I said emergency spending does not have to be offset. But if you can find the offsets to do so, why not do so? And that's what we've tried to do in this bill.

This debate seems to me almost devoid of the fact that we are \$1.5 trillion in debt this year. The gentlelady from Texas, in the debate on the rule, said, we're nickel and diming those that are suffering from disaster, and that we shouldn't be nickel and diming.

I don't know, but in Idaho, \$1.5 trillion, or the \$1 billion that we're offsetting here, is not nickels and dimes.

The gentleman from New Jersey said people need relief now in New Jersey. They are going to get relief when we pass this bill.

The gentleman from North Carolina (Mr. PRICE) said, we are cannibalizing the program that we are taking the

money out of. In full committee, this amendment was offered on the Homeland Security bill. This amendment was offered. There was no objection to it. It passed on a voice vote. And now we are cannibalizing the program?

We need to pass this so that we can get on and finish our appropriations bills.

The SPEAKER pro tempore. The gentleman from Kentucky has 5¼ minutes remaining. The gentleman from Washington has 5 minutes remaining.

□ 1650

Mr. DICKS. I yield 4 minutes to the distinguished Democratic whip, my good friend, Mr. HOYER, from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I rise in opposition to this bill.

Now, all of us are for a continuing resolution which keeps the government in business. In the past, on both sides of the aisle, we have talked about clean CRs, clean CRs in the short term—this going to November 18—to keep government running. I was hopeful that we would have such a CR this time so we would not continue to give to the American public the feeling that we can't come to agreement.

I was not in the Appropriations Committee. The gentleman, my good friend from Idaho, said this was an amendment that was not opposed in committee. I don't know whether Mr. PRICE would agree with that. I don't know what the facts on that were. But let me say this:

This is a pay-for that is extraordinarily controversial on our side of the aisle, extraordinarily controversial because the message we got from America as we were home, and as we get today, is we need to create jobs. We need to grow the economy. We perceive on this side of the aisle as having selected a pay-for, which, by the way, pay-for for FEMA disaster aid, as I understand it from staff, has never happened before. No precedent for doing this.

Let me give you an example that we all ought to all understand.

Your water heater goes out at 2 a.m. in the morning. Your family is going to get up the next day and they need to take a shower and they need to get ready, and you need a water heater right away. So what do you do? You go out and buy the water heater. What do you do? You charge it. Because it's an emergency, you've got to get it online.

We have a lot of people who have suffered an emergency assault by hurricane, by tornado, by fire, by earthquake, and they need help now. And historically, we have given help now and have not gotten into a debate about what priority do we undermine in that process. We respond to the true emergency.

Now, we've had a lot of emergencies, and Mr. ROGERS and I have been here a

long time, that were not really emergencies. We claimed they were emergencies so we didn't have to pay for them under our rules.

But there is no one, I think, in this body or in this country who doesn't believe that Irene caused a legitimate emergency—not feigned, not used for the purposes of justifying where we may go. The longstanding precedent in both Chambers has been to respond to disasters immediately by getting victims the help they need.

Just as a family can't budget in advance for a car breaking down or the water heater or something as I mentioned, we have provided in the agreement that we just made just a few weeks ago for headroom for exactly these kinds of emergencies—\$11 billion. However, we did not provide that for 2011. But, again, 2011 is when the emergency occurred and when the money is needed now.

The Senate just passed a disaster relief bill that adheres to this precedent, and it passed with significant bipartisan support. Unfortunately, Republicans here insist on breaking with this commonsense precedent and with their colleagues in the Senate and demand that responding to an emergency be offset by cutting elsewhere.

Now, again, let me precisely say, on emergency, FEMA funding directed at disaster relief.

Now, the problem we have is that the target for paying for this is what we perceive to be a job creator. So as a result, I would ask that we reject this bill.

We have some time left to do another CR that we ought to agree on in a bipartisan way, a clean CR, short-term, so that, yes, we can, as the gentleman from Idaho said, get on with our business.

I urge my colleagues to oppose this bill.

Mr. ROGERS of Kentucky. I yield 2 minutes to a very hardworking member of our committee, the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. I appreciate the gentleman from Kentucky yielding time.

As a member of the Appropriations Committee, I rise in support of the continuing resolution that is before us today. This CR continues government operations at an amount agreed to by the Congress and the White House in the Budget Control Act just a few weeks ago, as was noted by the distinguished Democrat whip.

But make no mistake, the American people spoke loudly last November and the message was clear: We need to spend less. And both the House Budget Committee and the House Appropriations Committee have been at the vanguard of meeting that challenge.

But the other message that many of us receive when we go back home to our districts from our constituents is they want this institution to function.

They want their elected officials on both sides to put aside the partisan differences and to work to create an environment that fosters job creation and economic growth and that reduces spending and puts our Nation back on a path towards fiscal solvency.

Naturally, I find it disappointing to now learn that some of our colleagues on the other side of the aisle are opposing this bill for purely political reasons after signalling their support just last week.

And to my friends in our own conference who believe we should make deeper cuts in this CR, I would say we agree. The House has voted to reduce spending further on multiple occasions, and this Appropriations Committee has reported many bills to do so as well.

Sadly, in this hyperpartisan political environment with the Republican majority in the House, a Democrat majority in the Senate, and a Democrat White House, the will of the House alone cannot rule the day simply because we wish to do so.

This is a reasonable bill which pays for the disaster funding it contains, and it holds the funding level at an agreed-upon amount and allows the committee the opportunity to do its work in the remaining days of this year before fiscal year 2012 kicks in.

I urge my colleagues to support this passage.

Mr. DICKS. I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield 2 minutes to a new member of our committee who's doing a great job, from the State of Arkansas, STEVE WOMACK.

Mr. WOMACK. I thank the gentleman, the distinguished chairman of the Appropriations Committee for yielding and appreciate this time.

If I heard it once when I was back in my district, I heard it dozens of times, and that was the frustration of my constituents concerning our inability to get our business done, to get it done on time without the panic and anxiety associated with threatened shutdowns of government.

This vote today is an opportunity for us to do just that—fund government consistently with the amounts agreed to in the Budget Control Act, giving the necessary time to complete 2012 appropriations and save America from the threat of another government shutdown.

Now, as was articulated by the distinguished chairman a moment ago, I'm a freshman, and I realize I'm still learning the ropes of this Chamber and how things get done, but let's just go back in context.

This funds government at levels consistent with the Budget Control Act passed in this very room a few weeks ago. It addresses disaster funding and does so in a very responsible way. It is not unprecedented nor is it unique to find offsets. And this offset is exactly

what this House passed in the Homeland Security appropriations bill.

So what has changed? I suggest to you, Madam Speaker, that the political strategies have changed, and the emotions and the hardships of the people affected by these disasters are really nothing more than a political prop in this entire discussion designed to make us look hard-hearted or insensitive. Nothing could be further from the truth.

Just a moment ago, the distinguished Democratic whip from Maryland talked about the water heater going out in the middle of the night. You just simply go charge one. What happens when you go to charge it and your credit is denied? You've maxed out on your credit card. As my friend MIKE SIMPSON said a moment ago, we're broke. We're a trillion and a half dollars in deficit.

Our plan, this CR, provides the necessary funding, does it responsibly and consistently with already agreed-upon numbers. I urge its passage.

□ 1700

Mr. DICKS. I yield the balance of my time to the distinguished Democratic leader from California, whose State has suffered a number of major disasters over the years, so she is well versed on this subject, Ms. PELOSI.

The SPEAKER pro tempore. The gentlewoman is recognized for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding, and I congratulate him on his tremendous leadership as the ranking member on the Appropriations Committee.

When he was speaking today, I was thinking back to when I was a relatively new Member of Congress—not even here 2 years—when we had the Loma Prieta earthquake in the San Francisco Bay Area. It was shocking to us. Of course, it was a complete surprise—a terrible natural disaster. The Bay Bridge was out of commission and cracked. The homes were on fire for days and days and days—a true natural disaster.

When I came to the floor when this issue was brought up by the chairman of the Appropriations Committee, the Honorable Jamie Whitten of Mississippi, he came to the floor; and with his words of comfort and assurance to the people who were affected by this natural disaster, his comments made all the difference in the world. In listening to him, no one had any doubt that the Federal Government was going to honor its commitment to the American people: that when in time of natural disaster, we will be there. We have a compact with the American people.

How different the conversation is today when we're talking about saying, when in a time of natural disaster—and by the way, there have been many more natural disasters than in the San

Francisco Bay Area, the Loma Prieta, which stretched for long distances in northern California. Today, we've had hurricanes, earthquakes, tornadoes, floods, forest fires still raging out of control in some parts of the country—Texas, until recently, in that situation. I hope that it's under control now or that the rain we all prayed for there is coming.

And what do we do? We come to the floor and say, Now we're going to institute a new policy that says: in time of natural disaster, we're going to have to find some place to pay for it. Now, what's next? Where are we going next to pay for it?

The distinguished chairman has said, well, we've paid for emergencies before and, indeed, we have. I'm talking about something of a much different caliber. I'm talking about a natural disaster. I'm talking about the FEMA Disaster Relief Fund. With all of the disasters that are happening at once, we don't know when the next one will come; but what is frightening also is we don't know where this majority wants to go to pay for it.

I have serious objection to the pay-for in this legislation. I have a bigger objection that we would have to pay for a disaster. We never paid for the tax cuts for the rich. They never were paid for. We never paid for the wars in Afghanistan or Iraq. They were never paid for. But, all of a sudden, we have to pay to try to make whole these people who have been affected, who have lost everything. I've visited there. I wish you would. Maybe you have. But it's not that the joblessness story is finished. It's not that as we go to a new disaster, we're finished with the old one. It's just compounded.

Someone mentioned earlier in the election—people talked about this—that the American people, whether in election or out of election, want jobs; and exactly what this bill does is cut jobs. Instead of creating jobs, which is the number one priority of the American people, this Republican bill will cost good-paying jobs. It's amazing because the bill that we're debating here will cost at least 10 good-paying American manufacturing jobs—Make It in America—and perhaps tens of thousands more by cutting the Advanced Technology Vehicle Manufacturing loan program.

I'm not even going to speak too much about it because our colleagues already have. They've talked about how this takes us to the next place in innovation and competitiveness for our country, the next place in technology for cars that will reduce emissions, which will help to stop some of these natural disasters. These loans are proven to be effective. They have already created 42,000 jobs, putting America to work making cleaner, more efficient American cars. We shouldn't have to choose between creating jobs and caring for

those struggling in the aftermath of disasters like Hurricane Irene and the earthquake that preceded it and the floods that continue.

One of the speakers, a gentleman whom I respect, said this is a political move. Well, if there is anything that is not political in our country, it is a natural disaster. Do you want to talk politics when somebody is suffering a natural disaster? There is no place for that. At some place, we walk on a ground that is more hallowed than the normal terrain on which we debate, and that terrain is the terrain of the disaster that has affected the American people. If you looked in their eyes, you would feel so helpless that you could not make them whole. You may not be able to provide them the personal effects of their families. I've seen it so many times.

Will they economically be made whole? Will their homes be restored in a way that makes it the home it was before that they loved, that created a sense of community, one home after another? So we're at a very, very sad place for all of these people. We don't know who is next.

What makes me suspicious about what the majority has put into this—and I want you to know this—is we haven't paid for natural disaster assistance before. They're using this advanced technology vehicle manufacturing. They're taking \$1 billion of it to pay for the disaster. There is a half a billion dollars left, and they're rescinding it in this bill. They're eliminating it. So this isn't about paying for the disaster. This is about destroying an initiative that is job-creating, that is innovative, that keeps America number one, that creates good-paying jobs in our country.

It's really hard to understand what the motivation is for that, but one thing is clear—they are using the disaster to eliminate that initiative, and that's just not right. But even if they had the best offset in the world, I still think it is wrong for them to go down a path that says, This time, for your disaster, we're using this technology program. What's next? With all of the disasters that we have, where do we have the room to say, On those days, at that specific time, this is how we'll pay for it?

Let's, instead, do something that gives hope to people, that creates an economic boomlet in these places that have been affected and not a discouragement that they are being treated differently than anybody else has been in time of natural disasters.

I heard the distinguished chairman use the term "emergency." It's a different story. It's a different story. It is with great sadness that we try to meet the needs of people at this difficult time. It's in great sadness that we even have to have a debate about it. I urge our Republican colleagues to withdraw

this bill. Come back clean. Let us vote together to address the natural disaster that has afflicted our country, recognizing that we don't know what's around the corner.

As one of my colleagues said, We said we're going to pay for everything.

We don't know what God has in store for us for the next disaster. We hope and pray that, whatever it is, we have the strength to meet the needs of our people in a way that has nothing to do with politics but everything to do with America.

With that, I urge my colleagues to vote against this, reluctantly, because I would love for us to join together but not in its present form.

□ 1710

Mr. ROGERS of Kentucky. I yield myself the balance of my time.

Madam Speaker, this is a simple bill. This is a simple continuation of spending until November 18.

I would not want it on my record that I voted against helping the postal workers keep their routes until November 18. We take care of that problem in this bill. I wouldn't want to vote "no" on that if I could help it.

I wouldn't want to vote "no" to refuse to continue the government and all that the government does. I wouldn't want it on my record that I voted against helping people who are flooded, the subject of wildfires, earthquakes and all other sorts of calamities. A vote of "no" on this bill says no other help for those people.

Now, the gentlewoman who just preceded me, the former Speaker of the House, says that we should not use offsets to pay for at least a portion of these disaster funds. In fact, while the gentlewoman was Speaker of this House, we did just that.

We voted to offset the funding for Hurricane Katrina in 2006 and 2007. We voted for offsets for disaster relief in 2008, 2009; and, lastly, in 2010 we voted to offset \$10 billion for what was called the Pelosi edu-jobs stimulus bill. The gentlewoman voted for that offset.

So I urge you to vote for this bill. We will have plenty of time during the negotiations with the Senate during the next 6 weeks to take into account the additional bills we are going to get for flooding and other disaster relief, and we will take care of the problem between now and then.

Vote "yes" on the bill.

Mr. VAN HOLLEN. Madam Speaker, today's Continuing Resolution would fund Federal Government operations through November 18, 2011 at 98.5% of FY 2011 funding levels, reflecting the 1.5% across-the-board cut required to bring spending in line with the \$1.043 trillion discretionary cap for FY 2012 in the recently enacted Budget Control Act of 2011.

Additionally, H.R. 2608 provides \$3.65 billion in disaster relief funding, which is \$1.8 billion below President Obama's request and

\$3.25 billion less than the Senate allocation supported by ten Republican Senators. Of the \$3.65 billion for disaster relief in today's legislation, \$1 billion is made available in FY 2011 and the remaining \$2.65 billion is designated as FY 2012 money. However, in a sharp break with precedent under previous administrations from both parties, the \$1 billion in FY 2011 in emergency disaster relief is offset by a \$1.5 billion cut in the Advanced Technology Vehicle Manufacturing program.

Madam Speaker, we should not be holding emergency disaster relief hostage to political infighting in Washington, DC. And with unemployment still hovering above 9%, we certainly shouldn't be undermining a proven job creator like the Advanced Technology Vehicle Manufacturing program that will help next generation vehicles get built in the United States rather than overseas.

Instead, we should put politics aside, pass a clean CR and get disaster relief where it is needed without undercutting innovation and job creation in an economy that needs more of both.

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to provide explanation and clarification of the intended budget effects from the anomaly related to the U.S. Postal Service that is contained in the House amendment to the Senate amendment to H.R. 2608, the Continuing Resolution (CR) for Fiscal Year 2012.

The amendment would postpone from September 30, 2011 until November 18, 2011 the payment due from the Postal Service, which is off-budget, to an on-budget account managed by the Office of Personnel Management (OPM).

The Postal Accountability and Enhancement Act of 2006 requires the Postal Service to make a \$5.5 billion payment to OPM by September 30, 2011 to pre-fund retiree health benefits. However, the Postal Service does not currently have adequate funds to make this payment. To address this issue, the CR includes a provision that will delay the payment to provide time for the Postal Service to work with Congress and the administration to develop a long-term solution.

If only the on-budget effects were counted, this delay would score as an increase in spending in 2011, but then produce savings in 2012, resulting in additional room for spending under the caps on discretionary spending established in the Budget Control Act of 2011. To prevent this unintended consequence, the House Budget Committee scored this anomaly on a unified basis, so that both the on-budget and off-budget effects were counted together. As the result, the 2011 cost and the 2012 savings offset each other and produce a score of zero in the CR. This decision has precedent. A similar provision was included in the FY 2010 short-term CR (P.L. 111-68) where the House scored that provision on a unified basis pursuant to section 426(b) of the 2010 budget resolution.

The off-budget status of the U.S. Postal Service creates significant complications for budget enforcement when the agency seeks timing shifts or bailouts from the U.S. Treasury due to financial distress. The House Budget Committee will continue to monitor this anomaly throughout the budget and appropriations

process to ensure that it does not result in additional discretionary spending in FY 2012.

Ms. MCCOLLUM. Madam Speaker, I rise to voice my strong opposition to H.R. 2608, the short-term continuing appropriations measure on the floor today to fund government operations through November 18, 2011.

Hundreds of American communities have been devastated this year by hurricanes, droughts, floods, wildfires and tornadoes. Dozens of Governors—both Republicans and Democrats—have requested federal assistance from the Federal Emergency Management Agency (FEMA) to meet the needs of their states' residents. These federal funds are used by state and local response teams to house displaced families, provide crisis counseling to disaster victims, remove debris, and repair or replace critical bridges, roads and utilities.

With more than three months remaining, 2011 has already seen more billion dollar disasters than any year on record. Early cost estimates of this year's weather-related disasters are well above \$20 billion. As a result, FEMA can no longer afford to help all those who need assistance. The Associated Press reported that FEMA's disaster funding is now so low that planned repairs to bridges, roads and schools in tornado-ravaged Joplin, Missouri have been stopped and the funds redirected to help the victims of Hurricane Irene.

Caring for Americans devastated by natural disasters has always been a basic American value. Unfortunately, House Republicans are turning disaster relief into a partisan political battle by under-funding these urgent needs and demanding that emergency funds be offset with cuts to a critical job-creating initiative.

The House legislation under debate today includes \$3.65 billion in emergency aid—\$1.8 billion less than what the Obama administration told Congress is needed. Even worse, H.R. 2608 cuts \$1 billion from the Advanced Technology Vehicle Manufacturing Program (ATVM). This public-private partnership helps U.S. auto makers and parts suppliers build next generation vehicles with technologies made in America, rather than imported from China and other foreign countries. The ATVM is a major success. It has already saved or created 41,000 American jobs and will save or create at least 35,000 additional jobs anticipated by the end of this year. The cuts demanded by House Republicans to this program threaten to destroy thousands of American jobs and undermine the global competitiveness of U.S. auto makers.

During the past decade, House Republicans voted time and time again for so-called emergency funding for the wars in Iraq and Afghanistan without offsetting the costs. The hundreds of billions of dollars in deficit spending Republicans supported on these wars helped create the crippling debt our country now faces. And now, my House Republican colleagues are pretending to take a stand against deficits by threatening to shut down the U.S. government and deny assistance to American families who have had their lives destroyed by natural disaster.

I call on reasonable Republicans in the House to join with Democrats to reject this hypocritical and callous bill, and instead commit the necessary funding to rescue America's devastated communities.

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.R. 2608, the Continuing Appropriations Resolution for FY 2012.

This legislation implements a 1.5%, nearly across the board reduction to current spending levels and pays for it by cutting the Advanced Technology Vehicle Manufacturing Program (ATVM). This program is essential to keeping our auto manufacturing industry competitive.

I support the cuts to the Overseas Contingency Operations fund, which is used to fund our wars in Iraq and Afghanistan, as well as other counterterrorism operations. But the rhetoric on cuts to war spending does not match the reality and cost of our policies abroad.

Last week, The New York Times highlighted the legal battle currently occurring in the White House over the use of lethal force, of targeted killings against militants abroad by "drone strikes, cruise missiles or commando raids." We talk about ending the wars while planning to expand the use of lethal force—or committing acts of war—in other countries with little to no oversight from Congress. We impose faux deadlines to end the wars in Iraq and Afghanistan and attach cost-savings estimates to them, while at the time same, continuing to push the deadline for withdrawal back. According to the Congressional Research Service, the cost of keeping U.S. troops in Afghanistan is \$694,000 per soldier per year.

The wars in Iraq and Afghanistan have cost the United States trillions of dollars and have played a major role in our economic insecurity. The war in Iraq was the first time in American history that the government cut taxes as it went to war, resulting in a war completely funded by borrowing. Soaring oil prices, the ballooning federal debt and the global economic crisis are all intimately linked to our policies of endless war. These are policies we are continuing today.

Any serious debate on scaling back spending must include not only cuts to defense spending, but also to the wars the U.S. is currently waging or attempting to expand in other countries such as Somalia, Yemen and Pakistan through our drone campaigns. I urge my colleagues to oppose this bill.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to debate H.R. 2608, "The Small Business Program Extension and Reform Act of 2011," which provides for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 at the expense of job creating efforts.

Now . . . Now is not the time to trample on the needs of small business owners. Now is not the time to delay assistance to those who need support from FEMA. Now is not the time for a partisan position that will only cause more Americans to suffer while they have to wait on Congress to find balance. Now is the time for balance and reason.

Small businesses have long been the bedrock of our nation's economy. Even with the advent of modern-day multi-national corporations most of our day-to-day purchases take place at "mom and pop" small businesses.

This piece of legislation holds small businesses hostage in order to make a demand that has never been made by Republicans before. This demand changes their practice dur-

ing previous administrations. In the past my colleagues declared disaster funding as emergency spending and did not require offsetting emergency spending.

This bill would offset the \$1 billion in FY11 disaster relief funding using a program that is a proven job-creator, a program for small businesses. The very small businesses that are currently in need of access to loans and other lines of credit in order to build their businesses and create jobs. The very small businesses that are the life blood of our economy. These businesses, the "mom and pop" shops across our nation are being held hostage by my colleagues across the aisle at the expense of jobs.

The future success of their businesses are being held hostage in order to demand offsets of funds that have not requires such an offset in the past. These funds would aid victims of natural disasters. To propose such a measure at a time when our economy is so fragile and when so many are struggling to survive is unfathomable. I support the bipartisan Senate language.

At a time when our nation needs every single job we can create. Before us is a job killing measure. We need job creation to help families survive on smaller and smaller pay checks. Before us is legislation that places a halt on this growth. My colleagues on the other side of the aisle for the first time in our nation's history has added to this piece of legislation a requirement that disaster aid be offset. The Federal Emergency Management Agency (FEMA) needs the \$6.9 billion in funding which has been approved in the Senate last week without requiring offset. These cuts cost Americans tens of thousands of jobs. Under the previous administration Republicans supported disaster relief without requiring an offset, on eight separate occasions but today they want to require cuts that will result in job loss.

As the Representative for Houston, which suffered severe damage in 2008 as a result of Hurricane Ike, I understand the importance of clean up and rebuilding in the wake of natural disaster. Federal Emergency Management Administration (FEMA) addresses the challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

The devastating hurricanes that struck Texas in past years because the response to those events demonstrated the need for significant improvement. During Hurricane Katrina, there were insufficient quantities of generators forced hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

We must prepare our first responders with the best information and training to quickly analyze and share information to understand alerts and warning systems, evacuation planning, mission assignments to other agencies,

contingency contracting, pre-staged resources, Regional Hurricane Plans and exercises, communications support, citizen preparedness, disaster housing, and long-term recovery planning. In order to accomplish this we must fund FEMA, not at the expense of small business but because Americans come together at times of crisis. This should be what it has always been—emergency funding.

Emergency preparedness is not the exclusive responsibility of the federal government or individual agencies within it. State and local officials, nonprofit organizations, private sector businesses, and individual citizens must all contribute to the mission in order for our nation to succeed at protecting life and property from disasters. Recovery and mitigation are critical to protecting communities from future threats, and our ability to respond will suffer if we do not focus attention and resources on those missions.

On any given day the City of Houston faces a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents. Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. This collaboration and cooperation undergirds our security posture at our borders and ports, our preparedness in our communities, and our ability to effectively react to crises. Consider the devastation that was brought by the tornadoes in Alabama and the Southern United States, the flooding that has impacted the entire Mississippi river region, from Montana to Tennessee, and tornado that claimed more than 100 lives in Joplin, Missouri, have shown us that there are disasters we cannot predict, and forces of nature for which we cannot plan.

This legislation is a job killer, it is an affront to growing small businesses and will destroy thousands of jobs. I have been firmly committed to supporting small businesses and this legislation as written will fail to help create the jobs we need at this time. We should not prevent the growth of small business in order to address the unrealistic demands related to disaster relief funding.

Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1

million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

One strength that small businesses are known for is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs. There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses. It is also important that we work towards ensuring that small businesses receive all the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration (SBA), a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing.

We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004,

the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to women-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

Facts: Small business are important because they:

- (1) Represent 99.7 percent of all employer firms,
- (2) Employ just over half of all private sector employees,
- (3) Pay 44 percent of total U.S. private payroll,
- (4) Generated 64 percent of net new jobs over the past 15 years,
- (5) Create more than half of the nonfarm private gross domestic product (GDP),
- (6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers),
- (7) Are 52 percent home-based and 2 percent franchises,
- (8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,
- (9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Republicans appear to be on a mission to cut programs that help families and will buttress small businesses at a time when there are Americans faced with the perils which arise during cleaning up after a natural disaster. Now is not the time to force those Americans to wait on a partisan battle, to pick a fight that has not been fought in eight previous authorizations of funds for disaster relief. There needs to be a balance when determining which programs to cut and when. A balance to finding the funds that will address national disasters. A balanced approach to measures that will aid small business and to restore our economy.

I support small business and job creation. I will not support small business growth being held hostage to the unrealistic demands made by my Republican Colleagues. American families need legislation that are job growers rather than measures that are jobs killers.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 405, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ROGERS of Kentucky. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the motion will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 2883.

The vote was taken by electronic device, and there were—yeas 195, nays 230, not voting 8, as follows:

[Roll No. 719]

YEAS—195

Adams	Griffin (AR)	Palazzo
Aderholt	Griffith (VA)	Paulsen
Akin	Grimm	Pence
Alexander	Guinta	Petri
Altmire	Guthrie	Pitts
Amodel	Hall	Platts
Bachus	Hanna	Pompeo
Bartlett	Harper	Price (GA)
Barton (TX)	Harris	Quayle
Bass (NH)	Hartzler	Reed
Benishek	Hastings (WA)	Rehberg
Berg	Hayworth	Renacci
Biggert	Heck	Ribble
Bilbray	Hensarling	Rigell
Bilirakis	Herger	Rivera
Bishop (UT)	Herrera Beutler	Roby
Black	Holden	Roe (TN)
Bonner	Hunter	Rogers (AL)
Bono Mack	Hurt	Rogers (KY)
Boustany	Issa	Rogers (MI)
Brady (TX)	Jenkins	Rokita
Brooks	Johnson (OH)	Rooney
Buchanan	Johnson, Sam	Ros-Lehtinen
Buerkle	Jones	Roskam
Calvert	Kelly	Runyan
Camp	King (NY)	Ryan (WI)
Cantor	Kingston	Scalise
Capito	Kinzinger (IL)	Schilling
Carter	Kissell	Schmidt
Cassidy	Kline	Schock
Chabot	Labrador	Scott (SC)
Coble	Lance	Scott, Austin
Coffman (CO)	Lankford	Sensenbrenner
Cole	Latham	Sessions
Conaway	LaTourette	Shimkus
Cravaack	Latta	Shuster
Crawford	Lewis (CA)	Simpson
Crenshaw	LoBiondo	Smith (NE)
Culberson	Long	Smith (NJ)
Davis (KY)	Lucas	Smith (TX)
Denham	Luetkemeyer	Southerland
Dent	Lungren, Daniel	Stearns
Diaz-Balart	E.	Stivers
Dold	Manzullo	Stutzman
Dreier	Marino	Sullivan
Duffy	McCarthy (CA)	Terry
Ellmers	McCarthy (NY)	Thompson (PA)
Emerson	McCauley	Thornberry
Farenthold	McCotter	Tiberi
Fitzpatrick	McHenry	Tipton
Fleischmann	McKeon	Turner (NY)
Flores	McKinley	Upton
Forbes	McMorris	Walden
Fortenberry	Rodgers	Webster
Fox	Meehan	Welch
Frelinghuysen	Mica	West
Gallegly	Michaud	Whitfield
Gardner	Miller (MI)	Wittman
Garrett	Miller, Gary	Wolf
Gerlach	Murphy (PA)	Womack
Gibbs	Myrick	Woodall
Gibson	Noem	Yoder
Goodlatte	Nugent	Young (AK)
Gosar	Nunes	Young (FL)
Granger	Nunnelee	Young (IN)
Graves (MO)	Olson	

NAYS—230

Ackerman	Bishop (GA)	Burton (IN)
Amash	Bishop (NY)	Butterfield
Andrews	Blumenauer	Campbell
Austria	Boren	Canseco
Baldwin	Boswell	Capps
Barletta	Brady (PA)	Capuano
Barrow	Braley (IA)	Cardoza
Bass (CA)	Brown (GA)	Carnahan
Becerra	Brown (FL)	Carney
Berkley	Bucshon	Carson (IN)
Berman	Burgess	Castor (FL)

Chaffetz	Holt	Perlmutter
Chandler	Honda	Peters
Chu	Hoyer	Peterson
Cicilline	Huelskamp	Pingree (ME)
Clarke (MI)	Huizenga (MI)	Poe (TX)
Clarke (NY)	Hultgren	Polis
Clay	Inslee	Posey
Cleaver	Israel	Price (NC)
Clyburn	Jackson (IL)	Quigley
Cohen	Jackson Lee	Rahall
Connolly (VA)	(TX)	Rangel
Conyers	Johnson (GA)	Reyes
Cooper	Johnson (IL)	Richardson
Costa	Johnson, E. B.	Richmond
Costello	Jordan	Rohrabacher
Courtney	Kaptur	Ross (AR)
Critz	Keating	Ross (FL)
Crowley	Kildee	Rothman (NJ)
Cuellar	Kind	Roybal-Allard
Cummings	King (IA)	Royce
Davis (CA)	Kucinich	Ruppersberger
Davis (IL)	Lamborn	Rush
DeFazio	Landry	Ryan (OH)
DeGette	Langevin	Sanchez, Linda
DeLauro	Larsen (WA)	T.
DesJarlais	Larson (CT)	Sanchez, Loretta
Deutch	Lee (CA)	Sarbanes
Dicks	Levin	Schakowsky
Dingell	Lewis (GA)	Schiff
Doggett	Lipinski	Schrader
Donnelly (IN)	Loebach	Schwartz
Doyle	Lofgren, Zoe	Schweikert
Duncan (SC)	Lowey	Scott (VA)
Duncan (TN)	Lujan	Scott, David
Edwards	Lummis	Serrano
Ellison	Lynch	Sewell
Engel	Mack	Sherman
Eshoo	Maloney	Shuler
Farr	Marchant	Sires
Fattah	Markey	Slaughter
Filner	Matheson	Smith (WA)
Fincher	Matsui	Speier
Flake	McClintock	Stark
Fleming	McCollum	Thompson (CA)
Frank (MA)	McDermott	Thompson (MS)
Frank (AZ)	McGovern	Tierney
Fudge	McIntyre	Tonko
Garamendi	McNerney	Towns
Gingrey (GA)	Meeks	Tsongas
Gohmert	Miller (FL)	Turner (OH)
Gonzalez	Miller (NC)	Van Hollen
Gowdy	Miller, George	Velázquez
Graves (GA)	Moore	Visclosky
Green, Al	Moran	Walberg
Green, Gene	Mulvaney	Walsh (IL)
Grijalva	Murphy (CT)	Walz (MN)
Gutierrez	Nadler	Wasserman
Hahn	Napolitano	Schultz
Hanabusa	Neal	Waters
Hastings (FL)	Neugebauer	Watt
Heinrich	Oliver	Waxman
Higgins	Owens	Westmoreland
Himes	Pallone	Wilson (FL)
Hinchee	Pascrell	Wilson (SC)
Hinojosa	Pastor (AZ)	Woolsey
Hirono	Pearce	Yarmuth
Hochul	Pelosi	

NOT VOTING—8

Baca	Giffords	Reichert
Bachmann	Paul	Sutton
Blackburn	Payne	

□ 1744

Messrs. BISHOP of Georgia, RUSH, BURTON of Indiana, ROHRABACHER, TURNER of Ohio, MILLER of Florida, DUNCAN of Tennessee, BUCSHON and FINCHER changed their vote from “yea” to “nay.”

Messrs. STEARNS, GARY G. MILLER of California and Mrs. BLACK changed their vote from “nay” to “yea.”

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BACA. Madam Speaker, I was absent from today's vote. If I had been here, I would have voted “no” on H.R. 2608, the Continuing Appropriations Act of 2012.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2883) to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 25, not voting 13, as follows:

[Roll No. 720]

YEAS—395

Ackerman	Carson (IN)	Eshoo
Adams	Carter	Farenthold
Aderholt	Cassidy	Farr
Akin	Castor (FL)	Fattah
Alexander	Chabot	Filner
Altmire	Chandler	Fincher
Amodel	Chu	Fitzpatrick
Andrews	Cicilline	Fleischmann
Austria	Clarke (MI)	Fleming
Bachus	Clarke (NY)	Flores
Baldwin	Clay	Forbes
Barletta	Cleaver	Fortenberry
Barrow	Clyburn	Frank (MA)
Bartlett	Coble	Franks (AZ)
Barton (TX)	Coffman (CO)	Frelinghuysen
Bass (CA)	Cohen	Fudge
Bass (NH)	Cole	Gallegly
Becerra	Conaway	Garamendi
Benishek	Connolly (VA)	Gardner
Berg	Conyers	Gerlach
Berkley	Cooper	Gibbs
Berman	Costa	Gibson
Biggert	Costello	Gingrey (GA)
Bilbray	Courtney	Gonzalez
Bilirakis	Cravaack	Goodlatte
Bishop (GA)	Crawford	Gosar
Bishop (NY)	Crenshaw	Granger
Bishop (UT)	Critz	Graves (MO)
Black	Crowley	Green, Al
Blackburn	Cuellar	Green, Gene
Bonner	Culberson	Griffin (AR)
Bono Mack	Cummings	Griffith (VA)
Boren	Davis (CA)	Grimm
Boswell	Davis (IL)	Guinta
Boustany	Davis (KY)	Guthrie
Brady (PA)	DeFazio	Gutierrez
Brady (TX)	DeGette	Hahn
Braley (IA)	DeLauro	Hall
Brooks	Denham	Hanabusa
Brown (FL)	Dent	Hanna
Buchanan	DesJarlais	Harper
Bucshon	Deutch	Harris
Buerkle	Diaz-Balart	Hartzler
Burgess	Dicks	Hastings (FL)
Burton (IN)	Dingell	Hastings (WA)
Butterfield	Doggett	Hayworth
Calvert	Dold	Heck
Camp	Donnelly (IN)	Heinrich
Canseco	Doyle	Hensarling
Cantor	Dreier	Herger
Capito	Duffy	Herrera Beutler
Capps	Edwards	Higgins
Capuano	Ellison	Himes
Cardoza	Ellmers	Hinchee
Carnahan	Emerson	Hinojosa
Carney	Engel	Hirono

Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers

McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Riviera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)

Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradner
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1751

Ms. FOXX changed her vote from “yea” to “nay.”

Mr. ROONEY changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TONKO. Madam Speaker, on rollcall No. 720 I was unavoidably detained. I conducted a previously scheduled telephone town hall with constituents of the 21st Congressional District of New York. The telephone town hall addressed flooding concerns associated with recent disasters that impacted the district. Had I been present, I would have voted “aye.”

Mr. TURNER of New York. Madam Speaker, on rollcall No. 720 I was detained. Had I been present I would have voted “yea.”

PALESTINIAN STATEHOOD U.N. VOTE

(Mr. ROTHMAN of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. ROTHMAN of New Jersey. Madam Speaker, the Jewish State of Israel is essential to America's national security. The Jewish State of Israel guards the Mediterranean, the Suez Canal, and helps us with the oil and other activities in the Persian Gulf near Iran. Our relationship is mutually dependent, and so extremely important to both countries' vital national security.

But what's happening this week at the U.N., the Palestinians are going to the U.N. to avoid negotiating a peace agreement with Israel. The Palestinians want the U.N. to do what they won't do, negotiate a peace agreement.

Yet the Palestinians are made up of Hamas and Fatah. Hamas is a terrorist group with the blood of innocent Americans on their hands. Hamas' charter says they will never recognize Israel's right to exist.

Fatah is coming to the U.N. through their President Abbas, even though President Obama and the Congress have said, Go negotiate peace with Israel. Why would the Palestinians do that to the United States' vital national security interests and America's best friend in the region, the Jewish State of Israel? Because they are refusing to make an agreement to live in peace with the Jewish State.

The Congress has spoken. We will withdraw aid from the Palestinians,

and the Palestinian people will suffer. The Palestinian leadership must withdraw from the U.N. and go to the negotiating table without pre-conditions with the Jewish State of Israel.

HUMAN RIGHTS IN BELARUS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, it's been more than 9 months since the December 19 brutal and bloody crackdown on the opposition in Belarus. Human rights of ordinary Belarusian citizens continue to be denied. Nine political prisoners still exist. Nikolay Statkevich, Andrey Sannikaw, Dmitri Uss, Dmitri Bandarenka, Dmitri Dashkevich, Eduard Lobov, Pavel Severinets, Ales Belyatsky and Mikalai Autukovich remain in prison, and President Lukashenka is using them to bargain for economic assistance with the international community.

Anatoly Lyabedaska, leader of the United Civic Party, described the conditions in the KGB pre-trial detention facility as being cruel and inhumane, and the authorities' actions against opposition activities as being brutal.

For the first time in 17 years, people in Belarus are looking for a real alternative and asking for democratic change. It is now time to invest in democracy in Belarus. The existing window for the opposition might be temporary. People in Belarus need our support, and we have to be with them until the end of this existing brutal regime.

NEWS FOR THE PALESTINIAN LEADERSHIP

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, as we speak now, in my hometown of New York, United Nations leaders from all over the world are coming in. The major issue is the Palestinian claim they're going to go to the United Nations to have a declared state of their own.

I have news for the Palestinian leadership. The only way they can have a state of their own is to sit down face-to-face with Israel in face-to-face negotiations and hammer out an agreement, an agreement which is the two-state solution, an Israeli Jewish state and a Palestinian Arab state.

The Palestinians cannot try to impose any kind of solution that doesn't work. If two adversaries want to hash out a disagreement to come to an agreement, then they need face-to-face negotiation. This has happened in the past. Each time Israel has accepted it, and the Palestinians have said no.

NAYS—25

Amash
Broun (GA)
Campbell
Chaffetz
Huizenga (MI)
Duncan (SC)
Duncan (TN)
Flake
Foxx
Garrett

NOT VOTING—13

Baca
Bachmann
Blumenauer

Giffords
Gohmert
Grijalva

Mulvaney
Poe (TX)
Scott (SC)
Scott, Austin
Sensenbrenner
Stutzman
Walsh (IL)

Loebsack

The United Nations should not discredit itself even more and continue to be the usual kangaroo court against Israel. I'm glad that the United States and the President are standing up and saying that we will veto a resolution if it comes before the Security Council.

PEACE IN THE MIDDLE EAST

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, what happens at the United Nations this week will have a profound and lasting effect on the prospects for peace in the Middle East. If the Palestinian Authority succeeds in obtaining U.N. recognition for a Palestinian state, it will only delay genuine efforts at a negotiated settlement.

Israel has, for many years, cooperated in good faith with Palestinian and international efforts to mediate peace and work toward a two-state solution. It has made many concessions, some of which were not always in Israel's best interest. The Palestinians, unsatisfied with these efforts at the negotiating table, are seeking an end-run around Israel in an attempt to gain statehood by means of the United Nations.

Watching this spectacle unfold, I was reminded of the time I spent in Namibia in the late eighties and early nineties, where the U.N. General Assembly had arbitrarily designated one of the political parties the sole and authentic representative of the Namibian people. That had the effect of delaying the negotiating process that ultimately led to Namibia's independence. The same designation was awarded several decades ago to the PLO, and it had a similar effect.

The U.S. Government should use all the tools at its disposal, fiscal and otherwise, to ensure that that same outcome is avoided here.

CONSTITUTION DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to commend each American who celebrated Constitution Day, which was last Saturday, September 17.

Over the past few decades, many Americans have expressed disgust with our out-of-control reach of government and erosion of the very freedoms that we claim to protect.

The powers of Congress are clearly laid out in article I, which is the most expansive article of the Constitution for a reason. Our Founding Fathers fully intended for power to rest with the people, in a legislative body.

I'm proud to say that during this Congress, the House has taken signifi-

cant steps to restate its constitutional authority and has given an earnest attempt to returning to a constitutional government.

One example is the TRAIN Act on the floor this week, legislation intended to rein in the executive branch's gross regulatory overreach. From the debt limit debate to each spending bill considered on the floor, this process has been about more than just our need for fiscal reform. It's about the timeless principles of freedom, justice, and opportunity that have provided America with 224 years of prosperity and the future promise of our Nation, if we continue to hold these principles dear.

□ 1800

NOT YOUR GRANDFATHER'S MILITARY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. This morning I had the honor and privilege to spend 2 hours with 86 World War II veterans from Mississippi. These exceptional men and women inspired generations of Americans such as me to serve their country.

Sadly, though, when I returned to my office after honoring these American heroes, I saw many of my colleagues from the other side of the aisle congratulating themselves on the ill-conceived, lame brain, lame duck session repeal of Don't Ask, Don't Tell. Despite the questionable reports, surveys, and certifications, which I believe were flawed from the beginning, I have no doubt that we have taken a wrong turn.

The 111th Congress obviously failed the American people on so many levels. Repeal of DADT is just another glaring example of their failures. Social experiments like this repeal have no place in our military, and I for one apologize to those who have served and those who are currently serving.

God help us all.

ISRAEL AND PALESTINE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Several years ago, my wife and I, accompanied by a number of other Members and their spouses, were privileged to be in the State of Israel at the time the Israeli Government made a very difficult decision to turn over Gaza to the Palestinian Authority.

It was a very controversial decision. The question was: Would this gesture of goodwill be reciprocated by the other side? Unfortunately, of course, it was not. As in other gestures by the Israeli Government, the response has been: Give us more and we will not

commit to the existence of Israel, but you have to commit to the existence of a Palestinian state.

Let there be no mistake. It is a bipartisan support on the floor of the House for the State of Israel at this time of great need for them when they face all sorts of problems in the United Nations and elsewhere.

Let us be clear. We will not be divided on this. Republicans, Democrats, conservatives, and liberals here in the House of Representatives and the United States Senate support Israel in their effort to remain free and to not be forced into positions that are totally unfair.

A CELEBRATION OF HISPANIC HERITAGE MONTH

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Madam Speaker, I rise today to say that Democrats in Congress continue to work tirelessly to improve the lives of America's Latino families. During the 111th Congress, we passed historic legislation that made college more accessible and affordable and broadened the scope of health care for very many families.

When Democrats controlled the Congress, we increased the maximum Pell Grant, in a bipartisan vote, from \$4,050 to the current \$5,550, an increase of 37 percent. While I was chairman of the Subcommittee on Higher Ed, I proudly stood next to President Obama when he signed the historic Health Care and Education Reconciliation Act of 2010 into law. This new law increased college aid for the 39 percent of Hispanic college students who receive Pell Grants each year. In contrast, the proposed Republican budget will cut college aid for nearly 10 million students, slashing the maximum Pell Grant award by more than \$2,500.

Today, I stand here with my colleagues in celebration of Hispanic Heritage Month to say that we must pass the DREAM Act.

We cannot turn our backs on these hard working, talented students who call America their home. Brought here as children and through no fault of their own, DREAM Act students deserve a chance to go to college and become U.S. citizens.

I am proud of my heritage. I am proud of my ancestors who came to this country from Mexico over one hundred years ago. I am proud of the contributions made by America's growing Latino community.

Today, I urge my colleagues in Congress to join us in celebrating Hispanic Heritage Month. Let us honor our great Nation. Let us all work harder to make the American Dream a reality for all.

ISRAEL

The SPEAKER pro tempore (Mrs. ELLMERS). Under the Speaker's announced policy of January 5, 2011, the

gentleman from Florida (Mr. DEUTCH) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEUTCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DEUTCH. I appreciate the opportunity to be here following those series of speeches delivered that lead perfectly into the discussion that we're here to have.

This is a crucial moment for the State of Israel, for the United States, for the relationship that binds us together. This is an important moment for those who believe in democracy and for those who believe in peace. We will all be watching what transpires at the United Nations in the coming days as the Palestinians continue to move forward with an ill-fated attempt to create a state that can only be created by negotiation.

I appreciate the opportunity to engage in a discussion with some of my colleagues, and I would like to start by recognizing my neighbor and my friend, the gentlelady from Florida, Congresswoman WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you very much for putting together this important Special Order hour to give us an opportunity to come together in support of our ally and friend, the State of Israel.

I rise today in praise of President Obama's enduring, unequivocal support for our ally Israel and a vision for a peaceful world.

This morning at the United Nations, President Obama shared with an international audience his commitment to Israel's security in the midst of a challenging region and complex times. The administration approached this year's U.N. General Assembly standing strong with our ally in many respects. From once again boycotting the anti-Semitic activities surrounding the Durban Conference, to pledging to veto any Palestinian unilateral declaration of independence in the Security Council, to working all summer with our partners and allies against the unending efforts to criticize and delegitimize Israel at the U.N., President Obama has been a stalwart ally of Israel in this international forum. I'm so pleased that he continued in that vein this morning with his address to the General Assembly.

In his historic speech to this global audience, President Obama once again demonstrated his stalwart support for our friend and ally Israel. Importantly, President Obama used this opportunity at the United Nations to unambiguously state his support for direct, bi-

lateral negotiations as the only way to solve the Israeli-Palestinian conflict and create a Palestinian state.

As the President said, "a genuine peace can only be realized between the Israelis and the Palestinians themselves. There is no shortcut to the end of a conflict that has endured for decades. Peace will not come through statements and resolutions at the United Nations. It is the Israelis and the Palestinians, not us, who must reach agreement on the issues that divide them: on borders and on security, on refugees and Jerusalem."

President Obama made it resoundingly clear that unilateral action will never create a state and that we must continue to support a process between two peoples that recognize both security concerns and national aspirations. And that clarity has not gone unnoticed.

Prime Minister Netanyahu, speaking after the President's speech today, said that our President is wearing a "badge of honor" for his commitment to direct, bilateral negotiations as the only way to a Palestinian state.

As he has done so many times in the past, President Obama again put forth our country's unshakable commitment to Israel's safety and security as a central tenet to peace. The President reaffirmed our enduring friendship to our ally Israel noting the very real security concerns of being surrounded by hostile neighbors. He made clear to the world that he understands the very real threat Israelis face in constant rockets and suicide bombs and children coming of age knowing that, throughout the region, other children are taught to hate them. Only when Israel feels its security concerns are met will future generations of Israelis and Palestinians live side by side in pride and in peace.

With the international community assembled, President Obama stressed the difficult but vital efforts we must all make in our quest for peace, not only for Israelis and Palestinians, but also across the Middle East and all around the world.

He spoke of the accomplishments of revolutions that have brought burgeoning democracies to the Middle East and North Africa over the past year and the frustrated aspirations of many in the region where democracy is yet to come.

In praising the new free Libya and urging the international communities to join us in sanctioning Iran and Syria, the President affirmed his commitment to supporting those who wish to cast off tyranny. And in a world free from the terror of Osama bin Laden, President Obama emphasized our continued quest to end the religious, gender, and sexual persecution that prevents all people from achieving their true potential.

I am so proud of President Obama's unwavering support for Israel and his

overall vision for peace that he laid out at the United Nations this morning.

Hopefully, hearing the strong message from the United States, the Palestinians will once again return to the negotiating table with Israel and work out a just and lasting solution between the two parties. In the meantime, we can stand tall with the exemplary efforts by this pro-Israel President as we continue to engage diplomatically over the coming weeks to ensure that bilateral negotiations between Israel and the Palestinians will resume.

Thank you, Mr. DEUTCH, for your unwavering support for our ally.

Mr. DEUTCH. Thank you very much. The same to you.

I would note the President also spoke today at some length about the need to recognize Israel's security interests. The fact that Israel is a country that is surrounded by enemies, that has faced rocket attacks, barrages, at times on a regular basis, that it is imperative that all of our allies around the world who understand the security threats that Israel faces, that they understand that it is in Israel's interest to take the action necessary to defend herself even as they move toward the negotiations with the Palestinians. That's something that every nation would understand.

I appreciate your bringing that up today.

□ 1810

It is my pleasure and my honor to yield time to the impressive and wonderful former chair and now the impressive and wonderful ranking member of the State, Foreign Operations Subcommittee of the House Appropriations Committee, Representative LOWEY from Westchester.

Mrs. LOWEY. I want to thank my good friend Mr. DEUTCH. You are a principled, strong supporter of the Israel-United States alliance for organizing this conversation at this very, very critical time, and I thank you very much.

Madam Speaker, I rise in opposition to the Palestinian Authority's counterproductive and dangerous gambit to declare statehood unilaterally through the United Nations.

As we all know, a genuine and lasting peace between the Israelis and Palestinians can only be achieved through a negotiated settlement between the parties, themselves. A lasting peace cannot be imposed on Israel and the Palestinians by an outside country, like the United States, or an organization, like the United Nations. That is why it is so disturbing that the Palestinian Authority has chosen to discontinue direct negotiations with Israel and instead to pursue a unilateral declaration of statehood through the United Nations. This action will indisputably set back the prospects of a settlement between the parties and call

into question the commitment of Palestinian leaders to genuine and lasting peace.

The Palestinian Authority receives more than \$500 million in economic and security assistance from the United States each year because it is in our interest and that of Israel's to support the ability of the P.A. to provide security and basic services, but that assistance is predicated on the willingness of the Palestinian Authority to negotiate directly with Israel toward its own state. President Abbas has been warned repeatedly, and I remain firm, that this counterproductive action by the P.A. crosses a line and should lead to a reevaluation of this assistance.

Despite the provocative decision of the Palestinian Authority to abandon negotiations and to pursue instead a unilateral declaration of statehood, I remain optimistic that the administration, working in concert with the Quartet, can facilitate the conditions for a resumption of good-faith negotiations.

I commend President Obama and Secretary Clinton for standing firm in support of a negotiated settlement and for reaffirming the unbreakable bond between Israel and the United States. I support the administration's tireless work to prevent a unilateral declaration of statehood from coming to a vote before the United Nations and to defeat this gambit if a vote does occur.

As President Obama stated today before the United Nations, peace is hard, but we also know that it is very much worth the effort. I encourage President Abbas to make the hard choice to return to negotiations with Israel. It is the only way to achieve the lasting and genuine peace that both Israelis and Palestinians seek.

Mr. DEUTCH. Thank you, Congresswoman LOWEY.

There are few in this body who understand as well as you the importance of weighing the decisions to allocate United States' foreign aid and where that money goes. You have been such a vocal and passionate supporter of aid to Israel in order to give Israel the ability to defend herself. I think you spoke eloquently about the questions that will be raised if the P.A. continues to move forward on this gambit at the United Nations, calling into question their commitment to negotiation and ultimately raising the reevaluation of aid to the Palestinians.

I thank you very much for sharing that with us.

Mrs. LOWEY. I know how hard the administration is working. Every minute of the day has been spent trying to ward off what we think will be a real disaster. So, as an optimist—and I think it's on Friday that Abu Mazen is scheduled to speak—I hope that he is wise and thinks of that decision and gets back to the negotiating table.

Mr. DEUTCH. I thank the gentlelady from New York.

It is now my honor to yield such time as she may consume to a colleague and friend who has often been described as the great pro-Israel Member of the United States House of Representatives, the Representative from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman from Florida very much for putting this Special Order together in order to discuss an issue that is very important and that is certainly front and center on the international scene today as it has been for the last several weeks. I also thank you, Mr. DEUTCH, for your extraordinarily steadfast support for the State of Israel and for the strong American-Israeli relationship that we work on and attempt to foster every day.

Madam Speaker, I rise to support our closest friend and ally, the State of Israel, and to support the peace process between Israel and the Palestinians. We must oppose Abu Mazen's misguided and dangerous effort to bypass negotiations with Israel and go to the U.N. with a unilateral resolution in order to create a Palestinian state. The ramifications of that are extraordinary. They could destabilize the entire Middle East, put Israel on the defensive at the International Criminal Court, and create a failed terrorist state right next-door to the State of Israel—controlled by the Iranians, I might add.

The Palestinians have claimed that they're going to the U.N. because they have no partner to negotiate with, but it is the Palestinians, not the Israelis, who refuse to negotiate. They demand—and they demand it time and again—that Israel cease all settlement growth in the West Bank before they would be willing to sit down and negotiate for peace and a Palestinian state with the Israelis.

I think it's time that we talk and remember the exact history—and it's not such ancient history either. Even a full settlement freeze is not enough for Abu Mazen. In the summer of 2009—if we can remember back to that time—the Netanyahu government, at great political risk, agreed to freeze all settlement growth for 10 months. Did Abu Mazen and the Palestinians sit down at the negotiating table with the Israelis? There were 10 months of a moratorium—certainly enough time to negotiate a peace agreement that would bring lasting peace to the Palestinian people and a Jewish State of Israel. Did he do that? No, he did not. He waited over 9 months to begin negotiating with Israel and only sat down at the table with weeks left on the Israeli moratorium. Then what did they do? The Palestinians demanded that the Israelis extend the moratorium. They did nothing for nine of the 10 months. Then they wanted to expand the moratorium.

This is not the behavior of a true negotiating partner. What type of negoti-

ating partner invites Hamas, a terrorist organization, to join them and become part of the Palestinian Authority? Certainly not a peace partner that wishes to bring peace and a Palestinian state to the Middle East.

The Israelis, by contrast, have shown their commitment to negotiations and have repeatedly called on the Palestinians to join them at the negotiating table. When Prime Minister Bibi Netanyahu addressed the United States Congress in a joint session on May 24, he reiterated his willingness to make painful compromises in order to reach peace with the Palestinians, but the Palestinians have turned their backs on the negotiations or on any form of compromise and have gone to the notoriously anti-Israel body, the United Nations, where they believe they will receive more sympathy and, ultimately, success.

I appreciate the Obama administration's strong statements that they will veto any Palestinian statehood effort at the Security Council, but I am deeply concerned that the Palestinians will receive overwhelming approval at the General Assembly.

Today, the Palestinian Authority has tentatively agreed to merely introduce their resolution for a unilateral declaration of statehood in the Security Council and then ask that no action be taken until they negotiate with the Israelis. This concerns me greatly. What type of way is this to negotiate? Put a gun to Israel's head, and every time the Palestinians don't like the way the negotiations are going, the Palestinians can threaten that they're going back to the United Nations? I don't think this demonstrates a true interest in sitting down and negotiating for a Palestinian state.

□ 1820

Let me tell you, as I conclude, what I think we can do; and we should do it immediately.

Congress must act. We must send a clear signal to the Palestinians that we will not continue to support them with our foreign aid dollars if they choose to act unilaterally and avoid negotiations.

I will not continue to throw taxpayer money away at the Palestinians when they are refusing to negotiate in good faith for a Palestinian state.

I have introduced H.R. 1592, which would cut off funding to the Palestinian Authority if they unilaterally declare a state outside of negotiations. I hope my colleagues will join me in cosponsoring this timely legislation. We must send a clear message to the Palestinians that their efforts to circumvent negotiations are unacceptable and the only way to statehood, the only way, is at the negotiating table.

Mr. DEUTCH, I thank you so much for allowing me to share my thoughts with you at this most delicate time in world peace.

Mr. DEUTCH. Thank you very much, Representative BERKLEY.

If there is going to be peace, you are absolutely right: that is peace that will come through negotiations. And I am not sure what type of negotiating tactic it is to, on the one hand, say that there is a commitment to negotiating, but at the same time to run to the United Nations to unilaterally declare a state in a way that only seeks to delegitimize your so-called peace partner.

Israel is committed to peace. We've seen that time and time again. Prime Minister Netanyahu is set, ready to negotiate. It is time that the P.A. moves forward with negotiations. I appreciate your insight and your commentary.

I would tell that you that as you spoke about Hamas, the P.A. made a decision also to move into a partnership with that terrorist organization, a terrorist organization that still holds Gilad Shalit captive and refuses to let the world see him, meet with him. He should be released.

This is a message that was given to Hamas, to the P.A. directly, in a meeting that I was privileged to participate in on a bipartisan trip to Israel some months back. I was pleased to be on that trip with our friend from California, Representative CARDOZA.

I am pleased to yield the gentleman as much time as he desires.

Mr. CARDOZA. Thank you, Representative DEUTCH. You are not just a friend but a great colleague.

Before she leaves the Chamber, I just want to associate myself with Congresswoman BERKLEY's remarks. The gentlewoman from Nevada has been a stalwart for the State of Israel. She is absolutely and unequivocally correct on this issue, and I will gladly cosponsor your bill.

Ms. BERKLEY. Thank you.

Mr. CARDOZA. Mr. DEUTCH, thank you for putting together this Special Order this evening. As you all know, the Palestinian Authority has stated that it will submit, or it's intending to submit, to the U.N. Secretary General Ban Ki-Moon a resolution requesting recognition of Palestinian statehood.

As President Obama said today in his speech before the U.N. General Assembly, the bonds between the United States and Israel are unbreakable, as our commitment is to the security of Israel.

And as I and my colleagues in Congress expressed earlier this year, when there was an overwhelmingly passed House Resolution 268, the only path to a lasting peace is through direct negotiations between Israel and the Palestinians that leads to a two-state solution.

Lasting peace will not come by playing destabilizing and damaging political games at the United Nations. A unilateral approach to Palestinian statehood will surely fail at the United

Nations. It will fail, and in failing it will harm the bilateral negotiation process that is the only way to bring about a lasting peace.

A lasting peace cannot be achieved while a contingent within the Palestinian Government does not recognize Israel's right to exist. A lasting peace cannot be achieved while rockets are being fired into Israel, threatening her children and her people.

I was there with Mr. DEUTCH just days after an anti-tank rocket was shot into a yellow school bus. I ask every American watching tonight and those around the world to think what they would do if the State of Mexico fired on a school bus in El Paso and the response that we as a country would pursue.

A lasting peace cannot be achieved while the same group firing those rockets into Israel is actively trying to define Israel's borders so that those rockets would then strike major populated areas.

Finally, Mr. Speaker, a lasting peace cannot be achieved when one party fundamentally refuses to negotiate the terms of peace.

I call upon President Abbas to do what's right for both the Palestinian people, the Israeli people, and the world and to not put political gamesmanship ahead of a lasting peace. I call upon him to return to a negotiating table and to give up this spurious, dangerous, and damaging game.

Mr. DEUTCH. I thank my friend from California.

There are a lot of opportunities that we as Members have to participate in the process and to see the impact of the decisions that we make.

The opportunity that we had to spend some time in the community that had just been attacked with that rocket fire reminds us of what we are doing here this evening, what President Obama did at the United Nations earlier today, and what our allies throughout the world hopefully will do in standing up to support the one great democratic nation in the Middle East, why that is so vitally important.

Mr. CARDOZA. You are absolutely correct, Mr. DEUTCH, and the visions of those scared mothers talking to us in their community by the bus stop, a shelter that has to be reinforced by concrete so that they can somewhat protect their children on the way to school, is the reason why we must act for a lasting peace, if no other than that.

Mr. DEUTCH. Thank you for being here, Mr. CARDOZA.

It is my pleasure and honor to yield as much time as he may choose to utilize to my good friend from New York, Representative JOE CROWLEY.

Mr. CROWLEY. I want to thank my dear friend and colleague from Florida for yielding me this time.

Mr. Speaker, I rise today to speak about one of the most important issues

in our world, and that is peace in the Middle East.

For far too many years, many parts of the United Nations have been hijacked by states opposed to the ongoing existence of the State of Israel. Some states simply refuse or are not willing to acknowledge that Israel is a country surrounded by many who seek her destruction. They seem to believe that if the Israelis simply conceded, simply gave up, that peace would come to the region.

That view doesn't only show a lack of understanding; it is simply wrong. The truth is no country in the world would ever take action that undermines its ability to defend itself and neither should the State of Israel.

Day in and day out, the people of Israel face the threat of terrorism. From the moment that they wake up in the morning to when they go to sleep at night, Israeli citizens wonder if they or their families will be the target of attacks.

Dozens of suicide bombings and attacks have been carried out over the past 10 years, and there is no doubt that each and every day Hamas is planning and preparing for even more attacks.

Madam Speaker, we need peace in the Middle East, but these are not the conditions for peace. How can anyone make peace when enemies are seeking their destruction? And now we see this move at the United Nations to secure unilateral declaration of statehood. Instead of finally achieving the peace that is so desperately needed, so desperately wanted, this looks like a step to try to back Israel into a corner.

Let me assure you, this is not the path to positive change. It is a grave error by Abu Mazen to demand recognition of statehood at this time. The fact is, the day after any vote, the situation on the ground in the Middle East will not have changed.

□ 1830

All the same issues will remain in place. The difference will be the trust. Trust will forever be eroded, and for good reason. That's not the only difference, however. There is another issue that I believe we need to have more discussion about.

I believe that what the Palestinian Authority is doing calls into question our funding for their work. The United States supported the Authority as a way to support peace efforts, but this statehood drive undermines those very efforts. American dollars are meant to support efforts by the Palestinian Authority to secure peace and to diminish violence, but this is not a blank check. We cannot support those who seek confrontation instead of reconciliation.

I believe it is time for a very, very serious review of our policy, the United States Congress and the United States' policy in its funding, not only for the

Palestinian Authority but for any nation that seeks to undermine the State of Israel within the U.N., not just the Palestinian Authority but any nation that would vote to undermine the existence of the State of Israel.

I want to thank Mr. DEUTCH and Mr. HOYER and all of my colleagues for putting this effort together tonight. I and my colleagues will continue to stand firmly with the people of Israel.

Mr. DEUTCH. I thank you, Mr. CROWLEY.

The most important point to make right now in listening to you and listening to Mr. CARDOZA and listening to the gentleman from California who spoke earlier from the other side, this is not a partisan issue. This is not a religious issue. This is a question of whether we stand together in support of democratic ideals, in support of the safety and security of our ally. That's what is at stake here, and I thank you for coming to so eloquently and passionately speak to that issue.

Mr. CROWLEY. Let me just make one point. There is partisanship. There are those who would use this opportunity to divide. Not here in the United States, not Republicans and Democrats, but around the world. This is a world forum we're talking about in the U.N., and what I want our allies to know and our friends to know is that we're watching—those who will stand with the State of Israel and those who will not.

Mr. DEUTCH. I thank the gentleman. Efforts to delegitimize the State of Israel at the United Nations must be opposed at every capital in this world. I thank you very much.

It is my pleasure to recognize my friend and colleague, a passionate supporter of the State of Israel who hails from a community in Illinois with an equally passionate zeal for the safety and security of the State of Israel, Representative SCHAKOWSKY.

Ms. SCHAKOWSKY. I want to thank you so much, Mr. DEUTCH, for organizing tonight's Special Order.

Today, President Barack Obama clearly restated the U.S. commitment to negotiated peace and protection of human rights. In his remarks to the General Assembly of the United Nations, the President emphasized the importance not just of peace but of human dignity and economic opportunity.

In particular, President Obama again demonstrated that he is a true and steadfast friend of Israel and reiterated that "America's commitment to Israel's security is unshakeable, and our friendship with Israel is deep and enduring."

Like the President, I am a strong supporter of a two-state solution. I look forward to a future in which a Palestinian state exists in peace alongside the Jewish State of Israel. But as the President emphasized at the U.N.

today, a genuine, true, and lasting peace can only be reached through negotiations between the Israelis and the Palestinians themselves.

I strongly support the President's diplomatic leadership and efforts to convince the Palestinians and their international allies to abandon efforts to use the U.N. to bypass negotiations with Israel, and I join him in urging them to return to the talks with the Israelis. While we acknowledge that the conflict will not be resolved easily and that it will require difficult sacrifices from both parties, it is only through direct peace negotiations between the Israelis and the Palestinians themselves that a lasting solution can be found. There can be no substitute for such negotiations. As the President stated today in New York, "Peace will not come through statements and resolutions at the United Nations."

In his speech today, the President recognized the legitimate desires of the Palestinian people for a state with recognized borders and opportunities for economic growth. I share his commitment to working toward that goal. But, as he also emphasized, any peace agreement must acknowledge and address the ongoing security threats faced daily by Israel and the Israeli people and be based on a recognition that Israel is the historic homeland of the Jewish people.

Instead of appealing to the U.N., the parties simply need to return to the table. A lasting peace cannot and will not be imposed by any external party. It must be reached by the Israelis and the Palestinians themselves, with regional and international support, including that of the United States of America. The Palestinians should abandon this effort at the United Nations. Our allies should stand with the State of Israel and a real peace negotiation. That means the Palestinians have to return to the bargaining table.

I thank you, Mr. DEUTCH.

Mr. DEUTCH. And I thank you, Congresswoman SCHAKOWSKY. Your talk about the President's statement today is important. Equally important is what the administration has been doing leading up to that speech today, in the way that the U.N. Ambassador has continued to press our allies, in the way that this administration has been clear throughout that if this movement goes forward, if the Palestinians continue to go to the Security Council, that the United States will veto that resolution because it is not a way to achieve peace. I appreciate your sharing those thoughts and raising those issues with us.

It is a great privilege for me now to turn over the floor and yield to my friend, who is one of the fiercest defenders of the U.S.-Israel relationship, one of the most outspoken Members of this body when it comes to standing up for the safety and security of the State

of Israel and someone who has steadfastly remained engaged in this issue, even traveling to New York, before coming back to Washington, to speak directly to those who will be making decisions at the United Nations, a good friend and a great colleague, ELIOT ENGEL.

Mr. ENGEL. I thank the gentleman from Florida for yielding, and before I talk about these issues, let me first compliment the gentleman from Florida. He hasn't been in Congress very long, but he certainly made his mark very strongly, particularly on the U.S.-Israel relationship. He has been a stalwart supporter and a very articulate spokesperson for the U.S.-Israel relationship. I know that Mr. DEUTCH has been very, very effective, and it is an honor to do this Special Order with him this evening.

Madam Speaker, I agree with everything that every one of my colleagues said. Let me first say, because we are Democrats having this Special Order, there has been a lot of fighting in Congress, but one thing we don't fight about, Democrats and Republicans, we agree that the U.S.-Israel relationship must remain strong. If there is one thing that unites this Congress and unites Democrats and Republicans, it's strong support for the U.S.-Israel relationship.

Many of my colleagues have made very, very good points, many of which I want to reiterate, but I think the most important thing to reiterate is this: If there is a dispute anywhere around the world, the only way you can resolve that dispute is getting the two adversaries face to face in direct negotiations to hammer out all of the areas of disagreement and hopefully come to a peace agreement.

That happened in Ireland, in Northern Ireland, a place that we never thought would get peace but did, because both sides made the commitment that they preferred peace over war and over misery that had gone on for far too long. So they sat down face to face, with a little prodding from other countries, including the United States, and were able to hash out an agreement. That, I'm convinced, is the way that the Middle East difficulties will come to fruition, only by face-to-face negotiations.

□ 1840

The Palestinians, in my estimation, have attempted to throw so many preconditions at Israel before they will even sit down and negotiate that it has made it impossible for Israel to be able to sit down and talk with them. Boundaries like 1967 boundaries or settlements or expansion of neighborhoods, all these are final status issues. These are not issues where one side says to the other side, you have to unilaterally agree with our position before we will even sit down and negotiate with you.

That makes no sense whatsoever. So face-to-face negotiations are the only way that we can have peace.

I would argue that going to the United Nations by the Palestinians actually sets back the cause of peace because if the United Nations were to declare a Palestinian state, say on the basis of the 1967 lines, which is what the Palestinians want, well, that is a guarantee that there can never be peace with an agreement like that. First of all, if the United Nations were to agree to that, no Palestinian leader in the future could ever accept anything less. And the Israelis can never accept, and will never accept, a return to the 1967 borders, which were indefensible. Israel fought wars because those 1967 borders were not defensible. And so these preconditions, and this going to the United Nations, actually sets back the cause of peace.

Now I just think a little bit of history is important because it's so easy to go on college campuses or to try to delegitimize Israel and the United Nations or to have statements that aren't really true. The fact of the matter is that Israel has always been prepared to make painful concessions for peace. I was in this Congress during 2000–2001 when President Clinton helped negotiate what we thought was a peace, the Oslo Accords, and what we thought was a peace between Israel and the Palestinians. I remember in 1993 on the White House lawn with Yasser Arafat and Yitzhak Rabin shaking hands. I remember being there with my 8-month pregnant wife in 95-degree weather, and we all had such high hopes.

But what has happened? Abba Eban used to say the Palestinians never miss an opportunity to miss an opportunity. And there have been many opportunities for peace. In 2000–2001, Israel agreed to a peace. Arafat, who was the Palestinian leader, said no. And what did Arafat turn down at that time? He turned down a Palestinian state, part of Jerusalem, 97 percent of the West Bank and billions and billions of dollars of aid. Israel said yes. He said no. I think it's important to put that in perspective.

Then the Palestinians talk about the right of return. They want to flood Israel with Palestinian refugees—not refugees that left in 1948, when Israel was founded—but their descendants. And that's a pipe dream because that could never happen. It would undermine the essence of a Jewish State of Israel.

So if there is going to be peace in the Middle East, we need to go back to what the partition of Palestine in 1948, the original resolution, said in the U.N. It said Palestine is to be partitioned into an Arab state and a Jewish state. And here we are, some 63 years later, and the Palestinians and most of the Arab world won't even recognize Israel as a Jewish state. That's where the

problem lies, not with Israel. And the attempt to go to the United Nations and sort of do an end game around Israel will not work.

Finally, and then I'd be happy to discuss this further with my colleague from Florida (Mr. DEUTCH), let me just say this, and we have heard some rumblings about it with some of our colleagues here. This Congress will not continue to fund the Palestinian Authority. It's not going to be a blank check. If the Palestinian Authority doesn't want peace and doesn't show that it wants peace, we are not going to continue to fund them.

I introduced a resolution in the Foreign Affairs Committee which came before the State Department markup which passed unanimously on a roll call vote withholding money, ending money to the Palestinian Authority if they come to the United Nations for a vote. It passed unanimously—every Democrat, every Republican. And so this Congress is not going to be a fool. Either the Palestinians want peace or they don't. But they cannot have it both ways. They cannot say they want peace and refuse to sit down and talk to Israel face to face at a negotiating table.

So, Mr. DEUTCH, I want to thank you for doing this. I think it is very, very important that all people of good will, Democrats and Republicans, stand together in support of Israel. I think the President's speech today at the United Nations was a very good speech where he talked about the bond is unbreakable between the United States and Israel.

And we have to make sure that the Palestinians live up to their commitment. Israel is willing to live up to its commitments. Israel wants to live in peace. We're now waiting to see what the Palestinian and the Arab states want to do.

Finally, let me say this. There are two factions in the Palestinians: One is Fatah, which is Abbas' faction, and one is Hamas. Hamas controls Gaza. Hamas is a terrorist group. Hamas doesn't recognize Israel's right to exist. Hamas certainly doesn't recognize the right of a Jewish state to exist. How can we expect our ally Israel to sit, negotiate, and make peace with an entity that denies its very right to exist and an entity whose whole reason for being is to destroy the Jewish state?

We wouldn't ask that of ourselves. We shouldn't ask that of Israel.

Mr. DEUTCH. I thank the gentleman.

Mr. ENGEL, if the Palestinians were serious about peace, they would abandon their unity with Hamas. They would abandon this plan to move forward at the United Nations, and they would return to the negotiating table. But this doesn't seem to be the case, as we've discussed here tonight. They seem intent on, in fact, making a mockery of the United Nations by

using it as a platform to delegitimize Israel. But we will stand up to that effort. We'll stand up against it. The fact is from the vile "Zionism is Racism" resolution of the 1970s to the biased and misleading Goldstone Report, the United States has, time and time again, stood up against such delegitimization efforts, loudly voicing our opposition and declaring that we won't tolerate such bogus and malicious accusations. And we'll stand up again for Israel this week in New York, but not just today and Friday.

I would like to take a moment to talk about what is going to be happening tomorrow. When Mahmoud Ahmadinejad brings his campaign of hatred to the United Nations General Assembly, as he stands just miles from Ground Zero a mere 3 weeks after the 10th anniversary of the September 11 attacks and blasphemously declares that the U.S. Government orchestrated the attacks to reverse the declining American economy, as he did last year, we will stand up for those brave men and women who lost their lives that day and every day since fighting for freedom. And when he stands at the U.N. and celebrates the 10th anniversary of the Durban hatefest that was an anti-Semitic rant against Israel, we will stand up for the freedom and democracy that Israel represents, the freedom and democracy that Ahmadinejad so brutally represses in his own country. That's going to be our role just tomorrow. And I know that you will look forward to standing in strong opposition to those statements from one who wishes to see Israel wiped off the map, one who could probably be tried for incitement to genocide for his statements, you will stand with me, as you always have, in opposition to the rhetoric, the hateful rhetoric, that we will be forced to listen to tomorrow.

Mr. ENGEL. Thank you, Mr. DEUTCH for pointing that out because, unfortunately, I said before that the U.N. had been a kangaroo court against Israel time and time again. Israel cannot get a fair shake in the United Nations. I do hope that we are able to block the votes in the Security Council where the United States, the Obama administration, has said that the President will do a veto of any kind of resolution, and I hope that it won't even come to that because I hope that they do not get the requisite number of votes to even pass it.

And then the Palestinians might then go to the General Assembly. They say they are going to do that. And while the General Assembly cannot admit a Palestinian state, it can upgrade their status, which would allow them to run around and harass Israeli leaders in the different international courts.

I just think the U.N. better be careful. It sits in my hometown of New

York, and we have always been proud that the U.N. is in New York. But I think the U.N. is on the verge of discrediting itself very, very badly.

□ 1850

There was resolution 242, which talked about land for peace in the Middle East. I would say that the Palestinians, by trying to get recognition unilaterally in the U.N., they are repudiating the land for peace. They're certainly repudiating the Oslo Accords, which said that both states have to sit down, the Palestinians and the Israelis have to sit down and hammer out an agreement. As I mentioned before, it even repudiates the very basis of the initial partition of Palestine in 1947 and '48 into a Jewish state and an Arab state.

And we talk about the Palestinian refugees. They have been used as pawns by the Palestinian leadership—and frankly by all the other Arab states in the world. And we ought to mention this because it's very, very important. Jewish refugees from North Africa and all over the world, from Europe, from all over the world, came to Israel and were integrated into Israeli society through the years. The Palestinian refugees could have and should have been integrated in the various Arab countries, but the Arab leaders decided to leave them in these horrendous conditions in these camps, to use the Palestinian refugees as pawns in the Palestinian camps.

It wasn't done by the Israelis. It was done by the Palestinians themselves and by the Arab nations themselves to use them as political pawns. So I think we should look at the people who are really suffering here and say why they're suffering. They're suffering because they've had a leadership that has failed them for more than 60 years.

So I'm very proud of the United States of America. I'm proud of our country for standing up for freedom. I'm proud of our country for standing with Israel. I'm proud that the President said the bond between Israel is unbreakable. We have to understand that this is not a fight between two groups that are sort of equal in being concerned about democracy. Israel shares our values. Israel is the only democracy in the Middle East. What's important to Israel is important to the United States. That's why we have to stand with Israel because if we don't do it, nobody else will. We've shown time and time and time again that the international community, particularly the United Nations, is biased against Israel; and unless the United States stands squarely with Israel, Israel will never get a fair shake.

So I am proud that we are doing that now at the United Nations. I am proud that we have taken a stand. I am proud of this Congress, on a bipartisan basis, for taking a pro-Israel stand. The

United States—and I would say this to the people of Israel—will always stand with our friends and allies, Israel, who care for the basic human rights and concerns and democracy and democratic values that we care about as well.

So as we see this unfolding, I would just say to the Palestinians, if you really want your state, if you really want a two-state solution—which I believe you are entitled to—then sit down with Israel face to face across the negotiating table, no preconditions, and talk peace. The Israelis are ready to do it. We're still waiting for the Palestinians.

Thank you, Mr. DEUTCH.

Mr. DEUTCH. I thank you very much, Mr. ENGEL, for your passionate words.

I think it's important, as we wrap this up, to think about why it is and to remind our colleagues and the American people why it is that we are so committed to this bond with Israel, and we do it because the bond with Israel runs deeper than our interests in Middle East affairs. It runs deeper than mutual security interests. Our bond is born out of the values that our two nations share, the values of freedom, of respect, of human rights. We as Americans share those values with the people of Israel. They are universal values, American values. They span religious and political parties. They bring people together from all walks of life. They are the things that some of Israel's neighbors are losing their lives fighting for, the values that Israel holds dear as a great democracy in the Middle East and in the world.

Israel faces one of its greatest challenges, a worldwide campaign to unilaterally declare a Palestinian state. The United States must continue to remind the world why it is that we stand in solidarity with Israel.

I urge our allies around the world to stand with us now in urging the Palestinians to abandon this misguided and dangerous quest. If Mr. Abbas seeks a state where the Palestinian people can truly prosper, a peaceful state, then he will look to Israel as a partner. He will understand why negotiations provide the only path to peace; and he will take his seat at the negotiating table.

To our whip, STENY HOYER, who helped us arrange this hour, and to my colleagues who participated, and to everyone who has tuned in even for a moment, I want to say thank you, thank you for giving us the opportunity to stand up at this most difficult and crucial moment in the history of the U.S.-Israel relationship and remind our allies from around the world—and every nation from around the world—just how strong and unbreakable the bond between our two nations is.

Madam Speaker, I yield back the balance of my time.

Mr. SIREs. Madam Speaker, Palestinian Authority President Abbas has announced that this Friday he will formally seek statehood recognition at the United Nations.

While there are obstacles to achieving a lasting and peaceful two-state solution, the PA's attempt to seek recognition at the UN demonstrates that they are not truly interested in achieving peace.

Such a unilateral approach, will not lead to peace. This action violates the letter and spirit of the Oslo accords and deals a significant blow to future negotiations.

Recognizing a Palestinian state would also give legitimacy to Hamas given that the terrorist group currently is in control of the Gaza Strip—an area the PA claims for its state.

By granting recognition of a state, the international community will reward Hamas for its terrorist actions, rather than condemn them.

Furthermore, this reckless action at the UN could lead to widespread violence on the ground.

The only way to achieve a two-state solution is through direct negotiations leading to a peace treaty fully accepted by both governments and by both peoples.

A vote on a unilateral UN resolution will likely set prospects for peace in the region back years.

The United States needs to stand strong with Israel, and I am pleased that President Obama has called the Palestinian efforts at the UN a "mistake" and has stated that the United States will veto this resolution should it be brought before the Security Council.

We need a unified voice from the United States and our allies showing that this action is not the way to achieve a peace and that if such action is taken, there will be consequences.

Mr. WAXMAN. Madam Speaker, I am very pleased to join with so many Members of the House to express our profound concern, and strenuous opposition, to the impending request by the President of the Palestinian Authority, Mahmoud Abbas, to seek a unilateral declaration of statehood at the United Nations later this week.

The Palestinian leadership says it wants peace with Israel, but their actions and words contradict their assertions. It is not at all clear President Abbas is even capable of making peace with Israel. He refused to enter direct negotiations last year even when Israel agreed to a settlement freeze. He refuses to accept a simple statement that he accepts Israel as a Jewish state. And, as a prelude to his bid for statehood from the United Nations, he wrote in the New York Times last May: "Palestine's admission to the United Nations would pave the way for the internationalization of the conflict as a legal matter, not only a political one." Recognition of statehood by the United Nations, in other words, is simply another front in the conflict—and not a settlement of the conflict.

Any move towards statehood for Palestine in the United Nations is gravely flawed.

First, a unilateral declaration of statehood, by the Palestinians themselves or through the United Nations, constitutes a unilateral repudiation of the peace process. A Palestinian state can only emerge at the conclusion of a peace treaty with Israel. As President Obama told the

assembled leaders of the world today at the United Nations: "There is no short cut to the end of a conflict that has endured for decades. Peace is hard work. Peace will not come through statements and resolutions at the United Nations."

Second, a unilateral declaration by the Palestinians will not bring a State of Palestine into existence. Without agreed borders, there is no agreed state. Without an agreed state, there is no lawfully constituted government of the state of Palestine.

Third, such action at the United Nations may well provoke violence in the West Bank and Gaza and possibly across the region. Excessive expectations among the Palestinians have been induced by the public campaign of the Palestinian Authority to seek statehood through the U.N. Reality cannot and will not meet those expectations—leading to immense frustration for Palestinians in the West Bank and elsewhere. In the past, this has led to successive uprisings targeting Israel. Such violence has been vicious and inhumane, with immense loss of life—and it serves no purpose. It brings neither peace nor statehood any closer. But the threat of violence overhangs the Palestinian maneuvers at the U.N.

Fourth, unilateral action at the United Nations will be a major setback of incalculable duration to any meaningful resolution of the issues if there is to be a just and lasting peace with Israel, and the establishment of a Palestinian state. If the Palestinians seek to act on their own, what is there to negotiate with Israel? Where is the dialogue? What can possibly be the prospects for a meeting of the minds and a resolution of the issues of borders, security, Jerusalem, and refugees? A unilateral declaration of statehood is not a substitute for the peace process; it is a repudiation of the peace process. And that means the end to the peace process.

Fifth, a recognition of Palestine by the United Nations will lead to great legal vulnerability to Israel and its government's leaders by giving Palestine standing in several international institutions, such as the International Court of Justice. No settlement of any issues or grievances between the parties can be advanced by legal harassment of Israel in international organizations.

For all these reasons, I believe it is imperative that the United Nations reject any unilateral bid for statehood for Palestine.

The member states of the United Nations must understand that a vote against a resolution in the General Assembly is not a vote against a Palestinian State—it is a vote to get the parties into direct negotiations so that a Palestinian State can truly and successfully and legitimately arise.

As President Obama said today: "We will only succeed in that effort if we can encourage the parties to sit down together, to listen to each other, and to understand each other's hopes and fears. That is the project to which America is committed, and that is what the United Nations should be focused on in the weeks and months to come."

Last week, I was pleased to join with dozens of Members of the House in correspondence directed to several dozen foreign heads of state, in which we urged that their governments reject a unilateral declaration of statehood for Palestine by the United Nations.

I commend our correspondence to all our colleagues. We will continue our efforts at the United Nations and redouble our commitment to the re-commencement of direct negotiations between Israel and the Palestinians leading to a peace agreement between them.

HOUSE OF REPRESENTATIVES,
September 15, 2011.

We write on a matter of great urgency, on the eve of the United Nations General Assembly meeting. It is our understanding that the leadership of the Palestinian Authority will pursue a resolution at the United Nations—in either or both the Security Council and the General Assembly—to grant the Palestinians the equivalent of statehood and/or prejudice final issues, including borders and the status of Jerusalem. One of the major goals of this effort is for the Palestinians to better position themselves to petition the International Criminal Court, very possibly bogging down the court for the foreseeable future.

It is our strong belief that such unilateral action would have devastating consequences for the peace process and the Palestinians themselves. Accordingly, we urge you in the strongest terms not to support this effort.

We believe that the only way to achieve a two-state solution is through direct negotiations leading to a peace treaty fully accepted by both governments and by both peoples. A just and lasting peace cannot and must not be imposed on the parties. If the Palestinians pursue such a unilateral approach, it violates the letter and spirit of the Oslo Accords and will deal a significant blow to future negotiations. Given the expectations gap among the Palestinian public, such action could lead to widespread violence on the ground, jeopardizing the West Bank's impressive economic and security gains over recent years. There is also a substantial risk of more broadly inflaming the region and increasing violence at a time of already great instability. Finally, the United States will reconsider its assistance program for the Palestinian Authority and other aspects of U.S.-Palestinian relations if they choose to pursue such a unilateral effort.

We are confident that your government shares the United States' commitment to a comprehensive resolution of the conflict between the Israelis and the Palestinians. That outcome can only be achieved through direct negotiations. A vote on a unilateral UN resolution will likely set prospects for peace back years.

Our bilateral relationship is based on certain fundamental values. We urge you to vote those values, and to stand with the United States in not supporting unilateral action at the UN that would impede the peace we all seek.

Thank you for your consideration of our views.

Democratic Whip Steny H. Hoyer; Democratic Leader Nancy Pelosi; Rep. Gary Ackerman; Rep. Joe Baca; Rep. Shelley Berkley; Rep. Howard Berman; Rep. Madeleine Bordallo; Rep. Leonard Boswell; Rep. Dennis Cardoza; Rep. Russ Carnahan; Rep. David Cicilline; Rep. Emanuel Cleaver; Rep. Gerry Connolly; Rep. Jim Costa; Rep. Jerry Costello; Rep. Mark Critz; Rep. Joseph Crowley; Rep. Susan Davis; Rep. Rosa DeLauro; Rep. Ted Deutch.

Rep. Eliot Engel; Rep. Charlie Gonzalez; Rep. Gene Green; Rep. Janice Hahn; Rep. Brian Higgins; Rep. Kathy Hochul; Rep. Tim Holden; Rep. Steve Israel; Rep. William Keating; Rep. Larry

Kissell; Rep. James Langevin; Rep. John Larson; Rep. Sander Levin; Rep. Dan Lipinski; Rep. Nita Lowey; Rep. Carolyn Maloney; Rep. James McGovern; Rep. Gregory Meeks; Rep. Michael Michaud; Rep. Chris Murphy.

Rep. Jerrold Nadler; Rep. Eleanor Holmes Norton; Rep. Bill Owens; Rep. Gary Peters; Rep. Steven Rothman; Rep. C.A. Dutch Ruppersberger; Rep. John Sarbanes; Rep. Janice Schakowsky; Rep. Adam Schiff; Rep. Allyson Schwartz; Rep. David Scott; Rep. Brad Sherman; Rep. Heath Shuler; Rep. Albio Sires; Rep. Betty Sutton; Rep. Edolphus Towns; Rep. Debbie Wasserman Schultz; Rep. Henry Waxman.

MEDICARE AND OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Thank you, Madam Speaker, and I thank our majority leader for giving me the opportunity to take this time this evening to talk about two of the most important issues on the minds of every American, but especially on the minds of our seniors, and those two issues are, number one, Medicare, and, number two, the Patient Protection and Affordable Care Act.

Now, if you go to the 11th Congressional District of Georgia, Madam Speaker, and you say, what do you think about the Patient Protection and Affordable Care Act that was passed on March 23, 2010—1½ years ago—in this body, they would say I don't know what you're talking about. What is PPACA, the Patient Protection and Affordable Care Act? And then if you said to the folks in the 11th of Georgia, well, ObamaCare, they would say yes, of course, now I know what you're talking about. So tonight I will use the term "ObamaCare"—not in a pejorative way, but it's the term that's most recognizable to the American people.

Of course even today, 1½ years after passage of ObamaCare, fully 60 percent of people across this country are opposed to it. They were opposed to it at its inception; and yet when President Obama was inaugurated and became our 44th President, just within weeks there was this push to have something that I would call national health insurance or government-controlled health insurance for this great country of ours.

Many times, Madam Speaker, the dialogue was, well, we have been wanting this government-controlled health insurance, national health insurance, Medicare-for-all government insurance from cradle to grave for years, way back in probably the days of Theodore Roosevelt. We have been wanting this and trying to get this passed, and now

is our opportunity. Now finally we have the opportunity to bring this to the American people.

Well, who was it, Madam Speaker, that wanted it all these years? And why, if they wanted it so badly for 50, 60, 70 years, why was it never passed? Indeed, why was it not passed the last time before this passage in March of 2010? Why did it fail back in 1993–94, during the administration of President Clinton, when we referred to it as HillaryCare? Everybody remembers that very well. Well, it's because the American people don't want this. They didn't want it then, didn't want it in 1993–94, absolutely didn't want it in March of 2010. And yet this President and that majority—at the time, the Democrats controlled this House of Representatives. They controlled the Senate. They had the White House.

□ 1900

All their ducks were in a row. Everything was aligned. And they literally spent a year and a half, Madam Speaker, a year and a half forcing that legislation, literally, down the throats of the American people, even when folks of all ages, but especially seniors, were saying, you know, We don't really want this.

Part of that reason, especially in regard to our seniors, Madam Speaker, is the fact that they were worried, and still are worried, about their Medicare program. Medicare, of course, was an amendment to the Social Security Act that was passed back in 1965. I had just completed my freshman year of medical school, and I remember it very well. Medicare, of course, is a great program for our seniors. I would hate to think what our situations would be, those over 65 and those with disabilities, if it were not for the Medicare program.

But, Madam Speaker, the Medicare program is far from secure. I'm sad to say that tonight, but it's the truth, and I think the American people, and again, especially our seniors who are currently on Medicare, or those that are getting close to age 65, I think they know that our attention in this Congress and from this administration should be on preserving, strengthening the Medicare program for our seniors and not spending a year and a half, from January 2009, literally, until March of 2010, with almost nothing on the agenda but instituting, passing this new entitlement program called PPACA, Patient Protection Affordable Care Act, or, indeed, ObamaCare, that really has nothing to do with seniors, has very little to do with those who are poor in this country, through no fault of their own, and thank goodness, again, created in 1965, their health care system called Medicaid.

So, no, what we have done with ObamaCare, Madam Speaker and my colleagues, is just simply create a

whole new entitlement program. I will make a little analogy and say that if, in the middle of a thunderstorm, you have a leaking roof on your house, you don't go out and add another room or a deck on the back of the house. You get up on that roof and you stop the leaking.

It's a matter of priorities, Madam Speaker. It's a situation that is beyond my comprehension that the Democratic majority and President Obama would spend all that time and effort trying to add a new room, put a deck on the back of the house when the roof was badly leaking. And the analogy is, of course, that roof is the Medicare program.

There's so many things that we need to do and we need to have the courage to do. I am very proud of my party, the current majority in this House of Representatives, when we passed our budget for fiscal year 2012, sometimes referred to as the Ryan budget. PAUL RYAN, Madam Speaker, as you know, is our colleague that is the chairman of the Budget Committee. But it is a Republican budget, and it has the courage of conviction, the commitment to our senior citizens to say to them, We are going to fix the Medicare program and we're going to guarantee that it will be there for your children and your grandchildren and your great-grandchildren, and that the benefit program that you currently have and, indeed, even people who are not yet eligible for Medicare but they're 55 years old, 10 years away, we would enact no changes whatsoever to their Medicare benefits.

Medicare as you know it will be preserved and protected for those 47 million people who are currently on the Medicare program; maybe 7 million of those are younger individuals who are permanently disabled. Forty-seven million people currently on Medicare. When you add those who, today, men and women in this country who are 55 years of age or older but not yet 65, in 10 years, Madam Speaker, that will be another 20 to 25 million people on the Medicare program with absolutely no changes. You're talking about 65 or 70 million people 10 years from now who will be on Medicare, traditional Medicare as we know it, for the rest of their natural lives, and I hope every one of them, including myself, lives to be 93 years old like my mom is today and enjoying the benefits and the security of Medicare.

Again, we diverted our attention away from a program that our seniors can't live without but that's in danger of becoming insolvent. And that's not Congressman PHIL GINGREY, Dr. GINGREY, the chairman of the GOP House Doctors Caucus speaking, although I do represent, Madam Speaker, that group here tonight as the designee for the Republican majority in this hour of time that is allotted to me. No, this is the trustees of Medicare and the

Congressional Budget Office and the actuary of CMS, Centers for Medicare and Medicaid Services, who every year they look at the sustainability of the program. And what they have told us, Members of Congress, on both sides of the aisle, in both bodies, we know very clearly that the best case scenario if we do nothing is that Medicare will be insolvent. We're talking now about the Hospital Trust Fund. It will be insolvent by the year 2024. Maybe it's worse than that, maybe by the year 2020.

For us to ignore that, just using the expression, Madam Speaker, whistling past the graveyard, pretending something doesn't exist that's as obvious as the nose on your face, kicking the can down the road thinking, well, gee, you know, all I really care about is getting reelected and let somebody else deal with the problems, unconscionable on our part.

And to suggest that this new program to cover those in the country, I don't know how many, 20 million people maybe, that are not poor enough for the Medicaid program and not old enough or disabled enough for the Medicare program, let's create yet another entitlement program. If money grew on trees, that might not be a bad philosophy, but it doesn't. It doesn't. If it did, we wouldn't be in debt \$14.9 trillion, soon to be \$15.5 trillion. We just can't do everything, and we have to set our priorities and focus on what is the right thing, what is the most important thing.

I say to my colleagues tonight, Madam Speaker, during this time, that that most important thing is to strengthen, to preserve, to save our Medicare program for our current seniors and for our children and our grandchildren.

□ 1910

There's so many things in ObamaCare, this new program, this new entitlement program, to make sure that everybody has health insurance whether they really want to or not.

There are so many things in this bill, which doesn't really fully go into effect until 2014, but yet the taxes that are burdening our citizens are already being applied, whether it's an addition to the payroll tax, taxing for the first time income that's not earned, income that's interest, income that's dividends, income that's rental income. If mom and pop happen to rent out a room in their basement, and they have income over a certain amount, the President says they're rich. Again, I used this word a few minutes ago, it's just unconscionable.

When ObamaCare was created, one of the largest pay-fors in that program, Madam Speaker, was cuts to Medicare, something like \$550 billion taken out of the Medicare program—not to strengthen Medicare, not to pay for

catastrophic coverage for our seniors, not to strengthen the prescription drug plan, part D, not to close the doughnut hole. No. That money was taken out of the program to pay for this new entitlement that most of us know as ObamaCare, or the Patient Protection and Unaffordable Care Act. In my opinion they should have called it that. That's what's hurting this country very badly right now.

There are many things in ObamaCare that a lot of folks are not really aware of. They don't fully appreciate what is there because as Speaker PELOSI said, you're not going to know until you read it. She suggested that once you read it, you might like it. That certainly has not turned out to be the truth.

Madam Speaker, I want to take an opportunity to go through a few slides. Here are some of the promises that were made as the ObamaCare law was developed.

"ObamaCare will reduce the deficit," Senator TOM HARKIN of Iowa says of the Affordable Care Act, "This historic legislation will reduce the deficit by \$143 billion over the next 10 years."

The next bullet point, colleagues, I know you can't see the small writing so I will read it to you: ObamaCare will create jobs and improve the United States economy. The White House claims that ObamaCare, and this is also a quote from Tim Geithner, the Treasury Secretary, "helps businesses and the overall economy by eliminating hidden costs that currently contribute to higher health care premiums charged to businesses and the government." Tim Geithner, Secretary of the Treasury, said that in a White House blog on January 19 of this year.

Another quote from the President himself: The Patient Protection and Affordable Care Act "will save a typical family up to \$2,500 on premiums yearly." President Obama said that, of course, back in 2009. He also said, "If you like your health plan, you can keep your health plan."

During the health reform debate, President Obama promised Americans that there is nothing in the new law that would force Americans to change plans or their doctor. Colleagues, do you remember that? Sure you do. Of course you do.

Then the last bullet point on this slide, Madam Speaker: ObamaCare will not ration health care.

Now, this is in reference to the provision that was added in the Senate creating something called the acronym IPAB, Independent Payment Advisory Board, kind of like MedPAC is an advisory board under current Medicare.

But this creates this new board, and Secretary Sebelius said this on June 23, just a couple months ago, "IPAB is expressly prohibited from making recommendations that ration care, raise premiums, reduce benefits, or change

eligibility for Medicare." That's a quote from Secretary of Health and Human Services Kathleen Sebelius.

Here, Madam Speaker, are the realities. Those were the promises. Here are the realities.

Colleagues, please pay attention to this next poster because this is so important.

ObamaCare will not reduce the deficit. According to a report by the House Budget Committee, there will be a \$700 billion increase in the deficit in the first 10 years of ObamaCare.

The second bullet point: ObamaCare will not create jobs nor will it improve our economy. According to testimony by the Director of the Congressional Budget Office, the American labor force will be reduced by 800,000 jobs due to ObamaCare provisions that will effectively increase marginal tax rates, which will also discourage work. That was the testimony of Doug Elmendorf, the Director of the Congressional Budget Office. He was put in that position by Speaker PELOSI. And that was at a House Budget Committee hearing in February of this year, some 6 months after the passage of ObamaCare.

The third bullet: ObamaCare will not lower health care costs for families by \$2,500 a year. The President was wrong about that. Due to ObamaCare, families buying insurance on their own can expect a \$2,100 increase in premiums. And that's from a letter from CBO to former Senator Evan Bayh, a Democrat from Indiana, and that was in November of 2009, some 5 months after passage of ObamaCare. I'm sorry. That was actually 6 months before. This is when the bill was being developed and debated in the Senate.

If you like your health plan, you cannot keep your health plan. According to the United States Census Bureau, the 2010 census shows that employer-provided insurance fell by 1.5 million to 55.3 percent from 56.1 percent in 2009. And it is continuing to fall. It would not surprise me if within the next 6 to 8 years, Madam Speaker, that a hundred million workers in this country will lose their employer-provided health insurance because the mandates of ObamaCare make it impossible to meet this requirement.

It's not just a matter of being forced to provide the health care for their employees; it is the type of health insurance coverage dictated by the Federal Government. That's why, my colleagues, 60 percent of this country remains totally opposed to this.

Finally on this poster, ObamaCare will ration health care. Don Berwick is the new director of the Centers for Medicare and Medicaid Services, CMS. He had to be appointed by the President during a recess because he could not pass advise and consent and approval by the United States Senate.

□ 1920

They didn't have the votes. They didn't have all the Democratic votes, I feel quite confident.

So the President used a little trick of the trade and put him in this position during a congressional recess. This is a gentleman who was quoted and who wrote about and talked about other national health insurance programs. In regard to rationing, here is what the Director of Medicare said, "The decision is not whether or not we will ration care. The decision is whether we will ration with our eyes open." Don Berwick in Biotechnology Health Care, June 2009.

Madam Speaker, as we talk about these two programs—Medicare on the one hand, ObamaCare on the other—I just think it's so important for us to understand what kind of costs we're talking about. This new entitlement program, it's not paid for. They tried to say that it was paid for, and raised \$1 trillion by slashing and burning Medicare of \$550 billion and by raising taxes for the other \$500 billion, and said in the final analysis that this is paid for and that it saves money. Nothing could be further from the truth.

This program is not paid for. It does not save money, and it is probably costing we the taxpayers \$2.7 trillion. How can we afford to do that, to add that new room or to build that new deck when there are obligations that we have made to our seniors and our obligations that we have made—our promises, our commitment—to those who, through no fault of their own, are unemployed, who have little income or maybe no income? That hand up, of course, is the Medicaid program. It is just patently unconscionable for we as Members of this great Congress to ignore that.

As our supercommittee now is debating what needs to be cut in our overall spending of \$3.7 trillion every year—and 30 percent of that is borrowed—that's how you get to a debt of \$15 trillion. If you borrow \$1 trillion here and \$1 trillion there for 3 or 4 years in a row and if you create a new entitlement program that costs another \$2.7 trillion, you can get to \$15 trillion worth of debt pretty darned quickly.

So, to this bipartisan commission which has been set up to recommend additional cuts so that the President can have his request granted to increase the debt ceiling another \$1.5 trillion so that he gets through the next election and so that this issue doesn't have to be addressed again, and as this bipartisan, bicameral commission of 12 Members debates where to find the offsetting cuts of \$1.5 trillion, Madam Speaker, I would say, Hey, men and women. You're all very bright. You were selected by your respective parties and your respective leadership because of the respect all the Members

have for you and for your work and experience in regard to dealing with these things.

You've got the chairman of the Ways and Means Committee, the chairman of the Energy and Commerce Committee, one of the more senior members of the Financial Services Committee—and I'm referring to the Republicans on the committee. You have the ranking member of the Budget Committee on the Democratic side, and you have one of the highest leadership Members from South Carolina. You have good Democrats and good Republicans in this body and in the other body.

I know they're struggling. I know they're struggling. I know the President just sent them a document, a 29-page document, asking for another \$2 trillion worth of cuts. Hey, repeal ObamaCare, and you'll get \$2.7 trillion of reduction in the debt. It is so simple, and it's what the American people want. It's what the American people want.

Majority Leader REID, pass the House-passed budget for fiscal year 2012. I know the Senate hasn't passed a budget in 900 days—I understand that—but just don't keep down that path. It's like trying to tax your way out of debt. The President seems to think that that's the way to create jobs. You just tax the so-called "rich," who actually are people who have an adjusted gross income of \$200,000 a year. These are the job creators. These are the small business men and women who, by the way, pay their taxes as individuals.

Colleagues, you know that, and you know that this is a lot about politics and that it's a lot about the next election; but we just need to take a deep breath and think about what the people back home are telling us. Think about the struggles that they're going through, those 15 million without jobs—and 45 percent of them have been without jobs for more than 6 months. When you add the underemployed or the people who have just given up, you're probably talking about not 14, 15 million; you're probably talking about 25 million people.

I see it. I see it, colleagues, in town hall meetings, and I know you do, too—both Republicans and Democrats. People ask questions. They shake their fingers at you. They're just not going to take some little smoke and mirrors answer to these tough questions. They're fed up with that, and I don't blame them. That's why our approval rating is so poor in the Congress. We as individuals like to think "they love me in my district." You'd better hope so, but maybe not. Maybe not. Maybe every one of us is at risk of joining the ranks of the unemployed.

If we don't do the right thing, Madam Speaker, we deserve it. We deserve to be fired.

I stand here tonight, hopefully not in a partisan way. I think my colleagues

on the Democratic side of the aisle would agree that my rhetoric is not over the top—maybe occasionally. Let's try to be honest with each other and work together and get things done and realize, when you've crammed a law like PPACA, the Patient Protection and Affordable Care Act, down the throats of the American people when 60 percent or more say they don't want it, your first priority should be to create jobs and that your second priority and your third priority should be to create jobs and put America back to work and not spend a year and a half trying to pass something just because Democrats for 75 years have wanted this program of government control over health care. I think it was so wrong-headed. It's even worse than the previous year when we spent the whole year trying to please Al Gore and pass this scheme of cap-and-tax—or cap-and-trade—in regard to carbon dioxide. In the process, it would literally have cost every family in this country \$1,500 a year in increased utility bills.

□ 1930

That's what the Democratic majority did when they took over in January of 2007. For a year and a half, I can remember distinctly, Madam Speaker, I was on the Science Committee and the very first hearing we had, we had one witness. That was the new Speaker of the House, NANCY PELOSI, promoting cap-and-trade or cap-and-tax.

And the next hearing we had, we had one witness. That was Al Gore, former Vice President, again, pushing for something that was a job killer, maybe not a job killer for him, maybe not a job killer for certain sectors, special interests in this country, but for John Q. Public, Joe the Plumber, an absolute killer to jobs and has done nothing but increase unemployment despite spending \$850 billion on a stimulus bill that, if it created any jobs, they were government jobs.

Then, in the default position, the Democratic majority says, oh, well, you know, if it hadn't been for this bill that we've passed, all this spending, a lot of jobs would have been lost. Well, that's easy to say, but how do you count that? How do you verify that? Trust but verify.

Again, Madam Speaker, I am not going to take all of the designated hour this evening, but I am proud to have had the opportunity tonight to talk about these issues, yes, on behalf of the GOP House Doctors Caucus, as a member, health care providers, nurses, doctors, dentists, psychologists, people that have been there, that walk the walk in regard to what's best for our country and best for our citizens and, yes, best for our patients, not just seniors. I talked a lot about Medicare tonight and this PPACA, ObamaCare, but we need to let the marketplace work.

Mr. President, we don't want, we didn't want, we never will want a U.K.-

type system. We don't want national health insurance. We don't want bureaucrats coming between our health care providers and their patients.

If we don't repeal ObamaCare, we are going to destroy medicine as we know it, not just Medicare and Medicaid as we know it, but health care as we know it. Colleagues, that's one-sixth of our economy today, and it will be growing each and every year.

With that, Madam Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1958

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 7 o'clock and 58 minutes p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-214) on the resolution (H. Res. 409) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Ms. PELOSI) for today after 2 p.m. on account of attending a funeral in district.

Mr. BACA (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 22, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3166. A letter from the Program Analyst, Department of Transportation, transmitting the Administration's final rule — Make Inoperative Exemptions; Vehicle Modifications To Accommodate People With Disabilities, Head Restraints [Docket No.: NHTSA-2011-0108] (RIN: 2127-AK22) received August 11, 2011; to the Committee on Energy and Commerce.

3167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — New Car Assessment Program (NCAP); Safety Labeling [Docket No.: NHTSA-2010-0025] (RIN: 2127-AK51) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2011-0107] (RIN: 2127-AK80) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0175] (RIN: 2127-AK84) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3170. A letter from the Director, Regulations and Disclosure Law Division, Department of the Treasury, transmitting the Department's final rule — Courtesy Notice of Liquidation [USCBP-2010-0008] (RIN: 1515-AD67) (formerly RIN: 1505-AC21) received August 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3171. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — United States Income Tax Treaties That Meet the Requirements of Section 1(h)(11)(C)(i)(II) [Notice 2011-64] received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3172. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Marginal Production Rates [Notice 2011-58] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3173. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Section 43 Inflation Adjustment [Notice 2011-57] received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3174. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-67] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Creditability of UK Remittance Basis Charge (Rev. Rul. 2011-19) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3176. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Definition of Solid Waste Disposal Facilities for Tax-Exempt Bond Purposes [TD 9546] (RIN: 1545-BD04) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3177. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — State and Local Bonds: Volume Cap and Timing of Issuing Bonds [Notice 2011-63] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3178. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct liability (Rev. Proc. 2011-41) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3179. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — September 2011 (Rev. Rul. 2011-20) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3180. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Elections Regarding Start-up Expenditures, Corporation Organizational Expenditures, and Partnership Organizational Expenses [TD 9542] (RIN: 1545-BE77) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3181. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annuity and Life Insurance Contracts with a Long-Term Care Insurance Feature [Notice 2011-68] received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3182. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee [TD 9544] (RIN: 1545-BK34) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3183. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue procedure under section 263(a) regarding the capitalization or deduction of electric utility transmission and distribution costs (Rev. Proc. 2011-43) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3184. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act [TD 9541] (RIN: 1545-BJ60) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3185. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Method for Making Election to Apply Carryover Basis Treatment under Section 1022 to the Estates of Decedents who Died in 2010 and Rules Applicable to Inter Vivos and Testamentary Generation-Skipping Transfers in 2010 [Notice 2011-66] received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3186. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Use of Actuarial Tables in Valuing Annuities, Interests for Life or Terms of Years, and Remainder or Reversionary Interests [TD 9540] (RIN: 1545-BH67) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 409. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-214). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LARSON of Connecticut (by request):

H.R. 12. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; to the Committee on Ways and Means, and in addition to the Committees on Small Business, Transportation and Infrastructure, Education and the Workforce, Energy and Commerce, Financial Services, House Administration, the Judiciary, Oversight and Government Reform, Rules, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MORAN, and Ms. ZOE LOFGREN of California):

H.R. 2981. A bill to amend the Immigration and Nationality Act to eliminate the 1-year deadline for application for asylum in the United States; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mrs. SCHMIDT, Mrs. MALONEY, Mr. SMITH of New Jersey, Mr. DEFazio, Ms. NORTON, Ms. SPEIER, Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. ADERHOLT, Ms. RICHARDSON, Mr. LONG, Mr. BILIRAKIS, Mr. MORAN, Mr. POE of Texas, Mr. WOLF, Mr. JACKSON of Illinois, and Mr. PITTS):

H.R. 2982. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

By Mrs. CAPITO:

H.R. 2983. A bill to amend the Outer Continental Shelf Lands Act to require the Secretary of the Interior to conduct offshore oil and gas leasing, to deposit use revenues from such activity into the Inland Waterways Trust Fund and the Highway Trust Fund, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Ways and

Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2984. A bill to designate certain Federal lands within the Cross Island National Wildlife Refuge and the Petit Manan National Wildlife Refuge, part of the Maine Coastal Islands National Wildlife Refuge Complex, in Lincoln County, Hancock County, and Washington County, Maine, as wilderness; to the Committee on Natural Resources.

By Mr. AKIN (for himself and Mr. REYES):

H.R. 2985. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to issue, upon request, veteran identification cards to certain veterans; to the Committee on Veterans' Affairs.

By Mr. BACA:

H.R. 2986. A bill to expand the Officer Next Door and Teacher Next Door initiatives of the Department of Housing and Urban Development to include fire fighters and rescue personnel, and for other purposes; to the Committee on Financial Services.

By Mr. BERMAN (for himself and Mr. MANZULLO):

H.R. 2987. A bill to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN:

H.R. 2988. A bill to amend the Export Enhancement Act of 1988 to enhance awareness of export promotion activities with respect to clean energy and environmental products and services of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BRADY of Texas (for himself, Mr. CROWLEY, Mr. TIBERI, and Ms. BERKLEY):

H.R. 2989. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself and Mr. CONYERS):

H.R. 2990. A bill to create a full employment economy as a matter of national economic defense; to provide for public investment in capital infrastructure; to provide for reducing the cost of public investment; to retire public debt; to stabilize the Social Security retirement system; to restore the authority of Congress to create and regulate money, modernize and provide stability for the monetary system of the United States; and for other public purposes; to the Committee on Financial Services.

By Mr. CULBERSON:

H.R. 2991. A bill to disapprove of a certain sentencing guideline amendment submitted by the United States Sentencing Commission, and for other purposes; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mr. CONNOLLY of Virginia, Mr. FORBES, Ms. BERKLEY, Mr. CAMP, Mr. DIAZ-BALART, Mr. ROHRBACHER, Mr. BURTON of Indiana, Mr. AUSTIN SCOTT of Georgia, Mr. McCAUL, Mr. CARTER, and Mr. BERMAN):

H.R. 2992. A bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its

self-defense capability against the increasing military threat from China; to the Committee on Foreign Affairs.

By Mr. GRAVES of Missouri (for himself, Mrs. EMERSON, Mrs. HARTZLER, and Mr. LUETKEMEYER):

H.R. 2993. A bill to direct the Chief of the Army Corps of Engineers to revise certain authorized purposes described in the Missouri River Mainstem Reservoir System Master Water Control Manual; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself, Mr. YOUNG of Alaska, and Mr. DEUTCH):

H.R. 2994. A bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 2995. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for hiring post 9-11 veterans; to the Committee on Ways and Means.

By Mr. KISSELL (for himself and Mr. ROE of Tennessee):

H.R. 2996. A bill to amend title 38, United States Code, to extend the period of time in which the Secretary of Veterans Affairs presumes the service-connection of certain disabilities of veterans who served in the Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LONG (for himself, Mr. LUETKEMEYER, Mr. AKIN, Mrs. EMERSON, Mrs. HARTZLER, Mr. PEARCE, Mr. CARTER, Mr. SMITH of Nebraska, Mr. HUIZENGA of Michigan, Mr. SIMPSON, Mr. LUCAS, Mr. PETERSON, Mr. HARRIS, Mr. TERRY, and Mr. THOMPSON of Pennsylvania):

H.R. 2997. A bill to amend the Comprehensive Environmental Responsive Compensation and Liability Act of 1980 ("Superfund") to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCAUL (for himself, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. BILIRAKIS, Mr. KING of New York, and Mr. OLSON):

H.R. 2998. A bill to amend title 46, United States Code, to prohibit the delegation by the United States of inspection, certification, and related services to a foreign classification society that provides comparable services to Iran, North Korea, North Sudan, or Syria and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. McDERMOTT:

H.R. 2999. A bill to extend Federal recognition to the Duwamish Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia (for himself, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. SESSIONS, and Mr. FLEMING):

H.R. 3000. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, the Judiciary, Natural Resources, Rules, House Administration, Appropriations, Oversight and Government Reform, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS (for himself, Mr. SHERMAN, Mr. BERMAN, Ms. HAYWORTH, and Mr. GRIMM):

H.R. 3001. A bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 3002. A bill to make local funds of the District of Columbia for fiscal year 2012 available for use by the District at the beginning of the fiscal year at the rate of operations provided under the local budget act for such fiscal year if the regular District of Columbia appropriation bill for such fiscal year does not become law prior to the beginning of such fiscal year; to the Committee on Oversight and Government Reform.

By Ms. SPEIER (for herself, Mrs. MALONEY, Mr. GRIJALVA, Mr. PAYNE, Ms. ESHOO, Mr. BACA, Ms. WILSON of Florida, Ms. BROWN of Florida, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. HOLT, Mrs. NAPOLITANO, Mr. HINCHEY, Mr. KILDEE, Mr. CONNOLLY of Virginia, Mr. STARK, Mr. MEEKS, Mr. CARDOZA, Mr. PITTS, Ms. WOOLSEY, Mr. FILNER, Mrs. BIGGERT, Mr. SHERMAN, Ms. NORTON, Mr. YODER, Mrs. DAVIS of California, Mr. DOLD, Mr. TOWNS, Mr. McGOVERN, Ms. MOORE, Mr. SCHOCK, and Ms. MATSUI):

H.R. 3003. A bill to award a Congressional Gold Medal to Dr. Balazs "Ernie" Bodai in recognition of his many outstanding contributions to the Nation, including a tireless commitment to breast cancer research; to the Committee on Financial Services.

By Mr. THOMPSON of California:

H.R. 3004. A bill to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TONKO:

H.R. 3005. A bill to make supplemental appropriations for disaster relief for fiscal year 2011; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself and Ms. DELAURIO):

H.R. 3006. A bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes; to the Committee on Agriculture.

By Mr. YARMUTH:

H.R. 3007. A bill to direct the Administrator of the Small Business Administration to establish and carry out a direct lending program for small business concerns, and for

other purposes; to the Committee on Small Business.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. The SPEAKER presented a memorial of the Senate of the State of Montana, relative to Senate Resolution No. 28 questioning the assumptions made and the accuracy of the analysis used in making the decision to relocate the F-15C/D mission out of Great Falls to Fresno, California; to the Committee on Armed Services.

141. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 10 urging the Congress to enact legislation that assists the Federal Deposit Insurance Corporation and the National Credit Union Share Insurance Fund in establishing a voluntary system for full insurance for public funds accounts; to the Committee on Financial Services.

142. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 13 supporting the filling of the overwhelming need for reinvestment in the profession of social work in the United States; to the Committee on Education and the Workforce.

143. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 12 urging the Congress and the President to call a White House Conference on Children and Youth; to the Committee on Education and the Workforce.

144. Also, a memorial of the Senate of the State of Montana, relative to Senate Joint Resolution No. 10 requesting Congress to consider adopting legislation prohibiting the EPA from utilizing existing federal laws to regulate greenhouse gas emissions; to the Committee on Energy and Commerce.

145. Also, a memorial of the Senate of the State of Montana, relative to Senate Joint Resolution No. 12 urging the Department of the Interior to consider the negative impact that oil and gas leasing and permitting policies that may have on Montana's economy; to the Committee on Natural Resources.

146. Also, a memorial of the Senate of the State of Montana, relative to Senate Joint Resolution No. 6 urging the Congress and the President to focus adequate federal resources on funding to complete environmental review processes for federal land use decisions with improved timelines; to the Committee on Natural Resources.

147. Also, a memorial of the House of Representatives of the State of Montana, relative to House Joint Resolution No. 1 supporting the transfer of management of the grey wolf to the state of Montana; to the Committee on Natural Resources.

148. Also, a memorial of the House of Representatives of the State of Montana, relative to House Joint Resolution No. 4 opposing the presidential designation of any new national monument in Montana; to the Committee on Natural Resources.

149. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 1 urging the Congress to pass legislation to ease the visa application process for Chinese visitors; to the Committee on the Judiciary.

150. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 11 memorializing the Congress to restore fund-

ing for the Regional Counterdrug Training Academy located in Meridian, Mississippi; to the Committee on the Judiciary.

151. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 6 urging the Congress to require the Veterans Health Administration to pay the transportation costs when a veteran who sought emergency care at a facility not operated by the VHA is transported to a VHA facility; to the Committee on Veterans' Affairs.

152. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 170 memorializing the Congress to take such actions as are necessary to ensure that no reductions are made to benefits for Social Security recipients; to the Committee on Ways and Means.

153. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 25 urging the Congress to pass legislation that will reauthorize and extend the Secure Rural Schools and Community Self-Determination Act of 2000; jointly to the Committees on Agriculture and Natural Resources.

154. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 10 supporting school-based health center program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

155. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 20 urging the Congress to enact legislation that requires the Federal Aviation Administration to develop an expedited approval process for application for aerial testing in rural counties; jointly to the Committees on Transportation and Infrastructure and Science, Space, and Technology.

156. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 12 requesting that the Congress and the President enact the federal Strengthening Medicare and Repaying Taxpayers Act of 2011; jointly to the Committees on Ways and Means and Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LARSON of Connecticut:

H.R. 12.

Congress has the power to enact this legislation pursuant to the following:

The Commerce clause and provisions to provide for the general welfare.

By Mr. STARK:

H.R. 2981.

Congress has the power to enact this legislation pursuant to the following:

Clause 4, Section 8 of Article I of the Constitution

By Mr. CARTER:

H.R. 2982.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power *** To make all Laws which shall be necessary and proper for carrying into Execution the fore-

going Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. CAPITO:

H.R. 2983.

Congress has the power to enact this legislation pursuant to the following:

Spending Clause: Article 1, Section 8, Clause 1.

Interstate Commerce Clause: Article 1, Section 8, Clause 3.

Power Respecting Property Belonging to the United States: Article IV, Section 3, Clause 2.

By Mr. MICHAUD:

H.R. 2984.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article IV, Section 3, Clause 2 of the United States Constitution (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. AKIN:

H.R. 2985.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. BACA:

H.R. 2986.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. BERMAN:

H.R. 2987.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BERMAN:

H.R. 2988.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BRADY of Texas:

H.R. 2989.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KUCINICH:

H.R. 2990.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Article I, Section 8, which enumerates the power of Congress to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures. The bill will re-assert the sole grant of constitutional authority to Congress to create money.

By Mr. CULBERSON:

H.R. 2991.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the U.S. Constitution of the United States.

By Ms. GRANGER:

H.R. 2992.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. GRAVES of Missouri:

H.R. 2993.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8, Clause 3 of the United States Constitution, Congress shall have the power to Regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Graves 050 seeks to remove an impediment to commerce, among other things.

By Mr. INSLEE:

H.R. 2994.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, the General Welfare Clause.

By Mr. KEATING:

H.R. 2995.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. KISSELL:

H.R. 2996.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. LONG:

H.R. 2997.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I

Article I, Section 8, Clause 9.

By Mr. MCCAUL:

H.R. 2998.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by the United States Constitution under Article I, Section 8, Congress shall have the power To . . . provide for the common Defense and general Welfare of the United States and To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. McDERMOTT:

H.R. 2999.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 (To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes)

By Mr. PRICE of Georgia:

H.R. 3000.

Congress has the power to enact this legislation pursuant to the following:

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article I of the Constitution.

The bill repeals the Patient Protection and Affordable Care Act, which exceeds the authority vested in Congress by the Constitution.

Finally, the bill removes government intrusion into the doctor-patient relationship, which is protected by the Ninth and Tenth Amendments to the Constitution.

By Mr. MEEKS:

H.R. 3001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. NORTON:

H.R. 3002.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Ms. SPEIER:

H.R. 3003.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 clause 1 (relating to the general welfare of the United States) and clause 5 (relating to the coinage of money).

By Mr. THOMPSON of California:

H.R. 3004.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.

By Mr. TONKO:

H.R. 3005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. WELCH:

H.R. 3006.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. YARMUTH:

H.R. 3007.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. PAUL and Mr. MCINTYRE.

H.R. 25: Mr. HENSARLING.

H.R. 49: Mr. HENSARLING.

H.R. 104: Mr. SMITH of Nebraska.

H.R. 157: Mrs. BLACKBURN.

H.R. 303: Ms. EDWARDS.

H.R. 306: Mr. PALLONE.

H.R. 396: Mr. DOGGETT, Mr. HINCHEY, and Mr. CONNOLLY of Virginia.

H.R. 420: Mr. HUELSKAMP and Mr. GOSAR.

H.R. 482: Mr. DUNCAN of Tennessee.

H.R. 593: Mr. GUTHRIE.

H.R. 615: Mr. SCHILLING.

H.R. 632: Mr. WOODALL.

H.R. 650: Mr. BISHOP of New York.

H.R. 674: Mr. AUSTIN SCOTT of Georgia, Mr. ALEXANDER, Mr. NEUGEBAUER, Mrs. HARTZLER, and Mr. MCCAUL.

H.R. 702: Mr. NUGENT.

H.R. 719: Mr. COBLE and Mr. LUETKEMEYER.

H.R. 750: Mr. BRADY of Texas, Mr. CANSECO, and Mrs. BLACKBURN.

H.R. 795: Mr. LOEBSACK.

H.R. 812: Mr. MCINTYRE, Mr. DOGGETT, Mr. BOREN, Mrs. EMERSON, and Mr. DOYLE.

H.R. 831: Mr. HANNA.

H.R. 886: Mr. HUIZENGA of Michigan, Mr. WELCH, Mr. SESSIONS, and Mr. RENACCI.

H.R. 923: Mr. RIVERA and Mr. DOGGETT.

H.R. 997: Mr. MEEHAN.

H.R. 998: Ms. HOCHUL.

H.R. 1063: Mr. DIAZ-BALART.

H.R. 1164: Mr. JOHNSON of Ohio.

H.R. 1167: Mr. BRADY of Texas.

H.R. 1172: Mr. HINCHEY.

H.R. 1182: Mr. GOWDY, Mr. BUCSHON, and Mr. GUINTA.

H.R. 1259: Mr. FLAKE, Mr. FRANKS of Arizona, Mrs. LUMMIS, and Mr. PEARCE.

H.R. 1267: Mr. LARSEN of Washington.

H.R. 1340: Mr. KLINE and Mr. GRIFFIN of Arkansas.

H.R. 1366: Mr. DOYLE.

H.R. 1381: Mr. DOYLE.

H.R. 1418: Mr. MCCLINTOCK, Mr. BLUMENAUER, Mr. HINCHEY, Mr. ROHRBACHER, Ms. CASTOR of Florida, Ms. CHU, and Ms. SUTTON.

H.R. 1509: Mr. SMITH of Nebraska.

H.R. 1550: Ms. KAPTUR.

H.R. 1558: Mr. BILBRAY, Mr. AUSTRIA, Mr. BENISHEK, and Mr. THOMPSON of Pennsylvania.

H.R. 1585: Mr. WOODALL.

H.R. 1639: Mr. ROKITA, Ms. FOXX, and Mr. JACKSON of Illinois.

H.R. 1653: Mr. LANCE and Mrs. CAPITO.

H.R. 1681: Mr. DOYLE.

H.R. 1697: Mr. CANSECO and Mr. BARROW.

H.R. 1738: Mr. WITTMAN, Ms. SCHAKOWSKY, and Mr. KIND.

H.R. 1754: Mr. MCNERNEY.

H.R. 1755: Mr. SULLIVAN.

H.R. 1821: Mr. CICILLINE, Mr. LOEBSACK, and Mr. PRICE of North Carolina.

H.R. 1826: Mr. NUGENT.

H.R. 1834: Mr. GUINTA, Mr. PIERLUISI, Mr. YOUNG of Indiana, Mr. MULVANEY, Mr. GRAVES of Georgia, Ms. BUERKLE, Mr. CONAWAY, Mr. HUELSKAMP, Mr. FLEMING, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. PENCE, and Mr. BURTON of Indiana.

H.R. 1847: Mrs. McMORRIS RODGERS.

H.R. 1848: Mr. FLEISCHMANN and Mr. NUGENT.

H.R. 1862: Mr. FARR.

H.R. 1876: Mr. CAPUANO.

H.R. 1881: Mr. PRICE of North Carolina.

H.R. 1905: Mr. GUINTA, Mrs. NOEM, Mr. LOEBSACK, Mr. RUPPERSBERGER, Mr. MCCAUL, Mr. CONAWAY, Mr. WESTMORELAND, Mr. TERRY, Mr. DOYLE, Mr. SESSIONS, Mr. POSEY, Mrs. HARTZLER, Mr. BERG, Mr. REHBERG, Mr. DESJARLAIS, Mr. ADERHOLT, Mr. HOLT, and Mr. HONDA.

H.R. 1909: Mr. CHABOT and Mr. JOHNSON of Georgia.

H.R. 1912: Ms. CHU.

H.R. 1951: Mr. LOEBSACK.

H.R. 1965: Mr. HARRIS, Mrs. MALONEY, and Mr. JOHNSON of Illinois.

H.R. 1980: Mr. NUGENT.

H.R. 1983: Mr. FARR, Mr. HONDA, Mr. COHEN, and Mr. FILNER.

H.R. 2000: Mrs. EMERSON.

H.R. 2032: Mr. POE of Texas, Ms. SPEIER, Mr. FLEMING, and Mr. OLSON.

H.R. 2059: Mr. CALVERT, Mr. BURTON of Indiana, Mrs. HARTZLER, Mr. THOMPSON of Pennsylvania, Mr. FINCHER, Mr. MARCHANT, Mrs. SCHMIDT, and Mr. JORDAN.

H.R. 2088: Mr. KIND and Mr. GEORGE MILLER of California.

H.R. 2097: Ms. BERKLEY.

H.R. 2106: Mr. MARCHANT.

H.R. 2140: Mr. WESTMORELAND.

H.R. 2233: Mr. DAVID SCOTT of Georgia.

H.R. 2247: Mr. BERMAN and Mr. REYES.

H.R. 2250: Mr. THOMPSON of Pennsylvania.

H.R. 2299: Mrs. NOEM, Mrs. EMERSON, Mr. KLINE, and Mr. ROYCE.

H.R. 2306: Mr. FARR and Mr. CAPUANO.

H.R. 2337: Mr. SHERMAN, Mr. BARROW, and Mr. SABLON.

H.R. 2369: Mr. ACKERMAN, Mr. AKIN, Mr. BERMAN, Mrs. CAPITO, Mr. CARTER, Mr. CASIDY, Ms. CHU, Mr. COSTA, Mr. CRAWFORD,

Ms. DELAURO, Mr. DEUTCH, Mr. DUNCAN of Tennessee, Ms. HAHN, Mr. HIGGINS, Mr. HIMES, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. NADLER, Mr. NEAL, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. SHIMKUS, Mr. TOWNS, Ms. TSONGAS, Mr. WELCH, Mr. DIAZ-BALART, Mr. DOLD, Mr. FILNER, Mr. HERGER, Mr. KING of Iowa, Mr. LARSEN of Washington, Mr. MCCOTTER, Mr. MCHENRY, Mr. OLSON, Mr. PEARCE, Mr. RIVERA, Ms. ROS-LEHTINEN, Mr. SMITH of Nebraska, and Mr. WALDEN.

H.R. 2381: Mr. HOLDEN.

H.R. 2425: Mr. GRIJALVA.

H.R. 2429: Mr. HUELSKAMP.

H.R. 2433: Mr. STEARNS.

H.R. 2447: Mr. LANGEVIN, Mrs. NAPOLITANO, Mr. YOUNG of Indiana, Mr. PRICE of North Carolina, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Mrs. BLACK, and Mr. NUGENT.

H.R. 2457: Mr. STIVERS.

H.R. 2459: Mr. WOMACK.

H.R. 2471: Mr. MEEKS.

H.R. 2502: Mr. HOLT.

H.R. 2508: Mr. COHEN, Mrs. MALONEY, Ms. SPEIER, Mr. CROWLEY, Mr. CAPUANO, Ms. HIRONO, Mr. TOWNS, Mr. FARR, Mr. BISHOP of New York, Mr. SMITH of Washington, Mr. MEEKS, Ms. VELÁZQUEZ, Ms. WATERS, Mr. RANGEL, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. WOOLSEY, Mr. HIMES, Ms. EDWARDS, Mr. HINCHEY, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Mr. LARSEN of Washington, and Mr. QUIGLEY.

H.R. 2513: Mr. LOEBSACK.

H.R. 2514: Mr. FLAKE, Mr. BRADY of Texas, and Mr. FRANKS of Arizona.

H.R. 2530: Mr. REICHERT and Mr. RIBBLE.

H.R. 2541: Mrs. CAPITO and Mr. MULVANEY.

H.R. 2559: Mr. GARAMENDI.

H.R. 2671: Mr. TIBERI.

H.R. 2674: Mr. CULBERSON.

H.R. 2681: Mr. GUTHRIE.

H.R. 2689: Ms. SCHAKOWSKY.

H.R. 2695: Mr. FORTENBERRY.

H.R. 2696: Mr. FORTENBERRY.

H.R. 2731: Mr. TIBERI.

H.R. 2750: Mr. LIPINSKI.

H.R. 2752: Mr. GOSAR.

H.R. 2757: Ms. SCHAKOWSKY, Mr. OLVER, Mr. SERRANO, and Mr. STARK.

H.R. 2763: Mr. STARK, Mr. POLIS, and Mr. ELLISON.

H.R. 2766: Mr. CALVERT.

H.R. 2772: Mr. SOUTHERLAND.

H.R. 2786: Mr. GENE GREEN of Texas, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. FITZPATRICK,

Mr. BRADY of Pennsylvania, Mr. DEUTCH, Mr. HASTINGS of Florida, Mr. RANGEL, and Mr. POLIS.

H.R. 2815: Mr. ROSKAM and Mrs. MCMORRIS RODGERS.

H.R. 2823: Ms. CHU.

H.R. 2827: Mr. STIVERS.

H.R. 2829: Mr. COBLE, Mr. CONAWAY, Mr. CRAWFORD, Mr. DUNCAN of South Carolina, Ms. JENKINS, Mr. MARCHANT, Mr. NUGENT, Mr. TURNER of New York, and Mr. WOMACK.

H.R. 2830: Mr. CARTER, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. RANGEL, Mr. ROSKAM, Mr. RUSH, and Mr. MCGOVERN.

H.R. 2833: Mr. SENSENBRENNER, Mr. CANSECO, Mr. FLAKE, and Mr. POMPEO.

H.R. 2848: Mr. JONES and Mrs. HARTZLER.

H.R. 2855: Mr. HASTINGS of Florida.

H.R. 2859: Mr. SERRANO and Mr. BRALEY of Iowa.

H.R. 2864: Mr. WALSH of Illinois, Mr. GOHMERT, Mr. MCGOVERN, Mr. COBLE, Mr. TONKO, Mr. KING of New York, Mrs. LOWEY, Mrs. HARTZLER, Mr. OLVER, Mr. HOLT, Mr. JONES, Mr. FORTENBERRY, Mr. BOREN, Mr. NUNES, Mr. FILNER, Mr. CRAVAACK, Mr. SIMPSON, Ms. BERKLEY, Mr. ROGERS of Michigan, Ms. MATSUI, Mr. RANGEL, and Mr. LOEBSACK.

H.R. 2897: Mr. COFFMAN of Colorado, Mr. POSEY, Mr. HURT, and Mr. BOSWELL.

H.R. 2898: Ms. JENKINS, Mr. HUIZENG of Michigan, Mrs. LUMMIS, Mr. GIBBS, Mr. PENCE, Mr. PITTS, Mrs. SCHMIDT, Mr. SAM JOHNSON of Texas, Mr. FLORES, Mr. MULVANEY, Mr. BURTON of Indiana, Mr. GRAVES of Georgia, Mr. HUELSKAMP, Mr. WALSH of Illinois, Mr. FLEMING, Mr. AUSTIN SCOTT of Georgia, Mr. KELLY, Mr. JORDAN, Mr. FORBES, Mrs. BLACK, Mr. DESJARLAIS, Mr. LABRADOR, Mr. LANDRY, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HULTGREN, Mr. GUINTA, Mrs. NOEM, and Mr. STUTZMAN.

H.R. 2926: Mr. FLORES, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. PITTS, Mr. GIBBS, Mr. RIBBLE, and Mr. FLEISCHMANN.

H.R. 2938: Mr. KILDEE.

H.R. 2941: Mr. GRIMM.

H.R. 2966: Mr. MARKEY and Mr. MCGOVERN.

H.R. 2973: Mr. CHAFFETZ.

H.J. Res. 47: Ms. CASTOR of Florida.

H.J. Res. 73: Mr. WALBERG, Mr. BURTON of Indiana, Mr. SESSIONS, Mr. PITTS, Mr. PENCE, Mr. GINGREY of Georgia, Mr. BUCSHON, Mr. ROKITA, and Mr. DUNCAN of South Carolina.

H.J. Res. 78: Mr. COHEN, Mr. CICILLINE, Ms. LEE of California, Mr. RYAN of Ohio, Mr.

OLVER, Ms. PINGREE of Maine, Mr. JACKSON of Illinois, Ms. NORTON, Mr. GRIJALVA, and Ms. SLAUGHTER.

H. Con. Res. 77: Mr. HARRIS, Mr. SMITH of Texas, and Mr. ROSS of Florida.

H. Res. 60: Mr. MCINTYRE.

H. Res. 111: Mr. MICHAUD.

H. Res. 295: Mrs. LOWEY.

H. Res. 306: Mr. GARRETT.

H. Res. 333: Mr. HULTGREN, Mr. RUSH, Mr. BACA, and Mr. BISHOP of New York.

H. Res. 336: Mr. BURTON of Indiana, Mr. REYES, and Mr. KING of New York.

H. Res. 367: Mr. MARINO.

H. Res. 394: Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. BROOKS, Mr. PITTS, Mr. SAM JOHNSON of Texas, and Mr. JOHNSON of Illinois.

H. Res. 407: Mr. KING of New York.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

21. The SPEAKER presented a petition of Liberty County Development Authority, Georgia, relative to Resolution supporting the relocation of the 3rd Heavy Brigade Combat Team/3rd Infantry Division from Fort Benning, Georgia to Fort Stewart, Georgia; to the Committee on Armed Services.

22. Also, a petition of Wayne County Commission, Michigan, relative to Resolution No. 2011-350 opposing altering the direction of Michigan into becoming a right-to-work state; to the Committee on Education and the Workforce.

23. Also, a petition of the Niagara County Legislature, New York, relative to Resolution IL-043-11 opposing the Cross-State Pollution Rule; to the Committee on Energy and Commerce.

24. Also, a petition of Wayne County Commission, Michigan, relative to Resolution No. 2011-376 supporting an integrated network of high-speed trains and expanded Amtrak service as a key to economic development; to the Committee on Transportation and Infrastructure.

SENATE—Wednesday, September 21, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, whose mercies never fail, we come into Your presence with thanksgiving and praise. We are thankful that Your mercy is everlasting and Your truth endures to all generations. We praise You that we are Your people and the sheep of Your pasture.

Today, enable the Members of this body to experience Your presence and to receive Your wisdom. May they receive these blessings, aware of Your counsel that, "to whom much is given, much is required." Bless us and all the people of the world today and every day.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DURBIN. Madam President, following any leader remarks, the Senate will be in morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of H.R. 2832, the GSP bill and the vehicle for trade adjustment assistance.

At approximately 12:30 p.m. there will be two rollcall votes in relation to the Hatch amendment regarding the effective date of trade adjustment assistance and the McCain amendment regarding a 2-year extension of that program.

Additional rollcall votes are expected during today's session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, the time equally divided, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first half and the Republicans will control the second half.

The Senator from Illinois.

THE ECONOMY

Mr. DURBIN. Madam President, this morning we learned that the Republican leaders of the House of Representatives and the Senate have done something which may be unprecedented. We are searching for some example in the past when this has occurred, but we have learned today that the Republican leaders of both the House and the Senate have sent a letter to Federal Reserve Chairman Ben Bernanke ahead of the central bank's 2-day meeting that begins today. That letter to Chairman Bernanke from the Republican congressional leaders instructs him as to what they should try to achieve during their 2-day meeting.

A former Commissioner of the Federal Reserve said this is outrageous; that an independent agency such as the Federal Reserve, which is operated with independence of political impact and political pressure over the years, would now be receiving direct political communications from the Republican leaders.

What is the message from the Republican leaders to the Federal Reserve? The message is, don't lower interest rates. I don't know if Senator McCONNELL, Senator KYL, Speaker BOEHNER, or Congressman CANTOR have been home lately. But if they have been home and met with local businesses, small businesses, they will have learned very quickly that it is very difficult for them to borrow money to sustain and expand their businesses and to hire more people.

As we have a monetary policy which allows expansion of these businesses and expansion of jobs across America, we have an opportunity to try to put this recession behind us. So what is the message of the Republican leaders to the Federal Reserve Board? The message is clear and simple: Do nothing. Stand by the sidelines and watch this economy languish.

It is the same message the Republican leaders are sending the President of the United States. He came to us almost 2 weeks ago and said: We have to move together to make this economy stronger. We have to find a way, working together, to create jobs. The President said: Let's give to working families across America a tax cut, a payroll tax cut. The average family in my State of Illinois will receive about \$1,500 a year. This will help those families who are working but struggling from paycheck to paycheck.

The Republican response to them: No. They have said to the President they will not accept a payroll tax cut for the working families and middle-income families across America.

The President said: Let's give to businesses across America some help. Let's reduce the payroll tax. In fact, let's create a tax incentive for these businesses to hire unemployed workers.

We know there are plenty of people out there who need work. Some businesses, with an enticement through the Tax Code, may be able to finally hire that extra worker and reduce the unemployment rolls.

The Republican answer, again, is no. Time and again, when either the Federal Reserve Board or the President or, in fact, any economist suggests that we need to move forward as a nation to deal with the recession, the answer from the Republican side of the aisle is no.

Now, with this letter to the Federal Reserve, the Republican congressional leaders are telling the Federal Reserve, we believe for the first time in history, that they should not provide a vehicle for expansion by lowering interest rates in this economy.

That, to me, is wrongheaded. When I think of the businesses looking to borrow money, when I think of those homeowners who need to refinance their homes, interest rates are critical to the expansion of this economy. Time and again, the Republican approach to this economy has been simply stated in just a few words: Do nothing and protect the millionaires.

When the President steps forward and asks the wealthiest among us to pay something more in terms of their own taxes, which is only fair, the Republicans cry foul, class warfare, and all the words they have used to defend their position defending millionaires across America. Most people across America understand we are going to need to have shared sacrifice to emerge from this recession. A lot of families are making that sacrifice today. Working families and middle-income families have been falling behind for a long time. We want to help them with a payroll tax cut and by creating some life in this economy that creates new jobs.

Unfortunately, we have no help coming from the Republican side of the aisle. The President believes, as we do, that putting workers back on the job while rebuilding and modernizing America is the best way to see us through this recession. He believes there are pathways back to work for Americans looking for jobs. He wants to restructure the unemployment compensation program using some innovative techniques that have been popular in the past with Republicans but now are being rejected because the President offers them—an idea that has been suggested of allowing some unemployed workers to come back to work and still draw unemployment so they can have valuable work experience and perhaps find a long-term permanent position.

Tax relief for workers and families across America—cutting payroll taxes in half for 160 million workers—is going to be a break they need. Many of these workers and working families are struggling with high gasoline prices. Does \$125 a month mean that much to a Senator or Congressman? Maybe not. But if you are living paycheck to paycheck and you just saw gasoline go over \$4 a gallon, \$125 is absolutely essential so you can make it back and forth to work and do what is necessary for your family. The President's payroll tax cut will help these working families, and Republicans oppose it.

This plan also has deficit reduction. The President understands, as we all do, that the deficit America now faces in our long-term debt needs to be faced squarely. He believes—and I share that belief—we should spend the next year building the economy but make it clear that over the long term we are going to take the actions necessary to reduce our deficit substantially over a 10-year

period of time by more than \$4 trillion. That is what the President announced when he made his statement on Monday.

He also realizes that while cutting the deficit and reducing America's debt, we have to keep our promise, the promise to Americans who receive Social Security. Twenty-six percent of Social Security recipients have no other source of income. If we talk about cutting those benefits or privatizing Social Security, as many Republicans do, we are putting at risk, literally, the lifeblood of 26 percent of Social Security recipients.

For 70 percent of Social Security recipients, Social Security represents more than half of their income. So they listen carefully as the President says we are going to protect the basic benefits under Social Security. The same holds true for Medicare. Medicare is a program that has been dramatically successful. Don't take my word for it, don't take any politicians' word for it, look at the life expectancy for senior citizens since we passed Medicare in the 1960s. Senior citizens can live independently, with more confidence, and live longer because of Medicare.

We know we have to make changes in this program, but let's do it in the spirit of preserving the basic benefit structure of Medicare. That is essential, and the President has made that clear too. Those on the Republican side who support the Congressman PAUL RYAN budget, which would basically hand out vouchers to seniors and say good luck in the insurance marketplace, ignore the reality that as people age they sometimes face medical challenges that others don't have, and they need the benefit and protection of Medicare in years to come.

The President is committed to that. The Democrats are committed to that. It should be a bipartisan commitment.

The same is true when it comes to Medicaid. This is a program across America that is essential in New York and Illinois. Thirty-six percent of all the children in the State of Illinois rely on Medicaid for health insurance. More than half of the babies born in my State are paid for by the Medicaid Program, and 20 percent of Medicaid recipients in Illinois consume 60 percent of the money spent. Most of them are elderly people who are very poor, living on Medicare, relying on Medicaid to stay in a convalescent setting or a nursing home setting.

So Medicaid has to be protected as well. That is a challenge the President and those of us on the Democratic side accept.

The bottom line is, we can move this economy forward in a coordinated, bipartisan effort; use the President's payroll tax cuts, the business tax cuts that are fully paid for; make certain we are dedicated to rebuilding America's

basic infrastructure; and make certain, as well, that we take care of our own: the veterans returning from war, 10 percent of whom are out of work today. That is an embarrassment, and it is one that should come to an end immediately. We should work on a bipartisan basis to encourage their being hired.

There is something else that worries me as we come to the end of this week and face a recess for both the House and Senate. The Republican leader, Congressman ERIC CANTOR of Virginia, has suggested we may be facing another government shutdown threat. It is just incredible that the Republican leader would bring that up as one of the options as we go into this week before recess.

We don't need this. We have faced two previous threats this year from the tea party-dominated Republican House of Representatives. They threatened to close down the government when we passed the continuing resolution. They threatened again to close down the economy when we faced the debt ceiling.

At this moment, this perilous moment in America's economic history, we should not face a government shutdown again, and the Republican leaders in the House should not be suggesting that as an alternative. We need to work together.

The bottom line issue is disaster aid. I think the Senator from New York knows, as I do—in Illinois we have faced these natural disasters; 48 States have this year. Hurricane Irene, I know, did tremendous damage in the State of New York. Earlier this year in the spring the flooding on the Mississippi and Ohio Rivers did tremendous damage in my State of Illinois. We cannot predict when these natural disasters will come, and we certainly cannot predict how much they will cost. Now the Republicans in the House are insisting that we have to pay for every dollar of disaster aid.

What are their pay-fors? Take a look at it. It is a program we created to encourage the creation of manufacturing jobs in the United States, making fuel-efficient vehicles. The Republicans say eliminate it, eliminate a program focused on putting Americans back to work in good-paying jobs, building the vehicles of the future so we can be competitive not only at home but overseas? The Republicans say that is something government should not do.

It is a consistent pattern, whether it is their message to the Federal Reserve to do nothing when it comes to lowering interest rates, whether it is their message to the President to do nothing when it comes to payroll taxes to help middle-income families and business tax credits to put people back to work or when it comes to paying for disasters when they suggest eliminating a program that will create manufacturing jobs in the United States. Time

and again, the philosophy of the Republicans comes through: Stand by; do nothing.

We saw it as well when it came to making certain that General Motors and Chrysler survived the crises of the last several years. The Republican position was: Do nothing.

There are many employees whose jobs are at stake when we talk about the automobile industry—all across America. We often think of some of the big names now that we see every day in the news. There are about 3,000 employees of an operation known as Facebook. There are around 30,000 employees of a company known as Google. There are 200,000 direct employees of General Motors, not to mention the millions who are suppliers and vendors of their products. To me, that is an indication of the shortsightedness of the Republican approach. Ignoring the reality of an automobile industry that needed a helping hand meant, if the Republicans had their way, GM and Chrysler may not exist today. Thank goodness they did not have their way. The President stepped in, made the changes necessary, encouraged the management of these companies to restructure in light of the new economic realities, and the companies survived.

In my home State of Illinois, in Belvidere, we are proud to have a Chrysler facility. I talked to the CEO of Chrysler. He believes—and I certainly concur—this facility has a bright future because the government helped Chrysler through an economic crisis, and now they are restructuring to build for the future. That is the kind of forward-looking view of the economy that we need.

When the Republicans instruct the Federal Reserve Board to do nothing to help the economy, say to the President: Do nothing to help the economy, and then threaten a government shutdown over paying for disaster relief across America, that is shortsighted. It is not consistent with the economic growth we need in this country to make certain we are moving forward.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORTING ISRAEL

Mr. BROWN of Ohio. Earlier this week, I met with leaders in the Ohio Jewish community about events that could happen as the United Nations

General Assembly convenes in the Presiding Officer's city, New York. One of the leaders and a dear friend of mine and a dear friend of Israel's told me these are tough times for Israel, some of the toughest ever. She took a deep breath, gathered her thoughts, and said, "Until your neighbors accept you, it will always be a tough time."

Israel is accustomed to living in a tough neighborhood, but in recent months that has grown tougher. Confrontation with Israel is a new centerpiece of Turkish foreign policy. Leaders in Egypt question Egypt's commitment to its peace treaty with Israel. Hezbollah has consolidated its political hold on the Lebanese Government. Iran is probably consistently the largest threat to peace in the Middle East as they defiantly continue their unmistakable march to nuclear capability.

In the coming days, the next step in an escalation against Israel will take place should the Palestinians seek recognition as a state from the United Nations. Instead of negotiating directly with Israel, as the Palestinians have often committed to do as far back as the Oslo agreement, they are about to seek to exclude Israel from any role in deciding issues that are critical to achieving a permanent peace. That must not occur. This action could set back the peace process for decades to come. The Obama administration is assiduously attempting to stop this dangerous move.

Today, as it has done in the past, Congress must stand firm with Israel. It must oppose any Palestinian action at the U.N. which would circumvent its commitment to negotiate. Our support for Israel must be united. We must speak with one voice—Democrat and Republican, House and Senate, Congress and the Administration. The Administration has said it will veto a Security Council resolution that would recognize a Palestinian state, and it must do that.

The U.N. rules for admission require that any applicant before the U.N. be "peace loving" and "willing and able to carry out the obligations of the U.N. charter." The U.N. charter calls for "faith in fundamental human rights, in the dignity and worth of the human person." It calls on members to "practice tolerance and live together in peace with one another as good neighbors." The PA is not there yet.

U.N. membership and statehood itself is not a gift. It is not a right. It is earned. There is a responsible path for the Palestinians. Direct negotiations with Israel are the only way to produce a Palestinian state and the only way to achieve a lasting peace, just as direct negotiations produced peace between Israel and Egypt and Israel and Jordan.

Israeli Prime Minister Netanyahu has called for direct talks to begin immediately, as have President Obama and so many of our colleagues. Why

should the Palestinians be rewarded by the U.N. for refusing to negotiate with Israel?

If the Palestinians have elected to pursue confrontation over negotiation with Israel, we must rethink our efforts to support the Palestinians and the Palestinian Authority. Today, the Senate foreign operations subcommittee, of which I am a member, will be marking up the international affairs appropriations bill, which happens to be the same day the PA is considering making its plea at the United Nations. The bill is strong on holding the PA accountable should it attempt such a misguided maneuver. We cannot reward unilateral acts. We cannot reward bad behavior borne of a clear rejection of the only proven path to peace.

Many of my colleagues and I understand that a great number of Palestinians want what we all want in this country—in New York and Ohio and across our country—and what people want in Israel: a better life for their children, a life of peace and prosperity between and among peoples.

I am confident the Administration will veto any Security Council recognition of a Palestinian state, but there are other options and possibilities before the U.N., such as seeking recognition from the General Assembly as a nonmember state. While it is a different name and comes by different procedures, it doesn't solve the Palestinians' fundamental problems of avoiding the tough negotiations and the internal consensus-building that are essential for peacemaking to succeed. That is why U.S. leadership is so important at this critical time. That is why we must all speak with one voice and stand firm in an unbreakable bond with our ally Israel. Until we hold those who seek to destroy Israel accountable, it will always be a tough time for our closest ally.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Republican leader is recognized.

CHANGING COURSE

Mr. MCCONNELL. Mr. President, there has been a lot of debate in the past week about the latest proposals coming out of the White House, about

whether the President's latest stimulus bill or the tax hikes he is proposing will help or hurt the economy. But based on what we are hearing from the White House this week, it is hard to see the point in having any debate at all.

I am referring, of course, to a comment by the White House Communications Director who told the New York Times on Monday that the President had entered what he referred to as a new phase—a new phase. He said the President may have worked with Republicans to avert a government shutdown last spring and to raise the debt ceiling this summer, but “that phase is behind us.” In other words, the White House isn't interested in actually accomplishing anything anymore. It is more interested in making a point than making a difference.

So here is my question: How do you explain to the 14 million Americans looking for a job right now that you are more interested in motivating campaign supporters than in motivating businesses to hire?

For the past week, the President has been running around the country trying to set a record for the number of times he can say pass this bill “right away” in a 5-minute stump speech. Meanwhile, his communications director is telling people the President doesn't expect the bill to pass. And the Democratic majority leader in the Senate is treating it like a legislative afterthought. My friend the majority leader said yesterday he might take up this supposedly “urgent” bill next month after he has had a chance to deal with a Chinese currency bill and a few others. As for the other Democrats in Congress, well, they are not exactly rushing to get it in the queue either.

This so-called jobs bill seems to be about as popular as Solyndra, and I am just talking about among Democrats. Yet the President is out there acting as though somebody is actually putting up a fight. So this whole thing is a charade, and I think the American people deserve better. I think they deserve a President who realizes that governing involves working with a situation as it is, not as you would like it to be. President Obama may think the best way to distract people from the challenges we face is to stand near a bridge in a swing State and pit one group of Americans against another and hope his critics look bad if they don't go along with him, but I don't think he is fooling anybody. I don't think all the campaign stops in the world are going to convince most Americans that the real cause of our problems lies anywhere other than with the policies that are coming out of Washington these days or that the single greatest obstacle to job creation in America today is policies that punish the risk takers and the entrepreneurs and that stifle investment and private enterprise, rather than rewarding it.

When it comes right down to it, I think most Americans care more about results than about rhetoric. Let's be honest. The results of this President's economic policies speak for themselves. After 2½ years of government spending, here is what we have: record deficits, chronic unemployment, median incomes going down, poverty rates going up, and the first ever credit downgrade. This isn't exactly a record to be proud of. So I can understand the President wanting to change the topic. It might make him feel better. It might energize his strongest supporters. But here is something it won't do: It won't create jobs.

Look, if we can solve our jobs crisis and revive the economy by passing the hat at Warren Buffett's annual shareholders meeting, we would have done it by now, but we can't. Why? Because that is not a real solution. It is a campaign slogan.

The President said the other day the tax hikes he is proposing aren't class warfare. He said they are math. Well, we can do math too, so let's do the math. According to the IRS, if you doubled—doubled—the tax burden on everybody in America who earned more than \$1 million in 2009, you would cover the cost of about 3 months of deficit spending around here. If you doubled the tax burden on everybody in America who earned more than \$1 million in 2009, you would cover the cost of about 3 months of the deficit we are running around here. If you confiscated every dime of taxable income from those the President refers to as millionaires and billionaires—take it all—you wouldn't even cover a single year of deficit spending in Washington right now. Spending more money in Washington won't solve our spending problem, it will enable it.

How about the stimulus? One of the programs in the stimulus was supposed to create 65,000 jobs. So far, it has created 3,500 at nearly \$11 million per job—\$11 million per job. Solyndra was supposed to create thousands of permanent jobs. Two years later, more than 1,000 Solyndra employees are out of work altogether, and the American taxpayer is on the hook for more than \$½ billion in loans to the company.

But here is the most important calculation: Not a single new job will come about as a result of the tax hikes the President proposed this week—not one new job. As the National Federation of Independent Business puts it:

New tax increases on America's biggest job creators are the last thing this economy needs to get back on track.

What else do we need to know?

Republicans are ready to work with the President on turning this economy around. We know what would work, and after the past 2½ years, we have certainly seen what won't work. So my suggestion to the President is the same now as it has been for months. Put

aside the political playbook and work with us on policies that will actually solve the problems Americans care about the most. Let's work together on policies that are aimed at motivating job creators, not your political base. It is time to change course.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

THE AUTHORIZATION PROCESS

Mr. MCCAIN. Mr. President, I rise today to discuss a fundamental problem of this body: the fact that Congress as an institution—and the Senate in particular—rarely engages in the process of authorizing prior to appropriating money for our government. As a result, a handful of senior appropriators and their unelected staffs dictate the spending of hundreds of billions of dollars, often in a manner that directly contravenes the will of those committees that still authorize spending. It is time this process be stopped.

The solution is simple. We should not authorize on appropriations bills, and any funding proposed for unauthorized projects should be subject to the scrutiny and approval of the authorizing committees and reflect the will of their members.

We are all to blame for this problem. The fact is that routine passage of authorizing legislation simply doesn't occur as it should. Far too often, even routine passage of appropriations legislation has devolved into passage of a single omnibus bill. This also must stop.

A case in point is the appropriations bill to fund the Department of Defense that was reported out of the Appropriations Committee last week. That legislation should reflect the will of the Defense authorization bill but runs directly contrary to it in many areas. At a time when we face a \$14.7 trillion national debt that is mortgaging the future of our children and grandchildren, the Senate Appropriations Committee is proposing a Defense spending bill that uses a budget gimmick totaling over \$10 billion to mislead the American people about the savings the committee claims to achieve.

While the Department of Defense is struggling to find more than \$400 billion in cuts directed by the President,

the Appropriations Committee is still conducting business as usual by rewarding special interests and funding pet projects that have little or nothing to do with our national defense. In the bill reported out last week that purports to cut over \$26 billion from the President's request by changes to 580 different programs, somehow the Appropriations Committee still found money for over \$2.3 billion in additional spending not requested by the Department of Defense and for items that are far from real defense requirements.

I have here a list of the roughly 580 items changed by the Appropriations Committee which are differences from the bill adopted unanimously by the Senate Armed Services Committee in June in the Department of Defense authorization bill. This list is 45 pages long and represents \$20 billion in changes.

For example, it is incredible to me the Appropriations Committee put a priority on spending \$33 million in operation and maintenance funds. That money is used to maintain the readiness and combat capability of our troops. The \$33 million is going to purchase schoolbuses, to build a mental health substance abuse facility on Guam, and a repository for cultural artifacts. I am not making that up: \$33 million for a repository—oh, phase one of a repository for cultural artifacts, funding for a mental health substance abuse facility, and the purchase of schoolbuses. All of this money, and \$40 million more next year to complete these facilities, is, at least in theory, supposedly, to help promote Guam's cooperation as part of the plan to move 8,700 marines and 9,000 family members from their current bases on Okinawa to Guam.

I know the marines will enjoy being on Guam. I am not sure it is absolutely necessary for them to have a repository for cultural artifacts. But the plan to move the marines, which will require spending between \$18 billion and \$23 billion on Guam to build up its capabilities as a permanent base, is so much in doubt that both the Armed Services Committee and the Military Construction and Veterans' Affairs Subcommittee of the Appropriations Committee have stopped funding Guam military construction projects until the Department of Defense provides a master plan and considers alternatives that may provide the needed marine forward presence at much less expense.

In fact, we simply cannot afford to carry out the plans as they were originally envisioned. In the face of all the doubt about the scope and timing of the eventual buildup, the Appropriations Committee put a premium on buying schoolbuses, an artifact repository, and a mental health clinic in Guam. That is not anybody's idea of defense priorities in the fiscal environment we face.

In some cases, the Appropriations Committee was well aware that the Armed Services Committee had, on a unanimous vote, reported out a bill that denied funding for a program, but the appropriators funded the full amount anyway. This is the case with the Army's Medium Extended Air Defense System, or MEADS. The Armed Services Committee cut the entire budget request of \$406 million for this program because Army leaders have told the Senate they do not intend to ever buy or deploy the system and because repeated technical reviews have determined that MEADS is behind schedule, over cost, and a high risk of technical failure. The Appropriations Committee ignored the Armed Services Committee's decision not to authorize further funding for MEADS and instead appropriated the full amount of \$406 million—even in the face of the fact of the need to cut defense spending by eliminating troubled programs that are not effectively providing increased combat capability for the troops.

Additionally, hundreds of millions of dollars in the fiscal year 2012 Defense appropriations bill have been allocated to things that were never requested by the Pentagon, never authorized by the Senate Armed Services Committee, and which are simply not core defense priorities.

Example: There is \$354 million added for medical research not requested by the Pentagon, including \$120 million for breast cancer research, \$10 million for ovarian cancer research, \$64 million for prostate cancer research, and \$50 million for other medical research for a laundry list of medical conditions. I am not questioning the merits of medical research, but they do not have anything to do with defending this Nation. They should be taken out of the appropriations of the Health and Human Services Subcommittee, not out of defense.

Again, I am not questioning the merits of medical research and the important role the Federal Government can play. I am saying it is time for it to stop being taken out of national defense.

The Appropriations Committee adds even more unrequested funding for programs such as \$60 million for environmental conservation for ranges; \$106 million for alternate energy research, whatever that means; \$45 million for high-performance computing modernization—all of these, and a long list of them, may be good programs; they are not authorized; and the job of the Senate Armed Services Committee is to scrutinize these programs and select those that are in most need of funding—\$5 million for the National Guard Youth Challenge Program; \$4.5 million for the Civil Air Patrol.

Programs have some merit, but we have to look at these with an eye to the fact that we have been tasked to

cut \$400 billion that the President has already ordered the Pentagon to undertake.

Despite the Appropriations Committee's desire to find \$26 billion in defense savings, they found money to add \$240 million in unrequested funding—the Pentagon and the President did not ask for them—for a number of congressional special interest areas, such as advanced materials research, \$10 million; Industrial Base Innovation Fund—whatever that is—\$30 million; Defense Rapid Innovation Fund, \$200 million.

In the procurement account, the Appropriations Committee added \$675 million for items that were not requested by the Pentagon or authorized by the Armed Services Committee, including \$120 million for advance procurement of 12 Air Force C-130Js, \$47.4 million for improved radars for Air National Guard F-15s, \$140 million for program increases to classified programs—the list goes on and on.

Although the appropriators were looking for \$26 billion in savings, they chose not to follow the Armed Services Committee in making cuts to some programs even when the justification for taking savings was clear. These examples include \$150 million for the Army Guided Multiple Launch Rocket System; \$495 million for Navy F/A-18E/F Hornets, which the Armed Services Committee pointed out were funded in the full-year Defense appropriations bill for the year 2011; \$205 million for the Fleet Satellite Communications follow-on program, for which the Government Accountability Office and the Armed Services Committee noted that the funding for the requested booster was too early.

In order to give the appearance of real savings to the taxpayer, the Appropriations Committee, again, incredibly, shifted over \$10 billion in funding from the nonwar base defense funding budget to the "off-budget/emergency spending." For the benefit of the record, the Overseas Contingency Operations Fund does not count as part of the budget, but it is for overseas contingencies, i.e., the wars in Iraq and Afghanistan.

So what did the Appropriations Committee do? They took money that is supposed to be for the conflicts in Iraq and Afghanistan, and they transferred over \$3.2 billion to the account for overseas contingency operations, \$550 million for predator drones, \$228 million for counterfire radars, \$192 million for Fire Scout unmanned aerial systems, \$784 million for unmanned aerial systems.

In the operations and maintenance accounts, the Appropriations Committee transferred over \$6.2 billion for items that were requested in the base budget to the "off-budget" overseas

contingency operations funding, including \$3 billion for Army depot maintenance, \$495 million for Navy depot maintenance—it goes on and on.

In the military personnel accounts, another \$529 million was transferred from the defense budget, where it was requested, to the overseas contingency operations budget so it would count as “defense savings.”

This is pure budget gimmickry. It is about time we got serious about cutting spending. Using budget gimmicks to shift over \$10 billion from the base defense budget to the emergency account we have set aside for support of overseas contingency operations is not saving the taxpayers a dime. Cutting \$10 billion from the President's request for the wars in Iraq and Afghanistan, shifting over \$10 billion in nonwar expenses, and then claiming in a press release—they had the gall in a press release—that the President's request for the warfighting accounts is fully supported is not only a gimmick, it is dishonest with the American people. It is a disservice to the men and women of the military who depend on that funding for critical warfighting equipment and support.

I have talked to many of our senior commanders in Iraq and members of the Iraqi Government during repeated trips to Iraq this year. All of them have recommended that the United States maintain at least 10,000 soldiers beyond December 31, 2011. There is no money in the warfighting accounts for, if we have, additional troops. So because of the administration's delay in any decision for any additional troops, understandably, that is not funded in these bills, which is required, obviously, by October 1, the end of the fiscal year.

What will also put our troops, our national security, and our Nation at grave risk is the specter of even more drastic defense cuts should the recommendations of the joint select committee fail to gather enough congressional support.

Secretary of Defense Panetta warned last week that the failure of lawmakers to agree on debt ceiling talks, which would trigger up to \$600 billion in additional Pentagon budget cuts, could add 1 percentage point to the Nation's jobless rate. He also called the impact of cuts of that magnitude “devastating” to our Armed Forces.

The citizens of my State—and nearly every other State in the Nation—have been struggling through record unemployment rates and unprecedented fiscal pressures. Now, more than ever, they need strong leadership to make tough decisions to restore fiscal discipline and responsibility in Federal spending. I am committed to using every power available to me to ensure the Defense bill for 2012 provides spending for only the most critical national security requirements, as proposed by

the President and defense leadership. In this regard, the Defense appropriations bill that has been reported from the Appropriations Committee is sadly lacking.

There is plenty of blame to go around. I do not fault just the appropriators. We have all failed to do our jobs. The answer to this problem is to fix it. We must stop authorizing on appropriations legislation without the agreement of the authorizing committee. The appropriations bills should reflect the will of the authorizing committees. I intend to work with my colleagues to remedy this problem so the will and wisdom of all Senators—not just a select few—is represented when we pass appropriations legislation.

A solution to this problem is long overdue, and I intend to fight to see that it is solved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2832, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

Pending:

Reid (for Casey) amendment No. 633, to extend and modify trade adjustment assistance.

Hatch amendment No. 641 (to amendment No. 633), to make the effective date of the amendments expanding the Trade Adjustment Assistance Program contingent on the enactment of the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

Mr. MCCAIN. Mr. President, I have an amendment at the desk, No. 625. I ask unanimous consent that it be made the pending business.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 625 to amendment No. 633.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend trade adjustment assistance as in effect before the enactment of the Trade and Globalization Adjustment Assistance Act of 2009)

Strike title II and insert the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 201. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the date of the enactment of this Act and without regard to any substitution made by section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note prec.)) is amended—

(1) in section 245, by striking “2007” and inserting “2014”;

(2) in section 246(b)(1), by striking “the date that is 5 years” and all that follows through “State” and inserting “December 31, 2014”;

(3) in section 256(b), by striking “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning October 1, 2007” and inserting “each of fiscal years 2012 through 2014, and \$4,000,000 for the 3-month period beginning October 1, 2014”;

(4) in section 285, by striking “2007” each place it appears and inserting “2014”; and

(5) in section 298(a)—

(A) by striking “2003 through 2007” and inserting “2012 through 2014”; and

(B) by striking “October 1, 2007” and inserting “October 1, 2014”.

Mr. MCCAIN. Mr. President, the amendment would authorize the continuation of trade adjustment assistance or TAA for 2 additional years at the level of funding the program maintained prior to the 2009 stimulus package addition. Prior to the stimulus, passed by this body in 2009, the TAA Program cost taxpayers about \$1 billion per year.

The passage of the stimulus package, which was advertised to be a temporary injection into the economy—a temporary injection—the stimulus was increased and expanded to the program at a cost of about \$2 billion in 2010; according to the Department of Labor estimates, \$2.4 billion in 2011, if the stimulus expansions were allowed to remain in place.

I would remind my colleagues that with the stimulus package, these were a one-time deal, and once the money was spent, then those programs lapsed. Apparently not so with the TAA Program. We do not yet have a cost score for the Reid substitute before us, but estimates indicate the TAA agreement may lock in at least 65 percent of the 2009 stimulus expansions for the next several years.

That is approximately, in my calculation, at least a \$600 million additional cost per year to the taxpayers

for maintaining 65 percent of the stimulus level of TAA. Architects of the agreement will say these provisions sunset at the end of 2014. But we all know sunsets can be fiction. So we are talking about 2012, 2013, and 2014. That is about, roughly, a minimum of \$1.2 billion of additional spending on the dubious—at least in my mind dubious—benefits of the TAA Program.

My friends on the other side of the aisle have long insisted that the price of passing trade agreements in Congress is passing TAA and other programs similar to it, domestic spending legislation geared to assist U.S. workers who have been adversely affected by foreign trade.

For this reason, in 2002, Congress passed the TAA legislation that provided short-term temporary support for worker retraining and other assistance. Many Republicans, including myself, were skeptical about whether this program and others like it achieved their goals. But we went along for the sake of our national interests and expanding free trade.

In 2009, without any action taken on our three pending trade agreements, the stimulus package dramatically increased the TAA Program as part of the stimulus bill and increased spending on this program annually by approximately \$1 billion. In essence, a program that was designed to assist workers who had been adversely affected by free trade was transformed into a domestic spending program for reasons that had nothing at all to do with expanding free trade.

What is worse, after repeatedly claiming it supports the free-trade agreements with Colombia, Panama, and Korea, the White House earlier this year announced that the cost of its support was reauthorization of the new TAA with funding set not at the original 2002 level but the 2009 stimulus level.

So we had a program that had been expanded from its original cost under the dubious guise of a temporary economic stimulus, and then we were told this temporary funding increase, which was designed to expire along with the stimulus, should, in effect, be turned into a permanent domestic spending program.

After much discussion and debate, there now appears to be a proposal to reauthorize TAA and fund it somewhere between the prestimulus and poststimulus levels. This proposal is contained in the substitute amendment offered by the majority leader. Some would say this is a good deal and Republicans should accept it. Others say trade adjustment assistance is ineffective and unproven and Congress should kill it altogether.

I am very dubious about the benefits of TAA. But I understand also what is doable around here and what is not. So I am offering this amendment as a

matter of principle. As I have said many times on the floor of this body, I am not opposed to TAA nor do I seek to kill it. I read the same media reports as my colleagues, which suggest that the White House is holding hostage the trade agreements with South Korea, Colombia, and Panama until Congress passes TAA.

Many of us do not like this. Many of us think this is contrary to our national and economic interests. But it is a fact. So I recognize, as in the past, that Congress should reauthorize TAA. The question is, How much of the taxpayers' money should we spend to do it?

That is why I am offering this amendment. I believe Congress should reauthorize it because we are being compelled to do so, but I also believe we should reauthorize this program at its prestimulus funding levels.

Let me explain why. The following are the temporary expansions to TAA that were included in the stimulus, which cost about \$2 billion in 2010, and, according to the Department of Labor, was estimated to cost approximately \$2.4 billion in 2011 if the 2009 stimulus expansions had stayed in place.

The stimulus expanded TAA to cover workers whose employers shifted production to any foreign country, not just those—as under prior law—whose jobs were outsourced to countries with which the United States has a free-trade agreement.

It expanded TAA coverage to the service sector and government employees who lose their jobs because of trade.

It increased the tax credit available to cover private health insurance premiums from 65 percent to 80. It increased the appropriations cap for training from \$220 million to \$575 million, a 160-percent increase over the previous cap.

It created the Community TAA Program, which authorizes \$230 million for trade-affected communities to assist in strategic planning grants up to \$5 million, sector partnership grants up to \$3 million over a 3-year period, and community college and career training grants up to \$1 million.

It gave \$17.5 million to States for employment and case management. It lengthened the amount of time workers could receive trade readjustment allowance assistance by 26 weeks.

Finally, it revived the TAA for farmers and the wage insurance program, estimated by CBO to total about \$100 million for 2 years.

So we had a program that had been expanded from its original intent, with benefits going to government employees, service sector employees, TAA benefits going to communities, TAA benefits going to farms, TAA benefits going to firms, under the dubious guise of a temporary economic stimulus.

This is what the White House and the other side in Congress were telling us

had to be reauthorized in order to pass the free-trade agreements. My amendment also addresses the claim made by some that the agreement in the majority leader's substitute amendment not only reduces TAA from stimulus levels but also much lower in several years.

However, according to a recent Heritage Foundation analysis, this may not be accurate. This is important, so let me read this analysis at length. This is from the Heritage Foundation report:

Instead of cutting TAA back to pre-stimulus levels, the proposal restores and solidifies the most alarming aspects of the stimulus expansion at a yet unknown cost.

It keeps the 2009 stimulus expansion for service sector workers. TAA was originally intended to provide income maintenance and job training to workers from the manufacturing sector. The stimulus bill expanded eligibility to include workers from the service and public sectors. This expansion expired in February, but the proposal restores TAA eligibility for service sector workers.

It restores stimulus expansion of benefits for job losses unrelated to FTAs. The proposal retains the stimulus expansion of providing TAA benefits to any workers who lost their jobs to overseas production, not just TAA-certified jobs that were lost to FTAs.

It reinstates the stimulus's 161 percent increase in TAA for workers' job training spending. The proposal cements the stimulus spending expansion of TAA for workers' job training at \$575 million per year from \$220 million—an increase of \$355 million per year.

It continues the stimulus's creation of a new and duplicative job training program.

The proposal keeps the TAA Community College and Career Training Program, which has appropriations authorizations of \$500 billion per year from fiscal years 2011 through 2014. This new job-training program is just one of the 47 employment and training programs operated across nine agencies by the federal government.

Let me repeat that. This is another proposal that spends \$500 million for job training, even though we already have 47 employment and training programs operated across 9 agencies by the Federal Government.

It partially reinstates the stimulus increase in Health Coverage Tax Credit. . . .

It solidifies the wage subsidies for older workers as a permanent program. The prestimulus Alternative TAA was a temporary five-year demonstration program that paid 50 percent of the difference between new and old wages of displaced older workers. It subsidized the wages of older workers earning less than \$50,000 per year for up to \$10,000 over two years. After changing the program's name to Reemployment TAA, the stimulus expansion increased the wage subsidy to \$12,000 over two years for displaced older workers earning less than \$55,000 and made the program permanent. While the proposal reduces the wage subsidies to pre-stimulus levels, it also cements into law the permanency of the wage subsidy program.

It retains the stimulus expansion of the union VEBA handout. Despite having nothing to do with international trade, the stimulus expansion of TAA extended the HCTC to Voluntary Employee Beneficiary Associations (VEBA). A bankruptcy court can allocate a portion of an out-of-business employer's assets to a VEBA, which assumes responsibility for retirees' health coverage. This expansion primarily benefits unions. Under the

proposal, the federal government would cover 72.5 percent of the cost of retiree health benefits at bankrupt companies. This coverage occurs regardless of whether the bankruptcies are related to free trade.

Let's look at an example of excess created in the "temporary" stimulus expansion of the TAA Program that taxpayers are still on the hook for. According to a February 2011 study by Senator COBURN, entitled "Help Wanted: How Federal Job Training Programs are Failing Workers":

Taxpayers may have a case of indigestion when they learn, nearly two years after the stimulus was enacted, their money is paying lobstermen, shrimpers and blueberry farmers \$12,000 each to attend job training sessions on jobs they are already trained to do.

The stimulus reauthorized the Trade Adjustment Assistance for Farmers program administered by the USDA, a program that provides subsidies to producers of raw agricultural commodities and fishermen so they can adjust to import competition. Under the stimulus, TAA benefits were enhanced to focus more on employment re-training.

While the Reid substitute includes a compromise to "pare back" some of the expansions in the "temporary" stimulus spending legislation of 2009, it still expands TAA benefits and eligibility beyond the prestimulus levels—by approximately, by my calculations, at least \$600 million a year.

I acknowledge that expanding trade temporarily puts some of our workers at a disadvantage. I remember being roundly criticized during the 2008 Presidential campaign when I had the audacity to tell Michigan workers the truth—that many of the jobs that had left their State for cheaper labor markets overseas were never coming back. So I understand that trade can create difficulties for some American workers. I am not opposed, in principle, to supporting those workers temporarily so they can develop new skills and find new jobs. That said, let's look closer at how the Federal Government has been going about programs such as this.

Earlier this year, the GAO released a study entitled "Multiple Training and Employment Programs: Providing Information on Collocating Services and Consolidating Administrative Structures Could Promote Efficiencies." Here is what the GAO reported on Federal employment and retraining programs, including the Trade Adjustment Assistance Program:

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improved employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive, or restricted to short-term impacts.

So not only are many of these worker employment and training programs duplicative, the GAO has found very little empirical evidence to support whether these programs are even accomplishing

their intended goals—and what empirical evidence they have they found is, I repeat, "... small inconclusive, or restricted to short term impacts." TAA is among these programs.

This is bad enough, but what is worse, we have not even been told how much this expansion of TAA will cost the taxpayers. We are told the legislation includes "offsets," but we know they are not real. Offsets allegedly include: rates for merchandise processing fees, changes to the "time for remitting certain merchandise processing fees," unemployment compensation program integrity provisions to create a "mandatory penalty assessment on fraud claims, prohibition on non-charging due to employer fault, reporting of rehired employees to the directory of new hires." That is supposed to come up with hundreds of millions of dollars.

I cannot say what most of these mean, but I can say they are not real.

Even while extending the TAA prestimulus program, we need to analyze whether the TAA Program is doing what it was intended to do. The following are some of the questions and concerns we must consider:

Does the TAA Program provide overly generous benefits to a narrow population?

According to analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009, only 1 percent of mass layoffs were a result of import competition of overseas relocation.

Is there evidence that TAA benefits and training help increase participants' earnings?

An analysis by Professor Kara M. Reynolds of American University found "little evidence that it (TAA) helps displaced workers find new, well-paying employment opportunities." In fact, TAA participants experienced a wage loss of 10 percent.

The same study found that in fiscal year 2007, the Federal Government appropriated \$855.1 million to TAA Programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA Program as "ineffective." The OMB found that the TAA Program failed to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals.

Let me close by reminding my colleagues how we got to our current predicament. It is mid-September of 2011, 2½ years since President Obama took office, and we still have not received these important trade agreements that were finalized half a decade ago—all because of the White House's insistence on making a "temporary" stimulus program—the dubious extension of TAA—into a permanent domestic spending program.

This is how George Will summed it up, writing in the Washington Post on June 8, 2011. The piece is as appropriate now as it was then:

President Obama is sacrificing economic growth and job creation in order to placate organized labor. And as the crisis of the welfare state deepens, he is trying to enlarge the entitlement system and exacerbate the entitlement mentality. . . .

On May 4, the administration announced that, at last, it was ready to proceed with congressional ratification of the agreements. On May 16, however, it announced they would not send them until Congress expands an entitlement program favored by unions.

Since 1974, Trade Adjustment Assistance has provided 104, and then 156, weeks of myriad financial aid, partly concurrent with the 99 weeks of unemployment compensation to people, including farmers and government workers, and firms, even whole communities, that can more or less plausibly claim to have lost their jobs or been otherwise injured because of foreign competition. Even if the injury is just the loss of unfair advantages conferred, at the expense of other Americans, by government protectionism.

This process should be appalling to the average American who is looking for an improving economy, not special favors to certain special interest groups.

At a time when our national debt has reached unsustainable levels, at a time when Congress and the American people face some truly painful choices about how to cut our Federal budget, at a time when some are even considering enormous and dangerous cuts to our defense spending as a way to get our fiscal house in order, this is no time to throw more money than we did before the stimulus at a Federal program that, as the GAO points out, is duplicative and possibly ineffective.

I am prepared to reluctantly support TAA if it were funded at the prestimulus level, as a recognition of reality that some form of this program is required in order to pass our existing trade agreements. But we should authorize it at prestimulus levels and not one dollar more. That is what this amendment would do. I urge my colleagues to support it.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At this moment, there is not a sufficient second.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I wish to address some of the points raised by

our colleague from Arizona—just a couple areas; one is the question of the impact of the Trade Adjustment Assistance Program, which has been enhanced by way of the Recovery Act of 2009. I will talk about some of the reforms as well and maybe address some of the cost questions.

First, with regard to trade adjustment assistance prior to the 2009 period versus the period after that, I wish to submit for the RECORD—and then I will walk through some of this—this document entitled “Trade and Globalization Adjustment Assistance Act (TGAAA) Worker Certification 5/18/

2009–6/27/2011.” This is a Department of Labor document.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT (TGAAA) WORKER CERTIFICATIONS 5/18/2009–6/27/2011

State	Estimated total workers certified under new provisions	Estimated total workers certified under all provisions	Estimated percent of workers certified under new provisions
Alabama	4,710	11,277	41.77
Alaska	3	3	100.00
Arizona	4,969	8,540	58.16
Arkansas	807	6,192	13.03
California	20,942	30,619	68.40
Colorado	2,755	3,652	75.44
Connecticut	2,916	4,728	61.68
DC	50	50	100.00
Delaware	13	1,281	1.01
Florida	2,867	6,196	46.27
Georgia	1,887	5,684	33.20
Hawaii	43	43	100.00
Idaho	1,549	2,228	69.52
Illinois	6,997	19,772	35.39
Indiana	3,717	17,047	21.80
Iowa	1,479	4,380	33.77
Kansas	1,065	6,076	17.53
Kentucky	3,519	9,755	36.07
Louisiana	601	2,261	26.58
Maine	914	3,506	26.07
Maryland	1,556	3,118	49.90
Massachusetts	6,821	9,745	69.99
Michigan	14,440	49,642	29.09
Minnesota	4,325	9,166	47.19
Mississippi	392	2,566	15.28
Missouri	2,889	9,328	30.97
Montana	316	658	48.02
Nebraska	1,130	2,121	53.28
Nevada	61	89	68.54
New Hampshire	382	1,471	25.97
New Jersey	4,744	6,329	74.96
New Mexico	1,467	2,412	60.82
New York	9,411	18,795	50.07
North Carolina	9,674	19,569	49.44
North Dakota	905	905	100.00
Ohio	7,706	33,905	22.73
Oklahoma	1,473	1,976	74.54
Oregon	6,045	11,981	50.45
Pennsylvania	9,932	27,401	36.25
Puerto Rico	42	821	5.12
Rhode Island	579	1,401	41.33
South Carolina	4,133	8,358	49.45
South Dakota	350	925	37.84
Tennessee	6,676	17,712	37.69
Texas	11,706	20,441	57.27
Utah	2,233	3,328	67.10
Vermont	344	964	35.68
Virginia	4,256	10,951	38.86
Washington	2,547	7,269	35.04
West Virginia	1,760	3,688	47.72
Wisconsin	5,731	16,864	33.98
Wyoming	0	46	0.00
Total	185,783	447,235	41.54

Mr. CASEY. Let me go through, by way of summary, what this depicts. First of all, it is a document that has three columns; first is the “Estimated Total Workers Certified Under New Provisions,” meaning the changes made to TAA as a result of the American Recovery and Reinvestment Act of 2009; the second column is the “Estimated Total Workers Certified . . .” meaning certified under TAA—“ . . . Under All Provisions of TAA”; finally is the “Estimated Percent of Workers Certified Under New Provisions” as a result of the changes made. And what it shows is, if you look across the country, the estimated total workers certified under all provisions is 447,235 people. Of that, the increase—in essence because of the 2009 changes—is 185,783. And if you look at the percentage, that is a 41-percent increase.

So the basic point here—after a long explanation—is very simple. Because of the changes made in 2009, we were able to help—the U.S. Government, by way of TAA—41 percent more individuals. That is relevant because it was helping folks to be retrained, helping them to get the skills they needed for a new career, a new job, at the time they needed it—during the worst economic catastrophe in 100 years, other than the Great Depression. So if there were ever a time when we needed to make sure that TAA worked—and it has worked—and, also, if there were ever a time when we wanted to make sure that TAA was strengthened and enhanced, it was during the last couple of years. That is the point, that the 2009 changes were made because we were in the throes, the teeth, the grip of the worst economic downturn in 100 years, other than in the 1930s.

Let me highlight a couple of States. For example, in my home State of Pennsylvania, what all this means, if you look at the total number of workers helped in this time period—again, talking about roughly the 2 years between May of 2009 to June of 2011 in Pennsylvania—there were 27,401 people helped. Workers helped, I should say. Of that, about 36 percent were helped solely because of the Recovery Act changes.

I know a good bit about the workers in our State. They needed that help. They needed the help that was provided as a result of the Recovery Act. So we have good evidence a lot of folks were helped, certified, and then enrolled in programs to give them the skills they needed.

The Presiding Officer is from the State of New York, and she knows how difficult this recession has been on

workers in New York. The total number of workers certified in New York in that 2-year time period was 18,795. But half of that number, a little more than 50 percent, were helped as a result of the 2009 changes that were made.

I say that to highlight and emphasize that the 2009 changes allowed more workers to be retrained, to get the skills they needed to go back to work. I think that is what we are all about here. Democrats and Republicans all say they want workers to get back into the workforce. This is one of the ways we do it. It is very practical. In order to get from here to there—from unemployment to employment, and in a lot of cases to a new job or a new career—you need to be trained. That is what TAA does.

I will highlight two or three more States. Chairman BAUCUS, from the great State of Montana, his State was helped as well. Their increase, based upon the 2009 changes, was close to 50 percent. So almost 50 percent more workers in the State of Montana were helped as well to get the skills they needed.

Let me mention as well my colleague Senator BROWN who has worked so hard on this. There were 7,706 more workers in the State of Ohio who were certified to get the skills and training they needed because of these changes.

And, finally, I will mention as well our colleague from Arizona. If we look at the total number of Arizona workers certified, there were 8,540 workers certified in total, but of that 8,540, the increase was some 4,969. So in Arizona, the increase of workers who were helped or certified for new training, there was a 58.16-percent increase. So the increase in Arizona was even higher, and in some States it was even higher than that.

The point here is that 2009 changes weren't just a couple of changes made to enhance the program or expand it for the sake of expanding a program. I think the evidence shows we have certified more workers. These workers have to go through a process to be certified in order for us to provide help by way of the Federal Government and other partners who are helping us retrain workers. I think the evidence is pretty clear that has been a very positive change, giving more workers the skills they needed to compete.

Let me say as well about our colleague from Arizona that I appreciate what he said about TAA, and that he supports it. We may have a disagreement about how to get there. He apparently doesn't want the 2009 changes to be made part of any effort going forward, but I appreciate the fact he has expressed support for TAA. I also appreciate the fact that when Senator BAUCUS, Senator BROWN, I, and others in the latter days of 2010 were trying to get an expansion of TAA, Senator MCCAIN worked with us to try to nego-

tiate something. He was very willing to talk and to work and to come together, and I appreciate that, because we need that bipartisanship, we need that collegiality to move this forward. So even though we have a disagreement about the changes made, I appreciate his willingness to work with us back in December and to continue to work with us.

Let me make one or two more points. One basic point about reform. Folks will criticize programs and say programs aren't sometimes going through the kind of changes we hoped for in reforming them. But we should note for the record that in 2008, the GAO released a study which highlighted a number of issues with trade adjustment assistance. They set forth findings. That is why GAO is important. We shouldn't allow programs to go on for years without some sort of reporting, accountability, performance measures, or whatever you wish to call it.

GAO pointed out problems they believed could be the subject of reform for TAA, and those recommendations were the foundation for some of the changes in the 2009 Recovery Act we are debating here on the floor, and we are debating as a result of Senator MCCAIN's amendment. Here is what they are. I will highlight them quickly. Here is what we are talking about.

The amendment we are considering, or the effort we are working on to expand TAA, does a number of things we should highlight. In addition to making more workers eligible for training, it does a couple of things. First of all, it consolidates administration—that is important to highlight—it consolidates case management, and it consolidates job search and relocation funding under the new dollars for job training. The amendment also eliminates separate funding streams that were in place before, but it also allows States the flexibility to use a portion of the training funds for administration and for case management costs. States must prioritize these funds for training and case management, but administrative costs are capped at 10 percent of the funds and States can also use these funds to pay for 90 percent of the cost of job search and relocation up to \$1,250.

Finally, the amendment includes 30 new performance metrics and accountability measures across all TAA programs.

So what is the point? The point is very simple. We had a GAO study in 2008 that recommended changes to TAA. We had a Recovery Act introduced and enacted for a variety of reasons, some of which spoke directly to TAA in 2009. The reforms from the GAO study were incorporated in the 2009 changes. So if we stay with the original non-2009 provisions, we won't have these reforms built in. GAO had pointed out some issues we should address,

they were addressed in 2009, and that is another good reason why we should support the amendment that would include those 2009 changes.

Finally, on the question of costs or offsets, the 10-year cost for TAA is now \$962 million over 10 years. That is cut way back. In fact, it has been cut by as much as half. We will talk about them more in the record, but there are three offsets. The first, so-called "merchandise processing fee," raises \$1.77 billion; the second, on unemployment insurance, accounts for \$320 million; and then finally, the Medicare quality improvement organizations raises another \$330 million. So there are offsets—three in number—and the total cost is now \$962 million over 10 years. I think it is a reasonable price to pay for the substantial training and retraining that TAA provides for our workers who are living the horrific nightmare of job loss and the destruction of their careers, and, frankly, in many cases, the destruction of their family.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I ask unanimous consent that all time in a quorum call be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 641

Mr. HATCH. Madam President, I rise in support of my amendment No. 641. As I explained yesterday, this amendment really is about fundamental fairness.

The President wants TAA and has held hostage three free-trade agreements to get it. Well, most of us want these free-trade agreements and think it is wrong for TAA to move forward while the FTAs languish. My amendment will ensure that all four legislative ships arrive in port at the same time.

It is time for the entire trade agenda to move forward. In August, as he

toured the Midwest, the President repeatedly called upon Congress to take the agreements up “right now” to help create jobs. This hollow call for action typifies the President’s approach to the trade agenda. By calling upon Congress to act, he appears to be embracing the agreements and pushing for their quick approval. But, like so many of the President’s trade initiatives, his words do not match his deeds.

In reality, Congress cannot take up these agreements “right now.” President Obama is relying upon a trade law called trade promotion authority to protect each of these agreements from being blocked or amended by Congress. In order to take advantage of this statutory authority, it is not Congress but the President who must take the first step and submit each agreement for consideration. If the President does not submit these agreements, Congress cannot act under the trade promotion authority. The President and his team know this. In fact, here is a chart which outlines the TPA process, called “How a Trade Agreement Moves Through Congress Under Trade Promotion Authority.” This was taken directly from the Web site of the Office of the U.S. Trade Representative. It clearly shows that Congress cannot act until the President submits the agreements.

But why take responsibility for moving the agreements when it is much easier to blame their continued delay on Congress? The fact is, the President wants all the benefits of trade promotion authority but none of the responsibility.

Once they were called out on the mismatch between their words and their deeds, the administration finally reined in their rhetoric but provided little guidance as to what their actual plans are. In the meantime, Republicans continued to push for consideration of the three pending FTAs. Back in July, a group of Republican Senators signed a letter vowing to help the administration achieve its objective of gaining approval of trade adjustment assistance in exchange for submitting the FTAs. Now, despite a clear path forward, the President remains silent to this day.

As the President continues to delay, our country cedes each of these three free-trade agreement markets to our foreign competitors, and they are taking them over because we are dilly dallying here instead of doing what is right.

Our economy and our workers are suffering under horrific levels of unemployment. Almost 1 in 10 American workers are out of a job under this administration, and we can’t afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing. The President himself has said these three trade agreements, once put into law, will amount

to 250,000 new jobs, and that is not something to sniff at.

While our economy remains troubled and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, we hear nothing but silence from the President. A case in point: The European Union’s exports to South Korea increased almost 45 percent in the first 20 days since that agreement went into force on July 1. Their share of Korea’s import market increased from 9.5 percent to 10.3 percent in just 3 weeks. Meanwhile, the U.S. share of Korea’s import market dropped from 10.5 percent to 8.4 percent. Unless we act quickly, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote:

If there is any doubt about the seriousness of the problem for U.S. agricultural exports, one need only consider the damage that has already been done by the delay in implementing the Colombia Free Trade Agreement. Argentina and Brazil have negotiated trade agreements with Colombia that have given them preferential access. As a result, U.S.-produced corn, wheat, and soybeans have been hit hard, with the combined share of Colombia’s imports for these products falling to 28 percent from 78 percent since 2008.

That is a big drop, mainly because of the dillydallying on this trade agreement.

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters and our farmers. The fact is that each of these agreements is critically important to our economy. For my home State of Utah and for workers across the country, they mean more opportunity and jobs. It is a slam dunk for the President to create jobs by getting these agreements up here and getting them passed.

The National Association of Manufacturers estimates that U.S. workers lose \$8 million in wages and benefits every day these agreements are delayed. I for one stand ready to continue to fight for their consideration and approval. We have come a long way this year, but we are not yet done.

I hope the President will heed my call and submit these agreements to Congress so we can approve them, but history has shown this President will not act unless he is forced to. This amendment I am offering will continue to put pressure on him to act, and act soon, and I encourage my colleagues to support it. The time for dithering and deliberation is over. Let’s adopt my amendment and ensure that our work in moving TAA forward leads to the promised result—submission of three pending free-trade agreements by the President and their quick enactment into law.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, it is my understanding there will be two votes at approximately 12:30. One is on the amendment offered by the Senator from Utah, Senator HATCH, and another by the Senator from Arizona, Senator MCCAIN. I wish to explain, in a few minutes, why I think it is advisable for the Senate to not adopt either of those two amendments. Let me first address the amendment offered by my good friend from Utah, Senator HATCH.

There are a lot of people looking for work. Today, about 14 million Americans are looking for work. More than 6 million have been out of work for at least 6 months. These Americans are looking to put in a good day’s work and looking to provide for their families. At the same time, many employers cannot find enough skilled workers to fill the jobs that are open. It is very difficult, because employers need people with specialized skills. This is becoming more and more true with each passing year. We need workers who are good at math. We need workers who are good with their hands, who are trained in high-tech manufacturing. The bottom line is, employers need an educated and skilled workforce. Trade adjustment assistance can help bridge this gap. Trade adjustment assistance can train workers and connect them with employers who are looking to grow their businesses.

Let me mention a fellow who has been a big beneficiary who has been helped by this program. His name is Kris Allen. Kris lost his job at Montana Tunnels in Jefferson City, MT, in 2009. Because of trade adjustment assistance, he was able to go to school at Helena College of Technology. He wanted to be a diesel mechanic. He made the dean’s list most of the semesters. In May of 2011 he graduated. In fact, he got his degree on a Friday and started work the very next Monday. His new job at a trade company in Belgrade earns him \$18 an hour. Kris has not stopped there. He continues to hone his skills at Montana Resources keeping up to date on the latest technology and machinery.

In this fast-paced globalized economy, human capital is the key to our country’s competitiveness and economic vitality. Americans such as Kris know the benefits of a good day’s work, and he could not have done this without trade adjustment assistance. That is why I must oppose the Hatch amendment. The amendment would withhold trade adjustment assistance benefits to

this bill until a free-trade agreement with South Korea and Colombia and Panama is approved. It would delay Americans such as Kris from getting the help they need to find good-paying jobs, and the amendment would delay businesses such as New Holland Trade Company from hiring employees and growing their company.

The Senate is here this week to consider the GSP trade adjustment assistance bill. It is my hope the Senate will pass it in short order and will send the bill to the House, which is expected to pass it shortly.

We have an agreement, and that is an agreement between the leadership of both the House and Senate, an agreement on how the Congress will consider trade adjustment assistance and also how to consider free-trade agreements. There is no need to legislate this process. In fact, doing so could substantially delay the process and disrupt disagreements, not just disrupt trade adjustment assistance but disrupt passage of free-trade agreements.

I might add that there is a difference between the legislative process with respect to trade adjustment assistance and free-trade agreements. Trade adjustment assistance is legislation. It goes through the usual legislative process. It can be delayed. There is no requirement that it be voted on.

That is not true with free-trade agreements. Once the President sends up a free-trade agreement, it enjoys a certain fast-track process under which there must be a vote in both bodies after a certain period of time. It is not imperative between the legislative process in one and the special fast-track process for the other. It is why the agreement was reached encouraging trust on both sides for the trade adjustment assistance amendment to be passed by both bodies first before the President can send up the free-trade agreements. He has indicated he will do so.

I have very strong assurance from the White House that is the case. In fact, that is the agreement with the leadership, that if the trade adjustment assistance passes, then the free-trade agreement will come up and be voted on and passed in the House and then voted on and passed in the Senate.

The best way to support our trade agenda and the best way to support free-trade agreements is to not accept the amendment as offered by my good friend from Utah so we can get both passed very quickly.

AMENDMENT NO. 625

Virtually, the same is true with respect to the amendment offered by Senator MCCAIN. I oppose Senator MCCAIN's amendment. He wants to go back and undo some of the progress that was made in trade adjustment assistance. Let's start with the 2002 trade adjustment assistance law. That made important changes in trade adjustment

assistance. In fact, I helped write that law.

In 2002 trade adjustment assistance covered manufacturing workers, and it covered workers whose jobs shifted to countries with which we had a free-trade agreement. So it covered workers who were in manufacturing who lost their jobs, and then it covered workers whose jobs were shifted to countries with which we had a free-trade agreement. Other aspects of American employment, such as services, did not cover the jobs that shifted to countries with which we did not have a free-trade agreement.

That 2002 law not only covered manufacturing workers and workers whose jobs shifted to countries with which we had a free-trade agreement, it also doubled training funds. Doubled it. Training is so critical. It also provided a new tax credit to help Americans better afford health insurance for themselves and their families. That is no small item. We all know how hard it is to get health insurance especially for individuals in small firms. We are not talking about big companies. We are talking about individuals who have lost their jobs. We also know how expensive health care is; therefore, there is a great need for health insurance. Again, that 2002 change of the trade adjustment assistance doubled training funds. Training is so important in today's modern society, and it provided a new tax credit to help Americans better afford health insurance.

Our economy has changed since 2002. America's strength in manufacturing expanded to include a robust services sector, which is now 80 percent of our economy. Madam President, 80 percent of our economy today is services. It is all different facets. It is call centers, insurance, and everything you can think of that is characterized as services. America's trade with foreign nations has expanded to countries such as China and India, big countries with which we do not have free-trade agreements. The service sector has expanded just since 2002, and we have trade with other countries with which we do not have free-trade agreements.

I believe trade adjustment assistance should cover workers both in manufacturing and services. It should cover workers whose jobs move to any country, especially China, whether it is an FTA country—free-trade agreement country—or not.

These changes in realities have prompted me and my colleagues to update that program, to update it from what it was in 2002. It was updated in 2009. When they updated it in 2009 the law brought trade adjustment assistance more fully to the 21st century by providing Americans with training for the new economy. Unfortunately, those expanded provisions expired in February. They are gone. That had a big impact. Thousands of workers were de-

nied access because the expiration of the expansion of trade adjustment assistance.

For example, more than 1,000 service sector workers in both Texas and Virginia were denied TAA benefits when the 2009 law expired earlier this year. These workers likely will be eligible under the trade adjustment assistance compromise I negotiated with Chairman CAMP. Chairman DAVID CAMP, chairman of the House Ways and Means Committee, and I and our staffs spent a lot of time getting an agreement on trade adjustment assistance, what the provisions should be, how far the expansion should go, and how it should be paid for. It was an agreement, a bipartisan agreement. There is not much of that around here, but we worked hard and got the job done.

I must say, however, under Senator MCCAIN's amendment, these service workers I mentioned would remain shut out. They would not qualify. I think it is time to bring us into the modern world. It is time to provide equal access to all Americans regardless of whether they work on a factory floor or a call center. It should not matter. If you lose your job on account of trade, you should get trade adjustment assistance benefits regardless of whether the job moves to Mexico, a country with whom we do have a free-trade agreement or if the job moves to a country such as China, a country with whom we do not have a free-trade agreement.

I, therefore, urge my colleagues to oppose the McCain amendment. I think it is unwise. I might also add that if either of these two amendments pass, guess what. It gets all gummed up over in the House. The House, therefore, cannot take up the clean trade adjustment assistance amendment. We have to go back all over again, amend it again, back and forth.

Do you know what that is going to do? It is going to do two things: That is going to jeopardize passage of the updated trade adjustment assistance. Guess what else it is going to do. It is going to jeopardize passage of free-trade agreements. I think a vast majority of the Members of this body and in the other body, together, want both of these matters passed.

I must say if we had amendments here, despite them being defective on the merits, if amendments are added, it is going to delay the process further. The House will have to amend it again, send it back over here, and it is going to very much delay both the trade adjustment assistance and the free-trade agreements. For those reasons I urge that those amendments not be agreed to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, nothing of the sort is going to happen. The

fact is, we have had nothing but delays by the President. Just a few weeks ago he was accusing us of not passing the free-trade agreements when he knows we cannot even consider them. There have been a lot of games played with us.

I remember last spring in our committee when the Trade Representative said: We have a few more things we have to work out on Panama and Colombia, and we will definitely send these free-trade agreements before the August recess.

We got near the August recess, and they said: Well, we need one other thing. We need trade adjustment assistance.

Now, if they need trade adjustment assistance—and I have no doubt that is going to pass in the Senate if there is a fair process. I do not believe there is any doubt it will pass in the House. The agreement worked out by the distinguished chairman and Chairman CAMP over in the House probably will be voted on. I have to vote against it.

The fact is, all my amendment—it does evidence some distrust in this process. All my amendment does is say: Look, we are not going to allow trade adjustment assistance to go into effect until these three trade agreements are sent by the President and passed. Both bodies can pass the trade adjustment assistance on this bill, and that is fine with me. My amendment says TAA does not go into effect until the President submits these three treaties, and they are passed and become law. Then trade adjustment assistance goes.

That is a very fair way of doing this. It is a way of saying to everybody: Let's get rid of the mistrust. Let's do this in a straight-up way. Let's do it so everybody knows what is going to happen. Trade adjustment assistance will ultimately come into effect, but only after the administration lives up to submitting these trade agreements and they are passed.

Why would we want trade adjustment assistance to pass if these three trade agreements do not pass? It is just another big cost to the government. Keep in mind the people who are out of work are getting unemployment insurance. Trade adjustment assistance adds payments on top of that to their unemployment insurance. Why would we do that if we are not going to have these three trade agreements become law? It just makes no sense. Mine is a practical amendment.

It says let's get rid of the game playing. We will do this if you do this. Frankly, the President promised to do it, and we are still standing here waiting for the three trade agreements to be sent here. To me, it is hard to imagine why the President is not doing this.

By the way, on the trade adjustment assistance a little less than 7 percent of our nongovernment workers are unionized. Yet one-third of these payments

will go to union members. I do not blame my colleagues on the other side for wanting to help anybody who is out of work or anybody who belongs to a trade union. But do we always have to do it in a slanted way that helps one small sector of the workers in this country and not the rest of them? It is a problem. We have unemployment insurance to take care of people who are out of work. We should do that. It is important we do that. Trade adjustment assistance is just adding some more payments on top of that.

There is a real question whether we should do it here because I asked the representatives of the Administration in the committee what jobs are going to be lost as a result of these three agreements. They could not come up with one. There will be, according to the administration, 250,000 new jobs that will occur, or at least jobs that will occur and will be sustained by these three trade agreements once they are enacted into law.

Just yesterday my friends on the other side voted down trade promotion authority. I cannot imagine why any President would not want trade promotion authority.

It is mind-boggling to me that this President doesn't want it. It is the only way we are going to be able to get free-trade agreements done. Otherwise, we are going to have to do it through other legislative processes, which is much more arduous, much more difficult, and does not come up with just an up-or-down vote. There is a reason for this process, and that is to be able to do free trade in this country. Yet every time we turn around there is another roadblock thrown up by the other side, as though they don't want free trade. I understand that for some unsubstantiated or ridiculous reason the unions don't like free-trade agreements, even though they are going to, according to the Administration, create 250,000 new jobs—or jobs, anyway. Why wouldn't they like those? They have an opportunity to unionize companies that come into existence.

By the way, even under the stilted, one-sided National Labor Relations Board that currently exists that is running away with our responsibilities and legislating from the regulatory bench—even with that board, unions win 60 percent of union elections—contested elections. It is not as though they are being picked on or are not being treated fairly.

By the way, I would be one of the first to make sure they are treated fairly. I am one of the few people in this whole body who earned a union card. I worked in the building and construction trade unions for 10 years. I acknowledge the distinguished Presiding Officer sitting in the chair earned a union card. I am not sure we can call that a union, working with the—just joshing. The entertainment

industry unions are not like the AFL-CIO. We are tough as nails. On the other hand, I have to retract that because I have seen some people in the entertainment industry as tough as nails, and the Presiding Officer is one. No question about it. I have great admiration for him. But he ought to be with me on this. He ought to be with me because all we are saying is, look—and the most that would happen is a few days, enough to get the free-trade agreements passed in the House.

So what I am saying is, first of all, let's get the President to do what he has blamed us for not doing; that is, to send these three free-trade agreements with these countries that are so important to us and we are important to them. We are losing business every day because this is being dragged out for so long. Send them so we can vote on them. TAA will pass here, and I believe it will pass over there with the process we have.

All I am saying is it doesn't become effective because we shouldn't be paying for people when we don't have free-trade agreements that are the basis for paying people. All I am saying is they don't come into existence—the TAA doesn't come into existence until after these free-trade agreements are ratified, are voted up or down, and become law—voted up and become law. That is fair. It is an intelligent approach to it. It ends the mystery. It ends what some people think is a convoluted process. It ends what some people think is not a good-faith process. It does it in a way that doesn't hurt anybody, and it just says: Look, let's do it straight up so there is no more arguing or moaning or groaning or accusations that one side is not being fair to the other. Let's just do it this way.

So I am calling on my colleagues on the other side to vote for my amendment. They don't lose a doggone thing. In fact, it will help this process along, and that is one reason I brought it up.

I am personally not sure trade adjustment assistance will pass without my amendment. That is one reason I brought it to the Senate floor—because it is a fair, decent, honorable way of saying, OK, let's get rid of the mysteries. Let's get rid of the arguments. Let's get rid of the partisanship. Let's vote on these three free-trade agreements—or excuse me, the trade adjustment assistance—which is going to add a lot of money to the cost of this government, and let's vote on them. When they are both voted through by the House and the Senate, then let's bring up the three free-trade agreements which should pass readily in both Houses. Once they become law, trade adjustment assistance comes into being.

That is a fair, responsible way of doing this in a way that does away with the mystery, does away with partisanship, does away with

Democratism and Republicanism and gets this process down the road.

For the life of me, I can't understand why anybody would argue with this. I am calling on my Democratic friends and saying: Let's be bipartisan about this. Let's send a message to the President that we want those doggone trade agreements up here. He controls that process. I just found it astounding when he came out and said: I wish they would pass the three free-trade agreements when he knows we can't until he sends them.

This agreement is not only fair, it is the right thing to do. It may be the only way we are going to get these three free-trade agreements done. I would like to hear a good argument against them, but there isn't any. With these free-trade agreements, I believe there will be thousands of jobs created. I am not sure there will be 250,000 as the administration claims, but I believe there will be many jobs at a time when we need jobs.

Trade adjustment assistance—there are a lot of sincere people in this body and in the other body who believe it is absolutely essential, even though there was not one shred of evidence as far as I heard that any jobs would be lost as a result of these two free-trade agreements. But I am willing to understand there may be some loss, and therefore—and even if there aren't, to get these three free-trade agreements through, the other side says we have to pass TAA. Fine. Let's pass it through both bodies. Let's make it subject to getting the three free-trade agreements passed into law because it should be subject to that.

There is no reason in the world why we would add more spending from a trade adjustment assistance standpoint unless we have these three free-trade agreements. That is the argument for the trade adjustment assistance that our colleagues on the other side and some on our side are making. I have a feeling this is the way to get this done. It is the smart way to get it done. It is the honorable way to get it done. It is the truthful way to get it done. It is the bipartisan way to get it done.

I think people know I have a reputation for being able to bring both sides together from time to time, and that is what I am trying to do. This is not a political game as far as I am concerned. I do want these three free-trade agreements because I know it would be great for our country. We are losing business. We have gone down from 74 percent agricultural exports to Colombia to 28 percent. Anybody with brains would say we shouldn't have allowed that to happen, and it wouldn't have had we passed these three free-trade agreements, or at least the Colombia one, last year. But Korea is such a big, even greater trading partner than Colombia—although, when I look at what President Uribe and what President

Santos, the current President, have done to straighten out that country and get rid of the terrorists and to bring down the violence against union members and so forth, they deserve our support. They deserve these agreements.

When I look at Korea and what an important partner they are in our trade—and we are losing trade to them now; others are taking it away from us because we haven't passed the Korean agreement—my gosh, it doesn't take any brains to realize we are not acting like friends to Korea.

Then look at Panama. Panama is one of the financial centers of this hemisphere. It is a great nation. It is important to us, above all people. It is dishonorable for us to not pass the Panamanian Free Trade Agreement that they worked out with us and which we had to add labor language in each one of these agreements that wasn't there before because of this administration's fealty to organized labor. Fine.

Why don't we do what has to be done to pass these three free-trade agreements and to get the support for TAA for those who believe that is the right way to go and get rid of any kind of concerns that one side or other would not live up to its share of the battle. My amendment will do that.

I hope it is not just a partisan vote. I hope we have some Democrats who will vote for my amendment. If we do, I think it will push this whole process forward in a way that makes sense.

Mr. President, let me just dwell a few minutes on one of the things I would like to get across. People ask me why I spent years working toward a leadership position on the Senate Finance Committee. It is pretty simple. The Finance Committee has jurisdiction over issues that matter not only to the people of Utah but to everybody: the bloated Tax Code we have, the inheritance taxes, health programs such as Medicare and Medicaid, Social Security, issues that go to the heart of international trade such as customs duties, tariff, and import quotas, and free-trade agreements. I could go on and on. It is a very important committee.

Sixty percent of all spending in this government comes through the Finance Committee. Being the lead Republican on the Finance Committee gives me a unique platform to shape all of these policies in a way that works best for my home State of Utah, and I hope the Nation as a whole.

Today I wish to focus on international trade and why I am so passionate about opening new markets to our goods and services. It gets repeated ad nauseam that 95 percent of our potential customers live outside of the United States, and there is no doubt that trade is vital to America's competitiveness. But trade has immediate and particular importance to jobs and

the economy in my home State of Utah as well as every other State.

Last year alone companies in Utah shipped over \$13 billion in merchandise exports to international markets—\$13 billion—supporting nearly 93,000 jobs in our State. Think about that: \$13 billion and close to 100,000 jobs thanks to products Utah companies sold outside the borders of the United States. My State is only one State. I think every State can tell a similar story. That doesn't even include our service providers, who similarly take advantage of opportunities across the globe. Companies in Utah exported to over 190 foreign markets; companies such as Varian Medical Systems, which produces cutting-edge x-ray products that assist with various cancer treatments and industrial security screening and which provides over 700 people with good-paying jobs in our State.

By removing barriers to trade, free-trade agreements level the playing field for our companies operating in markets abroad. This has an immediate and observable impact on trade. Following the implementation of every U.S. bilateral or regional free-trade agreement, Utah has increased its exports to partner countries.

Let me give two examples. Utah's exports to Morocco experienced growth of over 2,000 percent after the United States implemented a free-trade agreement with them, and Utah's exports to Singapore increased by over 800 percent after we implemented that FTA.

Listening to some of the pundits, it would be easy to draw the conclusion that exports in free trade are only important to large, multinational companies; but nothing could be further from the truth. In 2008, the most recent year for which we have statistics, 86 percent of Utah's exporting companies were small or midsized companies. For the entrepreneurs who lead these small and midsized companies, international trade is their lifeblood. But exports are only part of the story.

Thanks to low taxes, family-friendly values, and a well-educated, motivated, and internationally savvy workforce, Utah is a place where people want to live and work. And it is not just the greatest skiing in the world, although that certainly is a draw.

When foreign companies look to grow their operations or gain a foothold in the U.S. market, they increasingly look to Utah to site their operations. These companies invest significant amounts of capital to open or expand facilities in our State every year.

Foreign-owned companies employ over 34,000 workers in Utah. That is more than 3 percent of all Utah employees in the private sector. These are well-paying jobs. U.S. subsidiaries of foreign companies pay an average compensation of over \$68,000 per year. And let's not forget all of the spending by international visitors to our world-

class colleges and universities, ski resorts, and parks.

That is why I have been pushing so hard to get the three FTAs with South Korea, Panama, and Colombia passed and implemented. It is not the only reason, but it is certainly a reason. These agreements have been sitting idle for far too long. They were negotiated during the Administration of President Bush. They were wrapped in a bow for President Obama, ready to go the day he took office. His own Administration has made some changes in them that these three countries have agreed to. Yet President Obama still has not sent them to Congress for a vote, which is astounding to me. The President himself says these three agreements will create 250,000 new jobs. His failed stimulus, his burdensome overregulation of business, his penchant for taxing and spending to "redistribute wealth" all rubbed salt in the wounds of a difficult economy. We are now left with an unemployment rate of 9.1 percent. You would think the President would be eager to do something everyone agrees would actually create real jobs, and not just real jobs, great jobs. But the FTAs with South Korea, Panama, and Colombia remain on his desk.

While the President stands still, the world continues to forge ahead. China continues to pursue policies that boost its growth at our expense. Other countries around the world continue to negotiate trade agreements that exclude the United States, putting Utah exporters at a serious disadvantage, as well as other States. The consequences of this Administration's trade paralysis are real.

By way of example, the U.S. share of Colombia's agricultural imports has already fallen from nearly 44 percent in 2007 to 21 percent in 2010. The EU and Canada swooped in to fill this vacuum. Both have now negotiated free-trade agreements with Colombia.

During President Bush's Presidency, we passed trade agreements with 14 countries, providing a significant boost to the U.S. economy. By contrast, President Obama has not submitted a single trade agreement to Congress.

It certainly does not help that the President has refused to spend any political capital to seek trade negotiating authority from Congress. The need for it is obvious: Without it, we cannot pass good agreements to open foreign markets for our exports. That is why every President since FDR has sought this authority. Why doesn't this President? I think it is a lack of experience, personally. He is smart enough to understand this.

Every President but one has sought it. The only one who has not is our current President. But whether he seeks it or not, I am going to work to see that he gets it. And when he does, you can be sure it will be designed to shape his

negotiating objectives so that the resulting agreements embody high standards that best serve the economies of the United States and, in particular, my home State of Utah.

It is vital that future trade agreements—such as the proposed Trans-Pacific Partnership Agreement between the United States and six other nations—protect the intellectual property of our innovators and content creators, level the playing field for our companies which are often forced to engage in lopsided competition with state-owned companies and national champions, enable modern day integrated global supply chains, and enhance market access for both goods and services providers.

In the months and weeks ahead, we have the opportunity to shape the economic future of our great Nation and my own great State of Utah. I am going to do my part to ensure that trade plays a central part in that equation.

I hope everybody in this body realizes how important this is and that we should not keep playing these games because we have political opportunism. Then again, that is another reason for my amendment. My amendment says the games will be over. Both sides will vote on TAA. The President will have to submit the agreements. Once the agreements are passed and made into law, TAA comes into existence. And it should not come into existence until after these agreements become law.

What it says to everybody is: Look, the games are over. This is the way to do it. This is the fair way to do it. This is the bipartisan way to do it.

Wouldn't it be wonderful if we could get these free-trade agreements passed? Wouldn't it be a wonderful achievement for all of us here—a bipartisan achievement, with the President getting lots of credit for it? I think it would be a good thing. If we cannot do this, then you can imagine what this place is going to become in the future. My amendment is the way you get there.

I am hoping my colleagues on the other side listen to this. I hope they pay attention. I sure hope they vote for this amendment because if they do not, I question whether we will ever have these free-trade agreements.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 641 offered by the Senator from Utah, Mr. HATCH.

There will be 2 minutes of debate equally divided prior to the vote.

Mr. HATCH. My understanding is both sides are waiving the 2 minutes of debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Indiana (Mr. LUGAR).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchinson	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Kyl	Vitter
Crapo	Lee	Wicker
DeMint	McCain	

NAYS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—2

Lugar
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

Under the previous order, the question is on amendment No. 625, offered by the Senator from Arizona, Mr. MCCAIN. There will be 2 minutes of debate, equally divided, prior to the vote. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the stimulus passed in 2009 was purported to be temporary. As part of that massive piece of legislation, we made a significant expansion and added at least

\$600 million a year to the Trade Adjustment Assistance Program. This amendment would cut back to the prestimulus number of the TAA.

It is pretty simple. It would save at least \$600 million per year on questionable programs of questionable effectiveness. But the point is, the stimulus was supposed to be a temporary increase in spending and not a permanent one. The Reid package makes most of it—at least 65 percent of it—permanent. The least we can do is cut it back to prestimulus levels, which is supported by the National Taxpayers Union. I know that will be very persuasive to my friends on the other side of the aisle.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this country has an extremely high unemployment rate. We all know a lot of people are losing jobs and some are losing jobs on account of trade. The world has changed, even as recently as 2002. In 2002, the law said: OK. If a person loses a job on account of jobs going to a free-trade country, they are eligible for trade adjustment assistance, but it has to be a manufacturing job.

That was changed in 2009 because the country has changed. There are a lot of countries with which we trade that are not FTA partners—China, India. It makes eminent sense, if someone loses a job on account of trade with any country, that person should be eligible for trade adjustment assistance and not just with FTA countries.

Secondly, we expanded that to services. Eighty percent of the workers in our country are in the services sector, not the manufacturing sector. That addition was also provided for in 2009.

For technical reasons also, if this amendment passes, it jeopardizes both TAA as well as FTA because everything has to be renegotiated. So I urge this amendment not be agreed to.

The PRESIDING OFFICER. All time has expired.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—46

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Collins	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	Lugar	
DeMint	McCain	

NAYS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Cooms	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator HATCH or his designee be recognized to offer amendment No. 642; that following the Hatch amendment Senator CORNYN be recognized for debate only for up to 15 minutes; then Senator KYL or his designee be recognized to offer amendment No. 645 anytime prior to 5 p.m.; that the time until 5 p.m. be for debate on the Hatch and Kyl amendments and be equally divided between the two leaders or their designees; that at 5 p.m., the Senate proceed to vote in relation to the Hatch and Kyl amendments, in that order; that there be no amendments, points of order, or motions in order to either amendment prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative-vote threshold; and there be 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

AMENDMENT NO. 642 TO AMENDMENT NO. 633

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 642 to amendment No. 633.

Mr. HATCH. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the eligibility requirements for trade adjustment assistance)

On page 31 of the amendment, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking “contributed importantly to such workers’ separation or threat of separation and to” and inserting “was a substantial cause of such workers’ separation or threat of separation and of”; and

(B) in subparagraph (B)(ii), by striking “contributed importantly to” and inserting “was a substantial cause of”;

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking “contributed importantly to” and inserting “was a substantial cause of”; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking “contributed importantly to such total or partial separation, or threat thereof, and to” and inserting “were a substantial cause of such total or partial separation, or threat thereof, and of”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking “(B)”;

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—

(1) IN GENERAL.—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking “contributed importantly to” and inserting “was a substantial cause of”.

(2) CONFORMING AMENDMENT.—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, we are talking about trade, how we create markets for what Americans grow or build and sell abroad, which creates jobs here at home. But I wish to talk about a rather specialized area of trade, and that has to do with foreign military sales, and particularly I wish to talk about a topic Senator MENENDEZ and I introduced a bill on last week called the Taiwan Air Power Modernization Act of 2011. This bill requires the U.S. Government to respond to the request of the Government of

Taiwan for the sale of at least 66 F-16 C/D fighter aircraft to Taiwan.

That sounds like a mouthful and a big subject, and it is, but let me try to put some meat on the bone and explain why I think this is so important.

Support of the people of Taiwan has been a bipartisan priority for decades. Democrats and Republicans supported the Mutual Defense Treaty with Taiwan, signed by President Eisenhower in 1954. Democrats and Republicans came together and passed the Taiwan Relations Act, which was signed by President Carter in 1979, and which remains the law of the land today. The Taiwan Relations Act states that the United States will provide to Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities in furtherance of maintaining peace and stability in the western Pacific region.

What does sufficient self-defense capabilities mean? President Reagan, in a memorandum he dictated dated August 17, 1982, laid it out. This is about the time the third communique between Communist China and the United States was formally adopted, because the Chinese wanted to know exactly what this meant. Were arms provided to Taiwan a threat of aggressive weaponry or purely for defensive purposes? According to James Lilley, who was America's top representative in China at the time and who later served as Ambassador to China under George Herbert Walker Bush, that is what this was designed to do, to crystalize what the nature of the weapons sales to the Taiwan Government would be used for. This memorandum from President Reagan in August 17, 1982 laid it out:

... it is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the People's Republic of China. Both in quantitative and qualitative terms, Taiwan's defense capability relative to that of the PRC will be maintained.

This is strictly for giving Taiwan the ability to defend itself against potential Communist actions by Communist China. It was directly proportional and reciprocal to the threat posed by the People's Republic of China.

But Ronald Reagan was not alone in this interpretation. In fact, both Democrats and Republicans over the years have supported numerous arms sales to the Government of Taiwan, including the current request for 66 F-16 C/D advanced fighter aircraft.

So far this year, 47 Republicans and Democrats have signed a letter—these are Senators—to the administration in support of this sale. In August, 181 Members of the House of Representatives, Republicans and Democrats alike, wrote to the administration endorsing this same sale.

Why is Taiwan asking for these aircraft and why do so many Democrats and Republicans join together in a bi-

partisan way on this issue when the parties seem to be so polarized by so many other issues? The answer is simple and straightforward: Taiwan's air defense capabilities are nearly obsolete, while China's military capabilities are growing at an alarming rate. This chart demonstrates the problem.

On the right in the red you will see that China has 2,300 operational military combat aircraft, while Taiwan has 490 operational combat aircraft. But air defense is not just a numbers game. Quality of those aircraft matters a lot—just as much as quantity. So what about the quality of Taiwan's existing forces?

According to our own intelligence services, the Defense Intelligence Agency, in an unclassified report last year, said that "many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support."

China's capabilities, on the other hand, are clearly newer and clearly growing and clearly focused on intimidating Taiwan and the United States. China's official press agency reported in March that the People's Republic of China will increase its military budget this year by 12 percent, after an increase last year of 7.5 percent. But the Pentagon estimates that China's official military budget of about \$90 billion they disclose, is actually far less than the \$150 billion they actually spend. In other words, they only disclose part of their expenditures on national security and not the full amount, which is some \$150 billion. The question is, who does China intimidate with this growing military power?

Here is what the Pentagon had to say in its 2011 report to Congress, called "Military and Security Developments Involving the People's Republic of China." The Defense Department observed that China continued modernizing its military in 2010, with a focus on Taiwan contingencies.

The Pentagon also noted that China's air force will remain primarily focused on "building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia."

Let me repeat that. The Pentagon noted that China's air force will remain primarily focused on "building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia."

Some say the United States should not look at our policy with Taiwan in a vacuum, that we should consider the context of our larger strategic relationship with China. I could not agree more, because the strategic situation with China these days is very troubling. Many of China's neighbors are concerned about its military buildup and territorial ambitions. Last year, China claimed the South China Sea as a "core interest," which unsettled Vietnam, the Philippines, Indonesia,

and other nations in the region. China also renewed a long-running dispute with India over the borders of the Arunachal Pradesh region.

China continues to be an enabler of the nuclear ambitions of the regime in North Korea. This summer, Google publicly reported that a Chinese entity has been targeting the personal e-mail accounts of U.S. and South Korean government employees, and Pakistan's defense minister publicly discussed the possibility of China building a naval base at Gwadar, Pakistan, which is already home to a new strategically important port at the mouth of the Gulf of Oman.

China, we know, has also escalated its rhetoric aimed at the United States, and particularly the U.S. Senate. A number of my colleagues visited Beijing last April where they reportedly received a lecture from Chinese officials on fiscal policy. Just last week, more to the point of this topic, China's top official newspaper used a lot of unnecessary and bellicose rhetoric on the subject of the proposed U.S. arms sales to Taiwan. This official newspaper of the Communist Party in China said that those of us on Capitol Hill who support Taiwan are "madmen." They said we were "playing with fire." They said we could pay a "disastrous price" if we continued to support our ally Taiwan, as we are obligated to do by the Taiwan Relations Act.

I suggest the United States should not give in to this intimidation and these threats, and that we should instead pass this legislation to send a clear message to China that respects only strength, not weakness; that the real madmen are those who think America will abandon our friends and allies and our principles and our long-standing strategic interest in the stability of East Asia.

Supporting this legislation would also greatly reassure our allies and friends around the world. Many remember what happened when President Clinton deployed two aircraft carrier battle groups during the Taiwan Strait crisis in 1996. That crisis developed when China tried to intimidate Taiwan on the eve of its first free Presidential elections by conducting a series of military exercises that included the firing of missiles a few miles north of Taiwan. President Clinton responded by ordering the largest U.S. military force since the Vietnam war to deploy to the region, including carrier battle groups led by the USS *Nimitz* and the USS *Independence*.

America's show of strength and resolve under President Clinton's leadership did not escalate the crisis, it defused it, and it sent a welcome signal to our friends and allies in the region. According to an article in the current issue of *Washington Quarterly*, following the crisis, "the region's confidence in the United States soared."

“ . . . Japan, Singapore, the Philippines and other nations all bolstered their security ties with the United States.” The Taiwan Strait crisis was one of the real foreign policy success stories of the Clinton administration. But the authors of this same article conclude that “forsaking Taiwan [now] would likely have the opposite effect.”

This bill deserves bipartisan support of the majority of Members of the Senate based on our longstanding bipartisan consensus on policy toward Taiwan, the growing gap in military capabilities between the People's Republic of China and the Government of Taiwan, China's aggressive behavior toward its neighbors and toward the United States, and America's credibility with our allies and with free peoples everywhere.

I conclude by pointing out perhaps something that is obvious, but maybe it is not so obvious to everyone. Since we are talking about trade, what we grow and we sell to people abroad creating jobs at home, it is worth mentioning that selling F-16 aircraft to Taiwan creates jobs and exports for the U.S. economy and does not cost 1 penny of taxpayer money. This map demonstrates all the States in which direct and indirect employment from which the export sales of F-16s to Taiwan is projected to be at least 60 person years of employment, which is the equivalent of 10 American workers employed full time for 6 years.

As you can see from this map, 32 States will have that level of job creation or more as a result of the sale of these F-16s, making the sale of the F-16s to Taiwan a coast-to-coast job engine. In fact, according to the Perryman Group, the requested sale of F-16C/Ds to Taiwan “would generate some \$8.7 billion in output; and directly support more than 23,000 jobs.”

As I pointed out earlier, these jobs do not cost the American people one cent. These are private sector jobs paid for with money coming in from overseas because this is an export-driven industry. The only thing the U.S. Government needs to do is get out of the way and let these Americans continue to stay on the job and collect an estimated \$768 million in Federal tax revenues. Yes, not only will we be selling these aircraft, creating jobs, we will be generating revenue for the Federal Treasury in the process, generated by this private sector, export-driven economic activity.

I wish to thank the Senator from New Jersey, Mr. MENENDEZ, for introducing this legislation with me, and I thank my colleagues on both sides of the aisle who have agreed to cosponsor it. I hope more Senators will join us, and I hope we will pass this bill soon. I hope we can help American workers continue building these aircraft to strengthen our friends, the people of Taiwan.

Mr. President, let me just close on this comment: This is standalone legislation I discussed here today, but I will be offering, in due course, an amendment to the pending bill that would mandate this sale. So I would ask my colleagues to please join us in a bipartisan way of showing our support for our friends and allies in Taiwan and generating jobs right here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISASTER ASSISTANCE

Mr. SANDERS. Mr. President, my State of Vermont has been hit very hard by Hurricane Irene. Widespread flooding caused a number of deaths, the loss of many homes and businesses, and hundreds of millions—perhaps \$1 billion—in damage to property and infrastructure. I have visited many of the most hard-hit towns, and I have been shocked and moved by the extent of the damage I saw. Irene will go down in history as one of the very worst natural disasters ever to hit the State of Vermont. Let me share a few facts with you about the extent of the damage.

Already, more than 5,200 Vermonters have registered with FEMA. Remember, we are a State of only 630,000 people and approximately 200,000 households, and yet more than 5,200 Vermonters have already registered with FEMA.

More than 700 homes were severely damaged or completely destroyed—700 in a State which has about 200,000 households.

Between 1,500 and 2,000 families have been displaced, their housing uncertain as we approach Vermont's brutally cold winter season. It is beginning to get cold in Vermont.

More than 73,000 homes were left without electricity—one-third of all of the homes in our State. Tens of thousands of Vermonters lost their phone service, and in some areas these services still have not been fully restored.

More than 2,000 roads were badly damaged—2,000 roads—including 135 segments of State highways. More than 300 bridges—300 bridges—were damaged. Hundreds of roads and bridges remain closed, while many others are only open to emergency vehicles today. Some towns still have limited access because the roads and bridges that link them to the outside world were destroyed.

Further, dozens of town libraries, townhalls, and municipal and volunteer fire departments have been damaged or destroyed. Ninety public schools could not open on time. The last one is just now opening for the year.

Hundreds of businesses and more than 360 farms with more than 15,000 acres of farmland have been damaged, tearing at the fabric of our rural economy.

Our Amtrak and freight services were completely suspended, as railbeds lit-

erally washed into rivers. One Amtrak line is still down today.

The largest State office complex was completely flooded and is closed until further notice. Mr. President, 1,600 State employees cannot go to work in that building. Important files and computer systems have been ruined, disrupting the ability of the State to deliver critical State functions.

I know that, as in times past, we will pick up the pieces in Vermont and restore our homes and businesses. And I have to tell you that if there is any silver lining out of that disaster, it is the fact that in community after community, people came out, worked together, and participated in cleanup efforts, supported each other. People from the northern part of the State, which was hit less severely, came down to the southern part of the State to help. Strangers helped strangers. It was an extraordinary effort of people coming together. But the simple fact is, if a State such as Vermont has communities that are devastated, a State such as New Jersey has communities that are devastated, we cannot do it alone. The scale of this disaster is too overwhelming for a State of the size of Vermont.

The Federal Government has long played an important role in disaster recovery. That is something we have known for many years and we have seen time after time after time. When our fellow citizens in Louisiana and the gulf coast suffered the devastation of Hurricane Katrina, people in Vermont were there for them, and I can tell you how many people told me we have to do everything we can to protect the people who were devastated by Katrina. When the citizens of Joplin, MO, were hit by deadly tornadoes, people on the west coast were there for them. And, of course, when terrorists attacked the United States on 9/11, we were all there for New York City. That is what being a nation is about.

The name of our country is the United States of America—“united,” u-n-i-t-e-d—and if that name means anything, it means when disaster strikes one part of the country and communities are devastated, people are hurt, bridges and roads are out, farmers cannot produce the food, we as a nation rally together to support those communities. That is what States impacted by Irene expect from Congress because that is what being a nation is about. Disaster relief, funded on an emergency basis, is what Congress has done for decades, and it is what Congress must do now.

The Senate did the right thing in quickly passing a \$6.9 billion disaster relief supplemental appropriations bill, and I wish to thank all of the people active in that, from Senator REID, to Senator LANDRIEU, to Senator LEAHY—all of the people who made that happen. They did a great job.

Does that bill have everything I would like to see in a disaster relief bill for the State of Vermont? No, it does not, quite frankly. But it is a very good bill. It is an urgently needed bill. It is an important step forward in the right direction. I commend, again, all of those Senators who played an active role in moving that bill along, including 10 Senate Republicans.

Disaster aid should not be a partisan issue, but it seems the House Republicans are intent on making it one. The disaster funding the House is likely to pass this week is totally inadequate and will not address the magnitude of the damages inflicted by Hurricane Irene or the backlog in FEMA funding that existed before it.

To my mind, it is an outrage that for the first time in modern American history House Republicans want to have a budget debate over disaster assistance. They threaten to block urgently needed aid unless the cost of that help is offset by cuts in other needed programs. They want to use Hurricane Irene as another excuse for a budget fight. And think about the precedent that sets. What happens if tomorrow there is, God forbid, a disaster in New Mexico or a disaster in Colorado? Does that mean we should be cutting education or environmental protection in order to pay for help to New Mexico or Colorado or California? If there is a major earthquake someplace in this country and communities are devastated, do we cut back on the needs of the children? Do we cut back on Medicare and have that huge debate in order to pay for disaster relief?

Historically, the U.S. Congress has said—and what they said was right—that when disaster strikes, we as a nation come together and we provide the support to those communities which have been hurt to get them back on their feet. That is what we have done in this great country, and I am offended that some of my Republican colleagues in the House suddenly start thinking we need a major budget debate for every disaster that is hitting this country. That is wrong. That is extraordinarily bad public policy. That is, frankly, unpatriotic and not what the United States is about. Yes, of course, we must continue to address our deficit problem but not on the backs of communities in Vermont, New Jersey, North Carolina, or other States that have been devastated by Hurricane Irene. For those States and communities, we must get them emergency help, and we must get it to them as quickly as possible.

Amazingly—I must say this—this talk about budget offsets for disaster relief comes from some of the same people who repeatedly and conveniently ignore their own actions when it suits them. Congress provided \$800 billion to bail out Wall Street banks. I did not hear any discussion about offsets

when it came to bailing out Wall Street. Congress extended huge tax breaks and loopholes for the wealthiest people in this country, driving up the deficit. I did not hear any call for offsets when we gave tax breaks to billionaires and large corporations. The United States is spending today \$10 billion a year on the wars in Iraq and Afghanistan, including billions to rebuild those countries. I did not hear any call for offsets when it came to the wars in Iraq and Afghanistan.

Let me conclude by saying this: This country has its share of problems. We all know that. But if we forsake the essence of what we are as a nation; that is, we stand together when disaster strikes, if we forgo that, if we no longer live up to that ideal, I worry very much about the future of our great Nation.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CARDIN). The majority leader is recognized.

DISASTER RELIEF

Mr. REID. Mr. President, last week the Senate passed three important pieces of bipartisan legislation. It was really quite a productive week. We reauthorized the Federal Aviation Administration, which kept 80,000 workers, including safety inspectors, on the job. We passed a highway bill that keeps 1.8 million people at work building roads and bridges and dams. We reached a bipartisan agreement to rush relief to communities devastated by floods, tornadoes, and wildfires. So I was hopeful, as this week began, that it would be productive. I thought Congress might be able to set aside party politics to accomplish the important work of this Nation. Instead, the tea party has taken over again. The tea party Republicans have once again allowed partisanship to rear its ugly head.

Now House Republicans, obsessed with pleasing a group of radicals—the tea party, they are called—are refusing to give the Federal Emergency Management Agency the funding it needs to reconstruct ravaged communities across this great country, and they are threatening to shut down the government if they do not get what they want.

It is bad enough that we cannot agree that victims of floods and fires should get the help they need without delay.

We cannot even agree on what we have already agreed to. We spent months this spring and summer negotiating a deficit reduction agreement that allowed Congress to appropriate more than \$11 billion in disaster aid for next year. After an earthquake, weeks of wildfires, and a hurricane that slammed the eastern seaboard, we are asking to free up \$6.9 billion in emergency funds to help Americans in need.

There is a reason we have agreed in the past that disaster funding should

be set aside from the regular budget process. There is a reason we agreed, as part of July's deficit reduction agreement, it should be set aside once again. Farmers who have lost their crops to floods, families who have lost their homes to hurricanes should not be used as pawns in a budget-bidding war.

Over the last two decades, almost 90 percent of the money Congress has authorized for disaster relief has been done outside the regular budget process. Why? Because we cannot determine what Mother Nature is going to do. We do the best we can. But who would have ever dreamed Irene would hit when it did, with the devastation it did. Who would have ever dreamed a tornado would level the town of Joplin, MO?

We have done the best we can. I ask my Republican colleagues: Why should today be any different than the past? FEMA is running out of money. That is the bottom line. On Monday, they will be broke. The President declared emergencies in 48 of the 50 States this year. We have had 10 disasters already that have cost more than \$1 billion each. It has been 30 years since we have had so many large natural disasters.

As of this morning, FEMA's disaster fund had almost nothing left. It will be broke on Monday. The agency that rushes to help when disaster strikes will be out of money in just a day or two—I repeat, Monday. We are still in the middle of the hurricane season. Turn on the Weather Channel and see why it is so important that we get FEMA the resources it needs to react quickly to whatever Mother Nature sends our way.

FEMA has already halted reconstruction projects in 40 States to free funds to react to immediate needs of communities affected by the most recent disasters. Because of these delays, FEMA will take longer to rebuild bridges in New Hampshire and schools in Missouri and homes in Texas, all because of Republican stubbornness.

I am stunned. We have Senators from States that have been devastated by these disasters—one State, thousands of fires, 2,000 homes burned. Why wouldn't people vote to help people who have had such devastation? All politics.

FEMA has been there for people when crops they have planted and counted on to make a living were drowned by floods. The Federal Government has always been there to help Americans in their hour of greatest need, when their homes where their children were raised, spent holidays, and made memories had burned to the ground or been washed away or blown away.

But because of the delays, FEMA will no longer be able to rebuild the bridges, for example, in the State of New Hampshire. I just heard my friend, the junior Senator from Vermont, talk about Vermont. Vermont has had almost 200 bridges washed away—gone.

Texas has had those fires. FEMA has been there when schools studied in and bridges driven on have been rocked by earthquakes or blown away by tornadoes. Never before has Congress tried to nickel and dime the victims of these disasters.

Americans have watched all they had go up in smoke or be washed or blown away. That is what Republicans are doing today. They are shortchanging communities that can least afford the delays of partisan gridlock.

Senate majority leader George Mitchell said: "Bipartisanship means you work together to work it out." American families and communities are relying on us to work together to work it out and holding out hope that we will not disappoint them.

Go back a month. We were struggling, struggling hard, to work out an agreement that in years past has been simple. We were going to just raise the debt limit in this country on bills we had already accumulated. It took 3 months. But we got it done. One of the things we did was we said we will no longer have fights during this next fiscal year on funding the government. We agreed on the numbers.

What the House could not do in good conscience directly they are doing indirectly. They are sending us a short-term continuing resolution to fund the government until the middle part of November. But because they have all these extremists in the Republican majority in the House, they could not do that. They could not do that. They could not send us what they had already agreed upon.

In fact, they put an addition on the bill, a so-called rider on the bill, saying the Senate is only going to be able to raise the debt ceiling if it agrees on their number on emergencies, recognizing that their number will only last a few weeks. Here is what they did also that was so mean-spirited. As I have outlined in detail, we have not paid for these disasters because they are emergencies. They are not in the normal budget process.

But the House took money for more efficient vehicles—they took that money and said: We are going to pay for \$1 billion for the year 2011. The year 2011 ends—fiscal year ends—the end of this month, just a few days from now.

Everyone has said, we just need a few million dollars to take care of it until the end of this month. As I have indicated, we have enough money until Monday. But that is all. The end of the month is not Monday. They took \$1 billion, when only a little bit was needed, and stripped our ability to create jobs.

I spoke to STENY HOYER in the House. He said they are taking away 52,000 jobs from the American people by doing this. They take \$1 billion and pay for this. But just to show further meanness, they take \$½ billion and rescind it. It does not go toward the debt. It

does not go for anything. They just rescind it.

Then, of course, the year 2012, they put in an amount of money that does not go very far with all these disasters, a few weeks' worth. So we will be back having the same fight again, which is so senseless, so unnecessary. I would hope the House of Representatives—there will be a vote today around 4 or 5 o'clock. I know it will be a close vote. But I hope people in the Senate will understand how important this vote is. We are going to have a vote, as we have indicated, on the continuing resolution to strip out the mean-spirited amendment they have in it, take it out and put in what has already passed here by a substantial majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 642

Mr. HATCH. Mr. President, earlier, I sent an amendment to the desk. This amendment will constrain the growth of this domestic spending program. My amendment is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade. It does this by changing the eligibility criteria from one that only requires that trade "contribute importantly" to job loss to a more restrictive criteria that the job loss be "substantially caused" by trade.

Under the current program, the worker only has to demonstrate that imports from or shifts in production to a foreign country—what many folks would call the ordinary course of business—"contributed importantly" to their job loss.

So what does "contributed importantly" actually mean? The TAA Program holds that the contributed importantly standard is met if trade is a cause, which is important but not necessarily more important than any other cause of the job loss.

That does not sound like a tight nexus to trade to me. Believe me, these fears are not theoretical. Let me give a real-life example. I am sure, by now, everyone is familiar with Solyndra, the now-bankrupt solar firm that was lauded by President Obama as the poster child for his stimulus and green jobs plans.

It turns out, now that Solyndra is in bankruptcy, many of its employees are applying for job-training benefits through TAA. To fully understand this lunacy, let's take a look at recent history.

Here is how Vice President BIDEN described the administration's ill-considered plan to direct over one-half billion taxpayer dollars for loan guarantees for Solyndra:

The Recovery Act is working and you're going to see it work right on that site. The loan to Solyndra will allow you to build a new manufacturing facility and with it almost immediately generate 3,000 new well-paying construction jobs. And once your facility opens, there will be about 1,000 permanent new jobs here at Solyndra and in the surrounding business community and hundreds more to install your growing output of solar panels throughout the country.

Well, that didn't quite happen. Instead, the firm failed, potentially taking over a half billion taxpayer dollars with it. Those "permanent new jobs"? Well, not quite. The workers are all unemployed because their "permanent" jobs no longer exist.

It gets worse. According to the Wall Street Journal, the stimulus loans themselves were a major cause of Solyndra's bankruptcy. Here is the headline on the chart: "Loan Was Solyndra's Undoing."

In selling the half billion dollar loan to Solyndra, Vice President BIDEN made it clear that these were the jobs of the future, saying:

We are journeying, in a sense, closer and closer to the sun, to a more solar-powered America. And as we do, we're leaving a shadow of a less efficient, more damaging past behind us.

We all know—or should know—what happened to the arrogant Icarus when he flew too close to the Sun.

Despite the Vice President's exhortations, what happened to Solyndra? Solyndra is set to become an even bigger drain on our taxpayers.

How is that possible? Through the magic of TAA, of course. It turns out that the now-unemployed former Solyndra employees have applied for trade adjustment assistance. The irony here is profound. The administration is now considering whether to grant these Solyndra workers TAA benefits because competition from China "contributed importantly" to their job loss.

That is ridiculous, frankly. Here is another Wall Street Journal article, entitled "Solyndra Was Always Likely to Fail." You can see in the photo what a beautiful plant it was—with all of your taxpayer dollars.

In a letter to the editor of the Wall Street Journal, the CEO from another solar company—tenKsolar—explained that everyone in the solar business knew Solyndra's business model would not work and their solar technology was too costly.

That didn't stop the White House from giving this company a \$535 million taxpayer loan—money that is basically gone now. This was despite the fact that the government's own analysts had predicted months ago that Solyndra would fail in September. Well, it did.

Again, look at the photo of that beautiful building that was built with

taxpayer dollars. It is pretty hard to not admire it, to be honest with you.

The fact that TAA benefits are even being considered for Solyndra shows how tenuous the nexus between job loss and trade can be—and workers can still get these expanded benefits, on top of unemployment insurance.

How can Solyndra workers get TAA, when the business collapsed due to a bad business plan and an ill-conceived loan of taxpayer money? That was the cause of Solyndra going under. China imports, under the current TAA program, however, might be construed by ambitious Department of Labor bureaucrats to have “contributed importantly” to Solyndra shutting down—despite the fact that the primary cause was the business model and the government’s intervention.

This needs to stop. We can do better. If we are going to continue to fund this domestic spending, let’s at least make sure its benefits go to those workers whose job loss is actually caused by trade. That is what this amendment will do. It will return the TAA threshold standard to the “substantial cause” level. It would require that trade would have to be a “substantial cause” of the work dislocation. This standard was included in reforms advocated for by President Reagan that were included in the bipartisan Omnibus Reconciliation Act of 1981. That deficit reduction act included the largest package of spending cuts in history—at that time. President Reagan had noted the unfairness of treating one class of workers who lose their job due to foreign competition better than their neighbor, who lost his job due to domestic competition, so he tightened the threshold criteria to be eligible for the TAA Program.

By returning to the narrower TAA threshold, this amendment would put reasonable constraints on the program to prevent it from expanding into another out-of-control spending program.

I ask my colleagues to support this amendment because I think it makes sense. There is no question it will save taxpayer dollars and make people act more honestly with regard to the use of taxpayer dollars and, in the end, I think it will work better than the current approach that my friends on the other side wish to have.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

DISASTER AID

Mr. CONRAD. Mr. President, I am here to speak about disaster aid and the acute need we have in my State for assistance to deal with a disaster that occurred earlier this summer in Minot, ND.

These are pictures from the valley in Minot, ND. Minot is constructed on two hills, with a valley in between, with the Souris River flowing through. We have just had the worst flood ever

in history, by a long margin. The Corps of Engineers was in yesterday to see me. They calculate that this was a 430-year flood. A flood of this magnitude would only come every 430 years. Certainly, it is beyond anything we have ever seen in recorded history. They say the volume in this flood was three times the previous record; the volume of water was three times the previous record.

These are just a handful of the homes in Minot that were inundated; and 4,000 families lost their homes. These are modest, middle-class families, and the homes averaged \$160,000 or \$170,000 in value. Yet they are devastated, because all they are eligible for is FEMA assistance.

As the occupant of the chair knows well, FEMA was never designed to be a stand-alone program to recover from disaster. FEMA was designed to work in concert with insurance programs—homeowner’s insurance, flood insurance. In this case, with a flood, homeowner’s insurance doesn’t help you at all. You get nothing on your homeowner’s insurance. Then the burden falls to flood insurance. In this entire town of 40,000 people, there were less than 400 flood insurance policies. Some may say, why didn’t they have flood insurance?

That is a reasonable question to ask. The answer is very simple: No one thought they needed flood insurance. Flood insurance was not required because they were behind a levee that was supposed to protect against a hundred-year flood event, and actually something more than that. In addition, new dams, since the last major flood, have been built in Canada to prevent such flooding—dams that were, in part, paid for by the United States.

There was no reason for people to believe they needed flood insurance. As a result, very few had it. The bottom line is that the most these people, who have had their homes destroyed, can get—and believe me, these homes are destroyed. Most of the 4,000 families who lost their homes had 10 feet of water on their homes for weeks. I have been there. I have seen these homes, and I have smelled them. It is horrific. To restore these homes, you have to take them down to the studs and start over again—with \$30,000 at the most.

If you are a young couple starting out, and you have a \$170,000 home and a \$140,000 mortgage, and the house is destroyed, and it costs \$140,000 to rebuild, and you have \$30,000, you have a big problem. Maybe you are like my cousin and her family, who had just sold their home, and then it was flooded—but it flooded before closing. So guess what. They had gone and bought a new home because they sold their existing home. Then their existing home was flooded and, of course, the person never goes to closing. So now they have two homes, two mortgages. This

is a neighborhood of middle-class and lower middle-class families. They are devastated.

The question is, are we going to help? In the past, we have. In Katrina, we not only provided FEMA disaster funding, we also provided CDBG additional emergency funding. That is precisely what we did in the 1997 flood in Grand Forks, ND, a 500-year flood. We provided additional CDBG funding. For that town alone, we provided over \$170 million of CDBG emergency funding to help deal with the catastrophic situation there. We have provided much more than that to Katrina victims.

What we are asking here is not unprecedented, and it is not something that hasn’t been done before. It is absolutely needed.

This is the headline from the Fargo Forum, the biggest newspaper in our State, about what is happening in Minot, ND: “11,000 People Forced Out of Their Homes.” It may not sound like many in a State such as California or New York, but in North Dakota that is one-sixtieth of the entire State’s population. That is over a quarter of the population of this city, Minot, ND. “The Rising Souris Moves Up Evacuation Time.” Eleven thousand people were forced out of their homes. When they came back, they found an absolutely unmitigated disaster.

This ran in the Minot Daily News this year: “Projection: Devastation. Minot Residents Evacuate as Historic Rise in Souris River Approaches.”

This shows some of the preparation. The people tried to get out of town and out of these homes before it hit.

Then we have this headline from June 21: “It’s a Sad Day.” It is a sad day because the crest was increased, in 48 hours, by 10 feet. In other words, the city was protected to a certain level, and then Canada lost control of their major reservoir. Their Premier told our Governor that the floodgates are wide open, there is a wall of water coming your way. Indeed there was. They increased, in a 48-hour period, the projection of how high water levels would be by 10 feet.

There is no way humanly possible to build up defenses by 10 feet in 48 hours. It cannot happen. There is no possible way. With miles and miles of levees, can you imagine trying to build that up 10 feet in just a matter of hours? It was a sad day, Mr. President.

Here is the result—massive flooding, flooding that represented an unusual flood in the sense that usually when you have a flood, the water comes and goes. In this case, the water came and the water stayed.

This is downtown Minot, ND. This is home, by the way, to one of the two Air Force bases that are home to the Nation’s B-52s. It is also the home to 150 Minute Men III missiles, which are an important part of the deterrence of the United States.

You can see that this downtown area was devastated by floodwaters. The flood came—and stayed and stayed and stayed and stayed. Here you can see rooftops, in a picture taken by Brett Miller of the North Dakota National Guard while flying over Minot, ND. I have been to the schools that have been flooded, and two of them were absolutely destroyed. They have to be rebuilt. You can't possibly rehab them in any kind of cost-effective way.

In many cases, all you see are roofs here, because a majority of the 4,000 homes that were destroyed had 10 feet of water on them. For weeks and weeks, many of these homes had 6 to 10 feet of water on them. Anybody who knows what water can do when it sits and is there for weeks. When you come back, you have mold everywhere. The only possible way to get it out is to take the house down to its studs.

Mr. President, let me just close on this photo from June 24 of this year. Again, the Minot Daily News headline: "Swamped." Indeed, we were absolutely swamped. Water starts to inundate the valley. "The Corps Says Souris Flows to Double by Saturday." These are the headlines people were coping with in Minot, ND.

This devastation will not be addressed for months to come. People are already moving in to temporary FEMA trailers. Those FEMA trailers—which are welcome because without them people would have no shelter—it should be understood, are going to be tough to live in during a North Dakota winter. The people living in those trailers are going to have a tough time in a North Dakota winter. So we need help.

Yes, we need to replenish the FEMA fund, absolutely. But more than that, we desperately need additional emergency CDBG funding. That is what was used effectively for Katrina, and that was used effectively in the horrible flood that hit Grand Forks, ND, 1997. So we are asking our colleagues to do what we have done for them in disaster after disaster. We stood with them, we joined with them, we supported them, and we are asking that for our people at this time.

Senator HOEVEN and I have an amendment for \$1 billion of CDBG funding. We have a markup occurring in the Appropriations Committee this afternoon, and I understand they are going to agree to \$400 million. But that is nationwide. The need in North Dakota alone is \$235 million, according to our State's Governor. The need for emergency CDBG funding in my State alone is \$235 million, and the Appropriations Committee is about to agree to a level of funding nationwide of \$400 million.

Mr. President, there is a chasm—a chasm—between the need and the resources available. We are going to have to do better than this, or these 4,000 families in North Dakota who have had

their homes destroyed are going to have a pretty miserable Christmas and a pretty miserable new year. We are better than that. We have proven so repeatedly. I hope we are able to prove it again.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that we charge time during the quorum call equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair, and again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I have an amendment which I will be speaking to in just a moment.

First, I ask unanimous consent that an editorial in the Arizona Republic from September 21, by Robert Robb, the subject of which is President Obama's debt-cutting plan fails to tell the whole story, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, the amendment I will be talking about has been filed. It is amendment No. 645. But before I describe that amendment—which I believe and hope we will be able to vote on when we have our series of votes later on this afternoon—I want to respond to one thing the leader said in his remarks after lunch.

He was talking about the continuing resolution, which we believe will be coming over from the House of Representatives later on today. That continuing resolution, of course, has funding for the various disasters which have befallen various parts of our country.

I think the leader has indicated that he is going to be attempting to amend that House product with an increase in that spending. He asked the question rather rhetorically: Why aren't those Senators who have disasters in their States willing to vote for my increased spending amendment? Then he answered his own question, saying it is all politics.

Mr. President, first of all, as you know, we are not supposed to ever question the motives of fellow Senators. I am sure that isn't what the leader had in mind, but I would suggest to the leader it is not politics that causes people to vote against his amendment. If it were politics, they would be voting for his amendment. Those Members who have disasters in their States would say, surely, they want even more money so they can be sure to cover all those disasters. So if it were politics, they would probably be voting yes.

I suggest the reason they are voting no is because of principle. First of all, because there is plenty of money in the House continuing resolution to cover all of the disasters that have already occurred and those that could be anticipated over the course of the next 7 or 8 weeks, which is the period of time covered by the bill; and, secondly, we should never spend more money than necessary. I will stand corrected if I am wrong, but I do not believe the majority leader's amendment has a calculation of why all of the money he proposes is necessary based upon emergencies or disasters that have occurred.

So I just wanted to make sure my colleagues appreciate if and when such a vote occurs, at least for those people with whom I have spoken, they are going to be voting on principle and on the fact there is plenty of money for disasters. There is no reason to put in more money than is needed, especially in our time of a very difficult deficit situation.

EXHIBIT 1

[From Real Clear Politics, Sept. 21, 2011]

OBAMA'S DUPLICITOUS DEBT PROPOSAL

(By Robert Robb)

President Barack Obama's debt reduction plan could be titled, *The Audacity of Duplicity*.

According to Obama, he is proposing \$4 trillion in debt reduction over the next 10 years, with there being \$2 in spending cuts for every \$1 in tax increases.

Where to begin?

Half of the president's claimed debt reduction comes from policies already in place. Obama says \$1 trillion will be saved by winding down the wars in Afghanistan and Iraq. In other words, Obama wants credit for reducing debt that was never going to be incurred.

Another \$1 trillion is from the agreement that was reached to increase the debt ceiling. But that agreement didn't really reduce the debt by \$1 trillion. It simply adopted future spending caps that would have that effect. However, there were no new laws adopted that would actually reduce spending. The caps are unenforceable promises to do something unspecified in the future.

Obama is actually only proposing \$2.1 trillion in new stuff. Of that, nearly \$1.6 trillion is increased taxes. So, he's actually proposing \$3 in tax increases for every \$1 in spending cuts.

But that still doesn't tell the real story. The "spending cuts" aren't really all spending cuts. They are just things other than tax increases, and there's over \$135 billion in fee

increases. Those may be warranted, but they aren't spending cuts.

So, Obama actually is proposing over \$1.7 trillion in additional federal revenue, making the ratio \$4 in increased taxes and fees for every \$1 in spending cuts.

But that still doesn't tell the whole story. Obama, of course, is purposing increased stimulus spending now. Net, Obama is only proposing to decrease actual federal spending by about \$245 billion over 10 years. So, the real ratio is \$7 in increased taxes and fees for every \$1 in actual spending cuts.

In short, Obama has proposed a massive tax increase while doing very little to control federal spending.

The bulk of the tax increases, \$1.2 trillion, fall on individuals making over \$200,000 a year. Supposedly, their tax treatment would only be returned to the levels prevailing during the Clinton prosperity, but that's another bit of duplicity.

Obama proposes that the top two tax rates be returned to Clinton-era levels, but doesn't stop there. He would also limit the deductions they take, which wasn't the case during the Clinton bliss. And his health care bill already socked this group with an increase in payroll taxes of nearly 1 percent on wage income and an investment income tax increase of nearly 4 percent.

In short, Obama is advocating tax rates for those earning more than \$200,000 a year much higher than the Clinton-era rates, which Bill Clinton himself described as too high.

This is supposedly so millionaires and billionaires pay their fair share. According to the Tax Policy Center, the top 1 percent of tax filers has 16 percent of the country's income, but pay 24 percent of all federal taxes and 35 percent of federal individual income taxes.

According to Obama mythology, millionaires and billionaires pay lower tax rates than average Jacks and Jills. According to the Tax Policy Center, the top 1 percent pays 18 percent of their income in federal income taxes. The middle quintile pays less than 3 percent. Those below that actually get more money back than they pay in.

Obama seems really worked up over the fact that investment income is taxed at a lower rate than wage income. But that's not really the case. Dividends are taxed at the corporate level before they are distributed to individuals, when they are taxed again. Capital gains are taxed on their nominal value, ignoring the effect of intervening inflation.

If Obama were truly interested in a bipartisan down payment on debt reduction, he could have anchored his proposal in the recommendations of his debt commission. The debt commission, however, recommended about half of what Obama proposes in additional federal revenue and raised in a way that lowers rates across the board, including for millionaires and billionaires.

Obama's interests, however, clearly lie elsewhere.

AMENDMENT NO. 645 TO AMENDMENT NO. 633

Mr. KYL. Mr. President, the amendment, as I said, is numbered 645, and I will be discussing the contents of the amendment and why I think it should be addressed. But let me precede that with this point.

I think the bill before us, the TAA bill, actually deserved greater scrutiny than the process allowed. There was an opportunity for some more fundamental changes in the TAA Program than occurred. The only changes are pretty rudimentary, and I don't think

anyone can contend they will save substantial amounts of money or represent fundamental reform. The process of putting this all together was by people who supported TAA, not people like me who have a real problem with TAA. So it is probably no surprise the program isn't substantially reformed.

Specifically, on the TAA training, which is part of what I am focusing on, no work was done to reform the training funding to reflect the fact there are already over 40 programs dedicated to worker training. One of our colleagues, Senator COBURN, has done some great work in this area to highlight the problem. Instead, the substitute just increases overall training funding and does very minimal reform.

More broadly, there is little evidence the TAA programs are actually effective. That is what I will speak to with regard to the piece I will be eliminating, hopefully, with the amendment I am proposing. We are going to spend over \$1 billion on the so-called enhanced TAA provisions in the substitute and another \$7 billion on the baseline program. So \$1 billion on the enhanced provisions, \$7 billion on the baseline program, and we don't even know whether it actually helps our citizens.

I have filed other amendments that I may or may not bring up, depending upon what our schedule is, but at a minimum I hope the word of the TAA supporters can be relied upon as we move forward. For example, the substitute is intended to terminate baseline TAA after 2014. But due to CBO scorekeeping, CBO estimates that Congress could actually spend another \$7.4 billion for the years 2015 to 2021—years after all the TAA is scheduled to be terminated. So I plan to work with the CBO to ensure these savings are actually extracted from the baseline.

This amendment I speak of repeals the TAA for the Firms Program. It would repeal that as of October 1, 2011—in other words, the end of the fiscal year. The amendment would only save about \$16 million a year, but I think it serves as a test of one's real commitment to reform. I propose eliminating this small piece of the TAA that President Barack Obama proposed be eliminated in his budget.

The President's budget recommendations for this year specifically recommend termination of the TAA for Firms Program, and I thought—since we have all talked about how our constituents keep telling us they want us to come back and work together to get things done—here is an opportunity where a Democratic President and a Republican Senator have proposed something, and it is an opportunity for colleagues on both sides of the aisle to get together and say, yes, there is at least one program—it is a small one, \$16 million—that ought to be eliminated.

What are the reasons for the President's request this program be dropped? According to his "Termination, Reductions and Savings"—this was submitted as part of the fiscal year 2012 Federal budget—the first point is the resources would be better spent elsewhere. Here is what the President's budget says:

The administration believes it is more effective to direct EDA's funding towards programs that make investments to promote globally competitive regions, rather than to assist specific firms that have been harmed by trade.

The budget also made the point the centers are too expensive and they are poorly selected. Here is what the President's budget said:

The non-profit Trade Adjustment Centers that administer the program are chosen non-competitively and have high overhead rates.

So the first point is the President's budget says: Let's get rid of this program. It is not run well, and it is not centered properly on where we should be centered. The second reason for elimination of this proposal is the EDA's own budget request to Congress for fiscal year 2012 clearly shows other programs are more effective and less costly than this program—TAA for Firms—and I will quote them directly:

The Economic Adjustment Assistance program, which is the most flexible tool in EDA's toolbox and provides a wide range of technical, planning, and public works and infrastructure assistance and can get money out more quickly and with far lower overhead costs, meaning more help for the communities that need it.

The third reason I propose eliminating this small program is the TAA for Firms Program doesn't require any kind of significant trade impact for eligibility. In fact, according to the program's own Web site that outlines frequently asked questions, here is what it says:

Question: Are only firms seriously affected by imports able to participate? Answer: No. We work with a variety of manufacturers and, for some, imports represent only a minor challenge. Regardless of the degree of impact, a firm may be eligible if it experienced sales and employment declines at least partially due to imports over the last two years.

So that is the third problem. The fourth problem: Obviously, there are always bound to be some success stories, but the program's 2010 annual report raises serious questions about its effectiveness. For example, this annual report—by the way, it was required by the stimulus bill—highlights that only 56 percent of firms in 2010 actually completed the program. That means a whopping 44 percent quit for various reasons.

The annual report also shows that firms that started the program in 2008 had little marketed success. After 1 year, firms that completed the program had average employment decrease by 10 percent and an average

productivity increase of 11 percent, which is only slightly better than the Bureau of Labor Statistics' national average for the manufacturing industry of a decrease in employment of 13 percent and an increase in productivity of 4 percent. After 2 years, program graduates' average employment dropped by 16 percent and average productivity increased by 3 percent, while the national average for manufacturing firms saw employment drop only 12 percent and average productivity increase by 6 percent. In other words, after 2 years, firms not in the program were doing better than firms in the program despite all the money we are spending on it.

The fifth reason. While it is just authorization language here, repeal does save money. The TAA for firms centers will close and their employees will be reassigned.

We have to reduce the cost and reach of government if we are going to prevent fiscal collapse, and that is the primary reason I am focused on this program. It is not a huge amount of money. Under the substitute, the program would be continued at 2002 levels or, in other words, about \$16 million a year. But that is money we don't have to spend, as the President's own budget said, because this program doesn't work well and in effect, as I am saying, wastes taxpayer money.

So if we can't eliminate a program such as this—a program the administration wants to terminate, one EDA says could be done better with other programs, that doesn't require any great connection or impact by trade imports, that has a questionable track record with high failure rates and outcomes at least no better than firms that don't participate—then I am greatly discouraged about the Senate's ability to effect any kind of actual reform.

I urge my colleagues' attention to this. I know some will say we can't make any amendment to this whatsoever or it won't be accepted by the House. You ask my House colleagues whether they would support this amendment. My guess is they would say they would be happy to support this amendment. I hope we will be able to vote for it this afternoon and that my colleagues will support amendment No. 645.

Mr. President, I ask unanimous consent that this amendment be made pending.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 645 to amendment No. 633.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to come to the floor and join my colleagues who were here just a few

minutes ago talking about the importance of robust funding and immediate funding for disaster relief in our country.

Leader REID came to the floor to explain the importance of this issue, followed by the Senator from North Dakota, Mr. CONRAD, who has helped lead portions of his State back literally from the brink of destruction several times. So when a Member like Senator CONRAD speaks, we really should listen. He has been through—excuse me—hell and back in parts of his State, and he really does understand what is at stake, and some Members who think they know about disasters and have not really quite experienced them in their State would be well advised to listen to his plea to get this done right now.

I wish to address three specific statements that have been made on the floor of the Senate by my friends on the other side of the aisle that are, with all due respect, patently false.

Leader MCCONNELL came to the floor either last night or this morning—because it was reported in the Washington Post—and said we don't have to worry because Congress always does what is appropriate when it comes to disasters.

I don't even know where to begin to say how false that statement is. And I know the leader didn't mean to mislead anyone; he just made a comment: We don't have to worry about this; we always do the right thing. I was there for Katrina and Rita. This Congress did not always do the right thing. There are still things Congress should have done in the aftermath of Katrina and Rita that have not yet been done, and there is a whole list of things that were done by this Congress but 2 years too late or 3 years too late. So let me be very clear with people following this debate. Congress does not always do the right thing when it comes to disasters, and we are about ready to make another mistake, and it is so unnecessary and so unfortunate.

No. 2, there is a disagreement going on about whether this is politics or principle. And I know our side has said and we believe there has to be politics involved because there is no other reason to explain why the House Republican leadership continues to throw a wrench into this when it is completely unnecessary. What is the principle they are fighting for, if it is a principle? The only principle I can think of is the principle of, when things are going smoothly, blow it up, because that is what they are doing.

What do I mean by that? Let me take a minute to explain. As the Republican House leadership knows full well, the Senate and the House have already agreed—we agreed 30 days ago. Before Hurricane Irene, before Tropical Storm Lee, before these storms ever happened, the Republican and Democratic

leadership agreed, in the big fight we had over the whole meltdown—not of the government but of the shutdown, almost, of the economy—we remember that, Mr. President, don't we, that big fight we had—in that negotiation, the leadership of both Houses, Republicans and Democrats, already agreed—in anticipation that we would be running short of FEMA money because we have been running short of FEMA money now for 8 months, in anticipation of that, they said in that agreement: We are going to carve out an \$11 billion approximate pot of money or cap adjustment so that when we come to ask for disaster aid, we won't have to fight again.

Why do we like to fight so much? I mean, I can fight, I do fight, but I choose not to. What is the principle the House Republicans are fighting for? It must be "when things are going smoothly, let's blow it up." That is why I am so frustrated. It is an unnecessary fight to be having. Again, we have already made provision for \$11 billion. So the leader puts in \$6.9 billion—well within the range of this \$11 billion allowance—and lo and behold the House leadership says: Absolutely not. We are not doing that. We are not even going to consider the \$6.9 billion. What we are going to do is just continue last year's level of funding, which was inadequate then. That is why we have run out of it.

So they are going to take the inadequate level we had last year before all these storms happened and extend it for 6 weeks and claim victory and then come back after the fact and require, for one of the first times—not the first time in history but one of the few times in history—to then grab back and say: To finish the disaster money for 2011, you have to go gut a program that is very important to some Members—more important to some than others but an important program.

The House is insisting that we gut \$1.5 billion of a program that is creating jobs in Michigan and other parts of the country. So why are we destroying jobs when we don't have to? Again, it must be the principle of, when things are going smoothly, when things are working, when the leadership has actually agreed, the House Republican leadership will just throw a wrench and really mess things up.

Thank goodness there are 10 Republican Senators in this Chamber who don't follow that principle of throwing a wrench when things are going smoothly. They follow the principle of common sense and compassion and being forward-leaning when it comes to helping Americans who need our help. Senator BLUNT, Senator RUBIO, Senator SNOWE, Senator COLLINS, Senator

MURKOWSKI, Senator BROWN from Massachusetts, Senator HELLER from Nevada, Senator HOEVEN from North Dakota, Senator TOOMEY from Pennsylvania, and Senator VITTER from Louisiana—many of them have experienced disasters in their States in the past and remember those terrible days or they are experiencing them now, and they said: We don't follow the "throw the wrench in the gears" principle. We are going to follow the "let's get it done" principle. Let's get the work done. Let's move forward. Let's stop fighting. Let's provide immediate and robust funding to help our communities.

So they voted across party lines. I have done that before. I have been elected now three times. I mean, you can sometimes cross party lines to do the right thing, find middle ground. So they did. They found middle ground, and we came up with the \$6.9 billion package.

Now, let me say, to answer specifically the Senator from Arizona, for whom I have a lot of respect, we did not pull this sum out of the air. This \$6.9 billion, which is much more robust than the \$2.6 billion the House wants to provide, is a much more accurate estimate based on actual numbers given to the Appropriations Committee, which is the committee of authority here, by the agencies that are in charge of the disasters, from Agriculture, from the Corps of Engineers. So our number, the 6.9 that is being ridiculed as just being pulled out of the air—no, *contraire*—it was given to us by the agencies. The number that came from absolutely nowhere, that has no bearing on any sense of reality today, is the number the House pulled up, which is last year's number, which was the estimate before the storms even hit. So if you want to argue which number is more accurate, please put your money on our number because you will lose this bet.

Our number is based on actual estimates that have already been made of disasters that have already occurred. In fact, it doesn't even—our number—because we don't have the estimates in, we don't even have the estimates yet for Tropical Storm Lee or for Irene. It was too early. It takes a while for these numbers. So when I say the 6.9 is much better than the 2.6 and more accurate, that is true. Is it the real, actual number that might take us through next year? Even I can't say that and I am the chairman of the committee. I have more information than anybody in here on this. But I can tell you one thing: It is much better than 2.65, it is much more accurate, and at least it is based on realistic estimates.

So when people on my side say: We don't even understand what the Republicans in the House are fighting about, it is the truth. They picked a fight they didn't need to pick. They are arguing over something that was already

decided. They are rejecting their own government estimates of what these disasters cost because of what? On principle? What is the principle? The only thing I can think of—and I have said it five times, and I am going to say it six—it must be the principle of, let's throw a wrench when things are working well, and I think the American people are tired of it. It is exhausting.

So we now have projects—I would like to show the projects that are stopped. We have a list that is literally too thick to put into the RECORD, and I am not going to ask for it to be put in the RECORD because somebody will have to stay here for days and type it in, and I am not going to ask the clerks to do that. But I am going to hold it up so people can see. These are pages and pages of projects that are stopped right now.

I want to say directly to the House Member from Alabama, Mr. ADERHOLT, who is the chairman, my counterpart, there are pages of projects here in Alabama, in his own district, that are stopped, and he is not helping by supporting last year's numbers for this year's disasters. I hope he will rethink and start arguing not for his party but for his State. Sometimes we have to put our parties aside and fight hard for our districts and our State. I have done that before. I think it is the right way to do it.

These are pages and pages of projects that have been stopped. They are finished. They are not finished forever, we hope, but they are stopped—roads, libraries, bridges. Talk about jobs, most of these are done by small businesses, as we know. There is not any government agency that swoops in to do these projects in small towns. They are local contractors that get contracts with FEMA or the Corps of Engineers for the work. They are issuing pink slips for these projects right now. One would think that would motivate people. If compassion doesn't motivate them, if the morality of the situation doesn't motivate them, maybe thousands of jobs would motivate them. It seems none of those are working. I am running out of enticements.

All these projects have been stopped. Will the \$2.6 billion the House is offering start these projects again? Yes, it will—their offer they put on the table, that they are pushing us to accept, against which we are fighting hard. We do not want to accept it, but we will not shut the government down over this. We are pushing back as hard as we can without shutting the government down because over there they keep holding the economy hostage, then holding the government hostage. But I am saying, yes, these projects will get started again. They will go for 6 weeks, and then we will be back where we are right now, which is no place.

When we have a chance to fix a problem, there is already an agreement it

should be fixed, already the leadership has agreed how to fix it, and there is an allocation of the money set aside—we still cannot do it? Why? Because we want to come back in 6 weeks and have this fight again? How much time is wasted.

Do you know what Tom Ridge said about this—a Republican, the first guy who ran Homeland Security, the first Secretary? He said:

Never in the history of the country have we worried about the budget around emergency appropriations for natural disasters and, frankly, in my view, we should not be worried about it now . . . we are all in this as a country. And when Mother Nature devastates a community we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

That is a former Secretary of the department that was in charge of this.

Governor Christie, I spoke with him yesterday on the phone. He said last week:

You want to figure out budget cuts, that's fine . . . you expect the citizens of my State to wait? They are not going to wait, and I am going to fight to make sure they don't do it. Our people are suffering now and they need support now. We need the support now here in New Jersey. This is not a Republican or Democratic issue.

That is from Gov. Chris Christie, a very popular Republican, I might say.

Then Gov. Bob McDowell, from Virginia, another Republican:

My concern is that we help people in need. For the FEMA money, that's going to flow, it's up to them how they get it. I don't think it's the time to get into that (deficit) debate.

Why are we fighting over this? Why does the House Republican leadership think last year's number that was inadequate last year is good enough for this year when, as my staff just reminded me, we have had 10 disasters, each one over \$1 billion this last year? This is Mother Nature. This wasn't caused by some conspiracy of the Democratic Party; this is just what happened. Why do they want people to have to worry whether help will be there when we can so easily fix this? On what principle are they standing? It cannot be fiscal responsibility; it is already provided for in the budget.

If this is conservatism, I don't think America likes that. I don't think they will accept that. It is not their vision of conservatism, it is their vision of foolishness.

I also think, as PATRICK LEAHY, Senator from Vermont, has said many times, many people are starting to think, why is it some people in Congress rush out to fund programs in Afghanistan and Iraq and never wanted to debate when we went to war how we were going to pay for that. We literally did it in 30 days. Nobody even questioned how we were going to pay for it—literally. I was here. Maybe a few people raised the issue this is going to be expensive, but nobody on the other

side did—to go to war, twice. Yet after a hurricane, a tornado, we now have to have a knock-down, drag-out, full-fledged debate on how we are going to pay for every single penny before we can give a green light to these Governors and mayors and county commissioners. I think it is outrageous, it is unnecessary, and it is so terribly unfair.

I don't know what is going to happen because we sent a bill over to the House that has \$6.9 billion. It, as I said, may not be enough, but it is much better than \$2.65 from last year that was not sufficient then. We sent a bill over. It is a stand-alone bill. The House, if they do not think the number—if they think the number is too high, take it down a little bit or tell us they do not think this item is worth funding—say something. We could negotiate on that number. It is not written in the scripture, but it is the best estimate we had of what we actually need right now.

No, they will not even look at the bill. They just send us \$2.6 billion on a continuing resolution. So, basically, Senate, take our old, tired, inadequate number and we are going to go home and then you can shut the Government down if you don't like it. What kind of way is that to treat disaster victims? It is no way at all.

Senator HAGAN just told me—she got out of a meeting today—some of her people are living literally in tents. I know, when I went down to Cameron Parish, some of my people were sleeping in the open air, on concrete. I know what these scenes are. They roll in my head. Unfortunately, I have lots of memories about people sleeping on the street, 500 people sleeping under an overpass waiting for the Federal Government or the State or local government to set up a trailer or rental unit.

Again, if we did not have the provision for this already decided, if this was not the way we had operated in the past, I could understand it, but everything moves us: the agreement that has already been raised, the precedent of history, the accurate estimates of disaster. Yet the Republicans want to fight about it. I think it is a bad fight for them to have, let me just say. It is a shame. But we are going to do our best to get immediate and full funding, and if we cannot, we will be back in 6 weeks talking about it again, which is very unfortunate because we cannot rebuild Tuscaloosa, AL, and Joplin, MO, and parts of North Dakota, Minot, ND, and small towns in Alaska and Alabama 6 weeks at a time. We cannot do it. When we have the money, we have the provision, we have history and precedent on our side and the need is so great for the Republican leadership to throw a wrench just because they like to keep things stirred up, it is a shame.

That is where we are. We are going to do our best. This is what Republican leaders say. This is what the pictures

look like on the ground. When it is not on CNN every night, people don't think it is truly happening, but the fact is the fires are burning, there is rubble in town that looks like this, the water may have receded from this particular farm, but the damage is still there. The water I am sure has receded from this scene, but this family is still wandering around their lot looking for spoons and forks and things that might remind them of what they once had, and Republicans have decided, for whatever reason, to throw a wrench in this whole thing and make a big fight, when it is absolutely not necessary.

We are going to keep working and see what we can do to bring relief to a lot of this misery.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION DAY AND JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, September 17 was an anniversary with double significance for our country. On September 17, 1787, delegates to the Constitutional Convention in Philadelphia held their final meeting and signed the Constitution they had crafted. And on September 17, 1986, this body voted unanimously to confirm Justice Antonin Scalia's appointment to the Supreme Court of the United States. Today, 25 years later, he is the senior member of the Court.

These two events are profoundly related because Justice Scalia is literally helping us rediscover the real Constitution. His approach to doing the work of judges is helping us to rediscover the Constitution that America's Founders gave us—the Constitution that is powerful and solid; the Constitution that belongs to the people, protects our rights, limits government, and makes liberty possible.

Antonin Scalia was born in Trenton, NJ, on March 11, 1936. After graduating first in his high school class, valedictorian from Georgetown University, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and, finally, the judiciary.

President Reagan nominated then-Professor Scalia to the U.S. Court of Appeals for the D.C. Circuit in July 1982. He appeared before the Senate Judiciary Committee on August 4, 1982—another date with constitutional significance. The hearing began just minutes after the Senate voted 69 to 31 to approve a balanced budget constitu-

tional amendment, the only time this body has done so, at least so far. I was an original cosponsor of that amendment. I mention that because Justice Scalia's approach to the Constitution means that the people, and the people alone, have authority to change it through the amendment process outlined in the Constitution. The Senate's vote on that balanced budget amendment was part of that process.

Professor Scalia told the Judiciary Committee that, if he were appointed to the bench, his days of being able to comment on the wisdom of laws enacted by Congress would be "bygone days." The sense that judges are doing something fundamentally different than private citizens, fundamentally different than legislators, defines his judicial philosophy.

The same theme dominated his confirmation hearing 4 years later, when President Reagan nominated Judge Scalia to be an Associate Justice of the Supreme Court. As that hearing opened, I quoted from the Chicago Tribune that the nominee was determined "to read the law as it has been enacted by the people's representatives rather than to impose his own preference upon it."

When Justice Scalia took the oath of judicial office, President Reagan said that the judiciary must be independent and strong but confined within the boundaries of a written constitution.

Public officials must swear to uphold and defend this written Constitution. It declares itself to be the supreme law of the land. More than 90 percent of Americans say it is very important to them. But what exactly is it and what are judges supposed to do with it? The answer to that question defines Justice Scalia's career and its lasting impact on all of us.

The Constitution is a document, the oldest written charter of government in the history of the world. Professor Steven Calabresi, who teaches at Northwestern University Law School and once clerked for Justice Scalia, writes that when Americans think of liberty, they think of documents, especially of the Constitution.

Three statements at the turn of the 19th century tell us what we need to know. First, the Supreme Court, in 1795, literally asked the same question: What is the Constitution? Here is their answer:

The Constitution is fixed and certain; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it.

Second, President George Washington echoed this theme a year later in his Farewell Address. He said:

The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of

the whole people, is sacredly obligatory upon all.

Third, the Supreme Court, in its 1803 decision *Marbury v. Madison*, wrote that through the Constitution, the people established certain limits for the Federal Government.

[A]nd that those limits may not be mistaken or forgotten, the Constitution is written.

There you have it. The Constitution is the means by which the people express their will and set limits on the government. The people alone have authority to change the Constitution and, until they do, it is fixed and certain. One obvious way to alter the Constitution is to change its words. But a more subtle, and even more effective, way to alter the Constitution is to change its meaning. Words themselves are just the form, but the meaning of those words is the substance. The real Constitution is its words and their meaning together. Whoever controls the meaning of the Constitution controls the Constitution itself. When we say that only the people may alter the Constitution, that simply must mean that only the people can change the words or their meaning. For the Constitution to be what it is supposed to be, both its words and their meaning must remain fixed and certain until the people choose to change them.

Justice Scalia delivered the 1997 Wriston Lecture at the Manhattan Institute. Its title was simply "On Interpreting the Constitution." He described his topic as "what in the world we think we're doing when we interpret the Constitution of the United States." This is why it is so important to clarify what the Constitution is in the first place, so we know what judges are supposed to do with it.

Justice Scalia believes the only proper way to interpret the Constitution is to find the meaning it already has, the meaning given to the Constitution by the people who alone had authority to establish it. Justice Scalia calls this approach originalism.

In his Wriston Lecture, he said that the Constitution "means what it meant when it was written." No one is more candid than Justice Scalia that this approach is not easy, but no one is more certain than Justice Scalia that this approach alone is legitimate. This approach alone preserves both the people's control of the Constitution and the Constitution's control of judges.

In 2005, Justice Scalia delivered a speech at the Woodrow Wilson International Center for Scholars titled "Constitutional Interpretation the Old Fashioned Way." He described originalism as beginning with the text and giving it the meaning that it bore when it was adopted by the people. With all due respect to Justice Scalia, he did not invent this approach, but he is helping us to return to those principles.

In his service on the Court, in his speeches and writings, Justice Scalia is helping us rediscover what America's Founders told us to do from the start. I have to emphasize that Justice Scalia has for 25 years implemented the very same approach that he described in his hearing before the Senate Judiciary Committee.

Vice President BIDEN was the ranking member at the time, and his very first question was about original meaning as a means of interpreting the Constitution. Justice Scalia explained later in the hearing that the starting point is "the text of the document and what it meant to the society that adopted it. . . . I am clear on the fact that the original meaning is the starting point and the beginning of wisdom."

This body knew Justice Scalia would take this approach when we unanimously confirmed him, and he has stayed true to his word throughout his judicial career. In addition to instructing us about the principles we should once again follow, Justice Scalia has been sounding the alarm about failing to do so. He condemns as "power judging" the modern trend of judges substituting their own constitutional meaning for that of the people. This amends the Constitution as surely as changing its very words.

Judges continually find creative ways to mask their power judging. They think of deeply impeded social or cultural values, evolving standards of decency, and what the Constitution should mean in our time.

One of Justice Scalia's former colleagues even said that the Constitution is "a sparkling vision of the supremacy of the human dignity of every individual." All of these evolving standards and sparkling visions are different ways of saying the same thing: that judges have taken control of the Constitution by controlling what it means.

Justice Scalia will have none of it. In a 1996 dissent, he rejected this for what it really is; namely, the Court's Constitution-making process. He wrote:

The court must be living in another world. Day by day, case by case, it is designing a Constitution for a country I do not recognize.

One of the many things I like about Justice Scalia is that he applies his principles across the board. He has often pointed out that judges amend the Constitution by changing its meaning in ways that liberals like, but also in ways that conservatives like. All of it, he says, is wrong.

Judges have no authority to design a new constitution no matter what it looks like. Sometimes I wonder how anyone could think otherwise. How could anyone believe that unelected judges may take the Constitution that opens with the words, "We the People," and turn it into something else? Why would anyone tolerate judges who

change the very Constitution that judges are supposed to follow?

Justice Scalia believes no one should, and he challenges us to live up to the principles that define our system of government and that make our liberty possible. The real Constitution is solid and fixed. It was established and can be changed only by the people. That Constitution, the real Constitution, is strong enough to limit government and protect liberty.

But that Constitution is being replaced by a very different one. Since about the 1930s, the real Constitution controlled by the people has been replaced in some measure by a fake constitution controlled by judges. The Constitution is weak, pliable, and shifting, according to them. It morphs and modifies. It shivers and it shakes.

This Constitution is a figment of the judicial imagination, and it is written in disappearing ink. Thomas Jefferson warned that if judges control what the Constitution means, it would become "a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please."

Doing so, Jefferson said, would make the Constitution nothing but a blank paper. This is not just an academic exercise. If you think the latest judicial mood swing is strong enough to limit government, think again. If you think that a lump of wax or a piece of blank paper is firm enough to protect your liberty, think again.

A constitution that can be changed by nothing more than a judge's imagination is no constitution at all. This struggle over what the Constitution is affects not only what judges do with it but also how judges are chosen in the first place. If judges can change the Constitution by changing its meaning, then the judicial selection process will inevitably focus on the Constitution a judicial nominee is likely to create. It will inevitably focus on the form into which a judicial nominee can be expected to shape and twist the Constitution.

Speaking at the State University of New York School of Law in 2002, Justice Scalia warned that if the Constitution's meaning is determined by judges rather than the people, the selection of those judges becomes "a very political hot potato. Every time you need to appoint a new Supreme Court Justice, you are going to have a mini-plebiscite on what the Constitution means."

In a 2007 speech at the Jesse Helms Center, Justice Scalia similarly compared the judicial confirmation process to a miniconstitutional convention. If judges may write a new constitution through their rulings, he said, the process will be about finding a nominee who will "write the Constitution that you want."

Justice Scalia is also affecting how we do things in the legislative branch. The more that judges are willing to do

our work for us, the less of it we are likely to do ourselves. On the other hand, if judges insist that we legislators say what we mean and mean what we say, then we are likely to draft laws differently. The law that we enact, after all, is the text of our statutes and not the speeches, reports, comments, thoughts, or other things that consume the legislative process.

Knowing that judges who have to interpret and apply our statutes will look only at the law is an incentive for us to make sure if it is to be the law, it must be in the statute. That approach is more transparent, more accountable, and more reliable. We have Justice Scalia to thank for pushing us in that direction.

Justice Scalia seems to be the Justice liberals love to hate. If this were a Harry Potter movie, liberals would put Justice Scalia on a wanted poster as "Undesirable No. 1." Yet they just cannot seem to look away. The principles upon which he stands are so compelling and his way of winning them so powerful that whether you love him or hate him you simply must deal with him.

Those who think judges may just make it up as they go along have a hard time figuring out Justice Scalia because he does not follow their game plan. Only a few months into his first term on the Supreme Court, the Washington Post reported that though Justice Scalia was expected to be a hard-changing conservative, he was voting with liberal Justice William Brennan almost two-thirds of the time.

Several weeks later another Post headline read: "Newest Reagan Appointee Joins Liberals," and the percentage of agreement with Justice Brennan seemed to be going up.

Conservative George Will's column at the end of the 1986-1987 Supreme Court term bore the title, "Good Grief, Scalia!"

Not to worry, though, because a Post headline just 1 year later read: "Scalia May Be Successor as Conservatives' Chief Advocate." The real way to know Justice Scalia, you see, is to know his principles. They are principles drawn directly from America's founding from the nature of limited government under a written constitution. No one works harder to articulate and apply those principles day in and day out than Justice Scalia.

Research in the last several years has demonstrated that he is the funniest Justice in oral argument and the most cited in law reviews and journals. His lectures around the country are consistently standing room only. His interview on the University of California's "Legally Speaking" television program has been viewed at least six times as often as any other guest.

No doubt some of this popularity, this buzz, comes from his engaging personality, his wit, and his sense of humor. People enjoy being with a per-

son like him. But it also comes from the substance, the sheer magnitude of the message he delivers in that unique way. People like a witty, engaging person. But they also respect powerful principles and a message that weighs more than a passing intellectual fad.

I have so far spoken today about Justice Scalia, the jurist; I cannot close this tribute, however, without a few comments about Antonin Scalia, the man. The hearing on his Supreme Court nomination 25 years ago took place in the Judiciary Committee's regular hearing room, which is much smaller than where we hold such hearings today. His hearing lasted just 2 days, including testimony by witnesses.

I can still remember that Justice Scalia's family occupied more than one row in the audience. As Justice Scalia introduced them, including all nine of his children, he said, "I think we have a full committee."

Media cameras went crazy every time his youngest daughter Meg would lean her head on her mother's shoulder. Meg was just 6 years old then. But as I remember, she held up very well as we lawyers talked about all sorts of jurisprudential minutiae.

That sight impressed on me Justice Scalia's deep love for family and the sacrifice that family makes when someone like him is so devoted to public service. He is also a man of deep faith and love for our country and the values on which it was founded.

Five years ago, I marked Justice Scalia's 20th anniversary in a speech on the Senate floor. At that time I put into the RECORD letters from some of his former law clerks. I want to do the same today.

I ask unanimous consent to have printed in the RECORD after my remarks letters from some of the following former law clerks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1).

Mr. HATCH. Edward Whelan, who clerked during the October 1991 term and later served as my counsel when I was ranking member of the Judiciary Committee, and is now president of the Ethics in Public Policy Center; Paul Clement, who clerked during the October 1993 term and later served as Solicitor General of the United States, and he is now a partner in the Bancroft law firm; Mark Phillip, who also clerked during the October 1993 term and later served as a U.S. district judge, and is now a partner at Kirkland & Ellis in Chicago; Brian Fitzpatrick, who clerked during the October 2001 term and is now an associate professor at Vanderbilt Law School; and Brian Kilian, who clerked during the October 2007 term, and is now an associate at the Bingham McCutchen law firm in Washington.

In closing, all Americans owe Justice Antonin Scalia a deep debt of grati-

tude. Every day he serves on the Supreme Court Justice Scalia gives a gift to all of us. He is reintroducing us to the principles and to the document that make our liberties possible. He invites us, in the words of the Kellogg's Corn Flakes commercial, to try it again for the first time.

I return to the scene of his first judicial confirmation hearing in 1982. The constitutional amendment process was underway that day, but it was rightly happening on the Senate floor rather than in the confirmation of a Federal judge. Keeping clear the principle that only the people have authority to change the Constitution will give us, as Justice Scalia often puts it, an enduring rather than an evolving constitution. We must step up and govern ourselves rather than look to judges to do it for us.

I hope we see this opportunity for what it is, following Justice Scalia's lead, grasping again the principles of liberty and resolving never to let them go.

Finally, I have been around here a long time. I have had a role with regard to every current member of the U.S. Supreme Court and a number of those who have gone on. I have to say that one of the most respected men in this country is Justice Scalia. I count him as a friend. I count him as a mentor. I count him as a teacher and professor. I count him as one of the all-time greatest Supreme Court Justices, a man who, without question, is as good a person as you can find.

He is a terrific human being. His life has been a life of service to his fellow men and women. His wife is a terrific person, and as far as I know the kids are all great too.

We have been fortunate that he has been willing to serve as he has. We are a greatly strengthened country because of Justice Scalia. There are a number of Justices in the history of this country we have to look up to. He is one of them. I think we should revere all of them, but he is one of the greatest. I suspect that he will be quoted, he will be written about, he will be talked about for a long time because of the genuine intellect of the man, the tremendous personality he has, the brilliant mind that we see on display every time he writes an opinion or gives a speech or lectures to us or gives a talk.

This is one of the truly great people in our country today. I do not care whether you are a Democrat or a Republican, a liberal or a conservative or somewhere else, this is a man we ought to all respect with every fiber of our beings, and his family as well.

EXHIBIT 1

ETHICS AND
PUBLIC POLICY CENTER,*Washington, DC, September 9, 2011.*

Hon. ORRIN G. HATCH,
U.S. Senate, Hart Office Building, Washington,
DC.

DEAR SENATOR HATCH: Thank you for commemorating the 25th anniversary of the Senate's unanimous confirmation of Antonin Scalia to the Supreme Court in 1986—fittingly, on Constitution Day. As someone who has had the special privilege of working both for you and for Justice Scalia, I am particularly grateful to you for inviting me to take part in this celebration.

Over the past twenty-five years, no one has done more than Justice Scalia to promote fidelity to our Constitution. As the most prominent proponent of the interpretive methodology of "original meaning," Justice Scalia has forcefully argued that genuine fidelity to the Constitution requires that its provisions—including, of course, its amendments—be interpreted in accordance with the meaning they bore at the time they were adopted. His intellectual triumph over advocates of the so-called "living Constitution" approach—under which judges are free to look to their own values or sense of empathy in determining what the Constitution means—has been so devastating that his opponents have largely abandoned the term "living Constitution" and some have even tried to rebrand their positions as originalist.

Justice Scalia's clear ideas are made all the more potent by his distinctive writing, which combines a sparkling prose and a logical rigor in a manner that is especially accessible and appealing.

Time has a way of vindicating Justice Scalia's judgments. Virtually everyone, for example, now recognizes the soundness of Justice Scalia's brilliant solo dissent in *Morrison v. Olson*, the 1988 case in which the Supreme Court ruled that the independent-counsel statute did not violate the Constitution's separation of powers. Precisely because Justice Scalia's jurisprudence reflects the genius of the Framers and an abiding faith in, and fidelity to, American constitutional principles, there is ample reason to expect that his wisdom on other hotly contested issues of the era will ultimately prevail.

I am personally grateful to Justice Scalia for the opportunity to serve as his law clerk for a year, for all that I learned about the law and about legal reasoning from working with him, and for his friendship and support during my ensuing career. But, like all Americans, I am also deeply indebted to him for his years of tremendous service on the Court. May he enjoy many, many more!

Sincerely,

M. EDWARD WHELAN III.

BANCROFT,

Washington, DC, September 12, 2011.

Hon. ORRIN HATCH,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: Thank you for taking the Senate Floor to mark the 25th anniversary of the beginning of Justice Antonin Scalia's distinguished tenure on the Supreme Court of the United States. Thank you also for inviting me to send you a letter offering a few thoughts of my own on this important anniversary.

I have had the privilege both of serving as a law clerk to Justice Scalia and of arguing over 50 cases before him. I count both experi-

ences as high professional honors. What is perhaps most remarkable about the opportunity to clerk for the Justice is how much of the interaction with the Justice is oral. To be sure, the opportunity to watch the Justice work through drafts of an opinion is a remarkable experience. But his writing style is inimitable, and the clerks are relegated to the sidelines. The most valuable aspect of the clerkship is the opportunity to discuss the Court's cases with the Justice. Before every sitting, he had a session with his law clerks that resembled nothing so much as an oral argument. With 25 years of service, the Justice has now had roughly 100 law clerks. As a reflection of the Justice's own remarkable career, his law clerks have gone on to distinguish themselves in academia, executive branch service, and the judiciary. The key to their success, I believe, is that once you have mixed it up with the Justice in an argument in Chambers, very few subsequent professional experiences have the capacity to intimidate.

Perhaps the only experience that can hold a candle to those in-Chambers debates is to argue a case before the Justice and his colleagues. Justice Scalia clearly changed the dynamic of Supreme Court oral arguments. One only needs to listen to the audio recording of arguments before Justice Scalia joined the bench to appreciate his impact. Advocates used to hold forth at length with only occasional questions from the Justices. The Justice arrived and began asking questions in rapid-fire succession. His colleagues did not want the newest Justice to steal the show and began asking more frequent questions, and as subsequent Justices joined the Court, they too joined the fray. I do not believe it is an accident that the Solicitor General's office only formalized its practice of holding moot courts after Justice Scalia joined the Court.

Justice Scalia's impact on the Court has extended well beyond oral argument. He has had a profound impact on the way the Supreme Court, and all Judges, decide cases. The impact is most obvious in the area of statutory construction. He has fundamentally changed the way the Supreme Court approaches the interpretation of congressional statutes. Coming from a former law clerk, this could be dismissed as being less than objective. But I have a much better source for this observation: Justice John Paul Stevens. A few years ago, the Supreme Court held argument in *Arlington Central School District v. Murphy*, a case involving the question whether expert fees were recoverable under a statute that allowed for the recovery of attorneys' fees and costs. There was a pretty good textual argument—which the Court ultimately adopted—that expert fees were neither attorneys' fees nor costs. There was also a pretty good argument based on the conference report that the conferees thought that expert fees would be recoverable. At oral argument, Justice Stevens suggested that the latter view should carry the day because "the rule that you cannot look at legislative history didn't really get any emphasis until after 1987" and the statute at issue was enacted earlier. To be clear, 1987 was not the date of some watershed Supreme Court opinion about legislative history; it was Justice Scalia's first full year on the Court.

It would be a mistake to think that Justice Scalia's influence is limited to statutory as opposed to constitutional interpretation, just as it would be a mistake to pigeonhole his views as conservative or pro-Government. Perhaps no opinion better illustrates

both points than his opinion for the Court in *Crawford v. Washington*. That decision worked a fundamental reconsideration of the Court's Confrontation Clause jurisprudence. With a classic Scaliaesque focus on text, rather than purpose, the Court rejected prior Supreme Court's decisions which considered the underlying purpose of the Confrontation Clause—reliable evidence—in favor of what the text actually guarantees: an absolute right to confront witnesses. As he wrote for the Court, the Sixth Amendment "commands not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination." In the years that have followed *Crawford*, few areas of the Court's constitutional jurisprudence have been more dynamic and no criminal defendant has had a better champion in a Confrontation Clause case than Justice Scalia.

Justice Scalia's impact has extended beyond the Court in one more important way. An entire generation of law students has now learned the law by reading Justice Scalia's opinions. Even Justice Scalia's critics acknowledge the power of his prose. I have had numerous law students—left, right and center—confide that whenever there is a case with a Scalia opinion, even a dissent or concurrence, they always read the Scalia opinion first. And who can blame them? Who would want to read about a three-pronged doctrinal test, when instead you can read about 60,000 naked Hoosiers or even just nine people selected at random from the Kansas City phone book. And Justice Scalia's colorful prose can have serious consequences—I am not sure the Court's *Lemon* test has ever fully recovered from being compared to a B-movie ghoul.

Finally, the most commendable thing about your decision to mark this anniversary is that it does not require us to wait for the end of Justice Scalia's service to celebrate his tenure. I can assure you that from an advocate's perspective, Justice Scalia appears to be a vibrant young man up on that bench. At the same time we mark his twenty-five years of service, we can look forward to his continuing service to his country and his Court.

Most sincerely,

PAUL D. CLEMENT.

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS,

Chicago, IL, September 15, 2011.

Sen. ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: Thank you very much for honoring Justice Scalia on the twenty-fifth anniversary of his confirmation to the United States Supreme Court. It is an honor to contribute a letter to your effort.

I suspect that many of Justice Scalia's colleagues in the federal judiciary, his former colleagues from the legal academy, and many of my colleagues in the Scalia law clerk family will write about the Justice's vast intellect and his profound contributions to the law. Their comments will certainly be on the mark. Justice Scalia is one of the smartest people one will ever encounter. And he has indelibly influenced many areas of the law. He not only has written landmark opinions concerning numerous areas of constitutional and statutory law, he has, even more broadly, focused debate about the proper methods of interpreting the Constitution and federal statutes. He also has made key contributions to the debate about the proper role of the federal judiciary within our system of government. Not everyone agrees

with his views, of course, but I suspect most everyone would agree that he has been, and remains, one of the most important voices in these key discussions.

If I may, however, I am going to leave the accounting of Justice Scalia's jurisprudential contributions to others far more scholarly and intelligent than me. Instead, let me please briefly address an aspect of Justice Scalia that sometimes receives less public attention—namely, just how nice and decent a person he is on a human level.

It is commonly said within the Scalia law clerk family that the Justice was the nicest boss any of us has ever had. He is, first and foremost, a teacher at heart, and he routinely would take time, despite his workload and responsibilities, to help us become better thinkers and lawyers. He also treated us with the utmost professionalism and respect, and with concern for our personal lives as well as our professional ones. That concern has remained in the years since we clerked for him—as he has shared our joys, with the birth of our children, and our sorrows, with the deaths of loved ones.

Justice Scalia's generosity with his time and attention is not limited to his law clerks. I recall one time, in the early summer when I was clerking, when Justice Scalia had been working particularly hard for quite a stretch of time. Notwithstanding those demands, he agreed to meet with a group of school children who were touring the Court—as I recall, somewhat unexpectedly within his schedule. Despite the sixteen hour days he had been putting in for some weeks, he engaged the kids at length, and fielded their many questions, for well over an hour. There were no historians to record his deeds, nor camera crews, but he did it just because he is a generous and decent person. He entertained the kids (he is quick to laugh, and quick to joke as well) but he also made them think about important issues, and he took the time necessary to do that, notwithstanding the long hours he had been putting in for many weeks.

Justice Scalia will be ranked among the most important jurists in American history because of his vast professional contributions. He also is a model of a dedicated public servant, who works earnestly to discharge his duties to the American people, that can be emulated by judges throughout the nation. But he also is an exceedingly kind and decent person. Being a nice person is not everything, but it is quite important indeed, and in that regard, he is also a gem.

In closing, let me please add one final thought. Any recognition of Justice Scalia's twenty-five years of service on the Supreme Court would be incomplete without a recognition of his wife, Mrs. Maureen Scalia. Serving on the Supreme Court is certainly a huge honor, but serving in that role imposes substantial demands on any person and those around them. I am quite confident, because I have heard Justice Scalia say it many times, that he could not have served on the Supreme Court without the support of his lovely wife over his many years in the federal judiciary. She too is owed recognition and thanks.

Thank you again for your efforts to recognize the twenty-fifth anniversary of Justice Scalia's confirmation to the Supreme Court. And thanks for your continuing service to the Nation as well.

Sincerely,

MARK FILIP.

VANDERBILT LAW SCHOOL,
Nashville, TN, September 9, 2011.

Hon. ORRIN HATCH,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HATCH: This month marks the 25th anniversary of the United States Senate's confirmation of Justice Antonin Scalia to the Supreme Court of the United States. On September 17, 1986, the Senate confirmed Justice Scalia by a vote of 98-0, and, on September 25, he received his commission.

I hope that the Senate will find an appropriate moment sometime in the coming weeks to honor Justice Scalia for this important milestone in his service to the American people. I realize that some members of the Senate are more fond of Justice Scalia's jurisprudence than are others, but, no matter where one stands on that question, I think it has to be acknowledged that Justice Scalia has been one of the most influential legal thinkers in modern American history—indeed, perhaps in all of American history.

In an age where much judicial decision-making is ad hoc, Justice Scalia distinguishes himself by following coherent judicial philosophies known as “textualism” and “originalism.” Although these philosophies may have predated Justice Scalia in some form, I think it is fair to say that he brought them to life, and, in doing so, forever changed the way lawyers, judges, and public officials talk and think about the law.

This is not mere conjecture; it can be demonstrated empirically. Several years ago, a student note was published in the Harvard Law Review called Looking it Up: Dictionaries and Statutory Interpretation, 107 HARV. L. REV. 1437 (1994). The author examined how often the Supreme Court cited dictionaries in its opinions. The author found that citations dramatically increased after Justice Scalia brought his textualist approach to statutory interpretation to the Court in 1986. And it was not only Justice Scalia who was citing the dictionary: all of the Justices were doing it. In short, whether or not one agrees with Justice Scalia's philosophies, nearly everyone acknowledges their power and nearly everyone understands they must be grappled with.

Consider as well how often Justice Scalia appears as the subject of law review articles. I asked a research assistant to tally how often his name appeared in the title of a law review article compared to the 17 other Justices who have been his colleagues. Although it turns out that this is more difficult to do than it sounds—Justices with common last names generate many false positives—after eliminating the most common false positives, my research assistant reported what I had long suspected: law professors write many more law review articles about Justice Scalia than about any of his colleagues (including, strikingly, Thurgood Marshall, the first African American on the Court, and Sandra Day O'Connor, the first woman). My research assistant found 220 articles about Justice Scalia, well ahead of the 150 or so for his closest competitors (and many of the articles found for his closest competitors were false positives not easily eliminated). In short, love him or hate him, nearly everyone feels the need to reckon with him.

Justice Scalia's influence is a result not only of the strength of his ideas, but also of his rhetorical skills. Few judges have ever turned phrases as colorfully as he does. I witnessed firsthand the pleasure he takes from writing, and it is an investment that has

served him well. The reason he was the thinker that brought textualism and originalism to life may very well have been because he was the writer that could not go unread.

Justice Scalia's long public service and his extraordinary influence on the law deserve recognition and respect. The Supreme Court is a much richer place today than it would have been had the Senate not elevated Justice Scalia there 25 years ago. It would be a nice gesture of bipartisanship to take a few minutes this month to remember him.

Sincerely,

BRIAN FITZPATRICK,
Associate Professor of
Law,
Vanderbilt
University;
Law
Clerk to Justice
Scalia, 2001–2002.

SEPTEMBER 17, 2011.

Senator ORRIN G. HATCH,
U.S. Senate Judiciary Committee, Hart Senate
Office Building, Washington, DC.

DEAR SENATOR HATCH, as one of Justice Antonin Scalia's former clerks, I'm delighted that you are commemorating the 25th anniversary of the Senate's September 17, 1986 vote to confirm him as an Associate Justice of the Supreme Court of the United States.

In hindsight, it is a wonderful coincidence that Justice Scalia was confirmed on the 199th anniversary of the signing of the Constitution. (The bicentennial would have been even more fitting, but we're all grateful the Senate didn't wait a year for it.) Over the last 25 years, his name has become a synonym for “originalism,” the view that the Constitution of the United States has only one, unchanging, original meaning—the meaning that prevailed when it was adopted. He has authored some of the most significant originalist opinions the Supreme Court has ever issued, including opinions on the accused's Sixth Amendment right to confront the witnesses against him (*Crawford v. Washington*) and on our Second Amendment right to keep and bear arms (*District of Columbia v. Heller*).

Justice Scalia believes that judges must be originalists because the United States is a nation ruled by law, not by judges. The whole point of writing out a constitution (indeed, of writing out any law), he observes, is to prevent rules from being changed. As he has famously quipped, the rule of law is a law of rules.

For Justice Scalia, these words aren't just rhetoric. They are principles he strives to follow in all his judicial tasks, even the most insignificant ones. My favorite example of this illustrates the depth of his commitment to rules.

In the Supreme Court, a party can ask the justice assigned to his or her circuit to postpone a filing deadline. Applications for an extension of time are not exciting work, particularly compared to everything else going on at the Court. As a result, they aren't paid much attention. As a further result, the vast majority of the applications are granted—except, it turns out, in Justice Scalia's circuit. Whereas the other justices tend to deny only a handful of extension applications each year (less than 20%), Justice Scalia grants only that many. Why does he take a solitary stand over insignificant procedural motions?

Barely three months on the job, Justice Scalia gave his answer. He had received one of his first extension applications. The attorney generically claimed that the case presented “important questions under the Constitution of the United States which were determined adversely to the petitioner by the

court below" and that the attorney, therefore, needed "additional time to research and prepare the [petition for a] Writ of Certiorari." This was the legal equivalent of a form letter, mailed in with the expectation that it was a technical formality, as if five minutes of copying a prior application plus the price of postage were all that someone needed to get an extra 60 days to file a petition.

To the attorney's surprise, Justice Scalia denied the request and wrote a short explanation for his decision, making an example of the seemingly routine case (*Kleem v. INS*). The Supreme Court's rules say that a party must demonstrate "good cause" for an extension, and they admonish that extension requests are "not favored." If needing more time to prepare the best possible petition was "good cause," everyone could honestly claim good cause. Then, the Court's pronouncement that extension requests are "not favored" would serve only to deter inexperienced attorneys who, not being part of the savvy club, didn't know that the rules don't really mean what they say.

Of course, the easy decision always is to grant an application. But what is easy isn't always right, and what is right isn't always easy. We expect judges to do what is right, no matter how hard it is. Justice Scalia fulfills our expectations in all he does.

Twenty five years ago, what was right was also easy: the Senate should be proud that it unanimously consented to give Justice Scalia a lifetime appointment to the highest court in the land. His commitment to the rule of law is unflagging, as strong today as it was the day he was confirmed.

Respectfully yours,

BRYAN M. KILLIAN,
Law Clerk to Justice Scalia (2007–2008).

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, my hope is that we are moving into the homestretch, in terms of being able to pass the trade adjustment assistance legislation.

I strongly support efforts to promote more exports. The President has set a laudable goal of increasing exports. We know that in the export sector, there is an opportunity to make things here, to grow things here, to add value to them here, and then ship them around the world. To promote these export markets and generate the economic growth our country wants, we have to make sure our workers have the latest, most updated skills to make sure they can get those jobs and exports and get American products around the world.

As I indicated yesterday, there is no doubt that the American brand is a hit around the world. Ninety percent of the consumers are outside the United States, and they want our products. My hope is, as I have indicated, that we are moving toward being able to pass this legislation, the trade adjustment assistance, to increase our exports. Because some pretty astonishing comments have been made with respect to the Trade Adjustment Assistance Program, I wish to take a few minutes this afternoon and make sure we can get some facts out to combat some of the rhetoric.

For example, one comment I have heard repeatedly is that the Trade Adjustment Assistance Program is a sop to organized labor. The argument is that the Trade Adjustment Assistance Program is just a giveaway to labor unions and that they are the people who want the program; that it is something that is part of the labor priority list. I can tell the occupant of the chair—and I am sure she hears the same thing I do at home—that folks who are members of labor unions don't come up to us and say what they want in the Trade Adjustment Assistance Program. They say: Senator, I want to have a good-paying job. I want a job where I can support my family and where I have a living wage. That is what I am concerned about right now.

What I am concerned about is China, for example, with their low-interest loans. In some areas, such as solar manufacturing, which I have written the Obama administration about, they are undercutting our solar manufacturers because they are basically giving out free money now. That is what workers come up to Senators and say: Senator, I want a good job, one I can make sure that when I go to bed at night, I will know when I wake in the morning, I will be able to support my family. Labor union folks don't walk up and say: This is what I want from the Trade Adjustment Assistance Program.

The fact is, it has been documented by Mathematic Policy Research that less than half the participants in the TAA were members of a union. Let me repeat that. Less than half of those who participated in trade adjustment assistance were members of a union. In fact, this is a program that is available to all American workers who qualify. When we are talking about applying, in effect, a trade adjustment assistance petition can be filed by any of the following groups: a group of three or more workers, an employer, a labor union, a State workforce official, a one-stop operator or partner or any other person who is designated a duly authorized representative.

This is, to me, the bottom line. In 2009, more than 9 out of 10 petitions for trade adjustment assistance relief were filed by nonunion firms or groups. I will repeat that because we have heard so frequently this is somehow a giveaway to labor or a sop to the labor unions. In 2009, more than 9 out of 10 TAA petitions were filed by nonunion firms or groups. More than two-thirds of the eligible population for the Trade Adjustment Assistance Program were not members of a union.

I hope that, at this point in the debate, we can make it clear, we can make it understandable that TAA is not a program only available to labor unions. That is not true. The Trade Adjustment Assistance Program is not only available to labor unions. TAA is

for all Americans. As this debate continues and, as I indicated, hopefully moves into the homestretch, I hope Senators remember that in 2009 more than 9 out of 10 TAA petitions were filed by nonunion firms or groups.

The second area I wish to touch on, in terms of trying to rebut some of these criticisms about the Trade Adjustment Assistance Program, is the argument that there is no need to extend eligibility to those in the service sector. In 2009, Congress expanded the Trade Adjustment Assistance Program so service workers who are displaced by trade would be eligible for assistance. There has been criticism of this expansion, and I wish to make sure, again, that Senators and those listening to this debate actually get some of the key facts.

It is important to remember that 82 percent of employment between 2006 and 2010 was in the service sector. To argue that workers in computer programming, finance, accounting, and insurance do not face foreign competition is simply to put our heads in the sand.

A forthcoming paper by Bradford Jensen finds that Americans employed in businesses and professional services face more international competition than workers in the manufacturing sector. Again, when Senators hear this argument that there is no case for extending trade adjustment assistance eligibility to service workers, I hope they will think through the implications of the international competition our workers face in this sector because those in computer programming, in finance, in accounting, and in insurance are important workers in the American economy. They have played a big role particularly in the export sector. I think to arbitrarily say they should not be eligible for the Trade Adjustment Assistance Program, given what many of them are facing in terms of international competition, isn't right.

The third argument I would like to take on directly is the argument that, in some way, the Trade Adjustment Assistance Program is almost a duplicative program. Again, the facts show this argument doesn't stand. A Mathematic Policy Research report from last year makes clear that workers who lose their job due to increased imports—surging imports is the way we ought to appropriately characterize it—those folks who are, therefore, eligible for the Trade Adjustment Assistance Program because of surging imports tend to be older, often have less education, and have higher prelayoff earnings compared to other unemployed Americans.

That is why the Trade Adjustment Assistance Program is different than the unemployment insurance program. It is tailored to meet the distinct needs of a critical portion of the labor force. The workers are older, and often they

have less education. The transition, as the occupant of the chair knows, can be gut-wrenching because a lot of these individuals, before their layoffs, were making good wages. Now they are wondering how they are going to be able to get the skills and how they are going to be able to pick up the knowledge to tap the latest opportunities that are available in American business that is looking to export.

This is a program that doesn't duplicate any other. It is a program that is designed to serve a unique population. I am sure we are going to continue through the rest of the discussion about trade adjustment assistance and see a lot of back and forth between Senators with respect to the merits of the program.

I continue to believe we ought to start, as we analyze it, by remembering this has always been a bipartisan program, No. 1; No. 2, TAA petitions have been approved by Labor Departments in both Democratic and Republican administrations. This has roots in the bipartisan effort to support expanded trade. One study after another shows that expanded trade—particularly tapping export markets—can generate hundreds of thousands of jobs. But there is no question that, as we try to make sure we don't lose a single job in America—even short term—some workers can end up needing some help during a transition from one job to another, and if they have been harmed by surging imports, the Trade Adjustment Assistance Program is there for them. That is why we ought to reauthorize it.

I think we also ought to recognize it is knitted together with the effort to pass the free-trade agreements because the free-trade agreements are about more exports. To have all the workers we need for the potential export markets, we have to make sure workers who have been laid off have a chance to upgrade their skills.

We will come back to this topic, I am certain, but I hope, in the last few minutes, I have been able to at least offer some concrete, documented facts that make clear that the Trade Adjustment Assistance Program is not a sop to organized labor, since, in 2009, the vast majority of those granted relief had nothing to do with a labor union; second, that we have made the case for why service workers, facing aggressive international competition, ought to be eligible for the TAA; third, I hope we have been able to lay out how this program doesn't duplicate any others because this is a unique group who disproportionately uses the program, who is older, often with less education, and the transition can be particularly gut-wrenching because very often they have higher prelayoff earnings compared to other unemployed Americans.

I think we understand the biggest challenge for this Senate is creating more good-paying jobs. In my State,

about one out of six jobs depends on international trade. The trade jobs tend to pay better than do the nontrade jobs. That is why I considered it such an honor when Chairman BAUCUS asked me to chair the Finance Committee's Subcommittee on International Trade. I saw this as an opportunity to grow the Oregon economy and to grow good-paying family wage jobs. Oregon has a very good record in terms of manufacturing. We face a whole host of dramatic challenges right now. For example, I am particularly concerned about where our country is headed in terms of manufacturing in the renewable energy sector. The Chinese are engaged in very aggressive and questionable practices with respect to the Chinese Development Bank. In effect, they are giving free money to companies that can manufacture and undercut the American market. I have asked the Obama administration to investigate this. If they do not, I am certainly going to be looking legislatively at pursuing trade remedies.

Much of what we are faced with in terms of the renewable energy sector, particularly generating jobs in manufacturing in that sector, deals with making sure we have a rules-based trading system. We enjoy the fact that China is a trading partner. Our State gets a significant amount of jobs from exporting goods to China. But the Chinese, like everybody else, have to comply with the rules, and there is a substantial amount of evidence that the rules aren't being complied with as they relate to manufacturing in the solar sector.

That is why I am using my position as chairman of the Subcommittee on International Trade, Customs, and Global Competitiveness to get on top of that. We have already lost some solar manufacturers and we shouldn't sit idly by and lose more. That is the kind of challenge we ought to be working on together on a bipartisan basis; not coming to the floor of the Senate and blocking a piece of legislation that gives our workers an opportunity to get ahead—to get ahead in the private sector, to get ahead in the export market, and to be in a position to get the good-paying jobs that are going to be available in the years ahead if we pass legislation to remove trade barriers.

The reality is that in virtually all of these areas, our tariffs are low, which means that around the world countries get to send their products to us and get almost totally free access to our market. Yet, around the world, when we try to ship our products to them, we face very substantial tariffs. That is what we are trying to change here on the floor of the Senate—to level the playing field. Because if we level the playing field, our workers get more out of it than do the workers of other countries. And that, to me, ought to be par-

ticularly appealing to Senators now when our folks are hurting and when there is so much pain in communities across this country.

When I am home, I am consistently seeing workers who are walking an economic tightrope—balancing their food bills against their fuel bills and their fuel bills against their medical costs. They go to bed at night wondering if they are going to have a good-paying job in the morning, given what is being reported every day in the newspapers in terms of layoffs and the kinds of challenges our companies are facing in these tough global markets. That is why legislation to promote exports makes sense. It is an opportunity to provide a new measure of economic security to hard-working American families—to tap those export markets. We have to make sure our workers, all of our workers, can get the skills and those kinds of opportunities so they can qualify for those export markets.

This legislation—passing trade adjustment assistance—is a key component of our ability to generate more jobs in the private sector through exports. I certainly hope we are in the homestretch of being able to pass this legislation and then to move on to the agreements, move on to the opportunity to generate more exports, because that means more work—good-paying work—for our people.

Madam President, with that, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I also believe profoundly that increasing our exports, improving our trading opportunities for businesses in this country can do a lot to get Americans back to work. It employs a lot of people across this country today, and it is important we get these trade agreements done. I couldn't agree more with what my colleague from Oregon had to say about that in terms of its impact on the economy.

What is unfortunate, in my view, is the fact we have had to wait so long to get where we are. We have had trade agreements now that have been teed up, literally signed back in December of 2006 for Colombia, Panama, and South Korea, in 2007, and it strikes me that at the least we have lost a tremendous amount of opportunity and a tremendous amount of market share as a result of the delay.

I would have hoped yesterday we would have passed trade promotion authority, because that allows us at least to be at the table to negotiate trade agreements in the future. We have been basically locked out of that since trade promotion authority lapsed back in 2007. This is a global economy, and the world is passing us by. Every single day we are not engaged, that we are not out there negotiating trade agreements with countries around the world

somebody else is, and every single day we are losing opportunities for American business to export and to grow our economy and to create jobs here at home.

What I want to speak to today is an amendment I filed earlier this afternoon that deals with what I believe is a very important topic, and that is the high cost of delay when it comes to the pending free-trade agreements. Much attention has been paid in this debate to the pros and cons of trade adjustment assistance, and that is certainly a debate we ought to have. But we should not overlook the fact there has been a real cost to America's economy and American business associated with the President's strategy to link passage of the free-trade agreements to the renewal of an expanded Trade Adjustment Assistance Program—very unfortunate, especially considering what even the White House acknowledges, which is that passing the trade agreements is one of the best things we can do in the short term to create jobs.

According to the Business Roundtable, the passage of the trade agreements will support 250,000 American jobs. The U.S. Chamber of Commerce estimates this figure could be as high as 380,000 U.S. jobs. You would think passage of these trade agreements, which were signed in 2006 and 2007, would have been a priority, and an early priority, for the Obama administration. Yet here we are, more than 2½ years into this administration, and the President still has not made a commitment to sending us the trade agreements so we can consider them.

I hope what we are doing today puts in place a process whereby that will happen. But as of right now, we have yet to see those trade agreements, notwithstanding the President's assertions he is committed to growing trade and to getting these trade agreements passed. That can't happen until they are submitted to the Congress for ratification. I am hopeful the trade bill before us now will allow us to get to a full and fair debate on the trade adjustment assistance and, in so doing, we will finally get to where we have removed what I hope is the last obstacle blocking passage of the three free-trade agreements.

My amendment is very simple. Under the current trade promotion authority procedures, the International Trade Commission must prepare a report that is submitted to Congress no later than 90 days after a trade agreement is signed. However, there is currently no requirement the ITC conduct a study to assess the negative impact on U.S. businesses when we delay implementation of an agreement, as we have with Korea, Colombia, and Panama. My amendment would simply require that the International Trade Commission assess the negative impact to U.S. businesses if a trade agreement is

signed but has not been considered by Congress within 2 years.

The ITC study would focus on lost U.S. exports, how the delay has impacted U.S. trade objectives, as set forth under TPA, as well as how the delay impacts the protection of U.S. intellectual property overseas. The study would also estimate the impact on U.S. employment if the trade agreement in question continues to languish. And, finally, the ITC would be required to update this study in every year subsequent that the trade agreement is not considered by Congress or if it is not entered into force.

My amendment follows a basic principle: If the President believes a trade agreement is in America's national and economic interest, he needs to submit it to Congress. The three pending trade agreements, which hopefully will be considered soon, are a good case in point. Consider that U.S. companies have paid more than \$5 billion in tariffs to Colombia and Panama since the trade agreements with these nations were signed more than 4 years ago. That is \$5 billion American companies have had to put out in the form of tariffs to these countries because these trade agreements—which were signed more than 4 years ago—haven't entered into force.

More importantly, U.S. businesses have lost countless business opportunities in Korea, Colombia, and Panama. Without trade agreements to ensure similar treatment for our exporters, American businesses will continue to face high tariff and nontariff barriers abroad. Consider just one example: the market for agricultural products in Korea, which is the world's 13th largest economy. Korea's tariffs on imported agricultural goods average 54 percent compared to an average 9-percent tariff on these imports into the United States. Passage of the Korea Free Trade Agreement will level this playing field. Yet the administration continues to delay sending these agreements to Congress.

At a time of near record unemployment and slow economic growth, this delay is unacceptable. This ongoing delay is having a real impact on American businesses and it will only get worse. The Colombian market for agricultural products is another good example of the high cost of delay. In 2010, for the first time in the history of U.S.-Colombia trade, the United States lost to Argentina its position as Colombia's No. 1 agricultural supplier.

Consider the story of the three main crops we grow in South Dakota—soybeans, corn, and wheat. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 78 percent in 2008 to 28 percent in 2010—a decline of 50 percentage points.

We are living in a global economy. America cannot afford to stand still

and to stay on the sidelines when it comes to trade. In 1960, exports accounted for only 3.6 percent of our entire GDP. Today, exports account for 12.5 percent of our GDP. Exports of U.S. goods and services support over 10 million American jobs. It is long past time for us to get back in the game by passing the three pending trade agreements and then to work aggressively to make sure our administration is in a position, with trade promotion authority, to negotiate new agreements that will open new market opportunities for American business. America's manufacturers, America's farmers, and America's service providers cannot afford to wait any longer.

What this amendment does, very simply, is require us to weigh and to evaluate and analyze the impact of delay when it comes to implementing these free-trade agreements. We have seen in these examples of Colombia and Panama and South Korea with great clarity the economic impact—the loss of market share—that has occurred to many of our exporters as a result of this delay. It is important we know, that American business know, that the American people know what we are losing when we delay these agreements, as has happened here with these three particular agreements.

It is a straightforward amendment, and I offer it to raise what I think is an important issue, which is that when we get signed agreements, we need to take action on those. They need to be submitted, to be ratified and enacted by the Congress, or we are going to continue to lose out on critically important opportunities for American exporters.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves, I simply want to say to the distinguished Senator from South Dakota, who is the ranking Republican on our subcommittee, that I very much enjoy working with him. I have listened carefully to his remarks, and it seems to me what we ought to be addressing in the Senate is our country's opportunities. This is about opportunities. Trade agreements present an opportunity for more exports, something—as the Senator from South Dakota touched on—that is particularly promising for areas such as agriculture. I know in South Dakota and Oregon these are huge opportunities. America is about exports, and free-trade agreements are about opportunities to export.

The Trade Adjustment Assistance Program is about opportunities for our workers to update their skills. In a sense, American business is only as competitive as its workers. That is why, in my view, we have always had this tradition—a bipartisan tradition which I have tried to highlight this

afternoon—of making sure we look at every possible opportunity to advance trade.

Before the Senator came to the floor, I think I talked about—and he and I have talked about this—the fact that our tariffs have historically been low compared to the rest of the world; they have big tariffs. We have trade agreements that level the playing field, and our side gets more out of it than everybody else. It has been part of the bipartisan approach to trade. It seems to me we have the chance—and I hope we are heading into the home stretch, because I think the Senator from South Dakota has correctly noted it is certainly time to get this done—to get this to the President's desk; that we can resolve this by saying this is an opportunity to see Congress—the Senate—at its best.

Because we can be in the opportunities business, trade agreements generating opportunities for exports that are clear winners for the American economy when we have unemployment, economic insecurity, surging imports from Japan.

We need opportunities for our businesses to export, but we also need opportunities for our workers, and I hope that as we move into the home stretch of this discussion, we can see that trade adjustment assistance is an opportunity for our workers to update their skills. As they update their skills, that is going to make American businesses—particularly our exporters—more competitive because they will have workers who can take the jobs.

I wish to express my appreciation to the Senator from South Dakota. He and I have worked very closely on a whole host of issues, in fact some that I think are going to be a big part of the future debate. The Senator from South Dakota and I want to make sure those who manufacture digital goods in our country and offer digital services get treated fairly in international markets. This is also a promising opportunity: digital goods—software, for example—digital services such as cloud computing. Under the legislation the Senator from South Dakota and I have offered, we can break down some of the barriers to those kinds of products. I am looking forward to working with him on that and a number of other issues.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I just want to say I thank the Senator from Oregon. He and I have worked together on a number of issues, not the least of which is some of these trade issues, and I look forward to continuing that collaboration. I do believe the Senator from Oregon is someone who really understands the value of opening export opportunities for American businesses and has worked and advocated on their behalf in his time in the Senate.

I think the Senator would also understand the frustration some of us have expressed, and perhaps is felt even by him and others, that these things have languished for so long. I understand the issue of trade adjustment assistance is very important to him and many other Members on his side of the aisle, as well as some on our side, but it strikes me at least that we could have been at this a lot sooner and not have relinquished and given up so many of the lost market opportunities I mentioned in my remarks. It certainly impacts an agricultural State such as mine and many other Members who represent agricultural areas of this country.

If you look at the loss of market share that has occurred in just these last few years since we have sort of been locked out and other countries have moved in to fill that vacuum, it is very frustrating to many of us to have witnessed that. That is why this amendment sort of gets at the idea that we need to know what the economic impacts are when these trade agreements don't get dealt with. One way or the other, these agreements need to get dealt with, and here we are, almost 5 years later with regard to Colombia and over 4 years later with regard to Panama and South Korea. That is way too long for us to be out of the game, so to speak, and it has cost us mightily. So I hope we can get these done.

He is right, we have a process in place that I hope will enable us to finally accomplish this. But we ought to make sure that doesn't happen again in the future.

Mr. HATCH. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HATCH. As I understand it, we are prepared to vote.

AMENDMENT NO. 642

The PRESIDING OFFICER. That is correct. Under the previous order, the question occurs on amendment No. 642 offered by the Senator from Utah, Mr. HATCH, with 2 minutes of debate equally divided prior to the vote.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise in support of my amendment No. 642. It is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade by requiring a stricter standard to receive TAA bene-

fits. The expanded TAA benefit offered by my friends across the aisle continues the “contributed importantly” standard that says if trade is a cause which is important, but not necessarily more important than any other cause of the job loss, TAA benefits can be provided. That is not a tight nexus.

As a result, many workers are eligible for TAA benefits even if their job loss was not caused by trade. My amendment requires that trade would have to be a “substantial cause” of job loss for TAA benefits to be available. This standard was established by President Reagan when he constrained spending on TAA.

By returning to the stricter TAA standard, this amendment puts reasonable constraints on the program to stop it from expanding into another out-of-control spending program.

I ask my colleagues to help the American taxpayers and constrain TAA spending by supporting this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to the Hatch amendment. In a time of surging Chinese imports, high unemployment, and widespread economic pain, the Hatch amendment would make it harder for workers, companies, and farmers to obtain trade adjustment assistance in order to be able to compete in the global economy. Specifically, the Hatch amendment would take Congress back to a standard for qualifying for TAA benefits that was a demonstrated failure in the early 1980s.

Chairman BAUCUS and Chairman CAMP have put together a reasonable TAA agreement. It is bipartisan. That bipartisan agreement ought to be preserved, which is why the amendment by the Senator from Utah should be rejected.

I strongly urge a “no” vote on the amendment.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—40

Alexander	Hatch	Moran
Ayotte	Heller	Murkowski
Blunt	Hoeven	Paul
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	
Grassley	McConnell	

NAYS—57

Akaka	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—3

Barrasso	Enzi	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 645

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 645, offered by the Senator from Arizona, Mr. KYL, with 2 minutes of debate equally divided prior to the vote.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment is very simple. It eliminates one small piece of the TAA Program called TAA for Firms.

Now, why would I do this? Strictly for bipartisan reasons, to demonstrate my agreement with President Obama, who also supports the repeal of this particular piece of the TAA. In his budget submission of this year, it specifically recommended the elimination of this program. It is only \$16 million a year, but it is inefficient. As the President's budget pointed out, it does not achieve its objectives as well as other programs do.

Measured against other programs, the firms that are supposedly helped actually fail at a bigger rate than other firms that are not in the program. As a result, I decided I would support one of the elements of the President's budget: to eliminate this TAA for Firms Program.

Friends, if we are serious about any kind of reform for TAA, surely we can agree upon a clearly bipartisan proposal of the President of the United States, which is supported by Repub-

licans in the Senate. I ask for your support for this amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I rise in opposition to the Kyl amendment. It is an antismall business amendment. There is a lot of talk around here about government getting out of the way of job creators, but let's be clear. Firms using TAA are those job creators. They are small businesses such as RBB Systems in Wooster, OH, CB Manufacturing in West Carrollton, and auto and truck suppliers in Boli-

var. In my State alone, 96 percent of companies assisted with TAA for Firms—this program that Senator KYL wants to eliminate—96 percent of those companies that were in business in 2006 are still in business.

When a job creator goes out of business because of an unfair trade deal, we know what happens. Workers lose their jobs, communities lose revenues, funds for schools are cut, funds for public services.

TAA is a lifeline not just for workers, but this program for firms, TAA for Firms, is a lifeline for small businesses and community schools and all of that which matters to our tax base and our communities.

I urge my colleagues to vote no on the Kyl amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

Alexander	Heller	Moran
Ayotte	Hoeven	Murkowski
Blunt	Hutchison	Paul
Boozman	Inhofe	Portman
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Grassley	McCaskill	
Hatch	McConnell	

NAYS—54

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Manchin	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NOT VOTING—3

Barrasso	Enzi	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. MCCAIN. Mr. President, I ask the majority leader—I need about 2 minutes for the chairman and I to have a colloquy.

Mr. REID. OK. I spoke to the Republican leader a few minutes ago, and we think we are on a path to complete this most important piece of legislation in the morning. This is an agreement we had—that we would try to finish this—and we will expeditiously work toward other matters relating to trade as soon as we can.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wanted to inform the majority leader, I was going to have a brief colloquy with the chairman who, I think, will be back in a few minutes.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a brief colloquy with the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOLDOVA

Mr. MCCAIN. Mr. President, the original Jackson-Vanik amendment was offered to the Trade Act of 1974, and it was led in this body by the great Democratic Senator of Washington, Henry "Scoop" Jackson. That amendment prohibited the United States from entering into Permanent Normal Trade Relations with any country that placed restrictions on the freedom of emigration and other human rights of its people. This law was later expanded to cover countries with non-market economies. The major impact of the

Jackson-Vanik restriction was that it prevented the United States from granting "most-favored nation" trading status to the Soviet Union, which at the time was placing awful restrictions on the ability of its Jewish citizens to emigrate and flee the persecution they experienced behind the Iron Curtain.

Jackson-Vanik applied to Moldova when it was part of the Soviet Union, and it remained in place following Moldova's independence 20 years ago. This made sense at the time, because the country continued to be ruled by communist governments, which ensured an unfortunate continuity with Moldova's Soviet past at a time when the country's neighbors were reaping the benefits of liberation.

But Mr. President, the situation in Moldova is now fundamentally changed. In August 2009, a coalition of democratic and reformist parties managed to win power in what international organizations deemed a free and fair election. For the first time in two decades, Moldova had a non-communist government, and with it, the potential for real reform. The goal of this coalition is reflected in the name that they have given themselves: the Alliance for European Integration. Their platform is to deepen Moldova's democratic institutions, pursue free market reforms, fight corruption, and work on integrating Moldova into Euro-Atlantic institutions. This is a new generation of leaders, and they represent the great hopes of their citizens.

I visited Moldova in June. I met at length with their Prime Minister and other senior leaders, and I can tell you firsthand this government is committed to leading Moldova toward a future of political and economic freedom. Yes, major challenges remain to the realization of this vision, but for the first time in Moldova's history as an independent nation, its current government is on the right track. They are pursuing the right goals and policies. Their intentions are good and admirable.

In the face of continued opposition from elements in Moldova that want to drag the country back to its troubled past, the current government is trying to move the country forward. They are taking on the hard challenges. When I asked how we in the United States could best support their efforts, all they asked of me—all they asked of us in Congress—is one thing: It is not additional foreign assistance. It is not more of our taxpayers' dollars, although that assistance is important too. It is the repeal of Jackson-Vanik, so Moldovans can develop their own country, grow their own economy, and deepen their own free market reforms through normal trading relations with the United States. Nothing we could do would provide greater moral and material support for Moldova's reformers.

I wish to thank Senator BAUCUS for his continued support of the people and the country of Moldova. I understand that any amendment to the legislation that is pending would be harmful to the progress of the trade agreements, and I appreciate that fact and hope the chairman can perhaps—hopefully before the end of the year—take up the repeal of Jackson-Vanik as it applies to the country of Moldova, a country that is very much in need of it.

I want to read a statement made by Vice President BIDEN during his visit to Moldova this year.

He said:

We will work with the Congress and with your government to lift the Jackson-Vanik amendment and establish permanent trade relations. We believe that will be good for Moldova and for the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Council on Soviet Jewry concerning Moldova.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE
ON SOVIET JEWRY,

Washington, DC, September 29, 2010.

Hon. MAX BAUCUS,
Chairman, Committee on Finance U.S. Senate,
Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of NCSJ, I want to state our support for the graduation of the Republic of Moldova from the Jackson-Vanik Amendment. Moldova has satisfied the requirements of the two areas central to the Amendment's intent: Jews are free to emigrate, in accordance with the Helsinki Final Act and established principles of international law; those who choose to remain in Moldova can practice Judaism and participate in Jewish culture and language without reservation.

Jewish community life has flourished since the dissolution of the Soviet Union. Synagogues, community centers and schools serve the community without government interference.

While incidents of popular anti-Semitism and intolerance still take place in Moldova, NCSJ has been working with the Moldovan government through a variety of avenues, including the OSCE, to address these issues. In January, when Prime Minister Filat met with the American Jewish community and testified before the U.S. Helsinki Commission, he committed to reforming Moldova's law on preventing and combating discrimination.

Moldova has been admitted to the WTO but still falls under the strictures of the Jackson-Vanik Amendment. We hope that you will find an appropriate legislative vehicle to graduate Moldova from Jackson-Vanik.

If you or your staff have any questions, please contact me at your convenience.

Sincerely,

MARK B. LEVIN,
Executive Director.

Mr. MCCAIN. I again thank the chairman for his consideration and for his continued support for the people of Moldova.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much thank my friend for bringing this

up. Moldova is a country which joined the World Trade Organization in 2001, and for various reasons—basically, it is Jackson-Vanik or the relic of Jackson-Vanik—Moldova has not been granted PNTR. But Moldova has made huge, successful strides in its government, in its political and economic reforms. I am very impressed with Moldova. It is a friend to the United States.

Although we cannot deal with that issue on this bill, I want to make it very clear to my friend from Arizona that we will take up legislation this year to ensure that Moldova is granted PNTR status and becomes a full member in the world community. I make that pledge to my friend from Arizona to get that done this year.

Mr. MCCAIN. I thank the chairman. I know he has an incredibly heavy schedule, with the legislation before us today and other matters before the committee, but I also know he knows—and I want to assure him—when the people of Moldova hear of his commitment, this will be a happy day in Moldova. I thank the chairman.

Mr. BAUCUS. And I thank the Senator for standing for the people of Moldova.

I yield the floor.

Mr. HARKIN. Mr. President, the Senate is in consideration of trade policy this week with an extension of the Trade Adjustment Assistance Program. TAA is the main way we help American workers cope with the negative effects of our globalized economy. It is a crucial program in both good times and bad, and it must be renewed.

TAA helps workers who have lost jobs through no fault of their own, but rather because of increased competition from imports or because of offshoring. TAA provides workers with critical income support, job training, job search and relocation assistance, and assistance with health insurance premiums. TAA relieves some of the hardship these workers face—helping them get back on their feet and back into jobs.

Trade adjustment assistance is designed to help these workers with unique needs. Workers who qualify for TAA are mostly older workers—more than half are over age 45—and they often have a hard time getting back into the workforce. Unfortunately, we have all heard many sad stories about workers in their fifties or sixties spending years looking for new work. Many have been at their jobs for decades. They often do not have education beyond high school. For these workers especially, the job training and other services offered by TAA are a way for workers to gain new skills and enter into new and growing industries or occupations.

We have watched the middle class struggle over the last several decades. We see that incomes are stagnating, health insurance and other costs are

skyrocketing, good jobs are disappearing. There are many reasons for this, but unfair trade agreements and the failure to enforce our trade laws are certainly among them. When cheaper imports come in to the U.S., American workers making competing goods or providing competing services can lose their jobs as their companies lose business. We have watched manufacturing companies and manufacturing jobs disappear, and now jobs in the service sector are being offshored as well.

So there is no question that TAA must continue. The thousands of workers who have been laid off as a result of trade are depending on us, as will the thousands more who could lose jobs in the future.

We also have to restore improvements to the program that were included in the 2009 American Recovery and Reinvestment Act, but which expired earlier this year. These improvements updated TAA to respond better to our changed economy. The provisions made sure that more resources were available for workers to go back to school and get training in a new field. They also extended TAA to workers in the service sector—in addition to manufacturing workers already covered. They also ensured that the program was available to workers whose jobs have been shipped to any country, like China or India, even where the US does not have a free trade agreement.

This expansion has been very successful. More than 4 out of 10 workers—nearly 200,000—who qualified for TAA from the passage of the Recovery Act until those provisions expired earlier this year, qualified because of the Recovery Act provisions. In my State of Iowa, a third of the 4,100 workers that qualified in that time period did so under the new provisions. Some of the workers who have participated in the TAA program had worked at companies that are well known in my State: 1,100 workers from Electrolux alone were certified eligible for TAA.

My State of Iowa has suffered many layoffs as jobs have been shipped abroad, especially in the manufacturing sector. I have received many letters from Iowans who have been able to take advantage of TAA. One person who was laid off from her factory job went back to school to become a licensed practical nurse, and she hoped to go on to become a registered nurse. Another Iowan wrote of how important the health care tax credit has been to her and her husband, who was one of 300 people laid off from his company. Another Iowan wrote about how her job was being shipped to China; she was thinking of using TAA services to go back to college.

A related program, the TAA Community College and Career Training Grants Program will be extremely beneficial to workers through the commu-

nity college system in Iowa and other states. I am thankful that this program will soon move ahead, and I understand that grant recipients will be announced next week.

This grant program will provide to community colleges in every State funds they desperately need to build capacity and meet training demands for 21st century jobs. The funds will total \$500 million a year for 4 years, a huge and necessary injection of funds into the community college system. The grants will enable local leaders from the education, workforce, economic development, and business communities to work together to develop and expand programs as they help workers succeed in acquiring the skills, degrees, and credentials needed for high-wage, high-skill employment while also meeting the needs of employers for skilled workers. Community colleges and their partners can use the funds to develop innovative programs or replicate evidence-based strategies.

The advanced manufacturing and health care sectors are among the largest and fastest-growing sectors in the Iowa economy, and recent projections indicate that employers in these sectors will continue to need workers with advanced skills to fill vacancies. TAA training grants support the training of these workers. Iowa Central Community College, for example, has developed an entrepreneurship and business development program to respond to regional needs. Iowa Lakes Community College has started a wind turbine program—one of the first of its kind in the country—that prepares workers for “green-collar” jobs and ensures that graduates have the skills that area employers need.

I am very hopeful that we will reauthorize TAA this week. When we pass this legislation, we will ensure that a wider range of workers can continue to access TAA benefits and services, and that resources are available so that workers are prepared for high-skill jobs with family-sustaining wages. We owe American workers nothing less.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that following morning business, tomorrow, September 22, the Senate resume consideration of H.R. 2832; that the only remaining amendments in order to the Casey-Brown-Baucus amendment and the bill be the following: Rubio amendment No. 651,

Thune amendment No. 650, and Cornyn amendment No. 634; that there be up to 5 hours of debate on the Rubio, Thune, and Cornyn amendments equally divided between the two leaders or their designees, with Senator CORNYN controlling 1 hour of the Republican time and with Senators RUBIO and THUNE each controlling 30 minutes of the Republican time; that at a time to be determined by the majority leader, after consultation with Senator MCCONNELL, the Senate proceed to votes in relation to the Rubio, Thune, Cornyn, and Casey amendments, in that order; that there be no amendments, points of order, or motions in order to the amendments prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative vote threshold; and that there be 2 minutes of debate equally divided prior to each vote; that upon the disposition of the amendments, the bill, as amended, if amended, be read a third time; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill, as amended, if amended; that the bill be subject to a 60-affirmative-vote threshold; finally, there be no points of order or motions in order to the bill prior to the vote on passage of the bill other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING KARA KENNEDY AND ELEANOR MONDALE POLING

Mr. DURBIN. Mr. President, by sad coincidence, America lost two women this past weekend women we had watched grow from little girls into accomplished women. Kara Kennedy and Eleanor Mondale Poling were both members of this Senate family.

Kara was the daughter of Senator Edward Kennedy and his wife Joan. Eleanor was the daughter of former Senator and former Vice President Walter Mondale and his wife Joan. Both women fought brave, against-the-odds battles against cancer in recent years.

Ted and Joan Kennedy named their first-born Kara, a name that means “dear little one” in the old Irish language—and that is what she always was to her parents. Like the rest of her famous family, Kara was committed to

helping those less fortunate than herself. After graduating from Tufts University, she worked as a filmmaker and was active in a number of causes.

In 2002, she was diagnosed with lung cancer. Her doctors gave her 1 year to live. But Kara and her family refused to give up. She underwent surgery, chemotherapy and radiation treatment. Her father accompanied her to her chemotherapy treatments.

It seemed that Kara had beaten cancer. But Friday night, she collapsed after her usual workout at the gym. Her brother, former Congressman Patrick Kennedy, said that cancer surgery and years of grueling chemotherapy and radiation treatment had taken a devastating toll on his sister's strength and her heart simply gave out.

In addition to her mother Joan and stepmother Vickie, Kara leaves behind three brothers and a sister, a multitude of cousins and nieces and nephews, and her two beloved children, Max, 14, and Grace, who turned 17 yesterday.

Eleanor Mondale Poling was just 4 years old when her father was appointed to fill the Senate seat vacated by Hubert Humphrey, who had just become Vice President of the United States. Like Kara Kennedy, she grew up in this Senate and in the public eye. She was 17 when her father became Vice President of the United States.

As a young woman, Eleanor Mondale made her own career in broadcasting, beginning with a job as a radio D.J. in Chicago. She would go on to work for a number of TV organizations. In 2005, Eleanor Mondale married Chan Poling. The couple lived on a farm in Prior Lake, MN, surrounded by animals, which Eleanor loved.

That same year, 2005, Eleanor was diagnosed with an aggressive form of brain cancer. The next 6 years would bring multiple surgeries, chemotherapy and radiation, and at least twice apparent remissions. But the cancer came back in 2009. Eleanor Mondale Poling died at home on her farm early Saturday.

In addition to her parents, Eleanor leaves her two brothers, Ted Mondale,

a former Minnesota State senator, and William Mondale, the former assistant attorney general of Minnesota.

REMEMBERING HARRY "BUS" YOURELL

Mr. DURBIN. Mr. President, I rise today to pay tribute to my friend and a great Illinois public servant—Harry "Bus" Yourell, who passed away September 19, 2011, at the age of 92. Bus grew up on Chicago's South Side and was married to his wife Millie for 66 years.

Bus served nine terms in the Illinois House, was Cook County recorder of deeds in the 1980s, and served 18 years as a commissioner of the Metropolitan Water Reclamation District of Greater Chicago. In fact, Bus ran in 40 elections over the years, without ever losing one. But his public service goes much deeper than that.

Bus enlisted in the Marines on the day Pearl Harbor was attacked and served 4 years in the South Pacific, fighting in Guadalcanal, Bougainville, Guam, and Iwo Jima. He was awarded the Bronze Star and three Purple Hearts.

Bus loved public service, but he enjoyed travelling and meeting people just as much. He enjoyed life. Bus hitchhiked through Vietnam, rode 250 miles on top of a box car in Ecuador, took a trip up the Amazon River in a dugout canoe in his seventies, and in his eighties bungee jumped in New Zealand.

He was a one of a kind person and a tremendous asset to the Chicago community. I extend condolences to his wife Millie, his three children and many grandchildren and great-grandchildren, as well as the many friends and admirers who will miss him.

BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to

section 106 of the Budget Control Act of 2011. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported three bills last week that are eligible for adjustments under the Budget Control Act. Consequently, I am making adjustments to the 2012 allocation to the Committee on Appropriations and to the 2012 aggregates for spending by a total of \$117.885 billion in budget authority and \$59.677 billion in outlays. Those adjustments reflect the sum of \$302 million in budget authority and \$136 million in outlays for funding designated for disaster relief and \$117.583 billion in budget authority and \$59.541 billion in outlays for funding designated as being for overseas contingency operations.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]		
	2011	2012
Current Spending Aggregates:		
Budget Authority	3,070,885	2,853,989
Outlays	3,161,974	2,982,421
Adjustments:		
Budget Authority	0	117,885
Outlays	0	59,677
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,971,874
Outlays	3,161,974	3,042,098

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]			
	Current allocation limit	Adjustment	Revised allocation/limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority	688,458	117,583	806,041
Nonsecurity Discretionary Budget Authority	360,311	302	360,613
General Purpose Discretionary Outlays	1,263,157	59,677	1,322,834

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

[In billions of dollars]				
	Disaster Relief	Emergency	Overseas Contingency Operations	Total
Commerce, Justice, Science:				
Budget Authority	0.135	0.000	0.000	0.135
Outlays	0.007	0.000	0.000	0.007
Defense:				
Budget Authority	0.000	0.000	117.583	117.583

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011—Continued

(In billions of dollars)

	Disaster Relief	Emergency	Overseas Contingency Operations	Total
Outlays	0.000	0.000	59.541	59.541
Financial Services and General Government:				
Budget Authority	0.167	0.000	0.000	0.167
Outlays	0.129	0.000	0.000	0.129
Total:				
Budget Authority	0.302	0.000	117.583	117.885
Outlays	0.136	0.000	59.541	59.677
Memorandum 1—Breakdown of Above Adjustments by Category:				
Security Budget Authority	0.000	0.000	117.583	117.583
Nonsecurity Budget Authority	0.302	0.000	0.000	0.302
General Purpose Outlays	0.136	0.000	59.541	59.677
Memorandum 2—Cumulative Adjustments (Includes Previously Filed Adjustments):				
Budget Authority	5.813	0.000	117.841	123.654
Outlays	1.094	−0.007	59.747	60.834

TRIBUTE TO SYDNEY LEA

Mr. LEAHY. Mr. President, earlier this month, Vermont's Governor Peter Shumlin appointed Sydney Lea to serve as Vermont's new Poet Laureate. This honor has been bestowed to Vermonters whose poetry manifests a high degree of excellence since Governor Kunin reestablished the position of Poet Laureate in 1988. Sydney Lea is certainly deserving of this honor.

A resident of Newbury, VT, Sydney has written a number of poetry collections including *Young of the Year*, *Ghost Pain*, *Pursuit of a Wound*, and *The Floating Candles* to name a few. His pieces have been published in the *New York Times*, the *New Yorker*, the *New Republic*, *Sports Illustrated*, and many others. In 2000, his poem, *Pursuit of a Wound*, was a finalist for the Pulitzer Prize for poetry. In 1998, he was a cwinner of the Poets' Prize, one of the nation's highest honors for a single collection of poems.

Sydney has taught at Dartmouth, Wesleyan, and Middlebury College as well as the University of Vermont and Yale University. He has also spent time teaching at the Franklin College in Switzerland and the National Hungarian University in Budapest. His dedication to and love for the written word has inspired hundreds of students in Vermont and around the globe. As a Central Vermont Adult Basic Education board member, he continues to see education as a lifelong process. Sydney's stories attract a wide array of audiences and come alive for Vermonters of all generations. His personal dedication to land conservation has given him an unique ability to describe our beautiful New England landscape.

I am proud of Sydney Lea and applaud his accomplishments as a distinguished Vermonter and poet. When I called to congratulate him he was characteristically modest, but we are so proud of him, and I join all Vermonters in congratulating him on this appointment.

HISPANIC HERITAGE MONTH

Mr. RUBIO. Mr. President, September marks the start of a month-

long celebration of the Hispanic community's contributions to America's exceptionalism and the strength of the common values that unite our Nation.

We celebrate a community whose accomplishments and stories remind us that the American Dream is as alive today as it has ever been.

During this same time, our Nation faces an unemployment rate of 9.1 percent, and the Hispanic community struggles with a rate over 11 percent. Now more than ever, we must fight for pro-growth policies that will allow my generation to continue the great tradition of leaving our children a stronger and more prosperous America than the one we inherited from our parents.

Hispanic Heritage Month is a time to celebrate the American dream. We celebrate people like my parents, who came from Cuba, worked hard and opened doors for their children that were closed to them. We celebrate a community where the number of young adults enrolling in college has grown by 349,000 in the last year. We salute the many Hispanic men and women fighting for our freedom in our armed forces. We also remember how lucky we are to live in a country where success is not limited by the circumstances of one's birth.

I am proud to be an American of Cuban descent, and today I would like to celebrate the many Hispanic Americans whose talents, accomplishments, and cultures have strengthened America.

CONGRESS CAN LEARN FROM TOM EVANS' DAY

Mr. COONS. Mr. President, I ask unanimous consent that the following op-ed from the *Wilmington News Journal* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Delaware News Journal, Aug. 19, 2011]

CONGRESS CAN LEARN FROM TOM EVANS' DAY (By Darryl Carmin)

The wild, turbulent, white-knuckle political ride of the summer of 2011 appears to have caught Americans with their seatbelts unfastened. Many of us seem to have been to-

tally unprepared for the economic uncertainty, largely precipitated by Washington's political gridlock and the inability of Congress to get the nation's financial house in order.

As a result, there are a lot of angry people out here. And, as to be expected, our rage is directed at those perceived as the perpetrators of the mess in which we find ourselves, i.e., Congress and the White House.

A recent Washington Post survey indicates that 80 percent of Americans are dissatisfied with how the political system functions, up from 60 percent in November 2009. There appears to be plenty of blame to spread around: 28 percent of those surveyed cited President Obama as making things worse, while 35 percent pointed finger at congressional Republicans.

What this suggests is that, regardless of how disgusted they are about the \$14 trillion debt or how outraged they are at the intransigence of the tea party, most Americans crave government that can address the nation's problems and achieve some sort of solution, no matter how imperfect.

Not too long ago, things were different in Washington. I was privileged to have had a front row seat in a Congress that did get things done. From 1977–1983, I worked on the personal staff of Delaware Congressman Tom Evans. Tom quickly became something of a master at bringing together members with widely divergent politics to accomplish something important to the nation. I was amazed to see liberals join with conservative forerunners of the tea party to support legislation I suspected they would never have supported without Tom serving as a catalyst.

Among several of Tom's key legislative victories were passage of the first Chrysler loan guarantee assistance bill in 1979 and the Coastal Barrier Resources Act, co-authored with Sen. John Chafee.

The Chrysler bill appeared dead on arrival with House Republicans in 1979. But Evans, essentially acting as the Republican floor manager of the measure, persuaded enough conservatives and moderates to go along with President Jimmy Carter's administration and pass the legislation.

The legislation proved to be highly successful. The automaker continued operations, paid off the loans that had been guaranteed by U.S. taxpayers, and repaid \$350 million to the U.S. Treasury, rewarding taxpayers for the risk that was taken.

Another direct benefit for Delawareans was that the Newark assembly plant remained open for 28 years.

The Coastal Barrier Resources Act stopped federal subsidies and assistance for the development of fragile coastal barrier areas. The act was initially opposed by both Democratic and Republican members of Congress,

reflecting the opposition of major land developers. But again, Tom persuaded enough House members to vote for the measure, which, since its passage, has been estimated to save U.S. taxpayers several billions while preserving priceless natural resources.

Recently, I asked Tom what made the Congresses in which he served so much different than the Congress of today that took Americans to the precipice of national default.

He mentioned three factors:

A willingness of individual members to put the needs of the nation above their own personal ideologies.

The ability of those members to respect different philosophies, leading to productive dialogue.

A firmly held belief that Congress was elected to address the nation's problems with action rather than intransigence.

The first phase of the debt ceiling debate is now over and the nation's attention is shifting towards the 12-member supercommittee charged with the enormous task of finding \$1.5 trillion in debt reduction.

I hope this panel's deliberations will be substantially different than what we saw in Congress last month, when it frequently appeared that a parliamentary brawl was about to break out on the U.S. House floor.

It would be great to see the dialogue between the six Republicans and six Democrats guided by the kind of principles that I've mentioned.

Not only would a respectful and productive dialogue between the parties do much to quell the nation's and financial markets' fears about the ability of the political system to see us through this current crisis, there's another more paradoxical outcome that might well result.

What I learned from my time with Tom Evans is that by treating your colleagues with respect, grace, and dignity, you often achieve much greater results than with the ideologically pure, winner-take-all approach that pervades so much of Congress today. There is much to be learned from the recent past.

ANGELS IN ADOPTION

Mr. ROCKEFELLER. Mr. President, as a member of the Congressional Coalition on Adoption Institute, I have the honor and privilege each year to recognize a West Virginia family for efforts to promote adoption. This is an exceptional program that highlights how policies and programs can change a child's life. In 1997, I worked on the bipartisan Adoption and Safe Families Act which sought to increase adoptions and improve foster care. Much work remains, but real progress has been made in encouraging adoptions.

While policy can help, the real angels are the families who open their hearts and homes to vulnerable children. There are many wonderful stories but in 2011 I have nominated Nick and Jorun Picciano as Angels in Adoption.

These caring parents already have teenage children, and they have incredibly hectic, fulfilling lives as paramedics. But they noticed that some of the children they met on the job were victims of abuse or neglect. As paramedics, they sadly saw a parent who was more interested in returning to a

party than taking care of her burned child. According to their story, this was a turning point for them. They sought information about foster parenting, and they worked to find a program that would accommodate their challenging schedules.

Nick and Jorun were approved and welcomed a toddler into their home in 2009. They honestly admitted it had been a long time since they had cared for such a young child, and he already had challenging problems of nightmares, being separated from his siblings, and recovering from contact with his biological parents. This 3-year-old had already been placed in four different homes. But kindness, patience and love make a huge difference.

In 2011, after his parents decided to voluntarily relinquish their parental rights, the Picciano family was able to adopt their son, Joshua Nicholas Picciano. Joshua joins his older siblings, Jacob Hively who is 16, Michaela Hively who is 14, Jacynda Hively who is 13, and Lucia Picciano who is 13. And this extraordinary family continues to welcome vulnerable children including two foster girls, ages 7 and 9, into their hearts and home. This is a special family, and they deserve our admiration.

I believe their willingness to see the tragedy of abuse and neglect in their challenging work as paramedics and their decision to make a personal difference by opening their own home and family to vulnerable children is a remarkable, inspiring story that has earned them the distinction of Angels in Adoption.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Mr. ROCKEFELLER. Mr. President, I rise today to discuss my strong support for the Child and Family Services Improvement and Innovation Act that the Finance Committee approved yesterday. This is an important bipartisan and bicameral bill that deserves to pass and become law. I am proud to be a cosponsor and I congratulate Chairman BAUCUS and Ranking Member HATCH for their leadership on the important issue of adoption and prevention services for vulnerable children.

Over the years, I have been proud of the Finance Committee's bipartisan work to encourage adoption and improve child welfare services for our most vulnerable children, those who are at risk of abuse and neglect in their own homes. It is inspiring to know that, even now, members can come together to work on such critical issues. Bipartisan bills like this one may not attract headlines, but the policies and programs can change the lives of children and families.

This package continues previous investments in children and families, and it makes improvements on what les-

sons have been learned over the past 5 years. I am proud that the legislation continues to invest in the court improvement program that is making such a difference in West Virginia, and the country. Our judges are an essential partnership in the child welfare system because they decide when a child can return home safely or if adoption is the better permanency plan for a child. It is a difficult decision to make. Judges deserve specialized training in child development and trauma to help in their decision because this is not always provided at law school, but it is a critical factor in such cases. I am proud of our State training on trauma. The bill also continues the competitive grant program to combat substance abuse and to evaluate the grants so we make wise investments in the future. The bill invests in caseworker visits because such visits are the basics of good practice and essential for child safety and care.

As a former Governor, I support providing waiver authority for states to continue to try innovative programs. Under previous waivers, it became clear that kinship care was a good option for many children in the foster care system. I hope that our States will be creative in using this new opportunity to provide guidance for additional child welfare reform that is truly needed.

RECOGNIZING OHIO'S NASA GLENN RESEARCH CENTER

Mr. BROWN of Ohio. Mr. President, I rise today to honor the men and women of NASA Glenn Research Center in my home State of Ohio for their achievements in the design, build, and test of the new Space Environmental Test capability for the Space Power Facility at Plum Brook Station. These new capabilities will advance the human exploration of space, ensure the safety of our astronauts, drive scientific advances and technology development, and enrich the lives of all people and inspire our next generation of explorers throughout the United States and the world.

Seventy years ago, during World War II, the United States sought sites for ordnance facilities to help defeat totalitarianism. In quiet Erie County, OH, between major highways and acres of farmland, the Army Corps of Engineers created Plum Brook, a facility that would first be home to a munitions factory, and for the last 50 years, Plum Brook Station has continued to serve our Nation as a one-of-a-kind facility that has ensured the success of our Nation's space program.

Throughout its history, Plum Brook remained vital to our Nation's security and our Nation's exploration of space. The National Advisory Council for Aeronautics, NACA, the predecessor to the National Aeronautics and Space Administration, NASA, built a facility to

test the nuclear power sources for airplanes and spacecraft that would be designed at Lewis Field—later to be NASA Glenn Research Center—in Cleveland, OH.

When President John F. Kennedy announced that the United States would push the boundaries of science and innovation to explore the heavens, Plum Brook Station became a world-class test site for the new spacecraft. A thermal vacuum chamber, called the Space Power Facility, was built to simulate the harsh space environment. At 100 feet wide and 122 feet high, it remains the largest thermal vacuum chamber in the world.

In 2007, as NASA began to develop a new path for human space exploration, the men and women of NASA Glenn at Lewis Field and Plum Brook Station rose to the challenge to develop a test capability that would push the boundaries of spacecraft testing. The new spacecraft will continue the United States' legacy of carrying American pioneers beyond Earth's orbit, but will experience launch and space environments that never before have been experienced. The Space Environmental Test Facility will allow NASA to test its new spacecraft to these new extremes—ensuring the safety of our Nation's astronauts and the success of our space exploration mission.

To keep our crews safe, the test capabilities of Plum Brook Station were expanded beyond that of the largest thermal vacuum chamber in the world. These include: a state-of-the-art sine-vibration table that has the largest capacity for payload size and weight in the world, the largest electromagnetic reverberant chamber in the world, and the most powerful acoustic facility in the world capable of simulating launch environments for developmental spacecraft. This facility is now the crown jewel of NASA's test capabilities.

I have had the privilege to meet many of the scientists, engineers, and technicians who made this achievement possible. They are dedicated and compassionate, and guided by the scientific patriotism that displays a Nation's pursuit in understanding the world in which we all live.

These pioneers of NASA Glenn will continue to push the boundaries of spaceflight—fueling technology advancements and inspiring our children to follow in the footsteps of great Ohioans like Neil Armstrong and John Glenn. The scientists and engineers of NASA Glenn will ensure the success of the next generation of pioneers.

Our Nation is defined by the spirit of discovery, the pioneers who pushed westward on land, navigated the oceans, and are now sending humankind into what was once a mere vision seen only through Galileo's eye. We are a nation of pioneers. And we all have a responsibility to safeguard that defining American spirit and to inspire a new generation of American explorers.

ADDITIONAL STATEMENTS

REMEMBERING ERNEST HOUSE, SR.

• Mr. BENNET. Mr. President, today I honor the life and memory of a prominent tribal leader and dedicated public servant in my home State of Colorado. The Honorable Ernest House Sr. served more than 30 years in tribal leadership, including four terms as tribal chairman of the Ute Mountain Ute Tribe in southwest Colorado. He was first elected to the Ute Mountain Ute Tribal Council in 1979 and elected chairman in 1982. Throughout his long tenure as a tribal council member and chairman, he actively and effectively worked for the betterment of the Ute Mountain Ute Tribe.

Mr. House Sr. was an unassuming, yet forceful leader on many issues important to the people of his tribe, including natural resources development, law enforcement and support for tribal business enterprises. His leadership on water issues helped to complete the critical Dolores and Animas-La Plata water projects in southwest Colorado that benefited not only his tribe, but also the entire region. He was a strong advocate for keeping the Ute Mountain Tribal Park in pristine and undeveloped condition.

As the grandson of Chief Jack House, the last traditional chief of the Ute Mountain Ute Tribe, Ernest House Sr. was raised from a young age to be a leader of his tribe. And he proved himself equal to the task. In his years of leadership, he was widely respected for his ability to bring people together and get results for his tribe and the greater Four Corners community. Ernest House Sr. worked his entire life to move his tribe forward while still maintaining its traditional tribal identity and heritage. He urged young Native people to be proud of their tribal heritage.

Mr. House Sr. also served his country in the Army National Guard, the Signal Corps, and the Special Forces.

I ask you to join me in honoring the life and legacy of Mr. Ernest House Sr., a visionary leader who was dedicated to serving his tribe, his community, Indian country, the State of Colorado, and our country. My thoughts and prayers are with his family and the entire Ute Mountain Ute Tribe at this time of loss.●

LITTLE ROCK 2011 RODEO TEAMS

• Mr. BOOZMAN. Mr. President, today I wish to honor the 314th Airlift Wing Air Mobility RODEO 2011 members who were awarded for excellence in their field at the Air Mobility Command RODEO 2011 at McChord Air Field.

In addition to winning the Moore Trophy for Best Air Mobility Wing, the team was recognized as the Best Air-

drop Wing and maintainers and flyers also earned top honors for their maintenance skills, earning the Maintenance Skills Competition Award—C-130 maintenance and the Maintenance Skills Competition Award—overall winner. The C-130E team snagged the Best Overall Maintenance Team award, Best Team Overall—Maintenance and Operations—Best Overall Aircrew Team.

This outstanding crew, led by COL Mark Czelusta, excelled during the international air rodeo competition which draws the "Best of the Best" from air forces around the world. More than 40 teams and 2,500 people from the U.S. Air Force, Air Force Reserve, Air National Guard, and selected foreign countries participated in this competition.

The group put in hours of hard work and deservedly earned these awards. In true Arkansas spirit of teamwork COL Czelusta acknowledges this couldn't have been done without the help of the 19th Airlift Wing and the community.

The 19th Airlift Wing also took home accolades. Members of the team were recognized as the Best C-130 Airdrop Aircrew.

What is even more amazing is that these crews accomplished this after having a major destruction to the Little Rock Air Force base in late April when a tornado damaged three C-130 planes and blew roofs off and damaged buildings in the base's flight line area.

I am proud to represent the 314th Airlift Wing Air Mobility RODEO 2011 team and the 19th Airlift Wing for all of their accomplishments. We are grateful for their service and thank them for their dedication to success and the sacrifice they make to protect our freedoms.●

TRIBUTE TO KEITH OLSEN

• Mr. JOHANNIS. Mr. President, today I recognize Keith Olsen for the dedicated leadership he has provided for Nebraska agriculture.

Through his involvement in various State and national organizations, Keith has brought a renewed focus on supporting youth in agriculture. He has taken an active role in ensuring that the views of farmers and ranchers are communicated to policymakers in both Lincoln and Washington, DC.

Keith has been integral in the development of a vision for the University of Nebraska, the State's land-grant university. And, he has taken a leadership role in educating the public about modern agriculture practices.

Internationally, Keith has represented Nebraska farmers on trade missions around the world. He has promoted our food and agriculture exports in a number of countries, including Japan, Russia, Turkey, and Brazil.

Keith Olsen was born in Imperial, NE and was raised on the family farm near

Venango. In high school, Keith was involved in FFA, and his children have been involved in 4-H and FFA. He served as a 4-H leader for 30 years. He graduated from Grant High School and the University of Nebraska at Lincoln, where he majored in agricultural economics.

After college, Keith returned to Perkins County to farm with his father. He married his wife Doris in 1969, and, at the age of 24, Keith and Doris took over the family farm. The Olsens have three sons—Craig, Jeff and Curtis. They are also the proud grandparents of seven. Now in its fourth generation, the Olsen farm is a no-till, dryland operation raising certified seed wheat, wheat, dry peas, and corn.

Keith has served on the Nebraska Farm Bureau Board of Directors since 1992 and was elected to the American Farm Bureau Federation Board of Directors in 2004. He was elected as first vice president of the Nebraska Farm Bureau Board in 1997 and has served as president since 2002.

Keith has been widely recognized for his support of agriculture, including youth and young farmers and ranchers. He received the 2010 Agricultural Youth Institute Award of Merit, the 2011 Nebraska FFA Honorary State FFA degree, and in 2004, he was elected to the Nebraska Hall of Agriculture Achievement.

As great of an ambassador as Keith has been for Nebraska agriculture, he is an even better man. His principled approach coupled with his kindness and compassion for others has earned him the respect of many—including me. I congratulate Keith on completing a very successful tenure as Nebraska Farm Bureau president and wish him and his family the very best.●

TRIBUTE TO RICH WILSON

● Mr. KERRY. Mr. President, just a few days ago I received a special gift from a consummate mariner, Rich Wilson of Marblehead, MA, the skipper of the *Great American III*. The gift was a U.S. Yacht Ensign, the red, white and blue flag used to identify American licensed yachts since 1848. What made this particular Ensign so special is that Rich flew it aboard the *Great American III* on December 10, 2008, in the solo, nonstop, around-the-world sailing race known as the Vendee Globe.

Rich flew the Ensign on his 31st day at sea from France, just as he was entering the Indian Ocean bound for Cape Horn. Ninety days later, Rich and the 60-foot *Great American III* completed their 28,000-mile global trek from France to France, ninth among the 11 finishers of a race that began with 30 boats. Rich was the only American entry, the oldest skipper in the fleet at 58 years of age, and only the second American ever to finish the Vendee Globe in its six quadrennial runnings.

The Vendee Globe is widely regarded as the Mount Everest of the seas. But, in fact, it is even a greater challenge than climbing Mount Everest. Consider the fact that while 3,000 people have climbed Mount Everest, Rich was only the 46th person ever to sail alone around the world nonstop. Consider, too, the fact that some 500 astronauts have flown in space, and that further underscores just how rare and special Rich's accomplishment in the Vendee Globe truly is.

The Vendee Globe is like no other event on this earth. It is a grueling contest largely unsullied by hype and commerce, a competition of men and women against each other but mostly against the ceaselessly moving sea, sometimes playful, sometimes terrifying, an immense power inspiring admiration, caution and, above all, respect.

But in the hands of Rich Wilson, the Vendee Globe also became a learning experience for students and newspaper readers throughout the world. As with his earlier long-distance ocean voyages, Rich shared his Vendee Globe experience through the online company he founded, www.sitesalive.com, a non-profit that has produced 75 live, interactive, full-semester programs linking K-12 classrooms to adventures and expeditions worldwide. During the 2008-2009 Vendee Globe, sitesalive.com shared Rich's 15-part weekly series, written at sea from the *Great American*, with 250,000 students and 7 million readers.

Rich's goal was to excite students and engage students by connecting them to a live ocean expedition. As Rich explains it the reasoning behind sitesalive.com: "Excite a kid with dolphins, flying fish, and gales at sea, or with snakes, bugs, and bats in the rainforest, and they will pay attention, not knowing what will happen next. Then the science, geography, and math flow freely."

Anyone who enjoyed high seas adventure novels like Moby-Dick and Treasure Island or anyone who marveled at National Geographic expeditions or the adventures of Jacques Cousteau on the *Calypso* can understand how Rich is making the world come alive for students. And anyone who has sailed, even within sight of the shore, or who has run a marathon or has hiked a mountain range can appreciate the skill, conditioning, and discipline it took for Rich to complete Vendee Globe.

I thank Rich for the Ensign, the memento from his great adventure, and I congratulate him, not only for completing his great voyage but also for sharing it online with millions of people around the world. And as he considers whether to enter the Vendee Globe again in 2012, I urge him to once again climb aboard the *Great American III* and set sail.●

RECOGNIZING PRESENTATION COLLEGE

● Mr. THUNE. Mr. President, today I recognize Presentation College in Aberdeen, SD, as it celebrates its 60th anniversary on September 23 and 24.

Presentation College is an independent Catholic educational institution that has been sponsored by the Sisters of the Presentation of the Blessed Virgin Mary since 1951. The school, which is located on a scenic 100-acre campus in northern Aberdeen, originally started with female-only nursing and health sciences programs. In 1968, the institution became co-educational. Presentation College encourages its students to develop an understanding of life at all stages. The Christian environment of the school focuses on the principles and teachings of the church, while welcoming students from all faiths.

This small but proud school is also a division III member of NCAA athletics, and 2011 is an exciting year for the school as it marks the inaugural season for the first football team in the school's history. In both its athletic programs as well as with the general student population, Presentation College places a strong emphasis on developing their students into capable, active leaders who have the ability to affect positive change throughout the world.

Presentation College has experienced a number of changes over the years. From its inception as a nursing school to the community force it has become today, the school has built an impressive reputation over the last 60 years. As it celebrates this landmark event, I commend Presentation College on its commitment to improving the community of Aberdeen, providing academic excellence to students across the country, and standing as a pillar for the State of South Dakota.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 23, 2001—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2011.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, September 21, 2011.

MESSAGE FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1852. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

H.R. 2189. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2189. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1852. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3314. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances; Correction" (FRL No. 8888-3) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3315. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluazifop-P-butyl; Pesticide Tolerances" (FRL No. 8889-1) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3316. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Biomass Crop Assistance Program; Corrections" (RIN0560-A113) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3317. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-086, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3318. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-062, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3319. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Vern M. Findley II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3320. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Duncan J. McNabb, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-3321. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-3322. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-3323. A communication from the Secretary of the Army, transmitting, pursuant to law, a report entitled "Report to Congress on Implementation of Army Directive on Army National Cemeteries Program"; to the Committee on Armed Services.

EC-3324. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010" (MB Docket No. 11-43) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Schools and Libraries Universal Services Support Mechanism" (RIN3060-AF85) (CC Docket No. 02-6) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Certain External Power Supplies" (RIN1904-AB57) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Energy and Natural Resources.

EC-3327. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers" (RIN1904-AB79) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Energy and Natural Resources.

EC-3328. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2002 Base Year Emission Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Washington, DC 1997 8-Hour Moderate Ozone Nonattainment Area" (FRL No. 9466-6) received in the Office of the President of the Senate on September

20, 2011; to the Committee on Environment and Public Works.

EC-3329. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina: Clean Smokestacks Act" (FRL No. 9471-1) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3330. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware: Requirements for Preconstruction Review, Prevention of Significant Deterioration" (FRL No. 9466-5) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3331. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9471-2) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3332. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District, Ventura County Air Pollution Control District, and Placer County Air Pollution Control District" (FRL No. 9468-2) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3333. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases: Changes to Provisions for Electronics Manufacturing (Subpart I) to Provide Flexibility" (FRL No. 9469-3) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3334. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems: Revisions to Best Available Monitoring Method Provisions" (FRL No. 9469-4) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3335. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana: Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter" (FRL No. 9469-6) received in the Office of the President of the Senate on September 20, 2011; to

the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1280. A bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes (Rept. No. 112-82).

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1596. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-83).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Ashton B. Carter, of Massachusetts, to be Deputy Secretary of Defense.

Air Force nomination of Col. Timothy J. Leahy, to be Brigadier General.

Navy nomination of Capt. Rebecca J. McCormick-Boyle, to be Rear Admiral (lower half).

Navy nomination of Capt. Raquel C. Bono, to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Jan-Marc Jouas, to be Lieutenant General.

Army nomination of Maj. Gen. Patricia D. Horoho, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Douglas J. Venlet, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) David C. Johnson, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Donald E. Gaddis, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Barry L. Bruner and ending with Rear Adm. (lh) Robert L. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Navy nomination of Capt. Mark R. Whitney, to be Rear Admiral (lower half).

Navy nomination of Capt. Cindy L. Jaynes, to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Judith A. Fedder, to be Lieutenant General.

Army nomination of Maj. Gen. Michael T. Flynn, to be Lieutenant General.

Air Force nomination of Brig. Gen. Scott M. Hanson, to be Major General.

Air Force nomination of Maj. Gen. Clyde D. Moore II, to be Lieutenant General.

Navy nomination of Vice Adm. Cecil E. D. Haney, to be Admiral.

Army nomination of Col. Robert F. Thomas, to be Brigadier General.

Air Force nomination of Brig. Gen. Allyson R. Solomon, to be Major General.

Air Force nomination of Col. Gary W. Keefe, to be Brigadier General.

Air Force nominations beginning with Colonel Frederik G. Hartwig and ending with Colonel Kenneth W. Wisian, which nomina-

tions were received by the Senate and appeared in the Congressional Record on August 2, 2011.

Air Force nominations beginning with Brigadier General Joseph G. Balskus and ending with Brigadier General Catherine S. Lutz, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Army nomination of Maj. Gen. James L. Terry, to be Lieutenant General.

Army nomination of Maj. Gen. William T. Grisoli, to be Lieutenant General.

Army nomination of Brig. Gen. Margaret W. Boor, to be Major General.

Army nomination of Col. Raphael G. Peart, to be Brigadier General.

Army nomination of Brig. Gen. Terry M. Haston, to be Major General.

Navy nomination of Rear Adm. Michael S. Rogers, to be Vice Admiral.

Navy nomination of Rear Adm. Frank C. Pandolfo, to be Vice Admiral.

Air Force nominations beginning with Colonel Randall R. Ball and ending with Colonel Dean L. Winslow, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011. (minus 1 nominee: Colonel Edward E. Metzgar)

Army nomination of Maj. Gen. Raymond V. Mason, to be Lieutenant General.

Army nomination of Maj. Gen. Terry A. Wolff, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with David B. Barker and ending with Angela M. Yuhas, which nominations were received by the Senate and appeared in the Congressional Record on July 20, 2011.

Air Force nominations beginning with Mark W. Duff and ending with Bryan A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Air Force nominations beginning with Chad J. Carda and ending with Barry J. Van Sickle, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Air Force nomination of Christopher J. Oleksa, to be Colonel.

Air Force nomination of Arthur L. Bouck, to be Major.

Air Force nomination of Tamala L. Gulley, to be Major.

Air Force nomination of Michael H. Heuer, to be Colonel.

Army nominations beginning with Larry W. Dotson and ending with Damian K. Waddell, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2011.

Army nomination of Jack M. Markusfeld, to be Colonel.

Army nomination of Stephen R. Taylor, to be Major.

Army nomination of Hal D. Baird, to be Colonel.

Army nomination of James E. Orr, to be Colonel.

Army nominations beginning with Steven A. Chambers and ending with James P. Waldron, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Army nominations beginning with Susan M. Camoroda and ending with Gerson S. Valles, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Army nomination of Hyun S. Sim, to be Colonel.

Army nomination of Olga Betancourt, to be Major.

Army nomination of Michael C. Freidl, to be Major.

Army nomination of Natacha L. Miller, to be Major.

Army nomination of Benjamin D. Owen, to be Major.

Army nominations beginning with Heidi J. Cox and ending with Mark A. Rich, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Colin A. Bitterfield and ending with Andreas W. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Richard J. Allinger and ending with Margaret A. Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Brian R. Benjamin and ending with Mark D. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Terese B. Acocella and ending with Gary L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Michael D. Alperin and ending with David S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Clayton T. Abe and ending with Terrence A. Smith, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with George V. Hankewycz and ending with Henry K. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with John F. Bowley and ending with Maureen E. Weber, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nomination of Kelly A. Cricks, to be Major.

Army nomination of Damian G. McCabe, to be Major.

Army nomination of John R. Pendergrass, to be Major.

Army nominations beginning with Robert D. Black and ending with Trudy A. Salerno, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with James A. Christensen and ending with Kathleen A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Matthew J. Conde and ending with Victor M. Palomares, which nominations were received

by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Lee A. Adams and ending with Mark A. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Kathie S. Clark and ending with Nancy L. McLaughlin, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Lynn R. Gaylord and ending with Vicki L. Nolin, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Nathan W. Black and ending with Troy G. Danderson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Marine Corps nominations beginning with Paul M. Aboud and ending with Richard M. Zjawin, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nomination of John L. Hyatt, Jr., to be Major.

Navy nomination of Paul E. Schoenbucher, Jr., to be Captain.

Navy nomination of John N. Desverreaux, to be Captain.

Navy nomination of David D. Dinkins, to be Lieutenant Commander.

Navy nomination of Kevin J. Oliver, to be Lieutenant Commander.

Navy nominations beginning with Michael Fortunato and ending with Matthew T. Wellock, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Navy nominations beginning with Joseph H. Adams II and ending with Jeremy S. Yarbrough, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Navy nominations beginning with Damon M. Armstrong and ending with Marisol C. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with James P. Alderete II and ending with Seth T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Saad M. Alaziz and ending with Michael A. Zundel, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Michael W. Bloomrose and ending with Christopher P. Toscano, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Hector Acevedo and ending with Jay Zulueta, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Javier Araujo and ending with Raymond C. Yau, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Thomas T. Cook and ending with Leroy C. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Adnan S. Ahsan and ending with Rebecca L.

Waldram, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Fabio O. Austria, Jr. and ending with Donna L. Smoak, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. UDALL of New Mexico):

S. 1586. A bill to require the Secretary of Commerce to establish a Clean Energy Technology Manufacturing and Export Assistance Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. BARRASSO):

S. 1587. A bill to enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. JOHANNES, Mr. GRASSLEY, Mr. COBURN, Mr. TESTER, and Mr. COCHRAN):

S. 1588. A bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 1589. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 1590. A bill to require the Administrator of the Small Business Administration to develop a new classification system for small business size determinations and to promulgate rules to eliminate the nonmanufacturer exception to small business size determinations, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND (for herself, Mr. KIRK, Mr. LEVIN, and Mr. JOHANNES):

S. 1591. A bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND:

S. 1592. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1593. A bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1594. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to carry out a conservation program under which the Secretary shall make payments to assist owners and operators of muck land to conserve and improve the soil, water, and wildlife resources of the land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. BARRASSO, Mr. RISCH, Ms. AYOTTE, Mr. WICKER, Mr. RUBIO, Mr. COATS, Mr. INHOFE, Mrs. HUTCHISON, Mr. ROBERTS, Mr. DEMINT, Mr. BLUNT, Mr. CHAMBLISS, and Mr. COBURN):

S. 1595. A bill to prohibit funding for the United Nations in the event the United Nations grants Palestine a change in status from a permanent observer entity before a comprehensive peace agreement has been reached with Israel; to the Committee on Foreign Relations.

By Mrs. MURRAY:

S. 1596. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BROWN of Ohio (for himself, Mr. DURBIN, Mr. MERKLEY, Mr. SANDERS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, and Mr. AKAKA):

S. 1597. A bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. SANDERS, Mr. BLUMENTHAL, and Mr. ROCKEFELLER):

S. 1598. A bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 58, a bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes.

S. 89

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 798

At the request of Mr. TESTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Nevada (Mr. HELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1119

At the request of Mr. INOUE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1219

At the request of Mr. BARRASSO, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1223

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1251

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. JOHANNES), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1273

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1273, a bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1324

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was withdrawn as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1361

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1361, a bill to reduce human exposure to endocrine-disrupting chemicals, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1477

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1477, a bill to require the Administrator of the Federal Aviation Administration to prevent the dissemination to the public of certain information with respect to noncommercial flights of private aircraft owners and operators.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNES, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1535

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1535, a bill to protect consumers by mitigating the vulnerability of personally identifiable information to theft through a security breach, providing notice and remedies to consumers in the wake of such a breach, holding companies accountable for preventable breaches, facilitating the sharing of post-breach technical information between companies, and enhancing criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information.

S. 1538

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Indiana (Mr. COATS), the Senator from Idaho (Mr. RISCH) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-

defense capability against the increasing military threat from China.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1585

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1585, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. RES. 201

At the request of Mr. BROWN of Massachusetts, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 201, a resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. UDALL of New Mexico):

S. 1586. A bill to require the Secretary of Commerce to establish a Clean Energy Technology Manufacturing and Export Assistance Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I rise today with Senator TOM UDALL to introduce the Clean Energy Technology Manufacturing and Export Assistance Act of 2011. Recently, the United States Council for International Business, which represents America's top global companies, joined with an array of leading U.S. business groups in urging ramped-up efforts to promote U.S. clean energy exports.

Global demand, particularly in rapidly-growing markets such as Brazil, China, India and Russia, will be especially critical in expanding America's clean energy technology industries and driving U.S. leadership of a 21st Century clean energy economy. According to a report by the Economic Policy Institute, the U.S. trade deficit with China in clean energy products more than doubled from 2008 to 2010 and was estimated to cost more than 8,000 U.S. jobs in 2010.

The purpose of the bill is to authorize the Department of Commerce International Trade Administration to establish a Clean Energy Technology Manufacturing and Export Assistance Program to ensure that United States clean energy technology firms, including clean energy technology parts suppliers and engineering and design

firms, have the information and assistance they need to be competitive and create clean energy technology sector jobs in the United States.

The Commerce Department is the leading agency to promote clean energy exports for the President's newly established Trade Promotion Coordinating Committee within his National Export Initiative. Specifically, the bill requires the International Trade Administration to assist U.S. Clean Tech firms with export assistance to help them navigate foreign markets to export their goods and services abroad, enhance U.S. Clean Tech Manufacturing firms by requiring ITA to promote policies that will reduce production costs and encourage innovation, investment, and productivity in the clean energy technology sector, and to develop and implement a National Clean Energy Technology Export Strategy.

Arkansas is becoming a national leader in clean energy technology. Several companies—LM Windpower, Nordex, and Mitsubishi Power Systems—have established wind turbine manufacturing plants in Arkansas. Arkansas Power Electronics International, Inc. is a small business dedicated to developing and marketing state-of-the-art technology in power electronics systems, electronic motor drives, and power electronics packaging. BlueInGreen, a Fayetteville company, makes energy efficient products to improve and maintain water quality. Silicon Solar Solutions, an Arkansas-based startup, is commercializing its large grain polysilicon technology company. All of these companies will benefit by having a focused clean energy trade and export program established within the International Trade Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 644. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 645. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra.

SA 646. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 647. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 648. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him

to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 649. Mr. BROWN, of Ohio (for himself, Ms. SNOWE, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 650. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 651. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 652. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 633, to prevent fraud in small business contracting, and for other purposes.

SA 653. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 654. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 644. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 23, insert “but not more than 10 percent” after “not less than 5 percent”.

SA 645. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; as follows:

Strike section 221 and insert the following:

SEC. 221. REPEAL OF TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) IN GENERAL.—Notwithstanding section 233 or any other provision of this subtitle—

(1) effective October 1, 2011, chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is repealed; and

(2) no technical assistance or grants may be provided under that chapter on or after that date.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 3 of title II.

SA 646. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, between lines 5 and 6, insert the following:

SEC. 234. REPEAL OF TRADE ADJUSTMENT ASSISTANCE.

Effective January 1, 2015—

(1) chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) are repealed; and

(2) the table of contents for the Trade Act of 1974 is amended by striking the items relating to chapters 2, 3, 4, 5, and 6 of title II.

SA 647. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 2 and 3, insert the following:

SEC. 217. IMPOSITION OF FEE ON FIRMS THAT BENEFIT FROM TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Labor shall establish a system to impose a fee on a fiscal year basis on firms described in subsection (b) to recoup the costs incurred by the Federal Government of providing benefits under and administering trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) FIRMS DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), a firm described in this paragraph is a firm from which a group of workers is totally or partially separated on or after the date of the enactment of this Act if that group of workers is subsequently certified under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) as eligible to apply for trade adjustment assistance under chapter 2 of title II of that Act (19 U.S.C. 2271 et seq.) as a result of the workers' separation from that firm.

(2) EXCEPTION FOR FIRMS IN BANKRUPTCY.—The fee imposed under subsection (a) shall not be imposed on a firm that has filed for bankruptcy protection under title 11, United States Code.

(c) TOTAL AMOUNT OF FEE.—The Secretary of Labor shall determine the amount of fees to be imposed under subsection (a) so that the amount of fees collected equals the amount expended by the Federal Government in the fiscal year preceding the fiscal year in which the fees are imposed to provide benefits under and administer trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(d) IMPOSITION OF FEE.—The Secretary of Labor shall impose the fee under subsection (a) on a firm described in subsection (b)—

(1) for each fiscal year during which any worker separated from the firm receives trade adjustment assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) or remains eligible to apply for such assistance; and

(2) based on the number of workers described in paragraph (1) separated from the firm.

(e) USE OF FEES.—Any fees collected pursuant to subsection (a) shall be deposited in the general fund of the Treasury and used to offset the costs of providing benefits under and administering trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(f) TERMINATION.—This section shall terminate on the date that is one year after the

date on which all expenditures by the Federal Government to provide benefits under or administer trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) have terminated.

SA 648. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —MISCELLANEOUS

SEC. 01. MANDATORY DISCLOSURE BY THE UNITED STATES IF MEMBERS OF THE WORLD TRADE ORGANIZATION FAIL TO DISCLOSE SUBSIDIES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.

(a) IN GENERAL.—The United States Trade Representative shall—

(1) review each notification of subsidies submitted under Article 25 of the Agreement on Subsidies and Countervailing Measures by a member of the World Trade Organization with which the United States maintains a material and persistent trade deficit;

(2) identify any such member that, for 2 consecutive years—

(A) fails to submit such a notification; or

(B) omits information or includes inaccurate information in such a notification that is material with respect to the totality of the subsidies of the member; and

(3) notify the Committee on Subsidies and Countervailing Measures under Article 25 of the Agreement on Subsidies and Countervailing Measures of the subsidies of a member identified under paragraph (2) not later than 180 days after—

(A) in the case of a member identified under paragraph (2)(A), the date on which the second notification not submitted by the member was required to be submitted; or

(B) in the case of a member identified under paragraph (2)(B), the date of the submission of the second notification in which the information was omitted or the inaccurate information was included, as the case may be.

(b) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES DEFINED.—The term “Agreement on Subsidies and Countervailing Measures” means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

SA 649. Mr. BROWN of Ohio (for himself, Ms. SNOWE, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FUNDAMENTALLY UNDERVALUED CURRENCY

SEC. 01. SHORT TITLE.

This title may be cited as the “Currency Reform for Fair Trade Act”.

SEC. 02. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.

(a) BENEFIT CONFERRED.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking “and” at the end;

(2) in clause (iv), by striking the period at the end and inserting “, and”; and

(3) by inserting after clause (iv) the following new clause:

“(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the currency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38).”.

(b) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: “In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.”.

(c) DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

“(37) FUNDAMENTALLY UNDERVALUED CURRENCY.—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a ‘fundamentally undervalued currency’ if—

“(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

“(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under paragraph (38), relative to the equilibrium real effective exchange rate for the country’s currency during the 18-month period;

“(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

“(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

“(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

“(ii) 20 percent of the country’s money supply, using standard measures of M2; and

“(iii) the value of the country’s imports during the previous 4 months.”.

(d) DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

“(38) REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

“(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described

in the guidelines of the International Monetary Fund’s Consultative Group on Exchange Rate Issues; or

“(ii) if the guidelines of the International Monetary Fund’s Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

“(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide the data, by other international organizations or by national governments; and

“(C) use inflation-adjusted, trade-weighted exchange rates.”.

SEC. 03. REPORT ON IMPLEMENTATION OF TITLE.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of the amendments made by this title.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this title.

SEC. 04. APPLICATION TO GOODS FROM CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3438), the amendments made by section 02 of this title shall apply to goods from Canada and Mexico.

SA 650. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —ITC REPORT

SEC. 01. SHORT TITLE.

This title may be cited as the “Quantifying the Effects of Failure to Act on Trade Act”.

SEC. 02. ITC REPORT.

(a) IN GENERAL.—

(1) FAILURE TO ACT ON AGREEMENT.—Not later than 2 years after the date that the President enters into a trade agreement, the International Trade Commission shall submit a report described in subsection (b) to Congress, if—

(A) legislation to implement the agreement has not been submitted to Congress;

(B) a bill to implement the agreement has not been considered by either House of Congress; or

(C) the agreement has not entered into force with respect to the United States.

(2) FOLLOW UP REPORT.—The International Trade Commission shall update the report required by paragraph (1) each year thereafter, if legislation to implement the agreement has not been submitted to Congress, a bill to implement the agreement has not been considered by either House of Congress, or the agreement has not entered into force.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following:

(1) A quantitative analysis of the impact on United States businesses and individuals caused by the delay in the implementation of the agreement. The analysis shall examine all relevant factors impacting United States businesses and individuals, including—

(A) lost market shares for United States exports in foreign markets resulting from new trade agreements implemented between the country with respect to which the trade agreement was entered into and any other country, and market shares lost for United States exports resulting from any other factor;

(B) how the delay in implementing the agreement is affecting the advancement of United States trade objectives, described in the Bipartisan Trade Promotion Authority Act of 2002 (or any subsequent trade promotion authority); and

(C) how the delay in implementing the agreement is affecting the protection of intellectual property rights of United States businesses operating in foreign markets.

(2) The impact on employment in the United States resulting from the delay in implementing the agreement.

(3) An estimate of the probable impact on United States businesses, in terms of exports, profitability, and employment, if the trade agreement does not enter into force by the end of the calendar year following the date of the Commission report

(c) **APPLICABILITY.**—The International Trade Commission shall submit the report required by this section with respect to—

(1) any trade agreement entered into on or after the date of the enactment of this Act; and

(2) any trade agreement entered into before the date of the enactment of this Act if such agreement has not entered into force with respect to the United States by June 30, 2012.

SA 651. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 5 of the amendment, between lines 6 and 7, insert the following:

SEC. 212. REQUIREMENT THAT TO BE ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE WORKERS BE LAID OFF BECAUSE OF IMPORTS FROM, OR A SHIFT IN PRODUCTION TO, A COUNTRY WITH WHICH THE UNITED STATES HAS A FREE TRADE AGREEMENT IN EFFECT.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211 of this Act, is further amended by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

“(1) a significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated; and

“(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

“(ii)(I) imports from a country with which the United States has a free trade agreement in effect of articles or services like or directly competitive with articles produced or

services supplied by such firm have increased;

“(II) imports from such a country of articles like or directly competitive with articles—

“(aa) into which one or more component parts produced by such firm are directly incorporated, or

“(bb) which are produced directly using services supplied by such firm, have increased; or

“(III) imports of articles directly incorporating one or more component parts produced in such a country that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

“(iii) the increase in imports described in clause (ii) contributed importantly to such workers’ separation or threat of separation and to the decline in the sales or production of such firm; or

“(B)(i)(I) there has been a shift by such workers’ firm to a country with which the United States has a free trade agreement in effect in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

“(II) such workers’ firm has acquired from such a country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

“(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers’ separation or threat of separation.”.

SA 652. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 633, to prevent fraud in small business contracting, and for other purposes; as follows:

On page 10, beginning on line 8, strike “Not later than 1 year after the date of enactment of this Act, the” and insert “The”.

On page 10, between lines 15 and 16, insert the following:

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) **TIMELINE.**—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the Senate and the Committee on Small Business and the Committee on Veterans’ Affairs of the House of Representatives.

SA 653. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —PREFERENTIAL DUTY TREATMENT FOR PHILIPPINES

SEC. —01. SHORT TITLE.

This title may be cited as the “Save Our Industries Act of 2011” or the “SAVE Act”.

SEC. —02. FINDINGS; PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States and the Republic of the Philippines (in this title referred to as the “Philippines”), a former colony, share deep historical and cultural ties. The Philippines holds enduring political and security significance to the United States. The 2 countries have partnered very successfully in combating terrorism in Southeast Asia.

(2) The United States and the Philippines maintain a fair trading relationship that should be expanded to the mutual benefit of both countries. In 2010, United States exports to the Philippines were valued at \$7,375,000,000, and United States imports from the Philippines were valued at \$7,960,000,000.

(3) United States textile exports to the Philippines were valued at just over \$48,000,000 in 2010, consisting mostly of industrial, specialty, broadwoven, and nonwoven fabrics. The potential for export growth in this area can sustain and create thousands of jobs.

(4) The Philippines’ textile and apparel industries, like that of their counterparts in the United States, share the same challenges and risks stemming from the end of the textile and apparel quota system and from the end of United States safe-guards that continued to control apparel imports from the People’s Republic of China until January 1, 2009.

(5) The United States apparel fabrics industry is heavily dependent on sewing outside the United States, and, for the first time, United States textile manufacturers would have a program that utilizes sewing done in an Asian country. In contrast, most sewing of United States fabric occurs in the Western Hemisphere, with about two-thirds of United States fabric exports presently going to countries that are parties to the North American Free Trade Agreement and the Dominican Republic-Central America-United States Free Trade Agreement. Increased demand for United States fabric in Asia will increase opportunities for the United States industry.

(6) Apparel producers in the Western Hemisphere are excellent at making basic garments such as T-shirts and standard 5-pocket jeans. However, the needle capability does not exist to make high fashion, more sophisticated garments such as embroidered T-shirts and fashion jeans with embellishments. Such apparel manufacturing is done almost exclusively in Asia.

(7) A program that provides preferential duty treatment for certain apparel articles of the Philippines will provide a strong incentive for Philippine apparel manufacturers to use United States fabrics, which will open new opportunities for the United States textile industry and increase opportunities for United States yarn manufacturers. At the same time, the United States would be provided a more diverse range of sourcing opportunities.

(b) **PURPOSES.**—The purposes of this title are—

(1) to encourage higher levels of trade in textiles and apparel between the United States and the Philippines and enhance the commercial well-being of their respective industries in times of global economic hardship;

(2) to enhance and broaden the economic, security, and political ties between the United States and the Philippines;

(3) to stimulate economic activity and development throughout the Philippines, including regions such as Manila and Mindanao; and

(4) to provide a stepping stone to an eventual free trade agreement between the United States and the Philippines, either bilaterally or as part of a regional agreement.

SEC. 03. DEFINITIONS.

In this title:

(1) **CLASSIFICATION UNDER THE HTS.**—The term “classification under the HTS” means, with respect to an article, the 6-digit subheading or 10-digit statistical reporting number under which the article is classified in the HTS.

(2) **DOBBY WOVEN FABRIC.**—The term “dobby woven fabric” means fabric, other than jacquard fabric, woven with the use of a dobby attachment that raises or lowers the warp threads during the weaving process to create patterns including, stripes, and checks and similar designs.

(3) **ENTERED.**—The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) **HTS.**—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(5) **KNIT-TO-SHAPE.**—An article is “knit-to-shape” if 50 percent or more of the exterior surface area of the article is formed by major parts that have been knitted or crocheted directly to the shape used in the article, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether an article is “knit-to-shape”.

(6) **WHOLLY ASSEMBLED.**—An article is “wholly assembled” in the Philippines or the United States if—

(A) all components of the article pre-existed in essentially the same condition as the components exist in the finished article and the components were combined to form the finished article in the Philippines or the United States; and

(B) the article is comprised of at least 2 components.

(7) **WHOLLY FORMED.**—A yarn is “wholly formed in the United States” if all of the yarn forming and finishing operations, starting with the extrusion of filaments, strips, film, or sheet, and including slitting a film or sheet into strip, or the spinning of all fibers into yarn, or both, and ending with a finished yarn or plied yarn, takes place in the United States.

SEC. 04. TRADE BENEFITS.

(a) **ELIGIBLE APPAREL ARTICLE.**—For purposes of this section, an eligible apparel article is any one of the following:

(1) Men’s and boys’ cotton shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.10, 6105.90, 6109.10, 6110.20, 6110.90, 6112.11, or 6114.20 of the HTS.

(2) Women’s and girls’ cotton shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.10, 6106.90,

6109.10, 6110.20, 6110.90, 6112.11, 6114.20, or 6117.90 of the HTS.

(3) Men’s and boys’ cotton trousers, breeches, and shorts classifiable under subheading 6103.10, 6103.42, 6103.49, 6112.11, 6113.00, 6203.19, 6203.42, 6203.49, 6210.40, 6211.20, 6211.32 of the HTS.

(4) Women’s and girls’ cotton trousers, breeches, and shorts classifiable under subheading 6104.19, 6104.62, 6104.69, 6112.11, 6113.00, 6117.90, 6204.12, 6204.19, 6204.62, 6204.69, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(5) Men’s and boys’ cotton underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.11, 6109.10, 6207.11, or 6207.91 of the HTS.

(6) Men’s and boys’ manmade fiber underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.12, 6109.90, 6207.19, or 6207.99 of the HTS.

(7) Men’s and boys’ manmade fiber shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.20, 6105.90, 6110.30, 6110.90, 6112.12, 6112.19, or 6114.30 of the HTS.

(8) Women’s and girls’ manmade fiber shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.20, 6106.90, 6110.30, 6110.90, 6112.12, 6112.19, 6114.30, or 6117.90 of the HTS.

(9) Men’s and boys’ manmade fiber trousers, breeches, and shorts classifiable under subheading 6103.43, 6103.49, 6112.12, 6112.19, 6112.20, 6113.00, 6203.43, 6203.49, 6210.40, 6211.20, or 6211.33 of the HTS.

(10) Women’s and girls’ manmade fiber trousers, breeches, and shorts classifiable under subheading 6104.63, 6104.69, 6112.12, 6112.19, 6112.20, 6113.00, 6117.90, 6204.63, 6204.69, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(11) Men’s and boys’ manmade fiber shirts classifiable under subheading 6205.30, 6205.90, or 6211.33 of the HTS.

(12) Cotton brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(13) Manmade fiber brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(14) Manmade fiber swimwear classifiable under subheading 6112.31, 6112.41, 6211.11, or 6211.12 of the HTS.

(15) Cotton swimwear classifiable under subheading 6112.39, 6112.49, 6211.11, or 6211.12 of the HTS.

(16) Men’s and boys’ manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6101.30, 6101.90, 6112.12, 6112.19, 6112.20, or 6113.00 of the HTS.

(17) Women’s and girls’ manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.30, 6102.90, 6104.33, 6104.39, 6112.12, 6112.19, 6112.20, 6113.00, or 6117.90 of the HTS.

(18) Gloves, mittens, and mitts of manmade fibers classifiable under subheading 6116.10, 6116.93, 6116.99, or 6216.00 of the HTS.

(b) **DUTY-FREE TREATMENT FOR CERTAIN ELIGIBLE APPAREL ARTICLES.**—

(1) **DUTY-FREE TREATMENT.**—Subject to paragraphs (2) and (3), an eligible apparel article shall enter the United States free of duty if the article is wholly assembled in the United States or the Philippines, or both, and if the component determining the article’s classification under the HTS consists entirely of—

(A) fabric cut in the United States or the Philippines, or both, from fabric wholly formed in the United States from yarns wholly formed in the United States;

(B) components knit-to-shape in the United States from yarns wholly formed in the United States; or

(C) any combination of fabric or components knit-to-shape described in subparagraphs (A) and (B).

(2) **DYEING, PRINTING, OR FINISHING.**—An apparel article described in paragraph (1) shall be ineligible for duty-free treatment under such paragraph if any component determining the article’s classification under the HTS comprises any fabric, fabric component, or component knit-to-shape in the United States that was dyed, printed, or finished at any place other than in the United States.

(3) **OTHER PROCESSES.**—An apparel article described in paragraph (1) shall not be disqualified from eligibility for duty-free treatment under such paragraph because it undergoes stone-washing, enzyme-washing, acid-washing, permapressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes in either the United States or the Philippines.

(c) **KNIT-TO-SHAPE APPAREL ARTICLES.**—A knit-to-shape apparel article shall enter the United States free of duty if it is wholly assembled in the Philippines and if the component determining the article’s classification under the HTS consists entirely of components knit-to-shape in the Philippines from yarns wholly formed in the United States.

(d) **DE MINIMIS RULES.**—

(1) **IN GENERAL.**—An article that would otherwise be ineligible for preferential treatment under this section because the article contains fibers or yarns not wholly formed in the United States or in the Philippines shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 10 percent of the total weight of the article.

(2) **ELASTOMERIC YARNS.**—Notwithstanding paragraph (1), an article described in subsection (b) or (c) that contains elastomeric yarns in the component of the article that determines the article’s classification under the HTS shall be eligible for duty-free treatment under this section only if such elastomeric yarns are wholly formed in the United States or the Philippines.

(3) **DIRECT SHIPMENT.**—Any apparel article described in subsection (b) or (c) is an eligible article only if it is imported directly into the United States from the Philippines.

(e) **SINGLE TRANSFORMATION RULES.**—Any of the following apparel articles that are cut and wholly assembled, or knit-to-shape, in the Philippines from any combination of fabrics, fabric components, components knit-to-shape, or yarns and are imported directly into the United States from the Philippines shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made:

(1) Except for brassieres classified in subheading 6212.10 of the HTS, any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rule is contained in paragraph

9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007, (as amended by Proclamation 8272 of June 30, 2008, or any subsequent proclamation by the President).

(2) Any article not described in paragraph (1) that is any of the following:

(A) Baby garments, clothing accessories, and headwear classifiable under subheading 6111.20, 6111.30, 6111.90, 6209.20, 6209.30, 6209.90, or 6505.90 of the HTS.

(B) Women's and girls' cotton coats, over coats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.20, 6102.90, 6104.19, 6104.32, 6104.39, 6112.11, 6113.00, 6117.90, 6202.12, 6202.19, 6202.92, 6202.99, 6204.12, 6204.19, 6204.32, 6204.39, 6210.30, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(C) Cotton dresses classifiable under subheading 6104.42, 6104.49, 6204.42, or 6204.49 of the HTS.

(D) Manmade fiber dresses classifiable under subheading 6104.43, 6104.44, 6104.49, 6204.43, 6204.44, or 6204.49 of the HTS.

(E) Men's and boys' cotton shirts classifiable under statistical reporting number 6205.20.1000, 6205.20.2021, 6205.20.2026, 6205.20.2031, 6205.20.2061, 6205.20.2076, 6205.90, or 6211.32 of the HTS.

(F) Men's and boys' cotton shirts not containing dobby woven fabric classifiable under statistical reporting number 6205.20.2003, 6205.20.2016, 6205.20.2051, 6205.20.2066 of the HTS.

(G) Manmade fiber pajamas and sleepwear classifiable under subheading 6107.22, 6107.99, 6108.32, 6207.22, 6207.99, or 6208.22 of the HTS.

(H) Women's and girls' wool coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.10, 6102.30, 6102.90, 6104.31, 6104.33, 6104.39, 6117.90, 6202.11, 6202.13, 6202.19, 6202.91, 6202.93, 6202.99, 6204.31, 6204.33, 6204.39, 6211.20, 6211.41, or 6117.90 of the HTS.

(I) Women's and girls' wool trousers, breeches, and shorts classifiable under subheading 6104.61, 6104.63, 6104.69, 6117.90, 6204.61, 6204.63, 6204.69, 6211.20, 6211.41, or 6217.90 of the HTS.

(J) Women's and girls' cotton shirts and blouses classifiable under subheading 6206.10, 6206.30, 6206.90, 6211.42, or 6217.90 of the HTS.

(K) Women's and girls' manmade fiber shirts, blouses, shirt-blouses, sleeveless tank styles, and similar upper body garments classifiable under subheading 6206.10, 6206.40, 6206.90, 6211.43, or 6217.90 of the HTS.

(L) Women's and girls' manmade fiber coats, jackets, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6202.13, 6202.19, 6202.93, 6202.99, 6204.33, 6204.39, 6210.30, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(M) Cotton skirts classifiable under subheading 6104.19, 6104.52, 6104.59, 6204.12, 6204.19, 6204.52, or 6204.59 of the HTS.

(N) Manmade fiber skirts classifiable under subheading 6104.53, 6104.59, 6204.53, or 6204.59 of the HTS.

(O) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6201.13, 6201.19, 6201.93, 6201.99, 6210.20, 6210.40, 6211.20, or 6211.33 of the HTS.

(P) Women's and girls' manmade fiber slips, petticoats, briefs, panties, and underwear classifiable under subheading 6108.11, 6108.22, 6108.92, 6109.90, 6208.11, or 6208.92 of the HTS.

(Q) Gloves, mittens, and mitts of cotton classifiable under subheading 6116.10, 6116.92, 6116.99, or 6216.00 of the HTS.

(R) Other men's or boys' garments classifiable under statistical reporting number 6211.32.0081 of the HTS.

(F) REVIEW AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall, not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, review the effectiveness of this section in supporting the use of United States fabrics and make recommendations necessary to improve or expand the provisions of this section to ensure support for the use of United States fabrics.

(2) RECOMMENDATIONS.—After the second review required under paragraph (1), the Comptroller General shall make a determination regarding whether this section is effective in supporting the use of United States fabrics and recommend to Congress whether or not this section should be renewed.

(g) ENFORCEMENT.—Preferential treatment under this section shall not be provided to textile and apparel articles that are imported from the Philippines unless the President certifies to Congress that the Philippines is meeting the following conditions:

(1) A valid original textile visa issued by the Philippines is provided to U.S. Customs and Border Protection with respect to any article for which preferential treatment is claimed. The visa issued is in the standard 9-digit format required under the Electronic Visa Information System (ELVIS) and meets all reporting requirements of ELVIS.

(2) The Philippines is implementing the Electronic Visa Information System (ELVIS) to assist in the prevention of transshipment of apparel articles and the use of counterfeit documents relating to the importation of apparel articles into the United States.

(3) The Philippines is enforcing the Memorandum of Understanding between the United States of America and the Republic of the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods, signed on August 23, 2006.

(4) The Philippines agrees to provide, on a timely basis at the request of U.S. Customs and Border Protection, and consistently with the manner in which the records are kept in the Philippines, a report on exports from the Philippines of apparel articles eligible for preferential treatment under this section, and on imports into the Philippines of yarns, fabrics, fabric components, or components knit-to-shape that are wholly formed in the United States.

(5) The Philippines agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) The Philippines agrees to require Philippines producers and exporters of articles eligible for preferential treatment under this section to maintain, for at least 5 years after the date of export, complete records of the production and the export of such articles, including records of yarns, fabrics, fabric components, and components knit-to-shape and used in the production of such articles.

(7) The Philippines agrees to provide, on a timely basis, at the request of U.S. Customs

and Border Protection, documentation establishing the country of origin of articles eligible for preferential treatment under this section, as used by that country in implementing an effective visa system.

(8) The Philippines is to establish, within 60 days after the date of the President's certification under this paragraph, procedures that allow the Office of Textiles and Apparel of the Department of Commerce (OTEXA) to obtain information when fabric wholly formed in the United States is exported to the Philippines to allow for monitoring and verification before the imports of apparel articles containing the fabric for which preferential treatment is sought under this section reach the United States. The information provided upon export of the fabrics shall include, among other things, the name of the importer of the fabric in the Philippines, the 8-digit HTS subheading covering the apparel articles to be made from the fabric, and the quantity of the apparel articles to be made from the fabric for importation into the United States.

(9) The Philippines has enacted legislation or promulgated regulations to allow for the seizure of merchandise physically transiting the territory of the Philippines and that appears to be destined for the United States in circumvention of the provisions of this title.

(h) CUSTOMS PROCEDURES.—

(1) IN GENERAL.—

(A) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(B) PENALTIES FOR IMPORTERS.—If the President determines, based on sufficient evidence, that an importer has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such importer, any successor of such importer, or any entity owned or operated by the principal of the importer.

(2) DEFINITION OF TRANSSHIPMENT.—For purposes of paragraph (1) and subsection (g), transshipment has occurred when preferential treatment for an apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, cutting, or assembly of the article or of any fabric, fabric component, or component knit-to-shape from which the apparel article was cut and assembled. For purposes of this paragraph, false information is material if disclosure of the true information would have meant that the article is or was ineligible for preferential treatment under this section.

(i) PROCLAMATION AUTHORITY.—The President shall issue a proclamation to carry out this section not later than 60 days after the date of the enactment of this title. The President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in preparing such proclamation.

SEC. 05. EFFECTIVE DATE.

This title shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date on which the President issues the proclamation required by section 04(i).

SEC. ____ 06. TERMINATION.

(a) **IN GENERAL.**—The preferential duty treatment provided under this title shall remain in effect for a period of 7 years beginning on the effective date provided for in section ____ 05.

(b) **GSP ELIGIBILITY.**—The preferential duty treatment provided under this title shall terminate if and when the Philippines becomes ineligible for designation as a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

SA 654. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—MODIFICATION OF TONNAGE TAX

SEC. ____ . MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) **IN GENERAL.**—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

“(f) **EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.**—For purposes of this subchapter—

“(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

“(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.”.

(b) **REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.**—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking “in accordance with this subsection” in subsection (c) and inserting “to the extent provided in such regulations as may be prescribed by the Secretary”, and

(2) by adding at the end the following new subsection:

“(d) **REGULATIONS.**—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking “exclusively”.

(2) Section 1355(b)(1)(B) of such Code is amended by striking “as a qualifying vessel” and inserting “in the transportation of goods or passengers”.

(3) Section 1355 of such Code is amended—

(A) by striking subsection (g), and

(B) by redesignating subsection (h) as subsection (g).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 21, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 21, 2011 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Dually-Eligible Beneficiaries: Improving Care While Lowering Costs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 21, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2011, at 2:30 p.m., to conduct a hearing entitled “Transforming Wartime Contracting: Recommendations of the Commission on Wartime Contracting.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 21, 2011, in room SDG-50 in the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION, POLICY, AND CONSUMER RIGHTS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be au-

thorized to meet during the session of the Senate, on September 21, 2011, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Power of Google: Serving Consumers or Threatening Competition?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on September 21, 2011, at 11 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Countering Terrorist Financing: Progress and Priorities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on September 21, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Joseph Scovitch and Danielle Dellerson, Finance Committee staff, be granted the privilege of the floor during consideration of the Generalized System of Preferences Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that John Cole, a fellow in the office of Senator PRYOR, be granted the privilege of the floor for the duration of the consideration of H.R. 2832, the Generalized System of Preferences Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAIWAN OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 115, S. Con. Res. 17.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 17) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I know of no further debate on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the adoption of the concurrent resolution.

The concurrent resolution (S. Con. Res. 17) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 17

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating "The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport";

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that "a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system," and that there should be a commitment to "foster international cooperation in the field of aviation security and harmonize the implementation of security measures";

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas, on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that "because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world—and all nations must share the responsibility for securing that system";

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport

by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States "will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible"; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in garnering international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's attainment of observer status in the ICAO.

SMALL BUSINESS CONTRACTING FRAUD PREVENTION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of S. 633 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 633) to prevent fraud in small business contracting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I rise today to address the Department of Veterans Affairs' role in S. 633, the Small Business Contracting Fraud Prevention Act of 2011.

As introduced, S. 633 contains a provision that would require the Department of Veterans Affairs, through its Center for Veterans Enterprise, to verify the status of any small business seeking to be registered as a veteran-owned or service-disabled veteran-owned small business. S. 633 would also require the head of each Federal agency to confirm the status of any service-disabled veteran-owned small business before permitting that business to compete for Federal sole-source or set-aside contracts.

I agree that governmentwide verification of veteran-owned and service-disabled veteran-owned small business status is an important step towards fraud prevention. But we must ensure that enactment of S. 633 does not add to the backlog of veterans currently awaiting verification of their small businesses, and that veterans' businesses are not unfairly delayed in their ability to compete for contracts.

I am pleased that Senators LANDRIEU and SNOWE have agreed to my amendment to S. 633. Under my amendment, the verification provisions in S. 633 would not take effect until the Department of Veterans Affairs first certifies it possesses the necessary resources and capacity to undertake the new requirements imposed by S. 633. This means that the Department gets to set the timeline for implementing the provisions so that implementation is done right.

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 652) was agreed to, as follows:

(Purpose: To delay the effective date of the veterans contracting provisions)

On page 10, beginning on line 8, strike "Not later than 1 year after the date of enactment of this Act, the" and insert "The".

On page 10, between lines 15 and 16, insert the following:

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the "Secretary") publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the

date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

The bill (S. 633), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Contracting Fraud Prevention Act of 2011".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "8(a) program" means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms "HUBZone" and "HUBZone small business concern" and "HUBZone map" have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term "recertification" means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "Whoever" and all that follows through "oneself or another" and inserting the following: "A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person";

(ii) by amending subparagraph (A) to read as follows:

"(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36";

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking "shall be" and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

"(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');"; and

(C) by adding at the end the following:

"(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

"(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

"(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.";

(2) by striking subsection (e) and inserting the following:

"(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.";

(3) by adding at the end the following:

"(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

"(1) in order to allow any person to participate in any program of the Administration; or

"(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

"(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writ-

ing, that the person did not comply with the regulations.

"(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

"(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

"(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.".

SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking "means a veteran" and all that follows and inserting the following: "means—

"(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

"(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.".

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

"(g) VETERAN STATUS.—

"(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

"(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

"(B) register with—

"(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

"(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

"(2) VERIFICATION OF STATUS.—

"(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

"(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

"(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

"(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

"(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business

concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) **INTEGRATION OF DATABASES.**—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) **TIMELINE.**—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the Senate and the Committee on Small Business and the Committee on Veterans’ Affairs of the House of Representatives.

SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) **REVIEW OF EFFECTIVENESS.**—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) **OTHER IMPROVEMENTS.**—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 6. HUBZONE IMPROVEMENTS.

(a) **PURPOSE.**—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) **IN GENERAL.**—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) **EMPLOYMENT PERCENTAGE.**—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) **EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) **INTERIM PERIOD.**—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) **HUBZONE PROGRAM.**—The term ‘HUBZone program’ means the program established under section 31.

“(9) **HUBZONE MAP.**—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) **REDESIGNATED AREAS.**—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

ORDERS FOR THURSDAY,
SEPTEMBER 22, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour

be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Following morning business, the Senate will resume consider-

ation of H.R. 2832. At a time to be determined tomorrow, there will be up to five votes on amendments to trade adjustment assistance and passage of the bill. In addition, we await action in the House on the continuing resolution.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Thursday, September 22, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

100TH ANNIVERSARY OF THE ANIMAL REFUGE LEAGUE IN PORTLAND, MAINE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. PINGREE of Maine. Mr. Speaker, in 1911, the Animal Refuge League in Portland, Maine was incorporated and in 1956, former Maine Governor Percival Baxter helped fund and establish the League's new location on Stroudwater Street in Westbrook, Maine. Each year, the Animal Refuge League of Greater Portland (ARLGP) rescues and places more than 4,000 dogs, cats, rabbits, birds, gerbils and other animals all around Maine each year. The dedicated staff and volunteers nurture wounded, neglected and abandoned animals so they can be placed in loving homes. The organization has an impressive 92 percent placement rate for cats and dogs, which is among the highest in the country.

This year, the Animal Refuge League marks its one hundredth anniversary. In addition to fulfilling its original mission to provide temporary care and permanent shelter for stray, abandoned and relinquished animals, the ARLGP is also developing innovative programs to meet the needs of Maine communities in new ways.

Through Paws in Stripes, the ARLGP maintains a working relationship with Maine Correctional Center in Windham whereby the prisoners play a major role in the socialization of select puppies from the shelter. A new Seniors to Seniors program matches senior citizens with senior cats, and the ongoing foster program works with families to provide temporary homes to animals who need time, rest, recuperation, medical care or socialization before they are ready for adoption. Humane Education is a program that teaches children of all ages respect for all living things.

As someone who spent years working as an organic farmer, I have a deep appreciation for the many roles that animals play in all our lives. Today, I am happy to celebrate the ARLGP's one hundred years of successful work rescuing animals. Congratulations, and thank you for the work that you do.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Andrew Bosch for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. For his Eagle Scout Project Andrew provided plant and tree identification markers for a local Historic Park. By applying these concepts to daily life, Andrew has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Zachary Peter Stephens for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. For his Eagle Scout Project Zachary completed a restoration project of a garden area called the Harbor House. By applying these concepts to daily life, Zachary has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

PAYING TRIBUTE TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, ADMIRAL MICHAEL G. MULLEN'S 43 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Admiral Michael G. Mullen, for his extraordinary dedication to duty and service to the United States of America as the 17th Chairman of the Joint Chiefs of Staff. Admiral "Mike" Mullen will retire as the highest-ranking officer in the United States Armed Forces and the President's principle military advisor. His service spans more than four decades of active military duty to the United States Navy and the Department of Defense.

Born in Los Angeles, California, Admiral Mike Mullen was commissioned into the Navy after graduating with the Class of 1986, from the United States Naval Academy. His rise in the Navy began at sea, when Ensign Mullen

reported aboard the destroyer, USS *Collett*, as an Anti-Submarine Officer. While aboard the ship, he deployed to the Western Pacific and participated in combat operations off the coast of Vietnam. Afterwards, he subsequently served on six other warships, including command of three of those vessels at sea, and he commanded the George Washington Carrier Strike Group and United States Second Fleet. His shore assignments have been focused in the areas of resourcing and personnel which included duty with the Bureau of Personnel, the Navy staff, and the staff of the Secretary of Defense. He helped train, educate, and mentor future generations of naval officers during tours at the United States Naval Academy. Throughout his career, he has demonstrated exemplary service in duty to the mission and care for his sailors.

In August 2003, Admiral Mike Mullen was selected to serve as the Navy's 32nd Vice Chief of Naval Operations. During the first half of 2005, he served as Commander of NATO's Joint Force Command Naples and Commander, U.S. Naval Forces Europe, leading the Alliance's peacekeeping operations in the Balkans and its important training mission in Iraq.

In July of 2005, Admiral Mike Mullen was sworn in as the 28th Chief of Naval Operations, serving as the top uniformed leader of the Navy and representative to the Joint Chiefs of Staff. During his tenure, he oversaw the service's efforts to man, train, and equip the United States Navy to fulfill its traditional missions at sea. Admiral Mike Mullen also conceived and championed the Navy's contributions to the ground war efforts in Iraq and Afghanistan and other regions to combat violent terrorism. Admiral Mike Mullen further led efforts to provide a framework and concrete plan to stabilize the Navy's shipbuilding program to support a three hundred-thirteen ship fleet to maintain the United States' maritime superiority in a dynamic and uncertain world.

On October 1st, 2007, the President of the United States and the United States Senate appointed Admiral Mike Mullen as the 17th Chairman of the Joint Chiefs of Staff. Since assuming duties as Chairman, he has overseen continuous joint military operations with our Nation's allies to eradicate terrorist networks throughout the world. Admiral Mike Mullen's overall leadership supported the incredible turnaround in security and stability in Iraq and has bolstered the efforts of the North Atlantic Treaty Organization (NATO) alliance in Afghanistan. Additionally during his tenure, Admiral Mike Mullen oversaw military humanitarian assistance operations in relief of major international disasters to include the 2010 Haiti Earthquake and 2011 Japan Earthquake and Tsunami.

Although Admiral Mike Mullen's dedication to service has been honored by a wide array of leadership awards and decorations over the years, this consummate military professional's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

commitment to his Nation is driven by much more profound reasons. My wife Beverly and I have seen personally that he is a man who cares deeply for our men and women in uniform, their families, and the families of the fallen and missing. Admiral Mike Mullen, along with his wife Deborah, have passionately represented our men and women in uniform, particularly those who have returned from this decade's wars as they and their families heal from wounds both seen and unseen. His attention to our most critically wounded has been a testament to his willingness to ensure our wounded Service Members and their families receive the best care and support the Nation has to offer. I have no doubt his commitment to these Americans, who have given so much, will indeed endure far beyond his days in uniform.

The United States Navy, the Department of Defense and the Nation will dearly miss one of its most respected and valued leaders as Admiral Mike Mullen leaves active duty and this Congressman and my wife Beverly will deeply miss his counsel on many important issues and most important his personal friendship. We will miss his humility, his selflessness, his candor and his integrity. When history looks back at this leader and his legacy it will be clear that his leadership produced the best military the world has ever known.

Mr. Speaker, it has been a pleasure to work closely with Admiral Mike Mullen over the last several years of his long and decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Admiral Mike Mullen for a lifetime of service to his country. For all he and his family have given and continue to give to our country; we are in their debt. We wish him, his wife Deborah, and his two sons, John and Michael, all the best in his retirement.

JUSTICE FOR IRANIAN PEOPLE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. FILNER. Mr. Speaker, thousands of Iranian-Americans from 41 states across America attended a rally outside the Department of State on August 26, 2011, calling on the Secretary to remove the principal Iranian opposition movement, the Mujahedin-e Khalq (MEK) from the list of Foreign Terrorist Organizations (FTO).

Mrs. Maryam Rajavi, President-elect of the National Council of Resistance of Iran, which acts as Iran's Parliament-in-exile, addressed the rally via satellite from Paris. Excerpts of her remarks follow:

Honorable and brave Iranians, I salute your protest and gathering, which symbolizes an uprising for the freedom of the Iranian people and in defense of the persecuted and besieged Ashraf; an uprising against a discredited label against the Iranian Resistance. Today, your calls echo the calls for justice emanating from an enchained nation, which rejects the velayat-e faqih (absolute clerical rule) dictatorship. Ashraf is proud to have such admirable representatives and defenders like you; And the Iranian people are

proud to have stored in your being the most prized possession required for the attainment of freedom and democracy.

Dear Compatriots, It has been more a year since the ruling of the U.S. Court of Appeals in Washington, which ordered the State Department to review the terrorist listing of the People's Mojahedin Organization of Iran (PMOI/MEK). The Iranian people and the Iranian Resistance have paid the price for this unjustified delay with the blood of their most courageous children. Political prisoners in Iran, like Ali Saremi, were hanged by Khamenei's henchmen. And, the 36 heroes of freedom in Ashraf, who were martyred on the orders of the velayat-e faqih regime, were all part of this bloody price. The terror listing in the U.S. is openly used as a justification to legitimize such bloodletting, both by the cruel mullahs in Tehran as well as their proxy government in Iraq. Therefore, the Iranian people are asking the United States, "Why are you not annulling the license to kill our children?"

The decision of the appeals court in Washington stated that the State Department violated due process rights during the listing process. And, 20 judgments by European courts against the terrorism charge leave absolutely no doubt that this label is completely discredited. Thousands of parliamentarians and human rights advocates in the Arab world and in Europe, joined by a large number of members of the U.S. House of Representatives and Senate, forming a great global voice in defense of the freedom-loving Iranian Resistance. This constitutes an exceptional consensus in the face of 14 years of injustices committed against the PMOI and the Iranian Resistance. Dozens of the most honorable former senior officials serving in the country's administrations over the last two decades have taken a clear stance in the course of their multiple international conferences in Washington, Brussels, Paris, Berlin, London and Rome, leaving absolutely no credibility for this listing. Hail to their sense of justice and clear-sightedness through which the great historical symbols of America like Jefferson and Lincoln are resurrected.

We have seen how the mullahs' regime and the insignificant factions directed by Tehran utilize cruelty and insolence to attack and avenge these dignified personalities. But, these officials have shown extraordinary courage by placing their credibility and political reputation in support of this Resistance. We recognize the United States in the image of these noble human beings and not those who have succumbed to religious fascism. They represent an America that recognizes democracy and human rights in Iran as the precondition for global peace and security and guarantor of the American people's genuine interests. This is the United States that is standing by the Iranian people. For the past 170 days, your courageous and resilient friends have staged a sit-in across from the State Department. They echo the Iranian nation's call for the upholding of justice for the protection of Ashraf and removal of the PMOI from the terror list night and day, both under the summer heat and the winter chill.

Letters from more than 800 religious leaders and 2,000 priests across the U.S. in support of this Resistance. Thirteen hearing sessions in the U.S. House and Senate to pursue the issue of protecting Ashraf and annulling the discredited terror label against the PMOI. Passing of multiple resolutions in Congress, and especially the amendment passed by the House Foreign Affairs Committee last month

about the imperative to prevent the displacement of Ashraf residents inside Iraq. And thousands of political, parliamentary, media and social initiatives, all of which have inspired the admiration of everyone. The evil forces that have laid a siege on your sisters and brothers in Camp Ashraf seek to destroy and annihilate Ashraf and its freedom-seeking residents. But, you have spread the flames of Ashraf in your society and hoisted its flag. Hold onto this flag more powerfully, because this is the banner of freedom and democracy in Iran.

Clearly, the U.S. bears special responsibility for ensuring the protection of these residents on the basis of its agreements with every single one of the residents in Camp Ashraf. We urge the U.S. to listen to Congress and the resolution passed by the House Foreign Affairs Committee, and abandon the idea of displacing Ashraf residents within Iraq. We call on the U.S. to support the European solution instead of this dangerous idea which will have no results other than a humanitarian catastrophe. Similarly, we want the United Nations to rise up to its irrevocable obligations in ensuring the protection of Ashraf. . .

PAYING TRIBUTE TO THE HOLIDAY ISLES ELKS LODGE 1912 IN MADEIRA BEACH, FLORIDA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. YOUNG of Florida. Mr. Speaker, I would like to take this opportunity to recognize an outstanding group of individuals that I have the privilege to represent in Madeira Beach, Florida, which has dedicated years of generous care and hospitality for our Nation's veterans. Over the years, in cooperation with the Bay Pines Veterans Hospital, the Holiday Isles Elks Lodge 1912 has proved that their commitment to our troops is unwavering.

Every day, members of Lodge 1912 can be found at the local Bay Pines Veterans Hospital demonstrating their commitment to those who have already sacrificed so much. For example, member Betty Ryan takes the initiative on a regular basis to find out what exactly it is our hospitalized veterans need. And within the lodge, Betty has set up a box for donations which she routinely presents to veterans at Bay Pines.

The Elks community also offers and supports many individual programs designed to help and enhance the lives of our veterans. One of these supported programs is the Wounded Warrior Project which, in 2009, the Elks National Veterans Service Commission made available \$50,000 to launch the Elks/Wounded Warrior Project. Just as the Wounded Warrior Project assists injured veterans of the conflicts in Iraq and Afghanistan, the Elks offers a program known as the Army of Hope which assists the families of those who have been called to duty during these very difficult times of conflict.

These constituents of mine provide an outstanding service to our veterans; however, this commitment does not end with Lodge 1912. There are 2000 lodges nationwide and you will find their members hard at work in each of the

172 VA Medical centers around the country living up to their pledge: "So long as there are veterans, the Benevolent and Protective Order of Elks will never forget them."

Mr. Speaker, Holiday Isles Elks Lodge 1912 not only shines in their display of compassion and patriotism, but also reminds us of the characteristics of great people that make up a great nation. Thank you to all the members for their excellent service in the past and for your continued assistance to the community and our veterans in the future.

HONORING THE SELFRELIANCE UKRAINIAN AMERICAN FEDERAL CREDIT UNION ON ITS 60TH AN- NIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the Selfreliance Ukrainian American Federal Credit Union (SUAFCU) which will celebrate 60 years of service on September 21, 2011. This organization has helped countless Ukrainian families and businesses in my district and across Illinois live the American dream.

SUAFCU was founded in 1951 as a financial cooperative whose mission was to benefit local members of the Ukrainian American community. Open to anyone of Ukrainian descent or members of other Ukrainian organizations, SUAFCU stays very focused on its original mission. The democratic tenets to which the Union strictly adheres make it a unique institution that provides an example of what hard working communities can achieve.

During its first 15 years, SUAFCU was incredibly active, providing its members with over \$4,156,000 in loans. Thanks to the responsible lending practices of this community, many Ukrainian doctors, dentists, and veterinarians were able to found successful practices. Dozens of other businesses opened thanks to SUAFCU, but just as important, 1200 families were able to purchase homes in the Chicago area. This community came together to exemplify the American dream through smart practices and a closely-knit community.

Around these businesses, the "Ukrainian Village" prospered into a network of interconnected community organizations including cultural and social clubs, and churches. SUAFCU works closely with churches and others to ensure the assimilation process is less difficult for Ukrainian immigrants—a population that brings diversity and new ideas to the area. SUAFCU continues to prosper and help families and businesses under current President and CEO Bohdan Watral and Chairman of the Board of Directors Michael Kos, two strong advocates for Ukrainian Americans.

Please join me in honoring the Selfreliance Ukrainian American Federal Credit Union, a group that has brought immeasurable benefit to Illinois by helping Ukrainians thrive and contribute to the community. I know SUAFCU will continue to help individuals realize their dreams and I wish them prosperity over their next 60 years.

HONORING JULIO ALVARADO

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Julio Alvarado, who passed away on September 13, 2011, just four days short of his 85th birthday.

Born in Puerto Rico in 1926, Julio Alvarado arrived in San Pedro in 1949 where he made his home and became a beloved member of the community. While in San Pedro, Julio worked on the docks at the Ports of Los Angeles and Long Beach as member of ILWU Local 13.

Julio Alvarado was an immensely caring person with a large, generous heart and was always ready to help anyone in need. He will be missed dearly by all who knew him. His children and grandchildren will especially miss his baking and his homemade bread.

I have had the pleasure of knowing Julio's daughter, Daisy Ybarra, for almost 20 years. For nearly two years while I served on the Los Angeles City Council, Daisy was my Community Advocate in Watts, but Daisy had been following in her father's footsteps and serving her community long before then by teaching kids to say no to gangs through GAP, the Gang Alternatives Program. Lives were saved because of the work that she did and I know that her father was very proud of her.

Julio Alvarado was preceded in death by his loving wife Ana.

I extend my deepest condolences to his sons, Julio, Jr., and Robert; daughters Angela, Daisy, Miriam, and Maria Luisa; his brother and sister Victor Gotay and Carmen Martinez, both of Puerto Rico; and to his three grandchildren, three great-granddaughters as well as several nieces and nephews. Though Julio is no longer with us, his legacy lives on in the lives of the loved ones he has left behind and in the community he made his home.

CONGRATULATING OUR FRIEND AND ALLY, TAIWAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. BARTON of Texas. Mr. Speaker, on October 10, 2011 we celebrate the 100th anniversary of the emergence of the Chinese people from the dynastic rule that has permeated their history.

Rising against the Qing rulers, Chinese Doctor Sun Yat-sen rose to free his people from totalitarian rule which in turn provided them the opportunity to produce the model Democracy that is Taiwan.

Taiwan today is one of the leading democracies of the world, an economic power and a leading force for peace in the Pacific.

Taiwan's present leader, Ma Ying-jeou is to be congratulated for his efforts and success in providing a climate for Peace and continuing the best traditions of the Chinese people.

Congratulations to the people of Taiwan on the occasion of their 100th anniversary.

INTRODUCTION OF THE DUWAMISH TRIBAL RECOGNITION ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Duwamish Tribal Recognition Act, legislation to grant federal recognition to the Duwamish Tribe of the Seattle, Washington area.

The Duwamish people were the first indigenous people of the Greater Seattle area and lived in the area for more than a thousand years before the first European-Americans arrived in 1851. In 1855, the Duwamish Tribe, represented by Chief Si'ahl (Seattle), signed the Treaty of Point Elliott, which guaranteed fishing rights and federal recognition to all Tribes represented by the Native signers. However, despite ratification by the U.S. Congress in 1859, the promises made by the United States in the treaty were never fulfilled.

Since then, it has been a struggle spanning more than 150 years for the Duwamish people to attain the recognition that was promised to them in the Treaty of Point Elliott. Most recently, in the waning hours of the Clinton Administration, the Tribe was granted federal recognition by the Department of Interior's Bureau of Indian Affairs. However, the Bush Administration reversed this decision, questioning the administrative procedures utilized by the Clinton Administration.

Mr. Speaker, for far too long the Duwamish people have waited for federal recognition, which will provide those enrolled in the Tribe access to federal finances for tribal government, as well as cultural, education, health care, and housing programs. Now is the time to recognize the Duwamish people. I encourage my colleagues to support this legislation.

HONORING NATIONAL TRUCK DRIVER APPRECIATION WEEK

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. MICA. Mr. Speaker, I rise today in recognition of National Truck Driver Appreciation Week. I want to commend America's 3.2 million professional truck drivers who serve our nation by expediting commerce and goods essential to our homes and businesses.

One out of every fifteen people across the country are employed in the trucking industry, making it one of the nation's largest employers. The trucking industry is responsible for nearly 68 percent of the total U.S. freight tonnage and over 80 percent of communities rely solely on it for their goods and commodities. This industry is fundamental to our economy.

America's truck drivers are dedicated to keeping our highways safe. They follow stringent safety regulations, attend frequent training programs and educate the motoring public to help keep our highways and interstates safe.

While regulation of transportation commerce and safety is necessary, we need to be careful

we do not over-regulate and harm such a vital industry. We need to allow these dedicated and hard working professionals to perform their jobs with the support of our government and without unnecessary government interference.

This week I join my colleagues in extending a warm thank you to them and to their families for the sacrifices they make each and every day for this country.

Today, I honor these wonderful Americans for their dedication and service rendered to our nation's economy and for delivering everyday life's essentials safely and securely.

PATRIOT GUARD RIDERS—STANDING FOR THOSE WHO STOOD FOR US

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. POE of Texas. Mr. Speaker, to be a member of the United States military is a gift, a sacrifice and it is an honor. Theodore Roosevelt said: "No man is worth his salt who is not ready at all times to risk his well-being, to risk his body, to risk his life, in a great cause." Every day our warriors risk their lives, and today I would like to pay tribute to a special group of at home warriors who stand for those fallen heroes who stood for us. They are known as the Patriot Guard Riders.

The Patriot Guard Riders are a group of motorcyclists who pay tribute to those who have died serving our country. Their mission is to attend the funeral services of fallen soldiers; upholding President Roosevelt's belief that brave soldiers who gave the utmost sacrifice for their country deserve respect and reverence during their final tribute.

Each of the riders missions have two objectives, to show sincere respect for America's fallen heroes, their families, and their communities; and to shield the mourning family and their friends from interruptions caused by protesters. They have the patriotic understanding that each of America's fallen heroes deserves respect.

Decked out in leather, wearing shades and bandanas, waving Old Glory and riding 500 plus pounds of steel, the Patriot Guard Riders are a terrifying but inspiring looking bunch. They have nicknames like Bronco, Dark Horse, Puddles and Wild Bill. They are right thinking Americans with big hearts.

The Guard is activated each time the military reports the death of a soldier in Iraq or Afghanistan. This nationwide organization of volunteers is very efficient. State Captains send out e-mails to members in the city where the soldier will be buried, and everyone jumps into action. They ensure that streets along the funeral procession are lined with American flags. Each mission is accomplished through legal and non-violent means. If protestors are present and become loud, the Patriot Guard Riders form a flag line, turn their backs on protestors, and will even drown the sound of the protestors by singing and reciting the Pledge of Allegiance.

One involved Patriot biker, Rich "Boomer" Ford, a former Navy SEAL who served in Viet-

nam, is a retired Deputy State Captain and Road Guard Captain for the Texas Patriot Guard Riders. He is the man in charge of the "missions." If you ask Boomer why he rides, he will tell you that he remembers the lack of respect received when returning home from Vietnam. He wants to make sure that doesn't happen to these brave men and women. Boomer feels that each "mission" recognizes and honors the hard work our soldiers are doing for us overseas. These men and women like Boomer, who volunteer their time to help guard our Nation's heroes should be forever remembered for their honor and dignity.

I commend the Patriot Guard Riders for riding for our soldiers whose lives were given in pursuit of a great cause, American freedom. I am proud to recognize these angels on bikes with hearts bigger than Texas. They show their respect for our troops, their families, and our community in an honorable way, one funeral at a time. They make a difference and represent all that is right and good in America. And that's just the way it is.

REMEMBERING COLONEL DAVID A. MCCrackEN OF NEW CASTLE, PENNSYLVANIA

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. ALTMIRE. Mr. Speaker, I rise to celebrate the achievements of Colonel David A. McCracken, a graduate of the Army ROTC program at Indiana University of Pennsylvania and a native of New Castle, Pennsylvania, who passed away on September 2, 2011 after a battle with brain cancer.

I, along with all Americans, am extremely grateful for his brave and honorable service in the United States Army during such an important period in our Nation's history.

Colonel McCracken's awards and decorations include the Defense Meritorious Service Medal, Meritorious Service Medal, the Army Commendation Medal with one oak leaf cluster, the Army Achievement Medal, the Army Reserve Components Achievement Medal with one silver and one bronze oak leaf cluster, the National Defense Service Medal with bronze star, Armed Forces Expeditionary Medal (Bosnia), Iraq Campaign Medal, Global War on Terrorism Medal, Armed Forces Reserve Medal with an "M" device, Army Service Ribbon, Overseas Service Ribbon, Army Reserve Components Overseas Training Ribbon, NATO Medal and Army Engineer Associations and the Bronze DeFleury Medal.

His career was celebrated and his bravery unflagging, even as he received treatment for cancer. His service is an example of courage, dedication, and the values that make western Pennsylvania and our country great.

Our prayers, gratitude, and condolences go to his family in New Castle: his parents Theo and Laura McCracken, as well as his wife of 15 years, Tammy, sons, PFC Tyler Hindley and Connor, and daughter Maitlin.

9/11 IMPACTS ON INTERNATIONAL BUSINESS TRENDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. MANZULLO. Mr. Speaker, I am honored to present to my colleagues a succinct academic analysis written by Dr. Michael Czinkota of the McDonough School of Business at Georgetown University, and his fellow professors, Gary Knight and Gabriele Suder, regarding their analysis of the impact of 9/11 on the international business climate and the trends in globalizations. In light of the 10th anniversary of the terrorist attacks on the United States, I commend to you their observations.

TERRORISM AND INTERNATIONAL BUSINESS—LOOKING BACK AND STRIVING FORWARD

(By Michael R. Czinkota, Gary Knight, and Gabriele Suder)

The airplanes of 9/11 forced countless multinational corporations (MNCs) to update their strategic planning. Our work with executives at more than 150 MNCs shows that ten years later, companies are still grappling with how best to manage the terrorist threat.

In the two decades before 2001, the rate at which firms launched international ventures was growing rapidly. After 9/11, foreign direct investment fell dramatically as firms withdrew to their home markets. The popularity of international-sounding company and brand names decreased appreciably as managers now emphasize domestic and local affiliations.

The tendency to reverse course on globalization has been accompanied by declining international education in the United States, as revealed by falling enrollments in foreign language and international business courses. In the past decade, managers shifted much of their focus from proactive exploration of international opportunities to a defensive posture emphasizing threats and vulnerable foreign operations.

In Europe, the radicalization of individuals and groups, motivated by ideology, religion or economic concerns, threatens local co-operation and social harmony. European business schools have benefited from tighter restrictions on international student enrollments in the U.S., but the focus of teaching has shifted from global to regional trade.

Another outcome of the terrorism threat has been a rise of public-private partnerships, in which governments and firms collaborate to counter them. For example, global police agencies now partner regularly with private firms to combat cyber crime and attacks on critical computer infrastructure. Governments and activist groups now use social media to organize campaigns fighting against threats ranging from dictators to disease. But nations also have begun to curtail social media when they are contrary to government interests.

The cost of protecting against terrorism is many billions, while terrorist spend millions or less on their actions. There are abundant opportunities for small groups to employ nonweapon technologies, such as aircraft, to cause massive harm. Though our capacity to protect key facilities has improved over time, the security focus on high-value assets

encourages terrorists to redirect their violence at "soft targets" such as transportation systems and business facilities. Greater security at home means attacks will increasingly take aim on firms' foreign operations.

Companies have placed more emphasis on terrorism risk considerations when choosing how to enter foreign markets. In the last century, foreign direct investment (FDI) was the preferred approach. But terrorism has shifted the balance. Now many more firms favor entry through exporting, which permits broad and rapid coverage of world markets, reduces dependence on highly visible physical facilities, and offers much flexibility for making rapid adjustments. In terms of economies of scale and transaction costs, FDI is generally superior, but the risks of exporting are judged to be lower. Markets tend to punish failure more harshly than they reward success, which makes risk-minimizing strategies more effective.

Skillful management of global logistics and supply chains cuts the risk and cost of downtime. Firms seek closer relations with suppliers and clients in order to develop more trust and commitment. Some have increased "on-shoring" by bringing suppliers back into the country when their remoteness constitutes risk.

Terrorism causes an organizational crisis whose ultimate effects may be unknown, and poses a significant threat to the performance of the firm. Corporate preparedness for the unexpected is a vital task. Innovative managers develop back-up resources, and plan for dislocations and sudden shocks with a flexible corporate response.

Terrorism is a public threat, and some managers believe government should bear the cost of protecting against it. Others argue that a public-private partnership is the most effective approach, with firms taking the lead. There is also the issue whether corporate headquarters or the locally exposed subsidiary should fund prevention and preparation expenditures. Regardless of who pays, everyone can agree on the need to guard against terrorism.

Every world region is vulnerable, and most attacks are directed at businesses and business-related infrastructure. Terrorism requires decision-making and behaviors that support vigilance and development of appropriate strategies. Managers who fail to prepare run the risk of weaker performance or even loss of the firm. While we can no longer choose the lowest cost option, ten years after 9/11 companies are more aware, less exposed, and less vulnerable to the risk of terrorism. But in the next ten years comes the really big task: What can and should we do collectively and individually to reduce the causes of terrorism.

CONSTITUTION DAY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in commemoration of Constitution Day, as this past weekend we celebrated 224 years since this nation's founders first signed the hallowed document that governs our nation to this day.

The beauty of our Constitution is that it is a living document. When the Constitution was

written, women were not permitted to own property, vote, or attend many institutions of higher learning. Today, women are earning doctorate degrees at higher rates than men, serving as CEOs of Fortune 500 Companies, and even as Cabinet Secretaries.

But even with this solemn document to guide and govern our nation, women today still earn less than their male counterparts, and minority women even less. Women are more likely to be living in poverty and without healthcare. Women still only make up 17 percent of the current Congress.

As we continue to build on women's rights in this country, we are standing on a firm foundation in the Fourteenth Amendment. As we celebrate Constitution Day, women especially must remember how far we've come—and how far we still have to go.

HISPANIC HERITAGE MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. BACA. Mr. Speaker, I rise today in recognition of Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the culture of the United States.

Today, Hispanics make up 16.3% of the total United States' population—that's nearly 50.5 million people.

Their buying power was \$1 trillion in 2010, and is expected to reach \$1.5 trillion by 2015.

Hispanic-owned business grew between 2002 and 2007 by 44%—and these businesses generated \$345.2 billion in sales in 2007 alone.

Hispanics are involved with every aspect of our culture—from science, to sports, business, government, and the arts.

They will continue to contribute to our nation economically, culturally, and politically.

This is why it's vital to make the correct choices when it comes to immigration.

Here in Washington, we need a bipartisan effort to make comprehensive immigration reform a reality.

As Members of Congress, we must work for a stronger United States—a nation that recognizes diversity and embraces it.

HONORING CORPORAL MICHAEL JOSEPH DUTCHER FOR HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Corporal Michael Joseph Dutcher of Asheville, North Carolina for his valiant service in the United States Marine Corps. The sacrifices Corporal Michael Joseph Dutcher made will not be forgotten as he put his country above his own needs, serving to fight for freedom.

Born on November 21, 1988, Cpl. Dutcher grew up in Asheville, North Carolina. At Ashe-

ville High School, Cpl. Dutcher was involved in band, wrestling, and ROTC. Immediately after graduation, Cpl. Dutcher enrolled in the Marine Corps on June 18, 2007. Cpl. Dutcher served in Bravo Company. He served 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, including a tour of duty in Afghanistan. His personal service awards include the Purple Heart, Combat Action Ribbon, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, Sea Service Deployment with three Bronze Stars, Marine Corps Good Conduct Medal, Global War on Terrorism Service Medal, National Defense Service Medal and NATO Medal ISAF-Afghanistan.

Cpl. Dutcher was a Non-Commissioned Officer of Marines, regarded by his unit as a selfless leader who always put the well-being of his fellow Marines above his own. In Afghanistan, his unit served at the tip of the spear in the Sangin District of Helmand Province, the site of some of the fiercest fighting in all of Afghanistan. On September 15, 2011, he gave his life while leading his Marines from the front against enemy forces.

Mr. Speaker, Cpl. Dutcher embodied the most essential qualities of a United States Marine. He was selfless, dedicated, and brave. He is remembered as a man who had a tremendous impact not only on his fellow Marines, but also on his family, friends, and community. Through his exemplary service in Afghanistan, Cpl. Michael Joseph Dutcher has brought pride to Western North Carolina. It is truly my honor to commemorate him and I urge my colleagues to join me today in honoring the life of Cpl. Michael Joseph Dutcher for the sacrifices he made for our country.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,711,870,126,618.47.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,073,444,380,324.67 since then. This debt and its interest payments we are passing to our children and all future Americans.

CORRESPONDENCE WITH PRESIDENT OBAMA ON THE AFGHANISTAN/PAKISTAN STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. WOLF. Mr. Speaker, I have been writing President Obama and administration officials since August 2010 outlining my concerns about the progress of the war in Afghanistan and asking that an Afghanistan/Pakistan Study

Group be established to engage outside experts to bring fresh eyes to U.S. strategy in South Asia.

It's now over a year later and the administration continues to balk at any suggestion for such a panel to be formed. Yet we continue to read headlines every week reporting about casualties among our brave troops and stepped up attacks by the Taliban, including assassinations of Afghan leaders.

I firmly believe that success in South Asia requires a complete reexamination of U.S. policy with both Afghanistan and Pakistan. Establishing the Af/Pak Stud Group will demonstrate that U.S. political leaders and government officials are willing to take whatever steps necessary to ensure we have the best strategy for long-term success in South Asia.

I will begin today to insert in the RECORD my correspondence with the administration on this matter. My letter of August 4, 2010, to the president follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2010.

Hon. BARACK H. OBAMA,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by that decision and have the utmost confidence in General Petraeus's proven leadership. I also remain unequivocally committed to the success of our mission there and to the more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as “fresh eyes on the target”—the target being success in Iraq.

While reticent at first, to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of “the surge,” and the

ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a moment of truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APG). We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year, and they were joined by 12 members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's “State of the Union,” candidly expressed concern about an “unholy alliance” emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign Wars National Convention, you rightly said, “Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people.” Indeed it is fundamental. We must soberly consider the implication of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISO co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter; former U.S. ambassador Ryan Crocker, former Secretary of Defense James Schlesinger, and General Keane. These names are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be suc-

cessful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past weekend, it was unsettling to hear conflicting statements from within the leadership of the administration that revealed a lack of clarity about the endgame in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation's longest running war and the American people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from attaining that goal. Further, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit.

Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war will embrace this “fresh eyes” approach. Like the previous administration's support of the Iraq Study Group, which involved taking the group's members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after Americans around the country will once again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities was forever changed, when a symbol of America's military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group's creation at the earliest possible opportunity.

The ISO's report opened with a letter from the co-chairs that read, “There is no magic formula to solve the problems of Iraq. However, there are actions that can be taken to improve the situation and protect American interests.” The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, oftentimes opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true.

Best wishes.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm's way and to the American people.

100TH ANNIVERSARY OF THE
REPUBLIC OF CHINA (TAIWAN)**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. QUIGLEY. Mr. Speaker, on October 10, the Republic of China (Taiwan), will celebrate its 100th anniversary as a nation.

One hundred years ago, on October 10, 1911, Dr. Sun Yat-Sen and his Revolutionary Alliance ended China's rule of Taiwan.

Since then, Taiwan has proven itself a beacon of democracy and freedom for the global community.

Taiwanese leaders have consistently and peacefully transferred power amongst each other, and its residents act in ways that embody democratic philosophies and principles.

I am proud to call Taiwan a friend and ally, and I hope that my colleagues will join me in recognizing the Taiwanese people and their century of accomplishments.

As a friend, I happily extend my congratulations to Taiwan on its upcoming 100th anniversary.

COMMENDING THE SERVICE OF
JUDGE LACY THORNBURG TO
WESTERN NORTH CAROLINA**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Judge Lacy Thornburg for more than fifty-five years of public service to our country and Western North Carolina.

Judge Lacy Thornburg was born in Mecklenburg County, North Carolina in 1929. After graduating from Huntersville High School, he served in the U.S. Army, graduated from Mars Hill College and received his law degree from The University of North Carolina at Chapel Hill.

Following his law school graduation in 1954, Judge Thornburg and his wife moved to Jackson County, North Carolina where he began a law practice with former Congressman David Hall. He became active in church, civic, and political affairs, holding offices in the Presbyterian Church, the Jaycees, the Lions, and the Young Democrats.

During Judge Thornburg's thirteen years as a practicing trial lawyer, he was elected to three terms in the North Carolina General Assembly. He was appointed as a Superior Court Judge in 1966 and served on the bench for sixteen years. Through his hard work and respect for others, Judge Thornburg was elected Attorney General of North Carolina in November of 1984 and served two four-year terms. As Attorney General, he personally argued three cases before the United States Supreme Court: *Riley v. National Federal of the Blind* in 1988, *N.C. Department of Transportation v. Crest St. Council* in 1986, and *Thornburg v. Gingles* in 1986.

In 1994, President Bill Clinton nominated Judge Thornburg as U.S. District Judge for the

Western District of North Carolina and he was confirmed by the 104th Congress on January 11, 1995. He served with distinction on the federal bench until his retirement in 2009.

It is an honor to represent selfless, hard-working public servants like Judge Lacy Thornburg. His devotion to public service is a great source of pride to me and to Western North Carolina. I ask my colleagues to join me today in recognizing Judge Lacy Thornburg for his lasting impact on Western North Carolina.

IN CELEBRATION OF FLORENCE
CONGREGATIONAL CHURCH**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. NEAL. Mr. Speaker, I would like to acknowledge the work of the Florence Congregational Church located in Florence, Massachusetts. It was originally a community church named "The Church of Christ in Florence." Its founders visualized it as the center of the abolitionist movement in the village, which was already an active station on the underground railroad, with its charter members being sympathetic to the movement. Its first settled pastor, Horace Carter Hovey, had been driven from his pulpit in Indiana because of his ardent opposition to slavery. Article nine of the church's bylaws, adopted on June 3, 1862, declared "our decided protest against the sin of slavery."

The church was dedicated on October 9, 1861, in the sixth month of the Civil War. The Reverend Hovey twice took a leave of absence to volunteer with the United States Christian Commission, serving troops on battlefields in Virginia. Meanwhile, members of the infant church sewed clothing for the soldiers and sent them "comfort bags" and food to supplement army rations.

During the 150 years that followed, fifteen successive pastors have served this faith community in Florence. The original twenty-six members increased to a peak of over 900 in the 1960s; subsequently membership settled at its current level of about 200.

The church has continued to function as a center of community life. Today it shares its facilities with the Cloverdale Cooperative Nursery School and Beit Ahavah, a reformed Jewish congregation. It hosts an AA chapter, regular public suppers, a Boy Scout troop, and a summer vacation bible school that draws children from the surrounding area. The present pastor, the Reverend Irvan A. Gammon, is deeply committed to his work with the Cancer Connection and to the community.

SUPPORT OF THE 100TH ANNIVERSARY OF THE FOUNDING OF THE
REPUBLIC OF CHINA (TAIWAN)**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to celebrate the 100th anniversary of the

founding of the Republic of China, also known as Taiwan, which will occur on October 10, 2011.

On October 10, 1911, revolutionaries led by Dr. Sun Yat-sen launched an uprising in Taiwan to overturn dynastic rule that prevailed in China for over two thousand years. The Provisional Government of the Republic of China was established, declaring the Republic of China (ROC) an independent and sovereign state and the first republic in Asia. Dr. Sun Yat-sen served as their first president. October 10th is now celebrated annually as ROC's national day, also known as "Double Ten Day."

In honor of the 100th anniversary of the founding of the Republic of China, we remember and celebrate the struggles the Republic of China faced in order to become a democratic republic state. We also acknowledge Dr. Sun Yat-sen's dedication to the principles of nationalism, democracy and the people's livelihood. Since its founding nearly a century ago, the Republic of China has undergone tremendous transformations and has matured into a free-market, multi-party democracy that plays key roles in the global economy and in maintaining regional peace and stability.

As a proud member of the Congressional Taiwan Caucus, I have had the privilege to travel to Taiwan this past May as part of a bipartisan delegation. I had the pleasure of meeting President Ma Ying-jeou and other government officials. I was strongly encouraged by their commitment to maintaining strong ties with the United States.

As we celebrate Taiwan's progress and development during the past century, we must also applaud their commitment to the ideals of freedom and democracy. I would like to congratulate the people of Taiwan for continuing in the traditions of Sun Yat-sen and maintaining the vibrant democracy that is a model for the entire world.

Mr. Speaker, I urge my colleagues to join me in honoring the Republic of China on the 100th anniversary of its founding.

RECOGNIZING JOHN D. WAGNER
ON HIS RETIREMENT FROM THE
TRI-COUNTY REGIONAL LABOR
COUNCIL, AMERICAN FEDERATION
OF LABOR—CONGRESS OF
INDUSTRIAL ORGANIZATIONS**HON. BETTY SUTTON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. SUTTON. Mr. Speaker, I rise today to acknowledge an individual who has tirelessly advocated on behalf of working families in my Congressional District.

John D. Wagner is a tenacious leader and has been a voice for workers in a career that spans several decades. As Executive Secretary-Treasurer of the Tri-County Regional Labor Council, John has worked to improve the lives of workers and promote the beliefs of organized labor so that working class families can have a fair shake. A member in good standing with the United Association of Plumbers & Pipefitters Local Union #219, John served as the Business Manager and administered the business operations and always

worked towards for best interests of its membership.

John has never ceased in his efforts to address the issues and reality of working Americans. He is a political force who does not waver in his belief that each and every American deserves decent, affordable health care and a secure retirement after a lifetime of hard work. His voice and actions have inspired many, and we are grateful for his willingness to stand up for good wages and benefits for the middle class.

Though he is retiring from the Tri-County Regional Labor Council, John will continue his service on the Barberton City Council, where he is highly regarded for his responsiveness to the concerns of the residents in Ward Three. I commend John on his service and I look forward to working with him to improve the quality of life for working families across Ohio.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated service of Mr. John D. Wagner as he retires from the Tri-County Regional Labor Council, American Federation of Labor—Congress of Industrial Organizations.

HONORING THE FRIENDS OF THE FRELINGHUYSEN ARBORETUM

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor The Friends of the Frelinghuysen Arboretum, located in Morris County, New Jersey, as they celebrate their 40th anniversary.

Originally a working farm and personal summer house, bequeathed to the citizens of Morris County, the property is now the Frelinghuysen Arboretum, dedicated in 1971.

In 1972, The Friends of the Frelinghuysen Arboretum was founded in an effort to support the projects of the arboretum. With the help of funding provided by the Friends, through events like their annual plant sale, the Arboretum is able to provide educational and interactive programs to people of all ages. One such program is the Branching Out Program. This initiative gives youth in the community a chance to roll up their sleeves and work a garden, learning about plants from the garden to the table. Due to the tireless dedication of the Friends of the Frelinghuysen Arboretum, programs like these enable community members to explore the natural beauty that lies in their own backyard.

Under the guidance of the Morris County Park Commission, its mission is to support and/or sponsor projects and educational programs that will provide opportunities to the public to expand their knowledge and enjoyment of horticulture and the natural world.

The Friends of the Frelinghuysen Arboretum is made up a dedicated group of men and women with a passion for horticultural and volunteerism. Though the Frelinghuysen Arboretum is their primary focus, the Friends also provide support to two other facilities within the Morris County Park Commission: Bamboo Brook Outdoor Education Center and the Willowood Arboretum.

It is with many great thanks to the Friends, that Morris County is able to offer such an invaluable resource to its citizens.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Friends of the Frelinghuysen Arboretum on their Fortieth Anniversary.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 714 on H.R. 2646. Had I been present, I would have voted "yea."

HONORING THE CARIBBEAN FESTIVAL COMMITTEE ON THEIR 25TH ANNUAL CARIBBEAN FESTIVAL AT PENN'S LANDING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Caribbean Festival Committee (CFC) on the occasion of their 25th Annual Caribbean Festival at Penn's Landing.

Since the Festival's inception, the CFC has focused on educating the Philadelphia region on the beauty and culture of the Caribbean and creating greater awareness of the significant contributions people of the Caribbean have made.

In addition to the cultural outreach and education the CFC and the Caribbean Festival provide, the CFC is dedicated to bettering their community. Proceeds obtained from annual events are used for a variety of charitable outlets. The CFC has used these proceeds to aid to hurricane victims and bereavement support in the Caribbean/American Community. Also, the CFC has awarded scholarships to Caribbean and Caribbean/American students attending two or four year colleges. To date, over 125 scholarships have been awarded to deserving students.

For 25 years, the Caribbean Festival Committee has been dedicated to educating the Philadelphia region on Caribbean culture, and providing outreach to the area's Caribbean/American community. I ask that you and my other distinguished colleagues join me in thanking the Caribbean Festival Committee for all they have done to improve and enrich the lives of many people in Philadelphia and beyond.

CONGRATULATING SABIC INNOVATIVE PLASTICS MOUNT VERNON FACILITY FOR RECEIVING THE NATIONAL POLLUTION PREVENTION ROUNDTABLE'S MVP2 PROJECT AWARD

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to congratulate the SABIC Innovative Plastics facility in Mount Vernon, Indiana as recipient of the National Pollution Prevention Roundtable's MVP2 Project Award. SABIC Innovative Plastics is one of the largest producers of thermoplastics, glycols, methanol and fertilizers and this award is testament to its facilities dedication to pollution prevention.

The project garnering this award recovered and commercialized sodium nitrate. This initiative reduced water use by 19 million gallons and carbon dioxide generation by 10 million pounds for a combined savings of \$4.45 million annually.

I am proud to have the global headquarters of SABIC in our district and their commitment to environmental sustainability should be commended. Mr. Speaker, I ask my colleagues to join me in congratulating the Mt. Vernon SABIC Innovative Plastics facility for receipt of the MVP2 Project Award.

TRIBUTE TO HONOR FLIGHT OF EASTERN OREGON AND HONOR FLIGHT OF PORTLAND, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. WALDEN. Mr. Speaker, I rise to recognize the 47 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, DC through Honor Flight of Eastern Oregon and the newly created Honor Flight of Portland, Oregon. On behalf of a grateful state and country, we welcome these heroes to the Nation's Capital.

The veterans on this flight from Oregon are: Elmer Beickel, U.S. Navy; Hayes Bickford, U.S. Navy; John Cleveland, U.S. Navy; Charles Decker, U.S. Navy; Leon Devereaux, Jr., U.S. Navy; Melvin Elder, U.S. Navy; Robert Ervin, U.S. Navy; Roice Fulleton, U.S. Navy; Robert Heisey, U.S. Navy; Dale Herbert, U.S. Navy; James Ogle, U.S. Navy; Edward Rose, Jr., U.S. Navy; Willard Rudd, U.S. Navy; Cameron Seitz, U.S. Navy; Russell Williams, U.S. Navy; Glen Winkler, U.S. Navy; Peter McNab, U.S. Navy; Henry Campuzano, U.S. Army; Vyvyan Clift, U.S. Army; James Dorgan, U.S. Army; Neil Farnham, U.S. Army; Howard Heimbuch, U.S. Army; James Howard, U.S. Army; Charles Keim, U.S. Army; Gerald Mattox, U.S. Army; William McCluhan, U.S. Army; Elliott Preble, U.S. Army; Erwin Regan, U.S. Army; James Sehorn, U.S. Army; Darrell Thompson, U.S. Army; Donald Thompson, U.S. Army; Clayton Vincent, U.S. Army; Patsy Seaman, U.S. Women's Army Corps;

Bernard Anderson, U.S. Army Air Forces; Lee Berry, Jr., U.S. Army Air Forces; T. Carl Juhl, U.S. Army Air Forces; Jack Lewis, U.S. Army Air Forces; Robert Marble, U.S. Army Air Forces; Frank Ramirez, U.S. Army Air Forces; Walter Seaman, U.S. Army Air Forces; Gilbert Sharp, U.S. Army Air Forces; Dewey Thomas, U.S. Army Air Forces; Delbert Stafford, U.S. Army Air Forces; Donald Foelker, U.S. Marine Corps; Charles Porter, Jr., U.S. Coast Guard; Wayne Carlson, U.S. Merchant Marine; Paul Kirk, U.S. Merchant Marine.

These 47 heroes join more than 63,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, DC to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen, mariners and one Marine who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today. I will be hosting a special forum on Capitol Hill on Friday for these highly distinguished Americans, and I'm very eager to thank them all in person.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Eastern Oregon and Portland, Oregon for their exemplary dedication and service to this great country. I especially want to recognize Dick Tobiason, a U.S. Army veteran, and the Bend Heroes Foundation whose tireless work will result in over 100 WWII veterans from Oregon visiting the memorials and U.S. Capitol.

HONORING CAPTAIN B.G.
"SHAKEY" HOLDER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise to honor the service of an outstanding public servant in the 24th Congressional District of Texas. Firefighter Captain B.G. "Shakey" Holder is a hardworking, family-oriented individual who has served the Irving area selflessly throughout his personal and professional life. Captain Holder is retiring after 56 years of public service with the city of Irving.

Captain Holder has been married to his wife, Virginia "Ginger" Holder, for 19 years. They have a wonderful family of five children, seven grandchildren, and two great-grandchildren. His daughter, Cindy Jeffery, describes him as a man that "just gives to all."

"Shakey" joined the Irving Fire Department on December 1, 1955. Since then, he has become a well-respected officer who has mentored many young firefighters. Over the last 30 years, he has been assigned to two important positions: working at Irving Fire Station 2 and serving as captain of Fire Station 1.

A strict routine of great health practices allowed Captain Holder to perform his tasks at the highest possible level of skill, which helped him as the lead man for his shift's Swift Water

Rescue Team. His commitment to conditioning, training, firefighting, and enjoying life has been a leading example to all the members of the Irving Fire Department.

In 2005, Captain Holder was honored with a Texas State Proclamation and the city of Irving declared December 1st "Shakey Holder Day" in recognition of his outstanding service. In 2006, Captain Holder received The "Shakey" Gene Holder Lifetime Achievement Award, named after him for his lifetime dedication to the Irving Fire Department as a front-line firefighter. In 2010, he received the Fire Chief Award, and in the spring of 2011, the captain was recognized at the Texas State Capital for his 55 years of service.

On behalf of the 24th Congressional District of Texas, I ask my colleagues to join me in thanking Captain Holder for his years of public service to the city of Irving.

PERSONAL EXPLANATION

HON. BENJAMIN QUAYLE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. QUAYLE. Mr. Speaker, yesterday, September 20, 2011, I missed rollcall votes numbered 712, 713, and 714. Had I been present, I would have voted "aye" on H.R. 2944, the United States Parole Commission Extension Act of 2011, "aye" on H.R. 2189, the Death in Custody Reporting Act of 2011 and "aye" on H.R. 2646, to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

ON THE REPEAL OF "DON'T ASK,
DON'T TELL"

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to voice my strong support for the repeal of "Don't Ask, Don't Tell."

Today, we are one step closer to our nation's promise of liberty and justice for all people. The repeal of this misguided policy has ensured that our country's laws are applied equally and that gay, lesbian, and bisexual service members will no longer have to lie about who they are in order to serve their country. It will also enhance our national security.

As a member of the House Appropriations Defense Subcommittee, I believe that one of my most important jobs is to ensure that the U.S. armed forces remain the best equipped, best prepared, and most powerful in the world. By sending home more than 13,500 motivated and qualified patriotic service members since 1994, who were willing and fit to serve this country, "Don't Ask Don't Tell" has without a doubt weakened our military. I was privileged to have had the opportunity to vote in favor of its repeal.

Today, all those in our society who are ready, able, and willing to serve in the U.S. military will be guaranteed their right to do so. The U.S. Constitution, specifically the 14th Amendment, requires the government to apply our laws equally. Now, only negative conduct, not one's sexual orientation, will be grounds for dismissal from our nation's military. Investing many millions of dollars to train these individuals and then dismissing them, in the absence of bad conduct, has wasted many millions of precious taxpayer dollars and compromised our national security.

As we celebrate this major milestone, many formerly discharged service members will re-enter the armed services to serve alongside their friends and military family. We must ensure that the U.S. military treats all of our service members equally. Gay, lesbian, and bisexual individuals must have access to the same rights as their heterosexual peers. Anything less is unacceptable and utterly un-American.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. RYAN of Wisconsin. Mr. Speaker, due to a death in my family, I was absent for legislative business on Tuesday, September 20, 2011. As a result, I missed rollcall votes 712-714. Had I been present, I would have cast the following votes: Rollcall 712-H.R. 2944, On Motion to Suspend the Rules and Pass, "yes"; rollcall 713-H.R. 2189, On Motion to Suspend the Rules and Pass, "yes"; rollcall 714-H.R. 2646, On Motion to Suspend the Rules and Pass, as Amended, "yes."

CELEBRATING THE RELOCATION
OF METROCREST SOCIAL SERVICES
RESALE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. MARCHANT. Mr. Speaker, it gives me great pleasure to celebrate the relocation of the Metrocrest Social Services Resale facility. From its humble beginnings in 1971, this organization has exemplified charity and service throughout its rich history in the Metrocrest community.

Metrocrest Social Services opened its doors in Farmers Branch as the TRUTH House, serving underprivileged teens. By 1984, the nonprofit organization changed its name to Metrocrest Social Services and expanded its operations, volunteer base, and geographic areas served. Today, Metrocrest Social Services has established itself as a vital part of the Metrocrest community, providing emergency assistance and beneficial programs to move families toward self-sufficiency. Metrocrest Social Services serves the residents of Carrollton, Farmers Branch, Addison, Coppell and parts of Dallas. During 2010, the organization assisted 12,052 individuals with one or more services.

In 1989, the first Metrocrest Thrift Store opened in the Old Carrollton Square to help people receive clothing, household goods, and support. In 2002, the Thrift Store relocated to Beltline Road and Josey Lane. The new 8,238 square foot Metrocrest Resale facility, located at Midway Road and Trinity Mills Road, will continue to support day-to-day operations of Metrocrest Social Services and its mission to prevent homelessness in the Metrocrest community.

Mr. Speaker, it is an honor to recognize Metrocrest Social Services as they relocate their Resale facility. I ask all of my distinguished colleagues to join me in commending Metrocrest Social Services for its faithful service to our community.

**SUPPORT FOR THE NATIONAL
BREAST CANCER COALITION'S
BREAST CANCER DEADLINE 2020**

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. MOORE. Mr. Speaker, I have pledged my strong support for the goals of the National Breast Cancer Coalition's, NBCC, newly launched initiative, Breast Cancer Deadline 2020, and I encourage all of my colleagues—on both sides of the aisle—to join me. This initiative represents an historic commitment to dedicating the resources, expertise, and strategic planning we need to end breast cancer, once and for all. Breast cancer has affected too many of my constituents, family members, and friends to count, and caused far too much heartache. We can no longer tolerate stagnant rates of incidence and mortality. We must generate the will, and the investment we need, to eliminate breast cancer within the next decade.

The National Breast Cancer Coalition assures us that this goal is within reach, but it will require strategy and wisdom to attain. That is why NBCC has developed a multi-faceted strategy that has the potential to deliver the results we have been waiting for. The Breast Cancer Deadline 2020 plan includes a strong focus on science and research, with an emphasis on metastasis and primary prevention. The plan also includes a role for government; key players will convene to identify the most effective role for government to play in supporting research and health care. NBCC will release annual progress reports on the state of its work, and set forth guidance for the coming year. Alongside these strategic efforts, NBCC will engage in a large-scale effort to change the conversation surrounding breast cancer and engage the public to build momentum for the campaign.

NBCC's Breast Cancer Deadline 2020 campaign holds the promise of a new and improved approach to ending breast cancer. This is not an easy task, but with this kind of renewed energy and commitment, I have faith that we can get the job done. I know that the National Breast Cancer Coalition will wage a smart, well-organized fight in the next few years. I look forward to doing whatever I can to lend my voice and support for this campaign.

**THE OVARIAN CANCER
AWARENESS RESOLUTION**

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. DELAURO. Mr. Speaker, I rise today in support of this important bipartisan resolution that will help to raise awareness of the warning signs for ovarian cancer. This is an important vote that, put simply, will save lives of women across the country.

While we have made considerable progress in recent years in the war against cancer, thanks to the hard work of biomedical researchers at NIH and elsewhere, ovarian cancer has been a stubborn enemy. It remains the fifth most common cancer among women, and one I myself suffered from 25 years ago. It causes more deaths than any other female reproductive cancer. More than 15,000 of our friends and family are expected to perish from it this year.

Perhaps the saddest thing about these grim numbers is that some of these deaths are readily preventable. We know that women who catch their ovarian cancer at an earlier stage are over three times more likely to survive the disease than those who do not. Sadly, over 60% of the women diagnosed with ovarian cancer between 1999 and 2006 fell into this latter category.

That's why it is so important that we pass this resolution, and continue to help raise awareness about ovarian cancer. Of course, there are other steps we should also take. We need to re-fund Johanna's Law this year, which, despite strong bipartisan support, was zeroed out in the 2011 budget. And we need to continue to support the congressional-directed medical research program for ovarian cancer research at the Department of Defense, which was cut by 20% in the House's 2012 Defense Appropriations Bill.

But today, we can do our part by standing up against ovarian cancer, and passing this resolution. Cancer is indiscriminate. It does not care about your age, your family, your sex, your race, your religion, or your political party. It reminds us that we are all human and vulnerable. And that we must all come together—man and woman, young and old, Democrat and Republican—to fight it on every front.

I urge my colleagues to support this resolution, and to help put an end to deaths from ovarian cancer.

**CONCERNS REGARDING "EX-
TRAVAGANT AND WASTEFUL"
SPENDING AT THE DEPARTMENT
OF JUSTICE**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. WOLF. Mr. Speaker, I submit a letter that I sent to Attorney General Holder on the report by the Office of Inspector General on the "extravagant and wasteful" spending on conference planning and refreshments.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 20, 2011.

Hon. ERIC H. HOLDER, Jr.,
*Attorney General, U.S. Department of Justice,
Washington, DC.*

DEAR ATTORNEY GENERAL HOLDER: I was deeply concerned to read the Audit of Department of Justice Conference Planning and Food and Beverage Costs, which was released today by the Office of the Inspector General. This report details the Acting Inspector General's finding that DOJ spent more than \$120 million on 1,832 conferences over two years, including "extravagant and wasteful" spending on food and beverages.

In one egregious example that occurred during your tenure as Attorney General, the Department spent \$16 on each of 250 muffins served at an Executive Office for Immigration Review conference. In another case, the audit found that neither the Office of Justice Programs nor the Office on Violence Against Women required event planners to track and report salary and benefit costs on contracts totaling more than half a million dollars.

As Chairman of the House Appropriations subcommittee that funds the Justice Department, I am troubled about the financial mismanagement that has taken place at the Department during the same period in which this country has weathered a severe recession and a tenuous economic recovery. It is clear that while American taxpayers were tightening their belts and making difficult financial decisions, the Department was splurging on wasteful snacks and drinks as well as unnecessary event planning "consultants."

Over the last year, the House Appropriations Committee has had to make difficult choices about deep spending reductions to reflect the austere budget environment. Appropriations for the Department were reduced by 2.8% overall in fiscal year 2011, and are reduced by another 3.4% in the House-reported bill for fiscal year 2012, a total reduction of more than \$1.7 billion over two years.

Clearly there is still more work to be done to address wasteful spending at the Department. I expect you and other Department officials to immediately address the OIG's recommendations, and renew efforts to root out and eliminate wasteful spending practices such as those detailed in this report.

Sincerely,

FRANK R. WOLF,
Chairman, House Subcommittee on Commerce, Justice, Science and Related Agencies.

**REINTRODUCTION OF THE RE-
STORING PROTECTION TO VIC-
TIMS OF PERSECUTION ACT**

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. STARK. Mr. Speaker, I rise with my colleague, Mr. MORAN of Virginia, to reintroduce the Restoring Protection to Victims of Persecution Act, a bill that would end the practice of barring asylum claims by those who have been in our country for more than a year.

In 1996, this one-year bar to asylum was enacted as a way to prevent fraudulent claimants from being granted asylum. Sixteen years

later, there is no evidence to show that deadlines of this nature are effective in preventing fraud. Rather, the implementation of this law has resulted in the return of refugees to countries where they face persecution because of their gender, religion, nationality, or political involvement.

Although the law includes exceptions to excuse those who are determined to have valid reasons for applying for asylum after one year, adjudicators routinely deny applicants who meet these exceptions. People who are attempting to care for their children, hide from their abusers, cope with past trauma, and deal with the challenges of surviving in a new country are repeatedly and arbitrarily denied asylum status because of missing the one-year deadline.

Once denied, an applicant has only two other possibilities for safety: to petition for withholding of removal or to seek protection under the Convention Against Torture. Both these forms of relief demand an applicant surmount a much higher standard of proof than asylum and do not allow reunification with family members or provide them permanency.

Everyone in Congress can agree that our immigration system is overwhelmed with a massive backlog of cases and in desperate need of reform. The one-year deadline only adds to this amassment of immigration cases and leads to government waste. More importantly, this law is hurting the very people we ought to be helping. This is a human rights issue that must be addressed as quickly as possible, and I implore my colleagues to support this desperately needed legislation.

CELEBRATING THE 100TH ANNIVERSARY OF MADISON AREA TECHNICAL COLLEGE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Ms. BALDWIN. Mr. Speaker, I rise today in celebration of the 100th anniversary of Madison Area Technical College and to honor the education and enrichment this institution brings to the people of Wisconsin.

Madison College was founded in 1912 and quickly gained the reputation of a prestigious technical and community college. The technical school offers associate degrees, professional certificates, and specialized vocational training that reaches far beyond the walls of its main campus in Madison. The ability to receive specific training in 140 pertinent and growing career fields from a technical college is essential to the success of our community, especially in the tough economic times we find ourselves in today.

Madison College's vision is to transform lives, one at a time. This vision holds true from the Madison campuses all the way to each of the regional campuses in Fort Atkinson, Portage, Reedsburg, and Watertown. The skills students gain while attending the institution provide them with the tools to be successful in their future endeavors. The class size of only 20 students allows students and dedicated instructors to form a close bond, enhancing the educational experience.

The mission of the institution is to provide "accessible, high-quality learning experiences that serve the community." Madison College's affordable tuition, financial aid, and scholarship opportunities ensure students from all backgrounds can receive the education they deserve. Further, the Transfer U program allows students to gain the first two years of general education requirements and continue on for a bachelor's degree at another college or university, including the University of Wisconsin-Madison. This program saves the student an average of \$11,000 in tuition each year. The technical college is also recognized as a state leader in delivering specialized training for future employees and nearly 90 percent of graduates find employment within 6 months of matriculation.

Not only does Madison College deliver a high-quality education to its students, but it also provides a fun and well-rounded college atmosphere. There are many student activities, campus events, and athletics that students can participate in to enrich their experience. Through its educational and community programs, Madison College serves approximately 42,000 people each year.

Madison College has effectively promoted its values of excellence, respect, and integrity over the past 100 years and will undoubtedly continue to do so in the future. I proudly join those across South Central Wisconsin, the entire state of Wisconsin, and this great Nation in celebrating the 100th anniversary of Madison Area Technical College and in thanking the many instructors, administrators, and students that make this institution such an outstanding place.

HONORING THE INSTITUTE OF TRANSPORTATION STUDIES AT UC DAVIS OF DAVIS, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Institute of Transportation Studies (ITS) at the University of California, Davis. ITS-Davis is the world's leading university research center on sustainable transportation. Through research, education, outreach, and the use of advanced models and analytical techniques, the Institute develops business and public-policy strategies for a healthy transportation future.

When ITS-Davis was established in 1991, alternative fuels and vehicles were nowhere near commercial reality. California's Zero Emission Vehicle mandate had just been adopted. Hybrid cars were the stuff of dreams.

Founding director Dr. Daniel Sperling, a UC Davis engineering professor, wanted to build an academic institute where several academic worlds—engineering, social science and public policy—would merge; where modelers and lab technicians shared ideas with consumer-behavior and marketing experts; and where academia engaged with industry and government to craft creative real-world solutions to help

transport people and goods to make the world a better place.

Today, the Institute is the world's leading university center on sustainable transportation. It has more than 60 affiliated faculty and researchers, 125 graduate students, and \$12 million in annual research funding. ITS-Davis has redefined transportation research with its unique multidisciplinary approach encompassing transportation technology, fuels, basic science, human behavior and public policy.

At the core of ITS-Davis' success are its strong partnerships with the automobile and energy industries; governments here and abroad; and the environmental community. Together they integrate research with university and public education, for the benefit of all of us.

The Institute has been an innovative and inspirational leader in helping California and the nation envision, develop and implement pioneering public activities that unite transportation stakeholders in reducing greenhouse gas emissions. Those include: California's Assembly Bill 1493, which required rules to reduce greenhouse gas emissions from cars and light-duty trucks (2002); the Global Warming Solutions Act of 2006 (AB32), which set goals to cut emissions statewide to 1990 levels by 2020; the Low Carbon Fuel Standard (2007); the Sustainable Communities Planning Act (SB 375), intended to reduce the vehicle miles an average family travels (2008); the Plug-In Hybrid Electric Vehicle Research Roadmap (2011); and the U.S. Low Carbon Fuel Standard, which is now nearing completion.

Throughout, the Institute has been an essential partner to our federal agencies, working on cleaner systems, fuels and vehicles with scientists and policy planners at the U.S. Departments of Transportation, Energy and Agriculture, and the U.S. Environmental Protection Agency.

We also benefit from the Institute's work as forum leader and collaboration builder. Earlier this month, ITS-Davis hosted the 13th biennial Asilomar Conference for the U.S. Transportation Research Board of the National Academies. This is the highest-caliber international conference dedicated to transportation-sector energy issues. The Asilomar meeting exemplifies how the Institute's inclusive approach creates the basis for constructive long-term dialogue.

Our country's transportation future shows great promise, in part because of what ITS-Davis has accomplished over the past 20 years. After 100 years of reliance on the internal combustion engine, today we see hybrid gasoline-electric vehicles everywhere, with plug-in electric vehicles coming up fast. On the horizon are vehicles powered by biofuels, electric batteries and hydrogen; intelligently planned cities where walking replaces driving; and transit networks that let us travel between communities quickly and cleanly.

Mr. Speaker, it is appropriate at this time for us to congratulate and thank the faculty, students, staff and supporters of the Institute of Transportation Studies at UC Davis, who have done so much to ensure that our transportation options are sustainable and secure. We wish them continued success in their second 20 years.

RECOGNITION OF DR. CYNTHIA D. STARR

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. SIREs. Mr. Speaker, today, I am pleased to recognize Dr. Cynthia D. Starr and her contributions to the medical field and the New Jersey community. On October 29, 2011, Dr. Starr will be honored by Warren Hospital at their 30th annual Foundation Gala for her forty years of dedicated service to her community in the field of hematology and oncology.

Born in Jersey City, New Jersey, Dr. Starr graduated from the Chicago School of Medicine prior to an internship, residency, and fellowship at Montefiore Hospital in Bronx, New York where she mastered internal medicine, hematology, and oncology. Dr. Starr then continued her career in private practice and as an active member on the Warren Hospital staff in Phillipsburg, New Jersey, where she has specialized in hematology and oncology for the past four decades. Additionally, Dr. Starr is a consulting staff member to Easton Hospital in Easton, Pennsylvania and a founding member of the Karen Ann Quinlan Hospice.

During her time at Warren Hospital, Dr. Starr has served as Chairperson of the Warren Hospital Tumor Board and Chairperson of the Warren Hospital Pharmacy and Therapeutics Committee. She continues to serve as Chairperson of the Warren Hospital Cancer Committee and as a member of the Warren Hospital Transfusion Committee. Her recognition on October 29th will be the latest of several honors Dr. Starr has been bestowed throughout her career. She has been elected President of Warren Hospital Medical Staff, elected by colleagues and patients as Warren County Home Care Physician of the Year, and she is a recipient of the First Clinical Instructor of the Year Award for the Warren Hospital Residency Program. In 2001, Warren Hospital opened its new Cynthia D. Starr Breast Care Center in honor of her service to the hospital's field of oncology.

It is with the highest esteem that I congratulate Dr. Cynthia Starr on her upcoming honor, as well as her accomplished career. Dr. Starr is a prime example of how one individual's dedication and service can positively impact an entire community.

CONCERNS REGARDING THE COLLAPSE OF FEDERAL PRISON INDUSTRIES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. WOLF. Mr. Speaker, I submit a letter that I sent to Attorney General Holder on the closure of additional Federal Prison Industries factories and warn of the gradual collapse of this important work program for prison inmates. I urge the attorney general to take immediate action to bolster the program.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 20, 2011.

Hon. ERIC H. HOLDER, Jr.,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: As you know, on September 13, 2011, the Federal Bureau of Prisons announced the closure of UNICOR operations at eleven institutions and the reduction of personnel at two other institutions. These actions are expected to result in the elimination of 74 staff positions and 325 inmate jobs. Unfortunately, this is a result of the UNICOR Board of Directors' projection that the corporation would suffer losses of \$23 million in FY 2012 unless changes were made.

These drastic reductions lead me to believe that you are presiding over the collapse of Federal Prison Industries (FPI). While I have worked to include language in the Commerce, Justice, Science Appropriations bill to bolster FPI, it takes more than Congressional leadership to ensure that this institution will weather the challenging economic climate. What is needed is strong executive leadership to encourage other Federal agencies to purchase goods manufactured in UNICOR facilities.

Therefore, I ask that you lead a corresponding effort to reverse this trend of downsizing at FPI. In prisons, work is dignity, and it is essential for prisoners' rehabilitation and successful reentry into society. Inmates need to learn skills and behavior that will enable them to succeed in a job outside of prison. There is no excuse for not ensuring that every Federal prisoner has a job. By working with OMB and other agencies, DOJ can assist in finding new or expanded opportunities for FPI in Federal contracts.

Restoring FPI should be at the center of any plan to improve reentry programs for Federal prisoners. I would appreciate hearing from you promptly about ways you and the Department can exercise leadership within the Executive Branch to restore FPI and create more meaningful work opportunities for Federal inmates.

FULL COMMITTEE MARKUP

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. KEATING. Mr. Speaker, due to a funeral, I was regrettably unable to attend the Full Committee markup of H. Res. 255; H.R. 1447; H.R. 1299; H.R. 915; H.R. 1801; and H.R. 1165 held on September 21, 2011. I submit this statement for the RECORD to reflect my support for each of the measures and amendments considered during the markup. However, in regard to H.R. 1299, my constituents and I have serious reservations over any legislative language that does not properly differentiate between high-risk areas like the U.S.-Mexico border and low-risk areas like the Cape Cod National Sea Shore. Although I understand that this bill's intention is not to pave the way for DHS to take jurisdiction over from the Department of the Interior, I hope that future discussions on our national security will take into account the differences between high-risk and low-risk borders to better address threats without sending the wrong message to residents who live in low-risk regions.

DR. ROBERT E. DUNKER

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. KING of Iowa. Mr. Speaker, I would like to take this time to recognize a constituent of mine, Dr. Robert E. Dunker.

Dr. Dunker recently retired from Western Iowa Tech Community College after a distinguished 20-year career. During his time at Western Iowa Tech, Dr. Dunker initiated and oversaw infrastructure improvements which have contributed to new program development and enrollment growth at the College. The infrastructure improvements have allowed Western Iowa Tech to create several new programs of study and to procure state-of-the-art equipment to best prepare students for what they will encounter in the workplace.

I can confidently say that I have known few people over the years who possess Dr. Dunker's vision and determination to effect positive change, not just for the students at Western Iowa Tech, but for the community at large. Dr. Dunker recognized early on that to meet the educational needs of the area, Western Iowa Tech needed to transition from a vocational/technical school to a full service, comprehensive community college, with arts and general science classes complementing the school's existing foundation of technical and career education. Dr. Dunker also saw the need to develop partnerships with area K-12 schools, postsecondary institutions, and the broader education community in order to leverage the educational resources of Western Iowa for the betterment of all Iowans.

I know that Dr. Dunker will be missed in his capacity as President of Western Iowa Tech, not only by me but by all of the stakeholders who have built partnerships and working relationships with him throughout the years. However, knowing Dr. Dunker as I do, I know that retirement will not diminish his passion for effecting positive changes in western Iowa. I look forward to continuing my relationship with Dr. Dunker, and I wish him the very best in all that's before him in retirement.

HONORING DR. GERI BERGER

HON. FRANCISCO "QUICO" CANSECO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2011

Mr. CANSECO. Mr. Speaker, I am proud to rise today in honor of Dr. Geri Berger. Dr. Berger is the recipient of the 2011 Texas Association of Secondary School Principals Texas High School Principal of the Year Award. She is the Principal at the Louis D. Brandeis High School, Northside in San Antonio in the Independent School District, and I am honored to have students in my district attend the school under her exceptional leadership.

Dr. Berger began her noteworthy career with a Bachelor of Science in Education from St. Mary's University and a Master of Arts and Doctorate in Education from the University of

Texas at San Antonio. Since coming to the Brandeis High School, she has brought her lifelong dedication to excellence in education, and it shows in the success of her teachers and students. Dr. Berger has worked tirelessly to ensure that Brandeis High School is a place where each and every student can improve and thrive. Under her leadership, the Louis D. Brandeis High School was named an Exemplary School by the Texas Education Agency, in 2009, another testament to her outstanding direction.

By ensuring that Brandeis High School improves each year offering students the best possible education they can receive, Dr. Berger is tirelessly working to ensure that the next generation's Americans receive a top-notch education and are ready to compete on a global scale. Dr. Berger is an extraordinary example to principals across Texas and the nation. I thank her for her hard work and enthusiasm and congratulate her on her remarkable accomplishment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 22, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Corinne Ann Beckwith, and Catharine Friend Easterly, both to be an Associate Judge of the District of Columbia Court of Appeals, and Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board.

SD-342

OCTOBER 4

10 a.m.

Joint Economic Committee

To hold hearings to examine the economic outlook.

SH-216

SENATE—Thursday, September 22, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Silvester S. Beaman, senior pastor of the Bethel African Methodist Episcopal Church in Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

God of grace and God of glory, as this great Hall prepares to open for another session of deliberations, we humbly submit our minds, energies, gifts, and graces to You, that we may be men and women sensitive to the concerns of a nation in great expectation.

Use the collective resolve of our Senate as Your instrument, building wholeness and peace in an age where injury, indifference, uncertainties, and deficiency swirl as an immobilizing specter.

Show us a glimpse of Your radiance, remove all doubts and fears; liberating and inspiring, until hope and possibility become a living reality.

We are forever Yours and we will be forever faithful. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I yield to my friend, the junior Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

THE GUEST CHAPLAIN

Mr. COONS. Mr. President, I rise simply to give honor and gratitude that this morning our opening prayer was offered by the Reverend Dr. Silvester Beaman of AME Zion on the East Side of Wilmington, a great voice for justice in my home State.

I think it is a critical and important part of our Nation's tradition that we begin every session of the Senate with prayerful reflection. I am thrilled that today he is able to be joined by his wife Renee, a registered nurse, and to be able to comment for a moment that Rev. Dr. Beaman, born in Niagara Falls, NY, who started his mission work and his service in Hamilton, Bermuda, with his wife, early on saw the challenges of HIV/AIDS and the risks and opportunities for worship and for mission that this pandemic provides to our community. He has been with us now 19 years in Delaware. The two of them have been recognized far and wide in our State and region for the beautiful Gate Outreach Ministry they have launched. I think it was Dietrich Bonhoeffer who first said most tellingly that it is the charge of ministry to afflict the comfortable and comfort the afflicted. Pastor Beaman, through his leadership, his vision, his compelling sermons, and his compelling example, in partnership with his wife Renee, has provided exactly that sort of challenging and effective leadership, that great and prophetic voice for our community in Wilmington, DE.

I am grateful for the opportunity to have his prayerful reflections begin our deliberations today.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for an hour, Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will resume consideration of

H.R. 3832. Later today, the Senate will complete action on the GSP and TAA bill. There will be up to five rollcall votes in relation to amendments and passage of this bill. I will work with the Republican leader to set a time it is convenient to do that.

FEMA

More important, now that we have arrived at an agreement on how to move the trade adjustment assistance out of here, is what is going to happen in the House.

Last week, something all too rare these days happened in this Chamber; we had some bipartisanship. Ten Republicans joined Democrats in voting to give FEMA, the Federal Emergency Management Agency, the money they need to fund their important operations for the foreseeable future. The House bill would have jeopardized the Agency's ability to help Americans affected by tragedy to put their lives back together, but that is what the House did.

What the House did last night was so wrong. We passed a bill a few months ago that would take care of funding for the rest of this year, from October 1 to October 1. Rather than doing what we had agreed upon, and the American people saw us work for months to agree upon, they reneged on that deal. They tried last night to send a continuing resolution for a few weeks and they attached to it—and they should not have attached anything to it because we had already agreed on all that—attached to it a very unfair FEMA funding measure.

To show how spiteful they were—we have done great things in this country, doing things with modern vehicles. I had an energy summit the end of August in Las Vegas. They had all these electric cars lined up that they could show us. This is a result of money we have given here, taxpayers' money, to stimulate that part of our manufacturing sector. It has worked out great. It has been wonderful.

As STENY HOYER, one of the Democratic leaders in the House, said, what the House did is try to legislate away 53,000 jobs. They took money that was in the pipeline to do more of those electric cars and other kinds of new vehicles and stripped it away. They applied that toward something we have not done around here; that is, fund emergency situations around the country.

To rub salt in the wound, they not only took that, 1 billion dollars' worth, but they took 500 million dollars' worth and they rescinded it, wiping out jobs, not applying it to the deficit, just

doing it, I guess, to show they are in control of the House. But that fell apart last night. It fell apart because Republicans and Democrats would not support that issue.

We don't know what they are going to do over there today. All kinds of rumors are floating around. We don't know. I have not spoken to the Speaker or the majority leader over there. I haven't talked to them. There are all kinds of rumors as to what they might do. They might try to send it back to us again. But the one thing I heard loudly and clearly, and my colleagues have to understand, the Republicans have announced in the House they may be in session this weekend. I hope that is not the case. I have spoken to the Republican leader here. If they send us something, we will do our very utmost to move as quickly as we can on that to take action on whatever they send us.

But I wish to send this message to them. They should not renege on the agreement that was legislated just a few short weeks ago; that is, funding government for the next year. We have agreed upon that, and whatever they send us, they should just send us a continuing resolution until we work on getting the appropriations bills done. Send us a continuing resolution with nothing attached to it. If they disagree over there with what we did—they have over on the House side our bill which passed in the Senate on a bipartisan basis. If they don't like that, send us back something else.

We think the overwhelming support of the Nation is for something we did but don't tie it to the CR. That is simply not the right thing to do.

We are going to be alert and wait for the House to act. We are at an impasse, not because of what we are doing but because of what they are doing, and we will wait and see what action they take. It is extremely important that they act as quickly as they can.

We know we had scheduled next week to be off. We hope we can do that. We have an important holiday next Wednesday. That is the reason we are taking next week off. But I look forward to working with my colleagues in the Senate, both Democrats and Republicans, to move forward as quickly as we can.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE JOBS BILL

Mr. MCCONNELL. Mr. President, over the past week, President Obama has been traveling around the country, trying to set a record for the number of times he can say the words "pass this

bill right away"—the number of times he can say it, actually in a 5-minute speech. Today he will bring his act to a 50-year-old bridge that connects my own State of Kentucky with Ohio. The purpose of this visit is perfectly clear. The President's plan is to go out to this bridge and say that if only lawmakers in Washington would pass his second stimulus bill right away, then bridges such as this one would get fixed and that the only thing standing in the way of repairing them is people like me.

I would like to make a couple points about all this. First, I find it hard to take the President's message all that seriously when his own communications director is over at the White House telling people he is no longer interested in legislative compromise when the leaders of the President's own party in Congress are treating this bill like an afterthought.

We would be more inclined to look at this so-called jobs bill if the President's own staff and members of his own party in Congress started taking it a little more seriously themselves.

Second, I remind the President that the people of Kentucky and Ohio have heard this kind of thing before. Don't forget, the President made the same promises when he was selling his first stimulus. It is a message he brought to Ohio repeatedly. Here is what he said 2 years ago this week at a stop in Warren, OH.

All across Ohio and all across the country, rebuilding our roads and our bridges . . . that's what the Recovery Act has been all about.

The Recovery Act is the stimulus bill, the first one. Yet 2½ years later, what do we have to show for it? Politically connected companies such as Solyndra ended up with hundreds of millions of dollars, provided by the taxpayers, and bridges such as the one the President is attending today still need to be fixed.

It is worth noting, in fact, this one company blew through more taxpayer money than the first stimulus allocated for every road and bridge in the entire State of Kentucky combined.

The President told Ohioans and Kentuckians, the first stimulus would keep unemployment below 8 percent as well. Yet 2½ years later unemployment in both States is still above 9 percent.

We have heard these promises before, and I don't think the President should expect anybody to fall for them again. I mean, how many stimulus bills do we have to pass before these bridges get fixed? How many? How many Solyndras do we have to finance? How much money do we have to waste before the President makes good on the promises he has already made? If a bridge needs fixing, by all means let's fix it. But don't tell us we need to pass a \$½ trillion stimulus bill and accept job-killing tax hikes to do it. Don't tell

the people of Kentucky they need to finance every turtle tunnel and solar panel company on some bureaucrat's wish list in order to get their bridges fixed. Don't patronize us by implying that if we pass the second stimulus, bridges will get fixed right away. The American people heard the same thing when the administration was selling the first stimulus, only to turn on their television sets 2½ years later to see the President having a big laugh over the fact that all these shovel-ready projects weren't quite as shovel-ready as they thought they were.

So I suggest, Mr. President, that you think about ways to actually help the people of Kentucky and Ohio, instead of how you can use their roads and bridges as a backdrop for making a political point. If you are truly interested in helping our State, if you truly want to help our State, then come back to Washington and work with Republicans on legislation that will actually do something to revive our economy and create jobs and forget the political theater.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

U.N. STATEHOOD EFFORTS

Mr. JOHANNES. Mr. President, I rise today to address the Palestinian efforts to gain statehood at the United Nations, which is occurring this week. As most of us are aware, Palestinian Authority President Abbas has signaled that he intends to ask the United Nations for acceptance as a full member state. Several of my colleagues—and I might add from both sides of the aisle—have expressed grave concern over this Palestinian initiative.

President Obama has indicated if this initiative is brought to a vote before the Security Council, the United States plans to veto it. I support that. However, even if the veto occurs, President Abbas may then choose to ask the

General Assembly to upgrade Palestinian status to that of a nonvoting observer state. If allowed to become a nonvoting observer state, Palestinians could then participate on U.N. committees and bring allegations against Israel to the International Criminal Court and International Court of Justice. Recognizing a Palestinian state in this manner could also lead to further isolation of Israel within the Middle East. These are outcomes we simply cannot tolerate.

Israel, beyond any shadow of a doubt, is a stalwart friend and ally of the United States. They share our core values as a nation. They are a thriving democracy in a part of the world where democracies are very hard to find. And importantly, they stand strong with us in the battle against international terrorism. Thus, it is absolutely imperative we stand with Israel and do everything we can to send a very clear and straightforward message. That message is this: The United States stands with our friends and we will not allow an international organization to undermine this important and valued friend.

Congress has been very clear on this imperative. Our strong bipartisan commitment was reinforced earlier this summer when both the Senate and the House of Representatives overwhelmingly passed resolutions reaffirming the commitment of the United States to direct negotiations between the Israelis and the Palestinians. The resolutions included opposition to this Palestinian bid for U.N. statehood in a Palestinian Government that includes Hamas.

In light of this unwavering bipartisan support from Congress, it is crucial that our President continue to make it absolutely clear that the United States stands firm in our opposition to this effort. We have an opportunity and we must signal to the rest of the world that a lasting peace, which we all want to achieve, will only result from direct negotiations between the Israelis and the Palestinians and not through parliamentary procedure at some international organization. While the United States supports a two-state solution, we will not tolerate actions by international organizations to drive a wedge into the Israeli-Palestinian peace process. Although President Abbas claims his initiative is a peaceful approach to resolving the conflict, the Palestinian Authority has refused time and time again to come to the negotiating table and to deal directly with Israel. Setting up roadblock after roadblock, President Abbas has demanded preconditions that have not applied to previous negotiations.

This bid for U.N. statehood also violates the 1993 Oslo peace agreements signed by the Palestinian Authority which required the peace process to continue through direct negotiations. The U.N. statehood bid is counter-

productive to a two-state solution as it will further damage Israel's confidence in the Palestinian Authority as a legitimate negotiating partner. Unfortunately, President Abbas's intention to form a unity government with Hamas does not signal support or pursuit of a lasting peace. Hamas has made clear that they have no intention of ending attacks on Palestinians or Israelis and working toward a two-state solution.

Let me be very clear: If the Palestinian Authority continues to associate with Hamas and refuses to negotiate directly with Israel, of course there are consequences. I can assure you the Senate and the House of Representatives will stand together to make our disapproval known. U.S. aid to the Palestinian Authority is not on cruise control. Congress will not walk away from supporting an appropriate way forward in the peace process that respects the equal and inalienable rights of all people. We will not and cannot stand idly by while others attempt to use the United Nations, not to bring about peace, but to undermine our closest allies and friends.

As President Obama and his administration continue efforts to resolve this issue before it is brought up to the Security Council, I ask them to do all they can to relay the disapproval of Congress and what President Abbas is trying to do and to stand without equivocation, shoulder to shoulder, with our friend, the state of Israel. It is our best chance of bringing peace to the region.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I would like to speak for 5 or 10 minutes, and my understanding is we may still be in the Republican time, but they have allowed me to speak now.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 1606 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE

Mr. NELSON of Florida. Mr. President, I wanted to call to the attention of the Senate the aftermath of having passed the health care reform bill. There was a great deal of consternation at the time, while we were deliberating, that Medicare was going to be cut. We will recall that \$500 billion was cut out of Medicare over the course of a 10-year period, and the amount that was being cut was considered to be a threat to Medicare.

As a matter of fact, when we passed it, the Medicare cuts came from providers—often providers that stepped up and offered to have greater efficiencies and therefore Medicare savings over the decade. For example, the hospitals of America came forth and said that we will save \$150 billion. So one of the considerations in Medicare was that we were going to have to lean out the Medicare HMO Program called Medicare Advantage.

If we will recall, back in 2003 when we passed the prescription drug bill, Medicare Advantage—the Medicare HMO—was actually given a bump up in Medicare reimbursement, some 14 percent over and above Medicare fee for service. As a result, people had the great incentive to go into a Medicare HMO because the insurance companies—the HMOs—were getting so much more per Medicare beneficiary. But the fact is, we saw, on a long, projected basis over time that it was going to be unsustainable financially for the U.S. Government to keep giving a 14-percent differential to insurance companies over what the average Medicare recipient would get in Medicare fee for service.

That was one of the reforms of the health care bill—to take that 14 percent differential and lean it down over time, but at the same time make it more efficient, make the health care benefits better by having a greater percentage of the actual delivery of that premium dollar go to health care instead of all the administrative costs and all of that of an insurance company.

I am happy to report to the Senate that the Centers for Medicaid and Medicare Services came out last week with their new results on Medicare Advantage—the Medicare HMO Program—as a result of the new health care bill.

Nationally, the premiums for seniors on Medicare Advantage have gone down 4 percent and the enrollment is up 10 percent. Now that is a significant little victory coming out of the new incentives that were put in the health care reform bill—new incentives to insurance companies to improve their Medicare Advantage; nationally, 4 percent down in premiums, but they are becoming more attractive and so the enrollment has gone up 10 percent. I am happy to tell you, in my State of Florida, where there are more Medicare Advantage enrollees than any

other State—over a million—the premiums are down 26 percent and the enrollment is expected to go up almost 20 percent because of the incentives in the health care reform bill.

What in this reform bill has given new life to insurance companies to improve their Medicare coverage that would cause the premiums to come down and the enrollment to go up? Because CMS has now instituted a series of financial incentives for the insurance company. And that is, if the insurance company boosts the quality of the service to its Medicare enrollees, then it will get a bonus per Medicare enrollee. So if it is rated as a 3-star or higher, each additional star gives more of a bonus and incentive to the insurance company, responding to the fact they have increased the quality. That is a good thing. The insurance companies that are only rated 2½ stars now have the financial incentive to get to 3 stars.

What we have is a win all the way around. We have a win, clearly, for the enrollees, who are the Medicare beneficiaries, because they are getting better quality and their premiums have gone down in Florida by 26 percent. We have a second win for the insurance company, because now the higher quality it achieves, it is getting reimbursed from Medicare all the more as a reward for having a higher quality plan. The third win is to the U.S. taxpayer. It lowers the overall amount the U.S. taxpayer is going to have to pay as a result of the greater efficiencies in the Medicare Program. I wanted to come and share with the Senate this win-win-win—triple win—as a result of our having passed the health care reform bill a couple of years ago.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISASTER RELIEF

Ms. LANDRIEU. Mr. President, I wanted to get here a little earlier this morning, but I was chairing a panel and was unable to do so. I know I only have 10 or 15 minutes or so before the Senator from Texas speaks, so I appreciate the opportunity to say a few words about our disaster recovery and the debate going on between the House and the Senate about that.

Yesterday, the House was unable to find the votes to pass the continuing resolution, and one of the issues of debate is how and when to fund our disasters. I know there are a lot of people following this debate, so I want to bring everyone up to date on a couple of recent developments.

First, the Chamber of Commerce has submitted a letter to us, strongly objecting to the House using the Advanced Technology Vehicle Manufacturing Loan Program as an offset to fund disasters.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the U.S. Chamber of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, September 22, 2011.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports disaster relief funding to assist victims of natural disasters. The Chamber is also a vocal proponent of fiscal responsibility and recognizes that Congress must make difficult but necessary choices among competing priorities.

As Congress sets spending priorities, the Chamber wishes to highlight a few important facts about the Advanced Technology Vehicle Manufacturing (ATVM) loan program. First, the program was authorized in the Energy Independence and Security Act of 2007, which was supported by both Republicans and Democrats as an important step in reducing America's dependence on oil from unstable regimes. Second, ATVM loans, which will be repaid with interest, incentivize automakers and suppliers to build more fuel-efficient advanced technology vehicles in the U.S., providing new opportunities for American workers in a sector of the economy that is critical to the nation's recovery. Third, the fact that the Department of Energy has yet to use the funds Congress appropriated for the program is not the fault of industry; numerous loan applicants have been in the queue for years, waiting for the Administration to complete its due diligence.

Again, while the Chamber understands the importance of reducing America's unacceptable debt and believes that all programs must be on the table, the Chamber urges you to bear in mind the facts about the ATVM loan program, which promotes manufacturing in the U.S. and is an important component of America's energy security.

Sincerely,

R. BRUCE JOSTEN.

Ms. LANDRIEU. Mr. President, it is the position of the Democrats—and some Republicans have taken this position—that this is not the right way to go about funding disasters, by requiring offsets. It is not necessary, it has hardly been done in the past—it has been, but it is not routine—and it is not recommended for a number of reasons I have tried to explain on the floor. But adding to that debate now is the Chamber of Commerce saying that is not the right offset to use if you are going to insist on finding one.

Secondly, I want to push back on the argument the House position will provide enough funding to get us through the next couple of weeks. That is only partially correct, and I want to be very clear. When people say, well, we can go

ahead and pass the 2.65 they have in for 2012, which is an extension of last year's number, and then the extra billion they put in for 2011, and that will sort of get us by the next couple of weeks, let me be clear: It will get FEMA by. It will fill up the disaster relief fund, which is running on fumes today. We are now down to \$227 million in the fund, the lowest balance in recent memory. It will provide a small amount of money relative to the core budget—\$226 million. But I want to be clear: There is no money in the House approach for agriculture, there is no money in the House approach for community development block grants—zero—and there is no money for the economic development grants that chambers of commerce all over the country, in areas and counties that have been hard hit, use to help their communities and their businesses get back.

I just left a small business hearing, and the fact is, after a disaster, whether it is in North Carolina or California or Florida or Louisiana—and this is very sad, particularly in these economic times—about 70 percent of small businesses never make it back. So at a time when we are trying to create jobs in America, help Americans get back to work and strengthen their businesses, the House wants to pass a continuing resolution with zero money for these economic development grants that chambers of commerce and other conservative organizations, as well as nonpolitical organizations, believe are very effective.

So, please, if you are going to vote for the House position, don't go home and pat yourself on the back and say you took care of disaster victims. You might have filled up the FEMA fund temporarily, but you have not left here doing the job I think we need to do.

The third point I want to push back on—and I know my time is limited—is this comment last night by several Members of the House that we have offset disaster relief before. Yes, we have, but not, to my knowledge, in the immediate aftermath of the storms. As these things have gone on over years—for instance, 4 years after Katrina we were trying to find money to rebuild one of our big military bases that collapsed, so we funded that through Defense and we found an offset. But that wasn't within the first couple of weeks of Katrina. That was after 4 years, and we couldn't find the money and we really wanted to find it. So there are ways you can offset sometimes in the distant future.

I am going to remind people that after Katrina, in the first 3 weeks, the Federal Government funded \$66 billion without an offset. After the collapse of the Twin Towers, we funded \$40 billion, and sent that to New York after the collapse of the Twin Towers. After 2004, which was a very terrible year for Florida, this Congress sent \$2 billion within

a few weeks of four hurricanes hitting Florida. Had we not done that, that State would be in a very serious economic downturn now. It never could have recovered from four hurricanes in 1 year. They didn't hit Louisiana, they didn't hit Texas, they didn't hit Alabama. All four of them hit Florida. Did we bellyache about it? Did anyone say: Let's run up to Washington and find a \$2 billion program that is not working and cut it out so we can go help the people in Florida? Absolutely not. We sent the money to Florida, and I know they were grateful for it. That might be one of the reasons Senator RUBIO—who was not in the Senate then but now is—has voted for this position, because he knows. He remembers.

I don't know what the House is going to do, and I most certainly don't think we need to shut the government down over this debate, but it is a very important debate to be having. I am proud to be leading the effort, along with many Democrats and some Republicans who are saying, in the aftermath of a year that was one of the worst on record, we do not need to find the offsets now.

I hope the House will stand strong and beat back that position, because it is not right today, it is not going to be right tomorrow, and it is not right for the future.

I just hope we can prevail.

Later on, when we are looking to figure out how to pay for all this, we have time over the next year or year and a half or 2 or 3 or even 4 years as we work on moving our deficit down. All of this is going to have to be paid eventually. But I believe very strongly that we must not think it is OK to get into a pattern of, when disaster strikes, instead of opening shelters, instead of giving people immediate relief, the first thing the leadership of this country does is run to Washington and try to gut several other programs overnight or quickly or without thought before we can fund disasters. That is not the way we should operate.

I thank the Chair for being very considerate and giving me this extra time. I thank my colleagues; I know others want to speak. Again, we have a whole document here, which I have shown before, of projects in all of our States that have been absolutely shut down because we have run out of money. The only programs that are being funded are real emergencies on the east coast. Everything else in Missouri, Louisiana, California, and Texas has been shut down to fund what is happening on the east coast. This is no way to run a railroad. Let's get disaster relief now.

I hope the House will reconsider their position. I thank the chamber of commerce for coming out strongly to remove that offset. Again, let's see if we can find some money for USDA—Agriculture—community development block grants, and economic development block grants. If they insist on

doing it 6 weeks at a time, which I don't agree with, at least put in a little more money for these other programs so we do not shut down, and we will come back here in 6 weeks or 8 weeks and figure it out.

I thank the Chair, and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2832, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

Pending:

Reid (for Casey) amendment No. 633, to extend and modify trade adjustment assistance.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 634

Mr. CORNYN. Mr. President, I call up my amendment No. 634 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 634.

Mr. CORNYN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China)

At the appropriate place, insert the following:

SEC. ____ . SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on "Military and Security Developments Involving the People's Republic of China," found that "China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland's favor." In this report, the Department

of Defense also concludes that, over the next decade, China's air force will remain primarily focused on "building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms".

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, "[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable." The report concluded, "Many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force."

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan "would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US," including 23,407 direct jobs, while "economic benefits would likely be realized in 44 states and the District of Columbia".

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities,

in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

Mr. CORNYN. Mr. President, yesterday I came to the floor and spoke about my intention to offer this amendment, which is now pending before the Senate, which would require the U.S. Government to sell 66 F-16C/D aircraft to the Government of Taiwan pursuant to our responsibilities under the Taiwan Relations Act of 1979, passed with bipartisan support of the Congress and signed into law by President Jimmy Carter. Under this law, it is the responsibility of the U.S. Government to provide our ally Taiwan with sufficient defensive weapons in order to defend itself against any possible aggression by Communist China or from any other source. I spoke at some length about this yesterday, and I won't reprise all of those arguments.

At the outset, I ask unanimous consent to have printed in the RECORD 3 letters—1 signed by 45 Senators supporting this sale of F-16s to Taiwan and 2 separate letters from Senator LUGAR, the ranking member of the Foreign Relations Committee, and Senator LISA MURKOWSKI of Alaska, for a total of 47 Senators who are on record as supporting this sale.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 26, 2011.

PRESIDENT BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express serious concern about the military imbalance in the Taiwan Strait. To maintain peace and stability in the Strait, it is critical that your administration accept Taiwan's Letter of Request (LOR) and move quickly to notify Congress of the sale of 66 F-16 C/D aircraft that Taiwan needs in order to modernize its air force.

Successive reports issued by U.S. and Taiwanese defense authorities clearly outline the direct threat faced by Taiwan as a result of China's unprecedented military buildup. Beijing presently has more than 1,400 missiles aimed at Taiwan, and China is in the process of deploying next generation Chinese and Russian manufactured ships, fighter aircraft, and submarines. Military experts in both Taiwan and the United States have raised concerns that Taiwan is losing the qualitative advantage in defensive arms that has long served as its primary military deterrent against China.

Taiwan desperately needs new tactical fighter aircraft. Within the next decade Taiwan will retire 70% of its fighter force structure. Its F-5s have reached the end of their

utility, its Mirage fighters lack parts and life-cycle support, and its Indigenous Defense Fighters are being converted to a trainer role. Additionally, Taiwan's existing 145 F-16 A/B fighters all require a mid-life upgrade. With F-16s already in its inventory, Taiwan is seeking to combine its fighter fleet around a single airframe with the commensurate cost and operational benefits.

We are deeply concerned that further delay of the decision to sell F-16s to Taiwan could result in closure of the F-16 production line, and urge you to expedite this defense export process before the line closes. Without new fighter aircraft and upgrades to its existing fleet of F-16s, Taiwan will be dangerously exposed to Chinese military threats, aggression and provocation, which pose significant national security implications for the United States.

The Taiwan Relations Act (TRA) of 1979 directs both the Congress and the President to make decisions on arms sales to Taiwan based solely on the "judgment of the needs of Taiwan," and we believe that Taiwanese pilots, flying Taiwanese fighter aircraft manufactured in the United States, represent the best first line of defense for our democratic ally, while presenting no offensive threat to China.

We urge you to act swiftly and provide Taiwan with the F-16 C/D aircraft that are critical to meeting our obligations pursuant to the TRA and to preserving peace and security in the Taiwan Strait.

Sincerely,

Robert Menendez, James Inhofe, Jim Webb, Jon Kyl, Joseph I. Lieberman, Dan Coats, Tim Johnson, Roger F. Wicker, Ron Wyden, John Cornyn, Benjamin L. Cardin, John Barrasso, Sherrod Brown, Jeff Sessions, Richard Blumenthal, John Boozman, Jon Tester, Tom Coburn, Joe Manchin III, John Hoeven, Bill Nelson, Saxby Chambliss, Barbara Mikulski, Kay Bailey Hutchison, John D. Rockefeller IV, Scott Brown, Herb Kohl, Chuck Grassley, Jim DeMint, Marco Rubio, David Vitter, Thad Cochran, Mike Crapo, Johnny Isakson, Mark Kirk, John McCain, Mike Lee, Lindsey Graham, Kelly Ayotte, Mike Johanns, Ron Johnson, Richard Burr, Michael B. Enzi, James E. Risch, Susan M. Collins.

U.S. SENATE,

COMMITTEE ON FOREIGN RELATIONS,

Washington, DC, April 1, 2011.

Hon. HILLARY R. CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY CLINTON: The issue of U.S. defense equipment sales to Taiwan has now become an urgent matter. Taiwan has legitimate defense needs, and its existing capabilities are decaying. Replacement of its tactical aircraft is warranted, is not provocative and is justified.

While it has acquired some Mirage aircraft, Taiwan has acquired more than 400 tactical aircraft (F-16A/Bs and F-5s) sold and produced in Taiwan from the United States. But there have been no new sales of needed aircraft to Taiwan in many years. Approved transactions involved only lower-level sales and support for its Indigenous Defense Fighter (IDF)—an aircraft that the Defense Intelligence Agency has assessed faces "limited combat range and payload capacity [which] restrict its effectiveness in air-to-air combat."

Given the decrepit state of Taiwan's F-5s, the service life issues associated with its

IDF, and a growing problem faced by all recipient countries in obtaining affordable and sustainable access to spare parts for Mirages, I am very concerned that if the Administration does not act favorably on Taiwan's outstanding Letter of Request (LOR) for sales of F16C/D aircraft, Taiwan will be forced to retire all of its existing F-16A/B aircraft in the next decade, leaving it with no credible air-to-air capability. Since Taiwan already has many U.S. F-16 aircraft, replacement and augmentation of its existing fleet would not affect the qualitative and quantitative military balance in its region, and would also, in turn, greatly assist the U.S. industrial base.

Any reasonable approach to Taiwan's existing tactical aircraft requirements includes both sustainment of its existing F-16A/Bs, but also, sales of new F-16C/Ds. Limiting assistance only to upgrades of F-16A/Bs exacerbates both near and long term air-to-air challenges due to the fact that a substantial number of Taiwan's deployed F-16A/Bs would have to be removed from service in order to undergo upgrades.

Over a year ago, Assistant Secretary of State for Political Military Affairs Andrew Shapiro assured the Committee on Foreign Relations that your Department would undertake an extensive and honest discussion with the Foreign Relations Committee regarding Taiwan. Such consultations have yet to occur. In my view, a sensible place to start would be with Taiwan's existing tactical aircraft capability, aside from its other air defense challenges.

I am still awaiting proposed dates from the Department for the initiation of these discussions. In order to be able to produce needed F16C/Ds and deliver them by 2015, or even sooner should Taiwan move quickly, an Administration decision is needed in 2011 to act favorably on the F-16C/D request. I am particularly interested in the Department's responses to key questions: What are the major issues associated with approval of this LOR? Why is the Administration apparently unwilling to act on it? What are the risks and benefits in agreeing to the sale?

Presently, we have not received any clear and consistent information from the State Department regarding this matter, and I believe it is time to engage in a meaningful consultation with this Committee on Taiwan.

I look forward to your prompt consideration of this letter.

Sincerely,

RICHARD G. LUGAR,
Ranking Member.

U.S. SENATE,

Washington, DC, June 13, 2011.

PRESIDENT BARACK OBAMA,
The White House, Pennsylvania Avenue, NW,
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to join with 47 of my Senate colleagues in urging that your administration move expeditiously to notify Congress of the sale of 66 F-16 C/D aircraft that Taiwan needs in order to modernize its air force.

Within the next decade Taiwan will retire 70% of its fighter force structure. Its F-5s have reached the end of their utility, its Mirage fighters lack parts and life-cycle support, and its Indigenous Defense Fighters are being converted to a trainer role. Additionally, Taiwan's existing 145 F-16 A/B fighters all require a mid-life upgrade. With F-16s already in its inventory, Taiwan is seeking to combine its fighter fleet around a single airframe with the commensurate cost and operational benefits.

The Taiwan Relations Act (TRA) of 1979 directs both the Congress and the President to make decisions on arms sales to Taiwan based solely on the "judgment of the needs of Taiwan," and I believe that Taiwanese pilots, flying Taiwanese fighter aircraft manufactured in the United States, represent the best first line of defense for our democratic ally, while presenting no offensive threat to China.

Moreover, I am deeply concerned that further delay of the decision to sell F-16s to Taiwan could result in closure of the F-16 production line, and urge you to expedite this defense export process before the line closes.

I urge you to act swiftly and provide Taiwan with the F-16 C/D aircraft that are critical to meeting our obligations pursuant to the TRA and to preserving peace and security in the Taiwan Strait while strengthening America's economy by keeping the F-16 in production.

Sincerely,

LISA MURKOWSKI,
U.S. Senator.

Mr. CORNYN. Mr. President, as I said, yesterday I spoke about the legislation Senator MENENDEZ and I had offered. That is a stand-alone bill; this is now an amendment to this pending trade bill. I do believe it is appropriate for us to consider this matter in the context of this trade bill because, of course, we all recognize and common sense would tell us that selling to foreign customers the things that we grow here in America or that we manufacture in America sustains jobs right here at home. Indeed, we have circulated among various offices what the impact on jobs would be all across the country when it comes to the sale and manufacture of these F-16s. A lot of jobs would be created in America at a time when unemployment is intractably and unacceptably high. But that is not the main reason I believe this amendment is so important.

Let me back up to say that yesterday the President did announce that he approved military exports to Taiwan, but I wish to address first the insufficiency of the response.

Yesterday, Congress was officially notified by the Defense Security Cooperation Agency that the administration had approved a retrofit for 145 F-16A/B aircraft—aircraft Taiwan already owns. So this is not unprecedented. We have already sold Taiwan A/B versions of the F-16. But, as the administration acknowledges by saying these need to be updated and retrofitted, these are older aircraft and need to be modernized in order to be effective.

There is no question that these upgrades on the existing 145 F-16 aircraft are necessary, but it is not sufficient to deal with the airpower needs of our Taiwanese allies. You can see by this chart the disparity between what the People's Republic of China has—about 2,300 operational combat aircraft versus 490 operational combat aircraft—owned by the Government of Taiwan.

But what I think the President's decision fails to acknowledge is the fact

that many of the aircraft being flown now in Taiwan by the Taiwan Air Force are French Mirage aircraft which are some 20 years old or American F-5 aircraft which were first delivered in 1975 through 1985 but which are now virtually obsolete. It is for that reason the sale of these additional 66 F-16C/D version aircraft is so important—to replace those obsolete French Mirages and F-5s.

Taiwan's request had been, as I indicated earlier, not for the retrofit or for new aircraft, but they wanted both. The administration should have approved both, and that is exactly what 47 Members of this Senate stated—the bipartisan letters I have admitted into the RECORD—encourage the administration to do to make the right decision and to do both. But since the administration chose only to go the retrofit route for existing aircraft, I think it is important for us to send a message and to exercise our authority under the Constitution to compel that sale.

There is a bigger point I would like to make as well. America's credibility in East Asia and beyond is at risk by the administration's decision yesterday. The President spoke at the United Nations earlier this week and addressed many priorities of U.S. foreign policy. I am not going to respond to each one of them because it was a 40-minute speech, but my point is, the success of U.S. foreign policy in every region of the world depends on the credibility of the U.S. Government—whether we stand by our friends and whether we keep our commitments or whether we will abandon our support for other democracies like Taiwan. The answer to that question is of enormous interest not only to the people of Taiwan, to whom we have pledged in this 1979 law, the Taiwan Relations Act that I mentioned earlier, but also to the people of Israel, to the people of Eastern Europe, to the people of Japan and South Korea, and to the fledgling democracies now in Iraq and the people of Afghanistan, to people who are suffering from oppressive regimes all across the world who want the same basic freedoms we do and who share our values in self-government.

What kind of message does it send from America to these friends of freedom? What kind of message does the Senate send by denying our ally Taiwan the purchase of military exports that they need and that they requested? And what message can the U.S. Senate send to reassure our allies in Taiwan as well as people watching everywhere around the world with our credibility on the line?

I want to reiterate that this is a bipartisan matter. This is not a partisan issue at all. Republicans and Democrats alike have supported the Mutual Defense Treaty signed by President Eisenhower in 1954, and the Taiwan Relations Act was supported with bipar-

tisan support and signed by President Jimmy Carter in 1979, and it remains the law of the land. That states specifically that the United States will provide to Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities in furtherance of maintaining peace and stability in the Western Pacific region.

We know the U.S. military has been stressed by repeated deployments in Afghanistan and Iraq and commitments around the world. So why in the world wouldn't we want to improve the capacity of the Taiwanese Government to defend itself and reduce any potential burden on the United States in the process?

I want to remind my colleagues what sufficient defense capabilities means. This is part of a memorandum from President Ronald Reagan in 1982, and I think it is worth reading.

It is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the PRC [People's Republic of China]. Both in quantitative and qualitative terms, Taiwan's defense capability relative to that of the PRC will be maintained.

That was the understanding of Congress, that was President Reagan's understanding, and that was our explanation to the Chinese Government to reassure them about the purpose for these military sales—to provide a defensive capability, not an offensive capability but a defensive capability.

Why is Taiwan asking for these aircraft? Well, as I indicated earlier, Taiwan's air defense capabilities are nearly obsolete, while China's military capabilities are growing at an alarming rate. But air defense is not just a game of numbers; it is about the quality of the aircraft as well.

So what about the quality of Taiwan's existing forces? Well, according to the Defense Intelligence Agency in an unclassified report last year, many of Taiwan's fighter aircraft are close to or beyond service life and many require extensive maintenance support.

So China's capabilities are clearly newer, and they are growing and focus clearly on intimidating Taiwan and, yes, even the United States.

China's official press agency reported in March that the People's Republic of China will increase its military budget this year by more than 12 percent. That is on top of an increase last year of 7.5 percent. But the Pentagon estimates that China is not being transparent with regard to its military spending. In fact, China's official and public budget of \$90 billion is far less than the \$150 billion that they actually spent.

So whom does China intend to intimidate by this growing military power? Here is what the Pentagon had to say in its 2011 report to Congress called "Military and Security Developments Involving the People's Republic

of China." The Defense Department observed that China continued modernizing its military in 2010, with a focus on Taiwan contingencies. The Pentagon also noted that China's Air Force will remain primarily focused on "building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in the East Asia."

Some say we shouldn't look at our policy with Taiwan in a vacuum, and I agree with that. We should look at it in the larger context, both of the region and our strategic relationship with China. We know many of China's neighbors in that region are concerned about the military buildup and the increasingly bellicose rhetoric from the government.

Last year, China claimed the South China Sea as a core interest, which unsettled Vietnam and the Philippines and Indonesia and other nations in the region. China has renewed its longrunning border dispute with India, and, frankly, it continues to be an enabler, as we know, of the nuclear threat in North Korea. We know Pakistan's Defense Minister publicly discussed the possibility of China building a naval base in Pakistan, which is already home to a new strategically important port at the mouth of the Gulf of Oman.

So it is important to look at the impact of China's growing military strength and its bellicose rhetoric on the whole region because, frankly, the disparity I pointed out earlier between the capability of the People's Republic of China when it comes to air power and that of Taiwan is a destabilizing influence in the region. Why in the world would we want to create a destabilizing condition in that region as opposed to a stable one that is in our best interests and that is in the best interests of our allies?

We can tell that the Communist Chinese Government is trying to intimidate the United States from living up to its responsibilities. Last week, China's top official newspaper used a lot of unnecessary language on the subject of the arms sales to Taiwan. They called those of us on Capitol Hill who are supporting this "madmen," and said we were "playing with fire" and said there would be a "disastrous price" if we continued to support our allies in Taiwan. They would like nothing better than for us to turn our backs on our allies in Taiwan, just like other bullies around the world would love for America to retreat and to pull back in our support for self-governing peoples everywhere.

I do not think we want to send the message—I know I do not want to send the message—that the United States will give in to this kind of intimidation. We should pass this legislation to send a clear message to China and other nations around the world who are beating their chests and growing in

military strength and posing destabilizing risks that the real madmen are those who think America will abandon our friends and allies and our principles and our long-range and long-standing strategic interests in the stability of East Asia.

As I indicated earlier, there are a lot of people watching what we do. It would greatly reassure our allies and partners around the world if we acted in a responsible way consistent with our legal obligation under the Taiwan Relations Act, which apparently the administration has declined to do.

Many of my colleagues remember what President Clinton did in 1996. He deployed two aircraft carrier battle groups during the Taiwan Strait crisis then. That crisis developed when China tried to intimidate Taiwan, once again, on the eve of its first free Presidential election by conducting this series of so-called military exercises that included the firing of missiles just a few miles north of Taiwan.

President Clinton responded by ordering the largest U.S. military force since the Vietnam war to deploy to the region, including carrier battle groups led by the USS *Nimitz* and the USS *Independence*. America's show of resolve and strength did not escalate that crisis, it diffused it—exactly what would happen here if we made this sale to Taiwan. It would send, as that did then, a welcome signal to the region.

According to an article in the current issue of *Washington Quarterly*, following that crisis the region's confidence in the United States soared. Japan, Singapore, the Philippines, and other nations in the region all bolstered their security ties with the United States.

Isn't that what we want? If America is going to be an undependable ally, there is no real benefit to people aligning their interests with ours and joining with us in these sorts of strategic security ties.

The Taiwan Strait crisis was one of the real foreign policy successes of the Clinton administration, but the authors of that same article conclude that "forsaking Taiwan now will likely have the opposite effect."

I want to return to a subject I brought up earlier. In addition to our other interests, which are many, and having us seen as being a dependable ally to our friends and keeping our commitments, this bill deserves the support of the Senate for other reasons as well. In addition to our longstanding bipartisan consensus on Taiwan, the growing gap in military capabilities between Taiwan and China, China's aggressive behavior toward its neighbors and the United States' credibility with our allies and free people everywhere, this is a jobs bill.

This is a policy that creates jobs. If we sell this American-made product to our friends and allies who are willing

to pay for it—and it will not cost one dime in taxpayer dollars—it creates jobs at home. This chart shows, in yellow, all of the States where jobs would be created and sustained as a result of these sales. This map shows every State in which direct and indirect employment from this export sale of F-16s to Taiwan is projected to be at least 60 person-years of employment, which is the equivalent of 10 American workers employed full time for 6 years.

As you can see from this map, 32 States will have that level of job creation or more, making this F-16 sale to Taiwan a coast-to-coast job engine. In fact, according to a report by the Perryman Group, the requested sale of F-16C/Ds to Taiwan "would generate some \$8.7 billion in output." That is something the American economy could use now? Furthermore, it would directly support more than 23,000 jobs. That is surely something we need now.

As I said, these jobs don't cost the American taxpayer a dime. Apart from the paperwork and processing necessary to approve the deal, these are private sector jobs, and it is exactly the private sector that we need to take off again.

The one thing the Federal Government, the U.S. Government, needs to do perhaps more than anything else is simply get out of the way and let these Americans continue to stay on the job—and collect, in addition, an estimated \$768 million in Federal tax revenue. That is something else we could use, more tax revenue coming in from more employed workers so we can close the gap in our \$1.5 trillion annual deficit and begin to work our way toward reducing the debt, which is more than \$14 trillion.

I thank, on a bipartisan basis, the Senators who have supported this legislation. I note that of the 47 signatories on the letters that have been made part of the record supporting this sale, 13 are from our Democratic friends across the aisle. This is truly a bipartisan effort.

For all the reasons I have mentioned, I hope we will vote yes and pass this important amendment to this bill.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. Brown of Ohio). Who yields time? The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the book of Ecclesiastes contains wisdom that should guide us today, and I am paraphrasing. This is not exactly what the Scriptures say: For everything there is a season and a time for every matter under the Sun. Or, to state it more colloquially, there is a time and place for everything. Some times are better than others; some places are better than others.

My colleague from Texas offered an amendment that required the President to sell F-16 fighter jets to Taiwan.

I, respectfully, note the debate on this trade adjustment assistance bill is not the appropriate time, season, or place to raise this issue. This is a trade bill. This is not about sales of F-16s to Taiwan or to any country. It is a wholly different subject. It has nothing to do with what we are trying to debate today and focus our attention on so we can get this legislation passed.

The adoption of an amendment on an unrelated and controversial issue of Taiwanese arms sales would derail the carefully negotiated bipartisan agreement on trade assistance. If this amendment would pass of itself, irrespective of the merits, it would derail passage of trade adjustment assistance because it would be an amendment. So it would go over to the other body, they would have to work with it, maybe concur with it, include maybe other amendments, and it would, perhaps, come over here again.

We have an agreement between the House and Senate and White House where we pass both trade adjustment assistance and then we can pass the free-trade agreements and most everybody wins. This amendment ultimately would imperil passage of the three pending trade agreements with Colombia, Panama, and South Korea.

I know my good friend—I suspect; that would be presumptuous of me—but I suspect my good friend from Texas is very much in favor of those three trade agreements with Colombia, Panama, and South Korea. I know a number of my colleagues on both sides of the aisle also support the sale of F-16s to Taiwan.

But to paraphrase Ecclesiastes, this is an issue that should be debated at another time. Not here. At another time.

Just 9 days ago, Senator CORNYN introduced legislation on the F-16 issue that tracks the substantive language of this amendment. That amendment has been referred to the Senate Foreign Relations Committee where it belongs. That is, in fact, the right way to deal with this issue, through consideration by the committee of jurisdiction.

In the spirit of Ecclesiastes, I, therefore, urge my colleagues to save this issue for another day to vigorously discuss and debate it, to look at the merits, to see what makes sense and does not make sense. But that is for another day. We should vote against the amendment at this time. It could be a very meritorious issue, I am not passing judgment on it, but this is not the time and place. If it were adopted, it would severely jeopardize the passage of trade adjustment assistance and also the free-trade agreements which are supported by many Members of this body.

AMENDMENT NO. 650

I would like to speak on another matter, and that is the Thune amendment. The Thune amendment looks

backwards to the past when we should be looking forward to the future. I understand Senator THUNE will offer his amendment very soon today.

The bill before the Senate restores urgently needed job training for American workers impacted by trade. It also clears the path for Congress to approve our job creating trade agreements with Colombia, Panama, and South Korea. The bill reflects the understanding among the Senate, the House and the President, about how to move the trade agenda forward. But the Thune amendment looks, not forward, it looks backwards. It calls for a new government report on the harm from delaying the pending free-trade agreements. No one disputes the harm; that is not the issue. The issue is how quickly can we adopt them.

Harm; that is, delay, is well documented, and there is blame to go all around, so we should not waste scarce resources to score political points; that is, it is not worth time trying to point the finger of blame anywhere. Rather, it makes much more sense to get the job done; that is, pass the free-trade agreements. And passage of the trade adjustment assistance will mean passage of the free-trade agreements. So we should instead use our resources to identify foreign trade barriers that impede U.S. exports. We should help small businesses succeed in global markets, and we should monitor whether our trade partners are abiding by the rules.

So let's look forward, not to the past. Let's avoid further delay of our trade agreements. Let's defeat this amendment and send to the House a clean bill on trade adjustment assistance.

AMENDMENT NO. 651

Speaking on another amendment—first was the Cornyn amendment, second was the Thune amendment, and now is the Rubio amendment, which will be voted upon soon—I urge my colleagues to vote against Senator RUBIO's amendment. It would limit trade adjustment benefits only to workers who lose their jobs as a result of imports from a country with which the United States has a free-trade agreement. The United States has only about 17 free-trade agreement partners. We do not limit our trade just to those countries. There is a lot of trade around the world. The United States trades with virtually every country in the world, not just to countries with which we have free-trade agreements. In fact, we export to nearly 200 countries around the world. Remember, we have only 17 free-trade agreements, but we export to nearly 200 countries around the world.

Under this amendment, the Rubio amendment, workers who lose their jobs as a result of trade with 8 of our top 10 trade partners, including China and Japan, would not receive TAA benefits. Why? Because there is no free-trade agreement with those countries.

It makes no sense whatsoever. In fact, the Rubio amendment would say to workers around the country, if you lose your job due to trade with China, you are out of luck. If you lose your job due to trade with India, you are out of luck. Only if you lose your job with a country with which we have a free-trade agreement do you get assistance.

The Rubio amendment would significantly, therefore, limit the number of workers who get help under trade adjustment assistance. Why would we want to do that? Why would we want to do that at a time when 14 million Americans are looking for work? Trade adjustment assistance helps Americans get the important retraining they need to find good-paying jobs, and now is not the time to shut out those Americans.

So for these reasons—and also because passage of the Rubio amendment would jeopardize passage of trade adjustment assistance and jeopardize the passage of free-trade agreements—I urge my colleagues to oppose that amendment as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 651 TO AMENDMENT NO. 633

Mr. RUBIO. Mr. President, I call up Rubio amendment No. 651 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. RUBIO] proposes an amendment numbered 651 to amendment No. 633.

Mr. RUBIO. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit eligibility for trade adjustment assistance to workers who are laid off because of an increase in imports from, or a shift in production to, a country with which the United States has a free trade agreement in effect)

On page 5 of the amendment, between lines 6 and 7, insert the following:

SEC. 212. REQUIREMENT THAT TO BE ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE WORKERS BE LAID OFF BECAUSE OF IMPORTS FROM, OR A SHIFT IN PRODUCTION TO, A COUNTRY WITH WHICH THE UNITED STATES HAS A FREE TRADE AGREEMENT IN EFFECT.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211 of this Act, is further amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

“(1) a significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated; and

“(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

“(ii)(I) imports from a country with which the United States has a free trade agreement in effect of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

“(II) imports from such a country of articles like or directly competitive with articles—

“(aa) into which one or more component parts produced by such firm are directly incorporated, or

“(bb) which are produced directly using services supplied by such firm,

have increased; or

“(III) imports of articles directly incorporating one or more component parts produced in such a country that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

“(iii) the increase in imports described in clause (i) contributed importantly to such workers’ separation or threat of separation and to the decline in the sales or production of such firm; or

“(B)(i)(I) there has been a shift by such workers’ firm to a country with which the United States has a free trade agreement in effect in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

“(II) such workers’ firm has acquired from such a country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

“(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers’ separation or threat of separation.”.

Mr. RUBIO. Mr. President, we have had this important conversation this week about trade policy in the United States, and it is an important one. Clearly, one of the great things that will help us grow our economy in the years to come is further free trade. As we have these pending free-trade agreements—and most everyone around here I have run into says they are in favor of, including the President, the one with South Korea, the one with Panama, the one with Colombia—there has been a prerequisite put in place by those in charge in the Chamber, and that is we deal with the TAA issues. That is why we are on the issue today, which clearly has been linked, free-trade agreement and the TAA law.

I wish to talk a little bit about the free-trade agreements because we are continuing to wait for them to be sent down to us. These agreements would increase U.S. exports by billions of dollars and create jobs here in the United

States. For example, there are exports of about \$12 billion annually, adding about \$14 billion to the U.S. economy. These are real numbers.

The South Korea agreement alone, for example, is estimated to add as many as 70,000 American jobs. These benefits are not realized because the President has not submitted these for approval to this body or to the Congress. The debate we are having is not a new one. The trade adjustment assistance, or TAA, has been a policy of the United States, for better or worse, since the Trade Expansion Act of 1962.

Interestingly, this policy was first proposed by Senator John F. Kennedy when he aptly titled it the Trade Adjustment Act. The initial goal was to respond to perceived effects of trade policy. In essence, you enter into a trade policy, such as a free-trade agreement with another country, and American workers may lose their job in the short term, but you create a fund to help them transition to what you hope will be the new jobs created by the free-trade agreement. As you create this new relationship with new countries and new economies, the effect of it is while some jobs may be lost, those jobs are replaced with new opportunities and new jobs. In the process of that transition, between the job you once had and the job you hope to have in the future as a product of free trade, you create this fund to help workers adjust from point A to point B. That is the purpose of it. That is why it has been included in things such as the Trade Act of 1974. It was ushered in with the North American Free Trade Agreement under President Clinton. It was also included in the Trade Act of 2002, the last authorization of the trade promotion authority so vital to promoting the free-trade policies in the United States.

From its inception, TAA has been linked to free trade. Basically the understanding is when you enter into free-trade agreements with another country, there are short-term disruptions and you need a fund available to help workers transition during the disruption. Very simply put, you have a job, maybe it goes overseas in the free-trade agreement, but a new job is created in America as a result of that agreement and we are going to help you transition through this fund.

That was the purpose of it until 2009 when under the stimulus bill that has been changed and has been vastly expanded. Now in order to qualify for it, all you need to prove is that somehow your job or the company you work for has moved operations potentially overseas. That is a big problem in America. It is a big problem in Florida.

If you talk to people, they will tell you, we are losing our jobs. Other countries are taking our jobs. Jobs are going overseas. There are a lot of reasons for that. The first is unfair trade

practices. This body should address that, beginning with China and other nations that unfairly deal with the United States, whether it is manipulation of their currency, whether it is dumping, among other things they do that are unfair, not to mention some of these nations have no environmental regulations, no protections for their workers or wages. There are incredible amounts of headwinds we face with regard to that. That should be dealt with. It should be dealt with seriously through public policy, and it is something we should look at. That is not a temporary issue. That is permanent. That is ingrained and entrenched. Unless we deal with the issues involved in that and those unfair trade practices, no temporary measure like TAA is going to help us deal with that. We have to deal with that on a permanent basis. That was not the purpose of the TAA.

The second thing we need to deal with is some of the impediments we are creating ourselves. That is why I am encouraged when I hear bipartisan talk of tax reform, things that will make it easier for people to build in the United States and open businesses here. Also, regulatory reform. Let there be no doubt that while there are significant currency manipulation problems and significant trade impediments in terms of unfair trade practices by other countries, some of the wounds are self-inflicted through a regulatory and a Tax Code that makes it difficult for people to do things and do business in the United States.

Again, I am encouraged when I hear bipartisan talk about regulatory reform and tax reform. These are the kinds of things that can deal permanently with a permanent and entrenched problem. That is not the purpose of TAA. Today we stand here considering this as a gateway issue because we have been told we have to pass this bill before we can get to the free-trade agreements, and so clearly it links the two. If we are going to link the two, we have to make it very clear that this sort of existence was created for the define purpose and the specific purpose of helping people to transition because of a disruption created in their job status as a result of a free-trade agreement.

This is a pretty simple amendment. It says this assistance is only available to those workers who lose their jobs to a country we have a free-trade agreement with because this is designed to deal with the unintended consequences and the temporary disruptions that might be created by a free-trade agreement with another country. So that is what the amendment does, and I am hoping to have the support of as many of my colleagues as possible in putting this program back into its historical purpose.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. CASEY. I wanted to speak generally about the matter that is before the Senate on trade adjustment assistance. I especially appreciate the work that has been done by the Presiding Officer from Ohio over many years, including his time in the House of Representatives and here in the Senate as well.

I want to make two comments, one about one of the amendments we will consider today by the Senator from Florida, but also to speak more broadly about this legislation. When the Senate is considering legislation, we do not every day do a good job of trying to put ourselves in the position of other people, workers and people who are suffering through a tough economy. When the Senate is doing its best work, part of the way we get there is by trying to figure out and understand, as best we can, what it is like to lose a job or suffer from—we are dealing with natural disasters and natural disaster assistance as well—but try to understand the people we represent. I know we cannot do that with full knowledge because many of us have never had to suffer through that kind of experience. I think it is important we try our best to understand what this legislation is all about.

This is legislation which basically says the American people, through our government, are going to do everything possible to help folks when they lose a job, and especially when they lose a job as a result of unfair foreign competition. I have seen it in Pennsylvania for decades. We have been getting hammered because we have not often stood up for our own workers. We have not fought battles to help them get through the horror of job loss because of unfair foreign competition. All we are saying is we are going to try to help them to cross that bridge from losing that job in many cases they had for years or decades. So, No. 1, we are going to try to help them in that crisis.

No. 2, we are going to do everything we can to retrain them. They have to go to the training. This is not something we can hand to them. They have to work at the training and prepare themselves. I think most Americans believe when someone is in crisis, you try to help them, but you also want to make sure they can help themselves through training and retraining.

I think we should consider here what it would be like for one of us. Each of us has a salary and has health care here in the Senate and we have a pension plan, so we are doing pretty well. Imagine what it is like, though, to work in a plant for decades doing the same work, and you do that work with pride and dignity; you take care of your family; you work in a job that has a sustaining wage. You do that for decades, the same job virtually every day,

every year, but you have two things: You have the ability to provide for your family and you have some dignity. Imagine when a hurricane, or unfair foreign competition, which our government has not done enough to fight against, sweeps through your factory and wipes you out before you can even think about it. It wipes out every job, or a lot of jobs. Sometimes physically it lifts the equipment off the floor and moves it to another country. That is what we are talking about here. So someone who has been doing this work for decades, in some cases, and all of a sudden they are not only without a job—that is bad enough—but they are faced with the prospect of not being able to transition because they have been in the same job and they have not had access to education or training that would allow them to transition. It would be nice if we had an economy everyone could transition, that you could get an educational level—and this is what it should be if we are doing the right thing providing this—that we have an educational level and an exposure to an immersion in skills and other advantages that will allow you to absorb that shock, allow you to pivot when someone with unfair trade wipes out your job. That is the ideal. That is what we hope we can develop in our education, our training system, training strategies. That is why workforce development is so important, so people have the broad-based skill level and they can absorb those shocks. But a lot of people can't.

All we are saying with trade adjustment assistance is we are going to help you with what we hope will be a short-term crisis for you and your family, and we are going to try to provide the training opportunities.

We are going to try to provide training opportunities so people cannot just get a new job but maybe can get a job because they have developed a skill that will allow them to have the same income for their families that they are used to but at least—at least—provide some short-term help for folks, and then give them skills for the long term. That is what this is all about. This is not complicated. It is all about that.

I understand we have a lot of folks here who have concerns about the legislation. They have concerns about one or the other aspect of it. But I hope we would not limit our horizons to helping all the folks who are adversely impacted.

For example, if we look at one of the provisions—this is why I want to get to the amendment itself that we are talking about. Here is what it does: The underlying amendment covers workers whose firms shift production to any country—any country—including China or India, not just countries with which the United States has entered into a free-trade agreement.

Look, I do not think we should be treating workers we are trying to help

under trade adjustment assistance any differently if they do not fall within that category of only the 17 countries with which we have free-trade agreements. So I think we should make sure that—of course, this is one of the changes the underlying amendment will validate, that we are trying to help anyone in that category who has been so adversely affected. So I do not think we should limit it to just 17 countries. We trade with countries all over the world, and we should do our best within the limits of this legislation to make sure it applies to a lot more than 17 countries, and that is the effect of the underlying amendment.

The Rubio amendment would only cover workers who lose their jobs due to trade with those 17 countries with which we have a trade agreement. In some ways—this is my own opinion on it—it puts the burden on the workers to somehow prove they are in the right category when the burden should be on us to make sure we are doing everything possible to help them—again, short-term help for the crisis, long-term help by way of skill development.

We have 14 million people in the country out of work; 14.4 million is what I saw at last count. Of the 14.4 million people, almost 4.5 million have been out of work for 1 year or more. Just imagine that. That is bigger than the population of a number of States. In Pennsylvania we have 12.5 million people. If we can just consider more than one-third of a State's population being out of work for more than 1 year.

So we have a lot of people who are out of work a long time, and they are especially disadvantaged if they happen to work in those industries that are particularly sensitive to or adversely impacted by trade with countries that are not playing by the rules.

We are going to have a discussion today, as well, about the introduction of currency legislation as it relates to China, where a number of us, including the Presiding Officer—and it is a bipartisan bill—think we have to get much tougher as it relates to Chinese currency policy. If China cheats, that costs jobs. So we should be very tough in those instances, and I think we can be, and do it in a bipartisan way.

But I would hope, with a program that works, we would be doing everything possible to keep it expanded for people affected by countries beyond just those 17. I know the Senator from Florida is concerned about those workers. I just hope we can keep the provisions in place to protect all our workers as best we can and not just start to limit it to 17 countries at a time when we need help for folks—short term with the crisis but longer term with skill development so they can transition and start a new worklife, even if they are 45 or 50 or 55 years old. A lot of these folks are in that age category.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to speak in support of Senator RUBIO's amendment and thank him for helping us to focus on the original intent of trade adjustment assistance.

Obviously, we want to help folks who are unemployed or displaced because of trade. But we have to realize where we are with our country right now. We are using borrowed money and sometimes printed money in order to help people. So we have a responsibility to taxpayers and to some form of fiscal sanity, as well as to those who have lost their jobs. What Senator RUBIO is trying to do is to restore those original, responsible boundaries of trade adjustment assistance to make sure this program is focused on those who are hurt by trade agreements.

The discussion is somewhat odd in the first place in that for several years the President has been telling us these trade agreements are actually going to increase jobs in our country, expand exports—which I believe they will—but to use this as an excuse and to hold these trade bills hostage for several years in order to fund a program which duplicates many other programs—because we need to remember, those who are put out of work in our country today have not only regular unemployment benefits but they have been extended much beyond what we have done before, and there are dozens of State and Federal training programs now that duplicate each other. Unfortunately, many of them have been found to be ineffective. But for us to lay another layer of duplication on top of that under the guise of showing compassion, I think we also have to make sure we are being responsible.

So we want to help folks who are unemployed, but we do need to make sure we are being responsible to the taxpayers. As I said, the trade adjustment assistance was originally designed to help those who were put out of work. And, believe me, coming from a textile State such as South Carolina, trade with China and other countries has displaced a whole lot of textile workers. Retraining is very important. The new jobs that moved in required more technical capabilities. But what we have found, as we have seen how our good intentions have hit the ground in South Carolina and around the country, is that even our own Office of Management and Budget rated TAA as ineffective.

The program costs taxpayers \$1.3 billion in just this year, in 2011, and we are finding that what it was intended to do it is not doing. It is not well managed. It is not helping the people it is supposed to help. Since its inception, the program has gone from a focus on those who lose their jobs because of trade to all kinds of institutions, training groups, and, frankly, fraud, dupli-

cation, and not helping the folks it is intended to help.

If we want to know how far out of bounds the program has gone, we all know the story of Solyndra solar company that got over \$½ billion from the American taxpayers and then went bankrupt and we lost our money. The workers now at Solyndra are applying for TAA benefits not because trade put them out of business, but, frankly, a coordinated effort of our government and Solyndra management have put these people out of work. But we can see, if they are now using a program called trade adjustment assistance to add to their unemployment benefits, the program is no longer within the bounds that it was intended.

If we are going to tell the taxpayers this program is intended for one thing, we need to make sure it is. What we are talking about now are trade agreements with Colombia, Panama, and South Korea. No one has come and told us these agreements are going to cost American jobs. Yet we have to pass more spending programs and add on to a program that has been proved ineffective in order to add jobs in America. That is not good policy. I do not think it is good politics.

I am thankful Senator RUBIO is taking the leadership to shine a spotlight on the need to help people while at the same time being responsible to taxpayers. We do not need to be funding additional unemployment for every company that goes out of business and was not properly managed. If we keep the program focused, it will help the people we need to help while, again, being responsible for hard-working Americans who are paying the taxes.

I encourage my colleagues to take a look at this amendment. Federal programs that continue to expand and expand, they become less and less effective; they cost more and more money. If we are going to continue this program, let's do it responsibly.

Mr. President, I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 634

Mr. CORNYN. Mr. President, I want to speak briefly again on my amendment as to the sale of F-16C/Ds to Taiwan and respond to the comments of the distinguished chairman of the Finance Committee, Senator BAUCUS, who said this was neither the right bill nor the right time. I understand every manager of a bill wants a clean bill; in other words, they do not want amendments. They would like to bring it here and have the Senate pass it without

any changes whatsoever. But that is not the way our system works.

Indeed, it is actually urgent we get this matter settled in a positive way because, as I mentioned earlier, there are 23,000 jobs in America that depend on this sale—many of them in the production line in Texas—but there are jobs all over the United States that depend on this.

Mr. President, I ask unanimous consent to have printed in the RECORD a document titled "Projected Nationwide Employment Impact of Production of 66 F-16C/Ds for Taiwan."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROJECTED NATIONWIDE EMPLOYMENT IMPACT OF PRODUCTION OF 66 F-16C/Ds FOR TAIWAN

State	Job—Years*
Alabama (AL)	168.6
Alaska (AK)	0
Arizona (AZ)	745.8
Arkansas (AR)	261.9
California (CA)	11,399.8
Colorado (CO)	37.1
Connecticut (CT)	5,876.1
Delaware (DE)	5.9
Florida (FL)	1,923.5
Georgia (GA)	537.4
Hawaii (HI)	0
Idaho (ID)	1.8
Illinois (IL)	777.7
Indiana (IN)	463.4
Iowa (IA)	199.6
Kansas (KS)	75.9
Kentucky (KY)	4.8
Louisiana (LA)	0.9
Maine (ME)	484.5
Maryland (MD)	2,687.3
Massachusetts (MA)	349.2
Michigan (MI)	879.9
Minnesota (MN)	179.6
Mississippi (MS)	16.1
Missouri (MO)	197.9
Montana (MT)	23.9
Nebraska (NE)	0
Nevada (NV)	0
New Hampshire (NH)	458.6
New Jersey (NJ)	747.9
New Mexico (NM)	482.8
New York (NY)	847.7
North Carolina (NC)	27.2
North Dakota (ND)	0
Ohio (OH)	10,577.0
Oklahoma (OK)	71.8
Oregon (OR)	137.8
Pennsylvania (PA)	266.4
Rhode Island (RI)	1.1
South Carolina (SC)	66.9
South Dakota (SD)	0.0
Tennessee (TN)	1.5
Texas (TX)	35,944.8
Utah (UT)	2,602.5
Vermont (VT)	170.6
Virginia (VA)	507.7
Washington (WA)	62.9
West Virginia (WV)	0
Wisconsin (WI)	78.9
Wyoming (WY)	5.3
District of Columbia (DC)	36.2
Rest of US (Spillover Effects)	7,270.2
Total U.S.	87,664.2

* Job-Year = 1 person employed for 1 year.

Source: May 2011 report by The Perryman Group (private consulting firm), "An Assessment of the Potential Impact of the Lockheed Martin F-16 Program on Business Activity in Affected States and Congressional Districts"

Mr. CORNYN. This is a very interesting document because it breaks down on a nationwide basis where jobs would come from or be affected by a refusal to sell these F-16s. In California, for example, 11,399 job-years.

If you are wondering, like I was, what a job-year is, that is one person employed for 1 year. So that is pretty significant.

In Connecticut, 5,876 job-years; in Ohio—I know the current occupant of

the chair, the distinguished Senator from Ohio, will be interested to know that Ohio would see 10,577 job-years as a result of this sale.

So as manufacturing is important in the State of Ohio, it is important in the State of Texas. Why would we not want to see these jobs created by this sale?

Mr. President, I have another document which is a letter signed by 181 Members of the House of Representatives to the President of the United States endorsing this sale. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, August 1, 2011.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concerns about the military imbalance in the Taiwan Strait. In order to maintain peace and stability in the Taiwan Strait, we believe it is critical for the United States to sell the government of Taiwan all the F-16 C/D it requires. We respectfully request that your administration move quickly to announce its support for such a sale and submit the required Congressional Notification for a sale as soon as possible.

Successive reports issued by U.S. and Taiwanese defense authorities outline the threat Taiwan continues to face, including the continued military buildup by the People's Republic of China. For example, Beijing has more than 1,400 missiles aimed at Taiwan and continues to add to this total. China is forging ahead and deploying next generation military technology. Military experts both in Taiwan and in the United States have raised alarms that Taiwan is losing its qualitative advantage in defensive arms that have long served as a primary military deterrent.

Due to impending changes within Taiwan's force structure, we respectfully urge a timely resolution to the aircraft sale issue. Within the next decade Taiwan will retire 70% of its fighter force and without new fighter aircraft and upgrades to its existing fleet of F-16s, Taiwan's situation could become quite precarious.

As you know, the Taiwan Relations Act of 1979 (TRA) states that it is U.S. policy "to consider any effort to determine the future of Taiwan by other than peaceful means . . . of grave concern to the United States." We remain deeply concerned that delays in the decision on the sale of F-16s to Taiwan and subsequently notifying Congress of their sale could very well result in closure of the F-16 assembly line. In addition to enhancing Taiwan's security, approval of the sale would support thousands of American jobs—especially well-paying jobs in the manufacturing sector.

Thank you for your consideration. We look forward to your reply.

Sincerely,

Shelley Berkley, Phil Gingrey, M.D.,
Gerald E. Connolly, Mario Diaz-Balart,
Ileana Ros-Lehtinen, Howard L. Berman,
Donald A. Manzullo, Eni F. H. Faleomavaega, Dan Burton, Gary L. Ackerman, Steve Chabot, Eliot L. Engel, Elton Gallegly, Kay Granger, Connie Mack, Dana Rohrabacher, Ed-

ward R. Royce, Sandy Adams, Robert E. Andrews, Steve Austria.

Howard P. Buck McKeon, Sam Johnson, Eddie Bernice Johnson, Judy Chu, Frank R. Wolf, Tom Reed, Michael G. Grimm, Ander Crenshaw, Rick Berg, Paul Tonko, Tim Griffin, Charles B. Rangel, Robert J. Dold, Frank A. LoBiondo, Sheila Jackson Lee, Ann Marie Buerkle, Michele Bachmann, Spencer Bachus, Joe Barton, Dan Benishek.

Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Jo Bonner, Dan Boren, Robert A. Brady, Michael C. Burgess, M.D., Dave Camp, John Campbell, Francisco "Quico" Canseco, Dennis A. Cardoza, André Carson, John R. Carter, Donna M. Christensen, Yvette D. Clarke, Emanuel Cleaver, Howard Coble.

Mike Coffman, K. Michael Conaway, Joe Courtney, Chip Cravaack, John Abney Culberson, Peter A. DeFazio, Rosa L. DeLauro, Theodore E. Deutch, Jeff Duncan, John J. Duncan, Jr., Renee L. Ellmers, John Fleming, J. Randy Forbes, Virginia Foxx, Trent Franks, Marcia L. Fudge, Cory Gardner, Scott Garrett, Charles A. Gonzalez, Gene Green.

Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Gregg Harper, Andy Harris, M.D., Vicky Hartzler, Alcee L. Hastings, Nan. A.S. Hayworth, M.D., Joseph J. Heck, Martin Heinrich, Brian Higgins, James A. Himes, Maurice D. Hinchey, Tim Holden, Steve Israel, Darrell E. Issa, Bill Johnson, Walter B. Jones, William R. Keating, Steve King, Jack Kingston, Adam Kinzinger, Doug Lamborn, James Lankford, John B. Larson, Robert E. Latta, Daniel Lipinski, Zoe Lofgren, Billy Long, Blaine Luetkemeyer, Cynthia M. Lummis, Daniel E. Lungren, Carolyn B. Maloney, Kenny Marchant, Tom Marino, Michael T. McCaul, Tom McClintock, Thaddeus G. McCotter, Patrick T. McHenry, Mike McIntyre.

Michael H. Michaud, James P. Moran, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Grace F. Napolitano, Randy Neugebauer, Devin Nunes, Alan Nunnelee, Pete Olson, William L. Owens, Steven M. Palazzo, Steven R. Rothman, Jon Runyan, Tim Ryan, Linda T. Sánchez, Loretta Sanchez, Adam B. Schiff, Jean Schmidt, David Schweikert.

Austin Scott, David Scott, James Sensenbrenner, Jr., Pete Sessions, Heath Shuler, Michael K. Simpson, Albio Sires, Steve Southerland II, Frank Pallone, Jr., Bill Pascrell, Jr., Joseph R. Pitts, Ted Poe, Tom Price, M.D., Mike Quigley, Denny Rehberg, Silvestre Reyes, Laura Richardson, David Rivera, Bill Shuster, David P. Roe, M.D. Mike Rogers, Peter J. Roskam, Todd Rokita, Dennis A. Ross, Jackie Speier, Cliff Stearns, Steve Stivers, Glenn Thompson, Mac Thornberry, Edolphus Townsend, Michael R. Turner, Joe Walsh, Lynn A. Westmoreland, Ed Whitfield, Joe Wilson, Robert J. Wittman, Don Young, Richard B. Nugent, Benjamin Quayle, Robert T. Schilling, Robert B. Aderholt.

Mr. CORNYN. I see the distinguished Senator from Oklahoma in the Chamber, and I will defer to him momentarily. But I want to just say we need to understand what would happen if

this production line of F-16s was shut down. The people who work on that production line would have to be let go or reassigned, actually exacerbating the high unemployment that we know is intolerably high. Once the production line of a sophisticated aircraft like the F-16 is shut down, we cannot decide, well, next year or the year after we are going to start up again—unless we are going to add tremendously to the cost. It makes it far less likely it will ever get made because of the costs and because of the sheer magnitude of the effort of trying to get this production line back together and all the people who were employed there back to work.

So that is why, to respond to the distinguished chairman of the Finance Committee, the manager of the bill, it is so important in terms of the timeliness. I agree there is a time for everything, but the time for this is now.

I will just say, finally, as I indicated earlier, this is a bipartisan measure, as demonstrated by the 47 Senators who signed letters to the President urging the sale; 13 Democrats, along with the remainder being Republicans.

In the House, this letter I mentioned earlier which has been made part of the RECORD, there are 181 Members of the House—a bipartisan list—I actually think that if the manager of the bill, the chairman of the Finance Committee, would accept this amendment, it would enhance the votes for the very bill he wants to see passed out of the Senate, perhaps later today.

In conclusion, I ask unanimous consent that the time allocated for Senator THUNE be reserved within the time allocated to the minority and that quorum calls be charged equally between the majority and minority bill time first.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that the short time I am asking for as in morning business not be taken from either side in this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say, as far as the subject is concerned right now, I am very proud to have one of the first signatures on this effort. It is good for every reason the Senator from Texas mentioned. On top of that, we have allies we are dealing with. We have the employment situation. I know this is going to be successful. I appreciate all the effort that has gone forth.

HONORING OUR ARMED FORCES

SPECIALIST CHRISTOPHER DAVID HORTON

Today, I wish to recognize and pay tribute to Army SPC Christopher David Horton from Owasso, OK. That is

home of the Rams in case people did not know. Chris was born in Tulsa on October 1, 1984. He was deployed to Afghanistan with over 2,000 Oklahoma National Guard soldiers from the 45th Infantry Brigade Combat Team. There were actually 3,000 initially in this deployment. Some of them actually went to Kuwait at the last minute.

He was deployed to Afghanistan. This combat team, the 45th, has probably had more deployments than anyone else, although this was Chris's first deployment. His unit was attacked by enemy forces in Paktia Province on September 9, 2011. Chris and two of his fellow soldiers, SGT Bret Isenhower and PFC Tony Potter, died of injuries sustained from that firefight.

He would have turned 27 next week, on October 1. Chris attended the Missouri Military Academy in Mexico, MO, and graduated in 2003. He excelled both militarily and academically during his 6 years at Missouri Military Academy. He was the 2nd platoon leader his senior year, captain of the rifle team, on the honor roll, earning him the Academic Fourragere Award.

Chris lived a remarkable life, driven by service and excellence. He often spoke of his desire for America to excel. He was a business owner and a volunteer police officer. He was extremely patriotic and very passionate in his love for America and for its freedoms, knowing they have to be protected.

Chris was an accomplished recreational shooter and a professional sponsored shooter through the U.S. Shooting Academy of Owasso, OK. Some of his marksmen awards include the Gus Hadwiger Award of 2009. He received first place in novice pistol in the Oklahoma National Guard, first place in novice pistol in the Governor's Twenty Match. This guy was very good. He excelled and was among the very best. That was something he enjoyed.

But in addition to shooting—this is kind of interesting because things bond us together. I came so close to meeting him, but I never actually did. But one of the things we had in common is we are both avid fishermen. He loved fishing. That is one of the things he enjoyed very much. Every opportunity he had, he would fish both ocean and freshwater.

His younger brother Nick said:

He was the best big brother I could ever have asked for. He taught me how to drive a car and how to fish.

That pretty much tells it all. Chris's mother Cherie Horton said:

My son's passion his whole life was to be a part of the military.

He wanted to be part of the military.

He loved his country, and he really wanted to serve his country. He was absolutely made to be a soldier.

This is a mother speaking. Chris enlisted in the Oklahoma National Guard

in 2008, was assigned to the 1st Battalion, 279th Infantry Regiment of the 45th Brigade of the Army National Guard.

He attended basic training at Fort Benning, GA, became a sniper-qualified infantryman, and to no one's surprise, graduated at the top of his class. Chris leaves behind his parents, Cherie and David Horton, his brother Nicholas, sister Tenley, and his wife Jane Horton. Chris met Jane while attending the Kings College in New York City. Jane said it was Chris's fiery passion and their mutual love for politics that brought them together.

He was the most honorable man I'd ever met in my life. That's why I snagged him and we were engaged within 2 months. We were married very fast.

She knew what she was out after. I know this is true because my staff and I got to know Chris through his wife Jane. She was an intern for me. She worked in my office, and we had these exchanges all the time. As could be expected, Jane took a personal interest in operations in Afghanistan. She worked with my legislative staff, responsible for military and veterans affairs.

During her time in Washington, she coordinated a campaign that resulted in over 20 care packages being sent to the Oklahoma National Guard Infantry Combat Brigade. I can tell everyone this, having been over there at a time when a lot of these care packages come in, we know, as we go across this country in helicopters, a lot of these packages, even though the people at home do not know it, are dropped to kids on the ground who love what we are doing there.

So I think Jane represents the best asset our military has at its disposal; that is, the military spouses. Her zeal and dedication are not uncommon attributes for military spouses who "hold down the fort" while their loved ones are deployed.

I had looked forward to meeting Chris during my upcoming trip to Afghanistan another week from now. I had a meeting during the break, the recess, in Collinsville, OK, and Jane was there. We talked about how we were going to meet up with Chris in my upcoming trip to Afghanistan. I had looked forward to meeting him during that trip.

While this personal conversation will not happen, I am committed to making Chris's desire that our Nation be led down the right path a reality. Chris lived a life of love for his family, friends, and country. He will be remembered for his commitment to and belief in the greatness of our Nation.

Here are some of the comments posted online in honor of his life. I think it is kind of neat to read a lot of these. They come from assorted different people. Some are members of the family, some are not. Here is one of them:

God's got a good warrior up there with him now.

Another one:

I want to thank the families of this wonderful young man who was willing to give his life for our freedom. May no one in America take this act lightly. Love and prayers to all of the family and friends.

Here is another:

Christopher David Horton was the kind of young man who would do anything for anybody.

Another one:

He is a hero—each and every serviceman/woman are—they protect our freedoms and without them we cannot. Thank you Specialist Christopher Horton—may you rest in peace. Prayers being said for your family.

But here is my favorite one. It is actually by his brother Nick. He said:

You will be missed more than anything brother, especially on the range, you always gave me a run for my money. Till we meet again in heaven!

That is kind of great. This tough fight took place and took the life of Chris. But make no mistake, Chris's sacrifice made a difference and will continue to make a difference not just in Afghanistan but here in the United States.

We are safe and our country is secure because of Chris and all the service men and women. We have to continue in our unwavering support for them. Although each servicemember we lose hurts, it is because of our connection to Jane that my staff and I are particularly affected by the loss of SPC Chris Horton.

I extend the deepest gratitude and condolences to Chris's family. I will say something I will be criticized for—I always am. I have always been a Jesus guy. I find out, of course, that so is Chris. So when something such as this happens, even though we did not personally meet, we are brothers. So, in a case such as this, we do not say: Goodbye, Chris. We say: We will see you later.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 634

Mrs. HUTCHISON. Madam President, are we under a time limit to discuss the Cornyn amendment?

The PRESIDING OFFICER. Senator CORNYN has 33 minutes remaining.

Mrs. HUTCHISON. I want to speak on the Cornyn amendment.

I ask unanimous consent that I be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, the Cornyn amendment is important

because the President of the United States has refused to allow the sale of 66 F-16C/D model aircraft to Taiwan. Taiwan is trying to modernize its air force, and it is not an issue of our not selling to Taiwan. They have bought the A/B models, so they have 145 F-16s in the earlier model, the A/B. They are trying to get the next generation of them.

This is a foreign policy issue, but also a domestic issue, because these are very important sales—the 66—for the F-16 line to be continued, and the hope is that this sale will go through. It is very important so that we can continue to make them for ourselves but also sell them to our allies. Most certainly, Taiwan is an ally and has used and likes the F-16. Taiwan has also used the French Mirage, but the French Mirage has a shortage of parts for Taiwan. They are trying to consolidate, with F-16s, American jobs and American fighters.

Now they are running into the roadblock of the administration. Within the next decade, Taiwan will retire 70 percent of its fighter force structure. Its F-5s have reached the end of their utility. The Mirage fighters lack parts and life cycle support, and their indigenous defense fighters are being converted to trainers. Taiwan's existing 145 F-16A/B fighters all require a midlife upgrade. With the F-16s already in the inventory, they are seeking to combine their whole fighter fleet with the single airframe, with the cost and operational benefits and the efficiencies that one fighter frame would give them.

We are concerned that further delay of the decision to sell the F-16s to Taiwan could in fact close the production line. That is why 45 members of the Senate have signed a letter to President Barack Obama, asking him to go forward with this sale of 66 F-16C/Ds to Taiwan.

The Taiwan Relations Act of 1979 directs Congress and the President to make decisions on arms sales to Taiwan based solely on the judgment of the needs of Taiwan. We believe that the Taiwanese pilots flying Taiwanese fighter aircraft manufactured in the United States represent the best first line of defense for our democratic ally, and do not pose any threat to China. There is no offense here. The Taiwan air force just patrols the Taiwan Strait to assure its safety and security.

I rise in support of the amendment that has been offered. It is very important. Bipartisan support in Congress for working with our ally, Taiwan, without any offense to China is important and we need to assure that it remains solid and firm.

I hope our colleagues will help us with the amendment that will assure this sale goes through, that we keep the commitments we have made, and that we have the ability to sell to Taiwan; otherwise, they will surely look for other countries to buy from.

That is not in our interest. Here we are trying to create jobs in America. It is certainly in our strategic interest to have our ally buy our product, so we can do the training and work with them and have a strengthening of not only our trade but our defense alliance. It just makes sense to go forward. It is not as if we don't sell to Taiwan. They have already bought 145 F-16s. They now want 66 more of the newer version.

It is time for us to do what is right for our country, for jobs in our country, for our national defense, and for the keeping of our commitments and ties with our ally, Taiwan. I urge support for the Cornyn amendment. Since so many Democrats have signed a letter to the President, I hope that will translate into votes for the amendment so it will be clear that the bipartisan support in the Senate for the F-16 sale to Taiwan is accomplished.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ASSISTANCE TO PAKISTAN

Mr. KIRK. I rise to commend the Senate Appropriations Committee, under the leadership of Chairman LEAHY and Ranking Member GRAHAM, on a decision we made yesterday as a full committee with regard to U.S. assistance to Pakistan.

In short, what the Senate did was to remove nearly all the guarantees of assistance funding to the Pakistani Government, based on new information and statements made by senior U.S. Government officials on the Pakistani Government and its intelligence service's—called the ISI—support for an organization called the Haqqani network, one of the most dangerous terrorist organizations on Earth.

We have learned from statements by our U.S. Ambassador in Kabul, U.S. Ambassador in Islamabad, Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that the Haqqani network has become the principle threat to the Afghan Government, to U.S. troops serving in Afghanistan, and to our NATO allies.

We have seen the U.S. Embassy in Kabul and NATO Headquarters were attacked on September 12. At least 16 people were killed, including 5 Afghan police officers and 11 civilians, in an attack organized and put together by the Haqqani network under the direct protection and support of Pakistan's Government itself. Just a few days earlier, at Combat Post Sayed Abad in Wardak Province, on September 10, over 77 U.S. soldiers and 17 Afghans were injured by a massive truck bomb

likely put together by the Haqqani network, probably in Afghanistan, for an attack on Americans. This June 28, at the Hotel Intercontinental in Kabul, 12 Afghans were killed and 8 were wounded during a nighttime attack, also likely sponsored by the Haqqani network. That same network attacked Kabul Bank on February 19, with over 40 people killed.

The Haqqani network is a different branch of the Taliban. The Taliban largely does not have a safe sanctuary in Afghanistan or Pakistan. They have surrendered much of their operational control and initiative in eastern Afghanistan to the Haqqani network.

The reason why the Haqqani network has become so powerful and so strong is because it is protected by the Government of Pakistan itself, a claimed ally of the United States that receives substantial assistance provided by this Congress.

We have seen a very clear picture emerge from the administration directly connecting the Government of Afghanistan to the Haqqani network in support and assistance that has been involved in the death of American service men and women and our NATO and Afghan allies.

This started out on September 13, when one of our most able Foreign Service Officers, a real hero of Foreign Service, our Ambassador in Afghanistan, Ryan Crocker, highlighted Pakistan support for the Haqqani network and its role in attacks in Afghanistan.

Four days later, our U.S. Ambassador, his counterpart in Islamabad, Cameron Munter, gave a very important and I think brave interview on Pakistani radio, highlighting the role of the Pakistani Government support for this terrorist organization and its attacks on U.S. service men and women in Afghanistan.

The following day, Secretary of State Hillary Clinton, during a meeting with Pakistan's Foreign Minister Khar, also highlighted the government support for this terrorist organization and its attacks on American citizens serving in uniform in Afghanistan.

Finally, on September 20, the Chairman of the Joint Chiefs of Staff, Admiral Mullen, in a presentation before the Carnegie Endowment for Peace, also highlighted Pakistan's official government support for the ISI and the Haqqani network.

In testimony today in the Senate Armed Services Committee, Admiral Mullen reiterated these claims, stating the ISI, Pakistan's Government, had provided explicit support for an attack on the U.S. Embassy in Kabul and NATO headquarters. The Haqqani network, supported by the Government of Pakistan, is also responsible for attacks on Afghan and Indian construction efforts in the Kabul-Gardez Road at Camp Chapman, an attack that

killed seven CIA employees and enabled the kidnapping of American and British journalists.

Within Pakistan, the Haqqani network serves as a trusted intermediary between the Pakistani intelligence service and terrorist organizations active also against the Indian democracy in Kashmir and throughout the subcontinent. These include Lashkar-e-Taiba and Tehrik-e Taliban Pakistan, organizations responsible for the 2008 and 2011 Mumbai attacks.

Secretary Clinton, Secretary Panetta, Admiral Mullen, General Allen, Ambassador Crocker, Ambassador Munter, and the Congress, Republicans and Democrats here in the Senate, now all agree that the Pakistani Government's complicity and longstanding history of support and protection for the Haqqani network is a major impediment of the U.S. goal of achieving safety and security in Pakistan and Afghanistan. The Pakistani Government should end its protection of the Haqqani network.

The Haqqani network is a wholly owned subsidiary of the ISI, and is responsible for the death of American service men and women and civilians in Afghanistan. Both the United States and Pakistan would benefit from a strong and stable Afghanistan, but the ISI part of the Pakistani Government disagrees and supports terror. That is why it is important that the Senate made this decision to remove all but the counterterrorism accounts from Pakistan and to put in new language conditioning any extension of aid to Pakistan on cooperation against the Haqqani network.

We will need to define what "cooperation" means, and I hope what it will mean is, No. 1, a substantive and continuous reduction in Haqqani tempo against U.S. and NATO forces in Afghanistan, showing that nearly all of the attacks have been eliminated within the calendar year and, on top of that, authority or action by the United States or NATO allies to hit Haqqani targets in the frontier autonomous tribal area, where they have been protected to date.

Unless we can meet these two conditions, I believe the decision we have made to remove the floors and stop the guaranteed funding for Pakistan is a wise one. This is a rare moment in which the U.S. Ambassador in Kabul, the U.S. Ambassador in Islamabad, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and Secretary of State have all said that the Pakistanis directly support terror through the Haqqani network and it needs to stop. In these tough economic times where nearly all of the assistance under the legislation approved yesterday is in the overseas contingent operation account—which, remember, is all borrowed money to be provided to Pakistan—it should be done only if

their policy of supporting the Haqqani network ends.

I am very glad the administration and now the Congress have spoken with a clear voice. I only hope we hold our nerve because, otherwise, if we go by past policies of having mere Pakistani promises and official statements be the cause for releasing U.S. aid, we will repeat the failures of the current policy. We need actual action. We need to understand that senior Pakistani officials—of their foreign ministry, of their intelligence service, and of their defense department—have directly lied to American officials. Only by action and cutting off the Haqqani network can we make sure that at least the U.S. taxpayer is not supporting this terrorism.

I commend the action of the Foreign Operations Committee yesterday. I commend that it was a bipartisan action. Now I hope we stick to our guns and make sure we do not provide assistance to Pakistan unless they stop supporting this most dangerous now terrorist operation operating against our men and women in uniform serving in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I first rise to speak for 30 seconds on the trade adjustment assistance legislation and the amendment Senators BAUCUS and CASEY and I have been working on, to make sure that trade adjustment is available to workers who have lost their jobs because of service or manufacturing and trade competition—only not real competition, because so often the deck is stacked far too much against American workers and American companies. Other amendments notwithstanding, I don't want to see this restricted to only those workers who have lost their jobs from unfair competition from countries we do not have trade agreements with. It sounds almost silly to have to say that. We need to keep this program focused on all workers who need some assistance, who need to be retrained. They lost their jobs through no doing of their own.

It suggests the next issue, and that is something a bipartisan group of Senators has raised. Republican Senators, Senator BURR, Senator GRAHAM, Senator SESSIONS, Senator SNOWE, and Senator COLLINS, and Democratic Senators, Senator SCHUMER, Senator STABENOW, I am one of the five, Senator HAGAN, and Senator CASEY—each of us has pushed for legislation dealing with the problems of currency. The Chinese have clearly gamed the system.

We spent all this time on the budget deficit. It is certainly worth addressing in a big way. But we spend so little time on the trade deficit, and the trade deficit cuts right into eliminating American jobs.

Recent studies show that literally hundreds of thousands—some 2.8 million jobs have been lost to China since 2001, in a decade. Two-thirds of those were manufacturing jobs lost because of unfair trade practices, in part because of the way the Chinese game the system on currency. Our legislation says several things. One of the most important parts of this legislation is simply telling the U.S. Government, when it is doing an investigation on trade cases, it must consider currency manipulation by the Chinese.

This will result, we know, in significant job growth in our country. It will mean more exports of U.S. products to China because it takes off that advantage they have. It will mean American companies making products here can compete with Chinese competition trying to sell into our market—again because it takes away the unfair subsidies the Chinese have had.

You do not have to go very many places—in West Virginia, in Connecticut, in Ohio—to see how many cases there are of products sold in this country that used to be made here that are now being made in China. Currency is not the only reason but it is surely one of the reasons.

I will close with this, a brief story about a company in southwest Ohio which manufactures paper. Until a decade and a half ago, the Chinese, the People's Republic of China, did not even have a coated paper industry. That is the sort of magazine paper, glossy paper we are all familiar with. The Chinese did not even have the kind of technology to make that paper for a decade and a half. Since then, they started their industry. They buy their wood pulp in Brazil, they ship it a long way to China, they mill it in China, they ship it back to the United States and they undercut American companies by underpricing American companies—southwest Ohio, in many cases, southern Ohio, American companies, and other places. They undercut them with price.

They tell me when you make paper, only 10 percent of paper costs are labor costs. What that means is the Chinese are subsidizing in water and in credit, in land, in energy, and in labor, and in currency. We have been somewhat successful in fighting back and showing that the Chinese are cheating. But if we have that additional tool, they cannot game the currency system, and we will not see the kind of job loss, the hemorrhaging of jobs in West Virginia and Ohio and all over this country.

American companies are some of the most efficient in the world. The workers are the best in the world. We will be

able to compete on a much more level playing field. That is the importance of the legislation that 10 Senators, 5 Democrats and 5 Republicans, are introducing. We spoke about it today. It is essential the Senate move forward on it.

I thank Senator BLUMENTHAL for yielding me these 5 minutes and I yield the floor.

THE PRESIDING OFFICER. (Mr. MANCHIN). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, are we in morning business?

THE PRESIDING OFFICER. We are not in morning business.

Mr. BLUMENTHAL. I will proceed, then, as in morning business.

First, I thank and commend the Senator from Ohio on his very important efforts on Chinese currency manipulation. I am proud to be a cosponsor with him on his legislation. I intend to introduce my own. He has been a very stalwart advocate and champion of U.S. trade interests and deserves the thanks and commendation of this body and the American people. I thank the Senator from Ohio.

ISRAEL

I rise today to restate at this crucial juncture my unwavering commitment, as stated so eloquently by many in this body over the years, to the United States-Israel relationship and America's unshakeable commitment to Israel's security.

I thank the President of the United States for his address to the United Nations, which very powerfully and courageously stated that commitment. The President's strong message shows again that our shared interests, as well as our friendship with Israel, are deep and enduring.

As my colleagues know all too well, the Israelis and Palestinians must reach agreement through negotiations on the issues that divide them, not through the United Nations. Israel has repeatedly endorsed a two-state solution that will sustain it as a Jewish and democratic homeland. To be achievable, any lasting peace and any plan for peace must acknowledge the real security concerns that Israel faces day in and day out and has faced throughout its history.

The President's powerful remarks at the United Nations were inspiring in a forum that has been repeatedly hijacked by dictators and despots for the purpose of delegitimizing Israel and fomenting anti-Semitism. The Palestinian Authority's bid for United Nations recognition is a distraction from the hard work, the really hard work needed to achieve peace and find an equitable solution.

As the President said, "The fact is peace is hard." To succeed, "peace depends upon compromise among people who must live together long after our speeches are over."

Tough compromises will have to be made by both the Israelis and the Palestinians. The United States is ready to assist both peoples in taking necessary risks for peace, and Israel is willing to sit down and commence those talks immediately with the Palestinians.

The bid for United Nations recognition is also a distraction from the deteriorating situation in the Middle East, where governments of the region, both old and new, seem all too willing to use Israel as a target and as a scapegoat, rather than face the legitimate needs of their own people.

In Turkey, for example, the government has stretched to seek a confrontation with Israel rather than address the humanitarian disaster on its doorstep in Syria. In Egypt, the government honored those who attacked the Israeli Embassy in Cairo, rather than release from detention their citizens arrested for advocating for democratic reforms and freedom. Most concerning to this Chamber, Iran's Government has doggedly pursued nuclear weapons and threatens to destabilize the entire region. Nobody is fooled about the military dimensions of Iran's nuclear program.

On this day we do not yet know how the Palestinian Authority's bid for statehood recognition at the United Nations will be resolved. I do know my colleagues on both sides of the aisle will not be sidetracked from advocating for the hard work toward peace. By encouraging the Palestinian Authority to return to the negotiating table, which they have refused to do, and by continuing strong United States-Israel defense cooperation our Nation will deter those who would seek to achieve victory over Israel by either using the force of arms or manipulating international institutions such as the United Nations.

By sending the Iran, North Korea, and Syria Sanctions Consolidation Act of 2011 to the President for his signature, we can do our part to call attention to Iran's use of denial and deceit to advance its nuclear program. By passing a foreign operations appropriations bill for fiscal year 2012 that aligns our assistance with our international commitments—including over \$3 billion in aid to Israel—this body will, again, demonstrate its leadership in striving for peace.

Finally, I would be remiss if I did not call attention to the fact that while each of us was free to hear the President's remarks, yesterday was and today remains another day that Gilad Shalit is held hostage by Hamas. As a nation founded on the unalienable right to liberty, we must repudiate those who seek to forge a nation while continuing to collaborate with his captors. I urge his release.

I look forward to working with my colleagues and the President on all of

these efforts. They are truly bipartisan. They unite us as a body and they unite the American people. I thank you.

I yield to the distinguished Senator from Virginia.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask to speak as in morning business for up to 5 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I would like to thank my friend, the Senator from Connecticut. Let me add my voice to his. There is no better friend or stronger ally. This is one of the key relationships our country has. Like the Senator from Connecticut and the Presiding Officer and others, we have a lot of things in this body we disagree with, but our firm support for Israel, particularly at a time when there is so much turmoil in that region, it is important the Senator from Connecticut, Mr. BLUMENTHAL, spoke on that issue.

RECOGNIZING FEDERAL EMPLOYEES

I am going to take a moment today to repeat something I do on a regular basis. It is something I inherited from the former Senator from Delaware, Mr. Kaufman, when he was here. He would, on a fairly regular basis, come down and recognize the great work of individual Federal employees.

We spend a lot of time in this body talking about what government does not do well and how we need to rein in and get our government in order. I know the Presiding Officer and I share those beliefs. There are an awful lot of good folks who work for our Federal Government day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.

So following in Mr. Kaufman's footsteps, I come down and pick a Federal employee to recognize. I will get to this Federal employee in a moment.

Let me just say we have already seen rumblings in the press of another potential political brinksmanship around the end of the fiscal year. I see my good friend, the Senator from Maryland, who, like me, a Senator from Virginia, has a disproportionate number of Federal employees in our respective States. The Presiding Officer from West Virginia probably has a disproportionate number of Federal employees as well.

Every time we get to that eleventh hour, we put all these Federal employees' lives in limbo, and that is not fair. It is not right. Every time we do this, we self-inflict upon this economy another effort imposed by us that slows our economic recovery. I know the majority leader and others are trying to work in good faith to make sure we do not have another brinksmanship around the end of the fiscal year.

Mr. CARDIN. Will the Senator yield?

Mr. WARNER. I will be happy to yield.

Mr. CARDIN. Let me thank my colleague from Virginia. He is absolutely right. We went through a pretty tough time a month ago when we reached an agreement on the funding levels. It should be a very simple process to get a continuing resolution passed that will extend the government based upon the agreement that was reached just a month ago.

The Senator from Virginia is right about our Federal workforce. Our Federal workforce is doing more work with less people. They are subjected to a 2-year pay freeze, which they were subjected to before we had an agreement to deal with the deficit. For the sake of our Federal employees, for the sake of the people who depend upon their service, and for the sake of our economy and for good governance, the passage of what we call a clean continuing resolution that allows us to work out the individual appropriations bills should be beyond any disagreement.

I thank the Senator from Virginia for his leadership not only on behalf of Federal employees, but also on behalf of sensible budgeting so we do not have to go through this type of ordeal and put people through this unnecessary anxiety.

Mr. WARNER. I thank the Senator from Maryland. I will now take a moment in this continuing effort to recognize examples of the kind of people who serve our government—oftentimes for not much recognition, a lot less pay and, candidly, some disdain from people on both sides of the aisle.

HONORING ALFONSO BATRES

Mr. President, I am pleased to honor Dr. Alfonso Batres, who is the chief readjustment counseling officer at the Veterans Health Administration. He has direct oversight of 300 vet centers, 50 mobile vet centers, and over 1,900 vet center staff providing readjustment service to war zone veterans and their families across the United States. He has worked extensively to ensure vet centers—which are small storefront operations located throughout the country—are accessible to as many people as possible. His efforts led to nearly 200,000 veterans and their families to visit vet centers a total of 1.2 million times in 2011 alone.

Dr. Batres has also expanded the scope of coverage for vet centers and worked to improve the quality of the services offered to veterans. For example, he provided family bereavement service and the Combat Call Center, which allows veterans to talk to other combat veterans about readjustment issues they may be experiencing.

Dr. Batres' dedication to providing quality veteran-centric care has led to praise throughout the health care community. According to Lawrence Deyton, a former Veterans Affairs colleague:

Dr. Batres' combination of vision and personal experience . . . has translated into the Vet centers becoming the gold standard, and a model for public health programs.

In an interview, Dr. Batres said:

The opportunity to serve veterans and their families as a civil servant through the Vet centers program has been a dream realized and an honor.

In 2009, when I first joined this body, I helped launch a comprehensive study that evaluated the quality of care and benefits we are providing to our returning combat veterans, especially women who are affected by post-traumatic stress syndrome and traumatic brain injury. I think we are very fortunate to have someone as dedicated as Dr. Batres working on these important issues.

I hope my colleague will join me in honoring the doctor, as well as all of those at the Department of Veterans Affairs, for their excellent work today. I also am proud to recognize that Dr. Batres, as a Virginian and a Vietnam veteran, has dedicated 37 years to public service.

As I was saying earlier, along with the Senator from Maryland, there will be issues on which we disagree with our friends on the other side of the aisle. We have to have a way to argue, debate, and decide on those disagreements, but let's make sure we do not put this country and our Federal employees in more—and, equally important, the 300 million Americans who not only depend on those services that are provided, but mostly are about trying to recover in this economy—let's not have act 3 of that kind of political brinksmanship which started in the spring and then over the debt crisis and now potentially at the end of this month, which are, in effect, self-inflicted wounds on our economy that is struggling so much to recover.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 651

Mr. HATCH. Mr. President, I thank Senator RUBIO for offering his important amendment that will constrain spending on TAA by limiting TAA benefits to workers negatively impacted by free trade agreements negotiated by the U.S. Government.

As I explained in offering my amendment yesterday to tighten the standard of eligibility for TAA, the expanded TAA Program will grow and grow and cost more and more taxpayer money. The expanded TAA Program proposed by the chairman is no longer about trade policy but, rather, about expand-

ing a domestic spending program. The TAA Program proposed by our friends across the aisle extends TAA to services workers and to workers impacted by shifts of production or services to any foreign country. In an integrated and rapidly expanding global economy, conceivably all business decisions made at home and abroad could trigger TAA's generous benefits.

As I predicted at the beginning of this debate, many of my friends who support TAA have argued that more people used the TAA Program when it was expanded in 2009; therefore, it must be working. I strongly reject this argument. Spending more money and certifying more workers does not mean a program is succeeding; it simply means the program is expanding and costing more and more taxpayer dollars.

Proponents of an expanded TAA Program tell us there is a moral obligation for the government to help mitigate the costs from job losses associated with increased imports and offshore outsourcing, which often occurs as a result of direct government policies, that is, trade agreements. But why do we choose to reward some Americans who lose their jobs due to adjusting to some Federal policies—in this case, trade policy—but not others? Even if one were to concede that the Federal Government has some obligation to help those who lose their jobs due to the trade policy actions of the United States, surely workers who lose their jobs for reasons that have nothing to do with Federal Government actions should not receive these favorable TAA benefits.

I have heard lots of talk about the improvements made in the 2009 TAA stimulus expansion. One word I do not hear much anymore is "globalization," because if you go back and look at the actual bill, the 2009 stimulus TAA package was actually called TGAA, trade and globalization adjustment assistance. The chairman has dropped the "globalization" reference in the title of the TAA extension amendment we are considering today, but the legislation retains the untenable expansion of eligibility criteria included in the 2009 stimulus version.

The TAA Program we will vote on today, as offered by the chairman has lost any nexus to U.S. trade policy actions. Under the chairman's expanded TAA Program, workers who lose their jobs, allegedly due to shifts in production to non-free-trade agreement countries, will be eligible for the generous TAA benefits.

As I highlighted in my remarks yesterday about Solyndra, in a dynamic U.S. and global economy, businesses can start up and shut down for many reasons that have absolutely nothing to do with foreign trade and certainly nothing to do with any specific U.S. trade policy. Solyndra failed due to a bad business model and an ill-conceived Federal loan of a half a billion

dollars in taxpayer money—it was a little bit more than that—not because of trade policy. That Solyndra workers may receive TAA benefits highlights the problems with the program.

Globalization has changed how our businesses operate—both large and small—and all the variables that now impact buying and selling decisions through global supply chains, shifting demographics, shifting demand trends, different tax regimes, and ever-changing investment climates will necessarily create opportunities and challenges for all American businesses. We should help American businesses and farmers compete for the new customers and consumers around the world, and we do this best by prying open those markets, protecting American intellectual property rights and investments, and strengthening the rule of law.

That is why my colleagues and I continue to push the White House to send the three pending free-trade agreements to Congress for a vote, so we can help our businesses and farmers better compete in a global economy. If we want to help our economy and create jobs, passing the FTAs should be our first order of business.

The best response to globalization is to harness its dynamic growth to our benefit, not to choose winners and losers and give them unproven training and additional income support and health care entitlements. If the purpose of TAA is to help workers adjust to trade policy actions by the government, then only those workers impacted by trade with U.S. free-trade agreement countries should be eligible.

Again, I thank my colleague and friend, Senator RUBIO, for offering this important amendment and trying to look out for the taxpayer and narrowly constrain spending on TAA. I urge my colleagues to support his amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 650

Mr. THUNE. Mr. President, I call up amendment No. 650 to make it pending.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 650.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 650

(Purpose: To require a report on the consequences of failing to act on trade agreements)

At the end, add the following:

TITLE —ITC REPORT

SEC. 01. SHORT TITLE.

This title may be cited as the “Quantifying the Effects of Failure to Act on Trade Act”.

SEC. 02. ITC REPORT.

(a) IN GENERAL.—

(1) FAILURE TO ACT ON AGREEMENT.—Not later than 2 years after the date that the President enters into a trade agreement, the International Trade Commission shall submit a report described in subsection (b) to Congress, if—

(A) legislation to implement the agreement has not been submitted to Congress;

(B) a bill to implement the agreement has not been considered by either House of Congress; or

(C) the agreement has not entered into force with respect to the United States.

(2) FOLLOW UP REPORT.—The International Trade Commission shall update the report required by paragraph (1) each year thereafter, if legislation to implement the agreement has not been submitted to Congress, a bill to implement the agreement has not been considered by either House of Congress, or the agreement has not entered into force.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following:

(1) A quantitative analysis of the impact on United States businesses and individuals caused by the delay in the implementation of the agreement. The analysis shall examine all relevant factors impacting United States businesses and individuals, including—

(A) lost market shares for United States exports in foreign markets resulting from new trade agreements implemented between the country with respect to which the trade agreement was entered into and any other country, and market shares lost for United States exports resulting from any other factor;

(B) how the delay in implementing the agreement is affecting the advancement of United States trade objectives, described in the Bipartisan Trade Promotion Authority Act of 2002 (or any subsequent trade promotion authority); and

(C) how the delay in implementing the agreement is affecting the protection of intellectual property rights of United States businesses operating in foreign markets.

(2) The impact on employment in the United States resulting from the delay in implementing the agreement.

(3) An estimate of the probable impact on United States businesses, in terms of exports, profitability, and employment, if the trade agreement does not enter into force by the end of the calendar year following the date of the Commission report.

(c) APPLICABILITY.—The International Trade Commission shall submit the report required by this section with respect to—

(1) any trade agreement entered into on or after the date of the enactment of this Act; and

(2) any trade agreement entered into before the date of the enactment of this Act if such agreement has not entered into force with respect to the United States by June 30, 2012.

Mr. THUNE. Mr. President, I rise in support of this amendment, which I filed yesterday afternoon, which deals with what I believe is a very important

topic; that is, the high cost of delay when it comes to the pending free-trade agreements. I raised this issue yesterday, and I wish to reemphasize my comments in light of the fact that we will be voting on this amendment this afternoon.

Most of the debate the last few days has been about the merits of trade adjustment assistance. But there is another aspect of trade adjustment assistance renewal we should consider. It is the fact that there has been a real cost to America's economy and to the American businesses as a result of the President's strategy to link passage of the three trade agreements to a renewal of an expanded Trade Adjustment Assistance Program.

This is very unfortunate, especially considering that even the White House acknowledges that passing the trade agreements is one of the best things we could do in the short term to create jobs. According to the Business Roundtable, the passage of the trade agreements will support 250,000 American jobs. The U.S. Chamber of Commerce estimates that as many as 380,000 U.S. jobs could be in jeopardy if we do not pass the free-trade agreements.

One would think passage of these trade agreements, which were signed in 2006 and 2007, would have been an early priority for the Obama administration. Yet here we are more than 2½ years into this administration, and the President still has not made a commitment to send us the trade agreements so we can consider them.

Perhaps some might say it takes time to get an agreement implemented after it has been signed. Let's consider some recent trade deals the United States has negotiated. Consider the U.S.-Australia Free Trade Agreement. This agreement with an important ally was signed on May 18, 2004, and entered into force on June 1, 2005, a little over 1 year later.

Consider the U.S.-Chile agreement. This agreement was signed on June 6, 2003, and entered into force on January 1, 2004, only a little over half a year later. Perhaps we should look at the U.S.-Peru agreement. This agreement was signed on April 12, 2006, was passed by the Democratically controlled House in November of 2007, and the Democratically controlled Senate in December of 2007.

Let me repeat. A Democratic House and Democratic Senate took up and passed an agreement, negotiated and signed by a Republican President, just over a year and a half after it was signed. So we know that even when the President and the majority in Congress come from different parties, we have still been able to implement our trade agreements expeditiously for the good of the country.

My point is not simply that the three pending free-trade agreements are long overdue. The point is, our process for

considering trade agreements did not envision such long delays between signing and implementation. Nevertheless, we need to respond to this unfortunate reality, and my amendment helps us to do so.

It is very simple. Under current trade promotion authority procedures, the International Trade Commission must prepare a report that is submitted to the Congress no later than 90 days after a trade agreement is signed. However, there is currently no requirement that the ITC conduct a study to assess the negative impact on U.S. businesses when we delay implementation of an agreement, as we have for more than 4 years with Korea, Colombia, and Panama.

My amendment would simply require the ITC to assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years. The ITC study would focus on lost U.S. export opportunities, how the delay has impacted U.S. trade objectives as set out under trade promotion authority, as well as how the delay impacts the protection of U.S. intellectual property overseas.

The study would also estimate the impact on U.S. employment if the trade agreement in question continues to languish. Finally, the ITC would be required to update their study in every subsequent year that the trade agreement is not considered by Congress or if it is still not entered into force.

My amendment follows a very basic principle. If the President believes a trade agreement is in America's national and economic interests, he needs to submit it to Congress. If he does not submit it to Congress, we need to have better information as to what the costs are of that delay. If we think these trade agreements are important—and the President spent much of the month of August talking about the need to pass them, so clearly he believes they are important—then we need to be able to more effectively weigh the disadvantages imposed upon American businesses and consumers as a result of not implementing them.

I wish to emphasize this is not a partisan amendment. It will apply to any future President who delays implementation of a trade agreement, Democratic or Republican. Why is this so important? Because the global economy in which American businesses compete is not static. It is dynamic, fast moving, and ever changing. As we stand here today, there are more than 100 new free-trade agreements currently under negotiation around the world. Yet the United States is a party to only one of those negotiations, the Trans-Pacific Partnership.

I have with me the ITC report on the U.S.-Colombia agreement issued shortly after it was signed. The date on this report is December 2006, over 4½ years

ago. Would it not be helpful to have a recent report that would take into consideration the impact to U.S. businesses from the Canada-Colombia trade agreement that recently went into effect or the EU-Colombia Free Trade Agreement that will go into effect next year?

Let's consider the cost of delay to just one U.S. company, Caterpillar. As we all know, Caterpillar is a leading producer of large construction and mining equipment and a major U.S. exporter. Caterpillar exports 92 percent of its American-made large mining trucks. Caterpillar's large truck exports to Colombia face a 15-percent duty, which adds about \$300,000 to the cost of each of those trucks exported to Colombia.

Just imagine the advantage Caterpillar could have had for the last several years over its Japanese and Chinese competitors if the Democratic House in 2008 had not refused to consider the Colombia agreement when President Bush submitted it or if President Obama had submitted it promptly upon taking office.

But the Caterpillar example is just one company. We did an unbiased, objective, and expert study on the cost to all U.S. businesses of delay. My amendment would accomplish this.

Consider that U.S. companies have paid more than \$5 billion in tariffs to Colombia and Panama since the trade agreements with these nations were signed more than 4 years ago. More importantly, U.S. businesses have lost countless business opportunities in Korea, Colombia, and Panama.

Consider another example, the market for agricultural products in Korea, which is the world's 13th largest economy. Korea's tariffs on imported agricultural goods average 54 percent, compared to an average 9-percent tariff on these imports into the United States. Passage of the Korea Free Trade Agreement will level the playing field. Yet this administration continues to delay sending these agreements to Congress.

At a time of near-record unemployment and slow economic growth, this delay is unacceptable. This ongoing delay is having a real impact on American businesses, and it will only get worse as the EU-Korea agreement has now entered into force and European companies are getting the benefits of lower tariffs and market access.

The Colombian market for agricultural products is another good example of the high cost of delay. In 2010, for the first time in the history of U.S.-Colombia trade, the United States lost to Argentina its position as Colombia's No. 1 agricultural supplier.

Consider the story of the three main crops we grow in South Dakota: corn, wheat, and soybeans. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 78 percent in 2008 to 28

percent in 2010, a staggering decline of 50 percentage points. This situation will only get worse now that the Canada-Colombia agreement has taken effect as of August 15 of this year.

As Gordon Stoner, a wheat grower from Outlook, MT, testified before the Finance Committee earlier this year: "Our share of the Colombia wheat market has declined from 73 percent in 2008 to 43 percent in 2010, and industry representatives in Colombia indicate we could lose our entire market share following implementation of the Canada-Colombia free trade agreement."

We are living in a global economy where America cannot afford to stand still on trade. There is another cost to the delay in submitting these free-trade agreements to Congress that we should consider. This is the loss of trust we may experience and be creating with new potential trade agreement partners. Consider, if a country is an emerging economy today and they have the opportunity to negotiate a comprehensive trade agreement with either the European Union or the United States, what message is our delay sending to those potential trading partners?

Unfortunately, the message appears to be that if they negotiate with the EU, they will get the benefits of an agreement much sooner than if they spend the time and effort to negotiate an agreement with the United States. This is best exemplified by the negotiations with South Korea, a large economy, a major market for agricultural goods, as I mention, and manufactured goods as well as services.

The U.S.-Korea Free Trade Agreement was signed in June of 2007. Korea's trade agreement with the EU was launched in May of 2007, just 1 month earlier. We had basically finished the entire negotiation process and wrapped up our agreement with Korea by the time the EU was just launching the beginning of their negotiations with Korea. As I mentioned earlier, the EU-Korea agreement has now taken effect, and the President has not even yet submitted our agreement with Korea to Congress for consideration.

Again, we are not creating a favorable impression for any future trade agreement partners. As emerging economies mature, millions of new middle-class consumers enter the global marketplace. This is an impression we simply cannot afford to let persist. American businesses and exporters need access to fast-developing markets.

Imagine if American business operated the way Washington, DC operates. What if American companies, such as Apple or IBM, waited 4 or 5 years to develop their next product? Would they continue to outinnovate their foreign competition? Of course not. Just as U.S. businesses cannot afford to stand still, the U.S. Government cannot afford to stand still as we have on trade for these past several years.

In 1960, exports accounted for only 3.6 percent of U.S. GDP.

Today, exports account for 12.5 percent of our GDP. Exports of U.S. goods and services support over 10 million American jobs. It is long past time that we get back in the game by passing the three pending trade agreements.

My amendment will ensure that if we delay, if we fail to act, we will have a better assessment of the cost to American businesses and consumers of that delay. Hopefully, that information will make us more likely to act with a sense of urgency.

My amendment should not be controversial. It doesn't change the underlying bill or change trade adjustment assistance. It should not be something that would affect the ability of this legislation to pass the House. It is a forward-looking amendment that will improve the process under which we consider future trade agreements.

It is important that we get this done. The year 2006 is the last time we had an assessment of the impact of not acting on the Colombia Free Trade Agreement. Earlier today, Senator BAUCUS made some remarks about my amendment and referred to it as a "backward-looking" amendment. Nothing could be further from the truth. It is not about casting blame or looking back; it is about improving trade by giving Congress better, more comprehensive information on the impact of delay.

Senator BAUCUS said earlier that nobody disputes the harm from delaying agreements. But has the U.S. Government quantified the harm of the delay in a comprehensive fashion so that we know exactly the cost the delays are imposing on U.S. businesses and individuals and impact on U.S. employment or on the protection of U.S. intellectual property in foreign markets? The answer is no. As a result, it is more difficult than it should be to balance the benefits of this delay on the one hand, which would be any benefits from renewal of the expanded TAA, with the cost on the other hand. This is 9 months away. I certainly hope the Colombia, Korea, and Panama Free Trade Agreements will pass soon and go into effect long before next June.

This amendment is forward looking, as it applies to future trade agreements, if they are not submitted to Congress or considered by Congress or not entered into force within 2 years of being signed. This will apply to a trade agreement by a future Republican President just as much as by a Democratic President. If there is a substantial delay in implementing a trade agreement the United States signed in good faith with another nation, whatever the reason for the delay, maybe we in Congress should have better information as to the specific impact on U.S. businesses of this delay. That is

all this amendment would do. It doesn't affect GSP or TAA. It would not imperil this bill in the House. There is no good reason to oppose this amendment. I hope we can adopt it today.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in support of the amendment filed by my colleague from South Dakota. This amendment deals with an important issue, namely, the cost of delay when it comes to free-trade agreements.

The President's desire to increase spending on TAA—an expensive domestic spending program of debatable worth—at a time when taxpayers are struggling to make ends meet during a recession makes no sense to me.

His strategy to link passage of FTAs to renewal of this expanded TAA program is equally perplexing. TAA is meant to assist workers who have allegedly lost their jobs due to trade. But the administration has repeatedly stated that the three pending trade agreements will create jobs, not cause people to lose them.

According to the Business Roundtable, passage of the three pending trade agreements will support 250,000 American jobs. Since jobs will be created rather than lost, it makes no sense to link the passage of an expanded version of trade adjustment assistance to these three FTAs. In fact, the only jobs lost to date have been those caused by the President's refusal to send these FTAs to Congress. His refusal to act has caused U.S. farmers, manufacturers, and service providers to cede market share to our competitors in Panama, Colombia, and South Korea.

Given the state of the economy under this administration, one would think passage of these trade agreements—which were handed to the President wrapped up in a bow by his predecessor—would be the first order of business. Yet, here we are, more than halfway into this administration and the President has not even made a commitment to send us the trade agreements so we can consider them.

My colleague's amendment would help us assess the impact of the President's delay, and future Presidents as well, on the American economy.

The amendment would require the ITC to assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years. Among other things, the ITC study would highlight lost U.S. export opportunities, the impact on the protection of U.S. intellectual property overseas, the impact on U.S. employment to date, and the prospective impact on U.S. employment if agreements are not sent to Congress.

If the President believes these trade agreements will create jobs, he needs

to submit them to Congress. It is absurd that they are still sitting on the President's desk, while our companies and workers lose market share to our competitors in Colombia, South Korea, and Panama.

I encourage my colleagues to support this amendment.

I ask unanimous consent that the Senator from New Hampshire be permitted to make her remarks at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I thank my colleague. I agree with both of my colleagues, who have spoken, that we live in a globalized economy, and it is important for us to make sure we have the benefits of that globalized economy in America. It has offered us incredible new opportunities. But there are opportunities that have not been shared equally across our economy and our workforce.

I believe that when given a level playing field, the American workforce has shown it can outcompete and outinnovate any economy in the world. That is the way we will get our economy moving again, by unleashing the power of American entrepreneurship.

I have spoken before about ending the false debate between so-called free trade and fair trade. I think we need competitive trade, a policy that focuses on growing U.S. exports, opening new markets for U.S. companies, job training for our workforce, and tough enforcement of trade rules.

We can help our workforce compete by giving them access to foreign markets. Fully 95 percent of the world's consumers live outside of the United States, but only 1 percent of U.S. small businesses is doing business outside of the United States, or exporting their products. Increasing our exports is vital to the long-term health of our economy.

At the same time, we have to acknowledge that trade creates new challenges for many American companies and American workers. We have to understand no graph showing GDP growth is a comfort to a mother who suddenly cannot feed her family because her factory has shut down; and no statistic about market efficiency is going to pay a young man's rent when his company moves its engineering operations overseas. When Congress promotes international trade, it enters into a compact with all American workers that they will not be left behind. Competitive trade means making sure all of us can compete.

For nearly 50 years, the Trade Adjustment Assistance Program has been lending a hand to workers faced with the negative consequences of international trade. It has been supported by liberals and conservatives, Democrats and Republicans. Its premise is

simple: If you lose your job to foreign trade, we will help you prepare for a new career and help keep you afloat while you train. Over the last 2 years, almost a half million Americans have begun a new chapter in their lives with the help of trade adjustment assistance.

In 2009, Congress enacted some commonsense reforms to the TAA Program. For years, Americans who lost their jobs to India or China were denied access to this program because the United States doesn't have a specific trade agreement with either country. Given the growing economic power of those two nations, that left an unacceptable number of Americans facing trade effects on their own. In 2009, we changed the program so that TAA supported all Americans whose jobs were sent overseas. But those reforms have, unfortunately, expired. This week, we have the opportunity to restore them, and we should.

The 2009 reforms also updated the TAA Program to protect workers in service industries, in addition to those in manufacturing. Fifty years ago, when the program was created, no one could have imagined the advances in technology that would allow foreign service workers and engineers to compete with our own domestic workers in those fields. This week, we have an opportunity to restore the 21st century perspective to the TAA Program.

I want to share a couple of stories about New Hampshire workers who have benefited from trade adjustment assistance. The first is a story about Joanne Sanschagrin of Gilmanton, who worked at Aavid Thermalloy for 22 years. She was a buyer for the company, but the company was threatened by competition from several nations, including China. She knew she needed to get a new job before she was laid off. Under the old TAA terms, the ones we are operating under now, she would not qualify for help under TAA. Under the 2009 reforms, Joanne sought and received training as a licensed nursing assistant. She completed training in June, and last month she began a job in her new career, and she loves it. TAA has supported her through this process and paid for her training, so instead of being unemployed, she is now a dynamic part of our economy, working in one of its fastest growing fields.

Another New Hampshire worker, Robert Arsenaault, who is a veteran, had worked for 21 years making paper at the mills in Gorham and Berlin. The paper industry has been devastated by offshore competition. As the Chair knows, we have lost so many of our mills throughout northern New England. When those mills in Berlin and Gorham closed, Robert used trade adjustment assistance to get a commercial driver's license at the White Mountains Community College. He recently started a new full-time job with a paving and contracting company.

TAA doesn't just help out individual workers; it also helps small businesses that are being hurt by international trade. New England Forest Products is a hardwood manufacturing company that has been operating in Greenfield, NH, since 1993. But during the recent recession, they found themselves losing business to cheap Chinese lumber. In search of answers, they applied to the local trade adjustment assistance center for help. They worked with TAA to develop a marketing strategy and advertising materials that now help the small business sell their hardwood flooring and other products directly to consumers. In part because of this important program, New England Forest Products saw sales increase 28 percent in the following year.

This isn't just one encouraging story. Of the 18 businesses in New Hampshire that have received TAA in the last 4 years, all 18 are still operating, and many are adding employees. These are the kinds of stories the Trade Adjustment Assistance Program makes possible, but only if we sustain these critical reforms and strengthen TAA's role as both a critical safety net and a driver of the American economy for decades to come.

I urge my colleagues to support the trade adjustment assistance amendment when it comes to the floor for a vote later today.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I want to emphasize one final time, as we get closer to votes on these amendments, the importance of getting the free-trade agreements passed and put into force, but also the importance of understanding that, as we move into the future, we not make the mistakes we have made with respect to these agreements, and that is to let them languish literally years, and at the same time be losing market share, be losing jobs for Americans, and be losing market opportunities for American businesses.

Again, I wish to point out just a couple things I think personalize this; one, as I mentioned in my earlier remarks, we have a company such as Caterpillar, which makes large mining trucks and exports 92 percent of them. They pay a \$300,000-per-truck tariff to get into the Colombian market. Think of a country such as South Korea, with the 13th largest economy in the world. They are a big importer of American agricultural goods, with 54 percent right now being the average tariff on goods that are exported from the United States—agricultural products exported from here to Korea, but 9 percent is the average tariff on their goods coming into this country. That 54-to-9 ratio is an incredible disadvantage, putting American businesses at a tremendous disadvantage relative to the countries around the world with whom they have to compete.

At the same time these trade agreements have been languishing here for over 4 years, other countries have stepped in—the European Union, Australia, and Canada—and filled the vacuum we have left. As a consequence, American businesses have been hurt and hurt profoundly. More importantly, as we sit in this economy we are in and talk about the importance of job creation, there isn't anything we could do that would probably create jobs more quickly than to get these trade agreements enacted. It means thousands of jobs for Americans, it means business opportunities for American businesses overseas, and it means market share we should be maintaining or perhaps even acquiring and that we are losing as a result of not having these agreements entered in force after they have been negotiated these many years ago.

So my amendment looks prospectively into the future. It requires that we know specifically—quantitatively—what are the impacts of delay when it comes to getting these free-trade agreements not only ratified by the Congress but entered into force with these other countries. I think it is critical information we need to know. We need to know what harm, what economic consequences are the result of these trade agreements being delayed.

I hope we will get bipartisan support for this amendment today. It doesn't do anything to alter TAA. It doesn't do anything to alter GSP. It doesn't do anything to affect the passage of this agreement in the House. But it will, as we look into the future, make it much more clear to us what these economic impacts are with regard to these trade agreements and our delay in getting them implemented.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 634

Mr. KERRY. Mr. President, I rise to speak about the amendment that has been introduced by the Senator from Texas, Mr. CORNYN. I think it is amendment No. 634. I will take only a few minutes, as I know my colleague from Indiana is waiting, but I do wish to speak to it, if I may.

The Senator from Texas has introduced an amendment that takes an unprecedented step in the Senate; that is, the step of actually requiring the President, by mandate—with respect to one weapon system in one singular amendment—to sell a specific weapon to another country. Specifically, the Senator wants to take the unprecedented step of requiring the President of the United States to sell 66 new F-16 fighter aircraft to Taiwan.

The amendment mandates the sale of these new aircraft, despite the fact that just yesterday the President and the administration notified Congress of their intention to provide Taiwan with

nearly six billion dollars' worth of items in defense goods and services, on top of money they have already provided to Taiwan—including upgrades to Taiwan's current fleet of 145 F-16s.

I will stand by my record of 26-plus years of voting for the appropriate defense relationship with respect to Taiwan and China. We have always respected the Taiwan Relations Act, and I think we have consistently stood by Taiwan and kept faith with that act. Without a doubt, the growing military disparity between China and other countries in the region, as well as China and Taiwan, is something we need to be thinking about and taking into account as we contemplate the long-term future of all those relationships in that region. But that said, I am opposed to this specific amendment. I believe Senator BAUCUS, who has already spoken in opposition to it, and others, I believe, are opposed to it for two appropriate reasons: one, the substance of the amendment itself—and I will speak to that—but also, plain and simply, this is not the right vehicle to address this issue.

Everybody understands that consideration of TAA is part of a very complicated approach to what Senator THUNE just commented on—a much-too-long-awaited dealing with several trade agreements a lot of us want to pass and we think we should pass. Passage of this TAA proposal—without these other issues being added to it, which would put it in jeopardy—is critical to being able to help American workers as well as to lining up those three pending trade agreements which will create jobs in the United States and which will also enhance our security. So if we were to pass the Cornyn amendment—which we know the administration strongly opposes—that would imperil this very carefully crafted jobs package we are now considering.

On that basis alone, I would urge colleagues to vote against this amendment. But I believe there are powerful, substantive reasons for why this amendment shouldn't pass just on its own. Mandating the sale of one particular weapon is not the way for the United States to respond or to deal with or manage the complex national security challenge of that region and the complexity of the relationship with Taiwan.

I would remind colleagues that the \$6 billion in new arms sales, of various kinds—including a major upgrade package to all the 145 F-16s—is an enormous, important package which Taiwan wants and needs and which Taiwan believes will bring it up to par with respect to those systems and the need to be able to defend itself.

I think we have to remember that ever since President Nixon opened the door to China nearly 40 years ago, the United States has worked very care-

fully to promote peace and stability in the Taiwan Strait. The Taiwan Relations Act has long governed our policy toward Taiwan because we don't have a formal diplomatic relationship or a formal treaty.

With respect to arms sales, let me share with my colleagues what the TRA says. It shall be the policy of the United States "to provide Taiwan with arms of a defensive character" and "to maintain the capacity of the United States to resist any resort to force or other forms of coercion" which would jeopardize the security of the people of Taiwan. Finally, the TRA obligates the United States to provide such defense goods and services to Taiwan as are "necessary to enable Taiwan to maintain a sufficient self-defense capability."

The Obama administration and the committees of jurisdiction in the Senate and House, with respect to it, take the provisions of that act very seriously. The administration has carefully analyzed, as have we, the military balance across the Taiwan Strait, and we have consulted closely with the Government of Taiwan as to how to best meet Taiwan's defensive needs.

On Wednesday, the administration formally notified Congress of its intent to send a very substantial retrofit package that would upgrade the current fleet. As I mentioned, there are 145 F-16s that Taiwan has today and that Taiwan relies on today for its current defense needs. These upgrades include state-of-the-art avionics and weaponry—including Actively Electronically Scanned Array Radars, targeting systems, the AIM-9X air-to-air missiles, and precision-guided munitions. So I don't believe there is any question but that the United States is now, and will continue to be, in full compliance with the requirements of the TRA.

But this package also makes clear that support for Taiwan is not a partisan issue. The Bush administration, in its 8 years—two full terms—notified Congress of the sale of roughly \$15 billion total in arms sales to Taiwan. With the announcement of this sale of the additional items Taiwan needs, the administration—the Obama administration—in less than 3 years has approved the sale of over \$12 billion in arms to Taiwan. So we have \$15 billion over 8 years from the Bush administration and \$12 billion over 3 years from the Obama administration.

Moreover, the administration's \$5.8 billion retrofit and training proposal provides the necessary parts, equipment, training, and logistical support for a cost-effective upgrade of Taiwan's current status; most importantly, it elevates Taiwan's current fleet of F-16s to a level of capability consistent with the most advanced export variants of this aircraft.

Let us understand where we are—what the state of play is. Taiwan has

an urgent defense need today. They have 145 aircraft we have already sold them. We are prepared to provide them an upgrade that brings those aircraft up to the total state of the art of the most advanced export variants we are allowed to export to another country, and it will prevent these 145 aircraft from becoming obsolete. This is the most sensible, cost-effective, effective way to provide an upgrade and to provide Taiwan with the capacity it needs.

To the degree people are thinking jobs in the United States of America and what about selling, a lot of us have never believed we ought to use defense sales or weapons sales to create jobs. There are a lot more effective ways of creating jobs. But to whatever degree anybody wants to measure this by that standard, the \$5.8 billion sale announced yesterday will be welcome news to the workers of Lockheed Martin, Northrop Grumman, Raytheon, Pratt & Whitney, and many other defense firms.

Again, I emphasize that is not the rationale for the sale, and none of us should resort to those kinds of sales for the purpose of jobs. But if that is going to be a measurement or a consideration in anybody's mind, make no mistake, the \$6 billion the President has proposed will have its own impact.

Finally, let me point out to colleagues, and I think it is an important consideration, nothing in the proposed upgrade package will preclude the United States from providing new F-16s as we go down the road, as they may be necessary, as a judgment is made about them or any other similar platform to Taiwan in the future. The administration has taken pains to make clear to Congress and to Taiwan the approval of this sale does not and will not prejudice any future decision on new aircraft.

Yesterday, President Ma Ying-jeou of Taiwan said the upgrades to Taiwan's existing F-16A/B jets are aimed at maintaining the country's self-defense capabilities while pursuing peaceful development across the Taiwan Strait.

The President of Taiwan said of the upgrade package:

We have to develop peaceful ties with Mainland China. But we haven't for one second let our guard down when it comes to Taiwan's security.

I don't believe the Taiwanese believe they are letting their guard down. I don't think they believe we are not meeting their needs. Obviously, Congress has an important role to play in determining how to meet those needs, but I don't think we should, in the wake of the evidence here, make an independent judgment outside of what is already happening. We certainly shouldn't blindly defer to the Executive on Taiwan arm sales. But I think to compel the Executive to make a specific arms sale to a specific country measured against the steps already

taken and the steps being taken would be an unprecedented intervention by the Senate under circumstances where there just has not been made the kind of compelling, urgent argument that that is the only way to proceed. So I urge my colleagues to oppose this amendment when the time comes for us to vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes out of my remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank my colleague from Indiana.

I would like to respond briefly to the Senator from Massachusetts.

This isn't an assessment I have made that Taiwan needs these aircraft; this is one made by the Department of Defense in their 2011 report on China's growing military power. They detailed the increasingly precarious situation in the Taiwan Strait, stating that China seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms.

So it is clear from the press reports from China's state-run newspaper, the very bellicose comments, that this is really an attempt by mainland China, the People's Republic of China, to intimidate not only Taiwan but also the United States, and we should not give in to that intimidation.

This chart which I pointed to earlier demonstrates the growing imbalance in the Taiwan Strait. This is why these additional aircraft are needed. The red one is 2,300 operational combat aircraft for the People's Republic of China versus 490 operational combat aircraft for the Taiwanese.

The Senator from Massachusetts is correct to the extent that the upgrades are welcome on the 145 F-16s we previously sold to Taiwan. But it is not adequate because 100 of these aircraft currently operational by Taiwan are obsolete and are going to be retired. Taiwan has intended that the new F-16C/D series replace the fleet of F-5s—those were previously sold U.S. aircraft from the 1975 to 1985 range which are now old and obsolete—and then the French-made Mirage 2000-5 fighters. So 100 of these planes demonstrated here, of the 490, are going to be retired, and the 66 aircraft that are the subject of this amendment will replace some of those retired vehicles.

So I don't think that thinking about the future of our relationship with Taiwan or problems we may see on the horizon is enough. We need to do something now.

I would also point out that you can't just take the production line at Lockheed Martin and basically eliminate it because there are no further demands

or contracts for F-16 sales. Basically, all the personnel—the 23,000 people directly involved in those jobs—will be reassigned or be fired, let go, because there are no contracts in place as late as the fourth quarter of this year for new F-16s. So I think looking at this down the road doesn't take into account the current loss of jobs or the disruption of disbanding this production line, which cannot easily be reconstituted if there are no contracts, including the sale of these 66 F-16s.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, may I inquire as to the allocation of time? The Senator from Vermont has generously yielded me the opportunity to speak for a few moments. I want to make sure I don't get the situation mixed up here so that we run out of time.

The PRESIDING OFFICER. The Senator from Florida, Mr. RUBIO, has 17 minutes. The Senator from South Dakota, Mr. THUNE, has 9 minutes.

Mr. COATS. I ask unanimous consent to take 6 minutes of Senator RUBIO's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I would not object, but I ask consent that upon completion of that, I be allowed 7 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President I want to respond to some of the statements that have been made by my colleagues on the other side of the aisle regarding the need to add disaster relief to the Continuing Resolution we will consider this week.

There is no question that there is a need for some emergency supplemental appropriations for fiscal year 2011 disaster relief. There is agreement on both sides of the aisle that FEMA is short of money to meet its immediate needs in this fiscal year which expires at midnight on September 30. The Disaster Relief Fund is dangerously low, and on September 9 the President requested \$500 million in emergency appropriations to finish out the immediate needs between now and the end of this fiscal year, which is just a little more than 1 week away, and that has been provided and taken care of.

The House is working on sending the Senate a continuing resolution that includes this emergency funding and more—more than the President's \$500 million request. The House CR is expected to include \$774 million for FEMA—the Federal Emergency Management Agency—plus an additional \$226 million for the Army Corps of Engineers for emergency flood control. This emergency funding is not covered by the Budget Control Act, so in ac-

cordance with procedures that have been put in place this year and in trying to be as careful with taxpayers' money as we can, the House offered an offset. That was defeated yesterday in the House.

While this funding covers FEMA's immediate needs, as requested by the President, through the rest of the fiscal year, the House bill also includes additional funding at the current level of \$2.65 billion in fiscal year 2012 for FEMA's Disaster Relief Fund, which will provide the necessary funding to deal with the requests and make sure people get the support they need from losses in the various disasters through this continuing resolution period, which will go to around November 18.

It is important to note that, despite some of the allegations being made, Republicans support this disaster funding. It is critical to respond to the many disasters that have affected so many States over the past few months. However, the additional funding for fiscal year 2012 sought by Senator REID and Senate Democrats is not needed immediately. In fact, the President has not requested immediate passage of any of this additional funding beyond what is needed to provide FEMA what it needs to address the situations and to make the necessary payments between now and the expiration of this current resolution which we will be voting on this week.

This is not to say we should not consider additional disaster relief. I recognize the challenges that so many States face in response to the disasters that have recently struck across the country. My own home State of Indiana has experienced floods that merited a disaster declaration from the President earlier this year. As a nation, we need to step forward and address these immediate needs, but we have a process in place in this body to address this.

The Budget Control Act recently passed by Congress does allow a process for providing disaster relief in fiscal year 2012 through a disaster cap adjustment. As a result from that, the Senate Appropriations Committee—which I am the ranking member of the Homeland Security Subcommittee which oversees FEMA—has been considering the fiscal year 2012 bill and has included disaster assistance, where appropriate, pursuant to the disaster cap adjustment in the Budget Control Act. The key words here are “where appropriate.” We need to be in a position to provide additional funding should more disasters occur. But there is no need to go forward with what Senator REID has proposed, that is, dumping a lot of money that has not yet been certified as needed into an expenditure, particularly at a time when every dollar of expenditure needs to be carefully weighed in terms of our current fiscal situation.

Some have noted that while the CR may adequately fund FEMA, it doesn't

address the other agencies that need additional disaster funding. If that is the case, then why hasn't the President requested these additional funds immediately?

On September 9, the President sent Congress his request for additional FEMA disaster relief funding, including the \$500 million emergency funding for the remainder of fiscal year 2011. However, this request did not include any funding for the other agencies in Senator RED's proposal.

I ask unanimous consent for just 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. If this is the case, why did he not ask for this? We don't need to include this additional funding to meet the needs of the people for the disasters that have already occurred. The funding necessary to do that is included in the House bill on which we will be voting.

Republicans want to ensure that the communities devastated by disasters receive the resources that will help them rebuild. We recognize that American citizens have had their lives turned upside down by Mother Nature. The CR will provide adequate disaster relief through November in accordance with the President's request and FEMA's stated needs. As a result, there is no need to have all of this additional assistance immediately as part of the CR. I urge Members to support passage of the CR the House will be sending us.

The PRESIDING OFFICER. The Senator from Vermont.

REMEMBERING MASTER SERGEANT SHAWN STOCKER

Mr. LEAHY. Mr. President, I have spoken many times here on the floor, as has the distinguished Presiding Officer, about the disaster and tragedy Vermont faced from Hurricane Irene.

We all learned with profound sadness that MSG Shawn Stocker of the Vermont Air National Guard suffered a fatal heart attack while working on a road reconstruction project in Cavendish, VT. Sergeant Stocker was the first sergeant of the Vermont Air Guard's Civil Engineering Squadron. We in Vermont mourn this tragic loss, and our thoughts and prayers are with Sergeant Stocker's wife Kristine and their children. When I spoke with Kristine today, I told her that I would talk about her husband on the floor, and his sacrifice for his community, and for our country.

It struck me that what happened on the morning of Sergeant Stocker's passing says much about him, and about the Vermont National Guard. When Sergeant Stocker passed, his troops gathered to consider how best to honor his memory that day. Ultimately, they decided to keep on working, to continue helping their neighbors in Cavendish. "It is what Shawn would have wanted us to do," they said.

We have talked often of the loss and suffering in Vermont in the aftermath of Hurricane Irene. But we must recognize the skillful and tireless work of the Vermont National Guard, which has been so critical to rebuilding our state. They have answered the call to duty to help their neighbors in need. Sergeant Stocker and his fellow Guard members put their country first, do whatever the mission requires, and we will never forget that.

From the very beginning of the disaster up until today, the Vermont National Guard has been deployed to help Vermonters in need. I spoke to Secretary Panetta last night in Washington, and I told him what a great job the Vermont National Guard is doing.

Let me show my colleagues a photograph. This photo is of a Vermont airdrop of supplies to a Vermont town. That town was totally cut off. The only way we could get in the supplies was to bring them in by helicopter. In the days following Irene, the Vermont National Guard immediately went into action to make sure the storm victims cut off by Irene's destruction received emergency supplies. Helicopters airdropped food and water, and we reached out to other State Guards.

I talked with the Senators from Maine. They told me how happy their Guards were to be able to come down and help out. It demonstrates the versatility of the National Guard.

In addition to meeting our immediate needs, the Vermont Guard has taken on major projects such as debris removal and road construction. As in so many other States, when Vermont has a need, our National Guard is there for us. Often they are the first to arrive and the last to leave. Guard units who have come to Vermont to help include ones from New York, Ohio, Maine, West Virginia, Virginia, South Carolina, and Illinois. All of these Guard units have said: We are here. Call us. Tell us what you need. That is one of the things we love about the National Guard. When one State needs help, every State steps up.

One thing Vermont did need in the immediate aftermath of Irene was helicopters. The distinguished Presiding Officer and I helicoptered around the State. It was regrettable that our State needed more airlift. Why did we? Because many of our Black Hawk helicopters were still in Iraq following the most recent deployment. They are the most modern in the fleet, but they are in Iraq. In this season of war, it takes a moment to remember the troops and equipment sent overseas are not going to be available to help out at home if we need them in an emergency.

Like that deployment of equipment, every dollar we spend on the conflict in Iraq and Afghanistan is one less dollar we have to invest in recovery and rebuilding in America.

Let me show another photograph to my colleagues. Look at that National

Guard working to put in these roads. They are stretched thin, as are the National Guards all over this country because so many of them serve overseas in Iraq and Afghanistan. These are talented engineers, talented men and women, people who know what to do and have the equipment. They can do things nobody else can do, certainly not in our little State.

This is a time to choose investment at home first. I hear people tell me we can't pay for disasters in America unless we take money out of education or medical research or other things Americans need, but we can sign a blank check to rebuild Iraq and Afghanistan. I am saying, let's worry about America. Americans need help. We are asking for a tiny percentage of what we are spending on a credit card for Iraq and Afghanistan.

America needs us. The citizens in our States are suffering because of a natural disaster. The men and women of the Guard who have come to their aid deserve nothing less.

For the last decade we have waged two wars on the Nation's credit card. We totally ignored paying for it during that time, even though we have raised taxes to pay for every other war in this Nation's history. We did, however, pause to throw ourselves a party in the form of tax breaks tilted toward the very wealthiest among us. The policy was wrong, and it hurt America.

Now, after all these years of funding wars and rebuilding other countries overseas, the leadership of the House of Representatives, in their continuing budget resolution that was defeated yesterday, brazenly told the American people we can no longer afford to come to the aid of Americans in need. Instead we are going to offset the costs of rebuilding America by cutting a program that Americans badly need.

This is "Alice in Wonderland." Are they asking the wealthy to pay their fair share? No. Are they asking the oil and gas companies making record profits quarter after quarter to sacrifice their tax giveaways? No. Are they asking a sacrifice from those companies who get tax breaks for shipping American jobs overseas? No.

That is wrong. We cannot ask these suffering people to sacrifice and refuse to ask those who have the most to contribute their fair share.

We can't cut programs that are going to create new jobs, that provide a basic safety net for struggling families and seniors, while giving every break possible to the very wealthiest among us. It is unconscionable. It is not the American way.

I have been privileged to be in the Senate representing our great State of Vermont for 37 years. We have always dealt with disaster bills together. We have worked across the aisle in the spirit of bipartisanship. Vermonters have not asked why we help out with

an earthquake in California. We do it. Vermonters don't ask why we help out in Louisiana or Texas or Virginia. We do it.

We are the United States of America. We work together. We can not afford to toss aside that tradition.

The decision of some to inject politics and political point scoring into disaster relief is a new low for Congress, a Congress that is already scoring records for unfavorability. Leader REID is right to call for a continuing resolution that includes an emergency disaster relief package that will get aid to all 50 States suffering from the effects of these unprecedented natural disasters.

We try to rebuild Iraq and Afghanistan and nobody questions that. Instead, let's rebuild America.

I encourage my colleagues here and in the House of Representatives to do the right thing for people who need our help and move forward with Leader REID's bill. Our fellow Americans need our support. Let's start spending some time worrying about America.

I yield the floor and suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 633

Mr. HATCH. Mr. President, I rise in opposition to the Casey-Reid amendment. Over the past several days we have had the opportunity to publicly discuss and debate a number of serious flaws in the Trade Adjustment Assistance Program and its proposed expansion. Perhaps the most egregious aspect is voting to spend more taxpayer dollars on an expanded domestic spending program of dubious value at the very same time our colleagues on the supercommittee are scrutinizing every penny of Federal spending in a bipartisan effort to get our Federal deficit under control.

It makes me wonder whether this body understands the gravity of the deficit we are facing. As a country, we are simply spending more money than we have. If it continues we are going to be bankrupt. We will bankrupt our country and leave behind a grim future for our children and grandchildren.

We will hear many of my colleagues talk about how important it is to spend this money, and I am sure a lot of them will feel good about their votes. But we all know the good feeling that comes from buying things we cannot afford is fleeting while the debt accrued hangs like a dark cloud over our daily lives. We simply cannot afford to continue to spend money our country does not

have. This is why I, for one, am voting no.

Despite my concerns, I am convinced that this amendment and bill will pass. This spring, the President made it clear that if this domestic spending program was not expanded and approved he would abandon our allies in Colombia, Panama, and South Korea, and cede these growing markets to our foreign competitors. How shortsighted.

While the President may have been willing to accept that outcome, many of my colleagues were not. They stepped up to the plate and vowed to support efforts to move the process forward. As a result, the deck in favor of this bill was stacked long ago.

Still, I am glad we have had an open debate on the merits of this program. Earlier this year, the President attempted to shield TAA from strict scrutiny and debate by jamming it into the South Korea implementing bill. Doing so would have been a clear abuse of U.S. trade laws and would have denied the Senate an opportunity to fairly debate and amend TAA. The American people deserve better than this and Finance Committee Republicans fought hard to ensure that this did not happen. It is largely a result of their efforts that we are here today.

Even though the deck was stacked against our amendments long ago, this discussion has been a useful exercise. It has been over 9 years since the Senate engaged in a real trade debate on the Senate floor. Senators deserve an opportunity to have their voices heard on issues related to international trade, and by engaging in debate we are honoring our republican constitutional traditions. We are doing what the American people expect us to do: openly discussing problems and, in doing so helping to resolve them.

During this debate, a number of amendments were offered that enabled Senators to go on record regarding their trade priorities and core beliefs. For the first time in years, we were able to draw clear distinctions between rhetoric and action. Of course, there has been debate about the merits of the free-trade agreements themselves.

As I noted earlier, the President and many of my colleagues who purport to support these agreements made it clear that in reality they only support the FTAs in exchange for something else. That something else turned out to be a demand for more spending. I am worried that going forward this pattern will continue. I certainly hope not. As a nation we cannot afford to hold our international economic competitiveness hostage to unrelated demands for more spending or for a more liberal social agenda.

During the course of this debate, I have expressed concerns that the real cost of the TAA expansion bill is unknown. Recall that benefits under TAA are paid out on top of unemployment

insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance contract, the cost of this entitlement program could spiral out of control. So a number of amendments were offered that would help constrain its future growth so we do not end up sticking the American taxpayer with another out-of-control spending program.

Every single one of these amendments was rejected by my colleagues across the aisle. Their passion for spending runs so deep that even an amendment by my friend and colleague, Senator KYL, which implemented one of President Obama's recommendations to cut TAA funding for firms, was rejected. At a time when the supercommittee is struggling to cut spending in areas such as defense and health care, I find it astonishing that my colleagues cannot support eliminating a program that even President Obama agrees should be cut. That is a true rarity—that is, that President Obama agrees to any kind of a cut, not that my colleagues will not support eliminating a program. That, we know, has happened around here for all of the 35 years I have been in the Senate. But even when President Obama, one of the biggest spenders in the history of the world, agrees that a program should be cut, they will not even do that.

My colleagues across the aisle also chose to reject an amendment to provide their own President with the authority to negotiate new trade agreements. Can you believe that? We all know the authority to negotiate trade agreements expired years ago. Since then the United States has been sitting on the sidelines while other countries negotiate agreements all around the world. Everyone knows if we are not in the game we do not even have a small chance to win. Right now, the United States is not in the game.

While it is true that the President is in the process of negotiating an agreement to create a transpacific partnership, we all know that the chances of it actually succeeding are actually almost nonexistent without trade promotion authority.

While the protrade rhetoric sounds good from the other side, when it comes down to concrete action, President Obama and his Democratic colleagues are absent once again. I am perhaps most disturbed by their rejection of my amendment which would have made the expansion of this domestic spending program contingent upon submission, approval, and signature of our pending free-trade agreements with Colombia, Panama, and South Korea. This amendment simply held President Obama accountable.

The President said there would be no FTAs unless Congress passed TAA. The

insinuation is that if Congress does pass TAA, the President will submit, support, and sign all three FTAs.

Yet, even today we do not know if that is the case. My understanding is the White House has given no indication they will actually submit these agreements for a vote. That is truly pathetic. They are willing to spend more. They are willing to pass TAA so they can spend more regardless of whether they are sincere about doing these free-trade agreements that will provide almost 250,000 new jobs in this country, or at least jobs.

My amendment simply called for Presidential accountability. But even Presidential accountability was rejected by the other side. Once again, protrade rhetoric of the past several months has been shown to be nothing but a facade. I will be voting against the amendment to expand TAA, and if it is approved, I will vote against final passage of the bill. I simply cannot condone more spending on a program with dubious value at a time when our Nation is clearly broke. I remain hopeful President Obama will submit our pending free-trade agreements to Congress. If he does, and they are approved, I am confident President Obama and his team will drape themselves in the protrade flag and claim responsibility for moving these agreements forward. The fact of the matter is the authority to negotiate these agreements and the actual negotiation of these agreements themselves is due to the hard work of late nights of President Bush and his team. This is one instance where President Obama can rightly place responsibility at the feet of his predecessor.

My Republican colleagues and I put forward a number of amendments during the week to constrain government spending, open foreign markets for our products, and hold the President accountable for his rhetoric. Unfortunately, every single one was defeated, mostly along party lines. But we will not be deterred. We will continue to fight against out-of-control government spending. We will continue to fight for Presidential authority to open foreign markets to U.S. exports. We will continue to fight for transparency and accountability in our international trade policy. While we may not win the battle today, I am confident we will win in the end.

Over the next year I plan to conduct rigorous oversight of President Obama's trade policy. If these agreements are eventually submitted and approved, I will work hard to make sure they enter into force quickly. I also plan to conduct extensive and continued oversight of the operation of the Trade Adjustment Assistance Program. I am convinced it is a flawed program and that strong congressional oversight will help expose those flaws. I will also work hard to make sure our

next President, whoever that may be, has the authority to negotiate strong trade agreements that tear down barriers to American exports. Over the past several days many of my colleagues expressed interest in updating this authority. I welcome that interest and want to express my sincere desire to work with them to immediately see that trade promotion authority is renewed. Our Nation and our workers cannot afford to wait.

I ask unanimous consent that we divide the quorum call I am about to suggest equally between both sides.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent the votes with respect to amendments and passage of H.R. 2832, the GSP bill, occur at 4:30 p.m.; that all after the first vote be 10-minute votes; that prior to the vote in relation to the Cornyn amendment, there be 10 minutes equally divided, with remaining provisions of the previous order remaining in effect; finally, the amount of additional time this agreement adds for debate on the bill and amendments prior to the votes be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION REFORM

Mr. ALEXANDER. Madam President, according to the Washington Post this morning, the President and his Education Secretary will announce tomorrow that the Department of Education will begin a process to grant waivers to States from the provisions of No Child Left Behind. No Child Left Behind, of course, is a law that was passed with bipartisan support in 2001 and 2002 by Congress. We are in its ninth year of its implementation.

It needs to be fixed, and Congress needs to act to fix it. Republican Senators and Members of the House have

already offered legislation that will begin to do that, which I will talk about in a minute. But my purpose in coming to the floor is to talk about the waiver requests the Secretary of Education may begin to approve. My request of the Secretary and of the President is that as they establish a waiver process and as they begin to approve waivers, they show restraint and not take unto themselves responsibilities that are the responsibilities of Congress.

The truth is, the Secretary has the States over a barrel. We have about 100,000 public schools in America, and as he has correctly said, about 80 percent of them, under the current law, are going to be deemed as failing schools soon.

The President and the Secretary and we Republicans would like to take the responsibility for determining which schools are succeeding or failing and put that back in the hands of the States. We would like to take the responsibility for determining which teachers are highly qualified and put that back in the hands of the States. That is a part of the legislation we introduced last week.

Substantially, those ideas are ideas the President and the Secretary either have advanced or agree with. So we have a lot of agreement about this. But the Secretary has the States over a barrel. Most Governors want a waiver. Almost every State, from Missouri to Tennessee to Georgia, will be asking for a waiver.

What I hope the Secretary will do is to look at the applications, and if those applications submitted by the States for exemption from the requirements of No Child Left Behind, if they would enhance student achievement, then approve them. If they would not advance student achievement, then deny them.

But the restraint I am asking for is that the Secretary not use this occasion, when the States are over a barrel, to become a national school board and begin to impose on the States those requirements that Congress would not do through legislation and that States ought to be deciding for themselves. This is the request of the States themselves.

The States have been working over the last 10 years in very good ways to take steps forward together. They have created common standards. They have created tests to measure performance against those standards. The chief State school officers are in the middle of creating an accountability system. A lot of progress has been made in what I like to call the holy grail of elementary and secondary education: finding a way to reward outstanding teaching by connecting it to student achievement. This is something Tennessee became the first State in the country to do when I was Governor in 1983 and 1984 and which many school

districts in many States are trying to do now.

So the difference of opinion I have, potentially, with this Secretary and this President on what to do about No Child Left Behind may seem very small. Let me compliment the President and let me compliment the Secretary in this way. They stuck their necks out and have taken some positions to help make better schools that are not popular with their natural constituents.

I admire that. I respect that. They have advocated a number of changes in the schools; for example, getting rid of the adequate yearly progress provision, moving out of Washington the responsibility for deciding whether schools are succeeding or failing; changing the highly qualified teacher provision so States can figure that out through their own systems.

All those are things we agree on, Republicans and Democrats. Where we may disagree, and the reason we have not advanced ahead with bipartisan legislation on No Child Left Behind, is what I would call the difference between Washington mandates and approving State requests or one might even say, the difference between a national school board and giving States the responsibility for making their own decisions.

Here is an example of what I mean. There is agreement, as I said, that this process called adequate yearly progress for a lot of schools should not be decided here. We will read in the paper that such and such school is not succeeding or it is failing. It is a good idea for Tennessee or for Missouri or for California to set performance targets to replace adequate yearly progress. But those performance targets ought to be in the States' application and not be required and defined by the U.S. Department of Education in Washington, which could turn it into a national school board.

A growth model, the idea of giving States and school districts credit for making progress, sort of an A for effort, to go along with an A for achievement, that is a good idea. President Bush, in his administration, began to permit that exemption from No Child Left Behind.

But superintendents ought not to be flying to Washington from Nashville and Denver and different parts of America and asking anybody in Washington to approve their growth model or even be required to have one if they have some other way to decide whether schools are succeeding or failing.

Let me take another example that I have a very deep interest in. Teacher and principal evaluation systems related to student achievement. Tennessee became the first State in 1984 to pay teachers more for teaching well. Up until then, not one State paid teachers one penny more for teaching

well. In my office this morning were the two Principals of the Year from Tennessee and three representatives of the Tennessee Education Association. Four out of the five were voluntary participants in our Master Teacher Program or Career Ladder Program and were telling me how grateful they were for that.

But let me tell you this, it was a controversial and difficult effort. It was opposed massively by the National Education Association, whose members this morning were thanking me for the program, because it is not easy to determine, in a fair way, how to reward outstanding teaching, particularly if we are going to relate it to student achievement and particularly if we are going to relate it to performance pay.

The best way to do that is to encourage States and encourage school districts to try different ways of doing it and hope they succeed and borrow ideas from one another. This is what the Teacher Incentive Fund has done for the last few years as a part of No Child Left Behind. I fully support that program and hope we will continue giving money to help school districts who want to try different forms of performance-based pay.

But to require a student-teacher evaluation in order to get a waiver from No Child Left Behind runs the risk of school districts all over the country—100,000 schools—being supervised by a national school board.

I have had very good conversations with well-meaning superintendents and others in school districts who say: But Congress has to make us do it or we will not do it. I do not buy that. I do not think you can make schools better from Washington, DC. We can create an environment in which they might succeed. Schools are similar to jobs. We have a national responsibility for them, but we cannot create them here. We can create an environment to make it easier and cheaper to create jobs, private sector jobs. We can create an environment to make it easier to create better schools.

Then, the next thing someone would say is: There is no harm in just saying in a Federal law or in a requirement for a waiver that we must have a growth model or we must have a performance standard or we must have a teacher-principal evaluation program. What is wrong with that?

Here is what is wrong with it. That is not the end of it. Because there is the habit then, every time I have seen it—one time when we passed a law saying the Secretary of Education could not do it, of creating regulations to interpret what the Federal Government means by growth models, performance standards or teacher-principal evaluation systems, a lot of well-meaning staff members and other people and peer review groups then decided what a teacher-principal evaluation system re-

lated to student achievement looks like. That is going to be very hard to do since nobody knows what it looks like. That would be akin to telling people—requiring them to drive cars before the car was invented.

We have had several good experiments around the country that are identifying good teaching, rewarding performance, relating it to student achievement and relating it to better pay. But it has been very hard to do. No one is absolutely sure how to do it.

The worst thing we could do at this time with teacher and principal evaluations related to student achievement, even though I believe it is the holy grail of school reform, is to impose any version of it from Washington.

I am simply asking the President and the Secretary to show restraint tomorrow. I have a lot of admiration for this Secretary and respect for the President's positions on kindergarten through the 12th grade education. Many of the ideas in the legislation advanced by Republican Senators last week to fix No Child Left Behind were suggested by Secretary Duncan. He has gone out of his way to work with Republicans, as well as Democrats. He has been an energetic, able Secretary, and I support most of his ideas.

For example, he supported the idea—we agreed to it, Democrats and Republicans, Senate and House—that instead of reauthorizing this big law, we would fix it. Then we identified nine areas we tried to fix. The Secretary was comfortable with that, and so were Democratic colleagues and Republican Senators. We set a new, realistic, challenging goal to help all students succeed. We agree on that: Instead of a goal that would require 80 percent schools to be labeled as failing, we will have a new goal that says students will be college and career ready when they graduate from high school.

We agreed we should free 95 percent of schools from the Federal requirement of conforming to a federally defined adequate yearly progress mandate. What that simply means is, instead of Washington deciding whether a school in Nashville is succeeding or failing, that decision will be made by the State of Tennessee. The State of Tennessee will be able to do it a lot better today than it could in 2001, because since then we have had common standards adopted by 44 States—tests of those standards adopted by about the same number. We have chief state school officers agreeing on the principles of accountability systems—these are the performance targets, growth models, and other such things. In the case of Tennessee, they won the Race to the Top competition, which I also support.

The third thing is that the Federal Government will help States fix the bottom 5 percent of their schools—that

is 4,500 schools picked by the States. The Secretary agrees with that, and we Republicans agree, and I believe our Democratic colleagues agree.

We agree on requiring States to have high standards that promote college and career readiness for all students. We agree on encouraging the creation of State and school district teacher and principal evaluation systems to replace Federal highly qualified teacher requirements. But for us that means allowing States—if they choose to do it—to use title II money to pay for it. We are not going to require it or define it. We are going to let it flourish.

We believe in continuing the necessary reporting requirements. This may be the greatest contribution of No Child Left Behind since 2002. It requires reports on how schools are doing by subgroup, not on the average. So we can find out if African-American children or Hispanic children are doing as well as other children. We have this great volume of information now from school districts all over the State, so that we have, in effect, better report cards.

We believe on the Republican side—and I think there is agreement, in principle, at least, on the Democratic side—that we should allow school districts to transfer Federal funds more easily to meet their needs and to consolidate Federal programs.

We believe in empowering parents. In my office this morning, one of the State Principals of the Year from Tennessee was from Powell Middle School in Knoxville. Their enrollment is up this year, from 920 to 1,060, because parents were choosing to take their children out of schools that weren't succeeding, and they were permitted to transfer them to another school—in this case, the Powell Middle School, where they could succeed.

That is my request of a Secretary I admire and a President whose K-12 education policies I respect: Please show restraint. Just because you have every State over a barrel, doesn't mean you should be tempted to use this opportunity to become a national school board. Step back, look at the applications for waivers. If they enhance student achievement, say yes; if they don't, say no.

Then one last point. Someone might say, and they'd be exactly right, that the real reason the Secretary is granting waivers is because Congress hasn't done its job. We're in our ninth year of No Child Left Behind and we should have fixed it 4 years ago when the law expired. It has just continued, according to the provisions of the original law. We have substantial agreement in the Senate, except for these accountability provisions, these differences over whether we are creating a national school board. We should come to a conclusion about this. We should get a result. We shouldn't create a situa-

tion where every Governor has to come to Washington to get a waiver from standards that don't work anymore. That is our job. The Secretary has the power to grant waivers, but he should do it in a limited way and Congress should get to work fixing No Child Left Behind so there is no need for waivers. I call on our Democratic colleagues, with whom we have met dozens of times, to redouble our joint effort to get a result.

This is not a case where we don't want President Obama to succeed, as some have suggested. We want him to succeed, because if the President succeeds on K-12 education, the country succeeds. We substantially agree on how we need to fix No Child Left Behind. We still have a few differences of opinion. The Secretary's regulatory action should not do what the Congress ought to be doing. I respectfully suggest that he should show restraint and we should get to work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Mr. LAUTENBERG. Madam President, we find ourselves in a peculiar condition. We must have the people across this country scratching their heads and wondering: What are those guys doing? We know the American people do not think much of us as it is, but they are surely going to think less of us when they see what is happening.

We have a tradition in our country that when disaster strikes, we respond. Americans pull together and help each other. We saw that happening in the aftermath of Hurricane Irene, which devastated New Jersey and other States along the east coast, and other natural disasters hitting our country across its breadth—forest fires in one State, water shortages in another, and other problems in others. There isn't a State in this country that hasn't felt the wrath of a storm or the difficulty that nature presents. But the one thing we don't see is the spirit of cooperation. It certainly doesn't extend to some of our colleagues.

I look at the House disaster relief proposal, and one thing is for sure: It is totally inadequate. Madam President, this is an emergency, and it is just plain heartless for our colleagues to turn their backs on families who are

struggling to rebuild their shattered lives. I don't know what they are thinking because we know difficulties have struck all 50 of our States at one time or another, a lot fairly recently. Yet these people are saying: No, we are not going to give you enough money to deal with the emergencies that we have.

I hope the people who are in their districts or in their States look at their representatives and say: Hey, wait a second. We have problems here. And these people who are so negatively disposed are raising havoc within the families of their own States or their own districts. They are just turning their backs on them.

The early estimates suggest that Hurricane Irene could become 1 of the 10 costliest storms in American history, with damages that could exceed \$10 billion. This violent storm produced some of the worst flooding in a century, destroying homes and displacing countless families.

In my State of New Jersey alone, 11 lives were lost, people were turned out of their houses. In many cases, as I saw them—as President Obama saw them when he came to my State—they can't go back to those houses. They certainly, for the most part—those who had to evacuate their homes and put their furniture out on the front lawn—their furniture is unusable even if they can get in their houses. So life has a grim picture for these people.

The President came to New Jersey to see for himself the destruction that Hurricane Irene caused. I joined him on a tour of the city of Paterson, NJ. It is my hometown. I was born there. It was one of the cities hardest hit by flooding. We have a picture. It has lots of pretty colors, but it is a disastrous portrayal—water all over the place, a bridge just about underwater. We witnessed unforgettable images—streets and sidewalks covered in mud, and in some houses the second floors were covered in mud as well.

But Paterson is not alone. This picture shows the damage in Bound Brook, NJ. Here we see, again, flooded roadways. By the way, my State of New Jersey happens to be the most densely populated State in the country. We have 9 million people living in a very small area. So when something like this hits, it hits a lot of people in a hurry.

In Cranford, NJ, this material we see here you might call trash, but the people who lived here didn't call it trash. These were their possessions. These were the things their kids slept on night after night, or tables they ate from every day. Trash. These people across the Capitol—people on the other side in the House of Representatives—they say: Oh, too bad. First of all, we will have to go find the money if we are going to do anything; and, secondly, we are just not going to give enough money to deal with the problem.

We have a city called Boonton, N.J. People are unable to get what they need. There was a bridge there before. It is gone. How do they get across town? Well, maybe they just don't.

With Hurricane Irene we witnessed nature's power to destroy, and now it is time to see the Federal Government step up; get in there to repair, rebuild, restore, and give people encouragement. When the President of the United States stood before the people in New Jersey, I saw them weep when they held his hand. They wept not because it was a sad picture for the President, but because it was a sad picture for their lives. They are thinking about their own kids and their own lives, and seeing the President was a sign of relief. They were thinking: The President of the United States is here. He is going to make sure we get help in a hurry.

But our Republican friends on the other side, they say: No hurry. No hurry. I hope the people in these States, the people in these districts, will record these moments. We will remind them about it.

Even before this hurricane struck, FEMA's primary source of funding for cleanup and recovery—the Disaster Relief Fund—was already on life support. They didn't have enough money to do their job. The fund was depleted by recent tornadoes, flooding that wreaked havoc across the Midwest and South, and wildfires that ranged across the South and the West. So here in the Senate we passed a bill, and it wasn't easy.

A lot of our colleagues stood up to the assignment and said: OK, I don't necessarily agree, but I agree conceptually. Therefore, I will agree to make \$7 billion in funding available to help victims of Hurricane Irene as well as victims of the recent tornadoes and wildfires. Our bill provides funding to get us through the end of the month because the fiscal year ends at the end of September—just a few days away—and to support emergency needs when the next fiscal year begins in October.

Last week, 10 Republicans had the guts to stand up and say: I don't care that it is the Democrats who are proposing this; I care about the people it is going to serve. They stood up and voted with us. It took courage. They stood up for their constituents and people across the country who are trying to rebuild their lives. This was a courageous vote for them, and it shows there is bipartisan support for the Senate disaster relief bill.

In contrast, the House Republicans couldn't even get enough support from their own party to pass their measly proposal last night. It is time for them to embrace the Senate plan on disaster relief and stop using disaster victims as political pawns.

Who are they going to hurt? Are they going to hurt President Obama? Are

they going to hurt Democrats who are in office? No. The pain goes to the ordinary people who work for a living and take care of their families and those proud Americans serving in our military. Those are the people to whom they are saying no.

It is too bad. It is too bad. A lot of these people are veterans and have come back from dangerous duty. They go home, their unemployment rate is high, and very often they are rebuilding their lives. If they have a home, a domicile, in these areas, they say we can't help them.

The House Republicans' halfhearted approach offers little more than \$3½ billion in disaster relief. That sounds like a lot of money, but it is not even close to being enough. It is going to leave our residents, our States, our cities and towns out in the cold at a time when they desperately need help.

In addition to shortchanging FEMA, the House provides zero funding for many of the programs that are needed to help us recover. Our Senate bill includes funding for the community development block grants—a very important program. It gives communities money and the latitude to deal with the problems that face them. It provides our communities with long-term support and Economic Development Administration grants to help businesses grow again—to hire people and to produce product. It also includes funding for the Department of Agriculture to help farmers and residents in rural areas to recover. It is the kind of help we offered in 2008 and 2010 when hurricanes and heavy rains caused destruction in States such as Texas and Kentucky, Tennessee and Indiana, and it is what we have to do again.

The House Republicans failed to provide funding for farmers, economic development, or long-term support for local communities to rebuild. That is what you do when you have a crisis or a natural disaster, and there can't be any debate about the help that is required in all 50 States. It requires bipartisan support because we can't get it done with only one party.

Every State has experienced a disaster in recent years. This year alone, Federal disasters have been declared in 48 States. FEMA is working in every one of those States to help communities rebuild and recover—if they have the resources. If they don't, they will not be on the job and people will continue to suffer. So if the House Republicans get their way, every State is on the verge of disaster.

Incredibly, the House proposal pays for disaster relief by taking money from advanced technological development that will help our automobile industry, for instance, and create jobs. In the Senate, we have to reject this misguided approach. We have to say no way. We are not going to rob Peter to pay Paul. They simply want to rob

Peter and Paul—that is what they want to do—of assistance and help.

We should ask why it was acceptable to provide more than \$800 million to invade and then rebuild Iraq without paying for it, no questions asked. Ask the families who made sacrifices in that war how they felt about it. We turn our back on it. That is what we have done. But when the time comes to rebuild America, some Republicans want to hold the money hostage until painful spending cuts are inflicted elsewhere.

They are gunning for the President of the United States. They think they are going to be able to smash President Obama's accomplishments: getting a couple million people to work, the packages that got the decline stopped where it was and started to turn around.

We have to remember something. I was once the senior Democratic member on the Budget Committee, so I know about balancing budgets. But when these reckless tax cuts came up for the wealthy and cost \$700 billion over 10 years, they were approved without being paid for. It is pretty clear, when it comes to giving big tax breaks to millionaires and billionaires, the wealthy among us—and I say this without meaning to boast. I ran a very good company, a company I helped start with two other fellows that now employs 45,000 people, where there were three of us, and I, with my education being paid for by the government because I served in the Army for 3 years and I got the G.I. bill.

So I will tell you this—and I will tell this to all my colleagues and I hope they hear me. I think it is time for people like me who have made money to pay something back, to give strength to our country, and not argue about whether they pay enough tax. They don't pay enough tax. Warren Buffet says they don't pay enough. They listen to him, that they don't pay enough tax. It doesn't hurt those of us who have been successful the least bit to pay a few more percent in taxes. We can feel good about it. Look in the mirror after we have put something in of value that our country needs, that strengthens the working class of people that tells them: Listen, we have gotten our share, and now it is our responsibility to give back some part of that share.

It is pretty clear; when it comes to giving big tax breaks to millionaires and billionaires, the Republicans don't give a second thought as to how much they cost. But to our country's disaster victims, they have to go to the back of the line and wait their turn.

When disaster strikes, victims don't want us to reach for the budget ax. They want us to extend that helping hand that gets their lives back started again. The fact is, disaster victims have enough to worry about. In many

years, people's lives have seen moments of jeopardy and difficulty, and they fully gave what they had to help their country, feeling all the time that the government is going to stand behind them.

That is what this country of ours is about, this democracy. The Constitution demands that we improve the lives of our citizens; that we give them rights, we give them support, we give them a view of life.

House Republicans want to turn their backs on storm victims. A lot of them are new here. They ought to enjoy these terms because they may not have another one when the public finds out what they are doing, turning their backs on storm victims, local communities, regional economies, and farmers. Their proposal will cost us jobs, and I hope their jobs will be included in it when it comes time next year to vote.

I appeal to my Republican colleagues, stand—stand for those who live in your States, including our neighbors, including the States' children, including the States' families. Remember this, Republican Senators, Republican House Members. We represent people across political lines, across religious lines, across all different lines, and our obligation is to take care of those people when they need help; to give them some support, to give them some hope, to give them some vision.

That is what we are supposed to be doing. We are supposed to be encouraging our citizens, our constituents, and not simply turning our back. What we ought to have is a camera in here that shows every time people vote no on issues and make sure it is clearly understood when people turn their backs on their fellow citizens.

We face serious fiscal challenges in our country, but we cannot put a price on human life. Nothing—nothing is more important than keeping our communities, our families, and our economy safe.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 651

Under the previous order, the question occurs on amendment No. 651, offered by the Senator from Florida, Mr. RUBIO. There will be 2 minutes of debate equally divided prior to the vote.

Mr. RUBIO. Madam President, I will be brief.

The amendment is simple and straightforward. It just returns the TAA Program back to its original in-

tent. It was designed to help workers who were displaced from their jobs or lost their jobs as a result of trade practices, primarily as a result of free-trade agreements between the United States and other countries. It is one of the reasons why, I believe, the majority has brought this issue before us before proceeding to the free-trade agreements with South Korea, with Panama, and with Colombia. What this does is it returns it back to that. It clearly recognizes there are workers who have been hurt by unfair trade practices unrelated to trade agreements, whether it is what China does or other nations do, and those things need to be dealt with, but they need to be dealt with separately.

This program was originally designed to help workers who were harmed in the short term. That is why it is called adjustment. These are workers who are trying to adjust as a result of some disruptions that may have occurred as a result of a trade agreement.

I think what we can take solace in knowing is that the best thing you can do for a worker who has lost his job is to get him a job. Ultimately, that is what free-trade agreements do. They create jobs in America, as the White House has recognized.

My hope is that we will proceed quickly to the passage of the three free-trade agreements, and again I urge the White House to submit those and that this body take them up as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, the conflict here with regard to the amendment that has been proposed is that on our side of this debate, we think this should be a broad array of help for workers. If a worker loses his or her job and we can provide eligibility for trade adjustment assistance, we shouldn't limit that just to the 17 countries with which we have a trade agreement.

Say if we have a problem with massive job loss as a result of what China is doing, either because they are cheating on currency or not playing by the rules—as we know they have not in many instances. I have a table here that indicates that in fiscal year 2012, when you look at the estimated number of workers certified under trade adjustment, whether they are import-related certifications or whether they are all other certifications, you add it up and there are more than 287,000 people who are impacted. A lot of those are impacted by way of unfair trade from China.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Kentucky (Mr. PAUL), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—34

Alexander	Hatch	McCain
Ayotte	Heller	McConnell
Blunt	Hoeven	Moran
Boozman	Hutchison	Murkowski
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Thune
Cochran	Kirk	Toomey
Cornyn	Kyl	Vitter
Crapo	Lee	
DeMint	Lugar	

NAYS—62

Akaka	Grassley	Portman
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Sessions
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Shelby
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wicker
Gillibrand	Nelson (NE)	Wyden
Graham	Nelson (FL)	

NOT VOTING—4

Barrasso	Enzi
Corker	Paul

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays 62. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 650

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 650, offered by the Senator from South Dakota, Mr. THUNE. There will be 2 minutes of debate equally divided.

The Senator from South Dakota.

Mr. THUNE. Madam President, my amendment simply requires a study by the International Trade Commission when a trade agreement has been signed but the implementing legislation has not been taken up by Congress within 2 years. The study will examine the impact of lost export opportunities, the impact on U.S. jobs, and the impact on and the protection of U.S. intellectual property resulting from the delay.

Today we have anecdotal evidence, but there isn't a comprehensive government report on what delay means for U.S. businesses in our economy. I wish we did not need this amendment, but we have seen with the Korea, with the Colombia, and with the Panama agreements we cannot assume an agreement will be implemented swiftly after it is signed.

This amendment is not about casting blame. The study will apply to trade agreements whether negotiated by a Democratic or a Republican President. It is not about the past. It is just the fact that Congress deserves better information about the impact when we delay these trade agreements. This does not affect TAA, it does not affect the underlying bill, and it does not affect passage in the House. It is a commonsense amendment.

I hope my colleagues will support it.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to this amendment. Our exporters face major challenges in global markets. We are faced with surging imports from China. China has a regime in place that is cheating American innovators and forcing them to share their intellectual property.

Instead of dedicating the scarce resources of the International Trade Commission to look into these issues and to identify other foreign trade barriers that impede our exporters, we would essentially task the International Trade Commission to tell us what we already know.

For example, we know that in the case of the pending agreements, we had an opportunity to get a better deal for our companies that export automobiles and to promote human rights in Colombia by reducing violence.

We are on the precipice of considering these agreements. Let's not turn back the clock. Instead of using scarce resources to have an armchair debate about what we already know, let's dedicate the resources of this agency to help workers and businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. ENZI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—44

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoever	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lieberman	Vitter
DeMint	Lugar	Wicker
Graham	McCain	

NAYS—52

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Kerry	Rockefeller
Blumenthal	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—4

Barrasso	Enzi
Corker	Paul

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 52. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 634

There is now 10 minutes of debate prior to a vote in relation to amendment No. 634 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mrs. FEINSTEIN. Mr. President, I rise today to express my opposition to the Cornyn amendment that would force the administration to sell new F-16s to Taiwan.

Yesterday, the administration announced details of a \$5.8 billion arms package to Taiwan.

The central element of this package is the decision to support a substantial upgrade to Taiwan's existing fleet of 145 F-16 A/Bs.

The upgrades include state-of-the-art avionics and weaponry such as targeting systems, AIM-9X air-to-air missiles and precision guided munitions.

The deal also includes the active electronically scanned array radars that, according to Taiwan's Defense Ministry, will allow its planes to detect China's new J-20 stealth aircraft.

The package also includes pilot training and spare parts for Taiwan's F-5 jets and C-130 transport planes.

It will significantly improve Taiwan's self-defense capabilities without increasing cross-strait tensions.

As we all know, Taiwan has asked the administration to accept a letter of request to sell 66 of the newer F-16 C/Ds.

Those who support the sale of new F-16s to Taiwan were clearly disappointed by the decision to move forward with only upgrades to Taiwan's existing fleet.

Senator CORNYN described the decision as a "capitulation to Communist China" and a "slap in the face to strong ally and longtime friend."

Nothing could be further from the truth.

First, let's be clear: The administration has deferred the decision on the sale of new F-16s to Taiwan, it has not rejected it outright.

It has acted in a manner consistent with the previous administration that also refused to accept Taiwan's request for new F-16s.

Let me remind my colleagues that under the Obama administration, total arms sales to Taiwan have totaled \$12.25 billion, more than double the amount sold during President George W. Bush's first term.

It is clear these attacks are more about politics than the security and self-defense capability of Taiwan.

Next, let's look at the arms sales package itself.

The decision to upgrade Taiwan's existing fleet of F-16 A/Bs will provide many of the same capabilities as the new F-16 C/Ds.

According to the Pentagon, with a robust retrofit the F-16 A/B and F-16 C/D are comparable aircrafts. The upgraded F-16 A/Bs will have active electronically scanned array, AESA, radars, equal to the new F-16s; embedded global positioning system inertial navigation systems, equal to the new F-16s; ALQ-213 warfare management systems, equal to the new F-16s; night vision goggles, equal to the new F-16s; AIM-9X Sidewinder missiles, equal to the new F-16s; sensor fused weapons and laser guided bombs, equal to the new F-16s.

And the list goes on.

According to Mark Stokes of the Project 2049 Institute and a former Pentagon China expert, the radar "offers a significant capability that would be able to maintain Taiwan's qualitative advantage" over China.

Michael Pillsbury, a current Pentagon consultant on China, argued that the A/B upgrades could be perceived as providing Taiwan with more capabilities than the C/Ds.

Supporters of this amendment will argue in favor of both upgrades and new planes, as requested by Taiwan.

Allow me to repeat: The administration has not formally rejected the sale of new F-16s. It is still under active consideration.

Clearly, the decision to upgrade the F-16 A/Bs does not prevent the administration from later selling Taiwan the newer planes.

Regardless of timing, we have to consider carefully what impact the sale of new F-16s to Taiwan would have on cross-straits relations.

In May 2010, I had the pleasure of visiting China and Taiwan for a series of meetings with Senators MARK UDALL and KAY HAGAN.

We had full and rewarding discussions on a range of issues, including cybersecurity, energy, trade, and cross-strait relations.

One bright story in the region, I believe, is that of Taiwan and its relationship with the mainland.

The reports we received on our visit were encouraging.

The three direct lines—air service, sea service and postal service—are all in place.

The number of flights between Beijing and Taiwan has reached 270 per week, and I understand they are packed to the brim.

There is also substantial Taiwanese in China today.

Taiwan President Ma Ying-jeou told us he was thrilled that negotiations were successful on an Economic Framework Agreement, known as ECFA, which he subsequently signed and was ratified by Taiwan's legislature.

On the 1-year anniversary of its passage, Taiwanese officials announced that agricultural exports to China covered by the agreement jumped 262 percent—to \$69.31 million—in the first 7 months of 2011 compared to the same period in 2010.

Overall, Taiwanese exports to the mainland in the first half of 2011 totaled \$61.56 billion, up 10.53 percent from the year before.

Follow-on talks have recently begun between both sides which will focus on the trade in goods and services and dispute resolution.

With the momentum generated by the agreement, I believe China and Taiwan should begin to address the security situation across the strait.

It is my strong belief that China should begin to reduce its more than 1,000 ballistic missiles deployed along its coast.

I deeply believe that enhanced economic cooperation and constructive dialogue will move China and Taiwan away from military confrontation to a clear path of resolving differences diplomatically.

In my view, the arms sales package for Taiwan announced by the administration will improve Taiwan's self-defense capabilities and still enhance this ongoing cooperation and dialogue.

Selling the new F-16's to Taiwan would only serve to undermine the progress we have made with China this year.

Military escalation between Taiwan and China, which the sale of the F-16 C/D variant would be construed as, is not in the best interests of the United States.

Finally, let me discuss how this amendment is being proposed.

Simply put, a trade bill to renew the Generalized System of Preferences and the Trade Adjustment Assistance Program is not the proper vehicle for a sensitive foreign policy debate.

The administration and most of my colleagues on this side of the aisle have made it clear that we must renew trade adjustment assistance before we consider the trade agreements.

If this amendment passes, it will threaten the chances of passing trade adjustment assistance in the House and, ultimately, consideration of the three outstanding free trade agreements with South Korea, Panama and Colombia.

If we are to have this debate, it should be during consideration of the Defense authorization bill.

I urge my colleagues to oppose the Cornyn amendment.

Mrs. BOXER. Mr. President, I rise today to speak on the amendment offered by Senator CORNYN regarding the sale of F-16C/D fighter aircraft to Taiwan.

Let me begin by reiterating that I am a strong supporter of Taiwan's right to self-defense. That is why I am proud to support the proposed arms sale package to Taiwan that the Obama administration transmitted to Congress just yesterday.

This package would provide an estimated \$5.85 billion in arms sales to Taiwan, including a significant advanced technology upgrade to 145 F-16A/B aircraft that are currently part of Taiwan's air defense fleet.

But what I cannot support is the process by which Senator CORNYN is seeking to require the sale of additional F-16C/D aircraft to Taiwan.

Instead of mandating this sale on a trade adjustment bill, I would like Congress to continue to work with the Obama administration to determine how to best meet our obligations under the Taiwan Relations Act to "make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

A defeat of the Cornyn amendment does not take the potential sale of F-16C/D aircraft to Taiwan off the table. In fact, the administration has stated that it is still considering the possibility of F-16C/D sales to Taiwan.

I am confident that the United States will continue to help ensure Taiwan's security and stability long into the 21st century.

Mr. CORNYN. I would like to offer a bipartisan proposition to my colleagues here in the nature of this amendment. The reason I say this idea enjoys bipartisan support is 47 Senators, Democrats and Republicans, have joined in a letter to the administration asking that the administration

grant a sale of F-16C/D models to our ally Taiwan.

This amendment would compel that sale because unfortunately the administration declined to make that sale yesterday, notwithstanding the fact that the Taiwan Relations Act signed by Jimmy Carter and passed by a bipartisan Congress requires the United States to provide Taiwan with defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities.

They have lost that capability, as demonstrated by this chart taken from Defense Department records. Currently, the People's Republic of China has about 2,300 operational combat aircraft to Taiwan's 490. Taiwan, by comparison, has 490 operational aircraft, of which about 100 need to be retired, French Mirage aircraft, F-5 aircraft. About 100 of them need to be retired because they are literally obsolete.

What this amendment would do would be to compel the sale of 66 F-16C/D models to our friends in Taiwan. Why is this important? Well, the Department of Defense reports that China's military power is in an increasingly precarious situation for the region and that China seeks the capability both to deter Taiwan independence and influence Taiwan to settle the dispute between them on China's terms.

This amendment would compel that sale. My colleague from Massachusetts argued earlier that the retrofit of 145 of the F-16A/B models, which Taiwan has, which the United States sold, is an adequate substitute. It is not. All that will do is help upgrade 145 of these aircraft that I identified earlier. It will not meet the need created by the retirement of the obsolete French Mirages and the F-5.

I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I think all of us agree with the intent and the direction the Senator from Texas wants to go here with respect to our friendship and our support of Taiwan. In the 26 years I have been here, I have never not supported doing what is necessary to live up to the Taiwan Relations Act. But the Senator is reaching way beyond what we have ever done in the Senate, which is to compel a single weapons systems sale by the President with respect to a complex relationship such as China-Taiwan and the entire presence of the United States in the areas of the straits and in that region. We have never done that.

Moreover, the President of Taiwan has said it is entirely adequate. He feels they will have the defensive capacity necessary under the TRA in order to be able to defend themselves at the current level with the upgrade we are providing.

Let me point out that under President Bush, over 8 years, we provided \$12

billion to Taiwan—over 8 years. In 3 years of the Obama administration, he has provided about \$12 billion—3 years. So there was \$15 billion by Bush over 8 years, \$12 billion by Obama over 3 years.

The upgrade that is being provided—\$6 billion worth of upgrade, sales of weapons—includes state-of-the-art avionics and weaponry, including the Active Electronically Scanned Array Radars, targeting systems, Aim-9X air-to-air missiles, and precision-guided munitions. Those airplanes, those 145 F-16s, will have state-of-the-art capacity at the highest level of any F-16 that we are allowed to sell to any country in the world.

Moreover, the administration has made it absolutely clear that this does not preclude the sale of F-16s maybe in the next months, maybe in the next year, but that ought to be done by any administration, Republican or Democratic, in an orderly way as a matter of good arms policy and as a matter of good foreign policy. In addition to that, the administration is unalterably opposed to this.

So here we are working hard under a fairly careful script to get TAA out of here so we can move to three trade agreements that a lot of us want to move and pass, which means jobs for America. They have been long overdue. We pass this amendment, we lose that opportunity. It is that simple.

So these are all tradeoffs, but this is a tradeoff measured against the lack of any need for urgency as a matter of defense policy and foreign policy to do this. So I say to my colleagues, why, for the first time, without that showing of urgency and need, particularly given the President of Taiwan's own statements, are we going to for the first time compel a President to do something he does not think he wants to do in the context of the relationship with both China and Taiwan?

I reserve the remainder of my time.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mr. CORNYN. Mr. President, as my colleagues know, under article I, section 8 of the U.S. Constitution, Congress is given the power to regulate commerce with foreign nations. That is why this amendment is relevant to this trade bill we are getting ready to pass, because it is important that products manufactured in the United States, and produce grown here, that we sell it to markets abroad because it creates jobs here at home, in addition to fulfilling our legal obligation under the Taiwan Relations Act.

I must say I disagree with my colleague from Massachusetts. The upgrade on the 145 aircraft does nothing to substitute for the retiring of the French Mirage aircraft and the F-5s, given the disparity of air power between China and Taiwan.

Because we are all concerned about jobs, let me remind my colleagues that 32 different States will receive benefits by way of jobs as a result of these sales. This isn't the primary reason why this is important. This is about American prestige, keeping our promises, and not letting the bullies of the world, including China, intimidate the United States; and it is about keeping solemn commitments to our allies.

I ask my colleagues to vote yes, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 24 seconds.

Mr. KERRY. Let me say, very quickly, that the sale of weapons measured against the policy decisions in a set of relationships that are critical to the balance of power and the threat and danger and so forth has never been translated into a jobs program. If you want it to be—\$6 billion spent on these upgrades—Northrop Grumman, Lockheed Martin, and a host of companies will benefit from that \$6 billion and may benefit from the sale of weapons down the road.

This is a policy issue. The policy question is whether the President of Taiwan can speak for Taiwan as the Senator from Texas speaks for Taiwan. It is whether we are going to be adequately meeting the needs of the TRA and the foreign policy priorities of an administration that, it seems to me, given the statements of the President of Taiwan, not only don't violate it but sustain the relationship of the TRA.

I have proudly voted in support of Taiwan for the entire time I have been here, 26 years. I believe I am voting for them today, even as I oppose this amendment but support the administration's \$6 billion program for upgrade and those 145 F-16s—and maybe we will sell them some others.

The PRESIDING OFFICER. The Senator's time has elapsed.

Mr. CORNYN. Mr. President, briefly, once this production line is shut down for the production of the F-16, it cannot be reconstituted. The 2,000 people currently working on the F-16 production line will be reassigned or fired and so this is important.

This isn't something we can take up willy-nilly later on because we finally have gotten around to it. It is timely, and it needs to be done now to keep our commitment to our ally and show the Chinese what they need to see from America; that is, strength, not weakness.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—48

Alexander	Grassley	McConnell
Ayotte	Hatch	Menendez
Blumenthal	Heller	Moran
Blunt	Hoeven	Murkowski
Boozman	Hutchison	Nelson (FL)
Brown (MA)	Inhofe	Portman
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Collins	Lee	Snowe
Cornyn	Lieberman	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Graham	McCain	Wicker

NAYS—48

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden

NOT VOTING—4

Barrasso	Enzi
Corker	Paul

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 48. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 633

Under the previous order, there is now 2 minutes of debate, equally divided, in relation to amendment No. 633 offered by the Senator from Nevada (Mr. REID) on behalf of Mr. CASEY.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask an affirmative vote on this amendment.

Trade adjustment assistance is very simple. We have a job crisis in the country. This program for decades now has helped people get through crises and, very importantly, has allowed them to be trained and retrained for the jobs of the future. We need this program, our workers need it, and our economy needs it.

I commend the work of Chairman BAUCUS and my colleague from Ohio, Senator BROWN. I ask for an affirmative vote on this amendment.

My colleague from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank Senator BAUCUS and Senator CASEY for their leadership.

This is about helping people who have lost their jobs, not only through no fault of their own but because of actions taken in this body and the House of Representatives on trade agreements and on trade policy.

I met a woman in Youngstown the other day who lost her job in manufacturing and she went back to school. She and her daughter are both now in nursing school training to be nurses. That is what TAA is about.

Vote for the Casey-Baucus-Brown amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a caustic program of dubious value. In our hearings, the representatives of the administration couldn't come up with one job that would be lost as a result of these free-trade agreements.

There is no evidence that TAA works and, in all honesty, there is no commitment from the President we are going to have the free-trade agreements come up anyway. I have to say that even though we haven't done a trade agreement in years, TAA continues to grow and TAA is on top of unemployment insurance that we are paying anyway, and it isn't justified.

All I can say is, literally, this program should not be adopted at this particular point. And if it is adopted, it ought to be adopted based upon reason and so forth.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 633.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—69

Akaka	Coats	Johanns
Baucus	Cochran	Johnson (SD)
Begich	Collins	Kerry
Bennet	Conrad	Klobuchar
Bingaman	Coons	Kohl
Blumenthal	Durbin	Landrieu
Blunt	Feinstein	Lautenberg
Boozman	Franken	Leahy
Boxer	Gillibrand	Levin
Brown (MA)	Hagan	Lieberman
Brown (OH)	Harkin	Manchin
Cantwell	Heller	McCaskill
Cardin	Hoeven	Menendez
Carper	Inouye	Merkley
Casey	Isakson	Mikulski

Moran	Reid	Tester
Murkowski	Rockefeller	Udall (CO)
Murray	Sanders	Udall (NM)
Nelson (NE)	Schumer	Warner
Nelson (FL)	Shaheen	Webb
Portman	Shelby	Whitehouse
Pryor	Snowe	Wicker
Reed	Stabenow	Wyden

NAYS—28

Alexander	Hatch	Paul
Ayotte	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Graham	McCain	
Grassley	McConnell	

NOT VOTING—3

Barrasso	Corker	Enzi
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The PRESIDING OFFICER (Mrs. SHAHEEN). On this vote, the yeas are 69, the nays are 28. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Under the previous order, the clerk will read the bill for a third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

There is now 10 minutes of debate equally divided prior to a vote on the passage of the measure.

Mr. BAUCUS. Madam President, this bill addresses our country's most urgent priority—jobs. It helps American workers acquire the skills they need to compete and win in the global economy. It gives American businesses better access to the materials they need to make world-class products, and that is just the beginning. It also opens the door to an ambitious trade agenda, an agenda that will increase U.S. exports, grow our economy, and create jobs. That agenda includes our pending free-trade agreements with Colombia, Panama, and South Korea.

The first step is to renew the trade adjustment assistance. Trade adjustment assistance has been an essential part of U.S. trade policy for nearly 50 years. When we negotiate trade agreements, we create new economic opportunity and spur growth but also increase competition. TAA helps American workers and businesses meet that competition with job training, income support, health coverage, and technical assistance.

Over the years we have reformed TAA to keep pace with the changing global economy. In 2009 we extended TAA to cover service industry workers and workers whose jobs shifted overseas to any country, and we increased funding for job training and health care. But the 2009 reforms expired. They expired last February.

Congress has never approved one free-trade agreement, much less three, with TAA expired. This year must be no exception. This legislation will re-

store the 2009 TAA reforms and responsible program cuts to achieve necessary cost savings. This legislation will clear the path to consider and approve our free-trade agreements with Colombia, Panama, and South Korea.

If we do not approve this legislation we will impose a roadblock that could derail our three free-trade agreements. We cannot afford to fail. Weak consumer demand at home threatens to stall our recovery. We need these agreements to increase sales of U.S. farm products, manufactured goods, and services abroad.

The International Trade Commission estimates that these agreements will boost U.S. exports by \$13 billion. Most important, these additional exports will increase economic growth and support tens of thousands of American jobs. We cannot delay.

This summer, for example, trade agreements between the European Union and Korea, and between Canada and Colombia entered into force. U.S. exporters are losing sales to their European and Canadian competitors. American jobs are at risk. Let's restore U.S. trade adjustment assistance for American workers, let's expand trade preferences for the benefit of American manufacturers, and let's move quickly to our pending free-trade agreements with Colombia, Panama, and South Korea.

I urge my colleagues to support this legislation.

Mr. LEVIN. Madam President, I will vote in support of the amendment to renew and extend both the General System of Preferences and trade adjustment assistance. It is the correct approach for Congress to extend trade adjustment assistance, TAA, including an extension of the 2009 bipartisan reforms, before considering the pending trade agreements with South Korea, Colombia, and Panama.

TAA is not a substitute for fighting to keep jobs here in the United States. However, given the realities of a global economy we must provide a safety net so workers who lose their jobs as a result of expanded trade and globalization are able to transition to new jobs through retraining and that they have access to affordable health care coverage.

The 2002 TAA law covered only manufacturing workers who lost jobs as a result of imports or if those jobs shifted to FTA partner countries. In 2009, as part of the Recovery Act, the TAA Program was expanded through bipartisan efforts to increase training funding. It also expanded eligibility to include the service sector and farmers and to cover workers whose jobs were been moved anywhere offshore, not just to a FTA partner country. Finally, it expanded access to TAA's health coverage tax credit, which helps certified workers purchase private health insurance.

Those 2009 expansions expired on February 13, 2011 and are overdue for

reauthorization. The bill the Senate is considering today is a bipartisan agreement to restore most of the 2009 provisions through December 31, 2013. It will also apply the benefits retroactively from February 12, 2011.

There is clearly a need for an expanded TAA Program. Since the 2009 reforms, almost 450,000 workers have been certified for TAA assistance: over 40 percent of whom were certified under the expanded provisions and coming from every state in the union. As a leading manufacturing state and a significant contributor to global trade, Michigan has relied on the TAA Program to retrain workers for new careers and certified nearly 50,000 workers since the 2009 reforms.

Michigan also houses the Great Lakes Trade Adjustment Assistance Center. The Great Lakes TAA Center helps hundreds of firms in Michigan, Indiana and Ohio compete in the global economy. The TAA for firms program assists mostly small and medium-sized companies that experience loss of jobs and sales because of foreign imports. TAA for firms has helped to retain or create tens of thousands of jobs by saving companies and jobs imperiled by import competition. This TAA extension includes \$16 million for this important program—TAA for firms.

Ms. SNOWE. Madam President, I rise today to express my strong support for the renewal of Trade Adjustment Assistance programs which for decades have served as a critical lifeline for thousands of Mainers whose jobs have been adversely affected by increases in foreign imports and shifts in production overseas.

During my entire tenure in Congress, I have worked tirelessly with my colleagues to reform and expand TAA programs to assist workers, businesses, and communities harmed by trade liberalization in competing in an increasingly global marketplace.

And frankly if there were ever a moment to rebuild and equip our workforce to make greater strides when it comes to competing in the global economy is there any doubt, that time is now?

Consider that China will surpass the U.S. economically in 2016—a mere five years from now—according to the International Monetary Fund. Consider that the total U.S. international trade deficit for 2010 was \$497 billion, up from \$374 billion in 2009. And our trade deficit with China increased from \$226 billion in 2009 to \$273 billion in 2010—a 20-percent increase in just 1 year alone.

Whoever is elected President in 2012 will be the last President to preside over a U.S. economy on top of China's if we continue with our current policies, which, in large part are fueling our decline and China's rise. Make no mistake, this is the regrettable direction in which we are headed as long as we import more than we export, amass

soaring deficits, consume more than we produce, and outsource thousands of jobs.

Domestically, our Nation's \$14.7 trillion debt is projected to reach 100 percent of GDP this year; unemployment has been hovering near or above 9 percent; and 22 million Americans are either unemployed or underemployed. Indeed, we are experiencing the longest unemployment period in American history since data collection started in 1948, surpassing even the 1982 double-dip recession.

Manufacturing has also grown at the slowest pace in 2 years. The housing downturn is still plaguing the country, with no plausible end to foreclosures in sight. Home prices in March fell to their lowest level since 2002. Consumers, confronted with higher gas and food prices, are spending less on discretionary items.

And in my home State of Maine wage and salary employment levels have fallen precipitously through December 2010, with job losses of 26,900, a 4.4-percent drop. Overall, employment numbers in my State have returned to year 1999 levels, erasing the economic gains of the past decade.

At a time when Maine and our Nation are struggling to revive our lackluster economy—the worst since World War II, renewing and reforming TAA represents a central avenue we must take if we are to reinvigorate our workforce so that American enterprise is positioned to battle for customers with our counterparts in countries like China.

TAA programs—such as TAA for Workers, TAA for Firms, and TAA for Farmers have proved invaluable to accelerating the adjustment process and expediting the means by which laid-off workers are able to rejoin the workforce and contribute to the bottom-line at a high level.

TAA is crucial in providing Americans with the skills and assistance needed to meet this challenge. As President Kennedy said in 1962, TAA is “a program to afford time for American initiative, American adaptability and American resiliency to assert themselves.”

Under the TAA for Workers Program, eligible beneficiaries in Maine—such as laid-off pulp and paper manufacturers—participate full-time in customized and on-the-job training or pursue coursework at local colleges and universities to acquire the skills they need to reenter the workforce. As of the end of 2010, thousands of Mainers had been certified for TAA and reentered the workforce.

Additionally, under the TAA for Farmers Program, hundreds of blueberry producers and lobstermen in my state, facing increased pressure from foreign products, have found the program's technical assistance and training extremely useful in retooling their

businesses to ensure Maine's agriculture industry and fisherman remain among the best in the world.

Likewise, the New England Trade Adjustment Assistance Center recently reported that 15 Maine companies have taken part in the TAA for Firms Program over the last several years. These companies have taken advantage of the program to reconfigure their business models, develop new strategies, and make other adjustments necessary to remain competitive in the international economy—benefiting a combined 1,120 Mainers employed by these firms.

However, despite these irrefutable successes, I have no doubt that some of my colleagues will argue in favor of allowing TAA to expire. And they might argue that we should not be giving “special treatment” to individuals whose jobs have been affected by trade.

Allowing this vital program to lapse would amount to a colossal missed opportunity not only for American workers but for our economy as well. When a Maine saw or paper mill closes and the orders it used to handle are filled by a Canadian or Chinese plant, that has a cascading affect across not just Maine's forestry industry but shipping businesses, our service sector, and the thousands of additional workers and rural communities that rely on this industry for their very survival.

The fact is, losing one's job to trade is not equivalent to losing one's job because of technological advancements or economic adversity and downturn. The difference is that trade liberalization actions—such as implementing NAFTA or accepting China into the WTO—are the chosen policy of the U.S. Government—a path I would argue has often sacrificed manufacturing jobs in order to gain market access for other sectors of our economy. Consequently, our government is all the more obligated to aid our workers and communities hurt by foreign trade.

To those who point out that there are inefficiencies associated with TAA, I agree that efforts at reform must reduce costs and eliminate waste. That is why this bill lowers program expenditures, includes cost-cutting provisions from areas such as case management and administrative expenses, and grants States greater discretion to manage the programs.

Furthermore, the reforms made in this legislation require new performance measures, metrics, and accountability as a precondition for receiving training and benefits. In fact, the bill raises the standards by which applicants may receive waivers from training program requirements—eliminating many of the loopholes that previously could have been used to avoid participation in key job skill programs.

Finally, I am pleased that the legislation before us maintains the expanded eligibility for service workers

and those displaced by trade with non-FTA partners like China and India. And it maintains initiatives I have championed such as the health coverage tax credit—all of which are vital components to helping sustain both workers and businesses and enable them to contribute to our economic recovery.

Along with the enforcement of our existing trade laws, trade adjustment assistance must be a central pillar of our Nation's trade agenda. On February 8 I sent a letter to the Senate's leadership urging that they work with me to secure a long-term reauthorization of TAA so that families in Maine and across the U.S. are prepared for new employment opportunities. Unfortunately, as so often seems to be the case in the Senate, action on this job creation package has been delayed for far too long—over 7 months since I sent my letter.

Congress still has an opportunity to overcome this legislative inertia in order to benefit U.S. industries that have been devastated by foreign imports. American businesses and their employees are doing their part—Congress must do likewise.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise in opposition to this bill before us. It extends the generalized system of preferences program for 2 years, as amended and, as amended, expands the trade adjustment assistance program.

I want to be clear. I support the underlying bill passed by the House that extends the GSP Program. GSP helps American companies compete in the global marketplace while helping developing countries grow their economies and achieve sustainable economic growth to lift their people out of poverty.

As I have made clear over the past few days, I have serious concerns with expanding the Trade Adjustment Assistance Program as it has been amended by this bill. We can no longer afford to increase domestic spending on programs that have dubious value and unproven results. That is what this bill will do.

I cannot condone this spending, so I will vote no. I offered an amendment that would have ended the mystery surrounding the sequencing of TAA and the three pending free-trade agreements that have been the subject of much intrigue and speculation.

My amendment would have called off the expansion of TAA until our free-trade agreements with Colombia, Panama, and South Korea were enacted. Everything would move together. Isn't that what this whole bargain is supposed to be about?

Well, that amendment did not pass and the White House still refuses to say when they will send up the FTAs for a vote. That does not seem right or

fair to me. TAA is an unproven and costly and counterproductive program.

I urge my colleagues to also oppose this bill, but should it pass, I hope the President finally matches actions with words and sends the FTAs up for a vote. I am convinced all three will receive strong bipartisan votes. American businesses, farmers, and workers, and our friends and allies in Colombia, Panama, and South Korea cannot afford any delay.

Mr. MCCONNELL. Madam President, has the time expired?

The PRESIDING OFFICER. Three minutes remain.

Mr. MCCONNELL. After today's vote, the White House has no more excuses. The time has come to send the three pending trade agreements to Congress. We waited for the chance to pass these trade agreements that our economy desperately needs and that even the White House admits will create tens of thousands of jobs.

The White House asks us for a path forward on trade adjustment assistance in exchange for sending these deals up to Congress and we gave it to them. I cannot say I am happy about that. This is a program that I and many Republican Members have serious questions about. Thanks to the leadership of two of our Members, Senator BLUNT and Senator PORTMAN, we are where we are today, and the Senate will soon pass TAA without an amendment. Both parties in the Senate have acted in good faith to move this process forward. Now it is the President's turn. No more moving the goalposts; no more excuses. It is time for the administration to demonstrate something that seems to be in short supply on the other end of Pennsylvania Avenue, and that is trust. The Senate today will have acted on trust in passing TAA even before we have received the agreements. The White House has refused to show the same trust in congressional Republicans who have assured them that TAA will move along with the free-trade agreements.

I kept my promise I would allow TAA to move forward in the Senate as long as Republicans had a chance to amend it. It is time for the administration to deliver theirs. It is time for the President to send up these long-pending free-trade agreements without further delay.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the benefit of the Senators, so we can look at the schedule a little bit this evening, first of all, I appreciate the support for this trade adjustment assistance from my Republican colleagues. It is an important piece of legislation. I am glad we are able to complete this at least in the Senate.

As I have said many times, we have to make sure the House also passes

this. I have been told by the Speaker and others in the Republican leadership in the House that they will do that. I am hopeful and confident they will. Once that is done—and they have ways of making sure through a rule they can issue, it would not be sent to the President. They do not have to enroll it until the trade bill is passed. Once the trade bill is passed, of course, they would send the trade adjustment assistance to the White House.

This is the first step of this agreement, I don't need to tell everyone here—I have spoken to the Republican leader many times—I do not support any of those trade agreements, but I am going to live up to what I said I would do and do what I can to move those through the Senate as quickly as possible so there are fair votes on all of them. We are waiting for the House to take action also.

Finally, without belaboring the point on trade adjustment assistance, I repeat what I said earlier. I appreciate very much the support of the Republicans in getting the votes necessary to pass this bill. It was a nice vote and I appreciate it very much.

As far as the rest of the evening, I just talked with the House Democratic leadership, some of them, and right now the Republicans are still trying to get enough votes to pass something over there. Right now they have not been able to do that so they have not even asked for the rule to be issued. We are waiting to see what they do. Some of the reports out of the House are troubling, to say the least. One of the latest proposals we have heard—remember, one reason this went so bad is that 53 House Republicans wrote a letter to the Republican leadership in the House and said, unless you cut back the CR—remember, that is an agreement we worked on for 3 months to get agreements so we took care of the 301(a)s and 301(b)s for the rest of the year. They said until you cut that by \$28 billion, we are not going to vote for it—\$28 billion.

The latest we have heard from the House in an effort to satisfy the \$28 billion that the 53 Republicans want is they said they are going to cut renewable energy projects by another \$110 million. So if that goes through, then the 53 Republicans, instead of settling for \$28 billion, are going to settle for \$110 million. From Las Vegas, those are not very good odds in a card game.

I hope we do something that is fair and realistic. I hope they send us a CR. I hope they send a reasonably important number on FEMA. We know what is needed. The Secretary of Homeland Security was in Joplin, MO, today, looking at the devastation there and the work that has stopped in that town that was struck by winds of 300 miles an hour.

We are here. We are going to have a caucus in 20 minutes, but I cannot see us doing anything tonight.

Mr. McCONNELL. If my friend would yield on that point.

Mr. REID. Surely.

Mr. McCONNELL. I think I can probably speak for everybody on this side that if we had a choice between wrapping all of this up sometime tonight, as opposed to coming back tomorrow, I think I am pretty safe in saying we prefer, if it is possible, to complete the job tonight knowing full well we are scheduled not to be here next week. Presumably if we finish the job in a way that is satisfactory to both the House and the Senate, I think our preference would be to grind through and to try to get to the end tonight.

Mr. REID. I understand what my friend is saying. I am sure if we took a vote, everyone would agree on that. If we don't get that bill until after midnight tonight, there is a limit as to what we can do. It may be necessary to come back sometime tomorrow morning. I have a number of us over here who have important things to do, not only legislatively but some with their own personal business. So I understand if we have to come back tomorrow, we will try to do it as early as possible. We have some very serious things to do here. We have millions of people who are struggling because of this disaster relief. We talk about disaster relief as if it is some number up in the air, but these are jobs we are talking about. These are millions of dollars we are talking about providing for renovation, repair, and all of the other things that need to be done in the disaster areas. These are jobs. People are waiting to do that work and, of course, the CR is very important.

I would hope the House would send us something that is fair and reasonable, because if it is more of the same as yesterday, I do not think they are going to get the Democratic votes in the House. I do not think they will get any over here. This is not a high school game of "I've gotcha." We are willing to be reasonable, but we are not willing to vote unreasonably.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 2832), as amended, pass?

Mr. FRANKEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? "There appears to be a sufficient second."

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—70

Akaka	Graham	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Heller	Nelson (FL)
Bingaman	Hoeven	Portman
Blumenthal	Inouye	Pryor
Blunt	Isakson	Reed
Boozman	Johanns	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coats	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCaskey	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—27

Alexander	Hatch	Paul
Ayotte	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cornyn	Kyl	Shelby
Crapo	Lee	Thune
DeMint	McCain	Toomey
Grassley	McConnell	Vitter

NOT VOTING—3

Barrasso	Corker	Enzi
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The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 27. Under the previous order requiring 60 votes for passage of the bill, the bill, as amended, is passed.

The bill (H.R. 2832), as amended, was passed, as follows:

H.R. 2832

Resolved, That the bill from the House of Representatives (H.R. 2832) entitled "An Act to extend the Generalized System of Preferences, and for other purposes," do pass with the following amendment:

At the end, add the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Trade Adjustment Assistance Extension Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

Sec. 200. Short title; table of contents.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

Sec. 201. Application of provisions relating to trade adjustment assistance.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 211. Group eligibility requirements.

Sec. 212. Reductions in waivers from training.

Sec. 213. Limitations on trade readjustment allowances.

Sec. 214. Funding of training, employment and case management services, and job search and relocation allowances.

Sec. 215. Reemployment trade adjustment assistance.

Sec. 216. Program accountability.

Sec. 217. Extension.

PART III—OTHER ADJUSTMENT ASSISTANCE

Sec. 221. Trade adjustment assistance for firms.

Sec. 222. Trade adjustment assistance for communities.

Sec. 223. Trade adjustment assistance for farmers.

PART IV—GENERAL PROVISIONS

Sec. 231. Applicability of trade adjustment assistance provisions.

Sec. 232. Termination provisions.

Sec. 233. Sunset provisions.

Subtitle B—Health Coverage Improvement

Sec. 241. Health care tax credit.

Sec. 242. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.

Sec. 243. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

Sec. 251. Mandatory penalty assessment on fraud claims.

Sec. 252. Prohibition on noncharging due to employer fault.

Sec. 253. Reporting of rehired employees to the directory of new hires.

PART II—ADDITIONAL OFFSETS

Sec. 261. Improvements to contracts with Medicare quality improvement organizations (QIOs) in order to improve the quality of care furnished to Medicare beneficiaries.

Sec. 262. Rates for merchandise processing fees.

Sec. 263. Time for remitting certain merchandise processing fees.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) REPEAL OF SNAPBACK.—Section 1893 of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is repealed.

(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on February 12, 2011, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapters 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) REFERENCES.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 211. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) in paragraph (2) of subsection (b), as redesignated, by striking "(d)" and inserting "(c)";

(4) in subsection (c), as redesignated, by striking paragraph (5); and

(5) in paragraph (2) of subsection (d), as redesignated, by striking “, (b), or (c)” and inserting “or (b)”.

(b) CONFORMING AMENDMENTS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “Subject to section 222(d)(5), the term” and inserting “The term”; and

(B) in subparagraph (A), by striking “, service sector firm, or public agency” and inserting “or service sector firm”;

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.

(a) IN GENERAL.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) in paragraph (3)(B), by striking “(D), (E), or (F)” and inserting “or (C)”.

(b) GOOD CAUSE EXCEPTION.—Section 234(b) of the Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read as follows:

“(b) SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.”.

SEC. 213. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “(or)” and all that follows through “period”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “78” and inserting “65”; and

(ii) by striking “91-week period” each place it appears and inserting “78-week period”; and

(2) by amending subsection (f) to read as follows:

“(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”.

SEC. 214. FUNDING OF TRAINING, EMPLOYMENT AND CASE MANAGEMENT SERVICES, AND JOB SEARCH AND RELOCATION ALLOWANCES.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(1) by inserting “and sections 235, 237, and 238” after “to carry out this section” each place it appears;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “of payments that may be made under paragraph (1)” and inserting “of funds available to carry out this section and sections 235, 237, and 238”; and

(B) by striking clauses (i) and (ii) and inserting the following:

“(i) \$575,000,000 for each of fiscal years 2012 and 2013; and

“(ii) \$143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”;

(3) in subparagraph (C)(ii)(V), by striking “relating to the provision of training under this section” and inserting “to carry out this section and sections 235, 237, and 238”; and

(4) in subparagraph (E), by striking “to pay the costs of training approved under this section” and inserting “to carry out this section and sections 235, 237, and 238”.

(b) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

(1) IN GENERAL.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended—

(A) in the section heading, by striking “FUNDING FOR” and inserting “LIMITATIONS ON”; and

(B) by striking subsections (a) and (b) and inserting the following:

“Of the funds made available to a State to carry out sections 235 through 238 for a fiscal year, the State shall use—

“(1) not more than 10 percent for the administration of the trade adjustment assistance for workers program under this chapter, including for—

“(A) processing waivers of training requirements under section 231;

“(B) collecting, validating, and reporting data required under this chapter; and

“(C) providing reemployment trade adjustment assistance under section 246; and

“(2) not less than 5 percent for employment and case management services under section 235.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235A and inserting the following:

“Sec. 235A. Limitations on administrative expenses and employment and case management services.”.

(c) REALLOTMENT OF FUNDS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by adding at the end the following:

“(c) REALLOTMENT OF FUNDS.—

“(1) IN GENERAL.—The Secretary may—

“(A) reallocate funds that were allotted to any State to carry out sections 235 through 238 and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

“(B) provide such reallocated funds to States to carry out sections 235 through 238 in accordance with procedures established by the Secretary.

“(2) REQUESTS BY STATES.—In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of reallocated funds under that paragraph pursuant to requests submitted by States in need of such funds.

“(3) AVAILABILITY OF AMOUNTS.—The reallocation of funds under paragraph (1) shall not ex-

tend the period for which such funds are available for expenditure.”.

(d) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1)—

(A) by striking “An adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may” and inserting “to”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “An” and inserting “Any”; and

(ii) by striking “all necessary job search expenses” and inserting “not more than 90 percent of the necessary job search expenses of the worker”; and

(B) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”; and

(3) in subsection (c), by striking “the Secretary shall” and inserting “a State may”.

(e) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1)—

(A) by striking “Any adversely affected worker” and inserting “Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker”; and

(B) by striking “may file” and inserting “to file”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking “The” and inserting “Any”; and

(ii) by striking “includes” and inserting “shall include”; and

(B) in paragraph (1), by striking “all” and inserting “not more than 90 percent of the”; and

(C) in paragraph (2), by striking “\$1,500” and inserting “\$1,250”.

(f) CONFORMING AMENDMENTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (b), in the first sentence, by striking “appropriate” and inserting “appropriate”; and

(2) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking “\$55,000” and inserting “\$50,000”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(i), by striking “\$12,000” and inserting “\$10,000”; and

(B) in subparagraph (B)(i), by striking “\$12,000” and inserting “\$10,000”.

(b) EXTENSION.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

SEC. 216. PROGRAM ACCOUNTABILITY.

(a) CORE INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Section 239(j)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2311(j)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

“(i) the percentage of workers receiving benefits under this chapter who are employed during the first or second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

“(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

“(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

“(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this chapter or during the 1-year period after such workers cease receiving such benefits.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.

(b) **COLLECTION AND PUBLICATION OF DATA.**—

(1) **IN GENERAL.**—Section 249B(b) of the Trade Act of 1974 (19 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting “(including such allowances classified by payments under paragraphs (1) and (3) of section 233(a), and section 233(f), respectively) and payments under section 246” after “readjustment allowances”; and

(ii) by adding at the end the following:

“(D) The average number of weeks trade readjustment allowances were paid to workers.

“(E) The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “training leading to an associate’s degree, remedial education, prerequisite education,” after “distance learning.”;

(ii) by amending subparagraph (B) to read as follows:

“(B) The number of workers who complete training approved under section 236 who were enrolled in pre-layoff training or part-time training at any time during that training.”;

(iii) in subparagraph (C), by inserting “, and the average duration of training that does not include remedial or prerequisite education” after “training”;

(iv) in subparagraph (E), by striking “duration” and inserting “average duration”; and

(v) in subparagraph (F), by inserting “and the average duration of the training that was completed by such workers” after “training”; and

(C) in paragraph (4)—

(i) by redesignating subparagraph (B) as subparagraph (D); and

(ii) by inserting after subparagraph (A) the following:

“(B) A summary of the data on workers in the quarterly reports required under section 239(j) classified by the age, pre-program educational level, and post-program credential attainment of the workers.

“(C) The average earnings of workers described in section 239(j)(2)(A)(i) in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this chapter, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.”;

(D) by adding at the end the following:

“(6) **DATA ON SPENDING.**—

“(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.

“(B) The total amount of the payments to the States to carry out sections 235 through 238 used

for training, in the aggregate and for each State.

“(C) The total amount of payments to the States to carry out sections 235 through 238 used for the costs of administration, in the aggregate and for each State.

“(D) The total amount of payments to the States to carry out sections 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.”.

(2) **EFFECTIVE DATE.**—Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) **ANNUAL REPORT.**—Section 249B(d) of the Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by striking “December 15” and inserting “February 15”.

SEC. 217. EXTENSION.

Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “February 12, 2011” and inserting “December 31, 2013”.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

“**SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**

“(a) **IN GENERAL.**—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this chapter for the preceding fiscal year. The data shall include the following:

“(1) The number of firms that inquired about the program.

“(2) The number of petitions filed under section 251.

“(3) The number of petitions certified and denied by the Secretary.

“(4) The average time for processing petitions after the petitions are filed.

“(5) The number of petitions filed and firms certified for each congressional district of the United States.

“(6) Of the number of petitions filed, the number of firms that entered the program and received benefits.

“(7) The number of firms that received assistance in preparing their petitions.

“(8) The number of firms that received assistance developing business recovery plans.

“(9) The number of business recovery plans approved and denied by the Secretary.

“(10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 253(b)(1).

“(11) Sales, employment, and productivity at each firm participating in the program at the time of certification.

“(12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

“(13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.

“(14) The financial assistance received by each firm participating in the program.

“(15) The financial contribution made by each firm participating in the program.

“(16) The types of technical assistance included in the business recovery plans of firms participating in the program.

“(17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

“(18) The total amount expended by all intermediary organizations referred to in section 253(b)(1) and by each such organization to administer the program.

“(19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

“(b) **CLASSIFICATION OF DATA.**—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

“(c) **REPORT TO CONGRESS; PUBLICATION.**—The Secretary shall—

“(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

“(2) publish the report in the Federal Register and on the website of the Department of Commerce.

“(d) **PROTECTION OF CONFIDENTIAL INFORMATION.**—

“(1) **IN GENERAL.**—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255 the following:

“Sec. 255A. Annual report on trade adjustment assistance for firms.”.

(3) **CONFORMING REPEAL.**—Effective on the day after the date on which the Secretary of Commerce submits the report required by section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2356) for fiscal year 2011, such section is repealed.

(b) **EXTENSION.**—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(1) by striking “\$50,000,000” and all that follows through “February 12, 2011.” and inserting “\$16,000,000 for each of the fiscal years 2012 and 2013, and \$4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”; and

(2) by striking “shall—” and all that follows through “otherwise remain” and inserting “shall remain”.

SEC. 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) **IN GENERAL.**—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

(1) by striking subchapters A, C, and D;

(2) in subchapter B, by striking the subchapter heading; and

(3) by redesignating sections 278 and 279 as sections 271 and 272, respectively.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in the matter preceding paragraph (1), by striking “December 15 in each of the calendar

years 2009 through” and inserting “December 15, 2009.”;

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) providing the following data relating to program performance and outcomes:

“(A) Of the grants awarded under this section, the amount of funds spent by grantees.

“(B) The average dollar amount of grants awarded under this section.

“(C) The average duration of grants awarded under this section.

“(D) The percentage of workers receiving benefits under chapter 2 that are served by programs developed, offered, or improved using grants awarded under this section.

“(E) The percentage and number of workers receiving benefits under chapter 2 who obtained a degree through such programs and the average duration of the participation of such workers in training under section 236.

“(F) The number of workers receiving benefits under chapter 2 served by such programs who did not complete a degree and the average duration of the participation of such workers in training under section 236.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), on or after October 1, 2012.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in subsection (c)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking the semicolon and inserting “; and”;

(bb) by striking clauses (iii) and (iv); and

(cc) by redesignating clause (v) as clause (iii);

(II) in subparagraph (B), by striking “(A)(v)” and inserting “(A)(iii)”;

(ii) in paragraph (5)(A)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “, and other entities described in section 276(a)(2)(B)”;

(bb) in subclause (II), by striking the semicolon and inserting “; and”;

(II) by striking clause (iii); and

(B) in subsection (d), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Subsection (b) of section 272 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended by striking “278(a)(2)” and inserting “271(a)(2)”.

(d) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Community College and Career Training Grant Program.

“Sec. 272. Authorization of appropriations.”.

SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) is amended to read as follows:

“(d) **ANNUAL REPORT.**—Not later than January 30 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to the trade ad-

justment assistance for farmers program under this chapter during the preceding fiscal year:

“(1) A list of the agricultural commodities covered by a certification under this chapter.

“(2) The States or regions in which agricultural commodities are produced and the aggregate amount of such commodities produced in each such State or region.

“(3) The number of petitions filed.

“(4) The number of petitions certified and denied by the Secretary.

“(5) The average time for processing petitions.

“(6) The number of petitions filed and agricultural commodity producers approved for each congressional district of the United States.

“(7) Of the number of producers approved, the number of agricultural commodity producers that entered the program and received benefits.

“(8) The number of agricultural commodity producers that completed initial technical assistance.

“(9) The number of agricultural commodity producers that completed intensive technical assistance.

“(10) The number of initial business plans approved and denied by the Secretary.

“(11) The number of long-term business plans approved and denied by the Secretary.

“(12) The total number of agricultural commodity producers, by congressional district, receiving initial technical assistance and intensive technical assistance, respectively, under this chapter.

“(13) The types of initial technical assistance received by agricultural commodity producers participating in the program.

“(14) The types of intensive technical assistance received by agricultural commodity producers participating in the program.

“(15) The number of agricultural commodity producers leaving the program before completing the projects in their long-term business plans and the reason those projects were not completed.

“(16) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

“(17) The average duration of benefits received under this chapter.

“(18) The number of agricultural commodity producers in operation as of the date of the report and the number of agricultural commodity producers that ceased operations after completing the program and in the 1-year period following completion of the program.

“(19) The number of agricultural commodity producers that report that such producers received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the date of the report.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.

(b) **EXTENSION.**—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking “and there are appropriated”;

and

(2) by striking “not to exceed” and all that follows through “February 12, 2011” and inserting “not to exceed \$90,000,000 for each of the fiscal years 2012 and 2013, and \$22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013”.

PART IV—GENERAL PROVISIONS

SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) **TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.**—

(1) **PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.**—

(A) **CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.**—

(i) **CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.**—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) **RECONSIDERATION OF DENIALS OF CERTIFICATIONS.**—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) **PETITION DESCRIBED.**—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(B) **ELIGIBILITY FOR BENEFITS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) **ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.**—

(I) **IN GENERAL.**—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(II) **EFFECT OF FAILURE TO MAKE ELECTION.**—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(III) **COMPUTATION OF MAXIMUM BENEFITS.**—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

(2) **PETITIONS FILED BEFORE FEBRUARY 13, 2011.**—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974—

(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on February 12, 2011; or

(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

(3) **QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.**—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting “before February 13, 2010” for “more than one year before the date of the petition on which such certification was granted” for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) **TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**—

(1) **CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.**—

(A) **CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.**—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) **RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.**—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) **PETITION DESCRIBED.**—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(2) **CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.**—

(A) **IN GENERAL.**—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) **FIRM DESCRIBED.**—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 232. TERMINATION PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(1) by striking “February 12, 2011” each place it appears and inserting “December 31, 2013”;

(2) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking “that chapter” and all that follows through “the worker is—” and inserting “that chapter if the worker is—”; and

(B) in subparagraph (A), by striking “petitions” and inserting “a petition”; and

(3) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 251” after “chapter 3”;

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “pursuant to a petition filed under section 292” after “chapter 6”; and

(C) by striking paragraph (3).

SEC. 233. SUNSET PROVISIONS.

(a) **APPLICATION OF PRIOR LAW.**—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting “104-week period” for “104-week period” and all that follows through “130-week period”;

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting “65” for “52”; and

(II) by substituting “78-week period” for “52-week period” each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

“(g) **PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.**—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

(3) section 245 of that Act shall be applied and administered by substituting “2014” for “2007”;

(4) section 246(b)(1) of that Act shall be applied and administered by substituting “December 31, 2014” for “the date that is 5 years” and all that follows through “State”;

(5) section 256(b) of that Act shall be applied and administered by substituting “the 1-year period beginning on January 1, 2014” for “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007”;

(6) section 298(a) of that Act shall be applied and administered by substituting “the 1-year

period beginning on January 1, 2014” for “each of the fiscal years” and all that follows through “October 1, 2007”; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting “2014” for “2007” each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

“(b) **OTHER ASSISTANCE.**—

“(1) **ASSISTANCE FOR FIRMS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) **FARMERS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”.

(b) **EXCEPTIONS.**—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) **TERMINATION OF CREDIT.**—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “, and before January 1, 2014” before the period.

(b) **EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.**—

(1) **PARTIAL EXTENSION OF INCREASED CREDIT RATE.**—Section 35(a) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(2) **EXTENSION OF ADVANCE PAYMENT PROVISIONS.**—

(A) Section 7527(b) of such Code is amended by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “72.5 percent”.

(B) Section 7527(d)(2) of such Code is amended by striking “which is issued before February 13, 2011”.

(C) Section 7527(e) of such Code is amended by striking “80 percent” and inserting “72.5 percent”.

(D) Section 7527(e) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(3) EXTENSION OF CERTAIN OTHER RELATED PROVISIONS.—

(A) Section 35(c)(2)(B) of such Code is amended by striking “and before February 13, 2011”.

(B) Section 35(e)(1)(K) of such Code is amended by striking “In the case of eligible coverage months beginning before February 13, 2012, coverage” and inserting “Coverage”.

(C) Section 35(g)(9) of such Code, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(D) Section 173(f)(8) of the Workforce Investment Act of 1998 is amended by striking “In the case of eligible coverage months beginning before February 13, 2011—”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to coverage months beginning after February 12, 2011.

(2) ADVANCE PAYMENT PROVISIONS.—

(A) The amendment made by subsection (b)(2)(B) shall apply to certificates issued after the date which is 30 days after the date of the enactment of this Act.

(B) The amendment made by subsection (b)(2)(D) shall apply to coverage months beginning after the date which is 30 days after the date of the enactment of this Act.

SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IN GENERAL.—The following provisions are each amended by striking “February 13, 2011” and inserting “January 1, 2014”:

(1) Section 9801(c)(2)(D) of the Internal Revenue Code of 1986.

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)).

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

(2) TRANSITIONAL RULES.—

(A) BENEFIT DETERMINATIONS.—Notwithstanding the amendments made by this section (and the provisions of law amended thereby), a plan shall not be required to modify benefit determinations for the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, but a plan shall not fail to be qualified health insurance within the meaning of section 35(e) of the Internal Revenue Code of 1986 during this period merely due to such failure to modify benefit determinations.

(B) GUIDANCE CONCERNING PERIODS BEFORE 30 DAYS AFTER ENACTMENT.—Except as provided in subparagraph (A), the Secretary of the Treasury (or his designee), in consultation with the Secretary of Health and Human Services and the Secretary of Labor, may issue regulations or other guidance regarding the scope of the application of the amendments made by this section to periods before the date which is 30 days after the date of the enactment of this Act.

(C) SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.—In the case of a TAA-related loss of coverage (as defined in section 4980B(f)(5)(C)(iv) of the Internal Revenue Code of 1986) that occurs during the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, the 7-day period described in section 9801(c)(2)(D) of the

Internal Revenue Code of 1986, section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are each amended by striking “February 12, 2011” and inserting “January 1, 2014”:

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)(iv)).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD CLAIMS.

(a) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (10), by striking the period at the end of subparagraph (B) and inserting “; and”;

(2) by adding at the end the following new paragraph:

“(11)(A) At the time the State agency determines an erroneous payment from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

“(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State.”.

(b) APPLICATION TO FEDERAL PAYMENTS.—

(1) IN GENERAL.—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, if the State determines that an erroneous payment was made by the State to an individual under any such program due to fraud committed by such individual, the State shall assess a penalty on such individual and deposit any such penalty received in the same manner as the State assesses and deposits such penalties under provisions of State law implementing section 303(a)(11) of the Social Security Act, as added by subsection (a).

(2) DEFINITION.—For purposes of this subsection, the term “unemployment compensation program of the United States” means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291–2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) AUTHORITY.—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 252. PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

(a) IN GENERAL.—Section 3303 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.—

“(1) IN GENERAL.—A State law shall be treated as meeting the requirements of subsection (a)(1) only if such law provides that an employer’s account shall not be relieved of charges relating to a payment from the State unemployment fund if the State agency determines that—

“(A) the payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and

“(B) the employer or agent has established a pattern of failing to respond timely or adequately to such requests.

“(2) STATE AUTHORITY TO IMPOSE STRICTER STANDARDS.—Nothing in paragraph (1) shall limit the authority of a State to provide that an employer’s account not be relieved of charges relating to a payment from the State unemployment fund for reasons other than the reasons described in subparagraphs (A) and (B) of such paragraph, such as after the first instance of a failure to respond timely or adequately to requests described in paragraph (1)(A).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) AUTHORITY.—A State may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 253. REPORTING OF REHIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES.

(a) DEFINITION OF NEWLY HIRED EMPLOYEE.—Section 453A(a)(2) of the Social Security Act (42 U.S.C. 653a(a)(2)) is amended by adding at the end the following:

“(C) NEWLY HIRED EMPLOYEE.—The term ‘newly hired employee’ means an employee who—

“(i) has not previously been employed by the employer; or

“(ii) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirement before the first day of the second calendar quarter beginning

after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

PART II—ADDITIONAL OFFSETS

SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS (QIOS) IN ORDER TO IMPROVE THE QUALITY OF CARE FURNISHED TO MEDICARE BENEFICIARIES.

(a) AUTHORITY TO CONTRACT WITH A BROAD RANGE OF ENTITIES.—

(1) DEFINITION.—Section 1152 of the Social Security Act (42 U.S.C. 1320c-1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) is able, as determined by the Secretary, to perform its functions under this part in a manner consistent with the efficient and effective administration of this part and title XVIII;

“(2) has at least one individual who is a representative of health care providers on its governing body; and”.

(2) NAME CHANGE.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(A) in the headings for sections 1152 and 1153, by striking “UTILIZATION AND QUALITY CONTROL PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(B) in the heading for section 1154, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(C) by striking “utilization and quality control peer review” and “peer review” each place it appears before “organization” or “organizations” and inserting “quality improvement”.

(3) CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking “utilization and quality control peer review” and inserting “quality improvement” each place it appears;

(B) by striking “quality control and peer review” and inserting “quality improvement” each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking “peer review organization” and inserting “quality improvement organization”;

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking “peer review” and inserting “quality improvement”;

(E) in section 1867(d)(3), in the heading, by striking “PEER REVIEW” and inserting “QUALITY IMPROVEMENT”;

(F) in section 1869(c)(3)(G), by striking “peer review organizations” and inserting “quality improvement organizations”.

(b) IMPROVEMENTS WITH RESPECT TO THE CONTRACT.—

(1) FLEXIBILITY WITH RESPECT TO THE GEOGRAPHIC SCOPE OF CONTRACTS.—Section 1153 of the Social Security Act (42 U.S.C. 1320c-2) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

“(a) The Secretary shall establish throughout the United States such local, State, regional, national, or other geographic areas as the Secretary determines appropriate with respect to which contracts under this part will be made.”;

(B) in subsection (b)(1), as amended by subsection (a)(2)—

(i) in the first sentence, by striking “a contract with a quality improvement organization” and inserting “contracts with one or more quality improvement organizations”; and

(ii) in the second sentence, by striking “meets the requirements” and all that follows before the period at the end and inserting “will be op-

erating in an area, the Secretary shall ensure that there is no duplication of the functions carried out by such organizations within the area”;

(C) in subsection (b)(2)(B), by inserting “or the Secretary determines that there is a more qualified entity to perform one or more of the functions in section 1154(a)” after “under this part”;

(D) in subsection (b)(3)—

(i) in subparagraph (A), by striking “, or association of such facilities,”; and

(ii) in subparagraph (B)—

(I) by striking “or association of such facilities”; and

(II) by striking “or associations”; and

(E) by striking subsection (i).

(2) EXTENSION OF LENGTH OF CONTRACTS.—Section 1153(c)(3) of the Social Security Act (42 U.S.C. 1320c-2(c)(3)) is amended—

(A) by striking “three years” and inserting “five years”; and

(B) by striking “on a triennial basis” and inserting “for terms of five years”.

(3) AUTHORITY TO TERMINATE IN A MANNER CONSISTENT WITH THE FEDERAL ACQUISITION REGULATION.—Section 1153 of the Social Security Act (42 U.S.C. 1320c-2) is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

“(4) The Secretary may consider a variety of factors in selecting the contractors that the Secretary determines would provide for the most efficient and effective administration of this part, such as geographic location, size, and prior experience in health care quality improvement. Quality improvement organizations operating as of January 1, 2012, shall be allowed to compete for new contracts (as determined appropriate by the Secretary) along with other qualified organizations and are eligible for renewal of contracts for terms five years thereafter (as determined appropriate by the Secretary).”;

(B) in subsection (c), by striking paragraphs (4) through (6) and redesignating paragraphs (7) and (8) as paragraphs (4) and (5), respectively; and

(C) by striking subsection (d).

(4) ADMINISTRATIVE IMPROVEMENT.—Section 1153(c)(5) of the Social Security Act (42 U.S.C. 1320c-2(c)(5)), as redesignated by this subsection, is amended to read as follows:

“(5) reimbursement shall be made to the organization on a monthly basis, with payments for any month being made consistent with the Federal Acquisition Regulation.”.

(c) AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIALIZED FUNCTIONS AND TO ELIMINATE CONFLICTS OF INTEREST.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(1) in section 1153—

(A) in subsection (b)(1), as amended by subsection (b)(1)(B), by inserting after the first sentence the following new sentence: “In entering into contracts with such qualified organizations, the Secretary shall, to the extent appropriate, seek to ensure that each of the functions described in section 1154(a) are carried out within an area established under subsection (a).”; and

(B) in subsection (c)(1), by striking “the functions set forth in section 1154(a), or may subcontract for the performance of all or some of such functions” and inserting “a function or functions under section 1154 directly or may subcontract for the performance of all or some of such function or functions”; and

(2) in section 1154—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “Any” and inserting “Subject to subsection (b), any”; and

(II) by inserting “one or more of” before “the following functions”;

(ii) in paragraph (4), by striking subparagraph (C);

(iii) by inserting after paragraph (11) the following new paragraph:

“(12) As part of the organization’s review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures specified pursuant to section 1833(i)(1)(A) which are performed in the area, or, at the discretion of the Secretary, a sample of such procedures.”; and

(iv) in paragraph (15), by striking “significant on-site review activities” and all that follows before the period at the end and inserting “on-site review activities as the Secretary determines appropriate”.

(B) by striking subsection (d) and redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following new subsection:

“(b) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) must perform all of the activities described in such paragraph, except to the extent otherwise negotiated with the Secretary pursuant to the contract or except for a function for which the Secretary determines it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.”.

(d) QUALITY IMPROVEMENT AS SPECIFIED FUNCTION.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c-3(a)) is amended by adding at the end the following new paragraph:

“(18) The organization shall perform, subject to the terms of the contract, such other activities as the Secretary determines may be necessary for the purposes of improving the quality of care furnished to individuals with respect to items and services for which payment may be made under title XVIII.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2012.

SEC. 262. RATES FOR MERCHANDISE PROCESSING FEES.

(a) FEES FOR PERIOD FROM JULY 1, 2014, TO NOVEMBER 30, 2015.—For the period beginning on July 1, 2014, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.3464” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.3464” for “0.21”.

(b) FEES FOR PERIOD FROM OCTOBER 1, 2016, TO SEPTEMBER 30, 2019.—For the period beginning on October 1, 2016, and ending on September 30, 2019, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

(1) in subparagraph (A), by substituting “0.1740” for “0.21”; and

(2) in subparagraph (B)(i), by substituting “0.1740” for “0.21”.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2012, and before November 12, 2012, shall be paid not later than September 25, 2012, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2011, and before November 12,

2011, as determined by the Secretary of the Treasury.

(b) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Not later than December 12, 2012, the Secretary of the Treasury shall reconcile the fees paid pursuant to subsection (a) with the fees for services actually provided on or after October 1, 2012, and before November 12, 2012.

(2) REFUNDS OF OVERPAYMENTS.—

(A) After making the reconciliation required under paragraph (1), the Secretary of the Treasury shall refund with interest any overpayment of such fees made under subsection (a) and make proper adjustments with respect to any underpayment of such fees.

(B) No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2012, and before November 12, 2012.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator MORAN to be recognized for up to 10 minutes; that following his remarks that the Senate recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

MIDDLE EAST PEACE

Mr. MORAN. Madam President, this is a historically significant week for the United States and for all those who care about peace and stability in the Middle East. As we know, it is a region that is already roiled by protests and war and faces the prospect now of even more tension, more uncertainty, and potentially more violence.

We know this to be the case if the Palestinian Authority's President Abbas goes forward with his plan to seek recognition of Palestinian statehood at the United Nations in New York. We have known for some time that this was coming and, thankfully, the U.S. Government has expressed opposition to this ill-conceived idea, and the administration plans to direct a veto of the measure.

Our government has also worked to persuade other nations to join us in opposing the Palestinian statehood bid. But I am afraid we have not done enough to convince the Palestinians there will be consequences for their actions.

By pursuing recognition of a state at the U.N., President Abbas is choosing confrontation rather than negotiations with Israel. In doing so, he is violating the Oslo peace agreements signed 18 years ago which state that the conflict between Israel and the Palestinians must be solved through direct negotiations between the two parties. Direct negotiations are not just the best way

to achieve peace, they are the only way to achieve lasting peace.

Direct negotiations are meant to bring the two sides to the finish line, where all the final status issues, including borders, can be resolved. By rejecting negotiations with Israel and appealing to the U.N., the Palestinians are trying to make the previous agreed-upon finish line the new start line. If President Abbas pursues statehood this week at the U.N., the Palestinians will find it more difficult to compromise in the future, given the terms of the state they are seeking recognition for.

Israel will also find it more difficult to enter into future talks when the starting point is already an unacceptable result. Years of American efforts to foster peace will be set back and threats to security will increase once the Palestinians discover that votes in favor of their statehood have not changed any of the circumstances of their daily lives.

The Palestinian statehood bid will do nothing to bring Palestinians or Israel peace, for peace cannot be made by votes in the Security Council or the General Assembly. All parties involved stand to lose if President Abbas pursues statehood at the United Nations.

It is important the truth be told. Israel is not what stands in the way of a Palestinian state; neither is the United States standing in the way of a Palestinian state, for both the United States and Israel have endorsed the creation of that future state. What prevents the state's creation is the Palestinian refusal to recognize Israel as a Jewish state with historical rights going back thousands of years, to the land and to Jerusalem.

The Palestinians must recognize Israel's right to exist as a Jewish state and must return to the negotiating table. Rejecting these terms and instead going to the United Nations will result in widespread repercussions. The Palestinian Authority and the Palestinian people rely heavily upon international donors and support. Chief among those benefactors are the American taxpayer. Last year, Americans sent about \$550 million to the Palestinians.

In June, this Senate unanimously passed a resolution cosponsored by 90 Senators, including me. That resolution stated that the Senate intends to consider reductions and restrictions on aid to the Palestinian Authority should it continue its efforts to circumvent direct negotiations by turning to the United Nations.

My request this evening of my colleagues is that we should abide by this resolution. There must be consequences. Lasting peace requires it.

I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 6:54 p.m., recessed subject to the call of the Chair and reassembled at 8:21 p.m., when called to order by the Presiding Officer (Mrs. SHAHEEN).

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLIDARITY WITH ISRAEL ACT

Mr. HATCH. Madam President, I ask unanimous consent to add Senator MITCH MCCONNELL from Kentucky and Senator CORNYN from Texas as cosponsors on S. 1595, the Solidarity with Israel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I encourage all Senators to get on board with that bill. It is time to send messages that the U.N. will understand.

Madam President, it appears the leader of the Palestinian Liberation Organization and the Palestinian Authority, Mahmoud Abbas, is going to request that the United Nations recognize Palestine as a member state. This action will create a major, unnecessary, and avoidable obstacle for peace. It is quite simply intolerable.

For that reason, yesterday I, along with 15 of my colleagues, including my colleague and friend from Kentucky, the Republican leader, introduced S. 1595, the Solidarity with Israel Act. Should the United Nations recognize a Palestinian state, this legislation would terminate the U.S. funding for the U.N.

I recognize that the consequences for recognizing a Palestinian state are severe, but they are appropriate.

Recognition of a Palestinian state at this point would undermine the peace process, and some have even questioned its legality. It would be a deeply irresponsible action that brings into further doubt the legitimacy of the United Nations as a good-faith actor in securing a more peaceful, more free, and more democratic world.

As I, and many of my colleagues have repeatedly stated on the floor of the Senate, the sole means to create a lasting and enduring peace between Israel and the Palestinians is through direct negotiations. By attempting an end

run around these negotiations—and make no mistake, that is the aspiration of this Palestinian endeavor—the only result would be to delay the critical decisions which must be made to obtain a durable peace.

What is required is leadership—real leadership—to impress upon the Palestinians and the world community that if the United Nations capitulates and changes Palestine's status before a comprehensive peace agreement is reached, there will be consequences. Unfortunately, President Obama, in his speech to the United Nations yesterday, failed to provide that leadership and to take control of this quickly deteriorating situation.

Accordingly, yesterday, I and my colleagues introduced the Solidarity with Israel Act. The United States can and should exercise its Security Council veto if the Palestinians make good on their threat to attempt to change their U.N. status. However, the use of our veto power might not be enough to stop this subterfuge.

There are two methods by which the Palestinians could attempt to change their United Nations status. The first is to have the Security Council recommend to the General Assembly that Palestine become a member nation of the United Nations. But in the Security Council, the United States can veto a proposed change. However, the Palestinians also have another means to alter their status. They could petition the General Assembly directly—where the United States does not have a veto—and seek an upgrade from their current position as a permanent observer entity to a nonobserver state. If this occurs, the Palestinians will be in a much better position to manipulate U.N.-affiliated agencies, such as the International Criminal Court.

It should go without saying, but I will remind this body that the prospect of Palestinians bringing actions against Israel's leaders and military forces for defending our sovereign ally's right to exist is completely unacceptable.

We should expect more from the United Nations, but in spite of its sweeping statements in support of individual rights and peace, it has a mixed record at best when it comes to the treatment of Israel, a liberal democracy. The low point of its long and tarnished history on this subject was the General Assembly's contemptible 1975 resolution equating Zionism with racism. A General Assembly upgrade of the Palestinians to nonobserver statehood status would be another in a long line of hostile acts toward Israel and another hindrance to the peace prospect and process.

Deterring this outcome is the primary objective of the Solidarity with Israel Act. Israel is a friend and ally of the United States. It is a beacon of democracy and liberality in a part of the

world that is too frequently lacking in both. Although the Palestinians have officially recognized Israel's right to exist, their rhetoric continues to bring the strength of this commitment into question.

Therefore, we cannot sit passively while the United Nations undermines Israel. Simply put, if the United Nations votes to harm our trusted ally by changing Palestine's U.N. status, this legislation would require termination of U.S. funding of the United Nations until a comprehensive peace agreement is reached with Israel.

The message of our legislation is also simple. The time for these types of games has ended. We will not stand by and allow a political spectacle to be created which only maligns our ally. The Solidarity with Israel Act seeks to deter those who would engage in false charades and redirect the international community toward promoting the only means to truly achieve a lasting peace: direct negotiations between Israel and the Palestinians.

It is my earnest hope that even greater numbers of Members will join us in this cause. I think this is an important issue, and I hope we can get every Member of this community, of this Senate, to join with us in this particular cause.

TRIBUTE TO IRA JACKSON "RED" CORNETT

Mr. MCCONNELL. Madam President, I rise today to recognize a very successful and hard-working Kentuckian, Mr. Ira Jackson Cornett. Ira—known to his friends as "Red"—celebrated his 95th birthday September 12 and is the proud founder and owner of the internationally known engine rebuilding firm, Cornett Machine Shop. Red is extremely proud of his God-given ability to rebuild all types of engines and claims if you can break it, then he can certainly fix it.

Red was born in London, KY, and moved to Oregon with his family when he was young. He later returned to Somerset where in 1948, he bought land and established Cornett Machine Shop, which specializes in the rebuilding of racing engines from all over the world. Over the years, Red's unique skills have been crucial to his success and helped him gain international recognition. Red once sold an engine to Tiger Woods' caddy and shipped it to New Zealand. Another time, Red had the opportunity to rebuild a V-12 airplane engine like the one flown by Eddie Rickenbacker, a famous American fighter ace in World War I. Currently, Cornett Machine Shop is rebuilding a Jones car that was made in Kansas in 1917—a car he feels very few these days realize were ever made.

Red's Cornett Machine Shop has been a successful and reputable business for decades. Now located on a hilltop on

the west side of south U.S. 27, the business is still running full tilt and Red has faith the tradition will continue as he has passed along his talents to his sons, David and Jack. However, until then, Red says he plans to keep on going, as he still has a lot of work to do.

Mr. Ira Jackson "Red" Cornett continues to exemplify the character and success that define generation after generation of Kentuckians; I ask unanimous consent that a recent article published in Kentucky's Pulaski County-area Commonwealth Journal that highlights Red's lifelong achievements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, Sept. 22, 2011]

RED CORNETT: ENGINE BUILDER GOING STRONG AT 95

(By Bill Mardis, Editor Emeritus)

"The Lord gave everybody a talent to make a living and a person ought to enjoy doing it."

Ira Jackson Cornett—his friends and everybody call him "Red"—has been using his God-given talent longer than most people live. He passed his 95th birthday September 12. That's correct. He has been living for nine decades and a half and just keeps on going. "Red" Cornett shows up for work every day at his beloved Cornett Machine Shop.

"I go home for lunch," Cornett reflected. His wife, Mary Elizabeth, is in poor health and he goes home to see about her. They've been married 70 years.

"I've still got a lot of work to do," said Cornett, grinning and guiding his power chair among sophisticated machinery in the sprawling Cornett Machine Shop on South U.S. 27.

Cornett loves to talk about his business. He relaxes in his chair, stopping a moment as he and a visitor toured the plant.

Someone spoke, calling him "Red." He rubbed a hand through a headful of gray hair. "My hair used to be bright red," he laughed. "My whiskers still are . . . and they're thick too."

Cornett Machine Shop is his baby. He loves it. It is part of his life. The internationally known engine rebuilding firm rebuilds engines, all kinds of engines; racing engines; engines from all over the world. "Red" Cornett knows how it works.

"The Lord gave me a talent . . . if you can break it I can fix it," said Cornett. "If nobody else wants to tackle it, I'll do it." He has passed his talents along to son, David, who manages the machine shop, and to Jack, who is in charge of the Racing Division.

"We sold (golfer) Tiger Woods' caddy an engine last week," noted Cornett. "We shipped it to New Zealand. We sent an engine to Bend, Oregon, yesterday."

Recently, Cornett Machine Shop rebuilt a V-12 airplane engine like the one flown by Eddie Rickenbacker, an American fighter ace in World War I. "We built parts for it," Cornett said.

Cornett Machine Shop currently is rebuilding a Jones car made in Kansas in 1917.

"Very few people know there was a Jones car," Cornett laughed. "They were making them back in 1902 and 1903." Nearby was a flathead Ford engine circa 1939-40.

Currently, Cornett Machine Shop has 16 employees. "One fellow has been here for 55

years," Cornett said. "At one time I had about 30 employees," he related. Each employee has his own private air-conditioned room in which to work.

Age has not tempered Cornett's strong opinions. "Young people don't have the same work ethics we have," he declared. "They don't love their work like we do."

Cornett didn't reveal his political persuasion, but he isn't too impressed with the current administration in Washington. "Obama sure has been a disappointment," he offered.

About the economy, Cornett has an unusual perspective. "Things are no higher than they ever were. Money is junk . . . it's getting more worthless."

"I started out on my own in 1948," he recalls. His first machine shop was located on South Main Street. " . . . The telephone company and me were in the same block," he said.

Next, Cornett Machine Shop moved to U.S. 27 where the Tradewind shopping center is now located. "(U.S. 27) was a single lane (each way) then," he remembers. "Finley's (Drive-in) was the next thing that built out there."

"I bought that lot (Tradewind location) for \$2,000," Cornett remembers. "I went to Pope Walker at First and Farmers Bank and he told me I could borrow all the money I needed." Cornett Machine Shop has since located on a hilltop farther south on the west side of U.S. 27, now a six-lane boulevard.

Cornett was born in nearby London but his family moved to Oregon. They later returned to Somerset.

"I worked for the forest service in Idaho for \$7.50 an hour," Cornett recalls. His love for the outdoors has lingered throughout his life. His hobbies are shooting, and big-game hunting. "I've killed moose, elk, deer, antelope and millions of prairie dogs in South Dakota and Montana."

In addition to David and Jack, the Cornetts have two daughters, Mary Ann Bingham who lives in Alabama, and Arlene Warner of Somerset.

Cornett is not letting 95 years stand in his way. "I plan to keep on going. That's my talent; that's what God said for me to do. If you enjoy it, why not?"

TRIBUTE TO JIM MOORE

Mr. McCONNELL. Madam President, I rise today to pay tribute to a proud and grateful Kentucky veteran. Mr. Jim Moore was born and raised in Laurel County, KY, and takes pride in the many changes he has witnessed over the past 80 years. One of 12 children, Jim grew up on a small farm on McWhorter Road and recalls the tears and triumphs of growing up in Laurel County.

Jim's parents, John and Lillie, provided food from the family farm as well as occasionally peddled on Main Street to make ends meet. Jim's parents set up a booth every year at the Laurel County Fair and sold everything from corn stalks and tobacco to canned goods and bakery products.

Jim, along with his siblings, attended school in a one-room schoolhouse where one teacher taught all subjects to 60-70 students at a time. Jim recalls being expelled from the school on his very first day; Jim's teacher wrote a note to his mother after he delib-

erately disobeyed the teacher's orders to not leave school grounds. Jim returned to school the next year and began first grade.

Jim also remembers the time when one of the first cars appeared in Laurel County. Jim was in school one afternoon when everyone heard the unfamiliar sound of a car coming down the road. Everyone, including the teacher, ran outside to get a glimpse of it as it drove by. To Jim's surprise, the car was in his driveway when he returned home after school—Jim's Uncle Leslie was the proud owner of the vehicle and had driven it all the way from Oregon. Jim reminisces how his family thought that his uncle was rich because he would make multiple trips to get all 16 members of the family to the Reda movie theater and paid 10 cents per person to get everyone in.

Jim eventually joined the U.S. Army and served for several years before being discharged. Once out of the military, Jim drove a freight truck for 35 years before eventually retiring. Like countless other Kentuckians, Jim cherishes his childhood memories and is very fond of his deep roots in our great Commonwealth.

Madam President, the Laurel County Sentinel Echo recently published an article highlighting Mr. Jim Moore's life and memories. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo, June 6, 2011]

MOORE THINKS TIMES ARE GOOD, BETTER THAN PAST

(By Carol Mills, Staff Writer)

Jim Moore, 82, grew up in the depression when times were tough, but there was always food on the table.

He was born and raised in Laurel County on a farm on McWhorter Road. There were 12 children in his family and only one, besides him, Bill, is still living.

"We raised most of what we needed on our land," he said. "People who lived in big cities had to wait in soup lines two times a day because they didn't have any land to farm."

His parents peddled what they could at the Laurel County Fair, which was on south U.S. 25 about where Tincher-Williams is now.

"Every year they would set up a booth at the fair," Moore recalled. "They would take corn stalks, tobacco, canned goods, and bakery products. Mom got two or three blue ribbons about every year for her canning."

Moore's father, John, and mother, Lillie, also peddled on Main Street.

"I've seen it when the wagons were lined up and down Main Street and people sold watermelons, cantaloupes, whatever they had to sell. Watermelons sold for a nickel, dime or quarter depending on the size."

The family also went to the Laurel County Homecoming every year.

"One year someone was selling R.C. Cola and dad bought some bottles for about a nickel each and we would take a drink and pass it around."

The Moore children all went to school in a one-room schoolhouse and one teacher

taught all the classes. There were about 60 or 70 students.

"I got expelled the first day I went to school," Moore laughed. "I disobeyed the teacher. The teacher told two of the guys to go to a neighbor's house and carry buckets of water to the school. I started to go with them and she told me not to. I thought, 'Who are you to tell me not to go somewhere.' I went and she wrote a letter to my mom."

Moore went back to school the next year and started first grade. He said he was too young the previous year anyway.

Moore said hardly anybody had a car back then.

"One day at school we saw a car coming down the road," he said. "All of us, the teacher too, went to the banks along the road to the schoolhouse to wait on the car. When the car came by, we were all waving."

When Moore got home from school, the car was sitting at his house.

"It was my dad's brother, Uncle Leslie, and his wife. They drove that Model A all the way from Oregon. One day he took us to the movies at the Reda Theater in town. The car had a rumble seat. There were 16 of us altogether including grandma and grandpa. I don't know how many trips he took to take us up there and then going back and getting the rest. He paid 10 cents for each of us to see the movie. We thought he was a rich guy."

His father gave up some of his land so that Johnson Elementary School could be built.

"He gave the school board 10 acres," Moore recalled. "He might have gotten \$2,000 or \$3,000 out of it. I don't know back then. It was in the corner of the farm. We had a one-room schoolhouse and a church on McWhorter Road. That was in the Maplesville district. The school and church were both called Macedonia. Up the road, they had a Johnson School there on the corner of Old 80 and Johnson Road before they built the one on McWhorter."

There was someone on the school board by the name of Johnson at the time so that is where the school got its name, Moore said.

Because Moore's father had 12 children, he was not drafted into WWII.

"That's the only way you got out was to have an extra-large family," Moore said.

One day Moore's mother loaded up five of her children and took them to Dr. H.V. Pennington to have their tonsils taken out. He had an office above Begley Drug Store, where Pocket Park is today. They came back home that evening.

"They didn't want us to eat anything that day, but I wanted a biscuit and molasses. I cried my eyes out. I thought they were going to starve me to death."

"That amazes me," said Mildred, Moore's wife. "She took five kids to get their tonsils take out at one time. Can you imagine taking care of five? One's bad enough."

"They put a cloth over my face and then sprinkled ether over it until you fell asleep," Moore said. "I can still smell that ether now."

Moore also recalled there used to be a Poor House in London at the location of Laurel Heights Home for the Elderly. He said whole families could stay there, much like the Christian Shelter for the Homeless on Fourth Street.

Moore remembered the first radio to come into his neighborhood. His grandfather bought it.

"It had a dry battery and a wet battery and had a wire going through the garden to pick up signals. Everyone would come in on Saturday night and listen to the radio, especially the Grand Ole Opry. I think it's the oldest radio station in the nation."

"They also had the ring-a-ding telephones," he continued. "Your ring might be two short, one long, or one long, two short. Everybody had a different ring. You could pick up the phone and hear anybody talking. It was a party line."

When he was 16 or 17, Moore joined the U.S. Army. He stayed in the army for three or four years and after he was discharged, he drove a freight truck for 35 years before retiring.

Moore was married to his first wife, Ethel, for 51 years before she passed away. Mildred, his second wife, said they will be married for three years this December. They both had been widowed for several years when they met at the VFW Club while going to one of their dances.

Moore said he has had a good life overall, but the best time is the present.

"We have running water. No more getting up in the cold morning and having to build a fire."

RECOGNIZING HEIMERDINGER CUTLERY

Mr. McCONNELL. Madam President, I rise today to pay tribute to one of Louisville, KY's oldest and most renowned locally owned businesses, a true treasure of my hometown that adds to the River City's charm. I am speaking of Heimerdinger Cutlery, a family-owned business that celebrates 150 years as a Louisville institution this month. Heimerdinger was first listed in the Louisville city directory in 1861 as "A. Heimerdinger: Cutler and Sewing Machine Repair."

In the 150 years since, Heimerdinger Cutlery has become one of Louisville's premier shops for kitchen and pocket knives, scissors, shaving needs, sharpening stones, magnifiers and many other items as well as a first stop for learning about blade quality. It is one of the oldest family-owned cutlery stores in the Nation.

Heimerdinger Cutlery celebrated its 150th anniversary with a special ceremony and ribbon cutting earlier this month in Louisville, kicking off a week-long celebration event for its customers. This celebration included a special promotion honoring America's servicemen and women.

Residents of the Louisville area were also able to meet and learn from one of the editors of Knife World Newspaper, who came to Heimerdinger Cutlery to assess the value of older, collectible knives and sign books. Heimerdinger Cutlery also celebrated its anniversary with products from another Louisville institution, Louisville Stoneware.

Heimerdinger Cutlery is currently owned and operated by two proud Louisvillians, Carl and Glenna Heimerdinger, who carry on the family business started in 1861 by Carl's great-grandfather August Heimerdinger, originally born in Germany. When August started the company, he focused on scissors, butcher knives and sewing machine repair.

Over the years, Heimerdinger Cutlery expanded into barber and beauty sup-

plies and secured the original patent on grass shears. In 1996, to celebrate their 135th anniversary, Heimerdinger Cutlery had a "Hanging of the Shears Day," and placed a 6-foot-long, 70-pound, working pair of shears on display in their store.

I congratulate Carl and Glenna Heimerdinger for the success of their Louisville institution. Businesses like theirs are the reason the city of Louisville and the Commonwealth of Kentucky will continue to thrive and grow. Here's hoping for many more years of success to Heimerdinger Cutlery of Louisville.

SECURING AIRCRAFT COCKPITS

Mr. WHITEHOUSE. Madam President, this February I joined with colleagues from both sides of the aisle to offer an amendment to the FAA Air Transportation Modernization and Safety Act to secure aircraft cockpits by making it a Federal criminal offense to knowingly aim the beam of a laser at an aircraft. Our commonsense and bipartisan amendment to protect passengers and pilots received overwhelming support in this body, and was agreed to by a vote of 96 to 1. A similar measure subsequently passed the House, without controversy, by voice vote under the suspension rules. Unfortunately, the larger bill to which my amendment was attached has been held up because of unrelated issues. As a result, today I am joining with Senators KIRK, BOXER, and FEINSTEIN to re-introduce this provision as a stand-alone bill.

When targeted at aircraft, laser pointer strikes can instantly flash throughout the cockpit, temporarily blinding the pilot and crew. One pilot described the feeling of being hit by a laser like this: "It immediately [lit] up the whole cockpit and it hit both of my eyes and burned both of my corneas. Instantly, I was blinded. It felt like I was hit in the face with a baseball bat—just an intense, burning pain." FAA Administrator Randy Babbitt warned that lasers can "damage a pilot's eyes or cause temporary blindness." In an event on this topic held last year at T.F. Green Airport in my home state of Rhode Island, a pilot explained that the temporary blindness from a laser hit can last several seconds or longer, and when a plane is rapidly approaching the ground for landing, "one second can make a big difference."

This kind of threat to a pilot's sight—particularly during the critical phases of takeoff and landing—poses an unacceptable risk to the travelling public, our pilots and crew, and citizens on the ground. Secretary of Transportation Ray LaHood has thus described laser incidents as "a serious safety issue."

The problem has grown in recent years. According to a report earlier

this year by the Federal Aviation Administration, 2,836 pilots reported they were targeted with lasers in 2010, nearly double the number in 2009. These strikes occur at airports all across the country. At T.F. Green Airport, for example, there were 12 such reported incidents last year. The threat, which puts interstate commerce and travel at risk, requires attention at the national level.

Current Federal law does not provide prosecutors with sufficient tools to prosecute and deter this dangerous conduct. Ill-fitting existing statutes can only be used in limited cases, leaving even identified perpetrators to go unpunished. My legislation would solve this problem by creating a criminal offense that clearly covers this harmful conduct. It would explicitly criminalize knowingly aiming the beam of a laser pointer at an aircraft. Violations would lead to punishment of imprisonment for up to 5 years or fines up to \$250,000. The bill would exempt valid uses of laser pointers in the aviation context, such as designated research and development activities, flight test operations, training, and emergency signaling. Prosecutors thus would have a new valuable tool to protect air safety without any burden being imposed on legitimate use of lasers.

I thank Senators KIRK, BOXER, and FEINSTEIN for their leadership on this issue, and our partners in the House for their work. I hope Senators from both sides of the aisle will join me in enacting this legislation to protect American aviation.

CENTRAL AMERICA REPORT

Mrs. FEINSTEIN. Madam President, as chairman of the Senate Caucus on International Narcotics Control, I am pleased to release a report today outlining key steps that the United States can take to assist our friends in Central America as they try to reduce escalating violence. The report—entitled "Responding to Violence in Central America"—is endorsed by all seven Senators on the Caucus. In particular, I want to thank my cochairman Senator GRASSLEY for his efforts on this report.

Violence in Central America has reached crisis levels. Throughout Central America, Mexican drug trafficking organizations, local drug traffickers, transnational youth gangs, and other illegal criminal networks are taking advantage of weak governance and underperforming justice systems.

Contrary to what many might think, the murder rates in Central America last year were significantly higher than those in Mexico. In 2010, there were 18 homicides per 100,000 people in Mexico. In comparison, there were 50 murders per 100,000 people in Guatemala, 66 in El Salvador and 77 in Honduras. GEN Douglas Fraser—the Commander of U.S. Southern Command—

said that “the northern triangle of Guatemala, El Salvador and Honduras is the deadliest zone in the world outside of war zones.”

Our report calls for security in Central America to become a greater priority across all U.S. Government agencies. The caucus calls for a two-track approach to U.S. assistance to Central America focusing in the short term on highly vetted law enforcement units while not losing sight of the long-term goal of strengthening institutions.

The report’s key recommendations include:

Expand vetted units: The caucus calls for the expansion of vetted law enforcement units which work with the Drug Enforcement Administration—known as sensitive investigative units—to all seven countries in Central America. Vetted units provide a trusted partner to U.S. law enforcement in countries where corruption is often rampant. I supported language that was included in the Senate Appropriations Subcommittee on Commerce, Justice and Science’s Fiscal Year 2012 Appropriations bill that recommends the expansion of these units throughout Central America.

Speed up security assistance: Our report calls on the State Department to speed up the arrival of security assistance to Central America by changing it from being managed remotely by the U.S. Embassy in Mexico to allowing it to be managed directly by each of the U.S. embassies in Central America.

Increase drug traffickers’ extraditions: Our report recommends that the Obama administration encourage our partners in Central America to increase the extradition to the United States of their nationals who are involved in international drug trafficking. Currently, Panama, Honduras, and Costa Rica will not extradite their nationals to the United States.

The caucus believes that extradition from Mexico to the United States has been a critical tool in combating Mexican drug trafficking organizations. Bringing these fugitives to the United States for prosecution ensures that they cannot evade justice through bribes or threats of violence in their home countries.

Support witness, judge and prosecutor protection programs: Next, our report calls for the State Department and USAID to use existing funds to provide support for witness, judge and prosecutor protection programs in Central America. Far too often, witnesses in Central America are afraid to testify at hearings because of corruption in the judicial system and fear of retaliation. Judges and prosecutors are equally afraid to pursue cases against high-profile criminals.

Map sources of violence: Our report recommends that the countries of Central America map the causes and sources of violence in the region. With-

out a clear understanding of the causes and sources of violence, it will be difficult to provide relevant solutions to the security situation in Central America.

Reduce the U.S. demand for drugs: Last, but certainly not least, the caucus’s report emphasizes that drug consumption in the United States fuels violence in Central America. The United States continues to be the world’s largest consumer of illegal drugs. The 2010 National Survey on Drug Use and Health found that 22.6 million Americans aged 12 or older were current illegal drug users.

Senator GRASSLEY and I have asked the Government Accountability Office to conduct a study to evaluate the successes and shortcomings of drug prevention and treatment programs in the United States. I have also asked my staff to prepare a report on how to most effectively reduce the U.S. demand for drugs.

Central America is at a dangerous crossroads. A further deterioration of the security situation in Central America could severely damage already weak institutions and justice systems. I, therefore, urge the Obama administration and my colleagues in Congress to make security in Central America a priority.

TRIBUTE TO MICHAEL DAVIDSON

Mrs. FEINSTEIN. Madam President, I rise today to recognize Mr. Michael Davidson, the former General Counsel of the Select Committee on Intelligence, for his long and distinguished service to the U.S. Senate. Mike quietly retired from the U.S. Senate for the second time on Labor Day, September 5, 2011.

At the Select Committee on Intelligence, where he worked for 8 years during his second career here in the Senate, he was always a source of wisdom and optimism. Mike was invariably calm, thoughtful and constructive. These qualities, in combination with his brilliant legal mind and prodigious memory, made him an invaluable member of the committee staff. Indeed, Mike had a unique ability to recall past legislation, reports, or other parts of Senate history, and find them in archives and mostly forgotten records, to make sure that present day decisions were informed by the past.

In addition, Mike was known and respected throughout Washington. He will be greatly missed, not only by our committee, but by the many people who have had the privilege to work with him from other offices in the Congress, the executive branch, and the private sector. I know, and am appreciative, that the Office of the Director of National Intelligence will be honoring Mike in October for his numerous services to the committee and the intelligence community.

I have often been amazed at the varied backgrounds of Senators and Senate staff alike, and Mike Davidson is another example why. He grew up in Brooklyn, NY, where his father was a professor of theater at Brooklyn College, and where we believe his devotion to the New York Mets was born. Mike received his bachelor of arts in history from Cornell University in 1961 and his law degree from the University of Chicago in 1964. With law degree in hand, Mike became one of the first Peace Corps volunteers in Kenya where he served for 3 years. Upon his return to the United States, he worked at the NAACP Legal Defense Fund between 1967 and 1973, trying civil rights cases and arguing appeals in various Federal courts. From 1974 to 1977, Mike taught clinical law at the State University of New York at Buffalo. Moving to Washington in 1977, he served as the chief staff counsel for the U.S. Court of Appeals for the District of Columbia.

In 1979, Mike became the Senate’s very first legal counsel, representing the Senate in separation-of-powers and other litigation, and assisting committees in ethics, impeachment and other special investigations. One of the separation-of-powers cases Mike argued before the Supreme Court was *INS v. Chadha*. It turned out that Mike from his Peace Corps days actually knew the appellee Jagdish Chadha, who had been born in Kenya of Indian parents. Not only did Mr. Chadha not take personal offense that the Congress, through opposing counsel Michael Davidson, was trying to deport him, but because of his respect and admiration for Mike, Mr. Chadha brought a bottle of champagne to the Senate Legal Counsel’s Office the next day to celebrate Mike’s appearance before the Court.

In 1995, Mike retired from the Senate for the first time, but he soon found himself directing or serving as counsel to projects led by current or former U.S. Senators, including a project at the Aspen Institute, a joint project of the American Enterprise Institute and Brookings Institution, and a project at the Constitution Project.

Mike returned to the Senate in 2002 to serve as the general counsel for the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001. Mike’s work for the joint inquiry involved not only fact finding about the conduct of U.S. intelligence agencies prior to the terrorist attacks, but also successful advocacy before Judge Leonie Brinkema in the case of *United States v. Moussaoui*. The appearance was necessary to ensure that the congressional Joint Inquiry had the testimony it needed to tell the story of the FBI’s Moussaoui investigation prior to the 9/11 attacks without interfering with the Moussaoui proceedings or other pending criminal prosecutions and investigations. Shortly after the

completion of the Joint Inquiry in 2003, Mike joined the Select Committee on Intelligence as minority counsel for then-Vice Chairman JAY ROCKEFELLER. In 2007, he became the committee's general counsel, first for Chairman ROCKEFELLER and later myself.

As general counsel, Mike led the work of the committee on all legislation referred to it and reported from it. Mike's tireless efforts, and his skill in bringing people together to talk about the issues, even after others had given up, led to the passage of an intelligence authorization act signed into law in October 2010, the first authorization bill for the intelligence community enacted in 6 years.

I can certainly attest that passage of that legislation was far from assured. The administration showed little enthusiasm for it, other committees objected to numerous provisions included, and the House of Representatives appeared insistent on two provisions—having to do with intelligence notifications to Congress and with investigations by the Government Accountability Office into intelligence matters—that were subject to veto threats. Mike was instrumental in resolving both those issues, and with working through countless other hurdles, in achieving enactment.

Within 9 months, the committee also saw passage and enactment of its second intelligence authorization act, with the fiscal year 2011 bill signed into law on June 8, 2011. We are well on our way with a third authorization bill in 12 months with the intelligence authorization act for fiscal year 2012.

Mike's careful legislative approach was very much in evidence during the much more prolonged congressional consideration of the Foreign Intelligence Surveillance Act Amendments Act of 2008, during which he worked patiently to find legislative solutions that would satisfy the concerns of the intelligence community in modernizing one of the most important of its authorizing statutes, while also addressing a range of views in the Senate and the House and respecting the privacy and civil liberties concerns of Americans. Mike's painstaking attention to detail in the committee's reports and statements, with this act and throughout his tenure, has resulted in exemplary legislative histories for the bills we have reported—an important, and sometimes neglected, aspect in how our laws are implemented and interpreted.

Mike also paid special attention to building the public record concerning the work of the Intelligence Committee. Because of his efforts, the committee has greatly increased the number of public documents available on the committee's website, from the committee's own biennial activities reports to the yearly legislative request from the executive branch. Behind the scenes, Mike sought systematic ap-

proaches to informing the public about U.S. intelligence activities to the maximum extent possible consistent with national security.

Mr. Davidson was also essential in the committee's efforts to honor the sacrifices made by the men and women of the intelligence community, and their families, and to ensure that all intelligence agency employees received fair treatment and appropriate recognition by the Nation they served. All Senators understand the importance of taking care of their constituents. The Intelligence Committee attempts, where possible, to take care of intelligence professionals who often have no other place to turn. Not surprisingly to those who know him, Mike took special care with this responsibility. I recall one example—involving a legal dispute over a family member of an intelligence officer—where Mike's intervention led to justice being done, a family being preserved, and an intelligence professional being able subsequently to focus his attention on an absolutely essential operation.

As I mentioned, Mike retired from the Senate very quietly, working away on committee business to the last minute of his last day on the job. We know, however, that he is relishing the chance to spend more time in the Rocky Mountains of Colorado where he and his wife Karen have a second home near Denver, the home of son Jesse, daughter-in-law Ellen, and grandchildren Jordan and Garrett, and where his daughter Kate often visits. We fully expect, however, that with Mike's great energy and legal abilities he will continue to make a contribution to his country from his home here in the District of Columbia as well.

With gratitude for his service to the Senate and the Nation, for myself and the many others who have benefited from that service, I wish Mike the very best in all his future endeavors.

CONGRESSIONAL COALITION ON ADOPTION INSTITUTE

Ms. LANDRIEU. Madam President, today I rise to commemorate the 10th anniversary of a very special organization that is near and dear to my heart, the Congressional Coalition on Adoption Institute, or CCAI as it is more commonly known. This institute was formally established in 2001, but sprang from the bicameral, bipartisan congressional caucus known as the Congressional Coalition on Adoption that began in 1985. CCAI is a nonprofit organization that works to raise awareness about the needs of children without families and to remove policy barriers that hinder children from experiencing the love and support a family provides.

In 1998, the congressional leaders of the Congressional Coalition on Adoption Caucus decided it was time that the coalition organize more formally

and hire staff to carry out this important work. It was at this point that we hired our first staff member, Kerry Hasenbalg, who was later to become the first executive director of CCAI.

Kerry came to the coalition with extensive knowledge of orphan care and adoption policy having worked in the field for many years. Kerry worked both internationally and domestically on orphan care and adoption issues, and was often sent to Washington, DC, as a liaison to meet with other professionals, leaders and both U.S. and international government officials on international adoption issues. She also traveled extensively abroad to meet with foreign officials and in-country workers, and most importantly she spent time in many orphanages getting to know the children themselves. But even more than her professional experience, Kerry came to the Coalition with a heart and passion for changing the lives of orphans and foster youth, one child at a time.

The Congressional Coalition leaders designated members of their personal staffs to work with Kerry to develop and advance the goals and vision of the coalition. These appointed congressional staff consisted of: Kathleen Strottman from my staff, Brooke Roberts from Senator Larry Craig's office, Bill Dolbow from Congressman Tom Bliley's office and Chip Gardiner from Congressman Jim Oberstar's office. Through the dedicated leadership of the Coalition's Congressional leadership, and the hard work of Kerry and the designated congressional staff, it soon became evident that the coalition could be more effective and have a greater impact if an institute was created to enhance and expand the work of the adoption caucus. After much research and investigation, it was determined that the nonprofit Congressional Coalition on Adoption Institute should be formed.

In May 2001, the Congressional Coalition on Adoption Institute was born and Kerry Hasenbalg was designated as the first executive director where she served for 3½ years. Under her leadership, many of the flagship programs still in existence today were developed and implemented. In addition to the congressional leadership, CCAI's founding Board members included: Maxine B. Baker, President and CEO of the Freddie Mac Foundation and Barbara W. Walzer, a philanthropist and longtime, dear friend of Kerry's.

Although Kerry left her position as executive director when she and her husband Scott had the first of their three beautiful children, Cole, Maya and Leah, Kerry continues to advocate for children in need of loving homes as a sought after keynote speaker, writer and consultant on orphan care and adoption topics. She is also an advisory board member for CCAI.

CCAI's initial and continued mandate includes service to the congressional

members of the Congressional Coalition on Adoption Caucus through the following programs:

The Congressional Resource Program: CCAI presents and informs congressional offices regarding current domestic and international orphan care and adoption issues by hosting briefings, meetings and other events to best support congressional members as they serve their constituents.

Congressional delegations: CCAI plans and arranges travel to strategic countries to further discussions on adoption, orphan care and vulnerable children. The first of many delegation trips organized and hosted by CCAI began with a trip to China where the congressional delegation met with President Jiang Zemin for nearly 2 hours. At the time, more Americans were adopting from China than any other country. This meeting was critical to further establish ties between our countries regarding adoption and orphan care. Additional trips during the early years of CCAI included congressional delegations to: Romania, Russia, Guatemala, El Salvador, Honduras, Uganda, and India. More recent delegations have visited Haiti, Guatemala and Ethiopia and have begun to include domestic delegations on child welfare as well.

Foster Youth Internship Program: This unique and very valuable program provides internship positions in both Houses of Congress to college students who have emancipated or spent time in the U.S. foster care system. This program gives a voice to the near half a million children in the U.S. foster care system and gives Congress a first-hand perspective on what it means to grow up in the system. In the past several years these foster youth interns have researched and compiled recommendations for Congress on policy and legislative changes that could be made that would improve the foster care system. Some of their recommendations have already been made into law.

National Adoption Day: CCAI is part of a collective national effort to raise awareness of the over 107,000 children in foster care waiting to find permanent homes and loving families through adoption. National Adoption Day has made the dreams of thousands of children come true by working with courts, judges, attorneys, adoption professionals, child welfare agencies and advocates to finalize thousands of adoptions for children out of foster care.

Angels in Adoption™: This very special annual event gives congressional members an opportunity to highlight the unsung heroes in their states or districts who tirelessly serve and advocate for children in the U.S. and around the world in need of permanent and loving homes. Without these advocates, many more children would be alone without families to love and sup-

port them. In the years since the Angels in Adoption awards program has been in place, more than 1800 individuals, couples and organizations from around the nation have been honored by their Members of Congress.

Now, 10 years later, the same mission and vision of the founders of CCAI remains, due in large part to the leadership of its current executive director, my former legislative director and my dear friend, Kathleen Strotzman. At the helm, Kathleen not only maintains the original mission, integrity and continuity of CCAI, but continues to pour her heart and soul into furthering the cause of the orphan. Kathleen has been there from the founding of CCAI as one of the original congressional staff and worked side by side with Kerry as the vision and mission of CCAI grew and developed into what it is today.

Kathleen comes to her position as executive director with not only the historical experience of CCAI but with Capitol Hill experience as well. Kathleen served for nearly 8 years as my trusted adviser and in that role she worked to pass legislation such as the No Child Left Behind Act, the Medicare Modernization Act, the Inter-Country Adoption Act, the Child Citizenship Act of 2000, the Adoption Tax Credit and the Family Court Act. Kathleen has worked to increase the opportunity for positive dialogue and the exchange of best practices between the United States and countries such as Ethiopia, China, Romania, Russia, Guatemala, Honduras, El Salvador and India. Prior to joining my staff, Kathleen attended Whittier Law School's Center for Children's Rights where she graduated with honors and received a State certified specialty in juvenile advocacy. She and her very supportive husband, Matt, are the proud parents of three children, Grace, Noah and Liam.

I am proud to stand here today and honor CCAI on its 10th anniversary along with Kerry Hasenbalg and Kathleen Strotzman without whom this institute would not be where it is today and whose personal dedication and sacrifice have changed the lives of children around the world. CCAI has not only stayed true to its original founding principles and mission, but under the dedicated leadership of its congressional members, board and executive directors, CCAI has grown and expanded to further enhance the important work of making a difference in the lives of children both here in the United States and around the world. May God continue to bless the work of CCAI.

ADDITIONAL STATEMENTS

TRIBUTE TO SHIRLEY NATHAN-PULLIAM

• Mr. CARDIN. Madam President, today I wish to recognize and pay trib-

ute to a dear friend, fellow Marylander and 16-year member of the Maryland House of Delegates, Shirley Nathan-Pulliam. Shirley has been a tireless advocate for eliminating health disparities throughout her career as a public servant. The Maryland Department of Health & Mental Hygiene is appropriately honoring her on October 4 by announcing the establishment of the "Shirley Nathan-Pulliam Health Equity Lecture Series" at this year's annual Maryland Health Disparity Conference.

Shirley has strong convictions and has often stated: "In a country as rich and powerful as the United States of America, no person should be without a basic plan of health care." As a registered nurse and former faculty associate at the Johns Hopkins University School of Nursing, Shirley has seen firsthand how minorities are disproportionately harmed by certain diseases and the inequality in care across racial and ethnic lines. Her belief that health care is a basic human right, and not a privilege, has compelled her to serve in public office—a decision that has benefited all Marylanders and has helped improve health equality in our State.

Shirley has had many successes as a legislator, but one of the most important has been her work in establishing the Maryland Office of Minority Health and Health Disparities in 2004. This office is charged with promoting health equity for African Americans, Hispanic Americans, Asian Americans, Native Americans, and other groups experiencing health disparities. Another key legislative accomplishment of Shirley's was her success in providing health care coverage to more than 100,000 children in Maryland.

Shirley is not a woman who idly witnesses society's inequities. Her compassion and empathy drive her to come up with solutions for the problems she sees. As a sponsor or cosponsor of hundreds of bills that have been signed into law, Shirley has been instrumental in improving the lives of Marylanders in countless ways. When Shirley discovered Maryland had the third highest oral cancer rate for African-American men in the Nation, she secured \$500,000 to fight the disease. She also was lead sponsor of legislation providing \$2.6 million annually for breast cancer treatment for low-income women living in Maryland.

Shirley has been an indispensable partner and an inspiration in my efforts to address health disparities at the federal level. We worked together to codify the National Institute for Minority Health and Health Disparities, correcting a long-standing bias in our health care system that was ill-equipped to deal with disparities among different populations.

I wish the University of Maryland's Center for Health Equity and the State Office of Minority Health great success

in their stewardship of the “Shirley Nathan-Pulliam Health Equity Lecture Series.” There is still a great deal of work to be done in achieving Shirley’s dream of erasing health disparities and making health care a right for every human being. But with her leadership and legacy to follow, I am confident her dream will one day become a reality.●

ST. PETER’S CENTENNIAL

● Ms. COLLINS. Madam President, on October 16, 1911, the first Italian Catholic congregation in the city of Portland, ME, met under the guidance of Father Agnello Santagnello. Seventy-five families came together, and plans were laid to build a church for the small but growing community of new Americans.

Before year’s end, just in time for Christmas mass, an old stable was transformed into a chapel at a cost of just under \$2,800 and much hard work. That modest chapel was named St. Peter’s—the rock of the Church on the rocky coast of Maine.

By the mid-1920s, the parish numbered nearly 1,000 families and the thriving Italian-American community needed a larger spiritual home. Father Teresio DiMingo, who took the reins of the congregation in 1927, went house-to-house throughout Portland’s Little Italy neighborhood soliciting funds, and found generosity at every door.

The new church was under construction in 1929 when disaster struck—the stock market crash and the ensuing Great Depression. Father DiMingo returned the contributions to those in need. He matched that act of compassion with determination, and continued the construction with his own life savings.

The Church of St. Peter was dedicated that August. That great celebration included the blessing of Father DiMingo’s second great gift to his parish—a cross made from fragments of the True Cross.

Since that day, worshipers have noticed a curious inscription above the doorway—the letters “L & L.” That was yet another gift from Father DiMingo. Those letters represent the Latin words for “him” and “her.” St. Peter’s was then, and is today, a church for families.

Today, in this centennial year, the families of St. Peter’s continue to build on that solid foundation. Their vibrant church remains a rock of faith.

And it grows as a center of charity and caring. In the early 1950s, an Italian priest came to America seeking aid for children orphaned during the Second World War. The generous response from Portland led to the founding of the Italian Heritage Center, which continues to enrich the city with a culture of great food, music, and festivals.

That a small fellowship of faith was born in a stable and grew into a something mighty and lasting is more than powerful symbolism. It is a testament to the spirit, the resolve, and the energy of Portland’s Italian-American community. On the 100th anniversary of St. Peter’s Roman Catholic Church, I offer the members of that parish the traditional Italian wish for a long life of health and happiness—“Cent’anni!”●

MICHIGAN VOLUNTARISM

● Mr. LEVIN. Madam President, our Nation’s veterans made enormous sacrifices in defense of our Nation through their military service. One of the many ways we recognize their service is through essential government programs that form the foundation of our Nation’s promise to care for veterans. These programs are made stronger by the valuable contributions of volunteers. Volunteers who freely offer their time to improve the quality of life of American veterans provide a personal reminder that a grateful nation will always remember and value their sacrifice. This spirit of generosity and compassion is embodied at the Grand Rapids Home for Veterans in west Michigan. A banquet to honor the positive impact these volunteers have had over the past year will take place on September 27, 2011.

In operation since 1886, the Grand Rapids Home for Veterans is a 758-bed home for veterans in need of long-term care. Residents are cared for by a professional staff of doctors, nurses and social workers, all of whom tirelessly work to fulfill the home’s mission of providing quality interdisciplinary care and helping residents “achieve their highest potential of independence, self worth, wellness and dignity.” Supporting the professional staff in these efforts is a capable and compassionate army of volunteers. In 2010 alone, almost 900 different volunteers served at the home, with approximately 200 volunteers putting in at least 100 hours of service. Some volunteers are veterans themselves; some are family members of current or past residents; others have no personal connection to the home other than the desire to help American heroes.

Volunteers provide a host of services for the veterans and hold events that improve the residents’ quality of life. Perhaps the most essential service volunteers provide is something that most people take for granted: visiting with veterans individually, offering human companionship. For veterans in homes, especially the elderly or disabled, having someone read or play cards with them, or simply have a conversation with them can provide great comfort. In addition to providing a simple yet powerful human connection, volunteers ensure that veterans at the home live active lives by helping to run the

home’s woodshop, bowling alley and library, as well as escorting residents to painting and ceramics classes. Residents also enjoy the animal therapy program where volunteers bring in their own pet dogs and cats.

Last year, volunteers organized a number of special events, including a Super Bowl Party, a Las Vegas Day, three fishing tournaments, a carnival, a fall harvest festival, and a Christmas celebration called the Veterans Star Christmas Project. As part of the project, volunteers distributed more than 700 donated gifts to residents on Christmas Day. According to one resident, the celebration was especially meaningful because “this kind of brightens our year, to know that there are people thinking about you, that care about you.” Surely, that kind of reaction is all the reward volunteers want for their efforts. Every day, these generous and dedicated men and women show the residents of the Grand Rapids Home for Veterans that the American people have not forgotten them or their service to our Nation.

It is in this spirit of generosity that I know my colleagues will join me in recognizing and thanking all those who volunteered at the Grand Rapids Home for Veterans. The positive impact they have had on the lives of Michigan veterans is tremendous, and I extend my deepest appreciation for their service.●

TRIBUTE TO ARTHUR W. DIVENS, JR.

● Ms. MIKULSKI. Madam President, today I recognize an outstanding public servant and longstanding resident of the great State of Maryland, Arthur W. Divens, Jr., as he completes more than 31 years of continuous service within the civilian leadership of the Department of Defense. Mr. Divens began his public service life in naval shipbuilding as a project engineer/contracting representative for the Military Sealift Command and is ending it as executive director for the Amphibious Warfare and Sealift Office, Program Executive Office, Ships, where he oversees one of the broadest acquisition portfolios in the Navy—including more than \$30 billion in complex shipbuilding procurements. Highly respected throughout the DOD acquisition community as a visionary leader and a man of uncommon character, he has left a long and lasting legacy to our Nation—both through his unparalleled contributions to the strength and flexibility of our Navy’s surface forces and through the generation of professionals that he has mentored throughout his time in Federal service. Today, it is my great pleasure to recognize his achievements and to thank him and his family for their service to the Navy and our Nation.

Mr. Divens has a long and distinguished career of innovative thinking

and aggressive execution of shipbuilding programs across the entire spectrum of naval shipbuilding. He has been directly involved in the design, construction, or delivery of over 150 ships and over 1,000 small boats and craft, more than any other individual in the Department of the Navy. Since joining Federal service in 1980 and the Senior Executive Service in 2000, he has held a variety of key leadership roles throughout his professional life, including positions with the Space and Naval Warfare Systems Command, the Military Sealift Command, and the Naval Sea Systems Command. He has also provided strong leadership to groups such as the National Shipbuilding Research Program and the Marine Engineering and Shipyard Management Program, where he has worked tirelessly with his peers throughout government and industry to promote the open interchange of ideas and information and constantly improve shipbuilding and ship repair processes and technology.

In 2002, Mr. Divens joined the Program Executive Office, Ships, where he has played a critical role in defining and fielding our Navy's future Surface Fleet. During his tenure and as a result of his sound stewardship, 31 ships have been delivered to the U.S. Navy and our allies, including two first of class vessels—USS SAN ANTONIO (LPD 17) and USNS LEWIS AND CLARK (T-AKE 1)—and the amphibious assault ship USS MAKIN ISLAND (LHD 8), widely lauded for its revolutionary application of hybrid technology and integration of environmental efficiencies and fuel conservation initiatives in the earliest stages of ship design. In the past year, he has worked tirelessly with General Dynamics NASSCO to contract for three affordable and flexible mobile landing platforms, saving the Navy nearly \$2.1 billion and preserving the shipbuilding capability of the Navy's only west coast shipyard. He has been an influential advisor to the LHA 8 analysis of alternatives which will result in a well deck ship configuration for the next Marine Corps large deck amphibious ship, and has worked to maximize competition in the Ship to Shore Connector Program, which will provide an unprecedented level of support to amphibious forces. He has been the central figure in some of the Navy's toughest negotiations involving nearly \$10 billion in Navy shipbuilding funding, to include the award of LPD 22-26 and the LHA 6 amphibious assault ship, the joint high speed vessel competition, and the Landing Craft Air Cushion Service Life Extension Program. At the heart of his efforts has been a relentless drive to improve the strength, capability, and flexibility of our operating forces at the best possible value to the American public.

Mr. Divens is also responsible for more than 100 foreign military sales

cases, with more than 30 nations and a collective value of nearly \$2 billion. Of special note has been his direct effort with United States Forces—Iraq, helping Iraqi security forces develop the tools they need to defeat terrorism and sustain an environment where they can live free.

Mr. Divens' contributions to our Nation extend far beyond his material achievements and programmatic accomplishments. He has served as an inspiration to all who have served with him, ensuring that all members of his team are keenly aware of their importance to the Navy and the true appreciation that he holds for their efforts. His unique ability to recognize talent and to foster respect and camaraderie throughout the workforce has had an enormous influence on junior Sailors and civilians and will continue to steer the course of our Navy well into the future.

Mr. Divens received his bachelor of science degree from the U.S. Merchant Marine Academy in Kings Point, NY in 1979 and his master of science degree from the University of Maryland in 1997. Throughout his distinguished Federal service career, he has been honored with numerous awards for his exceptional service, including the Navy Distinguished Civilian Service Medal, the Meritorious Presidential Rank Award and, most recently, the Rear Admiral Wayne E. Meyer Memorial Award.

Mr. Divens' tireless leadership and lifelong commitment to the Navy's shipbuilding capability have earned him the deep respect of his peers and shipmates throughout the Navy acquisition and fleet support communities. It is, therefore, a pleasure to recognize him for his many contributions in a life devoted to our nation's security. I know my colleagues join me in wishing him, his wife Joan, his daughters Alison, Laura and Molly, and his grandson Daniel much happiness and fair winds and following seas as they begin a new chapter in their lives together.●

RECOGNIZING BLACKSMITHS WINERY

● Ms. SNOWE. Madam President, my home State of Maine's long tradition of entrepreneurship includes a marked dedication to creative and quality craftsmanship. Small businesses in Maine strive to be both imaginative in design and superior in value. One such small business is Blacksmiths Winery of South Casco, one of Maine's largest wineries and the first in the State to be awarded both the silver and bronze medals in international wine competitions. Today I commend Blacksmiths Winery on their continued success and commitment to excellence.

In the late 1800s, William Watkins lived and worked as an apprentice and blacksmith in South Casco. He was

known to be an exacting craftsman, insisting upon making his own nails to ensure quality, rather than using the machine made variety. After William stopped working the blacksmith's forge, his son Albert shouldered the responsibility of the family business. Over 100 years later, Blacksmiths Winery opened in the same location, which remains full of entrepreneurial vigor. The original buildings, including Watkins' home, barn, and shop make up the main structures of Blacksmiths Winery. As it takes its name from the profession of the earlier tenants, so Blacksmiths Winery certainly carries on the same enthusiasm for craftsmanship.

Blacksmiths Winery opened its doors in 1999, producing 1,000 cases of wine in the first year, and has since continually grown and expanded their award-winning product. Blacksmiths Winery now offers its customers a wide variety of over 20 different wines and sodas. They produce the more traditional red and white wines, such as Cabernet Sauvignon, but are widely popular for their fruitier and more adventurous flavors, including raspberry and rhubarb wines. Many of Blacksmiths' products are based on the flavors of locally grown Maine blueberries, elderberries, cranberries, and apples. Blacksmiths also makes nonalcoholic soda from wine grapes, including Merlot and Riesling flavors, and is continually seeking to expand its offerings. Visitors can taste these wines and sodas any day of the week, and on weekends, Blacksmiths opens its beautiful porch to guests where they can relax and enjoy a variety of beverages.

Highlighting Blacksmiths ingenuity, one of the company's popular fruit wines came about completely by chance. Through a packaging flaw, Blacksmiths acquired a large bunch of raspberries. Rather than waste the fruit, the company produced sample batches of what has become its raspberry dessert wine. This happy accident was then sent to the shelves at retail locations across Maine, to the delight of thirsty wine drinkers. This ingenuity is an example of the sort of creativity and adaptability, so characteristic of Maine entrepreneurs, that continues to keep the markets fresh with new and interesting products for consumers.

Blacksmiths Winery has demonstrated a never quenching thirst to utilize new techniques and experiment with unique flavor combinations, a quality which has led in large measure to their growing recognition. Indeed, the company's popularity is growing, as it has recently begun shipping its award-winning wines to a number of out-of-state locations. I thank everyone at the Blacksmiths Winery for their hard work and innovation, and wish them the best success in years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

The message also announced that the House passed the following bill, without amendment:

S. 846. An act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 28. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the 100th Infantry Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, in recognition of their dedicated service during World War II.

ENROLLED BILL SIGNED

At 5:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 846. An act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1619. A bill to provide for identification of misaligned currency, require action to

correct the misalignment, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 22, 2011, she had presented to the President of the United States the following enrolled bill:

S. 846. An act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3336. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval, and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Evansville Area to Attainment of the Fine Particulate Matter Standard" (FRL No. 9469-5) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3337. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations" (FRL No. 9470-2) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC-3338. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Loan Fees" (RIN0560-AH41) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3339. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Office of Financial Research's annual report on recruitment and retention, training and workforce development, and workforce flexibilities; to the Committee on Banking, Housing, and Urban Affairs.

EC-3340. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC-3341. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Department of Homeland Security Privacy Office 2011 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3342. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Third Quarter Fiscal Year 2011 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3343. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Department of Homeland Security Office for Civil Rights and Civil Liberties Fiscal Year 2010 Annual and Consolidated Reports to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-3344. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Urban Forestry Administration of the District Department of Transportation"; to the Committee on Homeland Security and Governmental Affairs.

EC-3345. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, legislative proposals relative to strengthening the protections afforded to servicemembers and their families under existing civil rights laws; to the Committee on the Judiciary.

EC-3346. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Apache Pier Labor Day Weekend Fireworks Display, Atlantic Ocean, Myrtle Beach, SC" ((RIN1625-AA00) (Docket No. USCG-2011-0713)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3347. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY" ((RIN1625-AA00) (Docket No. USCG-2011-0718)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3348. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Patuxent River, Patuxent River, MD" ((RIN1625-AA00) (Docket No. USCG-2011-0426)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3349. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; August Fireworks Displays and Swim Events in the Captain of the Port New York Zone" ((RIN1625-AA00) (Docket No. USCG-2011-0688)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3350. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; ESI Ironman 70.3 Augusta Triathlon, Savannah River, Augusta, GA" ((RIN1625-AA00) (Docket No. USCG-2011-0691)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3351. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

“Safety Zone; 2011 Rohto Ironman 70.3 Miami, Biscayne Bay, Miami, FL” ((RIN1625-AA00) (Docket No. USCG-2011-0195)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3352. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Labor Day Fireworks, Ancarrow's Landing Park, James River, Richmond, VA” ((RIN1625-AA00) (Docket No. USCG-2011-0546)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3353. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Cleveland National Air Show, Lake Erie, Cleveland, OH” ((RIN1625-AA00) (Docket No. USCG-2011-0795)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3354. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Coast Guard Exercise, Detroit River, Ambassador Bridge to the Western Tip of Belle Isle” ((RIN1625-AA00) (Docket No. USCG-2011-0754)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3355. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Port Huron Float Down, St. Clair River, Port Huron, MI” ((RIN1625-AA00) (Docket No. USCG-2011-0752)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3356. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; ISAF Nations Cup Grand Final Fireworks Display, Sheboygan, WI” ((RIN1625-AA00) (Docket No. USCG-2011-0755)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3357. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; TriMet Bridge Project, Willamette River; Portland, OR” ((RIN1625-AA00) (Docket No. USCG-2011-0279)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3358. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Discovery World Private Wedding Firework Displays, Milwaukee, WI” ((RIN1625-AA00) (Docket No. USCG-2011-0717)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3359. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

“Safety Zone; Suttons Bay Labor Day Fireworks, Suttons Bay, Grand Traverse Bay, MI” ((RIN1625-AA00) (Docket No. USCG-2011-0719)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3360. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Allegheny River; Pittsburgh, PA” ((RIN1625-AA00) (Docket No. USCG-2011-0695)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3361. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Missouri River From the Border Between Montana and North Dakota” ((RIN1625-AA00) (Docket No. USCG-2011-0511)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3362. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Upper Mississippi River, Mile 180.0 to 179.0” ((RIN1625-AA00) (Docket No. USCG-2011-0385)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3363. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Big Sioux River From the Military Road Bridge North Sioux City to the Confluence of the Missouri River, SD” ((RIN1625-AA00) (Docket No. USCG-2011-0528)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3364. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Labor Day at the Landing Santa Rosa Sound, Fort Walton Beach, FL” ((RIN1625-AA00) (Docket No. USCG-2011-0709)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3365. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; Eleventh Coast Guard District Annual Fireworks Events” ((RIN1625-AA00) (Docket No. USCG-2009-0559)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3366. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Security Zone; Potomac River, Georgetown Channel, Washington, DC” ((RIN1625-AA87) (Docket No. USCG-2011-0760)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3367. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Security Zone; 2011 Seattle Seafair Fleet Week

Moving Vessels, Puget Sound, Washington; correction” (Docket No. USCG-2011-0505) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3368. A communication from the Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers; Internet-Based Telecommunications Relay Service Numbering” ((RIN3060-A115) (FCC 11-123)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3369. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA” ((RIN1625-AA09) (Docket No. USCG-2009-0863)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3370. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Eleventh Coast Guard District Annual Marine Events” ((RIN1625-AA08) (Docket No. USCG-2009-0558)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3371. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulation Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH” ((RIN1625-AA11) (Docket No. USCG-2011-0708)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3372. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special and Local Regulation and Safety Zones; Marine Events in Captain of the Port Long Island Sound Zone” ((RIN1625-AA00, RIN1625-AA08) (Docket No. USCG-2011-0553)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3373. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special and Local Regulation and Safety Zones; Mattaponi Madness Drag Boat Race, Mattaponi River, Wakema, VA” ((RIN1625-AA08) (Docket No. USCG-2011-0744)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3374. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Sabine River, Orange, TX” ((RIN1625-AA08) (Docket No. USCG-2011-0194)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3375. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patuxent River, Solomons, MD" ((RIN1625-AA08) (Docket No. USCG-2011-0266)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3376. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL" ((RIN1625-AA11) (Docket No. USCG-2011-0044)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3377. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Arthur Kill, NY and NJ" ((RIN1625-AA11) (Docket No. USCG-2011-0727)) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1599. An original bill making appropriations for Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-84).

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 1601. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-85).

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-86).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 2480. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2012, 2013, and 2014, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1151. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1535. A bill to protect consumers by mitigating the vulnerability of personally identifiable information to theft through a security breach, providing notice and remedies to consumers in the wake of such a breach, holding companies accountable for preventable breaches, facilitating the sharing of post-breach technical information between companies, and enhancing criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David B. Barlow, of Utah, to be United States Attorney for the District of Utah for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1599. An original bill making appropriations for Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MORAN (for himself, Mr. BLUNT, and Mr. BARRASSO):

S. 1600. A bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 1601. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CRAPO (for himself, Ms. CANTWELL, Mr. RISCH, and Mr. WYDEN):

S. 1602. A bill to amend the Internal Revenue Code of 1986 to expand the technologies through which a vehicle qualifies for the credit for new qualified plug-in electric drive motor vehicles; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. LUGAR):

S. 1603. A bill to enable transportation fuel competition, consumer choice, and greater use of domestic energy sources in order to reduce our Nation's dependence on foreign oil; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 1604. A bill to provide additional resources and funding for construction and infrastructure improvements at United States land ports of entry, to open additional inspection lanes, to hire more inspectors, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mrs. GILLIBRAND, Mr. HARKIN, Mr. INOUE, Mr. MERKLEY, Mrs. MURRAY, Mr. WHITEHOUSE, and Mr. COONS):

S. 1605. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. PRYOR, and Ms. COLLINS):

S. 1606. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself and Mr. LIEBERMAN):

S. 1607. A bill to include shellfish to the list of crops eligible for the noninsured crop disaster assistance program and the emergency assistance for livestock program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WHITEHOUSE (for himself, Mr. KIRK, Mrs. BOXER, Mrs. FEINSTEIN, Mr. INOUE, and Mr. CASEY):

S. 1608. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. LEAHY, and Mr. INOUE):

S. 1609. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. MANCHIN, Mr. BLUNT, and Ms. LANDRIEU):

S. 1610. A bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSON of Wisconsin (for himself, Ms. AYOTTE, Mr. PAUL, and Mr. JOHANNIS):

S. 1611. A bill to reduce the size of the Federal workforce through attrition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. CASEY, Mr. UDALL of New Mexico, and Mr. WYDEN):

S. 1612. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; to the Committee on the Judiciary.

By Mr. REED (for himself and Mrs. HUTCHISON):

S. 1613. A bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1614. A bill to provide grants to State educational agencies and institutions of higher education to strengthen elementary and secondary computer science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNIS, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER):

S. 1615. A bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. ENZI):

S. 1616. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. JOHANNIS, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1617. A bill to establish the Council on Healthy Housing and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mrs. GILLIBRAND, and Mr. FRANKEN):

S. 1618. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. SCHUMER, Mr. GRAHAM, Ms. SNOWE, Ms. STABENOW, Mr. SESSIONS, Mr. CASEY, Mr. BURR, Mr. WHITEHOUSE, Mr. REED, Mr. BLUMENTHAL, Mr. CONRAD, Ms. COLLINS, Mr. CARDIN, Mr. LEVIN, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. HAGAN, Mr. MANCHIN, and Mr. NELSON of Nebraska):

S. 1619. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; read the first time.

By Mr. BEGICH (for himself and Ms. CANTWELL):

S. 1620. A bill to ensure the icebreaking capabilities of the United States and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mr. REED, Mr. BENNET, Mr. HARKIN, Mr. LAUTENBERG, Mr. FRANKEN, Mr. MERKLEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. WYDEN, Mr. DURBIN, Mr. CARDIN, Mr. AKAKA, Mr. WHITEHOUSE, Mr. COONS, Mrs. SHAHEEN, Ms. LANDRIEU, and Mr. LEAHY):

S. 1621. A bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. FRANKEN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. Res. 274. A resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. CANTWELL, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. CRAPO, Mr. MCCONNELL, and Mr. CORKER):

S. Res. 275. A resolution designating October 30, 2011, as a national day of remembrance for nuclear weapons program workers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. KIRK, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 277

At the request of Mr. BURR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 277, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 838

At the request of Mr. TESTER, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 889

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 889, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. LEE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1280

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault

risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

At the request of Mr. ISAKSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1280, *supra*.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1381

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1381, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNIS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nui-

sance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1542

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1542, a bill to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1584

At the request of Mr. BENNET, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1584, a bill to provide for additional quality control of drugs.

S. 1595

At the request of Mr. HATCH, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1595, a bill to prohibit funding for the United Nations in the event the United Nations grants Palestine a change in status from a permanent observer entity before a comprehensive peace agreement has been reached with Israel.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1595, *supra*.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 27

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution honoring the service of Sergeant First Class Leroy Arthur Petry, a native of Santa Fe, New Mexico and

the second living recipient of the Medal of Honor since the Vietnam War.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

AMENDMENT NO. 634

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 634 proposed to H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes.

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of amendment No. 634 proposed to H.R. 2832, *supra*.

AMENDMENT NO. 650

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of amendment No. 650 proposed to H.R. 2832, a bill to extend the Generalized System of Preferences, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself and Mr. LUGAR):

S. 1603. A bill to enable transportation fuel competition, consumer choice, and greater use of domestic energy sources in order to reduce our Nation's dependence on foreign oil; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation aimed at breaking oil's monopoly over our Nation's transportation system. I would like to thank Senator LUGAR for helping develop and agreeing to cosponsor this important bill.

The Open Fuels Standard Act of 2011 would introduce competition among fuels in the U.S. transportation market by ensuring that most new vehicles in the United States will be capable of running on a range of domestically produced alternative fuels.

By introducing competition among fuels, the Open Fuels Standard, OFS, Act aims to bring about significant reductions in the high prices paid by U.S. consumers at the gas pump and in our Nation's dangerous overdependence on foreign oil. According to the Department of Energy, this lack of competition imposes a "monopoly premium" of more than \$200 billion on the economy each year—a direct transfer of U.S.

wealth to the treasuries of OPEC countries and other foreign oil producers. Keeping this money within U.S. borders would sharply cut the U.S. trade deficit, safeguard U.S. household income, and provide capital and market incentive for investment in new U.S. energy infrastructure.

The Open Fuels Standard Act requires that starting in 2015, 50 percent of new vehicles manufactured or sold in the United States be flex fuel capable—that is, able to run on non-petroleum fuels. These fuels would include domestically-produced ethanol or methanol or other alcohols in addition to—or instead of—petroleum-based fuels. In 2018, 80 percent of new vehicles would need to be flex-fuel capable. Adoption of an Open Fuels Standard would spur the development and use of alcohol fuels such as ethanol and methanol that can be made from a wide variety of domestic energy resources including agricultural waste, energy crops, natural gas, and even trash. By increasing the share of these abundant domestic fuels in the U.S. market, the Open Fuels Standard Act has the potential to eliminate major drag on the American economy, creating new jobs, strengthening our national security, and addressing challenging environmental concerns such as air quality and climate change.

Today's introduction of the Open Fuels Standard Act coincides with yesterday's launch of the United States Energy Security Council. The new Council's purpose is to focus on reducing U.S. energy vulnerability and enhancing national security by finding alternatives to foreign oil. This new group's members include former Secretary of State George Shultz, former Secretaries of Defense William Perry and Harold Brown, as well as three former national security advisers, a former C.I.A. director, two former senators, a Nobel laureate, a former Federal Reserve chairman, and several Fortune-50 chief executives.

The U.S. Energy Security Council is calling for Congress to enact a requirement such as the Open Fuels Standard to end oil's monopoly as the lynchpin of U.S. energy security, according to a New York Times op-ed on September 21 by council members former National Security Advisor Robert C. McFarlane and former Director of Central Intelligence R. James Woolsey.

The Open Fuels Standard Act will also complement and advance other key legislation that Congress has passed in recent years with the goals of transforming the U.S. energy system to make it more secure, more affordable, and more environmentally sustainable. For example, the 2007 Energy Independence and Security Act included the Renewable Fuels Standard, requiring the production of 36 billion gallons of biofuels by 2022, and raising CAFE standards, corporate average

fuel economy, for the first time in 20 years for SUVs and trucks. The Open Fuels Standard Act, in conjunction with policies such as these that we fought hard for in previous Congresses, will play a major role in achieving our long-term national energy goals.

Oil has had a monopoly over transportation fuel for too long and American drivers have had no choice but to pay volatile and elevated prices at the pump. I am encouraged by the broad bipartisan and stakeholder support for the Open Fuels Standard Act, and again would like to thank Senator LUGAR, which I believe is a recognition that this approach will really help diversify our Nation's energy supply and spur investment and job creation.

By Mr. PORTMAN (for himself, Mr. PRYOR, and Ms. COLLINS):

S. 1606. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, I have heard from many Arkansans and businesses, particularly small businesses, which are struggling to meet an increasing regulatory burden. Each year, Federal agencies issue more than 3,000 final rules, many of which have significant economic impact. In Executive Order 13563, President Obama emphasized that our regulatory system should promote "economic growth, innovation, competitiveness, and job creation." I agree. We need a 21st-century regulatory system that promotes future prosperity. However, there are some rules where that goal appears to have been ignored and as a result our economy suffers.

Experience suggests that improvements in the regulatory process are necessary to ensure that all agencies pay close attention to the impact their regulatory actions have on jobs and on the economy.

For example, the EPA is currently considering more stringent regulations of dust as part of the national ambient air quality. From county roads to farm fields, dust is an unavoidable reality in rural areas. Imposing strict dust regulations on these communities would hurt family farmers and rural economies across Arkansas and our Nation.

Another example comes from a county judge in Arkansas. He was rightly concerned about a regulation stemming from the Bush administration that would have cost municipalities and counties and States across the country tens of millions of dollars to replace their street signs. The burden of paying for hundreds of thousands of new signs at costs ranging anywhere from \$30 to \$110 would have fallen to State and local governments, and that means State and local taxpayers. Fortunately, as part of the administra-

tion's review of regulations, Transportation Secretary Ray LaHood has decided that a specific deadline for replacing street signs makes no sense and that local and State transportation agencies are best equipped to determine when they need to replace these signs in the course of their daily work.

In his Executive order, President Obama remarked that the regulatory system "must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends." Last month, Cass Sunstein, the Administrator of the Office of Information and Regulatory Affairs, wrote in the Wall Street Journal that Cabinet Secretaries were instructed to minimize regulatory costs, avoid imposing excessive regulatory burdens, and prioritize regulatory actions that promote economic growth and job creation. I applaud the administration's new directive.

One difference in what the administration is doing versus what we are doing in the Portman-Pryor legislation is that the President is looking retrospectively. He is doing a review of regulations that are on the books now, which is good. I welcome that. But the Portman-Pryor legislation will be prospective; it will go forward. We will talk about that more as we go.

I think it is time that Congress reviewed several of the laws that form the basis of our Federal regulatory system. We need to find ways to make these laws more fair, reasonable, and effective in meeting the dual challenges of protecting the public while making our economy stronger and more competitive. That is why I have teamed up with Senator PORTMAN on this important legislation.

Done right, I believe regulatory reform can lead to better, cheaper, and faster rulemaking. Specifically, agencies should, one, propose or adopt regulations only when the benefits justify the costs; two, write regulations so that they impose the least burden on society; and three, in choosing among alternative regulatory approaches, select those that strike the right balance between minimizing costs and maximizing benefits.

Portman-Pryor amends the Administrative Procedures Act to place greater emphasis on early engagement between agencies and parties subject to high-impact rules costing \$1 billion or more per year and major rules costing \$100 million or more. These expensive rules are where our focus should be. In fact, as a historical footnote, the Administrative Procedures Act was written in 1946 and has not really been revised and updated since that time. So now that it is 65 years old, I think it is time to look at it and update it.

Portman-Pryor makes better use of two existing regulatory tools. It requires an advanced notice of proposed

rulemaking for high-impact and major rules to enable agencies to solicit written data, views, or arguments from interested parties. Second, although the Administrative Procedures Act already allows for formal hearings, agencies rarely use this option. Portman-Pryor requires an agency to conduct a formal rulemaking hearing for high-impact rules and, in some cases, major rules so that data and information can be debated on the record—here again, on the record. We are trying to make this process more transparent.

Portman-Pryor strikes a balance between minimizing costs and maximizing benefits. The bill makes clear that the agencies are encouraged to choose the least costly alternative that would achieve the objectives of the statute authorizing the rule. However, the bill also makes clear that the agency may choose—may choose—a more costly rule so long as it does two things: one, explains why it has done so based on policy concerns addressed by the statute authorizing the rule and, two, shows that the added benefits are greater than the added costs, which is by definition a push toward “maximizing benefits.”

Today, the length of rulemaking varies widely from a few months to several years. After this reform, times will still vary in about that same amount, but the final rules should be more stable and more credible. A principal goal of Portman-Pryor is that the bill may shorten the rulemaking process because the final rule will be based on more sound, thorough information and that fewer high-impact and major rules will be vacated by courts and sent back to the agency.

Finally, the bill reinforces that agencies must assess both the costs and benefits of their rules. However, the bill requires the Administrator of OIRA to establish guidelines so that costs-benefit analysis can be commensurate with the economic impact of the rule.

Regulatory reform is not an exciting subject, I know, but it is vitally important to our Nation's economic recovery. I look forward to working with Senator PORTMAN on this important legislation. I also look forward to working with other colleagues to try to get them interested and possibly cosponsoring and helping us get this bill through the process.

My final point is that this is a piece of legislation which not only is bipartisan but is bicameral. We have two Members of the U.S. House of Representatives who have announced this legislation with us today: LAMAR SMITH, who is chairman of the Judiciary Committee, and COLLIN PETERSON, who is the ranking member on the Agriculture Committee in the House. So it is rare when we get bipartisan, bicameral legislation coming in this Congress.

I hope—I sincerely hope—I will have colleagues on both sides of the aisle who will look at this legislation. I hope we will get broad bipartisan support and we will be able to move it through the committees and get it to the floor in a timely fashion.

By Mr. HARKIN (for himself, Mr. LEAHY, and Mr. INOUE):

S. 1609. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I join Senators LEAHY and INOUE to introduce the Medical-Legal Partnership for Health Act. This legislation will reduce our Nation's health care costs and improve the health of vulnerable patients by building upon the great work that medical-legal partnerships are doing every day, all across the United States.

Medical-legal partnerships bring legal aid services into medical settings, such as hospitals and community health centers, to help patients overcome problems that create and perpetuate poor health. In today's difficult economy, many Americans are struggling to meet the basic health needs of themselves and their children. This may mean struggling to pay the high costs of medical care or prescription drugs, or putting off an annual check-up until next year.

But some health care needs are non-medical in nature, like making sure your home is properly heated in the winter; that it is not infested by insects or rodents; and that it is free of domestic violence. These needs may require more than just medical care; they may require legal assistance.

Unfortunately, most health care providers are not equipped to deal with the non-medical issues that lead some patients to seek medical care repeatedly or on an ongoing basis. Despite the perception that legal issues frequently affect their patients, a survey of physicians at Boston Medical Center revealed that fewer than 20 percent of doctors knew how to refer patients to legal resources. As a result, many patients never address the root cause of their health problems, leading to costly visits to the emergency room and lengthy hospital stays.

Medical-legal partnerships connect patients with the legal assistance they need to address these root causes. Rather than just applying a temporary fix to a health issue, they help patients get healthy and stay healthy.

In the process, medical-legal partnerships generate substantial cost savings for families and the entire health care system. One study found a 50 percent

reduction in emergency room visits following the intervention of medical-legal partnerships, saving families hundreds of dollars per visit. Another study showed that medical-legal partnerships reduced the cost per pediatric asthma patient from \$735 to \$181 through fewer emergency room visits, while also resulting in decreased frequency and duration of asthma attacks following an intervention. These cost savings not only help keep families out of potentially crippling debt, but they also help reduce emergency room overcrowding and decrease health care expenditures on preventable health conditions.

Unfortunately, many patients are unlikely to seek legal services on their own. Eighty-five percent of patients who sought legal assistance from one medical-legal partnership in California had not used legal resources before and more than 78 percent were not previously aware of legal services at all. By embedding legal services in health care settings, medical-legal partnerships raise awareness of legal services so that patients are more likely to address problems before they turn into crises.

In an article about medical-legal partnerships last year, the Los Angeles Times told the story of Maria Perez. Maria had a fever of 103, her body ached and she had trouble breathing. After being told in the emergency room that she had pneumonia, she went to a clinic in South Los Angeles for a follow-up appointment. The doctor asked Perez about her housing situation. Her apartment had cockroaches and mice, and rain fell through a broken window and filled the walls with mold. The doctor wrote prescriptions to treat the pneumonia and an asthma flare-up and then sent her down the hall to talk to a lawyer.

After the attorney contacted both the landlord and the Los Angeles Housing Department, Maria's living conditions improved, and so did her health. She told the Times: “The medicine wasn't what cured me. It was [my lawyer] and what he did.”

Medical-legal partnerships also offer a critical lifeline to victims of domestic violence. In my home state of Iowa, a young woman named Brenda sought help to escape an abusive marriage. Her husband was a gang member and threatened to kill her or have members of his gang kill her. One night, while attempting to flee an attack, Brenda's husband pulled her back into the house and beat and choked her until she lost consciousness. When Brenda sought medical care the next day, her care providers referred her to Iowa Legal Aid's Health and Law Project for help. Iowa Legal Aid helped Brenda obtain a protective order, which included custody of the couple's daughter. Iowa Legal Aid is currently helping Brenda with a divorce so that she and her

daughter will have protection and long-term autonomy from her abuser; thereby reducing the need for ongoing health care.

The success of these programs is catching on. The first medical-legal partnership was created nearly two decades ago at Boston Medical Center. By 2009, there were 60 such partnerships across the country. Today there are 90 medical-legal partnerships working with more than 240 health services providers.

Medical-legal partnerships have attracted the attention of corporate America, too. In July, Walmart became the first corporation to take a lead role in a medical-legal partnership, and I commend them for recognizing the valuable role these programs can play in our communities.

After graduating from law school, I served as a Legal Services attorney in Iowa. I learned first-hand how crucial this assistance is to struggling families and individuals who have no place else to turn when they are taken advantage of or abused. I know the invaluable legal help provided to battered women trying to leave abusive relationships while fearing for their safety and the safety of their children. I know that, without access to the legal system, the poor are often powerless against the injustices they suffer.

I am particularly proud of the success of a medical-legal partnership in my home state of Iowa. The Iowa Legal Aid Health and Law Project harnesses the talents of Iowa physicians and attorneys to improve the lives of vulnerable Iowans. By partnering with 17 hospitals and health centers across my state, the Iowa Legal Aid Health and Law Project is able to extend services from Sioux City to Dubuque, and from Council Bluffs to Fort Dodge. In 2009, the program served 880 Iowans, and 94 percent of their cases had a positive outcome. The Iowa Legal Aid Health and Law Project does a remarkable job. They are just one example of the great work going on across the country.

You may be surprised to learn that when it comes to medical-legal partnerships, a little money can go a long way. Iowa's program was started with a federal investment of less than \$300,000. The program prevents hospital admissions and emergency room visits that cost hospitals and patients many thousands of dollars in health care costs and insurance premiums. A modest investment in these community programs can help people achieve healthier, safer lives and prevent future hospitalizations and health care costs. That sounds like common sense to me. And that's why, today, I am proud to introduce the Medical-Legal Partnership for Health Act: to give health care providers and lawyers across the country the opportunity to start such programs.

The Act creates a federal demonstration program to help create, strength-

en, and evaluate medical-legal partnerships. Overall, this legislation will support 60 partnership sites in community health centers, the Veterans Administration, hospitals, and other health care settings.

I was proud to have the support of former Senator Kit Bond of Missouri when I introduced this legislation during the previous Congress. I know there are many Americans who think that the two political parties in Washington can't agree on anything these days, but this is an issue that has attracted bipartisan support in the past and it is my strong hope that it will do so again. In the spirit of compromise and bipartisanship, I have taken contentious issues off the table: the bill excludes federal money from being used toward class action law suits, medical malpractice cases, representation of undocumented individuals, and abortion or abortion-counseling services.

Medical-legal partnerships also have broad support from prominent organizations representing physicians and attorneys. They've received the endorsement of the American Medical Association, the American Bar Association, the American Academy of Pediatrics, the American Hospital Association, and the Accreditation Council of Graduate Medical Education, to name just a few.

Through this community-based, common-sense investment, we will be able to help some of our most vulnerable citizens avoid illness and hospitalization, while reducing costs across the entire health care system.

I urge my colleagues to join me in supporting this investment in medical-legal partnerships.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical-Legal Partnership for Health Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Numerous studies and reports, including the annual National Healthcare Disparities Report and Unequal Treatment, the 2002 Institute of Medicine Report, document the extensiveness to which vulnerable populations suffer from health disparities across the country.

(2) These studies have found that, on average, racial and ethnic minorities and low-income populations are disproportionately afflicted with chronic and acute conditions such as asthma, cancer, diabetes, and hypertension and suffer worse health outcomes, worse health status, and higher mortality rates.

(3) Several recent studies also show that health and healthcare quality are a function

of not only access to healthcare, but also the social determinants of health, including the environment, the physical structure of communities, socio-economic status, nutrition, educational attainment, employment, race, ethnicity, geography, and language preference, that directly and indirectly affect the health, healthcare, and wellness of individuals and communities.

(4) Formally integrating medical and legal professionals in the health setting can more effectively address the health needs of vulnerable populations and ultimately reduce health disparities.

(5) All over the United States, healthcare providers who take care of low-income individuals and families are partnering with legal professionals to assist them in providing better quality of healthcare.

(6) Medical-legal partnerships integrate lawyers in a health setting to help patients navigate the complex government, legal, and service systems in addressing social determinants of health, such as income supports for food insecure families and mold removal from the home of asthmatics.

(b) PURPOSES.—The purposes of this Act are to—

(1) support and advance opportunity for medical-legal partnerships to be more fully integrated in healthcare settings nationwide;

(2) to improve the quality of care for vulnerable populations by reducing health disparities among health disparities populations and addressing the social determinants of health; and

(3) identify and develop cost-effective strategies that will improve patient outcomes and realize savings for healthcare systems.

SEC. 3. MEDICAL-LEGAL PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a nationwide demonstration project consisting of—

(1) awarding grants to, and entering into contracts with, medical-legal partnerships to assist patients and their families to navigate programs and activities; and

(2) evaluating the effectiveness of such partnerships.

(b) TECHNICAL ASSISTANCE.—The Secretary may, directly or through grants or contracts, provide technical assistance to grantees under subsection (a)(1) to support the establishment and sustainability of medical-legal partnerships. Not to exceed 5 percent of the amount appropriated to carry out this section in a fiscal year may be used for purposes of this subsection.

(c) FUNDING.—

(1) USE OF FUNDS.—Amounts received as a grant or pursuant to a contract under this section shall be used to assist patients and their families to navigate health-related programs and activities for purposes of achieving one or more of the following goals:

(A) Enhancing access to healthcare services.

(B) Improving health outcomes for low-income individuals, as defined in subsection (g).

(C) Reducing health disparities among health disparities populations.

(D) Enhancing wellness and prevention of chronic conditions and other health problems.

(E) Reducing cost of care to the healthcare system.

(F) Addressing the social determinants of health.

(G) Addressing situational contributing factors.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as may be necessary, but not to exceed \$10,000,000, for each of the fiscal years 2012 through 2016.

(3) **MATCHING REQUIREMENT.**—For each fiscal year, the Secretary may not award a grant or contract under this section to a entity unless the entity agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant or contract awarded under this section in an amount that is not less than \$1 for each \$10 of Federal funds provided under the grant or contract.

(4) **ALLOCATION.**—Of the amounts appropriated pursuant to paragraph (2) for a fiscal year, the Secretary may obligate not more than 5 percent for the administrative expenses of the Secretary in carrying out this section.

(d) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant or contract under this section, an entity shall—

(1) be an organization experienced in bridging the medical and legal professions on behalf of vulnerable populations nationally; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information demonstrating that the applicant has experience in bridging the medical and legal professions or a strategy or plan for cultivating and building medical-legal partnerships.

(e) **PROHIBITIONS.**—No funds under this section may be used—

(1) for any medical malpractice action or proceeding;

(2) to provide any support to an alien who is not—

(A) a qualified alien (as defined in section 431 of the Immigration and Nationality Act);

(B) a nonimmigrant under the Immigration and Nationality Act; or

(C) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year;

(3) to provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion; or

(4) to initiate or participate in a class action lawsuit.

(f) **REPORTS.**—

(1) **FINAL REPORT BY SECRETARY.**—Not later than 6 months after the date of the completion of the demonstration program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the program outcomes, including—

(i) a description of the extent to which medical-legal partnerships funded through this section achieved the goals described in subsection (b);

(ii) quantitative and qualitative analysis of baseline and benchmark measures; and

(iii) aggregate information about the individuals served and program activities.

(B) Recommendations on whether the programs funded under this section could be used to improve patient outcomes in other public health areas.

(2) **INTERIM REPORTS BY SECRETARY.**—The Secretary may provide interim reports to the Congress on the demonstration program under this section at such intervals as the Secretary determines to be appropriate.

(3) **REPORTS BY GRANTEES.**—The Secretary may require each recipient of a grant under

this section to submit interim and final reports on the programs carried out by such recipient with such grant.

(g) **DEFINITIONS.**—In this section:

(1) The term “health disparities populations” has the meaning given such term in section 485E(d) of the Public Health Service Act.

(2) The term “low-income individuals” refers to the population of individuals and families who earn up to 200 percent of the Federal poverty level.

(3) The term “medical-legal partnership” means an entity—

(A) that is a partnership between—

(i) a community health center, public hospital, children’s hospital, or other provider of healthcare services to a significant number of low-income beneficiaries; and

(ii) one or more legal professionals; and

(B) whose primary mission is to assist patients and their families navigate health-related programs, activities, and services through the provision of relevant civil legal assistance on-site in the healthcare setting involved, in conjunction with regular training for healthcare staff and providers regarding the connections between legal interventions, social determinants, and health of low-income individuals.

(4) The term “Secretary” means the Secretary of Health and Human Services.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. CASEY, Mr. UDALL of New Mexico, and Mr. WYDEN):

S. 1612. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Targeting Transnational Drug Trafficking Act of 2011 with my colleagues and friends, Senator CHARLES GRASSLEY, Senator CHARLES SCHUMER, Senator RICHARD BLUMENTHAL, Senator TOM UDALL, Senator ROBERT CASEY and Senator RON WYDEN.

This bill will support the Obama Administration’s recently released Strategy to Combat Transnational Organized Crime by providing the Department of Justice with crucial tools to help combat the international drug trade. As drug traffickers find new and innovative ways to avoid prosecution, we must keep up with them rather than allowing our laws to lag behind.

This legislation has three main components. First, it puts in place penalties for extraterritorial drug trafficking activity when individuals have reasonable cause to believe that illegal drugs will be trafficked into the United States. Current law says that drug traffickers must know that illegal drugs will be trafficked into the United States and this legislation would lower the knowledge threshold to reasonable cause to believe.

The Department of Justice has informed my office that with increasing frequency, it sees drug traffickers from Colombia, Ecuador and Peru who produce cocaine in their countries but

leave transit of cocaine to the United States in the hands of Mexican drug trafficking organizations such as the Zetas. Under current law, our ability to prosecute source-nation traffickers from Colombia, Ecuador and Peru is limited since there is often no direct evidence of their knowledge that illegal drugs were intended for the United States.

Second, this bill ensures that current penalties apply to precursor chemical producers from other countries. This includes those producing pseudoephedrine used for methamphetamine who illegally ship precursor chemicals into the United States knowing that these chemicals will be used to make illegal drugs.

Third, this bill will expand conspiracy liability when controlled substances are destined to the United States from a foreign country. This means that members of any conspiracy to distribute controlled substances will be subject to U.S. jurisdiction when at least one member of the conspiracy intends or knows that illegal drugs will be unlawfully imported into the United States.

As Chairman of the Senate Caucus on International Narcotics Control and as a public servant who has focused on law enforcement issues for many years, I know that we cannot sit idly by as drug traffickers find new ways to circumvent our laws. We must provide the Department of Justice with all of the tools it needs to prosecute drug kingpins both here at home and abroad.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Targeting Transnational Drug Trafficking Act of 2011”.

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

(a) **POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.**—Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking “It shall” and all that follows and inserting the following: “It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam intending, knowing, or having reasonable cause to believe that such substance will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

“(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

“(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

“(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.”.

(b) ATTEMPT AND CONSPIRACY.—Section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) is amended by adding at the end the following: “For a conspiracy to commit such an offense that requires the person to intend, know, or have reasonable cause to believe that a controlled substance will be unlawfully imported into the United States, it is sufficient to prove a conspiracy to commit the offense that only 1 member of the conspiracy intended, knew, or had reasonable cause to believe that the controlled substance would be unlawfully imported into the United States.”.

By Mr. REED (for himself and Mrs. HUTCHISON):

S. 1613. A bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined today by Senator HUTCHISON in the introduction of the Pediatric, Adolescent, and Young Adult Cancer Survivorship Research and Quality of Life Act of 2011.

The population of survivors of childhood cancer has grown exponentially over the years. In 1960, only 4 percent of children with cancer survived more than 5 years. Today, nearly 80 percent of children with cancer survive more than five years. While this is heartening news, as a result of their cancer and treatment, many of these children unfortunately have health complications, often life-threatening, for years to come. Indeed, after beating cancer, as many as ⅓ of these children suffer from late effects of their disease or treatment, including second cancers and heart and lung damage. There are also serious psychosocial impacts that these survivors face.

With so many facing the risk of these late effects, it is critical that resources are made available to help these survivors, especially those in underserved communities. Our legislation would enhance research on the late effects of childhood cancers and improve collaboration among providers so that doctors are better able to care for this population as they age. It would also establish a new pilot program to begin to explore models of care for childhood cancer survivors. Creating standard protocols and procedures will help providers, patients, and families know what to expect after beating cancer, including when to get certain check-ups and tests that guard against late effects.

This bill is part of a continuing effort to focus greater attention on childhood cancers. In 2008, I worked on a bipartisan basis to enact, the Caroline Pryce Walker Conquer Childhood Cancer Act. This law has increased support for research on childhood cancers and improved treatment for patients. But we must not stop there.

The legislation Senator HUTCHISON and I are introducing today to address the late effects of childhood cancer, will do more to help childhood cancer patients. I look forward to working with my colleagues to pass this legislation and help ensure that children who survive cancer live a long and healthy life.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pediatric, Adolescent, and Young Adult Cancer Survivorship Research and Quality of Life Act of 2011”.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) An estimated 12,400 children and adolescents under age 20 are diagnosed with cancer each year.

(2) In 1960, only 4 percent of children with cancer survived more than 5 years, but by 2011, cure rates have increased to 78 percent for children and adolescents under age 20.

(3) The population of survivors of childhood cancers has grown dramatically, to more than 300,000 individuals of all ages as of 2007.

(4) As many as ⅓ of childhood cancer survivors are likely to experience at least one late effect of treatment, with as many as ¼ experiencing a late effect that is serious or life-threatening. The most common late effects of childhood cancer are neurocognitive, psychological, cardiopulmonary, endocrine, and musculoskeletal effects and secondary malignancies.

(5) The late effects of cancer treatment may change as treatments evolve, which means that the monitoring and treatment of cancer survivors may need to be modified on a routine basis.

(6) The Institute of Medicine, in its reports on cancer survivorship entitled “Childhood Cancer Survivorship: Improving Care and Quality of Life”, states that an organized system of care and a method of care for pediatric cancer survivors is needed.

SEC. 3. CANCER SURVIVORSHIP PROGRAMS.

(a) CANCER SURVIVORSHIP PROGRAMS.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 417G. PILOT PROGRAMS TO EXPLORE MODEL SYSTEMS OF CARE FOR PEDIATRIC CANCER SURVIVORS.

“(a) IN GENERAL.—The Secretary may make grants to eligible entities to establish pilot programs to develop, study, or evaluate model systems for monitoring and caring for childhood cancer survivors.

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

“(1) a medical school;

“(2) a children’s hospital;

“(3) a cancer center; or

“(4) any other entity with significant experience and expertise in treating survivors of childhood cancers.

“(c) USE OF FUNDS.—The Secretary may make a grant under this section to an eligible entity only if the entity agrees—

“(1) to use the grant to establish a pilot program to develop, study, or evaluate one or more model systems for monitoring and caring for cancer survivors; and

“(2) in developing, studying, and evaluating such systems, to give special emphasis to—

“(A) the design of protocols for different models of follow-up care, monitoring, and other survivorship programs (including peer support and mentoring programs);

“(B) the development of various models for providing multidisciplinary care;

“(C) the dissemination of information and the provision of training to health care providers about how to provide linguistically and culturally competent follow-up care and monitoring to cancer survivors and their families;

“(D) the development of support programs to improve the quality of life of cancer survivors;

“(E) the design of systems for the effective transfer of treatment information and care summaries from cancer care providers to other health care providers (including risk factors and a plan for recommended follow-up care);

“(F) the dissemination of the information and programs described in subparagraphs (A) through (E) to other health care providers (including primary care physicians and internists) to cancer survivors and their families, where appropriate; and

“(G) the development of initiatives that promote the coordination and effective transition of care between cancer care providers, primary care physicians, and mental health professionals.

“(d) FUNDING.—For each of fiscal years 2013 through 2017, the Secretary may transfer out of funds otherwise appropriated to the Department of Health and Human Services for a fiscal year the amount necessary to carry out this section.

“SEC. 417G-1. WORKFORCE DEVELOPMENT COLLABORATIVE ON MEDICAL AND PSYCHOSOCIAL CARE FOR CHILDHOOD CANCER SURVIVORS.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Pediatric, Adolescent, and Young Adult Cancer Survivorship Research and Quality of Life Act of 2011, the Secretary may convene a Workforce Development Collaborative on Medical and Psychosocial Care for Pediatric Cancer Survivors (referred to in this paragraph as the ‘Collaborative’). The Collaborative shall be a cross-specialty, multidisciplinary group composed of educators, consumer and family advocates, and providers of psychosocial and biomedical health services.

“(b) GOALS AND REPORTS.—The Collaborative shall submit to the Secretary a report establishing a plan to meet the following objectives for medical and psychosocial care workforce development:

“(1) Identifying, refining, and broadly disseminating to healthcare educators information about workforce competencies, models, and preservices curricula relevant to providing medical and psychosocial services to individuals with pediatric cancers.

“(2) Adapting curricula for continuing education of the existing workforce using efficient workplace-based learning approaches.

“(3) Developing the skills of faculty and other trainers in teaching psychosocial health care using evidence-based teaching strategies.

“(4) Strengthening the emphasis on psychosocial healthcare in educational accreditation standards and professional licensing and certification exams by recommending

revisions to the relevant oversight organizations.

“(5) Evaluating the effectiveness of patient navigators in pediatric cancer survivorship care.

“(6) Evaluating the effectiveness of peer support programs in the psychosocial care of pediatric cancer patients and survivors.

“(c) FUNDING.—For each of fiscal years 2013 through 2017, the Secretary may transfer out of funds otherwise appropriated to the Department of Health and Human Services for a fiscal year the amount necessary to carry out this section.”.

(b) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107-172; 116 Stat. 541) is amended by striking “section 419C” and inserting “section 417C”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107-172; 116 Stat. 541).

SEC. 4. GRANTS TO IMPROVE CARE FOR PEDIATRIC CANCER SURVIVORS.

Section 417E of the Public Health Service Act (42 U.S.C. 285a-11) is amended—

(1) in the heading, by striking “**RESEARCH AND AWARENESS**” and inserting “**RESEARCH, AWARENESS, AND SURVIVORSHIP**”;

(2) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (4); and

(B) by inserting after paragraph (1) the following:

“(2) RESEARCH ON CAUSES OF HEALTH DISPARITIES IN PEDIATRIC CANCER SURVIVORSHIP.—

“(A) GRANTS.—The Director of NIH, acting through the Director of the Institute, in coordination with ongoing research activities, may make grants to entities to conduct research relating to—

“(i) needs and outcomes of pediatric cancer survivors within minority or other medically underserved populations;

“(ii) health disparities in pediatric cancer survivorship outcomes within minority or other medically underserved populations;

“(iii) barriers that pediatric cancer survivors within minority or other medically underserved populations face in receiving follow-up care; and

“(iv) familial, socioeconomic, and other environmental factors and the impact of such factors on treatment outcomes and survivorship.

“(B) BALANCED APPROACH.—In making grants for research under subparagraph (A)(i) on pediatric cancer survivors within minority or other medically underserved populations, the Director of NIH shall ensure that such research addresses both the physical and the psychological needs of such survivors.

“(3) RESEARCH ON LATE EFFECTS AND FOLLOW-UP CARE FOR PEDIATRIC CANCER SURVIVORS.—The Director of NIH, in coordination with ongoing research activities, shall conduct or support research on follow-up care for pediatric cancer survivors, with special emphasis given to—

“(A) the development of indicators used for long-term patient tracking and analysis of the late effects of cancer treatment for pediatric cancer survivors;

“(B) the identification of risk factors associated with the late effects of cancer treatment;

“(C) the identification of predictors of neurocognitive and psychosocial outcomes;

“(D) initiatives to protect cancer survivors from the late effects of cancer treatment;

“(E) transitions in care for pediatric cancer survivors;

“(F) training of professionals to provide linguistically and culturally competent follow-up care to pediatric cancer survivors; and

“(G) different models of follow-up care.”; and

(3) in subsection (d), by striking “2013” and inserting “2017”.

By Mr. MENENDEZ (for himself and Mr. ENZI):

S. 1616. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise to introduce a critical bill for our economic recovery. As communities across the country continue to recover from the economic downturn and devastating falling property values, commercial real estate properties throughout the nation are confronting a severe equity crisis. Just as the crash in the residential real estate market triggered the most severe economic recession in generations, the looming crisis in the commercial real estate market, if left unchecked, could prove to be devastating for our fragile economic recovery.

Studies have shown that more than \$1 trillion of commercial real estate loans will be maturing in just the next few years. In fact, by 2018 more than \$2.4 trillion dollars of loans held by insurance companies, thrifts, banks, and in commercial mortgage-backed securities will mature. Just as we saw with home mortgages, if these borrowers can't secure other funding options when these payments come due, commercial properties across the country will go into foreclosure, leaving communities with even more vacant storefronts, less jobs, lower tax revenues, and a deeper economic hole to dig themselves out of.

Simply put, the commercial real estate industry has an equity problem too large for domestic investment alone to solve.

Unfortunately, certain tax rules—most of which were drafted 30 years ago, before the current crisis could be foreseen—impose significant penalties on foreign investments in domestic real estate that do not exist on other types of U.S. investments such as corporate stocks and bonds. As a result, overseas investors are discouraged from investing in U.S. real estate at a time when their capital is sorely needed.

These rules, created by the Foreign Investment in Real Property Tax Act, or FIRPTA as it is come to be known, freeze out foreign investment in our real estate markets by imposing an arbitrary withholding tax on the gains

realized by overseas capital invested in domestic properties.

Not only is this different treatment questionable as a policy, it is damaging to the economy. At no point have these rules been more damaging to the economy than today. They continue to keep capital out of the U.S. at a time when commercial real estate in all of our communities desperately needs the equity investment.

If these rules are not reformed, it is a real possibility that hundreds of billions of dollars in debt would go into default, triggering massive foreclosures, significant decreases in property values and a severe constriction of capital available for U.S. consumers and businesses—absolutely the last thing this economy needs right now.

That is why today, Senator ENZI and I are introducing bipartisan, bicameral legislation that would implement efficient and meaningful reform of these tax rules to encourage more equity investment in U.S. real estate.

These reforms would help save communities all across America from the drag of a wave of commercial real estate foreclosures, help to restart the credit markets, and free up capital to create jobs and economic opportunities for families in every region of the country.

These provisions are modest but effective.

We are not tackling the bigger question of whether or not the existing FIRPTA rules are effective in a 21st century economy. This legislation simply creates targeted opportunities for investment in American real estate while preserving the underlying foreign ownership limits imposed by these tax rules.

We may not agree on a whole lot these days, but today we offer a bipartisan, bicameral solution to help the U.S. economy. I hope all of my colleagues can take the time to look at this bill, understand the positive effects it will have for every State, and we can get this done for the American people.

By Mr. REED (for himself, Mr. JOHANNES, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1617. A bill to establish the Council on Healthy Housing and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce with my colleague Senator JOHANNES, the Healthy Housing Council Act. I thank Senators BOXER, MERKLEY, and FRANKEN for joining us as original cosponsors of this bill.

Many factors impact health and wellness. Typically, doctors and other health professionals are able to counsel patients on the importance of exercise and healthy eating, for example, to prevent diseases and conditions. Too frequently, however, these providers

overlook the possibility of housing-related health hazards that patients knowingly or unknowingly come into contact with, which can also cause a variety of preventable diseases and conditions like cancer, lead poisoning, and asthma.

While there are many programs in place to address these hazards, these programs are fragmented and spread across many agencies. Our legislation, the Healthy Housing Council Act, would establish an independent inter-agency Council on Healthy Housing in the executive branch in order to improve the coordination of existing but fragmented programs, bringing these various efforts out of their respective silos and reducing duplication to improve the efficiency and efficacy of these efforts.

Through periodic meetings, Federal, State, and local government representatives, along with industry and non-profit representatives will meet to discuss ways to educate individuals and families on how to recognize housing-related health hazards and access the necessary services and preventive measures to combat these hazards. This collaboration is particularly critical as every member of the council will bring a different perspective to the table on how to review, monitor, and evaluate existing housing, health, energy, and environmental programs and work together to collectively improve these programs for the future. Then, in order to ensure that members of the public are informed of and benefit from the council's activities, the council would hold biannual stakeholder meetings, maintain an updated website, and work to unify healthy housing data collection and maintenance.

It is our goal for this council to help reduce the more than 5.7 million households living in conditions with moderate or severe health hazards, 23 million additional homes with lead-based paint hazards, 14,000 unintentional injury and fire deaths every year that result from housing-related hazards, and 21,000 radon-associated lung cancer deaths every year. Indeed, the council will help us embark on a path to assure that affordable and decent homes are also healthy.

This council could also be critical in helping to curb overall health care expenditures. For example, the annual cost of environmentally attributable childhood diseases, including cancer, lead poisoning, and cancer was \$76 billion in 2008 dollars, 3.5 percent of total health costs. Low-income and minority individuals and families who are disproportionately affected by housing-related health hazards are the same individuals and families who are typically enrolled in Medicaid or forgo insurance altogether, which costs Federal and States governments. Helping to improve housing conditions can help prevent an estimated 250,000 children

under the age of 6 from having elevated blood levels each year, nearly 10,000 emergency department visits for carbon monoxide exposure, and 12.3 million asthma attacks. Keeping children out of the doctor's office and emergency rooms will save families and the government money.

As Congress continues to explore methods to reduce spending and reign in our deficit and improve the health of individuals, children, and families, promoting low-cost measures to eliminate subpar housing can make a dramatic and meaningful difference, and I urge my colleagues to join me and Senators JOHANNES, BOXER, MERKLEY, and FRANKEN in supporting this bipartisan bill and other healthy housing efforts.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Housing Council Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the United States—

(A) 5,757,000 households live in homes with moderate or severe physical hazards;

(B) 23,000,000 homes have significant lead-based paint hazards;

(C) 6,000,000 homes have had signs of mice in the last 3 months; and

(D) 1 in 15 homes have dangerous levels of radon.

(2) Residents of housing that is poorly designed, constructed, or maintained are at risk for cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, asthma, and other illnesses and injuries. Vulnerable subpopulations, such as children and the elderly, are at elevated risk for housing-related illnesses and injuries.

(3) Because substandard housing typically poses the greatest risks, the disparities in the distribution of housing-related health hazards are striking. One million two hundred thousand housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

(4) Housing-related illnesses, including asthma and lead poisoning, disproportionately affect children from lower-income families and from specific racial and ethnic groups. The prevalence of being diagnosed with asthma in a lifetime is 24 percent among Puerto Rican children, 10.1 percent for Mexican-American children, 12.4 percent for non-Hispanic White children, and 21.8 percent for non-Hispanic Black children. Black children are twice as likely to die from residential injuries as White children, and 3 percent of Black children and 2 percent of Mexican-American children have elevated blood lead levels, as compared to only 1.3 percent of White children.

(5) The annual costs for environmentally attributable childhood diseases in the United States, including lead poisoning, asthma, and cancer, total \$76,000,000,000 in 2008 dollars. This amount is approximately 3.5 percent of total health care costs.

(6) Appropriate housing design, construction, and maintenance, timely correction of deficiencies, planning efforts, and low-cost preventive measures can reduce the incidence of serious injury or death, improve the ability of residents to survive in the event of a major catastrophe, and contribute to overall well-being and mental health. Lead hazard control in homes with lead-based paint hazards can reduce children's blood lead levels by as much as 34 percent. Properly installed and maintained smoke alarms reduce the risk of fire deaths by 50 percent.

(7) Providing healthy housing to families and individuals in the United States will help prevent an estimated 250,000 children from having elevated blood lead levels, 18,000 injury deaths, 12,000,000 nonfatal injuries, 3,000 deaths in house fires, 9,600 emergency department visits for carbon monoxide exposure, and 21,000 radon-associated lung cancer deaths that occur in United States housing each year, as well as 12,300,000 asthma attacks, and 14,000,000 missed school days.

(8) While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families and individuals to access assistance or to receive comprehensive information.

(9) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that families and individuals can access government programs and services in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COUNCIL.—The term "Council" means the Interagency Council on Healthy Housing established under section 4.

(2) HEALTHY HOUSING.—The term "healthy housing" means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(3) HOUSING.—The term "housing" means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(4) HOUSING-RELATED HEALTH HAZARD.—The term "housing-related health hazard" means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

(5) LOW-INCOME FAMILIES AND INDIVIDUALS.—The term "low-income families and individuals" means any household or individual with an income at or below 200 percent of the Federal poverty line.

(6) POVERTY LINE.—The term "poverty line" means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

(7) PROGRAM.—The term "program" includes any Federal, State, or local program providing housing or financial assistance, health care, mortgages, bond and tax financing, homebuyer support courses, financial education, mortgage insurance or loan guarantees, housing counseling, supportive services, energy assistance, or other assistance related to healthy housing.

(8) SERVICE.—The term "service" includes public and environmental health services, housing services, energy efficiency services, human services, and any other services needed to ensure that families and individuals in the United States have access to healthy housing.

SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent council to be known as the Interagency Council on Healthy Housing.

(b) **OBJECTIVES.**—The objectives of the Council are as follows:

(1) To promote the supply of and demand for healthy housing in the United States through capacity building, technical assistance, education, and public policy.

(2) To promote coordination and collaboration among the Federal departments and agencies involved with housing, public health, energy efficiency, emergency preparedness and response, and the environment to improve services for families and individuals residing in inadequate or unsafe housing and to make recommendations about needed changes in programs and services with an emphasis on—

(A) maximizing the impact of existing programs and services by transitioning the focus of such programs and services from categorical approaches to comprehensive approaches that consider and address multiple housing-related health hazards;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services;

(C) ensuring that resources, including assistance with capacity building, are targeted to and sufficient to meet the needs of high-risk communities, families, and individuals; and

(D) facilitating access by families and individuals to programs and services that help reduce health hazards in housing.

(3) To identify knowledge gaps, research needs, and policy and program deficiencies associated with inadequate housing conditions and housing-related illnesses and injuries.

(4) To help identify best practices for achieving and sustaining healthy housing.

(5) To help improve the quality of existing and newly constructed housing and related programs and services, including those programs and services which serve low-income families and individuals.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the healthy housing needs of families and individuals are met in a more effective and efficient manner.

(c) **MEMBERSHIP.**—The Council shall be composed of the following members:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Housing and Urban Development.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Energy.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Secretary of the Treasury.

(8) The Secretary of Agriculture.

(9) The Secretary of Education.

(10) The head of any other Federal agency as the Council considers appropriate.

(11) Six additional non-Federal employee members, as appointed by the President to serve terms not to exceed 2 years, of whom—

(A) 1 shall be a State or local Government Director of Health or the Environment;

(B) 1 shall be a State or local Government Director of Housing or Community Development;

(C) 2 shall represent nonprofit organizations involved in housing or health issues; and

(D) 2 shall represent for-profit entities involved in the housing, banking, or health insurance industries.

(d) **CO-CHAIRPERSONS.**—The co-Chairpersons of the Council shall be the Secretary of Housing and Urban Development and the Secretary of Health and Human Services.

(e) **VICE CHAIR.**—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) **MEETINGS.**—The Council shall meet at the call of either co-Chairperson or a majority of its members at any time, and no less often than annually.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) **RELEVANT ACTIVITIES.**—In carrying out the objectives described in section 4(b), the Council shall—

(1) review Federal programs and services that provide housing, health, energy, or environmental services to families and individuals;

(2) monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by Federal, State, and local agencies to assist families and individuals in accessing healthy housing and make recommendations about how such agencies can better work to meet the healthy housing and related needs of low-income families and individuals; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist families and individuals in meeting their healthy housing and related service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that families and individuals are able to easily access needed programs and services;

(C) work with States and local governments to better meet the needs of families and individuals for healthy housing by—

(i) holding meetings with State and local representatives; and

(ii) providing ongoing technical assistance and training to States and localities in better meeting the housing-related needs of such families and individuals;

(D) identify best practices for programs and services that assist families and individuals in accessing healthy housing, including model—

(i) programs linking housing, health, environmental, human, and energy services;

(ii) housing and remodeling financing products offered by government, quasi-government, and private sector entities;

(iii) housing and building codes and regulatory practices;

(iv) existing and new consensus specifications and work practices documents;

(v) capacity building and training programs that help increase and diversify the supply of practitioners who perform assessments of housing-related health hazards and interventions to address housing-related health hazards; and

(vi) programs that increase community awareness of, and education on, housing-related health hazards and available assessments and interventions;

(E) develop a comprehensive healthy housing research agenda that considers health, safety, environmental, and energy factors, to—

(i) identify cost-effective assessments and treatment protocols for housing-related health hazards in existing housing;

(ii) establish links between housing hazards and health outcomes;

(iii) track housing-related health problems including injuries, illnesses, and death;

(iv) track housing conditions that may be associated with health problems;

(v) identify cost-effective protocols for construction of new healthy housing; and

(vi) identify replicable and effective programs or strategies for addressing housing-related health hazards;

(4) hold biannual meetings with stakeholders and other interested parties in a location convenient for such stakeholders, or hold open Council meetings, to receive input and ideas about how to best meet the healthy housing needs of families and individuals;

(5) maintain an updated website of policies, meetings, best practices, programs and services, making use of existing websites as appropriate, to keep people informed of the activities of the Council; and

(6) work with member agencies to collect and maintain data on housing-related health hazards, illnesses, and injuries so that all data can be accessed in 1 place and to identify and address unmet data needs.

(b) **REPORTS.**—

(1) **BY MEMBERS.**—Each year the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that briefly summarizes—

(A) each healthy housing-related program and service administered by the agency and the number of families and individuals served by each program or service, the resources available in each program or service, and a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by families and individuals, with particular attention to the barriers and impediments experienced by low-income families and individuals;

(C) the efforts made by the agency to increase opportunities for families and individuals, including low-income families and individuals, to reside in healthy housing, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by the agency relating to the healthy housing needs of families and individuals.

(2) **BY THE COUNCIL.**—Each year, the Council shall prepare and transmit to the President and the Congress, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of housing-related health hazards, and associated illnesses and injuries, in the United States;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, nonprofit organizations and for-profit entities in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) **HEARINGS.**—The Council may hold such hearings, sit and act at such times and

places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) **INFORMATION FROM AGENCIES.**—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) **POSTAL SERVICES.**—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **CONTRACTS AND INTERAGENCY AGREEMENTS.**—The Council may enter into contracts with State, Tribal, and local governments, public agencies and private-sector entities, and into interagency agreements with Federal agencies. Such contracts and interagency agreements may be single-year or multi-year in duration.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) **STAFF.**—

(1) **EXECUTIVE DIRECTOR.**—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) **COMPENSATION.**—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council, except that the rate of pay for any such additional personnel may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(b) **TEMPORARY AND INTERMITTENT SERVICES.**—In carrying out its objectives, the Executive Director with the approval of the Council, may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Council, any Federal Government employee may be detailed to the Council with reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) **ADMINISTRATIVE SUPPORT.**—The Secretary of Housing and Urban Development shall provide the Council with such administrative (including office space) and support services as are necessary to ensure that the Council can carry out its functions in an efficient and expeditious manner.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act, \$750,000 for each of fiscal years 2012 through 2016.

(b) **AVAILABILITY.**—Amounts authorized to be appropriated by subsection (a) shall remain available for the 2 fiscal years following such appropriation.

By Mr. MENENDEZ (for himself,
Mr. REED, Mr. BENNET, Mr.
HARKIN, Mr. LAUTENBERG, Mr.
FRANKEN, Mr. MERKLEY, Mr.
SANDERS, Mr. BLUMENTHAL, Mr.
WYDEN, Mr. DURBIN, Mr.
CARDIN, Mr. AKAKA, Mr. WHITE-
HOUSE, Mr. COONS, Mrs. SHA-
HEEN, Ms. LANDRIEU, and Mr.
LEAHY):

S. 1621. A bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I rise to announce the introduction of the Livable Communities Act of 2011.

The Livable Communities Act presents an opportunity to save taxpayer dollars, reduce household expenditures, improve partnerships, and help local communities create places of lasting value, where businesses want to invest and families want to live.

It will strengthen rural, suburban, and urban communities by supporting local planning efforts to establish a vision for a desired future and chart a realistic course for getting there. The bill promotes local leadership by encouraging communities to partner strategically to develop solutions that are innovative and reflect their unique character, assets, and needs. It also directs public agencies to use taxpayer dollars more efficiently by coordinating investments in infrastructure, facilities, and services to meet multiple economic, environmental, and community objectives.

This bill is the next important step in transforming the Federal Government into a better partner in community efforts to achieve locally-defined goals, support families when they need it most, and keep the U.S. competitive in the global economy.

Dealing with change can be a real challenge—in our professional and personal lives, with our families, and in our communities. But change is an opportunity to move forward, if only we are open to recognizing it. We can accept and manage change or we can be steam-rolled by it.

I have heard horror stories from across the country about veterans hospitals being built in places that are not accessible by public transportation. I have heard of homebuyers who “drive to qualify” for mortgage financing only to rack up transportation costs that break their budgets when gas prices go up. Many of these families are paying 50 percent of their household income on housing and transportation costs alone. It may seem cheaper and easier in the short term to build on a corn field outside of town than it is to re-use land located close to existing transportation, power, and water infrastructure, but it often does not make sense in the long run.

This is why I welcomed the opportunity to work with Chairman Dodd on the Livable Communities Act in 2009 and why I am honored to be the leading sponsor of the updated legislation today. It is the most comprehensive piece of planning legislation that has been proposed in decades. If passed, it will have a transformative impact on the way the federal government sup-

ports locally-driven planning processes.

Unfortunately, when many on the other side of the aisle hear the word “livable,” they cringe. They think of top-down mandates from the Federal Government. What they fail to understand is that the beauty of what is “livable” is defined by the communities themselves to reflect the unique character, assets, and needs of that community.

The fact is the private sector wants to be located in communities that have dependable transportation systems to get their goods to market and their workers to their jobs. Businesses want to attract and retain workers and ensure that their enterprise will be viable in the long run. Private enterprise has spearheaded some of the most notable past and current planning efforts and the Federal Government should be a supportive, versatile partner in this work.

I invited bipartisan cooperation on the bill numerous times and although some offices quietly praise the good work going on in their communities, political pressure prevents them from doing so publicly. We remain optimistic that supporting community efforts to proactively plan for the future and save money by coordinating capital investment strategies are values we all support, regardless of the terminology we use to describe them.

The Livable Communities Act of 2011 is a streamlined approach that would keep the good work at the U.S. Department of Housing and Urban Development going. Its intent is to find better ways to coordinate interconnected but often silo-ed programs and policies that impact housing, transportation, and the environment and affect the way we live our daily lives.

The bill would formally authorize the existing HUD Office of Sustainable Housing and Communities, to work with the Department of Transportation and Environmental Protection Agency, to provide technical assistance and capacity support to communities working on integrated planning for housing, transportation, water and sewer infrastructure needs. These tools help communities develop projects that support job creation, leverage significant private sector investment, and bolster long-term economic resilience by creating places where businesses want to invest. Increased coordination at the regional and Federal level will cut red tape and save communities money as they plan for their future needs. The bill also directs the Office of Sustainable Housing and Communities to provide best practices and technical assistance to ensure that communities of all sizes learn from each other's success.

The Livable Communities Act of 2011 also directs HUD to coordinate with DOT and EPA to identify and eliminate

Federal barriers to sustainable development. The Office of Sustainable Housing and Communities will coordinate Federal sustainable development policies and research agendas to facilitate Federal collaboration by streamlining and reconciling program requirements and policies. It will also administer grant programs to support local planning for long-term housing and infrastructure needs. This will enable communities to foster economic development in an efficient and inclusive way. Selection criteria and eligible activities would be flexible to allow all sizes and types of communities to plan for a more sustainable future, including job creation; revitalizing existing small town Main Streets; reducing traffic congestion and pollution; protecting farmland, working landscapes, and green space; addressing vacant, abandoned, and foreclosed properties; and building more affordable and healthy housing.

The bill would also spur private investment in transit-oriented development, TOD, by helping communities overcome initial financing hurdles that so often lock up private investment and prevent desired transit-oriented, mixed-use development. Locally directed TOD provides numerous economic benefits, including increased property values and business activity as well as congestion reduction. TOD also promotes economic competitiveness by efficiently connecting our work force to educational and employment opportunities. This creates avenues for business growth in communities across the country and keeps America competitive in the global economy.

I know how important planning is to our communities. My home State of New Jersey is the most densely populated in the country, so we know the value of good community planning. Over the years we have learned some important lessons about how vital it is to make sure that our development projects are functional, serviceable, and livable at the human scale, places where people feel safe, where they want to spend time, relax as well as work—places where they can live, shop, and be connected to their surroundings. If this economic crisis is teaching us anything, it is to live within our means, think creatively about opportunities to leverage resources, and to invest now for future prosperity.

Good planning means saving \$122 billion on water, sewer, and roads over the next 25 years. It means protecting housing values by putting housing near transit. As President Obama remarked over two years ago, our days of building mindless sprawl are over. We simply cannot afford it. Now is the time to reinvest in our communities and infrastructure. The HUD-DOT-EPA Partnership for Sustainable Communities is doing this in a very active way. There are many members of Congress who

support this important work, but we need to convince more of them that we are right, and that—for the good of their communities—they should be on our side.

The fact is, we all have a role to play. The environment is substantially different today than it was ten years ago—twenty years ago when I was trying to get people on board with the idea reactivating an existing right of way to serve as the Hudson Bergen Light Rail when I was Mayor of Union City.

Today, communities are catching on. Innovation is happening. The Federal Government can be an important partner in helping communities achieve their goals. I can tell you that in Jersey City, “livable” means the transforming 111 acres of under-utilized industrial land into a mixed use, walkable community along the Hudson Bergen Light Rail. A quiet revolution is underway and communities like Jersey City are leading by example. It’s time for the Federal Government to catch up.

It is our job—together—all of us—to provide the information, tools, and encouragement these communities need, that Federal, State, and local agencies and elected officials need—to achieve the aspirations that they set for themselves.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Livable Communities Act of 2011”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When rural, suburban, and urban communities plan transportation, housing, and water infrastructure strategically it is estimated that these communities could save nearly \$122,000,000,000 in infrastructure costs over the next 25 years.

(2) Key Federal programs are missing a vital opportunity to boost economic growth at the local and regional level through better coordination of housing, transportation, and related infrastructure investments.

(3) Federal regulations and policies should support community efforts to implement and sustain progress toward the achievement of locally-defined development goals, in terms of—

(A) geographic location and proximity to existing resources; and

(B) maintaining structural and indoor environmental quality and minimizing health hazards.

(4) Greater coordination of public investment will provide direct support for immediate job creation and lay the groundwork for long-term resilience and prosperity by leveraging significant private sector and philanthropic investment to make the most of Federal funding.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to strengthen rural, suburban, and urban economies by enabling communities to establish goals for the future and to chart a course for achieving such goals;

(2) to promote local leadership by encouraging communities to develop innovative solutions that reflect the unique economic assets and needs of the communities;

(3) to maximize returns on Federal funding of housing, transportation, and other infrastructure projects through the coordination of Federal grant programs, regulations, and requirements, by reducing the number of duplicative Federal programs and improving the efficiency and effectiveness of programs and policies of the Department of Housing and Urban Development, the Department of Transportation, the Environmental Protection Agency, and other Federal agencies, as appropriate; and

(4) to ensure that Federal funding supports locally defined long range development goals.

SEC. 4. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AFFORDABLE HOUSING.—The term “affordable housing” means housing, the cost of which does not exceed 30 percent of the income of a family.

(2) COMPREHENSIVE REGIONAL PLAN.—The term “comprehensive regional plan” means a plan that—

(A) uses a cooperative, locally controlled and inclusive public engagement process to identify needs and goals across a region and to integrate related planning processes;

(B) prioritizes projects for implementation, including healthy housing projects; and

(C) is tied to short-term capital improvement programs and annual budgets.

(3) DEPARTMENT.—The term “Department” means the Department of Housing and Urban Development.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Sustainable Housing and Communities established under section 5.

(5) EXTREMELY LOW-INCOME FAMILY.—The term “extremely low-income family” means a family that has an income that does not exceed—

(A) 30 percent of the median income in the area where the family lives, as determined by the Secretary, with appropriate adjustments for the size of the family; or

(B) a percentage of the median income in the area where the family lives, as determined by the Secretary upon a finding by the Secretary that such percentage is necessary due to unusually high or low family incomes in the area where the family lives.

(6) HEALTHY HOUSING.—The term “healthy housing” means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of the housing.

(7) HOUSING-RELATED HEALTH HAZARD.—The term “housing-related health hazard” means any biological, physical, or chemical source of exposure or condition in, or immediately adjacent to, housing that could adversely affect human health.

(8) INDIAN TRIBE.—The term “Indian tribe” has the same meaning as in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(9) LIVABLE COMMUNITY.—The term “livable community” means a metropolitan, urban, suburban, or rural community that—

(A) provides safe, reliable, and accessible transportation choices;

(B) provides long-term affordable, accessible, energy-efficient, and location-efficient housing choices for people of all ages, incomes, races, and ethnicities;

(C) supports, revitalizes, and encourages the growth of existing communities and maximizes the cost-effectiveness of existing infrastructure;

(D) promotes economic development and economic competitiveness;

(E) preserves the environment and natural resources;

(F) protects agricultural land, rural land, and green spaces; and

(G) supports public health and improves the quality of life for residents of, and workers in, the community.

(10) **LOCATION-EFFICIENT.**—The term “location-efficient” characterizes mixed-use development or neighborhoods that integrate housing, commercial development, and facilities and amenities—

(A) to lower living expenses for working families;

(B) to enhance mobility;

(C) to encourage private investment in transit-oriented development; and

(D) to encourage private sector infill development and maximize the use of existing infrastructure.

(11) **LOW-INCOME FAMILY.**—The term “low-income family” has the meaning given that term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(12) **METROPOLITAN PLANNING ORGANIZATION.**—The term “metropolitan planning organization” means a metropolitan planning organization described in section 134(b) of title 23, United States Code or section 5303(b) of title 49, United States Code.

(13) **OFFICE.**—The term “Office” means the Office of Sustainable Housing and Communities established under section 5.

(14) **REGIONAL COUNCIL.**—The term “regional council” means a multiservice regional organization with State and locally defined boundaries that is—

(A) accountable to units of general local government;

(B) delivers a variety of Federal, State, and local programs; and

(C) performs planning functions and provides professional and technical assistance.

(15) **RURAL PLANNING ORGANIZATION.**—The term “rural planning organization” means a voluntary regional organization of local elected officials and representatives of local transportation systems that—

(A) works in cooperation with the department of transportation (or equivalent entity) of a State to plan transportation networks and advise officials of the State on transportation planning; and

(B) is located in a rural area—

(i) with a population of not less than 5,000; and

(ii) that is not located in an area represented by a metropolitan planning organization.

(16) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(17) **STATE.**—The term “State” has the meaning given that term by the Secretary, by rule.

(18) **TRANSIT-ORIENTED DEVELOPMENT.**—The term “transit-oriented development” means high-density, walkable, location-efficient, mixed-use development, including commercial development, affordable housing, and market-rate housing, that is within walking distance of and accessible to 1 or more public transportation facilities.

(19) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means—

(A) a city, county, town, township, parish, village, or other general purpose political subdivision of a State; or

(B) a combination of general purpose political subdivisions, as determined by the Secretary.

(20) **UNIT OF SPECIAL PURPOSE LOCAL GOVERNMENT.**—The term “unit of special purpose local government” —

(A) means a division of a unit of general purpose government that serves a special purpose and does not provide a broad array of services; and

(B) includes an entity such as a school district, a housing agency, a transit agency, and a parks and recreation district.

(21) **VERY LOW-INCOME FAMILY.**—The term “very low-income family” has the same meaning as in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

SEC. 5. OFFICE OF SUSTAINABLE HOUSING AND COMMUNITIES.

(a) **OFFICE ESTABLISHED.**—There is established in the Department an Office of Sustainable Housing and Communities, which shall—

(1) coordinate Federal policies that—

(A) encourage locally directed comprehensive and integrated planning and development at the State, regional, and local levels;

(B) encourage coordinated public investments through the development of comprehensive regional plans;

(C) provide long-term affordable, accessible, energy-efficient, healthy, location-efficient housing choices for people of all ages, incomes, races, and ethnicities, particularly for low-, very low-, and extremely low-income families; and

(D) achieve other goals consistent with the purposes of this Act;

(2) review Federal programs and policies to determine barriers to interagency collaboration and make recommendations to promote the ability of local communities to access resources in the Department and throughout the Federal Government and coordinate with and conduct outreach to Federal agencies, including the Department of Transportation and the Environmental Protection Agency, on methods to reduce duplicative programs and improve the efficiency and effectiveness of programs within the Department of Transportation, the Environmental Protection Agency, and the Department of Housing and Urban Development;

(3) conduct research and advise the Secretary on the research agenda of the Department relating to coordinated development, in collaboration with the Office of Policy Development and Research of the Department;

(4) implement and oversee the grant programs established under this Act by—

(A) developing the process and format for grant applications for each grant program;

(B) promulgating regulations or guidance relating to each grant program;

(C) selecting recipients of grants under each grant program;

(D) creating performance measures for recipients of grants under each grant program;

(E) developing technical assistance and other guidance to assist recipients of grants and potential applicants for grants under each grant program;

(F) monitoring and evaluating the performance of recipients of grants under each grant program; and

(G) carrying out such other activities relating to the administration of the grant

programs under this Act as the Secretary determines are necessary;

(5) provide guidance, information on best practices, and technical assistance to communities seeking to adopt sustainable development policies and practices;

(6) administer initiatives of the Department relating to the policies described in paragraph (1), as determined by the Secretary; and

(7) work with the Federal Transit Administration of the Department of Transportation and other offices and administrations of the Department of Transportation, as appropriate—

(A) to encourage transit-oriented development; and

(B) to coordinate Federal housing, community development, and transportation policies, including the policies described in paragraph (1).

(b) **DIRECTOR.**—The head of the Office shall be the Director of the Office of Sustainable Housing and Communities.

(c) **DUTIES RELATING TO GRANT PROGRAMS.**—

(1) **IN GENERAL.**—The Director shall carry out the grant programs established under this Act.

(2) **SMALL AND RURAL COMMUNITIES GRANTS PROGRAM.**—The Director shall coordinate with the Secretary of Agriculture to make grants to small and rural communities under sections 7 and 8.

(3) **TECHNICAL ASSISTANCE FOR GRANT RECIPIENTS AND APPLICANTS.**—The Director may—

(A) coordinate with other Federal agencies to establish interagency and multidisciplinary teams to provide technical assistance to recipients of, and prospective applicants for, grants under this Act;

(B) by Federal interagency agreement, transfer funds to another Federal agency to facilitate and support technical assistance; and

(C) make contracts with third parties to provide technical assistance to grant recipients and prospective applicants for grants.

SEC. 6. COMPREHENSIVE PLANNING GRANT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “consortium of units of general local governments” means a consortium of geographically contiguous units of general local government that the Secretary determines—

(A) represents all or part of a metropolitan statistical area, a micropolitan statistical area, or a noncore area;

(B) has the authority under State, tribal, or local law to carry out planning activities, including surveys, land use studies, environmental or public health analyses, and development of urban revitalization plans; and

(C) has provided documentation to the Secretary sufficient to demonstrate that the purpose of the consortium is to carry out a project using a grant awarded under this Act;

(2) the term “eligible entity” means—

(A) a partnership between a consortium of units of general local government and an eligible partner; or

(B) an Indian tribe, if—

(i) the Indian tribe has—

(I) a tribal entity that performs housing and land use planning functions; and

(II) a tribal entity that performs transportation and transportation planning functions; and

(ii) the Secretary determines that the isolated location and land expanse of the Indian tribe require the Secretary to treat the tribe

as an eligible entity for purposes of carrying out activities using a grant under this section;

(3) the term “eligible partner” means—

(A) a metropolitan planning organization, a rural planning organization, or a regional council; or

(B) a metropolitan planning organization, a rural planning organization, or a regional council, and—

(i) a State;

(ii) an Indian tribe;

(iii) a State and an Indian tribe; or

(iv) an institution of higher education;

(4) the term “grant program” means the comprehensive planning grant program established under subsection (b); and

(5) the term “noncore area” means a county or group of counties that are not designated by the Office of Management and Budget as a micropolitan statistical area or metropolitan statistical area.

(b) COMPREHENSIVE PLANNING GRANT PROGRAM ESTABLISHED.—The Director shall establish a comprehensive planning grant program to make grants to eligible entities to carry out a project—

(1) to coordinate locally defined planning processes, across jurisdictions and agencies;

(2) to identify regional partnerships for developing and implementing a comprehensive regional plan;

(3) to conduct or update assessments to determine regional needs and promote economic and community development;

(4) to develop or update—

(A) a comprehensive regional plan; or

(B) goals and strategies to implement an existing comprehensive regional plan and other related activities; and

(5) to identify local zoning and other code changes necessary to implement a comprehensive regional plan and promote sustainable development.

(c) GRANTS.—

(1) DIVERSITY OF GRANTEEES.—The Director shall ensure geographic diversity among and adequate representation from each of the following categories:

(A) SMALL AND RURAL COMMUNITIES.—Eligible entities that represent all or part of a noncore area, a micropolitan area, or a small metropolitan statistical area with a population of not more than 200,000.

(B) MID-SIZED METROPOLITAN COMMUNITIES.—Eligible entities that represent all or part of a metropolitan statistical area with a population of more than 200,000 and not more than 500,000.

(C) LARGE METROPOLITAN COMMUNITIES.—Eligible entities that represent all or part of a metropolitan statistical area with a population of more than 500,000.

(2) AWARD OF FUNDS TO SMALL AND RURAL COMMUNITIES.—

(A) IN GENERAL.—The Director shall—

(i) award not less than 15 percent of the funds under the grant program to eligible entities described in paragraph (1)(A); and

(ii) ensure diversity among the geographic regions and the size of the population of the communities served by recipients of grants that are eligible entities described in paragraph (1)(A).

(B) INSUFFICIENT APPLICATIONS.—If the Director determines that insufficient approvable applications have been submitted by eligible entities described in paragraph (1)(A), the Director may award less than 15 percent of the funds under the grant program to eligible entities described in paragraph (1)(A).

(3) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the

cost of a project carried out using a grant under the grant program may not exceed 80 percent.

(B) EXCEPTIONS.—

(i) SMALL AND RURAL COMMUNITIES.—In the case of an eligible entity described in paragraph (1)(A), the Federal share of the cost of a project carried out using a grant under the grant program may be 90 percent.

(ii) INDIAN TRIBES.—In the case of an eligible entity that is an Indian tribe, the Federal share of the cost of a project carried out using a grant under the grant program may be 100 percent.

(C) NON-FEDERAL SHARE.—

(i) IN-KIND CONTRIBUTIONS.—For the purposes of this section, in-kind contributions may be used for all or part of the non-Federal share of the cost of a project carried out using a grant under the grant program.

(ii) OTHER FEDERAL FUNDING.—Federal funding from sources other than the grant program may not be used for the non-Federal share of the cost of a project carried out using a grant under the grant program.

(4) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—An eligible entity that receives a grant under the grant program shall—

(i) obligate any funds received under the grant program not later than 2 years after the date on which the grant agreement under subsection (g) is made; and

(ii) expend any funds received under the grant program not later than 4 years after the date on which the grant agreement under subsection (g) is made.

(B) UNOBLIGATED AMOUNTS.—After the date described in subparagraph (A)(i), the Secretary may award to another eligible entity, to carry out activities under this section, any amounts that an eligible entity has not obligated under subparagraph (A)(i).

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires a grant under this section shall submit to the Director an application, at such time and in such manner as the Director shall prescribe, that contains—

(A) a description of the project proposed to be carried out by the eligible entity;

(B) a budget for the project that includes the anticipated Federal share of the cost of the project and a description of the source of the non-Federal share;

(C) the designation of a lead agency or organization, which may be the eligible entity, to receive and manage any funds received by the eligible entity under the grant program;

(D) a signed copy of a memorandum of understanding among local jurisdictions, including, as appropriate, a State, a tribe, units of general purpose local government, units of special purpose local government, metropolitan planning organizations, rural planning organizations, and regional councils that demonstrates—

(i) the creation of an eligible entity;

(ii) a description of the nature and extent of planned collaboration between the eligible entity and any partners of the eligible entity;

(iii) a commitment to develop a comprehensive regional plan; and

(iv) a commitment to implement the plan after the plan is developed;

(E) a certification that the eligible entity has—

(i) secured the participation, or made a good-faith effort to secure the participation, of transportation providers and public housing agencies within the area affected by the comprehensive regional plan and the entities described in clause (ii); and

(ii) created, or will create not later than 1 year after the date of the grant award, a regional advisory board to provide input and feedback on the development of the comprehensive regional plan that includes representatives of a State, the metropolitan planning organization, the rural planning organization, the regional council, local jurisdictions, non-profit organizations, and others, as deemed appropriate by the eligible entity, given the local context of the comprehensive planning effort; and

(F) a certification that the eligible entity has solicited public comment on the contents of the project description under subparagraph (A) that includes—

(i) a description of the process for receiving public comment relating to the proposal; and

(ii) such other information as the Director may require;

(G) a description of how the eligible entity will carry out the activities under subsection (f); and

(H) such additional information as the Director may require.

(2) INDIAN TRIBES.—An eligible entity that is an Indian tribe is not required to submit the certification under paragraph (1)(E).

(e) SELECTION.—In evaluating an application for a grant under the grant program, the Director shall consider the extent to which the application—

(1) demonstrates the technical capacity of the eligible entity to carry out the project;

(2) demonstrates the extent to which the consortium has developed partnerships throughout an entire region, including, as appropriate, partnerships with the entities described in subsection (d)(1)(D);

(3) demonstrates integration with local efforts in economic development and job creation;

(4) demonstrates a strategy for implementing a comprehensive regional plan through regional infrastructure investment plans and local land use plans;

(5) promotes diversity among the geographic regions and the size of the population of the communities served by recipients of grants under this section;

(6) demonstrates a commitment to seeking substantial public input during the planning process and public participation in the development of the comprehensive regional plan;

(7) demonstrates that a Federal grant is necessary to accomplish the project proposed to be carried out;

(8) minimizes the Federal share necessary to carry out the project and leverages State, local, or private resources;

(9) has a high quality overall; and

(10) demonstrates such other qualities as the Director may determine.

(f) ELIGIBLE ACTIVITIES.—An eligible entity that receives a grant under this section shall carry out a project that includes 1 or more of the following activities:

(1) Coordinating locally defined planning processes across jurisdictions and agencies.

(2) Identifying potential regional partnerships for developing and implementing a comprehensive regional plan.

(3) Conducting or updating assessments to determine regional needs, including healthy housing, and promote economic and community development.

(4) Developing or updating—

(A) a comprehensive regional plan; or

(B) goals and strategies to implement an existing comprehensive regional plan.

(5) Implementing local zoning and other code changes necessary to implement a comprehensive regional plan and promote sustainable development.

(g) **GRANT AGREEMENT.**—Each eligible entity that receives a grant under this section shall agree to establish, in coordination with the Director, performance measures, reporting requirements, and any other requirements that the Director determines are necessary, that must be met at the end of each year in which the eligible entity receives funds under the grant program.

(h) **PUBLIC OUTREACH.**—

(1) **OUTREACH REQUIRED.**—Each eligible entity that receives a grant under the grant program shall perform substantial outreach activities—

(A) to engage a broad cross-section of community stakeholders in the process of developing a comprehensive regional plan, including low-income families, minorities, older adults, and economically disadvantaged community members; and

(B) to create an effective means for stakeholders to participate in the development and implementation of a comprehensive regional plan.

(2) **FINALIZATION OF COMPREHENSIVE REGIONAL PLAN.**—

(A) **IN GENERAL.**—An eligible entity that receives a grant under the grant program may not finalize a comprehensive regional plan before the eligible entity holds a public hearing to obtain the views of citizens, public agencies, and other interested parties.

(B) **AVAILABILITY OF INFORMATION.**—Not later than 30 days before a hearing described in subparagraph (A), an eligible entity shall make the proposed comprehensive regional plan and all information relevant to the hearing available to the public for inspection during normal business hours.

(C) **NOTICE.**—Not later than 30 days before a hearing described in subparagraph (A), an eligible entity shall publish notice—

(i) of the hearing; and

(ii) that the information described in subparagraph (B) is available.

(i) **VIOLATION OF GRANT AGREEMENT OR FAILURE TO COMPLY WITH PUBLIC OUTREACH REQUIREMENTS.**—If the Director determines that an eligible entity has not met the performance measures established under subsection (g), is not making reasonable progress toward meeting such measures, is otherwise in violation of the grant agreement, or has not complied with the public outreach requirements under subsection (h), the Director may—

(1) withhold financial assistance until the requirements under the grant agreement or under subsection (h), as applicable, are met; or

(2) terminate the grant agreement.

(j) **REPORT ON THE COMPREHENSIVE PLANNING GRANT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which the grant agreement under subsection (g) expires, an eligible entity that receives a grant under the grant program shall submit a final report on the project to the Secretary.

(2) **CONTENTS OF REPORT.**—The report shall include—

(A) a detailed explanation of the activities undertaken using the grant, including an explanation of the completed project and how it achieves specific transit-oriented, transportation, housing, or sustainable community goals within the region;

(B) a discussion of any obstacles encountered in the planning process and how the eligible entity overcame the obstacles;

(C) an evaluation of the success of the project using the performance standards and measures established under subsection (g), including an evaluation of the planning process

and how the project contributes to carrying out the comprehensive regional plan; and

(D) any other information the Director may require.

(3) **INTERIM REPORT.**—The Director may require an eligible entity to submit an interim report, before the date on which the project for which the grant is awarded is completed.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary for the award of grants under this section, to remain available until expended—

(A) \$100,000,000 for fiscal year 2012; and

(B) \$125,000,000 for each of fiscal years 2013 through 2016.

(2) **TECHNICAL ASSISTANCE.**—The Director may use not more than 2 percent of the amounts made available under this subsection for a fiscal year for technical assistance under section 5(c)(3).

SEC. 7. COMMUNITY CHALLENGE GRANT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the terms “consortium of units of general local governments”, “eligible entity”, and “eligible partner” have the same meaning as in section 6; and

(2) the term “grant program” means the community challenge grant program established under subsection (b).

(b) **COMMUNITY CHALLENGE GRANT PROGRAM ESTABLISHED.**—The Director shall establish a community challenge grant program to make grants to eligible entities to—

(1) promote integrated planning and investments across policy and governmental jurisdictions; and

(2) implement projects identified in a comprehensive regional plan.

(c) **GRANTS.**—

(1) **DIVERSITY OF GRANTEEES.**—The Director shall ensure geographic diversity among and adequate representation from eligible entities in each of the categories described in section 6(c)(1).

(2) **TERMS AND CONDITIONS.**—Except as otherwise provided in this section, a grant under the grant program shall be made on the same terms and conditions as a grant under section 6.

(3) **EXPENDING FUNDS.**—An eligible entity that receives a grant under the grant program shall expend any funds received under the grant program not later than 5 years after the date on which the grant agreement under subsection (g) is made.

(d) **APPLICATION.**—

(1) **CONTENTS.**—An eligible entity that desires a grant under the grant program shall submit to the Director an application, at such time and in such manner as the Director shall prescribe, that contains—

(A) a copy of the comprehensive regional plan, whether developed as part of the comprehensive planning grant program under section 6 or developed independently;

(B) a description of the project or projects proposed to be carried out using a grant under the grant program;

(C) a description of any preliminary actions that have been or must be taken at the local or regional level to implement the project or projects under subparagraph (B), including the revision of land use or zoning policies;

(D) a signed copy of a memorandum of understanding among local jurisdictions, including, as appropriate, a State, units of general purpose local government, units of special purpose local government, metropolitan planning organizations, rural planning organizations, and regional councils that demonstrates—

(i) the creation of a consortium of units of general local government; and

(ii) a commitment to implement the activities described in the comprehensive regional plan; and

(E) a certification that the eligible entity has solicited public comment on the contents of the project or projects described in subparagraph (B) that includes—

(i) a certification that the eligible entity made information about the project or projects available and afforded citizens, public agencies, and other interested parties a reasonable opportunity to examine the content of the project or projects and to submit comments;

(ii) a description of the process for receiving public comment, and a description of the outreach efforts to affected populations and stakeholders;

(iii) a certification that the eligible entity—

(I) held a public hearing to obtain the views of citizens, public agencies, and other interested parties;

(II) made the proposed project and all information relevant to the hearing available for inspection by the public during normal business hours not less than 30 days before the hearing under subclause (I); and

(III) published a notice informing the public of the hearing under subclause (I) and the availability of the information described in subclause (II); and

(F) a budget for the project that includes the Federal share of the cost of the project or projects requested and a description of the source of the non-Federal share; and

(G) such additional information as the Director may require.

(2) **INDIAN TRIBES.**—An eligible entity that is an Indian tribe is not required to submit a memorandum of understanding under paragraph (1)(D).

(e) **SELECTION.**—In evaluating an application for a grant under the grant program, the Director shall consider the extent to which the application—

(1) demonstrates the technical capacity of the eligible entity to carry out the project;

(2) demonstrates the extent to which the eligible entity has developed partnerships throughout an entire region, including partnerships with units of special purpose local government and transportation providers;

(3) demonstrates clear and meaningful interjurisdictional cooperation and coordination of housing (including healthy housing), transportation, and environmental policies and plans;

(4) demonstrates a commitment to implementing a comprehensive regional plan and documents action taken or planned to implement the plan;

(5) minimizes the Federal share necessary to carry out the project and leverages a significant amount of State, local, or private resources;

(6) identifies original and innovative ideas to overcoming regional problems, including local land use and zoning (or other code) obstacles to carrying out the comprehensive regional plan;

(7) promotes diversity among the geographic regions and the size of the population of the communities served by recipients of grants under the grant program;

(8) demonstrates a commitment to substantial public input throughout the implementation process;

(9) demonstrates that a Federal grant is necessary to accomplish the project or projects proposed to be carried out;

(10) has a high quality overall; and

(11) demonstrates such other qualities as the Director may determine.

(f) GRANT ACTIVITIES.—

(1) PLANNING ACTIVITIES.—An eligible entity that receives a grant under the grant program may use not more than 10 percent of the grant for planning activities. Activities related to the updating, reform, or development of a local code, plan, or ordinance to implement projects contained in a comprehensive regional plan shall not be considered planning activities for the purposes of a grant under the grant program.

(2) PROJECTS AND INVESTMENTS.—An eligible entity that receives a grant under the grant program shall carry out 1 or more projects that are designed to achieve the goals identified in a comprehensive regional plan.

(g) GRANT AGREEMENT.—Each eligible entity that receives a grant under the grant program shall agree to establish, in coordination with the Director, performance measures, reporting requirements, and any other requirements that the Director determines are necessary, that must be met at the end of each year in which the eligible entity receives funds under the grant program.

(h) VIOLATION OF GRANT AGREEMENT.—If the Director determines that an eligible entity has not met the performance measures established under subsection (g), is not making reasonable progress toward meeting such measures, or is otherwise in violation of the grant agreement, the Director may—

(1) withhold financial assistance until the requirements under the grant agreement are met; or

(2) terminate the grant agreement.

(i) REPORT ON THE COMMUNITY CHALLENGE GRANT.—

(1) IN GENERAL.—Not later than 90 days after the date on which the grant agreement under subsection (g) expires, an eligible entity that receives a grant under the grant program shall submit a final report on the project to the Secretary.

(2) CONTENTS OF REPORT.—The report shall include—

(A) a detailed explanation of the activities undertaken using the grant, including an explanation of the completed project and how it achieves specific transit-oriented, transportation, housing, or sustainable community goals within the region;

(B) a discussion of any obstacles encountered in the planning and implementation process and how the eligible entity overcame the obstacles;

(C) an evaluation of the success of the project using the performance standards and measures established under subsection (g), including an evaluation of the planning and implementation process and how the project contributes to carrying out the comprehensive regional plan; and

(D) any other information the Director may require.

(3) INTERIM REPORT.—The Director may require an eligible entity to submit an interim report, before the date on which the project for which the grant is awarded is completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the award of grants under this section, to remain available until expended—

(A) \$30,000,000 for each of fiscal years 2012 and 2013;

(B) \$35,000,000 for fiscal year 2014;

(C) \$40,000,000 for fiscal year 2015; and

(D) \$45,000,000 for fiscal year 2016.

SEC. 8. CREDIT FACILITY TO SUPPORT TRANSIT-ORIENTED DEVELOPMENT.

(a) DEFINITIONS.—In this section—

(1) ELIGIBLE APPLICANT.—The term “eligible applicant” means a State or local government.

(2) ELIGIBLE AREA.—The term “eligible area” means the area within $\frac{1}{2}$ mile of an existing or planned major transit facility.

(3) ELIGIBLE BORROWER.—The term “eligible borrower” means—

(A) a governmental entity, authority, agency, or instrumentality;

(B) a corporation, partnership, joint venture, or trust on behalf of which an eligible applicant has submitted an application under subsection (c); or

(C) any other legal entity undertaking an infrastructure development project on behalf of which an eligible applicant has submitted an application under subsection (c).

(4) MAJOR TRANSIT FACILITY.—The term “major transit facility” means—

(A) a fixed-guideway transit station;

(B) a high speed rail or intercity rail station;

(C) a transit hub connecting more than 3 local transit lines; or

(D) a transit center located in an area other than an urbanized area.

(5) PLANNED MAJOR TRANSIT FACILITY.—The term “planned major transit facility” means a major transit facility for which appropriate environmental reviews have been completed and for which funding for construction can be reasonably anticipated.

(6) PROJECT.—The term “project” means an infrastructure project that is used to support a transit-oriented development in an eligible area, including—

(A) property enhancement, including conducting environmental remediation, park development, and open space acquisition;

(B) improvement of mobility and parking, including rehabilitating, or providing for additional, streets, transit stations, structured parking, walkways, and bikeways;

(C) utility development, including rehabilitating existing, or providing for new drinking water, wastewater, electric, and gas utilities; or

(D) community facilities, including child care centers.

(b) LOAN PROGRAM ESTABLISHED.—The Secretary may make or guarantee loans under this section to eligible borrowers for projects.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible applicant may submit to the Secretary an application for a loan or loan guarantee under this section—

(A) to fund a project carried out by the eligible applicant; or

(B) on behalf of an eligible borrower, to fund a project carried out by the eligible borrower.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary may make a loan or loan guarantee under this section for a project that—

(A) is part of a community-wide development plan, as defined by the Secretary;

(B) promotes sustainable development; and

(C) ensures that not less than 15 percent of any housing units constructed or substantially rehabilitated as part of transit-oriented development supported by the project are affordable over the long-term to, and occupied at time of initial occupancy by—

(i) renters with incomes at or below 60 percent of the area median; or

(ii) homeowners with incomes at or below 100 percent of the area median.

(2) CONSIDERATIONS.—The Secretary shall select the recipients of loans and loan guarantees under this section based on the extent to which—

(A) the transit-oriented development supported by the project will encourage increased use of transit;

(B) the transit-oriented development supported by the project will create or preserve long-term affordable housing units in addition to the housing units required to be made available under paragraph (1)(C) or will provide deeper affordability than required under paragraph (1)(C);

(C) the project will facilitate and encourage additional development or redevelopment in the overall transit station area;

(D) the local government has adopted policies that—

(i) promote long-term affordable housing; and

(ii) allow high-density, mixed-use development near transit stations;

(E) the transit-oriented development supported by the project is part of a comprehensive regional plan;

(F) the eligible borrower has established a reliable, dedicated revenue source to repay the loan;

(G) the project is not financially viable for the eligible borrower without a loan or loan guarantee under this section; and

(H) a loan or loan guarantee under this section would be used in conjunction with non-Federal loans to fund the project.

(e) ELIGIBLE SOURCES OF REPAYMENT.—A loan made or guaranteed under this section shall be repayable, in whole or in part, from dedicated revenue sources, which may include—

(1) user fees;

(2) property tax revenues;

(3) sales tax revenues;

(4) other revenue sources dedicated to the project by property owners and businesses; and

(5) a bond or other indebtedness backed by one of the revenue sources listed in this paragraph.

(f) INTEREST RATE.—The Secretary shall establish an interest rate for loans made or guaranteed under this section with reference to a benchmark interest rate (yield) on marketable Treasury securities with a maturity that is similar to the loans made or guaranteed under this section.

(g) MAXIMUM MATURITY.—The maturity of a loan made or guaranteed under this section may not exceed the lesser of—

(1) 35 years; or

(2) 90 percent of the useful life of any project to be financed by the loan, as determined by the Secretary.

(h) MAXIMUM LOAN GUARANTEE RATE.—

(1) IN GENERAL.—The guarantee rate on a loan guaranteed under this section may not exceed 75 percent of the amount of the loan.

(2) LOWER GUARANTEE RATE FOR LOW-RISK BORROWERS.—The Secretary shall establish a guarantee rate for loans to eligible borrowers that the Secretary determines pose a lower risk of default that is lower than the guarantee rate for loans to other eligible borrowers.

(i) FEES.—The Secretary shall establish fees for loans made or guaranteed under this section at a level that is sufficient to cover all or part of the costs to the Federal Government of making or guaranteeing a loan under this section.

(j) NONSUBORDINATION.—A loan made or guaranteed under this section may not be subordinated to the claims of any holder of an obligation relating to the project in the event of bankruptcy, insolvency, or liquidation.

(k) COMMENCEMENT OF REPAYMENT.—The scheduled repayment of principal or interest

on a loan made or guaranteed under this section shall commence not later than 5 years after the date of substantial completion of the project.

(1) REPAYMENT DEFERRAL FOR LOANS.—

(1) IN GENERAL.—If, at any time after the date of substantial completion of a project, the Secretary determines that dedicated revenue sources of an eligible borrower are insufficient to make the scheduled loan repayments of principal and interest on a loan made or guaranteed under this section, the Secretary may, subject to criteria established by the Secretary, allow the eligible borrower to add unpaid principal and interest to the outstanding balance of the loan.

(2) TREATMENT OF DEFERRED PAYMENTS.—Any payment deferred under this section shall—

(A) continue to accrue interest until fully repaid; and

(B) be scheduled to be amortized over the remaining term of the loan.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the cost of loans and loan guarantees under this section \$20,000,000 for each of fiscal years 2012 through 2016.

SEC. 9. HEALTHY HOMES.

(a) FEDERAL INITIATIVE TO SUPPORT HEALTHY HOUSING AND ERADICATE HOUSING-RELATED HEALTH HAZARDS.—The Secretary, acting through the Director of the Office of Healthy Homes and Lead Hazard Control and in consultation with the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, the Director of the National Institute of Standards and Technology, the Director of the National Institute of Environmental Health Sciences, and the Director of the Centers for Disease Control, shall lead the Federal initiative to support healthy housing and eradicate housing-related health hazards by—

(1) reviewing, monitoring, and evaluating Federal housing, health, energy, and environmental programs and identifying areas of overlap and duplication that could be improved;

(2) identifying best practices and model programs, including practices and programs that link services for low-income families and services for health hazards;

(3) identifying best practices for finance products, building codes, and regulatory practices;

(4) researching training programs and work practices that can accurately assess housing-related health hazards;

(5) promoting collaboration among Federal, State, local, and tribal agencies and non-governmental organizations; and

(6) coordinating with all relevant Federal agencies.

(b) ASSESSMENT.—The Secretary shall conduct a collaborative, interagency assessment of best practices for—

(1) coordinating activities relating to healthy housing;

(2) removing unnecessary barriers to interagency coordination in Federal statutes and regulations; and

(3) creating incentives in programs of the Federal Government to advance the complementary goals of improving environmental health, energy conservation, and the availability of housing.

(c) STUDY AND REPORT ON SUSTAINABLE BUILDING FEATURES AND INDOOR ENVIRONMENTAL QUALITY IN HOUSING.—

(1) STUDY.—The Secretary, in consultation with the Secretary of Energy, the Director of the National Institute of Standards and

Technology, the Director of the National Institute of Environmental Health Sciences, the Director of the Centers for Disease Control, and any other Federal agency that the Secretary determines is appropriate, shall conduct a detailed study of how sustainable building features in housing, such as energy efficiency, affect—

(A) the quality of the indoor environment;

(B) the prevalence of housing-related health hazards; and

(C) the health of occupants of the housing.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives a report containing the results of the study under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 10. INELIGIBILITY OF INDIVIDUALS WHO ARE NOT LAWFULLY PRESENT.

No housing assisted using a grant under this Act may be made available to an individual who is not lawfully present in the United States. Nothing in this Act may be construed to alter the restrictions or definitions under section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE THAT FUNDING FOR THE FEDERAL PELL GRANT PROGRAM SHOULD NOT BE CUT IN ANY DEFICIT REDUCTION PROGRAM

Mr. WHITEHOUSE (for himself, Mr. REED of Rhode Island, Mr. FRANKEN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. BLUMENTHAL, and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 274

Whereas the Federal Pell Grant program has been the cornerstone of the Federal financial aid system since grants were first distributed in the 1970s;

Whereas during 2010, almost 9,000,000 students in the United States received a Federal Pell Grant;

Whereas the number of students receiving a Federal Pell Grant increased by 26 percent between the 2008-2009 academic year and the 2009-2010 academic year;

Whereas when Federal Pell Grants were first distributed in 1976, such grants paid for 72 percent of the average cost of a 4-year public institution of higher education while in 2011 the maximum Federal Pell Grant covers only 34 percent of such cost;

Whereas 61 percent of students who received a Federal Pell Grant during the 2008-2009 academic year came from households that earned less than \$30,000 and 99 percent of such students came from households that earned \$50,000 a year or less;

Whereas during the 2008-2009 academic year, 68 percent of students receiving a Federal Pell Grant were 21 years of age or older;

Whereas the unemployment rate for individuals with a baccalaureate degree is consistently half of the unemployment rate for individuals with only a secondary school diploma; and

Whereas education is a vital part of ensuring that the United States workforce is prepared for the 21st Century and the United States remains the world leader in innovation: Now, therefore, be it

Resolved, That it is the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction package.

SENATE RESOLUTION 275—DESIGNATING OCTOBER 30, 2011, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. CANTWELL, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. CRAPO, Mr. MCCONNELL, and Mr. CORKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 275

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, and Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2011, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2011, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

Mr. BINGAMAN. Mr. President, I rise today to submit a resolution to encourage all Americans to support October 30, 2011 as a national day of remembrance for past and present workers in the U.S. nuclear weapons program. I am pleased that Senators ALEXANDER, CANTWELL, CRAPO, CORKER, GILLIBRAND, GRAHAM, MCCONNELL, MARK

UDALL and TOM UDALL, have joined me in introducing this bipartisan legislation.

Since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building our nuclear defense weapons. We should all take time to remember our fellow Americans who have paid a high price for their service to develop the nuclear program for United States.

Some of these workers have developed disabling or fatal illnesses, and we should recognize their sacrifice and contributions. By honoring nuclear complex workers and uranium miners who have contributed to our nation's defense over the past 6 decades, we will also recognize the sacrifices made by family members who have cared for sick and injured workers. Additionally, the commemoration on October 30th will serve to remind Americans that we still have work to do in ensuring the health and benefits of our nuclear weapons workers.

I urge my colleagues to support this important resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 22, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 22, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a oversight hearing entitled "Tribal Law and Order Act One Year Later: Have We Improved Public Safety and Justice Throughout Indian Country?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 22, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate on September 22, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Protecting Seniors and Persons with Disabilities—An Examination of Court-Appointed Guardians."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 22, 2011, at 1:30 p.m., to conduct a hearing entitled, "Improving Educational Outcomes for our Military and Veterans."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on September 22, 2011, at 2:30 p.m., to conduct a hearing entitled, "The European Debt and Financial Crisis: Origins, Options and Implications for the U.S. and Global Economy."

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Mr. REID. Madam President, I ask unanimous consent that we now proceed to H.R. 2883.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2883) to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I do not think there is any further debate on this measure.

The PRESIDING OFFICER. Is there further debate? If not, the bill is read a third time and any statements be printed in the RECORD as if read.

The bill (H.R. 2883) was ordered to a third reading, was read the third time and passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid on the table with no intervening action or debate and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1619

Mr. REID. Madam President, I understand that S. 1619 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Mr. REID. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 23, 2011

Mr. REID. Madam President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m., on Friday, September 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; following any leader remarks, the Senate be in a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. We await the House action on the continuing resolution. We will notify Senators when the votes are scheduled.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:23 p.m., adjourned until Friday, September 23, 2011, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JACQUELINE H. NGUYEN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIR-

CUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-177, APPROVED JANUARY 7, 2008.

BRIAN C. WIMES, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI, VICE NANETTE K. LAUGHREY, RETIRED.

DEPARTMENT OF JUSTICE

MICHAEL A. HUGHES, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN THOMAS CONBOY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER M. VANGJEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GILL P. BECK

HOUSE OF REPRESENTATIVES—Thursday, September 22, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 22, 2011.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE MUFFIN MAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, do you know the muffin man, the muffin man, the muffin man? Yes, I know the muffin man, but he doesn't live on Drury Lane. He lives at the Department of Justice on Justice Lane and is growing rich on selling \$16 muffins at Justice Lane.

The Department of Justice's inspector general states that at only 10 conferences the Department of Justice spent almost \$500,000 on refreshments. That's \$50,000 per conference for just refreshments. And that includes \$4,200 for 250 muffins.

Madam Speaker, how come these critters cost \$16 apiece? These are some high-dollar muffins that the Department of Justice is buying for its refreshments at conferences. Where do you even find a muffin that costs \$16? I've never seen one. Maybe they're shipped in from a special bakery in France with some secret ingredient. My favorite bakery, RAO's in Beaumont, Texas, tells me these things should be about \$2 apiece.

So why is the Justice Department with all those fancy lawyers letting the muffin man get away with this price gouging? Because the government doesn't care. It lives high on the hog with taxpayers' money.

So, Madam Speaker, do you know the muffin man, the muffin man? I know the muffin man, and the government should quit spending somebody else's money to keep the muffin man rolling in the dough.

And that's just the way it is.

AMERICA'S INFRASTRUCTURE DEFICIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

As Washington appears to be trapped in partisan gridlock, sliding to budget paralysis and the potential of another government shutdown looming, there is one particular area that doesn't get the attention it merits, even as it is the key to our economic recovery. This is our serious and ever-growing infrastructure deficit. America's roads, bridges, water systems, transit, aviation ports all are in serious need of repair.

The American Society of Civil Engineers has, over the years, given grades every 5 years to the state of infrastructure in the United States. Sadly, the latest survey showed that we are still getting a failing grade, and the gap necessary to bring these resources up to standard is growing larger, over \$2.3 trillion for 5 years to make it in a reasonable state of repair.

For example, we lose 6 billion gallons of water every day through leaks in aging pipes and sewer mains throughout the country. This is enough water to fill 9,000 Olympic-sized swimming pools. If you laid them end to end, you could swim from Washington, D.C., to Pittsburgh in the amount that is leaked every single day.

But it doesn't end there. In terms of the sad state of rail, deteriorating bridges, here is an opportunity for us to step forward dealing with a serious challenge that threatens America's productivity, threatens America's environmental and physical health, and puts hundreds of thousands of Americans to work at family wage jobs virtually overnight.

Madam Speaker, in times past, investment in infrastructure has been

something that has captured the vision for the United States; but more than that, it has been part of how we have repaired some of our problems fiscally.

Remember in 1982, Ronald Reagan approved, as part of his budget stabilization program, a 5-cent a gallon increase in a user fee for gasoline that helped put the budget in balance and be able to finance needed infrastructure.

In 1993, as part of the Clinton program that led to the first balanced budgets that we had seen in decades, every year the deficit declined until the last 3 years he was in office, three successive years of increasing budget surplus, while we had an unprecedented increase in jobs, they included a modest gas tax increase.

There are a whole host of areas for user fees. I have bipartisan legislation for a water trust fund that would deal with the problem I mentioned a moment ago. We have the superfund tax on the petrochemical industry to pay for the damage to the environment that they created that expired in 1995 and has not been renewed but we still have the superfunds to clean up, pushing that burden on State and local governments and on businesses that are required to spend money that wasn't their fault, giving the petrochemical industry a pass.

There's an opportunity, Madam Speaker, as the supercommittee is meeting, for Congress to step up in a bipartisan way to have resources to help rebuild and renew America. We're falling behind the Chinese. We're falling behind the Indians, the Brazilians, and the European Union, even while unemployment in the building trades is 20 percent or more from coast to coast.

There's an opportunity here for us to be able to stabilize the budget, deal with the infrastructure deficit, put hundreds of thousands of Americans to work virtually overnight, and maybe, just maybe, work together to heal the frayed political process here in Washington, D.C.

FUND FEMA NOT AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Thank you, Madam Speaker.

You know, Madam Speaker, it is so ironic that the American people are hurting in many, many ways, including those in my district from Hurricane Irene which did damage all of the way

up to Vermont, the fires in Texas, and tornadoes, and yet we can't come together as two different parties to find agreement to increase the funding for FEMA so they can help victims of these disasters, and yet we can find \$10 billion a month to send to a corrupt leader in Afghanistan so that he can wear his robes and his caps and American kids can die and lose their legs and arms.

I do not understand why this Congress and the President of the United States do not understand that it's time to bring our troops home.

□ 1010

The American people are hurting in many, many ways, and the folly of the last day here in Washington where we cannot come together to increase the funding for FEMA is absolutely unacceptable—unacceptable—to the people of this country.

I was listening to C-SPAN coming in today, and it was just really somewhat ironic that the people are so angry with Congress, both parties actually, and cannot figure out why we are not doing what's necessary to fix the economy and create jobs to fix the infrastructure that my friend from Oregon just talked about. Oh, yes, but we can still find \$10 billion a month for Mr. Karzai. Let's fix his roads in Afghanistan. Let's train his people to be troops and policemen.

Madam Speaker, that brings me to this poster I brought down to the floor today. Two little girls, Stephanie and Eden, their daddy, Sergeant Kevin Balduf, a United States marine stationed in Camp Lejeune, which is in my district, and Colonel Palmer, stationed at Cherry Point Marine Air Station, which is in my district, were sent to Afghanistan to train Afghans to be policemen.

One night, they were having dinner, the trainees, the colonel, and the sergeant, and one trainee pulled out a pistol and killed both of them. What is ironic is the day before Sergeant Balduf and Colonel Palmer were killed, Sergeant Balduf emailed his wife, Amy, and said: I don't trust them. I don't trust them. I don't trust any of them.

So these two little girls are standing at their daddy's funeral at Arlington. And you can see in their faces, Madam Speaker, a look of pain and a look of misunderstanding of what has happened. They don't understand what has happened.

So, Madam Speaker, I hope we in Congress will find the will to encourage President Obama to bring our troops home, because Secretary Gates has already said and been recorded that we will be there until 2015. How many young Americans have to die in the next 4 years to prop up a corrupt government? It makes no sense.

I hope the American people will rally behind those of us in both parties who

want to bring our troops home, and let's get them home before 2015.

Madam Speaker, I close this way, the way I always do: God, please bless our men and women in uniform; God, please bless the families of our men and women in uniform; God, in Your loving arms hold the families who have given a child dying for freedom in Afghanistan and Iraq; God, please bless the House and Senate that we will do what is right in God's eyes for God's people; and I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for God's people. And three times I will say, God, please, God, please, God, please continue to bless America.

HOUSING FORECLOSURES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Madam Speaker, I'm taking the floor today to talk about foreclosures.

The problem of housing foreclosures in this country continues to be one of the central reasons our economy is not moving forward. While a lot of this economic wreckage is avoidable, this Congress continues to fiddle while the American housing market burns. Families across this country are being tossed out in the street, and many of them don't need to be—and we can help them. We can help fix the housing market so that millions of American families can stay in their homes and others can have a smooth transition into renting. We could help, but this Congress is doing nothing.

Millions of homeowners are suffering through the worst recession in 100 years, and the Republican majority is not doing one single thing to help them. Just look at this map next to me. This is a snapshot of foreclosures across this country. The dark red areas are where the worst places are, but you see it covers everybody in the country.

Now, there isn't a district that isn't affected by this crisis. The housing market doesn't care about your politics. Three years after the Wall Street meltdown, millions of Americans are still facing foreclosure. One in four homeowners in this country is underwater, and home prices continue to drop.

While the housing market continues to steadily destruct and millions of Americans are needlessly pushed into poverty, this Congress isn't doing anything to stop it. Instead of fixing the economy, today we're going to debate a bill—a Republican bill—that attacks public health and children. The Republican priority is not foreclosures. It is to make sure that every American is breathing more mercury and toxins.

When the Democrats were in charge, it was different. We thought you should

be able to write down mortgage principal in bankruptcy and modify mortgages more easily and get lenders to the bargaining table to avoid foreclosure. But the last Congress, Republican Senators stopped all that. And in this Congress, the Republicans in the House want to make sure we don't do anything. Instead, they cut programs for foreclosures and cut affordable housing. Instead of taking actions, Republicans say the market will fix it. In the market we trust. Not in God we trust, but in the market we trust that everything will be better.

But we're losing. We're long past a healthy correction. The damage being done is completely unavoidable. Make no mistake, Republican economic philosophy is pushing millions of Americans into the street, middle class Americans.

It's important to remember it was the banks that caused this crisis. Well, we bailed out the banks, and how did they thank the American people for the bailout? The banks went into foreclosure overdrive. They robo-signed foreclosures and filed fraudulent documents as fast as they could.

FDR once said, "take a method and try it. If it fails, admit it frankly, and try another. But by all means, try something." And we can act. By just reducing the principal on all underwater homes to fair market value, \$71 billion would be injected into the economy. Every homeowner would save about \$6,500 a year in payments, and millions of new jobs would be created.

Banks are still sitting on \$1 trillion in cash. By using 7 percent of that money, there would be millions of people kept out of poverty. The banks can afford it and it would be something we seem to have lost all sight of in Congress—it would be fair. We can restart the economy by helping homeowners. We can come out of this economic crisis by putting responsible homeowners on solid ground. The map says it all. Homeowners are struggling in every district of every Member of this Congress.

We can fix this foreclosure disaster. We can help American families who play by the rules. We could start action today and help the middle class. But, no, what are we going to do? We are going to fool around out here about the rules of the EPA that protect people against toxins and mercury.

This Congress has lost its way and it needs a change. And it's going to come, because all those people who are in foreclosure in this country when the next election comes are going to ask, "What did the Republicans in the House do?" And the answer is, "Nothing."

EPA'S ENVIRONMENTAL JUSTICE INTERNSHIP PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Madam Speaker, I came to Washington, D.C., 9 months ago with the hope that we would restore a little bit of common sense and a whole lot of spending control to Washington, D.C. I also came to Washington, D.C., having never heard of an eco-ambassador. Now I had heard of ambassadors and I am familiar with the environment, but I had never heard of an eco-ambassador.

Indeed, I had never heard of an eco-ambassador until just a few short weeks ago when our Environmental Protection Agency that has done so much damage to our economy, so much damage to our Kansas' Fourth Congressional District, our farmers, our manufacturers, and our families, our Environmental Protection Agency decided at this time of massive Federal deficits that we needed a new program to create eco-ambassadors—eco-ambassadors, each of which will be given \$6,000 of your money, eco-ambassadors which, in exchange for that money, will come to Washington, D.C., and go back to their home places and work for 20 weeks—20 weeks for \$6,000—part-time at that—for their internship program.

When you read the requirements to be eligible to receive an eco-ambassador internship position, you will be fascinated to see that it is an ideologically driven program. Students who apply must have a strong interest in environmental justice, social justice issues, and other issues relating to environmental health disparities in health, volunteer, or employment settings. This is a liberals-only policy.

□ 1020

The Environmental Justice internship is of course administered with your taxpayer dollars. We don't need a program like this at any time; we certainly don't need it at this time.

So I have offered a bill, H.R. 2876, the EPA Student Nondiscrimination Act. It simply says that when you apply for employment with the Federal Government, we're not going to seek to find out whether you agree with this administration's radical environmental agenda. We're not going to seek to find out if you have worked as a community organizer. All we're going to ask is that you are qualified for the position.

Now, there are many efforts and many concerns about environmental disparities across the country. I share those concerns, but our EPA and our Justice Department already have many remedies for folks who feel like they have been discriminated against. What we don't need is yet another Federal program aimed at trying to solve a problem that we know can't be solved in Washington, D.C.

I'll close with this thought: this is a small program. The total dollars expended in the scale of our massive Federal deficit are very, very small; but it is symptomatic of a place, Washington, D.C., that has become completely disconnected from America and common-sense values, the values that we all have in Kansas. We don't need eco-ambassadors. We don't need this program. And I would ask my colleagues to support my legislation to eliminate it.

IT'S NOT TOO LATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. It's not too late. That's my message to Palestinian Authority President Abbas, who has announced his intention to seek unilateral Palestinian statehood at the United Nations this Friday. It's not too late to abandon this reckless route, engage in direct negotiations with Israeli Prime Minister Netanyahu, and choose the path to peace.

There is only one road to a peace agreement, and that is through direct talks between Israelis and Palestinians. This course forward is clearly outlined in the Oslo Peace Agreement, which states that the Israeli-Palestinian conflict must be resolved through direct, two-party negotiations. Anything outside of these direct talks—particularly this Palestinian appeal for U.N. recognition—is a dangerous digression from the known way forward.

In addition to veering from the track toward two states, a status upgrade at this time could allow the Palestinians to pursue cases against Israel in international institutions such as the International Criminal Court. Such institutions could even be used to request advisory rulings on final status issues, further circumventing two-party negotiations.

The U.S. has also made significant investments in bolstering Palestinian security and economic prosperity, all in an effort to enable the Palestinians to make the difficult concessions necessary to move toward peace. This appeal to the U.N. and rejection of direct two-party talks directly undermines considerable American efforts and investments in a peace deal. Abbas and the Palestinians need to come back to the negotiating table, and it is the U.S. that needs to lead them back and spearhead negotiations.

As a true and steadfast friend to Israel, there has never been a more vital time for America to stand strong with our ally. With the excitement and hope of the Arab Spring has also come a great deal of uncertainty—uncertainty about the strength of the relationship between Israel and Turkey; uncertainty about the willingness of the Egyptians to hold true to their

promises under the benchmark 1979 peace treaty; uncertainty about the security of the Sinai; uncertainty surrounding the speed with which Iran marches toward a nuclear bomb; and uncertainty about the number of rockets being stockpiled by Hezbollah and Hamas aimed at the homes of Israeli citizens.

But there is one thing that must never be uncertain: America's support for Israel. A threat to Israel's security or legitimacy is a threat to America, and we will not stand by and let Israel face these challenges alone. Upon her founding over six decades ago, the United States was the first Nation to recognize Israel. And since that recognition, the special bond between Israel and the U.S. has only grown stronger on the bedrock of the mutual principles of freedom, justice, and peace. Now is the time to stand with our old friend and lead the way to peace.

It is moments like these that test our mettle. It is moments like these that are recorded in our history books. And it is moments like these where we must show our leadership.

America must do everything in its power to end this perilous Palestinian bid for unilateral statehood and get direct negotiations between the two parties back on track. And President Abbas must know there will be consequences for choosing the path of confrontation over that of negotiation.

The course to unilateral recognition is not free. The Israeli-Palestinian peace process is at a pivotal crossroad. The Palestinians can choose to pursue the dead-end track toward U.N. recognition, or they can adjust their course in their wrongheaded U.N. bid and sit down at the negotiating table with Israel. The choice is theirs. It's not too late to choose the path toward peace.

CALAMITY OVER KLAMATH AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, this generation is facing spiraling electricity prices and increasingly scarce supplies. Californians have had to cut back to the point that their electricity consumption per capita is now lower than that of Guam, Luxembourg, and Aruba.

What is the administration's solution? Interior Secretary Ken Salazar announced yesterday that the administration is moving forward with a plan to destroy four perfectly good hydroelectric dams on the Klamath River, capable of producing 155,000 megawatts of the cleanest and cheapest electricity on the planet, enough for about 155,000 homes.

Now, why would the administration pursue such a ludicrous policy? Well, they say it's necessary to increase the salmon population. Well, the thing is, we did that a long time ago by building the Iron Gate Fish Hatchery. The Iron Gate Fish Hatchery produces 5 million salmon smolt every year—17,000 of which return annually as fully grown adults to spawn. The problem is, they don't include them in the population count. And to add insult to insanity, when they tear down the Iron Gate Dam, we will lose the Iron Gate Fish Hatchery and the 5 million salmon smolt it produces annually.

Declining salmon runs are not unique to the Klamath. We have seen them up and down the Northwest Pacific coast over the last 10 years as a result of the naturally occurring Pacific decadal oscillation—cold water currents that fluctuate over a 10-year cycle between the Pacific Northwest and Alaska. In fact, during the same decade that salmon runs have declined throughout the Pacific Northwest, they have exploded in Alaska. We are now at the end of that cycle.

The cost of this madness is currently pegged at a staggering \$290 million, all at the expense of ratepayers and taxpayers. But that's just the cost of removing the dams. Consumers will face permanently higher prices for replacement power, which, we're told, will be wind and solar.

Well, not only are wind and solar many times more expensive; wind and solar require equal amounts of reliable standby power, which is precisely what the dams provide. We're told that, yes, this may be expensive, but it will cost less than retrofitting the dams to meet cost-prohibitive environmental requirements. Well, if that's the case, maybe we should rethink those requirements, not squander more than a quarter billion dollars to destroy desperately needed hydroelectric dams. Or here is a modest suggestion to address the salmon population—count the hatchery fish.

We're told that this is the result of a local agreement between farmers and stakeholders. Well, Mr. Speaker, everybody knows that the Klamath agreement was the result of local farmers succumbing to extortion by environmental groups that threatened lawsuits to shut off their water. And obviously the so-called "stakeholders" don't include the ratepayers and taxpayers who will pay dearly for the loss of these dams.

Indeed, local voters have repeatedly and overwhelmingly repudiated the agreement and the politicians responsible for it. The locally elected Siskiyou County Board of Supervisors vigorously opposes it.

□ 1030

Finally, the administration boasts of 1,400 short-term jobs that will be cre-

ated to tear down these dams. Just imagine how many jobs we could create if we tore down the Hoover Dam or Durluth, Minnesota.

Madam Speaker, amidst a spending spree that threatens to bankrupt this Nation, amidst spiraling electricity prices and chronic shortages, to tear down four perfectly good hydroelectric dams at enormous cost is insane. And to claim that this is good for the economy gives us chilling insight into the breathtakingly bad judgment that is misguiding our Nation from the White House.

The President was right about one thing when he spoke here several weeks ago. Fourteen months is a long time to wait to correct the problem. Fortunately, the administration will need congressional approval to move forward with this lunacy, and that's going to require action by this House.

Earlier this year the House voted to put a stop to this nonsense. I trust it will exercise that same good judgment as the administration proceeds with its folly.

HAPPY 50TH BIRTHDAY TO THE UNITED STATES PEACE CORPS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Madam Speaker, I rise today to celebrate a very, very special birthday. It is the 50th birthday of the United States Peace Corps, an incredible organization that was started by President John F. Kennedy and a whole lot of people that thought that this Nation had an opportunity to reach out to the men and women of America, provide them with a challenge: to go out to the world to seek peace, to work for peace, and to help developing nations meet their needs, whether it be in education, community development, economic development, or other activities. And so it has been.

More than 200,000 Americans, young and old, men and women, have become Peace Corps volunteers. They have served in 139 countries around the world, and today they serve in over 70 countries. It's been a terrific program. It has presented the very best face of America to millions of people around the world.

Today, there are leaders of many countries around this world that have been taught by Peace Corps volunteers in their high schools, in their grammar schools or universities. They have a very special understanding of America. They know Americans. They know that Americans have a big heart and they have a desire to see progress, economic and social progress in every country of this world.

And so today we celebrate 50 years. We celebrate over 200,000 Peace Corps volunteers that have served around the

world, and we celebrate those who have been in the administration, the directors, the country directors, the doctors, the nurses, and the others who have been part of this enormously important part of America.

As those Peace Corps volunteers have returned to America, it is now clear in recent polling that they have continued to serve. They serve as volunteers at twice the rate of other Americans. And they are found in the schools, they are found in the community programs, and they're even found in Congress, as strange as that might seem. But, nonetheless, they've served in many, many ways, and they continue to do so.

Earlier today, I met two Peace Corps volunteers who were in the very first effort in Tanzania, then Tanganyika. They returned some 40 years later. I'm going to turn that around. They actually served in Afghanistan in the early sixties and then came back 40 years later to serve once again as Peace Corps volunteers.

And what we have found over these many years, that once you've become a Peace Corps volunteer, you never stop laboring for peace, wherever it may be. And so today we celebrate the 50th anniversary of a remarkable idea that was put forward by President John F. Kennedy, the idea that Americans could reach out to the whole world and serve wherever that need might be.

Happy birthday, Peace Corps.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

THE UNITED NATIONS AND A PALESTINIAN STATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. I, too, want to send my happy birthday out to the Peace Corps, and certainly it's a great day to celebrate that birthday.

Madam Speaker, what we are seeing at the United Nations this week is a brazen rejection of the basic principle of a negotiated peace. Tomorrow, Mahmoud Abbas will deliver a speech at the United Nations where he is expected to formally announce a resolution to unilaterally seek the declaration of a Palestinian state.

While we are ultimately committed to a future where the two states, Israel and Palestine, are able to live side by side in long-term peace and security, while all of us in this Chamber heard directly from Israeli Prime Minister Netanyahu in May on his nation's commitment to a two-state solution, the question I have and which I wish every nation in the world who will be voting

on this issue should ask itself is: Are the Palestinians ready to make peace?

This is the key question and is what Prime Minister Netanyahu laid out in his remarks right here in this Chamber: "The conflict has never been about the establishment of a Palestinian state. It has always been about the existence of the Jewish state. That is what this conflict is about."

Madam Speaker, this unilateral declaration of independence is a direct challenge to the United States and the efforts and the dollars we have committed in recent years to promote a real, lasting peace. It is fundamental that peace cannot be imposed from the outside. It can only be made in Jerusalem and Ramallah.

There are too many difficult core issues which can only adequately be addressed through direct negotiations, which must be mutually accepted by governments on both sides, and, most importantly, which must be ratified by the people who live there. Without these vital elements, you don't have peace. You don't even increase the chances for peace down the road. Rather, you undermine the prospects for achieving it in the future.

This is the point of this unilateral declaration. Where is the commitment to peace on the Palestinian side?

Palestinian officials have made it clear that this unilateral effort is another means of isolating Israel and escalating the conflict against her. Palestinian officials have made it clear that they seek to advance this bid so that they can attack Israel through the international legal system, including taking actions against Israel in the International Court of Justice.

The tragic reality, Madam Speaker, is that Israel lives in a very dangerous region of the world, and the Israeli people absolutely have grave security concerns that should not simply be tossed aside by countries that are allies of the United States of America. The Israeli people are surrounded by hostile neighbors that want to drive Israel out of existence. We here in America must understand the reality on the ground and the threats Israel faces each and every day.

Israel is a peace-seeking democracy, and the Israeli people simply want to live in peace and security. Iran has its proxies closing in: Hamas in Gaza; to the south there's the Muslim Brotherhood, now gaining significant power in Egypt; Hezbollah is in the north; and in the northeast is Syria, led by Assad.

The recent downgrade in relations by Turkey is very serious. The instability of the Sinai is of enormous concern. This is a dangerous neighborhood, and recent events are bringing into sharp view Israel's daily reality—increased isolation and living under siege.

As we witnessed with the flotilla last year, with the storming of Israel's Embassy in Cairo 2 weeks ago, or with

Turkey's new aggressive, bellicose rhetoric and actions, Turkey, who until very recently had enjoyed a successful diplomatic and economic partnership with the State of Israel, events in the Middle East can easily spiral out of control and lead to outcomes that nobody desires.

Fortunately, the Members of this Chamber have made it clear to the entire world that we will not sit idly by during the continued delegitimization of the State of Israel and the international community. I applaud the efforts of my colleagues in both parties who have continued to beat the drum and call this unilateral attempt exactly what it is—an effort to circumvent direct negotiations and undermine peace.

□ 1040

I am pleased that the President is committed to vetoing this unilateral attempt in the Security Council if it does come to a vote, and I appreciate his administration's focus on this particular critical issue.

We must continue in our efforts to urge the nations of the world to stand with the United States, support peace efforts in the Middle East, and oppose this resolution.

Peace between Israel and her Palestinian neighbors cannot be achieved unless both sides sit and find common ground. Unilateral declarations and third parties cannot do it for them. The only path forward is for the Israelis and the Palestinians to sit together and find peace. It is time for Mr. Abbas to come back to the table—his actions and decisions here must not be rewarded; our allies in the world should recognize this—otherwise they are legitimizing and ratifying the Palestinian refusals to negotiate.

OPPOSING AUTOMATED KILLER DRONES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, there was an article in The Washington Post earlier this week that we should all find very unsettling and disturbing.

We know that in recent years the Pentagon has increasingly used unmanned drone aircraft to carry out violent acts of war. And frankly, that's bad enough. But now there's a new and even more frightening technology in the works. It's called "lethal autonomy." And under the system, the drones would no longer be remotely operated and controlled by actual human beings. The lethal autonomy drones would be computer programmed to carry out their deadly mission independently. No human hand providing steering and guidance.

I can't even begin to wrap my head around the humanitarian red flags as-

sociated with this experiment in robotics.

Software can break down. It could even be hacked. Furthermore, computers don't have a conscience. They aren't nimble, they can't make snap decisions based on new information or ethical considerations. They're programmed to do what they do without judgment, discretion, or scruples. You can just imagine, or I can anyway, mass civilian atrocities thanks to a robot drone raging out of control.

Thankfully, a group called the International Committee for Robot Arms Control is speaking up and making these points. Pointing out that if we have a treaty banning land mines, why not one that outlaws these automatic killer drones.

According to the Post, the military has begun to grapple with the implications of this technology. Well, I can really suggest that they continue grappling before using these technologies and finding the flaws and possible harmful and unpredictable consequences.

One advocate of these new drones believes it's possible to program them to comply with international law regarding the conduct of hostilities. Well, I'm certainly skeptical. We couldn't even get the last President of the United States to understand and abide by the Geneva Conventions. I don't know how we're going to get a robot to do it.

Madam Speaker, the increasing dehumanization of warfare is part of a terrifying trend. Somehow it's easier to kill one another when we have computers and machines to carry it out for us, when we don't have to stare our own mayhem in the face.

As a member of the Science Committee, I'm totally enthusiastic about American high-tech innovation. But I believe we should be using our knowledge and ingenuity to give the civilian economy the boost it needs to create good jobs for hardworking middle class Americans and to create a smarter response to world conflict. All of this money we're funneling to defense contractors to devise evermore sophisticated ways to kill one another must be reinvested in alternatives to warfare and nonviolent ways to resolving conflict.

That's what my Smart Security plan does. I've discussed this many, many times from this very spot. It's called Smart Security. It defines military force as the very, very last resort. And it directs energy and resources toward diplomacy, democracy promotion, development, and peaceful ways of engaging with the rest of the world.

Madam Speaker, in two weeks' time we will have been at war for a full decade. More than 6,000 Americans have died, 10,000 innocent Afghans and Iraqis have been killed for the cause of their so-called liberation. Many, many more of our own troops have been harmed

and will always be living with the results of their injuries.

The time is now. The time is to stop building machines that can kill more efficiently and start bringing our troops home.

PRESIDENT OBAMA'S AMERICAN JOBS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. NUNNELEE) for 5 minutes.

Mr. NUNNELEE. Madam Speaker, we continue to suffer from an unemployment rate of over 10 percent, and America saw zero job growth in the month of August. Our Nation has a jobs crisis. So why is the Obama administration making it so difficult to create jobs?

Not only do we have a jobs crisis, but we also have a debt crisis. These two things are interconnected, and we certainly should not make one worse while making the other better.

The President has outlined his \$447 billion jobs plan, and it's essentially stimulus number two. It's the same recycled ideas that clearly didn't work from the last \$800 billion stimulus. At the same time, the President wants to pay for his plan with \$1.5 trillion in new taxes.

It's estimated that small business owners would pay over half the taxes raised under this proposal, ultimately hitting our employers the hardest and creating an even worse environment for private sector job growth.

Tax increases destroy jobs. They're not an option.

Now, there are some issues we agree on. For example, infrastructure funding. That's an appropriate function of government. It's something we could do to boost a sagging economy. But the problem is mistrust. With the President's first stimulus, little went to actual infrastructure development.

Now, we agree that we must move forward on the three free trade agreements. By passing those agreements with Colombia, Panama, and South Korea we'll increase competitiveness of American manufacturers and have an increase of 250,000 American jobs.

While we can find common ground on a few things, the President continues to show reluctance on impacting entitlement program solvency. His proposal seeks to strengthen the independent advisory board which was created by ObamaCare. This board of unelected bureaucrats was given way too much authority in the first place to determine what benefits are covered and how much physicians are paid.

The best way to control costs in Medicare is to increase choice and competition, not by empowering a group of unelected bureaucrats.

The Obama administration has created a triple threat of out-of-control

spending, excessive regulations, and higher taxes. And these three things have resulted in an environment that has destroyed the confidence and prevented job creators from hiring.

Washington must create an environment favorable to job creation and focus on removing this triple threat. First, we must continue to fight to rein in Washington's unrestrained spending.

This fall, the Congress will deal with a balanced budget agreement which would finally force Washington to live within its means and do what families, businesses, and local and State governments are already required to do, and that is balance their budgets.

We must focus on regulatory relief. Just recently the House passed a bill that would prohibit the National Labor Relations Board from dictating where an employer can and cannot locate jobs in the United States. Employers need to be allowed to invest in the State that offers the best economic climate for job creation.

This week we're going to vote on the TRAIN Act.

The Obama EPA has imposed unnecessary and burdensome regulations on businesses, and we want to determine how those regulations affect electricity prices, fuel prices, and unemployment.

□ 1050

The TRAIN Act will help uncover exactly how much the EPA is costing Mississippi consumers, farmers, small businesses, and State and local governments. These are just a few examples of the frustrating regulations that have come out of the Obama administration.

Lastly, we must concentrate on tax reform. The Joint Select Committee has the opportunity to lay the foundation for fundamental tax reform, but they must not enact tax increases. The American people don't need or want more solutions from the Federal Government. They want the Federal Government to get out of their way.

By tackling our spending problem, by removing excess regulations and by guaranteeing that taxes will not increase, we will unleash the American economy and give businesses the confidence they need to grow and create jobs.

POVERTY IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. As founder of the congressional Out of Poverty Caucus, I rise today to continue sounding the alarm about the tide of poverty sweeping across this country.

Last week, the United States Census Bureau released its annual report, Income, Poverty, and Health Insurance Coverage in the United States: 2010. It revealed a disturbing but unsurprising spike in the poverty rate—from 14.3

percent in 2009 to a staggering 15.1 percent in 2010.

In 2010, 46 million people lived in poverty in America. That is essentially the populations of California and Michigan combined who are living in poverty in America. It's really a moral outrage that in the richest country in the world so many Americans are facing or are living in poverty, lacking economic opportunity and economic security.

Shamefully, our children bear the greatest burden. In 2010, 22 percent, or one in five children, lived in poverty. That's in America. Poverty continues to hit communities of color much harder, as the facts show. In 2010, the poverty rate for whites rose to 9.9 percent. The poverty rate for African Americans rose to 27.4 percent. The poverty rate for Latinos rose to 26.6 percent. For Asian Pacific Americans, the 2010 poverty rate of 12.1 percent remained the same.

This massive poverty crisis we are facing didn't happen overnight. Poverty rates began to rise during the Bush administration as 8 years of failed economic policy wiped out all of the gains made during the Clinton years. The coauthors of the Out of Poverty Caucus saw this day coming, and while little attention has been placed on the poor, we are determined to prick the conscience of this Congress and to act to stem the tide of poverty across America.

The members of the congressional Out of Poverty Caucus sent a letter asking the Joint Select Committee on Deficit Reduction, more commonly known as the supercommittee, to stay in line with prior deficit reduction agreements of the past by not cutting programs that provide basic human services—the safety net. Of course, now more and more Americans need this safety net. We must not balance the budget on the backs of the most vulnerable. Unfortunately, now middle-income people are falling into the ranks of the poor. As many of us know, millions of people are just one paycheck away from poverty.

We really can turn the tide on poverty. The solution to boosting this stagnating economy, reducing our long-term deficits, and lifting Americans out of the crisis of poverty is really the same. We must invest in creating more stable, living wage jobs. In fact, the most effective anti-poverty program is an effective jobs program. That is why Congress must immediately pass the President's American Jobs Act to begin the work of creating jobs, reducing poverty, and jump-starting our economy.

Poverty rates have increased in rural and urban communities throughout the country. The American Dream has turned into a nightmare for millions. This is a crisis, but we must turn the tide, and we must start today. So I

urge my colleagues on the other side of the aisle to stop playing politics and to act on jobs now. We can and we must act urgently to turn the tide of poverty sweeping across the Nation—a tide, really, that knows no party affiliation.

PRESIDENT OBAMA'S JOBS AND DEFICIT REDUCTION BILLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. SOUTHERLAND) for 5 minutes.

Mr. SOUTHERLAND. I rise today with great disappointment in the administration's misguided agenda on job creation and deficit reduction.

You see, I have been in a family that has created jobs for generations. Shortly after World War II, my grandfather wanted to create an opportunity for his family. He wanted to create an opportunity to make a difference in his community. So, with a sixth-grade education, with \$3,000 of borrowed money, and with a dream to make a difference, he did what small businesses do naturally when they do not have the impediments of the Federal Government: He created jobs. His dream, his vision, included that—to make a difference, to give other people an opportunity to forge a brighter and better future for them and their families.

It wasn't a self-serving dream.

It was a dream to serve others.

During those decades following World War II, we saw that same example all across this great Nation of people doing what people were created to do—make a difference.

It is not government's responsibility to create a job through a bill. It is government's responsibility to create an environment, an environment that produces certainty, an environment that a small business owner has the guarantee that he knows what his taxes are going to be, that he knows what his fees are going to be, that he knows what his regulations are going to be, not just in 6 months or 12 months, but for years, and that creates certainty.

I had never served in elected office before being sworn in as a Member of this House in January. I went from small business to Congress, and so I bring with me that understanding that, if government gets out of the way and if we can do what Americans do better than any country in the world, we will make our communities a better place, and, yes, because of our benevolence, we will make the world a better place.

It was a great disappointment when the President came to this Chamber and the President introduced his plan. I was saddened. Yes, there were some things that I agreed with that we need to do—the free trade agreements. We are still waiting for those free trade agreements with Colombia, Panama, and South Korea. We're waiting. There was agreement on tax reform. There

was agreement on payroll tax reduction to give small businesses more money, to give individuals more money on their paychecks. We agreed there. But if you look deeper into this bill, you will see, unfortunately, more of the same.

This jobs bill creates a brand new, permanent, government-owned bureaucracy. As a matter of fact, it's a corporation—the President's American Infrastructure Financing Authority, a solely owned subsidiary of the Federal Government. It is not time for the Federal Government to create corporations, corporations that have chief executive officers and chief financial officers, risk officers, chief compliance officers, chief operating officers, chief lending officers, general counsel, and boards of directors who are lending money—lending money—with terms out to 35 years.

Now, unfortunately, this is insanity. This sounds so much like the first stimulus—and the first stimulus, we know, with 35 percent of those funds having yet to be spent. We were promised our unemployment numbers would not go over 8 percent. As a matter of fact, the administration claimed that unemployment numbers by this time would be at 6.5. Well, we all know that is not true. As a matter of fact, in my home State of Florida, we're living with 10.7 percent unemployment, and, last year, we spent most of the year at 12—historic unemployment numbers.

□ 1100

Unfortunately, insanity, when you do the same thing over and over and over again, expecting different results, seems to be the order of the day; and that is not what the American people want right now. They want certainty. They want certainty to be able to work hard, to have honest dealings and to know that after they work hard and they're honest, that they will have a brighter future when they wake up tomorrow.

They deserve that. They deserve that and unfortunately this plan goes in the opposite direction. So it bothers me that with the regulations that we face, the cloud of uncertainty just grows.

Madam Speaker, I say in closing, business has never been asked to do more with less, and they clearly know less certainty.

RAPE AND SEXUAL ASSAULT IN MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise today, as I come each week, to share yet another horrific story about rape in the military.

It is a black eye on this country that must be erased. Nineteen thousand rapes a year occur in the military.

Those are figures determined by the Department of Defense itself. I encourage those who want to tell their story to email me at stopmilitaryrape@mail.house.gov.

Today I am going to talk about Seaman Kori Cioca, who served in the Coast Guard from August 2005 to June 2007. Her allegations are as follows:

Seaman Cioca was consistently threatened and harassed by her superior. On one occasion, when she made a mistake during a knot-tying quiz, he called her a "stupid bleeping female who didn't belong in the military." Then he spit in her face.

She complained about her superior's abusive behavior and expressed fear of him to other military personnel in the chain of command. As is too often the case, this reporting led to her being punished and not the perpetrator.

Her superior began to drive past Cioca's home many times during the day and called her repeatedly, leaving her voice mails threatening her life. He then began to break into her room at night and stand over her bed. Seaman Cioca began sleeping with a knife under her pillow to defend herself.

During work one day, her superior thrust his groin into her buttocks as she bent over to pick up some trash. He then called her a "bleeping whore" and laughed. Seaman Cioca and another shipmate who witnessed the incident reported it to the command. Seaman Cioca requested a transfer, but it was denied.

At the end of November 2005, the superior broke into Seaman Cioca's room. He directed her to touch his genitals. When she refused loudly, he grabbed her hand and pushed it into his groin. When she yelled again and pushed her superior away, he struck her so hard in the face that she was thrown across the room and against a wall.

Seaman Cioca and two other shipmates, who witnessed the harassment, went to command and reported the assault. Command did nothing in response.

In December 2005, Seaman Cioca was ordered to go to retrieve some keys from her superior, who was in his stateroom. When he realized she was alone, he pulled her into the room, grabbed her by the hair and raped her.

Command obtained an admission of sex from the superior, but told Seaman Cioca that if she pressed forward with reporting the rape, she would be court-martialed for lying. They refused her pleas to take a lie detector test so she could prove her case.

The superior only pled guilty to hitting her. He got a slap on the wrist.

She, on the other hand, was forced to sign a paper saying she had an inappropriate relationship with her superior and was discharged.

As part of the discharge process, command made her stay in an all-male

barracks for 60 days. She now suffers from PTSD and an abnormal EEG due to nerve damage in her face.

Cioca later told the press, "It's like they didn't care. It wasn't important. I wasn't important."

Well, Seaman Cioca, you are important, and it is important. And it's high time that the Congress of the United States take action to rid the military of rape.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Thank you, Madam Speaker.

It's always an honor and privilege to speak in this body. There has just been so much information about the American Jobs Act that the President has touted that he demanded that we pass here in this room, and at the time he had no American Jobs Act.

The next day, Friday, he had spent millions of dollars, taxpayer dollars, running around the country demanding that people pass his bill. On Saturday, the same thing, all weekend, running around telling people to pass his American Jobs Act when there was no such bill.

Monday afternoon, very late, there became a bill. It's hard to believe that this is what came out of the White House because it does not represent what the President said he wanted to do, said he believed in. I'm sure he doesn't have time to go through and actually read and see that the things he's saying in his speech are completely opposite of what he's doing in his so-called American Jobs Act, but that's why, after 6 days of being beat up verbally by the President for not passing his American Jobs Act and finding that there was no such American Jobs Act on file here in the House, I felt like I needed to help the President by creating an American Jobs Act that really will create jobs. So I filed a two-page American Jobs Act that will do more than anything the President has talked about or put in writing to create jobs in America.

But just since the President is obviously not aware of what's actually in his bill based on what he's saying, in the limited time we have here, I wanted to touch on some of these things.

For example, the President said over and over and over that he wants to go after these greedy, big oil companies like British Petroleum, Exxon, Shell, those big companies, and that his American Jobs Act, his bill, actually will do that. It will go after their prof-

its. He probably has no clue that the fact is the three pages of deductions that are eliminated for oil companies, they're basically for oil companies that produce less than a thousand barrels of oil a day. They don't even apply to the people that the President says he's going after for these unseemly profits they're making.

I'm sure he's also not aware, but the fact is that over 94 percent of all oil and gas wells drilled on the continental U.S. are done by independent oil producers who these three pages will devastate and put most out of business. And so the President, by these three pages, that I'm sure he doesn't really understand what they do, but the fact is they'll put the independent oil producers out of business.

They will affect the major oil companies because once over 94 percent of all oil and gas wells in America and the continental U.S. are stopped, then the major oil companies that he's demonized will actually make more money than they've ever made in their history, and it will be the middle hard-working Americans that will pay the biggest price. They're the least able to afford dramatically higher gasoline prices, but that's what will happen.

We are also told that we're going to go after the millionaires and billionaires that have all this money and not paying their fair share. Now, to me, if we're going to make sure everybody pays their fair share, and you've got somebody like Warren Buffett that pays a 15 percent capital gains tax, why don't we make everybody's tax 15 percent? Everybody in America ought to have some financial interest in seeing this government is accountable. That's what should happen.

Instead, at pages 134 and 135 of his bill—and, again, it has to be filed in the House because it's a revenue-raising bill and under the Constitution he'll have to start here—it's not on file. There hasn't been one Democrat willing to file this disaster of a bill that the President is out there beating us up over. Actually, he's just saying pass the American Jobs Act, which is my two-page bill that really will create jobs.

□ 1110

But people need to know, Madam Speaker, that the definition in here apparently of a millionaire and billionaire is anybody who's married and makes over \$125,000 a year. For some of us, \$125,000 a year is not a millionaire or billionaire or gazillionaire. This is somebody who is paying taxes. They're paying their fair share. They're paying over 30 percent of their income in taxes. Well, why shouldn't we just say, all right, ultra-rich like Warren Buffett, quit fighting not to pay the billions of dollars you already owe in taxes, just write the check.

I think if people will go read the President's bill, they will find out we

need to pass the American Jobs Act that's on file with the House. That's my bill.

REPEAL 3 PERCENT WITHHOLDING PROVISION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. HERGER) for 5 minutes.

Mr. HERGER. Madam Speaker, the 3 percent withholding provision, which will come into effect if Congress does not act, essentially forces businesses that have contracts with the government to forgo 3 percent of their payments as a downpayment on their tax bill. This represents yet another burden on our Nation's small businesses and job creators, the lifeblood of our economy.

As a small businessman, I know firsthand about the negative impact of burdensome taxes and cumbersome regulations. Many small businesses that contract with the government operate on very slim profit margins, so a 3 percent tax would create serious cash flow problems for them at a time when so many are struggling. Aside from that, this provision will actually cost the government money. Federal, State, and local governments are already facing unprecedented deficits, and yet agencies will have to create new collection systems and may face higher costs for goods and services if this is not repealed. The Department of Defense has said that for the DOD alone, the provision will cost \$17 billion to implement. Madam Speaker, that is \$7 billion more than the total revenue the tax is expected to raise. In another example of Washington math, the provision will force the government to spend more money and end up eliminating jobs and hurting small businesses.

Congress can certainly do better. We must do better. Twenty million Americans are out of work, and our small businesses must have the certainty they need to create more jobs. We cannot punish law-abiding businesses because a few contractors do not pay their taxes. Instead, the government should stop awarding government contracts to businesses that do not pay. To that point, the OMB and the Treasury Department have announced several initiatives to prevent contracts from going to companies that are delinquent on their taxes.

Madam Speaker, we're looking for something we can do right now to help job creation in America. Well, this is it. Repealing the 3 percent withholding provision will provide a significant benefit to small businesses just by getting Washington out of their way. If we don't repeal it, we will put small businesses, jobs across America, and our efforts at economic recovery at greater risk. It's time to get this harmful job-killing provision off the books forever.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

Once again we come to ask You for wisdom, patience, peace, and understanding for the Members of this people's House. At a time when once again strong sentiments stand in opposition, we ask discernment for the Members that they might judge anew their adherence to principle, conviction, and commitment.

Protect them from a deafness toward one another, lest they slide uncharitably toward an inability to work together to solve the important issues of our day.

Give them the generosity of heart and the courage of true leadership to work toward a common solution which might call for compromise, even sacrifice, on both sides.

In the end, may we all, as Americans, be proud of the processes of elective, democratic government.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. LONG) come forward and lead the House in the Pledge of Allegiance.

Mr. LONG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF DIRECTOR OF OFFICE OF INTERPARLIAMENTARY AFFAIRS

The SPEAKER. Pursuant to section 103(c) of Public Law 108-83, the Speaker

appoints Janice C. Robinson as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 633. An act to prevent fraud in small business contracting, and for other purposes.

S. Con. Res. 17. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The message also announced that pursuant to provisions of Public Law 107-306, as amended by Public Law 111-259, the Chair, on behalf of the Republican Leader, and after consultation with the Chairman of the Select Committee on Intelligence, announces the appointment of the Senator from Indiana (Mr. COATS) to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute requests on each side.

NO NEW TAXES

(Mr. LONG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG. Mr. Speaker, I'm new to this House. I'm new to politics, actually. I'm a small business owner. I ran my own business for 30 years. And when you have your own business, you get a lot of free, unsolicited advice, and most of that advice is telling you how to run your business.

Back home, a fellow would tell you, after his 30-minute dissertation on how to run your business, he'd stop and revise and extend his remarks by saying, "Well, I guess I can run everybody's business but my own." Because usually they've been bankrupt a couple of times and been fired, but they want to tell you how to run your business.

When I hear the United States government say, "We need to create jobs, we need to tell the job creators how to operate, what to do," I'm reminded of the fellow back home who says I can run everybody's business but my own. Because we haven't had a budget in this country in over 850 days.

We don't do much right up here, and trying to run businesses is not something we should be doing. We should be reducing taxes, reducing spending, re-

ducing regulation. And we need to get those three free trade agreements from the White House over here. If you don't believe me, ask the European Union. Car exports up over 200 percent after they signed their free trade agreement with Korea. Their aircraft is the same. It's up over 2,300 percent.

LONG-TERM INFRASTRUCTURE BILL

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, last week we passed a bill to extend funding for critical highway and transit infrastructure projects for 6 months. I don't think 6 months is long enough.

We're told by businesses that they need certainty before they can invest, and the same is true for those businesses that would help us build an infrastructure that reflects the challenges of the 21st century. To give that certainty, we need to pass a long-term highway and transit funding bill now so we can create lasting jobs.

In my home city of Los Angeles, we're already pursuing innovative measures like the 30/10, America Fast Forward initiative to get the infrastructure we need to stay competitive tomorrow built today. That initiative promises to create 160,000 jobs in my area alone. Just think of what that good program could do for our country as a whole.

A long-term bill will put us one step closer to realizing that goal.

Keeping our Nation competitive in the future requires vision and boldness in the present, and I urge my colleagues to pass a long-term surface transportation bill equal to the opportunity before us.

WE LOVE OUR CARRIE MEEK

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Madam Speaker, today I rise to honor one of our former colleagues, a woman who is really an institution in south Florida, in Florida, and in the Nation, and that is, of course, Congresswoman Carrie Meek.

She was the first African American elected to the Florida Senate in 1982, and then along with two other colleagues became the first African American to be elected from Florida to the U.S. Congress since Reconstruction.

But here is what I know and remember about Carrie Meek. She is the consummate stateswoman. She is a person who loves her country. She loves this institution. It doesn't matter what party you're from. Whenever you have a need, whenever you have an issue, when you want counsel, she's the person that to this day we continue to go to.

So today again, Madam Speaker, I'm here to honor a great woman, a great stateswoman, a person who in the State of Florida is revered by Republicans and Democrats alike. Her son followed her into Congress, Kendrick Meek, and he did a wonderful job, and also comes from that great tree that is Carrie Meek.

Again, I'm here to honor Carrie Meek. Carrie, we love you, we miss you, we honor you.

HONORING THE PEACE CORPS

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I rise today to honor the 50th anniversary of the founding of the Peace Corps, and today over a thousand returned Peace Corps volunteers are here in our Capitol to bring us the attention that the Peace Corps deserves.

Congress passed legislation authorizing the Peace Corps and giving it a mandate to "promote peace and friendship."

Since then, 200,00 Americans, including myself and Congress Members TOM PETRI, MIKE HONDA, and JOHN GARAMENDI have served our great country in the name of peace and friendship.

I am so proud that 18 volunteers currently are serving from my district in California. They include Jonathan Cotham from Monterey. He's producing 500 environmental educational books in El Salvador, which will help 6,300 folks in local schools; Joshua Twisselman from Salinas. He's teaching English in Madagascar and has an English language radio station.

Just now there are 8,655 Americans currently serving in 80 countries. But Peace Corps service doesn't end when you leave the country. This weekend, more than 1,300 Peace Corps volunteers are here in Washington, D.C. They are the advocates for peace and prosperity and goodwill that the Peace Corps embodies.

Join me in making the 50th anniversary of the Peace Corps truly an opportunity to serve our country.

CREATING ECONOMIC CERTAINTY

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, solving this Nation's crushing unemployment problem has been my focus since the people of eastern and southeastern Ohio sent me to Washington to start the process of change.

Today I rise to outline five specific actions we must accomplish to create economic certainty, give job creators the confidence they need to begin hir-

ing again, and make American companies more competitive both here at home and globally.

They are: require the Federal Government to balance its budget annually; scrap the current Federal Tax Code and implement a flatter, fairer tax code; eliminate all pending Federal regulations not directly tied to public health or national security; establish a clear national energy policy; and repeal the President's health care law.

Now, I've discussed all of this with countless residents of eastern and southeastern Ohio, and they all like what they hear. But the popularity of this agenda has little to do with me. These ideas are rooted in the American dream, and they can boost America's economy and lead to real job creation.

If this administration wants to help us, we can start creating the jobs Ohio and America needs.

□ 1210

WE LOVE OUR CARRIE MEEK

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. I have asked some of my colleagues to join me today to pay tribute to a wonderful, wonderful stateswoman who represented Florida's 17th Congressional District for more than a decade—Congresswoman Carrie Pittman Meek. It is my present district. As a part of the Congressional Black Caucus Annual Legislative Conference, her colleagues are honoring her today for her distinguished service to greater Miami, to Florida, and to this Nation.

In Congress, she focused on issues near and dear to her heart and to those of her constituents, including economic development, education, affordable housing, and issues affecting Haiti and Haitian Americans.

The Miami-Dade County community has shown its appreciation to her by naming an elementary school, a health clinic, a boulevard, a branch of a local college, and a community center in her honor.

Congresswoman Meek once said, "Service is the price you pay for the space which God has let you occupy." I cannot think of someone who embodies this principle more than she.

Thank you, Carrie Pittman Meek, for standing up for all of us, and we are all standing on your shoulders.

IN TRIBUTE TO THE MEMORY OF MICHAEL COLE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, I rise today to pay tribute to the memory of Michael Cole, a distinguished New Jersey resident who died over the weekend

and whose funeral will be held tomorrow in Morristown, Morris County.

Michael was among New Jersey's distinguished lawyers and public servants. He served as Governor Thomas Kaine's chief counsel in the 1980s and was very active in heading the board of the New Jersey Legal Services Corporation. Michael was a mentor to more than a generation of New Jersey lawyers, including me when I worked under his leadership in Governor Kaine's administration.

Michael leaves his wife, Jaynee LaVecchia, a member of our State's highest tribunal, the New Jersey Supreme Court, as well as a daughter, Elyse, and a son-in-law and granddaughter.

The State of New Jersey has been enriched enormously by the life of Michael Cole. My wife, Heidi, and I mourn his loss, but join countless New Jerseyans in celebrating his wonderful life.

WE LOVE OUR CARRIE MEEK

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. I want to thank Congresswoman WILSON for bringing us together today to honor a truly exceptional public servant and friend, Congresswoman Carrie Meek.

Carrie Meek's record of accomplishments is truly too long to list, but her unique commitment to fighting for our most vulnerable communities is unmatched. Of course, there is no bigger supporter and protector of Medicare, Medicaid, and Social Security than Congresswoman Meek, who was a member of the Appropriations Committee; and she actually counseled me to seek a slot on that committee.

So, today, we say thank you for fighting the good fight, and we applaud all of your service and your work, Carrie. Now, in this new chapter of your life, our young people continue to benefit from your wisdom through your foundation, which really deserves all of our support.

Carrie was a friend of my mentor's, our beloved Shirley Chisholm. I miss sharing our memories of Shirley Chisholm, and I also remember so much wise counsel that Carrie gave to me. I remember her sound guidance and also her principled stance. Today, I join in celebrating the many ways in which her work and her spirit have contributed to the success and well-being of countless, countless people throughout south Florida, our country, and our world.

I miss you, Carrie. I miss you especially during this Congressional Black Caucus ALC weekend. I miss your congressional classrooms. We love you. Thank you so much for your leadership. Believe you me, all of us are better people as a result of your being

here for so long and for your continuing to fight the good fight for our seniors and for our children.

WE LOVE OUR CARRIE MEEK

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Madam Speaker, I rise to join with my colleagues in their friendly comments about our former colleague from Florida, Carrie Meek.

I first met Carrie when I was representing her brother, who was a retired military veteran and a highly decorated veteran. That relationship ended when we laid him to rest at Arlington National Cemetery. We really got to know each other well when I had the privilege of chairing the Appropriations Committee, and Carrie was a really great member of that Appropriations Committee. I remember, in some of the very tense moments which happened on occasion, she would always find some way to bring a little bit of light and a little bit of pleasure to relieve the tension that was there.

We talked often. I would say Carrie, Why is it that I can never get you to vote right?

And she would say, You know, Chairman, I've been wondering the same thing about you, why I can never get you to vote right.

We had this great relationship. I miss her serving here because she brought a lot to the House. She brought a lot to the committee.

Carrie, like your other colleagues have mentioned, we really love you; and we really appreciate and respect your service to our great Nation.

THE RESPECT FOR MARRIAGE ACT AND THE END OF "DON'T ASK, DON'T TELL"

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, the end this week of Don't Ask, Don't Tell shows us that we have nothing to fear and can only gain by extending liberty and equality to all of our citizens. Brave young men and women will not be denied the opportunity to serve their country, and soldiers will be judged on their ability to do their jobs, not on their sexual orientation.

This is a great step forward, but some seem eager to step back. In North Carolina, there is a ballot initiative to amend the State constitution to ban same-sex marriage. This seems to be more about turning out the Republican political base than about marriage, and many of our businesses say it would hinder their attempts to treat employees fairly. We must defeat it.

At the national level, we also have an anachronistic law, the so-called De-

fense of Marriage Act. This should be repealed. Repeal would ensure that marriages entered into in one State will be recognized by other States. This year, I have again cosponsored repeal and don't intend to rest until DOMA is erased from the U.S. Code.

Madam Speaker, history will judge these efforts at discrimination harshly. It is time for America's political leaders, including Members of this body, to catch up.

BALANCED BUDGET AMENDMENT

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, if our Nation's debt crisis has taught us anything, it's that we need a permanent fiscal solution to keep America the permanent land of the free for our children and grandchildren.

There is only one way to bind Congress to such a commitment, and that is a constitutional amendment requiring us to balance the budget. Ordinary spending cuts and pledges to slash the deficit are no longer sufficient.

Washington went on a record-breaking spending binge and left Americans in an economic hangover. New taxes, as some propose, would only punish the victim and reward the spenders with more money to waste. We need to stop spending money we don't have and begin living within our means. The future of our Nation depends on it.

A Washington promise is always temporary. A constitutional amendment is permanent. For the sake of tomorrow's generations, let's get it done today.

□ 1220

WE LOVE OUR CARRIE MEEK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor an extraordinary woman, a dedicated public servant, and a dear friend: Congresswoman Carrie Meek. Carrie has lived a life of distinction, and her legacy is extensive and incredible.

The granddaughter of a slave, Carrie became the first African American woman to serve in the Florida Senate. My husband, Dexter Lehtinen, and I had the honor of serving with Carrie in the Florida House and then in the Florida Senate, and then Carrie went on to become the first African American from Florida since Reconstruction elected to Congress. What an honor.

While in Congress, Carrie worked vigorously and resolutely for her constituents in all of south Florida, playing an instrumental role in rebuilding our community after the devastation of Hurricane Andrew.

Her accomplishments and service to our south Florida community are too many to be enumerated; however, she hasn't rested on her laurels. Since leaving this Chamber, she continues her commitment to service through The Carrie Meek Foundation.

I ask my colleagues to join us today in paying tribute to our dear friend, Congresswoman Carrie Meek.

JOB

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, we each talk in this Chamber about jobs. The good news is legislation that will create jobs has already been introduced. Now we have to pass it.

The American Jobs Act includes \$50 billion to repair our aging infrastructure. It would create 3,100 jobs in western New York, alone, rebuilding our roads and bridges, which will encourage private development and even further job creation. Economists have concluded that this bill will create 2 million jobs and keep the U.S. from sliding back into recession.

Also, Madam Speaker, according to the Alliance for American Manufacturing, 2.8 million jobs have been lost over the last decade as a result of our trade deficit with China, including 22,000 jobs in western New York, alone. American workers can compete with anyone so long as there is a level playing field, but China is fixing the game through currency manipulation. The Currency Reform for Fair Trade Act would put a stop to that.

The time is long past due for this Congress to pass legislation that will create jobs. I urge the House to take up the American Jobs Act and the Currency Reform for Fair Trade Act immediately.

THE STATE OF ISRAEL

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Madam Speaker, it is with tremendous pride that I rise today to reaffirm my deep and unwavering commitment to the State of Israel, our greatest friend and closest ally in the Middle East.

This is a country that has celebrated our triumphs and mourned our tragedies, a country that has shared our principles of peace, freedom, and democracy, and, most of all, a country that has, without fail, defended America in her darkest hour.

As the U.N. considers recognizing an independent Palestinian state, it is more important now than ever that we stand up, speak out, and oppose this blatant attempt to circumvent direct talks with Israel. I've joined with

many other colleagues in a letter to President Obama urging the U.N. to veto any resolution that grants the Palestinian statehood without direct negotiation with Israel.

Peace cannot be created or sustained through a single unilateral decision from the U.N. I will continue to urge the U.N. to veto, and I will stand with tremendous pride and admiration beside our friends in Israel.

TRAIN ACT—REPUBLICANS' SO-CALLED JOBS BILL

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Some in Congress want to use the jobs crisis as an excuse to roll back clean air protections that have prevented 200,000 premature deaths.

Today we are debating the TRAIN Act. This is the Republicans' so-called jobs bill, conducting studies that will do nothing but add paper to landfills instead of creating jobs by upgrading toxic power plants so that they are no longer a threat to public health.

The studies have been done. Americans are still breathing mercury, arsenic, and chromium, and we have a means to clean it up. It's called the Clean Air Act, and it was passed in 1963.

No matter what anyone says, increased pollution is not a sustainable path to job creation. Instead, we should be saving lives, saving our environment, and investing in the clean tech jobs of the future.

The TRAIN Act is a train wreck for Americans.

JOBS

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Madam Speaker, few come to this Congress with more interest in protecting air and water than myself, as I did as a prosecutor who actually used the Clean Air Act, the Clean Water Act for the good of the country. We must find balance.

Madam Speaker, I am here today because I woke up this morning with the thought of steelworkers on my mind, some of the 1,500 steelworkers whose jobs are now at risk since the Sun Oil Refinery announced last week that it is getting out of the refining business—in essence, the inability to compete because of the overregulation that we have—and these jobs are going to be shipped overseas.

Good union-paying American jobs that could be here, because of the policies that are coming out of Washington, are being destroyed and sent overseas. It is counterintuitive; it is counterproductive. We must use common sense.

We can't let the rhetoric stand in the way of reality. We must fight for the future of those jobs while we fight for clean air.

AMERICAN JOBS ACT

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, the President has offered a clear path forward to put the country back to work, help small business succeed and hire, provide tax relief for our workers, and rebuild America.

The American Jobs Act will provide an immediate boost to our economy through job creation and tax relief for American workers and businesses. Specifically, this plan will prevent teacher layoffs and keep firefighters and police officers on the job.

It will support the modernization of at least 35,000 public schools across the country to ensure that every student has access to a 21st century education. This plan will create even more jobs by investing in America's crumbling infrastructure by rebuilding our roads, rebuilding our railways, and rebuilding our airports.

Finally, the American Jobs Act will cut payroll taxes in half for at least 160 million workers next year, allow more Americans to refinance their homes at today's near 4 percent interest rates, and provide incentives for employers to hire long-term unemployed workers.

Madam Speaker, Americans across this country are counting on this Congress to swiftly act to create jobs and rebuild our economy.

HEALTH CARE

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Madam Speaker, when the health care bill known as ObamaCare was being debated in this Congress, Republicans said the bill would bankrupt our country, ration care for seniors, and cost Americans jobs.

Well, that's exactly what will be happening if the new provision of the law goes into effect next week. Unelected Washington bureaucrats have ignored calls from Congress asking for a delay in Medicare cuts to skilled nursing facilities and rehab centers.

My colleagues know that I have a reputation for being one of the more fiscally conservative Members of Congress. I understand the need for cuts. But as one medical professional recently said: "If I'm told I need an amputation, I'd like to know what limb is being cut off."

The administration is proposing a reckless cut of nearly 13 percent to skilled nursing facilities and rehab

centers. Eighty percent of the overhead at these facilities is staffed, meaning the people who take care of our seniors will be the first to lose their jobs. Receiving a lower quality of care at rehab centers means there's a greater chance that patients will spend more time at a costly hospital, resulting in higher overall costs.

Madam Speaker, this isn't common sense. This policy isn't thinking smart. Our seniors deserve better, and I strongly urge the administration to reconsider their position.

□ 1230

ARTIFICIAL PANCREAS TO HELP TREAT DIABETES

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to express my strong support for the artificial pancreas, which will transform the way we treat diabetes in our country. Millions of Americans have diabetes. Diabetes accounts for approximately \$174 billion in health care costs in the U.S. each year, 32 percent of our Medicare expenditures.

Studies show that tight control of blood glucose levels significantly reduces or delays the development of diabetic complications. Most patients with diabetes cannot achieve tight glucose control with traditional diabetes tools. Erratic blood glucose levels can cause devastating complications, including kidney failure, blindness, nerve damage, amputations, heart attack, and stroke.

The artificial pancreas can allow individuals suffering from diabetes to regulate their blood glucose levels using an insulin pump and a sensor. The system can prevent low and high glucose levels and help individuals with diabetes avoid the worst and most costly complications while allowing them to remain healthy until a cure is found.

In April of this year, 250 Members of the House, myself included, and 60 Senators sent a letter to the FDA urging them to approve the artificial pancreas. I am encouraged by FDA's response to have a decision by December.

END BURDENSOME REGULATIONS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, since this year began, the United States House has put forth measure after measure to incentivize growth and end burdensome regulations, only to see them stall in the Senate and be ignored by the President.

Two years after passage of the stimulus, unemployment remains at staggering levels, despite billions of dollars still sitting in government coffers. It was my hope that the President would move past his stimulus spending proposals and offer real economic relief. While some of the President's proposals put forward in his Joint Session speech merit consideration, this bill is no substitute for the targeted, long-term policies needed to empower private sector investment by facilitating an economic climate where businesses have the confidence to hire workers and take on new endeavors.

We're not talking about real, pro-growth tax reform and regulatory relief because it sounds good. It's what our economy needs, and badly.

It's time for Congress—both Chambers—and the President to recognize the pressing need for real tax relief and aggressive regulatory reform. It's time for a new direction, and it's time for action.

PASS THE AMERICAN JOBS ACT

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, I want to commend the President for the American Jobs Act. This bill gets squarely behind the program of putting our country back to work and rebuilding the Nation.

As you go around and you talk to people, Americans understand implicitly that we have to rebuild this country and make it strong. That means a lot of things, but, first and foremost, it means investing in our infrastructure, rebuilding our bridges, tunnels, and highways; and this bill would put resources towards that task, investing in human capital, education, innovation, technology, entrepreneurship. This bill would make sure that teachers go back to work so they can teach our young people in the classroom, investing in strong communities.

This bill would support resources for our firefighters, put more police officers out there on the beat. That's investing in communities. We have to rebuild this country. The American Jobs Act does that. Let's pass the American Jobs Act, put this country back to work.

CELEBRATING THE LIFE OF MATT BRUNO

(Mr. DENHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENHAM. Madam Speaker, this past weekend, California's central valley lost a great leader, a leader in the dairy construction field, a man that has been a supporter to many commu-

nity causes, such as the Education Foundation of Stanislaus County, Center for Human Services, and the Memorial Hospital Foundation.

Matt Bruno owned and operated Turlock Dairy & Refrigeration, which employed 65 employees. He played a key role in the expansion of dairy farming in the area. His family grew peaches, almonds, and grapes, and he still continued that tradition on the farm where he was raised.

He graduated from Ripon High School, was very active in real estate investing and commercial properties, and in 1972 he bought Turlock Refrigeration Center. A year later, he bought Turlock-based Miller Dairy Supply, and the two companies were merged in 1974.

Matt Bruno is survived by his wife, Barbara; sons, Tony and Matt; three grandchildren; brother, Ed Bruno of Ripon; and sister, Vickie Maselis of Modesto.

On this day, the House of Representatives will celebrate his life.

WAR ON THE MIDDLE CLASS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, Republican leaders have made the laughable accusation that the President is engaging in class warfare. What President Obama is actually doing is ending class warfare, the relentless war on the middle class. Since 1983, over 80 percent of the growth in income has gone to the richest 5 percent of Americans, while the bottom 60 percent has lost 7.5 percent in income, of real income. That's the majority of Americans that are doing worse.

When I was growing up, a family could live a middle class life on one good job, often a good union job, public or private sector, with health benefits and a pension. That was the normal. Seems like the new normal in America, the one that I see the Republicans promoting is the rich get richer, the middle class is disappearing, and the poor get even poorer.

We need to enact bold laws like the President's American Jobs Act and common sense and fair budget proposals, both of which would help restore the middle class, protect the poor, and keep America strong.

UNLEASH THE AMERICAN ECONOMY

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Madam Speaker, our Nation is faced with 10 percent unemployment and rising, out-of-control deficits. And the Obama administration solution: spend more, tax more, and regulate more. This has created an

environment that has destroyed confidence and increased unemployment.

Instead, Washington must create an environment favorable to job creation. We must rein in out-of-control spending. This fall, we will vote on a balanced budget amendment that will require Washington to do what families and small businesses already do: live within their means. We must remain focused on relieving the regulations that are choking job creation. And lastly, we must concentrate on tax reform, not tax increases, because increased taxes are the enemy of job creation.

The American people don't want more solutions from the Federal Government; they want the Federal Government to get out of the way. And if we do those things, we will unleash the American economy and give businesses the confidence they need to grow and to create jobs.

WE'RE LOSING OUR MIDDLE CLASS

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Madam Speaker, corporate profits have now reached historically high levels—\$2 trillion just in the last two quarters. But most of that profit comes from reductions in personnel and benefit costs which are at a 50-year low as a percent of our economy. This is one of the reasons why the richest 1 percent earn as much as the bottom 60 percent and have as much wealth as the bottom 90 percent of Americans. Tax cuts for the richest, as the House majority demands, is only going to widen this historic disparity. The President's Jobs Act, though, will help to close this gap.

Madam Speaker, we're losing our middle class. Our country is becoming divided between the very rich and the rest. That may be good for the financial base of the Republican Party, but it's bad for America. The private sector will start to hire when the public sector shows it has sufficient faith in our future to adequately invest in the physical and the human infrastructure of this country. It takes money, but the future of our middle class is worth it.

JOB CREATION AND GROWTH

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. Madam Speaker, the American people want to be in the business of job creation and growth. Unfortunately, Washington is in the business of regulating, spending, and taxing.

This administration has barreled down the road of massive deficits, historic debt, and ridiculous mandates.

We all know where that road leads—right off a cliff.

Job creators know that our \$14.6 trillion debt is a tax on the American taxpayer. They know that higher taxes mean fewer jobs. And they know that focusing on compliance rather than innovation is a failing business model.

But in the face of these difficult times, Americans are optimistic. Not even the worst unemployment since the Great Depression can kill the American spirit. Washington can give job creators confidence by living within its means and reining in the regulatory machine. The American drive to succeed will take care of the rest.

Job creators are ready for real growth, not another failed stimulus. Let's pass a balanced budget amendment to require Washington to use common sense, just like Americans do.

□ 1240

WE LOVE OUR CARRIE MEEK

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, we love you, Carrie Meek. And I am delighted to rise today to admit that Carrie Meek, Congresswoman Meek, was a mentor to me and someone who drew the admiration of Republicans and Democrats and did some unique and remarkable activities here in this Congress.

One, as a freshman, she pushed enough to become a member of the Appropriations Committee and led graciously during her tenure. And then she worked very closely with Republicans and Democrats to fight to ensure that cigarette packages had warnings about the impact—the negative impact—on groups like African Americans.

Carrie, do you remember the picture that we took with Rosa Parks and some of our colleagues, and how gracious you were? And do you remember the 25,000 people in Florida when they were trying to overturn affirmative action? And yes, you walked as long and as hard as anybody else.

So, Carrie, I think the jobs bill that the President has could be named after you, where it provides some 80 percent compensation to small businesses to hire people. That sounds like Carrie Meek. And I think we can resolve the CR and provide for those who have suffered disasters and do the right thing. That sounds like Carrie Meek. So I'm here to pay tribute to our friend, Carrie Meek, and to thank her for sending her son, Kendrick, who is a great friend, and to let you know that we need to follow in the pathway of Carrie Meek that brings us all together to pass the jobs bill, a bill that could really be named after you Carrie, and as well to ensure that we protect those who have been harmed by disasters.

Thank you, Congresswoman Carrie Meek.

BARRIERS TO JOB CREATION

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Madam Speaker, this House and this Congress need to be focused on job creation. In fact, this House has passed scores of legislation out of the House over to the Senate that would create millions of American jobs. Yet the Senate refuses to take any action on them.

And what do we get from the President? We get more of the same class warfare and failed stimulus legislation. Of course, his first stimulus was such a disaster. We had a hearing last week that exposed the Solyndra scandal. That's the company that the President used as the poster child for the stimulus bill 2 years ago. And what happened? The taxpayers are on the hook right now for over \$530 million of money that was thrown away by this company that the President called a year ago the "future of this country."

Well, I don't want a future of bankruptcy, I don't want a future of scandal, and I don't want a future of the radical regulations and this class warfare that this President has given to this country. We need to create American jobs. We need to get these crazy regulations off the backs of our small business owners and create jobs in America.

WE LOVE OUR CARRIE MEEK

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Madam Speaker, I want to thank FREDERICA WILSON for organizing the "We Love Our Carrie Meek" 1-minutes.

Carrie, I want to make sure that you understand that this is not funereal, and they've kind of made it sound that way. This is a tribute to you. And since you and I came here together, along with JIM CLYBURN, CORRINE BROWN, SANFORD BISHOP and EDDIE BERNICE JOHNSON, and BENNIE THOMPSON halfway, since he came a little bit later, I speak for them as well.

EDDIE BERNICE could not be here but asked that I recite a portion of her remarks, and that is that your career in the House was distinguished as well as that on the State level.

Almost immediately, the Congresswoman established herself as a champion of expanding federal programs to create jobs and provide initiatives for African American business owners. In a battle that is still being fought today, Congresswoman Meek passionately opposed cuts to social welfare programs in the 1990s to prevent the financial

burden from being carried on the backs of the middle class and the disadvantaged.

I have the distinction of offering EDDIE BERNICE's full remarks and the compliments and congratulations from all of our class that came here in 1992, and an even greater distinction of speaking with Carrie perhaps as much or more than most of the Members with regularity and sharing with her the number of jokes and a number of anecdotes that we have together.

I, as well as all of us, are proud of you, Carrie, and the enormous work that you have done and that you will continue to do through the foundation. And thanks again for sending Kendrick to us as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair would remind all Members to address their remarks through the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 2401, TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 406

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject

to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I also ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for consideration of H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation. Fortunately, the anagram comes to TRAIN, so it's the TRAIN Act of 2011.

It makes in order 12 specific amendments out of the 14 that were received by the Rules Committee. Of the two not made in order, one was withdrawn by the sponsor and the other was not germane to the rules of the House. So what the Rules Committee has presented here is a rule that is, quite frankly, not bad. It is going to provide for an open discussion for those who are interested in this particular issue on the floor. It's a very fair rule, and it continues the record of the Rules Committee in this Congress of making as many amendments in order as possible which simply conform to the rules of the House. That's been the goal of our chairman, Mr. DREIER, and say what you will, he has produced a standard of fairness in the floor discussions that we will be having here on the floor in the past as well as in the future.

There are a lot of people that say Congress is simply dysfunctional. I admit, the system was designed to be complex, but there are a lot of people, especially those that have very little contact with this system, who simply stand up and say, why can't you just reach across the aisle, find some compromise, and work in a bipartisan man-

ner? To those people who are continually asking for that, you got it. It's here today in this particular bill.

The discussion draft of this bill was a bipartisan bill with a Republican and Democrat sponsor. First hearings on this bill were done back in April, so they have done their due diligence in studying the issue and working the bill to the point that they actually scrapped the first bill and reintroduced another, and once again, with bipartisan sponsorship of the bill.

□ 1250

If you look at the cosponsors on this bill, you will find Republicans and Democrats. Even in the final vote in committee, one Republican voted against it, and 29 percent of the Democrats actually voted for it. This is a process to be envied. If you want a good system, a bill that comes through in a bipartisan manner, this is it.

We all know that business is impacted by both legislation and regulation, and sometimes the blatant disregard for the cumulative negative impacts of onerous and sometimes overlapping new rules and regulations have had a disastrous effect on industry and on jobs. The current EPA appears to be driven to regulatory excess by asserting powers or controls in an area where that power and control have never been expressly delegated to the agency by Congress.

So, Madam Speaker, while I'm sure that every Member wants to have clean air and clean water and all Americans want clean air and clean water—they are vital objectives and laudable goals—however, I also think that many would agree that some of the current issues in some areas have gone beyond what Congress ever intended or ever approved, and also far beyond common sense. It has not helped the economic health of this particular country, which is why I commend the sponsors, both sides of the aisle, who recognize this problem and have come up with this legislation to fix the problem.

The underlying bill, H.R. 2401, simply says to the EPA—and potentially other agencies—stop, slow down. Take a more careful look at what you're doing or proposing to do. Take a serious and methodical look at whether or not what you're doing is duplicative of rules and regulations already on the books, whether or not they are overlapping, confusing, or contradictory rules and regulations to those already on the books. It tells them to do an analysis of alternative strategies that may be used to avoid damage to our fragile environment as well as our fragile economy.

This bill tells EPA—and others—that before certain draft regulations go into effect, it actually needs to study and consider the cumulative impacts of these new rules and regulations on energy production, on costs, on jobs, and

on our Nation's global competitiveness. Imagine that. Imagine a Federal agency seeking to institute rules and regulations which actually took the time to study the impacts of those plans and rules and regulations first. Who could oppose such a concept? It is just common sense.

There will be some that will complain, when the bill is discussed on the floor—maybe even here on the rule itself—that this goal is to dismantle the EPA and dismantle other organizations. No programs are cut by this process. Nothing is changed by this process. Some will stand up and say it's going to be a biased study. There are no limits to what the agencies can study. What this bill simply does is it makes sure that what has been ignored in the past is no longer ignored.

Are there some specific things that have to be considered? Yes, that's right, because we specifically identify what has been ignored. There is nothing in this bill that forbids any rules or regulations. It just says to the agencies, for heaven's sakes, get the facts first.

This bill holds the executive branch agencies accountable and forces them to be reasonable and actually study what they're doing before they implement it.

This is a good bill, it is a very good rule, and I would urge adoption of both.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to H.R. 2401. I do thank my colleague, Mr. BISHOP, for granting the time for the opposition.

This bill is really another attempt by the Republican leadership to demonize the Environmental Protection Agency and dismantle any government regulation intended to protect our Nation's public health and the environment.

H.R. 2401 is a waste of time and an absolute insult to the millions of Americans without jobs. Instead of crafting legislation to increase consumer confidence, instead of helping Americans hold on to their homes, instead of creating jobs for the millions of people who are unemployed, instead of relieving the burden of the middle class by making the Tax Code more fair, my friends on the other side are asking us to vote on a bill that effectively bars the EPA from finalizing and implementing two of the most significant air quality regulations in decades.

Coal plants—and let me lay my bona fides out here: I do believe in clean coal—the biggest source of unregulated mercury emissions in the United States, pump out 48 tons of emissions every year. Mercury contaminates more than 6 million acres of freshwater lakes, and I want to just take the prerogative of talking about one.

I was born in Altamonte Springs, Florida, and the nearest lake to where I was born is called Mobile. At one

point, my grandfather could pass by and say to my grandmother, I'm going down to the lake and catch some fish—and be guaranteed that that was going to be the case—and bring it back home in short time.

Now that lake is dead, and it's because of mercury contamination that that lake is dead; 46,000 miles of streams, and the stream that led into Lake Mobile is dead. And 225,000 acres of wetlands across the United States in all 50 States have some type of fish consumption advisory. Let me repeat that: all 50 States have some type of fish consumption advisory.

What's more, there are substantial economic benefits to these clean air rules that my friends are trying to block. The EPA estimates that the Mercury and Air Toxic Standards alone could generate more than 30,000 construction jobs and 9,000 long-term utility jobs, benefiting steelmakers, pipefitters, boilermakers, and others.

The economic value of air quality improvements totals \$59 billion to \$140 billion annually. That's 25,300 lives lost to toxic air pollution; over 11,000 heart attacks; more than 12,000 asthma attacks, and a significant portion of them being children; over 12,200 additional visits to the emergency rooms of our country; and hundreds of thousands of missed work days.

Overall, the EPA predicts that the monetary value of protecting Americans' health through implementing the Clean Air Act is projected to reach \$2 trillion in 2020 alone. Yet this bill ignores those benefits.

Madam Speaker, all of us know that times are tough, but this great Nation has been through tough economic times before. Environmental regulations are not the problem. The economy was really tough—and we are reminded of it often by my colleagues—under President Carter; yet the EPA at the time managed to set new national air pollution standards for airborne lead and began the phaseout of ozone-layer-destroying gases from aerosol spray products.

Nor has protecting the environment always been a partisan issue. The EPA has also had great successes under Republican Presidents. Upon founding the EPA in 1970, President Richard Nixon said the following: "We can no longer afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead, we should begin now to treat them as scarce resources which we are no more free to contaminate than we are free to throw garbage into our neighbor's yard." That was in 1970.

One of the first tasks assigned to the EPA was to enforce the Clean Air Act, also signed by President Nixon. Since its adoption, these regulations have prevented an estimated 200,000 premature deaths.

□ 1300

During President Reagan's administration, the EPA tested elementary and secondary schools for asbestos for the first time and named protecting endangered wetlands a top priority, while subsequently opening the new Office of Wetlands Protection.

And contrary to what many of my friends across the aisle believe, history did not end with President Reagan. President George H.W. Bush implemented the new cap-and-trade policies that successfully addressed the growing problem of acid rain.

President Bush's EPA also started the wildly successful Energy Star program, helping Americans save money through adopting energy-efficient products and practices. Since then, Energy Star has saved Americans \$17 billion on utility bills.

And on a more personal level, I grew up at times with asthma, as did a cousin of mine who still suffers the effects of it. Several of the employees that work with me now and some before have had asthma, and I genuinely believe that if we did not have the clean air standards that we have today, some of us may not be here.

In light of all these accomplishments, it's clear that H.R. 2041 is nothing more than an effort, at the behest of a big, big set of businesses, to delay and block necessary and important regulations that will keep our country safe and clean.

Republicans claim that this bill assists agencies with their economic analyses of EPA regulations. This is nothing more than a convenient, ad hoc justification.

Firstly, all major regulations already receive years of extensive cost-benefit analysis before implementation. At the same time, this bill fails to take into account any of the health and environmental benefits of the regulations in question, rendering the one-sided "cost-only" analysis set forth by this bill unnecessary.

Second, the version of the Energy and Commerce bill that was reported out suspends two major regulations that have been the subject of analysis, litigation, re-examination and rewriting for over two decades. Both the National Environmental Policy Act and Executive order 12866 signed by President Clinton require Federal agencies to perform the type of analysis required in the bill, including a comprehensive cost-benefit analysis.

By requiring unnecessary and duplicative studies, my friends on the other side could not make their desire to indefinitely block these regulations any more clear.

I've introduced an amendment that carves out an exception for rules and regulations drafted in adherence to the rules already on the books, freeing these important regulations to proceed along as scheduled.

Madam Speaker, based on what I've seen by this Republican-led Congress, it's clear to me that they obviously have no intention of using their real power to create jobs. Instead, they prefer to waste time on measures such as this bill that are designed to do one simple thing, and that is to further delay both past and future regulations.

Now, let me make it clear. I've quarreled, as have some of my colleagues, with the Environmental Protection Agency, as rightly we should when the circumstances permit, and that is, in my case, with the numeric nutrient standards that are proposed in Florida. A court has made a decision regarding the enforcement of those nutrient standards, and I believe that the communities involved are prepared to undertake to do what's necessary. And I do not believe that EPA has to involve itself at this point in time.

But when I quarrel with EPA, as I do, I don't do it in a way that demonizes the agency. I do it in a way that's looking for a solution.

One thing that I've learned in the years that I've been in this institution is that whether you have a right or left or center ideological perspective, to begin demonizing certain people suggests to me that those people probably have been successful. I don't know Lisa Jackson, the Environmental Protection Agency Cabinet official, but I do know that the way people are screaming about the work that she has done suggests that she must be having some success.

It's time to call my friends out on the other side for their shenanigans, and show the American people that they are more interested in helping big business and the wealthy than the middle class and working poor Americans who continue to struggle all across this Nation every single day.

If we start cutting the regulations that protect the environment when we are down, where will we be when we recover?

I've seen firsthand what happens in places that disregard environmental protections for the sake of business. I remember being in Seong, China with a departed colleague, Gerald Sullivan, who was chair of the Rules Committee, and holding my hand in front of my face and not being able to see it. I also had that same experience in Los Angeles, California, in the late 1950s.

This certainly is not the kind of home that we want to leave for our grandchildren. The air that we breathe, the water that we drink, the soil on which we produce our crops is the earth that we call home. And, in my view, we must keep it clean.

Let me tell you what Ronald Reagan said. If we've learned any lessons during the past few decades, perhaps the most important is that preservation of our environment is not a partisan challenge. It's common sense. Our physical

health, our social happiness, and our economic well-being will be sustained only by all of us working in partnership as thoughtful, effective stewards of our natural resources. President Reagan made those remarks on signing an annual report of the Council on Environmental Quality.

Additionally, he said, in a radio address, that I'm proud of having been one of the first to recognize that States and the Federal Government have a duty to protect our natural resources from the damaging effects of pollution that can accompany industrial development.

And more importantly, what he said is, what is conservative after all, but one who conserves, one who is committed to protecting and holding close the things by which we live? And we want to protect and conserve the land on which we live, our countrysides, our rivers and mountains, our plains and meadows and forests. This is our patrimony. This is what we leave to our children, and our great moral responsibility is to leave it to them either as we found it or better than we found it. He made those remarks at the dedication of the National Geographic Society's new headquarters building in 1984.

President George W. Bush said, our country, the United States, is the world's largest emitter of manmade greenhouse gases. We account for almost 20 percent of the world's manmade greenhouse gas emissions.

In addition, in a joint address to Congress he said, I also call on Congress to work with my administration to achieve the significant emission reductions made possible by implementing the clean energy technologies proposed in our energy plan. Our working group study has made it clear that we need to do a lot more.

Those words from two Presidents that are revered, rightly, by many of us in this institution, and certainly by my colleagues that are Republican that share the same ideological perspectives, should be sufficient to put to rest this polluting bill that we could rename the Toxic Polluting America measure.

I reserve the balance of my time.

□ 1310

Mr. BISHOP of Utah. I thank the gentleman for not demonizing me or my colleagues and our motives on this bill.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. I'll try to do better about that as we progress.

Madam Speaker, I yield 2 minutes to my good friend, a former member of the Rules Committee, a distinguished Member of this body from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank my colleague from Florida for his eloquent words and for allowing me a moment to speak on the floor.

Madam Speaker, the TRAIN Act will repeal two critical clean air standards: the proposed Mercury and Air Toxics Standards and the final Cross-State Air Pollution Rule for power plants that burn coal and oil.

I'm from the State of Maine, and Maine is the tailpipe of the Nation for most atmospheric pollution. Nearly 130,000 people in Maine have been diagnosed with asthma. Yesterday in my office, I met with a wonderful young man named Jake, one of 28,000 children in the State of Maine who suffer from asthma. I also met with his parents, small business owners who struggle to pay more than a thousand dollars a month in insurance and medication to keep Jake healthy.

Since 1970, the Clean Air Act has saved hundreds of thousands of lives and decreased air pollution by 60 percent. Implementing Clean Air standards will mean fewer kids and parents will struggle with life-long costs of dirty air. Improved standards will also mean reducing the amount of mercury and toxins in the air and water.

In 2000, the government determined that major coal-burning entities are the single largest source of manmade emissions of mercury in the United States. It's estimated that 6 percent of women in the U.S. of childbearing age have dangerous levels of mercury in their blood, and more than 410,000 children born each year in the United States are exposed to levels of mercury in the womb high enough to impair neurological development.

Madam Speaker, improved Clean Air Act standards will dramatically reduce atmospheric pollution and decrease dangerous healthy effects of dirty air. The TRAIN Act would delay those standards.

Companies are prepared to meet improved Clean Air Act standards by making further investments in technology that would create over a million jobs in the United States between 2011 and 2015. The TRAIN Act will delay those investments.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. PINGREE of Maine. The TRAIN Act will delay those investments and delay those jobs in this country. The TRAIN Act is bad for business, it's bad for our health, and it's bad for the State of Maine. I urge a "no" vote on the TRAIN Act and a "no" vote on delaying Clean Air Act standards.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 1366, the National Manufacturing Strategy Act of 2011.

Madam Speaker, I am very pleased to yield 3 minutes to the distinguished

gentleman from Illinois (Mr. LIPINSKI), whose father I had the privilege of serving with as well.

Mr. LIPINSKI. Madam Speaker, I rise today to urge my colleagues to oppose the previous question so we can bring to the floor a bipartisan bill that I reintroduced earlier this year, H.R. 1366, the National Manufacturing Strategy Act.

I know that my colleagues on both sides of the aisle recognize our near-term and long-term economic challenges and understand that the American people want us to help them get back to work. So rather than considering a bill to tie up pending environmental regulations in red tape, we should be bringing to the floor a bill we can agree will improve our competitiveness and help the private sector create good jobs.

The National Manufacturing Strategy Act requires the President to establish a bipartisan public/private manufacturing strategy board. This board would analyze the various factors that affect manufacturing, including trade, taxes, regulations, among others. It would also consider the government's programs, policies, and role in promoting manufacturing and identify goals and recommendations for Federal, State, and private sector entities to pursue in order to achieve the greatest economic opportunity for manufacturers in America.

The strategy will be reexamined every 4 years so it would reflect the implementation of prior recommendations, reassess global markets and technological development, and plot a revised strategy.

The Federal Government already has significant and broad influence on the domestic environment for manufacturing; and certain areas of the government rely greatly on a strong manufacturing base, particularly our national defense. Yet there's little to unify the multitude of programs and policies that exist throughout the government toward the common goals and agenda for promoting our domestic manufacturing base and securing our place in the world's markets.

Unfortunately, the government's promotion of manufacturing has been ad hoc. Instead, we need to be proactive and organized and efficient across our government.

Most of our competitors understand the need for a strategy. Not just China and India but also Germany, Canada, the United Kingdom, among others, have developed and implemented strategies.

This idea enjoys widespread support in America from a wide range of industrial sectors, labor, and the public. A poll conducted last year by Alliance for American Manufacturing found that 86 percent of Americans favor a national manufacturing strategy aimed at getting economic, tax, labor, and trade policies working together.

This public support already has been echoed in this Chamber where last year we passed this bill by a bipartisan vote of 379-38.

I urge my colleagues in the House to join me in calling for action on jobs and the economy. We cannot continue to sit idly as our manufacturing base and quality, well-paying jobs depart for China, India, or elsewhere.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. LIPINSKI. We must take action to provide a competitive and focused foundation for those who will continue to make it in America, and we can do so now by defeating the previous question and then passing the National Manufacturing Strategy Act. The American public is waiting. They need jobs. They want us to act. So let's move forward together on something we can agree to and get Americans back to work.

Mr. BISHOP of Utah. I am pleased to yield as much time as he may consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my extraordinarily quick-witted, thoughtful and hardworking colleague from the Rules Committee for yielding me the time. I rise in strong support of this rule, and I take the floor to do my doggone-est to help us put in perspective why it is that we're here and what it is that we're doing.

Let me say that at the outset I think most everybody acknowledges if you're a job creator, that often government regulation and government control has undermined your potential to create new jobs and streamline your operation and make sure you can deliver a product or a service to a consumer at a lower price.

Let's just at the outset say that the notion of trying to tackle the issue of the overreach of government overregulating businesses and individuals is a challenge that needs to be addressed. That's really what came to the introduction by our colleague, Mr. SULLIVAN, and the very hard work done by Mr. WHITFIELD in the Energy and Commerce Committee of this so-called TRAIN Act, T-R-A-I-N. Don't ask me to say exactly what the acronym means. I'd have to read it to see it.

It basically means that we're going to have an entity put into place that's going to look at both the costs as well as the benefits for dealing with the issue of regulation.

Now, my friend from Fort Lauderdale regaled us in the Rules Committee when we were marking this up a couple of days ago about the time that he spent in Los Angeles. He told the story about awakening and not being able to open his eyes because the air pollution was so great in Los Angeles. He may

have shared that with our colleagues here on the House floor as he did in the Rules Committee. I don't know. I haven't followed the debate that closely. I was in another meeting.

I will say that I live in Los Angeles today, and I represent the Los Angeles basin. I'm a Republican. I'm a Republican who likes to breathe clean air, and I'm a Republican who likes to drink safe water. I don't have as a goal, as a priority, the obliteration of air quality or water quality. It's not a priority for me, and I frankly don't know of any Democrat or Republican in this institution who has a desire to do that.

□ 1320

I am also one who recognizes that many of the things that have been done at the governmental level have played a role in actually improving air quality and in playing a role in improving drinking water. I will say that there is no desire on the part of anyone to undermine the assurance that we have of clean air and safe drinking water.

Now, having said that, I think it's important for us to recognize that we are going to do everything that we can, though, to say when we see duplicative regulation. When we see the kind of burden that has been imposed, we should see action taken. But guess what? This committee is not empowered to do anything—anything at all—like what has been described or implied by my colleagues on the other side of the aisle. This committee will not be able to repeal any regulation as it relates to drinking water or clean air or any of these ideas.

I also want to say that I happen to believe that good environmental policy happens to be good business. I know there is often this sense that, if you're pro-environment, you must be anti-business, and if you're pro-business, you must be anti-environment. I see the two really going hand in hand; but it's important for us to make sure that we don't go overboard in undermining businesses' potential to address environmental needs with a regulatory burden that is as great as some have reported it to be.

To me, we have made every single amendment that complied with the rules of the House in order, so we're going to have an opportunity for a free-flowing debate with Democrats, including an amendment that the Democratic floor manager of this rule will have that has been made in order by the Rules Committee.

We're going to have an opportunity for a free-flowing debate, and I urge my colleagues to support this very commonsense measure.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

My colleague from California spoke about what our committee would do. I would urge him to understand that Congress is doing it for them with this measure.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, the day before yesterday, Frances Beinecke, the president of the Natural Resources Defense Council, said the following:

"GOP lawmakers would have us believe that the public health and environmental safeguards stemming from the Clean Air Act—a 40-year-old law signed by President Nixon—are thwarting economic growth. It's not the unregulated market in mortgage debt, the U.S. trade deficit with China, or the shaky state of European banks that is freezing growth. It's the EPA's effort to reduce toxins from old power plants."

Madam Speaker, millions of Americans are hurting and are in desperate need of our help. Instead of working to create jobs, my colleagues on the other side would rather consider "do nothing" bills. We've been doing nothing around here for a very long time now and have been considering "do nothing" to get our economy back on track. This "do nothing" bill does not create jobs, and it does nothing to help the struggle of middle class and working poor Americans. Let me just give some examples of the time line on the Environmental Protection Agency's laws and list them, in part, by administration.

I spoke earlier about the Clean Air Act of 1970 and the Clean Water Act that President Nixon vetoed. His veto was overridden, and then he signed it on October 18, 1972.

Under President Ford, we got the Safe Drinking Water Act, and the cancer-causing pesticides were banned. There was the Toxic Substances Control Act in 1976 under President Ford.

Under Jimmy Carter, we got the Clean Water Act of 1977. Then the EPA set a new national air pollution standard for lead, and I'm sure families with children understand that dynamic. The phaseout of chlorofluorocarbons took place in 1978.

Under President Reagan, in 1982, we got the Nuclear Waste Policy Act and the asbestos testing in schools, which was critically important throughout this Nation. We got the Chesapeake Bay pollution cleanup and a 90 percent reduction of lead in gasoline. During that same period of time, although it was not his discovery, the ozone layer problem was discovered. Then in 1986, President Reagan signed the Safe Drinking Water Act Amendments, the wetlands protection measure, and the Right-to-Know Laws for chemical safety. The Montreal Protocol was signed

by the President in 1987 and standards for underground storage tanks in 1988. The sewage Ocean Dumping Ban also came about in 1988.

The Alar pesticide ban for use on foods came under President Bush. Toxic waste control came under President Bush as well as the Pollution Prevention Act. Acid rain controls were enacted as well as the Energy Star program.

Those are just a few, and I won't go into the many under President Clinton and the few that have taken place under President Obama.

With that said, there seems to be this act against the Environmental Protection Agency that suggests that they have been harmful in some way—that's another word for "demonize"—that they've been harmful, the EPA, in all of these things that have been done throughout all of this time that have helped our environment.

I just, for the life of me, don't understand why it is now we want to slow down this process and allow for an analysis, that is already being done, to be delayed. We want to protect and conserve the land on which we live—our countryside, our rivers, our mountains, our plains, and meadows and forests. That's what Ronald Reagan said. This is our patrimony. This is what we leave to our children, and our great moral responsibility is to leave it to them either as we found it or better than we found it.

Does the bill that we're considering today leave the land better than we found it? I think you know the answer.

I urge my colleagues to vote "no" on the previous question, "no" on this rule and the underlying bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

I have to admit that in a prior existence, when I was a debate teacher in high school, one of the things we taught our kids—because every team did it—was, regardless of what the bill was that the affirmative presented, to come up with a series of problems. In every instance, the negative team would always end with this plan, whatever the plan was, resulting in a melting of the polar icecap, which would trigger a thermonuclear war. It didn't matter what the affirmative plan had. One of the negative arguments was it will melt the polar icecap and trigger a thermonuclear war.

Sometimes when we're here on the floor, I feel that we're doing those same kinds of debate cases, because it doesn't matter what the bill is; it's going to do all sorts of things. This bill simply says that, before you implement a rule or regulation, you're going to study everything, including its impact.

One of the speakers who came to the floor said there are two rules that are

going to be prohibited in this bill. Now, there are two rules specified in this bill that say, before you implement them, see what they will do to the jobs and the economic cost. I mean, these rules could increase the electricity costs for everyone, rich or poor, by 3, 4, 5 percent or more. We don't know. Study it first before you do it.

There was a rule that was passed in my State dealing with particulate matter. In my area, in one of the very remote rural areas, we do testing on solid rocket motors.

□ 1330

That testing could violate this rule. No one knows for sure because the EPA didn't do that kind of analysis.

One of the private sector groups said the U.S. Environmental Protection Agency disturbingly admitted that the impact on American jobs is not a consideration in rulemaking, even while the United States continues to struggle through the recession and unacceptably high unemployment.

I'm sorry, that's one of the things that should be considered in rulemaking. Is there an executive order that mandates it? Yeah, but it's not being done.

So what we want to do is to have a law passed that says, yeah, what is not being considered should be considered. It doesn't stop the rulemaking, it doesn't stop the rule, it doesn't roll back anything, it doesn't kill anybody, it doesn't melt the polarized cap, and it doesn't start thermonuclear war. It simply says we will have a commission, interagency, together to look at specific things; and we will consider it.

So before you come up with another rule or regulation, you know the total impact, what it does to the environment, what it does to the economy, what it does to human beings.

Studying is something we should all recognize and we should all want. This is what the bill does. It doesn't destroy anything, it doesn't cut anything, it doesn't stop anything. It just says before you proceed, you know what you're doing, and that should be common sense.

That should be what we were doing in the first place. And if it takes a piece of legislation to make sure we do what we should have been doing in the first place, let's pass this legislation, this bipartisan legislation with Republican and Democrat sponsors that was passed with Republican and Democrat votes—and actually one Republican voted against it as well.

This is a bipartisan process, this is a bipartisan bill, this is a good piece of underlying legislation, and it is an incredibly fair rule because, remember, 12 of the 14 amendments, every one that could be made in order, was made in order to be discussed and debated on this floor, which is the way we should be doing things at all times. It's a

great process, and I look forward to listening to the debate on all 12 amendments as well as the base bill when we finally get to the position of debating this bill on the floor.

Mr. GINGREY of Georgia. Madam Speaker, I rise in strong support of this rule and the underlying legislation, H.R. 2401—the TRAIN Act. At a time when we have 14 million people out of work in this country, we must enact commonsense policies that will reduce the regulatory burden on job creators so that they can put people back to work.

Unfortunately, over the past 30 months under the Obama Administration, the EPA has issued a wide array of large, expensive regulations that affect virtually every facet of the U.S. economy, from homeowners, hospitals, and farmers to small businesses and manufacturers. H.R. 2401 addresses two of the more egregious of these regulations. First, the Utility MACT is designed to limit emissions of mercury, acid gases, and non-mercury metals from power plants. Next, the Transport Rule is designed to establish specific statewide caps for sulfur dioxide and nitrogen oxide emissions from power plants.

Madam Speaker, through these proposed rules, the combined cost on job creators will be \$17.8 billion annually and will jeopardize 1.4 million jobs by 2020. The Utility MACT rule alone is estimated to increase electricity costs on families by nearly 4% at a time when our economy can least afford it.

As a member of the Energy and Commerce Committee, I commend the leadership of Chairman UPTON and Energy and Power Subcommittee Chairman WHITFIELD for their leadership on this issue. H.R. 2401 would put the brakes on several of EPA's most damaging regulations until an interagency committee can fully study the cumulative effect of all proposed rules. This study would analyze both the health and social benefits as well, as the actual impact on economic competitiveness, trade, energy supplies, consumer spending, and jobs.

Madam Speaker, millions of out-of-work Americans are desperately crying out for us to help put them back to work. During these challenging economic times, we should not allow burdensome federal regulations from the EPA to add more people to the unemployment rolls. For this reason, I ask all of my colleagues to support this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 406 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1366) to require the President to prepare a quadrennial national manufacturing strategy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Energy

and Commerce and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the pre-

vious question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1534

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 3 o'clock and 34 minutes p.m.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2011, relating to a measure making continuing appropriations for the fiscal year ending September 30, 2011.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, my Rules Committee colleague, the gentleman from Worcester, Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I might consume. During consideration of the resolution, all time that is yielded is yielded for debate purposes only.

GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the matter that is before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, we are dealing with extraordinarily challenging times.

The American people have been sending a message to us which is powerful and overwhelming, and it's one that I believe that both Democrats and Republicans have heard, and that is: We need to get our economy back on track. We need to make sure that we have a climate that will create jobs so that people—many of whom I represent, sadly, and I know the Speaker faces the same thing in the Show Me State of Missouri, and my friend in his State of Massachusetts faces this. We have friends and neighbors who have lost their jobs, who have lost their homes, who have lost their businesses, and the message that has come to us overwhelmingly is that we must put into place policies that will encourage job creation and economic growth.

We obviously have a very troubled global economy. The developments that have taken place in Europe have played a big role in leading to today's huge drop in the stock market. I haven't looked at it in the last few minutes, but earlier today it was down over 400 points, and I know we have obviously difficult decisions that lie ahead for many.

We, as an institution, the United States Congress, have a responsibility to address the fiscal needs and challenges that are before us. One of those challenges and one of the factors that has played a role in the economic downturn, I believe very strongly, has been the \$14½ trillion national debt that looms before us.

Again, as you know very well, Madam Speaker, in a bipartisan way,

Democrats and Republicans alike decry the \$14½ trillion national debt that we have and the fact that we have deficits going as far as the eye can see.

Now, we know that last July, just before we adjourned for the month of August, we had to deal with the question of whether or not we were going to increase the debt ceiling. We tackled that issue, and we ended up coming to a bipartisan consensus. We all knew that it was necessary for us to increase the debt ceiling because there was a responsibility to pay the bills that have been accumulated in the past.

From this side of the aisle, we complained and fought against the 82 percent increase in non-defense discretionary spending that we've seen over the past 4 years, but with that money having been spent, we recognized that the bills had to be paid.

That led us, Madam Speaker, to come to a bipartisan consensus that we would, in fact, increase the debt ceiling; but we had to tackle, in a bipartisan way, the deficit and debt issues that are looming before us.

So we put into place a joint select committee which, as we all know, is going to be charged with, by November 23, completing its work and, by December 23, having a vote in the House and the Senate. And if they're not successful, we will deal with sequestration, which will be across-the-board spending cuts that I don't think anyone wants to see happen because we want to be in a position where we make those decisions for \$1½ trillion. And as many have said, that group of Senators the other day said a \$4 trillion—excuse me—\$4 billion. What is the number? I was right, \$4 trillion. Excuse me. You know the proverbial Everett Dirksen line: A billion here, a billion there; before long, you're talking about real money. And that was five decades ago that he said that, and we are where we are now.

So the plan, as proposed by some, Madam Speaker, would take us to as much as \$4 trillion in spending cuts, and I hope we can do that in a bipartisan way.

Now we are in a position where we—as I said yesterday during the debate on the rule on this issue, last year, for the first time since the 1974 Budget Act was put into place, we didn't have a budget that was proposed to us.

□ 1540

Hey, I'm not in the business of pointing the finger of blame. I'm just in the business of looking at the facts of where we are. So we know what has been inherited. We know, as we hear these very strong statements being made, that we've gone through a difficult 9 months. We had to deal with the continuing resolution to simply clean up the mess. The Acting Speaker is a member of the Appropriations Committee, and she knows very well

the challenges that we had with those appropriations bills having to be done last year. That Appropriations Committee on which the Acting Speaker sits has to deal with this issue, and had to deal with it earlier this year. Today, Madam Speaker, we are in a similar position.

We, right now, know that the fiscal year comes to an end next week. We have some very important priorities that need to be addressed, and the one that everyone is talking about is the fact that we have seen disaster after disaster hit this Nation. We are determined to ensure that those who have suffered most over the past several weeks and months from disasters—flooding—and I remember seeing my colleague from Vermont (Mr. WELCH) yesterday. He sent out photographs of the devastation of the flooding that has taken place in Vermont. In Pennsylvania, we just had a Republican Conference at which one of our new colleagues, Mr. MARINO, was up, talking about the fact that he has been walking through mud, talking to families—to parents who have their children literally sitting on automobiles because they can't get into their homes—and asking what it is that they're going to do.

We have our fellow Americans who are suffering, and we want to ensure that the dollars necessary for the Federal Emergency Management Agency are there. The chairman of the Appropriations Committee reported to us that we're seeing about \$30 million a day being expended through the FEMA funding, and there's about \$200 million left. So we are faced with the prospect of expiration—the expiration of all of the resources that FEMA needs—by this weekend, Madam Speaker. That's the reason that we are back here today.

We all know what happened yesterday. The Democratic majority and some Republicans chose to vote “no” on the continuing resolution, which would simply take us from now to November 18—a very short period of time, just a matter of a month and a half—so that during that time we can, as Speaker BOEHNER has said, deal with the overall appropriations process and establish the priorities. So we are here today, having had a meeting in the Rules Committee last night, calling for same-day consideration so that, quite possibly, with some modifications, we can bring up that bill which had enjoyed bipartisan support.

It is no secret, I'm sure the Democrats will acknowledge, that the minority whip, Mr. HOYER, and the ranking member of the Appropriations Committee, Mr. DICKS from Seattle, both had indicated earlier support. They acknowledge it. They're on the record as having done that. They said that they had changed their minds, and I respect that. Members have a right to

change their minds. We all have a right to change our minds. But that decision was made, and we went to the vote and the votes were not there.

Madam Speaker, I think there is clearly a bipartisan understanding that ensuring that resources get to our fellow Americans who are suffering due to these disasters that have hit—hurricanes, tornadoes, flooding—is a priority that we all share. Personally, I'd like to see the Federal Government get out of being the place of first resort for the American people to look to when there is a time of disaster.

In fact, the Acting Speaker's late husband, with whom I was elected in 1980, led an effort, going back decades, when he served here, that was working on proposals for us to address the disaster relief issue, which was a very, very challenging one. He explored and came up with some great proposals for how we could deal with disasters beyond having the Federal Government be the place of first resort for the American people when they are faced with the aftermath of a disaster.

But, Madam Speaker, those changes that were proposed by my late colleague Bill Emerson were not made in order, were not addressed, were not implemented, and so we are where we are; and while I'd love to see those changes down the road, today we need to address the very pressing needs that our fellow Americans have for some kind of resolution to this issue.

We have this same-day rule so that we can today pass with what I hope will be strong bipartisan support a continuing resolution that will simply carry us from now to November 18, during which time we will see, Madam Speaker, you and the other members of the Appropriations Committee work to come up with some kind of resolution to this issue.

I am going to urge my colleagues to support this measure in the name of bipartisanship, in the name of our effort to try and resolve this pressing issue.

With that, I reserve the balance of my time.

Mr. MCGOVERN. I want to thank the gentleman from California, Chairman DREIER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Here we go again, Madam Speaker. Republicans are, once again, going back on their promises for a more open, more transparent House of Representatives—another martial law rule designed to fix problems of their own doing, another effort to break the rules just to fix their own mess.

And it didn't have to be this way.

For months, we've known that more disaster assistance was needed to address the aftermath of the tragedy in Joplin and, more recently, to address the damage caused by Irene as it made its way from North Carolina up the east coast into New England. Americans respond to natural disasters.

That's what we do. We always have. We rise to the occasion when our neighbors are in need. The problem is when politicians start playing politics with people's lives, and that's where we find ourselves today.

Yesterday, the Republican leadership brought a continuing resolution to the floor that not only provided less disaster assistance than that of the Senate, it also offset that funding by cutting a green jobs initiative. It's not enough that we've been in session 261 days without a single jobs proposal from the Republicans. With yesterday's continuing resolution, Republicans actually proposed cutting a jobs program just to make political points with their Tea Party base.

Yesterday, Democrats said enough—enough to the job-killing Republican agenda, enough to the notion that fiscal austerity means turning our backs on people in need, enough to the “my way or the highway” attitude that seems to make up the ideology of the Republican leadership.

Yesterday, 48 Republicans joined 182 Democrats in defeating the continuing resolution. According to Politico, it was “an embarrassing setback.”

Yesterday, Republicans and Democrats said, Don't play games with the lives of Americans.

It's almost as if the Republicans blame the victims of the hurricane and tornado for having the audacity to live in the paths of those natural disasters. So here we are again, forced to consider a martial law rule in an attempt to fix the problems that the Republicans, themselves, created, a martial law rule that not only waives the rules of the House but that also allows for the immediate consideration of a new continuing resolution.

No time to read the bill, even though the Republicans started out the year by promising 72 hours to look at any legislation voted on in the House. No time to read the bill. No ability to amend the bill.

So much for the new open Congress.

It wasn't too long ago that my colleagues on the Rules Committee were touting the new open Congress. Look how far this new Republican House has fallen.

Madam Speaker, it is disappointing that we're here today. It's disappointing that the Republicans are making a mockery of the legislative process. It's disappointing that they continue to choose politics over the American people. The American people deserve better than this.

With that, Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to say to my friend that it's very unfortunate. In my opening remarks, I made the best attempt that I could to be as bipartisan as possible. Democrats and Republicans alike recognize that we've

had the most open House, the most transparent process, and that more amendments have been made in order.

I am very proud that the Rules Committee has repeatedly made McGovern amendments in order that have been proposed to the Rules Committee. In the measure that we have addressing the regulation issue, we made every single amendment that complied with the rules of the House in order—an amendment offered by my friend Mr. HASTINGS.

So, to talk about these sorts of crocodile tears, Madam Speaker, the House has gotten to a new low. We need to make sure that the American people who are suffering and in need have the resources that are necessary.

□ 1550

The measure that is before us has a higher level of funding for those who are in need than the President has proposed to ensure that we immediately get those dollars to the people who are suffering, and there are people all over this country who have been suffering through these disasters, and it needs to be done.

Madam Speaker, I will say that we are what we are. The legislative process is not always a pretty one, but I began by talking about our priority of job creation and economic growth; limiting the size and scope and reach of the Federal Government; trying to decrease the regulatory burden, which our TRAIN Act—which we just debated the rule on a little while ago—is designed to address these sorts of steps, designed to make sure that more Americans will have opportunities to be members of the workforce, to be able to support their families and so that people won't see their small businesses lost because of the economic downturn. Those are the priorities that we have, and getting our fiscal house in order while meeting our priorities which, in this day and age, disaster assistance is one of, are what we've got to do.

So I am proud to work closely with my Democratic colleagues. I am proud of the fact that they have been supportive, Madam Speaker, of a number of the measures that we have had before us; and I am proud that we have been able to take many of their ideas, Madam Speaker, and allow them to be considered on the House floor so that we've been able to have a free-flowing debate.

That's what the American people want. I believe that since every Member of this House represents just about the same number of people, about 600,000. Under the new census, it will be, I think, 704,000 constituents, that they have a right to be heard, they have a right to have their ideas considered.

That hasn't always been the case under Republicans or Democrats in the

past, but today it is. We're doing our doggone-est to make sure that more Members have their ideas considered.

I am very proud of that fact, and I will say that I regularly have Democrats come to me and say they are very appreciative of the fact that we have been able to allow their ideas to be considered on the House floor.

I am proud of the strides that we have been making under Speaker BOEHNER. We have a long way to go, but this is all inside baseball stuff. As you know very well, Madam Speaker, the priority is job creation and economic growth to ensure that our fellow Americans have the kinds of opportunities that they need.

Let us proceed. This is a procedure that I don't particularly like, but in light of the fact that there had been a bipartisan agreement yesterday that did not work out—that's about the nicest way that I can put it, it didn't work out—and so we had no choice other than to allow for a rule that would provide for same-day consideration simply of this measure to ensure that we don't go through a government shutdown.

I mean, we wouldn't be doing a same-day rule, Madam Speaker, if we weren't faced with, frankly, the threat—and I'm not going to point the finger of blame, but I will say it hasn't been Republicans who have been talking about the idea of a government shutdown. It's something that has come from some others and some on the other side of the Capitol who have talked about the prospect of that. We want to avoid it. We want to ensure it doesn't happen.

And so we're going to have an opportunity, Madam Speaker, to have a measure before us that will address the very important priorities of disaster assistance and other areas which doesn't cut as much as I would like. I would have loved to have voted “no” yesterday, Madam Speaker, because I believe that the spending level is higher than it should be.

The Republicans do, in fact, have a majority in the House of Representatives, but our Democratic colleagues have a majority in the United States Senate. We know that President Obama is a Democrat. In light of that, we have to come to some kind of a bipartisan consensus. So we're turning ourselves inside out to make that happen, and we have done it time and time again; and this is another example of it.

I hope that we will be able to move ahead and as expeditiously as possible provide the assurance that our fellow Americans need.

With that, I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I'm a little bit confused. The gentleman referred to the

legislation before us that it would provide this for the American people and that for the American people.

The legislation before us is a martial law rule which says that a bill that we have yet to see will be able to be brought up on the floor for same-day consideration. So I don't know what's in the new continuing resolution.

Maybe the gentleman can enlighten us: Do we expect a vote on the continuing resolution today? When can we see this continuing resolution? Does the gentleman have any insight that he can fill us in on and when Members might actually be able to see the bill?

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. First of all, let me express my apologies; 99.999 percent of the time I am always riveted to the words of my friend from Worcester when he is offering his thoughts. I have to admit I was talking to our distinguished Rules Committee colleague, Mr. WEBSTER, over here.

Mr. MCGOVERN. Let me reclaim my time and repeat the question.

The question is that the gentleman on a number of occasions referred to that the bill provides this for the American people and that for the American people when the bill before us is a martial law rule. We haven't seen the continuing resolution. When do we expect to see it? Are we voting on it today?

Mr. DREIER. First of all, let me thank the gentleman and say that he is right on mark in raising that question. It's not only a fair question; it's an appropriate question to ask of me.

The answer is we will have a meeting in the House Rules Committee right upstairs on the third floor, at which time we will have before us a proposal that I can tell you will be very similar to the measure that was considered yesterday. As you know, there was \$1.043 trillion in that proposal.

Mr. MCGOVERN. If I can reclaim my time, will that be in the next hour? Will that be today?

Mr. DREIER. It's my hope that we'll be able to do this today. That's the reason, as my friend knows, we were going to pass this measure yesterday and it didn't work out. I mean, that's part of the legislative process.

I thank my friend for yielding.

Mr. MCGOVERN. Reclaiming my time, the Rules Committee will consider it today, and then we would vote on it tonight? Is that the plan?

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, what I would say is that I hope the Rules Committee will be able to meet in the not-too-distant

future. It's now about 2½ minutes before 4 o'clock. I can't say how quickly we'll be able to meet.

We certainly, as is always the case, will give the minority ample notice for them to have a chance to look at whatever modifications are made to the continuing resolution that will be before us.

Mr. MCGOVERN. Is that 1 hour or 72 hours?

Mr. DREIER. Excuse me?

Mr. MCGOVERN. Will you give me 1 hour, or 72 hours as was promised?

Mr. DREIER. I have no idea what the gentleman is talking about. What is 72 hours? What is that?

Mr. MCGOVERN. My understanding was that one of the pledges of the new Republican majority was that we were going to have a 72-hour layover to be able to read the bill.

Mr. DREIER. Well, there was never any such pledge made. If the gentleman looks at the rules of the House, he knows very well that there's nothing in there that states 72 hours.

Mr. MCGOVERN. If I could reclaim my time, I thought in the rules of the House it was 3 calendar days.

Mr. DREIER. That is true. As the gentleman knows very well, we're in a position right now where we're dealing with an emergency situation; the American people are hurting. We had the measure before us with a full 3 days. It was put online on Monday, and so we had the 3 full days. And it is true, we're looking at what would be possibly an amendment to that measure, and so we will be in compliance.

First of all, again, let me say, Madam Speaker, that there was not any 72 hours in the rules of the House, if the gentleman would look at the rules of the House. It is a 3-day layover requirement, and I believe that we will be in full compliance with the 3-day layover.

Mr. MCGOVERN. Reclaiming my time, if I understand the gentleman correctly, we may or may not meet soon. We may or may not vote on it today.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I'm happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me just say that obviously we had a bipartisan agreement that was voted on yesterday that did not enjoy bipartisan support. I say that based on the fact that we had agreements made in colloquies that took place—

Mr. MCGOVERN. If I can reclaim my time, the gentleman mentioned our distinguished minority whip on a number of occasions. I don't recall him ever saying that he supported the Republican bill.

□ 1600

Mr. DREIER. Let me specifically say that the gentleman from Washington (Mr. DICKS), the ranking member of the

Appropriations Committee, indicated before the gentleman and the other Rules Committee members and me that he would be supportive of the measure; and he had a right to change his mind.

And, second, in the colloquy that took place last week between the distinguished minority whip and the majority leader, the minority whip indicated that he was supportive of the continuing resolution.

Mr. MCGOVERN. Reclaiming my time, I don't recall that, and I'll check with the minority whip to double-check on that.

I guess I'm just trying to provide some information to the Members of the House who are watching what's going on.

Am I correct in saying that, as of right now, we don't know when we're going to meet and we don't know when we'll see a final version of the continuing resolution?

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. Yes.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me say that, first, to address the issue that was raised earlier, there was confusion. I don't know what the gentleman meant about 72 hours. There is a 3-day layover requirement. We will not, and let me underscore again, Madam Speaker, we will not be waiving the 3-day layover requirement; okay? So, I just think it's important for us to make that point. The gentleman repeatedly raises 72 hours and we're not in compliance with this and that, when, in fact, Madam Speaker, we will not be waiving. It's a 3-day layover requirement that exists, and we will not be waiving that.

Second, as far as what time, I believe that, within the next few hours, we'll be able to meet in the Rules Committee and come to the House floor. There are no guarantees. There are no guarantees, but I believe there is a very good chance that we will be able to, in the next few hours, meet in the Rules Committee and the gentleman and I will come to the floor with a rule that will allow us to make in order the continuing resolution to ensure that our fellow Americans who are suffering will have the resources they need.

Mr. MCGOVERN. Reclaiming my time, if I may ask the gentleman one additional question, does he anticipate that the Advanced Technology Vehicle Manufacturing Loan Program will be cut in the new version of the continuing resolution that will be brought before us?

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

Let me say, at this juncture, I cannot tell my friend exactly what this measure is going to consist of, but we're in

a position right now where that will be considered by the Committee on Rules when we meet upstairs. So we'll be meeting upstairs and we'll see whether that might be an amendment.

Mr. MCGOVERN. Reclaiming my time, Madam Speaker, just for the record, I would like to have inserted a letter from Paul A. Yost, who's the vice president at the National Association of Manufacturers, and a letter from R. Bruce Josten, who is the executive vice president, Government Affairs of the Chamber of Commerce of the United States, both strongly objecting to the offset that Republicans included in the continuing resolution that we considered yesterday that went down.

One of the reasons there was great objection over this, Madam Speaker, was because this program that was cut actually was a job-creating program putting people to work. I would say to my colleagues, if you want to reduce the debt in this country, you ought to figure out a way to put people back to work; and the way you put people back to work is not cut every single program that provides assistance to business and to people to be able to get on their feet and create jobs.

We have a crisis in this country that is not being addressed by this House of Representatives which has yet to consider a single jobs bill. And instead, we have a continuing resolution that gets brought to the floor that provides less disaster assistance than the Senate bill does to people who are in need and pays for it, offsets it, by cutting a program to create jobs. What sense does that make?

When it comes to disaster relief, we have never, ever, ever offset disaster relief because you can't predict with any accuracy whether there's going to be a tornado next year or a hurricane next year or an earthquake next year.

There are some things we don't offset we should offset; for example, the wars. We've been in Afghanistan for 10 years, and I can't figure out why we're still there, but we're still there. Ten years. I can predict pretty much—very accurately—how much it will cost to stay another year, and yet we borrow that money. We put it on the credit card. We borrow \$10 billion a month for military operations in Afghanistan that goes onto our credit card; not paid for. Not paid for.

But when it comes to helping people in this country who have been adversely impacted by a natural disaster, through no fault of their own, who have lost their homes, who've seen their communities devastated, all of a sudden we're here saying we've got to find these offsets. And where do the offsets come from? They don't come from Donald Trump's tax cut. Where they come from is a program to put people to work.

The gentleman, the chairman of the Rules Committee, talks about this

great openness that we have in the Rules Committee. I have offered, I think about half a dozen times, an amendment to go after the U.S. taxpayer-funded oil subsidies, these subsidies that we provide oil companies that are making record profits, and we can't even get that issue for a vote on this House floor.

I hope we have enough time to read what's in the bill. I hope that we have enough time to understand what's in the bill. I hope that we meet today. I hope that we meet at a decent hour. But we don't have the answers to any of those questions, and I think that that's unfortunate when it comes to a bill about the funding, the continuing funding of our government.

Again, Madam Speaker, I regret that we are here. I regret that we are debating a martial law rule. We're not debating a continuing resolution right now. It's a martial rule that basically shuts everything down and allows them to bring up a bill any time they want to bring a bill up. People won't even have time to read it. And we'll have that vote possibly today. But again, we don't have any definite commitments from the other side what time or even if it will be today.

I will close by saying, Madam Speaker, that I think it is important that this House gets back to the issue of jobs and protecting and caring for the people here in this country. Our biggest challenges, I'm going to tell my friends on the other side, are not halfway around the world; some of them are just halfway down the block. I regret very much that this Congress has yet to deal with the issue of jobs.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 22, 2011.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports disaster relief funding to assist victims of natural disasters. The Chamber is also a vocal proponent of fiscal responsibility and recognizes that Congress must make difficult but necessary choices among competing priorities.

As Congress sets spending priorities, the Chamber wishes to highlight a few important facts about the Advanced Technology Vehicle Manufacturing (ATVM) loan program. First, the program was authorized in the Energy Independence and Security Act of 2007, which was supported by both Republicans and Democrats as an important step in reducing America's dependence on oil from unstable regimes. Second, ATVM loans, which will be repaid with interest, incentivize automakers and suppliers to build more fuel-efficient advanced technology vehicles in the U.S., providing new opportunities for American workers in a sector of the economy that is critical to the nation's recovery. Third, the fact that the Department of Energy has yet to use the funds Congress appropriated for the program is not the fault of industry; numerous loan applicants have been in the queue for years, waiting for the Administration to complete its due diligence.

Again, while the Chamber understands the importance of reducing America's unacceptable debt and believes that all programs must be on the table, the Chamber urges you to bear in mind the facts about the ATVM loan program, which promotes manufacturing in the U.S. and is an important component of America's energy security.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, September 22, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The NAM is the largest trade association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 states. We are the leading voice for the manufacturing economy, which provides millions of high-wage jobs in the U.S. Two-thirds of our members are small businesses, which serve as the engine for job growth. Our mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth.

The NAM is writing to express our support for the Advanced Technology Vehicle Manufacturing (ATVM) program, authorized under the Energy Independence and Security Act of 2007 with bipartisan support and signed into law by President Bush. The ATVM program is an example of what government/industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs and put our nation on a path towards greater energy security. The NAM believes defunding ATVM will hurt manufacturers and their employees.

Introducing any new model motor vehicle is a capital intensive process. Automobile manufacturers and suppliers must make large investments at the front end before a vehicle enters production. The ATVM program assists this process by providing low cost capital for retooling U.S. facilities. These loans, which will be repaid with interest, allow automakers to build more fuel-efficient advance technology vehicles in the U.S. and provide greater job security for the workers they employ. Furthermore, it is worth noting that many suppliers to the automobile manufacturers are small and medium manufacturers. These smaller manufacturers have the potential to create thousands of jobs but are typically some of the first businesses impacted by a struggling economy. By maintaining the ATVM program the government will also be supporting the maintenance and growth of these smaller manufacturers.

During this time of economic recovery, we urge you to preserve this successful program that is helping preserve auto sector jobs and make promote energy security.

Sincerely,

PAUL A. YOST.

I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I may consume.

Let me say, Madam Speaker, to my very good friend that jobs and job creation are exactly what virtually every piece of legislation that we've been addressing in this House has been designed to deal with. Now, my friends on the other side of the aisle believe that

the nearly \$1 trillion—it was like \$787 billion, I think, and then if you add the interest, it came up to like \$1.1 trillion. That stimulus bill was their jobs bill. As I recall, we were told, if we saw that \$1 trillion stimulus bill implemented, that the unemployment rate would not exceed 8 percent.

Well, Madam Speaker, in part of the area that I represent, we have an unemployment rate of 14 percent. We have a national unemployment rate of over 9 percent, and it's not acceptable. So I totally concur with my friend's assessment, and I congratulate him. I congratulate him for his opening statement there when he said the best way for us to deal with the deficit is to make sure that people in this country have jobs.

Economic growth is what we've been talking about. I believe if we had 2, 3, 4 percent more GDP growth in this country, we wouldn't be here having this discussion. The question is: How is it that we get our fellow Americans back to work?

We believe that it's essential to create long-term, good jobs in the private sector. We believe in doing things like opening up new markets around the world, because 96 percent of the world's consumers are outside of our borders. Ninety-six percent of the world's consumers are outside of our borders. And yet, unfortunately, we have not been able to have, yet, the agreements that have been negotiated over the past several years sent to us in the Congress to vote on. Clearly, if we had the agreements that have been negotiated between the Koreans and the United States, the Colombians and the United States, the Panamanians and the United States, we would create many, many jobs here in the United States.

Yesterday, Madam Speaker, I met with the Ambassador from Colombia. On August 15, they implemented an agreement with Canada for a free trade agreement between Canada and Colombia. And guess what? There has been an 18.9 percent increase in wheat exports from Canada to Colombia in 1 single month.

□ 1610

Now, Madam Speaker, I have said this time and time again here. We have union and nonunion workers who are employed by companies, great American companies that are manufacturing companies like Caterpillar, John Deere, and Whirlpool, and we could get these people working, we could get these people working if we could open up new markets for those manufactured products in Latin America and in Asia. That's exactly what we've got ahead of us. And I hope very much that the President will immediately send to us those agreements so that we can enjoy, again, bipartisan support, Democrats and Republicans working together to pass these agreements.

If we do that, we will do exactly what my friend just said, Madam Speaker, we will do exactly what my friend just said in his opening statement there. What he said was we need to get Americans into jobs so that we can have the revenues that are necessary for us to deal with the deficit and debt challenges that we have.

Mr. MCGOVERN. Will the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. MCGOVERN. I thank the gentleman for yielding to me.

I just found out some news here in answer to a question I had earlier about offsets. Apparently, according to the National Journal, the Republican leaders are considering tacking on as much as \$100 million in additional offsets to their GOP continuing resolution they are bringing to the floor. That is a quote attributed to House Rules Committee Chairman DAVID DREIER. So I just read in the National Journal basically that there will be additional offsets.

Mr. DREIER. If I could reclaim my time, Madam Speaker, let me just say that I hope very much we are able to see offsets for this because, again, we have a \$14.5 trillion national debt. We have deficits as far as the eye can see. So, as we deal with the very important priorities of ensuring that our fellow Americans who are suffering because of these tragic disasters that have taken place across the country—we need to realize that there is a hell of a lot of waste in the Federal Government, a hell of a lot of waste, and there are regulations.

Again, the measure that I just mentioned, my friends said that we haven't had jobs bills before us, but the measure that Mr. HASTINGS was just managing the rule on is designed to deal with the burden of regulations which have undermined the potential for job creation and economic growth.

Again, pursuing an economic growth agenda is a priority of ours, and making sure that we get our fiscal house in order is one of those. So that is why I will say to my friend in response to his question, you bet we are going to try and find areas where the Federal Government has been expending dollars that have not been spent wisely and use those dollars to ensure that those who are suffering and those who are in need have what is necessary for them to survive.

Mr. MCGOVERN. Which brings me back to my original point of why it's important for us to see this bill. You say that you want to eliminate waste, but the U.S. Chamber of Commerce says that the Advanced Technology Vehicle Manufacturing program is not waste; it creates jobs. So I don't know where else you're going to cut.

Mr. DREIER. Madam Speaker, if I could reclaim my time, let me say to

my friend we are not going to waive the 3-day layover requirement, and whatever changes are made in this measure will be addressed in the House Rules Committee and then fully debated on this House floor so the Members will have an opportunity to decide whether or not they are going to support the special rule that would then make in order consideration of this continuing resolution that will prevent a government shutdown, make sure that the resources for those who are suffering are made available, and take us to November 18 so that very thoughtful members of the Appropriations Committee, like the acting Speaker, will be able to deal with the appropriations priorities that we need to between now and November 18.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I just want to make sure the record is clear when it comes to Democratic support for the continuing resolution. In his pen and pad press conference, Minority Whip HOYER said he was "loath" to support yesterday's CR, and I have a copy of that press conference and the transcript of the colloquy that went on on the House floor here. So if anybody is interested in reading it in detail, I have it here.

At this point, I would like to yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my colleague on the Rules Committee and my good friend for yielding. I echo all of the sentiments that he has made previously.

Firstly, I'd like to point to the fact that the National Association of Manufacturers, in its last sentence in a letter directed to Senator REID and Senator MITCH MCCONNELL, says, "During this time of economic recovery, we urge you to preserve this successful program"—meaning the Advanced Technology Vehicle Manufacturing program—"that is helping preserve auto sector jobs and promote energy security."

Bruce Josten, from the Chamber of Commerce, while citing to all Members of the House of Representatives that the chamber "understands the importance of reducing America's unacceptable debt and believes that all programs must be on the table, the chamber urges you to bear in mind the facts about the ATVM loan program, which promotes manufacturing in the United States and is an important component of America's energy security."

I only cited that for the reason that there could be no better person to know what martial law is than the distinguished chairman of the Rules Committee, who is my good friend. He and I, he and Mr. MCGOVERN and I, Ms. SLAUGHTER and he and I have been back and forth on martial law when Democrats were in charge and when

Republicans were in charge. One thing you need to understand is this is martial law that you are bringing this rule under, and we don't even know what's in the bill.

Yesterday afternoon, the Republican leadership brought up a bill that failed American workers, failed our Nation's economy, and failed those struggling to recover from natural disasters. It is no surprise that their rank and file then failed them.

Rather than take up language that has already passed the Senate with bipartisan support, Republicans instead chose to pit unemployed factory workers against hurricane victims. This is not the kind of behavior that will bring our Nation out of this recession.

While Republicans continue their partisan squabbles, countless Americans are fighting for their livelihoods. Six years after Hurricane Katrina, roofs are still being replaced, homes are being repaired and paperwork is still pending for funds that have yet to be allocated. And if you've been to New Orleans, you'll see a whole section of that city that is not in repair.

In my home State of Florida, FEMA has already delayed \$1.68 million for work resulting from 2004 and 2005 Hurricanes Charley, Frances, Ivan, Jeanne and Dennis.

Given my colleague's distorted priorities, I can't help but wonder how long will the people of New England have to wait since we've been waiting in Florida since 2004 and 2005.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. HASTINGS of Florida. And some have been waiting for drought relief and flood relief for an equal number of years. But this appears to be of no consequence to my Republican colleagues as they fail to recognize that their ideological posturing has very real repercussions. Once again, their irresponsible behavior and unwillingness to compromise has put us on the brink of yet another shutdown.

H. Res. 409 unnecessarily will provide for same-day consideration of another Republican continuing resolution, violating the House Republicans' rules package passed in January which provided that all bills will be available to the public 3 days before coming to a vote. Not only did we not get the required 72 hours, we didn't get 24 hours.

The Speaker made it very clear. He said that we will dispense with the conventional wisdom that bigger bills are always better; that fast legislating is good legislating; and that allowing additional amendments and open debate makes the legislative process less efficient than our forefathers intended. Legislators and the public will have 3 days to read bills before they come to a vote.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. I yield to the gentleman an additional 30 seconds.

□ 1620

Mr. HASTINGS of Florida. We were told we would have 3 days to read bills before they come to a vote. We were told that they would be on the Internet and that technology is available so that all of America could see what we're doing. And as the Speaker said—and I thoroughly agree—fast legislating is not good legislating, especially when there is no need to require a rushed, closed process. As far as we know, we're voting on a same-day rule for a bill we don't even know exists. Before we even ask to spend billions of dollars, we should have some idea of what's going on. And it's not enough for me to hear that we're going to hear about it in the Rules Committee later on. I want to know what's going on right now.

Mr. DREIER. Madam Speaker, first, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining, and the gentleman from Massachusetts has 10 minutes remaining.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to say to my friend from Fort Lauderdale, my Rules Committee colleague, Mr. HASTINGS, that I'd like to associate myself with a segment of the remarks that he made talking about the priority of addressing the very pressing needs of those who are suffering because of the disasters that have taken place in this country. My friend is absolutely right, and that's the reason that we are here.

Now, I would like to say that I don't know where it is that my friends get this 72 hours that's discussed regularly. Mr. MCGOVERN has raised that, Mr. HASTINGS has raised it, Madam Speaker, and I don't know where they get that. We have what is known as the 3-day layover requirement. And let me clarify this because obviously some of my colleagues don't completely understand. I'm talking about the rules of the House, not statements that may have been made. The rules of the House say that there is a 3-day layover requirement.

On Monday, Madam Speaker, this measure was put online; the bill that we voted on yesterday was put online. It calls for \$1.043 trillion in spending on an annual basis as we address keeping the government going, ensuring we don't have a government shutdown between now and November 18. That was put online on Monday.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I just wanted to respond to your statement that you don't know where we—

Mr. DREIER. Are you telling me I can't associate myself with your remarks?

Mr. HASTINGS of Florida. No, that you don't know where we got the 72 hours from. Well, if you go on the Speaker's Web site, you will see in the very first paragraph what he says in that regard with reference to 72 hours. Perhaps that's where we got it from.

Mr. DREIER. If I could reclaim my time, I will tell my friend that the rules of the House are what we are complying with. The rules of the House say a 3-day layover requirement. On Monday, this was made available and put online. And now my friend says, I want to see it now, I want to see exactly what we're considering.

The reason that we will not be waiving the 3-day layover requirement is that we are going to have a bill that is very similar to the measure that we had last night, with possibly an amendment made to that.

I am happy to further yield to my friend.

Mr. HASTINGS of Florida. Just one thing, Mr. Chairman: Does the Speaker's word matter or not?

Mr. DREIER. If I could reclaim my time, Madam Speaker, I will tell you that I don't know what he means by the "Speaker's word." The rules of the House are what we live by.

The rules of the House say that it needs to be made available online for 3 days. And guess what, Madam Speaker? We are in full compliance with the rules of the House, and we have no intention to waive that.

Okay. I'm looking now at a statement that was made on some program on Fox that says: "I will not bring a bill to the floor that hasn't been posted online for at least 72 hours." Let me say thank you. I want to express my great appreciation. And I appreciate the size of the type, too, making it very easy for me to read it across the aisle here, another indication of our bridging the gap between either side of the aisle here, which is something I greatly appreciate.

It did turn out that the Speaker did say that, but then we came forward with a rules package; and that's why what I'm saying is the rules say that we will in fact have 3 days. A 3-day layover requirement needs to be met, and that's what the rules of the House consist of.

Mr. HASTINGS of Florida. Mr. Chairman, one thing I really would like to make clear and take out some of the hyperbole and the passion from my side or yours, we know, and you have said—and I echo your expressions with reference to the need for us to address—

Mr. DREIER. If I could reclaim my time for just one moment—and the reason I'm doing that is that I'm told that we have about 1 minute or so left, and I know my friend has 10 minutes. So could my friend yield to the gentleman

and me? I know we're going to get the great poster with the Speaker's quote up there again, and I will look forward to reading it again, and I will join in reading it again with you all.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. HASTINGS of Florida. The only thing I am trying to get across is I don't want the American public to believe that whenever we get through—whether it's 72 hours, or whenever it is—that that means that the desperately needed money in Vermont and in New England and other places is going to be forthcoming most immediately because I'm telling you that from '04 and '05, from six hurricanes we are not being paid in the State of Florida.

Mr. DREIER. Let me just very quickly say that it was explained to us by the chairman of the Appropriations Committee today that we're spending about \$30 million a day. There's \$200 million in the account; it's scheduled to expire by this weekend. Passage of this measure tonight is something that will ensure that we will at least have those resources, and I hope we can address the needs of those Floridians who continue to suffer.

Mr. HASTINGS of Florida. Well, not only Floridians.

Mr. DREIER. And others in this country.

Mr. HASTINGS of Florida. Exactly. That's the point. From tornadoes, from hurricanes, from fires, all over the place.

Mr. DREIER. I thank my friend.

Mr. Speaker, I would say to my friend that I'm going to close the debate over here as soon as my friend holds up that brilliant poster of the Fox News interview that Speaker BOEHNER had.

With that, I reserve the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, I am going to hold this poster up because I want to make sure that it's clear to everybody. I'm going to quote this: "I will not bring a bill to the floor that hasn't been posted online for at least 72 hours." JOHN BOEHNER, Fox News, "America's News Room," 7/22/2010.

Mr. Speaker, we can have all the verbal gyrations that we can come up with here about how not to kind of get to the point, which is that we're not going to be able to have 3 days or 72 hours or 3 legislative days—or three anything—to look at this bill. And the bill that we're going to be debating later today or tomorrow—we don't really know—is going to be different. And we know it's going to be different because the chairman of the Rules Committee said in an interview that we have online to National Journal that there's probably going to be another \$100 million more in offsets. And

so where are those offsets coming from?

We know that one of the offsets that was in the continuing resolution yesterday was an offset that actually was a job killer, that actually is something that not only Democrats supported, but the United States Chamber of Commerce supported. Everyone came together and agreed that this is a good program, and it was cut, and it is going to discourage job creation in this country.

So I think it is important to know where these offsets are going to be coming from. And, again, let me repeat what I've said over and over: this has not been a bipartisan process. The only thing bipartisan about this continuing resolution was the opposition to it.

And, again, I would tell my Republican friends that the reason why this promise by Speaker BOEHNER is important is because we do need to understand what's in the bill. We're beginning to understand that your rules don't live up to what you actually promised.

Mr. Speaker, the other thing about this that I think is important for people to understand is that never, ever, ever have we ever insisted on offsets for emergency spending for disasters. We don't know whether there will be one, two, three, or no emergencies that hit our country next year or the year after or the year after that. Maybe my Republican friends have now figured out a way to predict earthquakes and tsunamis and hurricanes and tornadoes, but we don't know how to predict with any accuracy.

And this notion that we're not going to be there, that we're going to insist on offsets in order to provide people who have been thrown out of their homes, whose communities have been destroyed through no fault of their own, that we can find an offset when we don't need any offsets for nation-building in Afghanistan, that's all on your credit card. There's no offsets needed for that.

□ 1630

Why is it that no offsets are needed to do that kind of stuff, but when it comes to helping people in this country, all of a sudden we become super fiscally conservative? We need to have offsets for everything.

You want to reduce the debt? Put people back to work. That's how you do it. Cutting programs that put people back to work doesn't put people back to work. It slows down the economic recovery.

Here we are in September, and we have yet to deal with a single jobs bill on this floor. I don't know what it's like in California, but I can tell you in Massachusetts, when I go home, people want to talk about jobs and the economy. Yes, they want to reduce the debt, and they understand, by ending

some of these wars, by cutting back on some of these overseas bases that we have, by asking Donald Trump to pay his fair share.

There's something wrong in this country when a billionaire hedge fund manager pays a lower tax rate than his secretary. It's like, no, we can't ask that person, that billionaire to pay his fair share. Everything is aimed at working people and those who are most vulnerable.

We should be talking about putting America back to work. We should be debating every day about ways to stimulate this economy, to provide incentives to put people back to work, to find ways to stop incentivizing corporations to send American jobs overseas.

Instead, my friends on the other side of the aisle are protecting all that status quo. I mean, they are protecting those tax breaks, those incentives that encourage jobs to go overseas. Enough. Enough.

I'll close by saying this, Mr. Speaker: When it comes to protecting subsidies for Big Oil companies, my friends are there. When it comes to rebuilding and nation building in Afghanistan, they're there. When it comes to maintaining a Tax Code that allows a billionaire hedge fund manager to pay a lower tax rate than his secretary, they're there. But when it comes to disaster assistance, when it comes to jobs, when it comes to things that matter to everyday people, it is a struggle. It is a fight.

I would urge my colleagues to rethink their priorities, to work in a bipartisan way when it comes to disaster relief and job creation.

Let's bring the President's jobs bill to the floor. If you don't like it, vote against it. But allow us to have the opportunity in this new, open House. Let us bring the President's jobs bill to the floor. Let us see whether we can pass it here. I think if this truly is an open House, we ought to have that opportunity.

I will just say, Mr. Speaker, before I yield back the balance of my time, I don't know when we're going to get this bill. I don't know where the cuts are going to be made. I don't know what other job-creating programs are going to be cut. But again, "I will not bring a bill to the floor that hasn't been posted on line for at least 72 hours." We're not even going to get 72 minutes, in all likelihood.

I urge my colleagues to vote "no" on this.

I yield back the balance of my time. Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, the American people are hurting and have been suffering from disasters over the past several weeks and months and, obviously, for a long period of time in the past.

We just had a meeting downstairs where one of my new colleagues, the

gentleman from Williamsport, Pennsylvania (Mr. MARINO) stood up and talked about the fact that he, just days ago, was trudging through mud, meeting with the parents of small children, young children who were literally sitting on the hoods of automobiles in Pennsylvania where terrible flooding has taken place, and they have been asking him, since they had lost their homes, what he was going to do. And Mr. MARINO made it very clear that he would do everything possible to ensure that those families would have what they needed. And that's why we're here right now with the measure that we have before us.

Now, Mr. Speaker, this measure that will come before us later this evening is a measure that has been online more than 72 hours. It was put online on Monday. Today is Thursday, so well beyond 72 hours it's been made available.

We have actually doubled, from \$500 million to \$1 billion, the FY11 request that was made by the President because we understand the imperative of getting these resources to the American people who are suffering. We can do that, Mr. Speaker, while, at the same time, reining in the size and scope and reach and control of the Federal Government, because everyone knows, Democrats and Republicans alike acknowledge, that there is waste in government, and that's the reason that we're saying we must pare the level of spending back.

And so, Mr. Speaker, this is not martial law. This is simply our step to ensure that the American people get the resources they need and that we do it in a fiscally responsible way, and it stems from what was a bipartisan agreement.

Mr. Speaker, with that, I urge an "aye" vote on the rule.

I yield back the balance and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. WOMACK). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 409 will be followed by 5-minute votes on adoption of House Resolution 409, if ordered; ordering the previous question on House Resolution 406; and adoption of House Resolution 406, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 180, not voting 13, as follows:

[Roll No. 721]

YEAS—240

Adams	Gohmert	Nunes
Aderholt	Goodlatte	Nunnelee
Akin	Gosar	Olson
Alexander	Gowdy	Palazzo
Amash	Granger	Paulsen
Amodei	Graves (GA)	Pearce
Austria	Graves (MO)	Pence
Bachus	Griffin (AR)	Petri
Barletta	Griffith (VA)	Pitts
Bartlett	Grimm	Platts
Barton (TX)	Guinta	Poe (TX)
Bass (NH)	Guthrie	Pompeo
Benishek	Hall	Posey
Berg	Hanna	Price (GA)
Biggett	Harper	Quayle
Bilbray	Harris	Reed
Bilirakis	Hartzler	Rehberg
Bishop (UT)	Hastings (WA)	Renacci
Black	Hayworth	Ribble
Blackburn	Heck	Rigell
Bonner	Hensarling	Rivera
Bono Mack	Herger	Roby
Boustany	Herrera Beutler	Roe (TN)
Brady (TX)	Huelskamp	Rogers (AL)
Brooks	Huizenga (MI)	Rogers (KY)
Broun (GA)	Hultgren	Rogers (MI)
Buchanan	Hunter	Rohrabacher
Bucshon	Hurt	Rokita
Buerkle	Issa	Rooney
Burgess	Jenkins	Ros-Lehtinen
Burton (IN)	Johnson (IL)	Roskam
Calvert	Johnson (OH)	Ross (FL)
Camp	Johnson, Sam	Royce
Campbell	Jones	Runyan
Canseco	Jordan	Ryan (WI)
Cantor	Kelly	Scalise
Capito	King (IA)	Schilling
Carter	King (NY)	Schmidt
Cassidy	Kingston	Schock
Chabot	Kinzinger (IL)	Schweikert
Chaffetz	Kline	Scott (SC)
Coble	Labrador	Scott, Austin
Coffman (CO)	Lamborn	Sensenbrenner
Cohen	Lance	Sessions
Cole	Landry	Shimkus
Conaway	Lankford	Shuler
Cravaack	Latham	Shuster
Crawford	LaTourette	Simpson
Crenshaw	Latta	Smith (NE)
Culberson	Lewis (CA)	Smith (NJ)
Davis (KY)	LoBiondo	Smith (TX)
Denham	Long	Southerland
Dent	Lucas	Stearns
DesJarlais	Luetkemeyer	Stivers
Diaz-Balart	Lummis	Stutzman
Dold	Lungren, Daniel	Sullivan
Dreier	E.	Terry
Duffy	Mack	Thompson (PA)
Duncan (SC)	Manzullo	Thornberry
Duncan (TN)	Marchant	Tiberi
Ellmers	Marino	Tipton
Emerson	McCarthy (CA)	Turner (NY)
Farenthold	McCauley	Turner (OH)
Fincher	McClintock	Upton
Fitzpatrick	McCotter	Walberg
Flake	McHenry	Walden
Fleischmann	McKeon	Walsh (IL)
Fleming	McKinley	Webster
Flores	McMorris	West
Forbes	Rodgers	Westmoreland
Fortenberry	Meehan	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Galleghy	Miller, Gary	Womack
Gardner	Mulvaney	Woodall
Garrett	Murphy (PA)	Yoder
Gerlach	Myrick	Young (AK)
Gibbs	Neugebauer	Young (FL)
Gibson	Noem	Young (IN)
Gingrey (GA)	Nugent	

NAYS—180

Ackerman	Berman	Butterfield
Altmire	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Baca	Blumenauer	Cardoza
Baldwin	Boren	Carnahan
Barrow	Boswell	Carney
Bass (CA)	Brady (PA)	Carson (IN)
Becerra	Braley (IA)	Castor (FL)
Berkley	Brown (FL)	Chandler

Chu	Hoyer	Peters
Cicilline	Inslee	Peterson
Clarke (MI)	Israel	Pingree (ME)
Clarke (NY)	Jackson (IL)	Polis
Clay	Jackson Lee	Price (NC)
Cleaver	(TX)	Quigley
Clyburn	Johnson (GA)	Rahall
Connolly (VA)	Johnson, E. B.	Reyes
Cooper	Keating	Richardson
Costa	Kildee	Ross (AR)
Costello	Kind	Rothman (NJ)
Courtney	Kissell	Roybal-Allard
Critz	Kucinich	Ruppersberger
Crowley	Langevin	Rush
Cuellar	Larsen (WA)	Ryan (OH)
Cummings	Larson (CT)	Sánchez, Linda
Davis (CA)	Levin	T.
Davis (IL)	Lewis (GA)	Sanchez, Loretta
DeFazio	Lipinski	Sarbanes
DeGette	Loeb sack	Schakowsky
DeLauro	Lofgren, Zoe	Schiff
Dicks	Lowe	Schrader
Dingell	Lujan	Schwartz
Doggett	Lynch	Scott (VA)
Donnelly (IN)	Maloney	Scott, David
Doyle	Markey	Serrano
Edwards	Matheson	Sewell
Ellison	Matsui	Sherman
Engel	McCarthy (NY)	Sires
Eshoo	McCollum	Slaughter
Farr	McDermott	Smith (WA)
Fattah	McGovern	Speier
Filner	McIntyre	Stark
Frank (MA)	McNerney	Sutton
Fudge	Meeks	Thompson (CA)
Garamendi	Michaud	Thompson (MS)
Gonzalez	Miller (NC)	Tierney
Green, Al	Miller, George	Tonko
Green, Gene	Moore	Towns
Grijalva	Moran	Tsongas
Gutierrez	Murphy (CT)	Van Hollen
Hahn	Nadler	Velázquez
Hanabusa	Napolitano	Vislosky
Hastings (FL)	Neal	Walz (MN)
Heinrich	Olver	Wasserman
Himes	Owens	Schultz
Hinchey	Pallone	Waters
Hinojosa	Pascrell	Watt
Hochul	Pastor (AZ)	Waxman
Holden	Payne	Welch
Holt	Pelosi	Wilson (FL)
Honda	Perlmutter	Woolsey

NOT VOTING—13

Bachmann	Hirono	Reichert
Conyers	Kaptur	Richmond
Deutch	Lee (CA)	Yarmuth
Giffords	Paul	
Higgins	Rangel	

□ 1711

Mr. GUTIERREZ, Ms. MATSUI, Messrs. MCINTYRE, CROWLEY, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "yea" to "nay."

Mr. BARTLETT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 13, as follows:

[Roll No. 722]

YEAS—238

Adams	Gingrey (GA)	Nugent
Aderholt	Goodlatte	Nunes
Akin	Gosar	Nunnelee
Alexander	Gowdy	Olson
Amash	Granger	Palazzo
Amodei	Graves (GA)	Paulsen
Austria	Graves (MO)	Pearce
Bachus	Griffin (AR)	Pence
Barletta	Griffith (VA)	Petri
Bartlett	Grimm	Pitts
Barton (TX)	Guinta	Platts
Bass (NH)	Guthrie	Poe (TX)
Benishek	Hall	Pompeo
Berg	Hanna	Posey
Biggart	Harper	Price (GA)
Bilbray	Harris	Quayle
Bilirakis	Hartzler	Reed
Bishop (UT)	Hastings (WA)	Rehberg
Black	Hayworth	Renacci
Blackburn	Heck	Ribble
Bonner	Hensarling	Rigell
Bono Mack	Herger	Rivera
Boustany	Herrera Beutler	Roby
Brady (TX)	Huelskamp	Roe (TN)
Brooks	Huizenga (MI)	Rogers (AL)
Broun (GA)	Hultgren	Rogers (KY)
Buchanan	Hunter	Rogers (MI)
Bucshon	Hurt	Rohrabacher
Buerkle	Issa	Rokita
Burgess	Jenkins	Rooney
Burton (IN)	Johnson (IL)	Ros-Lehtinen
Calvert	Johnson (OH)	Roskam
Camp	Johnson, Sam	Ross (FL)
Campbell	Jones	Royce
Canseco	Jordan	Runyan
Cantor	Kelly	Ryan (WI)
Capito	King (IA)	Scalise
Carter	King (NY)	Schilling
Cassidy	Kingston	Schmidt
Chabot	Kinzinger (IL)	Schock
Chaffetz	Kline	Schweikert
Coble	Labrador	Scott (SC)
Coffman (CO)	Lamborn	Scott, Austin
Cohen	Lance	Sensenbrenner
Cole	Landry	Sessions
Conaway	Lankford	Shimkus
Cravaack	Latham	Shuster
Crawford	LaTourette	Simpson
Crenshaw	Latta	Smith (NE)
Culberson	Lewis (CA)	Smith (NJ)
Davis (KY)	LoBiondo	Smith (TX)
Denham	Long	Southerland
Dent	Lucas	Stearns
DesJarlais	Luetkemeyer	Stivers
Diaz-Balart	Lummis	Stutzman
Dold	Lungren, Daniel	Sullivan
Dreier	E.	Terry
Duffy	Mack	Thompson (PA)
Duncan (SC)	Manzullo	Thornberry
Duncan (TN)	Marchant	Tiberi
Ellmers	Marino	Tipton
Emerson	McCarthy (CA)	Turner (NY)
Farenthold	McCaul	Turner (OH)
Fincher	McClintock	Upton
Fitzpatrick	McCotter	Walberg
Flake	McHenry	Walden
Fleischmann	McKeon	Walsh (IL)
Fleming	McKinley	Webster
Flores	McMorris	West
Forbes	Rodgers	Westmoreland
Fortenberry	Meehan	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Gallegly	Miller, Gary	Womack
Gardner	Mulvaney	Woodall
Garrett	Murphy (PA)	Yoder
Gerlach	Myrick	Young (AK)
Gibbs	Neugebauer	Young (FL)
Gibson	Noem	Young (IN)

NAYS—182

Ackerman	Bishop (GA)	Capuano
Altmire	Bishop (NY)	Cardoza
Andrews	Blumenauer	Carnahan
Baca	Boren	Carney
Baldwin	Boswell	Carson (IN)
Barrow	Brady (PA)	Castor (FL)
Bass (CA)	Braley (IA)	Chandler
Becerra	Brown (FL)	Chu
Berkley	Butterfield	Cicilline
Berman	Capps	Clarke (MI)

Clarke (NY)	Israel	Polis
Clay	Jackson (IL)	Price (NC)
Cleaver	Jackson Lee	Quigley
Clyburn	(TX)	Rahall
Connolly (VA)	Johnson, E. B.	Reyes
Cooper	Kaptur	Richardson
Costa	Keating	Richmond
Costello	Kildee	Ross (AR)
Courtney	Kind	Rothman (NJ)
Critz	Kissell	Roybal-Allard
Crowley	Kucinich	Ruppersberger
Cuellar	Langevin	Rush
Cummings	Larsen (WA)	Ryan (OH)
Davis (CA)	Lee (CA)	Sanchez, Linda
Davis (IL)	Levin	T.
DeFazio	Lewis (GA)	Sanchez, Loretta
DeGette	Lipinski	Sarbanes
DeLauro	Loeb	Schakowsky
Dicks	Lofgren, Zoe	Schiff
Dingell	Lowey	Schrader
Doggett	Lujan	Schwartz
Donnelly (IN)	Lynch	Scott (VA)
Doyle	Maloney	Scott, David
Edwards	Matheson	Serrano
Ellison	Matsui	Sewell
Engel	McCarthy (NY)	Sherman
Eshoo	McCollum	Shuler
Farr	McDermott	Sires
Fattah	McGovern	Slaughter
Finer	McIntyre	Smith (WA)
Frank (MA)	McNerney	Speier
Fudge	Meeks	Stark
Garamendi	Michaud	Sutton
Gonzalez	Miller (NC)	Thompson (CA)
Green, Al	Miller, George	Thompson (MS)
Green, Gene	Moore	Tierney
Grijalva	Moran	Tonko
Gutierrez	Murphy (CT)	Towns
Hahn	Nadler	Tsongas
Hanabusa	Napolitano	Van Hollen
Hastings (FL)	Neal	Velázquez
Heinrich	Olver	Visclosky
Higgins	Owens	Walz (MN)
Himes	Pallone	Wasserman
Hinchee	Pascrell	Schultz
Hinojosa	Pastor (AZ)	Waters
Hochul	Payne	Watt
Holden	Pelosi	Waxman
Holt	Perlmutter	Welch
Honda	Peters	Wilson (FL)
Hoyer	Peterson	Woolsey
Inslee	Pingree (ME)	

NOT VOTING—13

Bachmann	Hirono	Rangel
Conyers	Johnson (GA)	Reichert
Deutch	Larson (CT)	Yarmuth
Giffords	Markey	
Gohmert	Paul	

□ 1718

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2401, TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 406) providing for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 184, not voting 12, as follows:

[Roll No. 723]

YEAS—237

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Palazzo
Alexander	Granger	Paulsen
Amash	Graves (GA)	Pearce
Amodei	Graves (MO)	Pence
Austria	Griffin (AR)	Petri
Bachus	Griffith (VA)	Pitts
Barletta	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggart	Harris	Reed
Bilbray	Hartzler	Rehberg
Bilirakis	Hastings (WA)	Renacci
Bishop (UT)	Hayworth	Ribble
Black	Heck	Rigell
Blackburn	Hensarling	Rivera
Bonner	Herger	Roby
Bono Mack	Herrera Beutler	Roe (TN)
Boustany	Huelskamp	Rogers (AL)
Brady (TX)	Huizenga (MI)	Rogers (KY)
Brooks	Hultgren	Rogers (MI)
Broun (GA)	Hunter	Rohrabacher
Buchanan	Hurt	Rokita
Bucshon	Issa	Rooney
Buerkle	Jenkins	Ros-Lehtinen
Burgess	Johnson (IL)	Roskam
Burton (IN)	Johnson (OH)	Ross (FL)
Calvert	Johnson, Sam	Royce
Camp	Jones	Runyan
Campbell	Jordan	Ryan (WI)
Canseco	Kelly	Scalise
Cantor	King (IA)	Schilling
Capito	King (NY)	Schmidt
Carter	Kingston	Schock
Cassidy	Kinzinger (IL)	Schweikert
Chabot	Kline	Scott (SC)
Chaffetz	Labrador	Scott, Austin
Coble	Lamborn	Sensenbrenner
Coffman (CO)	Lance	Sessions
Cole	Lankford	Shimkus
Conaway	Latham	Shuler
Cravaack	LaTourette	Shuster
Crawford	Latta	Simpson
Crenshaw	Lewis (CA)	Smith (NE)
Culberson	LoBiondo	Smith (NJ)
Davis (KY)	Long	Smith (TX)
Denham	Lucas	Southerland
Dent	Luetkemeyer	Stearns
DesJarlais	Lummis	Stivers
Diaz-Balart	Lungren, Daniel	Stutzman
Dold	E.	Sullivan
Dreier	Mack	Terry
Duffy	Manzullo	Thompson (PA)
Duncan (SC)	Marchant	Thornberry
Duncan (TN)	Marino	Tiberi
Ellmers	McCarthy (CA)	Tipton
Emerson	McCaul	Turner (NY)
Farenthold	McClintock	Turner (OH)
Fincher	McCotter	Upton
Fitzpatrick	McHenry	Walberg
Flake	McKeon	Walden
Fleischmann	McKinley	Walsh (IL)
Fleming	McMorris	Webster
Flores	Rodgers	West
Forbes	Meehan	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallegly	Mulvaney	Womack
Gardner	Murphy (PA)	Woodall
Garrett	Myrick	Yoder
Gerlach	Neugebauer	Young (AK)
Gibbs	Noem	Young (FL)
Gibson	Nugent	Young (IN)
Gingrey (GA)	Nunes	

NAYS—184

Ackerman	Barrow	Bishop (GA)
Altmire	Bass (CA)	Bishop (NY)
Andrews	Becerra	Blumenauer
Baca	Berkley	Boren
Baldwin	Berman	Boswell

Brady (PA)	Higgins	Payne	Benishek	Griffin (AR)	Pearce	DeFazio	Kissell	Reyes
Braley (IA)	Himes	Pelosi	Berg	Griffith (VA)	Pence	DeGette	Kucinich	Richardson
Brown (FL)	Hinchee	Perlmutter	Biggett	Grimm	Petri	DeLauro	Langevin	Richmond
Butterfield	Hinojosa	Peters	Bilbray	Guinta	Pitts	Dicks	Larsen (WA)	Rothman (NJ)
Capps	Hochul	Peterson	Bilirakis	Guthrie	Platts	Dingell	Larson (CT)	Ruppersberger
Capuano	Holden	Pingree (ME)	Bishop (UT)	Hall	Poe (TX)	Doggett	Lee (CA)	Rush
Cardoza	Holt	Polis	Black	Hanna	Pompeo	Donnelly (IN)	Levin	Ryan (OH)
Carnahan	Honda	Price (NC)	Blackburn	Harper	Posey	Doyle	Lewis (GA)	Sánchez, Linda T.
Carney	Hoyer	Quigley	Bonner	Harris	Price (GA)	Edwards	Lipinski	Sanchez, Loretta
Carson (IN)	Inslee	Rahall	Bono Mack	Hartzler	Quayle	Ellison	Loebsack	Sarbanes
Castor (FL)	Israel	Reyes	Boren	Hastings (WA)	Rahall	Engel	Lofgren, Zoe	Schakowsky
Chandler	Jackson (IL)	Richardson	Boustany	Hayworth	Reed	Eshoo	Lowe	Schiff
Chu	Jackson Lee	Richmond	Brady (TX)	Heck	Rehberg	Farr	Luján	Schrader
Cicilline	(TX)	Ross (AR)	Brooks	Hensarling	Renacci	Fattah	Lynch	Schwartz
Clarke (MI)	Johnson (GA)	Rothman (NJ)	Broun (GA)	Herger	Ribble	Filner	Maloney	Schwartz
Clarke (NY)	Johnson, E. B.	Roybal-Allard	Buchanan	Herrera Beutler	Rigell	Frank (MA)	Markey	Scott (VA)
Clay	Kaptur	Ruppersberger	Bucshon	Fuelskamp	Fudge	Frank (MA)	Matsui	Scott, David
Cleaver	Keating	Rush	Buerkle	Huizenga (MI)	Garamendi	Green, Al	McCarthy (NY)	Serrano
Clyburn	Kildee	Ryan (OH)	Burgess	Hultgren	Green, Gene	Green, Gene	McDermott	Sewell
Cohen	Kind	Sánchez, Linda T.	Burton (IN)	Hunter	Grijalva	Grijalva	McGovern	Sherman
Connolly (VA)	Kissell	Sanchez, Loretta	Calvert	Hurt	Gutierrez	Hahn	McNerney	Sires
Cooper	Kucinich	Sarbanes	Camp	Issa	Hahn	Hanabusa	Meeks	Slaughter
Costa	Langevin	Schakowsky	Campbell	Jenkins	Hastings (FL)	Hastings (FL)	Miller (NC)	Smith (WA)
Costello	Larsen (WA)	Schiff	Canseco	Johnson (IL)	Heinrich	Heinrich	Miller, George	Stark
Courtney	Larson (CT)	Schrader	Cantor	Johnson (OH)	Higgins	Higgins	Moore	Sutton
Critz	Lee (CA)	Schwartz	Capito	Johnson, Sam	Himes	Himes	Moran	Thompson (CA)
Crowley	Levin	Scott (VA)	Carter	Jones	Hinchee	Hinchee	Murphy (CT)	Thompson (MS)
Cuellar	Lewis (GA)	Scott, David	Cassidy	Jordan	Hinojosa	Hinojosa	Nadler	Tierney
Cummings	Lipinski	Serrano	Chabot	Kelly	Hochul	Hochul	Napolitano	Tonko
Davis (CA)	Loebsack	Sewell	Chaffetz	King (IA)	Holden	Holden	Neal	Towns
Davis (IL)	Lofgren, Zoe	Sherman	Chandler	King (NY)	Holt	Holt	Oliver	Tsongas
DeFazio	Lowe	Sires	Coble	Kingston	Honda	Honda	Owens	Van Hollen
DeGette	Luján	Slaughter	Coffman (CO)	Kinzing (IL)	Hoyer	Hoyer	Pallone	Velázquez
DeLauro	Lynch	Smith (WA)	Cole	Kline	Inslee	Inslee	Pascarell	Visclosky
Dicks	Maloney	Speier	Conaway	Labrador	Israel	Israel	Pastor (AZ)	Walz (MN)
Dingell	Markey	Stark	Costa	Lamborn	Jackson (IL)	Jackson (IL)	Payne	Wasserman
Doggett	Matheson	Sutton	Cravaack	Lance	Jackson Lee	Jackson Lee	Pelosi	Schultz
Donnelly (IN)	Matsui	Thompson (CA)	Crawford	Landry	(TX)	(TX)	Perlmutter	Waters
Doyle	McCarthy (NY)	Thompson (MS)	Crenshaw	Lankford	Johnson (GA)	Johnson (GA)	Peters	Watt
Edwards	McCollum	Tierney	Culbertson	Latham	Johnson, E. B.	Johnson, E. B.	Peterson	Waxman
Ellison	McDermott	Tonko	Davis (KY)	LaTourette	Keating	Keating	Pingree (ME)	Welch
Engel	McGovern	Towns	Denham	Latta	Kildee	Kildee	Price (NC)	Wilson (FL)
Eshoo	McIntyre	Tsongas	Dent	Lewis (CA)	Kind	Kind	Quigley	Woolsey
Farr	McNerney	Van Hollen	DesJarlais	LoBiondo				
Fattah	Meeks	Velázquez	Diaz-Balart	Long				
Filner	Michaud	Visclosky	Dold	Lucas				
Frank (MA)	Miller (NC)	Walz (MN)	Dreier	Luetkemeyer				
Fudge	Miller, George	Wasserman	Duffy	Lummis				
Garamendi	Moore	Schultz	Duncan (SC)	Lungren, Daniel E.				
Gonzalez	Moran	Watt	Duncan (TN)	Mack				
Green, Al	Murphy (CT)	Waxman	Elmiers	Manzullo				
Green, Gene	Nadler	Welch	Emerson	Marino				
Grijalva	Napolitano	Wilson (FL)	Farenthold	Matheson				
Gutierrez	Neal	Woolsey	Fincher	McCarthy (CA)				
Hahn	Oliver		Fitzpatrick	Flake				
Hanabusa	Owens		Flake	Fleischmann				
Hastings (FL)	Pallone		Fleming	Flores				
Heinrich	Pastor (AZ)		Forbes	Forbes				

NOT VOTING—12

Bachmann	Gohmert	Paul
Conyers	Hirono	Rangel
Deutch	Landry	Reichert
Giffords	Pascarell	Yarmuth

□ 1726

So the previous question was ordered.
The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 175, not voting 13, as follows:

[Roll No. 724]

AYES—245

Adams	Amash	Barletta
Aderholt	Amodei	Bartlett
Akin	Austria	Barton (TX)
Alexander	Bachus	Bass (NH)

Ackerman	Bishop (GA)
Altmire	Bishop (NY)
Andrews	Boswell
Baca	Brady (PA)
Baldwin	
Barrow	
Bass (CA)	
Becerra	
Berkley	
Berman	

NOES—175

Braley (IA)	Clay
Brown (FL)	Cleaver
Butterfield	Clyburn
Capps	Cohen
Capuano	Connolly (VA)
Cardoza	Cooper
Carnahan	Costello
Carney	Courtney
Carson (IN)	Critz
Castor (FL)	Crowley
Chu	Cuellar
Cicilline	Cummings
Clarke (MI)	Davis (CA)
Clarke (NY)	Davis (IL)

Deutch	Walberg
Giffords	Walsh (IL)
	Webster
	West
	Westmoreland
	Whitfield
	Wilson (SC)
	Wittman
	Wolf
	Womack
	Woodall
	Yoder
	Young (AK)
	Young (FL)
	Young (IN)

NOT VOTING—13

Bachmann	Hirono	Reichert
Blumenauer	Marchant	Roybal-Allard
Conyers	Palazzo	Yarmuth
Deutch	Paul	
Giffords	Rangel	

□ 1735

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 411

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON SMALL BUSINESS.—Ms. Hahn, to rank immediately after Mr. Richmond.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2401.

The SPEAKER pro tempore (Mr. PALAZZO). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2401.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

The last time the Clean Air Act was significantly changed was in 1990, nearly 21 years ago, and since that time, a lot of changes have occurred in America. First of all, we find ourselves today with a situation where over 14 million Americans are unable to find work and millions more have given up trying. It appears that the only place where the job situation is good is at Federal regulatory agencies. Employment at Federal regulatory agencies has climbed 13 percent since President Obama took office, while private sector jobs shrank by 5.6 percent. I believe these two divergent trends are related because the breaking pace at which the Environmental Protection Agency is cranking out new regulations is creating obstacles to job creation in America, and also to stimulating the economy.

I don't care if you speak to small business people today or large business people today, they will tell you that one of the reasons that they are not investing is because of uncertainty—uncertainty about the health care bill that was passed last year, uncertainty about the financial regulations that are raising capital requirements and making loans more difficult to obtain,

but primarily they talk about the excessive regulations coming out of the Environmental Protection Agency.

Now, these regulations normally are not scrutinized very much, but I believe that the legislative branch has the responsibility, particularly when this many regulations are coming down the road, at a time when it's having impact on our ability to grow the economy, that the legislative branch needs to look at it, and that's precisely what we're doing with the TRAIN Act.

□ 1740

Under the TRAIN Act, we are establishing a government body that will look at the cumulative impact of about 12 regulations that have come down from the EPA in the last year or so. For example, there are a number of costly new rules impacting coal-fired electric power plants. These include utility MACT, Cross-State Air Pollution Rules, greenhouse gas rules, coal combustion residuals, and others.

Each of these rules, alone, will force some existing power plants to shut down, while also blocking new ones from being built. This is bad enough, not just for jobs, but also because it will raise electricity prices. But the combined effect of all these rules is far worse. In fact, it could even reduce generating capacity enough that it would jeopardize the reliability of the Nation's electric grid system. And we need to know all of the information that we can obtain about these regulations so that we can move forward in a legitimate and conscientious way.

If America is going to remain competitive in the global marketplace, it is going to have to have reasonable electricity prices, and that's going to be essential if we're ever going to stimulate this economy and create jobs in America.

The cumulative burden of regulations really has not been much of a burden in the past because it's seldom that EPA has ever come forth with this many regulations. But the Obama administration's attempt to squeeze at least a decade's worth of major Clean Air Act regulations into less than 3 years, and do so in the midst of a weak economy, creates serious problems for America.

The TRAIN Act, which really is very simple, will require an analysis of the cumulative impacts of the listed rules on energy prices and reliability, on jobs, and the effect on American competitiveness.

Two upcoming rules that pose a particularly serious threat and are a major component of EPA's agenda are the utility MACT and the Cross-State Air Pollution Rule. For these two rules, we will be offering an amendment that would put them on hold, pending completion of the cumulative impact study, as well as make substantive changes to make sure that they are achievable in real life.

I might point out that the utility MACT is not in effect yet. The final rule is expected in November of this year. But the Cross-State Air Pollution Rule is in effect, and they'll start implementing it the first of the year.

We're going to ask that that implementation be delayed until the final rule of our committee that's established under the TRAIN Act makes its final report on August 1, 2012.

Some people are saying, well, if you delay this, then what are we going to do about our air transport rule? Well, the reality is that we have an air transport rule in effect today. I might add that EPA, when they implemented this bill, the CAIR Act, which was invalidated by a Federal court, showed that the SO₂ emissions, the NO_x emissions would be reduced significantly. And just about every environmental group in America supported the implementation of CAIR.

I might also say that with CAIR, at that time, EPA came out with one of their benefit analyses, and they said CAIR will result in \$85 billion to \$100 billion in health benefits each year, preventing 17,000 premature deaths, 22,000 nonfatal heart attacks, 22,300 hospital admissions, 1.7 million workdays, 500,000 lost schooldays. What we have in place today is doing a tremendous job; and until a court invalidated it, everyone was pleased with it. And so there's little reason for us to rush forward to put in a new air transport rule when we have one that is working fine today.

I might also say, some people have criticized this by trying to look at the cumulative impact of all these 12 or 13 regulations that EPA has implemented, but I would point out that President Obama, in his Executive Order 13563, said: I'm asking people in my administration to tailor regulations to impose the least burden on society, taking into account other things, including the cost of cumulative regulations.

So this legislation, which some people are going to describe as radical, is simply implementing what President Obama has asked his Environmental Protection Agency to do, and yet they refuse to do it.

With that, I do hope that people will support H.R. 2401. It's a commonsense approach to remove regulations that are prohibiting jobs from being created in America and stimulating the American economy.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

This week is Dirty Air Week in the House of Representatives. Yesterday, in the Energy and Commerce Committee, we considered legislation that will increase emissions of mercury and other dangerous chemicals from industrial sources. Today the full House considers legislation to cut the heart out of the Clean Air Act.

Mr. Speaker, this is the most anti-environmental House of Representatives in history. Since February of this year, the House has voted again and again to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands in coastal areas, and to weaken the protection of the environment in other ways.

My staff prepared a database last month on every anti-environmental vote in this Congress. The tally was 125—125 votes to weaken clean air, clean water, safeguards to make our drinking water less safe, to weaken environmental standards in dozens of different ways. This is an appalling and dangerous environmental record. The full database is online at democrats.energycommerce.house.gov.

Today the assault continues on the Clean Air Act. The bill we consider today, the TRAIN Act, will block and indefinitely delay two EPA rules that reduce pollution from power plants: the Mercury and Air Toxics Rule and the Cross-State Air Pollution Rule. These rules are critical to protecting the public health. Each year these rules will prevent tens of thousands of premature deaths, tens of thousands of heart attacks, and hundreds of thousands of asthma attacks. They will also prevent over 2 million lost workdays. If this legislation is enacted, these public health benefits will be lost, and more babies will be born with birth defects and learning disabilities.

And this is not all. Today we will consider amendments offered by Chairman WHITFIELD and Representative LATTA that will make this bill even worse. The Whitfield amendment will eviscerate the law's ability to require power plants to install modern pollution controls.

EPA Administrator Lisa Jackson told us this morning that if the Whitfield amendment is enacted, EPA will never be able to issue a rule to prevent emissions from power plants in one State from polluting the air in a downwind State. She also said that the amendment could destroy the agency's ability to ever reduce toxic mercury emissions from power plants.

The Latta amendment is even worse. It will reverse 40 years of clean air policy, repealing the health-based standards that are at the heart of the Clean Air Act. The Latta amendment would allow our national goals for clean air to be determined by corporate profits, not public health.

□ 1750

These radical amendments were never examined in hearings or debated in the Energy and Commerce Committee or in any other committee. Members are being asked to vote on major changes to the Clean Air Act without any idea of their terrible impact on air quality and public health.

My Republican colleagues will argue that we need to gut the Clean Air Act because it is a job-killing law. That is categorically false. The last 40 years proved we could have both economic growth and a clean environment. We do not have to choose between jobs and toxic mercury emissions that endanger our children's health and poison our lakes.

The rules that are being overturned are job creators. If these rules are allowed to go forward, the utilities that operate our oldest and dirtiest power plants will have to install new pollution controls. This will create 1.5 million jobs by 2015. This bill puts these jobs on the chopping block.

I urge all Members to oppose this legislation and protect the Clean Air Act.

I reserve the balance of my time.

Mr. WHITFIELD. I might just say first of all that I would tell Mrs. Jackson that we are not preventing her from implementing new air transport rules. We're going to keep in place what we have today that EPA said was a splendid program and even defended it in the court system. If my amendment is adopted, 3 years after the final report is made, they're totally free to go in and implement a new rule.

At this time I would like to yield 5 minutes to the vice chairman, the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise today in strong support of H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011, otherwise known as the TRAIN Act.

As House Republicans move forward with a bold agenda to grow our economy and put Americans back to work, one area that must be addressed is the issue of overregulation by the Federal Government.

I strongly believe the Obama administration is moving too fast and showing little regard for the economic consequences of their energy and environmental policies. They are trying to regulate what they don't have the votes to legislate, and it is going to cost Americans jobs.

With our Nation suffering under a crushing weight of 9 percent unemployment and the fact that the United States failed to create a single job in the month of August, the stakes could not be higher. The simple fact is that the businesses make decisions on where to invest based upon a number of factors, but regulatory certainty ranks at the top of the list.

I introduced this bipartisan legislation to protect American jobs, jobs that we are in danger of losing due to the Obama administration's environmental regulatory agenda. The TRAIN Act will force the EPA and other Federal agencies to conduct an in-depth economic analysis of several of their rules and regulations so Congress and the American people can fully under-

stand how the EPA's regulatory train wreck will impact our economy.

In fact, EPA's rules and actions addressed in this legislation cost billions of dollars to the U.S. economy. The time to address the full economic burden of these regulations is now.

At its heart, the TRAIN Act simply asks questions that should be asked of any expensive regulation: What do these regulations mean for our ability to compete in the global marketplace? Will electricity prices climb and by how much as power producers are required to retrofit plants to meet new requirements? How would higher electricity prices and plant closures affect jobs in the U.S.?

It's really astonishing that the EPA is not doing this already. It is just common sense, good government for American workers and businesses.

Now, some of the opponents of this commonsense legislation, including President Obama, say that this legislation is an assault on the Clean Air Act. Nothing could be further from the truth. The TRAIN Act will not prevent EPA from continuing to develop regulations. The TRAIN Act will also not limit the EPA's authority to protect public health and welfare in any way. The fact is EPA has never done an analysis on the cumulative impacts of these regulations on global competitiveness, energy and fuel prices, employment, or reliability of electricity supply, which is why we need this legislation.

As we can see by EPA's actions on the utility sector alone, they are issuing multiple regulations on top of each other at an accelerated rate that makes it difficult for companies to invest and create jobs. I'm pleased that we include language to delay EPA's action on both the Utility MACT and the Cross-State Air Pollution Rule until 6 months after the TRAIN Act analysis is complete.

The Utility MACT Rule alone has the potential to be EPA's most expensive rule impacting the U.S. economy. And when combined, these proposed rules could cost almost \$18 billion to implement as a result and cause a net employment loss of 1,450,000 jobs by 2020. These rules are an example of EPA's regulatory train wreck in action.

In addition, one of the actions in my bill that we study is the regional haze issue, which greatly impacts my State of Oklahoma, as this is yet another example of EPA's overreaching on the States with burdensome regulations without analyzing its impact on electric reliability or cost. This EPA action alone is expected to cost \$2 billion to Oklahoma businesses and electric rate payers.

If there is one thing that can help our struggling economy, it is having access to stable and reliable sources of energy.

In these tough economic times, I encourage my colleagues from both sides

of the aisle to support this common-sense measure.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 5 minutes to the distinguished ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the fine ranking member of the full committee, Mr. WAXMAN, for his outstanding leadership on this matter and other matters before our committee and before this Congress.

Mr. Chairman, I join my friend and colleague, Ranking Member WAXMAN, in his declaration that this week should be known as Dirty Air Week in America based on the Republican legislative agenda.

The so-called TRAIN Act is really a train wreck for the air we breathe, the environment we live in, and the jobs we need. Just yesterday in a full Energy and Commerce Committee markup, my Republican colleagues on a mostly party-line vote favorably passed out two bills that would delay the Obama administration's new rules for industrial boilers and cement kilns—H.R. 2250 and H.R. 2681, respectively.

These two bills would delay the toxic emissions limits for both boilers and cement kilns, two of the largest emissions sources that lack Federal standards and permanently weaken the Clean Air Act so that the EPA will be forced to issue weaker standards for these polluting facilities than the law currently requires.

Now today, we're here debating the Train Wreck Act, which would delay for at least 3 years the implementation of two new U.S. EPA rules for power plants: the newly finalized Cross-State Air Pollution Rule for sulfur dioxide and nitrogen oxides, and a soon-to-be finalized rule for hazardous toxic emissions.

□ 1800

With Republicans holding the majority in the House of Representatives, we know that the TRAIN Act will ultimately collide with the health of the American people. It's going to pass this Chamber even though the cross-State rule alone would prevent 34,000 deaths in this Nation and 400,000 cases of aggravated asthma annually.

Mr. Chairman, since the new Republican majority took control of the Energy and Commerce Committee and this Congress, they have been on a relentless crusade against our environmental protection laws, and they have been trying to portray the EPA as public enemy number one.

According to the logic of today's Republican Party, agencies such as the EPA, the American Lung Association, the American Public Health Association, the Allergy and Asthma Foundation of America, and the Physicians for Social Responsibility are all actually enemies of the American people and

American jobs because they oppose this radical new Republican agenda and because they advocate for policies that regulate the number of toxins and poisons that we allow industry to emit into the air each and every moment of the day.

I must remind my Republican colleagues that EPA stands for the Environmental Protection Agency and not the Evil Practices Agency, as they would have us believe.

My Republican colleagues would have the American people believe that, if Congress just gets out of industry's way and allows corporations to operate unregulated and unfettered, then they will inevitably do the right thing for the American people. The majority party also wants us to believe that we should not place standards or rules on industry because the inherent benevolence of corporations will ultimately lead them to do the right thing for the American people.

But just think of the recent past. Let me remind my Republican colleagues that this philosophy has been tested under the previous Bush administration, and it has totally failed. It has failed the American people. It has failed the American environment. It has failed the American air that we breathe.

The Acting CHAIR (Mr. HASTINGS of Washington). The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. RUSH. We don't have to look any further. Just look at the financial collapse and see what these kinds of unfettered regulations have done to jobs in this country and to jobs for the American people. This approach has put our entire economy on the brink of disaster.

After a financial collapse, here you are today, trying to bring forth a collapse in terms of environmental protections—a collapse in terms of protecting us by changing the air that we breathe.

Mr. Chairman, I urge all of my colleagues to oppose this egregious and dangerous bill.

Mr. WHITFIELD. I yield 3 minutes to the gentleman from Utah (Mr. MATHESON), who is a cosponsor of this legislation.

Mr. MATHESON. I want to thank my colleague from Kentucky for allowing me the time.

I think, as we look at the TRAIN Act today, you're going to hear a lot during this debate from both sides of the aisle; and there are going to be a lot of strong words from both sides of the aisle, probably beyond what the TRAIN Act really is.

The TRAIN Act was an idea: that we ought to take a look before we leap. The idea that we have all these processes taking place on individual rules, but that no one is bothering to take a

look at how they all might fit together and what the impacts might be just doesn't make sense. That was the genesis behind this bill: to make sure that we look at the overall impact. You see, the EPA is supposed to look at the impacts on each individual rule, but they don't look at how they connect together.

The Clean Air Act has been a wonderful success in this country. It has made a lot of progress, and I think everyone in this room appreciates the health benefits it has created. It has also made a lot of progress on a lot of different criteria pollutants. Now we're taking on and addressing issues that reflect some of the more difficult issues to address at smaller increments at the upper end. As we're going to do that, I would suggest it makes sense for us to make sure that before we take actions that could have great significance that we at least understand that significance.

So that's the idea behind the TRAIN Act—look before you leap, and make sure how all of this fits together.

Despite what this debate sounds like for people watching tonight, there is a common agenda here among everyone. I think most people in this country value clean air. They value good decision-making, too, and we want to make sure that we evaluate these issues with the best analysis possible and with the best information possible so we can make decisions in the most efficient way.

Mr. WAXMAN. Mr. Chairman, I am pleased and honored to yield 5 minutes to one of the strongest environmental champions in the House of Representatives, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

I rise in opposition to the Republican TRAIN Act, the Total Regulatory Amnesty for Industry Negligence Act of 2011.

The very silly premise of this bill is that it's simply impossible to keep our air clean and still keep our economic engine chugging along. This Republican-led House has initiated a full-throttle "repeal-a-thon." It's a three-part strategy: one, deny the science; two, delay the regulations; three, deter efforts to protect the health and security of millions of Americans.

We keep hearing from Republicans about how EPA's clean air standards to reduce mercury, lead, dioxins, and other pollutants need to be economically analyzed and reanalyzed. They insist that, even if a standard for one toxic chemical was met by an entire industrial sector, the removal of just one more poisonous chemical would cause a domino effect of problems for industry.

And the solution to these supposed problems? It is a time-tested Republican tradition.

First, pass legislation that repeals regulations that have already been set.

Two, require endless study of the cumulative effects of all regulations of all industries. Finally, just for good measure, pass an amendment that guts the very underpinnings of the Clean Air Act.

Make no mistake, that is what we are doing here today.

Our planet is warming and extreme weather is increasing. We're having record 100-year floods every few years. Hurricanes have caused floods, massive power outages, and deaths. Texas was on fire this summer after having the warmest summer ever recorded by any State. The President has issued disaster declarations in 48 States so far this year. We have set an all-time high of 83 major disasters declared in 2011. We've already had 10 weather events causing \$1 billion or more in damages—another record—and we still have 3 months of the year left to go.

And what do Republicans propose?

Rather than saving money by cutting the hundreds of billions we spent on unneeded Cold War-era nuclear weapons, the Tea Party chooses to cut funds that would reduce our dependency on foreign oil. Rather than cutting the tens of billions of dollars in taxpayer subsidies we give to Big Oil and Big Coal, the Republicans gut programs that would manufacture energy-efficient cars in America and provide clean air. Republicans would have us pay for the costs of weather disasters caused by global warming by cutting funding for a program that actually reduces the very threat of global warming.

For all the talk of this so-called “TRAIN wreck of cumulative EPA regulations,” there seems to be one cumulative effect that isn't getting mentioned by the Republicans: the cumulative effect of all of their goals on the health of Americans. That is because the Republicans, perhaps, are spending so much time doing the bidding of those corporations that they have lost their train of thought.

If the regulation to remove mercury from cement plants—already 13 years overdue—is delayed for even one more year, up to 2,500 people will prematurely die. There will be 17,000 cases of aggravated asthma, and 1,500 people will suffer heart attacks. If the regulation to remove mercury, lead, and cancer-causing toxins from incinerators and industrial boilers—already 11 years overdue—is delayed for one more year, there will be 6,600 people who will prematurely die because of that.

□ 1810

Additionally, if this bill passes, it would repeal mercury and Cross-State Air Pollution Rules for power plants, resulting in the loss of 25,000 more lives and more than 11,000 heart attacks. And that's just with 1 year of delay.

So what's the cumulative impact of just 1 year of delay on each of these

regulations? Thirty-four thousand people will die and many more will be injured.

In discussing these Republican efforts, today, Lisa Jackson, EPA Administrator, testified before our committee that, “If we could reduce particulate matter to healthy levels, it would have the same impact as finding the cure for cancer in our country.” The difference is we already know how to reduce particulate matter. We don't know how to cure cancer.

The Republicans are providing the American people with a false choice. We do not have to choose between air quality and air-conditioning. We do not have to choose between manufacturing and mercury poisoning. We do not have to choose between clean air and cancer. Ending protections for clean air and clean water should be a third rail issue, but the Republican Tea Party express has veered far off onto the right track.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. MARKEY. I thank the gentleman.

Sadly, these are the kinds of anti-innovation, anti-science, anti-public health schemes the public has come to fear from this legislative wrecking crew.

When the Republicans beckon you to come “all aboard” on the TRAIN Act, I urge you to run in the opposite direction, because the only train Republicans seem to care about is the Big Oil and big coal gravy train, and that's pulling out of the station here tonight as the Republicans push this bill through the Congress.

Mr. WHITFIELD. I might say to the gentleman from Massachusetts, there is nothing in the TRAIN Act that would delay for 1 day the greenhouse gas regulations that EPA adopted last January. There is nothing in this bill relating to the Cement MACT as well.

At this time, I would like to yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Thank you, Mr. Chairman.

Ladies and gentlemen, I knew that I was going to speak on this important legislation, and I tried to find the words that I would use this evening. And while I was attempting to do that, I came across a letter to the editor in the Virginian Leader in Giles County, Virginia, that was published yesterday, September 21, 2011, and sent in by John and Eleanor Kinney. They are described in their letter as an American blue collar worker. Neither Republican nor Democrat do they support. In that letter, I will quote parts of it, they say:

“I'm going to be very blunt with the following opinion: As a factory worker and taxpayer, I'm getting sick and tired of these Federal agencies who have nothing better to do except sit in

their Washington offices and draw up rules and regulations to kill American jobs. Why don't they get off their sorry behinds and go out across this Nation and try to help industry save what jobs we have left? And who is paying these EPA people's salary? We are, the American workers. I believe in protecting the environment, but we can't shut the whole country down to achieve it.”

Mr. and Mrs. Kinney of Narrows, Virginia, go on:

“I hope that anyone who agrees will write, email, or call all of our elected officials in Washington, D.C. Tell them the EPA is not living in the real world, and that it's time to put some ‘regulations’ on them and how they can dictate rules to what industry we are still hanging on to in this Nation. In a time of recession and Americans out of work, they should be helping industry, not trying to close what manufacturing base we have left with these idiotic rules and regulations.”

Hear, hear, Mr. and Mrs. Kinney. Hear, hear.

This bill that we are debating tonight does exactly what you asked us to do. We are doing your bidding, and the millions of Americans out there who feel the same way you do, that it's high time we put some regulations and some constraints on the regulators in Washington who don't know what it's like to have to work for a living, who don't know what it's like not knowing whether or not the particular business in your community is going to stay open.

These folks are particularly concerned in their discussion about a plant there in Giles County, one of the largest employers there that is in danger if we don't change some of the rules proposed by the EPA. They are concerned about announced layoffs in Giles County, Virginia, as a result of EPA regulations that will cause the power plant there at Glen Lyn to close down.

So, ladies and gentlemen, don't be fooled by the folks who say we are doing the bidding of Big Oil and Big Coal. We are doing the bidding of people like Mr. and Mrs. John and Eleanor Kinney.

I don't know the Kinneys, but I sure do look forward to getting to meet them, because that's the kind of people who made America great. And with a bill like this, we can continue to keep America great.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to my fellow Californian, an important member of the Health Subcommittee, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding time.

Mr. Chairman, I express my strong opposition to this bill that will dismantle public health standards and safeguards and increase air pollution.

The TRAIN Act may have started as a “study,” but it has transformed into

a fundamentally different beast. It will neither create jobs nor stimulate the economy. Instead, the TRAIN Act indefinitely blocks the EPA's Cross-State Air Pollution Rule and Mercury and Air Toxics Standards. These are designed to protect our children and our families from dangerous pollutants.

We know that blocking these standards will lead to tens of thousands of premature deaths every single year. It will lead to more heart attacks, more respiratory illnesses, more children in the hospital hooked up to respirators. The TRAIN Act means more exposure to toxic mercury as well, a brain poison that causes developmental disorders, especially in small children and the unborn.

But, Mr. Chairman, the TRAIN Act will also hurt the economy. It will make it harder for families to make ends meet. It will force Americans to miss millions of days of work each year in order to care for sick family members or themselves.

It will waste billions of taxpayer dollars treating preventable illnesses and disease caused by pollution, which could have been prevented. And it will saddle families and businesses with out-of-pocket medical costs and higher insurance premiums.

That's what the TRAIN Act is really about, blocking the EPA from ridding our air of pollutants that cause asthma attacks, respiratory illnesses among children, heart disease, and premature deaths. And the other side of the aisle wants to make it worse than it already is.

Later today, Mr. WHITFIELD will offer an amendment that imposes even longer mandatory delays on EPA's two lifesaving clean air standards, and it would rewrite the Clean Air Act to reverse the way toxic air pollution standards are set. Instead of basing standards on the cleanest plants, the standards would be based on what the oldest and dirtiest plants are doing. Today Administrator Jackson testified that this change alone would make it impossible to ever issue a cross-State pollution standard.

Another amendment, led by Mr. LATTA, would invert the Clean Air Act's 40-year-old requirement that EPA set its clean air standards on health science and medicine alone. His amendment would eliminate that right, which Americans depend upon.

I urge my colleagues to vote "no" on these dangerous amendments because Americans don't want millions of tons of toxic pollution dumped into their lungs. They want jobs, and they aren't fooled that they need to pay for those jobs with more pollution. They want a stronger economy, not increased health care costs and suffering. And, most importantly, they want their children to breathe clean and safe air.

I urge my colleagues vote "no" on this bill.

□ 1820

Mr. WHITFIELD. I might say to the gentlelady from California, the air transport rule we have in effect today, when it was implemented, EPA said it would reduce SO_x and NO_x by 73 and 57 percent by the year 2015. So it's not like we don't have something already in place.

At this time I would like to yield 2 minutes to the distinguished Member from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I would like to thank our Republican colleagues for giving us time to speak on this important bill.

As we've discussed, H.R. 2401, the underlying bill, is one that is important and appropriate that we consider at this time. I support the underlying legislation. And also as my colleague, Congressman MATHESON stated, while it's okay to have strong feelings on this measure, it's not appropriate to overstate in fact what this legislation does.

This measure requires the creation of an interagency committee to study the effects of the current and proposed regulations put forth by the Environmental Protection Agency that together have major effects not only on our way of life but on our economy, our economy which at this point in time is in a very fragile recovery period.

For too long, constituents that I represent, farmers, farm workers and small businesses in the San Joaquin Valley, have had to shoulder the burden of mounting regulations of the EPA. They've worked hard to meet stricter standards, and we're making progress. We've made great progress in cleaning up the air quality in the valley, even while the population is growing more rapidly than any other place in the State. Yet common sense must prevail. At some point it's time to put the brakes on regulations and understand the effects on consumers, on energy, on manufacturing industries, on electricity, on fuel prices, and our country's competitiveness in the global market.

Recently, the administration has acknowledged that many regulations are having an effect on our economy. It's time that they step up to the plate and work with the Congress for common sense to prevail.

I thank Congressmen MATHESON and SULLIVAN for introducing this important measure, and I urge my colleagues to vote in favor of it. It's not an either/or choice. We can have clean air and we can have a good, commonsense decision-making process. The two are not mutually exclusive, as some of my colleagues are suggesting. I urge that you vote for this measure. It's a commonsense way to work through these difficult issues.

Mr. WAXMAN. Mr. Chairman, before I yield, I want to indicate that Mr. WHITFIELD just argued that this bill

will not harm public health because although it blocks two critical rules to clean up old power plants, it doesn't repeal the Clean Air Interstate Rule, or the CAIR rule. Well, leaving an inadequate rule in place does not achieve the health benefits lost by blocking the Mercury Air Toxics Rule and the Cross-State Air Pollution Rule. The CAIR rule was blocked by the courts. They found it didn't comply with the Clean Air Act because it did not effectively address pollution that crosses State lines. That means that States suffering from up-wind pollution have to look for additional, more costly, pollution reductions from smaller local sources; and it does not require power plants to clean up mercury and other toxic air pollution. His statement was absolutely incorrect.

At this time I want to yield 3 minutes to a very important member of our committee, Ms. SCHAKOWSKY from the State of Illinois.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

The majority's assault on clean air continues and has culminated into what my friend and colleague, Mr. WAXMAN, has rightly referred to as Dirty Air Week.

The effort to further delay EPA from protecting our air would damage our environment and the health of our citizens. Today, 60 percent of Americans live in areas where air pollution has reached unhealthy levels. The health care costs associated with air pollution are estimated at over \$100 billion annually. But these statistics would be even worse without the protections of the Clean Air Act. According to the American Lung Association, Clean Air Act regulations prevented over 160,000 premature deaths in 2010.

Over the past 20 years, the EPA estimates that the Clean Air Act prevented 21,000 cases of heart disease, 672,000 cases of chronic bronchitis, 843,000 asthma attacks, and 18 million child respiratory illnesses.

Yet today we consider a bill the Natural Resource's Defense Council has deemed the deadliest bill on the Republican agenda. The goal of the TRAIN Act is to undermine EPA's ability to protect our citizens from dangerous toxins through the dismantling of the Mercury and Air Toxics and Cross-State air pollution standards.

As a mother and a grandmother, I have been a long-time advocate of clean air practices, especially with regard to mercury.

Mercury threatens public health, but is particularly dangerous to pregnant women and children. Overexposure to mercury inhibits a developing child's ability to walk, talk, read, write, and comprehend and is one of the most dangerous unregulated toxins, which is why I led legislation in the last Congress to curb mercury emissions from various facilities.

In my home State of Illinois, coal-fired power plants emitted almost 5,000 pounds of mercury into the atmosphere in 2009, making Illinois the seventh most mercury-polluted State in the Nation. But while Illinois has taken steps to reduce mercury contamination, air pollution doesn't stop at State borders. Federal standards are needed to ensure that every State makes a good-faith effort to protect its residents.

The Mercury and Air Toxics Standards will prevent 4,500 cases of acute bronchitis and 6,800 premature deaths. And the Cross-State Air Pollution Rule will prevent 400,000 cases of aggravated asthma and 34,000 deaths per year.

My colleagues across the aisle claim to be in the business of eliminating burdens. But by my math, every year these regulations are delayed, over 40,000 preventable deaths will occur. And as much as Republican opponents to the EPA would like to disagree, these rules, like the previous Clean Air Act regulations, will grow our economy.

Earlier this year, the Political Economy Research Institute concluded that the Cross-State and Mercury and Air Toxics rules will drive investments that could create 300,000 new jobs annually. The Mercury and Toxics Air Standard alone is expected to generate \$7 billion in annual GDP growth. The numbers are clearly in favor of the Clean Air Act and I reject the Republican idea that Americans need to choose between jobs and health. The proven good news is that we can do both.

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Kentucky (Mr. GUTHRIE), a member of the Energy and Commerce Committee.

Mr. GUTHRIE. The bipartisan position, the one that both parties working together have put forward, is to support this; and we've had different comments about the Republicans are doing this or that. But the truth of the matter is this is a bipartisan bill. It's a bipartisan bill that our country needs because for 2½ years bureaucrats at the Environmental Protection Agency have run wild with new regulations while hiding the staggering job losses that would result.

The TRAIN Act requires an inter-agency committee to study the actual economic effects of EPA regulations and make the findings public. Most of us say that's a commonsense request of EPA, no more regulations until we know how many jobs will be lost.

Mr. Chairman, I have a manufacturing background, and I come from a manufacturing State. In Kentucky, we know what it takes to keep and grow jobs, and it isn't excess regulations from EPA. I implore my colleagues to pass the TRAIN Act and shed light on the havoc that this agency is causing

for job creators nationwide. A vote for this bill is a vote for jobs and for transparency.

Mr. WAXMAN. I yield 5 minutes to the gentlelady from the State of Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, for too long too many people in this body have proposed that we must make what amounts to a devil's bargain: choosing between environmental protections and jobs. Today, the ideology behind that false choice brings us to the brink of gutting one of our Nation's fundamental laws, the Clean Air Act.

Mr. Chairman, the Clean Air Act has safeguarded our economy and our families' health for decades. And despite heated rhetoric from the other side, it does not stand in the way of creating jobs. In 2010 alone, the Clean Air Act prevented 160,000 premature deaths, 3 million lost school days, and 13 million lost workdays.

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By 2020, the Clean Air Act's total benefit to the economy will reach \$2 trillion, outweighing the costs by 30-1. But despite the actual numbers, today we find ourselves debating a full attack on clean air—through the TRAIN Act—which would represent an unprecedented upheaval of our long-held pollution standards.

Now, Mr. Chairman, we had a 3-hour hearing in my committee, the Oversight Subcommittee, today talking about the alleged job loss that the majority claims would happen. I heard no—repeat no—evidence that these rules would cause a job loss. In fact, the evidence put into the record at the hearing showed that these regulations will create jobs at the same time they are preserving our citizens' health.

A key amendment to this act, which will be introduced later by Mr. WHITFIELD and which was accepted during the committee markup, is a dangerous measure that would indefinitely block two major Clean Air Act regulations. First, the Utility MACT rule, reducing mercury and other toxic emissions from power plants, and also the Cross-State Air Pollution Rule, reducing sulfur dioxide and nitrogen oxide emissions from power plants. Both of these rules are being developed after extensive cost benefit analyses.

Together, the two rules would prevent more than 50,000 premature deaths per year across the country. Now why would we delay implementation of the rules based solely on letters from constituents and anecdotal evidence? In fact, these two critical federal regulations correspond to successful pollution regulations in my home State of Colorado that are already bringing positive results for our State.

Now everybody in this Chamber knows the natural beauty of Colorado is a treasure for everyone to enjoy. People move there because of the clean

air and safe water. It is also a primary driver in our economy through natural resources development and tourism. But because of mercury emissions from power plants, cement kilns, refineries, and commercial boilers, about 20 percent of our pristine lakes and reservoirs contain mercury-tainted fish, including in our alpine areas.

To combat that, Colorado has adopted some of the most stringent mercury rules in the country, with regulations on the books to cut mercury emissions by 80 percent by 2012 and 90 percent by 2018. These State regulations have been implemented successfully and to our collective economic benefit—a federal overlay to such regulations would bring the benefits that we have in States like Colorado to the entire Nation.

Colorado also has been a leader in cutting sulfur dioxide and nitrogen oxide emissions to our economic and environmental benefit. While some States had a tough time designing haze-reduction plans in response to the Bush administration's now-defunct Clean Air Interstate Rule, Colorado didn't wait. We knew that we could clean up our power plants and also the power the economy.

So in 2010, Colorado enacted the Clean Energy Clean Jobs Act. The law calls for utilities to reduce haze-causing emissions of sulfur dioxide by about 80 percent and nitrogen oxide by about 85 percent. As a result, Colorado's largest utility, Xcel Energy, is on track to shutter four coal-powered plants, three in Denver, and replace that generation with natural gas-powered units. It will also install emissions controls for another 951 megawatts of coal-fired electrical generation. And, Mr. Chairman, Xcel expects that these improvements will only increase rates by 2 percent annually over the next 10 years.

Colorado's successful experience with these types of regulations stands as even further proof that effective and efficient regulations to protect our air and water bring ever growing benefits to our Nation. And blocking these regulations is a dangerous game where America's families will pay the price.

Mr. Chairman, the provisions of these amendments will fundamentally rewrite our approaches to the Clean Air Act regulations that have been the gold standard of our environmental laws since 1990.

I urge rejection of the amendments, and I urge rejection of this bill.

Mr. WHITFIELD. I certainly have great respect for the gentlelady from Colorado, whom I've had the opportunity to work with on a lot of issues, but I would say to her and to others the only regulation that we're delaying relating to mercury is the Utility MACT. And I might say that EPA said that the health benefits from the reduction of mercury because of the Utility MACT was so insignificant that

they did not even include it as a benefit.

At this time, I would like to yield 2 minutes to the gentleman from Texas (Mr. OLSON), a member of the Energy and Commerce Committee.

Mr. OLSON. I thank my colleague from Kentucky.

Mr. Chairman, there appears to be some funny accounting at the Environmental Protection Agency. EPA justifies issuing major rules that will have a tremendous negative impact on our economy by relying on the concept of "lives saved from premature death." Well, let's take a look at those "lives saved" numbers.

Ninety percent of the 13,000 to 34,000 theoretical "lives saved" from the Cross-State Air Pollution Rule are from particulate matter exposures already below the National Air Ambient Quality Standard. Ninety percent of the 6,000 to 17,000 theoretical "lives saved" from the Utility MACT are from particulate matter exposures already below the National Air Ambient Quality Standard.

Do you notice the theme? The EPA should explain how they attribute a net benefit to a concentration of particulate matter below their own standards.

I encourage Members to vote "yes" on the TRAIN Act, H.R. 2401, to hold the EPA accountable, and to put a stop to this job-killing nonsense.

Mr. WAXMAN. Mr. Chairman, my colleague, Mr. WHITFIELD, just said that the EPA found that the mercury reduction benefits were so insignificant by EPA. Well, what they found was they couldn't put a pricetag on the avoided birth defects and brain damage to babies. If that's insignificant, I just think people ought to put this whole effort to deregulate the efforts to protect the environment in perspective. I think the Republicans think it's insignificant because we can't put a dollar figure on birth defects and brain damage to an infant—and so many Republicans call themselves pro-life.

I want to yield 5 minutes to the distinguished chairman of the Interior and Environment Appropriations Subcommittee who has fought so hard to protect environmental regulations, especially those that protect the public health, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, I want to thank Mr. WAXMAN for his constant, credible leadership. He is saying what all Americans should be aware of. This is an incredibly important piece of legislation. Mr. Chairman, power plants emit 96,000 pounds of mercury into the air we breathe every year. Yet this bill would prevent EPA from regulating mercury.

Mercury is an extremely dangerous neurotoxin. It damages children's developing brains, reducing their IQ and their ability to learn. At low levels of

exposure, it causes insomnia, neuromuscular changes, headaches, disturbances in sensations, changes in nerve responses and impairment of cognitive functions. Hundreds of thousands of people have been affected in this way. But at higher exposures, it affects kidneys, causes respiratory failure and death.

One gram of mercury, a tiny drop, can be enough to contaminate 200 million gallons of water, which is the size of a 20-acre, 30-foot deep lake. All but one State, Alaska, have issued health advisories warning their residents against eating fish caught in their waters because of mercury contamination. It goes up in the air from the power plants, then when it rains, it goes into the water, it poisons the fish, and ultimately it poisons human beings. Two States, Oklahoma and Maine, have issued Statewide fresh water advisories that you should be wary of eating any large fish due to the possibility of mercury poisoning.

Think of this: Despite this acknowledged danger, each year, power plants release 96,000 pounds of mercury into the air.

EPA's proposed Mercury and Air Toxics Standards rule requires power plants to meet the same requirements that other industries have already met using proven emission control technologies that will reduce mercury emissions by 91 percent. It can be done. And the cost of meeting both regulations pales in comparison to the economic benefits Americans will receive with cleaner air.

□ 1840

The proposed Mercury and Air Toxics Standards rule has a quantified benefit of between 5 and 13 times its cost. And the pollution reductions required by the Cross-State Air Pollution Rule will yield benefits of \$120 billion to \$280 billion per year, which is between 150 to 350 times its cost.

This bill serves the interest of no one but a few CEOs and the politicians who are supported by them, who refuse to accept responsibility for the harm their unregulated power plants have imposed on the rest of us.

Mr. Chairman, this bill itself is deliberately deceiving. In fact, the title of the bill implies something that is not true. The Environmental Protection Agency is fully transparent, and it has already performed a Regulatory Impact Analysis on the cost of its Clean Air Act regulations. And the intent of the bill is not what it claims. The true intent of this bill is to slow down or block implementation of EPA's obligations under the law to regulate our environment. It specifically suspends further action on two regulations—the Cross-State Air Pollution Rule and the proposed rule on Mercury and Air Toxics Standards—that are required under the Clean Air Act amendments of 1990.

Pass this bill and you will condemn tens of thousands of Americans to a premature death, you will sentence millions more to a lifetime of health complications, and you will straddle our economy with unnecessary costs and employers with millions of additional sick days.

The goal of a cleaner environment and a healthier population should not be sacrificed in order to keep this Nation's dirtiest power plants from doing what almost every other industry and all governments have done to reduce harmful air pollution.

What we're being given here is a false choice peddled by, as I say, a fraction of CEOs in the utility industry who refuse to clean up their antiquated coal-fired power plants.

We can have clear air and more jobs. History provides us with proof it is possible because it has already happened. Hundreds of thousands of people owe their life today to the environmental movement and leaders in Congress like Mr. WAXMAN and the White House who pushed for and passed the landmark environmental laws—back in the 1970s in the Nixon administration, and in 1990—that required polluters to clean our waters and reduce the pollution in the air we breathe. In the decade after the 1990 Clean Air Act amendments were signed into law by George H.W. Bush, our unemployment declined, our economy grew, and we reduced acid rain-forming gases by more than 30 percent.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. MORAN. I thank the gentleman.

I want you to listen to this, Mr. Chairman. The cost of meeting the emission reductions was actually 75 percent less than what EPA had originally predicted in 1990, and it was far below what opponents had claimed. But there are still a number of provisions of the Clean Air Act that have never been implemented, and now we have much more scientific and medical evidence to inform our decisionmaking. We know that a drop of mercury can poison an entire lake. We know these things now. We know the harm of mercury and toxic chemicals. We know how much is coming from power plants.

The rule for power plants is long overdue. It's been in development for close to 20 years. If one wants to talk about uncertainty, how about allowing certainty by letting EPA finalize its rules on mercury, on air toxics, and on cross-State air pollution. Then we will protect the health of our people. Then our plants will know exactly what is expected of them.

The fact is municipalities do this for their waste recovery plants and their medical waste incinerators. They are required to do it. And no municipality

ever went bankrupt over this regulation. And medical wastes are disposed of today in a safe and reliable manner.

We can do this, we should do this, and we should defeat this bill.

Mr. WHITFIELD. I would say to my friend from Virginia that EPA is not always as transparent as they may seem. When they issued the greenhouse gas regulation in January of this year, they did not give the public any information about cost or benefits, and the reason they didn't is they didn't conduct one.

At this time, I would like to yield 5 minutes to the distinguished former chairman and chairman emeritus of the Energy and Commerce Committee, a real leader in our committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished gentleman from Kentucky.

I would like to start off, Mr. Chairman, by making the point that the TRAIN Act doesn't change any existing environmental law or existing environmental rule. It simply delays proposed regulations that the EPA has promulgated and requires a study of some of those regulations before moving forward with them.

My friends on the Democratic side would have you believe that we're going in and gutting the Clean Air Act. Nothing is further from the truth. I'm a cosponsor of the Clean Air Act amendments of 1991, and believe it or not I'm a strong supporter of an active EPA enforcing existing rules. I have a sister whose an enforcement attorney at the EPA in Dallas, Texas, and has about a 99 percent conviction rate. So Republicans want a strong EPA. We want strong air and water quality rules, but we also want, in this struggling economy, some common sense to be used before proposing new additional rules.

There is no criteria pollutant under the Clean Air Act that is currently becoming worse. In fact, the air is becoming cleaner, and that can be proven factually by monitoring. Every power plant in the country is monitored 24 hours a day, 7 days a week, 52 weeks a year, as are our chemical plants and all major source emitters. The data is there, Mr. Chairman.

The question that I asked the EPA Administrator today, Lisa Jackson, is: Is it better, Madam Administrator, to keep an existing plant that is in compliance with existing air quality regulations in production, or is it better to close that plant because it can't comply with new, more stringent regulations that are being proposed? That's the question. And that's the reason that Mr. SULLIVAN and Mr. WHITFIELD and myself and others have either sponsored or cosponsored this legislation. We want strong air quality regulations. We want those rules enforced, but we don't want an EPA that con-

tinues to go stronger and stronger and stronger, regardless of the economic consequences.

Now, Mr. WHITFIELD, tomorrow, is going to offer an amendment that replaces the proposed Cross-State Air Transport Rule with the CAIR regulation that the Bush administration promulgated back in the early 2000s, that he wants a delay of the proposed boiler MACT while we have a little more time to implement that. And he also has, at my suggestion, put into that amendment that we should use real monitored data as opposed to EPA-modeled data. How unique. Let's actually use what's happening in the real world.

This monitoring versus modeling does not mean the EPA can't use models. We understand that you would have to be able to model the environment and the effects, but you can use real data to put in your model, not projected or hypothetical data. Real data.

The Whitfield amendment is an important addition to the TRAIN Act, and I hope that we will support it.

With regards to mercury, mercury has been reduced since the mid-1990s by 90 to 95 percent in the United States.

□ 1850

The gentleman who spoke about mercury just now correctly stated the amount of mercury that's emitted, 96,000 pounds, 48 tons, 96,000 pounds. What he did not say is that that is less than 1 percent of the total mercury emitted in the country. Most mercury that's emitted is emitted by natural causes; and if you enforce the new proposed mercury regulation, you're going to get an improvement of .0004 percent, four-thousandths of 1 percent.

For an average 500-megawatt coal-fired power plant, they emit about 70 pounds per year of mercury.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. I yield the gentleman another minute.

Mr. BARTON of Texas. We've already reduced mercury emissions by 90 to 95 percent. To get another 90 to 95 percent is so cost prohibitive that you would probably just shut down some of those plants. In my opinion, that's not necessary.

So what the TRAIN Act, in conclusion, is doing, Mr. Chairman, is just saying let's do a time-out. Before we go forward with any new regulations, let's make sure that there really is a true benefit that outweighs the cost.

In my district alone last week, a closure was announced of one plant and one coal mine that are going to cost directly at least 500 jobs. That's not hypothetical. That's not modeled. That's real. And if all these plethora of EPA regulations go forward, you're going to see thousands of jobs eliminated, billions of dollars in cost, and very problematic improvements in health.

Please vote for the TRAIN Act when it comes up for final passage.

Mr. WAXMAN. Mr. Chairman, I want to set the record straight because I think we're getting a lot of false information. We are told that this bill doesn't weaken any existing law. That's not correct. The Cross-State Rule has already been finalized, which means if you are living in an area where pollution's coming from another State, and there's nothing you can do about it, the State that's causing the pollution has to reduce that pollution in order not to affect you. And that's going to be repealed by this legislation that's before us.

We're told all that's going to happen is we're going to delay some of these rules. Well, yes. We're going to delay the rules. And then Mr. WHITFIELD is going to offer an amendment to make sure that EPA can never adopt any of those rules.

And the thing that just galls me is the statement that the benefits from reducing mercury are insignificant. Well, EPA was unable to quantify or monetize all the health and environmental benefits associated with the proposed toxic rule, but EPA believes these unquantified benefits are substantial. We are talking about impaired cognitive development, problems with language, abnormal and social development, potential for fatal and nonfatal heart attacks, association with genetic defects, possible auto-immunity effects in antibodies. This is not insignificant. And I think that it's not accurate to tell us that this bill simply provides some transparency. I think the authors of the bill ought to provide us a little bit more transparency.

I at this point want to yield 6 minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I enjoy listening to the former chairman of the Commerce Committee in his argument on the floor. He gave us part of the story.

I find a certain irony, however. He talked about how he supported the 1990 Clean Air Act. Well, many of the arguments he makes that we're hearing here today could have been directed towards him and his own support in 1990.

But bear in mind what happened in 1990. It didn't impose a bunch of rules and regulations. It put in motion a process so that we would have those studies. From 1990 to 1998, EPA was studying the issue. They came to the conclusion that the study mandated under the 1990 Clean Air Act required that we promulgate rules to regulate this pollution.

From 1998 until 2005, the Clinton administration, and then the Bush administration's EPA, they kind of studied it. They came to the same conclusion. The Bush administration came up with rules that were so flawed they were thrown out by the Courts. It didn't meet the standard that was required by your 1990 Clean Air Act.

So here we are now, in 2011, 21 years later, talking about another study to delay it further, delay further what the gentleman, and I would say a number of Republicans on the Commerce Committee, supported in 1990. But now it's crunch time. We actually have to do something.

My friends on the other side of the aisle are fond of saying we shouldn't pick winners and losers in the economy. Well, Mr. Chair, I find it ironic that this Dirty Air Act does pick winners and losers. Who are the losers?

I agree with my good friend from California, the ranking member, the losers are hundreds of thousands of people will die, get illness from cancer, asthma, lost school days, millions of lost work days, the lost quality of life that is documented beyond belief. This is real, and these people lose.

Who else loses?

The downwind areas lose because they will not be able to act to be able to deal with the problems that the pollution drifts over their jurisdictions. And as again my friend from Southern California pointed out, that means that local communities that don't have the protection because we can't stop the drift, they're going to have to do all sorts of things that are more expensive and less effective, and it's not their fault.

The losers are going to be the American economy. We will lose the economic benefits of getting the work from unions and contractors from pollution control. Bear in mind, pollution control devices are an export area. We have a net benefit. We make money exporting this abroad.

We lose the net economic benefit of the lost health. We bear the cost of unnecessary damage.

But there's another area of losers. Mr. Chairman, I find it interesting, in December 2010, eight major CEOs sent a letter to the editor of *The Wall Street Journal* saying that they didn't oppose—that the EPA agenda would have negative economic consequences. Their companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation and maintaining reliability.

On March 16, 2011, six leading energy companies joined together to applaud EPA's release of one of their proposed rules.

The losers in the approach that you take are the early adapters, the people who took the law at its word and started cleaning up. They lose by taking the word of Congress that we were serious about reducing pollution, including one of my local utilities, Portland General that's moving ahead to close down a dirty coal plant to meet their responsibilities.

Who wins under the Republican approach?

Well, the winners, under the Republican approach, are those who profit from pollution: the people who are dragging their feet, who bet that we will, yet again, have another study, that we won't follow through. The winners under this are the people who are cynical, who think that they don't have to comply with the Clean Air Act.

I noticed that today, in *China Daily*, dated September 22, the Chinese are talking about their tougher emission standards. They are talking about the fact that there's a pushback from their utilities because there's cost of compliance. But they know that there is a health benefit. They can't continue to pollute. And there's an economic benefit for people who move ahead with the compliance. The Chinese are going to make money by being cleaner, adopting technologies to reduce emissions.

□ 1900

Mr. Chair, I'm embarrassed that we have, after 21 years, a proposal to yet again delay implementation, that they're picking winners and losers, putting people who profit from pollution ahead of people who are responsible. It's just wrong.

Mr. WHITFIELD. I might say to the distinguished gentleman from Oregon that it is correct that the court invalidated the current Air Transport Rule that we have in effect in America today, but I would also like to read from that decision because one of the reasons they invalidated this law was because EPA was looking at a regional basis rather than within individual States.

The court said: "It is possible that CAIR would achieve air transport goals. EPA's modeling shows that sources contributing to North Carolina's non-containment areas will reduce their emissions even after opting into CAIR's trading programs."

My point in saying that is this still is a particularly effective Air Transport Rule.

At this time I would like to yield 3 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise today in strong support of H.R. 2401, the TRAIN Act, and I want to congratulate my friend from Oklahoma for this good piece of legislation.

For the past 9 months I've been on the floor of the House, and it's been my mission to rein in, or at least to attempt to rein in, some of these out-of-control regulators in this country today who intend on keeping our economy in the ditch by placing barriers in the way of job creation and in keeping jobs.

I'm so glad that this bill is on the floor because this job-killing regulation is center stage at this time.

Mr. Chairman, I'm pleased to see the TRAIN Act provisions delay this EPA

job-killing and energy-killing rule known as Cross-State Air Pollution for the next 6 months.

Let's point out that we heard comments about transparent analysis. My own State, Texas, was dropped into the final Cross-State Air Pollution Rule in the last minute. Texas was not included in the proposed rule, and our citizens were denied their right under the Administrative Procedures Act to review the impact and comment on the proposed rule. We just got kind of air-dropped into this at the last minute.

Thirty-one members of the Texas delegation have written a letter to the White House, including eight of the Democrats in our delegation, expressing concerns about this rule and how it was forced down the throats of the citizens of Texas. I think that that ought to be some indication that something is wrong here.

Now, Mr. BARTON indicated something that is actually larger than what he stated. In his district, one plant has closed, but two plants have actually closed in Texas as a result of this rule already, and three mines have closed. And we know at least of the 500 jobs that Mr. BARTON has referenced here today, but we haven't gotten the count from the other two.

This is a serious loss of good-paying jobs to Texas. These are the kinds of jobs people seek after.

The step in the right direction is to hold off. And when you say you're doing studies, by the very statements made on this floor, it's about scientific proof. But there are also human beings involved in this, and we should at least do an economic analysis of what this does to our economy, which I think this administration is bound and determined to drag down into the mud. And I think we should know how many jobs we're going to lose. We're trying to build jobs, not lose jobs.

We are, in this country, about growing jobs in America, not losing them. And these regulations are job-killing regulations.

I'm really pleased with the work of the Energy and Commerce Committee on all of their hard work on these issues. This is important to American workers everywhere.

Mr. WAXMAN. Mr. Chairman, the Republican spinmeisters like to come up with slogans. So they've come up with the slogan "job-killing regulation." Well, let me tell you what we're talking about: children-killing pollution.

And I just think that when we hear the statements that they're not going to weaken or delay any rules that protect public health and the environment, we shouldn't take their word for it.

I have a letter here from the National Association of Clean Air Agencies. They represent the State and local air pollution control people who

are on the ground every day working to improve the Nation's air quality. What they say is that if this bill is adopted it "will create regulatory delays that could lead to thousands of premature deaths, remove important regulatory tools upon which States and localities depend, impose additional costs on government as well as small businesses, create regulatory uncertainty, cause job losses, and defund an important and cost-effective air pollution control program."

Mr. Chairman, at this time I want to yield 5 minutes to the distinguished gentleman from the State of Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my good friend and the distinguished ranking member of the Energy and Commerce Committee.

Mr. Chairman, this bill is extraordinary even for the most anti-environmental House of Representatives in American history. The Republican leadership has attempted already to pass over 110 anti-environmental bills, amendments, and riders. But the TRAIN Act would be one of the most destructive for America's environment and our public health.

It appears that the Republican leadership took every anti-environmental bill, rider, amendment, and nighttime fantasy of the Koch brothers and wrapped it into a single legislative package called the TRAIN Act.

This bill would block clean air, public health standards for mercury, dioxin, smog, soot, and other toxic pollutants. We're supposed to believe no, no, no, all we're doing is just delaying and studying. Twenty-one years is a long time to study. And if you have a loved one whose health is at stake, that delay can be life threatening.

By increasing the incidence of emphysema, lung cancer, asthma, and cardiac diseases, this bill will kill 25,000 Americans every year—nearly as many as are killed in highway accidents.

Just one standard this bill would repeal, the Cross-State Air Pollution Rule, would have significant ramifications for my district and for the National Capital Region from which I come. The wind transport of power plant and other harmful emissions from polluters to the west in our community is one of the reasons the Capital Region is listed as a non-attainment area for air quality. But we have to clean it up.

The preponderance of harmful ground level ozone threatens seniors, asthmatics, and those with respiratory conditions—not to mention the fact that it threatens our eligibility for long-term transportation funding.

Monitoring and responsibly regulating cross-State air pollution here and in other regions would save, not cost, save \$280 billion a year in health care costs. But not if the Republicans pass this bill.

But of course they don't want you to look at the other side of the ledger. There are benefits to be had by implementing the EPA standards rather than delaying them, \$280 billion worth, but they don't want you to know that. They don't want to talk about that.

I was proud to work with a number of my colleagues to lead a group letter signed by 60 Members of this body reaffirming our support for the Cross-State Air Pollution Rule. This public health standard is critical for economic and human health in our region. That rule is just one example among many successful public health standards established under the Clean Air Act.

Since its inception in 1970, the Clean Air Act has produced economic benefits that far outweigh the cost of compliance by as much as 8 to 1. The Small Business Majority credits the Clean Air Act with widespread economic benefits, both across urban and rural communities, improving public and worker health, and creating jobs, millions of them.

□ 1910

Each year, the Clean Air Act prevents 22,000 hospital visits which would otherwise be caused by pollution-induced respiratory diseases, 67,000 chronic asthma and bronchitis attacks, and saves over \$110 billion in health care costs. The TRAIN Act would block nearly every major public health standard being implemented by the Clean Air Act.

I heard my colleague and friend, Mr. GRIFFITH from Virginia, talk about a letter he read in a local newspaper in Charles County, Virginia. This couple purportedly couldn't understand why bureaucrats who were sitting on their rear ends somehow come up with these fantastical regulations that are just burdensome and serve no purpose.

Perhaps if that couple had sat with a child in a hospital room, fighting for his or her breath, they'd understand why we need these regulations and why those professionals at EPA are doing their job to protect public health. Perhaps if they had seen a loved one or a spouse hooked up to tubes, fighting for her life because she's severely asthmatic, they'd understand why we need these standards. Perhaps if they understood a friend had COPD and has to walk around now all the time with oxygen in a mask to function and be mobile, they'd better understand the life-and-death struggle of people who live in areas affected by dirty, polluted air and would better respect why the EPA is protecting our health—even if that couple in Charles County doesn't understand.

I urge opposition to this bill.

Mr. WHITFIELD. May I ask how much time we have remaining?

The Acting CHAIR. The gentleman from Kentucky has 25 minutes remain-

ing. The gentleman from California has 12 minutes remaining.

Mr. WHITFIELD. At this time, I yield 4 minutes to the distinguished gentleman from Mississippi (Mr. HARPER), who is a member of the Energy and Commerce Committee.

Mr. HARPER. I thank the gentleman from Kentucky for yielding.

Mr. Chairman, the TRAIN Act is on the House floor today as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. Americans are tired of Big Government, and a majority believes that government regulation coming out of Washington, D.C., has a costly impact on life essentials, such as food and gasoline. Too many Americans are unemployed, and a recent survey shows that 70 percent of voters believe that increasing regulations on American businesses will result in more jobs moving overseas. That is unacceptable.

No government agency is more to blame for an absurd increase in regulation than the Environmental Protection Agency. We all want clean air. We all want clean water. We're all conservationists and want those things, but the effects of the actions of the EPA are clear—they're killing jobs and job creation.

We've asked our colleagues on the other side of the aisle over and over, Where are the jobs? I submit that a thorough investigation of recent EPA regulations could answer that question.

I encourage a "yes" vote on the TRAIN Act so that Americans will have an even better understanding of the negative impact that the EPA is having on each of our lives.

Mr. WAXMAN. I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank my colleague from Kentucky for yielding.

I rise in support of the TRAIN Act, which will help give small businesses and our Nation's job creators the certainty they need to hire, expand, and invest. This is an excellent bill which will help create the pro-growth environment our economy needs.

Upcoming EPA gasoline regulations, along with other regulations impacting domestic refiners, have the potential to raise the price at the pump, to reduce domestic gasoline output and increase reliance on imports, and to destroy domestic refining jobs. Fuel price changes create a ripple effect throughout the economy, increasing the price of food, goods, and services that are transported to our communities, increasing the price of driving to work each day.

These broad impacts must be taken into account when we seek to understand the cumulative impact of EPA

regulations on the energy prices, jobs, and our global competitiveness. I hope my colleagues on both sides of the aisle will join me in supporting the TRAIN Act.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman for yielding, and let me thank all of us who are assembled here on the floor tonight to talk about the state of our lungs, the state of our health, and to talk about how the deprivation of protection will lead to harming our health. It's a sad day, and I'm just glad we're here to debate this issue so that the American people can see who's for them and who's not.

What my friends on the other side of the aisle call "regulation" we call protecting our lungs. What they call "red tape" we call fighting asthma from mercury. What they call "government interference" we call staying out of the hospital and getting some asthma treatments and being able to eat the fish that we catch in our rivers and streams across this great Nation. What they call "job-killing regulation" we call child-killing pollution.

It's just amazing how different the world would be if we could all just focus on what really matters.

What we really should be doing is arguing about how we can get Americans back to work. That's not what we're doing. What we're doing is trying to say, if they got rid of all the regulations—all the health and safety regulations—and then if they even got rid of all the taxes, then the business community would have enough certainty to actually hire somebody.

But I don't think anybody really believes that.

We've got a nation in this world that has gotten rid of all the regulations and that doesn't really tax anybody. It's called Somalia. I don't think that's a good business environment for much of anybody unless you're a warlord.

The fact is that, instead of focusing on creating jobs, Republicans are bringing up another assault on our public health—in the Clean Air Act. We should have the American Jobs Act here, and we should be debating that. We should be passing bills to create jobs and improve economic growth. We should not be telling American workers that the only thing between them and a job is a regulation to protect their lungs. They're trying to say, A paycheck or your lungs. You can have a paycheck or you can have asthma, but you can't have a paycheck and be well. That's what they're arguing today, and this is what we have to reject.

Instead of bringing up bills to create jobs, the GOP is bringing up yet another assault on the Clean Air Act, blocking two of the most important lifesaving Clean Air Act rules in decades—the Mercury and Air Toxics rule and the Cross-State Air Pollution Rule.

The Mercury and Air Toxics rule will prevent 17,000 premature deaths per year. I couldn't agree more with the gentleman from Virginia, GERRY CONNOLLY, who reminded us that, if you've ever held the hand of a loved one who is suffering through an asthma attack, it would be hard to see how you could callously vote for a bill like this TRAIN Act, which I like to call the Train Wreck Act, because it's just that bad. The Cross-State Air Pollution Rule will prevent 34,000 premature deaths per year.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 1 minute.

Mr. ELLISON. I thank the gentleman, and I'll wrap it up with this:

We can have energy and jobs. The Clean Energy Group, a coalition of energy utilities and power companies, has said that the changes in industry practice that the Mercury and Air Toxics rule would produce are reasonable, can be accomplished, and are not a burden on industry. Not all industry agrees that we need to get rid of every regulation. A study released by the Environmental Defense Fund has estimated that the Mercury and Air Toxics rule and the Cross-State Air Pollution Rule would together create nearly 1.5 million jobs over the next 5 years.

So let me just say that it's time for the American people to say we want good health, that we want good jobs, that we want clean air, and that we want healthy lungs—and we don't want the train wreck bill offered by the Republicans.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. FARENTHOLD).

□ 1920

Mr. FARENTHOLD. I rise today in support of the TRAIN Act.

Despite what my friends and colleagues across the aisle say, we are not out to poison America. My children, my wife, I breathe the air and drink the water in this country.

What we are asking for is to look at regulations with a scientific analysis and not an emotional analysis. Do what every business in this country does. Do what every family in this country does when they are faced with tough decisions or any decision.

When I go to the grocery store, I have the option of buying ramen noodles or lobster, and I usually settle somewhere in the middle on chicken. Businesses look at the cost and benefit of everything that they do just like families do.

What we are asking through the TRAIN Act is to take a look at what these oppressive regulations cost. We've got great regulations in place now. We've improved the air immensely. Let's see if it's worth going the next step.

We can factor in all of the things that our friends on the other side of the aisle want, but we need to do the study, and we need to have the information so we can make informed decisions.

The money that these excessive regulations cost businesses are passed on to the consumer. American families are asked all the time to make sacrifices to make ends meet.

As these regulations run up energy costs, our families' electric bills and gasoline bills go up, and they have to make decisions about whether they're going to fill their car with gas or what kind of food they're going to buy, if any, to put on their tables.

We have got to keep people working. If these regulations put people out of work, the families that the wage owners support suffer too. They don't have the money to pay their bills. They don't have the money to buy food. They don't have the money to buy medicine. We have got to be as intelligent as we are compassionate.

The intelligent thing to do is to do a cost-benefit analysis of what regulations do. That's what we are asking in the TRAIN Act. Let's use our brains.

Mr. WAXMAN. I reserve the balance of my time.

Mr. WHITFIELD. I yield 4 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, the language in this bill does not prevent the EPA from regulating emissions from coal-fired utilities, and it does not prevent the EPA from dealing with cross-State pollution. The EPA must regulate emissions under its current rules.

So let's focus on the facts as presented by the EPA.

Thanks to the Clean Air Interstate Rule, emissions from fossil fuel power plants in the lower 48 States were 44 percent below 2005 levels by 2009.

In the past 40 years, our population has grown 48 percent. Gross domestic product has increased 209 percent and coal-fueled electricity has increased by 184 percent. Yet during that time, emissions from coal-based electricity generation have dropped by 60 percent.

Despite this success, EPA is still pushing for the most expensive rules ever imposed on utilities, every single dime of which isn't paid by the utilities; it's paid by everyday Americans who use electricity and by America's manufacturers.

Just the two rules in this bill, the ones that the TRAIN Act seeks to delay, would increase the nationwide average price of electricity by 11.5 percent, and it's even worse in this Nation's manufacturing States. Look at this map. The upper Midwest could see their electricity rise by 17 percent; Michigan by 20 percent, one of the States that's really hurting; Kentucky and Tennessee, by more than 23 percent. These are where our manufacturing jobs reside.

Raising energy costs would remove one of the few remaining advantages that U.S. manufacturing has over low-cost foreign competitors, that is, access to affordable, reliable energy.

My own industry people tell me that the one advantage they have over foreign countries when it comes to competing head to head is the availability of affordable, reliable energy. And on the environmental side, President Obama's former environmental czar, Carol Browner, herself, said that the rule would provide "no health benefits associated with addressing non-mercury emissions."

The rhetoric, Mr. Chairman, used to attack this bill has reached a fever pitch, but it is not backed by the facts.

I urge my colleagues to support the TRAIN Act.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the gentleman from Kentucky yielding to me on this very important legislation.

At a time when 25 million Americans are unemployed or underemployed, the last thing Washington needs to be doing is making it more difficult to grow the economy. But that seems to be the operating question of this administration. The question is this: They ask, how can we make it more challenging for America's job creators to hire?

America's energy sector is under direct assault. Energy companies looking to meet the rapidly growing energy needs of our Nation are either being forced to put on hold their efforts or are self-imposing barricades on future construction or expansion as a result of new or anticipated regulatory requirements.

It has been reported recently that 351 stalled energy projects cost the Nation \$1.1 trillion in GDP and 1.9 million jobs, yes, jobs. On this list is the Sunflower Electric Power Plant in Holcomb, Kansas. Sunflower Electric is a rural co-op that with a needed expansion can provide many new jobs in western Kansas.

Most importantly, this expansion will allow Kansas to have the energy it needs in order to prevent brownouts, which are a very real possibility and a threat to our part of the country. Not only do families, schools, and hospitals depend on this energy production but. So does our agriculture sector, which is a key and vital component of rural Kansas.

Sunflower faces considerable, unnecessary, and excessive regulatory scrutiny, not only for its existing operations but for the planned expansion in Holcomb as well. Whether it is the cross-State pollution rule, the MACT rule or many others, each one of these has a major impact. But the bigger

problem—and that is what the TRAIN Act wants to demonstrate—is that these rules will be devastating and expensive to America's energy industry and all Americans.

The President came before this House a few weeks ago and talked about the need for America to improve its infrastructure. Power plants in America are the very type of infrastructure that our country needs, particularly when energy consumption is growing rapidly in our Nation. These private companies, private companies, are willing to add to the country's infrastructure and create jobs, all without the help of the Federal Government. In fact, all they need is for Washington to take a step back.

A Kansas business leader summed up this administration's guilty-until-innocent approach to regulation. He said, "We have a regulatory environment that assumes businesses are crooks, and government must catch them at it. This only raises the costs on business and makes it more difficult to operate."

I think his analysis says it all.

Mr. WHITFIELD. May I inquire how much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from Kentucky has 14½ minutes remaining, and the gentleman from California has 8 minutes remaining.

Mr. WHITFIELD. At this time I would like to yield 4 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

□ 1930

Mr. LANKFORD. Mr. Chairman, let me just mention, I congratulate my counterpart from Oklahoma (Mr. SULLIVAN) in bringing this forward and giving us a chance to work through this process. We both come from the beautiful State of Oklahoma. And I invite anyone to be able to come to Oklahoma and drink our water and breathe our air and see the beautiful land, but also see a very successful State in dealing with energy.

We've done hydraulic fracking in our State since 1949. And while it may be new to other States, it's not new to Oklahoma. Over 100,000 times in Oklahoma we've done hydraulic fracking. Yet I would invite you again, come drink our water, come breathe our air, come see our beautiful land.

Our State leadership has done a tremendous job in dealing with environmental quality issues, and they have done great in relationships with companies, whether that be power companies, utility companies, whether that be actual producers, whether it be service companies, through the process. It's a great model in much of the United States, if you get a chance to come and see what's going on there.

But what we're currently experiencing is this whole sense that if the

Federal Government doesn't come down on Oklahoma and every other State around the United States, surely children will die. Surely people will be thrown out of work because they have these wonderful compliance jobs required by the EPA and other areas.

It's a frustration for me to be able to hear someone stand up in this Chamber and say, If those Republicans get what they want, 25,000 people will die next year because those mean Republicans are going to come and shut everyone down.

People should know, I have children that live in the State. In fact, I have a child that has asthma. If you want to talk about a dad who loves his children and who wants to see a great future for them, that's me as well. It's not as if Republicans are suddenly wanting dirty air and dirty water; we just want basic common sense in our regulations.

If every company, whether they be the energy producer or whether they be some utility, is constantly looking over their shoulder worried every day that some new restriction is going to come down on them and change their plan, they can't function. They can't go forward. They can't find investors for that business. What they're doing is very capital intensive, and if the rules change constantly and the regulations are constantly shifting, no one can really do investment, and the cost of all of our electricity goes up. The cost of every product that we buy goes up. The cost of every bit of our food goes up because we've added regulations, many of which make no sense. And they spend years and years trying to fight them in the courts just to not be shut down from doing what is best and right for the community.

I understand there are bad actors. I do. And those bad actors should suffer consequences. But to be able to say that every energy producer and every utility out there is suspect and they'll never do the right thing unless we stand over them with thousands of regulators, I think overlooks the reality of a great-hearted group of Americans scattered around the country who are doing their best to do the right thing.

Now, some would also say that these regulations aren't all that large, they're not all that expensive. They're just a bunch of small regulations. It reminds me of a friend of mine several years ago that was hiking through central Africa. And he and a guide were hiking through and he made the mistake in this particular area of swatting a bee that was one of those killer bees that we hear so much about. And as soon as that bee stung him and he swatted it, thousands of bees came down on him and began to sting him. Those bees kill, not from a single sting, but from thousands. That's what our utility companies are facing right now. It's not one little regulation; it's hundreds of them coming at them all at

once, and they're trying to figure out through lawyers and through adding additional staff and compliance people, how do we manage all of these regulations coming.

This TRAIN Act does a simple thing. It begins to pull all of these regulations together and look at them in totality. I understand that you say that's just one little piece, and it's one little piece there, but let's look at them all together and be able to find out the consequences of them. Rather than have these things coming from everywhere, let's simplify the structure on it.

I urge this Chamber's support of getting some common sense back into our regulatory scheme.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to correct some of the statements that have been made. The gentleman from Oklahoma talked about the clean air in his area. That's fine. They have attained the standards for protecting public health. But there are a lot of other areas where they don't have that attainment of health-based standards.

Market forces alone will not correct problems that hurt our public health and the environment. Why should any business spend money to install pollution control devices if they don't think their competitors are going to do the same thing? So government must establish some standards so that everybody knows what the rules are going to be and the investments will be made.

Approximately two-thirds of the coal-burning power plants in this country have the up-to-date controls in those power plants. What we're talking about for the most part are those third we were told were going to be retired. But they're not being retired. They're still being used, and they're still polluting. And those power plants ought to come up to compliance with the reductions in their emissions.

One of the other speakers on the other side of the aisle said we don't have a real economic analysis of all of these regulations. That's not true. There are thousands of pages of economic analysis before these regulations have been promoted.

Another person on the other side said a lot of these rules are so onerous that they should be blocked because we're going to be threatening the reliability of the Nation's electric grid by causing these old, inefficient power plants to put modern pollution controls on them. Well, that's not the testimony that we received on September 14, 2011, in the Energy and Commerce Committee where Federal Energy Regulatory Commission Chairman Jon Wellinghoff took a different position, as did FERC Commissioner John Norris, and former DOE Assistant Secretary for Policy Susan Tierney. A stack of independent analyses confirmed that these protec-

tions that will require controls on these power plants will not threaten the reliability of our grid.

And over and over again we've heard unless we adopt this TRAIN Act, we are going to lose jobs. Well, the TRAIN Act blocks and indefinitely delays two of the most important clean air regulations of the past few decades: the Mercury and Air Toxics Standards, which are, again, directed at those power plants that emit toxic air pollutants, including mercury and carcinogens; and then the other rule is the Cross-State Air Pollution Rule to reduce power plant emissions that cause pollution problems in downwind States.

I don't believe they're telling us the facts when they say we're going to lose jobs. The truth of the matter is, according to the Economic Policy Institute, they reported in June that the Air Toxics rule would have a positive net impact on overall employment, creating up to 158,000 jobs between now and 2015.

The Political Economy Research Institute at the University of Massachusetts released a report showing that the utility investments driven by the Cross-State Air Pollution Rule and the Air Toxics rule would create nearly 1.5 million jobs by 2015.

Moving toward a cleaner, more efficient power sector will create capital investments such as installing pollution controls and constructing new capacity. These new investments create a wide array of skilled, high-paying jobs.

And I must say to my Republican friends, if we want to create jobs, let's pass the President's jobs bill. I'd like the Republicans not to block every effort by this administration to create new jobs in this country.

There are numerous groups that are on record in opposition to the TRAIN Act. Obviously, the public health groups are opposing the bill: the American Lung Association, the American Public Health Association, the American Thoracic Society, and the Asthma and Allergy Foundation of America. The American Public Health Association called this ill-conceived legislation that would prevent EPA from protecting the public's health from dangerous and deadly air pollution. The National Association of Clean Air Agencies, the ones that are doing the job of protecting our environment, groups that represent millions of Americans, particularly all of the environmental groups, oppose this.

Scientists have told us—and I know a lot of Republicans deny science—but scientists, I think, are to be respected. And they say sacrificing tens of thousands of Americans' lives will not create more jobs. Poisoning the air our children and our families breathe will not stimulate the economy.

Three hundred sportsmen organizations representing our Nation's hunters, anglers, and the businesses that

depend on our wildlife and natural resources support EPA efforts to cut mercury pollution and strongly oppose any efforts to weaken the Clean Air Act.

The Evangelical Environmental Network opposes these efforts to block the Mercury and Air Toxics rule because they point out that in the developing brains of fetuses and children, this will cause learning disabilities and neurological problems, and is not something that people who claim to be pro-life ought to support.

□ 1940

The Obama administration opposes this TRAIN Act. They threaten to veto this legislation if it reaches the President's desk. Americans don't support weakening the Clean Air Act or blocking EPA's efforts to reduce dangerous air pollution from power plants.

I think, my colleagues, that this TRAIN Act and some of the amendments that are going to be added to it are reason enough to oppose this legislation, and I urge opposition to it.

I am going to reserve the balance of my time if the gentleman, the chairman of the subcommittee, is not ready to close on the legislation.

Mr. WHITFIELD. I was prepared to close, but we do have one other speaker, and then I will close. He just came in, and we were not totally aware.

Mr. WAXMAN. I reserve the balance of my time.

Mr. WHITFIELD. At this time, I would like to yield 5 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is a valuable member of the Energy and Commerce Committee and a chairman of one of our subcommittees.

Mr. SHIMKUS. Mr. Chairman, I do apologize to my friend from California for coming late and kind of disrupting what was planned to be a closing, but this is an important debate, and my colleague from California and I have crossed sabers many times on these issues. I don't question his commitment to the environment and the regs and rules and the like.

As he knows, I'm from southern Illinois. I'm from an area that was devastated in the jobs issue and during the 1992 Clean Air Act, and I'm from an area of the country that still is not being all it can be based upon the excessive rules and regulations that come out of Washington, D.C.

The TRAIN Act is really a first step to help us ask a simple question: Shouldn't we, as an interagency process, shouldn't we at least ask the basic question of what effect is this going to have on jobs and what effect will it have on our competitiveness worldwide?

It is really a basic debate. It's a good one to have. I applaud the chairman for bringing this to the floor. We need an up-or-down vote because, as much as

we want clean air, we would like jobs. They're not exclusionary. We can do both. We have the cleanest environment that anyone has seen in decades in this country, and it is attributed to the work that past Congresses have done. But the difference is this, that in today's environment—well, let's go back.

Three decades ago, when you wanted to clean up 50 percent of the emissions, you could make the capital investments and you could do it. The debate now is: How clean is clean? What is the cost benefit analysis and what is the effect on jobs if we get to a limit that you don't find naturally?

What the TRAIN Act basically does is it says, before we promulgate more rules and more regulations, we ought to at least admit the fact that it may affect our competitiveness in our economic position. We ought to accept the premise that if you continue to put more rules and regulations on electric generation, that electricity costs are going to go up. What does that do to the manufacturing sector? I think that's what this bill is just asking. If we find out these answers and we figure out that the economic costs outweigh the environmental benefit, well maybe we better slow down. If we decide the environmental benefits are so great that we're willing to accept the cost, then we ought to move forward. But for us not to have this debate is not doing our job and it is not doing our duty.

I am really pleased that we've brought this bill to the floor. We've had numerous hearings. We've gone through the legislative process. I appreciate Speaker BOEHNER and the openness because we've had hearings. We had a subcommittee mark. We've had a full committee mark. We've had this debate on amendments to this bill, and now we're ready to have this debate on the floor.

The last hearing we had in Chairman WHITFIELD's committee was on the reliability issue, and I took to task the chairman of the FERC who, in their own analysis, said that if we continue to move on this regulatory regime, 80 gigawatts of power is going to go offline. Now, EPA did the analysis, and they said eight. So you've got a tenfold difference. Well, maybe they're both wrong. Maybe it's 40 gigawatts.

My friends, 40 gigawatts is a lot of power and will affect the reliability of the electricity grid in this country. We rely on that reliability for a lot of things. We rely upon it in the manufacturing sector and the manufacturing facilities, but we also rely upon the reliability in the safety of our citizens who are in the hospitals and in long-term care who need power to those facilities just for their livelihood.

So if our aggressive environmental movement takes away 80 gigawatts of power, will that affect our electricity reliability? I think it will.

Thank you, Mr. Chairman, for the time.

The Acting CHAIR. The gentleman from California has 1 minute remaining.

Mr. WAXMAN. The EPA did an economic analysis looking at the cost and benefits. And on the Cross-State Air Pollution Rule, they said that the costs would be less than a billion, but the benefits would be up to \$280 billion per year, 150 to 350 times its cost.

I want the chairman of the subcommittee to answer a question when he closes. I believe the Republicans have misrepresented this bill during the debate, but false information was put on their Web site tonight. They claimed hundreds of groups support the TRAIN Act, and immediately two groups came forward, and maybe others will as well, saying that they would never support the TRAIN Act—Clean Water Action Committee and the Clean Air Watch.

I'd like to know if the information that is on the Web site is being checked for accuracy, because I know that a lot of things that have been said in this debate from the other side of the aisle have not been accurate.

With that, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentleman for the debate today. I was not aware that we had sent out a letter of supporters of this legislation, and evidently in that letter there was a letter in opposition that should not have been in there. If that created any hardship for anyone or problems, we certainly do apologize for that.

We should remind ourselves that by every public health measure, from infant mortality to life expectancy, we are healthier today and are exposed to fewer hazards than ever before. Our present day air is much cleaner now than years ago thanks to EPA, and our air quality is among the best in the world. And we recognize the importance of EPA. However, when EPA becomes so aggressive, as this EPA has become, and in a very short period of time they've come forward with 14 regulations—and we know that when you look at cost-benefit analyses, different entities come up with different figures on the cost and the benefits.

We, for example, have come up with an analysis on the Utility MACT and the air transport rule alone saying that the annualized cost of that will be \$17 billion, that industry will have to spend that kind of money to get new equipment, that the total cost between 2011 and 2030 would be \$184 billion. But one of the figures that really scares you in this is that they say there will be a net loss of 1.4 million jobs. Now, we know that some jobs will be created in trying to build this equipment that these regulations are going to require,

but most of the analyses that we've seen indicate that there is going to be more of a job loss.

□ 1950

All the TRAIN Act is doing is saying let's have an independent government agency, including EPA, do an analysis of cost/benefit of all of these rules. We would also like them to look at what impact does it have on America's ability to be competitive in the global marketplace. We'd also like for them to look at what will be the job loss, net job loss. We would also like for them to look on what impact it's going to have on electricity prices as well as the reliability of electricity.

And on 12 of those regulations, we do not stop them in any way; but on two of them, the ones that are most costly—Utility MACT, and what I refer to as the 'air transport rule'—we do, in this legislation, delay the effective date of those, the implementation of those until 6 months after the report is due that this legislation requires.

Now, in my view, that's not being unreasonable. Some people think it is because it is the first time that Congress has ever come to the floor to question some of the EPA regulations, and I really think that that's our responsibility. They issue the regulations; but if they reach a point where we think they're being unreasonable, then we have an obligation to come and let's examine these, let's look at them before we move totally forward with it.

Now, Lisa Jackson, when she has come before us and testified, she has always made the comment that "I'm creating jobs with these new regulations." And as I said earlier, she does create new jobs, but the net effect is there is a loss of jobs. Now, some of these rules may be great in areas like California and New York and the Northeast and elsewhere; but in the areas of the country where coal—and, by the way, coal still provides 50 percent of all the electricity in America. Our electricity demand is going to increase significantly in the next 30 years, so we're going to have to rely on coal. But a lot of these regulations are going to put coal miners out of business because they're going to close some of these coal mines. It's going to put some coal-fired utilities out of business because they're going to close these utility plants because the cost is not going to be worth what they have to do to meet these air quality regulations.

Now, on the air quality regulations, the question becomes, if you're 98 percent pure already, is it worth this much money to go 2 percent more? So that's the question we come down to, and that's why we ask for this analysis; and I would urge everyone to support this TRAIN Act legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. BUCSHON. Mr. Chair, I rise today in support of the legislation before the House—H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act. Coal mining is a lifeblood industry in southwest Indiana and throughout the Midwest. We have abundant reserves of the natural resource throughout my state and the citizens of my district depend heavily on coal mining and the burning of coal for electricity. In fact, 98 percent of Indiana's power generation comes from coal.

The Environmental Protection Agency has gone to great lengths to disrupt coal production in the United States—in many cases haphazardly and without recognition of the economic and social benefits derived from coal mining and the electricity it generates.

The further hampering of our country's ability to mine and utilize coal will have drastic effects on the economy—hitting hardest those areas, like my district, that depend on coal for jobs and paychecks.

That said, there are utilities in this country that have completed or are making currently the strategic investments necessary to comply with the EPA rules this bill seeks to delay. These investments have been made at significant cost to the utility customers, who are paying higher rates as a result.

As this legislative initiative moves from House passage to Senate consideration—and negotiation between the two bodies—it is imperative we find a workable solution that both protects the investments these utilities have made and are making while maintaining the underlying intent of the bill before us.

For this reason, I plan to work toward such a solution because not doing so would leave those utilities at a significant competitive disadvantage in the marketplace—and frankly would be unfair to the customer. I am hopeful my colleagues will join me in this effort.

Mr. DINGELL. Mr. Chair, today's debate is déjà vu from the debate within the House Energy and Commerce committee. Once again my colleagues and I on the Energy and Commerce Committee had the opportunity to address and protect human health and environment, while also promote and encourage innovation and job creation. These are serious issues facing our country and the EPA, issues that require serious solutions. Sadly, this bill does nothing to actually address those issues.

In addition to the lack of a well thought-out strategy, the proposed amendments to this bill would make serious changes to the Clean Air Act without any congressional hearing or testimony. None of these proposals have had serious examination by the Energy and Commerce Committee, which has jurisdiction over this matter. This is not the open and transparent legislative process that my colleagues have committed to. We cannot responsibly govern in this matter and ignore our Constitutional obligation to hold hearings, hear testimony, and give these matters the in-depth consideration major policy initiatives deserve.

As I said, there are legitimate problems with some of the proposed rules coming out of EPA, and they need to be dealt with. However, this Polish lawyer from Detroit happens to believe we would get further with a more surgical approach to dealing with these mat-

I am particularly concerned with the Utility MACT, which in its current form, could have a devastating effect on the economy of Midwestern manufacturing States, including my home State of Michigan. I am convinced that a balanced, bipartisan solution to this issue was available to us. In fact, I offered to work with all of my colleagues, both Democrats and Republicans on this matter. Sadly, my colleagues on the other side of the aisle would rather play political games rather than work on a reasonable solution to a legitimate problem.

I would note to my colleagues that we spent only one day on the failed Continuing Resolution, but will spend two days on this bill. This, I believe, demonstrates the true intention of the GOP. That is not to actually deal with a legitimate and disconcerting problem, but to spend time on their favorite whipping boy, EPA. Now, I have had my share of issues with that particular agency, but I have always sought a solution—not played games to gain political points.

As such, it is my intent to vote against the TRAIN Act and the amendments proposed by the other side of the aisle. The President already indicated his strong opposition and as such, the bill before us is nothing more than veto bait. I would call on my colleagues on both sides of the aisle to work with me on these matters in a reasonable way.

Mr. HOLT. Mr. Chair, I rise in opposition to the TRAIN Act. This misguided legislation would undermine the Environmental Protection Agency's ability to enforce the Clean Air Act and significantly limit the federal government's ability to ensure that the air we breathe is safe and pollution-free.

Some in the Majority have used the title of this legislation to refer to EPA's so-called regulatory train wreck. Well, the TRAIN Act amounts to a wrecking ball for public health protections.

Sadly, the TRAIN Act is the latest in a long line of bills from the majority that puts big polluters before the health and safety of the American people. From the Dirty Air Act that would remove EPA's statutory authority to regulate carbon pollution to legislation that removes accountability for offshore drilling operations, the majority seems intent on rolling back programs that preserve our environment, protect our public health, and grow our economy.

For forty years the Clean Air Act has been successful in protecting public health and preventing deaths from respiratory disease because it was written to follow science as science evolved. The success of the Clean Air Act is because its regulations are based in science. Legislators shouldn't pretend to be scientists.

I urge my colleagues to vote no on this bill.

Mr. LEVIN. Mr. Chair, I rise in opposition to the TRAIN Act and urge the House to reject it.

The Clean Air Act is one of this nation's most important laws. Over the last 40 years, it has greatly reduced pollution across the length and breadth of this country, allowing all Americans to live longer, healthier lives. There is a tendency to take the steady air quality improvements our country has made for granted. In the course of my trade duties on the Ways and Means Committee, I have visited many

countries. I've been to foreign cities where the air is so thick with smog that some days you can't see buildings that are just a few blocks away. The air is hard to breathe because it is thick with ozone and particulate pollution. This is not what we want here in America.

The legislation before the House today has many shortcomings. I especially object to the provisions of this bill that delay two important Clean Air rules. The bill would delay the Mercury and Air Toxics Standards Rule as well as the Cross-State Air Pollution Rule until at least 2013, and very likely much longer than that since the bill eliminates all statutory and court-ordered deadlines for both rules.

Congress ordered EPA to take action to curb mercury and other air toxics 21 years ago, and more than two decades later we're still waiting for action. This is particularly a problem in the Great Lakes region. Mercury is thrown into the air by coal-burning power plants hundreds of miles away and bioaccumulates in Great Lakes fish. Mercury is especially a health risk for pregnant women and infants because exposure to mercury has been linked to nervous system damage.

The cost of further delay of the Mercury and Air Toxics Rule is high. For each year we delay, there will be up to an additional 17,000 premature deaths; 11,000 non-fatal heart attacks; 120,000 cases of aggravated asthma, and 12,200 hospital and emergency room visits. The Republican leadership of the House appears to be comfortable with continued inaction on air toxics. I am not. We should vote this bill down.

Mr. HOYER. Mr. Chair, for decades public health has been the basis for how we enact emissions standards. The bill before us today, the TRAIN Act, represents a view of environmental protection that is simply off the rails.

Initially drafted to study the effect of new and proposed clean air rules, it has troublingly morphed into a bill blocking action on them indefinitely. First, it would prohibit the EPA from finalizing its rule to reduce mercury emissions. This rule had its origin in the 1990 Clean Air Act, which passed this House with a strong bipartisan vote of 401–25. An American Lung Association study earlier this year found that today 70 percent of Republicans still support stricter limits on mercury. Second, the TRAIN Act would prevent the implementation of new rules protecting communities from pollutants drifting over from out-of-state.

Clean air regulations are ultimately investments in our economy. They save us hundreds of billions of dollars each year in health costs from associated lung ailments. Even further, they incentivize the growth of clean technologies that will help us remain competitive and increase our innovation and manufacturing strength here in America.

While I oppose this bill overall, Congressmen CONNOLLY and MCNERNEY have proposed amendments that would refocus the bill where Congress's attention belongs—job creation. Their amendments would support Democrats' Make It in America plan by studying the job-creating effects of pollution controls. Additionally, Congresswoman RICHARDSON's amendment would prevent a cut in the program reauthorized just last year by voice vote that supports American-made technology to reduce diesel bus exhaust.

Now is not the time to debate the environmental protections supported overwhelmingly and on a bipartisan basis, which carry tangible health and economic benefits. Instead we should be focusing on serious steps to get more Americans back to work.

Mr. FINCHER. Mr. Chair, I come to the floor this morning to discuss an issue important to all American families living on a budget.

This Administration's overreaching regulations placed on energy are causing increases to American families' utility bills.

Families need certainty that their energy needs will be met and their energy costs will remain low.

Which is why, I have introduced America's Energy Independence Act, which prevents the EPA from enforcing the Cross-State Air Pollution rule for 10 years to keep the cost of utilities low for families.

As we all know, the Cross-State Air Pollution rule finalized by the Environmental Protection Agency on July 6, 2011, and will lead to negative increases in energy prices for families, job loss, with what benefit.

This country needs to create a stable regulatory environment, where the energy costs to families is balanced with the benefit of the regulation, allowing families to have certainty that any new rules and regulations will have their best interests in mind.

Mr. Speaker, this rule was just recently updated in 2005.

Simply put, this regulation will have a significant negative economic impact of \$2.4 billion dollars a year, a cost that will be passed to families across the country, including the Eighth District of Tennessee.

The bottom line is that the EPA's Cross-State Air Pollution rule will contribute to a reduction in energy outputs, and an increase to families' utility bills.

At a time when families are struggling to make ends meet, the last action the Obama Administration should take is another multi-billion dollar regulation that kills jobs and increase costs.

That is why I would like to thank the House Committee on Energy and Commerce for including the language of H.R. 2891.

Ms. LEE of California. Mr. Chair, I am proud to serve as a Representative of California's Ninth Congressional District, which has long been at the forefront of the environmental movement, including working on the critical issue of climate change, as well as fighting for renewable energy, green jobs, and environmental justice.

That is why I am speaking today against the TRAIN Act—it undermines the Clean Air Act's ability to crack down on air pollution, threatening the quality of life for our children, our families and our communities, including my constituents in the East Bay, many of whom already suffer unjustly from poor air quality.

The Clean Air Act is one of the most successful public health programs in American history—with a return of more than \$30 in benefits for every dollar invested in pollution reductions over the life of this law.

The TRAIN Act is a direct attack on the Clean Air Act and its regulations. This bill blocks EPA's ability to move forward with two long overdue Clean Air Act rules—the Mercury and Air Toxics Standard and the Cross-State

Air Pollution Rule—which will reduce harmful air pollution that threatens public health, especially the health of the most vulnerable populations, including children and seniors.

The Republicans' attack on the Clean Air Act and its work to dismantle the EPA will not only result in job loss but will result in poorer public health across this Nation.

Rather than the Republicans taking action to create jobs, this bill cuts funding to create green jobs.

We should move President Obama's American Jobs Act now to begin to give Americans what they want: a job.

I urge a no vote on this measure and urge the Republicans to stop playing political games and couching deregulation as job creation. Wall Street got deregulated and the result was a financial crisis. The American people do not need an environmental and public health crisis, the American people need jobs.

Mr. VAN HOLLEN. Mr. Chair, today's legislation continues the majority's relentless assault on the Clean Air Act and our nation's public health.

Let's be clear: clean air is not—and has never been—the enemy of economic growth. If history has taught us anything, it is that a healthy environment and a healthy economy go hand in hand. Since 1970, the Clean Air Act has reduced air pollutants by 60 percent while the economy has grown by over 200 percent, with economic benefits expected to reach \$2 trillion by 2010—exceeding costs by more than 30 to 1.

Rather than building on this bipartisan record of cost-effective environmental achievement, today's legislation proposes to block two of the most important Clean Air Act rules in decades: the mercury and air toxics rule and the cross-state air pollution rule.

The proposed mercury and air toxics standards would prevent more than 90% of the mercury from coal-fired power plants to be emitted into the air by 2015—and it would reduce fine particle emissions by 29 percent. More than half of the nation's coal-fired power plants already deploy the technology necessary to meet these standards, whose adoption will prevent 17,000 premature deaths and 120,000 cases of asthma a year.

The long overdue cross-state air pollution rule would require 27 upwind states to reduce their sulfur dioxide emissions by 75 percent and their nitrogen oxide emissions by 54 percent. These reductions will prevent an additional 34,000 premature deaths and 400,000 cases of asthma each year and the "good neighbor" principle it represents is especially important to downwind states like my home state of Maryland, which currently must bear the brunt of air pollution that blows in from other states.

The economic and public health benefits from both of these rules far outstrip the cost of the pollution control technology necessary to achieve them—a fact the one-sided "study" in this legislation is deliberately designed to obscure. And the pollution control technology itself will drive investment and job creation for professionals like engineers, electricians, pipefitters and boilermakers whose expertise and labor will be needed to install it. It's a clear win for our economy and a clear win for our public health.

I urge a no vote.

Mrs. MALONEY. Mr. Chair, I rise in opposition to H.R. 2401. Instead of legislation that would train Americans to get back to full employment, the majority is bringing to the floor a bill that harms the health of our nation.

This bill would endanger the health of millions of our nation's children, seniors, and sick by blocking rules to reduce cross-state air pollution and to reduce the emissions of mercury, lead, dioxin, and other toxic chemicals from power plants. H.R. 2401 would also delay future safeguards by requiring studies that only measure pollution cleanup costs while disregarding health and other benefits.

Along with many of my colleagues, I recently sent letters to the Environmental Protection Agency, EPA, in support of the Power Plant Air Toxics Rule and the Cross-State Air Pollution Control Rule because of the positive impact these rules will have on the public health of our nation. Toxic air pollution from power plants remains a major unregulated source of mercury and lead in the air. Already, more than half of all coal-fired power plants use widely available pollution control technologies to meet these important standards. Once the rule is final, the remaining 44 percent will take similar steps to decrease dangerous pollutants, saving thousands of lives and avoiding tens of thousands of illnesses. It is clear that the benefits of the mercury and air toxics standards will far outweigh its costs—it is estimated that the pollution reductions required by the rule will yield health benefits of \$59 billion to \$140 billion per year (from lower health care costs and higher worker productivity), which is 5 to 13 times its costs.

Further, by delaying the Cross-State Air Pollution Control Rule this bill would allow highly polluting facilities located upwind to continue to pollute major metropolitan areas with impunity. Such sources of pollution have made it unattainable for major metropolitan areas like New York City to be in compliance with federal standards for smog pollution even though most pollution is generated by large upwind sources. The Cross State Rule would make polluters control pollution at the source rather than continuing to shift the cost burden onto local governments and local taxpayers.

This bill requires an unnecessary, duplicative, and biased study of specified air quality and hazardous waste regulations without assessing the benefits of environmental and public health standards. Impeding these EPA rules jeopardizes the health and well-being of the American people. I encourage my colleagues to vote against this legislative train wreck.

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to H.R. 2401, The TRAIN Act. This bill would continue the subordination of public health and common sense to the narrow, temporary and misguided pursuit of profits for the few. It endeavors to kill essential environmental and public health protections by imposing the exact kind of redtape my colleagues so emphatically claim to oppose.

The TRAIN Act slams the brakes on essential public health initiatives, first by burdening the initiatives with unnecessary and redundant study. These regulations include efforts to reduce airborne ozone, nitrogen dioxide, sulfur

dioxide, polycyclic aromatic hydrocarbons, toxic metals like mercury, arsenic and chromium, and any effort to stem greenhouse gases, the single biggest threat to our way of life and our very existence in recorded history. The TRAIN Act also tries to overtly stop two essential rules. It indefinitely blocks EPA's Mercury and Air Toxics standards and Cross-State Air Pollution Rule by eliminating any legal deadline for EPA action. It prevents EPA from adopting the Cross-State Air Pollution Rule for a minimum of 19 months, and the Mercury and Air Toxics standards for at least 15 months.

Each year the Cross-State Air Pollution rule is delayed brings about up to 34,000 premature deaths, 19,000 emergency room visits for respiratory and cardiovascular disease, and about 400,000 cases of aggravated asthma. The pollution reductions under the rule are estimated to create health benefits of \$59 billion to \$140 billion per year; 5 to 13 times its costs.

Each year the Mercury and Air Toxics rule is delayed brings about 17,000 additional premature deaths, 12,200 emergency room visits for respiratory and cardiovascular disease, and about 120,000 cases of aggravated asthma. Enacting the rule would bring about health benefits of \$120 to \$280 billion per year; 150 to 350 times its costs.

If I told you Washington, DC were to incur an act of terrorism that would cost over 50,000 lives over the next year, I guarantee you this Congress would launch a multibillion dollar effort to save those lives. If an explosion at a nuclear power plant killed a baseball stadium's worth of people, you can bet we would spend billions of dollars figuring out what went wrong, conducting cleanup, performing oversight, and so much more. If a massive flood caused an outbreak of an enigmatic infectious disease that killed 34,000 people over 12 months, you can be certain we would mobilize all levels of government and the private sector to stop it. There would be clearly identifiable victims. There would be heroes. Not so in the field of public health where the victims are harder to identify and the cause of their death, less grandiose.

We have an opportunity here to prevent the deaths of tens of thousands of innocent Americans for far less money than it would cost to relaunch a war on terror, to clean up after a nuclear catastrophe, or to stop the spread of a flood-borne emerging infectious disease. There are many environmental issues demanding our attention which will require remedies that are simply not cost-effective, in the narrowly defined economic sense of the term. The regulations at issue today do not fall into that category. This bill is a true test of fiscal rectitude. I urge my colleagues to reject it.

Ms. ESHOO. Mr. Chair, I'm deeply disappointed that once again we're voting on a bill designed to cripple the Environmental Protection Agency—the agency tasked with protecting our environment and our health.

This bill, the Transparency in Regulatory Analysis of Impacts on the Nation, TRAIN, Act blocks and indefinitely delays two of the most important clean air regulations of the last few decades—the Mercury and Air Toxics Standards, and the Cross-State Air Pollution Rule.

These rules require decades-old coal-fired power plants with no modern pollution controls

to install readily available technology, reducing cancer-causing dioxins, acid gases and mercury.

Mercury pollution from power plants is particularly harmful for children and can adversely affect developing brains and bodies. Nevertheless, the bill before us expands and deregulates mercury pollution.

The American Lung Association has highlighted the importance of the Mercury and Air Toxics Standards Rule:

The rule closes a toxic loophole that has existed for 20 years by updating standards to protect Americans all across the country from hazardous air pollution. Without these standards, toxic pollution will continue filling our lungs and more people will suffer—and even die—unnecessarily.

TRAIN Act will create a Train Wreck that will pollute our air and put lives at risk. Ironically, the bill also creates exactly what the majority says they want to get rid of—a new bureaucratic layer to analyze only the cost of EPA regulations while ignoring critical, life-saving benefits.

This legislation is a waste of taxpayer money and I urge my colleagues to vote against it.

The Acting CHAIR. All time for general debate has expired.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LANKFORD) having assumed the chair, Mr. HASTINGS of Washington, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2141

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 9 o'clock and 41 minutes p.m.

CONTINUING APPROPRIATIONS ACT, 2012

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-215) on the resolution (H. Res. 412) providing for consideration of the Senate amendment to the bill (H.R.

2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 412

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution modified by the amendment printed in part B of such report. The Senate amendment and the motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority member of the Committee on Rules, Ms. SLAUGHTER, pending which I yield myself such time as I may consume.

All time that I will be yielding and that my friend from Rochester will be yielding will be for debate purposes only.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, we have gone through what James Madison, the author of the Constitution, has described as an ugly, messy, difficult process. That's the legislative process. And while many of us have been frustrated, it does work at the end of the day.

Mr. Speaker, it has to work. It has to work because our fellow Americans are suffering at this moment.

I have just been talking to staff members of the House Appropriations Committee, and we have to get the resources to those people who are suffering ASAP. As of this morning, there

was a grand total of \$212 million in the Federal Emergency Management Agency's fund to deal with these disasters that have taken place. Last spring, the Secretary of Homeland Security, Ms. Napolitano, testified that we needed additional resources.

Now, Mr. Speaker, let's go back to last spring and realize that was before we had hurricanes. It was before we had floods. It was before we had tornadoes that hit the Midwest. Think of those poor people in Joplin, Missouri, all those homes and lives that were lost. And it was before we had this earthquake that, as we all know, damaged the Washington Monument right down the street from where we are.

Mr. Speaker, it's very important that we get those resources there, with only \$212 million as of this morning. With expenditures somewhere in the neighborhood of 30-plus million dollars each day, it means as early as Monday of next week we could end up with nothing, nothing for those people who are suffering.

Mr. Speaker, we don't want the government to shut down. We want to make sure that the people who are truly in need are able to have the resources necessary. But at the same time, we recognize that we have a \$14.5 trillion national debt. We have massive deficits that are before us, and we need to do everything that we can to do what people across this country are saying needs to be done—we need to create jobs. We need to generate an increase in our gross domestic product growth, and the measure that is going to be before us when we report out this rule will do just that.

Mr. Speaker, the measure that we will consider is identical to the measure that we considered in the House yesterday, the measure that had been reported out, basically the same package that we had last week. But a bipartisan request that was made by the Senate majority leader, Mr. REID, and the Senate minority leader, Mr. MCCONNELL, was that we have this provision considered as a Senate amendment so that the Senate would be able to move as quickly as possible to ensure that our fellow Americans have the resources that are necessary. And so that's why we have ended up with the same measure that we had yesterday.

But, Mr. Speaker, as you and I have discussed in the meeting that we were just in, there has been a change. There is a very minor change. It is one single paragraph. So of the continuing resolution that we had, which is \$1.043 trillion, exactly what we had yesterday, no change, in full compliance with the 3-day layover requirement that exists in the House rules—and I will remind my colleagues the measure that's before us was put online on Monday, 4 days ago, so, again, in full compliance with time to spare to meet the 3-day

layover, with one amendment. The amendment reads as follows:

"At the end of the matter proposed to be inserted by the House amendment, before the short title, insert the following:

"Section 142. Effective on the date of the enactment of this Act, of the unobligated balances remaining available for 'Department of Energy—Energy Programs—Title 17—Innovative Technology Loan Guarantee Program' pursuant to title IV of division A of Public Law 111-5, \$100,000,000 is rescinded."

That is the only change that has been made. Let me tell you why that change was made, Mr. Speaker, and I don't often read *The Washington Post* on the House floor, but today's *Washington Post* has an article that explains what it is that led us to call for using the \$100 million that I just mentioned as an offset.

I recognize, as one of my colleagues in the Rules Committee stated earlier, we know that this company known as Solyndra, which Democrats and Republicans alike recognize has been an abject failure for this energy program, is one that will not get resources because they have gone bankrupt.

But let me just tell you what led to us focusing on this \$100 million, Mr. Speaker, to ensure that we never again have another boondoggle like Solyndra. This is, again, today's *Washington Post*, in an article entitled, "Solyndra's Ex-Employees Tell of High Spending, Factory Woes." It reads as follows:

"Former employees of Solyndra, the shuttered solar company that exhausted half a billion dollars of taxpayer money, said they saw questionable spending by management almost as soon as a Federal agency approved a \$535 million government-backed loan for the start-up.

"A new factory built with public money boasted a gleaming conference room with glass walls that, with the flip of a switch, turned a smoky gray to conceal the room's occupants. Hastily purchased state-of-the-art equipment ended up being sold for pennies on the dollar, still in its plastic wrap, employees said.

□ 2150

"As the \$344 million factory went up just down the road from the company's leased plant in Fremont, California, workers watched as pallets of unsold solar panels stacked up in storage. Many wondered: Was the factory needed?

"'After we got the loan guarantee, they were just spending money left and right,' said former Solyndra engineer Lindsey Eastburn. 'Because we were doing well, nobody cared. Because of that infusion of money, it made people sloppy.'"

Now, Mr. Speaker, we all know that our fellow Americans are suffering

across this country because of the tremendous very, very sad disasters that we have faced over the last weeks and months, and it is very important for us to recognize that every taxpayer dollar is precious, especially in these times when there are people losing jobs, losing their homes, and losing their businesses.

This is a very sad and tragic example of the kind of waste that is there, and that is why the one very small but important modification to the measure that is before us will be to take \$100 million and use that additionally as an offset to ensure that the hard-earned dollars of the American people are not wasted in the way that we have seen.

So, Mr. Speaker, I urge my colleagues to support this rule, and with that, I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, my speech today will be very much like my speech yesterday, but then so is the bill. Yesterday the House on both sides of the aisle defeated the majority's first attempt to pass a continuing resolution. And here we are 24 hours later with the very same bill. Let me repeat, the bill we're debating today is barely changed from the one that was defeated yesterday. The bill still contains unacceptable cuts to an essential manufacturing jobs program to pay for equally essential disaster relief.

Homes have been destroyed. Roads have collapsed, and local economies have been disrupted by a seemingly endless stream of hurricanes, tornadoes, tropical storms, and extreme weather that has crisscrossed our land. Our moral compass makes it very clear. We know what we need to do. We must come to the aid of our fellow Americans who need our help. The problems they are facing are monumental, and quite simply, no one can recover from such natural disasters on their own. They need our help.

Yet the majority's efforts to hold disaster relief hostage to unacceptable cuts is as unwise today as it was 24 hours ago.

As I said yesterday, when it comes to spending billions of dollars on two wars that are bankrupting us, the majority's concern for spending is nowhere to be found. Since 2004, American taxpayers have spent over \$3.4 billion as emergency spending on infrastructure in Afghanistan, and even more in Iraq. Not a single one of these \$3.4 billion was offset, but were paid for by the same taxpayers that are being denied taxpayer money now. While we send billions of dollars to Iraq, the Iraqi government has begun building. They announced today a high-speed rail system to connect Basra to Baghdad. That's the same week that the majority in this House took all of the high-speed

rail away from the United States. And so we will be paying for 280 miles in Iraq, but we can't pay for it from Buffalo to Albany.

When it comes to Americans in need, when it comes to helping women, children, and families whose homes have been washed away, the majority has decided they just can't help unless they get to take the money from a program that has created 39,000 jobs and is poised to create 60,000 more.

The bill was wrong yesterday, and it's wrong today.

Let me just give you some information from, I believe, The New York Times. The headline says, "Republicans Sought Clean-Energy Money for Home States." Senator MCCONNELL asked for \$235 million for an electric vehicle plant in Kentucky; Representative LAMAR SMITH asked for stimulus money for a solar plant in Texas; Congressman FRED UPTON wanted five clean energy projects in Michigan; Representative CLIFF STEARNS asked for a lithium ion battery manufacturing plant in Florida. These requests for funding came from the very same program that has been discussed being cut these last 2 days.

I urge all of my colleagues on both sides of the aisle to stand by your beliefs. If you thought the bill was wrong yesterday, there is no reason to think the bill is better today; virtually nothing has changed.

I urge my colleagues to oppose this rule and this flawed bill.

[From the New York Times, Sept. 19, 2011]

REPUBLICANS SOUGHT CLEAN-ENERGY MONEY
FOR HOME STATES
(By Eric Lipton)

WASHINGTON.—On the Senate floor and the television airwaves, Senator Mitch McConnell has lambasted the Obama administration over what he has described as its failed efforts to stimulate new jobs through clean-energy projects backed with billions of dollars in federal loans or other assistance.

But Mr. McConnell, of Kentucky, is one of several prominent Republicans who have worked to steer federal money to clean-energy projects in their home states, Energy Department documents show.

Mr. McConnell made two personal appeals in 2009, asking Energy Secretary Steven Chu to approve as much as \$235 million in federal loans for a plant to build electric vehicles in Franklin, Ky.

"I hope you will realize the importance of such job creation to Kentucky," Mr. McConnell said in a July 2009 memo supporting an application from Zap Motor Manufacturing.

Federal lobbying disclosure records show that Mr. McConnell's support for the project came after Zap Motor hired a Kentucky-based lobbyist, Robert Babbage, who has been a frequent contributor to Mr. McConnell's campaigns and boasts on his own Internet site about his close ties to Mr. McConnell.

Mr. Babbage declined to comment on the project. Gary Dodd, chief executive of Zap Motor, said the intervention by Mr. McConnell came after the company asked him to push the Energy Department to approve the loan.

Mr. McConnell's office, in a statement, defended his actions, saying, "There was no ef-

fort to push the administration to short-circuit its due diligence simply to plan a ribbon-cutting."

Mr. McConnell's high-level advocacy took place despite early struggles for the project, including the financial collapse in 2008 of its first Kentucky business partner, Integrity Manufacturing. Mr. McConnell made no mention of these stumbles as he pushed for federal money, simply saying Zap Motor might create as many as 4,000 jobs in his state.

Recently, he has joined with other Republicans in criticizing a March 2009 decision by the Obama administration to provide a \$535 million government-backed loan to a California solar-panel manufacturer, Solyndra, which recently filed for bankruptcy and is now the subject of inquiries by the F.B.I. and Congress.

"The White House fast-tracked a half-billion-dollar loan to a politically connected energy firm," Mr. McConnell said Thursday in remarks on the Senate floor. "This place was supposed to be the poster child of how the original stimulus would create jobs."

Another Republican, Representative Lamar Smith of Texas, recently asked Attorney General Eric H. Holder Jr. to appoint an outside investigator to determine how the Department of Energy distributes clean-energy money. But in 2009, Mr. Smith wrote to Mr. Chu asking him to approve loan guarantees from stimulus money for a Texas project proposed by Tessera Solar, documents show.

Representative Fred Upton, Republican of Michigan and another critic of the Energy Department program, signed letters along with other members of the Michigan delegation in 2009 and 2010, pushing at least five clean-energy projects in his state, including a \$207 million loan request from EcoMotors International. And Representative Cliff Stearns, Republican of Florida, praised the opening last year of a lithium-ion battery manufacturing plant in his state, which relied upon an Energy Department grant.

Mr. Smith, along with the others, defended their actions, saying lawmakers can be critical of the Energy Department programs while still seeking money.

"I wanted to support Texas companies in their applications for grants," Mr. Smith said in a statement. "It is the responsibility of the Obama administration to carry out the necessary financial reviews of these proposals."

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to simply say when Ms. PELOSI was Speaker of the House of Representatives, my friend from Rochester chaired the Rules Committee. The disaster relief provided in the response to Hurricane Katrina was partially offset. This is not in any way unprecedented. It's the right thing to do.

I urge my colleagues to support the rule, and with that, I reserve the balance of my time.

Ms. SLAUGHTER. I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, this House is badly broken. This Republican leadership is out of touch. This process is a disgrace. This is not the way the people's business is supposed to work.

We are now debating a continuing resolution that has the same objectionable provisions that were rejected yesterday on a bipartisan basis. Plus it has additional provisions that cut jobs. It's even worse.

So here's the deal: what's objectionable to people like me is my Republican friends continue to insist on cutting programs that will result in the elimination of American jobs. Their view is simple. If you want to help victims of tornadoes and hurricanes, then we have to pay for it, and we pay for it, in their view, by cutting jobs—not tax cuts for millionaires; not subsidies for Big Oil; not cutting incentives that encourage sending American jobs overseas. What they're advocating is cutting American jobs.

Mr. Speaker, the Republican leadership, in my opinion, doesn't have a clue. They are obsessed with cutting government at all costs, including programs that help sustain American jobs, including programs that help prevent the elimination of American jobs. And here's the deal. The issue is jobs. They may not want to hear it, but the central issue before our country is jobs. I don't care where you go in this country, what people want to talk about is jobs and the creation of jobs as a way to secure our economy. What we should be talking about on the House floor tonight is jobs. What we should be talking about on the House floor tomorrow is jobs. What we should be talking about every day until the American people are back to work is jobs.

Instead, under this Republican leadership, we're debating trivial issues passionately and important ones not at all. I urge my colleagues on the other side of the aisle to, at a minimum, allow Democrats to bring up the President's jobs bill so we can put people back to work.

The best way to reduce the debt in this country is to put people back to work. Even a slight drop in the unemployment rate in this country would result in an incredible reduction in our debt.

So I urge my colleagues to reject this continuing resolution because it is about eliminating jobs. It's not about creating more jobs; it's about eliminating jobs. Reject this continuing resolution because it plays politics with the lives of American citizens who have been victimized by natural disasters.

I urge the Republican leadership to, at least in this one instance, try to be bipartisan. We talk about an open House. We talk about bipartisanship. Here's an opportunity for us to be bipartisan. Let's work together on behalf of the American people. Let's get this bill right, and let's focus on jobs. That's what the American people want. This bill falls far short of that.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to tell my friend from Worcester that

clearly jobs is the priority that we are focused on. I appreciate very much and would like to associate myself with his remarks when he talked about the need for us to focus on job creation and economic growth. And I know I'm speaking for everyone, everyone on our side of the aisle, when we say we want to work in a bipartisan way to ensure that we can get our economy growing and so that the American people who are hurting will be able to have job opportunities.

With that, I reserve the balance of my time.

□ 2200

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), the distinguished ranking member of the Committee on Natural Resources. This combines a speech he would have made yesterday with one he's going to do this evening.

Mr. MARKEY. I thank the gentleman.

Write today's date down, September 22, 2011. The Republicans are now in open warfare against clean energy. Yesterday was an opening salvo, but today is the declaration of war. They've already gutted clean energy research and development budgets by 40 percent for next year. Their budget for the next 3 years promises to cut those investments by 90 percent. They've zeroed out loan guarantee programs for all renewable energy in their budget while leaving intact \$25 billion for the nuclear industry. They're prepared to shut down the government rather than rescind one penny of the oil and gas industry's \$41 billion in tax subsidies. But clean energy sector gets the hammer.

Yesterday, in a gratuitous assist to Big Oil, Republicans tried to kill the Clean Car Factory Fund in order to pay for natural disaster relief. This is the program that is helping American companies manufacture superefficient vehicles that reduce our dangerous dependence on foreign oil from OPEC. But, apparently, that bill wasn't radical enough for the Tea Party base. So tonight, they come back and they're launching their full-frontal assault on clean energy. Yesterday, it was just clean cars. Today, it's solar energy, wind energy and all renewables. Tonight, they take out the full assault attack.

But a word of warning. Up to a dozen projects are prepared to receive the green light in the next week. Swooping in and destroying this program now will destroy these projects and destroy the thousands of jobs that will come with them. So before you vote for this bill, check and see if your State is one of the 38 that has received support under this program. Check and see if your State is one of the 12 that could have a new project announced next

week. Make sure that the 66,000 people that have jobs today as a result of this program are not from your State. By the way, those 66,000 jobs created through this program are far more than any jobs created through legislation passed out in the first 9 months that the Republicans have controlled the United States House of Representatives.

So our planet is warming and extreme weather is increasing; 100-year floods and droughts are now striking every few years. Hurricanes have caused floods, massive power outages, and deaths. Texas has been on fire after having the hottest summer ever recorded. The President has issued disaster relief declarations in 48 States so far this year. Eighty-three major disasters declared in 2011, the all-time record; 3 more months to go this year. Wake up. Wake up. You can't kill these programs. This is the solution you are killing.

Republicans say, fine, we'll provide emergency relief for those who have been afflicted by nature's wrath in an ever-warming planet, but we won't do it unless we can cut the funds for the programs that promise to be the solution to the problem. That's what they're proposing here tonight.

Does the majority ask if we can save money by cutting the hundreds of billions of dollars we are planning on spending, the Republicans are planning on spending on new nuclear weapons being constructed over the next 10 years when we don't need any more nuclear weapons? No. Can we cut the tens of billions of dollars in taxpayer subsidies we pay to Big Oil and King Coal? Of course not. But wind, solar, clean cars, all-electric vehicles and plug-in hybrids, oh, yeah, let's cut that program tonight to fund disaster relief for people in this country suffering from weather, from floods, from hurricanes, and from tornadoes caused by an ever-changing climate.

This bill is an embarrassment. This is not worthy of this Congress. Vote "no" on this latest Republican assault plan to kill the clean energy industry in this country on behalf of the Big Oil and Big Coal industries.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to say to my friend that there have been 1,100 jobs lost at Solyndra. We want to make sure that there is never again, never again another Solyndra. That's the reason that we have focused on the \$100 million as an offset in this measure, Mr. Speaker.

I think it's also very important to note this morning when I woke up I heard the news that General Motors is now in the midst of an international partnership in the People's Republic of China to deal with the development of electric vehicles. These are the kinds of things that the private marketplace is pursuing. I live in Los Angeles, Cali-

fornia, where we have very serious air quality problems, and we just got the news today that Washington, D.C. is number six in the Nation when it comes to air quality problems. We want to make sure that we have energy-efficient automobiles. We are determined to do that. We need to make sure, we need to make sure that those companies that are out there pursuing these kinds of alternatives that, frankly, in most all cases are free, are free of government grants, are able to succeed with that; and that's why we have proceeded with that.

If my friend would like me to yield, I'm happy to yield to him.

Mr. MARKEY. I thank the gentleman. I'm glad you brought out the General Motors deal because the General Motors deal is only possible because of the grants and the loans that have been given for the batteries and for the new technologies under these programs that are now making it possible for General Motors to reinvent.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, let me say to my friend that obviously we have seen the General Motors deal proceed. The fact of the matter is it's not solely because of that that we are seeing this kind of partnership. But, Mr. Speaker, we are seeing the private sector proceed with a policy that I believe very strongly in, and that policy is being pro-environment and is, in fact, pro-business.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am going to yield myself 1 minute to respond to the General Motors-China issue.

Earlier this week, The New York Times had a wonderful article in the business section that the Chinese were subsidizing electric cars to the tune of \$19,000 which all of us know is against every trade law the world has ever seen. But they were going to sell the Volt, and GM announced—they actually told them that in order to sell the Volt at all in China they had to give over all of their technology and all the information they had on how to build that car. I thought they weren't going to do it, but I also read yesterday that now they've got a brand-new Chinese partner, and they're giving them all the technology. I've got some legislation to bring into that, Mr. Speaker. I think it's outrageous that that's what's happening to American manufacturers.

I would like to now yield 3 minutes to the gentleman from Michigan who knows a thing about General Motors, the distinguished ranking member of the Committee on Ways and Means, Mr. LEVIN.

Mr. LEVIN. Well, here we go again. You tried to cut jobs last night. You lost. Now, you're trying it again. When Americans need jobs, the Republicans are pushing an anti-jobs bill. Here's

what the NAM said about this program that you want to curtail: "The ATVM program is an example of what government-industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs. The NAM believes defunding ATVM will hurt manufacturers and their employees."

So you listen to nobody except your empty rhetoric and, I think, dangerous action. If that wasn't enough, here's what the Chamber of Commerce said: "The ATVM program promotes manufacturing in the U.S. and is an important component of America's energy security."

□ 2210

So yesterday, the chairman of the Appropriations Committee, we sent him a letter citing his reference to the ATVM loan program as a "government subsidy for failing industries." GM failing? Chrysler failing? Ford failing? How misguided.

Well, now you're on your rampage to kill jobs and you've proposed to cut another program, section 1705, the loan program to help investments in new energy technology. This is a dangerous precedent. It's also, let's be frank, a dangerous smokescreen so some Republicans can change their votes. That's what this is all about.

Well, you don't want to listen to Warren Buffett on taxes, and now you're thumbing your vote at Bill Gates. They issued a report yesterday—Bill Gates and a number of other technology leaders—and I quote from the report about energy programs like what you're trying to cut:

"If the U.S. fails to invent new technologies and create new markets and new jobs that will drive the transformation and revitalization of the \$5 trillion global energy industry, we will have lost an opportunity to lead in what is arguably the largest and most pervasive technology sector in the world. However, if the U.S. successfully innovates in clean energy, our country stands to reap enormous benefits."

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. LEVIN. It goes on:

"Unfortunately, the country has yet to embark on a clean energy innovation program commensurate with the scale of national priorities that are at stake. In fact"—and I interpolate here this is what you're doing—"rather than improve the country's energy innovation program and invest in strategic national interests, the current political environment is creating strong pressure to pull back from such efforts."

That's exactly what you're doing today. This bill is dangerous mindlessness.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume

to simply remind my colleagues why it is that we're here.

We're faced with the prospect of a government shutdown. There was a grand total as of this morning of \$212 million in the fund to deal with our fellow Americans who are suffering because of disasters that we've gone through over the past several weeks and months, and we want to make sure that the appropriations process, which has been dumped on us, is able to be addressed in a bipartisan way. I want Democrats and Republicans alike to come together to address this.

The \$100 million additional offset, the only minor modification that has been made, is to ensure that we don't have—and I know Democrats and Republicans alike agree on this—we don't want to have another Solyndra. And that's what we believe we can do.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Tomorrow will be yet another Friday without a paycheck for too many Americans. For many Americans, this may be the week that their unemployment benefits finally run out and they have no income left whatsoever. For many Americans, this might be the last weekend they spend in their home because the eviction notice or the foreclosure process comes due next week. There has been a natural disaster this summer in America, but there has been an economic disaster in America for a very long time.

Fifteen days ago, the President of the United States came to this Chamber and in good faith laid out a plan to put Americans back to work. In those 15 days, this majority has had no hearings, no discussions, and no votes on the President's plan to put the country back to work. Until today, it was accurate to say they had done nothing about the job situation in America. Today, they've done something. They put forward a bill that destroys a program that has created 39,000 jobs in the private sector.

My friend from California talked about the new deal that GM may strike to build the new generation of cars in China. With all due respect, that's the point. The purpose of this program is to make sure that the next generation of cars is built by Americans and sold to Chinese, not built by Chinese and sold to Americans. So if we let this bill pass, we are waving the white flag of surrender on the next generation of vehicles.

Now, they say, well, we have to do this because we have to provide disaster relief. I think there is unanimity in this Chamber that the victims of floods and hurricanes and other crises

deserve help, but the artificial excuse that's being used here is, well, we have to pay for the help.

I have a suggestion. We're going to spend in the next 10 days in Iraq and Afghanistan what it would cost to deal with this disaster relief. How about that? Instead of crushing American jobs here at home, why don't we do the intelligent thing and say to the Iraqis and the Afghans, it's time they ran their own country with their own money. How about that for an offset? We should never have to choose between employing our neighbors and ignoring our needs.

The right vote here is "no." Let's bring back to the floor tomorrow a plan that both sides can support that keeps Americans working, puts Americans back to work, and solves this disaster problem. Vote "no," and then let's fix the problem.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to simply say that job creation and economic growth is what we are all about. The deal about which my friend just referred is one which is part of the global marketplace. The goal of having U.S. manufacturers, U.S. workers manufacturing automobiles for sale in China and vice versa is our priority.

With that, I would like to yield 2 minutes to my friend from Lawrenceville, Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my chairman for yielding and I appreciate the time because, as we talk about the President's jobs bill, I was here, too, when the President came to present his ideas, and it kind of excited me. Because, as I looked at where the President began on some of these jobs issues and I looked at what has been proposed in this House already on these jobs issues, I realized exactly how much progress we were able to make.

I think about the President's proposal to eliminate oil company subsidies, a proposal that I support. In fact, I have a bill that not just eliminates oil company subsidies, but all industrial subsidies so that we can let the free market drive that train and create those jobs anew.

I think about the President's proposal to curtail the payroll tax and I think, we already have a proposal that not only curtails the payroll tax to the small degree the President recommends, but actually, since it's the largest tax that 80 percent of American taxpayers pay, eliminate it entirely.

Mr. LEVIN. Will the gentleman yield?

Mr. WOODALL. I'm limited to only 2 minutes. If my friend from New York would like to yield me time, I would be happy to yield that back.

But I just want to say, as my friend from the Ways and Means Committee knows, not only do we have that proposal introduced here—it's H.R. 25, the Fair Tax. We've had hearings on it in

the Ways and Means Committee. So I say to my friend from New Jersey, we are moving forward on those agendas.

But let me just talk about why we're here tonight.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. If I could get some time from my friend from New York, I would love to yield to agree with you. I wanted to tell you how much I believe we're headed on the same track.

But let me talk about this continuing resolution because that's really why we're here, despite the fact that folks bring up where we are in the President's jobs bill. This is about getting disaster relief to families that need it. And we could have gotten it done yesterday—and should have gotten it done yesterday. And even though I'm new at this process, I actually thought we had an agreement to get it done yesterday. I thought we had an agreement because it was the right thing to do to get it done yesterday. Now, only folks who are more privy than I know why that agreement came unglued and why it was we didn't get it done, but we're back here tonight and we have that opportunity. Please, please, let's get it done for those folks who need it. The time for games has long since passed.

□ 2220

Ms. SLAUGHTER. Before I yield to my friend from New Jersey, let me respond to my friend from Georgia. Don't forget that 48 on your side voted against it. I don't know what agreement you had with them.

I now yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I did want to ask my friend from Georgia a question, Mr. Speaker, if I might. He says he's on the right track.

Will the gentleman agree that we should have an up/down vote on the President's jobs plan on this floor?

Mr. WOODALL. I actually don't like those kind of long, complicated bills, I would say to my friend. But should we vote on his ideas, one idea at a time—I say that regularly. Had we voted on the President's health care bill one idea at a time, America would have loved 80 percent of it.

Mr. ANDREWS. Reclaiming my time, is that a yes or a no?

Mr. WOODALL. That's a let's vote on it one idea at a time, not just his ideas, but all of our ideas.

Mr. ANDREWS. Reclaiming my time, will the gentleman vote for the President's tax cuts for small businesses that create jobs if they hire someone?

Mr. WOODALL. The tax proposal I'm familiar with is his \$1.5 trillion tax increase. Is there a different—

Mr. ANDREWS. Reclaiming my time, the President's plan was a small business that creates jobs will get a tax cut.

Will you vote for that?

Mr. WOODALL. If he wants to reduce the highest corporate tax rate in the world, I am a huge supporter of that.

Mr. ANDREWS. Reclaiming my time, is that a yes or a no on that idea?

Mr. WOODALL. I will vote for any reduction in corporate rates that the President proposes.

Mr. ANDREWS. Reclaiming my time, does the gentleman favor the provision that says we should put teachers who have been laid off back in the classroom?

Mr. WOODALL. I absolutely do, and with State and local funds we're doing that today. I hope we'll continue to do that.

Mr. ANDREWS. Reclaiming my time, would the gentleman agree, though, we should use some Federal funds for that purpose?

Mr. WOODALL. I do not believe the Federal Government should be involved in education.

Mr. ANDREWS. I disagree.

Mr. WOODALL. I thank my friend for yielding.

Mr. DREIER. Mr. Speaker, I am prepared to close on our side. If my friend is prepared to close, then we can close the debate here and move to a vote on the rule, and then move directly to consideration of the appropriations bill, so that the American people will be closer to getting resources they desperately need.

Ms. SLAUGHTER. I am expecting another speaker who is not yet on the floor.

My speaker has arrived, Mr. CROWLEY of New York, and I will yield him 3 minutes.

Mr. CROWLEY. Mr. Speaker, I rise in opposition to this bill. I'm not opposed to keeping our government up and running. In fact, I want desperately to support a bill as simple as keeping the Federal Government up and running.

What I'm imposed to is, I believe, ugly, out-right partisan politics, especially at a time when Americans want to work constructively together to address the serious problems that we're all facing. But bipartisanship is not at work here tonight, and it has not been here for some time.

Since President Obama announced the American Jobs Act, my colleagues on the other side have held zero hearings, not a single hearing on that plan.

Since Solyndra announced it was going out of business, the majority has held three hearings, and there are more scheduled to come. Let's be clear. We should get all the answers, every answer about Solyndra's failings. But I'm sorry. That is not a comprehensive agenda that will produce one single job.

Time is ticking because, while we stand here tonight quibbling about how to pay for the day-to-day functions of government, and how best to assist American communities hurting after

hurricanes, flooding, droughts, and wildfires, Europe and China are working overtime to outcompete us on every front.

President Obama and the Democratic Party have a plan for keeping the U.S. competitive on the global stage. We have a plan for keeping American businesses, workers, and industries stronger and better than our foreign competitors.

It's Democrats who got engaged and saved GM and Chrysler. It's Democrats who created the Advanced Technology Vehicle Manufacturing loan program, a program that has created almost 40,000 auto manufacturing jobs in less than 2 years. And it's Democrats who have led the way on green energy.

By contrast, the GOP agenda can be summed up in one word: "roadblock." Not road building, roadblock.

Republicans aren't focused on producing jobs. They oppose trying to put Detroit back on its feet. They are opposed to bringing President Obama's bills to the floor. And in the very bill we are debating right now, they are making cuts to the very manufacturing program I just cited as a job creator.

My colleagues, there are Americans across the country who are hurting. They've lost jobs, been foreclosed upon, and have endured extreme natural disasters of all kinds. They cannot accept a Congress that isn't willing to put them first. They cannot accept a Congress that insists upon offsets for aid to rebuild America, but not for aid to rebuild schools, hospitals, and roads in Iraq and Afghanistan. They cannot accept a Congress that holds more hearings on the failure of one company, but not one hearing on a job plan for America. I'm sorry, but this is not acceptable.

Vote "no" on this bill and reject the GOP's roadblock agenda.

Mr. DREIER. I am prepared to close the debate on our side.

I reserve the balance of my time for that purpose.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the ranking member, Ms. SLAUGHTER of New York, for granting me this time to say, at first, I really didn't believe it when someone suggested to me that the Republican Party would really like to defeat President Obama by raising the unemployment rate. I thought, that's too cynical to really believe.

But in this particular proposal tonight, what we see is a proposal by the Republican Party to take money from the Advanced Technology Vehicle Manufacturing program to help America compete in the auto industry with state-managed economies like China's and Japan's, and take it away from recovering auto firms and unemployed auto workers to give to disaster victims around this country.

It's a no-win game. We're hurting the American people. We take from one sector that is suffering for another sector that is suffering? In the greatest automotive manufacturing country in the world, we don't want to put more people back to work because we want to defeat the President next year?

I'm starting to believe those that suggested this cynical ploy. Why should we hurt the automotive industry that is just beginning to hire back and starting to lift this economy in the industrial Midwest and through hiring at parts suppliers coast to coast?

Vote "no" on this cynical ploy to set disaster victims against unemployed auto workers in the automotive industry of this country, which has a right to compete. If you want to offset \$1.5 billion in costs of disaster assistance, take it from the bonuses Wall Street titans keep pocketing. For them, it's only pocket change.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California, our Democrat leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding, and I commend her for her enormous leadership, patience, and great intellect that she brings to bear on these issues.

Mr. Speaker, listening to the debate, it's really almost hard to explain to someone why we're coming back tonight with the same old, same old warmed-over stew that was rejected yesterday by the Congress of the United States. But since then we've had some support expressed for the initiative that is contained in this bill and against the notion that our Republican colleagues have that it's a good idea to use this as a pay-for.

I take particular pride in this provision that the Republicans are trying to zero out in this bill, the Advanced Technology Vehicle Manufacturing program.

You will recall, Mr. DREIER, that it was part of a bill that was passed when President Bush was President. It was the Energy Independence and Security Act of 2007. It was a bill that passed the Congress with strong bipartisan support, including your support, Mr. DREIER. In fact, 95 Republicans voted for the bill. It was an even split in the Republican Caucus, 95 for, 96 against. But you recall voting for that.

Mr. DREIER. Will the gentlewoman yield?

Ms. PELOSI. No, I'm sorry, because you have a half an hour and I don't.

Mr. DREIER. Mr. Speaker, I've been mentioned three times, and since the gentlewoman has mentioned me—

The SPEAKER pro tempore. The gentlewoman from California controls the time.

Ms. PELOSI. The gentleman has all the time. For some reason the Republicans are not showing their faces on the floor on this amendment. He has

plenty of time on this bill, plenty of time to speak. If he didn't, I'd be more than happy to yield to him, but since he has so much time on his own, he can use that.

In any event, here's the thing. We have an initiative that is bipartisan. We have an initiative that has passed the House in overwhelming numbers, 314-100; 314-100 it passed the House after coming back from the Senate.

Yesterday, there was an attempt made to use the funds allocated to the Advanced Technology Vehicle Manufacturing program to offset the disaster assistance. I myself believe it is a matter of principle that we should just do with disaster assistance what we always have done, have no doubt in anyone's mind that when a disaster, a natural disaster strikes, the Federal Government will be there, FEMA will be funded, and that we don't have to look around for a place to say, let's prioritize. No, the disaster assistance is our priority.

□ 2230

But on top of that, they use as a pay-for, again, zeroing out the Advanced Technology Vehicle Manufacturing. I don't want you to take my words for the merit of this initiative. I want to quote for the record the letter from the United States of America Chamber of Commerce and the letter from the National Association of Manufacturers.

First from the Chamber of Commerce:

"As Congress sets spending priorities, the Chamber wishes to highlight a few important facts about the Advanced Technology Vehicle Manufacturing loan program. First, the program was authorized in the Energy Independence and Security Act of 2007, which was supported by both Republicans and Democrats as an important step in reducing America's dependence on oil from unstable regimes. Second, ATVM loans, which will be repaid with interest, incentivize automakers and suppliers to build more fuel-efficient advanced technology vehicles in the U.S., providing new opportunities for American workers in a sector of the economy that is critical to the Nation's recovery."

Then they go on to say that this is funded by the Department of Education, and that it's not the fault of industry if these funds have not been used.

In the NAM letter, National Association of Manufacturers, they say similarly:

"We express our support for the Advanced Technology Vehicle Manufacturing (ATVM) program, authorized under the Energy Independence and Security Act of 2007 with bipartisan support and signed into law by President Bush."

It was a very proud day for us when President Bush signed this bill. It made

tremendous advances in energy efficiency and conservation. It was a great accomplishment of the Bush administration and a Democratic Congress working together, but the bill passed in strong bipartisan fashion.

"The ATVM program is an example of what government/industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs and put our Nation on a path towards greater energy security. The NAM believes defunding ATVM will hurt manufacturers and their employees."

I will submit the rest of the letters for the RECORD so Members can read further for themselves in the CONGRESSIONAL RECORD; and for all who view the work of Congress, they can see the importance of these initiatives, first by the strong bipartisan support that they received in a Democratically controlled Congress but signed by a Republican President, President Bush, a very major accomplishment, I think he believes.

The second point, though, is that, again, American people are looking for ways for us to create jobs. The Republicans have been in power in this Congress in this House of Representatives for over 250 days. They have not passed one bill into law which is a job creator; and today, they come back to the floor a second day in a row with a job destroyer. The repetition of it is almost frivolous when you think that what we could be talking about here is a clean CR, a clean continuing resolution that will meet our needs to November 18.

I thank Chairman DICKS for his leadership on this important issue, Mr. LEVIN, certainly Mr. DINGELL, who was a champion of this initiative from day one and a leader in the fight to preserve it here.

It could just have been so simple. Let's just keep government open until November 18 with a clean continuing resolution instead of coming to the floor and for the first time.

Now my colleagues will say, Well, we've had other emergencies that were funded. I'm not talking about emergencies. There are many emergencies. I'm talking about disasters. I'm talking about natural disasters when people's homes are swept away. This isn't political. This is very, very personal, if you've lost your home, your belongings, your livelihood, your business, your sense of community, the character of the area in which you live, as many of our colleagues on both sides of the aisle have done. When you see the nature of the natural disasters, whether it's out-of-control forest fires in Texas, what happened in Joplin, Missouri, which is almost biblical in its proportion, and what happened on the east coast with the earthquake followed by hurricane followed by tornado followed by floods and all that goes with it.

Do you think people think that we have any relevance to their lives if we're talking about something like this when all they are saying is, Help. It's as if a building is on fire and you're going to figure out who is going to pay for the water instead of just running to the rescue.

I urge my colleagues to vote "no" on this and urge my Republican colleagues to please pull this back, bring a clean CR to the floor. Let's get serious about the people's business.

CHAMBER OF CONGRESS
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 22, 2011.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports disaster relief funding to assist victims of natural disasters. The Chamber is also a vocal proponent of fiscal responsibility and recognizes that Congress must make difficult but necessary choices among competing priorities.

As Congress sets spending priorities, the Chamber wishes to highlight a few important facts about the Advanced Technology Vehicle Manufacturing (ATVM) loan program. First, the program was authorized in the Energy Independence and Security Act of 2007, which was supported by both Republicans and Democrats as an important step in reducing America's dependence on oil from unstable regimes. Second, ATVM loans, which will be repaid with interest, incentivize automakers and suppliers to build more fuel-efficient advanced technology vehicles in the U.S., providing new opportunities for American workers in a sector of the economy that is critical to the nation's recovery. Third, the fact that the Department of Energy has yet to use the funds Congress appropriated for the program is not the fault of industry; numerous loan applicants have been in the queue for years, waiting for the Administration to complete its due diligence.

Again, while the Chamber understands the importance of reducing America's unacceptable debt and believes that all programs must be on the table, the Chamber urges you to bear in mind the facts about the ATVM loan program, which promotes manufacturing in the U.S. and is an important component of America's energy security.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
September 22, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The NAM is the largest trade association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 states. We are the leading voice for the manufacturing economy, which provides millions of high-wage jobs in the U.S. Two-thirds of our members are small businesses, which serve as the engine for job growth. Our mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth.

The NAM is writing to express our support for the Advanced Technology Vehicle Manufacturing (ATVM) program, authorized under the Energy Independence and Security Act of 2007 with bipartisan support and signed into law by President Bush. The ATVM program is an example of what government/industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs and put our nation on a path towards greater energy security. The NAM believes defunding ATVM will hurt manufacturers and their employees.

Introducing any new model motor vehicle is a capital intensive process. Automobile manufacturers and suppliers must make large investments at the front end before a vehicle enters production. The ATVM program assists this process by providing low cost capital for retooling U.S. facilities. These loans, which will be repaid with interest, allow automakers to build more fuel-efficient advanced technology vehicles in the U.S. and provide greater job security for the workers they employ. Furthermore, it is worth noting that many suppliers to the automobile manufacturers are small and medium manufacturers. These smaller manufacturers have the potential to create thousands of jobs but are typically some of the first businesses impacted by a struggling economy. By maintaining the ATVM program the government will also be supporting the maintenance and growth of these smaller manufacturers.

During this time of economic recovery, we urge you to preserve this successful program that is helping preserve auto sector jobs and promote energy security.

Sincerely,

PAUL A. YOST.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I'll be happy to yield to my distinguished California colleague at any moment as I make a couple of remarks here as she walks off the floor.

I asked her to yield, Mr. Speaker, because she three times referenced me as it relates to the vehicle program, the Advanced Technology Vehicle Manufacturers program. Let me just explain what we're faced with today, Mr. Speaker.

What we're faced with is the challenge of ensuring that we get the resources necessary to the American people who are suffering because of these disasters. Now, when my California colleague was Speaker of the House, we had disasters that took place like Hurricane Katrina. Much of that was offset. And so to act as if this is unprecedented is not a correct characterization of what has happened, because we have seen offsets for disasters in the past on numerous occasions over the last decade in excess of \$59 billion in offsets that provided for supplemental appropriations that have been out there.

As it relates to the Advanced Technology Vehicle program, I was going to say to my California colleague who is no longer on the floor, and I'd like to yield to her if she would like to come back to respond to this, there is a total of \$4 billion that is there. What we're doing is utilizing \$1.5 billion. So as peo-

ple say that this program is being completely eliminated, that is not a correct characterization of what has happened.

Let me tell you what it is we're doing, Mr. Speaker.

We're doing everything that we can to find every dollar that we possibly can to ensure that our fellow Americans who are suffering due to these disasters are able to have the resources that are necessary. Of the \$1.5 billion which is utilized in the offset, it's been sitting in the coffers for 3 years. So to act as if we somehow are going to see some great loss of jobs is again a mischaracterization of what is happening.

We're establishing priorities. We have a priority, that being dealing with our fellow Americans in Joplin, Missouri, who suffered from that horrible tornado that hit that area. That's my home State of Missouri. I know how devastating. In listening to our colleague, Mr. LONG, it's very clear to see in his eyes the kind of effort that he's put in to deal with the rebuilding there. That is a priority.

Dealing with the photographs that we saw from Mr. WELCH's district who voted for this bill yesterday and I suspect will vote for it again this evening to ensure that those who suffered from flooding in Vermont have that. And as I said earlier in the day, our new colleague, TOM MARINO from Williamsport, Pennsylvania, who just in the past several days was trudging through the mud as he reported to my colleagues in our meeting downstairs talking to the parents of children who were literally sitting on the hoods of their automobiles because their homes had been devastated. And the question asked by that parent to Congressman MARINO was, What is it you are going to do? And he said that he was going to come to Washington and do everything that he possibly can, everything that he would be able to do to ensure that they have the resources they need.

Now, to argue that this is pitting a fund that has been sitting dormant for 3 years and is not in the pipeline versus utilization of those resources for the American people who are suffering is a very inappropriate thing to do.

So that was the discussion that I was looking forward to having with my California colleague as she talked about my support of the Advanced Technology Vehicle program.

Mr. LEVIN. Will the gentleman yield?

Mr. DREIER. Of course. I'm always happy to yield to my good friend from Detroit.

□ 2240

Mr. LEVIN. Look, no one is saying the total program would be obliterated.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, the gentleman just said no one is saying that. I'm sure

that my friend was not here through the entire debate.

Mr. LEVIN. I was.

Mr. DREIER. I don't know that my friend was listening through the entire debate.

Mr. LEVIN. I was.

Mr. DREIER. May I finish, Mr. Speaker?

What I want to say is that we were told that we on our side of the aisle are declaring war—declaring war—by the statement made by our friends from Massachusetts, and from that, one would have to infer that we were trying to obliterate a program.

When we, Mr. Speaker, have 3 years of those dollars sitting dormant, not being expended and not in the pipeline, we believe that we can utilize those dollars for the American people who are truly in need. We need to move ahead with that as expeditiously as possible, and I think we should try to do that right now and get to the appropriations bill.

With that, I reserve the balance of my time.

Mr. LEVIN. Will the gentlelady from New York yield me 30 seconds?

Ms. SLAUGHTER. I'm sorry, Mr. LEVIN. I don't have any more time.

Mr. Speaker, I am prepared to close.

Mr. LEVIN. How much time is there on both sides, please?

The SPEAKER pro tempore. The gentleman from California has 10½ minutes, and the gentlewoman from New York has 3½ minutes.

Mr. LEVIN. Will the gentleman from California yield to me?

Mr. DREIER. Mr. Speaker, let me yield myself 1 minute, and I will yield to my friend from Michigan.

Mr. LEVIN. No one has said that the program will be eliminated. What we have said is what the Manufacturers Association has said. It believes defunding ATVM will hurt manufacturers and their employees.

Mr. DREIER. Mr. Speaker, I reclaim my time.

We've had this read to us three times.

Mr. LEVIN. You don't want to hear the facts.

Mr. DREIER. Mr. Speaker, I've heard it three times read on the House floor. We heard the debate earlier today. It was read by our colleagues, Mr. Speaker. I've heard this three times on the House floor.

What I want to say is that we've had, for 3 years, the dollars that we're utilizing for the offset sitting dormant.

Mr. LEVIN. It is not true.

Mr. DREIER. It is true, and it is not in the pipeline to be expended, Mr. Speaker. So, for that reason, I believe the people of Joplin, Missouri, can better utilize dollars that have been sitting for 3 years for absolutely no purpose whatsoever.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if we defeat the previous question at the end of the debate, I will offer an amendment to the rule to ensure that disaster victims get the help that they need. My amendment will allow Representative DINGELL to offer a motion to strike the unacceptable House language and to substitute the bipartisan Senate approach.

I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Here we are again.

Yesterday, the House rebuked the Republicans because they came forward with almost as bad a bill as this. They were going to destroy, as they are tonight, the Advanced Technology Vehicle Manufacturing program. It's one of the most successful programs we've had. It has made 40,000 jobs for Americans. At a time when Americans are losing their homes, losing their jobs, running out of unemployment compensation, they want to hear us say what we're doing about jobs, what we're doing about opportunity, what we're doing about making the economy grow.

So the Republicans, when they got their heads handed to them yesterday, went back to caucus and made the bill a little bit worse so that they could appeal to their right-wing extremes. The result is that you've got a bill here that has been brought to us that nobody has had an opportunity to see and a bill on which we haven't got any idea exactly what it does.

We hear our good friend from California tell us how the private system of government is working. He says it's working in China because the Chinese have forced GM to work with them to manufacture cars over there so that they can sell them over here. We say that we ought to be manufacturing those cars over here with American workers to sell over there in China and in other countries that are playing the same game with us.

This is an enormously successful program. They're submitting their successes of yesterday by trying now to cut other programs which do this.

They talk about Solyndra. Solyndra went broke for a very simple reason. I sat in on the hearings when I don't think many of the other Members on this side did. I heard that the reason they went under was the trade practices of the Chinese. That's why. They're underselling them in an intolerable way in spite of the fact that we've tried to bring that technology over here and to make it work for the American people in order to provide jobs for the American people.

My Republican colleagues are making a war between the American workers and American industry on the one side and those who have need of relief from the disasters. That's not good. It should not be. It is quite sufficient that we help both. There is no need to have

an offset for a disaster, and time after time we have not done it. But not so the Republicans. They are out to kill Department of Energy loan programs. These are programs that create jobs.

Take a look in your district, if they'll give you a copy of this bill, and ask yourself and ask them and ask of the legislation: What are they cutting that is in your district or your State that's going to make jobs and opportunity for your people? You're going to find, when this legislation passes—God forbid it will do so—that you have cut the opportunities and the well-being of your American people who desperately look to us to make the economy go again. You are burning here tonight the seed corn of the American people. You are taking and striking a major blow against the economy and the well-being of this Nation. I say, Shame.

Reject the rule.

Reject the previous question.

Reject the proposal.

The SPEAKER pro tempore. The gentlewoman from New York has 30 seconds remaining.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question, I urge a "no" vote on the rule and the underlying amendment, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time to simply say to my colleagues that we're here for a very important reason. The reason is that we want to make sure that we don't face a government shutdown. We want to make sure that we do everything we possibly can so that the people in this country who have suffered from disasters over the past several weeks and months are able to have the resources that they need to do that, and we want to make sure, Mr. Speaker, that we do it in a fiscally responsible way so that we can do what every American and every Democrat and Republican in this House says needs to be done so that we can get our economy growing and put into place pro-growth, job creation proposals. I believe that we can do that. I think we can do it responsibly.

I will say that this is the identical package that we had last night, with one modification; and that one modification is to ensure, with all due respect to my friend, the distinguished dean of this House, that we don't have another Solyndra. Regardless of what some have said was the cause of their demise, when we have employees of

that company coming forward and making the case that they were spending money left and right, that they were using it on some of the most outrageous things imaginable, and that the employees could not understand why they built a factory when they had all of these resources in reserve, this cannot be allowed. It's not a responsible expenditure of U.S. taxpayer dollars, Mr. Speaker, and that's the reason we believe this \$100 million can be used for the people who are truly in need.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 412 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, after expiration of debate on the motion to concur specified in the first section of this resolution it shall be in order to consider the motion to amend printed in section 3 of this resolution. That motion may be offered only by Representative Dingell of Michigan or his designee, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against that motion are waived.

SEC. 3. The motion to amend referred to in section 2 is as follows:

“(1) Strike sections 125 and 126 of the House amendment (and redesignate the subsequent sections accordingly).

“(2) At the end of the House amendment, before the short title, insert the following:

“SEC. ____ . Notwithstanding any other provision of this Act, there is hereby enacted into law the provisions of division B of the amendment adopted by the Senate on September 15, 2011, to House Joint Resolution 66 (112th Congress), relating to emergency supplemental disaster relief appropriations.”.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the

opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 235, nays 177, not voting 21, as follows:

[Roll No. 725]

YEAS—235

Adams
Aderholt

Akin
Alexander

Altmire
Amash

Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy

Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes

Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—177

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)

Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell

Doggett	Larsen (WA)	Rahall	Coffman (CO)	Issa	Price (GA)	Jackson Lee	Miller (NC)	Sanchez, Loretta
Donnelly (IN)	Larson (CT)	Reyes	Cole	Jenkins	Quayle	(TX)	Miller, George	Sarbanes
Doyle	Lee (CA)	Richardson	Conaway	Johnson (IL)	Reed	Johnson (GA)	Moore	Schakowsky
Edwards	Levin	Richmond	Cravaack	Johnson (OH)	Rehberg	Johnson, E. B.	Moran	Schiff
Ellison	Lewis (GA)	Ross (AR)	Crawford	Johnson, Sam	Renacci	Kaptur	Murphy (CT)	Schrader
Engel	Lipinski	Rothman (NJ)	Crenshaw	Jones	Ribble	Keating	Nadler	Schwartz
Eshoo	Loeb sack	Roybal-Allard	Culberson	Jordan	Rigell	Kildee	Napolitano	Scott (VA)
Farr	Lofgren, Zoe	Ruppersberger	Davis (KY)	Kelly	Rivera	Kind	Neal	Scott, David
Fattah	Lowey	Rush	Denham	King (IA)	Roby	Kissell	Owens	Serrano
Filner	Lynch	Ryan (OH)	Dent	King (NY)	Roe (TN)	Kucinich	Pallone	Sewell
Frank (MA)	Maloney	Sánchez, Linda	DesJarlais	Kingston	Rogers (AL)	Langevin	Pascarell	Sherman
Fudge	Markey	T.	Diaz-Balart	Kinzinger (IL)	Rogers (KY)	Larsen (WA)	Pastor (AZ)	Sires
Gonzalez	Matheson	Sanchez, Loretta	Dold	Kline	Rogers (MI)	Larson (CT)	Payne	Slaughter
Green, Al	Matsui	Sarbanes	Dreier	Labrador	Rohrabacher	Lee (CA)	Pelosi	Smith (WA)
Green, Gene	McCarthy (NY)	Schakowsky	Duffy	Lamborn	Rokita	Levin	Perlmutter	Sutton
Grijalva	McCollum	Schiff	Duncan (SC)	Lance	Rooney	Lewis (GA)	Peters	Thompson (CA)
Gutierrez	McDermott	Schrader	Duncan (TN)	Landry	Ros-Lehtinen	Lipinski	Peterson	Thompson (MS)
Hahn	McGovern	Schwartz	Ellmers	Lankford	Roskam	Loeb sack	Pingree (ME)	Tierney
Hanabusa	McIntyre	Scott (VA)	Emerson	Latham	Ross (FL)	Lofgren, Zoe	Polis	Tonko
Hastings (FL)	McNerney	Scott, David	Farenthold	LaTourette	Royce	Lowey	Price (NC)	Towns
Heinrich	Meeks	Serrano	Fincher	Latta	Runyan	Lynch	Quigley	Tsongas
Higgins	Michaud	Sewell	Fitzpatrick	Lewis (CA)	Ryan (WI)	Maloney	Rahall	Velázquez
Himes	Miller (NC)	Sherman	Flake	LoBiondo	Scalise	Markey	Reyes	Van Hollen
Hinche y	Miller, George	Sires	Fleischmann	Long	Schilling	Matheson	Richardson	Velázquez
Hinojosa	Moore	Slaughter	Fleming	Lucas	Schmidt	Matsui	Richmond	Visclosky
Hirono	Moran	Smith (WA)	Flores	Luetkemeyer	Schock	McCarthy (NY)	Ross (AR)	Walz (MN)
Hochul	Murphy (CT)	Sutton	Forbes	Lummis	Schweikert	McCollum	Rothman (NJ)	Wasserman
Holden	Nadler	Thompson (CA)	Fortenberry	Lungren, Daniel	Scott (SC)	McDermott	Roybal-Allard	Schultz
Holt	Napolitano	Thompson (MS)	Fox	E.	Scott, Austin	McGovern	Ruppersberger	Waters
Honda	Neal	Tierney	Franks (AZ)	Mack	Sensenbrenner	McIntyre	Rush	Watt
Hoyer	Oliver	Tonko	Frelinghuysen	Manzullo	Sessions	McNerney	Ryan (OH)	Wilson (FL)
Inslee	Owens	Towns	Galleghy	Marchant	Shimkus	Meeks	Sánchez, Linda	Woolsey
Israel	Pallone	Tsongas	Gardner	Marino	Shuster	Michaud	T.	Yarmuth
Jackson (IL)	Pascarell	Van Hollen	Garrett	McCarthy (CA)	Simpson			
Jackson Lee	Pastor (AZ)	Velázquez	Gerlach	McCaul	Smith (NE)			
(TX)	Payne	Visclosky	Gibbs	McClintock	Smith (NJ)			
Johnson (GA)	Pelosi	Walz (MN)	Gibson	McCotter	Smith (TX)			
Johnson, E. B.	Perlmutter	Wasserman	Gingrey (GA)	McHenry	Southerland			
Kaptur	Peters	Schultz	Gohmert	McKeon	Stearns			
Keating	Peterson	Waters	Goodlatte	McKinley	Stivers			
Kildee	Pingree (ME)	Watt	Gosar	McMorris	Stutzman			
Kind	Polis	Wilson (FL)	Gowdy	Rodgers	Sullivan			
Kissell	Price (NC)	Woolsey	Granger	Meehan	Terry			
Kucinich	Quigley	Yarmuth	Graves (GA)	Mica	Thompson (PA)			
			Graves (MO)	Miller (FL)	Thornberry			
			Griffin (AR)	Miller (MI)	Tiberi			
			Griffith (VA)	Miller, Gary	Tipton			
			Grimm	Mulvaney	Turner (NY)			
			Guinta	Murphy (PA)	Turner (OH)			
			Guthrie	Myrick	Upton			
			Hall	Neugebauer	Walberg			
			Hanna	Noem	Walden			
			Harper	Nugent	Walsh (IL)			
			Harris	Nunes	Webster			
			Hartzler	Nunnelee	West			
			Hastings (WA)	Olson	Westmoreland			
			Hayworth	Palazzo	Whitfield			
			Heck	Paulsen	Wilson (SC)			
			Hensarling	Pearce	Wittman			
			Herger	Pence	Wolf			
			Herrera Beutler	Petri	Womack			
			Huelskamp	Pitts	Woodall			
			Huizenga (MI)	Platts	Yoder			
			Hultgren	Poe (TX)	Young (AK)			
			Hunter	Pompeo	Young (FL)			
			Hurt	Posey	Young (IN)			

NOT VOTING—21

Bachmann	Giffords	Reichert
Bishop (GA)	Gohmert	Schock
Butterfield	Guinta	Shuler
Calvert	Langevin	Speier
Carson (IN)	Lujan	Stark
Deutch	Paul	Waxman
Garamendi	Rangel	Welch

□ 2312

Mr. GEORGE MILLER of California changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 176, not voting 19, as follows:

[Roll No. 726]

YEAS—238

Adams	Berg	Buerkle
Aderholt	Biggart	Burgess
Akin	Bilirakis	Burton (IN)
Alexander	Bishop (UT)	Calvert
Altmire	Black	Camp
Amash	Blackburn	Campbell
Amodel	Bonner	Canseco
Austria	Bono Mack	Cantor
Bachus	Boustany	Capito
Barletta	Brady (TX)	Carter
Bartlett	Brooks	Cassidy
Barton (TX)	Broun (GA)	Chabot
Bass (NH)	Buchanan	Chaffetz
Benishkek	Bucshon	Coble

NAYS—176

Ackerman	Clay	Eshoo
Andrews	Cleaver	Farr
Baca	Clyburn	Fattah
Baldwin	Cohen	Filner
Barrow	Connolly (VA)	Frank (MA)
Bass (CA)	Conyers	Fudge
Becerra	Cooper	Gonzalez
Berkley	Costa	Green, Al
Berman	Costello	Green, Gene
Bishop (NY)	Courtney	Grijalva
Blumenauer	Critz	Gutierrez
Boren	Crowley	Hahn
Boswell	Cuellar	Hanabusa
Brady (PA)	Cummings	Hastings (FL)
Braley (IA)	Davis (CA)	Heinrich
Brown (FL)	Davis (IL)	Higgins
Capps	DeFazio	Himes
Capuano	DeGette	Hinche y
Cardoza	DeLauro	Hinojosa
Carnahan	Dicks	Hochul
Carney	Dingell	Holden
Castor (FL)	Doggett	Holt
Chandler	Donnelly (IN)	Honda
Chu	Doyle	Hoyer
Cielline	Edwards	Inslee
Clarke (MI)	Ellison	Israel
Clarke (NY)	Engel	Jackson (IL)

NOT VOTING—19

Bachmann	Giffords	Shuler
Bilbray	Hirono	Speier
Bishop (GA)	Lujan	Stark
Butterfield	Oliver	Waxman
Carson (IN)	Paul	Welch
Deutch	Rangel	
Garamendi	Reichert	

□ 2319

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILBRAY. Mr. Speaker, on rollcall No. 726, had I been present, I would have voted “yes.”

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2608.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the resolution just adopted, I call up the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Program Extension and Reform Act of 2011”.

SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) **IN GENERAL.**—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 2 of the Small Business Additional Temporary Extension Act of 2011 (Public Law 112–17; 125 Stat. 221), is amended by striking “July 31, 2011” each place it appears and inserting “July 31, 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on July 30, 2011.

SEC. 3. REPEALS AND OTHER TERMINATIONS.

(a) **GENERAL PROVISIONS.**—

(1) **EFFECTIVE DATE.**—A repeal or other termination of a provision of law made by this section shall take effect on October 1, 2011.

(2) **RULE.**—Nothing in this section shall affect any grant or assistance provided, contract or cooperative agreement entered into, or loan made or guaranteed before October 1, 2011 under a provision of law repealed or otherwise terminated by this section and any such grant, assistance, contract, cooperative agreement, or loan shall be subject to the applicable repealed or otherwise terminated provision, as in effect on September 30, 2011.

(3) **APPLICABILITY OF TEMPORARY EXTENSIONS.**—A repeal or other termination of a provision of law made by this section shall have effect notwithstanding any temporary extension of programs, authority, or provisions under the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742).

(4) **DEFICIT REDUCTION.**—Any savings resulting from this Act and the amendments made by this Act shall be returned to the Treasury for deficit reduction.

(b) **POLLUTION CONTROL LOANS.**—Paragraph (12) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(A) The Administration” and inserting “The Administration”; and

(2) by striking “research and development” and all that follows and inserting “research and development.”.

(c) **SMALL BUSINESS INSTITUTE.**—Subparagraph (E) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is repealed.

(d) **DRUG-FREE WORKPLACE GRANTS.**—Paragraph (3) of section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in subparagraph (R) by adding “and” at the end;

(2) in subparagraph (S) by striking “; and” and inserting a period; and

(3) by striking subparagraph (T).

(e) **CENTRAL EUROPEAN SMALL BUSINESS ENTERPRISE DEVELOPMENT COMMISSION.**—Section 25 of the Small Business Act (15 U.S.C. 652) is repealed.

(f) **PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.**—Section 27 of the Small Business Act (15 U.S.C. 654) is repealed.

(g) **PILOT TECHNOLOGY ACCESS PROGRAM.**—Section 28 of the Small Business Act (15 U.S.C. 655) is repealed.

(h) **NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**—

(1) **IN GENERAL.**—Section 33 of the Small Business Act (15 U.S.C. 657c) is repealed.

(2) **CORPORATION.**—Beginning on the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(i) **LEASE GUARANTEES AND POLLUTION CONTROL.**—Part A of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 692 et seq.) is repealed.

(j) **ALTERNATIVE LOSS RESERVE.**—Paragraph (7) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is repealed.

(k) **SMALL BUSINESS TELECOMMUTING PILOT PROGRAM.**—Subsection (d) of section 1203 of the Energy Independence and Security Act of 2007 (15 U.S.C. 657h) is repealed.

(l) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **SMALL BUSINESS INVESTMENT ACT OF 1958.**—Section 411(i) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(i)) is amended to read as follows:

“(i) Without limiting the authority conferred upon the Administrator and the Administration by section 201 of this Act, the Administrator and the Administration shall have, in the performance of and with respect to the functions, powers, and duties conferred by this part, all the authority and be subject to the same conditions prescribed in section 5(b) of the Small Business Act with respect to loans, including the authority to execute subleases, assignments of lease and new leases with any person, firm, organization, or other entity, in order to aid in the liquidation of obligations of the Administration hereunder.”.

(2) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) **TITLE 38.**—Subsection (h) of section 3452 of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SEC. 4. TERMINATION OF EMERGING LEADERS PROGRAM.

Notwithstanding any other provision of law, effective October 1, 2011, the Administrator of the Small Business Administration may not carry out or otherwise support the program referred to as “Emerging Leaders” in the document of the Small Business Administration titled “FY 2012 Congressional Budget Justification and FY 2010 Annual Performance Report” (or any predecessor or successor document).

MOTION TO CONCUR

The **SPEAKER**, pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Rogers of Kentucky moves that the House concur in the Senate amendment to H.R. 2608 with an amendment.

The text of the amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–I line item in a budget activity within an appropriation account and an R–I line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this

Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the

amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. Notwithstanding any other provision of this Act, effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Pub-

lic Law 110-329), \$500,000,000 is rescinded, \$774,000,000 is hereby transferred to and merged with "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief", and \$226,000,000 is hereby transferred to and merged with "Corps of Engineers—Civil—Flood Control and Coastal Emergencies": Provided, That the amounts made available by this section for the Corps of Engineers—Civil shall be for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011: Provided further, That the amounts transferred by this section shall remain available until expended: Provided further, That each amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 126. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 127. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 130. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2011”.

SEC. 131. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 132. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 134. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 135. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 136. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 137. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 138. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act of 1945.

SEC. 139. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 140. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e–3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 141. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) PAYGO COMPLIANCE.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the lat-

est statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(c) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(d) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

SEC. 142. Effective on the date of the enactment of this Act, of the unobligated balances remaining available for “Department of Energy—Energy Programs—Title 17-Innovative Technology Loan Guarantee Program” pursuant to title IV of division A of Public Law 111–5, \$100,000,000 is rescinded.

This Act may be cited as the “Continuing Appropriations Act, 2012”.

The SPEAKER pro tempore. Pursuant to House Resolution 412, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise tonight to bring to the floor the continuing appropriations resolution to keep the Federal Government operating until November 18, 2011. Before you is a slightly amended version of the bill, which is necessary after last night's vote. I hope that my colleagues recognize the urgency of this situation and will join me in taking the responsible step and support this CR.

This bill must pass if we're going to keep our word to the American people. We need to get help to Americans who need it most, those who have lost their homes and their businesses to the unforgiving natural disasters that have beset us.

FEMA is rapidly burning through its emergency funding and its ability to help those people recover from the tornados, hurricanes, earthquakes, wildfires and other disasters.

Right now, at this minute, FEMA has \$200 million left in the coffers. They're spending at the rate of \$30 million a day for disaster relief. And at this rate, of course, they will be out of money over the weekend.

This infusion of funding—\$1 billion in emergency fiscal year 2011 disaster funding and \$2.65 billion for fiscal 2012—is critical. I can't stress that enough. And it will go far to relieve the burdens of those who are in need tonight.

This version of the bill creates an additional offset to the fiscal year 2011 emergency funding. In addition to the \$1.5 billion offset from the vehicle loan program, we are rescinding \$100 million from the Innovative Technology Loan Guarantee Program, a section of the failed Stimulus Act that funded the now-bankrupt company Solyndra.

The CR also continues government operations at a rate of \$1.043 trillion. That's the amount agreed to by the Congress and the White House in August as part of the debt ceiling compromise, and it is on the law books of the country. This reduced responsible rate will help restore our Nation's fiscal health.

It is vital that Congress pass this legislation as swiftly as possible. We must prevent a government shutdown, and we have to replenish exhaustive disaster recovery funds which will dry up over the weekend. And just as importantly, we need time to complete work on the fiscal year 2012 appropriations legislation so we can avoid the uncertainty and instability that we saw last year when it took us until April to complete full-year appropriations legislation.

I urge my colleagues to vote for this bill, not only to keep the government running, but also to help the hundreds of thousands of Americans relying on us to get them back on their feet all across the country.

I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may consume.

Mr. Speaker, I know as well as anyone that Members change their minds. I've heard a lot about that the last couple of days. But here we are debating essentially the same bill that we voted on yesterday. Many Republicans who voted “no” last night did so because they believed \$1.043 trillion is too much spending. The bill before us tonight spends \$1.043 trillion.

I will be the first to say every Member is entitled to change his or her mind; however, I am eager to hear my Republican colleagues who voted “no” yesterday answer why it is okay to vote “yes” today. And I hope these Members will not hang their hat on the one fig leaf of change in the bill. The bill now includes a rescission of \$100 million in emergency funding from section 1705 of the renewables DOE loan program. A rescission of emergency funds does not score as a reduction from the \$1.043 trillion.

Democrats voted “no” for two reasons: we strongly oppose taking funding from the Advanced Technology Vehicle Manufacturing program. This is a program that has proven to be a success in creating new jobs, and such a success that the National Association of Manufacturers and the Chamber of Commerce of the United States have both called upon the Congress to not cut out this program because, one, the money is repaid, and it is creating jobs—something the majority has not done in the months that they've been in the majority. This is a jobs program.

We strongly oppose the notion that efforts to help Americans rebuild their lives after floods, hurricanes, wildfires and other natural disasters should be put on hold until Congress can agree on

offsetting reductions in spending. We will continue to vote “no” because the bill continues to acquire an offset to provide disaster relief funding, and that offset is misguided. Republicans take \$1.5 billion from the Advanced Technology Vehicle Manufacturing program at the Department of Energy to pay for \$1 billion in disaster relief.

The Advanced Technology Vehicle Manufacturing program was started in 2008 to reinvigorate American manufacturing. To date, the program has awarded \$3.5 billion of credit subsidy to promote energy-efficient advanced vehicles and their component parts. The Department of Energy estimates the loan guarantees have created or maintained 39,000 jobs in California, Delaware, Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee.

Some have suggested that this program has been slow to spend emergency funding provided in the FY 2000 CR. I say the loan process ought to be strenuous. One company originally applied under a different loan program in 2006 and received an ATVM loan in 2010. It required 4 years of due diligence and review to qualify for the loan. Republicans seem to be issuing an ultimatum to all loan programs: expedite the review process or see your funding transferred away. By the way, the company in question, Tesla, employed about 400 employees before receiving the loan. Today, they have 1,400 employees in the field of engineering research and development, design, manufacturing, assembly, maintenance, and service, sales and support.

The ATVM program has an additional 18 loan applications in progress that are projected to create 50,000–60,000 more jobs in California, Florida, Illinois, Indiana, Louisiana, Michigan, Missouri, and Ohio. One pending application would support investments at 11 plants in Illinois, Indiana, Michigan, and Ohio. The company employs over 56,000 workers, having added nearly 9,000 new workers since 2009. Some of these jobs will be at risk because of this offset.

This is not the time to put American manufacturing jobs at risk.

□ 2330

That is why the National Association of Manufacturers expressed their support for the ATVM program in a letter to the Senate dated September 22, noting, “The ATVM program is an example of what government/industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs. The NAM believes defunding ATVM will hurt manufacturers and their employees.” And the Chamber of Commerce agrees with them.

Now, I think it’s time for us to stay with our position and vote “no” and get a clean CR. That’s what I asked the committee to do. We need a clean CR. We don’t need this offset.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Commerce, Justice, Science Subcommittee on Appropriations.

Mr. WOLF. Thank you, Mr. Chairman.

I rise in strong support of H.R. 2608, to provide the continuing resolution for the initial weeks. And I want to be sure that we keep the government open. And by passing this bill, we will keep the government open.

This bill is needed to keep vital government services and programs operating past the end of the fiscal year on September 30. As the gentleman from Kentucky has stated, the Committee on Appropriations has made great progress in moving 11 of the 12 annual bills. However, additional time is needed for the consideration of the other.

This continuing resolution, for anyone who questions it, conforms to the spending reduction targets that were agreed to by the House, the Senate, and the White House. It’s exactly the same number, and so no reason to vote against it. Specifically, the bill sets an annual rate that reduces overall discretionary spending by 1.5 percent from fiscal year 2011.

In addition, the bill provides disaster funding to provide much-needed assistance to individuals and communities suffering from hurricane and flood damage. The State of Virginia has been hit, as many others.

I urge all my colleagues to vote for this bill. By voting for the bill, we will keep the government open.

The American people sometimes think this institution and this town is dysfunctional. We can ensure that we can do our work. Pass this bill.

Mr. DICKS. I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE), the ranking member on the Homeland Security Appropriations Subcommittee and former chair.

Mr. PRICE of North Carolina. Mr. Speaker, here we go again. Just yesterday this continuing resolution failed because of widespread concerns with the plan to offset disaster relief funding from a key Department of Energy program. One day later we’re having the exact same debate. The only thing that’s changed is that the Republican majority has decided this time to target two Energy Department programs instead of one.

When the measure failed yesterday, House Republican leaders faced a basic decision. They could give up their efforts to hold disaster funding hostage to another partisan budget battle by removing the offset and passing the bill with a broad bipartisan majority.

Or they could make the measure even more extreme in order to cater to the most radical members of their party, without concern for the fact that

FEMA is just days away from running out of money, and communities around the country are waiting desperately for the support that’s been promised them.

Now, anybody who’s been watching this Congress for the last 8 months should not be the least surprised by the majority’s decision. Once again, Republicans have put partisan ideology ahead of the dire needs of the American people and are risking yet another destabilizing standoff over spending cuts in the process.

So now we’re debating, under a martial-law rule, a bill that is even worse than it was yesterday. It still seeks to pay for urgent disaster relief needs by taking money from a major job-creating program at the Department of Energy.

As I said in this Chamber yesterday, this is a radical departure from the way we have treated emergency disaster relief in the past. Over the past 10 years, Congress has approved 16 supplementals that included emergency funding for FEMA disaster relief in response to disasters such as 9/11, Katrina, Rita, Gustav, and Ike, and floods on the Mississippi, Missouri, and other rivers. None of these emergency appropriations for the disaster relief fund were paid for with cuts to other Federal programs.

Yesterday I heard several of my friends on the other side of the aisle claim that we’ve offset disaster assistance numerous times over the past decade. This is simply not accurate. Some of the supplemental bills that included disaster relief also included offsets, but these offsets were used to pay for entirely separate programs, never for FEMA’s Disaster Relief Fund.

As I said yesterday, this insistence on offsets is bad precedent, and it’s bad policy. It leaves disaster-affected communities in the lurch while undermining our economic recovery by cannibalizing an Energy Department program that stands to add tens of thousands of good-paying jobs in an industry critical to our future economic competitiveness.

And it goes even further than that by including a gratuitous and arbitrary rescission to another Department of Energy loan program, a change aimed at scoring political points against the President and winning Tea Party votes. But it has very little to do with balancing the budget or providing relief for those in need.

Moreover, rather than approving a bill that would win passage in the Senate, we are now sending over a measure that the Senate majority is on record opposing, causing more economic uncertainty, risking yet another manufactured crisis.

So, Mr. Speaker, I once again urge colleagues to oppose this measure, to support the Senate’s approach to disaster relief instead, which would fully fund FEMA’s needs without holding

them hostage to another partisan budget battle.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT), chairman of the Homeland Security Subcommittee on Appropriations.

Mr. ADERHOLT. I thank the distinguished chair for yielding.

Mr. Speaker, I rise in strong support of this must-pass resolution. This CR not only keeps the government operating, but it provides a substantial infusion of desperately needed funding totaling \$3.65 billion for disaster relief and emergency flood control efforts.

That's funding to sustain disaster relief efforts in hard-hit States all across this Nation, including the devastation that hit my home State of Alabama back in April of this year. That's funding to address the record flooding up and down the Mississippi River and along the east coast resulting from Hurricane Irene. That's funding to help tens of thousands of people who have lost virtually everything but the shirts on their backs.

Mr. Speaker, the time for talk and the time for politicking is over. It's time to pass this vital resolution, provide our Nation with necessary disaster relief funding, avert a government shutdown, allow Congress to scrub the administration's full disaster supplemental request, provide the needed oversight, and complete the work on the FY 2012 budget.

Mr. Speaker, I urge my colleagues to support this vital resolution and responsibly address our Nation's most pressing needs.

Mr. DICKS. I yield 4 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Energy and Water appropriations subcommittee.

Mr. VISCLOSKY. I thank the gentleman for yielding, and I rise in opposition to the measure.

During the debate on the rule on this measure, Joplin, Missouri was mentioned quite often. But I would mention that there is an emergency as far as Tuscaloosa, Alabama, is concerned; Hamburg, Iowa, is concerned; Cairo, Illinois, is concerned; Springfield, Massachusetts, certainly; Joplin, Missouri; Smithville, Mississippi; Williston, North Dakota; States like Vermont.

Subsequent to the rains and floods of this spring, we've had earthquakes, we've had wildfires, we had hurricanes.

The current need of the Army Corps is about \$2.257 billion, so the first observation I would make is the offsets that are set aside in this bill are certainly inadequate to cover that amount.

But there is a further emergency in this country, and that is the fact that, as of August of this year, there were 13,967,000 Americans who were without work. In the year 2000, 8 percent of the people who live in the great State of

Indiana were living in poverty. Today, 16 percent of the people in the State of Indiana are living in poverty, and for those we represent who are working today, for 1 hour's worth of their labor, they're making 53 cents less today in real purchasing power than they did in 1977.

□ 2340

Today, there are 6,643,000 less Americans working in manufacturing making a living wage than there were in 1977.

So the response is let's take \$1.5 billion out of an investment account where there are still 10 pending applications to try to make cars in this country more efficiently, more fuel efficient, and more desirable for consumers.

But earlier tonight we heard, Don't worry; the Chinese are going to help our car companies with financing. I'm affronted by that possibility. That's why we need this \$1.5 billion so maybe we could still make cars in the United States of America without the help of the Chinese Government.

I think this is a wrongheaded approach.

And then let's pile on. There's obviously a controversy about a solar company in California. I think perhaps it is a matter to be considered not only by oversight in the United States Congress but the Justice Department. But that's not a decision for us to make if wrongdoing has occurred. But you know what? Let's take it out on somebody else. Let's make sure there is not money available for other legitimate companies who are trying to increase jobs in this country and who are trying to reduce our dependency on foreign oil.

That wasn't the response I saw in this body in 2008. We had the major financial institutions in this country drive our economy into the ground. Did we ask them to give back their tax advantages? Did we punish them in any way? We gave them money. We should at least pick on somebody our own size.

We didn't ask anybody in Iraq or Afghanistan whether or not they needed an offset for emergency money for schools, for hospitals, for bridges. The people in Joplin, the people in Vermont, the people in these other communities, they need our help now. Traditionally, we have recognized the emergency, we have declared the emergency, and we have helped them out.

And when Bill Clinton was President of the United States, we declared emergencies like this on three occasions in 1998, 1999, and 2001, and we balanced the budget.

I oppose this measure.

Mr. ROGERS. I yield 3 minutes to a brand new Member of this body, Mr. Speaker, Mr. MARINO of Pennsylvania.

Mr. MARINO. My father taught me a long time ago not to make a speech or give an opinion unless I thought it was

important. I think tonight it's important, and I hope that you also think it's important.

I would never question anyone's motives and ideals. However, we are here tonight to meet the immediate needs of the people that we represent.

This vote is not about politics. This vote is not about Republicans or Democrats. This vote is not about cut or not cut. This vote is about coming to the aid of the American people whom we represent, the people who have been devastated by floods. People like friends and neighbors, seniors and children in the 10th Congressional District of Pennsylvania and on the east coast. It is heartbreaking and it is heart wrenching. You must see it firsthand to understand it.

The Federal Government's main purpose is to protect its citizens from disaster, both from terrorism and from natural disasters.

My staff and I stood in mud, waste, and stagnant water over the last 3 weeks along with families who lost everything: furniture, clothes, photos, toys stacked outside of their homes that were destroyed or condemned. If each of you stood where I stood, I know in my heart that because you are compassionate, this bill would have been passed by now.

I tried to comfort children who were sitting in cars or on car rooftops and in truck beds because they could not get into their home that was condemned and filled with the same stagnant mud and water and waste and snakes that were outside their homes. I talked to grown men that were crying because their homes were destroyed and asked me, Where am I going to safely put my family tonight?

A little girl not more than 8 years old asked me where she was going to sleep because she no longer had her bed and her bedroom in which she and her sister slept.

Seniors were trapped on the second floor of their home because the first floor was flooded. Small businesses were completely wiped out.

I plead with you, I implore you, I beg you to pass this flood relief now for our people who do not have the basic comforts that those of us here have. The American people are depending on us to give them a hand up, and they deserve our immediate attention.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the ranking member of the Commerce, Justice, Science Subcommittee, Mr. FATTAH of Pennsylvania.

Mr. FATTAH. If we could have a vote to provide disaster relief, every Member in this Chamber would cast a vote in the affirmative. What we're asked to make tonight is a Solomon-like choice between tens of thousands of jobs for Americans who desperately need them and a limited amount of disaster relief. That is not a fair choice.

And I guess the majority wasn't happy with the polling that showed that only 12 percent of the public thought that Congress was doing a good job or 13 percent. We dropped to 12. I guess we're trying to get into the single digits.

What we need to do is to do our work.

Now, this is a program where Ford Motor Company borrowed a loan guarantee at 5.9 to put people to work, some 30,000 people to work in Michigan and Illinois, Kentucky, Missouri, Ohio. This is a program that's working, that taxpayers' money is paid back through these loan guarantees.

The National Association of Manufacturers in today's National Journal says that we now, as we have, lead the world in manufacturing with 21 percent of globally manufactured products. But China is now in second place at 15 and Japan has dropped to third at 12. Why would we want to concede our leadership in this world in manufacturing?

In the Republican decade under the Bush White House we lost 350,000 manufacturing jobs. We saw tens of thousands of small manufacturers close down in our Nation. Now, this administration, people talk about the number in August, but let's look at the entire 20 months of the Obama recovery—2½ million jobs led by increases consistently in manufacturing.

I ask that we reject this CR. I hope that the majority would come to the House with an approach that would actually respond to the disasters that we face without asking us to put more Americans out of work.

Mr. ROGERS. I yield 3 minutes, Mr. Speaker, to the chairman of the Financial Services Subcommittee on Appropriations, the gentlelady from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Thank you very much.

Mr. Speaker, I rise in support of the resolution. It is a responsible measure. It makes good on the promises we must keep to members of our military, to our veterans, and to Americans who rely upon the essential functions of the Federal Government.

It cares for the needs of millions of Americans who have suffered from the effects of dramatic natural disasters, including the folks in my State of Missouri who live in Joplin, who live along the Mississippi in my specific district, who live along the Missouri River in the northern part of our State.

□ 2350

These folks can't wait another day for help because people are playing politics with this bill. The House and the Appropriations Committee are dedicated to a responsible process, and this bill reflects the amount of time needed to complete that work.

I think we've realized this year on both sides of the aisle that we have to bring the size and the spending of the

Federal Government into line with reality. In the hearings and markups that we've conducted in the House and in the negotiations to make specific and significant spending cuts, not only this year but also in each of the next 10, and through the budget process, we have laid the groundwork for a new era of stewardship for our taxpayer dollars.

In addition to our covenant with members of the military, with veterans, with the families depending on a helping hand up, and for Americans who are really suffering from true emergencies that have devastated their homes, like Mr. MARINO said—their jobs and their lives—we do have a responsibility to the American taxpayer and to future generations who cringe at the sight of our debt and our deficits.

Mr. Speaker, this bill allows us to work in good faith, to make good on both our promises and our responsibilities. I urge my colleagues on both sides of the aisle to, once again, put politics aside and support it here tonight.

Mr. DICKS. Would the Speaker tell us how much time both sides have.

The SPEAKER pro tempore. The gentleman from Washington has 14½ minutes left, and the gentleman from Kentucky has 18 minutes left.

Mr. DICKS. I yield myself such time as I may consume.

Today was a very dramatic day on the stock market. The Dow Jones dropped 500 points because investors are worried that we're headed into a second recession; and what we get from the majority party is to cut out a program that creates jobs. The Advanced Technology Vehicle Manufacturing program has already created 39,000 jobs. It's going to create another 39,000 with the \$2.5 billion that remains, and the \$1.5 billion that we're taking out of there would create another 10,000 jobs. These are jobs. The only way we're going to get unemployment down is to put people back to work.

And here we are again. After saving all these other programs—cutting people out of work in the public sector—now we're going to cut out automobile jobs. Let me read to you what the National Association of Manufacturers has to say, which is not an organ of the Democratic Party:

"The NAM is the largest trade association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 States. We are the leading voice for the manufacturing economy, which provides millions of high-wage jobs in the U.S. Two-thirds of our members are small businesses, which serve as the engine for job growth. Our mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth.

"The NAM is writing to express our support for the Advanced Technology Vehicle Manufacturing program—" this is the program that we're taking \$1.5 billion out of—"authorized under the Energy Independence and Security Act of 2007 with bipartisan support and signed into law by President Bush. The ATVM program is an example of what government/industry partnerships can accomplish. It has helped create and preserve thousands of auto sector jobs and put our Nation on a path towards greater energy security. The NAM believes defunding ATVM will hurt manufacturers and their employees."

I mean, if you had to go out and find a business group in this country that has more credibility, I don't know what it would be. It's the National Association of Manufacturers.

The Chamber of Commerce, which is also not an organ of the Democratic Party, says: "As Congress sets spending priorities, the Chamber wishes to highlight a few important facts about the Advanced Technology Vehicle Manufacturing loan program.

"First, the program was authorized in the Energy Independence and Security Act of 2007, which was supported by both Republicans and Democrats as an important step in reducing America's dependence on oil from unstable regimes.

"Second, ATVM loans, which will be repaid with interest, incentivize automakers and suppliers to build more fuel-efficient advanced technology vehicles in the U.S., providing new opportunities for American workers in a sector of the economy that is critical to the Nation's recovery.

"Third, the fact that the Department of Energy has yet to use the funds Congress appropriated for the program is not the fault of industry. Numerous loan applications have been in the queue for years, waiting for the administration to complete its due diligence."

That line started in the previous administration. So this is a jobs program.

I say to the gentleman from Pennsylvania, we want to take care of those people who have suffered disasters. We want to take care of them. We will take care of them, but we also want to provide jobs for Americans who are unemployed. If I were in your shoes, I'd support jobs for workers and also take care of those people who are suffering because of a disaster.

Now, these are Republican-leaning organizations. They get it. Just vote "no," and let's get a clean bill and do the right thing for the country.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield 3 minutes, Mr. Speaker, to the chairman of the Interior appropriations subcommittee, the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

I loved listening to the gentleman from Washington's debate. Now, if the gentleman wants to really create some jobs in this country, we can create hundreds of thousands, if not millions, of jobs if we'll start getting oil going back in the gulf and permitted. The gentleman talked about not being so reliant on foreign oil. We've got rigs right now that were in the gulf that are off the coast of Africa because they can't get permitted in the gulf. Now, do you want to create millions of jobs? Join us on that, and let's create millions of jobs.

The gentleman talked about, geez, he just doesn't understand how people could change their votes. People actually sometimes learn more information and decide that they were wrong the time before and that now they'll change their votes, just like some people on that side of the aisle who actually issue press releases saying that they were going to support this CR and then change their minds. That's okay.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. I didn't put out a press release, but I'll tell you one thing. I listen. I listen to the Chamber of Commerce and to the National Association of Manufacturers. I listen.

Mr. SIMPSON. I reclaim my time.

Mr. Speaker, I rise tonight in support of this continuing resolution. This CR is vital to keeping our government operating over the next 7 weeks while Congress completes its work on next year's budget.

It's worth reminding Members that tonight this CR actually reduces spending from last year's enacted levels and saves taxpayers billions of dollars. The irony is that voting against this CR is actually a vote for more spending. If you want to reduce government spending, then you should vote for this CR. It's pretty simple, really.

FEMA's coffers for disaster assistance are about to run dry. There is no such thing as a Republican natural disaster or a Democrat natural disaster. The last thing Congress should do is hold up disaster assistance because of partisan politics. We need to approve this CR tonight and get the relief to those in need as quickly as humanly possible.

Now, I've got to tell you, in all honesty, I'm not one of those people who believes that we have to offset every emergency. We have done some in the past—some we have not—but in the past, we have not had a \$14 trillion deficit. That's the danger to this country is the \$14 trillion deficit and the \$1.6 trillion we add to it every damned year.

I've got to admit, this is only \$1 billion. But do you know what? Some people say, Oh, that's only \$1 billion. I

heard one Member say yesterday it was nickels and dimes. In Idaho, \$1 billion is not nickels and dimes. We did not get into this situation a trillion dollars at a time. We got here a million and a billion dollars at a time, and that's how we're going to get out of this situation. So let's do our job and do what's right for the country and get this deficit under control; and if we can offset it, let's offset it.

□ 0000

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to refrain from using profanity in debate.

Mr. DICKS. I yield 4 minutes to the distinguished ranking member of the Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. This is not a debate over compassion. This is not a debate over who cares more about the people in Joplin or the people in Vermont. This is a debate about what the Republicans, what the Tea Party has decided to use as an excuse, as a guise to finish off the revolution that the Democrats have put in place that changes our relationship with where we get our energy from.

Big Oil and Big Coal have fought solar, wind, all-electric vehicles, biomass, geothermal, that entire revolution because they know that it will eat into their profits.

So a disaster occurs that each of us wants to respond to. The Republicans, responding to the oil and coal industry, say this is our chance to kill the revolution that makes it possible to have vehicles go 50, 60, 80, 100 miles a gallon without oil, no oil, that makes it possible for us to have wind and solar generate the electricity that will fuel those vehicles without sending greenhouse gases up into the atmosphere, which is changing our climate and leading to these storms, leading to these floods, leading to these disasters that then needs FEMA, need the relief that we give to these families. So they take the chance, they take the opportunity to kill the very programs which are the solution to these disasters which are being created here in our country and around the world, the agenda of Big Oil and Big Coal.

And the temerity of it all is that they know that the automotive program has already created 39,000 jobs in our country over the last 3 years and that this one cut that they are talking about tonight will kill 10,000 jobs over the next year. In the solar industry—and, by the way, they cut out \$100 million in solar and wind guarantees as well.

Right now, ladies and gentlemen, there are 85,000 jobs in the wind industry, almost all of them created in the last 4 years. There are 85,000 jobs in the coal industry. In other words, in the

last 5 years, wind now equals the entire coal industry. There are 100,000 jobs in the solar industry, and last year we were a net exporter to China; 100,000 jobs in solar, 85,000 jobs in wind, and it is the future.

The oil industry laid off 20,000 employees over the last 3 years. Let us talk here about future, about young people, about this planet, about backing out the oil from OPEC so we can tell them we don't need their oil any more than we need their sand. That's what this debate is about tonight.

And under the guise, with these crocodile tears of how much they care about the victims, as though it's any greater on our side, they are using it as the guise to kill these programs. That's what it's all about tonight. That's why we're angry. That's what this is all about.

Mr. DICKS. Will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Washington.

Mr. DICKS. Isn't it true that these alternative energy programs all create jobs?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Don't they all create jobs, these alternative energy programs? So instead of just having the automobile program that creates jobs cut by \$1.5 billion, now they are taking \$100 million out of another program that creates jobs for the American people, so this is a double header.

Mr. MARKEY. They could have taken this money out of the \$41 million of gas breaks for the oil and gas industry, but, no, they take it out of solar, they take it out of wind.

And by the way, wind and solar, with the same amount of money, creates five times more jobs than an investment in fossil fuels does. So they keep the money in for the programs that create three to five times less jobs than the program they are knee-capping here this evening. That's what this vote is all about.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Is Solyndra part of the revolution that the gentleman is talking about?

Mr. MARKEY. Solyndra will receive no money under this program.

Who will receive this money? Indiana will receive the money.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DICKS. I yield the gentleman 15 additional seconds.

The program was started under the previous administration, the Bush administration. The last day they tried to force it out, to have it approved, and

it was turned down by the good staff at the Department of Energy.

Mr. MARKEY. So they will not receive a nickel under this program. The oil and gas industry will receive that money as they tip the people of our country upside down and shake the money out of their pockets.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART) a valued member of our committee.

Mr. DIAZ-BALART. Mr. Speaker, what the previous gentlemen did not say is that Solyndra received \$500 million because they have friends in high places. Despite even people in this administration who said don't do it, they received \$500 million. If that was in a different country, we wouldn't call it waste; we would call it corruption. But we won't do that here. The gentleman didn't say that.

He talks about the revolution. This cuts \$100 million from a program that gave because of influence, because of friends in high places, because of bundlers of campaign contribution funds to a corporation that went bankrupt and laid off a thousand people after receiving this money.

Mr. DICKS. Will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Washington.

Mr. DICKS. I would just point out that one of the largest investors was Walmart, and Walmart has a long history of supporting Republican candidates. And I will just say, I will just say they invested, I think, \$3 or \$400 million. So there was a lot of private sector investment here, too.

I appreciate it.

Mr. DIAZ-BALART. I reclaim my time.

Despite what the gentleman says, Mr. Speaker, the previous President's administration denied the funding for Solyndra because they knew it was a scam, regardless of anything else. This administration did that.

Now, the reason we have to support this CR—let's cut politics aside. Let's not talk about revolutions of money blown like stimulus money, that was blown. The reason this CR makes sense is because there are people who are suffering from natural disasters. This CR funds that program and it helps them out. And the reason this is important is because it controls the size and the cost of the Federal Government that is totally out of control.

So no more gimmicks, no more giveaways to friends of friends because of high pressure.

Let's pass this CR so we can keep the government rolling, so we can slow down the growth of government, and so we can help the victims without corruption of those who have friends in high places.

Mr. DICKS. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to a valued member of our committee, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I too rise in support of this continuing resolution. It will fund the government through November 18. It takes care of many of our disaster needs.

As you heard from my colleague so eloquently, Mr. MARINO of Pennsylvania, you heard about the plight of so many people in towns like Shickshinny and West Pittston who are living in the front yard in the cars. People are broken. Communities have been ruined, and so we need to pass this bill.

I urge you to support this bill.

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I've heard a lot of talk tonight about manufacturing. My dad's family spent 100 years making industrial hardware in Pennsylvania. If you really care about manufacturing, some of you might have considered voting for a bill last week to allow the Nation's largest exporter to open up a billion-dollar facility in the State of South Carolina to hire a thousand people to make aircraft. If you really want to help manufacturing, you should've voted for that bill.

You can also help us in stopping EPA's assault on the coal industry and on the cement industry. I represent the largest cement-producing district in America. These industries are in trouble, and they're under assault by this EPA. Help us. There'll be measures considered here to deal with them.

If you are truly concerned about manufacturing, innovation and research, you wouldn't have slapped a 2.3 percent tax on medical devices. It's going to kill tens of thousands of jobs in this country. We make a lot of devices in my part of the world, in Pennsylvania and New Jersey. We need help. Our manufacturers need help.

So rather than defending a company out in California that just wasted \$500 million, down the drain, taxpayer dollars, 1,100 people out of work, let's do something to help manufacturers. And most importantly, let's pass this bill tonight to help so many people who are struggling throughout this country in Pennsylvania; New Jersey; New York; Vermont; the people of the South; Joplin, Missouri; and elsewhere who have been affected by these horrible natural disasters. Please, stand up, do the right thing and vote for this continuing resolution.

Mr. DICKS. I continue to reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), a hardworking member of our committee and a newcomer to the Congress.

Mr. WOMACK. Mr. Speaker, I thank the distinguished chairman of the Appropriations Committee for the time.

I know the hour is late. It's been a long time. Soon we will complete action on this temporary spending measure for 2012. Obviously, it is work that has to be done. As my friend, the distinguished Rules Committee chairman appropriately quoted earlier this evening: the process has been ugly. It has been messy; but it works.

The good news is that most of America has gone to bed and not witness to the bickering and rancor evidenced in this Chamber. I can only hope that when they wake up tomorrow, we will have done the people's work, funding government beyond October 1, giving necessary funding to the victims of natural disasters, and doing it such a way that promotes the kind of fiscal responsibility long demanded by the people of America.

It will be sad, indeed tragic, if when the sun comes up tomorrow, this Congress, instead of bringing certainty and relief to those struggling, as this CR does, we impose yet another threat of a government shutdown and more uncertainty into an already skeptical populace.

This legislation up until yesterday, Mr. Speaker, had bipartisan support. And only because my friends on the other side of the aisle recognized that many on our side preferred much deeper cuts and might be predisposed to opposing the CR, they pounced on it. And quickly, in an instant, that bipartisan support disappeared into the bowels of the business as usual. In other words, Mr. Speaker, it was politics ahead of the people.

Let's remember that this CR we'll vote on in the next few minutes was crafted based on the numbers outlined in the BCA approved in this Chamber just a few weeks ago, complete with desperately need disaster funding, reasonably and responsibly offset.

I urge my colleagues to support the CR.

Mr. DICKS. I continue to reserve the balance of my time.

Mr. ROGERS of Kentucky. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Kentucky has 9 minutes remaining. The gentleman from Washington has 4¾ minutes remaining.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE), a member of the committee.

Mr. NUNNELEE. Mr. Speaker, I rise in support of this resolution. The question we're debating tonight is not whether we give aid and assistance to those of our neighbors that have been hit by serious disasters. We all agree that's the appropriate thing to do. The question is do we cut spending elsewhere to pay for that assistance.

Now, what our friends on the left have told us is, look, that's not the way we've done it in the past. In fact, we've always done it by just going

ahead and spending without any offset. Doing it the way we've always done it has put us \$14 trillion in debt.

What we have to do is exactly what the people of Monroe County, Mississippi did on the night of April 26. Those families had dreams. They had hopes; they had plans. And on April 27, the tornados hit and their plans changed, and they redirected their spending plans to take care of the disaster. Now, if the families in Monroe County, Mississippi have done that, they have every reason to expect their government to do the same thing.

Now, we've been told, But we need some government program to create jobs. If we will give the American people the assurance that their government is serious about cutting spending like this bill does, we'll give them the confidence to create jobs. If we remove the regulatory burdens, American businesses will create jobs. And if we give them the assurance that we're not going to raise their taxes, the American economy will thrive and create jobs.

Mr. DICKS. I yield the balance of my time to the distinguished whip of the Democratic Party, the gentleman from Maryland (Mr. HOYER), one of my goodest, best friends.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 4¾ minutes.

Mr. HOYER. Mr. Speaker, this is a legislative arena, not a coliseum to attack one another. It is a legislative arena to try to come together to do what the American public expects us to do.

There are at least two crises confronting the American people, and perhaps three. First of all, they are concerned about the fiscal posture of this country. They're right. We need to address that.

Secondly, they're concerned about jobs. And immediately, as the gentleman from Mississippi just pointed out, and the gentleman from Pennsylvania who spoke earlier, they are concerned about the disasters that have put them at risk. And I suggest to you the people in your district and in my district who don't have a job, who aren't sure how they are going to pay their mortgage and aren't sure that they are going to be able to buy food tomorrow believe that they too have been confronted with a disaster. They want us to deal with all three of those items and, yes, perhaps more.

Many of you have stood on this floor and said we need to act now to help these people who have been the victims of hurricane, of quake, of fire, of flood. Now, if you want to act now, what you bring to this floor is a bill that is not controversial so it does not get mired in this bickering back and forth, because we care deeply about responding now.

This bill has never enjoyed bipartisan support from my perspective, and I told

your whip that on Tuesday. There was no surprise. We believe strongly that the provision that you have put in this bill is detrimental to working people and the expansion of our economy. You perhaps do not agree on that. Perhaps we have a legitimate item of disagreement. And so if you were really concerned about those flood victims, about those hurricane victims, you would have taken that out and met that issue another day. But you chose not to do that.

You chose to continue the partisan path of placing at risk the continued funding of government through November 18, which you have all expressed a desire to do, and jobs, not that Democrats say are advantaged by the provision you want to strike, but the Chamber of Commerce and the National Association of Manufacturers.

□ 0020

They say it puts jobs at risk. Your folks in Pennsylvania, I tell my friend, will not be helped if this bill continues to be mired in partisan differences. And you knew there was a partisan difference, and notwithstanding that, you brought it back to this floor. Now I understand there are some of you that were concerned that this was \$1.043 trillion rather than \$1.019 trillion. That's been changed for you now. And I'm sure all your Tea Party friends are going to be very enthusiastic that for four-tenths of a percent you perhaps have changed your vote. My, my, my. Four-tenths of a percent. That's the difference in this bill from a fiscal perspective.

My friends, Americans need our help. They don't need Republican help or Democratic help; they need all of our help. They need it now. They need it not mired in partisan bickering, as my friend said from Arkansas. They need us to come together on that which we can agree, giving our folks help when they need it—now. And I will tell you that the Senate determined that there was twice the need—indeed, three times the need—that you have determined.

Ladies and gentlemen, let's defeat this bill and let's bring tonight or tomorrow morning a bill that I guarantee you will pass overwhelmingly in this House.

Yesterday, we were hoping to vote—Democrats and Republicans together—on a bipartisan bill to fund the Government through November according to the budget deal we had agreed upon.

We did vote together, as it turns out, in bipartisan opposition, though for very different reasons.

Democrats opposed it because it was too extreme, endangering emergency funding to help our constituents hit by disasters and threatening to cut from a program that actually creates jobs.

Some Republicans voted against the CR because it wasn't extreme enough.

Now, we have been waiting all day for the Republican leadership to send us a bipartisan bill that should have voted on yesterday.

Unfortunately, the bill we're voting on tonight shows they didn't receive the message.

Not only have they put forward the same bill that failed yesterday, with the same troublesome offset and cuts as before, they have worsened it by casting a line to extreme members of their party.

Those Members who wanted an additional \$24 billion cut yesterday, I suspect, will not be lured by \$100 million tonight.

That is just four tenths of one percent of what they were demanding.

This new addition to the bill, which would cut loans for the construction of renewable energy projects that create jobs, is essentially an empty political attack on the administration.

Now is not the time for political games.

The American people want us to get serious on the deficit, and we had agreed on a way to do so.

They want us to get serious on jobs and this CR does just the opposite.

The CR we need to pass is one that adheres to the August budget deal.

There is already bipartisan agreement in the Senate on how to handle emergency disaster assistance, and we should follow that example.

Let's have a vote on a CR we can pass, one the senate can pass, and one that isn't set up to drive the parties further apart on budgetary issues.

Let's see a version that will bring us together.

As I said yesterday, I am ready to cast my vote for that CR, and I know other Democrats feel the same way.

I urge my colleagues to oppose this version, and I sincerely hope the Republican leadership will recognize why and work with us to do what's best for our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Chair.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of the time.

This really is a simple bill. It's merely a bridge to get us until November the 18th to continue the government basically as is until that time, to get us time to work with the Senate to put together the funding for all of fiscal 2012. NORM DICKS and I started out this year agreeing that we wanted to restore regular order to the Appropriations Committee and the process. And we've worked in that regard. The committee has dealt with 11 of the 12 appropriations bills. Six of them you've had a chance on the floor to amend and pass, which you have.

Unfortunately, our brethren across the Capitol have been a little bit slow, and they passed one bill, which necessitated that we do something to continue the government while we try to work with them to bring them along on their bills and fund fiscal 2012.

This bill started out as a bipartisan bill. We worked to make it so. But

along the way, on the eve of the bill, all of a sudden we were confronted with a partisan attack from this side of the aisle, and we had no choice but to respond. But still yet this is a bipartisanly constructed bill. It doesn't attack anyone.

The Homeland Security bill that passed the body, you will recall, carried the provision that required that the billion dollars in that bill for FEMA would be offset from the automobile account that's been discussed. That passed this body in a bipartisan vote. Many Democrats voted for it, joined Republicans. No one raised a concern—until this bill came to the floor. And all of a sudden, there was this great eruption of partisanship on that side of the aisle, which I am very sad about.

But we will muddle through. This is a good bill. It funds your government at the level that was agreed to by the parties in the House, Senate, and White House, the level that is now the law. It funds us until November 18. And by then we hope to have worked out with our Senate brethren and sisters the funding for the rest of fiscal 2012.

So, the hour is late. Time is short. We've made up our minds. Let's vote.

Mr. CONNOLLY of Virginia. Mr. Speaker, here they go again—House Republicans are driving America once more to the brink. They took us to the edge of a shutdown in April. They shoved us to the precipice of America's first ever default in August. And now after their similar attempt failed yesterday, House Republicans are again playing politics with the American economy, and American families.

Hurricane Irene leveled homes and businesses in the Northeast. An earthquake destroyed businesses in Mineral, Virginia. In my district, Tropical Storm Lee left hundreds of families homeless and damaged dozens of small businesses. And yet in this Continuing Resolution, House Republicans state they will only help those in extremis if we gut the Advanced Technology Vehicle Manufacturing program—a successful program that spurs American innovation and creates American jobs.

In fact, the U.S. Chamber of Commerce urged the retention of this important program stating it “promotes manufacturing in the U.S. and is an important component.”

Americans don't need brinkmanship; they need predictability and security. This Continuing Resolution gives them neither. I would urge my colleagues to reject it in favor of one that protects Americans.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 2608, “The Small Business Program Extension and Reform Act of 2011,” which provides for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 at the expense of job creating efforts.

The bill before us today is almost identical to the bill that we voted against yesterday. Mr. Speaker the bill before us will hurt jobs. The central issue before our country is jobs and the creation of jobs to secure our economy.

We need to focus on talking about jobs. Instead, we are now once again focused on a measure that was rejected yesterday. The amendment added to this bill is clearly a desperate attempt by my Republican colleagues to pass their own ideological Continuing Resolution. This amendment would keep the same offset for disaster relief which will result in a \$1.5 billion cut to the Advanced Technology Vehicle Manufacturing Program (ATVM), which has been a proven job creator, it created 35,000 jobs in the private sector. The purpose of the program is to enable American businesses to build the cars of the future that could be sold to China, rather than the reverse. It is intended to give us a technological boast in the auto industry. As if this was not enough, the amendment adds an additional cut—a rescission of \$100 million from the Recovery Act Renewable Energy Loan guarantee program, which is another cut to a program that creates jobs. A move to secure the votes of members concerned about the few party interests not the interests of Americans. This legislation causes the loss of American jobs!

The only broken record that I want to hear is the mantra of how to create jobs. Let us focus on putting the American people back to work, rather than bringing back measures that failed to garner support yesterday. I implore my colleagues to recall the reasons they rejected this measure in the first place and to do so again. Americans have always come to the aid of those in need, after a natural disaster.

Americans demonstrate a level of compassion that should not be damped by measures like the one before us today. Disaster relief funding is not a political football; it addresses the needs of Americans who find themselves the victims of unforeseeable natural disasters. It is born out of our nation's desire to aid those who are in need.

Now . . . now is not the time to trample on the needs of small business owners. Now is not the time to delay assistance to those who need support from FEMA. Now is not the time for a partisan position that will only cause more Americans to suffer while they have to wait on Congress to find balance. Now is the time for balance and reason.

Small businesses have long been the bedrock of our nation's economy. Even with the advent of modern-day multi-national corporations most of our day-to-day purchases take place at “mom and pop” small businesses.

This piece of legislation holds small businesses hostage in order to make a demand that has never been made by Republicans before. This demand changes their practice during previous administrations. In the past my colleagues declared disaster funding as emergency spending and did not require offsetting emergency spending.

This bill would offset the \$1 billion in FY11 disaster relief funding using a program that is a proven job-creator, a program for small businesses. The very small businesses that are currently in need of access to loans and other lines of credit in order to build their businesses and create jobs. The very small businesses that are the life blood of our economy. These businesses, the “mom and pop” shops across our nation are being held hostage by my colleagues across the aisle at the expense of jobs.

The future successes of their businesses are being held hostage in order to demand offsets of funds that have not required such an offset in the past. These funds would aid victims of natural disasters. To propose such a measure at a time when our economy is so fragile and when so many are struggling to survive is unfathomable.

At a time when our nation needs every single job we can create. Before us is a job killing measure. We need job creation to help families survive on smaller and smaller pay checks. Before us is legislation that places a halt on this growth. My colleagues on the other side of the aisle for the first time in our nation's history have added to this piece of legislation a requirement that disaster aid be offset. The Federal Emergency Management Agency (FEMA) needs the \$6.9 billion in funding which has been approved in the Senate last week without requiring offset. My colleagues have cut this funding in half. They have offset this funding by decreasing the funds allotted by ending the Advanced Technology Vehicle Manufacturing loan program. These cuts cost Americans tens of thousands of jobs. Under the previous administration Republicans supported disaster relief without requiring an offset, on eight separate occasions but today they want to require cuts that will result in job loss.

As the Representative for Houston, which suffered severe damage in 2008 as a result of Hurricane Ike, I understand the importance of cleanup and rebuilding in the wake of natural disaster. Federal Emergency Management Administration (FEMA) addresses the challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

We must fund disaster relief. These are unforeseeable events. The devastating hurricanes in Texas in recent years is a perfect example. Our response to those events have demonstrated a need for significant improvement. During Hurricane Katrina, there were insufficient quantities of generators that forced hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

We must prepare our first responders with the best information and training to quickly analyze and share information to understand alerts and warning systems, evacuation planning, mission assignments to other agencies, contingency contracting, pre-staged resources, Regional Hurricane Plans and exercises, communications support, citizen preparedness, disaster housing, and long-term recovery planning. In order to accomplish this we must fund FEMA, not at the expense of small business but because Americans come together at times of crisis. This should be what it has always been—emergency funding.

Emergency preparedness is not the exclusive responsibility of the federal government or

individual agencies within it. State and local officials, nonprofit organizations, private sector businesses, and individual citizens must all contribute to the mission in order for our Nation to succeed at protecting life and property from disasters. Recovery and mitigation are critical to protecting communities from future threats, and our ability to respond will suffer if we do not focus attention and resources on those missions.

On any given day the City of Houston faces a widespread and ever-changing array of threats, such as terrorism, organized crime, natural disasters and industrial accidents. Cities and towns across the Nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. This collaboration and cooperation undergirds our security posture at our borders and ports, our preparedness in our communities, and our ability to effectively react to crises. Consider the devastation that was brought by the tornadoes in Alabama and the Southern United States, the flooding that has impacted the entire Mississippi River region, from Montana to Tennessee, and tornado that claimed more than 100 lives in Joplin, Missouri, have shown us that there are disasters we cannot predict, and forces of nature for which we cannot plan.

This legislation is a job killer, it is an affront to growing small businesses and will destroy thousands of jobs. I have been firmly committed to supporting small businesses and this legislation as written will fail to help create the jobs we need at this time. We should not prevent the growth of small business in order to address the unrealistic demands related to disaster relief funding.

Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses' loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to

meet local needs. There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses. It is also important that we work towards ensuring that small businesses receive all the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration (SBA), a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program women and minority owned businesses aware of all of the contract opportunities available to them.

Facts: Small businesses are important because they:

- (1) Represent 99.7 percent of all employer firms,
- (2) Employ just over half of all private sector employees,
- (3) Pay 44 percent of total U.S. private payroll,
- (4) Generated 64 percent of net new jobs over the past 15 years,
- (5) Create more than half of the nonfarm private gross domestic product (GDP),
- (6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers),
- (7) Are 52 percent home-based and 2 percent franchises,
- (8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,
- (9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Republicans appear to be a mission to cut programs that help families and will buttress small businesses. At a time when there are Americans faced with the perils which arise during cleaning up after a natural disaster. Now is not the time to force those Americans to wait on a partisan battle, to pick a fight that has not been fought in eight previous authorizations of funds for disaster relief. There needs to be a balance when determining which programs to cut and when. A balance to finding the funds that will address national disasters. A balanced approach is important to ensuring that small business receive the support they need.

I stand here once again asking my colleagues to remember that just yesterday we opposed this bill. I implore you to do this once more. I support small business and job creation. I will not support small business growth being held hostage to the unrealistic demands made by my Republican colleagues. American families need measures that are job growers rather than measures that are jobs killers.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 2608, the Continuing Resolution for the 2012 fiscal year.

This year, our country has faced perhaps the worst string of natural disasters in a generation. Flooding in the Upper Midwest and Northeast, tornadoes in the Midwest and Southeast and wildfires in Texas have caused an estimating \$35 billion in property damage in 2011. These disasters are yet another indication that our burning of dirty fossil fuels is causing our climate to change, resulting in more frequent and destructive severe weather events.

The government has a responsibility to aid the victims of these events by funding cleanup and recovery efforts. But the Continuing Resolution that we are considering today pays for disaster relief by slashing funding for an important clean energy technology program—undercutting the very solutions that are an essential part of combating the causes of climate

change and building a clean energy, 21st century economy.

This kind of reasoning could make sense only in Washington. It makes as much sense as cutting vaccine funding to pay the costs of a measles outbreak, or cutting funds for aerial fire retardant chemical stocks in order to pay for the horrific fires in Texas.

In addition, this program, the Advanced Technology Vehicles Manufacturing Program (ATVM), has already created jobs for over 40,000 Americans. The Center for Automotive Research credited the program with bringing the production of the Ford Focus, a vehicle that gets 40 miles-per-gallon, from Mexico to Detroit. If Congress simply leaves ATVM alone, it will create employment opportunities for another 35,000 to 40,000 Americans in the heart of the manufacturing belt, by the end of the year.

In the past, Congress has always come to the aid of those affected by disaster by paying for federal recovery efforts without conditions. The Bush Administration requested supplemental emergency disaster funding on eight occasions, and each time Congress agreed, often passing these measures with large bipartisan majorities.

This time should be no different. This disaster relief offset should be removed. This is not the way we care for our fellow Americans in a disaster. We're better than that. I urge my colleagues to support continued funding for clean energy technology to create jobs and invest in a 21st century economy and oppose this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to provide explanation and clarification of the intended budget effects from the anomaly related to the U.S. Postal Service that is contained in H.J. Res 79, the Continuing Resolution (CR) for Fiscal Year 2012.

H.J. Res. 79 would postpone from September 30, 2011 until November 18, 2011 the payment due from the Postal Service, which is off-budget, to an on-budget account managed by the Office of Personnel Management (OPM).

The Postal Accountability and Enhancement Act of 2006 requires the Postal Service to make a \$5.5 billion payment to OPM by September 30, 2011 to pre-fund retiree health benefits. However, the Postal Service does not currently have adequate funds to make this payment. To address this issue, the CR includes a provision that will delay the payment to provide time for the Postal Service to work with Congress and the Administration to develop a long-term solution.

If only the on-budget effects were counted, this delay would score as an increase in spending in 2011, but then produce savings in 2012, resulting in additional room for spending under the caps on discretionary spending established in the Budget Control Act of 2011. To prevent this unintended consequence, the House Budget Committee scored this anomaly on a unified basis, so that both the on-budget and off-budget effects were counted together. As a result, the 2011 cost and the 2012 savings offset each other and produce a score of zero in the CR. This decision has precedent. A similar provision was included in the FY 2010 short-term CR (P.L. 111-68) where the House scored that provision on a unified basis

pursuant to section 426(b) of the 2010 budget resolution.

The off-budget status of the U.S. Postal Service creates significant complications for budget enforcement when the agency seeks timing shifts or bailouts from the U.S. Treasury due to financial distress. The House Budget Committee will continue to monitor this anomaly throughout the budget and appropriations process to ensure that it does not result in additional discretionary spending in FY 2012.

Ms. ESHOO. Mr. Speaker, we're voting on a Continuing Resolution that will fund the government through November 18th and provide disaster assistance to many who desperately need it.

While I strongly support providing immediate federal support to those affected by the recent natural disasters, I'm dismayed and disappointed that the GOP leadership would pay for it at the expense of the successful Advanced Technology Vehicles Manufacturing (ATVM) Loan Program.

The ATVM program, created and funded with bipartisan support and signed into law by President George W. Bush, has created or saved 41,000 jobs from California to Michigan to Kentucky. The program is on-track to create another 35,000 to 40,000 by year's end.

There is no question that this program has and can continue to help ensure that our nation has a robust domestic auto manufacturing industry to build the next generation of fuel efficient cars.

Cutting funding for this program is short-sighted and will hurt our nation's rise as a global leader in advance vehicle technology and strip away good-paying jobs that Americans are so in need of. The \$1.5 billion cut to the program will likely cost 10,000 jobs.

House Republicans are pitting two great needs against each other—the need to create jobs and the need to support those harmed by natural disasters. Unfortunately, we are harming our entire nation by putting these two important goals in conflict with one another.

It is for these reasons that I must urge my colleagues to vote against the GOP Fiscal Year 2012 Continuing Resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 412, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 203, not voting 11, as follows:

[Roll No. 727]

AYES—219

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Bachus

Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert

Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack

Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
Diaz-Balart
Dold
Dreier
Duffy
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler

Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts

Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Walberg
Walden
Webster
Welch
West
Whitfield
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—203

Ackerman
Amash
Andrews
Austria
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney

Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro

DesJarlais
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (SC)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Gingrey (GA)
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn

Hanabusa	Maloney	Ruppersberger
Hastings (FL)	Markey	Rush
Heinrich	Matheson	Ryan (OH)
Higgins	Matsui	Sánchez, Linda
Himes	McClintock	T.
Hinchey	McCollum	Sanchez, Loretta
Hinojosa	McDermott	Sarbanes
Hirono	McGovern	Schakowsky
Hochul	McIntyre	Schiff
Holt	McNerney	Schrader
Honda	Meeks	Schwartz
Hoyer	Miller (NC)	Schweikert
Huelskamp	Miller, George	Scott (VA)
Huizenga (MI)	Moore	Scott, David
Hultgren	Moran	Serrano
Inlee	Mulvaney	Sewell
Israel	Murphy (CT)	Sherman
Jackson (IL)	Nadler	Sires
Jackson Lee	Napolitano	Slaughter
(TX)	Neal	Smith (WA)
Johnson (GA)	Oliver	Sutton
Johnson, E. B.	Owens	Thompson (CA)
Jordan	Pallone	Thompson (MS)
Kaptur	Pascarell	Tierney
Keating	Pastor (AZ)	Tonko
Kildee	Payne	Towns
Kind	Pearce	Tsongas
King (IA)	Pelosi	Van Hollen
Kucinich	Perlmutter	Velázquez
Langevin	Peters	Visclosky
Larsen (WA)	Peterson	Walsh (IL)
Larson (CT)	Pingree (ME)	Walz (MN)
Lee (CA)	Poe (TX)	Wasserman
Levin	Polis	Schultz
Lewis (GA)	Price (NC)	Waters
Lipinski	Quigley	Watt
Loebback	Rahall	Waxman
Lofgren, Zoe	Reyes	Westmoreland
Lowey	Richardson	Wilson (FL)
Luján	Richmond	Wilson (SC)
Lummis	Ross (AR)	Woolsey
Lynch	Rothman (NJ)	Yarmuth
Mack	Roybal-Allard	

NOT VOTING—11

Bachmann	Gonzalez	Shuler
Deutch	Paul	Speier
Giffords	Rangel	Stark
Gohmert	Reichert	

□ 0050

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING THE ENROLLMENT

Mr. ROGERS of Kentucky. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 81

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION REAUTHORIZATION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, this week the House passed legislation to reauthorize the Children's Hospital Graduate Medical Education program. While a celebration should be in order, I am disappointed the bill was considered on suspension, preventing amendments to improve the program.

The bill passed by this Chamber fails to correct a glaring mental health parity issue, which prevents the inclusion of children's psychiatric teaching hospitals in this program. Because these hospitals are classified by Medicare as psychiatric hospitals rather than as children's hospitals, they are ineligible for entry into the program.

In order to fix this oversight and to address the acute need for additional health care providers trained in child psychiatry, I introduced legislation, H.R. 2558, the Children's Hospitals Education Equity Act, which would include certain children's psychiatric hospitals in the definition to determine eligibility.

I look forward to working with my colleagues on both sides of the aisle to correct this inequity and to advance our Nation another step closer to achieving full mental health parity.

GREGORY K. FRITZ: PARITY FOR KIDS' MENTAL HEALTH

[From the Providence Journal, Aug. 30, 2011]

(By Gregory K. Fritz)

Despite the passage of the federal mental-health parity bill, stigma and prejudice are still alive and well when it comes to legislation affecting children's psychiatric hospitals. The latest example of how our government continues to maintain discriminatory funding policies specifically directed against children with mental-health issues involves federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children's psychiatric hospitals recognized as legitimate sites of medical education is one such obstacle on the road to real parity that has both symbolic and pragmatic importance.

The history of federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a complicated formula. One element for determining GME payments is the percentage of a hospital's reimbursement that comes from Medicare. That children's hospitals would thus be excluded from the program (because Medicare pays virtually zero for children's medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children's Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children's hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was removed and pediatric training accelerated dramatically. This year, a total of \$317.5 million offsets the training expenses of 5,500 residents at 46 children's hospitals, and the CHGME program is widely considered a success.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children's hospital detailed in the CHGME regulations is language making it impossible for children's psychiatric hospitals to qualify. Only the most cynical observer would conclude that this was a deliberate attempt to exclude children's psychiatric hospitals and the child psychiatric and pediatric residents they train, especially since no medical specialty represents a greater shortage area than child and adolescent psychiatry. Yet, steady efforts since 2002 to correct this oversight have thus far been unsuccessful.

The CHGME reauthorization needed for the program to continue would seem to offer the ideal opportunity to end this de facto discrimination against children with mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Democrats, have offered similar versions of a brief amendment to the reauthorization that would correct the language to reflect the original bill's intent.

If passed, it would admit four or five children's psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,500). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the psychiatric hospitals that would finally be included, I'm far from dispassionate about this issue. I see every day the agony experienced by families with autism, childhood suicide, adolescent substance abuse or pediatric bipolar disorder; it's different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I'm troubled by the months-long waiting lists that prevent children's access to child psychiatric services.

The distinction between psychological and physiological disorders is artificial and antiquated, reflecting outdated fears and prejudices. In short, I see no valid reason to perpetuate the exclusion of children's psychiatric hospitals from the mechanism designed to support physicians' training. Neither do the thousands of members of 39 national organizations who have signed on to a letter urging support of the Whitehouse amendment. Mental-health parity is the law in principle; the CHGME reauthorization should make it the case in practice.

Gregory K. Fritz, M.D., is academic director at Bradley Hospital and the editor of the Brown University Child and Adolescent Behavior Letter.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were

taken from the Speaker's table and, under the rule, referred as follows:

S. 633. An act to prevent fraud in small business contracting, and for other purposes; to the Committee on Small Business.

S. Con. Res. 17. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Affairs.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 846. An act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

ADJOURNMENT

Mr. CASSIDY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes a.m.), the House adjourned until today, Friday, September 23, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3187. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Agricultural Swaps (RIN: 3038-AD21) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3188. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — National Dairy Promotion and Research Program; Final Rule on Amendments to the Order [Docket No.: DA-08-07; AMS-DA-08-0050] (RIN: 0581-AC87) received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3189. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modifications of the Rules and Regulations [Doc. No.: AMS-FV-11-0024; FV11-946-3 FIR] received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3190. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Sunset Review (2011) [Document Number: AMS-TM-07-0136; TM-07-14FR] (RIN: 0581-AC77) received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3191. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order [Document Number: AMS-FV-10-0015; FR] (RIN: 0581-AD03) received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3192. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 07-10; to the Committee on Appropriations.

3193. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3194. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Kazakhstan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3195. A letter from the Chairman and President, Export-Import Bank, transmitting a statement with respect to a transaction involving the Boeing Company, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3196. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3197. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3198. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3199. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3200. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3201. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-33, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3202. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3203. A letter from the Under Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 13566 of February 25, 2011; to the Committee on Foreign Affairs.

3204. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's Year 2011 Inventory of Commercial Activities, as

required by the Federal Activities Reform Act of 1998; to the Committee on Oversight and Government Reform.

3205. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30796; Amtd. No. 3437] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Aviation Fuel and Oil Operating Limitations; Policy Memorandum [ANE-2010-33.7-5A] received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nephi, UT [Docket No.: FAA-2011-0184; Airspace Docket No. 11-ANM-4] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30795; Amtd. No. 3436] received August 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Alturas, CA [Docket No.: FAA-2011-0403; Airspace Docket No. 11-AWP-3] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kayenta, AZ [Docket No.: FAA-2011-0393; Airspace Docket No. 11-AWP-2] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Fort Huachuca, AZ [Docket No.: FAA-2011-0359; Airspace Docket No. 11-AWP-1] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Glasgow, MT [Docket No.: FAA-2011-0362; Airspace Docket No. 11-ANM-7] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lakeland, FL [Docket No.: FAA-2011-0005; Airspace Docket No. 10-ASO-42] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Forsyth, MT [Docket

No.: FAA-2011-0516; Airspace Docket No. 11-ANM-12] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Commission, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting the Commission's Final Report, "Transforming Wartime Contracting: Controlling costs, reducing risks"; jointly to the Committees on Foreign Affairs and Armed Services.

3216. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-117, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. Supplemental report on House Resolution 409. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-214, Pt. 2).

Mr. DREIER: Committee on Rules. House Resolution 412. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes (Rept. 112-215). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARCHANT:

H.R. 3008. A bill to amend title II of the Social Security Act to provide for the reissuance of Social Security account numbers to children in cases in which the confidentiality of the number has been compromised by reason of theft; to the Committee on Ways and Means.

By Mr. FLEMING:

H.R. 3009. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to require that any new national wildlife refuge may not be established except as expressly authorized by statute; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself, Mr. COBLE, and Mr. PETERSON):

H.R. 3010. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on the Judiciary.

By Mr. ROGERS of Alabama (for himself, Mr. KING of New York, Mr. DANIEL E. LUNGREN of California, Mr. WALBERG, Mr. CRAVAACK, and Mr. BROOKS):

H.R. 3011. A bill to authorize the programs of the Transportation Security Administration relating to the provision of transportation security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. SMITH of Texas):

H.R. 3012. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. POE of Texas:

H.R. 3013. A bill to prohibit assistance to Pakistan; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Mr. FILNER, Mr. LANGEVIN, and Mr. REYES):

H.R. 3014. A bill to provide grants to State educational agencies and institutions of higher education to strengthen elementary and secondary computer science education, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SPEIER (for herself, Mr. LATHAM, Mr. MCCAUL, Mr. VAN HOLLEN, Mr. MORAN, Mr. KING of New York, Ms. BORDALLO, Ms. WOOLSEY, and Ms. FUDGE):

H.R. 3015. A bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 3016. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly operate the Federal Recovery Coordination Program, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ZOE LOFGREN of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. CHU, Ms. LINDA T. SANCHEZ of California, and Mr. BACA):

H.R. 3017. A bill to provide for a more structured and stable domestic agricultural labor market in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 3018. A bill to amend the Internal Revenue Code of 1986 to provide a temporary surtax on increases in retained earnings of domestic corporations; to the Committee on Ways and Means.

By Mr. CARSON of Indiana (for himself and Mr. AL GREEN of Texas):

H.R. 3019. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to consider certain factors in evaluating public transportation projects for purposes of making capital investment grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PIERLUISI (for himself, Mr. YOUNG of Alaska, and Mr. SERRANO):

H.R. 3020. A bill to amend the Internal Revenue Code of 1986 to allow certain Puerto Rico corporations to elect to be treated as domestic corporations; to the Committee on Ways and Means.

By Mr. CARSON of Indiana (for himself, Ms. BORDALLO, and Ms. LEE of California):

H.R. 3021. A bill to amend title 49, United States Code, to modify cost-sharing requirements under certain public transportation grant programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana:

H.R. 3022. A bill to amend title 49, United States Code, to allow urbanized area formula grants for public transportation projects to be used for operating costs in urbanized areas with a population of at least 200,000, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOYLE (for himself and Mr. MURPHY of Pennsylvania):

H.R. 3023. A bill to authorize the Secretary of Education to establish the national program for arts and technology; to the Committee on Education and the Workforce.

By Mr. HANNA (for himself and Ms. HOCHUL):

H.R. 3024. A bill to create a special class of H-2A workers who may be admitted to work as sheepherders or dairy workers, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. PASCRELL, Mr. GRIMM, and Mr. TURNER of New York):

H.R. 3025. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. MATHESON (for himself and Mr. BILBRAY):

H.R. 3026. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of drugs; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. SCOTT of Virginia, Mr. POLIS, Mr. ELLISON, Mr. CAPUANO, Mr. PAYNE, and Mr. FILNER):

H.R. 3027. A bill to end the use of corporal punishment in schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, and Mr. SARBANES):

H.R. 3028. A bill to amend title 5, United States Code, to permit the transfer of sick leave in leave-transfer programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MULVANEY (for himself, Mr. ISSA, Mr. ROSS of Florida, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. FLEMING, Mr. FLORES, Mr. GARRETT, Mr. GOWDY, Mr. GRAVES of Georgia, Mr. HUELSKAMP, Mr. SAM JOHNSON of Texas, Mr. LANDRY, Mr. RIBBLE, Mr. ROKITA, Mrs. SCHMIDT, Mr. WALSH of Illinois, Mr. WILSON of South Carolina, and Mr. YODER):

H.R. 3029. A bill to reduce the size of the Federal workforce through attrition, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NADLER (for himself, Mr. CONYERS, Mr. TOWNS, Mr. ISRAEL, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. POLIS, and Mr. AL GREEN of Texas):

H.R. 3030. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED:

H.R. 3031. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Newtown Battlefield located in Chemung County, New York, and the suitability and feasibility of its inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. OLSON, Mr. PASCRELL, and Mr. MATHESON):

H.R. 3032. A bill to amend title XVIII of the Social Security Act to provide for payment for services of qualified radiologist assistants under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES (for himself and Mr. MCCAUL):

H.R. 3033. A bill to amend the Anti-Smuggling Act to subject vehicles, other conveyances, and instruments of international traffic to seizure and forfeiture for smuggling, and for other purposes; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. ESHOO, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. STARK, Mr. THOMPSON of California, Ms. WOOLSEY, and Ms. ZOE LOFGREN of California):

H.R. 3034. A bill to amend the Federal Water Pollution Control Act to establish a San Francisco Bay restoration grant program; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. TOWNS):

H.R. 3035. A bill to amend the Communications Act of 1934 to permit informational calls to mobile telephone numbers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. BLUMENAUER, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. DOYLE, Mr. HINCHAY, Ms. MOORE, and Mr. POLIS):

H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3037. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Natural Resources.

By Mr. ROGERS of Kentucky:

H. Con. Res. 81. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 2608; considered and agreed to.

By Ms. FUDGE (for herself, Mr. TIBERI, Mr. KIND, and Mr. MCINTYRE):

H. Res. 410. A resolution expressing support for the designation of September 24, 2011, as "Worldwide Day of Play"; to the Committee on Oversight and Government Reform.

By Mr. LARSON of Connecticut:

H. Res. 411. A resolution electing a Member to a certain standing committee of the

House of Representatives; considered and agreed to.

By Mr. REED:

H. Res. 413. A resolution honoring Alfred University on the 175th anniversary of its founding; to the Committee on Education and the Workforce.

By Mr. SCHWEIKERT:

H. Res. 414. A resolution expressing the sense of the House of Representatives that the Federal Government should incorporate the principles of the Lean Six Sigma management strategy; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MARCHANT:

H.R. 3008.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1, related to providing for the general welfare. Additionally, it is enacted under the authority provided in Article I, Section 8 related to Congress' ability to "[carry] into Execution the foregoing powers."

By Mr. FLEMING:

H.R. 3009.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the Constitution of the United States of America.

By Mr. SMITH of Texas:

H.R. 3010.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, and Article I, Section 8 of the United States Constitution, including, but not limited to, Clauses 1, 3 and 18.

By Mr. ROGERS of Alabama:

H.R. 3011.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defence of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make "all laws which shall be necessary and proper" for carrying out the constitutional powers vested in the Government of the United States.

By Mr. CHAFFETZ:

H.R. 3012.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article I, Section 8, Clauses 4 and 18 to the U.S. Constitution.

By Mr. POE of Texas:

H.R. 3013.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7

By Mr. POLIS:

H.R. 3014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Ms. SPEIER:

H.R. 3015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, the General Welfare clause

By Mr. BARROW:

H.R. 3016.

Congress has the power to enact this legislation pursuant to the following:

The power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. BERMAN:

H.R. 3017.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause IV of the Constitution

By Mr. CAPUANO:

H.R. 3018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: Congress shall have the power to lay and collect taxes, duties, imposts, excises, to pay the debts and provide for the common defence and general welfare of the United States.

By Mr. CARSON of Indiana:

H.R. 3019.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution grants Congress the implied power to utilize collected taxes to provide for the general welfare of the United States.

By Mr. PIERLUISI:

H.R. 3020.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to: (1) provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; (2) to lay and collect taxes, as enumerated in Article I, Section 8, Clause 1 of the Constitution; (3) to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and (4) to make all needful rules and regulations respecting the Territory of the United States, as provided for under Article IV, Section 3, Clause 2 of the Constitution.

By Mr. CARSON of Indiana:

H.R. 3021.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution grants Congress the implied power to utilize collected taxes to provide for the general welfare of the United States.

By Mr. CARSON of Indiana:

H.R. 3022.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution grants Congress the implied power to utilize collected taxes to provide for the general welfare of the United States.

By Mr. DOYLE:

H.R. 3023.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. HANNA:

H.R. 3024.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. KING of New York:

H.R. 3025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MATHESON:

H.R. 3026.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mrs. MCCARTHY of New York:

H.R. 3027.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 1 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MORAN:

H.R. 3028.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14; Article 1, Section 8, Clause 18.

By Mr. MULVANEY:

H.R. 3029.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NADLER:

H.R. 3030.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, sec. 8, cl. 3 ("To regulate Commerce . . . among the several States", and cl. 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. REED:

H.R. 3031.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 as well as Article 1, Section 8, Clause 18

By Mr. REICHERT:

H.R. 3032.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating

to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. REYES:

H.R. 3033.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section. 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 2: To borrow Money on the credit of the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7: To establish Post Offices and post Roads;

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 9: To constitute Tribunals inferior to the supreme Court;

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13: To provide and maintain a Navy;

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;— And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SPEIER:

H.R. 3034.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mr. TERRY:

H.R. 3035.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

By Mr. YARMUTH:

H.R. 3036.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 3037.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HINCHEY.
H.R. 52: Mr. PRICE of North Carolina.
H.R. 104: Mr. AUSTIN SCOTT of Georgia, Mr. ROKITA, and Mr. HULTGREN.
H.R. 111: Mr. FRELINGHUYSEN.
H.R. 115: Mr. PETERSON.
H.R. 157: Mr. SCHOCK.
H.R. 190: Mr. GUTIERREZ.
H.R. 210: Mr. PASCARELL, Mr. MORAN, Mr. JOHNSON of Georgia, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. DEUTCH, Ms. JACKSON LEE of Texas, and Mrs. MALONEY.
H.R. 306: Ms. BORDALLO.
H.R. 436: Mr. LOBIONDO.
H.R. 452: Mr. YOUNG of Alaska.
H.R. 482: Mr. ROE of Tennessee.
H.R. 527: Mrs. BLACK and Mr. MCKINLEY.
H.R. 572: Mr. SMITH of Washington.
H.R. 605: Ms. JENKINS.
H.R. 615: Mr. GOSAR.
H.R. 674: Mr. MICA and Mr. GARRETT.
H.R. 683: Mr. AL GREEN of Texas.
H.R. 687: Mr. CARNAHAN.
H.R. 688: Mr. AL GREEN of Texas.
H.R. 719: Mr. AUSTRIA.
H.R. 791: Mr. CHABOT, Mr. BOREN, Mr. CONAWAY, Mr. WALZ of Minnesota, and Mr. LIPINSKI.
H.R. 797: Mr. FILNER, Mr. SHERMAN, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 822: Mr. COURTNEY.
H.R. 904: Mr. PETERSON.
H.R. 973: Mr. FRANKS of Arizona.
H.R. 990: Mr. AUSTRIA.
H.R. 991: Mr. AUSTRIA.
H.R. 1004: Mr. COURTNEY.
H.R. 1006: Mr. MULVANEY, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. BUCSHON, Mr. GINGREY of Georgia, Mr. YODER, and Mr. FLEMING.
H.R. 1063: Mr. BARROW, Mr. MCINTYRE, Mr. MURPHY of Connecticut, and Mr. BURGESS.
H.R. 1092: Mr. MCGOVERN, Mr. MURPHY of Connecticut, and Mr. MCINTYRE.
H.R. 1137: Ms. TSONGAS and Mr. FILNER.
H.R. 1179: Mr. KLINE.
H.R. 1206: Mr. OWENS and Ms. BUERKLE.
H.R. 1259: Mr. GALLEGLY and Mrs. ROBY.
H.R. 1267: Mr. YOUNG of Alaska.
H.R. 1283: Mr. HANNA.
H.R. 1288: Mr. FORBES, Mr. CRITZ, Ms. SCHWARTZ, Mr. ROSS of Florida, Mr. TONKO, and Mr. LOBIONDO.
H.R. 1354: Ms. DELAURO.

- H.R. 1370: Mr. GARDNER and Mr. COURTNEY, Mrs. CHRISTENSEN, Mr. TONKO, and Ms. SCHAKOWSKY.
 H.R. 1385: Ms. SPEIER.
 H.R. 1418: Mr. LIPINSKI, Mr. UPTON, Mr. WEST, and Mr. SCHIFF.
 H.R. 1471: Mr. GRIJALVA.
 H.R. 1489: Mr. ELLISON.
 H.R. 1509: Mr. POSEY.
 H.R. 1587: Mr. McDERMOTT.
 H.R. 1609: Mr. RIBBLE.
 H.R. 1653: Mr. SIMPSON, Mrs. BIGGERT, Mr. DOLD, Ms. HERRERA BEUTLER, and Mr. GUINTA.
 H.R. 1681: Mr. GEORGE MILLER of California.
 H.R. 1697: Mr. BACA.
 H.R. 1704: Mr. LATOURETTE and Mr. BRALEY of Iowa.
 H.R. 1715: Mr. CALVERT.
 H.R. 1717: Mr. RYAN of Ohio, Mr. KILDEE, and Mr. KISSELL.
 H.R. 1724: Mr. FARR and Mr. SERRANO.
 H.R. 1738: Mr. HINCHAY and Mr. SIMPSON.
 H.R. 1739: Ms. SPEIER.
 H.R. 1754: Mr. CALVERT.
 H.R. 1798: Ms. HAYWORTH, Mr. CHABOT, and Ms. Hochul.
 H.R. 1834: Mr. BROOKS and Mr. FLAKE.
 H.R. 1842: Mr. HASTINGS of Florida.
 H.R. 1955: Mr. PASCRELL.
 H.R. 1956: Mr. BROOKS, Mr. NUGENT, Mr. PITTS, Mr. PENCE, Mr. CHABOT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. COFFMAN of Colorado, Mr. BURTON of Indiana, Mr. SESSIONS, Mrs. SCHMIDT, Mr. FLEMING, Mrs. BLACKBURN, Mr. FLORES, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. HUELSKAMP, and Mr. BISHOP of Utah.
 H.R. 1997: Mr. BUCHANAN.
 H.R. 2016: Mr. PASTOR of Arizona.
 H.R. 2020: Mr. CONNOLLY of Virginia and Mr. NEAL.
 H.R. 2059: Mr. STEARNS, Mr. PITTS, Mr. MCKINLEY, Mr. HUIZENGA of Michigan, and Mr. POE of Texas.
 H.R. 2091: Mr. MILLER of North Carolina.
 H.R. 2097: Mr. BISHOP of New York.
 H.R. 2131: Mr. BUTTERFIELD, Mr. BARTLETT, and Mr. DESJARLAIS.
 H.R. 2159: Mrs. CHRISTENSEN.
 H.R. 2195: Mr. TIBERI.
 H.R. 2245: Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. CICILLINE, and Ms. MCCOLLUM.
 H.R. 2250: Mr. DENHAM and Mr. WITTMAN.
 H.R. 2257: Mr. LATTI.
 H.R. 2304: Mr. ALEXANDER.
 H.R. 2307: Ms. CHU.
 H.R. 2311: Mr. HOLT.
 H.R. 2312: Mr. DUNCAN of Tennessee.
 H.R. 2334: Mr. LOEBSACK, Mr. GUTIERREZ, Mr. FORBES, Mr. ROGERS of Michigan, Mr. COURTNEY, Mrs. CHRISTENSEN, Mr. TONKO, and Ms. SCHAKOWSKY.
 H.R. 2357: Mr. HULTGREN.
 H.R. 2369: Mr. MICA, Mr. ELLISON, Mr. QUIGLEY, Ms. DEGETTE, Mr. KUCINICH, Mr. CARDOZA, Mr. JOHNSON of Illinois, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. REYES, Mr. SHERMAN, Mr. BASS of New Hampshire, Mr. CAMP, Mr. DAVIS of Illinois, Mr. VISCLOSKEY, Mr. DICKS, Mr. AL GREEN of Texas, Ms. BALDWIN, Ms. SLAUGHTER, Mr. CLARKE of Michigan, Mr. FRANK of Massachusetts, Mr. KIND, Mr. BLUMENAUER, Mr. ADERHOLT, Mr. DINGELL, Mr. FLEMING, Mr. GALLEGLY, Mr. GRAVES of Georgia, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KING of New York, Mr. LANDRY, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. McDERMOTT, Mr. PETRI, Ms. PINGREE of Maine, Mr. ROE of Tennessee, Ms. ROYBAL-ALLARD, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. THOMPSON of Mississippi, Mr. UPTON, Mr. WITTMAN, Mr. YODER, Mr. CLYBURN, Mrs. BIGGERT, Mr. FRELINGHUYSEN, Mr. BARTLETT, Mr. POMPEO, Mr. KLINE, Mr. BERG, Mr. FLEISCHMANN, and Mr. GRIFFITH of Virginia.
 H.R. 2377: Ms. CHU.
 H.R. 2446: Mr. KING of New York.
 H.R. 2447: Mrs. HARTZLER, Mr. MICHAUD, Mr. HULTGREN, Mr. CARNAHAN, Mr. GRIFFIN of Arkansas, Mr. HANNA, Mr. BISHOP of New York, Mr. COURTNEY, and Ms. GRANGER.
 H.R. 2471: Mr. TOWNS.
 H.R. 2492: Mr. OLVER and Ms. CHU.
 H.R. 2505: Ms. LORETTA SANCHEZ of California, Mr. MORAN, Mr. WELCH, and Mr. BURGESS.
 H.R. 2514: Mr. WITTMAN and Mr. GRIFFIN of Arkansas.
 H.R. 2517: Mr. PETERS.
 H.R. 2542: Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. CHABOT, Mr. POE of Texas, Mr. SCHOCK, Mr. MCCOTTER, Mr. RIVERA, Mr. MCCAUL, and Mr. BARTLETT.
 H.R. 2558: Ms. JACKSON LEE of Texas.
 H.R. 2569: Mr. SCHOCK.
 H.R. 2602: Mr. JOHNSON of Illinois.
 H.R. 2674: Mr. LATHAM.
 H.R. 2681: Mr. CHABOT, Mr. SMITH of Nebraska, Mrs. HARTZLER, and Mr. DAVIS of Kentucky.
 H.R. 2706: Mr. BUCHANAN.
 H.R. 2758: Mr. CONNOLLY of Virginia.
 H.R. 2774: Mr. WESTMORELAND.
 H.R. 2796: Mr. REHBERG.
 H.R. 2815: Mr. WOLF.
 H.R. 2834: Mr. ROE of Tennessee, Mr. KLINE, Mr. WALBERG, Mr. KINGSTON, Mr. SCHILLING, Mr. HECK, Mr. AMODEI, Mrs. MILLER of Michigan, Mr. HARRIS, and Mr. AUSTRIA.
 H.R. 2854: Mr. FITZPATRICK, Mr. HUIZENGA of Michigan, Mr. LANKFORD, and Mr. SCALISE.
 H.R. 2874: Mr. LANKFORD.
 H.R. 2885: Mr. JONES.
 H.R. 2888: Mr. HANNA.
 H.R. 2897: Mr. HANNA, Mr. SCHILLING, and Mr. LANKFORD.
 H.R. 2926: Mr. WESTMORELAND and Mr. DESJARLAIS.
 H.R. 2955: Mr. KISSELL.
 H.R. 2962: Ms. BERKLEY.
 H.R. 2966: Mr. KEATING.
 H.R. 2982: Mr. SHULER and Mr. FRANKS of Arizona.
 H.R. 2992: Mr. SAM JOHNSON of Texas, Mr. FLORES, Mr. NEUGEBAUER, Mr. GALLEGLY, and Mr. BURGESS.
 H.R. 2993: Mr. KING of Iowa.
 H.R. 3003: Mr. DAVID SCOTT of Georgia.
 H.R. 3004: Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPES, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DENHAM, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HAHN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCKEON, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Ms. PELOSI, Ms. RICHARDSON, Mr. ROHRBACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ OF CALIFORNIA, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY.
 H.R. 3005: Mr. HINCHAY.
 H.J. Res. 73: Mr. HUELSKAMP.
 H. Con. Res. 21: Mr. HURT.
 H. Res. 134: Mr. CONNOLLY of Virginia.
 H. Res. 239: Mr. PETERSON.
 H. Res. 247: Mr. SCHOCK, Mrs. SCHMIDT, Mr. MCCOTTER, Mrs. MYRICK, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. MCCLINTOCK, Mr. SHIMKUS, Mr. GRIFFIN of Arkansas, and Mr. SMITH of New Jersey.
 H. Res. 336: Mr. YOUNG of Florida.
 H. Res. 364: Mr. HERGER, Mr. MCCLINTOCK, Ms. HERRERA BEUTLER, Mr. COBLE, Mr. ROYCE, Mr. GRIFFITH of Virginia, Mr. COLE, Mr. GOWDY, Mr. DICKS, Mr. MEEHAN, Mr. FLORES, Ms. HAYWORTH, Mr. MARCHANT, Mr. DOGGETT, Mr. DONNELLY of Indiana, Ms. CHU, and Ms. EDWARDS.
 H. Res. 378: Ms. RICHARDSON.
 H. Res. 394: Mr. HULTGREN.
 H. Res. 397: Mr. HINOJOSA.

EXTENSIONS OF REMARKS

IN HONOR OF THE 50TH
ANNIVERSARY OF PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. FARR. Mr. Speaker, I rise to honor the 50th Anniversary of Peace Corps. Fifty years ago today, Congress passed legislation authorizing Peace Corps, and giving it the mandate to "promote world peace and friendship." Since then, over 200,000 Americans—including myself—have served our great country in the name of peace and friendship.

I am so proud of the 18 Volunteers currently serving from my district. Among them are Tim and Chelsea Tibbs, a husband and wife from Santa Cruz who are serving in Guyana. Chelsea created a Youth Friendly Center at a local health clinic that has been highlighted by the Ministry of Health's Adolescent Unit as one of the best models for successful and targeted programs in the region. And Tim has been working with Guyana's Regional Education Office to develop and implement teacher training modules. But Tim and Chelsea are just a few examples of how the 8,655 current Peace Corps Volunteers serving in nearly 80 countries around the world are changing lives and creating hope.

But Peace Corps also has a strong presence right here in the United States. In 1987, Peace Corps established the Peace Corps Masters International program, an innovative opportunity that enables students to combine a graduate education with Peace Corps service. In my district, the Monterey Institute for International Studies (MIIS) has 76 PCMI students, making it the fourth largest PCMI program in the country! That's an incredible 10% of the MIIS student body that has dedicated their brains and their hearts to realizing America's commitment to peace.

In honor of Peace Corps' 50th Anniversary, MIIS is hosting Monterey Institute and the Peace Corps: Celebrating 50 Years of Global Engagement on October 8th. I am honored to be a part of this inspiring day of panel discussion and movie showings that honor Peace Corps' legacy of service at MIIS.

This is just one of many celebrations around the country and around the world in honor of Peace Corps' first 50 years of service. For a complete list of events, please visit <http://events.peacecorps50.org/>.

I urge my colleagues to honor the past and present Peace Corps Volunteers in their districts, and I hope you will join me in celebrating America's 50-year legacy of service in the name of peace.

A TRIBUTE TO PRINCIPAL STEVE
KWIKKEL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Iowa's excellence in education, and to specifically congratulate Waverly-Shell Rock Junior High School Principal Steve Kwikkel of Waverly, Iowa for being named Iowa Middle School Principal of the year by the School Administrators of Iowa.

Mr. Kwikkel's career began as a sixth grade classroom teacher in rural Iowa in 1986. In 1994 Steve earned his master's degree in secondary school administration from the University of Northern Iowa. Steve has made a name for himself serving as an administrator for four schools, most recently joining the team at Waverly-Shell Rock Junior High School in 2002.

Since Steve became principal of Waverly-Shell Rock, the school has enjoyed much acclaim from Steve's commitment to improvements in school transformation, systems thinking, school culture and student achievement. In addition to his achievements at Waverly-Shell Rock Junior High School, Mr. Kwikkel has also served as the Executive Director for the Iowa Association for Middle Level Education and currently leads the Cedar Valley Middle School principal's cadre.

Mr. Speaker, I consider it a great honor to represent a state with such a proud academic tradition. Principal Kwikkel, the teachers, students, and parents of Waverly-Shell Rock should be very proud of what they have accomplished. Their future is certainly bright and I wish Mr. Kwikkel and all of Waverly-Shell Rock Junior High School continued academic excellence as they continue to have a positive impact on the future leaders of our state and country.

RECOGNIZING THE CITY OF
OWENSVILLE ON ITS CENTEN-
NIAL ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the City of Owensville, located in Gasconade County in Missouri, as the community recently celebrated its centennial anniversary.

What is now the City of Owensville began as an early trail called the Potosi to Boonslick Trail. Spurs from this main trail went to the current city, creating a crossroads that later became the St. Louis to Springfield Road and

the St. James to Hermann Road, called the "Iron Road."

The city was originally laid out in 1886 by the Owensville Improvement Company, whose owner, Frank Owens, is the town's namesake. According to legend, businessman Frank Owens and blacksmith Edward Luster were both vying to be the town's namesake and held a horseshoe pitching contest to determine who would win. Owens won, and Owensville residents believe their city is the only place named as a result of a horseshoe pitching contest. Owensville was incorporated as a fourth-class city on May 27, 1911.

Over the past century, industries such as a corn cob pipe factory, a tomato cannery, shoe factories and clay mining supported the town. Today, the RR Donnelly printing company and Emhart Glass Manufacturing are located there. Owensville is a thriving town and a proud community of more than 2,500 residents.

In closing, I ask all my colleagues to join me in wishing the residents of the City of Owensville congratulations on their centennial anniversary.

IN RECOGNITION OF THE 10TH AN-
NIVERSARY OF THE DISASTER
AT THE JIM WALTER RE-
SOURCES #5 MINE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, ten years ago, on September 23, 2001, 13 brave miners lost their lives in two mine explosions in the depths of the Jim Walter Resources, JWR, #5 Mine, which is located approximately two miles from Brookwood, Alabama.

This mine is located in the deepest and most gas laden coal mine seam in the United States, some 2,100 feet below ground. The miners are represented by the United Mine Worker of America, who conducted a thorough investigation and report on this tragedy.

Four miners were building wooden cribs to fix a badly supported mine roof, when the roof collapsed nearby. Shortly thereafter, there was an explosion that injured these four miners. The roof fall occurred on top of a large six-ton, 64-volt scoop battery that was suspended from the mine roof in a track entry. The battery was connected to a battery charger, according to reports. The first explosion was likely caused by the scoop battery, which was damaged and short circuited, igniting methane that had become trapped due to the lack of adequate ventilation caused by the roof fall.

A chaotic emergency response followed and miners tried to assist those who were injured. About 55 minutes after the first explosion, a larger and more violent explosion rocked

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

throughout the mine, and 13 miners were killed—12 rescuers and one miner who had been hurt and unable to move after the initial explosion. The second explosion was, according to reports, fueled by methane and float coal dust. This explosion took the lives of Gaston Adams, Jr., Raymond Ashworth, Nelson Banks, David Blevins, Clarence “Bit” Boyd, Wendell Johnson, John Knox, Dennis Mobley, Charles Nail, Joe Riggs, Charles Smith, Joe Sorah and Terry Stewart.

Rescue and recovery was difficult, since the ventilation controls were destroyed. It took seven weeks—until early November—until teams could recover 12 of the victims. It took eight months to rehabilitate the mine so it was safe enough to resume operations.

At the time of this mine disaster, the Nation’s attention was focused the events of 9/11, which had occurred only two weeks earlier. As such, no mining law changes followed.

Five years after the JWR #5 disaster, a series of tragedies at Sago, Aracoma Alma and Darby spurred enactment of the MINER Act. The law largely focused on improvements to post-accident emergency response, and mandates for operators to provide tracking, communications and shelters. Had Congress acted in a timely way after the JWR #5 disaster, it is likely that other miners’ lives could have been saved.

Important mine law changes have yet to be mandated by Congress from the JWR #5 disaster that should be acted upon.

For example, the National Institute for Occupational Safety and Health has developed coal dust explosivity meters, which can give miners real time information on the presence of explosive coal dust—a substance ten times as explosive as methane—and can signal whether additional rock dust is needed to prevent mine explosions. The Robert C. Byrd Miner Safety and Health Act, which was introduced in 2010 but was not enacted, mandates that mine operators use coal dust explosivity meters as a way to assure more timely compliance with rock dusting requirements.

Independent investigations of major mine tragedies are needed to assure there is no conflict of interest involving questions about the adequacy of mine safety oversight and the performance of state and federal regulators. The Byrd bill contained a requirement for independent investigations.

Battery chargers, which ventilate explosive gases such as hydrogen, need to be directly vented to the returns in mines so that they cannot ignite fires. Roof control plans need to assure that areas around battery chargers have robust roof support.

As the senior Democratic Member on the Committee on Education and the Workforce, I strongly urge Congress to follow up on the lessons from the JWR #5 mine disaster, as well as the Upper Big Branch Mine disaster, which took the lives of 29 miners on April 5, 2010. Miners’ blood should not be spilled in vain. Continued inaction by Congress on matters of the health and safety our Nation’s miners is simply inexcusable.

HONORING THE WORLD WAR II VETERANS PARTICIPATING IN THE QUAD CITIES HONOR FLIGHT

HON. DAVID LOESACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LOESACK. Mr. Speaker, today I have the great honor of welcoming to our nation’s capital 90 Iowa veterans of the Greatest Generation. Accompanied by over 70 volunteer guardians, these veterans have travelled to Washington, DC to visit the monument that was built in their honor.

For many of these veterans, today will be the first time they have seen the National World War II Memorial. I am deeply honored to have been invited to join them when they see their memorial for the first time and to have the opportunity to personally thank these heroes.

I am proud to have a piece of marble from the quarry that supplied the marble that built the World War II Memorial in my office. Like the memorial that it built, that piece of marble reminds me of the sacrifices of a generation of Americans. When our country was threatened, they rose to defend not just our nation but the freedoms, democracy, and values that make our country the greatest nation on earth. They did so as one people and one country. Their sacrifices and determination in the face of great threats to our way of life are both humbling and inspiring.

The sheer magnitude of what the Greatest Generation accomplished, not just in war but in the peace that followed, continues to inspire us today. They did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our nation to make it even stronger. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our nation.

I am tremendously proud to welcome the Quad City Honor Flight and Iowa’s veterans of the Second World War to our nation’s capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

SMAST PROFESSOR HONORED FOR FISHERIES WORK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, I rise today to commemorate the latest award recognizing the distinguished career of Dr. Brian Rothschild of the University of Massachusetts Dartmouth School for Marine Science and Technology.

Dr. Brian Rothschild was recently presented the prestigious Oscar Elton Sette Award for “sustained excellence in marine fishery biology” by the American Fisheries Society. For

many years, it has been my privilege to work closely with Dr. Rothschild on numerous issues involving the fishing industry as well as marine science, maritime safety, and ocean studies. This has included discussions on global warming and renewable energy possibilities in the northeast as well as the development of critical partnerships abroad such as that which now exists between the University of the Azores and the University of Massachusetts Dartmouth where he is the Montgomery Charter Professor of Marine Science. He has advised me and my staff on the critical issues that face both fishermen and scientists as these stewards of our oceans work to find that critical balance between sustainable fishing and conservation of fish stocks.

Dr. Rothschild has dedicated himself to public service by working in various government roles that have dealt with both fishery management and oceanography. I submit the following article into the record, which describes how Dr. Rothschild was recently honored by his peers for his important contributions to fishery science. I congratulate him, and thank him for his commitment to our community.

[From SouthCoastToday.com, Sept. 20, 2011]
SMAST PROFESSOR HONORED FOR FISHERIES
WORK

(By Don Cuddy)

Dr. Brian Rothschild, a distinguished professor at UMass Dartmouth’s School for Marine Science and Technology, has again been honored by his peers in the scientific community.

Rothschild traveled to Seattle earlier this month as this year’s recipient of the Oscar Elton Sette Award, presented annually by the American Fisheries Society to an individual who has made “sustained and important contributions to marine fishery biology.”

Oscar Elton Sette was a pioneer in the development of fisheries oceanography and is regarded by many fisheries scientists as the father of modern fisheries oceanography in the United States. A National Oceanographic and Atmospheric Administration research vessel based in Hawaii is named for him.

Rothschild was a friend and colleague of Sette in Honolulu and while Sette was at Stanford University, and the pair co-authored a report on skipjack tuna in 1996.

The American Fisheries Society describes itself as “the world’s oldest and largest organization dedicated to strengthening the fisheries profession, advancing fisheries science and conserving fisheries resources.” Its first president was elected in 1870.

Rothschild has been working in fisheries for close to 60 years. As director of policy at NOAA, he oversaw the successful implementation of the Magnuson-Stevens Fishery Conservation and Management Act of 1976.

In 1986, Harvard University Press published his book “Dynamics of Marine Fish Populations.” This was the first book to comprehensively address the abundance of fish populations in historical, life-history and modeling contexts, according to professor Changsheng Chen, one of his colleagues at SMAST who put forward the nomination.

Among the major accomplishments credited to Rothschild is his work on the scallop fishery. “His innovative sampling strategy, along with Kevin Stokesbury, for ocean scallops allowed new assessments to be made, allowing the opening of scallop beds and preventing the collapse of the most valuable fishery in the U.S.,” Cheng wrote in the nomination letter.

The citation on the award reads: "For sustained excellence in marine fishery biology through research, teaching, administration or a combination of all three."

Rothschild, who left for a global fishery conference in Gdansk, Poland, on Friday, said he felt honored to receive the award.

"I would like to thank all of my colleagues," he said. "It's so great to be working in a field that is so important to so many people."

HONORING CLIFF EVERTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. YOUNG of Alaska. Mr. Speaker, over the course of many years, I have observed the work ethics, tenacity, and love of Alaska by a Pioneer of Alaska Aviation. Today, I stand in recognition and honor Mr. Cliff Everts.

Mr. Everts was an instructor for the predecessor of Alaska Airlines, Alaska Star Airlines. In 1945 he joined the team of Wien Alaska flying Boeing 247s and Lockheed Lodestars hauling fuel from Barrow to Umiat and after 15 years saw an opportunity to begin his first business experience. When Wien's business plan dropped fuel delivery, he purchased one of the C-46s and continued delivering fuel to Alaska's villages. Wien was lucky to keep Mr. Everts as one of their team until 1980 when he retired after 35 years and 30,000 hours in a cockpit.

Mr. Everts has flown at forty below temperatures, through dark days and nights, in snow, sleet, and rain, to supply the needs of village residents. He is a true Alaskan with a frontier spirit.

One of the most interesting adventures of Cliff was delivering 110 reindeer from Nome to Colorado so that people in the "lower forty-eight" could experience a Santa Clause sleigh ride. Somewhere today there are decedents of one of the escapees there in Colorado along with our Alaskan wolves!

Cliff also gave new meaning to "when pigs fly" when he delivered several dozen pigs in a C-46 from Ohio to Big Delta for a farm project.

As a committed Alaskan, he realized early the opportunity in our State and the value of our resources, our people, and our commodities. He purchased surplus equipment and resold or rented it. His renowned collection of planes with historical nose art, which are still flying today, is an example in recycling and honorable use of assets, when others may have disregarded them for lack of value.

Cliff has contributed to Alaska with the creation of more than one successful company; the leadership today exemplifies his integrity, values, commitment to community and family, and love for our State and Country. Cliff and his planes have provided fuel to villages and mines, while not only improving quality of life, but often saving life. Our State would be less today without you and Pioneers like him.

I rise today to congratulate Mr. Cliff Everts on this day as we place a plaque and memory in perpetuity on the East Ramp of the Fairbanks International Airport.

THE 40TH ANNIVERSARY OF CENTER POINT

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. SULLIVAN. Mr. Speaker, I rise today to commemorate the 40th anniversary of Center Point and Dr. Sushma Taylor who serves as President and CEO. Center Point was founded in 1971 as a private, not-for-profit corporation which offers rehabilitation and a spectrum of health and social services to high risk families, men, women, women with dependent children and youth. Since its founding, Center Point has served over 450,000 men, women, families and veterans.

Center Point's mission is to provide comprehensive social, educational, vocational, medical, psychological, housing and rehabilitation services to combat social problems including substance abuse, poverty and unemployment. Center Point provides rehabilitation and treatment services to interrupt abusive cycles of psychological, social and economic dislocation by providing critical training and support so that individuals can claim self-worth and dignity through accountability and self-responsibility.

Center Point's leader, Dr. Taylor, first joined Center Point as its Executive Director in 1981. Dr. Taylor has sought to create opportunities and help individuals and families overcome the barriers of drug and alcohol abuse, homelessness, criminal justice involvement, unemployment, poor health and mental health problems to make a positive contribution to society. Under Dr. Taylor's leadership, Center Point has grown to develop and provide a wide array of services to those in need in California, Oklahoma, Texas, and Louisiana.

Oklahoma's female incarceration rate ranks number one in the Nation and in my district Center Point is making a difference with the Tulsa Women's Program. The burgeoning program helps women transition away from the criminal justice system and back into society. Center Point, the Tulsa Women's Program and the passionate leadership of Dr. Taylor provide countless inspiring examples of how treatment and rehabilitation can work to restore dignity to an individual and help people take responsibility for their own lives.

I am grateful for the contributions of Center Point and Dr. Taylor as we commemorate their 40th anniversary and their positive and lasting contributions to society.

A TRIBUTE TO PRINCIPAL DALE BARNHILL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Iowa's excellence in education, and to specifically congratulate Norwalk High School Principal Dale Barnhill of Norwalk, Iowa, for being named Iowa High School Principal of the year by the School Administrators of Iowa.

Dale Barnhill's vision for becoming a teacher began to take form after graduating from Twin Cedars High School in Bussey, Iowa. Dale would then graduate from Iowa State University with a bachelor's degree in history and then from Northeast Missouri State University with a master's degree in guidance and counseling. After earning his administrative certification from Iowa State, Dale began his career in Iowa as a teacher and a coach at Ringsted Community School. Dale would go on to attain his first administrative position in Winthrop, Iowa, and later serve as the Assistant Principal at Pella High School in Pella, Iowa. Mr. Barnhill's entire career in education has been in Iowa and our state has benefited greatly from it.

Since Dale joined Norwalk Schools in 1998, the high school has enjoyed more than a decade of positive growth. Mr. Barnhill's work with improving the high school and its students has directly led to the increased quality of Norwalk's programs. Additionally, Dale took Norwalk High School into the 21st century by implementing electronic portfolios for students to facilitate exit interviews for graduating seniors and an improved method for calculating class rank. Mr. Barnhill has not been shy about pushing students to challenge themselves academically, and the result has been demonstrably effective for both students and the school itself.

Mr. Speaker, I consider it a great honor to represent Norwalk High School Principal Dale Barnhill, the teachers, students, school board members and administrators of the Norwalk Community School District in the United States Congress. I wish Mr. Barnhill and all of Norwalk High School continued academic excellence as they continue to have a positive impact on the future leaders of our state and country.

CELEBRATING THE END OF DON'T ASK, DON'T TELL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to mark the end of the discriminatory Don't Ask, Don't Tell policy, and to celebrate that qualified men and women who have the desire to serve their country can no longer be denied simply because of sexual orientation.

Don't Ask, Don't Tell limited the ability of our armed forces to recruit and retain talented Americans. Hundreds of men and women with critical abilities, including language skills, have been discharged under this policy.

Meanwhile, many of our closest allies have demonstrated that allowing open service does not harm unit cohesion or military performance.

Most importantly, Don't Ask, Don't Tell institutionalized discrimination in our military. It was a policy that forced men and women to lie about their identity in order to serve their country.

As of this week, no one is prohibited from serving the country they love because of whom they love.

HONORING THE 50TH ANNIVERSARY OF THE BOYS & GIRLS CLUBS OF LAS VEGAS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the 50th anniversary of the Boys & Girls Clubs of Las Vegas.

The Boys & Girls Clubs of Las Vegas opened their first club in 1961 in a casino basement in North Las Vegas and today serves over 14,000 children in eight dedicated facilities throughout Clark County.

Their mission is to enable all young people to reach their full potential as productive, caring, responsible citizens. Several of the Clubs are placed to serve the neighborhoods, where children are most at-risk for educational and financial failure, drug and alcohol abuse, gang involvement, and teen pregnancy.

Many children come home to an empty house while their parents are at work. It is important for those children to know that they have a place to go where people care for them. That is where the Boys & Girls Clubs of Las Vegas fills a vital role.

Their programs engage young people in activities with adults, peers, and family members that enable them to grow and flourish. Based on the interests and needs of the boys and girls they serve, clubs offer diverse program activities in five areas: character and leadership development, education and career development, the arts, sports, fitness and recreation, and health and life skills.

A survey conducted on the Boys & Girls Clubs determined that over half of the adults that participated in Club events as children attributed the Boys & Girls Clubs to saving their lives. Eighty percent said they learned right and wrong from a member of the Club staff.

While many Club alumni have achieved distinction in fields such as entertainment, business, politics, and sports, the average alumnus is not famous. Most have achieved success by getting an education, raising families, serving their country, pursuing careers, and supporting their communities.

The Boys & Girls Clubs of Las Vegas uses a lineup of tested and proven nationally recognized programs that address today's most pressing youth issues, teaching young people the skills they need to succeed in life.

Nearly a third of the Clubs' members who participate in the homework assistance and tutoring program are on their schools' honor rolls. Most importantly, those children have a safe place they can stay while their parents are at work.

As the Representative for Nevada's First Congressional District, it gives me immense pride to recognize the 50th anniversary of the Boys & Girls Clubs of Las Vegas.

HONORING DR. JERRY PREVO FOR 40 YEARS OF SERVICE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor Dr. Jerry Prevo and the 40 years of service he has given to the Anchorage Baptist Temple community in Alaska where he is the pastor of one of the State's largest and most active churches. Sporting an auditorium able to seat over 2,000 people and a regular congregation of 2,200 it is difficult to imagine the church's very humble origins.

The church was founded as the Bible Baptist Church in 1956 by Missionary Don White who oversaw a congregation of 300 people until, in 1971, a young graduate of the Baptist Bible College in Springfield, Missouri, was called. In just a few short years under his careful and dutiful stewardship, Pastor Prevo saw attendance increase rapidly, until there was just no more room.

He needed to do something about it. In 1973 he proposed to move the church to their present location on Northern Lights Boulevard—a magnificent 20-acre estate. The community needed a church, the church needed the community. Answering the call, the new building was built, largely, by hundreds of church members who freely volunteered their time and talents in an outstanding example of community-wide cooperation. It was then that the church was renamed Anchorage Baptist Temple.

Pastor Prevo, always committed to the education of future generations, saw the opportunity to found the Anchorage Christian Schools. Within just 5 years more classrooms and a gymnasium had to be built due to its massive popularity. Decades later the school and the Children's Ministry Center consists of 26 classrooms, a 300-seat gymnasium, library, music department, computer lab, and a chemistry lab over a 350,000 square feet complex—all built from the community's generous donations with no debt incurred. The Christian School now has over 750 students as well as a Sunday school, a preschool and all-day child care.

In the midst of running a school and a church the Pastor Prevo took the time to pursue a Doctor of Divinity degree at Hyles Anderson College and the Liberty Baptist Theological in 1978 and 1993, respectively. He expanded his community work to philanthropy by serving on the Board of Samaritan's Purse and on the Board of Liberty University in Virginia.

Today, through three radio stations, a contemporary Christian music station, and a television station he can be seen and heard daily by over half the population of Alaska.

On a personal note, Pastor Prevo has been there for me during some tough times. The loss of my wife, Lu, was sudden and painful and Pastor Prevo helped by offering the use of the Anchorage Baptist Temple and its ability to broadcast to a good portion of the State for her memorial service. In the two years since her passing I have come to rely on his spiritual leadership and guidance.

As a result of his far-reaching state-wide community work and success in reforming and growing one of Alaska's largest churches, and his extensive outreach in Europe and the Middle East, the Alaska Journal of Commerce has listed him as one of the 25 most influential individuals in Alaska.

Dr. Jerry Prevo has always worked hard and been nothing but loyal to his community and church and I commend him for his 40 years of service.

RECOGNIZING THE CITY OF ROSEBUD ON ITS CENTENNIAL ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the city of Rosebud, located in Gasconade County in Missouri, as the community will be celebrating its centennial anniversary.

What is now the city of Rosebud was organized in 1911, receiving its name from the wild rose bushes that reside in the community. By 1911, Rosebud had expanded to considerable size because of the Rock Island Railroad, farming, clay mining, selling wood to kilns in St. Louis and many other industrious endeavors of the time. A number of citizens wished to have their village incorporated in Gasconade County, so they sent a letter to the County Court in Hermann. Within the year, the city received incorporation. Over the years, Rosebud's population, infrastructure and economic activity have increased.

Over the past century, industries such as antique and craft shops, restaurants, churches and thoroughfare from Highway 50 have supported the town. Today, Finale International Tool Inc. is the top employer in the community. The proud community of Rosebud is home to 378 residents.

In closing, I ask all my colleagues to join me in wishing the residents of the city of Rosebud congratulations on their centennial anniversary.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,705,188,086,992.02.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,066,762,340,698.22 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN HONOR OF THE 50TH ANNIVERSARY OF THE PEACE CORPS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 50th anniversary of the Peace Corps, an organization of volunteers who are dedicated to helping individuals build better lives for themselves by living and working in developing countries.

Following President John F. Kennedy's challenge to 5,000 students at the University of Michigan to dedicate two years of their lives to help people in developing countries, the Peace Corps was officially established on March 1, 1961. Young people throughout the country were inspired, and by June 22, 1961, Peace Corps Director Sargent Shriver had received 11,000 applications. On August 30, 1961, the first group of Peace Corps volunteers arrived to serve as teachers in Ghana. By December of 1961, more than 500 volunteers were working in nine countries around the world.

Today, 50 years after the Peace Corps began; there are more than 8,600 active volunteers and trainees working in 76 different countries. The mission of the Peace Corps that was adopted in 1961 still remains the organization's mission today. "Helping the people of interested countries in meeting their need for trained men and women. Helping promote a better understanding of Americans on the part of the peoples served. Helping promote a better understanding of other peoples on the part of Americans."

Throughout its history, the Peace Corps has continued to adapt to the needs of developing countries. Volunteers work in areas such as education, business development, environmental preservation, youth development, agriculture and HIV/AIDS relief. Returned Peace Corps volunteers return to the U.S. with incomparable experience and have gone on to become directors of the Peace Corps, Members of Congress, presidents of universities and CEOs in the business world.

Mr. Speaker and colleagues, please join me in honor of the more than 200,000 volunteers who have dedicated themselves to promoting world peace and friendship throughout 139 countries over the past 50 years.

ON THE OCCASION OF CELEBRATING RABBI DANIEL SCHWARTZ'S FORTIETH ANNIVERSARY IN THE RABBINATE AND HIS RETIREMENT AS SENIOR RABBI OF TEMPLE SHIR SHALOM

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. PETERS. Mr. Speaker, I rise today to honor Rabbi Daniel Schwartz of Temple Shir Shalom in West Bloomfield, Michigan, on the occasion of his retirement after forty years in

the rabbinate and a lifetime of service to the Jewish community in Michigan and beyond.

Like many who heed to a call to serve their community, Rabbi Schwartz's leadership began early in his life when he served as President of the Bronx and Manhattan Federation of Temple Youth. Rabbi Schwartz completed his rabbinical training in 1972 and has served the Jewish community of Southeast Michigan as Senior Rabbi of Temple Beth El of Bloomfield, Michigan, and for the last two decades has served as Founding and Senior Rabbi of Temple Shir Shalom. For the past two years, Rabbi Schwartz has also served as CEO of The Corners, an institution that provides affordable space and resources to non-profit organizations.

Rabbi Schwartz has not only taught the values of Judaism, but has also set an example for his congregation and the Greater Detroit community through his commitment to service. As a member of the Michigan Board of Rabbis and its former president, Rabbi Schwartz devoted considerable time and energy to providing spiritual leadership beyond his own congregation. Rabbi Schwartz also serves as Chaplain at Beaumont Hospital in Royal Oak, Michigan, and through his work there has offered patients and their families important emotional and spiritual support in times of difficulty. And as a believer in lifelong learning, Rabbi Schwartz has continued his education both formally by obtaining a doctoral degree from the Jewish Institute of Religion and informally through his experiences with his congregation, family, and friends.

On many occasions Rabbi Schwartz has demonstrated his ability as a leader in Michigan's Jewish community, but one occasion serves as a seminal example of his leadership: the founding of Temple Shir Shalom. It was Rabbi Schwartz who gathered together with thirty families just over twenty years ago to establish their new congregation. And through his guidance and support of those families, the congregation of Shir Shalom has prospered and grown to over nine hundred families. Along the path of the Temple's history there have been many obstacles, including the need to construct a permanent home for the congregation, which was first housed in a converted office building, but with Rabbi Schwartz's unyielding efforts, the congregation of Shir Shalom overcame those challenges.

Mr. Speaker, the congregation of Temple Shir Shalom and the Jewish community of Michigan are blessed to have benefitted from the wisdom, knowledge, and service of Rabbi Daniel Schwartz over the last forty years and I know his retirement will affect generations of worshippers. I wish Rabbi Schwartz well in his retirement and I know his commitment to service will continue through his volunteer work and the Rabbi Daniel Schwartz Legacy Foundation.

RECOGNIZING THE LINN STATE TECHNICAL COLLEGE

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the Linn State Technical

College, located in Osage County in Missouri, for its exceptional performance in training scholars of higher education.

Linn State Technical College, LSTC, founded in 1961, is Missouri's only two-year public technical college with a statewide mission. Originating as Linn Technical Junior College, the college became a part of the public higher education system in Missouri in 1996 as a result of legislation by the 88th General Assembly.

Linn State Technical College is accredited by The Higher Learning Commission and is a member of the North Central Association. Thirteen programs are accredited by the Association of Technology, Management and Applied Engineering, ATMAE. In addition, 15 other program-level professional accreditations and certifications have been obtained by programs at the college.

Linn State Technical College monitors the economic, industrial and technological needs of the state as new programs are proposed for development. In response to industry demand over the last decade, Linn State Technical College has started 19 degree and certificate programs.

In closing, I ask all my colleagues to join me in wishing the faculty, staff and students of Linn State Technical congratulations in their pursuit of higher education.

RECOGNIZING SUZANNE KILBY ETGEN FOR HER SERVICE AS AN ENVIRONMENTAL EDUCATOR

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. SARBANES. Mr. Speaker, I rise today to congratulate Suzanne Kilby Etgen, the 2011 recipient of the Jan Hollmann Environmental Education Award, for her service as an educator and advocate for environmental preservation.

The Jan Hollmann Environmental Education Award was established in 1994 to recognize an individual or organization which demonstrates outstanding effectiveness as an environmental educator. This year, Suzanne Etgen has been recognized for her work as the coordinator of the Anne Arundel County Watershed Stewards Academy. At the Academy, Ms. Etgen teaches members of the community how to preserve and protect watersheds by minimizing the damage caused by water runoff in the area. Addressing issues such as rainscaping, pollution reduction strategies, and community outreach and engagement, Ms. Etgen has worked tirelessly to improve the health of the Chesapeake Bay watershed and its inhabitants.

Getting citizens involved in protecting the rivers and streams that make up the Chesapeake watershed is the key to the future health of the Bay. That is why I introduced the No Child Left Inside Act, which seeks to better incorporate environmental education in the curriculum as a means to teach students about their natural surroundings and spark their interest in science. It is critical that the next generation be armed with the knowledge

that Ms. Etgen has dedicated her life to sharing. Throughout her years of work as an environmental advocate, Suzanne Etgen has played a pivotal role in ensuring that our natural environment remains as majestic as ever.

Mr. Speaker, I would like to once again congratulate Suzanne Kilby Etgen for her dedication to environmental awareness and protection.

HONORING FORMER
CONGRESSWOMAN CARRIE MEEK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor a former Member of the Florida state and U.S. House of Representatives, Congresswoman Carrie Meek. Congresswoman Meek has also served in the Florida State Senate in what was a small part of a diverse history of public service.

With over 24 years of combined public service on both the state and national level, Congresswoman Meek has a true understanding of what it takes to enrich the lives of others. Her service, as a teacher before winning her seat in the Florida State House is yet another testament to her public contributions.

Congresswoman Meek had all throughout her career a reputation for being a strong legislator. She was the first African American woman elected to the Florida Senate and the first African American to serve there since Reconstruction. In the Florida State Legislature, she staunchly promoted literacy and championed minority business enterprise laws.

Her career in the U.S. House was no less distinguished than it was on the state level. Almost immediately, the Congresswoman established herself as a champion of expanding federal programs to create jobs and providing initiatives for African American business owners. In a battle that is still being fought today, Congresswoman Meek passionately opposed cuts to social welfare programs in the 90s to prevent the financial burden from being carried on the backs of the middle class and the disadvantaged.

Mr. Speaker, Congresswoman Meek has been an asset to this country and it is important that we recognize her lasting contributions to her district and our nation. It is always my pleasure to honor an individual with such exemplary character and integrity such as my dear friend Congresswoman Carrie Meek.

INTRODUCING THE FEDERAL EMPLOYEES LEAVE TRANSFER ACT OF 2011

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MORAN. Mr. Speaker, I rise today to introduce the Federal Employees Leave Transfer Act of 2011. Put simply, this bill will permit

federal employees to transfer unused sick leave, without compensation, to agency sick leave banks.

I offer this bill during a time when federal employee benefits and service are under attack. Unlike some voices, I believe that public service as a worthwhile endeavor, and that the civil service is a talented workforce that needs to be carefully managed and developed.

Though this bill is a small change to existing law, it is an important one because it reassures federal employees that if they became catastrophically ill, or require extended leave due to the illness of a loved one, other federal employees can come to their assistance through the donation of their excess sick leave.

This bill is expected to be nearly cost-neutral. The bill states that federal employees cannot be compensated for transferring their sick leave to a sick leave bank. That provision is expected to nearly eliminate the cost of the bill, with the small exception of program administration.

Mr. Chairman, as you know, until 2014, Federal Employee Retirement System (FERS) employees will be allowed to use one-half of their accumulated sick leave for annuity purposes. This bill will allow federal employees to donate their excess leave to a sick bank, rather than suffering from the "FERS flu." This bill could even increase productivity by preventing the abuse of sick leave.

Sick leave donation programs and banks are abundant in state and local government, at public and private universities, and in the private sector. Therefore this bill will not grant federal employees a benefit not enjoyed by the private sector.

For those who believe this bill may contribute to abuse, it must be noted that a federal employee cannot draw from a leave bank unless he/she donates to the bank in the first place. That incentivizes participation. Second, a federal employee cannot actually draw from a leave bank until he/she has exhausted all of their own sick and annual leave. Therefore, leave banks are shielded from abuse since federal employees cannot take advantage of this benefit until they have significant skin in the game.

Finally, I am proud that this bill has 4 esteemed public servants as original co-sponsors: Congressmen CONNOLLY, WOLF, SARBANES and VAN HOLLEN. This bill is also supported by the American Federation of Government Employees, the National Treasury Employees Union, the National Active and Retired Federal Employees Association, the Federal Law Enforcement Officers Association, and Federal Managers Association.

RECOGNIZING THE CITY OF LINN ON ITS CENTENNIAL ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the city of Linn, located in Osage County in Missouri, as the community recently celebrated its centennial anniversary.

In what is now the city of Linn settled a diverse group of people with different nationalities and backgrounds. They settled in the region that is currently Osage County, calling the settlement Linnville but then later renamed the town more simply Linn, after the U.S. Senator Lewis F. Linn. It was in 1842 that Linn was designated the County Seat for Osage County.

Here is the home of Linn State Technical College. The college was started with some of the foresight that is indicative of this region, recognizing the need for training a talented workforce. This vision has grown with the community for the last fifty years, putting technical education as an integral part of the community.

Over the past century, a multitude of trades and occupations supported the town. Today, Linn is known for its diverse population, collection of many religious ideologies and exceptional school system. Linn is a thriving town and a proud community, thankful for those that have paved the way to the present and laid the foundation for our tomorrow.

In closing, I ask all my colleagues to join me in wishing the residents of the city of Linn congratulations on their centennial anniversary.

IN RECOGNITION OF THE DEDICATION OF THE UNIVERSITY OF AKRON LAKEWOOD HIGHER EDUCATION CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the dedication of The University of Akron Lakewood Higher Education Center. The University of Akron Lakewood will give students throughout Cuyahoga County an opportunity to benefit from the quality education that The University of Akron (UA) has been providing its students for more than one hundred years.

Founded in 1870 by John R. Buchtel, the University of Akron was originally Buchtel College. When Butchel College first opened its doors in 1872, 46 collegiate students were taught by seven faculty members. Over the past 140 years, UA has expanded and in 2010 welcomed 4,796 freshman students, the largest incoming class in the school's history. Today, the University of Akron offers 300 undergraduate and graduate programs to more than 29,000 students. The Princeton Review listed UA among the "Best in the Midwest" in its 2011 edition of Best Colleges: Region-by-Region.

The University of Akron Lakewood Higher Education Center will be housed in downtown Lakewood's Bailey Building on the corner of Warren Road and Detroit Avenue. The Lakewood location will offer variety of classes for students enrolled in the College of Nursing, College of Education and College of Business. Additionally, general education courses will be offered to high school students who wish to pursue dual-enrollment.

Mr. Speaker and colleagues, please join me in recognition of the new University of Akron Lakewood Higher Education Center.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. PAYNE. Mr. Speaker, due to unforeseen circumstances I was absent on September 21, 2011 for the vote on H.R. 2608, The Continuing Appropriations Act of 2012. However, had I been present I would have voted no for H.R. 2608.

RECOGNIZING THE CITY OF HERMANN ON ITS 175TH ANNIVERSARY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the city of Hermann, located in Gasconade County in Missouri, as the community recently celebrated its 175th anniversary.

What is now the city of Hermann began as a small colony of the German Settlement Society of Philadelphia, Pennsylvania, in 1836. Hermann has remained the county seat of Gasconade County since 1842.

The city was originally laid out by the German Settlement Society of Philadelphia, Pennsylvania, with the intent of preserving the German language and culture. In 1847 what is known today as Stone Hill Wine Company was formed. Today the winery hits an annual wine output of 1,250,000 gallons. Hermann became the "Wine City of Missouri," and today is still the center of Missouri's wine industry.

Over the past century, industries involved in the cultivation of grapes, production of wine, shoemaking and tourism have supported the town. Hermann is a thriving town and a proud community known for its many festivals and also as "The Bed and Breakfast Capital of Missouri."

In closing, I ask all my colleagues to join me in wishing the residents of the city of Hermann congratulations on its 175th anniversary.

HONORING THE SERVICE OF DR. JOSEPH R. FINK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dr. Joseph R. Fink and recognize his contribution to higher education and community involvement in Marin County, California. Dr. Fink is retiring as the President of Dominican University of California.

It has been my privilege to work closely with Dr. Fink for many years, during which time his friendship and assistance have been invaluable. Under his leadership Dominican has established itself as a successful university with

high ideals and a big vision. Establishing the Green MBA Program and the Center for Sustainability, Dominican University has emerged as an innovative school whose students are working to develop creative solutions to some of the world's toughest problems.

Dr. Fink earned a doctorate in American History from Rutgers University and began his career as an Associate Professor of History and Assistant to the President at a small liberal arts college. Before coming to Dominican University, he served as Dean of Arts and Sciences at the City Colleges of Chicago, president of a public college in New Jersey, and president of an independent liberal arts college in Pennsylvania. He is the recipient of many awards and recognitions, including four honorary doctorate degrees for his achievements in higher education and community service.

Starting at Dominican University in 1988, during a period of transition, Dr. Fink restructured the management of the university to move it from small college to university status. He worked with the Board of Trustees and the faculty to successfully assume control of academic and fiscal affairs to put the university on a whole new course. With his expertise in management, the university's enrollment almost quadrupled while the average SAT scores rose by more than 180 points. A leader with considerable collaborative skills, he has been innovative in creating opportunities for friends of the university to support its mission. With increased fundraising, the annual operating budget rose dramatically allowing extensive campus renovation, the building of a new recreation complex, new residence halls, and a state-of-the-art science research center.

In addition to being a very competent administrator, Dr. Fink is an outstanding member of the community, serving on the boards of a variety of organizations, including the Council of Independent Colleges, the World Affairs Council of Northern California, the Marin Symphony, the American Land Conservancy, and the Commonwealth Club of California.

Mr. Speaker, Dr. Fink is a man of remarkable talent and considerable commitment, he will be missed in the community and at the university, but we honor him today and wish him well in his next endeavor. Congratulations, Joseph Fink.

HONORING FORMER REPRESENTATIVE CARRIE P. MEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. HOYER. Mr. Speaker, I had the honor and the privilege of serving in this house with Carrie Meek for ten years. The granddaughter of a slave and a daughter of sharecroppers, Carrie has always held in her heart a deep and abiding concern for the rights and the welfare of others. She made public service a life's calling, and her time as a member of this body was but one chapter in a lengthy career doing what she loves most: fighting for justice and the advancement of those who have something to contribute but are not given the chance.

When Carrie was determined to pursue a graduate degree, the high obstacle of segregation was the first of many she would overcome. Her fourteen years of service in the Florida legislature, in both the House and Senate, helped make Floridians safer from crime, opened new opportunities to Florida's students to achieve higher education, and provided affordable housing to those facing financial difficulty. Her historic election in 1992 as the first African American to represent a Florida district in Congress since Reconstruction began a decade of distinguished service here in Washington.

In Congress, Carrie championed economic development, housing, education, and access to affordable health care. Her relentless advocacy on behalf of her constituents in the aftermath of Hurricane Andrew brought over \$100 million in assistance to rebuild communities across Miami-Dade County and South Florida. Since her retirement from Congress in 2003, Carrie has continued her work at the helm of the Carrie Meek Foundation, a charitable venture committed to improving the lives of Americans by supporting programs in housing, education, health care, and community development.

I am grateful to call Carrie my friend, and I join with my colleagues in celebrating her service to the people of Florida in Congress and her continuing commitment to her fellow Americans across the country.

HONORING THE NEVADA GOES FALL FREE COALITION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the Nevada Goes Fall Free Coalition on the occasion of the Nevada Fall Prevention Day.

The Nevada Goes Fall Free Coalition has fostered community partnerships across the aging and disabilities service network to provide education and fall prevention programs to local residents.

Nevada Fall Prevention Day is sponsored by the Nevada Goes Fall Free Coalition; a community based task force supported by the National Council on Aging.

The Coalition was formed to promote collaboration among members, to bring awareness to this issue, to promote the effectiveness of risk factor identification and intervention, and to work toward the implementation of the 36 strategies contained within the National Action Plan.

It is estimated that nearly 12 percent of Nevadans are over the age of 65. Additionally, it is estimated that in the United States one-third of all people over the age of 65 will fall each year. Furthermore, over half of the seniors over the age of 80 will fall each year. This would result in medical costs that would exceed \$27 billion annually.

Falls are the leading cause of injury deaths among people over the age of 65 and the leading cause of nonfatal injuries and hospital admissions for trauma.

Falling and the fear of falling, can lead to depression, hopelessness, loss of mobility, and loss of functional independence. However, falls and injuries from falls are largely a preventable community health problem.

As the Representative for Nevada's First Congressional District, it gives me immense pride to recognize the Nevada Goes Fall Free Coalition on the occasion of the Nevada Fall Prevention Day.

20TH ANNIVERSARY OF ARMENIAN INDEPENDENCE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. CROWLEY. Mr. Speaker, I rise today to commemorate the 20th anniversary of the full declaration of Armenian independence on September 21st, and to acknowledge the numerous contributions of Armenian-Americans to the history, society, and culture of the United States.

The legacy of the Armenian people is one of strength, resilience, and determination, and we pay tribute to those who struggled for and won their independence twenty years ago today.

The thorny path to freedom is difficult for so many throughout the world, and I am proud to stand alongside the Armenian people as they continue to consolidate the gains of independence. Over the past two decades, Armenia has moved toward a modern, dynamic economy, reduced poverty and inequality, and built a vibrant civil society. I personally experienced the warmth and generosity of the Armenian people first-hand during my visit there.

Here in the United States, the contributions of Armenian-Americans are innumerable. Hundreds of thousands of Armenian-Americans have contributed to the strength, prosperity and creativity of this country by leading the way in diverse fields such as medicine, literature, business, the arts, human rights, and science. The contributions of the Armenian-American community to the United States—and in particularly to life in New York—cannot be fully appreciated quantitatively. It can only be realized by those who walk the streets of New York and interact with the Armenian-American community there and throughout the country.

All those of Armenian heritage throughout the world rightfully celebrate this national day with pride in their hearts and hope for the future. It is my honor to send congratulations to the people of Armenia, along with best wishes for a peaceful and prosperous year ahead.

IN RECOGNITION OF INTERNATIONAL DAY OF PEACE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of International Day of Peace. This year represents the 30th anniversary of this

global celebration and focus on international peace.

In 1981, the United Nations (UN) General Assembly first established the International Day of Peace. It mandated that it be observed annually on the third Tuesday of September, coinciding with the opening of the General Assembly. The resolution was introduced jointly by the United Kingdom and Costa Rica. The first International Day of Peace, also known as World Peace Day, was observed in 1982. In 2001, a new resolution passed the UN General Assembly, specifying September 21st as the annual day of non-violence and cease-fire.

Today, September 21, 2011, marks the 30th anniversary of International Peace Day. This year's theme is "Peace and Democracy: Make Your Voice Heard." The UN welcomes nations throughout the world "to honor a cessation of hostilities during the Day, and to otherwise commemorate the Day through education and public awareness on issues related to peace." UN Secretary General, Ban Ki-moon will also ring the Peace Bell today at the UN Headquarters. The Peace Bell was donated by Japan in 1549 and is inscribed with the phrase, "Long live absolute world peace."

Mr. Speaker and colleagues, please join me as the global community comes together to celebrate the UN's International Day of Peace.

HONORING THE COUNTY COLLEGE OF MORRIS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the County College of Morris, located in Randolph, New Jersey, for its outstanding record as an academic institution.

CCM has long been representative of academic excellence in the State of New Jersey. Since the opening of its doors in 1968, the school has provided a diverse and enriching environment for both students and faculty alike. With the understanding that their institution provides our future leaders with the knowledge, education and experience they will need to excel in their lives, the faculty and staff of CCM have embraced the responsibility of creating a solid foundation from which our young people will grow.

Much of the CCM's success can be attributed to the exceptional leadership of Dr. Edward J. Yaw, who is celebrating his 25th Anniversary as President of CCM. In accordance with its mission to provide dynamic, challenging, high quality and accessible academic programs, Dr. Yaw helped to establish the CCM Foundation in 1987, which aims to help ease the burden of college. Since its inception, the CCM Foundation has raised more than \$7 million to support programs, scholarships, staff development and numerous other projects that, while not funded through tuition and public support, are vital to the development of CCM students.

Under the leadership of Dr. Yaw, who was awarded the Community College Spirit Award in 2008 for his exemplary service to New Jersey's community colleges, CCM continues to

modernize and expand the college's facilities. In a burgeoning society that is ever introducing new technology, CCM ensures its students have access to the resources necessary to develop the skills vital to success in the world beyond the classroom.

Since its founding, CCM has been a positive force in the lives of thousands of men and women who pass through its halls. Those it has influenced over the years continue to serve as leaders and role models in communities all over the world. Thanks to devoted faculty and staff, like Dr. Yaw, CCM continues to flourish and provide education for those seeking to further their knowledge and learning.

Mr. Speaker, I ask you and my colleagues to join me in honoring and recognizing the achievements of the County College of Morris and those who devote themselves to its continuing success as an institution of higher learning.

COMMEMORATING HUNGER ACTION MONTH AND HONORING ARLINGTON FOOD ASSISTANCE CENTER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MORAN. Mr. Speaker, I rise today to commemorate Hunger Action Month and to honor the Arlington Food Assistance Center, located in the Eighth Congressional District.

Hunger Action Month was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention. The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, plenty of local residents do not have enough to eat. The Arlington Food Assistance Center seeks to remedy this problem by distributing fruit, vegetables, meat, milk, eggs, bread and other food items to those in Arlington who are in need. It currently distributes food to approximately 1,350 clients each week, amounting to 2.1 million pounds of food provided directly to Arlington families last year. About 65 percent of this food was donated from bakeries, supermarkets, farmers' markets, food drives, schools, congregations, businesses and private donors in the local community.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center for their hard work providing food for Arlington's needy families and raising awareness of hunger in our communities.

HONORING PRINCIPAL MARTHA
GUSTAFSON

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. GARDNER. Mr. Speaker, I rise today to honor Martha Gustafson, the Principal of Walt Clark Middle School in Loveland, Colorado.

In 2011, Ms. Gustafson was given the Colorado Middle Level Principal of the Year award by the Colorado Association of School Executives.

Just two years after being named Principal of Walt Clark, the school has improved significantly, most notably with strong growth by students in math.

In the Thompson School District of Colorado, Walt Clark Middle is a leader in academic growth for reading and writing. The tremendous leadership of Ms. Gustafson has provided the highest quality standards of learning.

Ms. Gustafson has utilized new and creative measures to motivate teachers. Walt Clark's academic achievements prove that Ms. Gustafson's plan is succeeding.

Each week, teachers analyze data regarding student performance and discuss strategies on how to improve. Ms. Gustafson's direction is innovative and illustrates that Walt Clark is consistently striving to better their students and surrounding community.

This dedication to public education is moving and I am privileged to have such an outstanding educator in my Congressional District.

Her commitment to public education gives inspiration to all educators that want to make a difference in every student's life.

I am proud to recognize Colorado Middle Level Principal of the Year, Martha Gustafson on the House Floor.

IN MEMORY OF RAYMOND C.
SINGLETERY, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a great American farm advocate, successful businessman and dedicated community leader from the State of Georgia, Raymond C. Singletary, Jr.

Mr. Singletary, a pillar in Georgia's agricultural community, recently passed away at the age of 99 at Pioneer Community Hospital of Early in Blakely, Georgia. His funeral service was held at the First United Methodist Church on Saturday, September 17, 2011.

He was born March 26, 1912 to the late Raymond Cook Singletary, Sr. and Emma Quillian Singletary. He was preceded in death by his loving wife Margaret Sparks Singletary, his two sons Raymond Clifford Singletary and Marvin Sparks Singletary, and a brother A.J. Singletary and a sister Alice S. Dunn.

A lifelong Georgian, Mr. Singletary attended Sewanee Military Academy and graduated

from Emory University in 1932 where he was a member of Sigma Alpha Epsilon fraternity.

Following his graduation from college, Mr. Singletary embarked on a tenured and successfully dynamic professional career in the fields of agriculture, banking and community service. He was a member of the Blakely Peanut Company and served as President from 1944 until 1978, and as Chairman of the Board from 1944 to 1985. Additionally, he was a member of the National Peanut Council, and served as the association's Chairman in 1966.

Along with his advocacy efforts on behalf of Georgia's peanut farmers, Mr. Singletary was the Supervisor of the Flint River Soil and Water Conservation District from 1944 to 1971, and was Supervisor Emeritus from 1977 to 2011. Moreover, he served as a member of the Presidential Commission on World Hunger from 1979 to 1980.

Despite the demanding commitments associated with his occupational duties and agricultural advocacy initiatives, Mr. Singletary still found time to remain actively involved with other community organizations. He was a Mason, a Shriner, former Chairman of the Board of the First United Methodist Church and a distinguished member of the Blakely Rotary Club. In 2009, he received the Rotary Club's most prestigious award, the Four Avenues of Service Award.

He is survived by a daughter, Anne S. Hammack and her husband Albert of Dalton, Ga.; a daughter-in-law, Henrietta Singletary of Albany, Ga.; a sister, Emily S. Garner of Milledgeville, Ga.; 5 grandchildren: James Albert Hammack, III and wife Elizabeth of Atlanta, Ga.; Margaret H. Long and husband Jason of Atlanta, Ga.; McArthur Singletary and Duncan Singletary, both of St. Simmons Island, Fl. and Raymond Singletary of Atlanta, Ga.; 2 great-grandchildren: James Albert Hammack IV and Mary Moore Hammack of Atlanta, Ga.

I would like to ask my colleagues to join me in paying homage to Raymond C. Singletary, Jr. He lived a full life and the people of southwest Georgia will always be indebted to him for his unyielding support of our state's peanut farmers and our agricultural community at large. Our thoughts and prayers are with his family, friends and the Blakely, Georgia community at this time of great loss.

CORRESPONDENCE WITH DEFENSE
SECRETARY PANETTA ON THE
AFGHANISTAN/PAKISTAN STUDY
GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. WOLF. Mr. Speaker, I submit my correspondence with the administration on my call for an Afghanistan/Pakistan Study Group. My letters to Defense Secretary Leon Panetta of July 19, 2011; August 1, 2011; and August 8, 2011 follow:

HOUSE OF REPRESENTATIVES,

July 19, 2011.

Hon. LEON PANETTA,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR LEON: I write today concerning the U.S. mission in Afghanistan and Pakistan. My amendment, which gives the Secretary of Defense the authority to establish an Afghanistan/Pakistan (Af/Pak) Study Group, was included in the House-passed FY 2012 Defense Appropriations bill. I pressed for the amendment because I believe fresh eyes are needed now to examine the situation on the ground and the overall U.S. mission.

I envision the Af/Pak Study Group being modeled after the Iraq Study Group (ISG). Both you and your predecessor Bob Gates served on the ISG and know better than most the benefits it provided after three years of fighting in Iraq. Now that the U.S. is in its 10th year in Afghanistan, I believe a similar effort is necessary.

Before he was appointed as ambassador to Afghanistan, Ryan Crocker supported creating an Af/Pak Study Group, along with Ambassador Ronald Neumann and Jim Dobbins from the RAND Corporation. American men and women are fighting and dying in Afghanistan. If we are asking them to put their lives on the line daily, I believe we have an obligation to provide an independent evaluation of the U.S. mission. We owe our military forces nothing less.

I do not have the answers. But as you know, there is a movement building in Congress in favor of pulling troops out of Afghanistan. An amendment offered by Rep. Jim McGovern earlier this year to the National Defense Authorization Act to accelerate U.S. departure from Afghanistan was narrowly defeated 204-215. If six members had changed their vote, the amendment would have passed. I have talked to several members who voted against the McGovern amendment who are seriously concerned about the war in Afghanistan and could change their vote if the situation on the ground does not improve rapidly.

I also believe it is critical that Afghanistan be examined in tandem with the facts on the ground in Pakistan. It is clear that in order to be successful in Afghanistan, we must have a clear understanding of how Pakistan is influencing U.S. operations. Just look at the recent news from the region. Hamid Karzai's half-brother was murdered and his funeral bombed, Karai advisor Jan Mohammed Kahn was murdered, and militants attacked and laid siege to the Intercontinental Hotel in Kabul. The enclosed article printed recently in the Washington Post states, "... optimism and energy vanished long ago, gradually replaced by cynicism and fear. The trappings of democracy remained in place ... but the politics of ethnic dog fights, tribal feuds and personal patronage continued to prevail."

The men and women serving in Afghanistan deserve to have fresh eyes look at this region as soon as possible. With House passage of the A/Pak amendment, I ask that you use your authority as secretary and move quickly to create this study group. I have discussed my amendment with John Hamre at the Center for Strategic and International Studies (CSIS) and he has offered to coordinate the group with professionals with a wide range of expertise.

I would appreciate the opportunity to meet with you to discuss this important initiative and look forward to working with you to ensure we are successful in Afghanistan and Pakistan.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
August 2, 2011.

Hon. LEON PANETTA,
*Secretary of Defense,
The Pentagon, Washington, DC.*

DEAR LEON: I want to follow up on my previous letter regarding Afghanistan policy and bring to your attention a book I am reading, *The Wars in Afghanistan*, discussed in the enclosed Washington Post book review. Its author, Ambassador Peter Tomsen, is a veteran of the Foreign Service and has an impressive background in the South Asia region. If you have not read his book, I highly recommend it to you. The Post review concludes: "This long overdue work... is the most authoritative account yet of Afghanistan's wars over the last 30 years and should be essential reading for those wishing to forge a way forward without repeating the mistakes of the past."

After three years of the Iraq war, the formation of the Iraq Study Group garnered the support of Secretary Rumsfeld, Secretary Rice, and Joint Chiefs General Pace. Our military men and women have been putting their lives on the line in Afghanistan every day for 10 years, seven years longer than when the decision was made to create the ISG to provide the independent assessment needed for U.S. policy in Iraq. I believe we owe it to our brave soldiers to focus now with fresh eyes on the target in Afghanistan.

I have spoken with Ambassador Tomsen about a framework for moving forward in Afghanistan, and he would be happy to meet with you and your team to discuss his breadth of experience there. I urge you to take him up on his offer.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
August 8, 2011.

Hon. LEON PANETTA,
*Secretary of Defense,
The Pentagon, Washington, DC.*

DEAR LEON: I want to draw your attention to the enclosed letter I received from retired Marine Corps General Charles Krulak regarding an Afghanistan/Pakistan (Af/Pak) Study Group.

General Krulak makes an important point that we cannot be successful in Afghanistan if we do not address the ongoing tensions and frequent hostilities between Pakistan and India. I again ask you to take the language in the FY 2012 Defense Appropriations bill and use your authority to create the Af/Pak Study Group. Every day we delay is another missed opportunity to successfully address U.S. policy in South Asia.

Thank you for your time and I look forward to meeting with you in the near future to discuss this important issue.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

BIRMINGHAM-SOUTHERN COLLEGE,
Birmingham, AL, July 25, 2011.

Hon. FRANK R. WOLF,
*Cannon House Office Building,
Washington, DC.*

DEAR CONGRESSMAN WOLF: Thank you so much for your letter of July, 20, 2011 for-

warding me your letter to Secretary Panetta. You asked for my thoughts on the proposed Af/Pak Study Group and here they are:

I think you are spot on! It should be obvious to everyone concerned that the time has come to do a professional evaluation of the current policy in the region. When I mention "region", I believe it is important to include India. At the end of the day, Afghanistan, Pakistan and India are inextricably linked... you cannot establish policies in a stove pipe manner. The Study Group will immediately recognize that fact and accommodate it.

It is important to understand that conflict occurs at three levels... Strategic, Operational, and Tactical. Too often we look at the tactical level... see the heroism and accomplishments of our servicemen and women... and make conclusions re. the conduct of the war. Unfortunately, that is NOT the way to look at this current conflict. Like Vietnam, we can do a solid job at the Tactical Level and lose the war at the Operational and Strategic Levels. This is where we find ourselves today in Afghanistan... and the path to any kind of victory is closely linked to success in Pakistan and India. The possibility of achieving such success across all three countries is small... certainly following the policies in place today (and yesterday.)

Again, I applaud your work and on behalf of those young men and women who are sacrificing so far from home, I thank you.

Semper Fidelis.

CHARLES C. KRULAK,
General, USMC (Ret.).

ON THE OCCASION OF THE END OF "DON'T ASK, DON'T TELL"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 22, 2011

Mr. KUCINICH. Mr. Speaker, yesterday the military's "Don't Ask, Don't Tell" (DADT) policy officially ended.

Yesterday, J.D. Smith, a 25 year-old Air Force officer and gay rights advocate could drop his pseudonym and come out as who he is—1st Lieutenant Josh Seefried.

Yesterday, Maj. Darrel Choat, a gay Marine officer wrote in *The Washington Post*: "I am a patriotic American. I am an officer who loves country and Corps. I am doing my best to serve honorably and proudly. And I happen to be gay."

Yesterday, a policy that since 1993 has led to over 14,000 servicemembers being fired simply for being open about their sexual orientation officially ended, allowing Major Choat, 1st Lt. Seefried and thousands of other servicemembers to continue their service in the U.S. military without having to hide who they are.

Policies like "Don't Ask, Don't Tell", which created an atmosphere of fear and mistrust among colleagues serving side-by-side, have no place in the military.

I applaud the official end of "Don't Ask, Don't Tell" and the significance of its repeal in ensuring equality in our military and in securing rights for members of the Lesbian, Gay, Bisexual and Transgender community.

WHEN WILL MARINE LEADERSHIP STAND UP FOR GAY SERVICE MEMBERS?

(By Darrel Choat)

If President Obama could have ended "don't ask, don't tell" by announcing a policy change, rather than his intent to work with Congress to repeal the law, in his 2010 State of the Union address, I might have served in the Marines openly but quietly. But the repeal debate turned ugly, and as gay veterans and gay soldiers and Marines serving in Iraq and Afghanistan were disrespected by military and civilian leaders, I realized that a quiet transition was not an honorable course of action.

Remarks by senior Marine leaders made clear that their conception of "Marine" did not include those who were gay. During and following his confirmation hearings in fall 2010, Commandant Gen. James F. Amos said that he did not want his Marines dying because of a "distraction." He probably meant that managing the repeal would be a distraction, but many gay Marines, myself included, felt that Amos was saying that we were the distraction that would get our fellow Marines killed. Given the number of gay Marines in combat, this comment was deeply hurtful.

I am a patriotic American. I am an officer who loves country and Corps. I am doing my best to serve honorably and proudly. And I happen to be gay.

My challenge is not to simply acknowledge my sexuality as a Marine officer but for my actions to reflect the legacy of the Declaration of Independence—that all Americans are created equal and deserve equal consideration from their government. My task is to demand no less from my country and Corps. I understand that my statements will prompt anger and disgust among some active-duty and retired Marines. History demonstrates, however, that deliberate steps are necessary to overcome the legacy of dishonor and prejudice such as that inspired by "don't ask, don't tell." I have confidence that my Corps will take those steps.

While working in the Senate in the 1990s, I remember Sen. Jesse Helms (R-N.C.) taking to the floor and disparaging the "agenda" of gays and their "sinful" and "deviant" behavior. I felt helpless. One day Helms stepped into an elevator in which I alone was riding. Slowly, I realized no words could be adequate to confront him. His hate and ignorance could not be rationally discussed. The only effective course, it seemed to me, would be to disprove him by example, by personifying a proud, honorable and gay American who—simply by existing—refuted Helms's demagoguery.

I came out to my family years earlier, and I had long been in the habit of letting co-workers become aware of my sexual orientation. Often I made no pronouncements. Engaging in honest discussions about weekend activities or personal relationships was all that was necessary. My guiding principle was simple: If I felt I had to say something or compromise out of fear or shame because I was gay, I had to stop and take the honest course. If I got fired, I got fired. No job was worth the sacrifice of my honor and courage.

In 1981, I had been awarded a four-year Marine Corps Reserve Officer Training Corps scholarship. I was aware that I was different—I hated being different—and I was self-conscious. I found it difficult to interact with other midshipmen and Marines, so I left the program. In 1997, however, I knew that "don't ask, don't tell" did not preclude my service; it simply required that I shut up about being gay. So I applied and was accepted to attend Officer Candidate School in

Quantico in October 1997. I greatly underestimated the personal cost of this compromise.

After the Battle of Saipan in 1944, Marine Commandant Gen. Alexander Vandegrift said, "The Negro Marines are no longer on trial. They are Marines, period." His predecessor, Gen. Thomas Holcomb, had said that "Negroes did not have the right to demand a place in the corps" and that "If it were a question of having a Marine Corps of 5,000 whites or 250,000 Negroes, I would rather have the whites." It took leadership for Vandegrift to recognize the heroic service of African American Marines and end officially sanctioned segregation in the Corps.

While Sgt. Maj. Micheal Barrett, the service's senior enlisted official, clearly stated in June that a Marine is a Marine, regardless of sexual orientation, I am aware of no senior Marine officer who has followed Vandegrift's lead and set a leadership tone that will turn the page on the prejudice of the past. A January video by Amos and Barrett's predecessor, Sgt. Maj. Carlton Kent, sent the message simply that the don't-ask law has changed and that Marines follow the law. Action to overcome the legacy of "don't ask, don't tell" is still necessary.

Vandegrift is an example of the possible. With the formal repeal today of "don't ask, don't tell," it is time for the Marine Corps to end the bigotry and prejudice regarding sexual orientation and to give Marines, combat veterans and Purple Heart recipients the respect and consideration they have earned. Marine Maj. Darrel Choat, a student at the Marine Corps University in Quantico, is the author of a report and personal essay in "The End of Don't Ask, Don't Tell," a forthcoming book from Marine Corps University Press. The views expressed here are his own.

IN HONOR OF THE BUCKS COUNTY CONSERVATION DISTRICT

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the 50th anniversary of the Bucks County Conservation District. Their mission is to provide for the wise use, management, and development of Bucks County's soil, water, and other important natural resources.

Through a comprehensive approach which includes traditional advocacy as well as educational efforts such as school-based programs to present lessons to students on soil and water conservation, and watershed education for teachers to educate them on the importance of protecting our watersheds, Bucks County Conservation District is leading the conservation efforts in my district.

Local solutions that originate in groups like the Bucks County Conservation District are often the best solutions, and I congratulate them on celebrating 50 years of success and I wish them the best of luck as they work to preserve vital soil and water resources for generations to come.

IN HONOR OF MAYOR STEVE BACH

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to honor and congratulate the new mayor of Colorado Springs, Steve Bach. Situated at the heart of my district, Colorado Springs is an exceptional community that deserves an exceptional leader. Mayor Bach is that man.

In 2010, Colorado Springs voters adopted a strong mayor-council form of government. As the city's first mayor under this new model, Steve will lead Colorado Springs through this historic transition. For the first time in the city's 140-year history, the Mayor will have broad powers over hiring and firing city workers.

Mayor Bach has a unique opportunity to shape the city's direction for years to come. Mayor Bach has lived in Colorado Springs for over 40 years and has seen the city change from a small town nestled in the foothills of the Rocky Mountains to the 41st largest metro area in the country.

Mayor Bach previously was a commercial real estate broker who retains longstanding ties to the business community. He promises to improve the business climate by cutting red tape at City Hall. His fresh ideas on job creation and his history of building coalitions in the community will no doubt bring new vigor to the area's economy.

As a devoted husband and family man, Mayor Bach knows the kind of values and ideals that are required to lead in a responsible and conservative manner. I wish the Mayor success in his new job. I know that Colorado Springs could not ask for a better mayor at this critical time.

RECOGNITION OF ADMIRAL MIKE MULLEN'S FORTY-THREE YEARS OF DISTINGUISHED SERVICE IN THE UNITED STATES NAVY

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. McKEON. Mr. Speaker, I rise today to pay tribute to Admiral Mike Mullen who is retiring as the 17th Chairman of the Joint Chiefs of Staff after more than 43 years of distinguished service to his country.

A proud graduate of the U.S. Naval Academy's Class of 1968, his rise in the Navy started at sea, when Ensign Mullen deployed to the western Pacific and participated in combat operations off the coast of Vietnam aboard USS *Collett*. Over the course of his career at sea he subsequently served on six other warships, including command of three of those vessels. Admiral Mullen also commanded the *George Washington* Carrier Strike Group and U.S. Second Fleet.

In July of 2005, Admiral Mullen was sworn in as the 28th Chief of Naval Operations, serving as the top uniformed leader and representative to the Joint Chiefs of Staff. During his tenure, he oversaw the service's efforts to

man, train, and equip our Navy to fulfill its traditional missions at sea. Additionally, he conceived and championed the Navy's contributions to the fight on the ground in Iraq, Afghanistan, and other nations in support of our country's effort to combat violent extremism.

After successfully completing his tour as Chief of Naval Operations, Admiral Mullen assumed duties as the 17th Chairman of the Joint Chiefs of Staff on October 1, 2007. Since assuming duties as Chairman, he has, in concert with our Nation's leadership, overseen multiple, sustained joint military operations that disrupted terrorist networks, provided humanitarian assistance at home and abroad, and improved the security and stability in Iraq and Afghanistan.

While continuing to lead our men and women in uniform around the world, Admiral Mullen has been the catalyst for a nationwide dialogue to advance awareness and support for our warriors, veterans, and their families. I have no doubt his commitment to these Americans who have given so much will indeed be enduring, lasting far beyond his days in uniform.

Please join me in recognizing and commending Admiral Mike Mullen for a lifetime of service to his country and to wish him the best in his retirement. May God bless Mike and Deborah, and their family, for all they have given and continue to give our country. The United States Navy and our military will dearly miss one of its most respected and valued leaders.

CELEBRATING THE LIFE AND AC- COMPLISHMENTS OF MASTER SERGEANT RICHARD FRANCIS MURPHY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to honor the life and accomplishments of Master Sergeant, Richard Francis Murphy.

Richard was born in Providence Rhode Island on May 10, 1917. He enlisted in the U.S. Army Air Corps at the age of 19 and continued to show his dedication to our country for years to come. He served in both World War II and the Korean War before retiring as a Master Sergeant.

After his retirement from the Air Force, Richard went to work for the Electric and Water Department for the City of Santa Clara. He volunteered in his community, serving on many civic and veterans organizations including the United Veterans Council of Santa Clara County and the Air Force Sergeants Association. Richard was easily recognizable in San Jose, as he helped organize our Veterans Day parade and the Memorial Day ceremony at Oak Hill Cemetery.

On August 21st of this year, Richard passed away in his home in San Jose at the age of 94. Richard and his wife Kay had been married for 69 years. In that time they saw the birth of five children, four grandchildren, and three great grandchildren.

Richard was not only a dear friend of mine, but he was a friend to the entire veteran community in San Jose. He was proud of his service and grateful to others who served. I wish to honor the life of this American hero and memorialize our gratefulness for his dedication to his community and country.

IN RECOGNITION OF HELEN
BRADLEY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Helen Bradley, this year's recipient of the Outstanding Teaching of the Humanities Award from Humanities Texas.

After graduating from the University of Dallas, Ms. Bradley joined the Social Studies Department at Nimitz High School in Irving, Texas. Her belief in and commitment to the concept of opportunity is evident in her approach to her U.S. history and government classes. By helping students recognize America's unique opportunities for all and elevating the material with visits to the Dallas Holocaust Museum and the Sixth Floor Museum, Ms. Bradley creates a distinct, positive, and enjoyable learning experience for her students. She exhibits great leadership by coordinating with teachers from other departments and different grade levels to enhance the material and ensure her students are informed, knowledgeable, and proud of our Nation's rich history.

Her lessons extend beyond the classroom. For over twenty years, Ms. Bradley devoted the third Friday of every month to community service, volunteering alongside a group of her students and Nimitz alumni. What she teaches her students is not merely U.S. history; it encompasses life lessons and the values of opportunity and service. Ms. Bradley exemplifies the important role of educators play in shaping our youth and preparing them to be the next generation of great leaders.

This prestigious award recognizes her outstanding contributions in teaching and service to the humanities. It is my great pleasure and privilege to honor Ms. Bradley for her passion for teaching, commitment to service, and belief in the importance of education and opportunity. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Ms. Bradley.

HONORING LONG-SERVING MEMBERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS IN WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. HIGGINS. Mr. Speaker, in today's time of challenging budgets and fiscal uncertainty, at a time when the long term success of the United States Postal Service hangs in the balance, it is altogether fitting and proper that we

recognize the dedicated public servants who have populated the rank and file membership of the Postal Service in Western New York.

The role of a letter carrier remains among the most fundamental in American society. It remains an amazing feat that a letter dropped into a mailbox in Buffalo, New York will shortly arrive at its destination, be it across town or across the country. Letter carriers face a wide array of complications, obstacles, hazards and other challenges as they complete their daily routes. Citizens across the United States open their mailboxes and routinely retrieve their mail, seldom stopping to reflect upon the work performed by letter carriers each day.

Beyond their professional responsibilities, Letter Carriers are integral members of our community as well. While Letter Carriers participate in dozens of charitable events throughout the year, they are particularly effective in the annual "Stamp Out Hunger" food drive, where millions of pounds of nonperishable food items are delivered to community food banks throughout the United States. I'm proud to add that the Buffalo region was the first to undertake this effort, and our region routinely leads the nation in tons of food collected for this annual event.

On Saturday, September 24th, Branch 3 of the National Association of Letter Carriers, representing Buffalo and Western New York, will hold its annual "Old Timers' Night." This event will pay tribute to the careers of eleven letter carriers, each having more than 50 years of service.

Scheduled to be honored are the following members with 55 years of service: Chester Gawel, Richard Miller, Albert Schattner, Chester Stuben, and John Zelli.

Those with 50 years of service who are to be honored include: Richard Bailoni, Edward Dudkowski, Robert Hibbard, Salvatore Iannello, Joseph Sikorski, and John Tutaro.

In addition, Life Members (past honorees with more than 50 years' service) will also be on hand for the event. They include: Florian Chmurzynski, Robert Connors, Frederick Diringier, Ronald Dubois, Norman Gast, Edward Jarnot, Kenneth Kreger, Albert Martin, Guy Merritt, James Mooney, Robert Ohlenschlager, and Thomas Trotta.

The inscription at New York City's James Farley Post Office reads, "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds." I am pleased to join with Branch 3 of the National Association of Letter Carriers to honor these fine public servants, and to wish to them good luck and Godspeed in the months and years to come.

HONORING U.S. ARMY SERGEANT GARRICK L. EPPINGER, JR.'S SERVICE IN AFGHANISTAN

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. RIBBLE. Mr. Speaker, I rise today to remember and honor the life and sacrifice of Sergeant Garrick L. Eppinger, Jr. A resident of Appleton, Wisconsin, Sergeant Eppinger died

while serving our country in the Parwan Province of Afghanistan. He was assigned to the 395th Ordnance Company, 687th Combat Sustainment Support Brigade, 646th Regional Support Group, 310th Expeditionary Sustainment Command, U.S. Army Reserve, Wausau, Wisconsin. Garrick Eppinger, Jr. died protecting the freedoms we take for granted every day. His heroic sacrifice will not soon be forgotten.

Mr. Speaker, Sergeant Eppinger embodied the best qualities of a true American soldier. He served this country with honor and exhibited profound bravery and selflessness during his three overseas deployments. Sergeant Eppinger was a loving son, a devoted father and now he will forever be known as an American hero. He is remembered by friends and family as a man with a courageous and strong spirit who earned the unwavering respect of his peers. Although the loss of Sergeant Eppinger left a void in the hearts of many, his dedication and exemplary service has made Northeast Wisconsin and his country proud.

It is my honor to commemorate him and I urge my colleagues to join me today in honoring the life of Sergeant Garrick Eppinger, Jr. for the sacrifice he made for the United States of America.

RECOGNIZING THE CRUTCHFIELD FAMILY AS THE 2011 OKALOOSA COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MILLER of Florida. Mr. Speaker, it is a great pleasure for me to rise today to recognize the Crutchfield family for being selected as the 2011 Okaloosa County, Florida Outstanding Farm Family of the Year.

Reginald Crutchfield is a fifth generation farmer who truly understands the value of a strong work ethic and good soil, and he instills those values in his family every day. With the help of his wife Regina and his son Phillip, Reggie sows and harvests nearly 500 acres of peanuts, wheat and corn.

Throughout his life, Reggie has epitomized the true meaning of hard work. In 1981, Future Farmers of America (FFA) recognized his dedication to the farming industry and awarded him with the title of FFA Star State Farmer. Since that time, Reggie has worked independently as a farmer among other jobs in order to provide for his family. His impressive career includes work as a researcher of beef cattle with the University of Florida and as a golf course superintendent overseeing grass production. In 2008, Reggie successfully battled cancer and went back to work as a full-time farmer, replanting his crops and expanding his business.

Reggie and Regina have raised their children, Jhanna, Phillip, Bailey, and Paige, to respect the land and to be active members of their community. In addition to helping her husband out on the farm throughout their 27 years of marriage, Regina works as a speech pathologist for the Okaloosa County School

District. The Crutchfields are members of First United Methodist Church of Crestview and the Okaloosa County Farm Bureau. This outstanding farm family has overcome constant challenges and continues to inspire those around them with their love of the land and their commitment to family.

Mr. Speaker, our great nation was built by farmers and their families. The Okaloosa County Outstanding Farm Family of the Year award is a reflection of the Crutchfield family's tireless work and dedication to family, faith and trade. On behalf of the United States Congress, I would like to offer my congratulations to the Crutchfield family for this great accomplishment. My wife Vicki and I wish them the best for continued success.

PERSONAL EXPLANATION

HON. ERIC A. "RICK" CRAWFORD

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. CRAWFORD. Mr. Speaker, on Thursday, September 15, 2011, I was inadvertently detained on rollcall vote 709. Had I been present to vote, I would have voted "yes."

HONORING MICHAEL FORAN

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the extraordinary service of Michael Foran, the 2012 MetLife/NASSP National High School Principal of the Year. A native of Newington, Connecticut, Mr. Foran has worked for 20 years within the New Britain school district and became Principal of New Britain High School in 2006. In this time, he has been instrumental in providing the 2,700 students of New Britain High School with the foundation they will need to succeed in today's competitive economy.

Among many of his notable initiatives, Mr. Foran's focus on career education led to the start of the New Britain Academy for Health Professions, which helps students prepare for careers in health care. He has also greatly expanded the school's mentoring programs for at-risk students. Despite school budget reductions and layoffs, Foran has sustained and advanced his school's reputation by building a more collaborative work environment between administrators, teachers and ancillary staff. As a result, since 2006, test scores have risen, more students are taking AP courses, and fewer students are dropping out. This can be credited to better instruction due to Foran's excellent leadership attributes, which were essential in awarding him the honor of National Principal of the Year.

The MetLife/NASSP program honors secondary school principals who have arrived at administering distinctive learning opportunities for students. High school and middle school principals from every state in the nation are nominated. From this accomplished pool, 6 fi-

nalists are chosen as contenders to be named Principal of the Year. This program recognizes the very pivotal role that principals such as Mr. Foran play in the education system as leaders and role models who excel in maintaining a positive community for both students and teachers.

Mr. Speaker, I believe that we can all learn from Mr. Foran's dedication to education and service, and so I ask my colleagues to join me, and the people of Connecticut, in recognizing Michael Foran as the National Principal of the Year.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. LUETKEMEYER. Mr. Speaker, on rollcall No. 715, I was attending a meeting that ran long, and therefore, I was unable to vote on rollcall No. 715.

Had I been present, I would have voted "yea."

TRIBUTE TO THE DEFENSE INTELLIGENCE AGENCY'S 50TH ANNIVERSARY

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. BARTLETT. Mr. Speaker, I rise today to pay tribute to the Defense Intelligence Agency on the occasion of its' 50th Anniversary.

Created in 1961, DIA is our nation's premier provider of intelligence on foreign military intentions and capabilities. DIA's workforce of over 16,500 military and civilian intelligence professionals conducts all-source analysis, human and technical intelligence collection, counterintelligence and provides secure information technology support worldwide for military commanders, warfighters and policymakers.

DIA is responsible for the Defense Attaché System, Defense Counterintelligence and HUMINT Center, National Defense Intelligence College, National Media Exploitation Center, National Center for Credibility Assessment and several specialized intelligence centers: the Underground Facility Analysis Center, the Missile and Space Intelligence Center and the Joint Intelligence Task Force—Combating Terrorism.

In addition to these components, I am especially pleased that DIA's National Center for Medical Intelligence, NCMI, is located in my Congressional District on Fort Detrick. NCMI's 150 civilian and military intelligence analysts and scientists are charged with preparing and coordinating intelligence on foreign health threats and medical issues to protect U.S. interest worldwide.

As a member of the House Armed Services Committee and a frequent visitor to NCMI and Fort Detrick, I have received numerous briefings from DIA and NCMI personnel. Each time

I have been briefed by DIA analysts I have been impressed by the Agency's expertise identifying medical threats to U.S. forces and our allies, and the insights these intelligence professionals bring on foreign military intentions and capabilities.

During DIA's five decades of existence, the Agency has remained agile in the face of evolving national security threats. From the Cold War, to the Vietnam War, to the first Gulf War, DIA's early efforts focused on understanding and, if necessary, defeating state-sponsored militaries and providing strategic warning.

Since the 9/11 terrorist attacks, DIA has responded to the asymmetric threat posed by transnational terrorist groups such as al-Qaida by pushing more analytic and collection capabilities forward in direct support of our military forces in Iraq, Afghanistan and elsewhere. Today intelligence professionals from across DIA, including personnel from NCMI are forward deployed alongside our troops to provide the best and most timely military intelligence possible.

Mr. Speaker, I congratulate the men and women of DIA on 50 years of service. Guided by their Agency motto "Committed to Excellence in Defense of the Nation", I am confident that DIA will be standing watch to defeat the threats we face today and to identify and meet the national security challenges of the next 50 years and beyond.

CONGRATULATING COLUMBUS CLIPPERS

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. STIVERS. Mr. Speaker, I rise today to congratulate the Columbus Clippers on winning their ninth, and second consecutive, Governor's Cup. The Governor's Cup is a baseball tradition dating back to 1933 and is awarded annually to the International League's champion.

First at Cooper Stadium and now at Huntington Park, since 1977 the Columbus Clippers have been a Central Ohio institution. The Clippers are a world-class organization, and attending a game at Huntington Park is a world-class experience. I have enjoyed many warm summer evenings cheering on the Clippers, and I know countless other Ohio families have shared similar fun-filled experiences enjoying America's favorite pastime in each other's company.

In Columbus, we take our sports seriously, and the Clippers have always been a point of pride for us. Their past two seasons have been particularly impressive with the team winning back-to-back championships. A single Governor's Cup win is an impressive achievement but two in a row is truly extraordinary. Over the years the Clippers have made their city and state proud with similar championship streaks, including holding on to the Governor's Cup for three consecutive years from 1979–1981.

A winning season takes hard work and many hours of practice and a great deal of effort. The team's success brings City of Columbus together to celebrate as a community. To

the Columbus Clippers, I offer my congratulations on this season' championship and my best wishes for a strong season next year.

Columbus Clippers, RING YOUR BELL!

TRIBUTE TO CONGRESSWOMAN
CARRIE MEEK

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. BROWN of Florida. Mr. Speaker, as a 30-year colleague of Congresswoman Carrie Meek of Miami, I submit this tribute to honor of my dear, dear friend. Ms. Meek's life and career began from the most humble of backgrounds in segregated Tallahassee during the 1930's. She was the granddaughter of slaves and daughter of former sharecroppers, yet graduated from Lincoln High School, and later stayed in north Florida and graduated from Florida A&M University in 1946. Unfortunately, this was still a time when African Americans could not attend graduate school in the state of Florida, yet because of her fearless spirit and tenacity, Ms. Meek did not give up studying; she enrolled in the University of Michigan and received her M.S. degree in 1948. After graduation, Carrie was hired as a teacher at Bethune-Cookman University in Daytona Beach, Florida, and then at her alma mater, Florida A&M University. She then moved to Miami in 1961 to serve as special assistant to the vice president of Miami-Dade Community College, which was desegregated in 1963, largely due to Ms. Meek's integral role in the push for its integration.

I distinctly recall the years we served together in the Florida State legislature in the 1980's. And although Ms. Meek became Florida's first African American female state Senator in 1983, the same year I began my career of public service in the Florida House, we worked jointly on numerous projects beneficial to minority communities across the state of Florida. And since she served on the Education Appropriations Subcommittee, we tag teamed on various projects, including critical funding for HBCU's, affordable housing for minorities and the poor, as well as funding for critical transportation and infrastructure projects in areas previously overlooked.

And in 1992, after a long and bitter legal fight, Ms. Meek and I, along with Congressman ALCEE HASTINGS, became the first African American Members elected to the U.S. House of Representatives since 1871! Together in Washington, Rep. Meek and I worked arduously together on issues such as economic development for underserved areas, both nationally and in the state of Florida, on decreasing disparities in health care treatment and in increasing access to health insurance, as well as on education and housing issues. And as Floridians passionate about improving the conditions on the island nation of Haiti, we also traveled to Haiti together, and worked to advocate for Haitian immigrants and for increased U.S. foreign aid and investment on the island nation of Haiti. I will always fondly remember the years of working together with Ms. Meek, and am pleased to see Members of the Flor-

ida delegation coming together on the House Floor this morning to recognize her many achievements during her time in Congress.

THE CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES EXTENSION

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. REED. Mr. Speaker, I rise today to speak in support of two of today's scheduled bills, the Child and Family Services Improvement and Innovation Act and the Temporary Assistance for Needy Families Extension.

The Child and Family Services Improvement and Innovation Act makes the necessary improvements to the Child Welfare Services and Promoting Safe and Stable Families programs to ensure accountability of the funds spent in the programs. Particularly, the waiver requirements and the required Government Accountability Office study will help reduce the duplication of funds for these programs.

Regarding the Temporary Assistance for Needy Families Extension, I feel that this three month extension will provide the proper time to discuss, debate and research the benefits of mandating drug-testing and substance abuse treatment programs as a requirement for individuals to receive funds under this program. Including such a provision will increase the accountability of means-tested cash recipients and send a message that substance abuse will not be tolerated or supported by the federal government.

I see a direct link in the issue of substance abuse and child maltreatment; I feel that the inclusion of a drug-testing requirement would improve both programs and increase their efficiency.

I look forward to working on this issue with my colleagues in the Subcommittee on Human Resources, the Ways and Means Committee and the House of Representatives at-large.

PARKROSE CENTENNIAL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. BLUMENAUER. Mr. Speaker, congratulations to Parkrose, Oregon on your Centennial.

Founded by Italian, Dutch, and German farmers in the late 1890s, the community of Parkrose was incorporated by its business community in 1911 and quickly faced the challenges of rapid growth.

By the 1920s, the farmland that supplied nearby Portland with much of its food was developed into motels, serving the travelers that traveled from the Columbia Gorge into the "big city". Next came housing developments, changing the landscape even more. In the 1960s, the newly constructed Banfield freeway

attracted motorists off of Sandy Boulevard, Parkrose's main thoroughfare.

By the time of annexation by the City of Portland in 1980, Parkrose had faced challenges as great as any part of the metropolitan area. Throughout, Parkrose has fought to retain its identity, as well as its farmland, and have kept its schools an important focal point for the community.

In more recent years, Parkrose has rediscovered its past, celebrating many rich traditions. From its schools and businesses to its community gardens, parks, local farms, and thriving Farmers Market, the residents of Parkrose continue to shape their community into one that will be treasured and celebrated 100 years from now.

I offer my congratulations to the good citizens of Parkrose, Oregon as they begin their next century.

HONORING THE FAIRFIELD
VOLUNTEER FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Fairfield Volunteer Fire Department, located in Essex County, New Jersey, as it celebrates 100 years of dedicated volunteer service to the Township of Fairfield.

The Fairfield Volunteer Fire Department, formerly the Township of Caldwell Volunteer Fire Department, was founded in 1911, with the help of a handful of residents. The very first firehouse in the township was built in 1912, on the lands given to the department by a generous donor. Unfortunately, the building burned in 1915. Due to a lack of necessary firefighting equipment, the department was helpless to combat the flames.

After the devastating fire, the department assumed a somewhat inactive status until a group of citizens reorganized in 1924 and erected a new firehouse in 1925 at the site of the old structure. To finance its new building, a \$1500 mortgage was assumed. In 1927, the township's first fire truck, a 1926 Day-Elder Pumper, was purchased. Three years later the township purchased the truck to help alleviate the department's costs. Since that time, the township has purchased all necessary equipment used by the fire department.

In 1948, the Day-Elder was retired and replaced by a new 1948 GMC Pumper. Subsequently in 1952, the Township purchased a second GMC 1000 gallon Pumper. These two vehicles were housed at town hall, the location of the present day municipal building and Firehouse No. 1. In 1964, the department acquired a FWD four wheel drive GMC 1000 GPM Pumper, "Old Engine 3." Then, in the spring of 1970, the present Firehouse No. 2 located on Plymouth Street was constructed and dedicated.

Continuing through the rapid growth of the town and the fire department, March 1974 brought the addition of the new 1500 GPM Hahn Pumper, Engine 4. Three years later, in September 1977, the nearly 30 year old GMC's were retired and replaced by two new

twin Hahn 1500 GPM Custom Pumpers, Engines 1 and 2, rounding the arsenal to 4 modern pieces of apparatus.

In 1981, the members of the department designed and constructed a new Firemen's Recreation and Training Hall on land received from the town, adjacent to the Plymouth Street Firehouse. The organization sold the old firehouse which still stands today, now occupied by a privately owned business.

Three years later, the department purchased a 1984 LT1 100-foot Ladder Tower with a 1500 GPM pump. This vehicle was added to the Township's firefighting capabilities in response to the rapid growth of larger office buildings and multi-floor hotels. After 30 years of service, Old Engine 3 was soon replaced with a new Pierce 2000 GPM custom built Pumper. This engine represented the epitome of modern firefighting, with a fully enclosed cab, up-to-date radio equipment and computerized pump controls. The department also purchased a 1995 GMC Suburban Incident Command Vehicle, complete with radio equipment; enabling the department to directly communicate with any of the surrounding fire departments, State Police, West Essex First Aid Squad, paramedics and NorthStar Medical Helicopter.

Rounding off its modern arsenal of firefighting apparatus, the two 1976 Hahns were retired and replaced with twin Pierce 2000 GPM Custom Pumper Engines 1 and 2. Both trucks came with safety features and capabilities that far outperform the old equipment, including fully enclosed 6 seat cabs and computerized pump controls. The latest piece of apparatus replaced the first ladder truck with a 2005 Pierce 100 foot ladder tower with the newest technology.

Due to the high volume of industry, waterways and major highways, the department's duties have increased from basic firefighting to extra services including vehicle extrications and water rescue that demands not only the purchasing of specialized equipment but also many extra training hours. As an all-volunteer department, the members give their own time and sacrifice their safety for the good of their community and mutual aid to surrounding towns. Many members have surpassed 50 years of volunteer service to the department and for that they are commended.

From past to present the Fairfield Volunteer Fire Department has worked through many hard times, experienced its share of success and tragedies, and has developed and grown right along with the community it serves. Its past and present members should feel pride to be part of such a group of dedicated individuals.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the Fairfield Fire Department as it celebrates 100 years of volunteer service.

HONORING THE LIFE OF JUDGE
GILLIS E. POWELL, SR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an

honor for me to rise today to recognize the life of northwest Florida's beloved Judge Gillis E. Powell, Sr.

Over the course of his life, Judge Powell was a fixture in the northwest Florida community. His family was one of the first families to settle in Crestview, and his mother was a founding member of the First Presbyterian Church of Crestview. Judge Powell's assiduous work ethic was apparent when he began working as a delivery boy at Sullivan's Grocery Store at the young age of 12. In 1938, Judge Powell graduated from Crestview High School and went on to study business administration at the University of Florida (UF).

Judge Powell was also a true patriot, and when his country called him to duty during World War II, he responded with honor and distinction. In 1942, as a Second Lieutenant, he was one of only five officers from his squadron chosen to attend intelligence training at Yale University. While training at Yale, he married his childhood sweetheart, Avis Elizabeth Moore. After finishing his intelligence training, Judge Powell served as an intelligence officer in north Africa, rising to the rank of Major and becoming a squadron commander. During his military career, he was recognized by President Franklin D. Roosevelt for his role in preparing for the Big Three Conference between President Roosevelt, Winston Churchill, and Joseph Stalin in Tehran, Iran.

After fulfilling his service commitment, Judge Powell returned to Florida with his wife, Avis, where he finished his bachelor's degree at UF, before earning his law degree from UF's College of Law. Judge Powell had a true aptitude for business and passion for law. He started his first business near UF—The Tackle Box—which started as a small bait shop and has grown over the course of 60 years into a large sporting goods store.

In 1951, he returned to his native Crestview to establish his own law firm. During his accomplished legal career, he served in his private practice and as an Assistant State Attorney, before being appointed in 1971 to serve as Circuit Judge in the First Judicial Circuit of Florida. He served as a Circuit Judge until he retired from the bench in 1977, when he returned to private practice with his oldest son, Gill. Over the years, the law firm of Powell, Powell & Powell grew to include his daughter, Ava, and younger son, Dixie; as well as his granddaughter, Lacey and her husband, James; his granddaughter, Ginny; and his grandson, Gillis E. Powell III. In 1991, while serving as the City Attorney for City of Niceville, Judge Powell argued and won a case before the United States Supreme Court and was featured on NBC's "Today Show." Judge Powell remained active in his law practice until his recent retirement at the age of 87.

To some, Judge Gillis E. Powell, Sr. will be remembered as a courageous member of our armed services who answered the call of duty during one of our Nation's most trying hours; to others, he will be remembered for his acumen in law and business. Judge Powell was a distinguished attorney, judge, businessman, and Air Force officer; however, above all Judge Powell was a true family man. He was especially proud of being able to work with his children and grandchildren in his law practice,

and he loved nothing more than spending time with his family cheering his Gators to victory. Northwest Florida mourns the loss of a true leader, and his service to the community and this Nation will not be forgotten.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Judge Gillis E. Powell, Sr. and his living legacy. My wife Vicki and I extend our most sincere condolences to the entire Powell family.

HONORING THE MEMORY OF PAUL
WILLIAM BELTZ

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. HIGGINS. Mr. Speaker, Tuesday, September 20, 2011 we lost a good and honorable citizen and someone I considered a friend. Mr. Paul William Beltz of Buffalo, New York and North Palm Beach, Florida died at the age of 85 years old in his home in Buffalo surrounded by his loving family.

Mr. Beltz was one of Buffalo's leading trial attorneys and founder of the law firm that bears his name. He personified all that is honest, all that is good in the legal profession and built a firm that embodied Mr. Beltz's honorable reputation, his steadfast determination, unmatched work ethic and a firm that believed in family and commitment to one's family.

Mr. Beltz lived his life, and instilled in the lives of his children and grandchildren, that if you work hard, love your family and your country and give back to your community, you will have truly lived. We are grateful to Mr. Beltz who served our nation during World War II with the Army in the Pacific.

Mr. Beltz graduated from St. Bonaventure University and Cornell Law School and received numerous recognitions for his contributions to Education and Law. In 2001, Mr. Beltz was named Lawyer of the Year by the Erie County Bar Association. In 2005, Mr. Paul William Beltz received the Gaudete Medal, from St. Bonaventure University which recognizes business and community leaders for service in the tradition of St. Francis of Assisi.

Mr. Speaker, I wish to express my deepest condolences to the family of Mr. Paul William Beltz, to his wife Catherine, his children Anne and Phil Rimmner, Margaret and Bill Gellatly, Kate and Steve Foley, John and Katherine Beltz, Mary Elizabeth and Naill Falls, and Sara and Mario Rodriguez and to his sixteen grandchildren, as well as his surviving family and friends. It was evident from the first time I met Mr. Beltz that he was a kind and generous man who had earned the respect of many. Although words cannot truly express the man that Paul William Beltz was, it is my hope that the memories and stories of Mr. Beltz can serve as a lasting tribute to his life, his service, and his impressive career. I will remember Mr. Beltz for his generous spirit, for his hard work on behalf of so many working men and women in our community and for the impact he had on so many families throughout Western New York.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Ms. LEE of California. Mr. Speaker, I was unable to cast my vote on the Motion on Ordering the Previous Question on the Martial Law Authority Rule. Had I cast my vote, I would have voted "no."

HONORING MENTAL ILLNESS
AWARENESS WEEK 2011**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize Mental Illness Awareness Week. Every year the American Psychiatric Association, the National Alliance on Mental Illness and the National Mental Health Association designate one week in October to put the spotlight on mental illness and the associated policy issues. This year we recognize this important time on October 2nd through 8th.

Mental illness doesn't discriminate. One in five Americans bear mental illness, ranging from mild depression to severe disorders such as schizophrenia and bipolar disorder. One in five children endures a diagnosable disorder and one in ten children suffer from a serious disorder which, if unaddressed, can lead to poor school performance, social anxiety and seclusion and even violence against themselves and other people. Unfortunately, less than one-third of adults and less than half of children receive treatment for diagnosed serious disorders, leading to an average lifespan 25 years less than the general population.

Organizations like the American Psychiatric Association, the National Alliance on Mental Illness and the National Mental Health Association and their field partners work with municipal and state governments to make sure those who need care have access to it. In my district and around the country, local governments such as the Pima County Board of Supervisors are working diligently to ensure high-quality, cost-efficient community mental healthcare is available.

However, there is still much work to be done. When there is a lack of mental healthcare in a community, we see more lost jobs, more people out on the streets and more broken families. Often these communities see more emergency room visits, larger prison populations and higher social services costs all around. We must stay diligent in addressing mental illness and always stay focused on the individual.

Again, I want to recognize these organizations for their important work, and I urge those who need help to ask for it.

PERSONAL EXPLANATION

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. MARINO. Mr. Speaker, during the recent severe flooding events that occurred in the 10th District of Pennsylvania, I remained in home to assist people who had been impacted. Due to this, I missed the votes that occurred from September 8 through 15. Had I been present I would have voted: Vote 693—Aye; Vote 694—Aye; Vote 695—Aye; Vote 696—Aye; Vote 697—No; Vote 698—Aye; Vote 699—Aye; Vote 700—Aye; Vote 701—Aye; Vote 702—No; Vote 703—No; Vote 704—No; Vote 705—Aye; Vote 706—Aye; Vote 707—Aye; Vote 708—Aye; Vote 709—Aye; Vote 710—No; Vote 711—Aye.

CONGRATULATING MELISSA
SEIBERT**HON. JAMES B. RENACCI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. RENACCI. Mr. Speaker, I want to congratulate Melissa Seibert, of the Stark County Chapter of the American Red Cross, for receiving the Ohio Commendation Medal. This is the highest Ohio military honor and is awarded to only a few distinguished persons each year. It is presented to each person who, while a member of the state military forces, distinguishes himself/herself while serving in any military capacity by meritorious achievement and in an outstanding manner.

Melissa Seibert began her work with the Red Cross in 1999, where she started as a First Aid and Disaster Action Team volunteer. Shortly after, she was asked to be the Health and Safety Instructor; leading to a promotion to a position in the Health and Safety Services Department. In 2004, Melissa became the Assistant Director of Emergency Services, and in 2008 was challenged with the opportunity to develop a new Military Outreach program.

The development of the Military Outreach Program has become a vital part of the military community in the Stark County area. Melissa's passion and dedication has taken the program to great heights, providing military families in the community with much-needed support, resources and strength. She provides support for military personnel during times of deployment and organizes many "Welcome Home" and "Send Offs" for the military men, women and family members. Melissa is the foundation of the "Military Family Connection" support group, where family members of service personnel meet to support each other and gain valuable information on many local resources. She also hosts quarterly "Psychological First Aid" programs for local families dealing with the stress and emotions that come with the deployment of a loved one.

Ms. Seibert has successfully networked with countless military groups and associations in the community; strengthening the common bonds that tie these families together. She

works closely with Blue Star Mothers, USO, the Regional Inter-Service Family Assistance Committee and the Gold Star Mothers. In addition, Melissa participates on the board for the Stark County Safe Kids and the Federal Emergency Management Agency, FEMA.

Since the inception of the Military Outreach Program, Melissa Seibert has helped over 5,000 individuals. True to her nature, she is now helping start similar outreach programs in the Ohio Red Cross chapters of Alliance and Muskingum Lakes. Recognized by her peers, she will soon be seeing her ideas applied nationally as her program is cloned in communities across our land. Melissa thoroughly enjoys working with Military Services and says, "It's not a job, it's a calling. A job is doing something because you are required to do it. A calling is doing something because you are passionate about it."

Ms. Seibert's dedication to Ohio military personnel and their families has warranted this prestigious award. Her selfless endeavors and meaningful contributions remind us of what can be accomplished when we give of ourselves for the benefit of others.

RECOGNIZING MARINE SERGEANT
DANIEL J. PATRON**HON. JAMES B. RENACCI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2011

Mr. RENACCI. Mr. Speaker, I rise today to recognize Marine Sergeant Daniel J. Patron. Sgt. Patron—a member of the 8th Engineer Support Battalion, 2nd Marine Logistics Group, II Marine Expeditionary Force—was tragically killed on August 6 while trying to defuse a roadside bomb in the Helmand province of Afghanistan.

Our Explosive Ordinance Disposal, or EOD, teams are even more important and face even more dangerous tasks now that we are dealing with an enemy who relies on improvised explosive devices. From the start of our combat operations in Afghanistan and Iraq, insurgents have often refused to fight our forces in the open, choosing instead to hide in the shadows waiting to attack our brave men and women from afar.

Standing between our soldiers, sailors, airmen, and marines and those insurgents are our EOD teams. They selflessly place themselves face-to-face with increasing advanced and intricate explosives. Their office resides fully in harm's way, and they know one loose wire or one extra-sensitive detonator could kill them or their team members. Still they accept the job of protecting their brothers and sisters, too often laying down their own lives in the process.

I have no doubt Sgt. Patron knew the risks he took on a daily basis. He knew that each day the challenges would be great and the task at hand would be vitally important. That kind of noble commitment to others may seem incredible to many of us. But what it is truly remarkable is how often we see it from those who serve in our Armed Forces. Daniel was certainly no exception.

Sgt. Patron leaves behind his wife Cody Drace Patron, his parents Frank and Kathy, and his older brother Matthew. I would like to pass on my deepest condolences to his family

and share with them the thanks of a grateful nation. Daniel was, and will remain, a shining example of the best America has to offer.

I honor Daniel's life, his sacrifice and his memory. He will surely be missed by many, but he—along with all of our fallen heroes—will not be forgotten.

SENATE—Friday, September 23, 2011

The Senate met at 9 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the God of all comforts, the challenges continue, but You have promised us strength for each new day. So give us this day our daily intellectual, physical, social, and spiritual bread that we may honor You.

Empower our Senators today to become instruments of Your grace, continuing Your work on Earth to liberate the captives. May our lawmakers seize the opportunities You give them to protect and bless our world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 23, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I am in a moment going to note the absence of a quorum. There will be no speeches

until the Republican leader and I have a chance to visit and determine what we are going to do this morning. We expect a vote fairly quickly. We will do the best we can. We are waiting for a message from the House.

At this time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Under the previous order, the leadership time is reserved.

UNANIMOUS CONSENT AGREEMENT—H.R. 2608

Mr. REID. Mr. President, I apologize to all Members for not being able to get here more quickly, but we have done the best we can. I have been waiting to hear from the Speaker for the last half hour or so and he has not called.

I ask unanimous consent that at 11:20 this morning, not withstanding the message not having been received from the House with respect to H.R. 2608, the House message be considered to have been laid before the Senate; further, that I may move to concur in the House amendment to the Senate amendment to H.R. 2608 with an amendment, the text of which is the House amendment with a technical change; that there be 10 minutes of debate, equally divided, between the two leaders or their designees; that upon the use or yielding back of that time, the majority leader be recognized to move to table the motion to concur with an amendment and the Senate proceed to a vote on the motion to table the motion to concur with an amendment, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum and ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we can see there is not a stampede to talk, so I now ask unanimous consent that notwithstanding the previous order, the motion to table be in order now.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the House message is considered laid before the Senate.

Mr. REID. Mr. President, I move to concur, with an amendment. The amendment is at the desk.

(The text of the amendment (No. 655) is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House message with respect to H.R. 2608, with amendment No. 655.

Mr. REID. I move to table that and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 36, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—59

Akaka	Casey	Johnson (SD)
Baucus	Conrad	Johnson (WI)
Begich	Coons	Kerry
Bennet	DeMint	Klobuchar
Bingaman	Durbin	Kohl
Blumenthal	Feinstein	Landrieu
Boxer	Franken	Lautenberg
Brown (OH)	Gillibrand	Leahy
Cantwell	Hagan	Lee
Cardin	Harkin	Levin
Carper	Inouye	Lieberman

Manchin	Reed	Tester
McCaskill	Reid	Toomey
Menendez	Risch	Udall (CO)
Merkley	Rockefeller	Udall (NM)
Mikulski	Rubio	Warner
Murray	Sanders	Webb
Nelson (FL)	Schumer	Whitehouse
Paul	Shaheen	Wyden
Pryor	Stabenow	

NAYS—36

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoeven	Nelson (NE)
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Roberts
Coats	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Kirk	Snowe
Cornyn	Kyl	Thune
Crapo	Lugar	Vitter
Graham	McCain	Wicker

NOT VOTING—5

Barrasso	Coburn	Enzi
Chambliss	Corker	

The motion was agreed to.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

MOTION TO CONCUR, WITH AMENDMENT NO. 656

Mr. REID. Mr. President, I now move to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment numbered 656.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2608, with amendment No. 656.

Harry Reid, Daniel K. Inouye, Tom Udall, Charles E. Schumer, Richard J. Durbin, Mary L. Landrieu, Patty Murray, Patrick J. Leahy, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Maria Cantwell, Daniel K. Akaka, Jack Reed, Debbie Stabenow, Kay R. Hagan.

AMENDMENT NO. 657 TO AMENDMENT NO. 656

Mr. REID. Mr. President, I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 657 to amendment No. 656.

The amendment is as follows:

At the end, add the following new section:

Section _____

This Act shall become effective 4 days after enactment.

MOTION TO REFER, WITH AMENDMENT NO. 658

Mr. REID. Mr. President, I have a motion to refer the House message to the Appropriations Committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on H.R. 2608 to the Senate Appropriations Committee with instructions to report back forthwith, with an amendment numbered 658.

The amendment is as follows:

At the end, add the following new section:

Section _____

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 659

Mr. REID. Mr. President, I have an amendment to my instruction that is also at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 659 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 660 TO AMENDMENT NO. 659

Mr. REID. I have a second-degree amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 660 to amendment No. 659.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum requirement under rule XXII be waived with respect to the cloture motion I just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that the vote on the motion to invoke cloture on the motion to concur with an amendment occur at 5:30 p.m., Monday, September 26.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. MCCONNELL. Reserving the right to object and with the indulgence of my friend the majority leader, let me make some brief remarks about where we are.

For anyone who is confused about what is going on in Congress right now, let me make it easy. In order to keep the government running beyond next week, Congress needs to pass a short-term bill that funds government operations at a spending level to which both parties can agree. The good news is, we have already agreed on a spending level. That has already been done. Last night, the House of Representatives passed a bill that meets that figure we agreed on a couple of months ago.

Here is the holdup. Because of some of the horrible weather we have had over the past several weeks, we have all agreed to add emergency funds we didn't originally plan in this bill, and Republicans have identified a couple of cuts to make sure we don't make the deficit any bigger than it is already, including an offset Leader PELOSI has used in the past. The rest is from a cut to a loan guarantee program that gave us the Solyndra scandal. I think we can all agree this program should be put on hold until we get more answers, but our friends on the other side don't like the idea. They would rather just add these funds to the deficit. Why? Because, they say, that is the way we have always done things around here. Well, I think there is a lesson we can draw from the debates we have been having here over the last 6 months; that is, the American people won't accept that excuse any longer. The whole "that is the way we have always done it" argument is the reason we have a \$14 trillion debt right now.

If we pass this bill, FEMA will have the funds they need—have the funds they need—to respond to these emergencies. That is not the issue. What is at issue is whether we are going to add to the debt.

We have a path forward to get disaster funding done right here, today. There is absolutely no reason, in my judgment, to delay funding for disasters until Monday, as my friend the majority leader is now asking us to do. I don't think we ought to delay at all.

We just received the amendment a few minutes ago, but we are aware of what it does, and I think it is important for us to try to resolve this issue sooner rather than later.

Let's just walk through the next few days. If we don't have this vote until Monday, that leaves 24 hours or so before the Jewish holidays begin and then several days before the end of the fiscal year. It strikes me that we would be better off going ahead and having this vote now and entering into the discussions that will probably now be delayed until sometime Monday night to see how we can resolve this impasse between the House and Senate.

We would be happy to have the cloture vote on the proposal of my friend the majority leader right now rather than Monday night so we can get a clear sense of where we stand. It is my view that we ought to have the vote today rather than wait until Monday and basically squander the next few days toward getting an agreement we know we have to reach. Therefore, Mr. President—and I thank my friend the majority leader for letting me explain my position—I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. First of all, my friend, I am sure, understands that this great piece of legislation that was sent to us by the House received 36 votes over here. It was tabled on a bipartisan basis.

The matter that is now before the Senate is really a nice piece of legislation. It funds the government until November 18. That is what the House wanted. There also is money in this bill to take care of FEMA. And even though we passed a bill here with bipartisan support that had \$6.9 billion, which we believed was an appropriate figure, in an effort to compromise on this CR, we have the number the House thinks is a better number. That is what is before us.

So, Mr. President, my suggestion to my friend—and he is my friend—is that the two Democratic leaders, REID and PELOSI, and the two Republican leaders, MCCONNELL and BOEHNER, should just cool off a little bit and then work through this. There is a compromise here, and the compromise is now before the Senate. Everyone, once in a while, needs a little cooling-off period.

The government is not shutting down. I spoke to Mr. Fugate myself, and FEMA is not out of money. We will come here Monday, and more reasonable heads will prevail. I hope over the weekend the four leaders can lead their troops in the right direction.

So I again ask unanimous consent that the vote on the motion to invoke cloture on the motion to concur with an amendment occur at 5:30 p.m., Monday, September 26.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, obviously, here in the Senate we would have a 60-vote threshold, and that is what we will have Monday afternoon. I see no reason why we shouldn't advance that to now so it can be clear whether this measure would pass the Senate. I am pretty confident it will not, and I don't see any purpose to be served by delaying the outcome of that, making the outcome clear on Monday when we could have a clear outcome today; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, first of all, we have a piece of legislation at the desk that takes care of all the issues. It takes care of funding the government after October 1, and it also takes care of FEMA for the foreseeable future. It is a nice piece of legislation.

It is not our number; it is the House number.

I ask unanimous consent that the Reid motion to concur to the House amendment to the Senate amendment H.R. 2608 with amendment No. 656 be agreed to, the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and any statements relating to this bill be placed in the RECORD at the appropriate place as if read. In fact, what we are asking here is the CR, with the FEMA language, be passed.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, we will have that vote on Monday. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I renew my request. I would tell everyone—as my friend said, we will have the vote on Monday. We will keep the vote open, and if people are pressed on planes, I will work with the Republican leader and make sure that everyone is protected as much as possible.

The PRESIDING OFFICER. Is there objection to the renewed request for Monday?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, as my colleagues know, last night the House of Representatives approved a continuing resolution which includes critical funding for the Federal Emergency Management Agency, FEMA. It has been reported that my friends on the other side of the aisle are committed to defeating this measure because the FEMA spending has been offset by a \$1.5 billion reduction in the Advanced Technology Vehicles Manufacturing Loan Program.

I would like to remind my colleagues that in 2009, before the change of leadership in the House, that body sent over a bill, H.R. 3435, to "Make supplemental appropriations for fiscal year 2009 for the Consumer Assistance to

Recycle and Save Program"—otherwise known as "Cash-for-Clunkers." That bill provided an additional \$2 billion, on top of an already appropriated \$1 billion, for a program that did nothing to boost long-term car sales in this country.

And how was the second appropriation to "Cash-for-Clunkers" paid for? You guessed it, unused funds from a Department of Energy loan guarantee program. The former leadership in the House transferred money from the Department of Energy Innovative Technology Loan Guarantee Program that was funded by the stimulus bill.

If "Cash-for-Clunkers" was important enough to transfer money from a loan guarantee program that was not being utilized, why not the disaster relief we are seeking to fund now? I would like to hear from my friends on the other side of the aisle as to what made "Cash-for-Clunkers" so critical to our Nation's health that we could pay for it with money from a loan guarantee program but are unable to do the same with FEMA?

And what is it about the Advanced Technology Vehicles Manufacturing Loan Program that the majority prioritizes over FEMA's disaster relief efforts?

According to the Government Accountability Office, the Department of Energy has not obtained technical expertise to monitor the loan program, developed sufficient performance measures to ensure the loan guarantee program achieves its intended goals, and "could not provide Congress with information on whether the program was achieving its goals and warranted continued support."

There is absolutely no excuse for not passing the continuing resolution approved by the House last night.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I ask consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Ms. CANTWELL. Mr. President, I know my colleagues here want to join in on the debate that just transpired, but I wanted to take a minute to talk about Senate bill 1542, which passed last night. I know, just as people are

frustrated here with everything that is going on, I think it is important to stop for a second, when something does pass and it is good policy, that we talk about it, and that is the Child and Family Services Improvement and Innovation Act.

Congress took a pretty big step last night by improving the lives of children by the passage of this legislation. It is about keeping families together. It is about rewarding government efficiency and driving down costs, and it is about giving flexibility to invest in programs that are proven to work for kids and families.

This bill is about America's children. It is about making sure that America's foster care program works for children so they can keep their families together. Too often, our Federal policies have punished States which have innovative programs, giving States money based on how many kids were still in foster care instead of rewarding success and innovation that helped transition children out of the foster care system and back with their families.

Let me tell you what has happened in Washington State. We have been implementing innovative programs to improve foster care for many years now. When Washington State noticed a disproportionate number of Native-American children being placed in foster care, our advocates took action and implemented the Washington Indian Child Welfare Act in developing strategies for strengthening tribal relationships and promoting the best interests of Native-American children.

When Washington State noticed in general how long children were staying in foster care, advocates took action, this time implementing policies to help reduce the length of stay for children in out-of-home care. As a result, the median length of stay for children in out-of-home care declined almost 100 days between 2009 and 2011. In addition, Washington State reduced its foster care caseloads by 13.8 percent during a similar time period.

Unfortunately, instead of being rewarded for these actions, we were penalized, and that is what this legislation has helped to correct. In fact, we lost \$2.7 million during that time period. So this legislation, instead of punishing Washington State for keeping kids out of foster care, helps us ensure the kind of innovation that will help us to make sure the best programs are implemented. This allows Washington to increase its capacity to keep doing the things that keep children who have been in the foster care system from being in the foster care system the entirety of their childhood. This instead drives them, hopefully, successfully back with their families.

Our State can invest in evidence-based programs that have proven to work, and just as this legislation will help us to do, it will make sure that

children don't bounce from foster home to foster home on a continuing basis. We will help to keep kids out of the care system and, when possible, place them back safely with families.

Washington State Representative Ruth Kagi, who has been a tireless advocate for this system, said it best:

Title IV-E waivers can help the State move from purchasing specific services to purchasing specific outcomes.

I thank Chairman BAUCUS and Ranking Member HATCH for their timely and innovative work on this legislation. I wish my colleagues could have been at the hearing that was held earlier this year when Senator BAUCUS asked young adults, who had been part of the foster system for their entire lives, how to change the system.

I thank the chairman for taking into consideration the specific improvements and innovations that Washington State has advocated. And I thank my colleague, Representative JIM McDERMOTT, and the Washington State legislators who worked on this, including Partners for Our Children, the Children's Home Society of Washington, and the various social workers and advocates who, in our State, continue to try to innovate when it comes to foster care in America.

This legislation is a major step forward to promote innovation on a Federal basis and to help keep families together. In doing so, we will have the benefit of also driving more efficiency and driving down the cost. But, more importantly, we are going to be working to strengthen America's children and families by trying effectively to keep them together.

I thank the President, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

AMERICAN JOBS

Ms. STABENOW. Mr. President, I want to speak for a few moments about what has been happening all week here in the Senate and in the House of Representatives.

First of all, this year we have seen a terrible string of natural disasters that have shut down businesses and left families homeless across America. As chair of the Agriculture Committee, I am certainly very concerned about the flooding along the Mississippi and Missouri Rivers, and the record droughts that have devastated the livelihoods of men and women who grow our food across America.

In response to that, the Senate, on a strong bipartisan basis, responded to provide the funding for FEMA to help with communities across America, 48 States, to be able to respond and be able to do what we always do as Americans—to be able to step forward and work together and meet these kinds of natural disasters and the help that is needed.

We sent that to the House. The House decided, on the other hand, that they not only would lower the funding amount, even though we know that means multiple times now having to keep churning to work something out, but they have cut the amount. Then they added to it an effort to cut in half a public-private sector effort that is creating jobs.

I know people in Michigan and people across the country would be scratching their heads, saying, Wait a minute. Did I hear this right? We are stepping forward to help families who had their house wiped out or their business wiped out or their farm wiped out or some other horrendous challenge because of natural disasters. In order to help them, the House Republicans are saying we have to cut jobs. That makes absolutely no sense.

I would say that while Michigan was very fortunate that we were not one of the 48 States that has lost, because of weather disasters, homes or businesses or jobs or families, we have had a different kind of disaster that has been going on. It is an economic disaster, it is a jobs disaster.

I find it appalling that, on the one hand, we see strong support on the other side of the aisle to rebuild homes and businesses and roads and schools in Iraq and Afghanistan. We are not saying there, well, gosh, we need to take away an effort to fund jobs or education here at home to be able to fund what we are doing in Iraq and Afghanistan. But when it comes to helping people in America, somehow we can't work together and get that done without having to pit one State which has a jobs crisis against another State which has a flood or a hurricane or a drought. I don't find that to be very American.

I think it is time to stop playing politics. When hundreds of thousands of families and businesses have been devastated by unprecedented strings of floods, tornadoes, hurricanes, wildfires, and other natural disasters, we ought to be stepping up, doing what we did in the Senate and passing a bipartisan bill to help those families, those businesses, those farms, without playing politics and trying to hurt other States that have been hit by other kinds of economic disasters.

We have 14 million people out of work in this country, and that doesn't count people working part time two jobs, three jobs, or trying to piece it all together in some way. We know it is much higher than that when you count those individuals and families. For each and every one of them, their job search is an emergency. It is an emergency every time they think about how to put food on the table for their family. It is an emergency every month when they have to scrape together the money they need for rent or to pay the mortgage. It is an emergency every time these men and women are filling

out applications, every day going to job fairs, going on the Internet, trying to fill out forms, getting in lines, to find the best way to be able to get back to work. It is an emergency.

So, to me, it is outrageous that the House of Representatives—the Republicans in the House—has included a job-killing offset to what is an important disaster assistance bill, to pull the rug out from businesses across the country and put up to 50,000 American jobs at risk.

Let me tell you about what this particular program is. I am proud to have championed this and initiated it in the Energy bill back in 2007, a bipartisan bill signed by President Bush. It was slow to get going initially to get the funding. I am proud that President Obama embraced it and moved forward to be able to put in place an alternative vehicle manufacturing loan program to help retool plants in America so we wouldn't be losing the production of new, small plug-in electric vehicles and other new technology vehicles to other countries. It is a loan program to retool plants in America, and it is working.

In Michigan, these retooling loans made it possible for Ford Motor Company to save 1,900 jobs at their Michigan assembly plant in Wayne, MI, so they could build the all-new Ford Focus electric and the battery-electric Focus in America. In the process of that, between the retooling loans and our partnership with industry to invest in advanced battery technology, we are now bringing jobs back from Mexico.

How many times have I heard colleagues on the floor talking about how we want to make sure we are exporting products, not jobs, and that we want to bring jobs back? What the House Republicans have done is to cut in half an initiative with the private sector that is actually bringing jobs back from other countries. So far, 41,000 jobs have been saved or created through this effort around the country. Obviously, I care deeply about Michigan and have fought for this, but we are talking about Indiana, Illinois; we are talking about Florida and Louisiana and California, and all across our country where we are seeing communities have the opportunity to retool plants that would be idle, empty, an eyesore, and be able to bring those back with new technologies that are going to get us off of foreign oil and are creating jobs—41,000 jobs so far.

The real insult to me, as I look at what is happening to people in my State and across the country, is that they are poised to be giving out up to 11 additional loans to partner with business in the next couple of months that will create somewhere between 40,000 and 50,000 new jobs, saving or creating new jobs in the next few weeks. And right when this is about to happen, the House Republicans are saying: Oh,

no, in order to help the folks in Joplin, MO, who are wiped out as a community, we want to make sure we are not creating jobs in Michigan; that we are not creating jobs in Indiana, Ohio, Illinois, Florida, Louisiana, California, Minnesota, wherever it is; that somehow we have to pit Americans against each other. That is not the America I know and love.

In Michigan we don't have a weather emergency. But we stand with every single State on this floor, every single Member who has had one. We stand as Americans together to support people across this country. But we say, Stop, when that means that somehow an effort to make things in America, manufacturing, the backbone of our economy, is somehow attacked one more time and partnerships taken away in order to make that happen.

It makes absolutely no sense. That is what this debate is about. I wish to share some comments because we received a lot of support. I wish to share a couple comments, if I might, on the floor.

The National Association of Manufacturers has sent a letter opposing the defunding of this particular partnership and they say: "Defunding the Advanced Technology Vehicle Manufacturing Loan Program will hurt manufacturers and their employees."

Everybody is spending a whole lot of time talking about jobs around here. Unbelievably, we are talking about defunding this program in the middle of talking about jobs, how we need to create jobs, how we need to support employers, and how we can compete internationally with countries such as China that say: Come on over. We will build the plant for you. Forget a loan you are going to pay back with interest; we will just build it for you. Come on over, and, by the way, we will steal your patents and manipulate our currency and make sure you get the toughest deal possible to compete with us. But that is what they do.

So we put together something to say we are going to partner with the private sector to be able to keep the jobs in America and it is actually working. Jobs are coming back. We are rebuilding communities. We are rebuilding plants. We are helping to get off foreign oil because we are focused on new electric vehicles and an advanced battery technology industry where, because of our efforts, from producing 2 percent of the world's batteries, we are on our way to producing 40 percent, having the capacity to manufacture and create 40 percent of the world's batteries within the next 3 years. Why? Because we have been working together in partnerships with industry, which is what our industry is competing against around the world.

The U.S. Chamber of Commerce said: "The ATVM loan program . . . promotes manufacturing in the U.S. and is

an important component of America's energy security."

We all want to get off foreign oil. We do not want to be buying oil from folks we do not like and they don't like us and we can't trust them. We have an opportunity, through the efforts we are focused on around alternative vehicles and battery initiatives, to get off foreign oil.

This makes absolutely no sense to me. We have multiple other letters—the Alliance for Automobile Manufacturers, the Blue/Green Alliance—we have others who have come back and shared that as well.

We are at a moment when we know we need to pass a continuing resolution on the regular budget. We have a new process for a supercommittee to look at how we take on and tackle the issues around our national debt and economic growth. During the process that set that up, there was an agreement on the budget numbers. We have the ability to pass that now. We have passed a bill to help our citizens across the country who have had weather disasters, natural disasters. We came together in the Senate to do that. The House has that.

There is one thing standing in the way: whether at this time we are going to say to people in Michigan and in other States where the economic disaster has been overwhelming that we are going to pit their need for jobs against somebody else's need to have their home or their street or their school rebuilt.

That is not who we are in America. I do not believe Americans support that strategy. I think it is outrageous that there is a proposal that passed. I thank my House Democratic colleagues and my House colleagues in Michigan and the Democratic leadership in the House for waging a fierce battle to protect those jobs.

This is about making products in America. It is about rejuvenating an advanced manufacturing sector that is critical. We are not going to have a middle class if we do not make products in America. We are not going to have a middle class. This particular partnership, which is nothing more than a loan, repaid with interest, but it is support for our communities to rebuild—rebuild not in Afghanistan, not in Iraq but in America; rebuild communities and create jobs. It is working. It is beginning to bring jobs back. It is outrageous that they have decided to take half the funding for this partnership away.

I wish to support our effort to send over the continuing resolution on the budget we need. I thank my caucus and our leadership for standing firm and standing up for American jobs. That is what we care about. That is what we have been fighting for. Along the way, we are going to make sure we are doing everything we can to help citizens who

have been so devastated by the natural disasters across the country.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I come to the floor and will spend the next 15 minutes or so, maybe even longer, to support the arguments made just recently, and I might say eloquently and passionately, by the Senator from Michigan, who was one of the key architects of this very successful job creation program that the Republican House leadership is trying to kill. That is, in large measure, what this debate this weekend and through next week is about. That is why almost unanimously Democrats in the Senate are supporting our Democratic caucus in the House as we try to bring this debate forward so the American people can understand at this time and hopefully give their voice of support for what we are trying to do—keep government operating and keep jobs being created in this country.

It is a struggle. We know we are not creating as many as we would like. But one of the programs that is creating thousands of jobs and has broad support in America—and I am going to read the groups supporting it in just a minute. For some reason, the Republican leader in the House, ERIC CANTOR, decided last week—even as the winds were affecting his district and Hurricane Irene was challenging the east coast, a portion of the country he represents—he decided we needed to find an offset so we could send money to his district and to other districts across the country and picked this program.

They couldn't have picked a worse one because this program is actually working. It has already demonstrated it has revitalized communities.

In addition, it is a program that created jobs, so several dozen Republican House Members have sent private letters to the Secretary of Energy asking for the money to go back to their districts, but publicly they want to gut the program. Democrats have decided to bring this to the attention of the American public. I have those letters, and I am going to submit them for the RECORD.

How is it that dozens of Republican leaders wrote private letters—which are a public record—but they do not issue them to the press. They sent them to the Secretary. Anyone can get copies of them. I did this morning and I have them. They are private letters to the Secretary, asking for this program to loan money to a public-private partnership to create jobs in their dis-

trict. Then they go home and they talk about their efforts to create jobs and they come back to Washington and try to gut the program under the guise that they need the money to help disaster victims. That is what this debate is about. That is why the Democrats are not—at least at this point, and I hope over the weekend and through next week—going to give in to that nonsense and hypocrisy.

I hope the President and the White House will fight hard, along with the Democrats. I hope some of the Republicans who have signed these letters will think twice when this vote comes up again. I hope the press is reading these letters and asking these Republicans, whose signatures are on these letters, one question: How is it possible that they sent a letter to the Secretary asking for a loan to support job creation in their district and then, at the same time, stand on the Senate floor and vote to gut the same program and then go back home and claim they are helping to create jobs in America?

I am going to start with the first letter, which is the most interesting to me. It is from Dr. DARRELL ISSA. He is a Member of Congress. He actually chairs an oversight committee. I think his district is in California. He is a Republican from California. He is a very powerful Member of the House. I am going to read his whole letter.

I write to express my support for Aptera Motors' application for a loan under the Department of Energy's 136 Advanced Technology Vehicles Manufacturing Incentive Program. Otherwise known as the ATVMIP.

The program he voted last night to eliminate. The same one.

Funding will allow Aptera to establish U.S. manufacturing facilities for the commercial production of its plug-in and hybrid electric cars. Aptera Motors plans to purchase and equip manufacturing facilities to begin commercial-scale production of its energy electric vehicles. Awarding this opportunity to Aptera Motors will greatly assist a leading developer of electric vehicles in my district.

Electric vehicle initiatives, like Aptera's, will aid U.S. long-term energy goals by shifting away from fossil fuels and using viable renewable energy sources like plug-in electric energy. Additionally, Aptera's vehicles will reduce dependence on foreign oil and enhance energy security. Aptera's project will also promote domestic job creation through California as well as in other States.

Unlike many other electric vehicles, Aptera's energy efficient electric vehicles have a range of over 100 miles per charge and the possibility to become one of the most energy efficient vehicles in the world. A loan to Aptera will help accelerate the move from gasoline-powered vehicles to cleaner electric vehicles.

I urge you to give Aptera's Advanced Technology Vehicles Manufacturing Incentive Program funding application full consideration.

If I can be of further assistance, please do not hesitate to contact me—

or amazingly—

my press assistant.

Normally, when I write these letters, I say if I can be of further assistance,

please contact me and my energy assistant. The energy leg person usually handles this. But in this case he said we should call his press secretary. I guess the press secretary could go back to his district and claim he is doing a great job creating programs in California.

Maybe the press actually writes that DARRYL ISSA, Republican leader, is promoting manufacturing in California. This is what he says in his district, and this is the letter he sends to the Secretary. However, when he was on the floor of the House last night, he voted to gut this program. That is what this debate is about. I am looking forward to having it.

The next letter I am going to read—and I am going to do this all week, so I hope the press gets ready to ask these Republican leaders how they could possibly have the gall to hold press opportunities in their districts promising people they are helping them create jobs and then come back to Washington and cut the rug out from underneath their feet with the bogus excuse that they have to come up with \$1 billion, when the real need is only \$175 million. I checked with Craig Fugate, a very good friend of mine. I am the chair of his committee. I talk to him all the time. When the real need for FEMA in 2011 is \$175 million, but under the guise of having to provide \$1 billion, they want to gut this program that is creating jobs, and they themselves have asked for these loans to be made in their district.

This is the next letter signed by several Members, and I am going to submit their names for the RECORD. There are several Republicans. I am sorry, but from this letter I am not able to determine which ones are Republicans and which ones are Democrats.

I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Ms. LANDRIEU. Thank you. This is to Secretary Chu.

The State of California has traditionally assumed a leading role in fighting global warming and working to eliminate our dependence on foreign sources of oil. We want to commend you for also taking effective steps towards achieving these goals. As part of this effort, the Department of Energy's Electric Drive and Vehicle Battery and Component Manufacturing Initiative is currently reviewing submissions for the construction of new lithium ion battery facilities in the United States. This initiative is a huge step forward in our efforts to improve our environment, eliminate our dependence on foreign sources of oil, and create a modern green-collar workforce here in the United States.

Quallion, an innovative American company located in California, can be a valuable partner in your efforts because it is ready today to directly support President Obama's goal to have one million plug-in hybrid cars

on the road by 2015. Quallion is a world leader in the development of customized lithium ion batteries for medical, military, aerospace and vehicle applications. If Quallion is successful in its bid for grants through the Department of Energy's Electric Drive and Vehicle Battery Component Manufacturing Initiative, it is set to immediately execute the construction of state-of-the-art manufacturing facilities to produce—

Et cetera, et cetera, et cetera.

Quallion projects that with this grant funding the proposed facility could be fully operational by 2011, and could produce more than 20,000 lithium ion batteries each year.

This is the killer.

In addition, Quallion projects this funding will create more than 2,300 new and long-term jobs nationwide.

This is the program that Representative CANTOR decided to use as an offset so he could fool the American people into believing we need to find an offset to offset \$1 billion of expenses, when we only have \$175 million in expenses.

So they write the letters privately to the Secretary asking for funding to go with their districts to create jobs and then they come to Washington and they gut the program for no reason.

This is another letter, and it is a little close to home. This is a letter I wrote. I was joined by my colleague Senator VITTER, Republican from Louisiana, and my Republican counterpart RODNEY ALEXANDER, who represents the district in my State. We sent this letter on December 21.

We are writing to reiterate our strong support for Next Autoworks Company's loan application under the Department of Energy's Advanced Technology Vehicle Manufacturing Program and inquire about the status of the application.

Next Autoworks resubmitted a revised application in May 2010 that was almost immediately declared substantially complete and expeditiously reviewed for technical and financial merit. We appreciate the Department's work to move the application through several critical stage-gates over the past several months.

Next Autoworks has the ability to transform communities in Louisiana by bringing critical economic growth in jobs to our state and region. As you know, the company plans to re-equip a former Guide Corp Plant in Monroe, LA, that was shuttered in 2006 and establish a production facility that would bring approximately 1,400 direct jobs and an additional 1,800 indirect jobs to Northeast Louisiana. In addition, the project will create thousands of jobs at supply facilities across the U.S. The State of Louisiana and local communities have already demonstrated their commitment by offering this company \$82 million in grants, \$128 million in employee training services, and an estimated \$33.8 million in tax abatements to support the project.

This is how strongly our Republican Governor and Republican legislature in Louisiana feel about this project, that we have put up State and local money to see if we could attract this loan from the Federal Government to get this going.

It is signed by my colleague Senator VITTER and signed by my friend and

colleague Representative ALEXANDER, who represents this district. This is one of our No. 1 economic development projects in the State of Louisiana, and what did the Representative do last night? He voted to gut the program.

I have dozens of other letters, but I am going to pause because I think I have made my point. I am going to read every one of these letters that I have between now and when this debate ends. I just pray the press will do their job and ask the Members who voted and sent these letters why did they send a letter to the Secretary asking for the program and then turn around and gut the program when they came to Washington.

I would like to ask for 5 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. The other point is this: This is not just an issue for one State or two States. That is why Democrats believe strongly about this because this is about the whole country. The President has declared disasters this year in 48 of the 50 States. Maybe if we just had had disasters in one or two places and they were not that terrible, we would figure out some way. The problem is we have disasters in all States, and I am going to show what these pictures portray because they are heartwrenching.

This is New Jersey. This is someone's household belongings. This is a home that is completely uninhabitable. I am not sure how high the water is, but this is what a home looks like after a flood. I can visualize what it looked like after Katrina and smell, even more than the vision.

This is what New Jersey looked like a couple weeks ago. This water has gone down, but this is Bound Brook, NJ. We do not know much about this town. We hear about Trenton. We hear about New York. I have never been to Bound Brook, NJ, but I am sure it is a lovely place and it needs our help.

So what does Representative CANTOR do? He comes to Washington, he looks at places such as this, and he decides out of the blue sky that he is now going to assert his power by demanding an offset for disaster funding when it is not necessary. The offset is way more than what is required. Again, it is an offset that is creating jobs in America.

I wish to say something else about the danger of requiring offsets and respond directly to what minority leader MITCH MCCONNELL said earlier today. I think he said something akin to the reason we want to require offsets is because we have to stop doing things the same way around here, and just because we have never required them in the past, that is no reason to not require them now. I understand that. I am kind of a person who likes to do things differently. I like to change things.

I wish to remind the leader that not one Republican, to my mind, either in the Senate or the House, ever asked for 5 minutes to debate \$1 to offset war or rebuilding in Iraq and Afghanistan. I wish to put up this chart.

This is from 2001, so this is a chart that shows—let's say the last year. I think it is important for the public to understand not just today but 10 years.

If we were to chart, which we have done here, a lot of this supplemental spending, emergency spending and disaster spending—these are not for just natural disasters, these are for emergencies. For example, when we went to war in Iraq, it was an emergency. When we went to war in Afghanistan, it was an emergency. When we had the avian flu, that was an emergency, not a disaster. So this is disasters and emergencies.

Let's take this red bar here. It says Iraq and Afghanistan, \$79 billion. Do my colleagues see this zero here? That is zero offset. So \$79 billion and no offset. This one is war money.

This is tsunami money that we actually sent to—remember we had the tsunami in Indonesia, and we sent some money over there. Did ERIC CANTOR come to the floor and say we need to offset the money? No. So we sent that money, and less than 2 percent of it was offset.

Here is Iraq and Afghanistan, and none of it was offset—\$87.6 billion.

So I think disaster victims in his own district and around the country are saying: So why are we now in this debate trying to find an offset we really don't need for a program that really works? That is a good question. If we want to find an offset, we should find another program. The only offset required is \$175 million, but that makes too much sense.

So I want the Republican leadership to know they are risking a very important debate. I don't believe we should even talk about shutting the government down. People are tired of that. We just went through a challenge to the whole economy with the debt ceiling limit. Enough is enough. Democrats should not, in my view, cave on this point. We should fight and get them to compromise which is reasonable.

In addition to these arguments, I will put up a chart that is hard to look at, but I think for the gulf coast Republicans and Republican Senators, it is a very important chart.

One of the dangers of requiring an offset is, No. 1, like right now, it is virtually impossible to get 535 Members to all agree on an offset. So what happens is, if we demand to have one, we keep the victims waiting while we debate. It also doesn't help to choose an offset that is very popular on one side. There might be a program that we could over the next couple of months decide is unnecessary, but we can't do that within

a few days of the disaster. It takes time. They should know that.

Let me explain what this is for the gulf coast Senators. I had this done after Katrina just to show the vulnerability of the gulf coast. All of these red lines that look like spaghetti and then these bigger lines—the blue and the yellow and the orange—these are all hurricanes that have actually hit the United States between 1851 and 2008. It is a very frightening chart.

One of the reasons I think Senator RUBIO from Florida is voting with us is because he has seen a picture of this chart. That is how many hurricanes have hit Florida since 1851. He is most certainly aware from his State that if he takes the position that we have to require an offset to fund disasters, his job as a Senator will be very, very difficult, even more challenging than it is today, because the next time a hurricane hits Florida, he is going to have to go sit down with the budget folks and find out—before he can offer his people the \$2,000 in emergency aid, the \$30,000 that helps them, the loans through the Small Business Committee, the loans to get their businesses back—he is going to have to come up here and negotiate to find an offset.

Last night, I watched the debate on the House side. I thought our Democratic colleagues did a beautiful job, and I wish to thank them for the beautiful way they spoke. I didn't see one Republican come to the floor. They had just one of their leaders talking last night when the vote happened. Maybe they are a little embarrassed, and they should be because I am going to read the letters they sent.

Also, the gulf coast Republicans I think really have to think about this because these storms, as we can see—my State and the people I represent are in Hurricane Alley. This is Hurricane Rita, the blue, which is one of the most devastating storms. That is why it is a thicker line. Hurricane Gustav is the orange, Hurricane Ike is the dark pink, and Hurricane Katrina is the yellow. All of these storms hit us and wrecked the gulf coast.

Let me say what happened after that. Haley Barbour, the Governor of Mississippi, who is still the Governor of Mississippi, came up here when George Bush was the President and got \$4.6 billion without one penny of offset, and he got that within 60 days of the storm. I am going to repeat that. Governor Haley Barbour, who is still the Governor of Mississippi, came to Washington, met with the President, and left with \$4.6 billion to rebuild Mississippi. The Congress gave Louisiana \$5.4 billion, for which I was very grateful. However, we had 70 percent of the damage but only got 55 percent of the money, so we were shortchanged. I had to work for years. I finally got that squared away.

But this is why gulf coast Republicans and Republican Senators from the gulf coast should think not twice but three times before they vote to require an offset.

I am just saying I am not going to forget this vote, because I chair this committee, and if my colleagues vote to require an offset and another storm hits their State, then the responsibility is on their shoulders to tell their people: I am sorry, I can't help you until I go to Washington and find an offset.

Maybe it will get so ridiculous—and I am going to call this the Cantor doctrine—maybe it will get so ridiculous that ERIC CANTOR will tell all the people in America—there was a cartoon in the newspapers about this. I am having it blown up because it is really sad, but it is actually funny. There is a woman sitting on top of her roof because her house is completely flooded. She has a phone, and she calls FEMA and FEMA says: We can't rescue you right now. We are looking for an offset.

So maybe the new Cantor Republican model of “pick yourself up by your bootstraps and swim away on your own” will actually really be put into practice because I think that is what they want because before that woman can be rescued, before the debris can be removed, that woman is going to have to sit down at the table with her husband and kids in a broken-down house or trailer and suggest some offsets to send to their Congressman before we can send them help. That is not right. That is what this debate is about.

Now, do we eventually have to pay for these disasters? Absolutely.

The Wall Street Journal editorialized against me the other day, so let me answer them. They said: There goes Senator LANDRIEU; she doesn't think she has to pay for anything. That is not true. I believe right now we are paying for the war in Iraq, and it is very tough to pay for that. We are finding a way in the supercommittee. But we didn't have to find an offset before we could let our troops march in. We didn't have them standing on the border, saying: Stand right here. Hold your fire. ERIC CANTOR is working on an offset for you. We sent the troops in, we let the bombers go, and we will figure out how to pay for it later.

So I am telling the Republicans in the House that they better think very carefully about this vote. Senator REID has sent a very good compromise. He said: We will give up our number, we will take your number on FEMA, but we are not going to take this offset.

Now, I still think and I want to say for the record, as the chairman of this committee, that 3.65 is not going to be enough to get us through all of next year, but it will get us through the next couple of weeks and months—not months, maybe weeks. The government won't shut down, and FEMA will have

money to operate, as the leader said. It is not ideal. It is not what is in our bill, which is the best, which is a \$6.5 billion level, which is funding not just FEMA, but it will fund the Corps of Engineers, community development, agriculture. What the House is doing only funds FEMA. It doesn't give any money to the poor. It doesn't give any money to community development. It doesn't give any money to the farmers. So if you are sitting out there looking at your farm with your crops ruined, please don't think the House of Representatives is doing one thing to help you because they are not.

So I have given any number of reasons why this is an important debate to have. There is no guarantee Democrats will win, but every now and then it is a good thing to stand up for principle, and I believe this is a principle worth standing up for and worth fighting for.

I hope the press does their job over the next several days and asks these Republicans: How in the world can you send a private letter asking for funding and then come back to Washington and gut the same program? And if the press does their job and if the people in our country will ask those same questions, maybe a few of these Republican leaders will compromise the way they should. Either give up the offset or come up with a different one. Come up with another one that is much less harmful.

Let me end with this. We have three letters that I will submit for the RECORD. If people can't take my word for any of this, they can listen to the chamber of commerce. What did the chamber of commerce say? I will submit their letter. This is the wrong thing to do, the chamber says. Don't eliminate this program. It is creating jobs in America. So the Republicans, I know, don't really like to listen to what I say a lot, but they should listen to the chamber of commerce.

The National Manufacturing Association—a very conservative group—sent the Republicans a letter saying: Bad deal. Don't do it. They did it anyway.

I just got a letter from the U.S. Conference of Mayors. All of the mayors in the country, Republicans and Democrats, sent a letter to the House saying: Don't do this. And they did it anyway.

So the only people more powerful and the only group more powerful than the chamber, than NAM, than the mayors, are the people themselves. So I hope this weekend the people will say to their representatives: Don't cut out a program that is creating jobs. Don't require disaster victims to have an offset. Let's keep the government operating, and let's find a way to pay for this over time together and get this deficit under control.

I am willing to do that. As the chair of this committee, I promise them we can do better budgeting in the future. Nobody did it really great in the past.

I am willing to do that. I am willing to work with them in any way. But let's not go down this dangerous and inappropriate road.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 14, 2009.

Hon. STEVEN CHU,
Secretary of Energy, U.S. Department of Energy,
Washington, DC.

DEAR MR. SECRETARY: I write to express my support of Aptera Motors' application for a loan under the Department of Energy's 136 Advanced Technology Vehicles Manufacturing Incentive Program (ATVMIP). Funding will allow Aptera to establish U.S. manufacturing facilities for the commercial production of its plug-in and hybrid electric cars. Aptera Motors plans to purchase and equip manufacturing facilities to begin commercial-scale production of its energy efficient electric vehicles. Awarding this opportunity to Aptera Motors will greatly assist a leading developer of electric vehicles in my district.

Electric vehicle initiatives like Aptera's will aid U.S. long-term energy goals by shifting away from fossil fuels and using viable renewable energy sources like plug-in electric energy. Additionally, Aptera's vehicles will reduce dependence on foreign oil and enhance energy security. Aptera's project will also promote domestic job creation throughout California as well as in other states.

Unlike many other electric vehicles, Aptera's energy efficient vehicles have a range of over 100 miles per charge and the possibility to become one of the most energy efficient vehicles in the world. A loan to Aptera will help accelerate the move from gasoline-powered vehicles to cleaner electric vehicles.

I urge you to give Aptera Motors' Advanced Technology Vehicles Manufacturing Incentive Program funding application full consideration. If I can be of further assistance, please do not hesitate to contact me or my Press Assistant, Justin LoFranco at (202) 225-3906.

Respectfully,

DARRELL ISSA,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

Re Quallion application for Department of Energy's Electric Drive and Vehicle Battery and Component Manufacturing Initiative grant.

Secretary STEVEN CHU,
U.S. Department of Energy, Independence Ave.,
SW, Washington, DC.

DEAR SECRETARY CHU: The State of California has traditionally assumed a leading role in fighting global warming and working to eliminate our dependence on foreign sources of oil. We want to commend you for also taking effective steps towards achieving these goals. As part of this effort, the Department of Energy's Electric Drive and Vehicle Battery and Component Manufacturing Initiative is currently reviewing submissions for the construction of new lithium ion battery facilities in the United States. The Initiative is a huge step forward in our efforts to improve our environment, eliminate our dependence on foreign sources of oil and create a modern "green collar" workforce here in the United States.

Quallion, an innovative American company located in California, can be a valuable

partner in your efforts because it is ready today to directly support President Obama's goal to have one million plug-in hybrid cars on the road by 2015. Quallion is a world leader in the development of customized lithium ion batteries for medical, military, aerospace and vehicle applications. If Quallion is successful in its bid for grants through the Department of Energy's Electric Drive and Vehicle Battery and Component Manufacturing Initiative, it is set to immediately execute the construction of a state-of-the-art manufacturing facility to produce advanced lithium ion cells, modules and battery technology in volumes that will meet America's current and future military and commercial needs. Quallion projects that with this grant funding the proposed facility could be fully operational by 2012, and could produce more than 20,000 lithium ion batteries each year.

In addition, Quallion projects that this funding will create more than 2,300 new and long-term jobs nationwide. It will also signal America's seriousness to the world that we are ready to compete in the manufacturing of green technologies, in this case the lithium ion battery manufacturing space.

The lithium ion batteries manufactured in Quallion's new facility will have the potential to deliver real and immediate environmental solutions, while also creating new jobs at a time when Americans need them the most. The Environmental Protection Agency estimates that truck idling results in the emission of 11 million tons of CO₂ and the consumption of 960 million gallons of diesel fuel annually. Quallion's new facility will produce zero emission advanced lithium ion batteries designed to replace engine idling as a power source for stationary trucks. Quallion will deliver an immediate clean energy solution that enables the 1 million heavy trucks on our roads to comply with the growing number of anti-idling laws across the U.S., eliminate unnecessary pollution, and significantly reduce America's consumption of fossil fuels.

We believe that the Department of Energy's Electric Drive and Vehicle Battery and Component Manufacturing Initiative can and will play a large role in helping us achieve our goals. We are also confident that Quallion is a perfect partner in our objectives and will advance projects that are vital to our energy policy and national security.

Thank you for the leadership you have provided the Department and our country as we embark on an exciting era in our nation's stewardship of the environment and as we move towards our shared goal of energy independence.

Sincerely,

Brad Sherman, Dana Rohrabacher, Lynn C. Woolsey, Howard L. Berman, Lois Capps, Brian P. Bilbray, Diane E. Watson, Gary G. Miller, Jim Costa, Kevin McCarthy, Howard P. "Buck" McKeon, Ken Calvert, Duncan Hunter, Darrell E. Issa, David Dreier, Jerry McNerney, Adam B. Schiff.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 21, 2010.

Hon. STEVEN CHU,
U.S. Department of Energy,
Washington, DC.

DEAR SECRETARY CHU: We are writing to reiterate our strong support for Next Autoworks Company's loan application under the Department of Energy's Advanced Technology Vehicle Manufacturing (ATVM) program and inquire about the status of the application.

Next Autoworks resubmitted a revised ATVM application in May 2010 that was al-

most immediately declared substantially complete and expeditiously reviewed for technical and financial merit. We appreciate the Department's work to move the application through several critical stage-gates over the past several months.

Next Autoworks has the ability to transform communities in Louisiana by bringing critical economic growth and jobs to our state and region. As you know, the company plans to re-equip a former Guide Corp plant in Monroe, LA that was shuttered in 2006 and establish a production facility that would bring approximately 1,400 direct jobs and an additional 1,800 indirect jobs to Northeast Louisiana. In addition, the project will create thousands of jobs at supplier facilities across the U.S. The State of Louisiana and local communities have already demonstrated their commitment to the project by offering the company \$82 million in grants, \$12.8 in employee training services, and an estimated \$33.8 million in tax abatements to support the project.

Every day that Next Autoworks' application is delayed is another day that workers cannot be hired to begin work at the Monroe site and help mitigate our state's continued high unemployment rate. Moreover, continued delay in the financing for the project will also negatively impact the vehicle's launch timing and this Administration's goals for fuel economy. DOE's own environmental assessment of this project, issued in October 2010, states that Next Autoworks' vehicle will have a significant positive impact on fleet fuel economy and the environment by providing a high quality, affordable "green" car to the American market.

We strongly urge you to continue to expedite Next Autoworks' application. We would request an update on the status of the application and expected timeframe for moving forward before the end of the year.

Sincerely,

MARY LANDRIEU,
U.S. Senator.
DAVID VITTER,
U.S. Senator.
RODNEY ALEXANDER,
Member of Congress.

Ms. LANDRIEU. I yield the floor.

Mr. NELSON of Florida. Mr. President, first of all, I ask unanimous consent that I be permitted to speak for no more than 5 minutes and that the Senator from West Virginia follow my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, first of all, I want to thank the Senator from Louisiana. I also want to point out, look at all those red lines. Those are the paths of hurricanes. Where do you think most of them were going between 1851 and 2008? And why are folks like us on the gulf coast and the Atlantic coast so sensitive about disaster money? It is because we have been hit over and over.

Our lands we call paradise. But they happen to be, as the Senator from Louisiana said, in the middle of "hurricane highway." It is a part of our lifestyle. When I was a kid, it was an excuse to get out of school. When I was a bachelor, it was an excuse to have a party. But now that I have the privilege of representing one of those very large gulf coast States and Atlantic coast

States, it is absolute, utter destruction.

When Hurricane Andrew hit Miami, had it turned one degree to the north, and instead drawn a bead on the Dade-Broward line in north Miami, it would have been a \$50 billion insurance loss storm in 1992 dollars. That would have been upward of \$80 billion today. It would have taken down every insurance company that was doing business in the path of that storm. This is the destructive power. Do our people need help? Of course they need help.

BOB LEVINSON

Mr. NELSON of Florida. Mr. President, I came to speak on a different subject. A retired FBI agent named Bob Levinson, over 4 years ago, disappeared when he checked out of his hotel in the Iranian tourist attraction of Kish Island in the Persian Gulf. He disappeared. It is only recently that his family—and he leaves behind a family of a wife and seven children—only recently have they had the belief that he is alive.

We have brought this to all levels of our government. This Senator, who represents the State Christine Levinson lives in, went to the Iranian Ambassador at the United Nations years ago trying to intervene. Our Secretary of State has, in fact, pushed this very hard.

Why am I saying all this? Because on the occasion of the release of the hikers by the Iranian Government, for whatever compassion they have shown—the government bringing together disparate parties that had their own little power centers in Iran—whatever success they had in bringing that together and releasing those hikers back to their loved ones, we pray that same decisionmaking apparatus in Tehran would now activate the process to bring Bob Levinson home to his wife and seven children.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I say to my good friend from Florida, I thank him so much for the compassion he has. I appreciate very much him bringing this issue to our light and to the attention of all of us, and maybe we can help. I thank the Senator.

To my good friend, the Senator from Louisiana, I think what she speaks about is us identifying who we are as Americans and the way we have taken care of each other. I do not know of any State that has not had to depend on FEMA for help—and not just the States she showed where “hurricane alley” is and where the tornadoes and hurricanes have hit, but basically all of us have had to depend on FEMA for assistance. So I think what she brings to light is the fairness we identify with as Americans and to do what we have al-

ways done: to take care of each other. I, for one, have said we need to rebuild America; we need to take care of Americans first.

FISCAL CHOICES

Mr. MANCHIN. Mr. President, I rise today to speak about the difficult fiscal choices we, as Members of Congress, must soon make and the deficit-cutting proposals that President Obama has recently made.

As we discuss these fiscal choices, and as we face our exploding debts and deficits, it is clear our Nation is truly at a crossroads. A nation that was built on the strength of our people's optimism must struggle to overcome a loss of confidence—a loss of confidence that comes from an economy that has struggled for far too long, a loss of confidence that comes from watching debt and deficits explode, a loss of confidence that comes from watching Republicans and Democrats engage in a fruitless partisan fight.

The American people worry about how to get their families out of debt and their financial house in order. They worry about finding or keeping a job. They worry about how they are going to pay the rent, how they are going to take care of their children, how they are going to keep clothes on their backs, and how, maybe, they can buy them a Christmas present.

Once again, instead of all of us coming together to do what is right for the Nation and lighten their worries, congressional Republicans and Democrats alike, and the President, are again gearing up for a fight about politics, even as our Nation's fiscal and economic picture gets worse every minute.

Today, we yet again find ourselves on the brink, and I cannot begin to explain why to the American people. This summer, they watched us go through this exercise—the Senate, the House, and the President—and then we agreed on spending cuts to keep the government working. Where I come from—the same as the Presiding Officer from the great State of Minnesota—your word is your bond, and an agreement is an agreement, and it is one that should be kept. It is one we negotiated. It should not be changed in midstream. I am committed to passing a clean CR to keep our government working until the supercommittee we all are supporting comes up with the recommendations to reduce the deficit.

In the midst of yet another disagreement over whether to keep the government running, the people of West Virginia and the American people are demanding we put our partisan differences aside and work together in the best interests of this country. They are pleading for us to quit fighting and worrying about the next election and start worrying about the next generation.

With our Nation facing a death spiral of debt, now is the time that each of us should be zeroing in on credible, commonsense solutions that have truly bipartisan support.

After carefully reviewing the President's recommendations to the so-called supercommittee, I believe they fall short of what this country needs to put our fiscal house in order. President Obama's deficit recommendations not only fall short of his stated \$4.4 trillion goal, but could, according to an analysis done by the Center for Responsible Federal Budget, have the perverse effect of adding as much as \$1.9 trillion to our Nation's debt.

I am also greatly concerned about rehashing unproductive recommendations such as raising tax rates on small businesses in a recession and budget gimmicks such as the notion that taxpayers will somehow “save” \$1.1 trillion from not fighting wars in Afghanistan and Iraq—and I believe we should not be there anyway.

I have said this: On my best day, I cannot sell that to the people of West Virginia, nor should we try to sell it to the American people.

That is not to say that the President's proposal is all bad. There is some good stuff in there. I have long said our tax system needs to be more fair and balanced and that billionaires such as Mr. Buffett should pay their fair share. I appreciate the concept of the Buffett rule and look forward to seeing more details. And I agree that one of the best investments we all could make is in the infrastructure of this great country.

But as they stand right now, President Obama's proposals are too skewed to appeal to both sides of the aisle. So we see what we see happening again. If we are being serious about addressing our debt and deficits, neither Republicans nor Democrats can propose partisan proposals and then pretend they are credible. We cannot do that any longer. The American people deserve better, and I also know we can do a lot better.

In my short time in Congress, I have seen only one plan that has earned support from Members of both parties. In fact, the President's own bipartisan deficit commission—the Bowles-Simpson group—is the best example of what can be accomplished if we put politics aside and do what is right for our Nation. While no one, including me, will agree with everything in the Bowles-Simpson approach, it at least offered a commonsense, bipartisan template that would cut spending, restore tax fairness, and would help restore fiscal sanity to our Nation.

To date, it is the only plan that has offered a framework that has had bipartisan support from the beginning, and still has it now. But instead of this approach, there are many people on both sides of the aisle who have chosen

a path that all but guarantees that Republicans and Democrats will continue to fight over how to solve our fiscal problems, instead of seeking common ground and commonsense solutions. For the sake of our Nation, for our families, we cannot let this happen. We must act, and we must act together.

Looking ahead to the vigorous debates of the fall, my hope is the deficit supercommittee will seize the moment and seek common ground to develop a plan that puts our Nation on the right path to fiscal accountability. Commonsense, to me, is that you would start with a plan that already has bipartisan support because it will take both sides of the aisle to fix this problem.

I urge them and the President to look beyond partisan politics and do what is right for this country. I continue to urge the committee to look past their legal mandate of \$1.5 trillion in savings and revenue and, instead, look for reforms that will create much broader fairness in our system that will lead to deficit reductions of at least \$4 trillion.

I, for one, will work with the Senate Democrats and Republicans who are committed to develop a commonsense debt fix that responsibly reduces spending; makes our tax system more fair, cuts waste, fraud, and abuse, and makes sure we protect critical programs such as Social Security and Medicare.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL AND THE PALESTINIAN PEOPLE

Mr. UDALL of New Mexico. Mr. President, this week President Obama stood beside Israel and the cause of peace when he addressed the United Nations General Assembly. I rise today to also stand beside our ally and friend, Israel, and the goal of its two-state solution. I firmly believe that only a two-state solution can lead to a lasting peace between Israel and the Palestinian people.

Unfortunately, we are heading down a path that will not lead to a lasting peace. Involvement by the U.N. General Assembly will not lead to a solution but will act as a disruptive force. I urge the parties to use the time in

New York to begin a constructive dialog toward agreement on final status issues. If peace is to be achievable, then we must break through the cycle of failure that has too often plagued negotiations. U.N. action will not resolve the issues acting as a roadblock to peace.

It is important also to note, as the President stated, that peace will not come until each side "learns to stand in each other's shoes." Each party must realize the other's aspirations, because their futures are intricately intertwined. No action at the United Nations can remove or change what is an essential fact. For Israel, the two-state solution will enable its people to enjoy a secure and peaceful future. For the Palestinians, the goal of nationhood can only occur through negotiations with Israel.

I believe the President is making a good-faith attempt to realize and understand the aspirations of each party, while standing firm with our friends. The central reality is this: We will only recognize a Palestinian state as part of an agreement that leads to a lasting peace. This is in the best interests of Israel, the Palestinian people, the United States, and the international community.

There is no time like the present to restart the hard work needed to achieve a lasting peace. Former Israeli Prime Minister Ehud Olmert recently pressed on the urgent need to return to negotiations in an op-ed in the New York Times. I ask unanimous consent that this op-ed be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. UDALL of New Mexico. While I don't agree with everything the Prime Minister wrote, I do believe he was especially correct about one point:

I truly believe that a two-state solution is the only way to ensure a more stable Middle East and to grant Israel the security and well-being it desires. As tensions grow, I cannot but feel that we in the region are on the verge of missing an opportunity—one that we cannot afford to miss.

He concludes in his piece:

Now is the time. There will be no better one. I hope that Mr. Netanyahu and Mr. Abbas will meet the challenge.

I also hope that today both parties sit down in New York and avoid the disruption that will be caused by a vote in the United Nations.

EXHIBIT 1

PEACE NOW, OR NEVER

(By Ehud Olmert)

JERUSALEM.—As the United Nations General Assembly opens this year, I feel uneasy. An unnecessary diplomatic clash between Israel and the Palestinians is taking shape in New York, and it will be harmful to Israel and to the future of the Middle East.

I know that things could and should have been different.

I truly believe that a two-state solution is the only way to ensure a more stable Middle

East and to grant Israel the security and well-being it desires. As tensions grow, I cannot but feel that we in the region are on the verge of missing an opportunity—one that we cannot afford to miss.

The Palestinian president, Mahmoud Abbas, plans to make a unilateral bid for recognition of a Palestinian state at the United Nations on Friday. He has the right to do so, and the vast majority of countries in the General Assembly support his move. But this is not the wisest step Mr. Abbas can take.

The Israeli prime minister, Benjamin Netanyahu, has declared publicly that he believes in the two-state solution, but he is expending all of his political effort to block Mr. Abbas's bid for statehood by rallying domestic support and appealing to other countries. This is not the wisest step Mr. Netanyahu can take.

In the worst-case scenario, chaos and violence could erupt, making the possibility of an agreement even more distant, if not impossible. If that happens, peace will definitely not be the outcome.

The parameters of a peace deal are well known and they have already been put on the table. I put them there in September 2008 when I presented a far-reaching offer to Mr. Abbas.

According to my offer, the territorial dispute would be solved by establishing a Palestinian state on territory equivalent in size to the pre-1967 West Bank and Gaza Strip with mutually agreed-upon land swaps that take into account the new realities on the ground.

The city of Jerusalem would be shared. Its Jewish areas would be the capital of Israel and its Arab neighborhoods would become the Palestinian capital. Neither side would declare sovereignty over the city's holy places; they wouldn't be administered jointly with the United States.

The Palestinian refugee problem would be addressed within the framework of the 2002 Arab Peace Initiative. The new Palestinian state would become the home of all the Palestinian refugees just as the state of Israel is the homeland of the Jewish people. Israel would, however, be prepared to absorb a small number of refugees on humanitarian grounds.

Because ensuring Israel's security is vital to the implementation of any agreement, the Palestinian state would be de-militarized and it would not form military alliances with other nations. Both states would cooperate to fight terrorism and violence.

These parameters were never formally rejected by Mr. Abbas, and they should be put on the table again today. Both Mr. Abbas and Mr. Netanyahu must then make brave and difficult decisions.

We Israelis simply do not have the luxury of spending more time postponing a solution. A further delay will only help extremists on both sides who seek to sabotage any prospect of a peaceful, negotiated two-state solution.

Moreover, the Arab Spring has changed the Middle East, and unpredictable developments in the region, such as the recent attack on Israel's embassy in Cairo, could easily explode into wide-spread chaos. It is therefore in Israel's strategic interest to cement existing peace agreements with its neighbors, Egypt and Jordan.

In addition, Israel must make every effort to defuse tensions with Turkey as soon as possible. Turkey is not an enemy of Israel. I have worked closely with the Turkish prime minister, Recep Tayyip Erdogan. In spite of his recent statements and actions, I believe that he understands the importance of relations with Israel. Mr. Erdogan and Mr.

Netanyahu must work to end this crisis immediately for the benefit of both countries and the stability of the region.

In Israel, we are sorry for the loss of life of Turkish citizens in May 2010, when Israel confronted a provocative flotilla of ships bound for Gaza. I am sure that the proper way to express these sentiments to the Turkish government and the Turkish people can be found.

The time for true leadership has come. Leadership is tested not by one's capacity to survive politically but by the ability to make tough decisions in trying times.

When I addressed international forums as prime minister, the Israeli people expected me to present bold political initiatives that would bring peace—not arguments outlining why achieving peace now is not possible. Today, such an initiative is more necessary than ever to prove to the world that Israel is a peace-seeking country.

The window of opportunity is limited. Israel will not always find itself sitting across the table from Palestinian leaders like Mr. Abbas and the prime minister, Salam Fayyad, who object to terrorism and want peace. Indeed, future Palestinian leaders might abandon the idea of two states and seek a one-state solution, making reconciliation impossible.

Now is the time. There will be no better one. I hope that Mr. Netanyahu and Mr. Abbas will meet the challenge.

Mr. UDALL of New Mexico. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT OF 2011

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 2646, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. UDALL of New Mexico. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or de-

bate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2646) was ordered to a third reading, was read the third time, and passed.

SHORT-TERM TANF EXTENSION ACT

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2943, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2943) to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

There being no objection, the Senate proceeded to consider the bill.

Mr. UDALL of New Mexico. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. The clerk will read the title for the third time.

The bill (H.R. 2943) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass?

The bill (H.R. 2943) was passed.

Mr. UDALL of New Mexico. I ask unanimous consent that the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SERVICE OF SERGEANT FIRST CLASS LEROY ARTHUR PETRY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 27 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) honoring the service of Sergeant First Class Leroy Arthur Petry, a native of Santa Fe, New Mexico, and the second living recipient of the Medal of Honor since the Vietnam War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. UDALL of New Mexico. I ask unanimous consent that the concurrent resolution be agreed to, the pre-

amble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 27) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 27

Whereas Sergeant First Class Leroy Arthur Petry of the United States Army, a native of Santa Fe, New Mexico, was awarded the Medal of Honor by President Obama on July 12, 2011;

Whereas the Medal of Honor is the highest honor awarded to members of the Armed Forces for valor in combat;

Whereas the official citation awarding the Medal of Honor to Sergeant First Class Petry states that then-Staff Sergeant Petry "distinguished himself by acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with an armed enemy in the vicinity of Paktya Province, Afghanistan, on May 26, 2008";

Whereas Sergeant First Class Petry joins an elite group of Medal of Honor recipients dating back to the Civil War;

Whereas Sergeant First Class Petry has continued a long tradition of military service to the United States by New Mexicans, dating back to the defense of the Western United States during the Civil War, and followed by participation in every major war fought by the United States;

Whereas Sergeant First Class Petry is the second living recipient of the Medal of Honor since the Vietnam War;

Whereas Sergeant First Class Petry fought with bravery and, despite wounds to both of his legs, had the courage and quick thinking needed to save the lives of his fellow soldiers by throwing back an enemy grenade and losing his right hand when the grenade detonated shortly after he released it;

Whereas the actions of Sergeant First Class Petry represent the highest values of the Army, the Rangers, and the United States;

Whereas Sergeant First Class Petry has consistently demonstrated humility and dedication to his fellow soldiers;

Whereas Sergeant First Class Petry, who overcame a troubled youth and found the strength to turn his life around and dedicate himself to serving the United States, is an example to all people who are struggling in the United States; and

Whereas the brave actions of Sergeant First Class Petry, as well as his modesty and selfless service, stand as the embodiment of the best attributes of the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of Sergeant First Class Leroy Arthur Petry of the United States Army and his family; and

(2) encourages the people of the United States to recognize the valor, heroism, and dedication to the United States exhibited by Sergeant First Class Petry.

AUTHORIZING THE USE OF THE ROTUNDA

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent the

Senate proceed to S. Con. Res. 29, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

There being no objection, the Senate proceeded to the concurrent resolution.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be placed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to.

The concurrent resolution reads as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE UNITED STATES CAPITOL TO PRESENT THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—The rotunda of the United States Capitol is authorized to be used for an event on November 16, 2011 for the presentation of the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

NATIONAL BRAIN ANEURYSM AWARENESS MONTH

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 248 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) supporting the goals and ideals of National Brain Aneurysm Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of New Mexico. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating

to the matter be placed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas a brain aneurysm is an abnormal saccular or fusiform bulging of an artery in the brain;

Whereas an estimated 1 out of every 50 people in the United States will develop a brain aneurysm;

Whereas brain aneurysms are most likely to occur in people between the ages of 35 and 60;

Whereas brain aneurysms are more likely to occur in women than in men by a 3-to-2 ratio;

Whereas brain aneurysms are more likely to occur in African-Americans than in Whites by a 2-to-1 ratio;

Whereas various risk factors can contribute to the formation of a brain aneurysm, including infection, tumors, traumatic head injury, drug use, smoking, hypertension, and a family history of brain aneurysms;

Whereas approximately 6,000,000 people in the United States will develop a brain aneurysm that will not rupture;

Whereas an unruptured brain aneurysm can lead to fatigue, short-term memory problems, speech problems, loss of balance and coordination, and changes in behavior;

Whereas a brain aneurysm is often discovered when it ruptures and causes a subarachnoid hemorrhage;

Whereas a subarachnoid hemorrhage can lead to brain damage, hydrocephalus, stroke, and death;

Whereas annually more than 30,000 people in the United States suffer from ruptured brain aneurysms;

Whereas annually between 3,000 and 4,500 people in the United States with ruptured brain aneurysms die before reaching the hospital;

Whereas a number of advancements have been made in recent years regarding the detection of aneurysms, including the computerized tomography scan, the magnetic resonance imaging test, and the cerebral arteriogram;

Whereas September is an appropriate month to designate as "National Brain Aneurysm Awareness Month"; and

Whereas various research studies are currently being conducted in the United States in order to better understand, prevent, and treat brain aneurysms: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Brain Aneurysm Awareness Month; and

(2) continues to support research to prevent and treat brain aneurysms.

CONGRATULATING NUNAKA VALLEY LITTLE LEAGUE

NATIONAL MEDICINE ABUSE AWARENESS MONTH

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Judiciary Committee be dis-

charged from the following resolutions en bloc, and the Senate proceed to their consideration en bloc: S. Res. 273 and S. Res. 261.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 273) congratulating the Nunaka Valley Little League junior girls softball team on their performance in the Junior League Softball World Series.

A resolution (S. Res. 261) designating the month of October 2011 as "National Medicine Abuse Awareness Month."

Mr. UDALL of New Mexico. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 273

Whereas the Nunaka Valley Little League junior girls softball team is comprised of young women from Anchorage, Alaska, who play softball;

Whereas the Nunaka Valley Little League junior girls softball team compiled an impressive record in the 2011 regular season, outscoring opponents 428 to 83;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in the district and State tournaments on the way to winning the Alaska State Championship;

Whereas the Nunaka Valley Little League junior girls softball team was undefeated in 4 games and won the West Regional Tournament held in Marana, Arizona;

Whereas in August, 2011, the Nunaka Valley Little League junior girls softball team represented the West Region at the Junior League Softball World Series in Kirkland, Washington;

Whereas in 2011, Nunaka Valley Little League junior girls softball team manager Richard Knowles led the team to the Junior League Softball World Series for the second time in 3 years;

Whereas in 2011, the Nunaka Valley Little League junior girls softball team won 4 games and lost just 2 games en route to a third place finish in the Junior League Softball World Series;

Whereas more than 2,000 teams and 30,000 players compete in Junior League Girls Softball each year;

Whereas the Nunaka Valley Little League junior girls softball team finished the 2011 season ranked third in the world;

Whereas the hard work and dedication of the entire Nunaka Valley Little League junior girls softball team and the support of their families led the team to success in 2011;

Whereas Little League softball and baseball has provided a positive athletic experience and fostered teamwork and sportsmanship to millions of children in the United States and around the world; and

Whereas Alaskans everywhere are proud of the Nunaka Valley Little League junior girls athletes, Jacynne Augufa, Leilani Blair,

Heather Breslin, Metanoya Fiamme, Morgan Hill, Julia Merritt, Gabrielle Meyerson, Taria Page, Hannah Peterson, Sydney Smith, Lauren Syrup, and Nanea Tali, on the 2011 softball season: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the athletes, parents, and coaching staff of the Nunaka Valley Little League junior girls softball team on an impressive 2011 season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Nunaka Valley Little League President, Greg Davis; and

(B) the Nunaka Valley Little League junior girls softball team manager, Richard Knowles, and coaches Rick Peterson and Richard Hill.

S. RES. 261

Whereas over-the-counter and prescription medicines approved by the Food and Drug Administration have been determined to be safe and effective when used properly;

Whereas the abuse of such medicines can be extremely dangerous and produce serious side effects;

Whereas according to the Substance Abuse and Mental Health Services Administration's 2010 National Survey on Drug Use and Health, the nonmedical use of prescription drugs has risen, with 2.5 percent of the population engaging in nonmedical use of prescription drugs in 2008 and 2.8 percent of the population engaging in such use in 2009;

Whereas the 2010 National Survey on Drug Use and Health illustrates that the abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the most commonly abused illegal drug in the United States;

Whereas the 2010 Monitoring the Future survey, funded by the National Institutes of Health, indicates that approximately 5 percent of teenagers in the United States report having abused an over-the-counter cough medicine to get high, and prescription and over-the-counter drugs account for 8 of the 14 most frequently abused drugs by students in grade 12;

Whereas the 2010 Monitoring the Future survey also indicates that the intentional abuse of cough medicine among students in grades 8, 10, and 12 is at 3.2 percent, 5.1 percent, and 6.6 percent, respectively;

Whereas according to research from The Partnership at DrugFree.org, more than one-third of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas the lack of understanding by teenagers and parents of the potential harm of such powerful medicines makes it more critical than ever to raise public awareness about the dangers of the abuse of such drugs;

Whereas when prescription drugs are abused, such drugs are most often obtained through friends and relatives;

Whereas parents should be aware that the Internet gives teenagers access to websites that promote the abuse of medicines;

Whereas the designation of "National Medicine Abuse Awareness Month" promotes the message that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and such medicines can have serious or life-threatening consequences when used to get high or in large doses;

Whereas the designation of "National Medicine Abuse Awareness Month" will encourage parents to educate themselves about the

problem of abuse of over-the-counter and prescription medicines, and talk to their teens about all types of substance abuse;

Whereas observance of "National Medicine Abuse Awareness Month" should be encouraged at the national, State, and local levels to increase awareness of the abuse of medicines;

Whereas educational tools, training programs, and strategies have been developed by the national organization that represents 5,000 anti-drug coalitions nationwide and the association representing makers of over-the-counter medicines, in order to help local coalitions demonstrate the best ways to engage and educate parents and grandparents, teachers, law enforcement officials, doctors, other healthcare professionals, and retailers about the potential harms of cough medicine abuse;

Whereas a partnership of nonprofit associations specializing in raising media awareness about substance abuse and organizations that represent the leading makers of over-the-counter drugs have developed a nationwide prevention campaign that utilizes research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines, in order to empower parents to effectively communicate with their children about this dangerous trend and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention of medicine abuse are critical components of what must be a multi-pronged effort to curb prescription and over-the-counter medicine abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2011 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

RESOLUTIONS SUBMITTED TODAY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 276, S. Res. 277, S. Res. 278, S. Res. 279, S. Res. 280, and S. Res. 281, which were submitted earlier today.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. UDALL of New Mexico. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 276

Expressing support for the goals and ideals of National Infant Mortality Awareness Month 2011

Whereas "infant mortality" refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 41st among industrialized countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas according to the Institute of Medicine of the National Academies, premature birth costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2011 has been designated as "National Infant Mortality Awareness Month": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2011;

(2) supports efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

S. RES. 277

Recognizing the month of October 2011 as "National Principals Month"

Whereas the National Association of Secondary School Principals and the National Association of Elementary School Principals have declared the month of October 2011 as "National Principals Month";

Whereas principals are educational visionaries, instructional and assessment leaders, disciplinarians, community builders, budget analysts, facilities managers, and administrators of legal and contractual obligations;

Whereas principals work collaboratively with teachers and parents to develop and implement a clear mission, high curriculum standards, and performance goals;

Whereas principals create school environments that facilitate great teaching and learning and continuous school improvement;

Whereas the vision, actions, and dedication of principals provide the mobilizing force behind any school reform effort; and

Whereas the celebration of "National Principals Month" would honor elementary school, middle school, and high school principals, and recognize the importance of principals in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2011 as "National Principals Month"; and

(2) honors the contribution of principals in the elementary schools, middle schools, and high schools of our Nation by supporting the goals and ideals of "National Principals Month".

S. RES. 278

Designating September 2011 as "National Prostate Cancer Awareness Month"

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2011, the American Cancer Society estimates that 240,890 males in the United States will be diagnosed with prostate cancer, and 33,720 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2011 as "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

S. RES. 279

Expressing support for the designation of September 24, 2011, as "Worldwide Day of Play"

Whereas according to the Centers for Disease Control and Prevention, since 1980, obesity prevalence among children has almost tripled and approximately 12,500,000, or 17 percent, of children and adolescents in the United States are obese;

Whereas according to the American Academy of Pediatrics study entitled "The Importance of Play in Promoting Healthy Child Development and Maintaining Strong Parent-Child Bonds"—

(1) play is essential to development because play contributes to the cognitive, physical, social, and emotional well-being of children and youth;

(2) play offers an ideal opportunity for parents to engage fully with children; and

(3) despite the benefits derived from play for both children and parents, time for free play has been significantly reduced for some children and youth in the United States;

Whereas Worldwide Day of Play is the centerpiece of The Big Help, the long-term commitment of Nickelodeon to empower children and families by providing the tools and information children and families need to take action on the issues children and families care about;

Whereas in each of the 50 States and in 13 countries, including at United States military bases around the globe, children and families celebrate Worldwide Day of Play;

Whereas on September 24, 2011, Nickelodeon will host the 8th annual Worldwide Day of Play;

Whereas in 2011, in collaboration with the Let's Move! campaign started by First Lady Michelle Obama and the President's Council on Fitness, Sports and Nutrition, the Nickelodeon Worldwide Day of Play will be held on the Ellipse in Washington, District of Columbia;

Whereas September 24, 2011, would be an appropriate date to designate as Worldwide Day of Play: Now, therefore, be it

Resolved, That the Senate supports the designation of September 24, 2011, as "Worldwide Day of Play".

S. RES. 280

Designating the week beginning September 19, 2011, as "National Hispanic-Serving Institutions Week" and recognizing the achievements of the Hispanic Association of Colleges and Universities

Whereas Hispanic-serving institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas Hispanic-serving institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas in 2010, there were 307 Hispanic-serving institutions in the United States, enrolling 1,348,436 Hispanic students in non-profit postsecondary schools;

Whereas Hispanic-serving institutions are actively involved in stabilizing and improving the communities in which the Hispanic-serving institutions are located;

Whereas 54 percent of Hispanic students in the United States attend nonprofit, postsecondary Hispanic-serving institutions;

Whereas celebrating the vast contributions of Hispanic-serving institutions to the United States strengthens the culture of the United States;

Whereas the achievements and goals of Hispanic-serving institutions are deserving of national recognition;

Whereas 2011 marks the 25th anniversary of the establishment of the Hispanic Association of Colleges and Universities, an organization that works to improve the capacity of Hispanic-serving institutions in helping students across the United States succeed;

Whereas the Hispanic Association of Colleges and Universities fulfills its mission by promoting the development of member colleges and universities, improving access to, and the quality of, postsecondary educational opportunities for Hispanic students, and meeting the needs of business, industry, and government through the development and sharing of resources, information, and expertise; and

Whereas the week beginning September 19, 2011, would be an appropriate week for national recognition of Hispanic-serving institutions: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and goals of Hispanic-serving institutions across the United States;

(2) recognizes the achievements of the Hispanic Association of Colleges and Universities throughout the 25 years since the establishment of the organization;

(3) designates the week beginning September 19, 2011, as "National Hispanic-Serving Institutions Week"; and

(4) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-serving institutions.

S. RES. 281

Designating September 24, 2011, as "National Estuaries Day"

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas the United States has lost more than 110,000,000 acres, or 50 percent, of the wetland of the United States since the first European settlers arrived;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas changes in sea level can impact estuarine water quality and estuarine habitat;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas 24 coastal and Great Lake States and territories of the United States contain a National Estuary Program or a National Estuarine Research Reserve System;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 24, 2011, has been designated as "National Estuaries Day" to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2011, as "National Estuaries Day";

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to sustaining employment and the economic well-being and prosperity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study,

preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

MEASURE PLACED ON THE CALENDAR—S. 1619

Mr. UDALL of New Mexico. Mr. President, I understand that S. 1619 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Mr. UDALL of New Mexico. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection having been heard, the measure will be placed on the calendar.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Hawaii.

THE CONTINUING RESOLUTION

Mr. INOUE. Mr. President, the United States is considering H.R. 2608, a continuing resolution to ensure our vital Federal programs can continue in operation while the Congress completes action on our appropriations bills for this fiscal year.

As all of my colleagues are aware, I do not welcome the reality that we once again need to approve of stopgap measures as we prepare to begin the next fiscal year, but, unfortunately, that is the position we are in now. The acrimonious and time-wasting debate on raising the debt ceiling has led us to this place. Put simply, we have no choice but to pass this short-term measure.

I wish to point out, however, that unlike last year, we see this as a short-term need, not a long-term remedy, because even though there was neither an agreement on spending levels nor an allocation to the Appropriations Committee for discretionary spending until the August recess commenced, I am happy to inform my colleagues that the Senate Appropriations Committee has completed its work on 11 of the 12 bills required to fund our Federal agencies. In the past 3 weeks, the Appropria-

tions Committee has met to review and favorably approve 10 bills for fiscal year 2012. Eight of those bills were reported out of committee in an overwhelmingly bipartisan vote, and by that I mean something like 29 to 1. The Senate has received five of these bills from the House. The Appropriations Committee is ready to take up any of these bills on the floor when time allows.

In the interim, enacting a continuing resolution is essential before the Congress goes on recess. The bill passed by the House provides the bare-bones minimum required to ensure that government functions will be continued without interruption. It also includes a few critical legislative provisions to sustain vital programs which otherwise would be terminated. There were many more items which the administration and Members of this body would have wished to include, but the House did not agree to include them. The House CR also provides a limited amount of disaster funding, which has been addressed by others.

I want to state for the record that I am particularly disturbed at the position of the House that fiscal year 2011 emergency disaster assistance would be offset by canceling the advanced technology vehicle program. It has long been a tradition of the Congress to approve disaster assistance without need for offset. Others will likely come to the Senate floor to challenge that remark. They will point out that in many, if not most, emergency supplementals the Congress has recommended using rescissions to offset the cost of the bill. They are correct, but as usual the details tell the true story.

The Appropriations Committee annually reviews unobligated balances that remain in programs and those that are unnecessary are recommended for rescission or reapplication to other programs. However, in the case of disaster assistance, I challenge my colleagues to review all appropriations bills for the past decade and find a single instance where the committee paid for disasters by rescinding funds from other programs. No one would find an example because, quite simply, there are not any. Equally important, as noted above, year after year the Congress rescinds unobligated funds, but only when they are no longer needed. In the case of the remaining balances for the advanced technology vehicle programs, these funds are needed. Hardly a day goes by that someone does not come to the floor and note the need for job creation. Here is a program that is creating good jobs with a future. Investing in new technologies to make our Nation more competitive in the international marketplace is exactly the type of program where Federal Government intervention makes sense. The notion that our Republican

colleagues in the House would propose rescinding \$1.5 billion in funding from this program in the current economic climate borders on the nonsensical.

Finally, I would note that today's balances in the disaster relief fund are now at \$175 million. Our people are in need of assistance now. The Congress cannot wait any longer to address this need. All of my colleagues should come together in a bipartisan agreement to strip out the ATV offset, approve meaningful disaster assistance today, and return this bill to the House for reconsideration. I hope we have the good sense to resolve this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 18th annual National Public Lands Day, which will be celebrated on Saturday, September 24. I am pleased to acknowledge the efforts of volunteers across our Nation who will come together to improve and restore one of America's most valuable treasures, our public lands.

National Public Lands Day started in 1994 with 700 volunteers working in just a few locations. This year over 180,000 volunteers will come together to work at more than 2,000 locations across all 50 States. These people come from all walks of life, holding a shared interest in protecting our public lands for the enjoyment of future generations. National Public Lands Day provides an annual opportunity for the American public to devote a day to conservation and to give back to the public lands that give so much to us.

Our Nation has a proud tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. President Teddy Roosevelt, one of our earliest and most energetic conservationists, dedicated 194 million acres of national parks and national preserves over the course of his

Presidency. As we look ahead to enhance our Nation's conservation agenda, Secretary of the Interior Ken Salazar has enlisted Congress to identify the "crown jewels" of public lands that will be part of our legacy for future generations.

Public lands make up more than one-third of our country, and are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for resources that help improve our quality of life. Our public lands provide wide open spaces, deep forests, dramatic vistas, and opportunities for solitude that not only fulfill us individually, but form a fundamental part of the American character. Our public lands are part of who we are and the diversity of their uses, like the diversity of their landscapes, reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places "untrammelled by man, where man is a visitor who does not remain."

Nevada boasts some of the most rugged and diverse landscapes in the United States. From the vast Black Rock Desert of northwestern Nevada, to the alpine peaks of Mount Rose overlooking the shores of Lake Tahoe, to the imposing buttes and sagebrush plains of the Sheldon National Wildlife Refuge, and the Mojave Desert floor covered in Joshua trees and yucca plants. Over the past quarter century, home grown conservation advocates have worked to protect and preserve 68 wilderness areas consisting of 3.4 million acres, an area approximately the size of Connecticut. These advocates continue to work towards protection of the most special places in the Silver State. Currently, there are strong grassroots efforts underway to protect the high alpine lakes and thick aspen groves of the Pine Forest Range in Humboldt County as well as the rich archeological resources and spectacular red rock formations in the Gold Butte area just a short drive from Las Vegas.

Our public lands also provide a consistently reliable source of natural resources that fuel our national economy. In northern Nevada, mining is a way of life. Although Nevada was well known for silver during the 19th century, miners working in the Silver State now produce almost 80 percent of the gold in the United States, much of which comes from public lands. Nevada also has a rich history of ranching for both sheep and cattle and grazing on federal lands helps feed this family tradition. Throughout the state the burgeoning renewable energy industry on public lands has provided a variety of new job-creating economic opportunities. Harnessing the solar, wind, and geothermal resources in Nevada and throughout the country will bolster

our country's economic and energy security for decades and centuries to come.

I recognize and thank the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other federal land management agencies ensure that public lands in Nevada and across the Nation meet the changing needs of our communities. They provide a vital, though rarely reported, service to our Nation.

I would also like to acknowledge and thank the many Nevadans that will spend September 24 improving our public lands undertaking 19 projects across the State from the Big Rocks Wilderness Area in Caliente to Daggett Summit Trail in Stateline. In northern Nevada, volunteers will be working to improve our public lands at the Mill Creek Campground. These people will spend their day installing new fire rings, barbecues and lantern hooks as well as cleaning the debris from the stream and placing rocks in parking and camping areas.

The focus of National Public Lands Day this year is highlighting the opportunities public lands offer young people through the Youth in the Great Outdoors Initiative, launched by the U.S. Department of the Interior. This initiative will engage youth from all backgrounds in exploring, connecting with and preserving America's natural and cultural heritage. National Public Lands Day is also relaying the health benefits of outdoor recreation by encouraging families to develop more active lifestyles on our public lands.

The preservation of our public lands is a priority for me. Our public lands are part of what makes the United States a great Nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

REMEMBERING CORPORAL LORENZA GAYLES

Mr. McCONNELL. Mr. President, I rise to honor a brave member of the U.S. Marine Corps and a fellow Kentuckian who was lost to his family and friends 45 years ago when he was killed in action in Vietnam. A very moving article in tribute to this man, CPL Lorenza Gayles, appeared in the Middlesboro Daily News recently, and I wanted to give this article and this fine young man's story the attention it deserves.

Born in Lynch, KY, on December 28, 1946, as the fourth child of David and Virginia Gayles, Lorenza moved with his family to Middlesboro as a baby and grew up with many friends. He was a good student, was popular with his schoolmates, and known for his sense of humor. His sister Lelia remembers young Lorenza was "just a charming little boy."

Lorenza, called "Rennie" by his friends, attended the Lincoln School, the only school in Middlesboro for African-American children in those days of segregation. He was a talented athlete who played football, baseball, and had an exceptional gift for basketball. Bill Smith, a longtime friend of the Gayles family, remembers Rennie as "a solid guy with a good head on his shoulders." When segregation in the area ended, Lorenza went to Middlesboro High School, where he graduated in 1964.

Knoxville College offered Rennie a scholarship to play basketball after high school, but Rennie turned them down and chose to enlist with the Marine Corps instead. His older brother David was serving in the U.S. Air Force, and his brother Bobby was already in Vietnam with the Army. Within 2 years Rennie had risen to the rank of corporal and took his duties as a marine very seriously.

Alvin Simpson, a fellow Marine recruit who went through basic training with Rennie and later wrote a memoir about his experiences, said this: "There was no question who could outfight whom; I knew, he knew, and the entire platoon knew Lorenza was the real deal."

Corporal Lorenza Gayles was deployed to Vietnam on June 21, 1966. On September 3 of that year, while on reconnaissance patrol, he was on point with his squad when they walked into an ambush. Corporal Gayles was killed instantly. He was 19 years old.

Several weeks later his parents were presented with Corporal Gayles's posthumously awarded Purple Heart Medal. Corporal Gayles is buried in the Lynch Cemetery in Middlesboro.

"When Rennie was killed in action in Vietnam," the author of this article writes, Mr. President, "I remember my mother saying, 'that poor little Gayles boy.' This is something that I have carried with me my entire life."

That is the author of this article speaking. Forty-five years later, this author's memories still affect him, and I think anyone who reads this piece will be affected too. CPL Lorenza Gayles's life may not have been long, but he made an indelible mark on the people who love and remember him.

I ask unanimous consent that the entire article remembering CPL Lorenza Gayles, a proud marine and a brave Kentucky hero who deserves all of our respect, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Middlesboro Daily News, Sept. 2, 2011]

FORGOTTEN MARINE

(Editor's Note: This article was written by a Daily News reader who wishes to honor the memory of one of Middlesboro's finest—Lorenza Gayles—yet remain anonymous.)

"Once upon a time in America, when I was colored, two adventurous, young boys, both

black, but from very different backgrounds; one boy was from Ky., the other boy hailed from Northern Ohio. The kid from Ky. was killed September 3, 1966, in South Vietnam. His name was Lorenza Gayles, he was twenty years old when he was killed, he was my friend. I loved him then—and I love him more today."

—From "Together We Served" By Alvin L. Simpson.

To most, Rennie Gayles is a public housing development in Middlesboro. To others, he was a son, a brother and a friend; but most importantly to me, he was Corporal Lorenza Gayles, United States Marine. Though I didn't know him, and was only five years old at the time of his death, his life and death have always held a special meaning to me.

Born in Lynch, Ky., on December 28, 1946, he was the fourth child of David and Virginia Gayles. Soon after his birth, the Gayles family moved to Middlesboro where he and his older brothers and sister were raised in a loving home by parents that worked very hard to provide for their children. Rennie, as he was affectionately known, grew up like most of us. He had many friends, loved playing basketball, just a normal childhood growing up. He is described by his sister Lelia as "just a charming little boy."

Rennie attended school at the Lincoln School in Middlesboro, long since gone. In the days of segregation, it was the only school in Middlesboro for black children. He was a good student, very popular among his classmates and known for his sense of humor. Bill Smith, a longtime friend of the Gayles family, described Rennie as "a solid guy with a good head on his shoulders."

Rennie was also a very talented athlete who played football, baseball, and was an especially gifted basketball player. With the end of segregation, he then attended Middlesboro High School, where he graduated in 1964.

Offered a scholarship by Knoxville College to play basketball, he declined. Instead, young Gayles enlisted in the United States Marine Corps. With his older brother David serving in the U.S. Air Force, and Bobby serving in Vietnam in the U.S. Army, I suppose he felt he was obligated to enlist. He received his basic training at Parris Island, South Carolina, and upon completion was stationed at Camp Lejeune, North Carolina. He later transferred to a Marine base in California. He quickly rose through the ranks and became a corporal in just two years. He was an attentive soldier and took his obligation to the Corps very seriously. He was a "textbook" Marine. Tough, no-nonsense and cared deeply about those he served with.

"Everybody in our platoon knew the outstanding recruit was a black kid from Middlesboro, Ky., Lorenza Gayles," writes Alvin Simpson, author of "Distant Shore: A Memoir," and fellow Marine recruit in basic training with Rennie.

"There was no question who could outfight whom; I knew, he knew, and the entire platoon knew Lorenza was the real deal."

With the war in Vietnam escalating, Rennie was deployed on June 21, 1966. Just over two months after arriving in Vietnam, while on a reconnaissance patrol, Rennie was on point (front man in the squad) when he and the other members of his squad walked into an ambush. He was killed instantly.

THE WAR

With the war in Vietnam so many years behind us, many have tried to put it out of their minds. But for those who served and the family members who lost loved ones there, it haunts them every day. Deemed an

unpopular war, many returning Vietnam veterans were scorned, cursed, called "baby killers," and spat upon. The truth is, no war is popular. War is, sometimes, just a necessary evil. This great nation has long carried the obligation to protect and defend those who cannot defend themselves against oppressions that exist in this world. And to the over 58,000 soldiers that died and 1,300 still listed as missing in action, we owe our eternal gratitude.

As a child growing up in the 1960s and early 1970s, the war in Vietnam to me was sitting beside my father watching the nightly news with Walter Cronkite. With the end of each broadcast came the body count, the dead, the wounded and the missing in action. Today, newscasts are filled with coverage of brave men and women memorialized who have given their lives, and those troops returning from Iraq and Afghanistan as they are met at airports across the country by cheering crowds and hailed as heroes and glorified as they should be. They have dedicated their lives to protect and serve this nation as soldiers, and are prepared to give their lives for it.

We owe the same gratitude to those who served in Vietnam. We all know someone who served there and the memories of these heroes are fleeting. These men and women served with the same courage and dedication as do the brave soldiers of today. We see them every day. Take just a moment to thank them for their service and their sacrifice; just a pat on the back and a thank you would mean so much. Most of all, take a moment to remember, honor and mourn those who gave their lives for this great nation. Our community lost too many fine young men in Vietnam and it's up to us to pass on their heritage so that they are not forever lost to posterity. Remember that many of these men and women sacrificed their ambitions so that we wouldn't have to. They died for the very freedoms we enjoy every day.

When Rennie was killed in action in Vietnam I remember my mother saying "that poor little Gayles boy." This is something that I have carried with me my entire life. And with the passing of time and generations we owe it to them to carry on their memories. This tall, handsome, young Marine with his broad beaming smile, with his whole life ahead of him, he was one of those men.

Rennie Gayles is not just a housing project; United States Marine Corporal Lorenza Gayles was a guardian of freedom.

REMEMBRANCE

Forty-five years ago, on September 3, 1966, just before your twentieth birthday, in a country, half a world away from home, in the Quang Nam Province of South Vietnam defending your nation with a profound sense of duty and exemplary conduct becoming a United States Marine, you made the ultimate sacrifice. Every day of my life I will thank God for you, I will honor you, and I will remember you . . . Semper Fi

On October 26, 1966, Corporal Lorenza Gayles was posthumously awarded the Purple Heart. It was presented to his parents by Major F.C. Fisher, U.S.M.C. Corporal Gayles is buried in the Lynch Cemetery in Middlesboro.

Sincerest appreciation to those who contributed to this article: Rennie's brother, Bobby Gayles of Middlesboro; Bill Smith, U.S. Army (Ret.), of Middlesboro; sister Lelia Gayles-Cammon, Tuscaloosa, Alabama; Alvin L. Simpson of Columbus, Ohio, for your friendship, encouragement, service to our nation and loving tribute to your friend;

and a special thanks to Sgt. Timothy Moos and the United States Marine Corps.

DREAM ACT

Mr. DURBIN. Mr. President, 10 years ago, I introduced the DREAM Act, legislation that would allow a select group of immigrant students with great potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn legal status if they came to the U.S. as children, are long-term U.S. residents, have good moral character, graduate from high school, and complete 2 years of college or military service in good standing.

The DREAM Act would make America a stronger country by giving these talented immigrants the chance serve in our military and contribute to our economy.

Tens of thousands of highly-qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law.

And studies have found that DREAM Act participants would contribute literally trillions of dollars to the U.S. economy during their working lives.

These young people have overcome great obstacles to succeed. They are valedictorians, star athletes, honor-roll students, and ROTC leaders. Now they want to give back to their country. The DREAM Act would give them that chance.

For the last 10 years I have been working on the DREAM Act, there has been one constant: strong support from the faith community. The DREAM Act is supported by almost every religious group you can imagine: Catholic, Methodist, Episcopal, Lutheran, and Evangelical Christians; Orthodox, Conservative, and Reform Jews; and Muslims, Hindus, and Sikhs.

The faith community supports the DREAM Act because it is based on a fundamental moral principle that is shared by every religious tradition—it is wrong to punish children for the actions of their parents.

These students were brought to this country as children. They grew up here pledging allegiance to the American flag and singing the only national anthem they've ever known. They are American in their hearts and they should not be punished for their parents' decision to bring them here.

For the next several weeks, people of faith all across this country will show their support for the DREAM Act by celebrating the first-ever "DREAM Sabbath."

On the DREAM Sabbath, at churches, synagogues, mosques, and temples around the country, Americans of many religious backgrounds will offer prayers for the immigrant students who would be eligible for the DREAM Act. At many of these events, these DREAM Act students will tell their stories.

The DREAM Sabbath will take place over several weekends in September and October, and so far, there are more than 320 DREAM Sabbath events planned, in 44 States.

In June, when I announced the DREAM Sabbath, I was joined by religious leaders from a great variety of faith traditions, including: Cardinal Theodore McCarrick, a good friend who has been a leader in the fight for immigration reform for many years; Bishop Minerva Carcaño, the first Hispanic woman to be elected bishop in the Methodist Church; Reverend Samuel Rodriguez, the president of the Nation's largest Hispanic Christian organization, with more than 30,000 member churches; Reverend Derrick Harkins, the pastor of one of the most prominent African-American churches in our Nation's Capitol, who was representing the National Association of Evangelicals; Bishop Richard Graham of the Evangelical Lutheran Church in America; Bishop David Jones of the Episcopal Church; Rabbi Lisa Grushcow of the Hebrew Immigrant Aid Society; and Imam Mohamed Magid, the head of the Nation's largest Muslim organization.

The DREAM Sabbath events reflect this great religious diversity. Let me give you just a few examples of the congregations who are observing the DREAM Sabbath: the First Presbyterian Church of Cheyenne, WY; the Central United Methodist Church in Fairmont, WV; the Unitarian Church of Lincoln, NE; Galloway Memorial Episcopal Church in Elkin, NC; Grace United Methodist Church in Missoula, MT; Trinity Episcopal Church in Winner, SD; the Texas Catholic Conference of Bishops; the Florida Catholic Conference of Bishops; and the following Catholic dioceses, just to name a few: Cincinnati, OH; Cleveland, OH; Danvers, IA; Evansville, IN; and Salt Lake City, UT. Just last night, in Tucson AZ, the DREAM Sabbath was recognized at the National Hispanic Evangelical Immigration Summit, a gathering of 1,200 Evangelical ministers. This summit was convened by Reverend Sam Rodriguez and the National Hispanic Christian Leadership Conference and I want to thank them for their leadership.

In my home State of Illinois, I plan to observe the DREAM Sabbath at a number of places, including: Anshe Sholom B'nai Israel Congregation, a Modern Orthodox temple, where, by the way, Chicago Mayor Rahm Emanuel is a congregant; Old St. Pats Church, my home parish in Chicago; and the Church of the Holy Spirit in Schaumburg.

I would like to invite all of my colleagues and everyone listening today to participate in the DREAM Sabbath. If you are interested in becoming part of this important national movement, you can visit www.dreamsabbath.org

for more information or call my office at 202-224-2152.

The DREAM Sabbath will put a human face on the plight of undocumented students who grew up in this country and help build support for passage of the DREAM Act.

DREAM Act students need our prayers, but they need more than that—they need our help to pass the DREAM Act.

These young people are American in their hearts. They are willing to serve our country, if we would only give them a chance. Passing the DREAM Act is the right thing to do and it will make America stronger.

HUNGER AWARENESS

Mr. DURBIN. Mr. President, I rise today to speak on behalf of the over 50 million people, including over 17 million children in the United States, who face the day not knowing if they will have enough to eat.

Millions of families live each day not knowing if and how they will put food on the table.

Rather than thinking about what the next meal will be, these parents worry if there will be a next meal.

Rather than concentrate on homework, these children are trying not to think about their hunger pangs.

According to the USDA in 2010, 14.5 percent of households—or 1 in 6 Americans—experienced hunger. This is the highest level of hunger in our Nation since the government began tracking food insecurity in 1995.

No State or county is immune to the reality of hunger. In Illinois' three wealthiest congressional districts an average of 13.2 percent of people—or nearly 281,000 people—experienced hunger in 2009.

Hunger is a reality in all of our communities. We see it in the long lines at our food pantries. We have heard from seniors forced to choose between groceries and medication. And children are in our schools who have not had a decent meal since the previous day's school lunch.

The U.S. Census Bureau reported this month that more than 1.82 million people lived in poverty in Illinois last year. That's up from 1.69 million in 2009—making 2010 the third straight year the poverty rate in Illinois has risen.

According to Feeding America in Illinois, nearly 1.9 million people—including over 740,000 children—are food insecure and often rely on safety net programs for their next meal.

Hunger is a symptom of poverty, and where this is poverty we see greater demand for emergency food programs and support. Federal food assistance programs have responded to the growing need by helping low and middle-class families, children, and seniors maintain a healthy diet.

Throughout the country, food banks and pantries that rely on Federal assistance are the front line of the fight against hunger—providing emergency food assistance to hungry families.

Unfortunately, business at food banks has never been better. Over the past 2 years, Illinois food banks have seen a 50 percent increase in requests for food assistance. In 2009, Illinois food banks provided food to 1 in 10 residents.

The Supplemental Nutrition Assistance Program, formerly known as food stamps, is one of the Nation's most important antihunger programs. SNAP has provided over 46 million Americans with essential food assistance.

In Illinois, 1.8 million people—that is 1 in 7 residents—rely on SNAP benefits to buy the food they need.

The benefits of SNAP reach far beyond helping households maintain a healthy diet. SNAP is a powerful tool in fighting poverty, and has lifted nearly 2.5 million children out of poverty, more than any other government program.

According to the USDA's Economic Research Service, \$5 of SNAP benefits can generate \$9 in economic activity through retail demand, farm production, and jobs.

At a time when families are having trouble making ends meet, food stamps meet a basic human need.

The people using food banks or food stamps to get by are people you know—your neighbor and coworker.

I recently heard from a single mother of a 4-year old daughter who receives emergency food assistance from the Eastern Illinois Food Bank.

This young mother is also a full-time college student, who plans to use her education to provide a better life for her family.

Without the extra support from food stamps, this woman says she would have to drop out of college and work at a minimum wage job just to make ends meet.

She credits food stamps for not only providing food assistance, but for allowing her to get an education so she can move her family out of poverty.

As Congress works to rein in our Nation's debt, we will hear from all sides. The millions of Americans who rely on safety net antihunger programs like SNAP will not have the loudest voice in the debate or big PR firms, but we can't forget them.

We must protect Federal food assistance programs. These programs are not a giveaway or a handout. They are strengthening our economy and improving the lives of vulnerable families, children, and seniors at their time of need.

MORETOWN POST OFFICE

Mr. LEAHY. Mr. President, I would like to bring to the attention of the

Senate a notable development in the community of Moretown, VT. Moretown is located near the confluence of the Mad River and the Winooski River, just down the road from my home in Middlesex, and the community was hit particularly hard by the flooding caused by Tropical Storm Irene. Homes were flooded, the town offices were inundated, and the Moretown School was damaged. Bridges were washed away, cutting the town off from central Vermont's highway system, and leaving some residents stranded. But through this disaster, the town pulled together, in yet another of the many stories that can be told of the great resilience shown by Vermonters in the storm's terrible aftermath.

As flood waters rose, the postmaster in charge of the Moretown Post Office, Naomi Tilton, and the two carriers who work in the Moretown Post Office managed to save every piece of mail from the rising flood waters. Every single piece of mail in their charge. Water eventually filled the entire post office lobby, and as water damage left by the flooding in Moretown demonstrated, as much as 8 feet of water filled the first floors of structures surrounding the post office.

When my staff visited the Moretown Post Office a week later, workers had already begun renovating the building. They had shoveled out the mud and muck deposited by the river, and they had torn out the mold-prone sheetrock. Yet even in disrepair, the post office was not in disarray or disorder: The Moretown Post Office continued to operate. A sign made out of a plain sheet of white paper directed customers to the side of the erstwhile post office, up a set of crooked stairs and into an office on the second floor. In that makeshift temporary post office, customers could still buy stamps, pick up their mail, and share their stories of survival and community togetherness.

The postal employees of Moretown did all this on their own time, outside of normal business hours, and on their own initiative. I understand that Ms. Tilton's manager was stranded dozens of miles to the south in Rochester, VT, a town similarly cut off from the outside world. Professionalism and dedication to the community motivated the employees of the Moretown Post Office to keep the area's postal system working. Their efforts offered a glimmer of hope to their neighbors as the community realized the extent of the devastation caused by the flood and the tremendous effort it would take to rebuild Moretown. And what a powerful testament to the currency in modern times of the proud tradition of this Nation's venerable postal system and its dedicated public servants.

The Moretown Post Office is just one story of the hundreds of stories I would like to tell to remind everyone how de-

termined we are to recover from Tropical Storm Irene. The determination of our Moretown postal workers reminds us all of what it means to be a Vermonter and an American.

REMEMBERING SUVASH DARNAL

Mr. LEAHY. Mr. President, I have spoken over the years about the political transformation that has been taking place in Nepal since 2005, from a corrupt, autocratic monarchy to an emerging democracy.

That process has moved forward by fits and starts, plagued by political infighting and the seeming inability of political and ethnic factions to unite for the good of the people. We are struggling with partisanship and divisiveness in this country, so I understand the problem, but Nepal is at a historic crossroads and cannot afford for this process to fail.

Key issues that were at the heart of the internal armed conflict, such as impunity for crimes against civilians by both sides, have not been addressed. Shielding perpetrators of gross violations of human rights from punishment is incompatible with a democratic society based on the rule of law.

There are many other challenges, like reform of the army, demobilization of former Maoist combatants, improving literacy, building effective, transparent government institutions, and reducing poverty. The United States is helping, but Nepal's competing political leaders must point the way forward by making the necessary compromises.

Today I want to speak briefly about caste discrimination, which is at the core of Nepal's feudalistic history. I do so by paying tribute to an extraordinary leader of Nepal's Dalit community, Suvash Darnal, who was tragically killed in a motor vehicle accident in Virginia on August 15, 2011.

Mr. Darnal was only 31 years old when he died, but he had already achieved far more than most people, even people with every advantage, do in a much longer life.

Mr. Darnal was of humble beginnings, with nothing but hardship and unfairness to look forward to. Yet he managed to overcome daunting obstacles to become a respected leader with boundless energy, a quenchless thirst for knowledge, extraordinary vision, and a tireless determination to help improve the lives of his people.

As I have said before in this Chamber, Nepal's democracy cannot succeed without the inclusion of minority castes, including Dalits, in political and economic decisionmaking. Mr. Darnal devoted himself passionately to that cause through journalism, research, and advocacy.

He was an inspiring example of why caste discrimination has no place in the 21st century, and his death is a

tragic loss not only for Dalits but for all of Nepal. He had the humility, integrity, intellect, and dedication to his people that Nepal needs in its leaders, and I hope others of his generation are inspired by his life and work to continue his legacy.

Mr. President I ask unanimous consent to have printed in the RECORD an August 16 article in the Kathmandu Post about Mr. Darnal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kathmandu Post, Aug. 16, 2011]
BIDUSHI DHUNGEL, "PALPALI FLAME"

The tragic death of 31-year-old Dalit activist and media entrepreneur Suvash Darnal is a huge setback to Nepal's Dalit movement. Well known for being the founder of Nepal's first ever Dalit-focused media organisation, Jagaran Media, co-founder of the Collective Campaign for Peace and most recently, the Dalit-focused think tank, Samata Foundation, Darnal made undeniable contributions to a burgeoning rights-sensitive society.

Born in Mujhung in Palpa, and one of four siblings, Suvash was schooled "by accident," at a local school that just happened to be in close proximity to his home. He was never told to go to school, nor did he initially see it as necessary, "it just kind of happened," he would say. Darnal's perseverance meant that he became the first Dalit to pass the SLC from his village. That achievement, and the positive reaction it garnered from the upper echelons of society that once treated him as untouchable, gave him the motivation to work harder.

But behind every success story, there is a long, hard struggle. Looking at Suvash in his last years, one could never guess that he'd come to Kathmandu with nothing except the fire of convictions. He spent months selling watches immersed in a bucket of water on the Ratna Park roadside. And having made a few contacts here and there, Darnal ventured into writing for small media houses. The ideas for the foundations of the Jagaran Media Centre came in these days. It was to be the largest Dalit-led media outlet in South Asia. Even now, Jagaran media has a radio station that produces a radio magazine that is broadcast throughout India and Nepal.

These were turbulent times. By the time the media centre was established and running smoothly, King Gyanendra took over and attempted to reverse the course of history. Public outrage was growing and so was the demand for the return of democracy. At this crucial juncture, Darnal and his close friend founded the Collective Campaign for Peace (COCAP). "I wanted to play my part in what I knew would be a momentous time in Nepal's history," said Darnal. He often recalled those days saying that at the heart of the uprising, it became an unofficial "secretariat" for the civil democratic movement in Nepal.

It was after this that Darnal set off to undertake the most mammoth of his life's work. He realised that democracy would be of little use to Dalit society unless there was a way to bridge the gap between politics and caste. This was where Darnal's deep frustrations with society resided. The idea that discourse at the policy level was necessary gave way to the Samata Foundation. Initially called the Nepal Center for Dalit Studies, late in 2009, the name was changed and became an officially registered organisation.

The Samata Foundation is now the hub of Dalit research. Last year, under Darnal's direction, Samata held Nepal's first ever International Dalit conference. An avid reader and fan of B.R. Ambedkar, Darnal had set out to establish caste-based policies in the country. His book, *A Land of Our Own: Conversations with Dalit Members of the Constituent Assembly*, came out in 2009. Although enthused by the 2008 elections that ushered in some 40 Dalit Constituent Assembly (CA) members, it didn't take long for Darnal to realise it wasn't going to be enough. He often said that it was only natural that the Dalit CA members wouldn't be educated, but that it was then his task to give them the information and competence to stand out and be clear about their demands. In this endeavour, he decided to publish a Nepali translation of Ambedkar's book. The translation was done by Dalit leader and CA member Aahuti, and was published earlier this year. Darnal held a special prominence in his head and heart for the personality and works of Ambedkar and the translation of the book and its subsequent publishing was a source of joy to him.

The Dalit movement has a long history in this country, but with Suvash Darnal it rose to new heights. From raising national awareness to travelling abroad for guest lectures, Darnal had the conviction to make Nepali society aware, not only of the harsh realities of caste, but of the repercussions of its perception in politics and society. Suvash's Samata Foundation was in the process of achieving precisely this. The organisation is now without its founder, and the Dalit movement without a capable leader. The work he undertook was as much professional to him as it was personal, and that's what allowed for his success. Suvash Darnal's close friends refer to him as very much of a family man. And with only a few close friends, he maintained very close ties with his family. He is survived by his wife and two year old daughter.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

Mrs. MURRAY. Mr. President, I rise today in support of H.R. 2646, as amended, the Veterans Health Care Facilities Capital Improvement Act of 2011. I urge our colleagues to support this bipartisan legislation, which would allow for new construction projects in five States and Puerto Rico and would extend several VA programs, including vital homeless programs.

Last year, Congress passed, and the President signed into law, Public Law 112-10, Department of Defense and Full-Year Continuing Appropriations Act, and provided an advanced appropriation of fiscal year 2012 funding for veterans' health care. Enacting H.R. 2646, as amended, would avoid interruptions in VA programs and would allow VA to use the full amount of funding provided through Public Law 112-10.

VA has worked tirelessly to get veterans off the streets and into housing. Their efforts are commendable, but there is still work to be done. H.R. 2646, as amended, contains critical extensions to many of VA's programs to end homelessness among veterans. This bill

would allow VA to continue to operate the drop-in resource centers that help connect homeless veterans to services; provide grants to transitional housing programs for the most vulnerable homeless veterans, such as the frail elderly, terminally ill, women with children, and seriously mentally ill; and continue its street outreach and emergency care services for homeless veterans. These programs are on the front line of VA's services for homeless veterans.

One of the best ways to end veteran homelessness is to prevent it from happening. This bill would support VA's homelessness prevention and rapid rehousing programs by extending the Supportive Services for Veteran Families Program, a critical resource for stopping homelessness before it begins. H.R. 2646, as amended, also extends the Homeless Veterans' Reintegration Program, which helps homeless veterans find and maintain employment. Extending these programs will decrease the number of veterans who may become homeless in these tough economic times.

VA has a long list of construction projects that have yet to be funded. H.R. 2646, as amended, would allow VA to make critical upgrades to its facilities and infrastructure to ensure that we can provide care to veterans in a safe environment. For instance, this bill would allow VA to begin a \$51 million project to seismically strengthen the nursing tower and community living center at the VA Puget Sound Healthcare System in Seattle, WA. Built in 1985, this building does not meet the current seismic code for Washington State. Located in an area of high seismic activity, it is vital that this building be upgraded so that the VA Puget Sound Healthcare System can continue to deliver world-class healthcare to veterans in a safe environment.

We must allow VA to continue work on projects such as seismic corrections in San Juan, PR; construction of new Polytrauma and Blind Rehabilitation Centers in Palo Alto, CA; medical center improvements and cemetery expansion in St. Louis, MO; and additional parking facilities and nurse education opportunities to ongoing projects in Fayetteville, AR and Orlando, FL, respectively. Additionally, it would authorize VA to lease space for outpatient clinics in Columbus, GA; Fort Wayne, IN; Mobile, AL; Salem, OR; San Jose, CA; South Bend, IN; and Springfield, MO.

This bill helps us honor the legacy of heroic veterans by dedicating VA medical facilities in their names. With the endorsement of every member of the Texas congressional delegation, the West Texas VA Health Center in Big Spring, TX, would be renamed in honor of George H. O'Brien, a hometown hero. With similar support from the Colorado

Congressional delegation, the Telehealth Clinic in Craig, CO, would be renamed in honor of MAJ William Edward Adams.

Our Nation's veterans have sacrificed much in their service to this country, we must make sure they receive the care and benefits they earned.

TRIBUTE TO MIKE DAVIDSON

Mr. ROCKEFELLER. Mr. President, I rise to commend and thank Mike Davidson for his decades of extraordinarily dedicated and consequential service to our Nation, most recently as the general counsel for the Senate Select Committee on Intelligence over the past 8 years.

Many others have praised the wise, discerning, and sound counsel that has characterized every step of Mike's distinguished career, from his time in the Peace Corps in Kenya in the mid-1960s throughout his decades of service since then: as a litigator for the NAACP Legal Defense Fund, as a professor of clinical law at the State University of New York at Buffalo, as chief staff counsel for the U.S. Court of Appeals for the District of Columbia, as the first legal counsel of the Senate, and, following his first retirement from the Senate in 1995, as counsel for several important public initiatives—including, most prominently, serving as general counsel for the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001.

This exceptionally distinguished record speaks for itself, and in 2003 it led me to recruit Mike back to full-time service in the Senate. As the Intelligence Committee's vice chairman at the time, I asked Mike to serve as the committee's minority counsel, a position he held from 2003 through 2006. When I became the committee's chairman in 2007, I asked Mike to undertake the duties of general counsel. He agreed to take on this role, and he continued to serve me and the committee well throughout the 2 years that I was chairman. After I passed on the gavel to Senator DIANNE FEINSTEIN in 2009, Mike stayed on for nearly 3 more years, until his quiet retirement earlier this month.

Throughout this time on the committee, Mike's calm and unflappable presence; his evenhanded, understated, and fair approach to even the most contentious issues; his painstaking attention to detail and unfailing memory; and, above all, his dedication to the law and to the security interests of the United States, have served this committee and our Nation well. Day in and day out, we knew we could rely on Mike's counsel. Whether it was a situation involving routine oversight or a matter of great sensitivity and historical importance—of which there were many during those years, including our

investigations into the intelligence regarding weapons of mass destruction in Iraq, our efforts to end the CIA's coercive interrogations, our drafting and passing the landmark Foreign Intelligence Surveillance Act Amendments Act of 2008, among others—Mike Davidson's legal acumen and advice were invariably excellent, and also indispensable to the work of the committee.

My colleagues and I trusted Mike's judgment implicitly. His example of dedicated public service and his exceptional day-to-day performance on the job earned our respect and admiration, and it inspired a generation of staff who had the privilege to work alongside him.

We will miss Mike dearly, but his legacy will remain a part of the Senate Select Committee on Intelligence for years to come. We wish him well in his second retirement, even as we leave the light on for him just in case he decides to serve again.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON of South Dakota. Mr. President, today I rise to recognize September as National Prostate Cancer Awareness Month. Prostate cancer is one of the most common types of cancer in men. Approximately one in six men will be diagnosed with this disease during their lifetime and it is estimated that over 240,000 men will be diagnosed with and over 33,000 men will die from the disease this year. While no cure has been found, early detection presents our best chance at saving lives. Public awareness of prostate cancer is improving but statistics demonstrate that more can be done to make awareness and early detection of this disease a national priority.

The odds of successfully treating this disease improve with early detection, and health experts recommend that men begin receiving yearly screenings at age 50 or sooner for those men at high risk for the disease. In fact, studies have found that approximately 98 percent of men diagnosed with early stage prostate cancer are still living 10 years later, while only 18 percent of those diagnosed at advanced stages of the disease survive the first decade. More than 2 million men in the United States who have been diagnosed with prostate cancer at some point in their lives are still alive today. National Prostate Cancer Awareness Month is a reminder that early detection is vital in successfully treating this disease and, through screening, we truly can save lives.

I am proud to add my voice to those who are working to fight prostate cancer, and I take this opportunity to recognize the families, professionals and advocates who work day after day to be a powerful voice for prostate cancer pa-

tients. I commend them on their tireless efforts to raise awareness of the risks, to promote early detection and treatment, and to further our efforts to understand and eliminate this disease. I urge all citizens to promote the use of early detection screening tests and to help advance the search for a cure of prostate cancer while supporting those individuals and families who face this devastating disease.

I appreciate this opportunity to increase awareness about the importance of early detection in our efforts to defeat prostate cancer and express my support for those Americans fighting the battle against this disease.

CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Mr. WYDEN. Mr. President, I rise today in support of the Child and Family Services Improvement and Innovation Act, which this Chamber adopted late last night by unanimous consent. The bill demonstrates that improving the lives of vulnerable children remains a national priority. In the midst of deficit panels and continuing resolutions and fear of government shutdown, Congress came together to pass this bipartisan, bicameral legislation and that is illustrative of our concern for the needs of children.

This legislation also reinforces our recognition of the need for flexibility and accountability. We must enable public agencies to be responsible stewards of public funds, manage performance, innovate and enhance their ability to achieve positive outcomes. The underlying law we reauthorized could not be more aptly named: Promoting Safe and Stable Families. I am particularly pleased that this bill continues to stress the importance of kinship care. This is something I know a little bit about. In the 1996 welfare reform bill, I successfully fought for the inclusion of an amendment with, Senator COATS, to ensure that relatives be given preference over stranger caregivers when the state determined where to place a child who had been removed from the home. Having worked with senior citizens and with the Gray Panthers before I came to Congress, I often heard the frustration of grandparents whose grandchildren—as far as they knew—disappeared into the state child protection system and literally vanished from their families' lives. I realized the immense potential in making it easier for grandparents and other family members to care for children and introduced legislation to recognize that. We ought to have policies that make it easier, instead of more difficult, for families to come together to raise their children. And as we continue to rethink our child welfare system, we need to rededicate ourselves to looking to families, including extended families, for solutions. When children are

separated from their parents, it is usually a painful and traumatic experience. Reading over the RECORD from that fight in 1996 reminded me just how far we have come since then to recognize that fact.

The following year, in 1997, other provisions of my kinship bill were included in the Adoptions and Safe Families Act. And subsequent bills passed by this Chamber, including the 2008 Fostering Connections to Success and Increasing Adoptions Act, furthered our progress promoting kinship care by allowing relative caregivers to receive foster care payments just as a stranger would. We know that sometimes, all the goodness in a grandparent's heart can't buy their grandchild basketball shoes or school books. And I am grateful to Senators BAUCUS and HATCH for continuing to draw attention to the value of kinship care. The bill we passed last night again moves the ball forward by rewarding States for operating kinship guardianship programs as well as kinship navigator programs that help brothers and sisters stay connected should they enter the child welfare system.

Slowly but surely, we are learning what works—and we are learning it from States. Through innovative approaches like kinship care, we have dramatically reduced the number of children in foster care. In roughly a decade, the number of children in foster care has declined about 20 percent, and that's something to be proud of. But we must continue our goal of safely reducing the number of youth in care, while constantly asking ourselves, "what comes next?"

Earlier this year I introduced the Promoting Accountability and Excellence in Child Welfare Act, legislation that took a number of ideas from the States and from the advocates and from experts in Oregon and around the country for ways to improve the well-being of all vulnerable children and their families, just like we did last night. And one thing we can all agree on is that our Federal spending must drive positive outcomes. It is time we develop some consensus as to what those outcomes are, though. When we talk about child welfare, we typically measure success in terms of reducing the number of days a child spends in foster care. But what about those children who never enter foster care but still are involved in the juvenile justice system? Or aren't attending class regularly? Or don't have access to health care? And what about the child that, for one unfortunate reason or another, spends the majority of her childhood in foster care and ages out of that system at age 18? How do we gauge whether we have lived up to our responsibility, as a society, of preparing that child for adulthood?

My bill gets at these very issues. It seeks to improve the well-being of all

at risk children and their families by tracking outcomes on the individual level. Importantly, it asks States to be the pioneers by telling us what will work, and then proving it. If we don't check up on vulnerable kids until they are in foster care, or worse—until they are in the emergency room or in prison—we are missing opportunities not only to save the government money, but missing opportunities to save lives and preserve families. My bill also asks for a report to Congress on recommendations on how to update Federal foster care financing so that eligibility is no longer tied to the obsolete AFDC program.

When the Child and Family Services Improvement and Innovation Act passed out of the Finance Committee earlier this month, I withdrew two amendments to ensure its passage move quickly. And I was pleased to have the assurances of Chairman BAUCUS that we could work together to further explore this idea of child well-being through a roundtable in the Finance Committee as well as take the lead on a request to the GAO asking for policy options to modernize Federal child welfare financing. I commend the chairman and ranking member as well as congressional leadership for their hard work to ensure passage of this bipartisan bill and I look forward to continuing to work together to improve the lives of vulnerable children and their families.

TRADE ADJUSTMENT ASSISTANCE

Mr. WHITEHOUSE. Mr. President, the job market these days is tough. I have heard from countless Rhode Islanders who have worked all their life, but who have lost their jobs and are now struggling to make ends meet. Sadly, many of these jobs have been lost because big companies are taking advantage of cheaper labor overseas.

We should take action to stop this pattern, and I have introduced legislation to end tax giveaways to companies that ship jobs overseas that I hope we will pass. In the meantime, we need to do everything we can to help those displaced workers get back on their feet.

Therefore, I am pleased that the Senate has acted to extend the Trade Adjustment Assistance Program for American workers who have lost their jobs due to the effects of international trade. TAA benefits are designed to help displaced workers transition back into the job market, and that is precisely what we need during this prolonged period of high unemployment. In my State of Rhode Island, the unemployment rate has been over 10 percent for 30 straight months and currently stands at 10.6 percent.

TAA benefits will help advance our economic recovery and get Americans back to work. In the past 2 years, over 1,400 Rhode Islanders have been helped

by the job training services provided through, and the readjustment allowances have offered those workers a modest bridge until they can get back on their feet.

I have said throughout the economic downturn that we need to stand up for people who have lost their jobs through no fault of their own, and this is especially true for trade-displaced workers. President Kennedy made this point when he signed TAA into law in 1962. He said then, regarding the effects of U.S. trade policy on our workers, that "those injured . . . should not be required to bear the full brunt of the impact. Rather, the burden of economic adjustment should be borne in part by the federal government."

I know that American workers can compete and succeed in the global markets when given a level playing field. But for too long, our policy has been to encourage cheaper imports from countries with lax environmental standards and few protections for their workers.

TAA benefits help workers in the manufacturing and service sectors to adjust to a rapidly changing global economy. This legislation will ensure that this help remains available, especially with so many people still out of work in Rhode Island and throughout the country.

ADDITIONAL STATEMENTS

BECHTEL BWX TECHNOLOGIES IDAHO LLC

• Mr. CRAPO. Mr. President, today I recognize Bechtel BWX Technologies Idaho LLC's, BBWI, legacy at the Advanced Mixed Waste Treatment Project, AMWTP.

Under the leadership of Jeff Mousseau, appointed manager of the project in November 2007, and with the commitment and dedication of the skilled workforce, the AMWTP has flourished. Jeff Mousseau led the Bechtel team efficiently and safely to exceed benchmarks. AMWTP went from being 3 years behind to more than 3 years ahead of scheduled requirements to move waste out of Idaho. No other site in the U.S. Department of Energy, DOE, Complex has enabled the permanent disposal of as much radioactive waste at the DOE Waste Isolation Pilot Plant more safely and compliantly than AMWTP.

The company's dedicated employees have achieved a record of removing the waste safely. BBWI employees have worked more than 12.4 million hours and 2,839 days without a lost-time injury. In 2010 and 2008, the company earned national safety awards that included an Occupational Excellence Award, Perfect Record Award, Safety Leadership Award and Million Hours Worked Award. In 2007, the company earned the first-ever Integrated Safety

Management Systems verification following assumption of the AMWTP contract. The company's safety achievements have also been recognized through the 2005 DOE Electrical Safety Challenge; 2008 Bechtel Safety Achievement Award in recognition of achieving more than five million job hours without a lost-time injury; 2008 Secretary of Energy's Appreciation Award for Electrical Safety; and 2009 Voluntary Protection Program verification.

BBWI has also been an active and involved corporate partner to Idaho. Through its community contributions, the company has supported civic, arts, cultural and education organizations and initiatives that have strengthened the fabric of many communities and improved the quality of life for many Idahoans. BBWI has been supportive of Idaho small businesses; more than 80 percent of its contracts for materials and services are awarded to small businesses. In 2009, DOE recognized BBWI with its Small Business Achievement Award and, in 2006, with DOE's Mentor Protégé award for the company's relationship with North Wind.

It is a privilege to acknowledge a job well done. The significant achievements of BBWI's workforce and Jeff Mousseau's leadership have resulted in the project being ahead of schedule and under budget with a recognized safety record. Thank you for your remarkable service.●

REMEMBERING J. ROBB BRADY

● Mr. CRAPO. Mr. President, I rise today to honor the life of a distinguished Idahoan, J. Robb Brady. I join his family and friends in mourning his passing and paying tribute to his legacy.

Robb Brady is well known for his work as a journalist and publisher of the Idaho Falls Post Register, my hometown newspaper. Starting at the Post Register in 1941, he advanced in his field and served as publisher for more than 10 years. Throughout his career, he was a respected and knowledgeable voice. He earned a reputation as being a professional and principled journalist who was devoted to his wife of 69 years, Rose, his family, work and community. His talent and dedication have been noted by many who worked with him. He was also known for being humble, committed and compassionate.

In addition to his exemplary hard work, Robb Brady demonstrated a commitment to the community and maintaining Idaho's natural resources. He supported local charitable efforts, including his purchase and donation of the Idaho Fall's Haven shelter. As an outdoorsman, who backpacked and camped with his family, Robb Brady had an appreciation for our natural resources, and he worked to conserve them.

With Robb Brady's passing, we have lost a kind and valued member of our community, but his example will not be forgotten. He has left an indelible mark in the lives of the many people who knew him, worked with him and learned from him. I extend my condolences and prayers to his family, friends and loved ones. Robb Brady's legacy will endure as a significant contribution to Idaho's strength and history.●

TRIBUTE TO JUDGE GREENE

● Mr. ROCKEFELLER. Mr. President, today I wish to note a special occasion next week, the unveiling of a portrait at the U.S. Court of Appeals for Veterans Claims to honor a dedicated public servant and a keen legal mind, Judge William P. Greene, Jr.

Judge Greene is a prime example of an American who has dedicated himself to the well being of our country and its veterans. He was born in Bluefield, WV, a small coal town in the Appalachian mountains. His grandfather worked on the rail cars transporting coal, but also was a school teacher and instilled in his family the value of education and hard work. Judge Greene's father continued that example, working on the railroads while pursuing a degree from Bluefield State College—an institution originally founded to train African-American teachers who would then instruct in the segregated schools. Judge Greene's parents both graduated from that institution and went on to teach in their community. His father was then drafted after the attack on Pearl Harbor and went on to become a commissioned officer and serve with the famed "Buffalo Soldiers"—the only African American infantry unit to see combat in Europe during World War II. Judge Greene's affinity and pride for the Buffalo Soldiers became a life-long passion, as demonstrated by his involvement in the construction and dedication of the Buffalo Soldier Monument in Fort Leavenworth, KS. In the portrait being unveiled, one of Judge Greene's many Buffalo Soldier paintings can be seen in the background.

As a result of his father's military career, Judge Greene moved a number of times during his formative years, and learned from an early age to get along with a wide variety of people under varying circumstances. He subsequently put those skills and abilities to good use as a citizen, a servicemember, and a leader in the legal field.

Before joining the U.S. Court of Appeals for Veterans Claims, Judge Greene graduated with a bachelor of arts in political science from West Virginia State College, where he participated in Army ROTC and accepted an Army Commission. He was designated to serve with the Armor Branch, but while awaiting orders to jump school, Judge Greene was offered acceptance to

the U.S. Army Judge Advocate General's Corps on the condition that he take the LSAT and be admitted to a law school which was scheduled to start in just a few weeks. Three years later he received his law degree from Howard University School of Law, passed the West Virginia Bar, and became an officer in the Army JAG Corps. He married his West Virginia childhood sweetheart and spent the next 25 years serving his country and gaining lifelong respect for the men and women in uniform. He received countless awards and honors for his service and expertise in both the law and the military, and he repeatedly demonstrated his great ability to bridge racial tensions and brings more African Americans into the Judge Advocate General's Corps.

As he is known to say when speaking publically, one of Judge Greene's life mottos is: "When opportunity knocks, you can't say 'wait, let me pack my bags.'" So when in 1993 another opportunity presented itself, Greene took it, and left the Army to serve as an immigration judge for the U.S. He worked tirelessly in that position, handling thousands of immigration matters in the 3 years he served in that capacity.

Then, opportunity knocked again. It was a proud day in 1997, when President Clinton appointed Judge Greene to the Court of Appeals for Veterans Claims. Until 1988, the Veterans Administration, now the U.S. Department of Veterans Affairs, was the only Federal agency that was not subject to judicial review. In a long overdue decision, the Senate Committee on Veterans' Affairs created the U.S. Court of Appeals for Veterans Claims with my full support. Veterans deserved judicial oversight and the creation of the court was a major accomplishment during his first term in the Senate. As a skilled attorney and a veteran, Judge Greene brought a keen understanding of veterans' issues to the bench. He served as the court's chief judge from 2005 to 2010, and was known for his character and leadership during a time of tremendous growth and change at the court.

Although he officially retired last year, his commitment to hard work continues and Judge Greene currently serves as a senior judge on the Court of Appeals for Veterans Claims. Judge William P. Greene, Jr., is a soldier, a jurist, and an American to be respected, and I am proud to recognize and honor his service today.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 81. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 2608.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1619. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3378. A communication from the Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to Taiwan's Air Defense Force; to the Committee on Armed Services.

EC-3379. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ethiopia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3380. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XA659) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3381. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United

States; Northeast Multispecies Fishery; Trip Limit Decrease for the Common Pool Fishery" (RIN0648-XA652) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3382. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA673) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3383. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XA685) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3384. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish, Other Flatfish, Sharks, and Skates in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA672) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3385. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Octopus in the Bering Sea and Aleutian Islands" (RIN0648-XA683) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3386. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XA680) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3387. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XA684) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3388. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery" (RIN0648-XA678) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3389. A communication from the Assistant Administrator for Fisheries, Office of

Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Management Measures" (RIN0648-BA69) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3390. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Regulatory Amendment" (RIN0648-BA79) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3391. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Correction" (RIN0648-XY82) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3392. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Clemson, SC" (RIN2120-AA66) (Docket No. FAA-2011-0394) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3393. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model EC120B Helicopters" (RIN2120-AA64) (Docket No. FAA-2011-0859) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3394. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Parts 1, 73 and 76 of the Commission's Rules Regarding Practice and Procedure; Broadcast Applications and Proceedings; Radio Broadcast Services; Fairness Doctrine and Digital Broadcast Television Redistribution Control; Multichannel Video and Cable Television Service; Fairness Doctrine, Personal Attacks, Political Editorials and Complaints Regarding Cable Programming Service Rates" (DA 11-1432) received in the Office of the President of the Senate on September 22, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. CORNYN, Mr. COBURN, and Mr. KYL):

S. 1622. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel,

and for other purposes; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. SCHUMER, and Mrs. SHAHEEN):

S. 1623. A bill to provide a processing extension for emergency mortgage relief payments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. KERRY):

S. 1624. A bill to provide for the economical production of various United States coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 1625. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Ohio (for himself, Mr. THUNE, Mr. DURBIN, and Mr. LUGAR):

S. 1626. A bill to amend the Food, Conservation, and Energy Act of 2008 to reform agricultural programs by establishing the aggregate risk and revenue management program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Mr. SCHUMER, and Mr. REID):

S. 1627. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. CARPER, Mr. CARDIN, and Mr. COONS):

S. 1628. A bill to provide for improvements in the Federal hiring process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself and Mr. GRAHAM):

S. 1629. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU (for herself and Mr. COCHRAN):

S. 1630. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow for a more effective recovery from disasters, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself and Mr. BEGICH):

S. 1631. A bill to authorize the establishment in the Department of Veterans Affairs of a center for technical assistance for non-Department health care providers who furnish care to veterans in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. LEAHY, and Mr. CARDIN):

S. 1632. A bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ):

S. Res. 276. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month of 2011; considered and agreed to.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. CARDIN, Mrs. MURRAY, Mr. WARNER, and Mrs. FEINSTEIN):

S. Res. 277. A resolution recognizing the month of October 2011 as "National Principals Month"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. INHOFE, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. KERRY, Mr. SHELBY, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. LEE, Mr. CHAMBLISS, Mr. AKAKA, Mrs. BOXER, Mr. KIRK, Mr. WYDEN, Mr. JOHANNIS, and Mr. BLUNT):

S. Res. 278. A resolution designating September 2011 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mrs. GILLIBRAND (for herself and Ms. AYOTTE):

S. Res. 279. A resolution expressing support for the designation of September 24, 2011, as "Worldwide Day of Play"; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BEGICH, Mr. REED, Mrs. MURRAY, Mrs. BOXER, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. COONS, Mrs. GILLIBRAND, and Mrs. HUTCHISON):

S. Res. 280. A resolution designating the week beginning September 19, 2011, as "National Hispanic-Serving Institutions Week" and recognizing the achievements of the Hispanic Association of Colleges and Universities; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KERRY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Ms. SNOWE, Mr. WARNER, Mr. WEBB, and Mr. WYDEN):

S. Res. 281. A resolution designating September 24, 2011, as "National Estuaries Day"; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 282. A resolution to authorize testimony in Kanelos v. County of Mohave, et al. and Zanna, et al. v. Mohave County, et al.; considered and agreed to.

By Mr. NELSON of Florida (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mrs. HUTCHISON, Mr. VITTER, Mr. AKAKA, Mr. PRYOR, Mr. LIEBERMAN, and Mr. DURBIN):

S. Con. Res. 29. A concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 170, a bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1133

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1203

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 1203, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1280

At the request of Mr. ISAKSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Oregon (Mr. WYDEN), the Senator from Hawaii (Mr. AKAKA) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1551

At the request of Mr. KIRK, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1551, a bill to establish a smart card pilot program under the Medicare program.

S. 1584

At the request of Mr. BENNET, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1584, a bill to provide for additional quality control of drugs.

S. 1585

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1585, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1588

At the request of Mr. WEBB, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1595

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1595, a bill to prohibit funding for the United Nations in the event the United Nations grants Palestine a change in status from a permanent observer entity before a comprehensive peace agreement has been reached with Israel.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1606

At the request of Mr. PORTMAN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. RES. 232

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese

citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 253

At the request of Mr. HOEVEN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 253, a resolution designating October 26, 2011, as "Day of the Deployed".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCAIN:

S. 1625. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, today I rise to introduce the Postal Reform Act of 2011, which will restore the financial health and long-term viability of the United States Postal Service, USPS. This bill is the companion to the bill Representative ISSA introduced in the House of Representatives in June of this year. I would like to thank him for his leadership on this important issue.

According to the USPS, by 2020, they are expecting to face up to a \$238 billion shortfall. Even with dramatic cost savings of \$12 billion and workforce reduction of 110,000 postal employees in the past four years, the Postal Service is expected to end this fiscal year with a \$10 billion loss.

First-Class mail, which makes up more than half of the Postal Service revenues, continues to fall at alarming rates and shows no signs of ever recovering. This combined with 80 percent labor costs and labor contracts that contain "no-layoff" clauses points to the fact that the Postal Service is broken.

Congress can no longer enact temporary fixes that avert financial crisis for only a brief period. Congress, the Postal Service, labor unions, and the mailing community must be willing to lay everything on the table and make

hard choices now to save the Postal Service for the future. I believe the Postal Reform Act of 2011 will do just that.

Two key provisions in this bill alone would save the Postal Service billions of dollars annually. First, the bill would create a Postal Service Financial Responsibility and Management Assistance Authority, which is modeled after the District of Columbia control board Congress created to address the fiscal crises the city was facing in the mid 1990s. This authority, triggered by a USPS default on its Federal obligations, would replace the Postal Board of Governors with mandates to cut costs, and put the USPS back on the path to financial solvency.

The second key provision would create a Commission on Postal Reorganization that would use a BRAC like process to consolidate and close post offices and mail processing facilities. According to the Postal Service the "current mail processing network has a capacity of over 250 billion pieces of mail per year when mail volume is now 160 billion pieces of mail. Right-sizing the network is vital to the future of the Postal Service and its customers." Congress, however, continues to put up political road blocks that prevent these closings and consolidations. This proposal will take the politics out of the process and allow the USPS to right-size its operations.

Other provisions in the bill would require arbitrators to take into account the financial health of the Postal Service if labor contracts move to arbitration. It would also exempt USPS from the Davis-Bacon Act, the Service Contract Act, and other wage rules that increase USPS contracting costs.

The bill would require certain types of mail that Postal Service loses money on to cover their cost. In Fiscal year 2010, USPS lost nearly \$1.7 billion on these type of "underwater" postal products that failed to cover their costs. For example, the Periodicals class of mail, which includes newspapers and magazines, has not covered its costs for 14 consecutive years, generating total losses of \$4.3 billion over that period.

The bill also contains common sense language that would mandate that USPS employees pay the same health and life insurance premium percentage as other Federal workers. This is estimated to save the Postal Service \$700 million annually.

Finally, this bill will allow the Postal Service to move to 5-day delivery, at a savings of anywhere from \$1.7 to \$3.1 billion annually.

We can no longer choose to support temporary fixes to the Postal Service. If we continue to act in this irresponsible way, the American taxpayer will be the one that ultimately suffers in the form of higher postage prices and taxpayer bailouts. We must make hard

choices now so future generations of Americans will have a viable Postal Service.

By Mr. AKAKA (for himself, Mr. CARPER, Mr. CARDIN, and Mr. COONS):

S. 1628. A bill to provide for improvements in the Federal hiring process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today, along with Senators CARPER, CARDIN, and COONS, I am introducing the Federal Hiring Process Improvement Act of 2011. This bill will help agencies fix the broken recruitment and hiring process in the Federal Government. I am pleased that Representative SARBANES is also introducing a companion bill in the House today and I thank him for his work and his commitment to the Federal workforce.

Every day, talented people interested in working for their government are turned away from Federal service because of the frustrating and antiquated hiring process. Too many Federal agencies have built barriers for new workers, done too little to recruit the right candidates, and invented an evaluation process that discourages qualified candidates.

In the past, many agencies have tried to find exceptions to the competitive hiring process, rather than making sure the competitive process works. The competitive hiring process should be our most effective tool to ensure that the Federal workforce is composed of the most qualified and able individuals, who are appointed through a fair and open process that is free from political interference. As agencies face budget reductions and restricted hiring, it is critical that they are able to attract top-notch candidates who are up to the challenge of meeting agency missions with limited resources. We must strengthen the competitive hiring process so that agencies do not look for ways to avoid it.

As Chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I have held multiple hearings on the hiring process and worked closely with the administration on its reform efforts. While the administration has been making some good progress, we still hear stories of talented individuals who seek employment with the Federal Government, only to grow frustrated with the archaic hiring process and find work elsewhere.

Applying for a job in the Federal Government should be accessible and straightforward. Agencies still require too much information upfront from candidates instead of an approach that requires more information as the employee moves through the process. The Federal Hiring Process Improvement

Act will require agencies to streamline their hiring practices. Agencies will be required to stop using the dreaded "knowledge, skills, and ability" essays and accept resumes and cover letters, as is standard in the private sector. Additionally, the bill requires job postings to be written in plain writing, so that candidates can readily understand what the job is and how to apply, and candidates would be notified of their status at key points in the process. Agencies will have to speed their hiring processes to average no more than 80 days.

Agencies need to continuously reassess their needs and strategies in order to maximize their recruitment and hiring efforts. This bill requires agencies to develop strategic workforce plans that include hiring projections and identify critical skills gaps. It also requires agencies to measure the effectiveness of hiring efforts and reforms.

The Federal Government is the largest employer in the United States, and Federal service is a noble profession. Within the next 5 years, the Federal Government is expected to face one of the largest retirement waves in the Nation's history, making the development of a new generation of workers even more vital. Agency leadership must make reforming the recruitment and hiring process a top priority. I urge my colleagues to support this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Hiring Process Improvement Act of 2011".

SEC. 2. DEFINITION.

In this Act, the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) shall not include the Government Accountability Office.

SEC. 3. STRATEGIC WORKFORCE PLAN.

(a) IN GENERAL.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of enactment of this Act and in every subsequent year, the head of each agency, in consultation with the Office of Personnel Management and the Office of Management and Budget, shall develop a strategic workforce plan as part of the agency performance plan required under section 1115 of title 31, United States Code, to include—

(A) hiring projections, including occupation and grade level;

(B) long-term and short-term strategic human capital planning to address critical skills deficiencies;

(C) recruitment strategies to attract highly qualified candidates from diverse backgrounds;

(D) streamlining the hiring process to conform with the provisions in this Act; and

(E) a specific analysis of the contractor workforce, whether the balance between work being performed by the Federal workforce and the contractor workforce should be adjusted, and the capacity of the agency to manage employees who are not Federal employees and are doing the work of the Government.

(2) **INCLUSION IN PERFORMANCE PLAN.**—Section 1115(a) of title 31, United States Code, is amended—

(A) in paragraph (5), by striking “and” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) include the strategic workforce plan developed under section 3 of the Federal Hiring Process Improvement Act of 2011.”.

(b) **HIRING PROJECTIONS.**—Agencies shall make hiring projections made under strategic workforce plans available to the public, including on agency websites.

(c) **SUBMISSION TO THE OFFICE OF PERSONNEL MANAGEMENT.**—Each agency strategic workforce plan shall be submitted to the Office of Personnel Management.

(d) **GOVERNMENTWIDE STRATEGIC WORKFORCE PLAN.**—Based on the agency plans submitted under subsection (a), the Office of Personnel Management shall—

(1) develop a governmentwide strategic workforce plan updated at least annually to include the contents described under subsection (a)(1) on a governmentwide basis; and

(2) make such plan available to the President, Congress, and the public.

SEC. 4. FEDERAL ANNOUNCEMENTS OF VACANT POSITIONS.

(a) **TARGETED ANNOUNCEMENTS.**—In consultation with the Chief Human Capital Officers Council, the head of each agency shall—

(1) take steps necessary to identify highly qualified applicant pools with diverse backgrounds before posting announcements of vacant positions;

(2) seek to develop relationships with targeted and diverse applicant pools to encourage applications for high-quality applicants; and

(3) post announcements of vacant positions for a reasonable period of time.

(b) **PUBLIC NOTICE REQUIREMENTS.**—The requirements of subsection (a) shall not supersede public notice requirements.

(c) **PLAIN WRITING REQUIREMENT.**—

(1) **DEFINITION.**—In this subsection, the term “plain writing” has the meaning given under section 3 of the Plain Writing Act of 2010 (5 U.S.C. 301 note).

(2) **REQUIREMENT.**—All Federal announcements of vacant positions for competitive positions shall be written in plain writing in accordance with the Plain Writing Act of 2010 (5 U.S.C. 301 note).

(d) **CONTACT INFORMATION.**—Announcements of vacant positions shall include contact information for applicants to seek further information.

SEC. 5. APPLICATION PROCESS AND NOTIFICATION REQUIREMENTS.

(a) **APPLICATION PROCESS.**—Not later than 180 days after the date of enactment of this Act and in consultation with the Office of Personnel Management and the Office of Management and Budget, the head of each agency shall ensure that processes are implemented to—

(1) ensure that positions that are on the announcements of vacant positions are open for a reasonable period of time as determined by the head of the agency to allow applicants from diverse backgrounds time to submit an application;

(2) allow applicants to submit a cover letter, resume, and answers to brief questions, such as questions relating to United States citizenship and veterans status, to complete an initial application;

(3) not require lengthy writing requirements such as knowledge, skills, and ability essays as part of an initial application;

(4) allow applicants to submit application materials in a variety of formats, including word processing documents and portable document format;

(5) not require any applicant to provide a social security number or any other personal identifying information unnecessary for the initial review of an applicant for a position;

(6) not require the submission of additional material in support of an application, such as educational transcript, proof of veterans status, and professional certifications, unless necessary to complete the hiring process;

(7) provide for a valid, position-related assessment process to help identify the best candidates for the position to be filled and which does not place an unreasonable burden upon applicants;

(8) ensure that applicants are given a reasonable amount of time after the closing date of the announcement of a vacant position to provide additional necessary information; and

(9) include the hiring manager in all parts of the hiring process, including—

(A) targeted recruitment;

(B) drafting the announcement of the vacant position;

(C) review of the initial applications;

(D) interviewing the applicants; and

(E) the final decisionmaking process.

(b) **NOTIFICATION REQUIREMENTS.**—

(1) **IN GENERAL.**—In consultation with the Chief Human Capital Officers Council, the head of each agency shall ensure there are mechanisms under which each applicant for a vacant position shall receive timely notification of the status of each application or provide the applicant the ability to check on the status of each application.

(2) **NOTIFICATION.**—A timely notification to an applicant under this subsection shall be made upon—

(A) receipt of an application by the employing agency;

(B) determination of the qualification of the applicant for the position;

(C) referral to the selecting official, or when a decision is made not to refer the applicant; and

(D) selection of an applicant.

(3) **APPLICANTS NOT SELECTED.**—The agency shall notify any applicant who is not offered employment that the applicable position is not open, not later than 10 business days after the date on which—

(A) the selected candidate has accepted an offer of employment; or

(B) the announcement of the vacant position has been cancelled.

SEC. 6. AGENCY HIRING PROCEDURES.

(a) **ELIMINATION OF THE RULE OF THREE; MULTIPLE SELECTIONS FROM ONE CERTIFICATE.**—

(1) **IN GENERAL.**—Chapter 33 of title 5, United States Code, is amended by striking section 3317 and inserting the following:

“§ 3317. Competitive service; certification and selection using numerical ratings

“(a) CERTIFICATIONS.—The Office of Personnel Management, or an agency to which the Office has delegated examining authority under section 1104(a)(2), shall certify a sufficient number of names from the top of the appropriate register or list of eligibles for an appointing authority who has requested a

certificate of eligibles to consider when filling a position in the competitive service.

“(b) SELECTIONS.—

“(1) IN GENERAL.—An appointing authority shall select for appointment from the eligibles available for appointment on the certificate provided under subsection (a), unless objection to 1 or more of the individuals certified is made to, and sustained by, the Office of Personnel Management or the relevant agency for proper and adequate reason.

“(2) OTHER APPOINTING AUTHORITIES.—Not later than 240 days after the date of issuance of a certificate under subsection (a), other appointing authorities may select from that certificate for similar positions in the same occupational series and at the same grade level without any additional posting under section 3327.

“(c) PREFERENCE ELIGIBLES.—

“(1) PASS OVERS.—

“(A) IN GENERAL.—If an appointing authority proposes to pass over a preference eligible on a certificate in order to select an individual who is not a preference eligible, that appointing authority shall submit a statement of reasons to the Office of Personnel Management for passing over the preference eligible.

“(B) REASONS FOR PASS OVERS.—

“(i) RECORD.—The Office shall make the reasons submitted by the appointing authority part of the record of the preference eligible and may require the submission of more detailed information from the appointing authority in support of the passing over of the preference eligible.

“(ii) REVIEW.—The Office shall—

“(I) review the reasons submitted by the appointing authority; and

“(II) determine the sufficiency or insufficiency of the reasons, taking into account any response received by the Office from the preference eligible based on the reasons made available under or paragraph (3).

“(C) FINDINGS.—After the Office has completed the review under subparagraph (B) of the proposed passover, the Office shall send its findings to the appointing authority and to the preference eligible. The appointing authority shall comply with the findings of the Office.

“(2) PREFERENCE ELIGIBLES.—In the case of a preference eligible not described under paragraph (3)(A), upon the request of that preference eligible (or the representative of that preference eligible) the Office of Personnel Management shall provide a copy of—

“(A) the reasons for the proposed pass over submitted by the appointing authority under paragraph (1)(A); and

“(B) the findings of the Office under paragraph (1)(C).

“(3) PREFERENCE ELIGIBLES WITH CERTAIN DISABILITIES.—

“(A) NOTIFICATIONS.—In the case of a preference eligible described under section 2108(3)(C) who has a compensable service-connected disability of 30 percent or more, the appointing authority shall provide notification to the preference eligible of—

“(i) the proposed pass over;

“(ii) the reasons for the proposed pass over; and

“(iii) the right of the preference eligible to respond to those reasons to the Office of Personnel Management or the relevant agency not later than 15 days after the date of the receipt of the notification.

“(B) TIMING OF NOTIFICATIONS.—The appointing authority shall provide notification to the preference eligible under subparagraph (A) at the same time the appointing authority provides notification to the Office

of Personnel Management under paragraph (1).

“(C) DEMONSTRATION OF NOTIFICATIONS.—Before completing the review under paragraph (1) with respect to a preference eligible described under section 2108(3)(C) who has a compensable service-connected disability of 30 percent or more, the Office shall require a demonstration by the appointing authority that a timely notification under subparagraph (A) was sent to the last known address of the preference eligible.

“(4) NONDELEGATION OF FUNCTIONS.—In the case of a preference eligible described under paragraph (3), the functions of the Office of Personnel Management under this subsection may not be delegated.

“(d) REEMPLOYMENT.—If the names of preference eligibles are on a reemployment list appropriate for the position to be filled, a nominating or appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under section 2108(3)(C) through (G).

“(e) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section, including regulations for the establishment of mechanisms, such as advanced determination of score, for identifying the eligibles who will be considered for appointment.”.

(2) COMPETITIVE SERVICE; SELECTION FROM CERTIFICATES.—

(A) REPEAL.—Section 3318 of title 5, United States Code, is repealed.

(B) TECHNICAL AND CONFORMING AMENDMENT.—Section 3304(a)(3) of title 5, United States Code, is amended by striking “3318” and inserting “3317”.

(3) COMPETITIVE SERVICE; SELECTION USING CATEGORY RATING.—Section 3319 of title 5, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 3319. Competitive service; selection using category rating”;

(B) in subsection (c)(2) by striking “section 3317(b) or 3318(b)” and inserting “section 3317(c)”;

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by inserting after subsection (c) the following:

“(d) Not later than 240 days after the date a certificate under this section is issued, other appointing authorities may select from that certificate for similar positions in the same occupational series and at the same grade level in accordance with subsection (c) without any additional posting under section 3327.”.

(4) EXCEPTED SERVICE; GOVERNMENT OF THE DISTRICT OF COLUMBIA; SELECTION.—Section 3320 of title 5, United States Code, is amended by striking “sections 3308-3318” and inserting “sections 3308 through 3319”.

(b) REPORTING AND POSTING EMPLOYMENT OPPORTUNITIES.—

(1) GOVERNMENTWIDE LIST OF VACANT POSITIONS.—Section 3330 of title 5, United States Code, is repealed.

(2) CIVIL SERVICE POSITIONS LIST.—Chapter 33 of title 5, United States Code, is amended by striking section 3327 and inserting the following:

“§ 3327. Civil service positions list

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency as defined under section 105; and

“(B) includes the Government Printing Office; and

“(2) the term ‘covered position’ means a position—

“(A) in the competitive service (other than a position established for a period not exceeding 18 months); or

“(B) a position in the Senior Executive Service.

“(b) VACANT COVERED POSITIONS.—Subject to regulations prescribed under subsection (e), each agency shall promptly provide notification to the Office of Personnel Management of vacant covered positions in the agency for which the agency seeks applications from individuals who are not employees of that agency.

“(c) LIST.—

“(1) ESTABLISHMENT AND MAINTENANCE.—The Office of Personnel Management shall establish and maintain a comprehensive list of vacant positions within each agency for which applications are currently being accepted or will soon be accepted.

“(2) CONTENTS AND AVAILABILITY.—The list established and maintained under this subsection shall—

“(A) include—

“(i) a brief description of each position, including the title, expected duration, location, and rate of pay of the position;

“(ii) the period during which applications will be accepted;

“(iii) application procedures, including who may apply, and procedures for obtaining additional information;

“(iv) the conditions under which applicants may be considered; and

“(v) any other information the Office considers appropriate; and

“(B) be made available to the public, in such form as the Office requires in regulations prescribed under subsection (e).

“(d) FEES.—

“(1) CHARGING.—The Office of Personnel Management may charge fees to agencies for services provided under this section and for related Federal employment information.

“(2) RETAINING AND USE.—The Office shall retain fees collected under this subsection to pay the costs of providing the services and information.

“(e) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the items relating to sections 3317 through 3330 and inserting the following:

“3317. Competitive service; certification and selection using numerical ratings.

“[3318. Repealed.]

“3319. Competitive service; selection using category rating.

“3320. Excepted service; government of the District of Columbia; selection.

“3321. Competitive service; probationary period.

“[3322. Repealed.]

“3323. Automatic separations; reappointment; reemployment of annuitants.

“3324. Appointments to positions classified above GS-15.

“3325. Appointments to scientific and professional positions.

“3326. Appointments of retired members of the armed forces to positions in the Department of Defense.

“3327. Civil service positions list.

“3328. Selective Service registration.

“3329. Appointments of military reserve technicians to positions in the competitive service.

“[3330. Repealed.]”.

SEC. 7. TRAINING.

Not later than 120 days after the date of enactment of this Act—

(1) in consultation with the Chief Human Capital Officers Council, the Office of Personnel Management shall develop and notify agencies of a training program for human resources professionals to implement the requirements of this Act; and

(2) each agency shall develop and submit to the Office of Personnel Management a plan to implement the training program.

SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROCESS.

(a) AGENCY PLANS.—Unless the Office of Personnel Management certifies an agency already has a plan in effect, the head of each agency shall develop a plan to reduce the length of the hiring process, which shall include an analysis of the current hiring process performed in accordance with standards established by the Office of Personnel Management.

(b) REQUIREMENTS.—To the extent practical, each agency shall fill identified vacancies not later than an average of 80 calendar days after the date of identification of the vacancy.

(c) REPORTS.—Each agency shall submit an annual report to Congress on the average period of time required to fill each position, and whether such positions are cancelled or reopened.

SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.

(a) IN GENERAL.—Each agency shall measure and collect information on indicators of hiring effectiveness relating to—

(1) recruiting and hiring, including the—

(A) ability to reach and recruit highly qualified talent from diverse talent pools;

(B) use and impact of each hiring authority and flexibility to recruit most qualified applicants, including the use of student internships and scholarship programs as a talent pool for permanent hires;

(C) use and impact of special hiring authorities and flexibilities to recruit diverse candidates, including veteran, minority, and disabled candidates;

(D) age, educational level, and source of applicants;

(E) length of time between the time a position is advertised and the time a first offer of employment is made;

(F) length of time between the time a first offer of employment for a position is made and the time a new hire starts in that position;

(G) number of internal and external applicants for Federal positions;

(H) number of positions filled compared to the specific number in the annual workforce plan of the agency, with specific reference to mission-critical occupations or areas of critical shortage deficiencies; and

(I) number of offers accepted compared to the number of offers made for permanent positions;

(2) hiring manager assessment, including—

(A) manager satisfaction with the quality of the applicants interviewed and new hires;

(B) manager satisfaction with the match between the skills of newly hired individuals and the needs of the agency;

(C) manager satisfaction with the hiring process and hiring outcomes;

(D) any mission-critical deficiency closed by new hires and the connection between mission-critical deficiencies and annual agency performance; and

(E) manager satisfaction with the length of time to fill a position;

(3) applicant satisfaction with the hiring process, including—

(A) the clarity of the announcement of the vacant position;

(B) the reasons for withdrawal of any application;

(C) the user-friendliness of the application process;

(D) communication regarding status of application; and

(E) the timeliness of hiring decision; and

(4) new hire assessment, including—

(A) new hire satisfaction with the hiring process, including—

(i) the clarity of the announcement of the vacant position;

(ii) the user-friendliness of the application process;

(iii) communication regarding status of application; and

(iv) the timeliness of hiring decision;

(B) satisfaction with the onboarding experience, including—

(i) the timeliness of onboarding after the hiring decision;

(ii) the welcoming and orientation processes; and

(iii) being provided with timely and useful new employee information and assistance;

(C) new hire attrition;

(D) investment in training and development for employees during their first year of employment; and

(E) other indicators and measures as required by the Office of Personnel Management.

(b) REPORTS.—

(1) IN GENERAL.—Each agency shall submit on an annual basis and in accordance with regulations prescribed under subsection (c) the information collected under subsection (a) to the Office of Personnel Management.

(2) AVAILABILITY OF RECRUITING AND HIRING INFORMATION.—Each year the Office of Personnel Management shall provide the information submitted under paragraph (1) in a consistent format to allow for a comparison of hiring effectiveness and experience across demographic groups and agencies to—

(A) Congress before that information is made publicly available; and

(B) the public on the website of the Office not later than 90 days after the submission of the information under paragraph (1).

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations directing the methodology, timing, and reporting of the data described in subsection (a).

SEC. 10. REGULATIONS.

(a) IN GENERAL.—Except as provided under section 9(c), not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations as necessary to carry out this Act.

(b) CONSULTATION.—The Director of the Office of Personnel Management shall consult the Chief Human Capital Officers Council in the development of regulations under this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH OF 2011

Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ) submitted the fol-

lowing resolution; which was considered and agreed to:

S. RES. 276

Whereas “infant mortality” refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 41st among industrialized countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas according to the Institute of Medicine of the National Academies, premature birth costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the “A Healthy Baby Begins With You” campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2011 has been designated as “National Infant Mortality Awareness Month”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2011;

(2) supports efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

SENATE RESOLUTION 277—RECOGNIZING THE MONTH OF OCTOBER 2011 AS “NATIONAL PRINCIPALS MONTH”

Mr. FRANKEN (for himself, Mr. LUGAR, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. CARDIN, Mrs. MURRAY, Mr. WARNER, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas the National Association of Secondary School Principals and the National

Association of Elementary School Principals have declared the month of October 2011 as “National Principals Month”;

Whereas principals are educational visionaries, instructional and assessment leaders, disciplinarians, community builders, budget analysts, facilities managers, and administrators of legal and contractual obligations;

Whereas principals work collaboratively with teachers and parents to develop and implement a clear mission, high curriculum standards, and performance goals;

Whereas principals create school environments that facilitate great teaching and learning and continuous school improvement;

Whereas the vision, actions, and dedication of principals provide the mobilizing force behind any school reform effort; and

Whereas the celebration of “National Principals Month” would honor elementary school, middle school, and high school principals, and recognize the importance of principals in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2011 as “National Principals Month”; and

(2) honors the contribution of principals in the elementary schools, middle schools, and high schools of our Nation by supporting the goals and ideals of “National Principals Month”.

SENATE RESOLUTION 278—DESIGNATING SEPTEMBER 2011 AS “NATIONAL PROSTATE CANCER AWARENESS MONTH”

Mr. SESSIONS (for himself, Mr. CARDIN, Mr. INHOFE, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. KERRY, Mr. SHELBY, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. LEE, Mr. CHAMBLISS, Mr. AKAKA, Mrs. BOXER, Mr. KIRK, Mr. WYDEN, Mr. JOHANNES, and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2011, the American Cancer Society estimates that 240,890 males in the United States will be diagnosed with prostate cancer, and 33,720 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2011 as “National Prostate Cancer Awareness Month”;

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 279—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 24, 2011, AS “WORLDWIDE DAY OF PLAY”

Mrs. GILLIBRAND (for herself and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas according to the Centers for Disease Control and Prevention, since 1980, obesity prevalence among children has almost tripled and approximately 12,500,000, or 17 percent, of children and adolescents in the United States are obese;

Whereas according to the American Academy of Pediatrics study entitled “The Importance of Play in Promoting Healthy Child Development and Maintaining Strong Parent-Child Bonds”—

(1) play is essential to development because play contributes to the cognitive,

physical, social, and emotional well-being of children and youth;

(2) play offers an ideal opportunity for parents to engage fully with children; and

(3) despite the benefits derived from play for both children and parents, time for free play has been significantly reduced for some children and youth in the United States;

Whereas Worldwide Day of Play is the centerpiece of The Big Help, the long-term commitment of Nickelodeon to empower children and families by providing the tools and information children and families need to take action on the issues children and families care about;

Whereas in each of the 50 States and in 13 countries, including at United States military bases around the globe, children and families celebrate Worldwide Day of Play;

Whereas on September 24, 2011, Nickelodeon will host the 8th annual Worldwide Day of Play;

Whereas in 2011, in collaboration with the Let’s Move! campaign started by First Lady Michelle Obama and the President’s Council on Fitness, Sports and Nutrition, the Nickelodeon Worldwide Day of Play will be held on the Ellipse in Washington, District of Columbia;

Whereas September 24, 2011, would be an appropriate date to designate as Worldwide Day of Play: Now, therefore, be it

Resolved, That the Senate supports the designation of September 24, 2011, as “Worldwide Day of Play”.

SENATE RESOLUTION 280—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 2011, AS “NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK” AND RECOGNIZING THE ACHIEVEMENTS OF THE HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BEGICH, Mr. REED of Rhode Island, Mrs. MURRAY, Mrs. BOXER, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. COONS, Mrs. GILLIBRAND, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Whereas Hispanic-serving institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas Hispanic-serving institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas in 2010, there were 307 Hispanic-serving institutions in the United States, enrolling 1,348,436 Hispanic students in non-profit postsecondary schools;

Whereas Hispanic-serving institutions are actively involved in stabilizing and improving the communities in which the Hispanic-serving institutions are located;

Whereas 54 percent of Hispanic students in the United States attend nonprofit, postsecondary Hispanic-serving institutions;

Whereas celebrating the vast contributions of Hispanic-serving institutions to the United States strengthens the culture of the United States;

Whereas the achievements and goals of Hispanic-serving institutions are deserving of national recognition;

Whereas 2011 marks the 25th anniversary of the establishment of the Hispanic Association of Colleges and Universities, an organization that works to improve the capacity of Hispanic-serving institutions in helping students across the United States succeed;

Whereas the Hispanic Association of Colleges and Universities fulfills its mission by promoting the development of member colleges and universities, improving access to, and the quality of, postsecondary educational opportunities for Hispanic students, and meeting the needs of business, industry, and government through the development and sharing of resources, information, and expertise; and

Whereas the week beginning September 19, 2011, would be an appropriate week for national recognition of Hispanic-serving institutions: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and goals of Hispanic-serving institutions across the United States;

(2) recognizes the achievements of the Hispanic Association of Colleges and Universities throughout the 25 years since the establishment of the organization;

(3) designates the week beginning September 19, 2011, as “National Hispanic-Serving Institutions Week”; and

(4) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-serving institutions.

SENATE RESOLUTION 281—DESIGNATING SEPTEMBER 24, 2011, AS “NATIONAL ESTUARIES DAY”

Mr. WHITEHOUSE (for himself, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KERRY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED of Rhode Island, Ms. SNOWE, Mr. WARNER, Mr. WEBB, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas the United States has lost more than 110,000,000 acres, or 50 percent, of the wetland of the United States since the first European settlers arrived;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas changes in sea level can impact estuarine water quality and estuarine habitat;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas 24 coastal and Great Lake States and territories of the United States contain a National Estuary Program or a National Estuarine Research Reserve System;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 24, 2011, has been designated as "National Estuaries Day" to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2011, as "National Estuaries Day";

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to sustaining employment and the economic well-being and prosperity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

SENATE RESOLUTION 282—TO AUTHORIZE TESTIMONY IN KANELOS V. COUNTY OF MOHAVE, ET AL. AND ZANNA, ET AL. V. MOHAVE COUNTY, ET AL.

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the fol-

lowing resolution; which was considered and agreed to:

S. RES. 282

Whereas, in the cases of *Kanelos v. County of Mohave*, et al., Civ. No. 10-8099 (D. Ariz.) and *Zanna, et al. v. Mohave County*, et al., Civ. No. 10-8149 (D. Ariz.), pending in federal district court in Arizona, the defendants have requested that a declaration be submitted by Gina Gormley, an employee of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, that Gina Gormley is authorized to testify in the cases of *Kanelos v. County of Mohave*, et al. and *Zanna, et al. v. Mohave County* et al., except concerning matters for which a privilege should be asserted.

SENATE CONCURRENT RESOLUTION 29—AUTHORIZING THE USE OF THE ROTUNDA OF THE UNITED STATES CAPITOL FOR AN EVENT TO PRESENT THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO NEIL A. ARMSTRONG, EDWIN E. "BUZZ" ALDRIN, JR., MICHAEL COLLINS, AND JOHN HERSCHEL GLENN, JR., IN RECOGNITION OF THEIR SIGNIFICANT CONTRIBUTIONS TO SOCIETY

Mr. NELSON of Florida (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mrs. HUTCHISON, Mr. VITTER, Mr. AKAKA, Mr. PRYOR, Mr. LIEBERMAN, and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE UNITED STATES CAPITOL TO PRESENT THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—The rotunda of the United States Capitol is authorized to be used on November 16, 2011 for the presentation of the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 655. Mr. REID proposed an amendment to the bill H.R. 2608, to provide for an additional temporary extension of programs

under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 656. Mr. REID proposed an amendment to the bill H.R. 2608, supra.

SA 657. Mr. REID proposed an amendment to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra.

SA 658. Mr. REID proposed an amendment to the bill H.R. 2608, supra.

SA 659. Mr. REID proposed an amendment to amendment SA 658 proposed by Mr. REID to the bill H.R. 2608, supra.

SA 660. Mr. REID proposed an amendment to amendment SA 659 proposed by Mr. REID to the amendment SA 658 proposed by Mr. REID to the bill H.R. 2608, supra.

TEXT OF AMENDMENTS

SA 655. Mr. REID proposed an amendment to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall

be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensa-

tion and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter Na-

tional Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. Notwithstanding any other provision of this Act, effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329), \$500,000,000 is rescinded, \$774,000,000 is hereby transferred to and merged with "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief", and \$226,000,000 is hereby transferred to and merged with "Corps of Engineers—Civil—Flood Control and Coastal Emergencies": *Provided*, That the amounts made available by this section for the Corps of Engineers—Civil shall be for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011: *Provided further*, That the amounts transferred by this section shall remain available until expended: *Provided further*, That each amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 126. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account

for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 127. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 130. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 131. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 132. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 134. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 135. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 136. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 2801-1(g), 2801-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 137. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 138. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act of 1945.

SEC. 139. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 140. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 141. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

SEC. 142. Effective on the date of the enactment of this Act, of the unobligated balances remaining available for "Department of Energy—Energy Programs—Title 17-Innovative Technology Loan Guarantee Program" pursuant to title IV of division A of Public Law 111-5, \$100,000,000 is rescinded.

This Act may be cited as the "Continuing Appropriations Act, 2012".

SA 656. Mr. REID proposed an amendment to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert the following:

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in

section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding any other provision of this Act, effective on the date of the enactment of this Act, there is appropriated—

(1) an additional amount for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief", \$774,000,000, to remain available until expended; and

(2) an additional amount for "Corps of Engineers—Civil—Flood Control and Coastal Emergencies", \$226,000,000, to remain available until expended.

(b) The amount made available by this section for the Corps of Engineers—Civil shall be for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011.

(c) Each amount in this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 126. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 127. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 130. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2011”.

SEC. 131. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 132. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 134. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 135. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 136. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 137. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 138. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act.

SEC. 139. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date

specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 140. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 141. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the “Continuing Appropriations Act, 2012”.

SA 657. Mr. REID proposed an amendment to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the end, add the following new section:
Section _____

This Act shall become effective 4 days after enactment.

SA 658. Mr. REID proposed an amendment to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the end, add the following new section:
Section _____

This Act shall become effective 3 days after enactment.

SA 659. Mr. REID proposed an amendment to amendment SA 658 proposed by Mr. REID to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 660. Mr. REID proposed an amendment to amendment SA 659 proposed by Mr. REID to the amendment SA 658 proposed by Mr. REID to the bill H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 23, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from further consideration of PN–924, 567 nominations in the Public Health Service received by the Senate on September 8, 2011, beginning with Aysha Z. Akhtar and ending with Mykah N. Wynter; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider the following nominations: Calendar Nos. 371, 372, 373, 374, 375, 376, 377, 378, 379, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, and all nominations placed on the Secretary’s desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Ashton B. Carter, of Massachusetts, to be Deputy Secretary of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Timothy J. Leahy

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Rebecca J. McCormick-Boyle

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Raquel C. Bono

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jan-Marc Jousas

IN THE ARMY

The following named officer for appointment as The Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. Patricia D. Horoho

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Douglas J. Venlet

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) David C. Johnson

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Donald E. Gaddis

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark R. Whitney

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Cindy L. Jaynes

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Judith A. Fedder

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael T. Flynn

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Scott M. Hanson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Clyde D. Moore, II

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Cecil E.D. Haney

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Robert F. Thomas

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Allyson R. Solomon

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Gary W. Keefe

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Frederik G. Hartwig

Colonel Donald L. Johnson

Colonel Kenneth W. Wisian

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Joseph G. Balskus

Brigadier General William S. Hadaway, III

Brigadier General Mark R. Kraus

Brigadier General Catherine S. Lutz

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James L. Terry

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William T. Grisoli

The following named officer for appointment in the Reserve of the Army to the

grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Margaret W. Boor

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Raphael G. Peart

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Terry M. Haston

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael S. Rogers

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Frank C. Pandolfe

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Randall R. Ball

Colonel John P. Bartholf

Colonel Steven J. Berryhill

Colonel Gretchen S. Dunkelberger

Colonel Greg A. Haase

Colonel Scott L. Kelly

Colonel Maureen McCarthy

Colonel Mark A. McCauley

Colonel Marsa L. Mitchell

Colonel Harry D. Montgomery, Jr.

Colonel Jon K. Mott

Colonel Brian C. Newby

Colonel David W. Newman

Colonel David Snyder

Colonel Dean L. Winslow

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond V. Mason

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. Terry A. Wolff

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN789 AIR FORCE nominations (75) beginning DAVID B. BARKER, and ending ANGELA M. YUHAS, which nominations were

received by the Senate and appeared in the Congressional Record of July 20, 2011.

PN913 AIR FORCE nominations (4) beginning MARK W. DUFF, and ending BRYAN A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2011.

PN914 AIR FORCE nominations (4) beginning CHAD J. CARDA, and ending BARRY J. VAN SICKLE, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2011.

PN926 AIR FORCE nomination of Christopher J. Oleksa, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN927 AIR FORCE nomination of Arthur L. Bouck, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN928 AIR FORCE nomination of Tamala L. Gulley, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN929 AIR FORCE nomination of Michael H. Heuer, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

IN THE ARMY

PN877 ARMY nominations (6) beginning LARRY W. DOTSON, and ending DAMIAN K. WADDELL, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2011.

PN878 ARMY nomination of Jack M. Markusfeld, which was received by the Senate and appeared in the Congressional Record of August 2, 2011.

PN879 ARMY nomination of Stephen R. Taylor, which was received by the Senate and appeared in the Congressional Record of August 2, 2011.

PN880 ARMY nomination of Hal D. Baird, which was received by the Senate and appeared in the Congressional Record of August 2, 2011.

PN930 ARMY nomination of James E. Orr, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN931 ARMY nominations (9) beginning STEVEN A. CHAMBERS, and ending JAMES P. WALDRON, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN932 ARMY nominations (7) beginning SUSAN M. CAMORODA, and ending GERSON S. VALLES, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN942 ARMY nomination of Hyun S. Sim, which was received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN943 ARMY nomination of Olga Betancourt, which was received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN944 ARMY nomination of Michael C. Freidl, which was received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN945 ARMY nomination of Natacha L. Miller, which was received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN946 ARMY nomination of Benjamin D. Owen, which was received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN947 ARMY nominations (5) beginning HEIDI J. COX, and ending MARK A. RICH, which nominations were received by the Sen-

ate and appeared in the Congressional Record of September 14, 2011.

PN948 ARMY nominations (4) beginning COLIN A. BITTERFIELD, and ending ANDREAS W. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN949 ARMY nominations (26) beginning RICHARD J. ALLINGER, and ending MARGARET A. YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN950 ARMY nominations (8) beginning BRIAN R. BENJAMIN, and ending MARK D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN951 ARMY nominations (11) beginning TERESE B. ACOCELLA, and ending GARY L. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN952 ARMY nominations (51) beginning MICHAEL D. ALPERIN, and ending DAVID S. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN953 ARMY nominations (19) beginning CLAYTON T. ABE, and ending TERRENCE A. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN954 ARMY nominations (6) beginning GEORGE V. HANKEWYCZ, and ending HENRY K. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN955 ARMY nominations (15) beginning JOHN F. BOWLEY, and ending MAUREEN E. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN972 ARMY nomination of Kelly A. Cricks, which was received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN973 ARMY nomination of Damian G. McCabe, which was received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN974 ARMY nomination of John R. Pendergrass, which was received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN975 ARMY nominations (3) beginning ROBERT D. BLACK, and ending TRUDY A. SALERNO, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN976 ARMY nominations (4) beginning JAMES A. CHRISTENSEN, and ending KATHLEEN A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN977 ARMY nominations (7) beginning MATTHEW J. CONDE, and ending VICTOR M. PALOMARES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN978 ARMY nominations (34) beginning LEE A. ADAMS, and ending MARK A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN979 ARMY nominations (3) beginning KATHIE S. CLARK, and ending NANCY L. MCLAUGHLIN, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN980 ARMY nominations (8) beginning LYNN R. GAYLORD, and ending VICKI L.

NOLIN, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN981 ARMY nominations (3) beginning NATHAN W. BLACK, and ending TROY G. DANDERSON, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

IN THE MARINE CORPS

PN237 MARINE CORPS nominations (610) beginning PAUL M. ABOUD, and ending RICHARD M. ZJAWIN, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN936 MARINE CORPS nomination of John L. Hyatt, Jr., which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

IN THE NAVY

PN372 NAVY nomination of Paul E. Schoenbucher, Jr., which was received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN881 NAVY nomination of John N. Desverreaux, which was received by the Senate and appeared in the Congressional Record of August 2, 2011.

PN915 NAVY nomination of David D. Dinkins, which was received by the Senate and appeared in the Congressional Record of September 6, 2011.

PN933 NAVY nomination of Kevin J. Oliver, which was received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN934 NAVY nominations (3) beginning MICHAEL FORTUNATO, and ending MATTHEW T. WELLOCK, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN935 NAVY nominations (484) beginning JOSEPH H. ADAMS, II, and ending JEREMY S. YARBROUGH, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2011.

PN956 NAVY nominations (242) beginning DAMON M. ARMSTRONG, and ending MARISOL C. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN957 NAVY nominations (39) beginning JAMES P. ALDERETE, II, and ending SETH T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN958 NAVY nominations (131) beginning SAAD M. ALAZIZ, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN959 NAVY nominations (22) beginning MICHAEL W. BLOOMROSE, and ending CHRISTOPHER P. TOSCANO, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN960 NAVY nominations (131) beginning HECTOR ACEVEDO, and ending JAY ZULUETA, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN961 NAVY nominations (72) beginning JAVIER ARAUJO, and ending RAYMOND C. YAU, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN962 NAVY nominations (25) beginning THOMAS T. COOK, and ending LEROY C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN963 NAVY nominations (36) beginning ADNAN S. AHSAN, and ending REBECCA L. WALDRAM, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

PN964 NAVY nominations (9) beginning FABIO O. AUSTRIA, JR., and ending DONNA L. SMOAK, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AUTHORIZATION OF TESTIMONY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 282, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 282) to authorize testimony in *Kanelos v. County of Mohave*, et al., and *Zanna, et al. v. Mohave County*, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in related civil actions pending in Arizona Federal district court. In these actions, plaintiffs claim that Arizona local officials hosting a Senator McCain town hall meeting allegedly violated plaintiffs' rights by prohibiting their distribution of political literature at the meeting and subsequently enacting a policy limiting the use of county facilities to the conduct of official government business. The defendants have requested a declaration from a member of Senator MCCAIN's staff who witnessed relevant events. Senator MCCAIN would like to cooperate with this request. This resolution would authorize testimony in connection with these actions.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider laid upon the table, without any intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas, in the cases of *Kanelos v. County of Mohave*, et al., Civ. No. 10-8099 (D. Ariz.) and *Zanna, et al. v. Mohave County*, et al., Civ. No. 10-8149 (D. Ariz.), pending in federal district court in Arizona, the defendants have requested that a declaration be submitted by Gina Gormley, an employee of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved*, That Gina Gormley is authorized to testify in the cases of *Kanelos v. County of Mohave*, et al. and *Zanna, et al. v. Mohave County* et al., except concerning matters for which a privilege should be asserted.

ORDERS FOR MONDAY, SEPTEMBER 26, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3:30 p.m., Monday, September 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to concur with respect to the House message to accompany H.R. 2608, which is the vehicle for the continuing resolution and the FEMA funding, with the time until 5:30 p.m. equally divided and controlled between the two leaders or their designees; further, that the second-degree filing deadline for the motion to concur be at 5 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be at 5:30 p.m. Monday on the motion to invoke cloture on the motion to concur in the House message to accompany H.R. 2608 with an amendment, which is basically a 6-week continuing resolution to fund the government, together with FEMA.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 26, 2011, AT 3:30 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order, with the understanding that the vote at 5:30 Monday will be continued more than the normal time, but people need to be reasonable. We cannot leave it open forever.

There being no objection, the Senate, at 3:59 p.m., adjourned until Monday, September 26, 2011, at 3:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAURICE A. JONES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE RONALD C. SIMS, RETIRED.

DEPARTMENT OF THE TREASURY

MATTHEW S. RUTHERFORD, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARY JOHN MILLER.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH AYSHA Z. AKHTAR AND ENDING WITH MYKAH N. WYNTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 2011:

DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. TIMOTHY J. LEAHY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. REBECCA J. MCCORMICK-BOYLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RAQUEL C. BONO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAN-MARC JOUAS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. PATRICIA D. HOROHO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID C. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DONALD E. GADDIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK R. WHITNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CINDY L. JAYNES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JUDITH A. FEDDER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL T. FLYNN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT M. HANSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLYDE D. MOORE II

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CECIL E. D. HANEY

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ROBERT F. THOMAS

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. ALLYSON R. SOLOMON

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. GARY W. KEEFE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL FREDERIK G. HARTWIG

COLONEL DONALD L. JOHNSON

COLONEL KENNETH W. WISIAN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL JOSEPH G. BALSUKS

BRIGADIER GENERAL WILLIAM S. HADAWAY III

BRIGADIER GENERAL MARK R. KRAUS

BRIGADIER GENERAL CATHERINE S. LUTZ

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. TERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. GRISOLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARGARET W. BOOR

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. RAPHAEL G. PEART

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TERRY M. HASTON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL S. ROGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. FRANK C. PANDOLFE

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL RANDALL R. BALL
COLONEL JOHN P. BARTHOLF
COLONEL STEVEN J. BERRYHILL
COLONEL GRETCHEN S. DUNKELBERGER
COLONEL GREG A. HAASE
COLONEL SCOTT L. KELLY
COLONEL MAUREEN MCCARTHY
COLONEL MARK A. MCCAULEY
COLONEL MARSA L. MITCHELL
COLONEL HARRY D. MONTGOMERY, JR.
COLONEL JON K. MOTT
COLONEL BRIAN C. NEWBY
COLONEL DAVID W. NEWMAN
COLONEL DAVID SNYDER
COLONEL DEAN L. WINSLOW

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND V. MASON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601; AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. TERRY A. WOLFF

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DAVID B. BARKER AND ENDING WITH ANGELA M. YUHAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MARK W. DUFF AND ENDING WITH BRYAN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH CHAD J. CARDIA AND ENDING WITH BARRY J. VAN SICKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2011.

AIR FORCE NOMINATION OF CHRISTOPHER J. OLEKSA, TO BE COLONEL.

AIR FORCE NOMINATION OF ARTHUR L. BOUCK, TO BE MAJOR.

AIR FORCE NOMINATION OF TAMALA L. GULLEY, TO BE MAJOR.

AIR FORCE NOMINATION OF MICHAEL H. HEUER, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH LARRY W. DOTSON AND ENDING WITH DAMIAN K. WADDELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2011.

ARMY NOMINATION OF JACK M. MARKUSFELD, TO BE COLONEL.

ARMY NOMINATION OF STEPHEN R. TAYLOR, TO BE MAJOR.

ARMY NOMINATION OF HAL D. BAIRD, TO BE COLONEL.

ARMY NOMINATION OF JAMES E. ORR, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEVEN A. CHAMBERS AND ENDING WITH JAMES P. WALDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

ARMY NOMINATIONS BEGINNING WITH SUSAN M. CAMORODA AND ENDING WITH GERSON S. VALLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

ARMY NOMINATION OF HYUN S. SIM, TO BE COLONEL.

ARMY NOMINATION OF OLGA BETANCOURT, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL C. FREIDL, TO BE MAJOR.

ARMY NOMINATION OF NATACHA L. MILLER, TO BE MAJOR.

ARMY NOMINATION OF BENJAMIN D. OWEN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH HEIDI J. COX AND ENDING WITH MARK A. RICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH COLIN A. BITTERFIELD AND ENDING WITH ANDREAS W. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH RICHARD J. ALLINGER AND ENDING WITH MARGARET A. YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH BRIAN R. BENJAMIN AND ENDING WITH MARK D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH TERESE B. ACOCCELLA AND ENDING WITH GARY L. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH MICHAEL D. ALPERIN AND ENDING WITH DAVID S. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH CLAYTON T. ABE AND ENDING WITH TERRENCE A. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH GEORGE V. HANKEWYCZ AND ENDING WITH HENRY K. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATIONS BEGINNING WITH JOHN F. BOWLEY AND ENDING WITH MAUREEN E. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

ARMY NOMINATION OF KELLY A. CRICKS, TO BE MAJOR.

ARMY NOMINATION OF DAMIAN G. MCCABE, TO BE MAJOR.

ARMY NOMINATION OF JOHN R. PENDERGRASS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ROBERT D. BLACK AND ENDING WITH TRUDY A. SALERNO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH JAMES A. CHRISTENSEN AND ENDING WITH KATHLEEN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH MATTHEW J. CONDE AND ENDING WITH VICTOR M. PALOMARES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH LEE A. ADAMS AND ENDING WITH MARK A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH KATHIE S. CLARK AND ENDING WITH NANCY L. MCLAUGHLIN,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH LYNN R. GAYLORD AND ENDING WITH VICKI L. NOLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

ARMY NOMINATIONS BEGINNING WITH NATHAN W. BLACK AND ENDING WITH TROY G. DANDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH PAUL M. ABOUD AND ENDING WITH RICHARD M. ZJAWIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

MARINE CORPS NOMINATION OF JOHN L. HYATT, JR., TO BE MAJOR.

IN THE NAVY

NAVY NOMINATION OF PAUL E. SCHOENBUCHER, JR., TO BE CAPTAIN.

NAVY NOMINATION OF JOHN N. DESVERREAUX, TO BE CAPTAIN.

NAVY NOMINATION OF DAVID D. DINKINS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KEVIN J. OLIVER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH MICHAEL FORTUNATO AND ENDING WITH MATTHEW T. WELLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

NAVY NOMINATIONS BEGINNING WITH JOSEPH H. ADAMS II AND ENDING WITH JEREMY S. YARBROUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

NAVY NOMINATIONS BEGINNING WITH DAMON M. ARMSTRONG AND ENDING WITH MARISOL C. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH JAMES P. ALDERETE II AND ENDING WITH SETH T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH SAAD M. ALAZIZ AND ENDING WITH MICHAEL A. ZUNDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH MICHAEL W. BLOOMROSE AND ENDING WITH CHRISTOPHER P. TOSCANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH HECTOR ACEVEDO AND ENDING WITH JAY ZULUETA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH JAVIER ARAUJO AND ENDING WITH RAYMOND C. YAU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH THOMAS T. COOK AND ENDING WITH LEROY C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH ADNAN S. AHSAN AND ENDING WITH REBECCA L. WALDRAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

NAVY NOMINATIONS BEGINNING WITH FABIO O. AUSTRIA, JR. AND ENDING WITH DONNA L. SMOAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2011.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH AYSHA Z. AKHTAR AND ENDING WITH MYKAH N. WYNTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2011.

HOUSE OF REPRESENTATIVES—Friday, September 23, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DOLD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 23, 2011.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Charley Hames, Jr., BeeBee Memorial Cathedral, Oakland, California, offered the following prayer:

Eternal and gracious God, we call on Your Name by Your mercy as one nation under Your divine counsel. Dear Lord, I lift up to You today these men and women who have been weighted with the vicissitudes of life by the virtue of the office that they have been called to serve for such a time as this.

We ask You, Lord, to equip and empower these, Your leaders, by Your Spirit to faithfully carry out the duty to the office in which affects our daily lives. Remind them of their divine purpose to bring hope where there has been disappointment, to give peace where there is chaos, and leadership that promotes unity.

Guide their minds to make decisions that embody the good of all of our citizens and pilot their hands to give voice to the voiceless. This is our prayer in Your awesome Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LEE) come forward and lead the House in the Pledge of Allegiance.

Ms. LEE of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. CHARLEY HAMES, JR.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. LEE) is recognized for 1 minute.

There was no objection.

Ms. LEE of California. Mr. Speaker, I am so pleased to welcome Reverend Dr. Charley Hames to the House floor after delivering today's very powerful opening prayer.

Dr. Hames is an absolutely brilliant pastor at the historic BeeBee Memorial Cathedral in Oakland, California. Under his leadership, BeeBee Memorial Cathedral has grown from approximately 80 members to over 1,400 members, making it one of the Bay Area's fastest growing churches. His ministries touch the lives of many throughout the community.

In addition to his 19 years in the ministry, Dr. Hames served as the chair of the board of the Empowerment Community Development Corporation, a nonprofit organization that fosters community involvement with local government.

Reverend Dr. Hames is the proud recipient of the 2011 CME-Ninth Episcopal District Pastor of the Year, is an active member and chaplain of the 100 Black Men of the Bay Area, Inc., and a director for the Oakland African American Chamber of Commerce Board. He is married to his wife, Felicia S. Brooks-Hames, and is the proud father of three children.

I thank Pastor Hames for his wise counsel, for his spiritual leadership and for his commitment to making this a better world for all God's children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

HONORING ROGER SCHLICKEISEN, DEFENDER OF WILDLIFE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, last night Roger Schlickeisen was honored for his 20 years' leadership as president of Defenders of Wildlife,

where he became a key pillar of the American environmental movement.

The successful reintroduction of the gray wolf into the American West was an example of his tenacity, skill and his vision. Whether Roger was fighting to protect our environmental laws from assault or using them for their intended purposes, he showed how even in difficult times, people would respond to protect what they cherish. That is how he built Defenders of Wildlife into such a formidable political and policy force, increasing its membership 1,500 percent to almost 1 million people.

Whether taking his phone call, an office visit, or exploring the Arctic wildlife refuge with Roger, his passion was clear to me. Roger provided leadership that matters, which speaks volumes today and will far into the future. Thank you, Roger.

PRESIDENT OBAMA MUST STAND UP FOR ISRAEL

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, this week, President Obama went to New York to address the United Nations General Assembly. He did so, remarkably for an American leader, from a position of weakness.

As the Palestinian Authority began to campaign to upgrade its status at the U.N., this administration wavered and vacillated and did nothing for too long. This was a failure of leadership and leaves us, our Israeli allies, and the ever tense Middle East at an uncertain crossroads.

The President might have been able to rescue the situation with a forceful speech laying down a clear marker of America's support for Israel. Instead, he falsely blamed Israel for the stale-mated peace process.

I have always believed that our relationship with Israel is unique in world history and critical to both countries. Those beliefs were reinforced when I had the opportunity to visit Israel and meet with Prime Minister Netanyahu in May.

President Obama must stand up, not only for Israel and the Israeli people, but also for a commitment to the peace process and the rule of law.

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the American people are hurting. They need our help now. It's time for Congress to step up to the plate and live up to our responsibilities. Let's do what is right for the American people.

The American Jobs Act contains bipartisan policies that both Republicans and Democrats have supported in the past. Economists across the Nation agree it will create jobs and give our economy an immediate boost. If we do pass the American Jobs Act, in my home State of California, over 700,000 businesses will receive a payroll tax cut, \$3.9 billion in the infrastructure investment will create over 50,000 new jobs, and over 37,000 teachers and first responders will be saved from layoffs.

This debate is not about political winners and losers. It's about the struggle of everyday Americans. The next election is 14 months away. Let's come together and pass this bipartisan agenda.

□ 0910

TRIBUTE TO DR. R.C. GOODMAN, SR.

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Mr. Speaker, it is my honor today to send birthday greetings to a member of America's Greatest Generation, Dr. R.C. Goodman, Sr., of Fort Smith, Arkansas.

This American patriot mobilized with the Arkansas National Guard at the beginning of World War II, earning two Purple Hearts and the Combat Infantryman's Badge. And his life was forever changed by the events of May 8, 1945. You see, Dr. Goodman was in charge of a train car full of Belgian POWs just rescued from a German camp. The train wrecked, and Dr. Goodman was one of the few survivors. He later shared with his children the terrific sense of helplessness watching so many die that day, and he made a commitment to becoming a physician so that he would always be able to help in the presence of human suffering.

Dr. Goodman, thank you for your service to your country and to your fellow man. And on the occasion of your 91st birthday, America sends its best wishes.

NATIONAL CHILDHOOD OBESITY AWARENESS MONTH

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise today to recognize September as National Childhood Obesity Awareness Month.

When I served as Delaware's Lieutenant Governor, I spent a lot of my time

helping children in our State understand the importance of making healthy lifestyle choices. I started a program called the Lieutenant Governor's Challenge that helped thousands of Delaware students make regular physical activity part of their daily lives.

One of my partners in these initiatives was Nemours, a foundation that operates A.I. DuPont Hospital, a world-class facility for children in Wilmington, Delaware. Nemours works with schools, childcare centers, and community organizations to help children make healthy food and lifestyle choices and to stay physically active. If we can help children make healthy decisions at an early age, those habits will stay with them for a lifetime, and we will save money on the country's health care bill as a result.

Mr. Speaker, we should follow the lead of organizations like Nemours for the healthy messages they bring to our children in places where they live, learn, and play.

WHERE ARE THE JOBS?

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. President, where are the jobs? You spent nearly \$1 trillion on a stimulus bill that failed. Now you want to spend another \$450 billion on another stimulus bill. This is simply repeating the same action and expecting a different outcome.

Solyndra is an example of the waste and failure of your stimulus bill. This company in the solar industry is a crony of your administration. Solyndra's backers were friends of your Presidential campaign, and the company received friendly treatment from your administration. Solyndra was supposed to create green jobs, but now more than a thousand are laid off. They got a \$535 million taxpayer-subsidized loan, but they are now bankrupt and their officers are taking the Fifth Amendment.

We must help the American economy create jobs by freeing job creators from regulations that stifle growth, expand production of competitive and affordable energy, stop threatening job creators with higher taxes, and stop wasting taxpayers' money.

Mr. Speaker, no more Solyndras.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

PRESIDENT'S JOBS PLAN

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. We have two problems in this economy: One is, we have a

long-term deficit that requires long-term solutions. Second, we have an immediate crisis of high unemployment. We have 23 million Americans who are out of work full time or out of work part time, people looking for full-time work that don't have it—23 million Americans. Why can't we focus on policies that are going to put people back to work? The President's jobs plan will help us to do that.

What does it do? We start to invest in infrastructure. It is disgraceful that the roads and bridges of this country, that the water and sewer systems in your town and mine are ancient and antiquated. They need repair. They need rebuilding. That is not just money thrown out the door. That's investing in our future where generations are going to benefit from it.

Part of the solution is rebuilding our schools. Who among us has not been to a school in our neighborhood or our district that is in desperate need of repair? And we have folks in the construction industry who aren't building houses because of the housing crisis but can be rebuilding these schools and can be retrofitting our homes.

We have to focus on putting people back to work.

TRAIN ACT

(Mr. POMPEO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMPEO. Mr. Speaker, this morning I rise in support of the TRAIN Act, H.R. 2401. This bill provides a commonsense approach that addresses a series of EPA regulations that will cost jobs and cripple our Nation's economy.

TRAIN requires a commission simply to study the cumulative impact of EPA's regulations, but it would also delay two incredibly expensive regulations—the Utility MACT rule and the Cross-State Air Pollution Rule. The impact of these two EPA regulations on Kansas would be enormous.

The Sunflower Electric Cooperative has been trying to build an 895-megawatt coal plant in Holcomb, Kansas, for years. Holcomb 2 will increase our Nation's energy supply, utilizing environmental controls to reduce air emissions. It's a win-win that is good for jobs for Kansas, good for the economy, and good for the environment.

But now this project is in serious jeopardy because of these EPA rules. The Kansas Attorney General has now stepped in, filing a lawsuit in the D.C. Court of Appeals trying to slow down and stop this rule because it will be physically impossible for Kansas utilities to comply with these rules.

The problems in Kansas are the same problems all Americans face because of EPA's refusal to consider the real economic costs of these regulations. Passing the TRAIN Act saves jobs. Let's do it.

THE GREATEST CHALLENGE

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, let's talk about things that we can agree on.

We can agree that the greatest challenge that faces all of us today is to stop the erosion of public confidence. We can also agree that public confidence is critical because that's what is really going to kick-start our economy. We can also agree that when you talk to the people in our various districts, what are they most concerned about? They're concerned about jobs. Because what do jobs represent? They represent the security that they need to provide for the most important part of their life, their families.

We can also agree that if there is a plan out there that can add to GDP 2 percent, add at least 2 million jobs, cut unemployment by 1 percent, that that's a plan we should consider. We can also agree that we want to put teachers, firefighters, and first responders back to work, and that we want to build infrastructure so we can be the greatest country that we've always been. And we can also agree that we want tax cuts for employees and employers.

So what's the problem, Mr. Speaker? Is the problem that this is the President's plan? That shouldn't be the problem. Let's get it together and let's work for the people of this great Nation.

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2401.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2401.

□ 0920

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday,

September 22, 2011, all time for general debate pursuant to House Resolution 406 had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011".

SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF REGULATIONS THAT IMPACT ENERGY AND MANUFACTURING IN THE UNITED STATES.

(a) **ESTABLISHMENT.**—The President shall establish a committee to be known as the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (in this Act referred to as the "Committee") to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, in accordance with sections 3 and 4.

(b) **MEMBERS.**—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Agriculture, acting through the Chief Economist.

(2) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(3) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(4) The Secretary of Energy, acting through the Administrator of the Energy Information Administration.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chairman of the Council of Economic Advisors.

(8) The Chairman of the Federal Energy Regulatory Commission.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The Chief Counsel for Advocacy of the Small Business Administration.

(11) The Chairman of the United States International Trade Commission, acting through the Office of Economics.

(c) **CHAIR.**—The Secretary of Commerce shall serve as Chair of the Committee. In carrying out the functions of the Chair, the Secretary of Commerce shall consult with the members serving on the Committee pursuant to paragraphs (5) and (11) of subsection (b).

(d) **CONSULTATION.**—In conducting analyses under section 3 and preparing reports under section 4, the Committee shall consult with, and consider pertinent reports issued by, the Electric Reliability Organization certified under section 215(c) of the Federal Power Act (16 U.S.C. 824(c)).

(e) **TERMINATION.**—The Committee shall terminate 60 days after submitting its final report pursuant to section 4(c).

SEC. 3. ANALYSES.

(a) **SCOPE.**—The Committee shall conduct analyses, for each of the calendar years 2016, 2020, and 2030, of the following:

(1) The cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2012, in combination with covered actions.

(2) The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2012), in combination with covered actions.

(3) The incremental impact of each covered rule not promulgated as a final regulation on or before January 1, 2012, relative to an analytic baseline representing the results of the analysis conducted under paragraph (1).

(b) **CONTENTS.**—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the impacts of the covered rules and covered actions with regard to—

(A) the global economic competitiveness of the United States, particularly with respect to energy intensive and trade sensitive industries;

(B) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(C) any resulting change in national, State, and regional electricity prices;

(D) any resulting change in national, State, and regional fuel prices;

(E) the impact on national, State, and regional employment during the 5-year period beginning on the date of enactment of this Act, and also in the long term, including secondary impacts associated with increased energy prices and facility closures; and

(F) the reliability and adequacy of bulk power supply in the United States.

(2) Discussion of key uncertainties and assumptions associated with each estimate.

(3) A sensitivity analysis.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) local and industry-specific labor markets; and

(F) agriculture,

as well as key uncertainties associated with each topic.

(c) **METHODS.**—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A-4.

(d) **DATA.**—In conducting analyses under this section, the Committee—

(1) shall use the best data that are available to the public or supplied to the Committee by its members, including the most recent such data appropriate for this analysis representing air quality, facility emissions, and installed controls; and

(2) is not required to create data or to use data that are not readily accessible.

(e) **COVERED RULES.**—In this section, the term "covered rule" means the following:

(1) The following published rules (including any successor or substantially similar rule):

(A) "Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone", published at 75 Fed. Reg. 45210 (August 2, 2010).

(B) "National Ambient Air Quality Standards for Ozone", published at 75 Fed. Reg. 2938 (January 19, 2010).

(C) "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters", published at 76 Fed. Reg. 15608 (March 21, 2011).

(D) “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”, published at 76 Fed. Reg. 15554 (March 21, 2011).

(E) “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units”, signed by Administrator Lisa P. Jackson on March 16, 2011.

(F) “Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities”, published at 75 Fed. Reg. 35127 (June 21, 2010).

(G) “Primary National Ambient Air Quality Standard for Sulfur Dioxide”, published at 75 Fed. Reg. 35520 (June 22, 2010).

(H) “Primary National Ambient Air Quality Standards for Nitrogen Dioxide”, published at 75 Fed. Reg. 6474 (February 9, 2010).

(2) The following additional rules or guidelines promulgated on or after January 1, 2009:

(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).

(f) COVERED ACTIONS.—In this section, the term “covered action” means any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act”, published at 74 Fed. Reg. 66496 (December 15, 2009).

SEC. 4. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than January 31, 2012, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 3.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 90 days after such submission.

(c) FINAL REPORT.—Not later than August 1, 2012, the Committee shall submit to Congress a final report containing the analyses conducted under section 3, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 5. REGULATORY DEFERRAL OF CERTAIN RULES.

(a) NO FINAL ACTION.—The Administrator of the Environmental Protection Agency shall not take final action with respect to the rule listed in subparagraph (E) of section 3(e)(1) (relating to national emission standards and standards of performance for certain electric generating units) until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 4(c).

(b) RULES FINALIZED PRIOR TO ENACTMENT.—Notwithstanding the final action taken with respect to the rule listed in subparagraph (A) of section 3(e)(1) (relating to Federal implementation plans to reduce interstate transport of fine particulate matter and ozone) and final action (if any) taken with respect to the rule listed in subparagraph (E) of section 3(e)(1) prior to the date of the enactment of this Act—

(1) such final action shall not be or become, as applicable, effective until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 4(c); and

(2) the date for compliance with any standard or requirement in either such finalized rule, and any date for further regulatory action triggered by either such finalized rule, shall be delayed by a period equal to the period—

(A) beginning on the date of the publication of the final action for the respective finalized rule; and

(B) ending on the date on which such final action becomes effective pursuant to paragraph (1).

(c) APPLICABILITY OF CLEAN AIR INTERSTATE RULE DURING INTERIM PERIOD.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall continue to implement the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator of the Environmental Protection Agency (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 71 Fed. Reg. 25328 (April 28, 2006), 72 Fed. Reg. 59190 (Oct. 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed. Reg. 56721 (Nov. 3, 2009)) until the date on which final action with respect to the rule listed in subparagraph (A) of section 3(e)(1) becomes effective pursuant to subsection (b)(1).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act for fiscal year 2012—

(1) \$3,000,000 to the Department of Commerce, of which not more than \$2,000,000 shall be for carrying out section 3; and

(2) \$500,000 to the Environmental Protection Agency.

(b) OFFSET.—Effective October 1, 2011, section 797(a) of the Energy Policy Act of 2005, as amended by section 2(e) of the Diesel Reduction Act of 2010 (Public Law 111-364), is amended—

(1) by striking “2012” and inserting “2013”; and

(2) by inserting “\$46,000,000 for fiscal year 2012 and” after “to carry out this subtitle”.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-213. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-213.

Mr. WELCH. I seek to offer the amendment of Mr. RUSH of Illinois as his designee.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2(b)(3), insert “and the Deputy Secretary of Labor” before the period.

In section 2(b)(4), insert “and the Deputy Secretary of Energy” before the period.

At the end of section 2(b), add the following:

(12) The Chair of the Council on Environmental Quality.

(13) The Secretary of the Interior.

(14) The Secretary of Health and Human Services.

(15) The Director of the Centers for Disease Control and Prevention.

(16) The Director of the National Institute of Environmental Health Sciences.

Amend section 2(c) to read as follows:

(c) CHAIR.—The Secretary of Commerce and the Chair of the Council on Environmental Quality shall serve as co-chairs of the Committee. In carrying out the functions of the Chair, the co-chairs shall consult with the members of the Committee.

In section 2(d), insert “stakeholders and relevant experts, including” after “reports issued by”.

In section 3(b)(1), insert after subparagraph (D) the following (and redesignate accordingly):

(E) any resulting change in the incidences of asthma and asthma attacks and other pulmonary disease;

(F) any resulting change in the occurrence of birth and developmental defects;

(G) any resulting change in the occurrence of premature mortality;

(H) any resulting change in the occurrence of other adverse health effects;

(I) the effect on clean energy jobs;

(J) the effect on clean energy companies, including companies that export clean energy technology;

(K) the effect on regional air quality, including any resulting change in the impairment of visibility, due to reduced pollution;

(L) the effect on the water quality of lakes and streams;

(M) any resulting change in the number of work days missed;

(N) any resulting change in the number of school days missed;

(O) any resulting change in the use of emergency medical services;

In section 3(b)(4), insert after subparagraph (D) the following (and redesignate accordingly):

(E) vulnerable subpopulations, including the elderly, pregnant women, and populations with pulmonary disease;

(F) the environment, including impacts on global climate change;

(G) development of infants and children;

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, this amendment makes needed changes to the economic analysis mandated by the underlying bill; but fundamentally this bill, itself, we believe, is an assault on the Clean Air Act, not really a bill that requires a study.

The legislation began in committee as a bill to require a new study on the economic impacts of EPA rules to cut air pollution. At that point, the bill

simply required a burdensome and redundant study of EPA rules and did not affect any of the rules it proposed to examine.

It changed in committee. The Republican members amended it to indefinitely delay implementation of two very key rules to reduce power plant pollution, the Cross-State Air Pollution Rule and the Mercury and Air Toxics Rule.

Now Mr. WHITFIELD has proposed amending the bill to further eliminate those rules altogether and prevent EPA from being able to clean up power plants in the future. Mr. LATTA has offered an amendment to force EPA to listen to polluters' accountants rather than scientists when setting air quality standards. This bill is now a direct attack on the heart of the Clean Air Act. That act has saved thousands of lives.

The bill still contains a study on the economic impact of EPA rules, although I'm not sure why it would do that. The Rush amendment, Mr. Chairman, would make the study required by this legislation a little less biased and a little more useful.

The bill creates a new government bureaucracy to conduct a complicated study of EPA rules. It's not necessary. In addition, the bill ensures that the final study will be unbalanced and inherently biased. It's one thing to take a hard look at regulations. It's another thing to cook the outcome of that examination.

The Rush amendment ensures that the committee will look at both the costs and the benefits of EPA rules.

The bill's supporters originally presented this bill as a means to gather more facts on key EPA rules. As amended by the Republicans, it's increasingly clear that the facts really don't matter.

I support the Rush amendment, but I remain staunchly opposed to final passage of the bill.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I rise in opposition to this amendment for a number of reasons. First of all, the TRAIN Act, the underlying bill that we're talking about here, applies to 14 regulations of EPA. It does not delay in any way any of those regulations, except for two, and that's referred to as the Utility MACT and the Cross-State Air Transport Rule. And even on those two acts, it only delays the Cross-State Transport Rule by 3 years, and it delays the Utility MACT by 1 year.

The whole purpose of the TRAIN Act is simply to look more closely at the cumulative impact on jobs, on electricity prices, on American competitiveness in the global marketplace.

EPA has done a very thorough job on most of these regulations in calculating benefits, but they had not looked closely in all of them on cost. Under the TRAIN Act, we're simply asking this independent government agency to look at all costs and all benefits.

Another reason that I would speak in opposition to this amendment, one of the things that it requires this independent body to do is to examine the effect on green energy companies. Now, there's nothing in the TRAIN Act that's selecting one industry to give some favorable treatment to, and that's particularly what this amendment does.

I might add, on green energy, the green energy industry has received increases of 153 percent of subsidies. Subsidies have increased 153 percent for green energy. So I don't think that they should be receiving some special benefit from this Rush amendment; and that's why I would oppose it, and I would ask all Members to oppose it.

I reserve the balance of my time.

Mr. WELCH. How much time do I have?

The Acting CHAIR. The gentleman from Vermont has 2½ minutes.

Mr. WELCH. Thank you.

I want to talk a little bit about the Clean Air Act, Mr. Chair. We have power plants that are coal-burning and emit toxins into the air. That's not in dispute. But the attack on any kind of regulation says that if there's any expense associated with providing health and safety to the people downwind of the polluting emitting power plants, they're on their own. They've got to breathe that air, and it's their problem.

Now, I live in Vermont; and the coal-burning plants, the air all comes and falls in Vermont. The Clean Air Act has had tremendous success in actually cleaning up some of these power plants.

Now, of course there's some expense associated with burning clean; but there's also, as you know, Mr. Chair, an enormous cost associated with burning dirty. It may be cheaper for the power plant owner, and it might even be cheaper for the electricity users of that power plant; but the costs associated with the health, the safety, the environmental impacts are simply off-loaded by the polluter on to the innocent members of society who are downwind of the mercury-spewing polluting plants.

So, sure, we can have some debate about what should be the proper expense. But should we really have a debate that it is illegitimate for the Federal Government to take actions, regulatory and legislative, that protect the health and safety of innocent people?

The law of physics has air-carrying pollutants going in the direction that nature sends it, and that means everybody downwind gets affected. It's real-

ly astonishing that in the legitimate effort to ask legitimate questions about whether a regulation is serving a useful purpose, whether the regulation achieves the intended goal, whether there's a way to achieve that goal at less expense, those are all fair questions. But to abolish the regulations altogether, to suggest that everybody who will be affected by mercury pollution has no remedy and cannot look to the Federal Government to provide them with some protection for their health, for the health of their children, that's extreme, and it's unacceptable, and it's expensive.

I yield back the balance of my time.

Mr. WHITFIELD. May I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 3 minutes.

Mr. WHITFIELD. Well, I would say first to the distinguished gentleman that while we're delaying this Cross-State Air Transport Rule, we have in effect today the CAIR Act, which has been in effect since 2005. The EPA itself has said that this act that is currently controlling the cross-wind interstate movements will reduce sulfur dioxide and NO_x emissions by 57 and 63 percent respectively. That regulation is still going to be in effect.

I would also remind everyone that EPA, when they implemented the CAIR Act, pointed out that it would have \$100 billion in health benefits each year, preventing 17,000 premature deaths, 22,000 nonfatal heart attacks, 12,300 hospital admissions, 1.7 million lost workdays, 500,000 lost school days, and it goes on to all of the benefits.

□ 0930

Simply because a court invalidated the CAIR Act because EPA was looking at a regional program rather than at a State-by-State program does not mean that this is not an effective regulation that's in existence today. Even many environmental groups actually supported EPA in opposing the effort to invalidate the CAIR Act. EPA made strong arguments that the CAIR Act was adequate.

So all we're doing is trying to delay this cross-State rule. As I said, even respected independent analyses have indicated that these two rules—the Utility MACT and the Cross-State Air Transport Rule—will have a net effect of a loss of 1.4 million jobs and will increase electric utility bills by 23 percent.

Now, at a time when our economy is so weak and when we're trying to create jobs, we simply wanted to look at it more closely and give EPA a little bit more time. That's all that we're trying to do with our act, and that's why we're very much opposed to the Rush amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-213.

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 22, strike “; and” and insert a semicolon.

Page 6, line 24, strike the period and insert “; and”.

Page 6, after line 24, insert the following new subparagraph:

(G) the effect on clean energy jobs and clean energy companies, including companies that export clean energy technology.

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I rise to offer a simple and straightforward amendment to H.R. 2401.

My amendment will help make sure that the reports required by H.R. 2401 are fair—not skewed to support the majority's favorite talking points. It's critical that the reports look at the beneficial consequences of environmental protection, including the fact that good environmental policies create jobs in the clean energy sector.

I reject the argument that the majority is making here today. Contrary to what we've heard members of the majority say over and over during today's debate, policies that protect our environment also create jobs. They create good family-wage jobs.

Before I came to Congress, I spent my career as a clean energy engineer. I helped design windmills that overlooked my congressional district in California, and I've seen hundreds of jobs created in the clean energy sector; but to my great distress, I also watched many of those jobs get shipped overseas to places like Germany because our country did not have the right policies in place to support that industry.

I am committed to creating jobs and seeing more goods produced right here in America, a goal I am confident that every Member of this Chamber shares. The clean energy industry is poised to lead the way but only if we make the right decisions. Policies that promote a clean, healthy environment create new

incentives for investments in clean energy, creating thousands of jobs, supporting new industries, promoting exports, and benefiting public health.

My amendment simply ensures that we include the job-creating effects of environmental policies on the clean energy sector in the reports provided by this bill. I am confident that a fair, unbiased assessment of environmental rules will show that they also create good, family-wage, clean energy jobs. I hope the majority will accept this amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. While I have great respect for the gentleman from California, I would remind everyone that, in his 2008 convention speech, Barack Obama promised to create 5 million green energy jobs, and those jobs have not been created.

I would also point out that renewable energy subsidies increased by 186 percent over the last 3 years: from \$5.1 billion to \$14.7 billion. The wind industry, for example, received a tenfold increase: from \$476 million to \$4.986 billion. Solar subsidies increased by more than a factor of 6: from \$179 million to \$1.134 billion.

Then we noted that, over at the Department of Energy, there are loan guarantee programs. As this article in The New York Times stated, they gave an example of one company that had received \$300 million to create green technology jobs. They ended up creating 150 jobs at a cost of \$2 million per job. Now, coal, nuclear, and natural gas still provide about 95, 96 percent of the electricity produced in America; but the reason we oppose this amendment is that it also gives special treatment to green energy. As illustrated by the increase in renewable subsidies available to them, I think it's quite obvious that government programs favor green energy right now.

Our position is, with the three basics—coal, nuclear, and natural gas—providing the base load to create the industrial growth of this country by providing low-cost electricity, we do not need this amendment to instruct this independent body to look at specifically the impact on green energy exporting companies. So, for that reason, I would oppose the amendment.

I reserve the balance of my time.

Mr. MCNERNEY. Mr. Chairman, I don't dispute the facts of my good friend from Kentucky. Basically what I'm asking is that we make sure that these jobs are counted, that they're not ignored or looked over, which is what I'm afraid will happen.

At this point, I would like to yield 2 minutes to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

I want to emphasize what my friend from California just said. What the amendment does is to make sure that you add to the analysis the impact on clean energy jobs and clean energy companies. Why wouldn't you want to make sure explicitly that that is a part of the analysis?

I invite you to come to Portland, Oregon, where it is, I think, the wind energy capital. It's making a lot of difference in our community and across America. Wind energy, for instance, is the fastest growing in terms of installed capacity, and costs are going down. It is an area that makes a difference to the economy. What my colleague from California is urging is to make sure that it's a part of the study.

It is unfortunate that we're to this point this morning anyway. We started this odyssey in 1990 with the Clean Air Act. After 8 years of study at EPA, the conclusion was this is a real problem, and the Clinton administration and the EPA started the rulemaking process. The Bush administration dug its feet until 2005 with an inadequate response that was thrown out by the courts. Finally now, after 21 years, we're starting to move forward with something that wouldn't take effect until 2015. In the meantime, there would be many jobs that would be available in construction and in clean technology.

At least, at least, at least I hope you're not successful in stretching this out even further to delay the action; but at a minimum, you would think that you would want to have a full picture. Look at the people, like in my community, who are producing product and making it available for export.

Support this amendment.

Mr. MCNERNEY. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from California has 45 seconds remaining.

Mr. MCNERNEY. I reserve the balance of my time.

□ 0940

Mr. WHITFIELD. Does the gentleman from California have the right to close?

The Acting CHAIR. The gentleman from Kentucky has the right to close.

Mr. WHITFIELD. Does the gentleman from California have anything else to say on the amendment?

Mr. MCNERNEY. Thank you.

Basically I just want to emphasize I have actually experienced job creation in the green energy sector. I have seen hundreds if not thousands of jobs created. I want to make sure we count those jobs. I don't want this to be a whitewash or anything like that. It's important that this analysis be open and that it be fair and balanced, and that's all that we are asking on this side.

With that, I yield back the balance of my time.

Mr. WHITFIELD. I would say to the gentleman, we all recognize the importance of green energy, but there isn't one of these regulations that we are looking to for an analysis that has any negative impact on green energy. In fact, every one of these regulations will help green energy.

And, as I said, the government's philosophy right now is to do everything possible for green energy, more subsidies, a study going on all of the time on the impact on the jobs. For that reason, we do not feel that this amendment is necessary and would ask the Members to oppose the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McNERNEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. McNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-213.

Ms. MOORE. Mr. Chair, I offer an amendment that is at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 10, insert the following new subparagraphs (and redesignate accordingly):

- (E) low-income communities;
- (F) public health;

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I do thank you, Mr. Chair.

My amendment would simply ensure the low-income communities and the public health generally of all Americans are considered in the bill's section on studies about the impact of this regulation.

I offer this amendment, Mr. Chair, in hopes that we might have an honest debate, a debate that is inclusive of those most affected by the very policies that my colleagues are attempting to tie up and, in two cases, outright prevent.

Let me be frank with you, Mr. Chair. I was born in 1951, and I grew up gasping for breath most of my life. I grew up in an industrial city, a manufacturing city in Milwaukee, Wisconsin, and I had my first asthma attack shov-

eling coal into a furnace and then gasping for breath because of the smog that was generated from manufacturing. Thank God for the 1990 Clean Air Act amendments.

We have seen tremendous health benefits over the years, thanks to the work of the Environmental Protection Agency, and not only the bureaucracy, but the courts that have made sure the deadlines are enforced and not simply thrown to the curb. According to a recent EPA study, we have substantial and hard scientific proof that protecting our Nation's air quality from hazardous pollutants is a very substantial benefit.

In 2010, the reductions in fine particle and ozone pollution from the 1990 Clean Air Act amendments prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks.

We do know that the Clean Air Act regulations by the EPA especially helped low-income communities who are often impacted by environmental injustices and other vulnerable populations.

A recent 2-year-old study by the University of Massachusetts and the University of Southern Carolina analyzed 300 different metropolitan areas and ranked them based on how pollution affects low-income and minority communities.

This study cited that air pollution is unevenly distributed within States as well as between them. A growing body of research has demonstrated that people of color and low-income communities often face the greatest environmental hazards. And the area that I represent in the metro Milwaukee area came in in the top 10 cities in both cases.

I just would like to add my own personal experience to the body of this research.

Mr. Chair, I reserve the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would like to remind everyone once again that the TRAIN Act is applied to 14 regulations coming out of EPA, and it's seldom that Congress intervenes in these regulations. But there are so many of these, and the cost of jobs and the cost of buying the equipment and the lack of achievability of many of them to meet the criteria is the reason we want to do this study. I would remind everyone we do not delay in any way any of these regulations except two of them.

I would say to the gentlewoman from Wisconsin that I agree with her. Many of the communities that would most suffer high energy prices and unemployment as a result of the EPA regu-

lations are those communities that rely on affordable, reliable, coal-fired energy to light their homes and run their businesses. These communities are the least able to afford increased unemployment, increased energy prices, and the illness that results from unemployment and being unable to afford fuel.

And I might say that when EPA does their analysis, they never look at the effect of the health of the children of the people working in the coal mines and the utility plants who lose their jobs, and there is an impact on it.

But I think this is a good amendment that would help the analysis, and I would like to tell the lady from Wisconsin we would be happy to accept this amendment.

Ms. MOORE. I'm sorry. You would be happy to accept it, you say?

Mr. WHITFIELD. Yes, ma'am.

Ms. MOORE. Well, I do thank the gentleman for accepting this amendment.

I do repeat that the two parts that this bill had formally included prior to your accepting my amendment would have made it impossible for a State that wanted clear air—they would find themselves hopeless because it would basically eviscerate their ability to prevent pollution from crossing the border. So I do appreciate the gentleman accepting my amendment.

With that, I yield back the balance of my time.

Mr. WHITFIELD. I would just like to remind the gentlelady that the CAIR Act is still in effect. As I read earlier, all the benefits are there that the EPA said would be there, and it's significantly reduced NO_x emissions, SO_x emissions. We're not doing anything to change that existing law.

Thank you for making the amendment. As I said, we feel like it will really help on this study.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. MOORE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

□ 0950

AMENDMENT NO. 4 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-213.

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 15, insert the following new paragraph:

(5) Estimates of the impacts of delaying the covered rules and covered actions on the incidence of birth and developmental defects and infant mortality.

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Thank you, Mr. Chairman, and I yield myself such time as I may consume.

You know, it's clear that the goal of the TRAIN Act is not simply to study EPA standards. The goal of the majority is to block the efforts of EPA to cut mercury and other toxic pollution from dirty power plants. That's dangerous and it's misguided.

The research is clear, unless EPA enforces these standards, there will be more premature deaths, more heart and asthma attacks, more hospital and emergency room visits.

Up until recently, I thought I was safe from this pollution. I don't live next door to a power plant; I live near the coast of the Pacific Ocean. But I learned that you don't need to live near a dirty power plant to be exposed to its harmful effects. I received test results this summer showing that I have an unsafe level of mercury in my body. And I'm not alone. Tens of millions of American women of child-bearing age, and their children, are at risk from mercury and other toxins that are released into our air each and every year. Every year, hundreds of thousands of babies are exposed to mercury.

Mercury exposure can cause learning disabilities, developmental delays, and other developmental problems. We owe it to our children to clean up toxic mercury pollution, and that's why I'm offering this amendment.

The amendment would simply require that this committee designate the analysis of the true costs of including health effects in blocking EPA's lifesaving clean air safeguards. These costs are clear to mothers and grandmothers across the Nation—brain damage, developmental problems, infant deaths. Support my amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. All of us certainly are concerned about impacts on children. One of the problems that we have with this amendment is that when you try to determine specifically what causes a birth defect, for example, there are lots of different reasons. Folic acid is a B vitamin. Taking folic acid supplements before getting pregnant and in early pregnancy lowers the risk of having a baby with serious birth

defects. Drinking alcohol increases the likelihood of serious birth defects. Smoking. Women who are obese when they get pregnant are at higher risk of having a baby with serious birth defects. Poor control of diabetes in pregnant women increases the chance of having a birth defect. So there's lots of different reasons, and it's difficult to set out a causal reason.

I would say to the gentlewoman from California who we know is genuinely concerned about these health issues and has distinguished her career by raising them frequently, the EPA did extensive analysis of the health benefits of all of these rules with the exception of greenhouse gas. They didn't do any study on anything there. So we have a lot of information about the health benefits.

As far as the mercury issue, I would say to the gentlewoman that the Utility MACT, EPA itself said that this would reduce mercury by such a small amount that it would represent only 0.004 percent of the total claimed benefits of the rule, and the remaining 99.996 percent would be due to particulate matter reduction.

And I would also remind the gentlewoman that the Department of Energy and other groups have indicated that 99 percent of mercury deposits in the U.S. do not come from utility companies, but they originate from nature and foreign industrial sources in which the wind brings them to the U.S.

We believe that there's adequate information on health benefits. Furthermore, the TRAIN Act does ask the independent body to look at benefits—it can be health, whatever—and cost. For that reason, we would oppose the gentlewoman's amendment.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I would say to the gentleman, power plants are the biggest industrial source of mercury pollution in the United States, and I believe that the remarks of the chairman of the Energy Committee underscore the very reason that we should have the studies of the health effects included in the study that is requested by the TRAIN Act.

I am pleased to yield 1 minute to my colleague from Oregon (Mr. BLUMENAUER), a champion of livable cities, to speak on this topic.

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy, and I appreciate your offering this amendment. My friends on the other side of the aisle can't have it both ways. There has been a lot of study. For heaven's sake, EPA has already estimated cost of compliance, less than \$1 billion, and the savings to Americans from lives saved, health care costs avoided and days of work and school not missed between \$120 billion and \$280 billion. This is a part of the study effort that has been going on for 20 years.

We had hoped that on the 25th anniversary of the Clean Air Act in 2015 we

would probably have full compliance. Yet we are quibbling here about things that EPA has been unable to monetize like a birth defect—but for Heaven's sake, it's serious—in addition to the hundreds of billions that they can monetize.

It is, I think, unfortunate that if this approach is approved, it will enable the Chinese to get ahead of us again. Remember, I put in the RECORD last night the front page of the Chinese Daily where they are moving ahead to reduce emissions. They are willing to incur the costs because of the health benefits, but it's not enough for my friends on the other side of the aisle to go ahead after 25 years.

I thank the gentlewoman.

Mr. WHITFIELD. Does the gentlewoman from California have any time left?

Mrs. CAPPS. May I ask how much time is left?

The Acting CHAIR. The gentleman from Kentucky has 2½ minutes. The gentlewoman from California has 1 minute.

Mr. WHITFIELD. I don't have any other speakers, so I reserve the balance of my time to close.

Mrs. CAPPS. I am happy to yield my 1 minute to my colleague from Florida, DEBBIE WASSERMAN SCHULTZ, a mother of three young children.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I rise in strong support of the amendment offered by my friend and colleague, Congresswoman LOIS CAPPS, and in opposition to the underlying bill—the majority's latest assault on clean air and public health. I'd like to thank Congresswoman CAPPS and all of my colleagues who've spoken in opposition to this bill, which puts the health of all Americans—especially our children—at great risk.

This amendment simply requires recognition of the very real health consequences of air pollution. For example, curbing mercury pollution will protect children and mothers from toxins that damage a developing brain.

With this amendment, the required report must assess the effect on birth and developmental defects and infant mortality rates caused by the delay in better clean air standards. What's wrong with that? Who could be opposed to that?

For such a small additional effort, this assessment would provide crucial information affecting the health of all American families.

As a mother of three young children, whose health is among my absolute greatest concerns, I urge my colleagues who are parents and grandparents to take a moment and consider the impacts of this bad bill.

Delaying EPA's Mercury and Air Toxics Standards will have serious consequences on their children and grandchildren. Remember that we are their first line of defense in this world.

I urge my colleagues to join me in supporting this good amendment and opposing the underlying bill.

Mr. WHITFIELD. I would remind everyone just once again that we're talking about 14 regulations. We're not delaying 12 of them in any way. We're asking for further analysis of two of them. For that reason, I would oppose the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KINZINGER
OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-213.

Mr. KINZINGER of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 3(e)(2), add the following:

(D) Any rule addressing fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.) as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86, or any substantially similar rule, including any rule under section 211(v) of the Clean Air Act (42 U.S.C. 7545(v)).

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Illinois (Mr. KINZINGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1000

Mr. KINZINGER of Illinois. I want to thank my colleague from Texas (Mr. GONZALEZ) for coauthoring this amendment with me to H.R. 2401, the TRAIN Act. It's an important bipartisan amendment that hits directly on what Americans, particularly my constituents in Illinois, are facing every day, the high cost of gasoline.

Later this year, it's expected that the EPA will promulgate rules on gasoline refiners mandating that they offer sulfur levels and vapor pressure by 70 percent. This would be even further below the already low levels mandated in 2004.

In 2004, the EPA's tier 2 rules lowered sulfur and gasoline by 90 percent. The impacts of these new rules could force refineries in the U.S. to slash their gas-

oline production by up to 14 percent, leaving the United States even more dependent on foreign sources of oil.

Our amendment would require the EPA just to study the economic costs of these new fuel requirements. Before delivering what could be a devastating blow to the customer and to our economy, the EPA should first provide data to show lowering the sulfur content will actually achieve cost-effective, real emissions reductions in air quality and health and welfare benefits.

Americans are fed up with the volatility in the gasoline markets. While we may not be able to control the price of oil on the global market, we can control the cost of regulations on our fuel. Every dollar that's taken out of the taxpayer pocket due to new regulation is a dollar that's not going to re-fuel the American economy.

We need commonsense regulations, and we need to know the impacts of regulations on families and businesses before they go into effect.

This amendment is a commonsense approach to ensure Americans are getting the cause-worthy benefits that we need out of regulations. I urge my colleagues to support the amendment.

At this time it is my honor to yield 2 minutes to my distinguished colleague from Texas (Mr. GONZALEZ), co-author of the amendment.

Mr. GONZALEZ. Mr. Chairman, first of all, I extend my thanks to my colleague from Illinois for joining me in cosponsoring what I believe is a very important amendment.

We offered this amendment because we have concerns with EPA's intent to proceed with a tier 3 rulemaking which would establish new fuel specification standards without justifying it with the sufficient data that has already been called to be conducted under a study in a previous bill.

In 2007, Congress included a provision in the Energy Independence and Security Act of 2007 that directed EPA to study and implement fuel changes to negate any detrimental air quality impact resulting from the renewable fuel standard. EPA has not conducted this required study.

I am concerned that EPA may be moving too quickly with tier 3 regulations. EPA should complete the study first and provide for adequate comment and feedback from stakeholders before proceeding with the proposed rule. Any proposed changes to gasoline sulfur content and vapor pressure should be backed by sound data. These reductions must be justified because they have real costs. I have concerns about the effects these new regulations could have on refiners. These costs could result in decreased gasoline supplies and possible refinery closures, both of which could undermine our Nation's energy security.

Our amendment simply adds any proposed tier 3 rulemaking to the list of

regulations where EPA must conduct additional analyses, as outlined in TRAIN. This additional study will ensure that all of the costs and impacts are known before EPA proceeds with its proposal.

I hope my colleagues in the House can support this straightforward amendment. It simply calls on an agency to simply do that which it was directed to do years ago before proceeding and not to basically proceed before you have the vital information on which to base some very important regulations.

Mr. KINZINGER of Illinois. Mr. Chairman, I reserve the balance of my time.

Mr. RUSH. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Thank you.

Even if this amendment passes to improve the study of EPA rules, that will not address the underlying problems with this bill. Proponents of this bill imply that it simply requires EPA to study the cumulative impact of EPA rules. That is false. What began as a bill to study EPA rules has morphed into a bill to actually block the EPA rules. In fact, the bill blocks and indefinitely delays two of the most important air pollution rules in decades.

First, the bill blocks EPA from finalizing a proposed rule to cut toxic air pollution from power plants, which are the most egregious and the largest source of toxic mercury pollution in our Nation. Mercury is dangerous in small amounts, and mercury can damage the developing brains of infants and children.

The proposed rule would prevent more than 90 percent of the mercury in coal from being emitted into the air. The rule also would reduce fine particle emissions by more than a quarter, producing tremendous widespread health benefits.

For each year this bill delays the Mercury and Air Toxics Standards rule, it will allow up to an additional 17,000 premature deaths, 120,000 cases of asthma, and 850,000 days when people miss work due to illness.

But that's not all. The bill also blocks the EPA from implementing the Cross-State Air Pollution Rule to require 27 States to reduce power plant emissions that pollute the air in downwind States.

Each year of delay in implementing this rule will produce up to an additional 35,000 premature deaths, 400,000 cases of asthma, and 1.8 million days when people will miss work or school due to illness.

The benefits of these rules far exceed the costs. For the Cross-State Air Pollution Rule alone, the pollution reductions will yield annual health benefits that outweigh the rule's costs by up to 350 to 1.

The bill still creates a new government bureaucracy to produce a study of EPA rules, but this study is just a Trojan horse to disguise the true intent of this legislation: to block and delay two important EPA rules to protect public health from air pollution.

The bill that emerged from committee already is a horrible, terrible bill. But it promises to get even worse, significantly worse, as my Republican colleagues amend this horrible and horrendous bill before us.

Mr. WHITFIELD himself has offered amendments that completely nullify the two power plant rules and force EPA to start all the way back to the beginning, to start from scratch—but with new limits on what the agency can do to reduce pollution. According to the EPA administrator, these changes could prevent the EPA from ever reissuing these same rules, deny them far into the future from ever reissuing these same rules.

Mr. LATTA has offered an amendment that strikes at the heart of the Clean Air Act by requiring the EPA to prioritize cost over public health when setting national air quality standards. These standards form the foundation of why we have been able to clean up air pollution, and Mr. LATTA wants to throw it out the window.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RUSH. I urge my colleagues to oppose this bill.

Mr. KINZINGER of Illinois. Mr. Chairman, can I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute.

Mr. KINZINGER of Illinois. I yield the balance of my time to my good friend from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank my colleague from Illinois for yielding to me.

The EPA is currently developing a tier 3 rulemaking that would further reduce sulfur levels in gasoline to an average of 10 parts per million, a 70 percent change from today's already low standards, while reducing the gasoline volatility.

□ 1010

The EPA is expected to issue a proposed rule by the end of this year. The problem we have is that in the Energy Independence and Security Act of 2007, section 209 required the EPA to conduct a study 18 months after the enactment to determine whether the renewable fuels required by the section would adversely impact air quality and not later than 3 years after that enactment. The problem is EPA has not finished that study we require them to conduct even before these new regulations. Now they're moving forward with a rule with a half-baked study, and that's why I support this amendment to the TRAIN Act, Mr. Chairman.

This is not a delay amendment. This is just to make sure we don't get the cart in front of the horse, and we need to have that study finished before the EPA moves forward with that sulfur criteria.

That's why I support my colleague from Illinois' and my colleague from Texas' amendment, and I encourage my colleagues to support it.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KINZINGER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The Committee will rise informally.

The SPEAKER pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

The Committee resumed its sitting.

AMENDMENT NO. 6 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-213.

Mr. DENT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 20, insert the following:

(I) "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants", published at 75 Fed. Reg. 54970 (September 9, 2010).

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Thank you, Mr. Chairman.

This amendment simply adds the National Emission Standards for Haz-

ardous Air Pollutants, NESHAP or Cement MACT, to the covered rules within H.R. 2401. Reasonable efforts to limit the emissions of hazardous pollutants by cement manufacturing facilities are most certainly appropriate, but EPA has failed to craft effective and efficient regulations.

These NESHAP standards will be very, very difficult and extremely costly for domestic cement manufacturers to meet, severely jeopardizing the ability of an essential American basic industry to remain competitive with foreign importers. Including NESHAP and H.R. 2401 will allow the loss of American jobs and the weakening of domestic manufacturers' global competitiveness to become key considerations during the completion of the rulemaking process.

We must understand the impacts of these rules on jobs and our manufacturing competitiveness. Here now are some simple, basic facts about the American cement industry, and I represent the largest cement-producing district in America. I'm cochair of the Cement Caucus along with cosponsor MIKE ROSS of Arkansas. This industry employs about 13,000 Americans. Four thousand of those jobs have been lost since 2008. There are 97 cement plants in America producing today, and there's a presence in nearly every State as well, I might add. Cement is an absolutely essential basic industry in American manufacturing. It plays a major role in the development of our Nation's infrastructure.

I think we need to better understand some of this background, too, regarding these NESHAP rules.

NESHAP, of course, amends EPA's maximum achievable control technology, or MACT, and performance standards for cement kilns. And this is utilizing an unrealistic pollutant-by-pollutant approach for application of MACT. MACT requirements are designed to direct industries toward the pollution control technology used by the best performers in a certain industry sector. It cobbles together a range of different performance characteristics applicable to different pollutants without determining if it is feasible or even possible for any one kiln to comply with all of these standards.

The truth is there is not a single cement manufacturing plant in America that can comply with all of these standards simultaneously. The chemical composition, too, of key cement inputs, such as limestone, vary from region to region. Consequently, NESHAP will have disproportionate impacts on different manufacturing locations across the country simply based on the type of limestone being used in the process of manufacturing cement.

We should talk, too, about the impacts on the domestic cement industry: \$2.2 billion worth of compliance costs,

and that's an EPA estimate; \$3.4 billion in compliance costs, and that's the industry estimate. So there's a lot of cost here. We're in the billions.

There are numerous plants. There are estimates that from 12 to 18 of these plants across the country may be idle or permanently shut down. And these are massive facilities with tremendous capital investment. And we believe that the national price for Portland cement may increase by 5.4 percent. Domestic production will fall by 11 percent. Thousands of high-quality jobs could or would be lost.

One major domestic cement producer has already publicly announced that, due to other regulatory uncertainties of this NESHAP and other pending regulations, it is halting construction of a new state-of-the-art cement kiln, suspending over \$350 million in new investment and the creation of over 1,500 construction jobs.

With respect to global emissions, what will this mean? The reduction of domestic production of cement will naturally lead to an increase in our Nation's reliance on foreign cement. And I can assure you those foreign producers are not going to be complying with the NESHAP rules. So this is going to shift overseas production and will likely increase global greenhouse emissions in two ways:

First, transporting cement to the U.S. from international markets will require tremendous amounts of fossil fuels, substantially increasing the amount of carbon emitted per unit of cement used; and

Second, foreign suppliers will be manufacturing in countries with little or no environmental protections.

So it's critically important that EPA produce realistic and achievable regulations. Including NESHAP in H.R. 2401 will help EPA take into account the economic impact of its flawed regulations, and a more thorough economic analysis will lead to a better final rule.

Finally, I wanted to say one thing. The Federal stimulus law is actually helping to finance the construction of a cement importation terminal in Staten Island, New York City, designed to displace many cement workers in my district and all across the northeastern United States, using Federal money to create a handful of jobs while displacing many in basic industry and manufacturing. That's got to stop.

Pass this amendment, and then pass the underlying bill.

I reserve the balance of my time.

The Acting CHAIR. The time of the gentleman from Pennsylvania has expired.

Mr. RUSH. I claim time in opposition for purposes of debate.

The ACTING Chair. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Thank you.

Many organizations are on record opposing the TRAIN Act or opposing ef-

forts to block rules to reduce pollution from the country's dirtiest power plants.

Numerous public health groups, including the American Lung Association, the American Public Health Association, the American Thoracic Society, Physicians for Social Responsibility, and Asthma and Allergy Foundation of America all sent a letter to Congress expressing their support for full implementation of the Clean Air Act and opposing "all efforts to weaken, delay, or block progress toward the continuing implementation of this vital law."

The American Public Health Association stated that it opposes the TRAIN Act because it is "ill-conceived legislation that would prevent EPA from protecting the public's health from dangerous and deadly air pollution."

The National Association of Clean Air Agencies opposes this bill as well. NACAA sent a letter expressing its concern that the TRAIN Act would "create regulatory delays that could lead to thousands of premature deaths, remove important regulatory tools upon which States and localities depend, impose additional costs on government as well as small businesses, create regulatory uncertainty, cause job losses and defund an important and cost-effective air pollution control program."

□ 1020

Groups representing millions of individual Americans who believe in protecting our environment strongly oppose this bill and other efforts to weaken clean air protections. These groups include the League of Conservative Voters, the Sierra Club, National Resources Defense Council, Environment America, the National Audubon Society, the Environmental Defense Fund, and the Union of Concerned Scientists. They stated in a letter to Congress that "sacrificing tens of thousands of American lives will not create more jobs. Poisoning the air our children and our families breathe will not stimulate the economy."

Three hundred sportsmen's organizations representing our Nation's hunters, anglers, and the businesses that depend on our wildlife and natural resources support the EPA's effort to cut mercury pollution, and I quote them with these words. They said: "Strongly oppose any effort to weaken the Clean Air Act."

The Evangelical Environment Network has been running radio ads expressing their opposition to efforts to block the Mercury and Air Toxics rule. Mercury can damage the developing brain of fetuses and children, causing learning disabilities and neurological problems. The president of this group stated: "We believe that mercury offers a significant potential for hindering our children from developing a pure and wonderful life."

The Obama administration strongly opposes the TRAIN Act. The administration plans to veto this legislation if it ever reaches the President's desk, as the bill would undermine decades of progress in cleaning up the Nation's air quality by—and this is a quote from the Obama administration—"blocking EPA's ability to move forward with two long-overdue Clean Air Act rules."

Americans don't support weakening the Clean Air Act or blocking efforts to reduce dangerous air pollution from power plants. The widespread opposition to the TRAIN Act makes that perfectly clear.

Mr. Chairman, I urge my colleagues to oppose this horrendous bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RUSH. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-213.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, after line 12, insert the following new subsection (and redesignate accordingly):

(f) EXCLUSION FROM REVIEW.—Notwithstanding subsection (e), the Committee may not include in the analyses conducted under section 3 consideration of any rule or guideline promulgated in compliance with Executive Order 12866 (58 Fed. Reg. 51735, relating to regulatory planning and review) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Beginning on page 11, line 17, strike section 5 (and redesignate accordingly).

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, H.R. 2401 is a toxic bill that attempts to dismantle any government regulation to protect our Nation's public health and environment.

To set the stage for my brief remarks, let me cite to the American public Executive Order 12866, which says: "Each agency shall assess both the costs and the benefits of the intended regulation, and recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation

only upon a reasoned determination that the benefits of the intended regulation justify its cause.”

Now, we’ve been operating under that particular provision for a substantial period of time. And quite frankly, Congress’ decisions with reference to the Clean Air Act, signed by President Richard Nixon in 1970, came about as a result of continuing arguments from industry that cleaning up air pollution was too expensive or not feasible.

This bill forbids the Environmental Protection Agency from finalizing both the Mercury and Air Toxics Standards rule and, importantly, the Cross-State Air Pollution rule requiring coal-fired power plants without modern pollution controls to install controls, to reduce emissions of mercury and other toxic air pollutants, fine particulates, and the pollutants that cause smog and acid rain.

In the Rules Committee, I spoke about being in Lavigny in Poland and watching the pollution that was destroying the Black Forest in another country, in Germany. We’ve had that take place in our States, where one State is offering emissions that come down on another State’s population, and therefore the Cross-State Air Pollution rule said that coal-fired plants should install modern pollution controls. And guess what? Sixty percent of them, including one of the largest producers of electricity in this country—Exelon in Illinois—do favor these same rules that are being sought to be delayed. And they favor them for the reason that, among other things, it has produced jobs and it has cured the problems that have been pointed out by the American Lung Association and countless other organizations that favor the Clean Air Act and are opposed to delaying further two particularly important measures that would allow for pollution to continue to be cleaned up.

Port Everglades in Florida, right outside my constituency, for all of the years that I have lived there—and that nears 50—this coal-powered plant has been producing emissions. Over the course of time, they have reduced those emissions. And Florida Power & Light recently indicated that they’re going to do everything that they can to meet the emissions standards rather than sit up and try and oppose them because they recognize, one, that they do have all of the juice—if you can call electricity that.

And in the final analysis, those of us that benefit from it are going to wind up paying more. But to pay more to make sure that children don’t have asthma and to make sure that people don’t have lung pollution and to make sure that lakes don’t go dead from mercury or that fish don’t have in them more mercury than they rightly should for food consumption, then I’m willing to pay more; and I believe most Ameri-

cans are as well in order that we will have clean air.

I ask for support of my amendment. The Acting CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I have great admiration for the gentleman from Florida, who is always eloquent in his remarks.

□ 1030

He started off his support of his amendment by saying that we are trying to dismantle any regulation. I would like to remind everyone, once again, that this bill applies to 14 EPA regulations and we do not delay in any way 12 of them. And on the other two, we delay one of them, both of them, 6 months after the final report is due.

Now, he had mentioned that Exelon supported the new EPA regulations. Exelon is a company that we all admire and respect, but it’s a nuclear energy company, so there’s nothing in these regulations that has any impact on them, as far as I know. But all of these regulations are trying to drive the coal industry out of business, that still provides 50 percent of all the electricity in America.

Now, in the TRAIN Act, we simply ask this independent government agency, composed of Obama administration appointees, to examine the cumulative impact of all of these rules, because EPA has never been quite this aggressive. And I might add that the two rules that we asked to delay for further analysis, an independent research group said that the annualized cost would be almost \$18 billion that utilities would have to spend to buy equipment that may not be able to even then achieve the standards because the technology is not available.

The issue is not about mercury. The utilities do a great job of cleaning up mercury. EPA itself said that its Utility MACT would only benefit—the benefit of the Utility MACT would be only .004 percent attributable to mercury because 99 percent of mercury in America comes from nature and from outside other countries that the trade winds bring in to our country. So utilities don’t object to the mercury part of this.

But they’re now adding hydrogen fluoride and hydrogen chloride, of which there is no technology available to achieve the standard that EPA is setting.

So because of the cost, because of the unique vulnerability of our economy today, 12 of these regulations we don’t delay at all. We just say, let’s study the cumulative impact, which the President asked for in his Executive order that he issued recently. He said we need to look at the cumulative impact. That’s what we’re trying to do.

This amendment would basically say, you don’t look at the cumulative impact, you just take the existing studies that have been made. I would also say that EPA didn’t even do any study on the greenhouse gas, which we’re only trying to analyze the full cost of that. For those reasons, I would respectfully oppose the gentleman’s amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-213.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, after line 24, insert the following: (g) ADDITIONAL ANALYSES.—The Committee shall conduct or commission studies to identify pollution control policies that should be adopted and implemented by the United States to provide domestic job growth and ensure that the Nation is internationally competitive in the \$5 trillion global energy industry for clean energy technology development and manufacturing.

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, Deutsche Bank, the biggest bank in Europe, recently issued a report on global clean energy investment opportunities in which it stated, “Countries with more TLC, transparency, longevity, and certainty, in their climate policy frameworks will attract more investment and build new clean industries, technologies, and jobs faster than their policy-lagging counterparts.”

The TRAIN Act is one more step in the wrong direction by the same Republican House which has held over 110 anti-environmental votes. This unprecedented assault on the environment has devastating consequences for our economy. As the Deutsche Bank report said, “Germany and China have emerged as global leaders in low carbon technologies and investment. The net effect is that while Congress stumbles, the U.S. stands to fall behind.”

This investor report, from Europe's largest bank, identified several policy failures that are impeding job growth here at home. First, Congress has not established a carbon reduction target, or required polluters to pay for the cost of greenhouse gas pollution. Congress does not have a national renewable standard or even an energy efficient standard. The Deutsche Bank report notes that the lack of these regulations and incentives has actually forced investors to make investments elsewhere, including in China and other countries, rather than here at home in America. As a result, we have lost solar and other advanced technology market share to our competitors.

My simple amendment to the TRAIN Act establishes a simple process to identify "policies that should be adopted and implemented by the United States to provide domestic job growth, and to ensure that our Nation is internationally competitive in the \$5 trillion global energy industry for clean energy technology, development, and manufacturing." Business leaders have urged Congress to adopt both a regulatory framework and a system of incentives to spur clean energy job creation. In addition to the regulation the Deutsche Bank identified as supporting investment, American entrepreneurs have called on Congress to expand public financing for clean energy.

This month members of the American Energy Innovation Council visited Capitol Hill to express their strong support for just that concept. This group included venture capitalist John Doerr, former Lockheed Martin CEO Norm Augustine, and Bill Gates of Microsoft. The American Energy Innovation Council recently issued a report which stated, "As business leaders, we feel that America's current energy system is deficient in ways that cause serious harm to our economy, our national security, and our environment. To correct these deficiencies, we must make a serious commitment to modernizing our energy system with cleaner and more efficient technologies."

This Republican House is an anchor that's dragging down the American economy. It's continued obsession with austerity and opposition to any economic recovery programs, including clean energy, mean that America falls behind while China surges ahead. We cannot afford to let China and Germany dominate industries such as clean technology.

My simple amendment will establish a process to start restoring American leadership in this important sector for economic growth. Rather than repealing commonsense public health standards, we ought to be focused on measures like my amendment, which support high-tech job growth.

I ask my colleagues to vote for this amendment, and I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. While I have great regard for the gentleman from Virginia, I must rise to oppose this amendment.

In his 2008 convention speech, Barack Obama promised to create 5 million green energy jobs. An article in The New York Times headlines, "Where the Jobs Aren't," talks about all the government money that's being spent to subsidize green energy today. They gave an example of one government program that provided \$300 million to a company. They created 150 jobs at what turned out to be a cost of \$2 million for every job.

□ 1040

The reason that solar and wind are not taking off is they are too expensive and too inefficient. Having said that, I recognize that they have a part in our economy and that they have a part in producing electricity, but they can never be the base load. That cannot be attained. We cannot provide enough electricity without coal, nuclear, and natural gas.

Now, this amendment gives special attention to the green energy field. I would remind everyone, once again, that renewable energy subsidies increased over the last 3 years by 186 percent: from \$5 billion to \$14 billion. Renewables saw, by far, the largest increase in Federal benefits. Wind alone received a tenfold increase in subsidies: from \$476 million to almost \$5 billion. Solar increased by a factor of 6: from \$179 million to \$1.2 billion.

Mr. CONNOLLY of Virginia. Will the gentleman yield for a question?

Mr. WHITFIELD. Let me just finish this one sentence.

So these strategies can't work without government support. I don't object to government supporting them, but they do not need to get even more special privileges from this amendment.

I would be happy to yield to the gentleman.

Mr. CONNOLLY of Virginia. I thank the gentleman for yielding.

I would inquire as to what would be the comparable number for oil and gas and coal in the United States. You talk about the growth trend; but in absolute numbers, is it not true that actually the fossil fuels industry gets \$70 billion a year?

Mr. WHITFIELD. The direct expenditure for coal was \$42 million last year, and for wind it was \$3.556 billion.

I will tell you that oil and gas and coal are willing to give up all of their subsidies if green energy wants to give up their subsidies, because they're getting a lot more than anyone else.

At this point, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time is left on this side.

The Acting CHAIR. The gentleman from Virginia has 1 minute remaining.

Mr. CONNOLLY of Virginia. To conclude on this matter, I have enormous respect for my colleague on the other side; but to oppose a simple study to require that we look at the benefits of clean energy technology, I find that very troubling. That resistance, sadly, is going to impede American growth and competitiveness and is actually going to cost us jobs.

There is no question that in the coal industry, in particular, we've kind of reached a plateau. In fact, in Kentucky, we've lost a lot of jobs relative to, say, 30 years ago; whereas, as my colleague from Massachusetts pointed out last night, in wind energy, just in the last 4 years, we're up to 80,000 jobs. It's a fast-growing, lucrative part of our economy. It's clean, and it actually concretely helps create jobs.

That's a worthwhile thing to study if not to invest in, and I regret the fact that the manager on the other side finds even a study something to be resisted.

I yield back the balance of my time.

Mr. WHITFIELD. Once again, I oppose the amendment.

Green energy is getting every benefit possible from this administration—money, studies, and in every other way. It will never be able to meet the base load of our electricity needs. Therefore, unless we can continue to have low-cost electricity, we're not going to compete in the global marketplace, and we're going to continue to lose jobs. The EPA is making direct attacks against an industry. For that reason, I respectfully oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-213.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, line 10, strike "90" and insert "120".

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I rise today to support my amendment. I call my amendment "Can We All Get Along?" It is an amendment simply to ask that all of those who are impacted by this proposed legislation have an expanded time to be able to present their views.

It is a "can we all get along?"-type amendment because it is important to note again that those of us who come from different States, whether it's Illinois or Texas, recognize that the Environmental Protection Agency and the Clean Air Act were formulated under a bipartisan Congress and were signed, as my colleague reminded us, by President Richard Nixon. Republicans and Democrats voted for the Clean Air Act and for the Environmental Protection Agency's jurisdiction.

It's important to note that there is not only a value in what the EPA does but that there are organizations, such as the American Lung Association, the American Thoracic Society, the Physicians for Social Responsibility, the American Public Health Association, and the Asthma and Allergy Foundation of America, which need their input and are concerned about this legislation.

So my concern as we move forward on the transparency and regulatory analysis of impact is how much time has been given for the public comment. My State, in fact, has been impacted for the lack thereof of public comment. I believe that there are civilians who are not businesses who should be protected and given the opportunity to have input.

For example, it's important to note that the Mercury and Air Toxics Standards rule, which I don't think my colleagues can in any way dissuade me from believing, has been the basis of preventing 17,000 premature deaths, 11,000 heart attacks, 120,000 cases of aggravated asthma, 12,000 hospital and emergency room visits, 11,000 cases of bronchitis, and 850,000 missed days.

The idea of putting a superlayer over the already existing regulatory scheme, to me, sounds like we are adhering to the supercommittee concept, which many of us, by way of absolute necessity, voted on during the debt ceiling debate; but we realize that the responsibility of the purse strings is in the United States House of Representatives. Well, the law has given authority to the EPA and to the Clean Air Act as its authorizing aspect to be able to control and balance.

I believe we should create jobs; but the question becomes whether or not the TRAIN Act, in the format of adding

another layer of review, actually does that—or does it create another level of bureaucracy that we neither want nor need? At a time when these regulations will both decrease health costs and can create thousands of jobs, why would my colleagues propose a bill that would only slow job growth?

It has been 260 days. I think we should, as I started out, get along, try to create jobs, recognize the value of the EPA, find a way to be able to resolve the present conflict on the Cross-State Air Pollution Rule but not eliminate the authority and the oversight of the Environmental Protection Agency.

What I would say to my colleagues is that the EPA has protected all of our constituents. Therefore, I think it's important to pass this amendment because it's about constituents. It's about constituents no matter what side of the aisle they're on. This is an amendment that moves the public comment from 90 days to 120 days. There may have been some who wanted to comment who cannot comment because they did not have the amount of time.

So I would ask my colleagues to support this "can we all get along?" amendment.

I reserve the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. First, I would like to say to the gentlelady from Texas, who does such a great job on all of these issues, that we do not intend in any way to remove any of the authority of the EPA to regulate the Cross-State Transport Rules. As a matter of fact, of the 14 rules that we're examining that EPA has issued, 12 of them we do not delay in any way. On the Air Transport Rule, we simply go back to the original Air Transport Rule of which EPA talked about all of the marvelous benefits. The EPA defended it in court. The environmental groups supported it: 67 and 53 percent reductions in SO₂ and NO_x emissions. That will remain in effect.

As far as the gentlelady's amendment, we would be happy to accept it, because I think it's a good amendment.

I yield back the balance of my time.

□ 1050

Ms. JACKSON LEE of Texas. Let me indicate to the gentleman first of all that I thank him for accepting the amendment, and I conclude my remarks by saying that my asking for a roll call vote is not in any way a reflection of my lack of acceptance, but I am just so gratified for this timeframe that I hope that the gentleman will encourage those to support the amendment.

Therefore, let me say to the gentleman—I finish on this note—there is

some thought that we are putting in another regulatory scheme, but I think the important point from my perspective is that there was value when Richard Nixon signed the bill on how do we find a way to make this work so that we save lives and we create jobs.

I think my amendment provides the opportunity for that kind of input, and I thank the gentleman.

Mr. Chair, I rise today in support of my amendment #4 to H.R. 2401, "The Transparency in Regulatory Analysis of Impacts on the Nation Act," which extends the public comment period from 90 days to 120 days.

The Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act establishes a committee to conduct studies and review the Environmental Protection Agency (EPA) regulations based upon the Mercury and Air Toxics Standard Rule (MATS) and the Cross State Air Pollution (CSAP) Rule promulgated. This committee is composed of Administration officials from different federal agencies and under H.R. 2401 will analyze the effect of the regulations on the economy, U.S. competitiveness in the global market, employment, and energy production and cost. In effect this is creating more regulations and more bureaucracy at time when Republicans are calling for all of us to tighten our belts. So now before us is a Super Committee for the Budget and again we are going to have a Super Committee for Clean Air. We already have an agency charged with protecting our air. The Environmental Protection Agency (EPA) has been up to the task for 40 years. According to the EPA, the pollution reductions required by the rule they have proposed will yield health benefits of \$120 to \$280 billion per year, which is 150 to 350 times the cost. I have always been a stalwart for a firm balance between the needs of the energy industry and our environment. But then there is just plain common sense. The TRAIN Act goes overboard. It is a extreme response that does not add value to ensuring Clean Air.

The argument proposed by some of my colleagues has been that this will cost jobs. Implementing regulations will create jobs. Old power plants and other utilities will have to hire workers in order to fulfill the requirements of the regulation. The EPA has determined that this will not be overly burdensome to the industry. We as a body must ensure that the regulations issued by the EPA will not destroy any industry but at the same token TRAIN is too extreme. It creates the very bureaucracy that we neither need nor want. At a time when these regulations will both decrease health costs and can create thousands of jobs, why would my colleagues propose a bill that will only slow job growth. It has been 260 days and the Republicans, who have been in the majority, have not presented a clear and consistent job growth package. Instead time and time again they have put forth measures to cut Medicare and social security at a time when so many of our constituents are dependent upon those resources to cover health costs and living expenses.

The TRAIN Act, which I could easily consider a bill like a steam train and it steams right through the power of the EPA to regulate clean air, requires that the committee publicly

publish its initial findings and then provide the public with 90 days to comment. If this flawed bill is going to pass at least my amendment is an attempt to take into account the number of interested parties who may wish to give their input and extends the public comment period from 90 days to 120 days. I have offered this amendment to ensure that everyone who wishes to comment will have ample opportunity to do so.

My home state of Texas was not initially included in the Cross State Air Pollution Rule. When my state was added, there was no time provided for public input, a courtesy that was extended to the other 6 states included in the Cross State Air Pollution Rule. Stakeholders throughout Texas were afforded no opportunity to discuss the impact of including Texas at the last minute. Had there been opportunity for public comment, the EPA and stakeholders would have been able to work together towards a consensus.

The proposed regulations have different impacts on different stakeholders, and it is extremely important that everyone's point of view is considered. An open dialogue that encourages frank and productive communication can foster compromise.

As the Representative for Houston, the country's energy capital, I am committed to creating an environment in which the energy industry and regulating agencies can work together.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the needs of industries and the needs of our communities are addressed. Providing a time for individuals to support or oppose any regulations is a meaningful first step. This bill is a step in the wrong direction.

The EPA has spent years reviewing these standards before attempting to issue regulations. In terms of the Mercury and Air Toxics Standard (MATS) Rule the new standard will significantly reduce mercury and toxic air pollution from power plants and electric utilities. The EPA estimates that for every year this rule is not implemented, mercury and toxic air

pollution will have a serious impact on public health. Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more do we need to know. According to the EPA this rule would prevent the following: 17,000 premature deaths; 11,000 heart attacks; 120,000 cases of aggravated asthma; 12,000 hospital and emergency room visits; 11,000 cases of bronchitis; and 850,000 missed work days.

The second rule that is targeted by this bill is the Cross State Air Pollution (CSAP) Rule. As a Representative from the State of Texas, I have a few reservations about the rules implementation in my home state; however, the rule can be more fairly implemented.

This rule will significantly cut sulfur dioxide and nitrogen oxide emissions released into the atmosphere. The regulation impacts 27 states where power plant emissions cause poor air quality that affects neighboring states. It is important to know that the EPA designed this rule again by keeping the lives of our families, our children, our communities and the environment in mind. According to the EPA this rule when implemented will prevent up to 34,000 premature deaths, 15,000 heart attacks, and 400,000 cases of aggravated asthmas.

Sometimes we can get caught up in the numbers and forget the people behind each. If these rules are allowed to be implemented there are 51,000 more people who will be able to spend another day, week, month or year with their families. These are our friends and family members who with the implantation of these rules can enjoy another cup of coffee.

The prolonged or indefinite delay of these life saving regulations threaten the very air that Americans, our constituents, breathe. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to repeal regulations that protect the 18th Congressional District's access to clean air.

The analysis required by this legislation is focused solely on the impact of EPA regulations on economic competitiveness, fuel prices, and employment without taking into consideration the public health benefits of the regulations. The Mercury and Air Toxics Standard Rule will significantly reduce mercury and toxic air pollution from power plants and electric utilities.

The Cross State Air Pollution Rule will significantly cut sulfur dioxide and nitrogen oxide emissions released into the atmosphere. The regulation impacts 27 states where power plant emissions cause poor air quality that affects neighboring states.

My amendment will not affect the intent of the bill; it merely ensures that should this ill conceived measure pass that there is plenty of time given for our constituents who live in states affected by mercury and toxic pollution and cross state air pollution to weigh in on the public health aspects of these regulations.

I have offered this amendment not only to benefit those who live in states that would be affected by these regulations, but also to ensure that the industry being regulated has ample time to provide their input. Throughout my tenure in Congress, I have worked tirelessly to foster better relationship between the energy industry and regulating agencies. With an open dialogue and productive communica-

tion, we can forge compromise that will protect the environment without harming economic growth, and the intent behind this amendment is to do just that.

As the Representative of the 18th Congressional District of Houston, Texas, I can attest to the importance of a healthy energy industry. My district is the energy hub of Texas and is recognized worldwide for its energy industry, particularly for oil and natural gas, as well as biomedical research and aeronautics. Renewable energy sources—wind and solar—are also growing economic bases in Houston.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks associated with breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth.

Let's not forget that since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the Nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

The least that can be done is to extend the opportunity for the committee formed by this bill to hear the concerns of the public. I am sure this will certainly go a long way to encourage robust discussion on health, job creation and economic improvements without putting the environment or the American people at risk.

I encourage my colleagues to support the Jackson Lee amendment in order to strike a balance between the EPA and the energy industry, forge compromise that will protect the environment without harming economic growth by extending the public comment period from 90 to 120 days. My amendment does not change the intent of the bill, it creates the opportunity for communication and consensus.

SEPTEMBER 21, 2011.

DEAR REPRESENTATIVE: On behalf of the undersigned public health and medical organizations, we write to state our strong opposition to any efforts under consideration by the U.S. House of Representatives that hinder the Environmental Protection Agency's (EPA's) ability to protect health through the implementation the Clean Air Act.

Majority Leader Eric Cantor's August 29, 2011 memo to House Republicans specifically called for passage of bills including H.R. 2401, which would indefinitely delay the EPA's proposal to reduce mercury and other toxics from power plants and would block implementation of the Cross-State Air Pollution Rule, a finalized rule that is expected to prevent the premature deaths of thousands of Americans each year and to make it easier for states downwind of pollution sources to achieve healthful air for their residents. The memo also signals plans with H.R. 2250 and H.R. 2861, which would delay EPA efforts to reduce mercury and other toxics from industrial facilities and cement plants. Further, it

signals plans to thwart EPA's ability to propose a health standard for particulate matter, calling for passage of HR 1633, a bill that would block the completion of the review of the health effects associated with deadly soot or particulate matter and prevent EPA from even proposing a standard and receiving public comment on that standard.

We urge you to oppose this plan and ask that you, instead, support protecting public health. This Rep. Cantor-led effort would impact EPA's ability to implement the Clean Air Act: a law that protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, strokes, emergency department visits, hospitalizations and premature deaths. A rigorous, peer reviewed analysis, *The Benefits and Costs of the Clean Air Act from 1990 to 2020*, conducted by EPA, found that the air quality improvements under the Clean Air Act will save \$2 trillion by 2020 and prevent at least 230,000 deaths annually.

Additionally, the public supports EPA's efforts to implement and update the Clean Air Act. A recent bipartisan survey, which was conducted for the American Lung Association by the Republican firm Moore Information and Democratic polling firm Greenberg Quinlan Rosner Research indicate that those pushing riders or otherwise interfering with EPA are out of touch with voters. The survey shows that over seventy percent of voters do not want Congress to stop the EPA from setting stricter pollution limits and sixty-six percent of voters would prefer that EPA set pollution standards, not Congress.

We believe that in an ironic twist, the Majority Leader's memo lays out an agenda that will expose the public to levels of air pollution that can make them sick or kill them. This agenda will certainly drive up health costs for all as people continued to be exposed to life-threatening air pollution. We ask you to support full implementation of the Clean Air Act and oppose all efforts to weaken, delay or block progress toward the continued implementation of this vital law.

Sincerely,

AMERICAN LUNG
ASSOCIATION.
AMERICAN THORACIC
SOCIETY.
PHYSICIANS FOR SOCIAL
RESPONSIBILITY.
AMERICAN PUBLIC HEALTH
ASSOCIATION.
ASTHMA AND ALLERGY
FOUNDATION OF AMERICA.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. WHITFIELD

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-213.

Mr. WHITFIELD. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 5 and insert the following:

SEC. 5. ADDITIONAL PROVISIONS RELATING TO CERTAIN RULES.

(a) CROSS-STATE AIR POLLUTION RULE/TRANSPORT RULE.—

(1) EARLIER RULES.—The rule entitled "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals", published at 76 Fed. Reg. 48208 (August 8, 2011), and any successor or substantially similar rule, shall be of no force or effect, and shall be treated as though such rule had never taken effect.

(2) CONTINUED APPLICABILITY OF CLEAN AIR INTERSTATE RULE.—In place of any rule described in paragraph (1), the Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") shall continue to implement the Clean Air Interstate Rule.

(3) ADDITIONAL RULEMAKINGS.—

(A) ISSUANCE OF NEW RULES.—The Administrator—

(i) shall not issue any proposed or final rule under section 110(a)(2)(D)(i)(I) or section 126 of the Clean Air Act (42 U.S.C. 7410(a)(2)(D)(i)(I), 7426) relating to national ambient air quality standards for ozone or particulate matter (including any modification of the Clean Air Interstate Rule) before the date that is 3 years after the date on which the Committee submits the final report under section 4(c); and

(ii) in issuing any rule described in clause (i), shall base the rule on actual monitored (and not modeled) data and shall, notwithstanding section 110(a)(2)(D)(i)(I), allow the trading of emissions allowances among entities covered by the rule irrespective of the States in which such entities are located.

(B) IMPLEMENTATION SCHEDULE.—In promulgating any final rule described in subparagraph (A)(i), the Administrator shall establish a date for State implementation of the standards established by such final rule that is not earlier than 3 years after the date of publication of such final rule.

(4) DEFINITION OF CLEAN AIR INTERSTATE RULE.—For purposes of this section, the term "Clean Air Interstate Rule" means the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 72 Fed. Reg. 55657 (Oct. 1, 2007), 72 Fed. Reg. 59190 (Oct. 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed. Reg. 56721 (Nov. 3, 2009)).

(b) STEAM GENERATING UNIT RULES.—

(1) EARLIER RULES.—The proposed rule entitled "National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units" published at 76 Fed. Reg. 24976 (May 3, 2011), and any final rule that is based on such proposed rule and is issued prior to the date of the enactment of this Act, shall be of no force and effect, and shall be treated as though such proposed or final rule had never been issued. In conducting analyses under section 3(a), the Committee shall analyze the rule described in section 3(e)(1)(E) (including any successor or substantially similar rule) as if the preceding sentence did not apply to such rule.

(2) PROMULGATION OF FINAL RULES.—In place of the rules described in paragraph (1), the Administrator shall—

(A) issue regulations establishing national emission standards for coal- and oil-fired electric utility steam generating units under section 112 of the Clean Air Act (42 U.S.C. 7412) with respect to each hazardous air pollutant for which the Administrator finds such regulations are appropriate and necessary pursuant to subsection (n)(1)(A) of such section;

(B) issue regulations establishing standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(C) issue the final regulations required by subparagraphs (A) and (B)—

(i) after issuing proposed regulations under such subparagraphs;

(ii) after consideration of the final report submitted under section 4(c); and

(iii) not earlier than the date that is 12 months after the date on which the Committee submits such report to the Congress, or such later date as may be determined by the Administrator.

(3) COMPLIANCE PROVISIONS.—

(A) ESTABLISHMENT OF COMPLIANCE DATES.—In promulgating the regulations under paragraph (2), the Administrator—

(i) shall establish a date for compliance with the standards and requirements under such regulations that is not earlier than 5 years after the effective date of the regulations; and

(ii) in establishing a date for such compliance, shall take into consideration—

(I) the costs of achieving emissions reductions;

(II) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(III) the feasibility of implementing the standards and requirements, including the time needed to—

(aa) obtain necessary permit approvals; and

(bb) procure, install, and test control equipment;

(IV) the availability of equipment, suppliers, and labor, given the requirements of the regulations and other proposed or finalized regulations; and

(V) potential net employment impacts.

(B) NEW SOURCES.—With respect to the regulations promulgated pursuant to paragraph (2)—

(i) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(A) establishing an emission standard under section 112 of the Clean Air Act (42 U.S.C. 7412) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4));

(ii) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(B) establishing a standard of performance under section 111 of the Clean Air Act (42 U.S.C. 7411) shall be treated as the date on which the Administrator proposes such a regulation for purposes of applying the definition of a new source under section 111(a)(2) of such Act (42 U.S.C. 7411(a)(2));

(iii) for purposes of any emission standard or limitation applicable to electric utility steam generating units, the term "new source" means a stationary source for which a preconstruction permit or other

preconstruction approval required under the Clean Air Act (42 U.S.C. 7401 et seq.) has been issued after the effective date of such emissions standard or limitation; and

(iv) for purposes of clause (iii), the date of issuance of a preconstruction permit or other preconstruction approval is deemed to be the date on which such permit or approval is issued to the applicant irrespective of any administrative or judicial review occurring after that date.

(C) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

(4) **OTHER PROVISIONS.**—

(A) **ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.**—The regulations promulgated pursuant to paragraph (2)(A) of this section shall apply section 112(d)(3) of the Clean Air Act (42 U.S.C. 7412(d)(3)) in accordance with the following:

(i) **NEW SOURCES.**—With respect to new sources:

(I) The Administrator shall identify the best controlled similar source for each source category or subcategory.

(II) The best controlled similar source for a category or subcategory shall be the single source that is determined by the Administrator to be the best controlled, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(ii) **EXISTING SOURCES.**—With respect to existing sources:

(I) The Administrator shall identify one group of sources that constitutes the best performing 12 percent of existing sources for each source category or subcategory.

(II) The group constituting the best performing 12 percent of existing sources for a category or subcategory shall be the single group that is determined by the Administrator to be the best performing, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(B) **REGULATORY ALTERNATIVES.**—For the regulations promulgated pursuant to paragraph (2) of this section, from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.), including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

Strike subparagraph (A) of section 3(e)(1) and insert the following:

(A) The Clean Air Interstate Rule (as defined in section 5(a)(4)).

Strike subparagraph (B) of section 3(e)(1) and insert the following:

(E) “National Ambient Air Quality Standards for Ozone”, published at 73 Fed. Reg. 16436 (March 27, 2008).

On page 13, line 17, in the matter before paragraph (1) in section 6(a), strike “for fiscal year 2012”.

On page 13, line 18, in section 6(a)(1), insert “for fiscal year 2012,” before “\$3,000,000”.

Strike paragraph (2) in section 6(a) and insert the following:

(2) to the Environmental Protection Agency—

(A) for fiscal year 2012, \$1,000,000; and

(B) for fiscal year 2013, \$500,000.

Strike subsection (b) in section 6 and insert the following:

(b) **OFFSET.**—Effective October 1, 2011, section 797(a) of the Energy Policy Act of 2005, as amended by section 2(e) of the Diesel Reduction Act of 2010 (Public Law 111-364), is amended—

(1) by striking “2012” and inserting “2014”;

(2) by inserting “\$45,500,000 for fiscal year 2012, \$49,500,000 for fiscal year 2013, and” after “to carry out this subtitle”.

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Thank you.

It's already been stated today that the TRAIN Act examines 14 EPA regulations. On 12 of them, we do not delay in any way, but we do ask for a study of the cumulative impact on jobs, on American competitiveness, on the price of electricity and the reliability of electricity.

We do that because we are in a very fragile time in our economy. We have high unemployment, we've been unable to get out of it; and in order to do it, we have to have some certainty on these regulations. Business people tell us they are not investing right now because of uncertainty about health care, uncertainty about the new financial regulations and uncertainty about the plethora of EPA regulations coming down the road.

So although we don't touch 12 regulations, the two that we are concerned about—and the reason we're concerned about them—is that they are the most expensive ever issued by EPA. Independent analysts have indicated that there will be a net, after including job gains, a net loss of almost 1.4 million jobs.

My amendment would do this: it would provide that the Cross-State Air Pollution Rule has no legal force or effect, and it does direct EPA to continue to apply the Clean Air Interstate Rule, which is in effect today.

As I had indicated earlier, EPA, when they adopted CAIR, they talked about the billions of dollars in health benefits, 17,000 premature deaths that they would prevent, 22,000 nonfatal heart attacks that they would prevent; and I could go on and on and on. And EPA defended the CAIR Act in court. The environmental groups supported the CAIR Act.

Our air transport rules and regulations are still going to be in effect; and we simply say that for at least 3 years, EPA cannot change the CAIR Act, but during that time do a more detailed analysis of the Cross-State Air Pollution Rule because of the enormous

cost, the enormous impact on jobs and so forth.

The amendment also requires that the proposed Utility Maximum Achievable Control Technology rule has no legal force in effect and that any subsequent Utility MACT rule be issued no sooner than 1 year after the study called for in the TRAIN Act. So we simply ask the EPA to repropose the utility rule.

Now, people are saying, oh my gosh, if we don't have this utility rule in effect, mercury is going to do all of these horrible things.

I would remind everyone once again EPA says that 99 percent of the mercury in America comes from nature and from trade winds coming in from other countries. And EPA itself said Utility MACT benefits by mercury reductions of that whole bill would be .004 percent.

I would also say that utility companies have no problem with mercury. They're doing a good job on that, and they can do even better. But the two gases that they are asking them to regulate have never been regulated before—I had the name of them awhile ago and I can't remember them—but the technology is not available to meet the requirements of the Utility MACT. So you are asking these companies to spend this money, provide this uncertainty, and so that's what my amendment does. It basically delays the implementation of the Utility MACT, asks for a reproposal, and it also maintains the existing CAIR air transport rule.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I rise in strong opposition to this Whitfield amendment, Mr. Chairman.

The amendment is objectionable from the standpoint of public health and the legislative process. Throughout the debate on this bill, Mr. WHITFIELD has claimed that his bill just requires a study and delays two rules for further analysis.

Well, the indefinite delay of these two rules is terrible for public health, but this amendment would be a disaster because this amendment nullifies these two critical EPA rules to cut air pollution from old, dirty power plants by requiring them to install modern pollution technology.

First, the EPA amendment abolishes EPA mercury air toxics proposal by requiring EPA to start scratch on a rule that's long overdue. There are two rules at stake. The EPA mercury air toxic rule, which was opposed by EPA, would prevent 17,000 deaths, 11,000 heart attacks, 120,000 cases of aggravated asthma, and 850,000 lost work-days each year. Now, that doesn't even

include the benefits that are harder to put a dollar figure on such as reducing toxic air pollution that can lead to birth defects and developmental delays.

The EPA rule would also prevent 91 percent of the mercury in burned coal from being emitted into the air. Mercury is dangerous in tiny amounts. It's a powerful neurotoxin that can damage the developing brain, leading to learning disabilities and developmental delays in children.

We heard about the delay in letting this rule go forward that was in the bill, but this amendment negates these benefits and ensures that power plants will not have to reduce their emissions of toxic air pollution, including mercury, for at least 7 years.

The amendment also tosses aside the way EPA has long been setting these emission limits for toxic air pollution for two decades, and it replaces it with an entirely new approach for power plants that is completely unworkable. It guarantees years of litigation and, according to the EPA administrator, may well prevent EPA from ever requiring power plants to clean up their mercury pollution.

So this isn't just a delay, as we were told, for further study. It may well lead to no rule ever being put in place to stop these mercury emissions that cause such terrible public health disasters. The Whitfield amendment also nullifies the Cross-State Air Pollution Rule, which is designed to reduce emissions from power plants that cause ozone and particulate matter violations in downwind States.

□ 1100

Well, this rule has tremendous health benefits. The EPA cross-state rule will prevent 34,000 deaths, 15,000 heart attacks, 400,000 cases of aggravated asthma, and 1.8 million lost days of work each year.

The Whitfield amendment negates these benefits and ensures that power plants will not have to reduce their pollution for at least 8 years. But this new rule may ensure that it will never happen. The EPA administrator testified that the language in the amendment barring reliance on modeling likely will block EPA from ever issuing another cross-state pollution rule to address ozone and particulate problems in downwind States.

These are two radical proposals, and they're coming to the floor without a single day of hearings in the Energy and Commerce Committee. The amendment's sponsor, Mr. WHITFIELD, is the chairman of the relevant subcommittee. But he didn't ask for a single day of testimony or debate on these proposals. Instead he took a bill that asked for a lot more analysis before rules go into effect, and then just dropped this amendment on that bill because it was a moving train. He

didn't insist that the TRAIN Act was requiring a study. He insisted it was only going to do a study, and now it is preventing them from implementing anything.

Today we have 10 minutes of debate whether this body should eliminate two critical EPA rules that prevent premature death, asthma attacks, and other respiratory diseases and fundamentally alter the Clean Air Act. I find that inexcusable, both on the substance and the process.

I urge my colleagues to vote "no" on this amendment, and I reserve the balance of my time.

The Acting CHAIR. The time of the gentleman has expired.

The gentleman from Kentucky has 30 seconds remaining.

Mr. WHITFIELD. I would just say that the two gases I was trying to think of are hydrogen chloride and hydrogen fluoride. Those are the real problems in this Utility MACT: the lack of technology, the unachievability of the standards, and that's why this amendment is asking that the implementation be delayed for 3 years of this air transport rule.

With that, I urge Members to support my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. LATTA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-213.

Mr. LATTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 5, insert the following new section (and redesignate the subsequent section accordingly):

SEC. 6. CONSIDERATION OF FEASIBILITY AND COST IN ESTABLISHING NATIONAL AMBIENT AIR QUALITY STANDARDS.

In establishing any national primary or secondary ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Ohio (Mr. LATTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I rise today to urge my colleagues to support

my amendment to H.R. 2401. This amendment should be one of the most noncontroversial EPA-related votes this House has faced in quite awhile because it doesn't repeal any EPA rules or regulations and it doesn't block the EPA from doing anything. It simply requires the EPA administrator to consider the implementation costs and feasibility of compliance when setting National Ambient Air Quality Standards. We all want clean air.

The Clean Air Act required the EPA to review these standards in 5-year intervals and make revisions or set new standards if appropriate. Under current law, the EPA administrator is forbidden from taking the economic consequences of these rules under consideration when setting these standards, which means every 5 years the EPA is required to create new regulations, but does not have the legal authority to consider how they will affect the economy.

This approach to regulation is a contributing factor to why unemployment numbers refuse to budge in many parts of our country and we have millions of Americans still looking for jobs. Last year the EPA decided to voluntarily review the National Ambient Air Quality Standards for ozone despite being a full 3 years away from review of the Clean Air Act's requirements in 2013.

The standards they discussed would have had a devastating effect on my home State of Ohio, putting every one of the 33 counties monitored into a state of nonattainment status, as well as over 85 percent of the other counties monitored nationwide. States and localities not in attainment are required to meet expensive and complex regulatory requirements, more stringent permitting requirements, and comply with a number of other antigrowth measures.

Fortunately, President Obama realized the urgency of this situation and asked the EPA not to propose a more stringent standard. Perhaps if the EPA administrator had considered the cost and feasibility of the tighter standard, we would have avoided the situation entirely. Now with this amendment we have the opportunity to make sure it doesn't happen in the future.

I sent the President a letter commending his decision and requesting his support of the amendment in helping to get it passed both here in the House and in the Senate. Now I'm requesting your support.

This is not a Republican idea or a Democrat idea. Considering the economy and the well-being of the unemployed Americans who are looking for jobs, it is the right thing to do.

I urge support of the amendment, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR (Mr. WOODALL). The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, I rise not just in opposition, but strong opposition to this amendment. The bill as reported by the Energy and Commerce Committee is a bad bill for air quality and public health, but this bill appears doomed to get even worse as we continue to amend it on the floor.

If the Latta amendment were adopted, it would eviscerate a cornerstone of the Clean Air Act without a single committee hearing to discuss the implications of this action, and that's nothing short of reckless policymaking.

The Clean Air Act requires EPA to set National Ambient Air Quality Standards based on the science of how air pollution affects health and the environment. EPA scientists and an independent scientific advisory committee then recommend health-based standards. That is peer-reviewed, and they look at the impact of air pollution on health overall, and then on sensitive groups, such as children and the elderly, because we don't want a society where the sensitive people like the children and the elderly can't live with the rest of us.

These national air quality standards essentially identify the level of ambient air pollution that's safe for people to breathe. With these health-based standards as the goalposts, States develop plans to control pollution and meet these goals. Cost is front and center in this planning. States can identify which pollution-control measures are most cost effective and rule out measures that produce more costs than benefits.

The Latta amendment turns this whole approach upside down. The amendment would require EPA to consider industry cost up front when determining what level of air pollution is safe for human health. That's like a doctor basing your diagnosis on the cost of the treatment. If the treatment is expensive, the doctor would tell you that you're healthy. For a doctor, that would be malpractice. It's no different here.

The Latta amendment would allow polluters to override scientists and require EPA to set air quality standards based on profits rather than the public health. The scientific determination of what is safe to breathe doesn't depend on the cost of cleaning up the pollution.

My Republican colleagues throughout the debate on this bill have been happy to come to the floor and talk about the tremendous progress in reducing air pollution in this country. That's true, but it doesn't mean we no longer have a need for the tools that got us here and that job is already done. We've made progress because Congress enacted a strong and effective Clean Air Act. If we weaken the law, air quality will suffer. And anyone who thinks that the air is clean enough

isn't thinking about the kids who can't play outside on a summer day without risking a potentially life-threatening asthma attack.

For 40 years—and we are celebrating the 40th anniversary of the Clean Air Act—the essential basis of the law was to set health-based standards as our goals.

□ 1110

Despite the progress we've made, that job isn't done on air pollution. The Latta amendment, if it becomes law, would reverse decades of progress in cleaning up the smog and soot pollution that triggers asthma attacks, heart attacks, other respiratory diseases, and the mercury pollution that causes brain damage and learning disabilities in children.

It is preposterous that we have only 10 minutes to debate this fundamental change to the Clean Air Act that would upend 40 years of progress.

I urge my colleagues to vote this amendment down based on its impact on public health as well as the mockery it makes of the legislative process. I reserve the balance of my time.

Mr. LATTA. I yield the balance of my time to the gentleman from California (Mr. DENHAM).

The Acting CHAIR. The gentleman from California is recognized for 2½ minutes.

Mr. DENHAM. Mr. Chairman, I rise on this amendment and in support of the underlying TRAIN Act.

The TRAIN Act is a bipartisan plan to analyze cumulative economic impacts of EPA's regulations to better understand how these policies affect American manufacturing, energy prices, and private industry's ability to create jobs.

The question that Americans want to know is: Why are our jobs leaving? Why aren't we making things? This bill will help us to define that.

Here today in support of the TRAIN Act are Jennifer Fraser and Jeff Rose from Vantage Data Centers, a NextGen data center and a small business from my State of California that has become an industry leader in performance efficiency and environmental stewardship. Since its inception in 2010, Vantage has sought to minimize electricity consumption at their data centers, as electricity is far and away their greatest cost.

The price of electricity has caused many companies in their industry to flee to other countries with a more welcoming business climate and cheaper electricity prices. Despite this existing competitive disadvantage for the United States, the EPA proposes new Utility MACT standards that will raise electricity prices and will have an adverse effect on even an environmentally friendly data center like Vantage and force more jobs overseas.

The EPA has proposed regulation after regulation that would stifle job

creation, hurt American economic competitiveness abroad, and increase energy prices on families already strained by the tough economy. The House Republican jobs agenda focuses on removing these barriers to job creation and includes necessary reforms like the TRAIN Act.

The support of job creators like the National Association of Manufacturers, the Association of Builders and Contractors, the U.S. Chamber of Commerce, and Small Business Entrepreneurship Council further proves the need for the TRAIN Act to ensure that the administration does not continue to hamper the economic recovery and job creation of private industry.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members not to refer to occupants of the gallery.

Mr. WAXMAN. May I inquire how much time is left on each side?

The Acting CHAIR. The gentleman from California has 1 minute remaining. The gentleman from Ohio has 30 seconds remaining.

Mr. WAXMAN. I urge my colleagues to vote against this Latta amendment. This is a radical, extreme amendment that reverses the Clean Air Act which was signed by President Nixon, has been enforced by Democratic and Republican administrations, voted almost unanimously on a bipartisan basis in the House and the Senate, and it would strip away the goalposts of achieving health-based standards.

I think to have only 10 minutes to debate on this extreme proposal is an affront to the legislative process. I urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. LATTA. Mr. Chairman, I urge passage of this amendment.

When we were all back in our districts in August, I went to 18 different plants and facilities in my district, and the number one issue out there against creating jobs was EPA regulations. EPA. That's all I heard. EPA, EPA, EPA.

We're not going to move this country forward unless we get these regulations under control, and it's about time that they start looking at what they have to do under this amendment to make sure that we've got things back on course. I mentioned this yesterday in committee that we've lost 180,000 manufacturing jobs alone, in the Energy and Commerce Committee, since earlier this year. We've got to get this economy moving.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Ohio will be postponed.

AMENDMENT NO. 12 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-213.

Ms. RICHARDSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 16, strike “(a) AUTHORIZATION.—”.

Beginning on page 13, line 23, strike subsection (b) of section 6.

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, my amendment is intended to strike the provision that reduces the amount of funding to implement the Diesel Emissions Reduction program.

Five years ago, Congress passed the Diesel Emissions Reduction Act as a part of the Energy Policy Act of 2005. The program was authorized at \$200 million per year for 5 years. In 2011, the Congress acted responsibly, and in light of our fiscal crisis situation, we reduced that amount by a hundred million per year.

This amendment brings into question whether it makes sense to reduce a proven successful program that is not increasing regulations, as my former colleague just mentioned, but in fact is helping companies to be able to meet those regulations in a cost-effective way.

DERA has helped fund more than 360 retrofit projects to date, which has reduced well over 1.6 million tons of emissions and provided more than \$4 billion in public health benefits while employing thousands of workers who manufacture, sell, and repair diesel vehicles and their components in each of our States.

Recognizing today's budgetary challenges, industry, environmental, and public sector representatives support the return of full-year 2008 funding levels for DERA, or \$50 million for 2012.

The United States relies upon diesel power to transport commuters, tourists, and students, harvest our crops, build infrastructure, and move our freight. New clean diesel technology is reaching near zero emissions but fleet turnover will take us many more years to come. Emissions from older diesel vehicles and equipment can be reduced, and we can help to make that happen.

Some of our program results have been 119 projects affecting more than 14,000 diesel-powered vehicles and equipment, new State clean diesel grant programs in over 50 States, 2,200

tons of particulate matter emissions reduced, 580 million benefits to health, and—this is a very important one—3.2 million gallons of fuel that has been saved per year by implementing this program.

This is why in the last Congress I introduced legislation that extended DERA for 5 more years. The legislation received bipartisan support on both sides of the aisle and was signed by the President.

In February during debate on H.R. 1, there was an amendment put forward by a Representative on the other side of the aisle that would have eliminated full funding for DERA. The amendment in the continuing resolution at that time was soundly defeated by both of us, both sides of the aisle, 352 Members. In fact, the chairman of the Interior, Environment, and Related Agencies Appropriations Subcommittee, Mr. SIMPSON, called the cuts to DERA—and I'm talking about my colleague from the other side—the wrong choice. I'm here to present that this cut is still the wrong choice.

I reserve the balance of my time.

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. I believe that the gentlelady from California's amendment is heartfelt and sincere to the DERA program but irresponsible as it's produced here today. There are costs associated with the EPA going forward with the studies that we are requesting of them.

Under our rules of the House, there's PAYGO rules. We must offset those costs. This is one of those tough decisions made to offset the costs. So the first line of irresponsibility would be it will add to the deficit but for this offset.

□ 1120

The second line of irresponsibility would be, well, it may feel responsible. And this really is a poison pill because if the offset is eliminated, they get to kill the whole bill because of that. So it's not as innocent an amendment as it is portrayed on the surface. The real issue of this bill in entirety must stand.

As previous speakers have said, Mr. Chairman, and rightfully so, the EPA is a rogue agency. They are producing rules in a fast and furious manner that greatly affects this Nation's ability to generate electricity. This bill just wraps three of them together and says, take a step back and do a cost analysis, as the President has asked of agencies. This agency, though, as headed by Ms. Jackson, has said to us in our committee that she will not be beholden or follow the President's own executive order to look at the cost benefit analysis. They say, as we have heard here today, their modeling says that they

can reduce asthma so, therefore, no cost benefit analysis.

But there are real effects that I'm concerned with here, and the reason why I do believe this needs to be studied before implemented is we need to slow down the EPA and Lisa Jackson and their attempts to do a cap program without Congress' involvement or approval. They couldn't get it done legislatively, so she's doing it by rule and edict from the EPA.

This rule will add significant costs to the ability of small generators to generate electricity, which will force them to shut down without any path forward to replace that. In fact, they haven't even done a study on reliability to determine if electricity can be wheeled into the areas that the plants will have to shut down.

In fact, there are two plants near my district in Nebraska: Grand Island and Fremont. Grand Island is saying that these rules of the EPA are fast and furious and without any cost benefit analysis will force the Grand Island plant to close. How will they get their electricity? They will have to find a creative way to do it; yet there's been no study on reliability. Secondly, in Fremont, Nebraska, they say what they'll do is just lower their plant level, just do a minimum amount of electricity. Where are they going to make that up?

This is a directive. This is part of the radical environmentalist agenda being placed on America by one agency and one person, Lisa Jackson. We need to slow this down and take a hard look at it.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Chairman, I find it interesting that the gentleman would say that this might be irresponsible. What I heard of the comments was I didn't talk about the legislation within itself. We're talking about the amendment of how this is going to be paid for. And so the question before the House is going to be, is it appropriate to take additional funds to use DERA as the whipping boy time and time again for a program that is helping what my colleague from the other side is saying?

I would actually say that DERA is responsible. What's irresponsible is continuing to put the health of Americans in jeopardy. I will repeat the quote for my colleagues from the chairman of the Interior, Environment and Related Agencies, Mr. SIMPSON. He called the cuts to DERA “the wrong choice.” We have already been responsible, and DERA has already paid its fair share, and it's being cut as other programs have been cut. The question is, is it right to continue to deplete this program?

I reserve the balance of my time.

Mr. TERRY. Mr. Chairman, I think it's interesting that she didn't refute the point that if the PAYGO is eliminated, hers passes, they raise a point of

order and kill the bill, which is the real impetus behind this amendment.

Ms. RICHARDSON. Will the gentleman yield?

Mr. TERRY. No.

I think it's also interesting—you have the right to close—that the President's budget, for which there was no pushback by this other side of the aisle, zeroed it out. Ours didn't. We're just cutting it by \$4 million, and it's a tough choice. We agree.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chairman, in closing, I would say, I think I've said twice now, the issue that we have before us is the question of this amendment whether DERA is the appropriate funding source that would be considered for the offset. That's the question that we have before us.

It's interesting that Mr. WHITFIELD himself has benefited from this program. In Kentucky, the construction ports utilized \$1.16 million to retrofit 73 pieces of nonroad construction equipment. Also, the Kentucky Association General Contractors benefited from retrofitting 87 pieces of equipment. I would say to you it's irresponsible to have the American public driving on our highways and roads and going through our airports breathing this air.

What I've reached out to the other side is that it's important. We're talking about EPA regulations. Why would we reduce funding of a program that helps companies to meet the regulations? It's counterintuitive and it doesn't make sense.

I urge my colleagues to vote "yes" for the Richardson amendment; and the Richardson amendment is intended for exactly that, to eliminate cutting this program.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. RICHARDSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. RICHARDSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-213 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. WELCH of Vermont.

Amendment No. 2 by Mr. MCNERNEY of California.

Amendment No. 3 by Ms. MOORE of Wisconsin.

Amendment No. 4 by Mrs. CAPPS of California.

Amendment No. 5 by Mr. KINZINGER of Illinois.

Amendment No. 6 by Mr. DENT of Pennsylvania.

Amendment No. 7 by Mr. HASTINGS of Florida.

Amendment No. 8 by Mr. CONNOLLY of Virginia.

Amendment No. 9 by Ms. JACKSON LEE of Texas.

Amendment No. 10 by Mr. WHITFIELD of Kentucky.

Amendment No. 11 by Mr. LATTA of Ohio.

Amendment No. 12 by Ms. RICHARDSON of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 236, not voting 24, as follows:

[Roll No. 728]

AYES—173

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro

Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kissell

Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markley
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)

Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

NOES—236

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)

Wittman Woodall Young (IN)
Wolf Yoder
Womack Young (FL)

NOT VOTING—24

Bachmann Honda Reichert
Chu Hurt Scalise
Clarke (MI) Jackson Lee Shuler
Cohen (TX) Speier
Conyers Johnson (GA) Waters
Giffords Kaptur Yarmuth
Green, Al Lee (CA) Young (AK)
Hanna Matsui
Hirono Paul

□ 1155

Messrs. AMODEI, OLSON, Mrs. BLACK, Mr. McHENRY, and Ms. GRANGER changed their vote from “aye” to “no.”

Mr. CARNEY and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. AL GREEN of Texas. Mr. Chair, today I was unavoidably detained and missed the following vote:

Welch (VT)/Rush (IL) Amendment to H.R. 2401. Had I been present, I would have voted “yes” on this amendment.

Ms. LEE of California. Mr. Chair, I was unable to cast my vote today on the Welch amendment to H.R. 2401, the TRAIN Act. Had I cast my vote I would have voted “yea.”

AMENDMENT NO. 2 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 229, not voting 20, as follows:

[Roll No. 729]

AYES—184

Ackerman Cardoza Davis (CA)
Amodei Carnahan Davis (IL)
Andrews Carney DeFazio
Baca Carson (IN) DeGette
Baldwin Castor (FL) DeLauro
Barrow Chandler Deutch
Bass (CA) Cicilline Dicks
Becerra Clarke (MI) Doggett
Berkley Clarke (NY) Donnelly (IN)
Berman Clay Doyle
Bilbray Cleaver Edwards
Bishop (GA) Clyburn Ellison
Bishop (NY) Cohen Engel
Blumenauer Connolly (VA) Eshoo
Boswell Cooper Fattah
Brady (PA) Costello Filner
Braley (IA) Courtney Fitzpatrick
Brown (FL) Critz Fortenberry
Butterfield Crowley Frank (MA)
Capps Cuellar Fudge
Capuano Cummings Garamendi

Gibson LoBiondo
Gonzalez Loeb sack
Green, Al Lofgren, Zoe
Green, Gene Lowey
Grijalva Luján
Gutiérrez Lynch
Hahn Maloney
Hanabusa Markey
Hanna Matheson
Hastings (FL) Matsui
Heck McCarthy (NY)
Heinrich McCollum
Higgins McDermott
Himes McGovern
Hinchey McIntyre
Hinojosa McNerney
Hochul Meeks
Holden Michaud
Holt Miller (NC)
Hoyer Miller, George
Insee Moore
Israel Moran
Jackson (IL) Murphy (CT)
Jackson Lee (TX) Nadler
Johnson (GA) Napolitano
Johnson (IL) Olver
Johnson, E. B. Pallone
Kaptur Pascarell
Keating Pastor (AZ)
Kildee Paulsen
Kind Payne
Kissell Pelosi
Kucinich Perlmutter
Lance Peters
Langevin Pingree (ME)
Larsen (WA) Price (NC)
Larson (CT) Quigley
Lee (CA) Rangel
Levin Reyes
Lewis (GA) Richardson
Lipinski Ross (AR)
Rothman (NJ)

NOES—229

Adams DesJarlais
Aderholt Diaz-Balart
Akin Dold
Alexander Dreier
Altmire Duffy
Amash Duncan (SC)
Austria Duncan (TN)
Bachus Ellmers
Barletta Emerson
Bartlett Farenthold
Barton (TX) Fincher
Bass (NH) Flake
Benishek Fleischmann
Berg Fleming
Biggart Flores
Bilirakis Forbes
Bishop (UT) Foss
Black Franks (AZ)
Blackburn Frelinghuysen
Bonner Gallegly
Bono Mack Gardner
Boren Garrett
Boustany Gerlach
Brady (TX) Gibbs
Brooks Gingrey (GA)
Broun (GA) Gohmert
Buchanan Goodlatte
Bucshon Gosar
Buerkle Gowdy
Burgess Granger
Burton (IN) Graves (GA)
Calvert Graves (MO)
Camp Griffin (AR)
Cansaco Griffith (VA)
Capito Grimm
Carter Guinta
Cassidy Guthrie
Chabot Hall
Chaffetz Harper
Coble Harris
Coffman (CO) Hartzler
Cole Hastings (WA)
Conaway Hayworth
Costa Hensarling
Cravaack Herger
Crawford Herrera Beutler
Crenshaw Huelskamp
Culberson Huitzenga (MI)
Davis (KY) Hultgren
Denham Hunter
Dent Hurt

Roybal-Allard Nunes
Ruppersberger Nunnelee
Rush Olson
Ryan (OH) Owens
Sánchez, Linda Palazzo
T. Pearce
Sanchez, Loretta Pence
Sarbanes Roskam
Schakowsky Peterson
Schiff Petri
Schrader Pitts
Schwartz Platts
Scott (VA) Poe (TX)
Scott, David Pompeo
Serrano Posey
Sewell Price (GA)
Sherman Rahall
Sires Reed
Slaughter Sessions
Smith (NJ) Shimkus
Smith (WA) Shuster
Stark Rigell
Sutton Rivera
Thompson (CA) Roby
Thompson (MS) Roe (TN)
Tierney Rogers (AL)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey

Bachmann Giffords
Campbell Hirono
Cantor Honda
Chu Paul
Conyers Polls
Dingell Reichert
Farr Richmond

NOT VOTING—20

□ 1202

Messrs. HANNA and FITZPATRICK changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 337, noes 76, not voting 20, as follows:

[Roll No. 730]

AYES—337

Ackerman Bilbray Butterfield
Adams Bilirakis Calvert
Aderholt Bishop (GA) Camp
Akin Bishop (NY) Campbell
Alexander Bishop (UT) Cantor
Andrews Black Capito
Austria Blackburn Capps
Baca Blumenauer Capuano
Bachus Bonner Cardoza
Baldwin Bono Mack Carnahan
Barletta Boren Carney
Barrow Boswell Carson (IN)
Barton (TX) Boustany Carter
Bass (CA) Brady (PA) Cassidy
Bass (NH) Braley (IA) Castor (FL)
Becerra Brown (FL) Chaffetz
Benishek Buchanan Chandler
Berg Bucshon Cicilline
Berkley Buerkle Clarke (MI)
Berman Burgess Clarke (NY)
Biggart Burton (IN) Clay

Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer

Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
Kissell
Kline
Kucinich
Lance
Landry
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Nunes
Nunnelee
Olson
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri

Pingree (ME)
Platts
Posey
Price (GA)
Price (NC)
Quigley
Rangel
Rehberg
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yoder
Young (FL)
Young (IN)

Altmire
Amash
Amodei
Bartlett
Brady (TX)
Brooks
Broun (GA)
Canseco
Chabot
Coffman (CO)
DesJarlais
Duncan (SC)
Duncan (TN)
Elmiers
Flake
Franks (AZ)
Gohmert
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Harper
Harris
Hartzler
Hastings (WA)
Heck

Huelskamp
Pearce
Pitts
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Labrador
Lamborn
Lankford
Lewis (CA)
Long
Lummis
Lungren, Daniel
E.
Mack
Matheson
McClintock
McHenry
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Noem
Nugent
Palazzo

Bachmann
Chu
Conyers
Dingell
Giffords
Herger
Hirono

Shuler
Speier
Sullivan
Waters
Yarmuth
Young (AK)

NOT VOTING—20

□ 1206

Mr. JONES changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HURT. Mr. Chair, on rollcall No. 729, 730, I was inadvertently detained. Had I been present, I would have voted “no” on rollcall 729 and “yes” on rollcall 730.

AMENDMENT NO. 4 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 17, as follows:

[Roll No. 731]

AYES—195

Ackerman
Altmire
Andrews
Baca
Bachus
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)

Bishop (NY)
Blumenauer
Blumen
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Carnahan

Carney
Carson (IN)
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)

Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)

Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Wolf
Woolsey

NOES—221

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot

Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte

Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline

Labrador	Nunes	Schweikert	Cantor	Herrera Beutler	Pitts	Fudge	Markey	Roybal-Allard
Lamborn	Nunnelee	Scott (SC)	Capito	Hinojosa	Platts	Garamendi	Matsui	Rush
Landry	Olson	Scott, Austin	Cardoza	Holden	Poe (TX)	Grijalva	McCarthy (NY)	Ryan (OH)
Lankford	Owens	Sensenbrenner	Carney	Huelskamp	Pompeo	Gutierrez	McCollum	Sánchez, Linda
Latham	Palazzo	Sessions	Carter	Huizenga (MI)	Posey	Hahn	McDermott	T.
Latta	Paulsen	Shinkus	Cassidy	Hultgren	Price (GA)	Hanabusa	McGovern	Sanchez, Loretta
Lewis (CA)	Pearce	Shuster	Chabot	Hunter	Quayle	Hastings (FL)	McNerney	Sarbanes
Long	Pence	Simpson	Chaffetz	Hurt	Rehberg	Heinrich	Meeks	Schakowsky
Lucas	Petri	Smith (NE)	Chandler	Issa	Renacci	Higgins	Michaud	Schiff
Luetkemeyer	Pitts	Smith (TX)	Coble	Jackson Lee	Reyes	Himes	Miller (NC)	Schrader
Lummis	Poe (TX)	Southerland	Coffman (CO)	(TX)	Ribble	Hinchey	Miller, George	Schwartz
Lungren, Daniel	Posey	Stearns	Cole	Jenkins	Richardson	Hochul	Moore	Scott (VA)
E.	Price (GA)	Stutzman	Conaway	Johnson (IL)	Richmond	Holt	Moran	Serrano
Mack	Quayle	Sullivan	Costa	Johnson (OH)	Rigell	Hoyer	Murphy (CT)	Sherman
Manzullo	Reed	Terry	Costello	Johnson, Sam	Rivera	Inslee	Nadler	Sires
Marchant	Rehberg	Thornberry	Cravaack	Jones	Roby	Israel	Napolitano	Slaughter
Marino	Renacci	Tipton	Crawford	Jordan	Roe (TN)	Jackson (IL)	Neal	Smith (WA)
Matheson	Ribble	Turner (NY)	Crenshaw	Kelly	Rogers (AL)	Johnson (GA)	Olver	Stark
McCarthy (CA)	Rigell	Turner (OH)	Critz	King (IA)	Rogers (KY)	Johnson, E. B.	Owens	Sutton
McCaul	Rivera	Upton	Cuellar	King (NY)	Rogers (MI)	Kaptur	Pallone	Thompson (CA)
McClintock	Robby	Walberg	Culberson	Kingston	Rohrabacher	Keating	Pascrell	Tierney
McHenry	Roe (TN)	Walden	Davis (KY)	Kinzinger (IL)	Rokita	Kildee	Pastor (AZ)	Tonko
McKeon	Rogers (AL)	Walsh (IL)	DeFazio	Kissell	Rooney	Kind	Payne	Towns
McKinley	Rogers (KY)	West	Denham	Kline	Ros-Lehtinen	Kucinich	Pelosi	Tsongas
McMorris	Rogers (MI)	Westmoreland	Dent	Labrador	Roskam	Langevin	Perlmutter	Van Hollen
Rodgers	Rohrabacher	Whitfield	DesJarlais	Lamborn	Ross (AR)	Larson (CT)	Peters	Velázquez
Mica	Rokita	Wilson (SC)	Diaz-Balart	Lance	Ross (FL)	Lee (CA)	Pingree (ME)	Visclosky
Miller (FL)	Rooney	Wittman	Dold	Landry	Royce	Levin	Polis	Wasserman
Miller (MI)	Ros-Lehtinen	Womack	Donnelly (IN)	Lankford	Runyan	Lewis (GA)	Price (NC)	Schultz
Miller, Gary	Roskam	Woodall	Dreier	Larsen (WA)	Ruppersberger	Loeb sack	Quigley	Watt
Mulvaney	Ross (FL)	Yoder	Duffy	Latham	Ryan (WI)	Lofgren, Zoe	Rahall	Waxman
Murphy (PA)	Royce	Young (FL)	Duncan (SC)	LaTourette	Schilling	Lowey	Rangel	Welch
Myrick	Ryan (WI)	Young (IN)	Duncan (TN)	Latta	Schmidt	Lynch	Reed	Wilson (FL)
Neugebauer	Schmidt		Elmiers	Lewis (CA)	Schock	Maloney	Rothman (NJ)	Woolsey
Noem	Schock		Emerson	Lipinski	Schweikert			
Nugent			Farenthold	LoBiondo	Scott (SC)			

NOT VOTING—17

Bachmann	Honda	Speier
Chu	Miller, George	Waters
Conyers	Paul	Webster
Dingell	Reichert	Yarmuth
Giffords	Scalise	Young (AK)
Hirono	Shuler	

□ 1211

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. KINZINGER OF ILLINOIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KINZINGER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 145, not voting 19, as follows:

[Roll No. 732]

AYES—269

Adams	Bass (NH)	Boswell
Aderholt	Benishkek	Boustany
Akin	Berg	Brooks
Alexander	Biggett	Brown (GA)
Altmire	Bilbray	Buchanan
Amash	Bilirakis	Bucshon
Amodei	Bishop (GA)	Buerkle
Austria	Bishop (UT)	Burgess
Bachus	Black	Burton (IN)
Barletta	Blackburn	Calvert
Barrow	Bonner	Camp
Bartlett	Bono Mack	Campbell
Barton (TX)	Boren	Canseco

Ackerman	Carson (IN)	Davis (IL)
Andrews	Castor (FL)	DeGette
Baca	Cicilline	DeLauro
Baldwin	Clarke (MI)	Deutch
Becerra	Clarke (NY)	Dicks
Berkley	Clay	Doggett
Berman	Cleaver	Doyle
Bishop (NY)	Clyburn	Edwards
Blumenauer	Cohen	Ellison
Brady (PA)	Connolly (VA)	Engel
Brown (FL)	Cooper	Eshoo
Butterfield	Courtney	Farr
Capps	Crowley	Fattah
Capuano	Cummings	Filner
Carnahan	Davis (CA)	Frank (MA)

NOES—145

Carson (IN)	Davis (IL)	DeGette
Castor (FL)	DeLauro	Deutch
Cicilline	Dicks	Doggett
Clarke (MI)	Doyle	Edwards
Clarke (NY)	Ellison	Engel
Clay	Engel	Eshoo
Cleaver	Farr	Fattah
Clyburn	Filner	Frank (MA)
Cohen		
Connolly (VA)		
Cooper		
Courtney		
Crowley		
Cummings		
Davis (CA)		

Bachmann	Giffords	Shuler
Bass (CA)	Gohmert	Speier
Brady (TX)	Hirono	Waters
Braley (IA)	Honda	Yarmuth
Chu	Paul	Young (AK)
Conyers	Reichert	
Dingell	Scalise	

NOT VOTING—19

□ 1215

Mr. HALL changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. DENT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DENT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 150, not voting 14, as follows:

[Roll No. 733]

AYES—269

Adams	Bass (NH)	Boren
Aderholt	Benishkek	Boswell
Akin	Berg	Boustany
Alexander	Berkley	Brady (TX)
Altmire	Biggett	Brooks
Amash	Bilbray	Brown (GA)
Amodei	Bilirakis	Brown (FL)
Austria	Bishop (GA)	Buchanan
Bachus	Bishop (UT)	Bucshon
Barletta	Black	Buerkle
Barrow	Blackburn	Burgess
Bartlett	Bonner	Burton (IN)
Barton (TX)	Bono Mack	Calvert

Camp Hastings (WA)
Campbell Hayworth
Canseco Heck
Cantor Hensarling
Capito Herger
Cardoza Herrera Beutler
Carney Hinojosa
Carter Hochul
Cassidy Holden
Chabot Huelskamp
Chaffetz Huizenga (MI)
Chandler Hultgren
Coble Hunter
Coffman (CO) Hurt
Cole Issa
Conaway Jenkins
Costa Johnson (OH)
Costello Johnson, Sam
Cravaack Jones
Crawford Jordan
Crenshaw Kelly
Critz King (IA)
Cuellar King (NY)
Culberson Kingston
Davis (IL) Kinzinger (IL)
Davis (KY) Kissell
DeFazio Kline
Denham Labrador
Dent Lamborn
DesJarlais Lance
Diaz-Balart Landry
Doggett Lankford
Dold Latham
Donnelly (IN) LaTourette
Dreier Latta
Duffy Lewis (CA)
Duncan (SC) Lipinski
Duncan (TN) LoBiondo
Ellmers Long
Emerson Lucas
Farenthold Luetkemeyer
Fattah Lummis
Fincher Lungren, Daniel
Fitzpatrick E.
Fleischmann Mack
Fleming Manzullo
Flores Marchant
Forbes Marino
Fortenberry Matheson
Foxy McCarthy (CA)
Franks (AZ) McCaul
Frelinghuysen McClintock
Gallegly McCotter
Gardner McHenry
Garrett McKeon
Gerlach McKinley
Gibbs McMorris
Gibson Rodgers
Gingrey (GA) Meehan
Gohmert Mica
Gonzalez Miller (FL)
Goodlatte Miller (MI)
Gosar Miller, Gary
Gowdy Mulvaney
Granger Murphy (PA)
Graves (GA) Myrick
Graves (MO) Neugebauer
Green, Gene Noem
Griffin (AR) Nugent
Griffith (VA) Nunes
Grimm Nunnelee
Guinta Olson
Guthrie Palazzo
Hall Paulsen
Hanna Pearce
Harper Pence
Harris Peterson
Hartzler Petri

NOES—150

Ackerman Carson (IN)
Andrews Castor (FL)
Baca Cicilline
Baldwin Clarke (MI)
Bass (CA) Clarke (NY)
Becerra Clay
Berman Cleaver
Bishop (NY) Blackburn
Blumenauer Cohen
Brady (PA) Connolly (VA)
Braley (IA) Conyers
Butterfield Cooper
Capps Courtney
Capuano Crowley
Carnahan Cummings

Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan

Bachmann
Chu
Dingell
Giffords
Hirono

Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond

Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Sutton
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Viscosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey

NOT VOTING—14

Bachmann
Chu
Dingell
Giffords
Hirono
Honda
Paul
Reichert
Scalise
Shuler
Speier
Waters
Yarmuth
Young (AK)

□ 1220

Ms. BERKLEY changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 254, not voting 14, as follows:

[Roll No. 734]

AYES—165

Ackerman Braley (IA)
Andrews Brown (FL)
Baca Butterfield
Baldwin Capps
Bass (CA) Capuano
Becerra Carnahan
Berkley Carney
Berman Carson (IN)
Bishop (GA) Castor (FL)
Bishop (NY) Cicilline
Blumenauer Clarke (MI)
Brady (PA) Clarke (NY)

Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind

Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)

Quigley
Rangel
Richardson
Richmond
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Viscosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)

Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallagher
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)

Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis

Lungren, Daniel E.	Pitts	Sessions	Davis (CA)	Kaptur	Peterson	Lucas	Petri	Sessions
Mack	Platts	Shimkus	Davis (IL)	Keating	Pingree (ME)	Luetkemeyer	Pitts	Shimkus
Manzullo	Poe (TX)	Shuster	DeFazio	Kildee	Platts	Lummis	Poe (TX)	Shuster
Marchant	Pompeo	Simpson	DeGette	Kind	Polis	Lungren, Daniel E.	Pompeo	Simpson
Marino	Posey	Smith (NE)	DeLauro	Kissell	Price (NC)	Mack	Posey	Smith (NE)
Matheson	Price (GA)	Smith (NJ)	Dent	Kucinich	Quigley	Manzullo	Price (GA)	Smith (NJ)
McCarthy (CA)	Quayle	Smith (TX)	Deutch	Lance	Rangel	Marchant	Quayle	Smith (TX)
McCaul	Rahall	Southerland	Dicks	Langevin	Reyes	Marino	Rahall	Southerland
McClintock	Reed	Stearns	Doggett	Larsen (WA)	Richardson	McCarthy (CA)	Reed	Stearns
McCotter	Rehberg	Stivers	Donnelly (IN)	Larson (CT)	Richmond	McCaul	Rehberg	Stivers
McHenry	Renacci	Stutzman	Doyle	LaTourette	Ross (AR)	McClintock	Renacci	Stutzman
McIntyre	Reyes	Sullivan	Edwards	Lee (CA)	Rothman (NJ)	McCotter	Ribble	Sullivan
McKeon	Ribble	Terry	Ellison	Levin	Roybal-Allard	McHenry	Rigell	Terry
McKinley	Riviera	Thompson (PA)	Engel	Lewis (GA)	Ruppersberger	McKeon	Rivera	Thompson (PA)
McMorris	Roby	Thornberry	Eshoo	Lipinski	Ryan (OH)	McKinley	Roby	Thornberry
Rodgers	Roe (TN)	Tiberi	Farr	Loebach	Sánchez, Linda T.	McMorris	Roe (TN)	Tiberi
Meehan	Rogers (AL)	Tipton	Fattah	Lofgren, Zoe	Sanchez, Loretta	Rodgers	Rogers (AL)	Tipton
Mica	Rogers (KY)	Turner (NY)	Filner	Lowey	Sarbanes	Mica	Rogers (KY)	Turner (NY)
Miller (FL)	Rogers (MI)	Turner (OH)	Fitzpatrick	Lujan	Schakowsky	Michaud	Rogers (MI)	Turner (OH)
Miller (MI)	Rohrabacher	Upton	Fox	Lynch	Schiff	Miller (FL)	Rohrabacher	Upton
Miller, Gary	Rokita	Walberg	Frank (MA)	Maloney	Schrader	Miller (MI)	Rokita	Walberg
Mulvaney	Rooney	Walden	Fudge	Markey	Schwartz	Miller, Gary	Rooney	Walden
Murphy (PA)	Ros-Lehtinen	Walsh (IL)	Garamendi	Matheson	Scott (VA)	Mulvaney	Ros-Lehtinen	Walsh (IL)
Myrick	Roskam	Webster	Gerlach	Matsui	Scott, David	Murphy (PA)	Roskam	Webster
Neugebauer	Ross (AR)	West	Gibson	McCarthy (NY)	Serrano	Myrick	Ross (FL)	West
Noem	Ross (FL)	Westmoreland	Gonzalez	McCollum	Sewell	Neugebauer	Royce	Westmoreland
Nugent	Royce	Whitfield	Gosar	McDermott	Sherman	Noem	Runyan	Whitfield
Nunes	Runyan	Wilson (SC)	Green, Al	McGovern	Sires	Nugent	Ryan (WI)	Wilson (SC)
Nunnelee	Ryan (WI)	Wittman	Grijalva	McIntyre	Slaughter	Nunes	Schilling	Wittman
Olson	Schilling	Wolf	Gutierrez	McNerney	Smith (WA)	Nunnelee	Schmidt	Wolf
Palazzo	Schmidt	Womack	Hahn	Meehan	Stark	Olson	Schock	Womack
Paulsen	Schock	Woodall	Meeks	Miller (NC)	Sutton	Palazzo	Schweikert	Woodall
Pearce	Schweikert	Yoder	Hastings (FL)	Miller, George	Thompson (CA)	Pearce	Scott (SC)	Yoder
Pence	Scott (SC)	Young (FL)	Heck	Moore	Thompson (MS)	Pence	Scott, Austin	Young (FL)
Peterson	Scott, Austin	Young (IN)	Heinrich	Moran	Tierney		Sensenbrenner	Young (IN)
Petri	Sensenbrenner		Higgins	Murphy (CT)	Tonko			
			Himes	Nadler	Towns	Bachmann	Honda	Shuler
			Hinchey	Napolitano	Tsongas	Chu	Paul	Speier
			Hinojosa	Neal	Van Hollen	Dingell	Reichert	Waters
			Hochul	Oliver	Velázquez	Giffords	Rush	Yarmuth
			Hoyer	Owens	Visclosky	Hirono	Scalise	Young (AK)
			Inslee	Pallone	Walz (MN)			
			Israel	Pascrell	Wasserman			
			Jackson (IL)	Pastor (AZ)	Schultz			
			Jackson Lee	Paulsen	Watt			
			(TX)	Payne	Waxman			
			Johnson (GA)	Pelosi	Welch			
			Johnson, E. B.	Perlmutter	Wilson (FL)			
			Jones	Peters	Woolsey			

NOT VOTING—14

Bachmann
Chu
Dingell
Giffords
Hirono

Honda
Paul
Reichert
Scalise
Shuler

Speier
Waters
Yarmuth
Young (AK)

□ 1224

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY OF VIRGINIA.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 232, not voting 15, as follows:

[Roll No. 735]

AYES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell

Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Cicilline
Clarke (MI)

Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot

NOES—232

Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)

Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzel
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long

NOT VOTING—15

Bachmann
Chu
Dingell
Giffords
Hirono

Honda
Paul
Reichert
Rush
Scalise

Shuler
Speier
Waters
Yarmuth
Young (AK)

□ 1228

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HIRONO. Mr. Chair, had I been present for the following rollcall Nos., I would have voted as follows: 728, yea; 729, yea; 730, yea; 731, yea; 732, no; 733, no; 734, yea; 735, yea.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 346, noes 74, not voting 13 as follows:

[Roll No. 736]

AYES—346

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews

Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett

Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishke
Berkley
Berman

Biggert	Fudge	McCotter	Smith (NE)	Tonko	Watt	Brady (TX)	Harper	Pearce
Bilbray	Garamendi	McDermott	Smith (NJ)	Towns	Waxman	Brooks	Harris	Pence
Bilirakis	Gardner	McGovern	Smith (TX)	Tsongas	Webster	Broun (GA)	Hartzler	Peterson
Bishop (GA)	Garrett	McIntyre	Smith (WA)	Turner (NY)	Welch	Buchanan	Hastings (WA)	Pitts
Bishop (NY)	Gerlach	McKinley	Stark	Turner (OH)	West	Bucshon	Heck	Platts
Black	Gibbs	McMorris	Stearns	Upton	Whitfield	Buerkle	Hensarling	Poe (TX)
Blackburn	Gibson	Rodgers	Sullivan	Van Hollen	Wilson (FL)	Burgess	Herger	Pompeo
Blumenauer	Gingrey (GA)	McNerney	Sutton	Velázquez	Wilson (SC)	Calvert	Herrera Beutler	Posey
Bonner	Gonzalez	Meehan	Thompson (CA)	Visclosky	Wittman	Camp	Holden	Price (GA)
Bono Mack	Goodlatte	Meeks	Thompson (MS)	Walberg	Wolf	Campbell	Huelskamp	Quayle
Boren	Granger	Mica	Thompson (PA)	Walden	Womack	Canseco	Huizenga (MI)	Rahall
Boswell	Green, Al	Michaud	Thornberry	Walz (MN)	Woolsey	Cantor	Hultgren	Reed
Boustany	Green, Gene	Miller (FL)	Tierney	Wasserman	Yoder	Capito	Hunter	Rehberg
Brady (PA)	Griffin (AR)	Miller (MI)	Tipton	Schultz	Young (FL)	Cardoza	Hurt	Renacci
Braley (IA)	Griffith (VA)	Miller (NC)				Carter	Issa	Ribble
Brown (FL)	Grijalva	Miller, George				Cassidy	Jenkins	Rigell
Buchanan	Grimm	Moore	Akin	Hayworth	Nunnelee	Chabot	Johnson (IL)	Rivera
Bucshon	Guinta	Moran	Amash	Herger	Palazzo	Chaffetz	Johnson (OH)	Roby
Buerkle	Guthrie	Murphy (CT)	Berg	Hultgren	Pitts	Chandler	Johnson, Sam	Roe (TN)
Butterfield	Gutierrez	Murphy (PA)	Bishop (UT)	Hunter	Poe (TX)	Coble	Jones	Rogers (AL)
Camp	Hahn	Nadler	Brady (TX)	Johnson, Sam	Pompeo	Coffman (CO)	Jordan	Rogers (KY)
Campbell	Hall	Napolitano	Brooks	Jordan	Price (GA)	Cole	Kelly	Rogers (MI)
Canseco	Hanabusa	Neal	Broun (GA)	Keating	Quayle	Conaway	King (IA)	Rohrabacher
Cantor	Hanna	Neugebauer	Burgess	Kelly	Quigley	Costello	King (NY)	Rokita
Capito	Harris	Noem	Burton (IN)	King (IA)	Rokita	Cravaack	Kingston	Rooney
Capps	Hastings (FL)	Nugent	Calvert	King (NY)	Royce	Crawford	Kinzinger (IL)	Ros-Lehtinen
Capuano	Hastings (WA)	Olson	Chabot	Kingston	Schmidt	Crenshaw	Kline	Roskam
Cardoza	Heck	Olver	Costa	Labrador	Scott (SC)	Critz	Labrador	Ross (AR)
Carney	Heinrich	Owens	Denham	Lamborn	Sessions	Culberson	Lamborn	Ross (FL)
Carson (IN)	Hensarling	Pallone	Duncan (SC)	Latta	Shimkus	Davis (KY)	Landry	Ryan (WI)
Carter	Herrera Beutler	Pascarell	Flake	Lewis (CA)	Simpson	Denham	Lankford	Schilling
Cassidy	Higgins	Pastor (AZ)	Foxe	Long	Southerland	Dent	Latham	Schmidt
Castor (FL)	Himes	Paulsen	Franks (AZ)	Marchant	Stivers	DesJarlais	LaTourette	Schock
Chaffetz	Hinche	Payne	Gallegly	Marino	Stutzman	Diaz-Balart	Latta	Schweikert
Chandler	Hinojosa	Pearce	Gohmert	McClintock	Terry	Dreier	Lewis (CA)	Scott (SC)
Chu	Hirono	Pelosi	Gosar	McHenry	Tiberi	Duffy	Long	Scott, Austin
Cicilline	Hochul	Pence	Gowdy	McKeon	Walsh (IL)	Duncan (SC)	Lucas	Sensenbrenner
Clarke (MI)	Holden	Perlmutter	Graves (GA)	Miller, Gary	Westmoreland	Duncan (TN)	Luetkemeyer	Sessions
Clarke (NY)	Holt	Peters	Graves (MO)	Mulvaney	Woodall	Ellmers	Lummis	Shimkus
Clay	Honda	Peterson	Harper	Myrick	Young (IN)	Emerson	Lungren, Daniel	Shuster
Cleaver	Hoyer	Petri	Hartzler	Nunes		Farenthold	E.	Simpson
Clyburn	Huelskamp	Pingree (ME)				Fincher	Mack	Smith (NE)
Coble	Huizenga (MI)	Platts	Bachmann	Paul	Waters	Fitzpatrick	Manzullo	Smith (TX)
Coffman (CO)	Hurt	Polis	Carnahan	Reichert	Yarmuth	Flake	Marchant	Southerland
Cohen	Inslee	Posey	Davis (IL)	Scalise	Young (AK)	Fleischmann	Marino	Stearns
Cole	Israel	Price (NC)	Dingell	Shuler		Fleming	Matheson	Stivers
Conaway	Issa	Rahall	Giffords	Speier		Flores	McCarthy (CA)	Stutzman
Connolly (VA)	Jackson (IL)	Rangel				Forbes	McCaul	Sullivan
Conyers	Jackson Lee	Reed				Fortenberry	McClintock	Terry
Cooper	(TX)	Rehberg				Fox	McCotter	Thompson (PA)
Costello	Jenkins	Renacci				Franks (AZ)	McHenry	Thornberry
Courtney	Johnson (GA)	Reyes				Gallegly	McKeon	Tiberi
Cravaack	Johnson (IL)	Ribble				Gardner	McKinley	Tipton
Crawford	Johnson (OH)	Richardson				Garrett	McMorris	Turner (NY)
Crenshaw	Johnson, E. B.	Richmond				Gerlach	Rodgers	Turner (OH)
Critz	Jones	Rigell				Gibbs	Meehan	Upton
Crowley	Kaptur	Rivera				Gingrey (GA)	Mica	Walberg
Cuellar	Kildee	Roby				Gohmert	Miller (FL)	Walden
Culberson	Kind	Roe (TN)				Goodlatte	Miller (MI)	Walsh (IL)
Cummings	Kinzinger (IL)	Rogers (AL)				Gosar	Miller, Gary	Webster
Davis (CA)	Kissell	Rogers (KY)				Gowdy	Mulvaney	West
Davis (KY)	Kline	Rogers (MI)				Granger	Murphy (PA)	Westmoreland
DeFazio	Kucinich	Rohrabacher				Graves (GA)	Myrick	Whitfield
DeGette	Lance	Rooney				Graves (MO)	Neugebauer	Wilson (SC)
DeLauro	Landry	Ros-Lehtinen				Griffin (AR)	Noem	Womack
Dent	Langevin	Roskam				Griffith (VA)	Nugent	Woodall
DesJarlais	Lankford	Ross (AR)				Grimm	Nunes	Yoder
Deutch	Larsen (WA)	Ross (FL)				Guinta	Nunnelee	Young (FL)
Diaz-Balart	Larson (CT)	Rothman (NJ)				Guthrie	Olson	Young (IN)
Dicks	Latham	Roybal-Allard				Hall	Palazzo	
Doggett	LaTourette	Runyan				Hanna	Paulsen	
Dold	Lee (CA)	Ruppersberger						
Donnelly (IN)	Levin	Rush						
Doyle	Lewis (GA)	Ryan (OH)						
Dreier	Lipinski	Ryan (WI)						
Duffy	LoBiondo	Sánchez, Linda						
Duncan (TN)	Loeb	T.						
Edwards	Lofgren, Zoe	Sanchez, Loretta						
Ellison	Lowe	Sarbanes						
Ellmers	Lucas	Schakowsky						
Emerson	Luetkemeyer	Schiff						
Engel	Lujan	Schilling						
Eshoo	Lummis	Schock						
Farenthold	Lungren, Daniel	Schrader						
Farr	E.	Schwartz						
Fattah	Lynch	Schweikert						
Filner	Mack	Scott (VA)						
Fincher	Maloney	Scott, Austin						
Fitzpatrick	Manzullo	Scott, David						
Fleischmann	Markey	Sensenbrenner						
Fleming	Matheson	Serrano						
Flores	Matsui	Sewell						
Forbes	McCarthy (CA)	Sherman						
Fortenberry	McCarthy (NY)	Shuster						
Frank (MA)	McCaul	Sires						
Frelinghuysen	McCollum	Slaughter						

NOES—74

NOT VOTING—13

□ 1232

Mr. TIPTON changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. WHITFIELD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 11, as follows:

[Roll No. 737]

AYES—234

Adams	Bachus	Bishop (GA)
Aderholt	Baretta	Bishop (UT)
Akin	Barrow	Black
Alexander	Bartlett	Blackburn
Altmire	Barton (TX)	Bonner
Amash	Benish	Bono Mack
Amodei	Berg	Boren
Austria	Bilirakis	Boustany

Ackerman	Carney	DeGette
Andrews	Carson (IN)	DeLauro
Baca	Castor (FL)	Deutch
Baldwin	Chu	Dicks
Bass (CA)	Cicilline	Doggett
Bass (NH)	Clarke (MI)	Dold
Becerra	Clarke (NY)	Donnelly (IN)
Berkley	Clay	Doyle
Berman	Cleaver	Edwards
Biggert	Clyburn	Ellison
Bilbray	Cohen	Engel
Bishop (NY)	Connolly (VA)	Eshoo
Blumenauer	Conyers	Farr
Boswell	Cooper	Fattah
Brady (PA)	Costa	Filner
Braley (IA)	Courtney	Frank (MA)
Brown (FL)	Crowley	Frelinghuysen
Burton (IN)	Cuellar	Fudge
Butterfield	Cummings	Garamendi
Capps	Davis (CA)	Gibson
Capuano	Davis (IL)	Gonzalez
Carnahan	DeFazio	Green, Al

Green, Gene	Luján	Ruppersberger	Calvert	Herrera Beutler	Poe (TX)	Higgins	Markey	Runyan
Grijalva	Lynch	Rush	Camp	Huelskamp	Pompeo	Himes	Matheson	Ruppersberger
Gutierrez	Maloney	Ryan (OH)	Campbell	Huizenga (MI)	Posey	Hinchev	Matsui	Rush
Hahn	Markey	Sánchez, Linda	Canseco	Hultgren	Price (GA)	Hinojosa	McCarthy (NY)	Ryan (OH)
Hanabusa	Matsui	T.	Cantor	Hunter	Quayle	Hirono	McCollum	Sánchez, Linda
Hastings (FL)	McCarthy (NY)	Sanchez, Loretta	Capito	Hurt	Rahall	Hochul	McDermott	T.
Hayworth	McCollum	Sarbanes	Carter	Issa	Reed	Holden	McGovern	Sarbanes
Heinrich	McDermott	Schakowsky	Cassidy	Jenkins	Rehberg	Holt	McIntyre	Schakowsky
Higgins	McGovern	Schiff	Chabot	Johnson (IL)	Renacci	Honda	McNerney	Schiff
Himes	McIntyre	Schrader	Chaffetz	Johnson (OH)	Ribble	Hoyer	Meeks	Schwartz
Hinchev	McNerney	Schwartz	Coble	Johnson, Sam	Rigell	Inslee	Michaud	Scott (VA)
Hinojosa	Meeks	Scott (VA)	Coffman (CO)	Jones	Rivera	Israel	Miller (NC)	Scott, David
Hirono	Michaud	Scott, David	Cole	Jordan	Roby	Jackson (IL)	Miller, George	Serrano
Hochul	Miller (NC)	Serrano	Conaway	Kelly	Roe (TN)	Jackson Lee	Moore	Sewell
Holt	Miller, George	Sewell	Cravaack	King (IA)	Rogers (AL)	(TX)	Moran	Sherman
Honda	Moore	Sherman	Crawford	King (NY)	Rogers (KY)	Johnson (GA)	Murphy (CT)	Sires
Hoyer	Moran	Sires	Crenshaw	Kingston	Rogers (MI)	Johnson, E. B.	Nadler	Slaughter
Inslee	Murphy (CT)	Slaughter	Culberson	Kinzing (IL)	Rohrabacher	Kaptur	Napolitano	Smith (NJ)
Israel	Nadler	Smith (NJ)	Davis (KY)	Kline	Rokita	Keating	Neal	Smith (WA)
Jackson (IL)	Napolitano	Smith (WA)	Denham	Labrador	Rooney	Kildee	Oliver	Stark
Jackson Lee	Neal	Stark	Dent	Lamborn	Ros-Lehtinen	Kind	Owens	Sutton
(TX)	Oliver	Sutton	DesJarlais	Landry	Roskam	Kissell	Pallone	Thompson (CA)
Johnson (GA)	Owens	Thompson (CA)	Diaz-Balart	Lankford	Ross (FL)	Kucinich	Pascrell	Thompson (MS)
Johnson, E. B.	Pallone	Thompson (MS)	Dreier	Latham	Lance	Ross (FL)	Pastor (AZ)	Tierney
Kaptur	Pascrell	Tierney	Duffy	LaTourette	Royce	Langevin	Payne	Tonko
Keating	Pastor (AZ)	Tonko	Duncan (SC)	Latta	Ryan (WI)	Larsen (WA)	Pelosi	Towns
Kildee	Payne	Towns	Duncan (TN)	Long	Schilling	Larson (CT)	Perlmutter	Tsongas
Kind	Pelosi	Tsongas	Elmers	Lucas	Schmidt	Lee (CA)	Peters	Van Hollen
Kissell	Perlmutter	Van Hollen	Emerson	Luetkemeyer	Schock	Levin	Levin	Velázquez
Kucinich	Peters	Velázquez	Farenthold	Lummis	Schrader	Lewis (CA)	Lewis (GA)	Polis
Lance	Petri	Visclosky	Fincher	Lungren, Daniel	Schweikert	Lipinski	Walz (MN)	Price (NC)
Langevin	Pingree (ME)	Walz (MN)	Fitzpatrick	E.	Scott (SC)	LoBiondo	Quigley	Wasserman
Larsen (WA)	Polis	Wasserman	Flake	Mack	Scott, Austin	LoBiondo	Rangel	Schultz
Larson (CT)	Price (NC)	Schultz	Fleischmann	Manzullo	Sensenbrenner	Loebach	Reyes	Watt
Lee (CA)	Quigley	Watt	Fleming	Marchant	Sessions	Lofgren, Zoe	Richardson	Waxman
Levin	Rangel	Waxman	Flores	Marino	Shimkus	Lowey	Richmond	Welch
Lewis (GA)	Reyes	Welch	Forbes	McCarthy (CA)	Shuster	Luján	Ross (AR)	Wilson (FL)
Lipinski	Richardson	Wilson (FL)	Fortenberry	McClaul	Simpson	Lynch	Rothman (NJ)	Wolf
LoBiondo	Richmond	Wittman	Fox	McClintock	Smith (NE)	Maloney	Roybal-Allard	Woolsey
Loebach	Rothman (NJ)	Wittman	Franks (AZ)	McCotter	Smith (TX)			
Lofgren, Zoe	Roybal-Allard	Wittman	Gardner	McHenry	Southerland			
Lowey	Runyan	Woolsey	Garrett	McKeon	Stearns	Bachmann	Reichert	Waters
			Gerlach	McKinley	Stivers	Dingell	Sanchez, Loretta	Yarmuth
			Gibbs	McMorris	Stutzman	Gallegly	Scalise	Young (AK)
			Gibson	Rodgers	Sullivan	Giffords	Shuler	Young (FL)
			Gingrey (GA)	Meehan	Terry	Paul	Speier	
			Gohmert	Mica	Thompson (PA)			
			Goodlatte	Miller (FL)	Thornberry			
			Gosar	Miller (MI)	Tiberi			
			Gowdy	Miller, Gary	Tipton			
			Granger	Mulvaney	Turner (NY)			
			Graves (GA)	Murphy (PA)	Turner (OH)			
			Graves (MO)	Myrick	Upton			
			Griffin (AR)	Neugebauer	Walberg			
			Griffith (VA)	Noem	Walden			
			Grimm	Nugent	Walsh (IL)			
			Guinta	Nunes	Webster			
			Guthrie	Nunnelee	West			
			Hall	Olson	Westmoreland			
			Hanna	Palazzo	Whitfield			
			Harper	Paulsen	Wilson (SC)			
			Harris	Pearce	Wittman			
			Hartzler	Pence	Womack			
			Hastings (WA)	Peterson	Woodall			
			Heck	Petri	Yoder			
			Hensarling	Pitts	Young (IN)			
			Herger	Platts				

NOT VOTING—11

Bachmann	Reichert	Waters
Dingell	Scalise	Yarmuth
Giffords	Shuler	Young (AK)
Paul	Speier	

□ 1235

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. LATTA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. LATTA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 14, as follows:

[Roll No. 738]

AYES—227

Adams	Barton (TX)	Bono Mack
Aderholt	Benishak	Boren
Akin	Berg	Boustany
Alexander	Biggart	Brady (TX)
Amash	Bilbray	Brooks
Amodei	Bilirakis	Brown (GA)
Austria	Bishop (UT)	Buchanan
Bachus	Black	Buchanan
Barletta	Blackburn	Buerkle
Bartlett	Bonner	Burgess

ACKERMAN

Altire	Castor (FL)	Dicks
Andrews	Chandler	Doggett
Baca	Chu	Dold
Baldwin	Cicilline	Donnelly (IN)
Barrow	Clarke (MI)	Doyle
Bass (CA)	Clarke (NY)	Edwards
Bass (NH)	Clay	Ellison
Becerra	Cleaver	Engel
Berkley	Clyburn	Eshoo
Berman	Cohen	Farr
Bishop (GA)	Connolly (VA)	Fattah
Bishop (NY)	Conyers	Filner
Blumenauer	Cooper	Frank (MA)
Boswell	Costa	Frelinghuysen
Brady (PA)	Costello	Fudge
Braley (IA)	Courtney	Garamendi
Brown (FL)	Critz	Gonzalez
Burton (IN)	Crowley	Green, Al
Butterfield	Cuellar	Green, Gene
Capps	Cummings	Grijalva
Capuano	Davis (CA)	Gutierrez
Cardoza	Davis (IL)	Hahn
Carnahan	DeFazio	Hanabusa
Carney	DeGette	Hastings (FL)
Carson (IN)	DeLauro	Hayworth
	Deutch	Heinrich

NOES—192

Dicks	Doggett	Dold
Donnelly (IN)	Doyle	Edwards
Ellison	Engel	Eshoo
Farr	Fattah	Filner
Frank (MA)	Frelinghuysen	Fudge
Garamendi	Gonzalez	Green, Al
Green, Gene	Grijalva	Gutierrez
Hahn	Hanabusa	Hastings (FL)
Hayworth	Heinrich	

NOT VOTING—14

Bachmann	Reichert	Waters
Dingell	Sanchez, Loretta	Yarmuth
Gallegly	Scalise	Young (AK)
Giffords	Shuler	Young (FL)
Paul	Speier	

□ 1239

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MS.

RICHARDSON

The Acting CHAIR (Mrs. EMERSON). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. RICHARDSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 237, not voting 15, as follows:

[Roll No. 739]

AYES—181

Ackerman	Berkley	Butterfield
Altire	Berman	Capps
Andrews	Bishop (GA)	Capuano
Baca	Bishop (NY)	Cardoza
Baldwin	Blumenauer	Carnahan
Barrow	Boren	Carney
Bartlett	Boswell	Carson (IN)
Bass (CA)	Brady (PA)	Castor (FL)
Bass (NH)	Braley (IA)	Chandler
Becerra	Brown (FL)	Chu

Ciilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Deutch
 Dicks
 Doggett
 Dold
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Engel
 Eshoo
 Farr
 Fattah
 Filner
 Frank (MA)
 Fudge
 Garamendi
 Green, Al
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hirono
 Hochul
 Holden
 Holt
 Honda

NOES—237

Adams
 Aderholt
 Akin
 Alexander
 Amash
 Amodei
 Austria
 Bachus
 Bartletta
 Barton (TX)
 Benishkek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Busch
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Coble
 Coffman (CO)

Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kind
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McNerney
 Meeks
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Oliver
 Pallone
 Pascarell
 Payne
 Pelosi
 Perlmutter

Peters
 Peterson
 Pingree (ME)
 Price (NC)
 Quigley
 Rangel
 Reyes
 Richardson
 Richmond
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shimkus
 Sires
 Slaughter
 Smith (NJ)
 Smith (WA)
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Nadler
 Walz (MN)
 Wasserman
 Schultz
 Watt
 Waxman
 Welch
 Wilson (FL)
 Woolsey

Landry
 Lankford
 Latham
 LaTourette
 Latta
 Lewis (CA)
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes

Bachmann
 Dingell
 Gallegly
 Giffords
 Pastor (AZ)

Nunnelee
 Olson
 Owens
 Palazzo
 Paulsen
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Rahall
 Reed
 Rehberg
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Schilling
 Schmidt
 Schock

NOT VOTING—15

Paul
 Polis
 Reichert
 Sanchez, Loretta
 Scalise

Schrader
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shuster
 Simpson
 Smith (NE)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walberg
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (FL)
 Young (IN)

Shuler
 Speier
 Waters
 Yarmuth
 Young (AK)

□ 1243

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, and, pursuant to House Resolution 406, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. MCCOLLUM. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. MCCOLLUM. I am opposed to the bill in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. McCollum moves to recommit the bill H.R. 2401 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 7. PROTECTING GREAT LAKES DRINKING WATER FROM TOXIC SUBSTANCES.

The Administrator of the Environmental Protection Agency shall plan and implement a strategy, consistent with the Great Lakes Restoration Initiative, using existing authority as of the date of enactment of this Act, to control air pollution to be deposited in the Great Lakes, including toxic pollution, in order to ensure safe drinking water and protection of public health and the environment.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Mr. Speaker, let me be clear, this amendment does not kill the bill or send it back to committee. If this amendment is adopted, the bill will immediately be voted on for final passage.

This amendment is about protecting the Great Lakes, one of America's greatest treasures and important natural resources. For those of us who represent these States adjacent to the Great Lakes, we know and understand that any harm done to our lakes threatens the economy and the health of our citizens.

Lake Superior, Lake Huron, Lake Michigan, Lake Erie, and Lake Ontario make up the largest freshwater system in the entire world. Our Great Lakes hold 95 percent of America's freshwater and 20 percent of the freshwater on the planet.

Over 30 million people rely on the Great Lakes for their drinking water. There is an estimated 1.5 million jobs that are directly connected to the Great Lakes, and these jobs generate \$62 billion in wages.

Over 40 years ago, this critical ecosystem and economic engine was on the verge of collapse. Time magazine reported in August 1969: "Lake Erie is in danger of dying by suffocation." The days when polluters dumped toxic chemicals into the air and water without consequence are over.

Because of the responsible cleanup policies like the Clean Air Act, the

health of the Great Lakes has improved, but threats to the Great Lakes have not disappeared. Air pollutants like mercury are emitted from power plants and continue to fall on the ground, wash into the water, and build up in quantities that threaten the brain development of young children and place limits on the amount of fish that we can consume.

Rising mercury levels is one of the mounting threats that motivated an unprecedented coalition into action. Governors of the eight Great Lakes States, Republicans and Democrats, along with local officials and leaders from tribal nations, nonprofits and the private sector came together to save the Great Lakes.

Early last decade, they created a plan for environmental restoration and economic recovery of the Great Lakes. In 2004, President Bush responded to this bipartisan effort by issuing an executive order that called the Great Lakes "a national treasure," and he directed his Cabinet to establish an interagency task force to report these State and local efforts.

Now, Governor Scott Walker of Wisconsin and Governor Mark Dayton of Minnesota never agree about politics, and they certainly don't agree on football, but as members of the Council of Great Lakes Governors, they agree on the need to reduce air and water pollution in the Great Lakes. Years of planning and partnership in the Great Lakes region and in Washington are now making a difference on the ground through the Great Lakes Restoration Initiative.

□ 1250

The initiative is protecting drinking water, it's restoring fish and wildlife habitat, and it's supporting the growth of small businesses that depend on healthy waters. The work under way is 300 projects across this region.

Now, my role as a legislator from the Great Lakes region is to do no harm to this effort. The TRAIN Act will make the enforcement of many of the environmental protections uncertain, and it will create confusion in the EPA about which public health efforts they can pursue.

And my amendment does not give the EPA any new authority. Instead, it directs the EPA to use its existing authority to do what Republican and Democratic Governors, mayors, State legislators and other elected officials in the Great Lakes have agreed upon must be done: protect drinking water and protect public health.

Our job in Congress is to protect the Great Lakes, not to undo the hard work of all these Governors and, yes, industry leaders. My amendment makes it clear that the TRAIN Act will not prohibit this work from moving forward.

Let me be clear, my amendment does not kill the bill or send it back to com-

mittee. If this amendment is adopted, it will immediately be voted on on final passage.

Regardless of your position on the TRAIN Act, this amendment makes the bill stronger. Regardless of how you feel about the TRAIN Act, I'm sure you agree Congress should protect the safety of drinking water and continue to ensure the viability of the economic interests of the Great Lakes.

Again, let me be clear. This amendment does not kill the bill. It does not send it back to committee. If this amendment is adopted, it will immediately be voted on for final passage.

Colleagues, let us work together, let us pass this amendment, and let us restore the Great Lakes. Let us protect America's public health.

Mr. WHITFIELD. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the gentlelady that not only are we concerned about the Great Lakes, but we're concerned about every body of water in America, and we believe that the TRAIN Act protects that water, does not take away any authority from the EPA to deal with water issues.

The TRAIN Act is very simple. It asks the government commission to study 14 regulations of EPA. On 12 of them we do not delay them in any way. On the other two, we delay one for 1 year and the other for 3 years.

We have adequate protections in place. We simply think that we should examine the cumulative impact of the regulations from the most aggressive EPA in recent memory to determine what impact it is going to have on jobs; what impact it is going to have on electricity prices; what impact it is going to have on electricity reliability, and will it damage America's competitive-ness in the world marketplace.

I would urge passage of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 180, nays 233, not voting 20, as follows:

Ackerman	Frank (MA)	Moran
Altmire	Fudge	Murphy (CT)
Andrews	Garamendi	Nadler
Baca	Gonzalez	Napolitano
Baldwin	Green, Al	Neal
Barrow	Grijalva	Olver
Bass (CA)	Gutierrez	Owens
Becerra	Hahn	Pallone
Berkley	Hanabusa	Pascarell
Berman	Hastings (FL)	Pastor (AZ)
Bishop (GA)	Heinrich	Payne
Bishop (NY)	Higgins	Pelosi
Blumenauer	Himes	Perlmutter
Boren	Hinchee	Peters
Boswell	Hinojosa	Peterson
Brady (PA)	Hirono	Pingree (ME)
Braley (IA)	Hochul	Price (NC)
Brown (FL)	Holden	Quigley
Capps	Holt	Rahall
Capuano	Honda	Rangel
Cardoza	Hoyer	Reyes
Carnahan	Inslee	Richardson
Carney	Israel	Richmond
Carson (IN)	Jackson (IL)	Ross (AR)
Castor (FL)	Jackson Lee	Rothman (NJ)
Chandler	(TX)	Roybal-Allard
Chu	Johnson (GA)	Ruppersberger
Cicilline	Johnson, E. B.	Ryan (OH)
Clarke (MI)	Kaptur	Sánchez, Linda
Clarke (NY)	Keating	T.
Clay	Kildee	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Kissell	Schiff
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (VA)
Conyers	Larsen (WA)	Scott, David
Cooper	Larson (CT)	Serrano
Costa	Lee (CA)	Sewell
Costello	Levin	Sherman
Courtney	Lewis (GA)	Sires
Critz	Lipinski	Slaughter
Crowley	Loebsock	Smith (WA)
Cuellar	Lofgren, Zoe	Stark
Cummings	Lowe	Sutton
Davis (CA)	Luján	Thompson (CA)
Davis (IL)	Lynch	Thompson (MS)
DeFazio	Maloney	Tierney
DeGette	Markey	Tonko
DeLauro	Matheson	Towns
Deutch	Matsui	Tsongas
Dicks	McCarthy (NY)	Van Hollen
Dingell	McCollum	Velázquez
Doggett	McDermott	Vislosky
Donnelly (IN)	McGovern	Walz (MN)
Doyle	McIntyre	Wasserman
Edwards	McNerney	Schultz
Engel	Meeks	Watt
Eshoo	Michaud	Waxman
Farr	Miller (NC)	Welch
Fattah	Miller, George	Wilson (FL)
Filner	Moore	Woolsey
NAYS—233		
Adams	Burton (IN)	Ellmers
Aderholt	Calvert	Emerson
Akin	Camp	Farenthold
Alexander	Campbell	Fincher
Amash	Canseco	Fitzpatrick
Amodei	Cantor	Flake
Austria	Capito	Fleischmann
Bachus	Carter	Fleming
Bartlett	Cassidy	Flores
Barton (TX)	Chabot	Forbes
Bass (NH)	Chaffetz	Fortenberry
Benishek	Coble	Fox
Berg	Coffman (CO)	Franks (AZ)
Biggart	Cole	Frelinghuysen
Billray	Conaway	Gardner
Bilirakis	Cravaack	Garrett
Bishop (UT)	Crawford	Gerlach
Black	Crenshaw	Gibbs
Blackburn	Culberson	Gibson
Bonner	Davis (KY)	Gingrey (GA)
Bono Mack	Denham	Gohmert
Boustany	Dent	Goodlatte
Brady (TX)	DesJarlais	Gosar
Brooks	Diaz-Balart	Gowdy
Broun (GA)	Dold	Granger
Buchanan	Dreier	Graves (GA)
Bucshon	Duffy	Graves (MO)
Buerkle	Duncan (SC)	Green, Gene
Burgess	Duncan (TN)	Griffin (AR)

[Roll No. 740]

YEAS—180

There was no objection.

□ 1320

PAKISTAN—DISLOYAL ALLY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, ever since we found Osama bin Laden living the high life in Abbottabad, we've had our suspicions about Pakistan. Turns out they are disloyal, deceptive, and a danger to the United States. This so-called ally takes billions in U.S. aid, while at the same time supporting the militants who attack us.

According to Admiral Mike Mullen, the Pakistani Government supported the groups who were behind the truck bombing attack that wounded more than 70 U.S. and NATO troops and the recent attack on the U.S. embassy.

This should be the last rodeo for Pakistan.

Last night I introduced legislation to freeze all U.S. aid to Pakistan with the exception of funds that are designated to help secure their nuclear weapons. By sending aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts in the region.

We pay them to hate us. Now we pay them to bomb us. Let's not pay them at all.

And that's just the way it is.

PALESTINIAN STATEHOOD

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I rise today to support the Palestinian Authority's bid for statehood at the United Nations. Supporting a Palestinian state is the right thing to do, and now is the right time to do it. It is wholly consistent with American values. We have supported people's aspirations for freedom and democracy around the world, and we should not treat the Palestinian people differently.

There is global support for a Palestinian state. More people around the world support a Palestinian state than oppose it, including Americans. Seventy percent of Israelis would accept a Palestinian state if the U.N. approved it. Last year, President Obama said he hoped to see a Palestinian state admitted to the United Nations.

Previously, Palestinians sought statehood through violence and terrorism, which the world rightly rejected. Now that they are nonviolently following the internationally recognized process to gain statehood, why we are discouraging them?

A Palestinian state is in the national interests of everyone. It would help stabilize the Middle East. It would help end Israel's diplomatic isolation. It would deal a devastating blow to al Qaeda and Hamas, which refuse to rec-

ognize Israel. Recognizing Palestine would reaffirm Israel's own status.

MISSISSIPPI GULF COAST HONOR FLIGHT

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, since the first Honor Flight to bring World War II era veterans from the Mississippi Gulf Coast to Washington, D.C. on May 11, almost 200 veterans have had the opportunity to see the memorial built in their honor. I was privileged to walk and speak with the Greatest Generation this week as they remembered the sacrifices that preserved our freedom and liberated the world from tyranny and oppression. This generation of men and women fought and secured America's future with unwavering courage. Their selfless sacrifices to their country and stories of heroism inspired future generations to join the armed services.

In my life, it was a grandfather, a marine Guadalcanal veteran, whose story encouraged me to join and serve in the Marine Corps. As we honor those who fought to protect America's exceptionalism, I also want to recognize those Honor Flight volunteers who worked so tirelessly to preserve the legacy of the Greatest Generation.

THE AL QAEDA-QODS FORCE NEXUS

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Mr. Speaker, with the U.N. General Assembly meeting in New York this week and with Mahmoud Ahmadinejad of the Islamic Republic of Iran giving his usual anti-American rant yesterday, I would like to make a few points about my concerns over Iran's strategic aims in the Middle East and here in the Western Hemisphere.

My friends at Kronos Advisory, including Medal of Honor winner Major General James Livingston of Mount Pleasant, South Carolina, released their Al Qaeda-Qods Force Nexus report in April, the text of which I ask to be inserted into the RECORD. Their report goes to the heart of the matter detailing that "Iran has quietly forged a strong working relationship with core al Qaeda leaders."

I am greatly concerned about Iran's growing influence in Latin America. The Treasury Department has stated that Hezbollah's operating center is in the tri-border region of Brazil, Argentina, and Paraguay. Hezbollah's state sponsor, Iran, has opened six embassies in South America over the last 5 years.

When the lives of Americans could face threats from Iran's growing reach

through Hezbollah, why would this administration even consider giving President Ahmadinejad a visa to attend the United Nations General Assembly meeting?

[From Kronos]

THE AL-QA'IDA-QODS FORCE NEXUS
SCRATCHING THE SURFACE OF A "KNOWN UNKNOWN"

Kronos is a strategic advisory firm founded by Congressional Medal of Honor recipient MajGen James E. Livingston, USMC (Ret), Mallory Factor, and Michael S. Smith II to provide global stakeholders the situational awareness solutions they need to address strategic and tactical threats to their interests. We help our clients achieve their organizational goals by providing them the resources they need to better understand and define their operational environments—rather than allowing their organizational capabilities and goals to be defined by them.

Kronos harnesses the resources of a diverse international network of talented professionals with highly valuable skill sets who have extensive experience helping officials address complex national security threats, both domestic and foreign.

Kronos investigative project case teams consist of counter-intelligence professionals, accomplished field investigators, seasoned security analysts, and preeminent subject experts. We seek to help our clients detect, deter, and neutralize eminent challenges posed by gray area phenomena and collusive adversarial regimes.

Through independent missions, our teams collect and analyze unique and often otherwise inaccessible information that reveals key threat features like emerging partnerships, operational capabilities and the objectives of transnational terrorist networks. Our teams also gather information that exposes implications of important emerging theater-specific and regional trends. We then use this data to produce tailor made strategic threat assessments that provide holistic explanations of imminent threats, and can be used by officials to identify new opportunities to reduce them.

Kronos is strongly positioned to assist private companies who support official missions, defense and intelligence organizations operating in mission critical zones, as well as policy makers in Washington. Our principals can also help officials identify strategic opportunities to strengthen relationships with key foreign partners.

THE AL-QA'IDA-QODS FORCE NEXUS
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Despite a nearly decade-long effort to dismantle al-Qa'ida and its affiliates, these terrorists still pose the most immediate threats to America's security. Al-Qa'ida and affiliated movements also threaten many other major and emerging powers alike. Yet one ascendant power, Iran, has quietly forged a strong working relationship with Core al-Qa'ida's leaders. This relationship has been established to counter American influence in the Middle East and South Asia. Through it, Iran will likely also help al-Qa'ida mobilize terrorists to carry out attacks against the U.S. and our allies, providing the support required to extend al-Qa'ida's operational reach.

Attention to the longstanding ties between top Iranian officials and al-Qa'ida leaders, including Osama bin Laden's top lieutenant, Ayman al-Zawahiri, has been eschewed by a pervasive fundamental attribution error:

"Shiite Iran will not work with Sunni militants comprising the ranks of al-Qa'ida." This assessment fully ignores readily available evidence to the contrary. Indeed, such relationships span back to the early 1990s, when top officials from the Iranian Revolutionary Guards Corps' clandestine Qods Force, working in concert with Iran's chief global terrorist proxy, Lebanese Hizballah, began training and equipping bin Laden's warriors. Then, following the 1996 attack on the Khobar Towers in Saudi Arabia that killed 19 Americans, more evidence surfaced of operational linkages between al-Qa'ida and the Qods Force, an official Iranian paramilitary organization which possesses a mandate from Iran's Supreme Leader to fund, train, and equip Islamist terrorists. These very operational linkages are referenced within the 9/11 Commission Report, whose authors acknowledged the relationship between al-Qa'ida and Iran demonstrates that Sunni-Shiite divisions "did not necessarily pose an insurmountable barrier to cooperation in terrorist operations."

Since 9/11, these partnerships have become all the more pronounced. Hundreds of al-Qa'ida members, along with family members of Core al-Qa'ida leaders like Osama bin Laden, have found refuge inside Iran. Officials now know Iran's minister of defense, formerly a commander of the Qods Force, furnished safe houses for many of these terrorists. Officials also know that while under "house arrest" inside Iran al-Qa'ida's top military commanders like Saif al-Adl were able to coordinate attacks against Western targets. Examples of these attacks include the May 2003 bombings in Riyadh, Saudi Arabia that killed eight Americans.

Since 2005, Iran has rapidly evolved from a theocracy into a garrison state. With help from the Islamic Republic's unelected officials, notably Supreme Leader Ayatollah Ali Khamene'i, and Iranian President Mahmoud Ahmadinejad (a former member of the Iranian Revolutionary Guards Corps), the IRGC has seized control of most critical sectors inside Iran. Having secured their future grips on power by elevating the domestic roles of the IRGC, Iran's leaders are now pursuing their lust for regional hegemonic status. Their strategy entails both a persistent quest for nuclear weapons—the acquisition of which Iran's leaders view as the means to ensure their recent regional gains will be irreversible—and support of terrorist organizations which are able to help Iran destabilize unfriendly states, and perhaps even Iran's entire neighborhood.

Today, the Middle East is more volatile than at any time since the Islamic Revolution's leaders seized control of Iran, and hardliners in Tehran are better positioned than ever before to influence the future of this critical region. Concurrently, with support from a state sponsor like Iran, al-Qa'ida will be better positioned than ever before to strike the West and our allies, and to foment chaos in both the Arab world and South Asia that would ultimately benefit Iran. As the implications of working partnerships between Iran and al-Qa'ida carry weighty implications for not just the security of the Middle East and South Asia, but also America's national security interests, it is incumbent upon policy makers in Washington to address this issue. For if left unchecked, Iran's relationship with al-Qa'ida could cost America and our allies dearly.

This report focuses on the history of Iran's relationship with al-Qa'ida, and briefly addresses potential implications of these ties. Additionally, its author provides a list of

recommended action items for Members of the United States Congress, as well as a list of questions that may help Members develop a better understanding of this issue through interactions with defense and intelligence officials.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 639

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 639, the Currency Reform for Fair Trade Act.

The SPEAKER pro tempore (Mr. ROKITA). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

STORING NUCLEAR WASTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, this marks the first of what I hope to be many times to address you and my colleagues on an issue that I have been graced with having the responsibility to deal in the public policy arena, and that's the issue of nuclear waste.

When people talk about nuclear waste and this debate about where it is and why it's there, they primarily talk about our nuclear utilities. Especially after Fukushima Daiichi, people understand that when you store high-level nuclear waste onsite and if there's a disaster that occurs and if the pools run dry, then you might have a melting which might spread radioactivity, and that's not good for anybody. That's a good debate to have because we have nuclear waste stored all over this country.

But I'm not here really to talk about the private for-profit sector, the nuclear industry today. I'm here to tell another story, another story that really talks about why we have government and why there's still a need for some government entities.

Back during World War II—and we just heard my colleague talk about the Honor Flights—back during World War II, we decided as a Nation to win these wars. One way to make sure that we wouldn't lose thousands upon thousands of soldiers in an invasion of Japan was to develop the nuclear bomb. Two were dropped; the war ended. Many people historically know that development, that occurred because of the Manhattan Project.

What I think a lot of people don't know is that we still are dealing with much of the history of winning the war in the Manhattan Project and that winning the Cold War relied upon a strong military and a strong nuclear

deterrence. So even after World War II, we continued to develop nuclear weapons, which we deal with today.

So I had a chance to visit during our last district work period, I took a day and visited a place called Hanford, Washington. Hanford, Washington was part of the Manhattan Project. Hanford was the site that the U.S. military picked to help produce plutonium. The "Fat Man" bomb was developed there. That area was picked for a lot of reasons. There weren't a lot of people there. As you can see, the Columbia River is right next to it. You had some low-cost power production, and so it was a good site. And, hence, people got moved off the land, the government took over, and the government has been controlling hundreds of acres in Washington State even today.

The result of the Cold War and winning World War II is that millions of gallons of nuclear waste now reside in Hanford, Washington. And I'm not exaggerating. In fact, 53 million gallons of nuclear waste is onsite. And what's interesting about Hanford, of course, when you started storing this nuclear waste, our technology, our information, our knowledge was not as great as it is now. The way we stored this material then would not be an acceptable process today. It is an environmental disaster and a hazard that has to be cleaned up.

You have approximately 174 storage tanks. These storage tanks are from 750,000 gallons to a million gallons, all with nuclear waste in these tanks. These tanks are buried, as it says here, 10 feet underground and 250 feet above the water table, a mile from the Columbia River. Some of these tanks are leaking. It's just not a good thing for us to have. And so the government has been trying to deal with this one site of nuclear waste in this country.

Why do I bring this before you, Mr. Speaker, and why is this important? Because in 1982, part of the process of dealing with Hanford was to pass a law.

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The law was called the Nuclear Waste Policy Act, and in that law it says, We've got a solution. We're going to collect all the high-level nuclear waste, and we have a storage facility that we're going to place it in. And that place is Yucca Mountain. Now, many of you may have heard about Yucca Mountain before. I've visited it twice. Yucca Mountain is in a desert, and it's a mountain. So I do the side-by-side comparisons here.

Right now at Hanford we have 53 million gallons of nuclear waste on site. Yucca Mountain, which is a site we designed, we picked. We studied for decades. We spent \$12.5 billion. We currently have no nuclear waste there.

The nuclear waste at Hanford is stored 10 feet underground. The nuclear waste at Yucca Mountain would be

stored a thousand feet underground. The nuclear waste at Hanford is 250 feet above the groundwater. The nuclear waste at Yucca will be stored a thousand feet above the water table. The nuclear waste at Hanford is a mile from the Columbia River. The closest river to Yucca Mountain is the Colorado River, which is 100 miles away.

I'll come back to this floor throughout the year and highlight different locations around the country where there's waste and start pleading with my colleagues to help us stop two people—the President of the United States and Majority Leader HARRY REID. Majority Leader REID has blocked our ability to continue to move forward and take nuclear waste from around this country and place it underneath a mountain in a desert.

This location is exhibit number 1. There is no more compelling location in this country that cries out for this waste to be moved than Hanford. In fact, in the clean-up process, the scientific design of the casks that will be used to clear out these 53 million gallons of waste and put into storage containers, they are designed specifically for Yucca Mountain. Again, we have spent \$12.5 billion to prepare this site to receive nuclear waste.

The House went on record this year on a vote in the appropriation bill for energy and water and said, yes, Yucca Mountain is still where we believe high-level nuclear waste ought to go. And that vote was 297 Members voting to increase funding to complete the safety review of the DOA application so that Yucca Mountain could move forward.

One Senator is blocking this, one Senator from the State of Nevada. But it's time for the other Senators from these other States who are affected, regardless of their party, to say, "I don't want this high-level nuclear waste in my State. We have a Federal law to move it to underneath a mountain in a desert." And it's time for them to stand up and be counted. That's why this is my first trip to the well identifying one location in this country, I think the most compelling argument for Yucca Mountain, and it's not even tied to that nuclear power generating for-profit industry. It is tied to our World War II legacy and the environment and the health of not only the land here in Washington State but also the great Columbia River.

So who are we asking to stand up and be counted and help us move this? Well, we just happen to have four U.S. Senators, two from the State of Washington, two from the State of Oregon: Senator CANTWELL; Senator MURRAY; Senator WYDEN; and Senator MERKLEY.

Now, if you look at this site, the Columbia River, those of you who know your geography know that the Columbia River, when it gets closer to the west side of the State, separates the

State of Oregon and the State of Washington, to the north. North of the Columbia is Washington State, south is Oregon.

These Senators need to step up to the plate, and these Senators need to do their job. They need to speak to the majority leader. We understand the majority leader who wants to protect the State of Nevada. So I'm not trying to lift mountains that I can't personally lift. But what I can do is start making the clarion call to Senators around this country who have high-level nuclear waste in their States when we have already spent \$12.5 billion for a single repository, and as I've said numerous times, underneath a mountain in a desert.

The numbers here in Washington—on the House side, we have an overwhelming majority. In the other body, their majority is not as big as it once was. And because of that, these centers are even empowered more to be able to go to their leader and plead for their State and make the compelling argument.

Again, if you can't make it for Hanford, you can't make it for anywhere.

I'm from southern Illinois. I don't have a nuclear facility in my congressional district, although I am from the State of Illinois, and Illinois is a huge nuclear power State. We have six locations, 11 reactors. So we have high-level nuclear waste stored 40 miles from downtown Chicago.

Now, does that make sense? Does that make sense in a day when we've already spent \$12 billion to prepare, locate, research a single repository that can be kept safe, secure, and stored? It doesn't make sense.

So that's why in the coming weeks you'll see other posters like this. I'll definitely keep this one. But we'll compare Yucca Mountain to downtown Chicago. We'll compare Yucca Mountain to Boston, Massachusetts. We'll compare Yucca Mountain to Savannah, Georgia.

If you live in a State and may not have a nuclear power plant, you may very well have the legacy of World War II Manhattan-type projects and nuclear waste that has to be stored elsewhere than in the place where it is today.

As the chairman of the Environment and the Economy Subcommittee, my congressional responsibility is that of nuclear waste. It is a challenge for this country. It is a challenge that we already have a plan to deal with. In fact, ratepayers of States that have nuclear power have been paying an additional charge on their utility bills to prepare Yucca Mountain to receive this waste.

To have one man and a President who's complicit in his design to stop this is not in the best interest of this country, and I will continue to come down to the well to fight this fight so that we take full advantage of the great resources we have and follow up

on the planning and the funding that we've done for decades to have a single repository.

With that, Mr. Speaker, I thank you, and I yield back the balance of my time.

□ 1340

THE PRESIDENT'S JOBS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 45 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, we're going into recess for a week. We passed a bill to keep the government running. Some of us were concerned that we were compromising with ourselves, but supposedly it was a bill that, though we compromised with ourselves, that the Senate could pass. Now we find out they've tabled the bill, and now they're talking shutdown.

It's extremely disconcerting when it seems that one group believes that the best way to win politically is to have a shutdown and blame Republicans. It's also disconcerting to have a President come into this body here, speak to the House and Senate, stand here at the historic podium and lecture this body on the President's jobs bill that didn't exist while he was lecturing us.

It was entirely consistent, though, with exactly 2 years before that when the President's polling data showed that people didn't think that the President's ideas for health care were good, and since he is such an incredibly gifted reader of speeches, apparently he felt if he came back to the House floor and were able to use the teleprompters and read to the body that he would be able to convince everyone to go along with the government takeover of health care completely. And that day, he kept representing things about "his bill," "this bill," "my bill," "my plan," "this plan," and there was no plan. There was no bill at that time either.

So it was not terribly surprising that the President would come in here again 2 years later when polls are not looking good and tell us that we had to pass a bill that didn't exist and that he had a plan but the plan didn't really exist.

Eventually, we got a copy of his bill, even though for 6 days nobody filed an American Jobs Act. So I went to the trouble of filing one. I felt if the President wanted to fuss at us for not passing the American Jobs Act, there ought to be one. So mine was two pages. His is 155.

But it's amazing, and especially with all the stuff going on with Solyndra in California and the scandal that that has become, that this administration twisted and pushed and potentially distorted things in order to get half a billion dollars to a company which wasn't

doing well, and then turn around and turn the agreement upside down.

Secured creditors, those that provide the money, are supposed to be paid first in the event that there's not enough to go around for everyone. And yet somebody in this administration—maybe a number of somebodies it appears right now—changed the deal so that the secured creditors, the American taxpayer, the government, would not get paid back first.

My days as a district judge in Texas and chief justice would seem to indicate that that kind of thing is fraud upon the American people. The investigation is going on, so we'll find out more about that as it does.

It's interesting that in the President's so-called jobs bill that really will destroy more jobs than it creates, he's got these constant references to priority to the use of green practices, and it's got lots of provisions, apparently, that will ensure that any other Solyndras out there, any other companies that are trying to get government money for a business that can't make it on its own but they're close enough to the administration, they feel like they could get loans, they could get grants for things that cannot be commercially feasible, that this is the way to go. And we see that throughout the bill.

Apparently, half a billion dollars squandered for crony capitalism was not enough. There's more provisions for that in the President's so-called jobs bill. Of course, we've got the payback to unions and language in here for prevailing rates and that kind of thing. Some folks that I talk to would be glad to have a job at whatever rate they could get. There are those folks.

Yet, when the administration pushes a jobs bill that's going to make the prevailing wage the price to be paid for wages so high that a business cannot afford to hire those extra people, have we really done the American people any favors? We can't even create entry-level jobs because of what this administration keeps pushing and trying to heap upon the American people.

And there is a little bit of money for infrastructures. I say "a little bit." Compared to the overall price tag of \$450 billion, you would think that we could do a little better than what the President is proposing if he wants a \$450 billion infrastructure bill. But the truth is it isn't an infrastructure bill.

We heard this same language about the so-called stimulus back in January of 2009, that we needed bridges. He talked about bridges back then, the bridge in Minnesota, this bridge, that bridge, they all need to be fixed, and we can do it, but we need this stimulus bill to do all this infrastructure repair. Well, it was kind of the bait-and-switch thing.

I certainly didn't support that stimulus bill. I believe Republicans were

unanimous on that. It was not a stimulus bill. You could see that. There was such a small percentage going to stimulus that we would consider true stimulus. Infrastructure, we do have failing infrastructure, roads, bridges, things that need to be repaired, sewage plants and different things, but that bill had just a tiny trickle coming out. And again, this is percentagewise, it really was not an infrastructure stimulus. The people were told one thing and yet got another.

Now, one of the ways the Federal Government gets its control of people, State governments and local governments, is by throwing money out there and saying, Here, we're going to help you. And once that money is received, they start getting all these strings that go with it. Now, if you're going to keep getting Federal money, then you're going to have to start doing this, that, and the other.

In fact, there is one provision in the President's so-called jobs bill that ought to send shivers through people in the State governments all over the country, because there's a provision that says if the States receive any money at all from the Federal Government, basically for any program, then they waive their sovereign immunity, opening up themselves for lawsuits in yet another area where States have never been able to be sued before.

So I'm not sure what jobs that creates. I know it helps the plaintiffs' lawyers, and perhaps that's the whole goal of the President, to help plaintiffs' lawyers. But what a disaster.

Nonetheless, we know that Fannie and Freddie, which may end up costing the country trillions of dollars, brought us to the brink of absolute financial disaster. And so what does the President propose? Well, houses, maybe they get a loan, \$50,000, \$100,000 or so, different amounts. Well, what costs more than housing? That would be infrastructure. When we talk about houses, we're talking about tens of thousands, hundreds of thousands, maybe. With infrastructure, we're talking about hundreds of millions, billions.

So what does the President propose for that? The American Infrastructure Financing Authority. And the good news is that that will be—and I'm reading from page 40 of the President's so-called jobs bill. It says the American Infrastructure Financing Authority is established as a wholly-owned government corporation.

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Happy days. Wholly owned government corporation. But if somebody's concerned that people that would be running the President's American Infrastructure Financing Authority that would start trying to do the financing for these massive infrastructure projects, if you're concerned they

might not have good business sense, if you're concerned they might not understand how an economy really is stimulated, how real jobs in the real private sector are created, you don't have to worry because the next page, page 41, says the board of directors—and this is just so exciting to read—is consisting of seven voting members appointed by the President.

Now there's excitement. The President has shown that when he picks people—well, okay, it's true that they come from universities and places where they have letters after their names. But do they really know how to create jobs? Well, so far we've got a big old "no." They don't know what they're doing. They have PhDs after their names, and they just don't know what they're doing in trying to get the economy going, stimulating the economy. It's scaring investors these days. But the President will appoint the seven board members of the American Infrastructure Financing Authority.

When you look through the President's bill, Mr. Speaker, I think it's a good indication of the aspirations and goals of this administration if the people of America will give them 4 more years. Because if you look, the Federal Government will be in charge of infrastructure. Well, we've seen how that worked with student loans. Students, their parents, trying to go to college, get college paid for. We know that college costs have gone through the roof. I wanted my three children to have the chance that I did to go to a major university. I didn't want them to be burdened with debt simply because I gave up lucrative work and decided to try to help my State and country.

So we took out student loans. You can take them from banks, from private lending institutions; and there were provisions for student loans. But under Speaker PELOSI and this President, HARRY REID in the Senate's leadership, the Federal Government took over the student loan business. Well, I thank God that I got loans for my kids to go through college before we took over, as a Federal Government, the student loan business. Because I would hate for not just me, but anyone, especially from the opposite party of the President, those in power, to have to go begging to the Obama administration: Please, would you loan me money so my child can get a college education?

We put the Federal Government in charge of who can get loans? Who can get a college education? That's not what was intended for this country, to have the Federal Government make decisions on who can get educated and who doesn't.

I know it scares people sometimes to have these examples brought up; but in 1973, that summer I was an exchange student to the Soviet Union—I had had a couple of years of Russian language,

and I was an exchange student there. And one of the things that surprised me was, in the Soviet Union, the federal government there decides who gets to go to college. They tell you who gets to go to college.

Now, never mind that here in America sometimes the most successful business people, some of the most successful scientists may have made some grades that weren't very good in college, but maybe came back in grad school and then really showed promise and did well, but it didn't matter. Maybe they didn't do all that great in high school, got to college and made good grades here in America.

But in Russia, it didn't matter. It didn't matter what your inner drive was, that you had a yearning to help in health care, make some discovery in medicine. It didn't matter that you had a vision for how to create some new engineering work. It didn't matter because the government told every student whether you would be allowed to go to college or whether you would not, whether you would go work in the factory or whether you would go and teach. The government told people what they got to do with their lives and who got to have a college education.

Now, I became friends with numerous Russian college students. I was impressed and I liked them very much. But I could not imagine such a system back then. And I was so grateful and thankful that I was from the United States. I made good grades in high school and college, good enough to go to law school, but I just was so grateful that I lived in a country that really was the land of the free and the home of the brave.

It's fantastic. Because when I had a yearning in my heart to do something and fix something here, I didn't have to beg the government: Will you please allow me to follow my life's goal, my life's pursuit?

This used to be the only country in the world where any parent could tell their child you can be whatever you want to be. Now, we're kind of proud of Jamie Foxx in east Texas. He grew up in Terrell. And I ran into him in Los Angeles last year and told him I was from Tyler, Texas.

He said Tyler, Texas. He said, you know, my childhood memory about Tyler, our family came over to the Tyler State Park—it's a beautiful park on a lake, one of the most visited State parks in the State of Texas—and he said, you know, Tyler had the highest diving board I had ever seen. I had never seen one that high. And people told me, Jamie, if you can climb up there and go off that diving board, you can do anything you want with your life, anything. He said he was scared, but he climbed up there, that high diving board, and went off the board because he wanted to be whatever he

wanted to be. And now he is so successful as a singer, actor, all these kinds of things.

You could be what you really wanted to be in this country, but it's scary to see that changing. And when I see moves in this country that I had nightmares seeing them happen in the Soviet Union, it's a little scary here. The Federal Government's going to get to tell people whether they can have a student loan or not? That's not a good idea. And yet the Federal Government, under Speaker PELOSI's leadership and the President's leadership, President Obama, and HARRY REID, we put the private lenders out of business because the Federal Government—I guess they sold some people on the idea it would be politics free. Yeah, right—they would do a better job of picking out who should get a student loan to go to college. I couldn't believe those things came back.

And seeing the socialized medicine in the Soviet Union back in those days, visiting med schools, clinics and things—I had a little need for health care back then—I was so thankful that in America we had so much better health care. And we didn't have to depend on the government to tell us what we could have treatment for or what we couldn't, what we had to get on a list to maybe get treatment for or what we couldn't. This was America, where doctors could strive to be the greatest they could be and to help humanity, and then make money at the same time.

I had one Soviet friend, college friend that summer, who some lady ran off to tell on him. And I said, why would she do that?

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He said, well, in America you can get ahead by working hard and making money, and money can give you power in America. Here, in the Soviet Union, he said, the only way to elevate yourself is by stepping on others.

You saw it repeatedly. They couldn't wait to run and tell government authorities on each other. Basically, you could tell who was spying on an American. It wasn't hard to see. You could tell who was spying on the other students. It wasn't hard to see.

And I was grateful to be from the home of the brave, land of the free, land of the free and home of the brave. And I see things changing, and it breaks my heart.

Now, another thing I observed in the Soviet Union back in 1973, we went to a daycare facility, and it was made very clear that children didn't really belong to parents in the Soviet Union. They were the property of the government.

The parents would be allowed to keep their children so long as they trained them up in the way the government said. But if the government ever had

one of these stool pigeons that ran in and reported that parents maybe were teaching children that they should strive to be the greatest they could be and do what they wanted to do, for example, that was totally opposite of the government's teaching, and it would be a basis for you're teaching them evil things.

I had a student friend, Russian friend who was removed from the camp where I was because somebody told on him, that he was being too friendly to me. He never said anything negative about his country, but we had frank discussions about a free market system compared to a socialist system. And they were very honest, candid discussions. And yet, he did nothing wrong, but he was removed, and he was told if he had contact with me again, he would be kicked out of college and go to work in Siberia or some other place that would be very unpleasant.

I saw when a government controls people's lives. And I was shocked at daycare. And I was so grateful to live in a country where children belong to their parents, and the parents cared about seeing that they were raised up in the way they should go. And they may disagree with the government and that's okay in America. But they could disagree with the government, and they were still not at risk of having their children removed.

And now, more and more, with political correctness setting in in this country, people are told, you raise the children the way we say is proper; otherwise, we'll take them away. And it keeps coming back as hints from what I saw 38 years ago. It's hard to believe this stuff is happening.

When I look at the American Infrastructure Financing Authority, I see things down the road that this creates. And you can't help but believe that it will end up as the student loan business was. We create a Federal entity run by the President's cronies that will make decisions on who gets lending for infrastructure.

You could envision a day, just like with student loans, maybe the private lenders still keep lending and that goes for a while. But as we saw with flood insurance, the Federal Government got into the flood insurance market and said, you know what? These private lenders are not selling it as cheaply as we think they should, so we'll get involved to give them a choice.

Well, what the private insurance companies found was they are not allowed to run at a loss for a long period of time. They go out of business, go bankrupt. Yet, the Federal Government has no problem with running in the red, so the Federal flood program has run in the red for years. It doesn't appear there's any hope that it will ever get to the black.

And, naturally, the Federal Government drives all the private insurance

companies out of the business because the Federal Government can do it cheaper and run in the red. I can envision that happening with the American Infrastructure Financing Authority.

Mr. Speaker, you think about a day when a local government, a State government, has no lender that can lend on infrastructure because the Federal Government started small and got bigger, and now nobody lends but the Federal Government. And once again, we create a situation. It's the potential, and if you don't look at the potential consequences of what we do in this body and the unintended consequences that can occur, we do damage to America.

If the President had his way, and I feel sure that if he has four more years, there's a good chance he will, we'll have an American Infrastructure Financing Authority, and eventually local governments, State governments, entities will have to come begging to the President or to the new czar of whatever it is and say, please, please, could we please have a loan to fix our roads or to build new infrastructure that our people are crying out for? Please? We promise we'll be good. We'll do what you tell us. God forbid we should get to a system that way. But we're on the way. We see it happening more and more.

We dangle money out to States and local government through grants. You want to keep getting the grants? Do what we tell you. The Founders never intended that. Never intended that. Bad enough that we set up a system where we order unfunded mandates of State governments. Before the 17th amendment things weren't perfect. They did need fixing, so I'm not advocating complete repeal.

But there has got to be a way to restore power back to the States that it lost when State legislatures could no longer select the U.S. Senators. And I'm aware, there were some abuses there, but we have got to get a veto power, some leverage back to the States again so the Federal Government doesn't keep doing the kind of thing that this President throws out in his bill.

And, of course, more and more of the airwaves are being moved toward broadband. So at page 75, something that tells you a lot about where this President wants to go for the future, he has the establishment of the Public Safety Broadband Corporation. But not to worry, page 76 points out this establishes a private, nonprofit corporation to be known as the "Public Safety Broadband Corporation." It says, and I'm quoting, "which is neither an agency nor establishment of the U.S. Government or the District of Columbia."

But they will control broadband. So anyone that might have broadband coming in, maybe get television, computer, Internet, radio through

broadband, well, guess who comes into your home or place of business through your broadband? It's control of the new Public Safety Broadband Corporation.

In 1984 there was that eye that looked out into every room from something hanging on the wall. It was Big Brother watching everything. How comforting to know this President wants Big Brother watching us through our computer, watching us through the means of broadband.

But if you're worried, well, it says, this will not be, and I'm quoting, "neither an agency nor establishment of the United States Government or the District of Columbia." That's great news.

So who will be controlling this new Public Safety Broadband Corporation? We see that in the next section a little further down in page 76.

"The following individuals, or their respective designees, shall serve as Federal members." These are the people that will control the Public Safety Broadband Corporation that this administration wants to impose and inflict upon America, controlling all broadband.

□ 1410

You have the Secretary of Commerce, the Secretary of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget.

That's comforting, very comforting.

There will be non-Federal members so they don't have just a total monopoly on control. In fact, there will be—the next section says—non-Federal members on the board. Well, who might they be? The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General, shall appoint 11 individuals to serve as non-Federal members of the board.

Isn't that comforting. You've got Cabinet members appointed by the President—but don't worry. The President won't control all of it, although his appointees appoint the rest of them, and they're going to control the broadband.

I think this is what America can expect when you have the President push forward a bill that, until I filed my American Jobs Act, there was no American Jobs Act down here in the House; and that's where it had to be filed because the Constitution requires all revenue-raising bills to begin here in the House. They have to originate here.

So great news. I mean, boy, if the President has his way, more and more Federal control. Infrastructure. If you need infrastructure, well, isn't that rosy. You can go begging to the Federal Government someday.

But it's at page 133, as I'm moving through this bill, that you find section 376: Federal and State Immunity. But

it doesn't address Federal immunity at all. It doesn't even touch Federal immunity. It, in fact, says, "A State shall not be immune under the 11th Amendment of the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this act."

We don't have the constitutional power to waive sovereign immunity for the State. This is an incredible overreach by the President taking away the sovereign immunity of a State not to be sued. He proposes a bill, and says, Not only am I proposing this bill, but I'm going to stick in a provision—it's here on page 133—that says, States, you can be sued if you don't follow my law—my bill—to the T.

How could the Federal Government waive States' sovereign immunity? I can tell you. Under constitutional law, the Federal Government cannot waive States' sovereign immunity. Only a State can waive its sovereign immunity. The Federal Government cannot have anyone waive its sovereign immunity. Sovereign immunity is only waived for the Federal Government if the Federal Government decides to waive it.

So how can the President stick in a bill that allows States to be sued willy-nilly under this bill? It's in the next provision.

"A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity under the 11th Amendment to the Constitution, or otherwise, to a suit brought by an employee or applicant for employment."

He recognizes constitutional law. The Federal Government cannot waive sovereign immunity for a State, but the President says, You know what? If you receive one dime from the Federal Government for any program, then that is an affirmative waiver of your right not to be sued under some bill that we make up here in my czar capital in Washington.

We also heard about going after the millionaires and billionaires. Now, as people have been told over and over, the CBO—the Congressional Budget Office—that scores bills cannot score a speech unless, of course, the Director gets called to the White House and gets intimidated, and then perhaps they will. But in the meantime, generally, you cannot score a speech. There has got to be a bill. So it doesn't matter what a President says in a speech in this body or if he spends millions and millions and millions of dollars running around the country telling people to pass a bill that for so long did not exist here in the House. What matters is what's in a bill.

So the President says he's going after millionaires and billionaires, but if you look at page 134 and page 135, you'll find out what the President really

thinks constitutes a millionaire or a billionaire. At the bottom of page 134, it's subtitled, "A 28 percent limitation on certain deductions and exclusions."

So who loses deductions? Who is going to get punished for making too much money? How many millions do you have to have before this President wants you punished and taxed extra? What does this President consider to be a millionaire or a billionaire who's not paying their fair share and who should pay more?

It's in black and white now. The President's bill says that it applies to the taxpayer whose adjusted gross income is above \$125,000 if you're married, filing separately.

So, under the President's definition of who's a millionaire and billionaire who's not paying their fair share and who needs to pay a lot more, it's defined here in black and white as a married person filing separately who makes more than \$125,000. That's in the President's bill. If you're married filing jointly, then you get to be exempted unless you make over \$250,000 jointly as a couple. Well, with \$250,000 as a couple and \$125,000 as an individual, it's still \$125,000.

So how about if you're single and you're not married? Well, good news there. You can have either a \$200,000 exemption or a \$225,000 exemption if you're single and head of the household. So it's potentially worth \$100,000 to get divorced. The government is saying we'll give you an extra \$75,000 to \$100,000 exemption if you'll just get divorced and live together.

Now, I'm not sure who came up with this. Obviously, the President's waving the bill around now, now that there's one printed, but he's advocating that you're better off financially—we'll reward you financially—if you'll just get divorced and live together. I'm not sure if that's his effort to placate people who want gay marriage to say, Look. You're financially better off not getting married, see? You've got an extra \$75,000, \$100,000 exemption if you'll just stay unmarried.

So why would you want to get married?

I don't know what his thinking was. I can't imagine why he would want to punish married people who are working hard and making this kind of money. But sure enough, that's in the President's bill.

Happy days.

He's had talks before about eliminating the alternative minimum tax, which was never meant to apply to the tens of thousands of people that it does. Well, guess what? On page 135, subsection (b) talks about additional amounts. Subsection (c) talks about the additional AMT amount. So we're going to add to the AMT. I know he said we were going to get rid of it, but actually, in his bill, where you really see what he's thinking, he adds to it.

Now, the biggest help for independent oil producers is called the "deductibility of intangible drilling costs." These are the expenses of an independent oil company in producing a well; it's the costs of doing business. Any other manufacturer that produces a product is allowed to deduct the costs of doing business, but this President wants to demonize those things and call them what they're not. He calls them a subsidy. They're not a subsidy. A "subsidy" under any dictionary's definition is, in essence, a gift or a grant of money. There's no gift or grant of money to the people taking these deductions. They get to deduct the cost of producing oil and gas.

□ 1420

And when you find out that over 94 percent of the oil and gas wells drilled on the land in the continental United States are drilled by independent producers, not Exxon, not Shell, not the President's dear friends at British Petroleum who were so ready to endorse the cap-and-trade bill, negotiating when to come out in favor of cap-and-trade the very day the Deepwater Horizon platform blew, losing lives, devastating the gulf.

But then at the same time giving the President a chance to punish States like Texas, Louisiana, Alabama, Mississippi who had so many thousands of jobs lost when he declared a moratorium that it has cost this country dearly by rigs having to leave American waters and go to other countries. And does that hurt the big oil companies? No. It means there is less oil and gas being produced, which means they will charge more and make more profit.

So taking out the most important deduction for independent oil companies will devastate them, and it doesn't even apply to the major companies he says he's going after. So, once again, he says he's going after major oil, taking away their subsidies. Well, they're not subsidies. They're deductions for business expense.

And on the other, what he really does in black and white in the bill—nobody has to take my word for it—he repeals the deduction that only applies to oil companies that produce less than a thousand barrels of oil a day. It doesn't even apply to the majors. The majors don't get that. They're able to do such vast production that they can survive without it. The independent producers can't.

And a lot of people don't know like we do in East Texas where, during World War II, it was the largest oil field ever discovered in the world, but those, mainly wells still being drilled there, a lot of it for natural gas now, being drilled by independent producers, produce less than a thousand barrels a day. You can't go to a bank and get a loan to drill an oil or gas well. You can't. The odds are not good enough

that it's going to be commercially productive.

So what most independents do, they'll say take 18, 25 percent, something like that of their own well that they're going to drill and then they will sell working interests in that well and get investors to put up their money, because if an independent oil producer supplies all the money for their own wells, they hit three or four dry holes, it's what puts some of them out of business. So they're smart enough, they spread out the risk, because it certainly is risk, and so they don't lose everything when it's a dry hole.

What section 435 does is devastate the ability to raise capital through investors investing because it repeals the oil and gas working interest exception to passive activity rules. So the working interests don't get the deductions passed through to them that they are normally allowed to do for the expenses they invest.

Any independent oil producer can tell folks—and I've heard it over and over—you take away people's ability to invest, to deduct for what they're paying in, they're not going to pay into that. The odds aren't too good, that oftentimes the money they get back—if it is a commercial well—just barely pays the amount of expenses. If you don't pass through the deductibility of what they paid in, then it's a huge loss to them. So you're not going to have people investing like they do now. And it is tough to raise capital. They'll tell you.

The President devastates an independent oil company's ability or gas company's ability to raise capital. This bill will devastate America. It's a great example of the President and Senate leadership saying we're going to do this and they do something entirely opposite. Those who have ears need to hear.

With that, I yield back the balance of my time.

A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 16, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2887. To provide an extension of surface and air transportation programs, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, September 26, 2011, at noon.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3217. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing To Participate [Docket No.: APHIS-2006-0093] (RIN: 0579-AC04) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3218. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Peppers From Panama [Docket No.: APHIS-2010-0002] (RIN: 0579-AD16) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3219. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — European Larch Canker; Expansion of Regulated Areas [Docket No.: APHIS-2011-0029] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3220. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No.: APHIS-2010-0128] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3221. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Horses From Contagious Equine Metritis-Affected Countries [Docket No.: APHIS-2008-0112] (RIN: 0579-AD31) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3222. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Display of DoD Inspector General Fraud Hotline Posters (DFARS Case 2010-D026) (RIN: 0750-AG98) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3223. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Cargo riding Gang Member (DFARS Case 2007-D002) (RIN: 0750-AG25) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3224. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1209] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3225. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Privacy Act Implementation (RIN: 2590-AA46) received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3226. A letter from the Secretary of the Commission, Federal Trade Commission,

transmitting the Commission's final rule — Mortgage Acts and Practices — Advertising received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3227. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Suspension of the Duty to File Reports for Classes of Asset-Backed Securities Under Section 15(d) of the Securities Exchange Act of 1934 [Release No.: 34-65148; File No. S7-02-11] (RIN: 3235-AK89) received August 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3228. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Substantial Product Hazard List: Hand-Supported Hair Dryers received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3229. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Immunology and Microbiology Devices; Reclassification of the Herpes Simplex Virus Serological Assay Device [Docket No.: FDA-2010-N-0429] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3230. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States to the Entity List; and Implementation of Additional Changes from the Annual Review of the Entity List [Docket No.: 110502272-1391-01] (RIN: 0694-AF22) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3231. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Northeastern Arizona and Southern Colorado Appropriated Fund Federal Wage Areas (RIN: 3206-AM33) received August 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3232. A letter from the Senior Procurement Analyst, Department of the Interior, transmitting the Department's final rule — Acquisition Regulation Miscellaneous Changes (RIN: 1093-AA13) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3233. A letter from the Senior Procurement Analyst, Department of the Interior, transmitting the Department's final rule — Acquisition Regulation Rewrite (RIN: 1093-AA11) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3234. A letter from the Senior Management Analyst, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; 44 Marine and Anadromous Taxa: Adding 10 Taxa, Delisting 1 Taxon, Reclassifying 1 Taxon, and Updating 32 Taxa on the List of Endangered and Threatened Wildlife [Docket No.: FWS-R9-ES-2008-0125; 92100-1111-0000-B3] (RIN: 1018-AW09) received August 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3235. A letter from the Division of Policy and Programs, WSFR, Department of the Interior, transmitting the Department's final rule — Financial Assistance: Wildlife Res-

toration, Sport Fish Restoration, Hunter Education and Safety [Docket No.: FWS-R9-WSR-2009-0088] (RIN: 1018-AW65) received August 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3236. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Yakutat, AK [Docket No.: FAA-2011-0244; Airspace Docket No. 11-AAL-05] received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3237. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Columbus Lawson AAF, GA [Docket No.: FAA-2011-0012; Airspace Docket No. 10-ASO-44] received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3238. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts and Lycoming Engines (Formerly Textron Lycoming) Fuel-Injected Engines [Docket No.: FAA-2011-0547; Directorate Identifier 2011-NE-13-AD; Amendment 39-16757; AD 2011-15-10] (RIN: 2120-AA64) received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3239. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Model FALCON 7X Airplanes [Docket No.: FAA-2011-0631; Directorate Identifier 2011-NM-13-AD; Amendment 39-16759; AD 2011-16-01] received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3240. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Cessna) Models 337, 337A (USAF 02B), 337B, 337C, 337D, 337E, T337E, 337F, T337F, 337G, T337G, M337B, F 337E, FT337E, F 337F, FT337F, F 337G, and FT337GP Airplanes [Docket No.: FAA-2011-0450; Directorate Identifier 2011-CF-010-AD; Amendment 39-16758; AD 2011-15-11] (RIN: 2120-AA64) received August 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3241. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business HUBZone Program; Government Contracting Programs (RIN: 3245-AG45) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3242. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Technical Revisions to Conform to the Caregivers and Veterans Omnibus Health Services Act of 2010 (RIN: 290-AN85/WP2010-044) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3243. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Expansion of State Home Care for Parents of a Child Who Died While Serving in the Armed Forces (RIN: 2900-AN96/WP2010-

071) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3244. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Rules Governing Hearings Before the Agency of Original Jurisdiction and Board of Veterans' Appeals; Clarification (RIN: 2900-A006) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3245. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Timely Mailing Treated as Timely Filing [TD 9543] (RIN: 1545-BA99) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3246. A letter from the Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interest and Penalty Suspension Provisions Under Section 6404(g) of the Internal Revenue Code [TD 9545] (RIN: 1545-BG75) received August 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 241. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, with an amendment (Rept. 112-216). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 461. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes; with an amendment (Rept. 112-217). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 473. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; with an amendment (Rept. 112-218). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 795. A bill to expand small-scale hydropower (Rept. 112-219, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1258. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah (Rept. 112-220). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1421. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma (Rept. 112-221, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1560. A bill to amend the Ysleta del Sur Pueblo and Ala-

bama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe (Rept. 112-222). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2583. A bill to authorize appropriations for the Department of State for fiscal year 2012, and for other purposes; with an amendment (Rept. 112-223). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARCHANT:

H.R. 3038. A bill to amend title 49, United States Code, to direct the Secretary of Homeland Security to approve applications submitted by airport operators for participation in the security screening opt-out program, and for other purposes; to the Committee on Homeland Security.

By Mr. HECK (for himself, Mr. MACK, Mr. AMODEI, Ms. BERKLEY, Mr. WILSON of South Carolina, and Mr. POSEY):

H.R. 3039. A bill to promote job creation in the United States by directing the Secretary of State to address inefficiencies in the visa processing system that discourage overseas business and leisure travel to the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIPTON (for himself, Mr. COLE, Mr. YOUNG of Alaska, Mr. GARDNER, Ms. DEGETTE, Mr. PERLMUTTER, Mr. COFFMAN of Colorado, Mr. LUJÁN, AND Mr. POLIS):

H.R. 3040. A bill to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians; to the Committee on Education and the Workforce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. DAVIS of Kentucky, Mr. PAUL, and Mr. SMITH of Texas):

H.R. 3041. A bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes; to the Committee on the Judiciary.

By Mr. BARLETTA (for himself, Mr. YOUNG of Alaska, Mr. MARINO, Mr. KELLY, Mr. HOLDEN, Mr. FITZPATRICK, Mr. WELCH, Mr. PITTS, and Mr. PLATTS):

H.R. 3042. A bill to provide for low interest loans for small businesses in major disaster areas, and for other purposes; to the Committee on Small Business.

By Mrs. BLACKBURN (for herself, Mr. LAMBORN, Mr. PENCE, Mr. PITTS, Mr. RIBBLE, Mr. GINGREY of Georgia, Mr. GUINTA, Mr. MILLER of Florida, Mr. GOHMERT, Mr. PALAZZO, Mr. PRICE of Georgia, Mr. MCCARTHY of California,

Mr. WESTMORELAND, and Mrs. LUMMIS):

H.R. 3043. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reduce the discretionary spending limit for fiscal year 2013 and 2014 to the fiscal year 2012 level; to the Committee on the Budget.

By Mr. CANSECO (for himself, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BACHUS, and Mrs. CAPITO):

H.R. 3044. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal the Office of Financial Research; to the Committee on Financial Services.

By Mr. CANSECO (for himself and Mr. GARRETT):

H.R. 3045. A bill to amend the Employee Retirement Income Security Act of 1974, the Commodity Exchange Act, and the Securities Exchange Act of 1934 to ensure that pension plans can use swaps to hedge risks, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. WITTMAN, Mr. CONNOLLY of Virginia, Mr. CARTER, Mr. LOEBACK, Ms. BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. COURTNEY, and Mr. JONES):

H.R. 3046. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 3047. A bill to amend title 39, United States Code, to allow the United States Postal Service to provide nonpostal services, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. WELCH, Mr. PASCRELL, Mr. PRICE of North Carolina, Mr. FATTAH, Mr. HINCHBY, Mr. COURTNEY, and Mr. MICHAUD):

H.R. 3048. A bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3049. A bill to restore growth, spur job creation, build momentum toward economic recovery for border communities and the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Small Business, Oversight and Government Reform, Foreign Affairs, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLY (for himself, Mr. WESTMORELAND, Mr. FLAKE, Mrs. BLACKBURN, and Mr. HARPER):

H.R. 3050. A bill to amend title 23, United States Code, to eliminate the requirement that States spend a certain amount of their funds for transportation enhancement activities; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Ms. EDWARDS, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. CONYERS, Ms. LEE of California, Mr. CLEAVER, and Mr. MEEKS):

H.R. 3051. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mrs. McMORRIS RODGERS, and Mr. HASTINGS of Washington):

H.R. 3052. A bill to amend the Internal Revenue Code of 1986 to repeal the exception to the treatment of consolidated groups under the personal holding company rules; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. COHEN, Mr. SERRANO, Mr. CLARKE of Michigan, Ms. WOOLSEY, Mr. RANGEL, Ms. NORTON, Mr. JACKSON of Illinois, Mr. SABLON, Mr. GRIJALVA, and Mr. QUIGLEY):

H.R. 3053. A bill to eliminate discrimination in the law for those who have tested positive for HIV, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Ms. JACKSON LEE of Texas, Mr. RANGEL, Mr. GRIJALVA, Ms. NORTON, Mr. MEEKS, Mr. FILNER, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. STARK, Ms. LEE of California, Ms. MOORE, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. PAYNE, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. RUSH, Mr. CUMMINGS, Mr. CONYERS, Mr. HONDA, and Mr. COHEN):

H.R. 3054. A bill to authorize the Attorney General to award grants to eligible entities to prevent or alleviate community violence by providing education, mentoring, and counseling services to children, adolescents, teachers, families, and community leaders on the principles and practice of non-violence; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 3055. A bill to establish a National Parents Corps Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia (for himself, Ms. JACKSON LEE of Texas, Mr. RANGEL, Mr. GRIJALVA, Ms. NORTON, Mr. MEEKS, Mr. FILNER, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. STARK, Ms. LEE of California, Ms. MOORE, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. PAYNE, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. RUSH, Mr. CUMMINGS, Mr. CONYERS, Mr. HONDA, and Mr. COHEN):

H.R. 3056. A bill to authorize the Gandhi-King Scholarly Exchange Initiative focusing on peace and nonviolence in global conflict resolution, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LONG (for himself, Mr. NUNNELEE, Mrs. EMERSON, Mr. LUTKEMEYER, Mr. AKIN, Ms. LINDA T. SANCHEZ of California, Mr. BACH-

US, Mr. MANZULLO, Mr. CHANDLER, Mr. CRITZ, Mr. CONYERS, Mr. STARK, Mr. CARNAHAN, and Mr. LIPINSKI):

H.R. 3057. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG (for himself, Mr. KING of New York, Mr. MARINO, and Mr. MCCAUL):

H.R. 3058. A bill to authorize the Secretary of Homeland Security to permit a class deviation to the Federal Acquisition Regulation to support domestic emergency operations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL (for himself, Mr. BUTTERFIELD, Mrs. MYRICK, Mr. VAN HOLLEN, Mr. BURGESS, Ms. SPEIER, Mr. KELLY, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. RUSH, Mr. CUELLAR, Mr. BILBRAY, Mr. WOLF, Mrs. McMORRIS RODGERS, Mr. KEATING, Mr. OLSON, Mr. CANSECO, Mr. ROGERS of Alabama, Mr. BOUTSTANY, Mr. DAVIS of Kentucky, Ms. ROS-LEHTINEN, Ms. PELOSI, and Mr. ROTHMAN of New Jersey):

H.R. 3059. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 3060. A bill to make supplemental appropriations to provide additional funds to AmeriCorps for the fiscal year ending September 30, 2012, and to amend the Internal Revenue Code of 1986 to extend and modify payroll tax forgiveness; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. JONES, Mr. ANDREWS, and Mr. FRANK of Massachusetts):

H.R. 3061. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Natural Resources.

By Mr. PETERSON (for himself, Mr. SIMPSON, Mr. WELCH, Mr. COSTA, Mr. COURTNEY, Mr. SCHRADER, Mr. LARSEN of Washington, and Mr. LONG):

H.R. 3062. A bill to establish a program for dairy producers under which producers can offset reductions in producer income when the margin between milk prices and feed costs is less than a specified amount, to establish a dairy market stabilization program for producers participating in the margin protection program, to provide for the amendment of Federal milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. SABLON (for himself, Mr. PIERLUISI, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. FALOMAVAEGA):

H.R. 3063. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to provide for an additional allocation of funds to the insular areas; to the Committee on En-

ergy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. MORAN, Mr. CONNOLLY of Virginia, Mrs. MALONEY, Mr. LEWIS of Georgia, and Ms. RICHARDSON):

H.R. 3064. A bill to provide for improvements in the Federal hiring process, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SHULER (for himself, Mr. HUNTER, Mr. CARDOZA, Mr. COSTA, Mr. CHANDLER, Mr. MATHESON, Mr. THOMPSON of California, Mr. HOLDEN, Mr. BOSWELL, Mr. BOREN, Mr. ROSS of Arkansas, Mr. BARROW, Mr. KISSELL, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. HULTGREN, Mr. BARTLETT, Mr. HANNA, Ms. FOXX, Mr. BURTON of Indiana, Mr. MICHAUD, Mr. KIND, Mr. HARRIS, Mr. CONAWAY, Mr. BUCHANAN, Mr. COURTNEY, Mr. CALVERT, Mr. GENE GREEN of Texas, Mr. MCINTYRE, Mr. WESTMORELAND, Mr. CRITZ, Mr. GUTHRIE, Mr. BENISHEK, Mr. ROSS of Florida, Mr. GUNTA, Mr. AUSTRIA, Mr. LATTA, Mr. YODER, Mr. BROWN of Georgia, Mr. MCKINLEY, Mr. MILLER of Florida, Mr. KLINE, and Mr. PETERSON):

H.R. 3065. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 3066. A bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. SCHILLING:

H. Con. Res. 82. Concurrent resolution prohibiting the House or Senate from adjourning for a period of more than 3 days during a fiscal year unless the House involved has adopted a concurrent resolution on the budget for such fiscal year and has approved legislation to provide funding for the operations of the government for the entire fiscal year; to the Committee on Rules.

By Mrs. DAVIS of California (for herself, Mr. GRIJALVA, Mr. DINGELL, and Mr. POLIS):

H. Res. 415. A resolution expressing support for designation of the month of October 2011 as National Principals Month; to the Committee on Education and the Workforce.

By Mr. MCCOTTER (for himself, Mr. ROHRBACHER, Mr. WESTMORELAND, Mr. BILIRAKIS, Mr. JONES, Mr. DIAZ-BALART, Mr. SENSENBRENNER, and Mrs. MYRICK):

H. Res. 416. A resolution condemning Communist China's discrimination, harassment, imprisonment, torture, and execution of its prisoners of conscience, and supporting the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MARCHANT:

H.R. 3038.

Congress has the power to enact this legislation pursuant to the following:

This bill is submitted with the Constitutional authority granted in Article I, Section 8, "to provide for the Common Defense," and Article I, Section 8, Clause 18, the "Necessary and Proper Clause."

By Mr. HECK:

H.R. 3039.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. TIPTON:

H.R. 3040.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. COOPER:

H.R. 3041.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 9; Article III, Section 1, Clause 1; Article III, Section 2, Clause 2.

By Mr. BARLETTA:

H.R. 3042.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to "Article 1 Section 8 of the U.S. Constitution Clause 18."

By Mrs. BLACKBURN:

H.R. 3043.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 and 2 of Section 8 of Article I of the United States Constitution

By Mr. CANSECO:

H.R. 3044.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CANSECO:

H.R. 3045.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CARNAHAN:

H.R. 3046.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. "The Congress shall have Power To lay and collect Taxes, Duties,

Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. COHEN:

H.R. 3047.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 3 (relating to the power to interstate commerce).

By Ms. DELAURO:

H.R. 3048.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. GRIJALVA:

H.R. 3049.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KELLY:

H.R. 3050.

Congress has the power to enact this legislation pursuant to the following:

Article I—Section 1—All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KUCINICH:

H.R. 3051.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution, as well as the 5th Amendment to the United States Constitution.

By Mr. LARSEN of Washington:

H.R. 3052.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the au-

thority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Ms. LEE of California:

H.R. 3053.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 3054.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 3055.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 3056.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LONG:

H.R. 3057.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 1
Article I Section 8 Clause 3

By Mr. LONG:

H.R. 3058.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 1
Article I Section 8 Clause 14
Article I Section 8 Clause 15
Article I Section 8 Clause 16

By Mr. McCAUL:

H.R. 3059.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by the United States Constitution under Article I, Section 8, "Congress shall have the power To . . . provide for the common Defense and general Welfare of the United States" and "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Ms. NORTON:

H.R. 3060.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution.

By Mr. PALLONE:

H.R. 3061.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. PETERSON:

H.R. 3062.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. SABLAN:

H.R. 3063.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution.

By Mr. SARBANES:

H.R. 3064.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SHULER:

H.R. 3065.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. TERRY:

H.R. 3066.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. GOSAR.

H.R. 23: Ms. DELAURO.

H.R. 104: Mrs. CAPITO, Mr. HUNTER, and Mr. MEEHAN.

H.R. 306: Mr. PIERLUISI.

H.R. 374: Mr. LABRADOR and Mr. FLEISCHMANN.

H.R. 539: Mr. NADLER and Ms. RICHARDSON.

H.R. 605: Mr. FRELINGHUYSEN.

H.R. 640: Mr. CARNAHAN and Mr. HOLDEN.

H.R. 664: Mr. LOEBACK.

H.R. 711: Ms. LEE of California and Mr. PRICE of North Carolina.

H.R. 812: Ms. DELAURO and Mr. REHBERG.

H.R. 854: Mr. DOYLE, Mr. KUCINICH, and Mr. COSTELLO.

H.R. 860: Mr. PETERSON, Mr. RANGEL, Mr. COSTELLO, Ms. SCHWARTZ, Mr. CHABOT, Mr. GARDNER, Mr. HUNTER, Mrs. BONO MACK, Mrs. MYRICK, and Mr. MCNERNEY.

H.R. 890: Mr. FILNER.

H.R. 912: Ms. CHU.

H.R. 1116: Ms. ROS-LEHTINEN.

H.R. 1179: Mr. WALSH of Illinois.

H.R. 1195: Mr. SCHRADER.

H.R. 1219: Mr. LOBIONDO, Mr. ALEXANDER, Mr. SCHRADER, and Mr. MURPHY of Connecticut.

H.R. 1236: Mr. PETRI, Ms. LORETTA SANCHEZ of California, and Mr. ALTMIRE.

H.R. 1297: Mr. ROONEY.

H.R. 1327: Mr. SENSENBRENNER, Mr. BROUN of Georgia, Mr. FARR, Mr. PRICE of North

Carolina, Mr. ALTMIRE, and Mr. HASTINGS of Florida.

H.R. 1340: Mr. CRAWFORD.

H.R. 1351: Mr. VAN HOLLEN, Mr. CUELLAR, Mr. BARLETTA, and Mr. DAVID SCOTT of Georgia.

H.R. 1370: Mr. CASSIDY.

H.R. 1426: Mr. MCINTYRE, Mr. SULLIVAN, Mr. FLEMING, Mr. BONNER, and Mr. RUPPERSBERGER.

H.R. 1471: Mr. RUSH.

H.R. 1546: Mr. MCINTYRE, Mr. CONNOLLY of Virginia, Mrs. MALONEY, Mr. OLVER, Mr. AUSTRIA, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, and Mrs. CAPITO.

H.R. 1623: Mr. PETERS.

H.R. 1633: Mr. STIVERS, Mr. CALVERT, and Mr. LUETKEMEYER.

H.R. 1653: Mr. CHANDLER.

H.R. 1697: Mr. COSTA.

H.R. 1744: Mr. MILLER of Florida.

H.R. 1754: Mr. THOMPSON of California.

H.R. 1755: Mr. COSTA.

H.R. 1756: Mr. GOODLATTE.

H.R. 1845: Mr. ELLISON.

H.R. 1848: Mr. DESJARLAIS.

H.R. 1905: Mrs. BIGGERT, Mr. DENHAM, Mr. HASTINGS of Washington, and Mr. WEBSTER.

H.R. 1910: Mr. DOGGETT.

H.R. 1916: Mr. GONZALEZ.

H.R. 1971: Mr. COURTNEY.

H.R. 2016: Mr. THOMPSON of California and

Ms. WASSERMAN SCHULTZ.

H.R. 2033: Mrs. MALONEY.

H.R. 2040: Mr. HERGER.

H.R. 2059: Mr. BENISHEK, Mr. HULTGREN, and Mr. GRAVES of Missouri.

H.R. 2068: Mrs. BIGGERT.

H.R. 2104: Mr. JOHNSON of Ohio.

H.R. 2106: Mr. JOHNSON of Ohio.

H.R. 2139: Mr. HALL, Mr. COLE, Mr. LONG, and Mr. CUMMINGS.

H.R. 2159: Mr. FARR, Mr. BUTTERFIELD, and Mr. HOLDEN.

H.R. 2182: Mr. BRADY of Pennsylvania.

H.R. 2183: Ms. BUERKLE.

H.R. 2207: Mr. POLIS, Mr. BLUMENAUER, and Mr. HINCHEY.

H.R. 2223: Ms. SUTTON.

H.R. 2273: Mrs. ADAMS.

H.R. 2299: Mr. GOODLATTE and Mr. LANDRY.

H.R. 2337: Mr. KILDEE, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. DEFAZIO, Mr. DOYLE, Mr. THOMPSON of California, and Mr. KUCINICH.

H.R. 2358: Mr. PRICE of North Carolina.

H.R. 2369: Mr. HOYER, Mrs. MILLER of Michigan, Mr. LABRADOR, Mr. MCKEON, Mr. GARY G. MILLER of California, and Mr. WAXMAN.

H.R. 2397: Mr. KISSELL.

H.R. 2433: Mr. TURNER of Ohio, Mr. BONNER, Mr. LOBIONDO, and Mr. LAMBORN.

H.R. 2471: Mr. STEARNS and Mr. GRIFFIN of Arkansas.

H.R. 2478: Mr. YARMUTH and Mr. PRICE of North Carolina.

H.R. 2479: Mr. REICHERT.

H.R. 2487: Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. GRAVES of Georgia, Mr. CHAFFETZ, and Mr. DEFAZIO.

H.R. 2499: Ms. SPEIER.

H.R. 2505: Mr. GALLEGLEY.

H.R. 2507: Mr. DUNCAN of South Carolina.

H.R. 2528: Mr. GOODLATTE, Mr. LATTI, and Mr. MANZULLO.

H.R. 2559: Ms. CHU and Mr. PRICE of North Carolina.

H.R. 2563: Mr. HANNA, Mr. TURNER of Ohio, and Mr. CARTER.

H.R. 2569: Mr. MANZULLO and Mr. WHITFIELD.

H.R. 2595: Mr. GRIFFIN of Arkansas, Mr. MURPHY of Connecticut, Mr. ROTHMAN of New Jersey, Mr. CONNOLLY of Virginia, Mr. CICILLINE, and Mr. LOEBACK.

H.R. 2629: Ms. MATSUI and Ms. LEE of California.

H.R. 2655: Mr. HIGGINS, Ms. LEE of California, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. TSONGAS, Mrs. NAPOLITANO, Mr. STARK, and Mr. COLE.

H.R. 2674: Ms. HIRONO.

H.R. 2679: Mr. YOUNG of Alaska and Mr. TIERNEY.

H.R. 2697: Mr. LONG.

H.R. 2698: Mr. LARSEN of Washington and Mr. SIMPSON.

H.R. 2705: Mr. PRICE of North Carolina and Mr. LARSEN of Washington.

H.R. 2718: Mr. HANNA and Mrs. ELLMERS.

H.R. 2746: Mr. ISRAEL, Mr. BACA, and Mr. FRANK of Massachusetts.

H.R. 2757: Mr. FILNER and Mr. COHEN.

H.R. 2797: Ms. GRANGER.

H.R. 2820: Mr. LIPINSKI.

H.R. 2829: Mr. BILIRAKIS, Mr. FINCHER, and Mr. LUETKEMEYER.

H.R. 2833: Mr. STEARNS, Mr. GOSAR, and Mr. LANKFORD.

H.R. 2888: Mrs. MYRICK.

H.R. 2918: Mr. DANIEL E. LUNGREN of California, Mr. CONNOLLY of Virginia, and Mrs. SCHMIDT.

H.R. 2925: Ms. SCHWARTZ and Mr. SCHRAEDER.

H.R. 2934: Mr. CALVERT.

H.R. 2941: Mr. LONG.

H.R. 2951: Mr. ROE of Tennessee.

H.R. 2952: Mrs. MYRICK.

H.R. 2960: Mr. BRALEY of Iowa, Mr. MORAN, and Mr. BOSWELL.

H.R. 2961: Mr. PAUL.

H.R. 2977: Mr. RENACCI and Mr. TIBERI.

H.R. 2985: Mrs. LUMMIS, Mr. ALTMIRE, Mr. LANKFORD, Ms. JACKSON LEE of Texas, Mr. GUINTA, and Mr. BRADY of Pennsylvania.

H.R. 3023: Mr. KISSELL, Mr. ALTMIRE, and Mr. CRITZ.

H.R. 3032: Mr. SCHOCK.

H.J. Res. 2: Mr. AMODEI and Mr. TURNER of New York.

H.J. Res. 69: Ms. HAHN.

H.J. Res. 71: Mr. MULVANEY, Mr. GOWDY, Mr. GIBSON, and Mr. SCOTT of South Carolina.

H. Res. 60: Mr. AUSTIN SCOTT of Georgia.

H. Res. 387: Mr. HOLT, Mr. ROYCE, and Mr. WILSON of South Carolina.

H. Res. 401: Mr. LIPINSKI.

H. Res. 407: Mr. FRELINGHUYSEN and Mr. GERLACH.

H. Res. 413: Mr. OWENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 639: Mr. SCOTT of South Carolina.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 2 by Mr. GOHMERT on H.R. 1297: Justin Amash, Paul A. Gosar, Martha Roby, Vicky Hartzler, Tom Graves, Michael H. Michaud, Lynn A. Westmoreland, Mick Mulvaney, Jeffrey M. Landry, Jeff Duncan.

EXTENSIONS OF REMARKS

104TH ANNIVERSARY OF THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 104th Anniversary and Golden Member banquet on Sunday, October 2, 2011.

This year, the Croatian Fraternal Union will hold this gala at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Geraldine M. Doll, Marko Frankovich, Anthony R. Glibota, Sharon Haynes, Domenica Jaksa, Mary Ann Maggi, Thomas D. Meeks, Mary Ann Pala, Dennis R. Pollack, Mary Kay Rhodes, Judy A. Rodriguez, Anthony A. Samanich, Lorna Gail Scott, Patricia C. Tonkovich, Dennis Tuskan, Diana M. Voyt, and Katherine M. Zarth.

These loyal and dedicated individuals share this prestigious honor with approximately 324 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The banquet will begin at 1 p.m.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President John Miksich and all members of the Croatian Fraternal Union Lodge Number 170 for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

CONGRATULATING SGT. DAKOTA MEYER ON HIS RECEIPT OF THE CONGRESSIONAL MEDAL OF HONOR

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today in order to honor Sergeant Dakota Meyer of the United States Marine Corps and the recipient of the highest military honor our Nation can bestow, the Congressional Medal of Honor.

Born in Columbia, Sgt. Meyer's upbringing in rural southern Kentucky was quintessentially American. In high school, he distinguished himself—as an all-star on the football field and as a tutor volunteering his time to special-needs students in the classroom. Sgt. Meyer aspired to be a college football player until a chance encounter with a USMC recruiter awakened in his heart the challenge to serve his country. His eighteenth birthday found him at boot camp on Parris Island.

Sgt. Meyer served nobly in Iraq and at the conclusion of his tour there volunteered for another deployment, this time to Afghanistan. He has described the events of September 8, 2009, in the Kunar Province of northeastern Afghanistan as the “worst” day of his life. With that in mind, and the details of his heroism contained in the Medal Citation, I will not recount the terrible events of that day. Because of his actions, thirteen Marines and Army soldiers, as well as twenty-three Afghan soldiers made it out of an ambush to live and serve another day. And the bodies of four fallen American servicemen and a mortally wounded Army soldier—Marines 1st Lt. Michael Johnson, Gunnery Sgt. Edwin Johnson and Staff Sgt. Aaron Kenefick; Navy Corpsman 3rd Class James Layton; and Army Sgt. 1st Class Kenneth W. Westbrook—made it home to their loved ones and a grateful country.

As he received the Congressional Medal of Honor at a White House ceremony on September 16, with his usual modesty Sgt. Meyer dedicated the award to those brave men: “The main thing that we need to get from that day is that those guys died heroes, and they are greatly missed.” Having recently marked the tenth anniversary of the 9/11 attacks that drew us into war, as Sgt. Meyer reminds us, our Nation must commit to memory the service men and women who have sacrificed their utmost since in order to ensure the security and sovereignty of our blessed Republic.

It is impossible to convey how proud I am to join the American people as we honor Sgt. Dakota Meyer. Like him, I believe that in commemorating the events of that day in the far-off mountains of Afghanistan, we may honor those we lost while finding the strength and courage to ensure that the American dream of freedom and liberty will never dim.

TRIBUTE TO STATE SENATOR HARRY “HAP” MYERS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable man, State Senator Harry Edward “Hap” Myers, Jr., a lifelong resident of Mobile, Ala-

bama and friend to many who passed away on August 3, 2011, at the age of 72.

During his lifetime, Hap was known for his unbending belief in others and in doing what was right. He was a husband, father, civil engineer, community leader and legislator.

Growing up in Mobile he attended Mary B. Austin Elementary School, Barton Academy, and graduated from Murphy High School in 1957. He received a B.A. Degree in Business Administration and a B.S. Degree in Civil Engineering from Auburn University in 1961.

Returning to Mobile, he began on a path he would follow for much of his professional life, serving and then leading the J.B. Converse Company/BCM Engineers where he was president and CEO for two decades. Under his leadership, the company grew to become one of America's top 100 engineering firms.

Never one to be content with sitting on the sidelines when his community needed him, Hap was determined to make a difference, greeting new challenges with enthusiasm and his trademark positive attitude. He led the local business community as Chairman of the Mobile Chamber of Commerce, Chairman of the board at St. Paul's Episcopal School, and served on the Board of Regions Bank and the Mobile Area Water and Sewer Board, to name but a few of the many organizations where Hap left a lasting mark.

Having succeeded in local business and in giving his time to improve his community, Hap took the next step in 1994, entering the political arena for the first time. For anyone who knew him, there was never any doubt that he would make a fine public servant. Hap went on to be elected a Republican in the Democrat-dominated Alabama State Senate for three consecutive terms. He retired from politics in 2006. Former Governor Bob Riley summed up his political career by noting he “served for all the right reasons, and he did it with great integrity and class.”

Mr. Speaker, Senator Hap Myers never put himself first and never gave up believing in and doing what was right. He will be sorely missed but leaves behind a legacy of goodness and decency as well as an example for one and all of what a true servant leader is.

I would like to ask the House to join me in extending our deepest condolences to his lovely wife, Toni, as well as his wonderful children, Hap III, Marty, and Sandy, his grandchildren, his family and many friends. You are all in our thoughts and prayers.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE GOOD SAMARITAN SOCIETY'S DENTON VILLAGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 35th anniversary of the Good Samaritan Society's Denton Village. The Good Samaritan Society operates a number of nursing homes around the country. Denton Village's inception in 1976 marked the beginning of their exceptional service offerings in long-term care and senior living complexes. The Denton Village has since expanded their services to include twin homes, assisted living, and a second senior living apartment building.

My parents lived in a duplex at Denton Village. The facilities and staff at Denton Village allowed my parents, Harry and Norma, to enjoy a more fulfilling and carefree life. When it comes to providing individualized care the people at Denton Village go above and beyond for their residents. Denton Village is a place that cares for people, and is one of the best nursing homes in Dallas Fort-Worth Area.

This anniversary is a wonderful opportunity for us to celebrate and recognize the values of the Good Samaritan Society and the delivery of those values at the Denton Village. I am truly proud to recognize everybody at Denton Village for their 35th Anniversary of excellent service, and I know the Denton community appreciates their years of service.

IN RECOGNITION OF THE OPENING AND DEDICATION OF THE UKRAINIAN VILLAGE PARK AND ANNUAL UKRAINIAN VILLAGE PARADE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the opening and dedication of the Ukrainian Village Park and Annual Ukrainian Village Parade taking place on September 24, 2011.

With a growing population of more than 50,000, the Ukrainian community has been a staple in the Greater Cleveland area for decades. In October, 2008, the City of Parma City Council became the first local government in Northeast Ohio to sponsor an ethnic neighborhood; Ukrainian Village. Ukrainian Village covers two miles along State Road and is home to Ukrainian butcher shops, credit unions, two Ukrainian Orthodox churches and now Ukrainian Village Park. The mission of Ukrainian Village is, "To preserve, empower, and advance Ukrainian Village as a thriving neighborhood by celebrating the culture and heritage of Ukrainian Americans and to collaborate with the City of Parma in creating business and economic development within its boundaries."

The Ukrainian Village Parade and Ukrainian Village Park dedication will be hosted by the

City of Parma, Ukrainian Village Committee and the United Ukrainian Organizations of Ohio. The United Ukrainian Organizations of Ohio has represented more than 50 Ohio organizations since 1928. This year's Ukrainian Village celebration will commemorate the 20th anniversary of Ukraine's independence, include an annual parade and festival and feature the opening and dedication of the Ukrainian Village Park.

This year's parade will include, for the first time, all five of Parma's high school's bands; Parma Senior High School, Normandy High School, Valley Forge High School, Padua Franciscan High School and Holy Name High School. Additionally, the parade will feature church groups, civic organizations, representatives from the Polish, Hungarian, German, Irish and Slovak communities, Ukrainian Village businesses, numerous Ukrainian-American organizations, singers, dancers, school children, and His Eminence Archbishop Anthony.

Mr. Speaker and colleagues, please join me as Greater Cleveland celebrates the opening and dedication of the Ukrainian Village Park and Annual Ukrainian Village Parade.

CONGRATULATING CELADON GROUP, INC.

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana's business community.

Mr. Stephen Russell founded Celadon Group, Inc., in 1985, and under his leadership, Celadon has grown to become one of the Nation's largest trucking and transportation management companies. Celadon currently operates approximately 3,100 tractors and 9,000 trailers and serves over 2,000 customers. Celadon employs nearly 4,000 people and is the largest transportation company based in Indiana. Mr. Russell serves on several industry, education, and community boards; including on the American Trucking Associations, Inc. Board, Cornell University Johnson Graduate School of Management Board, and as Chairman of the Board of Governors of the Indianapolis Museum of Art.

Mr. Russell was one of four laureates inducted into the Central Indiana Business Hall of Fame on February 17, 2011. Established by the Junior Achievement Board of Directors in 1989, the Central Indiana Business Hall of fame honors men and women who epitomize success in the business world and use their success to improve the quality of life of their fellow citizens and surrounding communities.

I congratulate him on all his hard work and success which has been honored with the induction into the Central Indiana Business Hall of Fame. I would like to thank his family for selflessly supporting Mr. Russell in his long and accomplished career as a business and community leader in Central Indiana. I am proud to honor Mr. Russell in recognition of his leadership and service to his family, employees, and community.

100-YEAR ANNIVERSARY OF R.L. TURNER HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise to celebrate the 100-year anniversary of R.L. Turner High School. As a graduate of R.L. Turner, I am honored to recognize this school as a significant part of the City of Carrollton's history.

In the fall of 1911, Carrollton High School had its first class of three students. In 1915, a two-story, red brick building was constructed for the high school. When the high school changed locations, the building became DeWitt Perry Junior High. The junior high school was named after DeWitt Clinton Perry, who donated the land to the city for the original high school.

The first Homecoming Day celebration was held on Friday, November 17, 1933. Former students from as far back as the original class reunited at the football game where the Carrollton Yellow Jackets defeated the Hutchins Tigers by a score of 13-6.

In 1937, Carrollton High School changed their mascot from the Yellow Jackets to the Lions. In 1962, to accommodate the growth in the area, Carrollton High School moved from the two-story, red brick building on Beltline Road to its current location on Josey Lane. In the same year, Carrollton High School changed its name to R.L. Turner in honor of Superintendent Robert Leon Turner.

R.L. Turner High School has received a number of distinguished awards over its rich history. In the 1990-1991 school year, the high school was honored with the Blue Ribbon National School of Excellence. In the 2000-2001 and 2009-2010 school years, the high school achieved a Recognized Rating for its academics from the Texas Education Agency. And in 2010, R.L. Turner was ranked as the top school in the district on Newsweek's list of America's Best High Schools.

Since the first class graduated in 1912, approximately 50,000 students have passed through this exceptional institution. I am very proud of R.L. Turner and its century-long commitment to educational excellence. On behalf of the 24th Congressional District of Texas, I ask my colleagues to join me in congratulating R.L. Turner on its 100-year anniversary.

CORRESPONDENCE WITH DEFENSE SECRETARY PANETTA ON THE AFGHANISTAN/PAKISTAN STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. WOLF. Mr. Speaker, I submit my correspondence with the administration on my call for an Afghanistan/Pakistan Study Group. My letters to Defense Secretary Leon Panetta of August 31, 2011, and September 15, 2011, follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 31, 2011.

Hon. LEON PANETTA,
Secretary of Defense, The Pentagon,
Washington, DC.

DEAR SECRETARY PANETTA: I know you care deeply about the men and women in uniform fighting in Afghanistan. That's why I am disappointed that no one from your staff has contacted former Ambassador Peter Tomsen, an expert on Afghanistan, to meet with him, as I requested in my letter to you of August 1 (enclosed).

Ambassador Tomsen's new book, *The Wars of Afghanistan*, is receiving positive reviews, including the enclosed review in the recent edition of *Foreign Affairs*. The review praises the book as providing an in depth description of the social structure of Afghanistan and the mistakes repeated by numerous foreign countries that have tried to help establish military and political cohesion in the country. The review states, "Whether one agrees with Tomsen, however, there is no denying that his descriptions of Afghanistan's society and politics are a valuable foundation for any discussion of how the country should be governed. * * * Given Tomsen's track record, Americans should give a respectful hearing to his call for a thorough policy reformulation—something beyond tweaks to troop numbers and counterinsurgency tactics."

I believe this book should be required reading for you and your team at the Pentagon. Ambassador Tomsen is ready and willing to lend his expertise to this important effort and I again ask that you or your staff meet with him.

Leon, I renew my call that you use your discretion as secretary and create the Af/Pak Study Group. We owe it to the men and women serving and the families and spouses at home to ensure we have the correct strategy. After 10 years of fighting, it is time to have a fresh set of eyes examine U.S. strategy. Far from a sign of weakness, creating an independent Af/Pak study group would show the nation that we are doing everything possible to achieve our goals in this region.

I would welcome the chance to speak with you on this matter.

Best wishes,

Sincerely,

FRANK R. WOLF,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2011.

The Hon. LEON PANETTA,
Secretary of Defense, U.S. Department of Defense, The Pentagon, Washington DC.

DEAR SECRETARY PANETTA: It was good to be with you at the Pentagon on Sunday to honor the lives lost there 10 years ago in the 9/11 attacks. I want to congratulate you on a moving ceremony that showed reverence to the Pentagon employees and the passengers of American Flight 77 that perished on that awful morning. I appreciated your comments and those of Admiral Mullen. Several of my constituents died at the Pentagon and the first U.S. service member killed in Afghanistan was my constituent. I thank you and all those who have served in public office and in uniform in the 10 years we have waged war against global terrorism.

As I waited for the program to begin on Sunday, I saw you and former Defense Secretary Rumsfeld and was struck by a vivid memory from 2005 of the events surrounding

the Iraq war. We were three years into the war, the security situation in Iraq was deteriorating, and our soldiers were dying every day. As a member of Congress who voted to send our troops to fight, I believed I had the added responsibility to make sure the administration was receiving the best advice possible on our Iraq strategy.

So I proposed creating the Iraq Study Group (ISG) made up of experts outside government to bring what I called "fresh eyes" on the target. Secretary Rumsfeld, General Pace, Secretary Rice, and NSC Chairman Hadley all came to see the value in the ISG. By your participation, I think it is fair to say you also saw its benefit, and I greatly appreciated your outstanding service on the bipartisan panel. You and the other Democratic members who gave your time during a Republican administration exemplified the true meaning of service to your country.

We are now into the 10th year of fighting in Afghanistan and the challenges we face there continue. In 2001, I was the first member of Congress, along with Rep. Joe Pitts, to visit Afghanistan after the U.S. invasion, against the wishes of the Defense Department. We saw firsthand the devastation that the Taliban had visited on Kabul as well as the remnants of the U.S. Embassy that was abandoned in 1979. I have also traveled to Pakistan and seen the difficulties that country faces combating the Afghan Taliban and other terror groups. Despite the current conditions, all my experience in this region tells me that success is possible if we formulate the right strategy to deal with both Afghanistan and Pakistan.

As with the ISG, I believe fresh eyes are needed now to examine U.S. policy in Afghanistan and Pakistan. The security situation continues to erode as evidenced by coordinated insurgent attacks on heavily fortified U.S. and NATO compounds just this week. The Taliban still finds safe haven in the tribal wilderness of Pakistan and the ISI actively funds terrorist groups.

Given these and other concerns on the ground in Afghanistan, I continue to be puzzled why you, the Joint Chiefs of Staff and Secretary Clinton are not supporting the Af/Pak Study Group idea in the same manner that Secretary Rumsfeld and other Bush administration officials supported the ISG. Having the experience of serving on the ISG and now serving as Secretary of Defense with a Democratic president (who I acknowledge inherited the war in Afghanistan), you are in a unique position to make this group a reality. The authorization and funding for the Af/Pak Study Group in the House-passed Defense Appropriations bill gives you the authority to create this group today.

I have to tell you that I continue to be disappointed that your staff has yet to contact former Ambassador Peter Tomsen to discuss his book, *The Wars of Afghanistan*. His book provides insightful information on the tribal structure of both Afghanistan and Pakistan and the political allegiances that underlie all actions in the region. I believe his knowledge and experience in this region would be invaluable in formulating future policy in South Asia. I respectfully ask again, please take advantage of his work and meet with him as soon as possible.

Leon, I don't have the answers on Afghanistan. Perhaps current U.S. strategy is the best way forward. But we owe it to the men and women in uniform who have served and continue to serve there—some paying the ultimate sacrifice—to know definitively. I continue to believe that fresh eyes from outside government focused on assessing the situa-

tion is the prudent action to take. I ask that you take the advice of those who support an Af/Pak Study Group, including Jim Dobbins, General Charles Krulak, Ryan Crocker, who I spoke with prior to his appointment as ambassador to Afghanistan, and other prominent Americans with experience in this region.

I believe it would be a sign of strength to appoint a study group and let the American people know that the administration is willing to examine all possible policies to achieve a successful outcome in this troubled region.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CENTENNIAL ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BURTON of Indiana. Mr. Speaker, the United States is familiar with its own stories of brave men and women who fought to break the bonds of tyranny and form a new democracy. The walls of this chamber and the surrounding Capitol complex remind us daily of our proud history. But I want to share with you today the story of another like minded group of individuals on the other side of the world who also dared to demand freedom for their people. I rise today, Mr. Speaker, to recognize the centennial anniversary of Republic of China in Taiwan.

One hundred years ago, on October 10th, 1911, under the inspiration of Dr. Sun Yat-Sen, the Republic of China began by throwing off the bonds of the Wuchang dynasty in order to create the first Republic in Asia. This year the Republic of China (Taiwan) celebrates the centennial of its National Independence Day, also known as "Double Ten Day".

The United States and Taiwan not only share a similar story of self-determination but we continue to maintain a strong and vital friendship. The people of Taiwan have made clear through the years, their appreciation and gratitude for the support the United States has provided Taiwan through the decades. This friendship has been evidenced through investment and economic development, through cultural and social exchanges, and even through the military support shared between our two peoples. Taiwan has stood with the United States to combat global terrorism; and the people of Taiwan have always given generously in our greatest times of need. Throughout the past ten decades we have become not just allies, but great friends.

As the Republic of China (Taiwan) enters into her second century of democracy, it is just as important that the United States stand with her 23 million citizens to face the challenges of the next hundred years. Surely there will be struggles, political and economic, at home and abroad. As we continue to engage other nations around the globe, we must remember that in our Taiwanese friends we have a nation ready to stand with us in the effort to promote freedom, tolerance, and democracy.

On this very special day, the United States joins with the Taiwanese people to recognize the sacrifice of those who made Double Ten Day possible so many years ago, and we reaffirm that our friendship remains steadfast. I ask my colleagues to please join me in extending to President Ma Ying-jeou the good wishes of the United States House of Representatives on this centennial anniversary.

IN HONOR OF THE 160TH ANNIVERSARY OF ST. MICHAEL CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 160th anniversary of St. Michael Catholic Church in Independence, Ohio.

St. Michael Catholic Church was founded in 1851 when Bishop Amadeus Rappe commissioned Father Nicholas Roupp to begin celebrating Mass in Independence, Ohio. There had recently been an influx in the area of Catholic Swiss and German immigrants. After operating for several decades as a mission church, in 1888, the Cleveland Catholic Diocese raised the community to parochial status and Father Peter Scerer became St. Michael's first pastor. After two pastors in just a couple of years, St. Michael Parish reverted back to a mission and was served by the Jesuit Fathers of St. Mary Parish.

Throughout the 20th Century, St. Michael Parish experienced many renovations and expansions. In 1900, the congregation welcomed its third pastor, Father Albert Aust. Under the leadership of Father Aust, St. Michael Parish thrived and added a new rectory, school, and in 1908, teachers from the Notre Dame Sisters. The parish later added a sister's residence in 1934, built a new school in 1950, erected a new church in 1955 and new rectory in 1968. In 1990, a new social hall and gymnasium were constructed and named Rappe Hall, in honor of Bishop Amadeus Rappe. Most recently, in 2001, St. Michael completed an interior renovation of the current church on Chestnut Road.

The St. Michael congregation will celebrate its 160th anniversary in conjunction with the annual Feast of St. Michael. This year's celebration will include an Oktoberfest dinner, arcade games, and donations will be collected for both the St. Michael School Student Council's "Jeans for January" drive and St. Vincent DePaul Society's Food Pantry.

Mr. Speaker and colleagues, please join me in honoring the 160 years of service that St. Michael Catholic Church has provided to the parishioners of Independence, Ohio.

PERSONAL EXPLANATION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. CARSON of Indiana. Mr. Speaker, due to a previous commitment, I unavoidably

missed two votes. Had I been present, I would have voted "nay" on passage of rollcall 725, and "nay" on passage of rollcall 726.

REED COLLEGE CENTENNIAL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BLUMENAUER. Mr. Speaker, this year one of the nation's top liberal arts colleges in the heart of my Congressional District in Portland, Oregon is celebrating its centennial. Reed College began its first classes in 1911 with 50 students—26 men and 24 women—and five faculty members and has grown to 1,400 students and 135 faculty. Committed to intellectual rigors and academic freedom, Reed has served as a groundbreaking model for liberal arts colleges over the past 100 years.

Reed's commitment to academic excellence is reflected in the student body and faculty. All students are expected to complete an original work in a major subject area—a senior thesis. A higher percentage of Reed graduates go on to earn Ph.Ds across fields than do graduates of all but three other U.S. colleges and universities. Students regularly win Fulbright, Watson, National Science Foundation, and other fellowships, and the faculty has received national recognition for its commitment to teaching.

While "Reedies"—as students call themselves—are widely known for studying—sleeping—and studying some more, they engage in a broad range of campus and civic activities. One such tradition dates back to 1913 and is known as Canyon Day, in which students and community members come together to clean up and restore the ecosystem of the natural canyon and creek that meanders through campus.

It is said the true mark of a Reed education is not conventional success, but a certain "quality of thought, curiosity, and willingness to challenge received wisdom." For a hundred years Reed has remained a hallmark of rigorous scholarship and intellectual pursuit. I am honored to represent this distinguished institution and look forward to celebrating future landmark occasions.

IN HONOR OF SISTER MAUREEN DOYLE, OSU

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Sister Maureen Doyle, who is being recognized for 25 years of service as the director of the Urban Community School.

Sister Maureen Doyle was born and raised in the Cleveland area. She is an Ursuline Sister of Cleveland. Sister Maureen earned her undergraduate degree in elementary education from St. John College of Cleveland and a Masters of Education from Boston College.

She began her career as an educator in 1973 and has worked for St. Charles School, St. Ann School, St. Clare School and is currently serving in her 26th year as the director of Urban Community School, UCS.

Under Sister Maureen's leadership, UCS has thrived at providing an individualized, Catholic/Christian, quality education to the children of Cleveland's Near West Side neighborhoods; primarily to those who, otherwise, might not have access to such an education. In 1987, during her first year as director, UCS was the first school in Cleveland to receive the Excellence in Education Award from the U.S. Department of Education. In 2005, Sister Maureen led UCS' transition to a new, larger facility that accommodates 50 additional students. As a result of the expansion, UCS also added an art program, art room, science lab and full-time counseling program. Because of her dedication to the students of UCS, Sister Maureen has been awarded with the Diocese of Cleveland Catholic School Excellence Award, the YWCA Greater Cleveland Women of Achievement Award, an Honorary Degree from John Carroll University and the Irish Good Fellowship Award.

In addition to her work with UCS, Sister Maureen is an active member of the Greater Cleveland community. She has been involved with the Boys & Girls Club, City Club of Cleveland, Laurel School and St. Ignatius High School. Currently, Sister Maureen is a member of the Education Committee for the Cleveland Museum of Art and Greater Cleveland Habitat for Humanity.

Mr. Speaker and colleagues, please join me in honoring Sister Maureen Doyle as she is recognized for her contributions to the Cleveland's Near West Side community as director of the Urban Community School.

RECOGNIZING BRENDA WELBURN

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. POLIS. Mr. Speaker, I rise today to recognize the retirement of Brenda Welburn as the Executive Director of the National Association of State Boards of Education (NASBE).

Throughout Brenda's outstanding career with NASBE, she dedicated herself to supporting not only state policymakers across the 50 states but, more importantly, students all across the country.

Brenda spent many years at the helm of NASBE, serving as a critical resource for state policymakers elected and appointed to State Boards of Education. During my six years of service on the Colorado State Board, Brenda and NASBE were instrumental in supporting me and all of the board in our universally shared goal of improving public education. I will never forget how we worked together to implement the requirements of No Child Left Behind and to integrate its requirements with Colorado's education accountability systems. With Brenda's help, we managed to navigate school finance decisions while communicating the benefits of public school choice, such as online learning and charter schools, and connecting traditional K-12 programs with college and careers.

Throughout her remarkable tenure at NASBE, Brenda has served as a steady and thoughtful leader, actively assisting state board members across the country. Her influence has been felt coast to coast, and because of her steadfast commitment to establishing and maintaining effective education policies, children across the country have been given a greater chance to succeed.

Brenda, we will miss you, but we thank you for your dedicated service and congratulate you on your retirement.

CONGRATULATING TAIWAN'S
CENTENNIAL NATIONAL DAY

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. ROONEY. Mr. Speaker, I rise today to congratulate the people of Taiwan as they celebrate their Centennial National Day. The day is also to commemorate the 1911 Wuchang Uprising, a milestone of China's development and a new chapter which led to the end of the Qing Dynasty.

This National Day allows the people of Taiwan to gather together and celebrate their shared heritage, and provide them the unique opportunity to honor their past and present culture and achievements. Following President Ma Ying-jeou's annual address, there will be a parade of floats from 10 counties and various government agencies. A series of cultural activities and exhibitions, including a nationwide design competition and movie festival will be featured along with a traditional puppet display.

The historic ties between the United States and Taiwan run deep, and they continue to unite us. I hope our nation will continue its efforts to promote educational and cultural exchanges so that younger generations may enjoy and continue the legacy of our important relationship.

I look forward working together to deepen our relationship, and I wish the families celebrating this occasion a safe and happy holiday.

NATIONAL DAY OF REMEMBRANCE
FOR MURDER VICTIMS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. POE of Texas. Mr. Speaker, on Sunday, September 25th we recognize the National Day of Remembrance for Murder Victims.

Murder extinguishes the hopes and dreams of tens of thousands of victims each year, and an untold number of fellow Americans now live, daily, with the absence of a loved one.

Murder affects each and every one of us, and every community nationwide.

We must all work diligently to prevent the violence that destroys lives and devastates families.

A National Day of Remembrance for Murder Victims offers Americans the opportunity to

honor the memories of murder victims and recognize the impact of murder on surviving family members and friends.

A join victim service programs, criminal justice officials, and concerned citizens throughout America to remember the tragedy of murder, honor the courage of survivors, and vow to do whatever we can to help survivors rebuild their lives.

On the National Day of Remembrance for Murder Victims we reaffirm this Nation's commitment to respect as well as support crime victims' rights and needs throughout the year; And that's just the way it is.

TO ACKNOWLEDGE SEPTEMBER AS
CHILDHOOD OBESITY AWARE-
NESS MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. MORAN. Mr. Speaker, I rise today to acknowledge September as Childhood Obesity Awareness Month. Increasing awareness of this pervasive problem can help curb the increase in this epidemic and help families and children make better choices in the foods they eat and their overall lifestyle.

Over the past three decades, the rate of childhood obesity has risen to crisis proportions. According to the Centers for Disease Control and Prevention, 32 percent of children are overweight, 16 percent are obese, and 11 percent are extremely obese. In some racial and ethnic groups, in low-income populations, and among recent immigrants, the rates of obesity among children and youth are alarmingly high.

The health consequences for these children are very serious. They are at much greater risk of developing diabetes, heart disease, high blood pressure, asthma, and other diseases than their non-obese peers. Many children are subjected to ridicule and bullying that damages their emotional well-being. Beyond the tragic consequences for the children themselves are the effects on the American economy. Obese children are at risk of growing into obese adults who do not participate fully in the workforce because of employment discrimination, lost productivity due to illness and disability, and premature death. If the childhood obesity epidemic continues at its current rate, conditions related to type 2 diabetes, such as blindness, coronary artery disease, stroke, and kidney failure, may become common conditions of middle age. Health care costs for this population are likely to rise to an extent we are only now beginning to appreciate.

As a nation, we need to make sure that our young people receive a consistent message that encourages them to adopt healthful eating patterns; helps them to understand their nutritional needs; and teaches them healthy lifestyle choices, especially relating to physical activity.

We can, and we simply must, make addressing childhood obesity a national priority. Not only must we help the children who are already affected, we must not fail to protect an-

other generation. Health is more than the absence of physical or mental illness—it is also the extent to which children and youth have the capacity to reach their full potential.

REAFFIRMING THE STRONG U.S.-
ISRAEL PARTNERSHIP IN PUR-
SUIT OF LASTING MIDDLE EAST
PEACE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to oppose Palestine's bid for statehood at the United Nations (U.N.) and to encourage the Palestinian leadership to pursue a peace agreement with Israel through direct negotiations, as they have demonstrated their willingness to do before.

Lasting peace is possible only if an agreement is accepted by the Israeli and Palestinian people—it must not be forced on either side. I have continually shared this message with my colleagues in Congress and the international community, most recently by urging members of the European Union to stand with the U.S. and Israel in opposing Palestine's unilateral action at the United Nations.

All citizen in the region deserve a peaceful and prosperous future and I am hopeful progress will be made. However, the U.S. will not ignore the serious security threat that faces Israel. The path to peace lies in working together, not exploiting differences. I will stand with Israel to support peace through direct negotiations and urge Palestine to embrace this approach.

IN RECOGNITION OF THE GRAND
OPENING OF THE BLIND REHA-
BILITATION UNIT AT THE
CLEVELAND VETERAN AFFAIRS
MEDICAL CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the grand opening of the new Blind Rehabilitation Center at the Louis Stokes Cleveland Veteran Affairs Medical Center, VAMC, on September 26, 2011.

The Louis Stokes Cleveland VA Medical Center is dedicated to the quality care of all veterans. It is the fifth largest VA in the country and serves close to 95,000 veterans annually. The Louis Stokes Cleveland VA Medical Center was the first VA to receive disease specific accreditation for Inpatient Diabetes Care in 2007 and has also received a special commendation by the American College of Surgeons as a Certified Comprehensive Cancer Program.

According to the Department of Veterans Affairs, there are approximately 157,000 Veterans who are legally blind and more than one million more suffer from low vision. On September 26, 2011, the Cleveland VAMC will

celebrate the grand opening of their new Blind Rehabilitation Center, BRC. The 28,000 square-foot, 15-inpatient-bed BRC will care for blind and low-vision Veterans from Ohio, Pennsylvania, Michigan, West Virginia and Kentucky. In addition to working with Veterans to regain their independence and quality of life, the BRC will offer support to the Veterans' families, helping them better understand visual impairment and providing support that will reduce caregiver burden.

Mr. Speaker and colleagues, please join me in recognizing the grand opening of the Louis Stokes Cleveland Veteran Affairs Medical Center's new Blind Rehabilitation Center.

SUPPORT OF NATIONAL HISPANIC HERITAGE MONTH FROM SEPTEMBER 15-OCTOBER 15, 2011, RECOGNIZING THE SERVICE OF LIEUTENANT COLONEL ALFRED RASCON AND THE 41 MEN OF HISPANIC HERITAGE WHO HAVE BEEN AWARDED THE MEDAL OF HONOR

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BARTLETT. Mr. Speaker, as we celebrate National Hispanic Heritage Month, I want to salute Army Lieutenant Colonel Alfred Rascon of Laurel, Maryland, one of the 41 men of Hispanic heritage who have received our military's highest award for valor, the Medal of Honor.

Alfred Rascon was born in Mexico, but joined the Army after graduating from high school in California. He explained, "I volunteered to join the military and serve in Vietnam [before I became a citizen] because I was always an American in my heart."

While serving as a medic, Rascon's reconnaissance platoon came under fierce enemy attack in thick jungle on March 16, 1966. Rascon repeatedly used his own body as a shield against withering fire and saved the lives of two wounded buddies and tried in vain to save the life of a third. Despite wounds from gunfire, shrapnel and a grenade explosion in his face, he raced into a hail of bullets and recovered an M-60 machine gun and ammunition. That action turned the tide of the encounter and may well have saved the lives of his entire platoon. Rascon refused evacuation before other injured buddies.

Alfred Rascon served two more combat tours in Vietnam and also served additional tours since 2001 in Iraq and Afghanistan. He continues to serve our country speaking to our youth. America is blessed by generations of immigrant Medal of Honor recipients like Alfred Rascon. They are heroes who sacrificed themselves to save the lives of others and put their newly adopted country above their own self-interest. There is no greater love than a man lay down his life for a friend.

HONORING BRETT EVERETT WOOD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor Brett Everett Wood, a courageous and noble soldier, who died on September 9, 2011 at the age of 19. Army Private First Class Wood laid down his life when insurgents attacked his unit with an improvised explosive device in Kandahar Province, Afghanistan.

A 2010 graduate of Owen Valley High School who enlisted shortly after his high school graduation, Private Wood was assigned to the 1st Battalion, 5th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division based in Fort Wainwright, Alaska. Private First Class Wood had recently returned to active duty after recovering from head wounds suffered in a previous IED blast. He was awarded a Purple Heart, Bronze Star and a Good Conduct Medal among several other military honors.

A hard worker, a proud and brave American, and a loving son, Private First Class Brett Wood leaves behind his beloved parents, Malissa and Chris Frye and Mitchell and Angela Wood. He is survived by his adored brothers Nikk Wood, Brandon Wood and Cory Poland and dearly loved sister Amber Poland. His grandparents, Charles and Evelyn Wood and Jim and Sandy Corns will long remember him.

Private First Class Brett Wood made the ultimate sacrifice for his country in Operation Enduring Freedom. To his fellow soldiers, his family and friends, and to everyone who knew and loved him, he was a dedicated member of his community who answered the higher calling to serve his country.

Mr. Speaker, during his lifetime, Brett Everett Wood enriched the lives of everyone around him by employing energy, leadership, and courage in everything he set out to do. As we bid farewell to this exceptional individual, I am reminded that freedom does indeed exact a heavy price and I ask my colleagues to join me in remembering and honoring his contributions and years of devoted service to his community and our country.

100TH ANNIVERSARY OF THE
REPUBLIC OF CHINA—OR TAIWAN

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. MYRICK. Mr. Speaker, October 10 marks the 100th Anniversary of The Republic of China—or Taiwan. I urge my colleagues to join me in recognizing this important occasion.

The partnership between the United States and Taiwan is vital within the international community. Both of our countries benefit from a robust trading relationship, and the support that Taiwan has shown the United States in times of need cannot be overlooked.

In recognizing the centennial of Taiwan, we are also recognizing the numerous cultural

and political accomplishments of this proud nation. Within Taiwan, we see a flourishing democracy—where free speech and political discourse are encouraged—and applaud the perseverance of those who have worked to protect the civil rights of the Taiwanese people.

I ask that my colleagues join me in recognizing the accomplishments Taiwan has made over the past 100 years, and that we will all continue to foster the important relationship that exists between the United States and one of our most important Asian allies.

NATIONAL AMBIENT AIR QUALITY
STANDARD UNDER THE CLEAN
AIR ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, yesterday we learned that, according to Environment Ohio, the Cleveland Lorain Elyria area has the 14th smoggiest air among all large metropolitan areas in the U.S. Only a few weeks ago, the President announced he would prevent an update of the rule designed to reduce smog. The American people deserve clean air.

The Bush Administration failed to update National Ambient Air Quality Standard (NAAQS) under the Clean Air Act for ozone pollution until 2006, when a standard was issued which was much less protective of public health than his scientific advisory board recommended; 75 parts per billion (ppb) of ozone, an air pollutant that is hazardous to fragile lung tissue. The scientific advisors' recommendation was between 60 and 70 ppb, which would have avoided up to 8,000 premature deaths; 3,800 nonfatal heart attacks; and 40,000 asthma attacks every year. The science is clear.

By invoking the industry fake argument that pulling back the update will help the economy, the Obama Administration has chosen to act in contravention of the Clean Air Act, which clearly prohibits consideration of costs in setting the standards designed to protect public health.

Everyone has a right to clean air. This abdication of responsibility affects millions of Americans every day, with every breath. It disproportionately affects the most vulnerable among us, like children, the elderly, and the ill. The story of the ozone rule is aptly told by Verna Riffe Biemel, a constituent of mine. She said:

"On Aug. 4, 2010, my mother succumbed to lung disease, pulmonary fibrosis. I vividly remember the difficulty she had breathing on bad air days. In fact, during her last year, she couldn't go outside at all on those days and felt the difference inside. No one likes to see a loved one struggle to breathe. No one should have to fight for clean air. Congress owes the American public the opportunity to breathe clean air."

She is right. If the President won't do it, Congress should.

INTRODUCING THE HIRING PROCESS IMPROVEMENT ACT OF 2011

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. SARBANES. Mr. Speaker, in the coming decade, close to 50% of the federal workforce will be eligible to retire, making the development of the next generation of federal workers even more vital. Yet, as federal agencies struggle to recruit and retain the next generation of public servants, we continue to force hiring managers and prospective candidates to navigate an out-dated and bureaucratic hiring process that deters the best and brightest from pursuing careers in public service.

In short, the Federal hiring process is broken. Despite increased pressure from the Administration to improve hiring and recruitment processes:

Many federal agencies still take as long as 200 days from the date of a vacancy to hire—delays that compromise federal recruitment, jeopardize government operations and waste taxpayer dollars.

The hiring process at federal agencies involves as many as 110 discrete steps and more than 45 hand-offs between managers, administrative officers and HR specialists.

In some agencies, hiring managers are required to select from the three highest-rated candidates selected by HR specialists, making it impossible for managers to play a role in recruiting their own staff.

Rather than base initial screening decisions on applicants' resume and cover letter, candidates for federal employment must provide lengthy, essay-style responses about the applicants' knowledge, skills and abilities (KSAs).

That is why I have joined Senator AKAKA in authoring this common-sense, good government legislation to bring the federal hiring process in-line with private sector best practices by:

Requiring agencies and departments to develop a comprehensive strategic workforce plan focused on hiring, recruitment, skills deficiencies and potential process reforms;

Moving the federal government to a resume and cover letter-based application system;

Shortening the federal hiring process to an average of 80 days after a vacancy has been posted;

Better integrating hiring managers into all stages of the hiring process and providing them with greater flexibility in final decisions; and

Requiring government wide data collection and reporting on the efficacy of the hiring process.

This legislation has a long, bipartisan history—in 2009, Senators AKAKA and VOINOVICH authored similar legislation in the Senate. In 2010, President Obama recognized the tremendous personnel challenges facing federal agencies and issued Improving the Federal Recruitment and Hiring Process, a Presidential Memorandum on federal hiring reform that includes some of the elements in our legislation. The Senate unanimously passed the Akaka-Voinovich Federal Hiring Process Improvement Act in the previous Congress, only to watch it die in the House.

Enactment of a substantive, bipartisan hiring reform bill is long past due. Our legislation seeks to codify and build upon the Administration's memorandum, while ensuring an unprecedented level of transparency in and oversight of the federal hiring process. The Washington Post called on Congress to pass the Federal Hiring Process Improvement Act in a July 2011 editorial, arguing that "today's antiquated hiring practices are thwarting a generation of inspired public servants in the making."

I would like to take this opportunity to thank Senator AKAKA for his tremendous leadership on federal hiring and recruitment issues and to thank the Partnership for Public Service for their advocacy in support of hiring reform. Whether it is a firefighter saving lives, an agent protecting our borders, a scientist pioneering new research, or a nurse caring for our veterans, we owe it to taxpayers and the next generation of public servants to build a better hiring process and to ensure that those with the desire to serve our country are able to do so.

[From the Washington Post, July 3, 2011]

THE FEDERAL GOVERNMENT IS STILL TOO SLOW TO HIRE

Less lucrative compensation and benefits aren't the only factors turning thousands of promising college graduates away from public service. The hiring process for employment in the federal government also remains impossibly long, and many recent alumni just aren't financially equipped to wait it out.

More than a year ago, President Obama launched what the administration called a "comprehensive initiative to address major, long-standing impediments to recruiting and hiring the best and the brightest into the federal civilian workforce." Mr. Obama directed the Office of Personnel Management (OPM) to institute reforms—dubbed the Pathway Programs—to streamline hiring for students as well as recent graduates. As The Post reported then, "Management Director John Berry drew a rousing ovation" when the agency announced it was replacing cumbersome "skills essays" with résumé-based applications.

Despite the initiative, many federal agencies still take as long as 200 days from the date of a vacancy to hire. While Christine Griffin, deputy director of OPM, told Senate panel last month that the OPM efforts had "systemically overhauled" the process and made the USAJOBS Web site more "efficient and user-friendly," other experts disagreed. The dean of Harvard's Kennedy School of Government and the director of the National Association of Schools of Public Affairs contended that the government continues to drives away a majority of graduate degree holders.

This failing couldn't come at a worse time: The government will face its largest wave of employee retirements in the next five years, and critical posts in fields such as national security and science will need to be filled.

Luckily, there is a bipartisan answer. The Federal Hiring Process Improvement Act of 2010, co-sponsored by Sen. Daniel Akaka (D-Hawaii) and then-Sen. George Voinovich (R-Ohio), was passed unanimously by the Senate. The bill, intended to build on the president's directive, requires all agencies to limit their hiring time to 80 days, inform job candidates of their statuses in a timely manner, convert to a universal résumé application and craft job descriptions as well as announcements in plain writing.

The bill failed to pass the House, thanks to lawmakers leery of affiliating themselves with "federal hiring" legislation at a time when government spending is unpopular. But it makes no sense to punish recent college graduates for the excessive spending of the past.

Mr. Akaka, who chairs the subcommittee on oversight of government management and the federal workforce, is lobbying anew for ratification of his proposed reform.

His measure deserves support. It's time for the federal government to take the recruiting of human resources as seriously as successful private and nonprofit organizations do. Today's antiquated hiring practices are thwarting a generation of inspired public servants in the making.

HONORING YASHAR ALIYEV

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. FOXX. Mr. Speaker, I rise today to honor the distinguished service of His Excellency Yashar Aliyev, Ambassador Extraordinary and Plenipotentiary of the Republic of Azerbaijan to the United States of America. Mr. Aliyev is completing his term as Ambassador to the United States after five years of service. Before he accepted his assignment to come to the United States in 2006, he served as Azerbaijan's Permanent Representative to the United Nations.

Ambassador Aliyev has worked tirelessly and effectively to strengthen the strategic partnership between Azerbaijan and the United States.

Through frequent and productive communications with the United States Congress, Ambassador Aliyev has helped raise awareness of the issues pertaining to Azerbaijan and foster mutual understanding between the peoples of the two countries.

I ask my colleagues to join me today in recognizing Ambassador Aliyev for his exemplary service and valuable contributions to promoting bilateral relations and in extending best wishes for continued success in his future endeavors.

HONORING THE MAINE ARMY NATIONAL GUARD MILITARY FUNERAL HONORS PROGRAM

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Maine Army National Guard Military Funeral Honors Program. The Maine Army National Guard Military Funeral Honors Program offers the military honors that are now an entitlement to all honorably discharged veterans.

The rendering of Military Funeral Honors is a way to show the Nation's deep gratitude to those who, in times of war and peace, have faithfully defended our country. This ceremonial paying of respect is the final demonstration a grateful Nation can provide to the veterans' families.

Established in 2003, the Maine Army National Guard Military Funeral Honors Program serves the veterans of Maine with honor and respect. The soldiers who make up the Funeral Honors Program are of the highest caliber that Maine has to offer and deserve our recognition.

Mr. Speaker, please join me in thanking the Maine Army National Guard Military Funeral Honors Program for their outstanding service for Maine's veterans and their families.

RECOGNIZING THE ACCOMPLISHMENTS OF JAKE DENHART

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the accomplishments of one of my younger constituents—Jake Denhart, who at only 16 years old has exuded a true entrepreneurial spirit. For years, Jake has been working around his neighborhood, shoveling snow and mowing lawns for small fees. He even decided to give his business a name, calling it “Innovative Solutions.” From what I understand, Jake has managed to put away almost \$20K in savings earned from the work he has done over the years. Through his hard work, he has also earned a high level of trust with his neighbors.

Jake's hard work was also reflected on the academic front when one of his teachers at Noblesville High School, Joe Toms, nominated him to participate in the Purdue Research Park Entrepreneurship Academy, established by Purdue University. Jake was among the 50 students from the state of Indiana who was chosen to participate, based on an essay, in the week-long academy. The purpose is to provide innovative math, science, and technology-based business and life skills by having the students work in teams on a business case. Throughout the week, they have the opportunity to interact with industry leaders and successful entrepreneurs. The competing teams spend the week developing a business plan to make an “investor pitch” to a panel of judges. These students truly exude creativity, initiative, overall academic strength, and an interest in concepts and concerns that are relevant to entrepreneurship, which will carry them far as they embark on their future careers.

I am proud to represent such a young constituent who not only understands the value of money, but also knows how to save it. Jake's success is a measure of his strong work ethic, for which I commend him. I believe it is important to remember stories like these in such trying economic times, which keep our spirits alive—not only in Indiana, but throughout the Nation.

IN RECOGNITION OF THE 88TH ANNUAL FEAST OF ST. WENCESLAUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Czech Catholics of Greater Cleveland's 88th Annual Feast of St. Wenceslaus on September 24, 2011 at Our Lady of Lourdes Parish. This year's celebration will also honor the 100th anniversary of the founding of Cleveland's former Holy Family Parish.

St. Wenceslaus is the patron saint of the Czech Republic. Every year, his feast day, September 28th, is celebrated by Czech communities around the world. St. Wenceslaus was the leader of Old Bohemia during the early part of the 10th Century. During his tenure as king, St. Wenceslaus took a vow of chastity and was devoted to his Christian faith. Killed by his brother, St. Wenceslaus was later canonized as a martyr of the Christian faith.

In addition to celebrating the Feast of St. Wenceslaus, the 100th anniversary of the founding of the former Holy Family Parish will be recognized at this year's celebration. Holy Family was founded on November 6, 1911 after Father Rudolph Habrda noticed Bohemian families moving into Cleveland's Woodland Hills neighborhood. Over the years, as parishioners began to move to the suburbs, the parish school merged with St. Cecilia, Epiphany and St. Mary of Czestochowa to form Mr. Pleasant Elementary School. In 1988, the Holy Family Parish was closed.

Our Lady of Lourdes Parish is one of only two Czech congregations left in the Cleveland Catholic Diocese, along with St. John Nepomucene in Slavic Village. The Czech Catholics of Greater Cleveland will gather together on September 24th for mass and a celebration featuring the Hronek Czech Band.

Mr. Speaker and colleagues, please join me in recognition of the 88th Annual Feast of St. Wenceslaus. I offer my best wishes to the Czech Catholics of Greater Cleveland and all those who attend this joyous celebration.

TAIWAN CENTENNIAL NATIONAL DAY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. PETRI. Mr. Speaker, I salute Taiwan on its forthcoming Centennial National Day, also known as Double-10 Day, October 10, 2011.

The Republic of China on Taiwan is a model of success for Asia. For over six decades now, the Taiwanese people have struggled to lift their island into the top ranks of the world's economies. The recently released 2010 World Competitive Yearbook finds Taiwan to have the 8th most competitive economy among the 58 countries surveyed.

Over the past year, the number of employed people has increased and the unemployment rate has dropped to an enviable 5.17 percent.

Even more important than its economic achievements, Taiwan has developed into a strong and vibrant democracy. It is a valued member of the free nations of the world, even though it is burdened with particular and unique diplomatic challenges—challenges which the Taiwanese people and government have met with courage.

On the occasion of the Republic of China's Centennial National Day, I hope there can be renewed peaceful coexistence and co-prosperity between Taiwan and the Chinese mainland. There have been many agreements reached between the two sides, including direct air and sea links, increased mutual investments, and regular negotiations over economic and other substantial issues.

Also, I offer my congratulations to Taiwan for its continued participation in the World Health Assembly meetings last May in Geneva and to its continuing commitment to safeguarding human rights and other universal values.

Congratulations to the Republic of China. I look forward to closer relations between the United States and Taiwan.

THE COME-FROM-BEHIND GRASSHOPPERS WIN IT ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. COBLE. Mr. Speaker, as Major League Baseball begins its post-season push, the professional minor leagues are concluding their seasons. The citizens of the Sixth District of North Carolina are celebrating the first championship since 1982 of the Greensboro Grasshoppers of the South Atlantic League.

The Hoppers—as their fans affectionately call them—were a dramatic, come-from-behind team all season. It took the final games of the season for the Hoppers to even qualify for post-season play. Greensboro split the first two games at home in the best-of-five championship series against the Savannah Sand Gnats. When the series moved to Savannah, the Hoppers lost game three to the Sand Gnats. It has been 11 years in the “Sally League” since a team leading two-games-to-one failed to clinch the championship. With Savannah needing only one more win to capture the South Atlantic League title, the Hoppers were facing the end of their season, when they pulled out a heart-stopping, 11-inning win to force a fifth and deciding game.

Even in the championship game, Greensboro fell behind 2–0 early before cruising to 7–3 win to capture its first South Atlantic League championship in almost three decades. Hoppers Manager Andy Haines told the Greensboro News & Record that he could not pick a Most Valuable Player for the series. “There's no way I could name anyone,” Haines told the newspaper. “We had a lot of guys contribute. It was someone different every night.”

All of the Grasshoppers can be proud of the regular season, along with the dramatic run to the title. Among those who were part of Greensboro's first championship since 1982 included: pitchers Michael Brady, Alex

Caldera, Jordan Conley, Grant Dayton, James Leverton, Miguel Mejia, Robert Morey, Gregory Nappo, Mike Ojala, Chris Shafer, Rett Varner, Kyle Winters, and Brett Zawacki. The catchers were Aaron Dudley, Wilfredo Gimenez, and Jacob Realmuto. The infielders included Daniel Black, Joe Bonadonna, Mark Canha, Ryan Fisher, and Noah Perio. The outfielders were Issac Galloway, Marcell Ozuna, James Wooster, and Christian Yelich. Only one of those on the disabled list, Zachary Neal, made it onto the post-season roster, but the others contributed during the year and they included Kevin Cravey, Alan Oaks, Jay Rogers, Adam Veres, and Sean Watson.

Greensboro is one of the best-run minor league teams in the entire United States and it is because of an outstanding front office. This championship caliber group includes: Donald Moore, President/General Manager; Katie Dannemiller, Vice President, Baseball Operations; Jimmy Kesler, CFO; Tim Vangel, Assistant General Manager, Sales and Marketing; Jake Holloway, Assistant General Manager, Head Groundskeeper; Erich Dietz, Director of Ticketing; Todd Olson, Sales Associate; Murray White, Sales Associate; Joey Burrigge, Sales Associate/Ticket Representative; Rosalee Brewer, Sales Associate; John Redhead, Executive Director of Business Development; Laura Damico, Director of Community and Event Development; Shawn Russell, Director of Promotions/Production; Amanda Williams, Director of Creative Services; Yunhui Bradshaw, Director of Merchandise; Chad Green, Assistant Director of Stadium Operations; Kaid Musgrave, Assistant Groundskeeper; and Bob Perry, Clubhouse Director.

Championship Skipper Andy Haines was ably assisted by Pitching Coach Willie Glen and Hitting Coach Kevin Randel. The players were kept in championship form all season long by Athletic Trainer Masa Fujimoto and Strength and Conditioning Coach Cody Clark.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Greensboro Grasshoppers owners Cooper Brantley, Wes Elingburg and Len White and everyone affiliated with the Hoppers on providing its fans with so many dramatic moments during a memorable season. All of us who love the Hoppers are basking in the glow of the first South Atlantic League Championship since 1982. We may see some of today's Grasshoppers playing for the parent club—the Florida Marlins—in the near future, but none of us will forget the 2011 season when Greensboro came from behind numerous times to win it all.

TRIBUTE TO DARRELL WALTRIP

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BLACKBURN. Mr. Speaker, on this week when NASCAR's Chase for the Cup begins, I rise today to celebrate another landmark achievement for a 3-time Cup winner and resident of Tennessee's 7th District who I am truly privileged to call a good friend. Dar-

rell Waltrip will join the third class of inductees in the NASCAR Hall of Fame.

Darrell was born and raised in Owensboro, Kentucky, but began making his mark as a professional driver at the old Nashville Speedway in the 1970s. We are proud that Darrell and his wife, Stevie call Franklin, Tennessee home.

This much-deserved accolade caps D.W.'s legendary career which included three NASCAR Cup series championships, 84 Cup victories, the 1989 Daytona 500, and five-time winner of The Coca-Cola 600. Darrell had 271 top-five finishes and 390 top-tens, not to mention 13 Grand National Series wins. He's been the American Driver of the Year three times, the Auto Racing Digest Driver of the Year twice, and once NASCAR's Driver of the Decade.

We've seen him race the track, we now seen him announce the sport he loves, and we look forward to watching him be enshrined into the NASCAR Hall of Fame. Mister Speaker, I rise today to honor Darrell Waltrip on this great success and ask my colleagues to join me in one hearty "Boogity, Boogity, Boogity". Way to go, D.W. It's another checkered flag for you.

RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL ASSOCIATION OF CONVENIENCE STORES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. MATSUI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the founding of the National Association of Convenience Stores (NACS).

Originally founded in 1961, today NACS represents more than 3,700 companies that do business in more than 50 countries worldwide.

The convenience retailing industry in America generates \$575 billion dollars in sales annually, in its more than 146,000-plus stores across the country, and employs 1.73 million Americans. The industry is growing steadily as well—sales are more than 13 times higher than what they were three decades ago. Cumulatively, the U.S. convenience store industry alone serves 160 million customers per day.

It is convenience stores that keep America's motors running. Convenience stores sell 80 percent of all fuel sales in the country, and 80 percent of convenience stores sell gasoline.

While NACS boasts the membership of 49 of the top 50 convenience store companies, the majority of its membership consists of small, independent operators that own 10 stores or less. More than half of convenience stores are owned by single-store operators. NACS helps member retailers to grow their businesses, from research and marketing to human resources and management.

NACS also helps to advocate for those issues that are vital to these small business owners. From motor fuel policy, to prevention of tobacco sales to minors, to the provision of

health care for its 1.73 million employees, NACS is an industry leader in making sure their voices are heard.

Convenience stores provide a speed of transaction that is unparalleled, and the large number of locations limits travel time for consumers. Additionally, they are often the only source of food or fuel for families outside of normal business hours. The extended hours and flexibility of convenience stores mean that they play a vital role in the communities they serve and customers are able to quickly pick up what they want, when they need it.

Mr. Speaker, in recognizing the many contributions the National Association of Convenience Stores has made to our Nation and to our history, I join my colleagues in celebrating the 50th anniversary of its founding.

HONORING CHARLES KRUG WINERY OF ST. HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Charles Krug Winery, Napa Valley's oldest and most historic winemaking establishment, and among the region's most highly acclaimed and admired firms. Charles Krug will be celebrating its 150th anniversary this year and in so doing will salute the century and a half of rich traditions and extraordinary wines cultivated under the esteemed brand.

In its long, storied history, Charles Krug has played host to and benefitted greatly from the hard work and immense accomplishments of some of the most famous and brilliant Wine Country luminaries. Among them were founder Charles Krug himself, Robert Mondavi, proprietor Peter Mondavi, Sr., and the current winemakers, brothers Peter, Jr., and Marc Mondavi. Today, the winery produces a line of super-premium and reserve wines, all made with estate-grown, sustainably farmed fruit from each of Napa Valley's esteemed sub-appellations: St. Helena, Cameros, Howell Mountain and Yountville.

Charles Krug was the first outfit in the Napa Valley to implement a handful of revolutionary techniques and technologies including the use of the cider press in 1858, the differentiation of product labels by vintage and varietal, the use of glass-lined tanks and the use of French oak barrels in 1963. The winery's estate vineyards have also been the sites of some historic innovations in the field of viticulture. Krug was the first vintner to purchase and develop vineyard land in the Howell Mountain area of Napa Valley. Peter Mondavi, Sr., avoided a costly replanting of the winery's vineyards when he bucked industry and rejected recommendations to plant the AXR1 rootstock, which was later found to be vulnerable to industry-ravaging phylloxera damage. More impressive still, he was among the first vintners to develop vineyards in and around Cameros, demonstrating that Chardonnay, Pinot Noir and Merlot wines made from the grapes of this sub-appellation could reach high standards of quality.

Though Charles Krug Winery emerged as an early leader in the Napa Valley wine community, the company's commitment to serving the greater needs of the industry has always been a constant. Krug founded the St. Helena Viticultural Society in 1875, and assisted shortly thereafter with the establishment of the Napa and Sonoma Wine Company, a collaborative effort between producers to improve the quality of wine shipped to the East Coast. Today, after a century and a half's worth of work, the Charles Krug brand retains its place as one of the premier winemaking establishments in the Napa Valley region with a portfolio of wines that compete with the highest ranks of the national and international arenas.

Therefore, Mr. Speaker, it is appropriate at this time for us to congratulate and applaud the proprietors and staff of Charles Krug Winery for their outstanding and ongoing work, embodying and representing some of the best that Napa Valley and California have to offer. We wish them all much success in the future.

IN RECOGNITION OF THE DAVID
WEBSTER GREENER WAY TO
WORK DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise to recognize September 23, 2011, as the Cleveland Metropolitan Bar Association's (CMBA) 3rd Annual "David Webster Greener Way to Work Day," and to remember David Webster, legal scholar, litigator, entrepreneur, and environmentalist, who died at age 46 from cancer on March 13, 2009, but whose achievements were many in his short life.

David Webster overcame alcoholism at a young age and went on to sponsor others in recovery. He accomplished much and saw life as an adventure. At Case Western Reserve School of Law, he graduated magna cum laude and was an editor of Law Review, where he met his wife Beth.

Upon graduation from law school, David became a commercial lawyer with broad experience in matters involving banking, commodity trading, securities, technology, real estate, intellectual property, and his passion, environmental law. Merging his knowledge of commodity trading and environmental law, he founded INHALE, which later became the Clean Air Conservancy, an organization which worked within the manufacturing economy and the commodities market to reduce air pollution by acquiring and retiring pollution allowances. Outside Magazine dubbed the Clean Air Conservancy one of the 10 best small environmental non-profits.

David Webster was an aggressive litigator who took on music giant Sony and won a judgment of more than \$5 million for the late Cleveland music producer Steve Popovich over credit for Meatloaf's hottest album, "Bat out of Hell." He was a founding partner of the law firm Webster & Dubyak and was also actively involved in the Cuyahoga County Bar Association, the Federal Bar Association, and the American Bar Association. He was a driv-

ing force behind the merger of the Cuyahoga County and the Cleveland Bar Associations and was the President-elect of the merged CMBA at the time of his passing.

Mr. Speaker and colleagues, today, we observe the 3rd Annual David Webster Greener Way to Work Day. The CMBA encourages us to find a greener way to travel to and from work, whether through public transportation, biking, walking or carpooling. The CMBA will honor David's memory with a noon luncheon at the CMBA offices with a special tribute presentation. Please join me in honoring the memory of David Webster by joining with the CMBA in taking action to protect our environment.

RECOGNIZING THE ACHIEVEMENTS
OF ALBERT E. TREXLER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Albert E. Trexler of the Pennsylvania Institute of Certified Public Accountants for his 42 years of service to that organization, including his 35 years as secretary, executive director, and CEO.

Under Albert's leadership, PICPA membership has grown by 184% and its membership base expanded to include future CPAs through accounting affiliate and student membership categories. He also provided more local networking and leadership opportunities as the PICPA grew from nine to eleven chapters.

Additionally, Albert has championed advocacy efforts to include a full-time presence in Harrisburg to support implementation of CPA law changes. Included in this effort was mandatory continuing professional education to bring the Commonwealth in compliance with substantial equivalency and permit interstate mobility for PICPA members.

Further, Albert Trexler has supported industry-specific conferences and robust professional education course offerings and delivery methods to respond to the growing demands for specialized knowledge, changing membership demographics, and technical advancements.

Mr. Speaker, in light of his years of service to PICPA and a litany of outstanding accomplishments, I ask that my colleagues join me today in recognizing Albert E. Trexler on the occasion of his retirement as executive director and CEO and also on the conference upon him with the lifetime designation of PICPA Executive Director Emeritus.

HONORING SCHOOLCRAFT
COLLEGE

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. MCCOTTER. Mr. Speaker, I rise today to pay tribute to Schoolcraft College in my

hometown of Livonia, Michigan as it celebrates 50 years of serving the residents of southeastern Michigan.

In October of 1961, voters approved the formation of Northwest Wayne Community College. On February 6, 1963 the college was renamed Schoolcraft College in honor of Henry Rowe Schoolcraft, an American geographer, geologist, and ethnologist, noted for his early studies of Native American cultures, as well as for his 1832 discovery of the source of the Mississippi River.

An essential part of our community, Schoolcraft College continues to provide outstanding and affordable educational opportunities to a district reaching into three counties, sixteen municipalities and six school districts. While best known for its Culinary Arts, Nursing and Public Safety programs, Schoolcraft serves students by providing general education and transfer credits at reasonable cost.

Having served as a member of the Schoolcraft College Board of Trustees, I am impressed by the college's intelligent investment in expanding and upgrading the school's infrastructure. This has provided tremendous opportunities to educate and re-train the workforce in Southeast Michigan. In 2003, the ribbon cutting ceremony opened the VistaTech Center. A state of the art facility, it is home to Schoolcraft College's award winning culinary arts program and business development center. The Culinary Arts Department boasts four Certified Master Chefs and seven Executive Chefs. This gives Schoolcraft College a higher Certified-Master-Chef-per-student ratio than any other culinary school in the country. The VistaTech Center also is home to the American Harvest Restaurant, a student operated restaurant, where students provide exceptional gourmet cuisine and service to the local public.

In 2008, Schoolcraft hosted the grand opening for the new Biomedical Technology Center, BTC. This cutting edge building is home to several science and technology-focused programs and its growing nursing program. This building supports the mission to train our youth in promising future careers in the high tech and biomedical fields. The Biomedical Technology Center hosts truly top-notch labs: Imaging and Analysis Lab, Anatomy and Physiology Lab, Biomedical Engineering Technology Lab, Cellular and Molecular Biology Lab.

From an initial enrollment of 2,425, attendance has now grown to more than 36,000 students each year, each of whom can choose from 70 academic majors. Schoolcraft's Continuing Education and Professional Development Courses reach an additional 16,000 annually through credential programs, professional development, personal enrichment, and courses designed to further personal interests.

Mr. Speaker, Schoolcraft College has served, trained, educated and advanced the interests of our region for 50 years. As a former Schoolcraft College trustee, I ask that we congratulate them on their devoted service as an exemplary and vibrant campus, finding innovative ways to inspire students of all ages to achieve more than they ever thought possible.

**MOURNING THE PASSING AND
HONORING THE LIFE OF HARRY
"BUS" YOURELL**

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. LIPINSKI. Mr. Speaker, I rise to mourn the passing, and to celebrate the life of Harry "Bus" Yourell. Mr. Yourell was a man who loved his family, his community, and his country, and had a general love of life.

Mr. Yourell's public service began on December 7, 1941, the day Pearl Harbor was attacked and the day he signed up for the Marine Corps. A proud Marine, he was awarded a Bronze Star for saving an injured friend and he earned three Purple Hearts for his own injuries. Having fought bravely at Guadalcanal, Bougainville, Guam, and Iwo Jima, Mr. Yourell exemplifies the "Greatest Generation."

Mr. Yourell continued his service in 1959 when he was elected Trustee in the Village of Oak Lawn. In 1966, he became a Representative in the Illinois House and went on to serve nine terms. He also served as Worth Township Democratic committeeman, Cook County Recorder of Deeds, and Commissioner for the Metropolitan Water Reclamation District. He retired in 2006 having won 40 elections without ever losing one. An Oak Lawn street and a Water Reclamation District aeration station bear his name, and he is remembered fondly by tens of thousands of residents of Oak Lawn, Worth Township, and Cook County.

Even as a senior citizen, Mr. Yourell still exhibited a youthful love for life. He bungee jumped in New Zealand at age 85 and was known for his love of dancing, even at his 90th birthday party. Mr. Yourell is survived by his wife, Millie, three children, five grandchildren and six great-grandchildren.

Please join me in mourning the loss of a model citizen and a loving family man, Harry "Bus" Yourell. His passion and commitment to his community and his country will continue to inspire us all for years to come.

**RECOGNIZING THE TOWN OF PORT
BARRE ON ITS 100TH ANNIVERSARY**

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BOUSTANY. Mr. Speaker, I would like to join the town of Port Barre in celebrating their 100th anniversary. Situated off of U.S. Highway 190 and a few miles away from Interstate 49, Port Barre is referred to as "The Birthplace of Bayou Teche."

Port Barre's history dates back to 1820 when Charles Barre purchased a large section of bayou land and used it for his business enterprises. Before the advent of railroads, steamboats provided transportation for travelers and many different types of goods. Port Barre provided its surrounding areas with a lifeline to these much needed resources. The business opportunities drew people to the

area, and on June 7, 1911, Governor J. G. Sanders officially incorporated the town.

Port Barre not only brought goods and services into the area, but it has also historically been a trading region. Originally the area was used as a trading center for French colonists and Indians. The former trading post lands are still accessible to the community and visitors. Presently, the Bayou Teche RV Park allows locals and tourists to enjoy the landscape and learn the history of the site.

The town hosts a number of festivals that celebrate its Cajun heritage. The Lions Club Cracklin Festival and the Volunteer Fire Department's Pirogue and Canoe Races are two of the attractions that bring people to Port Barre to kick up their heels.

In addition to holding these unique cultural celebrations, Port Barre also boasts a successful economy. Backed by local businesses and farmers, the area still offers job opportunities and supports financial growth. I congratulate the citizens of Port Barre and am proud to be their representative in Congress.

HONORING MARGARET GRIFFIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of Margaret Griffin, wife of the late former Mayor of the City of Buffalo, James D. Griffin.

Mrs. Griffin was born in the early 1930s and grew up in a large Irish family in the South Buffalo neighborhood of the Old First Ward.

Margaret married James Griffin in 1968 and the couple had three children together: Maureen, Megan and Thomas.

Margaret served as Buffalo's first lady for 16 years from 1978–1994, and was considered the mayor's most trusted ally.

Margaret preferred to stay out of the public spotlight and let her husband make the headlines during his time in office, but she always remained influential in her husband's decision making as they worked together to enhance the lives of the citizens of Buffalo, NY.

While her husband led the City through tumultuous years, Margaret was described by her children as "the backbone" of their family as she set as example of strength and poise to her children as they grew up in the political spotlight.

Margaret's children recall how she and her husband made a great couple, loved each other very much, and loved to laugh and reminisce with friends.

Later in her life, Margaret became "Nana Margie" and displayed the same love for her grandchildren as she did for the rest of her family.

Mr. Speaker, I ask that my colleagues join me today in remembering Margaret Griffin, a truly remarkable wife, mother, grandmother, friend, and servant of the City of Buffalo and its citizens.

I wish to extend my deepest condolences to the family of Mrs. Margaret Griffin, to her children Maureen and John Tomczak, Megan and Thomas and Colleen Griffin, to her grand-

children and surviving family and friends. Mrs. Griffin earned the respect of many and although words cannot truly express the kind and fun-loving woman that Margie was, it is my hope that the memories and stories of Mrs. Griffin can serve as a lasting tribute to her life and service to so many families throughout our great city, Buffalo, New York.

**HONORING SERVICE AT
MINNETONKA HOMECOMING**

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. PAULSEN. Mr. Speaker, each fall, high schools across America hold homecoming parades to bring their community together and welcome back alumni. For Minnetonka High School this annual parade also gives the community an opportunity to honor its local veterans. Each year a veteran is selected to carry the American flag while riding at the front of the Minnetonka Homecoming Parade.

This year, Lyle Bennis, a long time resident of Deephaven, Minnesota, and a World War II Navy veteran is carrying the Stars and Stripes at the head of the ceremony in Excelsior.

Mr. Bennis was a Boatswain's Mate 2nd Class on the USS *Card* and USS *McCook* while serving in the European theater during WWII. Mr. Bennis's destroyer group recorded the most kills of German U-boat submarines in the Atlantic.

After victory in Europe was cemented, he was transferred to the Pacific and served in the Philippines, and finally in U.S. occupied Japan.

Lyle Bennis's service to our nation should never be forgotten. I thank him, and congratulate him for leading Minnetonka's homecoming parade.

**RECOGNIZING NATIONAL CHILD-
HOOD OBESITY AWARENESS
MONTH AND CHILDREN'S HOS-
PITALS**

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. TIBERI. Mr. Speaker, there is no question that childhood obesity is among the most serious health problems affecting our nation's children. Indeed, approximately 17 percent of children and adolescents age 2–19 years in the United States are obese. The problem is only growing in magnitude, as over the past two decades, the prevalence of children who are obese has doubled, while the number of adolescents who are obese has tripled.

As co-chair of the Congressional Task Force on Childhood Obesity and in recognition of September as National Childhood Obesity Awareness Month, it is imperative that we begin to identify and promote solutions to the childhood obesity epidemic. One of the key places to look towards is the work of our children's hospitals.

Children's hospitals across the country are working to provide unique solutions for both treating and preventing childhood obesity. In my home district, in Columbus, Ohio, Nationwide Children's Hospital has created programs which approach the obesity epidemic from multiple angles, partnering with other organizations like the YMCA and Ohio Healthy Weight Outcomes Coalition to help foster a multi-lateral approach to addressing the epidemic.

One of these programs, the F.A.N., Fitness and Nutrition, Club was established in 2008 as part of Nationwide Children's Hospital's pediatric obesity initiative to help 3rd, 4th and 5th grade students in neighborhoods around the hospital experience fun activities to keep them fit and healthy through physical activity and education.

This month we applaud programs like F.A.N. Club and our children's hospitals, which in partnership with our local communities help ensure that children across the nation receive the tools and education necessary to prevent childhood obesity.

JOHN B. HASEMAN TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Colonel John B. Haseman of the United States Army. I received a letter from the U.S. Defense Intelligence Agency informing me that Col. Haseman is to be a 2011 inductee into the Defense Attaché System, DAS, Hall of Fame. As a member of the U.S. Country Team, Mr. Haseman served as a military adviser to the ambassador and represented the Defense Department leadership to the ambassador's host nation.

Established in 1988, the Attaché Hall of Fame serves to honor DAS personnel who have long served our nation with the prowess and distinction befitting a member of the U.S. Military. Col. Haseman served the United States in Indonesia from 1982 to 1985, and again from 1990 to 1994. He also served in Burma from 1987–1990.

While operating in Indonesia, Col. Haseman provided the Department of Defense with substantial information regarding numerous human rights violations. This vital information greatly influenced the decision making process concerning the policy that was to be implemented towards that country. Col. Haseman also functioned to cultivate healthy relationships with allied nations and to improve their military defense capabilities.

Col. Haseman first joined the US Army in 1963 from the University of Missouri Reserve Officer Training Corps. Throughout his career, having made the seven Army values a part of his daily life, Col. Haseman served our country with dignity and honor.

Mr. Speaker, it is my sincerest pleasure to recognize Col. John Haseman, a native of Grand Junction, Colorado. The United States and the State of Colorado owe him our undying gratitude for his selfless service over the past 48 years. I thank him very much and

wish him the best of luck in all his future endeavors.

CORRESPONDENCE SUPPORTING
THE AFGHANISTAN/PAKISTAN
STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. WOLF. Mr. Speaker, I submit correspondence regarding the Afghanistan/Pakistan Study Group and provide the following examples of support for this important initiative from David Abshire, president of the Center for the Study of the Presidency, and a moving letter from a constituent and mother whose children have served in the military in recent years.

CENTER FOR THE STUDY OF THE
PRESIDENCY AND CONGRESS,
Washington, DC, June 1, 2011.

Hon. FRANK WOLF,
*House of Representatives, Cannon House Office
Building, Washington, DC.*

DEAR FRANK: To say that the May 2, 2011 targeted elimination of Osama bin Laden by a team of U.S. Navy SEALs was welcome news would be the understatement of the 21st century. The death of a terrorist icon that had directed the murder of thousands of American, European, and Muslim civilians has also caused almost immediate speculation as to what his demise will mean for the international mission in Afghanistan.

Within hours of President Obama's announcement of bin Laden's death, pundits and politicians from both the Right and Left are calling for a speedier withdrawal in the wake of the al-Qaeda leader's demise. However, many are concerned that such a move would risk reversing the gains that have been made by our nearly ten-year military effort and could cause Afghanistan to once again remerge as a destabilizing pariah that violates human rights and threatens international security.

As the country becomes increasingly divided over the issue of our involvement in Afghanistan, many questions have been raised regarding our relationship with Pakistan. Despite spending billions in aid and security assistance, America's approval rating in Pakistan is a mere 17%. Furthermore the discovery of Osama bin Laden in a compound located less than a mile from the Pakistan Military Academy has dramatically amplified concerns that elements of the Pakistani Inter-Services Intelligence service may be maintaining links with al-Qaeda and other violent extremist organizations. While many understand that cutting off or reducing aid to Pakistan would be risky, the American public is unlikely to tolerate continued perceived double-dealing on the part of the Pakistani security services. New creative and independent thinking is needed to overcome the current deadlock.

As the country struggles to find the appropriate way forward in Afghanistan and Pakistan, I am heartened by your efforts to establish a bipartisan and independent Afghanistan-Pakistan Study Group that will take a comprehensive look at America's current and future role in the region.

I had the privilege of helping organize the Iraq Study Group (ISG), which the proposed Af-Pak Study Group would be modeled after,

and feel that a similar such effort would be of great help today.

Such a group can provide an effective unifying rallying point that will enable the country to come together in support of a comprehensive strategy that will guard our interests in the region and foster a more stable and secure world.

With warm regards,
Sincerely yours,

DAVID ABSHIRE.

DEAR CONGRESSMAN WOLF: I have read your proposal for the formation of an Afghanistan/Pakistan Study Group with deep personal interest and approbation. I applaud its respectful, well-reasoned, bipartisan approach to rethinking the war in Afghanistan. The following are my personal thoughts regarding this war. Please accept them as the insights of an average American mother.

It has been troubling to me how distant this war is for so many Americans. Many are only vaguely aware of the events taking place, other than perhaps the recent increase in the number of casualties. Even gathering information of what is daily happening in Afghanistan hasn't been easy. I comb the internet daily searching many different online news sources in an attempt to be informed. Our country is at war and yet so often the top news items contain nothing regarding it. Often it is the local papers in towns with soldiers, sailors and marines serving in Afghanistan that contain the most news. Other times it is the news stations with an embedded reporter who will have a flurry of articles while the reporter is there but then nothing once they return.

The War on Terror is not just impersonal news but it is a war that strikes very close to home. My father has a dear friend whose son-in-law died in the Twin Towers. I have a friend who lost a son in Iraq during the battle for Fallujah. A student of mine lost her fiancée in the war. My children and son-in-law have served in both Iraq and Afghanistan and have buddies injured or killed in action.

One of my daughters is currently serving in Afghanistan in a Combat Support Hospital. She arrived in time to experience first hand the peak number of casualties in June and July. In a recent news interview her Commanding Officer said they are seeing an almost constant stream of casualties; something that none of them were prepared for, but will remember the horrors of the rest of their lives.

It has sometimes appeared that the efforts in Afghanistan have trudged along, with success measured in part by the areas in which we have gained some measure of control versus the price paid in human lives both civilian and military. The casualties suffered aren't just numbers to me; each name, each face, represents a family who is paying the ultimate price, the loss of a son or daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan/Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.

I, too, have a deep respect and confidence in Gen. Petraeus and would not want my comments to be construed as being critical of the leadership of our military. I have no formal training in political science or history so please accept these comments as simply the perspective of an American mother with children glad to serve our country.

God bless you and give you wisdom as you serve in the leadership of our country.

Sincerely, _____

PS It meant so much to see my sons receive a standing ovation when introduced during last weeks luncheon. It is these very Lance Corporals, Corporals and Sergeants who are almost daily listed among the casualties. My son, _____, remarked that listening to your speech "restored his faith in the republic". Thank you again for recognizing their service.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. PASCRELL. Mr. Speaker, I want to state for the record that on September 22, 2011, my vote was not recorded for rollcall vote No. 723.

I would like to state for the record that my vote should have been recorded as "nay" on rollcall vote No. 723, on providing for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

RECOGNIZING SEPTEMBER AS CHILDHOOD OBESITY AWARE- NESS MONTH

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. CLEAVER. Mr. Speaker, I rise today in recognition of September as Childhood Obesity Awareness Month. According to the National Health and Nutrition Examination Survey, thirty-two percent of children and adolescents in the U.S. are overweight. According to this study, sixteen percent of children and adolescents in the U.S. are obese, meaning they have a body mass index in the ninety-fifth percentile. In my home state of Missouri, almost thirty-four percent of children are obese and overweight. Sadly, the childhood obesity rate is growing, doubling over the last two decades, while the obesity rate for adolescents has nearly tripled over the last two decades.

These staggering increases in obesity are leading to a number of health problems among America's youth. Incidents of type two diabetes and hypertension are on the rise, and more children today are at risk of heart disease, cancer, and stroke. It has been estimated that one out of three males, and two out of five females born in the year 2000 will eventually suffer from type two diabetes.

The obesity epidemic hits some communities harder than others, greatly impacting our more vulnerable communities. Studies have shown that these children are more likely to suffer from obesity and the related health problems. Low income areas have far fewer parks and sidewalks than wealthier commu-

nities, and children from these neighborhoods have less opportunity to play ball, ride bikes, or run outside. Children who live in lower income neighborhoods also have less access to fresh produce and healthy foods. Children living in food deserts are not able to consume healthier foods as often as they should, relying more on processed and high calorie foods for their meals.

Mr. Speaker, it is essential that this Congress work to improve access to healthy food for all Americans. We need to teach our young healthy eating habits, promote physical activity, and increase access to fresh foods by encouraging supermarkets to open in the urban core, and embracing farmers markets and urban farming. Obesity is a costly epidemic. Not only does it drastically increase health care spending, totaling fourteen billion dollars a year, but it greatly reduces the health and prosperity of our children. I would also like to commend the hard work being done by Children's Mercy Hospital in bringing awareness to this issue. I urge my colleagues to stand with me in support of Childhood Obesity Awareness Month.

INTRODUCTION OF THE ECONOMIC GROWTH AND REDUCING UNEMPLOYMENT ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. NORTON. Mr. Speaker, I rise today to introduce the Economic Growth and Reducing Unemployment Act, to address perhaps the two greatest workforce tragedies resulting from today's economy—our long-term unemployed and our unemployed young people—and to spur economic growth. Since Republicans took control of the House of Representatives, many Democrats have tried to get them to shift from their one-sided, cuts-only fiscal policy to taking some steps to more quickly reduce stubborn unemployment throughout the country. Republican austerity policies, as predicted by history and Economics 101, have driven the economy into another ditch, with the possibility of a double-dip recession. We need to reduce the country's budget deficit and debt in the long term, but as virtually every economist and the Federal Reserve chair himself have said, we must also create jobs and stimulate the economy now, before it is too late. While 14 million Americans are unemployed, my bill targets those particularly hard hit by unemployment. In August 2011, the number of long-term unemployed (those jobless for 27 weeks or more) was six million, which accounted for 42.9 percent of the total unemployed population. In July 2011, the number of unemployed youth 16 to 24 years old was 4.1 million.

To make matters even worse, the unemployed now face employment discrimination and employers are reluctant to hire the long-term unemployed because of the length of their unemployment. My bill would give employers a \$5,000 tax credit against their payroll tax liability for each (net) new long-term unemployed person they hire. The tax credit is

large enough to give employers an incentive to increase hiring and wages, which would inject demand into the economy. The credit would be available to the broadest base of employers because every employer—government, non-profit and for-profit—pays payroll taxes, and employers could claim the credit on a quarterly rather than annual basis. According to the independent, non-partisan Congressional Budget Office, the proposal would "increase both output and employment," through four mechanisms: (1) with lower employment costs, employers would reduce the costs of their products and services, which, in turn, would first boost sales and then hiring and hours worked; (2) employers would pass on some of the tax savings to employees in the form of higher wages or other compensation, which, in turn, would increase employees' purchasing power; (3) higher profits would lead to higher stock prices for public companies, increasing shareholders' wealth and therefore their willingness to spend; and (4) with lower employment costs, employers would increase hiring. The bill has safeguards to prevent employers from gaming the system, including denying a credit to an employer that fires one employee and hires a replacement.

Particularly disappointing as well is the high unemployment rate for young people who heeded our advice to graduate from high school and college, only to try to enter the workforce in the worst economy in generations. By significantly expanding AmeriCorps, my bill, without needing a new administrative structure or bureaucracy, would allow unemployed young people to earn a stipend sufficient to support themselves and to obtain work experience and a good work history to help them obtain future employment. The net cost of the expansion would be low, because these young people would be providing urgently needed local services that are being dropped or curtailed because of federal, state, and local budget cuts, such as after-school programs, tutoring, and assistance for the elderly.

The bill would significantly expand job opportunities for young people who have played by the rules but find themselves unemployed in this economy. The bill would increase the number of participants in the AmeriCorps State and National program from approximately 78,000 to 500,000 full-time participants. Participants receive a living allowance, which most find sufficient to meet their basic needs, and are also eligible for an education award equal to the value of a Pell grant, for school-loan forbearance, health care benefits and child care assistance. By expanding the program, we would reduce the number of unemployed young people, provide them with the work skills and experience they would not get while unemployed, and help cash-strapped states and local governments provide services that they would otherwise have to cut.

For some time, it has been clear that policies to address today's unusually stubborn unemployment need to be targeted in order to be effective. The long-term unemployed and unemployed young people are the two groups that have been hardest to reach in prior measures. Without significant targeting, the long-term unemployed are in danger of becoming

permanently unemployed and young graduates will face their first years as adults without jobs and with no way to acquire work experience. Both groups deserve better. I ask the House of Representatives to support this bill because it targets both of these neglected groups of Americans.

RECOGNIZING CONSTITUTION DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. CONYERS. Mr. Speaker, I rise today because of my full commitment and support of the values of equality, respect, and freedom fortified within the creation of the Constitution of the United States of America.

Today is a day set aside to recognize the importance the Constitution has provided throughout its evolution to the continued principles of democracy our Founding Fathers championed.

I would like to highlight both the 13th and 15th Amendments for the equality each ensures to American minorities.

The 13th Amendment abolished slavery and started a revolution of social progress for blacks subject to slavery, and also for women and laborers.

The 15th Amendment ensures the right to vote to all citizens, regardless of one's race, color, or previous condition of servitude. I personally respect the struggle that ensued after this Amendment was ratified. It took until the 1965 Voting Right Act until this right was protected with vigorous enforcement—a vote I remember voting for passage as a newly elected Representative of the United States Congress.

These two Amendments perhaps best show the injustices that can be righted by Congress and the Nation when we recognize that we are a united people of equal bearing who are each entitled to equality under the Constitution and the help of our brethren.

HERBERT F. KOETHER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Mr. Herbert F. Koether for his service to the state of Colorado, his active pursuit of conservative ideals, and his love for serving others.

Before World War II, Mr. Koether served on the war production board in Washington, D.C., later joining the United States Air Force and attaining the rank of 2nd Lieutenant.

In 1952, Mr. Koether arrived in Denver, Colorado, actively working in the Colorado political arena for conservative causes. During Senator Barry Goldwater's 1964 presidential campaign, Mr. Koether served as the chair of the Colorado Goldwater effort, tirelessly promoting the ideals Senator Goldwater represented. In 1989, he also helped Gale Norton run her campaign for Colorado's Attorney General.

Mr. Koether not only worked on campaigns and in politics, he also devoted himself to public service in the Denver area, offering his services to various public boards to better the lives of Coloradans. In addition to serving on the Kent Denver school boards, Mr. Koether spent 54 years of his life on the advisory board of the Salvation Army.

Mr. Koether passed away on Sept. 16, 2011 among his family members and friends who were coming together to celebrate his 98th birthday.

Mr. Speaker, it is an honor to recognize Mr. Herbert F. Koether. The ideals he devoted himself to and his life of public service tangibly affected Coloradans and Americans for the better, and he will be greatly missed by us all.

TRIBUTE TO THE 5TH SPECIAL FORCES GROUP

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BLACKBURN. Mr. Speaker, fifty years ago, a prestigious group of soldiers were activated into the 5th Special Forces Group at Ft. Bragg, North Carolina. Deployed today from Ft. Campbell, Kentucky and serving in regions known and unknown, the men and women of the 5th Special Forces work to gain and secure freedom's cause for the oppressed throughout the world.

The green beret is not the only thing that sets the 5th Special Forces Group apart. Divided into five active duty and two Army National Guard groups, the Special Forces are an integral part of the United States Army and her missions throughout the world. From Vietnam to Afghanistan, these honored soldiers continue to carry out the legacy of excellence, victory, and fidelity to the contract of democracy. Outfitted with the best and the brightest the Armed Forces has to offer, the 5th Special Forces Group celebrates 50 years of special operations as one of the most decorated and well-known Army units.

We owe much of our freedom to those who, like the 5th Special Forces, dedicate their lives to the tenets of this mighty country. With unequalled speed and resolve, they both captured high-profile targets in the Global War on Terror and brought humanity and compassion to areas of the world struggling under humanitarian crisis. As the 5th Special Forces Group continues their work to liberate those in the bonds of oppression, I ask my colleagues to join with me in honoring the mighty work done by the 5th Special Forces and congratulate them as they celebrate 50 years of bringing freedom to the world's darkest places.

PALESTINIAN AUTHORITY AND THE U.N.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. GARRETT. Mr. Speaker, I rise today in objection to the Palestinian Authority's blatant

attempt to circumvent its past agreements and treaties with Israel and seek a unilateral declaration of statehood at the United Nations (UN) later today.

Peace between the Israelis and the Palestinians will not be settled through a resolution at the United Nations. Lasting peace will only be achieved through direct negotiations between Israel and the Palestinians.

The Palestinian Authority's unilateral declaration of statehood directly contradicts UN Resolution 242, which states that the two nations must work together to achieve peace in the region so that both states are secure.

When Resolution 242 was passed, President Johnson stated, "It is clear . . . that a return to the situation of June 4, 1967 will not bring peace. There must be secure and there must be recognized borders. Some such lines must be agreed to by the neighbors involved."

Now is the time for the UN and the Palestinian Authority to heed that advice. The borders should not be dictated to the Israelis; rather, an agreement should be based on direct negotiations between the two states. Recognition in any way by the UN will only embolden the belligerent Palestinians to avoid the negotiating table and circumvent direct negotiations with Israel.

An affirmative vote by the UN Security Council, even with a United States veto, will have dire consequences for years to come. I urge the UN to reject the resolution so that both nations can return to the negotiating table without pre-conditions.

INTRODUCING THE INVESTING INCOME AT HOME ACT OF 2011

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. LARSEN of Washington. Mr. Speaker, today I am pleased to introduce the Investing Income at Home Act of 2011, legislation that simplifies the outdated personal holding company ("PHC") tax regime and will help certain closely held companies invest money here at home to create jobs and help our economy recover.

Enacted in 1934, the PHC tax provisions (sections 541–547 of the Internal Revenue Code) are outdated. The goal of the PHC tax when it was originally enacted was to prevent wealthy individuals from avoiding the individual income tax on passive income like interest, dividends and rents by forming corporations to hold these investments.

In the 1930s the corporate tax rate was 13.5 percent and the top individual income tax rate was 63 percent. This 49.5 percent differential between the top corporate and individual tax rate—coupled with the ability to liquidate and distribute appreciated corporate assets without tax consequences—provided an incentive for wealthy individuals to incorporate their portfolio investments. Those incentives have largely vanished under current law. First, the top marginal tax rate for both individuals and corporations is 35%. Second, corporate liquidating distributions of appreciated assets are taxed at the corporate level. Current law provides no incentive to incorporate portfolio investments to escape the individual income tax.

The PHC tax is an obsolete tax that should be repealed.

Section 541 of the Internal Revenue Code imposes a corporate level penalty tax of 15% on the undistributed personal holding company income of a PHC. Under current law, this rate is scheduled to return to the highest individual tax rate of 39.6% when the lower dividend tax rate expires in 2011. A corporation constitutes a PHC if 60% of its adjusted gross income is PHC income and if 50% of its stock is owned by five or fewer individual shareholders at any time during the last half of the taxable year. PHC income generally is defined as interest, dividends, royalties, rents, and certain other types of passive investment income.

Furthermore, in the case of a group of corporations filing a consolidated return, the PHC test is generally conducted on the basis of the operations of the consolidated group. However, in certain circumstances the test must be conducted on a separate company basis. When the test is conducted on a separate company basis, a group of corporations filing a consolidated return can easily find that it has a personal holding company tax liability even though a great majority of its revenue is generated from the active conduct of its trade or businesses. The requirement to conduct the PHC tests on a separate company basis often unfairly penalizes corporate groups that are actively engaged in business. A common fact pattern that gives rise to this unwarranted imposition of the PHC tax is where a member of the group receives dividends from controlled foreign subsidiaries. In this case, the separate company PHC tax computation serves as a deterrent to the repatriation and reinvestment of foreign earnings in the United States.

The legislation I am introducing would exclude dividends received from a firm's foreign affiliates and reinvested in the United States from the definition of personal holding company income.

This bill will provide that corporations impacted by the PHC that benefit from the provision would pay the same level of corporate tax as similarly situated publicly traded corporations. This would free them to invest dividends from foreign affiliates into the U.S. economy, helping to create much-needed jobs here in America.

I ask my colleagues to join me in supporting this important legislation that will clean up an outdated part of the Tax Code and help to create good jobs in the United States.

RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL ASSOCIATION OF CONVENIENCE STORES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. MATSUI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the founding of the National Association of Convenience Stores (NACS).

Originally founded in 1961, today NACS represents more than 3,700 companies that do business in more than 50 countries worldwide.

The convenience retailing industry in America generates \$575 billion dollars in sales annually, in its more than 146,000-plus stores across the country, and employs 1.6 million Americans. NACS has helped the industry experience remarkable growth, convenience store sales today are more than 1,100 times greater than when NACS was founded. Cumulatively, the U.S. convenience store industry alone serves 160 million customers per day in this country alone.

It is convenience stores that keep America's motors running. Convenience stores sell 80 percent of all the gasoline purchased in the country.

NACS represents both large businesses and small family businesses that grow America's economy. More than half of convenience stores are owned by single-store operators. NACS helps member retailers to grow their businesses, from research and marketing to human resources and management.

NACS also helps to advocate for those issues that are vital to these small business owners. From motor fuels policy, to prevention of tobacco sales to minors, to swipe fee reform, NACS is an industry leader in making sure their voices are heard.

Convenience stores provide a speed of transaction that is unparalleled, and the large number of locations and extended hours of operation have redefined convenience, whether for food, fuel or other essential items. The extended hours and flexibility of convenience stores mean that they play a vital role in the communities they serve and customers are able to quickly pick up what they want, when they need it.

Mr. Speaker, in recognizing the many contributions the National Association of Convenience Stores has made to our nation and to our history, I join my colleagues in celebrating the 50th anniversary of its founding.

20TH ANNIVERSARY OF UKRAINE'S INDEPENDENCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. LEVIN. Mr. Speaker, I rise today to mark the 20th anniversary of Ukraine's independence from Soviet rule.

Since August 24th, 1991, the people of Ukraine have remained steadfastly focused on securing a stable democracy and a free market economy in Ukraine, and I commend them on their democratic achievements. During the 2004 Orange Revolution, I was proud to stand with hundreds of Ukrainian Americans demonstrating in front of the Embassy in Washington, wearing our orange scarves and demanding that democracy required rejection of a rigged election.

I also rise to express my deep concern over the erosion of democracy under the current Yanukovich Administration, which places the successes of the Orange Revolution in jeopardy. Reports from the April 2011 Freedom House assessment are alarming, particularly the anecdotes of the Administration's use of violence, intimidation, and selective prosecution of opposition leaders and suppression of the media.

tion of opposition leaders and suppression of the media.

We in the United States must continue to stand with those living under oppressive and tyrannical regimes as they struggle for their freedom.

Last week, members of the Congressional Caucus on Ukraine introduced a bipartisan resolution to commemorate Ukraine's independence and to express strong and continued support to the Ukrainian people in their efforts toward ensuring democratic principles.

JOE BLAKE TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Mr. Joe Blake, former Chancellor of the Colorado State University System. Since May of 2009, his leadership and influence as the first sole chancellor of the CSU System has been felt far and wide within the state of Colorado.

Before beginning his time with CSU, Mr. Blake served as the President and CEO of the Denver Metro Chamber of Commerce for nearly a decade. His experience with the Chamber coupled with his strong background in job creation played a pivotal role in his ability to lead CSU through tough financial times.

Under the leadership of Mr. Blake, CSU was able to accomplish many important tasks, including the establishment of a stand-alone chancellor operation, the development of its first strategic plan, and the positioning of CSU Global as a viable and integral part of the system.

CSU also launched the Commitment to Colorado, a scholarship program that ensures qualified students of all income levels have the opportunity to attend an institution of higher education. In a time where jobs are becoming scarce, nothing is more important than ensuring the young workforce has the experience, the resources, and the expertise to obtain a sustainable occupation.

Through his dedication and commitment to Colorado's system of higher learning, Mr. Blake has furthered America's objective of bettering its educational system. Mr. Blake has referred to his time as chancellor as having been "the highlight of [his] career." However, Mr. Blake's time with CSU has not yet reached its end. While he is stepping down as chancellor, he will remain with the University to promote donor and alumni relations.

Mr. Speaker, it is an honor to recognize Mr. Joe Blake. His leadership and dedication to CSU has benefited thousands of students and families and I thank him for all he has done for the state of Colorado.

CELEBRATING THE 110TH ANNI-
VERSARY OF FIRST UNITED
METHODIST CHURCH

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to honor the First United Methodist Church of Carrollton. For 110 years, this church has been a centerpiece for spiritual growth and community outreach for the City of Carrollton.

In 1901, a group of 15 Methodists moved to Carrollton, Texas to start a ministry and formed what is known today as First United Methodist Church of Carrollton. Preaching only once a month, founding pastor Reverend John D. Major visited the congregation as the fifth church on his circuit. The congregation met in the attic of W.H. Stephens' store in downtown Carrollton, where the church developed a strong Sunday school program. By 1902, membership had expanded to 54 and the church acquired additional property.

In the mid-1950s, the First United Methodist Church of Carrollton needed to relocate. With a generous donation from the Milburn Family Farm, First United Methodist Church secured five acres for future growth. Since 1967, First United Methodist Church has been pastored by Kenneth Carter, Dr. Paul Morell, and Rev. Jerry Simmons, and is currently under the spiritual leadership of Dr. Richard Dunagin. Throughout its history, First United Methodist has continued to place an emphasis on evangelism in the mission field by providing dental and medical care to those in need around the world. In 2001, as the church celebrated its centennial anniversary, land was provided for a new church and school. In 2004, a new worship center opened which was adorned with stained glass windows from the original sanctuary. Since 2004, the church has added a stadium and sports complex, meeting rooms, and a new sanctuary that can accommodate 1,500 people.

Over the past 110 years, First United Methodist Church of Carrollton has also started other successful ministries in the Carrollton community. For example, the Sonshine Preschool expanded into Carrollton Christian academy, which instructs students from preschool through 12th grade.

In celebrating its 110th anniversary, we recognize the positive impact that First United Methodist Church has had on the greater Carrollton area. Mr. Speaker, I ask all of my distinguished colleagues to join me in celebrating the rich history of First United Methodist Church of Carrollton.

MARINE AND HYDROKINETIC RE-
NEWABLE ENERGY PROMOTION
ACT OF 2011

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. INSLEE. Mr. Speaker, this week, I re-introduced the Marine and Hydrokinetic Re-

newable Energy Promotion Act (H.R. 2994), a bipartisan bill that will improve the research and development program for marine renewable energy. Marine energy is an emerging technology that presents great opportunities. Developing the ability to harness energy from our ocean and tidal currents to power our homes and businesses will create U.S. jobs by building a new manufacturing industry and will improve our energy security. I would like to recognize the leadership of Senator LISA MURKOWSKI who has introduced a Senate companion, which she has successfully moved through the Senate Energy and Natural Resources Committee. Further, I appreciate the support of my House colleagues Representatives DON YOUNG and THEODORE DEUTCH in working with me on this bill.

In the Puget Sound area of Washington, research and demonstration on tidal energy are underway, requiring collaboration from the private sector, universities, research institutions and public utilities. However, national leadership is needed to truly realize the benefits of commercial-scale marine hydrokinetic projects in the United States. The U.S. Department of Energy established the Northwest National Marine Renewable Energy Center, run by the University of Washington and Oregon State University, to develop tidal and wave research projects. They are working with the private sector to demonstrate new technologies. Additionally, the Department of Energy's Marine Sciences Laboratory on the Olympic Peninsula assesses waterpower resource potential to address and remove environmental roadblocks to deployment, testing to accelerate the integration of large-scale waterpower electricity generation into the Northwest power grid, and is essential to establishing a robust basis for industrial investment based on verifiable technology performance, assured cost basis, and environmental performance.

The Marine Renewable Energy Promotion Act will accelerate these efforts by establishing a competitive research, development and demonstration program at the Department of Energy that is specifically devoted to marine and hydrokinetic renewable energy. This office will help to develop new marine renewable energy technologies, increase reliability and durability of facilities, reduce manufacturing and operating costs of the devices, help identify and address environmental impacts of marine renewable energy and make sure that such power can be integrated into the national electricity grid. Additionally, the bill will ensure that the Department of Energy works with research institutions to set up marine and hydrokinetic energy test facilities in the United States, supporting efforts underway nationwide and at the University of Washington, which are critical in our efforts to demonstrate a wide range of technologies, and evaluate the technical viability of each new and emerging type of technology at different scales.

The Electric Power Research Institute has estimated that ocean resources in the United States could generate 252 million megawatt hours of electricity, which given as much support as other types of renewable energy, could be equivalent to 6.5 percent of America's entire electricity generation. With such great potential to spur American innovation and job creation, I urge my colleagues to support this important bill.

TENNESSEE BAPTIST CHILDREN'S
HOME

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BLACKBURN. Mr. Speaker, one hundred years ago, a group of women from the First Baptist Church in Nashville, TN, decided to put action to their beliefs. Purchasing land in Brentwood, TN, in 1911, the Tennessee Baptist Orphans' Home moved from borrowed space in a local hotel to a permanent home. This move began a beautiful history of dedication and service to the least and most vulnerable among us.

Approximately 200 children a year are cared for, fed, clothed, and taught about the hope found in the Almighty. As children find themselves in houses of great crisis, thanks to the care and support of the Tennessee Baptist Children's Home, they soon find themselves in homes of great love. Need is the only qualification for children to find assistance and by accepting all children regardless of race, creed, or socio-economic background, the TBCH lives fully the call of those who follow Christ.

I appreciate the great work done by the Tennessee Baptist Children's Home and all those who support its mission. From the couples who give their lives to parent other children to those whose prayers make this calling possible, all who offer their time, talents, and treasures to this great cause are helping to make the future brighter for Tennessee's children. Mr. Speaker, I rise today in support of the Tennessee Baptist Children's Home and ask my colleagues to join with me in offering great thanks for the work done in protecting Tennessee's children.

IN HONOR OF HISPANIC HERITAGE
MONTH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. REYES. Mr. Speaker, I rise today in observance of Hispanic Heritage Month, which is celebrated September 15th through October 15th, and I am proud to honor the contributions of the Latino community to the diverse landscape of American life and culture. I would like to take a moment to recognize a few individuals for their impact on the Hispanic community and its progress in our Nation. Through their accomplishments in media and the arts, Jose Antonio Burciaga, Rosa Guerrero, Luis Jimenez, and Ramon Renteria have given a part of themselves to enrich the Hispanic community. On September 30th, these individuals are being recognized at the annual El Paso Community College's Hispanic Heritage luncheon celebrating 100 years of Latino art & media.

To begin, I would like to honor the life and career of the late writer and artist Jose Antonio Burciaga, a native El Pasoan, for his exploration of the complex Chicano identity in

American society. With the tools of language and art, he illuminated and articulated issues of identity, discrimination, and alienation facing the Chicano community.

I would also like to recognize artist and educator Rosa Guerrero. Through her projects such as the International Folklore Dance Group and her film, "Tapestry," Rosa Guerrero has made it her life's mission to promote cultural diversity and understanding, beginning with some of the first intercultural programs in El Paso schools in the 1970s.

I would also like to remember the life of artist Luis Jimenez, whose powerful sculptures are on display nationwide in public spaces and museums, including the "Vaquero" at the Smithsonian American Art Museum. His creations, such as "Blue Mustang," which often depict the working man, are marked by vivid and fluorescent colors. They are purposefully striking yet accessible, often provoking strong reactions.

And finally, I would like to recognize journalist and columnist Ramon Renteria for his decades of bold, quality reporting on a wide range of cultural and social issues. His past honors include the Guillermo Martinez-Marquez national award for Latin American reporting and a Texas Headliner Award for his feature story, "Separate and Unequal: The Story of Kelli, Veronica and School Finance," as well as the Ruben Salazar Award from Café Mayapan. As a veteran journalist, Ramon Renteria has brought unique insight and experience to important topics in education, politics, and border issues in our community.

I want to personally congratulate our honorees for their exceptional achievements and contributions to our community, Hispanic culture, and the rich tapestry of American life. They have left their mark on the Hispanic experience in America through the sharing of their cultural perspective and achievements in their respective fields. As the Hispanic community continues to grow in America, it is important to celebrate our roots as we grow in our journey as a part of this great Nation.

HAPPY BIRTHDAY, RILYA

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. WILSON of Florida. Mr. Speaker, today, you would have been fifteen. Today, you would have been a freshman in high school. Today, you would have been the fine young woman you were meant to be.

You are not forgotten.

Mr. Speaker, Rilya Wilson was a foster child of the Florida Department of Children and Families. She went missing on January 18, 2001, and was not reported missing until two years later. The resulting investigation culminated in the resignation of the DCF chief and the passage of a new law I championed in the Florida House of Representatives—a law improving the supervision of foster children and requiring the tracking of efforts to find missing children.

It was later shown that GERALYN GRAHAM, her caretaker, engaged in identity and Medicaid

fraud by accepting payments during Rilya's disappearance. Today, GERALYN is in jail, and believed by many to have murdered our beautiful Rilya. Unfortunately, circumstantial evidence is the only evidence available to prosecutors, and I fear that GERALYN GRAHAM will walk free.

This must not happen. The laws governing the reporting of missing children simply are not strong enough. Failing to report a child you know is missing should always be a crime of the most serious kind.

Once more—Rilya, you are not forgotten. I will never sleep, I will never slumber, and I will never rest until we find you—until those responsible for your disappearance are brought to justice.

Many nights I dream that I will one day get to meet you. Every night I dream that you have grown into the fine young lady you were meant to be. Every night I dream that I will see you reunited with your loving sister, Rodericka.

I pray that it will be so.

COMMEMORATING THE LIFE AND CONTRIBUTIONS OF PHILANTHROPIST JACKIE LEE HOUSTON

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to a remarkable lady and dear friend, Mrs. Jackie Lee Houston, a pillar of our community in California's Coachella Valley, and an inspiration to countless admirers and friends.

Today, our community will come together to celebrate Jackie Lee's life, a life of purpose and accomplishment that truly made our world a better place. I am deeply saddened that the Congressional schedule prevents me from joining in this celebration and I know that the memories of Jackie Lee will bring joy to all those attending; a fitting tribute to this gracious hostess who insisted that any event in which she was involved was done with grace and class—and a large measure of fun!

Born Jackie Lee McDonald on June 27, 1935, Jackie Lee grew up in Seattle, Washington, and went on to attend the University of Washington. It was there that she met her husband, Jim, with whom she would spend the rest of her life. Their love story is a classic romance, from their hard-working early days when a holiday was defined by how much gas they could afford for a weekend get away to the pre-eminent role they shared as leading desert philanthropists, they were simply inseparable.

Jackie Lee and Jim were blessed with three children, Tamara, Jaimi and Jim, and their family bond was unbreakable.

For a time, the Houstons made a life in British Columbia, visiting the Coachella Valley regularly in the 1960s. Although the Houstons maintained an active presence in the Coachella Valley for decades, they didn't move permanently to the Desert until 2001. Once there, they quickly made their commitment to their new home clear by purchasing a

local television affiliate and establishing KPSP Channel 2 as a major media presence in our community. It is perhaps the most inspiring testament to her character and strength of will that Jackie Lee made such an enormous impact on her adopted home town in such a short period of time. Proud to be one of the few women in the country who owned a television station, Jackie Lee used her influence at the station to provide additional exposure to causes she deemed worthwhile—regardless of whether she was directly involved in them.

One cannot begin to estimate the number of lives that were touched and made better by the tens of millions of dollars Jackie Lee raised for and donated to worthwhile charities and causes over the years, saying once: "Giving is just a feeling of wanting to be proud of what you do." I will always be especially grateful for her work on the Palm Springs International Film Festival, and consider myself truly honored to have called her a dear friend.

Jackie Lee had the ability to take your breath away with a flair and creativity that set her parties and events apart from all the rest—and for that reason people flocked to the Houston's home and social gatherings and always returned. She also quietly helped countless other individuals, helping families with furniture, clothes, or even mortgage payments.

We were all enriched by her life and devastated by her passing, and the void in our community will never be filled.

Mr. Speaker, please join me in commemorating the life and contributions of Mrs. Jackie Lee Houston, who passed away on September 14, 2011. Her legacy will live on through her many achievements, the countless lives she touched, and the enduring admiration and devotion of her loving husband, Jim. May God bless her, and God bless America.

PALESTINIAN STATEHOOD

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today to express my deep concern about today's vote in the U.N. General Assembly regarding Palestinian statehood.

This unilateral attempt by the Palestinians is not in the best interest of the United States. It is not in the best interest of Israel—our closest ally in the Middle East. And, in my opinion, it is not in the best interest of the Palestinian people. Any decisions regarding Palestine's statehood must come in conjunction with security for the Israeli people and multilateral talks with Israel.

Today, as the world watches the actions of the United Nations, I plant my feet firmly on the side of the Jewish State of Israel, and express my unwavering support for their country and security.

Israel stands as a beacon of hope in a region of the world where democracy and freedom are in short supply. With our continued friendship, we can ensure that Israel has the support and resources needed to continue on as a banner of freedom and democracy in the Middle East.

SUPPORT ISRAEL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. REICHERT. Mr. Speaker, I rise today in support of Israel and in my belief that a nuclear-armed Iran poses a dire threat not only to Israel, but to the entire world.

Israel is a crucial ally and friend to the United States. There is a long, rich, and productive history between our two countries. If Israel's sovereignty and ability to compete on a level playing field is being threatened, it is important for all levels of the U.S. Government to stand up and act. The partnership between our two democracies is strong and must remain so.

Palestinian leadership is attempting a push toward statehood through the United Nations but Middle East peace can only be achieved through direct negotiations. An agreement suitable to both Israelis and Palestinians must achieve real security and mutual recognition of each state's right to exist. That cannot be achieved through unilateral action.

As unrest continues in the Middle East, the United States must remain steadfast in its unyielding support of our friend and ally. Sadly, Israel is in a volatile region of the world where our shared values of self-determination and democracy are under constant attack. That is why I continually support vital security assistance to Israel and support legislation to impose sanctions on those aiding Iran's nuclear program. Iran's Mahmoud Ahmadinejad can never, at any time, be allowed to obtain nuclear weapons.

Israel's security, and regional stability in the Middle East, is a vital U.S. interest. As a Member of Congress, I urge all branches of U.S. Government to remain consistent in emphasizing their support for Israel.

IN HONOR OF JUDGE AARON COHN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to our Nation's longest serving juvenile court judge and one of Columbus, Georgia's most distinguished legal minds, celebrated military veterans and dedicated public servants, Judge Aaron Cohn. Judge Cohn, who has served as a juvenile court judge since 1965, will step down from that position at the end of this month. His longevity of dedicated judicial service and steadfast commitment to positively influencing generations of Columbus-area youth, are just a few of the many reasons as to why Judge Cohn has been an invaluable and irreplaceable pillar in Georgia's legal community.

A Columbus native, Judge Cohn was born on March 3, 1916. He is a graduate of Columbus High School and the University of Georgia. As a student at the University of Georgia, he epitomized the true meaning of scholar-athlete in that he was the Captain of the Bull-

dogs' tennis team, served as Vice President of the Inter-fraternity Council and was a member of the Blue Key Honorary Society.

Following his exemplary collegiate career, Judge Cohn was admitted to the Georgia Bar in 1938 and in 1940 he volunteered for the United States Army. He served under General George Patton in World War II and earned the Bronze Star for his patriotic service on behalf of our great Nation. As a Major in the 3rd Armored Cavalry Regiment, he bravely fought with U.S. armed forces across France and broke through German defenses at Metz.

One of the most defining and heroic moments of Judge Cohn's illustrious military career occurred when as a young commanding officer in the U.S. Army, he was among the first of the Allied troops to help liberate the Nazi Concentration Camp in Ebensee, Austria. Almost 40 years later in 1982, he was honored by the United States Holocaust Memorial Commission as an Official Liberator of the Concentration Camp at Ebensee, Austria. Additionally, he was cited by the City of Bettembourg, Luxembourg, for his service in the liberation of Luxembourg while with the 3rd Armored Cavalry Regiment.

After the war, Judge Cohn diligently focused his efforts on working to prevent children from taking the wrong path, advocating civil rights and promoting religious tolerance. During the initial years following his return from Europe, he worked as a successful lawyer and served as chief registrar for Muscogee County, Georgia where he was active in the desegregation of the voter registration process. When he became a juvenile court judge in 1965, his love of children and his determination to help the underprivileged led him to embark on a highly successful and rewarding judicial career.

A recent headline in the Columbus Ledger-Enquirer recently read "Judge Cohn is an icon of integrity." It is true that Judge Cohn is an icon of integrity but he is also so much more. His notable judicial feats and vast accomplishments are an accumulation of tangibly substantive deeds that have positively impacted the lives of countless families around the world.

I would be remiss if I did not also recognize the important role that Judge Cohn's late wife, Janet Ann, played in his numerous achievements by being a supportive spouse, close confidant and loving mother to their three children: Gail Cohn, Leslie L. Cohn and Jane Cohn Kulbersh.

Finally, Judge Cohn has been a pillar of integrity throughout his life. He has been a mentor for me and countless others; an adviser; role model and friend.

Mr. Speaker, I ask my colleagues to join me in saluting a true American hero, outstanding legal scholar and one of Columbus, Georgia's most beloved figures, Judge Aaron Cohn, on the occasion of his well-deserved retirement.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,726,790,407,953.74.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,088,364,661,659.94 since then. This debt and its interest payments we are passing to our children and all future Americans.

HONORING CONGRESSWOMAN CARRIE MEEK

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise tonight to recognize Congresswoman Carrie Meek and her lifelong devotion to public service.

For over a decade, Congresswoman Meek served in the Florida State House of Representatives and Senate. In 1993, Congresswoman Meek became the first African American since Reconstruction to be elected to the United States House of Representatives from the state of Florida.

Congresswoman Meek fought against cuts to social welfare programs throughout the 1990s. Instead, she worked to expand federal programs that could create jobs and make it easier for minorities to open and own their own businesses.

During her career, she worked tirelessly to stand up for the underprivileged; making sure that the elderly were able to live comfortably, that minorities were accurately counted in the Census, and that disaster stricken areas had adequate funding.

I am honored to join my distinguished colleagues to pay tribute to the great work and achievements of Congresswoman Meek. She is, and always will be a shining example of how we, as Members of Congress, should conduct ourselves in public office.

PALESTINIAN STATEHOOD

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. HIMES. Mr. Speaker, today, we expect that Palestinian President Mahmoud Abbas will apply for member status before the United Nations. This unilateral action is likely to complicate U.S. peace efforts. It also rejects the essential principle of solving the conflict through direct negotiations with Israel.

History has taught us that a just and lasting peace must be negotiated. It cannot be imposed from the outside, lest it be built on an unstable and temporary foundation.

The creation of a viable, autonomous and peaceful Palestinian state is essential, not only to address the aspirations of the Palestinian people, but also to ensure Israel's security in the region. A two-state solution is the only answer for sustainable peace, and while the negotiations to achieve that goal have suffered setbacks, that must be the objective.

During a speech on Middle East policy at the U.S. State Department on May 19, 2011, President Obama stated, "For the Palestinians, efforts to delegitimize Israel will end in failure. Symbolic actions to isolate Israel at the United Nations in September won't create an independent state. Palestinian leaders will not achieve peace or prosperity if Hamas insists on a path of terror and rejection. And Palestinians will never realize their independence by denying the right of Israel to exist." I agree with these sentiments.

HUMANITARIAN CRISIS AND HUMAN RIGHTS VIOLATIONS IN SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. WOLF. Mr. Speaker, I rise today to bring to my colleagues' attention a powerful hearing that the Tom Lantos Human Rights Commission—of which I am a co-chair—held on September 22, 2011 to discuss the humanitarian atrocities that are taking place in Sudan, including Darfur.

I submit for the record the moving testimonies of two of the panelists—former member of Congress, the Honorable Thomas H. Andrews, and Ms. Jehanne Henry of Human Rights Watch. I hope that my colleagues will take a moment to read these testimonies and realize that the atrocities mentioned are taking place and continue to take place today.

The United States must not turn a blind eye to this part of the world.

[Human Rights Watch, Sept. 22, 2011]

TESTIMONY TO THE TOM LANTOS HUMAN
RIGHTS COMMISSION REGARDING SUDAN

(By Jehanne Henry)

Good morning, Chairman McGovern, Chairman Wolf and distinguished Members of the Tom Lantos Human Rights Commission. Thank you for inviting me to this important hearing on Sudan, particularly in view of new conflict and human rights abuses occurring in Southern Kordofan and Blue Nile states as we speak.

I was asked to speak on my recent visit to Southern Kordofan. I will keep my comments brief and ask that our August 30 report on the situation in Southern Kordofan be submitted for the record.

As you are aware, South Sudan seceded from Sudan on July 9, following a January referendum under the terms of the 2005 Comprehensive Peace Agreement. While these events transpired relatively smoothly, new conflicts erupted in key areas north of the border, where the reforms envisioned in the peace agreement never occurred.

Weeks after Sudan militarily overtook the disputed border area of Abyei in late May, in violation of the CPA, fighting between government and SPLA forces broke out in

neighboring Southern Kordofan, home to large ethnic Nuba populations with longstanding ties to the SPLM.

The fighting broke out amid growing tensions over disputed state elections, in which Ahmed Haroun—who is wanted by the International Criminal Court for war crimes and crimes against humanity in Darfur—claimed a narrow victory for governor. The two parties also disagreed over the terms of troop withdrawals under the security arrangements in the CPA.

According to witnesses we interviewed and other sources, government forces shelled civilian areas, shot people in the streets and carried out house-to-house searches and arrests based on lists of names of known SPLM supporters in the first weeks of fighting. Many people I interviewed saw dead bodies and evidence of looting and burning as they escaped the town.

The witness accounts are consistent with many of the findings in an August 15 report by the Office of the High Commissioner for Human Rights, which documents unlawful killings and attacks on civilians and other serious human rights violations that could amount to war crimes and crimes against humanity.

In late August, I visited Southern Kordofan. Although government restrictions prevented us from visiting Kadugli itself and other government-controlled areas, we visited many towns and villages deep in the Nuba Mountains, where hundreds of thousands of people have taken refuge from fighting and ongoing indiscriminate bombing by the Sudanese government.

While I was there, I saw government planes circling overhead on a near-daily basis, sometimes multiple times per day. I also saw three bombs falling out of an aircraft, and heard them explode a few kilometers away. We investigated 13 air separate strikes in Kauda, Delami, and Kurchi areas—a small fraction of the total number of air strikes in Nuba Mountains—in which bomb fragments brutally killed at least 26 people, including women and children, and injured 45 others, maiming many for life.

According to those we interviewed, there were no military targets in areas where bombs fell. None of the incidents we investigated occurred close to front lines or in areas of active combat. The type of munitions used and the manner in which they were delivered—unguided, dropped from high altitudes—are further evidence that the bombings were indiscriminate and therefore unlawful.

The bombing is ongoing, and has a devastating impact on the Nuba population. People forced out of their homes now live in harsh conditions under boulders, in caves, on mountaintops, under trees, and in the bush far from towns where they fear being struck by bombs. They lacked sufficient food, medicine, and shelter from the rains—many are now eating berries and leaves, and their children are suffering from diarrhea and malaria. Many we met were separated from family members living in government controlled areas.

Humanitarian groups estimate that more than 200,000 people have been displaced, either by the outbreak of fighting in early June, by ongoing fighting along several front lines, and by the ongoing bombing campaign. The number may be higher, as heavy rains and lack of fuel for vehicles and security concerns restricted access to many SPLM-North-controlled areas.

Yet the Sudanese government has blocked humanitarian assistance to opposition areas

as well as many government-held areas. On August 20, aid groups tried to carry out an assessment but were allowed only to Kadugli town. On August 23, President Al-Bashir publicly stated that no international groups would be allowed in. Indeed, Sudan has done everything possible to ensure there are no "eyes and ears" on the ground. It has prevented journalists, researchers, diplomats and UN staff from visiting the area, and forced the UN peacekeepers to leave.

In recent weeks, this conflict has spread to neighboring Blue Nile state and the government has clamped down on SPLM-North across the country, arresting more than 100 suspected supporters, banning political parties, and restricting media coverage of the conflicts. We have credible reports that the government is bombing civilian areas in Blue Nile also. Tens of thousands of people fled their homes.

Sudan faces many political challenges: growing dissent from marginalized populations in its peripheries; active conflicts in two border states and in Darfur, for eight years running; and it has lost one-third of its territory and faces serious economic challenges. Unfortunately, its leaders have chosen to respond to these challenges through repression and armed conflict rather than by upholding rights, opening political space, pursuing democratic reforms.

The United States has shown leadership. Ambassador Rice condemned the violence early on and requested UN reporting on human rights violations. The state department has also condemned the continued aerial bombing. This continued leadership is critical.

The United Nations Security Council and the Africa Union have yet to even condemn the violations, despite the evidence of indiscriminate bombing and despite the UN High Commissioner for Human Rights warning that war crimes and crimes against humanity may have occurred in Southern Kordofan.

We urge the US to press for: a strong condemnation of the ongoing violations in Southern Kordofan and Blue Nile; an international monitoring presence, with a requirement for continued human rights monitoring; and a full and independent investigation into violations of international human rights and humanitarian law.

Finally, the US needs to remain steadfast in making no concessions to Sudan given these ongoing and serious violations.

Thank you.

[From United to End Genocide, Sept. 22, 2011]
TESTIMONY OF THE HON. THOMAS H. ANDREWS—"SUDAN: THE ONGOING HUMANITARIAN CRISIS IN SOUTH KORDOFAN AND CONTINUING HUMAN RIGHTS VIOLATIONS IN DARFUR"

Thank you Chairman Wolf, Chairman McGovern and members of the Tom Lantos Human Rights Commission for holding this hearing. I greatly appreciate the opportunity to testify before you today on the escalation of attacks against civilians in Sudan. So many members of this Commission have been long-time champions of peace and accountability in Sudan. Your leadership on Sudan is critical.

I was in the region a little over two months ago visiting Rwanda, Kenya and South Sudan, and in Juba just weeks after violence broke out in South Kordofan. Everywhere I went I heard story after story of the horror that continues to be inflicted. Two refugees from Darfur told me about their harrowing experience of being awakened at dawn by the sound of hooves and

gunfire as the Janjaweed raided their village. They fled to South Kordofan's Nuba Mountains and described how the people there welcomed them. They expressed their alarm and horror that the same regime that had forced them to flee their homes in Darfur was now attacking the very people who provided them refuge.

The common denominator in the devastating attacks on civilians in both Darfur and South Kordofan is Sudan's President Omar al-Bashir. Let me be clear—Bashir is a genocidal monster who is already wanted by the International Criminal Court for directing atrocities in Darfur. Since Bashir came to power in a military coup in 1989 he has murdered, starved and destroyed the lives of millions of innocent civilians in South Sudan, Abyei, Darfur, Blue Nile and South Kordofan.

I have provided additional details on the violence being perpetrated across Sudan by Bashir's forces in my written testimony. But my focus today is on what is happening now in South Kordofan and the stories that were told to me by the people I met.

I spoke to several people displaced from South Kordofan's Nuba Mountains when I was in Juba in early July. The numbers of displaced have only increased since then. Two priests who had just arrived after a narrow escape told me that the Sudanese Armed Forces and allied militias had gone door to door, targeting people based on their religion and the color of their skin. They spoke of churches being burned and looted. One church was hit by a bomb as Antanov planes, the same used to terrorize the people of Darfur, launched indiscriminate attacks on civilian areas. That was in July. The attacks continue.

But it doesn't stop there: Bashir has also refused to let in desperately needed food, water, medicine and fuel. International aid NGOs have been tossed out. One of the displaced priests I met with had heard just that morning from a colleague still in the Nuba Mountains that food stocks were running low, trade routes were blocked, and no new aid was being allowed in. He told me that at least one million innocent people are at risk in South Kordofan.

This year alone, more than half a million people have been displaced by fighting throughout Sudan. United Nations reports indicate the likelihood of ethnic cleansing in Abyei, and war crimes and crimes against humanity in South Kordofan. We suspect similar atrocities have occurred in Blue Nile.

Recent violence directed by Bashir makes it very clear, when left unchecked this genocidal monster will simply continue to do what he has always done: commit unspeakable atrocities.

So what can the United States do? Past experience demonstrates that the Bashir regime only responds to consequences. Unfortunately, the Obama Administration is failing in the face of these ongoing atrocities. Recent statements by the State Department do not place appropriate emphasis on the Government of Sudan as the party overwhelmingly responsible for violence against civilians. Even more importantly, action from the Administration is severely lacking. Accountability is not being demanded. Civilians are not being protected. Bashir is being allowed to commit atrocities with impunity. Again. Unless this policy course is corrected, many more civilians will lose their lives.

In my view the Obama Administration needs to do three things:

First, expand sanctions on individuals responsible for atrocities throughout Sudan.

Current individual sanctions for atrocities are specific only to Darfur. Anyone who commits heinous crimes must be held accountable regardless of where in Sudan these atrocities take place.

Second, make saving lives in Sudan a high priority in our dealings with other nations—particularly those that can exert the most leverage on Bashir. We need increased and coordinated sanctions by the international community starting with our European allies. Maybe even more importantly, the United States must work to move China in a new direction. The Chinese have a great deal of leverage with the Government of Sudan. Their significant monetary investment makes it in their interest to have a peaceful and stable region. But their actions belie their interest and denigrate values that we have a moral obligation to defend and advance. The red carpet that the Chinese government literally unfolded for Bashir just months ago in Beijing was an outrage. We need to hear that outrage spoken loudly and clearly by our leaders.

Finally, weapons must be stopped from flowing into Sudan and innocent people must be protected. The U.S. must spend political capital to pass a United Nations Security Council resolution that expands individual sanctions for perpetrators, expands the existing arms embargo on Darfur to incorporate all of Sudan, expands the mandate of the International Criminal Court to cover the entire country, demands unfettered humanitarian access, and authorizes an international civilian protection force with the resources and mandate to accomplish its mission.

Congress also has an important role to play. First, the American people need to know the truth about Omar al-Bashir and his atrocities. This hearing is an important step in that direction and, again, I commend you for your leadership. American citizens have shown they care about the people of Sudan, but many are unaware of what is happening there now. Your help is needed to raise the alarm. Congress should also consider and pass legislation that would mandate increased United States sanctions and push the Administration to advance the policies I've laid out here today.

I know this is not as easy as it may sound. I know about all the distractions that Members of Congress face. I was serving in the House during the Rwandan genocide. I visited the graves of hundreds of thousands of victims when I visited Rwanda in July and asked myself—"Where was I?" Why did we do nothing to prevent or stop this horror?" Well, in retrospect, the political climate here in the U.S. was intense in 1994. There were fresh memories of Mogadishu, Somalia and "Black Hawk Down". There was the conflict in the former Yugoslavia. The economy was struggling and a heated election was looming. When you think about it, the political climate today is not at all dissimilar. But, the bottom line then is the bottom line now: We cannot stand quietly aside while genocidal monsters inflict unspeakable crimes against untold numbers of innocent people. The cost of doing nothing is too great. We must not look back years from now on this moment and think: "If only we had done something."

We must have the courage to act now.

Thank you again for your time and for this opportunity. I look forward to answering your questions.

HONORING THE SERVICE OF HIS EXCELLENCY YASHAR ALIYEV, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED STATES OF AMERICA

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the departing Ambassador Extraordinary and Plenipotentiary of the Republic of Azerbaijan to the United States of America, His Excellency Yashar Aliyev. Mr. Aliyev has served in this post since December 2006, but his diplomatic career is long and distinguished.

Ambassador Aliyev began his diplomatic career at the United Nations in 1992, serving as political affairs counselor and chargé d'affaires of Azerbaijan's Permanent Mission. He was also Azerbaijan's delegate to the First and Fourth Committees at the forty-seventh through fifty-sixth sessions of the United Nations General Assembly. Having joined the Ministry of Foreign Affairs of Azerbaijan in 1989, Ambassador Aliyev held posts as political officer, first secretary and deputy director in the Ministry's Department of Information and Political Analysis, as well as director of the Department of International Organizations. From 2002–2006, he served as Azerbaijan's Permanent Representative to the United Nations.

It has been my honor and privilege to work with Ambassador Aliyev on issues important to Azerbaijan. I have come to regard him as a determined and passionate advocate for his country and the strategic partnership between Azerbaijan and the United States. I praise the Ambassador for his tremendous efforts and contributions to raise awareness among Members of Congress and Administration officials of the important role Azerbaijan is playing in the security of the United States.

I want to offer Ambassador Aliyev my appreciation for his 5 years of service in Washington, D.C. As Ambassador Aliyev moves on to new responsibilities and assignments, I extend to him my highest regards and best wishes. Mister Speaker, I ask all of my colleagues to join me today in wishing His Excellency Yashar Aliyev the best and congratulating him on his impressive service.

THE BIGGEST LITTLE LEAGUERS

HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. SCOTT of South Carolina. Mr. Speaker, in the heart of Charleston, South Carolina, lies Cannon Street; it's a modest street spanning just a few city blocks. However, within its history lies the story of what Dr. Creighton Hale, the former CEO of little league baseball, called "the most significant amateur team in baseball history."

In 1955, the area surrounding this street was one of economic blight and social

unease. In an effort to keep kids out of trouble and teach skills that only team sports can provide, the local YMCA organized four little league teams for the neighborhood kids. The Cannon Street YMCA All-Stars would advance to the Charleston City Little League playoff games, but would never be given the opportunity to earn a spot in the Little League World Series. It was not because they were unworthy players or because they could not afford to go. The color of their skin stifled the dreams of these twelve-year-old boys.

The Charleston playoff games were boycotted in 1955 to preserve racial segregation. Because teams again refused to play against them, the Cannon Street All-Stars advanced past the state and regional playoffs. The National Little League invited the All-Stars to the Little League World Series as special guests; they could not compete for the title because technically they hadn't played their way to the championships. They returned to Charleston, dismayed and disappointed.

As children, they embodied the very characteristics that organized sports aim to impart—teamwork, courage and respect. As adults they have worked in productive and valuable careers such as architecture, law enforcement and education. As they have grown older, they are now volunteers in their communities—giving back, yet again. While they never had the opportunity to compete, their story has demonstrated where we have come from as a nation.

Last month members of my staff had the opportunity to meet several of the original Cannon Street Little Leaguers who traveled to Washington, D.C. to be recognized at Nationals Stadium before the Nationals-Phillies game. Their story remains powerful more than 65 years later, and I know my staff will never forget having the opportunity to meet them.

Today, the neighborhood that encompasses Cannon Street has developed into an integral part of the Charleston education and science community. It is home to a number of colleges and universities and a world-class research hospital. The boys of the Cannon Street Little League Team are men who through their careers and service to the community have become assets to their neighborhoods. In spite of the adversity they encountered and the challenges they confronted, these young people illustrated to the world the absurdity of segregation and the hatred inherent in racism.

In the fifty-five years since they were excluded from competing to earn a spot at the Little League World Series in their own right, America has matured. I'd like to believe that a handful of twelve-year-olds contributed to our maturity.

It is with great admiration that I share their story and my respect for these men with you, my colleagues.

RECOGNIZING NATIONAL CHILDHOOD OBESITY MONTH

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. INSLEE. Mr. Speaker, I rise today to recognize September as National Childhood

Obesity Month. Childhood obesity is one of the biggest health challenges facing our country; driving up medical costs, hurting our economy, and shortening lives. For the first time our children and grandchildren are projected to live shorter and less healthy lives than we do. Medical costs associated with obesity total more than a billion dollars a year. The price tag will continue to increase as our youth face more and more diseases normally only found in adult populations, like hypertension, type 2 diabetes, and high cholesterol. This growing epidemic is driven by environmental, economic, and social factors that make fats, salt and sugars cheaper and more available than fresh fruits and vegetables and limit the opportunities for sports and recreation.

The good news is that prevention works and by working together we can buck this trend. Together, we can improve access to healthier foods, increase availability of active transportation for our youth, and ensure our communities are walkable.

We face an uphill battle—according to Washington State's Healthy Youth Survey, 24% of 10th graders are either obese or overweight, and less than half of children surveyed were getting enough fruits and vegetables. Yet already, many leaders and communities in Washington are stepping to the plate and are committed to taking on this fight by making healthy, important changes. From Moses Lake to Mount Vernon, communities are successfully incorporating policies to increase access to healthy foods and physical activity. Seattle's Odessa Brown Children's Clinic, located in a community where nearly 40% of children are overweight or obese, is on the front lines of combating childhood obesity. The clinic has successfully integrated childhood obesity prevention and treatment program into their primary care to address the challenge.

Childhood obesity prevention should be a top priority. In Congress, I worked to pass the Affordable Care Act because I believe an increased focus on preventative medicine and increasing access to care will improve our nation's health. I also support the Fit Kids Act, to ensure that children get enough physical activity. We know what we need to do to reverse this alarming national epidemic. It will not be easy, but together we can fight the childhood obesity trend.

65 YEARS—VIRGIL & DORRACE POE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. POE of Texas. Mr. Speaker, on October 16, Virgil and Dorrace Poe, my parents, will celebrate their 65th wedding anniversary. This milestone is more than an anniversary; it is a remarkable accomplishment. For over six decades, my parents have taught me the value of education, the power of God, and the rewards of hard work.

The story of my parents is truly an American one. After my father served in the Second World War, he returned to Texas where he was stationed at the Army Post in Fort Hood.

He met my mother at a Wednesday night "prayer meeting" at the Church of Christ. My mother was a volunteer for the Red Cross at the local Army hospital and a cashier at the Kyle Hotel's coffee shop in Temple, Texas. They married the next year.

Over the next few years, my parents welcomed my sister Jayne and me into the world. My dad went to Abilene Christian University thanks to the GI Bill. The family lived in the Army Barracks while dad attended classes. My dad worked climbing telephone poles for Southwestern Bell, and also he worked nights at KRBC radio station. His shifts at KRBC ended each night with "Stars and Stripes Forever," a fitting song.

Their marriage has taken them from Fort Hood to Abilene to Dallas and Houston with two brief stops in St. Louis.

Throughout our great State of Texas, they have volunteered in their communities and in their churches. My mom found time to teach kindergarten and work for the IRS. My dad worked over 40 years as an engineer for Southwestern Bell, and he taught Sunday School for over 60 years. My parents taught me to love God first and Texas second, but sometimes it seemed like it was the other way around.

Mr. Speaker, I am proud and honored to recognize the 65th wedding anniversary of my parents, Virgil and Dorrace. And that's just the way it is.

TRIBUTE TO LEE BEAMAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BLACKBURN. Mr. Speaker, I rise today to honor one of Middle Tennessee's finest community leaders as he receives the Joe and Honey Rodgers Leadership Award. Named to honor the outstanding legacy of public service of Honey and the late Joe Rodgers, former Ambassador to France, the Rodgers Leadership Award is given each year to an individual in the Nashville area who demonstrates leadership while living a life of personal integrity, godly character, and concern for others.

Lee Beaman offers more to the Nashville area than a multitude of trucks, cars, and sports utility vehicles. More than what he sells with the Beaman Automotive Group, he is known for the incredible character with which he runs his family business of over 60 years. Due to his customer-oriented business philosophy, generosity to the community, and overall work environment, Beaman's company was named one of the top 20 places to work in Tennessee in 2006.

September 23, 2011

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To be a success in business is a good goal, and one Mr. Beaman has met and matched. His true contribution to the Middle Tennessee area is in his civic service, philanthropy, and fidelity to a cause greater than himself. Mr. Beaman puts his faith into action through his

work with the organizations like Salvation Army, Boy Scouts of America, and the American Heart Association. I thank him for his continued example in generously dedicating his time, talents, and treasures in making a difference in the community. I appreciate the

great work civic leaders like Mr. Beaman contribute to the Middle Tennessee area and I ask my colleagues to join me in congratulating Mr. Lee Beaman as he receives the Joe and Honey Rodgers Leadership Award.

HOUSE OF REPRESENTATIVES—Monday, September 26, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 26, 2011.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, You commend us to trust in You with all our hearts and not lean on our own understanding. You ask us to acknowledge You above all others, and when we do, You promise to make our paths straight.

Lord, the limits of worldly wisdom won't illuminate a clear path on which our leaders may tread with assurance of Your favor. So I pray that You will pour a generous portion of Your divine wisdom and power into each Representative's life.

Equip them with faith that sees into the future, hope that unburdens their hearts and minds, and the assurance that You, Lord God, still reign on Your throne and will help this great Nation and its citizens experience Your blessings when we turn our hearts to You alone.

Father God, restore peace to the fearful and joy to those burdened by the cares of life, and be with those in harm's way and their families. This I ask in the Name that is above every name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2011.
Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 23, 2011 at 2:56 p.m.:

That the Senate passed with an amendment H.R. 2832.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2011.
Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 23, 2011 at 3:29 p.m.:

That the Senate passed without amendment H.R. 2646.

That the Senate passed without amendment H.R. 2943.

That the Senate agreed to S. Con. Res. 27.

That the Senate agreed to S. Con. Res. 29.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 27. Concurrent resolution honoring the service of Sergeant First Class Leroy Arthur Petry, a native of Santa Fe, New Mexico, and the second living recipient of the Medal of Honor since the Vietnam War; to the Committee on Armed Services.

S. Con. Res. 29. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m. on Thursday next.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Thursday, September 29, 2011, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3247. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3248. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3249. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final

Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3250. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1206] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3251. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3252. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3253. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1211] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3254. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3255. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Fair Credit Reporting Risk-Based Pricing Regulations (RIN: R411009) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3256. A letter from the Executive Secretary, National Labor Relations Board, transmitting the Board's "Major" final rule — Notification of Employee Rights Under the National Labor Relations Act (RIN: 3142-AA07) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3257. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Poison Prevention Packaging Requirements; Exemption of Powder Formulations of Colesevelam Hydrochloride and Sevelamer Carbonate [CPSC Docket No.: CPSC-2011-0007] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Event Data Records [Docket No.: NHTSA-2011-0106] (RIN: 2127-AK71) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3259. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [Docket No.: RM07-9-004; Order No. 710-C] received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3260. A letter from the Assistant Attorney General, Department of Justice, transmit-

ting Administration of the Foreign Agents Registration Act of 1938, as amended, for the six month period ending December 31, 2010, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3261. A letter from the Director, Administrative Office of the United States Courts, transmitting a copy of the Report of the Judicial Conference of the United States for the March 2011 session; to the Committee on the Judiciary.

3262. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oklahoma Advisory Committee; to the Committee on the Judiciary.

3263. A letter from the Secretary, Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the General Electric Co. in Evendale, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3264. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Time for Payment of Certain Excise Taxes, and Quarterly Excise Tax Payments for Small Alcohol Excise Taxpayers [Docket No.: TTB-2011-0001; T.D. TTB-94; Re: T.D. TTB-89; Notice No. 115; T.D. TTB-41; TTB Notice No. 56; T.D. ATF-365; and ATF Notice No. 813] (RIN: 1513-AB43) received September 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3265. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Antelope Valley of the California High Desert Viticultural Area [Docket No.: TTB-2010-0005; T.D. TTB-93; Ref: Notice No. 108] (RIN: 1513-AB55) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3266. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Revision of Distilled Spirits Plant Regulations [Docket No.: TTB-2008-0004; T.D. TTB-92; Re: ATF Notice No. 870 and TTB Notice Nos. 83, 86, and 92] (RIN: 1513-AA23) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING (of New York): Committee on Homeland Security. H.R. 901. A bill to amend the Homeland Security Act of 2002 to codify the requirement that the Secretary of Homeland Security maintain chemical facility anti-terrorism security regulations; with an amendment (Rept. 112-224 Pt. 1). Ordered to be printed.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2250. A bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes; with an amendment (Rept. 112-225). Referred

to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2273. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; with an amendment (Rept. 112-226). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2681. A bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes; with an amendment (Rept. 112-227). Referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 11, 2011.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. BASS of California (for herself, Mr. BASS of New Hampshire, Ms. HANABUSA, Mr. SCALISE, Ms. MOORE, Mrs. CAPITO, and Ms. DELAURO):

H.R. 3067. A bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer; to the Committee on Energy and Commerce.

By Mr. HULTGREN:

H.R. 3068. A bill to require the periodic review and automatic termination of Federal regulations; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. BASS of California:

H.R. 3067.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I.

Section 8.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. HULTGREN:

H.R. 3068.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—"to provide for the . . . general welfare of the United States;"

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 399: Mr. LANGEVIN.

H.R. 645: Mr. POMPEO.

H.R. 973: Mr. KLINE.

H.R. 1166: Mr. MACK.

H.R. 1351: Mr. LEWIS of Georgia.

H.R. 1489: Ms. DELAURO.

H.R. 1639: Mr. BROWN of Georgia, Mr. HURT, and Mr. NEUGEBAUER.

H.R. 1717: Mr. DEFazio.

H.R. 1744: Mr. WOODALL.

H.R. 1821: Mr. COURTNEY.

H.R. 1834: Mr. SCOTT of South Carolina.

H.R. 1940: Mr. DEFazio, Mrs. ELLMERS, and Mr. COHEN.

H.R. 2059: Mr. QUAYLE, Mr. SCOTT of South Carolina, and Mr. FLEMING.

H.R. 2369: Mr. GIBSON.

H.R. 2447: Mr. SCOTT of South Carolina, and Ms. CHU.

H.R. 2568: Mr. FLEMING.

H.R. 2668: Mr. FLAKE, Mr. CANSECO, and Mr. JOHNSON of Ohio.

H.R. 2706: Mr. ROONEY.

H.R. 2763: Mr. RIVERA and Mr. WAXMAN.

H.R. 2855: Mr. SERRANO.

H.R. 2898: Mr. HECK and Mr. NUGENT.

H.R. 3000: Mr. HECK and Mr. GOODLATTE.

H.J. Res. 73: Mr. YOUNG of Indiana and Mr. SHULER.

H. Res. 220: Mr. HINOJOSA.

H. Res. 344: Ms. ZOE LOFGREN of California.

SENATE—Monday, September 26, 2011

The Senate met at 3:30 p.m. and was called to order by the Honorable CHRISTOPHER COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, our lips sing Your praises and our souls rejoice in You. We pause now in prayer to enter Your throne room and seek Your face. Thank You for the opportunity You give our lawmakers to protect our freedoms and to share with others the hope that is ours as a free people. Use them to increase joy and peace in our world and to bring hope to the hearts of the dispossessed. Help our Senators to see more clearly the spiritual values that are the heritage and guide for this land we love. Let their thoughts, words, and actions be acceptable to You today and always, O Lord, our strength and our Redeemer.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 4:30 p.m. At that time the Senate will resume consideration of the motion to concur in the House message to accompany H.R. 2608, the continuing resolution. The filing deadline for second-degree amendments to the House message is 5 p.m. At 5:30 p.m. there will be a cloture vote on the House message with the Reid of Nevada amendment.

DISASTER RELIEF

Mr. REID. Mr. President, 2 weeks ago the Senate passed a bipartisan bill to fund the Federal Emergency Management Agency, known as FEMA. For 2 weeks House Republicans have been sitting on that bill and taking no action. The House of Representatives has refused to act on a bipartisan bill to fund FEMA for the next year. Not only have they not moved that bill in any way but they left town. The House of Representatives, as we speak, on the eve of the government shutting down next Saturday, just a few days from now, and with FEMA on the verge of having no money, left. They are gone. They are not in Washington. It is hard to negotiate with people who are not here. It is hard to do legislation when one part of our bicameral legislature is not here.

Democrats are not giving up on funding FEMA and keeping our government open. We are here. The Senate is in session. The House Republican bill that would have killed 45,000 American jobs did not have the votes last week to pass the Senate. It was not even close. There were 36 votes, but that does not mean we have to shut down the government or abandon Americans in need. Democrats have made a good-faith effort to compromise.

Today the Senate will consider compromise legislation to fund FEMA and keep the government open without killing jobs. Our compromise includes a clean continuing resolution, a bill to fund the government for the next few weeks. Republicans in both Chambers have already agreed to and voted for the funding levels in this continuing resolution, so this should not be a controversial vote for them; they have already voted for it.

The legislation also includes \$3.65 billion in funding for FEMA, which will give American communities ravaged by floods, wildfires, tornadoes, and other disasters the help they need. We know House Republicans support that funding level as well since they voted for it last week. Democrats would have given FEMA more, as we did with our vote last week.

It is interesting; President Obama has declared disasters in 48 of the 50 States this year. Unfortunately, though, this bill will force us to revisit this issue in a few weeks when FEMA funds will be depleted again. But this compromise legislation will cure FEMA's immediate needs. I urge my colleagues to do what is right and support this good-faith compromise to help disaster victims now. In effect, we are waiting for the House to take action on the bill that funds everything for a year, which they should do. But in the meantime, we have the opportunity here to vote today on legislation that takes the level that has already passed the House. I do not know how much more we could compromise or how much more fair we could be. I urge my colleagues to do what is right and support this good-faith compromise to help disaster victims and help them now.

The folks on the ground in States that have been hard hit by disasters, people who have seen the devastation firsthand, are all saying the same thing: There is no more time to waste. The U.S. Conference of Mayors has begged us to act, a bipartisan group of Governors has pleaded with us to act, and tens of thousands of Americans in every State in the Union are demanding we act. Republicans must not continue to block FEMA, blocking them from getting the resources it needs to help disaster victims.

This compromise legislation should satisfy House Republicans and includes their own much lower FEMA funding number. It satisfies Democrats because it does not include a \$1.5 billion cut that would kill jobs. The U.S. Chamber of Commerce and the National Association of Manufacturers have warned us that this cut would kill 45,000 jobs at a time when our economy and our country can least afford it.

Here is what the Chamber of Commerce has said. The Chamber of Commerce is not a lapdog for Democrats. I appreciate the work they do. But certainly we need to listen to what they are saying, and my Republican colleagues need listen to what they are saying. This is a direct quote:

This loan program promotes manufacturing in the U.S. and is an important component of America's energy security.

Promotes manufacturing.

Here is what the National Association of Manufacturers said, also certainly not out there promoting Democrats all the time. They try to be fair. The National Association of Manufacturers:

Defunding [this program] would hurt manufacturers and their employees.

How much more direct could it be? Putting this offset in here is absolutely wrong. Democrats believe and American auto producers agree you should not have to choose between saying no to disaster victims and killing American jobs.

As you can see, this legislation is fair to both sides. It will get disaster victims the help they need without killing jobs. It is a commonsense solution that should pass both Chambers with bipartisan support. We will vote on it shortly. I am cautiously optimistic that my Republican colleagues here in the Senate will not force a government shutdown. By not voting for our bill, that is what it is.

Earlier this month when the Senate passed bipartisan legislation funding FEMA, which I talked about earlier, 10 Republicans joined Democrats in voting for the bill. It would have given FEMA nearly twice the funding this compromise legislation gives FEMA. At a time when those 10 Republicans said they believed disaster relief should be immune from partisan politics, they believe their constituents should not wait a moment longer for help. I can only assume those Republicans are as angry as I am over the delays by their Republican colleagues in the House. In the week since that vote—it has not been long, a very short period of time, a matter of days—the disasters have not gone away in the home States of Missouri, Louisiana, Massachusetts, Maine, Nevada, North Dakota, Alaska, Florida, Pennsylvania. These are the States where Republican Senators voted for this bill, and rightfully so. Roads and bridges, homes, schools, in those States and many others must still be repaired and replaced. In fact, millions of dollars of this restoration work—most of it—has been stopped in those 10 States. Work on nearly \$½ billion worth of reconstruction nationwide has been delayed because FEMA is out of money.

Even with construction projects at risk in communities that were only just beginning to get back on their feet, FEMA's disaster fund will still run out of money this week. As to what date, that is debatable. FEMA has devoted every penny in its coffers to pay for food and shelter for families who lost their homes in major disasters in the last few months. There is not a dime left for anything else. Even now that money is going to run dry if we do not do something quickly. That is why I am hopeful Republicans will do the right thing today.

We must remember that we are not talking about zeros on a budget spreadsheet. FEMA takes care of people who have lost their moms and dads, sons and daughters, spouses and friends and others. Without additional funding, thousands of people who have lost literally everything they have owned will be forced to go without food and shel-

ter. The reconstruction will be delayed in communities where homes, schools, roads have been wiped off the map by tragedy so terrible it is difficult to comprehend.

I brought a chart here to show some of the devastation. The upper lefthand corner is a picture of part of Joplin, MO. There is some of it that is wiped out. You see a few structures and cars left in the rubble. The fire is still burning. This picture was taken just hours after that storm hit.

I have talked on the floor about the windstorm, the winds of almost 300 miles an hour—I said, winds of 300 miles an hour, not almost. One of my Senator friends came to me and said, that could not be true; I do not think that is true. I knew I was right because in the last week or 10 days I went to a briefing with the National Science Foundation. They put forward some of the new things they have invented and are now developing, and one of those is to gauge how hard the wind blows. It is interesting to note that we have a number of recorded storms blowing more than 300 miles an hour. On this one they do not have the exact number down, but probably that. This is one of the worst storms to ever hit our country.

Here is a picture of Nags Head, NC. This is Hurricane Irene. It not only washed homes out to sea, it washed other facilities out to sea and devastated homes underwater. You can see the picture of the two people sitting on those steps. That was probably one of the seaside homes. It could have been a structure right on the coast, but it is gone. The home has been washed into the sea. It is not only in North Carolina but other places.

You can see here in the lower right-hand corner a small picture of the fires in Texas. The fires in Texas burned more than 2,000 homes. They have had thousands of fires in Texas. Look at it. You can see in the background there are homes burning. It is hard to comprehend the destruction that took place there.

Cairo, IL, is a unique place because it is spelled like Cairo, but they pronounce it "Kay-row." That is a picture of Cairo, IL. It is a good-sized city. The Mississippi River has overflowed its banks. It swept away everything in its path. This is more important than politics. Tornadoes, hurricanes, droughts, floods are just some of the devastation that has affected our citizens.

Here we are, having passed a bill and sent it to the House. They have done nothing with it. We have overwhelming bipartisan support here, and they are gone. They had that 2 weeks ago, and they are gone. What we are doing here should be more important than partisan posturing for every Member of the Republican Party—and, frankly, every Member of the Democratic Party. I know it is to me.

President Truman once said:

America was built on courage, on imagination and an unbeatable determination to do the job at hand.

If there were ever a time when we have the obligation to do the job at hand, it is here. And to think that work in Joplin, MO, has basically come to a standstill or work in Nags Head, NC, has come to a standstill or in Cairo, IL, and, of course, all through Texas—only a few of the projects as a result of Hurricane Irene and Tropical Storm Lee are being worked on now.

So I don't think anyone can understand the devastation unless one has been there. I know I can't. No amount of money can ever replace what the people of Joplin or Cairo have lost. When I say "unless a person has been there," I am trying to be as empathetic as I can, but I have never been involved in a flood such as that, anywhere near that, and certainly not the fires we have seen, not a tornado, not a tropical storm. So no amount of money can ever replace what the people of these devastated areas have lost, but at least we can help them get back on their feet. We can help them start over. That is what FEMA does. That is what FEMA's job is. So it is up to us to get the funds to FEMA so they can do their job.

Would the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to speak for up to 15 minutes, and I may extend my time as the debate goes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEMA FUNDING

Ms. LANDRIEU. Mr. President, I wish to follow up on the remarks of Leader REID by reminding everyone how unfortunate but in some ways necessary this situation is.

This whole debate, in my view, is worth having. It is unfortunate it is so close to the end of the year because the Senate actually offered a bill, as the Presiding Officer may remember, earlier in September to try to avoid getting to this last minute. But this whole

controversy started just a few days after Hurricane Irene had raked the east coast and wreaked havoc from North Carolina, through Connecticut, into Vermont and New Hampshire, and people are still reeling. The way this controversy started was Representative CANTOR said: Before we can provide help, we need to find an offset in the budget. In other words, before we can help the victims of Irene—the thousands of homes that were flooded, the electrical wires on the ground, the businesses flooded out—we have to go to Washington and find a program to cut. I strongly objected then, and I have objected every day since then to that Cantor doctrine. So this is an argument and a debate worth having.

This could have been completely avoided if, the day after, Representative CANTOR, with all the outcry from his own district and newspapers around the country, many of which editorialized against that position, would have just said: I am sorry, I made a mistake. And I have had to say that in my political career: I am sorry, I made a mistake. But instead of saying that, he doubled down, and he doubled down on the backs of people from Pennsylvania, to New York, and actually to Louisiana and Mississippi because it is our projects that have been stopped for the last 6 weeks. FEMA, as far as Louisiana is concerned, was out of money 6 weeks ago.

This is what the Cantor doctrine looks like to a very clever cartoonist. I am going to put this up in my office and keep it forever. It says:

Welcome to the Republican disaster relief hotline. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue.

Here is Grandmother sitting on the roof, with her little cat on the chimney, with her television and her cane, calling FEMA.

I am the appropriations chair of this committee, as my colleagues know. It is a good thing I am chairing this appropriations committee because I happen to know a lot about disaster relief, having to lead the effort for the gulf coast in the wake of Katrina, Rita, Gustav, and Ike. This is not a little matter, as some of the press reported over the weekend. I have read most of the editorials from coast to coast. Some have written: Why is Congress arguing? This is such a minor matter. I don't think the \$40 billion it took to rebuild the gulf coast is a minor matter, and I don't think any taxpayer in America would think \$40 billion is a minor matter.

This Cantor doctrine must be rejected. I am not the only one who believes this. There are wonderful articles and editorials in papers all across the country. I am going to read some of them today. I am so glad people were working through the weekend and focusing on this debate.

From Colorado, the Denver Post writes:

... and some Members of Congress are so bent on budget cutting—

They are referring to the Republicans, of course—

that they happily seize the opportunity to demand concessions, despite the larger impact on our struggling economy. In this case, it is demanding that money for the Federal Emergency Management Agency to provide emergency disaster assistance to communities hit by flood, fire, and other manner of natural disasters, be offset by comparable cuts to the Federal budget. Demanding such offsets is unprecedented in terms of emergency relief, and it has again manufactured the prospects of a shutdown. To be clear, we are not supporting a blank check—

And neither am I. I have been an appropriator since I was 23 years old. I am 56. I understand balanced budgets and debt limits and curbing government spending. I have been a part of those efforts. The last time we had a balanced budget, a Democrat was in the White House—Bill Clinton—as the Presiding Officer knows. We understand there is no such thing as a free lunch or a blank check, and we are going to pay for these disasters, but we don't have to pay for them while Grandmother is on the roof. We can figure out how to pay for it later and send help to her now.

The article goes on to say:

... but we think any near-term spending cuts are best dealt with by the super committee as opposed to a symbolic standoff that sends ripple effects beyond Washington.

This is the Brattleboro Vermont Reformer:

Though individuals eligible for Federal disaster aid and State and city governments recouping emergency response costs are still receiving funds, projects dating back as far as Hurricane Katrina are once again waiting for money. How did House majority leader Eric Cantor of Virginia respond? He said: "Change like this is hard."

The paper goes on to say:

However, not as hard as waiting for power lines to get restrung along the Auger Hole Road, wondering when, if ever, you will be able to move back into your waterlogged home or when your road might become passable again. Though Congress has about a week to get everything ironed out, we can expect this argument to go down to the last minute.

I wish we weren't here at the last minute. I wish to remind everyone that the Senate passed—with a bipartisan response to this, which provided the money FEMA needed without the offset—it was passed bipartisanship with 10 Republicans and all the Democrats and sent to the House. They could have passed that bill, and we would all be gone now, with FEMA replenished, set up for the next year, and the jobs program, which is really a private sector effort to create jobs in America, would be untouched and would be moving forward.

This argument started when Representative CANTOR came up with a

new tea party agenda, which is for flood victims to let FEMA know what offset can be required before they are rescued.

Other newspapers throughout the country, including Pennsylvania, say:

Much of northeast Pennsylvania needs Federal assistance to recover from flooding, but two of the region's representatives—

In this case, both Republican Representatives—offered an unacceptable condition.

They go on to say—they list the Members.

They say:

The problem isn't the Senate, which earlier had passed a bill by a positive vote that included 10 Republicans to appropriate more than \$7 billion for FEMA that handles disaster relief. That fund could run dry. The House responded with a bill that would provide \$3.7 billion, but only if two loan programs for energy development projects were rescinded.

Senator HARRY REID, they say, "goes on to offer a compromise with the House." But I guess we are in the time of no compromise and take whatever hostages you can. In this case, the tea party Republicans want to take hostage the Grandma who is on her roof asking for help.

Even the New York newspapers:

Congress shouldn't allow disaster aid for people devastated by Tropical Storm Irene to be stalled by a fight over how much is enough and how to cover the tab.

We are willing to negotiate with the House over how much. We believe our number of \$6.1 billion is not enough for the year, and I think the records will show as we move forward that I am accurate. But given the situation we are in, we don't need to fight over that amount because if \$6.1 billion isn't enough, most certainly \$3.5 billion that the House has offered isn't enough, and we can work that out later on and that is what Leader REID has offered. But requiring an offset, particularly an offset from a program that Republicans themselves supported, that was signed into law by President Bush, and that is supported by the chamber of commerce, the National Manufacturers Association, the League of Cities, the National Conference of Mayors, and an offset that has created 40,000 jobs, that is a road I don't think we should go down.

If it is a manufacturing program today that the new Cantor doctrine requires, as one of these great articles this weekend said, maybe next time we have a disaster, we will have to offer up education programs; and the next time we have a disaster, we will have to offer up a fourth of our transportation budget; and the next time we have a disaster, we will have to offer up aid to Israel; or maybe the next time we have a disaster, we will have to offer up something else. When does the offering up stop?

The worst time to negotiate how to find funding after a disaster is when

emotions are high, when people are really at their sort of emotional limit, particularly the disaster victims themselves. We want to argue and debate these things when cool heads prevail and once we get the estimates. It is hard, within a week or two or three of an emergency, to even know what those estimates are. We have to wait for the insurance adjusters to go out, for the FEMA adjusters to go out, for people to even get back to their communities to assess the damage.

Believe me, I have been through this. It was months after the aftermath of Katrina before people in my city of New Orleans and in parts of my State could even get back into their neighborhoods—months. Not days, not weeks, months. I remember people along the gulf coast having to come in on foot with chainsaws to try to get back. It took them days.

That is another reason why we do not want to have to find an offset to fund disasters. We want to do a couple things. We want to budget as carefully as we can in advance. I want to answer this argument that: Oh, well, the reason Congress is in this pickle is because they did not budget for disasters. I am going to put up a chart in a minute—if staff will grab that one for me—to show that we have budgeted for disasters. We have not budgeted as adequately as we should. This has been a problem for Democratic Presidents and Republican Presidents.

But I have to say, as chair of this committee, I have doubled the amount of money—more than doubled the amount of money—in anticipation of disasters to try to get in front of it. But no one—unless they had a crystal ball—could have predicted that 48 out of 50 States would have had disasters this year in America. It is unprecedented. We would have had to have a crystal ball that was always right and never, ever wrong to be able to predict we would have had that many disasters.

What can we do in the future? I have offered to my colleagues—Senator BLUNT, Senator SNOWE, and others—that I will work with them in the future to get a bill that mandates that Democratic and Republican Presidents, regardless of party, would have to send to us—budgeted and paid for—at least a 10-year average of previous disasters.

But I have to say, even if we would have had that law in place—which is the best we can all collectively think of; and universities or businesses would recommend the same—we still would have underestimated this last year, and we still would have underestimated Katrina and Rita. That is why I am on the floor making this argument.

I know it is inconvenient for Members to have to come back this week. I know people wanted to be away this week to work in their districts. But this is an argument and a debate worth

having. I hope our side will prevail, but if not, at least we put up the fight that I think is necessary to make the argument to the American people.

But even if we had a crystal ball and even if we had budgeted more than the \$1.8 billion we budget every year, approximately, out of Homeland Security, look what happened when Katrina and Rita and Wilma hit. This went up to \$45 billion—Katrina, Rita, and Wilma. Wilma, you will remember, was one of the storms that hit Florida. In the year before, Florida had four storms. Dennis, Ivan, Frances, and Charley hit Florida in 1 year.

I believe that is why Senator RUBIO and Senator NELSON understand the hollowess and the danger of the Cantor doctrine. Because had this doctrine been in effect when these four hurricanes hit Florida back in 2004, the people of Florida would have had to come to Congress, and before we could spend one dime to help them, we would have had to find a \$3 billion offset. Mr. President, maybe we would have gone to your State and taken the money out of your transportation program or gone to my State or gone somewhere to find \$3 billion, but we did not. We sent Florida their \$3 billion, and we will pay for it over time.

I do not know what we would have done on the gulf coast had the people of the United States enforced the Cantor doctrine, which was to find \$45 billion like that—like that—before we could have sent money to Mississippi, Alabama, Louisiana or Texas. I could go on and on and on.

One of the more disappointing positions Republicans are holding, particularly Representative CANTOR, which is very disappointing, is that we have to scramble to find offsets for Americans who are in trouble, but we can just send free money to Iraq and Afghanistan. We do not have to send an offset to rebuild Iraq. We do not have to find an offset to rebuild Afghanistan. But we have to scramble around here and find an offset to help the people of our country.

Third point. Some of the House Members have stood and said: Senator LANDRIEU is wrong. We have offset emergency funding in the past. That is correct. We have offset emergency funding, but emergency funding is different than FEMA funding. We have emergencies such as dams break and levees break and the Corps of Engineers needs extra money. Over the course of time, we have, occasionally—because we want to be responsible with the budget when we can, and when we have time to figure it out, we most certainly can find offsets in programs that are not working as well. So we can eliminate that and push some of that money to emergency funding. We have done it in the military. We have done it for the Corps of Engineers. But if we do this, this will be the first time we have re-

quired an offset for FEMA funding in the history of our country.

I think it is a road we do not want to go down, and it can be avoided. We do not have to walk down this road. We can eliminate the offset completely. FEMA may—under the last 24 to 48 hours—be able to stretch their money through Friday. We can even accept the House number, which is the lower number. It is not going to be adequate. We are going to be back here literally in 8 weeks having the same debate. But they are hardheaded and insistent that they want to continue to have this debate week after week after week. But at least the \$3 billion will jump-start all our programs that are stalled and many of them are in my State, which is why I am spending a lot of time on this, but I am also concerned about everybody else's State. It will give us enough money to get through Thanksgiving, maybe the first of the year. It is not going to be enough for all next year.

That is a reasonable compromise. On the side of that compromise is the Chamber of Commerce, the National Association of Manufacturers, four Governors of disaster-hit States—two Republicans and two Democrats—the National League of Cities, and the National Conference of Mayors. That is just to name a few.

There are editorials across the country from Pennsylvania to New York, to Louisiana. The Times-Picayune, my own newspaper, of which I am very proud, editorialized for this position that to require an offset before one can be rescued is not the American way. We do not require it when we declare war or disaster. We go ahead and send the troops, and we fund them later. I do not believe we want to go down this road.

So Leader REID has brought us back to try to work through it. Again, the Senate, earlier in September, passed a bipartisan resolution. The House rejected it for their own reason, insisting that we have an offset. We are back saying that is a wrong policy to adopt. This is not the right time in America to adopt it. If we were going to adopt it, this is definitely the wrong program to eliminate. This program has created, with the private sector—this is not government jobs. These are private sector jobs that have been created. Republican leaders in the House—and I am going to read those letters for the RECORD this afternoon again—supported the program, wrote letters to the Secretary asking for this funding to be spent in their districts, and then they turn around and offer this as an offset when it is unnecessary, unprecedented, and absolutely wrongheaded.

For the legislators, the Congress men and women along the gulf coast, it is particularly disturbing. After receiving \$45 billion—Mississippi, Louisiana, and Texas—after Katrina and Rita and not

one penny offset while it was going on—we are all going to be paying for it for many years to come in our regular budgeting process—to then turn around and say, when the east coast needs help: Oh, no, we need to find an offset today.

That is how this argument started. I do not like to fight. I like to cooperate. I am one of nine siblings. I have two children myself. I have been happily married to my husband for 23 years. We resolve things by talking and negotiating in our home. We do not like to fight in our family.

But I have learned one thing: Some things are worth fighting for, win or lose. I have led this effort. I have been proud to lead it. I am so grateful to my colleagues on the Democratic side, both in the House and the Senate, who have spoken on this point, who have changed their schedules to support this. Win or lose, it is right to stand against the Cantor doctrine and the tea party agenda.

I guess this is where this comes from. We have never seen this before. Never have we offset a dime of FEMA funding. We have offset emergency funding, we have offset defense emergencies, Corps of Engineers emergencies, HUD community development block grant money we have offset but not FEMA.

But the Republican caucus in the House has run us right down to the wire, not willing to negotiate, not willing to even recognize the bipartisan bill we sent over there. Sometimes we say “bipartisan” around here if we have one Republican and all the Democrats. We kind of brag because we have bipartisanship. This was 10–10—Republican Senators. That is a big number today. We broke a Republican filibuster on this with 10 Republican Senators who said ERIC CANTOR was wrong. Now is not the time. We do not have to find an offset. Let's negotiate. Let's work through this. They were right. I hope they will stand strong. I hope the leadership can work this out. But, again, if we cannot, it was worth, in my view, the fight over this to say: The Cantor doctrine is dangerous for the country.

Let me just remind everyone—because I have spoken about the gulf coast—these are 48 States represented that have been hit by disasters. The only States that have been spared a natural disaster are Michigan and West Virginia. But as the Senators from Michigan will tell us, they have been experiencing their own economic disaster now for almost 6 years, an economic meltdown in Michigan. Because of the crash of the auto industry and the foreclosure disaster and the crash of some of the Wall Street banks and other banks, Michigan has been very hard hit. West Virginia is always one of our poorer States, with great assets, but they struggle all the time. So we can honestly say all 50 States are in need of help.

Why don't we help them? We have a supercommittee set up. Many of us are working hard on closing the deficit gap. We have already cut trillions, literally trillions, of dollars from this budget over the last 2 years. We have trillions more to cut and we have revenues to raise. But this time we have to find money in this budget—in this case for something that is wholly unprecedented and unnecessary—they recommend a program that is actually helping to turn around a very weak job outlook. It is creating jobs. It has created 40,000. It could create more public-private partnerships, promoting loans to auto companies that are creating new and different kinds of automobiles so we can minimize our dependence on foreign oil, we can start building again in America, we can start manufacturing again in America.

Again, it is a program—some of the newspapers reported it—Democrats support. This is a program George Bush signed into law. This is a program that Republicans and Democrats have supported. This is a program that actually works to put Americans back to work. Why would they pick this one? Why would they pick any one? But why would they pick this one? Because they wanted to pick a fight, and they knew we were not just going to say: OK, fine. So we did not pick this fight. I did not pick this fight. Representative CANTOR started it when he decided on a Cantor doctrine that would make disaster victims have to find an offset before they could be helped.

I am going to close with where I started, with this cartoon that says it all:

Welcome to the Republican disaster relief hotline. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue. . . .

This is not America. We have gone too far. If this kind of government is on the tea party agenda, I suggest they remove that item for consideration. This is not the way we operate our government in the United States. We are there for people in their time of need.

We do not ask them to find an offset. We will pay for this. We are working to have our budget balanced. But we do not put this kind of pressure on tax-paying Americans, who hardly ask us for anything. But when their home is washed away, when their business is destroyed, they expect FEMA to be there and they do not have to scramble around with their congressional delegation or their mayors or their counsel members or their local representatives to wring their hands and say: What program can we suggest Congress cut so we can get our meals today or our shelter for next week?

It is not the way we do business. I hope as Members come back tonight to talk about this, we can find a way forward, keep our government operating, and do what is right for Americans and our country.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. There are other Members who are coming down to speak. But while I have this time, I wanted to just add a few other comments to the RECORD.

First of all, over the weekend, there were some reports and some statements made that this was a manufactured crisis by one of our colleagues on one of the big talk shows on Sunday morning.

First of all, that infers this is not a real crisis, that it was just made up because we enjoy fighting here in Washington. Nothing could be further from the truth.

This is not fun to do, but sometimes this is necessary. Sometimes it is necessary to draw sharp lines between policies because the outcome affects people's lives. Where would we have been along the gulf coast had that Cantor doctrine been in effect and used when Katrina hit the gulf coast? Instead of New Orleans and Biloxi and large portions of the gulf coast being rebuilt today, we would still probably be debating where we were going to find the money to do the work. Now, that is No. 1.

No. 2, the crisis may not be real for the whole country right now, today, as we speak on Monday, but I promise, for people in many States—and I will find this document which I have used several times in debate on the Senate floor—it is pages and pages, too numerous to mention—they are already having a crisis because these line items and numbers represent projects that have already been pink-slipped, shut down.

Government is still operating through this week, and we are going to work this out. We are not going to let the government shut down over this. I promise you—if I have anything to say about it. I might not, and my caucus may overrule me, but it is worth arguing about to try to see if we can come to some reasonable compromise, which Leader REID has offered.

But there is already a crisis. For those who think this is manufactured, why don't they spend time this afternoon calling some of these small businesspeople who have shut down their operations?

They were building a road in Alaska, and they stopped because FEMA stopped their funding weeks and weeks ago. This isn't made up by MARY LANDRIEU. We can call Craig Fugate or

anybody on this list if anyone thinks this is manufactured. They have stopped their projects because FEMA technically ran out of money months ago. They are operating on fumes. They stopped paying for all of their regular work that was going on rebuilding lots of places in America so they could give out their emergency aid to the east coast. They had no choice because we didn't give them enough money to make it through the year.

I sent a letter to the leadership on this issue months ago because I know this; I am the chair of the committee. They keep saying to me: Senator, we are running out of money. I have been saying this—and I will present letters for the RECORD. Anyone who follows this knows this is true. This is not a manufactured crisis.

This whole issue started when Representative CANTOR decided that the way to fix this problem was to cut something in the budget and have to offset something in order for us to move forward, and then the gears stopped. It was like he just threw a wrench in the gears. Everything was going along quite smoothly.

I know the American people are tired of the fighting and the name calling. I am, proudly, a centrist Democrat. I am still proud to say that. I have negotiated on probably every major deal that has been done—or compromised. I have been a part of almost every one for the 15 years I have been here. Some people don't like that about me, but I think that is good, and I am proud of it.

I most certainly am not one of the ones who like to start a partisan brawl just for the heck of it. This is an important principle. The principle is this: Should Americans have to scramble to find offsets while the water is rising and the wind is blowing, when we don't require the same for emergencies overseas? We don't scramble to find offsets when a famine happens or a drought hits in Africa. We send money because that is what Americans do. Yet our people are calling for help at home and somehow—this is on the tea party agenda—before we can send them help we have to find an offset in Washington, an offset that everybody agrees to. Good luck.

There are very few things here that two people agree to, let alone 535. If I had to do that, Mr. President, for Katrina and Rita, I don't know what I would have done.

We are in a crisis. It may not be for everybody in the country right now, like it could be next week if the government shuts down, which it will not. We are going to find a way forward. But for these people it has been a crisis for several months. Bridge projects are shut down, libraries are shut down, and all the workers have been sent home or told not to expect a paycheck on this

project. I don't know how many people will continue to work without receiving a paycheck. Maybe some people are still doing that.

No. 2, we sent \$1.3 trillion to Iraq and Afghanistan in the last 7 years—\$1.3 trillion, not requiring one offset. Yet people in Florida are looking for help as are people in Vermont, and the Cantor doctrine says we have to find cuts in the budget.

The Senator from Florida wants to speak. I want to be accurate in this debate, so I want to correct one thing I said. I said that never before have we offset FEMA money. My staff corrected me and said that one time in history, in recent memory, we did that for a small amount of FEMA money when President Clinton was the President because the Republicans had just come into power and argued about it back then. President Clinton, to his credit, found an offset they could agree to, and they did it.

I don't think we should make this a routine exercise. It is not right for the flood victims or the taxpayers in the long run. Eventually, we will find a way to pay for these things, so let's reason together.

HARRY REID sent us a reasonable compromise. The House should focus on this and try to take this compromise—if we can. It has been worth discussing because this is going to go into law one way or the other, and we are going to be living with the consequences. Those of us on the gulf coast who are in hurricane alley—I will show this chart, and it is quite disturbing. I will put it up again.

This chart shows from 1851 to 2008. These lines represent every hurricane that has hit the lower 48. These large colored lines are Katrina, Gustav, Rita, and Ike. Most certainly, along the east coast people should know that this is just what happened. There was also a tornado chart that showed where the tornadoes hit, and there was one for the earthquakes. Every part of the country at some time experiences a disaster. We don't have to run up to Washington and gut the education programs overnight or gut our transportation programs overnight or try to call a special committee meeting to find out where we can come up with \$1 billion by Friday to send to FEMA. We send it, and then we make those decisions over time. It is the way any corporation would operate, it is the way any family would operate, and it is the way our government should operate.

Again, if we take this Cantor doctrine to its ridiculous extreme, we would have firetrucks screaming down the street while a house is on fire, and before they turn the hose on, they would ask the family to come out and they would ask them what they should cut in the city budget before they turned on the water. We can only make reasonable assumptions about what

disasters there will be—their frequency and their rate. If we go under a little bit, then we have to provide the money until we can fix it in the long run.

I am going to yield the floor. I thank the Members for engaging in this debate.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2608, which the clerk will report.

The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 2608, an act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill, with Reid amendment No. 656 (to the amendment of the House to the amendment of the Senate to the bill), to provide continuing appropriations in fiscal year 2011 and additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 657 (to amendment No. 656), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations with instructions, Reid amendment No. 658, to change the enactment date.

Reid amendment No. 659 (to the instructions) amendment No. 658), of a perfecting nature.

Reid amendment No. 660 (to amendment No. 659), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 will be equally divided and controlled between the two leaders or their designees.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to comment before the Senator from Louisiana leaves the floor. It is kind of like we have seen this movie before. If I recall, it was Friday. The Senator from Louisiana and I were out here with this chart talking about the same thing, showing all of these paths of hurricanes and how those folks who live along the gulf and the Atlantic coast understand what natural disaster is.

We are playing with people's lives when we threaten not to fund FEMA, which can respond to these. How many of these do we have to have to get through to these decisionmakers who are blocking the funding of FEMA because of some ideological position?

There are people out there who are hurting in Tuscaloosa, AL; in Joplin, MO, all throughout New England, and along the Atlantic coast—and who knows what is going to happen? Hurricane season goes until the end of November.

I want to tell the Senator from Louisiana how much I appreciate her bringing this to our attention over and over again. We need to remind people that there are certain things that only the government can do, and this is one of them. When people are in need, they have to rely on emergency functions from their government. That is one of the main reasons of having a government. Hopefully, that message will get through.

Mr. President, I want to speak about, basically, this budget conundrum in which we find ourselves. In a little less than an hour, we are going to vote on a motion to cut off debate just to get to the bill that would continue to fund the government after this Friday so that the government can operate.

Speaking of movies that we have seen before, didn't we see this movie back in early August? Then it was over a different question of whether the government could continue to pay its bills. But in essence it was the same thing. In that case it was the lifting of the debt ceiling. In this case it is to keep the appropriations going, starting October 1.

So if we have seen this movie before, didn't Senators and Members of Congress go home in August? And didn't they hear from their people, and the people said: What in the world are you all doing? What are you thinking? Have you guys gone off the rails, that you would threaten the shutdown of the government and all the necessary functions of the government, which would then imperil our economy more already than it is now imperiled in this recession?

One would think Members of Congress got that message. Yet here we are again, in late September, after having gone through that drill in early August. We are going through the same thing again—this brinkmanship, this partisan ideological brinkmanship that has all the vestiges of being all balled up in electioneering politics and a Presidential election. That is not any way to run a country.

Let me tell you why I think—if the folks out across America will start letting their elected representatives know they have had enough—why we might see some change. With that cataclysmic confrontation we went through in early August, in order to get the government to pay its bills, we set up a structure—a process in law—where there was immediate debt reduction of some \$1 trillion, but there is supposed to be—and I am rounding—another \$1½ trillion done by this supercommittee that is supposed to report by Thanks-

giving, and then we are to vote on it. Remember, a week and a half ago, the Presiding Officer and I and 34 other Senators—Republicans and Democrats alike—went to the Senate press gallery and we stood and said: We want a big deal of deficit reduction. A lot of us were suggesting what we want is tax reform in the process, getting rid of a lot of the clutter in the Tax Code that is so inefficient in the way of tax preference to individual special interests, which have grown exponentially over the last 20 years, since the last tax reform measure, which was 1986, and instead utilize that revenue, which would be revenue gained, to simplify the Tax Code and lower rates. The actuaries tell us that would, in fact, crank up the engine of growth and from that growth would come additional revenue.

Why is that so hard? Every constituent I have talked to seems to think that is a fairly good idea. You know what they say? They say it sounds like common sense.

Mr. President, I see other Senators on the floor who wish to speak. I want the Senator from New York to know I have been speaking to some of his constituents—the titans on Wall Street—who are saying the same thing: What in the world are you guys doing? Have you all lost your minds?

We have an opportunity to do something. If we will have as our north star some common sense, bipartisanship, and keeping in mind what is good for the country and not for our particular little ideology, then we can get something done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. First, Mr. President, let me thank my colleague from Florida. He knew I was waiting, and I know he cut short his remarks, so I appreciate that. But more importantly than that, I appreciate his insight, his articulation of our situation, and his desire to help the people of Florida. Nobody works harder for the people of Florida than the Senator from Florida. They know disaster just about better than anybody else, given their geographic situation. So his fight for FEMA dollars is a fight for every citizen of that great State of Florida, where I must say many of my former constituents now reside, so I have a special care about Florida as well. I thank him for both his courtesy and his insightfulness.

FEMA runs out of money very soon. Already, recovery projects in more than 40 States have been halted so FEMA can focus their last dollars on responding to the latest disasters. To have FEMA not working in Joplin, MO, where we all saw the pictures, and because of the dangers that Hurricanes Irene and Lee created, is unheard of in this country. It is unheard of.

The Senate has already passed the bipartisan bill to replenish FEMA's cof-

fers, providing \$7 billion in immediate relief, not just for FEMA but the Army Corps. I can tell you that in my State we need Army Corps relief as well as FEMA relief because so many of our rivers have changed course. They have flooded. I think I mentioned earlier the Erie Canal—the locks—are no longer by the river because the storm's force changed the course of the Mohawk, so the river is here and the locks are here—the great historic Erie Canal. So we provided this \$7 billion.

A reasonable person might say—all our constituents are saying—to get government to work, the most logical thing to do would be quick passage by the House so we could begin to get those dollars out the door. Instead, House Republicans decided to take emergency disaster aid and leverage it to force cuts to a jobs program they themselves used to support. If there has ever been a case of playing politics, that is it. If they don't like this jobs program, fine, fight it out in the regular course of business, but don't hold FEMA dollars hostage to cut jobs. The American people don't want that choice. Help those who are in the middle of a disaster. Is the only way we can help them to cut jobs in Michigan or Louisiana or other States, at a time when our country is hurting for jobs? That is not America, and that is not what our constituents have asked us to do. The jobs program they want to end, before they are willing to provide more disaster aid, is not some radical program. It was started under the Bush administration. It was passed with a bipartisan majority.

I understand their anguish. We have to cut funding. But we don't have to do it like this. We don't have to do it on the backs of the people of Schoharie County, whose homes have been blown away, or the people of Binghamton, who are in shelters because there is no rental housing for them. We don't have to do it on their backs. That is not fair. If our Republican colleagues want to have a fight over a program they used to support but now say the circumstances have changed, fine, we should have that. That is what we are here for. But don't hold disaster aid hostage.

I want to say this, lest people think the Democratic stand is some way-out-there, leftwing stand. Guess who supports us. The U.S. Chamber of Commerce and the National Association of Manufacturers. Because they know what we are doing is right. Those are groups that are almost always supporting Republican initiatives. So when they say we are right, doesn't that send a shot across the bow to my colleagues to back off this ideological, narrow, my-way-or-the-highway position?

Most importantly, the House Republican approach would require that we

kill 40,000 jobs in order to help our fellow Americans put their lives and businesses back together after this year's record disasters. That is not right, it is unprecedented, and I would say it is not the way we have done things in this country in the past.

The CR we will vote on this afternoon is a fail-safe measure. It is a bill that will keep the government running at funding levels agreed to by Democrats and Republicans in the debt ceiling negotiations. It is a good-faith effort to compromise and contains the same amount of disaster relief funding House Republicans supported.

It falls short of fully funding FEMA, as we did in the bipartisan bill passed 2 weeks ago, with 10 Republican votes, but we are working to meet our colleagues on the other side of the aisle in the middle in order to break the impasse. Will they move a little to the middle to meet us, or will they insist the only way to go is a bill that failed in this Chamber with a bipartisan vote against it of 59 to 36? Is Speaker BOEHNER saying to us a bill that fails in the Senate 59 to 36 is the only way to go, when it is so wrong and not supported by the Chamber of Commerce; when it is pitting jobholders, and the future of this country in terms of energy independence, against each other versus disaster assistance? That is not fair. The only difference between our bill and the House bill is it doesn't require the job-killing cuts the Chamber of Commerce opposes and that our fragile economy can't afford right now.

We know there has been a lot of pressure on the 10 Senate Republicans who joined us 2 weeks ago to fight full disaster funding. I hope they do not cave in to the pressure exerted by the extreme minority in the House that demands job cuts as a precondition for disaster relief. I would urge them not to do it. If they can't resist that pressure, what is their solution? They know the House bill is a dead letter here.

The path forward is clear. The Senate has already spoken on the political bill sent to us by the House. We must pass this commonsense, middle-of-the-road compromise measure that is now before the Senate. It will provide disaster aid to hard-hit communities across the country immediately and prevent an unnecessary government shutdown.

We shouldn't even be talking about shutdown. Why are we? Because the other body decided to attach disaster relief to government funding. We are not just holding jobs hostage, we are holding government funding hostage in a my-way-or-the-highway presentation take it or leave it or your government shuts down, take it or leave it or 40,000 people lose their jobs. That is not fair and that is not right.

Every aspect of our plan has already received major bipartisan support. Voting for it is the right thing to do. We must put politics aside at a time when

the economy of this country is so fragile. We must avoid even coming close to a government shutdown. We must do what is right for our country. And what is right for our country is to pass the compromise measure that has had bipartisan support in the past and vote for it on the floor of the Senate in the next half hour.

One other comment. My great colleague from Louisiana has done an incredible job. She has been showing this, but in case people missed it over the last hour, it is a great little cartoon. There is a nice lady with a gray bun and little glasses talking on the telephone. There is her TV on the roof of her house, which has, obviously, been flooded. This cartoon is humorous, but I have seen flood levels up to this level on house after house after house across large parts of the eastern part of New York. She is on the phone, saying: "Welcome to the Republican disaster relief hot line. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue."

When the next disaster comes and people are struggling, are we going to have to debate how much to cut education funds? In the next disaster, when people have experienced an earthquake, are we going to have to debate how to help those people while we talk about how much to cut Border Patrol funds? In the next disaster, when fires are ravaging across Texas or New Mexico or California, are we going to debate how much we have to cut food safety inspectors? That is not our way, and that is why we need to support this bill which has bipartisan elements and has been supported by Members of both parties. That bill is a compromise bill. It is the middle-of-the-road bill that is on the floor of the Senate.

Mr. President, I yield my time, and I thank my great colleague from Louisiana for the great job she has done.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from New York, who has been a strong clarion voice on this issue. He has helped to crystalize what this is about. He is exactly right.

I want to read into the RECORD, as the Senator from Illinois comes to speak, from several articles around the country that have editorialized exactly on the position that he ended on, and it is the point of this whole debate—whether we accept the Cantor doctrine, which requires an offset before we send help to people who are stranded or flooded out or in an ice storm or in the middle of a tornado or whether we have to have Washington cut the budget first.

The central Pennsylvania newspaper said it well. They said:

It is easy to generalize and say our government spends too much money and needs to cut all government programs. Then a tornado wipes out Joplin, MO, or a hurricane

called Irene slams into the East Coast destroying countless homes and lives in Vermont or a flood devastates communities in Derry Township, Middletown and Harrisburg, PA. It is then we count on our local, state and federal governments for help and, in particular, for the federal government to support us with disaster relief. We have certainly seen this year through wind, fire and rain—the ice could be next to come—that FEMA's financial efforts cannot be tied to some sort of Congressional pay-by-the-disaster system.

We cannot decide with each new catastrophe where we will find money, stripping funds from transportation this month and education the next.

That is what this debate is about. We did not choose this fight. It was started by Representative ERIC CANTOR. There was a moment in time when he said we must offset this disaster.

Some of us stood right up and said: No, we will not.

I see the Senator from Illinois, but I sent four letters as the chair of this committee as early as February. Please don't let anyone in the press criticize me for waiting until the last minute. February 16, 2011, I sent a letter saying: Heads up. This is going to be a problem.

Not many people listened. Then I sent another letter in March, then I sent another letter in May, and then I sent another letter May 11. We are now in September. One can accuse me of a lot of things. I most certainly make mistakes, but not being ahead of this one is not one of them. I knew this was going to happen.

Here we are. This was not started by HARRY REID. It was not started by Leader DURBIN from Illinois. It was started when ERIC CANTOR said, despite the fact that we sent \$1.3 trillion to Iraq and Afghanistan to build cities and communities and houses in Iraq and Afghanistan, we cannot send any money to Vermont or to New Hampshire or to Virginia—his own State, which is mind-boggling to me—until we find a program to cut. Then they cut a program that has bipartisan support that is creating jobs in America.

I will yield the floor. The Senator from Illinois always has some interesting things to add to the debate, and I appreciate his support and leadership.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me say to the Senator from Louisiana, she has been a clarion and consistent voice on this issue because she has seen it and lived it. Anyone representing the State of Louisiana can give a lesson to all of us about what happens when the unexpected occurs and people lose their homes, their businesses, their lives. They are uprooted.

We had some folks from New Orleans in Chicago. They were leaving New Orleans to come to one of our fabulous

winters because they had nowhere to go, and I saw the look in their eyes. They did not know where to turn. At that moment in time, many people across America count on the American family. That is who we are and we represent that family in the Senate.

We stand for this country and for the families who are suffering through no fault of their own. When the Senator from Louisiana comes and tells us: Be careful when we set a standard that says before we can send the first dollar to someone who has lost their home or their business or their farm or whatever we have to come back to Washington and go through a budget debate and decide where we are going to cut—out of money for education and medical research and the like. That is not the way it has ever happened. Emergency spending is emergency spending.

I have lived through it—nothing like what my colleague went through in Louisiana, but the floods of 1993 in downstate Illinois, I was in pretty decent shape when it was over for all the sandbags I filled and pushed around with thousands of volunteers. We saw what happened. There were terrible things that happened, and I think the Senator from Louisiana would agree with me that flooding is one of the worst. It doesn't go away. It sits there destroying people's homes and everything they own, and when it finally goes away, what a mess. Also, in the Midwest, we have a little thing called a tornado. I grew up as a kid in downstate Illinois listening for the siren and heading for the basement. We did that I don't know how many times, sometimes in the middle of the night. But look at what happened to Joplin, MO. This beautiful town in Missouri was almost wiped off the map by a tornado.

What do we tell the people who survive the next day? Sorry, Congress has to meet and debate and we will get back to you? Of course not. We stand and help people—scores of volunteers, hundreds of volunteers who come in for the Red Cross and so many other agencies and all the first responders. Governors don't say: We will see if the Federal Government will pay for this before we go in and help and provide lifesaving efforts. They do it, anticipating we will stand with them.

Now Congressman CANTOR of Virginia decides there should be a new approach: We need Congress to get together and debate before we help people who are victims of disasters.

That is a serious mistake. We have to stand by people, whether they live in red States or blue States, whether they are Democrats, Republicans, Independents. We stand by one another and that is critically important.

Let me say to the Senator from Louisiana, I think the thing I noticed over the weekend in Illinois, as I traveled around, was how fed up people are with

what is going on in Washington on Capitol Hill. When they see us break down into another cussing match over shutting down the Government, they say: For goodness' sake, grow up—grow up and accept your responsibility.

We are here today accepting a grown-up responsibility. The House of Representatives is not here today. I hope they are going to send a message to us that they found a solution or, if not, I hope they are planning on returning this week because we have work to do.

On Saturday, the spending for the Government ends. Once again, we face a shutdown, a shutdown which would cause unnecessary hardship to innocent people all across America. If you think you have heard this script before or watched this movie before, you have. This is the third time this year the House leadership has pushed a shutdown in front of us and said: That is it. Take it or leave it.

That is no way to run a Congress, and it is no way to run a great nation. We need to come together and agree. I will tell everyone what Senator REID, the leader on the Democratic side, did to try to reach an agreement. We had originally asked for \$7 billion additional money for FEMA for next year. I will bet we need it. But Senator REID said: In an effort to compromise, I will cut that request in half. We can get back together if we need it. There was an effort in consensus and compromise. It was totally rejected by the House. That is not a good way to act.

I also wish to add to what the Senator from New York, Mr. SCHUMER, said earlier about this idea that the only way to pay for disasters is to eliminate jobs in America. How wrong is that? To go from a natural disaster to making our economic disaster worse? But that is what the House wanted to do. They wanted to eliminate jobs that are created by programs that have worked. Let me give an example.

This intelligent, fuel-efficient vehicle program has put money into major automobile manufacturers to create more manufacturing jobs in Illinois, where we have had more jobs, good-paying American jobs for workers, that cannot be shipped overseas, with a good salary and good benefits. What is wrong with that picture? Isn't that what we are hoping for the rest of America as well?

All across the Midwest, these car manufacturers have used this program and more than 40,000 jobs have been created and the House Republicans have said: Let's eliminate that and pay for disasters with it—totally upside-down thinking. We have to be thinking about helping those in distress, and we have to be thinking about creating jobs. We can do both.

I take no backseat when it comes to tackling the deficit and debt in this country. I have been engaged in this

debate for quite a while now and intensely over the last year and a half. But every economist and every clear-thinking person has said, before we start serious deficit reduction, take care of our immediate needs—that would be the defense of America and responding to disasters—and make certain this recession is behind us. We cannot balance the budget with 14 million Americans out of work. So get busy creating jobs. And we are going to. The President has come up with a proposal which I think makes sense, giving a payroll tax cut to working families. In my State of Illinois, where the average family makes about \$53,500 a year, President Obama's payroll tax cut would mean an additional \$1,500 a year for them, which is going to be about \$125 a month in their paychecks. I bet they can use it as they watch the price of gasoline go up to \$4.50 and go back down and go up again. They can use it.

It also said: Let's give small businesses a tax credit and a tax incentive to hire the unemployed. I know, we all know, creating jobs in America has to start with small business. The Senator from Louisiana heads up that committee. She knows it. She has been the most aggressive spokesperson for that cause of any in the Senate.

The same is true of where we are spending our money. We should be investing in America. In the suburbs of Chicago, in Morton Grove, IL, at the Golf Middle School, they took me on a tour of the 60-year-old school, and it is hard to imagine how they keep it going. They took me down to the boiler room. I don't think too many Senators spend too much time in boiler rooms in schools today, but I did, looking at a 60-year-old boiler. The fellow, Jim Burke, who keeps it running, said it cost them \$180,000 last year to keep this old, antique system going. They need a new HVAC system for the hundreds of kids going to this school. That is an example of buying products in America, installing them in America, and investing in America, so kids can be educated and can succeed in America. That is a plan we all should endorse in both political parties.

In just a few minutes, we will have a vote on the floor, and I hope we will vote in a bipartisan fashion in a clear voice to say we are going to stand behind the victims of disasters across America, the American family can come together, and we are not going to cut jobs in order to reduce the pain people feel in disasters.

We can do both, create American jobs and make certain those who are struggling through those disasters have the help they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Illinois. I continue to be amazed

at his energy, in terms of leadership and what he does in Washington and his home State of Illinois. I appreciate the comments he has brought to this debate.

I wish to say the vote we are going to have in a few minutes is going to decide whether we are going to change the way we help disaster victims. We are either going to do it the way we have pretty much always done it—when a disaster strikes, the Federal Government steps up; we are there. We encourage our Governors and mayors and local elected leaders to roll up their sleeves, work side by side with people, and take care of business, basically, get people out of harm's way, move them into shelters, comfort them, console them, keep families together, and then work with them in weeks and months and sometimes it takes years to get these communities back up and operating—or we are going to adopt the Republican sort of tea party/Cantor doctrine, which is “my way or the highway,” which is why we are having this debate a week before the end of the fiscal year, which says we are going to have to find money with each new catastrophe. We are going to have to find money by stripping money from either education or transportation or, in this particular case, stripping money from a program that creates private sector jobs—a public/private partnership, a lending program that helps new and emerging companies get the financial wherewithal to manufacture new automobiles in America and puts Americans to work.

In fact, what is amazing about this offset that the Republicans have chosen to have this whole debate about is, it is an offset of a program that is supported by Republicans themselves. In fact, many Republicans in the Senate and in the House have actually sent letters—and I am going to read one or two of those right now—to the Secretary of Energy asking for funding out of this exact program for creating jobs in one State, which is a legitimate thing to do. It is done all the time. There is nothing wrong with that. What is wrong is then turning around and coming to Washington and voting to gut this program under the guise that we need to do so to help disaster victims.

I have a number of letters and I ask unanimous consent they be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. LANDRIEU. I am going to read a letter written by the Members of the Indiana delegation. At least three Republicans have signed this letter: Senator LUGAR from Indiana, Representative DAN BURTON from Indiana, and Representative MIKE PENCE from Indiana.

They wrote, on June 25:

We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.

Hoosiers are committed to reaching our national goal of reducing our dependence on foreign oil, and they are actively researching, developing, and manufacturing technologies that will be cleaner and create lasting jobs.

The Hoosier state is the most manufacturing-intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automatic automotive technology development.

They go on and on. They say:

Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. . . .

In addition, Indiana's world-class research universities including Purdue University, Indiana University-Purdue University Indianapolis, and the University of Notre Dame have formed an active research and development partnership.

The letter goes on to say what a great job they are doing. “We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies” through the electric drive vehicle battery component manufacturing initiative and the \$25 billion Advanced Technology Vehicle Manufacturing Loan Program. That is the exact loan program Republicans from Indiana have written to ask funding for that they are now eliminating to pay for disasters. If this were a program that was not working, if this were a program that did not create jobs in America, if this were a program that Republicans privately and publicly acknowledged was not a good program, that would be one thing. But to run home and cut ribbons, to say you are creating jobs in Indiana or in New York or in Illinois and then run up here and cut the program, claiming you have to do so to help disaster victims when it is just about unprecedented in the history of our country, there is something terribly wrong.

We do not need to be destroying jobs; we need to be creating them. We do not need to be making excuses about how we do not have to help victims of disasters; we need to be helping them.

I guess I take this a little bit personally because while the rest of the Members sort of say things like: Well, FEMA is not really running out of money, and they can probably make it until Friday—there is some talk about

that going on. There are some technical ways that could be done—I wish to remind everyone here that this is already an emergency for over 400 projects that were shut down weeks ago. If you are a small business owner who had a subcontract building a road in Alaska, it is an emergency for you because you were shut down and you cannot make payroll. You already bought the supplies to build the bridge, and nobody on the Republican side is caring about your crisis.

FEMA is technically out of money as we speak. The only way they are continuing to operate is because they have shut down these projects.

This is the third time in the last 6 years, to my knowledge, that projects have been shut down across the country. Why is that right? Many of those projects are in Louisiana, some of them are in Mississippi, and some of them now are in Joplin. If you were in a disaster that happened a few years ago, because Republicans either will not budget the money or will not budget enough money or every time you go to ask for a dime, they require an offset somewhere else—truly what is happening is disaster victims in other parts of the country are subsidizing this foolishness.

This does not fall equally on the backs of Democrats and Republicans. I know people are tired of hearing it, but it does not. HARRY REID did not start this fight. MARY LANDRIEU did not start this fight. DICK DURBIN did not start this fight. ERIC CANTOR of Virginia, a Republican leader, started this fight when he said: We cannot fund the 2011 disasters without an offset.

So in this whole debate, what they have done is shut down projects in Louisiana and Mississippi despite the fact that I have said: We don't really need an offset. We have made arrangements in next year's budget. It is unprecedented, Representative CANTOR. Your State is going to be hurt as well.

He doesn't seem to care. But I do care, and I do think it is worth talking about.

I don't know if we will win this battle today. I don't know if we will win this vote this afternoon. I am not the whip. I do not count the votes. All I do is keep my eyes on the people who are in disasters because I have had to for the years I have been, unfortunately, the Senator from Louisiana who has been through the worst natural disaster our country has ever known. I have walked through too many destroyed neighborhoods, I have cried with too many people, and I have watched what they go through.

For me, this is not a simple change. This is a major change which we cannot afford in this country and which our people do not deserve. We cannot have a budget meeting every time there is a disaster in America and try to run up here and in 30 minutes or 2

days or a week decide what program we are going to slash that everybody can agree to so we can send help, whether it is to West Virginia or to Florida or to Michigan or Louisiana. That is no way to run a government.

Now tea party people and Republicans want to bring change to Washington. I welcome some of that change but not this. This is not a change we need. This is not a good policy for America. I am not opposed to change. I am adaptable. I am a centrist. I am a moderate. I can listen to what Republicans and Democrats say, and I am proud of that. It is a strength. I consider it a strength, not a weakness. This is not a change I can support lightly, and that is what this fight is about. We may be forced to change, but if we are, I want the people of America to know this was ERIC CANTOR's idea. This is on the tea party agenda. I do not think it should be on America's agenda.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, June 25, 2009.

Hon. DR. STEVEN CHU,
Secretary of Energy, James Forrestal Building,
Independence Avenue, SW., Washington,
DC.

DEAR SECRETARY CHU: We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.

Hoosiers are committed to reaching our national goal of reducing our dependence on foreign oil, and they are actively researching, developing and manufacturing technologies that will be cleaner and create lasting jobs.

The Hoosier state is the most manufacturing intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automotive technology development. Indiana's proven experience positions it to be the leader in next-generation batteries and electric drive vehicles. Hoosier companies like Delco Remy and later Delphi were ahead of their time in producing batteries systems for advanced technology vehicles, leading the development of the battery system for the EVI, GM's first and only electric vehicle.

Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. Our state is also a national hub for battery systems development and testing for the defense and national security industry with unique assets like the U.S. Navy's Naval Surface Warfare Center Crane, which has forged strong partnerships around energy storage technologies with several top defense contractors across Indiana.

In addition, Indiana's world-class research universities including Purdue University, In-

diana University-Purdue University Indianapolis and the University of Notre Dame have formed an active research and development partnership around next-generation battery technology and are working with a network of industry partners to accelerate technology transfer. These university partners are also collaborating with Indiana's statewide community colleges to develop new degree programs and curriculums needed to prepare the Hoosier workforce for advanced battery technology jobs.

Most importantly, Hoosiers have committed themselves to the goal of transforming our transportation sector. Diverse stakeholders recognize that no one company has all the answers and that success requires collaboration and partnership that crosses multiple industry boundaries. Hoosier companies have forged a number of joint partnerships involving Fortune 500 companies, innovative start-ups and leading research institutions to leverage their assets and accelerate the development of advanced battery and energy technology solutions. Likewise, community support is palpable, with a steady stream of interest from local governments, schools, universities and non-government groups.

We strongly believe that Indiana is the smart choice for investment of grants, loans and other federal support for the research, development and commercialization of advanced automotive technologies and fuels. In particular, several Hoosier companies have applied for existing grants and loans through the \$2 billion Electric Drive Vehicle Battery and Component Manufacturing Initiative and the \$25 billion Advanced Technology Vehicle Manufacturing Loan Program. As you evaluate these proposals, we encourage you to remember the strong multiplier effect that will come by investing in a state already committed and with a broad base of support and experience.

Indiana's automotive and energy technology industries are uniquely positioned to participate in these new programs. Their experience, technical expertise, and commitment to collaboration would provide significant leverage for any federal investment. Investing in Hoosier innovation will make America safer, make our economy stronger and make our environment cleaner.

We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies and institutions to accelerate the commercialization of high performance, safe, and cost effective advanced battery technologies.

Thank you for your consideration.

Sincerely,

Richard G. Lugar, Evan Bayh, Dan Burton, Peter J. Visclosky, Steve Buyer, Mark E. Souder, Mike Pence, Baron P. Hill, Joe Donnelly, Brad Ellsworth, André Carson.

UNITED STATES SENATE,
Washington, DC, February 16, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I was pleased on August 29th, 2010 when you spoke at Xavier University on the fifth anniversary of Hurricane Katrina about the will to keep up the fight to recover from that catastrophic event. During the speech, you spoke right to the survivors of the disaster and said, "My administration is going to stand with you—and fight alongside you—until the job is done. Until New Orleans is all the way back, all the way."

I am asking you to stand with me now. Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June. I understand that a minimum of \$1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and major disasters, such as Hurricanes Katrina, Rita, Gustav, Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

In the absence of an emergency supplemental request from you, the House Republican Leadership has decided to include \$1.565 billion of non-emergency funding in H.R. 1, now pending before the House. In order to pay for this funding, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. We simply cannot return to the days when FEMA could not do its job. Therefore, I ask you to submit, without delay, a request for emergency supplemental funding.

Without your request for the needed amount of funding, I am concerned that history will soon repeat itself. Last year, FEMA was forced to stop making payments for over five months to my State and States across the Nation for recovery efforts from past disasters. In addition to the \$1.565 billion that is necessary to continue disaster recovery this year, FEMA estimates that \$6 billion will be required in FY 2012-2014 to pay for the recovery costs of past catastrophic disasters. Such funding simply cannot be accommodated within the existing budget of the Department of Homeland Security. I am concerned that if only the amount to cover known costs for FY 2011 is requested, \$1.565 billion, then FEMA and OMB will once again have to stop making payments to States. There is no reason for this to happen again. It is imperative that in this and future budgets you request a sufficient amount of funding for both the known costs of past disasters and the estimated costs of future disasters.

In your August 29th speech, you said, "I wanted to make sure that the federal government was a partner—not an obstacle—to recovery here in the Gulf Coast." Unfortunately, the budget process applied to the Disaster Relief Fund is an obstacle to recovery in Louisiana and the whole Nation. Your Administration has done a lot to help my State of Louisiana recover. I ask for your renewed commitment to continue that effort.

With kindest regards, I am
Sincerely,

MARY L. LANDRIEU,
United States Senator.

UNITED STATES SENATE,
Washington, DC, March 17, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June, at the very beginning of the hurricane season. A minimum of \$1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and

major disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

There are currently 49 States that are recovering from major disasters that you have declared under the Robert T. Stafford Act. All of these recovery efforts would be put on hold if FEMA is forced to stop disaster payments. Last year, FEMA was forced to stop such payments for five months, delaying recovery and increasing costs across the Nation. We should not allow history to repeat itself.

Further complicating this funding problem is the imminent onset of the flood season. The National Weather Service is projecting that the country is at risk of, "moderate to major flooding this spring", particularly in the Midwest. The tragic events in Japan have reminded us of the potential consequences of a catastrophic disaster. In responding to a catastrophic disaster such as Hurricane Katrina, the current Disaster Relief Fund balance would be exhausted in three days.

In the absence of an emergency supplemental request from you, the House Republican Leadership decided to include an additional \$1.565 billion of non-emergency funding for the Disaster Relief Fund in H.R. 1. In order to pay for this shortfall, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. This problem only gets worse next year. FEMA estimates the additional shortfall in FY 2012 to be \$3 billion.

We simply cannot return to the days when FEMA could not do its job. Therefore, we ask you to submit, without delay, a request for emergency supplemental funding. H.R. 1, as it passed the House, contains \$159 billion of emergency funding for Overseas Contingencies because the Department of Defense cannot absorb the cost of the wars within its base budget. Similarly, the Department of Homeland Security cannot absorb the costs of catastrophic disasters in its base budget.

Funding shortfalls in the Disaster Relief Fund with an emergency designation is consistent with past practice, by Democrats and Republicans alike. Since 1992, \$110 billion out of \$128 billion appropriated to the DRF has been emergency spending, primarily for Hurricanes Katrina, Rita, Gustav, and Ike, and 9/11. In your budget estimates, you have included an allowance for disaster costs, a responsible recognition of the potential costs of disasters. However, absent an emergency supplemental request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

We thank you for your consideration of this important matter.

Sincerely,

Mary Landrieu, Sheldon Whitehouse, Tom Harkin, Dianne Feinstein, Al Franken, Joe Lieberman, Barbara Boxer, Richard Durbin, Jack Reed, Kent Conrad, Amy Klobuchar, Frank Lautenberg, Ron Wyden, Jay Rockefeller.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 2, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On February 18, 2011 and March 17, 2011, I wrote you urging that you request an emergency FY 2011 supplemental to address the shortfall in funding in the Department of Homeland Security Disaster Relief Fund. The \$1.2 billion shortfall for FY 2011 was largely the result of past Presidentially-designated catastrophic disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010. Regrettably, no request was submitted to the Congress. The recent tornados make this request all the more urgent demonstrating once again that natural disasters are indeed unpredictable, expensive, and require our compassionate and effective response.

In the absence of an emergency supplemental funding request, Congress had to make the difficult decision to cut the base budget for the Department of Homeland Security by \$1 billion to accommodate the shortfall in fiscal year 2011. The only other alternative was for the Federal Emergency Management Agency (FEMA) to stop making payments for past disaster recovery efforts when they were estimated to run out of money in July of 2011, the beginning of the hurricane season. Congress determined that it made no sense to compound the pain of communities devastated by past disasters by stopping the recovery process.

As Chairman of the Homeland Security Appropriations Subcommittee, I am now drafting the FY 2012 Homeland Security Appropriations bill. We have scrutinized your \$43.6 billion request. With one glaring exception, I find the request to be balanced and responsive to the many threats that this Nation faces. Regrettably, as in FY 2011, the request does not include any funding to address what FEMA estimated before the most recent disaster to be a \$3 billion shortfall for the Disaster Relief Fund for FY 2012.

This past week, you told the victims of the tornados in Alabama that you would make sure that they were not forgotten. You made a similar promise in New Orleans on the fifth anniversary of Hurricane Katrina. These promises cannot be fulfilled without funding for the recovery effort, efforts that often take many years of sustained investment.

It is true that in these tough economic times, we must make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to deter, prepare for, and respond to future disasters in order to pay for the costs of past disasters. Yet without leadership from the Administration, we were forced, in the full-year continuing resolution, to cut funding below your request for first responder equipment and training grants, cyber security, port security, transit security, and aviation security. Frankly, given the increased threat of home-grown terrorism that you eloquently spoke of in your State of the Union Address, and the evolving threat that Secretary Napolitano has testified to, these cuts were neither responsible nor cost-effective.

Your FY 2012 request of \$1.8 billion, which is based on a projection of the five-year average of disaster costs excluding catastrophic disasters, includes no funding for the known costs of past catastrophic disasters. As a candidate, you rightly criticized your predecessor for hiding known costs from his budget.

I urge you to seek emergency funding for the documented \$3 billion shortfall for FY 2012. As you know, it is consistent with past practice, by Democrats and Republicans alike, to fund Disaster Relief Fund (DRF) shortfalls with an emergency designation. Since 1992, \$110 billion out of \$131 billion appropriated to the DRF has been true emergency spending. You include in your budget an allowance for disaster costs, which is a responsible recognition of the potential costs of disasters. However, absent an emergency funding request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

The Department of Homeland Security simply cannot absorb a \$3 billion shortfall in the proposed budget of \$43.6 billion for fiscal year 2012. Absent an emergency request, the priorities that you have identified in your request to secure the homeland will all regrettably be jeopardized.

Congress will begin drafting fiscal year 2012 appropriations bill this month. In the continued uncertainty of how the Administration will address the shortfall, I fear the House will make the same irresponsible cuts it proposed in H.R.1, only deeper, including cuts in FEMA, the Transportation Security Administration, United States Coast Guard, United States Secret Service, cyber, port, and transit security, and grants to State and local governments to equip and train first responders. In light of the threats this Nation faces, such cuts make no sense.

I ask that you submit an emergency funding request for the estimated shortfall for fiscal year 2012 without delay. Disaster victims in 49 States, including the victims of the recent tornados that have crossed this Nation, would be impacted if FEMA were forced to stop disaster recovery payments next spring.

With kindest regards, I am
Sincerely,

MARY L. LANDRIEU,
Chairman,
Subcommittee on Homeland Security.

U.S. SENATE,
Washington, DC, May 11, 2011.
Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the waters of the Mississippi River continue to rise each day, communities in the lower Mississippi River valley are bracing for widespread flooding. In my state of Louisiana, farms and towns along the Mississippi and in the Atchafalaya Floodway are busy preparing to safeguard lives and property from devastation, and we need your help.

The U.S. Army Corps and FEMA should continue their ongoing efforts to notify individuals of the impending risk and help them to escape from harm. I urge you to also move swiftly to approve the pending and anticipated requests for disaster declarations in the affected parishes of Louisiana. While I appreciate the emergency declarations that have already been issued for Louisiana and other states, more help will be needed to fight the flood waters and help communities to recover.

Specifically, I believe that public and individual assistance from FEMA, crop disaster, conservation, and watershed assistance from USDA, fisheries disaster assistance from NOAA, disaster loans from SBA, and housing vouchers and recovery grants from HUD will be needed in some communities. Further, I urge you to instruct all of these agencies to perform expedited damage assessments in

order to determine eligibility for Federal assistance.

By all accounts, the Mississippi River and Tributaries (MR&T) Project is performing as intended and critical investments over many decades have paid huge dividends in reducing damage. However, not all communities in the path of these flood waters have adequate protection, and additional system upgrades will ultimately be required. According to the U.S. Army Corps of Engineers, only 88 percent of the MR&T Project has been completed since its initiation after the Great Flood of 1927. I call on you to join me in analyzing these remaining needs and developing a strategy to address them as soon as possible.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

Ms. LANDRIEU. I see the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I think we all appreciate so much the passion and compassion our colleague from Louisiana has for the people of America—not just the people of Louisiana but all over America. I thank her for taking this fight and making sure people understand what we are fighting for. Being one of the other centrists in this body—and I think we have a majority right now—three of us—I appreciate all of us being in attendance.

I rise today to address the enormous frustration the American people must feel witnessing their government and their leaders engaging in another futile political exercise. Our government is being driven—and I agree with the Senator from Louisiana that we are not going to shut down over this, but it is unbelievable to get into the fuss we are in right now, to make people believe we could come to the brink of another when we just went through this bloody mess in August.

There is not a State in this great Nation that has not suffered the terrible tragedy and cost of a natural disaster. While there are many government programs and issues we should vigorously debate, we surely cannot question the responsibility of government to help our communities in their darkest moments. In the America I believe in, we don't look the other way when a community is suffering from the pain of a natural disaster. We stand to offer a helping hand. It is this spirit of helping each other that has defined this Nation since its very beginning, and we cannot let politics destroy that spirit.

Our belief in helping each other is a bedrock value for this country, and it runs much deeper than a belief in a political party. We are Americans, and for the sake of this great Nation I know we all love, these petty squabbles that define this place must end. That is why we must fund FEMA disaster relief and why I voted for a Senate bill that would fund FEMA through the end of the fiscal year.

Yes, we all agree that funding for disaster relief should be paid for in these most difficult times and especially now that we are looking at these deficits we have accrued. Yes, we must save and set aside that money. My grandfather once told me, Mr. President—and I think you can appreciate this, being a small businessperson—you can't give someone the shirt off your back if you don't have a shirt to give them. We have to plan and work hard to make sure we can put ourselves in position to help others.

Yes, we must return to the path of fiscal responsibility where we manage our budgets wisely and put away enough money for the eventual disasters we know will strike. In my great State of West Virginia, we have a contingency fund. We know we are going to have floods and challenges throughout our State, and we set aside, every budget year, X amount of dollars, and we accumulate that to use for a crisis. We can do the same right here in this great country of ours and in the Nation's Capital.

It is absolutely wrong—no ifs, ands, or buts about it—to pay for disaster relief out of funds that are creating jobs, with the potential of creating more jobs. Are there problems with some of the programs? Absolutely. Can we fix those programs? Absolutely. Should we eliminate programs that cost too much and offer little return? Absolutely. But are we so desperate to score political points that we eliminate a program—the Advanced Technology Vehicles Manufacturing Loan Program—which is actually helping to bring jobs back to America? For the record, that program is credited with saving or creating 39,000 American jobs, most with the Ford Motor Company, an American manufacturer. It is something we need more of in this country. It is a program with support from both the chamber of commerce and the National Association of Manufacturers. In fact, Ford actually moved a hybrid battery facility from Mexico to Michigan because of this loan program. I can think of a lot of loan programs we should fight over, but are we really going to defund a program that has helped bring jobs back to America? I don't think so.

So where do we go from here? Well, of my Republican and Democratic leaders, I respectfully ask them to consider how simple a choice we face. We can rebuild America or we can afford to pay for it. We can choose to fund FEMA or afford to pay for it. We can do all of this if we face the fact that we cannot continue to go into debt and spend billions in Afghanistan while suggesting that in order to fund FEMA, we must cut a program that actually helps to create jobs in America.

As I have said before, we must choose between rebuilding Afghanistan or rebuilding America. Today, we can make that choice. I, along with many of you,

choose to rebuild America. At a time when our economy is strugglingly and our deficit is exploding, I cannot believe we in Washington would choose to rebuild another nation at the expense of our own. We can do better for this, and for the sake of our Nation's future, we must to better than this. We should not engage in a political theater that makes the false choice between funding disaster relief or eliminating a jobs program that actually helped create American jobs.

It is time for us to set our priorities. It is time for us to rebuild America, not to rebuild Afghanistan or Iraq. Helping America to rebuild during times of natural disaster must be a priority that cannot be defined by partisanship.

In West Virginia alone, several projects worth nearly \$½ million have now been put on hold because of the bickering and squabbling that goes on. Those projects include funding to help individuals whose property was damaged in the severe snowstorms in 2009, flooding in 2010, as well as critical equipment that monitors waterflow in areas prone to flooding, equipment that is vital for forecasting river levels during our floods. This doesn't make any sense to me, and I know it doesn't make any sense to the people of West Virginia.

I cannot believe that any American would choose to lose billions more in waste and corruption in Afghanistan while we ignore the needs of our neighbors here at home—our neighbors who just this year survived tornadoes, floods, and hurricanes, and who need shelter and food.

I would like to offer the following amendment to offset the cost of funding FEMA by eliminating \$1.6 billion from programs that will fund nation building in Afghanistan and instead direct that money to FEMA, to programs that rebuild America.

I yield the floor.

AFFORDABLE CARE ACT

Mr. BINGAMAN. Mr. President, I thank Senator STABENOW for her work in protecting children's dental coverage. I want to clarify any confusion about the Finance Committee's intent when we adopted her amendment, C-7, on pediatric dental coverage. As I understand it, her intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange and could also operate outside an exchange. The Senator expressly provided that these stand-alone dental plans could operate outside State or Federal exchanges.

Ms. STABENOW. That is correct and I thank the Senator for all his efforts in support of children's dental coverage as well and for this opportunity to clarify the intentions of my amendment. I offered this amendment to allow competition in the marketplace

for dental benefits by allowing traditional stand-alone dental plans to participate both in and outside an exchange, just like health plans that provide coverage for medical care. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To quote directly from the amendment, it indicated that "required pediatric dental benefits in the non-group and small group markets (in and outside an exchange) may be separately offered and priced from other required health benefits."

Many American families today receive dental coverage through stand-alone dental plans. Failure to properly implement the amendment as it was intended could result in serious disruptions in the dental coverage these families receive. That is why it is important that we get this right, and I appreciate the opportunity to make this clarification.

Mr. BINGAMAN. I thank the Senator for clarifying this issue.

Also Senator STABENOW and I want to thank the Chairman for working so closely with us and a number of our colleagues to ensure that the Affordable Care Act includes children's oral health care as part of the essential benefits package that health insurers must offer in order to participate in health insurance exchanges. In doing so, we fully recognized that too many children suffer needlessly from dental problems that are overwhelmingly preventable and that oral health is integral to their overall health.

Ms. STABENOW. Yes, I completely agree, Senator BINGAMAN. In fact our colleagues on the Finance Committee also overwhelmingly agreed that children must have access to oral health care, which is so critical to their overall well-being. We talked about the story of Deamonte Driver, a 12-year-old Maryland boy who died from a brain infection caused by tooth decay. He couldn't get access to an \$80 dental procedure that would have saved his life. When his condition got worse, he ended up enduring two emergency surgeries, weeks of hospital care, and \$250,000 worth of medical bills—but it was all too late. Stories like this remind us of the importance of dental care for children, which is why the pediatric element of the essential health benefits package expressly includes oral care.

Mr. BINGAMAN. Senator STABENOW, I want to be sure that we clarify any confusion about the Finance Committee's intent when we adopted your amendment, C-7, on pediatric dental coverage. As I understand it, the Senator's intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange. When

we adopted the Senator's amendment, we understood that children receiving coverage through an exchange would have the same level of benefits and consumer protections, including all cost sharing and affordability protections, with respect to oral care. This holds true whether they received pediatric oral care coverage from a stand-alone dental plan or from a qualified health plan.

Ms. STABENOW. That is correct, Senator BINGAMAN, and I thank you for this opportunity to clarify my intentions. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To be clear, I intended for stand-alone dental plans to fully comply with the same level of relevant consumer protections that are required of qualified health plans with respect to this essential benefit. To quote directly from my modified amendment C-7 that was adopted in committee, "... stand-alone dental plans must be allowed to offer the required pediatric dental benefits directly and to offer coverage through the Exchange and must comply with any relevant consumer protections required for participation in the Exchange."

Mr. BINGAMAN. I thank the Senator for clarifying this point.

Mr. BAUCUS. I wish to thank Senator BINGAMAN for raising this issue, and Senator STABENOW for clarifying the intentions. I would like to echo the Senator's comments and reiterate the importance of ensuring that a full and affordable oral health benefit and the consumer protections we so carefully drafted apply equally to the pediatric oral care benefit whether offered by a stand-alone dental plan or a qualified health plan in an exchange.

Mr. BINGAMAN: I thank Senators BAUCUS and STABENOW for their assistance in clarifying this issue.

Mr. PAUL. Mr. President, I rise today to speak against the process by which this body is passing major legislation as we approach the end of this fiscal year. Last week we were asked, without debate or amendment, to pass at least a half dozen bills reauthorizing or extending expiring laws and spending authorities—some of which authorize the expenditure of billions of dollars over the next year.

Actions such as this are a big part of what gives Washington a reputation for being dysfunctional. The fact that authorizations for many programs expire on September 30 each year is not a secret. Nor is it a secret when September 30 will come around each year. But instead of planning ahead, working for weeks or months to address a foreseeable need, and actually doing its work on time, Congress resorts to passing

massive bills at the last minute when there is not time for serious scrutiny or changes.

It is unconscionable this body would avoid debating such programs in a meaningful way. I would ask my colleagues, can you be sure these programs are working as efficiently as possible? Can you assure the American people the Federal Government is maximizing value for their tax dollars? Are these bills taking meaningful steps to eliminate waste and duplication within these programs?

We would know the answers to those questions if these bills had gone through the normal process of consideration in committees and on the Senate floor. Senators would have the chance to ask questions to the officials administering the programs and propose changes to them. Instead, we are faced with bills that have had very little—if any—process in the Senate at a time where even a week's delay to consider the bills will result in the programs expiring. That is unacceptable and should be embarrassing to the Senate as an institution.

We need to change the way Congress does its business. Part of that is reining in excessive spending and having more robust debates regarding the allocation of scarce taxpayer dollars. We must do better in the future.

Mr. LEVIN. Mr. President, over the last week or so I have outlined, here and in a letter to the Joint Select Committee on Deficit Reduction, a seven-part plan to reduce the deficit in ways that do not overburden American working families or damage economic growth. In my letter and in three previous speeches on the Senate floor, I have pointed out that revenues, and not just spending cuts, are necessary if we are to achieve significant deficit reduction. And I have discussed four proposals for restoring revenues: combating offshore tax havens; ending the corporate stock option loophole; and ending loopholes for hedge fund managers and derivatives traders.

Today I want to discuss three additional changes to our tax system that will make it more efficient and more equitable. We should make two tax rate changes: ending the unsustainable Bush-era tax cuts for the wealthiest Americans, and restoring capital gains tax rates to something approaching the rates in place under President Reagan. Also, we should replace the IRS's antiquated tax lien system. These proposals, combined with the other points of my plan, could reduce the deficit on the order of \$1 trillion over the next 10 years.

Now, some of my colleagues may balk at the notion of reversing years of tax breaks for the wealthiest Americans. But I believe if we take off our ideological blinders, if we look at facts—hard, stubborn facts—the need for these reforms is clear.

First, we should allow Bush-era tax cuts to end for those making more than \$250,000. The case for this change is straightforward: It would restore a measure of fairness to the tax code that has been sadly lacking for more than a decade, and it would reduce the deficit by hundreds of billions of dollars.

Supporters of the tax cuts in 2001 and 2003 made a number of promises. President Bush said his cuts “will bring real and immediate benefits to middle-income Americans.” And yet in the decade since they began, the incomes of middle-class Americans have stagnated. According to the U.S. Census Bureau, the typical American household’s income, when adjusted for inflation, actually fell more than 8 percent from 2001 to 2010. President Bush said his tax cuts would increase the pace of job creation. And yet during the Bush years, jobs grew at roughly one-third the rate that we enjoyed during the Clinton administration. President Bush said “we can proceed with tax relief without fear of budget deficits, even if the economy softens.” And yet just those tax cuts going to the wealthiest 1 percent of Americans have added hundreds of billions of dollars to the deficit since 2001. So, these tax cuts have failed to deliver the promised benefits, and they have driven us deeper and deeper into debt. Ending them will bring down the deficit; President Obama’s proposal to end the cuts for high-income earners would reduce the deficit by an estimated \$866 billion over 10 years.

What these tax cuts did deliver is a striking and continuing rise in income inequality. It’s no coincidence that as we passed a series of tax cuts whose benefits overwhelmingly flow to the wealthiest Americans, those wealthy individuals have seen their fortunes rise. A few decades ago, the wealthiest 1 percent of Americans took home 10 percent of all income. Today, they get 24 percent of all income. As those at the top have prospered greatly, middle-class wages have stagnated—again, down more than 8 percent, for the median American household, since the Bush tax cuts took effect.

A second proposal also would bring down the deficit and bring more fairness to the tax code: restoring capital gains tax rates closer to those in place during the Reagan administration. Capital gains are income from the increase in value of an asset, such as a stock. Today, thanks to the Bush-era tax cuts, the top rate on capital gains is 15 percent. That’s substantially lower than the 28 percent rate included in President Reagan’s Tax Reform Act of 1986.

The theory in slashing capital gains tax rates was that lower rates would encourage investment, job creation and economic growth. But as has been the case with slashing ordinary income tax

rates for the wealthy, cutting capital gains taxes simply has not delivered what supporters promised. Given the stagnation in middle-class living standards that we have seen since the 1980s, it is difficult to argue to middle-class Americans that reducing capital gains rates made them better off.

Instead, this is another benefit that flows overwhelmingly to the wealthiest among us. According to the Tax Policy Center, more than 75 percent of the benefit from lower capital gains taxes goes to those with incomes over \$1 million a year, and 94 percent of the benefit to those above \$200,000.

This tax break for the most fortunate of our citizens also adds tens of billions of dollars each year to the deficit. The Congressional Budget Office earlier this year estimated that raising the capital gains rate by just 2 percentage points would reduce the deficit by about \$50 billion over 10 years. Raising the top rate closer to Reagan-era levels would bring far more deficit reduction.

Those who fight to preserve these high-income tax cuts call attempts to end them “class warfare.” Ending these tax breaks won’t start a class war. It will help end one—a war that, for more than a decade, has taken a devastating and immediate toll on the middle class, and created huge new deficits that damage their future prospects as well.

The simple fact is that if we are to ensure that the burden of deficit reduction falls equitably, and that all our citizens are asked to contribute toward this goal, we must address these upper income tax cuts that have helped balloon the deficit. Deficit reduction will require spending cuts, and some of those cuts will fall hard on working families. But we can’t ask them to carry the entire burden. That would be contrary to common sense, because spending cuts alone cannot achieve real deficit reduction. And it would be contrary to any sense of fairness. We all have to contribute.

Our constituents are speaking, and speaking loudly, on this topic. And they are speaking eloquently. Let me tell you about an email I received from a constituent a few weeks ago about our deficit.

This Michigan resident and her husband consider themselves upper middle class—though she wrote that “many would call us wealthy.” She wrote to me that we need to cut spending, and to compromise to do it. “I will like some cuts and hate others and that is OK with me!” she wrote.

But she also wrote: “I also strongly urge you to consider passing what many would call tax hikes. . . . We are willing to pay a bit more to help our country and safeguard our children’s futures.” Upper income Americans, she wrote, “aren’t paying taxes at a fair and just rate. Fix this.”

And we should fix it. This constituent of mine said she was part of a

“silent majority” in favor of increasing revenue. I am not sure how silent they are, but she is certainly part of a majority. In a recent Washington Post-ABC News poll, 72 percent of Americans—and 54 percent of Republicans—said they favored increasing taxes on those who make more than \$250,000 a year as part of our deficit reduction strategy. Americans are strongly in favor of a balanced approach to deficit reduction that protects working families. They are asking us to fight for the middle class, and it is time we did so.

Let me discuss briefly the tax lien proposal. Tax liens are a basic tool to collect unpaid taxes. Today, Federal law requires liens to be filed on paper in more than 4,000 locations around the country, determined by the location of the lien. The IRS maintains a service center that does nothing but monitor dozens of varying local requirements for lien filings, track filings, and release liens once they are paid.

I have introduced legislation, S. 1390, along with Senator BEGICH, to replace this antiquated system with an electronic federal tax lien registry available to the public on the Internet at no cost. The IRS estimates that this change would not only save millions of dollars in administrative costs, but also enable the IRS to release liens more quickly once they have been paid and free up employees and resources for other work. Equally important, a public electronic registry could help encourage those who owe taxes to settle their bills and take enormous pressure off taxpayers who have paid what they owe.

Let me come back to where I started last week. Congress faces a difficult task in the weeks ahead. We must agree to \$1.2 trillion or more in deficit reduction over the next decade. Failure to agree on a plan means automatic budget cuts through the sequestration process—including greatly damaging cuts to defense and other important Federal programs.

In my letter to the Joint Select Committee and here on the floor, I have outlined ways to avoid that outcome, proposing commonsense changes that bring equity to our Tax Code and restore lost revenue. If we reject that course, it almost certainly means damaging cuts in important programs—programs that keep our nation safe, that keep our faith with senior citizens and veterans, and that prepare our children for the future. Rejecting that course almost certainly means a failure to significantly reduce the deficit, because spending cuts alone are not enough to accomplish the deficit reduction we need.

The choice is ours. I hope we will not allow ideology to blind us to the reality of our budget situation, to the needs of middle-class families, or to the strong and consistent message from Americans who are demanding a

balanced approach to reducing the deficit.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on the Democratic side.

Mr. LEAHY. Mr. President, the Senator from West Virginia is absolutely right. We have tens of billions of unspent dollars sitting in accounts for Iraq and Afghanistan for rebuilding roads and such there. Let's spend it in America. Let's spend it on America. It is American tax dollars. Let's spend it on America.

I yield the floor.

Mr. REID. Has the time arrived for the vote?

The PRESIDING OFFICER. Yes.

Mr. REID. In fact, before we do that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that if cloture is not invoked on the pending Reid motion to concur with an amendment, the majority leader be recognized to withdraw the pending motion to refer and the pending motion to concur with an amendment; that the majority leader be recognized to offer a new motion to concur with an amendment, the text of which is at the desk—amendment No. 665; that there be no amendments, points of order, or motions in order to the Reid motion to concur other than budget points of order and the applicable motions to waive; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to vote a vote on adoption of the Reid motion to concur with an amendment; further, that the Reid motion be subject to a 60-vote affirmative threshold; that if the Reid motion to concur with an amendment is agreed to, the Senate proceed to the consideration of H.R. 2017 and that the majority leader be recognized to offer an amendment, the text of which is at the desk; that it be the only amendment in order to the bill; that the amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage of the bill, as amended, all with no intervening action or debate; and that if the Reid motion to concur with an amendment is not agreed to, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656.

Harry Reid, Daniel K. Inouye, Tom Udall, Charles E. Schumer, Richard J. Durbin, Mary L. Landrieu, Patty Murray, Patrick J. Leahy, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Maria Cantwell, Daniel K. Akaka, Jack Reed, Debbie Stabenow, Kay R. Hagan.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656, offered by the Senator from Nevada, Mr. REID, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 35, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Cooms	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—35

Alexander	Blunt	Cochran
Ayotte	Boozman	Corker
Barrasso	Coats	Crapo

Enzi	Johnson (WI)	Roberts
Graham	Kyl	Rubio
Grassley	Lee	Sessions
Hatch	Lugar	Shelby
Heller	McCaIn	Thune
Hoeven	McConnell	Toomey
Inhofe	Paul	Vitter
Isakson	Portman	Wicker
Johanns	Risch	

NOT VOTING—11

Burr	Cornyn	Moran
Cantwell	DeMint	Murkowski
Chambliss	Hutchison	Webb
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 54 and the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Under the previous order, I now withdraw my pending motion to refer and motion to concur with an amendment.

The PRESIDING OFFICER. The motions are withdrawn.

MOTION TO CONCUR WITH AMENDMENT NO. 665

Mr. REID. I move to concur in the House amendment to the Senate amendment to H.R. 2608 with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment numbered 665.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, under the previous order, there will be now up to 10 minutes of debate, equally divided between the two leaders.

The PRESIDING OFFICER. The Senator is correct.

The majority leader.

Mr. REID. Mr. President, I know everyone is in a hurry, and I will be as fast as I can.

Tonight can best be summed up by JOHNNY ISAKSON, the Senator from Georgia, who said: It is only worth fighting when there is something to fight for.

We have basically resolved this issue. I wish to recognize the leadership of Senator LANDRIEU. She chairs the Homeland Security Subcommittee on Appropriations. She is our expert on disaster. She has done a wonderful job of maintaining this in the eyes of the public.

In Friday morning's vote, we established, beyond a shadow of a doubt, that the Senate can't pass the House-passed CR. It got 36 votes. We couldn't pass it no matter what happens. With today's vote, Senate Republicans are showing they will back up the House vote on the question of offsetting spending in 2011. That is the vote we just took. But today's news also points a way that is more understanding and certainly a way out. Today's news story has come out saying FEMA disaster aid has enough money to last

through this fiscal year. This afternoon, I received word from Jack Lew, of OMB, and FEMA that they will be able to get through the week without additional funding. That means they can get through the fiscal year without more money. I think it is very clear this is the right way to go. It shows us the way out and means we no longer have to fight 2011 funding.

I repeat what I said at the very beginning; that is, the way out is to focus on 2012. If we no longer need 2011 funding, then we can pass a bill that funds just 2012. This compromise should satisfy Republicans. It includes their own 2012 FEMA funding number, and it should satisfy the Democrats because it does not include the offsets we have talked about so much. It would be a win for everyone because we could end without another government crisis.

I appreciate Senator MCCONNELL for being understanding and working with us in this regard. But I end this from where I started, Senator JOHNNY ISAKSON: Let's fight when there's something to fight about. There is nothing to fight about tonight.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I am going to very briefly walk us through where we have been and where we are.

After tonight's vote, I think the best path forward is clear. The quickest and surest way to get FEMA all the disaster funds it needs and to put an end to any talk of government shutdown would have been for the Senate to take up and pass the House-passed CR right away.

As we know, our friends on the other side will not agree to that. However, earlier today, as we all know, FEMA indicated it already has the funds it needs for the duration of the current CR—which is, basically, this week—without the billions more in funding Democrats have been calling for.

Quite frankly, I think this is a vindication of what Republicans have been saying all along: Before we spend the taxpayers' money, we should have a real accounting—a real accounting—of what is actually needed.

We also believe that, in these days of huge deficits, we need to prioritize our spending around here.

That said, with this next vote, I think the majority leader has found a path forward, one that will continue to fund the government and which gives FEMA the funds it needs without any added emergency spending for the rest of this current fiscal year—in other words, this week—emergency funds that FEMA now says it doesn't need.

So tonight we will have had, after the next vote, two votes: One to reject deficit finance disaster spending without necessary spending cuts elsewhere and one to keep the government operational and to provide responsible disaster funding into November.

The CR, should it pass, will be within the top line we agreed to last summer. We have already basically voted on this top line. It will provide FEMA \$2.65 billion in funding next fiscal year to continue the recovery efforts. It will not contain any emergency spending for this current fiscal year—the rest of this week. So it will drop both the emergency spending and the provisions paying for that spending from the House-passed bill.

Again, my preferred path forward would have been to pass the House bill. But since our friends on the other side have rejected that approach, I believe this is a compromise that is a reasonable way to keep the government operational.

So now that we have demonstrated that there aren't enough votes to support more on offset spending, I am going to vote, and would encourage my colleagues to vote, in favor of the clean CR, which is the next vote we are going to have.

In my view, this entire fire drill was completely and totally unnecessary, but I am glad a resolution appears to be at hand.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This, tonight, is the JOHNNY ISAKSON solution.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment with an amendment No. 665, offered by the Senator from Nevada (Mr. REID).

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. MORAN), the Senator from Illinois (Mr. KIRK), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from North Carolina (Mr. BURR).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 12, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—79

Akaka	Bennet	Brown (MA)
Alexander	Bingaman	Brown (OH)
Barrasso	Blumenthal	Cantwell
Baucus	Boozman	Cardin
Beigich	Boxer	Carper

Casey	Klobuchar	Reid
Coats	Kohl	Roberts
Cochran	Kyl	Rockefeller
Collins	Landrieu	Sanders
Conrad	Lautenberg	Schumer
Coons	Leahy	Sessions
Corker	Levin	Shaheen
Durbin	Lieberman	Shelby
Enzi	Lugar	Snowe
Feinstein	Manchin	Stabenow
Franken	McCain	Tester
Gillibrand	McCaskill	Thune
Graham	McConnell	Udall (CO)
Grassley	Menendez	Udall (NM)
Hagan	Merkley	Vitter
Harkin	Mikulski	Warner
Hoeben	Murray	Webb
Inouye	Nelson (NE)	Whitehouse
Isakson	Nelson (FL)	Wicker
Johanns	Portman	Wyden
Johnson (SD)	Pryor	
Kerry	Reed	

NAYS—12

Ayotte	Heller	Paul
Blunt	Inhofe	Risch
Crapo	Johnson (WI)	Rubio
Hatch	Lee	Toomey

NOT VOTING—9

Burr	Cornyn	Kirk
Chambliss	DeMint	Moran
Coburn	Hutchison	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 12. Under the previous order requiring 60 votes for the adoption of this amendment, the motion to concur with an amendment is agreed to.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2017, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2017), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$135,433,000: Provided, That not to exceed \$51,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, D.C., and for other

international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That consistent with the requirements specified within Presidential Policy Directive-8, dated March 30, 2011, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than October 15, 2011, the National Preparedness Goal and not later than January 15, 2012, the description of the National Preparedness System: Provided further, That \$35,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2012, or a written certification to the Congress that it is the position of the administration that the statutory requirement for biometric air exit be repealed.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$237,131,000, of which not to exceed \$2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, \$5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$14,172,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$51,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$267,972,000; of which \$105,578,000 shall be available for salaries and expenses; and of which \$162,394,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities

ties that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$339,368,000; of which not to exceed \$4,250 shall be for official reception and representation expenses; and of which \$136,665,000 shall remain available until September 30, 2013.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$125,000,000, of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,762,103,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$38,250 shall be for official reception and representation expenses; of which not less than \$287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of

Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States throughout the fiscal year.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$334,275,000, to remain available until September 30, 2014, of which not less than \$140,000,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, \$50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$400,000,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, \$60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Commissioner, U.S. Customs and Border Protection, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$506,566,000, to remain available until September 30, 2014: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$239,096,000, to remain available until September 30, 2016: Provided, That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with

the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,512,856,000; of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$12,750 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2012 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than \$1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which \$184,064,000 shall remain available until September 30, 2013: Provided further, That the Assistant Secretary of U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2012: Provided further, That of the total amount provided, not less than \$2,724,125,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, \$7,300,000 shall remain available until September 30, 2013, for the Visa Security Program: Provided further, That of the total amount provided under this heading, up to \$5,000,000 may be transferred to United States Visitor and Immigrant Status Indicator Technology to address the visa overstay backlog: Provided further, That none of the funds provided under this heading may be used to con-

tinue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$21,710,000, to remain available until September 30, 2016.

**TRANSPORTATION SECURITY ADMINISTRATION
AVIATION SECURITY**

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,293,566,000, to remain available until September 30, 2013, of which not to exceed \$8,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$4,193,246,000 shall be for screening operations, of which \$555,003,000 shall be available for explosives detection systems; \$214,893,000 shall be for checkpoint support; and not to exceed \$1,100,320,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, \$222,738,000 shall be available for the purchase and installation of these systems: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$2,983,566,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2013: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the De-

partment of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$134,748,000, to remain available until September 30, 2013.

**TRANSPORTATION THREAT ASSESSMENT AND
CREDENTIALING**

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$163,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$1,042,066,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, \$25,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2012: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$981,115,000.

**COAST GUARD
OPERATING EXPENSES**

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$28,000,000; purchases or lease of boats necessary for overseas deployment activities; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,078,054,000; of which \$598,000,000 shall be for defense-related activities, of which \$258,000,000 is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$17,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331

note) with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, \$75,000,000 shall be withheld from obligation for Headquarters Directorates until:

(1) the fiscal year 2012 second quarter acquisition report; and

(2) the future-years capital investment plan for fiscal years 2013–2017, as specified under the heading Coast Guard, “Acquisition, Construction, and Improvements” of this Act, are received by the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That funds made available under this heading for overseas contingency operations may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$16,699,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$134,278,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,391,924,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$20,000,000 shall remain available until September 16, 2016, for military family housing, of which not more than \$14,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which \$642,000,000 shall be available until September 30, 2016, to acquire, effect major repairs, renovate, or improve vessels, small boats, and related equipment; of which \$264,900,000 shall be available until September 30, 2016, to acquire, effect major repairs, renovate, or improve aircraft or increase aviation capability; of which \$161,140,000 shall be available until September 30, 2016, for other equipment; of which \$193,692,000 shall be available until September 30, 2016, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which \$110,192,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the sixth National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition

program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security’s Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President’s budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$27,779,000, to remain available until September 30, 2016, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses in-

curred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,670,237,000; of which not to exceed \$21,250 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeiting investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until September 30, 2013: Provided, That up to \$18,000,000 for protective travel shall remain available until September 30, 2013: Provided further, That up to \$19,307,000 for National Special Security Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made

available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, \$43,843,000, to remain available until September 30, 2014, is for information integration and technology transformation: Provided further, That \$20,000,000 made available in the preceding proviso shall not be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$5,380,000, to remain available until September 30, 2016.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$37,875,000: Provided, That not to exceed \$4,250 shall be for official reception and representation expenses: Provided further, That \$9,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2012, or a written certification to the Congress that it is the position of the administration that the statutory requirements for biometric air exit be repealed.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$918,283,000, of which \$773,473,000 shall remain available until September 30, 2013.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2011, that the operations of the Federal Protective Service will be fully funded in fiscal year 2012 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are suf-

ficient to ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff"): Provided further, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2013 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$297,402,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, \$75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act, that meets the statutory conditions specified under this heading in Public Law 110-329: Provided further, That not less than \$18,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$159,450,000; of which \$29,171,000 is for salaries and expenses and \$90,164,000 is for BioWatch operations: Provided, That \$40,115,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: Provided further, That not to exceed \$2,500 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY OPERATING EXPENSES

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$904,550,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): Provided, That not to exceed \$2,500 shall be for official reception and representation expenses: Provided further, That the Administrator of the Federal Emergency Management Agency is authorized to reprogram funds made available under this heading between programs, projects, and activities, subject to the limitations in section 503, by notifying the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such reprogramming, but without prior written approval from such Committees: Provided further, That the authority in the preceding proviso shall expire on September

30, 2012: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed \$12,000,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, \$41,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$6,981,000 shall be for the Office of National Capital Region Coordination: Provided further, That \$1,400,000 of the funds available for the Office of the Administrator shall not be available for obligation until the Administrator submits to the Committees on Appropriations of the Senate and the House of Representatives the National Preparedness Report required by Public Law 109-295 and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities in fiscal year 2012: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107-296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$1,476,681,000 shall be allocated as follows:

(1) \$430,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, \$50,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$400,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$10,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$200,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$200,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) \$15,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended.

(6) \$231,681,000 shall be for training, exercises, technical assistance, and other programs, of which \$155,500,000 shall be for training of State, local, and tribal emergency response providers:

Provided, That 5.8 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Operating Expenses" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2012 and thereafter: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency for the professional development of such employees pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$750,000,000, to remain available until September 30, 2013, of which \$375,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$375,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the De-

partments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$45,038,000.

DISASTER RELIEF FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,800,000,000, to remain available until expended, of which \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for the "Disaster Relief Fund" for the current fiscal year and the succeeding three fiscal years: Provided further, That the report shall provide: (a) an estimate, by quarter, for the costs of all previously designated disasters; (b) an estimate, by quarter, for the cost of future disasters based on a 10-year average, excluding catastrophic disasters; (c) an estimate, by quarter, for the costs of catastrophic disasters excluded from the 10-year average subdivided by disaster and the amount already obligated, and the remaining estimated costs; and (d) an estimate of the date on which the "Disaster Relief Fund" balance will reach \$800,000,000: Provided further, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the Federal Emergency Management Agency shall submit the monthly "Disaster Relief Fund" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

For an additional amount for the "Disaster Relief Fund" for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$4,200,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$92,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed \$22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2013: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

- (1) \$132,000,000 for operating expenses;
- (2) \$1,007,571,000 for commissions and taxes of agents;
- (3) such sums as are necessary for interest on Treasury borrowings; and
- (4) \$60,000,000, which shall remain available until expended for flood mitigation actions; of which not less than \$10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which \$10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which \$40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), including administrative costs, \$42,500,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed \$3,000,000 of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$120,924,000, of which \$102,424,000 is for immigration verification programs, including the E-Verify Program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$238,957,000; of which up to \$48,978,000 shall remain available until September 30, 2013,

for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$10,200 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 111–83 (123 Stat. 2166), is further amended by striking “December 31, 2012” and inserting “December 31, 2014”: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$33,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$143,000,000: Provided, That not to exceed \$8,500 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed five vehicles, \$657,000,000; of which \$638,800,000 shall remain available until September 30, 2014, of which not less than \$36,563,000 shall be for university programs; and of which \$18,200,000, shall remain available until September 30, 2016, for infrastructure upgrades at the Transportation Security Laboratory.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$37,000,000: Provided, That not to exceed \$2,500 shall be for official reception and representation expenses: Provided

further, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall:

(1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2012, and planned for fiscal year 2013, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2012 and 2013.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear detection related development, testing, evaluation, and operations, \$191,000,000, to remain available until September 30, 2014.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$40,000,000, to remain available until September 30, 2014: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary of Homeland Security shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain

available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or

(3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31

U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforce-

ment training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, 528, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. For fiscal year 2012 and thereafter, none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking “2011” and inserting “2012 and thereafter”.

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds made available in this or any other Act for fiscal years 2012 and thereafter, may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 522. Funds made available in this Act may be used to alter operations within the Civil

Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 523. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501 for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 48 hours of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501.

SEC. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 528. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 529. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2011,” and inserting “Until September 30, 2012,”;

(2) by striking subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this section), by striking “September 30, 2011,” and inserting “September 30, 2012.”

SEC. 530. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 531. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for

any new hires by the Department of Homeland Security that are not verified through the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 532. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 533. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1 (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 534. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 535. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 536. (a) Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology "Research, Development, Acquisition, and Operations" account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 537. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 538. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), is further amended by striking "on October 4, 2011" and inserting "on October 4, 2012".

SEC. 539. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 540. For fiscal year 2012 and thereafter, for purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 541. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301.10-124 of title 41, Code of Federal Regulations.

SEC. 542. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 543. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 544. (a) Section 1647(b) of Public Law 112-10 is amended by striking "provided in this division" and inserting "made available in this or any other Act".

(b) The amendment made by subsection (a) shall apply to the fiscal year ending September 30, 2012.

SEC. 545. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a Na-

tional Special Security Event, \$10,000,000, to remain available until September 30, 2013.

SEC. 546. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

SEC. 547. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 164).

SEC. 548. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled "Risk Management Guide for Information Technology Systems";

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled "Recommended Security Controls for Federal Information Systems and Organizations"; and

(3) any supplemental standards established by the Assistant Secretary of Homeland Security, (Transportation Security Administration) (referred to in this section as the "Assistant Secretary").

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 549. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 550. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States

in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Assistant Secretary shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 551. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that any processes developed take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 552. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 553. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

(c) In addition to amounts made available in this Act for data center migration, \$15,000,000, is available to the Secretary of Homeland Security for data center migration activities.

SEC. 554. For fiscal year 2012 and thereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: Provided, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are to be deposited into a separate account entitled "Advanced Training Center Revolving Fund", and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 555. Section 559(e) of Public Law 111-83 is amended—

(a) in the matter preceding the first proviso, by striking "law, sell" and inserting "law, hereafter sell"; and

(b) in the first proviso—

(1) by striking "shall be deposited" and inserting "shall hereafter be deposited"; and

(2) by striking "subject to appropriation," and inserting "without further appropriations,".

SEC. 556. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property

which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 33,400 detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 557. For an additional amount for the "Office of the Under Secretary for Management", \$55,979,000, to remain available until expended, for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of department headquarters at St. Elizabeths and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and House of Representatives shall receive an expenditure plan no later than 60 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 558. Notwithstanding section 44940(c) of title 49, United States Code, the limitation on fees imposed under subsection (a)(1) of such section 44940 may not exceed \$4.00 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed \$8 per one-way trip.

SEC. 559. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

SEC. 560. For fiscal year 2012 and thereafter, notwithstanding section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event that a spill of national significance occurs, any payment of amounts from the Oil Spill Liability Trust Fund pursuant to section 1012(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs incurred by the Coast Guard for such spill, shall be credited directly to the accounts of the Coast Guard that bore the expense or current at the time: Provided, That such amounts shall be merged with and, without further appropriations, made available for the same time period and the same purpose as the appropriation to which it is credited.

SEC. 561. (a) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking "or chapter 449" and inserting "chapter 449"; and

(2) by inserting " , or section 46314(a)" after "44909)".

(b) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

"(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined

under title 18, imprisoned for not more than 10 years, or both."

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) NOTICE OF PENALTIES.—

"(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and subsection (b) of this section, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

"(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to the penalty provided for under section 46301(a)(5)(A)(i) and subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1)."

SEC. 562. (a) SHORT TITLE.—This section may be cited as the "Disaster Assistance Recoupment Fairness Act of 2011".

(b) DEBTS SINCE 2005.—

(1) DEFINITION.—In this section, the term "covered assistance" means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.

(2) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) REPORTING.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date that is 18 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the cost-effectiveness of the efforts of the Federal Emergency Management Agency to recoup improper payments under the Individuals and Household Program under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 563. (a) Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and subject to subsection (b), recipients of Small Business Administration

Disaster loans for disaster-related damage to their homes may be eligible for reimbursement at the discretion of the state, under Section 404 of that Act, for documented and eligible mitigation work performed on their home.

(b) LIMITATIONS.—

(1) Any reimbursement provided to or on behalf of a homeowner pursuant to subsection (a) shall not exceed the amount of the disaster loan that may be used and was used for disaster mitigation activities; and

(2) Subsection (a) shall only apply if the disaster loan and assistance provided under section 404 were made available in response to the same disaster declaration.

(3) Shall be applicable only to disasters declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on August 28, 2006.

(c) If a state chooses to use funds under section 404 to reimburse homeowners as provided in subsection (a), it shall make payments in the following order:

(1) First, to the Small Business Administration on behalf of the eligible homeowner for the purpose of reducing, but not below zero, the homeowner's outstanding debt obligation to the Small Business Administration for the disaster loan; and

(2) Second, any remaining reimbursement shall be paid directly to the homeowner.

SEC. 564. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the hiring, rehiring, or retention of firefighters.

(INCLUDING RESCISSIONS)

SEC. 565. (a) For an additional amount for Coast Guard "Acquisition, Construction, and Improvements", \$18,300,000, to remain available until September 30, 2014, for aircraft replacement.

(b) The following amounts are rescinded:

(1) \$7,300,000 from unobligated balances made available for Coast Guard "Acquisition, Construction, and Improvements" in chapter 5 of title I of division B of Public Law 110-329.

(2) \$7,000,000 from unobligated balances made available for "United States Citizenship and Immigration Services" in chapter 6 of title I of Public Law 111-212.

(3) \$4,000,000 from unobligated balances made available for Transportation Security Administration "Aviation Security" in chapter 5 of title III of Public Law 110-28.

(c) The amount made available in subsection (a) is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

(RESCISSIONS)

SEC. 566. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$2,577,000 from Coast Guard, "Acquisition, Construction, and Improvements".

(2) \$4,000,000 from U.S. Immigration and Customs Enforcement, "Salaries and Expenses".

(3) \$407,000 from "Violent Crime Reduction Programs".

(4) \$7,101,000 from U.S. Customs and Border Protection, "Salaries and Expenses".

(5) \$3,121,348 from Department of Homeland Security, "Office for Domestic Preparedness".

(6) \$678,213 from Federal Emergency Management Agency, "National Predisaster Mitigation Fund".

(RESCISSION)

SEC. 567. Of the unobligated, prior year balances available for U.S. Immigration and Customs Enforcement, "Salaries and Expenses", \$7,000,000 are rescinded.

(RESCISSION)

SEC. 568. Of the unobligated, prior year balances available for U.S. Immigration and Customs Enforcement, "Automation Modernization", \$10,000,000 are rescinded.

(RESCISSION)

SEC. 569. Of the unobligated balances available for Department of Homeland Security, "Transportation Security Administration" in "Aviation Security" account 70x0550, \$48,503,000 are rescinded.

(RESCISSION)

SEC. 570. Of the unobligated, prior year balances available for Science and Technology, "Research, Development, Acquisition, and Operations", \$20,000,000 are rescinded.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2012".

Mr. REID. I ask unanimous consent to withdraw the committee-reported substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 666

Mr. REID. I call up amendment No. 666.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 666.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Under the previous order, the amendment No. 666 is agreed to, and the clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read for the third time, the question is, Shall the bill pass?

The bill (H.R. 2017), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I ask unanimous consent that an amendment of the title which is at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 667) was agreed to, as follows:

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes."

MORNING BUSINESS

Mr. REID. Mr. President, I now ask that we proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GROVER CLEVELAND
"G.C." GARLAND

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an accomplished educator and veteran who has dedicated his life to teaching young Kentuckians. Mr. Grover Cleveland "G.C." Garland was involved with the Laurel County School System for over 50 years, where he played a vital role in changing the face of education in Laurel County before finally retiring in 1988.

G.C., 79, graduated from Bush High School in 1948 at the age of 16. At 18, he began teaching at Sasser School, part of the Laurel County School District, after only 2 years of college—his oldest student was 16, barely 2 years younger than him. G.C. spent another year teaching before he joined the U.S. Air Force to serve his country in the Korean war.

G.C. received his basic training in San Antonio, TX, and was transferred around before ending up in Fairbanks, AK. While on leave from his duties G.C. met his wife of 56 years, Joan, at the Ocean Wave Skating Rink in Fariston, KY.

In January 1956, G.C. was discharged from the Air Force and returned to Kentucky, where he returned to school at the University of Kentucky and received a degree in secondary education. He majored in math, history, and political science. After graduation, G.C. and his family returned to Laurel County and he began teaching at Bush. During his 8 years at Bush, G.C. received his master's degree and also assumed the role of part-time guidance counselor.

In 1965, G.C. assumed the position of central office supervisor after Laurel County School Superintendent Hayward Gilliam asked him to help build Laurel County's first million-dollar high school. He spent 13 years as supervisor before being hired as the Laurel County superintendent in 1978. In his 10-year tenure as superintendent, he oversaw several major projects, including the construction of Cold Hill Elementary and junior high schools North and South Laurel Middle Schools.

In 2006 Mr. Garland was honored when the Laurel County school administration named one of the new office buildings after him—the G.C. Garland Administration Building, on the campus of London Elementary School. Fur-

thermore, two of G.C.'s daughters, Jan and Sharon, currently work at Bush Elementary School.

Grover Cleveland "G.C." Garland's lifetime of work and dedication to the education of Kentuckians is truly an inspiration to the people of our great Commonwealth. The Laurel County Sentinel Echo recently published an article highlighting and thanking G.C. for his service to the people of Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo,
Spring 2011]

BUILDING A LEGACY
(By Sue Minton)

For more than 50 years Grover Cleveland (G.C.) has been involved with the Laurel County School System, except for four years he served his country in the U.S. Air Force, and one year teaching another county.

The 79-year-old entered Murray Elementary School (Clay County) at the age of five and finished his elementary years at Burning Springs Elementary.

"Burning Springs was a three-room elementary school and they didn't teach every grade every year," Garland said. "They were not teaching the fifth grade the year I was supposed to be in the fifth. I was promoted to the sixth grade and this put me two years ahead of myself. I always did well academically, but socializing and sports were a problem for me. I was a nerd in today's language."

Before Garland entered high school, his parents moved from Clay County to Laurel County and he continued his education at Bush High School, graduating in 1948 at the age of 16.

Then having completed two years of college, the 18-year-old found himself teaching at a one-room school.

"The year was 1950 and I was teaching in the Laurel County School District at Sasser School, teaching grades first through eighth," he recalls. He had one student, a girl, who was 16, just two years younger than he was at the time.

"That first year I also had two beginners. This concerned me," he added. "I thought, how would I ever deal with them. By the end of the school year I was more proud of them than any of the other students. You could really see what they had accomplished."

For his second year Garland was transferred to Valley Grove, the last one-room school built in Laurel County. "I had only taught there half a year when I received greetings from President Harry Truman. I didn't let them draft me; I joined the Air Force. The Korean Conflict was raging at that time."

Garland received his basic training at Lackland Air Force Base in San Antonio, Texas. He was later transferred to Keesler Air Force Base in Biloxi, Miss., where he remained for two years before going to Low Air Force Base in Denver, Colo.

"I was in Denver three months before I was transferred to Fairbank, Alaska with Project Remote," he said. "While there I developed back trouble and was transported to a bigger hospital at Scott Air Force Base in Illinois. The doctors were getting ready to do surgery when the surgeon went on leave. I was sent

to Walter Reed Medical Center in Washington, D.C. where I had surgery."

"After recovering from back surgery, I returned to Laurel County to get my wife, Joan, and my car," he added. "I got married before going to Alaska, but she couldn't go with me. I only had about six months left in my enlistment period and we returned to Washington, D.C."

Although both Garland and his wife, Joan, were from Laurel County, they had not met before.

"I met Joan on leave from the Air Force at the Ocean Wave Skating Rink at Fariston," he recalls. "We planned on getting married at Christmas in 1954, but I got my orders for Alaska in October. I asked her if we could get married before I left and she said 'yes.'" The couple have been married 56 years.

In January 1956, Garland was discharged from the U.S. Air Force. He and Joan returned to Kentucky and Garland returned to education.

He attended the University of Kentucky, receiving a degree in secondary education majoring in math, history and political science. While at UK, Garland taught one year at an elementary school in Bourbon County. Also, his son, Ronald Wayne, was born. (Wayne is now a chemical engineer for Eastman Chemical Company in Kingsport, Tenn.).

Garland and his family moved back to Laurel County and he started teaching at Bush School. For eight years he taught mostly math.

He remembers teaching trigonometry to one senior class. "The class had an average I.Q. of 120. Those students have gone on to do great things. I wish we put more emphasis on the Gifted and Talented Program these days."

"Also, our daughters, Sharon and Jan, were born during my tenure at Bush."

Garland later accepted the responsibilities of a half-time guidance counselor.

"The guidance counselor program began while I was at Bush," he said.

"I picked-up my master's degree while I was teaching at Bush and it was at this time the National Defense Education Act began. The government got all excited after Russia launched the satellite Sputnik, thinking other countries were superior to the United States in math and science. This spurred more training for math teachers and guidance counselors. I was in both categories, so I got a lot of those institutes. I made a summer job out of going to school. Joan said I was a professional student."

It was during one of the institutes at UK during the summer of 1965 that Garland was contacted by then Laurel County School Superintendent Hayward Gilliam. "Mr. Gilliam told me he wanted to bring me into the central office as a supervisor. He said he was going to build a new high school and wanted me to help him. At that time we still had 12 to 14 one-and-two room schools. They had been good in their day, but their day had long since passed."

Garland relates a story pertaining to a one-room school.

"When I went into the central office it was during Lyndon Johnson's term and they had just discovered poverty in these hills." The Council of Southern Mountains in Berea had gathered some books they wanted to send to our one-and-two room schools. People had donated the books; they were mostly for adults. One of the schools received some of these books in a blue footlocker. A representative from the council came down to see where his books had gone and what good

they had done. I took him to the school. They had a substitute teacher that day and she had no idea where his books had gone. He noticed a big blue patch on the front door and said 'at least the box was useful.' They had taken part of the footlocker and patched a hole on the front door."

He recalls how the new school, Laurel County High School, was built.

"Before I took the supervisor's job I talked to some people and was told they didn't think the district could build a new school. The district was in debt. But, Mr. Gilliam was determined. That was the same year of the Elementary and Secondary Education Act (ESEA), the 'big' federal aid program that offered funds to areas in poverty. It was broken down into different programs, one being the Title I Program. Laurel County's first allotment of Title I money was \$414,860. That was a lot of money in those days. We still had those one-and-two room schools, were short on teachers and short overall on classrooms. The people over ESEA first said no construction with the funds. Susan Lou Young and I came into the central office at the same time as supervisors and we went with Mr. Gilliam to Frankfort to speak with the state coordinator of Title I. We were told we could not use the funds for construction. Mrs. Young said, 'Looks like we are just too poor to be helped.' The coordinator later said he thought about that and went to Washington, D.C. They agreed some of the money could be used for construction."

Among the first building projects were libraries and reading rooms on the existing consolidated schools, followed by a lunchroom at Bush School.

Mr. Gilliam approached Garland saying he could purchase a 60-acre farm for \$2,000 an acre if he could get \$80,000 from the Title I money."

"We told them in Frankfort how we were going to do away with the one-and-two room schools and consolidate so the students could have more Title I services," Garland added. "London School, and independent district, was bursting at the seams and had no room to expand. At this time they merged with the Laurel County School District, and in the 1970-71 school year Laurel County High School opened, partially built with Title I funds."

"This was the first million-dollar school in Laurel County," he added. "And the four old high schools became junior highs."

After 13 years as a supervisor and federal programs coordinator with the school district and the retirement of both Mr. Gilliam and the assistant superintendent, Garland pitched his hat in the ring for superintendent.

In 1978 Garland was hired as superintendent with a two-year contract. Joe McKnight came on-board as assistant superintendent.

In 1980 Garland's contract was not renewed and with 30 years of service to the district, he retired.

"That fall, the political climate changed. The superintendent was terminated and I applied to come back," Garland said. "I was hired, finished the former superintendent's term and received a four-year contract. I was superintendent for 10 years minus the 6 or 7 months when my contract was not renewed, retiring under my own steam in 1988."

Under Garland's administration, Cold Hill Elementary and the junior high schools, now North and South Laurel Middle Schools, were the major projects.

In 2006, Laurel County's current school administration paid tribute to his legacy in

education by naming one of the new administration office buildings after him—the G.C. Garland Administration Building, located on the campus of London Elementary School.

Assistant Superintendent Joe McKnight succeeded Garland as superintendent. "Joe did a lot for the system. The second high school, north Laurel High School, Hunter Hills and the new Bush school were built while he was superintendent."

With two daughters in education—Jan teaching fifth grade and Sharon a guidance counselor, both at Bush Elementary School—Garland thinks the education field has changed a great deal.

"The facilities have changed dramatically over the years. We have always had good people, but there is no comparison to the facilities today as to 1965 when I went into the central office. Teachers are better trained today, at least in terms of college years and degrees and there is more and better funding of services for students. Teachers see it harder because of paperwork involved and discipline. I think paperwork takes away from time that could be used for instruction. But I guess students are like the rest of us, they are spoiled by all that has been handed to them. I just hope we don't hand them the debt to pay."

"I don't think society in general appreciates a good education. Not necessarily the children. I think we are a spoiled society. In my days in school when they talked about rights, they talked about responsibility as well. Since the 60s we have majored on rights with very little talk about responsibility."

"Again, we have always had good people in the Laurel County School System and I was always for the principals and assistant principals," he said. "In my time we kind of used them as a board of directors. They made it easier on us in the central office. They had a hand in setting the policies and they backed the policies."

Garland said he missed the students terribly for a while after he left the classroom, as well as the good people he worked with at the central office and the school system in general.

"I worked with a lot of good people," he said. "We had a great team. I give any credit due to my family, my church and all the people I worked with. Also, I think we all owe a debt of gratitude to our current board members and to all who have ever served in that role."

MONTANA TAA

Mr. BAUCUS. Mr. President, I want to thank all those Montanans who have participated in TAA and have shared their stories with me. They include Jerry Ann Ross, Wilfred Johnson, Daryl Blasing, Larry Netzel, Albert Drebes, and Kris Allen.

These Montanans embody the ideals of the TAA Program, which encourages people to keep trying, even when they have been let down or let go. Their hard work and perseverance led them to their success today.

I also want to thank a few more Montanans. These folks work tirelessly to deliver the TAA program and to help people like Jerry Ann and Larry get good-paying jobs. I want to recognize and thank the following: Kathy Yankoff, Elaine Eidum, Laura Gardner, and Wolf Ametsbichler.

And I want to thank the educational institutions that have helped to train these workers to find good-paying jobs. These include Flathead Valley Community College, University of Montana, especially the College of Technology; and Helena College of Technology.

I know these names are just a few of the many American success stories across the country.

For those Americans who have good paying jobs, keep at it. And for those of you who are looking for a job, help is on the way.

I am proud to support these Montanans. I am proud to support TAA.

HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to join in the celebration of Hispanic Heritage Month and to recognize the many invaluable contributions that have been made by the Hispanic-American community.

For generations, a vibrant Hispanic community has worked tirelessly to enrich and strengthen our Nation.

With ancestors coming to the U.S. from Spain, Mexico, the Caribbean, and Central and South America, the Hispanic community's rich culture has enhanced the great diversity of the United States.

According to the latest census numbers, there are more than 54 million people of Hispanic heritage living in the United States, including 4 million in Puerto Rico alone.

All across America, a vibrant Hispanic-American community is contributing to all sectors of our economy and is playing a key role as small business entrepreneurs and government leaders on the Federal, State and local levels.

This is especially true in California, my home State, which boasts over 1,000 publicly elected officials of Hispanic heritage. These dedicated public officials serve as Members of the U.S. Congress, the California State Legislature, and hold numerous positions on the city and county levels of government.

This year, I was proud to support the nomination of Yvonne Gonzalez Rogers to serve as a U.S. District Judge for the Northern District of California. Her nomination is historic, as she would be the first Latina judge to serve on that court.

Judge Gonzalez represents an American success story, as her path in life has been extraordinary. Of her parents, her sixteen aunts and uncles, and their children, Judge Gonzalez Rogers is one of only three family members to attend college.

She has been able to rise from modest beginnings to graduate from two of the best universities in the country.

It is my hope that many more young people will follow Judge Gonzalez's journey. That is why I believe it is in America's best interest to give talented young adults who have good

moral character and are dedicated to serving the United States the opportunity to succeed. The DREAM Act embodies the values of hard work that make this country great and I will continue to support this important legislation.

I believe it is also important to recognize the 1.1 million Hispanic Americans 18 years or older who are veterans of the U.S. Armed Forces. Americans of Hispanic descent have defended and served our country with valor in every conflict since the Revolutionary War.

Forty-one Hispanic Americans have received the Congressional Medal of Honor, the highest military award presented by the United States.

I commend our Hispanic-American veterans, as well as those on active duty, who have risked and given their lives for the safety and well-being of our Nation.

It is my hope that more of today's young people, including those of Hispanic heritage, will soon have the opportunity to pursue their dreams of obtaining a higher education degree or serving in the U.S. military.

On the larger front, we must continue to strive towards reforming our broken immigration system, which is crucial to the future success of the Nation's economy.

This country was built by people who risked everything because they believed in the promise and opportunities available in America. Part of the American dream is that anyone with a desire and a will to work can make a life for themselves here.

As the current generation of Hispanic Americans continues to strive to fulfill the American dream, I am pleased to celebrate their past accomplishments as well as their future achievements that will continue to make this country great.

TRIBUTE TO LAWRENCE H. LEE AND GERALD GRINSTEIN

Mr. HATCH. Mr. President, I rise today to pay tribute to two men whose influence has greatly benefitted my State.

My good friend Lawrence H. Lee was, at one time, the CEO of Western Airlines. As you may know, before merging with Delta Air Lines in 1986, Western was one of the largest airlines serving the western U.S.

In 1982, as an executive at Western Airlines, Lawrence was responsible for establishing a hub for the airline in Salt Lake City, UT. This would prove to be a consequential decision, both for the airline and, most especially, for the economic future of the State of Utah.

In the early 1980s, Western Airlines was on the verge of bankruptcy. Lawrence was appointed CEO in 1983 and tasked with the job of turning the airline around. Under his leadership, they were able to reduce costs and return

Western to profitability. Ultimately, this success led to Western's merger with Delta Air Lines.

During his tenure as CEO of Western Airlines, Lawrence's right-hand man was none other than Gerald Grinstein, Delta's future CEO. An excerpt from Lawrence's journal gives an account of Mr. Grinstein's efforts to save Delta Air Lines and preserve its Salt Lake hub.

It is important to note that Delta's Salt Lake hub, which exists as a direct result of my friend Lawrence's decision to create a hub there for Western Airlines, is vital to Utah's economy. Salt Lake City is small relative to other major airline hubs in the U.S. Therefore, the city and its surrounding community receive an almost inordinate economic benefit from the presence of the Delta hub. Delta's Salt Lake hub attracts untold amounts of business to Utah. It was cited as a reason that Utah was able to secure the Winter Olympics in 2002. All told, Utah receives nearly \$18 billion every year from commercial aviation, most of which is derived from Delta's presence in the market.

I thank my good friend Lawrence Lee for his contribution to Utah's growth and development. In his journal, Lawrence states that Gerald Grinstein should be considered a "Giant of Salt Lake City." I certainly agree. But, I believe much the same could be said about Lawrence Lee.

Mr. President, as testimony to the importance of Lawrence Lee and Gerald Grinstein to Utah's economic growth, I ask unanimous consent that an excerpt from the Personal Journal of Lawrence H. Lee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE PERSONAL JOURNAL OF
LAWRENCE H. LEE—2011

When an "unfriendly takeover" of a public transportation company occurs, one of the most important events to transpire is the testimony of each of the two Chief Executive Officers before the United States Senate Commerce Committee. The answer to each of the Senator's questions, and the way each Senator reacts to that answer, can pretty well predict whether or not they will bless the takeover.

This event took place between US Airways and Delta Air Lines. US Air had offered between eight and ten billion dollars to purchase Delta Air Lines while Delta was in bankruptcy. They had the financing arranged to buy Delta and it was apparent the Creditor's Committee was in favor of their purchase arrangement.

Had you been given the job to select a candidate who would ultimately become Delta Air Lines' CEO to testify at this hearing, what array of education, talent and experience might be included in your list of credentials? The future of thousands of employees and the financial health of at least one state's economy would most likely hang in the balance of this person's success in giving convincing testimony at this Senate hearing.

If I had been given that job, this is what I might have submitted as requirements to assure victory.

Graduate from the law school of an acclaimed university.

Be the Chief of Staff to an influential United States Senator.

Practice law as Chief Counsel to the Commerce Committee of the U.S. Senate.

Be Counsel to the Senate Merchant Marine and Transportation Subcommittee. Serve on a major airline's board of directors.

Ultimately be appointed Chief Executive Officer of that company.

Merge the airline with a partner who would keep the airline's current hub operations in place.

Be appointed to the merged airline's board of directors and so impress the others on the board that they would extend the person's tenure beyond the mandatory age for leaving the board.

Take over the leadership of that airline when it is financially crippled and then take it through bankruptcy.

SO BEGINS MY ACCOUNT OF GERALD GRINSTEIN'S RESCUE OF DELTA AIR LINES AND THE SALT LAKE AIRLINE HUB

One must look at Grinstein's post-graduate history in order to understand how decades later he arrived at a point where his actions, while the airline was in bankruptcy, were crucial to the future economy of Utah.

Not long after Jerry graduated from Harvard Law School and entered the political arena, he obtained a position in Washington as Chief Counsel to the U.S. Senate Commerce Committee and Counsel to the Merchant Marine & Transportation Subcommittee. This put him in touch with some very important Senators; several who were still serving when he was CEO of Delta Air Lines.

Grinstein was introduced to Western Airlines by Neil Stewart, Western's Vice President Governmental Affairs. Neil knew him when he was Administrative Assistant to the Senator from the State of Washington, Warren G. Magnuson.

Dominic P. Renda, then CEO of Western, was seeking a replacement for a retiring board member from Seattle. He asked Stewart for a suggestion and Neil recommended Gerald Grinstein who was then elected to the Board of Directors in 1977. During a later discussion with an influential member of Western Airline's board of directors, Bishop Victor Brown, I discovered that we both had the feeling that there was something special about Jerry. Although he had never held an executive position in a corporation, we felt he had un-tapped potential.

In the 1980's, Salt Lake City seemed ready to do what was necessary to become a greater draw for new industry. To have this happen, the right people were in place; especially the new Mayor, Ted Wilson. He had based his campaign on the expansion of the Salt Lake Airport. When I arrived in February, 1982 with the news that Salt Lake City was to be Western's main hub operation, it was as though Mayor Wilson had been awaiting our arrival. He welcomed us with open arms.

With the successful completion of the Salt Lake hub, and subsequent building of the "D" concourse, Western Airlines was in the position to meet the new deregulated marketplace; however, our cost structure was still too high to fight off the new low-cost carriers. This led to continued losses.

By April 1, 1983 I was asked to take on the chore of turning Western around. I knew I would need someone at my side who was a

good communicator with fresh views; someone who was strong and yet sufficiently flexible to step into a new career.

Western was on the edge of bankruptcy, so the changes required had to be made quickly. From the moment I was asked to be the CEO I knew Jerry Grinstein was the man that could fill this position. In January, 1984, he accepted the position of President and Chief Operating Officer.

We at Western Airlines were successful in lowering costs, showing a record annual profit; and a potential groom, Delta Air Lines, had proposed marriage. In their proposal, Delta offered Western two seats on their board of directors. Jerry, then the CEO, took one of them. Later his experience and performance was deemed so valuable that the Delta board waived the "age 70 and out" rule so Jerry could stay on the board.

When Leo Mullin, Delta's CEO, resigned, Jerry was asked to be the President and CEO. Delta was in grave financial condition. Grinstein did everything in his power to keep Delta out of bankruptcy, but the pilot's cooperation did not come early enough to keep this from happening. Therefore, on September 14, 2005, Delta and its subsidiaries filed a petition for bankruptcy protection.

During this bankruptcy, US Airways, Inc. made an unsolicited eight-billion dollar offer to buy Delta Air Lines. Their plan was filed and was being evaluated by the Creditors Committee. Grinstein had submitted Delta's plan for recovery to this same group and one was being weighed against the other.

The Creditors Committee knew that the merging of Delta with US Airways would require government approvals. There was a strong employee program mounted at Delta to fight off this takeover. Nevertheless, in spite of their efforts, rumors persisted that the Creditors Committee felt US Airways offer was best and that they could get the government approval necessary to allow it to go forward; that is, until Jerry Grinstein appeared before the Senate.

Jerry, and Doug Parker, CEO of US Airways, were asked to testify before the Senate Transportation Sub-Committee; the same august body to whom Jerry had once served as counsel. Grinstein was in his favorite element. He was calm, collected and totally prepared to defend his plan to exit bankruptcy over Parker's plan to purchase Delta.

There was standing room only and the public area was filled with uniformed personnel from Delta Air Lines. Pilots in their full regalia were lining the walls. Those who had initially resisted Grinstein's attempts to cut costs were now on his side and cheering him on.

At one critical point of the long examination, Parker made a speech on how he was going to maximize profits from his proposed venture and a Senator asked where he was going to get the aircraft to accomplish this feat. His quick answer was, "From Delta." The pilots along the wall went ballistic. Jerry handled this well and the meeting soon ended.

Following this session, it was obvious to the Creditors Committee that approval from the government now looked risky and not long after, Delta's plan was accepted. Grinstein's testimony was the linchpin in blocking US Airways' effort. No one else in the world could come close to accomplishing what Jerry did in that Senate Chamber. Jerry was at the right place at the right time to preserve the transportation service that Western Airlines established in May, 1982; the Salt Lake City Hub.

One might wonder why I place so much emphasis on this particular hub. I'll explain

this as briefly as I can. It is because, in ratio to population, Delta Air Lines brings to Utah an inordinate amount of employment and revenue, as compared to other major airline hubs in America.

In 2006 Campbell Hill was engaged by the Air Transport Association to survey all 50 States in the Union to see what percentage of their economy was derived from commercial aviation. Their study indicates that Utah is receiving close to eighteen-billion dollars a year from commercial aviation. The only States higher than Utah in percentage of employment from commercial aviation are Hawaii and Nevada; no surprise, considering their heavy tourist trade. This is why the Salt Lake City aviation hub is so vital to Utah's financial system.

Another point to consider is that many of the companies that have opened businesses in Utah have stated that a major factor in their decision is the superior air transportation service available to them.

One other detail, the hub offers an immeasurable prestige to Utah by attracting many events that would otherwise book elsewhere. The greatest example of this is the 2002 Winter Olympics. To quote Kern Gardner, the man credited for recruiting Mitt Romney to organize those Olympics, "Without the Delta Air Lines hub we would never have been successful in bringing the Winter Olympics to Salt Lake City." A point of interest, Kern was Chairman of the Airport Commission when Western decided to bring the hub to Utah. He was a great help to us at that time.

To me, the most significant contribution of the airline hub in Salt Lake City is the service it performs for the Church of Jesus Christ of Latter-day Saints who has its headquarters in Salt Lake City. The LDS Church has become a strong-worldwide entity and, with its large missionary program, books more travel than most big corporations. Recently there were non-stop flights added from Salt Lake City to Paris and to Tokyo. When this hub was formed by Western Airlines, we could only dream of such a local achievement. Without the LDS Church Headquarters in SLC it is doubtful one could support this direct-flight convenience.

By any measure, Grinstein should be considered "A Giant of Salt Lake City." Through his efforts he helped preserve the "economic structure" of which I have spoken. Had US Airways been successful in their attempt to purchase Delta Air Lines, the multi-billion dollar a year contribution to Utah's economy from the Salt Lake City aviation hub could have been severely disrupted.

Utah enjoys a finely-tuned transportation service and we owe Gerald Grinstein a debt of gratitude for helping to keep it in place.

RECOGNIZING THE ANTI-DEFAMATION LEAGUE

Ms. COLLINS. Mr. President, in the aftermath of September 11, Americans found strength in each other and in our common values. At a time when polarization and division seem to characterize the public debate on many of the important issues confronting our Nation, including terrorism and border security, the 10th anniversary of September 11 has been an occasion for us to reflect and refocus on the core values that unite us as Americans, including the belief that each person should be free to live without persecution, regardless of race, religion, or ethnicity.

It is in that spirit that I wish today to recognize the work of the Anti-Defamation League; which has carried out important work in opposition to the anti-Semitic sentiments of those promoting September 11 conspiracy theories. As we mark the 10th anniversary of September 11, we must strongly condemn the anti-Semitic conspiracy theories that blame Jews or Israel for carrying out the September 11 terrorist attacks that continue to this day.

The ADL also plays an important role in addressing the consequences of hate and fostering a dialog through its recent work with a broad coalition of groups. In its retrospective, "9/11 Ten Years Later: The Changing Face of Hate, Terrorism and Democracy in America," the ADL assesses the proliferation of anti-Semitic conspiracy theories related to the September 11 terrorist attacks, the nature and magnitude of homegrown extremism and terrorism, the growing problem of anti-Muslim bigotry, and the recalibration of the balance between security and individual rights. The ADL also has been a leader in promoting police-community partnerships and expanding training for law enforcement.

We face serious challenges in the fight against terrorism and violent extremism. In meeting those challenges, we as lawmakers should be inspired by efforts like those of the ADL to transcend division and differences.

On the occasion of the 10th anniversary of September 11, it is an honor for me to recognize the work of the ADL and underscore the importance of their message.

RECOGNIZING THE FREEPORT FLAG LADIES

Ms. SNOWE. Mr. President, today I wish to pay tribute to three truly remarkable Mainers—Elaine Greene, Carmen Footer and JoAnn Miller, affectionately known as, The Freeport Flag Ladies. It has been said that great things come in threes. That adage applies many, many times over for my friends and phenomenal Mainers, all retired and residing together in Elaine's home on School Street in Freeport. I am in awe of them and their story which is one of unabashed patriotism, limitless inspiration, and a love of country that makes us all inexpressibly proud.

Every Tuesday morning from 8 to 9 a.m., regardless of weather and irrespective of season, these renowned Flag Ladies have stood not far from another icon in Maine, L.L. Bean, with the presence and exuberance of not one, but three Statues of Liberty having come to life for the single purpose of paying rightful homage to those who have sacrificed for all of us—our brave service men and women and our first responders.

And incredibly, they have never, ever missed a Tuesday—not once. They have

given up vacations and used the money they saved for this and other endeavors, including sending care packages to those fighting in Iraq and Afghanistan. They travel to Bangor International Airport two to three times a week to join the Maine Troop Greeters, or to Pease International in New Hampshire, they attend numerous troop send-off or welcome-home ceremonies, and Elaine estimates she has taken 1 million photos of the troops when they greet them at various locations.

These women project the inescapable belief that our strength and resolve as a State and a nation have always emanated not from Augusta, not from Washington, but from the people themselves—from tireless patriots of their own volition performing the most extraordinary of deeds. I well recall when we stood shoulder to shoulder as the steel beams from the Twin Towers—bequeathed by officials at Ground Zero to the town of Freeport—journeyed this past May from their hallowed home in New York to be enshrined in a 9/11 Memorial. Elaine, Carmen, and JoAnn's leadership in bringing the steel to Maine was instrumental.

How fitting it is that this massive steel beam that once undergirded the World Trade Center now undergirds our spirits, our hearts, and our memories in Freeport. After all, there are only a finite number of steel pieces that remain from the Twin Towers, and the requests for them within America and around the world far exceed what is available. To have the proud distinction of displaying this beam—in which so much meaning is infused—defies description. But behind Maine's selection was the knowledge that we would be more than custodians of this patriotic emblem—that we would in fact be its steward. What better stewards than the Freeport Flag Ladies.

The words are difficult to find to adequately convey the height of my admiration, not to mention the sense of privilege I have felt when joining them on Main Street to wave American flags. People honk as they drive by, they wave, they stop and thank them—it really is something. Let me just say, it was the highest of honors to join Elaine, Carmen, and JoAnn on the 10th anniversary of the September 11 attacks in Freeport.

Ever since I learned of their exceptional response to the horrific events of 9/11, Tuesdays have never been the same for me, for my staff, and for the countless individuals who have encountered them in Freeport or heard about them in the news. Indeed, after the heinous acts that occurred that Tuesday morning on September 11, 2001, when President Bush asked us all, as Americans, to walk outside and light a candle in remembrance of those individuals taken tragically from us too soon, Elaine, Carmen, and JoAnn did just that. But they also kindled a deeper

flame in all of us by bringing American flags with them to wave on Main Street in Freeport. And for that we are so very grateful.

It is fitting that these three women with backgrounds in health care have taken it upon themselves—one Tuesday at a time, one greeting at a time, one photo at a time, and one good word at a time—to help heal our Nation by harnessing the best of who we are and what we stand for, whether in the best of times or when facing adversity.

When considering their stalwart dedication to our country and those who serve her, I cannot help but recall one of Maine's giants and America's military heroes, GEN Joshua Chamberlain, who once said, "I long to be in the field again, doing my part to keep the old flag up, with all its stars." The Freeport Flag Ladies, by being civilian sentinels of freedom have indeed been doing their part for 10 years. Thank you Elaine, Carmen, and JoAnn.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. C. PAT TAYLOR

• Mr. BLUNT. Mr. President, today I pay tribute to Dr. C. Pat Taylor, who has served as president of Southwest Baptist University in Bolivar, MO, for the last 15 years, making him the longest serving president in the 133-year history of the school. Dr. Taylor already had an impressive record in higher education before coming to SBU in 1996. In the last 15 years he has added to that record of accomplishment and earned respect for his leadership and dedication to the students and community at Southwest Baptist University.

Southwest Baptist University is a very special place to me. I earned my undergraduate degree there and 20 years later served 4 years as its President. Dr. Taylor is my successor, and I have enjoyed watching the university grow and get even better under his leadership.

During his remarkable tenure at SBU:

Dr. Taylor has presented a record 11,881 degrees since 1996.

SBU has Missouri's third largest nursing degree program on its Springfield campus.

The number of student missionaries sent out in North American has doubled to more than 400 in the last decade, and Dr. Taylor hopes to see that continue to increase.

Student enrollment peaked at more than 3700 in the fall of 2009 and remains at 3,576 this semester.

The Partner in Excellence campaign between 1999 and 2005 raised a record \$62 million to fund 13 major building projects for the arts, instructional technology and extended learning, sports and athletics, religious education, and campus parking.

The SBU endowment more than doubled during the last decade to over \$19 million.

The school's first doctoral program was launched, and the number of physical therapy applications has grown each year.

"It's all God's blessing," Dr. Taylor has explained. "We've worked hard, but God has blessed it. It's not what we've done, but it's what God has done through us. When I really look at our success, it's because God has ordained that we will be successful."

I could not agree with Dr. Taylor more. I would add that Dr. Taylor is a blessing to Southwest Baptist University and the community. It is my hope that Southwest Baptist University continues to meet its mission as a "Christ-centered, caring academic community preparing students to be servant leaders in a global society." It is a bold calling, and I am certain SBU has the leadership and dedication in Dr. Taylor to see it fulfilled.●

TRIBUTE TO GLENN VANSELOW

● Mr. WYDEN. Mr. President, today I want to recognize and honor Glenn Vanselow and wish him well upon his upcoming retirement from his position as executive director of the Pacific Northwest Waterways Association of Portland, OR.

Glenn has served as the executive director of the Pacific Northwest Waterways Association since 1989. His 22 years of service to Oregonians and all the residents of the Northwest have been invaluable. His advocacy on behalf of infrastructure projects in the region has been key to ensuring that Oregon's ports remain a vital component of our economy and laid a foundation for them to grow and flourish in the future.

He has been critical to helping build and maintain the locks, dams, hydropower and irrigation projects on the Columbia/Snake River system that have been so important to commerce in our region. He brought experience, know-how, leadership, and vision to critical navigation projects like the Columbia River Channel Deepening and the lock gate replacements just this past winter. And a few years ago, we were able to celebrate the completion of repairs to the Tillamook north jetty together.

Glenn has made many stops along the way in serving the Northwest. He is on the board of the Lower Columbia River Estuary Partnership, he co-chaired the Bi-State Water Quality Study for the Lower Columbia and served as chair of the Lower Columbia River Estuary Program in developing a management plan for ecosystem restoration. Past board memberships have included the Oregon Governor's Council of Economic Advisors, Regional Maritime Security Coalition-Columbia

River, and University of Idaho College of Mines Advisory Board.

The legacy of Glenn's time with PNWA will be the permanent and long-term investments in Oregon that he helped move forward, the jobs those projects helped to create, and the families who have benefited from the great work the PNWA has done during his tenure. I know my home State of Oregon owes Glenn a great debt.

I congratulate Glenn on his significant contributions to the growth and development of the economy of the Pacific Northwest, and I wish him well in retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on today, September 26, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. UPTON) has signed the following enrolled bills:

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on today, September 26, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 3:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2401. An act to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2401. An act to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself and Mr. BLUMENTHAL):

S. 1633. A bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. TESTER:

S. 1634. A bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1635. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. STABENOW, and Mr. PRYOR):

S. Res. 283. A resolution designating the year of 2011 as the "International Year of Chemistry"; considered and agreed to.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. SANDERS):

S. Res. 284. A resolution designating September 23, 2011, as "National Falls Prevention Awareness Day" to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

ADDITIONAL COSPONSORS

S. 268

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S.

268, a bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

S. 393

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 484

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 601

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 601, a bill to encourage and ensure the use of safe football helmets and for other purposes.

S. 606

At the request of Mr. CASEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 609

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 609, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

S. 701

At the request of Mr. BENNET, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 811

At the request of Mr. MERKLEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 811, a bill to prohibit employment discrimination on the basis

of sexual orientation or gender identity.

S. 838

At the request of Mr. TESTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1096

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the

Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1508

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1508, *supra*.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1594

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1594, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to carry out a conservation program under which the Secretary shall make payments to assist owners and operators of

muck land to conserve and improve the soil, water, and wildlife resources of the land.

S. 1597

At the request of Mr. BROWN of Ohio, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1623

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1623, a bill to provide a processing extension for emergency mortgage relief payments, and for other purposes.

S. RES. 275

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 275, a resolution designating October 30, 2011, as a national day of remembrance for nuclear weapons program workers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 283—DESIGNATING THE YEAR OF 2011 AS THE “INTERNATIONAL YEAR OF CHEMISTRY”

Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. STABENOW, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas the United Nations has designated the year of 2011 as the International Year of Chemistry and is holding a worldwide celebration called “Chemistry—Our Life, Our Future”, which recognizes the achievements made in the field of chemistry and the contributions of those achievements to the well-being of humankind;

Whereas the science of chemistry is vital to the improvement of human life because of its power to transform;

Whereas chemistry provides solutions that successfully address global challenges involving safe food and water, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the members of chemical enterprise and industry, scientific societies, and academia in the United States, and the Government of the United States, generate important contributions to the economy of the United States, and energize the scientific and technological base with critical innovations;

Whereas 2011 represents the 100th anniversary of the award of the Nobel Prize to Marie Curie for the second time, the first time that an individual had received a second Nobel Prize;

Whereas Marie Curie has inspired generations of scientists to excel in their fields;

Whereas the purpose of the “Chemistry—Our Life, Our Future” celebration is to increase public appreciation of chemistry in meeting world needs, to further the development of science, technology, engineering, and mathematics education at all levels, and to encourage interest in chemistry among young people in order to create a future corps of innovators;

Whereas exciting new practices of sustainable green chemistry incorporate design processes to maximize the amount of raw material that ends up in the end product, use safe, environmentally benign substances, including solvents, design energy efficient processes, and minimize waste disposal by not creating it in the first place; and

Whereas during the year of 2011, countries and organizations will reach out to adults and children through symposia, conferences, demonstrations, workshops, contests, school activities, exhibitions, and other public events to increase awareness of the history and importance of chemistry: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 2011 as the “International Year of Chemistry”;

(2) supports the goals of the International Year of Chemistry;

(3) recognizes the necessity of educating the public on the merits of the sciences, including chemistry, and promoting interest in the sciences among the youth of the United States; and

(4) encourages the people of the United States to participate in the International Year of Chemistry through appropriate recognition of programs, activities, and ceremonies that call attention to the importance of chemistry to our well-being in the present and the future.

SENATE RESOLUTION 284—DESIGNATING SEPTEMBER 23, 2011, AS “NATIONAL FALLS PREVENTION AWARENESS DAY” TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2009, approximately 2,200,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 582,000 were subsequently hospitalized;

Whereas, in 2007, more than 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is \$80,900,000,000, including more than \$19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of

increase in falls is not slowed, the annual cost under the Medicare program will reach \$32,400,000,000 by 2020; and

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2011, as “National Falls Prevention Awareness Day”;

(2) commends the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

AMENDMENTS SUBMITTED AND PROPOSED

SA 661. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 662. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 663. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 664. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 665. Mr. REID proposed an amendment to the bill H.R. 2608, supra.

SA 666. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes.

SA 667. Mr. REID proposed an amendment to the bill H.R. 2017, supra.

SA 668. Mr. REID (for Mr. ISAKSON (for himself and Mrs. BOXER)) proposed an amendment to the bill S. 1280, to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and

guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

TEXT OF AMENDMENTS

SA 661. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 16 through 23, and insert in lieu thereof:

(1) an additional amount for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief", \$774,000,000, to remain available until expended; and

(2) an additional amount for "Corps of Engineers—Civil—Flood Control and Coastal Emergencies", \$226,000,000, to remain available until expended.

SA 662. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word "The" on page 1, line 4, and insert the following:

Following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which

appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins

after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by

event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the "Continuing Appropriations Act, 2012".

SA 663. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, amounts are provided for "Department of Commerce—United States Patent and Trademark Office—Salaries and Expenses," for necessary expenses of the United States Patent and Trademark Office provided for by law, at a rate of operations of \$2,706,313,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1113) and sections 41 and 376 of title 35, United States Code, are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2012, should the total amount of offsetting fee collections be less than \$2,706,313,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of the Patent and

Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of division B of Public Law 111-117 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SA 664. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available for the Department of State for fiscal year 2011 for activities in Afghanistan that remain available for obligation as of the date of the enactment of this Act, \$1,600,000,000 is hereby rescinded.

SA 665. Mr. REID proposed an amendment to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to sec-

tion 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended

by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for “Defense Nuclear Facilities Safety Board—Salaries and Expenses” at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking “September 30, 2011” and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for “Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief” at a rate for operations of \$2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President’s budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2011”.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 134. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act. This Act may be cited as the “Continuing Appropriations Act, 2012”.

SA 666. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined

as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) October 4, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain

program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contin-

gency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from

such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission Sala-

ries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 2801(e), 2801-1(g), 2801-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress, approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b) (1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—THIS SECTION SHALL TAKE EFFECT ON JULY 26, 2011.

(c) APPLICABILITY.—THIS SECTION SHALL NOT BE SUBJECT TO ANY OTHER PROVISION OF THIS ACT.

This Act may be cited as the "Continuing Appropriations Act, 2012".

SA 667. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes."

SA 668. Mr. REID (for Mr. ISAKSON (for himself and Mrs. BOXER)) proposed an amendment to the bill S. 1280, to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kate Puzey Peace Corps Volunteer Protection Act of 2011".

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

"SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

"SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) SUBSEQUENT TRAINING.—Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim's right to pursue legal action against a perpetrator.

"(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve, including an overview of past crimes against volunteers in the country.

"(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

"(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, volunteer, contractor, or outside party that receives funds from the Peace Corps;

"(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime; and

"(3) contact information for a 24-hour sexual assault hotline to be established for the purpose of providing volunteers a mechanism to anonymously—

"(A) report sexual assault;

"(B) receive crisis counseling in the event of a sexual assault; and

"(C) seek information about Peace Corps sexual assault reporting and response procedures.

"(f) DEFINITIONS.—In this section and sections 8B through 8G:

"(1) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about a volunteer who is a victim of sexual assault, including information likely to disclose the location of such victim, including the following:

"(A) A first and last name.

"(B) A home or other physical address.

"(C) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

"(D) A social security number.

"(E) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with

information described in subparagraphs (A) through (D), would serve to identify the victim.

“(2) RESTRICTED REPORTING.—

“(A) IN GENERAL.—The term ‘restricted reporting’ means a system of reporting that allows a volunteer who is sexually assaulted to confidentially disclose the details of his or her assault to specified individuals and receive the services outlined in section 8B(c) without the dissemination of his or her personally identifying information except as necessary for the provision of such services, and without automatically triggering an official investigative process.

“(B) EXCEPTIONS.—In cases in which volunteers elect restricted reporting, disclosure of their personally identifying information is authorized to the following persons or organizations when disclosure would be for the following reasons:

“(i) Peace Corps staff or law enforcement when authorized by the victim in writing.

“(ii) Peace Corps staff or law enforcement to prevent or lessen a serious or imminent threat to the health or safety of the victim or another person.

“(iii) SARLs, victim advocates or healthcare providers when required for the provision of victim services.

“(iv) State and Federal courts when ordered, or if disclosure is required by Federal or State statute.

“(C) NOTICE OF DISCLOSURE AND PRIVACY PROTECTION.—In cases in which information is disclosed pursuant to subparagraph (B), the President shall—

“(i) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

“(ii) take such action as is necessary to protect the privacy and safety of the volunteer.

“(3) SEXUAL ASSAULT.—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(4) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“SEXUAL ASSAULT POLICY

“SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

“(1) includes a system for restricted and unrestricted reporting of sexual assault;

“(2) mandates, for each Peace Corps country program, the designation of a Sexual Assault Response Liaison (SARL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and accompanying victims through the in-country response at the request of the victim;

“(3) requires SARLs to immediately contact a Victim Advocate upon receiving a report of sexual assault in accordance with the restricted and unrestricted reporting guidelines promulgated by the Peace Corps;

“(4) to the extent practicable, conforms to best practices in the sexual assault field;

“(5) is applicable to all posts at which volunteers serve; and

“(6) includes a guarantee that volunteers will not suffer loss of living allowances for reporting a sexual assault.

“(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field, including experts with international experience.

“(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

“(1) The option of pursuing either restricted or unrestricted reporting of an assault.

“(2) Provision of a SARL and Victim’s Advocate to the volunteer.

“(3) At a volunteer’s discretion, provision of a sexual assault forensic exam in accordance with applicable host country law.

“(4) If necessary, the provision of emergency health care, including a mechanism for such volunteer to evaluate such provider.

“(5) If necessary, the provision of counseling and psychiatric medication.

“(6) Completion of a safety and treatment plan with the volunteer, if necessary.

“(7) Evacuation of such volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer. When evacuated to the United States, such volunteer shall be provided, to the extent practicable, a choice of medical providers including a mechanism for such volunteers to evaluate the provider.

“(8) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

“(d) TRAINING.—The President shall train all staff outside the United States regarding the sexual assault policy developed under subsection (a).

“OFFICE OF VICTIM ADVOCACY

“SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIM ADVOCACY.—

“(1) IN GENERAL.—The President shall establish an Office of Victim Advocacy in Peace Corps headquarters headed by a full-time victim advocate who shall report directly to the Director. The Office of Victim Advocacy may deploy personnel abroad when necessary to help assist victims.

“(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victim advocates. The victim advocate referred to in paragraph (1) may not have any other duties in the Peace Corps that are not reasonably connected to victim advocacy.

“(3) EXEMPTION.—The victim advocate and any additional victim advocates shall be exempt from the limitations specified in subparagraphs (A) and (B) of paragraph (2) and paragraph (5) under section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)).

“(b) RESPONSIBILITIES.—

“(1) VICTIMS OF SEXUAL ASSAULT.—The Office of Victim Advocacy shall help develop and update the sexual assault risk-reduction and response training described in section 8A and the sexual assault policy described in section 8B, ensure that volunteers who are victims of sexual assault receive services specified in section 8B(c), and facilitate their access to such services.

“(2) OTHER CRIMES.—In addition to assisting victims of sexual assault in accordance with paragraph (1), the Office of Victim Advocacy shall assist volunteers who are vic-

tims of crime by making such victims aware of the services available to them and facilitating their access to such services.

“(3) PRIORITY.—The Office of Victim Advocacy shall give priority to cases involving serious crimes, including sexual assault and stalking.

“(c) STATUS UPDATES.—The Office of Victim Advocacy shall provide to volunteers who are victims regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

“(d) TRANSITION.—The Office of Victim Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving the services specified in section 8B(c) requested by such volunteer.

“ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

“SEC. 8D. (a) ESTABLISHMENT.—There is established a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The Council shall be composed of not less than 8 individuals selected by the President, not later than 180 days after the date of the enactment of this section, who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

“(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault the Council views as appropriate, to ensure that such training and policy conform to the extent practicable to best practices in the sexual assault field.

“(d) REPORTS.—On an annual basis for 5 years after the date of the enactment of this section and at the discretion of the Council thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

“(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5, United States Code.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

“SEC. 8E. (a) MONITORING AND EVALUATION.—Not later than 1 year after the date of the enactment of this section, the President shall establish goals, metrics, and monitoring and evaluation plans for all Peace Corps programs. Monitoring and evaluation plans shall incorporate best practices from monitoring and evaluation studies and analyses.

“(b) PERFORMANCE PLANS AND ELEMENTS.—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps

representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

“(c) ANNUAL VOLUNTEER SURVEYS.—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives. Results from the annual volunteer survey shall be considered in reviewing the performance of Peace Corps representatives under subsection (a).

“(d) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall—

“(1) submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

“(A) a biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports;

“(B) a report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B, including a case review of a statistically significant number of cases; and

“(C) a report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of the performance plans described in subsection (b); and

“(2) when conducting audits or evaluations of Peace Corps programs overseas, notify the Director of the Peace Corps about the results of such evaluations, including concerns the Inspector General has noted, if any, about the performance of Peace Corps representatives, for appropriate action.

“ESTABLISHMENT OF A POLICY ON STALKING

“SEC. 8F. (a) IN GENERAL.—The President shall develop and implement a comprehensive policy on stalking that—

“(1) requires an immediate, effective, and thorough response from the Peace Corps upon receipt of a report of stalking;

“(2) provides, during training, all Peace Corps volunteers with a point of contact for the reporting of stalking; and

“(3) protects the confidentiality of volunteers who report stalking to the maximum extent practicable.

“(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the stalking policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of those with expertise regarding the crime of stalking.

“(c) TRAINING OF IN-COUNTRY STAFF.—The President shall provide for the training of all

in-country staff regarding the stalking policy developed under subsection (a).

“ESTABLISHMENT OF A CONFIDENTIALITY PROTECTION POLICY

“SEC. 8G. (a) IN GENERAL.—The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. This process shall conform to existing best practices regarding confidentiality.

“(b) GUIDANCE.—The President shall provide additional training to officers and employees of the Peace Corps who have access to information reported by volunteers under subsection (a) in order to protect against the inappropriate disclosures of such information and ensure the safety of such volunteers.

“(c) PENALTY.—Any Peace Corps volunteer or staff member who is responsible for maintaining confidentiality under subsection (a) and who breaches such duty shall be subject to disciplinary action, including termination, and in the case of a staff member, ineligibility for re-employment with the Peace Corps.

“REMOVAL AND ASSESSMENT AND EVALUATION

“SEC. 8H. (a) IN GENERAL.—If a volunteer requests removal from the site in which such volunteer is serving because the volunteer feels at risk of imminent bodily harm, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe. Volunteers may remain at a site during the assessment and evaluation.

“(b) DETERMINATION OF SITE AS UNSAFE.—If the President determines that a site is unsafe for any remaining volunteers at the site, the President shall, as expeditiously as practical, remove all volunteers from the site.

“(c) TRACKING AND RECORDING.—The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.

“REPORTING REQUIREMENTS

“SEC. 8I. (a) IN GENERAL.—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

“(1) sexual assault of volunteers;

“(2) other crimes against volunteers;

“(3) the number of arrests, prosecutions, and incarcerations for crimes involving Peace Corps volunteers for every country in which volunteers serve; and

“(4) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

“(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessi-

bility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

“(c) ACCESS TO COMMUNICATIONS.—

“(1) IN GENERAL.—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

“(2) REPORT.—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs, feasibility, and benefits of providing all volunteers with access to adequate communication, including cellular service and Internet access.”

SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.

Section 5(1) of the Peace Corps Act (22 U.S.C. 2504(1)) is amended by inserting before the period at the end the following: “and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers”.

SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF VICTIM ADVOCACY.

It is the sense of Congress that—

(1) the Office of Victim Advocacy established under section 8C of the Peace Corps Act, as added by section 2, should provide an adequate number of victim advocates so that each victim of crime receives critical information and support;

(2) any full-time victim advocates and any additional victim advocates should be credentialed by a national victims assistance body; and

(3) the training required under section 8A(a) of the Peace Corps Act, as added by section 2, should be credentialed by a national victims assistance body.

SEC. 5. PERSONAL SERVICE CONTRACTS.

The Peace Corps Act is amended—

(1) in section 7(a)(3) (22 U.S.C. 2506(a)(3)), by inserting “, or contracted with for personal services under section 10(a)(5),” after “employed, appointed, or assigned under this subsection”; and

(2) in section 10(a)(5) (22 U.S.C. 2509(a)(5)), by striking “any purpose” and inserting “the purposes of any law administered by the Office of Personnel Management (except that the President may determine the applicability to such individuals of provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.))”.

SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

“(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

“(A) the Inspector General of the Peace Corps; and

“(B) officers and employees of the Office of the Inspector General of the Peace Corps.”

SEC. 7. CONFORMING SAFETY AND SECURITY AGREEMENT REGARDING PEACE CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the

duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against volunteers and staff members.

(b) INSPECTOR GENERAL REVIEW.—

(1) REVIEW.—The Inspector General of the Peace Corps shall review the memorandum of understanding described in subsection (a) and be afforded the opportunity to recommend changes that advance the safety and security of Peace Corps volunteers before entry into force of the memorandum of understanding.

(2) REPORT.—The Director of the Peace Corps shall consider the recommendations of the Inspector General of the Peace Corps regarding the memorandum of understanding described in subsection (a). If the Director enters into the memorandum of understanding without implementing a recommendation of the Inspector General, the Director shall submit to the Inspector General a written explanation relating thereto.

(c) FAILURE TO MEET DEADLINE.—

(1) REQUIREMENT TO SUBMIT REPORT.—If, by the date that is 180 days after the date of the enactment of this Act, the Director of the Peace Corps is unable to obtain agreement with the Assistant Secretary of State for Diplomatic Security and certification by the Inspector General of the Peace Corps, the Director shall submit to the committees of Congress specified in paragraph (2) a report explaining the reasons for such failure and a certification that substantial steps are being taken to make progress toward agreement.

(2) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this paragraph are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 8. PORTFOLIO REVIEWS.

(a) IN GENERAL.—The Director of the Peace Corps shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

- (1) An evaluation of the country's commitment to the Peace Corps program.
- (2) An analysis of the safety and security of volunteers.
- (3) An evaluation of the country's need for assistance.
- (4) An analysis of country program costs.
- (5) An evaluation of the effectiveness of management of each post within a country.
- (6) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

(b) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Director of the Peace Corps shall brief such committees on each portfolio review required under subsection (a). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.

SEC. 9. CONFORMING AMENDMENTS.

(a) INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting “(including training under section 8A)” after “training”; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting “, including training under section 8A,” after “training”.

(b) CERTAIN SERVICES.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting “(including, if necessary, for volunteers and trainees, services under section 8B)” after “health care”; and

(2) by inserting “including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services),” before “as the President”.

SEC. 10. OFFSET OF COSTS AND PERSONNEL.

Notwithstanding any other provision of law, the Director of the Peace Corps shall—

(1) eliminate such initiatives, positions, and programs within the Peace Corps (other than within the Office of Inspector General) as the Director deems necessary to ensure any and all costs incurred to carry out the provisions of this Act, and the amendments made by this Act, are entirely offset;

(2) ensure no net increase in personnel are added to carry out the provisions of this Act, with any new full or part time employees or equivalents offset by eliminating an equivalent number of existing staff (other than within the Office of Inspector General);

(3) report to Congress not later than 60 days after the date of the enactment of this Act the actions taken to ensure compliance with paragraphs (1) and (2), including the specific initiatives, positions, and programs within the Peace Corps that have been eliminated to ensure that the costs of carrying out this Act will be offset; and

(4) not implement any other provision of this Act (other than paragraphs (1), (2), and (3)) or any amendment made by this Act until the Director has certified that the actions specified in paragraphs (1), (2), and (3) have been completed.

SEC. 11. SUNSET.

This Act and the amendments made by this Act shall cease to be effective 7 years after the date of the enactment of this Act.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 183, S. 1619.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion that is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 183, S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Tom Udall, Richard J. Durbin, Richard Blumenthal, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Joe Manchin III, Debbie Stabenow, Sheldon Whitehouse, Kay R. Hagan, Robert P. Casey, Jr., Kent Conrad, Kirsten E. Gillibrand, Robert Menendez.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. I ask unanimous consent that on Monday, October 3, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 113, 171, 172, 173, 184, and 357; that there be 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, Calendar Nos. 171, 172, 173, 184, and 357 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 113; further, that at a time to be determined by the majority leader, after consultation with the Republican leader, not prior to October 11, 2011, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 250, 251, 252, and 253; that there be 2 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; further, that on all listed nominations, motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 281, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 343, 347, 348, 349, 350, 351, 352, 362, 368, 369, 370, and 404; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon

the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Thomas M. Countryman, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (International Security and Non-Proliferation).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Constance Smith Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2016.

NATIONAL SCIENCE FOUNDATION

Robert J. Zimmer, of Illinois, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

Arnold F. Stancell, of Connecticut, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

RAILROAD RETIREMENT BOARD

Walter A. Barrows, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2014.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Charles R. Korsmo, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2011.

Charles R. Korsmo, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2017.

John H. Yopp, of Kentucky, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2011.

John H. Yopp, of Kentucky, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2017.

Marcos Edward Galindo, of Idaho, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2014.

Maria E. Rengifo-Ruess, of Virginia, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2014.

Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board of Education Sciences for a term expiring November 28, 2015.

NATIONAL COUNCIL ON DISABILITY

Matan Aryeh Koch, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

FINANCIAL STABILITY OVERSIGHT COUNCIL

S. Roy Woodall, Jr., of Kentucky, to be a Member of the Financial Stability Oversight Council for a term of six years.

DEPARTMENT OF JUSTICE

S. Amanda Marshall, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

John Malcolm Bales, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

Kenneth Magidson, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Robert Lee Pitman, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

Sarah Ruth Saldana, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Edward M. Spooner, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

DEPARTMENT OF STATE

John A. Heffern, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

UNITED STATES TAX COURT

Maurice B. Foley, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF JUSTICE

David B. Barlow, of Utah, to be United States Attorney for the District of Utah for the term of four years.

NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of Presidential nomination 541, Mark D. Acton, Postal Regulatory Commission, and Presidential nomination 542, Robert Taub, Postal Regulatory Commission; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; and that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

POSTAL REGULATORY COMMISSION

Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2016.

Robert G. Taub, of New York, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2016.

HIGGINBOTTOM NOMINATION

Mr. REID. Madam President, we have been working very hard on the Heather

Higginbottom nomination. Heather Higginbottom has been nominated to be the Deputy Director of the Office of Management and Budget, a very important assignment. We have been trying to confirm her nomination for almost 6 months.

I hope and understand that Senator KYL is working with the administration on something that will clear this nomination. I am not going to ask consent on this nomination tonight, but all my Republican colleagues should be prepared for a unanimous consent request on this nomination when we return next week. I hope Senator KYL will allow this nomination to go forward after his request is satisfied.

INVESTMENT TREATY WITH RWANDA

MUTUAL LEGAL ASSISTANCE TREATY WITH BERMUDA

Mr. REID. Madam President, I ask unanimous consent that the Senate consider Executive Calendar Nos. 2 and 3, which are treaty document Nos. 110-23 and 111-6; that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee declarations be agreed to, as applicable; that any statements be printed in the RECORD; further, that when the votes on the resolutions of ratification are taken, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be stated.

The legislative clerk read as follows:

Treaty document No. 110-23, Investment Treaty with Rwanda.

Treaty document No. 111-6, Mutual Legal Assistance Treaty with Bermuda.

Mr. REID. Madam President, I ask for a division vote on each of the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

On treaty document No. 110-23, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and

the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: Articles 3 through 10 and other provisions that qualify or create exceptions to these Articles are self-executing. With the exception of these Articles, the Treaty is not self-executing.

The PRESIDING OFFICER. A division vote has been requested.

On treaty document No. 111-6, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of Bermuda Relating to Mutual Legal Assistance in Criminal Matters, signed at Hamilton on January 12, 2009 (the "Treaty") (Treaty Doc. 111-6), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

COMBATING AUTISM REAUTHORIZATION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 174, H.R. 2005.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2005) to reauthorize the Combating Autism Act of 2006.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I know of no further debate on this measure.

The PRESIDING OFFICER. There being no further debate, the question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2005) was passed.

Mr. REID. Madam President, I ask unanimous consent that the motion to

reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. 1280.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims' advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kate Puzey Peace Corps Volunteer Protection Act of 2011".

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

"SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

"SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that is based upon best practices in the sexual assault field to respond to reports of sexual assault.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) CONTENT OF TRAINING.—Training under subsection (a) shall be tailored to the country of service, and shall include cultural training relating to gender relations, risk-reduction strategies, a safety plan in the event of an assault, treatment available in such country (including forensic rape exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), and MedEvac procedures.

"(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve.

"(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

"(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, trainee, volunteer, consultant, contractor, or outside party that receives funds from the Peace Corps; and

"(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated SAVSL and the Office of Victims Advocacy and what steps to take in the event of a sexual assault or other crime.

"(f) DEFINITIONS.—In this section and sections 8B through 8G:

"(1) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

"(2) INCLUSION OF TRAINEES.—The term 'volunteers' includes trainees.

"SEXUAL ASSAULT POLICY

"SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

"(1) includes a system for restricted and unrestricted reporting of sexual assault;

"(2) protects the confidentiality of a volunteer who is a victim of sexual assault until such time that he or she elects to pursue unrestricted reporting of the assault;

"(3) mandates, for each Peace Corps country program, the designation of a Sexual Assault Victim Support Liaison (SAVSL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and receive prompt access to medical care;

"(4) requires SAVSLs to immediately contact the Office of Victims Advocacy upon receiving a report of sexual assault;

"(5) is based upon best practices in the sexual assault field; and

"(6) is applicable to all posts at which volunteers serve.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following with respect to a volunteer who has been a victim of sexual assault:

"(1) The option of pursuing either restricted or unrestricted reporting of an assault.

"(2) Provision of a SAVSL and victim's advocate to the volunteer.

"(3) Provision of a sexual assault forensic evidence examination to the volunteer in accordance with applicable law.

"(4) Provision of emergency health care to the volunteer.

"(5) Completion of a safety and treatment plan with the volunteer.

"(6) Evacuation of the volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer.

"(7) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

"(d) TRAINING.—The President shall train all in-country staff regarding the sexual assault policy developed under subsection (a).

"(e) REMOVAL AND ASSESSMENT AND EVALUATION.—

"(1) IN GENERAL.—If a volunteer feels at risk of imminent bodily harm and requests removal from the site in which such volunteer is serving, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign

another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe.

“(2) DETERMINATION OF SITE AS UNSAFE.—Volunteers may remain at a site during an assessment and evaluation under paragraph (1). If the President determines that a site is unsafe, the President shall, as expeditiously as practical, remove all volunteers from the site.

“(f) TRACKING AND RECORDING.—The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.

“(g) STALKING.—

“(1) IN GENERAL.—The policies and procedures established by this section shall also apply in instances when a volunteer reports stalking.

“(2) STALKING.—In this subsection, the term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“OFFICE OF VICTIMS ADVOCACY

“SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIMS ADVOCACY.—

“(1) IN GENERAL.—The President shall establish an Office of Victims Advocacy in Peace Corps headquarters headed by a full-time victims advocate who shall report directly to the Director. The Office of Victims Advocacy may deploy personnel abroad when necessary to help assist victims.

“(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victims advocates. The victims advocate referred to in paragraph (1) may not have any other duties in the Peace Corps.

“(3) EXEMPTION.—The victims advocate and any additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7(a)(5).

“(b) RESPONSIBILITIES.—The Office of Victims Advocacy shall help develop and update the sexual assault risk-reduction and response training described in section 8A and the sexual assault policy described in section 8B and ensure that volunteers who are victims of crime receive services described in the sexual assault policy. The Office of Victims Advocacy shall assist volunteers who are victims of crime by making such victims aware of the services available to them and facilitating their access to such services.

“(c) STATUS UPDATES.—The Office of Victims Advocacy shall provide to volunteers who are victims of assault regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

“(d) TRANSITION.—The Office of Victims Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving any benefits to which they are entitled under section 8142 of title 5, United States Code.

“ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

“SEC. 8D. (a) ESTABLISHMENT.—There is established a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The Council shall be composed of not less than 8 individuals selected by the President who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

“(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to re-

view the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault that the Council views as appropriate, to ensure that such training and policy is based upon best practices in the sexual assault field.

“(d) REPORTS.—Not later than one year after the date of the enactment of this section, annually thereafter for four years, and every three years thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

“(e) FEDERAL EMPLOYEES.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

“SEC. 8E. (a) MONITORING AND EVALUATION.—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

“(b) ANNUAL VOLUNTEER SURVEYS.—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

“(c) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives the following:

“(1) A biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.

“(2) A report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B. The evaluation shall include a case review of a statistically significant number of cases.

“(3) A report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of subsection (a).

“NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION

“SEC. 8F. The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or

violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. The President shall train all volunteers and staff about this process.

“REPORTING REQUIREMENTS

“SEC. 8G. (a) IN GENERAL.—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

“(1) sexual assault of volunteers;

“(2) other crimes against volunteers; and

“(3) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

“(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

“(c) ACCESS TO COMMUNICATIONS.—

“(1) IN GENERAL.—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

“(2) REPORT.—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs of providing all volunteers with access to adequate communication, including cellular service and Internet access.”.

SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.

Section 5(l) of the Peace Corps Act (22 U.S.C. 2504(l)) is amended by inserting before the period at the end the following: “and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers”.

SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF VICTIMS ADVOCACY.

It is the sense of Congress that the Office of Victims Advocacy established under section 8C of the Peace Corps Act, as added by section 2, should maintain a staffing level sufficient to ensure the provision of timely and comprehensive services to Peace Corps volunteers.

SEC. 5. PERSONAL SERVICE CONTRACTS.

Section 10(a)(5) of the Peace Corps Act (22 U.S.C. 2509(a)(5)) is amended by deleting “any purpose” and inserting “the purposes of any law administered by the Office of Personnel Management”.

SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

“(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

“(A) the Inspector General of the Peace Corps; and

“(B) officers and employees of the Office of the Inspector General of the Peace Corps.”.

SEC. 7. CONFORMING AMENDMENTS.

(a) *INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.*—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting “(including training under section 8A)” after “training”; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting “, including training under section 8A,” after “training”.

(b) *CERTAIN SERVICES.*—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting “(including, if necessary, for volunteers and trainees, services under section 8B)” after “health care”; and

(2) by inserting “including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services),” before “as the President”.

Mr. LEAHY. Madam President, the Senate today is expected to pass the Kate Puzey Peace Corps Volunteer Protection Act of 2011. I support this legislation and I commend its sponsors, Senator ISAKSON and Senator BOXER, and their counterpart in the House of Representatives, Congressman POE, for the efforts they have made to get it passed.

Kate Puzey was a young, vivacious Peace Corps volunteer in Benin when she was murdered. Not only was she the victim of a terrible crime, the Peace Corps mishandled her case, in fact it contributed to her death by failing to protect her identity after she sent an email expressing concerns about the actions of a family member of a Peace Corps employee. It was inexcusable, and it tarnished the Peace Corps' reputation.

This legislation is also a tribute to Kate Puzey's family, who never wavered in their determination to honor and remember Kate by doing everything possible to protect the safety of other Peace Corps volunteers. And I commend the former volunteers, who were victims of sexual assault when they served, who have joined with her family in this effort.

I support this bill and have been a strong proponent of reform at the Peace Corps to improve training, transparency, accountability, and the effective use of resources. In fact, the report accompanying the Senate version of the fiscal year 2012 Department of State and foreign operations bill, S. 1601, which was reported by the Appropriations Committee earlier this week, discusses several steps the Peace Corps should take in this regard. But as chairman of the State and Foreign Operations Subcommittee that is responsible for the Peace Corps' budget at a time when, like other Federal agencies, it is facing cuts, I want to take this opportunity to ask my friend from Georgia if he would clarify the intent behind a few of the bill's provisions.

Am I right in understanding that the Peace Corps has established an Office of Victim Advocacy and that the requirement in section 8A(e)(3) of a 24-hour sexual assault hotline can be met

by ensuring that all volunteers have contact information for the Office of Victim Advocacy? I assume this provision is not intended to impose an onerous or impractical burden on the agency, but rather is intended to ensure that volunteers who are victims of sexual assault have reliable contact information for a Peace Corps employee who is appropriately trained to receive a report of sexual assault and provide the necessary information and support to the volunteer.

Mr. ISAKSON. Yes, that is correct. Peace Corps volunteers need contact information for 24 hour access to the Office of Victim Advocacy, and this is what we intend by a hotline.

Mr. LEAHY. Is it correct that section 8C(d), “Transition,” is specifically intended to ensure that the Office of Victim Advocacy assists returned volunteers who are attempting to access services through the Federal Employees' Compensation Act? While such services are not provided through Peace Corps, and the agency's role may be limited, the victim advocate can assist and guide returned volunteers through the Department of Labor process.

Mr. ISAKSON. Yes, that is the intent.

Mr. LEAHY. Is it also correct that section 8E(a), “Monitoring and Evaluation,” is not intended to impose new requirements on the agency, nor to supersede current requirements in law, such as those of the Government Performance Results Act—Modernization Act, enacted in 2010. The GPRA-MA requires agencies to develop strategic and performance plans, among other things. To the extent that the agency already meets the requirements of this subsection to monitor and evaluate country programs and directors, it would not have to expend additional scarce resources for these purposes.

Mr. ISAKSON. Yes, that is correct.

Mr. LEAHY. With respect to section 8F(a)(3), concerning stalking, the mandate that the agency protect the confidentiality of volunteers who report stalking to “the maximum extent practicable” would not preclude the agency from taking appropriate steps to ensure the safety and security of the volunteer, or to take other steps to provide services to him or her. A victim of stalking may be at risk of physical attack, and if other appropriate individuals need to be informed of the identity of a volunteer in order to take action to address a potential risk to that volunteer's safety or security, we would not want to prevent that. At the same time, the agency must ensure that it complies with all legal protections regarding confidentiality, including the Privacy Act.

Mr. ISAKSON. I agree with the Senator.

Mr. LEAHY. Concerning section 8H, “Removal and Assessment and Evalua-

tion,” we recognize that Peace Corps cannot guarantee or know with absolute certainty that a given site is safe. But we do want the agency to take all necessary steps to assess the safety of a volunteer's site if that volunteer expresses a legitimate concern that he or she is at risk of imminent bodily harm.

Mr. ISAKSON. Yes, that is what we expect.

Mr. LEAHY. This bill, once it becomes law, may require the agency to hire additional staff, and given the wording of section 10, “Offset of Costs and Personnel,” that could mean cutting costs or laying off other staff. However, I want to be sure that unless the new employee is being added solely because of this law, and would not have otherwise been added, and that the new staff's responsibilities relate solely to implementing provisions of the law, the agency would not be required to eliminate another position. Personnel numbers at any agency fluctuate, so it is important to determine whether a particular employee was hired “to carry out the provisions of this Act,” as indicated in subsection (2).

Mr. ISAKSON. The Senator is correct.

Mr. LEAHY. I thank the Senator, and again commend him and the Puzey family for this very important legislation. We all support the Peace Corps' mission and we want to do everything we can to help it succeed, and at the same time ensure that volunteers have the training and support they need. There are inherent risks whenever an American travels, studies, works, or serves overseas, especially in remote areas in poor countries where law enforcement and judicial systems are often corrupt or dysfunctional. But what happened to Kate Puzey should never have happened. We need to do everything reasonably possible to protect the safety of Peace Corps volunteers, and this bill represents a major step forward. I am very pleased that it bears Kate's name. I know Peace Corps Director Aaron Williams has already taken some significant steps in this regard, and that he shares our goal.

Mr. REID. I ask unanimous consent the substitute amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 668) was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

GRANTING THE CONSENT OF CONGRESS

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S.J. Res. 22 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the joint resolution be passed, the preamble be agreed to, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 22), with its preamble reads as follows:

S.J. RES. 22

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the

same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

CORRECTING THE ENROLLMENT OF H.R. 2608

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 81, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 81) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 2608.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 81) was agreed to.

REMEMBERING NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Madam President, I ask the Senate that the Judiciary Committee be discharged from further consideration of S. Res. 275 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 275) designating October 30, 2011, as a national day of remembrance for nuclear weapons program workers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, and Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2011, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2011, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

INTERNATIONAL YEAR OF CHEMISTRY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 283, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) designating the year 2011 as the "International Year of Chemistry."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas the United Nations has designated the year of 2011 as the International Year of Chemistry and is holding a worldwide celebration called "Chemistry—Our Life, Our

Future", which recognizes the achievements made in the field of chemistry and the contributions of those achievements to the well-being of humankind;

Whereas the science of chemistry is vital to the improvement of human life because of its power to transform;

Whereas chemistry provides solutions that successfully address global challenges involving safe food and water, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the members of chemical enterprise and industry, scientific societies, and academia in the United States, and the Government of the United States, generate important contributions to the economy of the United States, and energize the scientific and technological base with critical innovations;

Whereas 2011 represents the 100th anniversary of the award of the Nobel Prize to Marie Curie for the second time, the first time that an individual had received a second Nobel Prize;

Whereas Marie Curie has inspired generations of scientists to excel in their fields;

Whereas the purpose of the "Chemistry—Our Life, Our Future" celebration is to increase public appreciation of chemistry in meeting world needs, to further the development of science, technology, engineering, and mathematics education at all levels, and to encourage interest in chemistry among young people in order to create a future corps of innovators;

Whereas exciting new practices of sustainable green chemistry incorporate design processes to maximize the amount of raw material that ends up in the end product, use safe, environmentally benign substances, including solvents, design energy efficient processes, and minimize waste disposal by not creating it in the first place; and

Whereas during the year of 2011, countries and organizations will reach out to adults and children through symposia, conferences, demonstrations, workshops, contests, school activities, exhibitions, and other public events to increase awareness of the history and importance of chemistry: Now, therefore, be it

Resolved, That the Senate—
(1) designates the year of 2011 as the "International Year of Chemistry";

(2) supports the goals of the International Year of Chemistry;

(3) recognizes the necessity of educating the public on the merits of the sciences, including chemistry, and promoting interest in the sciences among the youth of the United States; and

(4) encourages the people of the United States to participate in the International Year of Chemistry through appropriate recognition of programs, activities, and ceremonies that call attention to the importance of chemistry to our well-being in the present and the future.

NATIONAL FALLS PREVENTION AWARENESS DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 284, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) designating September 23, 2011, as "National Falls Preven-

tion Awareness Day" to raise awareness and encourage the prevention of falls among older adults.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2009, approximately 2,200,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 582,000 were subsequently hospitalized;

Whereas, in 2007, more than 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is \$80,900,000,000, including more than \$19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, the annual cost under the Medicare program will reach \$32,400,000,000 by 2020; and

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2011, as "National Falls Prevention Awareness Day";

(2) commends the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health

care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

ORDER OF PROCEDURE THROUGH MONDAY, OCTOBER 3, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, September 29, 2011, at 1:45 p.m. for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until Monday, October 3, 2011, at 2 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 1619, the Currency Exchange Rate Oversight Reform Act, with the time until 4:30 p.m. equally divided and controlled between the two leaders or their designees; further, at 4:30 p.m., the Senate proceed to executive session, under the previous order; finally, that the cloture vote with respect to the motion to proceed to S. 1619 occur when the Senate resumes legislative session following the rollcall vote on the confirmation of Henry Floyd to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, there will be two rollcall votes at 5:30 p.m. on Monday, October 3. The first vote will be on the confirmation of Henry Floyd of South Carolina, to be United States Circuit Judge for the Fourth Circuit, and the second vote will be on the motion to invoke cloture on the motion to proceed to S. 1619.

ADJOURNMENT UNTIL THURSDAY, SEPTEMBER 29, 2011, AT 1:45 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:39 p.m., adjourned until Thursday, September 29, 2011, at 1:45 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

GARY BLUMENTHAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

NATIONAL INSTITUTE OF BUILDING SCIENCES

SUSAN A. MAXMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2012, VICE WILLIAM HARDIMAN, TERM EXPIRED.

SUSAN A. MAXMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2015. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be captain

KARI L. CRAWFORD

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PAUL E. WARE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN A. TANKERSLEY

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations by unanimous consent:

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 2011:

DEPARTMENT OF STATE

THOMAS M. COUNTRYMAN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON—PROLIFERATION).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE SMITH BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2016.

NATIONAL SCIENCE FOUNDATION

ROBERT J. ZIMMER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016.

ARNOLD F. STANCELL, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2014.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011.

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017.

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011.

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017.

MARCOS EDWARD GALINDO, OF IDAHO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2014.

MARIA E. RENGIFO—RUESS, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014.

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015.

NATIONAL COUNCIL ON DISABILITY

MATAN ARYEH KOCH, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

FINANCIAL STABILITY OVERSIGHT COUNCIL

S. ROY WOODALL, JR., OF KENTUCKY, TO BE A MEMBER OF THE FINANCIAL STABILITY OVERSIGHT COUNCIL FOR A TERM OF SIX YEARS.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN MALCOLM BALES, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

KENNETH MAGIDSON, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

ROBERT LEE PITMAN, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

SARAH RUTH SALDANA, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

EDWARD M. SPOONER, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JOHN A. HEFFERN, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

UNITED STATES TAX COURT

MAURICE B. FOLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

JOSEPH H. GALE, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

DAVID B. BARLOW, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

POSTAL REGULATORY COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I was unavoidably detained on September 23, 2011. Had I been present, I would have voted "no" on rollcall No. 741, final passage of H.R. 2401, which would block two landmark public health regulations under the Clean Air Act.

HONORING THE 125TH ANNIVERSARY OF THE CITY OF HYATTSVILLE, MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. HOYER. Mr. Speaker, I rise today to recognize the city of Hyattsville, Maryland, as it celebrates its 125th anniversary. Throughout its long and rich history, the growing population of the city of Hyattsville has seen advances in education, industry, as well as preservation, illustrating the important role the city and its citizens have played in the economic and historic nature of our region.

Before its founding, the area was a pivotal settlement in the development of the region due to the area's waterways and American Indian trails. In the early 1700s European settlers had begun making land purchases in the region and in March of 1885, Christopher Clark Hyatt became the first landowner in the district which was later designated Hyattsville in his honor. Although its name was unofficial, Hyattsville became a distinguished community due to its proximity to railroad tracks and telegraph lines, and quickly established itself as a celebrated city among its year-round residents. Due to easy access to the Anacostia River and Victorian mansions, Hyattsville also held a reputation as a summer residence for those living nearby. In April of 1886, the Act of Incorporation of the City of Hyattsville was enacted, and since then Hyattsville, Maryland, has been transformed into a thriving suburb of Washington, DC.

Hyattsville has certainly progressed throughout its 125 years, yet still maintains its historic magnetism. Existing inside of the Capital Beltway, Hyattsville provides its residents easy access to Washington, DC, and still utilizes its long-standing railroads with Metro access and light rail service. Contemporary town homes, apartments, and condominiums have blossomed throughout the recent history of Hyattsville, while its Historic District maintains structures that exhibit late-19th and early-20th century style. Although new shopping centers like

University Town Center and The Mall at Prince Georges provide modernized entertainment and employment opportunity, revitalization of businesses in downtown Hyattsville allow conservation of the city's 125 year history.

It is my honor to recognize and congratulate the city of Hyattsville, Maryland, and its residents on its 125th Anniversary and acknowledge its many achievements.

SUPPORT FOR ISRAEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. ISRAEL. Mr. Speaker, I rise today in strong support of our friend and ally, the state of Israel. The Palestinians have asked the United Nations to recognize a Palestinian state. President Obama has pledged to veto such a resolution if it is brought before the Security Council, so we know this effort will not succeed. More importantly, the Palestinians know this effort will not result in the recognition of a Palestinian state. This is nothing more than an attempt by Palestinian leaders to isolate Israel.

President Abbas has walked away from the negotiating table, signed an agreement to bring the terrorist organization Hamas into the Palestinian government, and, through this unilateral effort to seek recognition through the U.N., Abbas is turning his back on a negotiated peace with Israel. But, as the President has stated, there are no shortcuts to peace. The only way to realize a lasting peace is through negotiation. This is the real issue. Every time the Palestinians and the Arab world have shown up for negotiations with Israel, Israel has shown up and made painful concessions. Now, sitting across from Israel at the negotiating table is an empty chair.

Palestinian leaders argue that negotiations with Israel won't work and have now run to the United Nations to seek unilateral recognition of a Palestinian state. But the Palestinian Authority cannot say that negotiations won't work if they are not willing to show up and try to make them work. So I say to President Abbas, return to the negotiating table. Israel is waiting.

And countries that are considering supporting the Palestinians' efforts at the U.N. should understand that this Congress will not allow them to vote against Israel at the U.N. with one hand and come to Congress to seek taxpayer dollars for military financing with the other hand. That is why I have introduced H.R. 2893, which would cut off Foreign Military Financing to any country that supports the recognition of a Palestinian state at the U.N. in the absence of a negotiated peace with Israel.

Israel is the only real democracy in the Middle East, a strategic ally and a close friend of

the United States. Our country's commitment to Israel is unshakeable. I am proud of the strong support for Israel's security that Congress has demonstrated time and time again. And it is important to point out that our support for Israel has historically been and continues to be overwhelmingly bipartisan. Given the threats facing Israel, the long friendship between our two nations, and Israel's strategic importance to the United States, it is critical that the U.S.-Israel relationship remains strong.

CONGRATULATING THE NATIONAL ENVIRONMENTAL EDUCATION FOUNDATION'S 18TH ANNUAL NATIONAL PUBLIC LANDS DAY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. LEWIS of Georgia. Mr. Speaker, I rise to congratulate and express my thanks to the National Environmental Education Foundation, and the more than 180,000 volunteers lending their time and talent to the 18th annual National Public Lands Day. Mr. Speaker, this will be the largest, single-day volunteer effort for public lands in the United States. Eight federal agencies will participate along with more than 250 state, county, and city partners and a host of nonprofit groups. At parks, beaches, wildlife preserves and forests around the country, dedicated citizens will work to improve and restore the places that we all use for recreation, education, exercise and relaxation.

One such site, Mr. Speaker, is very dear to me. The Martin Luther King, Jr. National Historic Site will see at least 300 volunteers weed, paint and place mulch around Dr. King's first home and the adjacent properties. I am so proud and grateful for the work they do in my district and in our country.

I am sorry I can't be with them on this special day, but I think it is appropriate that we recognize them from this great Chamber of public service. National Public Lands Day celebrates volunteerism and the importance of recreation and public lands to community health, so I think it is appropriate that we celebrate them. I hope all my colleagues will join with me in wishing the volunteers good health and a blessed event.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING SEPTEMBER 22 AS
INTERNATIONAL CHRONIC MYE-
LOGENOUS LEUKEMIA AWARE-
NESS DAY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize September 22 as International CML Awareness Day.

The date September 22 symbolizes the genetic mutation of chromosomes 9 and 22 that causes the rare blood cancer chronic myelogenous leukemia, or CML.

Not long ago CML, cancer of the white blood cells, resulted in a rapid death after the initial diagnosis. But today, thanks to innovative therapies, CML is more frequently managed as a chronic condition.

Within the past decade, as various drug therapies to treat CML became available, five-year survival rates increased from 50 percent to nearly 90 percent. Although 28,000 Americans currently live with CML, that number is estimated to increase to as many as 250,000 Americans by 2040.

However, as with many rare diseases, progress in the development of treatments for CML brings with it a variety of challenges—for patients, physicians and the government. Treatments are expensive, and before recent changes in the law, some patients who managed the disease as a chronic condition exhausted their lifetime health insurance maximums. And genetic mutations cause patients to find previously effective treatments becoming ineffective.

Earlier this week, the Rare Disease Caucus—of which I am a congressional co-chair—had the opportunity to see the faces of CML up-close and personal.

From Poughkeepsie, New York, to Ann Arbor, Michigan, to Lincoln, Nebraska, we heard the emotional stories, the extraordinary hardship, the hope and the faith that someday we may find a cure for CML.

The exact cause of the genetic changes behind CML is unknown. Continued research toward a cure and increased awareness remain vital to fighting the disease and improving the quality of life for those already living with it.

I applaud the goals and ideals of CML Awareness Day. I strongly support promoting research and ensuring access to treatment that someday may lead toward a cure.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. GONZALEZ. Mr. Speaker, I would like the RECORD to reflect that, had I been present

for the vote, I should have voted “nay” on the Motion to Concur in the Senate Amendment with an Amendment to the Continuing Appropriations Act, 2012 (H.R. 2608) as I had voted against it on Wednesday, September 21, 2010.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 27, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 4

9:30 a.m.

Budget

To hold hearings to examine improving the budget process, focusing on strategies for more effective congressional budgeting.

SD-608

10 a.m.

Joint Economic Committee

To hold hearings to examine the economic outlook.

SH-216

10:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine costs of prescription drug abuse in the Medicare Part D program.

SD-342

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 5

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Susan Denise Page, of Illinois,

to be Ambassador to the Republic of South Sudan, Adrienne S. O'Neal, of Michigan, to be Ambassador to the Republic of Cape Verde, Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali, and Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden, all of the Department of State.

SD-419

OCTOBER 6

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine internet infrastructure in native communities, focusing on equal access to e-commerce, jobs and the global marketplace.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 13

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities.

SD-628

OCTOBER 20

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.

SD-628

SENATE—*Thursday, September 29, 2011*

The Senate met at 1:44 and 50 seconds p.m., and was called to order by the Honorable DANIEL K. INOUE, a Senator from the State of Hawaii.

ADJOURNMENT UNTIL 2 P.M.,
MONDAY, OCTOBER 3, 2011

The PRESIDENT pro tempore. Under the previous order, the Senate stands

adjourned until 2 p.m. on Monday, October 3, 2011.

Thereupon, the Senate, at 1:44 and 57 seconds, adjourned until Monday, October 3, 2011, at 2 p.m.

HOUSE OF REPRESENTATIVES—Thursday, September 29, 2011

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:
Dear God, we give You thanks for giving us another day.

On this quiet day during a week of constituent visits, we ask again that You give all Members of the people's House peace and patience, with wisdom and courage to do what is best for our Nation.

May they and may we all be concerned, not only with our personal interests, but with the needs of those who live each day without power and without influence. Your Word has universally admonished us to take special care of the poor and assist them in their need.

Our Nation has been blessed among nations. We often say this with pride, but must also say this in gratitude. May those who struggle trust that they can rely upon the goodness and generosity of we who have been given so much.

As always, may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2011 at 10:54 a.m.:

That the Senate passed with amendments H.R. 2017.

That the Senate passed with an amendment H.R. 2608.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2011 at 10:00 a.m.:

That the Senate passed S. 1280.

That the Senate passed without amendment H.R. 2005.

That the Senate agreed to without amendment S.J. Res. 22.

That the Senate agreed to without amendment H. Con. Res. 81.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

CONTINUING APPROPRIATIONS ACT, 2012

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fis-

cal year ending September 30, 2012, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) *Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:*

(1) *The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).*

(2) *The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).*

(b) *The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.*

SEC. 102. (a) *No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.*

(b) *No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.*

SEC. 103. *Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.*

SEC. 104. *Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations,*

funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) October 4, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Au-

thorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the

Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the "Continuing Appropriations Act, 2012".

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes.".

Mr. CULBERSON (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, OCTOBER 3, 2011

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes a.m.), under its previous order, the House adjourned until Monday, October 3, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3267. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Commercial Transportation of Equines to Slaughter [Docket No.: APHIS-2006-0168] (RIN: 0579-AC49) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3268. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0120; FRL-8885-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3269. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy Risk-Weighting Revisions: Alternatives to Credit Ratings (RIN: 3052-AC71) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3270. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers [Docket Number: EE-2008-BT-STD-0012] (RIN: 1904-AB79) received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3271. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling for Bronchodilators To Treat Asthma; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use [Docket No.: FDA-1995-N-0031 (Formerly Docket No.: 1995N-0205)] (RIN: 0910-AF32) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3272. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Recovery Audit Contractors [CMS-6034-F] (RIN: 0938-AQ19) received September 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards: Occupant Crash Protection [Docket No.: NHTSA-2008-0149] (RIN: 2127-AK25) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3274. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Side Impact Protection [Docket No.: NHTSA-2010-0032] (RIN: 2127-AK82) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3275. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Certification; Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards [Docket No.: NHTSA 2009-0143; Notice 2] (RIN: 2127-AK32) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3276. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Uniform Criteria for State Observational Surveys of Seat Belt Use [Docket No.: NHTSA-2010-0002] (RIN: 2127-AK41) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3277. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No.: NHTSA-2007-28322] (RIN: 2127-AL00) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3278. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Rome; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards [EPA-R04-OAR-2010-0798-201147; FRL-9459-3] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3279. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama, Tennessee, and Georgia: Chattanooga and Macon; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards [EPA-R04-OAR-2011-0408-201146; FRL-9459-2] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3280. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas [EPA-R03-OAR-2010-0856; FRL-94659-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3281. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule and Fine Particulate Matter Revision [EPA-R04-OAR-2010-0816-201106; FRL-9458-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3282. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Kentucky and Indiana; Louisville; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards [EPA-R04-OAR-2011-0414-201145; FRL-9459-5] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3283. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Kentucky; Ohio; Huntington-Ashland Nonattainment Area; Determinations of Attainment of the 1997 Annual Fine Particulate Standards [EPA-R04-OAR-2010-0255-201141; FRL-9459-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3284. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions and Additions to Motor Vehicle Fuel Economy Label; Correction [EPA-HQ-OAR-2009-0865; FRL-9459-8; NHTSA-2010-0087] (RIN: 2060-AQ09; RIN: 2127-AK73) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3285. A letter from the Deputy Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Service Rules for the 698-746, 747-762 and 777-792 MHz Bands Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band Amendment of Part 90 of the Commission's Rules Request for Declaratory Ruling filed by the City of Charlotte, North Carolina [WT Docket No.: 06-150] [PS Docket No.: 06-229] [WP Docket No.: 07-100] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3286. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3287. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA612) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3288. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA613) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3289. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-2] (RIN: 0648-XA616) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3290. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA547) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3291. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf Rockfish in the Western Regulatory Area and the West Yakutat District of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA544) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3292. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Truman-Hobbs Alteration of the Elgin Joliet & Eastern Railroad Drawbridge; Illinois River, Morris, IL [Docket No.: USCG-2011-0584] (RIN: 1625-AA00) received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3293. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Hours of Service of Railroad Employees; Substantive Regulations for Train Employees Providing Commuter and Intercity Rail Passenger Transportation; Conforming Amendments to Recordkeeping Requirements [Docket No.: FRA-2009-0043, Notice No. 2] (RIN: 2130-AC15) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3294. A letter from the Deputy Director, Regulatory Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Per Diem Payments for the Care Provided to Eligible Veterans Evacuated from a State Home as a result of an Emergency (RIN: 2900-AN63) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Documentation Requirements Under Section 6050W for U.S. Payors Marking Payment Outside the United States to an Offshore Account [Notice 2011-71] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3296. A letter from the Senior Advisor, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Requiring Use of Electronic Services by Certain Claimant Representatives [Docket No.: SSA-2011-0015] (RIN: 0960-AH31) received September 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 1343. A bill to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; with an amendment (Rept. 112-228 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 1343

referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 3069. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes; to the Committee on Natural Resources.

By Mr. REHBERG:

H.R. 3070. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

By Mr. TOWNS (for himself, Mr. CUMMINGS, Mrs. MALONEY, Ms. NORTON, Mr. KUCINICH, Mr. TIERNEY, Mr. CLAY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY of Virginia, Mr. QUIGLEY, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. WELCH, Mr. YARMUTH, Mr. MURPHY of Connecticut, and Ms. SPEIER):

H.R. 3071. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Oversight and Government Reform.

By Mr. HALL:

H.R. 3072. A bill to amend the Patient Protection and Affordable Care Act to provide State flexibility for the offering of health benefits through alternative health arrangements; to the Committee on Energy and Commerce.

By Mr. POE of Texas:

H.R. 3073. A bill to designate the Haqqani network as a foreign terrorist organization; to the Committee on the Judiciary.

By Mr. CAPUANO:

H. Res. 417. A resolution commending the American Academy of Arts and Sciences and its 231st Class of members on the occasion of the institution's October 1, 2011, Induction ceremony in Cambridge, Massachusetts; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HASTINGS of Washington:

H.R. 3069.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any Department or office thereof."

By Mr. REHBERG:

H.R. 3070.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. TOWNS:

H.R. 3071.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. HALL:

H.R. 3072.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate commerce . . . among the several states . . . as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. POE of Texas:

H.R. 3073.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 10 and 11

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LARSON of Connecticut.
H.R. 640: Mr. STARK.
H.R. 721: Mr. NADLER.
H.R. 735: Mr. GOSAR and Mr. BILIRAKIS.
H.R. 797: Mr. STARK.
H.R. 835: Mr. ROGERS of Michigan.
H.R. 854: Mr. GALLEGLY, Mr. HEINRICH, Ms. SLAUGHTER, Mr. BROOKS, and Mr. CLAY.
H.R. 886: Ms. BUERKLE, Mr. FINCHER, Mr. LABRADOR, Mr. CHABOT, Ms. HOCHUL, Mr. RIVERA, Mr. REED, and Mr. KUCINICH.
H.R. 942: Mr. HANNA.
H.R. 973: Mr. FARENTHOLD.
H.R. 997: Mr. BARROW.
H.R. 1166: Mr. ROSKAM.
H.R. 1219: Mr. BUTTERFIELD.
H.R. 1244: Mr. THOMPSON of Pennsylvania.
H.R. 1259: Mr. MCKEON.
H.R. 1299: Mr. GOSAR.
H.R. 1340: Mr. HULTGREN, Mr. LATHAM, and Mr. CALVERT.

H.R. 1351: Mr. HOYER, Mr. SABLAN, Mr. RENACCI, and Mr. JOHNSON of Illinois.

H.R. 1370: Mr. ALEXANDER.

H.R. 1497: Mr. PENCE.

H.R. 1509: Mr. REED.

H.R. 1635: Ms. MOORE and Mr. SCHIFF.

H.R. 1639: Mr. JONES and Mr. McCOTTER.

H.R. 1723: Ms. FOXX.

H.R. 1738: Mr. JOHNSON of Illinois, Mr. ROTHMAN of New Jersey, and Mr. SHUSTER.

H.R. 1739: Mr. VISCLOSKEY.

H.R. 1755: Mr. PLATTS.

H.R. 1780: Mr. STARK.

H.R. 1802: Mr. HANNA and Mr. LANGEVIN.

H.R. 1834: Mr. GOWDY.

H.R. 1905: Mr. SMITH of Washington, Mr. CLEAVER, Mr. ISSA, Mr. SMITH of Nebraska, and Mr. THOMPSON of Pennsylvania.

H.R. 1956: Mr. HERGER.

H.R. 1982: Mr. INSLEE.

H.R. 2042: Mr. LEVIN.

H.R. 2121: Mrs. HARTZLER.

H.R. 2123: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, and Ms. SPEIER.

H.R. 2131: Mr. PETRI and Mr. MICHAUD.

H.R. 2144: Ms. MCCOLLUM, Ms. RICHARDSON, and Mr. GUTIERREZ.

H.R. 2154: Mr. DUNCAN of Tennessee.

H.R. 2261: Mr. JOHNSON of Illinois and Mr. ROSS of Florida.

H.R. 2369: Mr. HARPER.

H.R. 2459: Mr. CARNAHAN, Mr. SHULER, and Mr. ROSS of Arkansas.

H.R. 2466: Mr. OWENS.

H.R. 2499: Mrs. LOWEY.

H.R. 2569: Mr. REICHERT, Mr. COLE, Mrs. LUMMIS, Mr. LATTI, and Mr. BUTTERFIELD.

H.R. 2600: Mr. CARNAHAN, Mr. REED, Mr. WALZ of Minnesota, Mr. LOEBSACK, and Mr. YOUNG of Alaska.

H.R. 2668: Mr. McCAUL.

H.R. 2675: Mr. JOHNSON of Illinois.

H.R. 2679: Mrs. LOWEY.

H.R. 2706: Mrs. NAPOLITANO.

H.R. 2815: Ms. ZOE LOFGREN of California, Mr. KING of New York, Mr. GRIFFIN of Arkansas, and Ms. NORTON.

H.R. 2829: Mr. GERLACH and Mr. ROONEY.

H.R. 2830: Ms. VELÁZQUEZ, Mrs. MALONEY, Mr. McDERMOTT, Mrs. SCHMIDT, Mr. PENCE, Mr. SENSENBRENNER, Mr. HULTGREN, Mr. McINTYRE, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. SLAUGHTER.

H.R. 2848: Mr. BURTON of Indiana, Mr. PAULSEN, and Mr. DUNCAN of Tennessee.

H.R. 2898: Mr. CARTER and Mr. DUFFY.

H.R. 2910: Mr. RIBBLE, Mr. FLEMING, and Mr. FRANKS of Arizona.

H.R. 2913: Mr. COBLE and Mr. POLIS.

H.R. 2926: Mr. PAUL.

H.R. 2959: Mr. COSTA.

H.R. 2996: Ms. ZOE LOFGREN of California.

H.R. 3000: Mrs. BLACKBURN.

H.R. 3005: Ms. SLAUGHTER.

H.R. 3051: Ms. SCHAKOWSKY and Mr. STARK.

H.J. Res. 72: Mr. BLUMENAUER.

H. Res. 137: Mr. BURTON of Indiana, Mr. JOHNSON of Illinois, Mr. AL GREEN of Texas, and Mr. YOUNG of Florida.

H. Res. 367: Ms. DELAULO and Mr. DENT.

H. Res. 416: Mrs. HARTZLER and Mr. MICHAUD.

EXTENSIONS OF REMARKS

CONGRATULATING DR. ROBERT BEICHNER ON BEING AWARDED THE 2011 HAROLD W. MCGRAW, JR. PRIZE IN EDUCATION

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to recognize Dr. Robert Beichner for receiving the prestigious 2011 Harold W. McGraw, Jr. Prize in Education.

Dr. Beichner, an Alumni Distinguished Undergraduate Professor in the Department of Physics at North Carolina State University, is well-known for his work to improve teaching and learning at all levels and for a variety of science, technology, engineering and mathematics, or STEM, fields. Since 2007, he has been the Director of North Carolina State University's STEM Education Initiative, with a mission to study and improve STEM education from "K to Gray" in North Carolina and around the world. His contributions to science education—from co-authoring a top-selling physics textbook to promoting new ways to educate our students in the classroom—reach far beyond the boundaries of his home campus in Raleigh, North Carolina.

As a first-generation college graduate, Dr. Beichner recognizes the benefits of hands-on instruction that are not typically well represented in STEM fields. One of his major efforts is the Student-Centered Active Learning Environment for Undergraduate Programs, or the SCALE-UP program, which utilizes methodology and teaching efforts proven to be successful in small class settings—such as hands-on activities, simulations and roundtable discussions—and adapts them for use in larger classrooms. The program fosters 21st century skills such as communication, problem-solving, and teamwork, and has been shown to improve students' ability to solve problems; increase conceptual understanding of STEM material; improve attitudes; and reduce failure rates among all demographics.

Since it was launched in the late 1990's, SCALE-UP has been adopted by more than 100 universities across the country—including the Massachusetts Institute of Technology, Clemson, and Wake Technical Community College—and is now moving into high schools, as well. This innovative curriculum development, evaluation, and dissemination effort is supported by the U.S. Department of Education, the National Science Foundation, Hewlett-Packard, and Pasco Scientific.

Dr. Beichner gained visibility when he co-authored *Physics for Scientists and Engineers*, the leading college physics textbook, which is used by more than one-third of all STEM college majors. Several years ago he created the PER-CENTRAL website, establishing an electronic "home base" for the Physics Education

Research community, and he also consults with education researchers and reformers in biology, engineering, chemistry and statistics. In addition, he is the founding editor of *Physical Review Special Topics: Physics Education Research*, the leading journal for those studying ways to improve the learning of physics.

Long regarded not only as an expert in his field, but also as a teacher and a mentor who has greatly influenced the lives and careers of his students and colleagues, Dr. Beichner has received a number of accolades for his education reform efforts. In 2009, he was named the North Carolina Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE), and in 2010, he was recognized as the National Undergraduate Science Teacher of the Year from the Society of College Science Teachers and the National Science Teachers Association.

I am proud to see the list of honors continue with this year's awarding of the McGraw Prize in Education, which annually recognizes outstanding individuals who have dedicated themselves to improving education and who have demonstrated successes in doing so. I urge my colleagues to join me in recognizing Dr. Beichner for his achievements in improving STEM education and fostering the next generation of leaders in STEM fields.

RECOGNIZING THE UNIVERSITY OF LOUISIANA AT LAFAYETTE COLLEGE OF NURSING AND ALLIED HEALTH PROFESSIONS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BOUSTANY. Mr. Speaker, I would like to offer congratulations to the University of Louisiana at Lafayette College of Nursing and Allied Health Professions for its commitment to superior education and training. For the past 60 years, since the inception of the university's College of Nursing in 1951, its faculty and staff have been dedicated to educating and developing future healthcare employees of the highest caliber.

As a healthcare professional, I know the importance of a well-trained medical team. The faculty and staff of the UL Lafayette College of Nursing and Allied Health Professions work hard to provide their students with a first-rate education, making the college's graduates among the most coveted in the nation. Out-of-state hospitals seek UL Lafayette nursing graduates in hopes of gaining a staff member with superior skill and knowledge in the medical field.

The Bachelor of Science in Nursing (BSN) at UL Lafayette is considered as one of the country's most prestigious healthcare degrees.

UL Lafayette BSN graduates continually pass licensing exams at a higher rate than state and U.S. averages.

The college was named a 2005–2008 Center of Excellence in Nursing Education for Ongoing Faculty Development by the National League for Nursing. UL Lafayette's program is one of only four in the United States to earn this title. The college was also recognized by the Louisiana State Nurses Association and the Louisiana Nurses Foundation, earning the 2008 Nursing School of the Year Nightingale Award.

Since 1989, healthcare students have also had the opportunity to earn a Graduate Degree at UL Lafayette. In 1996, the university began offering a Nurse Practitioner program, allowing students to continue utilizing the superior faculty and staff resources of the College of Nursing even after they have received their baccalaureate degree.

I commend the UL Lafayette College of Nursing and Allied Health Professions for their dedication and desire to grow and improve the medical community. I am honored to represent these brilliant and hard-working healthcare professionals in Congress.

IN RECOGNITION OF REVEREND ROBERT H. WILSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Reverend Dr. Robert H. Wilson, Sr., retired pastor and an executive of the National Baptist Convention of America, NBCA. Dr. Bob, as he was called, passed away on September 26.

Dr. Wilson was a beloved pastor of the church as much as he was the beloved father of two children, Roberta Nicholson and Robert H. Wilson, Jr. Dr. Wilson dedicated his entire life to his faith, having pastored his first congregation at the youthful age of 16 and then in various other congregations until he was 82 years old.

Gifted with the ability to effectively preach, Dr. Wilson would go on to pastor a number of churches throughout Texas, although his first experience as a pastor began in Columbia, South Carolina. Ultimately, his destiny led him back to Texas, reunited with his family.

Furthering his dedication to the church, Dr. Wilson founded his very own church in Dallas, the Cornerstone Baptist Church of Christ, where he pastored for 25 years.

Not surprisingly, Dr. Wilson made a number of contributions outside of his church as well, primarily with the NBCA. Dr. Wilson held a number of positions there, boasting 18 years of service as the first Congress Director for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the National Baptist Congress of Christian Workers as well as being elected Secretary-Treasurer of the NBCA Foreign Mission Board. His wide range of contributions toward promoting his faith was diverse.

Mr. Speaker, Dr. Wilson was loved and respected by all. He gave the ultimate sacrifice by dedicating his entire life to inspire and empower members of faith. His legacy will remain with the Cornerstone Baptist Church of Christ and its members. He will be dearly missed and I am honored today to pay a final tribute to this outstanding community leader, Dr. Robert H. Wilson, Sr.

RECOGNIZING ASSISTANT U.S.
ATTORNEY THOMAS B. THOMPSON

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BOUSTANY. Mr. Speaker, I would like to offer my sincere congratulations to Assistant United States Attorney (AUSA) Thomas B. Thompson for his distinguished service to, and retirement from, the United States Attorney's Office.

Since 1984, AUSA Thompson has devoted his expertise to the United States Attorney's Office (USAO), serving in both the criminal and civil divisions of the USAO in the Western District of Louisiana. AUSA Thompson specializes in U.S. bankruptcy law, and has worked as senior litigation council and chief of the civil division of the USAO.

AUSA Thompson is a member of the Louisiana State Bar Association and is authorized to practice in certain federal courts, including the Supreme Court of the United States.

Before entering the United States Attorney's Office, from 1980 to 1984, AUSA Thompson worked for the late Honorable Richard J. Putnam, Senior District Judge, United States District Court, Western District of Louisiana.

AUSA Thompson earned his baccalaureate degree from McNeese State University and his Juris Doctorate from Louisiana State University. He also served his country in the United States Marine Corps from 1969 to 1975, receiving an Honorable Discharge. During his time with the Corps he was stationed in the Former Republic of Vietnam, obtaining the position of squad leader for two infantry companies.

AUSA Thompson has had a highly distinguished career, and I commend him for his service to our nation, not only on the battlefield, but also as an officer of justice. I am proud to be his representative in Congress and wish him well in his retirement.

HUMAN RIGHTS IN NORTH KOREA:
CHALLENGES AND OPPORTUNITIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. SMITH of New Jersey. Mr. Speaker, the Democratic People's Republic of Korea is

known to be the world's most isolated country, as its citizens are prohibited from traveling either internally or internationally without permission. Communications with the outside world also are tightly regulated in attempts by the dictatorship regime to filter all information accessible by the North Korean people.

Therefore, the testimony provided last week by our distinguished panel, and in particular our two defector witnesses, was particularly welcome and appreciated. Mrs. Kim Young Soon and Mrs. Kim Hye Sook, who both have survived the extreme deprivations of the North Korean prison camps, travelled all the way from South Korea to share their experiences with us. On behalf of the subcommittee, I wish to convey to them our sincere gratitude.

They spoke on behalf of the estimated 150,000 to 200,000 prisoners currently held in North Korea's penal-labor camps. It is our hope that their testimony will help to galvanize the international community to take action to secure the freedom of those who are needlessly suffering and dying under truly horrific conditions.

Those living in the prison camps are not the only ones suffering in North Korea. As one of our witnesses, Suzanne Scholte, testified, in North Korea every single human right enshrined in the Universal Declaration of Human Rights is violated. North Korea is listed by the State Department as a "Tier 3" country with respect to human trafficking. It was just redesignated this month as one of eight "Countries of Particular Concern" for its egregious violations of religious freedom.

But not all the testimony during the hearing was bleak. We heard about new potential for communication to and with the North Korean people, and explored possibilities for peaceful change given upcoming political events in North Korea and changes in other countries in the region. We look forward to discussing this potential to improve the lives of all North Koreans.

Once again, I would like to thank our witnesses for joining us last week.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, as we today approve a continuing resolution to a non-emergency spending level equivalent to \$1.043 trillion, and additional War Funding at an annualized rate of \$119 billion, our national debt is \$14,707,406,820,591.87 trillion.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10.63 trillion.

This means the national debt has increased by \$4.07 trillion since then.

This debt and its interest payments we are passing to our children and all future Americans.

CHINA'S ONE-CHILD POLICY: THE
GOVERNMENT'S MASSIVE CRIME
AGAINST WOMEN AND UNBORN
BABIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. SMITH of New Jersey. Mr. Speaker, last week I held an extremely important hearing that examined the consequences of thirty-three years of China's implementation of its one child per couple policy.

China's one child policy is state sponsored cruelty and constitutes massive crimes against humanity. The Nuremberg Nazi war crimes tribunal properly construed forced abortion as a crime against humanity—nothing in human history compares to the magnitude of China's 33 year assault on women and children.

Today in China, rather than being given maternal care, pregnant women without birth allowed permits are hunted down and forcibly aborted. They are mocked, belittled and humiliated. There are no single moms in China—except those who somehow evade the family planning cadres and conceal their pregnancy. For over three decades, brothers and sisters have been illegal; a mother has absolutely no right to protect her unborn baby from state sponsored violence.

Over the years I have chaired 29 congressional human rights hearings focused in whole or in part on China's one child policy. At one, the principal witness, Wuijan, a Chinese student attending a U.S. university, testified about how her child was forcibly murdered by the government. She said, "[T]he room was full of moms who had just gone through a forced abortion. Some moms were crying. Some moms were mourning. Some moms were screaming. And one mom was rolling on the floor with unbearable pain." Then Wuijan said it was her turn, and through her tears she described what she called her "journey in hell."

Last week we heard the testimony of other victims of forced abortion, and we are extremely grateful that they joined us. Not only did it take a great deal of courage to share what must be some of the most painful experiences of their lives, but they are also spoke truth to power, a Chinese Government that may well retaliate not only against them, if given the opportunity, but also family members who may still be in China. Again, I thank them for sharing their stories.

Women bare the major brunt of the one child policy not only as mothers. Due to the male preference in China's society and the limitation of the family size to one child, the policy has directly contributed to what is accurately described as gendercide—the deliberate extermination of a girl—born or unborn—simply because she happens to be female.

As a result of the Chinese government's barbaric attack on mothers and their children, there are some 100 million more males than females in China today. It has been noted that the three most dangerous words in China today are: "it's a girl!"

In July, I offered an amendment demanding the release and an end of the torture of Chinese defense attorney Chen Guangcheng,

who bravely defended forced abortion victims in China. Both Chen and his wife Yuan Weijing are at risk of dying from repeated beatings by the Chinese secret police and refused access to critically-needed medical care.

In the latter part of August when Vice President JOE BIDEN was visiting China, he stated that he "fully understood" the one child policy, and that he's not "second guessing." Can you imagine what the public reaction would be if the Vice President had said that he "fully understands" and is not "second guessing" copyright infringement and gross violations of intellectual property rights?

The one child per couple policy is the most egregious systematic attack on mothers ever. For my Vice President to publicly state that he fully understands the one child policy and then say he won't second guess it is unconscionable, and sells out every mom in the PRC who has suffered this abuse. Instead of defending the one child policy, Vice President BIDEN should have asked for the release of Chen and Yuan, or at least made a formal request to see them.

Although Vice President BIDEN attempted to backtrack on his extraordinarily callous comment about the policy, his voting record as a Senator shines a spotlight on his long-held disregard for the severity of this human rights violation. On September 13, 2000, he joined 52 other senators in defeating an amendment by then-Senator Jesse Helms condemning the one child policy. Then-Senator BIDEN reportedly did so because he was concerned that condemning China on fundamental human rights would interfere with the normalization of trade relations.

I invited the Vice President to to a hearing I held last week to explain his "full understanding" of the one child policy. I was informed that he was not in D.C. and could not attend. Given the grave importance of this issue, and the literally millions of lives at stake, I extend to the Vice President an open invitation to testify at a hearing at his convenience to share his "understanding" with the Subcommittee on Africa, Global Health, and Human Rights, and what actions, if any, the Obama Administration is taking to end this barbaric policy.

I also asked Secretary of State Hillary Clinton at a hearing on March 1st of this year whether she or President Obama raised the issue of forced abortion in China directly in a face-to-face manner with President Hu when he was in Washington. She refused to answer it then, and I have yet to receive a response.

Not only is the current Administration turning a blind eye to the atrocities being committed under the one child policy, but it is even contributing financial support—contrary to U.S. law—through the UNFPA. Twenty seven years ago—on May 9, 1984—I authored the first amendment ever to a foreign aid bill to deny funding to organizations such as the United Nations Population Fund (UNFPA) that are complicit with China's forced abortion and involuntary sterilization policy. After all these years, it is amazing and disheartening to me that most policy makers—including and especially the Obama Administration—remain indifferent or worse, supportive, of these massive crimes against women and children. The Obama Administration has long enabled this

cruel policy by its silence and financial support to the tune of \$50 million a year to the UNFPA, an organization that supports, plans, implements, defends and whitewashes the Chinese government's brutal program.

U.S. funding for the UNFPA was withheld in accordance with what is known as the Kemp-Kasten provision, which prohibits any monies for an organization that supports or participates in the management of a program of coercive abortion or involuntary sterilization, for Fiscal Years 1986–1993, 1999, and 2002–2008.

In June 2008, Deputy Secretary of State John Negroponte notified Members of Congress that he had determined that UNFPA had provided "financial and technical resources through its sixth cycle China Country Program to the National Population and Family Planning Commission and related entities," and therefore provided support for and participated in the management of the Chinese government's program of coercive abortion and involuntary sterilization. It was on this basis that no funding was provided to the UNFPA that year.

Unfortunately, despite the fact that the Seventh Country Programme, 2011–2015, clearly indicates that UNFPA's support and participation in China's coercive policies continue, the Obama Administration is allowing money to flow to UNFPA in violation of the Kemp-Kasten Amendment.

On one of several trips to Beijing, I challenged Peng Peiyun—then China's director of the nation's population control program—to end the coercion, we had quite a debate. Madame Peng told me that the UNFPA was very supportive of the one child per couple program and that the UNFPA adamantly agrees with her that the program is voluntary and that coercion doesn't exist. In other words, I—we—are simply making it all up.

For over 30 years, the UNFPA has consistently heaped praise on China's population control program and repeatedly urged other countries to embrace similar policies.

A few years ago this fall, the UNFPA and the Chinese government rolled out the red carpet and hosted high level diplomats from Africa including health ministers to sell "child limitation" policies. Despite the fact that China's enforcement mechanism relies on heavy coercion and its aging population will soon implode its economy, many African leaders seem to have taken the bait. Limitations on the number of children a mother may carry to term are under active consideration throughout the continent.

President Paul Kagame of Rwanda for example wants a limit of three children per woman. I spoke to him directly about it and heard the same arguments I heard from family planning officials on trips to Beijing.

Last week, we heard about the broader social implications of the one child policy and the extreme disparity between the numbers of men and women in China, particularly in terms of security. Therefore, the negative ramifications of the policy for the Chinese people that we will be examining have implications also for numerous other countries and the world in general.

I appreciated hearing from all of our distinguished witnesses, and wish to extend my sincere gratitude for them joining us last week.

HONORING THE LIFE OF SPECIALIST RYAN JAMES COOK, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is with great respect and honor that I rise today to recognize the life of Northwest Florida's beloved Specialist Ryan James Cook, of Fort Walton Beach, Florida.

Specialist Cook was killed in action by an improvised explosive device on Sunday, September 18, 2011 while on patrol in Takhar Province, Afghanistan. At the time, he was assigned to the 3d Battalion, 21st Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, out of Fort Wainwright, Alaska.

A resident of Fort Walton Beach for more than 20 years, Specialist Cook attended Kenwood Elementary School, Pryor Middle School and Choctawhatchee High School. He was a true patriot. Remembered by those close to him, Specialist Cook was driven, determined, and had a reputation as a dependable friend.

His dependability and his strong sense of duty led him to enlist in the Army three years ago. In a sign of his intrepidity, he chose to serve in the infantry.

Ryan was a beloved member of his community. He is survived by his loving family, daughter, Keira James Cook; mother, Kathleen (Cook) Silva; stepfather, Frank Silva; wife, Kari Cook; sisters, Alyssia (Silva) Hawkins, and Kristie (Silva) Dunaway; brothers, Jordan Silva and Darell Lewis; maternal grandmother, Mary (Cook) Byrne; and numerous aunts, uncles and cousins.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life of Specialist Ryan James Cook for his selfless service and sacrifice in defense of our nation. My wife Vicki and I offer our prayers for his entire family. He will be truly missed by all.

CHARLES R. HOYNOWSKI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Mr. Charles R. Hoynowski for his exemplary service to our country and state. Mr. Hoynowski served honorably in the United States Naval Reserve from 1961 to 1967. In that time, Mr. Hoynowski was injured while serving in Cuba during the Cuban crisis. Additionally, Mr. Hoynowski earned the Armed Forces Expeditionary Medal, the National Defense Service Medal, Navy "E" Ribbon, and the Navy Reserve Meritorious Service Medal. It is because of the service of veterans like Charles Hoynowski that all Americans have the freedoms that we enjoy today.

After leaving the service, Mr. Hoynowski went on to have a distinguished 20-year career as a Pennsylvania State Trooper. In

1991, Mr. Hoynowski retired from the Pennsylvania State Police, but his commitment to public service, and especially veterans, did not end. Mr. Hoynowski has always fought for the rights of veterans. He believes that the United States must honor all living veterans so they can enjoy the fruits of the liberties they defended.

In 2005, Mr. Hoynowski opened a \$400,000 log cabin veterans' club on Blackman Street in Wilkes-Barre. He also erected a monument to honor all of those who lost their lives on September 11, 2001, and to honor all veterans.

Today, Mr. Hoynowski continues to fight for the rights of veterans in Northeastern Pennsylvania by educating local veterans on what government benefits they are entitled to, and by contacting local elected officials to advocate on behalf of veterans. Americans like Charles Hoynowski are the reason why the United States of America continues to be the greatest country in the world.

Mr. Speaker, I recognize Mr. Charles R. Hoynowski for his service to the United States of America, and to his fellow veterans. He has played an integral role in ensuring that our community's veterans are given the recognition and benefits they deserve.

HONORING THE TWENTIETH ANNIVERSARY OF CHATEAU DU SUREAU

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the Chateau du Sureau of Oakhurst, California, on the celebration of its 20th anniversary. The Chateau du Sureau has been instrumental in bringing visitors to see the wonders of the high Sierra Nevada and our San Joaquin Valley. It has also served as vibrant example of what can be accomplished with drive and remarkable business talent.

A truly notable highlight of Central California, the Chateau du Sureau is nestled just sixteen miles from the south entrance of Yosemite National Park. Since its founding in 1991, the Chateau du Sureau has embraced the natural beauty of the Sierras and coupled it with the glamour and luxury of old European traditions. The Chateau du Sureau's magical atmosphere has attracted visitors from all around the world including Europe, Asia, and the entire United States.

The Chateau du Sureau has been widely successful because of its dedication to its guests. Not only has the Chateau du Sureau been applauded by its guests for its impeccable service and attention to detail but it has also received notable and distinguished awards. The Chateau du Sureau received the American Automobile Association's (AAA) Five Diamond Award and the Forbes Five-Star.

Mrs. Erna Kubin-Clanin is the proprietor of the Chateau du Sureau. Erna first opened her award-winning restaurant, Erna's Elderberry House in 1984. Business was so successful; she built the Chateau du Sureau to accommodate the many visitors who traveled from all over the world. Her years of tireless commit-

ment and highest regard for her guests have not only made her a successful business woman, but also made her a beloved member of our community.

I applaud the Chateau du Sureau, Mrs. Erna Kubin-Clanin, her husband Dr. René Clanin, and their entire staff for maintaining exquisite accommodations and elegance beyond expectations.

Mr. Speaker, I ask my colleagues to join me as we stand and shine a spotlight on the Chateau du Sureau as they celebrate twenty years of pride and progress.

REVEREND PAUL A. McDONNELL

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor the Reverend Paul A. McDonnell, Oblate of St. Joseph, for his lifelong dedication to serving his church and his community.

Father McDonnell began his spiritual journey immediately after graduating from Wyoming Area High School by entering the Oblates of St. Joseph Seminary in Lafin, Pennsylvania. During his time as a seminarian, he earned his Bachelor of Arts degree in philosophy from King's College in Wilkes-Barre, Pennsylvania. After spending five years in Rome, Italy, Father McDonnell returned to the United States with a bachelor's degree in sacred theology from the Pontifical University of St. Thomas Aquinas (Angelicum) and a master's degree in pastoral theology at the Lateran University. Upon his return, he was ordained a Roman Catholic priest in his home parish of St. Anthony of Padua, Exeter, by former Auxiliary Bishop of Scranton Bishop Francis X. DiLorenzo.

Father McDonnell has served the Pennsylvania Province of the Oblates of St. Joseph Congregation as assistant pastor; pastor of Our Lady of Mount Carmel Church, Pittston; and the provincial superior of the Our Lady of Sorrows Province. Presently, he serves as the provincial vicar and secretary, as well as the North American representative at the Congregation's Rome headquarters.

Father McDonnell's service extends past his work in the Oblates of St. Joseph. He serves as Chaplin to UNICO and to the Ancient Order of Hibernians. McDonnell's community involvement is clearly evident as he was named the honorary chairman of the 2011 capitol campaign of the YMCA, and he holds positions on the boards of the Wesley Village Nursing Facility and the Earthly Angels Autism Foundation.

Mr. Speaker, on this day I would like to applaud the Reverend Paul A. McDonnell for his 20 years of serving parishes within the Diocese of Scranton and extending his hand to all of humanity. He is deserving of the honor of being named the Italian-American Association's 2011 Person of the Year.

IN RECOGNITION OF THE SERVICE OF PETER L. JOHNSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BONNER. Mr. Speaker, as Chairman of the Committee on Ethics, and with and on behalf of my colleague, Representative SANCHEZ, the Ranking Member of the Committee, we rise today so that we may recognize the long and dedicated service of Peter Johnson to the House of Representatives. Peter is retiring this week from the Committee on Ethics, where he has performed two important functions for eight years. And well before he joined our Committee, Peter has been serving this community with pride and excellence since 1979.

Unbeknownst to most of the community, Peter has been our connection to so many of you. As both the Systems Administrator of the Committee and the Financial Disclosure Administrator, Peter has kept our office running and your financial disclosures on track. An important part of our tradition of excellent customer service, Peter is the unseen trooper whom anyone with an extension has relied upon. And beyond financial disclosures, Peter has managed the significant amount of material we produce on-line to help you understand our processes, our rules, and our results.

Prior to joining the Committee on Ethics, Peter climbed the ranks of the office of the Clerk of the House, serving the community in the vital function of public disclosure for a number of records trusted to the Clerk's care. Peter has supervised, managed, and administered most of the functions so crucial to the sunlight we welcome in this institution. In the Clerk's office, Peter was an institutional liaison to both the Federal Election Commission and the lobbyist community to ensure, in both arenas, that the House of Representatives served the public's interest in access to important information that the people have relied upon for many years.

In short, Peter Johnson has been a model of professional non-partisan dedication to some of the most important functions of accountability and transparency for the House of Representatives for over 30 years now. On behalf of a grateful Committee and community, we thank him for his service and wish him all the best in his retirement from this journey and his transition to the next.

KEITH CARY NAYLOR

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Keith C. Naylor for his 36 years of dedicated service at the VA Medical Center in Wilkes-Barre, Pennsylvania. Mr. Naylor began his career in 1975 as a kinesiotherapist at the VAMC. Shortly thereafter, Naylor worked with his fellow therapists to develop the Wheelchair Olympics at the VAMC. Mr. Naylor would be selected to coach the VAMC Wilkes-Barre

Wheelchair Olympics team in San Diego in 1995.

A Certified Diabetes Educator, Mr. Naylor was assigned to the orthopedic clinic of Physical Therapy department, where he developed the diabetic exercise and education program at the VAMC in Wilkes-Barre. He was also assigned to the orthopedic and neurological clinics of the Physical Medicine Department, as well as to the psychiatric and substance abuse clinics.

Mr. Naylor has gone above and beyond during his career, obtaining many acknowledgements and awards. He has been recognized on more than one occasion for his performance at the VAMC because he contributed to the mission of his department by substantially exceeding performance requirements. In 1980 he assisted in the Vietnam Outreach program and improved the lives of many Vietnam veterans by encouraging them to use the VAMC to serve their needs. In 1987, Naylor was named Employee of the Year for his work with the employee exercise program. Mr. Naylor gained praise as he became the M.O.V.E. Coordinator in 1993. He used his knowledge and skills to help overweight and obese veterans manage their weight through nutrition and exercise for eight years.

Mr. Speaker, Keith C. Naylor has used his 36 years at the VA Medical Center in Wilkes-Barre to not only provide for his family, but to improve the overall quality of life of our country's veterans. He used his personality, skills, and compassion to help those who need it, and has been an asset to the VA Medical Center. As he steps down from his post, he will certainly be missed by all who have worked with or been served by him.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. SHERMAN. Mr. Speaker, I was unable to vote on the Moore amendment to H.R. 2401. I would have voted "aye" on this amendment (rollcall No. 730).

DR. JAMES AND MARY LOU BURNE

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Dr. James and Mrs. Mary Lou Burne, who will be recognized with the fifth Monsignor McGowan Cornerstone Award for their exemplary community service. The selfless dedication to the service of others makes the Burnes the ideal recipients of an award that highlights the legacy of a truly great individual, Monsignor Andrew J. McGowan.

Dr. James and Mary Lou Burne have dedicated countless hours over the span of several decades to ensuring that those in their community who are less fortunate are able to have a meal. They have accomplished this

through the creation of the Family-To-Family Food Basket Program in 1986. To date, this program has helped provide meals to more than 300,000 people.

The Burne Family truly loves its hometown, the City of Scranton, Pennsylvania. This is where they have raised their four children, James Burne III, Dr. Mark Burne, Mary Burne, and Matthew Burne. It was an easy decision for Dr. James and Mary Lou Burne to give back to the community that helped to give them so much. Dr. Burne is a member of the Scranton Chapter of UNICO National, The Friendly Sons of St. Patrick, and the Kiwanis Club. Mrs. Burne is currently vice president of The Friends of the Poor and vice president of Lackawanna Pro Bono, Inc., and was the founder and director of the local Special Olympics.

Mr. Speaker, Dr. James and Mary Lou Burne are truly pillars of their community in Scranton. I commend them for their decades of committed service to their faith, their community, and their country. They will surely carry on the spirit of Monsignor McGowan throughout this year and the future.

HONORING MR. KIM CLYMIRE OF KELSEYVILLE, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Mr. Kim Clymire, Public Services Director for the County of Lake where he has lived and worked as a public servant for more than 30 years.

In his time working for Lake County, Mr. Clymire has spearheaded a number of groundbreaking projects and has been a member or leader of several community groups focused on improving the quality of public resources enjoyed by the residents of the region. He was a founding member of the Lake County Land Trust Board of Directors, was a Board member, 1986–1990, and President, 1990, of the California Park and Recreation Society District 1.

In his terminal position as Public Services Director, Mr. Clymire has been in charge of the county's Parks and Recreation program, the county's Integrated Waste Management program, the county's Museums and the Buildings and Grounds Division. For several years he was in charge of the county's Office of Emergency Services, OES, and managed OES operations during several natural disasters. Mr. Clymire was also in charge of the county's Visitor Information Center for three years.

Mr. Clymire has been very successful in writing grant proposals through which funding has been obtained to develop new parks and other county facilities. He was instrumental in the acquisition and development of several new county parks during his career, including the Kelseyville Community Park, Upper Lake Community Park, Clearlake Oaks Nylander Park, Hammond Park in Nice, Lower Lake Park, and the 107-acre nature preserve known as the Middletown Trailside Park. He was also

heavily involved in the acquisition of 1,520 acres of land on Mt. Konocti which will be preserved for future generations. The new Mt. Konocti Park will be opening to the public on September 24, 2011, shortly before Mr. Clymire's retirement on October 3.

Known widely and in high esteem by his friends, colleagues and other members of the community—especially for his friendly nature and good sense of humor—Mr. Clymire has made an impressive and indelible contribution to the landscape of Lake County and to the lives of the people who live there. He is deserving of our praise and gratitude, without reservation.

Therefore, Mr. Speaker, it is appropriate at this time for us to congratulate, thank and applaud Mr. Clymire for his remarkable career of public service. We wish him and his wife, Olga, much happiness and fortune in their retirement.

PATRICIA STELLA

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Patricia Stella, owner and operator of thirteen McDonald's restaurants, for a lifetime of achievement that is the result of passion and a belief in lifelong learning. Patricia Stella, aided by both a bachelor's degree and a master's degree in education, pursued a teaching career in both the Abington Heights School District in Pennsylvania and in Wheaton, Illinois. After her parents had opened their second McDonald's restaurant, Ms. Stella resigned from her teaching position to join the family business. By the age of 30, Patricia Stella was one of the youngest owner/operators in the restaurant franchise's history.

Instilling a winning combination of enthusiasm for education and lifelong learning in her employees, Ms. Stella has made her mark within the McDonald's franchise. She was awarded McDonald's Women Operator Network Shining Star Award and McDonald's Leadership Eagle Award. In addition, she has received the highest award presented to a McDonald's owner/operator, the Golden Arch Award.

As a successful business owner, Ms. Stella followed in her family's tradition of giving back to the communities that give so much to her. She currently serves as a board member for the Volunteers of America, an executive on the board of directors at the Pittston Chamber of Commerce, and a member of the board of directors for the Ronald McDonald House of Scranton. As a result of her service in the Volunteers of America, she was awarded the Spirit of Youth Award. Previously, Ms. Stella shared her experience with organizations such as the Greater Wilkes-Barre Chamber of Business and Industry and the American Red Cross, as well as serving as the vice president of the Penn's Woods Girl Scout Council.

Mr. Speaker, it has been almost 40 years since Patricia and Frank Colletti had purchased their first McDonald's franchise. Their daughter Patricia has demonstrated her diligence and drive to keep her family's dreams

alive. I commend her for all she has brought to our community and its residents.

IN HONOR OF CAROL LYNN
HATTON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life and legacy of Carol Lynn Hatton, who passed away on August 22, 2009, at the age of 60. Carol was born in Long Beach, California, attended local schools and graduated from Long Beach State University with a BA in Physical Anthropology and earned her Masters Degree in Developmental Psychology at San Jose State University.

Carol was devoted to her family and raised two daughters while working as the Development Officer at All Saints Episcopal Day School and at Santa Catalina High School. She valued the private education that her children received, but was never comfortable with the fact that all children didn't have the same opportunity. For this reason, she worked hard to support efforts that provided scholarships. Likewise, when Carol joined the Development staff at the Community Hospital of the Monterey Peninsula, where she was instrumental in raising the necessary funds to bring state-of-the-art digital mammography equipment to CHOMP, she led a campaign that would provide diagnostic services to any woman, regardless of her income.

Following her breast cancer diagnosis in 2002, Carol routinely offered support, counsel, and friendship to other patients while bravely fighting her own battle. She felt fortunate to have had comprehensive health care coverage and though she always expressed her appreciation for having access to the finest physicians in the country, Carol believed it unfair that all women did not benefit from the same outstanding care and health insurance coverage. Carol placed tremendous value on a level playing field. She often dreamt of winning the lottery, because, as she told her friends, "think of all the people and organizations I could help."

Carol herself benefited from some of her own work to help improve CHOMP's Breast Care Center. The American College of Radiology has designated the CHOMP facility a Breast Care Center of Excellence. Carol's work helped ensure that the Center can provide services to any woman regardless of income. The center offers comprehensive breast care in a single setting, same day biopsy, digital mammography, and minimally invasive diagnostic procedures using ultrasound, MRI and stereotactic guidance. Its team of specialists includes radiologists, pathologists, surgeons, radiation oncologists, medical oncologists, and plastic surgeons.

On Saturday, October 1, 2011, many of Carol's family, friends, and colleagues will gather to rededicate the CHOMP Breast Care Center in honor of Carol. Mr. Speaker, while Carol's friends and family reflect on her accomplishments on this special occasion, we honor her kindness, her courage and her spir-

it. We honor the family that Carol loved and cherished, her husband Dave Hatton, their two daughters Lindsay Hatton McClelland and Brynn Hatton, and their granddaughter, Hazel Hatton McClelland. The memory of Carol's love and compassion will live on in this legacy, as we rename Community Hospital's Breast Care Center The Carol Hatton Breast Care Center.

I know I speak for the whole House in calling out for special recognition of the special and intertwined relationship between Carol Hatton and the CHOMP Breast Cancer Center. Patients and their families will benefit from their work for years to come.

IN HONOR OF WALTER J. HANNON
OF QUINCY, MA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LYNCH. Mr. Speaker, I rise today in honor of Walter J. Hannon in recognition of his outstanding contributions to his hometown of Quincy, MA, and to commend him for almost fifty years of dedicated service to his community.

The son of Helen and Walter Hannon, Walter was born on September 4, 1931, in the Hough's Neck section of Quincy, where he lived until 1945. Walter attended Quincy public schools and he graduated from North Quincy High School in 1949. While he has left Hough's Neck, Walter continues to reside in the City of Quincy.

Subsequent to his graduation, Walter went to work in the family tire business, the Hannon Tire Company. In November of 1953, Walter assumed control of the Hannon Tire Company and expanded the business, running its day to day operations until 1972. Concurrently, Walter served as Ward 5 City Councilor from 1964-1971, and as a State Representative from 1967-1973. He was elected Mayor of Quincy in 1972, serving in that capacity until 1975.

After serving as Mayor, Walter went to work for the South Shore Chamber of Commerce in 1976 as the Director of Small Business Development. In 1978, he was appointed Director of Planning and Development for the City of Quincy. On April 2, 1979, he was named Director of Development by Marina Industries to direct the master planning of Marina Bay in Squantum. Governor William Weld recognized Walter's ability and appointed him to the Massachusetts Port Authority as Director of Maritime Development. In 1996, Walter went to work for the Marina Bay Company to oversee the Granite Links project, a spectacular reclamation of a quarry into a first class golf course and restaurant. He presently holds the position of Director of Civic Affairs for the Granite Links Golf Club.

As many in the Quincy community will attest, Walter is known for his quick sense of humor, his loyalty to his friends, and his devotion to his family. He has had the good fortune to be married to Patricia for fifty-eight years and they are the proud parents of five children and ten grandchildren.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Walter J. Hannon's family, friends, and contemporaries to thank him for his remarkable service to his community of Quincy.

IN HONOR OF NATIONAL BREAST
CANCER AWARENESS MONTH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. FARR. Mr. Speaker, as we celebrate National Breast Cancer Awareness Month, I rise today to stress the importance of getting regular mammograms. Women of all ages need to be screened for this deadly disease in order to catch it early. The earlier it is found, the higher the chance of winning the battle against breast cancer.

It has come to light in the past few years that breast cancer, once thought of as an older women's disease, does not discriminate between young and old. While it remains true that the likelihood of developing breast cancer increases with age, the incidence of breast cancer diagnoses has increased dramatically among women in their 20s and 30s. That is why it is absolutely vital that women, regardless of age, get routine mammograms.

Mammograms are a very powerful tool in the fight against breast cancer. Another tool in that fight, and one that should be performed every month, is a breast self-exam. They can help discover abnormalities in time for the doctors to successfully treat the disease and help your chances of a full recovery. Self-exams only take a few minutes of your time and could be the difference between life and death.

It is a little known fact and one that is rarely talked about, that men are also affected by this disease as well as women. While it is uncommon for men to get breast cancer, it does happen. Men should also perform breast self-exams on a regular basis.

Everyone is affected by this disease regardless of age, wealth or status, which is why it is so important to encourage your loved ones to make an appointment to receive a routine mammogram.

Mr. Speaker, I know I speak for the entire House when I urge women of all ages to seek regular mammograms; it is truly a matter of life and death.

RECOGNIZING UNION COUNTY
MAGNET HIGH SCHOOL IN
SCOTCH PLAINS, NEW JERSEY
FOR BEING NAMED ONE OF THE
"BEST HIGH SCHOOLS FOR MATH
AND SCIENCE" BY U.S. NEWS
AND WORLD REPORT

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize Union County Magnet High School

in Scotch Plains, New Jersey for being named one of the "Best High Schools for Math and Science" by U.S. News and World Report.

U.S. News and World Report acknowledges schools where students attain and maintain high academic goals. Union County Magnet High School is proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend the faculty, the students, the parents, and the entire community on receiving this prestigious award. Union County Magnet High School is a proud example of academic excellence and is worthy of national distinction.

HONORING THE WHITTIER ELKS
LODGE 1258

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize and congratulate the Whittier Elks Lodge 1258 on their 100th Anniversary. This is a remarkable milestone that deserves our recognition and praise.

For 100 years, the City of Whittier has benefited from the generous contributions and selfless acts of members of the Elks Lodge 1258. Beginning with about two dozen members in 1911, Lodge 1258 grew alongside Whittier and helped it become the prosperous and welcoming city it is today.

The Elks Foundation, driven by local lodges such as 1258, has been a model of organized civic engagement, sharing with communities' their ideals of charity, justice, brotherly love and fidelity. These cardinal virtues are the keystone philosophies the Elks Foundation were founded upon.

The Elks Lodge 1258 has not only helped bring Whittier together, it has also served as a second home for many of the city's residents. The Elks Foundation, with help from Lodge 1258, contributes more than \$80 million yearly to benevolent education and patriotic community-minded programs, while actively advocating on behalf of physically and mentally challenged children and veterans.

Due in large part to the generous financial support of the Elks, countless Whittier parents have seen their children attend and graduate from college, fostering future generations of service-oriented, civically engaged Whittier residents.

The contributions and achievements of the Elks Lodge are far too many to count, but the enrichment and sense of community they have created have greatly benefited the city of Whittier. For that reason, I would like to recognize Whittier's Elks Lodge 1258 for a century's worth of honorable deeds and good work. I am certain the next 100 years will be as successful.

RECOGNIZING UNION COUNTY
ACADEMY FOR INFORMATION
TECHNOLOGY IN SCOTCH
PLAINS, NEW JERSEY FOR
BEING NAMED ONE OF THE
"BEST HIGH SCHOOLS FOR MATH
AND SCIENCE" BY U.S. NEWS
AND WORLD REPORT

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize Union County Academy for Information Technology in Scotch Plains, New Jersey for being named one of the "Best High Schools for Math and Science" by U.S. News and World Report.

U.S. News and World Report acknowledges schools where students attain and maintain high academic goals. Union County Academy for Information Technology is a proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend the faculty, the students, the parents, and the entire community on receiving this prestigious award. Union County Academy for Information Technology is a proud example of academic excellence and is worthy of national distinction.

ACCOUNTABILITY IN SRI LANKA
FOR LASTING PEACE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. HONDA. Mr. Speaker, I rise today to express my concerns about the current reconciliation efforts in Sri Lanka and my hope for a lasting peace for all of its people. This past May marked the second anniversary of the end to the Sri Lankan civil war between the Liberation Tigers of Tamil Eelam, LTTE, and the government forces. This tragic war lasted a quarter century and undoubtedly weighed heavily on all Sri Lankans, including an entire generation of young adults that has only known war until two years ago. Peace was achieved, but for how long?

In order to help achieve a lasting peace, the burdens of the civil war must be lifted and the root causes of the conflict must be addressed. For these reasons, I commend the government of Sri Lanka for making commitments to address the needs of all ethnic groups. It has also recognized that a political settlement and reconciliation among all ethnic groups is necessary for any chance of a peaceful and just society. The Sri Lankan government's inquiry, Lessons Learnt and Reconciliation Commission, LLRC, was created as a primary mechanism for the reconciliation process as it investigates allegations of war crimes and crimes against humanity committed by both opposing forces during the civil war. The LLRC will not succeed, however, if it fails to gain the trust of the people for which it is trying to provide jus-

tice. Both Human Rights Watch and Amnesty International have criticized the LLRC for failing to provide any accountability for atrocities that are alleged to have taken place. Further, the recently released United Nations' "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka" determined that the allegations are credible and recommends an independent international mechanism to investigate these allegations and provide accountability.

I have faith in the government of Sri Lanka to provide for the peaceful well-being of all its people. To achieve this noble goal, however, the Sri Lankan people must also have faith in their government and fellow citizens. Too many questions remain unanswered. Too many suspicions can reseed conflict. I appeal to the government of Sri Lanka to follow its commitments to addressing the needs of all ethnic groups and embrace the recommendations of the U.N. report. Only a trusted accountability mechanism will relieve the tensions of distrust hardened by war and lay a clean foundation for sustainable peace for Sri Lanka and all its people.

RECOGNIZING HOLY TRINITY
INTERPAROCHIAL SCHOOL OF
WESTFIELD, NEW JERSEY AS A
BLUE RIBBON SCHOOL AWARDED
BY THE U.S. DEPARTMENT OF
EDUCATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize Holy Trinity Interparochial School of Westfield, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Holy Trinity Interparochial School is a proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend Sister Maureen Fichner, the faculty, the students, the parents, and the entire community on receiving this prestigious award. Holy Trinity Interparochial School is a proud example of academic excellence and worthy of this national distinction.

NATIONAL CHILDHOOD OBESITY
AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. REICHERT. Mr. Speaker, in September we observe National Childhood Obesity Awareness Month. As the Co-Chair of the Congressional Task Force on Childhood Obesity, I rise to call attention to the increasing incidence of obesity among our Nation's youth

and the need for comprehensive solutions to this growing epidemic.

According to the Centers for Disease Control and Prevention, more than one third of children and adolescents are overweight or obese. Childhood obesity has more than tripled since 1980. Overall, nearly 25 million children in the United States are overweight or obese. At the Odessa Brown Children's Clinic in Seattle, which serves mostly low-income and minority patients, nearly 40 percent of children treated are overweight or obese.

Obesity places our children at greater risk of developing heart disease, cardiovascular disease, diabetes, high blood pressure and high levels of cholesterol, sleep apnea, joint problems, as well as social and psychological conditions such as depression and low self-esteem. Unless this trend is reversed, for the first time in history the current generation of children could have a shorter life expectancy than their parents.

In addition to the many public health implications of childhood obesity, the financial consequences are just as alarming. The indirect costs of obesity have been estimated at \$56 billion per year and climbing. Children treated for obesity cost our health care system three times more than the care for children of healthy weight. There is also growing concern among our military leaders about the potential effects of rising childhood obesity rates on our Nation's military readiness and defense. Many young adults who wish to serve their country are unable to join the armed services because they cannot pass the minimum physical fitness standards required for entry.

Mr. Speaker, while the statistics are painful and the outlook appears dim, the good news is obesity is preventable and we can reverse the trends and defeat childhood obesity in America. During this month and throughout the year, I encourage all Americans to speak up about this problem, educate themselves, and explore ways they can make a difference in their own communities. It can be as simple as grabbing a friend or family member and going for a walk, hike, or bike ride; or working with local educators to introduce fresh, healthy meal options in our classrooms. Treatment alone isn't the answer and the task before us is not easy—there is no "quick fix" or magic diet pill—but if parents, schools, communities, health care providers, and government officials work together we can and will succeed in creating healthy environments and healthy lifestyles for our children.

RECOGNIZING ST. JOHN THE APOSTLE SCHOOL OF CLARK, NEW JERSEY AS A BLUE RIBBON SCHOOL AWARDED BY THE U.S. DEPARTMENT OF EDUCATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize St. John the Apostle School of Clark, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. St. John the Apostle School is a proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend Sister Donna Marie O'Brien, the faculty, the students, the parents, and the entire community on receiving this prestigious award. St. John the Apostle School is a proud example of academic excellence and worthy of this national distinction.

HONORING THE AMERICAN ACADEMY OF ARTS AND SCIENCES

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. CAPUANO. Mr. Speaker, today I introduced a resolution commending the American Academy of Arts and Sciences on its centuries of work as an independent, non-partisan research institution and on the induction of its newest class of members. The resolution and the list of new inductees to the Academy from Massachusetts follow.

RESOLUTION

Commending the American Academy of Arts and Sciences and its 231st Class of members on the occasion of the institution's October 1, 2011, Induction ceremony in Cambridge, Massachusetts.

Whereas these 211 new members earned election to the American Academy of Arts and Sciences for extraordinary individual achievement;

Whereas they are among the world's most influential artists, scientists, scholars, authors, and institutional leaders;

Whereas in accepting membership into the American Academy of Arts and Sciences, these individuals agreed to contribute their talents, experience and knowledge to help the Academy advance the Nation's social welfare;

Whereas the American Academy of Arts and Sciences is an august, quintessentially American institution founded by John Adams and other scholar-patriots during our Nation's brave struggle for Independence;

Whereas the American Academy of Arts and Sciences, chaired by Louis W. Cabot and led by President Leslie C. Berlowitz, is a vital center of knowledge focused on the great challenges and concerns of the day, from science and technology policy to global security; social policy to the humanities; and culture and education;

Whereas members of the American Academy of Arts and Sciences include more than 250 Nobel laureates, some 100 Pulitzer Prize winners, and the world's most celebrated artists and performers; and

Whereas the American Academy of Arts and Sciences, as an independent, nonpartisan research institution, exhibits a standard for civil discourse to which organizations everywhere can aspire: Now therefore be it

Resolved, That the House of Representatives—

(1) extends heartfelt congratulations to the American Academy of Arts and Sciences and its newest members;

(2) salutes the American Academy of Arts and Sciences for its continuing service and

intellectual leadership around the country and across the world; and

(3) wishes the American Academy of Arts and Sciences and its 231st Class of members good luck and Godspeed with future Academy endeavors.

THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES, FROM MASSACHUSETTS

Name	Affiliation
Dr. Victor Ambros	University of Massachusetts Medical School
Dr. James Ireland Cash, Jr.	Harvard Business School
Professor Timothy J. Colton	Harvard University
Professor David Paul Corey	Harvard Medical School/HHMI
Dr. George Q. Daley	Children's Hosp. Cancer Inst./HMS/HHMI
Professor Philip Fisher	Harvard University
Dr. Julio Frenk	Harvard School of Public Health
Professor Annette Gordon-Reed	Harvard University/HLS/Radcliffe Institute
Dr. Daniel Arie Haber	Harvard Medical School/Massachusetts General Hospital/HHMI
Reverend Ray A. Hammond	Bethel African Methodist Episcopal Church
Professor Jeffrey Henderson	Boston University
Mr. Robert F. Higgins	Highland Capital Partners/Havard Business School
Professor Jay H. Jasanoff	Harvard University
Professor Farish Alston Jenkins, Jr.	Harvard University
Mr. Alex S. Jones	Harvard Kennedy School
Professor Frances Myrna Kamm	Harvard University/Harvard Kennedy School
Professor Thomas Forrest Kelly	Harvard University
Dr. Robert E. Kingston	Harvard Medical School/Massachusetts General Hospital
Mr. Robert Kraft	The Kraft Group
Professor David I. Laibson	Harvard University
Professor Chester Charles Langway, Jr.	State University of New York at Buffalo
Professor Louis Menand	The New Yorker/Harvard University
Dr. W. Jason Morgan	Harvard University/Princeton University
Dr. David Conrad Page	Massachusetts Institute of Technology/HHMI
Dr. Malcolm Austin Rogers	Museum of Fine Arts, Boston
Professor Peter Williston Short	Massachusetts Institute of Technology
Professor Charles Haines Stewart III	Massachusetts Institute of Technology
Professor Daniel Merton Wegner	Harvard University

RECOGNIZING NEW PROVIDENCE HIGH SCHOOL OF NEW PROVIDENCE, NEW JERSEY AS A BLUE RIBBON SCHOOL AWARDED BY THE U.S. DEPARTMENT OF EDUCATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize New Providence High School of New Providence, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. New Providence High School is proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend Mr. Paul Casarico, the faculty, the students, the parents, and the entire community on receiving this prestigious award. New Providence High School is proud example of academic excellence and worthy of this national distinction.

UNITED STATES ARMY CORPORAL
EDUARDO PEDREGON

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. REYES. Mr. Speaker, today I rise to honor United States Army Corporal Eduardo Pedregon, who tragically went missing during the Korean War.

In 1947, Eduardo Pedregon left his hometown of San Elizario, Texas, when he was only 17 years old. He wanted to serve his country, but, because he was not yet old enough to enlist, he convinced his mother to sign his enlistment papers granting him parental permission to join the Army. In 1950, he was deployed to fight the spread of communism on the Korean peninsula.

Corporal Pedregon's unit moved across the 38th Parallel into what is now North Korea where they fought in the Battle of Chosin Reservoir. In the harsh, mountainous terrain, it was a brutal fight in the freezing cold—as low as 35 degrees below zero as the winds swept in from Siberia. Weapons malfunctioned, and the roads were often impassable, as they were encircled by 60,000 Chinese troops.

The U.S. forces were eventually able to retreat, but not before suffering massive casualties—including Corporal Eduardo Pedregon, who was last seen on November 30, 1950.

Corporal Pedregon's family hoped and prayed that he would be found. This spring—over sixty years later—Corporal Pedregon's family learned that the remains of their lost family member were finally identified using the latest technology and DNA provided by his late mother.

Today as the House of Representatives convenes, Corporal Pedregon's remains are returning home. Our community will join his family to honor him at the San Elizario Chapel on Saturday, and he will be interred in this nation's most hallowed ground on October 6, 2011. He will be laid to rest at Arlington National Cemetery with his brothers and sisters in arms who, like him, made the ultimate sacrifice. I can think of no greater honor to give to an American hero.

As a fellow combat veteran, I have seen firsthand the sacrifices that soldiers like Corporal Pedregon and his family make in defense of our great nation. The Pedregon family sacrificed more than most; of the 11 children in the family, 5 served in the armed forces, including Eduardo and his brother, Roberto, who fought in the Korean War.

These brave men and women deserve the honor and respect they have earned by risking, and even giving, their lives to defend our freedom. We will continue to keep faith with

the families of all soldiers, sailors, airmen, and marines and never leave a service member behind.

RECOGNIZING TEWKSBURY ELEMENTARY SCHOOL OF CALIFON, NEW JERSEY AS A BLUE RIBBON SCHOOL AWARDED BY THE U.S. DEPARTMENT OF EDUCATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. LANCE. Mr. Speaker, I rise today to recognize Tewksbury Elementary School of Califon, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Tewksbury Elementary School is proud example of academic excellence where students have high levels of performance, stellar student achievement, and where educators facilitate a strong learning environment.

I commend Mr. Jim Miller, the faculty, the students, the parents, and the entire community on receiving this prestigious award. Tewksbury Elementary School is proud example of academic excellence and worthy of this national distinction.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Ms. SPEIER. Mr. Speaker, I was unfortunately unable to cast a vote on Roll Call 741 on the evening of Friday, September 23, 2011. I strongly oppose H.R. 2401 and I would have voted NO on its passage. H.R. 2401 would delay indefinitely two important public health regulations under the Clean Air Act, the Mercury and Air Toxics Standard and the Cross-State Air Pollution Rule. These long overdue rules will prevent thousands of premature deaths from respiratory and cardiovascular disease and yield billions of dollars in net benefits each year. H.R. 2401 would block the Environmental Protection Agency from updating these protections, placing vulnerable populations, including children and seniors, at even greater risk. I will continue to oppose legislation that exposes American families to harmful pollution and reduces the quality of the air we breathe.

RECOGNIZING THE PEOPLE OF LOUISA COUNTY FOLLOWING THE AUGUST 23RD EARTHQUAKE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2011

Mr. CANTOR. Mr. Speaker, I rise today to recognize the people of Louisa County following the earthquake that rattled the East Coast on August 23, 2011. The 5.8 magnitude earthquake—which was centered in the 7th District of Virginia—was one of the most widely felt in American history, ranging from Alabama to as far north as Canada.

The August 23rd earthquake and its aftershocks had a devastating effect on the Louisa community—destroying homes, closing businesses, and severely damaging schools. The effects of the earthquake cannot be measured by dollars alone. This was a rare event that has disrupted lives, changed routines and has forced the citizens of Louisa County to adapt in ways that they never expected.

The day after the earthquake, I had the chance to visit the community to survey the damage and meet with local officials, first responders, business owners, and families who were affected by this sudden and unexpected natural disaster. Communities and individuals were suddenly faced with the need to complete unexpected and expensive repairs in order to live and work in their homes and businesses. We should all be proud of the way the greater Louisa community has responded and its ongoing efforts of people to help their neighbors during this difficult time. I also want to commend our local and state officials who have worked tirelessly over the past several weeks with federal officials to assess the damage and determine what is needed to help people recover and get the community back on its feet.

While in Louisa, I also visited the North Anna Power Station operated by Dominion Virginia Power, which is located only 12 miles north of the epicenter of the quake. The team at North Anna acted promptly and decisively to safely shut down the two nuclear reactors and thus far no major damage has been reported. I was extremely encouraged by the workers at the power station, who did everything they were supposed to keep the plant and the surrounding community safe in an emergency.

Mr. Speaker, please join me in recognizing the residents of Louisa County for coming together during this time of crisis. I commend them for their continued strength and resolve as the community continues to rebuild following the unexpected disaster.

SENATE—Monday, October 3, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy Father, we come into Your presence today to look at ourselves as we are and to seek Your power to become what You would have us be. Search our hearts and empower us to do Your will.

Encourage our lawmakers to fulfill Your purposes for the glory of Your Name. Move mightily in their hearts and align them with Your kingdom perspective. As blessings flow when Your will is done, let them not take credit for what Your sovereign hand accomplishes on our behalf.

Today, and through the days of this week, call us to You that we may be transformed from mere followers to true servants of Your kingdom. We pray in Your everlasting Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 3:30 p.m. today. At 3:30, the Senate will begin consideration of the motion to proceed to S. 1619, which is the Currency Exchange Rate Oversight Reform Act.

At 4:30, the Senate will be in executive session to consider several judicial nominations.

At 5:30, there will be two rollcall votes. The first vote is on the confirmation of Henry Floyd, of South Carolina, to be U.S. Circuit Judge for the Fourth Circuit. The other vote will be on the motion to invoke cloture on the motion to proceed to the currency exchange matter.

CURRENCY MANIPULATION

Mr. REID. Mr. President, today the Senate begins another very busy work period. I am confident this work period will be productive.

Tonight, the Senate will vote to begin debate on legislation to curb China's unfair currency manipulation. I expect strong bipartisan support to move this legislation forward. There have been conversations between the bipartisan supporters of this legislation in the House of Representatives and the administration. My colleagues—both Democrats and Republicans—agree that China's deliberate actions to devalue its currency give its goods an unfair competitive advantage in the marketplace. Their goods do not deserve that. That is not fair. It hurts our economy and it costs American jobs. In the last decade alone, we have lost more than 1 million American jobs to China because of this trade deficit fueled by currency manipulation. A massive trade deficit is one of the reasons for our unsustainable unemployment rate. This legislation we are going to move to will even the playing field and help American goods compete in a global market and help keep American jobs here at home.

Democrats believe there is no problem facing this Nation that deserves our attention more than the jobs crisis. This bill is part of the effort to get our economy back on track and put Americans back to work. If China stops the practices that artificially tip the scales in its favor, it would create 1.6 million American jobs fairly quickly. I hope this legislation will motivate China to stop devaluing the yuan on its own. I also know it will send a strong message to the Chinese that Americans will no longer ignore their blatant, unfair trade practices.

A BUSY WORK SCHEDULE

Mr. REID. Mr. President, we expect to quickly wrap up work on the China currency legislation this week. We have a lot to get done this month, so the Senate must move fast.

One out of every nine Federal judgeships remains vacant, which puts at risk the right of every American to a fair and speedy hearing. While I have been frustrated at the slow pace in confirming judicial nominees this Congress, I am pleased we have been able to reach an agreement to confirm 10 judges this week and next. These nominations are noncontroversial, and they have the unanimous support of the Judiciary Committee. Five of the six judges we will confirm today come from States with Republican Senators, and all five have the support of that Republican Senator.

This month, the Senate will also take up three appropriations bills. Last month, we passed a continuing resolution to fund the government through November 18. Now we must finish our work on the annual appropriations bills.

We will also take up three trade bills this work period. Last month, the Senate passed trade adjustment assistance legislation which helps U.S. workers who lose their jobs because of international trade learn new skills and re-enter a changing workforce. A global economy means global competition, and a flexible, well-trained workforce is what will allow us to keep pace with our rivals. That is why Democrats insisted on passing trade adjustment assistance before we would take up those three trade bills we will soon consider—Panama, Korea, and Colombia.

Republicans have said these trade agreements are important to them. Yet for months they have prevented them from moving forward by stalling trade adjustment assistance. I hope the House will not delay any longer on their taking up trade adjustment assistance. I am told they will not.

The Senate will also take up President Obama's American Jobs Act this month. Members of both parties should rally behind the commonsense, bipartisan approach of this legislation. It will cut taxes for working families and small businesses to spur job creation and put Americans to work restoring this Nation's decaying roads, bridges, dams, and schools. I am happy to work with my colleagues on both sides of the aisle to improve this bill, but I hope the obstructionism Republicans have employed for the last 9 months will not continue.

This year, Democrats have introduced jobs bill after jobs bill. Meanwhile, our Republican colleagues have put their own political agenda ahead of the Nation's jobs agenda. They claim they are willing to work in a bipartisan fashion to get our economy back on track, and this month they will get another chance to prove this. So I urge my Republican friends to remember that actions speak much louder than words. I hope they will take time out from rooting for our very difficult economy to fail for the sake of politics and help Democrats put this Nation back to work.

Would the Chair announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PRIORITIES

Mr. MCCAIN. Mr. President, I paid attention to the remarks made by the majority leader concerning the upcoming schedule for the next week or 2 or 3 and the fact that we are now considering the motion to proceed to a bill pertaining to Chinese currency.

I understand very well that it is the prerogative of the majority leader to set the legislative agenda of the Senate, and I respect that prerogative. But I have to express some amazement that the issue of the Chinese currency is taking precedence over the myriad of other important issues we should be acting on.

One of the articles in today's CQ Today says:

Last year, it looked like the time was right for Congress to confront China.

"[A] similar bill" was passed by the House.

This year, the expected bulwark against the measure is the GOP-controlled House, where top Republicans are echoing concerns from the business community that enacting the measure could spark a trade war.

Republican leaders uniformly voted against the China measure last year, bucking the majority of their party, while Democrats voted . . . for the bill.

Schumer—

Speaking of the Senator from New York—

argues that a strong Senate vote this time around would make it "hard for the House to block it."

But an aide to House Majority Leader Eric Cantor of Virginia says there are no plans to vote on China currency legislation.

So with over 9 percent unemployment, with the debt and deficit continuing to run out of control, with the 12 or 13 appropriations bills not acted on, with the Defense authorization bill, perhaps for the first time in 41 years, not being taken up by the Senate, now, in its wisdom, under the leadership of the majority leader, we will be taking up the China currency bill.

China currency is an important issue. I think it is worthy of debate and discussion in happier times. But if one has any curiosity about the low esteem with which Congress is being held, then no better example of that is the way we have addressed the issues, including not passing a budget, which is against our own law, for the second consecutive year; including going through a continuing resolution rather than authorizing and appropriating the functions of government, as is the responsibility of the Congress of the United States.

Here we are, as I said, unemployment is 9.1 percent, with an estimated 14 million Americans out of work; 228,098 homes are in foreclosure nationwide, a jump of 7 percent from July to August of this year. In my home State of Arizona, 1 in every 248 homes is in foreclosure, the third worst in the Nation. In the majority leader's home State—No. 1 in the Nation—1 in every 118 homes is in foreclosure.

Mr. President, 22.5 percent of the homes in America are "underwater," meaning their mortgage is more than their home is worth. In Arizona, that number is 49 percent. In Nevada, 60 percent of the homes are underwater.

We have a \$1.3 trillion deficit. We have a debt of nearly \$14.8 trillion. It represents \$43,357 for every man, woman, and child in America.

So we will take up before the Senate the China currency bill—the China currency bill. Then someone in this body may wonder why the approval rating of Congress is—one I saw was 12 percent, one 13 percent. I think proceeding in this fashion we may be able, with some success, to drive that down into single digits.

I hold townhall meetings, as most of my colleagues in Congress do as well, and people are very angry at Congress. We, understandably, look at the President's approval ratings. I would urge my colleagues to look at those approval ratings of Congress. As I have often said, and have probably worn out

the line, we now have such high rates of disapproval that we are down to blood relatives and paid staffers.

So here we are, with the fiscal year having begun on the first of October, for the first time in 41 years, apparently, we are not going to schedule or pass a Defense authorization bill. The Defense authorization bill, in my view—and it is a biased view because of my membership on that committee for so many years; but not totally biased—authorizes pay and personnel. It budgets training and equipping the Afghan security forces. It fully supports the budget request of \$1.75 billion in coalition support. It fully supports the budget request to support the activities of the Office of Security Cooperation in Iraq. It increases the funding for cybersecurity initiatives. It provides a provision that would require DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks on its networks. It covers missile defense, strategic capabilities, nuclear safety, and nuclear proliferation. It supports crucial defense modernization programs.

My friends, there is no more compelling requirement than that of the defense of this Nation. The Armed Services Committee, of which I am a proud member, and work in a bipartisan fashion with the distinguished chairman, Senator LEVIN from Michigan—puts in long hours, and we scrutinize and we study and we have hearings and we try to do the people's work in the vital and important mission of defending this Nation.

So now the fiscal year has expired. We are operating on a "continuing resolution," and what is the issue before the body, the august body, the world's greatest deliberating body, according to some? The China currency bill—the China currency bill—which we expect to take up for the entire week, which according to any reliable report will never see the light of day in the other body.

Now, there have been controversies surrounding the Defense authorization bill not only this year but in previous years. I strenuously objected last year to the repeal of the don't ask, don't tell being included in the Defense authorization bill until we had a chance to assess the effect on morale, readiness, recruitment, and battle effectiveness, which was the view of the majority of the chiefs of the services.

The year before, we took up a hate crimes bill and put it on the Defense authorization bill. My objection was that it had nothing to do with our Nation's defense. But there are many issues that need to be addressed, many issues concerning detainee treatment, concerning other issues, which are controversial.

But the job of the Senate is to debate and to amend and to pass legislation. What is more important—what is more

important—than the security of this Nation and the care for the men and women who are serving in the military?

I note the presence of the majority leader on the Senate floor. I have urged him privately on several occasions to bring up the Defense authorization bill. He responded to me—and I am sure he may respond—that there are issues concerning detainees, about trials in the United States, about Guantanamo Bay. My response to the majority leader has been, those are issues the Senate should debate; those are issues the Senate should make its judgment on; and I assured him—and I assure him again—that I will consider the objections and reservations that the President and the executive branch have to some provisions in the bill, particularly concerning detainee treatment. I give great deference to the view of the executive branch and the President of the United States. But that does not mean we should not take up the bill. It does not mean we should not take up the Defense authorization bill and the appropriations bills following.

First, we authorize. Then we are supposed to appropriate. The Senator from Nevada, the distinguished majority leader, and I came to the Senate together more years ago than we would like to remind some of our colleagues. But 20-some years ago, when we came to this body, we regularly took up authorization and appropriations bills. We took them up one by one, we had debate, and we had amendments.

By the way, the practice of filling up the tree, which both sides of the aisle in this body are guilty of, was not heard of in those days.

I know the majority leader's time is valuable. I would just remind my friends that the legislative calendar, which is here, is waiting consideration.

Here are just a few of the authorizing bills waiting consideration. The Senate Armed Services Committee has approved the National Defense Authorization Act for fiscal year 2012. The Committee on Homeland Security and Governmental Affairs has approved the Department of Homeland Security Authorization Act. The Senate Finance Committee has approved the Airport and Airway Trust Fund Reauthorization Act. The Senate Environment and Public Works Committee has approved the Surface Transportation Extension Act.

Today is October 3—the third day of fiscal year 2012—and guess how many of the 12 annual appropriations bills have passed this body? The answer is one. It is not as if the bills are not ready for floor consideration. They have been cleared and placed on the legislative calendar. So why not bring them to the floor for debate and amendments—the Agriculture appropriations bill, the Commerce, State, and Justice appropriations bill. All of

these, by the way, should have been preceded by authorizing legislation.

What has happened around here, unfortunately, for the majority of the Members of the Senate is that by virtue of the fact that we do not take up authorization bills for the functions of various branches of government, it renders the appropriations process transcendent in the deliberations and conclusions this body has made, thereby making members of the Appropriations Committee have an unwarranted, in my view, but certainly far more impactful role in the Senate than the members of the authorizing committees.

I intend to continue to work in this body and with some of the newer Members to change that process, to require appropriations bills to reflect the authorizing committees' legislation, that the Appropriations Committee not be permitted to authorize, which is not their role, which over the years has become more and more prevalent and routine.

My office resides in the Russell Senate Office Building, which is named after a distinguished chairman of the Armed Services Committee—a committee of which I am the ranking member. He was a distinguished chairman of the Armed Services Committee, a distinguished Member of this body. I am sure if he were on this floor today, that former distinguished chairman of the Armed Services Committee would be making the same remarks I am today.

The responsibilities—not the privileges but the responsibilities—of those of us on the authorizing committees, including the Armed Services Committee this year, have been abrogated and overcome by a process which is clearly gridlocked.

I recognize the presence of the majority leader on the floor. I yield to the majority leader and then will return to my remarks following his.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the speech given by my friend, the senior Senator from Arizona, is a speech I could give, because he is absolutely right. We have so much we have to do. But we have had a problem because of the Republicans in the Senate. We have spent basically 100 percent of our time these last 9 months on 2 issues that should have taken a matter of a few hours but have taken months and months, the continuing resolutions.

We voted on the continuing resolution—for 1 week, 2 weeks, on and on for months, trying to fund government—2 or 3 days ago, the 1st of October. It took months to get that done. Then as soon as we finished that, that little exercise is only preparation for the long-standing time that we had to spend on raising the debt ceiling, something we had done with ease scores of other

times. During the 8 years of President Reagan, for example, we raised the debt ceiling for him 18 times. But we spent months—months—on this continuing resolution and on this debt ceiling, and it prevented us from doing our work. So the words my friend from Arizona has given about all of the work that needs to be done do not include all of the work we have to do.

I do not think there could be a more important piece of legislation right now, with the jobs being the way they are, than China currency. Everyone knows how they have manipulated their currency, which has been very difficult for our country. We have lost in the last 10 years, because of that, 2 million jobs; jobs that should be our jobs if the currency were fair. But it is not. It is manipulated.

This is a jobs bill we are on today. It is a bipartisan piece of legislation that has been supported by large numbers of Democrats and Republicans. We have put this off for a long time. Now is the time to do this. We must send a message to the Chinese that we are serious.

We have for 50 years every year passed a Defense authorization bill. We need to do it this year. It is extremely important for a number of reasons. One is these programs are important. We need to take care of our soldiers, sailors, marines, airmen. It sets funding levels for weapons and ammunition programs and authorizes activities of the Armed Forces around the world. It contains authorizations—new authorizations—for programs that are extremely important to this country, including counternarcotics efforts that are critical to our efforts around the world.

This Defense authorization bill is also a bill that has some of the best oversight of any of the work that we do. The Armed Services Committee does good work in looking at the oversight of the military. This is a civilian oversight responsibility we have and we need to complete that.

I agree with my friend from Arizona, it is vital that we get to this bill and pass it. But I also say that in its present form, I am going to have some difficulty bringing this bill to the floor. It contains provisions relating to the detention of terrorism suspects, which in the words of National Security Advisor John Brennan:

would be disastrous. It would tie the hands of counterterrorism professionals by eliminating tools and authorities that have been absolutely essential to their success.

To show you how extremely important it is that we do something about these provisions in this bill that are just wrong, both the Judiciary Committee in the Senate and the Intelligence Committee in the Senate have asked for hearings on this provision in this bill.

Going back to my original subject on China trade, the House of Representatives is going to pass China trade. Everybody knows that now. A couple of months ago that may not have been the case, but they will pass that as soon as we do.

I would hope my friend from Arizona, who we all have such admiration and respect for—we know how much he cares about our country and particularly about the Armed Forces of our country. I wish he would consider doing what we did last year. We had another problem with the Defense authorization bill, not from our perspective, as it is today, but it was from his perspective, because he felt very strongly that don't ask, don't tell should not be in the Defense authorization bill. I disagreed with him vehemently. But we agreed to take that out of the bill and have a separate vote on don't ask, don't tell. It worked out fine. I moved that during the lameduck session. People criticized me for bringing it up. But it is something I felt I had to do because that was an agreement I had with people who cared a great deal about that. I received lots of criticism because I took it out of the Defense bill or had it taken out of the Defense authorization bill.

I would say to my friend, the Senator from Arizona—and he is my friend—that we take this provision out of this bill and bring it up, have an up-or-down vote on however you want to handle that. Let the Judiciary Committee and Intelligence Committee do their work on this provision. It is not a good provision.

Since it was put in that bill, we have had some significant changes around the world, and it would be such a detriment to what we need to do to get these bad guys, to keep this provision in the bill. So I would hope my friend would treat this provision as I treated don't ask, don't tell. He complained about that. I did not think he was right, but I thought it was so important that we move to this Defense authorization bill that it was taken out.

We need to do that with this. It would be better for our country, it would be better for the Senate, and it would be better for the bipartisanship work we have to do around here. I do not in any way criticize my friend for bringing this up. I have talked to him privately. I have talked to Senator LEVIN, the chairman of that committee, on a number of occasions. I have expressed in the recent weeks that we have a problem with this provision. And, in fact, I did not know the Senator from Arizona was going to be here today. I have a letter in my office I have been looking over. I was going to have it hand-delivered to Senator MCCAIN and Senator LEVIN today, and I will continue doing that. The whole subject of my letter was to explain to them the problem with this.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the majority leader for his comments. First of all, on the issue of China currency, I believe it is correct that the administration itself objects to this legislation, much less the other body taking it up. I say with great respect to the majority leader and his knowledge of the economy and the jobs that have been lost to China, China currency may be part of the problem, but it is certainly not the reason for the 2 million jobs lost. Certainly the majority of the reason for that is for other reasons which have been well ventilated.

I say to the majority leader, I would be glad and will continue to sit down with the administration and with the majority leader and with Senator LEVIN on this issue of detainee treatment. The fact is that the President of the United States began his tenure as President of the United States with the commitment to close Guantanamo Bay. I want to close Guantanamo Bay. I have made that very clear. But Guantanamo Bay cannot, for all practical purposes, be closed at this time. That brings in other issues such as treatment of people who are apprehended and attempting to inflict damage and mayhem on the people of the United States.

I think it is something we can work out. I would hope we would be able to debate and amend, which is the usual way we address issues in this body, rather than refusing to bring legislation to the floor because there is a particular objection to it.

Last year, as the majority leader pointed out, I was opposed to the repeal of don't ask, don't tell on the grounds that the same view I had was that of the service chiefs, that we needed to assess the impact of repeal on retention readiness and battle effectiveness. But that should not, in my view, be the reason for us not to take up the legislation this year.

I am sure the majority leader is aware, this would be the first time in 41 years we are in two wars. We have to address the issues that only the authorizing committee is capable and chartered to do. So I hope the majority leader would observe that we could take up this legislation, debate it, amend it. The President always has veto authority if he wishes to veto it. We also have the other body on the other side of the Capitol that would play a role in this. We would go through the normal process of passing the Defense authorization bill, which has been a tradition for some 41 years here in the Senate.

I do appreciate the majority leader taking the time from his busy schedule to come to the floor and express his reasoning behind the schedule that he has set for the Senate, which is well within his authority.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, as I was saying, we have only 1 of the 12 authorization bills that has been considered by the Senate to date, which was the Military Construction, Veterans Affairs appropriations bill. The Senate passed that bill on July 20. Congress did not enact a single one of the annual appropriations bills through regular order last year or a budget last year or this year. What kind of message do we send the American people when they are suffering under unprecedented and unacceptable economically difficult times? We are sending the message that either we are unable or unwilling to address the issues that are affecting their very lives.

When I go home and find people without jobs and with half of the homes underwater, when I find people out of work, when I pass by the shuttered and closed strip malls throughout my State of Arizona, and then hold a townhall meeting, obviously my constituents are angry and frustrated. I do not know of a single townhall meeting that I have had, not a single one, where someone stood up and said: Pass the China currency bill and then our lives will be improved.

I am sure that with some the China currency bill is one of some importance and priority.

Certainly, I don't think it is in the top 10 priorities of the people I represent in the State of Arizona, but our Nation's security is important to my constituents. We have a sizable military presence in Arizona. The national defense authorization bill that has passed through the Armed Services Committee is very important to the people of this country and our security in these very uncertain times.

I hope the majority leader will agree to change his priorities and bring the bill to the floor. I will continue to work to resolve concerns he or the administration has expressed concerning the legislation itself. But because the executive branch has concerns about legislation and objections to legislation, that should not prevent it from coming to the floor of the Senate. That should not be a reason why the Senate should not exercise its responsibilities to debate, to amend, and to authorize all these much needed priorities for the men and women who are serving our country with courage and efficiency. It is our job to provide them with whatever they need to do their job in the most efficient fashion.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

Mr. SESSIONS. Mr. President, I wish to speak on the Currency Exchange Rate Oversight Reform Act, S. 1619, on which I believe we will be voting. I support it, as I expect my colleague from Arizona does with his principal commitment to trade and vibrant competitive commerce in the world.

I acknowledge that our commitment to commerce and trade is fundamental to our Nation. America has always been a country with open ports and open markets. When trade is conducted properly, I am convinced it creates a rising tide of prosperity in America and around the world. I am not against trade. More than that, I think the voluntary exchange of goods does promote the free exchange of ideas. Trade helped us to export our values of a free democratic society, but, like democracy itself, trade must operate under a set of rules and values.

Jobs have been lost as a result of unfair trade practices. Perhaps the most dramatic unfair trade practice existing in the world today is China's very substantial manipulation of its currency—a 30-percent, 40-percent, 25-percent alteration in the value of its currency—and it has created an extraordinary deficit that has cost jobs in this country. Whether it is 2 million or fewer, it has cost jobs of decent, hard-working Americans. It has occurred because of manipulation of the currency. It is a very real matter.

We need to fight for and aggressively defend every single job this country has, and we need to say no to unfair trade practices. We are going to insist that the trade rules apply both ways, that we don't unilaterally accept virtually anything while some of our trading partners—particularly China—can systematically violate them. I think fairness is the right thing, and we must refuse to acquiesce and accept this existing trade practice.

Look, nations whose economies have historically struggled are those that have failed to uphold the rule of law. In my view, that is a fundamental part of America's greatness—our commitment to law—and it has made us economically powerful, as well as free.

Many nations that have been unable to ensure contracts are honored and protect the integrity of financial agreements can't be successful in a

commercially competitive world. When companies form a business partnership, they sign a contract to ensure that each party meets its obligations. The principle is the same with free trade. A trading partnership with China or other countries must be founded on principles upon which both parties can agree, principles and agreements which are to the mutual benefit of both parties. It is the job of our leaders to negotiate these agreements on behalf of the American workers, not to stand against them.

This is even more crucial with a nation such as China, which relentlessly, through its political apparatus, seeks to advance its own national interests. China's currency manipulation clearly puts American workers and U.S.-based businesses at a huge disadvantage, particularly in this time of economic hardship. This unfairness has to be confronted. We have talked about it but have not confronted it.

Almost all economists agree that China intentionally undervalues its currency—RMB—by as much as 30 percent.

The Employment Policy Institute argues this:

This intervention makes the RMB artificially cheap relative to the dollar, effectively subsidizing Chinese exports.

Where? Mostly to the United States. So I believe the devaluation of the currency clearly subsidizes exports of Chinese goods to the United States.

They go on to say this:

Currency intervention also artificially raises the cost of U.S. exports to China. . . .

So our goods that go there are higher in China than they would be, making the Chinese less able to buy them than otherwise would be the case. The goods they ship to the United States come in cheaper than they otherwise would be, making them more attractive to American consumers. This is a big factor in the surging and huge trade deficit between our countries. I think it is indisputable that is so. In other words, the Chinese give their products a 30-percent discount in the United States and make our exports cost 30 percent more in China. I think few economists would argue with that.

China's currency manipulation has been a major factor in the erosion of our Nation's manufacturing base and left millions of U.S. workers without jobs. It is a factor in job loss in America. In Alabama, the EPI estimates—and I don't know whether this is an accurate number. I am sure we have lost jobs as a result of this currency manipulation, but this is the estimate the EPI had: It has put more than 44,000 people out of work in Alabama since 2001—44,000. We just celebrated a number of economic developments in my State. We have been having some success over the years. We have 3 automobile plants, with investment from abroad, and each one has added about

4,000 jobs. According to this study, we have lost 44,000 jobs to China as a result of this currency. Again, there are disputes about how much and how large the impact is. I don't think there is any doubt it is substantial. We have been feeling it for years.

Another recent study reached a similar conclusion. It was written up in the Wall Street Journal. It found that regions exposed to trade within the United States from China lose more manufacturing jobs and see an overall decline in unemployment than other areas. They also found that exposure to Chinese imports led to larger increases—and this is common sense—in unemployment; it cost jobs in certain areas in the United States; it led to larger increases in unemployment insurance, government payments, food stamps, disability payments, and other government benefits.

Based on data in the study, the \$300 billion increase in Chinese imports since 1992 has cost the Federal Government more than \$20 billion in such expenditures. They calculated \$20 billion simply based on the increases in food stamps, unemployment insurance, and the like. The irony behind this is that we borrow much of the money we use to pay these Federal benefits from the Chinese, which they then use to continue manipulating their currency. So we are being outmaneuvered and outnegotiated in the process.

Last year, Dan DiMicco, chairman, president, and CEO of Nucor Corporation, which has five steel mills in Alabama, my State—smaller steel mills—testified about modern steel mills. Mr. DiMicco is a national leader in American competitiveness and ideas. He testified before the House Ways and Means Committee, and this is what he said:

Passing this legislation will help because this is a jobs bill, pure and simple. It will do more to stimulate the economy and create jobs than just about anything else Congress can do. And it will not add to our national debt—just the opposite. Ending China's currency manipulation will reinvestigate our manufacturing sector and our economy, reducing our budget deficit. By failing to take the lead and combat China's mercantilist trade practices, we are serving up our jobs, future economic well-being, and national security on a platter.

That is a serious charge. This is a man who is dealing in the real world of steel production around the United States, with plants all over the United States. I think he knows a lot about what goes on in the world and how this system works.

I believe the bill on which I have joined my colleagues is a thoughtful, commonsense approach. It doesn't place an immediate tariff on all Chinese goods that enter the United States. It does, however, explicitly direct the Commerce Department and International Trade Commission to take currency manipulation into account when estimating countervailing

and dumping duties. Under current law, the Commerce Department can take currency manipulation into account when calculating countervailing duties, but it does not take currency manipulation into account. It could, but it does not. The Obama administration has not instructed them to do so, and neither did his predecessor. Moreover, neither agency currently has the authority to include currency manipulation in its calculation of antidumping duties.

The practical effect of this legislation would be to charge a duty on some imported products only after the International Trade Commission and Commerce Department conduct an investigation that determines dumping is taking place or a subsidy is being provided and that a U.S. company has been injured. So a duty would only be applied if it can be proved that the exporting country violated WTO rules. In other words, this measure upholds the rule of law.

This has nothing to do with protectionism; rather, it is about protecting the principles that make free trade work. You can't have a free-trade relationship if your trading partners aren't complying with the fundamental expectations of fair trading partners.

We don't live in a perfect world. Other nations, such as China, are more than willing to exploit our good will to gain political, strategic, and economic advantage. The time has come to defend our core economic interests. American workers are the best in the world. They are not asking us for a handout or a subsidy. What they are asking for are leaders who will defend their legitimate interests on the world stage. So far, this has not been done.

I salute Senators SCHUMER, BROWN, GRAHAM, BURR, SNOWE, STABENOW, and others who have supported the legislation. I think it is time for us to act, and I ask my colleagues to support the legislation as we move forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

DEBIT CARD FEES

Mr. DURBIN. Mr. President, I wish to take those who are following this debate on a little trip through the world of plastic. I am talking about the world of credit cards—in this case, specifically about debit cards—because something happened over the weekend which has changed that world dramatically, and it is important for consumers, retailers, and voters across America to understand what happened.

On October 1—on Saturday—the rules on how much a credit card company and a bank that issues a debit card can collect every time we use the debit card changed. They call it the swipe fee. It makes sense: We hand them the credit card or we do it ourselves, swipe

it through the machine, and we pay for a transaction. Back in the old days, which I can recall, some people would write out a check. This is the new form of a check. It is a debit card. When we swipe it through the machine and the machine accepts it, the money comes right out of our checking account to the retailer where we did the business. It is very convenient. People are using it more and more. In fact, over half the transactions at most retailers now are done with either credit or debit cards. What the consumer doesn't know is there is a charge each time that card is swiped. It is called the swipe fee or the interchange fee. What is it? It is established by the two, basically, duopoly credit card companies—Visa and MasterCard. They run the whole show. They have been under antitrust investigation in the past, and I am sure they will be in the future. They set the rules, and here are what the rules are.

If someone runs a restaurant or, let's say, a grocery store in Near North Side Chicago, such as Art Potash's, who is a close friend of mine—a family-owned grocery store—they say: I have to take plastic to do business, then Visa and MasterCard say they have to pay each time a customer swipes that card. How much do they pay? It is a secret. Basically, consumers don't know, but individual retailers do, and the individual retailers have little or no bargaining power with Visa, MasterCard, and the big banks, as one can imagine.

So we passed a law over 1 year ago—an amendment that I offered to the Dodd-Frank Wall Street Reform Act—which said to the Federal Reserve Board: Investigate this. Find out how much it actually costs the bank and credit card companies to process a transaction with a debit card. They came back, after a long study, and they said: If it uses a PIN number, which some do, it is about 4 cents. If we sign it, it is about 7 to 12 cents. Then they said: Incidentally, the average charge by the credit card company and bank for each swipe fee is 44 cents—dramatically larger than the cost of the transaction to the bank or the credit card company.

Remember, in the old days, when we processed checks? It cost pennies to process a check no matter what the face amount was. But now, retailers face the 44-cent average swipe fee every time somebody uses a debit card. So we can understand some retailers don't like this much. There is no competition. These banks and credit card companies tell them this is it, take it or leave it; if they don't like it, don't use plastic. It is secret. Nobody knows it except the retailer, the bank, and the credit card company. It is a hidden fee, and it is a killer for a lot of small businesses.

I was in Rock Island, IL, and Carl, who is the manager of the Rock Island Country Market, said: We have a spe-

cial deal here, Senator. People can come in from the neighborhood in Rock Island, IL, in the morning, and I give them a cup of coffee and a doughnut for 99 cents. It is a pretty good deal in this day and age. It sure is, isn't it, compared to what we pay. He said: I want to get them in the store. But, he said, you know what. They turn around and use plastic at the cash register. I wasn't even breaking even at 99 cents, and now I am paying 44 cents to some bank and credit card company because people have used plastic.

That world changed October 1—last Saturday. The new law went into effect where the Federal Reserve established the ceiling—the maximum—that can be charged for a debit card swipe fee that is issued by the largest banks in America. The maximum now comes down to about 24 cents. Is this a big deal? It certainly is, because each year in the economy, swipe fees accounted for about \$10 billion or \$12 billion—\$10 billion or \$12 billion—in additional charges to consumers and loss of profitability by businesses. One can imagine, \$10 billion or \$12 billion, even after it has been discounted by the Federal Reserve to about half that amount—\$5 billion or \$6 billion—has the banks in an uproar.

I guess it is a great honor that the Wall Street Journal on Friday had one of their people they invited in to comment who said this new bank fee that is being charged by Bank of America on debit cards is the Durbin fee—the Durbin fee. The same thing was said by the Chicago Tribune on Saturday.

Let me say at the outset I am honored to be associated with an effort to reduce costs to retailers and consumers across America. What we are doing is fair—trying to strike some balance in an industry that has shown little or no balance. One of the worst offenders in this is Bank of America—the largest bank in the United States.

Did you see what they did last week? They announced that anybody who had a debit card at Bank of America was now going to be subject to a \$5 monthly fee because of this reform. What I have said in the media, and I will say here, is: Bank of America customers, vote with your feet. Get the heck out of that bank. Find yourself a bank or credit union that will not gouge you \$5 a month and still will give you a debit card you can use every single day.

What Bank of America has done is an outrage. Last week, when they announced they were charging their own customers a \$5 monthly fee for the use of the debit card, they went overboard. They are overcharging their customers even for this new debit card reform, but it is nothing new in the history of Bank of America. Consumers across America and the customers of Bank of America are rightfully outraged. It is hard to believe a bank would impose such a fee on loyal customers who simply are trying to access their own

money on deposit at Bank of America, especially when Bank of America, for years, has been encouraging their customers to use debit cards as much as possible.

It is particularly hard to believe this fee would come from a bank with a track record such as Bank of America's. After helping to drive our economy off the cliff's edge in 2008, Bank of America was happy to accept a \$45 billion Federal bailout for their stupidity, their greed, and their mistakes. It was just as happy to take that money and hand out \$3.3 billion in employee bonuses in the same year—2008. Don't forget the track record of Bank of America when it comes to handling mortgages. They picked up this company—Countrywide—which had issued mortgages all across America that were going bad. The record of Bank of America, when it comes to processing these same mortgages, is equally disappointing. When it is not losing paperwork or refusing to answer the phone, Bank of America is foreclosing on American families right and left.

But at least this time Bank of America is being open about the new charge to its loyal customers. In contrast to the overdraft fees, research fees, swipe fees, and other hidden fees they have charged, this time Bank of America is being up front about sticking it to its own customers. Transparency is a good thing. It allows customers, as I said, to vote with their feet. Not every bank treats its customers like Bank of America, and consumers can decide whether Bank of America's values reflect their own.

Bank of America is the largest bank in terms of assets in the United States. Now it is crying poverty, saying it is forced to hit their debit cardholders with this new monthly fee because Congress passed swipe fee reform. I don't buy it. Here is the reality: Bank of America and banks in general are still making billions of dollars with this new reform in the law of credit and debit card swipe fees. Swipe fees are an estimated \$50 billion per year money maker for the banking industry—\$50 billion. Bank of America alone makes billions from swipe fees each year. But Bank of America didn't earn those fees by competition. Instead, Bank of America receives these billions because Visa and MasterCard, this duopoly that runs the credit card business in America, basically fixed these prices and retailers and consumers have no voice in the process. This price-fixing has immunized the swipe fee revenue stream from competition. Now that Bank of America is out in the open with this overcharge of their own customers, it is time for real competition to step in. The Federal Reserve found it cost the bank, on average, 7 cents to conduct a debit transaction—a signature transaction. It costs a lot less, I am sure, for Bank of America,

with its economies of scale. But the Fed also found Bank of America was getting an average of 44 cents, instead of 7 cents. They simply can't make that type of enormous profit margin—nearly 600 percent—in a transparent and competitive market. In a free and fair market, these profits would be competed down to a reasonable level. Without competition, credit card companies—these banks such as Bank of America—will continue to win, and consumers and retailers—and, of course, now the Bank of America's own customers—will lose.

Today, I have written a letter to the CEO of Bank of America. His name is Brian Moynihan. I told him it wasn't just me alone but others have done a little calculation on his \$5 monthly fee. Do you know what we found out? When they thought the swipe fee was going to be limited to 12 cents, Bank of America said: That will cost us \$2 billion a year. Turns out the Federal Reserve said: No, it will be 24 cents. So by our estimates, this new reform of the swipe fee may cost—may cost—Bank of America \$1 billion a year in revenue. Guess what. If we do the calculation of \$5 a month on the number of reported debit cardholders at Bank of America, they will bring back twice as much as their projected loss on this new law. They are overcharging their own customers, once again, twice as much as they should if they just want to cover the hidden fees they had in the past.

That is unfair to consumers, it is unfair to the customers, and it is unfair to do it in this tough economy, when a lot of Bank of America's customers across America are struggling to get by. What I am basically calling on Mr. Moynihan to do is to justify this \$5 monthly fee based on their projected debit card transaction losses and the number of people they have holding debit cards by their company.

I didn't come up with this alone. A gentleman by the name of Lazarus, who is a business reporter in California, was the first one who called it to my attention on the "Lehrer Report" on Friday night. We have looked into it further, and it is clear, again—that Bank of America is overcharging its own customers. I can tell you it isn't the first time. Most people are aware of the fact Bank of America was sued for overcharging for various fees, such as overdraft fees, in the past. Because of that suit and the possibility of losing it, they entered into a settlement to pay over \$400 million for overcharging their own customers. They are doing it again. Bank of America, with this monthly fee, is overcharging its customers again by any reasonable standard for a loss of revenue based on this new law.

The last point I wish to make is this—because I see some on the floor, including a Senator or two who may have a different point of view. When I

was back in Illinois, I stood with the retailers, and I hope the retailers of Tennessee and Utah will be in touch with my colleagues and let us hear their side of the story. They have been victimized by these banks and credit card companies for too long. What we do with this law is establish a reasonable standard of compensation and now some disclosure about what is being charged for transactions.

I wish to help small businesses—and large retailers too, for that matter—across America. Their profitability, the success of their business, means more Americans go to work. If a Senator wishes to stand on the floor of the Senate and defend the Wall Street banks, such as Bank of America, and the credit card companies, be my guest. I would rather stand with the consumers and retailers that have been taken to the cleaners for years and years by these swipe fees.

The latest outrage by the Bank of America is a reminder that when it comes to valuing customers, those banks that don't gouge those customers, that don't overcharge for debt fees, are the ones that deserve America's business.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

Mr. CORKER. Mr. President, I actually am here to speak on another topic, but I was glad to hear the comments of the Senator from Illinois. I will say in general that I think consumers across our country are beginning to see the first of many consequences of Dodd-Frank. Sometimes I think my friends on the other side of the aisle believe money comes from air. But the fact is when you price fix something such as the Senate did through Dodd-Frank, when you price fix something like this, obviously it is going to have the consequences that have been laid out and, unfortunately, consumers across our country are going to be paying the price. It is interesting that most of the major retailers my friend was alluding to are all talking about the profits, the benefits they are going to have from this. At the end of the day it is the consumers who are going to be paying the price, and we are already seeing that play out. While Bank of America—I am not here to defend them. This is just the first of many charges and lack of credit that is going to be part of our American society as a result of Dodd-Frank.

But let me say, I came down today to talk about a bill we are getting ready to debate I understand this afternoon at 5:30. It is the Currency Exchange Rate Oversight Reform Act of 2011. I probably won't recite that again, but that is the bill we are going to be having a cloture vote on tonight at 5:30.

I understand how people across this country are very frustrated about our economic situation. I am very frustrated. I am frustrated for the people of Tennessee and the fact that our economy is not showing the kind of growth we would all wish to see. I understand how politicians like to respond to things back home by making it look as if they are doing something to benefit the folks back home during this tough economy. I plan to speak at length on this throughout the week that this bill is being debated.

The bill that is going to be on the floor tonight is not the answer. I think most of you know that tonight we are going to begin debating a bill that would call China, in essence, a currency manipulator. And, by the way, they are a currency manipulator and I will agree to that. But the response that this bill wants to put in place is to put tariffs on Chinese imports, and what I believe will happen is it will begin a trade war.

What I wish to say is this is the U.S. Senate. I understand that sometimes a hot bill will make it out of the House for lots of reasons, due to its makeup. I understand that a lot of times a bill such as this comes forth for messaging. What I would say is we are actually playing with fire here. This is something that is originating in the Senate. It is a place where typically things are to cool and we are to think through things.

I am hopeful we will have a vigorous debate on this, and many amendments, because my concern is that at a time in our country when we have had a financial crisis which has led to the type of economy we have here where we wish to see many people in our country have greater and more full employment, at a time when we come off high energy prices a few years ago that sucked a lot of life out of this economy, at a time when the global economy is slowing much due to the financial crisis that is occurring right now in Europe, I think the response we want to put forth is not to create a trade war with China.

I think most of us know China has been a currency manipulator. They have a managed float for their currency. We wish to see that rise much more quickly than it has. It has risen about 30 percent in the last several years.

So the point is they are making changes. China has an antiquated financial system that has to be changed; it has to be liberated; it has to become more like what we have in this country. And those steps are happening. There is no doubt that importers—there is no doubt that the goods that come here from China come here at a lesser price than they otherwise would because of the currency float they put in place in China. I understand that. But that is changing. And the fact is that with a country of 1.3 billion and as

their standard of living continues to grow, we have an opportunity to have even more trade with this country. Our exports to China have grown sixfold over the most recent time.

So here we have an opportunity in this Chamber very soon to take up the three free-trade agreements with South Korea, Panama, and Colombia, trade agreements we have wanted to have in place for a long time. Here we are, the Senate, a body that is supposed to act with cooler heads. And I understand the pressures back home. I have them too. Our State has tremendously high unemployment, much higher unemployment than I wish to see happen. I know when I go to townhall meetings, people talk about China, and I understand that. But I think people may be misreading what is in this bill. I think a lot of people think this bill is sort of a plaything because it actually gives the President a chance to waive tariffs on goods that happen to come here cheaper because of currency manipulation. But that is not the case. That is not what this bill says. A lot of people have misunderstood what this bill says. They think it is sort of a plaything and the President can make it all right. The President, if you will, can be the adult and not create a trade war. But that is not what the bill says. The bill says this country has to put in place tariffs on goods coming into this country, as long as they are not being dumped into this country. If they come in at a competitive advantage, we have to put in place tariffs.

Is this what the Senate wants to do today? We have had a tremendous financial crisis. We have high unemployment in this country. We are tremendously overregulated. We are not doing the things within our own country we should be doing, that many of us have been arguing, to cause our economy to grow. We have a financial crisis that is taking hold and taking root and actually moving in parts to this country and hurting us. The markets are down.

So the Senate, a body of 100 people who are elected for 6-year terms, wants to put in place tariffs on a major growing country that we have growing exports to, and create a trade war—a trade war between the two largest economies in the world? That is our response, instead of understanding the best thing we can do for this country right now is to deal with those long-term solutions in our own country and ask this deficit reduction committee to go big, to get \$3 trillion, to do tax reform, to do entitlement reform. These are the kinds of things we ought to be doing in this country: passing a 6-year highway bill; producing American energy; reducing regulations that are impeding our economy and not helping the country. Those are the kinds of things we ought to do. That is the response from the Senate, from people with 6-year terms who were elected to

be the cooling of legislation, not to originate bills out of this body that we know, if passed, will likely create a trade war.

It is as though this country has lost its ability to see the fact that we are an exceptional country. It is as though we are cowering down now. It is as though we know what to do but we won't do it, and, instead, now we have got to find a bogeyman.

Do I like what China is doing with their currency? No. But is it changing? Yes. Is our country putting pressure on China to change? Yes. Is it occurring? Yes. It is going to have to. The middle class in China is going to want access to the kinds of goods our country produces. It is naturally happening. So why would we as a country tamper at this time of a global slowdown with creating a trade war?

I understand and I know many of the Senators in this room hear the same things back home I hear back home. But the last thing we need to do at this point in world history, at this point with the global economy as it is today, is repeat the same mistakes that happened back in the 1930s with Smoot-Hawley. That is exactly the path we are going down. It is as if we don't learn from history. I urge all Senators to think about this.

I understand we are probably going to move to this bill tonight. I do hope we have a vigorous debate. I hope we change this bill dramatically, if not kill it. But I think Senators need to understand, in my opinion, we are playing with fire. This is not the right thing for us to do. We need to be focusing on how we make this great Nation, the greatest Nation of all times, grow. We can do that by dealing with our own issues here internally. We know how to do it, and we can do this by courageously dealing with the long-term issues that confront this country. That will be the short-term stimulus this economy needs.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask we move from morning business to the pending legislation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CURRENCY EXCHANGE RATE
OVERSIGHT REFORM ACT OF
2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today in strong support of S. 1619, the Currency Exchange Rate Oversight Reform Act. First, I want to say this bill is the culmination of years of hard work and collaboration between Democrats and Republicans. I thank Senator LINDSEY GRAHAM of South Carolina. He and I have been partners in this endeavor for over 5 years. We have traveled to China together. We have worked long and hard to try to gain some fairness in the way China treats American industry, particularly in regards to currency.

I thank Senator SHERROD BROWN and Senator DEBBIE STABENOW. Both made very valuable additions to the proposal on the Senate floor today. In fact, Senator BROWN is the lead sponsor of this legislation because of the strong and good work he has done. They both have worked long and hard, realizing the industries in their States are at such a competitive disadvantage.

I thank my colleague, JEFF SESSIONS, as well, who has been one of our partners and leaders on this legislation over the last several months, and lead sponsors in addition: BOB CASEY, OLYMPIA SNOWE, JEFF SESSIONS, KAY HAGAN, and RICHARD BURR, as well as dozens of other cosponsors on this bill for their work on this issue for many years.

I also want to particularly express my appreciation to Chairman MAX BAUCUS and former ranking member of the Finance Committee CHUCK GRASSLEY for their leadership and work on currency manipulation. We believe our bill is WTO compliant, and it is in part because Senators BAUCUS and GRASSLEY looked at our original bill and worked with us on suggestions as to how to change it to make it just as effective but within the rules of WTO.

Today we have an opportunity to help put middle-class Americans back to work and, amazingly enough, in a bipartisan way. Today we stand together to defend American jobs against market-distorting, job-killing exchange rate policies that subsidize for-

eign manufacturers at the expense of American manufacturers. These currency policies artificially raise the price of U.S. exports and suppress the price of Chinese imports into the United States, undermining the economic health of American manufacturers and their ability to compete at home and around the globe.

China is by far the biggest exploiter of predatory currency practices, but our bill does not target China or any one country. Our bill, rather, says there will be consequences for any country that engages in currency manipulation to gain an unfair advantage over American businesses.

It has been 10 years since China joined the WTO. In those 10 years the Economic Policy Institute estimates that 2.8 million American jobs were lost or displaced in manufacturing or other trade-related industries as a result of increased trade with China and the Chinese Government's manipulation of its currency. My State of New York has suffered some of the biggest losses, with over 161,000 jobs lost or workers displaced since 2001. Accession to the WTO was supposed to bring China's policies in line with global trade rules meant to ensure free but fair trade. Instead, China has single-mindedly flouted those rules to spur its own economy and export-oriented growth at the expense of its trading partners, most of all the United States.

Our economic relationship with China needs a fundamental change. It is not just in currency, although that is the No. 1 issue. On issue after issue, whether it is poaching intellectual property, unfairly and illegally subsidizing Chinese businesses, monopolizing rare earths, not allowing American companies to compete in China—on issue after issue China is mercantilist, plain and simple. They use the rules of free trade when it benefits them and spurn the rules of free trade when it benefits them. For years Americans have grimaced, shrugged their shoulders, but never done anything effective to in large measure stop the Chinese pursuit of unfair mercantilism.

Six years ago I was in upstate New York and a steel manufacturer told me they could compete against Chinese steel just fine, even with labor costs being lower in China, except for the fact that China manipulated its currency and gave Chinese steel imports a 30- to 40-percent advantage. The owner of the company, providing 300 good-paying jobs, pleaded with me to do something. I happened to speak with Senator GRAHAM, and he was finding the same situation with industries in his State of South Carolina.

We began our crusade to get China to behave fairly. At first, people did not even accept the fact that currency manipulation was wrong and harmful to America. I remember at one point, within a short period of time, both the

New York Times editorial page—a decidedly liberal editorial page—and the Wall Street Journal editorial page—a decidedly conservative editorial page—said China should not have to let its currency float, even though it is a tenet of free trade since Bretton Woods that said the way to correct large imbalances in trade is to let a currency readjust by floating.

We spent years convincing America, convincing our colleagues that this manipulation of currency dramatically hurt America and was unfair and against all tenets of free trade. We have achieved that goal. Now the editorials may pick reasons they do not like our particular bill, but they say: Oh, yes, we have to deal with Chinese currency manipulation.

But when we ask people who say: Don't do your bill, deal with it a different way, we say how? No one has another answer. It was true that our initial bill introduced 5 years ago was a blunt instrument to bring attention to the issue. It was our hope then not to pass the legislation—in fact, we allowed cooling off period after cooling off period in the legislation—but, rather, simply to get the Chinese to act. But about after 3 or 4 years, Senator GRAHAM and I became convinced that China would not act. When there was real pressure they might move the currency a little bit, but then they would back off.

The same proved true in other areas where China unfairly treats American industry, so we came to the conclusion that legislation was the only answer, no one having a preferred or even seemingly possibly effective alternative. So we worked, as I said, with Senator BAUCUS and Senator GRASSLEY and came up with a proposal we believe meets WTO rules.

Then, because Senator STABENOW had worked long and hard on this issue along with Senator COLLINS, we combined her proposal and our proposal. Hers was mainly focused on the Banking Committee, Commerce Department, ours on Treasury. Then a year or two ago, Senator BROWN and Senator SNOWE had an additional proposal, and we have combined all of these proposals into one workable bill that will finally get fairness for American companies.

Over the past 6 years we have been sending a message to the Chinese Government about their exchange rate policies. Every Treasury Secretary since we began this crusade said: You know what. Let me just talk to the Chinese. I can bring reason to them.

They did it with the best of intentions and the best of hopes, every Treasury Secretary—casting no aspersions on any of them because the fault was China's, not ours—and could not get progress at all.

So it is down to this. If we want American companies to have a fair

chance of competing, this is the solution. Not everyone will agree with every jot and tittle in this bill, but I think the vast majority of my colleagues will agree with its thrust and the need to do more than we have been doing. For that reason I am hopeful that large numbers on both sides of the aisle will vote for this motion to proceed so we can begin debating this measure and listen to some amendments if people have ideas as to how to change it.

Let me go over our bill. Our bill is intended to give the administration additional tools—this administration or any—to use if countries fail to take steps to eliminate currency misalignment. The bill would prohibit Federal procurement of products or services from a country that fails to adopt appropriate policies or to take identifiable action to eliminate currency misalignment.

Our bill also uses U.S. trade law to counter the economic harm to U.S. manufacturers caused by currency manipulation. The artificially low value of the yuan—economists estimate it is anywhere from 20 to 40 percent less than what it should be—amounts, as is well known now, to a subsidy on Chinese exports and a tariff on imports from the United States and other countries to China.

Under existing trade laws, if the Commerce Department and the International Trade Commission find that subsidized imports are causing economic harm to American manufacturers and workers, the administration must impose duties on those imports to offset or countervail the benefit conferred on foreign producers and exporters by government subsidies. Commerce already has the authority under U.S. law to investigate whether currency undervaluation by a government provides a countervailable subsidy, although it has failed to do so despite repeated requests by industry after industry to investigate.

Our bill specifies the applicable investigation initiation standard so Commerce can't just turn its back on these companies, and it will require Commerce to investigate whether currency undervaluation by a government provides a countervailable subsidy if the U.S. industry requests the investigation and provides the proper documentation.

Our bill also clarifies that Commerce may not refuse to investigate a subsidy allegation based on the single fact that a subsidy is available in circumstances in addition to export.

Our bill also uses the term "currency misalignment," but it is not just a term. Administrations, both the Bush administration and the Obama administration, have, to the amazement of many Americans, refused to label China a currency manipulator. But manipulation is a subjective standard in-

volving intent. What we do is refine that concept and go for misalignment. We believe misalignment is the appropriate standard. That is not subjective. It is not saying why the currency is misaligned or how or who did it. It is simply saying that it is. It is a narrower standard. It is a standard that is harder to wriggle out from under if anybody, any government official is intent on not enforcing the rules we think necessary to get the Chinese to act. So the bill is carefully thought out. The decimation of our middle class, our manufacturing sector, and the American economy as a whole is due in part to developing countries such as China employing currency manipulation and other aggressive mercantilist tactics to tilt the field in their favor. In the absence of action by the administration, we have a responsibility to protect the interests of American workers and companies.

One of the questions that is raised is, Is our bill WTO compliant? We believe it is. We have worked hard to ensure this. The bill provides the President with flexibility to waive any consequences that might have an adverse impact on the U.S. economy. The bill also continues to allow the U.S. Government trade officials to do their job and make the decisions on the basis of facts argued before them. We have talked to many experts in the field. They too believe our bill is WTO compliant.

What do the critics say? No one criticizes the idea that China has manipulated its currency. No one criticizes the thought, the actuality that China manipulates its currency. Almost everybody thinks not enough is being done. The main argument against our bill is not the bill itself, but critics of the bill worry that maybe this could start a trade war with China. Well, I have news for them: We are already in a trade war with China, and we are losing. China, by its mercantilist policies on currency above all but on rare earth and intellectual property, unsubsidization of homegrown industry, on exclusion of American exports where we might have advantage, is already engaged in a trade war, and the result is that millions of Americans do not have jobs who should. The result is that hundreds of billions of dollars flow out of America and into China. If we do not do anything about this, our country will be hurt badly, perhaps irreparably.

Some argue, as did the Washington Post today, that it will not have much of an effect because the industry of China has to revalue its currency; these industries will go to places such as Bangladesh. They are making an argument that is 5 and 10 years old and stale. We are not arguing about labor-intensive industries such as clothing or shoes or toys. Those are going to Bangladesh already, with the cost of Chi-

nese labor going up. China uses its currency manipulation against our top-notch manufacturers. The large companies say nothing because most of them have plants in China, so they can get around it, but middle- and small-sized manufacturers are up against this wall and are desperate for our help.

One manufacturer in upstate New York makes a very advanced product that deals with cleaning pollutants as they go through a power system. It is a top-notch product. This manufacturer, who employs a couple hundred people in upstate New York, said to me: China's stealing my stuff even though I have patents and other things on it. They are stealing the method by which we do this. He said: I could live with that if they just sold the stuff in China. We are not big enough to export all around the world. Instead, what they do is steal our intellectual property on this, and then they come back and sell it in America at a 30-percent discount because of currency manipulation. How am I going to compete with that?

There is story after story just like that. When American companies are fighting for their survival and battling subsidized Chinese exports, including high-end exports, this is no longer an argument about labor-intensive industries alone.

I, for one, am not prepared to raise the white flag on American manufacturing and on American jobs, and neither should anybody else. I know American manufacturing can compete successfully against Chinese competition at home, in China, and around the world but only if the playing field is level, and our bill helps to level that playing field.

Critics of our bill say that while currency manipulation is an important issue, legislation to address it would ignore the many and growing challenges we face in China. The critics are wrong. We have no intention of ignoring the range of China's market-distorting practices, the ones I mentioned before. In fact, because China was emboldened on currency, which the whole world—Brazil, just a week or two ago, asked China to stop manipulating its currency. The European Union feels the same way we do. Nobody does anything, so China is emboldened to pursue mercantilist policies in other areas. Just recently, they have become involved in rare earths. They tell American manufacturers: If you want rare earths, you would be a lot better off sending your plant to China. It is just unheard of.

Critics of our bill say it is unlikely to create any incentive for China to modify its exchange policies. The experience Senator GRAHAM and I have had is that when China thinks something might be done, they begin to let their currency rise. Because nothing permanent is done, they go right back to their old habits as soon as the pressure

is off. This idea that if we pressure the Chinese, they won't do it makes no sense. If we pressure them, they do nothing, and if we don't pressure them, they do nothing. The only answer is concrete legislation.

What would those who oppose this bill have us do? What is their suggestion? They do not really have one. Should we continue to sit back and watch while American jobs and American manufacturers and even large chunks of American wealth just drift away? Should we continue to, as one of my constituents put it, be not Uncle Sam but Uncle Sap? Well, there are too many of us in this Chamber on both sides of the aisle who will not sit back and continue to let mercantilist trade practices continue to decimate American manufacturing and American jobs—middle, low, and high—nor will my colleagues here in the Senate. Democrats and Republicans are united on this issue. We must take decisive action against China's currency manipulation and other economically injurious behavior. The fact that they manipulate their currency imbalances the whole world trading system. Many economists list it as one of the reasons we had the decline in global trade in the worldwide recession. We simply have no choice but to right the wrong China is committing.

Any retaliation by China would be further evidence of their unwillingness to meet their obligations under the WTO and the global trade community. By the way, China has a lot more to lose with retaliation than we do. If there is one country that gains the most by exporting to the United States by international trade, it is China. They are very smart, and they are not going to cut their nose to spite their face.

I wholeheartedly support the President's goal of doubling U.S. exports over the next 5 years, but that cannot be done if we do not take concrete action to address the protectionist practices of foreign governments that concede tariff reductions only to replace tariffs with massive currency manipulation, border taxes, and a variety of state subsidies. We will not do it unless we get to the root cause.

China's currency manipulation would be unacceptable even in good economic times. At times of high unemployment, we can no longer stand for it. There is no bigger step to create American jobs that we can take than to confront China's currency manipulation. It is not a Democratic or Republican issue. Every one of us has manufacturers, companies that are struggling to compete at home and abroad with Chinese exports with a built-in price advantage. It is not China bashing. It is about fairness and defending American jobs.

Many of us and most Americans are worried about how things will be in 10, 20 years from now. Will America stay

the leading economic power of the world? Will our children have a better life than we do? The No. 1 thing we have to do is change things at home to make that better, there is no question about it. Very high on the list as well is making sure China no longer unfairly sucks millions of jobs and hundreds of billions of dollars of American wealth to its shores. What China does will make our job of keeping America strong, of having the next generation live a better life than this generation far more difficult unless we force them to change. They will not change on their own.

Passage of this legislation will lead to real consequences for countries that unfairly manipulate their currency. We have waited a long time. We have declined to move the legislation at the request of two administrations. Patience—not of us but of the American people—has worn out. I ask my colleagues to stand with us on S. 1619. Stand up for American manufacturing, for American jobs, for American wealth. Stand up so our children can have an even brighter future than we have.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I have enjoyed the remarks of my distinguished friend from New York.

As we begin the debate today on the important issue of exchange rate misalignment, although it is an important debate, I seriously question its timing.

Let's step back for a moment. At the end of last month, the Senate approved legislation renewing and expanding trade adjustment assistance. We need to be clear about what this program is—a big government spending program of dubious value but one that is important to President Obama's union allies. Not surprisingly, given the left labor unions wield in the liberal political coalition, this spending program is President Obama's top trade priority, so much so that he was even willing to abandon our allies in Colombia, Panama, and South Korea unless he secured this additional spending. To get more government spending for big labor, the President was willing to hold up the three free-trade agreements with Colombia, Panama, and South Korea that everyone knows will grow this economy and create jobs.

I was happy to chat with the Trade Representative a few minutes ago, and he told me he was going to send those three trade agreements up today, and they should be here between 4 p.m. and 5 p.m. I am really happy about that because it is way beyond time to get them here.

Americans need to remember this episode when they hear the President talk about his commitment to job creation. Put aside all the talk, and it is clear where the rubber hits the road.

The President will prioritize government spending over private sector job growth.

Still, because of the President's insistence on this spending program, the TAA bill is likely to pass the House and become law. So here is my question: Given that we just debated a trade bill that we knew would likely become law, why was this currency bill not considered in that context? I can only conclude either that the administration opposes the currency bill and therefore asked that it not become part of TAA or that the consideration of this bill is merely a political exercise with little expectation that it ever will become law. With millions of Americans out of work and the economy stagnant, the people of Utah and all American citizens deserve more than political grandstanding.

Regarding the substance of the issue, the manipulation of currency values by major trading partners in order to gain unfair trade advantage represents a genuine threat to U.S. jobs and to rebalancing of the global financial and economic system. For many years and continuing into the present, that threat is a reality. There is virtually unanimous agreement among international analysts that there exists large-scale, prolonged, one-way intervention in exchange markets by some of our important trading partners in order to limit or preclude currency appreciation, primarily in China but also in some of the other economies as well. There also seems to be little question that China manipulates its currency in order to subsidize its exports.

The bill before us seeks to address exchange rate misalignment specifically and global imbalances generally by sharpening the tools available to counter currency manipulation by a trading partner. Of course, any additional tools we can construct must be carefully crafted to align with all of our international trade agreements and global rules of trade.

The issue of China's currency has been with us for far too many years.

The issue of China's currency has been with us for far too many years. We have repeated discussions about how to address lack of appreciation of China's currency, followed by diplomatic bilateral discussions assurances of moves from China to allow appreciation while the political heat is on, and little change thereafter once the heat subsides.

This approach does not seem to be working. We have had large and persistent bilateral trade deficits with China, and those deficits continue. We have relied on China's massive excess savings to finance our growing debt, and we have worsened that reliance given the debt-fueled spending spree of the current President. China's dollar-denominated reserve holdings, which

have grown for many years, have ballooned from around \$1.9 trillion when President Obama took office to over \$3 trillion, according to some recent estimates—a 50-percent increase.

But currency misalignment by China is not the only source of global financial and economic imbalances. If the President looked in the mirror, he would see his own responsibility for global economic uncertainty. Our budget deficits have far exceeded \$1 trillion for the past 3 fiscal years. For 2011, the deficit is expected to be around \$1.3 trillion, which is an unsustainable 8.5 percent of GDP and the third-largest deficit in the past 65 years, exceeded only by the deficits in 2009 and 2010. Deficits of this magnitude have not been seen since the years surrounding World War II, when virtually the entire economy was being directed by the Federal government. Given our budget deficits and the China currency issue, the important question is: What is being done?

Let's look at what is being done with a bit of recent history for context. Back in 2008, then-candidate Obama wrote the following to textile organiza-

The massive current account surpluses accumulated by China are directly related to its manipulation of its currency's value. The result is not good for the United States, not good for the global economy, and likely to create problems in China itself.

He went went on to promise that, if elected, he would use all diplomatic means at his disposal to induce China to change its foreign exchange policies. He promised to beef up U.S. enforcement efforts against unfair trade practices.

Also, back in 2009, during the Treasury Secretary's confirmation hearing before the Senate Finance Committee, now-Secretary Geithner stated that:

President Obama—backed by the conclusions of a broad range of economists—believes that China is manipulating its currency.

Those are strong words. Yet once in office, the President and Secretary Geithner failed to follow up on those words with action. The Administration promised to usher in an era of change but failed to change the way the U.S. deals with the China currency issue.

The Omnibus Trade and Competitiveness Act of 1988 requires that the Treasury Secretary report on exchange rate policies of major U.S. trading partners. Under the act, Treasury must consider whether countries manipulate exchange rates for purposes of preventing balance of payments adjustments or gaining unfair trade advantage.

The evidence clearly seems to show that China's currency policies amount to manipulation leading to an unfair advantage in international trade.

Candidate Obama agreed during his campaign.

Treasury Secretary Geithner agreed during his confirmation testimony.

Yet, as Treasury Secretary and as President, the two have refused to act.

Secretary Geithner has issued five foreign exchange reports, but has refused to label China as a country that manipulates its exchange rate for the purpose of gaining unfair competitive advantage in international trade. Let me repeat that, despite many bold claims about using all the tools at their disposal to counteract China's trade policies, the administration refuses to designate China's policies as being consistent with currency manipulation for trade advantage. The question that I and most of my colleagues from both sides of the aisle have is: Why?

Clearly, the administration must recognize the consequences of China's manipulation for American workers and manufacturers and for the stability of the global financial and economic system. Why, then, is the administration protecting China by refusing to designate it as a currency manipulator?

Under the Omnibus Trade and Competitiveness Act, once a country is so designated, there are no draconian actions required. The immediate repercussions are merely stepped-up monitoring and greater vigilance in dialogue. Those don't seem to be things that would lead to currency or trade wars.

So, why doesn't the administration act?

After all, American jobs are at stake. American workers can compete with any workers in the world, but our workers should not have to compete against foreign firms that receive massive subsidies. If the President is as intent on focusing on job creation in America as his campaigning suggests, then why has he refused to take such a simple step as designating known, existing currency manipulation?

There is a severe mismatch here between political rhetoric and action.

My fear is that the administration's overreliance on overseas funding—in particular from China—to finance their exploding deficits is preventing the President and his officers from acting on behalf of the competitive, but struggling, American workforce.

It is well past time for the administration to recognize the negative consequences of China's manipulation for American workers and manufacturers, and for global stability.

Even though there has been only tepid support, even on the Democratic side of the aisle, for the President's much touted jobs plan, there is bipartisan agreement that Congress needs to take significant actions to address the massive jobs deficit this Nation is facing. We face a national crisis in having unemployment persisting at over 9 percent, with elevated numbers of the unemployed suffering from long-term

bouts of joblessness and with many American workers having become so discouraged that they have simply dropped out of the labor force.

According to statements by the majority leader of the Senate, a focus on jobs is precisely why we are considering the bill before us. According to one of those statements, the majority leader is reported as having said that "I don't think there's anything more important for a jobs measure than China trade."

I am starting to think my friends on the other side of the aisle are like the gang that couldn't shoot straight. The majority leader thinks that addressing China trade is essential to job creation. But based on its failure to use existing tools available to designate China as a currency manipulator, the administration apparently disagrees or it would have long ago used its authority to make such a designation under the Omnibus Trade and Competitiveness Act and then acted on the problem.

The President's focus seems to be elsewhere. He seems to think that at least as important for jobs as the issue of China trade identified by the majority leader is his so-called American Jobs Act. Advertisements by the Democratic National Committee and campaign speeches by the President since he announced it in a joint session of Congress early last month tell us quite clearly that we should "meet our responsibilities" and consider that Act "right away."

Yet my friends on the other side of the aisle apparently believe that a political debate over China and its currency policies are more important for job creation than the President's American Jobs Act.

If the President's act is, as advertised, so crucial for job creation in the face of our national unemployment crisis, why is Senate Democratic leadership delaying its consideration? Why not consider the legislation right away, as demanded by the President in his campaign speeches and Democratic National Committee advertisements?

We are told by the President that Americans who are out of work cannot wait until the next election for us to act boldly for job creation. So why are we not considering his American Jobs Act, unless my Democrat friends disagree with the President that the act would be the most important job creator available to us today?

I suspect they know that the \$447 billion in new stimulus spending included in the President's jobs bill, and the accompanying proposals to impose \$1.5 trillion in new taxes on a sluggish economy, is economically counterproductive and a sure-fire political loser.

I must say that the President's Jobs Act looks like more of the same debt-fueled stimulus spending, cloaked under the guise of "investment," along

with higher taxes, cloaked under the label "tax reform."

While I may disagree on the particulars of the President's proposal, I do not disagree with his premise that we face a national crisis in our labor markets and that we should be debating measures that will promote American job creation now, without delay.

We are also told by the President that we must pass our pending trade agreements with Colombia, Panama, and South Korea. Jobs are at stake, he says. As with the political campaign rhetoric exhorting Congress to pass the President's American Jobs Act, which the majority leader has opted to shelve until some unspecified future date, the President delayed the action required to get these agreements passed for much too long.

Pass the American Jobs Act, the President scolds.

But we can't because the Democrat's majority leader has not brought the Act to the Senate floor. The currency bill, which is unlikely to lead to much, if any, job creation before the next election, has come first, perhaps to allow more time for campaign speeches and ads by the Democratic National Committee.

Pass the free trade agreements, the President lectures. But they were delayed, as they sit idle on his desk.

I am pleased, since the trade leader in the administration called me a few minutes ago to tell me they are on their way up here today.

This currency bill is coming first. But what needs to come first is job creation, not electioneering and politics.

Our jobs deficit is a full-blown national crisis. The unemployment rate has been persistently above 9 percent since April of this year. It has averaged 9.4 percent since the President took office. It has been above 9 percent in 26 out of the 31 months since the President took office, despite promises by administration economists that the massive debt-fueled stimulus, which will cost over \$1 trillion when all costs are included, would keep unemployment contained below 8 percent. And the unemployment rate is even higher, at over 16 percent, once we include, for example, people who want to work but have become so discouraged that they no longer look for work.

Nearly 14 million workers are unemployed, and the number grows when we include discouraged workers. The number of long-term unemployed workers has been at record highs. According to Census data released last month, those in their twenties and thirties are suffering from the highest unemployment rate since World War II. The enthusiasm of young citizens in 2008 long ago gave way to disappointment and disaffection.

Our joblessness crisis is nothing short of a crisis for liberty. When American men and women do not have

jobs and opportunity, their freedom to make lives for themselves is eroded. Yet we are to understand that in the face of this historic crisis, there is no more important issue regarding jobs than our bilateral trade with China.

Again, I agree we need to address the issue of currency manipulation and our sustained and large trade deficits with China. However, let us be clear that dealing with issues related to China involves only one bilateral trade relationship. The trade and current account problems facing the United States, and the global financial, trade, and economic imbalances that everyone faces are not solved by addressing this one trading relationship. That is one reason I will be offering an amendment to this bill calling for multilateral and plurilateral negotiations to address currency misalignment. If we are going to succeed, we need to look at the big picture and work with our allies to counter China's current practices. I will discuss my amendment in more detail soon, but hope it will receive strong bipartisan support.

Our trade imbalances are not with China alone. Rather, as part of the problem of saving too little, the United States has multilateral trades imbalances which require more action than focusing solely on one bilateral relationship.

According to recent data from the U.S. International Trade Commission, the United States has trade deficits with nearly 100 countries. The United States saves too little, and that problem will not be solved solely by passing the bill before us.

Make no mistake, the legislation we are considering can provide useful tools for addressing concerns about China, if the administration actually uses the tools. But those tools alone are not sufficient. If we try to address our multilateral problems by putting pressure on China alone, without also attending to our lack of saving and our own role in generating trade deficits with nearly 100 other countries, the Chinese piece of the U.S. imbalance will migrate somewhere else. This bill is not a magic bullet to solve our problems or the problems arising from global imbalances. And it almost surely is not the highest priority piece of legislation if job creation is truly our focus.

The United States, for its part, contributes to global imbalances by persistently saving too little. Following the financial crisis, which was precipitated partly by large runups in household indebtedness, American families have tightened their belts to save more and repair their own balance sheets. It is the U.S. Federal Government that has been missing in action to restore national savings, reduce our Federal debt, and promote global balance.

Rather than repair the Federal balance sheet, the administration has chosen to run trillions of dollars of debt-

fueled deficits and borrow ever-increasing sums from abroad, including China. And rather than facing the fact that the Federal Government has a spending problem, the President is advertising and campaigning on a new American Jobs Act stimulus and tax hike platform containing even more spending and short-term debt accumulation.

We are told that it will be in the interest of the American people to borrow more today in order to spend more on infrastructure, for example. The stimulus proponents say: Interest rates are low, so let's ramp up borrowing right now. That is the same approach the Senate took when it voted to extend and expand trade adjustment assistance. They ignore, however, that piling trillions more onto our national credit card issued by China and our other creditors moves us that much faster into the company of the eurozone countries who now face default and elevated interest costs.

While Federal borrowing rates are low today, what happens when global markets tire of our profligacy and debt-financed spending and begin to demand higher interest compensation? As Spain and Italy have seen recently, low interest rates are not guaranteed and the interest rate environment that you face can pivot on a dime and escalate rapidly. Borrowing at low rates today sounds great, until you wake up tomorrow and are forced to refinance at more punitive rates. More debt-fueled government spending beyond our means is sure to drive us rapidly down the road to the stagnation and debt crisis we are seeing today in Europe.

Of course, the President claims his new stimulus and tax hike proposals are all paid for, but the payments are largely promises of future austerity. Anyone who has paid attention knows that when the Federal Government promises to go on a spending diet later it never leads to fiscal weight loss because future Congresses are not bound by today's promises.

It is interesting to hear the President's persistent calls for more debt-fueled infrastructure spending. Presumably, given his interest in job creation "right now," the projects he has in mind will be more shovel-ready than the readiness of the previous stimulus projects, which turned into something the President found so funny that he joked about it. Of course, it is no joke to jobless Americans who are stuck with the stimulus debt bill.

We heard in early September from the chairman of the President's Council on Jobs and Competitiveness that the council identified "ten high-priority infrastructure projects based on their potential to put Americans to work right away—projects that have already been funded, but are being held up by regulations."

The jobs council says it will work with the administration to try to get

the projects moving. Let me repeat that: the projects “are being held up by regulations.” This comes from the chairman of the President’s own jobs council.

Yet when some on the other side of the aisle are reminded that regulations are holding back job creation, they recoil in disbelief. If there are 10 large-scale infrastructure spending projects ready to go and already fully funded and are only being held up by regulatory review lag, I urge the President to act “right now” to get those projects underway in the interest of job creation. Make one fewer campaign appearance and use that time to expedite regulatory review and get those projects going if, as should be the case, he believes job creation is more important than politics and wishes to act on that belief.

We have also heard the President remarking on how, from a global competitiveness perspective, the United States should borrow more today and spend on what he generically calls “infrastructure,” which, as it turns out, can be anything from paving a road to doling out money to solar panel makers.

The President cited in his infrastructure advocacy a set of global rankings on infrastructure from the World Economic Forum’s Global Competitiveness Report. The President seemed to read the report and its ranking of the United States as 23rd out of 139 countries for transportation infrastructure competitiveness as a call for more spending on whatever it is he thinks of as infrastructure.

It appears, however, that he did not read the report in its entirety. If he did, he would have noticed that the ranking is for only one of nine factors in the report’s overall infrastructure assessment. More importantly, if he had read the report, he would have noticed the overriding area identified as the weakest one for the United States in terms of eroding our global competitiveness. To quote the report directly:

A lack of macroeconomic stability continues to be the United States’ greatest area of weakness (ranked 87th). Prior to the crisis, the United States had been building up large macroeconomic imbalances, with repeated fiscal deficits leading to burgeoning levels of public indebtedness; this has been exacerbated by significant stimulus spending. In this context, it is clear that mapping out a clear exit strategy will be an important step in reinforcing the country’s competitiveness going into the future.

There you have it. The report the President data-mined to find a number to use to support more stimulus quite clearly says that declining U.S. global competitiveness has come from fiscal deficits, exacerbated by stimulus spending. It clearly says the solution is to exit from our unsustainable fiscal path. That means reining in the runaway debt-fueled spending, not more spending.

Before turning to the legislative process on the bill before us, let me post a trail marker for our deliberations. The currency bill we are considering includes reliance on exchange rate models used by the International Monetary Fund. Those models allow for the macroeconomic effects on currency valuations of fundamental changes in policies of trade partner countries. For example, if the United States engages in fundamental tax reform that would lead to improved growth and reduced deficits and debt, the models considered in the legislation before us have the ability to capture those effects.

The marker I wish to set here is a reminder that we should be similarly so inclined to use economic models that allow for macroeconomic effects of policy changes when we choose to make fundamental changes to tax and spending policies. We should be as willing to have our budget score keepers use economic models that allow for long-run growth and macroeconomic effects of fundamental tax and spending reform policies as we seem to be here in this legislation to use models that incorporate such effects when evaluating currency alignments. If it is good to use economic models that allow for an accounting of growth effects here, then it should be good elsewhere.

I also need to address the process we will follow in our consideration of the currency bill before us. The bill has garnered bipartisan support. In the interest of promoting a truly bipartisan effort, which the American people would love to see, it is my hope there will be balance in amendments that are allowed to be considered. This bill has sound objectives, but it is not perfect. I believe amendments from both sides of the aisle can improve the final product. And, as I mentioned earlier, I have an amendment that I believe will improve this bill significantly and help us devise a long-term approach to dealing with currency misalignment. I hope there will be an opportunity for it, and others, to be considered. I hope they are not going to lock up the tree again, which is the standard practice around here by the majority. This bill is an important bill, and we ought to be able to amend it with important amendments.

The overriding objective of the legislation—job creation—is shared by Republicans and Democrats alike. Therefore, it is my hope that amendments from my side of the aisle, designed to promote job growth today and in the future, will be duly considered, allowed, and duly debated.

I look forward to consideration of the currency bill before us and a robust, bipartisan process, which includes consideration of amendments from both sides to promote job creation.

As I have said, our Nation faces a crisis of unemployment and joblessness

that is filled with pain today and threatens erosion of human capital and skills, which will negatively impact families and the overall economy for years and years to follow. Let us not have politics and special interests dictate what we consider to promote job creation and economic growth. American workers and families, many of them struggling and in pain, cannot wait until the next Presidential election is resolved for the Federal Government to act to promote job creation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know our time expires shortly. Senator HATCH has concluded his remarks, so I wish to speak on two other subjects until Senator LEAHY arrives.

SSI EXTENSION

Mr. President, I rise in support of a bill to be introduced along with Senators LEAHY, GILLIBRAND, MENENDEZ, FRANKEN, and KLOBUCHAR, called the SSI Extension for Elderly and Disabled Refugees Act of 2011.

This bill, which the Senate is considering passing today by unanimous consent, is truly unique because it accomplishes three incredibly important objectives at the same time.

First, it ensures that approximately 5,600 disabled refugees will not lose critical life-sustaining benefits that are their only safety net, protecting them from homelessness, illness, and other effects of extreme poverty.

Some of the disabled refugees this bill helps are people who have aided American troops overseas in Iraq or Afghanistan—and risked their lives for America’s cause. Others are victims of torture or human trafficking, whose injuries are so severe that they are now unable to sustain themselves without these benefits. The bill continues the Bush administration policy of making sure this vulnerable group does not lose its benefits.

But, unlike past bills, the second key fact about this bill is that it is fully paid for. It is paid for by imposing a \$30 fee on individuals applying to enter the country through the diversity visa lottery program. Each year, hundreds of thousands of people apply to be one of the 50,000 individuals allowed to emigrate to the United States. The program has had great success. I have been very supportive of it. It has also enriched the American fabric with immigrants from countries that are not traditionally represented in the immigrant pool.

But, unfortunately, because applying for a “lottery ticket” has been traditionally free, the program has recently

been compromised by third parties filing applications on behalf of unknown foreign nationals, who then turn around and try to extort money from these foreign nationals if the ticket turns out to be a "winning ticket." That is wrong and unfair. The State Department has told us that by charging this \$30 fee, we can eliminate this misconduct. So it is a win-win. We get some money to pay for these refugees who we all agree should be admitted here. As I said, many helped us in Iraq and Afghanistan and, at the same time, it does not cost us a nickel and eliminates a scam that involves a very worthy program, the diversity visas.

Finally, the third great thing about this bill is, by setting the fee at \$30, the CBO projects we will actually reduce our deficit by \$24 million. So it will help, in a small way, reduce the deficit. So the bill hits the trifecta: It helps a very small, targeted group of the most vulnerable and needy disabled individuals whom we traditionally have not abandoned, it virtually eliminates misconduct in the diversity visa program, and it reduces the Federal deficit. Because it is a win-win-win for all sides, I ask that my colleagues in the House take up and pass this bill immediately.

The benefits for these folks already expired on October 1. If we do not act soon, we will not be able to repair the irreparable harm that will be done to those most vulnerable individuals. I wish to thank my cosponsors and chairmen and ranking members of the relevant committees governing this bill: Senators LEAHY, GRASSLEY, BAUCUS, HATCH, CONRAD, SESSIONS, and CORNYN. I would also like to thank Senator COBURN for working with me to have this bill pass and address his concerns to make the bill better.

We have done something very good. I thank all my colleagues who have joined in the work on this bill.

NOMINATION OF WILLIAM F. KUNTZ, II

Mr. President, William F. Kuntz, II, is the nominee to the U.S. District Court for the Eastern District of New York. I wish to describe to my colleagues the extraordinary qualifications of Dr. Kuntz, the nominee to the bench of the Eastern District, whom hopefully we will confirm later today.

Dr. Kuntz has exactly the skills, temperament, and experience to be a perfect addition to one of the busiest U.S. district courts in the country. Dr. Kuntz, currently a partner in the New York office of Baker Hostetler, is a native of Harlem. He grew up in what was then called the Polo Grounds projects and went to high school at Fordham Prep in the South Bronx.

He earned his undergraduate degree from Harvard University, followed by a master's degree in history, a law degree, and a Ph.D. in American legal history, all from Harvard—I hope no

one will hold that against him—and all within 11 years of arriving in Cambridge, from Harlem.

What an amazing man. What an American dream story. I would venture that throughout this country, Dr. Kuntz has few peers, in terms of education and training. But he did not use his degrees to go on to teach and write, a valuable career path, to be sure, but possibly not one that would have put his skills as an advocate and his commitment to the people of New York to their highest and best use.

Instead, Dr. Kuntz went on to log 33 years of litigation experience in some of New York City's finest law firms. Most impressive to me, he served for 23 years as commissioner on the City Civilian Complaint Review Board. This independent agency oversees the investigation of citizens' claims of misconduct by New York City police officers. By all accounts, Dr. Kuntz staked out an admirable middle ground, informed by hard investigative work and careful consideration of all the 5,000 cases that came before the board every year.

When my legal committee looked into his work there, he was praised by both the police side and those who brought cases before the board. In that kind of tempestuous situation, that is rare indeed. Dr. Kuntz's commitment to public service is long and impressive. He served in leadership positions on the Lawyers' Committee for Civil Rights Under Law, the Legal Aid Society, the New York Bar, and PLI, among others.

I will note that Dr. Kuntz will be filling a judicial emergency vacancy in the Eastern District of New York, a court that adjudicates a large share of critical cases, such as terrorism and terrorism financing, organized crime and mortgage fraud.

Dr. Kuntz is sorely needed and more than up for the task. I look forward to Dr. Kuntz's service on the bench. I congratulate him and his family.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF HENRY F. FLOYD TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

NOMINATION OF NANNETTE JOLIVETTE BROWN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

NOMINATION OF NANCY TORRESEN OF MAINE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE

NOMINATION OF WILLIAM FRANCIS KUNTZ, II, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

NOMINATION OF MARINA GARCIA MARMOLEJO TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

NOMINATION OF JENNIFER GUERIN ZIPPS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit; Nannette Jolivet Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana; Nancy Torresen, of Maine, to be United States District Judge for the District of Maine; William Francis Kuntz, II, of New York, to be United States District Judge for the Eastern District of New York; Marina Garcia Marmolejo, of Texas, to be United States District Judge for the Southern District of Texas; and Jennifer Guerin Zipps, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate with respect to the nominations, with the time equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, that would bring us to 20 minutes of 6. I think there was probably an attempt to vote at 5:30. I ask unanimous consent that the time be still divided in

the regular way but the votes begin at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today's consideration of six qualified consensus judicial nominations is welcome. It is all too rare. I commend Majority Leader REID for pressing for Senate votes on all 27 of the judicial nominees fully considered by the Senate Judiciary Committee and awaiting final action by the Senate.

We have a judicial vacancy rate that stands at 11 percent. We have 95 vacancies on Federal courts around the country. We have to build on today's efforts, the regular consideration of nominations without needless delay.

I was talking the other day with Bruce Cohen, who is the chief of staff of the Senate Judiciary Committee—chief counsel—and somebody who has had a great deal of experience working with different Senators. We were talking about the fact that there has never been anything such as this. We usually, whether it is a Republican President, Democratic President, Republican-controlled Senate, Democratic-controlled Senate, when nominees go through the Senate Judiciary Committee unanimously, supported by the Senators from their home State, they usually, within a few days during wrap-up, are voice voted through.

Once in a while whoever is leader may need a vote on a Monday afternoon. So the next Monday afternoon one will be voted on. It is always 100 to nothing.

Then we have people go through unanimously, supported by Republican and Democratic Senators, and they wait month after month after month. I hope we can get away from that. I hope, for the integrity of our judicial system, we can get away from that. But also just think of the personal account that it means to the people who have been nominated. If a person is a lawyer, a distinguished lawyer, they are nominated for the Federal bench, everybody is going to congratulate them, saying that is wonderful. Then the rest of their law firm is kind of looking at them, saying: Are you going to leave now? When are you going to leave? Because their life is put on hold. They are probably going to take a significant cut in salary anyway. But they cannot take on new clients.

I hope this is probably an indication we will finally get moving.

The Senate will need to vote on four to six nominations judicial nominees a week, not just this week or next week, but throughout the fall if we are to make a real difference and make real progress. With a judicial vacancy rate that stands at 11 percent and with 95 vacancies on Federal courts around the country, we need to build on today's effort with the regular consideration of nominations without needless delays.

Among the nominees selected for Senate action today from the 27 awaiting final consideration is the nomination of Magistrate Judge Jennifer Guerin Zipps of Arizona. She will fill a vacancy in Tucson created by the tragic murder of Chief Judge Roll earlier this year. This confirmation sets the benchmark for how judicial nominations should be being treated. It has been little more than 70 days since her nomination was sent to the Senate, and Judge Zipps has participated in a hearing, was considered by the committee and is now being confirmed by the Senate. If, on the other hand, Senate Republicans had adhered to the timeframe that they have utilized during the last 2 years for delaying consideration of consensus nominees, Judge Zipps would not be considered or confirmed until next year. I know this nomination is important to Senator KYL and I am glad to be able to support it and work with him to have it considered by the Senate. I hope that the Arizona Senators will now give consent for the committee to move forward with the nomination of Rosemary Marquez to fill another emergency vacancy in Arizona so that we can do more to help meet the critical needs on the Federal court in their State.

The judicial emergency vacancy Judge Zipps will fill is important, just as the action to fill the judicial emergencies in New York, Texas and on the Fourth Circuit that we will fill today is much needed. There are other nominees ready for final Senate action to fill judicial emergency vacancies on the Second, Fifth and Ninth Circuits and in New York, Pennsylvania, Florida and Texas. Given the extensive delays in filling vacancies, and the historically high level of vacancies that inaction on confirming President Obama's nominees has perpetuated, it is no surprise that so many pending nominees will fill judicial emergency vacancies. Of the 17 judicial nominations Republicans have not consented to consider, that are stuck before the Senate, seven of them would fill judicial emergency vacancies, as well.

I have repeatedly thanked Senator GRASSLEY for his cooperation in making sure that the Senate Judiciary Committee regularly considers nominations. Regrettably, our work has not been matched on the Senate floor, where the refusal by the Republican leadership to promptly consider consensus nominations has contributed to the longest period of historically high vacancy rates in the last 35 years. The six nominees we consider today are double the number allowed to be considered since the August recess. Such unnecessary and unexplained delays are wrong, and are harmful to the Federal judiciary and to the American people who depend on it.

Only one of the nominations which the Republican leadership has agreed

to consider will fill a vacancy on our courts of appeals. This is in spite of the fact that four circuit court nominees, all for judicial emergency vacancies and all unanimously voted out of the Judiciary Committee, are awaiting final Senate action. The nomination of Judge Henry Floyd of South Carolina to fill a judicial emergency vacancy the Fourth Circuit is finally being considered after a wait of nearly 5 months. This is only the fifth circuit court nomination the Senate has been allowed to consider this entire Congress. This stands in sharp contrast to the 17 circuit court nominations in 17 months that we confirmed when I chaired the Judiciary Committee in 2001 and 2002 and President Bush was in the White House.

The nomination of Judge Floyd is another example of how President Obama is working with home State Republican Senators to select a qualified, consensus nominee. Judge Floyd received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary and has the support, as do all the nominees awaiting final Senate action, of both of his home State Senators, in this case two Republican Senators. A Federal District Court Judge for the District of South Carolina since 2003, Judge Floyd previously served as a State court judge for 11 years, and before that he spent 19 years in private practice. It is no surprise that his nomination was reported unanimously by the Judiciary Committee. What is disappointing is that it has taken almost 5 months for Republicans to consent to Senate consideration of this nomination. The people of South Carolina and the other states of the Fourth Circuit—Virginia, Maryland, West Virginia, and North Carolina—should have had a circuit court judge and not a judicial emergency vacancy for the last several months.

They are not alone. There are qualified, consensus nominees who were reported unanimously by the Judiciary Committee now on the Senate calendar to fill judicial emergency vacancies on the Second, Fifth and Ninth Circuits. Those judicial emergency vacancies affect the people of Vermont, Connecticut and New York; Mississippi, Louisiana and Texas; and Washington, Oregon, Montana, Wyoming, Idaho, Nevada, Arizona and California. These are not controversial nominees. The Senate should be able to take up and confirm nominees like Stephen Higginson of Louisiana, nominated to a judicial emergency vacancy on the Fifth Circuit with the support of his home State Senators, one a Democrat, and the other a Republican. His nomination was reported unanimously nearly 3 months ago. The Senate should be able to take up and confirm the nomination of Christopher Droney of Connecticut, nominated to a judicial emergency vacancy on the Second Circuit, who has

the support of both of his home State Senators, Senator BLUMENTHAL, a Democrat, and Senator LIEBERMAN, an Independent. The Senate should be able to take up and confirm the nomination of Morgan Christen of Alaska, nominated to a judicial emergency vacancy on the Ninth Circuit, who has the support of both of her home State Senators, Senator MURKOWSKI, a Republican, and Senator BEGICH, a Democrat. Each of these circuit nominees received the unanimous support of all Democrats and all Republicans serving on the Judiciary Committee. Each is being delayed from filling a judicial emergency vacancy and serving the people of their State and their circuit.

Republicans who will not consent to votes on these nominations should explain to the people of the many States that comprise the Second Circuit—Vermont's circuit—and the Fifth and Ninth Circuits why those important Federal appeals courts are short on badly needed judges who could be confirmed today.

The Senate's Republican leadership continues to delay votes on qualified, consensus district court nominations, as well, leading to the backlog we have today of over two dozen judicial nominations pending on the Senate's Executive Calendar—nearly half of them to fill judicial emergency vacancies. They continue to refuse to consent to votes on 17 of the 27 nominations and have unnecessarily delayed votes on all of them for months.

Millions and millions of Americans are directly affected by this obstruction. More than half of all Americans—nearly 170 million—live in districts or circuits that have a vacancy that would be filled today if the Senate would act. More than half of all States—26—are served by courts that have nominations currently pending on the Senate's Executive Calendar. The Republican leadership should explain to the millions of Americans in these States why they will not vote. They should explain to the people of New York, Texas, Pennsylvania, Florida, Wyoming, Alaska, California, and Delaware why they will not consent to votes today on qualified, consensus nominees to fill vacancies on the Federal trial courts in their States.

These 170 million Americans should not have to wait additional weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country. They should not have to bear the brunt of having too few judges available to do the work of the Federal courts. At a time when judicial vacancies have remained at historically high levels for over 2 years, these needless delays perpetuate the judicial vacancies crisis that Chief Justice Roberts wrote of last December and that the President, the Attorney General, bar associations

and chief judges around the country have urged us to join together to end. The Senate can and should be doing a better job working to ensure the ability of our Federal courts to provide justice to Americans across the country.

We could easily act today to improve this situation dramatically and alleviate the crisis. Of the 17 nominations the Republicans continue to obstruct, 15 were reported by the committee unanimously. All of these consensus nominees have been favorably reported after a fair but thorough process, including extensive background material on each nominee and the opportunity for all Senators on the committee, Democratic and Republican, to meet with and question the nominees. They have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. These are the kinds of consensus nominees that in past years would have been considered and confirmed within days or weeks of being reported, not delayed for weeks and months.

During the first years of the Bush and Clinton administrations, we were able to reduce vacancies significantly by confirming judges. The vacancies that had numbered over 100 early in those administrations were dramatically reduced by this juncture. By early October in the third year of the Bush administration judicial vacancies had been reduced to 46. By early October in the third year of the Clinton administration they had been reduced to 57. In contrast, the judicial vacancies now in October of the third year of the Obama administration stand at 95, with a vacancy rate of 11 percent. That is a vacancy rate that is more than double where it stood at this point in President Bush's third year.

Rather than coming down as they have in the past with Republican and Democratic presidents, Federal judicial vacancies have remained near or above 90 for more than 2 years. As the Congressional Research Service confirmed in a recent report, this is a historically high level of vacancies, and this is now the longest period of historically high vacancy rates on the Federal judiciary in the last 35 years.

I hope that we can come together to return to regular order in the consideration of nominations as we have on the Judiciary Committee. The refusal by Republican leadership to come to regular time agreements for the Senate to vote on nominations continues to put our progress—our positive action—at risk. It does no good for the Judiciary Committee to vote on judicial nominees if the Senate does not act to confirm them. The hard work of the Judiciary Committee is being squandered. When the Senate is prevented from acting, as it has been with respect to 17 of the 27 judicial nominations left pending before it, the vacancies persist and

the American people are not being served.

Last month, a Republican Senator was in error when he told the Senate and the American people that the Senate had already confirmed 67 article III judges this year. Had we, the Federal judicial vacancies would not remain at crisis levels. I wish he had been correct, but sadly he was not. At the time, only 38 nominees had been confirmed. Even if Senate Republicans were to abandon their obstructionist tactics and allow votes on all 27 of the judicial nominations currently awaiting final Senate action, we would still fall short of his proclamation.

In fact, even after an additional six confirmations today, the Senate will have confirmed only 44 judicial nominations, less even than last year. The first year of the Obama administration, Republicans would only allow 12 judicial nominees to be confirmed. That was the lowest total in more than 50 years. After last year, the total number of judicial nominees allowed to be confirmed was the lowest total for the first 2 years of an administration in 35 years. Last year, the Senate adjourned and left 19 judicial nominees without final action. Most had to be renominated again this year. The last of those nominees was not confirmed until June 21 of this year. Last year's stalling took us an extra 6 months to remedy. Accordingly, the Senate's confirmation of judicial nominees who had their hearings and were considered by the committee this year will total only 27 after the confirmations today.

Some seek to justify their continuing failure to take serious action to address the vacancies crisis by recalling selected instances where Democrats opposed some of President Bush's most controversial nominees. That is no justification for the across-the-board stalling on consensus judicial nominees. And this ignores the fact that we were able to make real progress in those years to confirm judicial nominees and fill vacancies. We confirmed 100 judges in the 17 months I chaired the Judiciary Committee in 2001 and 2002. The Senate will not confirm the 100th of President Obama's circuit and district court judges until today, during the 33rd month of the Obama administration, nearly twice as long.

At the end of President Bush's first 4 years in office, the Senate had confirmed 205 of his judicial nominees. We have a long way to go to reach that total before the end of next year. At this point in the presidency of George W. Bush, 162 Federal circuit and district court judges had been confirmed. On October 3 of the third year of President Clinton's administration, 163 Federal circuit and district court judges had been confirmed. By comparison, after today we will have confirmed only 104 of President Obama's circuit and district court nominees. To match

the total at end of President Bush's first term the Senate will need to confirm more than 100 Federal circuit and district court judges during the next year. That means doubling to tripling the pace at which the Senate has been acting.

We can and must do better to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

Mr. VITTER. Mr. President, I am happy to support Nannette Jolivet-Brown's nomination to the Eastern District of Louisiana. She is an experienced, real world practitioner with strong ties to the Louisiana legal community. I was very pleased when the president nominated my former classmate at Tulane Law School to the Federal bench. She possesses a wonderful, warm, calm personality that is perfectly suited to the right demeanor a judge should have.

Nannette is currently serving as the city attorney for New Orleans, a challenging position that is tasked with providing legal advice to all city officials and departments in addition to representing New Orleans in all legal matters. She has handled this responsibility well and her experience as a public servant will be an asset to her new position as a Federal judge.

Throughout her career in private practice, Ms. Brown established herself as an expert in environmental law. Additionally, she has taught law at Loyola University New Orleans, the Southern University Law Center, and as a teaching fellow at Tulane Law School.

Nannette Brown will bring a wealth of both public and private sector experience to the Federal bench, as she has practiced, taught, and administered the law throughout her career. She is exceptionally qualified to serve as a Federal judge.

I believe that the Constitution is clear that judges must interpret the law and not legislate from the bench. Accordingly, we have a responsibility to confirm judges who respect the rule of law and will practice judicial restraint. I am confident that Nannette Brown will be just such a judge. I urge my fellow Senators to unanimously support her confirmation today.

Ms. COLLINS. Mr. President, I am honored to support the nomination of Nancy Torresen to be a U.S. District Judge for Maine. She is eminently well qualified to be confirmed. She has led an exemplary career of public service, culminating in her current position as an assistant U.S. attorney.

Ms. Torresen graduated from Hope College cum laude in 1981 and received her law degree cum laude in 1987 from the University of Michigan Law School where she was executive editor of the Law Review. After graduation, she

came to Maine to serve as a law clerk to the extraordinarily well-respected Maine Judge Conrad Cyr. From 1988 to 1990, she worked at the law firm Williams and Connolly here in Washington.

In 1990, she had the good judgment to return to Maine when she became an assistant U.S. attorney for the District of Maine and initially handled civil matters involving Federal agencies.

In 1994, she was assigned to the appellate section of the criminal division of the Maine attorney general's office where she was responsible for representing the State in appeals of serious violent crime convictions.

In 2001, Ms. Torresen returned to the U.S. attorney's office where she has been responsible for investigating and prosecuting Federal crimes in the northern half of Maine.

I am impressed by her dedication and passion for the law. I also appreciate her 21-year long commitment to public service. She has remarked that she is proudest of her criminal prosecution efforts because of the urgent need to protect the public from violent criminals and her desire not to let down the victims.

One of her more significant cases was the recent prosecution of a multistate bank robber dubbed the "Burly Bandit." From April through July, Robert Ferguson robbed more than 10 banks and credit unions throughout New England. The spree ended with a robbery of Bangor Savings Bank in July, and on October 1 of last year Mr. Ferguson pleaded guilty in U.S. district court in Bangor to 11 counts of bank robbery. Maine's U.S. attorney recognized Ms. Torresen for her outstanding work in coordinating the prosecution in the six States.

Except for a brief stint in private practice, Ms. Torresen's entire career has been that of a dedicated public servant. She is well respected in the legal community and was rated "unanimously well-qualified" by the American Bar Association.

Let me share one of my many conversations with her colleagues in the Maine legal community. Tim Woodcock is a well-known attorney in Bangor, whose comments are very typical of what I heard when I called and asked people what they thought of Ms. Torresen. Tim said that he regards her as "highly professional, extremely capable, tough, but fair and is a strong advocate for the adherence by law enforcement to all legal requirements."

These are all qualities that we should look for in our judicial nominees. Ms. Torresen's work as a prosecutor in both the Federal and State judicial systems, her integrity, her temperament, and her respect for precedent make her well qualified to serve as Maine's next Federal judge.

Maine has a long, proud history of superb federal judges, and I believe

that Ms. Torresen will continue that tradition if confirmed.

I urge my colleagues to support her nomination.

Mr. KYL. Mr. President, I strongly support the nomination of Magistrate Judge Jennifer Guerin Zipps to the Federal district court.

At the outset, I would like to point out that Judge Zipps has been nominated to fill the seat once occupied by Chief Judge John Roll, who was, of course, murdered earlier this year during the same attack that left Congresswoman GABRIELLE GIFFORDS gravely wounded. On every level, this was a tragic loss for Arizona and the judiciary. John Roll was known for his fairness to those who appeared before him, plaintiffs and defendants alike. As chief judge, he was a tireless advocate for all Arizonans, working to ensure that the federal courts in our state were able to handle growing caseloads while simultaneously seeking swift and fair justice for all.

The day we lost Chief Judge Roll, we lost an outstanding jurist, a dedicated public servant, and a great Arizonan. Judge Zipps has big shoes to fill, but I am confident she is up to the challenge, and that she will serve with honor and distinction.

I would like to say a few words about the background of Judge Zipps. Her qualifications are quite strong. Judge Zipps graduated from the University of Arizona and from Georgetown University Law Center. After law school, she clerked on the Ninth Circuit for Judge Canby and then worked for 4 years at the law firm of Molloy, Jones & Donahue. She spent the next decade as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Arizona. She rose to be chief of the Civil Division and for the last three years was the Chief Assistant in the office. She earned numerous awards, including one for leadership and one for her performance as the civil chief. It is easy to see why Judge Zipps was awarded the ABA's highest rating: Unanimous "Well Qualified."

Judge Zipps has served as a magistrate on the Federal district court in Arizona since 2005. She has a distinguished record that has earned the respect of the legal community in Arizona. With her judicial experience, Judge Zipps will be able to hit the ground running and help tackle one of the heaviest caseloads in the Federal judiciary.

Perhaps most telling is the high regard in which Judge Zipps is held by her colleagues on the district court. They come from different backgrounds and were appointed by Presidents of both parties, but they all speak highly of her.

Mr. MCCONNELL. Mr. President, I will vote to confirm Judge Henry Floyd to the United States Court of Appeals for the Fourth Circuit despite my

strong disagreement with his ruling in an important case that involved our national security. As a Federal district court judge in 2005, Judge Floyd ruled that the President of the United States did not have the authority to detain as an enemy combatant Jose Padilla, the so-called Dirty Bomber, because Mr. Padilla was an American citizen who was apprehended in the United States. The U.S. Court of Appeals for the Fourth Circuit reversed Judge Floyd in that case. The Fourth Circuit noted, correctly in my view, that under the plain language of the Authorization for Use of Military Force and the plurality opinion of the Supreme Court in *Hamdi versus Rumsfeld*, the place of Mr. Padilla's eventual capture was immaterial to the authority of the Commander-in-Chief to detain him as an enemy combatant. Mr. Padilla had associated himself with al-Qaida in Afghanistan during hostilities against U.S. forces. Mr. Padilla then fled to Pakistan, whereupon he met with Khalid Sheik Mohammed, who directed him to travel to the United States to blow up apartment buildings. Mr. Padilla was in the United States at the time of his capture in order to carry out this mission. As a result, the Fourth Circuit correctly held that the President could properly designate and detain Mr. Padilla as an enemy combatant. Judge Floyd erred in adopting a rule that would, in essence, allow enemy combatants to escape military jurisdiction if they simply succeed in entering—or re-entering—the United States—and in Mr. Padilla's case, for the purpose of conducting additional and lethal operations against the United States and its citizens.

Judge Floyd has had an accomplished legal career, and has served with distinction as a state and federal judge for nearly two decades. Because of this lengthy and distinguished judicial record, I supported his nomination to the Fourth Circuit, despite my serious disagreement with his ruling in the Padilla case.

VERMONT DEVASTATION

Mr. LEAHY. Mr. President, I wish to talk about the devastating flooding in Vermont but also our recovery. Last week, my wife Marcelle and I probably drove 400 miles around the State of Vermont—inside the State. We are a small State. The distinguished Presiding Officer knows how in small States one can go from one end to the other fairly quickly. But we crisscrossed the State over a period of a little over 1 week, a lot of the time just the two of us in the car. We would drive around and say thank you to volunteers.

Some of the things we saw were so touching. People who had lost everything were helping others and vice versa. The spirit is wonderful. The reality is, our little State, the State where both my wife and I were born,

has been hurt in a way we have not seen in our lifetime.

I have talked about these inspiring actions of Vermonters. One of the things we saw is some of the worst damage caused by the storm has been to the houses and mobile homes and apartments, where Vermonters had built their lives. They had made their homes, had become part of the community. Their kids go to school. They are the fabric of the community.

We have seen entire mobile home developments washed away. Where homes once stood, now lies a path of damage and destruction and heartbreak. Look at the horrific flooding we have right here—suddenly no roads where there were roads. Look at the forefront of this picture—a house collapsed in on itself, children's toys on what might have been a playground at one time that is now devastated. I had people tell me: We lost everything. Then, in tears: We lost our wedding album. We lost the pictures of our children when they graduated from high school. We lost pictures of their baptism or their bar mitzvah.

I mean, it tears one apart because they have lost not only their homes, they have lost part of their memories.

I commend my staff both in Washington and in Vermont, because they have worked sometimes literally around the clock—weekends, evenings, days—to help. They have seen firsthand the ruin and pain delivered by this disaster. They have seen it with their eyes and in the tearful eyes of the families around the State. Over the sounds of generators powering sump pumps and heavy equipment removing debris, we have had countless conversations with people as they stared at foundations—empty foundations—that once held their homes; as they dug toxic muck out of their basements and shops; and as volunteers helped with pulling down wet drywall, in a race against the onset of mold.

Most of these conversations begin with memories of fast-rising water and death-defying rescues. In Northfield—a town a few miles from where I live—dozens of homes along the peaceful Dog River were flooded with as much as 6 feet of water. One homeowner who escaped the rising waters by canoe fears the insurance and FEMA assistance will not be enough to help him restore his home, which is part of his life. Like many of the residents of his Water Street neighborhood, he is left wondering whether rebuilding is possible or even worth the effort.

In Brattleboro, which is down in the southeast corner of our State along the Connecticut River, and which is a boundary between Vermont and New Hampshire, the Brattleboro Housing Authority lost 60 units of housing. They put families in hotels, on their friends' couches, and spread throughout the region, as the housing author-

ity tries desperately to fix what is lost. I saw a lot of that damage. I went there with the Governor and with the head of our Vermont National Guard. I saw it.

In Roxsbury—a beautiful town—one family along a peaceful brook that is normally about 1 foot wide was forced to their roof as floodwaters rose, and the brook became a raging rapid more than 20 feet across and 6 feet deep.

In Duxbury—the next town over from mine—in Quechee, in Berlin, and in nearly a dozen other towns, mobile home parks quickly became submerged. These homes are especially vulnerable to flood damage and are easily destroyed by a few feet of water. These are areas where they have never seen a few feet of water, and suddenly it was there.

Last week, in Woodstock, I visited a mobile home park where, on the night of the flood, the entire community crowded onto a small mound in the middle of the park awaiting rescue, watching as their homes were being destroyed. Marcelle and I stood on that mound. It was a beautiful fall day. We looked down and you could see everything that had been torn up. You could see the gouges and all the damage. I wondered, how could somebody stay in there? Honestly, as the houses were destroyed and they watched that water come up, they probably thought if it comes up any farther, we are going to die.

Just 1 week after the flooding, FEMA estimated that more than 900 homes in Vermont had suffered damage. Today, that number continues to grow, and families who found safety and comfort in their homes before Irene now find themselves living in temporary homes, in shelters and hotels, while winter is quickly, quietly approaching.

Our small State's ability to build new homes depends greatly on support from Federal safety net programs, such as the emergency community development block grant funding that I was proud to support included in the Transportation-HUD appropriations bill. While this emergency funding is a first step in addressing the urgent housing needs of States such as Vermont that have been struck by natural disasters, we know that much more will be needed to help our decimated towns and communities and their citizens get back on their feet.

Housing authorities need section 8 choice vouchers to provide relief to low-income renters permanently displaced, and they need the flexibility to make use of the few available units of government-subsidized housing without the burden of stringent income-eligibility requirements. To some, this sounds like numbers, but it is very important to the people who depend upon them.

I am proud that in the Senate, on the Appropriations Committee over the past several weeks, we have been working so hard and we have been able to

make prompt, significant, and bipartisan strides toward addressing the emerging disaster recovery needs in States such as Vermont, New Jersey, and North Carolina. Actually, 48 States face emergency disaster needs this year.

I remember the stories my parents and grandparents told me of flooding long before I was born in Vermont. I am 71 years old, but I have not seen damage and destruction of this magnitude in Vermont in my lifetime. Other States were also hit by Irene and are stretched to the limit. Just as victims of past disasters throughout the country were able to rely on fellow Americans in their times of need—including Vermont—so should Vermonters be able to count on a helping hand when they need it most. It is regrettable and disappointing—actually incomprehensible—that some in Congress continue to insist that assistance can only come at the cost of other Federal programs that are relied upon by the American people. Do we take it out of education or medical research or job creation? Do we rob Peter to pay Paul? Some of these same voices have had no problem with spending hundreds of billions of borrowed dollars on wars waged overseas and on rebuilding communities in Iraq and Afghanistan. They will borrow the money to rebuild roads and villages and homes in Iraq and Afghanistan, but they are going to apply a different standard to recovery efforts that are desperately needed for Americans here at home in America. It is Alice in Wonderland. An old Vermonter said to me: You know, PAT, we give them money in Iraq and Afghanistan to build homes and bridges and roads, and then they blow them up. If we build them here in America, we will take care of them and we will use them. I could give a 10-hour speech on the floor on those two sentences, summing up what I have heard from everybody. I don't care what their political background is.

Now is not the time to ask Americans to choose between helping victims of a disaster and funding for cancer research, equipment for first responders, or job-creating programs. We need to come together as a country, as we always have in the past, to pass an emergency disaster relief bill for our States in their time of need.

The Senate has answered the call by passing critical disaster relief legislation. It is time for the House to do the same and let the victims of Hurricane Irene start rebuilding their homes. As they rebuild their homes, they will rebuild their lives. They will rebuild their lives and they will rebuild our communities. When they rebuild our communities, they rebuild our State. We are part of the United States of America.

Mr. President, I yield the floor, and I suggest the absence of a quorum, with the time equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today, the Senate will confirm six more of President Obama's judicial nominees. Four of these vacancies have been deemed to be judicial emergencies. With these votes, we will have confirmed over 44 percent of the judicial nominees submitted by President Obama during this Congress, and 66 percent of all his judicial nominees.

As I have stated, the confirmation of executive and judicial appointments is one of the highest responsibilities of the Senate. It is a duty I take seriously. It is not, as some have suggested—a pro forma process. We are not here to merely rubberstamp the President's nominees. Sometimes that process takes a little time. It is the Senate's right and duty to review thoroughly the record, qualifications, and temperament of nominees. Above all, the process is to be treated with respect and with dignity. This is important for the nominees, for the Senate, and for public confidence in our constitutional process.

So I was disturbed to read recent news reports regarding what was described as an induction ceremony in the Northern District of California for Judge Edward Chen. I believe, at this event, Judge Chen showed disrespect to the Senate and to the confirmation process. I regret that I would have to spend any time on this, and take away from the confirmation of the pending nominees. But there are important points that need to be addressed to protect our process and our members.

The Senate confirmed Judge Chen last May by a 52-46 vote. Needless to say, he was not a consensus nominee. Among the concerns about this nomination was Judge Chen's judicial philosophy, his willingness to adopt the "empathy standard," and concern that he would not set aside his personal views—largely shaped by his long association with the ACLU. Remarks reportedly made at this recent event indicate our concerns were valid.

I have not seen a transcript of the event, but an article entitled "Chen Toasted, Republicans Roasted" makes this look more like a political rally rather than a judicial event. Chief Judge Ware, in commenting on Judge Chen's confirmation quipped, "It made me wonder if Judge Chen should be running for political office." That is what many of us thought was more appropriate for Judge Chen, rather than appointment as a Federal judge.

The news article describes remarks made by Judge Chen, which I can only

describe as mocking one of our members, Senator SESSIONS. This is distasteful, if not ironic. It was only after a personal appeal by SENATOR FEINSTEIN to Senator SESSIONS that the vote on Judge Chen went forward. Senator SESSIONS agreed to that vote and pressed other Members to let the vote proceed. If the press accounts are accurate, I believe Judge Chen owes an apology to Senator SESSIONS.

Judge Chen went on to again embrace his ACLU background, stating, "Having the ACLU in your DNA is not a disease, it's an honor." As I have said before, Judge Chen's advocacy on behalf of the ACLU is not disqualifying, by itself. But I have to wonder about the impartiality of Judge Chen. More importantly, what are potential litigants appearing before Judge Chen to think. If the ACLU is an opposing litigant, is there any way to think Judge Chen can be fair and impartial. I would think mandatory recusal would be required in any ACLU case coming before him.

Federal Judges must abide by the code of conduct for United States Judges. I will withhold judgment on whether or not Judge Chen violated those canons, but in my opinion he clearly went too far—particularly with regard to the requirement to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety in all activities, and to refrain from political activity. I hope Judge Chen realizes the important responsibility he has and acts accordingly in the future. I also hope this is a lesson to other nominees—that they treat this process with respect, even after confirmation and appointment.

I have been working throughout this Congress to confirm consensus nominees. I continue to remind my colleagues of the progress we have made. With a hearing in the Judiciary Committee scheduled for tomorrow, 85 percent of President Obama's judicial nominees will have received a hearing. At this point in President Bush's presidency, only 77 percent had been afforded a hearing.

Not only have we processed a higher percentage of nominees, but we have done it in shorter times. President Obama's circuit court nominees have only had to wait, on average, 66 days for a hearing. President Bush's circuit court nominees were forced to wait 247 days. In fact, we will be hearing from a Fourth Circuit nominee tomorrow after only 26 days in committee. None of President Bush's circuit court nominees were afforded a hearing that quickly. President Bush's Fourth Circuit nominees were particularly treated in a harsh manner. My friends on the other side of the aisle allowed four qualified and consensus nominees to languish at a time when the Fourth Circuit was one-quarter vacant.

President Obama's district court nominees have also received better

treatment. On average, they have only waited 79 days for a hearing. President Bush's district court nominees waited 247 days. These nominees are also being reported out of committee at a quicker pace as well. On average, President Obama's circuit and district court nominees have been reported more than 66 days faster than President Bush's.

All in all, we have taken positive action on 85 percent of President Obama's judicial nominees this Congress. Even though I am proud of this progress, I must note, I will continue to focus on quality confirmed over quantity confirmed.

Shortly, we will be voting on Henry Floyd, who is nominated to the appeals court for the Fourth Circuit. This is President Obama's fifth nominee to be confirmed to the Fourth Circuit alone. President Bush's nominee to the Fourth Circuit from South Carolina, Steve Matthews, did not receive the same treatment. In fact, he went 484 days without so much as a hearing, let alone an up-or-down vote. Not only that, he was blocked from being considered. I would note the seat to which he was nominated was subsequently filled by a nominee from North Carolina, rather than South Carolina where the vacancy arose.

Another vacancy we will be voting on tonight is the District of Arizona seat held by the late Judge Roll before his tragic and untimely death on January 8, 2011. The entire judicial community felt this great loss. After Judge Roll's murder, I repeatedly implored the administration to focus on filling this seat as quickly as possible. It was deemed to be a judicial emergency instantly. However, it took over 5 months for the administration to nominate Judge Jennifer Guerin Zipp to the seat, even though she was a sitting magistrate judge. Since the President took his time in submitting a nomination, I felt it appropriate to work with the chairman to move this nomination through in an expeditious manner. Nominated in late June of this year, Judge Zipp received her hearing a mere 34 days later. Judge Zipp was reported to the floor shortly after we returned from the August recess and I am happy we have continued this fast pace and are confirming her to a lifetime position today.

In addition to Judge Floyd and Judge Zipp, we will confirm Nannette Jolivet Brown to be United States District Judge for the Eastern District of Louisiana; Nancy Torresen to be United States District Judge for the District of Maine; William Francis Kuntz to be United States District Judge for the Eastern District of New York; and Marina Garcia Marmolejo to be United States District Judge for the Southern District of Texas.

I am pleased to support each of these nominees. I thank them for their pub-

lic service and congratulate them on their prior accomplishments and confirmation today.

I would like to say a few words about each of the nominees.

Henry F. Floyd, is nominated to be a circuit judge for the Fourth Circuit. This seat has been deemed to be a judicial emergency. Mr. Floyd is currently a U.S. district court judge for the District of South Carolina. He was nominated to the bench by President George W. Bush in 2003, and has sat by designation on the U.S. Court of Appeals for the Fourth Circuit several times.

Prior to joining the bench, Judge Floyd was elected by the South Carolina General Assembly to serve as a circuit court judge for the Thirteenth Judicial Circuit in 1992.

He began his legal career in private practice, first as a solo practitioner and eventually forming the law firm of Floyd & Welmaker, which then merged with Acker & Acker. He focused on civil, criminal and domestic litigation as well as trust and commercial law. He also served as an attorney for Pickens County while maintaining his full-time law partnership. Judge Floyd is a graduate from Wofford College and received a Juris Doctorate from the University of South Carolina. It was during his second year of law school when Judge Floyd was elected to the South Carolina House of Representative, serving three terms until 1978.

The ABA Standing Committee on the Federal Judiciary has rated Judge Floyd with a unanimous "Well Qualified" rating.

Nannette Jolivet Brown is nominated to the Eastern District of Louisiana. Ms. Brown currently serves as city attorney for the city of New Orleans, where she represents the city as its chief legal officer. Prior to that, Ms. Brown was in private practice, working on real estate, environmental, personal injury, insurance, commercial and business law. She taught a number of courses at Southern University Law Center, and was a clinical professor at Loyola University.

From 1994 to 1996, Ms. Brown served as the Director of Sanitation for New Orleans. She was also a teaching fellow at Tulane Law School. Ms. Brown is a graduate from the University of Southwestern Louisiana and received her J.D. and L.L.M. from Tulane Law School.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Brown with a unanimous "Qualified" rating.

Nancy Torresen is nominated to be United States District Judge for the District of Maine. Since 2001, Ms. Torresen has served in the criminal division of the U.S. Attorney's Office in the District of Maine. She has investigated and prosecuted Federal crimes in the northern half of the district.

From 1994 to 2001, the Department of Justice detailed Ms. Torresen to the

Maine Department of the Attorney General Criminal Division in the Appellate Section. In this position, Ms. Torresen represented the state of Maine in appeals of serious violent crime convictions.

From 1990 to 1994, Ms. Torresen served as an Assistant United States Attorney for the U.S. Attorney's Office in Maine. She represented a variety of federal agencies in litigation involving medical malpractice, employment and discrimination cases.

She began her legal career as a law clerk with the Honorable Conrad K. Cyr, of the United States District Court for the District of Maine. In 1988, she joined Williams and Connolly as an associate, working on medical malpractice, libel, and contract disputes. Ms. Torresen is a graduate from Hope College with a B.A. and from the University of Michigan School Of Law with a juris doctorate.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Ms. Torresen as "Well Qualified."

William Francis Kuntz, II, is nominated to the Eastern District of New York. This seat also has been deemed to be a judicial emergency. Since 1986, he has been a partner with a number of private law firms. While he has focused his practice on commercial litigation, he has represented financial services institutions, and large industrial entities.

From 1987 through 2010, Mr. Kuntz was appointed by Mayors Koch, Dinkins, Giuliani and Bloomberg, and confirmed by the New York City Council, to serve on the New York City Civilian Complaint Review Board, CCRB. As a commissioner, he has reviewed thousands of complaints filed by citizens against New York City police officers. Mr. Kuntz has taught courses in American Legal History at Brooklyn Law School.

Mr. Kuntz received his bachelor of arts, a master of arts, a juris doctorate, and a Ph.D from Harvard University.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Mr. Kuntz as "Well Qualified."

Marina Garcia Marmolejo, is nominated to the Southern District of Texas. This is another judicial emergency seat. Ms. Marmolejo is currently a partner with Reid Davis LLP., where she has been focusing on complex commercial cases. Prior to this, she served as Of Counsel for two firms, working on complex Federal and State criminal defense matters, public corruption matters, criminal tax fraud, health care fraud, and mortgage fraud.

In 1999, Ms. Marmolejo worked briefly for the law offices of Jesus M. Dominguez before becoming an assistant U.S. attorney in the U.S. Attorney's Office for the Southern District of Texas. As an AUSA, Ms. Marmolejo was assigned to the Organized Crime

Drug Enforcement Task Force where she handled narcotics cases and money laundering investigations.

After graduating from law school, Ms. Marmolejo joined the Federal Public Defender's Office for the Western District of Texas as Assistant Public Defender where she remained until 1998. She then moved to the Federal Public Defender's Office for the Southern District of Texas where she again served as an Assistant Public Defender until 1999.

Ms. Marmolejo is a graduate of the University of Incarnate Word and received her master of arts from St. Mary's University Graduate School, and her Juris Doctorate, cum laude, from St. Mary's School of Law.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Marmolejo unanimously "Qualified."

Jennifer Guerin Zipps, nominated to be United States District Judge for the District of Arizona. As I mentioned, this seat has been deemed to be a judicial emergency. Judge Zipps has served as a U.S. magistrate judge since 2005. Prior to her serving on the bench, Judge Zipps served as an assistant U.S. attorney. While in that role, Judge Zipps was promoted to chief of the civil division. She also has private practice experience, serving as an associate in the firm of Molloy, Jones & Donahue. She began her legal career as a clerk for Judge William C. Canby of the Ninth Circuit Court of Appeals.

Judge Zipps is a graduate of the University of Arizona and received her juris doctorate from Georgetown Law. The ABA Standing Committee on the Federal Judiciary has rated Judge Zipps unanimously "Well Qualified."

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I rise to speak on two topics, briefly, the nomination of Judge Henry Floyd for the Fourth Circuit Court of Appeals, and the motion to proceed on China's currency.

First, Judge Henry Floyd has been nominated by President Obama to serve on the Fourth Circuit Court of Appeals in Richmond, VA. He has a lot of bipartisan support from South Carolina. He was nominated by President Bush to be a district court judge. He served as a State court judge before that, and he has a distinguished record as a State and Federal jurist. He is an outstanding choice by the President to serve on the Fourth Circuit Court of Appeals.

I have known Henry Floyd for many years. I have practiced law with him. I

have appeared before him as a State judge and have followed his career. He is unanimously rated as well qualified to proceed to the Fourth Circuit. He has an outstanding legal background, great temperament, and is one of the most qualified district court judges in South Carolina. He will serve the people of the Fourth Judicial Circuit well on the court of appeals. He has the kind of intellect and common sense I think most people in this part of the country will appreciate having on the court.

I want to thank the Obama administration, and I urge my colleagues to vote for this well-qualified, fine man to go to the Fourth Circuit Court of Appeals. He has a lot of bipartisan support at home. Everybody who knows Judge Floyd is a big fan—right, left, and center.

CHINA'S CURRENCY EXCHANGE PRACTICES

The issue after this vote is whether the Senate should proceed to debate legislation I have authored with Senator SCHUMER and others dealing with the currency exchange practices of the Communist dictatorship of China. I have been involved in this for almost 7 years. We did a sense-of-the-Senate resolution back in 2004, I believe it was, urging the Chinese to change their currency policy.

But what does this mean to the average American? The exchange rate today is 6.38 yuan to the dollar. When you look at the dollar to the euro, I don't know what it is trading today, but it goes up and down every day. China's economy is growing at 9 and 10 percent. They are the second largest economy in the world. They are moving like gangbusters. Does it really matter for them to suppress the value of the currency? Yes, it does.

Any objective observer, looking at the history of the way the Chinese Government deals with its monetary policy, concludes they keep the yuan below its true value to create a discount on products made in China. Look at it this way. If you are competing with China in the world marketplace, not only do you have cheap labor to compete against, but you have the Government of China directly supporting their industries in a way we don't here, and then add to that intellectual property theft. When you do business in China, the next thing you know, a Chinese company across the street is producing the very product you went to China to produce.

So the Chinese Government needs to follow the rule of law and live with the norms of international business practices. And when it comes to currency manipulation, it is impossible to believe that the dollar-to-yuan ratio exists without the government manipulating the value of the yuan. People estimate that it is 25 to 40 percent below its true value. What does that mean? It means if you are competing with

China, selling the same product made in China, there is a discount on the Chinese product based on the value of their money.

The trade deficit with China has exploded. Last year, it was \$273 billion. We were at \$160.4 billion in July of this year. Cheap exports coming out of China are the source of cash for the Chinese Government and Chinese industry.

We can't convert the currency in China. In the United States, we can take your money and convert it to any currency we would like. But if a Chinese manufacturer sells a product in the United States and gets paid in dollars, they have to convert it to the yuan. They have very restrictive monetary policies, and the ban of trading on the yuan is 0.5 percent day. The dollar can fluctuate based on all kinds of economic forces—our debt, our trade deficit, and what is going on here at home. But the Chinese Government restricts the fluctuation of the currency in a way that costs us jobs.

It is estimated that over 2 million jobs have been lost over the last decade because of currency manipulation alone. It is one way to get an unfair advantage in the marketplace. Over 41,000 jobs have been lost in South Carolina alone because companies can't compete with China.

So this legislation would allow the Treasury Department to create new criteria to monitor the currency practices of the Chinese Government. If it is found to be misaligned or manipulated, the Treasury Department can bring countervailing duty proposals, countervailing duty action against China. We have done this before when the Chinese dumped steel into our market.

If a country is violating the international trading standards or business norms, under the WTO we have the ability to fight back. This legislation would elevate currency manipulation. It is one thing to dump a product such as steel or tires into the American economy, creating an unfair advantage for the Chinese manufacturing community; we have tools to deal with that. But we haven't embraced pushing back against currency.

China should be a great place to do business, but it is not. It should be more balanced than it is. I want to do business with China. I just don't want trade deficits of \$273 billion that are artificially created. If they do something better than us, they should win in the marketplace. That is just the way business works. But if the government intervenes and creates an advantage for a Chinese company, that is not winning in the marketplace. This would not matter if it were a small country such as the Dominican Republic or some small country where they have to keep the currency in check because they don't want wild swings of their currency. But major economic powers—

China, the United States, European countries—can't play that game.

So I hope my colleagues will vote to allow this debate to go forward because this is about American jobs at the end of the day.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. RISCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all pending nominations other than the nomination of Henry Floyd are confirmed.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit?

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BLUNT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 154 Ex.]

YEAS—96

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Burr	Johnson (SD)	Rockefeller
Cantwell	Johnson (WI)	Rubio
Cardin	Kerry	Sanders
Carper	Kirk	Schumer
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shaheen
Coats	Kyl	Shelby
Coburn	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lugar	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	McCain	Vitter
DeMint	McCaskill	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

NOT VOTING—4

Blunt	Inouye
Brown (OH)	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the Senate will return to legislative session.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 183, S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Tom Udall, Richard J. Durbin, Richard Blumenthal, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Joe Manchin III, Debbie Stabenow, Sheldon Whitehouse, Kay R. Hagan, Robert P. Casey, Jr., Kent Conrad, Kirsten E. Gillibrand, Robert Menendez.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 183, S. 1619, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 19, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—79

Akaka	Baucus	Blumenthal
Alexander	Begich	Boozman
Ayotte	Bennet	Boxer
Barrasso	Bingaman	Brown (MA)

Brown (OH)	Hutchison	Reid
Burr	Isakson	Risch
Cardin	Johanns	Roberts
Carper	Johnson (SD)	Rockefeller
Casey	Kerry	Sanders
Chambliss	Klobuchar	Schumer
Cochran	Kohl	Sessions
Collins	Landrieu	Shaheen
Conrad	Lautenberg	Shelby
Coons	Leahy	Snowe
Cornyn	Levin	Stabenow
Crapo	Manchin	Tester
Durbin	McCain	Thune
Enzi	McConnell	Udall (CO)
Feinstein	Menendez	Udall (NM)
Franken	Merkley	Vitter
Gillibrand	Mikulski	Warner
Graham	Moran	Webb
Grassley	Nelson (NE)	Whitehouse
Hagan	Nelson (FL)	Wicker
Harkin	Portman	Wyden
Hatch	Pryor	
Hoeven	Reed	

NAYS—19

Blunt	Inhofe	Murkowski
Cantwell	Johnson (WI)	Murray
Coats	Kirk	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	Lugar	
Heller	McCaskill	

NOT VOTING—2

Inouye	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN SUDAN

Mr. WICKER. Mr. President, I rise this evening to call attention to the disturbing developments in Sudan and the newly created nation of South Sudan. I fear the ongoing violence there risks undermining the progress that has been made for lasting peace after decades of civil war and bloodshed.

It has been indeed a historic year for the people of South Sudan. Almost 3 months ago, on July 9, South Sudan was formally recognized as a sovereign nation, becoming Africa's 54th state. An overwhelming 98.8 percent of South Sudanese voters chose independence from the central government of Sudan in the referendum held this January. For the millions of people whose lifetimes have known only war, the hope of a better future was finally on the horizon.

Like many, I was cautiously encouraged by the news that the South Sudanese decided to take a path toward democracy and toward justice. Like

many, I realized this path would be a difficult one as conflict persists in Darfur and other areas around the border, such as Abyei, Blue Nile, and Southern Kordofan.

Unfortunately, recent reports of violence confirm the tenuous relationship between north and south that exists in the wake of independence. Escalating unrest points to the abandonment of peaceful negotiations by the north and a return to military intimidation and fighting. Tragically, civilians have been caught in the crossfire.

According to a post from CNN in late July, hospitals in the Nuba Mountains are overflowing with civilians who have been hurt in attacks by the northern army. This is how the report describes the scene:

In one hospital room a nurse tried to clean the blown apart face of a young boy. In another, a 12-year-old girl suffered from advanced tetanus after her arm was cut off by shrapnel. Doctors said she had little chance of surviving.

This violence, affecting innocent children, is unacceptable. Attacks against civilians are among a number of violations that have been cited by the United Nations against Sudanese President Omar al-Bashir's government, which denies the allegations and insists it is only fighting rebels loyal to South Sudan.

In a report this summer, the United Nations suggests the attacks by Sudanese Armed Forces in the border state of Southern Kordofan have amounted to human rights violations and war crimes. Most of the violence there is affecting the Nuba people, a mostly Christian minority aligned with South Sudan but left on the opposite side of the border. Thousands have been forced to flee to caves for refuge in the Nuba Mountains. Even more worrisome is that the violence is spreading. In May, the Sudanese Armed Forces invaded the disputed area of Abyei and displaced an estimated 100,000, among them nearly 4,000 children. Just last month, the Sudanese Parliament authorized military action in nearby Blue Nile.

We should not forget the legacy of President Bashir's dictatorial regime as these atrocities continue to mount. Mr. Bashir has already been indicted by the International Criminal Court for crimes against humanity and war crimes over the conflict in Darfur, and the United States continues to impose sanctions on the northern government.

The full extent of the violence in the border areas between Sudan and South Sudan is hard to determine because U.N. agencies and humanitarian groups have been denied access. But this is no excuse for ignoring the warning signs of a dangerous predicament. All too often, we recognize crises after far too many lives have been lost.

What we do know about the current situation is ominous. The African Cen-

ter For Justice and Peace Studies says supporters of the Sudan People's Liberation Army-North are being arbitrarily arrested on the basis of their perceived political affiliation and subject to extrajudicial killings. Refugees have described execution-style murders. International calls for the northern government to cease its aerial bombings have been blatantly ignored. The U.N. Office for the Coordination of Humanitarian Affairs, OCHA, reports that more than 100,000 people are thought to be displaced by fighting in Blue Nile alone. The U.N. estimates for South Kordofan top 200,000 displaced persons. Just last month, an article in the New York Times reported that a satellite imagery project monitoring parts of Sudan had captured images of mass graves.

We have always known South Sudan would face serious challenges this year and in the coming years as a free independent nation. What we cannot allow is its democratic future to hang in the balance as old scores are reignited and innocent lives are lost. Let's not forget the horrors of the civil war that ensued for 22 years before President George W. Bush engineered the comprehensive peace agreement in 2005. During that civil war, more than 2 million died, more than 4 million were displaced, and 600,000 fled the country as refugees.

I urge my colleagues not to lose focus on the hundreds of thousands of people who have been unfairly hurt by this violence. They have already endured far too much suffering. I join the U.S. State Department in its call for the hostilities to stop and for responsible dialog to resume. The longer the violence continues, the harder it will be to move forward toward lasting peace.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. SNOWE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise today in strong support of the bipartisan legislation we will be considering this week regarding the Currency Exchange Rate Oversight Reform Act of 2011. I am very pleased it received overwhelming support for us to proceed to consideration of this most critical legislation.

This day has been a long time in the making, if you ask those of us who have been calling on our government, under the leadership of both Democrats and Republicans, to hold our foreign competitors accountable when they violate our trade laws. In that respect I want to express my gratitude to my colleague from Ohio, Senator SHERROD BROWN, with whom I have partnered in repeatedly calling for a vote on this

crucial legislation, as well as the Senator from New York, Senator SCHUMER, and the Senator from South Carolina, Senator GRAHAM, for also being with us and working on this legislation to address all of the facets of this issue that have been long overdue in consideration by the Congress.

This day has been far too long in coming for the millions of American workers who are out of work and whose wages have been decimated as a result of our inability to compete with unfairly subsidized Chinese imports. Since Congress first began requiring the Treasury to analyze the exchange rate policies of foreign countries in 1988, China has been cited as a currency manipulator five times, all occurring between 1992 and 1994.

Since then, despite China's continued and in many ways intensification of these practices, our government, under both Democratic and Republican administrations, has failed to cite China even once for its policy of fixing its currency to the dollar. This is also despite Congress's repeated efforts to make currency manipulation a top priority in our Nation's trade agenda.

In fact, in April 2005 I joined my Senate colleagues in decisively supporting an amendment calling on China to reform its currency practices. This action is largely viewed as helping to prompt China to allow its currency to gradually appreciate between 2005 and 2008. In July 2007 I joined a majority of colleagues on the Senate Finance Committee in favor of reporting the Currency Exchange Rate Oversight Reform Act of 2007 by a vote of 20 to 1. That was 4 years ago. We started 6 years ago, and yet we still had not had any concrete, substantive action on this fundamental issue. None of these bills were brought up for a vote by the full Senate.

From 2008 to mid-2010, China again froze its exchange rate constant in an effort to maintain its production edge during the financial crisis. It was only last June that China showed signs that it might allow the RMB to gradually appreciate. But according to the Congressional Research Service, it gained only 6 or 7 percent on the dollar over the last year.

Faced with these blatantly inequitable trade distortions, I have witnessed Maine's manufacturers and their employees going to great lengths to improve their competitiveness. According to the Manufacturers Association of Maine, workers in our State have increased output per employee by 6 percent over a period of 8 years—from 60,000 in 2001 to 89,000 in 2009. Yet the dramatic job losses we have witnessed in the American manufacturing sector over the last decade tell a very different story.

According to recent reports, between 2001, when China joined the WTO and 2010, 4.1 million manufacturing jobs

were lost in this country, and 1.9 million of those jobs or 47 percent can be directly linked to our growing trade deficit with China.

In Maine, this withering of our manufacturing base has contributed to wage and salary employment levels falling precipitously through December 2010, with job losses of 26,900, a 4.4-percent drop. Overall, employment numbers in my State have returned to 1999 levels—1999 levels—erasing any economic gains of the previous 10 years.

U.S. manufacturing employees, including thousands who live in small towns throughout my State, are recognized as the most productive workers in the world. These are the types of jobs that should be thriving in a global economy, but they cannot if foreign producers, such as those in China, are playing with a proverbial stacked deck.

For this reason I rise today to urge my colleagues to join us in supporting the Currency Exchange Rate Oversight Reform Act, legislation that I have authored with the Senator from Ohio to enforce the rules and address a paramount contributing factor in the decimation of our Nation's once unparalleled manufacturing base—currency exchange rate manipulation.

For over a decade China has manipulated its exchange rate by pegging the Chinese renminbi to the dollar. As a result, China's currency is estimated to be undervalued by anywhere from 12 to 50 percent according to the Congressional Research Service. In fact, despite the Chinese Government's announcement last year that it would begin allowing its currency to gradually appreciate, the Treasury Department's exchange rate report, released May 27, noted that "the real exchange rate of the renminbi remains substantially undervalued."

Some of my colleagues will no doubt argue that mill closings and layoffs in States such as Maine have little to do with the value of the Chinese currency, and that legislation to hold countries such as China accountable when they intervene in currency markets will not create jobs or grow our economy.

For that matter, proponents of China's entry into the World Trade Organization 10 years ago also claimed that liberalizing trade with China would improve our trade deficit. At the time of its entry into the WTO in December 2001, China agreed to provide greater transparency when it comes to trade policies, to enforce intellectual property rights, and to end discriminatory and unpredictable rules impeding market access for American products.

In fact, as the agreement to allow China into the WTO was being negotiated in 2000, President Clinton argued it would create, in his words, "a win-win result for both countries."

However, as President John Adams once said, "facts are stubborn things." Let's examine some of the evidence.

For one, in January, I met with Microsoft CEO Steve Ballmer a few hours before he attended a private meeting at the White House. Mr. Ballmer told me that in fiscal year 2010 over 30 million PCs were sold in China that ran illegal copies of Windows. Rather telling, he noted that while China is their second largest personal computer market in the world, it is 70th in terms of Microsoft revenue per personal computer.

If one of the largest and most integrated companies in the world is being hamstrung by China's piracy and blatant infringement of intellectual property rights, how can we expect smaller U.S. companies to stand a chance when it comes to entering the Chinese market? On top of its failure to police intellectual property rights infringement, unlike most other countries where exchange rates are determined by market forces, the Chinese Government does not allow the renminbi to fluctuate freely and instead pegs it tightly to the U.S. dollar at a rate that makes it significantly undervalued vis-a-vis the dollar.

As a result, Chinese exports to the United States are artificially made less expensive, as we well know, and the cost of U.S. exports to China and the rest of the world are made more expensive by a similar or equivalent amount.

According to a new report featured last week in the Wall Street Journal, one significant consequence of China's trade practices is that over the last two decades it has surged as an exporter at a "break-neck pace," while the growth of U.S. spending on imports from China has climbed steadily. As indicated by this chart to my right, according to the report, imports from China as a share of U.S. spending climbed from below 1 percent throughout much of the 1990s, to over 5 percent today. There is no question that this trajectory reflects it in this chart, seeing China as a total of U.S. spending, and what has occurred is a dramatic rise—without abatement, without any intervention whatsoever—and we have seen a steady major rise in terms of the amount of imports and spending by Americans on Chinese imports.

Due in large part to China's currency manipulation and other trade-distorting practices, manufacturers in Maine and places like Maine have not been able to compete against this surge in artificially cheap Chinese imports. As Americans spend increasingly more on Chinese products, as illustrated in the chart, these imports displace goods made in the USA.

Consequently, China's currency undervaluation has contributed directly to our soaring trade deficit with China, which has ballooned from \$83 billion, when China joined the WTO in 2001, to \$273 billion in 2010. Those numbers are worth repeating—when you are speaking about \$83 billion, which

our trade deficit was in 2001, and now in 2010 it has skyrocketed to \$273 billion.

This ever-expanding, explosive trade deficit, unprecedented, of course, in our history, which grew 20 percent between 2009 and 2010, destroys existing jobs, prevents new job creation and, as economists from the Economic Policy Institute have indicated, increases the global "race to the bottom," in their words, when it comes to middle-class wages.

For example, the Economic Policy Institute recently released a report noting that as plants have closed, workers displaced by trade from the manufacturing sector have had particular difficulty in securing comparable employment, and average wages of those who found new jobs fell by 11 to 13 percent.

As we see on the chart, reflected and demonstrated here, most graphically, the Economic Policy Institute report discovered that since China's entry into the World Trade Organization in 2001 and through 2010, when we saw that explosive growth of the trade deficit from \$83 billion to \$273 billion between 2001 and 2010, the increase in the U.S.-China trade deficit eliminated or displaced 2.8 million American jobs or 310,000 jobs per year.

As we can see illustrated on the chart, virtually every State in America has been affected by the trade deficits with China, with displaced thousands and thousands of jobs, and in less than a decade 2.8 million American jobs.

In my State of Maine this means the trade deficit has displaced nearly 10,000 workers or nearly 2 percent of State employment. As the chart depicts, the pain of job losses is not unique to one individual State or region of the country. Workers in all 50 States, from California to South Carolina, from Michigan to Texas, have been harmed and unable to compete against artificially cheap Chinese imports.

While these charts and reports may paint a picture of doom and gloom, there is recourse available to American workers injured by unfair trade. Under the U.S. countervailing duty law, tariffs can be imposed on imports benefiting from foreign government subsidies if it demonstrates that the subsidies cause or threaten injury to a U.S. industry producing the same or similar product.

But while numerous U.S. industries have attempted to bring allegations of currency manipulation as an export subsidy under our trade laws, in each instance the Department of Commerce has refused to investigate.

For example, it is a little known fact that the U.S. pulp and paper industry employs 900,000 workers—roughly the equivalent number employed by the U.S. auto industry—making it an indispensable economic pillar in rural communities in Maine and across the country.

Last year, several U.S. paper manufacturers with mills in Maine brought forward allegations that China was violating trade rules by illegally subsidizing their products in the U.S. market. Just over a year ago, in 2010, I testified before the International Trade Commission and made the case—and we were ultimately successful on these points—that foreign paper manufacturers in China and Indonesia were illegally selling their products in the United States at unfairly subsidized and underpriced rates.

Amazingly, however, the Commerce Department refused to investigate whether China's currency practices constituted an illegal—and therefore countervailable—export subsidy.

Simply put, this failure to take action is unacceptable. In response, in November of last year, the Senator from Ohio, Senator BROWN, and I sent a letter to the Senate's leadership asking that a vote be scheduled on legislation directing the Commerce Department to investigate allegations that currency undervaluation provides a countervailable subsidy at the expense of American jobs. When the Senate failed to take action, Senator BROWN and I filed the House-passed currency reform bill as an amendment to the tax extender package in December of 2010.

In January 2011, during Chinese President Hu's visit to the United States, we sent a letter to Secretary Geithner underscoring the need to enforce trade remedy laws to provide U.S. industries affected by China's currency practices with a lifeline to compete. And, finally, in response to our government's failure to investigate these unfair trade practices, on February 10 of this year, Senator BROWN and I introduced our legislation, the Currency Reform for Fair Trade Act.

Simply put, the Department of Commerce has failed to use its authority to respond to currency manipulation by investigating these allegations brought by U.S. industry and placing countervailing duties on foreign imports benefiting from these unfair trade practices. The purpose of our bill is to make clear that Commerce has the ability to investigate—regardless of whether the subsidy is provided to all foreign businesses in a given country or just to those that are exporting.

That is an important point, because if we wait to make that demonstration, they can continue to export their goods to the United States before we could ever reach the point of being able to make that determination on imposing that countervailing subsidy or determining which companies in China are actually doing the exporting. So it is important to eliminate that distinction, because that has been a barrier.

In fact, it certainly prevented the Department of Commerce, in their words, from being able to impose any kind of subsidies or to investigate the case be-

fore they could impose a countervailing duty. So this way we eliminate the distinction, irrespective of whether a business is exporting within China their goods. The point is, we don't want to wait for the Department of Commerce to make that determination. Those industries that do export—and once they do export—have already done the damage. So it is clearly important to be able to have the Department of Commerce in a position of being able at the outset to initiate this investigation on those companies that actually export goods to the United States from China at an unfair price.

Notably, our bill does not legislatively deem that a currency undervaluation satisfies the requirement of finding a countervailing subsidy. It just requires Congress to determine on a case-by-case basis whether currency undervaluation is giving foreign companies an unfair competitive advantage over their counterparts in our country.

Since introducing our legislation in February, we have added 11 bipartisan Senate cosponsors, and the House companion to our legislation has over 200 cosponsors. Furthermore, on September 23, I was proud to join as a lead original cosponsor of the bipartisan legislation before us today, which combines the key elements of our bill with critical provisions of the legislation authored by the Senator from New York, Senator SCHUMER, and the Senator from South Carolina, Senator GRAHAM, that I also supported as an initiative when it came before the Senate Finance Committee in 2007.

The merged bill utilizes U.S. trade law to counter the economic damage and harm to U.S. manufacturers caused by currency manipulation and it authorizes new consequences for countries that fail to adopt appropriate policies to eliminate unfair currency undervaluation. Most critically, it will also provide businesses that are damaged by China's trade practices with the tools to respond on behalf of American workers. It ensures our government will heed the requests of a wide range of U.S. industries, such as paper manufacturers in Maine, to investigate whether currency undervaluation by a government provides a subsidy, and one in which we can initiate an action by imposing countervailing duties.

Finally, while some of my colleagues have expressed concerns that challenging China's unfair trade practices could lead that government to retaliate against U.S. goods and jeopardize our economic recovery, the fact is the potential benefit of currency reform is enormous when it comes to fighting unemployment and boosting the American economy, because as of today China essentially rigs the game to undercut true market competition and undermine U.S. businesses.

For example, a study released in June by the Economic Policy Institute

discovered that addressing Chinese currency manipulation and enforcing fair trade provisions when it comes to these violations would support the creation of more than 2 million U.S. jobs, increase the gross domestic product by as much as \$285 billion, and reduce the deficit by more than \$70 billion a year.

Failing to act now is not an option. The International Monetary Fund recently announced that China will surpass the United States economically in 2016—a mere 5 years from now. If this turns out to be true, it will be due in large part to our current policies, which are fueling our decline and China's rise. We import more than we export, keep running huge trade deficits, consume more than we produce, and outsource thousands of jobs.

If one manufacturer is compelled to close because we failed to combat subsidized imports, that is one less manufacturer able to export and help grow our economy. And frankly, if there was ever a moment to empower a workforce when it comes to competing in a global economy, is there any doubt, given our dire economic state, that time is now? From Maine to the Midwest, China's currency manipulation has been among the greatest impediments to our manufacturing sector. Unfortunately, the silence of our government when it comes to this issue has become the silence of our factories.

It is time to take action to rebuild our economic foundations, and this legislation will ensure our government has the tools to respond on behalf of American companies and workers by imposing countervailing duties on exports subsidized by currency manipulation undervaluation.

It is absolutely vital we take this action this year—right now—because, as I indicated at the beginning of my remarks, if you look at the historical picture of the consideration of this legislation, it is clear it has been underestimated, it has been overlooked in terms of the value it brings to our country, to the value it brings to the manufacturing segment of our economy, and to the value it brings to our workers. I am deeply concerned, because it also seems as if it is an either/or proposition when we talk about trade-related issues—either we do nothing or we will invite a trade war.

We have to look at the trade practices of our trading partners and the laws which they are required to uphold—in this case, for China, through the World Trade Organization. They made a commitment at the onset when they joined that organization, and they have refused to uphold it when it comes to leveling the playing field and creating the equilibrium—to let the currency flow as required and stipulated under that agreement when they became a member of that organization. They have failed time and again to monitor these agreements and to monitor the actions of their own companies

with respect to this practice, and it has decimated many industries across this country.

As I indicated with this chart, virtually every State in America has been damaged as a result of the loss of jobs because we have failed to uphold the standards of fair trade. So it isn't about encouraging a trade war. Far from it. I think it creates not only a level playing field, but it creates an equitable circumstance for our trading partners. And it is important for those countries, such as China, to be prepared to live up to the agreements to which they have subscribed through the World Trade Organization. They are required to live by their agreement, and that means they have to establish the standards where they cannot manipulate their currency, as they have been doing for more than two decades.

It has been a problem, and it has been a persistent problem. Unfortunately, both sides of the aisle—whether it is Democratic or Republican administrations, the presidency or here in Congress—have failed to take a concrete, concerted action that could have made a profound difference long before this point. This could have been averted. Time and again we haven't been able to have a Treasury Secretary designate China as a currency manipulator that I think would have then prompted much more significant action on the part of any administration.

So that issue has been addressed in this legislation—to change the threshold, to redesign and to target the legislation more precisely so that it will give the tools to the administration, and specifically to the Treasury Secretary, to be able to designate China as a currency manipulator, which then kicks in certain safeguards and actions.

The same is true for the Department of Commerce, that they will be able to initiate at the outset an investigation to determine whether devaluing the currency on the part of China has contributed to unfair trading practices and, obviously, adversely affecting our goods and workers and companies here in the United States. It is important to give the tools to our agencies to make sure they can fulfill their obligations.

I know there are times in which they have not done so, even when they have had the tools, and they have been empowered to use those tools, much to the detriment of our industries—much to the detriment of these jobs and these manufacturing companies all across America—that have either closed their doors or they have sharply curtailed their businesses or their level of employment.

I know that firsthand from my State. It has brought tremendous consequences to rural Maine and to rural America as a result, because that is what has been the basis of our economy. The manufacturing segment of

our industry has been so critical to good-paying jobs, and that ultimately has been damaged and harmed as a result of this currency manipulation issue that has been persistent on the part of the Chinese, and one that we now have to address through this legislation.

I appreciate this opportunity to address the Senate on this critical issue. As we go forward in the days ahead in debating this legislation, I look forward to working with my colleagues—the Senator from Ohio, who has done yeoman's work on this issue and has brought this issue to the highest levels in terms of its attention and importance to this country, most assuredly. I am looking forward to working with him and our other colleagues to make sure we can fulfill our commitment to passing this legislation.

It is not only about debating it, it is not just voting on it, it is about its becoming law. I think we should bring this to its logical conclusion and send it to the President for his signature. The time has come, as I said, and it is long overdue. We have failed the workers and the industries of this country who are trying to compete and who can make goods. We are not going to forsake our manufacturing sector, because we have the ability to make the best goods with the most productive workers in the world, and we should be able to continue to do that. The only way we can fulfill that obligation to them is through this legislation. There is no other recourse at this moment in time.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I, first of all, thank Senator SNOWE for her leadership on this currency legislation. Its time has come, as she has said. She has been a real leader on this for months—years, for that matter. I so appreciate her work on this problem.

Pure and simple, this is the most important bipartisan jobs bill the Senate will pass in my 4½ years since I have been a Member of the Senate. Senator SNOWE has been here a good bit longer and has been a member of the Finance Committee that understands these issues of how China has gamed the system. Senator SNOWE and I were joined in our legislation, combining it with Senator SCHUMER and Senator GRAHAM in their legislation, also Senator STABENOW, a Democrat from Michigan; Senator SESSIONS, a Republican from Alabama; both Senators from North Carolina, Senator BURR, a Republican and Senator HAGAN, a Democrat; joined by Senator CASEY and the other Maine Senator, Senator CASEY from Pennsylvania, a Democrat, and the other Maine Senator, a Republican, Senator COLLINS. And that just shows the bipartisan support.

We had this vote today. On S. 1619, the cloture vote was 79–19, which is a

strong message to the House and to our colleagues that this legislation as we debate this week is so important. It is deserving of basically a week of the Senate's time to discuss and debate what China trade is all about.

We know what China trade is all about. We know, as Senator SNOWE said, the trade deficit with China has ballooned in the 10 years since China has been part of the World Trade Organization. Think of it this way. Every day we buy \$750 million more from China than we sell to China—every single day—Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday—every day of every week every year. So for the past year, \$750 million we buy from China more than we sell to China. You just can't keep doing that. You can't keep doing that and hold the industrial base that the people of Oregon, the people of Maine, the people from Ohio care about.

Look at it this way. I don't want to inundate my colleagues with figures and numbers and dollars and job numbers and all that, but President Bush I said \$1 billion in trade surplus or trade deficit translates into 13,000 jobs. He said that 15 years ago. No President has quantified that since. But think about that. Thousands of jobs for every \$1 billion in trade deficit or surplus. Well, with China alone, we have three-quarters of \$1 billion every single day. Our trade deficit with the whole world is \$600 billion, more than that.

So we buy \$600 billion more than we sell to the world every year. How can a country, no matter how wealthy—and this is a rich country still, even though millions of people have been unemployed, have lost manufacturing jobs in my State and other States across the country. How can we continue as a prosperous nation if manufacturing is outsourced and these jobs go somewhere else?

I don't believe ever that I can think of in world history—and I have said this before and nobody has challenged it—have we seen a business plan of American companies moving to China, manufacturing there, and then selling back to the United States. A company such as Proctor & Gamble, on the other hand, they moved production to China, but they sell from their Chinese operations to China, East Asia, probably Taiwan and maybe Japan and Malaysia. They have their production in the areas they sell to. That makes perfect sense. That is good for those countries, good for those workers, good for the United States, and good for Cincinnati where Proctor & Gamble is located. But these companies that have it as their business plan to shut down production here, move to China, and then sell those products that they make in Shanghai and Wuhan and Beijing instead of in Akron, Canton, and Toledo—sell those products back to consumers in Oregon, Ohio, and Maine—

that is why this legislation is so important.

A new study said we have lost 2.8 million jobs in the last decade to China because of currency manipulation; 1.9 million of those jobs are in manufacturing. You know what has happened in places such as Portland, and the Senator from Maine knows what has happened in her Portland, and what that has meant to lost jobs in this country. And understanding the reason that happens is because China games the system, because China doesn't play fair—pure and simple, say it straight, because China cheats. They have been given, for all intents and purposes, a 25 or 30 percent subsidy to their products. So because they cheat on currency—putting aside how they subsidize their paper industry, for instance, with water and capital and energy and land. Just on currency alone, when they sell something into the United States, they have a 25 to 30 percent cost advantage. I know companies in places around my State, in Mansfield, Springfield, Zanesville, Chillicothe, will say that the cost of raw materials is higher than the cost of the product when it comes from China. Why? Because China cheats. And one of the ways they cheat is they undervalue their currency so they have a 25-percent discount on their products sold into the United States. We can't compete with that, no matter that our workers are efficient, no matter that our companies are efficient, no matter that we cut costs in so many ways with the more advanced technologies and advanced manufacturing that we do.

So that is why this was such an important step, passing overwhelmingly and sending to the floor for debate today—79-19—this bipartisan jobs bill called the Currency Exchange Rate Oversight and Reform Act of 2011.

Earlier today I was in Cleveland and I had a meeting with two owners of a company in Brunswick, OH, more or less a Cleveland suburb, Automation Tool & Dye. It is a family company that has been in operation since 1974. The owners, the two sons, Randy and Bill Bennett, spoke today about their company. They have, I believe they said, 55 employees who are a major part of American manufacturing. They are the kind of company that when it is such a disadvantage on currency, it puts them in a less than competitive position sometimes. They are still doing OK, but they know how hard the business climate is when they are at that disadvantage.

So when they are making products, because China has gamed the system and an American company might move to China to do production, they can't up and move their family company of 55 employees—they can't move to China to service the company that has moved to China because of the competitive disadvantage.

So we know how that has worked. We know why this legislation that Senator

SNOWE has worked on, the two bills we put together, Senator SNOWE and my bill with Senators SCHUMER and GRAHAM. As I said, we have had good strong bipartisan sponsorship on this bipartisan jobs bill and we have also had a very good vote today that was 79-19 to move this forward.

The Economic Policy Institute issued a new report showing that addressing Chinese currency manipulation could support the creation of 2.25 million American jobs, mostly in manufacturing, mostly the kind of jobs that will create other jobs because of the wealth that Senator SNOWE talked about, the wealth that manufacturing creates. And as Senator SNOWE pointed out, when the opponents to this—and too often we have seen administrations of both parties oppose bills such as this. When opponents say this is protectionism, I don't know what is wrong with protecting our families and protecting our neighbors and protecting our country. But ceding that, they say this is protectionism. This, in fact, is a reaction to Chinese protectionism. And the People's Republic of China has not really believed in the rule of law when it comes to trade. There is an emphatic strong insistence by the U.S. Senate that we do believe in the rule of law for international trade; that we do think all actors should behave. We do think that everybody in the trading system should work on a level playing field.

Today was the biggest step I have seen the U.S. Senate take since I came here in 2007. We are going to have a long debate this week. Everybody is going to get their chance. Some Members of the Senate who wanted us to debate this are still not quite sure exactly where we go with this. I think it is pretty clear, though, that the U.S. Senate today reflects what the people of this great country believe: That we make things.

My State is the third largest manufacturing State in America. Only Texas and California, States that are twice and three times our size in population, make more than we do. We know how to produce. We need to continue to produce. We know that manufacturing creates wealth.

This is a huge victory—only a first step but a huge first step and a victory for American manufacturing to help us reindustrialize our country.

I thank my colleagues for this 79-19 vote. I thank Senator SNOWE especially for her terrific work on both sides of the aisle in getting this bill moving forward. It is going to matter for workers in Toledo, Dayton, Cleveland, and Columbus. And for that, I am grateful.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA SANCTIONS

Mr. MCCONNELL. Mr. President, I rise to note final passage last week of the Burmese Freedom and Democracy Act, which extends sanctions on the Burmese regime for another year. As in years past, I am joined in this effort by my good friend, Senator DIANNE FEINSTEIN. Alongside the two of us are 64 other cosponsors, including Senators MCCAIN, DURBIN, and LIEBERMAN. This overwhelming bipartisan support for sanctioning the junta reflects the clear view of the U.S. Senate that the purportedly "new" Burmese regime that took office earlier this year so far appears little different from the "old" regime.

The casual observer could be excused for thinking that things have changed dramatically for the better in Burma over the past year. After all, elections were held last fall, a "new" regime took office earlier this year, and Aung San Suu Kyi was freed. However, as our experience with Burma has taught us, things there usually require a closer look.

First, the November elections took place without the benefit of international election monitors, and no reputable observers viewed the elections as free or fair. This was in large part because the National League for Democracy—Suu Kyi's party and the winner overwhelmingly of the last free elections in the country in 1990—was effectively banned by the junta and couldn't participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta was permitted. And the results were unsurprising: the regime's handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the "new" regime appears to be essentially the junta with only the thinnest democratic veneer. The Constitution, which places great power in the hands of the military, cannot be amended without the blessing of the armed forces. Furthermore, those in parliament are limited in how they can criticize the regime.

The only legitimately good news was Suu Kyi's release. Yet the extent of her freedom to travel remains an open

question. Moreover, despite her release, nearly 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

That the political situation in Burma remains largely unchanged is also reflected in the defection this summer of two Burmese diplomats. One of them was the Burmese Deputy Chief of Mission here in Washington. He wrote a letter to the Secretary of State requesting political asylum and, according to press reports, in the letter, he stated as follows:

My efforts to improve bilateral ties have been continually rejected and resulted in my being deemed dangerous by the government. Because of this, I am also convinced and live in fear that I will be prosecuted for my actions, efforts, and beliefs when I return to Naypyidaw after completing my tour of duty here. The truth is that senior military officials are consolidating their grip on power and seeking to stamp out the voices of those seeking democracy, human rights, and individual liberties.

These words do not come from a Western government or an NGO; they come from a senior Burmese diplomat. His words make clear that the democratic trappings of the "new" regime are in many ways just a façade.

Finally, it is worth noting that there remain important security considerations that must be addressed before ending sanctions. The junta's increasingly close bilateral military relationship with North Korea, in particular, is a source of much concern.

I am hopeful that the time will soon come when sanctions against the Burmese government will no longer be needed; that like South Africa in the early 1990s, the people of Burma will be able to free themselves from their own government. However, as evidenced in the Deputy Chief of Mission's letter, the Burmese junta appears to maintain an iron grip on its people, and continues to carry out a foreign policy that is inimical to U.S. interests. The United States must continue to deny this regime the legitimacy it craves by continuing sanctions, and these sanctions must remain in place until true democratic reform comes to the people of Burma.

HUNGER ACTION MONTH

Mr. WARNER. Mr. President, this past month we recognized Hunger Action Month, a time for all Americans to focus on the problem of hunger in our communities. As we begin the month of October, we must remember that this is a year-round reality for many individuals and families around the country and that our efforts to eradicate this problem must continue.

Our Nation continues to face both a 9.1-percent unemployment rate, as well

as a 15.1-percent poverty rate. Everyone has been touched in some way by this challenging economy. Many of our friends, neighbors and family members still might be struggling in ways that they never imagined with less money to spend and tough choices to make. Thankfully, there have been a number of community assistance organizations that have been able to step up and help out.

Many of these are local food banks and soup kitchens that are challenged to find resourceful ways to do more with less in order to provide services to those in need in their communities. One such organization that is still making a significant difference is the Arlington Food Assistance Center, AFAC. For over 20 years the AFAC has partnered with local churches, schools and social service agencies to assist over 1,200 families weekly with their basic food needs. Last year the AFAC was able to distribute over 2.3 million pounds of food directly to Arlington community residents. Community support of AFAC and thousands of organizations like it across the country is integral to their ability to provide the necessary services to those most in need. We must continue to give our support.

I hope my colleagues will join me in recognizing the Arlington Food Assistance Center and the many other organizations like it, as well as the importance of our commitment to addressing the problem of hunger across the Nation.

CUBA

Mr. RUBIO. Mr. President, I ask unanimous consent to have printed in the RECORD an article highlighting the Castro regime's continued abuse of the Cuban people as they organize efforts to create a freer Cuba. The people being held unjustly and abused in Cuban prisons—as well as those being intimidated and repressed outside of prison—need the continued support of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 3, 2011]

AMERICA'S: CUBA'S REPRESSION ESCALATES

(By Mary Anastasia O'Grady)

Former New Mexico Gov. Bill Richardson returned home from an attempted hostage-rescue mission to Cuba last month empty-handed and "still scratching [his] head" as to why the Castro regime double-crossed him. What is truly baffling is why Mr. Richardson expected anything different from a dictatorship operating in extreme-repression mode.

In a Sept. 14 interview with CNN's Wolf Blitzer, Mr. Richardson said he had been invited to the island to discuss the release of U.S. Agency for International Development contractor Alan Gross. Mr. Gross was arrested in December 2009 and is serving a 15-year sentence.

Mr. Richardson admitted that he got stiffed by Cuba's "foreign ministry, which a lot of the people there I know and have been friends" with. What he could not grasp is why those "friends"—a strange designation for individuals who might one day be hauled before an international human-rights tribunal—don't appreciate the Obama administration's outreach. Yes, they are "hardliners," he admitted, but they ought to understand that the White House has been bending over backward to get along.

Actually they do understand, and that's why they treated him so badly.

Mr. Richardson told Mr. Blitzer that he was "flabbergasted" when, after a "delightful" three-hour lunch discussing how U.S.-Cuba relations might be improved—including, he told me by phone Friday, the possibility of removing the country from the list of state sponsors of terrorism after the release of Mr. Gross—the foreign minister "slammed me three ways: one, no seeing Alan Gross; no getting him out; and no seeing Raul Castro."

What happened was very predictable. The "loosened travel restrictions" and increased "remittances [from] Cuban-Americans" that Mr. Richardson cited as signs of Mr. Obama's willingness to deal are read as weakness by the bullying regime. It has something, i.e., somebody, the U.S. wants back very badly, and the administration acts as if it is powerless. Why should Castro deal?

Mr. Richardson did even less for Cuba's dissidents. One Richardson pearl of wisdom, shared on CNN, was that Cuba's "human-rights situation has improved." In fact, human rights in Cuba are rapidly deteriorating. To claim otherwise is to abandon the island's brave democrats when they most need international solidarity.

Ask Sonia Garro, pictured in the nearby photo (See accompanying photo—WSJ October 3, 2011) . . . For years Ms. Garro has denounced the regime's discrimination against Afro-Cubans. Despite her own poverty, in 2007 she created a recreation center in her home for poor, unsupervised children, according to a report by an independent Cuban journalist. One of her goals: to get young girls out of prostitution. Ms. Garro is also a member of Ladies in Support, a group that pledges solidarity to the Ladies in White, which was founded by the wives, sisters and mothers of political prisoners in 2003 to work for their liberation.

In October 2010, Ms. Garro was detained by state security and held for seven hours. She emerged from the ordeal with a broken nose. Another woman taken into custody with Ms. Garro had her arm broken.

The nongovernmental organization Capitol Hill Cubans has reported that in the first 12 days of September, authorities detained 168 peaceful activists. These "express detentions" are designed to break up dissident gatherings, which risk spreading nonconformist behavior. Locking up offenders for long periods would be preferable, but the regime wants people like Mr. Richardson to go around saying that human rights have improved. The regime is also making greater use of civilian-clothed "rapid response" brigades that are trained, armed and organized to beat up democracy advocates.

Mr. Richardson told me he considers Cuba's record improved because 52 political prisoners were sent to Spain in 2010. Yet exiling promising opposition leadership hardly qualifies as a humanitarian gesture. Nor are gruesome Cuban prisons anything to ignore.

Last month in a speech in New York, one former prisoner, Fidel Suarez Cruz, described

his seven years and seven months of solitary confinement, including two years and eight months in a cell with no windows, ventilation or artificial light. One favorite pastime of his torturers: Four military men would pick him up and then drop him on the floor. His testimony, posted on Capitol Hill Cubans website, is required viewing for anyone who doubts the evil nature of this regime.

Nevertheless, Cuba's dissidents remain relentless, and there are signs that the regime is giving up on the express-detention strategy. Fearless democracy advocate Sara Marta Fonseca and her husband Julio Leon Perez have been in jail since Sept. 24. Ms. Fonseca's son has seen her and says she is black and blue all over and has an injury to her spinal column. Word is the regime is preparing to charge the couple; 11 other dissidents are awaiting trial. Meanwhile, Yris Perez Aguilera, the wife of the prominent dissident Jorge Luis Garcia Perez "Antunez," and two peers were detained on Sept. 26. Their whereabouts are unknown.

Any hope of protecting these patriots lies in international condemnation. Mr. Richardson could help by returning to CNN to correct the record.

TRIBUTE TO MARY ELLEN NELSON

Mr. BAUCUS. Mr. President, 18 years ago, Mary Ellen Nelson started in my Kalispell office. In that time, Mary Ellen earned the respect and admiration of her colleagues both in my offices across the State, in Washington, DC and with the Finance Committee. Staff always enjoyed getting the chance to talk with Mary Ellen and hear her words of wisdom. I have treasured her caring nature and thoughtful advice and am grateful for all her hard work over the years. It is important to note: my staff members don't just work for me—they work for all Montanans. Mary Ellen has served the young, the old, the successful, the downtrodden, and Montanans of all political stripes. It has been an honor to have her on staff and to work together for the State we cherish.

Working for VISTA is what brought Mary Ellen to Montana where she met and married her husband Ray of 34 years. A few years later they moved to Kalispell where she worked for the school system and the mentally disabled children of Flathead Valley before her work in the U.S. Senate. Mary Ellen's compassion to others resonates in her dedication to her family, community and the constituents of Montana. Mary Ellen has helped thousands of Montanans work their way through Social Security, Medicare, and other issues throughout the years. Her calm, nurturing character and commitment to helping others have benefitted thousands of Montanans throughout her 18 years of service.

A few years ago when Mary Ellen's two sons were graduating from college, I told her that graduations and weddings were important events and needed to be celebrated. The same is true of retirements. Mary Ellen will be enjoying her hours with her family, includ-

ing her son Matthew in Kalispell, son George and daughter-in-law Monica in DC, her 90-year-old father, Leo Holland, and visiting her first grandchild Dominic who was born on Mary Ellen's birthday January 24 of this year. Mary Ellen, congratulations, good luck, and enjoy your retirement. Thank you for your many years of service in my office, the U.S. Senate, the community of Kalispell, and countless Montanans for your tireless work to help others. We are sure going to miss you, your talents, and your warm and accommodating personality.

Mary Ellen is proud of her Irish heritage so I would like to end with this Irish Retirement Blessing:

May you always have work
for your hands to do.
May your pockets hold
always a coin or two.
May the sun shine bright
on your windowpane.
May the rainbow be certain
to follow each rain.
May the hand of a friend
always be near you.
And may God fill your heart
with gladness to cheer you.

TRIBUTE TO COLONEL TRACEY L. WATKINS, USAF

Mr. LEAHY. Mr. President, I wish to recognize the service of COL Tracey L. Watkins of the U.S. Air Force on the occasion of his reassignment from the Air Force Congressional Budget and Appropriations Liaison Office and to say hail and farewell.

Colonel Watkins graduated from the Citadel in 1991 and since then has served in a variety of comptroller assignments across the Air Force. He has held leadership positions at all field and staff levels, including assignments in personnel, logistics, and operational planning. Colonel Watkins' time in the Air Force has included three joint tours: on the Joint Staff, as part of Combined Joint Task Force 76 in Uzbekistan, and in the Multi National Corps in Iraq.

Colonel Watkins' experiences in those tours were a benefit when he assumed the directorship of the Air Force's Congressional Budget and Appropriations Liaison Office. In that role, Colonel Watkins directed all Air Force appropriations liaison work on the Hill, including arranging key engagements for Air Force senior leaders with Members of Congress and helping to prepare their testimony during Appropriations Committee hearings. In each of those engagements, Colonel Watkins served as the Air Force point man for working with the Congress on all budgetary and appropriations issues. His office also supports congressional delegation trips and Colonel Watkins accompanied me on an important trip to Russia.

I have been impressed with many of the staff that Colonel Watkins led dur-

ing his tenure as Director of the Air Force Congressional Budget and Appropriations Liaison Office, which I find to be the mark of an outstanding leader and manager. I am sure that my colleagues join me in expressing our appreciation to Colonel Watkins for his service to the Air Force and to the Congress. On the occasion of his reassignment to command the Mission Support Group at Little Rock Air Force Base in Arkansas, I wish Colonel Watkins, his wife Kelly, and his children all the very best in the years to come.

TRIBUTE TO HOWARD FRANK MOSHER

Mr. LEAHY. Mr. President, one of the great treasures of Vermont is Howard Frank Mosher. Mr. Mosher is a writer who knows and understands Vermont, and in books like "Where The Rivers Flow North," he makes any Vermonter know they are home.

A recent article in The Burlington Free Press by Sally Pollak speaks to the man he is, and I would like to take this opportunity to share this with the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD, the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press]
ALL ROADS LEAD TO KINGDOM COUNTY
(By Sally Pollak)

(Vermont author Howard Frank Mosher has lived in the Northeast Kingdom since 1964 and the region is character-like in his books. Free Press Staff Writer Sally Pollak and Free Press photographer Glenn Russell spent a day traveling the roads in the north country with Mosher, listening to his stories and discovering his sense of place.)

IRASBURG—The tan Nissan rolling down the dirt road in Brownington came to a slow stop, and the man behind the wheel surveyed the shallows and grooves of mud in front of him. The place he wanted to go was on the far side of the mud pit, and up a small hill that curved out of sight.

Two men with trucks were on the other side of the mud ravine. The Nissan driver left his car to approach the men. I was in the back seat of the Nissan. Glenn Russell, a Free Press photographer, had the front seat.

Through the window, we watched the three locals talk mud, and discussed if we'd try to forge the muddy road if we were driving. No way, I said.

Glenn said he might if he were Howard Frank Mosher, our tour guide that day. Mosher knows the people and trucks around here; he can always get a tow.

Mosher, meanwhile, had made another arrangement.

If he couldn't get to the other side of the mud, where Margery Moore, 91, his longtime friend lives, then Moore would come to him. One of the men Mosher had been talking to was her son, Michael; he'd pick up his mother in his truck and drive her through the mud to Mosher.

While we waited for Moore to arrive, Mosher, 68, told us stories. Delightful and engaging tales—warm and humorous, with a

north country bite. The kind of stories you might read in his Kingdom County novels.

And now here we were, deep in the Northeast Kingdom on Moore Lane in Brownington, waiting to meet a woman of Mohawk ancestry, whom Mosher got to know 47 years ago, his first year in the Kingdom.

She showed up in a big blue rig to say hello. Her son lifted her from his truck and helped her into a wheelchair. Moore greeted Mosher with a hug.

He gave her a copy of his most recent novel, "Walking to Gatlinburg." After some talking, we headed back to the Nissan.

Michael Moore called to us as we walked to the car: "Don't let Howard lead you astray out here!"

To read Mosher is to be led, if not astray, then away—to a place that is, at once, invented and familiar, enchanted and real, made-up and true.

The truth can be found in Mosher's evocation of the place he calls Kingdom County, a rugged, rural border landscape where people scratch out hardscrabble livings, go without spring, learn to read the woods and rivers, build strong allegiances and cast a wary eye on newcomers. Mosher's county and the characters who inhabit it are informed by and created from the landscape and people around him: He uses for his material a place that is distinct and fascinating, yet one that's been changing—maybe merging with outer and other regions—even as Mosher put pen to paper; making it last.

In Mosher's 1999 novel, "The Fall of the Year," the book's central figure, Father George Lecoœur, is writing "A Short History of Kingdom Common." Mosher, too, is the author of a history of the Kingdom—his history is contained in the thousands of pages that make up his 11 books.

The words Mosher uses to describe "A Short History," can be applied to his own work. They are narrated by Frank Bennett, Father George's adopted son, as Frank settles down to read the history: "I could hear Father George's voice in my head, hear its slightly speculative, wry resonance. And at that moment, whatever else I still did not understand about the events of the past summer, I realized that long after the passing of the hill farms and the big woods and Kingdom Common as we had known it, these stories would remain: a golden legacy, to me and to the village, from Father George."

A SPECIAL PLACE

Mosher and his wife, Phillis, a retired teacher and school counselor, have lived in the Northeast Kingdom since 1964. It is where they raised their two children, Jake and Annie. Advertisement I was like a kid in the backseat on a recent drive to the hot spots of Mosher's adopted home turf.

The kid thing involved a surprise and recurring attack of carsickness: no fun! On the upside, it meant that as a passenger of Mosher's, even a newcomer from Burlington, I was given a free pass to the Kingdom, embraced by the old timers on Moore Lane.

Like a kid who (still) believes in the grownups up front, I saw the world through the eyes and observations of the driver—which thankfully transcended my own hazy vision. As we pulled out of the driveway of his Irasburg home, not far from the town green, Mosher enticed us. First stop, he said, was a place he'd had an "epiphany."

What and where it was, we'd find out when we arrived at the scene: Orleans' sleepy main street. This is going to be a fun trip, I thought. Anyone who can have an epiphany in downtown Orleans, is the right person to ride with.

The street was deserted the day Mosher steered his grandfather's Super 8 Oldsmobile into town. He and Phillis, farm kids from upstate New York barely in their 20s, were in Orleans to interview for teaching jobs.

The Kingdom quiet was busted that day by two rough-looking drunks in fisticuffs, fighting their way down the otherwise empty street. Mosher rolled down his window to speak a sentence that revealed the budding wordsmith within: "Could one of you gentlemen please tell me how to get to the high school?"

We'll do you one better, promised the brawlers. We'll take you there. With a welcome from Mosher, they climbed into the backseat of the Oldsmobile and directed the teaching recruits to the school.

"I was beginning to get the idea we had come to a special place," Mosher said. Just how special, was soon to be revealed: After the gentlemen disembarked from Mosher's car, Phillis turned around to peek at the two. She saw they had started punching each other again, and suggested Mosher take a look.

"Well, honey," she said. "Welcome to the Christly Kingdom."

RECITING FROST AT A COVERED BRIDGE

Kingdomy words like Christly—if there's another word like Christly—were flowing from the front seat, sprinkling my way that day.

Gool, Glenn said. What is that word?

It's a dam, Mosher said.

At least he thinks it is, and that's how he uses it. He picked it up from the locals many years ago; people talk about taking a walk to the gool after supper.

What about carcajou? Glenn asked.

"Wolverine," Mosher replied.

We talked about poems and poets and novels and writing that day in the car—and outside it, too.

At a covered bridge in Coventry, which Mosher noted with appreciation was set afire after it received historic designation, we talked about Kingdom colors and seasons, poised for change. The novelist recited a poem by Robert Frost: Nature's first green is gold, Her hardest hue to hold.

Her early leaf's a flower; But only so an hour.

Then leaf subsides to leaf.

So Eden sank to grief, So dawn goes down to day.

Nothing gold can stay.

Switching tenor and tone, Mosher launched into a story of a Depression era whiskey runner and friend who, fleeing the law, missed the curve at the bridge and wound up in the river. He hid in the river while the feds passed by on the bridge above, satisfied his thirst, and finally made his way to Barre.

Stories like these, which Mosher heard from Kingdom old-timers and which still give him a kick, persuaded Mosher he had found his living and writing place. ("Imagine if Faulkner got here first," he said.)

WISE PEOPLE OF THE KINGDOM

Mosher found, in the woods and village, not just stories, but wisdom and guidance and important friendship—in particular from two people. As a pair, the two are as improbable as Mosher's talking turtle or spire-climbing toby.

James Hayford, who died in 1993 at age 79, was a Montpelier-born poet who settled in Orleans, where he had a teaching career. Hayford studied poetry with Robert Frost at Amherst College, and captured the life of his village in verse.

The memory of meeting Hayford, at a teachers' party in Orleans, is as vivid as the day his kids were born, Mosher said. Hayford, a scholar of Vermont, assured Mosher he would find his voice as a novelist. Frost had assured Hayford he would find his poet's voice, Mosher said.

From Moore, a close friend, he heard real life stories of traveling in a boxcar with a menagerie of animals, of cooking in a lumber camp and waitressing in a dance hall. He heard a different voice assure him he'd find his way.

After her first marriage fell apart, Moore allowed herself to cry only after her sow's 13th—and final—piglet was born.

"Margie, my girl," she said to herself. "What have you done with your life?"

"And she told me that right when I was trying to figure out what to do with mine," Mosher said.

In their ways, characterized by a fierce independence of mind, Hayford and Moore are among the great people he has known, geniuses to some degree, Mosher said.

"They could've gone anywhere, done anything and been anything including president of the United States," Mosher said.

"What they wanted to do was live in the Northeast Kingdom."

Mosher spoke wise words of his own that day from the front seat. After asking if we'd like to stop for lunch at McDonald's—holy mole! McDonald's in the land of the localvores and I'm carsick!—Mosher said something I've passed on to my daughter.

He told Glenn and me he's never known a person who pursued an interest in the arts and regretted it.

But he could think of many people who turned away from artistic interests and talents, and did.

GO BACK WHILE YOU CAN

Teachers' pay wasn't so great in Orleans back in 1964, Mosher discovered not long after the drunk brawlers guided him to the school. By then, however, he'd had his first Kingdom epiphany—and that was clearly worth something.

Still, the working plan was to teach a few years, save money and go to graduate school. Was it possible on a salary of \$4,100, and less than that for Phillis? Sensing hesitation from the teaching recruits from upstate New York, the superintendent asked the couple if they fished. When they answered yes, he took them to the Barton River.

The trout were jumping that spring day, making their way up river.

"I looked at Phillis, she looked at me," Mosher said. The sight of the fish jumping the falls persuaded them to move to Orleans. They accepted the teaching jobs, and taught for a few years before moving to California, where Mosher planned to get his master's of fine arts in writing. He scrapped that plan after eight days, long enough for a truck driver to pull up to the Mosher's car at Hollywood and Vine in L.A., and deliver a message on seeing their green license plates. "I'm from Vermont, too," the trucker driver said. "Go back while you still can." The stories Mosher wanted to tell were rich and ready and far from Hollywood and Vine. "I cut myself off from all my material before I understood it well enough to write about it," Mosher said. They headed home; Mosher to write, Phillis to teach. "We knew right away we had found a gold mine of stories," Mosher said. "And we found out nobody had written them. I couldn't believe it. It took me 15 years or so to begin to figure out how to do it."

Much of his first novel, "Disappearances," was written in the library/opera house in

Derby Line, a granite and brick building that straddles the U.S.-Canada border. Mosher would place half his chair in the U.S., and half in the foreign country, when he wrote. He sometimes got such a kick from his own work, he created a disturbance. Or so the librarian thought. "I would burst into gales of laughter with each new outrageous passage," Mosher recalled. "'Mr. Mosher,' he was warned, if you can't control yourself, we will have to ask you to leave.'"

KEEP THE KIDS OUT OF THE MILL

Talking in hushed library tones in the dual nation reading room where he wrote *Disappearances*, Mosher said he was amusing himself during the writing of the book. "But I was also in a state of desperation," he said. "There's a degree of desperation about the writing."

Decades later, Mosher is amused by the response to "Disappearances" of Wallace Stegner, the famous novelist who lived in Greensboro. Stegner read Mosher's book to write a possible blurb for the cover.

Stegner, the story goes, didn't get too far before crumpling up the manuscript and throwing it in the fire, announcing: "This book is a hymn to irresponsibility."

"I didn't know enough to use it," Mosher said.

Mosher drove us past the place in Irasburg that would serve as a springboard for perhaps his best known story: the house where a black minister was living in the summer of 1968, when his home was shot at. The racial shooting, which came to be called the Irasburg Affair, informed Mosher's 1989 novel, "A Stranger in the Kingdom."

We visited, too, a place that will figure in the book Mosher is writing. His forthcoming novel also has a black man as a central character: Alexander Twilight, believed to be the first black person in the country to graduate from college (Middlebury, 1823).

We walked outside the wonderful stone schoolhouse, reminiscent of the Middlebury campus. Twilight designed and built on a quiet plateau in Brownington. Twilight was principal of the school, and a minister and state legislator.

"He had a dream," Mosher said of Twilight.

"There's no doubt about it."

When the Moshers started teaching in Orleans, they were instructed by the district superintendent to "keep the kids out of the mill." The administrator was referring to the Ethan Allen furniture factory, which appears in Mosher's novels as American Heritage.

Mosher, whose first apartment was next to the mill, said he heard the words "keep the kids out of the mill; keep the kids out of the mill" rise in rhythmic chant from the plant's vents outside his window.

It is unlikely the long-ago superintendent, issuing that directive, had in mind the manner by which Mosher would fulfill the mandate. But any Kingdom kid who has found his way to Mosher's novels, is transported to a place that is true to the mill, and the river nearby, yet worlds apart and away.

TRIBUTE TO JACK WILLIAMS

Mr. BROWN of Massachusetts. Mr. President, I rise today to recognize Jack Williams of Boston, MA. For the past 30 years, Jack, a well-respected veteran news anchor, has hosted WBZ-TV's "Wednesday's Child", the longest-running adoptive-family-recruitment

TV feature in the Nation. Since "Wednesday's Child" first aired on WBZ in 1981, Jack Williams has used the weekly news segment to tell the story of more than 1,000 special needs children who are in need of loving, safe and permanent homes. Thanks to Jack's effort, many of these children have found "forever" homes with viewers of the weekly segment.

Jack Williams has used his notoriety and public platform to provide an invaluable service that has changed the lives of so many children and their adoptive parents. "Wednesday's Child" is backed by the Endowment for Wednesday's Child, an exemplary nonprofit with very little overhead and no employees. In fact, Jack and Marcie are the sole employees of the Endowment for Wednesday's Child; they have never drawn a salary and run the foundation out of a home office.

The Endowment for "Wednesday's Child" is supported by individual and corporate donations including Wendy's Restaurants, as well as Volvo, which donates a vehicle for the "Win a Volvo, Help 'Wednesday's Children'" campaign. The endowment has raised and donated millions to worthy nonprofits that assist with special needs adoptions. Among these are the Massachusetts Adoption Resource Exchange and group homes including the Walker Home, St. Ann's Home in Methuen and the Italian Home for Children in Jamaica Plain.

I also thank WBZ-TV for being exemplary stewards of the public airwaves in allowing Jack to use his position for such a noble cause.

On November 6, the Massachusetts Adoption Resource Exchange, other Wednesday's Child beneficiaries and Wednesday's Child "alumni" will gather to honor Jack Williams' 30 years of service to Massachusetts' foster children in need of permanent homes. I join them in congratulating Jack and Marcie and all those who support Wednesday's Child for their hard work and generosity.

ADDITIONAL STATEMENTS

TRIBUTE TO CORPORAL DAVID J. BIXLER

• Mr. BOOZMAN. Mr. President, today I honor Corporal David J. Bixler for his courage, heroism and selfless dedication to the U.S. Army and his fellow soldiers.

CPL David J. Bixler of Harrison, AR, recently received the United Service Organizations Soldier of the Year Award for distinguishing himself both on the battlefield and during his recovery from the wounds he received from his actions during a firefight in the Arghandab River Valley of Afghanistan.

On September 30, 2010, Corporal Bixler and his platoon conducted a pa-

trol in the volatile and dangerous region to talk with some local elders. During the mission, Corporal Bixler was assigned a small team of Afghan National Army soldiers to lead. The patrol came under heavy enemy fire forcing the unit to turn back to safety.

Corporal Bixler's following actions are heroic and inspiring. As the patrol turned around, one of the Afghan Army partners stepped outside of the cleared path and Corporal Bixler, recognizing the danger ran after the Afghan soldier. As he attempted to shove the soldier back onto the cleared path, he detonated an IED that caused extensive damage to his body. Through this courageous and selfless action, he saved the life of the Afghan soldier and the other members of his patrol. For his heroism, he was awarded the Silver Star.

Throughout his difficult recovery at Walter Reed Army Medical Center, Corporal Bixler has been an inspiration to those around him and to his unit that continues its service overseas.

CPL David Bixler has not only met the criteria for the Soldier of the Year Award, but eclipsed it. Words cannot express how proud I am of Corporal Bixler and his valor and bravery now how grateful I am for his service. We thank him, and all our servicemen and women, for their sacrifice and efforts on our behalf.●

AMERICAN ACADEMY OF ARTS AND SCIENCES

• Mr. KERRY. Mr. President, today I wish to commend the American Academy of Arts and Sciences on the occasion of the institution's October 1, 2011, induction ceremony for the 231st class of members in Cambridge, MA. These 211 new members earned election to the American Academy of Arts and Sciences for extraordinary individual achievement and are among the world's most influential artists, scientists, scholars, authors, and institutional leaders. In accepting membership into the American Academy of Arts and Sciences, these individuals agreed to contribute their talents, experience, and knowledge to help the academy advance the Nation's social welfare.

The American Academy of Arts and Sciences is an august, quintessentially American institution founded by Massachusetts' own John Adams and other scholar-patriots during our Nation's struggle for independence. The American Academy of Arts and Sciences is currently chaired by Louis W. Cabot and led by President Leslie C. Berlowitz and is a vital center of knowledge focused on the great challenges and concerns of the day, from science and technology policy to global security; social policy to the humanities; and culture, and education.

I won't read all 211 of the new members' names, but listed among these brilliant individuals are;

Dr. Daniel Arie Haber, the leading physician-scientist whose research has focused on the molecular genetics of human cancer. He identified genes implicated in breast cancer development and in Wilms' tumor, a children's kidney cancer.

Chester C. Langway, Jr., who is responsible for launching the era of deep ice core drilling programs. He recruited scientists from other disciplines and countries to work on ice cores and collaborated closely with them. Consequently, international teams of scientists have extracted fundamental information from ice cores, and studies

have provided detailed climatological and other environmental data, over a geological time period including the Holocene and late Pleistocene ages, on the regional and global conditions existing at the time of snow deposit. Results reveal man's impact on the changing environment and long-term evidence regarding abrupt global climate changes and led to discovery of the Dansgaard-Oeschger event.

Dr. W. Jason Morgan, who was the first to propose that Earth's surface is made up of a number of rigid crustal blocks, establishing the kinematic framework for the paradigm of plate

tectonics, which revolutionized the study of Earth and its history.

Also included in this group is Robert Kraft, who is probably best known as the owner of our beloved New England Patriots but has also dedicated his life to advancing science, philanthropy, the arts, and education.

I am including for the RECORD the names of all 211 inductees into the American Academy of Arts and Sciences. I wish them all the best and thank them for their contribution to the knowledge of our Nation.

The information follows:

THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES

Name	Affiliation	Location
Dr. Richard Warren Aldrich	University of Texas at Austin	Texas
Mr. Paul Gardner Allen	Vulcan, Inc.	Washington
Dr. Victor Ambros	University of Massachusetts Medical School	Massachusetts
Professor Luc E. Anselin	Arizona State University	Arizona
Professor Frances Hamilton Arnold	California Institute of Technology	California
Dr. Wanda M. Austin	Aerospace Corporation	California
Mr. Jesse Huntley Ausubel	Rockefeller University/Alfred P. Sloan Foundation	New York
Professor Thomas Banks	University of California, Santa Cruz/Rutgers, State University of NJ	California
Professor John Andrew Bargh	Yale University	Connecticut
Professor Mary Beard	University of Cambridge	United Kingdom
Dr. Anna Katherine Behrensmeyer	Smithsonian Institution	Virginia
Professor Roland J.M. Benabou	Princeton University	New Jersey
The Honorable Douglas Joseph Bennet, Jr.	Wesleyan University	Connecticut
Professor Marsha J. Berger	Courant Institute of Mathematical Sciences, New York University	New York
Professor Timothy J. Besley	London School of Economics and Political Science	United Kingdom
Dr. Clara Derber Bloomfield	Ohio State University	Ohio
Professor Philip V. Bohlman	University of Chicago	Illinois
Mr. Yves Bonnefoy	Paris, France	France
Dr. Melissa Foster Bowerman	Max-Planck-Institut für Psycholinguistik	The Netherlands
Mr. Dave Brubeck	Wilton, Connecticut	Connecticut
Dr. Anthony S. Bryk	Carnegie Foundation for the Advancement of Teaching	California
Mr. John E. Bryson	Edison International	California
Mr. Kenneth L. Burns	Florentine Films	New Hampshire
Dr. R. Paul Butler	Carnegie Institution for Science	Washington, D.C.
Ms. Elizabeth J. Cabraser	Lieff Cabraser Heimann & Bernstein LLP	California
Mr. Thomas P. Campbell	Metropolitan Museum of Art	New York
Dr. James Ireland Cash, Jr.	Harvard Business School	Massachusetts
Dr. Francisco G. Cigarroa	University of Texas System	Texas
Professor Edmund Melson Clarke	Carnegie Mellon University	Pennsylvania
Professor James Clifford	University of California, Santa Cruz	California
Professor Geoffrey W. Coates	Cornell University	New York
Mr. Ernest H. Cockrell	Cockrell Interests, Inc./Cockrell Foundation	Texas
Mr. Leonard Norman Cohen	Montreal, Canada	Canada
Professor Timothy J. Colton	Harvard University	Massachusetts
Professor Robert K. Colwell	University of Connecticut	Connecticut
Professor David Paul Corey	Harvard Medical School/HHMI	Massachusetts
Professor Stanley A. Corngold	Princeton University	New Jersey
Professor Robert Howard Crabtree	Yale University	Connecticut
Dr. George William Crabtree	Argonne National Laboratory/University of Illinois at Chicago	Illinois
Professor Peter W. Culicover	Ohio State University	Ohio
Dr. George Q. Daley	Children's Hosp. Cancer Inst./HMS/HHMI	Massachusetts
Dr. Chi Van Dang	Johns Hopkins University School of Medicine	Maryland
Professor Marcetta York Darenbourg	Texas A&M University	Texas
Mr. Daniel Michael Blake Day-Lewis	New York, New York	New York
Professor Juan José de Pablo	University of Wisconsin-Madison	Wisconsin
Baron David de Rothschild	Rothschild Group	France
Dr. Raymond J. Deshaies	California Institute of Technology/HHMI	California
Dr. Vishva Dixit	Genentech, Inc.	California
Ambassador Edward P. Djerejian	Rice University; Djerejian Global Consultancies, LLP	Texas
Dr. John P. Donoghue	Brown University	Rhode Island
Professor Steven Neil Durlauf	University of Wisconsin-Madison	Wisconsin
Mr. Bob Dylan	Malibu, California	California
Professor Penelope Dorothy Eckert	Stanford University	California
Dr. Jonathan A. Epstein	University of Pennsylvania, Perelman School of Medicine	Pennsylvania
Professor Alex Eskin	University of Chicago	Illinois
Dr. Edward W. Felten	Princeton University	New Jersey
Dr. Russell Dawson Fernald	Stanford University	California
Professor Martha Finnemore	George Washington University	Washington, D.C.
Professor Claude S. Fischer	University of California, Berkeley	California
Professor Philip Fisher	Harvard University	Massachusetts
Professor Nancy Foner	City University of New York, Hunter College and The Graduate Center	New York
Professor Catherine S. Fowler	University of Nevada	Nevada
Professor Scott E. Fraser	California Institute of Technology	California
Dr. Joseph Francis Fraumeni, Jr.	National Cancer Institute, National Institutes of Health	Maryland
Professor Glenn H. Fredrickson	University of California, Santa Barbara	California
Dr. Julio Frenk	Harvard School of Public Health	Massachusetts
Professor Sarah A. Fuller	State University of New York at Stony Brook	New York
Mr. Thomas W. Gaehtgens	Getty Research Institute	California
Professor Franklin I. Gamwell	University of Chicago Divinity School	Illinois
Professor Daniel E. Garber	Princeton University	New Jersey
Professor Sylvester James Gates, Jr.	University of Maryland	Maryland
Professor Sharon C. Glotzer	University of Michigan	Michigan
Professor Annette Gordon-Reed	Harvard University/HLS/Radcliffe Institute	Massachusetts
Dr. Maxwell E. Gottesman	Columbia University Medical Center	New York
Mr. Hugh Grant	Monsanto Company	Missouri
Mr. Paul Anthony Griffiths	Manorbier, United Kingdom	United Kingdom
Professor Sol Michael Gruner	Cornell University	New York
Mr. John Guare	New York, New York	New York
Mr. Robert D. Haas	Levi Strauss & Company/Levi Strauss Foundation	California
Dr. Daniel Arie Haber	Harvard Medical School/Massachusetts General Hospital/HHMI	Massachusetts
Professor Jacquelyn Dowd Hall	University of North Carolina at Chapel Hill	North Carolina
Reverend Ray A. Hammond	Bethel African Methodist Episcopal Church	Massachusetts
Professor Martin P. Head-Gordon	University of California, Berkeley	California

THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES—Continued

Name	Affiliation	Location
Professor Jeffrey Henderson	Boston University	Massachusetts
Professor James Higginbotham	University of Southern California	California
Mr. Robert F. Higgins	Highland Capital Partners/Havard Business School	Massachusetts
Dr. Katherine Ann High	University of Pennsylvania, Perelman School of Medicine	Pennsylvania
Professor Oscar Hijuelos	Duke University	New York
Dr. Okhide Hikosaka	National Eye Institute	Maryland
Mr. Edward Hoagland	Edgartown, MA	Vermont
Dr. E. Brooks Holfield	Emory University	Georgia
Mrs. Jenny Holzer	Hoosick Falls, New York	New York
Dr. Eric Joel Horvitz	Microsoft Research	Washington
Professor Thomas Yizhao Hou	California Institute of Technology	California
Dr. Leah H. Jamieson	Purdue University	Indiana
Professor Jay H. Jasanoff	Harvard University	Massachusetts
Professor Farish Alston Jenkins, Jr.	Harvard University	Massachusetts
Mr. W. Thomas Johnson, Jr.	Cable News Network	Georgia
Mr. Alex S. Jones	Harvard Kennedy School	Massachusetts
Professor Michael I. Jordan	University of California, Berkeley	California
Professor Marcel Kahan	New York University School of Law	New York
Professor Frances Myrna Kamm	Harvard University/Harvard Kennedy School	Massachusetts
Dr. Linda P.B. Katehi	University of California, Davis	California
Professor Kazuya Kato	University of Chicago	Illinois
Professor Jonathan N. Katz	California Institute of Technology	California
Professor Thomas Forrest Kelly	Harvard University	Massachusetts
Professor J. Mark Kenoyer	University of Wisconsin-Madison	Wisconsin
Dr. Talmadge Everett King, Jr.	University of California, San Francisco	California
Dr. Robert E. Kingston	Harvard Medical School/Massachusetts General Hospital	Massachusetts
Professor Joseph Klarfer	Tel Aviv University	Israel
Dr. Steven Knapp	George Washington University	Washington, D.C.
Mr. Robert Kraft	The Kraft Group	Massachusetts
Professor David I. Laibson	Harvard University	Massachusetts
Professor Chester Charles Langway, Jr.	State University of New York at Buffalo	Massachusetts
Dr. Lewis Lee Lanier	University of California, San Francisco	California
Professor L. Gary Leal	University of California, Santa Barbara	California
Dr. Andrei Dmitriyevich Linde	Stanford University	California
Professor John A. List	University of Chicago	Illinois
Professor Beatrice Longuenesse	New York University	New York
Professor William Roger Louis	University of Texas at Austin	Texas
Mr. Morton Mandel	Parkwood Corporation/Mandel Foundation	Ohio
Professor Todd Joseph Martinez	Stanford University	California
Dr. Raghunath A. Mashelkar	Global Research Alliance; CSIR	India
Professor Mark A. Mazower	Columbia University	New York
Mr. Bill McKibben	Middlebury College	Vermont
Professor H. Jay Melosh	Purdue University	Indiana
Professor Louis Menand	The New Yorker/Harvard University	Massachusetts
Dr. Jeffrey H. Miller	University of California, Los Angeles	California
Professor Geoffrey P. Miller	New York University School of Law	New York
Dr. Chad A. Mirkin	Northwestern University	Illinois
Dame Helen Mirren	London, United Kingdom	United Kingdom
Professor Margaret M. Mitchell	University of Chicago Divinity School	Illinois
Professor Gregory Winthrop Moore	Rutgers, The State University of New Jersey	New Jersey
Dr. W. Jason Morgan	Harvard University/Princeton University	Massachusetts
Dr. Richard I. Morimoto	Northwestern University	Illinois
Dr. Ellen Mosley-Thompson	Ohio State University	Ohio
Mr. Alan Roger Mulally	Ford Motor Company	Michigan
Professor Shree K. Nayar	Columbia University	New York
Dr. William Barlow Neaves	Stowers Institute for Medical Research	Missouri
Professor Ei-ichi Negishi	Purdue University	Indiana
Professor Ann E. Nelson	University of Washington	Washington
Professor Dr. Angelika Neuwirth	Freie Universität Berlin	Germany
Dr. Katherine S. Newman	Johns Hopkins University	Maryland
Professor Dr. Svante Pääbo	Max-Planck-Institut für evolutionäre Anthropologie	Germany
Dr. David Conrad Page	Massachusetts Institute of Technology/HHMI	Massachusetts
Professor Scott E. Page	University of Michigan	Michigan
Professor David G. Pearce	New York University	New York
Professor Monika Piazzesi	Stanford University	California
Professor Hugh David Politzer	California Institute of Technology	California
Professor Trevor Douglas Price	University of Chicago	Illinois
Mrs. Roberta Cooper Ramo	Modrall Sperling	New Mexico
Professor Peter B. Reich	University of Minnesota	Minnesota
Dr. Robert D. Reischauer	Urban Institute	Maryland
Professor David N. Reznick	University of California, Riverside	California
Sir Adam Roberts	British Academy/ University of Oxford	United Kingdom
Dr. Malcolm Austin Rogers	Museum of Fine Arts, Boston	Massachusetts
Professor Thomas Romer	Princeton University	New Jersey
Professor C. Brian Rose	University of Pennsylvania	Pennsylvania
Dr. Rodney J. Rothstein	Columbia University Medical Center	New York
Dr. Martine F. Roussel	St. Jude Children's Research Hospital/University of Tennessee	Tennessee
Dr. Roberta L. Rudnick	University of Maryland	Maryland
Dr. David W. Russell	University of Texas Southwestern Medical Center	Texas
Professor Laurent Saloff-Coste	Cornell University	New York
Professor Larry Samuelson	Yale University	Connecticut
Professor Michael Scammell	Columbia University	New York
Professor Michael H. Schill	University of Chicago Law School	Illinois
Dr. Amita Sehgal	University of Pennsylvania, Perelman School of Medicine/HHMI	Pennsylvania
Professor Louis Michael Seidman	Georgetown University	Washington, D.C.
Dr. Sybil Putnam Seitzinger	Royal Swedish Academy of Sciences	Sweden
Dr. Patricia Griffiths Selinger	IBM Almaden Research Center	California
Professor Eric Ursell Selker	University of Oregon	Oregon
Professor James S. Shapiro	Columbia University	New York
Professor Kevan M. Shokat	University of California, San Francisco/HHMI	California
Professor Peter Williston Shor	Massachusetts Institute of Technology	Massachusetts
Mr. Paul Simon	New York, New York	New York
Professor P. Adams Sitney	Princeton University	New Jersey
Dr. David J. Skorton	Cornell University	New York
Dr. Bruce David Smith	Smithsonian Institution	Virginia
Professor Eduardo E. M. Souto de Moura	Universidade do Porto/Souto Moura-Arquitectos SA	Portugal
Dr. Debora L. Spar	Barnard College	New York
Professor Gabrielle M. Spiegel	Johns Hopkins University	Maryland
Professor Charles Haines Stewart III	Massachusetts Institute of Technology	Massachusetts
Professor Howard A. Stone	Princeton University	New Jersey
Dr. Gisela T. Storz	National Institutes of Health	Maryland
Professor Thomas J. Sugrue	University of Pennsylvania	Pennsylvania
Dr. Wesley I. Sundquist	University of Utah	Utah
Professor Michael K. Tanenhaus	University of Rochester	New York
Dr. Ann Taves	University of California, Santa Barbara	California
Professor Herbert F. Tucker	University of Virginia	Virginia
Professor Christopher R. Udry	Yale University	Connecticut

THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES—Continued

Name	Affiliation	Location
Ms. Luisa Valenzuela	Buenos Aires, Argentina	Argentina
Mr. Michael R. Van Valkenburgh	Michael Van Valkenburgh Associates, Inc., Landscape Architects P.C.	New York
Mr. J. Mario Pedro Vargas Llosa	Madrid, Spain	Spain
Professor Lothar von Falkenhausen	University of California, Los Angeles	California
Professor Brian A. Wandell	Stanford School of Medicine	California
Dr. Jean Yin Jen Wang	University of California, San Diego	California
Mr. Samuel A. Waterston	West Cornwall, Connecticut	California
Professor Sandra Robin Waxman	Northwestern University	Illinois
Professor Daniel Merton Wegner	Harvard University	Massachusetts
Professor Barbara Weinstein	New York University	New York
Mr. Miles D. White	Abbott	Illinois
Professor Henry S. White, Jr.	University of Utah	Utah
Dr. Marvin Pete Wickens	University of Wisconsin-Madison	Wisconsin
Professor Avi Wigderson	Institute for Advanced Study	New Jersey
Mr. Robert Wilson	Watermill Center/The Byrd Hoffman Watermill Foundation	New York
Professor Hisashi Yamamoto	University of Chicago	Illinois
Professor Stephen Campbell Yeazell	University of California, Los Angeles School of Law	California
Dr. Shigeyuki Yokoyama	Riken Systems and Structural Biology Center	Japan
Professor Yuk Ling Yung	California Institute of Technology	California
Professor James C. Zachos	University of California, Santa Cruz	California
Professor Shoucheng Zhang	Stanford University	California
Professor Shou-Wu Zhang	Columbia University	New Jersey•

TRIBUTE TO DR. ALFONSO BATRES

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize Dr. Alfonso Batres with the Department of Veterans Affairs for his dedicated service to our Nation's veterans. Dr. Batres is a Vietnam veteran who now serves as the chief officer for Readjustment Counseling Service, where he has devoted his career to building a national network of community-based vet centers. At these vet centers, veterans can obtain counseling, job assistance, and medical referrals, in addition to other services.

Dr. Batres was recently awarded a 2011 Samuel J. Heyman Service to America Medal from the Partnership for Public Service. The award, also known as a "Sammy," is awarded annually to exceptional Federal employees. Specifically, Dr. Batres was awarded the 2011 Career Achievement Medal, which recognizes a Federal employee for significant accomplishments throughout a lifetime of achievement in public service.

Under Dr. Batres' leadership, the number of vet centers across the country has dramatically expanded from 200 to 300 in an effort to meet the growing needs of hundreds of thousands of combat veterans and their families. In addition, Dr. Batres created and launched 50 mobile vet centers, greatly improving the access to services available to veterans. Dr. Batres also developed the Combat Call Center, a national call-in service where combat veterans can call in to talk to another combat veteran regarding any readjustment issues they may be facing.

Dr. Batres is an especially deserving recipient of the Career Achievement Medal as he has led the Vet Center Program to provide services to a record level of veterans and their family members. As a result of Dr. Batres' efforts, over 191,000 veterans and their family members visited vet centers nearly 1.3 million times in the year 2010 alone.

Vet centers have proven so successful due to the unique services they pro-

vide, which seek to treat the whole person. At vet centers, combat veterans can receive counseling from other combat veterans who truly understand the struggles veterans face. In 2010, approximately 80 percent of vet center staff members were veterans, 60 percent were combat veterans, and approximately one third of all Vet Center staff had served in Iraq or Afghanistan.

In addition, vet centers are located in convenient locations within communities that possess a large population of underserved veterans. The programs are constantly adapting to meet the evolving needs of veterans and have strict protections in place in order to ensure maximum privacy for veterans. This is a truly revolutionary method of delivering services and Dr. Batres' vision, along with his natural propensity to foster young talent, have proven invaluable in its success.

Dr. Batres' selfless service on behalf of our Nation's veterans has greatly improved the lives of many, and I am so pleased to see his achievements recognized.●

TRIBUTE TO W. TODD GRAMS

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize W. Todd Grams for his service to our Nation's veterans. Mr. Grams serves as the chief financial officer and executive in charge for the Office of Management at the Department of Veterans Affairs, VA, where he has led the effort to improve the provision of benefits for our veterans through efficient financial management.

Mr. Grams was recently awarded the prestigious 2011 Samuel J. Heyman Service to America Management Excellence Medal from the Partnership for Public Service. The award, also known as a "Sammy," is one of the most important annual awards provided to Federal civil servants who have made a significant contribution to our country. Mr. Grams was recognized for his leadership in integrating and streamlining VA's operations, reducing costs,

and improving delivery of services to veterans.

Mr. Grams is a worthy recipient of the Management Excellence Medal. In his role as VA chief financial officer, he has demonstrated not only the courage, but also the creativity and tenacity necessary to help VA maximize value for our veterans. Along with the help of his qualified team, Mr. Grams' initial push for an in-depth analysis of VA's financial management priorities allowed VA to serve veterans with higher quality service and care. He redirected resources to lower the cost and risk for investment for VA. Furthermore, Mr. Grams integrated the management governance structure and established systems that allowed VA to spend money more wisely and improve services to veterans.

I appreciate Mr. Grams' hard work and dedication at VA, and I am so pleased that his extraordinary talents and effort have been recognized.●

TRIBUTE TO THEODORE M. DOLNEY

• Mr. TESTER. Mr. President, today I honor Theodore M. Dolney, a veteran of World War II and a member of this Nation's Greatest Generation.

Mr. Dolney, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

I am proud to share Mr. Dolney's story of heroism, because like so many others, it is a story that should never be forgotten.

Ted Dolney joined the Army in April of 1941, after spending the first 19 years of his life growing up on his family farm in Glenville, SD. After training, the Army sent Mr. Dolney to northern Africa. In February of 1943, German troops captured him and took him as a prisoner of war.

Mr. Dolney spent 27 months more than 2 years of his life imprisoned by Nazis. Mr. Dolney was moved from place to place in Germany. Conditions were cruel and brutal. Food was scarce. In fact, Mr. Dolney says many American POWs would have died if it had

not been for supplemental food packages sent by the Red Cross.

Because Mr. Dolney knew how to speak German, and because he had the strength to work as a POW on railroads, he sometimes got extra food.

On the eve of the invasion of Normandy, some of the prisoners smuggled in a radio. Hours later, they heard news of the allies landing in France.

Months later, when Germany lost the war, the Nazi guards simply ran away. Mr. Dolney and the others left on foot to find help. After walking several days, they finally encountered American soldiers. And they were sent home as heroes.

Ted Dolney returned to the United States. He moved to Montana where he met Darlene, his wife of 50 years. He worked for three decades as a lineman for the Rural Electrification Administration.

But Mr. Dolney never received recognition for his service and sacrifice as a Prisoner of War in World War II. And throughout his life, he never complained.

In 1973, his military records were destroyed by a fire in St. Louis.

But after his family reached out to my office, we were able to secure the medals Mr. Dolney never received.

Last month, I had the honor of presenting to Ted, a Bronze Star, and a European-African-Middle-Eastern Campaign Medal with four Bronze Service Stars.

It was also my honor to present an American Defense Service Medal, and a World War II Victory Medal.

Last month I also presented to Ted: a Combat Infantryman Badge First Award, a Good Conduct Medal, and the Honorable Service Lapel Button, World War II.

These seven medals are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO JOHN HORIGAN

● Mr. TESTER. Mr. President, today I wish to honor John L. Horigan, a veteran of Vietnam.

John, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

It is my honor to share the story of John Horigan's sacrifice in Vietnam, because no story of heroism should ever fall through the cracks.

John joined the Army in October of 1967. He was part of the 86th Transportation Company, based in Long Binh, Vietnam.

His job? Operating equipment and driving trucks for the Army in unimaginable, dangerous conditions.

On August 26, 1968, John's unit came under fire. And he was shot in the arm and in the back.

John returned to the United States after 2 years of service to this Nation. He worked as a millwright in California, and eventually moved with his wife Cindy to the Big Sky State of Montana, where he is welcome as a hero.

After his return home, the military lost John Horigan's records. And he never received the recognition he earned more than 40 years ago. Throughout that time, he never complained.

Last month, I had the honor of presenting to John, in the presence of his family, a Purple Heart, and a Vietnam Service Medal and Bronze Star Attachment.

It was also my honor to present a Meritorious Unit Commendation, and a National Defense Service Medal.

Last month I also presented to John: a Republic of Vietnam Campaign Ribbon with Device, and the Cold War Recognition Certificate.

These six decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO POSTMASTER SHAUNA D. ANDREWS

● Mr. WYDEN. Mr. President, today I want to recognize and honor Postmaster Shauna D. Andrews, of Hereford, OR, for her exceptional service to her customers and dedication to her neighbors.

Located in eastern Oregon, Hereford is a highly rural, unincorporated community in Baker County. Although Hereford is unincorporated it has a post office that serves approximately 100 postal patrons. Like many rural postmasters, Shauna knows her customers well and connects with them on a regular basis; especially older folks who don't have access to the Internet, cell phones, and other conveniences that are driving down the traditional use of post offices. In Hereford, the post office is a place where people send and receive packages, including mail order prescriptions and vote by mail.

Over the years, Shauna, who is also a first responder, has demonstrated a strong commitment to the folks she considers customers and neighbors. During the week of September 19, 2011, she became concerned when an 85-year-old patron who lives alone on a rural route failed to collect her mail. After 2 days, she grew worried and decided to go to the patron's home. When Shauna and her 19-year-old son arrived at the patron's house, they discovered the woman lying incapacitated on the floor. Shauna immediately called Baker City for transport to the nearest hospital, located 38 miles from Hereford. As of last week, the patron remained in the hospital in Baker City.

It is more than a possibility that by taking the time to check on her postal patron, Shauna saved this woman's life.

Shauna has displayed exceptional service and dedication to her customers and neighbors. The Hereford Post Office is on the national closure study list and as we address the future of the Postal Service, it is absolutely imperative that we examine the function of post offices in rural communities. As Shauna has demonstrated, many rural postmasters know their customers well and having a post office is central to a town's identity and vitality.

I recognize Shauna Andrews for her exceptional service to the community of Hereford. Her example is one from which we can all learn.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-KOREA FREE TRADE AGREEMENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Korea Free Trade Agreement (Agreement), a landmark agreement that supports American jobs, advances U.S. interests, and reflects America's fundamental values.

The Agreement levels the playing field for U.S. businesses, workers, farmers, ranchers, manufacturers, investors, and service providers by offering them unprecedented access to Korea's nearly \$1 trillion economy. The Agreement eliminates tariffs on over 95 percent of U.S. exports of industrial and consumer goods to Korea within the first 5 years and, together with the agreement entered into through an exchange of letters in February 2011, addresses key outstanding concerns of American automakers and workers regarding the lack of a level playing field

in Korea's auto market. The Agreement also ensures that almost two-thirds of current U.S. agricultural exports will enter Korea duty-free immediately. In addition, the Agreement will give American service providers much greater access to Korea's \$580 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance.

Increased U.S. exports expected under the Agreement will support more than 70,000 American jobs. The Agreement will bolster our economic competitiveness in the Asia-Pacific region and our regional security interests. The United States once was the top supplier of goods exported to Korea. Over the past decade, our share of Korea's import market for goods has fallen from 21 percent to just 10 percent—behind China and Japan, and barely ahead of the European Union (EU). The EU and several other trading partners are negotiating or have recently concluded trade agreements with Korea. If the United States-Korea trade agreement is not approved, the United States could lose further market share, export-supported jobs, and economic growth opportunities, with damage to our leadership position in the region.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approving and implementing the Agreement is an opportunity to shape history. We must seize the moment together to support jobs for the American people today and to sustain U.S. leadership well into the 21st century. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Panama Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to spur economic growth, increase exports, and create jobs here in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, manufacturers, investors, and businesses by opening Panama's market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents an important development in our relations with Panama, and accords with the goal, as expressed by the Congress in the Caribbean Basin Trade Partnership Act, to conclude comprehensive, mutually advantageous trade agreements with beneficiary countries of the Caribbean Basin Initiative trade preference program. The Agreement further reflects a commitment on the part of the United States to sustained engagement in support of democracy, economic growth, and opportunity in Panama and the region.

Panama is one of the fastest growing economies in Latin America. Upon entry into force of the Agreement, Panama will immediately eliminate its tariffs on over 87 percent of U.S. exports of consumer and industrial goods and on more than half of U.S. exports of agricultural goods. Panama will eliminate most other duties on U.S. exports within a 15-year transition period. Eighty-five percent of U.S. businesses exporting to Panama are small- and medium-sized enterprises. The elimination of duties provided for in the Agreement will help to level the playing field for them and for all U.S. exporters, based on 2010 trade flows, as approximately 98 percent of our imports from Panama already enjoy duty-free access to the U.S. market. In addition, the Agreement will give American service providers greater access to Panama's \$20.6 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Panama has already made significant reforms related to the obligations it will have under the labor chapter.

As a part of an ambitious trade agenda, it is important that the Congress

renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is in our national interest. The Agreement will strengthen our economic and political ties with Panama, support democracy, and contribute to further economic integration in our hemisphere and economic growth in the United States. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to spur economic growth, increase exports, and create jobs in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents a historic development in our relations with Colombia. Colombia is a steadfast strategic partner of the United States and a leader in the region. The Agreement reflects the commitment of the United States to supporting democracy and economic growth in Colombia. It will also help Colombia battle production of illegal crops by creating alternative economic opportunities.

Under the Agreement, tariffs on over 80 percent of U.S. consumer and industrial exports will be eliminated immediately. United States agricultural exports in particular will enjoy substantial new improvements in access to Colombia's market. Currently, no U.S. agricultural exports enjoy duty-free

access to Colombia. Once the Agreement enters into force, almost 70 percent, by value, of current U.S. agricultural exports will be able to enter Colombia duty-free immediately. In addition, the Agreement will give American service providers greater access to Colombia's \$134 billion services market. This will help to level the playing field, since 91 percent of our imports from Colombia have enjoyed duty-free access to our market under U.S. trade preference programs.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Colombia has already made significant reforms related to the obligations it will have under the labor chapter. A number of these steps have been taken in fulfillment of the commitments Colombia made in the agreed Action Plan Related to Labor Rights that President Santos and I announced on April 7. Colombia must successfully implement key elements of the Action Plan before I will bring the Agreement into force.

This Agreement forms an integral part of my Administration's larger strategy of doubling exports by the end of 2014 through opening markets around the world. In addition, the Agreement provides an opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy while contributing to further hemispheric integration and economic growth in the United States. This Agreement is vital to ensuring Colombia continues on its trajectory of positive change.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is therefore in our national interest. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.
THE WHITE HOUSE, October 3, 2011.

LETTERS EXCHANGED BETWEEN THE UNITED STATES AND KOREA THAT CONTAIN THOSE COMMITMENTS, WHICH FURTHER ENHANCE THE UNITED STATES-KOREA FREE TRADE AGREEMENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the United States-Korea Free Trade Agreement. In that message, I highlighted new commitments that my Administration, in close coordination with the Congress, successfully negotiated to provide additional market access and a level playing field for American auto manufacturers and workers exporting to Korea.

Herewith I am transmitting the letters exchanged between the United States and Korea that contain those commitments, which further enhance the most commercially significant trade agreement the United States has concluded in more than 17 years. The documents I have transmitted in these two messages constitute the entire United States-Korea trade agreement package.

BARACK OBAMA.
THE WHITE HOUSE, October 3, 2011.

DISTRICT OF COLUMBIA'S BUDGET REQUEST ACT FOR FISCAL YEAR 2012—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2012 Budget Request Act. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed 2012 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2012, the District estimates total revenues and expenditures of \$10.9 billion.

BARACK OBAMA.
THE WHITE HOUSE, October 3, 2011.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 29, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An act making continuing appropriations for fiscal year 2012, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 29, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendments of the Senate to the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mr. SESSIONS, and Mr. LEAHY):

S. 1636. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 1637. A bill to clarify appeal time limits in civil actions to which United States officers or employees are parties; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1638. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. HELLER):

S. 1639. A bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1640. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1641. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1642. A bill to implement the United States-Korea Free Trade Agreement; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1643. A bill to implement the United States-Panama Trade Promotion Agreement; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. AKAKA):

S. Res. 285. A resolution supporting the goals and ideals of World Habitat Day, October 3, 2011; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 381

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 504

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-

available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 566

At the request of Ms. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 566, a bill to provide for the establishment of the National Volcano Early Warning and Monitoring System.

S. 570

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RUSCH) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloging the purchases of multiple rifles and shotguns.

S. 606

At the request of Mr. CASEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 680

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 798

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 834

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from

New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1354

At the request of Mrs. HAGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1354, a bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1421

At the request of Mr. PORTMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mr. PRYOR) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1500

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1500, a bill to give Americans access to affordable child-only health insurance coverage.

S. 1508

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1508, a bill to extend loan

limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1513

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1513, a bill to amend title XII of the Social Security Act to extend the provision waiving certain interest payments on advances made to States from the Federal unemployment account in the Unemployment Trust Fund.

S. 1514

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Mr. HARKIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1540

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow credits for the purchase of franchises by veterans.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1578

At the request of Mr. TOOMEY, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1583

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1619

At the request of Mr. BROWN of Ohio, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1621

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1621, a bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes.

S. 1623

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1623, a bill to provide a processing extension for emergency mortgage relief payments, and for other purposes.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 274

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1638. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the Justice Thurgood Marshall's Elementary School Study Act. The elementary school that Justice Marshall attended, known as PS 103, located in my hometown of Baltimore, is a place of national significance because it marks the site where one of our Nation's greatest legal minds began his education.

Thurgood Marshall is well known as one of the most significant historical figures of the American civil rights movement. By the time he was 32, he was appointed the chief legal counsel for the National Association for the Advancement of Colored People, NAACP. He served at the NAACP a total of 25 years and was a key strategist to end racial segregation throughout the United States.

Perhaps the greatest illustration of this effort was his victory before the Supreme Court overturning the Plessy doctrine of 'separate but equal' and ending school segregation with the landmark decision in *Brown v. Board of Education of Topeka, KS* in 1954. Not only did this case open up educational opportunity and sparked the civil rights movement in this nation, it also established Thurgood Marshall, still a young attorney from Baltimore, as one of the greatest legal minds in all the land. This case was just one of the 29 cases he won before the U.S. Supreme Court.

Fittingly, Marshall was the first African American confirmed to the Supreme Court. He was nominated by President Lyndon B. Johnson in 1967 and served 24 years, until 1991. On the high court, Marshall continued his fight for the Constitutional protection of individual human rights.

But Thurgood Marshall was not always a legal giant. He was once a young boy growing up in West Baltimore. He received the first 6 years of his public education at PS 103. An apocryphal story goes that a young Thurgood Marshall studied the U.S. Constitution in the basement of the

building while serving detention. Regardless of whether or not this is true, the building powerfully tells the story of racial segregation in America. PS 103 was a "blacks only" school when Justice Marshall was a student there, and the rise of one of the country's paramount thinkers and pioneers in the civil rights movement.

The building is located at 1315 Division Street in the Upton Neighborhood of Old West Baltimore. The building is part of the Old West Baltimore National Register Historic District, and is listed as a contributing historic resource for the neighborhood. The Old West Baltimore historic district is one of the largest predominately African American historic districts in the country, and its significance is centered on the African American experience in the area.

In Baltimore, we are fortunate to have the National Park Service operate two historical sites, Fort McHenry and the Hampton Mansion. Adding PS 103 is a unique opportunity for the National Park Service to work in Baltimore's inner-city and to expand its ability to engage people around African American history.

Needless to say, Thurgood Marshall's legacy is one that should be preserved. He was one of our country's greatest legal minds and a prominent historical figure of one chapter of our country's great history—the civil rights movement. This bill authorizes the Secretary of the Interior to conduct a special resource study of PS 103 to evaluate the suitability and feasibility of establishing the building as a unit of the National Park Service. Preserving the building that was Justice Marshall's elementary school will give Americans insight into Justice Marshall's childhood.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thurgood Marshall's Elementary School Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) the results of the study; and
- (2) any conclusions and recommendations of the Secretary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF WORLD HABITAT DAY, OCTOBER 3, 2011

Mr. KERRY (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 285

Whereas the United Nations has designated the first Monday of October every year as World Habitat Day, and the theme of 2011 World Habitat Day is Cities and Climate Change;

Whereas World Habitat Day calls on global citizens to reflect on the state of our towns and cities and the importance of adequate shelter and serves as a reminder of our collective responsibility for the future of the human habitat;

Whereas approximately 51 percent of the world's population currently lives in cities of all sizes and produces the majority of the world's economic output;

Whereas projections indicate that ⅔ of the world's population will reside in cities just over a generation from now;

Whereas approximately 1,000,000,000 people currently live in slums, and more than half of this population is under the age of 25;

Whereas it is estimated that, by 2030, the number of people living in slums will double;

Whereas, according to the Center for Disease Control and Prevention, approximately 884,000,000 people lack adequate access to safe water, and nearly 50 percent of the developing world's population, over 2,500,000,000 people, lack access to sanitation services;

Whereas the Center for Disease Control and Prevention estimates that unsafe drinking water, inadequate sanitation, and poor hygiene contribute to the deaths of more than 1,500,000 children younger than 5 years of age per year;

Whereas, according to the World Bank, more than 1,400,000,000 people still live without electricity, a critical component of economic growth and development;

Whereas insecure lease and real property ownership tenure often subject slum dwellers to arbitrary, supra-market rents, forced evictions, threats, and harassment;

Whereas insecurity of land and property tenure severely inhibits economic development by undermining investment incentives and constraining the growth of credit markets, imperils the ability of families to achieve sustainable livelihoods and assured access to shelter, and often contributes to conflict over property rights;

Whereas women are affected disproportionately by forced evictions and insecure tenure as a result of gender-based discrimination, often including gender-biased laws that define women as legal minors or otherwise prevent them from acquiring and securing land, property, and housing lease or ownership rights, making them more vulnerable to poverty, violence, and sexual abuse;

Whereas many of the world's large cities are located in low-lying coastal areas that are more susceptible to environmental events and face serious threats from the effects of climate change such as storm surges;

Whereas the slum dwellers in low-lying coastal cities are disproportionately affected by disasters;

Whereas, according to the International Organization for Migration, there could be up to 200,000,000 environmentally-induced migrants by 2050, many of whom will be forced from their homes by rising sea levels and the increased frequency of flooding or drought, thereby challenging the security of the United States and United States allies;

Whereas adequate housing and universal access to basic shelter serve as catalysts for economic, social, and democratic development in the United States and elsewhere;

Whereas international organizations, faith-based groups, and nonprofits are working towards providing safe, affordable, and decent shelter for all; and

Whereas the 2006 National Security Strategy states, "America's national interests and moral values drive us in the same direction: to assist the world's poor citizens and least developed nations and help integrate them into the global economy": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Habitat Day; and

(2) reflects on the state of our cities and towns and the importance of adequate shelter and is reminded of our shared responsibility for the future of the human habitat;

(3) underscores the importance of a sustainable urban development strategy that—

(A) promotes equitable access to—

(i) basic shelter and affordable housing, particularly by residents of slums and informal settlements and similar densely populated, impoverished urban areas; and

(ii) safe water and sanitation;

(B) promotes gender equality and women's empowerment;

(C) supports access to sustainable and renewable sources of energy;

(D) employs innovative approaches to urban development challenges;

(E) leverages United States Government resources through collaborative partnership with foreign governments, intergovernmental organizations, private sector entities, and nonprofit and community-based organizations;

(F) operates to a scale that ensures sustainability;

(G) addresses current and future effects of climate change on cities; and

(H) improves environmental sustainability in urban areas; and

(4) encourages the leaders and citizens of cities, which are the source of, and solution to, many of the world's development challenges, to build upon their successful experiences and develop more ambitious goals for urban sustainable development at the upcoming United Nations Conference on Sustainable Development to be held June 4-6, 2012, in Rio de Janeiro, Brazil.

AMENDMENTS SUBMITTED AND PROPOSED

SA 669. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 669. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. MANDATORY DISCLOSURE BY THE UNITED STATES IF MEMBERS OF THE WORLD TRADE ORGANIZATION FAIL TO DISCLOSE SUBSIDIES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.

(a) IN GENERAL.—The United States Trade Representative shall—

(1) review each notification of subsidies submitted under Article 25 of the Agreement on Subsidies and Countervailing Measures by a member of the World Trade Organization with which the United States maintains a material and persistent trade deficit;

(2) identify any such member that, for 2 consecutive years—

(A) fails to submit such a notification; or

(B) omits information or includes inaccurate information in such a notification that is material with respect to the totality of the subsidies of the member; and

(3) notify the Committee on Subsidies and Countervailing Measures under Article 25 of the Agreement on Subsidies and Countervailing Measures of the subsidies of a member identified under paragraph (2) not later than 180 days after—

(A) in the case of a member identified under paragraph (2)(A), the date on which the second notification not submitted by the member was required to be submitted; or

(B) in the case of a member identified under paragraph (2)(B), the date of the submission of the second notification in which the information was omitted or the inaccurate information was included, as the case may be.

(b) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES DEFINED.—The term "Agreement on Subsidies and Countervailing Measures" means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 4, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of Energy Advisory Board's Shale Gas Production Subcommittee's 90-day report.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Abigail_Campbell@energy.Senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Abigail Campbell at (202) 224-1219.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 6, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "Excessive Speculation and Compliance with the Dodd-Frank Act." The Subcommittee plans to hold a hearing on speculation in the commodities markets and implementation of the Dodd-Frank Act's provisions on speculative position limits for futures, options, and swap contracts for oil and other commodities. Hearing witnesses will include a panel of experts and the Chairman of the Commodity Futures Trading Commission.

The Subcommittee hearing has been scheduled for Thursday, October 6, 2011, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

PRIVILEGES OF THE FLOOR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following

members of my staff and the committee staff be granted the privilege of the floor during consideration of S. 1619: Jane Beard, Sarah Babcock, Danielle Fidler, Sara Harshman, Madeline Forbis, Laura Jaskierski, Stephen Simpson, Jonathan Goldman, Cosimo Thawley, and Miranda Dalpiaz.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT

On Monday, September 26, 2011, the Senate agreed to the motion to concur to the amendment of the House to the amendment of the Senate to H.R. 2608, with an amendment, as follows:

H.R. 2608

Resolved, That the bill from the House of Representatives (H.R. 2608) entitled “An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.”, do pass with the following Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance

procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations nec-

essary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for “Department of Justice—Federal Bureau of Investigation—Salaries and Expenses”.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for “Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force” may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for “Overseas Contingency Operations” shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for “Defense Nuclear Facilities Safety Board—Salaries and Expenses” at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the "Continuing Appropriations Act, 2012".

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

On Monday, September 26, 2011, the Senate passed H.R. 1717, as amended, as follows:

H.R. 2017

Resolved, That the bill from the House of Representatives (H.R. 1717) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.", do pass with the following amendments:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) October 4, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except

that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the head-

ing "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland

Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the "Continuing Appropriations Act, 2012".

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes.".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: No. 359; that the nomination be confirmed the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Robert Stephen Ford, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

ORDERS FOR TUESDAY, OCTOBER 4, 2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, October 4, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans con-

trolling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 1619, the Currency Exchange Rate Oversight Reform Act, postclosure; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings; finally, that at 2:30 p.m., all postclosure time on the motion to proceed to S. 1619 be yielded back and, following the reporting of the bill, the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, we will begin consideration of S. 1619 during Tuesday's session. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Tuesday, October 4, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

MICHAEL T. SCUSE, OF DELAWARE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE JAMES W. MILLER, RESIGNED.

MICHAEL T. SCUSE, OF DELAWARE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JAMES W. MILLER, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

EARL W. GAST, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE KATHERINE ALMQUIST, RESIGNED.

DEPARTMENT OF STATE

ROBERTA S. JACOBSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE ARTURO A. VALENZUELA, RESIGNED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES T. RYAN, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE JAMES BROADDUS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

TIMOTHY M. BASHOR, OF TEXAS
DANIEL C. CALLAHAN, OF VIRGINIA
MIGNON TURNER CARDENTY, OF NORTH CAROLINA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

HOLLY CASSANDRA ALLEN, OF ARIZONA
HAYWARD M. ALTO, OF CALIFORNIA
D. HEATH BAILEY, OF NEVADA
LYDIA BETH BARRAZA, OF TEXAS
SETH G. BLAYLOCK, OF VIRGINIA

BRANDON LAUT BORKOWICZ, OF CALIFORNIA
 MARK J. BOSSE, OF CALIFORNIA
 CHRISTOPHER IAN BREDDING, OF TEXAS
 DONALD A. BROWN, OF LOUISIANA
 CHARLES L. BROWN II, OF TEXAS
 ROBERTA R. BURNS, OF NEW YORK
 MICHAEL J. CARNEY, OF SOUTH CAROLINA
 LISA BARANOWSKI CONESA, OF WISCONSIN
 THOMAS PATRICK DALTON, OF TEXAS
 THOMAS ROBERT DEBOR, JR., OF PENNSYLVANIA
 HADI K. DEEB, OF INDIANA
 JACOB M. DOTY, OF OREGON
 MARGARET ANN EHR, OF MICHIGAN
 KELLE ARDEN FARMER, OF KANSAS
 KRIS FRESONKE, OF WASHINGTON
 KEVIN W. FRILLOUX, OF TEXAS
 PETER PAUL GALUS, OF CALIFORNIA
 JUAN JAIME GAMBOA, OF TEXAS
 PAUL ANTHONY GHIOTTO, JR., OF FLORIDA
 VALLERA MICHELLE GIBSON, OF GEORGIA
 SEAN S. GREENLEY, OF SOUTH CAROLINA
 SILJE M. GRIMSTAD, OF VIRGINIA
 DELLA R. HARELAND, OF NEVADA
 THOMAS N. KATEN, OF VIRGINIA
 SHAMIM KAZEMI, OF MARYLAND
 JAY MARSHALL KIMMEL, OF VIRGINIA
 ELIZABETH K. LEE, OF CALIFORNIA
 MARY LOFRISCO-MCCLURE, OF FLORIDA
 DARRIN WILLIAM STUART MACKINNON, OF VIRGINIA
 THERESA J. MANGIONE, OF FLORIDA
 KUNDAL VICTORIA MASHINGAIDZE, OF CALIFORNIA
 GEORGE D. MATHEWS, OF VIRGINIA
 CATHERINE JEAN MCFARLAND, OF FLORIDA
 BETHANY MILTON, OF NEW YORK
 RICHARD MORRIS, OF COLORADO
 MATTHEW ABRAHAM MYERS, SR., OF FLORIDA
 WILLIAM RICHARD NELSON, OF WISCONSIN
 LAURENA L. OCKERMAN, OF VIRGINIA
 RYAN M. REID, OF ALASKA
 AMY E. ROTH, OF LOUISIANA
 CHRISTOPHER DAVID SCHEFFMAN, OF TEXAS
 DAVID RYAN SECKINGER, OF TEXAS
 GARY BARTON STOKES, OF THE DISTRICT OF COLUMBIA
 FRANK P. TALLUTO, OF NEW HAMPSHIRE
 ALEXANDER TATSIS, OF NEW HAMPSHIRE
 ESPERANZA MARIE TILGHMAN, OF CALIFORNIA
 JOSEPH ANTHONY TORDELLA, OF FLORIDA
 RUBANI I. TRIMIEW, OF NEW JERSEY
 JOACHIM VAN BRANDT, OF VIRGINIA
 STAFFORD ASHLEY WARD, OF GEORGIA
 CLINT ALLAN WATTS, OF COLORADO
 RICHARD VANCE WHITTEN, OF FLORIDA
 WHITTNEY SCOTT WIEDEMAN, OF TEXAS
 ANDREA JP WIKTOWY, OF THE DISTRICT OF COLUMBIA
 BRYAN G. WOCKLEY, OF VERMONT
 DARYN L. YODER, OF VIRGINIA
 ADAM ZERBINOPOULOS, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SUEMAYAH M. ABU-DOULEH, OF ILLINOIS
 MICHAEL K. AGNER, JR., OF FLORIDA
 MEGAN AHEARN, OF PENNSYLVANIA
 TRISTAN J. ALLEN, OF ARKANSAS
 JONATHAN R. ANDERSON, OF VIRGINIA
 PAULINE W. ANDERSON, OF CALIFORNIA
 MICHAEL P. ARENA, OF VIRGINIA
 BRIAN DAVID ASCHER, OF FLORIDA
 OSCAR D. AVILA, OF ILLINOIS
 JASON PERRY AZEVEDO, OF MASSACHUSETTS
 FRANCESCO CARLO BARBACCI, OF VIRGINIA
 ANDREW BARWIG, OF COLORADO
 JEREMY D. BERTSCH, OF VIRGINIA
 TEANCUM T. BEVANS, OF VIRGINIA
 RICHMOND PAUL BLAKE, OF PENNSYLVANIA
 JAKE L. BRANSON, OF VIRGINIA
 PAMELA L. BRANSON, OF VIRGINIA
 KETURA DEMARIS BROWN, OF MASSACHUSETTS
 LASEAN BROWN, OF GEORGIA
 MICHELE A. BROWNE-APPIAH, OF VIRGINIA
 CAROLINE R. BUDDENHAGEN, OF THE DISTRICT OF COLUMBIA
 LAURA A. BURNS, OF VIRGINIA
 KILLASHANDRA CANCEL, OF VIRGINIA
 YUNG JYONG CERANA, OF VIRGINIA
 HANNAH CHA, OF OHIO

PETER H. CHRISTIANSEN, OF ALASKA
 JULIA CLARKE, OF VIRGINIA
 TAVON COOKE, OF NEW JERSEY
 MERCEDES LAVEL CROSBY, OF MASSACHUSETTS
 CHAD SPENCER CRYDER, OF INDIANA
 CHANSONETTA C. CUMMINGS, OF VIRGINIA
 MATTHEW D. CUSTANCE, OF VIRGINIA
 CYNTHIA CHANG-WEN DAVILA, OF MINNESOTA
 RAFAEL DIAZ, OF NEVADA
 ANDREW H. DOEHLER, OF MARYLAND
 CLARE E. DOWDLE, OF THE DISTRICT OF COLUMBIA
 STEVEN R. DUKE, OF VIRGINIA
 ANNA DUPONT, OF NEW YORK
 EDY ZOHAR DURAN, OF TEXAS
 TIM EDGE, OF CALIFORNIA
 LINDSEY M. ERICKSON, OF MARYLAND
 PARVANEH A. FAKHERI, OF VIRGINIA
 MARY K. FANOUS, OF VIRGINIA
 CHRISTOPHER R. FARLOW, OF FLORIDA
 DAVID W. FARNHAM, OF MARYLAND
 JESSE F. FERRARA, OF VIRGINIA
 LAUREN FRANCES FONDREN, OF TEXAS
 DAVID FREITAS, OF FLORIDA
 EDUARDO GARCIA, OF TEXAS
 KAM J. GORDON, OF UTAH
 LUKE GREICIUS, OF NEW YORK
 RACHEL L. GROSS, OF CALIFORNIA
 KAY T. HAIRSTON, OF VIRGINIA
 SHARON MONIQUE HAJI MKANGA, OF MASSACHUSETTS
 ALEXANDER FERRELL HALL, OF MINNESOTA
 KARLENE M. HENNINGER FRELICH, OF MARYLAND
 ANDREW M. HAMILTON, OF MARYLAND
 HAMMAD B. HAMMAD, OF CALIFORNIA
 CHRISTINA E. D. HARDAWAY, OF GEORGIA
 JENNIFER ANNE-MARIE HARWOOD, OF MARYLAND
 MICHAEL M. HOLLAND, OF MARYLAND
 CHRISTIANA M. HOLLIS, OF FLORIDA
 AARON THEODORE JACKSON, OF CALIFORNIA
 ADAM JAGELSKI, OF WASHINGTON
 JESSICA LYNN JARCEV, OF WASHINGTON
 SARAH H. JESSUP, OF MARYLAND
 KATHLEEN JUDGE-MITCHELL, OF FLORIDA
 JAMES J. KANIA, OF PENNSYLVANIA
 ASHOK KAUL, OF NEVADA
 MIRA J. KIM, OF ILLINOIS
 CHELSEA M. KINSMAN, OF NEW YORK
 GRETCHEN MARIE KISER, OF VIRGINIA
 JENNIFER KLARMAN, OF FLORIDA
 COURTNEY KLINE, OF PENNSYLVANIA
 JOSEPH B. KRINOCK, OF THE DISTRICT OF COLUMBIA
 BORCHEN LAI, OF THE DISTRICT OF COLUMBIA
 JEFFREY R. LAKSHAS, OF WASHINGTON
 RENE L. LARIVIERE, OF VERMONT
 BARBARA LYNN LAWSON, OF VIRGINIA
 GABRIELLE LEGEAY, OF THE DISTRICT OF COLUMBIA
 BARBARA ELLEN LESTER, OF PENNSYLVANIA
 VICTORIA B. LIU, OF VIRGINIA
 DAVID K. LORIO, OF VIRGINIA
 AZZAM LOSTAN, OF CALIFORNIA
 MICHAEL B. LUMMUS, OF VIRGINIA
 DEC LY, OF VIRGINIA
 CATHERINE MATHES, OF ILLINOIS
 JOSHUA MCCAVE, OF MARYLAND
 JENNIFER MCGOWAN, OF VIRGINIA
 SHANNON MERLO, OF VIRGINIA
 SCOTT E. MILGROOM, OF MASSACHUSETTS
 KYLE JOHN MISSBACH, OF TEXAS
 DANIELLE F. MONAGHAN, OF NEW JERSEY
 CHARLEY LUTHER MONTGOMERY, OF CALIFORNIA
 SCOTT E. MURPHY, OF VIRGINIA
 NINA MURRAY, OF NEBRASKA
 JOHNATHAN S. NASH, OF VIRGINIA
 JULIANA A. NELSON, OF CALIFORNIA
 STEPHANIE D. NISIVOCICA, OF VIRGINIA
 RACHEL ORBOLUWA OKUNUBI, OF THE DISTRICT OF COLUMBIA
 AMBER M. OLIVA, OF ALASKA
 SEAN P. OLMSTEAD, OF THE DISTRICT OF COLUMBIA
 ADAM R. OLSZOWKA, OF ILLINOIS
 NATALIE L. PETERSON, OF OHIO
 MATTHEW PIERSON, OF VIRGINIA
 WALTON C. PORTER, JR., OF VIRGINIA
 NATHAN CLYDE POWELL, OF VIRGINIA
 LISBETH SANDOY, OF VIRGINIA
 DINA L. SCHORR, OF THE DISTRICT OF COLUMBIA
 DAVID CLAYTON SCHWARTZ, OF VIRGINIA
 MATTHEW WILLIAM SCRANTON, OF PENNSYLVANIA
 D. ROSALIND SEWELL, OF GEORGIA

TAU NKOKHELI SHANKLIN ROBERTS, OF THE DISTRICT OF COLUMBIA
 WESLEY C. SHELTON, OF NEVADA
 MARY ANN SHEPHERD, OF THE DISTRICT OF COLUMBIA
 TAMARA RENEE SHIE, OF VIRGINIA
 KRISTEN MICHELLE EDIANN SMART, OF THE DISTRICT OF COLUMBIA
 CARLA ELENA SNYDER, OF FLORIDA
 THERESA A. CARPENTER SONDJJO, OF MARYLAND
 LACHLYN M. SOPER, OF WISCONSIN
 CELESTE J. STEWART, OF MONTANA
 KARYN M. STOVALL, OF ILLINOIS
 AKASH RAJ SURI, OF CALIFORNIA
 PAMELA S. TAYLOR, OF VIRGINIA
 AARON C. TRUAX, OF NEW HAMPSHIRE
 KARINA A. VERAS, OF NEW YORK
 VANJA VUKOTA, OF FLORIDA
 WILLIAM W. WACHTER, OF NEW JERSEY
 JEFFREY M. WARNER, OF CALIFORNIA
 ALLISON L. WERNER, OF THE DISTRICT OF COLUMBIA
 RICHARD J. WILLIAMS, OF CALIFORNIA
 ZAINABU ZAWADI WILLIAMS, OF THE DISTRICT OF COLUMBIA
 JAMES S. WILSON, OF VIRGINIA
 LAUREN E. YOST, OF VIRGINIA
 SYLVIE YOUNG, OF CALIFORNIA
 RAFAELA ZUIDEMA, OF PENNSYLVANIA

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 3, 2011:

THE JUDICIARY

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.
 NANNETTE JOLIVETTE BROWN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.
 NANCY TORRESEN, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.
 WILLIAM FRANCIS KUNTZ, II, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.
 MARINA GARCIA MARMOLEJO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.
 JENNIFER GUERIN ZIPPS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DEPARTMENT OF STATE

ROBERT STEPHEN FORD, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on October 3, 2011 withdrawing from further Senate consideration the following nominations:

TERRY D. GARCIA, OF FLORIDA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DENNIS F. HIGHTOWER, RESIGNED, WHICH WAS SENT TO THE SENATE ON MAY 16, 2011.
 JAMES T. RYAN, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE JAMES BROADDUS, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 22, 2011.

HOUSE OF REPRESENTATIVES—Monday, October 3, 2011

The House met at 2 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly to be the best and most faithful servants of the people they serve. Purify their intentions, that they will speak the truth about what they believe and work to legislate responsibly, realizing that others are doing the same and that beliefs do differ.

Therefore, we ask a special blessing of patience, an ability to listen, and a shared desire to bring hope to the American people, their constituents, through a united effort to pass legislation that will help all in this Nation during these difficult times.

May the Members be filled with gratitude at the opportunity they have to serve in this people's House. We thank You for the abilities they have been given to do their work. May they use their talents as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

We thank You as well for this marvelous forum where the important business of this Nation has been done in the past and is done today. May the work being done now be guided by Your Spirit.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VICE PRESIDENT BIDEN IS RIGHT: DEMOCRATS OWN THIS ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during a radio interview last week, Vice President JOE BIDEN acknowledged the current administration has responsibility for the economy. The Vice President stated, "Right now, we are the ones in charge. I don't blame them for being mad. We're in charge, so they're angry." I agree with the Vice President.

While the national unemployment rate continues to remain above 9 percent, this administration continues the failed policies of borrow and spend. It is a failed course.

Last week, I met with constituents across the Second Congressional District of South Carolina during the annual District Bus Tour, and without complaining, they urged: reduce spending, cut taxes, create jobs.

House Republicans have introduced numerous jobs bills designed to encourage hiring and long-term economic growth. Now is the time for liberals and the President to change course. They own it.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

RECOGNIZING FILMMAKER KEN BURNS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, for two decades documentary filmmaker Ken Burns has been helping America understand who we are. Tonight, in the Visitors Center, there is a 5 o'clock reception and a 5:30 special screening of his new documentary on prohibition. He's had amazing productions dealing with the Civil War, baseball, jazz, the national parks, but this, I think, is going to be perhaps his best.

Based on what I saw last night, nothing is more timely, more profound for the challenges that we face today. And I can't wait for the next two episodes that will be aired tonight at 8 p.m. and again tomorrow.

Thank you, Mr. Burns. Thank you, PBS. Thanks to previous Congresses for support and the "pre-funding" that allows long-term projects like this. Here is another example of the unique and critical role played by public

broadcasting, and Congress should make sure that it continues.

SOLYNDRA

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, just before we left last week, two executives from a company called Solyndra came before the Energy and Commerce Committee voluntarily, but ultimately did not testify, invoking their Fifth Amendment rights.

Most Americans by now are becoming aware of the Solyndra story, a company that was initially denied a loan guarantee in the last days of the Bush administration but was hastily added to a list of projects that were covered by what was called the stimulus bill in February of 2009. In a rush to get the money out the door—ahead of a photo op with the Vice President—apparently mistakes were made, and in the early days of September of this year Solyndra filed bankruptcy. This is a story that is yet to be completely understood. But, Mr. Speaker, here's the important part:

For almost 6 months' time, between February and July, the Committee on Energy and Commerce sought, unsuccessfully, to have records delivered to it from the Office of Management and Budget and the Department of Energy. It should not take a subpoena from a congressional committee for branches of the executive branch to supply us those documents. When we have questions, they need to respond. When we ask for information, they need to produce. And certainly, when we have a hearing, they need to attend.

It's time for the Secretary of Energy to come before our committee, explain what he knew about this process, and clear the air once and for all for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HARRIS). Pursuant to clause 4 of rule I, the following enrolled bills were signed by Speaker pro tempore HARRIS on Thursday, September 29, 2011:

H.R. 2005, to reauthorize the Combating Autism Act of 2006;

H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 p.m.

MAKING IN ORDER CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2608, CONTINUING APPROPRIATIONS ACT, 2012

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that it be in order to take from the Speaker's table the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered on the motion to its adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

UTAH NATIONAL GUARD READINESS ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 686) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah National Guard Readiness Act".

SEC. 2. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.

(a) **CONVEYANCE REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 420 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated June 14, 2011, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) **SUPERSEDEENCE OF EXECUTIVE ORDER.**—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), is hereby superseded, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) **REVERSIONARY INTEREST.**—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of Defense determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes.

(d) **HAZARDOUS MATERIALS.**—With respect to any portion of the land conveyed under subsection (a) that the Secretary of Defense determines is subject to reversion under subsection (c), if the Secretary of Defense also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, H.R. 686 is a bill I sponsored. It is a bi-

partisan bill, and it has the sponsorship of all of the members of the Utah delegation, Republican and Democrat, and directs the Secretary of the Interior through the BLM to convey to the State of Utah lands that have been withdrawn for military use by the Utah National Guard and known as Camp Williams in Utah.

The National Guard has had this facility and trained at Camp Williams since 1912. The 420 acres proposed for conveyance is located within the boundaries of Camp Williams and has already been withdrawn for military use by the National Guard.

The transfer will simply open up property that is along one of the major corridors there to help support the military use of this camp. For obvious reasons, placing the land in the ownership of the State will allow the State to bond for other facilities that need to be built there. The State of Utah will not bond for building facilities on land it does not own. So the transfer of title to those lands also expedites the building and expansion of Camp Williams and the training facilities to improve the readiness of the Utah National Guard.

This conveyance without consideration is consistent with other bills in which you are doing government to government conveyances. The bill includes a provision directing the land revert to Federal ownership if this property is not used for National Guard or national defense purposes.

So the bill was passed by the House by a voice vote last Congress. The administration supports this bill. It was requested by the Utah National Guard. As I said, it is cosponsored by the entire Utah delegation.

I urge its adoption, and I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 686 will transfer a parcel of Federal land to the State of Utah for use as part of a Utah National Guard facility. The bill specifies that the land would return to Federal ownership if it is no longer needed for national defense purposes.

This legislation passed the House under Democratic leadership in both the 110th and 111th Congresses, and we support its passage again today.

I yield back the balance of my time.

Mr. BISHOP of Utah. I have no requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to discuss H.R. 686, "Utah National Guard Readiness Act." The bill requires the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

Our National Guard and in some instances combat soldiers of tomorrow must have access to training. Our troops must receive the training they need prior to being deployed in

combat zones. By allocating parcels of land for that purpose helps to ensure our nation's security. Camp Williams, located 26 miles south of Salt Lake City, is a professional training environment operated by the Utah Army National Guard. The Utah Training Center consists of 24,000 acres of combat areas resembling the same types of environments encountered by those currently serving in Iraq and Afghanistan. Those facilities include small arms weapons firing ranges, artillery firing points, demolition, grenade and crew served weapon ranges.

This parcel of land will allow for specialized winter, desert, mountain, and amphibious training. Urban environments include the Mac MOUT Shoot-house, dismounted/mounted maneuver areas and the recently opened FOB. Leadership and individual training is enhanced by utilizing the rappel tower, leadership reaction course and Afghan Village. This facility seems to be well equipped for training the Utah National Guard.

The Utah National Guard has possessed facilities and trained at Camp Williams since 1912. H.R. 686 would convey 420 acres of land within the boundaries of Camp Williams, without consideration. The acreage proposed for conveyance is already withdrawn for military use by the Guard. This land transfer will open access to property along a major transportation corridor with all the utilities and services necessary to support expanded military use. The Utah National Guard already owns and operates several buildings, an air traffic control tower and a tactical airfield on portions of this property. Placing the land in the State's name for use by the National Guard consolidates ownership patterns in the headquarters area and allows the State of Utah to bond for future Guard facilities. Transfer of title to these lands expedites the building and expansion of Camp Williams training facilities and would improve the readiness of the Utah National Guard. Additionally, the bill includes a provision directing that the land revert to federal ownership if it stops being used for National Guard or national defense purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 686, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 765) to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional

recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ski Area Recreational Opportunity Enhancement Act of 2011".

SEC. 2. PURPOSE.

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking "nordic and alpine ski areas and facilities" and inserting "ski areas and associated facilities";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "nordic and alpine skiing operations and purposes" and inserting "skiing and other snow sports and recreational uses authorized by this Act";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

"(c) OTHER RECREATIONAL USES.—

"(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

"(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

"(A) encourage outdoor recreation and enjoyment of nature;

"(B) to the extent practicable—

"(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

"(ii) be located within the developed portions of the ski area;

"(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

"(D) be authorized in accordance with—

"(i) the applicable land and resource management plan; and

"(ii) applicable laws (including regulations).

"(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

"(A) zip lines;

"(B) mountain bike terrain parks and trails;

"(C) frisbee golf courses; and

"(D) ropes courses.

"(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

"(A) tennis courts;

"(B) water slides and water parks;

"(C) swimming pools;

"(D) golf courses; and

"(E) amusement parks.

"(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

"(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

"(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit."

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

"(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section."; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking "the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act" and inserting "the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)".

SEC. 4. EFFECT.

Nothing in the amendments made by this Act establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 765 amends the National Forest Ski Area Permit Act of 1986 to authorize the Secretary of Agriculture to permit seasonal and year-round natural

resource-based recreational activities that are associated with those facilities on the National Forest ski areas. Current law does not address any activities other than winter-related Nordic and alpine skiing, snow sports, and their ancillary facilities at ski areas on Forest Service land. Congress needs to pass this act to allow new activities such as climbing walls, mountain biking, alpine slides, and zip-lines to be able to be used.

The additional seasonal and year-round recreation authorized by this bill would allow the private sector to create year-round jobs, expand their wholesome outdoor recreational opportunities for American families and for visitors from overseas.

Facilities authorized by this bill will have to be in harmony with the natural environment. Furthermore, the legislation does not waive such laws as the Endangered Species Act or the National Environmental Policy Act to allow for these activities to take place. So the ski areas on the Forest Service lands are already themselves classified as developed sites. So these new activities will be in keeping with the intended use of these areas.

□ 1610

Finally, I would also like to thank Chairman LUCAS of the Committee on Agriculture for assisting us in bringing this bill to the floor today. His cooperation on this and other issues shared with the Committee on Natural Resources is very much appreciated.

To support this understanding, I am including in the RECORD an exchange of letters between Chairman LUCAS and Chairman DOC HASTINGS regarding this particular bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 21, 2011.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN HASTINGS: I am writing to you regarding H.R. 765, the Ski Recreational Opportunity Enhancement Act of 2011 which amends the National Forest Ski Area Permit Act of 1986 to allow Forest Service permits to include year-round recreational use of ski areas. The bill also amends the Act to allow for snowboarding and other snow sports on Forest Service lands, in addition to ski activities already permitted.

H.R. 765 has been referred to the Committee on Agriculture, in addition to the Committee on Natural Resources. On June 15, 2011, H.R. 765 was reported out of the House Natural Resources Committee by unanimous consent.

It is my understanding that the Committee on Natural Resources wishes to consider this important piece of legislation expeditiously. Therefore, I will agree to discharge H.R. 765 from further consideration by the Committee on Agriculture. I do so with the understanding that this action in no way waives the Committee on Agriculture's jurisdictional interests in the subject matter of the legislation nor serves as a precedent for future referrals. Furthermore, in the event a House-Senate conference is requested on this

matter, the Committee on Agriculture reserves the right to seek the appointment of conferees.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between the Committee on Natural Resources and the Committee on Agriculture as we deal with forestry issues in the future.

Sincerely,

FRANK D. LUCAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 28, 2011.

Hon. FRANK LUCAS,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 765, the Ski Area Recreational Opportunity Enhancement Act of 2011. As you know, the Committee on Natural Resources ordered reported the bill by unanimous consent on June 15, 2011. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 765 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. Your committee will be appropriately consulted and involved as the bill or similar legislation moves forward. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee, as you are the primary committee of jurisdiction. Finally, I would be pleased to include your letter and this response in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your consideration.

Sincerely,

DOC HASTINGS,
Chairman.

I urge the adoption of the measure, and I reserve the balance of my time.

MR. SABLON. Mr. Speaker, I yield myself such time as I may consume.

MR. Speaker, the law governing the use of Forest Service lands for ski resorts has not kept pace with the development of year-round activities at many of these sites. New legislation is needed to authorize activities such as rock climbing, mountain biking and other off-season recreational activities.

H.R. 765 will authorize the Forest Service to permit certain nonsnow sports identified in the bill while specifically prohibiting things like tennis courts, swimming pools, and golf courses. The legislation will provide this expanded authority while ensuring that only activities which encourage outdoor recreation and harmonize with the environment are permitted.

Our colleague, Representative DEGETTE of Colorado, sponsored this legislation in the previous Congress and successfully guided the bill to ap-

proval by the House. This is important legislation that will create jobs, and she is to be commended for her leadership on this bill.

We support H.R. 765.

I have no requests for time, and I yield back the balance of my time.

MR. BISHOP of Utah. Mr. Speaker, as has been mentioned by the gentleman, this is a bipartisan bill. I urge its adoption. It's a very good bill.

I have no requests for time, and I yield back the balance of my time.

MS. DEGETTE. Mr. Speaker, it gives me great pleasure to bring this bill to the floor today. In my home state of Colorado, outdoor activities such as skiing, snowboarding, mountain biking, and hiking are part of our everyday lives. These activities often occur in our fantastic ski areas—many of which are located on public lands.

The Ski Area Recreational Opportunity Enhancement Act of 2011 clarifies the authority of the Forest Service to permit appropriate summer or year-round activities for ski areas. My bill will expand access to outdoor recreation, providing more opportunities for families to spend time outdoors. In the 2010/2011 ski season, there were over 60 million skier/snowboarder visits to American ski areas with nearly 21 million visits in the Rocky Mountain region. Providing summer recreation opportunities at already developed ski areas means winter guests will be more likely to return to their favorite spots at other times of the year. It will also provide substantial benefits to our local economies, and help create stable, year-round jobs in the thirteen states that are currently home to ski resorts on public land. The Outdoor Industry Association estimates active outdoor recreation, including activities at ski areas, contributes \$730 billion to the U.S. economy annually.

Furthermore, the act makes a common-sense change to the Ski Area Permit Act by expanding permitted activities to include snow sports such as snowboarding. Snowboarding now accounts for roughly 1/3 of all ski area visits, and the law should reflect the reality of current winter activities.

I am proud to bring this bill to the floor today with broad bi-partisan support. We have worked closely with the Forest Service to develop a piece of legislation that is amenable to all affected parties, and I urge my colleagues to support this sensible piece of legislation.

MS. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 765, "The Ski Area Recreational Opportunity Enhancement Act of 2011," which amends the National Forest Ski Area Permit Act of 1986 to require the term and acreage of permits for the operation of ski areas and associated facilities on National Forest System lands to be governed by provisions under the Act relating to such permits and other applicable law. Furthermore, this legislation provides for the issuance of permits for the use and occupancy of suitable lands within the National Forest System for skiing and other snow sports and recreational uses authorized pursuant to this Act.

The Ski Area Recreational Opportunity Enhancement Act provides the American public with added ways to use and enjoy federally governed land. It is in a spirit of encouraging

increased camaraderie, outdoor recreation and enjoyment of nature that I support providing an expanded opportunity for Americans to benefit from the natural resources in their own back yard. It is the responsibility of all Members of Congress to fulfill our moral obligation to promote harmony between Americans and the vast opportunities for outdoor recreation throughout the country. Additionally, this legislation serves to create revenue by allowing for additional permits, bolstering ski and winter recreation industries.

In the State of Texas, we have nearly 675,000 acres of public land that the U.S. Forest Service manages. This land is divided into four National Forests in east Texas and the National Grasslands in northeast Texas. Of the four National Forests, the 18th district is home to the Sam Houston National Forest. The Sam Houston National Forest consists of 161,508 acres with 47,609 acres in Montgomery County, 59,746 acres in San Jacinto County, and 54,153 acres in Walker County. The national forests in Texas were established by an act of the Texas legislature in 1933 that authorized the purchase of lands for the national forest system. These lands are operated under a Memorandum of Agreement with the U.S. Forest Service. Fishing, trapping, and public hunting of white-tailed deer, feral hog, waterfowl, dove, other migratory game birds, squirrel, quail, rabbits, hares, predators, furbearers, and frogs is permitted. Other outdoor recreation opportunities include camping, hiking, bicycling, and wildlife viewing.

In 1960, the Multiple Use-Sustained Yield Act codified into law the practices that had governed the management of national forests in Texas for 30 years. This act emphasized that resources on public lands would be managed so that they are used in the combination that will best meet the needs of the people, that the benefits obtained will exist indefinitely and that each each natural resource would be managed in balance with other resources to meet present and future public needs.

Management plans outline direction for a forest under the multiple-use concept. However, even the most carefully planned system of management cannot foresee environmental or natural factors which can cause drastic changes in a forest. Fire, storms, insects and disease, for example, can alter the way a forest is managed.

H.R. 765, "The Ski Area Recreational Opportunity Enhancement Act of 2011," provides for the issuance of permits for the use and occupancy of suitable lands within the National Forest System for skiing and other snow sports and recreational uses, highlighting the climate and recreational opportunities unique to specific regions of the nation. Since our nation's founding, we have marveled with immense pride at our vast natural resources, and this legislation serves to celebrate them.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in strong support of H.R. 765, the Ski Area Recreation Opportunity Enhancement Act of 2011, which updates the Ski Area Permit Act to reflect the wide range of recreational activities that are taking place at ski areas on National Forest System lands.

Having previously introduced similar legislation and as a cosponsor of H.R. 765, I have long supported this commonsense permit re-

form. Giving ski resorts on National Forest lands the opportunity to offer alternatives to traditional winter downhill activities year-round will help grow the economies of local communities and create jobs.

For instance, in Eastern Washington nestled among 2,450 acres of the Northwest Rockies, 49° North Mountain Resort—Eastern Washington's most family friendly resort—will be able to offer year-round family friendly opportunities. At zero cost to the taxpayers, this bill is an easy way to help increase the productivity of businesses on National Forest System lands.

Mr. Speaker, I urge all of my colleagues to support this commonsense reform that will help grow our economy while maintaining careful stewardship of our National Forest System lands.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 765.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CLARIFYING INTERIOR DEPARTMENT JURISDICTION REGARDING CRAGIN PROJECT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 489) to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND WITHDRAWAL AND RESERVATION FOR CRAGIN PROJECT.

(a) DEFINITIONS.—In this section:

(1) COVERED LAND.—The term "covered land" means the parcel of land consisting of approximately 512 acres, as generally depicted on the Map, that consists of—

(A) approximately 300 feet of the crest of the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam that consists of approximately 250 acres defined by the high water mark; and

(C) the linear corridor.

(2) CRAGIN PROJECT.—The term "Cragin Project" means—

(A) the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam; and

(C) any pipelines, linear improvements, buildings, hydroelectric generating facilities, priming tanks, transmission, telephone, and fiber optic lines, pumps, machinery, tools, appliances, and other District or Bureau of Reclamation structures and facilities used for the Cragin Project.

(3) DISTRICT.—The term "District" means the Salt River Project Agricultural Improvement and Power District.

(4) LAND MANAGEMENT ACTIVITY.—The term "land management activity" includes, with respect to the covered land, the management of—

(A) recreation;

(B) grazing;

(C) wildland fire;

(D) public conduct;

(E) commercial activities that are not part of the Cragin Project;

(F) cultural resources;

(G) invasive species;

(H) timber and hazardous fuels;

(I) travel;

(J) law enforcement; and

(K) roads and trails.

(5) LINEAR CORRIDOR.—The term "linear corridor" means a corridor of land comprising approximately 262 acres—

(A) the width of which is approximately 200 feet;

(B) the length of which is approximately 11.5 miles;

(C) of which approximately 0.7 miles consists of an underground tunnel; and

(D) that is generally depicted on the Map.

(6) MAP.—The term "Map" means sheets 1 and 2 of the maps entitled "C.C. Cragin Project Withdrawal" and dated June 17, 2008.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) WITHDRAWAL OF COVERED LAND.—Subject to valid existing rights, the covered land is permanently withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(c) MAP.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary, shall prepare a map and legal description of the covered land.

(2) FORCE AND EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors.

(3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Reclamation.

(d) JURISDICTION AND DUTIES.—

(1) JURISDICTION OF THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in subsection (e), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall have exclusive administrative jurisdiction to manage the Cragin Project in accordance with this Act and section 213(i) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3533) on the covered land.

(B) INCLUSION.—Notwithstanding subsection (e), the jurisdiction under subparagraph (A) shall include access to the Cragin Project by the District.

(2) RESPONSIBILITY OF SECRETARY OF THE INTERIOR AND DISTRICT.—In accordance with paragraphs (4)(B) and (5) of section 213(i) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3533), the Secretary of the Interior and the District shall—

(A) ensure the compliance of each activity carried out at the Cragin Project with each applicable Federal environmental law (including regulations); and

(B) coordinate with appropriate Federal agencies in ensuring the compliance under subparagraph (A).

(e) LAND MANAGEMENT ACTIVITIES ON COVERED LAND.—

(1) IN GENERAL.—The Secretary shall have administrative jurisdiction over land management activities on the covered land and other appropriate management activities pursuant to an agreement under paragraph (2) that do not conflict with, or adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior.

(2) INTERAGENCY AGREEMENT.—The Secretary and the Secretary of the Interior, in coordination with the District, may enter into an agreement under which the Secretary may—

(A) undertake any other appropriate management activity in accordance with applicable law that will improve the management and safety of the covered land and other land managed by the Secretary if the activity does not conflict with, or adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior; and

(B) carry out any emergency activities, such as fire suppression, on the covered land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and also to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

H.R. 489 is sponsored by our colleague, Representative GOSAR of Arizona, and it seeks to resolve bureaucratic dysfunction and streamline regulatory processes for the purposes of creating jobs in northern Arizona.

This is a no-cost bill, and it eliminates duplicative permitting requirements—which we often, in this body, commonly refer to as “red tape”—by putting just one Federal agency in charge of the C.C. Cragin project’s pipeline, part of a Federal water project.

Prior to this bill, the Bureau of Reclamation and the U.S. Forest Service could not reconcile their responsibilities over who would actually manage the pipeline. These dueling regulatory requirements ultimately increased the costs that were passed on to the water consumers. They also created enough

confusion to keep one community from going forward with a locally financed project that would have been connected to the Federal pipeline.

This bill clarifies these Federal management responsibilities, and it mirrors other permitting and approval precedents on similar Federal projects. It also creates a regulatory environment for that local water project—and the jobs that will go with it—to proceed.

I thank Congressman GOSAR for sponsoring this jobs bill, and I urge the adoption of this particular measure.

I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 489 would specify that the Bureau of Reclamation is authorized to approve necessary operation and maintenance activity for the C.C. Cragin project on National Forest System land.

H.R. 489 was introduced this Congress with language that reflects negotiations between the Bureau of Reclamation, the Forest Service, and the Salt River Project and the Congress. This legislation is not meant to serve as precedent for the management of utility corridors on Forest Service land. Instead, the legislation allows for the management of C.C. Cragin consistent with all the other Salt River Project facilities on Forest Service land where the Bureau of Reclamation oversees the operation and management of the facilities.

I have no requests for time, and I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Mr. Speaker, Phelps Dodge, just to give you some background of this particular legislation, is a large mining company that built what is now the Cragin project in the 1960s to supply water to its mine complex. Phelps Dodge transferred ownership of the project to the Salt River Project, that’s known as the SRP, after the former realized it was not necessary for mining operations. At the request of the SRP and with the support of Phelps Dodge and the Bureau of Reclamation, the Arizona Water Rights Settlement Act authorized transfer of the title of the project and the associated lands from SRP to Reclamation in 2005. Even though the Federal Government owns the project, SRP stills operates and maintains it pursuant to the 1917 contract between SRP and the United States.

The project consists of a number of facilities, including a 147-foot-high dam, a 15,000-acre-foot reservoir, a diversion tunnel and pump shaft, pumping plant, priming reservoir, a 10-mile-long pipeline, electrical transmission line, and a small generating plant which supplies power to the project’s pumping plant. The project helps SRP to supply water to the Phoenix metro-

politan area and to the town of Payson and neighboring communities in northern Gila County.

Implementation of the title transfer under Public Law 108-45 has been controversial due to misunderstandings between the U.S. Forest Service, Reclamation, and SRP. The operation of the project is like that of all other Salt River Project-managed Reclamation facilities located on U.S. Forest Service lands. And for those projects, Reclamation approves SRP’s work plan, their environmental compliance, and other regulatory permitting requirements associated with the project.

Mr. Speaker, that is some background to the issue and why this particular bill is there.

With that, it is my pleasure to now yield such time as he may consume to the sponsor of this legislation, the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise today in support of my legislation, H.R. 489, a bill that will permanently end the bureaucratic wrangling that has occurred between the Departments of Interior and Agriculture—a jurisdictional dispute that compromises the routine maintenance of critical water infrastructure in the State of Arizona, the C.C. Cragin Dam and Reservoir.

The Federal Government employs over 2.1 million civilian employees. There are hundreds of agencies, and within each agency there are divisions, departments, and subgroups. Sometimes, especially with respect to land management, more than one agency has jurisdiction; and when that occurs, bureaucratic disputes arise and government no longer serves the people.

□ 1620

This is the exact circumstance that has necessitated my legislation.

The C.C. Cragin project consists of a number of facilities, including a dam and reservoir, diversion tunnel and pump shaft, pumping plant, priming reservoir, pipeline, electrical transmission line, and a generating plant.

The majority of the project is located on Federal lands in the Coconino and Tonto National Forests. This critical water infrastructure project is an important aspect of the Salt River Project’s Federal Reclamation Project. It is integral to providing a water supply for Phoenix and is instrumental in making 3,500 acre-feet of water a year available to Gila County. The town of Payson and the neighboring communities rely on the pipeline to supply municipal drinking water to my constituents.

In 2004, at the request of the Salt River Project—or SRP as it is commonly referred to—and with the support of the Bureau of Reclamation and the former owner of the project, the Arizona Water Settlements Act authorized the title transfer of the C.C. Cragin project from SRP to the Bureau

of Reclamation. Under this language, the Federal Government would own the project, but SRP would still operate and maintain it.

Once a transfer was implemented, it became clear that there was a disagreement between the U.S. Forest Service and the Bureau of Reclamation over who had the responsibility for approving requested operation maintenance and repairs. Specifically, the Bureau of Reclamation argued that it should approve SRP's work plans, environmental compliance, and other regulatory permitting requirements. The U.S. Forest Service asserted that the reclamation was required to obtain a special use permit to operate, maintain, and repair the water project.

While the SRP project was able to overcome the issues with the Forest Service to complete repairs, it was with the Bureau of Reclamation's approval and occasionally over Forest Service objections. Concurrently, the added permit requirement delayed much needed repairs, wasting precious Arizona water resources, increased repair costs, and placed the economic development of the town of Payson at risk.

Looking forward, this is a long-lived asset that will be relied upon to provide reliable municipal water supply to Gila County and the valley. Just a few weeks ago, a \$34 million, 15-mile pipeline expansion project, which will double Payson's long-term, sustainable water supply, was finally approved by the Forest Service after a year-long delay. If Congress allows the jurisdictional dispute to continue, future operations and maintenance activities related to the C.C. Cragin project could face costly delays and could possibly interrupt water delivery to these Arizona communities.

This simply is not a tenable situation. I am pleased the House is taking up legislation that will permanently resolve this ridiculous jurisdictional battle.

My legislation reflects a compromise reached by the relevant parties. It grants the Department of the Interior exclusive jurisdiction to manage the C.C. Cragin project and grants the Department of Agriculture administrative jurisdiction over land management activities that do not conflict or adversely affect the operation, maintenance, replacement, or repair of the project.

It is important to note that H.R. 489 will still require compliance with all requirements under Federal law, including the National Environmental Policy Act, or NEPA. In addition, the implementation of this legislation has no cost to the taxpayer.

Having a single agency overseeing the project remains important—if not more important now that the project is operational. The United States Bureau of Reclamation has the expertise to

conduct oversight on water supply projects and does so on many of the projects that are within national forests. This commonsense legislation meets the needs of SRP and Reclamation to ensure the infrastructure can be maintained while accommodating the Forest Service, ensuring they continue to manage the lands underlying the utility corridor with respect to recreation, wildfire, law enforcement, and other activities consistent with its authorities, responsibilities, and expertise.

It is important to note that when the House Natural Resources Subcommittee on Water and Power held a hearing on my bill on May 12, all parties—including the Bureau of Reclamation and the Forest Service—agreed that H.R. 489 is vital to the long-term management of the C.C. Cragin dam and reservoir project and would bring about necessary economic certainty for the town of Payson and other impacted communities.

It is not often that Congress gets the opportunity to take up noncontroversial legislation like H.R. 489. I encourage my colleagues to vote in favor of this legislation.

Mr. SABLON. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 489.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HELP TO ACCESS LAND FOR THE EDUCATION OF SCOUTS

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 473) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Help to Access Land for the Education of Scouts" or "HALES Act".

SEC. 2. LAND CONVEYANCE, OUACHITA NATIONAL FOREST, OKLAHOMA.

(a) *FINDING.*—Congress finds that it is in the public interest to provide for the sale of certain federally owned land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, for market value consideration.

(b) *CONVEYANCE REQUIRED.*—Subject to valid existing rights, the Secretary of Agriculture shall convey, by quitclaim deed, to the Indian Nations Council, Inc., of the Boy Scouts of America (in this section referred to as the "Council") all right, title, and interest of the United States in and to certain National Forest System land in the Ouachita National Forest in the State of Oklahoma consisting of approximately 140 acres, depending on the final measurement of the road set back and the actual size of the affected sections, as more fully described in subsection (c). The conveyance may not include any land located within the Indian Nations National Scenic and Wildlife Area designated by section 10 of the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv–8).

(c) *COVERED LANDS.*—The National Forest System land to be conveyed under subsection (b) is depicted on the map entitled "Boy Scout Land Request—Ouachita NF". The map shall be on file and available for public inspection in the Forest Service Regional Office in Atlanta, Georgia.

(d) *CONSIDERATION.*—As consideration for the land conveyed under subsection (b), the Council shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(e) *SURVEY AND ADMINISTRATIVE COSTS.*—The exact acreage and legal description of the land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. The Council shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

(f) *ACCESS.*—Access to the land conveyed under subsection (b) shall be from the adjacent land of the Council or its successor. Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), the Secretary shall not be required to provide additional access to the conveyed land.

(g) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may prescribe such terms and conditions on the conveyance under subsection (b) as the Secretary considers in the public interest, including the reservation of access rights to the conveyed land for administrative purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

If I spend less time speaking about this particular bill, it's not my commitment to this particular bill, only the gentleman from Oklahoma seems to be here already.

H.R. 473 was introduced by the gentleman from Oklahoma (Mr. BOREN). It

would authorize the Forest Service to sell 143 acres of the Ouachita National Forest to the Camp Hale Boy Scout camp, which is just under 500 acres adjacent to those Federal lands. The additional acreage will allow the Boy Scouts to accommodate more campers and allow for a larger array of activities at the camp. The legislation stipulates that the acres will be appraised and sold at market value. The Boy Scouts will pay for the appraisal as well as the survey and the administrative costs.

This legislation is a commonsense solution to allow for an expansion of the camp and better accommodations for the Boy Scouts of America.

I urge adoption of this brilliant piece of legislation, and I reserve the balance of my time.

Mr. SABLAN. I yield myself such time as I may consume.

Mr. Speaker, this legislation will allow the Indian Nation's Council of the Boy Scouts to expand a very popular adventure camp in Oklahoma. The Scouts would pay fair market value for an additional 140 acres of Forest Service land to be added to the existing camp.

Mr. Speaker, the Boy Scouts are a beloved organization dedicated to education and public service. The sale of this parcel to the Scouts is a good use of public lands, and we support the legislation.

I would also like to acknowledge that my good friend, Mr. BOREN, has been a tireless champion for this bill and for the Boy Scouts and is to be commended for his work over several years on behalf of this proposal.

I urge my colleagues to support H.R. 473.

I yield the balance of my time to the good gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today to urge passage of H.R. 473, the HALE Scouts Act. This bill grants the U.S. Forest Service the authority to sell roughly 140 acres of land to the Indian Nation's Council of Boy Scouts. The land for conveyance is adjacent to the Scouts' summer camp, Camp Tom Hale, located in Talihina, Oklahoma.

The Indian Nation's Council of Boy Scouts is a nonprofit organization, providing educational programs for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness.

Camp Tom Hale first opened in June 1930 to serve Boy Scouts in McAlester, Oklahoma. It was originally located in what is now Robbers Cave State Park near Wilburton, Oklahoma. In 1963, the Boy Scout Council in McAlester worked with the State of Oklahoma and the U.S. Forest Service to exchange the camp at Robbers Cave for 480 acres of wilderness area in the Ouachita National Forest. This "new" Camp Hale has continued as a summer

adventure camp, serving thousands of Scouts during the intervening 41 years.

In 1997, the council board developed a strategic plan for a \$3.5 million expansion and renovation of the camp. Since then, the council has spent in excess of \$1 million continually updating and expanding facilities to meet the needs of scouts. As a result, a renewed emphasis on wilderness and outdoors has flourished, with over 6,000 scouts and leaders from a five-State area attending weekly sessions offered in June and July and enjoying the beautiful Ouachita Forest.

□ 1630

Attendance has now exceeded the maximum number of available campsites and program areas, which is causing Camp Hale to begin turning away hundreds of scouts each summer. It is now critical for camp growth that the boundaries be extended to include more area for camping and additional program and training services.

Successful completion of this objective will allow the Boy Scouts to continue the expansion of outdoor and leadership training for thousands of youths living in the central Southwest and bring additional usage and enjoyment of the Ouachita Forest for more families.

I want to emphasize that the Boy Scouts will pay fair market value, as was mentioned before, for this land, so that this bill will actually bring money to the U.S. Government.

It is for the benefit of these thousands of young men across a five-State area that I proudly sponsored this measure. I greatly appreciate the House's consideration of the bill and would like to urge my colleagues to support this bill, this legislation. I can think of no greater thing that we can do than to invest in our young people. And how can you be against the Boy Scouts?

Mr. BISHOP of Utah. Mr. Speaker, to be honest, I had some doubts about this piece of legislation. But after the eloquence of the gentleman from Oklahoma, he has removed any doubts as to the viability of this piece of legislation. It's obviously a brilliant bill and will be a capstone to his career.

I urge its adoption, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I associate myself also with my good friend Mr. BISHOP. How can anyone be against the Boy Scouts?

I ask my colleagues to support this legislation, and I yield back the balance of my time.

Mr. BISHOP of Utah. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 473, "Help to Access Land for the Education of Scouts Act," which requires the conveyance of specified National Forest System land in the Ouachita National Forest in Oklahoma to the Indian Na-

tions Council, Inc., of the Boy Scouts of America. This legislation is appropriate and necessary for the continuation of the very principles that Boy Scouts of America stands for.

Currently, the Indian Nations Council serves more than 28,000 youth and 5,500 adult volunteers throughout 18 counties in eastern Oklahoma. Over the past century, the Council has positively impacted hundreds of thousands of Scouts and their families. However, due to the increased growth of the scouting program in Eastern Oklahoma, attendance at Camp Tom Hale has surpassed the maximum number of available campsites and program capacity. In turn, the organization has been forced to turn away many scouts and their families. There is a critical need to serve more scouts. However, more land is needed to ensure the quality of camping and experience for the scouts. Boundaries need to be extended to help accommodate more scouts, and to maximize their camp experience.

Boy Scouts of America is a prominent values-based organization that has helped to mold young boys into model citizens, while simultaneously building character and promoting physical fitness. I do not feel that anyone, or the lack of sufficient land should deprive more of our youth from taking full advantage of all of the possibilities that Boy Scouts of America, specifically, the Indian Nations Council provides. I believe it is the responsibility of myself, as well as my colleagues, to ensure that we do everything in our ability to ensure that we pass H.R. 473 so that we can aid our young men in their development.

If passed, H.R. 473 will allow the Indian Nations Council to purchase an additional 140 acres of U.S. Forest Service land immediately adjacent to the existing Camp Tom Hale facility. To add to this, the Indian Nations Council can expect to have more scouts participate in their summer camps, without the burden of having to turn eager scouts away.

H.R. 473 can benefit the overall well being of the public by providing the Indian Nations Council of Boy Scouts of America with the adequate and necessary space needed to accommodate the growing number of scouts. It is essential that we pass H.R. 473 because organizations such as Boy Scouts of America are the driving force behind the leaders of tomorrow. By providing these young men, as well as their adult leaders with the proper space they need, we will simultaneously provide our youth with a place where they can live up to the morals and standards of the organization's mission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 473, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Williams, one of his secretaries.

HOOVER POWER ALLOCATION ACT OF 2011

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hoover Power Allocation Act of 2011”.

SEC. 2. ALLOCATION OF CONTRACTS FOR POWER.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

- (1) by striking “renewal”;
- (2) by striking “June 1, 1987” and inserting “October 1, 2017”; and
- (3) by striking Schedule A and inserting the following:

“Schedule A Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	“3,571,796”.

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

“(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm en-

ergy specified for that contractor in the following table:

“Schedule B Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853”.

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking “June 1, 1987” and inserting “October 1, 2017”; and

(2) by striking Schedule C and inserting the following:

“Schedule C Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona’s first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year’s 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California”.

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown

in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2011, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as ‘Schedule D contingent capacity and firm energy’):

“Schedule D Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

“(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as ‘new allottees’) for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term ‘the marketing area for the Boulder City Area Projects’ shall have the same meaning as in appendix A of the General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the ‘Criteria’).”

“(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as ‘Western’), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

“(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

“(II) federally recognized Indian tribes.

“(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

“(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

“(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

“(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

“(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

“(E) Each contract offered pursuant to this subsection shall include a provision requir-

ing the new allottee to pay a proportionate share of its State’s respective contribution (determined in accordance with each State’s applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the ‘Implementation Agreement’).

“(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy.”

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) in the first sentence, by striking “schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)” and inserting “paragraphs (1)(A), (1)(B), and (2)”; and

(2) in the second sentence—

(A) by striking “any” each place it appears and inserting “each”; and

(B) by striking “schedule C” and inserting “Schedule C”; and

(C) by striking “schedules A and B” and inserting “Schedules A, B, and D”.

(f) POWER MARKETING CRITERIA.—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended to read as follows:

“(4) Subdivision C of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2011. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.”

(g) CONTRACT TERMS.—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;”;

(2) in the proviso of subparagraph (B)—

(A) by striking “shall use” and inserting “shall allocate”; and

(B) by striking “and” after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

“(E) permit transactions with an independent system operator; and

“(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2011.”

(h) EXISTING RIGHTS.—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking “2017” and inserting “2067”.

(i) OFFERS.—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

“(c) OFFER OF CONTRACT TO OTHER ENTITIES.—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.”

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

“(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of

an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations."

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and
(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking "the renewal of"; and

(2) in the second sentence, by striking "June 1, 1987, and ending September 30, 2017" and inserting "October 1, 2017, and ending September 30, 2067".

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking "this Act" and inserting "the Hoover Power Allocation Act of 2011".

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking "subsections (c), (g), and (h) of this section" and inserting "this Act"; and

(2) by striking "June 1, 1987, and ending September 30, 2017" and inserting "October 1, 2017, and ending September 30, 2067".

SEC. 3. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield such time as he may consume to the gentleman from Nevada (Mr. HECK), who is the sponsor of this bill, to introduce this particular piece of legislation, which does so much for the West and recognizes the importance of hydroelectric power for those of us who live in the West.

Mr. HECK. Mr. Speaker, I rise in support of H.R. 470, the Hoover Power Allocation Act of 2011.

This issue is very important to my home State of Nevada and the more than 29 million residents across Nevada, Arizona, and California that benefit from Hoover power.

The Hoover Dam is located in my district, and Hoover power has been critical to southern Nevada's economy, businesses, and consumers since the dam first started operating in 1936.

Hoover power is clean and affordable, and today we are taking an important step toward making it stable. The Hoover power contracts are due to expire in 2017, and H.R. 470 would authorize the continued allocation of electricity from the Hoover Dam for the next 50 years, until 2067.

Extending Nevada's access to low-cost, clean hydropower through the enactment of H.R. 470 is key to Nevada's economic recovery because it will help create certainty over future electricity prices, and certainty is exactly what our economy needs right now in order to get people back to work.

H.R. 470 was developed as a consensus, bipartisan plan to ensure the continued availability and reliability of Hoover power to the citizens of Nevada, California, and Arizona. Hoover contractors who participated in developing this plan have invested more than \$1.3 billion to construct, operate, and maintain Hoover Dam in the past. They agreed to contribute 5 percent of their post-2017 Hoover power allocations to form a 100-megawatt resource pool that will be made available to customers such as tribes, irrigation districts, and rural cooperatives that did not have access to this power in the past.

H.R. 470 provides that this resource pool will be allocated by a Federal-State partnership involving the Western Area Power Administration and the States of Nevada, California, and Arizona.

Now, I understand that some Arizona cooperatives have expressed concerns over this bill because they are unhappy with Arizona's power allocation priority list. But this bill actually sets aside additional power for other entities, including cooperatives, thereby increasing the likelihood of a power allocation, and this Federal legislation should not be used to usurp the authority of the State of Arizona.

Again, this legislation is essential to the millions of consumers who have invested in this renewable source of en-

ergy over the past 75 years because it will continue to provide them with Hoover power for the next 50 years, as well as allow new customers to benefit from this clean, low-cost energy source.

I urge my colleagues to join me in supporting H.R. 470, the Hoover Power Allocation Act of 2011.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I thank Congressman BISHOP, Congressman SABLON, but especially Congressman HASTINGS and our staff for working on this bill.

I rise in support of H.R. 470, the Hoover Power Allocation Act of 2011, as amended. And I agree with my colleague, I agree with his remarks. Hydropower is a very valuable resource for our country. The power produced at Hoover provides a renewable, very affordable and accessible resource to the American Southwest, more specifically the States of California, my State, Nevada, and Arizona, and has 30 million residents, businesses, farms, and tribes that benefit from its renewable power.

A new provision in the legislation, which my colleague talked about, would create an additional Schedule D, where power will be made available to eligible tribes and other users. And I'm hoping that those eligible users are mostly tribes because they've been kept out of the loop for many generations, and I think it's time that we put them up in the priority status, rather than at the end of the line as normally happens.

Western Area Power Administration has committed to implementing a full and transparent process in the allocation of this valuable resource. And we do expect that the State regulatory agencies of Arizona and Nevada both will follow the same procedures and commitment to an impartial and unbiased allocation determination.

The 50-year timeframe for allocation of this resource also matches the commitment by collaborators to fund the Lower Colorado River Multi-Species Conservation Program, a nationally recognized example of how diverse stakeholders can find solutions, working together, that promote economic growth while protecting more than 100 species, including some endangered species that everybody wants to do away with, all within the Lower Colorado floodplain, and this is without litigation.

Mr. Speaker, this legislation has 34 bipartisan cosponsors. This exact same bill, H.R. 4349, which I was the lead sponsor of, as was Senator REID in the Senate, passed the House in the 111th Congress, and I ask my colleagues now to again not only support but vote for the passage of H.R. 470.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield such time as he may consume to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise today in support of H.R. 470, the Hoover Power Allocation Act of 2011. Hoover power is a vital power resource for the consumers in the States of Arizona, California, and Nevada, as well as over 29 million people who rely on this clean renewable source of energy.

□ 1640

Hydroelectric power from the Hoover Dam was first allocated by Congress in 1928 and has been allocated by Congress ever since. The current power contracts expire in 2017. It is important this body pass a new allocation now to ensure the continued availability and reliability of Hoover power to the citizens of my State and those of California and Nevada.

The version of this legislation that this body is considering today reflects years of thorough negotiation. It includes provisions that address issues that were raised in the 111th Congress by the Inter Tribal Council of Arizona and the Western Area Power Administration. Because of that, the bill has garnered strong bipartisan support within the Arizona House delegation and at the grassroots level.

I would like to address the concerns expressed by the Arizona Statewide Cooperatives Association. I personally met with the representatives of the association in an attempt to address their concerns. In those meetings, it became clear the only way to address their concerns would be to overturn existing Arizona State law. I encouraged them to take their charge to the State level and committed to help facilitate the initial meeting if they so desired. However, I have consistently maintained that it would be inappropriate for Congress to incorporate language that would preempt Arizona State law in this legislation.

I would also like to point out that the Arizona co-ops have an opportunity under this legislation to receive Hoover power going forward. H.R. 470 creates a pool of 103 megawatts that will be allocated to eligible entities, including rural electric cooperatives and federally recognized Native American tribes. In addition, the Salt River Project has committed, in writing, to backstop up to three megawatts of power for the Arizona co-ops should they not receive an allocation through this specific provision.

Let me remind my colleagues that 22 percent of the population in my district is tribal. This would be a wonderful means of having a vested interest and would also diversify the portfolios of the tribes in the energy sector.

Again, I rise in support of my friend Dr. HECK's legislation, H.R. 470, and encourage my colleagues to vote "yes."

Mrs. NAPOLITANO. Mr. Speaker, I ask for passage of this bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this once again is a very good bill that

is before us. The fact is that the Hoover Dam in Nevada produces more than 2,000 megawatts, which is enough to power 2 million households, of clean electricity and captures more than 28 million acre feet of water for the States of Arizona, Nevada, and California.

In the more than 75 years since this engineering marvel was completed, Hoover Dam still plays a key role in fulfilling its economic, job-creation mission. This bill simply extends part of that mission, and it's all paid for by the electricity ratepayers. Their rates will cover all capital, all operating, all maintenance and other costs associated with the power component of the Hoover Dam. There is no taxpayer cost to this bill.

I want to thank Congressman HECK for bringing this bill forward, I also want to thank Congresswoman NAPOLITANO for her good work on this bill, and I would encourage my colleagues to support this no-cost, job-supporting legislation.

I urge adoption of this measure, and with that, I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 470, a bill for the allocation of power from the Hoover dam.

I thank my colleague from Nevada, Representative HECK, for sponsoring this important resolution.

I support this bill because it will ensure that many small communities in Southern California, including the community of Colton in my district, have access to cost effective power that is provided by a renewable resource.

Close to 4,000 homes in Colton are powered by the Hoover dam. The Hoover dam is one of our nation's greatest feats of engineering. It is a symbol of American ingenuity, and representative of the success that the Roosevelt administration had in putting our nation back to work during the Great Depression.

In a time when our country struggles with its dependence on foreign oil, the Hoover dam and the power that it provides shines as a beacon of what we are capable of in harnessing renewable energy. I commend the men who generations ago built this engineering marvel, and thank those today who maintain it for our benefit.

I urge my colleagues to vote yes on H.R. 470—and ask that they ensure the lights will stay on for millions of families in California, Arizona, and Nevada.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 470 "Hoover Power Allocation Act of 2011," which Amends the Hoover Power Plant Act of 1984 to modify, commencing October 1, 2017, certain statutory schedules governing contracts for delivery to specified localities in Arizona, California, and Nevada of hydroelectric power generated at Hoover Dam. The Hoover dam represents hope and prosperity that is possible if we, as legislators, do our job well. To many the Hoover Dam represents hope, and with this bill we can ensure good management of this facility into the future and hopefully create more jobs!

In the depths of the Great Depression, when like today a slow economy and high rate of unemployment caused great strife in the lives of American citizens, President Franklin Delano Roosevelt showed enormous leadership in launching the Hoover Dam project. Instead of abiding by the general wisdom of the era, that isolationism and fiscal austerity would insure the quickest economic recovery, FDR chose to use government resources to help those who were suffering the most. Through public works programs like this one, the President was able to put a massive amount of Americans back to work and construct some of this country's most impressive and meaningful structures. After construction began in 1931, it took only five years to complete, finishing two years ahead of schedule. The initiative and perseverance shown by the American workers, many of whom gave their lives to the dam, exemplifies the American spirit at its best. When people have a reason to believe in their government, they will respond accordingly in their own lives. Now it is our turn: we must ensure effective management of the dam's power production into the future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 470, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYING SUBMERGED LANDS TO NORTHERN MARIANA ISLANDS

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 670) to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN SUBMERGED LANDS TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—The first section of Public Law 93-435 (48 U.S.C. 1705) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Guam," each place it appears.

(b) REFERENCES TO DATE OF ENACTMENT.—For the purposes of the amendment made by subsection (a), each reference in Public Law 93-435 (48 U.S.C. 1705) to the "date of enactment" shall be considered to be a reference to the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

It is my pleasure to be here on this particular bill, H.R. 670. It conveys, as was mentioned in the title, 3 miles of submerged lands to the Commonwealth of the Northern Mariana Islands. This authority will give the Pacific territory similar authority and benefits as are currently enjoyed by many coastal States and other U.S. territories, specifically Guam, the Virgin Islands and American Samoa.

The last Congress passed similar legislation out of the House by a rollcall vote of 416-0, and I hope we can beat that record today. I am pleased to have been able to work on this, and I thank the gentleman from the Northern Marianas (Mr. SABLÁN) for actually presenting this particular bill to us. It is a good piece of legislation.

I reserve the balance of my time.

Mr. SABLÁN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 670, a bill that conveys to the Commonwealth of the Northern Mariana Islands the 3 miles of submerged lands surrounding each of our islands. I want to thank the leaders from both sides of the aisle, particularly Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee, and my very good friend, Dr. JOHN FLEMING, chairman of the Fisheries, Wildlife, Oceans and Insular Affairs Subcommittee, for their support of H.R. 670.

I would like to note, also, that the language of H.R. 670 previously, as my good friend has noted, passed the House in the 111th Congress by a vote of 416-0. As we know sometimes happens, however, though favorably reported from its committee of jurisdiction, the other body took no final action. So I hope that Members of this House will join me today in making a second effort to get this bill enacted into law.

The Northern Mariana Islands is the only United States coastal jurisdiction that does not have ownership of the submerged lands off its coasts. H.R. 670 corrects that irregularity and provides the same ownership rights over the submerged lands surrounding the Northern Marianas as are provided by Federal law to Guam, the U.S. Virgin Islands, and American Samoa.

This bill provides equity to the people of the Northern Marianas. It re-

turns management of these near-shore lands and waters to those who know them best and need them to be well-managed. It gives the people of the Marianas, who have such limited land resources, the power to protect and to benefit from the seas around our 14 islands.

To highlight the importance of this point, in 2006, Louisiana leased 392,118 acres of its submerged lands for oyster harvest, profiting the State and providing an economic opportunity for holders of 8,167 leases. Likewise, the State of California leases tracts off its submerged lands for oil and gas extraction, creating jobs and contributing to the State's economy. Other coastal jurisdictions have similar stories to tell about the important role that coastal lands and waters can play in economic growth.

For the area I represent, which has suffered declining GDP year after year since 2004 and a 20 percent drop in 2009, gaining control of surrounding submerged lands could help to turn things around. Whereas now the Federal Government is in charge and does nothing with the potential of these lands, H.R. 670 would put the local government in charge. We would be free to develop offshore wind farms or other energy alternatives and be responsible for protecting the rare marine environment, which is both our legacy and our trust, and also makes our islands alluring to tourists.

What H.R. 670 does for the Northern Marianas is what this Congress previously has done for other U.S. coastal jurisdictions. In the 1941 case of *U.S. v. California*, the Federal courts found that the Federal Government owned the submerged lands off the shores of California and other coastal States. These States then turned to Congress to regain control of their submerged lands, and Congress granted these States title to the waters and submerged lands out to 3 miles in the Submerged Lands Act of 1953.

□ 1650

History repeats itself here.

In 2005, the Ninth Circuit Court of Appeals ruled that the submerged lands and waters off our coastline did not belong to the people of the Northern Marianas—despite that we had fished and sailed there for at least 3,500 years. The Ninth Circuit did recognize, however, that Congress had the power to convey the submerged lands to the Marianas. H.R. 670 does exactly that. H.R. 670 employs the constitutional authority of this Congress to dispose of Federal property, the same authority that Congress used to convey offshore lands to Guam, the United States Virgin Islands, and American Samoa under the Territorial Submerged Lands Act of 1974.

Finally, let me say there is great support for this legislation among the

people of the Northern Mariana Islands, so much so that when I was sworn in as the first Representative of the Northern Mariana Islands in the House of Representatives, this was my first bill. The Governor of the Northern Marianas has expressed his support. The Northern Marianas Legislature has passed a resolution in favor of a return to local management. In addition, the Obama administration has expressed its support for the conveyance of submerged lands to the people of the Northern Mariana Islands.

This House, too, as I said at the beginning, has given overwhelming support to the language of this bill, which passed the House unanimously on July 15, 2009.

Once again, I ask for your support. H.R. 670 costs nothing. Congress has the constitutional authority to enact this bill. It will provide equity—the same ownership and responsibility for surrounding lands and waters that every other coastal area of our Nation enjoys.

I want to thank all of those Members who are cosponsors of this bill, and I ask that my colleagues support H.R. 670.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I urge the adoption of this particular resolution.

I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 670, "To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands" conveys to the government of the Commonwealth of the Northern Mariana Islands submerged lands surrounding such Islands and extending three geographical miles outward from their coastlines.

The Act provides the American public, more specifically the occupants of the Commonwealth of the Northern Mariana Islands, with added ways to use and enjoy land surrounding their coastlines. It is in a spirit of encouraging the most beneficial use of natural resources that I support the idea of providing an expanded use of otherwise unused land to the Commonwealth of the Northern Mariana Islands. It is the responsibility of all Members of Congress to fulfill our moral obligation to promote harmony between Americans and their natural resources.

I urge my colleagues to join me in supporting H.R. 670, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 670.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AUTHORIZING USE OF CAPITOL ROTUNDA FOR CONGRESSIONAL GOLD MEDAL CEREMONY

Mr. HARPER. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 29) authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE UNITED STATES CAPITOL TO PRESENT THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—The rotunda of the United States Capitol is authorized to be used on November 16, 2011 for the presentation of the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. HARPER) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. I yield myself such time as I may consume.

This resolution authorizes the use of the rotunda on November 16 to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

Mr. Speaker, on May 25, 1961, President Kennedy spoke to a joint session of Congress. He said that it was time for a "great new American enterprise—time for this Nation to take a clearly leading role in space achievement." He committed this Nation to achieving the ambitious goal of landing a man on the Moon and returning him to Earth safely.

President Kennedy added, "I believe we possess all the resources and talents necessary" to accomplish the mission—and that we did as exhibited by the gentlemen to be honored in the rotunda this November.

Bravely pursuing the unknown, these four individuals helped this Nation achieve scientific and technological advancements which inspired the world.

Mr. Speaker, Neil Armstrong was the spacecraft commander for *Apollo 11*, the first manned lunar landing mission in history. He was the first person to land a craft on the Moon and the first to step foot on its surface. His immortal words are forever etched in our national memory.

"Buzz" Aldrin piloted the Lunar Module "Eagle" and was the second person to walk on the Moon.

Michael Collins piloted the Command Module "Columbia" in lunar orbit and helped his fellow *Apollo 11* astronauts complete their mission on the Moon.

Seven-and-a-half years earlier, John Glenn paved the way for these achievements by becoming the first American to orbit the Earth in February of 1962.

Two years ago, on the 40th anniversary of *Apollo 11*'s historic lunar landing, the New Frontier Congressional Gold Medal Act was passed by Congress. Forty-two years ago, in July of 1969, millions of Americans were transfixed on a place over a quarter of a million miles away. Eyes watched as we stepped into the unknown, walked on the Moon and made history.

Mr. Speaker, I am pleased to present this resolution today, and I urge my colleagues to support it in honoring the achievements of these national heroes.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 3, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER: I write to notify you that the Committee on House Administration hereby waives further committee consideration of S. Con. Res. 29, a concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society, in order that the legislation may proceed expeditiously to the House floor for consideration.

Sincerely,

DANIEL E. LUNGREN,
Chairman.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this concurrent resolution authorizing the use of the Capitol rotunda to award Congressional Gold Medals to Neil A. Armstrong, Edwin "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., for being pioneers of space exploration. The bill granting the medals was sponsored by former Representative Alan Grayson in the 110th Congress and was signed into law by President Obama on August 7, 2009.

It can be said that these four heroes are trailblazers, but their paths ensured they were not the last. They showed everyone that the impossible is possible and inspired generations to study, question, and explore the world beyond our own planet. For that, they have not only left a mark on history but on the will and determination of mankind.

As President John F. Kennedy noted in a speech to Congress on May 25, 1961, "I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the Earth." And so we did.

I urge all of my colleagues to join me today in supporting this concurrent resolution, and I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL), the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. HALL. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 29, authorizing the use of the Capitol rotunda to present the Congressional Gold Medal to the crew of *Apollo 11*—Buzz Aldrin, Neil Armstrong, and Mike Collins—and to the first American to orbit the Earth, John H. Glenn.

These great Americans need no introduction. Yet no matter their heroic accomplishments, it is well worth remembering the huge risks each of these individuals confronted as they began to push the boundaries of human exploration in outer space.

While the technologies they relied on to conduct their flights were considered cutting edge during their day, many of these systems had never been fully tested except during the actual first flights performed by these men.

On February 20, 1962, John Glenn rode to orbit atop an Atlas rocket that had been adapted from a military design to carry the Mercury capsule *Friendship 7* to orbit. His flight lasted nearly 5 hours before returning safely to Earth. Seven years and 5 months later, *Apollo 11* astronauts Buzz Aldrin, Neil Armstrong, and Mike Collins were launched. After a 4-day flight, Neil and Buzz landed on the Moon, becoming the first humans to walk on its surface.

I was honored to chair a hearing just 2 weeks ago that included Neil Armstrong and fellow *Apollo* astronaut Gene Cernan, the last American man to walk on the Moon, as witnesses. Mr. Armstrong prefaced the hearing with a very dramatic video that included footage of his descent inside the *Eagle* lunar module to its landing.

□ 1700

Many of you, I'm sure, have seen this footage, but to hear Neil Armstrong offer a live narration as the *Eagle* descends and settles on the Moon's surface is something I'll never forget.

I also want to recognize my good friend Buzz Aldrin, whom I've come to know over the years. Buzz has never failed to counsel me on all things related to space and NASA, and I appreciate his commitment to our country and to our space program.

Mr. Speaker, the last Congress passed legislation, signed by the President, authorizing the Congressional Gold Medal for these brave astronauts. The legislation before us today, S. Con. Res. 29, authorizes the use of the Capitol rotunda on November 16, some 43 days hence, to formally make the award.

I support the resolution and urge all Members to support it as well.

Mr. BRADY of Pennsylvania. I thank the gentleman from Mississippi, my friend.

I urge all Members to support this resolution, and I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, I would like to thank Chairman LUNGREN and Ranking Member BRADY for their support on this matter.

I urge my colleagues to support this concurrent resolution, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I rise today in support of S. Con. Res. 29, which would authorize the use of the Capitol rotunda for an event on November 16, 2011 to present Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., with the Congressional Gold Medal, the highest civilian award that this nation can bestow on an individual. I would like to call to your attention in particular the deeds of one of those outstanding individuals, "Buzz" Aldrin.

Buzz Aldrin was born at Mountinside Hospital in New Jersey in 1930. He graduated from Montclair High School in 1946, turning down a scholarship at the Massachusetts Institute of Technology in favor of the chance to attend the United States Military Academy at West Point, where he graduated third in his class in 1951. I am proud to represent Montclair, and I am sure that the citizens of my Eighth District would agree that Buzz Aldrin is one of our most distinguished natives.

After graduating from West Point, Aldrin received his commission as a second lieutenant in the United States Air Force. He flew 66 combat missions during the Korean War, and shot down two enemy fighters during his distinguished service there. Following the war,

Aldrin served as an instructor at the U.S. Air Force Academy, and later earned his Doctor of Science Degree from MIT. In 1963, he was selected to become a NASA astronaut.

On July 20th, 1969, Buzz Aldrin walked on the moon as a member of the crew of NASA's *Apollo 11* mission. He was the second human being ever on the moon, following his crewmate Neil Armstrong. He is the first astronaut to both spacewalk and set foot on the moon.

Since his retirement from active duty in 1972 after 21 years of service, Col. Aldrin continues to advocate for space travel, appearing repeatedly on television, in print, and in person around the country. He has helped NASA to develop new training techniques, and has proposed innovative new ideas for manned missions to the planet Mars and its moons. As an author, he has published two science-fiction novels, two autobiographies, and several children's books.

Col. Aldrin has been honored with countless awards and distinctions for his service with the U.S. Air Force, with NASA, and to the country. These awards include the Air Force Distinguished Service Medal, the NASA Exceptional Service Medal, the Legion of Merit, and the Presidential Medal of Freedom. Buzz Aldrin also has a star on the Hollywood Walk of Fame, and was inducted into the New Jersey Hall of Fame in 2007. It is fitting that he now be bestowed the Congressional Gold Medal.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing and commemorating the achievements of brave heroes such as Buzz Aldrin.

Mr. Speaker, I ask that you join our colleagues, the citizens of New Jersey's Eighth District, and me in recognizing Edwin E. "Buzz" Aldrin, Jr. and his colleagues for their outstanding service to this nation in the name of science, education, and discovery.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 29 authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society. Their hard work and perseverance exemplify the work ethic we stand for as a nation, and I can think of no place better than the rotunda to honor their leadership and sacrifice in service to this country.

The rotunda of the United States Capitol offers the perfect venue to show the necessary respect to three men who risked their lives to change the course of history in the name of the United States of America. In the tension of the Cold War, when it seemed the existence of the free world had been brought into question, these three men stepped directly into harm's way in service to their country. A ceremony in the rotunda will evoke the honor and respect that we owe to these three brave men, and I offer my full support for the use of this space.

The Congressional Gold Medal is an award bestowed by Congress for outstanding deeds or acts of service to the security, prosperity, and national interest of the United States. The

Congressional Gold Medal is the highest civilian award, and these men are deserving recipients.

The importance of this event is particularly relevant to the 18th district of Texas given the city of Houston's role in the Apollo legacy. Not long after President Kennedy set our nation on the course of putting a man on the moon, Houston became a key player in the realization of that goal. Before uttering his famous phrase, Neil Armstrong, communicated with Johnson Space Center's Mission Control Center from the surface of the moon, stating "Houston, the *Eagle* has landed." The historic lunar landing remains a cornerstone of the American legacy, and at a time when the very existence of NASA sits in question, it is especially important that we deliver a ceremony that will propel the memory of NASA pioneers into future generations.

Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr. were called to service by their country, in a time when two great nations challenged each other and boldly raced into space. In the bleak years of the Cold War, we conquered a new frontier, and in turn understood things about the universe we never thought possible. These men played an important role in American history that will benefit generations to come, and are well deserving of this honor.

It is in a spirit of deep appreciation that I am pleased to join my colleagues in supporting S. Con. Res. 29, authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 29.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEGISLATION AND SUPPORTING DOCUMENTS IMPLEMENTING UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-58)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to

spur economic growth, increase exports, and create jobs in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents a historic development in our relations with Colombia. Colombia is a steadfast strategic partner of the United States and a leader in the region. The Agreement reflects the commitment of the United States to supporting democracy and economic growth in Colombia. It will also help Colombia battle production of illegal crops by creating alternative economic opportunities.

Under the Agreement, tariffs on over 80 percent of U.S. consumer and industrial exports will be eliminated immediately. United States agricultural exports in particular will enjoy substantial new improvements in access to Colombia's market. Currently, no U.S. agricultural exports enjoy duty-free access to Colombia. Once the Agreement enters into force, almost 70 percent, by value, of current U.S. agricultural exports will be able to enter Colombia duty-free immediately. In addition, the Agreement will give American service providers greater access to Colombia's \$134 billion services market. This will help to level the playing field, since 91 percent of our imports from Colombia have enjoyed duty-free access to our market under U.S. trade preference programs.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Colombia has already made significant reforms related to the obligations it will have under the labor chapter. A number of these steps have been taken in fulfillment of the commitments Colombia made in the agreed Action Plan Related to Labor Rights that President Santos and I announced on April 7. Colombia must successfully implement key elements of the Action Plan before I will bring the Agreement into force.

This Agreement forms an integral part of my Administration's larger strategy of doubling exports by the end of 2014 through opening markets around the world. In addition, the Agreement provides an opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy while contributing to further hemi-

spheric integration and economic growth in the United States. This Agreement is vital to ensuring Colombia continues on its trajectory of positive change.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is therefore in our national interest. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LEGISLATION AND SUPPORTING DOCUMENTS IMPLEMENTING UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-59)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Panama Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to spur economic growth, increase exports, and create jobs here in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, manufacturers, investors, and businesses by opening Panama's market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents an important development in our relations with Panama, and accords with the goal, as expressed by the Congress in the Caribbean Basin Trade Partnership Act, to conclude comprehensive, mutually advantageous trade agreements with beneficiary countries of the Caribbean Basin Initiative trade preference program. The Agreement further reflects a commitment on the part of the United States to sustained engagement in support of democracy, economic growth, and opportunity in Panama and the region.

Panama is one of the fastest growing economies in Latin America. Upon

entry into force of the Agreement, Panama will immediately eliminate its tariffs on over 87 percent of U.S. exports of consumer and industrial goods and on more than half of U.S. exports of agricultural goods. Panama will eliminate most other duties on U.S. exports within a 15-year transition period. Eighty-five percent of U.S. businesses exporting to Panama are small and medium-sized enterprises. The elimination of duties provided for in the Agreement will help to level the playing field for them and for all U.S. exporters, based on 2010 trade flows, as approximately 98 percent of our imports from Panama already enjoy duty-free access to the U.S. market. In addition, the Agreement will give American service providers greater access to Panama's \$20.6 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Panama has already made significant reforms related to the obligations it will have under the labor chapter.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is in our national interest. The Agreement will strengthen our economic and political ties with Panama, support democracy, and contribute to further economic integration in our hemisphere and economic growth in the United States. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

□ 1710

LEGISLATION AND SUPPORTING DOCUMENTS IMPLEMENTING UNITED STATES-KOREA FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-60)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Korea Free Trade Agreement (Agreement), a landmark agreement that supports American jobs, advances U.S. interests, and reflects America's fundamental values.

The Agreement levels the playing field for U.S. businesses, workers, farmers, ranchers, manufacturers, investors, and service providers by offering them unprecedented access to Korea's nearly \$1 trillion economy. The Agreement eliminates tariffs on over 95 percent of U.S. exports of industrial and consumer goods to Korea within the first 5 years and, together with the agreement entered into through an exchange of letters in February 2011, addresses key outstanding concerns of American automakers and workers regarding the lack of a level playing field in Korea's auto market. The Agreement also ensures that almost two-thirds of current U.S. agricultural exports will enter Korea duty-free immediately. In addition, the Agreement will give American service providers much greater access to Korea's \$580 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance.

Increased U.S. exports expected under the Agreement will support more than 70,000 American jobs. The Agreement will bolster our economic competitiveness in the Asia-Pacific region and our regional security interests. The United States once was the top supplier of goods exported to Korea. Over the past decade, our share of Korea's import market for goods has fallen from 21 percent to just 10 percent—behind China and Japan, and barely ahead of the European Union (EU). The EU and several other trading partners are negotiating or have recently concluded trade agreements with Korea. If the United States-Korea trade agreement is not approved, the United States could lose further market share, export-supported jobs, and economic growth opportunities, with damage to our leadership position in the region.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009.

Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approving and implementing the Agreement is an opportunity to shape history. We must seize the moment together to support jobs for the American people today and to sustain U.S. leadership well into the 21st century. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

EXCHANGE OF LETTERS REGARDING IMPLEMENTATION OF UNITED STATES-KOREA FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-61)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the United States-Korea Free Trade Agreement. In that message, I highlighted new commitments that my Administration, in close coordination with the Congress, successfully negotiated to provide additional market access and a level playing field for American auto manufacturers and workers exporting to Korea.

Herewith I am transmitting the letters exchanged between the United States and Korea that contain those commitments, which further enhance the most commercially significant trade agreement the United States has concluded in more than 17 years. The documents I have transmitted in these two messages constitute the entire United States-Korea trade agreement package.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 6 o'clock and 30 minutes p.m.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A FURTHER CORRECTION IN THE ENROLLMENT OF H.R. 2608

Mr. ROGERS of Kentucky. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 83

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2608) making continuing appropriations for fiscal year 2012, and for other purposes, the Clerk of the House of Representatives shall make the following further correction:

Amend section 124 to read as follows:

"SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, shall be applied by substituting the date specified in section 106(3) of this Act for the date specified in such section 8909a(d)(3)(A)(v)."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-230) on the resolution (H. Res. 418) providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-231) on the resolution (H. Res. 419) providing for consideration of

the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and providing for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 686, by the yeas and nays;

H.R. 765, by the yeas and nays;

H.R. 670, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

UTAH NATIONAL GUARD READINESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 686) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 742]

YEAS—400

Ackerman	Berkley	Brown (FL)
Adams	Berman	Buchanan
Aderholt	Biggett	Buchson
Alexander	Bilbray	Buerkle
Altmire	Bilirakis	Burgess
Amash	Bishop (GA)	Burton (IN)
Amodel	Bishop (NY)	Butterfield
Andrews	Bishop (UT)	Calvert
Austria	Black	Camp
Baca	Blackburn	Canseco
Bachus	Blumenauer	Cantor
Baldwin	Bonner	Capito
Barletta	Bono Mack	Capps
Barrow	Boren	Capuano
Bartlett	Boswell	Cardoza
Barton (TX)	Boustany	Carnahan
Bass (CA)	Brady (PA)	Carney
Bass (NH)	Brady (TX)	Carson (IN)
Becerra	Braley (IA)	Cassidy
Benishkek	Brooks	Castor (FL)
Berg	Brown (GA)	Chabot

Chaffetz	Hartzler	McNerney
Chandler	Hastings (FL)	Meehan
Chu	Hastings (WA)	Meeks
Cicilline	Hayworth	Mica
Clarke (MI)	Heck	Michaud
Clarke (NY)	Heinrich	Miller (FL)
Clay	Hensarling	Miller (MI)
Cleaver	Herger	Miller (NC)
Clyburn	Herrera Beutler	Miller, Gary
Coble	Higgins	Miller, George
Coffman (CO)	Himes	Moore
Cohen	Hinojosa	Mulvaney
Cole	Hirono	Murphy (CT)
Conaway	Hochul	Murphy (PA)
Connolly (VA)	Holden	Myrick
Conyers	Holt	Nadler
Cooper	Honda	Napolitano
Costa	Hoyer	Neal
Courtney	Huelskamp	Neugebauer
Cravaack	Huizenga (MI)	Noem
Crawford	Hultgren	Nugent
Critz	Hunter	Nunes
Crowley	Hurt	Nunnelee
Cuellar	Inslee	Olson
Culberson	Israel	Owens
Cummings	Issa	Palazzo
Davis (CA)	Jackson (IL)	Pallone
Davis (IL)	Jackson Lee	Pascarell
Davis (KY)	(TX)	Pastor (AZ)
DeFazio	Jenkins	Paulsen
DeGette	Johnson (GA)	Payne
DeLauro	Johnson (IL)	Pearce
Denham	Johnson (OH)	Pelosi
Dent	Johnson, Sam	Pence
DesJarlais	Jones	Perlmutter
Deutch	Jordan	Peters
Diaz-Balart	Kaptur	Peterson
Dicks	Keating	Petri
Dingell	Kelly	Pingree (ME)
Doggett	Kildee	Pitts
Dold	Kind	Platts
Donnelly (IN)	King (IA)	Poe (TX)
Doyle	King (NY)	Pompeo
Dreier	Kinzinger (IL)	Posey
Duffy	Kissell	Price (GA)
Duncan (SC)	Kline	Price (NC)
Duncan (TN)	Kucinich	Quayle
Edwards	Labrador	Quigley
Ellison	Lamborn	Rangel
Ellmers	Lance	Reed
Emerson	Landry	Rehberg
Eshoo	Langevin	Reichert
Farenthold	Lankford	Renacci
Farr	Larsen (WA)	Reyes
Fattah	Larson (CT)	Ribble
Fincher	Latham	Richardson
Fitzpatrick	LaTourette	Richmond
Flake	Latta	Rigell
Fleischmann	Lee (CA)	Rivera
Fleming	Levin	Roby
Flores	Lewis (CA)	Roe (TN)
Forbes	Lewis (GA)	Rogers (AL)
Fortenberry	Lipinski	Rogers (KY)
Fox	LoBiondo	Rogers (MI)
Frank (MA)	Loeb	Ros-Lehtinen
Franks (AZ)	Loeb	Roskam
Frelinghuysen	Lofgren, Zoe	Ross (AR)
Fudge	Long	Ross (FL)
Gallegly	Lowey	Rothman (NJ)
Garamendi	Lucas	Roybal-Allard
Gardner	Luetkemeyer	Royce
Garrett	Lujan	Runyan
Gerlach	Lungren, Daniel	Ruppersberger
Gibbs	E.	Ryan (OH)
Gibson	Lynch	Ryan (WI)
Gingrey (GA)	Mack	Sanchez, Linda
Gohmert	Maloney	T.
Gonzalez	Manzullo	Sarbanes
Goodlatte	Marchant	Scalise
Gosar	Marino	Schakowsky
Gowdy	Markey	Schiff
Granger	Matheson	Schilling
Graves (GA)	Matsui	Schock
Green, Al	McCarthy (CA)	Schrader
Green, Gene	McCarthy (NY)	Schwartz
Griffin (AR)	McCaul	Schweikert
Griffith (VA)	McClintock	Scott (SC)
Grimm	McCollum	Scott (VA)
Guinta	McCotter	Scott, Austin
Guthrie	McDermott	Scott, David
Hahn	McGovern	Sensenbrenner
Hall	McHenry	Serrano
Hanabusa	McIntyre	Sessions
Hanna	McKeon	Sewell
Harper	McKinley	Sherman
Harris	McMorris	Shimkus
	Rodgers	

Shuster	Thornberry	Watt
Simpson	Tiberi	Waxman
Sires	Tierney	Webster
Slaughter	Tipton	West
Smith (NE)	Tonko	Westmoreland
Smith (NJ)	Tsongas	Whitfield
Smith (TX)	Turner (NY)	Wilson (FL)
Smith (WA)	Turner (OH)	Wilson (SC)
Southerland	Upton	Wittman
Stark	Van Hollen	Wolf
Stearns	Velázquez	Womack
Stivers	Visclosky	Woodall
Stutzman	Walberg	Woolsey
Sullivan	Walden	Yarmuth
Sutton	Walsh (IL)	Yoder
Terry	Walz (MN)	Young (IN)
Thompson (CA)	Wasserman	
Thompson (MS)	Schultz	
Thompson (PA)	Waters	

NOT VOTING—33

Akin	Gutierrez	Rokita
Bachmann	Hinchey	Rooney
Campbell	Johnson, E. B.	Rush
Carter	Kingston	Sanchez, Loretta
Costello	Lummis	Schmidt
Crenshaw	Moran	Shuler
Engel	Olver	Speier
Filner	Paul	Towns
Giffords	Polis	Welch
Graves (MO)	Rahall	Young (AK)
Grijalva	Rohrabacher	Young (FL)

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 742, I was away from the Capitol due to a prior commitment to my constituents. Had I been present, I would have voted "yea."

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 765) to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 743]

YEAS—394

Ackerman	Baca	Becerra
Adams	Bachus	Benishkek
Aderholt	Baldwin	Berg
Alexander	Barletta	Berkley
Altmire	Barrow	Berman
Amash	Bartlett	Biggett
Amodel	Barton (TX)	Bilbray
Andrews	Bass (CA)	Bilirakis
Austria	Bass (NH)	Bishop (GA)

Moore	Rigell	Southerland
Mulvaney	Rivera	Stark
Murphy (CT)	Roby	Stearns
Murphy (PA)	Roe (TN)	Stivers
Myrick	Rogers (AL)	Stutzman
Nadler	Rogers (KY)	Sullivan
Napolitano	Rogers (MI)	Sutton
Neal	Ros-Lehtinen	Terry
Neugebauer	Roskam	Thompson (CA)
Noem	Ross (AR)	Thompson (MS)
Nugent	Ross (FL)	Thompson (PA)
Nunes	Rothman (NJ)	Thornberry
Nunnelee	Roybal-Allard	Tiberi
Olson	Royce	Tierney
Owens	Runyan	Tipton
Palazzo	Ruppersberger	Tonko
Pallone	Ryan (OH)	Tsongas
Pascarella	Ryan (WI)	Turner (NY)
Pastor (AZ)	Sánchez, Linda	Turner (OH)
Paulsen	T.	Upton
Payne	Sarbanes	Van Hollen
Pearce	Scalise	Velázquez
Pelosi	Schakowsky	Visclosky
Pence	Schiff	Walberg
Perlmutter	Schilling	Walden
Peters	Schock	Walsh (IL)
Peterson	Schrader	Walz (MN)
Petri	Schwartz	Wasserman
Pingree (ME)	Schweikert	Schultz
Pitts	Scott (SC)	Waters
Platts	Scott (VA)	Watt
Poe (TX)	Scott, Austin	Waxman
Pompeo	Scott, David	Webster
Posey	Sensenbrenner	West
Price (NC)	Serrano	Westmoreland
Quayle	Sessions	Whitfield
Quigley	Sewell	Wilson (FL)
Rangel	Sherman	Wilson (SC)
Reed	Shinkus	Wittman
Rehberg	Shuster	Wolf
Reichert	Sires	Womack
Renacci	Slaughter	Woodall
Reyes	Smith (NE)	Woolsey
Ribble	Smith (NJ)	Yarmuth
Richardson	Smith (TX)	Yoder
Richmond	Smith (WA)	Young (IN)

NOT VOTING—36

Akin	Gutierrez	Rokita
Bachmann	Hinchey	Rooney
Campbell	Johnson, E. B.	Rush
Carter	Kingston	Sanchez, Loretta
Costello	Lummis	Schmidt
Crenshaw	Moran	Shuler
Davis (IL)	Oliver	Simpson
Engel	Paul	Speier
Filner	Polis	Towns
Giffords	Price (GA)	Welch
Graves (MO)	Rahall	Young (AK)
Grijalva	Rohrabacher	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 744, I was away from the Capitol due to a prior commitment to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on rollcall Nos. 742, 743, and 744, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House

Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 742, 743 and 744.

PERSONAL EXPLANATION

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained in my district and missed the votes on October 3, 2011. Had I been present, I would have voted "yea" on rollcall No. 742, H.R. 686; rollcall No. 743, H.R. 765; and rollcall No. 744, H.R. 670.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

MOTHER OF ALL TERRORISTS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Palestinian Authority has a new face for its movement for statehood. It's Latifa Hmeid. Palestinians praise her as the "mother of seven prisoners" and the mother of a person called "Martyr."

These sons of hers are in prison for crimes against humanity. Rather than mother of the year, it turns out she is really mother of all terrorists. One of her sons, the Martyr, was a member of the military wing of Hamas, who planned and conducted the ambush and murder of an Israeli intelligence officer. Her other sons are serving a total of—get this—18 life sentences in prison. They have committed crimes, including attempted murders, the murder of seven Israeli citizens, and the involvement in numerous terrorist attacks.

This is the person the Palestinians have leading the movement for statehood at the United Nations. Having Mother Terrorist as the representative for Palestinian statehood shows an obvious hatred and bigotry against Jews, the State of Israel, and the notion of peace. The Palestinians need to quit murdering in the name of religion and start honest bilateral negotiations with Israel in the name of peace. The U.N. should not unilaterally allow Palestinian statehood. Terrorists don't deserve a seat at the table.

And that's just the way it is.

LEMONT FIRE DEPARTMENT'S 125TH ANNIVERSARY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Lemont Fire Department as it celebrates 125 years of service.

In 1886, the town fathers of Lemont adopted an ordinance that created a volunteer fire department that consisted of 22 volunteers split into two companies: the hose company and the hook and ladder company. Since then, the Lemont Fire Department has grown from a handful of volunteers to a force of 85 fire, EMT, administrative, and support personnel. Every day, they protect the towns of Lemont, Darien, Bolingbrook, Homer Glen, and portions of Woodridge, Illinois—an area that is roughly 40 square miles.

In the early years of the Lemont Fire Department, the volunteers had to drag their firefighting equipment to the fires and brave nearly insurmountable odds to save their neighbors. The bravery that inspired those men to save their neighbors is a trait that has come to define the Lemont Fire Department and the men and women who serve in it.

Mr. Speaker, the Lemont Fire Department has worked very hard to become a pillar of service in my congressional district. I would like to join my colleagues in congratulating them for 125 years of distinguished service.

JUVENILE DIABETES RESEARCH

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to raise awareness about the importance of juvenile diabetes research.

Approximately 3 million Americans suffer from type 1 diabetes, also known as juvenile diabetes. More than 30,000 new people are diagnosed annually, including 15,000 children. These individuals must take insulin daily to stay alive and must undergo multiple injections or have insulin delivered through a pump.

The Juvenile Diabetes Research Foundation is a leader in type 1 diabetes research worldwide. The goals of juvenile diabetes research are straightforward: to cure type 1 diabetes, to develop better ways to treat type 1 diabetes, and to prevent type 1 diabetes from occurring in those most susceptible. This research means taking scientific developments and translating them into cures, treatments, drugs, and therapies.

Mr. Speaker, by keeping our taxpayer investment in juvenile diabetes research, one day soon we will find a cure.

RECOGNIZING BOB SCHOENFELDT FOR HIS DISTINGUISHED CAREER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize a

great friend and colleague, Bob Schoenfeldt, for his long and distinguished career in the field of agriculture.

After more than 34 years of service, Bob will be retiring this year from USDA, where he served as the area director for rural development in northwestern Pennsylvania, which is home to a diverse array of the Commonwealth's agriculture industry.

Bob has been at the forefront of ensuring agriculture continues to play a key role throughout Pennsylvania, especially through rural economic development. He has been a committed advocate for Pennsylvania's agriculture and family farmers across our State.

Like new shoes or hunting boots, I'm sure Bob's retirement will at first be stiff and uncomfortable for a little while; but after such a long, distinguished and committed career, it's about time he put those feet up and relaxed for once.

Thank you, Bob, for your commitment to our State, the Nation, and the agriculture community. Congratulations on such an esteemed career. We wish you happiness and the best of luck in future endeavors.

NEW UNION AND NONUNION JOBS TO BE CREATED

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, today is a great day for many reasons.

First and foremost, the American worker is going to have an opportunity, I believe, to gain access to new markets in Colombia, Panama, and South Korea. Union and nonunion jobs are going to be created.

Another reason it's a great day is that, in just a few minutes, led by the distinguished chair of the Trade Subcommittee of the Ways and Means Committee, my friend from Houston (Mr. BRADY), who has been such a great champion of trade, is going to talk about the tremendous benefits that we're going to see. I see that he's going to be joined at least by Mr. CANSECO, Mrs. BIGGERT, Mr. SMITH, Mr. DAVIS, Dr. BOUSTANY, Mr. HERGER, Mr. REICHERT, Mr. GRIFFIN, Mr. DOLD, maybe Ms. JENKINS, and maybe even Angela Ellard for all I know, but lots of other people. Oh, my gosh. Who else have we got? TOM REED, of course, is in the back of the Chamber, and he's going to be a part of this.

Mr. Speaker, we are coming together in a bipartisan way. The President has just hours ago set up these agreements so that, again, union and nonunion workers are going to have a chance to have more jobs created as we open up these markets.

I wish all of my colleagues were going to participate in this. Godspeed,

and thank you, thank you, thank you for coming together for the American people.

□ 1920

INSULTING AND DEMEANING COMMENT BY MR. HERMAN CAIN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, all of us value constructive conversation and dialogue. In fact, I believe the Republican debates that have been occurring are valuable and insightful for the American people. I have no quarrel with the First Amendment and one's right to speak as one desires.

But I take issue with Mr. Herman Cain's very insulting and demeaning comment on a whole body politic of people, African Americans, when asked the questions why they have made choices, political choices as they have made, and he chose to suggest that African Americans are brainwashed.

I take issue, Mr. Cain, with your very unfortunate choice of words, because if you look chronologically and historically at African Americans, they voted Republican; they voted Democrat. They were in love with the idea of President Lincoln, who, of course, is known to have freed the slaves, and voted for Republicans for a number of years.

Democrats and African Americans both vote their interests, their interest in saving Medicare and Medicaid and Social Security, their interest and investment in this Nation and relief from the burdensome taxes by the Bush administration.

So, Mr. Cain, get your facts right. We're not brainwashed, and I am absolutely insulted by your ludicrous insinuation of African American intellect in choosing their political party.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BROOKS). Members are reminded to direct their remarks to the Chair.

FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. BRADY) is recognized for 60 minutes as the designee of the majority leader.

Mr. BRADY of Texas. Mr. Speaker, as you know, our economy is in a tough situation here. Two-and-a-half years after recovery has supposedly started, we have almost 20 million Americans unable find a full-time job; yet we have companies, ranchers, businesses, technologies, small business anxious to sell their products around the world. But this administration, unfortunately, has

not moved the free trade agreements that would allow us not simply to buy American, but to sell American in every corner of this globe.

I am pleased to announce that today, nearly 5 years after America signed a sales agreement, a trade agreement with Colombia, that the White House has submitted agreements, these agreements with Korea, Colombia, and Panama, to the United States Congress and the Ways and Means Committee of the House of Representatives. We are going to move quickly and deliberately and strongly to pass these trade agreements so we can level the playing field and allow our farmers and companies and manufacturers and workers to compete and win around the world on that level playing field.

Tonight, we have a number of distinguished lawmakers who have focused on finding new customers for our companies and our farmers here at home.

I yield 3 minutes to the gentlewoman from Kansas (Ms. JENKINS), a member of the Ways and Means Committee and Trade Subcommittee.

Ms. JENKINS. I would like to thank the honorable chairman from Texas for his leadership on the issue of trade and for yielding.

In today's global economy, it's essential that we make every reasonable effort to open foreign markets to American products. Yet today, as our country is struggling with a lackluster GDP and stagnant job creation, grocery stores in South Korea are signing long-term agreements with beef producers from Europe, not America.

Why European, not American? Well, the reason is simple. While this administration has dragged its feet in the approval process of our own agreement, the European Union was able to enact their agreement with South Korea before the United States could take up our own. Therefore, the South Koreans are able to purchase European goods—most notably, agriculture products—at a much lower rate and prices because, unlike American goods and commodities, they do not have costly tariffs attached to them. The same is true with American goods and agriculture products in Colombia and Panama.

In the first 2 weeks after the EU-South Korea agreement was passed, European exports to South Korea rose by 16 percent. We are losing market share and American businesses are losing their competitive edge all as a result of Washington's inability to pass these essential agreements that supposedly have bipartisan support.

In fact, since Canada signed their free trade agreement with Colombia, the U.S. has lost nearly 30 percent of our market share in wheat exports to Colombia. Losing 30 percent of our market share in a key commodity like wheat has a tremendous impact on a small State like Kansas.

When it comes down to it, this isn't about ideologies. This is about American jobs. President Obama has said it himself, these agreements can create 250,000 American jobs, and yet he has sat on them for nearly 3 years. These agreements have the ability to immediately create thousands of jobs, open new markets for farmers, ranchers, and manufacturers, and play a pivotal role in growing our economy out of this stagnancy.

I would like to thank the President for ending his stall tactics and finally sending these agreements to us today, and I implore my colleagues in Congress to work with us to swiftly pass these vital trade agreements. Let's have beef producers from Kansas or even Texas, Mr. Chairman, signing long-term deals with South Korea, Colombia, and Panama, not Europe or Canada.

Let's finally back up this rhetoric with action. Let's get Americans back to work.

Mr. BRADY of Texas. I thank the gentlelady from Kansas for making the point that agriculture has paid a steep price as a result of the delays of these agreements, yet with the potential of signing these agreements has the ability to sell, win, and compete in these three important, growing, dynamic markets.

At this point, I yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS), one of the key members of the Trade Subcommittee, with a manufacturing background, who understands the need for America to lead in the global marketplace.

Mr. DAVIS of Kentucky. Thank you, Chairman BRADY. I appreciate you organizing a Special Order tonight dealing with these critical free trade agreements with Colombia, Panama, and South Korea.

I am encouraged that the President sent the agreement to the Hill earlier here today, and we are here to lend support to the President for these agreements and to encourage him to implement them as soon as they pass the House and Senate.

Passage of these trade agreements is long overdue and critical not just for our national economy, but also for our national security.

Through the Colombian agreement, we signal our dedication with a strategic and faithful ally. During my service in the U.S. Army, I ran U.S. Army aviation operations for the multinational force and observers in the Sinai, providing direct support and serving jointly with the Colombian military in the Middle East. In fact, they continue to serve in that same role. They are also serving in Haiti, Sierra Leone, and training militaries and police in counternarcotics and counterinsurgency measures across the globe.

U.S. leadership in our hemisphere is under threat from competitors, and the

administration's inattention to Latin America is a real challenge that we are facing now. But the Colombia agreement signals our reengagement, which is critical to both our economic and our security future. U.S. exporters' share of Colombian imports fell 17 percent between 2001 and 2009, while Chinese exporter shares nearly tripled.

The trade agreement with Colombia will advance our national security interests by providing Colombians with alternatives to the drug trade. Colombia is a robust democracy with strong ties to the United States in a region that includes several increasingly anti-American governments, especially Venezuela. We must strengthen these ties and pacify any concerns about America's reliability as a partner by ratifying this trade agreement.

Similarly, implementing the Panama trade agreement will further mark our reengagement with the region, while countering anti-Americanism and China's increasing economic prominence.

The U.S. is the largest user of the Panama Canal and works closely with the Panamanian Government to ensure the safety of the canal itself. Panama is currently expanding the canal to double its capacity by allowing more and larger ships to transit. This expansion will increase the imports and exports to and from the United States while creating the need for further cooperation between our two countries to enhance regional maritime and port security.

South Korea also serves as a critical U.S. ally, both diplomatically and militarily. Our alliance with the Republic of Korea has grown even closer since the March 2010 sinking of a South Korean naval vessel by a North Korean submarine. Currently, the U.S. maintains about 28,000 troops in the Republic of Korea, and our militaries regularly conduct joint exercises.

Our geostrategic relationship with South Korea is important not only to counteract the threat from North Korea, but also in dealing with China's military ambitions and security in the Pacific Rim.

With elections for South Korea's National Assembly and Presidency scheduled for 2012, it's critical to strengthen this vital relationship. Ratifying the South Korea trade agreement will demonstrate our commitment to this important partner and help to act as a counterweight to Chinese influence.

□ 1930

Furthermore, entering into an FTA with South Korea will help reorient the alliance between our great nations to adapt to the changes on the Korean Peninsula and in East Asia. Continuing to delay ratification of the trade agreements with Colombia, Panama, and South Korea could seriously harm American credibility, economic advantages for our country's exporters, and our position of global leadership.

I urge the President to implement the agreements immediately after they clear Congress for the betterment of our national economic health and our military and diplomatic partnerships.

Thank you again, Chairman BRADY, for holding this important discussion tonight on the House floor.

Mr. BRADY of Texas. Mr. DAVIS, thank you for your leadership and for making the point tonight that these agreements, as important as they are for jobs and new customers, they are also important to enhance our security relationships in the growing Asia Pacific region, and in Latin America as well. Thank you for your leadership.

Now I would like to introduce the chairman of the Korean Trade Agreement Working Group. He is a key member of the Ways and Means Committee, and comes from a region that understands exports and imports create jobs in America. I yield to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Thank you, Mr. Chairman, and I want to thank you for all of your hard work and your leadership in this area. I'm a newcomer to the world of trade, and a fairly newcomer to Congress, having been here for 6 years.

I want to talk a little bit about the frustration that I think a lot of us here in the House have been experiencing, and I think a lot of people, Mr. Speaker, across this country are feeling, and that is a lot of frustration, a lot of anger at this Congress, the fact that we can't work together. But the good news is that today, we're going to have that opportunity. The President has finally decided to send those trade agreements that we've all been waiting for for the past 4 years to Congress so that we can have a vote on the South Korean agreement, the Colombia agreement, and the Panama agreement. And these are all important. Why? Because they create jobs. We know they create jobs.

In Washington State alone, one out of every three jobs is connected to trade—one out of every three jobs. South Korea is Washington's fourth-largest trading partner. It's important for the people of Washington State to have this partnership with Korea, with Colombia, and with Panama. Right now, we are falling behind. The European Union, as I think was mentioned earlier, signed their agreement and it became final on July 1 of this year. Since July 1, the European Union has increased their exports to Korea by 17 percent. We are losing market share. We are losing jobs. We must act now.

The estimated jobs that we are losing is almost 350,000 jobs as we sit here and wait. Ninety-five percent of our market is outside of the United States. Ninety-five percent of our market is outside the United States. We want to sell American. Sell American; that's our goal. Yeah, we want to buy American here in the United States. We all want

to do that, but we want to sell American.

We can create 280,000 jobs by passing these agreements, and I think this is a time when Members of this Congress, both sides of the aisle, and including those divisions within the parties, need to come together. If you want to create jobs and you want to be a leader in this global economy, if you want to encourage innovation, entrepreneurship, the time is now. It's time to come together and pass these agreements by a wide bipartisan majority, show the American people that we are here to lead, show the rest of the world that we are here to lead. And we are here to compete because America has the best products, the best workers, and the best imagination in the world.

Mr. BRADY of Texas. I appreciate the gentleman from Washington making the point that Korea is such an important growing market in the Asia Pacific region. If America hopes to continue economic growth and to have the strongest economy in the world, we must engage in that region of the world, and the free trade agreement working group that Mr. REICHERT heads here in the House is critical to that.

I would now like to introduce the gentleman from Louisiana, Dr. CHARLES BOUSTANY, a valuable member of the Ways and Means Committee, who is so strong on trade, and comes from a State that understands trade means jobs, and I yield to Dr. BOUSTANY.

Mr. BOUSTANY. I thank the chairman for leading this effort tonight, and all of your leadership on trade issues as we go forward.

Expanding export markets for American farmers, manufacturers, and service providers is essential if we're going to have a strong American economy with private sector job creation. The United States has not acted aggressively enough to open markets over the past 3 years under the Obama administration. And now we're falling behind as other nations gain market share.

America has had a strong comparative advantage in agriculture production historically. In fact, in my home State of Louisiana, the number one export is agricultural commodities. Louisiana ranks fourth among the 50 States in exports. Over 500,000 jobs in my small State, a small State with a little over 4 million people, 500,000 jobs in Louisiana are supported directly by trade. Our rural communities in my State are supported by the strength of agricultural production and access to open markets. The local dentist's office, the local school, the small gas stations, all these things depend on the strength of agricultural production, not only in Louisiana but across our country. We need open markets for agricultural products if we're going to sustain these rural communities and economic development.

The trade promotion agreements with Colombia, Panama, and South Korea amount to over \$13 billion annually in new market access. The failure to implement these agreements has caused significant loss of market share. Louisiana, for instance, is the third-largest rice producer in the Nation. Louisiana and U.S. rice exporters face prohibitive tariffs currently in Colombia and Panama. These agreements would phase out these tariffs, creating huge opportunities for Louisiana farmers and millers. Over one-third of Louisiana exports to South Korea would see immediate duty relief and elimination, a significant advantage for Louisiana businesses.

The administration's failure to send these agreements over the past 3 years has had significant adverse consequences. In fact, on January 1, 2009, Colombia's trade agreement with Argentina went into effect, giving Argentina's farmers a competitive advantage over U.S. farmers. In fact, America's market share in the Colombian market for corn, wheat, and soybeans plunged from 71 percent in 2008 down to 27 percent through the first 10 months of 2010, a 44 percent drop in market share, precipitously, that was nearly matched by Argentina's gain. And that's just one example of the consequences of the failure to act on this—lost market share and job loss. We must immediately implement these agreements to promptly avoid further loss.

Mr. Speaker, American competitiveness, American credibility, and American leverage with our economic competitors is at stake. Passing these agreements with Colombia, Panama, and South Korea is only a start. America needs to move beyond that. We need a well thought out trade strategy that will allow American farmers, businesses, and workers to compete and prosper. An American trade strategy is a critical instrument of American foreign policy because our economic strength is the foundation of both our soft power and our hard power. An American trade strategy is essential for American leadership in the 21st century.

Mr. BRADY of Texas. I appreciate the gentleman from Louisiana making the key point of how America is falling behind and how it's hurting our local economies, our local ranchers, our local service technologies, and our local ports as well.

I would like to yield to a gentleman from California, the former chairman of the Trade Subcommittee, who comes from a State and a district that is rich in the institutions of ranching and technology companies that export successfully around the world. I would like to yield to the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank the gentleman from Texas very much, and I want to thank the gentleman for the tremen-

dous leadership that you've given us in the area of trade, trade which is so crucially important to our Nation, to our ability to create jobs, to our economic well-being here in our Nation.

As Chairman BRADY mentioned, I am very blessed to represent one of the richest agricultural areas in the world, an area in the northern Sacramento valley of California just north of Sacramento. In our area, we are the second-largest rice producing district in the Nation. We're also one of the top producers of specialty crops: peaches, walnuts, almonds, dried plums, and prunes are some of our major commodities.

□ 1940

And the fact is that we cannot, both in California and in our Nation, nearly consume the amount of products that we grow. We are dependent on being able to export. But our challenge—and the example I'm giving with my district is really true in every area across our Nation; it's true in manufacturing and it's true in everything we do—is that as one of the top trading nations in the world historically, the United States, we are dependent on being able to trade. Ninety-five percent of the world's markets lie outside of the United States.

Now, what are the challenges that we have, and why are these trade agreements, these three trade agreements with Panama, Colombia and South Korea, so very important to not only my area of California but to the entire Nation? The reason is that we have challenges in getting into other countries' markets. We have very little, very low barriers coming into our markets.

Other countries can trade with us almost barrier-free, but that is not the case with our products going to other countries. Other countries—virtually all of them—are very protective. They have very high tariffs. So therefore what is taking place when we sit down with these nations and bargain and come up with these trade agreements is an opportunity of lowering their barriers so that the district in my area where we can be able to export to them rice, peaches, walnuts, almonds, dairy products, and, again, our manufacturing goods, without these high barriers and be able to get access to those markets. So it's very important that we do this.

What happens when we don't move forward? Well, we can see it. I was in Panama just this last year. Panama now is doubling the size of the Panama Canal. They're going to need construction equipment. Now, where are they going to purchase this construction equipment? Well, they could be purchasing it from the United States. But guess what? Canada was successful in negotiating a trade agreement with Panama before we've had ours signed.

Therefore, they have lower rates, lower barriers on getting their equipment into Panama. So Panama there has had a big advantage of buying from Canada, sales that would have come from the United States.

We can use these same examples with Colombia, the same example with South Korea who has negotiated with the EU, a major trading competitor with us. Therefore, we lose out in jobs, and we lose out in this market share. It is really a lose/lose for the United States.

I want to commend the President. We wish he would have sent these three agreements to us sooner. I'm grateful that he's sending them to us now. It's very important that we pass it. What we have seen is that the nonpartisan U.S. International Trade Commission has estimated that by signing these three trade agreements we can increase 250,000 new jobs to the United States—250,000 new jobs. That's without any stimulus, without any taxpayer money going into it. It is jobs for people who are unemployed today that can be employed, and it will increase at least \$13 billion in trade.

So I want to urge our Congress, I want to urge the House and I want to urge the Senate to vote for these, pass it, let's get going on these trades. Again, Mr. Chairman, thank you very much for your leadership.

Mr. BRADY of Texas. Well, Chairman HERGER, thank you for your leadership in trade throughout the years. I know especially in California, but for all the country, trade means jobs. These new customers mean jobs. The longer we delay, the more other countries step in front of us and take our customers and, unfortunately, take our jobs. So thank you for your leadership.

One of the bright new members of the Ways and Means Committee is a gentleman from Nebraska. He comes from a State that understands agriculture. He understands you can't survive just by selling to America. There are so many customers around the world that need to buy American products in agriculture that it's key to survival and it's key to job creation.

I would like to yield to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Thank you. I appreciate the opportunity to be here, and certainly I appreciate my colleague from California talking about agriculture. And it certainly speaks to the diversity of American agriculture when he listed so many products, and I don't think a single one of those that you listed is actually grown in Nebraska, and obviously we produce a lot of agriculture products in Nebraska, and we know what it's like to even produce more than we consume in our State alone. California might be slightly different, but we know that we've got efficient production all across America.

So I want to take just a moment to discuss the impact and benefits of trade agreements to Nebraska and certainly the national economy. As our economy continues to struggle, we should obviously be exploring every avenue to create businesses and create new jobs. Markets around the world present tremendous opportunity because of their size, scope, and rate of growth. And we've heard a lot of numbers tossed around this evening, but we know that beyond the U.S. lies 73 percent of the world's purchasing power, 87 percent of its economic growth, and 95 percent of the world's consumers.

While the national economic impact of trade is very important, the increased marketing opportunity for Nebraska is obviously tremendous as well. For Nebraska, this means the three trade agreements will increase exports by more than \$123 million per year. That's every year. Specifically for agriculture, the agreements with Panama, Colombia, and South Korea would lead to gains for Nebraska's major agriculture commodities, including beef, pork, soybeans and corn.

New markets create opportunities for farmers and ranchers along with the food processors, agri-businesses, transportation workers, and all the sales and related professionals who support the agriculture sector.

I want to make sure Nebraska products and producers make the most of opportunities provided by international sales and to increase exports. There's been enough delay. We certainly know that. And our market share in Colombia has already declined because of inaction. The debate is no longer simply about generating potential export gains, but also how to prevent the loss of existing export markets.

Thank you again. I appreciate this opportunity.

Mr. BRADY of Texas. I appreciate the gentleman from Nebraska talking about the lost opportunities of delayed trade and the job opportunities of passing these three agreements with South Korea, Colombia and Panama, all of whom are dynamic economies we ought to be competing in.

I'm glad at this moment to yield to a gentleman from Illinois, a State that understands the importance of competing and winning around the world and that does so successfully.

I yield to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank the chairman for his leadership in trade, and certainly this is an important topic. Just last month, we were actually here in this Chamber when the President came down to talk about jobs and the economy. And there's no doubt it is the number one issue that faces our country today regardless of what side of the aisle you sit on.

The President got up and talked about his jobs package; and as opposed

to saying, no, we don't want the jobs package, what I said and what a number of colleagues that I know have talked about is what are the areas that we agree upon. And let's focus on those and try to pass those because the American public is demanding that of us.

Certainly at the top of that list are the free-trade agreements. And when we talk about the free-trade agreements, it's trade promotion where we're actually setting the ground rules with foreign countries, where the United States can actually compete on a level playing field. And if we can compete on a level playing field, the American worker can win.

In the 10th Congressional District of Illinois, we've got 650 manufacturers that represent over 80,000 jobs. Of those 80,000 jobs, over 50,000 of those jobs rely upon exports. You've heard the statistics from some of my colleagues here today talking about 73 percent of the world's purchasing power is outside of the United States, and 95 percent of all consumers are outside of the United States.

Just this last week, I had a manufacturers' roundtable where part of the topic of discussion was demand. Well, if we want to increase demand, I would certainly argue that we need to be able to have access to markets outside of the United States. Just South Korea alone would add \$10 billion on to our GDP. For each additional billion dollars of exports, we create 6,250 jobs in America. That is a jobs plan. We can create additional jobs.

In Illinois, we've lost 750,000 manufacturing jobs over the last decade; and, frankly, we need to turn that tide around. We know in order to be competitive in the United States, the world is not going to sit back and wait for us. The EU has signed its free-trade agreement with South Korea, with Colombia and with Canada, and you've heard from others that the world is not going to wait. We're losing market share as we speak each and every day that we don't act. We must move forward. It represents a significant amount to our GDP. And we all know that if we don't act now, we're going to lose jobs. It must be putting jobs first and foremost that's going to allow us to move forward for our country.

□ 1950

So I urge my colleagues on both sides of the aisle to stand up and embrace what the President has given to us. And I certainly appreciate the President sending us the free trade agreements. We told him we would act quickly. He sent them to us today, and today we're talking about them on the floor. We're going to act, and act swiftly, for the American people and for jobs.

Mr. Chairman, I thank you so much for your leadership on this very important issue. It's about jobs and the economy and putting American workers back to work.

Mr. BRADY of Texas. I appreciate the gentleman from Illinois, who comes from a State that understands trade means jobs. And I appreciate his leadership and effort in this area.

Minnesota is also a State that is growing and recovering from this economy because it knows how to sell American throughout the world, especially in medical technology and a number of other key sectors.

I'm glad to yield to the gentleman from Minnesota (Mr. PAULSEN), a key member of the Ways and Means Committee.

Mr. PAULSEN. I thank the gentleman for yielding. And I also thank you for your leadership on the Trade Subcommittee.

Mr. Speaker, there's no doubt with our economy struggling Washington should be doing everything it can to give our job creators the economic certainty that they need and they lack right now, including meaningful tax reform and alleviating government regulations. But the future of growth right now doesn't only lie in a more efficient bureaucracy or lower taxes, it also lies in giving greater export opportunities to emerging markets that are hungry—hungry for American products and our ideas.

The simple truth is that increased trade, new sales and new customers are a proven way to create jobs. These three pending free trade agreements with Panama, South Korea, and Colombia will level the playing field for American businesses, aid in our economic recovery, and allow the United States to compete and win. And with so much concern about skyrocketing deficits, increased free trade is a no-cost way to help the private sector create jobs.

In my home State of Minnesota, 60,000 jobs are dependent on global trade. Now surprisingly, it's not just our fertile soil in the ag community or the iron ore deposits up north that are creating most of these jobs. Ironically, over 90 percent of Minnesota's trade-supported jobs come from the manufacturing sector. That's a true testament to the quality of Minnesota-made products and the workers who produce them.

Now, by passing these three free trade agreements, we will reduce the barriers in three countries, allowing 60,000 Minnesotans—and now others—the opportunity to find new sales and new customers for their products, giving the companies who employ them the opportunity to expand and start hiring again.

Now, this is about doubling exports, as the President has stated is his goal. Our Governor just led a trade delega-

tion, actually, to South Korea with 24 different businesses. And in Minnesota, it's not just about agriculture. As the chairman just mentioned a second ago, I come from a State that has 400 medical device companies. It's these high-valued manufacturing opportunities that are huge opportunities for free trade and increased sales and customers.

So Mr. Speaker, today is a good day. The White House has formally submitted these trade agreements now. The Ways and Means Committee is going to act swiftly. The House will act swiftly. Over the past couple of months, there's no doubt that Europe has gained an upper hand by passing their own agreements with Panama, South Korea, Colombia and other countries, and in doing so, we've been leapfrogged. And now this is our opportunity to get back on a solid footing. Every day of inaction that has gone by has been a day where we're falling behind and we're losing our competitive edge and putting American jobs at risk.

So Mr. Speaker, I am excited to work in a bipartisan fashion to see this come together in the coming weeks ahead and give our manufacturers a boost, give our exporters a boost, and get our economy back on track.

Mr. BRADY of Texas. I appreciate the gentleman from Minnesota quickly leaping into this issue, recognizing the jobs potential, and his hard work in moving these trade agreements forward.

We have another speaker from Illinois, a key trade State. JUDY BIGGERT, a Congresswoman from Illinois, has long been a leader in trade, helping shepherd through Congress some of the key trade pacts in the past that have turned trade deficits into trade surpluses for America. She continues to be a leader who understands if we tear down these barriers for American companies, American jobs are produced.

I am proud to yield to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Thank you, Mr. Chairman. And I thank you so much for hosting this Special Order and all the work that you have done.

Given the extraordinary economic challenges that we face, I can't think of a better or more appropriate topic for Congress to be addressing here today than trade. Let's face it, the pending free trade agreements with Colombia, Panama, and South Korea should have been enacted long ago. And only today, after years of delay, has the White House finally transmitted the agreement to Congress for ratification. As a result, we have been forced to wait while sales and jobs are lost to other countries that do not face the same trade barriers that U.S. exporters face. On many products, tariffs would have come down immediately upon enactment of these FTAs, giving a mas-

sive boost to our economy at a time when we need it more than ever.

In my home State of Illinois, I have visited with businesses like Hendrickson, Caterpillar, and Navistar, all major players holding their breath, ready to export millions of dollars of U.S.-made goods to new markets opened by these agreements. Right now in Illinois, a company like Caterpillar has to pay a \$200,000 tariff for just one heavy-duty earth mover going into Colombia, while Colombian exports come into the U.S. nearly duty free. That is \$200,000 that could instead stay in America with the free trade agreement and supply jobs in my district and nationwide. All told, these FTAs would support an estimated quarter-million American jobs and increase exports by \$13 million.

Perhaps most importantly, these aren't temporary or low-wage jobs that will disappear when taxpayer-funded stimuluses run dry. In fact, these exported-related jobs pay an average of 15 to 17 percent more than other comparable jobs and don't cost taxpayers a dime. And the benefits aren't limited to manufacturing. U.S. exports in services and agricultural goods stand to increase by billions of dollars.

Passing these agreements is one of the most common-sense, low-cost and economically sound things that Congress, in the President's own words, "could do right now" to boost job growth. And yet only today, after years on the President's desk, has the administration finally sent them to Congress for approval.

Fortunately, the end is in sight. With the agreements now in motion, the House and Senate will at long last have an opportunity in the coming days to pass all three pending agreements. I urge my colleagues to support them.

Mr. BRADY of Texas. I appreciate the gentlelady from Illinois, both for her long leadership role in trade and her remarks tonight.

San Antonio and south Texas, these communities understand a strong economy depends on strong trade. They are fortunate to have a freshman lawmaker who, in arriving in Congress, quickly realized—in fact, before he came to Congress—the need to get out and have a level playing field to compete and win for American companies and ranchers and agricultural interests throughout this country.

I'm glad and proud to yield to my Texas colleague from San Antonio (Mr. CANSECO).

Mr. CANSECO. Mr. Speaker, I would like to, first of all, thank Chairman KEVIN BRADY for his leadership on trade, and for organizing this very important Special Order.

Mr. Speaker, right now the number one concern of the American people is job creation. Over the past 2½ years, the Obama administration's solution for job creation has been nothing more

than more spending, more borrowing, more taxing, and it simply has not worked. Instead of job creation, all that the American people have gotten is more debt.

Since the day he was sworn into office, President Obama has been sitting on a no-cost jobs solution in the form of our pending free trade agreements with Colombia, Panama, and South Korea. Together, these three agreements have the potential to create hundreds of thousands of new jobs by opening up the markets of our trading partners to U.S. exports, which would drive job creation and economic growth here at home.

Several of my colleagues have already spoken of the importance of these agreements, so I will discuss the importance of these agreements to my home State of Texas.

□ 2000

While the Texas economy is very diverse, an important pillar is agriculture. In the 23rd District of Texas that I have the privilege of representing, the beef industry is a very important part of the economy, as is cotton.

All of these three pending trade agreements represent huge opportunities for Texas agricultural producers. For example, according to the United States Department of Agriculture, the Colombia agreement will eliminate the current 80 percent duty imposed on prime and choice cuts of beef, with all beef tariffs eliminated after 10 years. Cotton, another important agricultural export from Texas, will see Colombian tariffs on cotton imports completely eliminated once the agreement is passed.

In the case of Panama, U.S. beef exports that currently face tariffs of 10 to 30 percent will be immediately lifted for prime and choice cuts of beef, with the rest eliminated within 15 years.

The Korean agreement has the opportunity to be a huge windfall for agricultural exports. The United States Department of Agriculture estimates that the Korean agreement will increase annual exports to Korea by a minimum of \$1.9 billion upon full implementation. For U.S. beef exports, Korean tariffs will be completely phased out in 15 years. Cotton will see its current duty-free status become permanent, guaranteeing U.S. cotton producers will compete in Korea on a level playing field with other cotton-producing nations.

There is no doubt that all three pending free trade agreements are good for agricultural producers in Texas and in the United States. These agreements are also good for the United States' service industries.

I am proud to say that I serve on the House Financial Services Committee. Currently, U.S. financial services providers face challenges to doing business in all three nations with which we have

pending free trade agreements. The services industry in each nation is growing, and with passage of this agreement, American financial services firms will have better access and better ability to compete in a vibrant and growing market.

These agreements are also important to the United States' standing in the world. In particular, the Colombia agreement should be passed so that Colombia can serve as a counterweight to Hugo Chavez's Venezuela.

Despite all the benefits, at the end of the day, these agreements are about creating jobs here in the United States. Every day that we fail to pass these agreements, we fail to create jobs and economic activity that would exist had we already passed them.

At a time when we're seeing unemployment at its worst since the Great Depression, I am happy that President Obama finally decided to submit them for consideration, and I look forward to all three agreements receiving swift consideration in Congress and quickly becoming law shortly thereafter.

Mr. BRADY of Texas. Congressman CANSECO, thank you for your leadership on this important jobs and trade issue.

Our next speaker is laser focused on jobs in Arkansas. He's made a big impact coming in as a freshman lawmaker, understands the need to find new customers.

I am proud to yield to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Thank you, Mr. Chairman.

"If America sits on the sidelines while other nations sign trade deals, we will lose the opportunity to create jobs on our shores." That was President Obama, President Obama in January of 2010, recognizing the importance of trade agreements to creating jobs in the United States.

Today, the President finally submitted to Congress, over a year and a half later, he finally submitted to Congress three critical trade agreements for our approval. Because of what these trade agreements mean for job creators, this is welcome news. But the fact that these three trade agreements, one of which was signed nearly a half decade ago, have been stalled for so long cannot go unnoticed.

Korea, the Korean trade agreement was signed on June 30, 2007. But that South Korean agreement is not the only one. The one with Panama was signed in June of 2007, and the one with Colombia, November of 2006.

President Obama even stated on July 8 of 2011 and during his August tour through the Midwest that all three of the trade agreements would be law by now if it weren't just for that obstructionist Congress. He said that the deals are something "Congress could do right now." Well, that's not true. It wasn't true then. We couldn't pass the agreements because they were still on his

desk waiting to be sent to Congress. Well, we're glad they're here now, and we will join the President in moving quickly on these agreements.

While we have waited on President Obama to act on these long-pending, job-creating export agreements, our foreign competitors—Europe and Canada, in particular—are rapidly increasing their market share and cultivating relationships with trading partners in those countries while American businesses sit on the sidelines.

Make no mistake: More American exports mean more American jobs.

In my home State of Arkansas and in the Second Congressional District, these trade agreements will be very helpful for job creation. Arkansas unemployment is above 8 percent, and we need pro-job creation policies in Washington to stop that from going even higher. We need pro-American export policies to sell more of our products overseas so that Arkansans get the jobs and our manufacturers and farmers get the business.

The three pending export agreements with Colombia, Panama, and South Korea will increase U.S. exports and will create over 250,000 new jobs. Right now, more than 320,000 Arkansas jobs depend on exports, and these agreements will only increase that number. Full implementation of the South Korea trade agreement alone could generate more than 2,500 new jobs in Arkansas.

Manufacturing exports are the strongest part of Arkansas' economy. Exports directly support 14 percent of Arkansas' manufacturing jobs, and 66,000 total jobs in all sectors of the economy are supported by manufactured goods exports.

Since 2003, Arkansas manufacturing exports rose twice as fast as the State's overall economy. Seventy-seven percent of Arkansas exporters are small businesses. And, in fact, Arkansas exported over \$2 billion of manufactured goods to free trade partners in 2010. That's 45 percent of Arkansas' total. That number will only continue to grow with the approval of these agreements.

These agreements are critical not only to the country at large, but to Arkansas in particular. With 95 percent of the world's consumers outside the United States, we now need to give American businesses the opportunity to build stronger trade ties with countries seeking our goods and services, the best goods and services in the world.

Now that the President has finally sent the three pending export agreements to Congress, we can pass them and help American companies compete and create jobs.

I am confident that Congress will act quickly to approve these important bills.

Mr. BRADY of Texas. I appreciate the gentleman from Arkansas laying

out just the economic impact that these agreements have on the Arkansas communities, on ranchers, on businesses, small businesses, and on the economy as a whole.

Our next speaker is from Pennsylvania. He understands the importance of trade to his State. I'm pleased to welcome the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Texas for hosting this and for yielding.

I'm very proud to be here tonight, a subcommittee chairman of the Agriculture Committee, to speak to the tremendous benefits that these three free trade agreements yield for all of agriculture across the United States.

Mr. Speaker, today America's farmers and ranchers are competing in a global market in face of stiff protectionism while their foreign competitors are gaining preferential treatment and access at the American people's expense.

It's been a long time coming. While the delay was unacceptably long and likely has cost jobs, I'm pleased the Obama administration has finally done its part and sent Congress these important trade agreements, free trade agreements with Korea, Colombia, and Panama.

□ 2010

Many agricultural products have encountered dramatic price fluctuations in recent years, particularly dairy, as a result of depressed exports. These trade agreements will expand U.S. exports, create jobs, and bring much-needed income to communities across rural America.

These exports are increasingly important to Pennsylvania's agricultural and statewide economy. Expanding these markets for our farmers, ranchers, and small businesses across the country is a critical component of future economic growth. Overall, every sector of Pennsylvania's agriculture stands to benefit from each trade agreement.

Pennsylvania will benefit under the U.S.-Korea free trade agreement. The U.S.-Korea free trade agreement will benefit the Pennsylvania economy and create new jobs by immediately opening new access for Pennsylvania goods and services in Korea's \$1 trillion economy and by establishing a level playing field in Korea for Pennsylvania workers and businesses to compete.

One-half of chemical products and many other manufactured goods produced in Pennsylvania will enter Korea duty-free immediately. Tariffs on the remaining chemical products will be eliminated over the next few years. Korean duties on major Pennsylvania agricultural products, such as grape juice, wine, and many dairy products, will be eliminated immediately. Mushrooms will become duty-free within 5

years. Simplified and expedited customs procedures will enable Pennsylvania businesses to reach Korean customers more quickly and with less red-tape.

Full implementation of the Korea trade agreement could generate nearly 280,000 new jobs, including 9,963 in Pennsylvania alone.

Pennsylvania will benefit under the U.S.-Colombia Free Trade Agreement. Under the Colombia Free Trade Agreement, more than half of U.S. agricultural exports to Colombia will become duty-free immediately, and the remaining eliminated within 15 years. Colombia will eliminate its price band system which affects key U.S. exports, including corn, wheat, dairy, pork, and poultry. Tariffs of \$202 million in U.S. processed food product exports, which are currently as high as 20 percent, will be immediately eliminated. Colombia is actively pursuing and implementing free trade agreements with a number of other trading partners. With every day that we don't act on this agreement, foreign competitors take market share from American farmers and ranchers.

Pennsylvania will benefit under the U.S.-Panama Free Trade Agreement. Panama is one of the fastest expanding economies in Latin America, with 7.5 percent growth in 2010. Panama is already an important market for America's farmers and ranchers. In 2010, the United States exported more than \$450 million of agricultural products to Panama. More than half of U.S. agricultural exports to Panama will become duty-free immediately. Remaining tariffs will be removed over 15 years. Panama's tariffs on poultry range from 5 percent to 260 percent. Some of these will immediately drop to zero, and others will be phased out within 15 years.

I am so pleased that we're moving ahead with what will be great for agriculture and great for jobs in this country with these three free trade agreements. Mr. Chairman, thank you so much for hosting this tonight.

Mr. BRADY of Texas. I want to thank the gentleman from Pennsylvania again for his leadership on this bipartisan jobs issue. Again, the focus on creating jobs in communities in Pennsylvania by finding new customers is key to the growth of our economy and America's wealth.

TOM REED is a new member of the Ways and Means Committee who has quickly established himself as one of our brightest stars on trade. He understands it means jobs to New York, and he knows that it means jobs to America as well. Earlier this year, he helped lead a letter from our freshman Republicans to the White House insisting the President submit these three agreements so we have a chance to compete and win around the world in these growing new markets.

I am proud to yield to a friend and a fellow member of the Ways and Means Committee, Mr. REED of New York.

Mr. REED. Thank you very much, Mr. Chairman.

I rise today, even though feeling a little bit under the weather with an obvious cold, to show my support for these free trade agreements, because we have worked hard from day one in this Congress to be a voice for what I believe to be true free and fair trade agreements that put us and America on an even playing field with other countries around the world.

South Korea, Colombia, and Panama represent 250,000 jobs. It can't be any simpler than that. I listened to the President come up and present his jobs speech to us as we sat in this Chamber, and I heard my colleagues talk about the length of delay it took to get these agreements up to this House. But I'm not going to look to the past. I'm going to look to the future. And I'm going to look at the areas where we can find common ground to advance the cause of the great American economic recovery that could start and will start with the passage of these free trade agreements.

I applaud the President for sending these agreements up here today. I'm very confident that after a thorough and loud debate on these issues, they will be passed, and we will move forward to a brighter day of an additional 250,000 jobs in America and \$13 billion worth of enhanced economic activity for the American market. Back in the 29th Congressional District that I am proud to represent, that is real money, those are real jobs, and what we're going to talk about are improvements in our agricultural industry, be it our grape growers, be it our wine producers, be it our apple growers, be it our dairy industry.

But we're also proud in the 29th Congressional District to represent some of the highest tech and manufacturing operations in the entire world. A little company in the city that I come from, Corning, Incorporated, in Corning, New York, has had a longstanding business relationship in South Korea, producing LCD glass and other high-tech materials and manufacturing components.

To me, these free trade agreements are fair agreements and they lead to job creation. That's what we were sent here to Congress to do, is to put America in a better economic condition so that generations of tomorrow will have the prosperity to call this great Nation home for many generations to come.

Thank you, Mr. Chairman, for yielding.

Mr. BRADY of Texas. Again, I appreciate the gentleman from New York for his leadership on this key jobs issue.

With so many Americans out of work, the President was standing in this Chamber not too many days ago urging Republicans and Democrats to

come together to create new jobs. Can you imagine if there was an issue that the White House and Congress both agreed on, that Republicans and Democrats across the spectrum supported, a bill that created jobs not by government spending but by allowing the free market to do its work, to granting economic freedom to Americans to buy and sell and compete in key markets throughout the world?

Well, today we have that issue. It is the three pending sales agreements with Korea, Colombia, and Panama. As we have said tonight, they represent almost \$13 billion of new sales for American companies, because we know we have to seek and compete and win around the world for these new customers. We know, too, that these agreements have been delayed far too long. Colombia is an old and trusted friend who's made remarkable progress in the economy, in labor rights, in human rights, in environmental issues. Today we're on the cusp finally of passing a free trade agreement that recognizes our security relationship and our economic relationship. Today we have that opportunity.

I thank the President for sending these agreements to us. As late as they were, the fact of the matter is he has made each of them better, has helped increase and improve bipartisan support for all three, but each day we delay, we lose jobs in America. Each day we delay, Canada and Europe and China and others move ahead of us, take our customers and our jobs. It's time for the delays to end. It's time for Republicans and Democrats to come together and pass these three trade agreements for America.

Mr. Speaker, I yield back the balance of my time.

DISTRICT OF COLUMBIA'S 2012 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-62)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2012 Budget Request Act. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed 2012 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For

2012, the District estimates total revenues and expenditures of \$10.9 billion.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

□ 2020

CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore (Mr. BUCSHON). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

The Congressional Black Caucus is pleased, and we thank the Democratic leadership for allowing us, once again, to come to the floor for the Democratic hour.

GENERAL LEAVE

Mrs. CHRISTENSEN. First of all, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material on the subject under discussion this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. At this time, I am joined by two of my colleagues. I would like to yield to the gentlelady from Ohio, who, for 2 years religiously, had the responsibility in the last Congress to lead us in these Special Orders—with a lot of conviction and great information to share with the American people.

Congresswoman MARCIA FUDGE of Ohio.

Ms. FUDGE. Mr. Speaker, I would like to thank Representative CHRISTENSEN for anchoring today's timely CBC Special Order on unemployment in the African American community and on job creation.

It is no secret that the unemployment rate for African Americans is almost twice that of the national unemployment rate. Studies show that 16.7 percent of all African Americans are unemployed. It's probably closer to 20 percent when you take into consideration those who have given up looking for jobs or who are severely underemployed. In some cities, it is nearly three times the national unemployment rate.

Mr. Speaker, the people I represent are not talking about budget cuts, and they're not talking about continuing resolutions. The people in my community are talking about being laid off, and they're talking about losing their homes while they're still trying to provide food for their families. We are in a crisis that will undoubtedly affect our children and our grandchildren as 11 percent of all American children have at least one parent who is unemployed.

What does that mean for them?

It means fewer opportunities, and it means fewer meals.

As a Nation, we have always prided ourselves on defining "success" as providing a better future for our children. That's why my colleagues and I are speaking out today. That's why it is absolutely essential that we begin to make changes that will help our people get back on their feet. We must do something to create jobs, and we must do it now. I hosted a telephone town hall on the economy a few weeks ago. Seven thousand people from around my district joined the call to ask questions about resources for small businesses or how to find job training programs. These people, like so many others, are looking for a way out of this situation, and it must come now.

It's clear to me that we have settled for short-term solutions to a problem that demands a long-term strategic resolution. We need to retrain workers for the jobs of today. Surprisingly, there are millions of positions that go unfilled in an economy where Americans are unemployed. The Bureau of Labor Statistics reported that there were 3 million job openings on the last business day of May 2011, yet the unemployment rate at that same time was 9.2 percent. There were enough jobs available to employ just over 20 percent of all of these unemployed Americans. So there is an obvious disconnect.

Many people searching for work lack the job-specific skills they need to be competitive for many of the job vacancies. Technology is outpacing the Nation's current approach to job-related education and training. The difference between white collar and blue collar jobs is fading because, traditionally, blue collar jobs are more specialized than ever before.

As a solution, I've introduced H.R. 2742, the Hire, Train, Retain Act of 2011. This bill will give employers tax incentives for hiring unemployed Americans and providing job training to fill job vacancies specific to that employer. Employers will also receive a "hire retention tax credit" of up to \$1,000 for each qualified employee retained for 52 weeks.

Another proven way to get Americans working is through infrastructure projects. That is why I recently introduced the School Athletic Facilities Restoration Act of 2011. This bill authorizes the allocation of grants to local educational agencies for the construction, renovation, or repair of school facilities used for physical education. The funds will facilitate construction hiring while improving safe places for children to exercise and play.

In closing, I want to mention that every single member of the Congressional Black Caucus has sponsored job creation legislation. The best way to

reduce our deficit is to create jobs. That's why, in August, the CBC took our message on the road and connected job seekers with employers at job fairs across the country, and we listened to the voices of our constituents during town hall meetings.

Mr. Speaker, I came to Congress to be a voice for struggling Americans. My number one priority is job creation and economic development. I am working hard to create jobs, and time is of the essence. This is not a time for political posturing and partisan bickering. The American people need help. They need our help and they need it now.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE, for that legislation and for your leadership on so many issues that are important to the people of this country.

I would next like to yield such time as she might consume to the former chair of the Congressional Black Caucus—again a leader on many, many issues, whether it be health care, global health, AIDS, as well as developing our agenda that we've continued even into this Congress of creating pathways out of poverty—Congresswoman BARBARA LEE of Oakland, California.

Ms. LEE of California. Let me thank my colleague, Congresswoman CHRISTENSEN, for those kind remarks and also for leading this Special Order, once again, in order to sound the alarm about the jobs crisis in our country.

Also, Congresswoman CHRISTENSEN, I want to thank you for your leadership on so many issues, especially on health care. You remind us of the importance of health care reform, not only because people deserve affordable, accessible health care, but because of the many jobs that will be created in the health care sector as a result of these reforms. So thank you for continuing to remind us of that, because many, many jobs are going to be created as a result of the work that you did.

Under the leadership of our very brilliant and bold chairman of the Congressional Black Caucus, Chairman EMANUEL CLEAVER, and of our jobs task force chair, Congresswoman MAXINE WATERS, the Congressional Black Caucus has been hitting the street about jobs for some time now. We held five "for the people" jobs initiatives around the country—in Cleveland, Miami, Atlanta, Detroit, and Los Angeles—bringing together employers who have jobs with people who need jobs. The response was overwhelming. Thousands of people showed up at each event, all wanting to share their stories, to learn how to interview or network or to just strictly apply for a job.

As we know, communities of color are feeling this Great Recession more than others. In fact, for communities of color, especially in the African American community, the Great Recession has been more like the Great

Depression. While the national average unemployment rate is 9.1 percent, the unemployment rate for African Americans is 16.7 percent reported. For Latinos, it's 11.3 percent—and that is for those who are reporting they're out there looking for work. If we consider those who have essentially stopped looking or who have given up on getting a job, we can probably double these numbers. It's very, very tragic.

For the people's jobs initiative, this initiative highlighted what is taking place throughout the Nation. People are desperately looking for jobs. People want to work. We must pass the American Jobs Act as a first step in addressing the jobs crisis that is sweeping the Nation. Sadly, the jobs crisis moves hand in hand with poverty. The Census released some staggering numbers last month in its report, "Income, Poverty, and Health Insurance Coverage in the United States: 2010." For example, 2.6 million Americans fell into poverty in 2010.

□ 2030

That's about 7,118 people a day falling into poverty. Let me put it another way: It's like a small town falling into poverty each and every day.

The poverty rates in 2010 that the census revealed are as shocking and as staggering as the unemployment numbers. The poverty rate for whites, non-Hispanics, was 9.9 percent; for African Americans, the poverty rate was 27.4 percent; the poverty rate for Latinos was 26.6 percent; and for Asian-Pacific Islanders, 12.1 percent.

In 2010, 15.1 percent of Americans were living in poverty. Now, that's 46.2 million people, in the wealthiest and most powerful country in the world, 46 million people living in poverty, and 9.1 percent are unemployed. Creating jobs will improve our Nation's economy and provide people pathways out of poverty.

We need to target Federal programs to communities most in need, and we can do this by using particularly the data sets like those from the census to target programs with the highest unemployment rates and the highest poverty rates. We can extend and should extend the Emergency Unemployment Compensation program and the Extended Benefits Unemployment program, both of which expire early in 2012. If we don't, millions of unemployed Americans will no longer have a safety net until jobs are created. Remember, for every four unemployed workers seeking a job, only one job exists. That is a fact.

We also need to pass H.R. 589, which I introduced with a fellow CBC member, a good friend, a great leader, Congressman BOBBY SCOTT, which gives an additional 14 weeks of unemployment benefits to those eligible people who have exhausted their benefits and no longer receive this support.

We have no idea today how these people are surviving in these devastating times, and we can and must continue to support them while we work to create jobs. Speaker BOEHNER still will not move this bill to the floor for a vote and, once again, I am going to encourage the Republican leadership to bring H.R. 589 to the floor.

We also must restore the TANF emergency contingency fund and increase the amount of money going to this program, which directly supports needy families with the basics and creates jobs. We also should develop and implement various corps, similar to those implemented through the Work Projects Administration, the Public Land Corps, and the Civilian Conservation Corps aimed at programs and services needed in communities across this country, including health care corps, public safety corps, community corps, and teacher corps.

We should expand the Workforce Investment Act aimed at young people, particularly the 25 percent of teenagers and young people who are unemployed today—in the African American community over 40 percent, all losing hope for their futures.

We should extend and support the expansion of on-the-job training for unemployed workers, including those who are long-term unemployed and those who have exhausted their unemployment benefits, to help them refresh their job skills and ease their reentry into the workforce. We know that these initiatives will put people back to work, and that is what the Congressional Black Caucus continues to fight for.

We have to fight against the Republican opportunistic attacks on the environment and the regulations that protect the environment and public health which, of course, they are claiming as a jobs program.

It's no jobs program. In fact, turning back the clock on the Clean Air and Clean Water Act will simply destroy jobs across the country, along with destroying our precious, natural resources, while placing human health in danger.

It's completely misguided. It's a terrible move by the Republicans. They are turning a blind eye to the needs of Americans and the needs of our economy.

Now, the most effective anti-poverty program is an effective jobs program, and the CBC has been working to create jobs and connect people to jobs. We are not going to back down. And as the CBC has done for 40 years, we are going to continue to fight for jobs, justice, and equality. Our voice as the conscience of the Congress is needed now more than ever.

So I want to thank, again, Congresswoman DONNA CHRISTENSEN, Chairman EMANUEL CLEAVER, Congresswoman MAXINE WATERS and all of our CBC

members for bringing us together to conduct this jobs tour, to speak out tonight, each and every day on this floor, in our communities on the critical issue of jobs, and to remind the Congress that people do want to work and we should hurry up and pass the American Jobs Act as a first start.

Mrs. CHRISTENSEN. Thank you, Congresswoman LEE. You were the chair of the Congressional Black Caucus as we created and passed the Affordable Care Act. And without your determination, many of the important provisions that we felt were important to our communities and to communities across our country would not have been there. We thank you for that.

And thank you for reminding us that the Affordable Care Act is a jobs bill. It is reported that it may produce as many as 4 million jobs. And so it's not only a bill, an act, a law that would allow over 30 million people to finally become insured and provide access to quality health care for many people who have never had it, but it will also create jobs.

It's interesting how health care is connected to so many of the other things that we are dealing with. Two of the most important things that have to be fixed, if we are to get out of this recession: We have to create jobs, and we have to fix the foreclosure crisis.

There was an article in *The New York Times* today by Craig E. Pollack and Julia F. Lynch that was entitled "Foreclosures Are Killing Us," and it caught my eye. I just want to read a little piece of it into the RECORD:

"A growing body of research shows that foreclosure itself harms the health of families and communities. In our 2008 survey of 250 people undergoing foreclosure in the Philadelphia area, 32 percent reported missing doctors' appointments and 48 percent said they let prescriptions go unfilled, significantly higher rates than others in their community. A paper released last month by the National Bureau of Economic Research found that people living in high-foreclosure areas in New Jersey, Arizona, California, and Florida were significantly more likely than those in less hard-hit neighborhoods to be hospitalized for conditions like diabetes, high blood pressure, and heart failure.

"More than one-third of homeowners in our study had symptoms of major depression." The N.B.E.R. study found significantly more suicides also.

So these issues and these problems that affect, in large part, minority, racial, and ethnic minority populations are responsible for some of the health disparities that we talk about.

Ms. LEE of California. Will the gentlelady yield?

Mrs. CHRISTENSEN. I yield to the gentlewoman from California.

Ms. LEE of California. I am very pleased that you raised this article be-

cause the human toll, the physical and mental health impact of these horrific public policies that either have taken place over the last 8 years or that are not taking place that we should enact are really seen each and every day in our communities every day, and people are desperate, they are suffering. And for the life of me I don't understand why especially Tea Party Republicans don't get it, because their people are suffering also.

Mrs. CHRISTENSEN. Absolutely, absolutely.

We have been joined by another former chair of the Congressional Black Caucus and the leader of our Health Care Task Force, Congresswoman MAXINE WATERS, and I would like to yield such time as she might consume to her.

Ms. WATERS. Thank you very much, Congresswoman DONNA CHRISTENSEN. I am very pleased that you took this time out this evening to give us an opportunity to continue to focus on our top priority in the Congressional Black Caucus. We are absolutely focused like a laser beam on the fact that jobs are needed so desperately in all of these communities that we represent.

We recognize that unemployment is unprecedented, at its highest levels perhaps since the 1980s across this country, with 9.1 percent being that of the country. But we also recognize that in minority communities it is so much higher; in the Latino community, 11.3 percent; in the African American community, 16.7 percent.

Why are we focused like a laser beam on this issue? Because we understand the pain that is going on. We understand the increasing desperation. We understand the growing hopelessness and, as public policymakers, we must do everything that we possibly can not only to do actual job creation, but to help people out there understand that we know what's going on. We feel their pain, and we are prepared to do everything possible to come to their aid.

□ 2040

So there are those who may get tired of us talking about it. There are those who wonder why we took our vacation time and traveled across this country in five cities with these job fairs and town halls that we did, but it is all because we understand, perhaps better than others, this pain and this desperation and this feeling of hopelessness; and that's not good for this country.

So you're absolutely correct. The Congressional Black Caucus went to Detroit. We went to Cleveland. We went to Miami. We went to Atlanta. And we went to California, Los Angeles. And what did we see? As it has been said over and over again, thousands upon thousands of people in line desperate to be able to talk with employers.

I must extend a big thank you to employers. They heard our call and they

showed up. And they were at each of these meetings, these job fairs that we had; and people were able to fill out applications, to learn what the process is for that particular employer, to be able to talk with someone. And I had job seekers in Los Angeles who said to me: Ms. WATERS, you know, I may not get a job, but I appreciate the opportunity that the Congressional Black Caucus is affording me and others to be able to take a shot at it, to be able to talk with someone.

So in Los Angeles, in my own community, 10,000 people showed up. We organized it in ways that they wouldn't have to stand in line for long periods of time; and thanks to the Crenshaw Christian Center that has the Faith Dome that holds 10,000 people, we were able to get people off that sidewalk through that dome and to those employers where we set up tents for 170 employers who came behind the dome, and it worked very well.

Congresswoman, I want you to know this past weekend, as I traveled throughout the area, people came up to me and said: Ms. WATERS, I got a job. I can't tell you how great that made me feel. And, of course, it was only a small number of people that I encountered. But just to have them say, thank you, I received a job, was extremely impressive and inspiring and made me feel so very, very good. We are going to follow up with the employers and have them feed us back the information about how many people they were able to hire so that we can give a report on that.

But in all of this, I am so worried that the unemployment in the African American community may reach as high as 20 percent. Our communities have been hit hard. I heard you allude to the foreclosures that we're experiencing in our communities. Our communities were targeted. They were targeted by financial institutions because they saw that people were eager to have homes. They understood that if you gave people an opportunity, that they would take advantage of it. But what they didn't say was that they were coming up with all of these exotic products, products that literally got people into homes, but it could not be sustained because of the way these products were organized.

You had people who were told: you don't have to pay anything down; you just have to pay a little down. Don't worry about the resets; don't worry about what will happen 2 years from now. And these exotic products were products that had the devil in the details. And so people entered into mortgages they certainly could not afford down the road; and so our communities are overwhelmed with foreclosures, the loss of wealth, the loss of the only wealth that many of our families certainly had and could ever have for years to come.

I just want to share with you, in addition to the joblessness and the foreclosures and the loss of homes, the median wealth of white households is 20 times that of black households and 18 times that of Hispanic households, according to a Pew Research Center analysis of newly available government data from 2009.

These lopsided wealth ratios are the largest since the government began publishing such data in 1984, and roughly twice the size of the ratios that had prevailed between these three groups for the two decades prior to the Great Recession that ended in 2009. The median wealth of United States households in 2009 was \$113,149 compared to \$5,677 for blacks and \$6,325 for Hispanics. The percentage of African Americans with no wealth has increased. About 35 percent of black households and 31 percent of Hispanic households have zero or negative net worth in 2009 compared with 15 percent of white households.

Basically, just looking at the joblessness and the lack of wealth, the decreasing wealth tells the story. No communities can survive under these conditions. Everybody must be concerned about unemployment in general, but specifically these communities that are so bad off under the situation and the environment that we're living in at this time. So we support the jobs bill. We want to create jobs in our infrastructure. This country needs to repair its roads and its bridges and its water systems, and we believe that creating those jobs will help all of our communities, not only get jobs but put money back into the economy.

The economy needs stimulating. You stimulate the economy not by cut, cut, cuts, but by investing in the economy, both the private sector and the public sector. So we've got to fight for it. We've got to stand up. We've got to resist any Tea Party efforts that say that they came to Congress to dismantle government and they want to cut, cut, cut. They will not support anything that will raise revenues, or even maintain revenues in some instances. We've got to push back on that. We've got to be strong. We've got to say to our colleagues: the facts are clear; they are in front of you. Nobody can deny these facts, and we're asking you to join with us in making sure that not only we deal with the most vulnerable in our society, but we pay attention to all of those who are suffering and the families that are suffering.

I want to tell you, I have witnessed that some of our friends on the opposite side of the aisle who represent very poor communities don't seem to be able to rise to the occasion to offer them support. It seems to me that they can basically talk about and inflame issues that have nothing to do with the economic well-being of their constituents. And so we have to keep reminding

them that this is for everybody. This is for your constituents that you're not really representing, those poor people in rural communities who don't have health care clinics, those poor people who don't have jobs, those poor people who don't have the kind of education that they should have.

So thank you for bringing us to the floor this evening to once again put the focus on jobs, jobs, jobs.

Mrs. CHRISTENSEN. Thank you, Congresswoman WATERS, and thank you for the work that you've done to ensure that our financial regulatory agencies have women and minorities on their boards, for the work that you've done to help homeowners stay in their homes and address the mortgage crisis, and for all that you do.

You know, even though many of the people who came to those fairs didn't get a job, they got hope, and many of them had given up. I'm sure that re-energized them to go out and keep looking. If they didn't get a job then, they will get one. Thank you so much for your leadership on that.

I'd like to yield now to the gentleman from Michigan, Congressman HANSEN CLARKE. Thank you for joining the ladies this evening.

Mr. CLARKE of Michigan. You're very welcome, Representative CHRISTENSEN. What I wanted to do was, on behalf of all metro Detroiters, I wanted to thank the Congressional Black Caucus and, in particular, our chairperson, Representative MAXINE WATERS, the head of our Jobs Task Force, for coming to Detroit and giving folks in Detroit some chance of getting a job and definitely some hope that they have a future for themselves.

This was so important for me because years ago back in the 1980s when we had our last big recession, I was one of those guys who was unemployed. What happened was I did give up hope for a moment there, and it was devastating for me after I lost my income and then my food stamps were cut off. When you give someone the dignity that they realize they have something to offer themselves, their family and their city, it doesn't matter if they don't get a job at that interview. They will have then the drive to fight for themselves and not to give up. That's why our people are still here thriving because we didn't give up. But that jobs session did show that there are a lot of folks in Detroit who still need a job.

□ 2050

And I have introduced legislation to help provide those jobs opportunities to Detroiters. And if I could, I wanted to share with you and then share with our public how that would work. When you visited Detroit, Representative WATERS, you may have noticed we had all these big parcels of vacant land with just nothing on it or maybe some burnt-down houses or buildings. We

could actually build plants on those properties as we built plants back decades ago in World War II that housed the arsenal of democracy that saved this world from fascism and helped us win World War II, those same plants that build those great American-made automobiles that put Detroiters to work but also put millions of Americans back to work.

So in the same way, we have the land to attract these new plants. We also have roads that have all these potholes in them that need to be filled. We have bridges, we have water systems that need to be repaired, we have a plan for a transit system that could connect Detroit with the suburbs, help people get to jobs in the suburbs, help folks in the suburbs come to Detroit and enjoy themselves; but we need matching money to be able to do that.

What businesses have told me and what families have told me is that they moved out of Detroit for a couple of simple reasons. Number one, they didn't feel safe in the city. So it didn't matter how many economic development incentives we provided businesses; few businesses would take those incentives if they felt that their office would be broken into or their employees would be robbed.

Similarly, businesses that had to hire a large number of people, folks that they didn't know, they were concerned that the Detroit public schools really didn't graduate folks that had the ability to work on the job, that had the ability to read and write adequately to be able to do a good job if they were hired.

And then, finally, because Detroit had overspent a lot of its money and they had to finance that deficit with bonds and then pay off those bonds by raising the property tax, a lot of businesses said, look, for the services I'm getting, the taxes are too high. On top of it, many of their employees, even if they lived in the suburbs, had to pay a city income tax, definitely the residents had to do that.

So I said, look, the taxes are too high. If the perception is that the city is dangerous, I'm not sure if we are going to hire qualified people. They decided to leave the city. Safe streets, good schools, low taxes. If we could have those pieces in place, we could attract all the business. And I'll tell you why we could, because in spite of all of our challenges in Detroit, we still have the best manufacturing know-how in this country and in this world. We have the trained workforce to put our State back to work and our country back to work. But we just need the money to hire the police officers, to hire the school teachers, to pay off our debt and cut our taxes.

Now, this Congress says we don't have the money. But I say we do. It's in the very Federal taxes that Detroit individuals and Detroit businesses pay

every year; \$2 billion a year Detroiters pay to the Federal Government, to the IRS in Washington. My bill, House bill 2920, would ask this Congress to say this: instead of sending Detroit tax dollars to Washington, D.C., let's redirect that money to Detroit, place it in a trust fund where it can't be touched, only to go to projects that will create jobs, to retire our debt, to hire police officers, to hire school teachers to keep our school buildings open longer, high-quality schools, and, yes, to cut taxes to eliminate our city income tax and reduce our property taxes. That would attract jobs back.

And then we would have the money to fix up those roads, repair the deteriorating water system, and train people for jobs and then possibly even create a job program like the CETA job program that I got hired into that saved me, that saved me from a life that my friends ended up in—prison, incarcerated, on drugs, or dead. Those programs that this Congress stood for 30 years ago helped save my life, and it can help save this country.

So I want to thank you for giving me this time to speak before the body. Detroit, we've got the money to put our people back to work. We pay it to the IRS every year. I'm asking this Congress to allow us to keep our money for 5 years, to put our people back to work as a pilot basis, and to show this country what Detroit can do for itself and for America. Thank you so much, and God bless you.

Mrs. CHRISTENSEN. Thank you, Congressman CLARKE. Your passion is clear, and Detroit doesn't have a stronger advocate than you, and we are pleased to be a co-sponsor of your bill. Thank you for joining us.

As you've heard, the Congressional Black Caucus is here this evening. We're still waiting for the first jobs bill to pass this Congress. And as you've heard from my colleagues, we need to begin with the American JOBS Act which was proposed by our President Barack Obama. And just to be clear, while we're advocates for the African American community, we are advocates for everyone; and this bill is good for everyone, everyone who lives in this country, and it is a good bill for our country.

We happen to feel that putting people back to work in this country now is more important than fighting over an election that is more than a year away. The American JOBS Act provides tax cuts that will help businesses grow and create jobs, it will help provide incentives to hire the long-term unemployed, and it will keep teachers and other essential workers like police and firefighters in their jobs where we need them to be; and it will strengthen, repair, and build needed and faulty infrastructure and in doing so will create even more jobs; and it will give people a decent job which will allow them to

take care of their families, to buy what we make here in America, and it will stimulate economic growth.

It would give every American worker and their family a tax cut through extending the tax payroll tax holiday and do more to fix the mortgage crisis that got us here in the first place by allowing more refinancing of mortgages. It would help our fellow Americans take better care of their families, putting their children in better schools, supporting small businesses, building consumer confidence and spurring the spending that our economy needs to get back on track. This is what this Congress ought to be doing, not focusing on the solitary goal of making President Obama a one-term President. That is a losing proposition anyway.

No one should be willing to let our fellow Americans suffer, fall into and become mired in poverty, remain unemployed, lose homes and to cause our economy to crumble further just because they have political and whatever other differences with our President.

Mr. Speaker, the Republican leadership, led by the Tea Party extremists, are taking this country in the absolute wrong direction by insisting on cutting and cutting and cutting important programs and services like the Women, Infants and Children program, Maternal and Child Health and Supplemental Nutrition Assistance programs at a time when there are more people and more children in poverty, by working to deny the opportunity for health care to the over 30 million people who we worked so hard to get insured, including sick children, and people who would otherwise go bankrupt because of catastrophic illnesses over which they had no control, people who are already getting care because of the Affordable Care Act that is being so wrongly maligned.

I agree with some of the posters I saw in the newspaper this weekend calling for jobs, not cuts; jobs, not cuts. That is what we have been saying all year, including here on the floor of the House every Monday that we've been in session. If our leadership listened instead of talk, talk, talk, I believe that is what they will hear the American people at large are saying: jobs, not cuts.

And we have a golden opportunity to listen to them. For over the last 2 weeks, there has been an "occupation of Wall Street" because while homeowners and pensioners and many people have suffered because of their meltdown, we have not seen the kind of remedies for the folks on Main Street, the side streets or the rural roads that would make them whole. They are speaking loudly and effectively on their and on our behalf.

And then right here in Washington, D.C. today and for the next 3 days the Take Back the American Dream conference is here. They will be on the Hill

on Wednesday calling on us to end the nightmare that the dream is turning into for far too many people and to restore the American Dream access which has been the hallmark and the pride of this country.

What is happening at this conference and the one in New York is that Americans are saying enough is enough. And they are fighting back against the cuts that are making it hard for far too many people in this country to survive.

□ 2100

They're fighting back against attempts to repeal health care reform, fighting back against proposals that would weaken Social Security, Medicare, and Medicaid, and fighting back against voter suppression laws. They're fighting for jobs, for a future for our children, and they're fighting for our democracy.

It is so very interesting this talk about President Obama and Democrats waging class warfare all because we want everyone in this country to do their part to help this country recover from a deep recession, all because we want to let tax cuts that were only supposed to be around for 10 years that have now been extended to 12 years finally expire like they were supposed to. Come on, colleagues, let's be honest. They were never meant to be permanent.

And how many jobs have these tax cuts created as was loudly touted they would do? In 2001, at the end of the Clinton administration, he handed over this government with an over \$2 trillion surplus. Now, after those tax cuts enacted in 2001, after almost 12 years of them, we are in record deficits and the worst recession since the Great Depression. And President Obama did not create that; he inherited it.

The poverty rate is at the second highest in 45 years, and it is hitting, as you've heard, African Americans and Latino Americans hardest. The share of Americans in deep poverty, with incomes below half of the poverty line, is at the highest level ever recorded. And African Americans are more likely to be in extreme poverty.

While we hear a lot about how much of a share of taxes the richest 1 percent or the richest 10 percent pay, let me remind everyone that white Americans' wealth is 20 times—and you heard it earlier, but it bears repeating—20 times that of African Americans and 18 times that of Latinos. And that between 2000 and 2007, not 10 percent, not 20 percent, not 40 percent, but 100 percent, all of the increase in wealth went to the top 10 percent in this country—all, the top 10 percent. The gap between rich and poor got wider. The rich got richer; the poor got poorer. That's a very dangerous trend for the future of this country.

And then unemployment has reached record highs as well. You don't hear

about it much. You hear it from us. But in far too many places, our rural and our urban areas, communities of color, unemployment remains in double digits. African American unemployment nationally is over 16 percent, but as you've heard, we know that it is higher than that in many parts of our country.

So if we want to talk honestly about class warfare, class warfare is what too many people in this country have been experiencing since 2001. And now that we have a President who wants to end it, he is being accused of class warfare. If we really want to end class warfare, my colleagues, my colleagues on the other side of the aisle should be supporting rather than opposing him. Let's get real.

In all of our 40 years, the Congressional Black Caucus has always been a caucus of action. Our agenda has been consistent, and we've pushed every Congress and every President. And so we resent anyone trying to put a wedge between us and our President to further their own agenda, one which is clearly not ours.

But we continue to be the conscience of the Congress, as MAXINE WATERS coined when she was chair, the "fairness cops of our Nation." That is why, when we could see none of our 40 job-creating bills come to the floor under the leadership of our chairman, EMANUEL CLEAVER, and the Jobs Task Force chair and former CBC chair, MAXINE WATERS, we called on the private sector as well as government agencies to come with us across the country to get people working again. And that is why we worked so hard with our Hispanic and Asian colleagues to get the Affordable Care Act passed. And we will work just as hard to see that it gets implemented. We are not going to sit quietly and let a vital door that is just opening for many to be slammed shut in our communities and communities like ours who need it most.

Many scholarly reports have shown that just eliminating health disparities could save \$1.24 trillion in just over 4 years in indirect and direct costs, in addition to saving lives. So if we really wanted a deficit reduction, eliminating health disparities and achieving health equity is deficit reduction at its best.

And that's why we will continue to work relentlessly as a caucus to save homes, to build and equip better schools, to support regulations that protect our families and all families from the health and other effects of pollution. We have also worked together on budgets. And because we know that our country can invest where needed in health care, education, green energy, and job creation and reduce the deficit at the same time, we are preparing to send our recommendation to the Joint Select Committee on Deficit Reduction. It will likely be based on our proposed 2012 budget. And

it will end class warfare by allowing the high-end Bush tax cuts to expire while strengthening the middle class, continuing to create pathways out of poverty for our fellow Americans, and protecting Social Security, Medicare, and Medicaid.

This country, Mr. Speaker, is fortunate to have a Congressional Black Caucus fighting on its behalf. And it is not only our duty, but it's our honor and privilege to do so.

With that, I yield back the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, the American people made it abundantly clear what they expected from the 112th Congress. They expect us to stop fighting each other and to do the right thing for the country.

However, instead of doing that, the Republican majority has done the exact opposite by engaging in partisan political games that cost the U.S. our triple-A credit rating, resulted in several near government shutdowns and nearly led to the first national default in our history.

These actions don't reflect the American people's will, but rather the priorities of the Republican leadership of the House. The American people have done everything they can to make it clear, but Mr. Speaker, allow me to repeat their refrain: Jobs!

Last month, President Obama unveiled his vision for job creation in the United States. While I would like to see a bit more with regards to direct job creation, it is a good start to addressing our nation's high unemployment, a rate that hovers around 16 percent for African American communities.

Mr. Speaker, the Congressional Black Caucus has been at the forefront of the call for jobs legislation in the 112th Congress. The CBC put together a nationwide jobs fair to not only bring attention to the appalling unemployment numbers in the black community and help bring those seeking jobs together with employers, but to turn up the volume on a national crisis that has taken a back seat to the majority's favored approach of simply cutting our way to prosperity.

Would you believe Mr. Speaker, that just today, the Majority Leader said that the House would not be holding a vote on the American Jobs Act; saying that voting on the complete package was "unreasonable".

Mr. Speaker, what Americans find "unreasonable" is that the Republican majority is, once again, going to allow the American people to continue to suffer through our national jobs nightmare and continue in their insistence to not bring a single jobs bill to the floor.

What, Mr. Speaker, is the majority afraid of? Are they afraid that the American people, recognizing that this could be the start toward resolving our national unemployment tragedy? Is the Republican leadership so afraid of the tea party that they are willing to allow continued national misery to satisfy a minority of their caucus?

Regardless, as Members of Congress we represent the concerns of our constituents and I know what my constituents are telling me. They are telling me that Congress needs to get its act together and start focusing on the priorities of the American people and not those of a tiny, radical fringe of the majority.

Ms. JACKSON LEE of Texas. Mr. Speaker, for the past 40 years the Congressional Black Caucus, has earned the reputation as the conscience of the Congress by providing a voice for the voiceless and fighting for the forgotten. This summer, we worked diligently to live up to and maintain our reputation.

To address unemployment and the need for job creation solutions in underserved communities, the Congressional Black Caucus called upon private and public sector partners to immediately remedy the crisis by going into communities with legitimate, immediate employment opportunities for the underserved with the "For the People" Jobs Initiative—which included nationwide town halls and job fairs.

During the month of August, nearly half of the Congressional Black Caucus traveled the country and saw firsthand how unemployment continues to devastate our communities during the "For the People" Jobs Initiative.

Nearly 30,000 people from all walks of life attended CBC Jobs Initiative events in Cleveland, Detroit, Atlanta, Miami, and Los Angeles.

Given the substantial coverage of the events, our nation's citizens will have great difficulty saying they were unaware of the suffering of millions of unemployed Americans.

Like us, they too saw the lines wrapped around city blocks with hopeful citizens searching for a job opportunity to provide economic security for themselves and their families.

We all know that job fairs and town halls are not sufficient to address the jobs crisis; however, it is a small step in the right direction.

The unemployment numbers released in August demonstrate that there is a significant hemorrhage in the African American community that is not being addressed, which has resulted in extremely high job loss.

Overall unemployment remains stagnant at 9.1 percent while unemployment in the African American community has risen dramatically from 15.9 percent to 16.7 percent.

Well into the 112th Congress, the Congressional Black Caucus continues to urge the Republican Leadership to address unemployment in any meaningful way.

We cannot afford to watch a segment of our community suffer from depression level unemployment, hoping that overall solutions will trickle down and fix the problem. It is clear that method will not work.

Therefore, the Members of the CBC unanimously co-sponsored and introduced the Congressional Black Caucus "For the People" Jobs Initiative Resolution (H. Res. 348) to urge the House of Representatives to immediately consider and pass critical jobs legislation.

Additionally, CBC members have introduced over fifty job creation bills since the beginning of the 112th Congress, launched a national jobs initiative, and provided nine job creation proposals targeting our nation's most vulnerable communities in this document.

We believe that through Creating, Protecting, and Rebuilding those who have suffered relentlessly from our country's great recession would be granted another chance at perusing the American dream.

We stand at a critical point in our nation's history. The time for bold action on jobs is now.

Every American has the right to be gainfully employed and CBC Members will not rest until there is equality in access to jobs and economic opportunity.

CURRENT EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

I know my friend from the Virgin Islands and I have differences on political issues, but she was very gracious to me personally and I will always be grateful, very grateful. Thank you.

We do differ on some of the issues. And hearing my friend across the aisle from Michigan (Mr. CLARKE), he wants what's best for his constituents. He wants them to have jobs. He wants them to have less taxes. He wants them to be able to revitalize their city. And that is what people want on both sides of the aisle. We just have a difference of opinion on the best way to go about it.

My friend from California said that the Tea Party really didn't want anything that will raise revenues. And I know she believes that, but the contrary is actually true. And what we have seen historically is, when you create jobs, even if the tax rate is lowered, if you do something that creates jobs, then the tax rate increases.

Some people have tried to vilify me because I'm advocating getting rid of a rather insidious—I sometimes think it is the most insidious tax we have because it has convinced rank-and-file folks across America that they don't have to pay this tax, some greedy, nasty corporation will pay the corporate tax, when the truth is the corporations are nothing but collection agents. If they don't collect the tax by adding on price to the cost of their product, to the price of their services, they don't stay in business. They're a collection agent. So the fact is, if you were to drop that tariff that we lay on our own products—it's a 35 percent tax. It's really a tariff. You eliminate that and jobs come rushing back into America.

The number one reason you get when you travel around the world—whether it's Africa, China. Others tell me from South America, Hey, we had to move because America has the highest corporate tax of any country in the world, 35 percent. China is 17 percent. So you lower that tariff that corporations have to collect on their goods, jobs would come flooding back, and we could see Detroit become the car capital that it once was and that it should be. We would see those jobs come back.

In first questioning CEOs overseas, the number one answer I would get on why they moved was too much regula-

tion. Well, that was a problem. Difficulty in dealing with unions or too high wages compared to what people get around the world, that was a problem.

□ 2110

It wasn't the number one problem. The number one problem was the 35 percent corporate tax, a tariff we put on all American-made goods.

I've had people who, apparently, with degrees, are educated beyond their abilities, say, but if you lowered or got rid of the corporate tax, where would all that tax money come from? Because they don't understand how jobs are created. They think that money, it's a zero sum balance. It just would go away, and there would be no more tax. We'd lose that much tax.

And, in fact, the liberal Congress that existed in 1974 when they set up CBO and set up their rules for scoring bills does not allow the Congressional Budget Office to score based on reality. They are forced to score under archaic, unrealistic rules that are not allowed to take into consideration past history in calculating future performance. Huge mistake. But the Democrats in charge in 1974 knew what they were doing.

So you drop that tax. And, like I've said, the American Jobs Act is my bill. After the President beat up on us for 6 days, and it became very obvious he was more concerned about making speeches about American Jobs Act than he was actually getting one filed and getting one pushed through, then I felt like, if he's going to criticize me and our friends here for not passing the American Jobs Act, by golly, there ought to be one. So I did file one, and that's what it does.

I'm negotiable. If the President would like to come up zero in corporate tax, I'm flexible. But the fact is, jobs would come rushing back into this country if the manufacturers, if the companies knew no corporate tariff is put on those products. They could compete around the world; we would retake the world.

I know there are people in this country, good folks, smart folks, that think we are better off as a service-oriented society in America, rather than a manufacturing society. The trouble with that is, and as I heard from people in West Africa last year, we're their hope for freedom. If we don't remain strong, as one elderly gentleman told me, they have no chance of enjoying freedom in this life.

Well, you can't be an international power and protect freedom, not here, not anywhere, unless you can produce the things that are needed in the event of war. That's why I'm an advocate for natural gas being used to power cars. We need to make sure it's safe, but it's cleaner burning.

Some people say, no, we've got to get cars that run on electricity. They don't

apparently realize that electricity has to be generated somewhere, and it's obvious that Solyndra's not going to be producing it for us. Maybe if we give them several trillion dollars instead of just 600 billion, maybe eventually they could come up with a product that would compete, but that hasn't happened.

So mistakes have been made. Mistakes get made on both sides of the aisle. Republicans made a mistake in '05 and '06, my freshman term here, and I have to say that our friends across the aisle rightfully beat up on us back in 2006 for spending \$160 billion more than we took in. We shouldn't have done that. And they promised they would get spending down under control and would not run a deficit like that if they were simply given the majority. They were for 4 years, and the spending went through the roof.

Republicans made a mistake by spending more than was coming in by \$160 billion. And then our friends across the aisle made a mistake over the last 4 years as they got that spending up over \$1 trillion, \$1.5 trillion more than we were bringing in. Major mistake.

But I want to spend the remainder of my time tonight in talking about another problem that we've had here in the United States and with the Federal Government. There's been a lot of talk the last few days about the death of Anwar al-Awlaki. And it is important to note the things that we were told in past years about Mr. Awlaki.

Pajamas Medium, that's a funny name, but Patrick Poole has done a good job doing some research on some of the old articles. For example, back in November of 2001 The Washington Post—let's see, I think they're going after our Governor from Texas right now.

Well, that same Washington Post had a wonderful blog back in November of 2001 and featured none other than Imam Anwar al-Awlaki. And he was allowed to use The Washington Post to try to convince people of what a man of peace he was. And you get the impression, certainly, The Washington Post said he was a good guy.

You can look back, again, November 19, 2001. And I printed this off of the Internet from The Washington Post. Understanding Ramadan, the Muslim month of fasting. And they featured Imam Anwar al-Awlaki.

Now, obviously, The Washington Post doesn't care much for the Governor of Texas, but they certainly had a great appreciation for the man that was killed recently, featuring him in their publication to explain things for us. And they featured him explaining that, about Ramadan. Isn't that wonderful that The Washington Post would reach out to someone who it turns out wanted to destroy America, our way of life, thought it was a good idea to kill

Americans, believed that actually it would be a good thing to bring down America. It was good The Washington Post would give him that much time because they're so open-minded, honorable people. So are they all, all honorable people, as Shakespeare had Mark Anthony saying.

All those folks at The Washington Post, they're honorable people. I mean, why else would they give their paper, their moniker, to a man that they judged to be a man of peace?

New York Times had a good article, October 19 of 2001, and they mentioned Imam Anwar al-Awlaki, spiritual leader at the Dar al-Hijrah mosque in Virginia, one of the Nation's largest, which draws about 3,000 worshippers for communal prayers each Friday.

"In the past we were oblivious. We didn't really care much because we never expected things to happen. Now I think things are different. What we might have tolerated in the past we won't tolerate anymore. There were some statements that were inflammatory and were considered just talk, but now we realize that talk can be taken seriously and acted upon in a violent, radical way," said Mr. Awlaki, who, at 30, is held up as a new generation of Muslim leader capable of merging East and West, born in New Mexico to parents from Yemen, who studied Islam in Yemen and civil engineering at Colorado State University.

So they featured what they believed to be a man of peace. And, certainly, The New York Times is full of honorable people. So are they all at The New York Times, all honorable people that had such nice things to say about the man who would destroy America.

Of course, Fox News published an article on May 20, 2011, that said:

With the recent death and, again, this was May of this year, of Osama bin Laden, the life of another al-Qaeda-linked radical Muslim cleric—well, that seems pretty hurtful of them, Fox News, to say about someone that The New York Times and The Washington Post thought so highly of. I'm sorry that Fox News was so mean to somebody that The Times and The Washington Post liked so much.

The article goes on:

Documents obtained exclusively by Fox News and its special unit shed new light on his stint as a guest speaker at the Pentagon just months after the September 11 terror attacks. American cleric Anwar al-Awlaki, the first American on the CIA's kill or capture list, which seems a little mean of the CIA. I mean, The Washington Post and The New York Times thought he was okay back in 2001.

□ 2120

Again, the article says:

American cleric Anwar al-Awlaki, the first American on the CIA's kill or capture list, is still considered a grave

threat to U.S. national security. He now is hiding out in Yemen, where earlier this month a U.S. missile attack tried to kill him and his followers.

The scene was much different on February 5, 2002, when the radical imam was invited to and attended the Pentagon event.

Fox News obtained new documents through a Free of Information Act request as part of a year-long investigation called "Fox News Reporting: Secrets of 9/11." An internal Department of Defense email that announced the event with Awlaki also laid out other details, like a proposed menu including pork, which is prohibited for Muslims. The email states "the chef will create something special for vegetarians."

The documents show that more than 70 people were copied on the invitation, which originated in the Defense Department's Office of the General Counsel. It is home to the Pentagon's top lawyer.

"I have reserved one of the executive dining rooms for February 5, which is the date he, Awlaki, preferred," a Defense Department lawyer wrote in the email announcing the event.

"He will be leaving for an extensive period of time on February 11."

The email states that New Mexico born al-Awlaki was the featured guest speaker on "Islam and Middle Eastern Politics and Culture."

The Defense Department lawyer who vetted the imam wrote that she "had the privilege of hearing one of Mr. Awlaki's presentations in November and was impressed by both the extent of his knowledge and by how he communicated that information and handled a hostile element in the audience."

The article goes on and points out that al-Awlaki, a dual U.S. and Yemeni national, was interviewed at least four times by the FBI in the first 8 days after September 11 because he had ties to the three hijackers involved. They were three of the five hijackers of American Airlines Flight 77, which was flown into the Pentagon. Apparently none of the FBI's information about Awlaki, his ties to the hijackers or his history of soliciting prostitutes, was shared with the Pentagon.

Another article published in Andrew Breitbart Presents Big Peace, November 9, 2010, points out that al-Awlaki was involved in the training of the Defense Department's Muslim chaplains and lay leaders as an instructor at the Institute for Islamic and Arabic Sciences in America, IIASA, in the Washington, D.C., area.

It goes on to say:

Controlled by the Saudi Embassy and operating under the kingdom's Ministry of Higher Education, the IIASA served as the branch campus of the al Imam Muhammad Ibn Saud Islamic University in Riyadh. The institute was certified to train the Pentagon's

Muslim chaplains until 2003. Many of the faculty members, who held diplomatic passports, had their visas revoked in January 2004, and the institute itself was raided by the FBI, Customs, and the IRS the following July.

It goes on to say:

Awlaki's role in the program was reported by Glenn Simpson at The Wall Street Journal back in December 2003 but hasn't been mentioned since. Writing about the IIASA's controversial role in the military chaplain program, Simpson noted:

"Anwar al-Awlaki, the former imam at a mosque in San Diego, also has lectured at the institute. A congressional report on September 11 released this July said Mr. Awlaki counseled two of the hijackers while they stayed in San Diego and then transferred to a mosque that both hijackers attended in northern Virginia shortly before the attacks. Mr. Awlaki, who is now believed to be in Yemen, has denied knowing of the hijackers' plans."

The article goes on:

More is now known about Awlaki's relationship with the 9/11 terror plot. Time magazine reported that the cleric held closed-door meetings with two of the hijackers in San Diego, and the pair followed Awlaki to the D.C. area when he moved there in early 2001. Hani Hanjour, who flew American Airlines Flight 77 into the Pentagon, joined them there. The three hijackers attended the Dar al-Hijrah mosque in Falls Church, Virginia, where Awlaki served as imam.

Well, isn't that interesting?

Also, a report, this is a Rewind: Anwar al-Awlaki leads prayers inside U.S. Capitol for congressional Muslim staffers.

This is from Pajamas Media:

Anwar al-Awlaki's appearance leading Friday afternoon prayers inside the U.S. Capitol following the 9/11 attacks. As Fox News later reported, Anwar al-Awlaki was not the only terror-tied al Qaeda cleric leading prayers for the Congressional Muslim Staff Association.

Then it goes on and points out that there is footage of Awlaki leading prayers for congressional Muslim staffers (which also included then-CAIR official and now convicted terror operative Randall "Ismail" Royer) shot for a PBS documentary called "Muhammad: Legacy of a Prophet."

Interesting stuff.

Of course, National Public Radio, that receives so much of our taxpayer money, reported November 1, 2001, that Awlaki was contrasted to Osama bin Laden as one of the, quote, moderates who want to solve the problems without violence, unquote, and someone who could, quote, build bridges between Islam and the West, unquote.

Interesting stuff. It just doesn't seem that we seem to learn our lessons very well.

We also know that this Attorney General not only had a Justice Department-involved, which obviously included ATF involvement in selling guns to criminals, Mexican drug cartels who we know killed at least one, and there may be others, but this Justice Department dropped the charges against the individuals and the groups that were named coconspirators in the Holy Hand Foundation trial that was tried in Dallas, Texas, first to a hung jury. As I understand, there was an 11-1 verdict. One person held up the verdict, so they tried it again, and the Bush administration's Justice Department intended if they got a conviction of the five people charged with aiding terrorism that they would then move forward. In fact, the Assistant U.S. Attorney involved filed pleadings with the court, the District Court in Dallas, Texas, the Federal Court, and also with the Fifth Circuit in New Orleans in response to some of those groups that were named coconspirators to supporting terrorist activity with money and basically said there's a *prima facie* case here. There's enough evidence to keep them in as named coconspirators.

The conviction occurred, I believe it was November of 2008, five defendants, 105 counts, as I recall. Then, rather than going forward as they should have based on the evidence, the stacks and stacks, the boxes and boxes of evidence, this Justice Department decided to drop the matter.

□ 2130

It's understandable given some of the relationships that are involved.

Of course, CAIR, mentioned in one of the articles, was one of the named coconspirators to financing terrorism in the Holy Land Foundation trial. We know that ISNA was one of the named coconspirators, the Islamic Society of North America, and the head of ISNA, Imam Magid. Actually, Imam Magid was the leader of a named codefendant in sponsoring terrorism in the Holy Land Foundation trial, which this administration refused to pursue further. Then we find out that Imam Magid, a year ago, was at the White House, leading the White House in the Iftar celebration at the conclusion of Ramadan.

Then, of course, we know that the second-highest person in the National Security Agency, Deputy National Security Advisor Denis McDonough, was invited and spoke, and thanked Imam Magid there for the wonderful prayers at the White House and also for the wonderful introduction. They have a wonderful relationship.

Well, isn't that special.

In the wake of Mr. Anwar al-Awlaki being killed in Yemen for his role in having declared war on the United States, I can't help but reflect back on something that sets our country apart. In a new democracy visited earlier this year, I had a leader there say, We're

constantly worried about the military trying to take over because we never had a George Washington who did what no one has ever done before or since: led the Revolution—a military revolution—won the Revolution, resigned, and gone home. Nobody has done it before or since. What a man.

In his resignation that was sent to the 13 Governors, Washington, at the end—and there's a painting of him tendering his resignation—included a prayer. He says in the prayer—and we have his own words, but I won't read the whole thing—"I now make it my earnest prayer that God would have you and the State over which you preside in His holy protection."

He goes on and says, "And finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with charity, humility and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy Nation."

"I have the honor to be, with great respect and esteem, Your excellency's most obedient and very humble servant, George Washington."

Mr. Speaker, in conclusion, I can't help but wonder if Mr. Al-Awlaki ever knew the divine author of our blessed religion, who George Washington says, "without an humble imitation of whose example in these things we can never hope to be a happy Nation."

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for Monday and Tuesday on account of official business in the district.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore Mr. HARRIS on Thursday, September 29, 2011:

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An act making continuing appropriations for fiscal year 2012, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 27, 2011 she presented to the President of the United States, for his approval, the following bills:

H.R. 2883. To amend part B of title IV of the Social Security Act to extend the child

and family services program through fiscal year 2016, and for other purposes;

H.R. 2646. To authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes; and

H.R. 2943. To extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

Karen L. Haas, Clerk of the House also reports that on September 29, 2011 she presented to the President of the United States, for his approval, the following bills:

H.R. 2017. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes; and

H.R. 2005. To reauthorize the Combating Autism Act of 2006.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 4, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3297. A letter from the Director, Program Development and Regulatory Analysis, Rural Utilities Service, transmitting the Service's final rule — Emergency Restoration Plan (ERP) (RIN: 0572-AC16) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3298. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-8191] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3299. A letter from the Director, Division of Regulations, Legislation, and Interpretation, Department of Labor, transmitting the Department's final rule — Nondisplacement of Qualified Workers Under Service Contracts (RIN: 1215-AB69; 1235-AA02) received August 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3300. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Rate Increase Disclosure and Review: Definitions of "Individual Market" and "Small Group Market" [CMS-9999-F] (RIN: 0938-AR26) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3301. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Effective Date of Requirement for Premarket Approval for Three Class III Preamendments

Devices [Docket No.: FDA-2010-N-0412] received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3302. A letter from the Regulatory and Policy Specialist, Department of the Interior, transmitting the Department's final rule — Indian Trust Management Reform-Implementation of Statutory Changes [Docket ID: BIA-2009-0001] (RIN: 1076-AF07) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3303. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 16, Framework Adjustment 44, and Framework Adjustment 45 [Docket No.: 100526226-1322-02] (RIN: 0648-AY95) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3304. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested [Docket No.: 110303179-1290-02] (RIN: 0648-XA632) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3305. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the 2011 Trimester 2 Directed Loligo Squid Fishery [Docket No.: 100804323-0569-02] (RIN: 0648-XA617) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3306. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2011 Winter II Quota [Docket No.: 101029427-0609-02] (RIN: 0648-XA555) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3307. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Reef Fish Fishery; 2011 Commercial Quota and 2011 Commercial Fishing Season for Greater Amberjack [Docket No.: 040205043-4043-01] (RIN: 0648-XA592) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3308. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fishery; Emergency Rule Extension, Revision of 2011 Butterfish Specifications [Docket No.: 110218149-1182-01] (RIN: 0648-BA86) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3309. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Modification of the Retention of Incidentally-Caught Highly Migratory Species in Atlantic Trawl Fisheries [Docket No.: 110112022-1262-02] (RIN: 0648-BA45) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3310. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA610) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3311. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA588) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3312. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA589) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3313. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Non-Sanbar Large Coastal Shark Research Fishery [Docket No.: 100622276-0569-02] (RIN: 0648-XA580) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3314. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Northern Area Trophy Fishery [Docket No.: 110210132-1275-02] (RIN: 0648-XA550) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3315. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA594) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3316. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Magnuson-Stevens Fishery Conservation and Management Act (MSA) Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 15 to Atlantic Sea Scallop Fishery Management Plan (Scallop FMP) [Docket No.: 110329229-1370-03] (RIN: 0648-BA71) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3317. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks within the Sector Boston Captain of the Port Zone [Docket No.: USCG-2011-0507] (RIN: 1625-AA00) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3318. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Houma Navigation Canal, from Waterway Mile Markers 19.0 to 20.0, Southwest of Bayou Plat, bank to bank, Terrebonne Parish, LA [Docket No.: USCG-2011-0523] (RIN: 1625-AA00) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3319. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety zone; San Diego POPS Fireworks, San Diego, CA [Docket No.: USCG-2011-0567] (RIN: 1625-AA00) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3320. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; July Fireworks Displays and Swim Events in the Captain of the Port New York Zone [Docket No.: USCG-2011-0565] (RIN: 1625-AA00; 1625-AA08) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3321. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Raritan River, Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No.: USCG-2010-1117] (RIN: 1625-AA09) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2011-0473; Directorate Identifier 2011-NM-019-AD; Amendment 39-16774; AD 2011-17-10] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Minor Editorial Corrections and Clarifications [Docket No.: PHMSA-2011-0134 (HM-244D)] (RIN: 2137-AE77) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services — 2011 Update [Docket No.: EP 542 (Sub-No. 19)] received September 1, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Deputy Assistant Secretary for Import Administration, Department of Commerce, transmitting the Department's final rule — Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule [Docket No.: 0612243022-1484-02] (RIN: 0625-AA66) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3326. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, Department of the Treasury, transmitting the Department's final rule — Rules of Origin for Imported Merchandise [USCBP-2007-0100] (RIN: 1515-AD53) (Formerly RIN: 1505-AB49) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3327. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election to Expense Certain Refineries [TD 9547] (RIN: 1545-BF05) received August 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3328. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Protecting the Public and Our Personnel to Ensure Operational Effectiveness [Docket No.: SSA-2011-0052] (RIN: 0960-AH35) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2838. A bill to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes; with an amendment (Rept. 112-229). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 418. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes (Rept. 112-230). Referred to the House Calendar.

Mr. NUGENT: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and providing for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes. (Rept. 112-231). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KLINE (for himself and Mr. PETERSON):

H.R. 3074. A bill to amend the Migratory Bird Treaty Act to delegate to States the authorities of the Secretary of the Interior under that Act with respect to cormorants, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of Georgia:

H.R. 3075. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McDERMOTT (for himself, Mr. PAULSEN, Mr. ELLISON, and Mr. TIBERI):

H.R. 3076. A bill to amend the Internal Revenue Code to qualify formerly homeless youth who are students for purposes of the low income housing tax credit; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina:

H.R. 3077. A bill to amend the Federal Deposit Insurance Act to ensure that customers have the right to immediately close any account at any insured depository institutions on demand, without cost to the consumer, that consumers receive any balance in their account immediately, and for other purposes; to the Committee on Financial Services.

By Mr. CANTOR (for himself and Mr. FARR) (both by request):

H.R. 3078. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. CANTOR (for himself and Mr. McDERMOTT) (both by request):

H.R. 3079. A bill to implement the United States-Panama Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. CANTOR (for himself and Mr. LEVIN) (both by request):

H.R. 3080. A bill to implement the United States-Korea Free Trade Agreement; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3081. A bill to authorize the use of certain rail relocation funding for high-speed rail projects; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Illinois (for himself and Mr. LIPINSKI):

H.R. 3082. A bill to provide a biennial budget for the United States Government, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself and Ms. ROS-LEHTINEN):

H.R. 3083. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY (for himself and Mr. DOLD):

H.R. 3084. A bill to authorize the Director of the Federal Housing Finance Agency to temporarily increase the conforming loan limits for Fannie Mae and Freddie Mac that

are applicable to high-cost sub-areas within counties; to the Committee on Financial Services.

By Mr. ROGERS of Kentucky:

H. Con. Res. 83. Concurrent resolution directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608; considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KLINE:

H.R. 3074.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 ("Commerce Clause"); Article I, Section 8, Clause 18 ("Necessary and Proper Clause"); and Article II, Section 2, Clause 2 ("Treaties") of the United States Constitution.

By Mr. BROWN of Georgia:

H.R. 3075.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress); and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. McDERMOTT:

H.R. 3076.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MILLER of North Carolina:

H.R. 3077.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8.

By Mr. CANTOR:

H.R. 3078.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (the power to lay and collect duties and imposts) and Article I, Section 8, Clause 3 (the power to regulate commerce with foreign nations).

By Mr. CANTOR:

H.R. 3079.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (the power to lay and collect duties and imposts) and Article I, Section 8, Clause 3 (the power to regulate commerce with foreign nations).

By Mr. CANTOR:

H.R. 3080.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (the power to lay and collect duties and imposts) and Article I, Section 8, Clause 3 (the power to regulate commerce with foreign nations).

By Mr. JOHNSON of Illinois:

H.R. 3081.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 6

No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another

By Mr. JOHNSON of Illinois:

H.R. 3082.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 8, Clause 1 of the U.S. Constitution

By Mr. McDERMOTT:

H.R. 3083.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 7 (All Bills for raising Revenue shall originate in the House of Representatives)

By Mr. QUIGLEY:

H.R. 3084.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. HARPER.

H.R. 100: Mr. HENSARLING, Mr. WESTMORELAND, Mr. LAMBORN, and Mr. DUNCAN of Tennessee.

H.R. 104: Mr. DAVID SCOTT of Georgia.

H.R. 198: Mr. LIPINSKI and Ms. KAPTUR.

H.R. 374: Mr. WALSH of Illinois.

H.R. 412: Mr. GIBSON.

H.R. 420: Mr. CAMP.

H.R. 422: Ms. FUDGE.

H.R. 466: Mr. FRELINGHUYSEN.

H.R. 530: Ms. LEE of California.

H.R. 639: Mr. AKIN, Mr. BROOKS, Mr. COOPER, Mr. GIBSON, Mr. HIMES, Mr. HOYER, Mr. JOHNSON of Illinois, Mr. KELLY, Ms. LEE of California, Mr. LUJÁN, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SCHWARTZ, Ms. SEWELL, and Ms. WATERS.

H.R. 674: Mr. MATHESON, Mr. LABRADOR, Mr. CONAWAY, Mr. JOHNSON of Illinois, Mr. CRENSHAW, and Mr. BILIRAKIS.

H.R. 675: Mr. LIPINSKI.

H.R. 679: Ms. KAPTUR and Ms. RICHARDSON.

H.R. 708: Mr. BARROW.

H.R. 711: Ms. NORTON and Mr. BLUMENAUER.

H.R. 721: Mr. MCGOVERN.

H.R. 724: Ms. HOCHUL.

H.R. 733: Mr. BILBRAY.

H.R. 735: Mr. WOODALL and Mr. DENHAM.

H.R. 816: Mr. ROE of Tennessee.

H.R. 854: Ms. KAPTUR and Mrs. MCCARTHY of New York.

H.R. 886: Mr. ROE of Tennessee and Mr. NUNNELEE.

H.R. 920: Ms. FOXX and Mr. PALAZZO.

H.R. 926: Ms. RICHARDSON.

H.R. 959: Mr. OWENS and Mr. KEATING.

H.R. 1005: Mr. GERLACH.

H.R. 1041: Mrs. SCHMIDT, Mr. OLVER, and Ms. WASSERMAN SCHULTZ.

H.R. 1042: Mr. McKEON.

H.R. 1116: Mr. DOGETT and Mr. RUSH.

H.R. 1206: Mr. TIPTON.

H.R. 1259: Mr. WOLF.

H.R. 1262: Mr. AL GREEN of Texas.

H.R. 1267: Mr. CUMMINGS.

H.R. 1340: Mr. McCLINTOCK and Mr.

KINZINGER of Illinois.

H.R. 1351: Mr. FALEOMAVAEGA and Ms.

PELOSI.

H.R. 1385: Mr. STARK.

H.R. 1386: Mr. LOEBACK and Mr. LONG.

H.R. 1397: Mr. HOLDEN.

H.R. 1418: Mr. CLAY and Mr. ROTHMAN of New Jersey.

H.R. 1467: Mr. KINZINGER of Illinois.

H.R. 1509: Mr. ROSKAM.

H.R. 1528: Ms. BORDALLO.

H.R. 1537: Mr. PETERS.

H.R. 1558: Mr. CHABOT, Mr. FINCHER, Mr.

AKIN, and Mr. HARRIS.

H.R. 1571: Mr. BENISHEK.

H.R. 1639: Mr. RANGEL.

H.R. 1653: Mr. SESSIONS, Mr. KLINE, Mr.

BACA, Mr. ALEXANDER, Mr. WESTMORELAND,

Mr. COLE, Mr. POMPEO, and Mr. REICHERT.

H.R. 1733: Mrs. NAPOLITANO and Mr. MORAN.

H.R. 1738: Mr. RUNYAN and Mr. MCCOTTER.

H.R. 1739: Mr. BASS of New Hampshire.

H.R. 1744: Mr. BONNER and Mr. AKIN.

H.R. 1747: Ms. JENKINS and Mr. COSTA.

H.R. 1756: Mr. LATHAM.

H.R. 1842: Mr. SMITH of Washington.

H.R. 1845: Mr. SMITH of Washington.

H.R. 1848: Mr. TERRY.

H.R. 1965: Mr. CLAY.

H.R. 1968: Mr. OWENS and Mr. CONNOLLY of Virginia.

H.R. 1970: Ms. KAPTUR.

H.R. 1995: Mr. PRICE of North Carolina.

H.R. 2016: Mr. FRANK of Massachusetts.

H.R. 2026: Mr. COHEN.

H.R. 2033: Mr. TOWNS and Mr. GENE GREEN of Texas.

H.R. 2059: Mr. CRAVAACK, Mr. BACHUS, Mr.

MCCOTTER, Mr. AKIN, Mr. CRAWFORD, Mr.

SHUSTER, Mr. KELLY, Mr. FRANKS of Arizona,

Mr. COFFMAN of Colorado, Mr. ROSS of Florida,

Mr. FORTENBERRY, and Mr. NUNNELEE.

H.R. 2088: Mr. SMITH of Washington, Mr.

CICILLINE, Mr. QUIGLEY and Mr. SHERMAN.

H.R. 2090: Mr. MANZULLO.

H.R. 2094: Ms. HERRERA BEUTLER.

H.R. 2131: Mr. SHUSTER.

H.R. 2137: Mr. BUCHSHON.

H.R. 2139: Mr. FRANK of Massachusetts, Mr.

GUINTA, Mr. COSTELLO, Mr. CONNOLLY of Vir-

ginia, Mr. RICHMOND, and Mr. BENISHEK.

H.R. 2182: Mr. MURPHY of Connecticut.

H.R. 2198: Mr. BRALEY of Iowa.

H.R. 2237: Mr. HASTINGS of Florida.

H.R. 2245: Mr. NADLER, Mr. LIPINSKI, Mr.

HINCHEY, Mr. ROTHMAN of New Jersey, and

Mr. LOEBACK.

H.R. 2247: Mr. CARNAHAN.

H.R. 2268: Mr. MORAN.

H.R. 2315: Ms. SCHAKOWSKY.

H.R. 2342: Mr. LoBIONDO and Mr. CONNOLLY of Virginia.

H.R. 2357: Ms. RICHARDSON.

H.R. 2364: Mr. LEWIS of Georgia.

H.R. 2381: Mr. MICHAUD.

H.R. 2446: Ms. MOORE and Mr. LATHAM.

H.R. 2447: Mr. CAPUANO, Mr. CONYERS, Mr.

COSTA, and Mr. HUNTER.

H.R. 2466: Mr. POE of Texas.

H.R. 2471: Mr. QUAYLE and Ms. ESHOO.

H.R. 2479: Mr. CONYERS.

H.R. 2485: Mr. LATHAM.

H.R. 2492: Mr. PERLMUTTER and Ms. BERKLEY.

H.R. 2497: Mr. MANZULLO.

H.R. 2502: Mr. GIBBS and Mr. HANNA.

H.R. 2505: Ms. KAPTUR, Mr. MICHAUD, and

Mr. TOWNS.

H.R. 2514: Mr. NUNNELEE and Mr.

SCHWEIKERT.

H.R. 2518: Mr. VISCLOSKEY.

H.R. 2541: Mr. ROGERS of Alabama, Mr.

WESTMORELAND, Mr. LABRADOR, and Mr.

DUFFY.

H.R. 2567: Mr. CONYERS.

H.R. 2580: Ms. HOCHUL.

H.R. 2617: Mr. FALEOMAVAEGA.

H.R. 2679: Ms. NORTON.

H.R. 2728: Mr. BLUMENAUER.

H.R. 2814: Mr. STARK.

H.R. 2815: Mr. FORTENBERRY.

H.R. 2840: Mr. COOPER.

H.R. 2842: Mr. McCLINTOCK.

H.R. 2874: Mr. LANDRY.

H.R. 2888: Mr. SCHRADER.

H.R. 2900: Mr. MCCOTTER and Mr. GENE

GREEN of Texas.

H.R. 2911: Mrs. MYRICK.

H.R. 2918: Mr. MCCOTTER, Ms. BERKLEY, Mr.

WESTMORELAND, and Mr. ROSS of Florida.

H.R. 2926: Mr. DUNCAN of South Carolina.

H.R. 2951: Mr. LANDRY.

H.R. 2954: Mr. STARK.

H.R. 2956: Mr. BACA and Mr. GRIJALVA.

H.R. 2966: Ms. RICHARDSON.

H.R. 2982: Mr. INSLEE, Ms. SLAUGHTER, Mr.

CROWLEY, and Mr. MURPHY of Connecticut.

H.R. 2985: Ms. BORDALLO, Mrs. EMERSON,

Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr.

GINGREY of Georgia, Mr. JONES, Mr. SMITH of

Washington, and Mr. KING of New York.

H.R. 3000: Mr. ROE of Tennessee.

H.R. 3014: Ms. RICHARDSON.

H.R. 3039: Mr. ROSKAM, Mr. FARR, Mr. BON-

NER, and Mr. GRIMM.

H.R. 3059: Ms. CASTOR of Florida, Mr. CON-

NOLLY of Virginia, and Mrs. BLACKBURN.

H.R. 3060: Ms. FUDGE and Mrs.

CHRISTENSEN.

H.R. 3065: Mr. DANIEL E. LUNGREN of Cali-

fornia, Mr. SIMPSON, and Mr. COFFMAN of

Colorado.

H.J. Res. 45: Mr. HURT.

H.J. Res. 69: Mr. HOYER.

H.J. Res. 73: Mr. NUNNELEE.

H.J. Res. 78: Mr. FILNER, Ms. ROYBAL-

ALLARD, Ms. JACKSON LEE of Texas, and Mr.

MORAN.

H. Con. Res. 72: Ms. EDWARDS.

H. Res. 137: Mr. CONYERS.

H. Res. 177: Mr. BERMAN.

H. Res. 380: Mr. QUIGLEY.

H. Res. 385: Ms. ROYBAL-ALLARD.

H. Res. 397: Ms. LINDA T. SANCHEZ of Cali-

fornia, Mr. BLUMENAUER, Mr. BOSWELL, Mr.

SIREN, Ms. NORTON, Ms. SCHAKOWSKY, Mrs.

CHRISTENSEN, Mr. CLAY, and Mr. STARK.

H. Res. 416: Mr. BURTON of Indiana.

EXTENSIONS OF REMARKS

CONGRATULATING TAIWAN ON ITS CENTENNIAL

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. RYAN of Ohio. Mr. Speaker, on the occasion of its Centennial National Day on October 10, 2011, I wish to extend to the Republic of China (Taiwan) my sincerest congratulations and best wishes.

Taiwan has been a staunch ally of the United States and demonstrates that friendship in myriad ways, ranging from the healthy trade relationship we share to education and even popular culture. For example, Taiwan regularly sends its agricultural procurement mission to purchase U.S. products. Taiwan's mission, currently visiting the United States, plans to purchase more than \$5.6 billion in wheat, corn, soybean and other agricultural products. For its defense needs, Taiwan seeks to purchase advanced weapons from us, including F-16s fighters and possibly submarines in the future. Further, our Taiwanese friends have long appreciated many facets of U.S. culture, to include our system of education, our democratic values and even our regional culinary traditions. We return that admiration in kind and are proud to share so many cultural and political values with the people of Taiwan.

The Republic of China is a shining example of a democratic, open society in the region. The advancements and development achieved over the last century are laudable and, for these reasons, I offer heartfelt congratulations on this very special occasion.

WEST CHESTER B. REED HENDERSON HIGH SCHOOL CLASS OF 1966—VETERANS OF U.S. ARMED FORCES

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. MEEHAN. Mr. Speaker, I would like to honor graduates of West Chester B. Reed Henderson High School Class of 1966 whom served in our Armed Forces. These individuals served the United States honorably and proudly and I commend their service. The following are the names of those individuals:

Charles B. Spadoni. 1st Lieutenant. Army
Jon H. Barber. Lieutenant Colonel. Army
Raymond C. Carr. E-4 PFC. National Guard
Stephen C. Cottrell. E-4 Sgt. Air Force
Maria Cottrell. Sergeant. Air Force
Brad Johnson. 2nd Class Quartermaster. Navy
David E. Haring. E-5 Sergeant. Army

S. Kurt Hettel. E-7 Specialist. USA Reserve
Ronald F. Hoopes. E-4 Specialist. Army
Gary V. Jamison. E-4 3rd Class Petty Officer. Navy
Harry C. Jamison III. E-5 Specialist. Army
Ernst W. Jordan, Jr. E-4 Petty Officer 3rd Class. Navy
Walter S. Mitchell. E-4 Specialist. Army
W. Eric Pederson. Lieutenant Colonel. Army
Arnold S. Hughes. Army
Thomas D. Rodgers. E-4 Petty Officer. Navy

David A. Salvesson. Lieutenant Commander. Navy
George M. Smith. E-4 Specialist. Army
Frederick W. Waldbuesser. E-4 Specialist
Harry J. Cabot. E-4. Air Force
Joseph R. Skovrinski. E-5 2nd Class Petty Officer. Navy
Nicholas Ranalli. E-5 Sergeant. Army
Robert J. Dehaven. E-5 2nd Class Petty Officer. Navy
Ernst Tallington. Sergeant. Air Force
John J. Higham. E-5 Specialist. Army
Clifford R. Angry. E-5 Sergeant. Air Force
Terry Neilon. Colonel. Army

IN HONOR OF MR. JACOB NASH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Jacob Nash who is being awarded the Stephanie Tubbs Jones Freedom Award at the Cleveland Stonewall Democrats' Freedom Fund Reception on September 26, 2011.

The Cleveland Stonewall Democrats is one of more than ninety chapters of the National Stonewall Democrats throughout the country. They are a grassroots movement devoted to securing equal rights for all people, regardless of sexual orientation or gender identity.

Mr. Nash earned a Masters in Psychology, specializing in diversity management, from Cleveland State University. For the past decade, he has worked as an independent trainer and consultant specialist in transgender and diversity issues. He has trained politicians, social workers and medical professionals on caring for and respecting transgender people. Mr. Nash is currently working for the Ohio Department of Children and Family Services and previously worked as the Executive Director for Transfamily of Cleveland.

Mr. Nash became an active activist in 2002, after fighting for and winning the right to marry Erin. Over the past several years, Mr. Nash has traveled across the Midwest speaking with legislators regarding civil rights legislation. He has worked closely with the cities of Cleveland and Akron as they developed their 2009 non-discrimination policies. Mr. Nash is also active

with Equality Ohio, TransOhio, the LGBT Center of Greater Cleveland, Human Rights Campaign, the National Center for Transgender Equality and the Cleveland Stonewall Democrats.

Mr. Speaker and colleagues, please join me in congratulating Mr. Jacob Nash on the occasion of being honored with the Cleveland Stonewall Democrats' Stephanie Tubbs Jones Freedom Award.

HONORING THE JOHN BASILONE MEMORIAL PARADE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the organizers of the John Basilone Memorial Parade which takes place in Somerset County, New Jersey. This year they celebrate 30 years of remembrance for an American hero.

Gunnery Sergeant John Basilone was awarded the Congressional Medal of Honor for his valiant efforts at the Battle of Guadalcanal on October 24, 1942. After his 15-man unit was reduced to himself and two others by Japanese forces, Gunnery Sgt. Basilone took command of two sections of machine guns and bravely fought for 48 hours with his two fellow Marines. When ammunition became scarce, he battled through enemy grounds to gather more. And, by the end of the fight, the Japanese troops were nearly destroyed.

Upon his return to his hometown in the Borough of Raritan, New Jersey, Gunnery Sgt. Basilone was welcomed home with a parade held in his honor on September 21, 1943. The first parade was covered by both Life magazine and the Fox Movietone News. The Newsreel was then shown in movie theatres throughout the country.

Tragically, after requesting to return to the fleet, Gunnery Sgt. Basilone lost his life during the invasion of Iwo Jima on February 19, 1945. For his duty in Iwo Jima, Sgt. Basilone posthumously received the Navy Cross, becoming the only Marine enlisted in World War II to receive both the Medal of Honor and the Navy Cross.

Sgt. Basilone's memory was not forgotten in his hometown, and in 1981, the John Basilone Memorial Parade began and is now in its 30th year. Every September, the Borough of Raritan and neighboring communities come together to not only remember our fallen war hero, but to honor our military and unite as a community. The John Basilone Parade is more than just a parade, it is an opportunity for Americans to come together and celebrate the freedoms we share and those who fight to protect them.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the organizers of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

John Basilone Memorial Parade for honoring not only one American hero, but all those who fight for our country.

IN HONOR OF MR. TIMOTHY
DOWNING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Timothy Downing who is being awarded the 2011 Cleveland Stonewall Democrats Leadership Award at the Cleveland Stonewall Democrats' Freedom Fund Reception on September 26, 2011.

The Cleveland Stonewall Democrats is one of more than ninety chapters of the National Stonewall Democrats throughout the country. They are a grassroots movement devoted to securing equal rights for all people, regardless of sexual orientation or gender identity.

Mr. Downing graduated with his undergraduate degree from Allegheny College in 1985 and earned his Juris Doctor degree in 1988 from Cleveland's Case Western Reserve University. He began his career in Pittsburgh, Pennsylvania at the law firm of Rose, Schmidt, Hasley and Disalle. For the past 23 years Mr. Downing has been co-chair of the Diversity and Inclusion Committee of the Cleveland law firm Ulmer & Berne LLP, where he is also a partner. Mr. Downing is an active member of the American, Ohio State, and Cleveland Bar Associations' Labor & Employment Sections/Committees. He has also served as the chair of the Financial Committee for Ohio's Local Government Reform and Collaboration Commission for 18 months under former Governor Strickland. Mr. Downing has been recognized throughout his career; he was named a "Super Lawyer" by Cincinnati Law & Politics magazine and a "Leading Lawyer" by Inside Business magazine for the past 10 consecutive years.

In addition to his career, Mr. Downing is also an outspoken activist and advocate for the LGBT community. He founded Equality Ohio, an organization dedicated to "an Ohio where everyone feels home; living in families and communities where equality, diversity and inclusiveness are universally valued; and where government protects all people and responds to their needs, regardless of sexual orientation and gender identity or expression." Mr. Downing is currently the co-chair of the Board of Directors for the Human Rights Campaign (HRC), the nation's largest LGBT civil rights and education organization.

Mr. Speaker and colleagues, please join me in congratulating Mr. Timothy Downing on the occasion of being honored with the 2011 Cleveland Stonewall Democrats Leadership Award.

HONORING THE LEAGUE OF
WOMEN VOTERS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the League of Women Voters of Oakland, who are celebrating 100 years of women voting in California, starting with the historic and narrowly won California state referendum and the first California Civic League, Berkeley Forum led by Miss Blanche Morse in 1911. It is an immense honor to represent Bay Area communities who have truly been at the forefront of a century's worth of major achievements in social justice.

Over the years, the League of Women Voters of Oakland, as well as its sister leagues in Berkeley/Albany/Emeryville, Piedmont and the surrounding Bay Area, have worked tirelessly to advocate, educate and champion citizens' informed and active participation in government and civic affairs.

An expansive and well-organized network of committed chapters, over 4,000 members in 21 local Leagues comprise the League of Women Voters of the Bay Area (LWVBA), which took shape in 1959. On a national scale, the League of Women Voters of the United States (LWVUS) was founded during the 1920 convention of the National American Woman Suffrage Association, held just 6 months before the 19th amendment was ratified. Thus, after a 72-year struggle, the U.S. Constitution finally reflected what women in the Bay Area and California had fought to achieve a decade earlier.

As members of the League of Women Voters, you are part of a magnificent legacy. Additionally, you have pledged to continue to be the kind of bold pioneers and astute advocates who led us to this point. Therefore, I would like to thank you for your dedicated service in guiding and encouraging our community toward civic engagement.

Moreover, the League has flexed its power in shaping public policy through the strength of its grassroots organization and by maintaining its important stance of non-partisanship. For example, the Oakland chapter has been a major advocate for ranked choice voting, quality education and accessible housing. Likewise, the Berkeley, Albany, Emeryville chapter has worked extensively on advocating for fair housing and the promotion of social resources, including mental health, education, juvenile justice and senior services. And, the Piedmont chapter holds positions in the areas of social policy, diversity and natural resources, to name a few.

On behalf of the residents of California's 9th Congressional District, I would like to congratulate you on this milestone and thank you for the invaluable service you provide to our community. I wish the League of Women Voters' local, state and national members all the best as you forge ahead toward another 100 years of protecting the rights of voters, promoting sound policy and creating a more just and peaceful world.

IN RECOGNITION OF ALBANY
TECHNICAL COLLEGE'S 50TH AN-
NIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. BISHOP of Georgia. Mr. Speaker, it is my great honor to extend a heartfelt congratulations to the administration, faculty, students, alumni and supporters of Albany Technical College, as this institution celebrates 50 years of providing vocational and technical training to thousands of Georgia residents. This learning center commemorates its 50th anniversary on Friday, September 30, 2011, with a gala at the Phoebe Towers North in Albany, Georgia. This widely attended gala will enable local dignitaries, prospective students, past graduates and other individuals from southwest Georgia to pay tribute to an institution that has positively contributed to Albany, Georgia's economic development and mercantile maturation over the last half century.

Founded in 1961, Albany Tech was originally established as the Monroe Area Vocational-Technical School. Shortly thereafter, the Albany Area Vocational-Technical School was built, and in 1972 the two schools merged to form a comprehensive and thriving educational cooperative. In 1988, the school continued its ongoing transformational advancement through its affiliation with the Georgia Department of Technical and Adult Education (DTAE) and the Technical College System of Georgia. This worthwhile partnership, allowed Albany Tech to expand its outreach initiatives by providing technical training opportunities to the residents, businesses and industries within a seven-county service delivery area. These counties include Baker, Calhoun, Clay, Dougherty, Lee, Randolph and Terrell.

Today, Albany Tech has adult learning centers in all seven of its service delivery counties. The college has more than 3,000 full-time students and another 2,500 are enrolled part-time in seminars, continuing education courses, teleconferences and customized business training programs.

As a member of the Technical College System of Georgia, Albany Tech provides vocational training support services for the thousands of non-traditional students, employees and industries that make-up southwest Georgia's expansive and ever evolving economic landscape. To accomplish this mission, the college utilizes traditional and distance learning methods. Specifically, the institution offers a wide-range of technical certificates that prepare students for employment opportunities in the fields of information technology, culinary arts, aeronautics, airplane construction, electronics, health care and other leading industrial careers.

I would also like to take this opportunity to pay tribute to Albany Tech's current President, Dr. Anthony Parker, for his outstanding leadership in promoting and advancing this training institution's many outstanding vocational services. Southwest Georgians will forever be indebted to Dr. Parker and his well-respected predecessor, Nathaniel Cross, for all they have done to make Albany Tech a more accessible and highly resourceful training facility

for the many individuals and industries that rely on the school's key services.

Dr. Parker, his predecessors, and the Board of Directors should all be commended for their contributions in making Albany Tech a vital part of our local communities.

For years, the administration, faculty and alumni of Albany Technical College have been steadfastly dedicated and fully committed to implementing training programs designed to advance the economic development needs of southwest Georgia's workforce, small business community and corporations.

Due to this institution's diligent work and extraordinary efforts, employees, entrepreneurs and business owners throughout southwest Georgia have enjoyed continued success. In addressing the economic needs of hard-working Georgians through the expansive availability of strong vocational training programs, Albany Tech has facilitated our community's abilities to better respond to and meet the civic needs of our local residents.

Mr. Speaker, in closing I ask that my colleagues join me in expressing our collective and profound gratitude to the faculty, staff, alumni and supporters of Albany Technical College for all they have done to improve the quality of life for the residents of Georgia's Second Congressional District.

IN HONOR OF SERGEANT LOUIS J. MACHOVEC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Sergeant Louis J. Machovec, an iconic police officer from the Cleveland Police Department (CPD), as he celebrates his 100th birthday on September 29, 2011.

Sgt. Machovec was born on September 29, 1911 in Cleveland's North Broadway neighborhood. He was one of three sons born to Jan and Anna Machovec, immigrants from Bohemia, Czechoslovakia. He attended Our Lady of Lourdes school and later graduated from Thomas Edison High School. After high school, during the Great Depression, Louis worked various jobs including working as groundskeeper at Lakeview Cemetery, in a railroad boiler factory and as a Cleveland taxi driver.

In 1937, Sgt. Machovec took the qualifying test to become a Cleveland police officer. After Eliot Ness became the city's Safety Director, the entire police force was given the exam again. Sgt. Machovec scored sixth out of more than 800 applicants and was asked to become a member of the first Cleveland Police Academy Class. After working on accident prevention for a short time, Sgt. Machovec was asked to join in the investigation of the Kingsbury Run murders; the Cleveland Torso Murderer was never caught.

He worked in various departments, ultimately joining the CPD's communications division. He worked as the voice of the Cleveland Police Department for many years, through the 1950 Thanksgiving snowstorm and the Hough Riots in the 1960s. Later, Sgt.

Machovec ran the police internal telephone exchange and bank alarm departments until his retirement. He served with the Cleveland Police Department for 39 years.

Following his retirement, Sgt. Machovec moved to Solon, Ohio to be closer to his wife, Margaret, and their daughters, Mary Lou and Margaret. Today, he enjoys spending time with his children and grandchildren and still wears his grey CPD shirt.

Mr. Speaker and colleagues, please join me in wishing Sgt. Louis Machovec a very happy 100th birthday and thanking him for his dedicated service with the Cleveland Police Department.

COMMEMORATING REVEREND
WILLIE G. DIXON

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Ms. CASTOR of Florida. Mr. Speaker, in recognition of his 80th birthday milestone, I rise to commend the inspirational leadership of Reverend Willie G. Dixon. Reverend Dixon is a wonderful example of how a local leader can help shape future generations and make a difference in their community. Reverend Dixon's accomplishments are worthy of recognition by the entire Tampa community.

A native of Tampa, Florida, Reverend Dixon entered the Air Force upon completion of high school. After serving our country, Dixon was honorably discharged and enrolled at Tennessee State University where he received a Bachelor of Science in Music Education. He then moved back to the Tampa area, where he was employed by the Hillsborough County School Board as an elementary school music teacher and band director for six years.

Reverend Dixon then went on to pursue a career helping ex-offenders at the Zephyrhills Correctional Institution. As an ex-offender placement specialist, Dixon assisted inmates preparing for release and later served in the same capacity at Pasco-Hernando Community College. While employed in this career, he continued to work in area school systems until his retirement from the Sarasota County School System in 1991.

While teaching in Hillsborough and Sarasota County, Reverend Dixon realized that a large percentage of his students were African American repeat offenders who were unable to gain reentry into society financially and socially. Dixon developed a strong desire to help these youths that experienced difficulty getting back on track after release due to a number of factors such as broken homes, various types of abuse and lack of education.

In response to this calling, Dixon formed COACH Foundation, Inc. and the COACH Faith Based Ministry. COACH Foundation, Inc. has numerous programs that help inmates make a smooth transition into society and become productive citizens. These programs include after-school programs, job training, counseling, affordable home-ownership as well as many other services that benefit the community. Reverend Dixon's individual efforts continue to touch lives with his partnership

with the Abe Brown Prison Ministry and weekly bible study with inmates at the Zephyrhills Correctional Institution.

The Tampa Community is proud to recognize Reverend Willie G. Dixon for his efforts and outstanding contributions towards educating and guiding youth in Tampa. Reverend Dixon's determination and commitment to improving the lives of others have made him an inspirational community leader. I ask that you and all Americans recognize such a remarkable citizen for his service to our community.

CELEBRATING GANDHI JAYANTI,
INDIA'S NATIONAL HOLIDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. CROWLEY. Mr. Speaker, it is my privilege and honor to offer my best wishes to the millions of Indian-Americans and to Indians around the globe on this Gandhi Jayanti, India's national holiday celebrating the birth of Mohandas Gandhi.

Political prisoner, freedom fighter, father of a nation—Gandhi shaped modern India and has continued to shape the world we live in by inspiring some of the greatest leaders of our time. A champion for the rights of all people, he fought apartheid in South Africa, colonial rule in India, and oppression and injustice in all its guises. In doing so, he has inspired our world's greatest leaders from Nelson Mandela to Cesar Chavez, Aung San Suu Kyi and Dr. Martin Luther King, Jr.

It was Dr. King who once said he owed his inspiration to fight injustice to God and his method—nonviolent resistance—to Gandhi. The American civil rights movement, from lunch counter sit-ins to the Montgomery County bus boycott, was influenced by Gandhi's foundational principle of Satyagraha, or non-violent civil disobedience.

Today, modern India is a leader as the world's largest democracy, among the world's largest economies, and as our close friend and ally. The U.S.-India friendship remains a growing and essential part of U.S. foreign policy, and working together our two countries are a powerful force for positive change in the region and in the world.

On this day, I join the Indian-American community and friends around the globe to remember and celebrate the life of this fearless man who led a nation to gain independence for his people from the British Empire. Gandhi's life was a testament to invincibility of truth over injustice. As he said, "When I despair, I remember that all through history the way of truth and love has always won. There have been tyrants and murderers and for a time they seem invincible, but in the end, they always fall. Think of it, always."

IN HONOR OF MRS. BARBARA J.
DANIEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Barbara Daniel who is being inducted into the West Tech High School Hall of Fame by the West Tech Alumni Association.

Barbara graduated from West Tech High School in 1962. At the age of 40, Barbara enrolled at Cleveland State University, where she earned a Bachelor of Arts in 1999. Several years later, she earned her Master's Degree in English. Barbara spent 25 years in the financial services industry supporting insurance agents and financial planners. In 2001, she established Insurance Resources, and worked as a financial consultant to insurance agencies. During her career in the financial sector, Barbara served as the President of the National Association of Insurance & Financial Advisors. In 2004, Barbara changed careers and became the owner, publisher and editor of The Cleveland Women's Journal—East Edition. The mission of the magazine is "to empower women through knowledge."

In addition to her career, Barbara has been an active member of her community. She served as president of the Women's City Club from 2003 until 2006. Barbara is currently a member of the National Association of Women Business Owners, the League of Women Voters, Women in Networking, Working Women Connection, the YWCA, the American Advertising Federation, the American Marketing Association. She is also the secretary of the Dancing Wheels Board of Directors and serves on the Board of Directors for the Beachwood Chamber of Commerce.

Because of her work ethic and dedication to her community, Barbara has received several awards. In 1994, Barbara received Valmark Securities' "Excellence is the Exceptional Drive to Exceed Expectations" award. She has also been awarded the Women's City Club Elsa Pavlik award in 2003 and was a finalist for Inside Business magazine's Athena Award in 2005.

Mr. Speaker and colleagues, please join me in congratulating Mrs. Barbara Daniel for being honored by West Tech Alumni Association and being named to the West Tech High School Hall of Fame.

HONORING DAVID MARING

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to recognize the long and distinguished career of Principal David Maring. This summer, Mr. Maring retired after 46 years of dedication to education and academic excellence as a teacher and principal of Pilgrim Lutheran School in the 5th Congressional District of Chicago.

Mr. Maring began his long and respected career in education by joining Pilgrim Lutheran

School as a teacher in 1965. After six years of excellent service he became principal of Pilgrim Lutheran.

As a principal, Mr. Maring was so dedicated to his profession that he made the extra effort to know every student by name. He inspired his staff to become the best teachers they could be in order to provide an excellent education for their students. He sought to provide a progressive education to nourish the students in both spirit and mind. Mr. Maring never fully left the classroom, and he continued to teach math and physical education and coach sports teams throughout his tenure.

Mr. Maring's dedication to his profession, his exceptional wisdom and leadership ensure his lasting place in the hearts of generations of Pilgrim students, faculty, and the Ravenswood community at large. Mr. Maring is the embodiment of the Pilgrim Lutheran motto: "Academic Excellence with a Heart."

Mr. Speaker, I ask my colleagues to join me in recognizing David Maring and his extraordinary career, and to thank him for his many contributions to the Pilgrim Lutheran School, his students, and the community.

**HONORING STEVENSON-D'ALESSIO
AMERICAN LEGION POST 12**

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Stevenson-D'Alessio American Legion Post 12, located in the Borough of Somerville, Somerset County, New Jersey, on the occasion of its 90th anniversary.

In 1919, Congress chartered the American Legion as a patriotic, mutual help, war-time veterans organization; a group of veterans who established a community-service organization which now numbers nearly 3 million members. Later that same year, a small group of World War I veterans in Somerville, New Jersey decided to establish an American Legion post of their own.

The group decided to name their post in honor of one of Somerville's first residents, United States Army Sergeant John Roland Stevenson, who was killed in action in France in 1918. Stevenson Post 12, American Legion received its charter on April 1, 1921, making it the 12th post in the State of New Jersey.

Until the late 1930s, members met anywhere they could, but soon rallied together to raise money and purchase land to erect their Post home. Construction began in 1939. Through the generosity of friends and neighbors, the building was complete after six years of long volunteer hours.

In 1942, during World War II, another Somerville resident lost his life defending our country. Seaman First Class, James W. D'Alessio, U.S. Navy, paid the ultimate sacrifice when the USS *Juneau* was hit by Japanese torpedoes. To honor his memory, the members of Stevenson Post 12 adopted SC1 D'Alessio's name as part of its official title, becoming Stevenson-D'Alessio Post 12.

Today, the Post home has increased to nearly double its size since the post-WWII era

and has become a good neighbor in the community. They have opened their halls to community service clubs and organizations and many non-profits are able to use their hall free of charge. After serving their Nation and protecting our freedom, Legion members and their Auxiliary have gone the extra step in continuing to serve.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Stevenson-D'Alessio American Legion Post 12 on its 90th anniversary.

**IN HONOR OF OHIO STATE
SENATOR THOMAS PATTON**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ohio State Senator Thomas Patton who is being inducted into the West Tech High School Hall of Fame by the West Tech Alumni Association.

Born and raised in Cleveland's near Westside, Senator Patton is one of nine children. He attended St. Colman's School before enrolling at West Tech High School. While attending West Tech, Senator Patton was a member of the basketball team. Upon graduating in 1971, he married his high school sweetheart, Evelyn Hawkins, and started classes at Cleveland State University on an athletic scholarship.

In 1974, Senator Patton and his brother, Terry, opened Cleveland Business Systems. In 2002, he decided to run for a seat in the Ohio House of Representatives. He won the election and represented the 18th District from 2003 until 2008. In November 2008, Senator Patton was elected to the Ohio Senate's 24th District. As an Ohio State Senator he serves as chairman of the Senate Transportation Committee and is a member of the Finance Committee, the Energy and Public Utilities Committee and the Ways and Means and Economic Development Committee. Senator Patton also serves as co-chair of the Ohio Senate Autism Caucus and as a member of the Ohio Turnpike Commission, the Ohio Athletic Commission, the Ohio Rail Development Commission, the Midwest Interstate Passenger Rail Compact and the ODOT Transportation Futures Steering Committee.

Throughout his career, Senator Patton has been recognized with a number of awards and accolades. He has been named Legislator of the Year by the Ohio Fraternal Order of Police (FOP), an Honorary D.A.R.E. Officer by the D.A.R.E. Association of Ohio, Northeast Ohio Public Energy Council Legislator of the Year for Protecting Consumer Choice Award and the Legislator of the Year by the Ohio Professional Society of Engineers. He has also received the Moms for Ohio Public Service Award, the FOP Distinguished Public Servant Award, Ohio Public Images Award, Ohio Alpaca Breeders Association Legislator Award and has been recognized by the Autism Society of Ohio.

Mr. Speaker and colleagues, please join me in congratulating Mr. Thomas Patton for being

honored by the West Tech Alumni Association and being named to the West Tech High School Hall of Fame.

HONORING MATHEW A. BRUNO

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved leader in the Modesto community, Mathew A. Bruno. Matt was born in Akron, Ohio, on December 25, 1943, and passed away surrounded by his family on September 19, 2011, in Modesto, California.

In 1946, at the age of 3, he and his family moved to Ripon, California. Growing up in Ripon he farmed peaches, almonds, and grapes with his father Tony and his two brothers Joe and Ed. Matt graduated from Ripon High School in 1961. In 1966, he left the family farming operation, and bought La Loma Liquors in Modesto.

Matt married Barbara Claypool in 1967, and together they owned and operated La Loma Liquors until they sold the business in 1972. Matt then purchased Turlock Appliance Center, and one year later purchased Miller Dairy Supply. In 1974, he merged the two companies to form Turlock Dairy & Refrigeration, Inc., a 65-employee company on South Walnut Road that played a key role in the expansion of dairy farming in the area. With Turlock Dairy & Refrigeration, Matt focused the business on dairy construction, dairy equipment, and dairy refrigeration. Matt loved all things agriculture and owned several other agriculture-related businesses through the years.

"He always put his customers and employees first," said son Tony Bruno. "He always told my brother and me that the only thing we could offer as a company is to have good service."

Throughout their 44 years of marriage, Matt and Barbara enjoyed traveling together and entertaining their many friends at their home. Matt loved tending his garden at home and sharing the bounty with anyone and everyone. He was very generous in every aspect of life; always ready to give to someone in need, whether they be in need of money, food, time, or a drink. "You can't walk on one leg!" is what Matt would say if you tried to leave after having only one glass of wine. He was the most gracious host and loved being surrounded by people. In fact, Matt's greatest joy was spending time with his family and friends, especially his three grandchildren.

Mr. Bruno and his wife, Barbara, often held a fund-raising dinner for the Education Foundation of Stanislaus County. He also was involved with the Center for Human Services, the Memorial Hospital Foundation and other causes.

Matt is predeceased in death by his parents Tony and Martha Bruno and his brother Joe Bruno. He is survived by his wife Barbara Bruno, his son Tony (Gretta) Bruno, his son Mathew (Natalie) Bruno, and his three grandchildren Francesca, Matteo, and Rocco.

Mr. Speaker, please join me in honoring Matt Bruno for his unwavering leadership, and

recognizing his accomplishments and contributions. The life of Matt Bruno serves as an example of excellence to those in our community, and his legacy will not be soon forgotten.

HONORING NATIONAL WOMEN'S
POLITICAL CAUCUS OF CALI-
FORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the National Women's Political Caucus of California, NWPC CA, who are celebrating 100 years of women voting in California, starting with the historic and narrowly won California state referendum and the first California Civic League, Berkeley Forum led by Miss Blanche Morse in 1911. It is an immense honor to represent Bay Area communities who have truly been at the forefront of a century's worth of major achievements in social justice.

Furthermore, NWPC is celebrating the 40th anniversary of its founding in 1971, when 320 women from 26 states met under the leadership of women's movement stalwarts like my mentor, former Congresswoman Shirley Chisholm, Bella Abzug, Gloria Steinem, and Betty Friedan. Four decades later, their work to empower women elected leaders and to champion citizens' informed participation in civic affairs has changed America as we know it.

Within NWPC's first three years of recruitment and leadership programming, the number of female state officeholders increased by 36 percent. Now, as a multi-partisan organization supporting an unprecedented era of women's leadership, NWPC and its California Chapter are making strides to achieve equality for all women, to ensure their reproductive freedom, and to eradicate all forms of discrimination.

As members of the National Women's Political Caucus of California, you are part of a magnificent legacy. By broadening women's participation in the political process and honing feminist women for election and appointment to public office, you are championing the vision, hopes and sacrifices of our forebears. You have pledged to continue to be the kind of bold pioneer and astute advocates who led us to this point. Therefore, I would like to thank you for your dedicated service in guiding and encouraging women toward civic engagement.

On behalf of the residents of California's 9th Congressional District, I would like to congratulate you on this milestone and thank you for the invaluable service you provide to our community. I wish the National Women's Political Caucus' local, state and national members all the best as you forge ahead toward another 100 years of bolstering women's leadership, promoting equitable policies and creating a more just and peaceful world.

IN HONOR OF MR. KENNETH
SWADE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Kenneth Swade who is being inducted into the West Tech High School Hall of Fame by the West Tech Alumni Association.

While attending West Tech High School, Kenneth was a member of the 1956 and 1957 cross country state championship teams. He graduated from West Tech in 1958 and attended Bowling Green University on an athletic scholarship, where he earned a Bachelor of Science degree in education in 1962. Upon graduating, he began teaching and coaching at Kennard Junior High. In 1964, Kenneth returned to West Tech High School as a teacher and coach. While teaching, Kenneth studied at John Carroll University, where he earned a Master of Arts in Education, focusing on psychology and counseling. After finishing his graduate program in 1968, Kenneth began working as a counselor at A.B. Hart Junior High School. In 1980 he was named School-to-Work Apprenticeship Coordinator. Kenneth enrolled at Kent State University to further his education again and in 1983 graduated with a Master of Arts in Education, focusing on Administration and Supervision. Before retiring in 2001, he spent his career as vocational coordinator at Max. S. Hayes, West Tech, Jane Addams Business Careers and East Technical high schools.

Throughout his career, Kenneth was recognized with a number of awards and accolades. He has been named "Outstanding Educator," "Outstanding Vocational Coordinator" twice, "Man of the Year Award" by the Rotary Club of Cleveland, and "Most Outstanding Senior High School Teacher." In 1996, the Ohio Department of Education named him to the Ohio Vocational Educational Leadership Institute.

In addition to his career as an educator Kenneth has been an active member of his community. For several years, he was the Teacher/Coordinator for the Action for Children and Youth in Transition. After retiring in 2001 to Florida with his wife, Dr. Vera Swade, he is serving as President of the Central Citrus Rotary and was also the Council President of his church.

Mr. Speaker and colleagues, please join me in congratulating Mr. Kenneth Swade for being honored by West Tech Alumni Association and being named to the West Tech High School Hall of Fame.

IN HONOR OF REVEREND EUGENE
L. NEVILLE OF FOXBORO, MA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. LYNCH. Mr. Speaker, I rise today to honor the Reverend Eugene L. Neville, in recognition of his outstanding contributions to the State of Massachusetts and the religious community, and to commend him for over 30 years of his dedicated service.

Reverend Neville was born in Roxbury, MA and was educated in the Boston public school system, graduating from Roxbury Memorial High School in 1960. He later attended Barrington College in Rhode Island, where he graduated with a B.A. in Bible and Theology in 1969. He continued his theological education at Gordon-Conwell Theological Seminary in Hamilton, MA in 1972, graduating with honors. Reverend Neville also participated in post theological studies at Andover Newton Theological School, Boston University School of Theology, and Harvard Divinity School.

It was at the historic Peoples Baptist Church, under the pastorate of the late Reverend Dr. Richard M. Owens, where Reverend Neville was first called to prepare for his Christian Ministry. Subsequently, he served under the mentorship of Reverend Dr. Michael E. Hayes, Pastor of the Twelfth Baptist Church in Boston, MA, where Reverend Neville was formally ordained as a Baptist Minister. In 1975, he assumed his first pastorate at Messiah Baptist Church in Brockton, MA, where he served for 6 years. In 1981, Reverend Neville founded and became the pastor of Mount Moriah Baptist Church; under his leadership, Mount Moriah has established over 30 ministries and has become one of the most influential churches in the City of Brockton.

Reverend Neville has also been dedicated to helping the greater community. He served for 4 years at The Hymn Foundation in Boston as the first Project Director for the Black Church Capacity Building Program. This program connected Black churches with local philanthropic foundations, and provided grants up to \$8000 for their social outreach ministries. Reverend Neville has been instrumental in establishing several non-profit organizations within the church for the benefit of the greater community, such as the Amara Community Center, which has provided over 2500 children, youth, and adults with computer training and their own personal computer. Additional projects include the Higher Education Resource Center, which has assisted hundreds of first generation youth to achieve acceptance to, and remain in, college, and the Emergency Food Ministry, which is comprised of a large food pantry serving hundreds of families twice a month as well as a soup kitchen ministry serving numerous homeless individuals every Tuesday afternoon. Reverend Neville is a man of God with a vision to help individuals, families, churches, and community organizations address and overcome the challenges of this generation.

Reverend Neville is married to Ruth and they have 2 adult daughters and 5 grandchildren; he and his wife presently reside in Foxboro, MA.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with the family, friends, and contemporaries of the Reverend Eugene L. Neville to thank him for his remarkable service and dedication to the religious community in the State of Massachusetts.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. HONDA. Mr. Speaker, on September 23, I was unavoidably detained in a meeting with the President of the United States, and so I was not present several of the rollcall votes on amendments to H.R. 2401 held that day. Had I been present I would have voted:

"Aye" on rollcall 728, the Welch Amendment to add the Chair of the Council on Environmental Quality, the Secretary of Health and Human Services, and the Director of the Centers for Disease Control and Prevention to the interagency committee that the bill would create, and to direct that committee to look at important health impacts on the most vulnerable populations (such as children and the elderly) that would be affected by EPA's proposed rules.

"Aye" on rollcall 729, the McNerney Amendment to direct the interagency committee to examine the effect on clean energy jobs and clean energy companies, including those that export clean energy technology, to the items to be considered in the analyses required by the bill.

"Aye" on rollcall 730, the Moore Amendment to ensure that the interagency committee will analyze the impact a rule or action could have on low-income communities and public health.

"Aye" on rollcall 731, the Capps Amendment to require the interagency committee to include in its analyses an estimate of the incidence of birth and developmental defects and infant mortality that would result from a delay to covered rules and covered actions under the bill.

"No" on rollcall 732, the Kinzinger Amendment, which seeks to add regulations that have not even been proposed to the list to be analyzed by the interagency committee.

"No" on rollcall 733, the Dent Amendment, which would further undermine environmental protections by adding EPA's National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants to the rules the must be examined by the interagency committee created by the bill.

"Aye" on rollcall 734, the Hastings (FL) Amendment to exclude from the interagency committee's review all rules and regulations that already undergo a cost-benefit analysis.

"Aye" on rollcall 735, Connolly Amendment No. 8 to require the interagency committee to study policies which will lead to creation of American jobs in the pollution control and clean energy sector.

IN HONOR OF MR. EDWARD ZAJAC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Edward Zajac, who is being post-

humously inducted into the West Tech High School Hall of Fame by the West Tech Alumni Association.

Edward was born in Cleveland, Ohio in January 1926 to his parents, who were Polish immigrants. He graduated Valedictorian from West Tech High School in 1944 and was drafted by the U.S. Army to serve during World War II. He was a radioman in a tank division in Europe and was stationed with the U.S. Army Intelligence in southern Germany until being discharged. He married Brookly Mary Calhoun in 1954. They were married for 54 years. Following his stint with the U.S. Army, Edward graduated from Cornell University as Valedictorian with a degree in engineering, a Masters degree from Princeton University and a doctoral degree from Stanford University.

For 30 years Edward worked at AT&T's Bell Telephone Laboratories in the mathematics research unit and later as head of economics research. In 1963, as an engineer, he created the world's first computer animation. His animated films became internationally known and garnered him awards from the U.S. and abroad.

Following his career with AT&T, in 1983, Edward moved from New Jersey to Arizona and became chairman of the University of Arizona's Eller School of Managers' economics department. As a professor and later, professor emeritus, Edward published numerous articles and two texts for graduate level courses. His former colleagues have since established a prize for doctoral students at Arizona University in his honor.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Edward Zajac as he is named to the West Tech High School Hall of Fame.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE HARLEM ARTS ALLIANCE, INC. AND IN CELEBRATION OF HARLEM ARTS ADVOCACY WEEK 2011 "HARLEM ARTS & CULTURE: RESURGENCE AND RENEWAL"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great Harlem and cultural pride to recognize the 10th Anniversary of the HARLEM Arts Alliance, Inc. as they kick off their Fifth Annual Arts Advocacy Week 2011 at the Riverside Theatre at Harlem's New York City Landmark—The Riverside Church. The Riverside Church is the tallest Church in the United States known for its elaborate Neo-Gothic architecture, which includes the world's largest tuned carillon bell.

The HARLEM Arts Alliance, HAA, is a not-for-profit arts service organization committed to nurturing the artistic growth, capacity and development of artists and arts organizations based primarily in Harlem and the greater Harlem communities. With a membership of over 750 individual artists and arts organizations, HAA plays an essential role by helping to build

the resources, network, and capacity of its richly diverse association. HAA also maintains strong partnerships with numerous arts organization and institutions throughout New York State, the region and the nation to maintain vital collaborative efforts to promote the arts in communities.

Harlem Arts Advocacy Week events will take place from Sunday, October 2, 2011 through Sunday, October 9, 2011 to highlight the importance of the artists, arts, and cultural institutions that have consistently contributed to the cultural and economic fabric and vitality of Harlem and beyond. This year's theme, "Harlem Arts & Culture: Resurgence and Renewal" will focus on the revitalization of selected Harlem cultural institutions during the challenges of the economic downturn and the shifting dynamics of Harlem.

On Monday October 3, 2011, at The Riverside Church Theatre, the HAA will present the first Humanitarian Award to legendary Actor, artist and international human rights activist Harry Belafonte to kick off its Fifth Annual Arts Advocacy Week. The Alliance will also pay special tribute to award winning Actress and civil rights pioneer Ruby Dee with a Lifetime Achievement Award.

Throughout its 75-year history, The Riverside Church has been an influential stronghold of activism and political debate on the nation's religious and political landscapes. Thus, it is very symbolic and appropriate that the Alliance honor these two giants, Harry Belafonte and Ruby Dee within this great Cathedral. Danny Simmons, a visual artist, philanthropist, and former Chair of the New York State Council on the Arts will receive the Alliance's Arts Leadership Award.

The Harlem Arts Advocacy Week begins on Sunday October 2, where the New Heritage Theatre Group, Riverside Theatre and the City College of New York will present "Through the Night" a one-man play starring Obie, NAACP and Audelco award winner, Daniel Beaty.

On Monday October 3, the HARLEM Arts Alliance and Hue-Man Book Store & Café present Harlem Arts Advocacy Week's opening reception and panel discussion with noted black female playwrights entitled, "Black Women Playwrights: They Speak. Who Listens?" featuring Esther Armah, Radha Blank, Kirsten Greenidge and Kymberle Joseph.

On Tuesday October 4, the HARLEM Arts Alliance and the Greater Harlem Chamber of Commerce will hold their business membership meeting and present a discussion forum entitled "Public Art: Advancing Diverse Perspectives." The forum will feature a presentation on the design and development of the Frederick Douglass Memorial Circle with visual artist and landscape architect Algernon Miller followed by a panel discussion moderated by Curtis Archer, President of Harlem Community Development Corporation.

On Wednesday October 5, The Schomburg Center for Research in Black Culture in collaboration with the HARLEM Arts Alliance will host "The Schomburg's Kick-Off to a Season on the Cutting Edge!" The evening will include guided tours of two exhibitions: "Malcolm X: A Search for Truth" and "Romare Bearden: The Soul of Blackness/A Centennial Tribute," a book signing by Center Director, Dr. Khalil Muhammad along with a performance showcase of Harlem Arts and Cultural organizations.

On Thursday October 6, HARLEM Arts Alliance will host a panel discussion, "Basic Legal Issues in Managing Human Resources," presented by Lawyers Alliance for New York, at The Dwyer Cultural Center.

On Friday October 7, HARLEM Arts Alliance will host the opening reception for the Strivers Art Circuit Tour, a self-guided walking tour of Harlem Art Venues and Artist Studios. A reception will take place at The Strivers Garden Gallery. The New Heritage Theatre Group will also present a new play entitled "SAVIOUR?" by Esther Armah, directed by Passion and featuring Michael Green and Jimmy Aquino, at the Dwyer Cultural Center.

Let me take this opportunity to thank all of our Harlem Arts Advocacy Week community sponsors, supporters and collaborators as we celebrate "Harlem Arts & Culture: Resurgence and Renewal" during the Fifth Annual Harlem Arts Advocacy Week 2011. Mr. Speaker, the HARLEM Arts Alliance under the tremendous leadership of Chairman Voza Rivers and Executive Director Michael Unthink has contributed daily to the survival and enhancement of Harlem's beloved cultural artist and arts organizations.

During these tough and economically challenging times, I ask my colleagues to join me in saluting and celebrating the 10th Anniversary of the HARLEM Arts Alliance as they continue their advocacy for the arts on behalf of a very grateful nation.

CELEBRATING NATIONAL ARCHAEOLOGY DAY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. CAPUANO. Mr. Speaker, I rise today to support the designation of October 22, 2011, as National Archaeology Day. Throughout the month of October, but particularly on the 22nd, archaeological societies across the country will celebrate the thousands of years of history that have been unlocked through artifacts and discoveries.

The Archaeological Institute of America (AIA), headquartered at Boston University and comprised of over 235,000 members, will lead 108 of its local societies in a host of public educational activities to demonstrate the value of archaeological pursuits. AIA will also join with the American Anthropological Association, Society for American Archaeology, Society for Historical Archaeology, and American Schools of Oriental Research in collaborative efforts to reach out to over 100 cities across the United States through online events.

America is rich with history, and many exciting artifacts have been discovered over the years that have helped to illuminate that history. However, archaeology is about so much more than one country. Every archeological discovery opens a door into the past that can reveal important details about how our ancestors lived and what the world around them looked like so many years ago. Archeology also shows us we are united with the global community through shared past and common customs. It affords us a window into our devel-

opment as a society and provides an opportunity for people of all ages to actively engage in learning about the history of their communities.

Archaeological contributions are key to encouraging greater appreciation of our shared history and cultural heritage. Congress should do all we can to support these efforts. I am proud to join with communities across the country in recognizing October 22nd as National Archaeology Day.

IN HONOR OF MRS. ANN FRANGOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Ann Frangos, who is being inducted into the West Tech High School Hall of Fame by the West Tech Alumni Association.

Ann is the daughter of Greek immigrants Spiros and Helen Drapos. While attending West Tech High School, she was a busy and active student. She was captain of the Warriorettes, editor of the yearbook, member of the Gym Leaders, All City Chorus, A-Chorus, and French Club. Ann graduated from West Tech in 1968 as the class valedictorian. She attended Baldwin Wallace College and earned a Bachelor of Science degree in mathematics. She went on to earn a Master of Science degree in mathematics while teaching high school mathematics in Parma Heights.

After finishing her graduate program at Cleveland State University in 1977, she began working at AT&T as an operations research analyst. Throughout her long career Ann has held a number of positions with AT&T in the finance, accounting operations, budgeting, long-range planning, and human resources departments. In 2007, Ann was named Executive Director. She is responsible for accounts receivable management for Global Business Services division, which consists of AT&T's largest international and domestic business customers.

In addition to her career, Ann is also an active member of the Greater Cleveland community. She serves on the Board of Directors of In Counsel with Women and is a board member and assistant treasurer of the Greek Orthodox Ladies Philoptochos Society of Rocky River. Ann and her husband, Louis, currently live in Westlake.

Mr. Speaker and colleagues, please join me in congratulating Mrs. Ann Frangos for being honored by West Tech Alumni Association and being named to the West Tech High School Hall of Fame.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,790,340,328,557.15.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,151,914,582,263.35 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE ROTARY CLUB OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Rotary Club of Cleveland, a group of business, professional and community leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build good will and peace in the world.

Rotary International was founded in 1905 and today there are more than 34,000 Rotary Clubs worldwide with 1.2 million members in over 200 countries. Each chapter is dedicated to supporting education and job training, providing clean water, combating hunger, improving health and sanitation, and eradicating polio and other childhood diseases.

The Rotary Club of Cleveland was founded in 1910 and was the 18th chartered Rotary Club in the United States. The motto for Cleveland's Rotary Club is "Service Above Self." The Rotary Club of Cleveland has a number of ongoing programs and projects that aid communities in the Greater Cleveland area and abroad.

Internationally, the Rotary Club of Cleveland has been involved in humanitarian projects in Laos, Mexico, Pakistan, Uganda, Lithuania, Indonesia, India and Kenya. Additionally, every charter of Rotary International is involved in the PolioPlus program. PolioPlus focuses on global immunization in hopes of eradicating the world of polio.

The Rotary Club of Cleveland is dedicated to serving the Greater Cleveland area and has a number of programs designed to improve, support and recognize excellence within the community. Cleveland's Rotary Club has maintained the West 25th Street Rapid Station, which services Cleveland's West Market, for more than 35 years. For more than 40 years the Club has been awarding area police, fire and EMS heroes with the Medal of Valor. The Cleveland Rotary Club's largest impact programs are those dedicated to Greater Cleveland's youth. Their program, College Now!, has provided scholarship support for hundreds of students throughout the area. Other successful projects include Achievement Centers for Children, Thesmacher High School Recognition Day, Project YESS, and support of the Old Stone Education Center.

Mr. Speaker and colleagues, please join me in recognition of the Rotary Club of Cleveland as they celebrate 100 years of service to the Cleveland community.

HONORING THE 50TH ANNIVERSARY OF LEADINGAGE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor LeadingAge as it celebrates 50 years of advancing policies, practices and research that empower people to live fully as they age. Founded in 1961, and formerly known as the American Association of Homes and Services (AAHSA), LeadingAge currently comprises a vast network of 5,600 not-for-profit organizations dedicated to expanding the world of possibilities for aging.

LeadingAge members touch the lives of millions of individuals and families each day through a continuum of housing and community based services, including adult day services, home health, hospice, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes. With five decades of experience, over 40 state partners, as well as businesses, research partners, consumer organizations, foundations and a broad international network of aging service organizations, LeadingAge's mission and core values have taken on a global scope.

Furthermore, I would like to recognize the outgoing chair of LeadingAge and an outstanding leader in the field of aging and long-term services, Mr. Winthrop Marshall. Under Mr. Marshall's leadership, LeadingAge completed the transition to its new moniker, and reinvigorated its mission to expand the possibilities for aging. "LeadingAge" truly reflects the organization's leadership position in aging and its members' commitment to championing quality and dignity for America's elders. Known for his decades-long advocacy for affordable senior housing, Mr. Marshall is committed to combining housing with supportive services that help seniors remain independent and in their communities. From leading the association's fight to pass the Affordable Care Act and CLASS Act, to the passage of the landmark Section 202 Supportive Housing for the Elderly Act, Mr. Marshall's tenure as Chair has been marked by strength, solidarity and success.

Mr. Marshall has overseen LeadingAge member task forces on workforce, affordable housing, nursing home quality, home- and community-based services, and issues specific to rural members. Additionally, he spent nearly 30 years with an invaluable organization located in my district, Christian Church Homes of Northern California, which also celebrates its 50th anniversary this year.

Therefore, as we recognize LeadingAge's long legacy and its excellent leadership under Mr. Winthrop Marshall, we look forward to a bright future of affordable long-term services and support for our Nation's older adults. As LeadingAge forges ahead with its five main tenets of aging services: quality, transitions, talent, finance, and technology, I have every confidence that they will fulfill their commitment to ensure that all seniors have a place to call home.

On behalf of California's 9th Congressional District, I want to extend my congratulations

on this important milestone. Thank you, LeadingAge members, for all that you do. I wish you continued success in providing our older adults with vital services and opportunities as you advance leadership in aging through innovation.

HONORING MARK ALLEE

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the bravery and selfless action demonstrated by California Conservation Corps trail camp supervisor Mark Allee.

On the morning of June 29, 2011, Mark Allee, a California Conservation Corps trail camp supervisor, patrolled from the O'Shaughnessy Dam to the Wapama Falls Bridge along the Hetch Hetchy reservoir in order to assess the trail conditions after an unseasonal storm dumped over two inches of rain in 14 hours. Wapama Falls is arguably the most powerful waterfall in Yosemite National Park and flows almost year-round. During peak flows, it has been known to inundate the trail bridge crossing it.

On the day Mr. Allee arrived at the Wapama Falls Bridge, he saw nature's unbridled power in full display. Falling over 1,000 feet, the waterfall created a venturi effect which generated super intense winds that swirled and buffeted Mr. Allee, requiring that he take shelter behind nearby trees. Typically, spring flows over the waterfall are approximately 700 cubic feet per second; however, Mr. Allee witnessed a much more furious flow that day which was approximately twice the normal amount.

At first, Mr. Allee heard only the indistinguishable and powerful noise of intense winds, waterfall spray and heavy rain. Continuously, yet chaotically, huge bursts of water would plunge from the falls and flood the entire bridge deck. Because of this, the access trail and steps leading to the bridge were submerged in a foot of water at times as it poured onto the boulders below. The volume was described as the equivalent of five 4-foot diameter culverts disgorging their full contents simultaneously. Mr. Allee, who also works as a river guide and is a certified Swiftwater Rescue Technician, knew immediately that accessing the bridge was hazardous and that crossing it was extremely dangerous.

While radioing these conditions into park dispatch, Mr. Allee saw four (in actuality, there were five) backpackers access the bridge from the other side (east to west). Mr. Allee thought that they would recognize the severe hazard and stop; however, they did not and began an attempted crossing. Mr. Allee frantically signaled to the party to not cross. He gave multiple arm signals and shouts, but because of the intense noise, verbal communication was impossible. Despite Mr. Allee's warnings, the hikers continued to attempt a bridge crossing which set in motion the emergency.

Shocked and horrified, Mr. Allee witnessed as the first two backpackers were immediately knocked to their knees by the force of the current. He recognized the extreme threat, and in

an attempt to rescue them as they would be swept downstream from the bridge, Mr. Allee jumped to position himself on a boulder just below the bridge in order to help anyone that might possibly be swept by. As Mr. Allee moved onto a large boulder immediately downstream of the bridge, the first hiker (Mr. Fox) was quickly pushed by the torrent underneath the lower rail and off of the bridge. It happened so rapidly that Mr. Allee didn't even realize that Mr. Fox had fatally disappeared into the flow. While accessing the bridge's upper handrail from the large downstream boulder, Mr. Allee saw the second backpacker (Mr. Meyer) get pushed underneath the lower rail and into the current. This time, however, Mr. Meyer was able to grab the lower handrail while his wife leaned over and held his head out of the swiftwater.

Mr. Allee leapt into action from the west side of the bridge and instinctively wrapped his legs and left arm around the top rail and extended his right arm to help Mr. Meyer. Mr. Allee looked directly into the eyes of Mr. Meyer who was clutching to the rail for his life. Exposed to full fury of the torrent, Mr. Allee screamed to Meyer's wife to "Get back!" While doing so, Mr. Allee reached down and tore Mr. Meyer's rain poncho off in order to decrease the drag on his body. Only reluctantly was Mr. Meyer's wife pulled to safety by one of the other party members. Reaching further into the violent flow and full force of the swiftwater, Mr. Allee was then able to disconnect the waistbuckle on Meyer's backpack, which was immediately swept away by the current. Having freed Mr. Meyer from that additional drag, Mr. Allee screamed to Mr. Meyer to "Grab the truss!" Most unfortunately however, an exhausted Mr. Meyer was peeled from the lower rail and disappeared into the maelstrom below the bridge.

In shock, Mr. Allee retreated from the immense threat and returned to his pack to report the situation to the park dispatch. Subsequently, the three survivors retreated to a secure location on the east end of the bridge and awaited rescue.

With instinctive skill, tenacious strength and great courage, Mr. Allee heroically attempted to save the lives of others he did not know. The risk and threat in doing so was immense, yet Mr. Allee's actions exhibited tremendous bravery and valor. The survivors described Mr. Allee's actions as heroic.

Mr. Speaker, please join me in honoring and commending Mark Allee on his quick thinking and risk of personal safety on June 29, 2011, in Yosemite National Park.

HONORING JERSEY BATTERED WOMEN'S SERVICES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Jersey Battered Women's Services, JBWS, located in Morris County, New Jersey, as it celebrates its 35th Anniversary.

JBWS was originally founded in 1976 by a small group of women who began a hotline to

aid victims of domestic violence. The need for a confidential center became urgent and apparent when two callers were murdered by their husbands. In December of 1978, JBWS opened its shelter doors to those in need of a safe house away from an abusive family member.

With more than 75 paid staff and 120 volunteers, JBWS is a full-service, private, nonprofit domestic violence agency with a mission to prevent domestic violence through the protection and empowerment of the victim, the rehabilitation of family members, the advocacy of social reform to prevent partner violence and the education of the public about domestic violence and its consequences. Victims of domestic violence, no matter their age, race, gender, religious affiliation or ethnic background need solace and support at a time when the one they often turn to is the one they are running from.

JBWS provides fully confidential services to victims to allow for their privacy and protection. They offer numerous programs including legal services, transitional living and counseling. Their counseling services are not only for victims and their children, but also for the batterer. JBWS understands that while protecting victims is important, it is also important to educate the batterer on alternative ways to address their anger.

In addition to their 24 hour hotline and safe house, education for the prevention of domestic violence is JBWS's overarching mission. As domestic abuse is a largely unreported crime, JBWS hopes to abolish the view that family violence is a private matter through the education of victims, teens and community members.

No one should be afraid to go home. JBWS gives victims of domestic violence the opportunity to create a new safe place to call home.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Jersey Battered Women's Services, its board, dedicated staff and volunteers on its 35th anniversary.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF SLAVIC VILLAGE DEVELOPMENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 30th anniversary of Slavic Village Development, SVD, an organization committed to "revitalizing the Broadway neighborhood through rehabilitation of existing housing, storefronts and buildings; construction of new homes; retention of existing buildings and recruitment of new ones; and provision of housing services and community organizing programs to improve the quality of life."

SVD is a non-profit community development organization dedicated to the North and South Broadway neighborhoods of Cleveland, OH. Throughout the past 30 years, SVD has invested more the \$160 million into Slavic Village, one of Cleveland's oldest ethnic communities.

This year's 30th anniversary celebration, "Digging in the Past, Growing the Future," fo-

cuses on the past accomplishments that SVD has achieved as well as the goals of the organization's future. Throughout the past 30 years, SVD has developed more than 300,000 square feet of new office and retail space, built or rehabilitated 1000 homes, renovated 100 storefronts, hosted 33 Harvest Festivals, led 14 neighborhood summits, installed eight public art projects and reconstructed Broadway and Bessemer Avenues, among other projects. Some of the projects SVD looks forward to in the future include building more new homes at the Trailside development site and, in Hyacinth, reconstructing Fleet Avenue and re-imagining Broadway Slavic Village.

Mr. Speaker and colleagues, please join me in recognizing the 30th anniversary of SVD. SVD will continue to work on behalf of the residents of Cleveland's Slavic Village, dedicated to their mission; "To preserve, empower, and advance Slavic Village as a thriving diverse neighborhood. Essential to our neighborhood is its unique identity with quality housing anchored by excellent recreational, educational, cultural, religious, and institutional anchors supported by a vibrant retail, commercial, and industrial base."

HONORING THE WORLD WAR II VETERANS OF THE UPPER PENINSULA HONOR FLIGHT

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. BENISHEK. Mr. Speaker, on the morning of September 22, the inaugural flight of the Upper Peninsula Honor Flight departed for Washington, DC. On this flight were more than 80 World War II Veterans bound for the memorial that was built in their honor. Surrounded by the giant, granite pillars and spraying fountains, there was a renewed sense of shared sacrifice among the Veterans, and the honor of having been one of the 16 million men and women who served during World War II. This "Greatest Generation" is responsible for so much of America's prosperity, and on behalf of the citizens of Michigan's First District, I would like to recognize these heroes for their service, sacrifice, and continued patriotism. The motto of the Honor Flight Program reads "We can't all be heroes. Some of us have to stand on the curb and clap as they go by." It was my pleasure to do so on September 22, 2011, and honor these heroes who are responsible for the greatest victory of the 20th Century.

THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate the Republic of China on its 100th Anniversary, which will take place on October 10th of this year.

I am proud to celebrate this tremendous milestone for Taiwan, not only because of the state's strong relationship with the United States, but as an example worldwide of the power of democracy to improve the quality of life for all citizens and create a healthy and diverse economy.

Indeed Taiwan was established to reflect the principles of Dr. Sun Yat-sen, a man who had a vision for a democratic Chinese state inspired by American ideals of freedom of expression, representative government, and an independent judiciary. The promotion of these ideals is never easy, and the promotion of democracy in Taiwan has been a long process to be sure, yet the principles established by Dr. Sun remain a hallmark of Taiwan today.

And just as Taiwan was an early Asian backer of democratic principles and ideals, the ROC government—on Taiwan since 1949—was also an early adapter and proponent of market reforms and economic liberalization that define the modern global economy. Taiwan has seen a meteoric rise ever since, is a force in the global technology sector, and the island's economy is one of the largest in Asia and in the top tier of the developed world.

I want to again congratulate Taiwan on this most auspicious anniversary, and I look forward to continuing the strong and deep relationship between Taiwan and the United States.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Matthew Christopher Salazar for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Matthew has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING MAURICE SPIEGEL

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. QUIGLEY. Mr. Speaker, I would like to recognize my constituent, Maurice Spiegel, who will turn 100 years old on October 27, 2011. Maurie, as he is known, is the son of Max Spiegel and Ida Kaplan, and has an older sister, Tillie, and five brothers, Lou, Irv, Frank, Hy, and Bill.

Growing up near Roosevelt Road and Halsted Street in the City of Chicago, Maurie encountered great difficulties as a young boy.

His family struggled to make ends meet, and his mother had to raise the children on her own. To help his family, Maurie began selling newspapers, putting whatever he earned under his mother's pillow. When his family could no longer afford school supplies, Maurie dropped out of high school and started working in order to contribute even more.

According to his family, Maurie was very athletic as a child. He was well known for his skills in soft ball and hitting home runs. He was also a great swimmer, once saving a child from drowning. Living in a tough neighborhood, Maurie learned to defend himself and his younger brothers, though he always maintained that he never started a fight, just finished them! Today, Maurie is now known for his outstanding ability in the game of checkers.

During World War II, Maurie served in the U.S. Army from 1941 to 1945 and was stationed in Attu, which is the westernmost island of the Aleutian Islands of Alaska. Maurie obtained his high school G.E.D. and took several college courses under the G.I. Bill after his military service. He worked various positions for the United States Postal Service in Chicago for 27 years until his retirement. Despite being retired, Maurie worked as a messenger for Continental Bank for another 15 years. Since high school, Maurie has worked full time until he was almost 80 years old.

Maurie married the love of his life, Lucille, and had one son, Harvey. Lucille and Maurie moved into North Park Village Apartments in 1984. Lucille passed away in 1987. Harvey says of his parents, "My dad was the most loyal and reliable husband to my mom. They were a couple who truly loved each other."

Mr. Speaker, I ask my colleagues to join me in honoring Maurice "Maurie" Spiegel on his 100th birthday. His life is a wonderful testament of his immense love for his family and of his outstanding dedication and service to his community and the United States of America.

HONORING MR. NORMAN W. GREEN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to commemorate the death of United States Army veteran Mr. Norman W. Green.

Mr. Green served in the Army during the Korean War with the 187th Air-borne Regimental Combat Team. He participated in the regimental parachute assault on Sukchon, North Korea, during the 1950 Battle of Pakchon. Mr. Green was later wounded and received a Purple Heart.

Mr. Green was devoted to his local communities, first in Cleveland, OH, as a union painter and later in Dunkirk, NY, as a local business owner and entrepreneur.

Mr. Green was also a family man. He leaves behind a widow, Mrs. Ruth Gestwicki Green, two children, a daughter Nancy and a son Norman. Also surviving are three grandchildren.

It is with great pride that I rise today to remember Mr. Norman W. Green, a veteran of

our Nation's armed forces and a proud member of this wonderful community.

FAIRFAX KIWANIS CLUB

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize the Fairfax Kiwanis Club which will recognize the 65th Anniversary of the club on October 4th, 2011. A special ceremony will take place to honor the history and tradition of the Fairfax Kiwanis Club that has existed since 1946.

The Fairfax Kiwanis Club is involved with numerous service projects each year. When a community need arises, the Kiwanis club is ready to respond. Such was the case when the local library needed a sidewalk replaced. The club responded by raising \$25,000 for the project. The Fairfax Kiwanis club is very active with youth activities, including Boy Scouts and Girl Scouts. The club participates in international efforts in addition to their service in the local community.

Kiwanis is a worldwide service organization of men and women who share the challenge of community and world improvement. Since its founding in Detroit, Michigan, in 1915, Kiwanis has grown to more than 8,400 clubs in 96 nations. There are about 606,600 active members in the Kiwanis family, representing nearly every culture on every continent, all seeking to improve people's lives. Kiwanians give their time to make their communities and world better places in which to live and work.

Mr. Speaker, I proudly ask you to join me in recognizing the Fairfax Kiwanis Club. The Fairfax Kiwanis Club is a tremendous service organization that serves its community well.

TRIBUTE TO THE UNIVERSITY OF MARYLAND TEAM WHO WON THE SOLAR DECATHLON 2011

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. HOYER. Mr. Speaker, I rise today to congratulate a talented team of students from my alma mater, the University of Maryland, who this weekend won first place at the U.S. Department of Energy's Solar Decathlon 2011 here in Washington.

The U.S. Department of Energy's Solar Decathlon is a competition among collegiate teams to design and build solar-powered houses that combine affordability and appeal to consumers with energy-efficiency and design excellence. The University of Maryland team's house, WaterShed, was awarded first place in recognition of its innovative use of solar energy and water conservation, excellent design, and strong performance in daily competitions. In addition to winning the overall competition, the Maryland team also proved victorious in the Architecture Contest and tied for first with perfect scores in both the Hot Water and Energy Balance contests.

Over 200 students, representing a wide variety of disciplines including architecture, engineering, environmental science and plant sciences, contributed to WaterShed, making Maryland's victory a truly collaborative effort. By blending innovation and technology with sustainability and conservation, these students demonstrated the creativity, teamwork, technical knowledge, and determination that are essential as we work to revive our economy and regain our nation's place as a leader in high tech and sustainable manufacturing.

The hard work of the Maryland team, and the work of the 19 other teams involved in the competition, illustrate the goals of the Make It In America plan that my Democratic colleagues and I are pursuing. The Make It In America plan emphasizes support for American firms developing new clean energy technologies, creating jobs while investing in a more sustainable future. This competition, with its focus on both cost-effectiveness and energy-efficiency, is an excellent example of the approach we need to pursue to achieve our economic and sustainability goals.

I would like to recognize the work of student leaders Jay Chmielewski, David Daily, Leah Davies, Steve Emling, Isabel Enerson, Tamir Ezzat, Michael Feldman, David Gavin, Jeff Gipson, Newton Gorrell, Joseph Ilijas, Moshe Katz, Yehuda Katz, Lynn Khuu, Zachary Klipstein, Parlin Meyer, Jeff Rappaport, Matt Sickie, Evan Smith, Scott Tjaden, Kevin Vandeman, Nick Weadock, Allison Wilson, and Veronika Zhiteneva and faculty team members Mike Binder, Patricia Kosco Cossard, Amy Gardner, Brian Grieb, Dr. Keith Herold, Madlen Simon, Dr. David Tilley and Brittany Williams.

The University of Maryland team—including students, faculty, and professional mentors—should be congratulated for their impressive accomplishments, and I am proud to honor these exceptional individuals. I urge my colleagues to join with me in applauding this impressive feat, and I ask unanimous consent that the names of the team members, the extended team and the mentors be included in the RECORD following my statement.

Team Members: Ali Alaswadi, Benjamin Bates, Amy Chen, Brennan Clark, Linda Clark Michael Craton, Natalya Dikhanov, Eric Gellman, James Han, Justin Heil, Justin Huang, Erik Kornfeld, John Kucia, Allen Meizlish, Jeffrey Sze and Andrew Taverner.

Extended Team: Sahin Arikoglu, Alex Atahua, Rishi Banerjee, Justin Bare, Katherine Beisler, Jacob Bialek, Paul Bilger, Christopher Binkley, Ian Black, Andrew Bruno, Victoria Chang, Wen-Hui Chen, Ethan Cowan, Justin Cullen, Diana Daisey, Adam Davies, Aleron Dsilva, Mariam Eshete, Eric Faughnan, Ryan Fitch, Meredith Friedman, Holman Gao, Louis Gbone, Philip Geilman, Phil Geiman, Marisa Gomez, Karen Hillis, Ananya Hiremath, Vanessa Hoffman, Amy Hudson, Phil Jacks, Peter James, Eric Joerdens, Christine Kandigian, Jacob Kunken, Christopher Leung, Arik Lubkin, Christopher Luther, Ryan Maisel, Bracha Mandel, Maria Martello, Zachary Martinez, Abe Massad, Mark Matovich, Shakira McCall, Kenneth Morgan, Christopher Myers, Zachary Nerenberg, Matthew Newman, Yuchen Nie, Albert Palmer, Daniel Perdomo, Robert Pettit, Chau Pham, Georgina Pinnock,

Kaitlin Pless, Olga Pushkareva, James Ramil, Mark Reese, Raheena Rehman, Nicolas Roldos, Boateng Rosemond, Michele Rubenstein, Michael Satoh, Charles Schupler, Juliet Serem, Valerie Smith, Jacob Steinberg, Michael Taylor, Alexander Tonetti, Marcela Trice, Katherine Vocke, Nader Wallerich, Luxi Wang, Amy Weber, Sofia Weller, Christine Wertz, Kiley Wilfong, Christine Wirth, Fawna Xiao, Diane Ye, and Jesse Yurow.

Mentors: Deborah Bauer, Grant Baxter, Charlie Berliner, Dan Blankfeld, Joe Bolewski, Brian Borak, Erin Carlisle, John Cartagirone, Chris Cobb, John Coventry, Adam Eurich, Taz Ezzat, George Fritz, Julie Gabrielli, Aditya Gaddam, Jennifer Gilmer, Anne Hicks Harney, Maggie Haslam, Ray Hayleck, Joan Honeyman, Ming Hu, Adam Keith, Peter Kelley, Benson Kwong, Mike Lawrence, Dale Leidich, John Love, Kristen Markham, Evan Merkel, John Morris, Frank Plummer, Don Posson, Kristin Potterton, Tyler Sines, Niklas Vigener, Dan Vlacich, Fred Werth, Bill Wiley, Jay Williams, and Dan Zimmerman.

TO AMEND THE INTERNAL REVENUE CODE TO QUALIFY HOMELESS YOUTH WHO ARE STUDENTS FOR PURPOSES OF THE LOW INCOME HOUSING TAX CREDIT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. McDERMOTT. Mr. Speaker, at any given time more than 1 million youth are homeless in America. In the midst of a recession where Federal, State, and local government budgets are being cut, needed services for these youth have all but disappeared.

Low Income Housing Tax Credits have helped fill this void and create private-public partnerships to build affordable low income housing. This housing has been invaluable in providing much needed shelter for those hit hardest by the recession. Unfortunately, a quirk in the law prohibits full time students, who were previously homeless from living in these units. A homeless youth, who wishes to pursue full time education, must choose between education and remaining homeless. This is not a choice our youth should make, nor is this a policy America has ever supported.

Education has always been the cornerstone of American excellence and ingenuity. Even more, an education remains the best hope for homeless youth to escape poverty as adults. It is critical that we fix this defect in the law, and ensure that our youth are given every opportunity to reach their educational goals.

PALESTINIANS AT THE UN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mrs. MALONEY. Mr. Speaker, while the Palestinians engage in political theater at the

United Nations, the Israeli-Palestinian conflict gets no closer to resolution and the Palestinians get no closer to a real state. A Palestinian state can only come about through direct talks between Israel and the Palestinians. Instead of working toward peace, Palestinian President Mahmoud Abbas is engaging in political theater that will leave the Palestinian people even more frustrated with the lack of tangible results.

I am pleased that President Barack Obama stood up at the United Nations General Assembly and told the world that "Peace will not come through statements and resolutions at the U.N." It was a brave speech that will make him less popular in many quarters, but it was the right thing to do.

America believes in a two state solution. Israel believes in a two state solution. The Quartet believes in a two state solution. But there is a big difference between a theoretical ideal and the nuts and bolts of defining a new country's borders, ensuring the security of its neighbors, and resolving open issues regarding refugees and water rights. And while Israel has conceded the right of the Palestinians to have their own state, the Palestinians have never acknowledged the right of Israel to exist as a Jewish state.

The fig leaf of an agreement between Hamas and the Palestinian Authority cannot hide the fact that the two factions remain at war with one another for control and that Hamas remains determined to erase Israel from the globe. They have managed to maintain an uneasy truce in order to secure international approbation, but it is unlikely to last. If Hamas wins the struggle or remains a significant element of the government without renouncing terrorism and its determination to destroy Israel, then the fledgling Palestinian state would be established with the intent of waging war on Israel. That is an unacceptable outcome, particularly if the UN, which was founded to promote peace, serves as the midwife to the new state.

What we are witnessing at the United Nations is nothing more than a popularity contest. And when it comes to a popularity contest, the Palestinians win. The Organization of Islamic Cooperation has 57 states. There is only one Jewish state.

UN recognition of a Palestinian State will yield few changes in the lives of most Palestinians. The most significant tangible result would be an ability to bring cases against Israel in international legal bodies that are often hostile to the Jewish state. But ordinary Palestinians will soon realize that their lives are little changed. Their disappointment will further destabilize the region and leave us farther from a resolution to the conflict.

At the end of the day, the Palestinians' gambit will bring them no closer to peace, no closer to established borders and no closer to economic stability. It will, however, leave Israel more isolated, more vulnerable and less secure. I applaud President Obama and both the Democratic and Republican leadership of Congress for taking a principled stand against an unprincipled effort. Peace can only come from the bargaining table.

CONGRATULATIONS TO TAIWAN
ON ITS 100TH BIRTHDAY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. COBLE. Mr. Speaker, I join with many others to congratulate our good friends, The Republic of China (commonly known as Taiwan), on their 100th anniversary, which will take place on October 10, 2011.

Relatively speaking, America is not much older than Taiwan. The United States has only been around for 235 years, and like Taiwan, is young in comparison to many of the countries of the world. To the people of Taiwan, October 10th is revered as much as July 4th in the United States. As many remember, we had a huge celebration for our bicentennial in 1976.

Just to put in perspective how long ago the United States celebrated our 100th anniversary in 1876, our president was Ulysses S. Grant, Alexander Graham Bell made his famous first phone call to Watson, and the United States only had 37 states at the beginning of that year.

Just as we have progressed in our second 100 years, Taiwan has greatly changed in its first 100 years, as well. One of the most exciting changes is that Taiwan has become a full-blown democracy over the last 15 years having its first actual direct elections for president in 1996. Since then, Taiwan has had three successful transfers of power from one party to another, showing the fairness and legitimacy of its elections.

Taiwan is a beacon of democracy in Southeast Asia, and we look forward to our continued friendship for many years to come. On behalf of the citizens of the Sixth District of North Carolina, we offer our congratulations to Taiwan on its centennial celebration.

CONGRATULATING TAKEYSHA
SHEPPARD CHENEY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. STIVERS—. Mr. Speaker, I rise today to congratulate TaKeysha Sheppard Cheney on being named the 2011 Empowered Woman of the Year by the Women Presidents' Organization. Her dedication to empowering women and helping girls reach their full potential is inspiring.

From her work in the State Legislature to her time as the Executive Director of the Ohio Legislative Black Caucus, Ms. Sheppard Cheney has been an active participant in public service and making Ohio a better place for families. Her efforts with the LEADER Institute, a leadership development program for girls, is to be commended.

She has further made a difference in Columbus by serving on the boards of the Salvation Army of Central Ohio; the Columbus Zoo and Aquarium; the Ohio Commodores; and ROX, which is an empowerment program for girls.

Today, Cheney is the founder, CEO and publisher of The Women's Book, a magazine that shares information and resources for women in Central Ohio. The publication focuses on the latest happenings for women and girls in Columbus, and she has successfully expanded her publication to Cincinnati and Cleveland.

I would again like to congratulate TaKeysha Sheppard Cheney for being the 2011 Empowered Woman of the Year. She has truly made a difference in the lives of women and girls in the Central Ohio area.

REVEREND DOCTOR STEVEN D.
RILEY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. DINGELL. Mr. Speaker, I rise to congratulate my dear friend, the Reverend Doctor Steven D. Riley, who was honored this past weekend for his 30th Anniversary as Pastor of Christ Temple Baptist Church in Ypsilanti, Michigan and his 40 years of teaching the gospel. A large and enthusiastic group of friends from all walks of life, leaders from the community, and people he touched throughout his life all gathered for a service to pay tribute to this wonderful local leader. The greatest message given that evening was seen on the faces of the audience whose love, gratitude, affection and respect for Reverend Riley's service to the church and his community radiated throughout the service.

He has led Ypsilanti and Southeast Michigan by his ministerial example and being steadfast in his mission to shape and mold the present into a better future. He has worked hard to ensure that residents in Southeast Michigan have a friend in faith, are cared for, and have a roof overhead. For that, I would like to say on behalf of the people of Michigan's 15th Congressional District, thank you.

Reverend Doctor Riley has dedicated his career to spreading the gospel in Southeast Michigan. His commitment to serving others has helped my constituents lead healthier, more fulfilled lives. He has been a leader among the church-affiliated groups in Southeast Michigan. I want to thank him for his love of all people and for his tremendous friendship.

Mr. Speaker, I am told that Reverend Doctor Riley chose his career early in life. At the age of 11, he began ministering to his neighbors in Detroit, and stayed focused growing in the faith by earning a bachelor's degree in theology and philosophy. He felt called to continue learning more, going on to get a master's degree in theology and religious studies, and a doctorate of divinity degree along with a doctorate of humane letters.

Mr. Speaker, Reverend Doctor Riley is an honorable man who has done many great things for the citizens of Southeastern Michigan. I am honored to have him as friend. I ask that you and all of my colleagues join me in congratulating Reverend Doctor Riley for his tireless support, kindness and leadership to his community and to give him our best wishes for the future.

INTRODUCTION OF THE SSI EX-
TENSION FOR ELDERLY AND
DISABLED REFUGEES ACT OF
2011

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the SSI Extension for Elderly and Disabled Refugees Act of 2011. I introduced a similar bill on August 1. This modified version would grant a one-year extension of current law, which passed unanimously in both chambers of Congress in 2008 and was signed into law by President Bush (P.L. 110-328). Under this law, elderly and disabled refugees and certain humanitarian immigrants who are very low income may receive Supplemental Security Income (SSI) for up to 9 years before becoming citizens, to allow time for naturalization. The Senate unanimously passed this bill today.

Unfortunately, the current law expired on September 30, 2011. Without immediate passage of this bill, thousands of refugees will face serious hardship. This legislation will be completely paid for by collecting a \$30 fee on diversity visas through October 1, 2013. Excess funds would go to the Department of Treasury. Congressional Budget Office estimates that this bill would result in \$24 million in deficit reduction.

Mr. Speaker, this is a common sense bill that continues an existing law. I urge my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 4, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
OCTOBER 5

10 a.m.

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee

To hold hearings to examine perspectives on the economic implications of the Federal budget deficit.

- Foreign Relations
To hold hearings to examine the nominations of Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan, Adrienne S. O'Neal, of Michigan, to be Ambassador to the Republic of Cape Verde, Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali, and Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden, all of the Department of State.
SD-419
- Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.
SD-342
- 2 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine food service management contracts, focusing on if contractors are overcharging the government.
SD-342
- 2:30 p.m.
Judiciary
To hold hearings to examine considering the role of judges under the Constitution of the United States.
SH-216
- OCTOBER 6
- 9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".
SD-342
- 10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers, Executive Office of the President, David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development, Cyrus Amir-Mokri, of New York, to be Assistant Secretary of the Treasury, and Patricia M. Loui, of Hawaii, and Larry W. Walther, of Arkansas, both to be a Member of the Board of Directors of the Export-Import Bank of the United States; to be immediately followed by a hearing to examine the Financial Stability Oversight Council annual report to Congress.
SD-538
- Environment and Public Works
Children's Health and Environmental Responsibility Subcommittee
To hold an oversight hearing to examine Federal actions to clean up contamination from legacy uranium mining and milling operations.
SD-406
- Finance
To hold hearings to examine tax reform options, focusing on incentives for homeownership.
SD-215
- Judiciary
Business meeting to consider S. 1301, to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, an original bill entitled, "Federal Courts Jurisdiction and Venue Clarification Act of 2011, H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, an original bill entitled, "Appeal Time Clarification Act of 2011", H.R. 2633, to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties, S. 1014, to provide for additional Federal district judgeships, and the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen, to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York, Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit, John M. Gerrard, to be United States District Judge for the District of Nebraska, Mary Elizabeth Phillips, to be United States District Judge for the Western District of Missouri, Thomas Owen Rice, to be United States District Judge for the Eastern District of Washington, David Nuffer, to be United States District Judge for the District of Utah, and Steven R. Frank, to be United States Marshal for the Western District of Pennsylvania, Martin J. Pane, to be United States Marshal for the Middle District of Pennsylvania, and David Blake Webb, to be United States Marshal for the Eastern District of Pennsylvania, all of the Department of Justice.
SD-226
- 10:30 a.m.
Foreign Relations
Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee
To hold hearings to examine the Peace Corps, focusing on the next fifty years.
SD-419
- 2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine internet infrastructure in native communities, focusing on equal access to e-commerce, jobs and the global marketplace.
SD-628
- 2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219
- OCTOBER 11
- 2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine labor-management forums in the Federal government.
SD-342
- OCTOBER 13
- 2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities.
SD-628
- OCTOBER 18
- 2:30 p.m.
Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled, "Elementary and Secondary Education Act", and any pending nominations.
SD-106
- OCTOBER 20
- 2:15 p.m.
Indian Affairs
To hold hearings to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.
SD-628

HOUSE OF REPRESENTATIVES—Tuesday, October 4, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

IN HONOR OF ROGER KENNEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I note with sorrow the passing of Roger Kennedy last Friday. Roger had a long and storied career that exemplified notions of public service. He was, indeed, a renaissance man.

It's hard to think of anything that Roger had not done in his lifetime, with the possible exception of hold elective office. He was Director of the National Park Service, Director of the Smithsonian's National Museum of American History, vice president of finance for the Ford Foundation. He was special assistant to three Cabinet Secretaries, a lawyer, a journalist, and somehow found time to write 10 books. Actually, he had run unsuccessfully for Congress against fellow Minnesotan Gene McCarthy over 60 years ago. How might history have been different if he had won.

You found out about Roger's exploits in bits and pieces. When you were engaged in conversation, he would reach back into the past to illustrate points

with very tangible, concrete, easy-to-understand examples, often with himself having been in the middle of it.

My legislative director, Janine Benner, and I became acquainted with Roger as we were dealing with policies to prevent, cope, and recover from natural disasters. One of Roger's books was titled "Wildfire and Americans: How to Save Lives, Property, and Your Tax Dollars." His kind words mentioning us by name in the acknowledgement was a high point of both of our careers. He was a valued participant in sessions we would have before and after Hurricane Katrina. He was a keen student of the built environment, dealing with unintended consequences of policy, whether putting Los Alamos nuclear laboratory facilities in the middle of an area that had been repeatedly burned by wildfires or digging into the history of the early South, slavery and land use, the Jeffersonian model. He provided information and insights that were unique, profound, and provocative. Even after his retirement, he continued to be a scholar, an advocate, a friend, and a mentor—especially a mentor.

I have read the articles that were about Roger in The New York Times, The Washington Post, but none captured better than a note from our legislative director, Janine Benner, who wrote, "Roger was a big thinker, understanding the way things in the world fit together. I loved just listening to him talk. It made me feel like at least there were a few people who understand how the world really should be. I always kept my notes from the conversations in hopes that they would make me smarter. He was devoted to public service, even in 'retirement.' He was always thinking about ways to make the world a better place. While he was very focused on the past, writing books about history, he was a master at using that knowledge to inform himself and others about the future. Preventing devastating damage from wildfires and his exploration of the flame zone was a great example."

Mr. Speaker, we often talk about someone's passing as an opportunity to celebrate their life. It's hard to imagine a better life to be celebrated, more productive, with greater joy and insight, than the life Roger Kennedy lived.

Today people in government seem incapable of dealing with big issues, matters of consequence in a thoughtful and cooperative fashion. Well, there's no better role model for any of us to meet

the challenge in all our opportunities and responsibilities than Roger Kennedy. On behalf of our legislative director, Janine Benner, and the people in our office who were privileged to know and work with Roger, we extend our sympathies to his wife, Frances, and Roger's circle of family and friends. We are all going forward strengthened by Roger's friendship, scholarship, and example.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, this Friday will be the 10th anniversary of our troops being committed to Afghanistan. This commitment by the previous administration and Congress was justified because bin Laden and al Qaeda were responsible for 9/11. But now bin Laden is dead; al Qaeda is disbursed all around the world.

Beside me is a poster of an honor guard carrying a flag-draped coffin off a plane at Dover Air Force Base. To accompany the photo, I will read into the RECORD an editorial from Bob Schieffer titled "The Real Cost of War":

I was in an airport lounge the other day when I saw a woman across the way. Why I kept staring, I don't know. Maybe it was just that she seemed so sad. And then I understood. And I looked away, hoping she had not seen me stare. Because in her lap was an American flag, neatly folded into a triangle and placed in a clear plastic case, a flag folded the way it always is when it is given to a soldier's family as the soldier's coffin is lowered into the grave.

I figured her to be a soldier's mother, and I couldn't help but wonder what memories that flag evoked as she held it there. Did it remind her of the first time she had seen her child in the delivery room, or was it the memory of seeing him go off to school that first day, or when he brought home the prize from the science fair, or maybe made the touchdown, or gave her the first Valentine when he wrote out, "Mommy, I love you."

I keep thinking about all the talk in Washington about the high cost of defense and how we have to cut the Pentagon budget before it bankrupts the country. But as I watched that woman, budgets seemed to be such a small part of all of it. No, the real cost of war is not what we pay in dollars and cents. The real cost is what we take from a mother who is left with just a memory and a neatly folded flag in a clear plastic case.

This was over a year ago, and I want to thank Bob Schieffer. I don't think it can be said better than what he said that day, which I just read into the RECORD.

Why this Congress continues to complain about budgets and cuts and deficits and debts, and our young men and women are walking the roads of Afghanistan, getting their legs blown off and getting killed, and we sit here in Congress and don't bring it up as an issue.

I want to thank my friends on both sides of the aisle and the Republicans on this side of the aisle who are trying to say to Mr. Obama, No, don't leave them there until 2014. Karzai is a crook. He is a corrupt leader. You are spending \$10 billion a month in Afghanistan, and you can't even audit the books in Afghanistan. And kids are dying. Yet right here in America, we are cutting programs for children to get a pint of milk in school; and we are saying to a senior citizen, No sandwich at the senior citizens center because we can't afford it. But, Mr. Karzai, we will send you \$10 billion.

Mr. Speaker, it's borrowed money. It's not even Uncle Sam's money. It's probably Uncle Chang's money. But more importantly than the money is what Bob Schieffer said: It's the pain of war. And this Congress needs to come together and say to Mr. Obama, Let's bring them home this year, next year, but not wait until 2014, 2015.

Mr. Speaker, I will close, as I always do on the floor of the House, please, God, bless our men and women in uniform. Please, God, bless the families of our men and women in uniform. Please, God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and the Senate that we will do what is right in the eyes of God for its people. I ask God to give wisdom, strength, and courage to President Obama, that he will do what is right in the eyes of God's people. And I will say three times, God please, God please, God please continue to bless America.

□ 1010

COLOMBIAN WORKERS CONSTANTLY THREATENED AND AT RISK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. McGOVERN) for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I was in Colombia at the end of August with a delegation organized by the Washington Office on Latin America.

In Medellin, we met with the National Labor School, or ENS, to discuss the current labor situation in Colombia. Their reports on threatened and murdered unionists are internationally recognized; and because of this, ENS faces constant threats and efforts to discredit them.

While not at the levels of the early 2000s, violence against Colombia's

workers continues. It is persistent and frequent. It is a reality that cannot be denied, and it is meant to silence people. At least 40 trade unionists have been murdered since President Santos took office last year.

One benchmark in the Colombia Labor Action Plan is for the attorney general's office to meet with ENS and determine how to address the more than 2,900 cases of murdered unionists, of which 90 percent remain in impunity. The first meeting happened in May, but there's been no second meeting. In Bogota, I met with Deputy Attorney General Juan Carlos Forero. I asked him when the next meeting would happen, and he said "imminently." Five weeks later, still no meeting.

Last week, Human Rights Watch sent a study to Colombian Attorney General Viviane Morales. It says "virtually no progress" has been made in getting convictions for killings of labor activists that have occurred in just the past 4½ years. So virtually no progress on recent murders of labor activists, and little progress on past cases.

Mr. Speaker, I met with port workers, campesinos, workers on palm oil plantations, and petroleum and factory workers. Their reality is filled with risk, threats, and even death. They are not valued as human beings, Colombian citizens, or productive members of society. In Cartagena, port workers went on strike in March. Their working conditions are inhumane, and they are forced to work under various subcontracting schemes. These contracts deny them basic benefits and keep them in constant uncertainty about whether they will be working next week or even the next day. They just want the right to negotiate their contracts directly with their employers, the port associations.

The port workers ended their strike after just a few days because the Santos government promised to facilitate talks between the workers and the port associations. But nothing happened. Nothing changed. In fact, some things are worse. As part of the LAP, the most common subcontracting scheme, the so-called "cooperatives," was abolished, except nothing was done to facilitate direct contracting between workers and their employers. So a new scheme has popped up called "simplified joint stock companies," or SAS. Good-bye cooperatives, hello SAS. Meet the new boss; worse than the old boss.

The government has done little to help, unfortunately. When I asked Vice President Garzon about the port workers, he promised to meet again with their union leader. Mr. Speaker, it's not the workers he needs to meet with and convince to negotiate. It's the presidents of the port associations.

Oil workers from Meta showed me photographs and documents describing

poor living and working conditions, unfair contracts, and how the Canadian Venezuelan oil company, Pacific Rubiales, acts like a sovereign government on Colombian soil, destroying public roads, firing workers for organizing, and calling in security forces to tear gas striking workers. I'm sure it's not the whole picture, but once again striking workers returned to work because the government promised to open talks with the company. Again, all the workers are asking for is the right to negotiate directly with the company about their contracts and their living and working conditions, and once again the Colombian Government let the workers down.

In September, the strike was renewed, more explosive on all sides than the last one, because nothing had changed since July. Bruno Moro, the U.N. delegate in Colombia, called on everyone to come to the table and resolve the crisis, describing the conflict as the result of no one creating conditions for dialogue. The workers have again returned to work because of agreements by the government to open talks with the company. This time, I hope the government keeps its word.

Mr. Speaker, nothing I saw in Colombia indicated things have changed for the better on the ground for Colombia's workers. Before we take up the FTA, we must demand concrete improvements in labor rights and security for Colombia's workers. Whatever we're doing now isn't working, it isn't making a difference, and it simply isn't enough.

[From Associated Press, Oct. 2, 2011]

STUDY: COLOMBIA ANTI-UNION VIOLENCE UNDETERRED
(By Frank Bajak)

BOGOTA, COLOMBIA.—A new study challenges claims from the administration of President Barack Obama that Colombia is making important strides in bringing to justice killers of labor activists and so deserves U.S. congressional approval of a long-stalled free trade pact.

The Human Rights Watch study found "virtually no progress" in getting convictions for killings that have occurred in the past 4½ years.

It counted just six convictions obtained by a special prosecutions unit from 195 slayings between January 2007 and May 2011, with nearly nine in 10 of the unit's cases from that period in preliminary stages with no suspect formally identified.

Democrats in the U.S. Congress have long resisted bringing the Colombia trade pact to a vote, citing what they said is insufficient success in halting such killings.

The White House disagrees, and says Colombia has made significant progress in addressing anti-unionist violence.

It is pushing for congressional approval as early as this week of the Colombia agreement along with pacts with South Korea and Panama, something the Republicans endorse and that they say will increase U.S. exports by \$13 billion a year and support tens of thousands of jobs.

U.S. Trade Representative Ron Kirk recently said the trade agreements are "an integral part of the President's plan to create jobs here at home."

But in Colombia, the world's most lethal country for labor organizing, the killings haven't stopped. At least 38 trade unionists have been slain since President Juan Manuel Santos took office in August 2010, says Colombia's National Labor School.

"A major reason for this ongoing violence has been the chronic lack of accountability for cases of anti-union violence," Human Rights Watch said in a letter sent Thursday to Colombian Chief Prosecutor Viviane Morales that details the study's findings.

Convictions have been obtained for less than 10 percent of the 2,886 trade unionists killed since 1986, and the rights group said it found "severe shortcomings" in the work of a special unit of Morales' office established five years ago to solve the slayings. The letter says the unit has demonstrated "a routine failure to adequately investigate the motive" in labor killings as well as to "bring to justice all responsible parties."

A chief finding: The 74 convictions achieved over the past year owe largely to plea bargains with members of illegal far-right militias who confessed to killings in exchange for leniency.

They did so under the so-called Justice and Peace law that gave paramilitary fighters reduced prison sentences of up to eight years in exchange for laying down their arms and confessing to crimes. That law expired at the end of 2006, the year the free trade pact was signed.

Only in a handful of cases did prosecutors pursue evidence that the paramilitaries who confessed acted on the orders of politicians, employers or others, Human Rights Watch says.

Prosecutors "made virtually no progress in prosecuting people who order, pay, instigate or collude with paramilitaries in attacking trade unionists," the letter states. "What is at stake is the justice system's ability to act as an effective deterrent to anti-union violence."

Of the more than 275 convictions handed down through May, 80 percent were against former members of the United Self-Defense Forces of Colombia, or AUC. The head of international affairs in the chief prosecutor's office, Francisco Echeverri, told the AP that it has put 513 people in prison.

In nearly half of 50 recent convictions reviewed by Human Rights Watch, the judges cited "evidence pointing to the involvement of members of the security forces or intelligence services, politicians, landowners, bosses or coworkers." Yet in only one of those cases was such an individual convicted.

In the case of a gym teacher and union activist killed in the northwestern town of San Rafael in 2002, one of the paramilitaries who confessed to the crime said it was committed at the request of the mayor, according to the judge's decision.

The man who was mayor at the time and was re-elected in 2008, Edgar Eladio Giraldo, is not being formally investigated and has not been questioned about the killing, said Hernando Castaneda, chief of the special unit.

"I have no knowledge of that and did not know that I was involved in that," Giraldo told The Associated Press by telephone when asked about the killing of Julio Ernesto Ceballos.

A spokeswoman for Chief Prosecutor Morales said Sunday that her boss had not yet seen the Human Rights Watch letter.

Dan Kovalik of the United Steel Workers said the study's findings and the continued killings "prove what labor is telling the White House: The labor rights situation in

Colombia is not improving, and passage of the FTA is not appropriate."

A memo soon to be released by the AFL-CIO deems Colombia noncompliant with the "Labor Action Plan" Santos and Obama agreed to in April as a condition for White House approval of the free trade pact.

In the memo, shown to the AP, the labor federation finds neither "economic, political, or moral justification for rewarding Colombia with a free trade agreement."

Deputy Assistant U.S. Trade Representative Nkenge Harmon said Friday when presented with the study's findings that Colombia's record prosecuting "perpetrators of violence" against labor activists "has improved significantly," though she added that Colombian officials acknowledge more needs to be done.

Harmon also stressed that additional Colombian resources are being dedicated to the issue and that the U.S. government "is working intensively with them through training and support."

Human Rights Watch acknowledged that annual trade unionists killings are only a quarter of what they were a decade ago. And it applauded some measures taken by Chief Prosecutor Morales, including her announcement that an additional 100 police investigators would be assigned to the special investigative unit.

But HRW regional director Jose Miguel Vivanco said "the challenge (Morales) is facing remains huge."

A U.S. congressman who has met with various Colombian presidents on human rights issues, Jim McGovern, a Democrat from Massachusetts, doesn't think enough has been done to reverse what he called a "dis-mal" record.

Said McGovern: "My worry is that if you approve the FTA at this particular point you remove all the pressure off the powers that be in Colombia to actually make a sincere, honest and concerted attempt to improve the situation."

A STATEMENT OF CONSCIENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. My conscience has compelled me to come to the floor today to voice concerns I have with the influence Grover Norquist, the president of Americans for Tax Reform, has on the political process in Washington. My issue is not with ATR's goal of keeping taxes low. Like Ronald Reagan said, and I believe, "The problem is not that the people are taxed too little; the problem is that government spends too much."

I want to be perfectly clear: I do not support raising taxes on the American people. My concern is with the other individuals, groups and causes with whom Mr. Norquist is associated that have nothing to do with keeping taxes low.

Among them:

One, Mr. Norquist's relationship with Jack Abramoff. Mr. Abramoff essentially laundered money through ATR and Mr. Norquist knew it.

Two, his association and representation of terrorist financier and vocal Hamas supporter Abdurahman

Alamoudi. He also is associated with terrorist financier Sami al-Arian, who pled guilty in 2006 to conspiring to provide services to Palestinian Islamic jihad.

Three, Mr. Norquist's lobbying on behalf of Fannie Mae.

Fourth, Mr. Norquist's representation of the Internet gambling industry.

Fifth, Mr. Norquist's advocacy of moving Guantanamo Bay detainees to the United States, including 9/11 mastermind Khalid Sheikh Mohammed.

Simply put, I believe Mr. Norquist is connected with or has profited from a number of unsavory people and groups out of the mainstream. I also believe that Mr. Norquist has used the ATR "pledge" as leverage to advance other issues that many Americans would find inappropriate and, when taken as a whole, should give people pause.

I raise these concerns today in the context of dealing with the future of our country. America is in trouble. Unemployment is over 9 percent. Housing values continue to decline. Retirement accounts are threatened. The American people are worried. Yet Washington is tragically shackled in ideological gridlock. Some are dead set against any change to entitlement programs, while others insist that any discussion of tax policy is off the table.

We are at a point today that the tsunami of debt in America demands that every piece of the budget be scrutinized, and that means more than just cutting waste, fraud and abuse and discretionary programs. The real runaway spending is occurring in our out-of-control entitlement costs and the hundreds of billions in annual tax earmarks in our Tax Code. Until we reach an agreement that addresses those two drivers of our deficit and debt, we cannot right our fiscal ship of state. Everything must be on the table, and I believe how the "pledge" is interpreted and enforced by Mr. Norquist is a roadblock to realistically reforming our Tax Code.

When Senator TOM COBURN recently called for eliminating the special interest ethanol tax subsidy, who led the opposition? Mr. Norquist. Have we already forgotten the battle over earmarks from last year? Unlike an earmark included in an annual appropriations bill, tax earmarks are far worse because, once enacted, they typically exist in perpetuity. Have we really reached a point where one person's demand for ideological purity is paralyzing Congress to the point that even a discussion of tax reform is viewed as breaking a no-tax pledge?

I understand that some may not agree with what I say. I know many are not aware of Mr. Norquist's associations. But my conscience compels me to speak out today. Reasonable people can differ on the merits of pledges—and I respect those differences—but the issue is with the interpreter and the

enforcer of a pledge. William Wilberforce, the British parliamentarian and abolitionist, famously told his colleagues: "Having heard all of this, you may choose to look the other way, but you can never again say you did not know."

I urge my colleagues to read my full statement in the RECORD, which will also be posted on my Web page, going into greater detail on the issues I have raised.

A STATEMENT OF CONSCIENCE

Mr. Speaker, every day, brave men and women in our armed forces and their families are sacrificing for our country—many making the ultimate sacrifice. Despite the danger, they rise to the occasion. At this time of political and economic crisis, will the Congress and the president match their courage? Will we rise to the occasion?

Every member of Congress and the president know the dire economic situation facing our country. A debt load well over \$14.5 trillion. Annual deficits over \$1 trillion.

A separate but some believe even more important challenge is addressing the over \$62 trillion in unfunded obligations and liabilities on the books for entitlements including Social Security, Medicare and Medicaid.

We always say we want to leave our country better than we found it and to give our children and grandchildren hope for the future. But if we do not change course, the debt burden will crush future generations. Every penny of the federal budget will go to interest on the debt and entitlement spending by 2028. Every penny. That means no money for our national defense. No money for homeland security. No money to fix our nation's crumbling infrastructure. No money for cancer research.

The uncertainty about our nation's economic future is undermining employer and consumer confidence, preventing the recovery we so desperately need to get Americans back to work.

According to the most recent jobs data, the economy failed to add a single net job during August 2011. Not one. The nation's unemployment rate continues to hover above 9 percent.

We hear from our constituents every day that they are worried about their jobs. They are worried about the value of their houses. They are worried about their investments and retirement plans.

Furthermore, we face these challenges not in a vacuum, but in an increasingly competitive and dangerous world filled with those who would stand to benefit from an America in decline. Among our biggest "bankers" are China—which is spying on us, where human rights are an afterthought, and Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith—and oil-exporting countries such as Saudi Arabia, which funded the radical madrasahs on the Afghan-Pakistan border resulting in the rise of the Taliban and al Qaeda.

At a time when strong leadership is needed to address this fiscal crisis, it is unfortunate that President Obama has continually failed to lead by example. He even walked away from the recommendations of his own fiscal commission.

And just last month, on September 16, the Washington Post reported that President

Obama is once again walking away from any serious effort to address the deficit and debt by removing any discussion of Social Security from the debt negotiations. Once again, the president is not only failing to lead, but obstructing the process to find a bipartisan agreement on deficit reduction.

The president and some on the other side of the aisle say that this debt crisis is because Americans are undertaxed. In fact, the president just proposed paying for another round of temporary stimulus spending by permanently limiting charitable tax deductions. He knows that even members of his own party would never support this. I don't support this either.

Like President Reagan said, and I believe, "The problem is not that people are taxed too little, the problem is that government spends too much." There is no question that the real problem is overspending, especially on runaway entitlement costs and through hundreds of billions of so-called tax expenditures.

It is no secret that our inefficient and burdensome tax code is undermining consumer and business confidence further weakening our fragile economic recovery. Comprehensive tax reform is needed now more than ever to rid our tax code of earmarks and loopholes that promote crony capitalism and let Washington pick winners and losers.

Yet we sit here today shackled in ideological gridlock. Some insist that any discussion of tax policy is off the table. Others reject any change in entitlement programs.

On the Democrat side, MoveOn.org and other liberal interests tie the hands of Democrat members, threatening them should they break ranks on any deficit reduction plan that touches social programs.

On the Republican side, Grover Norquist holds up the Americans for Tax Reform's Taxpayer Protection Pledge to block even the mention of putting tax reform on the table for discussion as part of a deficit reduction agreement.

For over five years I have pushed bipartisan legislation to set up an independent commission to develop a comprehensive deficit reduction package that would require an up-or-down vote by the Congress. I have said that the enormity of the crisis we face demands that everything must be on the table for discussion—all entitlement spending, all domestic discretionary spending, and tax policy; not tax increases, but reforms to make the tax code simpler and fairer and free from special interest earmarks.

I have supported every serious effort to resolve this crisis: the Bowles-Simpson recommendations, the "Gang of Six" effort, and the "Cut, Cap and Balance" bill—including the Balanced Budget Amendment. None of these solutions were perfect, but they all took the steps necessary to rebuild and protect our economy.

Powerful special interests continue to hold this institution hostage and undermine every good faith effort to change course.

POLITICAL PLEDGES

Some may ask: what's the big deal in signing a pledge by a special interest group to articulate a candidate's position on a political issue?

Pledges are not new to politics, but conservatives have long recognized their danger. In

1774 during an address to the electors of Bristol, the father of conservatism, Edmund Burke, refused to bind himself to a pledge during the campaign and renounced their "coercive authority."

Burke said that an elected representative's "unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. . . . They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

More recently, preeminent American conservative academic Russell Kirk identified the principal qualities of a conservative leader. Kirk urged conservatives to follow Burke's example and to be prudent. According to Kirk, "to be 'prudent' means to be judicious, cautious, sagacious. Plato, and later Burke, instruct us that in the statesman, prudence is the first of the virtues. A prudent statesman is one who looks before he leaps; who takes long views; who knows that politics is the art of the possible."

Conservatives of all people should not be locked into any ideological position. We are bearers of a conservative tradition. Conservatism is not an ideology; it's not doctrine or dogma. It is a way of seeing life. It draws on the wisdom of the past to view events of the present. We all stand on the shoulders of the great people who have gone before us. That is why G. K. Chesterton described our experiment as "democracy of the dead" because we care about the foundation laid by our forefathers.

Burke's wisdom was succinctly summarized by Governor Jeb Bush, who told the Washington Post's Michael Gerson in July, "I never raised taxes. I'm pro-life. But I don't recall signing any of those pledges. You don't hide your beliefs. You persuade people. You win or lose. And if you win, you are not beholden to anyone or anything other than your own beliefs."

I don't sign or support political pledges. Reasonable people can disagree about the philosophical merits of signing pledges—and I respect those differences. But even for those who do, I think everyone can recognize that the real danger of pledges lies with the ideologues who claim ownership of the interpretation and enforcement of the pledge.

Since 1986, Grover Norquist has asked every candidate for office to sign the "Taxpayer Protection Pledge." He is the owner of the pledge, which he says binds the signer in perpetuity to oppose any and all tax increases, as determined solely by Norquist. He even locks the pledges in a safe. He has become the self-anointed protector and if anyone dares challenge him, be prepared for retribution.

Jason Horowitz, in a July 12 Washington Post article reported: "The sacred texts from which Grover Norquist draws his political power are hidden in a secret fireproof safe."

He quotes Norquist: "I keep the originals in a vault, in case D.C. burns down. When someone takes the pledge, you don't want it tampered with; you don't want it destroyed."

In his own words in the October 2011 edition of *The American Spectator*, Norquist says,

"Take the Pledge, win the primary. Take the Pledge, win the general. Break the Pledge, lose the next election."

Columnist Robert Samuelson, in a July 10 Washington Post piece pointed out, "just in case you hadn't noticed, no one has elected Grover Norquist to anything. Still, he looms as a major obstacle to Congress reaching a deficit-reduction agreement. . . ."

Samuelson continued: "[B]ut what's revealing about Norquist's passionate advocacy is that it virtually ignores the main causes of bigger government: Social Security and Medicare."

I agree that entitlement spending is the 800-pound gorilla in the room. The hundreds of billions in annual tax earmarks in our tax code also must be dealt with. Until we reach an agreement that addresses these two drivers of our deficits and debt, we cannot right our fiscal ship of state.

We are at a point today that the tsunami of debt in America demands that every slice of the budget be scrutinized. As I said before, everything must be on the table.

Have we really reached a point where one person's demand for ideological purity is paralyzing Congress to the point that even a discussion of tax reform is viewed as breaking a no-tax pledge?

It is curious that Norquist is president of Americans for Tax Reform, yet his purist pledge has no mention of working to reform the tax code to make it simpler and fairer to average American taxpayers.

ATTACKS ON CONGRESS

We recently witnessed Norquist's zealotry in action as he worked to stop Senator TOM COBURN's call for eliminating the ethanol tax subsidy. Senator COBURN signed Norquist's pledge, but he dared to call for a change in the tax code to eliminate spending through the tax code.

In signing the pledge, a candidate promises to: "one, oppose any and all efforts to increase the marginal income tax rates for individuals and/or businesses; and two, oppose any net reduction or elimination of deductions and credits, unless matched dollar for dollar by further reducing tax rates."

In Mr. Norquist's way of thinking, for Senator COBURN to pursue a change in the tax code to cut a tax earmark, he was breaking the pledge. Norquist accused this honorable member of Congress of lying his way into office.

In his recent report, *Back to Black*, Senator COBURN identified nearly \$1 trillion in annual spending through the types of tax earmarks that Grover Norquist defends. Many of these earmarks are designed to benefit special interests. NASCAR, dog and horse tracks, tackle box makers, railroads, mohair producers, hedge fund managers, ethanol producers, automakers, and video game developers—all receive tax breaks which subsidize their businesses.

A September 10, 2011, New York Times article reported, "the federal government gave \$123 billion in tax incentives to corporations in 2010, according to the Joint Committee on Taxation." The article highlighted one example of unnecessary and wasteful tax earmarks, stating that tax "breaks for the video game industry—whose domestic sales of \$15 billion a

year now exceed those of the music business—are a vivid example of a tax system that defies common sense."

But, according to Mr. Norquist's pledge, anyone who opposes the myriad of tax subsidies that allowed General Electric to avoid paying taxes last year would violate "the pledge." The average American family last year paid more in taxes than GE, which has aggressively offshored thousands of jobs to China and has been actively transferring American technology to the Chinese government, according to an August 23, 2011, article in *The Washington Post* by Howard Schneider.

Have we already forgotten the battle over earmarks from last year? Unlike an earmark included in an annual appropriations bill, these "tax earmarks" are far worse because once enacted they exist in perpetuity. Tax earmarks last for multiple spending cycles—piling up as special interest lobbies succeed in getting more special treatment for their clients. At the end of the day, whether a spending earmark or a tax earmark, the federal government is picking winners and losers, and the losers are hard-working Americans who are looking to us to reduce their tax rates.

I stand with Senator COBURN. I don't want to increase marginal tax rates on hard-working Americans; I want to lower them by ridding the tax code of the loopholes and special interest earmarks. If we can reform the code in that way, we can lower marginal tax rates.

I would submit that Mr. Norquist has every interest in protecting these special interest tax earmarks because that is how he earns his living. A review of his lobbying disclosure forms demonstrate how many special interest issues he lobbies on and how little they have to do with reforming the tax code to lower tax rates on all Americans.

I would also submit that Mr. Norquist's pledge—which candidates sign to indicate their opposition to tax increases—has morphed into a powerful mechanism for Mr. Norquist to ensure that favored tax earmarks to select industries remain untouched, thus preventing comprehensive tax reform.

I believe it is fair to ask: just who is Grover Norquist and how has he amassed such perceived political power inside Washington?

Numerous federal investigations, reports, and public documents point to Grover Norquist using his network of organizations—Americans for Tax Reform (ATR), his former and now defunct lobbying firm Janus-Merritt Strategies, and the Islamic Free Market Institute—in questionable ways, raising money in business activities with people who have been in serious criminal trouble.

A survey of Mr. Norquist's associates reveals that some of his closest business partners and clients have been convicted of crimes and have served time in prison or are currently serving, including Jack Abramoff, David Savavian, and Dickie Scruggs, as well as convicted terrorist supporters Abdurahman Alamoudi and Sami Al-Arian.

More recently, according to news reports, Mr. Norquist has been an outspoken advocate for moving Guantanamo Bay detainees to the United States, including 9/11 mastermind Khaled Sheik Mohammed to New York City. He also interjected himself into the debate

about the proposed "Ground Zero Mosque" last summer.

I want to be clear: I raise these issues not just because Mr. Norquist's associates may be unsavory people. There are many lobbyists in Washington who represent clients of all stripes and backgrounds. But my concern arises when the appearances of impropriety are raised over and over again with a person who has such influence over public policy. That, I believe, should give any fair-minded person pause.

ABRAMOFF SCANDAL

Norquist's role in the Jack Abramoff scandal has been well documented by federal investigators, including the Senate Committee on Indian Affairs' 2006 report, *Gimme Five—Investigation of Tribal Lobbying Matters*. Investigators found that Messrs. Norquist and Abramoff developed a secretive relationship under which Mr. Abramoff directed the Choctaw tribe to make payments to Americans for Tax Reform, which, in turn, transferred the money to Ralph Reed's advocacy firm—after taking a "management fee," which averaged \$25,000 per transaction, for agreeing to serve as Abramoff's conduit, according to the committee's report.

According to the same Senate report, "Abramoff said that keeping the arrangement with Norquist and ATR a secret was important. After all, Abramoff wrote '[w]e do not want opponents to think we are trying to buy the tax payer [sic] movement.'"

Again, according to the Senate report, "On May 20, 1999, Norquist had asked Abramoff, 'What is the status of the Choctaw stuff. I have a \$75K hole in my budget from last year. Ouch [sic].' Thus in the fall of 1999, Abramoff reminded himself to 'call Ralph [Reed] re Grover doing pass through.' When Abramoff suggested the Choctaw start using ATR as a conduit, the Tribe agreed."

In February 2000, according to the Senate report, Mr. Abramoff contacted Mr. Reed in advance of a series of \$300,000 payments to ATR to warn him that, "I need to give Grover something for helping, so the first transfer will be a bit lighter."

The degree to which Mr. Norquist was financially benefiting by laundering Mr. Abramoff's money was detailed in the Senate report:

"On February 17, 2000 Abramoff advised Reed that 'ATR will be sending a second \$300K today.' This money, too, came from the Choctaw. Norquist kept another \$25,000 from the second transfer, which apparently surprised Abramoff."

"On March 2, 2000, Abramoff told [Choctaw liaison] Rogers that he needed 'more money asap' for Reed, and requested 'a check for \$300K for Americans for Tax Reform asap.'"

"Abramoff's executive assistant Susan Ralston asked him, 'Once ATR gets their check, should the entire \$300k be sent to the Alabama Christian Coalition again?'"

"Abramoff replied, 'Yes, but last time they sent \$275K, so I want to make sure that before we send it to ATR I speak with Grover to confirm.'"

Weekly Standard editor Matthew Continetti wrote in his book, *The K Street Gang*, that "between 1995 and 2002 the Mississippi

Choctaw donated about \$1.5 million to Americans for Tax Reform.” Mr. Abramoff also instructed his other clients to make regular donations to ATR, according to Continetti’s book. However, the cumulative amount is unknown because Mr. Norquist refuses to identify ATR’s clients, Continetti states.

According to Continetti, during the same period, Mr. Norquist was intimately involved with the questionable activities surrounding other Abramoff clients, including the Marianas Islands, which is prominently featured in the documentary *Casino Jack*. As one participant in Mr. Norquist’s Wednesday Group meetings—a weekly gathering of Mr. Norquist’s invited guests—noted, following Mr. Norquist’s collaboration with Mr. Abramoff, “All of a sudden the Marianas shows up as one of [ATR’s] number-one priority issues,” Continetti writes.

“[The Norquist-Abramoff strategy] was about co-opting conservative journalists and intellectuals,” wrote Continetti. “As outlined in his retrospective memo, Abramoff knew from the start that a good lobbyist not only targeted lawmakers, he also targeted opinion makers. So representatives were dispatched to Norquist’s Wednesday Meetings to preach the gospel . . . When [Abramoff’s clients] visited the United States, Abramoff would not only make sure to shepherd them to Grover Norquist’s Wednesday Meetings. He also billed them thousands of dollars for ‘discussions’ with Norquist. He billed the Marianas for the airfare to send staff members of Americans for Tax Reform to Saipan. From *National Journal*: ‘According to sources familiar with ATR finances, the group sent Marianas officials a bill for \$10,000 at least once in the mid-1990s for attendance at Norquist’s tax policy dinners.’ It paid to be a friend of Jack Abramoff.”

IGNORING SUBPOENAS

It is also noteworthy that Mr. Norquist and Americans for Tax Reform repeatedly refused to comply with the congressional subpoenas for additional information regarding their role in the Abramoff affair, according to an April 21, 2005, article in *Roll Call*.

Additionally, Mr. Norquist refused to comply with an earlier congressional subpoena according to a 1998 Senate Governmental Affairs report, which found Americans for Tax Reform in violation of its tax-exempt status.

Given Norquist’s questionable role in the Abramoff scandal, his refusal to comply with congressional subpoenas is all the more troubling.

TERRORIST CONNECTIONS

Not only was Mr. Norquist entangled with the criminal dealings of Jack Abramoff, but documentation shows that he has deep ties to supporters of Hamas and other terrorist organizations that are sworn enemies of the United States and our ally Israel.

According to Senate lobbying disclosure records of his now defunct lobbying firm, Janus-Merritt Strategies, around the years 2000 and 2001 Mr. Norquist’s firm represented Abdurahman Alamoudi, who was convicted two years later for his role in a terrorist plot and who is presently serving a 23-year sentence in federal prison.

Court documents and a October 15, 2004, Department of Justice press release reveal that Alamoudi, the president of the American

Muslim Council, was arrested at Dulles Airport in September 2003 upon returning to the U.S. after participating in a Libyan plot to assassinate the Saudi Crown Prince Abdullah. “Alamoudi participated in recruiting participants for this plot by introducing the Libyans to two Saudi dissidents in London and facilitating the transfer of hundreds of thousands of dollars of cash from the Libyans to those dissidents to finance the plot,” the release said.

According to the DOJ press release, Alamoudi, a naturalized citizen, pled guilty to three federal offenses: One count of violating the International Emergency Powers Act; One count of false statements made in his application for naturalization; A tax offense involving a long-term scheme to conceal from the IRS his financial transactions with Libya and his foreign bank accounts and to omit material information from the tax returns filed by his charities.

It is important to point out that Alamoudi’s ties to terrorist groups were no secret prior to his arrest.

Alamoudi spoke at an October 2000 rally in front of the White House in support of Hamas and Hezbollah during the period he was represented by Norquist’s firm, according to Senate lobbying disclosure records. The “Rally Against Israeli Aggression” was sponsored by Norquist’s Islamic Free Market Institute, according to a September 2000 “Islamic Institute Friday Brief.” The Islamic Free Market Institute was created by Grover Norquist and operated out of his Americans for Tax Reform office in Washington, thanks to sizable start-up contributions from Alamoudi, according to a March 11, 2003, article in the *St. Petersburg Times* by Mary Jacoby.

I have seen video from the rally, where Alamoudi roared from the stage:

“I have been labeled by the media in New York to be a supporter of Hamas, anybody supports Hamas here?”

[Crowd cheers, “Yes!”]

“ . . . Hear that, Bill Clinton, we are all supporters of Hamas, Allahu Akbar.”

“I wish they added that I am also a supporter of Hezbollah. Anybody supports Hezbollah here?”

[Crowd cheers, “Yes!”]

A few months after the Lafayette Park rally, Alamoudi was photographed in Beirut at a conference attended by representatives of the terror groups Hamas, Islamic Jihad, Hezbollah and al-Qaida, also according to the March 2003 *St. Petersburg Times* article.

In addition to Alamoudi’s outspoken support for Hamas and Hezbollah, he expressed private support for the 1994 terrorist attack against a synagogue in Buenos Aires, Argentina, which killed 85 people and injured hundreds, according to a December 17, 2003, article in *The American Spectator* by Shawn Macomber, who reported: “In a wiretapped conversation made public in the recent criminal complaint, he (Alamoudi) praises a 1994 bombing in Buenos Aires. ‘The Jewish Community Center. It is a worthy operation,’ Alamoudi tells an unidentified man, in Arabic. ‘I think that the attacks that are being executed by bin Laden and other Islamic groups are wrong, especially hitting the civilian targets. Many African Muslims have died and not a single American has died. I prefer to hit a Zi-

onist target in America or Europe . . . I prefer honestly like what happened in Argentina.”

According to a June 11, 2003, *Wall Street Journal* article by reporters Tom Hamburger and Glenn Simpson, around 1999 Alamoudi sent his deputy at the American Muslim Council, Khaled Saffuri, to work directly for Mr. Norquist to establish the Islamic Free Market Institute—one of the groups that sponsored the October 2000 rally in Lafayette Park. The institute, chaired by Norquist and led by Saffuri, operated out of the Americans for Tax Reform offices here in Washington, according to the March 2003 article in the *St. Petersburg Times*.

The Senate Indian Affairs Committee report revealed that Saffuri was closely tied to Mr. Norquist and the Abramoff scandal and received money from Abramoff and a front group, the American International Center (AIC), to partner with Abramoff’s firm Greenberg Traurig on his “Malaysian-related interests and issues.”

Mr. Norquist also associated with terror financier Sami Al-Arian, according to Mary Jacoby’s reporting in March 2003, in the *St. Petersburg Times*. Al-Arian pled guilty in 2006 “to a charge of conspiring to provide services to the Palestinian Islamic Jihad (PIJ), a specially designated terrorist organization, in violation of U.S. law,” and is under house arrests, according to a Department of Justice press release. The Palestinian Islamic Jihad’s “paramilitary wing—the al-Quds Brigades—has conducted numerous attacks, including large-scale suicide bombings,” according to the National Counterterrorism Center.

Who is Sami al-Arian? An October 2003 federal affidavit noted that Al-Arian had longstanding connections to associates of al Qaeda. According to the affidavit, “Sheik Rahman (the ‘Blind Sheik’) visited Al-Arian at his residence in Tampa and spoke at his mosque.” Rahman is currently serving a life sentence in U.S. prison for his role in the 1993 World Trade Center attack and additional terror plots. The federal affidavit also disclosed Al-Arian’s ties with Alamoudi.

Al-Arian’s relationship with Mr. Norquist appears to have spanned several years. Prior to his arrest in February 2003, Sami Al-Arian visited Norquist’s office in Washington for a meeting, also reported in the June 11, 2003, article in the *Wall Street Journal*. According to Continetti, Mr. Al-Arian also “cc’d Norquist on an e-mail he sent to the *Wall Street Journal* protesting an editorial that had pointed out his terrorist connections.”

Mr. Norquist himself served as a key facilitator between Al-Arian, Alamoudi and the White House, according to Mary Jacoby’s reporting in March 2003 in *The St. Petersburg Times*. She reported that “In June 2001, Al-Arian was among the members of the American Muslim Council invited to the White House complex. . . The next month, the National Coalition to Protect Political Freedom—a civil liberties group headed by Al-Arian—gave Norquist an award for his work to abolish the use of secret intelligence evidence in terrorism cases.”

OPPOSING THE PATRIOT ACT

Mr. Norquist also has been an outspoken supporter of Al-Arian’s effort to end the use of classified evidence in terror trials. In fact,

Norquist was scheduled to lead a delegation to the White House on September 11, 2001, that included a convicted felon and some who would later be identified by federal law enforcement as suspected terrorist financiers.

According to a Arab American Institute 2002 report, "Healing the Nation," "[o]n the day of the terrorist attacks, Arab American and Muslim American leaders were already in Washington, D.C. for a previously scheduled meeting with President Bush to discuss the use of 'secret evidence' in certain immigration proceedings and racial profiling of Arab Americans at the nation's airports and security checkpoints."

I have seen the list of attendees for the scheduled meeting. Among those listed:

Madhi Bray, a convicted felon who was found guilty of drug and fraud charges in the 1980s. Bray appeared cheering on stage with Alamoudi at the October 2000 rally in Lafayette Park as Alamoudi declared his support for Hamas and Hezbollah.

Omar Ahmed, co-founder of the Council on American Islamic Relations (CAIR). According to an April 18, 2011, Politico article by Josh Gerstein, "Federal prosecutors . . . have introduced evidence in court of Ahmad's attendance at a 1993 meeting in Philadelphia that the FBI contends was a gathering of Hamas supporters seeking to undermine the Middle East peace process. Prosecutors [in the Holy Land Foundation case] have also presented documents that appear to show CAIR as part of a network of Muslim Brotherhood organizations in the U.S."

The list provided to the White House by Norquist's Islamic Institute included representatives from each of Norquist's organizations, including a Janus-Meritt lobbyist. At the top of the list: Grover Norquist, representing Americans for Tax Reform.

According to a June 11, 2003, Wall Street Journal article by reporters Tom Hamburger and Glenn Simpson, "Mr. Norquist helped secure a promise from presidential candidate Bush to moderate federal policy on investigating suspected illegal immigrants. In a nationally televised debate on Oct. 11, 2000, Mr. Bush said: 'Arab-Americans are racially profiled in what's called secret evidence . . . We've got to do something about that.' Since the Sept. 11 attacks, the White House has abandoned that promise, as the Justice Department has aggressively pursued prosecutions of Muslims allegedly supporting terrorism."

Mr. Norquist has also led efforts over the last decade to weaken and repeal the PATRIOT Act, working closely with liberal groups such as the American Civil Liberties Union, according to a February 20, 2008, profile on Norquist in the Washington Examiner, "A former lobbyist with the American Civil Liberties Union said privately that Norquist won her over when they joined forces to oppose the Bush administration's Patriot Act and warrantless wiretapping. 'I was initially skeptical,' she said, 'but I knew there was common ground on this issue and that we would be most powerful if we united.'"

GUANTANAMO BAY DETAINEES

More recently, Mr. Norquist has become an outspoken advocate for moving Guantanamo Bay detainees to the United States. According

to a November 16, 2009, Huffington Post article by Sam Stein, Norquist led a public campaign to undermine Republican-led efforts to block the Obama Administration's transfer of 9/11 mastermind Khaled Sheikh Mohammed to New York City and other terrorist detainees to Thompson Prison in Illinois, the first time terrorists would be held indefinitely inside the United States.

The article reported that Mr. Norquist wrote that, "moving suspected terrorists to the Thomson, Illinois prison facility, 'makes good sense.' Taxpayers, [Norquist wrote], have already invested \$145 million in the facility, which has been 'little used.' The scare-mongering about these issues should stop," [Norquist wrote], noting that there is 'absolutely no reason to fear that prisoners will escape or be released into their communities.'"

Why is Mr. Norquist, head of Americans for Tax Reform, advocating for one of President Obama's top campaign promises? His efforts fly in the face of near-unanimous congressional opposition to providing al Qaeda terrorists with civilian trials in U.S. courts.

GROUND ZERO MOSQUE

Mr. Norquist also interjected himself into the debate about the proposed "Ground Zero Mosque" last summer, calling legitimate concerns about the location a "Monica Lewinsky ploy" by Republicans, according to an August 18, 2010, report by Michael Scherer on Time magazine's Web site. Mr. Norquist further trivialized the concerns saying that Republicans were, "distracted by shiny things."

Mr. Norquist even used Americans for Tax Reform to circulate a petition in support of the "Ground Zero Mosque." Patrick Gleason, director of state affairs for Americans for Tax Reform, wrote an August 17, 2010, letter to state affiliates urging them to share the petition with their coalition.

Why would Americans for Tax Reform circulate a petition in support of the "Ground Zero Mosque?" For the families of those who lost loved ones on 9/11 or during operations in the War on Terror, concerns about the "Ground Zero Mosque" were neither a ploy nor a distraction, as Norquist described it.

FANNIE MAE

Some also may not be aware of Mr. Norquist's lobbying for Fannie Mae. Lobbying disclosure records indicate that Norquist's lobbying firm, Janus-Meritt Strategies, also lobbied for the massive government sponsored enterprise that required a large federal bailout.

According to a May 18, 2011, report by Erick Erickson on the conservative Web site, Red State, "in 2000, Janus Meritt received \$120,000 in lobbying fees from Fannie Mae. Mr. Norquist, along with [David] Safavian, was listed as one of the main lobbyists on the Fannie Mae account. In disclosure records, Janus-Meritt says its lobbying activities related to a 'Home ownership tax.' It appears this lobbying work was designed to protect the home-ownership tax credit, which [Fannie Mae executive] Franklin Raines described as key to 'increase homeownership in urban and rural areas.' As many conservatives believe, this credit, which Mr. Norquist and Safavian apparently defended, was a major contributing factor in the housing bubble and mortgage crisis."

INTERNET GAMBLING AND CASINOS

Mr. Norquist also has a long history of lobbying to spread Internet gambling. According to public lobbying disclosure reports, Norquist's clients at Janus-Meritt included a variety of gambling organizations, including the Interactive Gaming Council, organized to oppose the Republican-led effort to pass the Internet Gambling Prohibition Act. It is also worth noting that the Interactive Gaming Council was made up of online poker companies, including Full Tilt Poker, which was shut down by the FBI in April and is described by the Justice Department as a "massive Ponzi scheme."

As recently as January 2011, Senate lobby disclosure forms show that Mr. Norquist continues to lobby on expanding Internet poker issues in his capacity as president of Americans for Tax Reform. Why would Mr. Norquist and ATR have an interest in lobbying to overturn the Unlawful Internet Gambling Enforcement Act?

The Washington Times reported on September 21, 2011, that "critics of expanded gambling worry that legalizing online poker will increase gambling addiction and its fallout, such as divorces, bankruptcies and suicides. 'People may not understand how highly addictive it is, when you're alone in your home,' said Jerry Prosapio, co-founder of Gambling Exposed and a self-confessed gambling addict who quit 28 years ago. 'Online gambling is just another way you're going to create more addiction and then you're going to see more crime. It's just no good for America.'"

Mr. Norquist also took money from other gambling interests, like the Venetian Casino Resort, according to a March 31, 2006, article by Michael Kranish in the Boston Globe.

I think it is fair to ask: whose bidding is Grover Norquist doing? Why would Americans for Tax Reform take such a longstanding interest in proliferating gambling in the United States?

TRIAL LAWYERS

That same 2006 Boston Globe article reported that, "interviews and copies of Norquist's donor lists, obtained by the Globe, show that contributors include an array of special interests ranging from tobacco companies to Indian tribes to a Las Vegas casino. The biggest surprise is Norquist's largest individual donor: Richard 'Dickie' Scruggs, a Democratic Mississippi trial lawyer, who contributed \$4.3 million. Scruggs had received a \$1 billion fee in the landmark tobacco case against the same tobacco companies that were also Norquist's donors."

The Globe reported that, "Scruggs, like the tobacco companies and some other leading donors, was interested in more than lifting the burdens of the taxpayer. He said he had his own agenda: He wanted Norquist to work to defeat a congressional proposal that he feared would confiscate most of his \$1 billion legal fee in the tobacco case." In 2008, Scruggs pled guilty to trying to bribe a judge and was sentenced to five years in prison.

Why would Mr. Norquist, a self-proclaimed conservative leader, take so much money to represent a major Democrat party donor and advocate for trial lawyers? Mr. Scruggs himself provided one answer, describing Mr. Norquist in the Globe article, "There is an expression, if you need a thief, take him from the gallows."

INSULTING FORMER PRESIDENTS

My colleagues may also be surprised at the tenor and arrogance of Mr. Norquist's public attacks on fellow Republican leaders. In an October 2011 piece he authored in the *American Spectator*, Norquist personally insults two former Republican presidents and a former Republican majority leader and presidential candidate.

Writing about former President George H.W. Bush's decision to break the tax pledge during his term, Norquist lashed out at Bush saying, "Now, no person's life is a complete waste. Some serve as bad examples."

Former President George H.W. Bush is an honorable man who dedicated his life to public service as a congressman, ambassador, director of the Central Intelligence Agency, and vice president before being elected president. As president he oversaw the end of the Cold War and led the successful liberation of Kuwait. He is also an American hero who enlisted in the U.S. Navy after Pearl Harbor and nearly lost his life after being shot down by the Japanese.

While acknowledging former President George W. Bush's adherence to the pledge, Norquist still makes an indecorous allusion about the president, writing, "He may invade countries he cannot pronounce or find on a map, but he will not raise taxes."

Former President George W. Bush also is an honorable man who served two successful terms as governor of Texas before twice being elected president. He rallied our nation following 9/11 attacks and led sweeping efforts to secure our homeland and disrupt al Qaeda, preventing further terrorist attacks on U.S. soil during his term.

Norquist also boasts of sinking Bob Dole's 1988 presidential campaign, gloating, "Delaware governor Pete du Pont explained that all the other [Republican primary] candidates had signed the pledge and challenged Dole to do so also, offering the pledge to Dole, who visibly recoiled, as if a vampire being tossed a cross. Dole subsequently lost New Hampshire."

Former Senator Dole, too, is an honorable man who served his country as a senator and Republican presidential candidate. Dole also is an American hero who fought in World War II and suffered serious injury from Axis gunfire, leaving his arm paralyzed.

MOVING FORWARD

I believe many people were unaware of these troubling connections that I have spoken about. I was surprised when this information came to my attention. I also understand that some may not agree with what I have said in this speech.

But as William Wilberforce, the British parliamentarian and abolitionist, famously told his colleagues, "Having heard all of this, you may choose to look the other way, but you can never say again that you did not know."

I can no longer be silent. I believe the evidence is clear that Grover Norquist is connected with a number of unsavory people and groups out of the mainstream. I also believe he has exploited "the pledge" to the point of being elevated at times by the media as a spokesman for the Republican Party.

How can we ever hope to move our country forward and solve our debt problem if we are

paralyzed by a pledge and threats of political retribution for breaking it by someone whose dealings in Washington over several decades have raised serious questions of propriety? No one should be able to singularly hold Congress hostage with veto power over candidates for public office; above all someone with such troubling associations.

As former Senator Alan Simpson, who co-chaired the Bowles-Simpson deficit reduction commission, said in an August 7, 2011, interview with *Newsweek* "What can [Norquist] do to you? He's not gonna murder you. He won't burn your house. The only thing he can do is defeat you for reelection. If your reelection means more than doing something for the United States of America and getting out of this [debt] hole, then you shouldn't be in Congress."

Barbara Shelly, editorial writer for the *Kansas City Star*, wrote on July 11, 2011: "Washington, we know, is a planet unto itself. But here in the heartland, it's surreal to watch an unelected guy with a broken ethical compass bring the capital to a standstill and thwart the spirit of compromise that the majority of Americans say they want. Who elected Grover Norquist? He did, that's who. And Washington's political class has not the shame, nor the spine, to send him packing."

As I observe the hardened ideological positions gripping Washington that threaten our nation's future, my conscience has compelled me to share these concerns and provide this information for all to consider.

The American people want us to resolve this debt crisis and they have every right to expect us to follow through. Congress and the president must reach a solution that will bring confidence to the country. This place is dysfunctional and the American people see it. They want action.

I believe we must: (A) reaffirm ourselves to free America of the incredible debt burden that saddles the coming generations; and (B) break loose of not only Mr. Norquist, but any other special interest holding us hostage.

We also need to be honest with the American people and explain that we cannot just solve our nation's financial crisis by cutting waste, fraud and abuse within discretionary accounts. The real runaway spending is occurring in our out-of-control entitlement costs and the hundreds of billions in annual tax earmarks in our tax code. Until we reach an agreement that addresses these two drivers of our deficit and debt, we cannot right our fiscal ship of state.

Some are speculating that our country has gone too far to recover. I emphatically reject that notion. Americans have a spirit and sense of civic duty which was implanted in us from the beginning of this republic. It was this sense that Tocqueville most noticed. He called it the great republican virtue of America—ordinary citizens willing to do the hard work of citizenship, helping their neighbors, sacrificing for the common good, and building a better future for our kids. That's been the hallmark of America.

Have we lost this? I don't think so. We may be tempted to veer off course at times, but America is the same nation filled with the same dedicated, patriotic, God-loving, God-fearing people who carved this nation out a

wilderness, and have made it an extraordinary beacon of hope and light in the world like none before it.

The problem in the country is not with the people. The problem in the country is Washington. The system is broken because we have fallen prey to ideologues that have put us in a straight jacket and threaten our futures. I believe we can and will break free because the seriousness of the times demands it.

I am one who believes America's greatest days are still ahead. All we have to do is recover that sense of virtue and duty, and be bold and brave enough to stand up and speak the truth and be true to our conscience.

AN ANNIVERSARY NOT TO CELEBRATE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this week marks an anniversary we must acknowledge, but that we certainly cannot celebrate. This Friday, we will have spent 10 years at war in Afghanistan. We will have spent a decade fighting a war that the American people no longer support. The sobering 10th anniversary is the time for reflection—reflection on how our world has changed in the last 10 years.

□ 1020

This war has consumed an unjustifiable amount of our financial treasure, led to an unprecedented burden on our servicemembers, and changed forever how an entire generation of young people views the world.

This anniversary is the time to reflect on the choices we've made and their impact on the world. Ten years later, we are still building war machines that have the potential to cause devastating harm to innocent people around the world. Ten years later, many of our Nation's best and brightest are coming home with scars, both physical and mental, that they and their families will live with forevermore.

The numbers are against us. After a decade at war, we still have 90,000 soldiers fighting in Afghanistan. More than 1,800 Americans have died. Our Nation has spent \$460 billion on an unwinnable war, and tens of thousands of innocent Afghans and Iraqis have been killed. It is well past the time for us to end this.

In remembering the last 10 years, we must think of the future. My five grandchildren are now part of a generation that has grown up without knowing what it's like to live in a country at peace. Over the past 10 years, we've led our world down a path towards war rather than fighting for peace, rather than fighting for a smarter security plan.

The American people and the global community see the error in our policy,

and we are facing increasing scrutiny from our international partners. In fact, not one other government agrees with the U.S.' use of drones. In fact, our European allies have never supported the U.S. drone strikes in Pakistan, Yemen, and Somalia. Instead of heeding their calls, we are expanding the use of this deadly force, creating automatic drones that have the potential to cause unchecked devastation.

I have spoken from this spot 407 times, as you all know because you've heard me so many times, in support of SMART Security—an approach for an end to the war. And I am not alone. I've been joined by colleagues on both sides of the aisle and have been supported by Americans across the country to call for an end of our war and the return of our troops. That's exactly what my SMART Security plan is about—making military force a last resort and, instead, directing our energy and our resources toward diplomacy, democracy promotion, development aid, and other more powerful, peaceful ways of engaging with the rest of the world.

Mr. Speaker, I hope all of my colleagues will take note of Friday's anniversary and realize that now is the time to turn the tide on our policies in Afghanistan. We need to end this war. We need to do it now. We need to promote peace through democracy. We need to promote peace through diplomacy and development. We must bring our troops home.

THE EDA ELIMINATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Mr. Speaker, since coming to Congress 9 years ago, I have sadly relearned that the government in Washington D.C. only grows and grows and grows. When Democrats and many Republicans, too, come to the floor of the House and talk about spending cuts, they are often talking simply about slowing the rate of growth of government. There is seldom, if ever, any real discussion about cutting the size of the Federal Government or about eliminating an entire program or agency. But today, with \$14.8 trillion in debt, we can't continue to simply slow the rate of growth. We've got to cut it, and we've got to get rid of some things.

As a first step this week, I will proffer a bill that will eliminate the Economic Development Agency. It's part of the Department of Commerce and was established in 1965 as an element of President Johnson's Great Society. For over 45 years, the EDA has spent billions on local projects, not national projects, trying to pick winners and losers amongst various projects by region, industry, and community. Much like a stimulus bill or earmarks, the EDA provides loans and grants to pet

projects of the administration in power.

In 2008, the EDA spent \$2 million on the Harry Reid Research and Technology Park at the University of Nevada, Las Vegas. Just last year, it spent \$25 million on the Global Climate Mitigation Incentive Fund. This year, the agency will spend almost \$300 million of taxpayer dollars. Now, this might not sound like a lot of money sometimes here in Washington, D.C., but in Newton, in Independence, in Wichita, and in Goddard, Kansas, that's still a lot of money.

I want to take just a minute to talk about the EDA. Most folks in Congress and most folks back in Kansas will have never heard of it. I had not before I entered Congress. It provides these grants and loans to projects it selects all over the country. At its very core, the EDA is nothing more than a giant wealth redistribution machine. It takes money from people in one place and at one time and redistributes it all across the country for inherently local projects.

For example, it gave \$2 million to the "culinary amphitheater," wine tasting room, and gift shop in Washington State. It gave \$350,000 to renovate a theater in Colorado. In 2011, it gave \$1.4 million to build infrastructure development so that a steel plant of \$1.6 billion could be built in Minnesota. Like the vast majority of projects, that steel plant would have been built without Federal taxpayer dollars. It was a \$1.6 billion project helped by the Federal Government to the tune of only \$1.4 million.

Our even bigger problem, however, is with EDA. It's duplicative. It's just one of at least 80 Federal economic development agencies. HUD and Ag and HHS all have economic development grants as well.

Second, it's ineffective. It typically provides a very small part of any given project. The GAO reports that most of its financing did not have any significant effect on the success of projects and produced, at best, inconclusive results and, in some cases, may even detract from a more flexible workforce.

Third, this is an incredibly wasteful agency. It was identified by GAO as one of the agencies that ought to go away. Indeed, a recent inspector general audit of 10 projects totaling \$45 million showed that 29 percent of the grant money had been wasted due to various violations of EDA grant requirements. Four of the 10 projects EDA funded in that group were never completed.

Finally and perhaps more importantly, this is not the role of the Federal Government. As the Cato Institute has written, the Federal Government has no business trying to direct economic activity through politicized subsidy vehicles like the EDA. We've seen that with bad outcomes, like with Solyndra, only too recently.

Every great journey starts with a single step. This is a small agency, but it's time for the first time in decades that we eliminate an entire program, an entire agency, so that it cannot continue to grow and grow and grow as part of our Federal Government. I would ask my colleagues to support the EDA Elimination Act.

POVERTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as one of the founding members of the congressional Out of Poverty Caucus, I rise today in my ongoing effort to sound the alarm on poverty.

As you may know, the census released data showing that 46.2 million Americans lived in poverty in 2010. The data also revealed that the poverty rate for whites was 9.9 percent in 2010. Worse, the poverty rate for African Americans was 27.4 percent. For Latinos, the poverty rate was 26.6 percent. For Asian Pacific Americans, the poverty rate was 12.1 percent.

These statistics come on the somber anniversary of the 10 years of the war in Afghanistan, which was a blank check that should not have been written and that, of course, I could not support. In many ways, this war has significantly contributed to these staggering statistics, which we know are not just numbers but are human lives. We must create jobs. We have to create a way to maintain our social safety net.

So today I am here to ask my colleagues to join 47 Members of Congress and me in a letter to the Joint Select Committee on Deficit Reduction, asking them to protect vital programs that comprise our social safety net, including but not limited to Medicaid, Medicare, and Social Security, as well as the programs that provide the economic security and opportunity to millions of Americans.

□ 1030

None of us envy the work of those members on this Joint Select Committee on Deficit Reduction, as they will have to make tough choices that affect the lives of millions of Americans.

However, we should all recognize that for the last 25 years, when we have come to deficit reduction agreements, these agreements have, for the most part, protected low-income programs. We absolutely cannot balance the budget on the backs of the most vulnerable, those people facing or living in poverty. This is really a moral obligation that we cannot ignore.

These programs assist the over-46 million Americans living in poverty in 2010—men, women, children, young and old alike from all backgrounds—in obtaining or maintaining their access to

basic, mind you, and I am just talking about basic human needs, including food, shelter and health care. These vital safety net programs both support and create consumers, which results in increased demand and job creation. This, of course, reduces our deficit by enabling people to participate in this economy.

And not only that, many of these programs do provide pathways out of poverty and opportunities for all. More and more Americans are struggling to find work and struggling to make ends meet. And until we create jobs, and we have a way, a pathway where people clearly can be provided these opportunities, we have a real moral obligation to protect these programs. Anything short of this is really un-American.

In times like these, it's unconscionable to consider cutting programs that help those most in need like our Nation's seniors and our Nation's children. Asking the Joint Select Committee for Deficit Reduction to protect these vital human programs is, though, not enough. We have to do more. The most effective anti-poverty program is an effective jobs program.

So while I ask my colleagues to join me on the letter to the Joint Select Committee, I am also here to ask Speaker BOEHNER to move the American Jobs Act as soon as possible to begin to create jobs and put Americans to work. Americans want to work and they need to work; and yet the House leadership is really focused, as an example, on the dismantling of environmental regulations. This is not a jobs program that puts Americans to work. It's a cynical, opportunistic move in order to attack the environment.

So we have to have as our priority efforts to create jobs that give Americans economic security and that grow our economy. Our economy will not recover quickly from this Great Recession and, of course, Great Depression in many communities of color, including the African American community and for those living in poverty, unless we really do provide a pathway out of poverty.

We need to target these programs in areas that need it the most. Many of these areas are communities of color, where the poverty rates are three times higher than the poverty rate for whites. The unemployment rates are also higher in communities of color: 16.7 percent of African Americans are unemployed, 11.3 percent of Latinos. And these are just the reported statistics. It's clear that we must address these disparities as we work to create jobs and opportunities for all.

So I am asking Members to join us in this deficit reduction letter and urge the Speaker and leadership of this House to move the American Jobs Act as the first step in jump-starting this economy and putting Americans back to work.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.
Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.
Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.
Hon. JAMES CLYBURN,
U.S. House of Representatives,
Washington, DC.
Hon. XAVIER BECERRA,
U.S. House of Representatives,
Washington, DC.
Hon. CHRIS VAN HOLLEN,
U.S. House of Representatives,
Washington, DC.
Hon. JEB HENSARLING,
U.S. House of Representatives,
Washington, DC.
Hon. DAVE CAMP,
U.S. House of Representatives,
Washington, DC.
Hon. FRED UPTON,
U.S. House of Representatives,
Washington, DC.
Hon. JON KYL,
U.S. Senate,
Washington, DC.
Hon. PAT TOOMEY,
U.S. Senate,
Washington, DC.
Hon. ROB PORTMAN,
U.S. Senate,
Washington, DC.

DEAR MEMBERS OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION: We are writing to request that you protect vital programs that comprise our social safety net, including but not limited to Medicaid, Medicare, and Social Security, as well as the programs that provide economic security and opportunity to millions of Americans.

Vital safety net services and programs support those people hit the hardest by the Great Recession. These services help people and families maintain housing or find shelter, keep food on the table, assist in access to health care, and support those looking for employment, including the long-term unemployed. Examples of federal programs that provide such services include programs which assist disabled veterans to find an accessible home, ensure seniors receive food to eat, help people access our health care system, connect people seeking jobs with employment, give shelter to homeless families, and ensure that children get meals in school.

It is imperative that we protect vital safety net programs and programs that provide economic security and opportunity to millions of Americans, including those facing or living in poverty. The Census Bureau released data on September 13, 2011, revealing that 15 percent of Americans—46.2 million people across this country—lived in poverty in 2010. This is the largest number of Americans living in poverty since the Census started collecting this data 52 years ago. For our nation's children under 18, 22 percent lived in poverty in 2010. That is 16.4 million children who do not know where their next meal is coming from, where they might be sleeping that night, and who are anxious overall about their well being and that of their parents.

According to the recent Census data release on poverty, the poverty numbers would have been worse had it not been for key federal programs like unemployment insurance, food stamps, and Medicaid (Census Bureau slide 25 located at http://www.census.gov/newsroom/releases/pdf/2010_Report.pdf).

For the last 25 years when we have come to deficit reduction agreements, these agreements have protected low-income programs. Beyond that, we have a moral and an economic obligation to care for our nation's most vulnerable, those facing or living in poverty. We respectfully implore that as you work through ways that our nation can reduce the deficit that you sustain our nation's safety net programs that assist people in obtaining or maintaining their access to basic human needs including food, shelter, and health care, and that provide ladders to opportunity for struggling families. These programs both support and create consumers, which result in increased demand and job creation. In the end, this reduces our deficit by enabling people to participate in our economy.

Again, we respectfully implore that as you work through ways that our nation can reduce the deficit that you sustain the vital human needs programs found across the federal government and accomplish deficit-reduction in a way that does not exacerbate poverty or inequality.

FREE TRADE AND JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, just last week I had the opportunity to host a manufacturing roundtable to hear firsthand from job creators in the 10th District of Illinois. These business leaders spoke about the challenges that they are facing and how decisions made right here in Washington, D.C. impact their ability to create jobs and put Illinois back to work.

The entrepreneurs I met with expressed their concern with the uncertainty in the marketplace and spoke about the difficulties they face when competing in a global marketplace. From trade to excessive regulations, it is clear that much work needs to be done right here in Washington, D.C.

Despite the problems that our country and businesses face, I am optimistic about the future. Just yesterday, the President sent long-anticipated trade agreements to Congress for approval.

We heard the President talk about his Jobs Act; and while there may be some disagreement about the Jobs Act, certainly I think that there are areas where we can agree, and I think that we ought to move those aspects forward. Certainly when we talk about the trade agreements, I would argue that's one of the areas that has broad bipartisan support, and we should move it forward for the American public.

We have 650 manufacturers in Illinois' 10th Congressional District representing 80,000 jobs. Fifty thousand of those jobs rely upon exports, and I would argue that our ability to open and expand markets will create that demand.

Seventy-three percent of the world's purchasing power is outside of the United States. Ninety-five percent of the consumers are outside of the

United States' borders. We want to make sure that we have an agreement, an arrangement where we can knock down these barriers where we can allow the American worker to compete on a level playing field.

If we are able to do that, the American worker will win. We know that for every billion dollars that we increase in trade, we create 6,250 jobs right here at home.

We know that it would add, just with South Korea alone, would add \$10 billion to our GDP. This is a step, certainly, in the right direction.

In Illinois, manufacturing accounts for 93 percent of our exports, and these exports support 25 percent of the manufacturing jobs in our State, a State that's lost 750,000 manufacturing jobs over the last decade.

Small businesses are also a big part of those exports. By ratifying the pending trade agreements, we are empowering manufacturers, small business owners, and entrepreneurs. This is exactly the type of bipartisan action we need to be taking in these tough economic times.

While there is much more work that needs to be done, we should be encouraged by the movement on the trade agreements and use this as a stepping stone to continue working together and finding common ground. When we come together for the American public, we can create an economic certainty that allows small business owners all across the land to be able to forecast, have some more certainty, invest in their business and create jobs.

There are 29 million small businesses in our Nation. If we can create an environment here in Washington, D.C. where half of those businesses can create one job, think about where we would be then.

I ask my colleagues on both sides of the aisle to come together to pass these pending trade agreements. Put the American worker first, and let's get America back to work.

FINANCIAL CRISIS AND MORAL CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. This morning I was pleased to see that the Conference of Catholic Bishops has organized in order to influence Washington as it relates to the question of same-sex marriage and abortion. I think that we all agree that these are moral issues and under our country's freedom of speech, the churches, the synagogues, the temples, have a right and, indeed, in their case, an obligation to speak out on the actions of Congress that they disapprove of morally.

I hope that this is a signal to other religious institutions that what this country is going through is not only a

financial crisis, but a moral crisis. And perhaps the other religions might broaden their agenda to talk about what I truly believe is a priority and concern of every religion, and that is a deep-seated moral obligation to take care of the vulnerable in our society. Whether it's the lesser of our brothers and sisters, whether it's the sick and the aged, there's something about Social Security, Medicare and Medicaid, about having a home and a job that to me has something that involves a moral obligation.

□ 1040

When a great country like the United States, a beacon for people to come to from all over the world in order to be successful, finds itself with so much of our national wealth being concentrated in the hands of so few people, never before has this happened in history, where we find more and more children and adults going into poverty in historic numbers.

We find the shrinking of our middle class, where all of our dreams and aspirations are planned, born, and conceived in the United States of America; where we have so many brave American men and women fighting causes in foreign countries that their parents don't understand and they come home with emotional and physical disabilities; that we can never thank them for their courage; and when we see young people on Wall Street and the Wall Streets around this country protesting, and they're being ridiculed because they have no leaders, they have no single cause, they never knew each other, they're not organized. But neither is America's pain and concern organized.

People are mad as hell. They really think that they've been let down. They worked so hard to achieve what they had achieved in this great country; and the greatest thing about America is not what you've achieved, in my opinion, it is having the hope that you can make it in America.

So that's why it is so painful to see how this middle class that was more recently, if you look at history, formed in this country, where people thought having a car and a home and a job, sending your kids to college for an education, being secure in your retirement, and knowing that one day health care would be available for everybody—are these just political issues? No. I think they're moral issues. And that's why when I went down to meet with the protesters, I had hoped that more of our spiritual leaders would be there to give guidance, to give encouragement, to give direction so that we can say that this is a civilized society and people can't just break the law and scream; but they can demand attention, and that's what they are doing.

So it seems to me that we in the Congress are getting involved too politically and ignoring the pain and the suf-

fering that's taking place in this country today. When we can find one of the parties saying that they will not entertain a bill that's being proposed to us in order to put America back to work, when they say that their primary goal is to get rid of Obama, when they say that no jobs bill is going to be accepted except what they pick and choose, when they refuse to bring to the floor of this House something that we can discuss to give hope back to the people, I think that's not just a political question. I think it's a moral question as well.

God—yes, God—bless America.

HONORING PRIVATE FIRST CLASS BRETT EVERETT WOOD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUCSHON) for 5 minutes.

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Army Private First Class Brett Everett Wood. PFC Wood, a 19-year-old of Spencer, Indiana, lost his life in combat on September 9 in Kandahar, Afghanistan, during an insurgent attack on his unit with an improvised explosive device.

PFC Wood was assigned to the 1st Battalion, 5th Infantry Regiment of the 1st Stryker Brigade Combat Team, 25th Infantry Division, Wainwright, Alaska.

Indiana lost a great citizen who enlisted with his brother, Nikk, during the summer of 2010. His sacrifice and valor in defense of the freedoms we hold dear should be commended, and I would like to offer my most heartfelt condolences to PFC Wood's family and friends. From a grateful Nation, he will be missed but not forgotten.

TRIBUTE TO THE HONORABLE OLIVER W. WANGER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise this morning to honor and pay tribute to the outstanding service and dedication of the Honorable Judge Oliver W. Wanger on the occasion of his retirement last week from the United States District Court for the Eastern District of California.

For the past 20 years, Judge Wanger has served the people of California admirably and courageously, maintaining a commitment to the justice and fairness of the law. Moreover, he is extremely knowledgeable and always attempted to balance the scales of justice when hearing cases in general, and specifically cases dealing with California's water and environmental issues.

During his tenure, District Court Judge Wanger has developed a mastery of complex Federal and State water and endangered species laws, putting forth many substantial rulings of several hundreds of pages in length that

required painstaking attention to detail. Some of the most noteworthy in recent years were his findings with respect to operations of the Central Valley project and the State water project that convey water supplies throughout California, including the San Joaquin Valley and southern California for urban use and for agricultural use.

Were it not for Judge Wanger's attention to the letter of the law, farmers, farmer workers, and farm communities in the valley would have continued to suffer from job losses and uncertainty during the most recent drought period, while Federal agencies and this administration clung to flawed science and regulations that were destructive.

Judge Wanger has worked tirelessly on these issues, often putting in 75 to 80 hours a week. His retirement now leaves only two active judges in the already understaffed district court, which extends from the Oregon border to the Tehachapi Mountains south of Bakersfield. In a letter to Chief Judge Anthony Ishii regarding his coming retirement, Judge Wanger expressed grave concerns over the immense and unbearable workload that his departure will create. Let me read from his letter:

The impacts on these judges is best understood by my last 5 years: 161 jury trials to verdict; 5,465 courtroom hours; 3,554 terminal and civil cases; with an individual caseload approaching 1,200 cases in a 5-year period.

Judge Wanger also went on to say: Now who will handle these cases? Despite our pleas to and Congress' express recognition of the need, the continued refusal to create new desperately needed judgeships for the Eastern District of California has created a hardship for the Federal court. It has been more than 31 years since a new district judge position was created in Fresno, a division with over 2.5 million people. The continued erosion of the Eastern District Court's ability to provide the public with a timely and effective Federal judicial service is a burden on our Nation, and the litigants should not suffer.

What Judge Wanger pointed out is it's not only a disservice to the men and women who serve the court, but the individuals throughout the region and the businesses whose cases are delayed years in some cases. This surely was not what our Founding Fathers had in mind for our country when they ensured that all Americans have a right to a speedy trial. As we know, justice delayed can oftentimes be justice denied.

Although the problem is not unique to the Eastern District of California, it is where the problem is most pronounced with by far the Nation's largest caseload per judge. Legislation has been introduced in the House and the Senate to create additional judgeships in district courts where the need is

greatest. Unfortunately, it has not been acted on. It is past time for the Congress to act on these bills to ensure that all branches of government are, in fact, working for the American people.

In closing, I want to publicly thank Judge Oliver Wanger for his service to our Nation.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA,
Fresno, California, August 31, 2011.

Re Retirement from Judicial Service.

Hon. ANTHONY W. ISHII,
Chief Judge, U.S. District Court, Eastern District of California, Fresno, CA.

DEAR JUDGE ISHII: It is with great regret that I will retire as a District Judge effective October 1, 2011, under the provisions of 28 U.S.C. §371(a) having attained the age and met §371(c)'s requirements to receive the annuity and benefits prescribed by law.

I served more than 20 years—the last five as a senior judge—and my intent was lifetime service. Obligations to my family now transcend my ability to continue in the judiciary. Necessity compels re-entry to the private sector.

I recognize that my departure will leave only two active judges in our already understaffed EDCA judiciary. My foremost concerns are for my fellow judges who labor under such formidable and unmanageable workloads and the public who need our court.

The impact on these judges is best understood by my latest five year case statistics: 161 jury trials to verdict (32 per year); 5,465 courtroom hours (1,093 per year); and 3,554 terminated criminal and civil cases (711 per year); with an individual caseload approximating 1,200 cases. Included are many complex water and environmental lawsuits affecting endangered species and California's water supply.

Who will now handle these cases?

Despite our pleas to and Congress' express recognition of the need, the continued refusal to create new desperately needed judgeships for BDCA has created a hardship for all who depend on the Federal court. It has been more than 31 years since a new district judge position has been created in Fresno, a division with over 2.5 million people. The continued erosion of BDCA's ability to provide the public with timely and effective federal judicial service is a burden our nation and litigants should not suffer.

My best wishes for the future and thanks to you and all our judges and loyal court staff members who do such outstanding work.

Sincerely,

OLIVER W. WANGER,
United States District Judge.

FOSTERING JOB GROWTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, Americans are hurting, and there's nothing more important right now for every Member of Congress than fostering job growth for the American people. House Republicans have been focused on this since day one. We passed more than a dozen pro-jobs bills that are currently awaiting a vote in

the Senate. Additionally, we also passed a budget this year, something the Senate hasn't done in 888 days—888 days, Mr. Speaker.

America must lead the world out of this global recession. And I, for one, believe that if we can just get a couple of things right in Washington, we'll see our economy turn around and therefore the world economy turn around.

□ 1050

In the House, we believe in helping small businesses, we believe in free trade, and we believe in shrinking bureaucracy. Measures supporting these causes have already passed the House—with bipartisan support, I might add, Mr. Speaker—only to stall in the Democratic-controlled Senate.

Mr. Speaker, House Democrats and Republicans have found common ground on many measures to build more confidence for job creators. We invite the Senate to join our efforts. Mr. Speaker, Americans can't wait. It's time for the Senate to join the House in taking action to help restore our economy.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, today I rise, once again, to talk about the epidemic of rape in the military. This is the ninth time that I have stood on the floor of this House to speak about the unspeakable. Each of these military members have served proudly for their country. Each of them has been raped, and each has been revictimized by a system of justice that protects perpetrators and punishes victims. I will continue to share these stories until something changes. Survivors can email me at stopmilitaryrape@mail.house.gov if they would like to speak out.

Today, I want to tell you about Sergeant Rebekah Havrilla. She served in the Army from 2004 to 2008. Her job was as an explosive ordnance disposal technician. In other words, she was responsible for disposing of IEDs before they went off. So she took on one of the toughest jobs in the military. Yet during basic training, she heard her commanders repeatedly equate being female with being weak or incompetent. They used words to describe women that cannot be repeated on this floor.

Commanders required Sergeant Havrilla and her colleagues to attend classes regarding prevention of sexual assault and harassment once a year. Commanders made a mockery of these classes. As the instructor would describe prohibited conduct, one or more of the soldiers would begin engaging in that conduct. One soldier went as far as to strip completely naked and get on the table during a break in the middle

of class. His punishment was to serve as Equal Opportunity representative and lead the next sexual assault harassment training. "Disgusting" is too benign a word to describe this conduct.

Sergeant Havrilla deployed to Afghanistan in 2006. Her supervisor sexually harassed her. He began to slap her bottom whenever he passed by. He belittled and mocked her. On one occasion, he told her exactly what he wanted to do to her in graphic detail. Nothing was done in response.

It was another colleague, one from the canine unit, that raped her. He even photographed the rape, and some of the pictures ended up on a pornographic Web site. Imagine a system of justice in such shambles that an assailant would actually take pictures of the crime and put them on the Internet. Sergeant Havrilla reported her rape under the military's restricted reporting policy.

In February of 2009, she reported for 4 weeks of active duty training. While there, she ran into her rapist and went into shock. She immediately sought the assistance of the military chaplain. The chaplain told her that it must have been God's will for her to be raped and recommended that she attend church more frequently. God's will? This is the support system for victims of rape and sexual assault in the military? Sergeant Havrilla now suffers from posttraumatic stress disorder and chronic depression.

In describing her decision to speak out, she said this: "Leadership needs to be held accountable and women need to be able to work without the fear of being assaulted by their own colleagues. This is one of the hardest things I've ever done, and I want to thank the other women who have stepped forward as well. It's never easy to put yourself out there."

Sergeant Havrilla is right. It's time for leadership to be held accountable—leadership in the Pentagon, leadership at the White House, and leadership here in Congress.

HOSPITALS ARE ABOUT JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize the many hospital professionals that serve every day to keep our communities leading strong, healthy lives. Having spent 28 years as a therapist, rehabilitation services manager, and a licensed nursing home administrator, I know firsthand the many challenges this industry continues to face.

Medicare and Medical Assistance payments are just a few of the many variables beyond a hospital's control—Medicare that only pays 80 to 90 cents for every dollar of cost in delivering

care and Medical Assistance that only pays 40 to 60 cents for every dollar of cost in delivering care.

As Congress continues to work on issues impacting this industry, it is important to recognize the critical role our hospitals play in not only providing access to cost-effective care, but also economic growth.

In my home State of Pennsylvania, more than 584,000 individuals depend on hospitals for their jobs through direct and indirect employment. The economic contributions made by Pennsylvania's hospitals to local communities continue to increase, rising to \$98.9 billion in 2010, and that's up from \$89.8 billion during 2008.

When 268,000 hospital employees spend money on products and services, it translates to nearly 317,000 additional hospital service-related jobs and more than \$13 billion in employee compensation. More than \$27.2 billion in total labor income is generated directly and indirectly by Pennsylvania hospitals. In 55 of the 67 Pennsylvania counties, hospitals remain among the top five employers, providing family-sustaining jobs and solid benefits. Every additional dollar in employee compensation in the hospital sector results in 92 cents of wages to other Pennsylvania industries.

At a time marked by so much uncertainty, lawmakers need to ensure that hospitals remain viable assets in our communities, where they can provide jobs, support other businesses, and continue offering these critical services. Hospitals are about access to quality care and jobs.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Pastor Jerry Creel, Brush Arbor Baptist Church, Orlando, Florida, offered the following prayer:

O Lord God, I thank You that we can take a moment to acknowledge that there is one that is greater than all the governments and power of man.

Thou art worthy to receive glory, honor, and power.

Lord, as You guide the course of all creation and the events of mankind throughout history, may we willingly

be in submission to Your mighty hand. Fill us with love, joy, peace, long-suffering, gentleness, goodness, faith, meekness, and temperance.

Lord, raise up leaders here that You can show Yourself strong in the behalf of them whose heart is perfect toward You.

Give us Your wisdom to solve our problems. Give us Your power to overcome our enemies. Give us Your compassion to meet people's needs.

In the name of my Lord and Savior, Jesus Christ, who gives me freedom from the bondage of sin, liberty to stand for what is right, and the reason to live.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. FUDGE) come forward and lead the House in the Pledge of Allegiance.

Ms. FUDGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

BURDENSOME REGULATIONS STIFLE JOB CREATION

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, to spur job creation in this country, we must remove burdensome regulations stifling our job creators. The EPA's Maximum Achievable Control Technology, or MACT rule, is set to crush our cement manufacturers.

Eastern Kansas has three cement manufacturers who employ thousands. I recently toured plants at Monarch Cement in Humboldt, Ashgrove Cement in Chanute, and LaFarge Cement in Fredonia, and heard a similar story from all three. They have the revenue stream and the desire to hire more Kansans, but the cost of complying with government regulations, like the cement MACT, restrict their ability to do so.

The EPA shouldn't be implementing regulations that do more economic

damage than they achieve in environmental good. I hope the EPA will take this opportunity to reform their rules and be part of the solution rather than the problem. Let's end overregulation and get Americans back to work.

JOB CRISIS IN AMERICA

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise today to address the job crisis in our Nation.

While we operate in a divided Congress, Americans are struggling. Millions are unemployed, underemployed, and without the skills to be employed. More than 1.4 million Americans have been out of work for more than 99 weeks. These Americans want jobs. Most Americans don't understand the delay. Many can't afford to wait. So why haven't we passed a jobs bill?

President Obama introduced his jobs plan with many of the provisions previously supported by both Republicans and Democrats. What is stopping this Congress from passing a jobs bill?

I want every unemployed American to know that some of us really are working to get a jobs bill passed. We feel your pain, we know your struggle. We must act now.

GOVERNOR BEVERLY PERDUE PROPOSES SUSPENSION OF CONGRESSIONAL ELECTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Raleigh News & Observer reported seriously that last Tuesday at a Rotary club meeting in Cary, North Carolina, Governor Beverly Perdue stated: "I think we ought to suspend, perhaps, elections for Congress for 2 years and just tell them we won't hold it against them, whatever decisions they made, to just let them help this country recover."

Any governor, especially our great neighbor of the 10th largest State in the country, should be unwavering for citizens to have their votes counted. Elections are vital for accessibility and accountability. Governor Perdue fails to understand that House Republicans have put job creation, economic growth, and limited spending at the center of the congressional agenda. Since January, House Republicans have led efforts to help our economy recover by passing legislation to promote small businesses to create jobs. Even as a joke, Congress should not be a special class separated from the citizens. The House has passed 90 bills this year, and the Senate has only passed 20.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SMALL BUSINESSES FIGHTING TO GROW

(Ms. HAHN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAHN. Mr. Speaker, last week I held meetings in my district with over 50 businesses; not to talk to them, but to listen to them. I wanted to hear from small businesses themselves—what is standing in your way and what do you need to succeed. And I heard that even in the sluggish economy, these small businesses are finding opportunities. They want to hire and grow. Difficult times cannot repress the ingenuity and determination of the American small businessperson.

What they do need is access to capital to seize these opportunities. They need small business loans that don't take a small mountain of paperwork to apply for. They need us to pass the American Jobs Act to give them the tools they need to innovate and grow.

Congress bent over backwards to bail out Wall Street billionaires. Where's the help for the ordinary men and women working on Main Street? Congress needs to get our priorities straight. We should be fighting for small businesses that are the backbone of our economy and the foundation of our American Dream.

□ 1210

HONORING THE LIFE OF MARINE CAPTAIN THOMAS HEITMANN

(Mr. KINZINGER of Illinois asked and was given permission to address the House for 1 minute.)

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to speak in honor of Captain Thomas Heitmann, a marine from Mendota, Illinois, who faithfully served our country. He was killed on September 19, 2011, at the age of 27, in a helicopter crash at Camp Pendleton, California.

Captain Heitmann was one of six children. His parents sent their son to Holy Cross School, and he graduated in 2002 from St. Bede Academy in Peru. He is remembered throughout the community as a truly outstanding person. He was known by his family, friends, former coaches, and teammates as "the all-American boy," "the star athlete," "a kind, supportive and good friend," and a "gentleman to all."

Captain Heitmann was brought up with a strong set of core values. He worked hard and understood the importance of his family and his friends, and he truly cherished the time that he spent with them. Captain Heitmann's passion was to fly. One of his former

coaches said: "It was a dream come true for him to fly for the Marines and be a pilot." I understand that dream.

Captain Heitmann is a true patriot and displayed the love for his country that separates the people of our great Nation from any other in the world. Our men and women in the military, like Captain Heitmann, work tirelessly to protect our country. Their sacrifice is the reason for our liberty. While he will be sorely missed, it's because of his commitment and that of people like him that we can stand before you in a Chamber like this today.

God bless Captain Heitmann's service, and God bless his family.

A DECADE IN AFGHANISTAN

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, we have been in Afghanistan for 10 years.

Two years ago, on the eighth anniversary of our invasion of Afghanistan, I stood in this same spot and asked: Have our 8 years, 791 American deaths, and billions of U.S. dollars spent in Afghanistan made America safer? My conclusion, sadly, was no.

Two years later, I am left asking the same questions and reaching the same conclusions: al-Qaeda is still not primarily in Afghanistan, but in Pakistan, Yemen, Africa and elsewhere. We still cannot afford a vast ground war and rebuilding effort abroad. We should be fighting a smaller, smarter war that goes after terrorists instead of building nations. It's time to get out of Afghanistan before another year passes and we are back here saying the same thing all over again.

PENNSYLVANIA HOSPITALS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I would like to welcome members of the Hospital and Health System Association of Pennsylvania to Washington today.

Hospitals are an essential piece of Pennsylvania's economy. Annually, the total economic benefit for our State is \$2.7 billion a year.

More than 16,000 Pennsylvanians are employed by hospitals, and they are paid an average salary of more than \$52,000 a year. In my home district, Lancaster General Hospital is now the largest employer. Doctors, nurses, and other hospital workers are contributing to our economy and saving lives. They're working hard to come up with new ways to save lives, new methods to improve our health, and ways to reduce the cost of care.

Working in a hospital is not easy. Doctors, nurses, and administrators help individuals and families who are

hurting and who are struggling with illness and disease. And they work long hours performing difficult tasks.

We thank our hospital professionals for their service; and as chairman of the Energy and Commerce Health Subcommittee, I will always listen to their voice as Congress works to improve our health care system.

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the "party of no" is at it again. Republicans have been in the majority for 273 days, and they still have no plans to create new jobs. Now the Republicans are saying "no" to the American Job Act, with the majority leader calling this bill "dead."

But what are the Republicans really saying no to? They're saying no to helping small businesses grow and hire. They're saying no to keeping teachers in the classroom. They're saying no to keeping firefighters, first responders and cops on the job. They're saying no to building our crumbling roads, bridges and schools. They're saying no to cutting taxes for hardworking American families.

The American Job Act is a bipartisan approach with ideas that have been supported by both Democrats and Republicans. We must stop this political game. The American people are suffering, and they need our help now. Let's all say yes to putting Americans back to work and pass this bipartisan agenda.

MIDDLE EAST PEACE

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Over this past week, I was reminded that while my Jewish friends and colleagues were celebrating Rosh Hashanah, the Jewish new year, members of the United Nations were considering a motion that would further jeopardize chances for Middle East peace. I'm very concerned, Mr. Speaker, that the willingness of the U.N. to consider Palestinian statehood, despite United States calls to halt such an action, will embolden Israel's enemies.

This must stop now. We must send a message to the United Nations that their continued support for anti-Semitic and anti-Israel resolutions is unacceptable to the United States. As members of our House leadership, Republican and Democrat, recently said in a New York Daily News op-ed: "Congress will not sit idly by." Nor will I sit idly by. We simply cannot and will not allow Israel, a beacon of hope in a volatile area of the world, to be ignored and cast aside by the U.N.

Lasting peace will only succeed if the Israelis and the Palestinians them-

selves come to the table for direct negotiations. Peace is not easy, as we have seen. But it will not be achieved by unilateral decisions made by an international body that does not represent the interests of our friend and our ally Israel.

DETROIT JOBS TRUST FUND

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. The Detroit Jobs Trust Fund will create jobs for Detroiters. And we definitely need it. Metro Detroit has lost more jobs over the last 10 years than any other metropolitan area in the country.

But as the fighting spirit of the Detroit Tigers and Detroit Lions demonstrates, we've got to fight to help this country compete and win any battle for jobs around the world. So my message is this: if you want to create more manufacturing jobs here in the U.S., then invest in Detroit.

SHUTTLE PLACEMENT NEXT TO STRIP CLUB

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, NASA plans to send the shuttle *Enterprise* to New York City, a place that has no connection with NASA. In their sales pitch for the shuttle, the Intrepid Museum painted an extravagant picture of the orbiter prominently displayed in a beautiful facility on the Hudson River.

Now, in a misleading bait-and-switch move, they want to move this piece of space history next to a bagel joint, a car wash and a strip club to supposedly beautify the area. The shuttle should not be used as part of an urban renewal project.

The only place this shuttle should be heading to is Houston's "Space City, U.S.A.," the historical place for all space exploration. The first word on the Moon was "Houston", not "New York City." And placing the shuttle in New York City is like putting the Statue of Liberty in Omaha, Nebraska. NASA and the Smithsonian should reconsider putting the shuttle in New York.

And that's just the way it is.

AVIATION SAFETY RULE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. I come before the House today, Mr. Speaker, to call for the immediate implementation of the pending aviation safety rule on preventing pilot fatigue.

In February of 2009, Continental Connection Flight 3407 crashed in my community of western New York. The investigation of the crash brought to light serious deficiencies in Federal aviation safety standards, including our rules to prevent pilot fatigue. In response, Congress unanimously passed legislation to reform these rules. Yet despite broad congressional support, implementation of the pilot fatigue rule is more than 2 months overdue. Yesterday, 102 of my colleagues and I sent a letter to the administration urging the quick implementation of these reforms.

Mr. Speaker, the old policies still in place do not adequately prevent fatigue or sufficiently protect the traveling public. We must implement the overdue pilot fatigue rule. While we delay, the traveling public continues to take to the skies bearing unnecessary risks.

□ 1220

NATIONAL FEDERATION OF THE BLIND

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Good afternoon, Mr. Speaker.

Although the disabled have made significant progress in achieving the American Dream today, they still face unfairness in the workplace under a provision that allows employers to pay workers with disabilities less than the Federal minimum wage.

Protections for disabled workers were excluded in the Fair Labor Standards Act in the mistaken belief that they would not be as productive as other workers. That is why I offered the Fair Wages for Workers with Disabilities Act, along with my good colleague, Congressman BISHOP of New York. This legislation would phase out the provision in the Fair Labor Standards Act that allows subminimum wage for disabled workers.

It is deplorable and wrong in America that these not-for-profit centers would hire people with disabilities, including the visually impaired, and pay them less than \$1 an hour. Workers with disabilities contribute to our economy and to our society, and they deserve equal pay for equal work.

PASS THE AMERICAN JOBS ACT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, it's time for this House to act on the American Jobs Act. It not only makes good sense, it makes dollars and cents for businesses. Businesses that hire persons who have been looking for

work for more than 6 months will get a \$4,000 tax credit. If that person happens to be a veteran, it becomes \$5,600. If that veteran happens to have a disability that is service connected, it becomes \$9,600.

It's time to act on the American Jobs Act. It makes good sense. It also makes good dollars and cents for business.

URGING SENATE ACTION ON A BUDGET

(Mr. KELLY asked and was given permission to address the House for 1 minute.)

Mr. KELLY. "I cannot believe you guys put yourselves behind the eight ball." Well, that's what my football coaches used to say whenever our team botched a play or missed an opportunity to win a game.

As we mark 888 days since the Senate has passed a budget, I'd like to say to our friends over in the Senate: I can't believe you folks have put the American people behind the eight ball.

Without a long-term budget, you can't run a business, you can't run family finances, and you sure as heck can't run a government. Passing a budget is one of the most basic legislative responsibilities Congress has, and the Senate leadership has not only punted on this, they've taken a knee.

Leadership isn't about sitting on the sidelines, it's about having the courage to run the play. My colleagues in the House and I are calling on Senator REID to run the play. Pass a budget. Pass the pro-growth bills we've already gotten through the House and help get America out from behind the eight ball.

The American people have waited 888 days to see a budget come out of the Senate. And while the Senate is taking its good old time, the American people are taking it on the chin. With constant threats of shutdowns and slowdowns over continuing resolutions, we've had enough.

Mr. REID, please do your job. Pass a budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will remind Members to direct their remarks to the Chair.

AMERICAN JOBS ACT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, it is very disappointing to me that the gentleman from South Carolina (Mr. WILSON) a few moments ago took North Carolina Governor Perdue's words completely out of context. Every day, Governor Perdue of North Carolina is urging this Congress to work in a bipartisan manner to create jobs by passing the American Jobs Act.

We need, Mr. Speaker, to help create jobs. We need to help job creators by offering new tax cuts that incent the hiring of workers and cut payroll taxes. The tax cuts in President Obama's American Jobs Act will save a business with 50 employees roughly \$50,000 per year and give employees an additional \$1,500 per year each in take-home pay. This is real money. It equates to real job growth in the near term.

But the American Jobs Act is more than just tax cuts. Investments in education and infrastructure will increase long-term growth.

I urge this body to take up the whole American Jobs Act—not cherry-pick its parts—without delay so that the small businesses of America can continue to grow and hire, leading us into prosperity.

FREE TRADE AGREEMENTS

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, it's time to put America back to work again, and that's why I rise today to lend my voice in support of the three pending free trade agreements that the President has submitted to Congress.

At a time when 13.9 million Americans are looking for employment, these commonsense, bipartisan bills are the types of pro-job legislation upon which this Congress should be focused.

It's estimated that these agreements could create hundreds of thousands of jobs in the United States and increase American exports by tens of billions of dollars a year. This means real jobs in the Third District of Kansas and throughout my home State, where exports are a major component of our economy, accounting for almost \$10 billion in economic activity and supporting 30,000 jobs.

Mr. Speaker, Americans are tired of partisanship and they're looking for solutions to our economic challenges. Today, let's come together, pass these trade agreements, and let's get Kansas and all of America working again.

AMERICAN JOBS ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the American Jobs Act has been presented to the American people, but in this House it doesn't sound like it's going to get much of a hearing. Republican leadership has called it dead and has called it a partisan piece of legislation.

Well, I've got some evidence that shows that it's not really that partisan. As a matter of fact, we sent out a survey to over 4,000 Louisvillians asking them for their opinion on all provisions of the American Jobs Act.

The percentage of support was astounding. Almost 80 percent want to spend \$50 billion to improve our infrastructure; 76 percent want to cut payroll taxes for every worker, 77 percent to cut the payroll tax for businesses, 73 percent allowing businesses to write off 100 percent of new investments, a Republican proposal; 79 percent want to provide a tax credit for hiring American veterans.

No, the only thing that's partisan about the American Jobs Act is the Republicans' attitude about it. And it is time to pass this act to create a new future for the American people and a better American economy.

AMERICAN JOBS ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, how many different jobs could be created if America just had more snakes? venom specialists? animal control? mongoose peddler? I only ask because, in the face of stagnating job growth, Republican leadership in the House Oversight Subcommittee actually recommended relaxing restrictions on exotic snake sales to create jobs. Apparently, in the face of ongoing unemployment, the one job Republicans feel confident they can create is snake oil salesman.

In contrast, President Obama's jobs proposal takes a page out of a former Republican playbook, most notably that of Dwight D. Eisenhower, supporting policies that put Americans back to work. It includes infrastructure investments to build and repair schools, roadways, bridges, creating construction jobs. The President's proposal cuts business taxes to incentivize hiring in the private sector, and it cuts payroll taxes for every current worker to spur economic demand. These bipartisan policies have been successful in the past.

The American people need real jobs, Mr. Speaker, not snake charmers, and I ask that my colleagues support real proposals like the American Jobs Act.

LABOR-HHS EDUCATION APPROPRIATIONS CONCERNS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to express my deep concern over the Labor-HHS Education appropriations draft posted last week by the majority. Not only did this action circumvent the procedures of the House and disregard the input of committee members, but the bill is misguided and dangerous for our Nation's families and economy.

The draft eliminates the cost-effective Title X family planning program, blocks funds for evidence-based sex education programs to instead spend them on programs proven ineffective and discriminatory, and, again, threatens to shut down the government over Planned Parenthood.

This plan harms our health care workforce by slashing the job-creating National Health Service Corps program by 55 percent and making steep reductions to the Community Health Center program. And it wipes out the successful Senior Corps and AmeriCorps programs that not only provide jobs, but also critical low-cost services to our families and seniors.

The list goes on, but the theme is the same we've seen all year: The majority is more interested in putting ideology over common sense and partisanship over people's needs.

PASS THE AMERICAN JOBS ACT

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, the other side has been in the majority for 39 weeks and they still haven't passed a single piece of legislation to create jobs or help small businesses. And now they reject out-of-hand, commonsense ideas in the American Jobs Act that would help small business owners who really are the economic engine responsible for creating 70 percent of the jobs in this country.

Last week, I visited with small business owners like Susan Bishop, the owner of Jaha Hair Studio. She has been in business 16 years, has eight employees, and she has found it impossible to get a \$30,000 credit extension to meet payroll from a bank that she has done business with for 16 years. She wants to expand her business, to hire others, to train others, and she can't do it, but she could with the American Jobs Act.

Constituents Abeba and Lene Tsegaye, owners of Kefa Cafe, told me that they would actually hire someone if they could get the tax credits available in the American Jobs Act.

So why aren't we doing it, doing it for the owners of Kefa Cafe and other small businesses throughout my congressional district? These are real job creators. It's time for this to be our top priority.

Pass the American Jobs Act. Get America back to work. It's time for the majority to act.

□ 1230

PENDING FREE TRADE AGREEMENTS

(Mr. MORAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise to speak for the three bilateral trade agreements which the President submitted to the Congress yesterday. I applaud the administration on the negotiated revisions to these agreements, which will improve market access in Korea, tax transparency in Panama, and labor rights in Colombia. Through their hard work, our trade negotiators, led by Ambassador Kirk, have made real and significant improvements to these agreements. Their passage is long overdue.

While political negotiations over previously uncontroversial Trade Adjustment Assistance programs have dragged on here in Washington, American businesses have been losing market share in these three countries. For example, in the first month after the European Union-South Korea free trade agreement went into effect in July, EU exports to South Korea increased 36 percent over the year before. Meanwhile, U.S. market share has been steadily declining, from 21 percent 10 years ago to 9 percent today. Colombia has implemented trade accords with its neighbors and with Canada and will soon implement an agreement with the European Union, but U.S. exporters still face an average of 9 percent in tariffs. These treaty agreements need to be passed to create jobs.

AMERICAN JOBS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, we speak of jobs, both sides of the aisle speak of jobs. And we wonder, why is it that jobs are not being created? It is because the public has no confidence in any of us. So let's start to look seriously at the jobs bill that we have before us, and that is the President's American Jobs Act. And let's look at specifics within that. We speak generically, but let's see how it really affects people, and let's look at how it affects the one group of people that we all say we want to help: the veterans.

When I was home, we went to the opening for the U.S.VETS. It was to implement the President's plan that we will end veteran homelessness by the year 2015. But we also know an integral part of that is the jobs. Look at what his act produces: Returning Heroes tax credits of up to \$5,600 if you hire an unemployed vet; a Wounded Warriors tax credit of up to \$9,600 if you hire a disabled veteran. Isn't it time for us to just stop all of this and start to focus on what we need to do to create the jobs for the people who need it?

PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall

not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. NUGENT) is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. I rise today in support of House Resolution 419. The rule provides for consideration of two separate but related bills: H.R. 2250, the EPA Regulatory Relief Act of 2011; and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

I'm proud to sponsor this rule, which provides for a modified open amendment process with a preprinting requirement. This modified open rule means that any Member, Republican or Democrat, with any germane amendment that complies with the other rules of the House will have the opportunity to debate that issue. It's another example of the Republican majority's continued commitment to openness and transparency.

Mr. Speaker, since coming to this body back in January, my priority has

been to create an environment where American workers can prosper. In my home district, unemployment hovers around 13 percent. I don't doubt this sad statistic is part of the reason why Vice President BIDEN is in my district today, talking up the President's so-called American Jobs Act. Unfortunately for thousands of people looking for work in Florida's Fifth Congressional District, they can't afford for the President and Vice President to just keep talking about it. They need action, not promises. They need to actually break down the barriers that are preventing job creators and employers from creating new jobs.

Every week when I go home, I meet with small business owners to get their input on what they need to start hiring again. They always tell me the same three things: We need demand from customers; loans aren't as easy to come by as they were prior to the recession; and they have no idea what to expect from Washington, as it relates to regulation and taxes. Washington can't directly control the first two things but can absolutely take care of the third.

□ 1240

When we had a balanced budget amendment rally in Dade City, one of the small business owners stood up and said, what we need is certainty from the Federal Government. We need certainty what our taxes are going to be and what regulations are going to be. He talked about the fact that regulations change on a moment's notice based upon whims of the government. He used to plan 3 to 5 years out in regards to what their business plan was going to do, what their hiring process was going to be. Today, they're lucky if they can plan 90 days based upon the uncertainty. And so long as two-thirds of Americans in this country think that we're on the wrong track, they're going to stay hunkered down, waiting for signs that things are improving.

The American people need to believe that we're putting this economy back on track, back towards growth and prosperity, and you do that through leadership. There are currently 219 regulations under consideration. Each of those regulations separately will cost us \$100 million. That's \$21.9 billion in increased regulations on businesses today that are already crushed because they can't compete. What's more, there are 4,226 new regulations in the hopper. With that many regulations costing that much money hanging over their heads, how on Earth can we expect small businesses to actually create jobs?

Today in the House, we have the ability to address some of these executive rules, all promulgated by the EPA. Those rules, collectively known as Boiler MACT and Cement MACT, put thousands of jobs in my district in

jeopardy. For the life of me, I can't understand how the Vice President can stand up in front of the citizens of Land O' Lakes, Florida, talking about job creation with a straight face when the Obama administration is actively pursuing regulations like Boiler MACT and Cement MACT.

In my district alone, the Cement MACT rule could cost up to 200 cement manufacturing jobs, not adding into the total of jobs that are going to be lost on the associated industries that move it, sell it, and use it. Additionally, numerous groups and industries have made it clear that Boiler MACT regulations will cost them hundreds of millions of dollars and will put many of their employees in the unemployment line. And yet our President ignores these regulations and keeps talking about doubling down with a second stimulus, following the failed first stimulus package. Well, here we are today, doing something to actually save jobs, not just talking about it.

One of the very first actions I took as a Member of Congress was to invite the EPA to come to my office and explain to me their finalized rules in respect to the Portland cement manufacturing that goes on in my district. They said to me, We understand it's not without challenge to the industry. I may not have been here long, but I know Washington doublespeak when I hear, Well, it's not without additional challenges to that industry.

It's not just the Cement MACT rule that's "not without challenge," Mr. Speaker. My colleague, Mr. HASTINGS, wrote a letter to the EPA about 2 months ago, and I commend him for this letter. In it, he says, "The Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country." My colleague from Florida asked the EPA to consider a more flexible approach that "could prevent severe job losses and billions of dollars in unnecessary regulatory costs."

In Florida alone, Boiler MACT will affect at least 43 boilers, requiring \$530 million in retrofits. I just heard from the Florida sugar industry, who estimates Boiler MACT for their compliance alone will cost \$350 million and cost untold jobs. I've heard from the pulp and paper workers, who may need to lay off 87,000 workers if the Boiler MACT regulations go into place. I've heard from timber producers in my district that have recently been hurt because U.S. plywood producers have had to close because of lack of demand, and now they're fearful they may have to deal with the double whammy that Boiler MACT is going to do in regards to putting businesses out of work and close them down. It could crush one of the last outlets for their timber products.

Representative HASTINGS, in his letter to the EPA, said this: "I believe

that regulations can be crafted in a balanced way that sustains both the environment and jobs." I believe these bills, H.R. 2250 and H.R. 2681, meet that balance and makes that balancing possible.

These bills don't completely eliminate clean air emissions regulations for boilers, incinerators, or cement kilns, but what they do is require the agency to create regulations that actually take achievable science into account. They give the affected industry time to comply. In sum, they make the EPA think about the American workforce, Mr. Speaker; and in an environment where job creation is key, I don't see how we can't support that.

With that, I encourage my colleagues to vote "yes" on the rule, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend, colleague, and fellow Floridian for yielding the time, and I yield myself such time as I may consume.

I rise today in opposition to the rule for H.R. 2250. In my considered opinion, both these bills are yet another effort by the Republican leadership to demonize the Environmental Protection Agency while doing nothing to create jobs for the millions of Americans who are unemployed.

My colleague Mr. NUGENT, my friend, cited the letter, the authors of same being Walter Minnick, ROBERT ADERHOLT, G.K. BUTTERFIELD, and JOHN SHIMKUS. I signed that letter. I was not the author of same. I do not deny any of its particulars, specifically the fact that there should be flexible approaches to address the diversity of boiler operation, sectors and fuels that could prevent severe job loss.

I would remind my friend that the measure that we were speaking of is under a stay and, therefore, the implementation of the provision will continue, I believe, to allow for the needed flexibility.

And I think you referred, and I refer again, to the portion of the joint bipartisan letter:

"As EPA turns to developing a final Boiler MACT rule"—mind you, they had not, and this was as of August of last year—"we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law."

That is precisely what I signed on to and stand by, and I don't believe that it is inconsistent with anything that my friend pointed out nor did he suggest that it would be inconsistent.

But I did also hear my friend talk about Washington doublespeak, and I distinctly heard him refer to what has now kind of perpetuated itself inside this beltway, and that is the statement that was made earlier by the distinguished Speaker of the House of Rep-

resentatives that "at this moment the executive branch has 219 rules in the works that will cost our economy at least \$100 million. That means under the current Washington agenda, our economy is poised to take a hit from government of at least \$100 million."

I would ask my colleague to not follow on that pattern; otherwise, you get caught in the Washington Beltway doublespeak. The better proof allows an analysis that was done by The Washington Post, and I'm not a follower necessarily of The Washington Post Fact Checker, but so far I've not heard any reference there.

□ 1250

They do give people Pinocchios for when something is not the truth. It's either one Pinocchio, two or three. As it turns out, what the Washington Post said following the Speaker's comments that you have used here today, my dear friend, is that Mr. BOEHNER left the distinct impression that 219 new regulations were hanging like a sword of Damocles over the U.S. economy; but it turns out the number of potential regulations is inflated as well as the potential impact. Overall, his statement contains significant factual errors, and they give it three Pinocchios. I would urge that you not try to earn these Pinocchios that they're talking about, and let's try to get the facts straight.

Just last week, we were having this very same discussion about a bill that made it easier for power plants to emit harmful mercury and other toxic pollutants into the air. Today, we're talking about letting industrial boilers and cement kilns do the same thing. Last week, I asked, Why is it that certain ones can follow the standards and that others can't? I still am puzzled by that. I also asked last night how it is if we don't know what the rules are going to look like that we would be smiting down, if there is such a word, the rule.

Mr. Speaker, we are judged by what we do and not by what we say. What my friends on the other side of the aisle continue to do is to call up bills that are shortsighted and undermine our ability to maintain the public health and cleanliness of our air and water. Bills like these that destroy regulations protecting the air we breathe and the water we drink have the same consequences regardless of intent. Republicans cannot close their eyes to these effects and plead good intentions.

I assure you these effects are severe. Mercury is a powerful neurotoxin that does, in fact, hinder brain development in infants and children. Other toxic metals getting a pass under these bills are arsenic, chromium and lead, which are known to cause cancer and birth defects.

Despite these facts, my friends on the other side cling to their anti-regulatory dogma with fanatical fervor. I

had a friend last night say to me that some people have a conscience and brain and that others just think about dollar signs. I feel that my colleagues who have brains—I believe they have consciences—seem to place the dollar signs ahead of many of the practical matters that would benefit society.

This anti-government rhetoric has gone so far as to lead my colleagues on the other side astray of the protocols laid out by Majority Leader CANTOR. In the third protocol laid out in his Legislative Protocols for the 112th Congress, Leader CANTOR writes:

"Any bill or joint resolution authorizing discretionary appropriations shall specify the actual amount of funds being authorized. Authorizations shall not utilize terms such as 'such sums as may be necessary' or similar language that fails to specify the actual amount of funding being authorized."

Yet neither of these bills specifies how much money is authorized for the implementation of the bill, leaving the cost a mystery. Furthermore, ambiguous language in these bills will create legal uncertainty and ensure litigation. Since these bills don't specify how much they cost, neither bill contains an offset for the cost. These bills also defy Leader CANTOR's fourth protocol that we know around here as CutGo. There will be a real cost for the EPA to take on another lengthy rule creation process, but my friends on the other side have chosen to ignore this contradiction.

Mr. Speaker, these bills are not just bureaucratic infighting. They will have real and measurable effects. According to EPA's analysis, H.R. 2250 would result in a significant number of premature deaths, in a significant number of additional heart attacks, and in considerable numbers—more than 100,000—of additional asthma attacks that otherwise could have been avoided.

Likewise, H.R. 2681 would cause tens of thousands of adverse health effects, including the premature deaths that are suspected and the heart attacks and additional asthma attacks that otherwise could have been avoided.

The reason I didn't use EPA's numbers is I don't think EPA or anybody else has the prerogative to make a decision about how many people are going to die at a certain time. That said, it does not mean, however, that one person is not going to die, and it does not mean that one person is not going to have asthma. My position is one death that could be avoided is too many, and one asthma attack, if you've been around children who have them, is too many if they could be avoided.

In light of these estimates, these bills appear to be nothing more than another attempt to purge any government intervention related to keeping our air clean and environment safe.

Consider that these regulations the Republicans say are destroying jobs

have not even gone into effect. The Boiler MACT rules dealing with industrial boilers, as I, along with my colleagues, wrote to EPA, are currently in an administrative state while the EPA reviews industry-provided data. That's why we sent the letter during that period of time—to ask them to please consider the diversity, as I continue to do, of boilermakers in this country.

We don't even know what those rules are going to look like; yet the Republican gut reaction is to oppose them. Or consider that the cement rules have been finalized for a year already. Most cement plants are already in compliance, and those plants that aren't are working with the EPA to get in compliance.

Mr. Speaker, based on what I've seen by the Republican-led Congress, it is clear to me that they have no intention of using their power to create jobs. I heard my colleague, my friend, say that the President's administration is not about the business with the so-called, he said, American Jobs Act. I don't know whether it would create a single job or not. We wouldn't know it until it passed, and it isn't going to be passed here in the House of Representatives because the agenda that you've laid out is an agenda that's going to attack the EPA as if they are some horror show here in this country and not an agenda, as you heard in the one minutes this morning and as you've heard from the Democratic leadership repeatedly, to bring up the Jobs Act, to put it on the floor, to let it be debated under an open rule, and to do what's necessary for us to create jobs.

The history of the Clean Air Act shows that its benefits—longer lives, healthier kids, greater workforce productivity, and ecosystem protections—outweigh the costs by more than 30 to 1. I continue to remind my friends that the Clean Air Act was implemented under the Richard Nixon administration, and it has been in existence for 40 years. This country has experienced ups and downs during that period of time insofar as its economy is concerned, and said regulations haven't caused all of the economy to collapse.

Otherwise, during the period when Speaker Gingrich and President Clinton and those of us who were here balanced the budget, we wouldn't have been able to do it if the Clean Air Act were all that bad as you all are pointing out in your continuous attack against the EPA. In the time since the act was passed, air pollution has been reduced by more than 60 percent while the gross domestic product of the United States grew by more than 200 percent.

□ 1300

Furthermore, an EPA economic analysis found no indication that any cement plant would close due to the cement rules. At most, the analysis at

this point indicated that 10 underutilized plants would go idle temporarily while waiting for economic conditions to improve.

However, if we can get the economy back on track and restore the demand for cement, then those plants will not have to go idle. We need to focus on creating customers and restoring demand. I heard that from my colleague saying that's what he hears from businesspersons, I hear that same thing, that they need demand and that they need customers. We need to make it easier for them to do that and not easier for the suppliers to pollute.

You know what's a great way to create more demand for concrete? Invest in infrastructure projects that use concrete for roads and bridges, the very same proposals called for in the President's Jobs Act.

If Republicans are so concerned with the concrete plants shutting down, you should work toward helping these businesses sell more concrete. Making it easier for them to pollute does not provide underutilized plants with new customers.

In the midst of an economy still suffering the effects of the greatest recession in a generation, the only answer my friends on the other side seem to have is to dismantle any government regulation intended to protect our Nation's public health and environment. This, Mr. Speaker, is economic extremism.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I love listening to my friend from Florida (Mr. HASTINGS).

We talk about what the EPA and what this rule and underlying legislation will do. What they fail to point out is that any Member, Democrat or Republican, as it relates to any issue that this rule and the underlying legislation will address, has the ability, has the ability to submit an amendment, an amendment process that allows us, if the bill is flawed, in our estimation, to submit an amendment, bring it up for the House, have a debate on it, and let's talk about it.

There are ways to fix legislation, not just kill it. There are ways that we can do things as it relates to, you know, business. When we talk about the ability for these companies, I will tell you that I got a different flavor on it. Not from the EPA—of course they have their own take on what's going to work and isn't going to work—but I have heard from, actually, manufacturers that it will cost jobs. It will be to their advantage, if they want, to actually load up their stuff, put it on a truck and take it to Mexico where there are no air quality standards at all, none, and we'll breathe that air forever.

My good friend brought up about CutGo, and I really need to talk about that. First of all, H.R. 2681 and 2250 fully comply with the rules of the House, including CutGo.

The CBO cost estimates clearly state that neither of these bills affect direct spending. While it may actually force the EPA to revisit the rule, they have the staff to do it. It's not like it's a new mandate to them. It's not a new program. It meets within the majority leader's legislative protocols, including discretionary CutGo.

These bills do not authorize any new appropriations, which is one of the tests for discretionary CutGo. These bills do not create any new program or office. That's an additional test on discretionary CutGo. And rulemaking is a basic, basic function of federal agencies and particularly the EPA; so they certainly have the staff available to do it without additional costs. That's part of what their job is.

Mr. Speaker, I would like to yield 5 minutes to my friend, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my friend from Florida for yielding me the time.

Mr. Speaker, I hope you will challenge the American people to watch this debate that happens over the next hour, because I am down here as a freshman to tell you this is exactly what is supposed to be happening in the U.S. House of Representatives. This is what is supposed to be happening in the people's House.

I hold in my hand a committee report, the committee report from H.R. 2250. It was introduced by a freshman, a freshman from the southwestern corner of Virginia who introduced it, Mr. Speaker, because he's worried about jobs in his district.

You are not going to find—and I challenge you to find, a single Member who'd come to the floor to say my freshman colleague introduced this bill because he has any motivation other than the best interests of the men and women and families that live in his district.

Now, understand that: He introduced this bill that we are going to discuss, if this rule passes, because he is concerned about the men, women, children, the families in his district. That's why this legislation was introduced.

He introduced this legislation over the summer, June 21. On September 8 the subcommittee that deals with this legislation had a hearing. On September 8 they had a hearing, and on September 13, a week later, reported out this bill through the regular subcommittee process. We go on, Mr. Speaker, September 20, the full committee had hearings, markups on this bill, met in open markup session, and on September 21, reported out this bill, printed this committee report online for all of America to read.

And today, if the rule proposed by my friend from Florida passes, we are going to allow any Member of this House, any Member, Republican and Democrat alike, to offer any changes that they propose, any changes. All

they have to do, we gave notice of that a week ago today, all they have to do is preprint their amendment in the CONGRESSIONAL RECORD, submit it by the close of business tonight so that all Members will have a chance to read it and consider it thoughtfully. Mr. Speaker, that is how this House is supposed to run: regular order, regular process, hearings, markups, and allowing any Member to have their say.

Now, nevertheless, this rule is being challenged and urged for its defeat because folks don't like the underlying idea. That's a real frustration for me, Mr. Speaker, because I grew up in a Nation where we disagree about things from time to time and that's okay.

And what we do is we disagree about them, and then we bring them to the House floor for a vote so that America gets to decide. I am the voice for 921,000 people in Georgia, and I can only speak for them when I have a vote on the House floor. This rule provides that any amendment offered by any Member of this body gets to have the voice of my 921,000 constituents heard. This is the way it's supposed to be run.

I came, Mr. Speaker, from a press conference earlier with about half the freshman class urging the Senate to take up legislation, job-creating legislation that is just sitting there in the Senate and the Senate won't take it up. Why? Because perhaps folks don't like the ideas in their entirety. Mr. Speaker, I recommend they amend them, that they adopt our process of amending bills in a way that the people's voice gets to be heard.

We don't have to agree on everything, but we have to talk about it. We have to move that legislation forward, and we have to get the American people's work done. It's not optional, Mr. Speaker. If you didn't want to get the American people's work done you shouldn't have signed up for the job. And come next November you have a chance to go back home. But if you want to get the people's work done, this is the right process to do it.

Mr. Speaker, all jobs are not created equal. I challenge anyone to come to the floor of the House and tell me that jobs are not going to be destroyed, manufacturing jobs, good-paying manufacturing jobs, destroyed by the implementation of this rule.

Now we are going to create some other jobs. All the moving companies who move folks out of their house in my district when their homes get foreclosed on because they lost their jobs, those jobs are going to be created. We are going to create some jobs with these rules, but not the kinds of jobs that I know we want, we collectively want.

This bill has a lot of common ground in it, Mr. Speaker, and we have an opportunity in this process to find that common ground. You know, folks tell this as the tale of Republicans out to

get the EPA. Nobody loves clean air more than I do. Nobody loves clean water more than I do, and I would argue no one participates in the outdoors more than I do.

□ 1310

But the EPA asked, Mr. Speaker, that they have more time to finalize this. They said, We don't have time to get it right. Can we have more time? And you know what? The Court got involved and said, no, you cannot; no more time for you. Why, Mr. Speaker? Because the Congress said no.

Today the Congress has an opportunity to say yes, Mr. Speaker. I rise in full support of the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I guess it's my prerogative to assist in correcting a couple of measures. I kind of wish my good friend—and he is and he's going to be a real asset to our institution as an institutionalist, and I'm referring to my friend, Mr. WOODALL from Georgia. He and I enjoy quite a *tete-a-tete* in the Rules Committee. It's just that when he puts forward his proposition, I wish he had that same fervor with all of the closed rules we have had in the House up to this time. One-half of all of the rules we've promulgated until today have been under closed rules. This one is a modified open rule. And, yes, you're correct, Members can come down and they can go forward if yesterday they knew today that they had to meet by the close of business the amendment process.

Mr. WOODALL. Will the gentleman yield?

Mr. HASTINGS of Florida. I would be happy to yield to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman for yielding.

Of course, the Rules Committee sent out a Dear Colleague a week ago alerting them that they had until tonight. And I say to my friend, I think you're absolutely right about the need for even more openness in this House. Of course, we only had one open rule in the last Congress.

Mr. HASTINGS of Florida. Absolutely.

Mr. WOODALL. As a part of this freshman class, we're making progress. I look forward to working with you to make even more progress. And I hope, since we can agree this one is done right, that we can come together, vote in favor of this, and then look forward to our next challenge.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, I can't agree that this one is done right, but it's a modified open rule. It's not an open rule, and you know that as well as do I.

But more important, I want to refer to my good friend from Florida as well when he said that CutGo is not applica-

ble in this particular situation. I disagree. And I think what needs to be understood by my colleague, Mr. NUGENT, is we don't make these rules here in the House. The protocols have been established early on, and we don't say what CBO needs to do. I think all of us are in agreement that CBO is a non-partisan requirement, a group that estimates for us what would be the net cost of legislation.

In this particular measure that we are considering, H.R. 2681, CBO estimates that implementing H.R. 2681 would have a net cost of a million dollars over the next 5 years. The cost of this legislation falls within budget function 300, natural resources and environment.

Now then, I repeat the protocols enunciated and promulgated by the majority leader, Mr. CANTOR: any bill or joint resolution which authorizes the appropriation of funds for any new agency, office, program activity, or benefit shall also include language offsetting the full value of such authorization through a reduction in the authorization of current ongoing spending.

Now, that just is not happening here. And CutGo, although applicable, is being waived, I guess.

At this time, I'm very pleased to yield 3 minutes to the distinguished gentleman from Oregon, my good friend and classmate, Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this. And I must say, I could not agree more with the gentleman from Florida. If we were really concerned about creating job opportunities and strengthening the cement industry, we would be moving forward with legislation to rebuild and renew America, to deal with crumbling roads, inadequate transit systems, unsafe bridges, water and sewage systems, and treatment plants that need investment.

Sadly, what we have seen since the new majority assumed office is that, in fact, they have been involved with a series of initiatives that are actually cutting back on that initiative, that are reducing resources for infrastructure at exactly the time when America needs them the most.

Now, I'm sorry, but this bill continues an agenda that we heard articulated a great deal last week, that is, not willing to take the 21-year delay from the amendments to the Clean Air Act and move forward to have something in effect by 2013. They want to delay, to start over in many of these cases.

Now remember, in 1990 we amended the Clean Air Act to require these regulations to be completed by the year 2000. But a combination of the Republican takeover of Congress and foot dragging by the Bush administration meant that we weren't ready. When

they came up with something out of the Bush EPA, it was inadequate and the courts threw it out. Well, we're back trying to deal with this responsibility.

Now, concern was raised about who cares about people in their districts. Well, I would be prepared to argue that anybody ought to look at the research that's available. Look at the tens of thousands of lives that will be impacted: 6,600 lives every year will be saved by the boiler rule; 2,500 lives a year by the cement rule. Per year. This affects people in every district; massive health care savings across America from people who won't be subjected to those conditions. If you care about people that you represent, you ought to factor in these health considerations.

Now, this legislation requires EPA to toss out work that it has already done and replace it with the least burdensome standard, including the work practice standard which is only a requirement to keep the equipment in working order and regularly tuned up. If we had adopted that initiative, that philosophy 20 years ago, tens of thousands of people would have died.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. But we didn't. We moved forward. And, in fact, the record shows, despite arguments like we've heard today, there were tens of thousands of jobs created complying with the Clean Air Act requirements.

But what would they do here? You know, as my good friend from Florida pointed out, there are many in the industry who are already complying. They've seen the handwriting on the wall. They want to be good citizens, or there is pressure locally to clean up their act. This bill would reward the people who are dragging their feet and have the dirtiest plants and equipment, and penalize the people who are being responsible environmental stewards.

You know, my friends on the other side of the aisle oftentimes adopt rhetoric that the 17,000 men and women who work in EPA are the enemy of the American people, are the enemy of the economy. Well, I suggest they ought to get acquainted with some of their constituents who work for the EPA.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. And work to make sure that they have the resources to do their jobs right, and to stop making them political footballs.

I've had my disagreements over the years with EPA, but I respect the men and women who work there. I understand the pressures they're under, and Congress is not helping them do their job any better. And this would be a

dramatic step backward. Mercifully, it won't go any place in the Senate, and the President would veto it anyway. But, we should understand what is going on.

Mr. NUGENT. Mr. Speaker, I would just like to remind my colleagues that this does not violate CutGo. Clearly on its face, as he said, making my point, this does not authorize any new spending, not a penny.

With that, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I'm pleased to come down here to thank the Rules Committee for the modified open rule and a chance for us to go through this bill bit by bit, amendment by amendment, to address concerns that my friends on the other side of the aisle might have about this.

□ 1320

I am following my good friend from Oregon, and I appreciate his passion. But I come to the floor to talk about the jobs. And the EPA, whom I've also rallied against numerous times, produced the Cross-State Air Pollution Rule in July. The result of that is two power plants in Illinois are closing. One is 369 megawatts, and the other one is 302 megawatts. That means 671 megawatts of basal power is going to be offline. If you understand the law of supply and demand—less supply plus similar demand or higher demand equals higher costs—then it's very easy to project higher energy costs for everybody across this country because of that rule.

Secondly, the job losses. In the first plant, 14 management and 39 union-represented employees will lose their jobs. That's at plant number one. At plant number two, eight management and 29 union-represented employees will lose their jobs.

We do this and we come down and we have these debates on the role of the EPA so that we can have the debate about jobs in this economy. This is not the time—in fact, I have asked the President, the best thing he could do for his own reelection and for the country is stop doing things. Put a hold on new rules and new regulations and let the economy recover. Let's put people back to work. Let's make these power plants that are employing these folks still have jobs. Let's make sure the tax base in these small rural communities that these power plants pay taxes to still have that property tax revenue going.

Boiler MACT is another example of what we did last week, and these effects on job losses are real. This announcement was done today. Boiler MACT will affect a lot of municipal power plants who have a contractual obligation with their citizens saying we will locally produce power. And so they are breaking contract with their citizens. The Cement MACT is another

example of when we talk about jobs and infrastructure. The result of these cement plants closing is that we will import cement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman 30 additional seconds.

Mr. SHIMKUS. I would just ask my friends, does that make sense that we are now going to import cement at higher cost from countries who aren't complying with these rules and regulations? I think not. This debate is about jobs and the economy. Now is not the time to ratchet down these rules so we make it more difficult to create jobs, keep jobs, and grow this economy.

Mr. HASTINGS of Florida. Mr. Speaker, I would just remind my friend that when plants like he referenced are closed, it doesn't mean that the demand is not still there. And what happens is it means that new plants are being built. And guess what happens when you build new plants? You use steel, you use cement, and you have jobs. So I'm not certain that analogy that he put forward holds in that case.

I would tell my friend from Florida to know that I have no further speakers at this time and I am prepared to close.

Mr. NUGENT. I thank my friend from Florida for that.

Mr. Speaker, the last Member that spoke talked about closing coal-fired electric plants. It is amazing that the President just last month put in abeyance an EPA rule as it related to just that issue. He put in abeyance that rule because he said that it was going to cost jobs at a time when we could least afford closing plants and cutting jobs. The President gets it, and I applaud him for doing just that.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. NUGENT and I are from Florida. The largest supplier of energy—electricity, specifically—in Florida is a company known to him and me as Florida Power and Light. Mr. NUGENT probably does not remember that I ran for the Public Service Commission in the State of Florida to deal with regulatory matters and to address the ongoing concerns. And much of what we talked about at that time, in addition to two lawsuits that I had filed in my community, was about coal-fired electric generating plants.

Florida Power and Light, being an extremely responsible energy producer, has taken upon itself to eliminate much of their coal-fired activity. And in spite of all these regulations and their alleged uncertainty and everything having to do with it, they now are using gas-fired facilities and working on trying to reduce emissions, period, and have no problems. The largest electricity producer in this country is

Exelon, which has no power. They come from Mr. SHIMKUS', the gentleman that just spoke, territory in Illinois. That's where they're based, and they have no concerns with complying with these regulatory matters.

Now, one thing I heard about cement being imported, the reason for that is the low demand. And if my Governor and some of these other Governors would get off the dime and go about the business, and if this Congress was to go about the business of implementing the infrastructure provisions that are offered in the Jobs Act of the President, then we would use more cement, and we wouldn't have to get any from anywhere as we have not in the past when the economy has that kind of demand.

For people who believe in the Republican anti-government, "the EPA is the evildoer of the world" doctrine found in many of these bills—and I might add we will see more of this according to the majority leader—we are going to demonize EPA, those 17,000 employees. I found it ironic that someone commented a minute ago that they have enough staff in order to be able to do it, while at the same time every time we look to cut some agency, we are cutting EPA, and many people in the Republican Party have used as their mantra the elimination of the EPA.

So I don't know that they could offer any kind of regulation on the Clean Air Act or anything else. But I offer to them these suggestions: If you don't like regulation, don't drive on roads; don't fly; don't go to national parks; don't worry about listeria in cantaloupe and lettuce; don't worry about mercury, chrome, cadmium, and other toxins that pollute the air and cause our children to have asthma. Just don't do that. Don't have any regulations. Just go about your business. And we would then find ourselves in mass confusion with people with premature deaths that are unnecessary.

We can do this. We can have a conscience and a brain and we can make money in this country. We've done it in the past; we will do it in the future.

I urge my colleagues to vote "no" on this rule and on the underlying bill, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, once again I want to thank my colleague from Florida for his eloquent words.

It is about America getting back on track. It is about America worrying about regulations that are going to kill jobs. As I mentioned earlier, the President is even concerned that overregulation by the EPA would do just that, kill jobs when we can least afford it.

□ 1330

If you look at this act, what we're talking about doing is not eliminating anything. It's about saying 15 months to get it together at the EPA, to look

at it, and let's not kill jobs in America. It gives 5 years, then, for those businesses that I've met with that are more than willing to do their fair share to keep the air that we breathe and the water that we drink clean and pure.

I live in Florida. Mr. HASTINGS lives in Florida. We depend upon clean air and water in Florida just like many other States. So, Mr. Speaker, I support this rule and encourage my colleagues to support it as well.

Despite what President Obama and Vice President BIDEN would have you think—giving a bus tour and the Vice President's being in Land O' Lakes, Florida—speeches don't create jobs. For the President, it may be a joke to say shovel-ready jobs, you know, weren't as shovel ready as we thought with the first stimulus package, but the American people footed that bill, and it's no joke to them.

Mr. President and Mr. Vice President need to recognize the reality that H.R. 2250 and H.R. 2681 recognize that jobs are not created in a vacuum, that government creates an environment in which job creators operate. Regulations like Boiler MACT and Cement MACT do nothing to encourage industry to invest in America. Instead, they force employers to shut their doors, move jobs overseas or just across the border to Mexico. They force us to lose our manufacturing base and import cement from countries like China.

I'm proud to play a part in rolling back this type of regulation. I encourage my colleagues to join me in this effort by supporting H. Res. 419 and the underlying bills, H.R. 2250 and H.R. 2681.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2608.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the unanimous

consent agreement of yesterday, I call up the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the Senate amendment to the House amendment to the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any

project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412),

section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the

Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the "Continuing Appropriations Act, 2012".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2608.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, October 3, 2011, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise today to bring to the floor the continuing appropriations resolutions to keep the Federal Government operating until November 18, 2011, and to continue support for disaster relief projects.

This version of the bill—which is virtually identical to the one the House voted on last week—funds the government at a rate of \$1.043 trillion and provides \$2.65 billion in fiscal year 2012 funding for the Federal Emergency Management Agency and other disaster aid programs. However, this bill no longer includes \$1 billion in emergency fiscal year 2011 funding for FEMA and the Corps of Engineers nor the offset for those funds. The Senate dropped these provisions after the White House and FEMA suddenly—and, I might add, mysteriously—announced that these funds were no longer necessary. While in the short term FEMA says it can get by without the additional emergency funding, it's clear that the agency will soon need additional money to continue ongoing relief and recovery efforts from recent devastating natural disasters.

I'm disappointed, Mr. Speaker, that the agency has apparently been playing games with the numbers, and my committee is closely examining why FEMA's estimates changed at the 11th hour. The committee also remains committed to providing the proper amount of emergency assistance that families and communities across the country rely upon.

Mr. Speaker, we have now entered into the new fiscal year, and we need to keep the doors of the government open to the American people who rely on its programs and its services. We simply must not leave our citizens in the lurch, particularly as thousands of American families and communities continue to rebuild following dev-

astating natural disasters across the country.

Furthermore, our economy can't handle the instability that comes from the threat of a government shutdown. This bill supports vital government operations but still saves the American taxpayers billions of dollars by maintaining the overall funding level agreed to in the recently enacted Budget Control Act. We are committed to reining in spending at every step, and this reduced funding rate will help our Nation return to more sound fiscal footing.

In addition, this legislation gives both the House and the Senate more time to finish our work on the fiscal year 2012 appropriations bills, legislation that will continue the trend of reducing Federal spending to more responsible and sustainable levels.

The House has made great progress on this year's appropriations bills, and I intend to wrap up this work as quickly as possible to provide for the economic and fiscal security of our Nation and the needs of the American public.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may consume.

Mr. Speaker, the CR before us runs through November 18. The CR continues funding at last year's level minus 1.053 percent to ensure that spending is limited to \$1.043 trillion, the amount agreed to in the Budget Control Act.

Democrats voted "no" previously for two reasons: We strongly oppose taking funding from the Advanced Technology Vehicle Manufacturing program. This is a program that has proven to be a success in creating jobs. The Department of Energy estimates the loan guarantees have created or maintained 39,000 jobs in California, Delaware, Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee. The pending applications will help create more jobs. The money received by the companies is paid back to the government with interest. We also strongly oppose the notion that efforts to help Americans rebuild their lives after floods, hurricanes, wildfires, and other natural disasters should be put on hold until Congress can agree on offsetting reductions in spending.

FY12 has begun, so there is no need for FY11 disaster relief funding in the CR. In earlier versions, House Republicans had insisted on offsetting FY11 disaster relief funding. The CR under consideration today no longer cuts funding for ATVM and does not require an offset.

I urge a "yes" vote, and I yield back the balance of my time.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I rise today to thank my Democratic colleagues for standing with me to protect a program that has created or saved over 41,000 auto jobs.

At one point during this debate, many thought that the Republicans would be successful in cutting \$1.5 billion from a program that literally moved production of the Ford Focus from Mexico to Michigan creating thousands of badly needed manufacturing jobs.

But we proved them wrong. We proved that a united Democratic Caucus can stand up and win when we're working to save jobs.

By uniting, we showed Speaker BOEHNER that Democrats in the House would not stand by and accept a plan to kill tens of thousands of jobs.

Today marks a victory for working Americans, but we must never let our guard down.

As long as Republicans continue to put Tea Party Special Interests and corporate outsourcers before American jobs, the fight will continue.

I hope that our friends on the other side of the aisle will take this opportunity to end their war on jobs and the American Middle Class but if they do not, we will unite and fight back once again.

Mr. VAN HOLLEN. Mr. Speaker, today's Continuing Resolution avoids an unnecessary government shutdown—and it does so in a manner that does not unduly threaten job creation or undermine our economic recovery.

Specifically, this CR extends FY 2011 discretionary funding at approximately 98.5 percent for agencies and programs through November 18 of this year. The 1.5 percent cut brings funding in line with the \$1.043 Trillion top line called for in the Budget Control Act agreement. Additionally, today's bill supports the postal service, extends the flood insurance program and funds vital disaster relief through November 18.

As Ranking Member of the Budget Committee, I would prefer timely completion of our annual appropriations bills. But in the absence of regular order, this relatively clean, bipartisan CR is preferable to the alternative.

I urge a yes vote.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, October 3, 2011, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 1 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: the motion to concur with regard to H.R. 2608, and adoption of House Resolution 419.

The first electronic vote will be conducted as a 15-minute vote. The second vote in this series will be conducted as a 5-minute vote.

CONTINUING APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the question on adoption of the motion to concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to concur.

The vote was taken by electronic device, and there were—yeas 352, nays 66, not voting 15, as follows:

[Roll No. 745]

YEAS—352

Ackerman
Adams
Akin
Alexander
Altmire
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)

Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Coble
Cohen
Cole
Conaway
Connolly (VA)

Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr

Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Hurt
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lance
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)

Lipinski
LoBiondo
Loebach
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradner
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wittman
Wolf
Womack
Woodall
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NAYS—66

Aderholt
Amash
Austria
Barton (TX)
Brooks
Broun (GA)
Burgess
Burton (IN)
Capuano

Clyburn
Coffman (CO)
Conyers
DesJarlais
Duncan (SC)
Duncan (TN)
Ellison
Flake
Fleming

Franks (AZ)
Gardner
Gingrey (GA)
Gohmert
Gowdy
Graves (GA)
Harris
Huelskamp
Huizenga (MI)

Hultgren	Mack	Reed
Jenkins	McClintock	Ryan (OH)
Johnson (IL)	Mulvaney	Schweikert
Jones	Nadler	Scott (SC)
Jordan	Napolitano	Southerland
King (IA)	Neugebauer	Stearns
Kucinich	Paul	Stutzman
Labrador	Pearce	Tipton
Lamborn	Pingree (ME)	Walsh (IL)
Landry	Poe (TX)	Westmoreland
Lee (CA)	Pompeo	Wilson (SC)
Lewis (GA)	Posey	Woolsey
Lofgren, Zoe	Quayle	Yoder

NOT VOTING—15

Bachmann	Johnson, E. B.	Polis
Costello	Kingston	Rogers (AL)
Dold	Larson (CT)	Slaughter
Giffords	Lummis	Van Hollen
Hinojosa	Pence	Wilson (FL)

□ 1409

Messrs. SCHWEIKERT, LEWIS of Georgia, COFFMAN of Colorado, FLAKE, POSEY, and JONES changed their vote from “yea” to “nay.”

Ms. CASTOR of Florida and Messrs. ACKERMAN and ROSKAM changed their vote from “nay” to “yea.”

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOLD. Mr. Speaker, on rollcall No. 745 I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 745 I was entering the House Chamber when the vote was closed. Had I been able to cast my vote it would have been a “yea” vote.

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 745, had I been present, I would have voted “yea.”

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 745, had I been present, I would have voted “yea.”

Mr. ADERHOLT. Mr. Speaker, earlier today during rollcall vote No. 745, the Motion To Concur in the Senate Amendment to H.R. 2608—Continuing Appropriations Act, 2012, I was inadvertently recorded as a “nay” when I intended to vote “yea.”

Mr. LARSON of Connecticut. Mr. Speaker, I was unfortunately unable to cast a vote on rollcall 745 on the afternoon of Tuesday, October 4, 2011. Had I been able to vote on H.R. 2608, I would have voted “yea” on its passage.

PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 419) providing for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manu-

facturing facilities, and for other purposes, and providing for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 257, nays 165, not voting 11, as follows:

[Roll No. 746]

YEAS—257

Adams	Fincher	Lewis (CA)
Aderholt	Fitzpatrick	Lewis (GA)
Akin	Flake	LoBiondo
Alexander	Fleischmann	Long
Altmire	Fleming	Lucas
Amash	Flores	Luetkemeyer
Amodei	Forbes	Lungren, Daniel E.
Austria	Fortenberry	Mack
Bachus	Fox	Manzullo
Barletta	Franks (AZ)	Marchant
Bartlett	Frelinghuysen	Marino
Barton (TX)	Gallegly	Matheson
Bass (NH)	Gardner	McCarthy (CA)
Benishke	Garrett	McCaul
Berg	Gerlach	McClintock
Biggart	Gibbs	McCotter
Bilbray	Gibson	McHenry
Bilirakis	Gingrey (GA)	McKeon
Bishop (GA)	Gohmert	McKinley
Bishop (UT)	Goodlatte	McMorris
Black	Gosar	Rodgers
Blackburn	Gowdy	Meehan
Bonner	Granger	Mica
Bono Mack	Graves (GA)	Michaud
Boren	Graves (MO)	Miller (FL)
Boustany	Green, Gene	Miller (MI)
Brady (TX)	Griffin (AR)	Miller, Gary
Brooks	Griffith (VA)	Mulvaney
Broun (GA)	Grimm	Murphy (PA)
Buchanan	Guinta	Myrick
Buchson	Guthrie	Neugebauer
Buerkle	Hall	Noem
Burgess	Hanna	Nugent
Burton (IN)	Harper	Nunes
Calvert	Harris	Nunnelee
Camp	Hartzler	Olson
Campbell	Hastings (WA)	Palazzo
Canseco	Hayworth	Paul
Cantor	Heck	Paulsen
Capito	Hensarling	Pearce
Carney	Herger	Pence
Carter	Herrera Beutler	Perlmutter
Cassidy	Holden	Peterson
Chabot	Huelskamp	Petri
Chaffetz	Huizenga (MI)	Pitts
Coble	Hultgren	Platts
Coffman (CO)	Hunter	Poe (TX)
Cole	Hurt	Pompeo
Conaway	Issa	Posey
Costa	Jenkins	Price (GA)
Cravaack	Johnson (IL)	Quayle
Crawford	Johnson (OH)	Rahall
Crenshaw	Johnson, Sam	Reed
Critz	Jones	Rehberg
Culberson	Jordan	Reichert
Davis (KY)	Kelly	Renacci
Denham	King (IA)	Ribble
Dent	King (NY)	Richardson
DesJarlais	Kinzinger (IL)	Rigell
Diaz-Balart	Kissell	Rivera
Dold	Kline	Roby
Donnelly (IN)	Labrador	Roe (TN)
Dreier	Lamborn	Rogers (AL)
Duffy	Lance	Rogers (KY)
Duncan (SC)	Landry	Rogers (MI)
Duncan (TN)	Lankford	Rohrabacher
Ellmers	Latham	Rokita
Emerson	LaTourette	Rooney
Farenthold	Latta	

Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton

Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—165

Ackerman	Gonzalez	Olver
Baca	Green, Al	Owens
Baldwin	Grijalva	Pallone
Barrow	Gutierrez	Pascarell
Becerra	Hahn	Pastor (AZ)
Berkley	Hanabusa	Payne
Berman	Hastings (FL)	Pelosi
Bishop (NY)	Heinrich	Peters
Blumenauer	Higgins	Pingree (ME)
Boswell	Himes	Price (NC)
Brady (PA)	Hinchey	Quigley
Braley (IA)	Hinojosa	Rangel
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richmond
Capps	Holt	Rothman (NJ)
Capuano	Honda	Roybal-Allard
Cardoza	Hoyer	Ruppersberger
Carnahan	Inslee	Rush
Carson (IN)	Israel	Ryan (OH)
Castor (FL)	Jackson (IL)	Sánchez, Linda T.
Chandler	Jackson Lee	Sanchez, Loretta
Chu	(TX)	Sarbanes
Cicilline	Johnson (GA)	Schakowsky
Clarke (MI)	Kaptur	Schiff
Clarke (NY)	Keating	Schwartz
Clay	Kildee	Scott (VA)
Cleaver	Kind	Scott, David
Clyburn	Kucinich	Serrano
Cohen	Langevin	Sewell
Connolly (VA)	Larsen (WA)	Sherman
Conyers	Larson (CT)	Shuler
Cooper	Lee (CA)	Sires
Courtney	Levin	Slaughter
Crowley	Lipinski	Smith (WA)
Cuellar	Loeback	Speier
Cummings	Lofgren, Zoe	Stark
Davis (CA)	Lowey	Sutton
Davis (IL)	Lujan	Thompson (CA)
DeFazio	Maloney	Thompson (MS)
DeGette	Markey	Tierney
DeLauro	Matsui	Tonko
Deutch	McCarthy (NY)	Towns
Dicks	McCollum	Tsongas
Dingell	McDermott	Van Hollen
Doggett	McGovern	Velázquez
Doyle	McIntyre	Visclosky
Edwards	McNerney	Walz (MN)
Ellison	Meeks	Wasserman
Engel	Miller (NC)	Schultz
Eshoo	Miller, George	Waters
Farr	Moore	Watt
Fattah	Moran	Waxman
Filner	Murphy (CT)	Welch
Frank (MA)	Nadler	Woolsey
Fudge	Napolitano	Yarmuth
Garamendi	Neal	

NOT VOTING—11

Andrews	Giffords	Lynch
Bachmann	Johnson, E. B.	Polis
Bass (CA)	Kingston	Wilson (FL)
Costello	Lummis	

□ 1417

Ms. LORETTA SANCHEZ of California changed her vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 4, 2011 at 11:50 a.m.:

That the Senate passed without amendment H. Con. Res. 83.

With best wishes I am,

Sincerely,

KAREN L. HAAS.

RESIGNATION AS MEMBER OF
COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Homeland Security:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives.

MR. SPEAKER: To provide a committee assignment opening for newly elected Congressman Bob Turner, I hereby resign my assignment on the Homeland Security Committee.

Sincerely,

MO BROOKS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

ELECTING CERTAIN MEMBERS TO
CERTAIN STANDING COMMITTEES
OF THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Texas. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS—Mr. Turner of New York.

COMMITTEE ON HOMELAND SECURITY—Mr. Turner of New York.

COMMITTEE ON THE JUDICIARY—Mr. Amodei.
COMMITTEE ON VETERANS' AFFAIRS—Mr. Amodei and Mr. Turner of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1420

JOBS, JOBS, JOBS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute.)

Ms. BERKLEY. Mr. Speaker, I rise today to talk about an issue that should be the top priority for every Member of the House and Senate: jobs, jobs, jobs.

Unfortunately, too many of my colleagues here in Washington just don't get it. Yesterday, the Senate courageously voted to stand up to the Chinese Government on behalf of the working families in Nevada and across the country. The Senate said no to China's unfair currency manipulation that has cost our Nation nearly 3 million jobs in the last 10 years, including over 14,000 in Nevada. However, 19 U.S. Senators voted to protect China's interests instead of the interests of the workers of the State of Nevada.

I have one thing to say to those Senators: Shame on you. Now is not the time to cower to the bullying tactics of the Chinese. We need leadership. We need to be creating jobs here in the United States of America, not in China.

From voting to kill Medicare by turning it over to private insurance companies to bowing to Chinese bullying tactics, the American people should start asking themselves: When will Washington Republicans start making job creation their top priority?

I know it is mine.

ISSUES FACING AMERICANS

The SPEAKER pro tempore (Mr. SOUTHERLAND). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Hawaii (Ms. HANABUSA) is recognized for 60 minutes as the designee of the minority leader.

Ms. HANABUSA. Mr. Speaker, there are now about 11 of us who are considered freshmen to the Democratic side, and we are here today to share with everyone what we have learned. We hope, because we are freshmen, that we bring a different perspective on matters, that everyone might be able to see it from our eyes. And for that reason, we would like to share what we've learned in this last district work week and talking to our constituents about jobs, small business problems, and issues that face all of us.

With that, Mr. Speaker, I would like to begin first by asking the gentlewoman from District 36 of California to share with us what she has heard. And I would like to say that the gentlewoman from District 36 of California is the most recent addition to what was originally the noble nine, but we are now the exquisite 11.

I yield to the gentlewoman.

Ms. HAHN. Mr. Speaker, I rise today to bring a perspective as a brand new

Member of Congress. Last week while I was in my district, I met with over 50 businesses who wanted to talk to me about what they felt Congress was either doing or not doing. I met with them not to talk to them, but I met with them to listen to them. And I met with very small businesses, some that had two employees, to some other businesses who were considered small but had many more employees.

What they told me was this: These are tough times. They're having a tough time with our economy, but they still want to grow and they still want to hire people. We know that our small businesses in this country are the backbone of this economy. We know that they are the ones that will be hiring people. They are the ones that will be getting this economy back up and running. They're going to be part of this great recovery, but they need help from the Federal Government.

I asked them: What is it that you need? What is it that will keep you in business? What is it that helps you to grow and to hire people?

There was a common theme, and they told me it was their access to capital which was part of the problem they have. They believed that our small business loans took a small mountain of paperwork to apply for. They felt like the requirements for these loans were so burdensome that they were not able to access capital. And they said, if they could access this capital, they would grow. They would hire. And even in tough times, this is the American Dream. This is the American spirit. They wondered, frankly, why Congress had worked so hard to bail out the billionaires on Wall Street; and they wondered what was Congress doing to bail out the man and woman on Main Street that works so hard every day.

So I told them I wanted to stay in touch with them and I would urge my colleagues to do something else that they wanted, and that was to pass the President's Jobs Act. They love parts of this Jobs Act. They loved the fact that there is a tax credit there if they hired someone who had been unemployed for 6 months or longer.

They loved the idea that in this jobs bill there was a tax credit for hiring our returning veterans. They liked the fact that we even went further and said there would be a larger, I think it is a \$9,000 tax credit if you hire a veteran who's been wounded, because we know when our veterans come home that they have a very difficult time reentering society. They have a difficult time, frankly, reentering their families. They have a hard time relating again to their husbands, to their wives, to their communities. This jobs bill actually speaks to the plight of the veteran. The woman veteran, by the way, has one of the highest unemployment rates in the country.

So colleagues, I think we should continue to fight for small businesses in

this country. Let's give them what they need. Let's remove the barriers that are keeping them from growing and keeping them from hiring and keeping them from being the catalyst to getting this economy back on track.

Ms. HANABUSA. I thank the gentleman very much.

Mr. Speaker, my colleagues will be coming in as they return from their respective offices, but I'd like to share part of what I found when I was in district this past week.

You know, I think the problem we all have is we are all creatures of the media, so we tend to think in 30-second sound bites. And I'm sure we all got trained by the best of them: When you run for office, keep it short, and you tell everybody what they want to hear so they can pick it up on the 6 o'clock news.

You know, Mr. Speaker, when we do that, we fail to recognize that people are not covered by one broad brush. The gentleman from California, District 36, said it best when she said when she talked to small business, they want certain things because small businesses are not all alike. But there are things that they do want. They want, for example, the finances. What about Main Street? What about the tax credits? How will that affect their respective businesses? That's what we all have to step back and think about. That's why this time when we can go on and not have to worry about whether there is a camera there to get a 30-second sound bite gives us the opportunity to tell our constituents that we hear them and we know what they're saying.

When I was in district, I met with one type of small business, and they were the construction industry. Quite honestly, when you talk about the construction industry, even that we just tend to say we need to rebuild construction. But construction isn't as simple as just simply saying they all build roads or they all build airports. That's not true.

When we do construction, we talk about construction, you have people, for example, who specialize in homes, and that's a definite kind of need. Their needs, for example, are regarding finances. Their need is how healthy is FHA going to be? What are you going to do with Fannie Mae and Freddie Mac? What are you going to do to help foreclosures? They have very specific concerns. Where we may think what they're just concerned about is the ability to be able to build again, that's not it. They understand that in order for us to have a healthy economy, in order for us to have the environment in which they can then create the jobs and they can then be able to build those homes and people who have jobs can buy those homes, that we need to look at the total picture. And that's what we're referring to.

So when we talk to our constituents and we report back to other Members

of Congress, we have to be very clear as to what we are hearing.

□ 1430

They don't talk to us in general sound bites to get on the 6 o'clock news. What they talk to us about is to say, you know, in our specific industry, we have this problem, and what can you do to help us on this particular problem? They want to know, even to the point of saying, will, for example, credit unions be able to issue different kinds of loans? We think of banks, we think of loans, but how many of us have stopped to listen to our constituencies and said, hey, why are you interested in what credit unions are allowed to do? Because to them, especially those who are in smaller businesses, that is their lifeline. So they want to be sure that they can affect them and they can help them. So they want to know what we are doing in that process.

And so when we talk to our constituencies and we listen to them, we must understand that they are not simply ones that we do with a broad brush. So in the construction group that I spoke to, many of them, of course, specialized in home building, and they were, of course, concerned about the whole gamut, the ability of people to buy a home, the ability of people to finance that home, the ability of people to then say, hey, we are going to have the jobs to qualify for the respective mortgages. Because very few people are out there who can actually buy a home for cash. Anymore than we, as government, can buy things for cash. People are borrowing. And in order for them to borrow, we must have a healthy financial institution that can lend that money out.

So, Mr. Speaker, let's also look at where we are in terms of the constituencies. Like I said, small business isn't just small business. You can't just say "small business" and cover everyone. You need to understand what kind of small business.

I sit on a panel that was created in HASC, and it's on acquisitions, and the focus there is small business. I am very honored to be part of that, and I am very proud of the fact that we, as a House, are looking at how, when military spending gets cut, we are able to preserve the small businesses. And the question was, how do we ensure them into the future? And we also have to recognize that the definition of small business differs for many of us. It's like a company that grosses no more than \$7 million or \$8 million a year. To some they probably hear that and say, wow, that's not a small business, that's a big business. But every segment of what creates businesses in our economy we have got to look at very seriously and understand what their respective needs are, because if we fail to do that, if we fail to look at that, we are not going to be able to address this crisis.

So as tempting as it is for all of us to ignore, ignore what it is that we are looking to or speaking to, and when we vote on these bills that are before us, we have to understand that simply because one segment of a business community says it's good, it doesn't mean that it's good for everyone. And that is what makes the challenge of what we respectively do.

So back to construction. We said there are those who build homes, for example. There are also those who build commercial buildings, and they have a different challenge, because their financing is also tied to how healthy the economy is. It's also tied to the financial institutions and whether the financial institutions are out there lending the money, and that's all going to be tied to the whole issue of whether or not the economy is healthy. Many of those who build "commercial buildings," for example, they too are small businesses.

In addition to that, you have those major construction companies that do major infrastructure. And if you're going to talk about being able to get people back to work in large numbers, of course, of course, we need to talk about that level of construction. But what does that level of construction normally need? To do large infrastructure projects, it needs government. It is government that is able to build or contribute to a State's ability to build roads, to build airport modernization, to improve harbors or to basically look at highways and what we're going to do. You need government's role in that. And that is what the President has said, and that is what the President has emphasized: That he, in fact, is looking to infrastructure to be built and to say that will put people back to work.

In the long run, we as a country benefit the most from that. And you may say, well, what does that have to do with small business? It has a lot to do with small business because no one company can do it all. When you look at how construction, for example, is done, you have a general contractor, who usually serves in an administrative capacity, but all the respective work that may go into building whatever it may be—a freeway, a huge hotel or homes, the other company components of it are subcontractors who are small businesses, and each one of them hires a specific number of people, whether it be two or three or 20 or 30. If you have a huge port of some sort, they are there. And we need to recognize that, and we need to understand that it is through them, through the hiring of the respective subcontractors that are small businesses, that we are then able to move this economy along.

So it's like a situation of, we start on the top and to a large extent, government has that role, and it filters down to the bottom line, which is to get people back to work. So when we start to

talk about the Jobs Act, or how we're going to move our economy along and what are we going to do, we need to think about that. We need to think about how do we move forward.

It is on that note that I see my colleague from Detroit whom I would like to call upon, because he has a bill that I want him to speak about because he knows what it is going to take to get his people in Detroit back to work. And let's not forget, we are a great country built on manufacturing. That is what made us big. And do you know, it is also the city of Detroit that I believe really epitomizes what manufacturing is about.

So on that note, I would like to yield to my colleague, the Congressman from Detroit (Mr. CLARKE), to talk to us and share what he has learned from his district.

Mr. CLARKE of Michigan. Thank you. And I just want to thank the gentlewoman from Hawaii (Ms. HANABUSA) for her commitment to growing our economy not only here in this country but we can help the world by us in the United States manufacturing the best products and creating the best technologies.

I have introduced a bill called the Detroit Jobs Trust Fund. It will create jobs in Detroit. And Detroiters really need it because we've got the highest unemployment rate. We've lost more jobs than any metropolitan region in this country during the last 10 years. But as Ms. HANABUSA pointed out, investing in Detroit not only creates jobs for Detroiters, it will put Americans throughout this country back to work. And that's because in spite of Detroit's troubling economic situation and high unemployment rate, we still have the manufacturing know-how and we have the well trained workforce to put Americans back to work, especially in the area of advanced manufacturing.

So when Detroit makes its streets safer by hiring more police officers, more firefighters, and properly deploying them, when we improve and reform our public education system by opening more high quality schools, hiring more teachers who can go do the job, and when we reduce the cost of living and doing business in Detroit by cutting some very high municipal taxes, those factors—safe streets, good schools, and low taxes—that will attract investment back to the city.

If you take a look at the city of Detroit, you will see that we have a lot of vacant property. Well, that's land ready for a big plant to be located there. And by capturing the existing federal tax revenue that Detroit individuals and Detroit businesses already pay and having that money placed in a trust fund administered by the Department of the Treasury to be invested in Detroit to hire those police officers, hire and train those teachers and to cut taxes, we can bring employers back

to Detroit to hire Detroiters. But also, we can resurrect our manufacturing powerhouse in Detroit and create those jobs throughout the country the same way Detroit did back in World War II.

□ 1440

Detroiters built the arsenal of democracy that helped win World War II and saved this country and this world from fascism. It was metro Detroiters' manufacturing know-how that built some of the best cars in the world and that created millions of jobs worldwide, and especially in this country.

So in the same way, by investing in Detroit, in the Detroit workforce, in the Detroit winning spirit—exemplified by the Detroit Tigers and the Detroit Lions—we can put our people back to work. We can make this country even stronger in advanced manufacturing and help uplift the quality of life for everyone around the world.

I appreciate you giving me this time, the gentlewoman from Hawaii (Ms. HANABUSA), for talking about an important issue, putting Detroiters back to work.

If I can just say as a final note—I mentioned this last night—getting a job is important. Many years ago, in this last big recession we had in the 1980s, I was without a job and I lost hope. And that can be devastating, not only devastating economically and financially to people, but it can be devastating to the spirit of a human being. So a job gives somebody a paycheck, but it gives a person self-worth and the dignity and the uplifting spirit that they need to keep marching on. And that's what this country is all about.

You know, we have to deal with obstacles; but as Americans, we can turn those obstacles into opportunities. That's why immigrants are so successful when they come here to this country because they see this country for all its richness, for all its opportunity, and they seize it. I'm just asking for that same opportunity to be available for Detroiters, to put our country back to work.

Ms. HANABUSA. Before you leave, I just wanted to extend this discussion because I think that we tend to think about things like, when we talk about Detroit and we think about manufacturing, which of course is what we are all focusing on, we tend to forget how that one industry then multiplies out and how it creates other jobs. The Congressman from Detroit is absolutely correct, that is what made our country great.

And let me share with you, I grew up working in my family's service station, which later became a situation where we sold auto parts. And one of the things that I will never, never forget is the fact that, when you think about the ability to build a car, many of those parts are not manufactured in Detroit. They come from other places

in the United States, and they all are put together to make the car. But the subsidiary industry is what my family was in, which is, with wear and tear, it breaks down.

So you have a whole secondary market of used auto parts being remanufactured or original-equipment auto parts are being remanufactured that then creates yet another industry. And when we, unfortunately, get careless and sometimes, through no fault of our own, the flagpole or the streetlight jumps in front of our car and we hit it, there is that whole other industry of repair.

So with the good Congressman from Detroit, I want to elaborate that just investing in Detroit isn't only for Detroit, but I'm sure within Michigan and within all the neighboring States we probably have great examples of how small industries are going to just start to kick-start.

Mr. CLARKE of Michigan. You are absolutely right, creating those jobs in Detroit will have a ripple effect throughout this country.

And I'm glad you mentioned about remanufacturing. That's the best way to have Make It in America jobs. Actually, I was able to visit a remanufacturing plant right outside the city of Detroit 2 weeks ago. It's fascinating what they do. These are not used units. These are totally remade. And, actually, these are better units and pieces of equipment than if you actually bought something new. So instead of U.S. manufacturers buying new products overseas that are made overseas, they can buy great remanufactured units right here at home, putting Americans back to work. So you're absolutely right about that.

Ms. HANABUSA. That is why I am a proud cosponsor of your bill because I think that you've hit it, that we start with someplace like Detroit where people clearly know that work ethic—that work ethic started in places like Detroit—and then from there we're going to build and we're going to rebuild this country because it has such a great impact all the way through. So thank you very much.

Mr. CLARKE of Michigan. I really appreciate it. And thank you for supporting Detroit and supporting Americans going back to work. And we're going to make it in America.

Ms. HANABUSA. We are going to make it in America.

Mr. Speaker, I also note that we have a person who probably all the small business guys would love to get their hands on. And I know for my constituents, they would love to have the ability to talk to someone from the great State of Delaware because, of course, when we think of Delaware, we think of financial institutions, we think about how they control our money. But he also is a proud member of the original Noble Nine. And I'm asking him to

speak to us and share with us what he knows from his great State. So the Congressman from Delaware—who I would like to add is the only person who, while there may be others, he is the only person dear to me who actually has fewer people in his congressional delegation than me.

Mr. CARNEY. I thank my colleague from Hawaii, one of the other small States. I know you're a delegation of two; we're a delegation of one. I represent the whole State of Delaware. I tell my constituents that we have two Senators and one Member of Congress. That means that I have to work twice as hard, Mr. Speaker, to serve the people in my State.

I'm pleased to join my freshman colleagues on the Democratic side of the aisle this afternoon for our discussion about small business and job creation, and I'd like to talk for a little bit about the situation in my State, the State of Delaware.

All of us are coming off a district work week, where we spent our time, I'm sure, meeting with constituents, talking to business owners, small business owners, large business owners, and working our districts. And I did the same thing in Delaware, not too far from the Capitol here. I would like to highlight two meetings that I had in particular. One was a job fair that we held in Georgetown, Delaware, which is the county seat in the lower part of our State. Many people from the Washington, D.C. area know Georgetown as they pass through it to go to our lovely beaches during the summer time to enjoy time with their family at the beach.

This particular day we sponsored a job fair in Georgetown, along with Senator CARPER and Senator COONS. This was a program that Senator COONS championed in Wilmington initially, and we've moved it now to the other two counties of our State and had a job fair in Dover and a job fair in Georgetown this past week, really helping to connect those folks in our State who are unemployed or underemployed, people looking to move up with employers who are looking to hire. And even though we have over 9 percent unemployment nationally and a little bit over 8 percent unemployment in our State of Delaware, there are still a lot of jobs that go wanting, mostly because the employers are not able to find people that have the required skills for that particular enterprise.

So the good news about this job fair is that we had 55 employers there, many of whom were prepared to hire people and offer them jobs, certainly take resumes and interview people or set up interviews. But we had over 8,000 people who came seeking employment or seeking an upgrade in their current job situation. And that's a lot of people in the small State of Delaware in the least populous area of our State. So it

tells us the very serious problem that we have with the lack of jobs and the lack of skills that people might have to do the jobs that are out there.

Later on in the week, I met at PATS Aircraft, which is an airplane manufacturing facility at Georgetown Airport. They've been hiring airplane mechanics over the last several years. In fact, when I was lieutenant governor, one of the biggest problems that they had was finding workers that had the requisite skills to do the jobs that they had. Now, they have since lost some of that work; but they were looking ahead and anticipating, with some assistance from the FAA, to extend the runway there at Georgetown Airport—going back to your point about the need for infrastructure to stir business development, business growth and job creation. If we were able to extend the runway there at the airport, PATS would be able to hire more mechanics.

But there are a lot of people out there, while they might want those jobs, would not have the skills to do the work. And so Delaware Technical and Community College, with the help of the State government, has developed a training program specifically to prepare workers for that facility and other airplane manufacturing facilities in our region.

□ 1450

We have a Dassault Falcon plant, which does airplane maintenance and mechanics at the New Castle County Airport, as well as a large Boeing facility over the line in southeastern Pennsylvania. So these are jobs. They are highly skilled jobs. They are jobs that require mechanical ability. They are jobs that require training. And there are certainly lots of folks out there that are looking for employment, and these are the kinds of jobs that we need to prepare people for.

One of the press conferences we had this week was at Delaware Technical & Community College where we highlighted a Federal grant that was going to Delaware Tech to create training programs for businesses, basically to enable people to upgrade their skills to take the jobs that are available. One of the problems, obviously, that we have in our country—and the President's employment council has identified this problem—is that we have jobs that are out there, but we don't have people with the right kinds of skills for those jobs. So we need to have programs—and this is where the public sector comes into play, particularly technical and community colleges—to provide that training and those skills for those folks.

Later on in the week, I met and spoke with the Georgetown Chamber of Commerce; and the Georgetown Chamber, of course, is comprised mostly of very small businesses. They had a really simple message for me, as a Member

of Congress, and that is that they see their businesses struggling because of a lack of confidence among consumers. And when you think about the U.S. economy at large, about 70 percent of economic activity is consumer driven. So when consumers don't have confidence either in their employment situation in the present—they may not be employed—or their future employment situation, they're not willing to spend money on small business services or products in the community and, therefore, these small businesses suffer.

So their message to me was really a simple one, twofold. One is: Do no harm in Washington, DC. Do the work of the people, solve the problems that we have, and inspire confidence. And I think one of the ways that we can do that—there's a lot of discussion. Most of the discussion that I hear from my constituents in the State of Delaware—and we've had town hall meetings. We're going to have a telephone town hall meeting tonight. I'm sure I will hear the same thing: Enough with the partisan bickering back and forth across the aisle. Let's focus on the challenges that we face—creating jobs and strengthening businesses, creating a business climate in the short term where businesses can thrive, where consumers can have confidence so they'll be willing to spend on small businesses and other procurement. And in the long term, address our deficits, our debt, and our budget imbalances.

If we're able to do that, we'll at least provide some confidence to the people that we represent that those that they send from Delaware, the Members of the House of Representatives here and our Senators across the Capitol, are doing their part, are working together, are focused on not the politics of where we all stand in relation to the next election but on solving the problems that face our country.

I think the vote that we have coming at the end of this year, which will be the result of the work of the Committee on the Budget, will be maybe one of the most important votes in a number of years. I have heard our majority whip STENY HOYER refer to it as the most important vote here in the last 30 years. And I think that's right in many respects, because people out there, my constituents, your constituents, Ms. HANABUSA, in Hawaii—I see our colleague from Rhode Island (Mr. CICILLINE) has joined us as well—our constituents are asking us, begging us to do our work to inspire confidence and to do the right thing for the country. And that involves giving people the skills they need to be able to do the jobs that are available out there, creating confidence so businesses can make investments, so people will be willing to spend money and consume so our economy will get back on its feet again. In the long term, we'll set up a fiscal situation with our government so

that the economy can be strong and create jobs for my children and their children.

So I want to thank my colleague from Hawaii for leading our dialogue this afternoon on job creation, on small business development across our country in our respective districts, and I look forward to sitting here with you for a few more minutes and engaging in this dialogue. I just wanted to give a few words about how the people in Delaware are responding to the work that we are doing or are not doing here in the Congress.

Ms. HANABUSA. Thank you. And before the Congressman from Delaware sits, I just wanted to explore one thing, because when I was in district, one of the comments I got was about the dysfunctional Congress. But one of the things that I asked them to really sit back and look at—and this is really our friends in the media, and they have to do something about the way they report. I told them that when they ask about our votes, they should really look at it seriously and say, okay, how many votes are really that controversial? How many times are we just adversaries, and how many times is it that there are just a handful of votes, relative to how many we pass in the House, that rise to the level that people would say that we are just cutting down partisan lines? Because I don't really think that that's the case. It's a minority of votes, but it's that which is played up. And when I tell my constituents that, they're sort of amazed. They think every single bill that we practically pass up here is controversial.

Did you get that sense from talking to your constituents?

Mr. CARNEY. Oh, I absolutely got that sense. And people that I talked to—Democrats, Republicans, it really didn't matter what party affiliation they had—were pretty fed up with what they had seen in the whole debt ceiling debacle, not so much the debate around it but the fact that we let it go to the brink and that we seem to want to, with every continuing resolution, every important vote, take it to the brink before coming together, however that might happen, whether it's one side of the aisle getting enough votes or whether it's coming across the aisle and having a bipartisan approach.

Frankly, the people in Delaware are more focused on having us address problems and solve those problems, and they're not really concerned at all, in fact, with the politics of it. What they tell me is: Cut it out. Cut it out. And they ask me: Is it so bad? And I tell them that I have been reading a lot of Civil War history of late.

I read a book about Abraham Lincoln about a year ago and, after that, started looking for other books to read. Of course just after we were sworn in, one of our leaders, Congressman LARSON

from Connecticut, gave us a history of the House of Representatives. And because I had been doing so much reading about the Civil War, I decided to go first to those chapters just before the Civil War and during the Civil War and afterwards and to read about the history of the House of Representatives.

And I want to tell you, it might be hard for some of our constituents in Hawaii and Rhode Island and Delaware to believe it, but things were a lot worse during that period of time. One of the stories was related in the book that one Member almost caned another Member to death on the floor of the House. I tell my constituents, it's not nearly that bad. In fact, we have a lot of friends—frankly, I have a lot of friends, and I know you do—across the aisle. I think the real problem is we have pretty significant differences of opinion on issues, and that's understandable. That's what makes our country so great, frankly, that we can come here. We can come from our respective areas of the country with different points of view.

As I look around this Chamber, you see America in this Chamber through the Representatives that are sent here by the people. But we need to understand that this country is greater than all the rest of us as individuals, and we need to live up to the greatness of our country by recognizing that we have got to put our differences behind us at the end of the day so that we can come to some resolution for the good of the people at large.

Ms. HANABUSA. That's a great message. The whole is greater than the parts. Thank you.

With that, I would also like to call on another colleague of ours, the Congressman from Rhode Island, who is actually my cosponsor of this time.

□ 1500

Mr. CICILLINE. I thank the gentlelady for convening this conversation and thank my friend from Delaware for his thoughtful remarks.

I think that what the American people want from us, and I think as freshmen, we were sent here to do our best to solve the problems, to meet the big challenges of our time. While that has been our responsibility, I think what the American people have seen, unfortunately, is really a lack of action by the Congress of the United States on the most urgent issue of our time, and that is jobs and getting this economy back on track.

We have some proposals before the Congress that are sound and that will really make important progress in our effort to get this economy back on track and create jobs. What I found when I was home in Rhode Island in listening to my constituents, I'm just reminded of how devastating this recession has been for American families and American businesses and how dif-

ficult it is right now for people who are out of work trying to find work, or people who are trying to hold onto a home and are facing foreclosure because of their inability to make ends meet, or people that are running a small business and are just trying to stay afloat and keep their business going.

I think our challenge is to first of all never lose sight of how devastating this recession has been for American families, American businesses; and then focus on what we can do, what are the practical solutions that we can find to meet this challenge. I think what people want is they want to see Congress, Republicans and Democrats, working together to find common ground, to find real solutions to these challenges.

I spent time in my district at a couple of things that I thought were particularly exciting examples of what small businesses can do. I welcomed the SBA regional administrator, Jeanne Hult, to Rhode Island and we visited a company called Wide World of Indoor Sports. Stephen Sangermano and Dan Fawcett are two Rhode Island entrepreneurs that brought this small business together and created jobs. They used the Small Business Administration loan program to do it, to start their business; and it allowed them to hire 80 full- and part-time employees, and they're looking at the opportunity to create another facility, another business in another part of the State which is likely to have the same number of employees.

It's really about how do we provide the needed capital to small businesses, to start-up companies so they can grow their businesses. At another event in my district, we announced along with our Governor and our entire congressional delegation—Senator WHITEHOUSE, Senator REED, Congressman LANGEVIN, and I—the launch of a new \$13 million loan fund, which is Federal funds again, to be administered by the Rhode Island Economic Development Corporation to assist an organization called Betaspring and the Slater Fund. Both of these organizations are really designed to help start-up entrepreneurs access the capital they need to start a new business and to grow jobs.

I think one of the things I've heard repeatedly is that small businesses need access to capital, they need an environment in which they can start and grow their business, but the other thing that small businesses need that I hear about all the time is they need customers to buy the goods and services they produce. I think one of the things that is really important about the President's American Jobs Act is it really focuses on tax cuts for small businesses, tax credits for small businesses, particular attention to our returning veterans, our heroes, those who have been unemployed for a very long time, and our young people; but at the

same time it puts money in the pockets of middle class families so that they can increase their demand for goods and services that ultimately will help small businesses grow and create jobs.

I think this is one of the important lessons that we should have learned over the last decade, that it's not enough, that it's unwise fiscal policy to simply ensure that people at the very top, the millionaires and billionaires, get to hold onto more of their money at the expense of the middle class; because in order to have a thriving, prosperous economy, you not only need entrepreneurs and innovators, you need hardworking middle class families who have the ability to buy the goods and services that businesses produce. I think that's what we need to do. We need to be looking at policies that will do both things, that provide access to capital, that will create an environment for small businesses to grow and at the same time give hardworking middle class families the ability to buy more goods and services.

What's exciting about the American Jobs Act is it does all of those things: it provides tax cuts to help American small businesses hire and grow. It puts workers back on the job by rebuilding and modernizing America's infrastructure. It creates pathways back to work for Americans looking for jobs to be sure that they have the skills necessary for the jobs of the 21st century. It puts more money in the pockets of every working American family, every worker, that again will help to stimulate growth of our small businesses.

I think the President has really identified a very serious plan to put Americans back to work; and I really hope, as I know the gentlelady from Hawaii hopes, that our colleagues on the other side of the aisle will be part of this conversation. If they have different ideas, better ideas as to ways we can create jobs and get the American people back to work, they ought to be part of the discussion.

But I know one thing for sure: we cannot simply do nothing for the next 14 months. The American people expect us to take action, to not only talk about jobs but to do things that are going to create jobs and create conditions for job growth, private sector job growth, and to be able to demonstrate that what we're doing, the policies we're enacting, are helping to get our economy back on track and to stimulate jobs.

The other point I want to mention, I know the gentlelady from Hawaii has been a big supporter of this, and that is the whole Make It in America agenda. I have the privilege of visiting manufacturers in my district. Rhode Island has a very rich history of manufacturing. I think everyone recognizes that if we're going to continue to be a leading economic power in the world,

we have got to make things again in this country. While we've lost some manufacturing, the low-end manufacturing that may be difficult to get back, there's a lot of new manufacturing, more highly skilled manufacturing that's growing in our country. What we need to do is to have policies put in place that will support American manufacturers, American workers here so that we can compete in this global economy.

We have a very ambitious, comprehensive agenda, making it in America, that begins with the development of a national manufacturing strategy so we can have benchmarks and compete successfully with other countries that are engaged in manufacturing; creating tax policies that support investments in manufacturing and job growth. One of the pieces of legislation will create what's equivalent to an IRA for manufacturers to reinvest in capital equipment so they can grow jobs; my Make It in America block grant that will help retrofit factories, retrain workers, increase exports, things that are necessary to ensure that American manufacturing can be rebuilt in this country. This is an area where I think the public is way ahead of the policymakers in believing that we have to make things again in America.

I again thank the gentlelady for leading this conversation. I think we all know, particularly as members of the freshman class, that the single most urgent challenge, the single greatest crisis we face right now is job creation, is getting the American people back to work. When you think about all the other challenges that our country faces, if suddenly 14 million Americans were put back to work, it would go a long way to solving many of the other challenges we face. When people have a job and they have the ability to support themselves and their family and, of course, they're also contributing as productive taxpayers, that's a benefit to our whole society and certainly to our country.

I hope that what the President has outlined in the American Jobs Act, what we've outlined as part of the Make It in America agenda, the investments that are included in the American Jobs Act to rebuild the infrastructure of our country, to invest in roads and bridges and ports so that we can move the goods and services and information necessary to compete successfully in the 21st century, are those kinds of investments that ensure that we will do things today that will create jobs in the short term and in the long term deal in a responsible way with managing our debt and our deficit.

But we've got to do both things: we have to have a long-term strategy for fiscal responsibility that addresses the serious challenges that we face in terms of our debt, and at the same time we have to make the right invest-

ments that put people back to work and that ensure that we're investing in the things that are necessary to compete successfully and win in the 21st century: innovation, infrastructure, education, the things that are necessary to ensure that we rebuild the economy and that we not only put people back to work, that we position ourselves to continue to succeed and lead the world as an economic power.

I think that we can do it, the American people expect us to do it, and I know when I am home in my own district and I hear directly from my constituents, they are expecting Congress to take action that is going to get this economy back on track, that's going to create jobs, and that's going to allow every American to have a legitimate shot at realizing the American Dream.

I thank the gentlelady for the time.

□ 1510

Ms. HANABUSA. I thank the gentleman from Rhode Island. Before he leaves, I'd like to say this:

We have an opportunity as freshmen. We came here as a small number originally—the Noble Nine—and we have maintained our relationships. We hear each other all the time. Some of us sit right in front of where the Congressman from Rhode Island is, and we shift in and out of those seats because we hear what each other has done and what our constituents are saying.

I can't tell you—and I'm sure he shares this with me—how great it is to hear, for example, the Congressman from Detroit talk about the Detroit plan and to hear the Congressman from Rhode Island speak about a type of block grant for his Make It in America part. Each and every one of them has done something where they're looking at and hearing their constituents. That's what we want to impress upon everyone, that we hear what our constituents are saying.

I think it was said very well by the Congressman from Delaware that we all have to put everything aside and build on the public's confidence. In Congress, we're just another body. The public has got to feel that confidence, not just in Congress, but in the United States of America, the greatest country in the world. They've got to feel that confidence. They've got to understand that other economies depend upon us. When we look like we're quibbling over things that are irrelevant to international matters, that's when their stock markets go crashing—based on how we act.

So wouldn't you say, Congressman CICILLINE, that what we need to do is set things aside and, as to anything we've got to do within the next 14 months, work together so that people begin to have confidence in us and then, by that, have confidence in this great Nation?

Mr. CICILLINE. I agree.

One of the important responsibilities that we have—and I think the work of the supercommittee is, obviously, first and foremost to all of us—is the opportunity to deal with the urgent responsibilities of our economic condition and our debt and our deficit and being sure that we are responsible in the way we cut spending. At the same time, if we do this right, we have an opportunity to restore the public's confidence in the operations of its national government.

I think people are going to look to this, and it will not only matter for the next fiscal year; it will matter for many generations. We will be able to demonstrate to the American people that we came together, Republicans and Democrats, and solved this hard set of questions and made the tough decisions to fix our economy in order to be sure that America continues to lead the world.

As freshmen on both sides of the aisle, we come here new to this experience and maybe without a lot of the history that so many other Members of Congress might have and some of the scar tissue that has maybe been built up over the years. I'm hoping, with the energy and the optimism of our freshman class and with our freshman colleagues on the other side of the aisle, it can help propel us into a new way of working together, in a bipartisan way, to solve the real challenges that face our country.

Ms. HANABUSA. The one message that resonated at home is that people think we're going to do this time and time again—in other words, that we're going to have the CR issues, that we're going to have the debt ceiling issues. So I've impressed upon them, if the supercommittee does what it's supposed to do, that it's a plan for 10 years, and hopefully, it will give us stability.

The gentleman from Delaware said STENY HOYER, our minority whip, stated it's going to be the most critical vote we all take and one of the most critical votes that this Congress will take because, in this difficult time, that's what is going to render us stable if we're able to do it correctly. So I hope that on both sides of the aisle we're able to do that.

Mr. Speaker, I yield back the balance of my time.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2608. An act making continuing appropriations for fiscal year 2012, and for other purposes.

JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 5, 2011, the gentleman from Arkansas (Mr. GRIFFIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRIFFIN of Arkansas. Thank you, Mr. Speaker.

I've been listening here on the floor today, and I heard some folks mention the need for action on the issue of jobs. I agree. Some of them said, hey, there hasn't been much action. There has been a lack of action, I think was the quote that I heard here on the floor earlier. I'd like to talk about that a little bit.

There has been a lot of action on the issue of jobs in the House. When folks talk about the Congress, they sort of group the House and the Senate together. I understand that, but the House and the Senate are two separate bodies, and the leadership in the House and the leadership in the Senate have two different visions of where this country ought to go.

As it relates to the House, there has been a lot of action. We've passed about 90 bills in the House this year. During that same timeframe, the Senate passed 20. A lot of those bills that we've passed here in the House directly relate to the issue of job creation and in helping our country get back on its feet.

Many of us understand that government is not the key job creator in this country. The private sector creates jobs, and the government can make things better or make things worse for job creators. My hope is that we're working to make things better—to create an environment where the private sector can then flourish, can innovate, can advance, and create jobs.

Now let's talk about the action here in the House.

We've got a number of bills that we've passed that relate to job creation, bills that were then taken down to the other side of this building and given to the Senate. That's where they rest. They're just sitting there. A lot of us grew up in the seventies. We remember "Schoolhouse Rock." We remember that little bill sitting on Capitol Hill. That bill can't become a law unless it passes this House, the Senate, and then the President signs it. Well, that little bill was passed out of here. It's waiting on the Senate to do something about it, that little jobs bill, and there's a whole host of them down there with it. Let me mention a few of them.

First and foremost, when we got here in January, we voted to repeal ObamaCare, the health care law that recently passed. Why did we do that? Because it is a source of angst, uncertainty, out-of-control government spending, and excessive regulation the likes of which this country has never seen before. We voted to repeal that on the first day of the first week back. The first week we got here we sent that over to the Senate, and they didn't pass it.

We passed H.R. 872, the Reducing Regulatory Burdens Act. No Senate action.

We passed the Energy Tax Prevention Act to block some of the EPA's controversial excessive regulations. No action on that.

We passed H. Res. 72, asking our House committees to inventory regulations and look for places we can trim them back, reform them and save. No action like that in the Senate.

H.R. 1230, Restarting American Offshore Leasing Now Act, a bill, along with several others that we passed, to encourage energy exploration. No action in the Senate.

The Putting the Gulf of Mexico Back to Work Act. No action in the Senate.

Reversing President Obama's Offshore Moratorium Act. No action in the Senate.

We can go on and on and on.

One of those things that we passed here that the Senate hasn't passed is a budget—a fundamental document for managing one's finances. We passed one here. They haven't had a budget in the Senate for, I think, about 2 years now. For 888 days, no budget in the Senate.

So we've done a lot here in the House. Congress as a whole hasn't acted on a lot of this stuff, but we've done our part, and we've sent it down to the other side of the building, to the Senate. We're waiting for action on many pieces of critical legislation that can help this country get back to job creation.

□ 1520

I would now like to yield to my friend from Illinois.

Mr. KINZINGER of Illinois. Thank you.

This kind of reminds me of the story of the rogue cowboy. When you think of the rogue cowboy, you think of somebody, you know, sitting under the sun just taking it all in, doesn't really want to work with anybody.

That reminds me of the Senate, taking it easy. They haven't taken a lot of votes this year; more interested in, I guess, getting paid and letting the bills stack up, and they don't need to work with anybody.

But you know what we can do in that process? Let's blame one small lever of government. Let's blame the House Republicans. Let's blame them for the 9.1 percent unemployment. Let's do that. You know, that's what we can do. We don't actually have to govern.

I mean, when you look at it, they've had control of the House of Representatives and the Senate since 2006 and the Presidency since 2008, with the exception of a very brief period of time over the last year where Republicans have been blessed and fortunate enough to be in the majority in the House of Representatives. But yet this unemployment, according to them, is our fault.

We need jobs in this country. In my district, the 11th Congressional District in Illinois, you have cities like Joliet, like Ottawa, like Bloomington. A lot of places have seen their manufacturing base disappear. They've seen it over the last 20 or 30 years. And what's been our reaction? Well, typically the knee-jerk reaction in Washington, DC, is that we have to have some kind of a program. We have to pass more spending.

Well, if there's no jobs, I mean, obviously the problem, if there's no jobs, it's got to be because Washington, DC, hasn't done enough. And so we get in this perpetual cycle of let's spend more and spend more.

I remember a couple of years ago, almost a trillion dollar stimulus was passed out of this House of Representatives, and I think by everybody's measure would agree that it was ineffective. I have not seen many people with a straight face argue that the stimulus was effective. Even the Commander in Chief, the President himself said, well, you know, it wasn't quite as shovel ready as we expected.

Mr. GRIFFIN of Arkansas. Reclaiming my time, I just want to point out that in Arkansas the President predicted that the stimulus would create 30,000 jobs. I think, in the end, the government funded about 4,800 jobs at a cost of around \$300,000 per job.

Now, if someone would've just given me the checkbook, I could have created more jobs writing people checks and could have saved people all the work. I mean, the idea that you create jobs at \$300,000 a job is just unbelievable.

Mr. KINZINGER of Illinois. That's a great point. What's amazing to me is you put out those very staggering numbers, and every American should just be horrified at those numbers, but I've actually heard Members of the other side of the aisle actually say the stimulus wasn't big enough. I think most people listening today have heard that: The stimulus just wasn't big enough. Okay, well, I disagree, but fine.

Theoretically, let's say it wasn't big enough. So what do we need, another \$2 trillion, \$3 trillion stimulus, a gazillion dollar stimulus, because then everybody can go back to work? But the President puts a \$450 billion stimulus.

The only argument I have heard that has any credence—and it doesn't—is that it wasn't big enough. That's why it didn't create jobs. So stimulus 2, which is smaller, has got to do what the large stimulus 1 never did. The insanity of the things I hear is staggering.

We've got to get people back to work. That's what it really comes down to. I think everybody agrees about that.

So we can work and say for 20 years we've been spending and spending and spending—\$14 trillion obviously wasn't enough to get us out of this deficit—or

we can do what the House Republicans have been promising the American people and following through on, which is to say let the American consumer and businessman breathe the clean air, the fresh air of freedom, the fresh air of capitalism, understanding that if somebody has a fear of hypodermic needles, you don't solve that fear by stabbing them with a bunch of hypodermic needles. So if we have a debt problem in this country, you don't solve it by spending more and more. You initially figure out a better way to deliver those solutions.

Look, Federal Government isn't the answer. Everybody you are going to hear from tonight is going to tell you the Federal Government isn't the answer. In many cases, it's the problem. But the answer, the thing that has made our country great, the thing that has made us powerful is the people that live here, not the government that represents it. It's the people.

So I think, as this discussion goes on tonight, I look forward to listening and being part of it. But, again, to talk about a jobs bill—by the way, I don't want to say the words “jobs bill” again because, if it was a real jobs bill, I think that would be an appropriate title, but it's just stimulus 2.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Illinois. It's stimulus, the sequel.

I would just like to point out that you made a really good point. The government is not going to be the answer in terms of creating jobs. The government can help create an environment where the private sector can innovate, can grow, and can create jobs. We can assist by creating an environment in a country where businesses and job creators flourish, and that's what we want to do.

I yield now to the gentlelady from Alabama.

Mrs. ROBY. Thank you so much. I appreciate your leadership here this afternoon giving us an opportunity to once again talk to the American people about jobs.

As the weather gets cooler outside, I know in the State of Alabama there's several large fairs that are happening right now, and I love the fair. I love going to the fair. I love taking my children to the fair. I love the corn dogs, the elephant ears, the Tilt-A-Whirl, the go-carts. I love going to the fair, but I really love roller coasters.

What I love about roller coasters is the anticipation, the tick, tick, tick as the carts reach the top of the hill; and every tick on that anticipation of unleashing the speed of that roller coaster, all of these job-creating bills that we've passed right here in this House of Representatives. And yet it's like being on a roller coaster and you've reached the very top and it shuts down. Because every piece of legislation that we've passed in order to

unleash the private sector's speed and momentum to get this economy back on track is dead in the water, dead on arrival in the Senate.

We can't take it anymore. I've just gotten back from my district, like all of you have, and I've traveled around and I've looked into the eyes of the people who want to create these jobs. Our American job creators are sitting on almost \$2 trillion that they could be reinvesting in the private sector. Yet, as I have mentioned on this floor time and time again, I have visited places that have told me that every dollar in extra capital that they have they are having to reinvest back into their company in order to comply with EPA regulations. This is unconscionable. This is unconscionable at a time when our country is so desperate for good-paying jobs and people have given up even looking for those jobs.

I want to tell you real quickly about a recent trip that I took to International Paper in Prattville, Alabama, and I had the opportunity to sit down with them and talk specifically about a bill that we have in front of us on the floor today, and that's the Boiler MACT bill, and the thousands and thousands of dollars and millions of dollars all across this country and all the jobs that are going to be lost if this rule is implemented. They just can't comply. They have spent so many dollars already to already comply with the regulations in place, and this will essentially shut them down.

This is just one more example of what this Congress is trying to do in order to allow the private sector to create jobs. All of us make site visits to companies and to manufacturing sites throughout our districts, and all you have to do is see the empty space, the empty cubicles. This is real. This isn't just some pie-in-the-sky thing that we are just standing here on the floor talking about this. It's real. There are real people hurting, and we've got to get the government out of the way.

I look forward to continuing this discussion with all of you this afternoon. But on behalf of Alabama's Second District, we'll keep fighting for the opportunity, and we have got it right here, just the tick, tick, tick on the roller coaster waiting for that free fall, but we've got to get Senate Democrats on board.

□ 1530

Mr. GRIFFIN of Arkansas. I thank the gentlelady from Alabama.

I would say, when I sit down and meet with constituents, whether it be here or back home in Little Rock, one of the complaints that I hear the most is that Federal Government continues to over-regulate, continues to burden us with regulations that are excessive, that just don't make sense, and they're implementing them without checking with the folks that they're going to

most impact, or ignoring the folks that they will most impact.

There are a number of agencies that are doing that. We hear a lot about the EPA, but it's not just the EPA. You can just go right down the list of Federal agencies and they're issuing new regulations, many of which are almost impossible to comply with.

Today we voted on the concrete MACT and the boiler MACT legislation to help prohibit, to prohibit the EPA from implementing some of these harmful rules. And I can just tell you, talking to folks back in my district, these rules will have a specific impact on them. It will cost them millions of dollars to implement; and ultimately, it costs jobs.

Mrs. ROBY. Will the gentleman yield?

Mr. GRIFFIN of Arkansas. I yield to the gentlelady from Alabama.

Mrs. ROBY. Just to go back to what I was talking about with International Paper, the cost of implementing boiler MACT regulation when combined with the anticipated cost of implementing other pending air regulations would place at risk 36 mills, 20,541 pulp and paper mill jobs nationally; and this is approximately 18 percent of the primary pulp and paper industry workforce. The number of lost mills would rise to 79 if all air regulations are taken into account. The loss of jobs would rise to 87,299 if jobs and the supplier in downstream industries are figured into the equation. This would mean about \$4 billion in reduced wages and some \$1.3 billion in lost State, local, and Federal taxes. I just wanted to add to what you were pointing out.

Mr. GRIFFIN of Arkansas. That's the real impact that these rules will have if they're implemented. I would like to say, before I yield to the gentleman from New York, these regulations continue. It's almost every week there's a new one. I don't think anyone here is against regulation. This is not an issue of do we regulate or not. Of course we need regulations. We need commonsense regulations that protect Americans.

What we're talking about are excessive regulations. What we're talking about is an unprecedented growth of regulations over the last few years that are stifling and crushing business.

One thing I'll mention with regard to health care, businesses aren't just concerned about the regulations that exist. They're concerned about the regulations that are in the pipeline that they haven't seen yet because it adds uncertainty to doing business. So a business may have some money set aside that they want to invest and expand their factory and they want to hire new people, but they don't yet know what the impact of the recently passed health care law is going to be. So they put that money aside and they sit on it.

I've had constituent after constituent tell me that if this health care law that recently passed is fully implemented, it will have a devastating impact on my business, and we will start paying an additional \$100,000 or \$200,000 or \$300,000, or whatever the amount is, for that particular business. So they're putting money aside waiting to see what they'll have to spend to comply with this new law.

The same situation with Dodd-Frank and a lot of the new financial regulations. There was a gentleman speaking earlier. He talked about small businesses needing access to credit. Well, let me tell you, the Dodd-Frank bill is part of the problem. If you really wanted to inspire confidence in job creators, the President ought to call a press conference today and say he's going to do everything he can to repeal his two big mistakes—ObamaCare and Dodd-Frank. That would give job creators a shot of confidence, and I guarantee you the markets would respond likewise.

I now yield to the gentleman from New York.

Mr. REED. I thank the gentleman from Arkansas for yielding and for setting up this leadership hour for us to have this important conversation.

I would say to all of my colleagues, it doesn't take a whiz kid to figure out that we're on the wrong path in America. So how are we going to change it? I come to this Chamber always in an optimistic manner. I come to this Chamber with the energy and the commitment to make America better. And we're going to change that by changing the culture of Washington, D.C. I'm proud to be part of this freshman class: 87 House Republicans, 13, approximately, new Democratic faces on the other side of the aisle. So how are we going to change from that new class, develop a new breed of elected official that puts country and policy over politics?

I can tell you that my colleagues that I have spent a tremendous amount of time with in the freshman class have always taken the approach that it is policy over politics, and I am pleased to be joined on the floor here today with a colleague, a Democratic colleague, joining us, a bunch of House Republican freshman Members, a fellow freshman Member from the Democratic side, who has had the courage to stand up and publicly stand with us to talk about what is the critical issue of this Congress, and that is creating an environment where the economy improves and people can be put back to work.

It's about creating an environment that creates jobs. My colleague from Michigan, who I have developed a friendship with, is down here to join us to offer his ideas. Although we may not agree 100 percent on all of the ideas that he brings to the table, I still respect the man and I respect many of

his ideas. And I respect that there are going to be areas where we will find common ground, that we can come together and move the ball forward so America will see its best and brightest days again ahead of us.

One of the common grounds that I know that's coming down the pipeline next week is the free-trade agreements. There's vast bipartisan support for those free-trade agreements which would equate up to 250,000 new jobs essentially immediately within the next 12 months. That type of economic opportunity is what we should be focusing on and on which we focus on here in the House as a freshman class, pushing forward policies and agendas that put the country first rather than our reelection efforts and our political ambitions ahead of country and policy.

One of the other things that we have to change in Washington, D.C., and I know my colleagues on both sides here today are firmly committed to, we have to look at this from a long-term comprehensive point of view. When you've got the Senate that hasn't passed a budget in 888 days, any businessman in America will tell you that how you run an operation, you at least have to have a vision, you have to have a strategy; and in government that document that sets the vision and the policy and the guiding principles of how we should operate is a budget. It's a fundamental thing that we do. So, again, the Senate needs to join us, lock arms with this freshman class and say we're going to put country and policy over politics, and jump.

That's why I have so much respect for my colleague from Michigan coming down and joining us here today, and if my colleague from Arkansas will yield him time to offer his insights into this debate. But, again, it's a commonsense approach to governing: do the job, lay forth the vision in a budget, work together to find common ground, and create an environment in America where people can go back to work and take care of their families for generations to come. It's only through that type of commonsense approach that I believe that we will move this ball down the field the way that it needs to, and I'm proud to join my colleagues.

Mr. GRIFFIN of Arkansas. I thank the gentleman from New York. I will in a minute yield some time to the gentleman from Michigan, but I want to first yield some time to the gentleman from Wisconsin.

Mr. DUFFY. I appreciate the gentleman from Arkansas for yielding.

Just quickly, we have heard a lot about the President's jobs bill, and I think everyone in this House agrees that this country needs more economic growth and it needs more jobs. I'm from Wisconsin, and a lot of folks in Wisconsin and across the country want to see the folks in Washington and in

Madison start to get along, try to find points of agreement instead of points of disagreement.

So the President came up with this jobs bill. I said, you know, Mr. President, I can agree with you that we need tax reform. I can agree with you that we need regulatory reform. And I can also agree that we should probably extend the payroll tax holiday.

□ 1540

But the President has gone a step further, and he wants to have a second stimulus. He wants to spend nearly half a trillion dollars because he believes more government spending will lead to economic growth, prosperity, wealth, and sustainable jobs. And we tried that to the tune of a trillion dollars. That doesn't work. But when the President talks about tax reform right after he gives that speech, a week later he comes out and says, my idea of tax reform is to raise taxes.

This doesn't make sense. Do you think that you help the job seeker by raising taxes on the job creator? He talks about reforming regulation. But all we see is more and more regulations coming from the agencies and the White House. And what that does is it makes America less competitive. It's pretty easy to see that we are a global economy; and in this country, we pay our employees more. I think we can do that because American workers are harder working, they're more productive, and they're smarter. But on top of that, our businesses have far more mandates, far more regulations, far more red tape; and now they're going to pay far more taxes.

With that kind of environment, how do we expect our businesses, our manufacturers to compete on this global scale? Sometimes people in Washington sit back and they scratch their head and they say, why are businesses leaving? Well, Washington has made it uncompetitive for American industry and American small manufacturers to compete, succeed, win, and put our hardworking families back to work.

I come from northern Wisconsin. You may not know this, but I grew up doing lumberjack sports. That's chop, saw, logroll, and tree climbing, skills of the old-time lumberjack. That's how our whole region was built. Paper is still a huge industry where I come from, and the EPA was coming out with a Boiler MACT regulation. If that were to have gone through, that would have killed Wisconsin paper, it would have rippled throughout our whole economy, and it would have killed thousands of jobs in our community.

Just the threat of Boiler MACT has sent ripples through the economy. If you look at our loggers—this isn't small business, this is big business. They have big loans and big pieces of equipment, and they can't access the national forest. There are policies com-

ing from this town that make it so much harder for our small businesses to succeed, compete, grow, and hire our hardworking people.

We have to switch around. I'm not a farmer. I said I was a lumberjack, but I do have a garden. And I think the economy is much like a garden. When you garden, you have to have good seed and good soil. Right? And you have to have sun and water. If you put that all together, it's amazing, your plants will grow. Once in a while, you can throw a little Miracle-Gro on them, and they grow a little more. The economy is no different. You can't have no sun and bad soil and just pour Miracle-Gro and expect the plant to grow. It doesn't work that way. We need to set the environment for expansion and growth and American competitiveness. That's not happening right now. We need to change these policies.

So look at what we've done in the House. In this House, those are the bills we've passed. We've passed bill after bill after bill that makes the environment more competitive for American industry, which means we would have more jobs in America, and they die in the Senate. And I think it's almost fruit loop legislation in the Senate, which is no legislation.

Until we start to turn this process around, start to focus on points of agreement that will turn the economy around and put our people back to work, I think you're going to see a continued discontent of people in this country with this town.

So with that, Mr. GRIFFIN, I'm proud to be here with this freshman class doing the hard work in a bipartisan way, trying to change the environment to put our families back to work.

Mr. GRIFFIN of Arkansas. Reclaiming my time, what you have just described is the fact that we can't mandate companies to come back to the United States. We can't mandate companies to invest in the United States. We have to attract them. We have to create an environment where they want to do business, and we've got to create an environment where they want to invest. We want people to look at the United States and say, that's the only place in the world to do business, that's where I want to create jobs, that's where I want to innovate, and that's where I want to invest. And as you say, a lot of the rules that we've set up have run folks off. So they're creating jobs, but they're creating them somewhere else.

I yield to the gentlelady from Alabama.

Mrs. ROBY. I want to interject quickly. You talked about the forest products industry. And since 2006, it's already lost 31 percent of its workforce. That's nearly 400,000 high-paying jobs located in mainly small, rural communities. And without passing this Boiler MACT legislation, the situation is only

going to become worse. So I just wanted to throw that in there.

Mr. GRIFFIN of Arkansas. I would like to now yield quickly to our friend from the other side of the aisle who has joined us, the gentleman from Michigan.

Mr. CLARKE of Michigan. I want to thank the gentleman from Arkansas for yielding to me to address this body and also to my good friend, the gentleman from New York (Mr. REED), for inviting me to be here.

As you know, I'm a Democrat. I'm currently vice president of the Democratic freshman class. And yet we may have our differences, but the people that we represent in this great country are all different. That's what makes our country so strong and so great is that we attracted people from all around the world with their different talents and perspectives. But they all have the opportunity to responsibly express themselves and leverage their talents to build one of the greatest countries our civilization has ever known.

One thing I do know that we can agree on is that the role of this Congress is to create jobs and to help improve the business climate to keep and attract the investment that creates jobs. I want to give you an example of the place that I was born and raised in and that I currently live in, the city of Detroit. That metropolitan area has lost more jobs than any other metropolitan area in the last 10 years. Home foreclosures came through, hit our city like a wave and destroyed blocks and blocks of formerly viable neighborhoods. It's been heartbreaking for me to see what's happened not only to the city but to the people that I love, many of whom have had to leave the city for the suburbs. They've moved out of State. Many have just lost hope altogether.

I want to get to the point. What businesses have told me on what they need to stay in the city and what businesses would need to locate in the city is the same things that Detroit families want: simple, basic things—safe neighborhoods, good schools, a low cost of living and doing business.

So think about it: if we could provide better public safety for folks, if we could improve the schools and cut those high municipal taxes in Detroit, I know that we could keep businesses and attract new jobs. And here's why. Even though this city has been very hard hit economically, we've got the best manufacturing know-how in the country. We've got a great trained workforce. If we're able to hire more police officers, hire better teachers, keep our schools open longer, cut our property taxes by eliminating our daunting municipal and school debt and eliminate our city income tax on residents and nonresidents, we could bring jobs back to Detroit. And not

only that, we could create jobs for this country.

Now all that sounds like it costs money. It does cost money. But here's what I'm proposing. It's not new money. Let's just use existing tax revenue that Detroit businesses and Detroit individuals pay right now. We put that money in trust on a pilot basis to see how it works. And we would say, if the city wants to benefit from those tax dollars, it's got to pay off its debt entirely, the city and the school district, and it's got to eliminate that uncompetitive city income tax. And then the rest of the money can only be invested in those core areas that will improve the business climate of that city, like making the streets safer, the schools better and rebuilding those crumbling roads and water systems. That's what we can do.

I appreciate the gentleman from Arkansas for yielding to me.

Mr. GRIFFIN of Arkansas. Thank you for joining us here on the floor today. We appreciate it very much.

I now yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman from Arkansas and the gentleman from Michigan for his words. We all may disagree how to get there, but we do want to be sure that the final goal is reached, and that's a stronger, better America, an America that has a strong economy that's putting people back to work.

□ 1550

This is the 31st straight month where unemployment has exceeded 8 percent. It's got to end. It's got to stop. This country needs to get an economy that's back on track.

In August, I spent a lot of time visiting with businesses around my district in eastern and northern Colorado, and one of the initiatives that we launched was an initiative called the "One More Job" initiative. The idea was to learn from job creators, those people who are on the front lines of our economy, what it takes for them to create another job, what would help their business grow and expand to the point where they could hire somebody else so that their customers are returning, so that they're able to sell their goods, their products, their services so that that business could expand and grow again; because, in Colorado, if just 10 percent of businesses in Colorado hired one person, if just 10 percent of Colorado businesses hired one person, we would create 60,000 jobs in the State of Colorado alone, in my home State, 60,000 jobs. That's not by telling businesses that they have to hire people. That's not by telling people that they've got to do X, Y, or Z. But it's saying, all right, if we can get this economy growing again, what is it that would allow you to expand? And so I'm excited to share with the Congress, my

colleagues, ideas that job creators in Colorado have about what it would take to get their businesses hiring again.

An independent consultant and business owner had this to say in response to our "One More Job" initiative:

"As a startup consultant and owner of my own business, I see the day-to-day regulatory burdens and uncertainties that many employers, both small and large, face. It seems to me that small businesses, including high-tech startups, are operating on the edge of knowing. They operate month to month or even day to day only to find out that a government fee or regulation or tax threatens to close their doors."

We have a kerfuffle every day on this floor about what it will take to move this economy forward, about what it's going to take to start creating jobs again. Let's listen to a car dealer. Tourism. Many jobs here. Build a strategy of promoting the State's beauty on a consistent basis. I'm glad to say that last night this body, the House of Representatives, passed a bill to increase the opportunity for tourism in Colorado around our ski resorts, our ski slopes in Colorado, the opportunity to not just generate jobs during the ski season itself, but to allow off-season uses, multiple seasons of use, zip lines, alpine slides, creating jobs in tourism in Colorado. This body passed that bill last night. I hope the Senate will pass it soon so that we can start creating jobs.

When I hear from my colleagues around Washington, D.C., around the country saying that the House of Representatives hasn't passed a jobs bill, we passed the Jobs and Energy Permitting Act. That would create 54,000 jobs. Last night, we passed a bill that would add to tourism jobs in Colorado, across the State, across the country. And so we are passing these bills. They need to move through the Senate. They need to be signed by the President.

The fact is we've got a lot of work to be done, and I thank the gentleman from Arkansas for allowing us to be here today to share that message.

Mr. GRIFFIN of Arkansas. I yield to the gentlelady from Alabama.

Mrs. ROBY. The only other thing that I would have to offer is to say that, as we move forward in the coming months and weeks, we've got to find common ground, but we do not have to forfeit our principles in doing so. We stand by the things that conservatives stand by. It's a three-legged stool: We're fiscally responsible, we're socially conservative, and we are pro-military, pro-defense. And we can still stand on that stool but yet continue to seek opportunities to find common ground.

The problem is that the Senate is not even having this conversation. We watched 2 weeks ago as they tabled the

continuing resolution that we passed in the House, meaning they're not even going to take an up-or-down vote on this, and ultimately passed something much different.

We are asking our friends on the other side of the aisle in the Senate and the White House to have a conversation with us. We have passed all of these bills that will lift the heavy hand of government off of the very job creators in this country; and we just want an opportunity to debate and then find where we do share that common ground, again, without ever compromising our core conservative principles.

Thank you again to the gentleman from Arkansas. I really appreciate the opportunity to spend this hour with you.

Mr. GRIFFIN of Arkansas. I would like to say a few things, if I could, about the President's so-called jobs bill.

We've heard about the desire for bipartisanship. We've heard about the desire to work together and find common ground. Well, not too long ago, the President visited us here in the House. He spoke from the podium and he talked about his new jobs bill. Well, he didn't talk about finding common ground. He didn't really talk about meeting us halfway, finding areas we could agree on. He just said, Pass my bill; pass it as it is. Then he ran around the country saying, Pass my bill; pass it as it is. Well, at that time there wasn't even a bill here in the House to pass. And when we finally did get the text of it, we saw that it certainly didn't reflect bipartisan agreement, certainly didn't reflect meeting halfway. It was stimulus 2, stimulus the sequel, and we know how ineffective the first stimulus was.

I'm here to work with other folks, find areas where we can agree and move forward. But there hasn't been a shortage of bills and legislation passed in this House. As we talked about earlier, we've passed bill after bill after bill that will help create an environment in this country where the private sector will want to do business and grow jobs.

When the President's bill finally got here, the so-called jobs plan, we found out there are not even enough Democrats to pass it in the Senate. I see just a few minutes ago the Republican leader in the Senate wanted to have an immediate vote on the President's jobs bill, and he has been blocked. He has been blocked by the Democrat majority leader in the Senate. He doesn't want to allow a vote on the President's jobs bill. I suspect that has something to do with the fact that most of the Democrats over there aren't going to vote for it either. They didn't just get here. They were around when the last stimulus passed and they realize how ineffective it was. And so the President

can't even convince his own party to support his so-called jobs bill.

I think at the end of the day we can agree here that we want to pass legislation that will help the private sector grow and create jobs, no question. No question. We've passed a number of those here, and we're willing to work on more. What we need is the Senate to actually take up some of the stuff that we've passed, because I'll just say this: I've talked to a lot of job creators in the Second Congressional District of Arkansas, which is basically central Arkansas, with Little Rock at the core, and a lot of them, they have money to invest and expand and create jobs, but they're holding on to it. Why? Because they're uncertain about the future. They don't have confidence in the direction of this country. They're worried.

So businesses, job creators do what families do. They hold tightly to their money, save up, hoping that things will get better, hoping that they will gain some confidence in the direction of the country so that they can then spend that money to expand a plant and hire more people and what have you.

So what makes them uncertain? What makes them worried? Well, what I hear is overregulation, the need for tax reform so that we can be competitive with other countries, the health care bill that passed last year. That's got a bunch of folks worried because they don't know what the impact is going to be. The Dodd-Frank bill is absolutely killing our small town community banks that are a critical source of credit for small businesses and families. They're worried to death. All of this stuff. And let's not leave out the debt.

People are concerned about the debt because the national debt affects the markets. It affects interest rates. It affects the value of our currency. And folks see what's going on in Europe and they say, man, if we don't get this under control, we're next.

□ 1600

All of that, all of those different concerns, those worries, add to the uncertainty.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman from Arkansas.

And to your point, what you are talking about, the direct consequences that legislation and regulation is having on job creators throughout the United States. In another email that I got from a business owner in Longmont, Colorado, he makes comments about how the Dodd-Frank bill is affecting his business. And he ends his comments with this, "Right now, Dodd-Frank appears to have completely killed my business."

We dealt earlier today and we will continue to deal with the Cement

MACT rule that talks about what we're going to do to basic manufacturing elements in our country when it comes to cement. If we are going to pave the road to a better economy, we'd better not do it without cement because this government is about to say, No more cement in this country.

So I thank the gentleman from Arkansas for his passion for job creators in this country.

Mr. GRIFFIN of Arkansas. I think you were there yesterday when we had a visit from some folks in the cement/concrete industry. I was taught yesterday the difference between cement and concrete. Cement is what we use to create concrete. And he sat there, and he said, Look, I've got a lot of employees. I want to hire more. I want to grow. But this regulation, this Cement MACT regulation is going to kill a lot of our businesses because it's going to set a standard way beyond the European standard, and it's going to set a regulatory standard that our businesses cannot meet no matter how much they spend. I think he mentioned that one company had spent \$20 million trying to comply, trying to tighten up their operations to meet some of these regulations. He even said, This regulation is so stringent, you can't even measure what the EPA is trying to achieve. It's beyond our ability to measure.

It's not that these guys are against regulations. He said in our meeting, We've been regulated for years. We're going to continue to be regulated, and we're cool with that. We get that. We understand that. But this type of regulation will put us out of business, and the only people making cement will be elsewhere. He said, The cement business is growing big time in China, and to compete, we've got to have common-sense regulation.

I yield to the gentleman from Colorado.

Mr. GARDNER. I think in that same conversation we talked about an editorial or an op-ed piece that was written by Charles Schwab, a very well respected voice when it comes to the economy in this country. In The Wall Street Journal editorial, it said basically this, a quote from Charles Schwab, What we can do and absolutely must is knock down all hurdles that create disincentives for investment in business. And that's exactly what you were talking about in terms of making sure businesses have the ability to grow and have the government getting out of the way.

Mr. GRIFFIN of Arkansas. I yield now to the gentleman from New York.

Mr. REED. I thank the gentleman from Arkansas. And I simply wanted to end this conversation with, as I get ready to leave and as our colleague from Kansas has joined us—I think the gentlelady from Alabama said it best. We came here as a new breed of elected official, part of this freshman class. We

are not here to compromise our principles, but we're here to govern responsibly.

Mr. GRIFFIN of Arkansas. Get things done.

Mr. REED. Get things done. And we can do that. That's why I was so pleased that our colleague from Michigan joined us today. Even though we may disagree on many things, there is common ground there. He recognized that lower taxes creates a business climate upon which entrepreneurs can put people back to work. We're all trying to achieve the same goal. Now it's time to have the Senate and the President engage with the American people in an open and honest fashion and deal with these issues once and for all. Because if we continue to play the politics of yesterday, then America's brightest days are behind her. And to me, that is unacceptable. And I know to all my colleagues here today, that is also unacceptable to them.

Mr. GRIFFIN of Arkansas. I appreciate it.

I yield to the gentleman from Wisconsin.

Mr. DUFFY. Thank you.

I think we all come to this House in an effort to grow the economy and make sure we create policies that are going to help create jobs. We don't care if it's a Republican or a Democrat idea. We just want ideas that are going to work. So the partisanship goes away. It's ideas that put our families back to work.

I want to talk about taxes though, quickly, because I think there has been an engagement in class warfare. And I know the President, he talks about taxing millionaires and billionaires, corporate jet owners, and big oil companies. I don't have those people, really, in my district. I come from small-town America. And he talks about taxing those people. But what he leaves out is, he's here to tax the small businessman, the small manufacturer, the people who are making \$200,000 to \$250,000 a year. Those are the businessmen and -women in my community that own the small manufacturing shops that employ 10 people to 100 people. Those are the people that are looking for access to capital to grow their businesses that are going to put our hardworking families back to work. And those are the people that are going to pay the brunt of these tax increases that the President is talking about. So, you know what? The billionaires, I don't care. But I do care about the job creators in my community, in the district that I represent that are going to be hit by his proposed tax increases.

We all come to this House floor and we talk about debt reduction and job growth. There is a simple point I want to make here. If you look back at 1955, the top tax rate was around 90 percent. In the Reagan years, it was around 25 percent. From 90 to 25 percent, a great

span of tax rates. What's unique is that no matter what the tax rate is, the Federal Government continuously brings in about 19 to 20 percent of revenue, as it relates to the size of the economy or GDP. Tax rate increases don't actually bring in more revenue. But if you want to look at what brings in more revenue to the Federal coffers it's economic growth. When GDP grows, so too does revenue to the Federal coffers, and that's because more people are going to work, which means more people are paying taxes. So if we want to reduce our debt and put our people back to work, let's focus on policies that grow our economy. When we grow our economy, more money comes into the Federal coffers, and more people are working, supporting their families, and paying taxes. Those are the policies that we're advocating for here in this House.

Mr. GRIFFIN of Arkansas. I thank the gentleman.

I yield to the gentleman from Kansas.

Mr. YODER. I appreciate the gentleman from Arkansas yielding to me.

I have been watching this debate as we discuss what are, to most people, commonsense American values. Hard work, a free enterprise system, and opportunity for all, the American system we all believe in that made our country so great, one of the most prosperous nations in history, the most prosperous nation in the world. And we see it being threatened every day by policies that are coming out of Washington, DC. It is heartache for a lot of us because we see the very principles that built this country being threatened in this very process.

So I'm pleased that the gentleman from Arkansas, the gentleman from Wisconsin, and the gentleman from Colorado are all arguing so passionately today for what they see as the future of the United States of America. I think one of the things that confuses a lot of folks back home is they see both sides of this debate on the floor saying, we're all for jobs. In fact, some people just come down and repeat it, Jobs, jobs, jobs. They say, Where are the jobs? And we just keep saying "jobs" over and over again as if that's somehow miraculously going to get the private sector to start creating jobs again.

They have come up with Washington solutions: borrowing and spending, creating jobs in Washington, DC. And what we know is that jobs aren't created here in Washington; they are created at home by small business owners. They are created through the free enterprise system. That's what made our country great.

But I think the reason this debate is so challenging and the reason that we're having such a hard time getting the sides to agree and the two Chambers to agree and the President to

agree is because we have different principles by which we are arguing this debate. I want to lay out a couple of very commonsense principles that I wish this Congress could agree to and this government could agree to so that we could move forward with job creation. The first one is, regulations don't create jobs. And if we could get this body to simply agree that regulations don't create jobs, we would be moving a long way down the path toward job creation.

Mr. GRIFFIN of Arkansas. Can I interject that overregulation kills jobs?

Mr. YODER. That's absolutely correct.

So the regulations we're putting forward, not only do they not create jobs, but the gentleman from Arkansas is correct, they kill jobs. But yet I hear folks on this House floor, I see folks on the left, I see folks in the media arguing repeatedly that these regulations are actually good for business.

In fact, Robert Reich argued earlier this year, he said, There's no necessary tradeoff between regulations and jobs. In fact, regulations that are designed well can generate innovation as companies compete to find the most efficient solutions. And innovations can lead to more jobs as they spawn new products and industries.

□ 1610

Regulations don't create innovation. Regulations don't create jobs. They are a job killer. This is a commonsense principle that I know a majority of Americans agree with, and it's one that is completely refuted day after day on this House floor. If we can come to an agreement that regulations don't create jobs, we can get somewhere.

One of the reasons we don't, and you've been debating that this afternoon, is because they create additional burdens, additional hoops and additional challenges for small business owners that we're expecting to create two-thirds of the jobs in this country. In fact, just for fun, I brought down the stack of rules and regulations that have come out just in the last week. Every day, our small business owners have to deal with another one of these. Another one of these. Every day.

There's last Tuesday; there's last Wednesday; there's last Thursday; there's last Friday—a pile of new rules and regulations for business owners. Even if they don't affect them, they still need to read them and follow them and hire folks to be able to respond to them. You talk to folks at home, you say, Are you creating jobs? Are you hiring new folks? They say, We are hiring a few folks in the compliance department. So yes, you might create a new job, but you're killing the jobs in innovation, entrepreneurship, and free enterprise.

The other principle I want to leave with the folks here is that taxes don't

create jobs. Taxing and spending doesn't create wealth. That is something that is in dispute on this House floor. If we could get an agreement with both parties that regulations don't create jobs and taxing and spending doesn't create jobs, we would be going a long way to solving this debate.

So when folks at home wonder, Why are they arguing so much? Why can't they ever get anything done? Why aren't they moving forward? Because we're debating basic commonsense principles of the free enterprise system. And folks come down here and argue, Hey, these regulations are good for jobs. Hey, these new tax increases, that's good to create jobs. We're not going to get the free enterprise system going while we're smacking them down with new taxes and new regulations every day.

I appreciate the gentleman from Arkansas, the gentleman from Colorado and others down here having this debate, because it is essential to what it means to be an American in this free enterprise system we all believe in.

Mr. GRIFFIN of Arkansas. I thank the gentleman.

I want to use a little analogy and have a little fun here for a second.

If you have two runners and they're lined up ready to race and one runner is simply going to run straight to the finish line and the other runner has to run through an obstacle course, who do you think is going to win? I think we would all agree that the one who's just going to run straight, not going to have to jump over anything, not going to have to swim or climb a rope or whatever, go through tires, just run straight to the finish line, that runner is going to have a big advantage over the other runner. The other runner is going to have to climb a rope, go over a wall, go through the tires, do all the things that you do in an obstacle course.

The obstacle course, that's regulation. We need basic, fundamental regulation to keep us safe, keep our kids safe. I understand that. But that shows you what we're dealing with. You've got some countries who have little or no regulations, so their runners are just running down that track straight, unimpeded. We're putting up walls for ours, and then we wonder, Why can't we compete? Why aren't people investing? Why aren't they creating jobs in the private sector? Well, it has a lot to do with Washington, DC, my friend.

I yield to the gentleman from Colorado.

Mr. GARDNER. My colleague from Arkansas has a great point, that steeplechase economics will not work. It's when you remove the barriers, it's when you get things out of the way of this economy to grow, that's when we can create jobs. But if you're making people jump over walls and through

water hazards, again, steeplechase economics have proven time and time again that they are failures.

Our colleague from Kansas has shown a great visual aid of what every business owner in this country is facing when it comes to their own business, when it comes to creating jobs, when they have to decide where they're going to invest their hard-earned capital. They've got to go through pages and pages and volumes and volumes of tax codes and regulatory decisions and court decisions about what it is they can or cannot do in their business, making this economy so that it actually is unable to unleash the innovators and entrepreneurs.

Mr. GRIFFIN of Arkansas. I would make a quick point on that if I could.

Some folks who want to invest, they've had the dream all of their life to create a small business, a little shop, maybe it's a bike shop, but to create that business. A lot of them are going to look at the metaphorical race, see the obstacles, and refuse to enter the race.

The SPEAKER pro tempore (Mr. CANSECO). The time of the gentleman has expired.

Mr. GRIFFIN of Arkansas. I thank the Speaker, and I thank the gentlemen for joining me tonight here on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is prepared to recognize a member of the minority party for 30 minutes.

THE PRESIDENT'S AMERICAN JOBS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

I appreciate the opportunity to speak here today, and I certainly appreciate my friends enlightening the Chamber and those that may be prone to listening.

I want to add a little bit to the enlightenment, as we've seen that the President is out there. And here is an article from the AP, dated October 4, saying that President Barack Obama is criticizing House Majority Leader ERIC CANTOR for saying the President's \$447 billion jobs bill will not get a vote in its entirety in the Republican-led House. The President singled out Mr. CANTOR. According to the article, it says, "'I'd like Mr. CANTOR to come down here to Dallas and explain what in this jobs bill he doesn't believe in,' Obama said in remarks prepared for delivery Tuesday at a Texas community college."

And as we know, the President would have been reading those remarks, be-

cause he wouldn't want to stray far from the teleprompter with remarks. We've seen what happens on those occasions, and it isn't pretty.

The article goes on:

"Three weeks after Obama sent the legislation to Congress, the proposal has run into resistance from Republicans and even some Democrats."

See, the article's not quite accurate on that, because we know that the President came in here, in this very body after he demanded to come speak, which requires an invitation. You can't just come speak on the House floor unless you're recognized by the Speaker, you're a Member of the House, or if the House votes to allow someone to come in who's not a Member.

Some people are surprised when they come in, Mr. Speaker, that the President's not up there where you are, but the rules make it very clear. This is the people's House. The President can only come, just like any other leader that's invited, for instance, Prime Minister Netanyahu. They speak from the second podium because they're invited guests.

Well, now, it's a little bit rude to demand to come speak in someone's house, and then you come in there and lecture them and you state things like repeatedly saying, You've got to pass this bill right away, right now; pass this bill, this bill, and it turns out you didn't even have a bill. You had the gall to come in here and demand we pass a bill and you haven't even got a bill?

And then on Friday, the President hit the campaign trail. Well, maybe not the campaign trail, but whatever you want to call it. He was out there spending millions and millions and millions of dollars to go to different places around the country and demand we pass this bill. Tell Congress, pass my bill, and he didn't have a bill.

Saturday, Sunday, he's out there saying, Pass my bill right now, pass it right away. People, go to work immediately. Never mind that he had to take a vacation before he could get around to producing a bill that was that important. Never mind that he's going around telling everybody, We should make Congress pass a bill that doesn't exist.

□ 1620

On Monday, I was a little bothered we were being condemned for not passing a bill that didn't exist. So we were pushing to try to get a copy of this phantom bill. Late that afternoon, we finally got a copy emailed. I printed it out that Monday night at around 11 p.m., and I started going through the President's bill.

Now, by Wednesday, when no bill was filed and when the President was still running around spending millions of taxpayer dollars, condemning Congress for not passing his bill when he was so

busy out there telling people to make Congress "pass my bill," he forgot to have anybody file the bill. For 6 days, we were condemned here in this Chamber for not passing the President's bill. He was so busy condemning Congress for not passing his bill that he forgot to ask somebody to file it for him.

By Wednesday, I got tired of being condemned for not passing the American Jobs Act, so I filed an American Jobs Act. Mine's two pages. It's H.R. 2911. It would create more jobs in America than anything that the President has ever even talked about because, though you have businessmen who are very successful, like Donald Trump, saying we ought to slap a 25 percent tariff on everything we buy from China, that starts a trade war. I'm sure we don't win. I don't think China wins. I don't think anybody wins. It would be messy. China owns so much of our debt, unfortunately, that it's probably not a smart move right now until we get out from under this debt.

The Bible talks very clearly about what happens when you allow somebody to own your debt. Basically, you become a slave to them. So I'm looking forward to the day we don't owe China and we don't owe foreign countries, the day we get out of debt because we balance our budget; and it looks like it will take a balanced budget amendment to do that.

In the meantime, there is no treaty that would be violated, no trade agreement, no court order anywhere in the world that would prevent us from eliminating the 35 percent tariff that we put on all American-made goods before they're able to sell them abroad. It's called a 35 percent corporate tax, the largest corporate tax in the world. It's the number one reason that I've heard from CEOs as to why they moved their businesses to other countries.

So my two-page bill, the American Jobs Act—and I do appreciate the President promoting the American Jobs Act; that's my bill—reduces the 35 percent corporate tax to zero. Now, there are some people who never really got economics, and they don't understand the way the real world works. They think the real world works like CBO's archaic rules that say you can't take actual historic precedent to figure out what effect a bill will have.

Never mind even if the same result always occurs after a certain thing is done, you can't consider that because the 1974 liberal Congress that ran us out of Vietnam and left all our allies there to be killed by our enemies put in the rules for CBO to score bills. So you don't get a fair look at what really happens with CBO rules, and there are some people who think those rules are the way you have to look at things. The fact is, if you reduced the corporate tax, especially to zero, jobs would come flooding back into America.

Now, I would think unions would love this bill. If you really want union jobs back in America; if you're really willing to say, you know what, forget this business about America being nothing but a service economy, we really want manufacturing jobs back, then eliminate the 35 percent insidious tariff we put on American-made goods before they can be sold abroad.

As I've said here on the floor, I'm willing to negotiate, to be bipartisan. If the President can't bring himself to get to zero, then let's negotiate somewhere in between. We could do that. Herman Cain is talking about 9 percent. But then we have the President out there demanding that we pass his bill. Then he's saying things about it that simply are not factual, not factual at all. I know, because I read the bill. I'm very irritated with people who think the President's lying about his bill, because I believe I can prove he's not lying about his bill. He doesn't know what's in his bill. You can't lie about something you don't know, and I believe I can prove the President is not a liar. Absolutely not.

He gave that speech in here on Thursday night. The next day, he's on the road condemning Congress for not passing his bill. There was no bill yet. Saturday, he's on the road condemning Congress for not passing his bill. There's no bill. He was still keeping that up all day Monday. Well, it wasn't until Monday that his bill got finished. There's no way he could keep giving those speeches every single day all over the country and have had the 6 or 7 hours I did between 11 p.m. to 5 or 6 a.m.—I've said five, but I was still going awhile—but at least the 6 hours that I took the night the bill came out to go through his bill. He hadn't had that time. There's no way the President could work that 6-hour schedule, or time in his schedule, to go through the bill like I did. There's no way to condemn the President for not knowing what's in his bill when he hasn't had time, when he's been too busy condemning Congress for not passing it. How could he know what was in it?

Then today, of course, we see the President's knocking the GOP leadership, and he's telling people on the campaign trail—let's see. This is an article from Yahoo! News, by Chris Moody:

President Obama is in Dallas today, urging Americans who support the American Jobs Act to demand that Congress pass it already.

Though it's been nearly a month since he laid out this plan, House Republicans haven't acted to pass it, and House Majority Leader Eric Cantor is out there actually bragging that they won't even put the jobs package up for a vote—ever.

It's not clear which part of the bill they now object to—building roads, hiring teachers, getting veterans back to work. They're willing to block the American Jobs Act, and they think you won't do anything about it.

Apparently, those are the President's words, according to the article, the

best I understand this. Oh, this was the President's reelection campaign that sent out an email blasting House Republicans for not voting on the proposal.

It's just been in the last hour, while the President is condemning Republicans for not passing his bill, that Senate Minority Leader MITCH MCCONNELL, Republican of Kentucky, tried to force a vote on the President's plan in the upper Chamber on Tuesday afternoon; but REID used a procedural tactic to block the bill from coming to the floor. He called the Republicans' insistence on a vote a "publicity stunt." So the President hasn't had time to read the bill. He hasn't had time to find out who was really blocking his bill. Well, it turns out it's really HARRY REID in the Senate.

Based on the things the President has said, I know he hasn't read this, because I know the President would not be dishonest. When he's out there and has repeatedly said that we're going to make millionaires and billionaires pay their fair share, I know he wouldn't go out there and say that if he knew the truth about what was in his bill, because in his bill at pages 134 and 135, it gives the definition of who's rich and who's going to get it socked to him.

The President has been saying repeatedly "millionaire and billionaire"; but bless his heart, if he had time to read the bill—and I hope somebody will carve out some time for him to do that. I know his speech schedule out there of condemning Congress has kept him tied up—but if they could work in some time for him to read his own bill and just stop condemning Congress for just a little bit and if he has enough time to get to page 135, he'll find out that the people he's going after that he says are millionaires and billionaires in his bill—and it's not a jobs bill.

□ 1630

Since I have used the name that the President was originally plugging, I think his bill would be better called "the saving Obama's job bill."

But that may not be fair either because if people really find out what's in this bill, I don't think they would be very happy. I'm not sure it saves his job.

But he defines millionaire and billionaire—right here on page 135—as any taxpayer whose adjusted gross income is above \$125,000 in the case of a married filing separately return, and that's \$250,000 in the case of a joint return, married filing jointly.

And here again this may be something nice he's throwing out for gay folks that are living together, so he can tell them actually you're better off not getting married, because there's some marriage penalty here. If you're the head of a single household, you've got an exemption of \$225,000; all other cases, \$200,000.

So it really penalizes married individuals and, apparently, according to this bill, a millionaire or a billionaire is somebody who makes \$125,000.

But if you think this is good news, if you want to get divorced, it is good news for you because if you're married and you're filing a joint return, you get a \$250,000 exemption. Or if you're married and filing singly, you get a \$125,000 exemption. The good news is, if you're thinking about divorce, you can actually get divorced and have a \$75,000 to \$100,000 higher exemption if you'll just get divorced, and you can even live together. This is the President's proposal: live together and you get a whole lot more of an exemption than if you're married.

Now, of course, the Founders, they all understood marriage to be between a man and a woman, and that's the way the history of the country has been. Study after study has shown that the odds are children will be better adjusted if they have the two-parent home, the traditional two-parent home. Obviously, there's some homes that aren't good and children are not well served there. But this President, by virtue of the power as the old saying, the power to tax, the power to destroy, takes a shot at traditional, conventional marriage.

Then there is an additional AMT amount. That's subsection c, because if you are a millionaire or a billionaire, which means you make more than \$125,000 and you're married, there is an extra penalty for you that the President's got waiting for you in his so-called jobs bill.

I don't know if he's aware—I just don't see how he could be because he's been so busy out making speeches everywhere. But if you were to look, Mr. Speaker, at the stuff in here, well, he says it's about jobs; so I bet the President does not know that here at page 75, we've got a new Federal entity, although it's defined on page 76 as a private, nonprofit corporation, called the Public Safety Broadband Corporation, because this President believes there is danger in people having broadband in their home.

Can you really trust the American people? It has to be the theme of this part of the President's so-called jobs bill. Apparently, he thinks there's a public safety threat in broadband that people have coming into their home and business. So he's created this private, nonprofit corporation.

You might say, well, good, thank goodness it's not government; it's a private nonprofit corporation that will control everybody's broadband. Good news, is it?

Because when you look down at section 285, halfway down page 76, you see who's on the board of directors. And even though it's a private, nonprofit corporation, the board of directors is comprised of—the Federal members are

the Secretary of Commerce, the Secretary of Homeland Security, Attorney General of the United States, the Director of the Office of Management and Budget. I believe those are all appointed by the President. How about that? But it's a private, nonprofit corporation; so surely the Federal Government wouldn't try to control it.

But the Secretary of Commerce, in consultation with the Secretary of Homeland Security and Attorney General, shall appoint 11 other individuals who serve as non-Federal members of the board.

Well, isn't that happy news? They're not really Federal even though the President's appointees are the ones that will be on the board with these folks. They'll owe their appointment to them.

But it's just interesting. I bet the President has no idea. And, of course, I know the President's aware of what a fiasco to our Federal budget Fannie Mae and Freddie Mac have been and the danger that it posed to our Federal economic system. Well, he's probably not aware that in here his bill creates—I'm sure there's no way he could know what's in this bill. He's too busy running around condemning us for not passing it. There's no way he could have spent 6 hours reading this, 6 to 7 hours, like I did.

Anyway, if you'll double-check, you'll find, Mr. Speaker, that page 40, whoever wrote this bill thinks Fannie Mae and Freddie Mac were a wonderful, wonderful thing. The Federal Government, insuring all these home loans and, then, of course, we pass laws.

I do remember our friend from Massachusetts (Mr. FRANK) assuring everybody that they're in good shape, not a problem. It turned out they weren't in good shape. He didn't know. Mr. FRANK wouldn't come down here and misrepresent something like that, I know. He wouldn't. He just didn't know, just like the President has no clue what all is in this bill.

But if he'll check at the bottom of page 40, he'll find the American Infrastructure Financing Authority says it's established as a wholly owned government corporation. So if you like Fannie Mae and Freddie Mac, you think they've done a great job, you're going to love this bill. It's like both of them combined, exponentially increased and put on steroids. Because we know houses, compared to infrastructure, don't cost all that much. But, boy, you compare them to infrastructure, man.

This has to be the thinking of whoever put this bill together, and I know it wasn't the President because he couldn't have put this together and gone around telling people things that are in it, not knowing this kind of stuff that is in it. But the American Infrastructure Financing Authority—and we could do that like we did the flood in-

surance. You know, the Federal Government says, well, we need a Federal player in the insurance business; so we provided a Federal option.

Well, guess what, the Federal Government runs in the red on the flood insurance. Private companies can't keep up with that, and so insurance companies quit providing flood insurance in those parts and the Federal Government became the insurer.

It's the same way with student loans. Banks, other lending institutions could lend money for student loans, and they were backed by the government. But under Speaker PELOSI and this President, HARRY REID, the Federal Government decided we're going to take over all the student loans.

□ 1640

Well, that creates a concern for some because if you're as outspoken as some of us are, I'm just grateful my daughter has just finished her college degree so I won't have to come begging to the President for a student loan so my children can go to college. Is that what we want? Is that where we want the infrastructure financing to go? Every school district, town, county, State has to come begging to the Federal Government because we run everybody else out of business, like we did student loans and flood insurance?

Surely the President doesn't know this is in here. This is not a jobs bill; it's a government takeover. Same with the public safety broad band authority or corporation.

I bet a lot of folks don't know about the short time compensation program. It's a new program, never created before, but it's in the President's bill. The participation, it says, is involuntary. But if an employer under this program reduces hours worked by employees instead of laying them off, and that's anybody who has been reduced by at least 10 percent, then it says they're eligible for unemployment compensation. It gives out the terms for that. I bet the President doesn't know that's in there.

Now I have to agree with him, it is a jobs bill for plaintiff's lawyers because we have seen over and over a lot of states doing tort reform. It's more and more difficult to sue people. So we have got a new program here that will help with lawyers that are out of work because here in the bill, we've created a new class of protected individuals. So if you're unemployed and you get laid off, you ought to see a lawyer if you feel like you weren't hired because you're unemployed, because you can sue. You can file a claim, at least, against the employer that didn't hire you.

Now, a practical look at that provision, allowing employers to be sued if they fail to hire someone who is unemployed, would make employers—I've already heard from them—if that ends up

in the law, I'm not going to be hiring anybody. I can't take a chance on being sued or having claims filed against me. If five people unemployed come in, four of them don't get the job and they all four file claims against me, I can't afford that.

So I think once the President ever gets to look at his bill, then he'll understand this is not what he's thinking it is.

And, of course, he's promised America we're going after major oil companies. There is no way this President could know that page 151-154, the part that goes after oil companies, will not affect his friends at British Petroleum, Exxon, Shell. They won't be affected because the most important deductions that are repealed here are only for smaller producers, the independent producers who drill 94 percent of all the oil and gas wells on the land of the continental U.S. There's no way he could know that, even if he read this, unless he really understood the oil and gas industry.

So what he'll do, he drives up the capital for companies trying to drill wells, and this will be a disaster unless you're a major oil company, in which case you'll make more profit than you've ever made because you kill off all of the independent competition. That's what his bill does, and I'm sure he doesn't know that.

Now, they have also been out there blaming Republicans for increasing the debt. This was in an article. We've got it up on the House Web site so people can really see what has happened. It's a great article from the Atlanta Journal Constitution. This is one of the diagrams. It shows who really increased the debt. We know from the Constitution that it is the Congress that holds the purse strings. So really the one responsible, most responsible, is the Congress. And who's most responsible, the biggest, most powerful body is controlled by the Speaker; you, Mr. Speaker—that is while you're pro tempore. This shows the increase in debt as a percentage of GDP. And we see what happened under Speaker O'Neill. We see what happened under Speaker Jim Wright. Didn't really increase much in debt as a percentage of GDP. Under Speaker Foley, it increased a great deal. And actually under Speaker Gingrich and Speaker Hastert, debt as a percentage of GDP, it went way down. And then we got the last 4 years with Speaker PELOSI, and it went through the roof like has never happened in this country's history.

Well, I hope I have provided an adequate defense to those who would say that the President is misrepresented because I think I've got proof. The President didn't lie about any of this stuff. He hasn't had time to read it. He doesn't know what's in it. I hope and pray that he'll take the time to do that so he can accurately represent the saving Obama's job bill, and I appreciate

the President's support for the American Jobs Act, which bill is mine.

I yield back the balance of my time.

FLOODS DEVASTATE PENNSYLVANIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. BARLETTA) is recognized for 30 minutes.

Mr. BARLETTA. Mr. Speaker, on September 7, 8, and 9, the Susquehanna River and some of its tributaries, swollen by the remnants of Tropical Storm Lee, overflowed their banks. This happened shortly after northeastern Pennsylvania was soaked by Hurricane Irene, which brought local rivers and creeks to their banks. So when Tropical Storm Lee moved in over my district, the results were catastrophic. In some communities, the floodwaters came quickly. Creeks raged out of control. Homes were swept off their foundations and toppled into muddy pits. Roads were washed away.

In other communities, the water rose more slowly, but it did no less damage. I was there in the town of Duryea, Pennsylvania, when the Lackawanna River topped the small levee and began flooding homes. It was like watching someone fill an aquarium, although this was much, much more destructive.

I spent many days in September traveling across my district to see firsthand the devastation caused by this flooding. It's hard to describe exactly what it looks like. Think of everything you have on the first floor of your home—your couch, reclining chairs, your refrigerator, your stove, your dishwasher, your television. Maybe you have a bedroom on the first floor—your mattress, your dresser. Then think of everything you have in your basement—a washer, a drier, your furnace, your hot water heater, your winter clothing. Now imagine all of that on the sidewalk ready for a dumpster because it is soaked with river water. It's dirty with river mud. And it's contaminated by whatever else flowed into the river when the water rose.

But go beyond these possessions. Think of photographs on your walls and on your end tables. Think of your children's toys in the basement. Think of the mementos, family treasures handed down to you by your parents and your grandparents. Now imagine all of that on the sidewalk, too. But it's not just your house. It's your neighbor's house next door and the house across the street, and all of those houses up and down your street. Imagine entire neighborhoods—block after block of destruction. And imagine the smell of it—wet fabric, spoiled food, spilled fuel oil, raw sewage, and mud. Mud 2 feet deep in basements and covering lawns and filling swimming pools.

That is what I experienced. That is what my constituents experienced. It's what they're continuing to cope with as they try to rebuild.

I will never forget standing in a ruined living room with a woman in West Nanticoke. Most of her belongings were piled on the street in front of her home. She wept as she told me that both her husband and son died in the last 6 months. During this flooding, she lost almost everything she owned. Think about that. She lost her husband. She lost her son. She lost most of her belongings. She lost her home. All in 6 months. The loss is just incredible.

I've seen children console their parents, saying, Mommy, don't cry.

In Shickshinny, a mother pointed to a leather jacket and remembered the first time her daughter wore it. She broke down as she told me she hoped her grandchild would wear it some day. It, too, was ruined and had to be thrown away.

□ 1650

An old black-and-white photograph of a woman sat on a pile of belongings in front of a home in West Pittston. The surface of the photo was covered in muddy streaks as the owner tried to save it. But she couldn't save it from the mud. It had to be thrown away. Another memory lost.

In Bloomsburg, a family stayed in their home to try to move their possessions to an upper floor, but Fishing Creek rose too quickly. The house next to theirs was knocked from its foundation. Water started gushing through their front windows as they called for help. They had to be saved by a helicopter. The woman there told me that she could never live in that home again.

A woman near Orangeville cried as she told me her neighbor's house, carried by the same raging creek, smashed into hers, demolishing a lifetime of memories.

An elderly man in Duryea broke down as he told me how much time and money he put into making his house a home for his family only to see it all ruined by high water.

In Exeter, borough officials made a gut-wrenching decision. They hauled in 200 truckloads of dirt and created a makeshift dyke right down the middle of a residential street. Several dozen homes were saved, but dozens more were ruined.

Scenes like these were repeated hundreds, thousands of times in town after town in northeastern Pennsylvania.

If all of these damaged homes and businesses were in one city, it would make the evening news every day. But the damage sustained by my constituents is spread out over miles of the Susquehanna River basin. The scope of this damage goes far beyond what the local and State governments can fix on their own. The Federal Government must step in.

Mr. Speaker, I ask, What are we going to do to make these people's lives whole again?

Officials from the Federal Emergency Management Agency have told my constituents what they will receive for their losses. It's about what it costs for an American family to buy a decent car nowadays. That's for all of their furniture. That's for all of their clothes, for all of their treasured belongings. For many of my constituents, it's not nearly enough.

I remember standing in front of one family's home which had river water flowing more than a foot deep up on its second floor. Most of this family's possessions were piled on to the sidewalk. Some were dripping wet. The mother looked at her children's toys ruined by the flood. She pointed to one little toy and said, How can the government put a price on that? My son played with that. Those are memories. How can you put a price on that?

She's right. We cannot put a price tag on memories. But the Federal Government can and should do more for our neighbors. I know that in these budget-conscious times we worry about offsets to increases in any other spending. I also know we can find some duplicative program, some excessive spending, some additional funding somewhere in the vast Federal budget and provide more help for flood victims.

The United States of America is one of the most generous and compassionate countries when it comes to providing global aid. This government has no problem sending money overseas to build roads, bridges, hospitals, and schools in foreign countries. When disaster strikes anywhere in the world, the United States is the first country to help rebuild. But now that a disaster occurred right here in our own backyard, we need to start rebuilding here first. Let's help Americans first.

We must restore American lives, save American businesses, and protect American jobs. At a time when we're so focused on creating jobs and helping businesses, the United States Small Businesses Administration will offer disaster recovery loans at 6 percent—that's right, 6 percent—and that rate is if the business owners can get credit elsewhere. That is not acceptable.

I talked to dozens of business owners in Luzerne and Columbia Counties who have lost everything: their shops, their inventories, their fixtures, and their equipment. A small business owner in Jenkins Township said he's not sure he can recover after suffering more than \$7 million in flood losses. He doesn't know if he's going to rebuild and reopen or maybe close his doors forever. I don't know any business owner in my district who thinks a 6 percent government disaster recovery loan will help them get back on their feet.

My district has one of the highest unemployment rates in the State and a

rate higher than the national average. The people of the Eleventh District in northeastern Pennsylvania need their jobs. We can't afford for these businesses to close. For the SBA to offer a ridiculously high interest rate in the name of disaster relief to these business owners is downright insulting. What rate do we charge foreign countries when we rebuild their infrastructure? The answer is zero. We don't charge foreign countries any interest. The money they receive from the United States is a giveaway.

This government gave 215 million interest-free dollars for flood relief to Pakistan, a country that harbored Osama bin Laden, and it's charging American homeowners and American business owners interest rates on loans they're using to rebuild. That's wrong.

We must take a serious look at how the interest rate for SBA disaster recovery loans are calculated. That's why I introduced the Disaster Loan Fairness Act of 2011, H.R. 3042. This bill would set the interest rate for all recovery loans—home disaster loans, business physical disaster loans, and economic injury disaster loans—at 1 percent for the life of the loan up to 30 years. The rate would be effective for Presidentially declared major disasters, and the 1 percent interest rate is retained merely to pay administrative costs for the program.

This bill would not cause the government to spend any additional money. It would mean the Federal Government takes in less in interest from disaster recovery loans. But can anyone honestly say that providing disaster recovery loans for American homeowners and American businesses should be a moneymaking operation?

I strongly encourage my colleagues to support H.R. 3042, the Disaster Loan Forgiveness Act. Give Americans a low interest rate and help them recover.

While my neighbors in northeastern Pennsylvania recover and rebuild, they're also asking what steps are being taken to protect them in the future. This is the role of the Federal Government. We must make sure disaster of this scale does not happen to these people again.

First, the Army Corps of Engineers must complete a comprehensive study of the Susquehanna River basin in my district. After the flooding caused by Hurricane Agnes in 1972, the Corps built massive levees to protect the most populated areas of the Eleventh District. Those levees protected thousands of homes and businesses. But many people believe they also funneled walls of floodwater into unprotected areas upriver and downriver. Some of those residents were told they didn't need to buy flood insurance because they don't live in a floodplain. As these people struggle to rebuild their lives today, they want to know if the floodplain has changed.

My constituents deserve to know what role, if any, these new flood walls played during this event. What is known is that some communities were devastated because they lacked adequate flood protection. For 40 years, the town of Bloomsburg has been asking for flood protection. There is a plan to provide it, but the Corps of Engineers will not fund it because it does not meet an arbitrary benefit-to-cost ratio, the BCR. Now, because of the lack of adequate flood protection in Bloomsburg, 1,000 jobs are on the verge of being lost.

Two of Columbia County's largest employers sit in the floodplain. When Fishing Creek and the Susquehanna River flood, these employers not only have to shut down production, but they also have to move equipment. That costs them hundreds of thousands of dollars. During this flood event, more than 6 feet of water poured through their shops, destroying equipment and inventory. At a time when we're talking about how to create jobs, we're not doing enough to protect these.

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What is the negative benefit-to-cost ratio of the Bloomsburg Flood Protection project if we lose these jobs? What happens to this town, this county, and my district if we lose 1,000 jobs? That's just one component to the Bloomsburg project.

This year, about one-third of the buildings in that town were flooded, one-third of an entire town. Worse, the Bloomsburg Fair—one of the largest economic drivers for the town, the county, and dozens of community and charity groups—had to be canceled for the first time since the Civil War due to the epic flooding.

What happened to Bloomsburg could have been prevented. The Federal Government dropped the ball. It failed to protect homes and businesses. We need to make sure that it doesn't happen again, not to Bloomsburg, and not to other communities along the Susquehanna that need protection.

Sadly, for some of the people I've spoken with, flood protection will come too late. Some of my constituents have told me that they will not move back into their homes. The great flood of 2011 was just the latest in a long line of floods that they've had to endure. They're tired of picking up the pieces of their shattered lives. Some in fact were in the process of being bought out by the government when this flood hit. Now they're in limbo, unsure of whether to accept Federal aid or if accepting help would jeopardize their pending buyouts.

This Congress needs to look at the buyout process. I fear it is too confusing, it takes too long, and it discourages people from trying to receive the help they need.

Mr. Speaker, over the last several weeks, I have seen terrible destruction

and hardship endured by my constituents. But I've also seen tremendous good, as neighbors help stricken neighbors, community groups banded together, charities mobilized quickly and effectively. In Plymouth Township, I met Red Cross volunteers from Michigan who made the trip to northeastern Pennsylvania to help people that they had never met.

In Bloomsburg, I visited AGAPE, a local ministry that provided flood victims with everything from cleanup buckets to hot meals. Church groups, scout troops, college clubs, sports teams, people from all across northeastern Pennsylvania and beyond came together to support each other. The recent flood was a terrible disaster, but it also brought out the best in our people.

As I was driving through West Pittston, a small borough that was absolutely devastated by flooding, I saw a sign on a front porch: "The Valley with a Heart. Thank You."

My constituents were knocked down, but not out. The people of northeastern Pennsylvania are strong and resilient, but they need help from the Federal Government; and the Federal Government needs to help them. If they get that help, my neighbors will come back stronger and better than before.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. CANTOR) for Monday on account of attending a family funeral.

ADJOURNMENT

Mr. BARLETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 5, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3329. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Atrazine, Chloroneb, Chlorpyrifos, Clofencent, Endosulfan, et al; Tolerance Actions [EPA-HQ-OPP-2011-0104; FRL-8883-9] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3330. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfur Dioxide; Pesticide Tolerances for Emergency Exemptions [EPA-

HQ-OPP-2011-0684; FRL-8887-2] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3331. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,4-D; Pesticide Tolerances [EPA-HQ-OPP-2010-0905; FRL-8881-7] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3332. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chromobacterium subtsugae strain PRAA4-1T; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0054; FRL-8887-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3333. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicamba; Pesticide Tolerances [EPA-HQ-OPP-2010-0496; FRL-8881-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances; Technical Amendment [EPA-HQ-OPP-2007-0099; FRL-8870-8] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3335. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lipase, Triacylglycerol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0271; FRL-8882-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3336. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0639; FRL-8886-8] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3337. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2010-0466; FRL-8882-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3338. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 52 [EPA-HQ-SFUND-2002-0001; EPA-HQ-SFUND-2010-0640 and 0641, EPA-HQ-SFUND-2011-0057, 0058, 0061, 0062, 0065, 0066, 0070, 0072, 0074, 0076, 0077, and 0078, FRL-9464-6] (RIN: 2050-AD75) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3339. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-

OAR-2011-0426; FRL-9463-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3340. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and West Virginia; Determinations of Attainment of the 1997 Annual Fine Particle Standard for Four Nonattainment Areas [EPA-R05-OAR-2010-0393; FRL-9463-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3341. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas [EPA-R03-OAR-2011-0511; FRL-9462-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3342. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; Maintenance Plan for the 1-Hour Ozone Standard for Salt Lake County and Davis County [EPA-R08-OAR-2011-0719; FRL-9460-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3343. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Hazardous Substances; Designation, Reportable Quantities, and Notification [EPA-HQ-SFUND-2011-0565; FRL-9460-9] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3344. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit a Complete State Implementation Plan for Section 110(a) Pertaining to the 2006 Fine Particulate Matter (PM_{2.5}) NAAQS [EPA-HQ-OAR-2011-0747; FRL-9460-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3345. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0733; FRL-9462-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3346. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0701; FRL-9462-5] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3347. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan; Yolo-Solano Air

Quality Management District [EPA-R09-OAR-2011-0594; FRL-9456-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3348. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Revision of the Commission's Program Carriage Rules Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage [MB Docket No.: 11-131] [MB Docket No.: 07-42] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

0[H04OC1-382][H6551];3349.
3349. A letter from the Chief, Revenues and Receivables Group, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2011 [MB Docket No.: 11-76] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3350. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-154, "Income Tax Secured Bond Authorization Act of 2011"; to the Committee on Oversight and Government Reform.

3351. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-97, "Ward Redistricting Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3352. A letter from the Acting Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2011-2012 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-R9-NSR-2011-0038] (RIN: 1018-AX54) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Indiana:

H.R. 3085. A bill to terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself and Mr. BISHOP of New York):

H.R. 3086. A bill to phase out special wage certificates under the Fair Labor Standards Act of 1938 under which individuals with disabilities may be employed at subminimum wage rates; to the Committee on Education and the Workforce.

By Mr. BUCHANAN (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Mr. MICA, Mr. BURTON of Indiana, Mr. REED, Mr. CARSON of Indiana, Mr. WALBERG, Mr. MCHENRY, Mr. DIAZ-BALART, Mr. SESSIONS, Mr. WESTMORELAND, Mr. HURT, Mr. POSEY, and Mr. MANZULLO):

H.R. 3087. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. TOWNS, Mr. FILNER, Ms. LEE of California, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. WOOLSEY, Mr. GRIJALVA, Mr. McDERMOTT, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. STARK, and Mr. PAYNE):

H.R. 3088. A bill to direct the Secretary of Defense to post on the public website of the Department of Defense the cost to each American taxpayer of each of the wars in Afghanistan, Iraq, and Libya; to the Committee on Armed Services.

By Mr. MURPHY of Connecticut:

H.R. 3089. A bill to authorize the Administrator of the Federal Emergency Management Agency to make grants to local governments for flood mitigation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMPEO:

H.R. 3090. A bill to terminate the Economic Development Administration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 3091. A bill to make permanent the individual income tax rates for capital gains and dividends; to the Committee on Ways and Means.

By Mr. WELCH:

H.R. 3092. A bill to conduct a pilot program in support of efforts to increase the amount of purchases of local fresh fruits and vegetables for schools and service institutions by giving certain States the option of receiving a grant from the Secretary of Agriculture for that purpose instead of obtaining commodities under Department of Agriculture programs; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H. Res. 420. A resolution electing certain Members to certain standing committees; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Mr. WEST, and Mr. DEUTCH):

H. Res. 421. A resolution commemorating the city of Delray Beach, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ANDREWS introduced a bill (H.R. 3093) for the relief of Dmitry Efimovich Lyusin; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. YOUNG of Indiana:

H.R. 3085.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause

By Mr. STEARNS:

H.R. 3086.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BUCHANAN:

H.R. 3087.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this joint resolution rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. LEWIS of Georgia:

H.R. 3088.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MURPHY of Connecticut:

H.R. 3089.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. POMPEO:

H.R. 3090.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROSKAM:

H.R. 3091.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, which states "The Congress shall have Power To lay and collect Taxes," and Article I, Section 7, which states "All Bills for raising Revenue shall originate in the House of Representatives."

By Mr. WELCH:

H.R. 3092.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. ANDREWS:

H.R. 3093.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4, and Amendment 1 Clause 3, of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. BORDALLO.

H.R. 111: Mr. LOBIONDO, Ms. HOCHUL, and Ms. HAHN.

H.R. 178: Mr. MCINTYRE.

H.R. 181: Mr. FORTENBERRY.

H.R. 186: Mr. CONNOLLY of Virginia.

H.R. 190: Mr. KUCINICH, Ms. KAPTUR, and Mr. COHEN.

H.R. 191: Ms. SPEIER.

H.R. 306: Ms. SUTTON.

H.R. 360: Mr. WESTMORELAND.

H.R. 374: Mr. JOHNSON of Ohio.

H.R. 416: Ms. HAHN.

H.R. 420: Mr. SENSENBRENNER.

H.R. 453: Mr. KIND.

H.R. 466: Ms. HAYWORTH and Mr. DAVID SCOTT of Georgia.

H.R. 527: Mr. BROOKS.

H.R. 615: Mr. GIBSON.

H.R. 634: Mr. GOSAR.

H.R. 639: Mr. CLYBURN, Ms. DEGETTE, Mr. DEUTCH, Mr. PERLMUTTER, Mr. PITTS, Mr. DAVID SCOTT of Georgia, and Mr. SERRANO.

H.R. 654: Mr. BLUMENAUER.

H.R. 663: Mr. BURGESS.

H.R. 668: Mr. HULTGREN, Mrs. MALONEY, Mr. GOSAR, and Mr. FORTENBERRY.

H.R. 721: Mr. COURTNEY and Mr. JONES.

H.R. 735: Mr. KELLY, Mr. WEST, and Mr. LATHAM.

H.R. 743: Mr. COHEN and Mr. FRANKS of Arizona.

H.R. 835: Ms. TSONGAS and Mr. GUTIERREZ.

H.R. 854: Mr. JONES, Mr. WEST, and Mr. OWENS.

H.R. 886: Mr. BENISHEK, Mr. BUCSHON, Mr. CICILLINE, Mr. HARRIS, Mrs. HARTZLER, Mr. HECK, Mr. POMPEO, Mr. RUNYAN, and Mrs. ROBY.

H.R. 890: Ms. HAHN, Mr. WOLF, and Mr. WESTMORELAND.

H.R. 894: Mr. WELCH and Mr. QUIGLEY.

H.R. 930: Ms. SLAUGHTER.

H.R. 933: Mr. GUTIERREZ.

H.R. 938: Mr. SABLAN.

H.R. 1006: Mr. HOLDEN.

H.R. 1057: Ms. DELAURO and Mr. VAN HOLLEN.

H.R. 1166: Mr. STEARNS.

H.R. 1167: Mr. GRIFFIN of Arkansas and Mr. NUNNELEE.

H.R. 1173: Mr. PALAZZO.

H.R. 1179: Ms. BORDALLO, Mr. LANDRY, Mr. CASSIDY, Mr. HECK, Mr. DUFFY, and Mr. CRAWFORD.

H.R. 1182: Mr. ROE of Tennessee.

H.R. 1206: Mr. SCOTT of South Carolina.

H.R. 1235: Mr. JOHNSON of Ohio and Mr. WESTMORELAND.

H.R. 1259: Mr. CASSIDY, Mr. NUGENT, and Mr. ADERHOLT.

H.R. 1284: Ms. KAPTUR.

H.R. 1366: Mr. HOLDEN.

H.R. 1394: Mr. GARAMENDI, Mr. CLAY, and Mr. CLARKE of Michigan.

H.R. 1418: Mr. COBLE and Mr. LARSON of Connecticut.

H.R. 1463: Mr. KINZINGER of Illinois.

H.R. 1489: Mr. CLAY and Mr. THOMPSON of Mississippi.

H.R. 1498: Mrs. DAVIS of California.

H.R. 1505: Mr. GIBSON.

H.R. 1511: Mr. CANSECO.

H.R. 1513: Mr. POLIS.

H.R. 1558: Mr. SENSENBRENNER, Mr. GIBSON, Mr. WEST, and Mr. WALSH of Illinois.

H.R. 1571: Mr. WALSH of Illinois.

H.R. 1620: Mr. WITTMAN.

H.R. 1623: Mr. CONYERS and Ms. HAHN.

H.R. 1639: Mr. TOWNS and Mr. GUTHRIE.

H.R. 1653: Mr. MANZULLO and Mr. LATHAM.

H.R. 1659: Mr. ISRAEL and Mr. PASCRELL.

H.R. 1666: Mr. LOEBSACK.

H.R. 1672: Mr. TONKO and Ms. TSONGAS.

H.R. 1675: Mr. ALEXANDER.

H.R. 1681: Mr. DEUTCH, Ms. LINDA T. SANCHEZ of California, and Mr. DOGGETT.

H.R. 1700: Mr. POSEY.

H.R. 1704: Mr. MCGOVERN and Mr. WALZ of Minnesota.

H.R. 1717: Ms. SLAUGHTER.

H.R. 1722: Mr. GRIJALVA and Ms. MATSUI.

H.R. 1738: Mr. YOUNG of Alaska and Mr. McDERMOTT.

H.R. 1744: Mr. PENCE and Mr. BARTLETT.

H.R. 1776: Mr. FILNER and Mr. HOLT.

H.R. 1803: Mr. GIBSON.

H.R. 1834: Mr. NUNNELEE, Mr. JOHNSON of Ohio, Mr. MILLER of Florida, and Mr. ROE of Tennessee.

H.R. 1847: Mr. PRICE of North Carolina.

H.R. 1867: Mrs. MCCARTHY of New York.

H.R. 1905: Mr. BASS of New Hampshire, Ms. SLAUGHTER, Mr. YARMUTH, and Mr. DICKS.

H.R. 1912: Mr. DEUTCH.

H.R. 1956: Mr. MARCHANT.

H.R. 1957: Mr. TIBERI.

H.R. 1965: Mr. NEUGEBAUER and Mr. DOLD.

H.R. 1985: Mr. MORAN.

H.R. 1996: Mr. GRAVES of Georgia, Mr. NEUGEBAUER, and Mr. NUNNELEE.

H.R. 1997: Mr. GRIFFITH of Virginia.

H.R. 2004: Mr. FALCOMA, Mr. COURTNEY, and Mr. MURPHY of Connecticut.

H.R. 2020: Mr. HANNA, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. ROE of Tennessee, and Ms. FUDGE.

H.R. 2046: Ms. RICHARDSON and Mr. AL GREEN of Texas.

H.R. 2059: Mr. HUELSKAMP, Mr. KING of New York, Mr. LATTA, Mr. BUCHON, Mr. JOHNSON of Ohio, Mr. KING of Iowa, Mr. GARRETT, Mr. PENCE, Mr. KLINE, Mr. LAMBORN, Mr. PALAZZO, Mr. MCINTYRE, Mr. POSEY, Mr. SCALISE, Mr. PETERSON, Mr. RIVERA, and Mr. ROSKAM.

H.R. 2063: Mr. CONYERS.

H.R. 2082: Mr. PASCRELL.

H.R. 2108: Mr. RUNYAN.

H.R. 2131: Mr. LOESBACH.

H.R. 2167: Ms. HAYWORTH, Mr. ACKERMAN, and Mr. DOLD.

H.R. 2195: Mr. PETRI, Mr. MICHAUD, and Ms. MOORE.

H.R. 2248: Mr. CICILLINE.

H.R. 2252: Mr. PLATT.

H.R. 2267: Mr. SMITH of New Jersey, Mr. LUJÁN, Mr. RAHALL, Mr. DENT, Mr. TIBERI, Mr. CONNOLLY of Virginia, Mr. MICHAUD, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. TOWNS, Mr. OWENS, and Ms. BORDALLO.

H.R. 2287: Mr. KISSELL.

H.R. 2337: Mr. BUTTERFIELD, Ms. BORDALLO, Ms. SLAUGHTER, Mr. HINCHEY, Mr. CLAY, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. DANIEL E. LUNGREN of California, Ms. KAPTUR, Mr. KLINE, Mr. PERLMUTTER, and Mr. OWENS.

H.R. 2346: Mr. BLUMENAUER.

H.R. 2369: Mrs. BLACKBURN, Ms. ZOE LOFGREN of California, and Mr. PIERLUISI.

H.R. 2394: Ms. WILSON of Florida and Ms. JACKSON LEE of Texas.

H.R. 2412: Mr. STARK.

H.R. 2443: Mr. RIGELL.

H.R. 2446: Mr. DAVID SCOTT of Georgia and Mr. POSEY.

H.R. 2447: Mr. DAVIS of Kentucky, Mr. BILIRAKIS, Mr. AKIN, Mr. BROWN of Georgia, Mr. WELCH, Mr. GOWDY, Mr. WOMACK, Mrs. EMERSON, Mr. SHIMKUS, Mr. MURPHY of Pennsylvania, Mr. KLINE, Mr. WESTMORELAND, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. PEARCE, Mr. GRIJALVA, Mr. RUNYAN, Ms. LINDA T. SÁNCHEZ of California, Mr. DEUTCH, Mr. ROE of Tennessee, and Mr. DANIEL E. LUNGREN of California.

H.R. 2459: Mr. NUNNELEE.

H.R. 2471: Mr. CHAFFETZ and Mr. LATTA.

H.R. 2492: Mr. COURTNEY, Mrs. CAPPS, Mr. BLUMENAUER, Mr. LOBIONDO, Mr. SHUSTER, and Mr. DEUTCH.

H.R. 2500: Mr. LATTA.

H.R. 2513: Ms. WOOLSEY and Ms. ZOE LOFGREN of California.

H.R. 2528: Mr. KLINE.

H.R. 2541: Mr. DUNCAN of South Carolina and Mr. NUNNELEE.

H.R. 2547: Mr. CICILLINE.

H.R. 2602: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2632: Mr. SIRE.

H.R. 2689: Ms. ZOE LOFGREN of California.

H.R. 2706: Mr. DIAZ-BALART.

H.R. 2750: Mr. KILDEE.

H.R. 2813: Mr. COURTNEY.

H.R. 2815: Mr. KINZINGER of Illinois.

H.R. 2829: Mr. KING of Iowa, Mr. KINZINGER of Illinois, Mr. RIBBLE, Mr. GARDNER, and Mr. DENT.

H.R. 2853: Ms. CHU.

H.R. 2865: Mr. DUNCAN of South Carolina.

H.R. 2870: Mr. GOWDY.

H.R. 2884: Mr. CARSON of Indiana.

H.R. 2904: Mr. HANNA.

H.R. 2920: Ms. BASS of California, Ms. CHU, Mr. RICHMOND, Mr. CARSON of Indiana, Ms. FUDGE, Mr. BUTTERFIELD, Ms. HANABUSA, Ms. SEWELL, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. ELLISON, Mr. CICILLINE, Ms. WILSON of Florida, Ms. HAHN, Mr. CLAY, Mr. CLEAVER, Ms. JACKSON LEE of Texas, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Ms. KAPTUR, Ms. LEE of California, and Mr. CONYERS.

H.R. 2930: Mr. SCHWEIKERT.

H.R. 2940: Mr. DOLD and Ms. HAYWORTH.

H.R. 2945: Mr. LONG, Mr. WESTMORELAND, Mr. CHAFFETZ, and Mr. PENCE.

H.R. 2955: Mr. JONES.

H.R. 2966: Ms. MOORE, Mr. DEUTCH, Mr. SERRANO, Mr. POLIS, and Ms. SPEIER.

H.R. 2970: Mr. CARNAHAN, Mr. PETERSON, Mr. LANCE, and Mr. HOLT.

H.R. 2973: Mr. BISHOP of Utah.

H.R. 2981: Mr. GRIJALVA and Mr. FILNER.

H.R. 2985: Mr. ROE of Tennessee, Mr. MURPHY of Connecticut, Mr. WESTMORELAND, Mr. HINOJOSA, Mr. FORTENBERRY, Mrs. HARTZLER, Mr. LONG, Mr. MICHAUD, and Mr. CARSON of Indiana.

H.R. 2994: Mr. TONKO.

H.R. 3003: Mr. ISRAEL, Mr. BURGESS, and Mr. HASTINGS of Florida.

H.R. 3005: Mr. OWENS and Mr. OLVER.

H.R. 3015: Mr. CONYERS.

H.R. 3059: Mr. BACHUS, Mrs. ROBY, and Mr. CARTER.

H.R. 3065: Mr. BUCHON, Mr. OWENS, and Mr. KINZINGER of Illinois.

H.R. 3069: Mr. DICKS, Mr. SIMPSON, Mr. WALDEN, Ms. HERRERA BEUTLER, and Mr. SCHRADER.

H.R. 3073: Mr. SHERMAN.

H. Con. Res. 72: Ms. HAHN and Mr. PAYNE.

H. Con. Res. 77: Mr. MARINO.

H. Res. 111: Mr. GARDNER, Ms. ZOE LOFGREN of California, Ms. DELAUNO, Mr. CAMP, and Mr. REHBERG.

H. Res. 137: Mr. CLARKE of Michigan, Ms. HOCHUL, and Mr. DAVIS of Illinois.

H. Res. 177: Mr. CUMMINGS.

H. Res. 220: Mrs. MCCARTHY of New York.

H. Res. 367: Mr. FRELINGHUYSEN.

H. Res. 378: Mr. LIPINSKI, Mr. HEINRICH, and Mr. BENISHEK.

H. Res. 394: Mr. LAMBORN and Mr. KING of Iowa.

H. Res. 407: Ms. NORTON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2250

OFFERED BY: Ms. SCHAKOWSKY

AMENDMENT NO. 1: After section 1, insert the following section (and redesignate the

subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

H.R. 2250

OFFERED BY: Ms. EDWARDS

AMENDMENT NO. 2: After section 1, insert the following section (and redesignate subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency's analysis of the impacts of the final rules specified in section 3(b)(1) and section 3(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.

H.R. 2250

OFFERED BY: Ms. JACKSON LEE OF TEXAS

AMENDMENT NO. 3: Page 6, lines 23 and 24, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

H.R. 2250

OFFERED BY: Mr. DOYLE

AMENDMENT NO. 4: Page 6, beginning on line 20, strike paragraph (1) and insert the following paragraphs (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

H.R. 2250

OFFERED BY: Mr. BLUMENAUER

AMENDMENT NO. 5: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Section 112(e) of the Clean Air Act (42 U.S.C. 7412(e)) requires the rules specified in section 3(b)(1) and (2) to be promulgated no later than the year 2000, and section 112(i) of such Act (42 U.S.C. 7412(i)) requires emissions reductions mandated by such rules to be achieved no later than 2003.

(2) Section 129 of the Clean Air Act (42 U.S.C. 7429) requires the rule specified in section 3(b)(3) to be promulgated no later than the year 1994, and section 112(f) of such Act (42 U.S.C. 7412(f)) requires emissions reductions mandated by such rule to be achieved no later than 1999.

Page 6, line 18, strike "section 2" and insert "section 3".

Page 7, line 21, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 16, strike "section 2(b)" and insert "section 3(b)".

Page 9, line 9, strike “section 2(a)” and insert “section 3(a)”.

Page 9, line 20, strike “section 2(a)” and insert “section 3(a)”.

H.R. 2250

OFFERED BY: MR. RUSH

AMENDMENT No. 6: At the end of section 5, add the following:

(c) **RULE OF CONSTRUCTION.**—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

H.R. 2250

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 7: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are increasing the risk of cancer.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT No. 8: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency, if the rule specified in section 3(b)(1) remains in effect, it will yield annual public health benefits of \$22 billion to \$54 billion, while the costs of such rule are \$1.9 billion.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT No. 9: At the end of the bill, add the following section:

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT No. 10: At the end of the bill, add the following section:

SEC. 6. DETERMINATION; AUTHORIZATION.

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT No. 11: At the end of the bill, add the following section:

SEC. 6. COMPLIANCE WITH CUT-GO.

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT No. 12: Page 6, line 24, insert “, except that the date for compliance with standards and requirements under such regulation may be earlier than 5 years after the effective date of the regulation if the Administrator finds that such regulation will create more than 1,000 jobs” after “regulation”.

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT No. 13: Page 7, line 5, strike “non-air quality”.

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT No. 14: Strike section 5.

H.R. 2250

OFFERED BY: MS. HAHN

AMENDMENT No. 15: At the end of section 2, add the following:

(d) **TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.**—

(1) **STAY OF EARLIER RULES INAPPLICABLE.**—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) **NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.**—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) **DEFINITIONS.**—In this subsection:

(A) The term “metropolitan area”—

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the “State of the Air 2011” report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term “10 metropolitan areas of the United States with the worst air quality” means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the “State of the Air 2011” report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the

Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

H.R. 2250

OFFERED BY: MRS. CAPPS

AMENDMENT No. 16: After section 1, insert the following section (and redesignate the subsequent sections, and conform the internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least \$10 to \$24 in health benefits, due to the avoidance each year of—

- (1) 2,600 to 6,600 premature deaths;
- (2) 4,100 nonfatal heart attacks;
- (3) 4,400 hospital and emergency room visits;
- (4) 42,000 cases of aggravated asthma; and
- (5) 320,000 days of missed work or school.

H.R. 2250

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 17: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis, in communities with air pollution levels that exceed the health-based air quality standards.

H.R. 2250

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 18: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

H.R. 2250

OFFERED BY: MR. WELCH

AMENDMENT No. 19: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

H.R. 2250

OFFERED BY: MR. FALLONE

AMENDMENT No. 20: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that Federal departments and agencies should support efforts to

achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following new section:

SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from industrial boilers and waste incinerators, this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

H.R. 2250

OFFERED BY: MS. SPEIER

AMENDMENT No. 21: Strike all after the enacting clause and insert the following:

SECTION 1. STUDY.

(a) **STUDY.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report with respect to the emissions control technologies in use by the best-performing 12 percent of industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incineration units, that were evaluated to develop the rules listed in subsection (b). Such report shall include the following:

(1) A description of the emissions control efforts of such boilers, process heaters, and incineration units.

(2) The cost-efficient and cost-effective strategies employed by such sources to reduce emissions.

(3) A description of the emissions control technologies that such sources are using that will achieve compliance with the rules listed in subsection (b).

(4) Identification of manufacturing industries involved in making emissions control technologies in use by such sources.

(b) **RULES.**—The rules referred to in subsection (a) are the following:

(1) "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters", published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers", published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) "Identification of Non-Hazardous Secondary Materials That Are Solid Waste", published at 76 Fed. Reg. 15456 (March 21, 2011).

H.R. 2250

OFFERED BY: MR. COHEN

AMENDMENT No. 22: Page 7, line 18, strike "and" after the semicolon.

Page 7, line 19, strike "impacts." and insert "impacts; and".

Page 7, after line 19, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

H.R. 2681

OFFERED BY: MS. SCHAKOWSKY

AMENDMENT No. 1: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

H.R. 2681

OFFERED BY: MS. MOORE

AMENDMENT No. 2: Add at the end of the bill the following:

SEC. 6. DELAYED EFFECTIVE DATE.

(a) **IN GENERAL.**—This Act shall not take effect until the President certifies that implementation of this Act—

(1) will not adversely affect public health in the United States; and

(2) will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

(b) **DETERMINATION REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the President shall publish in the Federal Register—

(1) the certification described in subsection (a); or

(2) an explanation of why such certification is not warranted.

H.R. 2681

OFFERED BY: MS. EDWARDS

AMENDMENT No. 3: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of \$6,700,000,000 to \$18,000,000,000, while the costs of such rules are \$926,000,000 to \$950,000,000.

Page 5, line 11, strike "section 2" and insert "section 3".

Page 6, line 14, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 7, line 8, strike "section 2(a)" and insert "section 3(a)".

Page 7, lines 9 and 10, strike "section 2(b)(2)" and insert "section 3(b)(2)".

Page 8, line 3, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

H.R. 2681

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 4: Page 5, lines 16 and 17, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

H.R. 2681

OFFERED BY: MR. KEATING

AMENDMENT No. 5: Page 5, beginning on line 13, strike paragraph (1) and insert the following paragraph (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section

112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

H.R. 2681

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 6: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Section 112(e) of the Clean Air Act (42 U.S.C. 7412(e)) requires the rule specified in section 3(b)(1) to be promulgated no later than the year 2000, and section 112(i) of such Act (42 U.S.C. 7412(i)) requires emissions reductions mandated by such rule to be achieved no later than 2003.

(2) Section 129 of the Clean Air Act (42 U.S.C. 7429) requires the rule specified in section 3(b)(2)(A) to be promulgated no later than the year 1994, and section 112(f) of such Act (42 U.S.C. 7412(f)) requires emissions reductions mandated by such rule to be achieved no later than 1999.

Page 5, line 11, strike "section 2" and insert "section 3".

Page 6, line 14, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 7, line 8, strike "section 2(a)" and insert "section 3(a)".

Page 7, lines 9 and 10, strike "section 2(b)(2)" and insert "section 3(b)(2)".

Page 8, line 3, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

H.R. 2681

OFFERED BY: MR. RUSH

AMENDMENT No. 7: At the end of section 5, add the following section:

(c) **RULE OF CONSTRUCTION.**—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

H.R. 2681

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 8: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are increasing the risk of cancer.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 9: At the end of the bill, add the following section:

SEC. 6. DETERMINATION; AUTHORIZATION.

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if

so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 10: At the end of the bill, add the following section:

SEC. 6. COMPLIANCE WITH CUT-GO.

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 11: At the end of the bill, add the following section:

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children.

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 12: Page 5, line 22, strike "non-air quality".

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 13: Strike section 5.

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 14: Page 5, after line 8, insert the following subsection:

(c) NOTICE IN FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants until the compliance date of the rules required by subsection (a) instead of the compliance date of the rules made ineffective by subsection (b).

H.R. 2681

OFFERED BY: MS. HAHN

AMENDMENT No. 15: At the end of section 2, add the following:

(c) TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.—

(1) STAY OF EARLIER RULES INAPPLICABLE.—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in sub-

section (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) DEFINITIONS.—In this subsection:

(A) The term "metropolitan area"—

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the "State of the Air 2011" report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term "10 metropolitan areas of the United States with the worst air quality" means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the "State of the Air 2011" report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

H.R. 2681

OFFERED BY: MR. MARKEY

AMENDMENT No. 16: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water by up to—

(1) 30 percent in some areas of the western United States; and

(2) 17 percent in some areas of the eastern United States.

Page 5, line 11, strike "section 2" and insert "section 3".

Page 6, line 14, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 7, line 8, strike "section 2(a)" and insert "section 3(a)".

Page 7, lines 9 and 10, strike "section 2(b)(2)" and insert "section 3(b)(2)".

Page 8, line 3, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

H.R. 2681

OFFERED BY: MRS. CAPPS

AMENDMENT No. 17: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least \$7 to \$19 in health benefits, due to the avoidance each year of—

- (1) 960 to 2,500 premature deaths;
- (2) 1,500 nonfatal heart attacks;
- (3) 1,000 emergency room visits;
- (4) 17,000 cases of aggravated asthma; and
- (5) 130,000 days of missed work.

H.R. 2681

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 18: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

H.R. 2681

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 19: At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis, in communities with air pollution levels that exceed the health-based air quality standards.

H.R. 2681

OFFERED BY: MR. WELCH

AMENDMENT No. 20: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

H.R. 2681

OFFERED BY: MR. PALLONE

AMENDMENT No. 21: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following section:

SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from cement kilns this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

H.R. 2681

OFFERED BY: MR. GARAMENDI

AMENDMENT No. 22: Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS ON GROWTH IN CEMENT INDUSTRY.

Given that the United States cement industry must comply with United States labor and air pollution standards and faces strong competition from foreign countries with weak labor and air pollution emissions requirements, it is the sense of the Congress

that Federal departments and agencies should strictly enforce the Buy American requirements in Federal law applicable to the manufacture of cement in the United States.

H.R. 2681

OFFERED BY: MR. COHEN

AMENDMENT No. 23: Page 6, line 11, strike “and” after the semicolon.

Page 6, line 12, strike “impacts.” and insert “impacts; and”.

Page 6, after line 12, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

SENATE—Tuesday, October 4, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, we open our hearts to You in gratitude for the blessing of another day. Renew us, revitalize us with the knowledge of Your loving providence. Have mercy on our Nation and world this day. Solidify the financial foundations of teetering nations and restrain those who seek to reap gain from others' woes.

Lord, bless the many on Capitol Hill who give of their time and talents in such full measure to keep liberty's light burning brightly. May their trust in Your word sustain them with confidence in the difficult days to come.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in morning business

for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1619.

The Senate will recess from 12:30 to 2:15 today to allow for our weekly caucus meetings.

At 2:30, the Senate will begin consideration of S. 1619, the China currency legislation, which is how it is referred to. Rollcall votes are possible during today's session. We will notify Senators when they are scheduled. I hope Senators, both Democrats and Republicans, who wish to offer amendments will contact the managers of the bill. We need to get these amendments moving as quickly as possible. Hopefully, on most of them, we can do time agreements. This is important legislation, and we need to expedite it as much as possible.

This is a busy work period, and we have a couple of important holidays. We have Yom Kippur, which starts Friday at sundown, which is the highest of all of the holidays of the Jewish faith, and then we have Columbus Day, which is Monday. So we have a couple of short weeks.

CHINA CURRENCY MANIPULATION

Mr. REID. Madam President, last night the Senate held an overwhelming bipartisan vote to move forward with legislation preventing continued currency manipulation by the Chinese Government. This unfair practice, which gives Chinese exports an unmerited advantage in the global marketplace, injures the American economy, it hurts American manufacturers, and it costs American jobs, lots of them.

In 1990, America's trade deficit with China was \$10 billion. Twenty years later, thanks to currency manipulation that gives an edge to Chinese exporters, that trade deficit has soared to \$273 billion—from \$10 billion to \$273 billion. That trade deficit has fueled the loss of about 3 million American jobs, including 2 million manufacturing jobs, in just the last 10 years alone. In Nevada, we have lost more than 14,000 jobs to China trade, and it is all because of currency manipulation. The eight hardest hit States have lost 1.4 million positions total, and 17 States have lost more than 2 percent of their jobs.

Manufacturers simply can't compete when the Chinese Government gives its exporters advantages other countries don't get. American workers and man-

ufacturers work as hard and are as ingenious as any in the world. They don't need special advantages to succeed; they just need a fair shot. This important jobs legislation will give them that fair shot.

Putting an end to China's deliberate actions to undervalue its currency will even the playing field. It will also support 1.6 million American jobs. Demanding a fair playing field will pump \$300 billion into our economy in just a few short years.

But don't take my word for it. Just ask American manufacturers. The Alliance for American Manufacturers called this jobs bill the "deficit-reducing, job-creating, no-cost stimulus that is desperately needed." Business groups have lined up to testify to the adverse impacts of currency manipulation on U.S. corporate interests. The American Iron and Steel Institute, the National Association of Manufacturers, and even the U.S. Chamber of Commerce have said the problem pits American and Chinese manufacturers against one another in an unfair fight.

But this issue has also forged some strange alliances. The AFL-CIO has also called for swift action to level the playing field. The chamber of commerce and the AFL-CIO are together on this issue.

This is what the AFL-CIO said:

The single most important job-supporting trade measure that Congress . . . can take is to address the Chinese government's manipulation of its currency.

Business and labor groups agree that American workers and manufacturers aren't getting a fair shake, and they agree on what action Congress should take to give them that fair shake. We all know that doesn't happen very often.

Here in the Senate we have heard the message loudly and clearly. We can't ignore blatant, unfair trade practices that put American workers at a disadvantage.

Supreme Court Justice Potter Stewart once said: "Fairness is what justice really is." This week, the Senate is demanding justice for American companies and their employees.

I know a few of my Democratic colleagues don't support this legislation but very few. There are some Republicans who don't support this legislation but very few. Even though there are a few on each side who don't support this bill, I think this is the mark of a good piece of legislation—garnering a significant number of votes from each party. That is what bipartisanship is all about. With millions of Americans' livelihoods at stake, I am

pleased to see the Senate working on a truly bipartisan bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FREE TRADE AGREEMENTS

Mr. MCCONNELL. Madam President, there is a lot of talk these days about how Washington is broken and how, unless we do something to fix it, the solutions to our most urgent problems will remain out of reach. The fact is, that is not really true. Congress is not frozen in a state of perpetual gridlock, and the now imminent passage of three long-awaited free-trade agreements with Colombia, Panama, and South Korea shows it.

For 2½ years, I and other Republicans have stated as clearly as we could to anyone who would listen that we are willing and eager to work with the Democrats on legislation on which we know both sides agree. Free-trade agreements fall squarely into that category. That is why I have been calling on the President to approve them since his very first day in office. Yet, for reasons I will touch on in a moment, he has actually held back.

It is true that the President had to be convinced of the importance of these agreements. After all, he ran for office promising to renegotiate NAFTA. But once he did come around, his reluctance to act became an emblem for the administration's entire approach to jobs in which results have taken a back seat to ideology. All the President had to do was to follow through on his own pledge—send these trade agreements to Congress—and we would have had an early bipartisan achievement which didn't add a single dime to the deficit and which, by his own estimates, would protect tens of thousands of jobs right here at home. Instead, the President passed over what could have been a job-creating, bipartisan layup and devoted the first weeks of his Presidency to a highly partisan stimulus that has since become a national punch line.

So now, 2½ years after the stimulus was signed into law, there are 1.7 million fewer jobs in America, and the President is just this week getting around to free-trade agreements we all knew would create jobs, all of which raises a question: Why didn't we do this sooner? I think there are two reasons we didn't do it sooner.

First, the White House was under pressure from unions that don't like free trade. They have been extracting promises from the White House for 2½ years in exchange for their support. That is one reason.

The second reason the White House didn't send these agreements up sooner

is that the political operators over at the White House seem to believe they benefit from the appearance—the appearance—of gridlock. They are over there telling any reporter who will listen that they plan to run against Congress next year. Their communications director said as much to the New York Times 2 weeks ago.

So that is their explicit strategy—to make people believe Congress can't get anything done. How do they make sure of that? Well, they do that by proposing legislation they know the other side won't support even when there is an entire menu of bipartisan proposals the President could choose to pursue instead. How else do we explain the President's standing before the country in January extolling the job-creating potential of these free-trade agreements, asking Congress to pass them as soon as possible, and then sitting on them until yesterday, preventing Congress from taking the vote? How else do we explain the fact that the President spent the past few weeks running around the country demanding that Congress pass a so-called jobs bill right away even as leading members of his own party admit the Democrats wouldn't have the votes to get it through Congress even if it came to the floor? As one senior Democratic aide put it yesterday: "Nobody is all that excited about the President's jobs bill."

That is how to create dysfunction—by refusing to acknowledge that we live under a two-party system in this country and that as long as we do, the two parties will have to cooperate to some extent in order to get legislation through Congress. It is the refusal to accept this reality that leads to inaction. The President can govern as though this is the Congress he wants or he can deal with the Congress he has. Along the first path lies gridlock, and along the second lies the kind of legislative progress Americans want. As for Republicans, well, we have been crystal clear from the outset that we prefer the latter route.

So this morning, I reiterate the same plea I have consistently made for the past 2½ years. My suggestion to the President is that he put aside proposals for which we know there is bipartisan opposition and focus instead on proposals on which we know both sides can agree. Free-trade agreements are a good first step, but they are just that—a first step. If we are going to tackle the enormous challenges we face, we need to come together on much more than that. There is bipartisan agreement, for instance, on the need to increase domestic energy exploration, to reverse job-killing regulations, and to reform the corporate tax code so we are more competitive. If the White House really wants to make a statement, it will work with us on all of these issues. If it doesn't, Americans will only con-

clude that it would rather have an issue to run on than an impact.

With these trade agreements, we are showing we can work together to create jobs and help the economy, and it is something we should do a lot more of around here.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

FINDING SOLUTIONS

Mr. DURBIN. Madam President, I listened carefully to the statement made by the minority leader, Senator MCCONNELL of Kentucky, concerning the current state of affairs in the U.S. Senate. I certainly want to endorse his conclusion that we should find ways to work together, try to find solutions, bipartisan solutions, in this divided government that will actually address the problems America faces.

If you ask people across America about our problems, No. 1 on the list is the creation of jobs, the high unemployment. President Obama has come forward with a jobs plan which he is now trying to sell to Congress, as well as to the American people, with some success, certainly when it comes to appealing to the public.

When you ask the American people: Is it a good idea to give a payroll tax cut to working families so they have more spending power, so they do not have to live paycheck to paycheck, so they can fill the gas tank, go shopping? Of course. It makes sense. That is one of the pillars of the President's jobs act.

The President also proposes that we give tax breaks particularly to businesses, smaller businesses that hire the unemployed, including veterans. If you ask the American public: What do you think of that, overwhelmingly they think that is a good idea.

When you say the President's plan also tries to help those State and local governments that are facing layoffs of teachers, firefighters, and policemen by lessening the impact that would have, the American people say that is reasonable. We do not believe crowded

classrooms and communities without fire and police protection are good for our future. So they endorse the President's approach to that.

The President also thinks we should invest, in this jobs act, in rebuilding the fundamental structure of the American economy—not only highways and bridges and airports but our schools—and the American people have overwhelmingly said that is a good idea.

The President said we should pay for this, and we should pay for it by making certain those who can afford to pay more in taxes—those making \$1 million or more—pay a little more so we can achieve what I outlined earlier.

Well, it turns out that is not only approved by the American people, 59 percent of Republicans agree with that—raising taxes on the highest income Americans to help move this economy forward. Fifty-nine percent of Republicans agree with that. As someone said in a meeting this morning, unfortunately none of them are serving in Congress. And the Republican Senators and Members of the House are saying: No way will we consider any additional taxes on the wealthiest people in America even if the money is going to be used to give payroll tax cuts to working families and to give tax incentives and credits to small businesses and to avoid laying off and firing firefighters and policemen and teachers. They say: No way.

So when the minority leader comes to the floor of the Senate and says we have to find common agreement, let me tell you, what the President's jobs bill does is it comes up with a bipartisan-approved approach to getting this economy moving. I hope we can find a way to do exactly that.

The minority leader talked this morning about trade agreements, and our hope is to bring those up in the very near future. I think it is a good thing. But we made it clear as well that before it could be seriously considered, we needed to take a look at something called trade adjustment assistance. That is a program to help workers who lose jobs because of trade agreements or because of the trade relationship between the United States and another country. I have had it happen in my State. I am sure the Acting President pro tempore from New Hampshire has had the same experience, where people in her State have lost their jobs because of competition overseas or jobs moving overseas. Well, we want to make sure those workers have a fighting chance to pick up new skills and education so they can find another job in this economy and provide for their families.

That was a condition to bringing up the trade agreements. We passed it in the Senate. It is now pending in the House. But we can move to those trade agreements. Let the Senate and House

vote accordingly. But the reason it has been delayed—if there has been any delay—is to get that part right. I think the Senate has done that.

So I heartily agree with the conclusion of the minority leader that we should work together in a bipartisan fashion. I suggest the minority leader take a look at the President's jobs act. Most of the ideas there are ideas Republicans have openly endorsed time and time again. I hope they are not going to reject the Obama jobs act because the word "Obama" is in the title. Let them come forward and think about ways, with us, to design an economy that is moving forward rather than to design the next Presidential campaign slogan and bumper sticker. The American people expect us to look beyond campaigns and get something done on the floor of the Senate and the House.

I might differ with the minority leader when it comes to whether we have had gridlock and obstruction here in the Senate, and I would just say for the record that it has become a matter of course, a normal part of the business of the Senate to require 60 votes on virtually everything—60 votes. That is not required in the rules of the Senate. We have reached the 60-vote threshold because of Republican filibusters. If it were simply an up-or-down majority vote, 51 votes would do it. But the Republicans, by threatening filibusters and imposing filibusters, have created a 60-vote requirement. That gives them leverage. It takes away the power of the majority and gives the minority this new empowerment. But to suggest this has not been used and things have gone along just swell around here—take a look at the RECORD. Three times now we have been knocking on the door of closing down the government and closing down the economy just this year. The American people noticed. They did not like it. Standard & Poor's noticed and downgraded the American credit rating, saying the problem is not the economy, the problem is the political system which is in gridlock in Washington. That is a reality. We can change that, we should change that, and I encourage my colleagues on both sides to look for ways to change that.

A CHOICE IN BANKS

Mr. DURBIN. Madam President, yesterday, incidentally, I spoke about Bank of America's decision to impose a \$5 fee on their loyal customers who have debit cards. Bank of America announced that this fee had to be collected because they were going to be restrained in the amount of swipe fees they could charge for people who use debit cards.

Those who follow this issue know the Federal Reserve took a look at this. Every time we use a piece of plastic to pay for something—as a debit card—

there is a charge imposed on the retailer—the restaurant, the bookstore, the grocery store, you name it. There is a charge imposed. So we asked the Federal Reserve to take a look at that charge that is being imposed by the credit card companies through the banks, and here is what they found. The actual cost of a bank and Visa or MasterCard processing a debit card transaction is anywhere from 4 cents to 12 cents. Remember when they used to process checks for pennies no matter what the face value was? Well, the actual cost of the debit card—the new checking account, the plastic checking account—is 4 cents to 12 cents a transaction.

Then the Federal Reserve Board said: What are they actually charging the retailers? Madam President, 44 cents is the average charge by the banks and credit card companies for the use of the debit card—more than 10 times the 4-cent rate or more than 6 times the 7-cent rate the Federal Reserve said is the reasonable cost of a debit card transaction—a 600-percent profit they are taking right out of every transaction.

Of course, it means the grocery store, the retailer has to charge more. Imagine someone comes in and gets the special—a cup of coffee and a doughnut at the Rock Island Country Market, which I visited during the break, a 99-cent special. They use their debit card to pay for it. The Country Market is now going to be charged 44 cents for a 99-cent transaction.

So it changed. The world changed last Saturday. The new law went into effect, capping for the largest banks in America the debit card swipe fee at about 24 cents, splitting the difference. Still these banks are doing quite well. The actual cost of the transaction is 4 cents, 7 cents, 12 cents, and they are going to get 24 cents. Well, you would think they could live with a 100-percent profit on what they are doing. No way. Bank of America said to their loyal customers: Sorry, but because we cannot make as much off the retailers, we are going to nail our customers with a \$5 monthly fee for the debit cards.

Yesterday, I sent a letter to the CEO of Bank of America, Mr. Moynihan. I said to Mr. Moynihan: I have just done the math here, and if your customers pay \$60 a year for their debit cards, you are going to collect more money from your customers than you could possibly have lost because of this change in the law. You are overcharging your customers. It is not fair, and I want you to defend it. Let's see if he does, not just for me but for the people who bank at Bank of America and have debit cards there.

You see, what happened last Saturday is not just a change when it comes to debit card swipe fees. I think what happened last Saturday with this new

law is empowering customers and retailers across America.

Now, incidentally, Chase bank, Wells Fargo, and Bank of America have all talked about imposing this debit card fee. If they decide they want to penalize their customers and nail them \$5 a month or \$3 a month, that is their decision. But I hope what happens next is that bank customers across America realize they have the right to change their banks, to move to banks that are not going to nail them with these fees that are driven by greed.

There is good news. There are thousands of banks across America for people to choose from and thousands of credit unions, and most of them—or many of them, I should say—have already stated publicly they are not going to join in with Bank of America in nailing their loyal customers with a debit card fee.

The Press Democrat newspaper in Santa Rosa, CA, on Friday carried an article saying, “Local banks say no to debit card fees.” The article lists a number of local banks and credit unions that said they would not copy Bank of America’s strategy. The article quotes Tom Duryea, CEO of Summit State Bank. He said:

It’s just not something we want to do to our customers. I am not going to nickel-and-dime people over \$5.

Now, that is a man speaking for a bank that I think has a future—a bank that realizes if you treat your loyal customers right, they are going to stay loyal. But if Bank of America has their way and nails their loyal customers with a \$5 monthly fee, I hope some of their customers will think twice about doing business there.

Washington Federal is a regional bank in Washington State. Its spokesperson, Cathy Cooper, was quoted in the Oregonian newspaper saying:

We have absolutely no plans to impose a debit card fee.

On Saturday, the Salisbury Post in Salisbury, NC, ran an article titled: “Bank of America move doesn’t prompt local banks to charge debit card users.”

It quotes Bruce Jones, CEO of the Community Bank of Rowan, saying that his bank will start running ads touting its lack of fees: “We’re really going to promote that,” Jones said, “That’s such a good piece of business.”

The Pennsylvania Credit Union Association put out a statement yesterday and said this on behalf of its 500 credit union members:

Study after study has shown that credit unions overall offer lower fees and better savings rates. The mission of a credit union is to serve its members and not Wall Street.

That is a welcome mentality.

There have even been some large banks that acknowledged the need to treat their customers fairly.

USAA, for example, is a financial institution that serves military per-

sonnel and their families. USAA has announced it will not charge consumer debit fees, or checking account fees either.

And the giant Citibank has heavily promoted its position on the issue: Citibank will not charge its customers debit fees.

It is a smart move for these banks and credit unions to treat their customers well when it comes to debit cards. Customers are ready to shop around if they don’t.

Across the United States more and more banks and credit unions are making it clear they are not going to nail their customers with a debit card fee.

Now is the time for bank customers across America to say enough is enough. If you do not value me as a customer enough not to charge me a new \$5 monthly fee just for trying to access my own checking account, my own bank account at your bank, I am going to do my business elsewhere. I think that is an important thing to do.

Of course, we need to stay vigilant to make sure America’s consumers have good, honest information about how banks are treating them. I will be meeting later this week with the Acting Director of the Consumer Financial Protection Bureau, Raj Date. We will be talking about how to ensure customers know what their rights are when it comes to banking services.

Let me tell you, there are Republicans who hate this agency the way the devil hates holy water. The notion that the customers of America would finally have a voice in Washington keeping an eye on the activities of financial institutions scares the living heck out of some Members of Congress. But many of us believe that the scales have been tipped for too long on the other side, that many consumers are, frankly, at the mercy of these financial institutions and could use an advocate who stands up every once in a while and fights for them.

Holly Petraeus is the wife of General Petraeus, who is now heading up our CIA. She and her husband have certainly given great service to this country. I met with her just a few weeks ago, and she talked about the exploitation of men and women in uniform serving our country by many financial institutions—predatory lending and awful practices. Many of these practices, incidentally, lead to these servicemembers having to take an early discharge from service because they are so deeply in debt. I think that is a scandal, and I am glad Mrs. Petraeus has spoken out on it. She is using this agency, the Consumer Financial Protection Bureau, to come to the assistance and protection of our men and women in uniform. That is a legitimate use of their responsibility. And for those who want to do away with the Bureau, let them explain, if they can, why they think our veterans and our

servicemembers do not deserve this kind of protection.

I want to see the Consumer Financial Protection Bureau up and running. I think it is about time we had some advocacy group standing up for men and women in uniform and consumers and retailers across America. I hope we can soon confirm the nominee for the head of that Bureau, Richard Cordray. I have met Mr. Cordray, and he is going to be a smart, effective watchdog for America’s consumers. As I said, there are some—particularly on the other side of the aisle—who hate the notion that there would be such an advocate and such a counsel available for consumers. But I think American consumers and families at least deserve to have someone speaking out when they are about to be exploited.

The keys to a well-functioning market are competition, transparency, and choice. When these conditions are present, consumers have a fighting chance and they can thrive. So can small banks and credit unions. I am going to keep standing up for these basic principles. I believe competition and transparency are critical for a free market economy to operate in a just and fair way. It is the right thing to do.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

PROTECTING AMERICA’S PUBLIC LANDS

Mr. UDALL of Colorado. Madam President, before the Democratic whip, the assistance majority leader, leaves the floor, I wish to acknowledge the great work he has done in standing up for consumers and protecting their interests, and it fits the purpose for which I rise today, which is to talk about protecting our public lands and the importance they hold for all of us as Americans. They are really at the heart of the way of life we hold so dear in Colorado. In addition, I would like to talk about how public lands are important to an issue that all of my colleagues care about; that is, creating jobs.

I know many of my colleagues, including the Acting President pro tempore, understand the value of public lands, but I wish to take a few minutes and list some of the reasons I think they are a vital thread in the fabric of our country.

First, we are a nation of explorers and risk-takers, constantly in search of the next challenge to overcome or the next mountain, literally, to climb. Public lands, especially in the West, are a reminder of this heritage. I wish to also acknowledge in the great Northeast of our country, where the Presiding Officer lives, that we have mountains and we have extensive public lands as well. I know that same spirit is infused in the people of New Hampshire.

But our public lands also benefit our communities across the country through the clean air and the clean water they provide. In urban and rural areas alike, open spaces filter and clean our air and water, improve the environment for surrounding communities, while lowering stormwater management and water treatment costs.

Access to the public lands and the many opportunities they provide is a key reason why many of us choose to live in the West. I know this is particularly true in Colorado, where public lands and outdoor recreation are truly in our blood. It is also one of the reasons Colorado is one of the most active and healthiest States in the country and why I have been encouraging children and families across the Nation to get outside and stay active, especially in our national parks.

The public lands are also, to coin a phrase, in our wallets. When discussing public lands, we cannot forget their importance to our economy. Our public lands have long been a source of economic value, and multiple use is a key component of the management of our public lands. An example: Extractive industries, such as oil and gas development and mining, will continue to be an important part of our economy in the West. But these uses are certainly not the only economic uses of our lands. Outdoor recreation: hunting, hiking, biking—the list goes on and on—are a major use of our lands, and outdoor recreationalists not only enjoy our land, they also support a large and growing industry of supply stores, manufacturers, guides, hotels, and other important businesses.

In fact, in this time of economic uncertainty, outdoor recreation and tourism are two of the bright spots in our economy. I wish to draw attention to the chart I brought to the floor for those viewing the floor of the Senate today. In 2006, the Outdoor Industry Foundation found that biking, hiking, and hunting and all the other outdoor recreational activities add \$730 billion to our economy every single year.

Perhaps most important, this is an area of our economy that continues to grow. It has grown by more than 6 percent in 2011 alone and has outpaced U.S. economic growth more generally. These numbers tell a powerful story of the outdoor recreation industry's contribution to our economy.

We hear a lot about the problems government causes, and there are certainly areas we can reform. We can streamline government, make it more efficient. We can get government out of the way where appropriate, and we can increase oversight where necessary.

But when I was traveling my home State of Colorado over the summer, as the Presiding Officer travels her State, I heard a lot about how government is working. I heard about partnerships between national, State and local govern-

ments, private businesses and local stakeholders to preserve and protect our natural resources. These efforts are improving the lives of Coloradans. They are creating jobs. They are making communities better places to live, and they are building future economic opportunities.

I wish to share a couple examples in that vein. In July, I was in the town of Creede, which is in the historic San Luis Valley of Colorado. Among other stops, I met with the Willow Creek Reclamation Committee. This is a wonderful example—this committee—of citizens at the local level coming together to take on a problem to create solutions.

In this committee, there are retired miners, artists, local businesspeople, ranchers, vacation homesteaders and Federal and State officials who are working together to clean up pollution in their watershed.

The narrow valley that is above Creede is lined with abandoned mines. While the area boasts some of the best examples of mining structures one will find in the Western United States, pollution from these abandoned mines hurts water quality. The pollution was so bad that residents in the area feared Creede would be placed on the National Priorities List for a Superfund cleanup, a prospect that any community that has faced it understands would hurt their tourism-based economy.

So, in 1999, the residents formed this committee to do something about it themselves. They worked with the Environmental Protection Agency, the Forest Service, the Department of Agriculture, the U.S. Fish and Wildlife Service, State agencies and many others and developed a plan to clean up their watershed.

The plan they came up with is truly a comprehensive approach that recognizes the full value of their watershed to their community. What struck me most—and again I know the Presiding Officer senses and experiences the same spirit in her home State of New Hampshire—nobody was talking about whether they were a Democrat or Republican. They were not trying to wage political or partisan battles. They saw a problem affecting their livelihoods. They banded together as a community, partnered with the Federal, State and local government officials and they did something about it. Now their streams are healthier, their land is healthier, and their economy is healthier.

I would like to bring some of that Creede pragmatism to Washington, DC. Our public lands are an invaluable natural resource. I hope we can come together in the Congress with policies and solutions to wisely utilize and conserve them.

In that spirit, let me provide some additional examples of what we could do in the spirit of the people in Creede, CO. One incredibly successful govern-

ment program that has been instrumental to the growth of outdoor recreation across the country is the Land and Water Conservation Fund or the LWCF. In fact, it has been proven over and over that every \$1 of LWCF funding creates an additional \$4 in economic value.

LWCF was developed on the belief that as we develop and exploit our oil and gas resources, we should set aside also some land for hunting, fishing, and recreation for the enjoyment of future generations. So we as a country set up a mechanism whereby royalties from oil and gas leases were to fully fund LWCF projects.

I have to say, instead of that mission being fully fulfilled, every year those dollars are taken out of LWCF for other unrelated government expenditures, leaving in its wake a huge unmet need in each State across the country. While royalties flow into the government coffers, LWCF has continually been raided, and its authorized \$900 million of funding every year has been fulfilled only twice since 1964. Only twice since 1964 has that full \$900 million been appropriated.

Not only are we robbing future generations of critical open spaces and outdoor recreation, we are underinvesting in our assets, our public lands, that would drive job creation.

I serve as the chairman of the National Parks Subcommittee. I have seen how these funds have been particularly useful to our parks, and there is no better example in my State than the creation of the Great Sand Dunes National Park and Preserve. This magnificent park and preserve was made possible by LWCF appropriations that were obtained with very strong local support.

Great Sand Dunes protects one of our Nation's great landmarks. It is also a source of tourist dollars for the surrounding rural communities. That is why I have joined with several of my colleagues, including Senator BINGAMAN, Senator BURR, Senator BAUCUS, the Presiding Officer, and others, to fight for full funding of LWCF.

The point I wish to emphasize to my colleagues is that when we talk about natural resources, we are not just talking about beautiful landscapes and future generations. There are incredibly important economic benefits to preserving and protecting these lands.

In that spirit, I wish to briefly discuss another key component of our public lands system—wilderness. Lands classified as “wilderness” are critical to our multiple-use management strategy. Some areas should be preserved as wilderness, just as some areas are better suited to mining, oil and gas development or off-road vehicle use.

Wilderness provides opportunities for backpacking, fishing, hiking, grazing, and hunting, as well as protecting these precious landscapes for future

generations. Wilderness also provides opportunities for our veterans to reenter and reconnect and heal. I have a column from the Denver Post yesterday that speaks to the ways in which veterans can reconnect to their purpose in life and to reenter society. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Oct. 3, 2011]

GUEST COMMENTARY: VETS FIND SOLACE IN MOUNTAIN FISHING

(By Shawna Bethell)

You know immediately when you are in the presence of grace. Perhaps in a cathedral of limestone and jeweled glass where centuries of ritual have left the scent of myrrh. Or, equally so, perhaps in the cleft of a canyon surrounded by high-country mountains where waterfalls arc from cut stone.

Perhaps it's where—against the roar of fast-moving water—you hear the quiet voices of two men: one of wisdom and one of youth, speaking quietly of water and fish, war and healing, the conversation flowing easily between the two—a common experience binding them.

There is with fly-fishing a serenity that comes, when the mechanics of the process no longer take thought or effort, and the mesmerizing rhythm of a cast settles into mind and memory. When all else slips away, and the fishing becomes the mission in front of you, then comes peace. Or at least, this is what I'm learning.

In late June, Project Healing Waters—a nationwide fly-fishing program for wounded soldiers and veterans—brought 15 participants from Colorado's Fort Carson and Fort Huachuca in Arizona to fish in the cold spring-melt waters around Silverton. The program is based on the principle of shared time and skill between experienced fly-fishermen and our recently returned soldiers.

Programs vary from region to region, but the basic premise is that during winter months, soldiers are taught to tie flies and build fishing rods, then in the spring and summer months, they are taken out to learn the art of fly-fishing—each component lending itself to a specific method of healing, whether it is learning physical dexterity with damaged limbs or prostheses, or giving soldiers a focus outside their memories or mental trauma.

On the day I was invited to join them, I had the opportunity to witness one of those moments of grace, when a local fisherman and a young soldier shared a conversation. It was not a monumental event, nor was the speech eloquent and tried. Instead, it was simply quiet. And the young man who had been solemn and withdrawn, moving along the stream bank with his head lowered, opened to a man who had seen his own war 40 years before.

I had been told in my initial interview with Gary Spuhler of Colorado Springs, coordinator of the Rocky Mountain Region's chapter of PHW, that he got involved because he wanted to make things better for our returning soldiers, better than the way his generation had returned from Vietnam.

And I think the country as a whole, carrying the regret of that treatment, is reaching out more readily to today's veterans, but listening to the gentle ebb and flow between the two men—the seasoned, high-country fisherman and the young soldier, moving

easily from fishing to military life to hope for the future and healing, against the backdrop of broad, sheltering landscapes—I recognized something rare.

We are in a time when Congress is ever trying to decimate protections for our wildlands while at the same time these lands are lending solace to those who have been sent to war in the name of our country. It is not a stretch to say that these rivers and streams are part of what is giving back to the veterans who are coming home.

Each fisherman I spoke with, experienced or beginner, spoke of the sound of the water, the scent of the air, and how the rest of the world falls away when they are out there, taking with it the trauma they carry with them.

There is a healing power that comes from the mountains and streams, and there is healing in taking the time to listen to our military men and women.

Project Healing Waters, combining the two, gives us all a lesson worth learning.

Mr. UDALL of Colorado. It is an inspiring column. It speaks to the power of wilderness and wilderness activities in the context of our veterans returning home from standing for us in places such as Afghanistan and Iraq.

Speaking of wilderness opportunities, just this last week I introduced the San Juan Mountain Wilderness Act, along with Senator BENNET. It is similar to a bill I introduced in the last Congress. My bill would designate—we have a photograph of this wonderfully inspiring area. This bill would designate 33,000 acres in southwestern Colorado as wilderness. It would also designate about 2,000 acres as a special management area and withdraw over 6,000 acres from mineral entry lands within the Naturita Canyon area.

This bill is the work of extensive input and collaboration among and across every imaginable stakeholder group. I wish to particularly note the efforts of former Congressman John Salazar and his staff, who worked with the affected Colorado county commissioners, interested citizens, and my staff in developing this legislation over the last 4 years.

It is crafted to take into account the various ongoing uses of these lands, such as for water supplies and recreation, while also providing strong managerial protection for these sensitive lands. I do not have to tell you, when we see this photograph, among many, that this region of Colorado is blessed with stunning beauty.

Much of the land proposed for wilderness and other protections in our legislation are additions to existing wildernesses such as the Mount Sneffels Wilderness Area and the Lizard Head Wilderness Area. The bill also establishes a new area called McKenna Peak. This peak presides over imposing sandstone cliffs which rise 2,000 feet above the surrounding area. It also provides important winter wildlife habitat for large numbers of deer and elk, which then draw many hunters from all over the country every year. Over 30,000 recreational user days are recorded annu-

ally during hunting season in this one game management unit. That is a significant number of recreational user days.

The bill would also establish the Sheep Mountain Special Management Area. Since helicopter skiing currently exists in this area, the legislation designates the area in a way that protects its wilderness character but still allows this use to continue. This is, in my opinion, the type of flexibility that is a key for sound wilderness protection proposals and is a shining example of how protection can coexist with responsible use.

What I am saying is, the bill has been carefully tailored and crafted to apply deserving protections to these lands. This is how wilderness should and can be done. Between all the benefits—clean air and water, recreation and economic growth—one would think Congress could work together and enact commonsense public lands legislation such as my San Juan Wilderness bill.

But I am frustrated. I know the Presiding Officer is frustrated this Congress has not recognized the opportunities that are before us. Instead of what I saw happening on the ground in Creede, CO, it seems as if our politics inside the beltway are getting in the way of moving our country forward. A prime example of politics getting in the way, at least in the Senate—I will come back to why I say just in the Senate—is a bipartisan bill I have introduced called the Ski Area Recreation Opportunity Enhancement Act. I worked closely with Senator BARRASSO on it. We have an additional 10 cosponsors across the country. In the House of Representatives, Representative BISHOP and Representative DEGETTE have championed this bill.

Our bill would simply clarify that the Forest Service may permit year-round recreational activities, where appropriate, on ski areas on public lands.

It includes no new Federal spending. I think that is an attractive element of the legislation. It would increase the money coming into the Federal Treasury because it would likely increase permit fees.

The bill would boost year-round activity in ski resorts on public lands, providing more opportunities for outdoor recreation, creating jobs in the process and aiding the rural economies that surround ski areas.

The bill is so bipartisan and strongly supported that it passed the House last night by 394 to 0. No House Members voted against the bill.

Despite bipartisan and bicameral support for the bill, and the fact that it would create jobs, I have not been able to get this bill to a vote on the floor of the Senate. I am tempted to ask unanimous consent that the bill pass, but I will continue to work in the regular order to move the bill to the floor of the Senate and on to passage.

I had a long career—if you want to call it that—as a high-altitude mountain climber before I came to the Congress. That experience prepared me to serve in the House and in the Senate in unexpected ways.

In 1992 I was on the south face of Mount McKinley, known to the people of Alaska as Denali, as well. We were 10 days into what was supposed to be a 7-day climb. We were out of food. The only way to get down was literally to go up and over the top of Mount McKinley.

The lesson I learned in that successful climb was, when you are faced with 20-below temperatures and high winds, the only way home is over the top. You have to work together to accomplish the impossible. When you do work together to accomplish the impossible, you find a way to make it happen.

In some ways I believe that is the choice Congress has to make as we face these challenging times. We can either work together and find a way up and over the summit—passing legislation that will create jobs, fix our budget problems, and start working on the problems Americans face every day—or we can keep fighting with each other, in effect, starving the country of the leadership I know Congress can provide and that we must provide in these challenging times.

Madam President, I close my remarks today by asking my colleagues to join me in passing this straightforward, bipartisan, and commonsense ski areas bill and to support full funding for the Land and Water Conservation Fund. I also ask my colleagues to work with me to enact locally developed wilderness proposals, such as the San Juan Wilderness Act.

As we tackle unemployment and how to grow the economy, let's not forget the important role our public lands can and will play in the future.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

NAVY MASTER-AT-ARMS PETTY OFFICER FIRST CLASS JOHN DOUANGDARA

Mr. JOHANNES. Madam President, I rise today to honor a fallen hero—Navy Master-At-Arms Petty Officer First Class John Douangdara of South Sioux City, Nebraska. Petty Officer Douangdara was part of the East Coast Based SEAL team on the Chinook helicopter that was downed by enemy fire in Afghanistan on August 6, 2011.

He was a dog handler for the SEAL team. He and his combat assault dog led their unit on patrols in order to expose dangerous explosives and hidden enemy combatants. He and 29 fellow servicemembers, and his combat assault dog Bart paid the ultimate price in support of Operation Enduring Freedom. As a dog handler, the East Coast Based SEAL team entrusted their lives to him and to his dog. His first dog Toby was killed in action in Iraq. His second dog Bart would die with him on the helicopter.

The name “Douangdara” can be difficult to pronounce, so his Navy comrades soon gave him the call sign “Jet.” Members of his unit remember him for being trustworthy and always positive. The decorations and badges earned during his distinguished service speak to his dedication and his skill. He received the Purple Heart, the Defense Meritorious Service Medal, the Bronze Star with “V” Device, the Joint Service Commendation Medal with “V” Device, the Army Commendation Medal, the Presidential Unit Citation (2 awards), the Good Conduct Medal (2 awards), the National Defense Service Medal, the Afghanistan Service Medal (3 awards), the Iraq Campaign Medal, the Global War on Terrorism Medal, the Sea Service Deployment Ribbon (3 awards), the Overseas Service Deployment Ribbon (3 awards), the Rifle Marksmanship Medal, and the Pistol Marksmanship Medal.

I am told Petty Officer Douangdara had a joyful disposition and a deep sense of commitment to American ideals that were evident to everyone he encountered. John's high school friends and teachers recall his sense of humor coupled with a competitive desire to win. Participating on the high school mock trial team was one way he directed his very considerable energy.

John was also about helping others. It was not a surprise to those who knew him that his energy, focus, and empathetic nature would lead him to military service and the challenge of working with the Navy SEALs.

John belongs to a very special family. His mother and father escaped from Laos 31 years ago and emigrated to the United States. They settled in South Sioux City, Nebraska, where they grew and nurtured a very respected family. The South Sioux City community honored John with a special memorial service on September 25, 2011. They also named a local park after John.

I know his community and Nebraskans as a whole are enormously proud of his service. I am confident they will provide his family with comfort during this very difficult time.

Today, as we bow our heads with the Douangdara family, I ask that God be with all those serving in uniform and that He bring them home safely.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

HONORING PATRICK DELEON

Mr. INOUE. Mr. President, I rise today to recognize my chief of staff, Dr. Patrick DeLeon, who has helped me to serve the people of Hawaii and our Nation for 38 years. Dr. DeLeon is retiring, but he leaves behind a legacy of work that has greatly improved the lives of many of our citizens in Hawaii, particularly the native Hawaiians, while advancing the professional circumstances of doctors, nurses, and psychologists.

After joining my staff in August of 1973, Pat, a psychologist and attorney, directed my efforts to create and refine health and education policy. In the later years he would also serve as chief of staff for my Washington, DC, office. Pat helped to shepherd legislation related to native Hawaiians, immigrant children, the people of the Pacific, and higher education. Under his service the importance of nurses, psychologists, and other health professionals have been properly recognized.

He has been very active in helping our community college system in Hawaii become full-fledged 4-year colleges. For example, he played a major role in the establishment of a school of pharmacy and a school of nursing at the University of Hawaii's Hilo campus.

Pat also serves as a teacher, a mentor, and psychologist to my staff, a role that will be difficult to replace.

I thank Pat for his decades of hard work, his service to the people of Hawaii and this Nation, and, most importantly, for his friendship.

FURTHER CORRECTING H.R. 2608

Mr. INOUE. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 83, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608.

Without objection, the Senate proceeded to consider the concurrent resolution.

Mr. INOUE. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider

be laid upon the table, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 83) was agreed to.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts.

WORKING TOGETHER

Mr. BROWN of Massachusetts. Mr. President, I appreciate the opportunity to come down to the floor once again to speak to you and the American people. I come to the floor today because there is something that too many people in Washington, DC, are missing right now; that is, we are Americans first.

It is a simple idea but one that seems easily forgotten in politics because Washington has a way of making elected officials act like partisans rather than problem solvers. For example, how can any one Member of the Senate be 100 percent right? I just don't know how that happens. How can they also vote 100 percent of the time with their own party? Do they honestly believe their party is right 100 percent of the time or is it easier than going with the alternative—easier than working together with people whom one doesn't agree with on every single issue?

I ran for the Senate to make a difference, and I believe the voters of this country sent us here to find ways in which we can all agree, to move our country forward and to make things better. Governing wisely doesn't mean spending all our time politicking—

making the other side uncomfortable by voting a certain way or taking uncomfortable votes, putting those votes in the bank for more petty attacks during the election season. But why else would we spend hours and days trying to ram through one-sided bills that can't pass simply to highlight our differences? Is that honestly why we were sent here today? Because there is no Republican bill that is going to pass and there is no Democratic bill that is going to pass. It needs to be a bipartisan, bicameral effort that the President will sign.

We face very huge challenges. That means we must rise to the occasion and rise above politics to accomplish the very big things the American people expect from their elected officials. Our jobs and economic picture, as we all know, is bleak. The line of unemployed workers would stretch across America and back again. Our national debt and deficits are spiraling out of control. Working families are getting squeezed by the high cost of energy, high health care costs, high education costs. Businesses are squeezed by high tax rates, burdensome regulations, and uncertainty about the future and the political leadership in this country. Our housing market is frozen, and the government is making it harder and harder, rather than easier, for borrowers to refinance. Yet with all these challenges we have, the answer here in Washington is just more of the same—more threats, more gridlock, more partisanship. I say enough already, because I have said this back home in Massachusetts and people, I think, greatly appreciate the sentiments: We are Americans first. If we don't work together right now—at this moment in time, right now—then we are going to miss a great opportunity.

We need to focus on jobs. We need to focus on the economy. That is what I have done since the day I got elected. I believe the American people deserve better. They deserve better than congressional gridlock and political gamesmanship. For example, the President—not you, Mr. President, but the President—has given us a jobs bill that isn't perfect, but it is a start. The majority leader has said the Senate might consider the President's package eventually. Really? Eventually? We are in a financial emergency. We are going to talk about creating jobs eventually?

Let's be honest with those who sent us. The current proposal from the President isn't going to pass either Chamber if it relies entirely on tax increases to pay for it. I know it and the Presiding Officer knows it. So when we bring it up, are we going to try to make it better? Are we going to try to pass it?

I urge the majority leader to bring the jobs bill—or jobs bills—to the floor that can actually get 60 votes as well as have a chance of passing in the

House. What would they look like? They would look like parts of the President's proposal that actually have bipartisan support and can help our fellow Americans immediately. We should take the things everybody agrees on and bring them forward now—right now. We could pass a payroll tax cut for both employers and employees. I stood when he said that. I clapped. I agree with him.

We can also pass his version of the Hire A Hero Act that provides tax incentives for employers to hire our heroes who are returning from doing incredible service for our country. It puts them back to work. Their unemployment rate is 25 percent. I am all for it. I clapped again. It is a great idea.

We can get to work on reforming our Tax Code in a way that eliminates loopholes and leads to lower rates. We can do these things. It is possible. Those are the things we agree on and we should be doing immediately—not just bringing a bill forward, knowing it is not going to pass and then spotting a particular person or party for an election season that is so far away that if we don't do something right away, we are going to be in deep trouble and miss the opportunity. We are Americans first. We can do it better and we should do it better.

I have been a little bit discouraged—it seems to go in ebbs and flows—about the ability to actually have an open amendment process. We had to sign a letter to the President guaranteeing we would actually move forward with the trade agreements. Then we had an open amendment process and, quite frankly, I think when it was done, everybody was satisfied that it was just that—an open amendment process—and we got some good suggestions and sent them off to the President. I am eager for those bills to be passed.

We need to allow our Members to offer their own ideas on job creation. There is no one particular person, whether it be the President, the majority leader, the minority leader, or any individual here, who has all the ideas on job creation. Since when? I have a vote, just as each and every one of my colleagues does. I am sure the Presiding Officer has some amendments he thinks would help job growth in his State. I know we have worked on one that was cited by independent groups as being probably the No. 1 way to actually get the economy moving, but we will not even have the opportunity to allow that to be filed as an amendment. Is that right? Of course not.

I have a number of bipartisan pieces of legislation, one of which I just referenced with the Presiding Officer, to help boost our economy in Massachusetts. Whether it is working with our fishermen to protect that industry which provides food for American citizens and throughout the world or whether it is the high-tech sector, bio-farming—you name it—my bills will

help solve, as will the Presiding Officer's and others, some of our economic problems. It will not be done overnight, but it is a first step. There is absolutely no reason we can't move forward to have an open amendment process on a bill that will actually create jobs. But they will make a difference in Massachusetts today, and that is what my constituents sent me here to do.

Secondly, we need to focus on our debt and deficits. They are out of control. When I got here, we had an \$11.5 trillion national debt. It is now up to \$14.5 trillion in a little over 1 year. There is plenty of blame to go around. I hear my colleagues ranting and raving and blaming everybody, but everybody is at fault. Let's acknowledge that and set aside the sniping of whether we should blame this administration or that administration because, quite frankly, it doesn't matter. It doesn't matter at this point. Everyone has contributed, and now everyone needs to work together to solve these very real problems.

I am urging the debt committee to put aside partisanship and remember that we are, once again, Americans first and we have an opportunity right now—right now, in this moment in time—to do it better and to solve these very real problems. We should not get lost in party politics. We should think the way great American leaders have always thought. They didn't waste time scoring points. They took the long view. They thought about leaving a legacy for the next generation and leaving our country in a better place. I know, as the Presiding Officer does, and many others, I have pictures of my children and my family—no grandchildren yet—here in my office in Washington and in my home and in Boston. If we care about the young people in those photos, we should be demanding—absolutely demanding, we should have a lot of the folks who are not in leadership actually get up and demand a bipartisan compromise on the debt, one that finally puts us back on the track toward a balanced budget. As the Presiding Officer knows, because I believe he served with him, before I held this Senate seat, it was held by the late Senator Ted Kennedy and before that it was held by John F. Kennedy. I wish to remind my colleagues that it was President Kennedy who famously said: "Those to whom much is given, much is expected."

The voters have given us so much. They have given us so many opportunities to do it better and to be better in solving our country's very real problems. They have given us a responsibility and an opportunity to come here and work and get something done. Every minute we waste, we let them down. With every petty attack, they get more cynical and expect less and less from the people who serve in this great and historic Chamber. While

Washington bickers, their faith in our democracy is waning. So I, for one, challenge the majority leader, the minority leader, and all the Members to finally do something for the American people who need our leadership so badly. Let's work together on these big challenges. Let's renew the faith the people of America have bestowed in us and let's remember we are Americans first and we owe it to them to do it better.

I thank the Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Does the Senator from Tennessee wish to be heard on the motion to proceed?

Mr. CORKER. I do.

The PRESIDING OFFICER. The Senator is recognized under the motion to proceed.

Mr. CORKER. Mr. President, I rise to speak about the bill that is about to come before us—the China currency manipulation bill, as many are calling it. I want to speak about this bill because I think it is poor public policy.

I know back home in all of our States people are concerned about the future; I am concerned about the future. People are concerned about manufacturing jobs; I am concerned about manufacturing jobs. But it seems to me what we ought to focus on are those things that will take us to the place we want to be.

I know a lot of times when we are having these types of economic situations, the country turns inward. The country tries to look for other things to blame for the cause of where we are, and I think that is exactly what this bill is doing. Here we have a situation where our economy is slow, we have a financial crisis in Europe that has created tremendous fear in every country in the world. Yet what we are looking at doing in the Senate is creating a trade war with the second largest econ-

omy in the world—an economy that is growing rapidly and where our exports to this country grew twice as fast in the year 2010 as it did, on average, with the rest of the world.

To me, Mr. President, this is one of those bills where we cut our nose off to spite our face. It is one of those bills where we try to make it look back home as though we are doing something constructive when what we are really doing is hurting the U.S. economy.

We have three free-trade bills that are coming to the floor—that have been held up now for over 900 days—and that I think are going to pass. I believe this body is going to embrace them because we know this country is losing market share in the three countries we are reaching an agreement with. We are losing market share in South Korea, we are losing market share in Colombia, and we are losing market share in Panama. In other words, the manufacturers in Tennessee and Virginia and all across this country have a lesser ability to sell their goods into these three countries because these three free-trade agreements are not in place. But it is my sense we are getting ready to do something constructive, in a bipartisan way, and approve these bills.

So what is stunning to me is that we would be actually taking up another bill that would likely hurt trade with the fastest growing other economy and the biggest other economy in the world. By the way, China does manipulate its currency. It does do that. It has something called a managed float. Their financial system is antiquated. It is being liberalized. They understand what they are doing with their currency has to change.

Over the last 5 years, the Chinese currency has actually appreciated relative to our dollar by 30 percent. China knows it has to do even more of that. The fact is, as the standard of living in China improves, people are going to want even greater access to American goods. So what we ought to be doing, instead of trying to create a trade war with a country we want to create better relationships with, is focus on the real problems that exist in China.

There is no question the Chinese Government—the Chinese Government—needs to open procurement policies. As a government, they are a large purchaser of goods. Right now they have laws in place that cause them to purchase those goods from companies that exist in China. We need to cause them to open. The Secretary General, or the person we believe to be the next leader of China, is going to be here in January. This is something our President ought to talk with him about when he comes to visit and create an opportunity for success for our companies in America to be able to sell goods to China.

Secondly, we should focus on intellectual property rights. There is no question Chinese companies take advantage of U.S. companies by stealing intellectual property rights. It exists in almost every area. That is something we certainly should be talking to China about.

Thirdly, we ought to be talking about China investing in this country. The fact is, we would like to see more plants created in this country. We would like to see more manufacturing occur. So, yes, we should be talking to China about making investments in this country.

Lastly, we should certainly be creating avenues for Chinese consumers to have greater access to American goods. Those are the types of solutions we ought to be talking about, and they can certainly be dealt with at the executive branch level. There are WTO violations we ought to be bringing to the WTO's attention.

This bill, in my opinion, is great in optics. It allows Senators to go back home—by the way, the Senate is supposed to be the cooler place. It is interesting the leadership in the House, where we might expect a bill like this to move out quickly—a hot piece of legislation—has already talked about what had policy this is. So, hopefully, this bill will not gain traction if it passes the Senate and goes to the House of Representatives. The fact is, this is not the kind of thing the Senate ought to be taking up, and certainly not something the Senate ought to be passing.

We are now in a situation where we have an economic slowdown, the markets are continually getting worse—and have been, especially since August 2—and we have a financial crisis in Europe where contagion with those financial institutions is potentially spreading around the world. Yet the Senate, in its wisdom, is considering a trade war to add to all of that. This is exactly the kind of reaction and behavior that took place in the 1930s. Again, it is almost as if we cannot learn from the past.

Mr. President, I understand that numbers of Senators voted to proceed to this bill, and I understand we ought to have debate on this kind of bill. That is what the Senate is for. But I would encourage all of my colleagues on both sides of the aisle not to have an investment in this bill.

Again, I realize there are numbers of cosponsors, but I would encourage all my colleagues on both sides of the aisle to stand up and to realize this is terrible policy. I know back home it may sound good, but I hope when Americans understand what we are doing is pursuing the wrong issues in the name of trying to make ourselves look good back home, this bill will not see the light of day. Hopefully, we will not have the 60 votes to have cloture on this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I hear this over and over and over in this body and in the House of Representatives; that whenever the President of the United States talks about increasing taxes on millionaires—just making their tax rate the same as middle-class taxpayers—the other side yells “class warfare, class warfare, class warfare” against the rich. Yet we know class warfare in this country is being aimed right at the middle class and has cost so many jobs and caused so many people in the middle class to see their incomes remain flat for the last 10 years.

When I hear discussions about trade, I always hear characterizations of protectionism or trade war; we are in a trade war. Look at the number of jobs we have lost to China in the last 10 years. We don't have to look very far to know every time we go to the store and buy something, it seems darned near everything is made in China. It wasn't that way 10 years ago. It sure wasn't that way 20 years ago.

Ten years ago this body made a mistake—many of us opposed it, and I was in the House of Representatives then—with something called permanent normal trade relations with China—letting China join the World Trade Organization. In those days, there was a relatively small trade deficit with China. A trade deficit means we buy more from them than we sell to them. Today that trade deficit with China is about \$750 million every single day. Every day we buy \$750 million more in products from China than we sell to China.

If we are buying that much more than we sell day after day after day—7 days a week, 52 weeks a year—we end up losing jobs because these are the things we were making in this country.

Never in our history do I remember—and I am not a professional historian, but I have never heard anybody say otherwise on this—that companies in one country would shut their production down—stop producing steel in Steubenville or stop producing chemicals in Cleveland or stop producing cars in Dayton or stop producing glass in Toledo—shut down a plant, move it to another country—often China—and then sell the product back into the home country, back to the United States of America. That is not a ticket for anyone in America to gain middle-class status, and it is not good economic policy. It doesn't put us in the place we need to be.

So when I hear the opponents to this whole idea of leveling the playing field say: Oh, my gosh, the Senate, which is supposed to cool the saucer—whatever that George Washington/Thomas Jefferson saying was—cool the hot tea in the saucer, or however he said that, and then say this is a trade war, that our attempt to simply level the playing

field is a trade war, that is just unilateral disarmament. The Chinese understand what a trade war is about.

Let me cite one example real quickly. I was talking to a gentleman who works for paper companies in the United States, including paper manufacturers we still have in Ohio, in Chillicothe and West Carrollton, sort of the Dayton area, and down into Butler County near Cincinnati and other places around the State, and he said the Chinese didn't even have a coated paper industry 15 years ago. That is the kind of paper that is the glossy magazine-type paper. The Chinese started this industry 15 years ago. They buy their wood pulp in Brazil, then ship it to China, and then it is milled in China. Paper is expensive to transport. It is heavy, for the cost of it, and it is bulky, for the cost of it. But the Chinese take wood pulp from Brazil, and then it is shipped and milled in China and then sold back here.

The labor cost of making paper is only 10 percent of the cost. Yet they can undercut prices here. Why is that? Well, we assume they subsidize water and capital and land and energy. We also know they get a 25-percent additional subsidy because of currency because the Chinese game the currency system. They devalue their currency. They underappreciate, if you will, their currency, meaning they, in a sense, get a bonus.

When they sell anything to the United States, they get a 25-percent discount. So they can undercut American manufacturers that could be even more efficient than they are or, if the United States sells into China, our sellers, our producers, get a 25-percent penalty.

But look at the job loss. This is the whole story. This really is the whole story. We have 10 cosponsors. We have five Democrats—Senator SCHUMER and I and Senators HAGAN, STABENOW, and CASEY—and five Republicans—Senators SNOWE and COLLINS of Maine and Senators SESSIONS of Alabama, BURR of North Carolina, and GRAHAM of South Carolina. This is a bipartisan effort that got 79 votes out of 98 yesterday.

So when I hear the other side say we are starting a trade war, look at this chart. This is California, in the last 10 years, since PNTR—since we set up this relationship with China and allowed China into the World Trade Organization. Look at the job loss. California lost almost a half million jobs. Most of these are manufacturers. Texas lost 232,000. My State lost 103,000 jobs.

These are 103,000 people that saw their plants close. We have lost 50,000 manufacturing plants in this country in the last decade or so. These are 103,596 people, our people. If they lose their job, \$16-an-hour manufacturing, they often lose their health insurance; they often lose their home.

It is easy for us to talk numbers and easy for us, dressed like this and getting paid well to do these jobs, to forget what an individual suffering from this kind of job loss is all about. Imagine a family in Richmond or a family in Columbus, where they lost their job, then they lost their health care, and then they lost their home. They have to go to their 12-year-old daughter and say: Honey, we are going to have to move. We are losing our house. We can't live here anymore.

These are terrible human problems. To dismiss our efforts to try to come to an even, level playing field so we can compete is what we need to do, not using names such as trade war and protectionism and class warfare and all that.

I will conclude my remarks. There will be much more in the next 2 days' debate on these issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all postcloture time is yielded back and the motion to proceed to S. 1619 is agreed to.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 694

Mr. REID. The bill having been reported, Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 694.

The amendment is as follows:

At the end, add the following new section:
SEC. ____ . EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 695 TO AMENDMENT NO. 694

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 695 to amendment No. 694.

The amendment is as follows:

In the amendment, strike "3 days", insert "2 days".

MOTION TO COMMIT WITH AMENDMENT NO. 696

Mr. REID. I have a motion to commit the bill with instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 1619) to the Committee on Finance with instructions to report back with amendment No. 696.

The amendment is as follows:

At the end, add the following new section:
SEC. ____ . EFFECTIVE DATE.

The provisions of this Act shall become effective 6 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 697 TO AMENDMENT NO. 696

Mr. REID. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report the amendment to the instructions.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 697 to the instructions of amendment No. 696 to the motion to recommit.

The amendment is as follows:

In the amendment, strike "6 days" and insert "5 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 698 TO AMENDMENT NO. 697

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 698 to amendment No. 697.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President.

The PRESIDING OFFICER. The Republican leader.

JOBS BILL

Mr. McCONNELL. Mr. President, for 3 weeks President Obama has been traveling across the country calling on Congress to pass what he calls his jobs bill right away. Here is what he will say in Texas today, if he has not said it already: At least put this jobs bill up for a vote so the entire country knows where every Member of Congress stands. Well, I agree with the President. I think he is entitled to a vote on his jobs bill.

The suggestion that the Senate Republicans are not interested in voting on his jobs bill is not true. I think he is entitled to a vote. It won't surprise anyone to know I do not think it is a good approach, a way that is likely to create jobs, but he has asked for a vote. I think we ought to accommodate the President of the United States on a matter he has been speaking frequently about over the last few weeks and give him his vote.

In fact, they have been calling for this vote with great repetition. His Press Secretary said it on October 3, and David Plouffe, the White House Senior Adviser, said the same thing on September 27. David Axelrod, his top strategist, called for us to have this vote on September 13. The President himself—let me count the number of times: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11—12 times the President of the United States himself, over the last few weeks, has called on us to have this vote. As he put it: I want Congress to pass this jobs bill right away. Well, I hope it will not pass because I do not think it is the right direction for the country to take to begin to deal with the joblessness issue, but I do think the President makes an important point—that he is entitled to a vote.

If I were to be given an opportunity by my good friend the majority leader, I would offer the President's jobs bill, which we think would be more accurately described as stimulus 2, sort of a redo of the approach and the bill we approved back in 2009, after which we have lost 1.7 million jobs. Therefore, I would ask consent to set aside the pending motion and amendments in order to offer the amendment which I have just described and hold in my hand at this moment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I am not going to do a long dissertation on stimulus 1, the jobs bill that, in effect, did so much good for our country. I can't talk about the other 49 States, but I can talk about what the Recovery Act did for the State of Nevada. It basically saved the State of Nevada from going into bankruptcy, hundreds of millions of dollars to help State government stop massive layoffs of teachers and create

tens of thousands of jobs in areas such as renewable energy. So that is enough on the American Recovery Act. I thought it was extremely important for Nevada. Other Senators can come and talk about how their own States benefited.

"Right away" is a relative term. The President has been calling for a vote on his jobs bill and rightfully so. Why did he start calling for a vote on his jobs bill? Because there was again one of the long obstructions that took place in the Senate and in the House on an issue that was fairly simple. What was that? Funding the Federal Emergency Management Agency. These devastating floods, tornadoes, hurricanes, and fires had created a situation where FEMA was about to go broke. You would think we could move quickly past that, but, no, we couldn't because something we agreed on in late July—that we would fund the government for the rest of the year—was again brought to the forefront and because the Republicans were threatening to close down the government again. So of course the President was calling for his jobs bill. He recognized that what was going on here in the Senate and in the House was a waste of time; that is, why were we spending time unnecessarily on funding one of the essentials of government; that is, taking care of people who have been devastated by these terrible storms and other calamities.

We have moved very quickly, after we got through that slog caused by the Republicans, to get FEMA funded and to get the CR extended for 6 weeks. We are now on something that is long overdue: China currency. China has been manipulating its currency for a long time. In the last 10 years, we have lost 2 million jobs because of this. If there were ever a jobs bill, it is this we are doing on the floor right now.

I sponsored the President's bill. I am the one who brought it to the floor. I have announced in a number of speeches I have given out here that I believe we should move to this jobs bill. We need to move to this right away, there is no question about that, but to tack this onto the China currency manipulation legislation is nothing more than a political stunt. We all know that. If we don't, we should know. I am telling everyone. I said I will bring the American Jobs Act to the floor this work period. We have 2 more weeks left in this work period.

Obviously, the Republican leader, my friend, the Senator from Kentucky, wants to do something about the jobs bill. I am glad he does. He wants us to move this forward. So my suggestion would be to modify my friend's unanimous consent request and suggest that we have the permission, for lack of a better word, of the Republicans here in the Senate to immediately move—the motion to proceed would be unnecessary. We could move to that as soon as

we finish—you have two choices: either as soon as we finish the China currency legislation or we finish the trade legislation, which Senator MCCONNELL and I have talked about finishing next week. So I would move to modify my friend the Republican leader's consent agreement that we move immediately to the legislation I have introduced on behalf of the President either after we finish the China currency legislation or after the trade bill, whatever my friend would rather do.

The PRESIDING OFFICER. The pending request is a request from the Republican leader.

Mr. REID. I have asked that it be modified.

The PRESIDING OFFICER. Does the Republican leader so modify his—

Mr. MCCONNELL. Mr. President, reserving the right to object, I listened carefully to what my good friend the majority leader had to say, and he was talking about other matters debated at other times—the first stimulus bill, on which I think we probably have a basic disagreement. I think it was almost a total failure. He also talked about the debate we had with regard to the continuing resolution, which was finally worked out on a bipartisan basis. But those are things that occurred in the past.

What I am trying to do here today by suggesting that we vote on the President's jobs bill which my good friend the majority leader has previously introduced and I gather by way of introduction supports, that we honor the request of the President of the United States to vote on it now. He has been asking us repeatedly over the last few weeks to vote on it now. If my friend the majority leader is saying he doesn't want to honor the President's request and vote on it now but would like to consider voting on it later, that is something he and I can discuss as we decide how to move forward with Senate business.

But I think the President of the United States, whose policies I, generally speaking, do not support—although I am happy to support his initiatives on trade, be they ever so late—is entitled to know where the Senate stands on his proposal that he has been out talking about over and over in the last few weeks, suggesting that we are unwilling to vote on it.

What I am saying is, we don't agree that it is the right policy, but we are more than willing to vote on it. What I hear my friend the majority leader saying is that even though he supports it, he wants to vote on it some other time. Well, the President has been saying he doesn't want to vote on it some other time, he wants to vote on it now.

If my friend is saying we are not going to vote on it now, I would be happy to talk to him and reach an understanding to vote on it later. But my feeling here is that the least we can do

for the President is give him a chance to have a vote on his proposal now, as he has requested on numerous occasions. So I will object to the modification, understanding full well the majority leader and I, off the floor, will have further discussions about when we might move to the President's bill and give him the vote he has been requesting.

Mr. REID. Mr. President, further reserving my right to object, there are 14 million people in this country who are out of work.

What a charade we have going on here. We are in the midst of some of the most important legislation we have done this entire year—China currency manipulation—and we now have a proposal that is ridiculous on its face; that is, we vote with no debate on the President's jobs bill. This is senseless. It is unfair to bring this up in this form. We are going to get to this, and we are going to do it either as soon as we finish this China currency or after we finish the trade bills, whatever I can work out with my Republican colleague so that I can move to it. It takes 60 votes to get to this legislation.

The American people, I am sure, can see through this very clearly, that this is nothing more than a political stunt. It is clear we need a full debate on this—we don't need a filibuster—and that time will come very soon, so I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, if I may elaborate further, we have had a request from the President on multiple occasions to vote on what he calls his jobs bill and to vote on it now. Just to count again, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11—12 times the President has asked us, over the last few weeks, to vote on what he calls his jobs bill now. I don't think the President is saying he wants an extensive debate about it; I think he is saying he wants a vote on it. I wanted to disabuse him of the notion that somehow we are unwilling to vote on his proposal. We are more than happy to vote on it.

I understand why my friend the majority leader may have some reservations about going forward. I have read a number of critiques of this legislation by Democratic Senators, one part of it or another. But even though there is bipartisan opposition to the President's jobs proposal, I think he is entitled to a vote. So I am sorry it appears we will not be able to achieve this vote the President has repetitiously asked for over the last few weeks. I would like to give him that vote, and we will be talking to the majority leader about when we might have an opportunity to vote on his proposal, the President's proposal which the majority leader introduced, which he has been requesting us to vote on.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, the President introduced his jobs bill. Immediately, the Republicans continue their obstruction on issues very simple but maintain the floor. There are things going on here. You just can't automatically move to legislation. We know the Senate procedure takes 60 votes to get on a piece of legislation.

The President was calling upon Congress, and especially the Republicans in Congress, to allow his jobs bill to move forward. As I indicated, we were hung up here on issues that had very little to do with the jobs bill. In fact, we should not have been doing it. All the time, I repeat, we have been hung up on FEMA funding, on the continuing resolution, which should have been approved quickly because we agreed to that last July, but they reneged on that even, and threatened to shut down the government unless FEMA was paid for the way they wanted. We were able ultimately to win that debate, but it took a long time.

So when the President said he wants to move to his legislation right away, he was absolutely candid and forthright. He wanted to clear the unimportant things off the floor—the stalling tactics on the floor—and move to his bill, and that is what we are going to do.

What I would be willing to do, if my friend would be agreeable—would the Republican leader agree to a vote on the motion to proceed to the jobs bill? We could do that. We could interrupt this legislation right here. We could interrupt the trade bills. We could vote on a motion to proceed to the jobs bill.

Mr. MCCONNELL. Mr. President, is my friend propounding a consent agreement or simply asking a question?

Mr. REID. I think if the Republican leader is interested in the subject, I could put it in proper form, but we get the point. To get it on the floor, it needs 60 votes. I would be happy to, if the Republican leader would agree to a vote on a motion to proceed to the jobs bill.

Mr. MCCONNELL. Mr. President, let me say to my good friend, I am prepared to vote on the President's proposal today. If the majority leader wants to vote on it some other day, we can talk about that, about how to move forward with it. But the President has been repeatedly asking us to take it up and vote on it now, and I am prepared to do that. With regard to taking it up some other time and voting on it some other day, we will be happy to talk about that off the floor, as we do frequently on every issue we deal with.

Mr. REID. Mr. President, I am sure that in the immediate future—right away—the American people will see, once again, the Republicans are filibustering measures they shouldn't be filibustering—this time, the jobs bill.

Mr. MCCONNELL. Mr. President, I would just add in closing, I think my good friend's problem—and I sympathize with him—is that there is bipartisan opposition to the President's proposal.

Mr. REID. Mr. President, I heard my friend say that, and I didn't want to get into a long dissertation about bipartisan opposition. There are 53 of us. A majority of Democrats will support the President's jobs bill.

Mr. MCCONNELL. The majority leader just confirmed what I was saying, which is that there is bipartisan opposition to this, and we will discuss at what point the majority leader is comfortable with going forward with this proposal. My only reason for offering it today was to respond to the President's request that we vote on it, and we are prepared to do that. If we can't do it today, we will be happy to discuss, as we always do, the agenda of the Senate and when it would be appropriate to vote on it some other time.

Mr. REID. Mr. President, I know I only have in my head the math I learned from Mrs. Picker at Searchlight Elementary School. But I do know, when we have 53—and I have told everyone here we will get a majority of the Senate—a majority of the Senate, not a majority of the Democrats, a majority of the Senate—that is not very bipartisan opposition to this bill.

Mr. MCCONNELL. Mr. President, I can only quote my good friend the majority leader who repeatedly has said, most recently in early 2007, that in the Senate it has always been the case we need 60 votes. This is my good friend the majority leader when he was the leader of this majority in March of 2007, and he said it repeatedly both when he was in the minority as leader of the minority or leader of the majority, that it requires 60 votes certainly on measures that are controversial.

So it is not at all unusual that the President's proposal of this consequence, that would raise taxes, that would spend \$½ trillion in a second stimulus bill, would have to achieve 60 votes. That is the way virtually all business is done in the Senate, certainly not extraordinarily unusual.

Mr. REID. The American people will see very soon that a majority of the Senate supports the President's jobs bill.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I ask unanimous consent to speak for 10 minutes and that fol-

lowing my remarks, Senator BARRASSO be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to speak for a few minutes about an amendment I introduced that, in my view, gets to the heart of some of the more troubling Chinese trade policies that are threatening the economic security and the long-term competitiveness of our country.

It is well known that many American companies operating in China are required to transfer their intellectual property and proprietary technology to China as a prerequisite for doing business in that country. I will repeat that they are required to transfer this technology. Despite assurances from the Chinese leadership earlier this year that this was no longer "official" Chinese policy, China does continue to be aggressive and overt in its pursuit of foreign intellectual property as it seeks to develop its own, what it calls indigenous innovation. Companies such as General Electric and Westinghouse, among many others, have been required to transfer proprietary technology to Chinese counterparts in order to do business there.

If a private company has developed technology on its own and it makes a business decision to transfer that technology to a joint venture partner in a place such as China, unless there are national security issues, we are obligated to respect the free marketplace. They may be seeking short-term profits at the expense of long-term competitiveness, but that is a business decision. But it is a different case when the American taxpayer has financed the development of these technologies through Federal funding assistance, and I do not believe it is appropriate to allow those technologies simply to be given away to other countries.

Every American owns a piece of intellectual property that has been financed through taxpayer assistance. Federal dollars that go to R&D funding, loan guarantees, and public-private partnerships in order to help develop the next generation of technologies here are supposed to be making American businesses competitive and generating American jobs, not helping develop other industries such as those in China. My amendment would prohibit that practice.

Last year, the U.S. Chamber of Commerce issued a report entitled "China's Drive for Indigenous Innovation." The Chamber noted that China's master plan for the development of science and technology "is considered by many international technology companies to be a blueprint for technology theft on a scale the world has never seen before."

The report went on to state that China's "persistent" intellectual property theft is "compounded by the indigenous innovation industrial policies

which compel technology transfers in order to have access to the China market."

The New York Times recently reported that Ford Motor Company is looking to share proprietary technologies for electric vehicles in exchange for selling cars in China. The electric vehicle sector has been developed through Federal R&D funding, loan guarantees, and public-private partnerships—costs borne by American taxpayers. In 2009, for instance, Ford Motor Company received a \$5.9 billion loan guarantee from the Department of Energy to advance its vehicle technology manufacturing program.

We see these types of transfers in other industries as well. The Washington Post reported last month that General Electric has transferred valuable aviation avionics technology to state-owned Aviation Industry Corporation of China. Our government has long supported the aviation industry through procurement initiatives and Federal research projects. The fruits of American taxpayer support will now be incorporated into Chinese commercial airliners, in line with China's desire to develop an internationally competitive aircraft industry that could rival American-based Boeing.

We see similar examples of technology transfer in the nuclear energy sector. According to the Financial Times, Westinghouse Electric has transferred more than 75,000 documents to Chinese counterparts as the initial phase of a technology transfer program in exchange for a share of China's growing nuclear market. These documents relate to the construction of four third-generation AP1000 reactors that Westinghouse is building in China.

American taxpayers supported the development of the AP1000 as well as its predecessor, the AP600, through decades of nuclear energy research and development at the Department of Energy. In other words, our taxpayers provided years of government support for the design and licensing of this reactor.

In a January 2010 letter to Obama administration officials, the heads of 19 American business and industry associations wrote of "[s]ystemic efforts by China to develop policies that build their domestic enterprises at the expense of U.S. firms and U.S. intellectual property." Signatories to that letter included the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State.

Hon. TIMOTHY GEITHNER,
Secretary of the Treasury.

Hon. ERIC H. HOLDER, JR.,
Attorney General.

Hon. GARY F. LOCKE,
Secretary of Commerce.

Hon. RON KIRK,
U.S. Trade Representative.

DEAR SECRETARY CLINTON, SECRETARY GEITHNER, ATTORNEY GENERAL HOLDER, SECRETARY LOCKE and AMBASSADOR KIRK: We seek your urgent attention to policy developments in China that pose an immediate danger to U.S. companies. The Chinese government has promulgated a series of "indigenous innovation" programs as part of a long-term plan that threaten to exclude a wide array of U.S. firms from a market that is vital to their future growth and ability to create jobs here at home. Given the far-reaching impact of these policies on the American economy, we urge you to make this a strategic priority in our bilateral economic engagement with China.

For several years, the Chinese government has been implementing indigenous innovation policies aimed at carving out markets for national champions and increasing the locally owned and developed intellectual property of innovative products. We are increasingly alarmed by the means China is using to achieve these goals.

Of most immediate concern are new rules issued by the Chinese government in November to establish a national catalogue of products to receive significant preferences for government procurement. Among the criteria for eligibility for the catalogue is that the products contain intellectual property that is developed and owned in China and that any associated trademarks are originally registered in China. This represents an unprecedented use of domestic intellectual property as a market-access condition and makes it nearly impossible for the products of American companies to qualify unless they are prepared to establish Chinese brands and transfer their research and development of new products to China.

This directive targets some of our most innovative and competitive manufacturing and service industries, including computers, software, telecommunications and green technology. Once this system is in place, it is expected to be expanded to other industries. The November directive was followed in late December by the announcement that the government would develop a broader catalogue of indigenous innovation products and sectors to be afforded preferences beyond government procurement (i.e., including subsidies and other preferential treatment). The December announcement, which was issued by four Chinese agencies including the State Owned Assets Supervision and Administration Commission (SASAC), also raises the specter of China subtly encouraging its many state-owned enterprises to discriminate against foreign companies in the context of procurement, including for commercial purposes.

These particular programs are part of a broader set of government policy initiatives covering, for example, patents and standards, competition policy, encryption and tax, the effect of which is creating barriers to competition in the Chinese market for our most innovative companies.

They also run counter to repeated pledges by the Chinese government to avoid protectionism, including the joint commitment of

President Hu and President Obama at their recent summit in November to pursue open trade and investment. Moreover, they do not provide a constructive framework for a positive, cooperative and mutually beneficial relationship.

U.S. economic growth relies in significant measure on access to key international markets. China is the world's third largest economy and represents a major potential growth market for the United States. A healthy U.S.-China bilateral relationship requires an expanding economic relationship based on mutual openness. Systematic efforts by China to develop policies that build their domestic enterprises at the expense of U.S. firms and U.S. intellectual property is not a framework for a positive and cooperative relationship. Additionally, we are further concerned that such policies, if left unchallenged, will be pursued by other important trading partners, compounding the impact on the U.S. economy.

We respectfully request that your agencies make this issue in particular a strategic priority in your bilateral economic engagement with China; develop, in consultation with the business community and like-minded foreign governments, a strong, fully coordinated response to the Chinese government; and raise this issue with your Chinese counterparts in all appropriate multilateral and bilateral meetings and forums.

With best regards,

Stephen J. Uhl, President and CEO, AdvaMed; Richard R. Vuylsteke, President, The American Chamber of Commerce in Hong Kong; Brenda Lei Foster, President, The American Chamber of Commerce in Shanghai; Harley Seyedin, President, The American Chamber of Commerce in South China; John Castellani, President, Business Roundtable (BRT); Robert W. Hlolleyman, II, President and CEO, Business Software Alliance (BSA); Bob Vastine, President, Coalition of Service Industries (CSI); Gary Shapiro, President and CEO, Consumer Electronics Association (CEA); Calman J. Cohen, President, Emergency Committee for American Trade (ECAT); Dean C. Garfield, President, Information Technology Industry Council (ITI); Robert Barchiesi, President, The International AntiCounterfeiting Coalition (IACC); John Engler, President and CEO, National Association of Manufacturers (NAM); Evan R. Gaddis, President and CEO, National Electrical Manufacturers Association (NEMA); Bill Reinsch, President, National Foreign Trade Council (NFTC); Ken Wasch, President, Software & Information Industry Association (SIIA); Phillip J. Bond, President and CEO, TechAmerica; Grant Seiffert, President, Telecommunications Industry Association (TIA); Peter Robinson, President and CEO, United States Council for International Business (USCIB); Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce.

Mr. WEBB. I am introducing a very simple amendment. It is intended to protect American innovation and American jobs, and it is intended to make America more competitive and to create jobs here at home. In cases where technologies are developed with the support of the American taxpayer, my legislation prohibits companies from transferring the technology to

countries that by law, practice or policy, require proprietary technology transfers as a matter of doing business.

Specifically, it says: A country which, by law, practice or policy, is required to transfer proprietary technology or intellectual property as a condition of doing business in that country will not be the recipient of any of these technologies that were developed with the assistance of the American taxpayer.

Quite simply, if taxpayers supported the development of the technology, they own a piece of it, and it can't just be given away. The transfer of publicly supported proprietary technologies by American firms to China, and potentially other countries, clearly and unequivocally places the competitive advantage of the American economy at risk.

Our trade laws are designed in order to protect national security, but our economic security is also an element of our national security. Intellectual property in the civilian sector should also be protected. My amendment seeks to do that.

I believe this is an issue every Senator can support.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I have repeatedly since the health care bill was signed into law, to offer a doctor's second opinion about issues related to that health care law.

A group of House and Senate Republican lawmakers, including Senator THUNE of South Dakota, released a startling new report about the President's health care law. The report is entitled "CLASS' Untold Story: Taxpayers, Employers, and States on the Hook for Flawed Entitlement Program." I commend this report to my colleagues.

Many may remember that President Obama's health care law established a brandnew, Federal long-term care entitlement program. It is called the CLASS Program, the Community Living Assistance Services and Supports Program.

This CLASS Program pays a stipend to individuals enrolled when they are unable to perform daily living activities—dressing, bathing, eating. To qualify for the benefits, an individual would have to pay a monthly premium for 5 years—pay a monthly premium for 5 years—before the Federal Government starts to pay out any of the benefits.

The health care law mandates that the CLASS Program collect individual premiums for those 5 years before the program actually even starts to pay out benefits.

It sounds pretty good but not so fast. When it comes to the health care law,

the American people have come to realize that if it sounds too good to be true, it probably is.

The CLASS Program was supposed to start January 1, 2011—10 months ago. But the Obama administration's officials decided to delay the program because they know it does not work. It is now known that the CLASS Program was an intentionally designed budget gimmick—that is correct: an intentionally designed budget gimmick.

During Senate floor debate of the President's health care bill, I, along with many other Members of this side of the aisle, warned repeatedly—repeatedly—that the CLASS Program is a financial disaster waiting to happen.

The Congressional Budget Office estimated the CLASS Program would reduce the deficit by \$70 billion over a 10-year period. These savings are mythical, and they come from the premium dollars CLASS collects those first 5 years, before it pays out a single penny.

During those first 5 years, the program is not required to pay out any benefits to any individuals. Over its first 10 years, the Congressional Budget Office says this CLASS Program will collect \$83 billion in premiums and only pay out \$13 billion in benefits.

But instead of holding on to the \$70 billion in excess premiums collected to pay for future expenses we know are coming, Members of the Senate—Members on the other side of the aisle—used those same funds to pay for President Obama's health care law.

To add insult to injury, Washington Democrats then tried to claim that the \$70 billion could also be used to pay down the deficit.

The American people immediately saw this claim was irresponsible. Even the Senate Budget Committee chairman, Senator KENT CONRAD from North Dakota, admitted the CLASS Program was "a Ponzi scheme of the first order—something Bernie Madoff would be proud of." Yet the President and Washington Democrats pushed to include this CLASS Program in the health care law.

This new report provides undeniable evidence that administration officials knew the CLASS Program's design and payment structure were fiscally unsustainable. The Obama administration knew it. Yet they repeatedly ignored the explicit and persistent warnings.

One might ask: Why is that? The only logical explanation is, administration officials chose to hide the CLASS Program's true cost from congressional lawmakers and the American people—all to advance President Obama's ideological health care agenda.

This push to advance an agenda, rather than reasonable patient-centered health care reforms, served only to create yet another unsustainable entitlement program, an entitlement pro-

gram this country simply cannot afford. The Obama administration's own Chief Actuary, a man named Richard Foster, repeatedly tried to tell administration officials that the CLASS Program was not fiscally sound. Internal e-mails from Mr. Foster first warned administration officials in May of 2009—well before the health care law was enacted.

According to that report, Mr. Foster's e-mail says:

The program is intended to be "actuarially sound", but at first glance this goal may be impossible. Due to the limited scope of the insurance coverage, the voluntary CLASS plan would probably not attract many participants other than individuals who already meet the criteria to qualify as beneficiaries.

He went on to say:

While the 5-year "vesting period" would allow the fund to accumulate a modest level of assets, all such assets could be used just to meet benefit payments due in the first few months of the 6th year.

Then, a key sentence:

The resulting substantial premium increases required to prevent fund exhaustion would likely reduce the number of participants, and a classic "assessment spiral" or "insurance death spiral" would ensue.

What does this mean in plain English? It means the CLASS premiums will be too expensive to persuade young, healthy people to participate. It means the CLASS plan's long-term care payout is very enticing to people who know they are going to need the care; healthy people do not participate, sicker people do participate. Individuals in the health care system call this phenomenon adverse selection. When adverse selection occurs, the American taxpayer is at very serious risk of being forced to bail out the program when it fails.

The report goes on to show that Mr. Foster repeated his concerns during the summer of 2009. He writes to another administration official:

I'm sorry to report that I remain very doubtful that this proposal is sustainable at the specified premium and benefit amounts.

He says:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

Let me remind everyone that the Chief Actuary is a nonpartisan, high-ranking official at the U.S. Department of Health and Human Services. The Chief Actuary's estimates are critical to understand the health care law's true fiscal impact and long-term viability.

Mr. Foster certainly does not have an ax to grind. He simply offered his analysis based on the data, and the Obama administration ignored it. Not only did Obama administration officials ignore Mr. Foster, they stopped requesting his input. But Mr. Foster was not alone.

In the fall of 2009, the Department of Health and Human Services' Office of the Assistant Secretary for Planning

and Evaluation also raised the red flag. According to the report, one employee wrote in an e-mail on October 22:

Seems like a recipe for disaster to me. . . . I can't imagine that CLASS would not have high levels of adverse selection given the significantly higher premiums compared to similar policies in the private market.

Just a week after Senator THUNE released this stunning new report on the floor of the Senate, media outlets indicated that the Department of Health and Human Services has closed its CLASS Program. Mr. Bob Yee, the CLASS Chief Actuary, announced the closure in an e-mail. He went on to say he would leave his position as the CLASS office Actuary effective immediately. News reports indicated the CLASS office's employees have either been reassigned or asked to leave.

Mysteriously, however, the Department of Health and Human Services issued a statement denying the office was officially closing. In fact, the statement failed to say if and when the CLASS Program would even start. The Obama administration has had 18 months to figure out how to implement this CLASS Program. Recent developments show they are not even close to resolving questions about the program's solvency.

The American people deserve more. The American people deserve the truth. The evidence is indisputable. Administration officials at the Department of Health and Human Services knew the CLASS Program was unsustainable, and they knew it before President Obama signed the health care bill into law. They knew it. Yet this Senate and the House of Representatives and the administration failed in their duty to be honest with the American people and to tell them the truth.

Were administration officials deliberately hiding CLASS's true cost for political gain? This is certainly not the first time during the last several weeks that we have seen troubling reports exposing the administration's tendency to ignore financial warnings. They ignore the warnings so they can advance politically important projects to them—projects that turn into expensive failures, with the American taxpayers being stuck with the bill.

I see this report, this incredible study, as yet one more piece of evidence that the President's health care law must be repealed. It must be repealed and replaced with reasonable, commonsense, and financially sound alternatives: patient-centered reforms that allow individuals to get the care they need, from the doctor they want, at a price they can afford.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in support of amendment No. 680 that we have filed. I am concerned that the bill before us will have only marginal ef-

fects on China's manipulation of its currency. My amendment offers a different approach, one which I believe will be more effective over the long term.

Let me first say, I strongly agree with the sponsors of this bill about the need to send a strong signal to China, and other currency manipulators as well, that massive intervention in the currency markets to gain trade advantage will no longer be tolerated. For the international economic system to work, every country, including China, needs to play by the rules.

Similarly to many of my colleagues, my frustrations with China's trade and economic practices go far beyond currency manipulation. For example, China's failure to protect intellectual property rights, China's industrial policies, their limitations on American investment, and their unfair support and subsidization of State-owned and State-assisted enterprises are all very serious problems we need to address.

So while today we are focusing on currency manipulation, I look forward to working with Senator BAUCUS to examine potential solutions to these problems through Finance Committee hearings on China, which I hope we will hold soon.

The sponsors of this bill assure us that their approach is WTO consistent and will not result in a trade war with one of our largest trading partners. Given the importance of these questions, I wrote Secretary Geithner and Ambassador Kirk to request the administration's views. While they assured us they are reviewing the bill, to date, they have not publicly weighed in one way or the other. It seems to me they need to weigh in. Given that they know the Senate is debating the legislation this week, I think this is very unfortunate. If the administration is going to have any impact on this debate, I would urge them to comment soon.

Even though I have supported similar legislation in the past, I have continuing reservations about this approach. Fundamentally, we must remain focused on one question: Will this legislation actually solve the currency problem with China? After careful consideration, I have come to the conclusion it will not. While well-intentioned, the bill is too focused on unilateral remedial actions. As a result, I fear the bill will only have a marginal effect on China's practices, while at the same time potentially targeting many U.S. exporters for trade retaliation by China.

For example, the Congressional Budget Office scored this bill as generating \$61 million in revenue over 10 years. To put this in context, in 2010 alone, the United States imported almost \$365 billion of goods from China. Given the scope of the problem, I find it difficult to believe that unilaterally imposing an additional \$6 million in

antidumping and countervailing duties a year on Chinese imports will compel China to change its currency policies or have any meaningful impact on our trade deficit with China.

Many of the other remedial provisions in this bill require the U.S. Government to take other unilateral actions against China, many of which may actually harm U.S. exporters directly or expose them to potential retaliation by the Chinese. To succeed over the long term, I think we must go in a different direction.

My amendment does just that. My amendment strikes the unilateral provisions while retaining the core of the bill that actually advances our shared goal of combating Chinese currency practices. I agree with my colleagues that the exchange rates and International Economic Policy Coordination Act of 1988 is simply not working. Administration after administration refuses to exercise its authority and deem China a currency manipulator. This is enormously frustrating to all of us, especially since candidate Obama campaigned against China's current currency practices, and after being elected had his own Treasury Secretary testify before Congress that China is, in fact, manipulating its currency. Yet they refuse to act.

So I agree the Congress must tighten the criteria and establish a more objective approach to identifying fundamentally misaligned currencies and designating fundamentally misaligned currencies for priority action.

I supported this goal in the past and continue to today. I also agree we need to hold the Secretary of the Treasury and the U.S. Trade Representative accountable. So I have retained the requirements under this bill that they report to and testify before Congress on their progress. But to succeed over the long term we need to adopt a fundamentally different approach.

We have had some success in the past. For example, during the Bush administration, from 2005 to 2008, negotiations pushed China to appreciate its currency by 20 percent. Unfortunately, the Obama administration has had no such success.

My amendment builds on this successful model but also takes it a step further. First, my amendment directs the Secretary of the Treasury and the U.S. Trade Representative to initiate negotiations in the World Trade Organization and the International Monetary Fund to develop effective remedial rules and actions that will mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for priority action under this bill, and that will encourage priority action countries to adopt appropriate policies to eliminate the fundamental misalignment of their currencies.

The WTO and the IMF were designed to handle complex issues like currency,

so we should start there and work with our allies to devise long-term and effective solutions. Working with like-minded countries, we should be able to agree that when individual members advance their nationalistic interests so aggressively through currency manipulation that they threaten the whole global economy and their own long-term interests, and their actions need to be addressed.

Many of my colleagues may argue that negotiations in the WTO and IMF will not work. My amendment addresses that potential problem in its second section. It provides that if the Secretary of the Treasury and the U.S. Trade Representative cannot make progress to effectively mitigate the adverse effects of fundamentally misaligned currencies within the WTO and the IMF within 90 days, then the administration shall enter into plurilateral negotiations outside of the WTO and IMF to develop agreements with our friends and allies who are also committed to open and fair currency policies.

These negotiations will need to develop mechanisms to mitigate the adverse effects of priority action country currency policies, and to encourage those priority action countries to abandon their interventions into their currencies.

We have seen multilateral approaches work in the past in combating some of China's unfair trade and economic practices. For example, China changed course on both its aggressive indigenous innovation policies and on efforts to hoard its rare earth materials primarily due to multilateral pressure against the Chinese. These important issues have not been solved and require additional efforts.

But by working with our friends and our allies, we effectively convinced the Chinese Government to take a more constructive approach. Let's build on the successes we have witnessed in recent years. Let's work together to counter, in a systematic and comprehensive way, the efforts of those priority action countries that derive trade advances through current policy.

To be clear, I am not suggesting that the United States violate any of its international obligations. That point is made clear in the amendment. But I am suggesting that the solution to the currency problem cannot be achieved unilaterally, and our negotiators must reach out to our allies to aggressively counter the behavior of China and others. So far the administration has failed to lead on the currency issue. My amendment requires that they do so.

The third section of my amendment helps maintain pressure on the administration to take concrete action. It requires the Treasury Department and the USTR to report to Congress every 180 days following enactment of this bill. In these reports the administra-

tion must identify: one, the countries with which the United States is conducting negotiations to mitigate the adverse effects of priority action currencies, and in what international fora or negotiating configurations those negotiations are taking place; two, the remedial rules and actions under discussion in those negotiations; three, any remedial rules that have been adopted and any remedial actions that have been taken pursuant to those negotiations; and, four, what, if any, additional authority the Secretary or the U.S. Trade Representative needs from Congress to conduct these negotiations and to effectively mitigate the adverse trade and economic effects of fundamentally misaligned currencies or to implement coordinated actions with other countries.

Finally, my amendment sets up a process to immediately take advantage of ongoing international trade negotiations by establishing a new priority negotiating objective of the United States for ongoing and future trade agreements. This new objective requires that each party agree to not fundamentally misalign its currency in a manner that would result in a priority action designation and agree to work together to mitigate the adverse trade and economic effects of fundamentally misaligned currency by non-parties such as China.

For example, if the Trans-Pacific Partnership negotiations are to tackle 21st-century trade and investment issues, as the USTR continues to promise, I think this plurilateral negotiation would be a great place to start to address the challenges of fundamentally misaligned currencies. Working with this group of like-minded countries, we should be able to agree amongst all nine parties that no party will fundamentally misalign its currency.

We should also be able to agree to work together to counter the actions of other countries whose interventions in currency markets destabilize the global economy. We have seen multilateral engagement work in other areas. If we are truly going to solve this currency problem, we need to look at what other efforts have actually produced some results in moving the Chinese off a mercantilist policy course and improve the conditions for American businesses and workers competing against the Chinese.

We can all agree that China's massive interventions in its financial sector and currency have disrupted global trade and that its efforts to benefit China at the expense of others has harmed many countries and workers, including many in our own United States. But I believe rather than merely sending a message to China, we must try and find real, long-term solutions and empower and direct our negotiators to reach out to our friends and

allies around the world and finally solve the problem.

If existing institutions are not working, we must modify them. If that is not possible, we must look to create new effective international agreements. The challenge that China's currency interventions present are not just to the United States but to the international economic community. We, the Congress, must demand that the administration launch these critical negotiations so we can avert further damage by currency policies of countries like China.

So I call on my colleagues to join me and to not just send a message but to take actions that could, in fact, produce results. In the end, China itself, as well as its neighbors and trading partners, will benefit from a more open, transparent, and fairly exchanged currency regime. What is at stake is far more than making a statement. We need to actually alter the international agreements and the rules of the game to address the problems of today and tomorrow.

So I urge my colleagues to support this amendment when it comes up. I hope we can get it up once we come to the final agreement on how to proceed on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, my main purpose is to address the China currency bill, particularly in regards to the remarks of Speaker BOEHNER and Chairman Bernanke. But there are two other points I wish to make on previous speakers' comments. First, Senator WEBB's amendment.

It is a very important amendment. What it says, of course, is that in cases where commercial technologies are developed with the support of U.S. taxpayers, it prohibits companies from transferring the technology to countries that force proprietary transfers as a condition of doing business. We have seen this over and over.

China, which does not play fair up and down the line, basically gets away with economic murder. One of their techniques is to say to a big American company: We will allow you to sell a ton of stuff to us. You will make lots of money. But in return you must give us your proprietary technology—basically your family jewels.

It is outrageous, and in the long run it weakens America's ability to grow and create jobs. The companies do this because in the 5- or 10-year period in which they have signed the contract, they get a lot of revenue. But it certainly hurts American workers, and it certainly hurts these companies in the long run. But the CEOs probably figure they will be long gone before that money is made. So I want to support Senator WEBB's amendment.

In regards to my good friend from Utah who proposed an alternative, I

would say this: We have tried for a decade to get multilateral action. That involves getting China's acquiescence. It is not going to happen. Multilateral action—like saying to the Chinese: Please—has not worked. It will not work. Our legislation is much stronger. It can pass. It got a large vote here this week. It has bipartisan support.

I know Speaker BOEHNER—I will talk about this in a minute—has said he will not take up our bill. But there is going to be huge pressure for him to do so, as I will elaborate later.

So to my good friend from Utah—and I have tremendous respect for him, and I do not doubt for a minute his good intentions, his integrity, his hard work and desire to see things happen. To say to the Chinese: Please negotiate, is a strategy for weakness, is a strategy for failure, and multilateral action will not succeed. The Chinese understand only one thing—I will yield in a brief moment to my colleague for a question or a comment, whichever he prefers.

But the Chinese only understand one thing: being tough; telling them, if they do not discontinue these actions we are going to take action unilaterally on our own. I have been doing this for years. I can tell you, China's policies get worse and worse and worse. As one of my constituents said to me: Uncle Sam, when it comes to China, is Uncle Sam.

To have a policy that involves large multilateral actions and says to the Chinese: Come and negotiate with us, makes no sense at all.

I yield for a brief moment on my time to my colleague from Utah—for a minute or so.

Mr. HATCH. Well, I appreciate that. My colleague has always been very fair and gracious to me. I feel the same way toward him. I understand his deep feelings about this matter. I respect and appreciate them as well. But I am not talking about necessarily negotiating with China directly, other than what we can do. I am talking about dealing with nations that literally are feeling the same way we do, and gradually multiplying our effectiveness by working together—not just sending a message but getting the whole world to start saying: Yes, the United States is right; yes, this group of nations is right. And we can do that even outside of the international organizations that currently exist.

But I would like my colleague to look at that amendment and see—I think he will see some real good in it. I think it will get us farther down the pathway of doing what he knows needs to be done, and I know needs to be done, without necessarily causing a major trade war.

So I just bring that up to my colleague for that purpose, respecting him and what he is trying to do. I think this plural lateral approach I am talking about goes far beyond the IMF and

some of the other worldwide organizations; it means really doing effective diplomatic work to bring worldwide pressure to get people to live within certain monetary constraints.

I thank my colleague for yielding.

Mr. SCHUMER. I thank my colleague, and I understand his good intentions and desire to get to the same place, which is to get China to behave fairly. I certainly will look at his bill.

I simply say this: Growing up in Brooklyn, we had to deal with a lot of bullies. The only time bullies give in is when you stand up to them. The proposal my colleague has made does not stand up to China.

The nations of the world have made their opinions clear. Recently, Brazil did. China doesn't care. They will only care if there are sanctions, tough sanctions that give consequences to their unfair—and usually illegal by WTO standards—action.

Now I want to talk about Speaker BOEHNER's remarks and Ben Bernanke's remarks.

Last night was a milestone in the Senate. For years, the Government of China has been willfully breaking the rules of free trade without provoking a formal response from the U.S. Government—until yesterday. The full Senate for the first time went on record that it wanted to consider formal action to confront China's currency manipulation. It was a lopsided vote, a bipartisan majority of both parties, with 79 Senators in favor. We will spend the next few days debating the particulars, but make no mistake about it, when it comes to China's unfair trade practices, there is a consensus to act in the Senate.

It can be hard at times here to get 79 votes to turn the lights on. When the majority leader and the minority leader vote together to move forward on a major jobs-boosting measure, we should not delay in moving forward. But then today, less than 24 hours after the Senate saw the overwhelming vote in favor of moving forward to finally confront China with real action, the Speaker of the House of Representatives suggested he would not take up the bill if it passes the Senate. He called it dangerous. The Speaker's argument is behind the times. The only thing that would be dangerous would be to continue turning the other cheek while China mounts its assault on U.S. jobs, U.S. wealth, and U.S. manufacturing. Up and down the line, they oppose fair practices. They are mercantilists, maximizing their wealth at the expense of American workers, American companies, and American jobs.

Critics like the Speaker say the bill could start a trade war with China. Well, I have news, Mr. President: We are already in a trade war with China, and it is not going that well. American companies are fighting for survival in the United States and around the

globe, battling subsidized Chinese exports with a built-in price advantage of 20 to 40 percent.

We cannot raise the white flag on American jobs, American wealth, and American manufacturing. We can compete successfully against Chinese competition at home and in China and around the world but only—only—if we level the playing field. Our bill helps level that playing field.

There is already a trade war going on, I say to the Speaker. China is cheating to gain unfair advantage. It is about time we do something about it. As Mr. Samuelson said in his article in the Washington Post, the only thing worse than a trade war—and I believe that won't happen because China has more to lose in a trade war than we do, and if they are one thing, they are smart, and they won't cut off their nose to spite their face. They may take a few sanctions, but they won't create a trade war. The only thing worse than even a trade war is continuing our present policies where, 5 and 10 years from now, America cannot get up off the ground because of unfair Chinese policies.

The House Speaker seems to want to sit out this fight. He seems to want us to take a hands-off approach to China. He says, "This is well beyond what Congress should be doing." I am aghast at that notion, that the Speaker says that fighting for American jobs against unfair practices China foists upon us is well beyond what Congress should be doing. What should we be doing? There is nothing else Congress should be doing except rising to defend American jobs.

If he doesn't believe these practices are unfair, he should just listen—the Speaker should—to Chairman Bernanke. This is what he said this morning:

The Chinese currency policy is blocking what might be a more normal recovery process in the global economy. It is . . . hurting the recovery.

He is the top economist in the land. It is hurting the recovery, I say to the Speaker. That is what Ben Bernanke said. Does the Speaker really think it is beyond what Congress should be doing—to confront something that is hurting the recovery, that everyone who studies it says is unfair, that nobody has come up with a solution to? Multilateral negotiations? Give me a break. China won't budge. We know that.

I find it ironic that the Speaker wants a hands-off approach on China's unfair currency practices considering he, along with the rest of the Republican leadership in both the House and the Senate, just sent a letter a couple weeks ago seeking to meddle in U.S. currency policies. Just 2 weeks ago, the Republican leadership in the House and Senate sent a letter to Chairman Bernanke trying to influence his handling of monetary policies in a highly

inappropriate way. It was nothing short of a breach of a protocol that has long been observed, which is that you don't put political pressure on the Federal Reserve because they need to handle monetary policy in an economic way, not a political way. A former Fed official called that attempt to politically meddle in the Fed's independent policymaking outrageous. Politico wrote that the letter was "an audacious move against a central bank that prizes its political independence." A leading economist said that "it crosses a line that shouldn't be crossed."

Let me get this straight. The Speaker and the House leadership feel it is OK to cross the line and try to strong-arm the Fed but it is not OK to have the will to stand up to China. This is totally inconsistent, and it is hard to figure out how you could do one thing one week and say another the next week—unless, of course, the House leadership's goal is to hold back our economic recovery. I fear to think that. I fear to think their goal is to make sure the economy is so bad that they might do what our Republican leader said was his No. 1 goal: unseat President Obama. I shudder to think that the millions of American households without jobs, with people looking and searching to find a way to provide some dignity for their families, have to be political fodder for a goal to hold the economy back. I don't want to embrace that conclusion, but it is hard to see another explanation for, on the one hand, trying to twist the arm of the Fed when it comes to U.S. monetary policy but when it comes to fighting back against China, to say: Hands off. That is totally inconsistent.

I also find the Speaker's position on this China currency measure strange because if he blocks this measure, he is effectively thwarting the will of his own Members in the House, where there are 225 cosponsors—61 Republicans at last count—for a measure similar to the one being debated in the Senate right now. It is clear there is a consensus in the House very similar to the one here in the Senate. So I urge the Speaker to heed his own Chamber and put this bill on the floor. Don't thwart your own Members who want to support this measure. Give it an up-or-down vote. Even if the leadership doesn't want to vote for it, they should at least allow the will of the House to go forward. They should not suppress the collective will of their Chamber because at the end of the day you have to ask yourself which side you are on.

Two major candidates for President on the Republican side support this legislation. John Huntsman, who just got back from China—hardly known as a radical—said he would sign this bill. I haven't talked to him, but I can tell you, having worked on this issue for 6 years, I am sure that former Ambassador Huntsman is totally frustrated

with the Chinese, and he knows that, unfortunately, the legislation introduced by his fellow Utahans doesn't address it and that the Chinese don't react when you ask nicely. They don't react when you ask, period. They only react when there are consequences that are harmful to them if they continue the unfair, anti-free-trade policy.

For some inexplicable reason, the Republican leadership in the House is siding with the Chinese Government. This is not the time to go soft on China. The top economist in the country tells us China is holding back the recovery. Many other economists say that China, in its currency policies, is thwarting and distorting world trade. I have seen some list it as one of the causes for the international recession we have. We know—we know—it costs America in jobs.

I want to relate what I did yesterday. Just one company in upstate New York—and I remind some of the editorial writers and pundits who say this will just move jobs from China to Bangladesh, that they are 5 years behind the times. We are not talking about jobs that are in labor-intensive industries such as toys, clothing, or furniture. Those are gone, and they are not coming back. They are talking about top-end, middle-size, and smaller size American manufacturers and producers who have to fight with one hand tied behind their back because of Chinese currency.

This company, which makes a ceramic that is put in generators, electric generators, prevents pollution. They have a great ceramic tool. They are doing fine. But a few years ago, China stole it; they just took it. The head of the company told me he didn't mind because his growth was so large just from selling these in the United States and Europe that if China wanted to sell them in China, where they are building lots of powerplants, so be it. But now China is not only producing them for consumption in China—his product—it is producing them to export to America, and this gentleman said he cannot compete with them head to head. But when China gets a built-in 30 percent advantage on intellectual property that they stole, how is he going to survive?

That story can be repeated over and over. Of course China is holding back our recovery. Of course China's policies lose us millions of American jobs and hundreds of billions of dollars of American wealth. And finally this body, in a strictly bipartisan way, with five lead Republicans and five lead Democrats as cosponsors—and we have criticized both Presidents Bush and Obama for their failure to act—this body gets some resolve, and the Speaker says no.

Do you know what, I don't believe his "no" is going to stand. This is an issue the American people know has to happen. This is something they care

about—Democrats and Republicans. Look at the polling. There is no partisan divide; it includes both liberals and conservatives. You don't have to have a Ph.D. in economics to know that China is cheating us and playing unfairly with us.

I believe the pressure from Members on both sides of the aisle in the other body and, more importantly, from the American people and manufacturers all over the country could work, could get the Speaker to reconsider his view. And I plead, pray, and hope that it does because there is no greater step we can take to restore jobs in America than to pass this important bill, get it enacted into law, and see, for once, our top-notch American companies be able to compete evenly—a fair fight—with Chinese manufacturers.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EPA INSPECTOR GENERAL REPORT

Mr. INHOFE. Madam President, I wanted to come to the floor today because 2 days ago I got the results of an inspector general's report that I requested 18 months ago having to do with the endangerment finding of the EPA. While it is a little bit complicated, I will go back and put this in perspective.

Back in the 1990s, we were asked by the then-Clinton administration to ratify a treaty called the Kyoto treaty. This was a treaty that was aimed at the reduction of greenhouse gases—anthropogenic gases and this type of thing. Well, it didn't pass. It went down 95 to 0 because of two reasons: We all declared in this body we weren't going to ratify any treaty that, No. 1, was damaging economically to the country; and, No. 2, we would treat developing countries differently than developed nations. Of course this missed on both those criteria.

After that happened, it became popular by some of the more radical environmentalist groups who enjoy the overregulation we have so much of in this country to seek the introduction of different bills. We had the McCain-Lieberman bill of 2003 and again in 2005. We had the Warner-Lieberman bill and several others—the Sanders-Boxer bill—and then, I guess, the last one was a House bill called the Waxman-Markey bill.

Anyway, these bills were all aimed at what we can do in this country in order to restrict our use of CO₂. Obviously—and there is no disagreement on this—if we in the United States unilaterally reduce our CO₂, it will not affect the CO₂ emissions worldwide because this isn't where the problem lies.

Even when I asked Lisa Jackson, the Obama-appointed Administrator at the EPA, for whom I have a great deal of respect, if we were to pass any of these bills I just mentioned—that would have the effect of the Kyoto treaty but only on the United States in reducing anthropogenic gases—would this have the effect of reducing CO₂ emissions, she said, no, because, as I pointed out, this would only affect the United States.

I would take the argument one step further and say it would have the effect of increasing, not decreasing, emissions because, as our manufacturing base has to find power to generate itself, they have to go where that is. Anyway, I only wanted to bring that up because that effort is still going on today.

With all these bills that have been before us—and at the time of most of them the Republicans were in the majority and I was the chairman of the Environment and Public Works Committee which had jurisdiction over this subject—I was the one who stood on the floor of the Senate to defeat these bills, and it became easier as each bill came along because people recognized that while the science is in question, the economics are not.

It had been determined by a number of sources—including a branch of the Wharton School of Economics, MIT, and CRA, or Charles River Associates—that the range of the cost of a cap-and-trade bill is always in the range of between \$300 billion and \$400 billion a year.

It is confusing when we talk about these large numbers. Peoples' eyes glaze over. They do not understand, and even I have a hard time understanding how this affects me and my 20 kids and grandkids out in Oklahoma. So I have a system—and I recommend it to my friends in the Senate—that I take the number of family income tax returns that are filed each year—get a current figure—and then I do my math. So this range between \$300 billion and \$400 billion, when we reduce it down to what it would cost each family, is in excess of \$3,000 a year. Even if we were to pass something like this, it still wouldn't reduce the emissions, and that is what we need to get over.

Anyway, when President Obama saw this, he saw there was no way in the world the Senate or the House would pass a cap-and-trade bill. So he decided to do it just by regulation, and we have been talking about overregulation in the Senate. Sometimes we are inclined to think the antibusiness attitude of this administration is just in overtaxation and this type of thing. That is

not true. Overregulation is also a killer. In this case, we are talking about the overregulation of something we cannot sustain.

So in order for the President to be able to do through regulation what he could not do through legislation, he had to have what they call an endangerment finding; that is, the Environmental Protection Agency had to come up with a conclusion that CO₂ is dangerous to our health. It is called an endangerment finding.

I was getting ready to go over to a meeting in Copenhagen they have every year. These people who are promoting these programs have these meetings, and I was getting ready to go over there, and we had Administrator Jackson before our committee. I remember looking at her and saying: I am leaving for Copenhagen tomorrow. Shall I assume you are going to have an endangerment finding as soon as I leave town? She didn't answer, but she smiled. She smiles a lot. Anyway, that is what happened when I left.

An endangerment finding has to be based on science, and that is where this inspector general's report came in. Again, this is new stuff, just 2 days ago. I had requested 18 months ago that they look into the endangerment finding to see if this, in fact, is based on science. Of course, they came out with this report, which was just released. It confirms the endangerment finding, which was the very foundation of President Obama's job-destroying regulatory agenda, was rushed—and I am using their words, “rushed, biased and flawed.” It calls the scientific integrity of the EPA's decisionmaking process into question and undermines the credibility of the endangerment finding.

Keep in mind, we have to have an endangerment finding before we can start regulating all this stuff. Well, the inspector general's investigation uncovered the EPA's failure to engage in the required recordkeeping process leading up to the endangerment finding. That is a requirement by law. So they did not comply with the law at that time. It also did not follow its own peer review procedures. Peer review is something that is required, and they didn't do it.

Administrator Jackson readily admitted way back in 2009 that the EPA had outsourced its scientific review to the United Nations' Intergovernmental Panel on Climate Change.

Now, this is interesting because they are going back to say: All right, you guys. You do the peer review on the very thing you have developed. Well, it doesn't work that way, and I think at that time we were complaining about that. So the EPA still refused to conduct its own independent review of the science, as the EPA inspector general found. Whatever one thinks of the U.N. science, the EPA is still required by its

own procedures, by law, to conduct an independent review.

Of course, I have long warned about the IPCC process and what they have been doing in the past. In fact, it was 6 years ago that I sent a letter to Dr. Pachauri, the head of the IPCC, specifically raising the many weaknesses of the IPCC's peer review process. But Dr. Pachauri dismissed my concerns, and here is what Reuters said in their article on how Dr. Pachauri responded to my request. I am quoting now from Reuters:

In the one-page letter, [Pachauri] denies the IPCC has an alarmist bias and says “I have a deep commitment to the integrity and objectivity of the IPCC process.” Pachauri's main argument is that the IPCC comprises both scientists and more than 130 governments who approve IPCC reports line by line.

Now, that is what he said, as reported. As I predicted, it all came apart for the IPCC. On the Senate floor last year I highlighted several media reports uncovering serious errors and possible fraud by the IPCC. This is the United Nations we are talking about. They are the ones that started all this.

ABC News, the Economist, Time magazine, and the Times of London—among many others—reported that the IPCC's research contains embarrassing flaws—using their language—and the IPCC chairman and scientists knew of the flaws but published them anyway. Media reports uncovered a number of non-peer-reviewed studies that the IPCC used to make baseless claims, including that global warming would—and listen to this; this is the IPCC stuff that has totally been rebuked—melt the Himalayan glaciers by 2035. Didn't happen.

It had 40 percent of the Amazon rainforest endangered by global warming. It didn't happen.

Melt mountain ice in the Alps, Andes, and Africa. It didn't happen.

Slash crop production by 50 percent in North Africa by 2020. It is something that is not even going on.

These embarrassments led to a number of these same publications to demand that the IPCC come clean on the review process of the IPCC.

I am going to read this to let everyone know how serious this is.

The Financial Times, talking about the IPCC:

Now it is time to implement fundamental reforms that would reduce the risk of bias and errors appearing in future IPCC assessments, increase transparency and open up the whole field of climate research to the widest possible range of scientific views.

Time Magazine has always kind of been on the other side of this issue. We might remember, Time Magazine had on their cover this last polar bear standing on the last cube of ice and we are all going to die. Time Magazine, when they talked about the glaciers all melting, said:

Glaciergate is a black eye for the IPCC and for the climate science community as a whole.

The Economist:

This mixture of sloppiness, lack of communication, and high-handedness gives the IPCC's critics a lot to work with.

Newsweek came out:

Some of the IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles, and corporate reports—including claims of plummeting crop yields in Africa and the rising cost of warming-related natural disasters, both of which have been refuted by academic studies. Just as damaging, many climate scientists have responded to critiques by questioning the integrity of their critics, rather than by supplying data and reasoned arguments.

That was in Newsweek. So their analysis was that they are doing all this stuff, and they resort to name-calling and this type of thing because they don't have a logical response for it.

Last year—and keeping in mind this is after I requested the inspector general's report and before; and still 1 year ago in a speech I made right here I said:

There is a crisis of confidence in the IPCC. The challenges to the integrity and credibility of the IPCC merit a closer examination by the U.S. Congress. The ramifications of the IPCC spread far and wide, most notably to the Environmental Protection Agency's finding that greenhouse gases from mobile sources endanger public health and welfare. EPA's finding rests in large measure on the IPCC's conclusions—and EPA has accepted them wholesale, without an independent assessment. At this pivotal time, as the Obama EPA is preparing to enact policies potentially costing trillions of dollars and thousands of jobs, the IPCC's errors make plain that we need openness, transparency, and accountability in the scientific research financed by the U.S. taxpayers.

That was a year before the IG report came out, and it is almost exactly what the IG report said just this last week.

Two months before that speech, I asked EPA Administrator Lisa Jackson to delay the EPA endangerment finding based on Climategate. She told me—and I have a lot of respect for her, by the way. I have professed that many times. She is one whom normally I will ask her a question, and she will come out and give an answer, even though it may be an unpopular answer with her boss, President Obama. She said:

I do not agree that the IPCC has been totally discredited in any way. In fact, I think it is important to understand that the IPCC is a body that follows impartial and open and objective assessments.

She is saying essentially the same thing:

Yes, they had concerns about e-mail. I do not defend the conduct of those who sent those e-mails.

Here, they are talking about Climategate. We all remember those secret e-mails going back and forth between the principals to somehow fraudulently manipulate the science. She goes on to say:

There is peer-review, which is part of the IPCC process. There are numerous, numerous

groups of teams and independent researchers all a part of coming up with IPCC findings, such that even the IPCC has said that while we need to investigate and ensure that our scientists are to a standard of scientific conduct that we can be proud of, we stand behind our findings.

So they are all whitewashing the work of the IPCC—again, that was before the IG report came out—but it didn't work because there are magazines throughout the world, publications which generally were on the other side of this argument or their side of the argument. The Guardian, for example, talking about Climategate and how they are a disgrace, said:

Pretending that this isn't a real crisis isn't going to make it go away.

The Daily Telegraph said:

This scandal could well be the greatest in modern science.

This is what they are talking about with Climategate.

The Atlantic Monthly:

The stink of intellectual corruption is overpowering.

Let's remember, the economic ramifications of global warming regulations imposed upon the EPA under the Clean Air Act will cost American consumers somewhere in the range of \$300 billion to \$400 billion a year. This is not to mention the absurd result that EPA readily admits they need to hire 230,000 additional employees and spend an additional \$21 billion to implement its greenhouse gas regime if they are not given wide discretion to circumvent the law, and all this economic pain is for nothing—no gain at all. As the EPA Administrator admitted before our committee, it would have no effect on the overall release of anthropogenic gases.

Also, of note, what happened to the EPA's vow in 2009 that the Agency would commit to high standards of transparency because "the success of our environmental efforts depends on earning and maintaining the trust of the public we serve" or Obama adviser John Holdren's promise that the administration would make decisions based on the best science possible because, as the President said, "the public must be able to trust the science and scientific process informing public decisions." Given what has come to light in this report, it appears the Obama EPA cannot be trusted on the most consequential decision the Agency has ever made.

I have already called upon the committees in the Senate—this would be my committee of which I am the ranking member, the Environment and Public Works Committee—to have an investigation. My gosh, I don't ever recall in the years I have been here an IG report coming out where there weren't numerous hearings to find out and to probe into why they came up with the decisions they made.

I have tried for 10 years now to pursue this thing with the various bills

that were introduced to do legislatively—to implement the requirements. Then, when we see they are unable to do it—and if we look around this Senate, there are only about 30 votes now. They don't have half the number of votes to impose cap and trade. They don't have it. It is not here. That is why the President is trying to do it through regulations.

It is kind of interesting, if we put this in perspective. This supercommittee they keep talking about, the 12 people—6 Democrats, 6 Republicans, 3 from the House, 3 from the Senate—their goal is to find \$1.5 trillion in 10 years. We have a President in his own budget—and this isn't Democrats or Republicans or House or Senate. This is the President. His three budgets he came out with have just under a \$5 trillion deficit. That is inconceivable.

I can remember coming down here in the mid-1990s, when President Clinton was in power. The first \$1.5 trillion budget we had, I complained this is not sustainable. Now it is \$1.5 trillion over and above what it costs to run America. Obviously, that can't be done.

So when we stop to think about the fact that it should be fairly easy to find \$1.5 trillion, that would just be his deficit for 1 year to find \$1.5 trillion.

This is kind of hard to follow. But if they were successful in implementing what they could not do by legislation and have a cap and trade, that would cost a minimum of \$300 billion a year; or, multiply that by 10, that would be \$3 trillion.

So we have this supercommittee out there trying to find \$1.5 trillion; at the same time, they are advocating increasing the cost to America by \$3 trillion. It is not believable.

I think it is very important, and I am on the floor now trying to gather support for having a hearing. We can't have an IG report talking about the flawed product of the EPA, of the IPCC, of the United Nations and not have some kind of investigation. I hope we will be able to do that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise to speak this afternoon about the legislation that is before us, the Currency Exchange Rate Oversight Reform Act, which got an overwhelming vote yesterday. There are not many times when a piece of legislation on a specific topic gets the kind of overwhelming support to move forward as we saw yesterday in the vote that took place, and now we are considering the bill.

When you go across Pennsylvania, if you drew a line down the middle of our State and moved to the east, a lot of communities were devastated by flooding. Other than that issue, the No. 1 issue for the people of our State—and I think the people of the United States in total—is the issue of jobs. In their frustration, they look to Washington for action and for solutions. Too often what they see when they turn on the television set or read about what is happening here, they see a lot of fighting, a lot of bickering, a lot of back and forth and, frankly, a lot of politics but not enough action on the question of jobs.

What we have before us is not some esoteric bill about currency, although it is somewhat about that. Obviously, it truly is not that. This is a bill that speaks directly to the frustration Americans feel and I know the people of Pennsylvania feel. There are not many places in Pennsylvania I can go where I talk about this issue of China for many years cheating on currency and us losing lots and lots of jobs because of it. Hundreds and thousands of jobs are lost because of that. There are not many places in our State where I can go to talk about that where the point of view that I express doesn't receive unanimous support.

This is a very real issue for people. This isn't far off. They know that, just as in other aspects of life, especially on something as consequential and significant as international trade—most people understand that when we are involved in that kind of endeavor, we have to play by the rules. Every country should play by the rules. When we have a country as big and as significant in the international economy or the international marketplace as China not playing by the rules, cheating time after time after time, giving their workers and their industries an unfair advantage, I think most people know what that means. It is not just a question of fairness and playing by the rules; it is the impact of that cheating, as Americans lose jobs and have lost jobs. So we have to take action. The time is up. We have been talking about this for years. We have been pleading with China in one way or another, urging them, pushing them, but the time for that is over. The time to act is now.

This is a prudent piece of legislation. It does a couple of things. Basically what it does is to at long last help American manufacturers and our workers by clarifying that our trade enforcement laws can and should be used to address currency undervaluation. It also provides an opportunity for us to improve oversight by establishing objective criteria to identify misaligned currencies and imposing tough consequences for offenders. So it doesn't put into place a new rule for international trade; it just says that if you violate the rules, there are going to be

consequences and that our Treasury Department and our Commerce Department are going to take action no matter what administration is in office, a Democratic administration or a Republican administration.

I can point to a number of Senators in both parties—and I think I am one of them—who have been urging this administration and the prior administration to take stronger, more decisive action. For a variety of reasons, they haven't done that. That is not to say they haven't been working on it and not to say they haven't been pushing their counterparts in China, but I think we have been far too timid in the approach we take because, again, this isn't some far-off issue. This is about American jobs and whether we are going to stand by and allow more and more—tens of thousands or hundreds of thousands more—American jobs to be lost in the next decade as we have seen hemorrhage from our society in the last 10 years. One of the causes, one of the substantial factors in that job loss—not the only but one—is the cheating China does on its currency.

It is as if we are telling our workers and our companies: Look, we are going to have a foot race with Chinese companies and Chinese workers, and we are going to have this competition, as we have every day in the international marketplace, but China is going to start at the—if this is a 100-yard dash, they are going to start at the 20- or 25- or 30-yard line and then we are going to start the race and see how we do.

It is completely unfair to our workers. It undermines their ability to compete even if they are working as hard as they can, even if they have a high skill level, even if the company has invested time and training in those workers, has invested capital in the equipment and the technology. Sometimes it doesn't matter what the company does to improve its production, to improve its efficiency. It doesn't matter what the workers do. They can go to school and learn and prepare and get trained. But if they are at a 15- or 20- or 25-percent disadvantage—by the way, those are the lowest estimates. This has been a problem of above 30 percent or higher at times. But no matter what the percentage is, we know there has been a lot of cheating and we know it is costing us jobs. So it is time for action.

This morning at the Joint Economic Committee hearing, we had Federal Reserve Chairman Ben Bernanke. I asked him about currency, and I actually read to him some statements he has made in the past about currency and about the adverse role China has played, the role about which I am as frustrated as any American. I asked him about that. The summation of his comments has been reported already, but in addition to commenting about the impact on our workers and our

companies, he talked about the impact of China's currency policies on the global economic recovery. So this isn't just an adverse consequence for America, for the United States, this is an impediment to a full and robust recovery around the world. So this isn't just limited to the impact on our workers and our companies, it has worldwide reach, worldwide impact, and worldwide consequences.

So the United States is unwilling, so far, to crack down on China's currency and to crack down on what I would assert is manipulation. Some will say: Well, it might be something different than that, but I think it is basic manipulation—cheating. I think it is a step we have to take now, to have rules in place for how we react to their cheating and then to have very tough consequences. That is what is in the bill.

Unfortunately, this inability to respond appropriately or assertively or aggressively is one of many, I would argue, pieces of a flawed trade strategy that have been a prevailing point of view over the course of two administrations. We are going to have some debate about trade coming up, and we are going to see some interesting alliances, some interesting coalitions here. But our flawed trade strategy—if we can even call it a strategy—has failed over many years, failed our workers and failed our companies.

We will get to the debate on the trade agreements later, but at least today and this week we can finally make progress on an issue that has cost the American people lots and lots of jobs.

Let me give my colleagues a sense of what could happen if we are able to pass this legislation. In a report dated June 17 of this year from the Economic Policy Institute—one of the many think tanks across Washington of various points of view that have studied this issue—and I am broadly summarizing, but one of the many conclusions they reached about this issue is that if China revalued its currency by 28.5 percent—now, many would say it is a bigger problem than a 28.5-percent or 28.5-percent advantage their workers and their companies have—if they revalued to that level, at 28.5 percent, the growth in our gross domestic product in the United States would support 1,631,000 U.S. jobs. If other Asian countries also revalued their currency, then 2,250,000 American jobs would be created. So even if someone could prove those numbers are off by 10,000 or 20,000 or even if we could debate the number being off because some might reach different numbers—but I have seen numbers that high, and I have also seen numbers in the hundreds and hundreds of thousands of jobs.

So any policy we can enact here—in this case, being appropriately tough with China on the cheating they do on

currency—if passage of legislation such as this, the one we are considering, leads to the creation of 1.6 million jobs just as it relates to having China play by the rules, why wouldn't we pass legislation to do that?

People are saying over and over to us, please do something about jobs. And sometimes the response is, well, we are trying, but we can't get agreement or we are trying, but we don't have all the solutions. We finally have a piece of legislation that will create jobs for sure and has broad and substantial bipartisan support.

We should pass this bill because it will send two messages that are badly needed right now from us to the American people—No. 1, that we are focused on job creation in the near term, not 10 years from now but in the next year or two. So it is a very specific answer to their request of us as their elected representatives that we focus on enacting legislation that will create jobs. Secondly, the message we will send to the American people is that we finally get it. Finally, Democrats and Republicans can come together on a very serious issue of great consequence to families who have been devastated by job loss; that we are finally coming together, Democrats and Republicans, working together to have a unanimous vote on a job-creation bill.

It is that simple. Anyone who tries to make it more complicated than that is probably trying to mislead because it is that simple. We need to focus our attention in the days ahead to get this legislation passed and to finally take action in a way that is directed at job creation in a bipartisan way.

Madam President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I appreciate the Presiding Officer's comments earlier in support of the Currency Exchange Rate Oversight Reform Act of 2011. The Presiding Officer and I—both Democrats—joined by five Republicans and three other Democrats—are the prime sponsors of the Currency Exchange Rate Oversight Reform Act of 2011.

The cloture motion on the motion to proceed was agreed to—the rules in the Senate are sometimes a bit impenetrable, but the cloture motion on the motion to proceed to the bill was agreed to last night with 79 votes out of 98. So there is clear interest in this body to debate one of the most important jobs bills we have seen in front of us, I say to the Presiding Officer, in

our almost 5 years in the Senate. I have not seen in my time here another jobs bill be voted on this overwhelmingly, this bipartisanship, that was this important for putting people back to work.

Let me sort of expand on that. First of all, this Currency Exchange Rate Oversight Reform Act of 2011 has broad support from business and labor. It creates jobs without spending taxpayer dollars. In fact, this legislation raises revenue and reduces our deficit, clearly, because when people go back to work, people who are now on unemployment benefits—sometimes receiving food stamps, sometimes getting other subsidies, maybe trade adjustment assistance, which the Presiding Officer has been so involved in—instead, people going back to work will be paying taxes and not be the beneficiaries of those programs. So it is a plus both ways in terms of reducing our government's budget deficit.

Most important, it is in response to an enormous problem, an enormous economic threat, brought on by the Chinese Communist Party Government. Senators SCHUMER, CASEY, SNOWE, STABENOW, SESSIONS, BURR, HAGAN, COLLINS and I have been working closely to bring this bill to the floor. I thank the majority leader, who usually sits at this desk, for bringing this bill to the floor to respond, purely and simply, to China's protectionist trade policies. This is not the United States turning inward and pointing fingers at other countries. This is a response to Chinese protectionism, to Chinese economic policies and trade policies that have been unfair, that cheat—the Chinese have cheated—and that cost us American jobs.

We know when a factory closes—we have had 50,000; Senator SANDERS said earlier today, we have had 50,000 factories close in this country in the last decade or so, not all because of China. I do not blame them nearly for all that. But when a factory closes, we know what it does to a community, whether it is in Harrisburg, whether it is in Sharon, whether it is in Erie, whether it is in Cleveland or Akron or Canton.

I am encouraged by my colleagues on both sides of the aisle who support this bill who see how China's protectionist trade policies have undermined businesses, have disadvantaged manufacturers, and ultimately, most importantly, have cost American jobs. We all know the problem. For years, China subsidized its exports by adopting artificial, manipulated exchange rates not based on market forces. As a result, China's exports to the United States remain cheap, our exports to China remain more expensive. In other words, because they cheat on their currency, a product made in Wuhan and sold in Lima or Dayton, OH, will be cheaper because they have subsidized their production by weakening their currency.

At the same time, if a company in Lima or Dayton, OH, tries to sell into China, the cost of that item is 25 percent more because China has gamed the currency system. So by keeping the value of the renminbi, the RMB or the yuan, the words for the Chinese currency, by keeping the RMB artificially low, China incentivizes foreign corporations to shift production there because it reduces the price of investing in China and makes Chinese exports cheaper.

In this continued devaluation—I use the percentage 25 percent, some economists say it may be as high as 40 percent, but clearly it is that range—they are cheating, they are gaming the system 25 to 40 percent. Think about in Pennsylvania and Ohio, two States that have a lot in common. Think about a company, think of two gas stations on opposite corners. One buys its oil 25, 30 or 35 or 40 percent less expensively, pays a lower price than the competitor across the street. It is clear what is going to happen. The competitor that cannot get the break, get the subsidy, is going to go out of business pretty quickly.

It is that phenomenon that has caused serious harm to the U.S. economy and has cost America jobs. In 1993, the Chinese currency, the RMB, was valued at approximately 5.5 to 1 U.S. dollar. Then, from 1995 to 2005, it was valued at about 8.28 without change during that period. That can mean one of two things: a huge coincidence or blatant currency manipulation.

Our trade deficit with China in 1993 was about \$30 billion, \$40 billion—in that range. Today, we run a deficit 8, 9, 10 times that, of \$275 billion—a bilateral deficit just in our relationship with the Chinese. According to a recent Economic Policies Institute report, since China joined the WTO, the World Trade Organization, in 2001, 2.8 million jobs have been lost or displaced in the United States as a result of the U.S. trade deficit—2.8 million jobs. That is hundreds of thousands in my State. It is tens of thousands in States as small as West Virginia. It is hundreds of thousands in States as large as Pennsylvania.

Currency manipulation is not the only reason China enjoys an enormous trade surplus, but it is certainly a big part of the reason. From 2005 to the middle of 2008, we started to fight back and were headed in the right direction, however slowly. The Senate overwhelmingly supported a measure offered by New York Democratic Senator SCHUMER and South Carolina Republican Senator GRAHAM that would put tariffs on Chinese imports if the government did not let its currency appreciate.

All it did was it wiped clean the advantage China had created by manipulating its currency. That bill passed the Senate, but it did not pass the

House. It was never signed by the President. But what it did do was get China's attention. Beginning in 2005, China began to do a slight currency appreciation, which allowed for a few years of modest progress toward letting its currency appreciate.

But then in the summer of 2008, China abandoned its feigned interest in fairness. It once again fixed the value of the renminbi against the U.S. dollar. Then, in June 2010, China vowed to allow its currency to float more freely against the dollar and other foreign currencies. The Peterson Institute for International Economics found that, despite the intervention appreciation, the RMB is even more undervalued today against the dollar than it was 1 year ago. That is the recent history of China's currency manipulation.

The Chinese, in other words, when they know people are watching, when they see the U.S. Government, with our very strong economy—even when we look weak internally and way too many people unemployed, we are the major economic force on Earth—when they see us doing something, they respond. They start to act a little better. It is a little bit similar to a naughty kid. When the parents are watching, they are going to act better. When the Chinese—we hope our kids do not break the law the way the Chinese do, international trade law, but when we watch them, they behave better. When we exert discipline on them, in other words, we are going to change this law the way they have gamed the system on currency, they begin to let the currency float and let it appreciate and do some better, more fairminded things.

New research by economists at MIT shows how much damage China's trade and export policies have done to our labor market and to our communities. The report shows China imports actually have effects on jobs but also increased use of Federal programs such as the Social Security and disability insurance program. Of course it does. When people get laid off, all kinds of things happen in their lives. They apply for food stamps. They may lose their home, causing, if they are foreclosed on, the values of homes in the neighborhood to decline, and the public schools do not have quite the support. They may not be able to hire one teacher as a result of a handful of people losing their jobs. All those things happen. So when the Chinese game the currency system and jobs are lost in Pittsburgh or in Dayton, then bad things happen in Pittsburgh and Dayton to those families, to those communities, to those States.

What has been our response when our trading partners use any means necessary—low labor costs, direct subsidies, currency manipulation—to compete? What has been our response? It has been inaction. We have not done very much. It has been adherence to

the status quo, and we can no longer afford to do that. Some like the Presiding Officer from Pennsylvania and others of us around here have been beating the drum for a long time that these trade agreements are not fair, that they are not fair to the American worker and to Americans, particularly small manufacturers. Bigger manufacturers kind of take care of themselves. They kind of do it by moving production overseas. Small manufacturers usually cannot do that.

We know what it does to our workers—bad tax law, bad trade law, bad currency policy. This bill is a modest measure. It is not as sweeping as I would like to do. But it is a modest measure that gives our government the tools to fight back. With different parts authored by several of my colleagues, this bill came from two other bills we put together. The bill updates the processes and tools the government would have at its disposal when it comes to countries that are currency manipulators, that are in some ways repeat currency manipulators.

Senator SNOWE from Maine, a Republican, and I, a Democrat, have worked on a part that would immediately designate unfair subsidies as an unfair trade practice. That means jobs for a number of industries: coated paper in southwest Ohio, tires in Finley, OH, aluminum extrusion, tubular steel in northeast Ohio. It means more American manufacturers, from autos to clean energy, can petition the government against unfair subsidies from importing countries.

That measure is combined with complementary measures to reform the structural deficiencies in our government's approach to combating currency manipulation. That part of the bill was spearheaded by Senators SCHUMER and GRAHAM. It would improve oversight of currency exchange rates—and I would add Senator STABENOW was involved in that.

It would improve oversight of currency exchange rates. It would ensure that the Treasury Department properly identifies countries that undervalue their currency. Under the Omnibus Trade Act of 1988, the Treasury Department is required to formally identify countries that manipulate their currency for the purpose of gaining an unfair competitive trade advantage. In recent years, Treasury has found that certain country's currencies were undervalued. It was pretty clear and pretty obvious.

Reputable economists from the Reagan administration, from the Carter administration, for years respectable economists were saying these currencies were undervalued 25 percent, 35 percent, some have said as high as 50 percent. It was pretty hard for the Treasury Department to say anything other than these countries' currencies were undervalued.

However, based on the interpretation of the law's legal standard for a finding of manipulation, the finding of the word "manipulation," Treasury has refused and continues to cite such countries as currency manipulators.

Our legislation is bipartisan. As I said, five Republicans, five Democrats are the primary sponsors. It got 79 votes. Three Democrats voted against moving the bill forward yesterday; 16 Republicans voted against it. So it has broad bipartisan support.

But what is amazing is the President of the United States, in either party—President Bush was negligent in finding of manipulation. President Obama has been negligent in finding manipulation. I will give some credit to President Obama in his move, in some cases, of actually doing real enforcement of trade rules and trade laws. It has turned immediately into job growth in the Mahoning Valley, a new steel mill, in Finley with tires, in southwest Ohio with paper. But the President and the Treasury Department have just neglected to do their duty; that is, interpreting and saying China has manipulated currency.

The biannual release of this statutorily required report to Congress is almost a Washington charade. Last year, Secretary Geithner even announced he would delay the report's release. I care less about the exact timing of this report than I do the administration's willingness to be open with Congress and the American people about what it is doing and why it is doing it. But here is why it is important.

Some argue the Commerce Department already has the authority to treat currency manipulation as an export subsidy and apply countervailing duties. But the Commerce Department has tended to also kick these decisions down the road, duck the issue of currency manipulation when it investigates other subsidies. The bill puts an end to that bureaucratic end-around.

I told a story earlier today on the Senate floor. I would like to repeat it, briefly. A trade lawyer representing a southwest Ohio paper company told me China did not even have a coated paper industry, the glossy paper magazines are typically printed on—did not even have that technology until a decade or so ago.

When they started those companies in China, they bought their wood pulp in Brazil, they shipped it to China, they milled it in China, and they sold it back here—at the high cost of transporting something as heavy as paper, as bulky as paper, for the price of paper; it is a pretty expensive move to ship it from Brazil to China to the United States. The cost of labor is only about 10 percent of the production of paper. Yet China has found a way to underprice Ohio paper and underprice paper made in other parts of the country.

It is pretty clear that is, in part, because they get a 25-, 30-, 35-, 40-percent basically add-on benefit for their price because of currency manipulation. That is why, in part, they are being able to do that. They are probably subsidizing their water, their energy and their land and their capital also, so that they can underprice us. That is why this is so serious.

Ohio workers have lost jobs because China has gamed the currency system. That is all we should need to know. American companies have folded, have gone out of business, because China has cheated on its trade policies, not following the rule of law in the World Trade Organization. That should be enough to get 100 votes in this body.

It got us 79 yesterday. Our bill makes it clear that countervailing duties can be applied when imported goods benefit from currency manipulation as an export subsidy.

The bill would establish new criteria to identify countries misaligning currency—and trigger tougher consequences for those who engage in such unfair trade practices.

We can no longer accept China and other countries doing whatever it takes to make their exports cheaper. We can no longer accept that China continues to mount a massive trade surplus in the United States.

It is time to enforce the trade laws, and it is time the WTO enforces its rules.

Critics claim this bill would ignite a trade war with China. Frankly, they declared a trade war at least one decade ago. If it is not a trade war, critics assert this bill is not compliant with our World Trade Organization obligations.

I have listened to many multinational companies argue our bill will provoke retaliation by China. My question to these detractors is, How can China impose retaliation against something that is, in fact, WTO legal? But since receiving PNTR status and the benefits of WTO membership, China has taken money from American consumers and investors without fully opening its markets to American businesses and workers.

The results are record trade deficits and millions of lost jobs in Ohio and across the United States.

These arguments come from the same proponents of giving China PNTR status and WTO membership, so China would adhere to a rules-based trading system—and they predicted and promised in 2000, when it passed, that China would adhere to a rules-based trading system. They have not been. People care about our exports to China, as do I. Remember, currency undervaluation makes exports harder to sell also. Yes, our exports have grown in China. But while U.S. exports to China have increased to China, they have not come close to balancing imports from China.

Imports from China have grown faster—in fact, about three times as many as we export to China.

Look at our trade deficit with China versus the rest of the world. In 2000, China represented 26 percent of our total trade deficit. Last year, it was just over 70 percent. In the space of 10 years, look how this changed. That is the whole story.

Currency is a big factor that cannot be denied. While many multinational companies don't say it, I think it is clear that even the most ardent proponents of China PNTR are feeling a bit of buyer's remorse because of China's aggressive protectionism.

Others, in criticizing this bill, will say there is nothing we can do to bring back the jobs we have lost—that Americans don't want to work at those jobs anymore anyway. That is a pretty naive view of American manufacturing. My State is No. 3 in manufacturing. California, which has three times the population, and Texas make more than we do.

If we don't act, we are not just talking about jobs in textiles or steel or tires, which are important; we are talking about jobs in clean energy, semiconductors, and auto supplies.

A trade war? WTO compliance? Retaliation? We welcome this debate. I want colleagues to come to the floor—some of the 19 who opposed moving this bill forward, when they say China will start a trade war and talk about WTO compliance and retaliation. The fact is China has been playing that trade war for 10 years.

The American people have been patient as the administration continues a strategy of talk without action. But our patience is up, as more U.S. businesses are undercut and more U.S. jobs are eliminated.

This bill is about economic competitiveness, where everyone is competing in the market by the same set of rules.

I have been to maybe 150 manufacturing plants in my State in the last 3, 4 years. I know American businesses can compete and American workers can compete. Let's make the playing field level, and S. 1619 will help us do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, I commend the Senator from Ohio for his leadership on this bill. This has been a long time in coming. It is a long battle that is being fought over Chinese unfair trade practices. One of the most significant and damaging unfair trade practices is the manipulation of currency by the Chinese. Senator BROWN is taking the lead in getting this finally rectified. I commend him for it. I know the Presiding Officer, the Senator from Pennsylvania, is also a real fighter in this area, trying to correct the unfairness that has been allowed to exist

when the Chinese currency is manipulated. Senator CASEY, I believe, has been a leader and is an original cosponsor. I am proud to be a cosponsor of the bill.

I have long supported the effort to take action against unfair currency manipulation by our trading partners. I think for at least the last 8 years we have had bills that have been introduced to address the issue of unfair currency manipulation. This is an unfair trade practice that contributes to large U.S. trade deficits and to job loss.

The reality is that when American companies do business in the global marketplace, they are not competing against companies overseas; they are competing against foreign governments that support those companies. That is especially true with foreign governments such as China and, in the past, Japan and other countries that manipulate the value of their currency to keep its value artificially low. Currency manipulation makes Chinese exports unfairly cheap and U.S. products more expensive in China, displacing U.S. production and jobs. This is nothing short, as Senator BROWN has said, of a Chinese Government subsidy, and we should be fighting against it—hard.

Trade creates new jobs when we export. Trade results in the loss of jobs when imports replace goods that were once produced here. When trade deficits rise, we are losing jobs to imports. The reality is, we have been running massive, unsustainable trade deficits with China. Just in the first 7 months of this year, we had a trade deficit of more than \$160 billion with China. That is four times larger than our deficit with any other trading partner. Last year, we exported \$92 billion of goods to China, and we imported an astounding \$365 billion from China. So there is a growing trade surplus, as illustrated by the charts Senator BROWN has presented to us.

China's growing trade surplus with the United States and the rest of the world has been fueled by massive currency manipulation, subsidies, and other unfair trade practices. Estimates are, the Chinese currency is undervalued by up to 40 percent, which makes U.S. goods that much more expensive for Chinese consumers and makes Chinese goods artificially cheap in the United States and around the world. As a result, U.S. imports from China have increased, and U.S. exports to China have been suppressed.

Senator BROWN has gone through some of the numbers, and I will repeat them because I think it is important that every American focus on these numbers and the growth of this trade deficit with China.

In 2001, our trade deficit with China was \$84 billion. It grew to \$278 billion in 2010. According to an Economic Policy Institute study, released in September, this deficit resulted in the loss

or displacement of nearly 2.8 million U.S. jobs over that period. The report blamed part of our deficit with China on their manipulation of its currency, and it is simply long overdue that we enact legislation to end that unfair advantage because the tools we have to combat the problem have been, so far, unequal to the task.

The International Monetary Fund has what it calls articles of agreement. Those articles prohibit countries from manipulating their currency for the purpose of gaining unfair trade advantage. But the words are hollow because the IMF has no means to enforce that prohibition.

Our current laws give the administration, on paper, the power to act to combat currency manipulation. But those laws are easily bypassed and too easily ignored. Both Republican and Democratic administrations have failed to take action. The Treasury Department is required to issue a semi-annual report on international economic and exchange rate policies, in which it could conclude—as almost every independent observer concludes—that China is manipulating its currency. To date, the Treasury Department has never made such a finding since the 1988 Trade Act mandated the report. Instead, what it does—the Treasury Department—is hint, suggests, and sometimes threatens, but it doesn't act.

A couple examples. The Bush administration's 2006 exchange rate report said the following:

China needs to move quickly to introduce exchange rate flexibility at a far faster pace than it has done to date. Given our strong disappointment [5 years ago] and the importance of China to the world economy, the Treasury Department will closely monitor China's progress in implementing its economic rebalancing strategy, remain fully engaged at every opportunity with China, and continue actively and frankly to press China to quicken the pace of renminbi flexibility.

That was the Bush administration 6 years ago. In May of 2011, under the Obama administration, here is what the exchange rate report states:

Treasury's view, however, is that progress thus far is insufficient and that more rapid progress is needed. Treasury will continue to closely monitor—

Those were the same words used 5 years ago. Maybe they took this from the computer and moved it from 2006 to 2011.

the pace of appreciation of the renminbi by China. It is a high priority for Treasury—

Really? That is good news. The trouble is, the facts don't support the statement.

working through the G-20, the IMF, and through direct bilateral discussions to encourage policies that will produce greater exchange rate flexibility.

The failure of administration after administration to do more than closely monitor rather than take action is why Congress must act to pass legislation

to require action against foreign countries that are unfairly manipulating their currency.

So the bill before us, S. 1619, the Currency Exchange Rate Oversight Act, which is a bipartisan bill, combines several earlier currency manipulation bills. It clarifies that U.S. countervailing duty laws can address currency undervaluation, giving American companies and manufacturers stronger tools to fight back against these unfair trade practices. It would also replace the weak and flawed currency provisions in current law with a new framework, based on objective criteria that will require Treasury to identify misaligned currencies and require action by the administration if countries fail to correct the misalignment.

Under this bill, the administration would be required to take specific action if a country with a priority currency designation does not adopt policies to eliminate the misalignment within specified periods of time. For instance, if no policies are adopted after 90 days, the legislation directs the administration to, among other things, prohibit Federal procurement of goods and services from the designated country, unless that country is a member of the WTO Agreement on Government Procurement, of which China is not. After 360 days of failure to adopt appropriate policies, the USTR—the Trade Representative—is required to request a dispute settlement in the WTO with the government responsible for the misaligned currency.

Congress is on record in support of fighting currency manipulation. In 2007, a majority of Senators went on record supporting a currency manipulation bill that was brought up as an amendment to a State Department reauthorization bill. That bill would have imposed tariffs on Chinese imports to compensate for currency manipulation by China. But it was withdrawn by its sponsors in exchange for a promise to develop and vote on a WTO-compliant bill. The pending bill is a WTO-compliant bill. Last Congress, the House of Representatives passed a bill, H.R. 2378, the Currency Reform For Fair Trade Act. That narrower currency manipulation bill made it clear that the Department of Commerce is to fight the illegal subsidization of foreign currencies by using U.S. countervailing duty laws. Unfortunately, the Senate ran out of time at the end of the session and we did not take up the bill.

So the bill before us, S. 1619, will allow us to deal with any country that is found to be manipulating its currency, not just China, which is at the moment the worst offender. In the 1990s and early 2000s, Japan manipulated its currency, and this was a major problem for our manufacturers and put them at an unfair competitive disadvantage vis-a-vis Japanese manu-

facturers. For instance, when the Japanese Government was intervening in currency markets to hold the yen at 116 yen to the dollar, that translated into an \$8,000 subsidy for every large vehicle imported into the United States from Japan. The market share gained by Japanese auto manufacturers was to a significant degree the result of the currency manipulation undertaken by the Japanese Government on behalf of its exporters. Because today the Japanese yen is at historic highs, Japanese currency is not an immediate concern. This could change at any time because Japan has recently indicated it is willing to intervene again in currency markets.

So, Mr. President, with both Chambers now on record supporting currency manipulation legislation, there is no reason we should not pass this legislation quickly and send it to the President for his signature. I hope our colleagues will support this bipartisan legislation because it will finally—finally, long overdue, years too late—address the very problematic and costly practice of our trade competitors who manipulate their currencies to create jobs in their countries at the expense of jobs here in the United States.

I again thank Senator BROWN of Ohio for his great work on this bill. I know he and the Presiding Officer, Senator CASEY, and others, including my colleague from Michigan, have been working hard on this bill, and hopefully in the next couple of days it will come to a fruitful conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank Senator LEVIN. There is no better team in any State in the country than Senator LEVIN and Senator STABENOW. With all the troubles they have had in that State with manufacturing, as has my State, they are always on the right side of these issues and advocating for local companies, especially small companies that feed into the auto supply chain, and for the workers of those companies. So I am appreciative of his leadership for so many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise today to speak in support of the Currency Exchange Rate Oversight Reform Act of 2011, and I would note the presence on the floor of one of its principal sponsors, Senator SHERROD BROWN of Ohio, whom I have been very

pleased to work with on this legislation.

I am proud to be one of the original cosponsors of this bill, an important piece of bipartisan legislation that will help protect American workers from the trade-distorting effects of currency manipulation. In particular, this legislation will allow us to fight back against policies China has used to gain an unfair advantage over American manufacturers.

Our American trade deficit with China rose from \$83 billion in 2001—the year China joined the World Trade Organization—to \$273 billion in 2010. That trend is discouraging enough on its own, but it is more troubling to consider that the growing trade deficit ultimately represents goods no longer made in the United States by U.S. workers. In fact, the Economic Policy Institute estimates that the trade deficit with China has cost 2.8 million American jobs over the past decade, including nearly 12,000 jobs in my home State of Rhode Island.

With so many families still struggling with unemployment in the wake of the recession, it is important that we examine just how we came to lose so many jobs to a single country and respond accordingly. It would be one thing if the answer was that China's workers are just more talented, their products are of higher quality, and they have simply bested us in the open market. But that is not the case. The evidence suggests another explanation: that China is gaming the international system.

First, China provides subsidies to critical industries, which likely violates World Trade Organization rules and gives Chinese companies an unfair competitive advantage over American manufacturers.

Second, by restricting exports of their raw materials, China drives up the cost of making products here in the United States.

Third, by turning a blind eye to or even facilitating the rampant theft of American intellectual property, China benefits from what may be the largest illicit transfer of wealth in history.

Finally, of course, China appears to be intentionally manipulating the value of its currency. Indeed, through controlled purchases of massive amounts of U.S. currency, the Chinese central bank has made the value of its currency—the yuan—artificially cheap relative to the U.S. dollar. Economists estimate the yuan is currently undervalued by as much as 28 percent against our dollar. The depressed value makes it 28 percent cheaper to buy goods from China than from the United States and it makes U.S. goods correspondingly more expensive. It is essentially a subsidy for Chinese products and a tax on U.S. products.

This is much more than a problem of abstract economic theory. The con-

sequences of currency manipulation are deeply felt in households in Rhode Island and across the country. In the Presiding Officer's home State of Pennsylvania, in the floor manager's home State of Ohio, and all across the United States, it is felt by families who for generations have contributed to our growth as a nation by going to work every day and building things, from cars and boats to toys and electronics. These workers helped define our American character, from the start of the industrial revolution at Slater Mill on the banks of Rhode Island's Blackstone River through the first decade of the 21st century. But they have watched in recent years as job after job has been lost to China.

This unfair competition needs to stop. The advantage the undervalued currency gives to Chinese companies has put American manufacturers out of business and middle-class Americans out of work.

The Wall Street Journal reported last week on a study that measured the impact of unbalanced trade with China on communities across the country. The research shows that areas with industries exposed to Chinese import competition have higher unemployment rates and lower wages, and the people in these areas are forced to rely more heavily on government safety net programs.

That study ranked the Greater Providence, RI, area second among regions exposed to competition from China. This comes as no surprise to Rhode Islanders.

Rhode Island was once a world leader in textiles and jewelry manufacturing. But these industries have been hit hard by a flood of cheap imports from China, greatly straining our State's economy. If we regained the nearly 12,000 jobs estimated to have been lost to China over the past decade, our unemployment rate in Rhode Island would drop by two full percentage points.

As I travel around Rhode Island, I have heard time and time again from workers and business owners about the costs of Chinese currency manipulation.

George Shuster is the CEO of Cranston Print Works, a textile manufacturer that traces its roots in Rhode Island back to 1807. He told me:

We know first-hand the impact that China's disruptive policies have had as we have seen factory after factory close their doors around us. Addressing China's manipulation of its currency would be a good first step to bringing our trade policy to where it needs to be to help get American manufacturers moving in the right direction again.

Leslie Taito is the CEO of the non-profit Rhode Island Manufacturing Extension Service. She has worked with a diverse set of manufacturers across the State to help them increase their efficiency and become more competitive. She told me this:

U.S. manufacturers are resourceful, agile, and fully capable to meet national and inter-

national demand. Currency manipulation creates an uneven playing field that has cost the United States countless jobs and has dramatically increased our trade deficit. I equate it to telling a boxer to go into the ring with one hand tied behind his back and asking him to come out the victor. Manufacturers in this country aren't asking for special consideration, they just want it to be fair.

Mr. President, this is why I made addressing currency manipulation a central part of my "Making It in Rhode Island" manufacturing agenda, and why I was one of the original cosponsors of the legislation that is before the Senate today.

The Currency Exchange Rate Oversight Reform Act of 2011 will strengthen the tools that we have at our disposal to counter the actions of countries such as China that choose to manipulate their currency rates. This legislation will first improve the oversight of exchange rates and allow us to identify currencies that are misaligned. For countries found to manipulate their currency values or that fail to correct a misalignment, this law will trigger tough consequences. Our trade enforcement agencies will gain clear authority to eliminate the advantage created by currency manipulation by imposing tariffs on products imported from offending countries. This should send a clear message to China, or any currency manipulator, that if they abuse the currency markets, they will not benefit.

Simply put, this legislation will help level the playing field for American companies. Economists have predicted that a fair market for our exports would reduce our annual trade deficit by between \$100 billion and \$200 billion. The resulting increase in production would add over one-quarter of \$1 trillion to our GDP and create up to 2.25 million American jobs.

Are the Chinese squawking about this? Are the big multinational corporations who have no allegiance to any flag or nation squawking about this? Yes. Of course, they are. America has for too long been taken advantage of, allowing the wiles of others to erode our wealth. The winners at a rigged game will always object when the other party gets wise to the fact that the game is rigged and begin to do something about it.

But if we are to solve the problem of China's currency manipulation and stand up for American companies, American manufacturers, and American workers, we should pass this legislation.

I applaud my colleagues from both sides of the aisle for their work on this bill, and I commend in particular Senator SHERROD BROWN of Ohio who is here on the Senate floor managing the bill right now.

I yield the floor.

Ms. COLLINS. Mr. President, with unemployment stuck at 9.1 percent,

and consumer confidence plummeting, we must take action now to help put Americans back to work.

Our Nation's job creators have been telling us for some time that the lack of jobs is largely due to a climate of uncertainty, most notably the uncertainty and cost created by new Federal regulations.

America needs a "time-out" from regulations that discourage job creation and hurt our economy. If a proposed rule would have an adverse impact on jobs, the economy, or America's international competitiveness, it should not go into effect.

Today, I am filing an amendment to provide a 1-year moratorium on final rules that could have an adverse effect on the economy. The amendment is based on S. 1538, The Regulatory Time-Out Act, which I introduced last month with 16 of my colleagues. The timeout would cover major rules costing more than \$100 million per year, and other rules that have been considered "significant" under Executive orders going back to President Clinton and followed by President George W. Bush and President Obama.

The point of my amendment is to provide job creators with a sensible breather from burdensome new regulations. This would give businesses time to get back on their feet, create the jobs that Americans so desperately need, and enhance the global competitiveness of American workers.

This moratorium would also provide us with the time we need to review and improve the regulatory process. Earlier this year, I proposed the CURB Act, which stands for clearing unnecessary regulatory burdens, which would reform the regulatory process in several important ways. Many of our colleagues have also introduced regulatory reform proposals, and the Homeland Security and Governmental Affairs Committee has already held three hearings on the topic this year. I expect this issue will be a priority for our committee this fall.

In sports, a "time-out" gives athletes a chance to catch their breaths. American workers and businesses are the athletes in a global competition that we must win. Our workers need policies that will get them off the sidelines and back on the job. Our economy needs a time-out from excessive and costly regulations. My amendment will provide this needed time-out. I am pleased that Senators BLUNT, COATS, COBURN, ENZI, HUTCHISON, and THUNE have joined me in offering this amendment, and I urge my colleagues to support it.

Mr. President, I rise today to speak in favor of the Currency Exchange Rate Oversight Reform Act, which I was pleased to join with Senators BROWN of Ohio, SCHUMER, GRAHAM, SNOWE, and others in introducing. This legislation will ensure that the U.S. government finally gets tough with countries, like

China, that manipulate their currency to gain an unfair trade advantage.

Maine's manufacturers and their employees can compete with the best in the world, but not when the competition is gaming the system to get a leg up. Time and time again, I hear from Maine manufacturers whose efforts to compete successfully in the global economy simply cannot overcome the practices of illegal pricing and subsidies of countries such as China. The results of these unfair practices are lost jobs, shuttered factories, and decimated economies.

A recent study by the Economic Policy Institute estimates that between 2001 and 2008, the U.S. trade deficit with China eliminated or displaced 2.8 million American jobs, including 9,500 jobs in the State of Maine. China's policy of intervening in currency markets to limit the appreciation of its currency against the dollar has played a major role in driving this deficit by making Chinese exports cheaper and imports more expensive.

The bill that we are now considering is an important step toward holding accountable countries, such as China, that manipulate their currency for the purpose of gaining an unfair trade advantage. I thank the leader for bringing this bill to the floor, and I urge my colleagues to support this legislation.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER (Mr. BENNET). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Al Franken, Jeanne Shaheen, Kay R. Hagan, Robert P. Casey, Jr., Richard J. Durbin, Michael F. Bennet, Richard Blumenthal, Carl Levin, Kent Conrad, Jim Webb, Benjamin L. Cardin, Sheldon Whitehouse, Tom Harkin, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST JOBS AND RECREATION ACT

Mr. INOUE. Mr. President, this summer my wife and I spent some time visiting the forests in the Rocky Mountains and we were horrified at the rate of dead and dying trees throughout the region from the mountain pine beetle epidemic. Upon returning to the Senate and visiting with my colleagues, I learned that Montana has almost 5 million acres of trees impacted by this epidemic. Additionally, Wyoming has approximately 3½ million acres also impacted by this epidemic. These forests are in dire need and we must step up and empower the Forest Service to address this looming issue. The tactic of waiting for these trees to decompose while we solve our forest management battles does not work. While we wait, the timber infrastructure which can address this problem is also dying and those jobs will be lost forever. The cost of performing timber work in the future will become more and more cost prohibitive, consuming the Forest Service budget.

We must step up and help our forest communities with this problem by providing the timber industry new tools and piloting different tactics to address these red and gray forests, all while balancing the needs of conservation. We must do this while restoring these lands and setting aside other lands for future generations. I believe Senator TESTER's Forest Jobs and Recreation Act accomplishes this aim by designating 666,000 acres of wilderness for hunting, fishing, and hiking. This bill also puts another 375,000 acres into areas specifically for recreation so people can bike, ride, and snowmobile in more places. Additionally, this bill focuses on recovering our forests from the impacts of beetles and restoring these woods to prime habitat for fish, birds, and big game. All of this will create much-needed jobs, healthier forests, and more opportunities for outdoor recreation—and the economy it supports.

Decisions on how to use and protect our natural resources are never simple or clear cut. They require commitment and fortitude. They force conversations and compromise. They make us stronger by overcoming differences and looking toward the future. That is something the U.S. Senate could reflect upon. Senator TESTER's collaborative approach of listening to his constituents who came together and found solutions to the problems facing their communities is a positive example of people working together to achieve their common goals of bettering this landscape for future generations. We cannot wait. The dead and dying trees become more of a hazard each day and the ability of mills to make something from this decomposing product will not last. The more proactive we can be, the less this will cost us in the long run.

Senator TESTER's efforts and collaborative approach to address the beetle epidemic should be commended. This is why I am a cosponsor of S. 268, the Forest Jobs and Recreation Act, introduced by Senator TESTER.

EXPANDING DIVERSITY OF AMERICA'S AIRWAVES

Mr. MENENDEZ. Mr. President, the lack of diversity in our Nation's radio and television media ownership is a far cry from the reality in which we live. Multilingual and multicultural stations are critical to the fabric of communities all across this country, yet their access to the airwaves increasingly has been disappearing.

It is clearly in the best interest of our democracy that media ownership reflects the wealth of this Nation's diversity.

That is why today I pause to applaud Clear Channel and Minority Media and Telecommunications Council, MMTC, for their efforts to expand the diversity in media ownership with their recent partnership. Clear Channel has donated six radio stations to MMTC to use for training purposes and ultimately for sale to minority and women broadcasters.

I am pleased to say that one of these stations is in my home State of New Jersey. Through this program, "Radio Vision Cristiana," a minority broadcast company, has purchased WTOG, based in Newton, NJ, and will use the station to broadcast Hispanic religious programming.

Diversity in media ownership enhances diverse perspectives and better serves the community as a whole. It provides a window into communities, into languages, views, and values that might otherwise be totally suppressed without those outlets.

So I am pleased to acknowledge the partnership between Clear Channel and MMTC to furthering this goal, and I only hope that this deal will encourage others to donate stations so that the American airwaves can one day reflect the diverse makeup of the country's people.

TRIBUTE TO ADMIRAL MICHAEL G. MULLEN

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to ADM Michael Mullen, a man who served our country with distinction for 43 years.

During his tenure as Chairman of the Joint Chiefs of Staff, he has presided over the wars in Afghanistan and Iraq, the historic repeal of the don't ask, don't tell policy, the successful operation against Osama bin Laden, and an episode of unprecedented change in the Middle East. He has been tireless in his job, having visited our troops in Iraq and Afghanistan so many times that

we have lost count. Moreover, his tenure as Chairman has been noteworthy for the amount of time he has spent with our troops on the front lines of war.

Before becoming Chairman, Admiral Mullen served as the Navy's Chief and Vice Chief of Naval Operations, as the Commander of U.S. Naval Forces in Europe, and as the Commander of the Allied Joint Force Command in Naples, Italy. Over the course of his career, Admiral Mullen has served aboard seven warships, three times as the commanding officer. In the U.S. Navy's history, he is only the third naval officer ever to be appointed to four different four-star assignments. He is also one of the few remaining veterans of the Vietnam War serving in the top ranks of our military.

When the Vermont National Guard's 1-86th Infantry Brigade Combat Team deployed to Afghanistan in 2010, Admiral Mullen traveled to Vermont to visit the troops at one of their departure ceremonies. On a cold January morning, joined by his wife Deborah, he spoke to a hall packed with families and friends seeing their soldiers off to war. He thanked them for their service to our Nation, and he assured them all—the troops and their families—that they had the full support of our country's highest ranking military officer. It was a great comfort to the Guard, and they will not forget his expression of support. Neither will I.

In fact, Admiral Mullen and his wife, Deborah, have dedicated much of their time to advancing a range of initiatives to support troops and their families. These include wounded warrior care, veteran employment and education, survivor benefits, suicide prevention, and mental health. Again, these efforts speak to the type of man and leader Admiral Mullen is and to his commitment to our men and women in uniform.

I wish Mike and Deborah all the best. He departs the U.S. military with the sincere thanks of a grateful nation. I know that I have benefitted from his wise counsel over the years. America is fortunate to have such a leader.

ADDITIONAL STATEMENTS

ANGEL IN ADOPTION

• Mr. BOOZMAN. Mr. President, today I honor Theresa K. Reeves of Fort Smith, AR, as a 2011 Angel in Adoption. Theresa serves as executive director of Heart to Heart Pregnancy Support Center, an organization that provides services to assist women, men, and families facing unplanned pregnancies and dealing with pregnancy related concerns. In the past 7 years that Theresa has served as executive director, Heart to Heart has helped more than 14,000 individuals.

Theresa's strong advocacy for adoption makes her an ideal recipient of this recognition. Through working alongside birth mothers throughout the adoption process and speaking to local high schools, colleges, and community groups about the benefits of adoption, Theresa has facilitated more than 30 adoptions. In 2008, Theresa received accreditation as a life affirming specialist. In addition, she has completed the adoption liaison training from the National Council of Adoption.

I am proud of Theresa for her dedication to adoption services and for investing in the lives of families in the Arkansas River Valley. I commend her for her service and ask my colleagues to join me in honoring her and the many other Angels in Adoption who continue to selflessly work to ensure that all children grow up in safe, healthy, and loving homes.●

REMEMBERING THE HONORABLE STEPHAN M. MINIKES

• Mr. CARDIN. Mr. President, today I wish to honor the memory of Ambassador Stephan Minikes, and send my condolences to his wife Dede and their family. Born in Berlin, Germany, and immigrating to the United States as a young boy, Stephan exemplified the American spirit through a life of hard work and public service. I worked closely with Stephan while he served as the U.S. Ambassador to the Organization for Security and Cooperation in Europe from 2001 until 2005. During that period, he made significant advances in Europe, the Caucasus and Central Asia on a wide range of security-related concerns, including counterterrorism, arms control, human rights, democratization, and economic development.

Prior to his appointment, Ambassador Minikes practiced law for more than 30 years in Washington, DC and New York. He worked in public law and policy strategy, while more recently he represented clients in national defense, energy, transportation, and international trade. A well known member of the Washington political, legal and diplomatic communities, Ambassador Minikes combined knowledge of business and government from the perspectives of the White House, the U.S. Congress and Federal agencies, as well as of the roles of U.S. embassies and foreign embassies in Washington, DC.

Ambassador Minikes was a 1961 graduate of Cornell University and a 1964 graduate of Yale Law School. He was a member of the bars of the District of Columbia, the State of New York, the U.S. Supreme Court and various other Federal courts, including the U.S. Court of Military Appeals, and a member of the American Bar Association, the District of Columbia Bar Association, the Federal Bar Association, the American Society of International Law

and the Association of the Bar of the city of New York.

Along with these bar association memberships and his impressive educational background, Stephan was a wonderful public servant throughout his lifetime. He lectured to students around the world on issues ranging from foreign policy to national defense, traveled to more than 100 countries representing the U.S. Government and private interests, served as the director of the Washington Opera at the Kennedy Center, was a member of the Executive Committee of the Yale Law School and a member of the board of directors of the American Council on Germany.

Ambassador Minikes was devoted not only to his country, the promotion of human rights and the improvement of global policies, but to his family. Colleagues, please join me in honoring and remembering of Ambassador Stephan Minikes, a true leader and patriot.●

DELTA COUNTY

● Mr. LEVIN. Mr. President, there are thousands of small and medium size counties across our country that form the backbone of our shared history and cultural heritage. These communities shape our political, economic, and social structure. Each has a unique history that defines its region and its citizens. Delta County, MI, set along Lake Michigan in Michigan's Upper Peninsula, is one such place, and since its inception 150 years ago, has contributed much to the rich and proud history of my home State.

While human life in this region dates back to at least 500 A.D. as evidenced by cliff paintings found in the area, the area was first surveyed in 1843, and in 1861, a triangle shaped section of this land was incorporated as Delta County. At one point in the early 1850s, the mouth of the Escanaba River was home to the largest timber producer in the world; built by one of the county's founding fathers, Nelson Ludington. Two years after the county's incorporation, the Chicago and Northwestern Railroad constructed Delta County's first iron ore dock. Over the ensuing decade, the residents of Delta County witnessed the construction of the first frame houses and a hotel, in addition to the Sand Point Lighthouse in Escanaba. The Delta County Historical Society restored this lighthouse in 1987, and it still stands today along Delta County's majestic coastline.

The years following Escanaba's establishment were prosperous, as Delta County grew as a transportation hub for iron in the north, powering the growth of the Great Lakes region's manufacturing prowess. In 1877, the city of Gladstone was incorporated at the end of the Soo Line railroad. Twenty-one years after its founding, Delta County constructed its first court-

house, and a year later, in 1883, the village of Escanaba, the county seat, incorporated as a city. Today, the county takes pride in its continued role in transporting ore, partnered with a diversified paper industry and its popularity as a destination for tourists visiting one of our Nation's most pristine regions.

The Hiawatha National Forest accounts for more than half of Delta County's land area. This beautiful natural resource stretches across Michigan's Upper Peninsula, touching three of the five Great Lakes and contains 413 inland lakes, making it a popular destination for campers and outdoor enthusiasts. A respect for the environment is a central part of the culture of Delta County residents, and in 1991, Delta County was awarded one of six statewide "model" program grants for a recycling and composting program.

Delta County's sesquicentennial marks a great moment for the countless citizens who have contributed much to the success of this region and have helped shape the cultural fabric of this area over the last century and a half. On June 22, Delta County held a ceremony reminiscent of its 100th anniversary celebration, raising a flag and exploring in depth the long, rich history of the county. I know my colleagues in the Senate join me and thousands of citizens across Michigan in wishing the residents of Delta County the best as they chart a course for another century of accomplishment.●

REMEMBERING AMOS MCCLURE

● Mrs. MCCASKILL. Mr. President, today I pay tribute to Mr. Amos McClure, who passed away on October 1, 2011, at the Veterans Administration Hospital in St. Louis, MO. A veteran of the Korean war, during which he was taken prisoner, Amos lived the life of an American patriot.

Just out of high school, Amos joined the U.S. Army in 1948 at the age of 17. At the U.S. Armed Forces Institute in Fort Lewis, WA, he became an expert rifleman before specializing in heavy infantry during the Korean war. On November 29, 1950—just 19 days shy of his 20th birthday—Amos was captured by the enemy while serving his nation in Korea. He spent almost 3 years as a prisoner of war, until his release on August 8, 1953—Armistice Day.

Amos was shot and wounded as a prisoner of war. But Amos was a survivor and his strength and determination helped him overcome both the physical and emotional wounds that were inflicted on so many American POWs. For his service, and in recognition of the sacrifices he made for his country, CPL Amos McClure received numerous military awards, including the Prisoner of War Medal.

Amos returned home from serving in Korea to marry his sweetheart, Norma

Jean Southerland. They were married for almost 52 years before she passed away. They leave behind five children.

After his discharge, Amos worked for the Atomic Energy Commission as a storage battery technician. Later, as a civilian for the U.S. Air Force, he worked as a storage battery technician before moving to St. Louis to become a service manager and electrician until his retirement in 2004.

I honor Amos today out of appreciation for the sacrifices he made on behalf of his fellow Americans, for his contributions to his community, and for the example he set for his children. He had the benefit of a strong family support system and a work ethic that allowed him to move forward from the horrors of war. His spirited approach to life is emblematic of the courage, honor, and strength of our veterans who fought for our freedom.

I join his family, the people of Missouri, and all Americans, in saluting Amos McClure's courage, and I humbly recognize him for all that he has done and for all that he endured for this country. Amos McClure was a true American hero.●

TRIBUTE TO MAUREEN BEAUREGARD

● Mrs. SHAHEEN. Mr. President, today I honor Families in Transition President and Founder Maureen Beauregard for her outstanding service to New Hampshire families over the last two decades.

Twenty years ago, Maureen Beauregard made a commitment to help homeless and at-risk families find safe, affordable housing. Thanks to Ms. Beauregard's leadership and vision, Families in Transition has grown from serving just a handful of families to supporting over 300 adults and children every night. Today Families in Transition provides essential services including substance abuse treatment, mental health counseling, childcare services, and is spread out over ten housing units, two retail outlets, and 53 employees.

A leader and role model to others in the non-profit field, it is no surprise that earlier this year Maureen Beauregard was honored for her hard work and dedication by New Hampshire Business Review as an Outstanding Woman in Business. Her accomplishments over the years have truly been remarkable, and she will continue to have a positive impact on countless at-risk families in New Hampshire.

As we mark the 20th anniversary of Families in Transition, I would like to recognize Maureen Beauregard and thank her for all that she has done to make New Hampshire a better place to live and raise a family.●

TRIBUTE TO JOHN RIST

● Mrs. SHAHEEN. Mr. President, today I honor educator and principal John

Rist for his outstanding service to the Manchester School District for the last 29 years.

Throughout his years with the Manchester School of Technology and Central High School, John has always been committed to improving the lives of our young people. As he retires as principal of Central High School, I thank him for his service to the people of Manchester and the State of New Hampshire.

John first came to Central High School in 1999 as interim principal. With his strong personality and generous nature, he successfully led Central through challenging times. He was named principal of the school in 2002 and during his tenure John helped Central gain full accreditation, established the Central Pride Foundation to support school activities, and oversaw major renovations. Under John's leadership, Central's standardized test scores increased and the dropout rate decreased.

John's commitment to our young people extended well beyond the principal's office. He was a constant presence in the band room, cafeteria, and at Central's many sporting events. He will truly be missed.

I am pleased that even as John retires from Central High School, he will continue to serve on the New Hampshire State Board of Education.

I thank John, a model educator, mentor, and public servant, for his service. He truly embodies what it means to have Central pride.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 670. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

H.R. 686. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

H.R. 765. An act to amend the National Forest Ski Permit Act of 1986 to clarify the authority of the Secretary of Agriculture re-

garding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 29. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. Concurrent resolution directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608.

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Cole, one of its reading clerks, announced that the House agree to the amendment of the Senate to the amendment of the House to the bill (H.R. 2608) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes."

ENROLLED BILL SIGNED

At 3:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2608. An act making continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 670. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

H.R. 686. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3395. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Inter-governmental Review" (7 CFR Parts 1778, 1942, 1944, 1948, 1951, 1980, 3560, 3565, 3570, 4274) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3396. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Expansion of 911 Access; Telecommunications Loan Program" (RIN0572-AC24) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3397. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index; Commission Certification Procedures" ((17 CFR Part 30) (RIN3038-AC54)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3398. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Retail Foreign Exchange Transactions; Conforming Changes to Existing Regulations in Response to the Dodd-Frank Wall Street Reform and Consumer Protection Act" (17 CFR Part 5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Golden Nematode; Removal of Regulated Areas" (Docket No. APHIS-2011-0036) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules; Technical Amendment" (Docket No. APHIS-2008-0022) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3401. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isaria fumosorosea Apopka strain 97; Exemption from the Requirement of a Tolerance" (FRL No. 8889-8) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3402. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amisulbrom; Pesticide Tolerances" (FRL No. 8885-3) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3403. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2011 Critical Use Exemption From the Phaseout of Methyl Bromide" (FRL No. 9473-5) received in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3404. A joint communication from the Under Secretary of Defense (Comptroller) and the Associate Director of National Intelligence, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the National Intelligence Program and the Military Intelligence Program and was assigned National Geospatial-Intelligence Agency case number 10-04; to the Committee on Appropriations.

EC-3405. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Marine Corps account, during fiscal year 2008 at the Marine Corps Base, Camp Pendleton, and the Marine Corps Air Station, Miramar and was assigned Navy case number 10-02; to the Committee on Appropriations.

EC-3406. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Responsibility and Liability for Government Property" ((RIN0750-AG94) (DFARS Case 2010-D018)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3407. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Administering Trafficking in Persons Regulations" ((RIN0750-AH41)

(DFARS Case 2011-D051)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3408. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Accelerate Small Business Payments" ((RIN0750-AH19) (DFARS Case 2011-D008)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3409. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Definition of 'Qualifying Country End Product'" ((RIN0750-AH21) (DFARS Case 2011-D028)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Armed Services.

EC-3410. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Dana T. Atkins, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3411. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3412. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II; Establishment of a Risk-Based Capital Floor" (RIN3064-AD58) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3413. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute and Indemnification Payments" (RIN3133-AD73) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3414. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Accuracy of Advertising and Notice of Insured Status" (RIN3133-AD83) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3415. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance and Appendix" (RIN3133-AD79) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3416. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3417. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1644. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. CASEY:

S. 1645. A bill to establish an Oleoresin Capsicum Spray Pilot Program in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1646. A bill to repeal the Zimbabwe Democracy and Economic Recovery Act of 2001; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 1647. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates; to the Committee on Finance.

By Mr. PAUL (for himself, Mr. MCCONNELL, and Mr. COATS):

S. 1648. A bill to terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 1649. A bill to amend the provisions of title 5, United States Code, relating to the

methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself, Mr. JOHANNES, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK):

S. 1650. A bill to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SESSIONS (for himself and Ms. SNOWE):

S. 1651. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget.

By Mr. BLUMENTHAL (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1652. A bill to amend title 9 of the United States Code to prohibit mandatory arbitration clauses in contracts for mobile service; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. HELLER, and Mr. BEGICH):

S. 1653. A bill to make minor modifications to the procedures relating to the issuance of visas; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1654. A bill to establish an alternative accountability model; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 119

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 306

At the request of Mr. WEBB, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor

of S. 306, a bill to establish the National Criminal Justice Commission.

S. 341

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 341, a bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 436

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 436, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 510

At the request of Mr. UDALL of New Mexico, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 510, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 838

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 1029

At the request of Mr. UDALL of Colorado, the name of the Senator from

Delaware (Mr. COONS) was added as a cosponsor of S. 1029, a bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1315

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1315, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers.

S. 1447

At the request of Mr. CRAPO, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1447, a bill to amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for dating violence prevention, and for other purposes.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1479

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1479, a bill to preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1588

At the request of Mr. WEBB, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1620

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1620, a bill to ensure the icebreaking capabilities of the United States and for other purposes.

S. 1629

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1632

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1632, a bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes.

S.J. RES. 6

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.J. Res. 6, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1644. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee ath-

letic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2011, otherwise known as the WHIP Act. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention, CDC, the economic cost alone to businesses in the form of health insurance and absenteeism is more than \$15 billion. Additionally, the CDC estimates that more than one-third of all U.S. adults fail to meet minimum recommendations for aerobic physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am reintroducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pre-tax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to \$900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees—creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable

health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Health Improvement Program Act of 2011".

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed \$900 per employee per year."

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws."

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to ath-

letic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed \$900 per employee per year."

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. BAUCUS:

S. 1649. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Postal Service Pension Obligation Recalculation and Restoration Act of 2011".

SEC. 2. MODIFIED METHODOLOGY.

(a) IN GENERAL.—Section 8348(h) of title 5, United States Code, is amended by adding at the end the following:

"(4)(A) To the extent that a determination under paragraph (1), relating to benefits attributable to civilian employment with the United States Postal Service, is based on any provision of law described in subparagraph (C), such determination shall be made in accordance with such provision and any otherwise applicable provisions of law, subject to the following:

"(i) The 'average pay' used in the case of any individual shall be a single amount, determined in accordance with section 8331(4), taking into account the rates of basic pay in effect for such individual during the periods of creditable service performed by such individual. Nothing in this subsection shall be considered to permit or require—

"(I) one determination of average pay with respect to service performed with the United States Postal Service; and

"(II) a separate determination of average pay with respect to service performed with its predecessor entity in function.

"(ii) In determining the portion of an annuity attributable to civilian employment with the United States Postal Service, with respect to any period of employment with the United States Postal Service that follows any other period of employment creditable under section 8332 (without regard to whether such employment was with an entity referred to in clause (i)(II)), the total service of an employee for purposes of any provision of law described in subparagraph (C) shall be the sum of—

"(I) any period of employment with the United States Postal Service; and

"(II) any period of employment creditable under section 8332 that precedes the period described in subclause (I).

"(B)(i) Not later than 6 months after the date of enactment of this paragraph, the Of-

fice shall determine (or, if applicable, redetermine) the amount of the Postal surplus or supplemental liability as of the close of the fiscal year most recently ending before such date of enactment, in conformance with the methodology required under subparagraph (A).

"(ii)(I) If the result of the determination or redetermination under clause (i) is a surplus, the Office shall transfer the amount of such surplus to the Postal Service Retiree Health Benefits Fund not later than 15 days after the date of such determination or redetermination.

"(II) If a determination or redetermination under clause (i) for a fiscal year is made before the Office makes a redetermination under paragraph (2)(B) with respect to the fiscal year, the Office may not make a determination under paragraph (2)(B) with respect to the fiscal year.

"(C) The provisions of law described in this subparagraph are—

"(i) the first sentence of section 8339(a); and

"(ii) section 8339(d)(1).

"(5) For purposes of this subsection—

"(A) the term 'Postal Service Retiree Health Benefits Fund' means the fund established under section 8909a; and

"(B) the term 'Postal Service Fund' means the fund established under section 2003 of title 39."

(b) COORDINATION PROVISIONS.—

(1) AMENDMENT.—Section 8909a of title 5, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, the amount payable by the Postal Service under subsection (d) in any fiscal year ending on or before September 30, 2021, shall be determined without regard to the requirements under section 8348(h)(4)."

(2) RULE OF CONSTRUCTION.—Nothing in this Act, or an amendment made by this Act, shall be construed to affect the amount of any benefits otherwise payable from the Civil Service Retirement and Disability Fund to any individual.

(c) TECHNICAL AMENDMENT.—The heading for section 8909a of title 5, United States Code, is amended by striking "Benefit" and inserting "Benefits".

SEC. 3. ADDITIONAL PROVISIONS.

(a) IN GENERAL.—Section 8348(h)(2) of title 5, United States Code, is amended by adding at the end the following:

"(F) Notwithstanding any other provision of this subsection, for purposes of determining the Postal surplus or supplemental liability for each of fiscal years 2016, 2017, 2018, 2019, and 2020—

"(i) paragraph (4)(A) shall not apply to a determination under paragraph (1); and

"(ii) the determination under paragraph (1) shall be made by applying the methodology that was used to carry out this paragraph with respect to the fiscal year preceding the fiscal year referred to in paragraph (4)(B)(i)."

(b) RELATING TO A POSTAL SURPLUS.—Section 8348(h)(2)(C) of title 5, United States Code, is amended—

(1) by inserting "2021," after "2015,"; and

(2) by striking "if the result is" and all that follows through "terminated," and inserting the following: "if the result is a surplus—

"(i) that amount shall be transferred—

"(I) to the Postal Service Retiree Health Benefits Fund, if the surplus is for fiscal year 2020 or a preceding fiscal year; and

"(II) to the Postal Service Fund, if the surplus is for fiscal year 2021 or a subsequent fiscal year; and

“(ii) any prior amortization schedule for payments shall be terminated.”.

SEC. 4. TREATMENT OF CERTAIN SURPLUS RETIREMENT CONTRIBUTIONS.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) If, for fiscal year 2010, the amount computed under paragraph (1)(B) is less than zero (in this section referred to as ‘surplus postal contributions’), the amount of such surplus postal contributions shall be transferred—

“(A) to the Postal Service Retiree Health Benefits Fund to pay any liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011;

“(B) if all liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011 has been paid, to the Employees’ Compensation Fund established under section 8147; and

“(C) if all liability of the United States Postal Service to the Employees’ Compensation Fund has been paid, to the United States Postal Service for the repayment of any obligation issued under section 2005 of title 39.”.

SEC. 5. RURAL POST OFFICES.

Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office which is located more than 10 miles from any other post office.”.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) INTENT OF CONGRESS.—It is the intent of Congress that this Act apply with respect to the allocation of past, present, and future benefit liabilities between the United States Postal Service and the Treasury of the United States.

By Mr. SESSIONS (for himself and Ms. SNOWE):

S. 1651. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget.

Ms. SNOWE. Mr. President, I rise to join Senator SESSIONS in introducing the Honest Budget Act of 2011. At this critical juncture in our Nation’s fiscal history, we must no longer allow Washington to rely on an astonishing array of dishonest budget gimmicks to enable and conceal countless billions in Federal deficit spending.

We can no longer accept budgets that compromise our economic growth, living standards, or opportunities that have been a hallmark of America’s greatness, which is why Senator SESSIONS and I have introduced this important legislation. The Honest Budget Act of 2011 will attack Washington’s frivolous spending by stripping away many of the most egregious budget gimmicks in Washington, by making it

harder for the Federal Government to spend money it does not have, and by confronting the culture of fiscal manipulation that is bleeding future generations of prosperity.

Our budgetary process is intrinsically broken. Congress is required by law to adopt a budget resolution by April 15, yet in the past 36 years Congress has met that deadline just six times. Throughout the last 10 years, Congress has approved a budget resolution on only six occasions. Congress failed to complete action on a budget resolution for 5 fiscal years: fiscal year 1999 in 1998, fiscal year 2003 in 2002, fiscal year 2005 in 2004, fiscal year 2007 in 2006, and fiscal year 2011 in 2010. Not surprisingly, those fiscal years ended with large, spendthrift, omnibus appropriation measures or continuing resolutions.

Last year, no budget and no appropriations bills passed for the first time since the current budget rules were put into place in 1974, resulting in an almost shutdown of the Federal Government in April 2011. We have had 87 continuing resolutions in the past 14 fiscal years and we even failed to pass all 12 individual appropriations bills last year. Not a single appropriations bill passed for fiscal year 2011!

Moreover, the majority in the Senate has failed to pass a budget for 889 days now. No business or household in America can function without a budget, yet, there are no consequences for congressional inaction. The Honest Budget Act will change this.

This tacit acceptance of emergent dysfunction in our budget and appropriations processes has only exacerbated the trend-line of unbridled federal spending, and it is symptomatic of the minuscule value Congress has assigned to averting economically corrosive deficits and debt. Congress violates the budgetary process and existing rules with impunity and no consequences year after year while our national debt is rising, living standard for millions of Americans is faltering, and America is losing a competitive advantage that was once the hallmark of this great nation.

It is time we put an end to this habitual dysfunction! The Honest Budget Act of 2011 will address the many shortcomings of the budget process and it will force Congress to be accountable to the American people. Specifically, this legislation lays out nine specific fixes to ensure that the loopholes and gimmicks often utilized to circumvent the rules are eliminated for all time.

Currently, the Congressional Budget Act empowers any Senator to raise a point of order preventing the consideration of appropriation bills without a concurrent budget resolution in place, but the Senate can waive it with a simple majority vote. As a result, the point of order is rarely raised and Congress can spend money without a plan or budget restraints.

The Honest Budget Act will strengthen the point of order to require a vote of three-fifths of Senators to waive, enhancing the ability of Members to demand the Senate agree to a concurrent budget resolution before moving appropriation bills. Simply put, our legislation ensures that if Congress fails to pass a budget, then no appropriations bills will be considered.

Another loophole that has often been exploited to spend excessively is designating certain federal spending as an “emergency.” Spending that Congress designates as an “emergency” is exempt from the controls designed to enforce budget restraint. By definition, an emergency should be necessary, urgent, unforeseen, and temporary.

I understand that the Federal response to emergencies such as natural disasters and acts of war must be deployed rapidly and without unnecessary budgetary constraints. Unfortunately, attaching the “emergency” designation to a measure is easy it is simply written into the bill text. A Senator can raise a point of order against the designation during floor consideration, but it can be waived with 60 votes.

Examples of the emergency designation abuse abound. For instance, the 2008 supplemental appropriation bill included \$210 million in “emergency” spending for the 2010 Census even though, since its ratification in 1788, the Constitution has required a census every 10 years. Moreover, the fiscal year 2011 appropriation omnibus bill included \$159 billion in emergency spending for the Afghan and Iraq operations wars the U.S. has been fighting for 10 years!

The Honest Budget Act fixes this broken process by prohibiting any bill, joint resolution, or conference report from carrying an emergency requirement unless it is added via an amendment. A supermajority would then be required to sustain an appeal of the ruling of the Chair. A new point of order could be created against an emergency requirement in an amendment that requires 60 votes to waive.

These simple fixes are just a few of the commonsense budget process enhancements the Honest Budget Act makes. These are the types of focused improvements that must be implemented to work alongside a balanced budget amendment to ensure that Congress begins to operate in a more honest and open fashion.

Since 2002 the Nation has run a deficit each and every year and our gross debt has increased from \$6.2 trillion to almost \$15 trillion. Over the past 5 years alone, government has managed to increase spending by a remarkable 40 percent, contributing to the largest budget deficits in our history over the last 3 consecutive years. The Federal Government is now borrowing roughly 40 cents of every dollar it spends. I do

not believe that any of my colleagues in the Senate would argue that the budget process is working properly or as intended. The reality could not be starker.

Our Nation can no longer afford the gimmicks and loopholes too frequently used in the past to dodge existing budgetary restraints. Targeted budget process reforms will compel Congress to return to the regiment and discipline of the budget and appropriations processes, and thereby force the government to establish priorities and abide by those priorities.

In an August of 1987 televised Oval Office address, President Reagan said, "The Congressional budget process is neither reliable nor credible; in short, it needs to be fixed." It has now been nearly a quarter-century since President Reagan sought to fix the budget process. It is time we heed his advice.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1654. A bill to establish an alternative accountability model; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, I come to the floor to speak about a Colorado common-sense approach to solving a national problem facing schools because of the current No Child Left Behind, NCLB law. Today, I am introducing the Growth to Excellence Act, along with my friend and colleague Senator Bennet.

In my travels across the great state of Colorado, educators from Pueblo to Grand Junction have shared with me the difficulties and cumbersome burdens placed on them by NCLB. Although well-intentioned, NCLB has continued to suffer from under-funding and poor implementation, which have in turn hurt our nation's students.

A major component of the current law is the measurement of Annual Yearly Progress, or AYP for short, for a group of students. Current law requires States to compare one year's class of students to the next year's class, and it fails to measure the progress of individual students over time.

This is problematic for schools because it doesn't adequately represent true educational progress, focusing instead on anonymous students' test scores. Likewise, the information is meaningless to parents and students because it does not properly measure individual students' growth over time. Unfortunately, under current law, schools are punished when such groups of students do not meet the required level of AYP, even if individual students actually displayed substantial growth over that time. Our bill would fix that.

Using the nationally recognized Colorado Growth Model as its inspiration, the Growth to Excellence Act would

amend current law to allow all states to move toward an accountability system that measures student growth rates together with their attainment of college and career readiness. Growth models, which track students from year to year, provide schools, parents, teachers, and students alike with the information they need to see where individual student improvements have been made and where there is still room for continued learning.

This legislation, I believe, will provide a proven system of tracking actual student growth aimed at preparing our students for college and for their careers, without unnecessarily punishing schools in a one-size-fits-all approach. This will ultimately improve accountability standards for teachers, principals and school systems nationwide as it will provide us with the data we need to ensure America's students are prepared to win the global economic race in the 21st Century.

As Congress continues its important work on the reauthorization of the Elementary and Secondary Education Act, I urge my colleagues to join both Senator Bennet and me in supporting the Growth to Excellence Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Growth to Excellence Act of 2011".

SEC. 2. ACCOUNTABILITY MODEL.

Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

(1) in paragraph (3), by adding at the end the following:

"(B) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

"(i) IN GENERAL.—Notwithstanding any other requirement of this paragraph, a State may carry out this paragraph through the use of adaptive assessments that—

"(I) are administered through a computerized means;

"(II) are aligned with grade-level academic content standards; and

"(III) measure academic growth above and below grade level.

"(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i)."; and

(2) by adding at the end the following:

"(11) CRITERIA AND IMPLEMENTATION OF ACCOUNTABILITY MODEL.—

"(A) IN GENERAL.—

"(i) TRANSITIONAL PARTICIPATION.—Prior to a State's adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph

(13), a State may apply to the Secretary to replace the State plan requirements under paragraph (2) with the accountability requirements under paragraph (12).

"(ii) REQUIRED PARTICIPATION.—After the adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph (13) and required under this subsection—

"(I) a State shall comply with this paragraph and paragraph (12) in lieu of paragraph (2); and

"(II) references in this Act to section 1111(b)(2) shall be deemed to be references to this paragraph and paragraph (12).

"(B) CRITERIA.—A State that participates in the accountability model described in paragraph (12) shall carry out the following activities:

"(i) Implement challenging college and career ready academic content standards, as defined in paragraph (13)(B).

"(ii) Implement college and career ready assessments, as defined in paragraph 13(C).

"(iii) For a secondary school, measure graduation rates as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations.

"(iv) Assess not less than 2 additional indicators of whether students are college and career ready, such as—

"(I) student scores on the ACT;

"(II) student scores on the SAT;

"(III) the percentage of students who attend an institution of higher education;

"(IV) college remediation rates;

"(V) results from Advance Placement or International Baccalaureate exams;

"(VI) student grade point averages at an institution of higher education; or

"(VII) rates of completion of the first year at an institution of higher education.

"(v) Provide a comprehensive State system of accountability for schools that do not meet the standard for adequate student growth, as described in paragraph (12), which aims to ensure that each student is college and career ready before such student graduates from secondary school and which shall include, at a minimum—

"(I) the evaluation of each school and each group of students described in paragraph (2)(C)(v)(II) against annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i) that are aligned with the goal of ensuring that each student is college and career ready before such student graduates from secondary school;

"(II) a system of categorization that will group schools based on—

"(aa) how the overall performance of students, and the performance of each subgroup of students described in paragraph (2)(C)(v)(II), at such school compares to each annual progress target described in subclauses (V) and (VI) of paragraph (12)(B)(i); and

"(bb) if the school is a secondary school, how students at such school perform when measured against key indicators of college and career readiness, as described in clauses (iii) and (iv);

"(III) supports and consequences for each school in the State, as appropriate for each school based on the categorization described in subclause (II); and

"(IV) incentives for schools that consistently exceed the annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i).

"(vi) Adopt intervention mechanisms for schools, as described in section 1116.

"(vii) Ensure that adequate student growth reports are delivered, in a timely manner, to

parents and teachers (as appropriate) to enable parents and teachers to examine student progress toward becoming college and career ready.

“(C) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

“(i) IN GENERAL.—In carrying out the assessment requirements described in subparagraph (B)(ii), a State may use adaptive assessments described in paragraph (3)(E).

“(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).

“(12) ACCOUNTABILITY MODEL.—

“(A) IN GENERAL.—Each State that will use an accountability model under this paragraph shall submit a plan to the Secretary, which shall demonstrate that the State has developed and will implement a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools meet the standard of adequate student growth as defined under this paragraph.

“(B) COMPONENTS OF THE ACCOUNTABILITY MODEL.—

“(i) IN GENERAL.—Each State accountability model shall—

“(I) be based on the academic standards and academic assessments adopted under paragraphs (1), (3), and (11), and other academic indicators consistent with subparagraph (C)(ii);

“(II) take into account the achievement of all public elementary school and secondary school students;

“(III) be the same accountability model that the State uses for all public elementary schools and secondary schools or all local educational agencies in the State;

“(IV) include components that recognize successful schools and that require intervention measures in struggling schools, which the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that such agencies and schools meet the standard of adequate student growth as described in subparagraph (C), in accordance with this paragraph;

“(V) establish annual progress targets for each school that aim to reduce by half, in less than 6 years—

“(aa) the difference between the percentage of students at the top performing schools in the State who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), and the percentage of such students at each school that is not a top performing school; and

“(bb) for each category of students described in paragraph (2)(C)(v)(II), the difference between the percentage of students who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), at the top performing schools in the State, and the percentage of such students at each school that is not a top performing school; and

“(VI) establish annual progress targets for each secondary school that aim to reduce by half, in less than 6 years, the difference between the percentage of students who grad-

uate from such secondary school and 90 percent.

“(ii) DEFINITION OF TOP PERFORMING SCHOOL.—In this paragraph, the term ‘top performing school’ means a school that is ranked at the 90th percentile when all schools in a State are ranked (with separate rankings for elementary schools and for secondary schools) from lowest to highest, based on the percentage of students at each school who meet challenging college and career ready academic content standards.

“(iii) TOP PERFORMING SCHOOLS.—A top performing school shall be considered a school that is meeting annual progress targets under subclauses (V) and (VI) of clause (i), for such time as the school remains a top performing school.

“(C) ADEQUATE STUDENT GROWTH.—

“(i) IN GENERAL.—The term ‘adequate student growth’ shall be defined by a State—

“(I) to mean—

“(aa) for each student at a school who is not on track to being college and career ready in a subject, a rate of growth indicating that the student will be on track to being college and career ready within 3 years, or by the last year of student testing, whichever is earlier; and

“(bb) for a student who is on track to being college and career ready in a subject, but is not yet college and career ready, a rate of growth equal to not less than 1 year of academic growth;

“(II) in a manner that—

“(aa) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

“(bb) is statistically rigorous, valid, and reliable;

“(cc) results in continuous and substantial academic improvement for all students; and

“(dd) measures the progress of public elementary schools, secondary schools, local educational agencies, and the State based on the academic assessments described in paragraphs (3) and (11).

“(ii) MEASURES OF ADEQUATE SCHOOL PERFORMANCE.—

“(I) IN GENERAL.—A State may develop a composite measure of a school’s adequate student growth, as described under this paragraph, to be used for public reporting, that may incorporate 1 or more of the following indicators:

“(aa) Overall student cohort proficiency or growth to proficiency on the assessments adopted under paragraphs (3) and (11) over a period of 2 or more years.

“(bb) The percentage of students who are making sufficient growth to meet the college and career ready academic content standards, as described in paragraph (13)(B), before the last year that the student is in the student’s current school, or in less than 3 years, whichever occurs earlier.

“(cc) Progress in closing achievement gaps between each group of students listed in paragraph (2)(C)(v)(II) and the overall student population of the school over a period of 2 or more years.

“(dd) For secondary schools, a continuous and substantial increase in the graduation rate (as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations).

“(ee) Year-to-year growth and growth to proficiency on the assessments adopted under paragraphs (3) and (11).

“(ff) Attendance for all public elementary school students.

“(gg) The percentage of students who earn sufficient credits to be promoted to the next grade.

“(hh) The percentage of secondary school graduates who attend an institution of higher education.

“(ii) The percentage of secondary school graduates who do not require remediation at an institution of higher education.

“(II) VALIDITY AND RELIABILITY.—The State shall ensure that each indicator described in this clause is rigorous, valid for the indicator’s assigned use, reliable, and consistent with any relevant nationally recognized professional and technical standards.

“(III) REPORTING OF INDICATORS.—A State shall publicly report each of the indicators that are included within the composite measure of adequate school performance, as described in this clause, in the aggregate and disaggregated by each group of students described in paragraph (2)(C)(v)(II).

“(D) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to meet the standard for adequate student growth under this paragraph, not less than 95 percent of each group of students described in paragraph (2)(C)(v)(II) who are enrolled in the school are required to take the assessments, consistent with paragraph (3), including subparagraph (C)(xi) of such paragraph, and with—

“(i) accommodations provided in the same manner as those provided under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(ii) accommodations and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals with Disabilities Education Act.

“(E) EVALUATION.—

“(i) SECRETARIAL DUTIES.—The Secretary shall—

“(I) establish a rigorous peer-review process, which shall include a diverse board of experts and community stakeholders, to assist in the review of State accountability model plans, based on the criteria described in subparagraphs (B) and (C)(i);

“(II) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

“(III) if the Secretary determines that the State plan does not meet the requirements of this paragraph, immediately notify the State of such determination and the reasons for such determination;

“(IV) not decline to approve a State’s accountability model plan before—

“(aa) offering the State an opportunity to revise its accountability model plan;

“(bb) providing technical assistance in order to assist the State to meet the requirements of this paragraph;

“(cc) providing a hearing; and

“(dd) allowing the State to communicate with peer reviewers in order to further explain or justify the merits of the State’s accountability model plan; and

“(V) have the authority to disapprove a State accountability model plan for not meeting the requirements of this paragraph, but shall not have the authority to require a State, as a condition of approval of the State accountability model plan, to include in, or delete from, such plan 1 or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items.

“(ii) STATE REVISIONS.—A State accountability model plan shall be revised by the

State educational agency if it is necessary to satisfy the requirements of this paragraph.

“(F) APPROVED SCHOOLS.—If, as of the date of enactment of the Growth to Excellence Act of 2011, a State has already received approval from the Secretary to use an accountability model, the Secretary may allow such State a period of not more than 2 years from the date of enactment of such Act to transition to the use of the accountability model described in this paragraph.

“(13) DEFINITIONS.—In this subsection:

“(A) COLLEGE AND CAREER READY.—The term ‘college and career ready’ when used with respect to a student means that the student meets the requirements necessary to be admitted into credit-bearing, nonremedial, entry level coursework at a State public institution of higher education.

“(B) COLLEGE AND CAREER READY ACADEMIC CONTENT STANDARDS.—The term ‘college and career ready academic content standards’ means challenging academic content standards (as required under paragraph (1)) that are—

“(i) developed based on evidence that mastery of such standards corresponds to being college and career ready without the need for remediation; and

“(ii)(I) common to a significant number of States; or

“(II) approved by a system of public 4-year institutions of higher education in the State, such that mastery of such standards leads to placement into credit-bearing, nonremedial, first-year coursework for a student admitted to an institution of higher education that is part of such system.

“(C) COLLEGE AND CAREER READY ASSESSMENTS.—The term ‘college and career ready assessments’ means an assessment for mathematics and an assessment for reading or language arts that—

“(i) measures the annual academic growth of individual students;

“(ii) is aligned with the college and career ready academic content standards described in this paragraph; and

“(iii) meets the requirements under paragraph (3).

“(D) ON TRACK TO BEING COLLEGE AND CAREER READY.—The term ‘on track to being college and career ready’ in a subject means that a student is performing at or above grade level, such that the student will be college and career ready in the subject before graduation from secondary school, as measured by the State assessment system.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 670. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 671. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 672. Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 673. Ms. MURKOWSKI (for herself and Mr. HELLER) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 674. Mr. HELLER (for himself and Mr. VITTER) submitted an amendment intended

to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 675. Mr. MENENDEZ (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 676. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 677. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 678. Mr. PAUL (for himself, Mr. VITTER, Mr. DEMINT, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 679. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 680. Mr. HATCH (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 681. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 682. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 683. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 684. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 685. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 686. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 687. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 688. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 689. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 690. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 691. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 692. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 693. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 694. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 695. Mr. REID proposed an amendment to amendment SA 694 proposed by Mr. REID to the bill S. 1619, supra.

SA 696. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 697. Mr. REID proposed an amendment to amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 698. Mr. REID proposed an amendment to amendment SA 697 proposed by Mr. REID to the amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 699. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 700. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 701. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 702. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 703. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 704. Ms. STABENOW (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 705. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 706. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 707. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 708. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 709. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 710. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 711. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 712. Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNIS, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 713. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 714. Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 715. Mr. WYDEN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. PORTMAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him

to the bill S. 1619, supra; which was ordered to lie on the table.

SA 716. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 717. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 718. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 719. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 720. Mr. ROBERTS (for himself and Mr. JOHANN) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 721. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 670. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, add the following:

SEC. 16. PROHIBITION ON FOREIGN AID TO COUNTRIES HOLDING MORE THAN \$10,000,000,000 IN UNITED STATES DEBT.

(a) **PROHIBITION ON FUNDING.**—Except as provided in subsection (c), no funds may be appropriated or otherwise made available to provide assistance to the people or government of a country that is listed by the United States Treasury as owning more than \$10,000,000,000 in United States debt. This prohibition includes both direct bilateral assistance and assistance provided by the United States Agency for International Development to nongovernmental organizations and multilateral organizations, including the United Nations and affiliated organizations, for programs designed to assist the residents of any country that owns more than \$10,000,000,000 in United States debt.

(b) **RESCISSION OF FISCAL YEAR 2012 FUNDS.**—Any funds appropriated or otherwise made available for fiscal year 2012 for assistance prohibited under subsection (a) and available for obligation as of the date of the enactment of this Act are hereby rescinded.

(c) **EXCEPTIONS.**—

(1) **EXEMPTED ASSISTANCE.**—The prohibition under subsection (a) does not apply to—

(A) Foreign Military Financing assistance;

(B) assistance for programs to strengthen the rule of law and good governance; and

(C) assistance for programs to promote religious liberty and freedom.

(2) **PRESIDENTIAL WAIVER.**—

(A) **IN GENERAL.**—The President may waive the prohibition on assistance under subsection (a) if the President determines that providing such assistance is necessary to respond to an emergency requirement.

(B) **EMERGENCY REQUIREMENT DEFINED.**—

(1) **DEFINITION.**—For purposes of this paragraph, an emergency requirement is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent in nature.

(ii) **MEANING OF UNFORESEEN.**—For purposes of this subparagraph, an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(C) **CONGRESSIONAL NOTIFICATION.**—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives not later than 15 days after exercising a waiver under this paragraph.

SA 671. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ASSESSMENTS OF EMPLOYMENT IMPACT.

(a) **SHORT TITLE.**—This section may be cited as the “Employment Impact Act of 2011”.

(b) **PURPOSE.**—The purposes of this section are the following:

(1) To declare that the impact of Federal regulations on jobs and job prospects in the United States is a significant and relevant consideration to all Federal regulatory policy actions and henceforth should be taken into account by Federal regulators when they decide to take actions under their respective statutory authorities.

(2) To express the concern of Congress that Federal regulators consider the cumulative impact of multiple proposed Federal regulations on jobs and job prospects in the United States and that the cumulative impact of such regulations should be given all due consideration and weighed in the balance with the other purposes sought to be achieved by such regulatory measures.

(c) **DUTY TO ASSESS THE IMPACT OF FEDERAL ACTION ON JOBS AND JOB OPPORTUNITIES.**—

(1) **IN GENERAL.**—The Congress authorizes and directs, to the fullest extent possible, that all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which shall insure the integrated use of the relevant fields of research and learning in planning and decisionmaking which may have an impact on jobs and job opportunities;

(B) identify and develop methods and procedures, in consultation with the Council on Economic Advisors, Office of the President, which will insure that presently unquantified impacts on job and job opportunities may be given appropriate consideration in decisionmaking along with environmental and other considerations; and

(C) include in every recommendation or report on proposals for legislation and other major Federal actions with potentially significant effects on jobs and job opportunities, a jobs impact statement as described in paragraph (2).

(2) **JOBS IMPACT STATEMENT.**—

(A) **CONTENTS.**—A jobs impact statement required under paragraph (1) shall include a detailed statement by the responsible official on—

(i) the impact of the proposed action on jobs and job opportunities, including an assessment of the jobs that would be lost, gained, or sent overseas as a result of the proposed action;

(ii) any adverse effect on jobs and job opportunities which could not be avoided should the proposal be implemented;

(iii) alternatives and modifications to the proposed action that could avoid negative impacts on jobs and job opportunities; and

(iv) the relationship between any local short-term impacts on jobs and job opportunities and the maintenance and enhancements of long-term productivity and environmental values.

(B) **CONSULTATION WITH RELEVANT FEDERAL AGENCIES.**—Prior to preparing a jobs impact statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any jobs or job opportunities impacts involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies that are authorized to develop and enforce policies and programs relevant to jobs and job opportunities, shall be made available to the Council of Economic Advisors and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review process.

(C) **CUMULATIVE IMPACT OF PROPOSED ACTIONS.**—In determining the impact of a proposed action on jobs and job opportunities, the responsible Federal official shall take into account the cumulative impact on jobs and job opportunities of concurrently pending proposals affecting a particular industry or sector of the economy, and shall not make a finding of no significant impact solely on the basis of examining the impacts of a single proposal in isolation from other pending proposals.

(D) **COMBINING ENVIRONMENTAL AND JOB IMPACT STATEMENTS.**—A jobs impact statement required under this section may be combined with a detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if both statements are required with respect to the same proposed action.

(e) **CONFORMITY OF ADMINISTRATIVE PROCEDURES.**—All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this section, and shall propose to the President not later than one year after enactment of this Act, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this section.

(e) **NO JUDICIAL REVIEW OF JOBS IMPACT STATEMENTS.**—Implementation of this section, including a jobs impact statement prepared in accordance with this section, shall not be subject to judicial review.

SA 672. Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, to

provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XX—STANDARDS FOR CEMENT MANUFACTURING

SEC. 01. SHORT TITLE.

This title may be cited as the “Cement Sector Regulatory Relief Act of 2011”.

SEC. 02. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In lieu of the rules specified in subsection (b), and notwithstanding the date by which those rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) shall—

(1) propose regulations for the Portland cement manufacturing industry and Portland cement plants that are subject to any of the rules specified in subsection (b) that—

(A) establish maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identify nonhazardous secondary materials that, when used as fuels in combustion units of that industry and those plants, qualify as solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) for purposes of determining the extent to which the combustion units are required to meet the emission standards under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429); and

(2) promulgate final versions of those regulations by not later than—

(A) the date that is 15 months after the date of enactment of this Act; or

(B) such later date as may be determined by the Administrator.

(b) STAY OF EARLIER RULES.—

(1) PORTLAND-SPECIFIC RULES.—The final rule entitled “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants” (75 Fed. Reg. 54970 (September 9, 2010)) shall be—

(A) of no force or effect;

(B) treated as though the rule had never taken effect; and

(C) replaced in accordance with subsection (a).

(2) OTHER RULES.—

(A) IN GENERAL.—The final rules described in subparagraph (B), to the extent that those rules apply to the Portland cement manufacturing industry and Portland cement plants, shall be—

(i) of no force or effect;

(ii) treated as though the rules had never taken effect; and

(iii) replaced in accordance with subsection (a).

(B) DESCRIPTION OF RULES.—The final rules described in this subparagraph are—

(i) the final rule entitled “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (76 Fed. Reg. 15704 (March 21, 2011)); and

(ii) the final rule entitled “Identification of Non-Hazardous Secondary Materials That Are Solid Waste” (76 Fed. Reg. 15456 (March 21, 2011)).

SEC. 03. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated

pursuant to section 02(a), the Administrator—

(1) shall establish a date for compliance with standards and requirements under the regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for that compliance, shall take into consideration—

(A) the costs of achieving emission reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time necessary—

(i) to obtain necessary permit approvals; and

(ii) to procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Administrator; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 02(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying—

(1) the definition of the term “new source” under section 112(a)(4) of that Act (42 U.S.C. 7412(a)(4)); or

(2) the definition of the term “new solid waste incineration unit” under section 129(g)(2) of that Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this title restricts or otherwise affects paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 04. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), in promulgating regulations under section 02(a) addressing the subject matter of the rules specified in section 02(b)(2), the Administrator shall—

(1) adopt the definitions of the terms “commercial and industrial solid waste incineration unit”, “commercial and industrial waste”, and “contained gaseous material” in the rule entitled “Standards for Performance of New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (65 Fed. Reg. 75338 (December 1, 2000)); and

(2) identify nonhazardous secondary material to be solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) only if—

(A) the material meets that definition of commercial and industrial waste; or

(B) if the material is a gas, the material meets that definition of contained gaseous material.

SEC. 05. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating regulations under section 02(a), the Administrator shall ensure, to the maximum extent practicable, that emission standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and

concurrently with emission standards for all other air pollutants covered by regulations applicable to the source category, taking into account—

(1) variability in actual source performance;

(2) source design;

(3) fuels;

(4) inputs;

(5) controls;

(6) ability to measure the pollutant emissions; and

(7) operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated under section 02(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.), including work practice standards under section 112(h) of that Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of that Act and Executive Order 13563 (76 Fed. Reg. 3821 (January 21, 2011)).

SA 673. Ms. MURKOWSKI (for herself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CRITICAL MINERALS

SEC. 01. SHORT TITLE.

This title may be cited as the “Critical Minerals Policy Act of 2011”.

SEC. 02. DEFINITIONS.

In this title:

(1) APPLICABLE COMMITTEES.—The term “applicable committees” means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term “clean energy technology” means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term “critical mineral” means any mineral designated as a critical mineral pursuant to section 11.

(B) EXCLUSIONS.—The term “critical mineral” does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term “critical mineral manufacturing” means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) MILITARY EQUIPMENT.—The term “military equipment” means equipment used directly by the armed forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term “rare earth element” means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term “rare earth element” includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—

(A) SUBTITLE A.—In subtitle A, the term “Secretary” means the Secretary of the Interior—

(i) acting through the Director of the United States Geological Survey; and

(ii) in consultation with (as appropriate)—

(I) the Secretary of Energy;

(II) the Secretary of Defense;

(III) the Secretary of Commerce;

(IV) the Secretary of State;

(V) the Secretary of Agriculture;

(VI) the United States Trade Representative; and

(VII) the heads of other applicable Federal agencies.

(B) SUBTITLE B.—In subtitle B, the term “Secretary” means the Secretary of Energy.

(9) STATE.—The term “State” means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term “value-added” means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good such that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term “Working Group” means the Critical Minerals Working Group established under section 14(a).

Subtitle A—Designations and Policies

SEC. 11. DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating that draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

SEC. 12. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation such that informed actions can be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

SEC. 13. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) Indian tribe land, at the request and with the written permission of the Indian tribe; and

(3) State land, at the request and with the written permission of the Governor of a State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or Indian tribe land.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 11 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

SEC. 14. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the “Critical Minerals Working Group”, which shall report to the President and Congress through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

- (1) critical minerals exploration;
- (2) critical minerals permitting;
- (3) critical minerals production; and
- (4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic, critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic, critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic, critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic, critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 12(a).

(d) REPORT.—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) DRAFT PERFORMANCE METRIC.—Not later than 330 days after the date of enactment of this Act, and upon completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals (referred to in this section as the “performance metric”).

(f) FINAL PERFORMANCE METRIC.—Not later than 1 year after the date of enactment of this Act, and after consideration of public comments received pursuant to subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, using the performance metric under subsection (f), and annually thereafter, the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria

relevant to a globally competitive economic sector.

(h) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) CONSTRUCTION.—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee thereof) or any other person.

SEC. 15. MANUFACTURING.

(a) AGREEMENT.—At the request of the Governor of a State, the President (or a designee) may enter into a cooperative agreement with the State for the processing of permits for critical mineral manufacturing facilities (including those related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, and batteries and other energy storage devices) under which each party to the agreement identifies steps, including timelines, that the party will take to optimize efficiencies, while maintaining environmental standards, associated with the environmental review and consideration of Federal and State permits for a new critical mineral manufacturing facility.

(b) AUTHORITY UNDER AGREEMENT.—In carrying out this section, the President may—

(1) accept from an applicant a consolidated application for all permits required by the Federal Government, to the extent consistent with other applicable law;

(2) facilitate memoranda of agreement between Federal agencies to coordinate consideration of applications and permits among Federal agencies; and

(3) enter into memoranda of agreement with a State, under which Federal and State review of permit applications will be coordinated and concurrently considered, to the maximum extent practicable.

(c) STATE ASSISTANCE.—The President may provide technical, legal, or other assistance to State governments to facilitate State review of applications to build new critical mineral manufacturing facilities.

SEC. 16. RECYCLING AND ALTERNATIVES.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) COOPERATION.—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) **ACTIVITIES.**—Under the program, the Secretary shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

SEC. 17. ANALYSIS AND FORECASTING.

(a) **CAPABILITIES.**—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) **PROPRIETARY INFORMATION.**—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 18. EDUCATION AND WORKFORCE.

(a) **WORKFORCE ASSESSMENT.**—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 12(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) **CURRICULUM STUDY.**—

(1) **IN GENERAL.**—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) **GRANT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) **RENEWAL.**—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 19. INTERNATIONAL COOPERATION.

(a) **ESTABLISHMENT.**—The Secretary of State, in coordination with the Secretary,

shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) **ACTIVITIES.**—Under the program, the Secretary may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 17.

Subtitle B—Mineral-specific Actions

SEC. 21. ADMINISTRATION.

Nothing in this subtitle or an amendment made by this subtitle affects the methodology or designations established under section 11.

SEC. 22. COBALT.

(a) **AUTHORIZATION.**—The Secretary shall support research programs that focus on novel uses for cobalt (including energy technologies and super-alloys), including—

(1) use in clean energy technologies (including, for purposes of this section, rechargeable batteries, catalysts, photovoltaic cells, permanent magnets, and fuel cells);

(2) use in alloys with military equipment, civil aviation, and electricity generation applications; and

(3) use as coal-to-gas and coal-to-liquid catalysts.

(b) **CATEGORIES.**—Research under this section shall be conducted in—

(1) a fundamental category, including laboratory and literature research; and

(2) an applied category, including plant and field research.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing—

(1) the research programs carried out under this section;

(2) the findings of the programs; and

(3) future research efforts planned.

SEC. 23. LEAD.

(a) **IN GENERAL.**—The Secretary shall support research programs that focus on advanced lead manufacturing processes, including programs that—

(1) contribute to the establishment of a secure, domestic supply of lead;

(2) produce technologies that represent an environmental improvement compared to conventional production processes; or

(3) produce technologies that attain a higher efficiency level compared to conventional production processes.

(b) **COORDINATION.**—In carrying out the programs under subsection (a), the Secretary shall coordinate with other entities to promote the development of environmentally responsible lead manufacturing, including—

(1) other Federal agencies;

(2) States with affected interests;

(3) manufacturers;

(4) clean energy technology manufacturers, including producers of batteries and other energy storage technologies; and

(5) any others considered appropriate by the Secretary.

SEC. 24. LITHIUM.

Subtitle E of title VI of the Energy Independence and Security Act of 2007 (42 U.S.C. 17241 et seq.) is amended by adding at the end the following:

“SEC. 657. GRANTS FOR LITHIUM PRODUCTION RESEARCH AND DEVELOPMENT.

“(a) **DEFINITION OF ELIGIBLE ENTITY.**—In this section, the term ‘eligible entity’ means—

“(1) a private partnership or other entity that is—

“(A) organized in accordance with Federal law; and

“(B) engaged in lithium production for use in advanced battery technologies;

“(2) a public entity, such as a State, tribal, or local governmental entity; or

“(3) a consortium of entities described in paragraphs (1) and (2).

“(b) **GRANTS.**—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of domestic industrial processes that are designed to enhance domestic lithium production for use in advanced battery technologies, as determined by the Secretary.

“(c) **USE.**—An eligible entity shall use a grant provided under this section to develop or enhance—

“(1) domestic industrial processes that increase lithium production, processing, or recycling for use in advanced lithium batteries; or

“(2) industrial processes associated with new formulations of lithium feedstock for use in advanced lithium batteries.”.

SEC. 25. THORIUM.

(a) **STUDY.**—The Secretary, in consultation with the Nuclear Regulatory Commission, shall conduct a study on the technical, economic, and policy issues (including non-proliferation) associated with establishing a licensing pathway for the complete thorium nuclear fuel cycle (including mining, milling, processing, fabrication, reactors, disposal, and decommissioning) that—

(1) identifies the gaps in the technical knowledge that could lead to a licensing pathway; and

(2) considers technologies and applications for any thorium byproducts of critical mineral production or processing.

(b) **COOPERATION.**—In conducting the study under subsection (a), the Secretary shall cooperate with appropriate—

(1) trade associations;

(2) equipment manufacturers;

(3) National Laboratories;

(4) institutions of higher education; and

(5) other applicable entities.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report summarizing the findings of the study.

SEC. 26. UPDATED RESOURCE INFORMATION.

(a) **RESOURCES.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall complete an update of existing resource information for phosphate and rare earth elements.

(b) **CONSULTATION.**—In updating resource information under this section, the Secretary of the Interior shall consult with—

(1) the heads of appropriate State geological surveys;

(2) mineral producers;

(3) mineral processors;

(4) trade associations;

(5) academic institutions; and

(6) such other entities or individuals as the Secretary of the Interior considers appropriate.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Resource information updates carried out pursuant to this section shall be limited to collection of existing information.

(2) **ADMINISTRATION.**—If any mineral covered by this section is designated as a critical mineral under section 11, this section shall not apply.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the applicable committees written notification certifying that the resource information for phosphate and rare earth elements is up-to-date.

Subtitle C—Miscellaneous

SEC. 31. OFFSETS.

(a) **IN GENERAL.**—The following Acts are repealed:

(1) The National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.), other than subsections (e) and (f) of section 5 of that Act (30 U.S.C. 1604).

(2) The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).

(b) **CONFORMING AMENDMENT.**—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “, with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).”.

SEC. 32. ADMINISTRATION.

Nothing in this title or an amendment made by this title modifies any requirement or authority provided by the matter under the heading “GEOLOGICAL SURVEY” of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)).

SEC. 33. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title and the amendments made by this title \$53,250,000, of which—

(1) \$500,000 may be used to carry out section 11, to remain available until expended;

(2) \$20,000,000 may be used to carry out section 13, to remain available until expended;

(3) \$2,000,000 may be used to carry out section 14, to remain available until expended;

(4) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 16 and the amendment made by that section, to remain available until expended;

(5)(A) \$1,500,000 for each of fiscal years 2012 and 2013 may be used to carry out section 17, to remain available until expended; and

(B) \$750,000 for each of fiscal years 2014 through 2016 may be used to carry out section 17;

(6) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 18, to remain available until expended;

(7) \$500,000 for each of fiscal years 2012 through 2016 may be used to carry out section 19, to remain available until expended;

(8) \$1,000,000 for each of fiscal years 2012 through 2014 may be used to carry out sections 22, 23, 24, and 25 and the amendments made by those sections; and

(9) \$1,000,000 may be used to carry out section 26, to remain available until expended.

(10) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 27, to remain available until expended;

(11) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 28, to remain available until expended;

(12) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 29, to remain available until expended;

(13) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 30, to remain available until expended;

(14) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 31, to remain available until expended;

(15) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 32, to remain available until expended;

(16) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 33, to remain available until expended;

(17) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 34, to remain available until expended;

(18) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 35, to remain available until expended;

(19) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 36, to remain available until expended;

(20) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 37, to remain available until expended;

(21) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 38, to remain available until expended;

(22) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 39, to remain available until expended;

(23) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 40, to remain available until expended;

(24) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 41, to remain available until expended;

(25) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 42, to remain available until expended;

(26) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 43, to remain available until expended;

(27) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 44, to remain available until expended;

(28) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 45, to remain available until expended;

(29) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 46, to remain available until expended;

(30) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 47, to remain available until expended;

(31) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 48, to remain available until expended;

(32) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 49, to remain available until expended;

(33) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 50, to remain available until expended;

(34) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 51, to remain available until expended;

(35) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 52, to remain available until expended;

(36) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 53, to remain available until expended;

(37) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 54, to remain available until expended;

(38) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 55, to remain available until expended;

(39) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 56, to remain available until expended;

(40) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 57, to remain available until expended;

(41) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 58, to remain available until expended;

(42) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 59, to remain available until expended;

(43) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 60, to remain available until expended;

(44) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 61, to remain available until expended;

(45) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 62, to remain available until expended;

(46) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 63, to remain available until expended;

(47) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 64, to remain available until expended;

(48) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 65, to remain available until expended;

(49) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 66, to remain available until expended;

(50) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 67, to remain available until expended;

(51) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 68, to remain available until expended;

(52) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 69, to remain available until expended;

(53) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 70, to remain available until expended;

(54) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 71, to remain available until expended;

(55) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 72, to remain available until expended;

(56) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 73, to remain available until expended;

(57) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 74, to remain available until expended;

(58) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 75, to remain available until expended;

(59) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 76, to remain available until expended;

(60) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 77, to remain available until expended;

(61) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 78, to remain available until expended;

(62) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 79, to remain available until expended;

(63) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 80, to remain available until expended;

(64) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 81, to remain available until expended;

(65) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 82, to remain available until expended;

(66) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 83, to remain available until expended;

(67) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 84, to remain available until expended;

(68) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 85, to remain available until expended;

(69) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 86, to remain available until expended;

(70) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 87, to remain available until expended;

(71) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 88, to remain available until expended;

(72) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 89, to remain available until expended;

(73) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 90, to remain available until expended;

(74) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 91, to remain available until expended;

(75) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 92, to remain available until expended;

(76) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 93, to remain available until expended;

(77) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 94, to remain available until expended;

(78) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 95, to remain available until expended;

(79) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 96, to remain available until expended;

(80) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 97, to remain available until expended;

(81) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 98, to remain available until expended;

(82) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 99, to remain available until expended;

(83) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 100, to remain available until expended;

(84) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 101, to remain available until expended;

(85) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 102, to remain available until expended;

(86) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 103, to remain available until expended;

(87) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 104, to remain available until expended;

(88) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 105, to remain available until expended;

(89) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 106, to remain available until expended;

(90) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 107, to remain available until expended;

of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE —NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. 02. DEFINITION.

In this title, the term “Member of Congress”—

- (1) has the meaning given under section 2106 of title 5, United States Code; and
- (2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 675. Mr. MENENDEZ (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —MISCELLANEOUS

SEC. 01. RENEWAL OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking everything after “suitable for use in men’s and boys’ shirts” in the article description column and by striking the date in the effective date column and inserting “12/31/2013”:

- (1) Heading 9902.52.08 (relating to woven fabrics of cotton).
- (2) Heading 9902.52.09 (relating to woven fabrics of cotton).
- (3) Heading 9902.52.10 (relating to woven fabrics of cotton).
- (4) Heading 9902.52.11 (relating to woven fabrics of cotton).
- (5) Heading 9902.52.12 (relating to woven fabrics of cotton).
- (6) Heading 9902.52.13 (relating to woven fabrics of cotton).
- (7) Heading 9902.52.14 (relating to woven fabrics of cotton).
- (8) Heading 9902.52.15 (relating to woven fabrics of cotton).
- (9) Heading 9902.52.16 (relating to woven fabrics of cotton).
- (10) Heading 9902.52.17 (relating to woven fabrics of cotton).
- (11) Heading 9902.52.18 (relating to woven fabrics of cotton).
- (12) Heading 9902.52.19 (relating to woven fabrics of cotton).
- (13) Heading 9902.52.20 (relating to woven fabrics of cotton).
- (14) Heading 9902.52.21 (relating to woven fabrics of cotton).
- (15) Heading 9902.52.22 (relating to woven fabrics of cotton).
- (16) Heading 9902.52.23 (relating to woven fabrics of cotton).
- (17) Heading 9902.52.24 (relating to woven fabrics of cotton).
- (18) Heading 9902.52.25 (relating to woven fabrics of cotton).
- (19) Heading 9902.52.26 (relating to woven fabrics of cotton).
- (20) Heading 9902.52.27 (relating to woven fabrics of cotton).
- (21) Heading 9902.52.28 (relating to woven fabrics of cotton).
- (22) Heading 9902.52.29 (relating to woven fabrics of cotton).
- (23) Heading 9902.52.30 (relating to woven fabrics of cotton).
- (24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “beginning in fiscal year 2007” and inserting “for fiscal year 2011 and each fiscal year thereafter”; and

(B) by striking “grown in the United States” each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting “that produce ring spun cotton yarns in the United States” after “of pima cotton”;

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1)—

(i) by striking “grown in the United States” and inserting “during the year in which the affidavit is filed and”; and

(ii) by inserting “in the United States” after “cotton yarns”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 02. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking “subject to the limitation in subparagraph (B)” and inserting “subject to subparagraphs (B) and (C)”; and

(2) by adding at the end the following new subparagraph:

“(C) ALTERNATIVE FUNDING SOURCE.—Subparagraph (A) shall be applied and administered by substituting ‘chapter 62’ for ‘chapter 51’ for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).”

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 AND 2011.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by

the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600)), subject to the limitation in subparagraph (B).

(B) **LIMITATION.**—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011.

(2) **PAYMENT OF AMOUNTS.**—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) **RULE OF CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) **CONFORMING AMENDMENTS.**—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(e) **DISCRETIONARY AUTHORITY.**—

(1) **IN GENERAL.**—Section 4002(c)(3) of Public Law 108-429 is amended by inserting “(or to protect domestic manufacturing employment, and at the sole discretion of the U.S. Customs and Border Protection, no later than April 15)” after “March 1 of the year of the payment”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall be effective for payment year 2011 and thereafter.

SA 676. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. .01. SHORT TITLE.

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

SEC. .02. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. .03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. .04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) **QUARTERLY REPORT.**—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional com-

mittees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (2)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) **PUBLIC AVAILABILITY.**—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. .05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) **IN GENERAL.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. .06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section ____04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for

any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 677. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on “Military and Security Developments Involving the People’s Republic of China,” found that “China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing’s terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland’s favor.” In this report, the Department of Defense also concludes that, over the next decade, China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing’s terms”.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan’s air force in an unclassified report, dated January 21, 2010. The DIA found that, “[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.” The report concluded, “Many of Taiwan’s fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force.”

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan “would generate some \$3,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,” including 23,407 direct jobs, while “economic benefits would likely be realized in 44 states and the District of Columbia”.

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote

separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China’s two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China’s favor;

(4) China’s military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan’s air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan’s existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

SA 678. Mr. PAUL (for himself, Mr. VITTER, Mr. DEMINT, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed before the end of 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of

Representatives, the majority and minority leaders of the Senate, the chairman and ranking member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “in writing.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

SA 679. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. ANNUAL REPORT ON TRADE ENFORCEMENT ACTIVITIES OF THE UNITED STATES TRADE REPRESENTATIVE.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) describing the trade enforcement activities carried out by the Office of the United States Trade Representative during the year preceding the submission of the report, including any consultations initiated by the United States Trade Representative to resolve disputes under existing trade agreements;

(2) assessing the economic impact of each such activity, including the impact on bilateral trade and on employment in the United States; and

(3) assessing the cost of, and resources dedicated to, each such activity.

SA 680. Mr. HATCH (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Currency Misalignment Mitigation and Reform Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTRY.—The term “country” means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(2) FUNDAMENTAL MISALIGNMENT.—The term “fundamental misalignment” means a significant and sustained undervaluation of

the prevailing real effective exchange rate, adjusted for cyclical and transitory factors, from its medium-term equilibrium level.

(3) **FUNDAMENTALLY MISALIGNED CURRENCY.**—The term “fundamentally misaligned currency” means a foreign currency that is in fundamental misalignment.

(4) **REAL EFFECTIVE EXCHANGE RATE.**—The term “real effective exchange rate” means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(6) **STERILIZATION.**—The term “sterilization” means domestic monetary operations taken to neutralize the monetary impact of increases in reserves associated with intervention in the currency exchange market.

SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY AND CURRENCY EXCHANGE RATES.

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 15 and September 15 of each calendar year, the Secretary, after consulting with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy, shall submit to Congress and make public, a written report on international monetary policy and currency exchange rates.

(2) **CONSULTATIONS.**—On or before March 30 and September 30 of each calendar year, the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the reports submitted pursuant to paragraph (1).

(b) **CONTENT OF REPORTS.**—Each report submitted under subsection (a) shall contain the following:

(1) An analysis of currency market developments and the relationship between the United States dollar and the currencies of major economies and trading partners of the United States.

(2) A review of the economic and monetary policies of major economies and trading partners of the United States, and an evaluation of how such policies impact currency exchange rates.

(3) A description of any currency intervention by the United States or other major economies or trading partners of the United States, or other actions undertaken to adjust the actual exchange rate relative to the United States dollar.

(4) An evaluation of the domestic and global factors that underlie the conditions in the currency markets, including—

- (A) monetary and financial conditions;
- (B) accumulation of foreign assets;
- (C) macroeconomic trends;
- (D) trends in current and financial account balances;

(E) the size, composition, and growth of international capital flows;

(F) the impact of the external sector on economic growth;

(G) the size and growth of external indebtedness;

(H) trends in the net level of international investment; and

(I) capital controls, trade, and exchange restrictions.

(5) A list of currencies designated as fundamentally misaligned currencies pursuant to section 4(a)(2), and a description of any economic models or methodologies used to establish the list.

(6) A list of currencies designated for priority action pursuant to section 4(a)(3).

(7) An identification of the nominal value associated with the medium-term equilibrium exchange rate, relative to the United States dollar, for each currency listed under paragraph (6).

(8) A description of any consultations conducted or other steps taken pursuant to section 5, including any actions taken to eliminate the fundamental misalignment.

(c) **CONSULTATIONS.**—The Secretary shall consult with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy with respect to the preparation of each report required under subsection (a). Any comments provided by the Chairman of the Board of Governors of the Federal Reserve System or the Advisory Committee on International Exchange Rate Policy shall be submitted to the Secretary not later than the date that is 15 days before the date each report is due under subsection (a). The Secretary shall submit the report to Congress after taking into account all comments received from the Chairman and the Advisory Committee.

SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.

(a) **IDENTIFICATION.**—

(1) **IN GENERAL.**—The Secretary shall analyze on a semiannual basis the prevailing real effective exchange rates of foreign currencies.

(2) **DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.**—With respect to the currencies of countries that have significant bilateral trade flows with the United States, and currencies that are otherwise significant to the operation, stability, or orderly development of regional or global capital markets, the Secretary shall determine whether any such currency is in fundamental misalignment and shall designate such currency as a fundamentally misaligned currency.

(3) **DESIGNATION OF CURRENCIES FOR PRIORITY ACTION.**—The Secretary shall designate a currency identified under paragraph (2) for priority action if the country that issues such currency is—

(A) engaging in protracted large-scale intervention in the currency exchange market, particularly if accompanied by partial or full sterilization;

(B) engaging in excessive and prolonged official or quasi-official accumulation of foreign exchange reserves and other foreign assets, for balance of payments purposes;

(C) introducing or substantially modifying for balance of payments purposes a restriction on, or incentive for, the inflow or outflow of capital, that is inconsistent with the goal of achieving full currency convertibility; or

(D) pursuing any other policy or action that, in the view of the Secretary, warrants designation for priority action.

(b) **REPORTS.**—The Secretary shall include a list of any foreign currency designated under paragraph (2) or (3) of subsection (a) and the data and reasoning underlying such designations in each report required by section 3.

SEC. 5. NEGOTIATIONS AND CONSULTATIONS.

(a) **IN GENERAL.**—Upon designation of a currency pursuant to section 4(a)(2), the Secretary shall seek to consult bilaterally with the country that issues such currency in order to facilitate the adoption of appropriate policies to address the fundamental misalignment.

(b) **CONSULTATIONS INVOLVING CURRENCIES DESIGNATED FOR PRIORITY ACTION.**—With respect to each currency designated for priority action pursuant to section 4(a)(3), the

Secretary shall, in addition to seeking to consult with a country pursuant to subsection (a), seek the advice of the International Monetary Fund with respect to the Secretary's findings in the report submitted to Congress pursuant to section 3(a).

(c) **PLURILATERAL NEGOTIATIONS RELATING TO FUNDAMENTALLY MISALIGNED CURRENCIES.**—

(1) **NEGOTIATIONS THROUGH WORLD TRADE ORGANIZATION AND INTERNATIONAL MONETARY FUND.**—The Secretary and the United States Trade Representative shall enter into plurilateral or multilateral negotiations through the World Trade Organization and the International Monetary Fund to develop effective remedial rules and actions—

(A) to mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for priority action pursuant to section 4(a)(3); and

(B) to encourage countries that issue such currencies to adopt appropriate policies to eliminate the fundamental misalignment of their currencies.

(2) **ADDITIONAL PLURILATERAL NEGOTIATIONS.**—If the negotiations required by paragraph (1) do not result in agreement on the development of effective remedial rules and actions described in that paragraph within 90 days, the Secretary and the United States Trade Representative shall enter into plurilateral negotiations outside the World Trade Organization and the International Monetary Fund to develop agreements with countries the currencies of which have not been designated for priority action pursuant to section 4(a)(3), consistent with international obligations—

(A) to mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for such priority action;

(B) to encourage countries that issue such currencies to adopt appropriate policies to eliminate the fundamental misalignment of their currencies; and

(C) to implement, if necessary, coordinated actions with respect to countries that issue such currencies to prevent or address currency exchange actions taken by those countries that are inconsistent with the obligations of those countries as members of the World Trade Organization and the International Monetary Fund.

(3) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date on which all countries that issue currencies designated for priority action pursuant to section 4(a)(3) have eliminated the fundamental misalignment of their currencies, the Secretary and the United States Trade Representative shall submit to Congress a report on the results of the negotiations described in paragraphs (1) and (2).

(B) **CONTENTS.**—The report required by subsection (A) shall identify—

(i) the countries with which the United States is conducting negotiations under paragraphs (1) and (2) and the international fora in which those negotiations are taking place;

(ii) the remedial rules and actions under discussion in those negotiations;

(iii) any remedial rules that have been adopted and any remedial actions that have been taken pursuant to those negotiations; and

(iv) what, if any, additional authority the Secretary and the United States Trade Representative need from Congress to conduct negotiations under this subsection—

(I) to effectively mitigate the adverse trade and economic effects of fundamentally misaligned currencies; or

(II) to implement coordinated actions with countries the currencies of which have not been designated for priority action pursuant to section 4(a)(3) to prevent or address exchange rate actions—

(aa) taken by countries that issue currencies that have been designated for such priority action; and

(bb) that are inconsistent with the obligations of those countries as members of the World Trade Organization and the International Monetary Fund.

(C) CONSULTATIONS.—On or before the date that is 15 days after the date on which each report is required to be submitted under subparagraph (A), the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the report submitted pursuant to subparagraph (A).

(4) NEGOTIATING OBJECTIVE FOR ONGOING AND FUTURE NEGOTIATIONS.—

(A) IN GENERAL.—For any negotiation with respect to an agreement relating to trade or international monetary policy, it shall be a priority negotiating objective of the United States to negotiate with each party to the agreement a commitment—

(i) to prohibit fundamental misalignment of the currency issued by the party that would result in the designation of the currency for priority action pursuant to section 4(a)(3); and

(ii) to cooperate with the other parties to the agreement to mitigate adverse trade and economic effects of the fundamental misalignment of currencies designated for such priority action.

(B) APPLICABILITY.—Subparagraph (A) shall apply with respect to an agreement described in that subparagraph that—

(i) is commenced on or after the date of the enactment of this Act; or

(ii) was commenced before such date of enactment and is ongoing on such date of enactment.

SEC. 6. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the “Committee”). The Committee shall be responsible for—

(A) advising the Secretary in the preparation of each report to Congress on international monetary policy and currency exchange rates, provided for in section 3; and

(B) advising Congress and the President with respect to—

(i) international exchange rates and financial policies; and

(ii) the impact of such policies on the economy of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(i) CONGRESSIONAL APPOINTEES.—

(I) SENATE APPOINTEES.—Four persons shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(II) HOUSE APPOINTEES.—Four persons shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(ii) PRESIDENTIAL APPOINTEE.—One person shall be appointed by the President.

(B) QUALIFICATIONS.—Persons shall be selected under subparagraph (A) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—Members shall be appointed for a term of 4 years or until the Committee terminates. An individual may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(b) DURATION OF COMMITTEE.—Notwithstanding section 14(c) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall terminate on the date that is 4 years after the date of the enactment of this Act unless renewed by the President pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) for a subsequent 4-year period. The President may continue to renew the Committee for successive 4-year periods by taking appropriate action prior to the date on which the Committee would otherwise terminate.

(c) PUBLIC MEETINGS.—The Committee shall hold at least 2 public meetings each year for the purpose of accepting public comments, including comments from small business owners. The Committee shall also meet as needed at the call of the Secretary or at the call of two-thirds of the members of the Committee.

(d) CHAIRPERSON.—The Committee shall elect from among its members a chairperson for a term of 4 years or until the Committee terminates. A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(e) STAFF.—The Secretary shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out its activities.

(f) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Except for the 2 annual public meetings required under subsection (c), meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of monetary and financial policy.

SEC. 7. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

SA 681. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for

identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. SENSE OF CONGRESS ON ACCESSION OF THE RUSSIAN FEDERATION TO THE WORLD TRADE ORGANIZATION.

It is the sense of Congress that, before the United States can support the accession of the Russian Federation to the World Trade Organization, the Government of the Russian Federation needs to make considerable and demonstrative progress toward complying with the major obligations of members of the World Trade Organization, including—

(1) strengthening protection of intellectual property rights, including significantly increasing enforcement efforts with respect to Internet piracy;

(2) curtailing the use of unjustified sanitary restrictions to limit exports of agricultural products from the United States to the Russian Federation;

(3) eliminating technical barriers to trade that affect the information technology industry; and

(4) generally strengthening respect for the rule of law.

SA 682. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. SENSE OF CONGRESS ON BRAZIL AND THE INFORMATION TECHNOLOGY AGREEMENT OF THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Under the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996 (in this section referred to as the “Information Technology Agreement”), 70 countries have eliminated their tariffs on information technology products. Those countries represent about 97 percent of the global trade of information technology products.

(2) The United States is a signatory to the Information Technology Agreement, as are other developed countries as well as developing countries.

(3) By liberalizing the trade of information technology products, the Information Technology Agreement improves global interconnectedness and promotes economic development in signatory countries, including developing countries.

(4) The list of signatories to the Information Technology Agreement does not include Brazil, a major trading partner of the United States.

(5) Brazil is one of the 10 largest economies in the world, is the fifth largest consumer market for information technology products in the world, and is the largest consumer market for such products in Latin America. Brazil ranks seventh in the world in the use of the Internet.

(6) Brazil is a major market for information technology products and it imposes tariffs on information technology products imported from the United States, but the United States imposes no tariffs on such products imported from Brazil.

(7) Moreover, because the United States designates Brazil as a beneficiary developing country under the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), over \$2,000,000,000 in imports from Brazil entered the United States duty-free under the Generalized System of Preferences in 2010.

(8) It is reasonable for the United States to expect Brazil to provide tariff reciprocity and, at a minimum, to become a signatory to the Information Technology Agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should make it a priority to urge Brazil to become a signatory to the Information Technology Agreement.

(c) REPORT.—Not later than the date that is 180 days after the date of the enactment of this Act and not later than the date that is 1 year after such date of enactment, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the progress made in efforts to urge Brazil to become a signatory to the Information Technology Agreement.

SA 683. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. REPORT ON TRADE AGENCY REORGANIZATION PROPOSAL.

Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) on the analysis undertaken by the Office of Management and Budget of the President's proposal to reorganize the Federal agencies with responsibilities relating to international trade, as provided for in the memorandum of the President for the heads of executive departments and agencies relating to government reform for competitiveness and innovation, dated March 11, 2011; and

(2) that includes—

(A) the proposed options for reorganization of those agencies considered by the Office of Management and Budget during its review of those agencies;

(B) conclusions derived from that review; and

(C) recommendations for reorganizing those agencies.

SA 684. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTION OF JOB CREATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In terms of bilateral surveillance, Article IV of the International Monetary Fund (referred to in this section as the “IMF”) Ar-

ticles of Agreement lays out a code of conduct for countries' exchange rate and domestic policies. Within this setting, Article IV consultations use exchange rate assessments to monitor countries competitiveness and vulnerabilities to balance of payments crises.

(2) The IMF uses three complementary measures to perform exchange rate assessments and to help determine exchange rate misalignments, a “macroeconomic balance” approach, an “equilibrium real exchange rate” approach, and an “external sustainability” approach.

(3) Exchange rate assessments are based on the notion of equilibrium, which the IMF has identified as “consistency with external and internal balance over the medium to long run”.

(4) The “medium term,” according to IMF definitions relevant to exchange rate assessments, is a horizon over which domestic and partner-country output gaps are closed and the lagged effects of past exchange rate changes are fully realized.

(5) An output gap is measured by the difference between actual output in an economy and potential output.

(6) Potential output is the level of output in an economy that would be realized if labor, capital, and other resources were at high levels of utilization.

(7) Negative output gaps mean that actual output in an economy is below potential output.

(8) This Act seeks to help close a negative output gap in the United States by promoting the elimination of global imbalances and currency misalignments, and relies partly on IMF determinations of exchange rate misalignments which, in turn, rely on the concept of the output gap.

(9) Negative output gaps are typically consistent with unemployed labor resources. The more negative the gap, the larger tends to be the unemployment rate and the greater the need for job creation.

(10) Negative output gaps for the United States mean the difference between the actual gross domestic product and “potential gross domestic product”.

(b) DEFINITIONS.—In this section:

(1) OUTPUT GAP COMPUTED BY THE CBO.—The term “output gap computed by the Congressional Budget Office” means the difference, computed by the Congressional Budget Office, between actual gross domestic product and the Congressional Budget Office's measure of potential gross domestic product.

(2) POTENTIAL GROSS DOMESTIC PRODUCT.—The term “potential gross domestic product” means the Congressional Budget Office's estimate of “full-employment” gross domestic product, according to the Congressional Budget Office's definition of full-employment as taken from statistical procedures grounded in economic theory.

(3) UNEMPLOYMENT RATE.—The term “unemployment rate” means the U-3 measure as computed by the Bureau of Labor Statistics, which is the total number of unemployed as a percentage of the civilian labor force as reported in the Bureau of Labor Statistics's Current Population Survey (commonly known as the “Household Survey”).

(c) DAVIS-BACON AND McNAMARA-O'HARA NOT APPLICABLE.—

(1) IN GENERAL.—No Federal funds shall be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”), or of the Service Contract Act of 1965 (Public Law 89-286; com-

monly referred to as the “McNamara-O'Hara Service Contract Act”), with respect to any project or program funded by the United States, during any calendar quarter following a calendar quarter for which the output gap computed by the Congressional Budget Office is negative or the unemployment rate as computed by the Bureau of Labor Statistics averages five percent or more, until such time as the Congressional Budget Office makes the determinations under paragraph (2).

(2) FUTURE APPLICATION.—The limitation provided for in paragraph (1) shall cease to apply and the wage-rate requirements described in paragraph (1) shall apply beginning in the first calendar quarter that follows four or more consecutive calendar quarters of non-negative output gaps as computed by the Congressional Budget Office and four or more consecutive quarters of average unemployment rates that are below the level of the unemployment rate deemed consistent with the Congressional Budget Office's estimate of full employment.

SA 685. Mr. CRAPO (for himself, Mr. JOHANNES, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. DODD-FRANK IMPROVEMENTS REGARDING REGULATION OF DERIVATIVES.

(a) ESTABLISHMENT.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(j) OFFICE OF DERIVATIVES.—

“(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of Derivatives (referred to in this subsection as the ‘Office’)—

“(A) to administer the rules of the Commission with respect to security-based swaps and, as necessary, to make recommendations to the Commission for new rules or changes to existing rules with respect to security-based swaps;

“(B) to coordinate oversight of the market for swaps and security-based swaps, participants in that market, and infrastructure providers for that market with other relevant domestic and international regulators; and

“(C) to monitor developments in the market for swaps and security-based swaps.

“(2) DIRECTOR OF THE OFFICE.—The head of the Office shall be the Director, who shall report to the Director of the Division of Trading and Markets and the Director of Risk, Strategy, and Financial Innovation.

“(3) STAFFING.—

“(A) IN GENERAL.—The Office shall be staffed by persons transferred in accordance with subparagraph (B), including persons having knowledge of and expertise in the uses for, trading in, execution of, and clearing of swaps and security-based swaps.

“(B) TRANSFERS.—The Director of the Office of Derivatives, the Director of the Division of Trading and Markets, the Director of Risk, Strategy, and Financial Innovation, and the Director of the Office of Compliance, Inspections, and Examinations shall jointly identify employees to be transferred from the Division of Trading and Markets, the Division of Risk, Strategy, and Financial Innovation, and the Office of Compliance, Inspections, and Examinations, respectively, to the

Office of Derivatives, in numbers sufficient to carry out fully the requirements of this subsection.

“(4) ENFORCEMENT.—The Division of Enforcement shall consult with the Office before presenting a recommendation with respect to security-based swaps to the Commission.

“(5) INSPECTIONS AND EXAMINATIONS.—A representative of the Office shall be afforded the opportunity to participate in any inspection or examination of a security-based swap dealer, major security-based swap participant, security-based swap data repository, or clearing agency that clears security-based swaps.

“(6) ANNUAL REPORT.—On or before the date that is one year after the Office is established and annually thereafter, the Director shall submit to the Chairman and publish on the public website of the Commission a report that describes the activities of the Office during the preceding year, and the developments in the swaps and security-based swaps market.”

(b) ORDERLY IMPLEMENTATION OF DERIVATIVES PROVISIONS.—

(1) REVIEW OF REGULATORY AUTHORITY.—Section 712 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302) is amended—

(A) in each of subsections (a)(3) and (e), by striking “360” each place that term appears and inserting “720”; and

(B) by adding at the end the following:

“(g) ORDERLY IMPLEMENTATION SCHEDULE.—

“(1) IN GENERAL.—Not later than December 31, 2011, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the prudential regulators shall jointly, pursuant to the notice and comment requirements contained in title 5, United States Code, adopt an implementation schedule for this title.

“(2) SCHEDULE CONTENT.—Such implementation schedule shall—

“(A) set forth a schedule for the publication of final rules required by this title, except that, unless otherwise specifically provided by a provision of this title, the rules required by subsection (d)(1) shall be adopted before any other required rules;

“(B) set forth a schedule for the effective dates for provisions of this title, including provisions that require a rulemaking and provisions that do not require a rulemaking;

“(C) take into consideration—

“(i) a quantitative analysis of the effects of this title on United States economic growth and job creation;

“(ii) the implications of this title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

“(iii) whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits and other requirements of this title work together, and how they affect market depth and liquidity; and

“(iv) the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of their rules.

“(h) ORDERLY IMPLEMENTATION AUTHORITY.—Notwithstanding any other provision of law, the Commodity Futures Trading Commission, the Securities and Exchange Commission and the prudential regulators, by rule, regulation, or order, may conditionally

or unconditionally exempt any person, swap, security-based swap, activity, or transaction, or any class or classes of persons, swaps, security-based swaps, activities, or transactions, from any provision or provisions of this title administered thereby, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and is in furtherance of the objectives of this title, such as the orderly implementation and international harmonization of the timing and substance of derivatives regulatory reform.”.

(2) EFFECTIVE DATES.—Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 124 Stat. 1641) is amended—

(A) in section 754 (7 U.S.C. 7a note), by striking “the later of” and all that follows through the period and inserting “the dates specified in the implementation schedule adopted pursuant to section 712(g).”; and

(B) in section 774 (15 U.S.C. 77b note), by striking “the later of” and all that follows through the period and inserting “the dates specified in the implementation schedule adopted pursuant to section 712(g).”.

(c) CLARIFICATION OF END USER STATUS.—

(1) END USERS OF SWAPS.—

(A) MARGIN REQUIREMENTS.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to a swap in which 1 of the counterparties is not—

“(A) a swap dealer or major swap participant;

“(B) an investment fund that—

“(i) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

“(ii) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

“(iii) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options, or commodity futures.

“(5) MARGIN TRANSITION RULES.—Swaps entered into before the date on which final rules under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302(e)) become effective shall be exempt from the margin requirements under this subsection.”.

(B) MAJOR SWAP PARTICIPANT.—Section 1a(33)(A) of the Commodity Exchange Act (7 U.S.C. 1a(33)(A)) is amended by striking clause (ii) and inserting the following:

“(ii) whose outstanding swaps create substantial net uncollateralized counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or”.

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall have the same effective date as provided in section 754 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended by section 1(b) of this Act.

(2) END USERS OF SECURITY-BASED SWAPS.—

(A) MARGIN REQUIREMENTS.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 780-10(e)), as added by section 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to a security-based swap in which 1 of the counterparties is not—

“(A) a security-based swap dealer or major security-based swap participant;

“(B) an investment fund that would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)), but for paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)), that is not primarily invested in physical assets (including commercial real estate) directly or through interest in its affiliates that own such assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options or commodity futures.

“(5) MARGIN TRANSITION RULES.—Security-based swaps entered into before the date on which final rules under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act become effective are exempt from the margin requirements of this subsection.”.

(B) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Section 3(a)(67)(A)(ii)(II) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(67)(A)(ii)(II)), is amended to read as follows:

“(II) whose outstanding security-based swaps create substantial net uncollateralized counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets;”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall have the same effective date as provided in section 774 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended by this Act.

(d) TREATMENT OF AFFILIATE TRANSACTIONS.—Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) is amended by inserting after section 713 (15 U.S.C. the following new section:

“SEC. 713A. TREATMENT OF AFFILIATE TRANSACTIONS.

“(a) IN GENERAL.—An agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty shall not be deemed to be a ‘swap’ or ‘security-based swap’ for purposes of this Act.

“(b) REPORTING.—All agreements, contracts, or transactions described in subsection (a) shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such transaction reports, to the Commission pursuant to sections 729 and 766, within such time period as the Commission may prescribe by rule or regulation.”.

(e) INTERNATIONAL COMPETITIVENESS AND HARMONIZATION.—

(1) STUDY ON INTERNATIONAL SWAP REGULATION.—Section 719(c)(2) of the Dodd-Frank

Wall Street Reform and Consumer Protection Act (15 U.S.C. 8307(c)(2)) is amended—

(A) by striking “18” and inserting “30”;

(B) in subparagraph (C), by striking “and” at the end;

(C) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and their possible and likely effects on United States competitiveness, market liquidity, and financial stability.”.

(2) **APPLICABILITY.**—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after section 719 the following new section:

“SEC. 719A. APPLICABILITY.

“(a) **IN GENERAL.**—Subject to subsections (b) and (c), and notwithstanding any other provision of this title, no activities conducted outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States) shall be considered—

“(1) to have a direct and significant connection with activities in, or effect on, commerce of the United States;

“(2) to constitute a business within the jurisdiction of the United States; or

“(3) to constitute evasion of any provision of this title, unless those activities contravene such rules as may be adopted by the Commodity Futures Trading Commission and the Securities and Exchange Commission pursuant to subsection (b).

“(b) **RULEMAKING.**—After completing the report required by section 719(c)(2), the Commodity Futures Trading Commission and the Securities and Exchange Commission may jointly issue such rules as are necessary to prohibit transactions or activities, or classes of transactions or activities conducted outside of the United States that the agencies find—

“(1) have no valid business purpose;

“(2) are structured with the sole purpose of evading the requirements of this title; and

“(3) might reasonably be expected to have a serious adverse effect on the stability of the United States financial system.

“(c) **EXCEPTION.**—Subsection (a) shall not apply to any provision of this title prohibiting fraud or manipulation or any rule or regulation thereunder.”.

SA 686. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GOLD AND SILVER COINS THAT ARE LEGAL TENDER NOT SUBJECT TO TAXATION.

(a) **IN GENERAL.**—Gold and silver coins declared legal tender by the Federal Government or any State government shall not be subject to taxation.

(b) **CONFORMING AMENDMENT.**—Section 1(h)(5) of the Internal Revenue Code of 1986 is amended—

(1) by striking “(as defined in section 408(m) without regard to paragraph (3) thereof)” in subparagraph (A), and

(2) by adding at the end the following new subparagraph:

“(C) **COLLECTIBLE.**—For purposes of this paragraph, the term ‘collectible’ has the meaning given such term by section 408(m), determined without regard to subparagraphs (A)(iii), (A)(iv), and (B).”.

(c) **EFFECTIVE DATE.**—The provisions of, and amendments made by, this section shall take effect on the date of the enactment of this Act.

SA 687. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 688. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NULLIFICATION OF FINAL RULE.

As of the date of enactment of this Act, the final rule entitled “Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)” (73 Fed. Reg. 69532 (November 19, 2008)) shall have no force or effect.

SA 689. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EMPLOYEE FREE CHOICE.

(a) **AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.**—

(1) **RIGHTS OF EMPLOYEES.**—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) **UNFAIR LABOR PRACTICES.**—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided, That*” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) **AMENDMENT TO THE RAILWAY LABOR ACT.**—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 690. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 9 and 10, insert the following:

(4) A description of currency intervention by the United States that includes an assessment, based on factors that include economic growth, job creation, inflation, and commodities prices, of the effects in the United States and internationally of actions taken by the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, including—

(A) significantly increasing in the size of the Federal Reserve’s balance sheet;

(B) conducting multiple rounds of quantitative easing; and

(C) maintaining exceptionally low interest rates for an extended period of time.

SA 691. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MODIFICATION AND PERMANENT EXTENSION OF THE INCENTIVES TO REINVEST FOREIGN EARNINGS IN THE UNITED STATES.

(a) **REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.**—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “85.7 percent”.

(b) **PERMANENT EXTENSION TO ELECT REPATRIATION.**—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) **ELECTION.**—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.”.

(c) **REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

“(3) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(d) CLERICAL AMENDMENTS.—

(1) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking “TEMPORARY”.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking “Temporary dividends” and inserting “Dividends”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 692. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FARM DUST REGULATION PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the “Farm Dust Regulation Prevention Act of 2011”.

SEC. 02. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

“(a) DEFINITION OF NUISANCE DUST.—In this section, the term ‘nuisance dust’ means particulate matter—

“(1) generated from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; or

“(2) consisting primarily of soil, windblown dust, or other natural or biological materials, or some combination of those materials.

“(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

“(c) EXCEPTION.—Subsection (b) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law to the extent that the Administrator finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or such a subcategory).”.

SEC. 03. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SA 693. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. PROHIBITION ON TRANSFER OF PROPRIETARY TECHNOLOGY AND INTELLECTUAL PROPERTY DEVELOPED WITH FUNDING PROVIDED BY THE UNITED STATES GOVERNMENT TO ENTITIES OF CERTAIN COUNTRIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, a United States commercial entity may not transfer to any entity described in subsection (b) any proprietary technology or intellectual property that was researched, developed, or commercialized using a contract, grant, loan, loan guarantee, or other financial assistance provided or awarded by the United States Government.

(b) ENTITIES DESCRIBED.—

(1) IN GENERAL.—An entity described in this subsection is an entity—

(A) owned or controlled by the government of a country described in paragraph (2); or

(B) in which citizens of such a country hold interests representing at least 5 percent of the capital structure of the entity.

(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country in which, by law, practice, or policy, any United States entity is required to transfer proprietary technology or intellectual property as a condition of doing business in that country.

(c) WAIVER.—The Secretary of Commerce may waive the prohibition in subsection (a) with respect to a transfer of proprietary technology or intellectual property if the Secretary determines that the transfer would not compromise the economic interests or competitiveness of the United States.

(d) APPLICABILITY.—This section applies with respect to the transfer on or after the date of the enactment of this Act of any proprietary technology or intellectual property developed before, on, or after such date of enactment.

(e) REGULATIONS.—The Secretary of Commerce, in consultation with other relevant Federal agencies, shall prescribe such regulations as may be necessary to carry out this section.

(f) UNITED STATES COMMERCIAL ENTITY DEFINED.—In this section, the term “United States commercial entity” means a commercial entity organized under the laws of the United States or any jurisdiction within the United States.

SA 694. Mr. REID proposed an amendment to the bill S. 1619, to provide for

identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

At the end, add the following new section:
SECTION . . . EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

SA 695. Mr. REID proposed an amendment to amendment SA 694 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “3 days”, insert “2 days”.

SA 696. Mr. REID proposed an amendment to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

At the end, add the following new section:
SECTION . . . EFFECTIVE DATE.

The provisions of this Act shall become effective 6 days after enactment.

SA 697. Mr. REID proposed an amendment to amendment SA 696 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “6 days” and insert “5 days”.

SA 698. Mr. REID proposed an amendment to amendment SA 697 proposed by Mr. REID to the amendment SA 696 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

SA 699. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) MAINTENANCE OF LONG RUN GROWTH; PRICE STABILITY AND LOW INFLATION.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) by striking “maximum employment, stable prices,” and inserting “long-term price stability, a low rate of inflation,”; and

(2) by at the end the following: “The Board shall establish an explicit numerical definition of the term ‘long-term price stability’ and shall maintain monetary policy that effectively promotes such long-term price stability.”.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be

construed as a limitation on the authority or responsibility of the Board of Governors of the Federal Reserve System—

(1) to provide liquidity to markets in the event of a disruption that threatens the smooth functioning and stability of the financial sector; or

(2) to serve as a lender of last resort under the Federal Reserve Act when the Board determines such action is necessary.

(c) **CONGRESSIONAL OVERSIGHT.**—The Board of Governors of the Federal Reserve System shall, concurrent with each semiannual hearing to Congress, submit a written report to the Congress containing—

(1) numerical measures to help Congress assess the extent to which the Board and the Federal Open Market Committee are achieving and maintaining a legitimate definition of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this Act);

(2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of long-term price stability; and

(3) the definition, or any modifications thereto, of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section).

SA 700. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. 1. SHORT TITLE.

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. 3. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 4. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

SEC. 5. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date determined in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph

(B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

SEC. 6. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “a covered agency” the first place it appears and inserting “an agency designated under subsection (d)”;

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d), as amended by section 1100G(a) of Public Law 111–203 (124 Stat. 2112), and inserting the following:

“(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Bureau of Consumer Financial Protection shall be—

“(A) agencies designated under this subsection; and

“(B) subject to the requirements of subsection (b).”

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

SEC. 7. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

SEC. 8. REQUIRING THE INTERNAL REVIEW SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

SEC. 9. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions

and waivers, and the results of the most recent review under subsection (a)(2)).

SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111-203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regu-

latory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration

on the accuracy of the certification and statement.”.

SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.”.

SEC. 13. FUNDING AND OFFSETS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this title and the amendments made by this title (including the costs of hiring additional employees)—

(1) \$1,000,000 for fiscal year 2012;

(2) \$2,000,000 for fiscal year 2013; and

(3) \$3,000,000 for fiscal year 2014.

(b) REPEALS.—In order to offset the costs of carrying out this title and the amendments made by this title and to reduce the Federal deficit, the following provisions of law are repealed, effective on the date of enactment of this Act:

(1) Section 21(n) of the Small Business Act (15 U.S.C. 648).

(2) Section 27 of the Small Business Act (15 U.S.C. 654).

(3) Section 1203(c) of the Energy Security and Efficiency Act of 2007 (15 U.S.C. 657h(c)).

SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking “**Avoidance**” and all that follows and inserting the following: “**Incorporations by reference and certification**”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

(2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

SA 701. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, insert the following:

SEC. 16. REPEAL OF UNEARNED INCOME MEDICAL CONTRIBUTION TAX.

Subsection (a) of section 1402 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendments had never been enacted.

SA 702. Mr. ROBERTS submitted an amendment intended to be proposed by

him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTION OF AMERICAN JOBS.

Notwithstanding any other provision of law, no Federal funds shall be used by the Centers for Medicare & Medicaid Services to implement or enforce any regulation promulgated pursuant to the Patient Protection and Affordable Care Act until such time as the Office of the Actuary of such Centers—

(1) publishes an analysis of the impact that such regulation would have on health care premiums in the individual and group markets; and

(2) estimates, based on the analysis published under paragraph (1), that the implementation of such regulation will not result in an increase in individual or group market premiums in excess of 5 percent.

SA 703. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$30,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 704. Ms. STABENOW (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . CHIEF TRADE ENFORCEMENT OFFICER.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read as follows:

“(2) There shall be in the Office 3 Deputy United States Trade Representatives, 1 Chief Agricultural Negotiator, and 1 Chief Trade Enforcement Officer who shall all be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative, the Chief Agricultural Negotiator, or the Chief Trade Enforcement Officer submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative, the Chief Agricultural Negotiator, and the Chief Trade Enforcement Officer shall hold office at the pleasure of the President and shall have the rank of Ambassador.”.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended by adding at the end the following new paragraph:

“(6) The principal function of the Chief Trade Enforcement Officer shall be to ensure that United States trading partners comply with trade agreements to which the United States is a party. The Chief Trade Enforcement Officer shall assist the United States Trade Representative in investigating and prosecuting disputes pursuant to trade agreements to which the United States is a party, including before the World Trade Organization, and shall assist the United States Trade Representative in carrying out the Trade Representative's functions under subsection (d). The Chief Trade Enforcement Officer shall make recommendations with respect to the administration of United States trade laws relating to foreign government barriers to United States goods, services, investment, and intellectual property, and with respect to government procurement and other trade matters. The Chief Trade Enforcement Officer shall perform such other functions as the United States Trade Representative may direct.”.

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by inserting after “Chief Agricultural Negotiator.” the following:

“Chief Trade Enforcement Officer.”.

(d) TECHNICAL AMENDMENTS.—Section 141(e) of the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

(1) in paragraph (1), by striking “5314” and inserting “5315”; and

(2) in paragraph (2), by striking “the maximum rate of pay for grade GS-18 as provided in section 5332” and inserting “the maximum rate of pay for level IV of the Executive Schedule in section 5315”.

SA 705. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____ —CRITICAL MINERALS AND MATERIALS

SEC. ____ 01. SHORT TITLE.

This title may be cited as the “Critical Minerals and Materials Promotion Act of 2011”.

SEC. ____ 02. DEFINITION OF CRITICAL MINERALS AND MATERIALS.

In this title:

(1) IN GENERAL.—The term “critical minerals and materials” means naturally occurring, nonliving, nonfuel substances with a definite chemical composition—

(A) that perform an essential function for which no satisfactory substitutes exist; and

(B) the supply of which has a high probability of becoming restricted, leading to physical unavailability or excessive costs for the applicable minerals and materials in key applications.

(2) EXCLUSIONS.—The term “critical minerals and materials” does not include ice, water, or snow.

SEC. ____ 03. PROGRAM TO DETERMINE PRESENCE OF AND FUTURE NEEDS FOR CRITICAL MINERALS AND MATERIALS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the United States Geological Survey, shall establish a research and development program—

(1) to provide data and scientific analyses for research on, and assessments of the potential for, undiscovered and discovered resources of critical minerals and materials in the United States and other countries; and

(2) to analyze and assess current and future critical minerals and materials supply chains—

(A) with advice from the Energy Information Administration on future energy technology market penetration; and

(B) using the Mineral Commodity Summaries produced by the United States Geological Survey.

(b) GLOBAL SUPPLY CHAIN.—The Secretary shall, if appropriate, cooperate with international partners to ensure that the program established under subsection (a) provides analyses of the global supply chain of critical minerals and materials.

SEC. ____ 04. PROGRAM TO STRENGTHEN THE DOMESTIC CRITICAL MINERALS AND MATERIALS SUPPLY CHAIN FOR CLEAN ENERGY TECHNOLOGIES.

The Secretary of Energy shall conduct a program of research, development, and demonstration to strengthen the domestic critical minerals and materials supply chain for clean energy technologies and to ensure the long-term, secure, and sustainable supply of critical minerals and materials sufficient to strengthen the national security of the United States and meet the clean energy production needs of the United States, including—

(1) critical minerals and materials production, processing, and refining;

(2) minimization of critical minerals and materials in energy technologies;

(3) recycling of critical minerals and materials; and

(4) substitutes for critical minerals and materials in energy technologies.

SEC. ____ 05. STRENGTHENING EDUCATION AND TRAINING IN MINERAL AND MATERIAL SCIENCE AND ENGINEERING FOR CRITICAL MINERALS AND MATERIALS PRODUCTION.

(a) IN GENERAL.—The Secretary of Energy shall promote the development of the critical minerals and materials industry workforce in the United States.

(b) SUPPORT.—In carrying out subsection (a), the Secretary shall support—

(1) critical minerals and materials education by providing undergraduate and graduate scholarships and fellowships at institutions of higher education, including technical and community colleges;

(2) partnerships between industry and institutions of higher education, including

technical and community colleges, to provide onsite job training; and

(3) development of courses and curricula on critical minerals and materials.

SEC. 106. SUPPLY OF CRITICAL MINERALS AND MATERIALS.

(a) **POLICY.**—It is the policy of the United States to promote an adequate and stable supply of critical minerals and materials necessary to maintain national security, economic well-being, and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.

(b) **IMPLEMENTATION.**—To implement the policy described in subsection (a), the President, acting through the Executive Office of the President, shall—

(1) coordinate the actions of applicable Federal agencies;

(2) identify critical minerals and materials needs and establish early warning systems for critical minerals and materials supply problems;

(3) establish a mechanism for the coordination and evaluation of Federal critical minerals and materials programs, including programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

(4) promote and encourage private enterprise in the development of economically sound and stable domestic critical minerals and materials supply chains;

(5) promote and encourage the recycling of critical minerals and materials, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for critical minerals and materials research, development, extraction, and industrial practice, with a particular focus on the problem of attracting and maintaining high-quality professionals for maintaining an adequate supply of critical minerals and materials; and

(7) report to Congress on activities and findings under this subsection.

SA 706. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON THE TRANSFER TO ENTITIES IN THE PEOPLE'S REPUBLIC OF CHINA OF TECHNOLOGY DEVELOPED USING FUNDS PROVIDED BY THE UNITED STATES GOVERNMENT.

(a) **IN GENERAL.**—Not later than March 30, 2012, the Comptroller General of the United States shall submit to Congress a report on the transfer by United States persons of technology developed using grants, loans, or other financial assistance provided by the United States Government to entities in the People's Republic of China or entities owned or controlled by the Government of China that includes an assessment of the following:

(1) The degree to which the United States Government has expressly or tacitly acquiesced to the transfer of such technology to such entities.

(2) The strategic benefit to the Government of China and to industries in China of obtaining such technology.

(3) The extent to which there is a concerted effort by the Government of China to obtain certain types of technology from United States persons.

(4) Any instances of the transfer of technology to entities in China or entities owned or controlled by the Government of China that are of national security concern to the United States Government.

(5) The degree to which the transfer of technology to such an entity by a United States person has caused other United States persons to need to compete against other such entities.

(6) Any instances of the transfer of technology that have enabled such entities to advance beyond the technological capabilities of industries in the United States or to make significant gains in technological development relative to the technological capabilities of such industries.

(7) The cost to United States taxpayers of research that—

(A) has been carried out using grants, loans, or other financial assistance provided by the United States Government; and

(B) has resulted in technology that has been transferred to an entity in China or an entity owned or controlled by the Government of China.

(8) Any other notable instances of transfer of technology to such entities that are a cause for concern for the United States Government or the global technological leadership of the United States.

(b) **UNITED STATES PERSON DEFINED.**—In this section, the term “United States person” means—

(1) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(2) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 707. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON THE TRANSFER TO ENTITIES IN THE PEOPLE'S REPUBLIC OF CHINA OF TECHNOLOGY DEVELOPED USING FUNDS PROVIDED BY THE UNITED STATES GOVERNMENT.

(a) **IN GENERAL.**—Not later than March 30, 2012, the Comptroller General of the United States shall submit to Congress a report on the transfer by United States persons of technology developed using grants, loans, or other financial assistance provided by the United States Government to entities in the People's Republic of China or entities owned or controlled by the Government of China that includes an assessment of the following:

(1) The degree to which the United States Government has expressly or tacitly acquiesced to the transfer of such technology to such entities.

(2) The strategic benefit to the Government of China and to industries in China of obtaining such technology.

(3) The extent to which there is a concerted effort by the Government of China to obtain certain types of technology from United States persons.

(4) Any instances of the transfer of technology to entities in China or entities owned or controlled by the Government of China that are of national security concern to the United States Government.

(5) The degree to which the transfer of technology to such an entity by a United States person has caused other United States persons to need to compete against other such entities.

(6) Any instances of the transfer of technology that have enabled such entities to advance beyond the technological capabilities of industries in the United States or to make significant gains in technological development relative to the technological capabilities of such industries.

(7) The cost to United States taxpayers of research that—

(A) has been carried out using grants, loans, or other financial assistance provided by the United States Government; and

(B) has resulted in technology that has been transferred to an entity in China or an entity owned or controlled by the Government of China.

(8) Any other notable instances of transfer of technology to such entities that are a cause for concern for the United States Government or the global technological leadership of the United States.

(b) **UNITED STATES PERSON DEFINED.**—In this section, the term “United States person” means—

(1) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(2) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 708. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. IMPROVING ACCESS TO INTERNATIONAL MARKETS.

There are authorized to be appropriated to the United States Trade Representative \$2,000,000 for each of the fiscal years 2012 through 2014 to initiate any proceeding to resolve a dispute relating to a barrier to market access with a country—

(1) that is a WTO member (as that term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10))); or

(2) with which the United States has a free trade agreement in effect.

SA 709. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. IMPROVING ACCESS TO INTERNATIONAL MARKETS.

There are authorized to be appropriated to the United States Trade Representative \$2,000,000 for each of the fiscal years 2012 through 2014 to initiate any proceeding to resolve a dispute relating to a barrier to market access with a country—

(1) that is a WTO member (as that term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10))); or

(2) with which the United States has a free trade agreement in effect.

SA 710. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. INCLUSION OF EXPEDITED DISPUTE SETTLEMENT PROCESS WITH RESPECT TO NONTARIFF BARRIERS IN THE TRANS-PACIFIC PARTNERSHIP AGREEMENT.

(a) **IN GENERAL.**—In negotiations with respect to the Trans-Pacific Partnership Agreement, it shall be a negotiating objective of the United States to include in the Agreement a process for settling disputes with respect to nontariff barriers on an expedited basis.

(b) **CONSULTATIONS.**—The United States Trade Representative shall consult with small- and medium-sized businesses in the United States and other interested parties in determining how to make the expedited dispute settlement process described in subsection (a) most effective.

SA 711. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 16. INCLUSION OF EXPEDITED DISPUTE SETTLEMENT PROCESS WITH RESPECT TO NONTARIFF BARRIERS IN THE TRANS-PACIFIC PARTNERSHIP AGREEMENT.

(a) **IN GENERAL.**—In negotiations with respect to the Trans-Pacific Partnership Agreement, it shall be a negotiating objective of the United States to include in the Agreement a process for settling disputes with respect to nontariff barriers on an expedited basis.

(b) **CONSULTATIONS.**—The United States Trade Representative shall consult with small- and medium-sized businesses in the United States and other interested parties in determining how to make the expedited dispute settlement process described in subsection (a) most effective.

SA 712. Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNES, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—FINANCIAL REGULATORY RESPONSIBILITY

SEC. 201. SHORT TITLE.

This title may be cited as the “Financial Regulatory Responsibility Act of 2011”.

SEC. 202. DEFINITIONS.

As used in this title—

(1) the term “agency” means the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the Financial Stability Oversight Council, the Office of the Comptroller of the Currency, the Office of Financial Research, the National Credit Union Administration, and the Securities and Exchange Commission;

(2) the term “chief economist” means—

(A) with respect to the Board of Governors of the Federal Reserve System, the Director of the Division of Research and Statistics, or an employee of the agency with comparable authority;

(B) with respect to the Bureau of Consumer Financial Protection, the Assistant Director for Research, or an employee of the agency with comparable authority;

(C) with respect to the Commodity Futures Trading Commission, the Chief Economist, or an employee of the agency with comparable authority;

(D) with respect to the Federal Deposit Insurance Corporation, the Director of the Division of Insurance and Research, or an employee of the agency with comparable authority;

(E) with respect to the Federal Housing Finance Agency, the Chief Economist, or an employee of the agency with comparable authority;

(F) with respect to the Financial Stability Oversight Council, the Chief Economist, or an employee of the agency with comparable authority;

(G) with respect to the Office of the Comptroller of the Currency, the Director for Policy Analysis, or an employee of the agency with comparable authority;

(H) with respect to the Office of Financial Research, the Director, or an employee of the agency with comparable authority;

(I) with respect to the National Credit Union Administration, the Chief Economist, or an employee of the agency with comparable authority; and

(J) with respect to the Securities and Exchange Commission, the Director of the Division of Risk, Strategy, and Financial Innovation, or an employee of the agency with comparable authority;

(3) the term “Council” means the Chief Economists Council established under section 209; and

(4) the term “regulation”—

(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law;

(B) does not include—

(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

(ii) a regulation that is limited to agency organization, management, or personnel matters;

(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision;

(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register; or

(v) a regulation that is promulgated by the Board of Governors of the Federal Reserve

System or the Federal Open Market Committee under section 10A, 10B, 13, 13A, or 19 of the Federal Reserve Act, or any of subsections (a) through (f) of section 14 of that Act.

SEC. 203. REQUIRED REGULATORY ANALYSIS.

(a) **REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.**—An agency may not issue a notice of proposed rulemaking unless the agency includes in the notice of proposed rulemaking an analysis that contains, at a minimum, with respect to each regulation that is being proposed—

(1) an identification of the need for the regulation and the regulatory objective, including identification of the nature and significance of the market failure, regulatory failure, or other problem that necessitates the regulation;

(2) an explanation of why the private market or State, local, or tribal authorities cannot adequately address the identified market failure or other problem;

(3) an analysis of the adverse impacts to regulated entities, other market participants, economic activity, or agency effectiveness that are engendered by the regulation and the magnitude of such adverse impacts;

(4) a quantitative and qualitative assessment of all anticipated direct and indirect costs and benefits of the regulation (as compared to a benchmark that assumes the absence of the regulation), including—

(A) compliance costs;

(B) effects on economic activity, net job creation (excluding jobs related to ensuring compliance with the regulation), efficiency, competition, and capital formation;

(C) regulatory administrative costs; and

(D) costs imposed by the regulation on State, local, or tribal governments or other regulatory authorities;

(5) if quantified benefits do not outweigh quantitative costs, a justification for the regulation;

(6) identification and assessment of all available alternatives to the regulation, including modification of an existing regulation or statute, together with—

(A) an explanation of why the regulation meets the objectives of the regulation more effectively than the alternatives, and if the agency is proposing multiple alternatives, an explanation of why a notice of proposed rulemaking, rather than an advanced notice of proposed rulemaking, is appropriate; and

(B) if the regulation is not a pilot program, an explanation of why a pilot program is not appropriate;

(7) if the regulation specifies the behavior or manner of compliance, an explanation of why the agency did not instead specify performance objectives;

(8) an assessment of how the burden imposed by the regulation will be distributed among market participants, including whether consumers, investors, or small businesses will be disproportionately burdened;

(9) an assessment of the extent to which the regulation is inconsistent, incompatible, or duplicative with the existing regulations of the agency or those of other domestic and international regulatory authorities with overlapping jurisdiction;

(10) a description of any studies, surveys, or other data relied upon in preparing the analysis;

(11) an assessment of the degree to which the key assumptions underlying the analysis are subject to uncertainty; and

(12) an explanation of predicted changes in market structure and infrastructure and in behavior by market participants, including

consumers and investors, assuming that they will pursue their economic interests.

(b) REQUIREMENTS FOR NOTICES OF FINAL RULEMAKING.—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, an agency may not issue a notice of final rulemaking with respect to a regulation unless the agency—

(A) has issued a notice of proposed rulemaking for the relevant regulation;

(B) has conducted and includes in the notice of final rulemaking an analysis that contains, at a minimum, the elements required under subsection (a); and

(C) includes in the notice of final rulemaking regulatory impact metrics selected by the chief economist to be used in preparing the report required pursuant to section 206.

(2) **CONSIDERATION OF COMMENTS.**—The agency shall incorporate in the elements described in paragraph (1)(B) the data and analyses provided to the agency by commenters during the comment period, or explain why the data or analyses are not being incorporated.

(3) **COMMENT PERIOD.**—An agency shall not publish a notice of final rulemaking with respect to a regulation, unless the agency—

(A) has allowed at least 90 days from the date of publication in the Federal Register of the notice of proposed rulemaking for the submission of public comments; or

(B) includes in the notice of final rulemaking an explanation of why the agency was not able to provide a 90-day comment period.

(4) PROHIBITED RULES.—

(A) **IN GENERAL.**—An agency may not publish a notice of final rulemaking if the agency, in its analysis under paragraph (1)(B), determines that the quantified costs are greater than the quantified benefits under subsection (a)(5).

(B) **PUBLICATION OF ANALYSIS.**—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, the agency shall publish in the Federal Register and on the public website of the agency its analysis under paragraph (1)(B), and provide the analysis to each House of Congress.

(C) **CONGRESSIONAL WAIVER.**—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, Congress, by joint resolution pursuant to the procedures set forth for joint resolutions in section 802 of title 5, United States Code, may direct the agency to publish a notice of final rulemaking notwithstanding the prohibition contained in subparagraph (A). In applying section 802 of title 5, United States Code, for purposes of this paragraph, section 802(e)(2) shall not apply and the term—

(i) “joint resolution” or “joint resolution described in subsection (a)” means only a joint resolution introduced during the period beginning on the submission or publication date and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: “That Congress directs, notwithstanding the prohibition contained in (3)(b)(4)(A) of the Financial Regulatory Responsibility Act of 2011, the _____ to publish the notice of final rulemaking for the regulation or regulations that were the subject of the analysis submitted by the _____ to Congress on _____.” (The blank spaces being appropriately filled in.); and

(ii) “submission or publication date” means—

(I) the date on which the analysis under paragraph (1)(B) is submitted to Congress under paragraph (4)(B); or

(II) if the analysis is submitted to Congress less than 60 session days or 60 legislative days before the date on which the Congress adjourns a session of Congress, the date on which the same or succeeding Congress first convenes its next session.

SEC. 204. RULE OF CONSTRUCTION.

For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), obtaining, causing to be obtained, or soliciting information for purposes of complying with section 203 with respect to a proposed rulemaking shall not be construed to be a collection of information, provided that the agency has first issued an advanced notice of proposed rulemaking in connection with the regulation, identifies that advanced notice of proposed rulemaking in its solicitation of information, and informs the person from whom the information is obtained or solicited that the provision of information is voluntary.

SEC. 205. PUBLIC AVAILABILITY OF DATA AND REGULATORY ANALYSIS.

(a) **IN GENERAL.**—At or before the commencement of the public comment period with respect to a regulation, the agency shall make available on its public website sufficient information about the data, methodologies, and assumptions underlying the analyses performed pursuant to section 203 so that the analytical results of the agency are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(b) **CONFIDENTIALITY.**—The agency shall comply with subsection (a) in a manner that preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information about positions, transactions, or business practices.

SEC. 206. FIVE-YEAR REGULATORY IMPACT ANALYSIS.

(a) **IN GENERAL.**—Not later than 5 years after the date of publication in the Federal Register of a notice of final rulemaking, the chief economist of the agency shall issue a report that examines the economic impact of the subject regulation, including the direct and indirect costs and benefits of the regulation.

(b) **REGULATORY IMPACT METRICS.**—In preparing the report required by subsection (a), the chief economist shall employ the regulatory impact metrics included in the notice of final rulemaking pursuant to section 203(b)(1)(C).

(c) **REPRODUCIBILITY.**—The report shall include the data, methodologies, and assumptions underlying the evaluation so that the agency’s analytical results are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(d) **CONFIDENTIALITY.**—The agency shall comply with subsection (c) in a manner that preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information about positions, transactions, or business practices.

(e) **REPORT.**—The agency shall submit the report required by subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and post it on the public website of the agency. The Commodity Futures Trading Commission shall also submit its report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

SEC. 207. RETROSPECTIVE REVIEW OF EXISTING RULES.

(a) **REGULATORY IMPROVEMENT PLAN.**—Not later than 1 year after the date of enactment of this Act and every 5 years thereafter, each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a plan, consistent with law and its resources and regulatory priorities, under which the agency will modify, streamline, expand, or repeal existing regulations so as to make the regulatory program of the agency more effective or less burdensome in achieving the regulatory objectives. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(b) **IMPLEMENTATION PROGRESS REPORT.**—Two years after the date of submission of each plan required under subsection (a), each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a report of the steps that it has taken to implement the plan, steps that remain to be taken to implement the plan, and, if any parts of the plan will not be implemented, reasons for not implementing those parts of the plan. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

SEC. 208. JUDICIAL REVIEW.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, during the period beginning on the date on which a notice of final rulemaking for a regulation is published in the Federal Register and ending 1 year later, a person that is adversely affected or aggrieved by the regulation is entitled to bring an action in the United States Court of Appeals for the District of Columbia Circuit for judicial review of agency compliance with the requirements of section 203.

(b) **STAY.**—The court may stay the effective date of the regulation or any provision thereof.

(c) **RELIEF.**—If the court finds that an agency has not complied with the requirements of section 203, the court shall vacate the subject regulation, unless the agency shows by clear and convincing evidence that vacating the regulation would result in irreparable harm. Nothing in this section affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground.

SEC. 209. CHIEF ECONOMISTS COUNCIL.

(a) **ESTABLISHMENT.**—There is established the Chief Economists Council.

(b) **MEMBERSHIP.**—The Council shall consist of the chief economist of each agency. The members of the Council shall select the first chairperson of the Council. Thereafter the position of Chairperson shall rotate annually among the members of the Council.

(c) **MEETINGS.**—The Council shall meet at the call of the Chairperson, but not less frequently than quarterly.

(d) **REPORT.**—One year after the effective date of this Act and annually thereafter, the Council shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture,

Nutrition, and Forestry of the Senate and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives a report on—

(1) the benefits and costs of regulations adopted by the agencies during the past 12 months;

(2) the regulatory actions planned by the agencies for the upcoming 12 months;

(3) the cumulative effect of the existing regulations of the agencies on economic activity, innovation, international competitiveness of entities regulated by the agencies, and net job creation (excluding jobs related to ensuring compliance with the regulation);

(4) the training and qualifications of the persons who prepared the cost-benefit analyses of each agency during the past 12 months;

(5) the sufficiency of the resources available to the chief economists during the past 12 months for the conduct of the activities required by this Act; and

(6) recommendations for legislative or regulatory action to enhance the efficiency and effectiveness of financial regulation in the United States.

SEC. 210. CONFORMING AMENDMENTS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking (2) and all that follows through “light of—” and inserting the following:

“(1) CONSIDERATIONS.—Before promulgating a regulation under this chapter or issuing an order (except as provided in paragraph (2)), the Commission shall take into consideration—”;

(3) in paragraph (1), as so redesignated—

(A) in subparagraph (B), by striking “futures” and inserting “the relevant”;

(B) in subparagraph (C), by adding “and” at the end;

(C) in subparagraph (D), by striking “and” at the end; and

(D) by striking subparagraph (E); and

(4) by redesignating paragraph (3) as paragraph (2).

SEC. 211. OTHER REGULATORY ENTITIES.

(a) SECURITIES AND EXCHANGE COMMISSION.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report setting forth a plan for subjecting the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)) to the requirements of this Act, other than direct representation on the Council.

(b) COMMODITY FUTURES TRADING COMMISSION.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report setting forth a plan for subjecting any futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) to the requirements of this Act, other than direct representation on the Council.

SEC. 212. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.

An agency may perform the analyses required by this Act in conjunction with, or as a part of, any other agenda or analysis required by any other provision of law, if such other analysis satisfies the provisions this Act.

SEC. 213. SEVERABILITY.

If any provision of this Act or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SA 713. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).”

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) IMPORTED PROPERTY INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) IMPORTED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term ‘imported

property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) DEFINITIONS AND SPECIAL RULES.—

“(A) IMPORT.—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) UNITED STATES.—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) UNRELATED PERSON.—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY INCOME.—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).”

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting “or imported property income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”

(2) The last sentence of paragraph (4) of section 954(b) of such Code is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) of such Code is amended by striking “and the foreign

base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

SA 714. Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —DUTY-FREE TREATMENT OF CERTAIN RECREATIONAL PERFORMANCE OUTERWEAR

SEC. 01. SHORT TITLE.

This title may be cited as the "United States Optimal Use of Trade to Develop Outerwear and Outdoor Recreation Act" or the "U.S. OUTDOOR Act".

SEC. 02. FINDINGS.

Congress finds the following:

(1) The outdoor industry contributes \$730,000,000,000 to the United States economy annually.

(2) Outdoor activities are vitally important to the health and well-being of the people of the United States.

(3) Duty rates on recreational performance apparel are among the highest duty rates imposed by the United States Government, with duties on some recreational performance apparel as high as 28.2 percent.

(4) The duties currently imposed by the United States on recreational performance apparel were set in an era during which high rates of duty were intended to protect the production of other apparel in the United States, and before the technologies and innovations that create today's recreational performance apparel industry were developed.

(5) In July 2007, the United States International Trade Commission confirmed in USITC Publication 3937 that recreational performance apparel produced in the United States makes up less than 1 percent of the total recreational performance apparel market and therefore concluded that there is no commercially viable production of recreational performance apparel in the United States.

(6) On November 1, 2005, the Committee for the Implementation of Textile Agreements confirmed in the Federal Register that imports of certain recreational performance apparel do not contribute to domestic market disruption or adversely affect United States textile and apparel producers (70 Fed. Reg. 65889).

(7) The elimination of duties on the importation of certain recreational performance apparel would provide an economic benefit to United States consumers of outdoor products and would promote increased participation in healthy and active lifestyles.

SEC. 03. KNIT APPAREL AND ACCESSORIES.

(a) **DEFINITIONS.**—The Additional U.S. Note to Chapter 61 of the Harmonized Tariff Schedule of the United States is amended—

(1) in the heading, by striking "Additional U.S. Note" and inserting "Additional U.S. Notes"; and

(2) by adding at the end the following new notes:

"2.(a) For purposes of this chapter, the term 'recreational performance outerwear' means trousers (including, but not limited to, paddling pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets) composed of knit fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are either water-resistant or visibly coated, or both, with critically sealed seams, and with 5 or more of the following features:

"(i) Insulation for cold weather protection.

"(ii) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

"(iii) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

"(iv) Venting, not including grommet(s).

"(v) Articulated elbows or knees.

"(vi) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

"(vii) Weatherproof closure at the waist or front.

"(viii) Multi-adjustable hood or adjustable collar.

"(ix) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

"(x) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

"(xi) Odor control technology.

The term 'recreational performance outerwear' does not include occupational outerwear or garments with an outer surface of looped pile.

"(b) For purposes of this Note, the following terms have the following meanings:

"(1) The term 'water-resistant' means that a garment must have a water resistance (see ASTM designations D 3779-81 and D 7017) such that, under a head pressure of 600 millimeters, not more than 1.0 gram of water penetrates after two minutes when tested in accordance with the current version of AATCC Test Method 35. The water resistance of the garment is the result of a rubber or plastics application to the outer shell, lining, or inner lining.

"(ii) The term 'visibly coated' refers to fabric that is impregnated, coated, covered, or laminated with plastics, such as fabrics described in Note 2 to chapter 59.

"(iii) The term 'sealed seams' means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

"(iv) The term 'critically sealed seams' means—

"(A) for jackets, sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

"(B) for trousers, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

"(v) The term 'insulation for cold weather protection' means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

"(vi) The term 'venting' refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

"(vii) The term 'articulated elbows or knees' refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

"(viii) The term 'reinforcement' refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

"(ix) The term 'weatherproof closure' means a closure (including, but not limited to, laminated or coated zippers, storm flaps, or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

"(x) The term 'multi-adjustable hood or adjustable collar' means a draw cord, adjustment tab, or elastic incorporated into the hood or collar construction to allow volume adjustments around a helmet, the crown of the head, neck, or face.

"(xi) The terms 'adjustable powder skirt' and 'inner protective skirt' refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

"(xii) The term 'arm gusset' means construction at the arm of a gusset that utilizes an extra fabric piece in the under arm usually diamond- or triangular-shaped, design, or pattern to allow radial arm movement.

"(xiii) The term 'radial arm movement' refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

"(xiv) The term 'odor control technology' means an additive in a fabric or garment capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing odor-causing bacteria, including but not limited to activated carbon, silver, copper, or any combination thereof.

"(xv) The term 'occupational outerwear' means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire, electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

"3. For purposes of this chapter, the importer of record shall specify upon entry whether garments claimed as recreational performance outerwear have an outer surface that is water-resistant, visibly coated, or a combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear."

(b) **TARIFF CLASSIFICATIONS.**—Chapter 61 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6101.20.00 and inserting the following, with the article description for subheading 6101.20 having the same degree of indentation as the article description for subheading 6101.20.00 (as in effect on the day before the date of the enactment of this Act):

“	6101.20	Of cotton:				
	6101.20.05	Recreational performance outerwear	Free		50%	
	6101.20.10	Other	15.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	50%	”.

(2) By striking subheadings 6101.30.10 through 6101.30.20 and inserting the following, with the article description for subheading 6101.30.05 having the same degree of indentation as the article description for subheading 6101.30.10 (as in effect on the day before the date of the enactment of this Act):

“	6101.30.05	Recreational performance outerwear	Free		35%	
		Other:				
	6101.30.10	Containing 25 percent or more by weight of leather	5.6%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)	35%	
	6101.30.15	Containing 23 percent or more by weight of wool or fine animal hair	38.6¢/kg + 10%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	77.2¢/kg + 54.5%	
	6101.30.20	Other	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	”.

(3) By striking subheadings 6101.90.05 through 6101.90.90 and inserting the following, with the article description for subheading 6101.90.01 having the same degree of indentation as the article description for subheading 6101.90.05 (as in effect on the day before the date of the enactment of this Act):

“	6101.90.01	Recreational performance outerwear	Free		45%	
		Other:				
	6101.90.05	Of wool or fine animal hair	61.7¢/kg + 16%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU) 43.1¢/kg + 11.2% (OM)	77.2¢/kg + 54.5%	
	6101.90.10	Containing 70 percent or more by weight of silk or silk waste	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	45%	
	6101.90.90	Other	5.7%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5.1% (AU)	45%	”.

(4) By striking subheading 6102.10.00 and inserting the following, with the article description for subheading 6102.10 having the same degree of indentation as the article description for subheading 6102.10.00 (as in effect on the day before the date of the enactment of this Act):

“	6102.10	Of wool or fine animal hair:				
	6102.10.05	Recreational performance outerwear	Free		68.3¢/kg + 54.5%	

6102.10.10	Other	55.9¢/kg + 16.4%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 39.1¢/kg + 11.4% (OM)	68.3¢/kg + 54.5%	”.
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(5) By striking subheading 6102.20.00 and inserting the following, with the article description for subheading 6102.20 having the same degree of indentation as the article description for subheading 6102.20.00 (as in effect on the day before the date of the enactment of this Act):

6102.20	Of cotton:				
6102.20.05	Recreational performance outerwear	Free		50%	
6102.20.10	Other	15.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	50%	”.

(6) By striking subheadings 6102.30.05 through 6102.30.20 and inserting the following, with the article description for subheading 6102.30.01 having the same degree of indentation as the article description for subheading 6102.30.05 (as in effect on the day before the date of the enactment of this Act):

6102.30.01	Recreational performance outerwear	Free		35%	
	Other:				
6102.30.05	Containing 25 percent or more by weight of leather	5.3%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 4.7% (AU)	35%	
6102.30.10	Containing 23 percent or more by weight of wool or fine animal hair	64.4¢/kg + 18.8%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	68.3¢/kg + 54.5%	
6102.30.20	Other	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	”.

(7) By striking subheadings 6102.90.10 and 6102.90.90 and inserting the following, with the article description for subheading 6102.90.05 having the same degree of indentation as the article description for subheading 6102.90.10 (as in effect on the day before the date of the enactment of this Act):

6102.90.05	Recreational performance outerwear	Free		45%	
	Other:				
6102.90.10	Containing 70 percent or more by weight of silk or silk waste	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	45%	
6102.90.90	Other	5.7%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5.1% (AU)	45%	”.

(8) By striking subheadings 6103.41.10 and 6103.41.20 and inserting the following, with the article description for subheading 6103.41.05 having the same degree of indentation as the article description for subheading 6103.41.10 (as in effect on the day before the date of the enactment of this Act):

“	6103.41.05	Recreational performance outerwear	Free		77.2¢/kg + 54.5%	
		Other:				
	6103.41.10	Trousers, breeches and shorts	61.1¢/kg + 15.8%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 42.7¢/kg + 11% (OM)	77.2¢/kg + 54.5%	
	6103.41.20	Bib and brace overalls	13.6%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 9.5% (OM)	54.5%	”.

(9) By striking subheadings 6103.42.10 and 6103.42.20 and inserting the following, with the article description for subheading 6103.42.05 having the same degree of indentation as the article description for subheading 6103.42.10 (as in effect on the day before the date of the enactment of this Act):

“	6103.42.05	Recreational performance outerwear	Free		45%	
		Other:				
	6103.42.10	Trousers, breeches and shorts	16.1%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	45%	
	6103.42.20	Bib and brace overalls	10.3%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(10) By striking subheadings 6103.43.10 through 6103.43.20 and inserting the following, with the article description for subheading 6103.43.05 having the same degree of indentation as the article description for subheading 6103.43.10 (as in effect on the day before the date of the enactment of this Act):

“	6103.43.05	Recreational performance outerwear	Free		77.2¢/kg + 54.5%	
		Other:				
		Trousers, breeches and shorts:				
	6103.43.10	Containing 23 percent or more by weight of wool or fine animal hair	58.5¢/kg + 15.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	77.2¢/kg + 54.5%	
	6103.43.15	Other	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
	6103.43.20	Bib and brace overalls	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	”.

(11) By striking subheadings 6103.49 through 6103.49.80 and inserting the following, with the article description for subheading 6103.49 having the same degree of indentation as the article description for subheading 6103.49 (as in effect on the day before the date of the enactment of this Act):

“	6103.49	Of other textile materials:				
		Of artificial fibers:				
	6103.49.05	Recreational performance outerwear	Free		72%	

6103.49.10	Other: Trousers, breeches and shorts	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
6103.49.20	Bib and brace overalls	13.6%	8% (AU) Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)	72%	
6103.49.40	Containing 70 percent or more by weight of silk or silk waste	0.9%	8% (AU) Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	72%	
6103.49.80	Other	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	
			5% (AU)	35%	”.

(12) By striking subheading 6104.61.00 and inserting the following, with the article description for subheading 6104.61 having the same degree of indentation as the article description for subheading 6104.61.00 (as in effect on the day before the date of the enactment of this Act):

“ 6104.61	Of wool and fine animal hair:				
6104.61.05	Recreational performance outerwear	Free		54.5%	
6104.61.10	Other	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG)		
			8% (AU)		
			10.4% (OM)	54.5%	”.

(13) By striking subheadings 6104.62.10 and 6104.62.20 and inserting the following, with the article description for subheading 6104.62.05 having the same degree of indentation as the article description for subheading 6104.62.10 (as in effect on the day before the date of the enactment of this Act):

“ 6104.62.05	Recreational performance outerwear	Free		90%	
	Other:				
6104.62.10	Bib and brace overalls	10.3%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG)		
			8% (AU)		
			See 9912.61.01– 9912.61.02 (MA)	90%	
6104.62.20	Other	14.9%	Free (BH, CA, CL, JO, IL, MX, OM, P, PE, SG)		
			8% (AU)		
			See 9912.61.01, 9912.61.03 (MA)	90%	”.

(14) By striking subheadings 6104.63.10 through 6104.63.20 and inserting the following, with the article description for subheading 6104.63.05 having the same degree of indentation as the article description for subheading 6104.63.10 (as in effect on the day before the date of the enactment of this Act):

“ 6104.63.05	Recreational performance outerwear	Free		72%	
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6104.63.10	Other: Bib and brace overalls	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05– 9912.61.06 (MA)	72%	
6104.63.15	Other: Containing 23 percent or more by weight of wool or fine animal hair	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05– 9912.61.06 (MA)	54.5%	
6104.63.20	Other	28.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05, 9912.61.07 (MA)	72%	”.

(15) By striking subheadings 6104.69 through 6104.69.80 and inserting the following, with the article description for subheading 6104.69 having the same degree of indentation as the article description for subheading 6104.69 (as in effect on the day before the date of the enactment of this Act):

“ 6104.69	Of other textile materials:				
	Of artificial fibers:				
6104.69.05	Recreational performance outerwear	Free		72%	
	Other:				
6104.69.10	Bib and brace overalls	13.6%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
6104.69.20	Trousers, breeches and shorts	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
6104.69.40	Containing 70 percent or more by weight of silk or silk waste	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	60%	
6104.69.80	Other	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)	60%	”.

(16) By striking subheadings 6112.20.10 and 6112.20.20 and inserting the following, with the article description for subheading 6112.20.05 having the same degree of indentation as the article description for subheading 6112.20.10 (as in effect on the day before the date of the enactment of this Act):

“ 6112.20.05	Recreational performance outerwear	Free		72%	
	Other:				

6112.20.10	Of man-made fibers	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
6112.20.20	Other	8.3%	8% (AU)	72%	
			Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)		
			7.4% (AU)	90%	”.

(17) By striking subheadings 6113.00.10 and 6113.00.90 and inserting the following, with the article description for subheading 6113.00.05 having the same degree of indentation as the article description for subheading 6113.00.10 (as in effect on the day before the date of the enactment of this Act):

“	6113.00.05	Recreational performance outerwear	Free		65%	
		Other:				
	6113.00.10	Having an outer surface impregnated, coated, covered, or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, E, IL, JO, MA, MX, OM, P, PE, SG)	65%	
	6113.00.90	Other	7.1%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	65%	”.

(18) By striking subheading 6114.20.00 and inserting the following, with the article description for subheading 6114.20 having the same degree of indentation as the article description for subheading 6114.20.00 (as in effect on the day before the date of the enactment of this Act):

“	6114.20	Of cotton:				
	6114.20.05	Recreational performance outerwear	Free		90%	
	6114.20.10	Other	10.8%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG)		
				8% (AU)		
				4.3% (OM)	90%	”.

(19) By striking subheadings 6114.30.10 through 6114.30.30 and inserting the following, with the article description for subheading 6114.30.05 having the same degree of indentation as the article description for subheading 6114.30.10 (as in effect on the day before the date of the enactment of this Act):

“	6114.30.05	Recreational performance outerwear	Free		90%	
		Other:				
	6114.30.10	Tops	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
				8% (AU)	90%	
	6114.30.20	Bodysuits and bodyshirts	32%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
				8% (AU)	90%	
	6114.30.30	Other	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
				8% (AU)	90%	”.

(20) By striking subheadings 6114.90.05 through 6114.90.90 and inserting the following, with the article description for subheading 6114.90.01 having the same degree of indentation as the article description for subheading 6114.90.05 (as in effect on the day before the date of the enactment of this Act):

“	6114.90.01	Recreational performance outerwear	Free		90%	
		Other:				

6114.90.05	Of wool or fine animal hair	12%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 8.4% (OM)	90%
6114.90.10	Containing 70 percent or more by weight of silk or silk waste	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	60%
6114.90.90	Other	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)	60%

SEC. 4. APPAREL ARTICLES AND ACCESSORIES OF OTHER MATERIALS, NOT KNITTED OR CROCHETED.

(a) NOTES.—The Additional U.S. Notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in Additional U.S. Note 2, by striking “For purposes of subheadings” and all that follows through “6211.20.15” and inserting “For purposes of this chapter”; and

(2) by adding at the end the following new notes:

“3.(a) For purposes of this chapter, the term ‘recreational performance outerwear’ means trousers (including, but not limited to, paddling pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets), the outer surface of which is composed of non-knit, non-crocheted fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are water-resistant, visibly coated, or both, with critically sealed seams, and with 5 or more of the following options:

“(i) Insulation for cold weather protection.
“(ii) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

“(iii) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

“(iv) Venting, not including grommet(s).

“(v) Articulated elbows or knees.

“(vi) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

“(vii) Weatherproof closure at the waist or front.

“(viii) Multi-adjustable hood or adjustable collar.

“(ix) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

“(x) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

“(xi) Odor control technology.

The term ‘recreational performance outerwear’ does not include occupational outerwear.

“(b) For purposes of this Note, the following terms have the following meanings:

“(i) The term ‘water-resistant’ means that a garment must have a water resistance (see ASTM designations D 3779-81 and D 7017) such that, under a head pressure of 600 millimeters, not more than 1.0 gram of water penetrates after two minutes when tested in accordance with the current version of AATCC Test Method 35. The water resistance of the garment is the result of a rubber or plastics application to the outer shell, lining, or inner lining.

“(ii) The term ‘visibly coated’ refers to fabric that is impregnated, coated, covered, or laminated with plastics, such as fabrics described in Note 2 to chapter 59.

“(iii) The term ‘sealed seams’ means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

“(iv) The term ‘critically sealed seams’ means seams’ that are sealed—

“(A) for jackets, at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

“(B) for trousers, at the front (up to the zipper or other means of closure) and back rise.

“(v) The term ‘insulation for cold weather protection’ means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

“(vi) The term ‘venting’ refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment.

“(vii) The term ‘articulated elbows or knees’ refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

“(viii) The term ‘reinforcement’ refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

“(ix) The term ‘weatherproof closure’ means a closure (including, but not limited to, laminated or coated zippers, storm flaps,

or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

“(x) The term ‘multi-adjustable hood or adjustable collar’ means a draw cord, adjustment tab, or elastic incorporated into the hood or collar construction to allow volume adjustments around a helmet, the crown of the head, neck, or face.

“(xi) The terms ‘adjustable powder skirt’ and ‘inner protective skirt’ refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

“(xii) The term ‘arm gusset’ means construction at the arm of a gusset that utilizes an extra fabric piece in the under arm usually diamond- or triangular-shaped, design, or pattern to allow radial arm movement.

“(xiii) The term ‘radial arm movement’ refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

“(xiv) The term ‘odor control technology’ means an additive in a fabric or garment capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing odor-causing bacteria, including but not limited to activated carbon, silver, copper, or any combination thereof.

“(xv) The term ‘occupational outerwear’ means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire, electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

“4. For purposes of this chapter, the importer of record shall specify upon entry whether garments claimed as ‘recreational performance outerwear’ have an outer surface that is water-resistant, visibly coated, or a combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear.”

(b) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6201.11.00 and inserting the following, with the article description for subheading 6201.11 having the same degree of indentation as the article description for subheading 6201.11.00 (as in effect on the day before the date of the enactment of this Act):

“	6201.11	Of wool or fine animal hair:			
	6201.11.05	Recreational performance outerwear	Free		52.9¢/kg + 58.5%
	6201.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 28.7¢/kg + 11.4% (OM)	52.9¢/kg + 58.5%

(2) By striking subheadings 6201.12.10 and 6201.12.20 and inserting the following, with the article description for subheading 6201.12.05 having the same degree of indentation as the article description for subheading 6201.12.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.12.05	Recreational performance outerwear	Free		60%
		Other:			
	6201.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%
	6201.12.20	Other	9.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%

(3) By striking subheadings 6201.13.10 through 6201.13.40 and inserting the following, with the article description for subheading 6201.13.05 having the same degree of indentation as the article description for subheading 6201.13.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.13.05	Recreational performance outerwear	Free		60%
		Other:			
	6201.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 0.4% (MA) 3.9% (AU)	60%
	6201.13.30	Other: Containing 36 percent or more by weight of wool or fine animal hair ...	49.7¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	52.9¢/kg + 58.5%
	6201.13.40	Other	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%

(4) By striking subheadings 6201.19.10 and 6201.19.90 and inserting the following, with the article description for subheading 6201.19.05 having the same degree of indentation as the article description for subheading 6201.19.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.19.05	Recreational performance outerwear	Free		35%
		Other:			
	6201.19.10	Containing 70 percent or more by weight of silk or silk waste	Free		35%
	6201.19.90	Other	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%

(5) By striking subheadings 6201.91.10 and 6201.91.20 and inserting the following, with the article description for subheading 6201.91.05 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.91.05	Recreational performance outerwear	Free		58.5%	
		Other:				
	6201.91.10	Padded, sleeveless jackets	8.5%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 7.6% (AU) 5.9% (OM)	58.5%	
	6201.91.20	Other	49.7¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 34.7¢/kg + 13.7% (OM)	52.9¢/kg + 58.5%	”.

(6) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the article description for subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.92.05	Recreational performance outerwear	Free		60%	
		Other:				
	6201.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.00– 9912.62.01 (MA)	60%	
	6201.92.15	Other: Water resistant	6.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 5.5% (AU) See 9912.62.00, 9912.62.02 (MA)	37.5%	
	6201.92.20	Other	9.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.00, 9912.62.03 (MA)	90%	”.

(7) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the article description for subheading 6201.93.05 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.93.05	Recreational performance outerwear	Free		60%	
		Other:				
	6201.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.04– 9912.62.05 (MA)	60%	
		Other:				

6201.93.20	Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.06 (MA)	76%	
6201.93.25	Other: Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.07 (MA)	52.9¢/kg + 58.5%	
6201.93.30	Other: Water resistant	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.04, 9912.62.08 (MA)	65%	
6201.93.35	Other	27.7%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.09 (MA)	90%	”.

(8) By striking subheadings 6201.99.10 and 6201.99.90 and inserting the following, with the article description for subheading 6201.99.05 having the same degree of indentation as the article description for subheading 6201.99.10 (as in effect on the day before the date of the enactment of this Act):

6201.99.05	Recreational performance outerwear	Free		35%	
6201.99.10	Other: Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6201.99.90	Other	4.2%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 3.7% (AU)	35%	”.

(9) By striking subheading 6202.11.00 and inserting the following, with the article description for subheading 6202.11 having the same degree of indentation as the article description for subheading 6202.11.00 (as in effect on the day before the date of the enactment of this Act):

6202.11	Of wool or fine animal hair:				
6202.11.05	Recreational performance outerwear	Free		46.3¢/kg + 58.5%	
6202.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 28.7¢/kg + 11.4% (OM)	46.3¢/kg + 58.5%	”.

(10) By striking subheadings 6202.12.10 and 6202.12.20 and inserting the following, with the article description for subheading 6202.12.05 having the same degree of indentation as the article description for subheading 6202.12.10 (as in effect on the day before the date of the enactment of this Act):

6202.12.05	Recreational performance outerwear	Free		60%	
	Other:				

6202.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)	60%	
6202.12.20	Other	8.9%	3.9% (AU) Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 1.8% (MA) 8% (AU)	90%	”.

(11) By striking subheadings 6202.13.10 through 6202.13.40 and inserting the following, with the article description for subheading 6202.13.05 having the same degree of indentation as the article description for subheading 6202.13.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.13.05	Recreational performance outerwear	Free		60%	
		Other:				
	6202.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	
		Other:				
	6202.13.30	Containing 36 percent or more by weight of wool or fine animal hair ...	43.5¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
	6202.13.40	Other	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(12) By striking subheadings 6202.19.10 and 6202.19.90 and inserting the following, with the article description for subheading 6202.19.05 having the same degree of indentation as the article description for subheading 6202.19.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.19.05	Recreational performance outerwear	Free		35%	
		Other:				
	6202.19.10	Containing 70 percent or more by weight or silk or silk waste	Free		35%	
	6202.19.90	Other	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(13) By striking subheadings 6202.91.10 and 6202.91.20 and inserting the following, with the article description for subheading 6202.91.05 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the date of the enactment of this Act):

“	6202.91.05	Recreational performance outerwear	Free		58.5%	
		Other:				
	6202.91.10	Padded, sleeveless jackets	14%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 9.8% (OM)	58.5%	

6202.91.20	Other	36¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 25.2¢/kg + 11.4% (OM)	46.3¢/kg + 58.5%	”.
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(14) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the article description for subheading 6202.92.05 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect on the day before the date of the enactment of this Act):

6202.92.05	Recreational performance outerwear	Free		60%	
	Other:				
6202.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.10– 9912.62.11 (MA)	60%	
	Other:				
6202.92.15	Water resistant	6.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 5.5% (AU) See 9912.62.10, 9912.62.12 (MA)	37.5%	
6202.92.20	Other	8.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.10, 9912.62.13 (MA)	90%	”.

(15) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the article description for subheading 6202.93.05 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the date of the enactment of this Act):

6202.93.05	Recreational performance outerwear	Free		60%	
	Other:				
6202.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	
	Other:				
6202.93.20	Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	76%	
	Other:				

6202.93.40	Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
6202.93.45	Other: Water resistant	7.1%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 6.3% (AU)	65%	
6202.93.50	Other	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(16) By striking subheadings 6202.99.10 and 6202.99.90 and inserting the following, with the article description for subheading 6202.99.05 having the same degree of indentation as the article description for subheading 6202.99.10 (as in effect on the day before the date of the enactment of this Act):

6202.99.05	Recreational performance outerwear	Free		35%	
6202.99.10	Other: Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6202.99.90	Other	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(17) By striking subheadings 6203.41 and 6203.41.05 and inserting the following, with the article description for subheadings 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the date of the enactment of this Act):

6203.41	Of wool or fine animal hair:				
6203.41.05	Recreational performance outerwear	Free		52.9¢/kg + 58.5%	
6203.41.10	Trousers, breeches, and shorts: Trousers, breeches, or shorts containing elastomeric fiber, water resistant, without beltloops, weighing more than 9 kg per dozen	7.6%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 6.8% (AU) 5.3% (OM)	52.9¢/kg + 58.5%	”.

(18) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the article description for subheading 6203.42.05 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the date of the enactment of this Act):

6203.42.05	Recreational performance outerwear	Free		60%	
6203.42.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
6203.42.20	Other: Bib and brace overalls	10.3%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.22–9912.62.23 (MA)	90%	

6203.42.40	Other	16.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.22, 9912.62.24 (MA)	90%	”.
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(19) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the article description for subheading 6203.43.05 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the date of the enactment of this Act):

6203.43.05	Recreational performance outerwear	Free		60%	
	Other:				
6203.43.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
	Other:				
	Bib and brace overalls:				
6203.43.15	Water resistant	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.25– 9912.62.26 (MA)	65%	
6203.43.20	Other	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.27 (MA)	76%	
6203.43.25	Other: Certified hand-loomed and folklore products	12.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.28 (MA)	76%	
6203.43.30	Other: Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.29 (MA)	52.9¢/kg + 58.5%	
6203.43.35	Other: Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 6.3% (AU) See 9912.62.25– 9912.62.26 (MA)	65%	

6203.43.40	Other	27.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.30 (MA)	90%	”.
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(20) By striking subheadings 6203.49 through 6203.49.80 and inserting the following, with the article description for subheading 6203.49 having the same degree of indentation as the article description for subheading 6203.49 (as in effect on the day before the date of the enactment of this Act):

6203.49	Of other textile materials:				
6203.49.05	Recreational performance outerwear	Free		76%	
	Other:				
	Of artificial fibers:				
6203.49.10	Bib and brace overalls	8.5%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 7.6% (AU)	76%	
	Trousers, breeches and shorts:				
6203.49.15	Certified hand-loomed and folklore products	12.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	76%	
6203.49.20	Other	27.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	
6203.49.40	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6203.49.80	Other	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(21) By striking subheadings 6204.61.10 and 6204.61.90 and inserting the following, with the article description for subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the date of the enactment of this Act):

6204.61.05	Recreational performance outerwear	Free		58.5%	
	Other:				
6204.61.10	Trousers and breeches, containing elastomeric fiber, water resistant, with-out belt loops, weighing more than 6 kg per dozen	7.6%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 5.3% (OM) 6.8% (AU) See 9912.62.57– 9912.62.58 (MA)	58.5%	
6204.61.90	Other	13.6%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 9.5% (OM) 8% (AU) See 9912.62.57, 9912.62.59 (MA)	58.5%	”.

(22) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the article description for subheading 6204.62.05 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the date of the enactment of this Act):

6204.62.05	Recreational performance outerwear	Free		60%
	Other:			
6204.62.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
6204.62.20	Bib and brace overalls	8.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.60– 9912.62.61 (MA)	90%
	Other:			
6204.62.30	Certified hand-loomed and folklore products	7.1%	Free (BH, CA, CL, E, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.60, 9912.62.62 (MA)	37.5%
6204.62.40	Other	16.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.60, 9912.62.63 (MA)	90%

(23) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the article description for subheading 6204.63.05 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the date of the enactment of this Act):

6204.63.05	Recreational performance outerwear	Free		60%
	Other:			
6204.63.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
6204.63.12	Bib and brace overalls: Water resistant	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.64– 9912.62.65 (MA)	65%
6204.63.15	Other	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.66 (MA)	76%
	Other:			

6204.63.20	Certified hand-loomed and folklore products	11.3%	Free (BH, CA, CL, E, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.67 (MA)	76%
6204.63.25	Other: Containing 36 percent or more by weight of wool or fine animal hair ...	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.68 (MA)	58.5%
6204.63.30	Other: Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.64– 9912.62.65 (MA)	65%
6204.63.35	Other	28.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.69 (MA)	90%

(24) By striking subheadings 6204.69 through 6204.69.90 and inserting the following, with the article description for subheading 6204.69 having the same degree of indentation as the article description for subheading 6204.69 (as in effect on the day before the date of the enactment of this Act):

6204.69	Of other textile materials:			
6204.69.05	Recreational performance outerwear	Free		76%
	Other:			
	Of artificial fibers:			
6204.69.10	Bib and brace overalls	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70– 9912.62.71 (MA)	76%
	Trousers, breeches and shorts:			
6204.69.20	Containing 36 percent or more by weight of wool or fine animal hair ...	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70– 9912.62.71 (MA)	58.5%

6204.69.25	Other	28.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70, 9912.62.72 (MA)	90%	
6204.69.40	Of silk or silk waste: Containing 70 percent or more by weight of silk waste	1.1%	Free (AU, BH, CA, CL, E, IL, J, JO, MX, OM, P, PE, SG) See 9912.62.70, 9912.62.73 (MA)	65%	
6204.69.60	Other	7.1%	Free (BH, CA, CL, E*, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.70, 9912.62.74 (MA)	65%	
6204.69.90	Other	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MX, OM, P, PE, SG) See 9912.62.70, 9912.62.75 (MA)	35%	”.

(25) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.32	Of cotton:				
	6211.32.05	Recreational performance outerwear	Free		90%	
	6211.32.10	Other	8.1%	Free (AU, BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 3.2% (OM)	90%	”.

(26) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.33	Of man-made fibers:				
	6211.33.05	Recreational performance outerwear	Free		76%	
	6211.33.10	Other	16%	Free (AU, BH, CA, CL, IL, JO, MX, P, PE, SG) 11.2% (OM) See 9912.62.99– 9912.63.00 (MA)	76%	”.

(27) By striking subheadings 6211.39 and 6211.39.05 and inserting the following, with the article description for subheading 6211.39 having the same degree of indentation as the article description for subheading 6211.39 (as in effect on the day before the date of the enactment of this Act):

“	6211.39	Of other textile materials:				
	6211.39.04	Recreational performance outerwear	Free		58.5%	

6211.39.08	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8.4% (OM)	58.5%	”.
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(28) By striking subheading 6211.41.00 and inserting the following, with the article description for subheading 6211.41 having the same degree of indentation as the article description for subheading 6211.41.00 (as in effect on the day before the date of the enactment of this Act):

6211.41	Of wool or fine animal hair:				
6211.41.05	Recreational performance outerwear	Free		58.5%	
6211.41.10	Other	12%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 8.4% (OM)	58.5%	”.

(29) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the date of the enactment of this Act):

6211.42	Of cotton:				
6211.42.05	Recreational performance outerwear	Free		90%	
6211.42.10	Other	8.1%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 3.2% (OM) 7.2% (AU) See 9912.63.01– 9912.63.02 (MA)	90%	”.

(30) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the date of the enactment of this Act):

6211.43	Of man-made fibers:				
6211.43.05	Recreational performance outerwear	Free		90%	
6211.43.10	Other	16%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 11.2% (OM)	90%	”.

(31) By striking subheadings 6211.49.10 and 6211.49.90 and inserting the following, with the article description for subheading 6211.49.05 having the same degree of indentation as the article description for subheading 6211.49.10 (as in effect on the day before the date of the enactment of this Act):

6211.49.05	Recreational performance outerwear	Free		35%	
	Other:				
6211.49.10	Containing 70 percent or more by weight or silk or silk waste	1.2%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	35%	
6211.49.90	Other	7.3%	Free (BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG) 6.5% (AU)	35%	”.

SEC. 05. SUSTAINABLE TEXTILE AND APPAREL RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Sustainable Textile and Apparel Research Fund (in this section referred to as the “STAR Fund”).

(b) DEPOSITS.—There shall be deposited into the STAR Fund amounts equal to the

fees collected on recreational performance outerwear under subsection (d).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The STAR Fund shall be administered by a board of directors (in this section referred to as the “Board”) composed of 5 individuals familiar with the recreational performance outerwear textile and apparel industry, including the production of

raw materials and the finished products thereof, who shall be appointed by the President.

(2) MEMBERS.—Not fewer than 2 of the individuals appointed to the Board under paragraph (1) shall be representatives of entities involved in the production of fabrics or raw materials for use in recreational performance outerwear in the United States, and not

fewer than 2 of such individuals shall be representatives of entities involved in the production of recreational performance outerwear that pay the fees imposed on the importation of such outerwear under subsection (d).

(3) **INELIGIBLE INDIVIDUALS.**—The President may not appoint individuals to the Board under paragraph (1) who are representatives of entities not involved in the production of recreational performance outerwear, such as customs brokers, converters, forwarders, or shippers.

(d) **FUNDING.**—

(1) **FEE.**—In addition to any other fee authorized by law, the Secretary of the Treasury shall charge and collect upon entry, or withdrawal from warehouse for consumption, a fee of 1.5 percent of the appraised value of imported garments (as determined under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a)) that are classifiable under the Harmonized Tariff Schedule of the United States as recreational performance outerwear (as defined in Additional U.S. Note 2 to chapter 61 and Additional U.S. Note 3 to chapter 62 of the Harmonized Tariff Schedule of the United States).

(2) **EXCLUSIONS.**—The assessment of fees under paragraph (1) shall not apply to imports of recreational performance outerwear from the following:

(A) Any country that is party to a free trade agreement with the United States that—

(i) is in effect on the day before the date of the enactment of this Act; or

(ii) enters into force under the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), or similar subsequent authority.

(B) Any country designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)(B)).

(C) Any country designated as a beneficiary sub-Saharan African country under section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)), if the President has determined that the country has satisfied the requirements of section 113(a) of the African Growth and Opportunity Act (19 U.S.C. 3722(a)), and has published that determination in the Federal Register.

(D) Any country that was designated as an ATPDEA beneficiary country under section 204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)) on February 12, 2011.

(3) **TERMINATION.**—The fee under paragraph (1) shall apply only to entries, or withdrawals from warehouse for consumption, that are made during the 10-year period beginning on the date of the enactment of this Act.

(e) **DISTRIBUTION.**—

(1) **QUARTERLY DISTRIBUTIONS.**—The Secretary of Commerce, upon a majority vote of the Board, taken annually, shall, not later than 60 days after the end of each calendar quarter, distribute amounts in the STAR Fund to one or more entities that the Board considers appropriate to use the funds in accordance with subsection (f).

(2) **ELIGIBILITY REQUIREMENTS.**—An entity may receive funds under paragraph (1) only if the entity—

(A) is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from tax under section 501(a) of such Code;

(B) is an organization having at least 10 years of experience providing applied research, technology development, and edu-

cation to all parts of the textile and apparel supply chain, with a research capability demonstrated through past research programs involving supply chain management, product development, fit specifications, operations management, lean manufacturing, or digital supply chain technologies on behalf of the textile and sewn products industries in the United States; and

(C) is comprised of members representing the following segments of the supply chain:

(i) One or more of the following types of producers: fiber, yarn, or fabric producers in the United States.

(ii) Apparel producers in the United States.

(iii) Retail companies in the United States.

(f) **USE OF FUNDS.**—Funds distributed under subsection (e) may be used only to conduct applied research, development, and education activities to enhance the competitiveness of businesses in the United States in clean, eco-friendly apparel, other textile and apparel articles, and sewn-product design and manufacturing.

(g) **REQUIREMENTS.**—The Secretary of Commerce may impose such requirements on the use of funds distributed under subsection (e) as the Secretary considers necessary to ensure compliance with subsection (f), including requiring reporting and assurances by the entities using the funds.

(h) **REPORTS TO CONGRESS.**—The Secretary of Commerce shall submit to Congress a report, not later than April 1 of each year, explaining in detail how amounts in the STAR Fund were distributed under subsection (e) and used under subsection (f) during the preceding calendar year.

SEC. 06. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on the 15th day after the date of the enactment of this Act; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such day.

SA 715. Mr. WYDEN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. PORTMAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

SECTION 01. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Enforcing Orders and Reducing Customs Evasion Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 01. Short title; table of contents.

Subtitle A—Procedures

Sec. 11. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Sec. 12. Application to Canada and Mexico.

Subtitle B—Other Matters

Sec. 21. Definitions.

Sec. 22. Allocation of U.S. Customs and Border Protection personnel.

Sec. 23. Regulations.

Sec. 24. Annual report on prevention of evasion of antidumping and countervailing duty orders.

Sec. 25. Government Accountability Office report on reliquidation authority.

Subtitle A—Procedures

SEC. 11. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) **IN GENERAL.**—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

“SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

“(a) **DEFINITIONS.**—In this section:

“(1) **ADMINISTERING AUTHORITY.**—The term ‘administering authority’ has the meaning given that term in section 771(1).

“(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

“(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

“(3) **COMMISSIONER.**—The term ‘Commissioner’ means the Commissioner responsible for U.S. Customs and Border Protection.

“(4) **COVERED MERCHANDISE.**—The term ‘covered merchandise’ means merchandise that is subject to—

“(A) an antidumping duty order issued under section 736;

“(B) a finding issued under the Antidumping Act, 1921; or

“(C) a countervailing duty order issued under section 706.

“(5) **ENTER; ENTRY.**—The terms ‘enter’ and ‘entry’ refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

“(6) **EVASION; EVASION.**—The terms ‘evade’ and ‘evasion’ refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

“(7) **INTERESTED PARTY.**—The term ‘interested party’ has the meaning given that term in section 771(9).

“(b) **PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.**—

“(1) **INITIATION BY PETITION OR REFERRAL.**—

“(A) **IN GENERAL.**—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

“(B) **PETITION DESCRIBED.**—A petition described in this subparagraph is a petition that—

“(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

“(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

“(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

“(C) REFERRAL DESCRIBED.—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

“(2) DETERMINATIONS.—

“(A) PRELIMINARY DETERMINATION.—

“(i) IN GENERAL.—Not later than 90 days after the date on which the Commissioner initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) EXTENSION.—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

“(B) FINAL DETERMINATION.—

“(i) IN GENERAL.—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) EXTENSION.—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

“(C) OPPORTUNITY FOR COMMENT; HEARING.—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(i) provide any person alleged to have entered the merchandise into the customs territory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

“(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

“(iii) provide an opportunity for public comment.

“(D) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

“(i) shall exercise all existing authorities to collect information needed to make the determination; and

“(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

“(I) issuing a questionnaire with respect to covered merchandise to—

“(aa) a person that filed a petition under paragraph (1)(B);

“(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

“(cc) any other person that is an interested party with respect to the covered merchandise; or

“(II) conducting verifications, including on-site verifications, of any relevant information.

“(E) ADVERSE INFERENCE.—

“(i) IN GENERAL.—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Commissioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

“(ii) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under clause (i) may include reliance on information derived from—

“(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

“(II) a determination by the Commissioner in another investigation under this section;

“(III) an investigation or review by the administering authority under title VII; or

“(IV) any other information placed on the record.

“(F) NOTIFICATION AND PUBLICATION.—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

“(i) provide notification of the determination to—

“(I) the administering authority; and

“(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(ii) provide the determination for publication in the Federal Register.

“(3) BUSINESS PROPRIETARY INFORMATION.—

“(A) ESTABLISHMENT OF PROCEDURES.—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

“(i) protects against public disclosure of such information; and

“(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

“(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

“(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

“(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

“(ii) in accordance with section 1905 of title 18, United States Code; and

“(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation).

“(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

“(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

“(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

“(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

“(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

“(c) EFFECT OF DETERMINATIONS.—

“(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

“(B) pursuant to the Commissioner's authority under section 504(b), extend the period in which to liquidate each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered before the date of the initiation of the investigation under paragraph (1);

“(C) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A) or (B);

“(D) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A) or (B); and

“(E) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be

owed with respect to merchandise described in subparagraph (A) or (B) as a result of a final determination under subsection (b)(2)(B).

“(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

“(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

“(B) pursuant to the Commissioner’s authority under section 504(b), extend or continue to extend, as the case may be, the period in which to liquidate each entry of the covered merchandise that is subject to the determination and that entered before the date of the determination;

“(C) notify the administering authority of the determination and request that the administering authority—

“(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended or extended under subparagraph (A) or (B) of paragraph (1) or subparagraph (A) or (B) of this paragraph; or

“(ii) if no such assessment rates are available at the time, identify the applicable cash deposit rate to be applied to the entries described in subparagraph (A) or (B), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

“(D) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) or (B) in accordance with the instructions received from the administering authority under paragraph (5);

“(E) review and reassess the amount of bond or other security the importer is required to post for merchandise described in subparagraph (A) or (B) to ensure the protection of revenue and compliance with the law; and

“(F) take such additional enforcement measures as the Commissioner determines appropriate, such as—

“(i) initiating proceedings under section 592 or 596;

“(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties, and merchandise that may be associated with evasion;

“(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

“(iv) referring the record in whole or in part to U.S. Immigration and Customs En-

forcement for civil or criminal investigation; and

“(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

“(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension or extension of liquidation pursuant to subparagraph (A) or (B) of paragraph (1) and refund any cash deposits collected pursuant to paragraph (1)(D) that are in excess of the cash deposit rate that would otherwise have been applicable to the merchandise.

“(5) COOPERATION OF ADMINISTERING AUTHORITY.—

“(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

“(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the ‘all-others’ rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

“(d) SPECIAL RULES.—

“(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under subsection (b)(2) shall affect the authority of the Commissioner—

“(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(F); or

“(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

“(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

“(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

“(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

“(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.”.

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

“(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.”.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking “or” at the end;

(B) in clause (ii), by adding “or” at the end; and

(C) by inserting after clause (ii) the following:

“(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B).”; and

(2) in subparagraph (B), by adding at the end the following new clause:

“(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.”.

(d) FINALITY OF DETERMINATIONS.—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking “section 303” and all that follows through “which are reviewable” and inserting “section 516B or title VII that are reviewable”.

SEC. 12. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

Subtitle B—Other Matters

SEC. 21. DEFINITIONS.

In this subtitle, the terms “appropriate congressional committees”, “Commissioner”, “covered merchandise”, “enter” and “entry”, and “evade” and “evasion” have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 11 of this title).

SEC. 22. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

SEC. 23. REGULATIONS.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 11 of this Act).

SEC. 24. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 11 of this title) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 11 of this title);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930 (as added by section 11 of this title), to prevent the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

SEC. 25. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

SA 716. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, insert the following:

SEC. 16. REPEAL OF MEDICAL DEVICE EXCISE TAX.

Subsections (a), (b), and (c) of section 1405 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section and amendments had never been enacted.

SA 717. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REGULATORY TIME-OUT.

(a) SHORT TITLE.—This section may be cited as the “Regulatory Time-Out Act of 2011”.

(b) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given that term under section 3502(1) of title 44, United States Code; and

(2) the term “covered regulation” means a final regulation that—

(A) directly or indirectly increases costs on businesses in a manner which will have an adverse effect on job creation, job retention, productivity, competitiveness, or the efficient functioning of the economy;

(B) is likely to—

(i) have an annual effect on the economy of \$100,000,000 or more;

(ii) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(iii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iv) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(v) raise novel legal or policy issues; and

(C) did not take effect before September 1, 2011.

(c) TIME-OUT PERIOD FOR REGULATIONS.—

(1) PRIOR REGULATIONS.—A covered regulation that took effect before the date of enactment of this Act shall be treated as though that regulation never took effect for the 1-year period beginning on the date of enactment of this Act.

(2) PROSPECTIVE REGULATIONS.—A covered regulation that has not taken effect before the date of enactment of this Act, may not take effect during the 1-year period beginning on the date of enactment of this Act.

(d) EXEMPTIONS.—

(1) IN GENERAL.—The head of an agency may exempt a covered regulation prescribed by that agency from the application of subsection (c), if the head of the agency—

(A) makes a specific finding that the covered regulation—

(i) is necessary due to an imminent threat to human health or safety, or any other emergency;

(ii) is necessary for the enforcement of a criminal law;

(iii) has as its principal effect—

(I) fostering private sector job creation and the enhancement of the competitiveness of workers in the United States;

(II) encouraging economic growth; or

(III) repealing, narrowing, or streamlining a rule, regulation, or administrative process, or otherwise reducing regulatory burdens;

(iv) pertains to a military or foreign affairs function of the United States; or

(v) is limited to interpreting, implementing, or administering the Internal Revenue Code of 1986; and

(B) submits the finding to Congress and publishes the finding in the Federal Register.

(2) REVIEW.—Not later than 10 days after the date of enactment of this Act each agency shall submit any covered regulation that the head of the agency determines is exempt under this section to the Office of Management and Budget and Congress.

(3) NONDELEGABLE AUTHORITY.—The head of an agency may not delegate the authority provided under this subsection to exempt the application of any provision of this section.

SA 718. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—REGULATORY RELIEF

SEC. ____01. SHORT TITLE.

This title may be cited as the “EPA Regulatory Relief Act of 2011”.

SEC. ____02. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this title referred to as the “Administrator”) shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the “Resource Conservation and Recovery Act”) for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters", published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers", published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) "Identification of Non-Hazardous Secondary Materials That Are Solid Waste", published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—With respect to any standard required by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

SEC. 03. COMPLIANCE DATES.

(a) **ESTABLISHMENT OF COMPLIANCE DATES.**—For each regulation promulgated pursuant to section 02, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) **NEW SOURCES.**—The date on which the Administrator proposes a regulation pursuant to section 02(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 04. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the "Resource Conservation and Recovery Act"), in promulgating rules under section 02(a) addressing the subject matter of the rules specified in

paragraphs (3) and (4) of section 02(b), the Administrator—

(1) shall adopt the definitions of the terms "commercial and industrial solid waste incineration unit", "commercial and industrial waste", and "contained gaseous material" in the rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 05. OTHER PROVISIONS.

(a) **ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.**—In promulgating rules under section 02(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) **REGULATORY ALTERNATIVES.**—For each regulation promulgated pursuant to section 02(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

SA 719. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REPEAL OF CLASS PROGRAM.

(a) **REPEAL.**—Title XXXII of the Public Health Service Act (42 U.S.C. 3001 et seq.; relating to the CLASS program) is repealed.

(b) **CONFORMING CHANGES.**—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting "and" at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

(c) **RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, \$86,000,000,000 is rescinded.

(2) **IMPLEMENTATION.**—

(A) **IN GENERAL.**—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under paragraph (1) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(B) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in paragraph (1) and the amounts rescinded from each such account.

(3) **EXCEPTIONS.**—The rescission under paragraph (1) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 720. Mr. ROBERTS (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. USE OF PESTICIDES IN OR NEAR NAVIGABLE WATERS.

(a) **USE OF AUTHORIZED PESTICIDES.**—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) **USE OF AUTHORIZED PESTICIDES.**—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide."

(b) **DISCHARGES OF PESTICIDES.**—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) **DISCHARGES OF PESTICIDES.**—

"(1) **NO PERMIT REQUIREMENT.**—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

"(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

"(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

"(i) the discharge would not have occurred but for the violation; or

"(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

"(B) Stormwater discharges subject to regulation under subsection (p).

"(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.
 “(ii) Treatment works effluent.
 “(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

SA 721. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

- (1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and
- (2) which is paid—
 - (A) to a nonresident alien, and
 - (B) on a deposit maintained at an office within the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 4, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 4, 2011, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 4, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and Inter-

national Security be authorized to meet during the session of the Senate on October 4, 2011, at 10:30 a.m. to conduct a hearing entitled, “Costs of Prescription Drug Abuse in the Medicare Part D Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on October 4, 2011 at 3 p.m. to conduct a hearing entitled “Consumer Protection and Middle Class Wealth Building in an Age of Growing Household Debt.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on October 4, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “America's Agricultural Labor Crisis: Enacting a Practical Solution.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate, on October 4, 2011, at 2:30 p.m. in Dirksen 406 to conduct a hearing entitled “Nutrient Pollution: an Overview of Nutrient Reduction Approaches.”

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 361; that the Senate proceed to vote without intervening action or debate the motion to reconsider be considered made and laid on the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The legislative clerk read the nomination of Francis Joseph Ricciardone, Jr., of Massachusetts, a Career Member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

The PRESIDING OFFICER. Is there further debate on the nomination?

If not, the question is on confirmation of the nomination.

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DESIGNATING THE SCHERTZ VETERANS POST OFFICE

DESIGNATING THE SERGEANT CHRIS DAVIS POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following post office naming bills en bloc and the Senate proceed to their consideration en bloc: H.R. 771 and H.R. 1632.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 771) to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the “Schertz Veterans Post Office,” was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 1632) to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the “Sergeant Chris Davis Post Office,” was ordered to a third reading, was read the third time, and passed.

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Res. 266 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 266) supporting the goals and ideals of "National Save for Retirement Week," including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 266

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is an important factor to workers understanding the true need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans

to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist workers in saving for retirement; and

Whereas October 16 through October 22, 2011, has been designated as "National Save for Retirement Week": Now, therefore, be it Resolved, That the Senate—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all people in the United States.

ORDERS FOR WEDNESDAY,
OCTOBER 5, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 5, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and

the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of S. 1619, the Currency Exchange Rate Oversight Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, cloture was filed tonight on S. 1619. Unless an agreement is reached, this vote will occur Thursday morning an hour after we come in session. The filing deadline for first-degree amendments to S. 1619 is 1 p.m. tomorrow, Wednesday. Votes on amendments to the bill are possible during Wednesday's session.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, October 5, 2011, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 4, 2011:

DEPARTMENT OF STATE

FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

EXTENSIONS OF REMARKS

RECOGNIZING THE ACHIEVEMENTS OF ARNOLD MANN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Arnold Mann of Collegeville, Montgomery County, Pennsylvania for receiving the Collegeville Rotary Club's Citizen of the Year award.

A Collegeville resident since 1968, Arnold Mann has been a member of Collegeville Borough Council since 1992, serving as its President from 1994–1996, 1998–2000, and 2010 to present day. Currently, Arnold serves on the Finance Committee and as Chairman of the Streets and Roads Committee. Additionally, he is a member of the Planning Commission, the Collegeville-Trappe Sewer Authority and serves as Joint-Chair of the Collegeville-Trappe Public Works Committee.

Further, Arnold Mann is a U.S. Navy veteran and a graduate of Drexel University. Arnold is an active member of Trinity Reformed Church of Christ and, during his tenure on church council, served as President and Building Committee Chairman. Arnold and his wife Marty organized a youth group at Trinity and served as youth ministers for seven years.

Mr. Speaker, in light of his years of outstanding service to the community and litany of exemplary accomplishments, I ask that my colleagues join me today in recognizing Arnold Mann on the occasion of being awarded the Citizen of the Year Award by the Collegeville Rotary Club.

DR. PAMELA S. SHOCKLEY- ZALABAK TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Dr. Pamela S. Shockley-Zalabak, Chancellor of the University of Colorado-Colorado Springs. Since 2001, Dr. Shockley-Zalabak has worked to improve the educational system in the State of Colorado in an attempt to enhance student success and graduation rates.

In the years ahead, jobs in the United States will be pursuing specialized workers who are educationally qualified and focused in a particular area of expertise. The University of Colorado, under Dr. Shockley-Zalabak's leadership, has concentrated its efforts on improving the retention and graduation of ethnic minority students. UCCS has also worked to implement programs to advance interest in more specialized careers, including areas such as science, technology, engineering and math.

Last week, Dr. Shockley-Zalabak participated in a roundtable at the White House that discussed the impact of community colleges throughout the nation. This roundtable was a part of the White House's highlights of "Champions of Change" who are making a notable impression in their communities.

The White House also recognized Dr. Shockley-Zalabak and UCCS for the implementation of the Southern Colorado Educational Consortium. This program allows UCCS to work with other two- and four-year colleges in the area to foster educational opportunities and degree programs. This rural part of Colorado has historically seen low educational achievement in years past. However, under the leadership of Dr. Shockley-Zalabak and the new programs she has helped create, I am confident the newfound success experienced by UCCS will continue to grow.

Mr. Speaker, it is an honor to recognize Dr. Pamela Shockley-Zalabak for her incredible accomplishments and steadfast dedication to the Colorado Educational System. She is truly making a difference in equipping America's youth with the tools, resources and education necessary to pursue a sustainable career and to determine their own destiny.

HONORING CLAYTON M. DRENNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Clayton M. Drenner. Clayton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Clayton has been very active with his troop, participating in many scout activities. Over the many years Clayton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Clayton has earned the rank of Patrol Leader for his troop and has become a Member of the Order of the Arrow. Clayton has also contributed to his community through his Eagle Scout project. Clayton planned and constructed three picnic tables and two fire rings for Lakeside Nature Center's Camp Lake of the Woods at Swope Park in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Clayton M. Drenner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MOTION TO CONCUR IN THE SENATE AMENDMENT TO H.R. 2608 "SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT"

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the motion to concur in the Senate amendment to H.R. 2608, "The Small Business Program Extension and Reform Act of 2011" which provides for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. This amendment has rectified a job killing flaw that was present in the previous version of this bill. Finally, we have a relatively clean continuing resolution that does not contain any of the job killing riders that I alongside my Democratic colleagues fought so hard against.

Mr. Speaker the bill before us today is an attempt to reach a much needed compromise in the nick of time. By passing this bill today we will enable the government to remain open and continuing to serve the needs of the American people. At a time when the central issue before our country should be jobs and the creation of jobs to advance our economy. We keep retuning to measures that result in inaction and today we have done what the American people expect, found common ground. However, we lost a lot of precious time that should have been focused on jobs. Instead, we spent weeks on portions of this measure that were not going to garner support.

The current Continuing Resolution would extend the FY 2011 discretionary funding level at approximately 98.5 percent for agencies and programs through November 18 of this year. This approximate 1.5 percent cut seeks to bring the level of funding in line with the Budget Control Act, which capped FY 2012 discretionary spending at \$1.043 trillion. It also contains various anomalies, including: keeping the postal service solvent through Nov. 18; extending flood insurance through Nov. 18; cutting funding for Overseas Contingency Operations (Pakistan, Afghanistan); giving DC access to its local funds; authorizing DHS to work on national special security events; and renewing import restrictions against Burma.

I have consistently implored my colleagues to come to the aid of Americans as they have always done during times of natural disaster. This measure now provides \$2.65 billion, a number which OMB Director Jack Lew has said should be sufficient through Nov. 18. Additionally, it requires the Homeland Security Department to provide a full accounting of disaster relief funding requirements for FY 2012 no later than 15 days after the date of enactment, and to provide an account of their requirements to meet the department's needs in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FY 2013 in the President's budget request next year. It also extends, through Nov. 18, parts of the flood insurance program, including the extension of potential new contracts for flood insurance under the National Flood Insurance Program. Finally we as a body are reflecting the level of compassion that the American people have come to expect. We have stopped using Disaster Relief funding as a political football; and instead addressing the needs of Americans who find themselves the victims of unforeseeable natural disasters.

I hope that this is a reflection that now is not the time to trample on the needs of small business owners. Now is not the time to delay assistance to those who need support from FEMA. Now is the perfect time to come together for a partisan position that would only have caused more Americans to suffer while they have to wait on Congress to find balance. Now is the time for balance and reason.

Small businesses have long been the bedrock of our nation's economy. Even with the advent of modern-day multi-national corporations most of our day-to-day purchases take place at "mom and pop" small businesses. Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. They are the life blood of our economy. These businesses, the "mom and pop" shops across our nation are no longer being held hostage by my colleagues across the aisle at the expense of jobs.

At a time when our nation needs every single job we can create. Before us is finally a measure that would allow small businesses to get the support they need. We need job creation to help families survive on smaller and smaller pay checks.

As the Representative for Houston, which suffered severe damage in 2008 as a result of Hurricane Ike, I understand the importance of clean up and rebuilding in the wake of natural disaster. Federal Emergency Management Administration, FEMA, addresses the challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

We must continue to fund disaster relief. These are unforeseeable events. The devastating hurricanes we have had in Texas in recent years is a perfect example. Our federal response to those events in the past only demonstrates a need for significant and consistent improvement. During Hurricane Katrina, there were insufficient quantities of generators, forcing hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

We must prepare our first responders with the best information and training to quickly analyze and share information to understand alerts and warning systems, evacuation planning, mission assignments to other agencies, contingency contracting, pre-staged resources,

Regional Hurricane Plans and exercises, communications support, citizen preparedness, disaster housing, and long-term recovery planning. In order to accomplish this we must fund FEMA, not at the expense of Small business but because Americans come together at times of crisis. This should be what it has always been emergency funding.

Emergency preparedness is not the exclusive responsibility of the federal government or individual agencies within it. State and local officials, nonprofit organizations, private sector businesses, and individual citizens must all contribute to the mission in order for our nation to succeed at protecting life and property from disasters. Recovery and mitigation are critical to protecting communities from future threats, and our ability to respond will suffer if we do not focus attention and resources on those missions.

On any given day the City of Houston faces a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents. Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. This collaboration and cooperation undergirds our security posture at our borders and ports, our preparedness in our communities, and our ability to effectively react to crises. Consider the devastation that was brought by the tornadoes in Alabama and the Southern United States, the flooding that has impacted the entire Mississippi river region, from Montana to Tennessee, and tornado that claimed more than 100 lives in Joplin, Missouri, have shown us that there are disasters we cannot predict, and forces of nature for which we cannot plan.

We should not be focused on any measure that would be a job killer, or any measures that would be an affront to growing small businesses or will destroy thousands of jobs.

I have been firmly committed to supporting small businesses and this legislation as written will fail to help create the jobs we need at this time. Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small business loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to

reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs. There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses. It is important that we work towards ensuring that small businesses receive all the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration, SBA, a federal organization that aids small businesses with loan and programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20 percent since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration, SBA, set goals for small business participation in federal contracts. It encouraged agencies to

award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23 percent of contracts to small business, 5 percent to women-owned small businesses, and 3 percent to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

Facts: Small businesses are important because they:

(1) Represent 99.7 percent of all employer firms, (2) employ just over half of all private sector employees, (3) pay 44 percent of total U.S. private payroll, (4) generated 64 percent of net new jobs over the past 15 years, (5) create more than half of the nonfarm private gross domestic product, GDP, (6) hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers), (7) are 52 percent home-based and 2 percent franchises, (8) made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007, and (9) produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Republicans appear to be on a mission to cut programs that help families and that will buttress small businesses. At a time when there are Americans faced with the perils which arise during cleaning up after a natural disaster. Now. There needs to be a balance when determining which programs to cut and when. A balance to finding the funds that will address national disasters. A balanced approach is important to ensuring that small businesses receive the support they need. We have temporarily achieved that balance in this measure.

I stand here once again calling for measures that will advance job growth, create new jobs, and help small business. American families need measures that are job growers rather than measures that are jobs killers.

IN RECOGNITION OF THE MEMBERS OF THE CHALDEAN AMERICAN LADIES OF CHARITY AS THEY CELEBRATE FIFTY YEARS OF SERVICE TO CHALDEAN FAMILIES IN SOUTHEAST MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize the Chaldean American Ladies of Charity (CALC) as it celebrates fifty years of service to the Chaldean community of metro Detroit.

Established in 1961 by twenty women volunteers, CALC's mission has been to assist needy Chaldean families in Southeast Michi-

gan. CALC initially focused on providing care and support to the elderly and sick, but has transitioned and expanded its services as the needs of the community have evolved.

As the greater Detroit region has developed over the last half century, Chaldean Americans have grown with it, becoming an integral part of the community. Over time, as the Chaldean population has grown and new generations have been raised outside their ancestral homeland, CALC has taken a leading role in helping Chaldean Americans preserve their culture and history. Furthermore, CALC has also become a valuable bridge to the broader community, sharing the rich history and culture of Iraqi Catholics. And most importantly, CALC has taken on the responsibility of helping newly arrived Chaldean refugees integrate and become successful members of the community by providing basic services and support for those who need more critical services.

As CALC celebrates its fiftieth anniversary, the success of the organization can be seen in its seven hundred volunteers who continue its mission of serving Chaldean families in need with a dynamic set of initiatives and programs. By collecting and distributing essential supplies to newly arrived Chaldean refugees and families facing obstacles, CALC is the most crucial community support mechanism. Today, CALC provides a comprehensive set of youth programs that provide cultural, educational and recreational enrichment opportunities to promote strong scholarship and citizenship in Chaldean American youth. A fully developed series of programs for families in need provides educational scholarships, essential material assistance in food and clothing and free health services to uninsured families. In order that its mission endures, CALC's Chaldean Angels program teaches the next generation of young women the importance of community service. Under the leadership of my friend, President LeeAnn Kirma, CALC not only supplies precious material resources, but brings hope to the dispirited.

Mr. Speaker, as the Chaldean American Ladies of Charity celebrates its fiftieth anniversary, I rise to join its members and honor their decades of service to Chaldean families across Southeast Michigan, which has greatly strengthened and enriched the metro Detroit community. As CALC continues its mission, I look forward to continuing my work with its members in our shared goal of building a bright future for Michigan and putting the American Dream within reach for all.

HONORING JAY ROBERT
CURLLESS III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jay Robert Curlless III. Jay is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Jay has been very active with his troop, participating in many scout activities. Over the many years Jay has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jay has contributed to his community through his Eagle Scout project. Jay planned and constructed a bed rail system that allows with disabilities to use the camp cabins at the Rotary Youth Camp in Lee's Summit, Missouri. Jay also plans to complete his college education and enlist as an officer in the United States Navy.

Mr. Speaker, I proudly ask you to join me in commending Jay Robert Curlless III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 100TH ANNIVERSARY OF TEN TEN DAY FOR THE PEOPLE OF TAIWAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate the people of Taiwan on the celebration of the 100th anniversary of "Ten Ten Day." Ten Ten Day traces its roots to the Wuchang Uprising that occurred on October 10, 1911, and that signaled the end of the Qing Dynasty and the start of a democratic movement that we continue to celebrate today. Ten Ten Day is a celebration of the end of tyranny for the Chinese people and the birth of democracy. It is significant to all freedom loving people throughout the world.

I want to especially recognize the people of Taiwan on this most important occasion. Taiwan has much to celebrate and it is a thriving economic force in Asia, due to its visionary leadership. I met with President Ma Ying-jeou and I commend his efforts to promote trade and improve relations between Taiwan and China. Guam is home to many people of Chinese ancestry and our island continues to benefit from their cultural contributions to our community and the promotion of trade and economic opportunities.

I congratulate the people of Taiwan on the 100th anniversary of Ten Ten Day. We celebrate this historic occasion with them and we honor their friendship with the American people. We wish them many years of future prosperity and we thank them for their friendship.

TAIWAN'S 100TH ANNIVERSARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ENGEL. Mr. Speaker, on October 10th, the Republic of China (Taiwan), one of the closest friends of the United States in the Pacific, will be celebrating its 100th Anniversary of the Chinese Revolution. I would like to congratulate Taiwan on this historic milestone, and I urge my colleagues to do the same.

October 10th, 1911 marks the beginning of what was the Wuchang Uprising, which ultimately brought an end to the Qing Dynasty's 268-year rule in China. The fall of the Dynasty's resulted in the establishment of the Republic of China (Taiwan), which was then immediately recognized by the United States as the sole and legitimate government of China.

In these 100 years, Taiwan has evolved into a shining example of democracy. As the country liberalized and opened up to the world, its political system has progressed into one of the strongest democratic systems in Asia, evidenced most recently by holding free and fair presidential elections. While these significant achievements took place, the U.S.-Taiwan relationship transformed from one based solely on shared interests to one based on shared values. Our mutual respect for human rights and dignity, and our belief in a strong democratic system of government has allowed this relationship to flourish.

I congratulate the Taiwanese on this historic 100-year occasion, and I look forward to helping further develop the close relationship between the United States and Taiwan as we move forward into the 21st Century.

TO COMMEND MS. EUGINIA
MILIONIS FOR 49 YEARS OF
SERVICE AS A CROSSING GUARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Ms. Euginia Milionis, an exemplary citizen of Illinois' Third Congressional District, for her dedicated service to the students of the Villages of Bridgeview and Justice. Ms. Milionis is retiring after forty-nine years as a crossing guard, exercising diligence and commitment to ensuring the safety of the youngest members of our community.

Ms. Milionis served the past twenty-one years stationed at the busy intersection of 79th Street and Roberts Road. In rain, shine, sleet, and snow, Ms. Milionis has always been present with a warm smile and welcoming wave. Her commitment to local children has inspired others to become involved in their community as well. Ms. Milionis' daughter, Dina, has also worked as a crossing guard for several years. In commemoration and gratitude for Ms. Milionis' many years of service, both Lyons Township and the Village of Bridgeview have awarded her plaques of recognition.

I am happy to recognize Ms. Euginia Milionis' efforts and contributions to her community. Her dedication to ensuring a safe commute for students truly serves as an inspiration to others. I am distinctly proud to count her among the fine citizens of the Third District of Illinois, and I wish her a long and happy retirement.

50TH ANNIVERSARY OF THE
COOLSPRING DEMOCRATIC CLUB

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to rise today to honor one of Indiana's fine organizations, the Coolspring Democratic Club, and to congratulate its membership as they celebrate the club's 50th Anniversary. In honor of this momentous occasion, the members of the Coolspring Democratic Club will be celebrating with dinner and entertainment on Saturday, October 8, 2011, at the American Legion Post 37 in Michigan City, Indiana.

The Coolspring Democratic Club, which was founded in 1961, was established to promote the general ideals of the Democratic Party in LaPorte County and to promote the general welfare of the entire community. In 1961, nine individuals formed the first committee, led by its commanders, Mr. and Mrs. Elvin Rodgers. Mr. and Mrs. Rodgers, along with the other committee members, had the foresight and initiative to foster change in their community and bring Democratic principles to anyone who sought to impact society in a positive way. This original committee, as well as all past and present members, will be honored at the Anniversary celebration for their commitment to promoting the ideals of the Democratic Party.

The Coolspring Democratic Club continues to uphold its mission set forth by its founding members under the leadership of its current Committee President, Dawn Proud, Vice President, Johnny Stimley, Secretary, Pat Steele, and Treasurer, Bonnie Hunt. These dedicated individuals have worked tirelessly to provide for the LaPorte County community and to promote patriotism and altruism among their neighbors.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Coolspring Democratic Club on its 50th Anniversary. I also ask that you join me in honoring its membership for their service to their community. Through the years, the organization's members have graced us with their patriotism and benevolence and are to be recognized for their selflessness and commitment to their fellow citizens.

IN HONOR OF TAIWAN'S
CENTENNIAL NATIONAL DAY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. MARCHANT. Mr. Speaker, I extend my congratulations and best wishes to President Ma Ying-jeou on the occasion of Republic of China (Taiwan)'s Centennial National Day. This national holiday commemorates the 1911 Wu-ch'ang uprising that ended centuries of monarchy and led to the birth of the Republic of China.

Taiwan and the United States enjoy a robust relationship that reflects our two countries' historical, cultural and economic ties over the last century. Despite lack of formal relations between the two countries, the United States and Taiwan continue to be strong partners in trade, cultural and educational exchanges as well as cooperation in many other areas. Taiwan's cooperation with the United States in combating global terrorism has earned the trust of the American people and boosted exchanges and friendship between our two nations. Such relations also extend to discussions over Taiwan's military needs. A strong Taipei-Washington relationship is in both governments' best interests for the stability of East Asia. Last year, we celebrated the 31st anniversary of the enactment of the Taiwan Relations Act, the cornerstone of U.S.-Taiwan relations.

My additional congratulations to the people of Taiwan for their continued participation in the World Health Assembly meetings this May in Geneva. I hope Taiwan will also soon join the International Civil Aviation Organization (ICAO).

I join my fellow colleagues in wishing the people of Taiwan a joyous Centennial National Day celebration and look forward to expanding our strong relationship.

WORLD SPACE WEEK

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. FITZPATRICK. Mr. Speaker, today the Franklin Institute of Philadelphia and the NASTAR Foundation will kick off World Space Week by welcoming Shuttle Commander Chris Ferguson, who led the final U.S. shuttle mission to the International Space Station. When the shuttle returned on July 20, it marked the end of a 30-year NASA program. Ferguson's mission, the 33rd flight of *Atlantis*, was the 37th shuttle mission to the space station, and the 135th and final mission of NASA's Space Shuttle Program.

Commander Ferguson was born in Philadelphia, Pennsylvania, and his mother Mary Ann and stepfather Norman now reside in Langhorne, Bucks County. Ferguson graduated from Archbishop Ryan High School in Philadelphia, and received his Bachelor of Science degree in mechanical engineering from Drexel University. Throughout his career, Ferguson has earned many commendations, including the Legion of Merit, Distinguished Flying Cross, Navy Strike-Flight Air Medal and three NASA Spaceflight Medals.

Commander Ferguson is a decorated military officer, and a distinguished son of Pennsylvania. The 8th District of Pennsylvania and I are proud to honor him this week.

100TH ANNIVERSARY OF THE PROTECTION OF THE VIRGIN MARY ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Protection of the Virgin Mary Orthodox Church as its congregation joins together in celebration of its 100th Anniversary. The congregation, along with Parish Pastor, Father Peter Bodnar, and Parish Council President, Nick Rozdelsky, celebrated this momentous milestone with a celebratory reception on Sunday, October 2, 2011, at the Saint Elijah Serbian American Hall in Merrillville, Indiana.

Protection of the Virgin Mary Church was originally established in Gary, Indiana, on September 28, 1911, when a group of Slavic, Christian immigrants joined together with the goal of preserving Christian Orthodox religious traditions. At that time, many immigrants moved to Gary in search of employment opportunities created by the growing steel industry. The church services were first held at a rental location in Gary, but a lack of funds led church elder Kondrat Krenitsky to provide a room in his home for services to be held. After some time, members were able to secure a location for the church, and on September 8, 1912, a new church was dedicated and consecrated in Gary, Indiana. The church became widely known as Saint Mary's. The first permanent pastor was Reverend Benjamin Kedrovsky, who held his position until 1957. Saint Mary's continued to grow, and in January 1962, a new church, also located in Gary, was consecrated by His Eminence Archbishop John Garklavs. Nearly four decades later, the church leaders and parishioners built a new church and relocated to its current location in Merrillville, Indiana, where services began in the year 2000.

Other pastors of the parish throughout the years include: Father Sergei Garklavs, Father Peter Rozdelsky, Father John Zabinko, Father Thomas Brown, Father Blagoy Topuzliev, Father William Bass, and current pastor, Father Peter Bodnar.

The parishioners of Saint Mary's Church have always been active and generous in their support of numerous civic endeavors, contributing to projects such as the construction of a Permanent Shrine in San Francisco for the Miraculous Ikon, the Holy Virgin Mary of Kazan, and the Midwest Diocesan Expansion Program.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Protection of the Virgin Mary Orthodox Church of Merrillville, Indiana, on its 100th Anniversary. Through many hardships, the members of Saint Mary's have dedicated themselves to preserving Christian Orthodox traditions and spiritual beliefs. For their commitment to service, and for touching the lives of countless individuals, they are worthy of the highest praise.

REPUBLIC OF CHINA (TAIWAN)
100TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, one of our closest allies and best friends in the world of nations is the Republic of China (Taiwan).

October 10th will be a very special day for the people of Taiwan as that country will celebrate its 100th anniversary.

Taiwan and the United States have been very special and close friends since shortly after World War II, and this relationship was formalized in law by the passage of the Taiwan Relations Act of 1979.

Taiwan has seen multitudes of economic miracles take place in the second half of the twentieth century and the early years of this century, because that nation has followed a free market, free enterprise system closer than almost any other country.

I had the privilege of spending a week in Taiwan along with Congressman PETE SESSIONS and former Congressman Sonny Calahan around ten years ago. The Taiwanese people could not have been kinder or more impressive to us than during that visit.

The University of Tennessee started having a large number of students coming from Taiwan in the early 1960s because a man from that nation, Nelson Nee, was head of the U.T. International Students Program. Many of these students became, and many still are, leaders in the Republic of China.

As I was leaving Taiwan during my visit years ago, I asked one of the officials how you said, "Thank you for your friendship" in Chinese. She wrote out the words, "Shieh Shieh Ni De Yo Yi."

Whether this is exactly correct or not, and I hope it is, I will take this time to say I am thankful for the friendship of the people from Taiwan.

I congratulate them on this 100th anniversary, and I believe that as long as they allow their people the utmost freedom, Taiwan will remain a prosperous and dynamic nation into the future.

TRIBUTE TO HONOR FLIGHT OF OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Oregon. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans on this flight from Oregon are: William Raupp, U.S. Air Force; Russell Blower, U.S. Army; William Brown, U.S. Army; Glenn Butler, U.S. Army; Earl Davis, U.S. Army; Howard Heinz, U.S. Army; LeRoy Hop-

kins, U.S. Army; David Kyle, U.S. Army; Harold "Bud" Loucks, U.S. Army; Robert Rampy, U.S. Army; Harrison "Robbie" Robbins, U.S. Army; Anthony DelCollo, U.S. Army Air Corps; Leo Kraft, U.S. Marine Corps; Joseph Lavalley, U.S. Marine Corps; Charlotte "Sharkey" Meyer, U.S. Marine Corps; Michael Pershem, U.S. Marine Corps; Francis Welsh, U.S. Marine Corps; Donald Ayriss, U.S. Navy; John Brazie, U.S. Navy; Jack Buckley, U.S. Navy; Kenneth Deacon, U.S. Navy; Keith Frey, U.S. Navy; Melvin Leroy Kerber, U.S. Navy; Margaret Lutz, U.S. Navy; James Petralba, U.S. Navy; Allan Westphal, U.S. Navy; Frank Smith, U.S. Navy.

These 27 heroes join more than 63,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, D.C. to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen and marines who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country. I especially want to recognize and thank Gail Yakopatz for her tireless work as president of Honor Flight of Oregon.

DOE CREEK SCHOOL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mrs. BLACKBURN. Mr. Speaker, over 140 years ago, recognizing the need for a gathering place of worship and of academics, members of the Doe Creek community built a one-room school house. Fashioned from hewn logs and built on a stone pier foundation during the Civil War era, the school saw its last student in 1948 and fell out of use. Accurately reconstructed and refurbished in 2007, the Doe Creek School is now listed on the National Register of Historic Places.

One of the remaining one-room school houses in existence, the Doe Creek School continues to be a place of learning and gathering. With funds raised by the Doe Creek community, and built with hands laboring by another's cause, the restoration brought friend and neighbor together in a way that only shared history is able. Just as in generations past, the Doe Creek School will be a place for generations to come to share stories and learn from each other.

I rise today in support of the Doe Creek Restoration Committee as they celebrate being named to the National Register of Historic Places. I appreciate the dedication of all who worked to see this day, and thank the Committee and surrounding community for recognizing the great value in holding firm to one's roots. I ask my colleagues to stand with me in thanking those who offered their time,

talents, and treasure to see their history regained.

IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN) MONDAY, OCTOBER 3, 2011

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. RANGEL. Mr. Speaker, a very significant milestone is upon us. The Republic of China (Taiwan), our close friends in Asia, will be celebrating their 100th anniversary on October 10th, 2011.

Many congratulations are in order for Taiwan and their President Ma Ying-jeou on this special occasion. With all the turmoil in the middle-east, Taiwan should be an inspiration to those countries that are looking to have a government of the people and for the people.

Taiwan is a very young democracy, only having their first Presidential elections in 1996. During this time, though, they have had three peaceful transfers from one party to another. Long gone is authoritarian rule; it has been replaced with a true democracy.

As a proud American and a believer in the democratic process, it is refreshing to see Taiwan following in our footsteps when it comes to governing their people.

My hope is that countries throughout the world that are in crisis can look at Taiwan as another example of how to structure a government that enables both its country and people to thrive.

Again, congratulations to The Republic of China (Taiwan) on your 100th anniversary.

2011 APPRENTICE GRADUATES OF THE ROOFERS LOCAL UNION 26

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Saturday, October 15, 2011, the Roofers Local Union 26 will honor the graduating class of 2011 at the Annual Apprentice Graduation Banquet, which will be held at The Patio Restaurant in Merrillville, Indiana.

At this year's banquet, the Roofers Local Union 26 will recognize and honor the 2011 Apprentice Graduates. The individuals who have completed their apprentice training in 2011 are: Nathan Chandler, Robert Crachy, Justin Greenleaf, Stephen Hahn, Jason Hilgeman, Donald Holsclaw, Kevin Hudson, James Johnson, Ryan Kalwa, Christopher Magley, Henry Patterson III, Danny Powell, Antonio Sanyet, Nicholas Sallay, Alfonso Uribe, and Brian Whitaker.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding

examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

HONORING THE CONTRIBUTION OF DR. BARBARA-ANN WEINSTEIN ED.D

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Dr. Barbara-Ann Weinstein, recipient of the Leadership Broward Foundation's Outstanding Broward Leader Award. Each year the Leadership Broward Foundation honors a select group of individuals who have distinguished themselves through outstanding service and a commitment to our community. As President of Family Central of Broward County, Dr. Weinstein is the embodiment of these values. I can think of no one more deserving of this award than someone who has devoted her career to promoting the welfare of children and their families in South Florida.

Dr. Weinstein has been a strong advocate for children through Family Central since 1985. Over the years, her guidance, support, and dedication led Family Central to provide a variety of educational services and family support in Broward, Palm Beach and Miami-Dade Counties. For nearly 40 years, this organization has played a pivotal role in the lives of South Florida families by strengthening the social, emotional and economic ties that family members have to one another, as well as to their community. Last year alone, Family Central's vital services reached more than 130,000 South Florida clients.

I am so pleased that Ms. Weinstein has been selected as an honoree. Her commitment to children and families has been essential to providing a strong foundation for South Florida's children.

TAIWAN'S CENTENNIAL NATIONAL DAY

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. HANNA. Mr. Speaker, on Taiwan's fast approaching Centennial National Day this October 10, I salute the people in Taiwan for their many accomplishments, including the completion of the Economic Cooperation Framework Agreement (ECFA) with the People's Republic last year. The recent rap-

prochement between Taiwan and mainland China have also reduced tensions across the Taiwan Strait. The people of Taiwan no longer fear imminent hostile actions from the mainland and will be able to live peacefully and even meet and interact with tourists from the mainland.

However, the current amity between the two sides does not eliminate the need for the United States to continue to provide weapons for Taiwan's defense under the Taiwan Relations Act. We need to expedite the sale of F-16 C/D fighters to Taiwan to replace Taiwan's aging air force and maintain air power balance power across the Taiwan Strait. Arms sales to Taiwan can maintain stability in East Asia by making it more difficult for the PRC to bully Taiwan now and in the future. Besides, the PRC still has more than one thousand missiles aimed at Taiwan. It is necessary for Taiwan to maintain strong military self-defense capabilities.

It is also my view that we should support Taiwan's participation in global affairs by helping Taiwan become an observer of the International Civil Aviation Organization (ICAO) and other United Nations' specialized agencies. An internationally visible Taiwan is a strong Taiwan.

Taiwan is our major trading partner and collaborating with us in many other areas. Our strong economic and cultural ties to the Republic of China (Taiwan) go back a hundred years. I am certain that this strong bond will continue for another one hundred years and more.

NICK GIANIKOS, AHEPAN OF THE YEAR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Nick Gianikos as he is recognized by the American Hellenic Educational Progressive Association (AHEPA) as Chapter, District, and National Ahepan of the Year. AHEPA will be honoring Nick at the AHEPA, Chapter 78 meeting on October 5, 2011, at the Hobart Lodge in Hobart, Indiana.

The Order of AHEPA was founded on July 26, 1922, in Atlanta, Georgia, joining the NAACP and B'nai B'rith in the effort to end racism, bigotry, and discrimination against all immigrants. AHEPA was founded on the principles of ancient Greece promoting civic responsibility, education, philanthropy, family, and individual excellence through volunteerism and community service.

Nick Gianikos, Chapter 78 President of Philanthropy, has been a tremendous leader and a true inspiration. He has been able to touch the lives of many individuals through his position and has done so passionately and persistently. Through these trying economic times, the number of people in need is great. Due to Nick's direction and unwavering dedication, he has been able to plan and execute several projects with the help of other devoted Ahepan brothers and the chapter's Philanthropy Committee. For his outstanding commitment to

serving those in need, Nick is to be commended.

Under Brother Gianikos's leadership, Chapter 78's Philanthropy Committee has initiated projects, team visits, and social events with many organizations, including: the Ross Township Food Pantry and Senior and Disabled Bus Service Support, Christian Haven House, Meals on Wheels, Veterans for Life Changing Services, Saint Jude House, Saints Monica and Luke Soup Kitchen, Saint Iakovos Church, Saints Constantine and Helen Church, Sojourner Truth House, Rebuilding South Lake County, the Salvation Army, and the Merrillville Boys and Girls Club. In addition, this past year, Nick chaired the Chapter 78 Membership Committee, which focused on finding new members who wish to participate in AHEPA functions and commit to projects that adhere to AHEPA's goals.

Brother Gianikos's commitment to AHEPA and to serving others in the community of Northwest Indiana is exceeded only by his devotion to his amazing family. He and his wonderful wife Maureen have two beloved children and five adoring grandchildren.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating AHEPA and Brother Nick Gianikos as he is recognized as Ahepan of the Year for his excellent leadership, perseverance, and everlasting enthusiasm shown through his service to so many in need throughout Northwest Indiana and across the nation. For his outstanding contributions to Indiana's First Congressional District, Nick is worthy of the highest praise.

A TRIBUTE TO ZACH WEIGEL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Zach Weigel of Elma, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Zach's Eagle Scout project involved refinishing a historic monument in the Elma community. In addition to this project Zach also took it upon himself to improve the community's bike trail by landscaping and erecting signage for the Old Roundhouse Trail.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Zach and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on achieving an Eagle Scout ranking and will wish him continued success in his future education and career.

CELEBRATING TAIWAN'S 100 YEAR ANNIVERSARY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to congratulate the Republic of China (Taiwan) on its monumental 100-year anniversary celebrated on October 10, 2011.

Taiwan's strong commitment to democratic ideals has made it a beacon of democracy in Southeast Asia. Its people enjoy the ability to decide their country's future with their right to full participation in the election of their representatives.

The democratic success of Taiwan has coincided with significant economic achievements. Today, Taiwan's economy is the seventeenth largest in the world, and the United States' ninth largest trading partner. Additionally, the nation is globally recognized as a major innovator of information technology products.

This is an exciting time for the Taiwanese people, and I am honored to help them celebrate their 100th anniversary.

TRIBUTE TO NATIONAL BREAST CANCER AWARENESS MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to recognize October as National Breast Cancer Awareness Month (NBCAM). Sadly, every two minutes a woman is diagnosed with breast cancer, making it the most commonly diagnosed cancer in women worldwide. I extend my prayers to the women and families affected by this disease, and my appreciation to the advocates at Susan G. Komen working tirelessly on their behalf.

The 2.5 million breast cancer survivors living in the United States today are a testament both to courage, and the necessity to promote awareness for breast cancer, following recommended screening guidelines, offering treatment to those affected, and continuing to fund ground-breaking research. Early detection affords women the best chance of fighting this disease and we must understand the importance of regular mammograms and following recommended screening guidelines.

This October, Susan G. Komen for the Cure has launched the Promise Action campaign to increase breast cancer screening rates. Today Komen is the largest source of nonprofit funds dedicated to the fight against breast cancer in the world, but the organization started with a sister's promise to end the disease her dying sister was fighting. Breast cancer touches far too many families in my community and across the nation. We are all indebted to the Komen affiliates fighting every minute of every day for a world without breast cancer.

As a husband, father, grandfather, and great grandfather, I know it is essential to do all we can in Congress to ensure breast cancer re-

search is adequately funded. This is why I have introduced legislation that would reauthorize the sale of a special-rate U.S. postage stamp, with proceeds from the stamp funding breast cancer research. In 2007, Senator DIANE FEINSTEIN and I introduced legislation that was signed into public law by the President which reauthorized the stamp through this year. The Breast Cancer stamp has been highly successful in both raising tens of millions of dollars for important research, and raising public awareness of the ongoing need to fight a disease that affects millions of American women and their families.

On behalf of my wife, Barbara, and my children, we bestow our thoughts and prayers to those women and their families suffering from breast cancer. As we recognize October as NBCAM, we stand by all those affected by this disease. I will continue to work to raise greater awareness and promote new funding for research into breast cancer. I am hopeful that my colleagues, organizations like Komen, and families across the nation can come together to fight this disease. God bless the mothers, sisters, and daughters battling this disease, and their families for their love and support.

RECOGNIZING THE AIR COMMANDO ASSOCIATION AND THE AIR FORCE SPECIAL OPERATIONS COMMUNITY FOR THE 50TH ANNIVERSARY OF JUNGLE JIM AND FOR ITS CONTRIBUTIONS TO OPERATIONS DESERT STORM AND ENDURING FREEDOM

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Air Commando Association and the Air Force Special Operations Community as they celebrate the 50th anniversary of Jungle Jim, the 20th anniversary of Operation Desert Storm, and the 10th anniversary of Operation Enduring Freedom.

Fifty years ago, in response to Soviet Premier Nikita Khrushchev's call to spread communism via "wars of liberation," the United States Air Force founded the 4400th Combat Crew Training Squadron (CCTS) at Hurlburt Field, Florida. The squadron's Airmen—hand-picked and rigorously screened—formed the backbone of a counter-guerrilla force that would eventually grow into the Air Force Special Operations Command (AFSOC). The 4400th CCTS, nicknamed "Jungle Jim," had a dual focus on training foreign air forces in counter-insurgency operations, and executing combat missions against guerrilla forces in Vietnam and other nations fighting communist insurgencies. Today, the Air Commandos based at Hurlburt Field remember Jungle Jim as the genesis of the missions they continue to execute.

By the time Operation Desert Storm began in August 1990, AFSOC had been formally established. Air Commandos from AFSOC performed direct action missions, combat search and rescue, infiltration, exfiltration, air base ground defense, air interdiction, special reconnaissance, close air support, psychological operations and helicopter air refueling. Each of

these unique capabilities contributed to the stunning victory over Saddam Hussein's forces, as the coalition of nations drove the Iraqi military out of Kuwait. The dramatic successes of our Air Commandos helped further cement AFSOC's role as a premier special operations organization.

When the United States was attacked on September 11, 2001, special operations forces gained a new prominence in efforts to defend our nation. By the end of September 2001, AFSOC had deployed forces to pave the way for Operation Enduring Freedom, enabling the Northern Alliance to drive out Taliban and Al Qaeda forces who were responsible for the heinous attacks on our homeland. To this day, AFSOC maintains forces forward-deployed in defense of our nation.

Each of these landmark events represented a new point of maturation for our nation's Air Commandos. Their exploits over the years have solidified their place in our national security apparatus, and their sacrifices are remembered with solemn respect.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the Air Commando Association and the Air Force Special Operations Community for their service in defense of our freedom.

COMMEMORATING SHUTTLE
COMMANDER CHRIS FERGUSON

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. FITZPATRICK. Mr. Speaker, today the Franklin Institute of Philadelphia and the NASTAR Foundation will kick off World Space Week by welcoming Shuttle Commander Chris Ferguson, who led the final U.S. shuttle mission to the International Space Station. When the shuttle returned on July 20th, it marked the end of a 30-year NASA program. Ferguson's mission, the 33rd flight of *Atlantis*, was the 37th shuttle mission to the space station, and the 135th and final mission of NASA's Space Shuttle Program.

Commander Ferguson was born in Philadelphia, Pennsylvania, and his mother Mary Ann and stepfather Norman now reside in Langhorne, Bucks County. Ferguson graduated from Archbishop Ryan High School in Philadelphia, and received his Bachelor of Science degree in mechanical engineering from Drexel University. Ferguson also received a master of science in aeronautical engineering from the Naval Postgraduate School in 1991.

In 1986, Ferguson earned his Navy Wings and was ordered to the F-14 Tomcat training squadron in Virginia Beach, VA. Later, he joined the "Red Rippers" of VF-11, deploying to the North Atlantic, Mediterranean and Indian oceans onboard the USS *Forrestal*. In 1995, he joined the "Checkmates" of VF-211, completing a deployment to the Western Pacific and Persian Gulf in defense of the Iraqi no-fly zone on board the USS *Nimitz*. Throughout his military career, Ferguson has earned many commendations, including the Legion of Merit, Distinguished Flying Cross, and Navy Strike-Flight Air Medal.

In 1998, Ferguson reported to the Johnson Space Center. He served as spacecraft communicator for the STS-118, 120, 128 and 129 missions. Ferguson was also the pilot of STS-115, and commanded STS-126 and 135. In September 2010, he began training with a crew of four for a rescue mission that evolved into STS-135, a station cargo delivery flight that carried the Multi-Purpose Logistics Module "Raffaello." Being the final flight of Space Shuttle *Atlantis*, Commander Chris Ferguson requested that a stainless steel star cut from an original panel of the Fels Planetarium dome at the Franklin Institute be flown into space aboard the STS-135. Today, the star returns with Commander Ferguson, and will be placed on display at the Franklin Institute, for all to see.

Commander Ferguson is a decorated military officer, and a distinguished son of Pennsylvania. The 8th District of Pennsylvania and I are proud to honor him this week.

IN RECOGNITION OF THE 30TH AN-
NIVERSARY OF MAXIMUM AC-
CESSIBLE HOUSING OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 30th anniversary of Maximum Accessible Housing of Ohio, a non-profit organization that is committed to developing/facilitating options in housing for persons with physical disabilities.

Maximum Independent Living (MIL) was created in 1981 by Lutheran Metropolitan Ministry and Services to address the needs of people with physical disabilities for accessible and affordable housing. During the organization's first seventeen years it focused on its Vistas Apartment Communities in Cleveland, Mentor-on-the-Lake, Avon Lake, Parma and Sheffield Township. Each of the communities is fully accessible and houses more than 150 residents.

After establishing their five living communities, MIL turned its attention to advocacy and education on accessible housing. In 1998, it launched the Accessible Housing Research Center initiative, which provides information and referrals on accessibility and housing, provides educational programs, and advocates with government and community groups to increase accessibility in housing. MIL also played a key role in creating housingcleveland.org, a searchable online database for affordable housing.

Maximum Independent Living changed its name to Maximum Accessible Housing of Ohio (MAHO) in 2007 to draw attention to its work on accessibility and housing. More recently, after securing federal funding, MAHO set its plan of building a new Vistas Apartment Community in Cleveland's University Circle neighborhood in motion. The new Circle Vistas will replace the current Vista community on Euclid Avenue.

Mr. Speaker and colleagues, please join me in congratulating Maximum Accessible Housing of Ohio as they celebrate 30 years of dedicated service to the Cleveland area's disabled community.

HONORING THE LIFE OF JUDY
McLAUGHLIN OF ST. PAUL, MIN-
NESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. McCOLLUM. Mr. Speaker, I would like to pay tribute to the life and memory of Ms. Judy McLaughlin, a civic and political leader in St. Paul, Minnesota who passed away on September 5, 2011 at the age of sixty-six. Throughout her adult life Judy was an active and influential leader in the Minnesota Democratic Farmer Labor Party (DFL) and a force in the civic life of St. Paul. She and her late husband, Mike McLaughlin, were the owners of Summit Manor on Summit Avenue in St. Paul. Their commitment to St. Paul helped transform Ramsey Hill from a historic neighborhood plagued with crime and at risk of decay into a national model for historic preservation.

Along with Mike, Judy was active in Fourth Congressional District and St. Paul DFL politics throughout her life. She knew all the players, all the issues, and had an informed opinion about where her city, state and Nation should be going. She was known to every DFL political leader for four decades, and Summit Manor was a well known venue for political gatherings.

When I got started in politics I knew Mike McLaughlin as a powerful political leader and Judy was most definitely his equal. She worked in the Minnesota State Legislature for the DFL Speaker of the House. She helped work on and guide campaigns for city council, mayor, the state legislature, Congress, and the U.S. Senate.

On a gray, rainy day in October 2002 Minnesota suffered the heartbreaking deaths of Senator Paul Wellstone and his wife, Sheila, along with their daughter and five campaign aides. Judy's son, Will, was one of those staff members who died that tragic morning. While all of Minnesota felt a loss, including many of us who lost dear friends that day, Judy's loss was profound.

Yet, the following day Judy attended a rally for peace on the steps of the Cathedral of St. Paul which was supposed to be attended by Senator Wellstone and her son, who traveled everywhere with the senator. Mayor Chris Coleman of St. Paul described the events of that day as he eulogized Judy saying, "She knew that no cause worth fighting for could die with the death of a few. She had to be there in spite of the immense agony she felt."

I knew Judy as a DFL leader, a local businesswoman, and as a neighbor who I would run into at the local coffee shop or out on a morning walk. She was an anchor in the community and a respected voice. Her passing is a loss for St. Paul and for all the friends and loved ones whom she shared her very full life with.

It was an honor to know Judy. I wish to extend my condolences to her four daughters and two sons. Judy McLaughlin gave so much of herself to family, community, and country. She was true to her beliefs and for that she will always be remembered with fondness, respect and deep appreciation.

CELEBRATING THE SERVICE OF
JUDGE OLIVER W. WANGER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the outstanding service and dedication of the Honorable Oliver W. Wanger on the occasion of his retirement from the United States District Court for the Eastern District of California. For the past 20 years, Judge Wanger has served the people of California admirably—maintaining a commitment to justice, fairness, and the law. Moreover, he has been fair-minded and knowledgeable when hearing cases related to the San Joaquin Valley's water and environmental issues.

Judge Wanger received his Bachelor's Degree from the University of Southern California in 1963 and his law degree from the University of California, Berkeley's Boalt Hall School of Law in 1966. Upon graduation, he served our great nation in the United States Marine Corps from 1960 to 1967. Judge Wanger established his roots in Fresno, California in 1967, where he served as deputy district attorney until 1969. For the next two decades, Judge Wanger worked as a first-rate attorney and always maintained a keen passion for justice.

He exhibited foresight and leadership when he joined Mr. John Loomis and Mr. Dan Eymann in founding San Joaquin College of Law (SJCL) in 1969. SJCL is a community treasure—it has given capable individuals in the Valley access to a quality legal education. He served as an adjunct professor at SJCL from 1970 until 1991 and as Dean from 1980 until 1983. His tenacity and enthusiasm have made him a mentor and leader in the Fresno legal community. For years, he has been admired for his steadfast adherence to the rule of law and indisputable commitment to our community.

Judge Wanger has not only been recognized as a scholar of the law, but he has also been revered as a man of principle and integrity. In 1991, President George H.W. Bush nominated him to the United States District Court for the Eastern District of California. He was unanimously confirmed by the United States Senate. The Eastern District of California extends from the Oregon border to the Tehachapi Mountains. Many of the cases Judge Wanger has presided over have involved the Sacramento-San Joaquin Delta and his most notable rulings have been deeply relevant to the San Joaquin Valley's water and environmental issues.

Judge Wanger and his wife Lorrie Anthony-Wanger have five sons and seven grandchildren. Following his retirement, Judge Wanger will return to private practice as partner in the new firm of Wanger, Jones & Helsley PC.

It is a great honor to commend my friend, Oliver W. Wanger, for his years of service to the people of California. We have been lucky to have a hard-working legal scholar serve our great state for the past two decades.

Mr. Speaker, I ask my colleagues to join me in celebrating the service and career of the Honorable Oliver W. Wanger. His passion for

the justice and fervent adherence to the law has not only made him a fair and effective judge, but also a vibrant asset for our community.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF CLEVELAND'S INTERNATIONAL EXPOSITION CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 25th anniversary of Cleveland's International Exposition Center (I-X Center). The I-X Center hosts 1.5 million visitors annually at various consumer shows and community events.

Cleveland's I-X Center is one of the largest trade show and exhibition centers in the country. With more than 1.4 million square feet of exhibition space, the I-X Center hosts some of the country's largest consumer shows. Some of the most popular events include the Greater Cleveland Auto Show, Fabulous Food Show, International Beer Fest, Great Big Home & Garden Expo, Piston Power Show, Indoor Amusement Park and Trick or Treat Street.

The Greater Cleveland Auto Show is the fifth largest auto show in the country. This fall, the I-X Center will host the second annual Piston Power Show which showcases piston powered cars, aircraft, motorcycles, trucks and trailers. The Fabulous Food Show has become one of the leading food shows in the country and features a number of Food Network chefs including Bobby Flay, Alton Brown and Cleveland's Michael Symon. Another show quickly gaining popularity is the International Beer Fest, which, according to the I-X Center, was the largest showing and competition of world beers in the Midwest. The I-X Center's own Indoor Amusement Park has been running for 22 consecutive years and features the world's largest indoor Ferris Wheel.

Since the I-X Center's first show in 1985, the International Capital Goods Trade Fair, they have been reinvesting in the facility to accommodate future shows and guests. The I-X Center has already invested more than \$75 million into the venue over the past 25 years and plans to invest another \$25 million in the coming years to upgrade visitor amenities, traffic and parking in hopes of doubling their annual attendance.

Mr. Speaker and colleagues, please join me in recognition of the 25th anniversary of Cleveland's International Exposition Center (I-X Center).

AMENDMENT TO H.R. 2681

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. BLUMENAUER. Mr. Speaker, in 1990, the Clean Air Act Amendments required EPA

to complete and issue regulations on hazardous air pollutants by 2000. This week, we are considering two bills that would delay two regulations for at least another six years—with no deadline for EPA to complete regulations, and giving industry no deadline to comply. My amendment will add a finding to H.R. 2681 that the Clean Air Act required these regulations before 2000, and required the mandated emissions reductions to occur by 2003.

ARISTIDES PEREIRA, A PIONEER FOR DEMOCRACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, sadly, last month, the world lost a great leader in the fight for freedom and democracy. Aristides Pereira was the first President of the Republic of Cape Verde. His work on behalf of the right of all people to self-government began more than sixty years ago, when he joined in the fight for independence for Cape Verde from Portugal. In 1956, he joined Amílcar Cabral in founding the African Party for the Independence of Guinea and Cape Verde (PAIGC) and became General Secretary of the party in 1973. In 1975, the efforts of these patriots came to fruition, and after the change in regime in Portugal that ushered in democracy in that country, Cape Verde became independent. In recognition of his great leadership, Aristides Pereira was the first President of the Republic of Cape Verde. He remained President of Cape Verde until 1991, when he was defeated for the office in a multi-party election by Antonio Mascarenhas Monteiro.

At that point, Aristides Pereira performed his third great service for the cause of the right of people to self-governance. His first effort was his leading role in the effort to win independence for his country. Next he served as its first President for sixteen years and helped establish it as an independent nation. Paradoxically, his third great service was when he was defeated for reelection and accepted the result of a democratic process and retired.

Sadly, Mr. Speaker, there have been too few examples of well functioning democracy in many of the nations of the world that received independence after World War II, and we have seen recent sad examples in Africa of presidents refusing to accept the electoral results that were unfavorable to them. In many cases, those voted out of office after a long period were the leaders of independence movements, as was President Pereira. So the contrast between him and, for example, Robert Mugabe, is a very strong one. Aristides Pereira set a very important example of acceptance of democracy, even when its particular results were adverse to his own personal standing.

Today, Mr. Speaker, Cape Verde stands as a shining example of democracy and of the way in which democracy and responsible economic development complement each other. While Cape Verde was not endowed with great natural resources, it has been a success

story economically as well as politically, refuting those who believe that economic development can only come at the expense of democratic governance. The economic success of Cape Verde within this democratic framework—again the precedent set by Aristides Pereira—has been recognized by both Republican and Democratic administrations in the U.S. Under President Bush, Cape Verde was in the first group of countries to receive funding under the Millennium Challenge Commission, and under the Obama administration its great economic responsibility has been recognized and it has continued to be one of the stars of that program.

Mr. Speaker, the career of Aristides Pereira is an inspiring one. He committed himself early in life to the fight for the right of people to self-government and remained a leader in that fight by his deeds, by his example and by his dignified presence in his country for a period exceeding sixty years.

Mr. Speaker, I join the people of Cape Verde in mourning the passage of a great leader, and in the pride they are entitled to take in his career and in the record of full acceptance of democratic self-government that is part of Aristides Pereira's legacy.

IN HONOR OF MR. GERALD F.
BROSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mr. Gerald F. Broski who is being honored by the Polonia Foundation on October 2, 2011.

Gerald earned his Bachelor of Science degree from John Carroll University in 1964 and his Juris Doctor from Cleveland State University's Marshall School of Law in 1968. Following his education, Gerald practiced law for thirty-nine years. He owned and operated a real estate management firm for twenty years. Gerald has been married to Donna, for 45 years. Together they have two sons, Scott and Todd.

In addition to his career, Gerald has been an active member of the Greater Cleveland community for decades. He is a member of Marymount Hospital's Civic Advisor Board, the Harbor Estates Homeowners Association, Ohio Bar Association, Cleveland Bar Association, Now-Easter Boat Club, Brecksville Historical Association and the Cuyahoga County Democratic Party. Gerald has served as the president of several organizations including Polish American Inc., Cleveland Society of Poles and Polonia Foundation of Ohio and as the executive trustee of Shoes and Clothes for Kids. For 23 years, Gerald has also been a member, and is currently the vice president of, the Brecksville City Council.

Due to his long career and dedication to his community, Gerald has been honored and recognized several times. He received a U.S. Army Commendation Medal in 1970 and was named Volunteer of the Year by Shoes and Clothes for Kids in 2003.

Mr. Speaker and colleagues, please join me in honoring Mr. Gerald F. Broski and congratu-

lating him as he is recognized by the Polonia Foundation.

TRIBUTE TO CAPTAIN PERRY
HOLLOWELL

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize and thank an important member of Indiana's law enforcement community.

Captain Perry Hollowell is a twenty-nine-year police veteran having served at the state, county, and municipal levels. Currently, Captain Hollowell is assigned to the training division at the Indiana Law Enforcement Academy as Director of In-Service Training. He has served as Sheriff, Chief Deputy, Lieutenant, and Sergeant. Captain Hollowell has an extensive military background, which included graduating from the U.S. Army Sergeants major Academy and as deputy Commandant of the Indiana Military Academy. Captain Hollowell is a graduate of the FBI National Academy and Oakland City University with honors and earned a Master's Degree in Business Management. He has instructed law enforcement and the military for three decades and is currently adjunct faculty at two universities.

In the wake of the horrific attack on Representative GABRIELLE GIFFORDS and her staff, I felt it was important to do something to protect my staff, so that we may avoid, or God forbid react to, a situation like the one in Tucson, should one unfold at a Fourth District event.

We also invited, and they participated, the staff of the entire Indiana delegation. To this day, I feel that this was not only one of the best things that any of us Members can do for our staffs, but also the best way we can honor the service and memory of Gabe Zimmerman, Representative GIFFORDS' staffer, who was killed in that attack.

Captain Hollowell led the safety training for the Indiana Congressional Delegation's district staff this Spring. The training included public event planning to avoid or recognize a physical threat and how to act and react in the event of an active shooter. The training sessions provided important basic knowledge for congressional staff members to employ should the need arise during public events where their Member of Congress' and the general public's safety are at risk.

I appreciate and would like to honor his exceptional dedication to his profession and the time he gave in this endeavor. I would like thank his family for selflessly supporting Captain Hollowell in his long and accomplished career as soldier, law enforcement officer, and instructor. I am proud to honor Captain Hollowell in recognition of his leadership and service to his family, colleagues, and community.

IN HONOR OF MARK RELOVSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Mark Relovsky who is being honored by the Polonia Foundation on October 2, 2011.

Mr. Relovsky was born on August 31, 1954 and was raised in the St. Hyacinth Parish in Cleveland's North Broadway neighborhood. His family moved to Brooklyn Heights as Mr. Relovsky started at Cuyahoga Heights High School. Upon graduating, he began studying at Case Western Reserve University where he earned a degree in accounting. He would later attend Baldwin Wallace College and obtain a Master's Degree in Business Administration in 1984.

While Mr. Relovsky was earning his education, he was working as the administrator of the LTV Steel-USWA Pension Plan at Republic Steel/LTV Steel. Mark also worked as a 401(k) plan consultant with CBIZ, a pension project manager with the Center for Health Affairs and a product file analyst for Applied Industrial Technologies.

In addition to his long career, Mr. Relovsky has been an active member of Cleveland's Polish community. He has served as a member of the Booster and Sports Committee of the Union of Poles in America and at one time served as their director. He has also served as the commissioner of the Union of Poles Division of the Polish National Alliance. Additionally, Mr. Relovsky has been active in the Cleveland Society of Poles, the Polish American Congress, Ohio Division, the Union of Poles Credit Union and the Polonia Foundation.

Mr. Speaker and colleagues, please join me in honoring Mr. Mark Relovsky and congratulating him as he is recognized by the Polonia Foundation.

RONALD BOYLES EARNED HIS
SPOT IN MOUNT AIRY'S SPORTS
HALL OF FAME

HON. VIRGINIA FOX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. FOXX. Mr. Speaker, I rise today to congratulate Ronald Boyles Jr. of Mount Airy, NC. Mr. Boyles, who is a fixture in the Mt. Airy community, was inducted into the Mount Airy Sports Hall of Fame this year, receiving the prestigious Granite City award for his years of dedication to sports in Surry County.

Not only did Mr. Boyles have an illustrious high school sports career in Mount Airy, he also dedicated much of his life to coaching local youth in various sports, sponsoring countless sports teams in his work at Boyles Shoe Store and officiating more sporting events than anyone in Mount Airy could hope to ever tally.

Few have ever deserved this honor as much as Ronald Boyles. His love of sports

and his commitment to helping young people develop character, fair play and sportsmanship was second to none.

For example, by his own estimate he has attended more than 2,000 Surry County high school and youth league games over the course of his 70 years of involvement in Mount Airy sports. He has truly seen it all—from Mount Airy's football title in 1948 to more recently it's 2009 state championship title.

Ronald Boyles dedication to sports in Surry County has been an example of true community spirit during the decades he's been active playing, coaching, officiating and cheering the young people of Surry County. He truly deserves his place in the Hall of Fame thanks to the many lives he touched through the years.

BREAST CANCER DEADLINE 2020

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. PETRI. Mr. Speaker, today I want to commend the National Breast Cancer Coalition, NBCC, for its work to "change the conversation" about breast cancer through its Breast Cancer Deadline 2020. I have signed the Congressional Declaration of Support for this initiative.

It is estimated that 261,100 women and 1,970 men were diagnosed with breast cancer in 2010. In that same year, 39,840 women and 390 men died of the disease, which translates to one death every 14 minutes. While breast cancer mortality has been dropping, the pace has been much too slow: In 1991, 119 women in the U.S. died of breast cancer every day, while in 2010 that number was 110.

The stakes are too high to continue the current trend. Thousands have already lost their lives to this terrible disease, and sadly thousands more may lose their lives in the next decade if more progress is not made quickly. January 1, 2020, is an ambitious but necessary target if we are to finally end the tragedy of breast cancer, so I thank NBCC again for their leadership in this effort.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall 721, 722, 723, and 724. During this time, I was with President Obama. We were discussing the closure of the Sherman Minton Bridge, which has severely impacted transportation and commerce in my district.

Had I been present I would have voted no for these measures.

Bill	Rollcall #	Vote
H. Res. 409: On Ordering the Previous Question	721	No
H. Res. 409: On Agreeing to the Resolution	722	No
H. Res. 406: On Ordering the Previous Question	723	No

Bill	Rollcall #	Vote
H. Res. 406: On Agreeing to the Resolution	724	No

CELEBRATING THE REPUBLIC OF CHINA (TAIWAN'S) 100TH ANNIVERSARY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. WILSON of South Carolina. Mr. Speaker, October 10th marks the 100th Anniversary of the founding of the Republic of China (Taiwan). Sharing the same ideals of individual liberty and freedom, Taiwan and the United States have developed a strong relationship and become strong allies for one another. Double Ten Day has long been special to our family with our third son, Julian Dusenbury Wilson born October 10, 1971.

During World War II, the two countries fought side by side against the Japanese invaders. My father, Hugh DeVeaux Wilson, joined the Fourteenth Air Force of the Army Air Corps known as the now famous Flying Tigers. The Flying Tigers served an integral role in the battles of the Pacific Theater of World War II protecting millions of Chinese from the invaders. My father developed a life-long appreciation of the Chinese people and the Chinese culture. Consequently, the First Lady Madame Chiang Kai-shek became the first woman to ever address a joint session of the United States Congress.

During the Cold War, Taiwan played a pivotal role in America's Korean War effort. General Douglas MacArthur once described Taiwan as an "unsinkable aircraft carrier in the Pacific" when discussing the alliance during the Korean War effort.

Taiwan was also a key base, and intelligence-gathering source, for U.S. forces in the Vietnam War. I have visited the capitol of Taipei and it has become a model of economic dynamism for capitalism which obviously has influenced mainland Chinese who abandoned the failed economic system of communism for the opportunities of free market capitalism.

I therefore, urge all my colleagues to join me in congratulating one of our nation's strongest allies, the Republic of China, Taiwan, on its century of existence and the fine democratic example which it has set for nations across Asia.

IN HONOR OF JOSEPH FORNAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Joseph Fornal who is being honored by the Polonia Foundation on October 2, 2011.

Born in 1955, Joseph was raised in Cleveland's Tremont neighborhood. He earned a Bachelor of Science in business administration from John Carroll University in 1977. In the

midst of his career, Joseph returned to school and earned a Master's in Business Administration from Kent State University.

Joseph began working at the accounting firm Cohen & Company after graduating from John Carroll and eventually was made partner-in-charge of the Accounting & Auditing Department. He also served as the firm's Technical Director. He left the firm and became the vice president and Chief Financial Officer for Jack Matia Chevrolet and Honda in 2000. Several years later, in 2006, Joseph began working as the treasurer and Chief Financial Officer of Ganley Auto Group.

In addition to his career, Joseph is an active and dedicated member of the Cleveland community. He is a member of the American Institute of Certified Public Accountants, Ohio Society of Certified Public Accountants and Cleveland Touchdown Club Charities, Cleveland Society of Poles, Polonia Foundation of Ohio and is currently the president of the Polish American Cultural Center in Honor of Pope John Paul II. Joseph is also an active member of St. John Cantius parish and Marymount community.

Due to his long career and dedication to his community, Charles has been honored and recognized several times. He was honored with the Cleveland Society of Poles' Good Joe Award and the Outstanding Member in Industry Award from the Ohio Society of Certified Public Accountants in 2004. Joseph was also the recipient of the Billy Reynolds' Community Service Award in 2008.

Mr. Speaker and colleagues, please join me in honoring Mr. Joseph Fornal and congratulating him as he is recognized by the Polonia Foundation.

IN HONOR OF MRS. RHODES-LAWRENCE

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. CASTOR of Florida. Mr. Speaker, in recognition of her 100th birthday milestone, I rise to commend the life and leadership of Mrs. Rhodes-Lawrence. Mrs. Rhodes-Lawrence is a great example of a dedicated community advocate and leader.

In her 100 years of life, Mrs. Rhodes-Lawrence has been a part of major historical landmarks for our Nation and the world. In 1911, the year she was born, the first trans-continental flight from New York to Pasadena took off and landed successfully and a gallon of gas was only seven cents. Long after living through the Great Depression and two world wars, Mrs. Rhodes-Lawrence had two children, who gave seven grandchildren, and 16 great-grandchildren. She has made remarkable contributions to our community and her church, St. Paul Missionary Baptist Church.

Mrs. Rhodes-Lawrence, a Lee, Florida native, was deemed Mother of the Year at St. Paul's and has been the on the Deaconess Board, Senior Women's Ministry, choir, and founder of Young Adult Choir.

The Tampa community is proud to recognize Mrs. Rhodes-Lawrence for her contributions and leadership to our community.

THE PARTNERSHIP BETWEEN THE
MAYO CLINIC AND ARIZONA
STATE UNIVERSITY

HON. DAVID SCHWEIKERT

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. SCHWEIKERT. Mr. Speaker, during this last district work period I had the opportunity to attend a press conference announcing the expansion of the Mayo Medical School in Arizona. This expansion, which will be done in cooperation with Arizona State University, is an exciting event that will lead to continued improvements in the field of medical education and provide research to meet tomorrow's needs.

Mr. Speaker, I wish to insert into the RECORD the comments of John Noseworthy, M.D., Mayo Clinic president and CEO, on the announcement of the partnership between the Mayo Clinic and Arizona State University. This is a truly wonderful relationship between these institutions and I look forward to having the Mayo Clinic in Arizona for many years to come.

REMARKS OF JOHN NOSEWORTHY

We are here today because of a convergence of three imperatives. First, there is a strong need for new models of health care delivery in our country. Second, Mayo Clinic believes that one answer to this need lies in new models of training future physician leaders. Third, we are ready to take a bold step in this direction today with our collaborator, Arizona State University. This new Arizona branch of Mayo Medical School is firmly aligned with Mayo's commitment to patient-centered academic excellence and redefining the field of medical education. Together with ASU, we will create the health care workforce of the future.

Clearly, the United States is a leader in bringing innovation and new technologies into health care, yet health care in the United States is fragmented, the quality of care is variable, imperfectly measured, and expensive with costs rising every year. Many patients struggle to find answers that integrate the opinions of their physicians. Patients don't always benefit from advances in medical knowledge. Studies have shown that it takes up to 17 years for important new knowledge to be broadly applied in medical practice—to move from research bench to bedside. Patients struggle to pay their bills and our country cannot sustain the growing costs of health care, now exceeding 17% of our GDP.

Mayo Clinic believes that one answer lies in new models of training future physician leaders. Today we are taking the lead and announcing a bold new educational model to train the physicians of tomorrow. This model addresses the importance of delivering patient-centered, team-based care—the two essential elements of how we practice at Mayo Clinic. This new model will teach the requisite skills to design models of evidenced-based, data-driven care. Our experience at Mayo Clinic leads us to believe that this model will ensure better patient safety, better patient service and improved outcomes using systems engineering, health economics, and other disciplines.

Mayo Clinic has expertise in this approach. We recently announced the opening of our Center for the Science of Health Care Deliv-

ery. We are redoubling our efforts to bring innovation into the medical school classroom—to shape and arm physicians of the future to be leaders in the development of new models of care.

Today and together, Mayo Clinic and Arizona State University are advancing this new discipline—the science of health care delivery. I am very pleased to announce that Mayo Clinic will expand the Mayo Medical School, based in Rochester, Minnesota, to Arizona. The branch campus we announce today will be known as Mayo Medical School—Arizona Campus. It will operate under the governance and oversight of Mayo Medical School. Each class here in Arizona will include 48 students. This branch will build on the academic excellence of Mayo Medical School while also reflecting the need for medical school curriculums to be geared toward training the physicians of tomorrow. This new medical school will be an important pipeline for future leaders in the field of medicine around the nation, the world, and right here in Arizona.

The students of this new campus will earn an MD degree from Mayo Medical School and a Master's degree in the Science of Health Care Delivery from Arizona State University. This is the first medical school in the nation to embed the science of health care delivery into its four-year medical education. Other medical schools are moving in this direction because they too believe this is the right approach.

Today's announcement reinforces Mayo Clinic's commitment to Arizona and helps secure Mayo's role as the premier academic medical center in the southwest. We are one step closer in fulfilling our commitment to being a beacon for clinical excellence in the western United States.

Health care is about treating patients in a manner that delivers optimal outcomes and quality of life in the most efficient way possible. Well trained physicians are one of the centerpieces of our collective future. We're excited to be here today to make this important announcement for Mayo Clinic, for Arizona, and for patients today and in the future. We're eager to get started and look to the future with great confidence.

IN HONOR OF MR. CHARLES J.
POPA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mr. Charles J. Popa who is being honored by the Polonia Foundation on October 2, 2011.

Charles was born on October 19, 1925 in Pulaski Township, Pennsylvania. He was taking classes in high school when Pearl Harbor was attacked and immediately left school to work as an auto mechanic. Charles enlisted in the U.S. Marine Corps in 1943 and went on to serve in the Asiatic Pacific Theater; specifically in Luzon and Mindanao. Charles rose to the rank of sergeant before being discharged in 1945.

Upon returning to civilian life, Charles began working in the trucking industry and transported goods such as coal and steel throughout the Eastern United States. He retired in October 1982. After the War, Charles married

Jane Stadnik on April 15, 1950. Together, they raised three children, Charles Jr., David and Susan.

In addition to his military service, career and family, Charles was an active member of his community for decades. Just two years after joining the Polish Legion of American Veterans in 1969, Charles became the post commander, a position he held for forty years. He is also a member of the Roman-American Volunteers, the Grand Knight of Pulaski and is a lifetime member of VFW Post 7538. Charles was honored in 1987 as the Polish Legion of American Veterans' veteran of the year. In 1998, he was recognized by the United Veterans Council.

Mr. Speaker and colleagues please join me in honoring Mr. Charles J. Popa and congratulating him as he is recognized by the Polonia Foundation.

PERSONAL EXPLANATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. RAHALL. Mr. Speaker, I regret that I was prevented from casting votes during last Monday night's session due to repeated delays of a flight from Charleston, West Virginia, to Washington. Had I been present, I would have voted in support of all three measures brought before the House—H.R. 686, H.R. 765, and H.R. 670.

The flight, originally scheduled to depart at 4:50 p.m., did not leave Charleston until after 9 p.m., more than four hours late. In that time, the airline offered numerous excuses—maintenance, delayed flights that had backed up the system. Numerous alternative departure times were put forward and then retracted. Within one four-minute span, the airline emailed four different departure and arrival times. At moments, the arrival/departure information was so confused that the airplane would have had to violate the laws of physics in order to abide by the airline schedule. This is an all too often occurrence and often maintenance delay excuses are used to cover crew issues and/or other problems.

Needless to say, all passengers were inconvenienced and the airline's explanations were wholly unsatisfactory. This flight delay prevented me from carrying out my Constitutional duty to represent the people of southern West Virginia: I feel I owe them and this body an explanation about why that was not possible last night.

I recognize that flight delays happen and perhaps at times no one is to blame. But, given how disruptive and costly delays and cancellations can be, travelers ought to be able to depend upon consistent, timely air service to all communities, even in rural areas.

Rural communities depend on air service like any other communities. It connects us to the global economy. Our businesses need to ship their goods. Our families, workers, and students need to travel. We need reliable, dependable air service. According to GAO, airports in rural communities have higher rates of delays and cancellations than airports in larger communities. That's simply not acceptable.

As the Ranking Member on the Committee on Transportation and Infrastructure, I feel acutely aware of the transportation challenges this nation faces, and as I sat in that airport last evening—like so many other passengers at that airport and others across the nation—I was frustrated by the delay, annoyed at the changing excuses offered by the airline, and angered that I was unable to get to work on time.

During all that time that I sat in the airport, I had plenty of time to think and to boil over that I was sitting there at the mercy of an airline whose veracity continued to come into increasing doubt. But I also had time to ponder our work here.

We are in a great debate in this country about our federal budget, while at the same time we are struggling to get people back to work and get our economic engine humming again. I believe that improving our transportation system has to be one of our top priorities. We need to do more to ensure the efficient transportation of people and goods. We need to stop announcing delay, after delay. We need to stop offering political excuses.

Otherwise, while we hold the future of our citizens captive, forcing them to wait and wait, we will only succeed in making them more and more frustrated and angry.

We had better get off our duffs, come together, and make some real progress on a longterm measure that will ensure improvements to our transportation system and greater safety and reliability to business and the traveling public. And we had better do it soon.

TRIBUTE TO THE REPUBLIC OF
CHINA'S 100TH NATIONAL DAY

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. JORDAN. Mr. Speaker, I am honored to join the people of the Republic of China in commemorating their 100th National Day this October 10.

Taiwan remains one of our closest allies and a vital partner in peace in the region. A guarantor of fundamental rights to its citizens and committed to the rule of law, Taiwan is a model for emerging democracies in the region and throughout the world. It is a vibrant reminder that freedom is a universal ideal.

We rightly consider any effort to hinder Taiwan's self-determination as a threat to regional peace. The United States must continue to stand behind our commitment to Taiwan and the military and trading partnerships we enjoy with this major regional economy. We must also support Taiwan's strong desire for much-deserved membership in the United Nations.

Mr. Speaker, we are grateful for dependable allies like Taiwan. The relationship between our two nations has been to the cultural, economic, and political benefit of both. We send our greetings and best wishes to the people of Taiwan as they mark their centennial next week.

ADMONISHING ANTI-DEMOCRATIC
STATEMENTS

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. PEARCE. Mr. Speaker, at a constituent event in Inglewood, California, on August 21, 2011, the Congresswoman who represents that area made several shocking and egregious statements that slander the good work a dedicated group of Americans are trying to achieve for our country. Perhaps most disturbing was her statement that, "As far as I'm concerned the Tea Party can go straight to hell. And . . . and, I intend to help them get there." These words do nothing to unite Americans and only fan the flames that incite division. Earlier in August, following the highly charged debt limit discussions, with words worsening the political divide, the Vice President declared that the Tea Party had "acted like terrorists." These attacks are an assault on democracy. Any action which ignores deep-seated concerns, or attempts to extinguish the voices of millions of Americans damages the democratic process. The Tea Party is united in common concern for the future and the well-being of generations to come. They are not, as one Congressman from Pennsylvania described, a "small group of terrorists." These are people who care deeply about the path our country is on and are working through the issues. They are present at parades, marches and rallies. They are gathering in meeting halls, restaurants, and family rooms to discuss their goals for our nation's future. Words that dismiss the Tea Party's shared belief that government can do better by the people of this country only further divide us. We have only our voices to change the hearts and minds of elected officials. Those of us entrusted by the people to support and defend the Constitution of the United States must never work to extinguish the light of democracy or the avenue of free speech. To limit the excitement and drive of a united group grows dejection; a certain foe of democracy. It casts a web of doubt over the activities of the Congress and threatens to harm the creation of good public policy. I will defend the right of any man, woman, or child to speak their truth and share their concerns. Just as all Americans regardless of race or gender, creed or religion, ideals or personal conviction, Tea Party members deserve to have their voices heard.

RECOGNIZING ELSA HOMINDA OF
THE CHILDREN'S HOME SOCIETY
OF WASHINGTON FOR HER WORK
WITH ADOPTED CHILDREN AND
FAMILIES IN WASHINGTON
STATE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor my constituent, Elsa Hominda,

for her outstanding advocacy for adopted children in Washington State and for being a 2011 Angels in Adoption honoree. I am pleased to join Senator PATTY MURRAY in recognizing Elsa's dedicated work with local adoptees, their families, and birth parents.

Elsa is a Search and Reunion Specialist at the Children's Home Society of Washington, a non-profit organization devoted to strengthening and supporting Washington's children and families. Elsa and her husband are also the proud parents of three adopted children, ages 5, 11, and 12.

As a confidential intermediary at the Children's Home Society of Washington, Elsa acts as a neutral third-party to facilitate reunions between adoptees and birth parents. She serves as a counselor and mediator to the child or parent who is undertaking a search and helps to make what is often a very emotional and difficult process just a bit easier.

Through her work, she has helped many individuals. One personal story that I found particularly moving involved a gentleman who was placed in an adoptive home over 50 years ago and who recently embarked on the poignant journey to find his birth mother.

With the help of Ms. Hominda, this individual was able to reunite with his biological mother through a series of letters, emails, and eventually, a face-to-face reunion—a process that took several months. He is incredibly grateful for all the hard work Elsa did to facilitate the reunion and feels as though he has a new addition to his family.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Elsa Hominda, whose work reuniting Washington's adopted children with their birth families enriches the lives of everyone touched by the process of adoption.

HONORING THE 50TH ANNIVERSARY
OF THE WILLIAM G.
ROHRER MEMORIAL LIBRARY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ANDREWS. Mr. Speaker, today I rise to honor the fiftieth anniversary of the William G. Rohrer Memorial Library in Haddon Township. For the past half century this valuable community asset has steadfastly served the citizens of Haddon Township. This past summer, the library was forced to temporarily close after suffering damage from an unfortunate water main break. Undeterred, library staff worked diligently to reopen as soon as possible. Reflecting the great value and importance of this library, community members lined up at the door for the reopening of their cherished and loved library.

The staff of the William G. Rohrer Memorial Library also deserves particular recognition. It is through their hard work that this library has come to be so cherished by the people of Haddon Township. Their efforts have made the library a great success over the past fifty years and will continue to earn the support and admiration of the community for many more to come. To celebrate the fiftieth anniversary of the library, local leaders, entertainers, and citizens came together to mark

this important milestone with a day of reading, fun, and games.

Mr. Speaker, the fiftieth anniversary of the William G. Rohrer Memorial Library and the dedication demonstrated by its staff should not go unrecognized. I congratulate them on fifty great years, thank them for their service to the community, and wish them all the success in the future.

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM "WHERE
IS THE PEACE DIVIDEND? EXAM-
INING THE FINAL REPORT TO
CONGRESS OF THE COMMISSION
ON WARTIME CONTRACTING"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KUCINICH. Mr. Speaker, I would like to thank the committee for holding this important hearing on the future of our presence in Iraq and Afghanistan.

As one of the first Members of Congress to oppose the war in Iraq and as one who has forced debate on the war in Afghanistan a number of times in the House, I continue to be deeply concerned by the findings of the Commission on Wartime Contracting (CWC) in Iraq and Afghanistan. The latest and final report highlights continued privatization of inherently governmental functions, a significant lack of oversight of contingency contractors who in many cases, are providing vital support services for our personnel on the ground, and an estimated waste of up to \$60 billion thus far. Many of us were on this committee last year when it released a report ("Warlord Inc.") detailing the use of U.S. taxpayer dollars to pay off warlords in Afghanistan and essentially fuel the very insurgency we are trying to quell.

At a time when vital social services here at home are being cut in the name of fiscal responsibility, we would do well to take the recommendations and findings included in the final report of the CWC very seriously. It is clear from the Commission's reports that the U.S. Government has privatized the business of war to such a point where we are guaranteed to continue to see billions of dollars go unaccounted for and bad actors in Iraq and Afghanistan act with total impunity. And as the Commission points out, there will be another contingency operation.

The truth is that we cannot afford these wars. According to Congressional Research Service, the wars in Iraq and Afghanistan have cost us over one trillion dollars. Estimates by Joseph Stiglitz and Linda Blimes put that number at closer to \$5 trillion when you include the long-term costs associated with caring for returning veterans.

RECOGNIZING OCTOBER AS NA-
TIONAL BREAST CANCER
AWARENESS MONTH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KING of New York. Mr. Speaker, I rise today in recognition of October as National Breast Cancer Awareness Month. It is essential to take this time to promote breast cancer awareness, share information on the disease, emphasize the importance of screenings and continue to work towards a cure.

Early detection is of the utmost importance for women of all ages. The 2.5 million breast cancer survivors through the U.S. are a testament to the importance of breast cancer awareness and following recommended screening guidelines. I strongly encourage women to follow the recommended mammography screening guidelines and to perform self-exams. Early detection saves lives!

A woman receives a diagnosis of breast cancer every two minutes, making this disease one of the most frequently diagnosed cancer among women in the United States. Despite tremendous advances in treatment and prevention, it remains the second leading cause of cancer death. I am proud to support the National Breast Cancer Coalition's Breast Cancer Deadline 2020, a call to end breast cancer by January 1, 2020. This initiative focuses on determining how to prevent the development of breast cancer and metastasis and renews the sense of urgency to eradicate this disease.

It is my privilege to work with dedicated volunteers, patients, caregivers and survivors from organizations such as Susan G. Komen for the Cure, National Breast Cancer Coalition, the American Cancer Society and so many others. Their tireless work is an inspiration and a reminder that we must keep up the fight until there is a cure.

IN HONOR OF THE TECHNOLOGY
CENTER AT THE GERARD CAR-
TER COMMUNITY CENTER

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. GRIMM. Mr. Speaker, I rise today to commend Time Warner Cable, the Jewish Community Center of Staten Island and the New York City Department of Youth and Community Development for their efforts in the construction of a new, state-of-the-art technology center in on Staten Island.

The Technology Center at the Gerard Carter Community Center, sponsored by Time Warner Cable and the Jewish Community Center of Staten Island, is fully equipped with the newest computers, high-speed Internet, flat screen and high definition televisions and educational software to help Americans succeed in the 21st Century. The hard-working residents of Staten Island can now take advantage of modern technology to train and search for 21st century jobs.

Facilities like the Gerard Carter Community Center provide state-of-the-art tools for displaced workers to update their skills and regain their competitive advantage in the labor market. It also provides a place for students to utilize the latest technology to further their education.

I applaud Time Warner Cable and the Gerard Carter Community Center for giving Stapleton residents access to the latest technology. I urge my colleagues to join me in applauding Time Warner Cable and the Gerard Community Center to create the Technology Center—its ventures like this give the unemployed and the underemployed the opportunity and the encouragement they need to take back their lives and get to work.

HONORING THE DEER LAKES AA
BOYS VOLLEYBALL TEAM

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ALTMIRE. Mr. Speaker, I rise today to honor the 2011 Deer Lakes High School Boys Volleyball Team. This past season, the team won the WPIAL championship as well as the Pennsylvania State Championship. I congratulate them on an outstanding season and commend their hard work in winning both prestigious titles.

Over the course of their season, the team showed remarkable consistency while displaying exemplary team play. Incredibly, the team did not lose a match all season.

I would also like to give special recognition to two members of the team who played to the best of their abilities each and every game. Tony Nicotra and Jeremy Gaston deserve praise for their team leadership and work ethic throughout the season. Their hard work was rewarded when they received the co-most valuable player award for both the WPIAL and state tournaments.

In addition, a team is only as good as the coaching staff that stands behind their players. Head coach Richard Tatn along with assistant coaches BJ Reihu, Terry Gaston, Joe Guiciardi, and Kevin Hamilton all deserve recognition for their encouragement, instruction, and leadership throughout their championship season.

I again congratulate the Deer Lakes Boys Volleyball Team's players and coaching staff on all of their achievements. It is with great joy that I pay tribute to this team on their well-deserved accomplishments this season.

IN RECOGNITION OF THE 75TH AN-
NIVERSARY OF THE CAPE COD
TIMES

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the seventy-fifth anniversary of the Cape Cod Times, a daily newspaper circulated

throughout the towns and villages of Massachusetts' Cape and Islands.

Seventy-five years ago, businessmen J.P. Dunn and Basil Brewer came together in a Hyannis garage to publish the Cape Cod Standard-Times. This union grew out of the men's desire to provide the residents of the Cape and Islands with access to community news, so they teamed up with the New Bedford Standard-Times for joint distribution through the 1960s. By 1970, however, the success of local small businesses and industries had brought an era of expansion to the region, augmenting the need for a local paper to service the needs and interests of the unique communities of the Cape and Islands. In 1975, the first Cape Cod Times edition was published as an "independent Cape Cod newspaper, printed and published on the Cape, by Cape Codders, for Cape Codders."

Today, the Cape Cod Times provides over 60,000 readers in the region with daily headlines of national and local relevance—from summer beach closings to breaking news across the globe. The paper's circulation reaches beyond the Cape and Islands through its online subscription, allowing readers to stay up-to-date on community happenings no matter their location.

Time and time again, the paper has been recognized for its national significance, having been named to such prestigious awards as "Newspaper of the Year," "Website of the Year" and "Sunday Newspaper of the Year" by the New England Press Association, the New England Newspaper Association, and the New England Associated Press Executives Association.

Having owned a home on Cape Cod for twenty years, it is with pride and gratitude that I congratulate the Cape Cod Times, its editors and staff on providing seventy-five years of authentic journalism to the people of the Tenth Congressional District of Massachusetts. I extend my best wishes to the paper for many more years of award-winning journalism to come.

HONORING WILLIAM ENSIGN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the life of William Ensign a respected and jovial Toledoan whose ethic of public service resulted in his being elected Mayor of Toledo in 1967, and then reelected again in 1971. We offer our condolences to his wife of 61 years, Joan, their children Maria, Kimberly, Madonna, Christopher, Joel and Thomas, as well as their families.

William J. Ensign was born in 1924. He grew up in Cleveland and went on to serve as a Marine in the Pacific Theatre in World War II. He earned his undergraduate and graduate degrees in sociology and criminology from the University of Notre Dame. He came to Toledo in 1951 to work in the legal system until he became the director of the county welfare agency in 1963, a position he held until he was elected Mayor of Toledo in 1967. He was

re-elected by a landslide in 1969. He resigned in 1971 after then Ohio Governor John Gilligan appointed him Director of the Ohio Youth Commission. He then served for a year with the Ohio Department of Administrative Services. Beginning in 1975, he was the Director of the Criminal Justice program at Ohio Dominican University.

Even as he raised his family and pursued his career, William Ensign developed his passion for music. He received his first drumsticks at age six, played piano and was a drum major in the college band. He played with the Cleveland Philharmonic Orchestra and the Marine Corps band.

William Ensign's legacy is well-described by a former political foe, "He was bright and engaging and never had a bad word about anybody." True testament to a life lived in service to others, his community and nation.

REPRESENTATIVE JERRY COSTELLO WILL BE DEARLY MISSED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. RANGEL. Mr. Speaker, I am sad to learn that the House of Representatives will be losing a strong leader with the retirement of my dear friend and colleague, Congressman JERRY COSTELLO. In the U.S. Congress, he fought hard to protect the environment and promoted progressive development of infrastructure.

I am privileged to have worked with JERRY in the past 23 years he has served in this great institution we both so love. JERRY has been a steadfast steward of the public interest from his early days in law enforcement to his more than two decades in the House of Representatives. Throughout his public career he has demonstrated time and again how colleagues can reach across the aisle to find compromise for the good of the nation.

I wish JERRY the best of luck with his future endeavors. His service to the people of Illinois' 12th District has been impeccable and he will be dearly missed by both his constituents and colleagues.

CONGRATULATING CENTENNIAL NATIONAL DAY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. DENHAM. Mr. Speaker, I would like to extend my sincere congratulations to the people of Taiwan on the occasion of the upcoming October 10, 2011, Centennial National Day of the Republic of China. The Republic of China shares my country's belief that government must be by the people, for the people, and of the people.

After the heroic struggle for liberation during World War II, in which our two nations fought side by side, the Republic of China was instru-

mental in the foundation of the United Nations and has continued to play an important role in global affairs.

The Republic of China is an example of democratic and economic liberalization for emerging economies in Asia. This impressive economic growth has turned Taiwan into one of the United States' largest and most trusted trading partners and the single largest per capita importer of U.S. agricultural products. Our relationship has proved very important to my district which is home to some of the most productive farmland in the world.

The Republic of China has pursued a foreign policy that promotes peaceful cooperation between nations, and I support its efforts to provide leadership in the international community. Today, I send my good wishes for the future prosperity of a free and democratic Taiwan.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,837,099,271,196.71.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,198,673,524,902.91 since then. This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING COOPERATIVE HOUSING CORPORATION ON 25 YEARS OF SERVICE

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. LANCE. Mr. Speaker, I rise today to congratulate the Cooperative Housing Corporation on its silver anniversary of providing affordable, high quality housing and services to senior citizens and special needs individuals throughout Central New Jersey.

The CHC has proudly helped improved the lives of many older adults and special needs young people throughout its 25 years of service. Since 1986 the CHC has provided shared housing facilities and special services designed to meet physical, social and psychological needs on a cooperative family basis. The CHC comforted countless individuals through a caring "second family" environment, and promoted health, security and happiness for senior citizens and others.

Mr. Speaker, I am proud to commend the staff, board and founders of the Cooperative Housing Corporation for 25 years of dedicated community service in Central New Jersey and pleased and honored to share this important milestone with my colleagues in the United States Congress and with the American people.

My best personal wishes to everyone associated with the Cooperative Housing Corporation.

RESOLUTION COMMEMORATING
THE CITY OF DELRAY BEACH,
FLORIDA, ON ITS 100TH ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise to pay tribute to the city of Delray Beach on the occasion of its centennial celebration. For 100 years, the city of Delray Beach has symbolized the American spirit: looking ahead in times of prosperity; enduring in times of difficulty; and always rising to meet the challenges that have at times weighed on our country's history.

From its modest beginnings as an agricultural area in 1894, Delray Beach quickly grew, attracting many visitors in the winter months. On October 9, 1911, with a population of nearly 300, the area of Delray was chartered by the State of Florida as an incorporated town. Industrial plants for the canning of pineapples and tomatoes were built, bringing in new residents and ushering in an era of prosperity. By 1920, Delray's population had reached over 1000 residents. Today, it is estimated that more than 65,000 people call the city of Delray Beach home.

The city has seen its share of highs and lows throughout the years. The early 1900s saw Delray prosper, only to experience economic hardships by the Great Depression. By the 1930s, Delray was again flourishing, only to find itself engulfed in the unrest faced by our nation during the civil rights movement. But Delray Beach, like our country, endured.

In the 1980s, prosperity was again seen changed to decay, as many of the small mom-and-pop stores that lit the downtown area were forced to close their doors. But today, even in the face of economic hardships, Delray Beach has united to create a plan for redevelopment and revitalization that has transformed and continues to transform its commercial center.

Mr. Speaker, I am proud to honor the history of the city of Delray Beach, and I look forward to working with my colleagues in the House of Representatives to ensure that Delray Beach, along with the countless other cities and towns across our great nation, experience growth, prosperity, and success in the next 100 years.

HONORING MARY E. GERKEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Ms. KAPTUR. Mr. Speaker. I rise today to recognize the life of Mary E. Gerken, who passed from this life at age 90 years. She was an indefatigable educator, brilliant student,

source of inspiration, enduring mother for her family and our community, and woman of deep, abiding faith. Her life truly can be described as a woman for others. We offer our condolences to her family, especially her children Cathy, Fran, George and Pete.

Born August 29, 1920 to Nettie Mosher, a World War I Army nurse, Mary Gerken grew up in Northwest Ohio and was the Valedictorian of her Perrysburg High School graduating class. She went on to obtain a Bachelor's Degree in Biochemistry from Mary Manse College and her Master's Degree in Science Education and Microbiology from the University of Toledo. Married following World War II, Mary then was widowed with four young children.

Long before women were welcomed in the sciences, she was blazing a path for those that would follow. Even as she raised her family and cared for her mother and mother-in-law, Mary taught at the high school and college levels. A conscientious parent, she instilled in her children a core of social justice, exposure to the liberal arts, and insisted on a college education for each of them.

After her retirement—in her seventies—Mary traveled a new path. She taught Native Americans in Minnesota and worked with a community of religious sisters. When she came home several years later, she began a tenure of public service as an industrial hygienist with OSHA. She served as a Eucharistic Minister in her church and was a member of Zonta International.

Mary E. Gerken is an example of a life well-lived. She leaves a legacy of service, compassion and industry to her family and our community. Our community expresses its gratitude for her many decades of exceptional teaching, good humor, humility, and encouraging nature. We shall miss her spirited presence but remain grateful always for the lasting legacies her life's work generously gave to us.

FOREST DEDICATION
RECOGNIZING DAVID CUTLER

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the dedication of the David Cutler Memorial Forest in Duxbury, Massachusetts.

David Cutler became a fixture in Duxbury in 1945 when his family decided to settle here, and from that point on, our community has been the better for it.

Just five years after moving to Duxbury, his parents started the Duxbury Clipper, and thus began David's affair with newspapers. After serving as captain of Colby College's football team, he came back home and got a job as a reporter at the Patriot Ledger. It wasn't long, though, before he felt a call to duty and David enlisted in the US Marines.

Like many men of his age group during that time, he was sent to Vietnam, where in an attack in 1968, he was shot in both legs. His courage and valor were rewarded with a Purple Heart and the title of Captain. Upon returning to the states, he went back to the Patriot

Ledger and would soon become the paper's State House reporter. But after two years, he felt another call to duty, and left the Ledger to start the Marshfield Mariner.

Today, communities throughout Massachusetts' South Shore are served by one of David's papers—whether it be the Norwell Mariner or Scituate Mariner or anywhere in between. But it takes a special kind of man—a truly gifted story-teller—to make the most local of news a successful business; yet, that's what David did. He took a \$1000 investment and turned it into an \$8 million empire. From there, David went on to sell his Mariner newspapers and began working to resurrect other struggling newspapers around Massachusetts until his untimely death.

The details of David's life appear to describe a man who was larger than life—college football captain, honored Marine, intrepid newspaper reporter and successful entrepreneur. And that is just the highlight reel. It doesn't take into account all the lives he touched both professionally and personally, the numerous community functions and local causes he threw his support behind, the countless games and events he attended for his children and later grandchildren.

These are often thought to be "the little things," but in reality they are as much the mark of a man's success. Maybe even more so, for they are what make life rich. So by all accounts, David Cutler was the richest man in town. And the truly fortunate thing is that he seems to have known that while he was still alive. I was moved when I read that early in his illness, David said to an old friend, "My life's work was my family, and I've succeeded." I never had the pleasure of meeting David Cutler, but if all I knew about him was that one quote, I would know he was a good man.

David's legacy of service and commitment to our community lives on today. It lives on in his newspapers. It lives on in his family. And it lives on in this forest we are dedicating in his honor. It seems to me that there is no more fitting a memorial for man who contributed so much to Duxbury than a living, breathing, growing part of the town he loved. David Cutler's forest, like the man it is named for, will make its mark on the lives of countless members of our community for generations to come.

HONORING DR. TOM GALLIA OF
ROWAN UNIVERSITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Dr. Tom Gallia, a longtime member of the Rowan University community, currently serving as the Chief of Staff to the President and the Vice-president of community relations.

In his 40 years with the university, Dr. Gallia has served as a dedicated and tireless advocate for students and has played an integral role in every major university decision over the past several years.

In particular, Dr. Gallia's achievements have revolved around his relationship with the Borough of Glassboro. He graduated from

Glassboro State College, where he earned bachelor's degree in biological and physical sciences with a minor in science education in 1966. He also met his wife at the school. His first job was at Glassboro High School, where he served as a biology teacher, advisor, and wrestling coach.

Prior to joining the administration of the University, Dr. Gallia served as a biological science and secondary education professor, serving three terms as a Department Chair and eight years as executive associate dean in the College of Education. Dr. Gallia continues to hold the rank of full professor in both the Teacher Education and Educational Leadership departments.

Dr. Gallia has been instrumental in the planning and implementation of the Rowan Boulevard Project. The opportunities provided by the construction of the hotel, bookstore, residential apartments, and town square are secondary to the degree to which the project truly brought Rowan University students and the school's surrounding community of Glassboro together. The project, with Dr. Gallia's guidance, has helped the school develop a positive and meaningful relationship with the surrounding town.

In addition to his work at Rowan, Dr. Gallia serves in numerous positions in community organizations, including Main Street Glassboro, Central Business Redevelopment Authority, Glassboro Economic Advisory Board, Glassboro Chamber of Commerce, and Glassboro Code Enforcement Board, the Finance Committee of St. Bridget Church, the Bishop's Task Force and Transition Team at the church, and St. Anthony's Mutual Aid Society.

Mr. Speaker, I recognize Dr. Tom Gallia for his tireless dedication to the Borough of Glassboro, and to the faculty, students, and surrounding community of Rowan University and his decades of service to this fine institution of higher learning.

HONORING PASTOR ROGER
FREEMAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mrs. BLACKBURN. Mr. Speaker, there are leaders who work to shape the direction of the country and there are workers who toil to shape the direction of the soul. In the Tennessee Seventh Congressional District, there is one leader whose efforts over the past several decades have led many into the goodness of the Almighty. I rise today to honor First Baptist Church Pastor Roger Freeman as he retires from decades of active ministry.

An accomplished author, devoted father, and principled leader, Dr. Freeman serves not solely his beliefs. Dedicated to reaching both inward to his congregation and outward to the community, Freeman spends time serving in

state Baptist associations as well as local civic organizations. Dr. Freeman's service reaches beyond the walls of the church. In 2007, Freeman was invited by the National Park Service to offer the prayer for the lighting of the National Christmas Tree and eloquently represented his community, his family, and his faith.

From Texas, to Louisiana, to Tennessee, and communities beyond, Freeman has spent his life in service to his creed and his calling. I join with his wife and children in offering thanks to Dr. Roger Freeman for his many years of faith and guidance. I ask my colleagues to join with me in honoring Dr. Freeman. As he retires from First Baptist Church, I hope his fidelity to his vocation will remind us all to the higher service of our own.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE CAPE COD SYMPHONY ORCHESTRA

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the Cape Cod Symphony Orchestra for fifty years of musical entertainment and to express my gratitude for their undying commitment to preserving education of the arts in Massachusetts.

The Cape Cod Symphony Orchestra was founded fifty years ago as an all-volunteer collection of student and adult musicians. Today, the Orchestra is renowned as the premier cultural arts organization of Cape Cod—comprised of 85 classically trained, professional musicians who bring their passion for music and culture to each and every performance. Under the skillful direction of Maestro Jung-Ho Pak, the Orchestra reaches the hearts of its audiences through five classical concerts and three pop concerts per season—inspiring over 50,000 residents and visitors to the Cape and Islands communities.

The home of the Cape Cod Symphony Orchestra has changed throughout the years—from venues across the Cape to their current stage at the Barnstable Performing Arts Center at Barnstable High School. However, their music has remained in the souls of their listeners wherever they go. Through the Orchestra's MusicWorks! Education Program, students of all ages across the Cape and Islands are provided with the opportunity to interact with orchestra members, learn about their many instruments and attend intimate concerts. These programs are designed to enable all students—not just those who are musically-inclined—to develop an appreciation for and life-long interest in classical music.

In September, 2010, the Cape Cod Symphony Orchestra merged with the Cape Cod Conservatory of Music & Arts—unifying their mission of inspiring joy through the arts. Now, the Cape Cod Symphony and Conservatory of

Music & Arts provide a whole variety of new programs—from a musical summer camp to music training for adult students—to engage eager participants of all ages.

The high-caliber educational opportunities offered by the Cape Cod Symphony Orchestra has greatly contributed to the cultural atmosphere of the region. I commend the Orchestra for its devotion to music education and I thank all members, past and present, for their willingness to relay their passion for music and performance to five decades of audiences.

RECOGNIZING TAIWAN AS IT
CELEBRATES ITS CENTENNIAL
NATIONAL DAY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to honor President Ma Ying-jeou and the people of Taiwan as they celebrate their centennial National Day on October 10, 2011.

Nearly 65,000 Taiwanese-Americans live in the Chicagoland area, and I am always impressed by their engagement in the political process and pride in their culture and history.

Taiwan is an important friend and ally of the United States. The United States and Taiwan enjoy a robust trade relationship that totals \$59 billion in goods and services, making Taiwan the ninth-largest U.S. trade partner. Taiwan also stands as a strong democracy in the Asian-Pacific region.

It is important to mention the strides Taiwan has made in improving its relationship with mainland China too. The most significant development in recent times was the signing of the Economic Cooperation Framework Agreement on June 29, 2010. The agreement reduced tariffs and trade barriers between the two sides, improving not just bilateral trade, but the cross-strait relationship. Regular dialogue between Taiwan and mainland China has also helped reduce military tensions.

Please join me in congratulating President Ma and the people of Taiwan as they celebrate their centennial National Day, and in wishing them many more years of friendship, prosperity, and peace.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. GRAVES of Missouri. Mr. Speaker, on Monday, October 3, 2011, I missed a couple of rollcall votes. Had I been present, I would have voted "yea" on Nos. 742, 743, 744.

SENATE—Wednesday, October 5, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, in whom we live and move and have our being, give our Senators Your blessing as they seek to serve this Nation and all people.

Lord, we lift our hearts and thoughts to You today, for You alone reign over creation and sustain us in good and bad times. Give us a sense of fairness in all we do; that Your message of peace and justice will be known in the lives of all citizens. Give us strength to do what we can do and to be what we can be as we remember that without You, we can do nothing.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I note the absence of a quorum, Madam President.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour. Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will resume consideration of S. 1619. As a reminder to all Senators, cloture was filed on the bill last night. As a result, the filing deadline for first-degree amendments is 1 p.m. today. Unless an agreement is reached, the vote on cloture will occur tomorrow morning. The Republican leader and I have had a number of discussions, and we will decide if there will be amendments on the China trade legislation. It is my understanding that both Democrats and Republicans will offer some amendments, and certainly we can do that even though there is a cloture motion that has been filed.

AMERICAN JOBS ACT

Mr. REID. Madam President, Franklin Roosevelt said that no man can truly be free without economic security. With 14 million people unemployed—out of work—in America, there are far too many people living in the richest Nation in the world, yet unable to enjoy the full freedom and independence for which America stands. So this Congress has no greater challenge—none—and no more important responsibility than to enact the policies that help American businesses flourish and grow, put American citizens to work, and get our struggling economy back on track to prosperity. So I was disappointed yesterday when my Republican friends chose to play political games with not one but two pieces of important job-creating legislation.

The bill before the Senate will even the odds for American workers and manufacturers in the global marketplace by stopping unfair currency manipulation by the Chinese Government. It would support 1.6 million American jobs, and it has the support of Democrats, Republicans, labor leaders, and business groups. We should pass it quickly so we can move on to other important work facing the Senate this month. But yesterday Republicans threatened to derail this legislation,

even though they overwhelmingly support it, and allow China to continue to tilt the playing field.

Also up for debate this work period, which ends in 2 weeks, is commonsense jobs legislation proposed by the President of the United States. President Obama's plan would invest in roads, bridges, dams, and other construction efforts to create jobs. It would put construction crews back to work building and renovating schools. It would extend unemployment insurance for Americans who are still struggling to find work. In that regard, Mark Zandi, who certainly is no Democratic spokesperson—in fact, he was the economic adviser for JOHN MCCAIN's Presidential election—said there is no more important stimulus for the economy than giving an unemployment check to somebody who is out of work. President Obama's legislation would expand the payroll tax credit, which has been very popular. It is a tax credit that will provide immediate relief to middle-class families and businesses. This legislation would revitalize communities that have been devastated by foreclosures.

The President's plan includes some ideas proposed by Republicans and others offered by Democrats. No matter what, this legislation is fully paid for. We may have different ideas on how to pay for it, but we know the President's legislation is a smart, effective way to spur job creation.

Democrats have listened to the American people, and they have been very clear. The American people believe it is time for millionaires and billionaires to pay their fair share to help this country thrive. Americans from every corner of the country and every walk of life agree. Democrats, Republicans, and Independents agree. Asked if they support a plan that would require people who make more than \$1 million a year to contribute a little more to ensure this country's economic success, the results were resounding, stunningly strong: Nearly 80 percent of Americans said yes. Wealthy Americans agree. Two-thirds of the people making more than \$1 million a year said they would gladly contribute more. A supermajority of Republicans agree, with two-thirds saying they supported the idea. And even a majority—52 percent—of the tea party members agree. So when Democrats bring this commonsense jobs legislation to the floor, we will ask Americans who make more than \$1 million a year to contribute a little more to help this country reduce its jobs deficit.

I am sure my Republican colleagues would like the opportunity to debate

how this Congress tackles the most important issue facing our Nation today: the unemployment crisis. So I will happily work with the Republican leadership to ensure a fair process that gives Senators the opportunity to be heard. That is why I was so disappointed yesterday when my friend the Republican leader attempted to snuff out debate and prevent a bipartisan discussion about how to move the American Jobs Act forward. Rather than debating this bill on the floor as we usually do, he wants to tack this important job creator onto an unrelated measure simply as an afterthought.

I was willing to proceed to debate on the legislation yesterday, but the Republicans blocked that request. They even blocked that. Instead, they demanded an immediate up-or-down vote, with no opportunity for debate, discussion, or amendments. Again and again during the last few weeks, Republicans have rejected an all-or-nothing approach to this legislation. So imagine my surprise when they were unwilling to engage in the thoughtful debate this bill deserves. Instead, they took the very all-or-nothing approach they were so concerned about only a few hours earlier.

This Nation's unemployment crisis is very serious business, but Republicans are more interested, it seems, in partisan games much of the time and political stunts than serious legislating. Fourteen million unemployed Americans deserve better. We live in a nation founded on the principle that every American has a right to personal liberty. But if Franklin Roosevelt was correct that no man is free who lacks economic security—and I am confident he was right—then we must do better as a Congress and as a country. I assure everyone within the sound of my voice that Democrats will do whatever we can to heal our ailing economy, even if it means the richest of the rich in America have to contribute a little bit more tomorrow than they do today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VOTE ON THE JOBS BILL

Mr. MCCONNELL. Madam President, for the past 3 weeks President Obama has been racing around the country trying to rally public support for a second stimulus bill and demanding that Congress pass it right away. The President has not been demanding that Congress debate the bill or be allowed to amend the bill. He has demanded in no uncertain terms that we hold a vote on the bill as it is, right away.

A couple weeks ago in Denver, the President said he has the pens all

ready, lined up on his desk, ready to sign the bill into law. Just yesterday in Texas, he called on Congress to put the bill up for a vote so the entire country knows exactly where every Member of Congress stands. One of the President's top advisers, David Axelrod, summed up the President's position this way: "We want them to act now on this package," David Axelrod said. "We're not in negotiations to break up the package. It's not an a la carte menu."

So yesterday I tested the President's rhetoric. I proposed that we do exactly what he wants and vote right away on this second stimulus bill he has proposed as the supposed solution to our jobs crisis. And the Democrats blocked it. In other words, the President's own party is the only obstacle to having a vote on his so-called jobs bill. Now I understand our Democratic friends want to jettison entire parts of the bill altogether, not to make it more effective at growing jobs, not to grow bipartisan support. No, they want to overhaul the bill to sharpen its political edge. So my suggestion to the White House is that if the President wants to keep traveling around the country demanding a vote on this second stimulus, he focus his criticism on Democrats, not Republicans, because they are the ones who are now standing in the way of an immediate vote on this legislation.

But, of course, the President knew as well as I did that many Democrats in Congress do not like the bill any more than Republicans do. Despite his rhetoric, he knew Republicans were not the only obstacle, which means one thing: The President is not engaged right now in a good-faith effort to spur the economy or create jobs through legislation. He is engaged in a reelection campaign. By the way, the election is not until 14 months from now.

Madam President, 1.7 million Americans have lost jobs since the President signed his first stimulus, and his idea of a solution is to propose another one. Even Democrats know it is a non-starter, which is why so many of them do not want to have to vote for it. That is what we all witnessed here in the Senate yesterday.

It is time the President put an end to this charade. Stop campaigning for a bill written in a way to guarantee it will not pass and work with us on the kind of job-creating legislation both parties can agree on, things such as the trade bills, rolling back overburdensome regulations, domestic energy production, and tax reform. Republicans are ready to act on any and all of those issues.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Madam President, it has come to my attention that the majority leader has written to the

chairman and ranking member of the Armed Services Committee asking them to modify the committee-reported National Defense Authorization Act for fiscal year 2012 before he will allow the Senate to consider that bill.

The White House has made it clear that it objects to certain provisions dealing with the detention of unlawful enemy combatants and captured members of al-Qaida and associated groups. As the ranking member of the Armed Services Committee explained to the Senate, the committee voted in favor of those provisions overwhelmingly.

My request to the majority leader would be to move to the National Defense Authorization Act at the soonest possible moment to allow the Senate to debate and amend the bill. If there are Members on the other side who support the White House's effort to bring unlawful enemy combatants into the United States for purposes of detention and civilian trial, the Senate can debate that matter during consideration of the bill. I know many Members on my side would very much appreciate a debate on the importance of keeping detainees currently held at Guantanamo from returning to the battlefield, especially in places such as Yemen.

Once the Senate completes consideration of the Defense Authorization Act, it could then move to consideration of the Defense appropriations bill—another measure I assume would be subject to debate and amendment.

IN MEMORY OF OWSLEY BROWN II

Mr. MCCONNELL. Madam President, I rise today to pay tribute to a great friend of the city of Louisville, a giant in both business and philanthropy who made Kentucky products famous around the globe, and a man whom I was proud to call a friend for more than 30 years. It is with great sadness that I report to my Senate colleagues that Owsley Brown II of Louisville, KY, passed away September 26 at the age of 69. He will be mourned and missed by many, not only by his family and those fortunate enough to know him but also by the countless Louisvillians who did not get to meet the man personally but benefited from his numerous volunteer efforts and initiatives on behalf of our community.

Owsley Brown II was born in 1942, the son of William Lee Lyons Brown and Sally Shallenberger Brown, who herself passed away just a few months ago at the age of 100, as I noted at the time on the Senate floor. After graduating from Yale University and Stanford University's Graduate School of Business, Owsley spent 37 years at Brown Forman, the company his great-grandfather founded, including 12 years as chief executive and 12 years as chairman. He started at Brown Forman in 1961 as a summer employee.

Owsley continued a family legacy that dates back to Brown Forman's

founding in 1870. Brown Forman is one of Louisville's most significant companies and a major corporate citizen of our community. It provides almost 1,200 local jobs and still makes whiskey in Jefferson County.

As CEO, Owsley was a visionary in expanding the company's international footprint and modernizing the marketing of its brands. As a result, labels such as Jack Daniel's and Southern Comfort are now recognized worldwide. Under his leadership, Brown Forman stock more than quadrupled in value.

But to describe Owsley as merely a businessman, even a brilliant one, would be to just scrape the surface of the ice cube in a tall glass of Old Forester bourbon with water—Owsley's favorite drink. With his wife Christy, he did much to improve the quality and character of life in Louisville. He led organizations to support art and music, historic preservation and environmental protection. He was a leader in the founding of Actors Theatre of Louisville and a longtime board member. He served on the board of the Speed Art Museum and was active in the Fund for the Arts and River Fields. His family's Owsley Brown Charitable Foundation, of which he was president, gave millions of dollars to local churches and community groups.

Owsley did a lot more than just write checks. He was passionately involved in everything he took part in. As the Actors Theatre board president, he was often seen cleaning the windows or moving props. His deep knowledge of art came in handy on visits to art fairs on behalf of the Speed Art Museum. He could inspire others to donate more of their time, efforts, and resources on behalf of the causes he cared so deeply about just by setting the example.

I first met Owsley more than 30 years ago and saw then that he represented the very best Louisville and the Commonwealth of Kentucky have to offer. Elaine and I send our deepest condolences to his family, including his wife Christy, his three children: Owsley III, Brooke Barzun, and Augusta Holland, and his many other beloved family members and friends.

Madam President, the Louisville Courier-Journal published recently an obituary of Owsley Brown II that only begins to describe a full life well lived. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal, Sept. 29, 2011]

BROWN, OWSLEY II

Brown, Owsley II, 69, died September 26, 2011, in Louisville with his family by his side.

Mr. Brown was born September 10, 1942, the son of William Lee Lyons Brown and Sara "Sally" Shallenberger. He was a graduate of Woodberry Forest School, Yale University, where he received his B.A. in history in 1964, and Stanford University's Graduate School of Business.

The great-grandson of Brown-Forman Corporation founder George Garvin Brown, Owsley spent 37 years of his professional life with the company, starting as a summer employee in 1961. He became president in 1983, chief executive officer from 1993-2005 and chairman from 1995 until 2007. While at the helm of the company, he led efforts to dramatically expand its international presence and significantly modernized its marketing efforts. The strategy worked exceptionally well, as brands such as Jack Daniel's, Southern Comfort and Finlandia became internationally recognized names, producing stellar financial returns.

He served as an Army intelligence officer at the Pentagon from 1966-1968 and in 2010 was appointed by the Obama Administration to serve on the U.S. Department of Defense Business Board. In addition to his service on the Brown-Forman board, Owsley served on the board of NACCO Industries, Inc.

Owsley was a leader in the founding of Actors Theatre of Louisville and a longtime board member, twice serving as president during major fund drives as it built its facilities. He served on the boards of the Speed Art Museum, where he most recently headed up the Capital Campaign and Building Committee for its expansion; Fund for the Arts (as chairman and president); Kentucky Center for the Performing Arts; and Partnership for Creative Economies. Previous boards he served on include River Fields, the Advisory Council of the Yale School of Forestry and Environment and the National Council of the National Trust for Historic Preservation. He also served on the International Council of Trustees for the World Conference of Religions for Peace. He was a former director of the Louisville Gas and Electric Company and its successor LG&E.

He received the Governor's Milner Award, Kentucky's highest award for contributions to the culture of his state, and this year received the Woodrow Wilson Award for Corporate Citizenship. Also this year he and his wife Christy received the Greater Louisville Inc.'s Gold Cup Award for distinguished service to Louisville. He earned the J. Russell Groves Citizens Laureate Award, honoring individuals who consistently encourage quality architecture in their communities. His lifetime interest in historic preservation was demonstrated in many projects, including the restoration and expansion of Actors Theatre of Louisville.

He is survived by his wife, Christina Lee; son, Owsley III (Victoire) and their children Chiara, William and Catalina; daughters, Brooke Barzun (Matthew) and their children, Jacques, Eleanor and Charles; and Augusta Holland (Gill) and their children Cora, Owsley and Lila; brothers, W. L. Lyons Brown Jr. (Alice Cary) and Martin S. Brown; sister, Ina Brown Bond (Mac); brother-in-law, O'Donnell Lee (Jeanie); and numerous nephews, nieces, great-nephews and great-nieces.

Owsley will be remembered as profoundly wise, earned from a life of curiosity, honesty, and discipline. From his wisdom flowed humility and passionate kindness. It made him a great leader, father, husband and friend, and it made him a great man.

He loved and supported the things that enrich the soul and spirit—his wife and children, the creative arts, the natural world, public-spirited enterprises, and, above all, Louisville. Nothing pleased him more than bringing all these things together at a party—welcoming all with his special brand of Kentucky hospitality. He knew how to find joy in work and obligations. Owsley knew when to listen and when to laugh.

He will be missed.

The funeral will be celebrated 10 a.m. Friday at Christ Church Cathedral, Episcopal, 421 S. Second St., with private burial to follow. Visitation will be 3-6 p.m. Thursday at the Speed Art Museum, 2035 S. Third St. Funeral arrangements are being handled by A.D. Porter & Sons, Inc.

In lieu of flowers, expressions of sympathy may be made to either Fund for the Arts or Metro United Way.

Mr. McCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee.

JOBS

Mr. ALEXANDER. Madam President, our country has endured a 9-percent unemployment rate for a longer period of time than at any other time since the Great Depression. Yet, unfortunately, the Democratic leader is reluctant to address this problem of joblessness in a serious way.

One way to address it would have been to take the three trade agreements, which were negotiated 4 and 5 years ago—one with Colombia, one with South Korea, one with Panama—and send them up to the Senate and House and let us ratify them and let us move ahead to avoid losing 350,000 jobs—that is an estimate of the U.S. Chamber of Commerce—or create as many as a quarter of a million jobs—that is the estimate of the White House. Yet those three trade agreements had been sitting on the President's desk since the day he took office nearly 3 years ago. They arrived yesterday—or Monday, I suppose it was—and they are here waiting for us to act on them.

Every day we do not act on them delays the day when we avoid losing 350,000 jobs or create 250,000 jobs. That has been the case every day for the last nearly 1,000 days. That would be a good way to address the jobs issue, but we have not. Instead, we had the President going around the country during the summer blaming Republicans for not acting on the three trade agreements when, in fact, the President had not sent them to us. There is no way the

Congress can act on them until the President forwards them, which he now has. And if he has, why are we not debating them today? That would be a good way to deal with the jobs issue.

Here is another example. On September 8, the President came before the Congress and proposed his jobs bill. He said, if I counted correctly, and I was sitting respectfully in the second row, almost in the front row—I think he said as many as 17 times: Pass this jobs bill now. And if that were not enough, he has said it almost every day since then. The Republican leader mentioned it a few times. He was in Dallas yesterday. Pass this jobs bill now; I am ready to enact it, said the President of the United States. Well, it has been sitting there on the Democratic leader's desk for the last couple of weeks, ever since the President sent it up here. He spoke about it on September 8.

The person in this body whose job it is to set the agenda is the Democratic leader, a member of the President's own Democratic Party. Why doesn't he bring it up? So yesterday the Republican leader said: I will show courtesy to the President. I will ask the Senate to do what the President has asked that we do, which is pass this jobs bill now, and the Democratic leader objected.

So here for the second time we have the President running around the country saying one thing, and then we try to do it, and his leader in the Senate objects. What are we doing instead? Well, a couple weeks ago the Democrats manufactured a crisis over disaster aid when we could have been debating the trade bill, the jobs bill, and we could have been offering the Republican proposals we have to encourage trade, to give this President and future Presidents new trade authority, to reform the tax law, and to have a timeout on regulations that are throwing a big, wet blanket, making it more expensive and harder to create new jobs in America. That would have been the kind of debate we could have had on the Republican proposals we believe would make a difference in this urgent jobs situation which has given us 9-percent unemployment for a longer period of time than at any other time since the Great Depression.

So now this week, what are we doing? Well, we are debating a piece of legislation. The Democratic leader has decided this is the important piece of legislation to deal with jobs this week. And what will it do? It will give a punch in the nose to China, our second largest trading partner, our third largest export market, our fastest growing export market, and the second largest economy in the world. History teaches us what will happen. We saw that during the Great Depression. Perhaps it was the cause of the Great Depression. We remember the Smoot-Hawley tariff, the trade war that developed, the recip-

rocal punches in the nose that countries gave to themselves over trade, plunging the world into a depression.

So here we are in a fragile moment, when headlines are saying we may be about to dip into a second recession, and what do we do? The Democratic majority says their best idea about creating jobs is to punch in the nose our second largest trade partner, our third largest export market, and our fastest growing export market, even though we know exactly what they will do to us. History teaches us they will punch us right back in the nose, and the result will be a trade war, which destroys jobs rather than creates jobs.

Such legislation as that now pending on this floor is not how the world's strongest economy, the United States of America, should conduct itself. Such legislation is a sign of weakness or lack of self-confidence or defeatism that is not worthy of the United States of America.

In Tennessee, we see the advantages of trading with the world, including with China. China is our third largest export market, after Canada and Mexico. Our leading exports are chemicals and agricultural products. Tennessee exports to China totaled \$1.85 billion, a 43-percent increase over 2009. A little over 7 percent of all of our exports went to China. In Tennessee, 116,000 jobs are related to the export of manufactured goods; 5.3 million jobs in America. At a time of joblessness, why should we be punching in the nose someone to whom we might sell goods and that would create jobs in the United States?

What should we do instead? Of course, there is legitimate concern about the way China values its currency. The administration should work with China to change that. China should accelerate the appreciation of its currency. But what else should the United States of America do? We might take a lesson from history.

I remember 30 years ago, when I was just beginning my time as Governor of Tennessee, China was not the country in the news. It was Japan. There were books written: Japan, No. 1. The United States was, as it is today, the world's largest economy, but everybody was predicting: Watch out for Japan. Japan is becoming No. 1. The United States cannot keep up with Japan, it was said. Their autos, their computers, their electronic goods, their other sophisticated goods were going to overwhelm our markets, and we would quickly fall behind.

There was in the early 1980s a \$46 billion trade deficit with Japan. What did we do? Well, we did not act defeatist. We did not play games. We did not act as if we were the fifteenth largest economy in the world instead of the first. We asserted ourselves. We went to Japan and said to them: Make in the United States what you sell in the

United States and take down your trade barriers so we can sell in your country what we make in ours.

I went there myself. I remember vividly going to Tokyo in 1979, in November. I met with the Nissan officials. They were considering locating a manufacturing plant in the United States. At that time, they were making all of the Nissan cars and all the Nissan trucks in Japan that they sold in the United States. But they wanted to be in this market, which was and is the most profitable automobile market in the world. So we said to them: Make here what you sell here. And they did. They came to the United States. And where are we 30 years later? Nissan is saying to us that they have operated for 25 years now the most efficient automobile and truck plant in North America, and they are going to be making 85 percent of what they sell in the United States here in the United States.

Nothing has done more to create higher incomes and better jobs in Tennessee than the arrival of Nissan and the Japanese industry, followed by the American auto industry, in our State over the last 30 years. That is how a strong and confident country asserts itself in world competition. That is not just true with automobiles, it is true with many other manufacturing companies that have come to our State from Japan and from other places. That is exactly the way we ought to deal with China.

Our administration can assert itself in a variety of ways about the currency issue. But we should not act as though we are afraid of China anymore than we were afraid of Japan 30 years ago. We should seize this as a moment of opportunity. We should not escalate a trade war that no one will win. We should grow trade in sales and investment in China and urge them to make in the United States what they sell in the United States. If they should do that, that will create jobs here rather than destroy jobs, as history teaches us a trade war will do.

I hope the Senate will decisively reject the legislation that is being proposed to initiate a trade war with China.

REPEAL OBAMACARE

Mr. ALEXANDER. Madam President, in February of last year, we had a fairly extraordinary event at the Blair House here in Washington. The President invited a large number of Members of Congress—must have been 20 or 30 of us around the table. He sat there the whole day, and we sat around the table and we talked about health care. It was called the Health Care Summit.

A great many Americans watched that live on television, and because of the Internet and other explosions of new media, they still watch some of

the things that were said that day. The reason I know that is because people have come up to me often and talked about an exchange I had with the President of the United States.

The issue was about health care premiums in the individual market. Citing a Congressional Budget Office letter, I said to the President: "Mr. President, respectfully, your new health care law that you propose is going to increase individual premiums."

He stopped me and said:

Now Lamar, let's get our facts straight. You are wrong about that.

He proceeded to explain to me why I was wrong and he was right. With all respect, I believe I was right and even just a little year later, what the Congressional Budget Office was saying then, which was that individual premiums would go up as a result of the health care law, the last 17 months have shown that we were exactly right. This last week the Kaiser Family Foundation released a survey that showed the average family premium for employer-sponsored insurance was \$15,000 in 2011, a 9-percent increase over the previous year. Let me quickly say that employer-sponsored insurance is not the same as the individual insurance I was talking about with the President a year ago. But it is the same subject. Republicans were saying that we opposed the health care bill because it would increase premiums, and what we wanted to do was to lower the cost of health care for Americans by going step by step in that direction rather than expanding an expensive health care system that was already too expensive for more Americans, and doing it in a way that would increase premiums for many Americans.

ABC News said the Kaiser Family Foundation report "underlines that many of the promises surrounding President Obama's health care legislation remain unfulfilled. Though the White House argues that change is coming."

Even the New York Times on September 27 said: The steep increase in rates is particularly unwelcome at a time when the economy is still sputtering. Many businesses cite the high cost of coverage as a factor in their decision not to hire. And health insurance has become increasingly unaffordable for many Americans.

I reported on this Senate floor my conversations with the chief executive officers of restaurant chains around the country. Together they are the second largest employer in the country after the government, and they employ a great many young people and low-income people, the kind of men and women who are looking for jobs today. What they were telling me was that the mandates of the health care law will make it more difficult for them to hire people. In one specific example, one of the largest of the restaurant

chains was saying that he operates his store with 90 employees today, and because of the health care mandates, he will seek to operate his store with 70 employees a day. That is not a way to increase the number of jobs.

But there are other provisions in the health care law that cause premiums to go up, which was the point of my discussion with the President in February of 2010.

The CMS Chief Actuary predicted in 2010, saying that by 2014—still a couple of years away, 3 years away—growth in private health insurance premiums is expected to accelerate to 9.4 percent, 4.4 percent higher than in the absence of health reform.

The President had said in his discussion with me that under the law he proposed, the individual market would cost 40 to 20 percent less. That was also in the Congressional Budget Office letter. But those reductions were overwhelmed by other costs that were identified in the CBO letter that would produce a 27- to 30-percent increase. So the net result, according to the predictions in November 2009 by the Congressional Budget Office, was there would be an increase in individual premiums of 10 to 13 percent.

These individual market premiums, premiums that individuals buy without an employer's help, are not the largest share of insurance policies in America, but they affect roughly 12 to 15 million Americans. That is a lot of people who are having their insurance costs go up.

Aon Hewitt's recently released 2011 Health Insurance Trend Driver Survey reports that for 2011, individual health care plans reported estimated 4.7-percent increases directly due to the new health care law.

Then according to the September 8, 2010 Wall Street Journal article:

Health insurers say they plan to raise premiums for some Americans as a direct result of the health overhaul in coming weeks, complicating Democrats' efforts to trumpet their significant achievement before the mid-term elections. Aetna, some Blue Cross Blue Shield plans and other smaller carriers have asked for premium increases of between 1 and 9 percent to pay for extra benefits required under the law.

In the same article it says Aetna said that extra benefits forced it to seek rate increases for individual plans of 5 to 7 percent in California, and 5.5 to 6 to 8 percent in Nevada. That was precisely the discussion I was having with the President in February 2010, when I said that under the health care law, because of the mandates in the law, individual health care premium costs will go up.

In Wisconsin and North Carolina, according to that same article, Celtic Insurance Company says half of the 18-percent increase it is seeking comes from complying with health care mandates.

Then in a September 16 article last year in the Hartford Courant,

ConnectiCare is seeking an average 22-percent hike for its individual market HMO plans. Anthem Blue Cross and Blue Shield in Connecticut say in a letter, it expects the Federal health reform law to increase rates by as much as 22.9 percent for just a single provision.

These increases happen for predictable reasons. Because of the requirements in the law for minimum credible coverage—in other words, if you are required to buy a better kind of health insurance, if you are required to buy a Cadillac instead of a Chevrolet, it is going cost more. And it does cost more.

Another factor that will cause insurance premiums to rise is the new taxes on insurance, lifesaving medical devices and medicines in the health reform law. Someone has to pay for those costs, and the ones who are going to pay for them are the people who buy health insurance.

Then there is the question of what we call cost shift. When we add 25 million Americans to Medicaid, premiums will increase because the costs will shift to private insurers to help pay for those costs. That is according to the Chief Actuary of CMS which is in this administration.

Then, finally, age rating is going to cause insurance premiums to go up. What it basically says is that older Americans will not have to pay as much, so younger Americans are going to have to pay more. It is no surprise that under the new health care law, health insurance premiums are going up, becoming an even bigger drag on employment and on family budgets. This was predicted by the Congressional Budget Office while we were debating the health care law. It was predicted by Republicans who offered an alternative to take steps to decrease costs in health care, instead of this big, comprehensive law that expanded the system that already costs too much.

It offers even more reasons why we should repeal or make significant changes in the health care law if we want to create an environment in which we can make it easier and cheaper to grow private sector jobs, and in which more Americans can afford a reasonable cost health insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. It is rare that I am down here on the floor with the senior Senator from Tennessee, but it is always a pleasure. I certainly appreciate his great leadership and especially today. I enjoyed all of his comments. But his comments about the China currency bill probably should be labeled the China trade war bill, because I think that is where it would lead.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1655 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CURRENCY EXCHANGE

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, as a cosponsor, I rise today in strong support of the Currency Exchange Rate Oversight Reform Act. This is a bipartisan effort that will protect U.S. manufacturers from economic harm caused by unfair and damaging currency manipulation.

Unemployment throughout Rhode Island and the Nation has been persistently high and corrosive. It is caused in part by the effects of currency manipulation, particularly China's devaluation of the yuan. This is one of the challenges that manufacturers and hard-working individuals in Rhode Island and across the Nation face each day.

The effects of unfair currency manipulation have caused far too much harm for far too long. It has resulted in distorted trade balances that hurt U.S. workers and our Nation's economy as a whole.

Confronting Chinese currency manipulation sends a very strong signal. If implemented correctly, it will create jobs, aid our economic recovery, and lead to the creation of an estimated 1.6 million American jobs. Free trade only works when it is fair. China is not playing by the rules, and U.S. workers are harmed as a result.

China is, by any measure, keeping its currency artificially weak and engaging in trade practices that are harming the U.S. economy. By devaluing the yuan relative to the dollar, China is essentially subsidizing its exports and taxing U.S. imports at the expense of U.S. companies and workers.

It has been estimated that the yuan is undervalued relative to the dollar by as much as 40 percent, effectively subsidizing Chinese manufacturers and spurring our \$273 billion trade deficit with China.

The Economic Policy Institute has estimated that the trade deficit with China has cost the U.S. economy 2.8 million jobs—1.9 million of these were manufacturing jobs—between 2001 and 2010. This resulted in approximately 12,000 jobs lost in Rhode Island.

A recent study by a team of three economists confirmed what many in my State already know: Jobs in Rhode Island are among the most vulnerable to cheap Chinese imports. And job losses are directly attributable to the U.S. trade deficit with China, which has been exacerbated by China's persistently undervalued currency.

Our trade deficit with China, which grew over 10 years from \$83 billion to \$273 billion, has had an outsized impact on my State because Chinese goods compete directly with many products that were produced and that will continue to be produced in Rhode Island. From textiles to toys, Rhode Island has been harmed as the artificially cheap

yuan and exports from China have hollowed out industries, jobs, and communities.

If China and other Asian economies such as Singapore, Taiwan, Malaysia, and Hong Kong let their currency float freely against the dollar, U.S. GDP would increase by as much as \$287.5 billion, that is a 1.9-percent increase, creating up to 2.25 million jobs in the United States.

So much of our efforts are focused today, and they should be, on growing our economy, measured not just by GDP but, more importantly, by jobs. This bill is one of those measures that is consistent with growing jobs in America and also respects the fact that in order for trade to work in the world, the trade has to be fair as well as free—that everybody has to follow the rules, and there is no exception. What we expect of ourselves, we should demand of others. That is at the heart of this bill.

Currently, private businesses in the United States are not able to compete on a level playing field with Chinese manufacturers and exporters who have an unfair advantage because the Chinese Government is manipulating its currency. Undervaluing the yuan isn't even in the best interest of the Chinese economy because it wastes resources and erodes wages of Chinese workers. The benefits of an undervalued yuan primarily flow to politically powerful Chinese companies dependent on trade, many of which are state owned.

According to China's own national economic census, Chinese state-owned enterprises control over 40 percent of the assets in their industrial sector. When countries stack the deck for companies and industries they control, it hurts businesses in the United States. This is not free trade or fair trade. Those who hold up China's economic growth and favorable tax conditions, as one Fortune 500 company CEO recently did, should realize this: After all, China has little reason to tax corporations when so many of the country's largest corporations are state owned.

We would not dare to suggest the form of ownership or government intervention in our economy China uses consistently and persistently as a major way to fund their government and fund their activities. So I think we have to recognize what is being posed in the guise of their version of free trade.

It is not fair trade, it is not free trade, and it doesn't even help the people of China. But it certainly helps the powerful forces of the Chinese Government and their favored business partners.

So we have a clear choice, and we have legislation that will be effective because it is consistent with what we do, which is follow the rules. We are simply asking every nation to follow the rules when it comes to currency.

The legislation before us today would level the playing field for businesses in Rhode Island and throughout the country. It requires the Department of Treasury to identify misaligned currencies using objective criteria and requires the administration to take action if countries fail to correct this misalignment.

It ensures that our trade laws can address currency undervaluation when it harms American workers and manufacturers by offsetting the benefit foreign producers and exporters receive from their country's currency manipulation.

The effects of unfair currency manipulation have caused far too much harm for far too long. It has resulted in distorted trade balances that have hurt U.S. workers and our Nation's economy as a whole. This legislation will strengthen the tools we have to make sure our businesses can compete on a fair and level playing field against foreign companies that benefit from undervalued currency.

Let me be clear that this is not a silver bullet for our economy, and there are many other steps we have to take. As we continue to press for solutions to revitalize our economy—with a front-and-center focus on saving and creating jobs—addressing unfair subsidies and trade practices must be part of this effort. So I would urge swift passage of the Currency Exchange Rate Oversight Reform Act.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, I rise as a proud cosponsor of the Currency Exchange Rate Oversight Reform Act, S. 1619. We are all aware, in this Chamber and around the country, that China has been manipulating its currency flagrantly and blatantly at the expense of our businesses in Connecticut and New York and around the country at the expense of American workers. This measure is necessary to protect American jobs and American workers.

Chinese currency manipulation is a job killer, very simply. At a time when so many are desperate for work and so many Americans and citizens of Connecticut are seeking good jobs, this measure will help protect American workers and save American jobs, which is why I am proud to be a cosponsor of this measure.

I am proud to have begun this fight well before I became a Senator and well before I even thought of becoming a Senator, when I was attorney general

of the State of Connecticut, because I heard from Connecticut businesses about the effects of Chinese currency manipulation in their efforts to sell their goods and services not only in China but around the world and even in America. Undervaluing Chinese currency puts American businesses at a disadvantage. It is a hidden export subsidy. It is a means of underpricing Chinese goods and services at the expense of ours. That affects not only our exports to China, but it affects our sales of airplanes in Europe, it affects the sales of all kinds of products—both high-tech and others—in this country, and it deprives the United States and its businesses of a level playing field.

The extent of that undervaluation is actually unknown, even as we speak. It is probably in the range of 25 percent. Economists tell us it is anywhere between 20 percent and 50 percent. The Chinese have permitted their currency to rise slowly, perhaps about 6 percent since June of 2010, but the extreme undervaluation before that period of time—in the years that led to June 2010—was relentless and tireless and successful. One of the great success stories of currency undervaluation is the Chinese doing so with theirs. We are at a point where, rightly, we have lost patience.

When I first asked the Treasury of the United States to label and conclude that China is a currency manipulator—months, even years ago—there was an opportunity to take the kind of action this measure would readily lead it to do, and it must do it now. This bill provides consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and includes tools to address the impact of currency misalignment on American manufacturers, including the use of countervailing duty law to impose tariffs on imports benefiting from government subsidies.

Very simply, it provides tools that the American Government can and should use when there are misalignments of currency that result from government policies, and it eliminates some of the barriers in our current law that now exist and restrict the American Government from taking action to protect American businesses. So it is a good measure, a commonsense step toward fairness and a level playing field for American businesses, and it means we would protect ourselves, as we have a right to do in an ongoing trade war. It is a war, not a shooting war—perhaps not explicit—but it is a trade war we should acknowledge and recognize as a fact of life for our businesses.

All this talk about currency and renminbi and the abstract and seemingly arcane discussion, in economic terms, may seem far away to many citizens of Connecticut, but it is not arcane or abstract to Steve Wilson at Crescent Manufacturing of Bur-

lington—a company that makes precision fasteners, many of them used in defense of our country, sold in this country as well as abroad. Crescent Manufacturing has hard-working, skilled workers who compete with Chinese manufacturers whose production costs are dramatically lower because of the undervalued Chinese currency. Steve Wilson came to me and said, in effect: Give us a level playing field. That is what this bill does. He said it not only on his own behalf, as a manager and an owner, but on behalf of his workers because the number of those workers was reduced as a result of the lack of a level playing field.

Earlier this year, I worked with my colleague in the House of Representatives, Congressman CHRIS MURPHY, to conduct a survey of Connecticut manufacturers. We gathered data from 151 different companies all across the State of Connecticut, and the information they shared paints a dramatic picture of the business climate for companies in Connecticut and America today and the challenges they face as they seek to create jobs and stay competitive. Of 151 manufacturers that participated in our survey, 73 percent say they have Chinese competition—73 percent are competing with Chinese companies—and 57 percent—almost 60 percent of all those companies—said China's refusal to operate on a level playing field is harming their businesses. The majority of those companies that responded to that survey—manufacturers in Connecticut—say they want a level playing field or they are harmed by unfair practices in China's undervaluing their currency.

We all know, at this point, China deliberately manipulates its currency to boost its exports, and Connecticut manufacturers know it better than anyone. They have made it clear, if we are serious about keeping American manufacturing competitive, if we want to make it in America, if we want “Made in America” to mean what it should, and if we want our economy to grow, we need to stand up to countries that rig the system in their favor—unfairly in their favor.

The Alliance for American Manufacturing estimates our surging trade deficit with China—largely caused by Chinese currency manipulation—cost 2.8 million American jobs over the last decade, and that is 31,600 in Connecticut alone. These were jobs lost to our workers unfairly.

On March 25, 2011, the IMF declared that China's currency remains “substantially undervalued.” That is a serious charge from an international agency that is not biased toward one country or another, and it implies that China, in failing to address the undervaluing of their currency, is in direct violation of the General Agreement on Tariffs and Trade, which it has signed. Far from being contradictory to inter-

national law, this bill serves the interests and intent of the General Agreement on Tariffs and Trade. It serves article XXI of the GATT Uruguay Round and allows a member of the World Trade Organization and America to take action which it considers necessary for the protection of essential security interests.

Nothing is more essential to our security than jobs. Nothing is more critical than dealing with our trade deficit. Nothing is more important than stopping the undervaluation of the Chinese currency that consistently, unfairly, and unacceptably works against our exporters. We must fight these fundamentally unfair trade practices of China. American manufacturers deserve this level playing field, and this bill will help to assure that for them.

I will continue to fight to protect Connecticut manufacturers and businesses against any unfair trade practices anywhere in the world, and this bill stops China and any other country that would misalign its currency to the detriment of our security as a country and Connecticut's manufacturers and businesses as well as those in the country as a whole.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Madam President, I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I come to the floor as one of a bipartisan group of my colleagues, proud to be a cosponsor of the Currency Exchange Rate Oversight Act, legislation that will send a clear and direct message to China that the time for playing games with American jobs is over.

As many of my colleagues have already explained on the floor, the effects of China's currency manipulation are damaging to our economy. It is estimated that China is undervaluing their yuan by more than 28 percent.

What does that mean? It means Chinese goods coming into the United States are unfairly cheap, while goods made in the United States are unfairly expensive when they are exported to China. In other words, it means U.S. goods are less competitive in China, and Chinese goods do have an unfair advantage in the United States. The results of this distorted arrangement are harrowing: reduced American wages, decreased GDP, and lost American jobs.

Since China entered the World Trade Organization in 2001, our trade deficit with them went from \$84 billion in 2001

to \$273 billion in 2010, an increase of close to \$200 billion. Madam President, \$273 billion is larger than the U.S. trade deficit with the OPEC countries, the EU countries, Canada, Japan, and Mexico combined. This trade deficit has eliminated or displaced over 2.8 million American jobs over the last 10 years. That is an average of 310,000 jobs every year, and 70 percent of those jobs lost from our trade with China were in one sector—manufacturing.

Ask anyone in my home State, and they will say the same thing: North Carolina is a manufacturing State. From furniture to yarn, we are known throughout the country and throughout the world for the quality of the work we produce. But we are hurting. Between 2001 and 2010, North Carolina has lost over 107,000 jobs. Those are 107,000 jobs due to trade with China. Only five States in the entire country have suffered a greater net job loss from our country's trade with China. Across the country, the Nation has lost approximately 6 million manufacturing jobs and has seen 57,000 manufacturing plants across our country shut down.

Last week, I traveled throughout the foothill regions in North Carolina, in Burke, Rutherford, and Gaston Counties, three of our counties with some of the deepest manufacturing and textile roots in the State. The unemployment rate in these counties is close to 13 percent in Burke, close to 15 percent in Rutherford, and 11.3 percent in Gaston, even higher than the all-too-high 10.4 percent average across the State of North Carolina.

The No. 1, No. 2, and No. 3 concerns I heard at every stop I made last week were: jobs, jobs, jobs. There were people, many of them former manufacturing employees, who have lost their jobs. Many of them are continuing to work hard, fighting for small businesses that they now run and looking for survival. At the same time, so many people are attending every job fair they can make. They cannot afford for Washington to continue to allow China to get away with economic deceit and manipulation. They cannot afford for us to continue competing with China with one hand tied behind our back. What they need is for Washington to draw a hard line, to act now, and to get tough on China's currency manipulation.

The Currency Exchange Rate Oversight Act is straightforward. If the Treasury Department, using objective criteria, determines that the value of a currency is fundamentally misaligned, it will trigger a process to correct that unfair misalignment. In other words, it allows the United States to use every tool in our toolbox, including countervailing duties, to ensure that American workers and companies are competing on a level playing field.

Even though the legislation is simple, its positive effects would ripple through the economy.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HAGAN. I ask for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. I thank you, Madam President.

A full revaluation of the yuan would mean 2.25 million jobs in the United States, reducing the U.S. unemployment rate by at least 1 full percentage point; an increase of the U.S. GDP of about \$285 billion, a nearly 2-percent boost; and a reduction to our budget deficit by as much as \$857 billion over 10 years. These are new jobs, more growth, and lower deficits. That is exactly the kind of bill our country needs right now.

It is going to require us to be tough. That is why America's workers and North Carolina workers need us to draw this line in the sand. They have always been told that if they work hard and play by the rules, they can get ahead. But now China is not playing by the rules, and it is undermining the ability of our workers and companies to succeed. We need to hold them accountable.

American and North Carolina workers are some of the best and most productive in the world. We know this. China knows this. If we compete on a level playing field, we can prosper together. I encourage all my colleagues to join in this bipartisan measure and vote for this bill. It is what America's workers and companies need, and it is what they deserve.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

Reid amendment No. 695 (to amendment No. 694), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 696, to change the enactment date.

Reid amendment No. 697 (to (the instructions) amendment No. 696) of the motion to commit, of a perfecting nature.

Reid amendment No. 698 (to amendment No. 697), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I rise to urge my colleagues to support the Currency Exchange Rate Oversight Reform Act, S. 1619, of which I am proud to be an original cosponsor. I wish to thank my colleague and friend, Mr. BROWN, the Senator from Ohio, for his leadership in bringing forward this very important legislation.

This legislation is about jobs. We all talk about ways we can increase job opportunity in America. Yes, we have to do a better job in our infrastructure and rebuilding America, our roads, our bridges, our schools, our energy infrastructure, our water infrastructure. That is a very important part of job growth in America. We have to help our small businesses.

The President is right to focus a program that will help small businesses because that is the job growth energy in America. But another area that is critically important for us on job growth is trade.

I represent the State of Maryland. The Port of Baltimore is an economic engine of our State, where we employ many people because of the Port of Baltimore. We want to see products that not only come into America, but we want to see products that leave America for the international marketplace. American manufacturers, producers, and farmers can outcompete their competition anywhere in the world as long as we have a level playing field. If we have a level playing field, we will not only keep jobs in America, we will create new jobs in America because we can outcompete the world. But we can't do it if we give away a huge advantage to other countries. Currency manipulation allows other countries to have unfair competitive advantage over American manufacturers, producers, and farmers. That is what this bill is aimed at: to give us a level playing field, to allow us to be able to compete fairly.

I also wish to acknowledge that this legislation is bipartisan. I think it is nonpartisan. This is legislation that makes sense for our country to keep jobs and create jobs. The legislation provides necessary mechanisms to help halt currency manipulation committed by any country. Currency manipulation is an unfair trade practice that reduces the price of imported goods while raising the price of American goods.

We are talking about giving a discount to our competitors. How do we expect an American manufacturer to be able to compete with an imported product if they get a discount on the price? That is what happens when they arbitrarily undervalue their currency as a foreign competitor, and that is what is happening to American manufacturers. Trying to end this practice is just common sense and will finally allow us to address our net exports,

helping us reduce trade imbalances and, most importantly, create jobs in America.

Of course, China is one of the largest abusers of this type of manipulation. Despite a pledge from China in 2001 to adhere to open and fair trade, it continues to violate global trade rules which, in turn, erodes the U.S. manufacturing base and economy.

One of these market-distorting practices is China's effort to keep its currency severely undervalued. Unlike other currencies, the Chinese yuan does not fluctuate freely against the dollar but is artificially pegged in order to boost China's exports. Bringing the Chinese yuan to its equilibrium level at 28.5 appreciation is essential to creating much needed jobs in this country as well as a fair and global marketplace.

Let me repeat this. Because of what China does on pegging its currency to ours, not allowing it to freely fluctuate, Chinese products, in effect, get a 28.5-percent discount. If a company is manufacturing a product and trying to compete with an imported Chinese product, how can they do that if their competitor gets a 28.5-percent discount? That is what is happening in America today.

This legislation would allow those who are being harmed by this unfair trade practice to be able to bring a trade remedy against that unfairly imported product.

Inexpensive Chinese imports have caused a great deal of harm to the U.S. manufacturing sector. New studies show that 2.8 million American jobs, including 1.9 million manufacturing jobs, were lost or displaced over the past decade due to the growing U.S. trade deficit with China, fueled, in part, by currency manipulation.

So we have documented millions of jobs that we have lost and that have been lost because we have allowed, without challenge, China to give discounts to its manufacturers bringing products into America. Again, if it is a level playing field, American manufacturers and producers can compete. But they can't compete with such an unfair trading practice.

Many U.S. industries have been hard hit by unfair trade practices and currency manipulation, impeding their ability to compete here and abroad. The Alliance for American Manufacturing says that addressing this currency manipulation would lead to the creation of up to 2.25 million American jobs, an increase in the U.S. gross domestic product of \$285.7 billion, a 1.9-percent—or \$190 billion—reduction in our annual trade deficit; finally, an annual deficit of \$71 billion, or between \$600 to \$800 billion over the next 10 years, if sustained.

No wonder this is bipartisan. No wonder this is nonpartisan. Here, by just standing up for American manufactur-

ers and allowing them to be on a level playing field, we can not only increase jobs in America, we can not only reduce the trade imbalance, we can also reduce the budget imbalance. All that can be done if we can establish a level playing field to give our manufacturers, producers, and farmers the opportunity to challenge this unfair practice. That is what this legislation does.

With figures such as this, this bill is seemingly a noncost, bipartisan, long-term jobs measure. This would not only spur economic growth but economic stability that would ensure a better and more secure future for U.S. manufacturers, workers, and communities. This is to keep jobs here in America but also give us the opportunity to create more jobs, helping our economy grow. Simply put, this legislation will allow U.S. manufacturers the ability to use existing countervailing duty laws to obtain relief from injury caused by imported goods which benefit from currency manipulation as export subsidies while also providing the U.S. Treasury a new framework by which to identify misaligned currency.

In September 2010, the House adopted a similar measure with overwhelming bipartisan support. Passage here in the Senate will lead to real consequences for countries that abuse currency manipulation, and empower the United States to create a more level economic playing field.

We can get this done. This is something that can get done. The House has already passed it. We have bipartisan support in the Senate. We have the votes to pass it. I urge my colleagues, let us get this done. Don't try to put other amendments on it. All they are going to do is make it difficult for us to achieve something great for our economy and great for American production. Let's get this matter up for a vote and not try to do all these unrelated amendments.

I applaud my colleague Senator BROWN from Ohio. He is on the floor. I mentioned earlier I thank him for his leadership for not only bringing this bill together but keeping the bipartisan group together so we can show we can get this done. Now we need the Members of the Senate to say it is time for us to vote on this bill. Let's get it done. Let's send it to the President for the President to sign it. Let's do something that will not only create jobs but help us deal with our trade imbalance and deal with our budget imbalance.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the words of Senator CARDIN. He sits on the Finance Committee and was a long-time member of the House Ways and Means Committee and understands these issues as well or better than almost any Member of the Senate. I appreciate his work on that,

and his leadership. He said a couple of things I want to emphasize.

He said, first of all, this is the biggest bipartisan jobs bill we have considered this year, 79 votes out of 98 when it advanced to being considered on the Senate floor. He has talked about this is a discount we give to our competitors. Imagine two gas stations in Schenectady, NY, or in Frederick, MD, or in Akron, OH. One gets its gasoline and pays 25 or 30 percent less for its gasoline than does the station across the street. The station that does not get the 25- or 30- or 35-percent subsidy goes out of business almost in a matter of days. That is the kind of unfair competition we face because we have given this discount to our competitors.

The second is Senator CARDIN mentioned what this does with our budget deficit. It is pretty clear this is not a jobs bill that costs a lot of money. That is why we got 79 votes. That is why so many Republicans joined all but three Democrats in moving this bill forward. We save money. If a thousand more people go to work in Cleveland, OH, or in Buffalo, NY, or in Baltimore, MD, that is a thousand people who are not receiving unemployment benefits, who do not have to apply for food stamps, a thousand people who are paying taxes instead of being consumers of public services.

When you look at the lost jobs because of this trade policy, because China has gamed the currency system for so many years and administrations of both parties have failed to enforce laws or use the tools they have—in addition to this extra tool, this very compelling, very effective tool we are giving them—it clearly has meant that we have been behind the eight ball in that way and we have lost the opportunity when we have not enforced these trade laws.

When you look at the number of jobs lost and the number of jobs estimated to be gained, it is in the millions over time. This is exactly what the Senate should be doing this week, moving this bill to the House. There are 250 cosponsors in the House, 60 Republicans, roughly, 190 Democrats, roughly. Republican leadership has some difficulty with this bill, apparently. In the Senate, that is not an issue. In the House, among rank-and-file Members there is huge support.

As we pass this bill later this week, next week at the latest, we hope to move it to the House where it can be passed quickly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, as the manager of this bill and the sponsor of S. 1619, I am, first of all, pleased with the bipartisan support we have seen. We have five Republican and five Democratic sponsors as the lead 10 sponsors and another dozen or so sponsors in addition to that.

The support from Senators GRAHAM and SESSIONS and BURR—all three southern Republicans—and Senators SNOWE and COLLINS—northern Republicans—joining with the first five Democratic sponsors, Senators SCHUMER, STABENOW, CASEY, HAGAN, and myself, have set the bipartisan tone here. That is why we had 79 votes in the first go-round on the bill.

But what concerns me most, and what I hear from people in the House of Representatives—and I have heard it from opponents in the Senate, and I have heard it from large multinational corporations that have outsourced so many jobs to China—is this is going to start a trade war with China. That seems to be the thrust of their comments: This is going to start a trade war.

First of all, I don't know where they are that they think that because most of America thinks we are in a trade war right now with China and, frankly, China is doing pretty darn well. It is not going that well for American workers, and it is not going that well for American manufacturers.

Go to downstate Illinois or Albuquerque or Akron and look at the number of plant closings. In many cases, companies—large companies especially, because smaller companies can't do this the same way—will shut down their production in the United States—they will shut down production in Youngstown or Dayton—and they will move to Wuhan or Xian, China, start production there, and then sell their products back to the United States. I don't know that that has ever been done in world history.

So the trade war was started by the Chinese, waged by the Chinese, and that is why we have lost 100,000 manufacturing jobs in my State. That is why we have seen the trade deficit triple in the last 10 years with China. That is why we go to the store and darned near everything we pick up, including sometimes American flags and things you can buy at the Capitol Visitor Center, are made in China. It is clear China has cheated. They cheat on currency. They just cheat, pure and simple. It is long overdue that we do something about it.

They were admitted to the World Trade Organization because of a very bad vote 10 years ago that too many of my colleagues cast in support of China doing that for PNTR. The Presiding Officer, as I did, voted against it. The Presiding Officer from New Mexico was prescient enough to see that. But they said, if you let China into the WTO, they are then going to be a trading

partner and they will play fair. Well, they never have accepted, frankly, the basic governing rules from the World Trade Organization. They don't follow the rule of law. So when we say, no, we are not going to let them do that, we are accused of a trade war. Excuse me, I don't understand that.

It is a little bit like two sort of real-life examples. If somebody is eating your lunch and you take their dessert away, they are complaining? Of course they are going to complain. They want their dessert. But they can't say you are starting a war when they are already eating your lunch.

Or if you have two gas stations, you go to Springfield, OH, and there is a gas station on one side of the street and another gas station on the other side of the street, the one gets a 30-percent discount on its oil for its gasoline from Shell, and the one from Exxon on the other side of the street doesn't get a subsidy on its oil or its gasoline, of course, the one is going to put the other out of business.

That is what we do to China. We give them a 20- to 30-percent discount because they cheat on currency. And you call that a trade war because we are saying, no, we are taking that discount away? It is China that has played this protectionist game.

Mr. Fred Bergsten, who is the director of the Institute for National Economics, the Peterson Institute, hardly a flaming liberal—free fair trade group; it is a conservative, generally free trade organization—said that China's currency policy is the most protectionist policy of any major country in the world since World War II. And for us to say, Let's play fair, we are starting a trade war? It doesn't make sense.

Let's debate the real issues. Let's not call names. Let's not say so-and-so is starting a trade war, so-and-so is protectionist, so-and-so is doing class warfare. We want more exports, we want more trade. But, remember, currency undervaluation makes our exports more expensive when we sell them into China and puts our manufacturers at a competitive disadvantage.

I think this legislation makes so much sense. That is why it got 79 votes. That is why it has such a high number of bipartisan cosponsors. That is why people in this country understand that passing this legislation to level the playing field, to give our manufacturers an opportunity, makes so much sense.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

(The remarks of Mr. CARPER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I would like to take this time to talk on the pending legislation with regard to China. In these times of deficit and debt, I think we should not launch a trade war with China. We are here because we borrowed too much. We have a spending habit that has weakened our economy. That spending habit was aided by China, but we can only blame ourselves for much of the economic weakness the United States now faces.

A trade war with China would put in jeopardy a number of jobs from my State of Illinois. Illinois exports to China in 2000 totaled about \$533 million. Roughly 2,500 people received their employment by virtue of sales to China 10 years ago. Today, exports to China total about \$3.18 billion. The number of people employed by sales to China has grown from around 2,500 jobs to 15,000. In a State with a higher than average unemployment, where unemployment is growing faster than almost any other region of the country, I do not think we should put these jobs at risk with an unnecessary trade war with China.

When we look at Illinois very directly, we see a major Peoria employer like Caterpillar, whose sales to China last year totaled about \$3.2 billion roughly related to about 10,000 jobs in the direct and contractor and subcontractor area for sales to China. With Motorola, based in Schaumburg, sales totaled about \$2 billion directly to China, impacting about 7,000 jobs. For Boeing, headquartered in Illinois, sales to China totaled about \$3 billion—around 10,000 jobs directly related to sales into the Chinese market.

This bill would seek to blame all of our economic ills on a power overseas despite so much of the weaknesses related to our own overregulation, a flawed health care bill, and too many taxes that are causing small employers—the engine of employment in our country—to hold back on hiring an American full time. I believe this bill places the blame in the wrong place and diverts the needed attention of the Senate from where it should be placed in fixing our economy.

For 10 years, I served in the House of Representatives. In 2005, during that rendition of anti-Chinese legislation, I decided to form a bipartisan caucus, the China Working Group, with Democratic Representative RICK LARSEN of Washington. We decided to bring together the three warring China tribes of the House of Representatives. That would be the panda huggers, a very small number of Members; the dragon slayers, a very large number of Members, especially on my side; and the

panda slayers, who are growing in number, who dislike almost anything related to China. We welcomed everyone to discuss China because of its growing role in the world because, according to one of our leading banks, China could be the largest economy on Earth, replacing a status that the United States had until our policy was misplaced and that we have had since around the 1870s.

Should we trigger a trade war with the coming largest economy on Earth? I would say we should not. In the 21st century, China can be the source of the greatest ill or greatest good for the United States, depending on how we manage this relationship.

One of the key audiences I listened to, as chairman of the China Working Group, with Congressman LARSEN, was Americans who actually sold American-manufactured goods in China. Oftentimes, we would ask: Is your No. 1 concern with regard to selling more goods in China related to the currency? Overwhelmingly, they would say it was not their No. 1 concern. Their No. 1 concern instead was the comprehensive theft of intellectual property by Chinese entities from U.S. patent holders. This is most clearly evidenced in the Hollywood DVD industry but also elsewhere. When you look at this issue in a serious way, you find currency is not the No. 1 issue, although I admit it polls rather well. But our job is to actually add employment to the United States, and one of the key audiences we should listen to is people who sell U.S. goods in China.

If you delve into the intellectual property issue and the comprehensive theft of intellectual property, you will find that China has some fairly reputable intellectual property laws, but they are not enforced. A common thing you hear about China is a phrase that is often used in the Chinese language. It goes something like this: The mountains are very high and the Emperor is far away, meaning despite laws that may be on the books in Beijing, they are not enforced in the provinces where so much theft of intellectual property happens.

I would argue that a bipartisan agenda that would add to jobs and strengthen our relation with China would be a greater enforcement of intellectual property laws between the United States and China. There, we would actually have allies, such as the man who is most likely to become President of China, Xi Jinping, who wants China to be a strong innovator, and he knows China cannot be an innovative nation if it represents a comprehensive theft of intellectual property worldwide. He knows China's intellectual property law has to be actually enforced in the provinces if they are to have technological development. His interests are actually in line with the interests of U.S. exporters, and here we could have

a very productive dialog which actually stops the theft of intellectual property in China and enhances the export potential of Americans.

I worry that we are diverting the time of the Senate from the big game, which is the joint committee and its work on reducing the deficit. I have heard that the President of the United States has called Senators, asking that this bill not come up. When you look at the prospects for this legislation in the House, you will learn the prospects for this legislation are dim at best.

What should we do rather than trigger a trade war with a country that is about to be the largest economy on Earth? What should we do rather than trigger job losses at Caterpillar and Motorola and Boeing, at Schaumburg and Peoria and in Chicagoland? I think instead we should focus the Senate legislation on passing the Gang of 6 legislation that would reduce the net borrowing of the United States by \$4 trillion. We should adopt the Collins moratorium on job-killing regulations costing over \$100 million to reassure the engine of our job economy—small businesses—that they should go ahead and begin to hire Americans again. We should do the big idea that is in the bipartisan deficit commission report of tax reform, wiping out all special interest tax provisions and then using the money, A, to lower the deficit and, B, to lower the top rate from 39 percent to 29 percent. We should also rapidly pass, as has now been proposed, the Panama and Colombia and South Korea Free Trade Agreements that open new markets for the United States. Particularly in the case of Colombia, the markets would be opened for Illinois corn growers. For South Korea, I think it would end the beef impasse we have had and also open high-technology aviation markets for the United States.

When I talk about the Gang of 6, when I talk about the Collins amendment, when I talk about tax reform, when I talk about free-trade agreements—these are all positive agreements on which large numbers of Democrats and Republicans in the Senate can agree and which would pass the House of Representatives, rather than the underlying legislation which the President of the United States has indicated he would rather not come up, which has a dismal future in the House of Representatives, and which directly puts at risk any job subject to Chinese retaliation from this legislation.

I also note that when you read the basic text of this legislation, it is not serious because it has a big waiver in it. Even if it made it to the President's desk, given his calls to legislators on this issue, there is no doubt in my mind that the President would execute the waivers in this legislation.

So what are we doing? We are probably advancing a well and poll-tested

piece of legislation in the Senate. I imagine some people would want to take advantage of that dialog. But have we made it into enacted law? Overwhelmingly, likely no. Are we actually going to take any legitimate action? Even by the terms of the legislation and its waiver, it would be exercised by the chief executive officer of the United States, and therefore no action would be taken. But we would open the very people whom we want to crawl this economy out of recession—U.S. exporters—to vulnerabilities for retaliation by the Chinese. Sometimes you have to think about the basic principle of medicine when you look at legislation; that is, first, do no harm.

As Europe crumbles in a wave of outdated and out-of-gas socialism, threatening our economy, as we teeter on the edge of a new recession because of too many regulations—10 new taxes in the health care bill—and an uncertain political future for deficit reduction under the bipartisan joint committee, laddling onto that—and our markets and the future of our retirement savings—a trade war with the second largest economy on Earth would be unwise at best and put the jobs of many Americans at risk at worst.

That is why I oppose this legislation. That is why, regardless of the action in the Senate, I do not think it is going anywhere in the House. Certainly, given the action and calls of the President to certain legislators, it doesn't appear to have any real future in enforcement if it ever even did make its way to the White House.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I appreciate the words of my freshman colleague, Senator KIRK. I think he recognizes from his days as a foreign policy expert, when he worked for the government on foreign policy, that a Presidential waiver is essential. My guess is he would have attacked this bill if it had not had a waiver for the President, saying there is no way the President could possibly look out for national security at the same time as he executes this legislation.

So that clearly is a nonstarter around here. Everybody recognizes that not having a Presidential waiver—because there is a case sometimes when the President does need the authority when it comes to national security, and I am concerned about national security in our trade with China. I have seen China, over a period of years—with our acquiescence as a nation, frankly—I have seen China build more and more national security infrastructure and in some cases seeing our national security infrastructure weakened because we don't do as well with steel and chemicals and all the things that go into our national security apparatus. So I am, in fact, concerned about that.

I am also concerned; I hear two things, two main arguments. I have sat on the Senate floor as the manager of this bill for several hours over the last couple or 3 days and listened to this debate. It seems the Republicans' opposition—most Republicans voted for this, so I don't want to say it is overwhelming, but the people who have spoken against it have mostly been conservative Republicans who seem to pay a lot of attention to Club for Growth and those most conservative parts of their party. But I have heard two things. I have heard "trade war, trade war, trade war," and that is interesting because that echoes the words of the People's Bank of China. It echoes the words of the Ministry of Commerce of the People's Republic of China. It echoes the words of the Foreign Affairs Ministry of the Communist Party of the People's Republic of China. It mimics their words when I hear them say "trade war, trade war, trade war."

But what also concerns me is I listen to this debate and hear some of the opponents of this bill kind of playing the "blame America first" game. They seem to say this is not China doing this to us, this is us doing this to us—or perhaps we doing this to us, to be more grammatically correct. I am aghast that China games its currency system, that China undercuts our manufacturing because they "cheat," and that there are some Members of the Senate who stood up right here and took the oath of office to the United States of America who are blaming America first for what China is doing to us.

I can see blaming our government for not enforcing trade rules better. President Obama, while he has not come out yet for this bill, has enforced trade laws better than any President since Ronald Reagan, who actually probably set the gold standard for trade enforcement. We haven't seen it since President Obama. I am a bit intrigued that my colleagues are blaming the United States for this. It is a little like if there are gas stations on Detroit Avenue in Cleveland, in Westlake or in Rocky River or in Cleveland, one on each side of the road and one gets the gas 25 percent cheaper than the other from the supplier—from ExxonMobil or Shell—they can put the other one out of business. Do we blame the one that doesn't get the discount for going out of business? Is that what we are doing? To blame America first on this is blaming the United States when China cheats, and I don't buy that. I don't think there is any credence in that argument.

I appreciate Senator KIRK's admonition, and I appreciate his celebration, if you will, of Caterpillar and many of these companies that are exporting tens of millions and, in a few cases, billions of dollars to China. More power to them. I want them to do more exports.

Look at this chart. Look what happened. Exports to China have gone up. The year 2000 was when this Senate and the House—where the Presiding Officer from New Mexico and I sat—voted no on this when PNTR, permanent normal trade relations, with China was passed. Look what happened since then. Exports to China went up. I am glad U.S. exports with companies all over our States—Senator KIRK mentioned a handful in Illinois—went up. Look what happened to imports. Look at the number of imports that went up. Do we know why? Part of that reason is China has cheated on currency. When we did the first vote on Monday night—and all of us predicted what the Chinese Government is going to do. They are going to squawk and say: trade war, trade war, trade war. I didn't know a bunch of American politicians would mimic what they said and say: trade war, trade war, trade war.

Here is what happened—listen to this—an article in the South China Morning Post on October 5, the day after that vote: In a rare move, the central bank, the People's Bank of China, the China Ministry of Commerce, the People's Republic of China's Foreign Affairs Ministry took simultaneous, coordinated action yesterday to express Beijing's strong opposition to the bill, aimed at forcing Beijing to let its currency float. They accused Washington of politicizing global currency issues.

Where I come from, they say when you throw a rock at a pack of dogs, the one that yelps is the one you hit. Of course, the Chinese are going to yelp because they don't like this. We are saying to them they have to follow the rules—no more breaking the rules. They cannot cheat the way they have cheated.

Of course, in the Communist Party, in the People's Republic of China, the Ministry of Commerce is going to squawk. Of course, the People's Bank of China is going to squawk. These are all arms of the Chinese Communist Party and arms of the Chinese Government. Of course, they are not happy when we do this. It does not mean it is not the right thing to do.

It bothers me when I see American politicians mimic what the Chinese Communist Party officials are saying, their government is saying: trade war, trade war, trade war. This is not a trade war. Fred Bergsten, head of the Peterson Institute for International Economics, is a trade official—I believe an economist. He is very smart. The Peterson Institute for International Economics is a generally conservative operation that generally plays it straight on trade. If anything, they are a bit too free trade, in my mind, instead of fair trade. Fred Bergsten said:

I regard China's current policy as the most protectionist measure taken by any major country since World War II. Its currency ma-

nipulation has been undervalued by 20 to 30 percent.

Here is the key point:

That is equivalent to a 20 to 30 percent subsidy on all exports and a tariff on all imports by the largest trading country in the world.

The 30-percent penalty is why our exports don't go up very much. The 25-percent bonus for the Chinese is why our imports go up so much. We cannot sell into China's market very well because they are cheating. That is why our exports don't grow as much, and they can sell so much into our markets because we are giving that 25 or 30 percent bonus.

This isn't a trade war—well, it is a trade war. The Chinese declared trade war on us in 2000 and look how they benefited from this trade war, and we are just going to stand here and allow them to do that? It doesn't work. That is why this legislation is so important.

Last point. There are an awful lot of American businesses that think we need to fix this. I hear my friend from Illinois and other Senators come to the floor who oppose this bill. There are only 19 who voted no out of the 98 who voted. I have heard them come to this floor and talk about exports, that their businesses have exported. Some have and more power to them. I hope they can export more and create more jobs in the United States. We need to understand that those are mostly large companies that have in some cases the wherewithal to outsource jobs to China and in other cases to be able to export large numbers.

There was a historic split in the National Association of Manufacturers, the largest trade organization for American manufacturers, over the last several years on what to do about this.

Many of the small companies such as Automation Tool & Die in Brunswick, OH, and a company in Dayton that does printing, where I just spoke to Jeff Cottrell, who owns that company and has a number of employees in Dayton, OH—those companies understand currency undercuts them. The Bennett brothers at this company in Brunswick told me in Cleveland a couple days ago why they support this bill. They said they had a contract they thought was a million-dollar contract, and they began to change their assembly line, their production facilities, their production operation capacity. At the last minute, a Chinese company came in and underpriced them by 20 percent and got the contract. Why did they underprice them 20 percent? Because we gave them a 25-percent bonus to do it. We have disarmed this trade war that we are not beginning. We are playing defense and we are fighting back.

I think the American public overwhelmingly says fight back when they play the games, fight back when they game the system. Don't blame America on this one. Stand for American interest. It is good for our exporters, big

companies and small companies alike. It is good for American manufacturing. We know what that means to workers in Chillicothe, Zanesville, and Toledo. We know what it means for our local vitality and prosperity. It means so much as we begin to restore American manufacturing.

I ask for support for S. 1619.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, exports are absolutely critical to our economic growth in this country. In fact, there are nearly 10 million good-paying American jobs that are related to exports. The President, Members of Congress, and so on talk about that a lot. But I am disappointed we are not moving forward with an aggressive agenda to actually open new markets for our exports.

I am encouraged that the administration, finally, this week, sent forward three trade agreements that do just that—the Korea, Colombia, and Panama trade agreements. These open markets to U.S. workers and farmers, those who provide services, so it is going to be good for jobs in this country. The President's own metrics indicate these three agreements alone will create 250,000 new jobs. We need them badly.

I also want to congratulate Chairman DAVE CAMP and the House Ways and Means Committee for reporting out all three of these agreements this afternoon. My understanding is, each agreement received a strong bipartisan vote, and I am hopeful those agreements will now come to the Senate for us to be able to move forward—again, opening these critical markets that will create over 200,000 jobs for Americans.

I will tell you, these three agreements were all negotiated and signed over 4 years ago. During that interim period, the United States has been absent from the kind of trade-opening negotiations we ought to be involved with. This President—for the first time since Franklin Delano Roosevelt—has not asked, as his predecessors did, for trade promotion authority to be able to negotiate new agreements. So we are losing market share.

Every day there are American workers who do not have the same opportunities to compete in foreign markets as those workers from other countries do because the United States is not actively engaged in opening markets. We need to do that.

Right now, we have no ongoing bilateral trade agreements. We have one

multilateral agreement, which I support moving forward on—the Trans-Pacific Partnership—but, frankly, there are over 100 bilateral negotiations going on right now, and America is not a partner in any of them. We need to get engaged because it is so critical to growing our economy.

During the debate we have had over the last couple of weeks on trade adjustment assistance, where I was supportive of a version of trade adjustment assistance to get the trade agreements moving, we had a discussion about giving the President trade promotion authority. We were not able to get support from the administration for that. This is critical to move forward. It is because growing goods and services is absolutely critical to our economic health.

Over 95 percent of consumers in the world, of course, live outside of our borders. We want to access those consumers, we want to sell more to them. Export growth and a healthy trading system depends on these export-opening agreements, but it also depends on having a healthy international trading system where all the players play by the international rules. So the export-expanding agreements are good. We need to do more of that. We should be much more engaged, but we also have to insist that everybody plays by the same rules.

Today the Senate is debating legislation that has to do with one of those rules, and that is the issue of currency, and specifically the issue of China and their currency manipulation. China is a country, as you know, where we have a persistent and unprecedented trade deficit. It is also a very important trading partner for us. So it is critical we keep that strong trade relationship but do it on a basis that is fair for us and for China.

I consistently hear about this China currency issue when I am back in Ohio. I hear about it a lot from manufacturers and the workers at those plants who tell me it is just not fair that in the global marketplace Ohio products are not able to compete on a level playing field.

Just this year I have worked with a lot of Ohio companies that are facing various problems, including Ohio candle makers, steel manufacturers, diamond saw blade producers, rare earth magnet manufacturers, and others who are concerned about getting a fair shake in the global economy and want to be sure they are not competing with unfair Chinese competition.

Again, I believe in the benefits of trade. I know they work. I believe in reducing barriers, but I also believe opening export markets and vigorous enforcement of trade laws go hand in hand. They both should be something that the United States pursues.

China's undervalued currency does provide, in my view, an export subsidy,

making Chinese exports to the United States less expensive in the global marketplace and making our exports to China relatively more expensive.

I have long had concerns about this. Actually, when I was before the Senate Finance Committee in my confirmation hearings to be U.S. Trade Representative years ago I stated that I believed China currency does affect trade, and I stated that China should revalue their currency. I still believe that. I believe this administration should label China a currency manipulator because I think it is clear there continues to be manipulation.

The legislation before us today is not the perfect answer, and I do hope the Senate will permit my colleague, Senator HATCH, to offer his amendment, which I think is a constructive amendment to improve parts of the legislation. But I do support the bill with the expectation that it is compliant with our international trade obligations and that it gives the administration the flexibility it needs to implement this bill in a smart and sensible way.

However, I would also say this bill has been described on this floor many times over the last couple days as I have listened to the debate as doing more than it does. We should not overstate it. It does not address some other issues that, frankly, I think would make a bigger difference in our important trade relationship with China.

One of these issues would be indigenous innovation, which I believe to be an unfair practice that China is currently practicing. Also, there is the issue of violations of intellectual property rights. It is not so much that the laws are not in place; it is that many times there is not adequate enforcement of the intellectual property laws that are in place. Of course, there is the issue of anticompetitive practices and subsidies that continue with regard to state-owned enterprises. I am also working with Senator WYDEN and others—a bipartisan group of Senators—on combatting transshipment and customs duty evasion problems, which involve companies from various countries but include China.

So we have a growing list of complex issues facing our relationship with China. I believe they should all be addressed together. I hope the next round of diplomatic and commercial negotiations with China will bring about some of that discussion and bring about some solutions, not just more broken promises.

I understand the JCCT, called the Joint Commission on Commerce and Trade, between the United States and China will meet in November—next month—and that the next round of the U.S.-China Strategic and Economic Dialogue will take place next year. I urge the administration to use these negotiations as leverage to get some of these real results that are so necessary.

We should also look at multilateral approaches, including the World Trade Organization, and certainly the International Monetary Fund. I will tell you, as someone who has sat across the table in negotiations with tough Chinese negotiators, endless dialog is not the answer. Sometimes that is what occurs. We are not just looking for more talk. I think it is important we get serious—both U.S. leaders and Chinese leaders—about some of our lingering trade problems that we have had through the years so we can have a healthy trade relationship based on mutual respect.

Each country is important to the other. We cannot overlook the fact that China continues to be a very vital U.S. export market, despite the issues I talked about. Right now, China is the third largest export market for Ohio goods, for instance. The State I represent sends over \$2.2 billion a year in exports to China. With 25 percent of Ohio manufacturing jobs dependent upon exports, this is incredibly important to us.

One out of every three acres of land in Ohio is planted for export, so agricultural exports are also important. There is also an important issue with China that relates to investment both ways: our investment in China and Chinese investment here. Let me read to you from an editorial that was in the *Cleveland Plain Dealer* last Thursday. Its title is: "Chinese investors are welcome here."

If Greater Cleveland is going to prosper in the 21st century, it has to build strong two-way connections with the rest of the world. The region has to sell more of its services and products abroad and welcome talent and capital from overseas. That's the path to jobs and wealth.

The editorial goes on to talk about the collaboration between Chinese companies and investors looking to build relationships with Cleveland's world-renowned medical device industry.

Just last week, the mayor of Toledo, OH, Mike Bell, returned from a 12-day trade mission to Asia in order to boost job creation in northwest Ohio. Since Mayor Bell's trip, plans have been announced for increased commercial ties between Chinese and Ohio job creators and companies, including launching a new international business center in downtown Toledo.

These are just a couple of examples in my State of the importance of this relationship and why it needs to be taken so seriously. This relationship is vital to the future not just of our two countries but, in my view, to the global economy. So we need to be sure, again, it is a healthy relationship. It needs to be fair. It needs to be on a basis where, again, there is a level playing field on both sides. So it is time for our trading partners to play by the rules so that, indeed, we can have a fair trading system.

Trade is key to growth. But, again, it is only one part of a broader problem that is holding back our economy today, holding back Ohio manufacturers from hiring and innovating. Another big issue that has come to the attention of this Senate time and time again is the incredible regulatory burden that is placed on Ohio's job creators. So in order to be successful in trade, we need to have more open markets. We talked about that: a level playing field. But, also, we need to be more competitive at home or else we are not going to be able to create the jobs in this century that we need to keep our economy moving forward.

At a time when we have over 9 percent unemployment, it is critical we be sure our economy is more competitive. This regulatory burden is one issue that I think all sides can agree ought to be addressed.

I am joined today by the junior Senator from Nevada, my friend and colleague, to offer a couple of amendments designed to give American employers some relief from the regulatory mandates that continue to hold back our economy and hinder job creation.

There is no official counting of this total regulatory burden on our economy, and estimates do vary. But one study that is often cited is from the Obama administration's own Small Business Administration where they report the regulatory costs exceed \$1.75 trillion annually. That is, of course, even more than is collected by the IRS in income taxes every year. So it is a huge burden. We can talk about what the exact number is, but the fact is this is something that is forcing Ohio companies and other companies around our country to have higher costs of creating a job.

The Office of Management and Budget estimates that the annual cost of a narrow set of rules—these are just what are called the major rules that are reviewed by OMB over one 10-year period—registers at \$43 billion to \$55 billion per year.

I have been encouraged by what the current administration has recently been saying about regulations. I have been less encouraged about what they have done. The new regulatory costs on the private sector are real, and they are mounting.

Compared to historic trends, we have seen a sharp uptick over the last 2 years in these new so-called major or economically significant rules that have an economic impact of over \$100 million on the economy. They also have an impact, of course, on consumer prices and American competitiveness.

George Washington University Regulatory Studies recently told us that this administration has been regulating at an average of 84 new major rules per year, which, by way of comparison, is about a 35-percent increase from the last administration and about

a 50-percent increase from the Clinton administration.

These figures do include the independent agencies which must be included in the calculations. So there has been an uptick in regulations, and continues to be, again, despite much of the rhetoric to the contrary. One commonsense step we can take to address this issue is to improve and strengthen what is called the Unfunded Mandates Reform Act of 1995, UMRA.

I worked on this along with some of my colleagues who are now in the Senate back when I was in the House. It was a bipartisan effort that basically said Federal regulators ought to know the costs of what they are imposing. We also ought to know what the benefits are, and we ought to know if there are less costly alternatives.

The two amendments I am offering today are drawn from a bill that I introduced back in June called the Unfunded Mandates Accountability Act. It is an effort that now has over 20 cosponsors. Again, it seems to me it is a commonsense effort that should be bipartisan.

The first amendment would strengthen the analysis that is required in some very important ways. First, it requires agencies to specifically assess the potential effect of new regulations on job creation, which is not currently a requirement, and in this economy it must be. Also, to consider market-based and nongovernmental alternatives to regulation, again, something we need to look at.

It also broadens the scope of UMRA to require a cost-benefit analysis of rules that impose direct or indirect economic costs of \$100 million or more. It requires agencies to adopt the least costly and least burdensome alternative to achieve the policy goal that has been set out. So, currently, agencies have to consider that, but they do not have to follow the least costly alternative. We simply cannot afford that, again, because of the tough economic times we have.

The second amendment extends those same requirements to the independent agencies. This is incredibly important, and these are agencies such as the Commodity Futures Trading Commission, the newly formed Consumer Financial Protection Bureau, agencies that are very important on the regulatory side and are currently exempt from these cost-benefit rules that affect all other agencies.

On this issue I was very pleased to see that President Obama issued an Executive order in July which was specifically related to independent agencies. That order and the accompanying Presidential memorandum called on independent agencies to participate in a look-back, but also, very importantly, called on independent agencies to evaluate the costs and benefits of new regulation just as, again, all executive agencies were already required to do.

It is a step in the right direction, but the problem is that the President's order is entirely nonbinding because a President cannot require independent agencies to do that. Congress can. We can do it by statute. And independent agencies do not answer to the President. So since this order was issued in July—by the way, we have not seen a rush by independent agencies to pledge to comply with these principles. Again, they are not required to, so this amendment, this second amendment, would effectively write the President's new request into law so it can be effective.

Independent agencies would be required under UMRA to evaluate regulatory costs, benefits, and less costly alternatives before issuing any rule that would impose a cost of \$100 million on the private sector or on State, local, and tribal governments. The fact is, independent agencies are not doing this on their own. According to a 2011 OMB report, not one of the 17 major rules issued by independent agencies in 2010 included an assessment of both cost and benefit. Not one.

Closing this independent agency loophole is a reform we should be able to agree with on both sides of the aisle. Certainly, the President should agree with it since it is part of his Executive order and memorandum, and this is the right vehicle to do it.

This a jobs issue again and a commonsense approach. No major regulation, whatever its source, should be imposed on American employers on State and local governments without a serious consideration of the costs, the benefits, and the availability of less burdensome alternatives. These amendments move us further to that goal.

I would urge my colleagues on both sides of the aisle to support them.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to speak in favor of the two amendments filed by my good friend from Ohio, Senator PORTMAN, my amendment No. 674, and above all the issue of the day, jobs.

Americans have had to endure great hardship over the past few years. This recession has robbed millions of people of their jobs, their homes, their businesses, and their sense of security. No State has been hit harder than the State of Nevada. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosures, and bankruptcies. And there is no question that the status quo of dysfunctional government must end.

People from all over the country are struggling just to get by and are desperate for real solutions. The underlying legislation takes the wrong approach to job creation and can be very detrimental to economic growth in our country. Inciting a trade war with China will not create jobs.

In my home State of Nevada, a trade war would hurt tourism. It would stifle growth in renewable energy development and increase costs to consumers at a time when they can least afford it.

Working to sell American goods in foreign markets is what we should be fighting for. Instead, it seems job creation and economic growth have taken a back seat to political posturing and grandstanding in Washington. It is clear that the approach this administration and its supporters have taken for economic recovery has failed miserably. Out-of-control spending, a health care law no one can afford, and seemingly endless streams of regulation are crippling employers, stifling economic growth, and killing jobs. Instead of fighting for measures that create and protect jobs, this administration has created more government that continues to impede economic growth at every turn.

This government continues to tax too much, spend too much, and borrow too much. The American public and businesses alike are waiting on a plan that can plant the seeds of economic growth and bolster job creation. Instead, all they get from this government when it comes to job creation is a big wet blanket.

They need Washington to provide relief from new burdensome and overly intrusive regulations. Congress must help job creators by ensuring every regulation is vetted with a full understanding of the impact it will have on businesses across the country.

So I am pleased to join with Senator PORTMAN in this fight to rein in excessive government regulation and to implement a market-benefit analysis for all agencies, both executive and independent, so the American public will know the true cost of these regulations. As President Obama said: We must rein in government agencies and force them to help businesses when they refuse to do so. I could not agree more.

There are a number of actions Congress can take immediately to help bolster our Nation's economy. The adoption of Senator PORTMAN's amendments is one of those actions. I look forward to continuing to work with him on these issues. I believe our best days are still ahead, but we need to change course now. We need to roll back the regulations that are tying the hands of entrepreneurs across America. We can help hasten an economic recovery by embracing progrowth policies that place more money in the pockets of Americans.

I would also like to highlight another issue that would help create jobs and provide certainty for the businesses across the country; that is, Congress should pass a budget. Congress has not passed a budget in nearly 2½ years. Passing a comprehensive budget is one of the most basic responsibilities of

Congress, but it has failed to accomplish this task.

America desperately needs a comprehensive 10-year plan that offers real solutions to the economic and fiscal problems in this country. We cannot lower unemployment rates in Nevada or restore the housing market without a holistic approach to reining in Federal spending and lowering the national debt.

Congress passed another continuing resolution that lacks a long-term approach to restoring our Nation to fiscal sanity. Instead, this bill funds the government for just a few more months. Congress cannot continue to function without a measure of accountability to hold Members of Congress to their constitutionally mandated responsibility, which is why I introduced the no budget, no pay amendment, amendment No. 674.

This measure requires Congress to pass a budget resolution by the beginning of any fiscal year. If Congress fails to pass a budget, then Members of Congress do not get paid. How can Congress commit to a debt reduction plan without a budget? Any serious proposal to rein in Federal spending and create jobs starts with a responsible budget.

At home in Nevada and across this country, if people do not accomplish the tasks their jobs require, they do not get paid. Somehow this very basic standard of responsibility is lost upon Washington.

The no budget, no pay amendment is not an end-all solution to our economic difficulties. It is, however, an important measure that Congress should adopt in order to show the American people that Members of Congress are serious about restoring our country to a period of economic prosperity.

Nevadans work hard for their paychecks. So should Congress. And since the majority believes the legislation before us today is a jobs bill, I encourage them to take up other measures that will help with job creation, such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and taking the aggressive step of reforming our Tax Code. Let's make the Tax Code simpler for individuals and employers. Cut out the special interest loopholes while reducing the overall tax burden for all Americans.

Instead of looking for new ways to tax the American public, we should make our Tax Code more competitive and provide businesses the stability they need to grow and to create jobs. The continual threat of increased taxes feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress could do immediately to boost economic recovery.

Let's give the American people a government that works for them. Removing impediments to job creation will

get Americans working again and ensure our children and grandchildren have a brighter future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I would like to talk on the bill that we are debating on the floor about China currency. Let me say a few things. To me and to many of my colleagues on both sides of the aisle, very little we could do could be more important in both the short term and the long term than to require China to pay a price if they continue to flaunt international trade rules and manipulate their currency, causing their imports to America—their exports to America, our imports, to be much cheaper than they should be, and causing American exports to China—their imports of our goods—to be more expensive than they should be.

In the short term, it has been estimated by EPI that 2 million jobs could be created over 2 years if we pass this legislation and China's currency were no longer misaligned. But there is a long-term issue, and that is this: The bottom line is, what is our future in this country? It is good, high-paying jobs. It is companies, large and small, that create high-end products, products that take a lot of know-how, products that take a lot of skill to create, products that basically are the high end in terms of both manufacturing and services. That is our future.

Those are our crown jewels. When I ask—as many of us have asked the question—how in a worldwide economy can America compete, the answer is those companies. I admit that most of those companies are not large; they are smaller companies. They are small business people with great ideas for new ways of providing a service or creating a product. They are the people who employ about 65 percent of the new jobs in America. They are our future. Some of them will grow into very large companies. Many will stay employing 100, 200, 300, or 400 people. But they are on the front lines of world trade.

What have we found over the last decade? In almost 10 years, since China joined the WTO, we have lost 2.8 million jobs, simply due to the Chinese Government's manipulation of currency. We have lost thousands more jobs elsewhere, because China steals our intellectual property. China has a mercantilist policy of taking an industry and nurturing it with local subsidies and making products so cheap

that they export and overwhelm our market. That is what happened with solar cells, solar panels. They can take an advantage such as rare earths and oppose WTO rules and say to companies, if you want these rare earths, which you need for your products, you have to make it in China.

They do this over and over. Why do Senator BROWN and Senator GRAHAM and I and many others feel so strongly about this? Because we know if the present trend continues, as Robert Samuelson, the economist, noted in an op-ed in the Washington Post the other day, basically it is a disaster for America. If, when a young entrepreneur creates a product or service, that entrepreneur is overwhelmed by a Chinese product that has unfair advantage, we don't have a future. That is it. Many people worry about the budget deficit as the biggest problem America faces. It is a large problem and I hope we solve it. I will work hard to solve it. But, to me, the No. 1 problem America faces is how do we become the production giant we were over the last several decades but no longer seem to be. We are indeed a consumption giant. We consume more than anybody of our own products and other people's. But you cannot be a consumption giant for many years on end if you are not also a production giant.

What is a major external factor that contributes to making us a consumption giant rather than a production giant? It is the Chinese manipulation of currency, because it discourages production in America and encourages consumption of undervalued Chinese goods at the same time. The anguish that many of us feel about the future of this country translates directly into this legislation. I know there are lots of academics who sit up in their ivory towers, editorial writers, who love to look at this legislation and without even examining its consequences say that is protectionism. This is not protectionism. In fact, this legislation is in the name of free trade, because free trade implies a floating currency. That is what was set up at Bretton Woods. That was the equilibrium creator when things got out of whack. But it doesn't exist for China. A lot of countries have pegged their currency in the past and we paid no attention, because if you have .01 percent of GDP, and you are worried your tiny little currency will be overwhelmed, to peg it by world trends, that doesn't create much trouble. When you are the second largest economic power in the world, largest or second largest exporter in the world, to peg your currency totally discombobulates the world trading system.

Given the danger to the future of our country, and given the danger to the continuation of world trade by China continuing its currency manipulation, why isn't there more of an outcry? That is the question I ask myself. I

don't have a good answer. Perhaps it is because those editorial writers and big thinkers don't talk to the manufacturers of high-end products in New York State I talk to, who see they cannot continue against China unfairly because of currency manipulation. Whether it is a ceramic that goes into powerplants, which I talked about yesterday, or even a high-end window that is used for major office buildings and museums, China uses its currency manipulation to gain unfair advantage over our companies up and down the line. Maybe those in the ivory towers don't talk to the manufacturers on the ground as so many of us do because that is our job and that is our living. Maybe it is because global companies have fought our provision in the interest of their shareholders.

I don't begrudge the big companies. Their job is to maximize their share price. If firing 10,000 American workers and moving them to China, and creating those 10,000 jobs in China gives them more profitability, in part because of currency manipulation, yes, that is what corporations are supposed to do. But that is not in America's interest. It may have been in General Electric—a company that has lots of New York presence and that I like very much—it may have been in their interest to sign a contract for wind turbines and give to China intellectual property in return. But it sure wasn't in the interest of the workers in Schenectady, even if it might have been in the overall interest of the GE shareholder. Maybe it is because the Business Roundtable and the Chamber of Commerce, which is dominated by the larger manufacturers and service companies and the larger financial institutions. They don't care about American wealth and jobs; they care about their own profitability and sales and share price, and if China has an unfair advantage, so be it. That is not their job. Maybe that is the reason. That is beginning to change, by the way.

When I last visited China, I met with the heads of the China divisions of many of our largest companies, and I had met with the same people several years before—and intermittently some of them in between—and their tone has totally changed. They are exasperated with China's mercantile policy. One of the manufacturers, who had been one of the leaders in saying don't touch China, because they exported a ton of goods there, had a different tone. He said: We can only export certain of our goods—the ones China doesn't make—and the rest we have to make in China and in certain provinces. That is a large, huge multibillion dollar U.S. company.

Another company, a major retailer, told us they cannot run their stores the way they wish in China because China dictates what they can and cannot have on their shelves. Half of the products on their shelves in American

stores cannot, by Chinese Government dictate, be on the Chinese store shelves. Some of our large companies are sort of realizing that letting China get away with all of these violations of free trade, all these violations of WTO, no longer serves their interests, though, admittedly, they have not come around to support our bill.

Then there are those who are fearful that the Chinese will retaliate. That one drives me the craziest. I grew up in Brooklyn. When there were bullies and you didn't stand up for yourself, they bullied you and bullied you some more. If you stood up to them, yes, there was going to be some retaliation, but it was a lot better than giving in. That is what we have done with China. Will China retaliate if this bill becomes law and hundreds of American companies grow to have countervailing duties imposed? Yes. But the Chinese know they have far more to lose in a trade war than we do. Their economy is far more dependent upon exports—just look at the percentage in terms of GDP—than ours. They are far more dependent upon the American market than we are on the Chinese market, as important as it is to many of our companies.

While China will retaliate in a measured way, they will not create a trade war. It is not in their interest; they cannot afford to. I have news for those who are worried about a trade war: We are in one. When China manipulates its currency, steals intellectual property, and uses rare earths to lure businesses and takes our intellectual property and brings it to factories in China, subsidizes them against WTO rules, and then tries to export the product here, as they are doing with solar panels, that is a trade war, as millions of Americans who have lost their jobs realize. So we are in the war. We may as well arm ourselves so that we might win.

The bottom line is very simple: I hope this bill moves forward. I hope it goes through the House. A large vote in the Senate tomorrow will be a message to the House—Senator BROWN's bill and, of course, his and ours have been combined. But Senator BROWN's bill passed in the House a few years ago, and I hope the President rethinks things and signs it, because if he does, my prediction is that China, which never backs off when it is in their own economic interest, will, because it will no longer be in their economic interest because penalties will be imposed and equality will be imposed upon them once this bill is law. So they will let their currency float—maybe not as quickly as we want but far more quickly than it happens now, once this bill becomes law.

In my view, the arguments that have been raised against America taking action to deal with unfair Chinese currency manipulation are outdated, wrong, and ineffectual. I have been ar-

guing the other side, our side, for 5 years. When Senator GRAHAM and I first started talking about currency manipulation, imposing a tariff, both the Wall Street Journal and New York Times editorial boards—one very conservative and one very liberal—said China should be allowed to peg its currency. We have made progress in the strength of our intellectual arguments. We have to take that strength and translate it into action. Millions of American jobs, and ultimately trillions of American dollars of wealth, and nothing less than the future of our country are at stake.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Carolina.

Mr. DEMINT. I rise to speak in opposition to the Chinese tariff bill being proposed by my colleague from New York. I understand the frustrations that motivated this legislation, and I share serious concerns over China's currency manipulation and trade practices. I have worked for years to ensure that trade happens and that free trade happens on a level playing field. We still have a long way to go.

The answer to these frustrations with China is not to start a trade war that will raise prices on many goods for American families at a time when they are already struggling, especially when this approach has already been tried and failed to gain any positive results for American workers. The absolute last thing our floundering economy needs right now is retaliatory tariffs on American products that will destroy more jobs. If we want to strengthen our currency, we should start by getting control of our own monetary policy. We don't need to start a trade war with China; we need to stop the class warfare that is preventing jobs from being created right here in America.

American workers are the best in the world, but they cannot fairly compete in a global economy when the U.S. Government is keeping one arm tied behind their back. The solution is to free American workers, not to try to tie up our competitors with more misguided policies that will hurt American families with higher prices on household goods. The U.S. Government needs to give American workers the freedom to work, and that freedom starts with the freedom to get a job.

If President Obama and the Democrats want to know who is preventing jobs from being created in America, all they have to do is look in the mirror. Let's be clear about a few things: Other

countries are not threatening to massively raise taxes on our Nation's job creators and drive jobs overseas. President Obama is. Other countries did not jam through a health care takeover bill that is raising the cost of health care, making it harder for businesses to hire people and adding trillions of dollars to our national debt. The Democrats in Congress did. Other countries did not force us to pass the Dodd-Frank financial takeover with thousands of new regulations that are raising costs on American consumers and crippling businesses. Democrats in Congress did. Other countries are not writing hundreds of new regulatory rules that are destroying jobs in our Nation's energy sector and keeping us dependent on foreign oil. The administration's EPA is. Other countries are not blocking Boeing from creating thousands of American jobs in the State of South Carolina. The President's National Labor Relations Board is. Other countries are not forcing 28 U.S. States to require employees to join labor unions that make businesses less competitive. Democrats are the ones protecting labor bosses and hurting workers in America.

The Wall Street Journal has called this Chinese tariff bill "the most dangerous trade legislation in many years," and for good reason. If we pass this bill, it is likely to spark a trade war. It is unlikely to create new jobs in America but will result in higher prices for U.S. consumers. Businesses will pay more for raw materials from China, which will increase prices on their goods and reduce employment. President Obama and the Democrats should know better after seeing the results of the tariff that was put on Chinese tires in 2009. In response, China retaliated with tariffs on American auto parts and poultry. This well-intended bill will have the same unintended results.

I understand the economic frustrations people have with China, but as so many of Obama's policies have done, this bill will only make things worse. This bill doesn't export the best of what American workers have to offer, it exports bad economics. Taxes and tariffs do not create jobs, competition and markets do. Freedom will work if we let it.

I urge the Senate to reject this bill and start helping American workers compete more freely here in America and around the world instead of simply trying to hold others back.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I have just a couple comments with regard to those

of the Senator from South Carolina. He was the ranking member on the Economic Policy Subcommittee on which also sat the Presiding Officer from Oregon in 2009 and 2010. We held a series of hearings on manufacturing policy, and there were some agreements between Senator DEMINT and me on having a manufacturing strategy. We are the only major industrial country in the world without a real strategy on manufacturing. There are three ways to create wealth in this society: manufacturing, mining, and agriculture. Manufacturing has been a dominant force and a significant creator of the middle class, and I think we agree on that. We agree we want more of it in our country. Thirty years ago, more than 25 percent of our gross domestic product was manufacturing. Today that number is less than half that, and there are countries around the world—Germany, for instance, which has had a manufacturing strategy, and they have almost twice the GDP and twice the workforce.

So while Senator DEMINT and I disagree on this China trade bill, I agree with the other Republican Senator from his State, Mr. GRAHAM, who has been a significant leader. He and Senator SCHUMER have worked on this for, I believe, more than half a decade on responding to the cheating the Chinese Communist Party and the People's Republic of China have done in the world trade structure. I don't believe, in any way, we are starting a trade war. Almost any economist will tell us the Chinese have been committing a trade war for a decade. That is why our trade deficit is three times what it was 10 or 11 years ago. It is why so many manufacturing jobs in Senator GRAHAM's and Senator DEMINT's State of South Carolina, the Presiding Officer's State of Oregon, and my State of Ohio have been lost, not only because of China's currency, but that is clearly a significant contributing factor. I go back to the illustration of gas stations, one across the street from the other, in Akron, OH. If one gas station could buy its gasoline with a 25-percent discount, it would soon put the other gas station out of business. That is really what has happened with China. China understands they have a 25-percent advantage given to them because they game the currency system. I know what that means. The Presiding Officer from North Carolina has seen what has happened to manufacturing in her State, a major manufacturing State. Our trade problems are not so much with companies in China, they are with the government. It really is our companies against the government. When they can game the system with a 25-percent bonus—when they sell into the United States, they get a 25-percent bonus, and when we try to sell into China, we get a 25-percent penalty on our companies' products—that hardly seems fair to me.

So as Senator GRAHAM and Senator SCHUMER, the two leaders in this for many years, have said, they just want to level the playing field. They don't want us to have an advantage over China. Let's play fair and straight. Really, that is what the question is, and that is what this currency bill will finally do.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon.

Mr. MERKLEY. Madam President, I wonder if my colleague from Ohio would consider a bit of a discussion for a few minutes.

Mr. BROWN of Ohio. Love to.

Mr. MERKLEY. I found it very interesting, listening to some of the debate today, that there seems to be some policymakers in the Senate who haven't come to understand that when another nation pegs its currency, rather than letting it float, it does so deliberately to put in effect what is essentially a tariff against imports. In our case, that is a tariff against American imports, and in some cases it provides a subsidy to exports.

Now, here we are in America. Why would we say it is OK for China to peg its currency in a fashion that puts a tariff against American products and subsidizes Chinese exports to America? Because that is guaranteed to strip jobs out of America. Why would some Members of this Chamber consider that to be just fine? I am puzzled by that, and I am wondering if the Senator could help me understand.

Mr. BROWN of Ohio. I appreciate that. I was listening to one of the previous speakers who opposed this bill and characterized the bill as a China tariff bill. The Senator said it exactly right. When we sell to China, it is as if they put a tariff on our products. When we buy from them, we give them a 25-percent bonus—excuse me—when we try to sell to them, they ban that import. When we buy from them, they have a 25-percent bonus. It is putting us at such a disadvantage, as the Senator said.

Mr. MERKLEY. In Oregon, we recently had the shutdown of a company called Blue Heron. It has operated for the better part of a century, making paper. The point Blue Heron was making was that because of the pegging of the currency, the paper they tried to sell to China faced a 25-percent tariff, while China's paper enjoyed a 25-percent subsidy if it was sold in the United States, and it created an absolutely unfair international trade playing field that was going to be putting American papermakers out of business. No matter how efficient they could possibly be, China, with this subsidy, could sell into the U.S. market, undercutting American products. Well, that plant shut down. It is one of a series of paper plants that have shut down. I think the Senator has some similar situations in Ohio.

Mr. BROWN of Ohio. We do. The Senator from Oregon and I have talked about this, that there is a gentleman who worked for a paper company who illustrated to me what China has done. It was a specific kind of paper, a glossy, coated paper for magazines. The Chinese bought their wood pulp in Brazil, they shipped it to China, milled it there, and sold it back to the United States, and they undercut Blue Heron and Ohio paper companies because they had that 25-percent subsidy.

There is no way, when labor costs are only about—labor is only about 10 percent of the cost of paper production—there is no way they could possibly buy something as heavy and voluminous as wood pulp, ship it across the ocean, mill it, ship it back in the form of paper, and not—the only way they can undercut prices is by huge subsidies. There may have been other subsidies to it. It may have been water and energy and capital and land, but it surely was that 25-percent subsidy these companies have when they undercut our manufacturers.

I just know that in 15 years, I say to the Senator, or 10 years, we will look back on the history of our country and say: Why did we let one country undercut our manufacturing base so substantially and lose all those jobs and lose all that technology? When the products are invented in this country, the production is done offshore, and so much of the innovation that is done on the shop floor ends up in that country rather than here, it makes it harder for us, when we lose that innovative edge, to catch up.

Mr. MERKLEY. I think it is important to understand as well that the pegged currency isn't the only tool China is using to create an unlevel playing field against American products. Another is that they use something economists call financial repression. That is a fancy word for artificially lowering the interest rates on savings on a level below inflation. So if you are a Chinese citizen and you are saving money and the inflation rate is 5 percent, the interest rate you are going to get is going to be less than 5 percent. It is a way, essentially, of taxing the entire nation, and then the Chinese Government takes those funds and they give massive subsidies to manufacturing in China. Those subsidies include grants, and they include below-market loans.

So on top of the huge tariff on American products which basically stems from this currency manipulation, we have these huge subsidies to domestic manufacturers who export to the United States. China is supposed to disclose those subsidies under WTO, but it may come as a surprise to some in this Chamber that China doesn't do it. They only did it one year, in 2006. So they are taking the structure that was set up and they are abusing it. This adds

to, on top of the currency manipulation, further driving jobs out of the United States, discriminating against U.S. products.

Isn't there a time when we as policymakers need to stand for American workers, stand for the American middle class, and say we are not going to allow another nation in a major trading relationship to break the rules in order to discriminate against the very products that put American workers out of work?

Mr. BROWN of Ohio. As a result of the work Senator SCHUMER did early on this bill, with the cosponsorship of the Senator from North Carolina who is presiding, this bill really is the first major bipartisan jobs—major, biggest jobs bill we have brought in front of this Chamber, and this is a chance to finally begin to look toward ways of re-industrializing our country and building manufacturing that matters in places such as Buffalo and Charlotte and Portland and Toledo.

This bill is a real opportunity. I think that is why we got 79 votes on the first go-round on Monday night. I think it is why we have so many Republican sponsors of this bill. It is a result of the work Senator SCHUMER and Senator GRAHAM have been doing for years to begin to build that foundation, and that is why the passage of this bill is so important.

Mr. MERKLEY. I wish to thank the Senator from Ohio, Mr. BROWN, for his work, along with the work my colleague from New York, Senator SCHUMER, has done. It is time we stand for workers across our Nation who have been systematically losing the good-paying manufacturing jobs because China has been pegging its currency and discriminating against American products to subsidize the export of their own. This must be discussed in every corner of our Nation and must be discussed here on the floor of this Chamber because it is affecting the success of American families in Oregon, in Ohio, in New York, in North Carolina, and throughout our Nation.

Thank you, Madam President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, if Washington is going to force new regulations on the job creators of this country, I think America needs to know the cost of those regulations. That is why I rise today to discuss an important amendment, an amendment I am offering to the underlying China currency bill. It is Barrasso amendment No. 671. This amendment, which is a bipartisan

amendment—it is cosponsored by Senator MANCHIN and Senator BLUNT—will force the U.S. Government to look before it leaps when it comes to issuing job-crushing regulations.

Simply put, the administration would be required to do a comprehensive and transparent jobs-impact analysis—a jobs-impact analysis—before issuing any job-crushing regulations.

Job creation in this country has almost come to a halt. The Labor Department reported that zero jobs were created in August. The economic recovery that was promised by the administration failed to materialize. Unemployment remains at 9.1 percent. Meanwhile, the unemployment rate in China is 4.1 percent. Our economy is stagnant. China's economy is growing. It has been this way since President Obama took office.

The President blames the American people by saying the country has grown soft. In September, he stated in a TV interview in Florida:

The way I think about it is, you know, this is a great, great country that has gotten a little soft and, you know, we didn't have that same competitive edge that we needed over the last couple of decades. We need to get back on track.

Yet, despite the repeated assurances of improvement, President Obama's own economic policies have failed. The only people who have gained from these policies live in countries overseas. We see it in China. These are people who are benefiting from American companies moving operations outside the United States. Why? Well, it is to escape Washington's redtape.

The President's stimulus plan failed to produce the 3.5 million jobs the President had promised. His so-called green jobs initiative gave us more red ink but never came close to the 5 million new jobs he predicted.

All the while, the Washington bureaucracy that he controls has continued to churn out extensive as well as expansive new regulations that amount to an assault on domestic private sector job creation. The facts are inescapable. Since President Obama took office, America has lost approximately 2.3 million jobs. We have been in an economic crisis, a crisis that extends to America's confidence in the President, confidence in this President to do anything that will change the current course.

What the American people want is leadership, and they have rejected the President's insistence that the only way forward is through more spending and more Washington redtape on those in this country who create jobs.

In September, the President addressed a joint session of Congress. He actually said he wanted to eliminate regulations, regulations he said put an unnecessary burden on businesses at a time, he said, they can least afford it. Well, we heard this same message from

the White House time and time again. The rhetoric coming out of this White House simply has not matched the reality.

In fact, Washington continues to roll out redtape each and every day. The redtape makes it harder and more expensive for the private sector to create jobs while making it easier to create jobs in foreign countries such as China. The President said his administration has identified over 500 reforms to our regulatory system, he said, that would save billions of dollars the next few years.

Well, I appreciate that the White House may have identified wasteful regulations, but it will not help our economy unless the White House repeals those wasteful regulations. The President's jobs plan does nothing to fix the regulatory burdens faced by America's job creators. His jobs plan actually adds to the burden on job creators in this country.

The President has tried to justify this increasing avalanche of redtape. He said he does not want to choose between jobs and safety. Well, in today's regulatory climate, the choice is a false one. Washington's wasteful regulations are not keeping Americans safe from dangerous jobs. The American people cannot find jobs because no one is safe from the regulations coming out of Washington.

For every step our economy tries to take forward, Washington regulations continue to stand in the way. The expansion of the Federal bureaucracy is suffocating the private sector economy. Federal agency funding has increased 16 percent over the past 3 years, while our economy has only grown 5 percent over the same 3 years.

The regulatory burden is literally growing three times faster than our own economy. This massive increase in Washington's power has only made the U.S. economy worse and China's better. Americans know regulating our economy makes it harder and more expensive for the private sector to create jobs. The combined cost of new regulations being proposed by the Obama administration in July and August alone was \$17.7 billion. Much of this cost was borne by Americans working in red, white, and blue jobs.

Those who try to justify these policies claim they will help us create green jobs at some unknown time in the future. Our economy, our job market, is not a seesaw. Pushing one part down does not make the other side pop up. This administration's out-of-control regulations scheme is dragging down large portions of our economy.

Now the President has promised to stop this kind of overreach. President Obama issued an Executive order at the start of this year. Way back in the beginning of 2011 he said he wanted to do that, to slow down Washington's regulations.

Let's see how effective the President has been with his Executive order. Well, it has failed. In the month the President issued his Executive order, way back in the beginning of 2011, all of those months ago, hundreds of new rules and regulations have been either enacted or proposed. For every day that goes by, America's job creators face at least one new Washington rule to follow.

When the President announced his Executive order, he said he wanted to promote predictability and reduce uncertainty. These are very laudable goals, but a new rule every day does nothing to promote predictability and is the very definition of uncertainty. The main source of uncertainty in the economy right now is Washington regulations.

To make things worse, the people most victimized by this uncertainty are the very people the President claims he wants to help. The President said last year that when it comes to job creation, he wants to "start where most new jobs do, with small businesses."

Well, the sentiment is right, but, again, what has he done about it? According to the U.S. Chamber of Commerce, businesses with fewer than 20 employees, well, those businesses incur regulatory costs that are 42 percent higher than larger businesses which have up to 500 employees. These figures do not include the avalanche of new regulations coming down the road.

Since January 1 of this year, over 50,000 pages of regulations have been added to the Federal Register. The U.S. Chamber of Commerce has said the President's new health care law alone will produce 30,000 pages of new health care regulations. At whom are many of those aimed? Well, it is these same small employers the President claims to want to help.

The President said he will keep trying every new idea that works, and he will listen to every good proposal no matter which party, he said, comes up with it. Well, I have a pretty simple idea. If the President wants to know which proposals will work to create jobs, maybe he should require his regulatory agencies to tell him how their own actions will affect the job market.

The amendment I am offering is going to do just that. It is a bipartisan amendment. It is based on a bill that I have introduced called the Employment Impact Act. This amendment will force every regulatory agency to prepare what is called a jobs impact statement—a jobs impact statement—for every new rule proposed.

The impact statement must include a detailed assessment of the jobs that would be lost or even gained or sent overseas upon enactment of a rule coming out of Washington. Agencies would be required to consider whether new rules would have a bad impact on our

job market in general. This job impact statement would also require an analysis of any alternative plans that might actually be better for our economy.

The amendment requires regulatory agencies to examine and report on how new rules might interact with other proposals that are also coming down the road. The problem with Washington regulations is not only that they are too sweeping, but there are also too many. It makes no sense to look at any one individual rule or regulation in a vacuum and then enacting hundreds of them without identifying and understanding their cumulative impact and effect.

The cumulative effect of those regulations is going to spell death by a thousand cuts for hard-working Americans who are trying to work, trying to support their families. In keeping with the principles of transparency that President Obama regularly proclaims is a priority for him, this bill, this amendment, will require every jobs impact statement prepared by a Federal agency to be made available to the public. The American people deserve to know—have a right to know—what their government is actually doing.

Federal agencies in Washington need to learn to think, to think about the American people before they act. Requiring statements from these agencies on what their regulations will do is nothing new. For 40 years the Federal Government has required an analysis of how Federal regulations will impact America's environment. They have to file what are called environmental impact statements. What I am asking for is simply a jobs impact statement.

Past generations of legislators rightly recognized the importance of America's land, air, and water. It is equally important that we recognize the importance of America's working families as well. America's greatest natural resource is the American people. We are talking about people who want to work, who are willing to work, who are looking for work, and yet cannot find a job.

This amendment, the Barrasso amendment, will force Washington bureaucrats to realize Americans are much more interested in growing our Nation's economy than they are in growing China's economy.

I urge a vote and adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I rise today to, first of all, congratulate all of my colleagues, the 79 Members who came together to vote to proceed to a very important measure, a jobs bill that is currently before us.

The great news is that it is a jobs bill that will cost us zero dollars to be able to implement in terms of about 2.25

million new jobs, new jobs that will come. Why? Because we are saying as a group, as the Senate: Enough is enough, and we want China as well as other countries to follow the rules. We want them to follow the rules so when our companies and our workers are competing in a global economy they will have a level playing field and the ability to compete. We know if the rules are fair, if there is a level playing field, we in America will compete, and we will win. We know that.

The biggest violator on any number of trade issues we know of right now is China. When they joined the WTO 10 years ago, the whole point of them being able to join the world community under a world set of economic agreements was to make sure they would have to follow the rules like everybody else. But ever since that time they have done nothing but flagrantly violate the rules.

When China does not play by the rules, it costs us jobs. It puts our businesses in Michigan, our workers in Michigan and across the country at a severe disadvantage. It has to stop. We in Michigan have been through more, deeper and longer than any other State in the Union, and we are coming back because of a great work ethic and ingenuity and ideas and entrepreneurship. We are moving forward and creating new ideas. More clean energy patents are being created in Michigan than in any other place in the country.

We just had news today that, in fact, we are—last year 2010—the fastest growing high-tech sector. There are more high-tech research and development jobs in Michigan than any other place in the country. So we know how to compete and we know how to win.

But we are in a global economy, where our companies are competing against countries. When we have an entity, a country like China that does not believe they need to follow the rules—whether it is stealing our patents, whether it is blocking our businesses from being able to bid to do business in China, or whether it is the huge issue of currency manipulation, which is in front of us today, we know the rules matter. We know it is our job to stand for American businesses and American workers, and that is what the bill in front of us does.

It says to China and any other country involved in currency manipulation that we have had enough. It directs Treasury to take action; to look around the globe, determine where there is currency misalignment, and to prioritize the countries that are most egregious in their actions—we know China is at the top of that list—and then it requires them to act.

It requires Commerce to work with our businesses to act. We have had enough talk. We have had enough of hearing about give China time. We are now past 10 years when they entered

the WTO, and every time we start talking about this, they say: Well, we are going to change it. We are starting to change it.

There are those in Congress who say not only has it not changed but maybe it is even getting worse. The point is, we are losing jobs as a result of the way China cheats. Enough is enough.

How do they do that? In this case, when we say currency manipulation, eyes glaze over. The reality is, because of the way they value their money—their currency—they are able to get an artificial discount. Their products appear to cost less coming to the United States—the same product made the same way. Ours artificially gets an increase in the price. It can be up to a 40-percent difference, not because of anything other than the fact that they do not value their currency the way every other country in the world does in the world economy. They always make sure they peg it in a way that they get a discount, no matter what.

That is illegal under the WTO. It is unfair. It is cheating. That is what this bill fixes. A real-world example: We have some great auto parts manufacturers in Michigan, and a very common story would be that a part breaks and to get another part, it costs \$100 in Michigan, but the Chinese were able to peg their cost at \$60—not because it was any different, other than the fact that they value their currency in a way that allows them to have it appear that it costs less. So this is something we intend to take action on.

We know right now that if the Chinese currency was revalued, if they did what everybody else does and followed the rules, we would see up to \$286 billion added to the U.S. GDP right now. We would see 2.25 million U.S. jobs being created if China and others around them followed the lead and revalued their currency—2.25 million jobs. We don't need a line item in the budget to do that.

We are not talking about a new program. We are simply talking about leveling the playing field and stopping China from cheating. We can create those jobs. Our deficit would be reduced by between \$621 billion and \$857 billion, at no cost to taxpayers. At a time when we are struggling with the largest deficit we have ever had, and we are struggling with how we address that, the ability to have up to \$857 billion reduced in our deficit at no cost to taxpayers—that sounds like a pretty good deal to me. People in Michigan would say: Why has it taken so long to be able to address this?

Now is the time that we have a strong, bipartisan coalition. I am so proud of all our colleagues who have come together from every part of the country, every part of our economy, whether it is manufacturing, agriculture, textiles or those involved in high tech, saying it is time for us to

stand for America, for American jobs, and for American businesses. That is what this is all about. What else are we hearing about this particular effort? The Federal Reserve Chairman, Ben Bernanke, said:

The Chinese currency policy is blocking what might be a more normal recovery process in the global economy. It is . . . hurting the recovery.

Again, that is something we can do to reduce the deficit and create jobs. China is proceeding with a policy that is hurting the recovery, at a time when we need to get everything out of the way so we can come roaring back as a country. We are the greatest country in the world. We have tremendous challenges right now, economically, that we will work our way out of. But one of the first things we can do is say to China: Stop cheating.

We also have C. Fred Bergsten, a former Assistant Treasury Secretary, saying this:

I regard China's currency policy as the most protectionist measure taken by any major country since World War II.

Over the years, we have debated fair trade and free trade, whether it is protectionist to stand up for American businesses or workers, and here we have an expert saying to us that China's policy on currency manipulation is the "most protectionist measure taken by any major country since World War II."

The reality is, we can compete with anybody and win—and we will. But it is our job to make sure there is a level playing field. This is about American competitiveness. This is about being a global economy and making sure the rules are fair, making sure everybody is following the same rules, and then let's go for it. I will put America's ingenuity and entrepreneurship, research and development, and skilled workforce up against anybody's.

Some say—and we have heard from the highest levels of the Chinese Government—it could spark a trading war if we stand for our businesses and require there be a level playing field. We know we have a complicated relationship with China. We borrow funds to offset our debt. But we also are the largest consumer market in the world. They want to be able to sell to us. I cannot believe they will decide that they suddenly don't want to sell to the United States all those things they make, the largest consumer market in the world. The difference is, they would not be able to cheat, to get artificial discounts that will hurt an American small business that is making the same product.

As for the American textile industry, I had an opportunity to visit some folks who make denim for jeans and folks in the cotton industry and talk about competitiveness and what this protectionist policy in China is doing to the American textile industry,

which is beginning to come back—and will come back if, in fact, there is a level playing field on trade. But they are up against a situation where they artificially are facing a 28- to 30-percent discount because of currency manipulation. Yet they are still competing. Can you imagine if the rules were fair?

This is about American competitiveness, and it is about the fact that we are responsible for making sure there is a level playing field for American businesses and American workers. We will not have a middle class in this country if we don't make and grow products. We want to make products here and grow products here and the jobs will be here and then we are happy to export products. We want to export our products, not our jobs. That is the difference. We are sick and tired of exporting our jobs because of the fact that China does not follow the rules. Enough is enough. After more than 10 years, they have not had to step up and do what they are supposed to be doing under the agreements they have entered into. Enough is enough.

Again, I look forward to our final vote on this legislation. I think this is a very important moment, at a time when there are many disagreements, and there have been many difficult times in the Senate—being able to move forward and take action, the fact that colleagues on both sides are standing together on behalf of businesses and workers at every corner of this country, saying we are going to fight for American jobs and businesses, large and small, and we are going to make sure we create a level playing field so we have the competitiveness structure we need in this country, because we know if we have that level playing field, there is nothing that can stop American ingenuity and American workers, who are the best in the world and will continue to be.

I urge adoption of this bill and congratulate all my colleagues who have been involved with this issue for many years—colleagues on both sides of the aisle. I am very pleased we have been able to get the legislation to this point. It is now time to act on behalf of American workers and American businesses.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, as we discuss our relationship with China, it strikes me that we are ignoring one of the most critical issues impacting U.S.

competitiveness in regard to China—namely, China's inadequate protection of U.S. intellectual property, or what I call IP.

Let's remember that intellectual property is our Nation's No. 1 export. American IP underpins the knowledge economy, providing our workers and companies with a significant competitive advantage. In short, IP equals jobs for American workers. It is that simple. Studies have shown that IP-intensive industries employ more than 19 million workers, create higher paying jobs across all skill levels, and support more than 60 percent of total U.S. exports. That is why throughout my service here I have endeavored to ensure that U.S. innovators and content creators are able to operate in an environment in which their IP, or intellectual property, is adequately protected.

I am pleased to have been the lead Republican sponsor of the recently enacted America Invents Act, which resulted in long overdue reforms to our Nation's patent system that will strengthen our economy, create jobs, and provide a springboard for further improvements to our intellectual property laws. I was very pleased to see Senator GRASSLEY take that over as the new ranking member of the committee and do such a great job with it. And I want to pay tribute to the distinguished Senator from Vermont, Mr. LEAHY, as well and to my colleagues in the House who saw the importance of that particular new law. It is the first time we have modified the patent laws in over 50 years, and that was a historic event.

So it is pretty apparent that I take a great interest in intellectual property and all aspects of it. I am the chairman of the Senate Republican High-Tech Task Force. I have to say it is really a privilege to work with these brilliant people who work in the intellectual property area, and while many of them are in Silicon Valley out in California, we have our own Silicon Valley in Utah that is becoming very well known, a lot of innovation. So we have most of the really great companies right there in Utah as well.

U.S. leadership in innovation has not gone unnoticed by our economic and strategic competitors, who are adopting and evolving innumerable tactics to steal, expropriate, or otherwise undermine our intellectual property rights. Few, however, have been as overt in these efforts as China. The statistics on counterfeiting and piracy alone are staggering. According to a recent report by the U.S. International Trade Commission, firms in the U.S. IP-intensive economy that conducted business in China in 2009 reported losses of approximately \$48.2 billion—that is billion with a "b"—in sales, royalties, or license fees due to IP infringement in China. Now, that bears repeating: \$48.2 billion in losses for

U.S. companies due to intellectual property infringement in China.

Perhaps most disturbingly, the ITC report noted that companies reported that an improvement in IP protection and enforcement in China to levels comparable to that in the United States would likely increase employment by 2.5 percent. Think what that would do for our country. That amounts to almost 1 million U.S. jobs. And these aren't just jobs, these are really good jobs. These are jobs that would benefit our country a great deal.

But counterfeiting and piracy does not stop at China's border. Based on U.S. border seizure statistics, China is the primary source of counterfeited products in the United States. These counterfeited products from China run the gamut. We are talking about counterfeit toys, fake drugs, fake auto and aircraft parts, counterfeit computer chips, and counterfeit software, music, movies, and games—in essence, anything and everything that has value in the sights of Chinese counterfeiters. Imagine if you are flying on an airplane and the parts they thought were valid and good parts all of a sudden quit working. This is a very important point I am making.

Clearly, this is not incidental. It is pervasive. Given China's system of government, it is fair to draw the conclusion that piracy and counterfeiting have explicit or implicit government approval, for there is little doubt that China would deal severely with any other activity they found objectionable well before it became pervasive. If they wanted to, they could clean this up. I hope they will because it is very much to the disadvantage of our country.

It is becoming clearer every day that China's failure to protect U.S. intellectual property is part of a well-coordinated government-led national economic development plan. Nowhere is this more obvious than in China's adoption of plans to promote "indigenous innovation." China's indigenous innovation policies disadvantage U.S. innovators through rules and regulations which mandate the transfer of valuable technology and rules which provide preferential treatment for intellectual property which is developed in China. In addition, there have been continued attempts to use technology standards as both a means to erect barriers to U.S. technology and as a means to unfairly acquire very valuable U.S. technology.

This is not to say China has not made any progress in combating the theft of U.S. intellectual property. Certainly the commitments made at the recent JCCT meeting regarding indigenous innovation and government procurement were a positive step, as was the recent agreement by the Baidu Web site to license legitimate content from certain IP owners. But while these actions are a good start, there is a lot more that needs to be done.

We can debate currency manipulation all day long, but if we want to foster immediate job growth in the United States, we should focus our energies on working to find ways to staunch the bleeding when it comes to the theft of American innovation by China. Again, we are talking about close to 1 million good-paying U.S. jobs which stand to be created if we can get this problem under control.

I stand ready to work with my colleagues on this important set of issues, but these are important issues, and it is time for China to grow up and get into the world community and do what is right. It is a wonderful land. They have tremendous capacities. They are brilliant people. A lot of their engineers were educated here. They are people who really deserve to be leaders in the world community if they live in accordance with the basically honest rules of the world community. But right now they do not live in accordance with these rules, and they could do a much better job on intellectual property than they have done.

I have been there a number of times, and each time I have gone there, I have raised the intellectual property issues and I have raised the piracy issues. They always say they are going to do something about these issues, but when push comes to shove, they really don't do what really needs to be done.

Another important issue we need to discuss is enforcement, and that is why I filed amendment No. 679. My amendment requires the Comptroller General of the United States to submit an annual report to the Congress on the trade enforcement activities of the Office of the U.S. Trade Representative—or we refer to it as USTR. This is a simple amendment that serves a vitally important purpose.

USTR is a relatively lean agency as compared to much of the bloated Federal bureaucracy. It is at the front lines in our efforts to open new markets to U.S. goods and services providers, and it leads the way in holding our trading partners accountable when they fail to live up to their trade commitments. It is a tough job. U.S. companies face an unrelenting onslaught of governments and NGOs which collaborate in seeking new ways to hamper America's economic competitiveness by undermining our intellectual property rights, by imposing unwarranted phyto-sanitary measures that have no basis in science, by enacting new technical barriers to trade, imposing unfair pricing and regulatory regimes upon our industries, and other equally harmful measures. Our goal, of course, should be to eliminate every single one of these. But the reality of the situation is that, in a world of limited resources, we must prioritize.

To my mind, the No. 1 priority should be removing barriers to our exports of goods and services, and eliminating foreign government practices

which most impact U.S. jobs and economic well-being. Unfortunately, that has not been the case under this administration. Unfortunately, that is the situation we find ourselves in.

To cite an example, most people realize that China is an enormous problem for U.S. innovators and content creators. Our companies face policies designed to foster Chinese innovation at the expense of U.S. innovators, the imposition of standards-based barriers, the continued refusal to direct adequate resources toward stemming counterfeiting and piracy in both the online and physical realms, and other policies, laws, and regulations that diminish the value of U.S. intellectual property. To date, this administration has not filed a single intellectual property-related enforcement action against China.

Similarly, Chile continues to flagrantly violate the terms of our bilateral free-trade agreement with regard to crucial protections for intellectual property. Despite the direct and demonstrable harm to American innovators and workers, no dispute settlement process has been initiated with regard to Chile's failure to adequately protect intellectual property in accordance with the terms of our free-trade agreement that we have entered into with them.

In contrast, after 3-plus years of devoting significant resources to intensive negotiations with the Government of Guatemala, the Obama administration announced the initiation of the first ever bilateral labor dispute against an FTA partner. The administration also recently announced that it will investigate allegations by a Peruvian union that the Government of Peru has violated its labor under the United States-Peru Free Trade Agreement. To me, these actions demonstrate skewed enforcement priorities.

It is hard to believe that Guatemala's alleged failure to adequately enforce its own domestic labor laws is anywhere near the top of the list when it comes to trade barriers facing U.S. companies and workers. I also find it hard to believe that expending critical enforcement dollars to defend the interests of a Peruvian labor union should be among the top trade enforcement policies for this administration.

China, India, Brazil, Russia, and Chile are some of the many countries where we face very real threats to American industry and competitiveness due to unfair trade practices and barriers. But instead of focusing on these immediate, ongoing, and very real economic harms, the administration seeks yet again to instead score political points with labor union leadership.

I can hardly blame them for that, in a sense, because the trade unions in this country are the biggest supporters

of the President and of the Democrats, but it is outrageous to not put our country first under the circumstances. It really is outrageous. I think even the trade unions are going to have to stop and think about, is this administration doing what is right with regard to our interests in all of these countries I have mentioned.

It is outrageous to direct the limited resources of our most important trade agency toward activities that have little to do with opening new markets or protecting U.S. jobs. This inability to prioritize based upon what is best for workers in the economy, as compared to what is best for building labor union support, is another unfortunate example of the administration's inability to lead on trade.

My amendment requires the Comptroller General, on a yearly basis, to detail the enforcement activities undertaken by the USTR and assess the economic impact of each such activity, including the impact on bilateral trade and on employment in the United States. It would also include an assessment of the cost of, and resources dedicated to, each such activity.

I am hopeful my amendment will assist this and future administrations in setting rational enforcement priorities. By providing an objective measure of the likely impact on trade and employment of any enforcement activities undertaken, it will also be an important resource for this and future Congresses in the conduct of our oversight responsibilities.

I would hope all of my Senate colleagues could support an amendment which provides us with important information and insights which will help us in ensuring that USTR utilizes taxpayer funds in the most effective manner possible toward opening markets and removing barriers to U.S. companies and workers.

I rise again today in support of my amendment No. 680. First, allow me to further explain some of my underlying concerns with the current bill's approach.

We have heard many estimates of job losses in the United States associated with our trade deficit with China, following China's entry into the WTO, the World Trade Organization. Unfortunately, most of those estimates are highly unreliable and should be taken with a large amount of skepticism.

We have heard numbers coming out of the labor-backed Economic Policy Institute, or EPI, saying that 2.8 million U.S. jobs have been lost or displaced because of trade deficits with China since that country's entry into the WTO, with 1.9 million of those jobs estimated to have been in manufacturing. Unfortunately, those estimates come from an unreliable static analysis which essentially says imports displace labor used in domestic production and, therefore, lead directly to job loss and unemployment.

Looking at this particular chart here, you can see from that chart the relation between U.S. imports, which is the blue line, and the unemployment rate, which is the red line, and you can see how it has shot up since 2008, and it is still wavering at the top—does not seem to conform the jobs and unemployment claims being made with some of the numbers being used in our current debate. If anything, a casual observer might even say that when import growth is strong, it tends to be associated with a strong underlying economy, one in which unemployment is relatively low.

You can see from this chart that the imports were going up throughout the first part of 2002 to 2008, when they hit the pinnacle and then all of a sudden drop down with this administration. Now they are coming back up. But the unemployment rate has now gone up tremendously, and it doesn't seem to be coming down very far. So there is a correlation here. And, frankly, one that concerns me, as the chart suggests, following the pro-growth tax relief of 2003, the economy began to pick up some steam, imports correspondingly grew, and the unemployment rate fell until the financial crisis hit. That unemployment rate went down. The 2.8 million job loss number from the labor-funded think tank, or the 1.6 million job loss number the majority leader recently mentioned here on the floor, and many of the other job loss numbers associated with the China currency issue that are being offered by many of my colleagues on the other side of the floor, are highly unreliable and often not much different from numbers simply picked out of thin air.

The jobs numbers do not account for dynamic flows of workers from industry to industry, and the message being delivered is that if a job and an industry went away and net imports were going up, then the job must have been lost or displaced because of trade. Well, that is foolish.

What happened to the displaced worker? The analysis doesn't take that into account, and merely suggests, misleadingly, that the worker is unemployed. What happens to the dollars that are associated with financing any increased net increase in imports? The analysis doesn't take that into account.

If we run a higher trade deficit, finance it with dollar outflows, and foreign countries recycle the dollars back into Treasury bills to finance the President's stimulus spending spree, does the analysis take into account the resulting jobs that the President claims become "saved or created"? No. Those jobs numbers are only convenient when advocates of the stimulus, such as the EPI, wish to promote more debt-fueled government spending.

I do not dispute that there are important dynamic effects of international

trade on the U.S. labor market. I do dispute many of the numbers being tossed about and offered as estimates of job losses stemming from trade with China. I do dispute that dealing with our bilateral trade deficit with China is the most important thing we can do for jobs today, as the Senate majority leader has suggested. Those doubts, of course, are not reasons to not act on the Chinese currency issue, but they do lead me to doubt the job creation priorities of my friends on the other side of the aisle.

The President has been actively campaigning for congressional consideration and passage of the so-called American Jobs Act—right now, today—yet the majority leader here in the Senate refuses to let us consider the President's proposal right now, despite the minority leader having introduced a proposal for Senate consideration. Evidently, Senate Democrats believe that construction of a new mechanism to use to confront China and raise prospects of trade wars is more important to jobs than the President's plan. I don't think so.

The President states—rightfully so—that unemployed American workers don't have 14 months to wait for action on jobs. Yet we are considering a currency bill that, at best, would set in motion a lengthy process of currency misalignment determinations and perhaps ensuing trade sanctions. If anyone believes that the process set up in the currency bill to confront any currency misalignment in existence today will lead to job creation right now or in the next 14 months, then I suggest they do not understand much about international trade, labor markets, and the often painfully slow processes of international trade negotiations.

It took President Obama over 2½ years to send free-trade agreements to Congress, bills that were all set to go from the day he took office. Do you believe the legislation before us, even if it went into effect right now, would lead to a fundamental misalignment finding immediately, along with rapidly ensuing dialogue and action that would lead to job creation right now? Even if the legislation before us today were implemented today, it would likely take months and years before it achieved any results.

It is important to confront existing currency misalignments and global imbalances, the sources of which include persistently high amounts of U.S. debt made significantly worse during the past 3 years of deficits in excess of \$1 trillion that were used wastefully on so-called “stimulus” and commercially non-viable green energy experiments that just plain did not work. People are starting to wake up to this type of approach to government.

To say that the issue of China's managed currency peg is the most important issue for job creation today is tell-

ing, and it certainly does not speak well for how the President's jobs act is perceived by his Senate Democratic colleagues as a job creator.

My concerns go beyond some of the claims related to job creation. I am afraid the current bill will be ineffective, and could actually end up harming our exporters through retaliation. That is a real fear, it is a real concern, especially since the Chinese have said they will retaliate. We don't need that right now, with the economy the way it is. But that is what they are going to do if this bill passes, even though some might think that is the right thing to do. And I am not the only one with concerns. Today, according to an article by the Associated Press, the White House finally publicly stated that it has concerns with this legislation. While we still don't know what those specific concerns are, we do know that they believe approval of the bill would be counterproductive.

We know that. Why doesn't the administration come out and say it? Why is it the President cannot lead on these issues? Why is it he always calls on Congress to lead on these issues? That is why we elected him as President—or should I say, that is why they elected him as President, because I did not vote for him, even though I like him personally. I did vote for my colleague, JOHN MCCAIN.

Similar concerns were expressed in an opinion editorial by the New York Times entitled “The Wrong Way to Deal with China.” They call this bill a “bad idea” and “too blunt of an instrument.” Specifically, they state that the bill is very unlikely to persuade China to change its practices, noting that it will instead “add an explosive new conflict to an already heavy list of bilateral frictions.”

That is the New York Times. My goodness. That is pretty much the Bible for folks on the other side, and they do write very effectively on some of these issues.

I agree currency manipulation is a serious problem, and I have proposed a better way to address it. My amendment empowers the administration to work within existing frameworks to mitigate the effects of currency manipulation and stop it from occurring. If our negotiators cannot make progress in the WTO and IMF—we go there first—we must go outside these organizations and align with other like-minded countries to confront the Chinese currency interventions together.

I could not agree more with my colleagues who have introduced the bill we are debating that China's beggar-thy-neighbor's currency policies do harm the United States and our workers, and from that standpoint, I commend my colleagues. But massive currency interventions harm many other economies and their workers as well. We should join together in a pluralistic

way to counter China's actions and negotiate a long-term solution to stop the fundamental misalignment of currencies, whether by China or any other country. If we did that, it would bring tremendous worldwide pressure on China, rather than acting in a bilateral fashion, which this bill will do. My amendment would allow that to occur. I would be happy to give credit to the other side if they would accept that amendment. They have to know it is a prescient, worthy amendment—something that would make a difference, rather than just making talking points or creating a trade war with a country that we should work toward getting along with.

Appreciating the Chinese currency will help address global macroeconomic imbalances and serve China's long-term economic interests as well, while ensuring that American businesses, farmers, manufacturers, service providers, and workers compete on a level playing field.

I just introduced this amendment yesterday around noon and I am pleased many of my colleagues have reviewed my substitute bill and they do support it and support a different approach. I think, if we want to work together, it is a perfect way of doing it because it gives what the folks want on this side and brings the right kind of pressure, without causing a huge trade war that is going to be very much to our disadvantage.

In addition, since the introduction of my amendment, many business associations, advocacy groups, think tanks, and others have come out in support of my substitute bill. I did not file that for political reasons. I did not file that to just cause trouble. I filed it because these ideas in that bill are far superior to the ideas in the underlying bill. I think my friends on the other side ought to look at it and tell me where they can improve it and take it over, if they will. The fact is, it is far superior to what the underlying bill is.

Many agree my approach is our best chance at solving this problem that we all find so frustrating. To those who think this is more of the same old approach, I say absolutely not. The old policies and the old Exchange Rate Act have not worked and they need to go. On that I think we all agree.

My proposal does not say try and work this out with China and hope for the best. Instead, my approach directs our negotiators to work with others and challenge China until a solution is agreed to. My approach does not prevent the United States from taking unilateral action, but it does demand that the administration seek out those countries that will join our efforts to combat currency manipulation so our actions are more effective and bring worldwide pressure on China to do what is right and to be more fair. We do need a bold, new approach, and we

need to empower our negotiators to work within the WTO and IMF to ensure a level playing field for American businesses and workers. But if they cannot do that there and these institutions cannot handle this problem, then we must join with other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

This bill is going to cause a tremendous dislocation if it passes, and it is going to cause a trade war that is much to our disadvantage. It may make good populist talk, but it will be very much to our disadvantage and, in the end, will not do what they want it to do. My bill will. It may take some effort, but my bill will.

If they cannot confront these existing currency misalignments and global imbalances the way we are suggesting, if they cannot do that there and these institutions cannot handle this problem, then we have to join other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

That is what leadership is all about. That is what real executive branch leadership should be about. That is what a real USTR should be about. But we also need a partner. We need an administration that will lead on this issue. If I have an objection to this administration, it is that they do not lead on anything. They didn't send up a budget or the one they did failed 97 to zero. But they have not taken it seriously. They just wait for Congress to act and for Congress to do these things. That is what we elected the President to do, to send up his approach to this. That is what we elected him for and he ought to do that. But they do not, for some reason.

We also need a partner. We need an administration that will lead on this issue. My amendment will hold the administration accountable until they achieve results and that is whether it is this administration or a successive administration. We are debating which approach will better solve the chronic currency manipulation problem with China. My approach has been endorsed by Americans for Tax Reform, which said that the Hatch amendment "offers a sensible approach that utilizes the mechanisms created by the international trade community to resolve such disputes."

The Emergency Committee for American Trade says the Hatch amendment "will more effectively address concerns about currency misalignment by China and other countries, without opening the door to many harmful effects on U.S. business and workers."

The Retail Industry Leaders Association also supports my amendment, as does the Financial Services Roundtable. This amendment is already generating significant support. Why don't my friends on the other side take it,

declare victory, and go from there? They can refile it in their name. That will be fine with me. I don't care who gets the credit for it, I just care that we handle it in a way that makes sense rather than make a bunch of political points that frankly will irritate the daylights out of our friends from China.

I urge my colleagues to support my amendment and let's all agree to hold the administration accountable and work with the other like-minded countries to challenge China's currency practices.

I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the senior Senator from Ohio I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I said to Senator INHOFE I will be no more than 10 minutes and I appreciate his courtesy and his being here.

I rise in opposition to the Hatch amendment. I respect and appreciate my colleague from Utah and his proposal to negotiate a solution with China and other nations on currency. I have worked with him on the Health, Education, Labor, and Pensions Committee, as the Presiding Officer has, and I appreciate his concern on all these issues and his wide range of knowledge. My firm belief, however, is his amendment is not going to work. I know he generally does not want to take the same direction we do in standing up to the Chinese. I think, when we talk about multilateral negotiation, we are pretty much saying to the Chinese: Please stop the strategy, however unfair and in violation of international norms, that has helped your country accumulate enormous wealth. Please stop. We hope you will stop. Please stop, or we are saying please stop what Fred Bergsten says is the "most protectionist policy any major country has taken since World War II."

We have tried this. We now have the ability to do multilateral negotiations. Senator HATCH is right. The administration has not particularly led on that.

He is also right to add that the Bush administration also did not particularly lead on that. Before that, the Clinton administration did not particularly lead on that.

We have the ability, without amendment No. 680—because it would add nothing significant to the procedures and the steps that are already in place as a matter of current law and practice—to do these negotiations. We have an administration, a Treasury Department that may change political parties from time to time but doesn't change

strategies in dealing with the Chinese. It is always: Please stop. We hope you will do something differently. We would like it if you would change what you are doing. We think it would be better if you are not cheating on currency and cheating on international trade policies. We would like, now that we let you into the World Trade Organization, that you actually follow the rules of the WTO. We think it would be great if you follow the force of law and the rule of law.

Saying those things has gotten us nowhere. That is why, while I respect Senator HATCH, amendment No. 680 doesn't get us anywhere. It doesn't change the law. It just delays. We know how the Chinese like it when we delay because every day we delay is one more day where the Chinese cheat, where the Chinese have an advantage, where the Chinese, the People's Republic of China, the Communist Party, can again take advantage of American workers and American companies.

The Treasury Department already has specific reporting obligations. They already have ample authority to consult and engage bilaterally, multilaterally, and plurilaterally under the Exchange Rates and Economic Policy Coordination Act of 1988, which amendment No. 680 would repeal.

I appreciate what Senator HATCH wants to do, but the fact is, we have to make the Chinese understand, other than occasional pleading, occasional begging, the occasional polite requests—we have to make them understand, if they do not stop manipulating their currency, if they don't stop intervening to keep a weaker renminbi, the United States will defend itself. The United States cannot turn the other cheek on this one.

The Presiding Officer said the other day the Chinese steal our lunch, and if we take any of it back, they get all upset at us, although the Presiding Officer said it better than I just said it. But the fact is, the Chinese have not played fairly. I used the example on the Senate floor of what currency manipulation means in very simple terms. If there is a gas station on Summit Street in Akron and there is a gas station across the street—there are two Marathon stations—one of the Marathon stations gets its oil from Findlay, OH, at a 30-percent discount and the other station doesn't, the Marathon station that gets a discount is going to put the other one out of business, pure and simple.

As Senator MERKLEY said the other day, there is a tariff on goods we sell to China, and there is a subsidy on goods China sells to us. How do we compete with that? Amendment No. 680 will not help us compete with that, it will just delay and delay. That does not make sense. That is why this legislation, S. 1619, without the Hatch amendment, makes much more sense. It allows us

to move finally and quickly. It allows us to move with certainty. It allows us to move straightforwardly. It strips away all the delay and the head fakes and the feinting and all the other things the Chinese Party Government is so good at doing.

I ask for defeat of the amendment and passage of S. 1619, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent at the conclusion of my remarks that Senator HARKIN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, recently both the majority leader and the minority leader came down to the floor to talk about the President's jobs bill. There was an effort to bring up this bill by the minority leader, and it was objected to by the majority leader. And I understand that, but all we have heard from the President from the very first time he introduced this was "pass the bill, pass the bill, pass the bill." I know there is some reason he keeps using that phrase over and over. It has probably been tested and is one that I think he believes will move a lot of people. Frankly, I don't think it will because too many people remember what happened the last time he had a stimulus bill. That is something which has not been really discussed on the floor in consideration of what he refers to as the jobs bill. So I can see why he keeps talking about passing the bill, because he doesn't really want to talk about it.

His new proposal reminds me so much of that \$825 billion stimulus package he rammed through Congress shortly after entering office. It is almost the same thing. The Recovery Act is the \$825 billion act. It included only \$27.5 billion in highway spending, which was the stimulus portion of that bill. We are talking about 3 percent of the \$825 billion.

I am particularly sensitive to this since I have in the past been the chairman of the Environment and Public Works Committee, and I am now the ranking member. We have a Transportation reauthorization bill we are trying to get up and get up on a bipartisan basis.

Back during the consideration of the Recovery Act, the \$825 billion, I tried to pass an amendment on this floor to increase that to about 30 percent instead of 3 percent of the bill. If that had happened, we would not be in the situation we are today. We would have a lot of jobs out there that would be under construction and good things would be happening.

In the case of this \$447 billion bill, which is kind of the Recovery Act lite, there is only \$27 billion in highway spending, and it is not conceivable that he didn't learn his lesson from the first

go-around that that is the main reason people are upset with it right now. That is the reason he keeps saying: Pass the bill, pass the bill.

The proposal includes a few different things, but much of it will be sent to the President to spend however he wants. Now, you may be wondering, will Congress tell the President where to spend the money? To a very limited extent, that is right. When Congress does not tell the President exactly what he is to do with each dime he gets, the President gets to decide what to fund.

This administration has a history of making incredibly poor spending decisions with the money appropriated to it. The biggest example I can think of is the \$825 billion stimulus package. When the President signed this bill in February of 2009, he said—and I want you to hold this thought—he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that's been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

That is what he said. That is a direct quote. For those of you who are watching, I have news for you: Despite the President's remarks, the spending was not balanced, and it had a tremendous amount of porkbarrel earmark spending even though there were no congressional earmarks. This is a distinction not many people make. I tried to get this point across back when the Republicans very foolishly talked about having a moratorium on earmarks. I said: Those are congressional earmarks. That is not where the problem is. The problem is in bureaucratic earmarks.

The clearest and most recent example of a huge earmark is the loan guarantee that was given to Solyndra. We have been reading about this and hearing about it recently. It is now a bankrupt solar panel manufacturing company. We have heard about that. Solyndra was a politically connected firm from California that was able to lobby the White House to obtain a loan guarantee of \$535 million to fund its green jobs pipedream. This happened despite the fact that some in the administration were warning the White House to give them more time to evaluate the company's finances. It seems they were concerned about the company's long-term viability. But these warnings were ignored by the White House. They wanted to fund the project anyway. Why? I think it was for two reasons: First, the White House has a fascination with green energy; second, political gamesmanship. Some of Solyndra's biggest investors are big fundraisers and have been big fundraisers for President Obama. We now know they made repeated visits to the White House. That is not just a coincidence.

Another question is this: How did the White House have the authority to give the loan guarantee to Solyndra in the first place? The short answer is Obama's stimulus package. That was the \$825 billion stimulus package. It significantly expanded the Department of Energy's Loan Guarantee Program, and with this expansion the White House was able to select Solyndra for a loan guarantee.

While the stimulus package did not include any porkbarrel spending in the way that most people think about it—congressional earmarks—this provides clarity to the fact that when Congress does not explicitly state where taxpayer funds should go, the money is handed over to the administration to spend however they want. They get to earmark every last dime.

In the case of Solyndra, the President handed it over to his political buddies who were in favor of the green energy projects. If that isn't a porkbarrel project, I don't know what is. Now the damage has been done, and the taxpayers are going to be on the hook for as much as \$535 million in losses.

Sadly, Solyndra is just one of many examples of porkbarrel spending in the stimulus bill. We are talking about the first stimulus bill, the \$825 billion bill. Not too long ago, Sean Hannity had on his program—I think it took him two programs to get it through—the 102 most egregious earmarks that are recorded. It is really kind of interesting. In fact, I have the whole list here, and I am going to ask that it be made a part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. I would love to be able to name all of these. These are just ridiculous. There is \$219,000 to study the hookup behavior of female college coeds in New York; \$1.1 million to pay for the beautification of Los Angeles, Sunset Boulevard; \$10,000 to study whether mice become disoriented when they consume alcohol in Florida. It goes on and on. Again, there are 102 of these. These are the most egregious.

What is interesting is that the day after Sean Hannity exposed these earmarks—102 of them—I came to the floor and I read all 102 of them. I said: What do these 102 earmarks have in common? The answer: Not one is a congressional earmark. They are all bureaucratic earmarks. They all came from the \$825 billion.

Remember I said a minute ago that he said there will be no earmarks in this package? It is the same thing he is saying about this second go-around for the jobs bill he is talking about today. The administration took \$825 billion that Congress gave it and chose to spend it on stupid things such as the ones I just listed, but there are 102 of

them. I hope he will take the time, since it will be in the RECORD, to read all 102 of them.

What does this have to do with the jobs bill? To me, the jobs bill is simply the President coming back to Congress to ask for more money to spend however he wants on porkbarrel projects such as these. No one has talked about this on the floor. They have talked about the problems they have with this spending bill and why it is really not a jobs bill, but no one is talking about the fact that this is exactly what he did before. I don't know why we are not talking about this and featuring this because if he said before that there were going to be no earmarks and then he had 102 egregious earmarks, why would he not do the same thing now? The answer is, he would do it. He would like to hand this out to his cronies in ways that would best benefit him.

You may remember the President's State of the Union Address from earlier this year. In it, he promised, and I quote, "If a bill comes to my desk with earmarks inside, I will veto it." Well, you have a promise from the President that unless Congress gives him all of the authority to determine how money is spent through the bureaucratic earmark process, he will veto the bill. In other words, he will veto a bill unless he has total authority on how to spend it, and he can spend it on his own earmarks in spite of the fact that he said there will be no earmarks. So for any jobs bill to be considered, Congress is going to have to let the President decide how all the money is being spent. It is a hard concept to get ahold of.

"Earmarks" has become a dirty word, and people assume that when you say "earmarks," you are talking about congressional earmarks. That is not the problem. I have legislation I am going to be talking about that will correct this and better inform the public as to what is really going on. So we are finding ourselves in the same situation again.

What is worse is the fact that the problem of bureaucratic earmarks is not limited to special stimulus packages. It is a normal course of business. On any given day, the administration is making thousands of decisions on how to spend money it has appropriated. Congress first passes laws authorizing the executive branch to do certain things, and then we appropriate the money and go and do it. But unless Congress gives specific instructions as to where to spend the money—a process many people decry as congressional earmarks—the administration gets to decide where to spend the money. In other words, the bureaucracy does the earmark or President Obama does it.

I serve on the Armed Services Committee. We are staffed with experts in defending America. We have experts in missile defense, experts in lift capability, all of that. The way it has al-

ways happened before is the President—whether it was President Bush or Clinton or any other President—designs a budget, and that budget, the parameters, goes to Congress. Then we in the authorization committees decide if we agree with the President and how he wants to defend America.

A good example of that is that right before the prohibition on earmarks came in, the President sent his budget down—I think that was his first budget—and in that budget was \$330 million for a launching system. It was called a Bucket of Rockets. It was a good system. It was something I would like to have for defending America. But when we analyzed it, we looked and we thought, with what is happening right now, our greatest need is to expand our F-18 program and buy six new F-18s. So we took the \$330 million he would have spent on the rocket-launching system and spent it on six new F-18s, and it was a wise thing to do. You can't do that now because the President has to make all of the decisions because that would be called a congressional earmark.

Earmarks don't increase spending at all. All they do is say: All right, Mr. President, you go ahead and spend it the way you want to. A recent example of this comes from the Bureau of Land Management within the Department of the Interior.

While I could talk for hours about whether the management of Federal lands is appropriate for government to do, that is not what I want to bring your attention to. That is another discussion for another time. What I am concerned about is how carefully the Bureau of Land Management works to keep its actions aligned with the authorization and power it has been given by Congress. We write laws for a reason. We say the bureaucracy can do certain things and not do certain things. When we do that, we are limiting the bureaucracy and the bureaucracy's authority. We are not saying they can interpret the law in any way they choose, but generally that doesn't stop them from trying.

One thing the Bureau of Land Management is authorized to do by a statute is to enter into contracts and cooperative agreements to manage, protect, develop, and sell public lands. In managing public lands, title 43 authorizes the BLM to, among other things, preserve the land's historic value.

A few days ago, as I was searching through the government's grants database—by the way, this database is something we put in when Republicans were a majority in our committee. The Environment and Public Works Committee has a database which will show people, if they care to wander through, just what the bureaucracy is spending money on.

I was looking through the grants database, and I came across one that

shocked me. On September 9 of this year, just a few days ago, the BLM announced its intent to award a grant of \$214,000 to the Public Land Foundation to fund a research project to describe in detail why the Homestead Act of 1862 had a significant impact on the history of America. When I asked them to justify that, they started talking about how important history is.

Today, my question is this: What part of this grant has anything to do with today's actual public lands? This is not a grant to dust off the historic landmarks at national parks. This is a research project to study history, which may be a noble task, but nonetheless that is what it is for.

What the American people need to understand is that this sort of thing happens all the time. The bureaucracy is completely numb to the fact that we have a \$1.5 trillion deficit just in this year alone, and while this should inform the way it spends money and help to prioritize accordingly, it doesn't. The bureaucracy takes the money given to it by Congress and spends it on porkbarrel projects that are important to the President. Right now, there is no way around this. There is no accountability or transparency built into it in any way. The bureaucracy earmarks its funds.

I believe this needs to be changed, and I am currently drafting legislation that will change the way the bureaucracy makes funding decisions. My legislation will bring true transparency and accountability to the process, and it will require the administration to state explicitly which laws authorize its grant awards. It will also provide a way for Congress to weigh in and challenge the administration's thinking. This is not just for the current administration; it is for any administration.

With trillions of dollars in deficits, we cannot afford to give the President another \$447 billion to spend on whatever he wants because that is what it would be. We need to reduce spending, but we also need to ensure that the spending we are doing is justified by the laws Congress passes. Because of this, we need to bring more light and accountability to the bureaucratic earmarking process.

Further, I warn my colleagues to not be fooled into the idea that whenever we pass money off to the administration, it is in safe hands. The opposite is true, and I urge my colleagues to oppose more blank check stimulus spending because of it.

Again, after President Obama stated on February 17, 2009, there will be no earmarks in his \$825 billion stimulus bill, it contained more than 100 very egregious, offensive earmarks. I could—again, I am not going to read off the list, but it will be a part of the RECORD following these remarks I am making now.

He will do it again. If we pass another \$450 billion stimulus bill, we can

be sure it will be full of earmarks as bad as the ones he put in the initial stimulus bill.

This is our second blank check for the President. He fooled us once. Do not let it happen again.

With that, I yield the floor.

EXHIBIT 1

BUREAUCRATIC EARMARKS IN THE STIMULUS BILL

102. Protecting a Michigan insect collection from other insects (\$187,632)
101. Highway beautified by fish art in Washington (\$10,000)
100. University studying hookup behavior of female college coeds in New York (\$219,000)
99. Police department getting 92 blackberries for supervisors in Rhode Island (\$95,000)
98. Upgrades to seldom-used river cruise boat in Oklahoma (\$1.8 million)
97. Precast concrete toilet buildings for Mark Twain National Forest in Montana (\$462,000)
96. University studying whether mice become disoriented when they consume alcohol in Florida (\$8,408)
95. Foreign bus wheel polishers for California (\$259,000)
94. Recovering crab pots lost at sea in Oregon (\$700,000)
93. Developing a program to develop "machine-generated humor" in Illinois (\$712,883)
92. Colorado museum where stimulus was signed (and already has \$90 million in the bank) gets geothermal stimulus grant (\$2.6 million)
91. Grant to the Maine Indian Basketmakers Alliance to support the traditional arts apprenticeship program, gathering and festival (\$30,000)
90. Studying methamphetamines and the female rat sex drive in Maryland (\$30,000)
89. Studying mating decisions of cactus bugs in Florida (\$325,394)
88. Studying why deleting a gene can create sex reversal in people, but not in mice in Minnesota (\$190,000)
87. College hires director for project on genetic control of sensory hair cell membrane channels in zebra fish in California (\$327,337)
86. New jumbo recycling bins with microchips embedded inside to track participation in Ohio (\$500,000)
85. Oregon Federal Building's "green" renovation at nearly the price of a brand new building (\$133 million)
84. Massachusetts middle school getting money to build a solar array on its roof (\$150,000)
83. Road widening that could have been millions of dollars cheaper if Louisiana hadn't opted to replace a bridge that may not have needed replacing (\$60 million)
82. Cleanup effort of a Washington nuclear waste site that already got \$12 billion from the Department of Energy (\$1.9 billion)
81. Six woodlands water taxis getting a new home in Texas (\$750,000)
80. Maryland group gets money to develop "real life" stories that underscore job and infrastructure-related research findings (\$363,760)
79. Studying social networks, such as Facebook, in North Carolina (\$498,000)
78. Eighteen (18) North Carolina teacher coaches to heighten math and reading performance (\$4.4 million)
77. Retrofitting light switches with motion sensors for one company in Arizona (\$800,000)
76. Removing graffiti along 100 miles of flood-control ditches in California (\$837,000)
75. Bicycle lanes, shared lane signs and bike racks in Pennsylvania (\$105,000)
74. Privately-owned steakhouse rehabilitating its restaurant space in Missouri (\$75,000)
73. National dinner cruise boat company in Illinois outfitting vessels with surveillance systems to protect against terrorists (\$1 million)
72. Producing and transporting peanuts and peanut butter in North Carolina (\$900,000)
71. Refurnishing and delivering picnic tables in Iowa (\$30,000)
70. Digital television converter box coupon program in D.C. (\$650,000)
69. Elevating and relocating 3,000' of track for the Napa Valley Wine Train in California (\$54 million)
68. Hosting events for Earth Day, the summer solstice, in Minnesota (\$50,000)
67. Expanding ocean aquaculture in Hawaii (\$99,960)
66. Raising railroad tracks 18 inches in Oregon because the residents of one small town were tired of taking a detour around them (\$4.2 million)
65. Professors and employees of Iowa state universities voluntarily taking retirement (\$43 million)
64. Minnesota theatre named after Che Guevara putting on "socially conscious" puppet shows (\$25,000)
63. Replacing a basketball court lighting system with a more energy efficient one in Arizona (\$20,000)
62. Repainting and adding a security camera to one bridge in Oregon (\$3.5 million)
61. Missouri bridge project that already was full-funded with state money (\$8 million)
60. New hospital parking garage in New York that will employ less people (\$19.5 million)
59. University in North Carolina studying why adults with ADHD smoke more (\$400,000)
58. Low-income housing residents in one Minnesota city receiving free laptops, WiFi and iPod Touches to "educate" them in technology (\$5 million)
57. University in California sending students to Africa to study why Africans vote the way they do in their elections (\$200,000)
56. Researching the impact of air pollution combined with a high-fat diet on obesity development in Ohio (\$225,000)
55. Studying how male and female birds care for their offspring and how it compares to how humans care for their children in Oklahoma (\$90,000)
54. University in Pennsylvania researching fossils in Argentina (over \$1 million)
53. University in Tennessee studying how black holes form (over \$1 million)
52. University in Oklahoma sending 3 researchers to Alaska to study grandparents and how they pass on knowledge to younger generations (\$1.5 million)
51. Grant application from a Pennsylvania university for a researcher named in the Climate-gate scandal (Rep. Darrell Issa is calling on the president to freeze the grant) (\$500,000)
50. Studying the impact of global warming on wild flowers in a Colorado ghost town (\$500,000)
49. Bridge build over railroad crossing so 168 Nebraska town residents don't have to wait for the trains to pass (\$7 million)
48. Renovating an old hotel into a visitors center in Kentucky (\$300,000)
47. Removing overgrown weeds in a Rhode Island park (\$250,000)
46. Renovating 5 seldom-used ports of entry on the U.S.-Canada border in Montana (\$77 million)
45. Testing how to control private home appliances in Martha's Vineyard, Massachusetts from an off-site computer (\$800,000)
44. Repainting a rarely-used bridge in North Carolina (\$3.1 million)
43. Renovating a desolate Wisconsin bridge that averages 10 cars a day (\$426,000)
42. Four new buses for New Hampshire (\$2 million)
41. Re-paving a 1-mile stretch of Atlanta road that had parts of it already re-paved in 2007 (\$490,000)
40. Florida beauty school tuition (\$2.3 million)
39. Extending a bike path to the Minnesota Twins stadium (\$500,000)
38. Beautification of Los Angeles' Sunset Boulevard (\$1.1 million)
37. Colorado Dragon Boat Festival (\$10,000)
36. Developing the next generation of supersonic corporate jets in Maryland that could cost \$80 million each (\$4.7 million)
35. New spring training facilities for the Arizona Diamondbacks and Colorado Rockies (\$30 million)
34. Demolishing 35 old laboratories in New Mexico (\$212 million)
33. Putting free WiFi, Internet kiosks and interactive history lessons in 2 Texas rest stops (\$13.8 million)
32. Replacing a single boat motor in a government boat in D.C. (\$10,500)
31. Developing the next generation of football gloves in Pennsylvania (\$150,000)
30. Pedestrian bridge to nowhere in West Virginia (\$80,000)
29. Replacing all signage on 5 miles of road in Rhode Island (\$4,403,205)
28. Installing a geothermal energy system to heat the "incredible shrinking mall" in Tennessee (\$5 million)
27. University in Minnesota studying how to get the homeless to stop smoking (\$230,000)
26. Large woody habitat rehabilitation project in Wisconsin (\$16,800)
25. Replacing escalators in the parking garage of one D.C. Metro station (\$4.3 million)
24. Building an airstrip in a community most Alaskans have never even heard of (\$14,707,949)
23. Bike and pedestrian paths connecting Camden, N.J. to Philadelphia, Pennsylvania, when there's already a bridge that connects them (\$23 million)
22. Sending 10 university undergrads each year from North Carolina to Costa Rica to study rain forests (\$564,000)
21. Road signs touting stimulus funds at work in Ohio (\$1 million)
20. Researching how paying attention improves performance of difficult tasks in Connecticut (\$850,000)
19. Kentucky Transportation Department awarding contracts to companies associated with a road contractor accused of bribing the previous state transportation secretary (\$24 million)
18. Amtrak losing \$32 per passenger nationally, but rewarded with windfall (\$1.3 billion)
17. Widening an Arizona interstate even though the company that won the contract has a history of tax fraud and pollution (\$21.8 million)
16. Replace existing dumbwaiters in New York (\$351,807)
15. Deer underpass in Wyoming (\$1,239,693)
14. Arizona universities examining the division of labor in ant colonies (combined \$950,000)
13. Fire station without firefighters in Nevada (\$2 million)
12. "Clown" theatrical production in Pennsylvania (\$25,000)

11. Maryland town gets money but doesn't know what to do with it (\$25,000)

10. Investing in nation-wide wind power (but majority of money has gone to foreign companies) (\$2 billion)

9. Resurfacing a tennis court in Montana (\$50,000)

8. University in Indiana studying why young men do not like to wear condoms (\$221,355)

7. Funds for Massachusetts roadway construction to companies that have defrauded taxpayers, polluted the environment and have paid tens of thousands of dollars in fines for violating workplace safety laws (millions)

6. Sending 11 students and 4 teachers from an Arkansas university to the United Nations climate change convention in Copenhagen, using almost 54,000 pounds of carbon dioxide from air travel alone (\$50,000)

5. Storytelling festival in Utah (\$15,000)

4. Door mats to the Department of the Army in Texas (\$14,675)

3. University of New York researching young adults who drink malt liquor and smoke pot (\$389,357)

2. Solar panels for climbing gym in Colorado (\$157,800)

1. Grant for one Massachusetts university for "robobees" (miniature flying robot bees) (\$2 million)

Grand Total: \$4,891,645,229

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the so-called supercommittee created by the Budget Control Act has begun their work. It is mandated to produce a plan by November 23 that will reduce future deficits by at least \$1.5 trillion. As chair of the Health, Education, Labor, and Pensions Committee, I have been invited to submit recommendations to the supercommittee, and I will do so in the days ahead.

Certainly, I wish this group well. However, it is critically important we define success in terms that matter to working Americans. Frankly, I am deeply disturbed by the Washington groupthink that defines success narrowly in terms of maximizing deficit reduction. I have come to the floor to urge members of the supercommittee to embrace a broader and more powerful definition of success. Success must include boosting the economy and creating jobs.

After all, the most effective way to reduce the deficit is to help 25 million unemployed and underemployed Americans find jobs and become taxpayers once again. There can be no sustained deficit reduction without a recovery of the economy and a return to normal levels of employment. Indeed, just yesterday, the Congressional Budget Office released an analysis showing that if our economy were not in recession—if our economy were not in recession—if it were employing labor and capital at normal levels, the deficit would be reduced next year by an estimated \$343 billion—a reduction of one-third of the deficit in 1 year if we just had normal employment.

So I have a simple but urgent message to the supercommittee: Go big on

jobs. That message would be strongly seconded by people such as Connie Smith of Tama, IA. In January, she was laid off after working 27 years for the same telecom company. Since being laid off, she has been working as a contractor doing the same type of work for less pay and no benefits.

Jean Whitt would also agree. She was laid off in 2008 and is now a student at Iowa Western Community College, striving for a new career in nursing. She is hoping good jobs will be available when she graduates.

As I said, inside the Washington bubble, our leaders have persuaded themselves that the No. 1 issue confronting America is the budget deficit. I assure everyone that ordinary Americans are focused on a far more urgent deficit: the jobs deficit.

But I am also concerned about a third deficit: the deficit of imagination and vision in Washington today. I am dismayed by our failure to confront the current economic crisis with the boldness earlier generations of Americans summoned in times of national challenge.

Let's be clear about the staggering scale of today's challenge. Our Nation remains mired in the most severe period of joblessness since the Great Depression. As I said, some 25 million Americans are desperate to find full-time employment. According to new data from the Census Bureau, the poverty rate has risen to 15 percent—the highest level in 18 years. Twenty percent of American children are being raised in poverty—one out of every five kids in America.

Last week, the Chairman of the Federal Reserve, Mr. Ben Bernanke, said unemployment is a "national crisis." Very true, Mr. Bernanke. It is a national crisis. It is far and away the No. 1 concern of the American people. That is why an exclusive, single-minded obsession—obsession—with slashing spending and reducing the deficit is not just misguided, it is counterproductive. If the supercommittee cuts the deficit by \$1.5 trillion and does nothing to create jobs, this would amount to a massive dose of antistimulus. It will further drain demand from the economy and destroy even more jobs. That, in turn, will make the deficit worse, not better. It is the equivalent of applying leeches to a patient who needs a transfusion.

We must stop this mindless march to austerity. Smart countries, when they have these kinds of challenges, do not just turn a chainsaw on themselves. Instead of the current slash-and-burn approach, which is being sold through fear and fatalism, we need an approach that reflects the hopes and aspirations of the American people.

To be sure, we must agree on necessary spending cuts and tax increases. But we must continue to invest in what will spur economic growth, create jobs,

and strengthen the middle class, knowing this is the only sustainable way to bring deficits under control.

Again, I say to the supercommittee: If you are serious about reducing the deficit, you must put job creation front and center in your deliberations and agenda, not just slashing and cutting government spending to reduce the deficit.

I do not want to be misunderstood. My preference, of course, is always to reduce the deficit. I know that. As a senior member of the Appropriations Committee, I appreciate that we must seize every opportunity to prudently—prudently—reduce Federal spending. There are opportunities, including in the Pentagon, to reduce Federal spending while minimizing further damage to the economy and jobs.

However, I believe we must be equally willing to say no—no—to foolish, destructive budget cuts. Most important, as I have said, the supercommittee must broaden its focus to include a sharp emphasis on creating jobs and boosting the economy.

That is why I was very pleased by the plan presented by President Obama: the American Jobs Act. As the President said in his speech to Congress, the American Jobs Act boils down to two things: putting people back to work and more money in the pockets of working Americans.

Most importantly, in my book, the American Jobs Act would dramatically ramp up investments in infrastructure in order to boost U.S. competitiveness and directly create millions of new jobs.

Specifically, the American Jobs Act includes \$30 billion to renovate some 35,000 schools and community colleges nationwide. This would create hundreds of thousands of new jobs, especially in the hard-hit construction industry.

The legislation—the President's bill—provides \$30 billion to help local school districts hire and retain teachers. This new fund would save or create nearly 400,000 education jobs.

In addition, the American Jobs Act includes \$50 billion for immediate investment in our transportation infrastructure. Again, this will dramatically boost employment, while modernizing the arteries and veins of our commerce.

Now people say: How are we going to pay for all this and these other investments, keeping our teachers in the classroom, renovating the infrastructure? How are we going to pay for all this to get our economy back on track?

For the answer, we again need to listen to the American people. I received a heartfelt message from Dan Carver, a fifth-grade teacher in Carlisle, IA. He says he is struggling similar to other middle-class Americans to pay his bills and his taxes and he does not understand why corporations and the very

wealthy are not also paying their fair share.

In poll after poll after poll, by 2-to-1 margins—2-to-1 margins—Americans want an approach that includes tax increases on those who can most afford it, those whose incomes have skyrocketed in recent years, even as middle-class incomes have fallen, those who have benefited the most from tax breaks initiated during the Bush administration. By a 2-to-1 margin—this should be a no-brainer for people elected to Congress. Read the polls. That is what people want done.

We see all those people up on Wall Street. It is now spreading to Washington. There is even an event planned for Mason City, IA, this weekend by a lot of young people, saying: Look, we have to raise revenue. We can't just slash and cut back and retreat. We need to raise revenue and charge forward.

We would be foolish to ignore the voices of working Americans from all walks of life. For more than a decade now, these good citizens have been told that tax breaks for the wealthy will result in millions of new jobs and a booming economy. That is what they have been told. They were told wealthy Americans are so-called job creators, and if we just shove enough tax breaks their way, jobs will magically bloom.

Frankly, this is the same old theory of trickle-down economics, and it manifestly has never worked. For ordinary Americans, the only things that have trickled down are wage cuts, mass unemployment, upside-down mortgages, personal bankruptcies, and disappearing pensions.

Instead of this failed trickle-down economics for the rich, it is time for percolate-up economics for middle-class Americans. We have a saying for this out in the Midwest, and I have heard it many times: You do not fertilize a tree from the top down. You have to put it in at the roots.

It is time to invest directly in jobs by renovating our crumbling infrastructure, rebuilding our schools, putting laid-off teachers back to work. By all means, it is time to ask those who have benefited the most from our economy to pay more—yes, to pay more—to help finance these urgent investments. Because these are the kinds of things individuals cannot do on their own. An individual cannot rebuild a highway or a school. An individual cannot retrofit a building. An individual cannot build new energy efficiency systems. But we can do this acting together. That is why it is time to ask those who have benefited the most from our economy to pay some more.

I close by reiterating that we need to pursue a path that, first and foremost, right now, focuses on job creation; in the longer term, focuses on deficit reduction. After we get the economy going and get people back to work and

being taxpayers again, then we can reduce the deficit. As the report showed this week, if we were to just have normal employment levels, we would reduce the deficit by \$343 billion.

So I say again to the supercommittee: Do not just focus on slashing, cutting, and retreating.

Focus on raising revenue and charging ahead, investing in education, innovation, infrastructure. It means a level playing field with fair taxation—fair taxation—and a strong ladder of opportunity to give every American access to the middle class. It is time to put America back to work. It is time to change the tenor of the debate. It is time to get away from this groupthink in Washington; that if only, if only we would just cut more government spending, somehow magically people will go back to work. It is not going to happen. Only in your dreams.

It will only happen if we are bold enough, as our forefathers and people before us were bold enough, to raise the necessary revenue to put this country back to work. That should be the first charge of this supercommittee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I very much thank Senator HARKIN, the chairman of the HELP Committee, for his advocacy always for the middle class, advocacy always for those who aspire to the middle class, and especially the jobs bill. I particularly appreciate his comments about school construction. That is a major component of the jobs bill.

My State has gone through a pretty good period under Governor Taft, who is not in the same political party as I am but he is a friend of mine who launched a program 10 years or so ago in Ohio to begin to replace—to give incentives to local governments, local school districts, to vote bond issues where there was a lot of State matching funds that built a lot of new schools but nothing close to what we need yet with all of the progress we made.

We tell our children that education is the most important thing in their lives and our lives and our country, and then we send them to lousy, decaying, falling-apart school buildings. I do not think that quite clicks in kids' minds. So the school construction part of this bill, first of all, puts construction workers to work in their high-unemployment rates, as Senator HARKIN said. Second, it puts steelworkers and cement workers and concrete workers and people who are making the products—the glass makers, the glass companies, and all manufacturers—to work for the materials. Third, it sets the foundation by building community colleges and rebuilding school buildings and all of that, putting people to work for long-term economic growth and prosperity.

We know for a fact the United States, in the 1950s, 1960s, and 1970s, created an infrastructure the likes of which the world had never seen. That is the foundation for our prosperity. Unfortunately, in the last 20 years we have let that infrastructure crumble. We let that infrastructure decay. When I look at these young pages here, 15, 16, 17, 18 years old, I do not want them to inherit a huge budget deficit, but I also do not want them to inherit a huge education deficit, an infrastructure deficit. We owe that to that generation to do much better than we have.

I thank Senator HARKIN and yield to him.

Mr. HARKIN. Well, I thank the Senator very much. I thank the Senator from Ohio, a great friend and a great supporter of working Americans. I would just say that the bill that Senator BROWN has been championing is now leading the charge on the China currency bill, and I think it is one of the important steps forward in making sure we start creating jobs for Americans.

How can we create jobs for Americans when we have a Chinese currency that is underpinning their exports to America, undercutting our jobs in this country? So this is a big step forward. I hope we can get cloture. I hope we can move forward on the bill. So I thank the Senator from Ohio for his steadfastness on making sure we got the bill to the floor, and I hope we get the votes to pass it.

Again, we can focus on the jobs in this country, but if we are just going to continue to allow China to undercut us in just every possible way through manipulating their currency so they can undercut us by 20 or 25 percent on a lot of goods that come into this country, how are we going to manufacture those things?

Mr. BROWN of Ohio. We are joined in the Chamber by two of the sponsors of this bill: the Presiding Officer, Senator WHITEHOUSE, and Senator CASEY from Pennsylvania.

The Senator said something earlier about the supercommittee and deficit reduction, and what he said is exactly right. Many in this institution and down the hall in the House of Representatives do not seem to understand that we cannot only cut our way to prosperity, we have to grow our way to a more balanced budget and prosperity.

One of the things this China currency bill will do is, it is estimated by the Economic Policy Institute that over 10 years it will cut the deficit \$600 billion to \$800 billion. Why is that? Because of job growth, because this bill provides—according to the Economic Policy Institute study, it creates more than 2 million jobs. That is 2 million people, instead of receiving unemployment benefits, instead of being eligible for food stamps, instead of other kinds of things we do for people who are out of

work, it will mean those 2 million people will actually be working, many of them in manufacturing. Those are \$12-, \$15-, \$20-an-hour jobs. They will be paying taxes. They will be paying into Social Security, into Medicare, into local retirement systems—all of that—paying property taxes for the schools, doing all of the things that employed, hard-working taxpayers do.

So it is a win in that situation too. So while we need to focus on the President's jobs bill, this is one that makes so much sense, and that is why we need to move forward.

Mr. HARKIN. The Senator from Ohio clearly understands percolate-up economics. I appreciate that very much. I thank the Senator from Ohio for his leadership.

Mr. BROWN of Ohio. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise just for a few moments to make a few comments regarding the pending legislation that deals with the currency policies that China has had in place which have proven to be adverse to American workers. I was saying on the floor yesterday, and I will say it again, that this is not a complicated issue. When China does not play by the rules, when they cheat on the international stage on their currency policies, Americans lose jobs.

We have lost far too many of them for us to just sit back and do nothing or sit back and just discuss and urge and plead instead of taking action. But what I failed to do yesterday was put a couple of basic numbers on the table. I mentioned in some of my comments yesterday that we had a hearing in the Joint Economic Committee, which for those who are not as familiar with the workings of that committee, it is a House-Senate joint committee where we have Senators and House Members, obviously, from both parties meeting and participating in hearings on a whole range of topics, most of them dealing with the economy and jobs.

Yesterday, we had the Federal Reserve Chairman, Ben Bernanke, who testified broadly about a lot of issues. But I asked him about currency, and one of the things he said—I thought this was a pretty significant statement. I am just reading something Chairman Bernanke said in pertinent part. This is not, obviously, a full statement. But when I asked him about currency, China currency and their policy, he said:

I think right now, a concern is that the Chinese currency policy is blocking what

might be a more normal recovery process in the global economy. The Chinese currency policy is blocking that process.

I should add here, “process” meaning the recovery. Then he goes on to say:

So it is to some extent hurting the recovery process.

That is the Chairman of the Federal Reserve, someone whose job it is not to comment on public policy on a regular basis necessarily or to take positions on one side or the other on public policy; but the fact that he made that statement, which made it abundantly clear that this is not simply a problem for our workers when we lose jobs, when we hemorrhage the jobs we have lost, but this currency policy that China has in place is an impediment to the recovery, the economic recovery of the world.

So I thought it was a critically important statement that he made as further evidence that this bill we are working on is the right way to go. I do not want to imply that he endorsed the bill; he did not. But I thought it was interesting that he focused on the economic recovery worldwide and not only on the adverse consequences for our workers, our companies, our jobs.

Two other notes, and then I will sit down. One is the impact in a State such as Pennsylvania. I have the privilege to represent the people of Pennsylvania. So I want to make sure the record is clear in terms of what China's policies, both on currency, and more broadly on trade, have meant in the context of Pennsylvania workers.

A report released just recently by the Economic Policy Institute—and we hear the so-called EPI quoted a lot—estimates that from the year 2001 through 2010 our trade deficit with China has led to the loss of 106,970 jobs in Pennsylvania, almost 2 percent of total employment in Pennsylvania.

Across the Nation, the same trade deficit has led to a loss of 2.8 million jobs since 2001. Basically, you are talking about less than a decade. Because of the trade deficit with China, we lost 2.8 million jobs nationally, and a little shy of 107,000 jobs in one State—the State of Pennsylvania.

Some would say, well, you should be careful how you say that because we are not saying that the currency policy they have in place—which I assert is cheating—that the job loss could be attributed to that solely. I am not saying that. But there is no question—and I think the record is replete with evidence and examples—that much of that job loss can be attributed to their currency policies, as well as other policies they have in place. I will not even get into the infringement on copyright and intellectual property, and the whole range of other issues where we have disagreements with other policies emanating from China.

Two more points, finally, about EPI. The Economic Policy Institute did an

analysis, and they released the report on June 17, 2011. They wanted to make a determination that if China were to revalue its currency and play by the rules, to the extent of a 28-percent level—and some people think the manipulation they are doing amounts to more than 28 percent—but if they are able to revalue their currency up to that level, what would happen? Here is what EPI found:

If only China revalued to 28.5 percent, the growth in U.S. gross domestic product would support 1.631 million U.S. jobs. If other Asian countries also revalued [at that level, 28.5 percent] then 2.250 million U.S. jobs would be created.

I mentioned the study yesterday. I said: What if their estimates are off? What if, for some reason, you had to scale down that estimate? Well, if 1.6 million jobs—if they are off by even a lot, that is still a big job number. If you add the other Asian countries that are impacted by the policies in China, you are over 2.2 million jobs. Even if that is off, it is still a lot of jobs.

This is a jobs bill. We talk about creating new consequences for China cheating on currency. This is a job creator if we do it—if we can pass the bill and implement the policy. We can create a lot of jobs over the next several years at the same time. This has an impact on job creation and, ultimately, on GDP.

I know that when I go back to Pennsylvania, people will say to me: Let me get this straight: You have a bill that deals with getting tougher on China, relating to their currency policy; you have bipartisan support in the Senate, and it is a job-creating bill. Why won't this pass, and why don't you have this enacted into law?

I believe we have a lot of momentum for passage. I hope the bipartisan support we have on the Republican side of the aisle, with a number of Democrats, will result in passage of this legislation, especially when you put it in the context of two points I made—one, the job impact or the job loss that has resulted from China cheating on its currency policy over all these years; secondly, when you put it into the context of not just our economy but the world economy—when we have the Chairman of the Federal Reserve saying their policy on currency is impeding—well, I will read what he said:

... the Chinese currency policy is blocking what might be a more normal recovery process in the global economy. . . .

Blocking recovery in the global economy. That is compelling testimony for anyone who cares about and is concerned about creating jobs here, strengthening our recovery and, obviously, helping the recovery worldwide. I think the evidence is overwhelming. The support for this legislation is as broad based as any I have seen for any bill I have ever considered in the almost 5 years I have been in the Senate.

We need to finish this debate this week and get a vote. I hope we will continue to have an overwhelming vote that reflects the overwhelming support across the United States.

Mr. COONS. Mr. President, I rise to speak about two amendments I filed today to help protect American intellectual property from theft abroad. If we are serious about leveling the playing field with countries like China, then protecting U.S. intellectual property from theft has to be a part of it.

This summer I went up and down our State meeting with business leaders and asking them about what we need to do in Washington to help them create jobs. Though currency manipulation came up from time to time, it paled in comparison to the fear our innovative business owners had about intellectual property theft.

When foreign companies and governments steal our ideas, they are stealing more than just formulas and schematics—they are stealing jobs. These two amendments are about giving America the tools to fight back.

I introduced my first amendment with my colleague on the Judiciary Committee, Senator KOHL. It provides a Federal private right of action for victims of trade secret theft. Trade secrets are a critical form of intellectual property, particularly among manufacturers, and when they are stolen, it can result in catastrophic damage to American companies and their employees.

After the Korean company, Kolon, was found to have stolen the trade secrets behind DuPont's next generation Kevlar fiber, a jury last month found that DuPont had suffered a staggering \$919 million in damages.

Trade secrets are a critical part of the American economy. Yet they are the only form of intellectual property without a Federal cause of action. Our amendment would fix that and provide U.S. victims of trade-secret theft access to the same service of process, same ability to keep sensitive documents secret, and the same uniformity of substantive law available to other intellectual property victims.

My second amendment, which I introduced with my colleague Senator GRASSLEY, the distinguished ranking member of the Judiciary Committee, fixes a simple problem, but one that vexes an array of companies that I hear from regularly.

Under current law, when Customs and Border Patrol agents intercept a shipment that they suspect contains counterfeit or trademark-infringing goods, there are prevented from properly investigating the shipment because they cannot share product samples or UPC codes with the intellectual property holder.

That is ridiculous. Why are we tying the hands of our agents and preventing American businesses from sticking up for themselves? Worse, it means that

shipments of counterfeit goods are being let into this country even when Customs agents have reason to believe they might be counterfeit. And it is not just toys, clothes and electronics that we are talking about; it is prescription drugs and medical technologies.

We are abetting the trade imbalance that is stifling the American economy by allowing this gaping hole to continue to exist. In come cheap counterfeit goods, and out go American jobs.

Our amendment would close this gaping hole in our economic security by allowing Customs and Border Patrol agents to share the information that they need to identify counterfeit goods, stop these illicit shipments, and protect American jobs.

The time has come to get serious about the threats posed to our health and workforce by foreign intellectual property thieves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYRIA

Mr. CASEY. We have been dealing with an issue that relates to China's currency policies. I know that has been the pending business, but I have been wanting to address another issue for a number of days now and I am grateful for this opportunity. It is an issue that a number of people here in both parties are very concerned about. It relates to Syria.

I rise to talk about the situation in Syria, which is a place of ever increasing violence, and this violence has taken the lives of more than 2,600 Syrians.

I spoke a number of months ago at a hearing about a Pennsylvanian. His name is Hazem Hallek, a doctor who lives outside of Philadelphia in a suburban community. His brother Sakher lived in Syria and visited the United States for a medical conference earlier this year. Upon his return to Syria, demonstrations against the Assad regime were beginning to intensify. Sakher was not engaged in politics, nor did he want to be engaged in politics. But despite this, he went missing and was soon found dead in a ditch in a village south of the town of Aleppo. Sakher was subjected to unspeakable torture before he was killed. His visit to the United States was enough for

the Assad regime to target him for death. So his brother, a constituent of mine, Hazem, has asked me to do everything I can to support democratic change in Syria and to protect civilians who continue to be hunted down by this brutal regime.

I believe—and I know this is a broad-based point of view in this Chamber—Democrats and Republicans alike believe that now, more than ever, it is critical that the international community, led by the United States—and the United States has done a lot already but needs to do more—show support for the Syrian people who continue to live under this dictatorship. The Syrian people, especially the democracy and human rights activists, feel defenseless against the tanks, guns, and the bullets of the Assad regime.

The United Nations Human Rights Council passed an important resolution which called for the deployment of three human rights monitors to bear witness to the terrible crimes in Syria. I was very disappointed, and I know others were as well, but unfortunately we weren't surprised to see that Russia and China vetoed a U.N. Security Council Resolution just last night. This resolution had been watered down so much that observers had taken to calling it the so-called monsoon resolution. Yet the Russians and the Chinese still refused to recognize the terrible actions of the Assad regime and show support for the embattled people of Syria.

I am an original cosponsor of Senate Resolution 180, which was introduced in May. This resolution expresses support for the peaceful demonstrations and universal freedoms in Syria and condemns the human rights violations perpetrated by the Assad regime. This bipartisan resolution has 25 cosponsors, but it has been held up by one Senator who will not let us pass through by unanimous consent—the language we use around here for letting legislation pass without a rollcall vote, so-called unanimous consent—one Senator, holding up a resolution to show our solidarity with and support for the Syrian people who have been living through the most horrific of nightmares, torture, killing, and abuse, for all these months.

There is a lot we can do and that we should do. There is also a lot we should be debating here in the Senate. But I can't understand, on an issue of such importance, how we cannot come to consensus on something this basic, to show fundamental solidarity with the people of Syria, especially at this hour. We cannot let another day pass without the Senate expressing its outrage over the behavior of the Assad regime. It is not enough just to condemn it in words. It is very important the Senate go on record to pass this resolution.

I have spoken in the past very highly of Ambassador Ford and his team in

Damascus; he is our Ambassador from the United States to Syria, and I was proud to support his nomination. Instead of conferring legitimacy on Mr. Assad and his regime, Ambassador Ford is the most high-profile opponent of the Assad regime, sending out regular condemnations through press releases and Facebook postings. But what has been even more impressive is the personal courage demonstrated on an almost daily basis that Ambassador Ford and his staff have demonstrated in traveling throughout the country and engaging directly with the democratic opposition in Syria.

Last week, Ambassador Ford met with the leader of the opposition national democratic gathering in Damascus. Ambassador Ford's vehicles were attacked, and he was forced to stay inside the building until security forces arrived 3 hours later to escort him from the premises.

He has attended the funerals of human rights activists, observed the aftermath of government massacres, and engaged directly with the people of Syria. He will say that he is just doing his job, like good soldiers say often when we commend them for their valor and bravery and service. But I am glad the Senate finally did its job last night in confirming Ambassador Ford. Long overdue, by the way, but it was finally done.

Ambassador Ford serves as a shining example of the best our Foreign Service has to offer to the world. Countries that have representatives remaining in Damascus should join Ambassador Ford on his visits with opposition figures and human rights activists around the country. He should not be the only one who bears witness to this horror. Other diplomats should join him on his travels throughout Syria.

We have seen some positive developments among other countries in the international community. I want to acknowledge the increasingly positive role played by Turkey, which is reportedly considering sanctions against Syria. Turkey is Syria's largest trading partner, and sanctions could have a serious impact in Damascus. Turkey has also provided safe haven in border camps for more than 7,000 refugees who have fled from Syria to Turkey. Turkey's concrete support for the Syrian people, combined with ongoing diplomatic pressure, is a critical element in isolating the Syrian regime.

We know some of the history here, and it is a history of a lot of horror and death. Twenty-nine years ago, Bashir al-Assad's father unleashed the government's security forces on the community of Hama to repress unrest in that city. The killing that took place in February of 1982 was both indiscriminate and massive in its scale. Some estimate that more than 10,000 Syrians were killed as security forces literally razed the city. Thomas Friedman, the

New York Times columnist, dedicated a chapter entitled "Hama Rules" in his book, "From Beirut to Jerusalem," to the horror seen in this town in 1982. Assad's Hama rules were meant to send a chilling effect to all who would dare to question the authority of that Assad regime.

Bashar al-Assad has proven today, and certainly over the last several months, if not years, that he is incapable of reform.

When faced with the democratic movement inspired by the wave of change sweeping across the region, the younger Assad responded with his own 2011 version of Hama rules. As the world watched, as I said before, over 2,600 Syrians have been killed in a number of communities. Whether it is in Hama, or Homs, Rastan, Talbiseh, and several other towns across the country, Assad's rules seem to be focused on the use of militias that have been deployed most recently in Rastan to conduct the most repressive operations that we can think of. These gangs receive informal support from the Syrian security services and have been implicated in Syria's crimes and atrocities. The Syrian people have asked for international monitors to be deployed in the country in order to bear witness and perhaps to provide a deterrent against the wrath of these militias.

In the intervening 29 years since the massacre at Hama, Syria has changed indeed. The Syrian people have shown that they will not be cowed by violence. The opposition has made remarkable progress. Hama rules no longer work in Syria. The opposition has stood up and voted with its feet, every Friday turning out to demonstrate and face the wrath, the terrible, deadly wrath of this regime. Moreover, scores of security forces have abandoned the regime and have come to the side of the opposition, something that did not happen in 1982 when the elder Assad brutally applied his Hama rules.

In recent weeks we have seen emerge elements among the opposition who have resorted to violence. One cannot blame the Syrian people for defending themselves in the face of unspeakable violence. But I do hope, though, that the aspirations of the Syrian people can be met through a commitment to nonviolence, as difficult as that is, and an understanding that democratic change comes not from the barrel of a gun, as we have often said on this floor, but the desire of all citizens to chart a new course, the course of peace.

In summary, the international community can do more to support the Syrian people during this darkest of hours starting right here in this Chamber, in the Senate. This week we sent a strong message in confirming Ambassador Ford. Today we can pass a resolution denouncing the behavior of the

Syrian regime. More importantly, the international community can and should do more. Here are some of the measures I believe should take place in the coming days and weeks.

No. 1, the United Nations has proven to not be the best international institution to address the strife in Syria, but key regional organizations could have a positive and substantial impact moving forward. The Arab League should suspend Syria's membership and call for President Assad to step down. The Gulf Cooperation Council should explicitly say that President Assad is no longer the legitimate leader of the country.

No. 2, concerned countries in the West should work together with the Arab League and the Gulf Cooperation Council countries to establish an international Friends of the Syrian People as a contact group for the region which can serve as the main point of contact for the democratic opposition and the Syrian people. Participation in such a group would not necessarily limit the options of individual members and would not preclude bilateral efforts to take separate action in support of the Syrian people. It would, however, send a clear message of international solidarity in support of nonviolent change in Syria.

No. 3, the Syrian people have asked that international humanitarian observers be deployed in the country to monitor the situation and perhaps to serve as a deterrent against violence in the country. Similar to the OSCE human rights monitors deployed to Kosovo in 1998 to bear witness to the violence wrought by the Milosevic regime, this international team of monitors, primarily composed of individuals from the Arab League and the Gulf Cooperation Council, could address a central concern of the Syrian people and would be a welcome alternative to military intervention from the outside.

No. 4, finally, key countries in the international community need to cut off commercial ties with the Assad regime. The United States has done its part, as has the European Union. Turkey may announce new sanctions. But many countries continue to conduct business as usual with the Assad regime. For example, there are reports that India is considering the purchase of crude oil from Syria. The timing of such a purchase is ill-advised and we hope India can look to identify other sources of energy in the region, especially at this time.

The stakes have been raised in Syria as never before. The opposition is understandably tired and to some extent beaten down, and there is some despair that is starting to set in among the abused population of the country. At this critical time, the newly constituted Syrian National Council needs to show the Syrian people that it can

deliver results in the international community. The establishment of a Friends of the Syrian People group, a contact group as I said before, and the deployment of international humanitarian monitors, would demonstrate that the Syrian National Council is effective, and it would send a critical message to the Syrian people. Our options to leverage change in Syria are limited but they do exist. We should be making every effort to build increased international pressure on and isolation of the Assad regime.

Mr. Hallek and his family and thousands of other families across Syria have suffered enough. They have suffered so much and they deserve nothing less than our support, our solidarity, and our help in this dark hour.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we move to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DANIEL NICHOLS

Mr. REID. Mr. President, today I rise to recognize the extraordinary work of Daniel Nichols who served the U.S. Capitol Police with great distinction for 28 years.

Chief Nichols entered duty with the U.S. Capitol Police in 1983. After training, his first duty assignment was providing security and law enforcement at the U.S. Capitol, and in 1984, he was transferred to street patrol duties within the Capitol Complex and the adjoining neighborhoods.

In 1986, Chief Nichols was appointed as the first dedicated public information officer for the department. As spokesperson, he managed all media interaction during events and incidents occurring within the Capitol Complex. Most notably, he represented the U.S. Capitol Police with great poise and unwavering calmness during key events that attracted intense, widespread media attention including the 1998 shooting at the Capitol that claimed the lives of two police officers; the terrorist attacks of September 11, 2001, and the 2001 anthrax attack against Congress.

In 2002, after being promoted to lieutenant, Chief Nichols was given com-

mand of the canine section. His accomplishments include expanding the training program, increasing the number of explosive detection teams to 43, reintroducing the street police service dog program, and creating a K-9 search and rescue team to locate victims of building collapses. In addition, he overhauled the concept of operations for the Off-Site Delivery Center. He also created the department's first horse mounted unit.

In August of 2004, he was promoted to captain and named chairman of the 2005 U.S. Capitol Police Inaugural Task Force. As such, then Captain Nichols managed the overall planning, coordination, logistics, and execution of the U.S. Capitol Police responsibility for the 2005 swearing-in ceremony. This task was particularly challenging due to the fact that this was the first inauguration to take place in a post 9/11 threat environment. He worked closely with the Joint Congressional Committee on Inaugural Ceremonies, the Capitol Police Board, and multiple law enforcement and public safety agencies to ensure the safety and security of the Nation's leaders and the public. While serving as chairman, Chief Nichols was promoted to the rank of inspector.

In February 2005, Chief Nichols assumed command of the House division and led a team of over 400 police officers who provided law enforcement and security operations at the House office buildings, the Capitol Powerplant and the House Page Dorm. In 2006, he was transferred to the Capitol division where he managed over 450 police personnel who perform various security, law enforcement, and emergency response duties to protect the Capitol, the Capitol Visitors Center, and the House and Senate Chambers and leadership offices.

In January 2007, Chief Nichols became the assistant chief of police and served as the chief of operations, providing great leadership to the department. Chief Nichols provided operational support to the department, responsible for the Uniformed, Operations, Protective, and Security Services Bureaus; overseeing the Office of Plans, Operations, and Homeland Security and serving as acting chief when the chief of police was unavailable.

Chief Nichols is recognized as an accomplished leader who builds effective teams, has strong communication skills, and uses innovative approaches to improve the protection of the Capitol, the congressional community, and visitors. He also works to develop the skills and capabilities of the department's personnel and was a key proponent of sending managers and officers to the Police Executive Leadership Program. A native of Fort Washington, MD, Chief Nichols holds a bachelor's and master's degree in management from the Johns Hopkins University.

Chief Nichols is a notable member of the law enforcement community and a fine citizen. On behalf of the U.S. Senate, I congratulate him on his retirement and salute his distinguished career.

RECOGNIZING THE ARSHT FAMILY

Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY, and myself, we remember today the lives and lasting gifts of late Delawareans, the Honorable Roxana Cannon Arsht and her husband S. Samuel Arsht, and we recognize as well the extraordinary philanthropy of their daughter, Ms. Adrienne Arsht. As role models of integrity and giving, the Arsht family has served and enriched the lives of Delawareans for decades.

Like many American families, Roxana Cannon's and Samuel Arsht's parents immigrated to the United States from Russia a century ago, seeking survival and a better life. In this land of opportunity, they worked hard, they valued education, and set high standards for themselves—standards which they met and ultimately exceeded.

Samuel Arsht was a 1931 graduate of the University of Pennsylvania Wharton School and a 1934 graduate of the University's law school. Upon graduation, Sam joined the firm that later became Morris, Nichols, Arsht & Tunnell in Wilmington, DE. Over time he became well known in corporate law circles as one of the architects of the modern Delaware general corporation law and was described as the master of Delaware's influential corporate statutes. In 1953, he led efforts to update the entire body of statutory law, making Delaware the Nation's most favorable place for businesses to incorporate. His work helped to transform the State's economy by later opening the door to national banks and to credit card operations, along with other financial services.

His wife, a Delaware native, Judge Roxana Cannon Arsht, graduated from the University of Pennsylvania's law school as well, where she met her future husband Sam. In 1931, Roxana became the fifth woman to pass the Delaware bar. She made history again when she was appointed by then-Governor Russell W. Peterson as a judge of the family court in 1971, becoming the first female judge in the State of Delaware.

She retired from the bench in 1983, and began a second career in philanthropy. She was a founding member of the Cancer Care Connection and supported numerous community interests, including Planned Parenthood, the Visiting Nurse Association, the First Stage at Tower Hill School, the Winterthur Museum exhibition hall, and the Christiana Care Health System. Roxana was inducted into the Hall of Fame of Delaware Women in 1986.

Roxana and Sam Arsht shared their love of lifelong learning by providing the first and last gifts to the construction of Arsht Hall for the Academy of Lifelong Learning at the Wilmington campus of the University of Delaware. In 2003, Roxana created the Arsht-Cannon Fund at the Delaware Community Foundation to carry out her and Sam's commitment to the greater Wilmington community: to preserve, support, protect, and defend the best interests of a civil society. To date, this fund has provided over \$4.5 million in grants to Delawareans, and is now directed by her daughter Adrienne.

Adrienne Arsht was born in 1942 in Wilmington, DE, and upon graduation from Villanova Law School, Adrienne was the 11th woman admitted to the Delaware bar. Again, her mom had been the fifth. In 1966, she launched a successful law career at the Delaware firm of Morris, Nichols, Arsht & Tunnell. Later, Adrienne's interests shifted to banking, culminating in a move to Miami in 1966 to join the leadership of a bank called TotalBank, where she served as chair of the board until 2007. Under her leadership, TotalBank grew from 4 locations to 14, with over \$1.4 billion in assets. In 2007, TotalBank was sold to Banco Popular Espanol; and in 2008, Adrienne was named the chairman emerita of TotalBank.

In addition to her leadership in the legal profession and in the business world, Adrienne has also taken a leading role in promoting artistic, business, and civic growth in the three cities she now calls home: Washington, DC, New York, and Miami. Following her parents' examples, she has also continued to maintain a strong philanthropic presence in her home State of Delaware, for which we are grateful.

In one of her many contributions to the First State, Adrienne carries on her parents' commitment to the mission of the Arsht-Cannon Fund at the Delaware Community Foundation. With her family background and experiences working with the Hispanic community as a businesswoman in Miami and the release of research findings from the 2008 Delaware Hispanic Community Needs Assessment, Adri-

enne set the funding focus of the Arsht-Cannon Fund to support many non-profits with a focus on addressing the unmet needs of Hispanic Delawareans. This fund has helped thousands of Hispanic Delawareans learn to speak, read, and write in English, continue their education, find employment, access health services, and learn conflict resolution skills. It has made, and continues to make, an essential difference in the lives of Delawareans and will do so for decades to come.

Furthermore, under Adrienne's direction, the Arsht-Cannon Fund established the Cancer Care Connection and Best Buddies in Delaware, brought the Nemours' BrightStart! Dyslexia Initiative to Delaware, and supported the new Delaware Community Foundation's Strategic Fund.

I am honored today to rise to honor and commend a very good friend, Adrienne Arsht, and her late parents, whom I was privileged to know, Roxana and Sam Arsht, for their extraordinary service and continuing contributions to the State of Delaware and to its people. On behalf of Senator COONS, Congressman CARNEY, and myself, we recognize their work to help the many individuals and families who have been touched by their generosity.

We add our congratulations to Adrienne and the Arsht family as they receive the Delaware Community Foundation's First Family Philanthropy Award. Adrienne is truly an extraordinary woman who continues to carry on her parents' legacy of working to improve the lives of others. I consider it a privilege to have known Sam and Roxana, to know their daughter Adrienne, and to be able to stand here today to speak on their behalf in the Senate.

Mr. President, I yield the floor.

BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations

for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations recently reported three bills that are eligible for adjustments under the Budget Control Act. Consequently, I am making adjustments to the 2012 allocation to the Committee on Appropriations and to the 2012 aggregates for spending by a total of \$11.896 billion in budget authority and \$5.108 billion in outlays. Those adjustments reflect the sum of \$2.3 billion in budget authority and \$513 million in outlays for funding designated for disaster relief, \$8.703 billion in budget authority and \$3.821 billion in outlays for funding designated as being for overseas contingency operations, and \$893 million in budget authority and \$774 million in outlays for program integrity initiatives. The two program integrity initiatives for which adjustments are in order under the Budget Control Act are continuing disability reviews and redeterminations and health care fraud and abuse control.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES.—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

(In millions of dollars)

	2011	2012
Current Spending Aggregates:		
Budget Authority	3,070,885	2,971,874
Outlays	3,161,974	3,042,098
Adjustments:		
Budget Authority	0	11,896
Outlays	0	5,108
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,983,770
Outlays	3,161,974	3,047,206

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

(In millions of dollars)

	Current allocation/ limit	Adjustment	Revised allocation/limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority	806,041	8,703	814,744
Nonsecurity Discretionary Budget Authority	360,613	3,193	363,806
General Purpose Discretionary Outlays	1,322,834	5,108	1,327,942

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

(In billions of dollars)

	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Labor-HHS-ED					
Budget Authority	0.893	0.000	0.000	0.000	0.893
Outlays	0.774	0.000	0.000	0.000	0.774
Transportation, HUD					
Budget Authority	0.000	2.300	0.000	0.000	2.300
Outlays	0.000	0.513	0.000	0.000	0.513
State, Foreign Operations					
Budget Authority	0.000	0.000	0.000	8.703	8.703
Outlays	0.000	0.000	0.000	3.821	3.821
Total:					
Budget Authority	0.893	2.300	0.000	8.703	11.896
Outlays	0.774	0.513	0.000	3.821	5.108
Memorandum 1—Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	0.000	0.000	8.703	8.703
Nonsecurity Budget Authority	0.893	2.300	0.000	0.000	3.193
General Purpose Outlays	0.774	0.513	0.000	3.821	5.108
Memorandum 2—Cumulative Adjustments (Includes Previously Filed Adjustments):					
Budget Authority	0.893	8.113	0.000	126.544	135.550
Outlays	0.774	1.607	−0.007	63.568	65.942

WORLD TEACHERS' DAY

Mrs. BOXER. Mr. President, I rise today to honor our teachers here in the United States and across the globe by recognizing October 5 as World Teachers' Day.

Celebrated in over 100 countries, World Teachers' Day is an occasion to acknowledge the many ways teachers make a difference in the lives of their students and in their communities.

There is no doubt that teachers play a key role in our society. Quality education reduces poverty and inequality, and provides the building blocks for democracy and civic participation.

Every day, over 3.5 million educators across the country work to close achievement gaps, give children the opportunity to succeed, and ensure that we have the educated workforce necessary for a global economy. I am especially proud to recognize the over 300,000 teachers, educating over 6 million students my home State of California.

Last year, I was happy to work with Senator TOM HARKIN of Iowa to pass the Education Jobs Fund, which has kept over 100,000 teachers in the classroom teaching our children.

I know firsthand how much goes into teaching a child, and praise the talented and committed individuals in the United States and around the world who have dedicated their lives to teaching.

MAINE NATIONAL GUARD

Mrs. COLLINS. Mr. President, I would like to bring to the attention of my colleagues this article from the Mountain Times in Killington, VT. The article highlights the outstanding work of the nearly 200 members of Maine National Guard's 133rd Engineer Battalion, headquartered in Gardiner, ME, which deployed to Vermont to help our neighbors deal with the destruction from Tropical Storm Irene. Senator LEAHY has told me several times how grateful the people of Vermont are for

the assistance and how impressed they are with the professionalism of the Maine National Guard members. All of us in Maine are extremely proud of their outstanding work helping those who needed it most. Mr. President, I ask unanimous consent that the following article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANGELS WITH DIRTY FACES

(By Greg Crawford)

Well, maybe their faces are clean, but the men and women of the Maine National Guard's 133rd Engineer Battalion, headquartered in Gardiner, Maine, and commanded by Lt. Colonel Normand Michaud, sure got their boots muddy! And despite modest denials, they are, indeed, angels, at least to the grateful citizens of Stockbridge.

Following the historic flooding caused by the torrential rains of tropical storm Irene, the call went out to National Guard units in areas not quite so devastated by the storm, and they answered that call with incredible speed. Given the complexity of the logistics involved, and that the behemoth trucks essential to their work do not exactly zip over the road, especially when they have to negotiate flood-ravaged terrain, the fact that they managed to get here just a few days after the flooding occurred is nothing short of amazing. The 38-vehicle caravan took 16 hours to make the trip from Belfast, Maine, about 40 miles east of Augusta, where much of the equipment was stored.

Something like a quarter of a mile of Vermont Route 107 between Bethel and Stockbridge was washed downstream. In some places, the road hugged the near-vertical mountainsides with the river right next to it. Following Sunday's deluge, the river was rushing by at the foot of the mountain as if the road had never been there at all.

A NATIONAL GUARD TRUCK UNLOADS PALLETS OF BOTTLED WATER AT THE STOCKBRIDGE ELEMENTARY SCHOOL

But then the 133rd showed up, and things changes in a hurry. Their first task upon arrival was to erect the tents that would house the fifty-plus Guard members assigned to the Route 107 site and others around Stockbridge. It was fortunate that there was level ground beside Lambert's Power Tools, di-

rectly adjacent to the damaged highway. Before they could position the excavators, they had to build a dike to keep the muddy waters of the not-so-White River out of the area where their equipment would have to be situated. There's very fine, muddy silt everywhere, and though they had a couple of fair weather, the recent rains turned that silt into a thick soup that would have brought mere mortals to a standstill. But this is the 133rd Engineer Battalion. By Wednesday morning, they had already managed to restore a single, very rough lane where there had only been submerged rubble. This was wet, dirty and dangerous work, but according to Frank Lambert's daughter, one of the Guardswomen attached to this unit commented that she'd rather be here in Vermont's mud and rain than in Afghanistan. Small wonder. The 133rd has lost members to IEDs in previous deployments to that war-torn country.

That single lane of 107 is still barely navigable, even by 4-wheel drive vehicles, so it is not open to traffic as yet. But it is there. For that alone, 2nd Lieutenant Rand and the men and women of the 133rd Engineer Battalion have earned the undying gratitude of the residents of Stockbridge and the neighboring towns that depend on that highway.

A "BUCKET BRIGADE" SPEEDS THE TRANSFER OF PACKAGED BOTTLED WATER INDOORS

By the way, if anyone, Stockbridge resident or not, should encounter a Guard member from the 133rd, or any other National Guard unit here to help, tell them, thank you. SPC Allison Pelletier of the 133rd's Public Affairs Office tells me that a much-appreciated expression of gratitude would be coffee and food. The MREs they're living on are better than they used to be . . . but they're still MREs. Some Dunkin' Donuts would go over pretty big, too, I'll bet. Hint, hint.

There are plenty of angels right here in Stockbridge, too. So many, in fact, that you can't swing a cat without smacking a Good Samaritan. My cat hates it when I do that.

Willis and Harry Whitaker, Mark Pelletier, Dave Brown, Peter Steibris, and God-only-knows how many others put in unbelievable hours making roads passable for emergency vehicles. They also reinforced the damaged abutment of Gaysville's 1929-vintage iron bridge.

Sid Hotchkiss and the McCullough brothers from Bethel have been working on the monster hole in River Road with bulldozers and an excavator.

Barbara Vellituro, Stephen Farrington, Cheryl Rivers, and others have slaved away

over hot computers ferreting out information about the status of roads and bridges in surrounding towns and getting that information to Stockbridge residents by e-mail and postings to a Google Group called Stockbridge Open Forum. Paul Buckley has scouted all those roads daily to confirm the accuracy of the information.

Mark Doughty has coordinated meetings all over town to keep people up to date and convey residents' concerns to town officials.

Janet Whitaker has maintained a steady flow of information from a multitude of sources to keep the group forum's information current.

Jenny Harris has made innumerable runs to area pharmacies for prescriptions so residents in need don't run out of essential medications, and Mary Ellen Dorman, who knows everyone in town, has seen to it that they were all delivered to the right people.

Josh and Michelle Merrill, two former Gaysville residents now living in Rutland, are the people who, with the help of the Chittenden Fire Department and the Stockbridge Fire Department, got the ball rolling for the food shelves at the Stockbridge Elementary School and on the Stockbridge Common. Fifteen volunteers give of their time to organize and dispense all the items that fill the school's multi-purpose room.

Every day, there are people going out of their way to help someone. They neither expect, nor ask for, recognition; they just do what they know is right and move on. Makes it hard to catch 'em in the act.

Several people whose homes were damaged or destroyed, and those who simply can't get to their homes, have been taken in by generous and thoughtful neighbors. Furniture and appliances have been donated, or at least promised, to people in the process of rebuilding. Special efforts have been made to care for elderly, ill, or disabled residents, including helicopter and ambulance evacuations.

Were it possible to recount them all, the incidents of selfless generosity and assistance given to those less fortunate would fill this paper and two or three issues to come. Only a few have been mentioned here by name, but many more deserve recognition. However, I feel quite certain they are all content with the knowledge that they did some good.

ADDITIONAL STATEMENTS

HONORING SPECIALIST DOUGLAS EDWARD DAHILL

• Mr. BROWN of Ohio. Mr. President, this morning, at 10:45, in our Nation's most prestigious military cemetery, Douglas Edward Dahill, a Vietnam war veteran from Lima, OH, was laid to rest. Forty years after being presumed dead, his family will gather at Arlington National Cemetery to honor his life in the hallowed place our Nation honors its heroes.

Douglas Dahill's story—and that of his family—is simultaneously exceptional and familiar. Dahill voluntarily enlisted in the U.S. Army after graduating from Lima Senior High School, following in the footsteps of his grandfather, father, and uncle, who had all served in the U.S. military during times of war.

Dahill was part of Detachment B52 Delta's Reconnaissance Team 6, which

was dropped behind enemy lines on April 14, 1969 in South Vietnam's Quang Nam Province. Three days later, on April 17, 1969, Dahill and his team came under intense enemy fire in Thua Thien. They radioed a request for air strikes and support. But their call was never heard. Thunderstorms prevented air support from assisting Dahill and his team. The following day, a search team went looking for Team 6, but found no trace of their whereabouts. More than 8,000 miles away, in Lima, OH, an Ohio military family would begin their long, painful wait for news of their beloved son and brother.

For nearly four decades, the status of Delta's Reconnaissance Team 6 went unresolved. Like so many American families during the Vietnam war, the Dahill's were forced to cope with Douglas' unknown fate. When the Vietnam war ended, and after American Prisoners of War, POWs, were returned home, approximately 2,646 Americans were still unaccounted for. Initially, the U.S. partnered with the Republic of Vietnam to conduct joint searches for Americans missing in South Vietnam. This joint effort resulted in the recovery and identification of 63 American servicemembers, but Dahill was not among them.

When the Communist regime took over Vietnam in 1975, joint efforts to recover those missing in action were halted, and American families could only hope that Vietnam would unilaterally recover and return the remains of their missing loved ones. In 1991, Vietnam returned uniform parts and a small quantity of human remains that were allegedly associated with Delta's Reconnaissance Team 6. But the technology at the time was not able to conclusively identify the remains. It wasn't until approximately 1 year ago that a portion of these remains were positively attributed to Specialist Douglas Edward Dahill.

Since U.S. Government efforts began, the remains of more than 900 Americans killed in Vietnam have been returned and identified. However, 1,682 servicemembers—77 of whom are from Ohio—remain unaccounted for. The Department of Defense, and Congress, must continue to support recovery and identification efforts so that more missing Americans can be laid to rest and more American families may know peace and closure.

Douglas Edward Dahill is survived by his sister Carol Long and brother John Dahill. On behalf of a grateful State and Nation, I thank Specialist Dahill and his service and sacrifice for our Nation. May he rest in peace in Arlington National Cemetery and in our Nation's heart. •

2011 SOLAR DECATHLON

• Mr. CARDIN. Mr. President, today I wish to congratulate the University of

Maryland, UMD, for winning the U.S. Department of Energy's 2011 Solar Decathlon competition. The competition is organized by the National Renewable Energy Laboratory, America's premier laboratory for research and development regarding renewable energy and energy efficiency. This biennial event challenges collegiate teams from around the world to design, build, and operate solar-powered houses that are affordable to build and operate, energy-efficient, and aesthetically attractive. Nineteen teams representing the United States, China, New Zealand, Belgium, and Canada competed in this year's event, which was held at the National Mall's West Potomac Park.

I am so proud of the collaborative efforts of more than 200 UMD students, faculty, and mentors from diverse disciplines across the campus who participated in making their entry, WaterShed, such a resounding success. Students, faculty, and mentors came from the College of Agriculture & Natural Resources; the School of Architecture, Planning & Preservation; the College of Computer, Mathematical & Natural Sciences; the A. James Clark School of Engineering; the University of Maryland Libraries; the National Center for Smart Growth Research & Education; and the Center for the Use of Sustainable Practices. Over ten academic courses were offered as part of WaterShed's development since the spring 2010 academic semester.

WaterShed was inspired by concern for the Chesapeake Bay ecosystem, so the project wasn't just a successful model for energy efficiency; it also implemented practical solutions to preserve our precious water resources and manage stormwater runoff, a particularly damaging form of pollution to the bay.

The Chesapeake Bay is Maryland's greatest natural resource. For Marylanders, this national treasure is the cornerstone of our economy and part of the fabric of our communities. Its restoration and protection have been the focal point of my work on environmental issues in the Senate. The University of Maryland's work in publicizing and promoting sustainable housing options like WaterShed for the residents of the Chesapeake Bay region will go a long way toward preserving this treasured resource. I cannot think of a more appropriate effort for the University of Maryland to be engaged in, and I applaud everyone's hard work during the past two years towards this common cause and successful outcome.

The success of WaterShed is the pinnacle of a long history of achievement for the University of Maryland in the Solar Decathlon competition. The University of Maryland's initial design for the inaugural Solar Decathlon competition in 2002 became the foundation for subsequent entries. In 2002, Maryland's entry placed fourth. In 2005,

Maryland's solar house won the People's Choice and Solar Innovation Awards while placing eighth overall. In 2007, Maryland's LEAFHouse won the People's Choice Award and received a host of other awards from industry and professional associations. The acronym LEAF stands for "Leading Everyone towards an Abundant Future." LEAFHouse placed second in the overall scoring.

The UMD team gained valuable knowledge from the 2005 design and LEAFHouse, both of which are still in use for educational purposes. This year, the team took its vision to an even higher level with WaterShed. The forms of the house highlight the path of a water drop. The split butterfly roofline collects storm water into the core of the house for use. WaterShed also features a holistic approach to water conservation, recycling, and storm water management. These features include a modular constructed wetland that helps filter and recycle greywater from the shower, washing machine, and dishwasher; a green roof that slows rainwater runoff to the landscape while improving the house's energy efficiency; and a garden, composting system, and edible wall system to illustrate a complete carbon cycle program.

So many people are involved in the Solar Decathlon. I would like to acknowledge several of them, including Richard J. King, Solar Decathlon director, and Betsy Black, sponsorship manager, at the U.S. Department of Energy, DOE. Other DOE personnel involved include Marilyn Burgess, John Chu, Sheila Dillard, Kerry Duggan, Nicole Epps, Peter Gage, Cassie Goldstein, David Lee, Howard Marks, Martha Oliver, Erin Pierce, Roland Risser, Phil West, and Janie Wise. At the National Renewable Energy Laboratory, Carol Anna, Susan Bond, Bob Butt, Mike Coddington, Rebecca Dohrn, John Enoch, Sara Farrar-Nagy, Michael Gestwick, Amy Glickson, Pamela Gray-Hann, Sheila Hayter, Mary Ann Heaney, Henri Hubenka, Terri Jones, Ron Judkoff, Alicen Kandt, Stephen Lappi, Kamie Minor, Susan Moon, Ruby Nahan, Michael Oakley, Sean Ong, Alexis Powers, Joe Simon, Jeff Soltesz, Blaise Stoltenberg, Byron Stafford, Lee Ann Underwood, Amy Vaughn, Mike Wassmer, and Andrea Watson all lent their support to the Decathlon. Contractors and other contributors include Aquilent, Cécile Warner, Colorado Code Consulting, D&R International, Eberle Construction, Hargrove, Carolynne Harris, Linder & Associates, Navigant, Norton Energy R&D, Oak Ridge National Laboratory, Showcall, Stratacomm, and Studio Ammons.

Yesterday, a Member of the U.S. House of Representatives said that the United States "can't compete with China to make solar panels and wind

turbines," and suggested that the Federal Government shouldn't subsidize green-energy programs. I guess he didn't visit West Potomac Park to see what is going on. The many creative entries in the 2011 Solar Decathlon demonstrate to the wider public the cost effectiveness of houses that combine energy efficient construction and appliances with renewable energy systems that are available today. And even better homes and appliances and systems are just around the corner. Investing in green technologies creates jobs. Diversifying our energy sources creates competition, which will help to stabilize and lower energy prices. Thinking beyond fossil fuels buried in unstable or unreliable countries strengthens our national security.

I think the Solar Decathlon represents all that, and much more. At this critical juncture in our nation's history, we face significant economic, energy, and environmental challenges. It is easy to be discouraged or cynical. But for each person who says, "it can't be done," there are scores of people—especially young people—out in our universities and communities, in workplaces and laboratories across America, who reject defeatism and cynicism, who demonstrate the "can-do" spirit that made America great and will restore our fortunes. Competitions such as the Solar Decathlon and entries such as the University of Maryland's Watershed provide sparkling evidence of the innovative and practical solutions to the intertwined problems we face. More importantly, they provide hope and inspiration.

If we are going to solve our problems, we need to roll up our sleeves and collaborate with each other—just like the UMD team did. Scores of students worked on WaterShed. I am so pleased their hard work paid off and so proud of them. I would like to take this opportunity to acknowledge and salute them on this watershed accomplishment. UMD student team leaders included Jay Chmielewski, Major: Civil Engineering, Spring 2012; WaterShed Disciplines: Engineering, Construction; David Daily (Majors: Electrical Engineering & Nanotechnology, Spring 2012), WaterShed Disciplines: Engineering, Construction; Leah Davies (Major: Graduate Architecture Student, Fall 2011), WaterShed Disciplines: Architecture, Living Systems/Landscape, Construction, Communications; Steve Emling (Major: Mechanical Engineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Isabel Enerson (Major: Environmental Science & Technology, Spring 2013), WaterShed Disciplines: Living Systems/Landscape, Communications; Tamir Ezzat (Major: Graduate Architecture Student, Spring 2013), WaterShed Discipline: Architecture; Michael Feldman (Major: Civil Engineering, Spring 2011), WaterShed Disciplines:

Engineering, Construction; David Gavin (Major: Graduate Architecture Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Jeff Gipson (Major: Graduate Architecture & Real Estate Development Student, Spring 2012), WaterShed Disciplines: Architecture, Communications; Newton Gorrell (Major: Graduate Architecture Student, Spring 2012); WaterShed Disciplines: Architecture, Construction, Communications; Joseph Ijjas (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Construction, Communications; Moshe Katz (Major: Computer Science, Spring 2012), WaterShed Disciplines: Communications, Computer Science; Yehuda Katz (Major: Computer Science, Spring 2012), WaterShed Disciplines: Communications, Engineering, Computer Science; Lynn Khuu (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Communications; Zachary Klipstein (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Construction; Parlin Meyer (Major: Graduate Architecture Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Jeff Rappaport (Major: Bioengineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Matt Sickle (Major: Graduate Landscape Architecture Student, Spring 2012), WaterShed Disciplines: Living Systems/Landscape; Evan Smith (Major: Civil and Environmental Engineering, Spring 2012), WaterShed Disciplines: Engineering, Construction; Scott Tjaden (Major: Environmental Science & Technology, Spring 2012), WaterShed Disciplines: Living Systems/Landscape, Construction; Kevin Vandeman (Major: Graduate Architecture & Real Estate Development Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Nick Weadock (Major: Materials Science & Engineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Allison Wilson (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Project Management, Architecture, Communications, Construction; and Veronika Zhiteneva (Major: Environmental Science & Technology, Spring 2013), WaterShed Disciplines: Living Systems/Landscape, Construction, Communications.

Student team members include Ali Alaswadi, Benjamin Bates, Amy Chen, Brennan Clark, Linda Clark, Michael Craton, Natalya Dikhanov, Eric Gellman, James Han, Justin Heil, Justin Huang, Erik Kornfeld, John Kucia, Allen Meizlish, Jeffrey Sze, and Andrew Taverner.

Extended team members included Ali Alaswadi, Sahin Arikoglu, Alex Atahua, Rishi Banerjee, Justin Bare, Katherine Beisler, Jacob Bialek, Paul Bilger, Christopher Binkley, Ian Black,

Andrew Bruno, Victoria Chang, Wen-Hui Chen, Ethan Cowan, Justin Cullen, Diana Daisey, Adam Davies, Aleron Dsilva, Mariam Eshete, Eric Faughnan, Ryan Fitch, Meredith Friedman, Holman Gao, Louis Gbone, Philip Geilman, Phil Geiman, Marisa Gomez, Karen Hillis, Ananya Hiremath, Vanessa Hoffman, Amy Hudson, Phil Jacks, Peter James, Eric Joerdens, Christine Kandigian, Jacob Kunken, Christopher Leung, Arik Lubkin, Christopher Luther, Ryan Maisel, Bracha Mandel, Maria Martello, Zachary Martinez, Abe Massad, Mark Matovich, Shakira McCall, Kenneth Morgan, Christopher Myers, Zachary Nerenberg, Matthew Newman, Yuchen Nie, Albert Palmer, Daniel Perdomo, Robert Pettit, Chau Pham, Georgina Pinnock, Kaitlin Pless, Olga Pushkareva, James Ramil, Mark Reese, Raheena Rehman, Nicolas Roldos, Boateng Rosemond, Michele Rubenstein, Michael Satoh, Charles Schupler, Juliet Serem, Valerie Smith, Jacob Steinberg, Michael Taylor, Alexander Tonetti, Marcela Trice, Katherine Vocke, Nader Wallerich, Luxi Wang, Amy Weber, Sofia Weller, Christine Wertz, Kiley Wilfong, Christine Wirth, Fawna Xiao, Diane Ye, and Jesse Yurow.

The UMD team benefited from a lengthy list of mentors, including Deborah Bauer, a freelance architectural consultant who collaborated with communications team members for various endeavors including tour guide training, residents interviews, and general strategy development; Grant Baxter, Baxter Floors, who worked with the team to craft and install the bathroom woodwork and grate; Charlie Berliner, Berliner Construction, a “cornerstone” of the architecture and construction team; Dan Blankfeld, John J. Kirlin, LLC, who provided 30 hours’ worth of Occupational Health & Safety Administration (OSHA) training for the core construction team; Joe Bolewski, Whiting Turner, who provided construction and carpentry mentorship to the team; Brian Borak, Booz Allen Hamilton, who provided expertise and assistance to the DC electric team; Erin Carlisle, EYP Architecture & Engineering, who provided Revit training and technical assistance to the drawing and documentation team; John Cartagirone, American Power and Light, a three-time UMD solar decathlon mentor and friend who worked side-by-side with the electrical team to wire the house and install light fixtures; Chris Cobb, Robert Silman and Associates, who worked in partnership with UMD’s 2007 Solar Decathlon’s LEAFHouse team and returned this year to provide his expertise in the integration of architecture and structural systems; John Coventry, Coventry Lighting, who provided mentorship as the architecture team developed the lighting design; Adam Eurich, Robert Silman and Associates,

who worked with the team to develop structural design, analysis, details, and drawings; Taz Ezzat, Maryland Custom Builders, Inc., who collaborated with the team on the construction, transport, assembly, and pick/set strategies; George Fritz, Horizon Builders, who hosted visits from the construction team to his demonstration and mock-up facility where he shared best practices for building craft, construction, and vapor management; Julie Gabrielli, Gabrielli Design Studio, who provided input to the communications team on the development of its strategy and concept; Aditya Gaddam; Jennifer Gilmer, Jennifer Gilmer Kitchen and Bath, who worked with the architecture team to design WaterShed’s kitchen; Anne Hicks Harney, Ayes Saint Gross, who worked with the drawing and documentation team to finalize the project manual; Maggie Haslam; Ray Hayleck, PMSI Consulting, who provided cost estimating mentorship to the affordability team during the initial phases of estimating; Joan Honeyman, Jordan Honeyman Landscape Architecture, who collaborated with the landscape team on the landscape and plant selection; Ming Hu, HOK, who provided energy modeling assistance to the engineering team; Adam Keith, Whiting Turner, who provided construction and carpentry mentorship to the team; Peter Kelley, American Wind Energy Association, who provided media training to the team and worked with the communications team to develop the target market; Benson Kwong, enVergie Consulting, who provided mentorship to the engineering cost estimating team during the design development phase; Mike Lawrence, National Museum of Natural History, who worked with the communications team to develop the house tour strategy; Dale Leidich, MTFA Architecture, who provided project management guidance, insight, and advice to the team; John Love, Love’s Heating and Air, who consulted with the team on the heating, ventilation, and air-condition, HVAC, design and implementation; Kristen Markham, Simpson Gumpertz & Heger, who consulted with the team on building envelope construction means and methods; Evan Merkel, Greenspring Energy, who worked with the electrical team to design and integrate the photovoltaic (PV) and micro inverter system; John Morris, Perkins Eastman, a veteran of UMD’s 2007 LEAFHouse entry and a practicing architect with a background in construction who provided mentorship and assistance to the construction team; Frank Plummer, Tremco, who served as a trusted mentor for the construction team and provided expertise related to construction means and methods for liquid applied membranes for the building envelope and the constructed wetlands; Don Posson, Vanderweil, a long-time teach-

ing partner at UMD who reviewed the engineering and living systems design; Kristin Potterton, Robert Silman and Associates, who worked with the team to develop structural details and drawings; Tyler Sines, who provided mentorship to the engineering team developing the liquid desiccant wall; Niklas Vigener, Simpson Gumpertz & Heger, who consulted with the team on building envelope construction means and methods; Dan Vlacich, Accenture, who provided expertise, assistance, and power tools to the DC electric team; Fred Werth, Kensington Plumbing and Heating, Inc., who provided master plumbing expertise and assisted the team in the design and installation of the solar thermal and HXEST systems and domestic plumbing system; Bill Wiley, the Potomac School, who collaborated with the engineering team to design and build WaterShed’s smart house controls system; Jay Williams, marketing and design specialist for the solar home industry, who provided marketing assistance to the communications and marketing teams; Dan Zimmerman, Shapiro & Duncan, a veteran of two previous decathlons who provided experience and advice to the HVAC and solar thermal teams, facilitated donations, and provided the engineering team with his can-do perspective on the value of figuring things out through hands-on experience.

Last but not least, I would like to congratulate the UMD faculty and staff, starting with the University’s President and Chancellor, Dr. Wallace D. Loh and Dr. William E. Kirwan, respectively. Faculty team members included: Mike Binder, AIA LEED-AP, Lecturer in the School of Architecture, Planning & Preservation; Patricia Kosco Cossard, M.A., M.L.S., Librarian and Lecturer in the School of Architecture, Planning & Preservation; Amy Gardner, AIA LEED-AP, Associate Professor in the School of Architecture, Planning & Preservation and Director of UMD’s Center for the Use of Sustainable Practices, Brian Grieb, AIA LEED-AP, Lecturer in the School of Architecture, Planning & Preservation and a Partner with Grid Architects in Annapolis; Dr. Keith Herold, Associate Professor of Bioengineering in the A. James Clark School of Engineering; Madlen Simon, AIA, Associate Professor and Architecture Program Director in the School of Architecture, Planning & Preservation, and a Principal at Simon Design; Dr. David Tilley, Associate Professor of Ecological Engineering in the College of Agriculture & Natural Resources, and President of the International Society for the Advancement of Energy Research; and Brittany Williams, Associate AIA LEED-AP Lecturer in the School of Architecture, Planning & Preservation, Project Designer for MTFA Architecture in Arlington, Virginia, and a 2007 Solar Decathlon team leader.

What an outstanding accomplishment! Go Terps!•

HOCKESSIN FIRE COMPANY AND LADIES AUXILIARY

• Mr. COONS. Mr. President, it is with great pleasure that I honor the Hockessin Fire Company and ladies auxiliary on 75 years of exceptional service to the great State of Delaware. October 15 marks an important day in the fire company's history, signifying the first official meeting of its founding members. For over seven decades, members of the Hockessin Fire Company and ladies auxiliary have given unselfishly of their time and services in order to make their community a safer place. Today I give thanks for their unyielding determination, self-sacrifice and volunteerism.

In 1936 in the small village of Hockessin, DE, five members of the community recognized a vital protective service was missing, and they decided to do something about it. Meeting in a small library room on October 15, the Hockessin Fire Company was born. With one engine, they went to work protecting and serving their community. From the very beginning, the ladies auxiliary was integral to their operations. When the fire company decided to purchase a second engine in 1938, funds raised by the ladies helped purchase a diesel model that was the first of its kind in the State. Then and now, both organizations have continued that wonderful tradition of partnership, hard work, support and service to all.

Like many volunteer fire companies across the United States the Hockessin Fire Company's value is certainly not limited to its local community, but should inspire each and every American, reminding us of the importance of volunteering and serving others. I commend the hard work of all our fire service men and women across the United States, and especially those at the Hockessin Fire Company on this special anniversary. They are examples of the generous spirit of the American people, who we should be fighting for every day.

I congratulate the Hockessin Fire Company and ladies auxiliary on 75 years of extraordinary service and support to their community and the State of Delaware. On behalf of all Delawareans, I extend my thanks to each and every member for the many sacrifices they have made during the past 75 years. Their continued efforts and countless contributions are greatly appreciated.•

REMEMBERING JOSEPH D. "JOE" HUBBARD

• Mr. SESSIONS. Mr. President, I would like to pay tribute today to one of Alabama's most admired and suc-

cessful prosecutors, Joseph D. "Joe" Hubbard, who passed last month. I got to know him when I was U.S. attorney for the Southern District of Alabama and later when we worked together during the time I served as attorney general of Alabama.

Joe was a native of Calhoun County and graduated from Oxford High School. He received a bachelor's degree with honor from Auburn University and graduated from the fine Cumberland School of Law at Samford University, cum laude. He was elected district attorney in 1992 and reelected, without opposition, in 1998, 2004 and 2010. Prior to being elected district attorney, Joe was an assistant district attorney for the 7th Judicial Circuit from 1978-1985 and chief assistant district attorney 1985-1993.

Joe was named Elected Official of the Year in 2004 by the National Association of Social Workers, District Attorney of the Year for the State of Alabama, and awarded the Distinguished Service Award for Outstanding Law Enforcement.

Joe was dedicated to the law and always did what was right. As a career prosecutor he was most known for two successful prosecutions: That of Donald Ray Wheat, who was convicted of the 2002 murder of four people in a Blockbuster video store, and the prosecution of Marie Hilley which was the subject of two books and a television movie. He also published a novel entitled "Blood Secrets," a thriller about a trial lawyer who wrestles with inner demons as he pursues the seat of the world's most powerful figure—the presidency of the United States. Proceeds from the sale of that book have been donated to the American Cancer Society.

Joe was a role model for prosecutors. He was greatly admired by his fellow prosecutors throughout the State. I shared that view. He was smart, hard working, and deeply experienced. He knew his business and was a "hands on" leader of his office. Frequently, he was called on to provide leadership and otherwise help with tough issues throughout the State. Prosecutors have a demanding job, but one that is quite fulfilling. It requires strength, tenacity, integrity and, importantly, good judgment. Joe possessed all these qualities and more. He could have left public service for a very successful private practice many times but he didn't. He stayed and served the public interest. He retired from that service on March 15, 2011. He will be greatly missed by family, friends and colleagues.•

ANGELS IN ADOPTION

• Mr. THUNE. Mr. President, today I wish to recognize Jim and Jean Mulder of Eureka, SD, as my nominees for the 2011 Angels in Adoption Award. Since 1999, the Angels in Adoption program

through the Congressional Coalition on Adoption Institute have honored more than 1,700 individuals, couples, and organizations nationwide for their work in providing children with loving, stable homes.

Fifty-nine foster children have come to know what it means to have loving parents through the compassion of Jim and Jean Mulder. While some parents struggle to find a new identity after their youngest child enrolls in elementary school full time, Jim and Jean decided they just enjoyed being parents too much. So, for the past 20 years, this generous couple has opened their home in north central South Dakota to kids who have only known stability and hot meals to be luxuries. The simple things, such as tossing the baseball around or going fishing, have come to mean the world to the Mulder's because they can see the joy in their foster children's faces and know the impact their love has had. Jim and Jean included their foster children in all family activities with their biological children, and gave their 59 foster children a sense of what it means to be in a loving, stable family.

With children coming in and out of their home, staying anywhere from months to nearly a decade, one can only imagine the range of emotions Jim and Jean have experienced. From laughter to heartbreak, they both count their God-given role as foster parents as nothing shy of a blessing. With that blessing, they have bestowed a gift onto others in an immeasurable way.

With National Adoption Day just around the corner on November 19, 2011, it is important that we recognize the compassionate families who fulfill the roles of foster and adoptive parents. It brings me great pride to be able to honor South Dakotans Jim and Jean Mulder, my nominees for the 2011 Angels in Adoption Award.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:37 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3418. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Abnormal Occurrence Reporting Procedure and Handbook" (Management Directive 8.1) received in the Office of the President of the Senate on September 23, 2011; to the Committee on Environment and Public Works.

EC-3419. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Alternative to Minimum Days Off Requirements" (RIN3150-AI94) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC-3420. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustment of Cost Recovery Fees" (RIN1004-AE22) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC-3421. A communication from the Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Determination of Nine Distinct Population Segments of Loggerhead Sea Turtles as Endangered or Threatened" (RIN0648-AY49) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC-3422. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the

Sonoma County Distinct Population Segment of California Tiger Salamander" (RIN1018-AW86) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC-3423. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat" (RIN1018-AV91) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC-3424. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Sacramento Municipal Air Quality Management District and South Coast Air Quality Management District" (FRL No. 9469-1) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC-3425. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Prevention of Significant Deterioration Greenhouse Gas Tailoring Rule" (FRL No. 9471-9) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC-3426. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio, Kentucky, and Indiana; Cincinnati-Hamilton Nonattainment Area; Determinations of Attainment of the 1997 Annual Fine Particulate Standards" (FRL No. 9472-2) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC-3427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado Regulation Number 3: Revisions to the Air Pollutant Emission Notice Requirements and Exemptions" (FRL No. 9290-2) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC-3428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 8880-2) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC-3429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL)

for a report entitled "OSRE: Affiliation Guidance"; to the Committee on Environment and Public Works.

EC-3430. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 2010 Superfund Five-Year Review Report to Congress"; to the Committee on Environment and Public Works.

EC-3431. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the North Fork Crooked Wild and Scenic River in Oregon; to the Committee on Energy and Natural Resources.

EC-3432. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System, Grand Teton National Park, Bicycle Routes, Fishing and Vessels" (RIN1024-AD75) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Energy and Natural Resources.

EC-3433. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Compliance Certification for Electric Motors" (RIN1904-AC23) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Energy and Natural Resources.

EC-3434. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2009"; to the Committee on Finance.

EC-3435. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice 2011-79) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

EC-3436. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2011" (Rev. Rul. 2011-22) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

EC-3437. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Procedures for Church Plan Letter Rulings" (Rev. Proc. 2011-44) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. CORKER (for himself and Mr. BENNET):

S. 1655. A bill to amend title XI of the Social Security Act to provide for the annual mailing of statements of Medicare beneficiary part A contributions and benefits in coordination with the annual mailing of Social Security account statements; to the Committee on Finance.

By Mr. ISAKSON:

S. 1656. A bill to amend the Internal Revenue Code of 1986 to provide penalty free distributions from certain retirement plans for mortgage payments with respect to a principal residence and to modify the rules governing hardship distributions; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1657. A bill to amend the provisions of law relating to sport fish restoration and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1658. A bill to reform and reauthorize agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. AYOTTE (for herself and Mr. DEMINT):

S. 1659. A bill to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for himself and Mr. CHAMBLISS):

S. Res. 286. A resolution recognizing May 16, 2012, as Hereditary Angioedema Awareness Day and expressing the sense of the Senate that more research and treatments are needed for Hereditary Angioedema; to the Committee on the Judiciary.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. AKAKA, Mr. INOUE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. HELLER):

S. Res. 287. A resolution designating October 2011 as "Filipino American History Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. KIRK, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator

from Idaho (Mr. CRAPO) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 309

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 382

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

S. 393

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 402

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 402, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 741

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 741, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 1025

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1108

At the request of Mr. SANDERS, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1108, a bill to provide local communities with tools to make solar permitting more efficient, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1198

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1198, a bill to reauthorize the Essex National Heritage Area.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1285

At the request of Mr. KOHL, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Missouri

(Mr. BLUNT), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. HOEVEN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1468

At the request of Mrs. SHAHEEN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1528

At the request of Mr. JOHANNIS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1625

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1625, a bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail.

S. 1639

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1639, a bill to amend title 36, United

States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1639, *supra*.

S. 1647

At the request of Mr. CRAPO, the names of the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1647, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 670

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 670 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 673

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 673 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 675

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 675 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 680

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. HELLER), the Senator from Wyoming (Mr. ENZI) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of amendment No. 680 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the name of the Senator

from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 717

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 717 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself and Mr. BENNET):

S. 1655. A bill to amend title XI of the Social Security Act to provide for the annual mailing of statements of Medicare beneficiary part A contributions and benefits in coordination with the annual mailing of Social Security account statements; to the Committee on finance.

Mr. CORKER. I am here today to say that Senator BENNET from Colorado and myself are introducing a bill that mirrors what has been introduced in the House by Representative COOPER from Tennessee and PAUL RYAN from Wisconsin.

I have tremendous faith in the American people. I believe when the American people are given facts and transparency, they make good decisions. They help us here in Washington make good decisions when I think they have the information they need.

A lot of Americans are very aware of some of the dilemmas we face here in Washington regarding Medicare. But I do not think many Americans are fully aware of the dilemma we face. I think they are aware that the trustees for Medicare have said that in the year 2024 Medicare is going to become insolvent. But I do not think they are aware of the math. Actually I was not aware of the math until we began to look at how we solve the problem.

According to a recent study, the average American couple each earning \$43,500 a year will pay \$119,000 into the Medicare Program over their lifetime. This contribution includes the portion that their employer pays on their behalf. In other words, the family pays in half, the employer pays in half. In 2011 dollars, that means if you paid in 30 years ago, and that money was inflated to today's dollars, that family would have paid in \$119,000 over their lifetime.

What most Americans do not know is that over their lifetime, the average family takes \$357,000 out of Medicare. So obviously the math does not work. I think most Americans did not fully

realize this until we got into the situation we're in—I am not sure most people in the Senate understood how off the math is, if you will.

Over the next decade, 20 million more Americans are going to be on Medicare. The situation where the average family and their employer are paying in \$119,000 into the program and taking out \$357,000 is going to be further exacerbated by the fact that over the next 10 years, 20 million more Americans are going to be on Medicare.

Then, on top of that, we are going to have fewer people working per retiree than ever in the history of this country. For that reason, today, Senator BENNET and I are offering a bill that says when Americans receive their Social Security letter, which lays out how much they have paid in, they would also receive the information regarding Medicare, so that they will know how much they are paying into the program and, over time, how much they will have taken out.

I think this type of transparency allows Americans to fully understand how these programs work. To me, what that will do is help all of us in the Senate, and over in the House of Representatives, make better decisions. I think when Americans are informed they help us make better decisions.

A lot of Americans don't fully appreciate this, I think, sometimes. But Congress really does reflect more fully than they think the will of the American people. Again, I think transparency helps us represent the American people in even a more full way.

Today we introduce this bill, and I thank Senator BENNET from Colorado for joining me in this effort. I also thank Representatives COOPER and RYAN for their leadership in the House.

It is my hope that soon, either through unanimous consent or early action, that this bill will become law. I think as long as Americans understand where things stand, they help us in Congress make good and sound decisions. That is why I am introducing this bill today with the help of Senator BENNET from Colorado.

With that, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the junior Senator from Tennessee for his usual good judgment and insight in working on a difficult problem. No Member of this body has done more in the last year to try to highlight the problem of the Federal debt. Through his cap plan, which has been a part of almost every discussion we have had seriously about it, through his effort—more recently to support efforts to try to achieve \$4 trillion in debt reduction as a part of the select committee, and his suggestion today that allowing Americans to understand something that most of us hadn't focused on—that during our lifetimes we

are paying in \$110,000, \$120,000 into Medicare and taking out, during our lifetimes, \$350,000 or so, and that is a problem that has to be solved.

I have been doing research lately on our debt situation. Fundamentally speaking, our problem lies with health care costs. It lies with families, businesses, and with the U.S. Government. Our discretionary spending—the kind we appropriate every year—on everything from national parks and national defense to roads and bridges, that is about 39 percent of the budget. If we stick to our guns on the agreement we made in early August, that will only grow at a little less than the rate of inflation. But it would go over to the mandatory spending, which is about 55 percent of our spending. It is going to go up three times the rate of inflation, and the fastest growing part of that mandatory spending is Medicare and Medicaid.

So we need to save our Medicare and Medicaid system so Americans can rely on them. I think Senator CORKER shows respect for the voters of Tennessee and for Americans by assuming that if they understand the problem, they will support a serious effort to deal with a solution. I compliment him for that leadership.

The PRESIDING OFFICER. The junior Senator from Tennessee.

Mr. CORKER. Mr. President, while we are issuing compliments, I want to say that all of us want to see to it that Medicare is here for future generations. That will take sound judgment. We have a select committee that is working on, hopefully, the first step to make that happen.

I congratulate the senior Senator from Tennessee for this. More than anybody else recently, I think he has pointed out that in this country, as we leave mandatory spending on autopilot, and as we move to a place where these programs are insolvent and not there for future generations, what we are doing is eating our seed corn.

The fact is, our senior Senator from Tennessee knows full well what it takes to make a strong country. He sits on an appropriations committee and understands that many of the basic sciences and other types of efforts that are underway with the Federal Government are the very things that will make our country stronger.

Yet what we are doing in this country by leaving mandatory spending on autopilot at the rate at which it is growing is causing us to eat into those things that make our country strong. I thank him for his leadership in that regard. As the Governor of Tennessee, he led our State in making it stronger by making the kinds of priority investments that made us stronger. He alluded to that earlier—what he did in making sure investments in our State created higher wages.

I think more than anybody else in this body, the Senator understands if

we allow things to continue as they are, we are going to continue to invest less and less in those kinds of things that make our country strong—things such as infrastructure, which we all know needs to happen. Yet because we haven't had the courage and the will to take on those mandatory programs, reform them so that future generations will have them, but also so that we can continue to make these investments in our country that are so important, our country's greatness will dissipate.

I thank him for his leadership in many ways. I hope he will continue to move ahead with informing people as to what is happening in this country, how that is hurting us, how it causes our greatness to dissipate as long as we don't take on these mandatory spending programs which, in my words, are causing us to eat our seed corn.

By Mr. REID:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Jobs Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Severability.
- Sec. 4. Buy American—Use of American iron, steel, and manufactured goods.
- Sec. 5. Wage rate and employment protection requirements.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

- Sec. 101. Temporary payroll tax cut for employers, employees and the self-employed.
- Sec. 102. Temporary tax credit for increased payroll.

Subtitle B—Other Relief for Businesses

- Sec. 111. Extension of temporary 100 percent bonus depreciation for certain business assets.
- Sec. 112. Surety bonds.
- Sec. 113. Delay in application of withholding on government contractors.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

- Sec. 201. Returning heroes and wounded warriors work opportunity tax credits.

Subtitle B—Teacher Stabilization

- Sec. 202. Purpose.

Sec. 203. Grants for the outlying areas and the Secretary of the Interior; availability of funds.

Sec. 204. State allocation.

Sec. 205. State application.

Sec. 206. State reservation and responsibilities.

Sec. 207. Local educational agencies.

Sec. 208. Early learning.

Sec. 209. Maintenance of effort.

Sec. 210. Reporting.

Sec. 211. Definitions.

Sec. 212. Authorization of appropriations.

Subtitle C—First Responder Stabilization

Sec. 213. Purpose.

Sec. 214. Grant program.

Sec. 215. Appropriations.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

Sec. 221. Purpose.

Sec. 222. Authorization of appropriations.

Sec. 223. Allocation of funds.

Sec. 224. State use of funds.

Sec. 225. State and local applications.

Sec. 226. Use of funds.

Sec. 227. Private schools.

Sec. 228. Additional provisions.

PART II—COMMUNITY COLLEGE MODERNIZATION

Sec. 229. Federal assistance for community college modernization.

PART III—GENERAL PROVISIONS

Sec. 230. Definitions.

Sec. 231. Buy American.

Subtitle E—Immediate Transportation Infrastructure Investments

Sec. 241. Immediate transportation infrastructure investments.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

Sec. 242. Short title; table of contents.

Sec. 243. Findings and purpose.

Sec. 244. Definitions.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

Sec. 245. Establishment and general authority of AIFA.

Sec. 246. Voting members of the board of directors.

Sec. 247. Chief executive officer of AIFA.

Sec. 248. Powers and duties of the board of directors.

Sec. 249. Senior management.

Sec. 250. Special Inspector General for AIFA.

Sec. 251. Other personnel.

Sec. 252. Compliance.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

Sec. 253. Eligibility criteria for assistance from AIFA and terms and limitations of loans.

Sec. 254. Loan terms and repayment.

Sec. 255. Compliance and enforcement.

Sec. 256. Audits; reports to the President and Congress.

PART III—FUNDING OF AIFA

Sec. 257. Administrative fees.

Sec. 258. Efficiency of AIFA.

Sec. 259. Funding.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

Sec. 260. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Subtitle G—Project Rebuild

Sec. 261. Project Rebuild.

Subtitle H—National Wireless Initiative

Sec. 271. Definitions.

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

Sec. 272. Clarification of authorities to repurpose Federal spectrum for commercial purposes.

Sec. 273. Incentive auction authority.

Sec. 274. Requirements when repurposing certain mobile satellite services spectrum for terrestrial broadband use.

Sec. 275. Permanent extension of auction authority.

Sec. 276. Authority to auction licenses for domestic satellite services.

Sec. 277. Directed auction of certain spectrum.

Sec. 278. Authority to establish spectrum license user fees.

PART II—PUBLIC SAFETY BROADBAND NETWORK

Sec. 281. Reallocation of D block for public safety.

Sec. 282. Flexible use of narrowband spectrum.

Sec. 283. Single public safety wireless network licensee.

Sec. 284. Establishment of Public Safety Broadband Corporation.

Sec. 285. Board of directors of the corporation.

Sec. 286. Officers, employees, and committees of the corporation.

Sec. 287. Nonprofit and nonpolitical nature of the corporation.

Sec. 288. Powers, duties, and responsibilities of the corporation.

Sec. 289. Initial funding for corporation.

Sec. 290. Permanent self-funding; duty to assess and collect fees for network use.

Sec. 291. Audit and report.

Sec. 292. Annual report to Congress.

Sec. 293. Provision of technical assistance.

Sec. 294. State and local implementation.

Sec. 295. State and Local Implementation Fund.

Sec. 296. Public safety wireless communications research and development.

Sec. 297. Public Safety Trust Fund.

Sec. 298. FCC report on efficient use of public safety spectrum.

Sec. 299. Public safety roaming and priority access.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

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PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

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PART III—SHORT-TIME COMPENSATION PROGRAM

Sec. 341. Treatment of short-time compensation programs.

Sec. 342. Temporary financing of short-time compensation payments in States with programs in law.

Sec. 343. Temporary financing of short-time compensation agreements.

Sec. 344. Grants for short-time compensation programs.

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Subtitle B—Long Term Unemployed Hiring Preferences

Sec. 351. Long term unemployed workers work opportunity tax credits.

Subtitle C—Pathways Back to Work

Sec. 361. Short title.

Sec. 362. Establishment of Pathways Back to Work Fund.

Sec. 363. Availability of funds.

Sec. 364. Subsidized employment for unemployed, low-income adults.

Sec. 365. Summer employment and year-round employment opportunities for low-income youth.

Sec. 366. Work-based employment strategies of demonstrated effectiveness.

Sec. 367. General requirements.

Sec. 368. Definitions.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

Sec. 371. Short title.

Sec. 372. Findings and purpose.

Sec. 373. Definitions.

Sec. 374. Prohibited acts.

Sec. 375. Enforcement.

Sec. 376. Federal and State immunity.

Sec. 377. Relationship to other laws.

Sec. 378. Severability.

TITLE IV—SURTAX ON MILLIONAIRES

Sec. 401. Surtax on millionaires.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any subtitle of this Act shall be treated as referring only to the provisions of that subtitle.

SEC. 3. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4. BUY AMERICAN—USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public

building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 5. WAGE RATE AND EMPLOYMENT PROTECTION REQUIREMENTS.

(a) Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(b) With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(c) Projects as defined under title 49, United States Code, funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be subject to the requirements of section 5333(b) of title 49, United States Code.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

SEC. 101. TEMPORARY PAYROLL TAX CUT FOR EMPLOYERS, EMPLOYEES AND THE SELF-EMPLOYED.

(a) **WAGES.**—Notwithstanding any other provision of law—

(1) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of the Internal Revenue Code of 1986 shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a) of such Code), and

(2) with respect to remuneration paid during the payroll tax holiday period, the rate of tax under 3111(a) of such Code shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3221(a) and 3211(a) of such Code).

(3) Subsection (a)(2) shall only apply to—

(A) employees performing services in a trade or business of a qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(4) Subsection (a)(2) shall apply only to the first \$5 million of remuneration or compensation paid by a qualified employer subject to section 3111(a) or a corresponding amount of compensation subject to 3221(a).

(b) **SELF-EMPLOYMENT TAXES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be—

(A) 6.2 percent on the portion of net earnings from self-employment subject to 1401(a) during the payroll tax period that does not exceed the amount of the excess of \$5 million over total remuneration, if any, subject to section 3111(a) paid during the payroll tax holiday period to employees of the self-employed person, and

(B) 9.3 percent for any portion of net earnings from self-employment not subject to subsection (b)(1)(A).

(2) **COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.**—For purposes of the Internal Revenue Code of 1986, in the case of any taxable year which begins in the payroll tax holiday period—

(A) **DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.**—The deduction allowed under section 1402(a)(12) of such Code shall be the sum of (i) 4.55 percent times the amount of the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section, plus (ii) 7.65 percent of the taxpayer's net earnings from self-employment in excess of that amount.

(B) **INDIVIDUAL DEDUCTION.**—The deduction under section 164(f) of such Code shall be equal to the sum of (i) one-half of the taxes imposed by section 1401 (after the application of this section) with respect to the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section plus (ii) 62.7 percent of the taxes imposed by section 1401 (after the application of this section) with respect to the excess.

(C) **REGULATORY AUTHORITY.**—The Secretary may prescribe any such regulations or other guidance necessary or appropriate to carry out this section, including the allocation of the excess of \$5 million over total remuneration subject to section 3111(a) paid during the payroll tax holiday period among related taxpayers treated as a single qualified employer.

(d) **DEFINITIONS.**—

(1) **PAYROLL TAX HOLIDAY PERIOD.**—The term “payroll tax holiday period” means calendar year 2012.

(2) **QUALIFIED EMPLOYER.**—For purposes of this paragraph,

(A) **IN GENERAL.**—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(B) **TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**—Notwithstanding paragraph (A), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(3) **AGGREGATION RULES.**—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(e) **TRANSFERS OF FUNDS.**—

(1) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsections (a) and (b) to employers other than those described in (e)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) **TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.**—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a) to employers subject to the Railroad Retirement Tax. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(f) **COORDINATION WITH OTHER FEDERAL LAWS.**—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

SEC. 102. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, each qualified employer shall be allowed, with respect to wages for services performed for such qualified employer, a payroll increase credit determined as follows:

(1) With respect to the period from October 1, 2011 through December 31, 2011, 6.2 percent of the excess, if any, (but not more than \$12.5 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for the corresponding period of 2010.

(2) With respect to the period from January 1, 2012 through December 31, 2012,

(A) 6.2 percent of the excess, if any, (but not more than \$50 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for calendar year 2011, minus

(B) 3.1 percent of the result (but not less than zero) of subtracting from \$5 million such wages for calendar year 2011.

(3) In the case of a qualified employer for which the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 (a) were zero for the corresponding period of 2010 referred to in subsection (a)(1), the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for the period from October 1, 2011 through December 31, 2011 and (b) were zero for the calendar year 2011 referred to in subsection (a)(2), then the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for 2012.

(4) This subsection (a) shall only apply with respect to the wages of employees performing services in a trade or business of a qualified employer or, in the case of a qualified employer exempt from tax under section

501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(b) **QUALIFIED EMPLOYERS.**—For purposes of this section—

(1) **IN GENERAL.**—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(2) **TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**—Notwithstanding subparagraph (1), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(c) **AGGREGATION RULES.**—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) of the Internal Revenue Code of 1986 shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(d) **APPLICATION OF CREDITS.**—The payroll increase credit shall be treated as a credit allowable under Subtitle C of the Internal Revenue Code of 1986 under rules prescribed by the Secretary of the Treasury, provided that the amount so treated for the period described in subsection (a)(1) or subsection (a)(2) shall not exceed the amount of tax imposed on the qualified employer under section 3111(a) of such Code for the relevant period. Any income tax deduction by a qualified employer for amounts paid under section 3111(a) of such Code or similar Railroad Retirement Tax provisions shall be reduced by the amounts so credited.

(e) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (d). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) **APPLICATION TO RAILROAD RETIREMENT TAXES.**—For purposes of qualified employers that are employers under section 3231(a) of the Internal Revenue Code of 1986, subsections (a)(1) and (a)(2) of this section shall apply by substituting section 3221 for section 3111, and substituting the term “compensation” for “wages” as appropriate.

Subtitle B—Other Relief for Businesses

SEC. 111. EXTENSION OF TEMPORARY 100 PERCENT BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) **IN GENERAL.**—Paragraph (5) of section 168(k) of the Internal Revenue Code is amended—

(1) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(2) by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) **CONFORMING AMENDMENT.**—The heading for paragraph (5) of section 168(k) of the Internal Revenue Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

SEC. 112. SURETY BONDS.

(a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(b) **DENIAL OF LIABILITY.**—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(c) **SUNSET.**—The amendments made by subsections (a) and (b) of this section shall remain in effect until September 30, 2012.

(d) **FUNDING.**—There is appropriated out of any money in the Treasury not otherwise appropriated, \$3,000,000, to remain available until expended, for additional capital for the Surety Bond Guarantees Revolving Fund, as authorized by the Small Business Investment Act of 1958, as amended.

SEC. 113. DELAY IN APPLICATION OF WITHHOLDING ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

SEC. 201. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) **IN GENERAL.**—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) **RETURNING HEROES TAX CREDITS.**—Section 51(d)(3)(A) of the Internal Revenue Code is amended by striking “or” at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”

(c) **SIMPLIFIED CERTIFICATION.**—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 15 as follows—

“(15) **CREDIT ALLOWED FOR UNEMPLOYED VETERANS.**—

“(A) **IN GENERAL.**—Any qualified veteran under paragraphs (3)(A)(ii)(II), (3)(A)(iii), and (3)(A)(iv) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

“(i) in the case of qualified veterans under paragraphs (3)(A)(ii)(II) and (3)(A)(iv), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date; or

“(ii) in the case of a qualified veteran under paragraph (3)(A)(iii), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(B) **REGULATORY AUTHORITY.**—The Secretary in his discretion may provide alternative methods for certification.”

(d) **CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.**—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word “No” at the beginning of the section and replacing it with “Except as provided in this subsection, no”;

(2) the following new paragraphs are inserted at the end of section 52(c)—

“(1) **IN GENERAL.**—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified veterans described in sections 51(d)(3)(A)(ii)(II), (iii) or (iv); or

“(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(2) **CREDIT AMOUNT.**—In calculating for tax-exempt employers, the work opportunity credit shall be determined by substituting ‘26 percent’ for ‘40 percent’ in section 51(a) and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(3) **TAX-EXEMPT EMPLOYER.**—For purposes of this subpart, the term ‘tax-exempt employer’ means an employer that is—

“(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(4) **PAYROLL TAXES.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

“(ii) amounts required to be withheld from such employees under section 3101(a), and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111(a).”

(e) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—No increase in the credit determined under section 38(b) of the Internal Revenue Code of

1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Teacher Stabilization

SEC. 202. PURPOSE.

The purpose of this subtitle is to provide funds to States to prevent teacher layoffs and support the creation of additional jobs in public early childhood, elementary, and secondary education in the 2011-2012 and 2012-2013 school years.

SEC. 203. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR; AVAILABILITY OF FUNDS.

(a) **RESERVATION OF FUNDS.**—From the amount appropriated to carry out this subtitle under section 212, the Secretary—

(1) shall reserve up to one-half of one percent to provide assistance to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this part under such terms and conditions as the Secretary may determine;

(2) shall reserve up to one-half of one percent to provide assistance to the Secretary of the Interior to carry out activities consistent with this part, in schools operated or funded by the Bureau of Indian Education; and

(3) may reserve up to \$2,000,000 for administration and oversight of this part, including program evaluation.

(b) **AVAILABILITY OF FUNDS.**—Funds made available under section 212 shall remain available to the Secretary until September 30, 2012.

SEC. 204. STATE ALLOCATION.

(a) **ALLOCATION.**—After reserving funds under section 203(a), the Secretary shall allocate to the States—

(1) 60 percent on the basis of their relative population of individuals aged 5 through 17; and

(2) 40 percent on the basis of their relative total population.

(b) **AWARDS.**—From the funds allocated under subsection (a), the Secretary shall

make a grant to the Governor of each State who submits an approvable application under section 214.

(c) ALTERNATE DISTRIBUTION OF FUNDS.—

(1) If, within 30 days after the date of enactment of this Act, a Governor has not submitted an approvable application to the Secretary, the Secretary shall, consistent with paragraph (2), provide for funds allocated to that State to be distributed to another entity or other entities in the State for the support of early childhood, elementary, and secondary education, under such terms and conditions as the Secretary may establish.

(2) MAINTENANCE OF EFFORT.—

(A) **GOVERNOR ASSURANCE.**—The Secretary shall not allocate funds under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2012 and 2013 meet the requirements of section 209.

(B) Notwithstanding subparagraph (A), the Secretary may allocate up to 50 percent of the funds that are available to the State under paragraph (1) to another entity or entities in the State, provided that the State educational agency submits data to the Secretary demonstrating that the State will for fiscal year 2012 meet the requirements of section 209(a) or the Secretary otherwise determines that the State will meet those requirements, or such comparable requirements as the Secretary may establish, for that year.

(3) **REQUIREMENTS.**—An entity that receives funds under paragraph (1) shall use those funds in accordance with the requirements of this subtitle.

(d) **REALLOCATION.**—If a State does not receive funding under this subtitle or only receives a portion of its allocation under subsection (c), the Secretary shall reallocate the State's entire allocation or the remaining portion of its allocation, as the case may be, to the remaining States in accordance with subsection (a).

SEC. 205. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this subtitle shall submit an application to the Secretary within 30 days of the date of enactment of this Act, in such manner, and containing such information as the Secretary may reasonably require to determine the State's compliance with applicable provisions of law.

SEC. 206. STATE RESERVATION AND RESPONSIBILITIES.

(a) **RESERVATION.**—Each State receiving a grant under section 204(b) may reserve—

(1) not more than 10 percent of the grant funds for awards to State-funded early learning programs; and

(2) not more than 2 percent of the grant funds for the administrative costs of carrying out its responsibilities under this subtitle.

(b) **STATE RESPONSIBILITIES.**—Each State receiving a grant under this subtitle shall, after reserving any funds under subsection (a)—

(1) use the remaining grant funds only for awards to local educational agencies for the support of early childhood, elementary, and secondary education; and

(2) distribute those funds, through subgrants, to its local educational agencies by distributing—

(A) 60 percent on the basis of the local educational agencies' relative shares of enrollment; and

(B) 40 percent on the basis of the local educational agencies' relative shares of funds received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2011; and

(3) make those funds available to local educational agencies no later than 100 days after receiving a grant from the Secretary.

(c) **PROHIBITIONS.**—A State shall not use funds received under this subtitle to directly or indirectly—

(1) establish, restore, or supplement a rainy-day fund;

(2) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(3) reduce or retire debt obligations incurred by the State; or

(4) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

SEC. 207. LOCAL EDUCATIONAL AGENCIES.

Each local educational agency that receives a subgrant under this subtitle—

(1) shall use the subgrant funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, recall or rehire former employees, or hire new employees to provide early childhood, elementary, or secondary educational and related services;

(2) shall obligate those funds no later than September 30, 2013; and

(3) may not use those funds for general administrative expenses or for other support services or expenditures, as those terms are defined by the National Center for Education Statistics in the Common Core of Data, as of the date of enactment of this Act.

SEC. 208. EARLY LEARNING.

Each State-funded early learning program that receives funds under this subtitle shall—

(1) use those funds only for compensation, benefits, and other expenses, such as support services, necessary to retain early childhood educators, recall or rehire former early childhood educators, or hire new early childhood educators to provide early learning services; and

(2) obligate those funds no later than September 30, 2013.

SEC. 209. MAINTENANCE OF EFFORT.

(a) The Secretary shall not allocate funds to a State under this subtitle unless the State provides an assurance to the Secretary that—

(1) for State fiscal year 2012—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2011; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2011; and

(2) for State fiscal year 2013—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2012; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2012.

(b) **WAIVER.**—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the State.

SEC. 210. REPORTING.

Each State that receives a grant under this subtitle shall submit, on an annual basis, a report to the Secretary that contains—

(1) a description of how funds received under this part were expended or obligated; and

(2) an estimate of the number of jobs supported by the State using funds received under this subtitle.

SEC. 211. DEFINITIONS.

(a) Except as otherwise provided, the terms “local educational agency”, “outlying area”, “Secretary”, “State”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) The term “State” does not include an outlying area.

(c) The term “early childhood educator” means an individual who—

(1) works directly with children in a State-funded early learning program in a low-income community;

(2) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

(3) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

(d) The term “State-funded early learning program” means a program that provides educational services to children from birth to kindergarten entry and receives funding from the State.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$30,000,000,000 to carry out this subtitle for fiscal year 2012.

Subtitle C—First Responder Stabilization

SEC. 213. PURPOSE.

The purpose of this subtitle is to provide funds to States and localities to prevent layoffs of, and support the creation of additional jobs for, law enforcement officers and other first responders.

SEC. 214. GRANT PROGRAM.

The Attorney General shall carry out a competitive grant program pursuant to section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for hiring, rehiring, or retention of career law enforcement officers under part Q of such title. Grants awarded under this section shall not be subject to subsections (g) or (i) of section 1701 or to section 1704 of such Act (42 U.S.C. 3796dd-3(c)).

SEC. 215. APPROPRIATIONS.

There are hereby appropriated to the Community Oriented Policing Stabilization Fund out of any money in the Treasury not otherwise obligated, \$5,000,000,000, to remain available until September 30, 2012, of which

\$4,000,000,000 shall be for the Attorney General to carry out the competitive grant program under Section 214; and of which \$1,000,000,000 shall be transferred by the Attorney General to a First Responder Stabilization Fund from which the Secretary of Homeland Security shall make competitive grants for hiring, rehiring, or retention pursuant to the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), to carry out section 34 of such Act (15 U.S.C. 2229a). In making such grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34. Of the amounts appropriated herein, not to exceed \$8,000,000 shall be for administrative costs of the Attorney General, and not to exceed \$2,000,000 shall be for administrative costs of the Secretary of Homeland Security.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

SEC. 221. PURPOSE.

The purpose of this part is to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts across America in order to support the achievement of improved educational outcomes in those schools.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$25,000,000,000 to carry out this part, which shall be available for obligation by the Secretary until September 30, 2012.

SEC. 223. ALLOCATION OF FUNDS.

(a) **RESERVATIONS.**—Of the amount made available to carry out this part, the Secretary shall reserve—

(1) one-half of one percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 226 in schools operated or funded by the Bureau of Indian Education;

(2) one-half of one percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 226; and

(3) such funds as the Secretary determines are needed to conduct a survey, by the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States.

(b) **STATE ALLOCATION.**—After reserving funds under subsection (a), the Secretary shall allocate the remaining amount among the States in proportion to their respective allocations under part A of title I of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6311 et seq.) for fiscal year 2011, except that—

(1) the Secretary shall allocate 40 percent of such remaining amount to the 100 local educational agencies with the largest numbers of children aged 5–17 living in poverty, as determined using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, in proportion to those agencies' respective allocations under part A of title I of the ESEA for fiscal year 2011; and

(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in that State.

(c) **REMAINING ALLOCATION.**—

(1) If a State does not apply for its allocation (or applies for less than the full allocation for which it is eligible) or does not use that allocation in a timely manner, the Secretary may—

(A) reallocate all or a portion of that allocation to the other States in accordance with subsection (b); or

(B) use all or a portion of that allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I of the ESEA for fiscal year 2011 or such other method as the Secretary may determine.

(2) If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which it is eligible, or does not use that allocation in a timely manner, the Secretary may reallocate all or a portion of its allocation to the State in which that agency is located.

SEC. 224. STATE USE OF FUNDS.

(a) **RESERVATION.**—Each State that receives a grant under this part may reserve not more than one percent of the State's allocation under section 223(b) for the purpose of administering the grant, except that no State may reserve more than \$750,000 for this purpose.

(b) **FUNDS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **FORMULA SUBGRANTS.**—From the grant funds that are not reserved under subsection (a), a State shall allocate at least 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 223(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I of the ESEA for fiscal year 2011, except that no such local educational agency shall receive less than \$10,000.

(2) **ADDITIONAL SUBGRANTS.**—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 223(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most needed in the State, with priority given to projects in rural local educational agencies.

(c) **REMAINING FUNDS.**—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use that allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

SEC. 225. STATE AND LOCAL APPLICATIONS.

(a) **STATE APPLICATION.**—A State that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) an identification of the State agency or entity that will administer the program; and

(2) the State's process for determining how the grant funds will be distributed and administered, including—

(A) how the State will determine the criteria and priorities in making subgrants under section 224(b)(2);

(B) any additional criteria the State will use in determining which projects it will fund under that section;

(C) a description of how the State will consider—

(i) the needs of local educational agencies for assistance under this part;

(ii) the impact of potential projects on job creation in the State;

(iii) the fiscal capacity of local educational agencies applying for assistance;

(iv) the percentage of children in those local educational agencies who are from low-income families; and

(v) the potential for leveraging assistance provided by this program through matching or other financing mechanisms;

(D) a description of how the State will ensure that the local educational agencies receiving subgrants meet the requirements of this part;

(E) a description of how the State will ensure that the State and its local educational agencies meet the deadlines established in section 228;

(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

(i) the LEED Green Building Rating System;

(ii) Energy Star;

(iii) the CHPS Criteria;

(iv) Green Globes; or

(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency;

(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this part; and

(H) such additional information and assurances as the Secretary may require.

(b) **LOCAL APPLICATION.**—A local educational agency that is eligible under section 223(b)(1) that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) a description of how the local educational agency will meet the deadlines and requirements of this part;

(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this part; and

(3) such additional information and assurances as the Secretary may require.

SEC. 226. USE OF FUNDS.

(a) **IN GENERAL.**—Funds awarded to local educational agencies under this part shall be used only for either or both of the following modernization, renovation, or repair activities in facilities that are used for elementary or secondary education or for early learning programs:

(1) Direct payments for school modernization, renovation, and repair.

(2) To pay interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

(c) **PROHIBITION.**—Funds awarded to local educational agencies under this part may not be used for—

(1) new construction;

(2) payment of routine maintenance costs; or

(3) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other

events for which admission is charged to the general public.

SEC. 227. PRIVATE SCHOOLS.

(a) **IN GENERAL.**—Section 9501 of the ESEA (20 U.S.C. 7881) shall apply to this part in the same manner as it applies to activities under that Act, except that—

(1) section 9501 shall not apply with respect to the title to any real property modernized, renovated, or repaired with assistance provided under this section;

(2) the term “services”, as used in section 9501 with respect to funds under this part, shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include only—

(A) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(C) asbestos or polychlorinated biphenyls abatement or removal from school facilities; and

(3) expenditures for services provided using funds made available under section 226 shall be considered equal for purposes of section 9501(a)(4) of the ESEA if the per-pupil expenditures for services described in paragraph (2) for students enrolled in private nonprofit elementary and secondary schools that have child-poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this subpart for children enrolled in the public schools of the local educational agency receiving funds under this subpart.

(b) **REMAINING FUNDS.**—If the expenditure for services described in paragraph (2) is less than the amount calculated under paragraph (3) because of insufficient need for those services, the remainder shall be available to the local educational agency for modernization, renovation, and repair of its school facilities.

(c) **APPLICATION.**—If any provision of this section, or the application thereof, to any person or circumstance is judicially determined to be invalid, the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

SEC. 228. ADDITIONAL PROVISIONS.

(a) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 223(b)(1), by States reserving funds under section 224(a), and by local educational agencies receiving subgrants under section 224(b)(1) only during the period that ends 24 months after the date of enactment of this Act.

(b) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving subgrants under section 224(b)(2) only during the period that ends 36 months after the date of enactment of this Act.

(c) Section 439 of the General Education Provisions Act (20 U.S.C. 1232b) shall apply to funds available under this part.

(d) For purposes of section 223(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

PART II—COMMUNITY COLLEGE MODERNIZATION

SEC. 229. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

(a) **IN GENERAL.**—

(1) **GRANT PROGRAM.**—From the amounts made available under subsection (h), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

(2) **ALLOCATION.**—

(A) **RESERVATIONS.**—Of the amount made available to carry out this section, the Secretary shall reserve—

(i) up to 0.25 percent for grants to institutions that are eligible under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to provide for modernization, renovation, and repair activities described in this section; and

(ii) up to 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this section.

(B) **ALLOCATION.**—After reserving funds under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to any remaining funds as the total number of students in such State who are enrolled in institutions described in section 230(b)(1)(A) plus the number of students who are estimated to be enrolled in and pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree in institutions described in section 230(b)(1)(B), based on the proportion of degrees or certificates awarded by such institutions that are not bachelor's, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System bears to the estimated total number of such students in all States, except that no State shall receive less than \$2,500,000.

(C) **REALLOCATION.**—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

(D) **STATE ADMINISTRATION.**—A State that receives a grant under this section may use not more than one percent of that grant to administer it, except that no State may use more than \$750,000 of its grant for this purpose.

(3) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

(b) **APPLICATION.**—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

(1) how the funds provided under this section will improve instruction at community colleges in the State and will improve the ability of those colleges to educate and train students to meet the workforce needs of employers in the State; and

(2) the projected start of each project and the estimated number of persons to be employed in the project.

(c) **PROHIBITED USES OF FUNDS.**—

(1) **IN GENERAL.**—No funds awarded under this section may be used for—

(i) payment of routine maintenance costs;
(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(2) **FOUR-YEAR INSTITUTIONS.**—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) **GREEN PROJECTS.**—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified, verified, or consistent with the applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria, as applicable;

(4) Green Globes; or

(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(e) **APPLICATION OF GEPA.**—Section 439 of the General Education Provisions Act such Act (20 U.S.C. 1232b) shall apply to funds available under this subtitle.

(f) **REPORTS BY THE STATES.**—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant was, or will be, used;

(2) a description of the amount and nature of the assistance provided to each community college under this section; and

(3) the number of jobs created by the projects funded under this section.

(g) **REPORT BY THE SECRETARY.**—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965; 20 U.S.C. 1003) an annual report on the grants made under this section, including the information described in subsection (f).

(h) **AVAILABILITY OF FUNDS.**—

(1) There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), \$5,000,000,000 for fiscal year 2012.

(2) Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of this Act.

PART III—GENERAL PROVISIONS

SEC. 230. DEFINITIONS.

(a) **ESEA TERMS.**—Except as otherwise provided, in this subtitle, the terms “local educational agency”, “Secretary”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) **ADDITIONAL DEFINITIONS.**—The following definitions apply to this title:

(1) **COMMUNITY COLLEGE.**—The term “community college” means—

(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

(i) bachelor's degrees (or an equivalent); or
(ii) master's, professional, or other advanced degrees.

(2) **CHPS CRITERIA.**—The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(3) **ENERGY STAR.**—The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) **GREEN GLOBES.**—The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) **LEED GREEN BUILDING RATING SYSTEM.**—The term “LEED Green Building Rating System” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) **MODERNIZATION, RENOVATION, AND REPAIR.**—The term “modernization, renovation and repair” means—

(A) comprehensive assessments of facilities to identify—

(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and
(ii) needed facility improvements;

(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive “green” roofs); electrical wiring; water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

(D) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

(E) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

(F) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(G) retrofitting necessary to increase energy efficiency;

(H) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as “green cleaning” programs, to reduce or eliminate potential student or staff exposure to—

(i) volatile organic compounds;

(ii) particles such as dust and pollens; or

(iii) combustion gases;

(I) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(J) installation or upgrading of educational technology infrastructure;

(K) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, and geothermal systems, and energy audits;

(L) modernization, renovation, or repair activities related to energy efficiency and renewable energy, and improvements to building infrastructures to accommodate bicycle and pedestrian access;

(M) ground improvements, storm water management, landscaping and environmental clean-up when necessary;

(N) other modernization, renovation, or repair to—

(i) improve teachers' ability to teach and students' ability to learn;

(ii) ensure the health and safety of students and staff; or

(iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

(O) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (L).

(7) **OUTLYING AREA.**—The term “outlying area” means the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(8) **STATE.**—The term “State” means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 231. BUY AMERICAN.

Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to funds made available under this title.

Subtitle E—Immediate Transportation Infrastructure Investments

SEC. 241. IMMEDIATE TRANSPORTATION INFRASTRUCTURE INVESTMENTS.

(a) **GRANTS-IN-AID FOR AIRPORTS.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$2,000,000,000 to carry out airport improvement under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act or in title 49, United States Code.

(3) **DISTRIBUTION OF FUNDS.**—Funds provided to the Secretary under this subsection shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title.

(4) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(5) **ADMINISTRATIVE EXPENSES.**—Of the funds made available under this subsection, 0.3 percent shall be available to the Secretary for administrative expenses, shall remain available for obligation until September 30, 2015, and may be used in conjunction with funds otherwise provided for the administration of the Grants-In-Aid for Airports program.

(b) **NEXT GENERATION AIR TRAFFIC CONTROL ADVANCEMENTS.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$1,000,000,000 for necessary Federal Aviation Administration capital, research and operating costs to carry out Next Generation air traffic control system advancements.

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act.

(c) **HIGHWAY INFRASTRUCTURE INVESTMENT.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$27,000,000,000 for restoration, repair, construction and other activities eligible under section 133(b) of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under section 601(a)(8) of title 23.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable on account of any project or activity carried out with funds made available under this subsection shall be, at the option of the recipient, up to 100 percent of the total cost thereof. The amount made available under this subsection shall not be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in any Act or in title 23, United States Code.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—Of the funds provided in this subsection, after making the set-asides required by paragraphs (9), (10), (11), (12), and (15), 50 percent of the funds shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2010 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division A of Public Law 111-117.

(5) **APPORTIONMENT.**—Apportionments under paragraph (4) shall be made not later than 30 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each State an amount equal to 50 percent of

the funds apportioned under paragraph (4) to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this subparagraph in the manner described in section 120(c) of division A of Public Law 111-117.

(B) One year following the date of apportionment, the Secretary shall withdraw from each recipient of funds apportioned under paragraph (4) any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this paragraph (excluding funds suballocated within the State) in the manner described in section 120(c) of division A of Public Law 111-117.

(C) At the request of a State, the Secretary may provide an extension of the one-year period only to the extent that the Secretary determines that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary notify in writing the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works, providing a thorough justification for the extension.

(7) **TRANSPORTATION ENHANCEMENTS.**—Three percent of the funds apportioned to a State under paragraph (4) shall be set aside for the purposes described in section 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005).

(8) **SUBALLOCATION.**—Thirty percent of the funds apportioned to a State under this subsection shall be suballocated within the State in the manner and for the purposes described in the first sentence of sections 133(d)(3)(A), 133(d)(3)(B), and 133(d)(3)(D) of title 23, United States Code. Such suballocation shall be conducted in every State. Funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided by paragraph (6)(A).

(9) **PUERTO RICO AND TERRITORIAL HIGHWAY PROGRAMS.**—Of the funds provided under this subsection, \$105,000,000 shall be set aside for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and \$45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code.

(10) **FEDERAL LANDS AND INDIAN RESERVATIONS.**—Of the funds provided under this subsection, \$550,000,000 shall be set aside for investments in transportation at Indian reservations and Federal lands in accordance with the following:

(A) Of the funds set aside by this paragraph, \$310,000,000 shall be for the Indian Reservation Roads program, \$170,000,000 shall be for the Park Roads and Parkways program, \$60,000,000 shall be for the Forest Highway Program, and \$10,000,000 shall be for the Refuge Roads program.

(B) For investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act.

(C) One year following the enactment of this Act, to ensure the prompt use of the funding provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated.

(D) Up to four percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(E) Section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds set aside by this paragraph.

(11) **JOB TRAINING.**—Of the funds provided under this subsection, \$50,000,000 shall be set aside for the development and administration of transportation training programs under section 140(b) title 23, United States Code.

(A) Funds set aside under this subsection shall be competitively awarded and used for the purpose of providing training, apprenticeship (including Registered Apprenticeship), skill development, and skill improvement programs, as well as summer transportation institutes and may be transferred to, or administered in partnership with, the Secretary of Labor and shall demonstrate to the Secretary of Transportation program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome metrics, such as job placement and job retention rates, established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Investment Act;

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter; and

(vi) identification of areas of collaboration with the Department of Labor programs, including co-enrollment.

(B) To be eligible to receive a competitively awarded grant under this subsection, a State must certify that at least 0.1 percent of the amounts apportioned under the Surface Transportation Program and Bridge Program will be obligated in the first fiscal year after enactment of this Act for job training activities consistent with section 140(b) of title 23, United States Code.

(12) **DISADVANTAGED BUSINESS ENTERPRISES.**—Of the funds provided under this subsection, \$10,000,000 shall be set aside for training programs and assistance programs under section 140(c) of title 23, United States Code. Funds set aside under this paragraph should be allocated to businesses that have proven success in adding staff while effectively completing projects.

(13) **STATE PLANNING AND OVERSIGHT EXPENSES.**—Of amounts apportioned under paragraph (4) of this subsection, a State may use up to 0.5 percent for activities related to projects funded under this subsection, including activities eligible under sections 134 and 135 of title 23, United States Code, State administration of subgrants, and State oversight of subrecipients.

(14) **CONDITIONS.**—

(A) Funds made available under this subsection shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which

shall be administered in accordance with chapter 3 of title 49, United States Code.

(B) Funds made available under this subsection shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code.

(C) Funding provided under this subsection shall be in addition to any and all funds provided for fiscal years 2011 and 2012 in any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act.

(D) Section 1101(b) of Public Law 109-59 shall apply to funds apportioned under this subsection.

(15) OVERSIGHT.—The Administrator of the Federal Highway Administration may set aside up to 0.15 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2015.

(d) CAPITAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation \$4,000,000,000 for grants for high-speed rail projects as authorized under sections 26104 and 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, except that the Administrator of the Federal Railroad Administration may retain up to one percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this subsection, which retained amount shall remain available for obligation until September 30, 2015.

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) FEDERAL SHARE.—The Federal share payable of the costs for which a grant or cooperative agreements is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(4) INTERIM GUIDANCE.—The Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this subsection pursuant to that guidance until final regulations are issued.

(5) INTERCITY PASSENGER RAIL CORRIDORS.—Not less than 85 percent of the funds provided under this subsection shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors.

(6) CONDITIONS.—

(A) In addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this subsection, subsections 24402(a)(2), 24402(i), and 24403 (a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this subsection.

(B) A project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this subsection.

(C) Recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

(e) CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—

(1) IN GENERAL.—There is made available \$2,000,000,000 to enable the Secretary of Transportation to make capital grants to the National Railroad Passenger Corporation (Amtrak), as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432).

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) PROJECT PRIORITY.—The priority for the use of funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock.

(4) CONDITIONS.—

(A) None of the funds under this subsection shall be used to subsidize the operating losses of Amtrak.

(B) The funds provided under this subsection shall be awarded not later than 90 days after the date of enactment of this Act.

(C) The Secretary shall take measures to ensure that projects funded under this subsection shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources. The Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding sentence.

(5) OVERSIGHT.—The Administrator of the Federal Railroad Administration may set aside 0.5 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available in this subsection, and such funds shall be available through September 30, 2015.

(f) TRANSIT CAPITAL ASSISTANCE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation \$3,000,000,000 for grants for transit capital assistance grants as defined by section 5302(a)(1) of title 49, United States Code. Notwithstanding any provision of chapter 53 of title 49, however, a recipient of funding under this subsection may use up to 10 percent of the amount provided for the operating costs of equipment and facilities for use in public transportation or for other eligible activities.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this subsection, except that the Federal share of the costs for which any grant is made under this subsection shall be, at the option of the recipient, up to 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for transit programs set forth in any Act or chapter 53 of title 49.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of

this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—The Secretary of Transportation shall—

(A) provide 80 percent of the funds appropriated under this subsection for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title;

(B) provide 10 percent of the funds appropriated under this subsection in accordance with section 5340 of such title; and

(C) provide 10 percent of the funds appropriated under this subsection for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section.

(5) APPORTIONMENT.—The funds apportioned under this subsection shall be apportioned not later than 21 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(C) At the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if the Secretary determines that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify in writing the Committee on Transportation and Infrastructure and the Committee on Banking, Housing and Urban Affairs, providing a thorough justification for the extension.

(7) CONDITIONS.—

(A) Of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1).

(B) Section 1101(b) of Public Law 109-59 shall apply to funds appropriated under this subsection.

(C) The funds appropriated under this subsection shall not be comingled with any prior year funds.

(8) OVERSIGHT.—Notwithstanding any other provision of law, 0.3 percent of the funds provided for grants under section 5307 and section 5340, and 0.3 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2015.

(g) STATE OF GOOD REPAIR.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation \$6,000,000,000 for capital expenditures as authorized by sections 5309(b) (2) and (3) of title 49, United States Code.

(2) **FEDERAL SHARE.**—The applicable requirements of chapter 53 of title 49, United States Code, shall apply, except that the Federal share of the costs for which a grant is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—

(A) The Secretary of Transportation shall apportion not less than 75 percent of the funds under this subsection for the modernization of fixed guideway systems, pursuant to the formula set forth in section 5336(b) title 49, United States Code, other than subsection (b)(2)(A)(ii).

(B) Of the funds appropriated under this subsection, not less than 25 percent shall be available for the restoration or replacement of existing public transportation assets related to bus systems, pursuant to the formula set forth in section 5336 other than subsection (b).

(5) **APPORTIONMENT.**—The funds made available under this subsection shall be apportioned not later than 30 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph, utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(C) At the request of an urbanized area, the Secretary may provide an extension of the 1-year period if the Secretary finds that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Banking, Housing, and Urban Affairs, providing a thorough justification for the extension.

(7) **CONDITIONS.**—

(A) The provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this subsection.

(B) The funds appropriated under this subsection shall not be commingled with any prior year funds.

(8) **OVERSIGHT.**—Notwithstanding any other provision of law, 0.3 percent of the funds under this subsection shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2015.

(h) **TRANSPORTATION INFRASTRUCTURE GRANTS AND FINANCING.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$5,000,000,000

for capital investments in surface transportation infrastructure. The Secretary shall distribute funds provided under this subsection as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **PROJECT ELIGIBILITY.**—Projects eligible for funding provided under this subsection include—

(A) highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments;

(B) public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service;

(C) passenger and freight rail transportation projects; and

(D) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

(5) **TIFIA PROGRAM.**—The Secretary may transfer to the Federal Highway Administration funds made available under this subsection for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this subsection.

(6) **PROJECT PRIORITY.**—The Secretary shall give priority to projects that are expected to be completed within 3 years of the date of the enactment of this Act.

(7) **DEADLINE FOR ISSUANCE OF COMPETITION CRITERIA.**—The Secretary shall publish criteria on which to base the competition for any grants awarded under this subsection not later than 90 days after enactment of this Act. The Secretary shall require applications for funding provided under this subsection to be submitted not later than 180 days after the publication of the criteria, and announce all projects selected to be funded from such funds not later than 1 year after the date of the enactment of the Act.

(8) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under this subsection shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(9) **ADMINISTRATIVE EXPENSES.**—The Secretary may retain up to one-half of one percent of the funds provided under this subsection, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this subsection. Funds re-

tained shall remain available for obligation until September 30, 2015.

(i) **LOCAL HIRING.**—

(1) **IN GENERAL.**—In the case of the funding made available under subsections (a) through (h) of this section, the Secretary of Transportation may establish standards under which a contract for construction may be advertised that contains requirements for the employment of individuals residing in or adjacent to any of the areas in which the work is to be performed to perform construction work required under the contract, provided that—

(A) all or part of the construction work performed under the contract occurs in an area designated by the Secretary as an area of high unemployment, using data reported by the United States Department of Labor, Bureau of Labor Statistics;

(B) the estimated cost of the project of which the contract is a part is greater than \$10 million, except that the estimated cost of the project in the case of construction funded under subsection (c) shall be greater than \$50 million; and

(C) the recipient may not require the hiring of individuals who do not have the necessary skills to perform work in any craft or trade; provided that the recipient may require the hiring of such individuals if the recipient establishes reasonable provisions to train such individuals to perform any such work under the contract effectively.

(2) **PROJECT STANDARDS.**—

(A) **IN GENERAL.**—Any standards established by the Secretary under this section shall ensure that any requirements specified under subsection (c)(1)—

(i) do not compromise the quality of the project;

(ii) are reasonable in scope and application;

(iii) do not unreasonably delay the completion of the project; and

(iv) do not unreasonably increase the cost of the project.

(B) **AVAILABLE PROGRAMS.**—The Secretary shall make available to recipients the workforce development and training programs set forth in section 24604(e)(1)(D) of this title to assist recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C). The Secretary of Labor shall make available its qualifying workforce and training development programs to recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C).

(3) **IMPLEMENTING REGULATIONS.**—The Secretary shall promulgate final regulations to implement the authority of this subsection.

(j) **ADMINISTRATIVE PROVISIONS.**—

(1) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under this subtitle shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(2) **BUY AMERICAN.**—Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to each project conducted using funds provided under this subtitle.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development **SEC. 242. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This subtitle may be cited as the “Building and Upgrading Infrastructure for Long-Term Development Act”.

SEC. 243. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) infrastructure has always been a vital element of the economic strength of the United States and a key indicator of the

international leadership of the United States;

(2) the Erie Canal, the Hoover Dam, the railroads, and the interstate highway system are all testaments to American ingenuity and have helped propel and maintain the United States as the world's largest economy;

(3) according to the World Economic Forum's Global Competitiveness Report, the United States fell to second place in 2009, and dropped to fourth place overall in 2010, however, in the "Quality of overall infrastructure" category of the same report, the United States ranked twenty-third in the world;

(4) according to the World Bank's 2010 Logistic Performance Index, the capacity of countries to efficiently move goods and connect manufacturers and consumers with international markets is improving around the world, and the United States now ranks seventh in the world in logistics-related infrastructure behind countries from both Europe and Asia;

(5) according to a January 2009 report from the University of Massachusetts/Alliance for American Manufacturing entitled "Employment, Productivity and Growth," infrastructure investment is a "highly effective engine of job creation";

(6) according to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated \$2,200,000,000,000 investment is needed over the next 5 years to bring American infrastructure up to adequate condition;

(7) according to the National Surface Transportation Policy and Revenue Study Commission, \$225,000,000,000 is needed annually from all sources for the next 50 years to upgrade the United States surface transportation system to a state of good repair and create a more advanced system;

(8) the current infrastructure financing mechanisms of the United States, both on the Federal and State level, will fail to meet current and foreseeable demands and will create large funding gaps;

(9) published reports state that there may not be enough demand for municipal bonds to maintain the same level of borrowing at the same rates, resulting in significantly decreased infrastructure investment at the State and local level;

(10) current funding mechanisms are not readily scalable and do not—

(A) serve large in-State or cross jurisdiction infrastructure projects, projects of regional or national significance, or projects that cross sector silos;

(B) sufficiently catalyze private sector investment; or

(C) ensure the optimal return on public resources;

(11) although grant programs of the United States Government must continue to play a central role in financing the transportation, environment, and energy infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion clearly exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States ability to sustain long-term economic development, productivity, and international competitiveness;

(12) the capital markets, including pension funds, private equity funds, mutual funds, sovereign wealth funds, and other investors, have a growing interest in infrastructure investment and represent hundreds of billions of dollars of potential investment; and

(13) the establishment of a United States Government-owned, independent, professionally managed institution that could provide credit support to qualified infrastructure projects of regional and national significance, making transparent merit-based investment decisions based on the commercial viability of infrastructure projects, would catalyze the participation of significant private investment capital.

(b) **PURPOSE.**—The purpose of this Act is to facilitate investment in, and long-term financing of, economically viable infrastructure projects of regional or national significance in a manner that both complements existing Federal, State, local, and private funding sources for these projects and introduces a merit-based system for financing such projects, in order to mobilize significant private sector investment, create jobs, and ensure United States competitiveness through an institution that limits the need for ongoing Federal funding.

SEC. 244. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **AIFA.**—The term "AIFA" means the American Infrastructure Financing Authority established under this Act.

(2) **BLIND TRUST.**—The term "blind trust" means a trust in which the beneficiary has no knowledge of the specific holdings and no rights over how those holdings are managed by the fiduciary of the trust prior to the dissolution of the trust.

(3) **BOARD OF DIRECTORS.**—The term "Board of Directors" means Board of Directors of AIFA.

(4) **CHAIRPERSON.**—The term "Chairperson" means the Chairperson of the Board of Directors of AIFA.

(5) **CHIEF EXECUTIVE OFFICER.**—The term "chief executive officer" means the chief executive officer of AIFA, appointed under section 247.

(6) **COST.**—The term "cost" has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) **DIRECT LOAN.**—The term "direct loan" has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) **ELIGIBLE ENTITY.**—The term "eligible entity" means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, State, or other non-Federal governmental entity, including a political subdivision or any other instrumentality of a State, or a revolving fund.

(9) **INFRASTRUCTURE PROJECT.**—

(A) **IN GENERAL.**—The term "eligible infrastructure project" means any non-Federal transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act.

(B) **TRANSPORTATION INFRASTRUCTURE PROJECT.**—The term "transportation infrastructure project" means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors:

- (i) Highway or road.
- (ii) Bridge.
- (iii) Mass transit.
- (iv) Inland waterways.
- (v) Commercial ports.
- (vi) Airports.
- (vii) Air traffic control systems.
- (viii) Passenger rail, including high-speed rail.
- (ix) Freight rail systems.

(C) **WATER INFRASTRUCTURE PROJECT.**—The term "water infrastructure project" means the construction, consolidation, alteration, or repair of the following subsectors:

- (i) Wastewater treatment facility.
- (ii) Storm water management system.
- (iii) Dam.
- (iv) Solid waste disposal facility.
- (v) Drinking water treatment facility.
- (vi) Levee.
- (vii) Open space management system.

(D) **ENERGY INFRASTRUCTURE PROJECT.**—The term "energy infrastructure project" means the construction, alteration, or repair of the following subsectors:

- (i) Pollution reduced energy generation.
- (ii) Transmission and distribution.
- (iii) Storage.
- (iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

(E) **BOARD AUTHORITY TO MODIFY SUBSECTORS.**—The Board of Directors may make modifications, at the discretion of the Board, to the subsectors described in this paragraph by a vote of not fewer than 5 of the voting members of the Board of Directors.

(10) **INVESTMENT PROSPECTUS.**—

(A) The term "investment prospectus" means the processes and publications described below that will guide the priorities and strategic focus for the Bank's investments. The investment prospectus shall follow rulemaking procedures under section 553 of title 5, United States Code.

(B) The Bank shall publish a detailed description of its strategy in an Investment Prospectus within one year of the enactment of this subchapter. The Investment Prospectus shall—

(i) specify what the Bank shall consider significant to the economic competitiveness of the United States or a region thereof in a manner consistent with the primary objective;

(ii) specify the priorities and strategic focus of the Bank in forwarding its strategic objectives and carrying out the Bank strategy;

(iii) specify the priorities and strategic focus of the Bank in promoting greater efficiency in the movement of freight;

(iv) specify the priorities and strategic focus of the Bank in promoting the use of innovation and best practices in the planning, design, development and delivery of projects;

(v) describe in detail the framework and methodology for calculating application qualification scores and associated ranges as specified in this subchapter, along with the data to be requested from applicants and the mechanics of calculations to be applied to that data to determine qualification scores and ranges;

(vi) describe how selection criteria will be applied by the Chief Executive Officer in determining the competitiveness of an application and its qualification score and range relative to other current applications and previously funded applications; and

(vii) describe how the qualification score and range methodology and project selection framework are consistent with maximizing the Bank goals in both urban and rural areas.

(C) The Investment Prospectus and any subsequent updates thereto shall be approved by a majority vote of the Board of Directors prior to publication.

(D) The Bank shall update the Investment Prospectus on every biennial anniversary of its original publication.

(11) **INVESTMENT-GRADE RATING.**—The term "investment-grade rating" means a rating of BBB minus, Baa3, or higher assigned to an infrastructure project by a ratings agency.

(12) **LOAN GUARANTEE.**—The term “loan guarantee” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(13) **PUBLIC-PRIVATE PARTNERSHIP.**—The term “public-private partnership” means any eligible entity—

(A)(i) which is undertaking the development of all or part of an infrastructure project that will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State;

(B) which owns, leases, or operates or will own, lease, or operate, the project in whole or in part; and

(C) the participants in which include not fewer than 1 nongovernmental entity with significant investment and some control over the project or project vehicle.

(14) **RURAL INFRASTRUCTURE PROJECT.**—The term “rural infrastructure project” means an infrastructure project in a rural area, as that term is defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

(15) **SECRETARY.**—Unless the context otherwise requires, the term “Secretary” means the Secretary of the Treasury or the designee thereof.

(16) **SENIOR MANAGEMENT.**—The term “senior management” means the chief financial officer, chief risk officer, chief compliance officer, general counsel, chief lending officer, and chief operations officer of AIFA established under section 249, and such other officers as the Board of Directors may, by majority vote, add to senior management.

(17) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

SEC. 245. ESTABLISHMENT AND GENERAL AUTHORITY OF AIFA.

(a) **ESTABLISHMENT OF AIFA.**—The American Infrastructure Financing Authority is established as a wholly owned Government corporation.

(b) **GENERAL AUTHORITY OF AIFA.**—AIFA shall provide direct loans and loan guarantees to facilitate infrastructure projects that are both economically viable and of regional or national significance, and shall have such other authority, as provided in this Act.

(c) **INCORPORATION.**—

(1) **IN GENERAL.**—The Board of Directors first appointed shall be deemed the incorporator of AIFA, and the incorporation shall be held to have been effected from the date of the first meeting of the Board of Directors.

(2) **CORPORATE OFFICE.**—AIFA shall—

(A) maintain an office in Washington, DC; and

(B) for purposes of venue in civil actions, be considered to be a resident of Washington, DC.

(d) **RESPONSIBILITY OF THE SECRETARY.**—The Secretary shall take such action as may be necessary to assist in implementing AIFA, and in carrying out the purpose of this Act.

(e) **RULE OF CONSTRUCTION.**—Chapter 91 of title 31, United States Code, does not apply to AIFA, unless otherwise specifically provided in this Act.

SEC. 246. VOTING MEMBERS OF THE BOARD OF DIRECTORS.

(a) **VOTING MEMBERSHIP OF THE BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—AIFA shall have a Board of Directors consisting of 7 voting members appointed by the President, by and with the advice and consent of the Senate, not more than 4 of whom shall be from the same political party.

(2) **CHAIRPERSON.**—One of the voting members of the Board of Directors shall be designated by the President to serve as Chairperson thereof.

(3) **CONGRESSIONAL RECOMMENDATIONS.**—Not later than 30 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each submit a recommendation to the President for appointment of a member of the Board of Directors, after consultation with the appropriate committees of Congress.

(b) **VOTING RIGHTS.**—Each voting member of the Board of Directors shall have an equal vote in all decisions of the Board of Directors.

(c) **QUALIFICATIONS OF VOTING MEMBERS.**—Each voting member of the Board of Directors shall—

(1) be a citizen of the United States; and

(2) have significant demonstrated expertise in—

(A) the management and administration of a financial institution relevant to the operation of AIFA; or a public financial agency or authority; or

(B) the financing, development, or operation of infrastructure projects; or

(C) analyzing the economic benefits of infrastructure investment.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this Act, each voting member of the Board of Directors shall be appointed for a term of 4 years.

(2) **INITIAL STAGGERED TERMS.**—Of the voting members first appointed to the Board of Directors—

(A) the initial Chairperson and 3 of the other voting members shall each be appointed for a term of 4 years; and

(B) the remaining 3 voting members shall each be appointed for a term of 2 years.

(3) **DATE OF INITIAL NOMINATIONS.**—The initial nominations for the appointment of all voting members of the Board of Directors shall be made not later than 60 days after the date of enactment of this Act.

(4) **BEGINNING OF TERM.**—The term of each of the initial voting members appointed under this section shall commence immediately upon the date of appointment, except that, for purposes of calculating the term limits specified in this subsection, the initial terms shall each be construed as beginning on January 22 of the year following the date of the initial appointment.

(5) **VACANCIES.**—A vacancy in the position of a voting member of the Board of Directors shall be filled by the President, and a member appointed to fill a vacancy on the Board of Directors occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(e) **MEETINGS.**—

(1) **OPEN TO THE PUBLIC; NOTICE.**—Except as provided in paragraph (3), all meetings of the Board of Directors shall be—

(A) open to the public; and

(B) preceded by reasonable public notice.

(2) **FREQUENCY.**—The Board of Directors shall meet not later than 60 days after the date on which all members of the Board of Directors are first appointed, at least quarterly thereafter, and otherwise at the call of either the Chairperson or 5 voting members of the Board of Directors.

(3) **EXCEPTION FOR CLOSED MEETINGS.**—The voting members of the Board of Directors may, by majority vote, close a meeting to the public if, during the meeting to be closed, there is likely to be disclosed proprietary or sensitive information regarding an infrastructure project under consideration for assistance under this Act. The Board of Directors shall prepare minutes of any meeting that is closed to the public, and shall make such minutes available as soon as practicable, not later than 1 year after the date of the closed meeting, with any necessary redactions to protect any proprietary or sensitive information.

(4) **QUORUM.**—For purposes of meetings of the Board of Directors, 5 voting members of the Board of Directors shall constitute a quorum.

(f) **COMPENSATION OF MEMBERS.**—Each voting member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(g) **CONFLICTS OF INTEREST.**—A voting member of the Board of Directors may not participate in any review or decision affecting an infrastructure project under consideration for assistance under this Act, if the member has or is affiliated with an entity who has a financial interest in such project.

SEC. 247. CHIEF EXECUTIVE OFFICER OF AIFA.

(a) **IN GENERAL.**—The chief executive officer of AIFA shall be a nonvoting member of the Board of Directors, who shall be responsible for all activities of AIFA, and shall support the Board of Directors as set forth in this Act and as the Board of Directors deems necessary or appropriate.

(b) **APPOINTMENT AND TENURE OF THE CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—The President shall appoint the chief executive officer, by and with the advice and consent of the Senate.

(2) **TERM.**—The chief executive officer shall be appointed for a term of 6 years.

(3) **VACANCIES.**—Any vacancy in the office of the chief executive officer shall be filled by the President, and the person appointed to fill a vacancy in that position occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(c) **QUALIFICATIONS.**—The chief executive officer—

(1) shall have significant expertise in management and administration of a financial institution, or significant expertise in the financing and development of infrastructure projects, or significant expertise in analyzing the economic benefits of infrastructure investment; and

(2) may not—

(A) hold any other public office;

(B) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(C) have any financial interest in an investment institution or its affiliates or any other entity seeking or likely to seek financial assistance for any infrastructure project

from AIFA, unless any such interest is placed in a blind trust for the tenure of the service of the chief executive officer plus 2 additional years.

(d) **RESPONSIBILITIES.**—The chief executive officer shall have such executive functions, powers, and duties as may be prescribed by this Act, the bylaws of AIFA, or the Board of Directors, including—

(1) responsibility for the development and implementation of the strategy of AIFA, including—

(A) the development and submission to the Board of Directors of the investment prospectus, the annual business plans and budget;

(B) the development and submission to the Board of Directors of a long-term strategic plan; and

(C) the development, revision, and submission to the Board of Directors of internal policies; and

(2) responsibility for the management and oversight of the daily activities, decisions, operations, and personnel of AIFA, including—

(A) the appointment of senior management, subject to approval by the voting members of the Board of Directors, and the hiring and termination of all other AIFA personnel;

(B) requesting the detail, on a reimbursable basis, of personnel from any Federal agency having specific expertise not available from within AIFA, following which request the head of the Federal agency may detail, on a reimbursable basis, any personnel of such agency reasonably requested by the chief executive officer;

(C) assessing and recommending in the first instance, for ultimate approval or disapproval by the Board of Directors, compensation and adjustments to compensation of senior management and other personnel of AIFA as may be necessary for carrying out the functions of AIFA;

(D) ensuring, in conjunction with the general counsel of AIFA, that all activities of AIFA are carried out in compliance with applicable law;

(E) overseeing the involvement of AIFA in all projects, including—

(i) developing eligible projects for AIFA financial assistance;

(ii) determining the terms and conditions of all financial assistance packages;

(iii) monitoring all infrastructure projects assisted by AIFA, including responsibility for ensuring that the proceeds of any loan made, guaranteed, or participated in are used only for the purposes for which the loan or guarantee was made;

(iv) preparing and submitting for approval by the Board of Directors the documents required under paragraph (1); and

(v) ensuring the implementation of decisions of the Board of Directors; and

(F) such other activities as may be necessary or appropriate in carrying out this Act.

(e) **COMPENSATION.**—

(1) **IN GENERAL.**—Any compensation assessment or recommendation by the chief executive officer under this section shall be without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

(2) **CONSIDERATIONS.**—The compensation assessment or recommendation required under this subsection shall take into account merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel.

SEC. 248. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall—

(1) as soon as is practicable after the date on which all members are appointed, approve or disapprove senior management appointed by the chief executive officer;

(2) not later than 180 days after the date on which all members are appointed—

(A) develop and approve the bylaws of AIFA, including bylaws for the regulation of the affairs and conduct of the business of AIFA, consistent with the purpose, goals, objectives, and policies set forth in this Act;

(B) establish subcommittees, including an audit committee that is composed solely of members of the Board of Directors who are independent of the senior management of AIFA;

(C) develop and approve, in consultation with senior management, a conflict-of-interest policy for the Board of Directors and for senior management;

(D) approve or disapprove internal policies that the chief executive officer shall submit to the Board of Directors, including—

(i) policies regarding the loan application and approval process, including—

(I) disclosure and application procedures to be followed by entities in the course of nominating infrastructure projects for assistance under this Act;

(II) guidelines for the selection and approval of projects;

(III) specific criteria for determining eligibility for project selection, consistent with title II; and

(IV) standardized terms and conditions, fee schedules, or legal requirements of a contract or program, so as to carry out this Act; and

(ii) operational guidelines; and

(E) approve or disapprove a multi-year or 1-year business plan and budget for AIFA;

(3) ensure that AIFA is at all times operated in a manner that is consistent with this Act, by—

(A) monitoring and assessing the effectiveness of AIFA in achieving its strategic goals;

(B) periodically reviewing internal policies;

(C) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(D) reviewing and approving annual reports submitted by the chief executive officer;

(E) engaging one or more external auditors, as set forth in this Act; and

(F) reviewing and approving all changes to the organization of senior management;

(4) appoint and fix, by a vote of 5 of the 7 voting members of the Board of Directors, and without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, the compensation and adjustments to compensation of all AIFA personnel, provided that in appointing and fixing any compensation or adjustments to compensation under this paragraph, the Board shall—

(A) consult with, and seek to maintain comparability with, other comparable Federal personnel;

(B) consult with the Office of Personnel Management; and

(C) carry out such duties consistent with merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel;

(5) establish such other criteria, requirements, or procedures as the Board of Direc-

tors may consider to be appropriate in carrying out this Act;

(6) serve as the primary liaison for AIFA in interactions with Congress, the Executive Branch, and State and local governments, and to represent the interests of AIFA in such interactions and others;

(7) approve by a vote of 5 of the 7 voting members of the Board of Directors any changes to the bylaws or internal policies of AIFA;

(8) have the authority and responsibility—

(A) to oversee entering into and carry out such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out this Act with—

(i) any Federal department or agency;

(ii) any State, territory, or possession (or any political subdivision thereof, including State infrastructure banks) of the United States; and

(iii) any individual, public-private partnership, firm, association, or corporation;

(B) to approve of the acquisition, lease, pledge, exchange, and disposal of real and personal property by AIFA and otherwise approve the exercise by AIFA of all of the usual incidents of ownership of property, to the extent that the exercise of such powers is appropriate to and consistent with the purposes of AIFA;

(C) to determine the character of, and the necessity for, the obligations and expenditures of AIFA, and the manner in which the obligations and expenditures will be incurred, allowed, and paid, subject to this Act and other Federal law specifically applicable to wholly owned Federal corporations;

(D) to execute, in accordance with applicable bylaws and regulations, appropriate instruments;

(E) to approve other forms of credit enhancement that AIFA may provide to eligible projects, as long as the forms of credit enhancements are consistent with the purposes of this Act and terms set forth in title II;

(F) to exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of AIFA;

(G) to sue or be sued in the corporate capacity of AIFA in any court of competent jurisdiction;

(H) to indemnify the members of the Board of Directors and officers of AIFA for any liabilities arising out of the actions of the members and officers in such capacity, in accordance with, and subject to the limitations contained in this Act;

(I) to review all financial assistance packages to all eligible infrastructure projects, as submitted by the chief executive officer and to approve, postpone, or deny the same by majority vote;

(J) to review all restructuring proposals submitted by the chief executive officer, including assignment, pledging, or disposal of the interest of AIFA in a project, including payment or income from any interest owned or held by AIFA, and to approve, postpone, or deny the same by majority vote; and

(K) to enter into binding commitments, as specified in approved financial assistance packages;

(9) delegate to the chief executive officer those duties that the Board of Directors deems appropriate, to better carry out the powers and purposes of the Board of Directors under this section; and

(10) to approve a maximum aggregate amount of outstanding obligations of AIFA at any given time, taking into consideration funding, and the size of AIFA's addressable market for infrastructure projects.

SEC. 249. SENIOR MANAGEMENT.

(a) **IN GENERAL.**—Senior management shall support the chief executive officer in the discharge of the responsibilities of the chief executive officer.

(b) **APPOINTMENT OF SENIOR MANAGEMENT.**—The chief executive officer shall appoint such senior managers as are necessary to carry out the purpose of AIFA, as approved by a majority vote of the voting members of the Board of Directors.

(c) **TERM.**—Each member of senior management shall serve at the pleasure of the chief executive officer and the Board of Directors.

(d) **REMOVAL OF SENIOR MANAGEMENT.**—Any member of senior management may be removed, either by a majority of the voting members of the Board of Directors upon request by the chief executive officer, or otherwise by vote of not fewer than 5 voting members of the Board of Directors.

(e) **SENIOR MANAGEMENT.**—

(1) **IN GENERAL.**—Each member of senior management shall report directly to the chief executive officer, other than the Chief Risk Officer, who shall report directly to the Board of Directors.

(2) **DUTIES AND RESPONSIBILITIES.**—

(A) **CHIEF FINANCIAL OFFICER.**—The Chief Financial Officer shall be responsible for all financial functions of AIFA, provided that, at the discretion of the Board of Directors, specific functions of the Chief Financial Officer may be delegated externally.

(B) **CHIEF RISK OFFICER.**—The Chief Risk Officer shall be responsible for all functions of AIFA relating to—

(i) the creation of financial, credit, and operational risk management guidelines and policies;

(ii) credit analysis for infrastructure projects;

(iii) the creation of conforming standards for infrastructure finance agreements;

(iv) the monitoring of the financial, credit, and operational exposure of AIFA; and

(v) risk management and mitigation actions, including by reporting such actions, or recommendations of such actions to be taken, directly to the Board of Directors.

(C) **CHIEF COMPLIANCE OFFICER.**—The Chief Compliance Officer shall be responsible for all functions of AIFA relating to internal audits, accounting safeguards, and the enforcement of such safeguards and other applicable requirements.

(D) **GENERAL COUNSEL.**—The General Counsel shall be responsible for all functions of AIFA relating to legal matters and, in consultation with the chief executive officer, shall be responsible for ensuring that AIFA complies with all applicable law.

(E) **CHIEF OPERATIONS OFFICER.**—The Chief Operations Officer shall be responsible for all operational functions of AIFA, including those relating to the continuing operations and performance of all infrastructure projects in which AIFA retains an interest and for all AIFA functions related to human resources.

(F) **CHIEF LENDING OFFICER.**—The Chief Lending Officer shall be responsible for—

(i) all functions of AIFA relating to the development of project pipeline, financial structuring of projects, selection of infrastructure projects to be reviewed by the Board of Directors, preparation of infrastructure projects to be presented to the Board of Directors, and set aside for rural infrastructure projects;

(ii) the creation and management of—

(1) a Center for Excellence to provide technical assistance to public sector borrowers in the development and financing of infrastructure projects; and

(II) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects; and

(iii) the establishment of guidelines to ensure diversification of lending activities by region, infrastructure project type, and project size.

(f) **CHANGES TO SENIOR MANAGEMENT.**—The Board of Directors, in consultation with the chief executive officer, may alter the structure of the senior management of AIFA at any time to better accomplish the goals, objectives, and purposes of AIFA, provided that the functions of the Chief Financial Officer set forth in subsection (e) remain separate from the functions of the Chief Risk Officer set forth in subsection (e).

(g) **CONFLICTS OF INTEREST.**—No individual appointed to senior management may—

(1) hold any other public office;

(2) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(3) have any financial interest in an investment institution or its affiliates, AIFA or its affiliates, or other entity then seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust during the term of service of that individual in a senior management position, and for a period of 2 years thereafter.

SEC. 250. SPECIAL INSPECTOR GENERAL FOR AIFA.

(a) **IN GENERAL.**—During the first 5 operating years of AIFA, the Office of the Inspector General of the Department of the Treasury shall have responsibility for AIFA.

(b) **OFFICE OF THE SPECIAL INSPECTOR GENERAL.**—Effective 5 years after the date of enactment of the commencement of the operations of AIFA, there is established the Office of the Special Inspector General for AIFA.

(c) **APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.**—

(1) **HEAD OF OFFICE.**—The head of the Office of the Special Inspector General for AIFA shall be the Special Inspector General for AIFA (in this Act referred to as the “Special Inspector General”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **BASIS OF APPOINTMENT.**—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) **TIMING OF NOMINATION.**—The nomination of an individual as Special Inspector General shall be made as soon as is practicable after the effective date under subsection (b).

(4) **REMOVAL.**—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) **RULE OF CONSTRUCTION.**—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) **RATE OF PAY.**—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **DUTIES.**—

(1) **IN GENERAL.**—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of AIFA.

(2) **OTHER SYSTEMS, PROCEDURES, AND CONTROLS.**—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) **ADDITIONAL DUTIES.**—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(e) **POWERS AND AUTHORITIES.**—

(1) **IN GENERAL.**—In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) **ADDITIONAL AUTHORITY.**—The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(f) **PERSONNEL, FACILITIES, AND OTHER RESOURCES.**—

(1) **ADDITIONAL OFFICERS.**—

(A) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) The Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(2) **RETENTION OF SERVICES.**—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

(3) **ABILITY TO CONTRACT FOR AUDITS, STUDIES, AND OTHER SERVICES.**—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) **REQUEST FOR INFORMATION.**—

(A) **IN GENERAL.**—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) **REFUSAL TO COMPLY.**—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of the Treasury, without delay.

(g) **REPORTS.**—

(1) **ANNUAL REPORT.**—Not later than 1 year after the confirmation of the Special Inspector General, and every calendar year thereafter, the Special Inspector General shall submit to the President a report summarizing the activities of the Special Inspector

General during the previous 1-year period ending on the date of such report.

(2) **PUBLIC DISCLOSURES.**—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

SEC. 251. OTHER PERSONNEL.

Except as otherwise provided in the bylaws of AIFA, the chief executive officer, in consultation with the Board of Directors, shall appoint, remove, and define the duties of such qualified personnel as are necessary to carry out the powers, duties, and purpose of AIFA, other than senior management, who shall be appointed in accordance with section 249.

SEC. 252. COMPLIANCE.

The provision of assistance by the Board of Directors pursuant to this Act shall not be construed as superseding any provision of State law or regulation otherwise applicable to an infrastructure project.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

SEC. 253. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM AIFA AND TERMS AND LIMITATIONS OF LOANS.

(a) **IN GENERAL.**—Any project whose use or purpose is private and for which no public benefit is created shall not be eligible for financial assistance from AIFA under this Act. Financial assistance under this Act shall only be made available if the applicant for such assistance has demonstrated to the satisfaction of the Board of Directors that the infrastructure project for which such assistance is being sought—

(1) is not for the refinancing of an existing infrastructure project; and

(2) meets—

(A) any pertinent requirements set forth in this Act;

(B) any criteria established by the Board of Directors or chief executive officer in accordance with this Act; and

(C) the definition of a transportation infrastructure project, water infrastructure project, or energy infrastructure project.

(b) **CONSIDERATIONS.**—The criteria established by the Board of Directors pursuant to this Act shall provide adequate consideration of—

(1) the economic, financial, technical, environmental, and public benefits and costs of each infrastructure project under consideration for financial assistance under this Act, prioritizing infrastructure projects that—

(A) contribute to regional or national economic growth;

(B) offer value for money to taxpayers;

(C) demonstrate a clear and significant public benefit;

(D) lead to job creation; and

(E) mitigate environmental concerns;

(2) the means by which development of the infrastructure project under consideration is being financed, including—

(A) the terms, conditions, and structure of the proposed financing;

(B) the credit worthiness and standing of the project sponsors, providers of equity, and cofinanciers;

(C) the financial assumptions and projections on which the infrastructure project is based; and

(D) whether there is sufficient State or municipal political support for the successful completion of the infrastructure project;

(3) the likelihood that the provision of assistance by AIFA will cause such development to proceed more promptly and with lower costs than would be the case without such assistance;

(4) the extent to which the provision of assistance by AIFA maximizes the level of private investment in the infrastructure project or supports a public-private partnership, while providing a significant public benefit;

(5) the extent to which the provision of assistance by AIFA can mobilize the participation of other financing partners in the infrastructure project;

(6) the technical and operational viability of the infrastructure project;

(7) the proportion of financial assistance from AIFA;

(8) the geographic location of the project in an effort to have geographic diversity of projects funded by AIFA;

(9) the size of the project and its impact on the resources of AIFA;

(10) the infrastructure sector of the project, in an effort to have projects from more than one sector funded by AIFA; and

(11) encourages use of innovative procurement, asset management, or financing to minimize the all-in-life-cycle cost, and improve the cost-effectiveness of a project.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—Any eligible entity seeking assistance from AIFA under this Act for an eligible infrastructure project shall submit an application to AIFA at such time, in such manner, and containing such information as the Board of Directors or the chief executive officer may require.

(2) **REVIEW OF APPLICATIONS.**—AIFA shall review applications for assistance under this Act on an ongoing basis. The chief executive officer, working with the senior management, shall prepare eligible infrastructure projects for review and approval by the Board of Directors.

(3) **DEDICATED REVENUE SOURCES.**—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the infrastructure project obligations.

(d) **ELIGIBLE INFRASTRUCTURE PROJECT COSTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), to be eligible for assistance under this Act, an infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$100,000,000.

(2) **RURAL INFRASTRUCTURE PROJECTS.**—To be eligible for assistance under this Act a rural infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$25,000,000.

(e) **LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.**—

(1) **IN GENERAL.**—The amount of a direct loan or loan guarantee under this Act shall not exceed the lesser of 50 percent of the reasonably anticipated eligible infrastructure project costs or, if the direct loan or loan guarantee does not receive an investment grade rating, the amount of the senior project obligations.

(2) **MAXIMUM ANNUAL LOAN AND LOAN GUARANTEE VOLUME.**—The aggregate amount of direct loans and loan guarantees made by AIFA in any single fiscal year may not exceed—

(A) during the first 2 fiscal years of the operations of AIFA, \$10,000,000,000;

(B) during fiscal years 3 through 9 of the operations of AIFA, \$20,000,000,000; or

(C) during any fiscal year thereafter, \$50,000,000,000.

(f) **STATE AND LOCAL PERMITS REQUIRED.**—The provision of assistance by the Board of

Directors pursuant to this Act shall not be deemed to relieve any recipient of such assistance, or the related infrastructure project, of any obligation to obtain required State and local permits and approvals.

SEC. 254. LOAN TERMS AND REPAYMENT.

(a) **IN GENERAL.**—A direct loan or loan guarantee under this Act with respect to an eligible infrastructure project shall be on such terms, subject to such conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the chief executive officer determines appropriate.

(b) **TERMS.**—A direct loan or loan guarantee under this Act—

(1) shall—

(A) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations (such as availability payments and dedicated State or local revenues); and

(B) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(2) may have a lien on revenues described in paragraph (1), subject to any lien securing project obligations.

(c) **BASE INTEREST RATE.**—The base interest rate on a direct loan under this Act shall be not less than the yield on United States Treasury obligations of a similar maturity to the maturity of the direct loan.

(d) **RISK ASSESSMENT.**—Before entering into an agreement for assistance under this Act, the chief executive officer, in consultation with the Director of the Office of Management and Budget and considering rating agency preliminary or final rating opinion letters of the project under this section, shall estimate an appropriate Federal credit subsidy amount for each direct loan and loan guarantee, taking into account such letter, as well as any comparable market rates available for such a loan or loan guarantee, should any exist. The final credit subsidy cost for each loan and loan guarantee shall be determined consistent with the Federal Credit Reform Act, 2 U.S.C. 661a et seq.

(e) **CREDIT FEE.**—With respect to each agreement for assistance under this Act, the chief executive officer may charge a credit fee to the recipient of such assistance to pay for, over time, all or a portion of the Federal credit subsidy determined under subsection (d), with the remainder paid by the account established for AIFA; provided, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government. In the case of a direct loan, such credit fee shall be in addition to the base interest rate established under subsection (c).

(f) **MATURITY DATE.**—The final maturity date of a direct loan or loan guaranteed by AIFA under this Act shall be not later than 35 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer.

(g) **RATING OPINION LETTER.**—

(1) **IN GENERAL.**—The chief executive officer shall require each applicant for assistance under this Act to provide a rating opinion letter from at least 1 ratings agency, indicating that the senior obligations of the infrastructure project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating.

(2) **RURAL INFRASTRUCTURE PROJECTS.**—With respect to a rural infrastructure project, a rating agency opinion letter described in paragraph (1) shall not be required, except that the loan or loan guarantee shall receive an internal rating score,

using methods similar to the ratings agencies generated by AIFA, measuring the proposed direct loan or loan guarantee against comparable direct loans or loan guarantees of similar credit quality in a similar sector.

(h) INVESTMENT-GRADE RATING REQUIREMENT.—

(1) LOANS AND LOAN GUARANTEES.—The execution of a direct loan or loan guarantee under this Act shall be contingent on the senior obligations of the infrastructure project receiving an investment-grade rating.

(2) RATING OF AIFA OVERALL PORTFOLIO.—The average rating of the overall portfolio of AIFA shall be not less than investment grade after 5 years of operation.

(i) TERMS AND REPAYMENT OF DIRECT LOANS.—

(1) SCHEDULE.—The chief executive officer shall establish a repayment schedule for each direct loan under this Act, based on the projected cash flow from infrastructure project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this Act shall commence not later than 5 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer of AIFA.

(3) DEFERRED PAYMENTS OF DIRECT LOANS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of an infrastructure project assisted under this Act, the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act, the chief executive officer may allow the obligor to add unpaid principal and interest to the outstanding balance of the direct loan, if the result would benefit the taxpayer.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest, in accordance with the terms of the obligation, until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the infrastructure project meeting criteria established by the Board of Directors.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT OF DIRECT LOANS.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the infrastructure project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations under this Act may be applied annually to prepay the direct loan, without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A direct loan under this Act may be prepaid at any time, without penalty, from the proceeds of refinancing from non-Federal funding sources.

(5) SALE OF DIRECT LOANS.—

(A) IN GENERAL.—As soon as is practicable after substantial completion of an infrastructure project assisted under this Act, and after notifying the obligor, the chief executive officer may sell to another entity, or reoffer into the capital markets, a direct loan for the infrastructure project, if the chief executive officer determines that the

sale or reoffering can be made on favorable terms for the taxpayer.

(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the chief executive officer may not change the original terms and conditions of the direct loan, without the written consent of the obligor.

(j) LOAN GUARANTEES.—

(1) TERMS.—The terms of a loan guaranteed by AIFA under this Act shall be consistent with the terms set forth in this section for a direct loan, except that the rate on the guaranteed loan and any payment, pre-payment, or refinancing features shall be negotiated between the obligor and the lender, with the consent of the chief executive officer.

(2) GUARANTEED LENDER.—A guaranteed lender shall be limited to those lenders meeting the definition of that term in section 601(a) of title 23, United States Code.

(k) COMPLIANCE WITH FCRA.—IN GENERAL.—Direct loans and loan guarantees authorized by this Act shall be subject to the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as amended.

SEC. 255. COMPLIANCE AND ENFORCEMENT.

(a) CREDIT AGREEMENT.—Notwithstanding any other provision of law, each eligible entity that receives assistance under this Act from AIFA shall enter into a credit agreement that requires such entity to comply with all applicable policies and procedures of AIFA, in addition to all other provisions of the loan agreement.

(b) AIFA AUTHORITY ON NONCOMPLIANCE.—In any case in which a recipient of assistance under this Act is materially out of compliance with the loan agreement, or any applicable policy or procedure of AIFA, the Board of Directors may take action to cancel unutilized loan amounts, or to accelerate the repayment terms of any outstanding obligation.

(c) Nothing in this Act is intended to affect existing provisions of law applicable to the planning, development, construction, or operation of projects funded under the Act.

SEC. 256. AUDITS; REPORTS TO THE PRESIDENT AND CONGRESS.

(a) ACCOUNTING.—The books of account of AIFA shall be maintained in accordance with generally accepted accounting principles, and shall be subject to an annual audit by independent public accountants of nationally recognized standing appointed by the Board of Directors.

(b) REPORTS.—

(1) BOARD OF DIRECTORS.—Not later than 90 days after the last day of each fiscal year, the Board of Directors shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the operations of AIFA, for such fiscal year;

(B) a schedule of the obligations of AIFA and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(C) the status of infrastructure projects receiving funding or other assistance pursuant to this Act during such fiscal year, including all nonperforming loans, and including disclosure of all entities with a development, ownership, or operational interest in such infrastructure projects;

(D) a description of the successes and challenges encountered in lending to rural communities, including the role of the Center for Excellence and the Office of Rural Assistance established under this Act; and

(E) an assessment of the risks of the portfolio of AIFA, prepared by an independent source.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an evaluation of, and shall submit to Congress a report on, activities of AIFA for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded infrastructure project, including a review of how effectively each such infrastructure project accomplished the goals prioritized by the infrastructure project criteria of AIFA.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—AIFA shall maintain adequate books and records to support the financial transactions of AIFA, with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each such project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of AIFA shall at all times be open to inspection by the Secretary of the Treasury, the Special Inspector General, and the Comptroller General of the United States.

PART III—FUNDING OF AIFA

SEC. 257. ADMINISTRATIVE FEES.

(a) IN GENERAL.—In addition to fees that may be collected under section 254(e), the chief executive officer shall establish and collect fees from eligible funding recipients with respect to loans and loan guarantees under this Act that—

(1) are sufficient to cover all or a portion of the administrative costs to the Federal Government for the operations of AIFA, including the costs of expert firms, including counsel in the field of municipal and project finance, and financial advisors to assist with underwriting, credit analysis, or other independent reviews, as appropriate;

(2) may be in the form of an application or transaction fee, or other form established by the CEO; and

(3) may be based on the risk premium associated with the loan or loan guarantee, taking into consideration—

(A) the price of United States Treasury obligations of a similar maturity;

(B) prevailing market conditions;

(C) the ability of the infrastructure project to support the loan or loan guarantee; and

(D) the total amount of the loan or loan guarantee.

(b) AVAILABILITY OF AMOUNTS.—Amounts collected under subsections (a)(1), (a)(2), and (a)(3) shall be available without further action; provided further, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government.

SEC. 258. EFFICIENCY OF AIFA.

The chief executive officer shall, to the extent possible, take actions consistent with this Act to minimize the risk and cost to the taxpayer of AIFA activities. Fees and premiums for loan guarantee or insurance coverage will be set at levels that minimize administrative and Federal credit subsidy costs to the Government, as defined in Section 502 of the Federal Credit Reform Act of 1990, as amended, of such coverage, while supporting achievement of the program's objectives, consistent with policies as set forth in the Business Plan.

SEC. 259. FUNDING.

There is hereby appropriated to AIFA to carry out this Act, for the cost of direct

loans and loan guarantees subject to the limitations under Section 253, and for administrative costs, \$10,000,000,000, to remain available until expended; Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Federal Credit Reform Act of 1990, as amended; Provided further, that of this amount, not more than \$25,000,000 for each of fiscal years 2012 through 2013, and not more than \$50,000,000 for fiscal year 2014 may be used for administrative costs of AIFA; provided further, that not more than 5 percent of such amount shall be used to offset subsidy costs associated with rural projects. Amounts authorized shall be available without further action.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

SEC. 260. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle G—Project Rebuild

SEC. 261. PROJECT REBUILD.

(a) DIRECT APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until September 30, 2014, for assistance to eligible entities including States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), and qualified nonprofit organizations, businesses or consortia of eligible entities for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated, two thirds shall be allocated to States and units of general local government based on a funding formula established by the Secretary of Housing and Urban Development (in this subtitle referred to as the “Secretary”). Of the amounts appropriated, one third shall be distributed competitively to eligible entities.

(2) FORMULA TO BE DEvised SWIFTLY.—The funding formula required under paragraph (1) shall be established and the Secretary shall announce formula funding allocations, not later than 30 days after the date of enactment of this section.

(3) FORMULA CRITERIA.—The Secretary may establish a minimum grant size, and the funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest

need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes in default or delinquency in each State or unit of general local government; and

(C) other factors such as established program designs, grantee capacity and performance, number and percentage of commercial foreclosures, overall economic conditions, and other market needs data, as determined by the Secretary.

(4) COMPETITION CRITERIA.—

(A) For the funds distributed competitively, eligible entities shall be States, units of general local government, nonprofit entities, for-profit entities, and consortia of eligible entities that demonstrate capacity to use funding within the period of this program.

(B) In selecting grantees, the Secretary shall ensure that grantees are in areas with the greatest number and percentage of residential and commercial foreclosures and other market needs data, as determined by the Secretary. Additional award criteria shall include demonstrated grantee capacity to execute projects involving acquisition and rehabilitation or redevelopment of foreclosed residential and commercial property and neighborhood stabilization, leverage, knowledge of market conditions and of effective stabilization activities to address identified conditions, and any additional factors determined by the Secretary.

(C) The Secretary may establish a minimum grant size; and

(D) The Secretary shall publish competition criteria for any grants awarded under this heading not later than 60 days after appropriation of funds, and applications shall be due to the Secretary within 120 days.

(c) USE OF FUNDS.—

(1) OBLIGATION AND EXPENDITURE.—The Secretary shall obligate all funding within 150 days of enactment of this Act. Any eligible entity that receives amounts pursuant to this section shall expend all funds allocated to it within three years of the date the funds become available to the grantee for obligation. Furthermore, the Secretary shall by Notice establish intermediate expenditure benchmarks at the one and two year dates from the date the funds become available to the grantee for obligation.

(2) PRIORITIES.—

(A) JOB CREATION.—Each grantee or eligible entity shall describe how its proposed use of funds will prioritize job creation, and secondly, will address goals to stabilize neighborhoods, reverse vacancy, or increase or stabilize residential and commercial property values.

(B) TARGETING.—Any State or unit of general local government that receives formula amounts pursuant to this section shall, in distributing and targeting such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(i) with the greatest percentage of home foreclosures;

(ii) identified as likely to face a significant rise in the rate of residential or commercial foreclosures; and

(iii) with higher than national average unemployment rate.

(C) LEVERAGE.—Each grantee or eligible entity shall describe how its proposed use of funds will leverage private funds.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such properties;

(C) establish and operate land banks for properties that have been abandoned or foreclosed upon;

(D) demolish blighted structures;

(E) redevelop abandoned, foreclosed, demolished, or vacant properties; and

(F) engage in other activities, as determined by the Secretary through notice, that are consistent with the goals of creating jobs, stabilizing neighborhoods, reversing vacancy reduction, and increasing or stabilizing residential and commercial property values.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a property under this section shall be at a price not to exceed its current market value, taking into account its current condition.

(2) REHABILITATION.—Any rehabilitation of an eligible property under this section shall be to the extent necessary to comply with applicable laws, and other requirements relating to safety, quality, marketability, and habitability, in order to sell, rent, or redevelop such properties or provide a renewable energy source or sources for such properties.

(3) SALE OF HOMES.—If an abandoned or foreclosed-upon home is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, marketable, and habitable condition.

(4) ON DEMOLITION OF PUBLIC HOUSING.—Public housing, as defined at section 3(b)(6) of the United States Housing Act of 1937, may not be demolished with funds under this section.

(5) ON DEMOLITION ACTIVITIES.—No more than 10 percent of any grant made under this section may be used for demolition activities unless the Secretary determines that such use represents an appropriate response to local market conditions.

(6) ON USE OF FUNDS FOR NON-RESIDENTIAL PROPERTY.—No more than 30 percent of any grant made under this section may be used for eligible activities under subparagraphs (A), (B), and (E) of subsection (c)(3) that will not result in residential use of the property involved unless the Secretary determines that such use represents an appropriate response to local market conditions.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to eligible entities under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for an eligible entity to receive any amounts under this section.

(3) TENANT PROTECTIONS.—An eligible entity receiving a grant under this section shall comply with the 14th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd provisos of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5, 123 Stat. 218–19), as amended by

section 1497(b)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 124 Stat. 2211).

(4) VICINITY HIRING.—An eligible entity receiving a grant under this section shall comply with section 1497(a)(8) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 129 Stat. 2210).

(5) BUY AMERICAN.—Section 1605 of Title XVI—General Provisions of the American Recovery and Reinvestment Act of 2009—shall apply to amounts appropriated, revenues generated, and amounts otherwise made available to eligible entities under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering the program under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 or under title I of the Cranston-Gonzalez National Affordable Housing Act of 1990 (except for those provisions in these laws related to fair housing, nondiscrimination, labor standards, and the environment) for the purpose of expediting and facilitating the use of funds under this section.

(2) NOTICE.—The Secretary shall provide written notice of intent to the public via internet to exercise the authority to specify alternative requirements under paragraph.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of eligible properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed-upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) NATIONWIDE DISTRIBUTION OF RESOURCES.—Notwithstanding any other provision of this section or the amendments made by this section, each State shall receive not less than \$20,000,000 of formula funds.

(h) LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.—No State or unit of general local government may use any amounts received pursuant to this section to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use, which shall not be construed to include economic development that primarily benefits private entities.

(i) LIMITATION ON DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) an organization which employs applicable individuals.

(2) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term “applicable individual” means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(j) RENTAL HOUSING PREFERENCES.—Each State and local government receiving formula amounts shall establish procedures to create preferences for the development of affordable rental housing.

(k) JOB CREATION.—If a grantee chooses to use funds to create jobs by establishing and operating a program to maintain eligible neighborhood properties, not more than 10 percent of any grant may be used for that purpose.

(l) PROGRAM SUPPORT AND CAPACITY BUILDING.—The Secretary may use up to 0.75 percent of the funds appropriated for capacity building of and support for eligible entities and grantees undertaking neighborhood stabilization programs, staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities.

(1) Funds set aside for the purposes of this subparagraph shall remain available until September 30, 2016;

(2) Any funds made available under this subparagraph and used by the Secretary for personnel expenses related to administering funding under this subparagraph shall be transferred to “Personnel Compensation and Benefits, Community Planning and Development”;

(3) Any funds made available under this subparagraph and used by the Secretary for training or other administrative expenses shall be transferred to “Administration, Operations, and Management, Community Planning and Development” for non-personnel expenses; and

(4) Any funds made available under this subparagraph and used by the Secretary for technology shall be transferred to “Working Capital Fund”.

(m) ENFORCEMENT AND PREVENTION OF FRAUD AND ABUSE.—The Secretary shall establish and implement procedures to prevent fraud and abuse of funds under this section, and shall impose a requirement that grantees have an internal auditor to continuously monitor grantee performance to prevent fraud, waste, and abuse. Grantees shall provide the Secretary and citizens with quarterly progress reports. The Secretary shall recapture funds from formula and competitive grantees that do not expend 100 percent of allocated funds within 3 years of the date that funds become available, and from underperforming or mismanaged grantees, and shall re-allocate those funds by formula to target areas with the greatest need, as determined by the Secretary through notice. The Secretary may take an alternative sanctions action only upon determining that such action is necessary to achieve program goals in a timely manner.

(n) The Secretary of Housing and Urban Development shall to the extent feasible conform policies and procedures for grants made under this section to the policies and practices already in place for the grants made under Section 2301 of the Housing and Economic Recovery Act of 2008; Division A,

Title XII of the American Recovery and Reinvestment Act of 2009; or Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Subtitle H—National Wireless Initiative

SEC. 271. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 700 MHZ BAND.—The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum frequencies from 758 megahertz to 763 megahertz and from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(5) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(6) CORPORATION.—The term “Corporation” means the Public Safety Broadband Corporation established in section 284.

(7) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(8) FEDERAL ENTITY.—The term “Federal entity” has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) NARROWBAND SPECTRUM.—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) NIST.—The term “NIST” means the National Institute of Standards and Technology.

(11) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

(12) PUBLIC SAFETY ENTITY.—The term “public safety entity” means an entity that provides public safety services.

(13) PUBLIC SAFETY SERVICES.—The term “public safety services”—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 272. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Paragraph (1) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47

U.S.C. 923(g)(1) is amended by striking paragraph (1) and inserting the following:

“(1) **ELIGIBLE FEDERAL ENTITIES.**—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use may receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.”.

(b) **ELIGIBLE FREQUENCIES.**—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) is amended by deleting and replacing subsection (B) with the following:

“(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or is assigned as a result of later legislation or other administrative direction.”.

(c) Paragraph (3) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended by striking it in its entirety and replacing it with the following:

“(3) **DEFINITION OF RELOCATION AND SHARING COSTS.**—For purposes of this subsection, the terms ‘relocation costs’ and ‘sharing costs’ mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology. Comparable capability of systems includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality. Such costs include—

“(A) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

“(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary, which may be renewed, to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before

relocation for the remaining estimated life of the system being relocated;

“(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with (i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs; (ii) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

“(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity’s primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process;

“(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

“(F) the costs of the use of commercial systems and services (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease, subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.”.

(d) A new subsection (7) is added to Section 113(g) as follows:

“(7) **SPECTRUM SHARING.**—Federal entities are permitted to allow access to their frequency assignments by non-Federal entities upon approval of the terms of such access by NTIA, in consultation with the Office of Management and Budget. Such non-Federal entities must comply with all applicable rules of the Commission and NTIA, including any regulations promulgated pursuant to this section. Remuneration associated with such access shall be deposited into the Spectrum Relocation Fund. Federal entities that incur costs as a result of such access are eligible for payment from the Fund for the purposes specified in subsection (3) of this section. The revenue associated with such access must be at least 110 percent of the estimated Federal costs.”.

(e) Section 118 of such Act (47 U.S.C. 928) is amended by:

(1) In subsection (b), adding at the end, “and any payments made by non-Federal entities for access to Federal spectrum pursuant to 47 U.S.C. 113(g)(7)”;

(2) replacing subsection (c) with the following:

“The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section (g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency. In addition, the amounts in the Fund from payments by non-Federal entities for access to Federal spectrum are authorized to be used

to pay Federal costs associated with such sharing, as defined in section (g)(3) of this title. The Director of the Office of Management and Budget (OMB) may transfer at any time (including prior to any auction or contemplated auction, or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title. However, the Director may not transfer more than \$100,000,000 associated with authorized pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund. Within the \$100,000,000 that may be transferred before an auction, the Director of OMB may transfer up to \$10,000,000 in total to eligible federal entities for eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title for costs incurred prior to the enactment of this legislation, but after June 28th, 2010. These amounts transferred pursuant to the previous proviso are in addition to amounts that the Director of OMB may transfer after the enactment of this legislation.”;

(3) amending subsection (d)(1) to add, “and sharing” before “costs”;

(4) amending subsection (d)(2)(B) to add, “and sharing” before “costs”, and adding at the end, “and sharing”;

(5) replacing subsection (d)(3) with the following:

“Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the Committees on Appropriations and Energy and Commerce of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate at least 60 days in advance of the reversion of the funds to the general fund of the Treasury that such funds are needed to complete or to implement current or future relocations or sharing initiatives.”;

(6) amending subsection (e)(2) by adding “and sharing” before “costs”; by adding “or sharing” before “is complete”; and by adding “or sharing” before “in accordance”; and

(7) adding a new subsection at the end thereof:

“(f) Notwithstanding subsections (c) through (e) of this section and after the amount specified in subsection (b), up to twenty percent of the amounts deposited in the Spectrum Relocation Fund from the auction of licenses following the date of enactment of this section for frequencies vacated by Federal entities, or up to twenty percent of the amounts paid by non-Federal entities for sharing of Federal spectrum, after the date of enactment are hereby appropriated and available at the discretion of the Director of the Office of Management and Budget, in consultation with the Assistant Secretary for Communications and Information, for payment to the eligible Federal entities, in addition to the relocation and sharing costs defined in paragraph (3) of subsection 923(g), for the purpose of encouraging timely access to those frequencies, provided that:

“(1) Such payments may be based on the market value of the spectrum, timeliness of clearing, and needs for agencies’ essential missions;

“(2) Such payments are authorized for:

“(A) the purposes of achieving enhanced capabilities of systems that are affected by the activities specified in subparagraphs (A) through (F) of paragraph (3) of subsection 923(g) of this title; and

“(B) other communications, radar and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

“(3) The increase to the Fund due to any one auction after any payment is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

“(4) Payments to eligible entities must be based on the proceeds generated in the auction that an eligible entity participates in; and

“(5) Such payments will not be made until 30 days after the Director of OMB has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives.”

(f) Subparagraph D of section 309 (j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended by adding “, after the retention of revenue described in subparagraph (B),” before “attributable” and “and frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in 47 U.S.C. 923(g)(2)” before the first “shall” in the subparagraph.

(g) If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by sections 923 or 928 of Title 47 of the United States Code would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations the head of the executive agency shall notify the NTIA of that determination prior to release of such information. In that event, such information shall be included in a separate annex, as needed and to the extent the agency head determines is consistent with national security or law enforcement purposes. These annexes shall be provided to the appropriate subcommittee in accordance with applicable stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 273. INCENTIVE AUCTION AUTHORITY.

(a) Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by deleting “(and (E))” and inserting “(E) and (F)” after “subparagraphs (B), (D),”; and

(2) by adding at the end the following new subparagraphs:

“(F) Notwithstanding any other provision of law, if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of any auction proceeds that the Commission determines, in its

discretion, are attributable to the spectrum usage rights voluntarily relinquished by such licensee. If the Commission also determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate; Provided, however, that with respect to frequency bands between 54 megahertz and 72 megahertz, 76 megahertz and 88 megahertz, 174 megahertz and 216 megahertz, and 470 megahertz and 698 megahertz (“the specified bands”), any spectrum made available for alternative use utilizing payments authorized under this subsection shall be assigned via the competitive bidding process until the winning bidders for licenses covering at least 84 megahertz from the specified bands deposit the full amount of their bids in accordance with the Commission’s instructions. In addition, if more than 84 megahertz of spectrum from the specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available, provided that a majority of such additional spectrum is assigned via competitive bidding. Also, provided that in exercising the authority provided under this section:

“(i) The Chairman of the Commission, in consultation with the Director of OMB, shall notify the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives of the methodology for calculating such payments to licensees at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing; and

“(ii) Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this section and section 106 of this Act shall be deposited with the Public Safety Trust Fund established under section 217 of this Act.

“(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Incentive Auction Relocation Fund’.

“(ii) ADMINISTRATION.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the amounts deposited pursuant to this section.

“(iii) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 217 of this Act.

“(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

“(I) without fiscal year limitation;

“(II) for a period not to exceed 18 months following the later of—

“(aa) the completion of incentive auction from which such amounts were derived;

“(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); or

“(cc) the issuance of a construction permit by the Commission for a station to change channels, geographic locations, to collocate on the same channel or notification by a station to the Assistant Secretary that it is impacted by such a change; and

“(III) without further appropriation.

“(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

“(I) the reasonable costs of television broadcast stations that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

“(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.”

SEC. 274. REQUIREMENTS WHEN REPURPOSING CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

To the extent that the Commission makes available terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, the Commission shall recover a significant portion of the value of such right either through the authority provided in section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or by section 278 of this subtitle.

SEC. 275. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(1) of the Communications Act of 1934 (47 U.S.C. 309 (j)(1)) is repealed.

SEC. 276. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

“(17) Notwithstanding any other provision of law, the Commission shall use competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. A service is defined to be predominantly for domestic satellite communications services if the majority of customers that may be served are located within the geographic boundaries of the United States. The Commission may, however, use an alternative approach to assignment of such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity. This paragraph shall be effective on the date of its enactment and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based television or radio services as of the effective date.”

SEC. 277. DIRECTED AUCTION OF CERTAIN SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this subtitle, the Assistant Secretary shall identify and make available for immediate reallocation, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710

megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled "An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands", to be made available for reallocation or sharing with incumbent Government operations.

(b) AUCTION.—Not later than January 31, 2016, the Commission shall conduct, in such combination as deemed appropriate by the Commission, the auctions of the following licenses covering at least the frequencies described in this section, by commencing the bidding for:

(1) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.

(2) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(3) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(4) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(5) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(6) At least 25 megahertz of spectrum between the frequencies of 1755 megahertz and 1850 megahertz, minus appropriate geographic exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to auction of spectrum frequencies identified in this paragraph.

(7) The Commission may substitute alternative spectrum frequencies for the spectrum frequencies identified in paragraphs (1) through (5) of this subsection, if the Commission determines that alternative spectrum would better serve the public interest and the Office of Management and Budget certifies that such alternative spectrum frequencies are reasonably expected to produce receipts comparable to auction of the spectrum frequencies identified in paragraphs (1) through (5) of this subsection.

(c) AUCTION ORGANIZATION.—The Commission may, if technically feasible and consistent with the public interest, combine the spectrum identified in paragraphs (4), (5), and the portion of paragraph (6) between the frequencies of 1755 megahertz and 1850 megahertz, inclusive, of subsection (b) in an auction of licenses for paired spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this subsection, the term "covered spectrum" means the portion of the electromagnetic spectrum between the frequencies of 3550 to 3650 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled "An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands".

(2) IN GENERAL.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding or allocation to unlicensed use, minus appropriate exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

(A) IN GENERAL.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, then the President shall, within 1 year after the date of such determination—

(i) identify alternative bands of frequencies totaling more than 20 megahertz and no more than 100 megahertz of spectrum used primarily by Federal agencies that satisfy the requirements of clauses (i) and (ii) of paragraph (2)(B);

(ii) report to the appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

(iii) make such alternative spectrum for assignment immediately available for reallocation.

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this subtitle.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this subtitle.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking "and"; and inserting a semicolon; and

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

"(i) the deposits—

"(I) of successful bidders of any auction conducted pursuant to subparagraph (F) of section 106 of this act shall be paid to the Public Safety Trust Fund established under section 217 of such Act; and

"(II) of successful bidders of any other auction shall be paid to the Treasury;"

SEC. 278. AUTHORITY TO ESTABLISH SPECTRUM LICENSE USER FEES.

Section 309 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

"(m) USE OF SPECTRUM LICENSE USER FEES.—For initial licenses or construction permits that are not granted through the use of competitive bidding as set forth in subsection (j), and for renewals or modifications

of initial licenses or other authorizations, whether granted through competitive bidding or not, the Commission may, where warranted, establish, assess, and collect annual user fees on holders of spectrum licenses or construction permits, including their successors or assignees, in order to promote efficient and effective use of the electromagnetic spectrum.

"(1) REQUIRED COLLECTIONS.—The Commission shall collect at least the following amounts—

"(A) \$200,000,000 in fiscal year 2012;

"(B) \$300,000,000 in fiscal year 2013;

"(C) \$425,000,000 in fiscal year 2014;

"(D) \$550,000,000 in fiscal year 2015;

"(E) \$550,000,000 in fiscal year 2016;

"(F) \$550,000,000 in fiscal year 2017;

"(G) \$550,000,000 in fiscal year 2018;

"(H) \$550,000,000 in fiscal year 2019;

"(I) \$550,000,000 in fiscal year 2020; and

"(J) \$550,000,000 in fiscal year 2021.

"(2) DEVELOPMENT OF SPECTRUM FEE REGULATIONS.—

"(A) The Commission shall, by regulation, establish a methodology for assessing annual spectrum user fees and a schedule for collection of such fees on classes of spectrum licenses or construction permits or other instruments of authorization, consistent with the public interest, convenience and necessity. The Commission may determine over time different classes of spectrum licenses or construction permits upon which such fees may be assessed. In establishing the fee methodology, the Commission may consider the following factors:

"(i) the highest value alternative spectrum use forgone;

"(ii) scope and type of permissible services and uses;

"(iii) amount of spectrum and licensed coverage area;

"(iv) shared versus exclusive use;

"(v) level of demand for spectrum licenses or construction permits within a certain spectrum band or geographic area;

"(vi) the amount of revenue raised on comparable licenses awarded through an auction; and

"(vii) such factors that the Commission determines, in its discretion, are necessary to promote efficient and effective spectrum use.

"(B) In addition, the Commission shall, by regulation, establish a methodology for assessing annual user fees and a schedule for collection of such fees on entities holding Ancillary Terrestrial Component authority in conjunction with Mobile Satellite Service spectrum licenses, where the Ancillary Terrestrial Component authority was not assigned through use of competitive bidding. The Commission shall not collect less from the holders of such authority than a reasonable estimate of the value of such authority over its term, regardless of whether terrestrial services is actually provided during this term. In determining a reasonable estimate of the value of such authority, the Commission may consider factors listed in subsection (A).

"(C) Within 60 days of enactment of this Act, the Commission shall commence a rulemaking to develop the fee methodology and regulations. The Commission shall take all actions necessary so that it can collect fees from the first class or classes of spectrum license or construction permit holders no later than September 30, 2012.

"(D) The Commission, from time to time, may commence further rulemakings (separate from or in connection with other rulemakings or proceedings involving spectrum-based services, licenses, permits and

uses) and modify the fee methodology or revise its rules required by paragraph (B) to add or modify classes of spectrum license or construction permit holders that must pay fees, and assign or adjust such fee as a result of the addition, deletion, reclassification or other change in a spectrum-based service or use, including changes in the nature of a spectrum-based service or use as a consequence of Commission rulemaking proceedings or changes in law. Any resulting changes in the classes of spectrum licenses, construction permits or fees shall take effect upon the dates established in the Commission's rulemaking proceeding in accordance with applicable law.

“(E) The Commission shall exempt from such fees holders of licenses for broadcast television and public safety services. The term ‘emergency response providers’ includes State, local, and tribal, emergency public safety, law enforcement, firefighter, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies and authorities.

“(3) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by this subsection.

“(4) REVOCATION OF LICENSE OR PERMIT.—The Commission may revoke any spectrum license or construction permit for a licensee's or permittee's failure to pay in a timely manner any fee or penalty to the Commission under this subsection. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

“(5) TREATMENT OF REVENUES.—All proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the General Fund of the Treasury.”

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 281. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this subtitle.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking “24” in paragraph (1) and inserting “34”; and

(2) by striking “36” in paragraph (2) and inserting “26”.

SEC. 282. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the Commission and the Corporation established in section 204 of this subtitle.

SEC. 283. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this subtitle, including section 290, the Commission shall grant a license to the Public Safety Broadband Corporation established under section 284 for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) RENEWAL OF LICENSE.—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the Corporation has met the duties and obligations set forth under this subtitle. A renewal license granted under this paragraph shall be for a term of not to exceed 15 years.

(c) FACILITATION OF TRANSITION.—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the Public Safety Broadband Corporation established under section 284.

SEC. 284. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) ESTABLISHMENT.—There is authorized to be established a private, nonprofit corporation, to be known as the “Public Safety Broadband Corporation”, which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(b) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code).

(c) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(d) POWERS UNDER DC ACT.—In order to carry out the duties and activities of the Corporation, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(e) INCORPORATION.—The members of the initial Board of Directors of the Corporation shall serve as incorporators and shall take whatever steps that are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

SEC. 285. BOARD OF DIRECTORS OF THE CORPORATION.

(a) MEMBERSHIP.—The management of the Corporation shall be vested in a Board of Directors (referred to in this Title as the “Board”), which shall consist of the following members:

(1) FEDERAL MEMBERS.—The following individuals, or their respective designees, shall serve as Federal members:

(A) The Secretary of Commerce.

(B) The Secretary of Homeland Security.

(C) The Attorney General of the United States.

(D) The Director of the Office of Management and Budget.

(2) NON-FEDERAL MEMBERS.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall appoint 11 individuals to serve as non-Federal members of the Board.

(B) STATE, TERRITORIAL, TRIBAL AND LOCAL GOVERNMENT INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should—

(i) appoint at least 3 individuals with significant expertise in the collective interests of State, territorial, tribal and local governments; and

(ii) seek to ensure geographic and regional representation of the United States in such appointments; and

(iii) seek to ensure rural and urban representation in such appointments.

(C) PUBLIC SAFETY INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint at least 3 individuals who have served or are currently serving as public safety professionals.

(D) REQUIRED QUALIFICATIONS.—

(i) IN GENERAL.—Each non-Federal member appointed under subparagraph (A) should meet at least 1 of the following criteria:

(I) PUBLIC SAFETY EXPERIENCE.—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications and cybersecurity.

(III) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(ii) EXPERTISE TO BE REPRESENTED.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint—

(I) at least one individual who satisfies the requirement under subclause (II) of clause (i);

(II) at least one individual who satisfies the requirement under subclause (III) of clause (i); and

(III) at least one individual who satisfies the requirement under subclause (IV) of clause (i).

(E) INDEPENDENCE.—

(i) IN GENERAL.—Each non-Federal member of the Board shall be independent and neutral and maintain a fiduciary relationship with the Corporation in performing his or her duties.

(ii) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this subparagraph, a member of the Board—

(I) may not, other than in his or her capacity as a member of the Board or any committee thereof—

(aa) accept any consulting, advisory, or other compensatory fee from the Corporation; or

(bb) be a person associated with the Corporation or with any affiliated company thereof; and

(II) shall be disqualified from any deliberation involving any transaction of the Corporation in which the Board member has a financial interest in the outcome of the transaction.

(F) NOT OFFICERS OR EMPLOYEES.—The non-Federal members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(G) CITIZENSHIP.—No individual other than a citizen of the United States may serve as a non-Federal member of the Board.

(H) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, the non-Federal members of the Board shall be required, prior to appointment, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) TERMS OF APPOINTMENT.—

(1) INITIAL APPOINTMENT DEADLINE.—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this subtitle.

(2) TERMS.—

(A) LENGTH.—

(i) FEDERAL MEMBERS.—Each Federal member of the Board shall serve as a member of the Board for the life of the Corporation while serving in their appointed capacity.

(ii) NON-FEDERAL MEMBERS.—The term of office of each non-Federal member of the Board shall be 3 years. No non-Federal member of the Board may serve more than 2 consecutive full 3-year terms.

(B) EXPIRATION OF TERM.—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) APPOINTMENT TO FILL VACANCY.—Any non-Federal member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) STAGGERED TERMS.—With respect to the initial non-Federal members of the Board—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 3 members shall serve for a term of 1 year.

(3) VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(c) CHAIR.—

(1) SELECTION.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall select, from among the members of the Board, an individual to serve for a 2-year term as Chair of the Board.

(2) CONSECUTIVE TERMS.—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(3) REMOVAL FOR CAUSE.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may remove the Chair of the Board and any non-Federal member for good cause.

(d) REMOVAL.—All members of the Board may by majority vote—

(1) remove any non-Federal member of the Board from office for conduct determined by the Board to be detrimental to the Board or Corporation; and

(2) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined by the Board to be detrimental to the Board or Corporation.

(e) MEETINGS.—

(1) FREQUENCY.—The Board shall meet in accordance with the bylaws of the Corporation—

(A) at the call of the Chairperson; and

(B) not less frequently than once each quarter.

(2) TRANSPARENCY.—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, to discuss security vulnerabilities when making those vulnerabilities public would increase risk to the network or otherwise materially threaten network operations, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(f) QUORUM.—Eight members of the Board shall constitute a quorum.

(g) BYLAWS.—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(h) ATTENDANCE.—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(i) PROHIBITION ON COMPENSATION.—Members of the Board of the Corporation shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

SEC. 286. OFFICERS, EMPLOYEES, AND COMMITTEES OF THE CORPORATION.

(a) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a Chief Executive Officer, and such other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board pursuant to this subsection. The Chief Executive Officer may name and appoint such employees as are necessary. All officers and employees shall serve at the pleasure of the Board.

(2) LIMITATION.—No individual other than a citizen of the United States may be an officer of the Corporation.

(3) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) COMPENSATION.—

(A) IN GENERAL.—The Board may hire and fix the compensation of employees hired under this subsection as may be necessary to carry out the purposes of the Corporation.

(B) APPROVAL BY COMPENSATION BY FEDERAL MEMBERS.—Notwithstanding any other provision of law, or any bylaw adopted by the Corporation, all rates of compensation, including benefit plans and salary ranges, for officers and employees of the Board, shall be

jointly approved by the Federal members of the Board.

(C) LIMITATION ON OTHER COMPENSATION.—No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the officer or employee by the Corporation, unless unanimously approved by all voting members of the Corporation.

(5) SERVICE ON OTHER BOARDS.—Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.

(6) RULE OF CONSTRUCTION.—No officer or employee of the Board or of the Corporation shall be considered to be an officer or employee of the United States Government or of the government of the District of Columbia.

(7) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, at a minimum the Chief Executive Officer and any officers filling the roles normally titled as Chief Information Officers, Chief Information Security Officer, and Chief Operations Officer shall—

(A) be required, within six months of being hired, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) ADVISORY COMMITTEES.—The Board—

(1) shall establish a standing public safety advisory committee to assist the Board in carrying out its duties and responsibilities under this title; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the Board determines are necessary.

SEC. 287. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(c) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(d) PROHIBITION ON LOBBYING ACTIVITIES.—The Corporation shall not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

SEC. 288. POWERS, DUTIES, AND RESPONSIBILITIES OF THE CORPORATION.

(a) GENERAL POWERS.—The Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of its Board, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted

and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this title, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies, pursuant to guidelines established by the Director of the Office of Management and Budget.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To issue notes or bonds, which shall not be guaranteed or backed in any manner by the Government of the United States, to purchasers of such instruments in the private capital markets.

(9) To incur indebtedness, which shall be the sole liability of the Corporation and shall not be guaranteed or backed by the Government of the United States, to carry out the purposes of this Title.

(10) To spend funds under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this subtitle.

(11) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(12) To expend the funds placed in any reserve accounts established under paragraph (11) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this subtitle; or

(B) are otherwise approved by an Act of Congress.

(13) To build, operate and maintain the public safety interoperable broadband network.

(14) To take such other actions as the Corporation (through its Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this subtitle.

(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.—

(1) IN GENERAL.—The Corporation shall hold the single public safety wireless license granted under section 281 and take all actions necessary to ensure the building, deployment, and operation of a secure and resilient nationwide public safety interoperable broadband network in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 284(b)(1), including by—

(A) ensuring nationwide standards including encryption requirements for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network;

(C) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network; and

(D) establishing policies regarding Federal and public safety support use.

(2) INTEROPERABILITY, SECURITY AND STANDARDS.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyber intrusions or cyberattack;

(B) be informed of and manage supply chain risks to the network, including requirements to provide insight into the suppliers and supply chains for critical network components and to implement risk management best practice in network design, contracting, operations and maintenance;

(C) promote competition in the equipment market, including devices for public safety communications, by requiring that equipment and devices for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used across the nationwide public safety broadband network operating in the 700 MHz band;

(iii) be able to be interchangeable with other vendors' equipment; and

(iv) backward-compatible with existing second and third generation commercial networks to the extent that such capabilities are necessary and technically and economically reasonable; and

(D) promote integration of the network with public safety answering points or their equivalent.

(3) RURAL COVERAGE.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation, consistent with the license granted under section 281, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.

(4) EXECUTION OF AUTHORITY.—In carrying out the duties and responsibilities of this subsection, the Corporation may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the Corporation; and

(ii) network infrastructure constructed, owned, or operated by the Corporation; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the Corporation shall take such actions as may be necessary, including the development of requests for proposals—

(A) request for proposals should include—

(i) build timetables, including by taking into consideration the time needed to build out to rural areas;

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical, operational and security requirements of the network and, as appropriate, network suppliers;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) training needs of entities operating on and personnel using such network.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposal and otherwise carrying out its responsibilities under this subtitle, the Corporation shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of an Evolved Packet Core or Cores and any Radio Access Network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the Corporation and the single officer or governmental body designated under section 294(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the Corporation shall enter into agreements to utilize, to the maximum economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The Corporation shall ensure through the maintenance, operation, and improvement of the nationwide public safety interoperable broadband network established under subsection (b), including by ensuring that the Corporation updates and revises any policies established under paragraph (1) to take into account new and evolving technologies and security concerns.

(5) ROAMING AGREEMENTS.—The Corporation shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety interoperable broadband users to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols, encryption

requirements, and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety interoperable broadband network established under subsection (b).

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The Corporation, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 284(b)(1), shall represent the interests of public safety users of the nationwide public safety interoperable broadband network established under subsection (b) before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity regarding the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—Except as authorized by the President, the Corporation shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 289. INITIAL FUNDING FOR CORPORATION.

(a) NTIA PROVISION OF INITIAL FUNDING TO THE CORPORATION.—

(1) IN GENERAL.—Prior to the commencement of incentive auctions to be carried out under section 309(j)(8)(F) of the Communications Act of 1934 or the auction of spectrum pursuant to section 273 of this subtitle, the NTIA is hereby appropriated \$50,000,000 for reasonable administrative expenses and other costs associated with the establishment of the Corporation, and that may be transferred as needed to the Corporation for expenses before the commencement of incentive auction: Provided, That funding shall expire on September 30, 2014.

(2) CONDITION OF FUNDING.—At the time of application for, and as a condition to, any such funding, the Corporation shall file with the NTIA a statement with respect to the anticipated use of the proceeds of this funding.

(3) NTIA APPROVAL.—If the NTIA determines that such funding is necessary for the Corporation to carry out its duties and responsibilities under this title and that Corporation has submitted a plan, then the NTIA shall notify the appropriate committees of Congress 30 days before each transfer of funds takes place.

SEC. 290. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—The Corporation shall have the authority to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety interoperable broadband network established under this title.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any non-Federal entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a “covered leasing agreement” means a written agreement between the Corporation and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any non-Federal entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the Corporation.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the Corporation in carrying out its duties and responsibilities described under this title for the fiscal year involved.

(c) REQUIRED REINVESTMENT OF FUNDS.—The Corporation shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, managing or improving the network.

SEC. 291. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(3) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the Comptroller General shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the Corporation.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(B) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

SEC. 292. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the President and the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section; and

(2) such recommendations or proposals for legislative or administrative action as the Corporation deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The directors, officers, employees, and agents of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit made by the Comptroller General under section 291; or

(3) any other matter which such committees may determine appropriate.

SEC. 293. PROVISION OF TECHNICAL ASSISTANCE.

The Commission and the Departments of Homeland Security, Justice and Commerce may provide technical assistance to the Corporation and may take any action at the request of the Corporation in effectuating its duties and responsibilities under this title.

SEC. 294. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety interoperable broadband network established in this subtitle to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, identity management for public safety users and their devices, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the establishment of the bylaws of the Corporation pursuant to section 286 of this subtitle, the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) **CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.**—In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

SEC. 295. STATE AND LOCAL IMPLEMENTATION FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “State and Local Implementation Fund”.

(b) **PURPOSE.**—The Assistant Secretary shall establish and administer the grant program authorized under section 294 of this subtitle using funds deposited in the State and Local Implementation Fund.

(c) **CREDITING OF RECEIPTS.**—There shall be deposited into or credited to the State and Local Implementation Fund—

(1) any amounts specified in section 297; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) **BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—The Assistant Secretary may borrow from the General Fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed \$100,000,000 to implement section 294.

(2) **REIMBURSEMENT.**—The Assistant Secretary shall reimburse the General Fund of the Treasury, with interest, for any amounts borrowed under subparagraph (1) as funds are deposited into the State and Local Implementation Fund.

SEC. 296. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) **NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**—From amounts made available from the Public Safety Trust Fund established under section 297, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) **REQUIRED ACTIVITIES.**—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the Corporation and the public safety advisory committee established under section 286(b)(1), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety interoperable broadband network to be established under this title;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device “talkaround” standards for broadband networks, if necessary and practical, public safety prioritization, authentication capabilities, as well as a standard application

programming interfaces for the nationwide public safety interoperable broadband network to be established under this title, if necessary and practical;

(5) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency and trustworthiness; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

(c) **TRANSFER AUTHORITY.**—If in the determination of the Director of NIST another Federal agency is better suited to carry out and oversee the research and development of any activity to be carried out in accordance with the requirements of this section, the Director may transfer any amounts provided under this section to such agency, including to the National Institute of Justice of the Department of Justice and the Department of Homeland Security.

SEC. 297. PUBLIC SAFETY TRUST FUND.

(a) **ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund to be known as the “Public Safety Trust Fund”.

(2) **CREDITING OF RECEIPTS.**—

(A) **IN GENERAL.**—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 273 of this subtitle; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 273 of this subtitle.

(B) **AVAILABILITY.**—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2018. Upon the expiration of the period described in the prior sentence such amounts shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) **USE OF FUND.**—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) **PAYMENT OF AUCTION INCENTIVE.**—

(A) **REQUIRED DISBURSALS.**—Amounts in the Public Safety Trust Fund shall be used to make any required disbursement of payments to licensees required pursuant to clause (i) and subclause (IV) of clause (ii) of section 309(j)(8)(F) of the Communications Act of 1934.

(B) **NOTIFICATION TO CONGRESS.**—

(i) **IN GENERAL.**—At least 3 months in advance of any incentive auction conducted pursuant to subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating the disbursement of payments to certain licensees required pursuant to clause (i) and subclauses (III) and (IV) of clause (ii) of such section;

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum; and

(III) of the estimated payments to be made from the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(ii) **DEFINITION.**—In this clause, the term “appropriate committees of Congress” means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) **INCENTIVE AUCTION RELOCATION FUND.**—Not more than \$1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(3) **STATE AND LOCAL IMPLEMENTATION FUND.**—\$200,000,000 shall be deposited in the State and Local Implementation Fund established under section 294.

(4) **PUBLIC SAFETY BROADBAND CORPORATION.**—\$6,450,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 284, of which pursuant to its responsibilities and duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network. Funds deposited with the Public Safety Broadband Corporation shall be available after submission of a five-year budget by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget and Attorney General of the United States.

(5) **PUBLIC SAFETY RESEARCH AND DEVELOPMENT.**—After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, a Wireless Innovation (WIN) Fund of up to \$300,000,000 shall be made available for use by the Director of NIST to carry out the research program established under section 296 and be available until expended. If less than \$300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation established in section 284 and be available for duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network.

(6) **DEFICIT REDUCTION.**—Any amounts remaining after the deduction of the amounts required under paragraphs (1) through (5) shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

SEC. 298. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subtitle and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) **CONTENTS.**—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 273(a).

SEC. 299. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety users to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

- (1) the public safety entity equipment is technically compatible with the commercial network;
- (2) the commercial network is reasonably compensated; and
- (3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK**Subtitle A—Supporting Unemployed Workers****SEC. 301. SHORT TITLE.**

This subtitle may be cited as the “Supporting Unemployed Workers Act of 2011”.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM**SEC. 311. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

- (1) by striking “January 3, 2012” each place it appears and inserting “January 3, 2013”;
- (2) in the heading for subsection (b)(2), by striking “January 3, 2012” and inserting “January 3, 2013”;
- (3) in subsection (b)(3), by striking “June 9, 2012” and inserting “June 8, 2013”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

- (1) in subparagraph (F), by striking “and” at the end; and
- (2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 101 of the Supporting Unemployed Workers Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 312. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

- (1) by striking “January 4, 2012” each place it appears and inserting “January 4, 2013”;
- (2) in the heading for subsection (b)(2), by striking “JANUARY 4, 2012” and inserting “JANUARY 4, 2013”;
- (3) in subsection (c), by striking “June 11, 2012” and inserting “June 11, 2013”.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “June 9, 2013”.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 502 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a) by striking “December 31, 2011” and inserting “December 31, 2012”; and

(2) in subsection (b)(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 313. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note), is amended by inserting the following new subsection (h):

“(h) IN GENERAL.—

“(1) REQUIRED PROVISION OF SERVICES AND ACTIVITIES.—An agreement under this section shall require that the State provide reemployment services and reemployment and eligibility assessment activities to each individual receiving emergency unemployment compensation who, on or after the date that is 30 days after the date of enactment of the Supporting Unemployed Workers Act of 2011, establishes an account under section 4002(b), commences receiving the amounts described in section 4002(c), commences receiving the amounts described in section 4002(d), or commences receiving the amounts described in subsection 4002(e), whichever occurs first. Such services and activities shall be provided by the staff of the State agency responsible for administration of the State unemployment compensation law or the Wagner-Peyser Act from funds available pursuant to section 4004(c)(2) and may also be provided from funds available under the Wagner-Peyser Act.

“(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

“(A) shall include—

“(i) the provision of labor market and career information;

“(ii) an assessment of the skills of the individual;

“(iii) orientation to the services available through the One-Stop centers established under title I of the Workforce Investment Act of 1998;

“(iv) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops and may include referrals to appropriate training services; and

“(v) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

“(B) may include the provision of—

“(i) comprehensive and specialized assessments;

“(ii) individual and group career counseling; and

“(iii) additional reemployment services.

“(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate, or shall have completed participation in, such services or activities, unless the State agency respon-

sible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or complete such services or activities, as defined in guidance to be issued by the Secretary of Labor.”.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessments activities required to be provided under the amendments made by paragraph (1).

(b) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) by striking “There” and inserting “(1) ADMINISTRATION.—There”; and

(B) by inserting the following new paragraph:

“(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

“(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, out of the employment security administration account as established by section 901(a) of the Social Security Act, such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

“(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.

“(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.”.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) in paragraph (2), by striking the period and inserting “; and”; and

(B) by inserting the following paragraph (3):

“(3) to the Employment Security Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).”.

SEC. 314. FEDERAL-STATE AGREEMENTS TO ADMINISTER A SELF-EMPLOYMENT ASSISTANCE PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 313,

is further amended by inserting a new subsection (i) as follows:

“(i) **AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.**—

“(1) **IN GENERAL.**—

“(A) **ESTABLISHMENT.**—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who meet the eligibility criteria specified in subsection (b).

“(B) **PAYMENT OF ALLOWANCES.**—The self-employment assistance allowance described in subparagraph (A) shall be paid for up to 26 weeks to an eligible individual from such individual's emergency unemployment compensation account described in section 4002, and the amount in such account shall be reduced accordingly.

“(2) **DEFINITION OF ‘SELF-EMPLOYMENT ASSISTANCE PROGRAM’.**—For the purposes of this title, the term ‘self-employment assistance program’ means a program as defined under section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), except as follows:

“(A) all references to ‘regular unemployment compensation under the State law’ shall be deemed to refer instead to ‘emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note)’;

“(B) paragraph (3)(B) shall not apply;

“(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

“(i) include any entrepreneurial training that the State may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and”;

“(D) the reference to ‘5 percent’ in paragraph (4) shall be deemed to refer instead to ‘1 percent’; and

“(E) paragraph (5) shall not apply.

“(3) **AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.**—In the case of an individual who has received any emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 26 times the individual's average weekly benefit amount of emergency unemployment compensation.

“(4) **PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.**—

“(A) **TERMINATION.**—An individual who is participating in a State's self-employment assistance program may opt to discontinue participation in such program.

“(B) **CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.**—An individual whose participation in the self-employment assistance program is terminated as described in paragraph (1) or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under this title, shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual com-

mences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.”.

SEC. 315. CONFORMING AMENDMENT ON PAYMENT OF BRIDGE TO WORK WAGES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 103, is further amended by inserting a new subsection (j) as follows:

“(j) **AUTHORIZATION TO PAY WAGES FOR PURPOSES OF A BRIDGE TO WORK PROGRAM.**—Any State that establishes a Bridge to Work program under section 204 of the Supporting Unemployed Workers Act of 2011 is authorized to deduct from an emergency unemployment compensation account established for such individual under section 4002 such sums as may be necessary to pay wages for such individual as authorized under section 204(b)(1) of such Act.”.

SEC. 316. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), is amended—

(1) by striking “June 30, 2011” and inserting “June 30, 2012”; and

(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

PART II—REEMPLOYMENT NOW PROGRAM

SEC. 321. ESTABLISHMENT OF REEMPLOYMENT NOW PROGRAM.

(a) **IN GENERAL.**—There is hereby established the Reemployment NOW program to be carried out by the Secretary of Labor in accordance with this part in order to facilitate the reemployment of individuals who are receiving emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) (hereafter in this part referred to as “EUC claimants”).

(b) **AUTHORIZATION AND APPROPRIATION.**—There are authorized to be appropriated and appropriated from the general fund of the Treasury for fiscal year 2012 \$4,000,000,000 to carry out the Reemployment NOW program under this part.

SEC. 322. DISTRIBUTION OF FUNDS.

(a) **IN GENERAL.**—Of the funds appropriated under section 321(b) to carry out this part, the Secretary of Labor shall—

(1) reserve up to 1 percent for the costs of Federal administration and for carrying out rigorous evaluations of the activities conducted under this part; and

(2) allot the remainder of the funds not reserved under paragraph (1) in accordance with the requirements of subsection (b) and (c) to States that have approved plans under section 323.

(b) **ALLOTMENT FORMULA.**—

(1) **FORMULA FACTORS.**—The Secretary of Labor shall allot the funds available under subsection (a)(2) as follows:

(A) two-thirds of such funds shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(B) one-third of such funds shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 27 weeks or more, compared to the total number of individuals in all States who have been unemployed for 27 weeks or more.

(2) **CALCULATION.**—For purposes of paragraph (1), the number of unemployed individuals and the number of individuals unemployed for 27 weeks or more shall be based on the data for the most recent 12-month period, as determined by the Secretary.

(c) **REALLOTMENT.**—

(1) **FAILURE TO SUBMIT STATE PLAN.**—If a State does not submit a State plan by the time specified in section 323(b), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under subsection (b) shall be allotted to States that receive approval of the State plan under section 323 in accordance with the relative allotments of such States as determined by the Secretary under subsection (b).

(2) **FAILURE TO IMPLEMENT ACTIVITIES ON A TIMELY BASIS.**—The Secretary of Labor may, in accordance with procedures and criteria established by the Secretary, recapture the portion of the State allotment under this part that remains unobligated if the Secretary determines such funds are not being obligated at a rate sufficient to meet the purposes of this part. The Secretary shall reallocate such recaptured funds to other States that are not subject to recapture in accordance with the relative share of the allotments of such States as determined by the Secretary under subsection (b).

(3) **RECAPTURE OF FUNDS.**—Funds recaptured under paragraph (2) shall be available for reobligation not later than December 31, 2012.

SEC. 323. STATE PLAN.

(a) **IN GENERAL.**—For a State to be eligible to receive an allotment under section 322, a State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require, which at a minimum shall include—

(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including which of the activities authorized in sections 324-328 the State intends to carry out and an estimate of the amounts the State intends to allocate to the activities, respectively;

(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes;

(3) a description of coordination of activities to be carried out under this part with activities under title I of the Workforce Investment Act of 1998, the Wagner-Peyser Act, and other appropriate Federal programs;

(4) the timelines for implementation of the activities described in the plan and the number of EUC claimants expected to be enrolled in such activities by quarter;

(5) assurances that the State will participate in the evaluation activities carried out by the Secretary of Labor under this section;

(6) assurances that the State will provide appropriate reemployment services, including counseling, to any EUC claimant who participates in any of the programs authorized under this part; and

(7) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes and effects, which the Secretary determines are necessary to effectively monitor the activities carried out under this part.

(b) **PLAN SUBMISSION AND APPROVAL.**—A State plan under this section shall be submitted to the Secretary of Labor for approval not later than 30 days after the Secretary issues guidance relating to submission of such plan. The Secretary shall approve such plans if the Secretary determines that the plans meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

(c) **PLAN MODIFICATIONS.**—A State may submit modifications to a State plan that has been approved under this part, and the Secretary of Labor may approve such modifications, if the plan as modified would meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

SEC. 324. BRIDGE TO WORK PROGRAM.

(a) **IN GENERAL.**—A State may use funds allotted to the State under this part to establish and administer a Bridge to Work program described in this section.

(b) **DESCRIPTION OF PROGRAM.**—In order to increase individuals' opportunities to move to permanent employment, a State may establish a Bridge to Work program to provide an EUC claimant with short-term work experience placements with an eligible employer, during which time such individual—

(1) shall be paid emergency unemployment compensation payable under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as wages for work performed, and as specified in subsection (c);

(2) shall be paid the additional amount described in subsection (e) as augmented wages for work performed; and

(3) may be paid compensation in addition to the amounts described in paragraphs (1) and (2) by a State or by a participating employer as wages for work performed.

(c) **PROGRAM ELIGIBILITY AND OTHER REQUIREMENTS.**—For purposes of this program—

(1) individuals who, except for the requirements described in paragraph (3), are eligible to receive emergency unemployment compensation payments under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), and who choose to participate in the program described in subsection (b), shall receive such payments as wages for work performed during their voluntary participation in the program described under subsection (b);

(2) the wages payable to individuals described in paragraph (1) shall be paid from the emergency unemployment compensation account for such individual as described in section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), and the amount in such individual's account shall be reduced accordingly;

(3) the wages payable to an individual described in paragraph (1) shall be payable in the same amount, at the same interval, on the same terms, and subject to the same conditions under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), except that—

(A) State requirements applied under such Act relating to availability for work and active search for work are not applicable to such individuals who participate for at least 25 hours per week in the program described in subsection (b) for the duration of such individual's participation in the program;

(B) State requirements applied under such Act relating to disqualifying income regarding wages earned shall not apply to such individuals who participate for at least 25 hours per week in the program described in subsection (b), and shall not apply with respect to—

(i) the wages described under subsection (b); and

(ii) any wages, in addition to those described under subsection (b), whether paid by a State or a participating employer for the same work activities;

(C) State prohibitions or limitations applied under such Act relating to employment status shall not apply to such individuals who participate in the program described in subsection (b); and

(D) State requirements applied under such Act relating to an individual's acceptance of an offer of employment shall not apply with regard to an offer of long-term employment from a participating employer made to such individual who is participating in the program described in subsection (b) in a work experience provided by such employer, where such long-term employment is expected to commence or commences at the conclusion of the duration specified in paragraph (4)(A);

(4) the program shall be structured so that individuals described in paragraph (1) may participate in the program for up to—

(A) 8 weeks, and

(B) 38 hours for each such week;

(5) a State shall ensure that all individuals participating in the program are covered by a workers' compensation insurance program; and

(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate in guidance issued by the Secretary.

(d) **STATE REQUIREMENTS.**—

(1) **CERTIFICATION OF ELIGIBLE EMPLOYER.**—A State may certify as eligible for participation in the program under this section any employer that meets the eligibility criteria as established in guidance by the Secretary of Labor, except that an employer shall not be certified as eligible for participation in the program described under subsection (b)—

(A) if such employer—

(i) is a Federal, State, or local government entity;

(ii) would engage an eligible individual in work activities under any employer's grant, contract, or subcontract with a Federal, State, or local government entity, except with regard to work activities under any employer's supply contract or subcontract;

(iii) is delinquent with respect to any taxes or employer contributions described under sections 3301 and 3303(a)(1) of the Internal Revenue Code of 1986 or with respect to any related reporting requirements;

(iv) is engaged in the business of supplying workers to other employers and would participate in the program for the purpose of supplying individuals participating in the program to other employers; or

(v) has previously participated in the program and the State has determined that such employer has failed to abide by any of the requirements specified in subsections (b), (i), or (j), or by any other requirements that the Secretary may establish for employers under subsection (c)(6); and

(B) unless such employer provides assurances that it has not displaced existing workers pursuant to the requirements of subsection (h).

(2) **AUTHORIZED ACTIVITIES.**—Funds allotted to a State under this part for the program—

(A) shall be used to—

(i) recruit employers for participation in the program;

(ii) review and certify employers identified by eligible individuals seeking to participate in the program;

(iii) ensure that reemployment and counseling services are available for program participants, including services describing the program under subsection (b), prior to an individual's participation in such program;

(iv) establish and implement processes to monitor the progress and performance of individual participants for the duration of the program;

(v) prevent misuse of the program; and

(vi) pay augmented wages to eligible individuals, if necessary, as described in subsection (e); and

(B) may be used—

(i) to pay workers' compensation insurance premiums to cover all individuals participating in the program, except that, if a State opts not to make such payments directly to a State administered workers' compensation program, the State involved shall describe in the approved State plan the means by which such State shall ensure workers' compensation or equivalent coverage for all individuals who participate in the program;

(ii) to pay compensation to a participating individual that is in addition to the amounts described in subsections (c)(1) and (e) as wages for work performed;

(iii) to provide supportive services, such as transportation, child care, and dependent care, that would enable individuals to participate in the program;

(iv) for the administration and oversight of the program; and

(v) to fulfill additional program requirements included in the approved State plan.

(e) **PAYMENT OF AUGMENTED WAGES IF NECESSARY.**—In the event that the wages described in subsection (c)(1) are not sufficient to equal or exceed the minimum wages that are required to be paid by an employer under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, whichever is higher, a State shall pay augmented wages to a program participant in any amount necessary to cover the difference between—

(1) such minimum wages amount; and

(2) the wages payable under subsection (c)(1).

(f) **EFFECT OF WAGES ON ELIGIBILITY FOR OTHER PROGRAMS.**—None of the wages paid under this section shall be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need.

(g) **EFFECT OF WAGES, WORK ACTIVITIES, AND PROGRAM PARTICIPATION ON CONTINUING ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.**—Any wages paid under this section and any additional wages paid by an employer to an individual described in subsection (c)(1), and any work activities performed by such individual as a participant in the program, shall not be construed so as to render such individual ineligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note).

(h) NONDISPLACEMENT OF EMPLOYEES.—

(1) PROHIBITION.—An employer shall not use a program participant to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).

(2) OTHER PROHIBITIONS.—An employer shall not permit a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent position;

(B) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(i) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An employer shall not, by means of assigning work activities under this section, impair an existing contract for services or a collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(j) LIMITATION ON EMPLOYER PARTICIPATION.—If, after 24 weeks of participation in the program, an employer has not made an offer of suitable long-term employment to any individual described under subsection (c)(1) who was placed with such employer and has completed the program, a State shall bar such employer from further participation in the program. States may impose additional conditions on participating employers to ensure that an appropriate number of participants receive offers of suitable long term employment.

(k) FAILURE TO MEET PROGRAM REQUIREMENTS.—If a State makes a determination based on information provided to the State, or acquired by the State by means of its administration and oversight functions, that a participating employer under this section has violated a requirement of this section, the State shall bar such employer from further participation in the program. The State shall establish a process whereby an individual described in subsection (c)(1), or any other affected individual or entity, may file a complaint with the State relating to a violation of any requirement or prohibition under this section.

(l) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN BRIDGE TO WORK PROGRAM.—

(1) TERMINATION.—An individual who is participating in a program described in subsection (b) may opt to discontinue participation in such program.

(2) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual who opts to discontinue participation in such program, is terminated from such program by a participating employer, or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Pub-

lic Law 110-252; 26 U.S.C. 3304 note), shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) of such Act or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.

(m) EFFECT OF OTHER LAWS.—Unless otherwise provided in this section, nothing in this section shall be construed to alter or affect the rights or obligations under any Federal, State, or local laws with respect to any individual described in subsection (c)(1) and with respect to any participating employer under this section.

(n) TREATMENT OF PAYMENTS.—All wages or other payments to an individual under this section shall be treated as payments of unemployment insurance for purposes of section 209 of the Social Security Act (42 U.S.C. 409) and for purposes of subtitle A and sections 3101 and 3111 of the Internal Revenue Code of 1986.

SEC. 325. WAGE INSURANCE.

(a) IN GENERAL.—A State may use the funds allotted to the State under this part to provide a wage insurance program for EUC claimants.

(b) BENEFITS.—The wage insurance program provided under this section may use funds allotted to the State under this part to pay, for a period not to exceed 2 years, to a worker described in subsection (c), up to 50 percent of the difference between—

(1) the wages received by the worker at the time of separation; and

(2) the wages received by the worker for reemployment.

(c) INDIVIDUAL ELIGIBILITY.—The benefits described in subsection (b) may be paid to an individual who is an EUC claimant at the time such individual obtains reemployment and who—

(1) is at least 50 years of age;

(2) earns not more than \$50,000 per year in wages from reemployment;

(3) is employed on a full-time basis as defined by the law of the State; and

(4) is not employed by the employer from which the individual was last separated.

(d) TOTAL AMOUNT OF PAYMENTS.—A State shall establish a maximum amount of payments per individual for purposes of payments described in subsection (b) during the eligibility period described in such subsection.

(e) NON-DISCRIMINATION REGARDING WAGES.—An employer shall not pay a worker described in subsection (c) less than such employer pays to a regular worker in the same or substantially equivalent position.

SEC. 326. ENHANCED REEMPLOYMENT STRATEGIES.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program of enhanced reemployment services to EUC claimants. In addition to the provision of services to such claimants, the program may include the provision of reemployment services to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note). The program shall provide reemployment services that are more intensive than the reemployment services provided by the State prior to the receipt of the allotment under this part.

(b) TYPES OF SERVICES.—The enhanced reemployment services described in subsection (a) may include services such as—

(1) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of EUC claimants and individuals described in subsection (a);

(2) comprehensive assessments designed to identify alternative career paths;

(3) case management;

(4) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State; and

(5) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment.

SEC. 327. SELF-EMPLOYMENT PROGRAMS.

A State may use funds allotted to the State under this part, in an amount specified under an approved State plan, for the administrative costs associated with starting up the self-employment assistance program described in section 4001(i) of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

SEC. 328. ADDITIONAL INNOVATIVE PROGRAMS.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program for innovative activities, which use a strategy that is different from the reemployment strategies described in sections 324-327 and which are designed to facilitate the reemployment of EUC claimants. In addition to the provision of activities to such claimants, the program may include the provision of activities to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

(b) CONDITIONS.—The innovative activities approved in accordance with subsection (a)—

(1) shall directly benefit EUC claimants and, if applicable, individuals described in subsection (a), either as a benefit paid to such claimant or individual or as a service provided to such claimant or individual;

(2) shall not result in a reduction in the duration or amount of, emergency unemployment compensation for which EUC claimants would otherwise be eligible;

(3) shall not include a reduction in the duration, amount of or eligibility for regular compensation or extended benefits;

(4) shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation) or allow a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation);

(5) shall not be in violation of any Federal, State, or local law.

SEC. 329. GUIDANCE AND ADDITIONAL REQUIREMENTS.

The Secretary of Labor may establish through guidance, without regard to the requirements of section 553 of title 5, United States Code, such additional requirements, including requirements regarding the allotment, recapture, and reallocation of funds, and reporting requirements, as the Secretary determines to be necessary to ensure fiscal integrity, effective monitoring, and appropriate and prompt implementation of the activities under this Act.

SEC. 330. REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.

The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to section 329 and the evaluations of activities carried out pursuant to the funds reserved under section 322(a)(1).

SEC. 331. STATE.

For purposes of this part, the term "State" has the meaning given that term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

PART III—SHORT-TIME COMPENSATION PROGRAM**SEC. 341. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.****(a) DEFINITION.—**

(1) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

"(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

"(1) the participation of an employer is voluntary;

"(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

"(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are eligible for unemployment compensation;

"(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were totally unemployed from the participating employer;

"(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by their participation in the short-time compensation program;

"(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

"(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the

same extent as other employees not participating in the short-time compensation program, subject to other requirements in this section;

"(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

"(9) in the case of employees represented by a union as the sole and exclusive representative, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the applicable Federal laws; and

"(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program."

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) TRANSITION PERIOD FOR EXISTING PROGRAMS.—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—**(1) INTERNAL REVENUE CODE OF 1986.—**

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));"

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

"(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and"; and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking "the payment of short-time compensation under a plan approved by the Secretary of Labor" and inserting "the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)".

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 342. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.**(a) PAYMENTS TO STATES.—**

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 343.—States may receive payments under this section and section 343 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 341(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 343. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other

method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 342(b), shall be eligible to receive payments under section 342 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 344. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 341(a)(3) and 342(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 341(a)), and a State with an agreement under section 343, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying \$700,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and on-going short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, \$700,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term "short-time compensation program" has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 345. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 346. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in States that have not enacted a short-time compensation program or entered into an agreement with the Secretary on a short-time compensation plan to determine the level of interest among such employers in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, \$1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle B—Long Term Unemployed Hiring Preferences

SEC. 351. LONG TERM UNEMPLOYED WORKERS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by inserting "\$10,000 per year in the case of any individual who is a qualified long term unemployed individual by reason of subsection (d)(11), and" before "\$12,000 per year".

(b) LONG TERM UNEMPLOYED INDIVIDUALS TAX CREDITS.—Paragraph (d) of section 51 of the Internal Revenue Code is amended by—

(1) inserting "(J) qualified long term unemployed individual" at the end of paragraph (d)(1);

(2) inserting a new paragraph after paragraph (10) as follows—

"(11) QUALIFIED LONG TERM UNEMPLOYED INDIVIDUAL.—

"(A) IN GENERAL.—The term 'qualified long term unemployed individual' means any individual who was not a student for at least 6 months during the 1-year period ending on the hiring date and is certified by the designated local agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

"(B) STUDENT.—For purposes of this subsection, a student is an individual enrolled at least half-time in a program that leads to a degree, certificate, or other recognized educational credential for at least 6 months whether or not consecutive during the 1-year period ending on the hiring date."; and

(3) renumbering current paragraphs (11) through (14) as paragraphs (12) through (15).

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 16 as follows:

"(16) CREDIT ALLOWED FOR QUALIFIED LONG TERM UNEMPLOYED INDIVIDUALS.—

"(A) IN GENERAL.—Any qualified long term unemployed individual under paragraph (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

"(i) the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or

Federal law for not less than 6 months during the 1-year period ending on the hiring date.

"(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification."

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word "No" at the beginning of the section and replacing it with "Except as provided in this subsection, no"; and

(2) the following new paragraphs are inserted at the end of section 52(c)—

"(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

"(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified long term unemployed individuals described in subsection (d)(11); or

"(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

"(2) CREDIT AMOUNT.—In calculating tax-exempt employers, the work opportunity credit shall be determined by substituting '26 percent' for '40 percent' in section 51(a) and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

"(3) TAX-EXEMPT EMPLOYER.—For purposes of this subtitle, the term 'tax-exempt employer' means an employer that is—

"(A) an organization described in section 501(c) and exempt from taxation under section 501(a), or

"(B) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

"(4) PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'payroll taxes' means—

"(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

"(ii) amounts required to be withheld from such employees under section 3101, and

"(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111."

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No

increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Pathways Back to Work

SEC. 361. SHORT TITLE.

This subtitle may be cited as the “Pathways Back to Work Act of 2011”.

SEC. 362. ESTABLISHMENT OF PATHWAYS BACK TO WORK FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the Pathways Back to Work Fund (hereafter in this Act referred to as “the Fund”).

(b) DEPOSITS INTO THE FUND.—Out of any amounts in the Treasury of the United States not otherwise appropriated, there are appropriated \$5,000,000,000 for payment to the Fund to be used by the Secretary of Labor to carry out this Act.

SEC. 363. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Of the amounts available to the Fund under section 362(b), the Secretary of Labor shall—

(1) allot \$2,000,000,000 in accordance with section 364 to provide subsidized employment to unemployed, low-income adults;

(2) allot \$1,500,000,000 in accordance with section 365 to provide summer and year-round employment opportunities to low-income youth;

(3) award \$1,500,000,000 in competitive grants in accordance with section 366 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income adults and low-income youth to provide the skills and assistance needed to obtain employment.

(b) RESERVATION.—The Secretary of Labor may reserve not more than 1 percent of amounts available to the Fund under each of paragraphs (1)–(3) of subsection (a) for the costs of technical assistance, evaluations and Federal administration of this Act.

(c) PERIOD OF AVAILABILITY.—The amounts appropriated under this Act shall be available for obligation by the Secretary of Labor until December 31, 2012, and shall be available for expenditure by grantees and subgrantees until September 30, 2013.

SEC. 364. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED, LOW-INCOME ADULTS.

(a) IN GENERAL.—

(1) ALLOTMENTS.—From the funds available under section 363(a)(1), the Secretary of Labor shall make an allotment under subsection (b) to each State that has a State plan approved under subsection (c) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing subsidized employment opportunities to unemployed, low-income adults.

(2) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor, in coordination with the Secretary of Health and Human Services, shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State and local plans and the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(b) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a)(1), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide subsidized employment to low-income adults who are unemployed; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide subsidized employment to low-income adults who are unemployed.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a)(1) among the States as follows:

(A) one-third shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(B) one-third shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(C) one-third shall be allotted on the basis of the relative number of disadvantaged adults and youth in each State, compared to the total number of disadvantaged adults and youth in all States.

(3) DEFINITIONS.—For purposes of the formula described in paragraph (2)—

(A) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any contiguous area with a population of at least 10,000 and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary.

(B) DISADVANTAGED ADULTS AND YOUTH.—The term “disadvantaged adults and youth” means an individual who is age 16 and older (subject to section 132(b)(1)(B)(v)(I) of the Workforce Investment Act of 1998) who received an income, or is a member of a family

that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(C) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the time specified in subsection (c), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require. At a minimum, such plan shall include—

(A) a description of the strategies and activities to be carried out by the State, in coordination with employers in the State, to provide subsidized employment opportunities to unemployed, low-income adults, including strategies relating to the level and duration of subsidies consistent with subsection (e)(2);

(B) a description of the requirements the State will apply relating to the eligibility of unemployed, low-income adults, consistent with section 368(6), for subsidized employment opportunities, which may include criteria to target assistance to particular categories of such adults, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(C) a description of how the funds allotted to provide subsidized employment opportunities will be administered in the State and local areas, in accordance with subsection (d);

(D) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(E) a description of the coordination of activities to be carried out with the funds provided under this section with activities under title I of the Workforce Investment Act of 1998, the TANF program under part A of title IV of the Social Security Act, and other appropriate Federal and State programs that may assist unemployed, low-income adults in obtaining and retaining employment;

(F) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of unemployed, low-income adults expected to be placed in subsidized employment by quarter;

(G) assurances that the State will report such information as the Secretary of Labor

may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(H) assurances that the State will ensure compliance with the labor standards and protections described in section 367(a) of this Act.

(2) SUBMISSION AND APPROVAL OF STATE PLAN.—

(A) **SUBMISSION WITH OTHER PLANS.**—The State plan described in this subsection may be submitted in conjunction with the State plan modification or request for funds required under section 365, and may be submitted as a modification to a State plan that has been approved under section 112 of the Workforce Investment Act of 1998.

(B) SUBMISSION AND APPROVAL.—

(i) **SUBMISSION.**—The Governor shall submit a plan to the Secretary of Labor not later than 75 days after the enactment of this Act and the Secretary of Labor shall make a determination regarding the approval or disapproval of such plans not later than 45 days after the submission of such plan. If the plan is disapproved, the Secretary of Labor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval.

(ii) **APPROVAL.**—The Secretary of Labor shall approve a State plan that the Secretary determines is consistent with requirements of this section and reasonably appropriate and adequate to carry out the purposes of this section. If the plan is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) **MODIFICATIONS TO STATE PLAN.**—The Governor may submit a modification to a State plan under this subsection consistent with the requirements of this section.

(d) ADMINISTRATION WITHIN THE STATE.—

(1) **OPTION.**—The State may administer the funds for activities under this section through—

(A) the State and local entities responsible for the administration of the adult formula program under title I-B of the Workforce Investment Act of 1998;

(B) the entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act; or

(C) a combination of the entities described in subparagraphs (A) and (B).

(2) WITHIN-STATE ALLOCATIONS.—

(A) **ALLOCATION OF FUNDS.**—The Governor may reserve up to 5 percent of the allotment under subsection (b)(2) for administration and technical assistance, and shall allocate the remainder, in accordance with the option elected under paragraph (1)—

(i) among local workforce investment areas within the State in accordance with the factors identified in subsection (b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved, of which not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section; or

(ii) through entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act in local areas in such manner as the State may determine appropriate.

(B) LOCAL PLANS.—

(i) **IN GENERAL.**—In the case where the responsibility for the administration of activities is to be carried out by the entities de-

scribed under paragraph (1)(A), in order to receive an allocation under subparagraph (A)(i), a local workforce investment board, in partnership with the chief elected official of the local workforce investment area involved, shall submit to the Governor a local plan for the use of such funds under this section not later than 30 days after the submission of the State plan. Such local plan may be submitted as a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998.

(ii) **CONTENTS.**—The local plan described in clause (i) shall contain the elements described in subparagraphs (A)–(H) of subsection (c)(1), as applied to the local workforce investment area.

(iii) **APPROVAL.**—The Governor shall approve or disapprove the local plan submitted under clause (i) within 30 days after submission, or if later, 30 days after the approval of the State plan. The Governor shall approve the plan unless the Governor determines that the plan is inconsistent with requirements of this section or is not reasonably appropriate and adequate to carry out the purposes of this section. If the Governor has not made a determination within the period specified under the first sentence of this clause, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after such approval.

(C) **REALLOCATION OF FUNDS TO LOCAL AREAS.**—If a local workforce investment board does not submit a local plan by the time specified in subparagraph (B) or the Governor does not approve a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive approval of the local plan under subparagraph (B). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under subparagraph (A)(i).

(e) USE OF FUNDS.—

(1) **IN GENERAL.**—The funds under this section shall be used to provide subsidized employment for unemployed, low-income adults. The State and local entities described in subsection (d)(1) may use a variety of strategies in recruiting employers and identifying appropriate employment opportunities, with a priority to be provided to employment opportunities likely to lead to unsubsidized employment in emerging or in-demand occupations in the local area. Funds under this section may be used to provide support services, such as transportation and child care, that are necessary to enable the participation of individuals in subsidized employment opportunities.

(2) **LEVEL OF SUBSIDY AND DURATION.**—The States or local entities described in subsection (d)(1) may determine the percentage of the wages and costs of employing a participant for which an employer may receive a subsidy with the funds provided under this section, and the duration of such subsidy, in accordance with guidance issued by the Secretary. The State or local entities may establish criteria for determining such percentage or duration using appropriate factors such as the size of the employer and types of employment.

(F) **COORDINATION OF FEDERAL ADMINISTRATION.**—The Secretary of Labor shall admin-

ister this section in coordination with the Secretary of Health and Human Services to ensure the effective implementation of this section.

SEC. 365. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.

(a) **IN GENERAL.**—From the funds available under section 363(a)(2), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a State plan modification (or other form of request for funds specified in guidance under subsection (b)) approved under subsection (d) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) **GUIDANCE.**—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications, or for forms of requests for funds by the State as may be identified in such guidance, local plan modifications, or other forms of requests for funds from local workforce investment areas as may be identified in such guidance, and the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) **REQUIREMENTS.**—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Workforce Investment Act of 1998 relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) **RESERVATIONS FOR OUTLYING AREAS AND TRIBES.**—Of the funds described in subsection (a), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide summer and year-round employment opportunities to low-income youth; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide summer and year-round employment opportunities to low-income youth.

(2) **STATES.**—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a) among the States in accordance with the factors described in section 364(b)(2) of this Act.

(3) **REALLOTMENT.**—If the Governor of a State does not submit a State plan modification or other request for funds specified in guidance under subsection (b) by the time specified in subsection (d)(2)(B), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(d) STATE PLAN MODIFICATION.—

(1) **IN GENERAL.**—For a State to be eligible to receive an allotment of the funds under

subsection (c), the Governor of the State shall submit to the Secretary of Labor a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998, or other request for funds described in guidance in subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including the linkages to educational activities, consistent with subsection (f);

(B) a description of the requirements the States will apply relating to the eligibility of low-income youth, consistent with section 368(4), for summer employment opportunities and year-round employment opportunities, which may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(F) assurances that the State will ensure compliance with the labor standards protections described in section 367(a).

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—

(A) SUBMISSION.—The Governor shall submit a modification of the State plan or other request for funds described in guidance in subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance. The State plan modification or request for funds required under this subsection may be submitted in conjunction with the State plan required under section 364.

(B) APPROVAL.—The Secretary of Labor shall approve the plan or request submitted under subparagraph (A) within 30 days after submission, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within 30 days, the plan or request shall be considered approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which a disapproved plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN OR REQUEST.—The Governor may submit further modifications to a State plan or request for funds identified under subsection (b) to carry out this section in accordance with the requirements of this section.

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve up to 5 percent of the allotment for administration and technical assistance; and

(B) shall allocate the remainder of the allotment among local workforce investment areas within the State in accordance with the factors identified in section 364(b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved. Not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section.

(2) LOCAL PLAN.—

(A) SUBMISSION.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998, or other form of request for funds as may be identified in the guidance issued under subsection (b), not later than 30 days after the submission by the State of the modification to the State plan or other request for funds identified in subsection (b), describing the strategies and activities to be carried out under this section.

(B) APPROVAL.—The Governor shall approve the local plan submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan is inconsistent with requirements of this section. If the Governor has not made a determination within 30 days, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after approval.

(3) REALLOCATION.—If a local workforce investment board does not submit a local plan modification (or other request for funds identified in guidance under subsection (b)) by the time specified in paragraph (2), or does not receive approval of a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of the local plan modification or request for funds under paragraph (2). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under paragraph (1)(B).

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds provided under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, ages 16 through 24, with direct linkages to academic and occupational learning, and may include the provision of supportive services, such as transportation or child care, necessary to enable such youth to participate; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998, to low-income youth, ages 16 through 24, with a priority to out-of-school youth who are—

(i) high school dropouts; or

(ii) recipients of a secondary school diploma or its equivalent but who are basic skills deficient unemployed or underemployed.

(2) PROGRAM PRIORITIES.—In administering the funds under this section, the local board and local chief elected officials shall give a priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector that meet community needs; and

(B) linking year-round program participants to training and educational activities that will provide such participants an industry-recognized certificate or credential.

(3) PERFORMANCE ACCOUNTABILITY.—For activities funded under this section, in lieu of the requirements described in section 136 of the Workforce Investment Act of 1998, State and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 367(a)(5).

SEC. 366. WORK-BASED EMPLOYMENT STRATEGIES OF DEMONSTRATED EFFECTIVENESS.

(a) IN GENERAL.—From the funds available under section 363(a)(3), the Secretary of Labor shall award grants on a competitive basis to eligible entities to carry out work-based strategies of demonstrated effectiveness.

(b) USE OF FUNDS.—The grants awarded under this section shall be used to support strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income adults or low-income youth with the skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and where employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership which includes a significant work-experience component;

(4) acquisition of industry-recognized credentials in a field identified by the State or local workforce investment area as a growth sector or demand industry in which there are likely to be significant job opportunities in the short-term;

(5) connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that includes concurrent skills training and other supports;

(6) career academies that provide students with the academic preparation and training, including paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and high-demand jobs; and

(7) adult basic education and integrated basic education and training models for low-skilled adults, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(c) ELIGIBLE ENTITY.—An eligible entity shall include a local chief elected official, in

collaboration with the local workforce investment board for the local workforce investment area involved (which may include a partnership with such officials and boards in the region and in the State), or an entity eligible to apply for an Indian and Native American grant under section 166 of the Workforce Investment Act of 1998, and may include, in partnership with such officials, boards, and entities, the following:

(1) employers or employer associations;

(2) adult education providers and postsecondary educational institutions, including community colleges;

- (3) community-based organizations;
- (4) joint labor-management committees;
- (5) work-related intermediaries; or
- (6) other appropriate organizations.

(d) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible entities will carry out to provide unemployed, low-income adults and low-income youth with the skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income adults or low-income youth, consistent with paragraphs (4) and (6) of section 368, for activities carried out under this section, which may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided may be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the grant recipient will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(9) provide assurances that the use of the funds provided under this section will comply with the labor standards and protections described in section 367(a).

(e) PRIORITY IN AWARDS.—In awarding grants under this section, the Secretary of Labor shall give a priority to applications submitted by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas (PUMAs) as designated by the Census Bureau.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the

Secretary of Education, Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

SEC. 367. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 and the nondiscrimination provisions of section 188 of such Act, in addition to other applicable federal laws.

(b) REPORTING.—The Secretary may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, grantees and subgrantees shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under the Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this Act, including—

(A) for adults participating in activities funded under section 364 of this Act—

(i) entry in unsubsidized employment,

(ii) retention in unsubsidized employment, and

(iii) earnings in unsubsidized employment;

(B) for low-income youth participating in summer employment activities under sections 365 and 366—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(C) for low-income youth participating in year-round employment activities under section 365 or in activities under section 366—

(i) placement in or return to postsecondary education;

(ii) attainment of high school diploma or its equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A);

(D) for unemployed, low-income adults participating in activities under section 366—

(i) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A); and

(ii) the attainment of industry-recognized credentials.

(c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.—The Secretary of Labor shall provide to the ap-

propriate Committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out pursuant to the funds reserved under section 363(b).

SEC. 368. DEFINITIONS.

In this Act:

(1) LOCAL CHIEF ELECTED OFFICIAL.—The term “local chief elected official” means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case where more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998.

(2) LOCAL WORKFORCE INVESTMENT AREA.—The term “local workforce investment area” means such area designated under section 116 of the Workforce Investment Act of 1998.

(3) LOCAL WORKFORCE INVESTMENT BOARD.—The term “local workforce investment board” means such board established under section 117 of the Workforce Investment Act of 1998.

(4) LOW-INCOME YOUTH.—The term “low-income youth” means an individual who—

(A) is aged 16 through 24;

(B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998, except that States, local workforce investment areas under section 365 and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 365 and 366 of this Act; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998.

(5) OUTLYING AREA.—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) UNEMPLOYED, LOW-INCOME ADULT.—The term “unemployed, low-income adult” means an individual who—

(A) is age 18 or older;

(B) is without employment and is seeking assistance under this Act to obtain employment; and

(C) meets the definition of a “low-income individual” under section 101(25) of the Workforce Investment Act of 1998, except that for that States, local entities described in section 364(d)(1) and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 364 and 366 of this Act.

(7) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and Puerto Rico.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

SEC. 371. SHORT TITLE.

This subtitle may be cited as the “Fair Employment Opportunity Act of 2011”.

SEC. 372. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce by—

(1) reducing personal consumption and undermining economic stability and growth;

(2) squandering human capital essential to the Nation's economic vibrancy and growth;

(3) increasing demands for Federal and State unemployment insurance benefits, reducing trust fund assets, and leading to higher payroll taxes for employers, cuts in benefits for jobless workers, or both;

(4) imposing additional burdens on publicly funded health and welfare programs; and

(5) depressing income, property, and other tax revenues that the Federal Government, States, and localities rely on to support operations and institutions essential to commerce.

(b) PURPOSES.—The purposes of this Act are—

(1) to prohibit employers and employment agencies from disqualifying an individual from employment opportunities because of that individual's status as unemployed;

(2) to prohibit employers and employment agencies from publishing or posting any advertisement or announcement for an employment opportunity that indicates that an individual's status as unemployed disqualifies that individual for the opportunity; and

(3) to eliminate the burdens imposed on commerce due to the exclusion of such individuals from employment.

SEC. 373. DEFINITIONS.

As used in this Act—

(1) the term "affected individual" means any person who was subject to an unlawful employment practice solely because of that individual's status as unemployed;

(2) the term "Commission" means the Equal Employment Opportunity Commission;

(3) the term "employee" means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) applies;

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(D) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies;

(4) the term "employer" means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies;

(5) the term "employment agency" means any person regularly undertaking with or without compensation to procure employees

for an employer or to procure for individuals opportunities to work as employees for an employer and includes an agent of such a person, and any person who maintains an Internet website or print medium that publishes advertisements or announcements of openings in jobs for employees;

(6) the term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)); and

(7) the term "status as unemployed", used with respect to an individual, means that the individual, at the time of application for employment or at the time of action alleged to violate this Act, does not have a job, is available for work and is searching for work.

SEC. 374. PROHIBITED ACTS.

(a) EMPLOYERS.—It shall be an unlawful employment practice for an employer to—

(1) publish in print, on the Internet, or in any other medium, an advertisement or announcement for an employee for any job that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(3) direct or request that an employment agency take an individual's status as unemployed into account to disqualify an applicant for consideration, screening, or referral for employment as an employee.

(b) EMPLOYMENT AGENCIES.—It shall be an unlawful employment practice for an employment agency to—

(1) publish, in print or on the Internet or in any other medium, an advertisement or announcement for any vacancy in a job, as an employee, that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that the employment agency or an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) screen, fail or refuse to consider, or fail or refuse to refer an individual for employment as an employee because of the individual's status as unemployed; or

(3) limit, segregate, or classify any individual in any manner that would limit or tend to limit the individual's access to information about jobs, or consideration, screening, or referral for jobs, as employees, solely because of an individual's status as unemployed.

(c) INTERFERENCE WITH RIGHTS, PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any employer or employment agency to—

(1) interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this Act; or

(2) fail or refuse to hire, to discharge, or in any other manner to discriminate against any individual, as an employee, because such individual—

(A) opposed any practice made unlawful by this Act;

(B) has asserted any right, filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(C) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(D) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(d) CONSTRUCTION.—Nothing in this Act is intended to preclude an employer or employment agency from considering an individual's employment history, or from examining the reasons underlying an individual's status as unemployed, in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual. Such consideration or examination may include an assessment of whether an individual's employment in a similar or related job for a period of time reasonably proximate to the consideration of such individual for employment is job-related or consistent with business necessity.

SEC. 375. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c),

in the case of an affected individual who would be covered by such title, or by section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of an affected individual who would be covered by such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of an affected individual who would be covered by section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c);

in the case of an affected individual who would be covered by such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of an affected individual who would be covered by section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-

16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES.—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) REMEDIES.—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed \$1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed \$5,000.

SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) ABROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program

or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) DEFINITION.—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies would be available against a non-governmental entity.

SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

TITLE IV—SURTAX ON MILLIONAIRES

SEC. 401. SURTAX ON MILLIONAIRES.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—SURTAX ON MILLIONAIRES

"Sec. 59B. Surtax on millionaires.

"SEC. 59B. SURTAX ON MILLIONAIRES.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 5.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds \$1,000,000 (\$500,000, in the case of a married individual filing a separate return).

"(b) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after 2013, each dollar amount under subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, deter-

mined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

"(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

"(d) SPECIAL RULES.—

"(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

"(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

"(A) the amounts excluded from the taxpayer's gross income under section 911, over

"(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

"(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

"(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART VIII. SURTAX ON MILLIONAIRES."

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 286—RECOGNIZING MAY 16, 2012, AS HEREDITARY ANGIOEDEMA AWARENESS DAY AND EXPRESSING THE SENSE OF THE SENATE THAT MORE RESEARCH AND TREATMENTS ARE NEEDED FOR HEREDITARY ANGIOEDEMA

Mr. INOUE (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 286

Whereas Hereditary Angioedema (HAE) is a rare and potentially life-threatening genetic disease, affecting between 1 in 10,000 and 1 in 50,000 people, leading to patients being undiagnosed or misdiagnosed for many years;

Whereas HAE is characterized by symptoms including episodes of edema or swelling in various body parts including the hands, feet, gastrointestinal tract, face, and airway;

Whereas patients often experience swelling in the intestinal wall, causing bouts of excruciating abdominal pain, nausea, and vomiting, and swelling of the airway, which can lead to death by asphyxiation;

Whereas a defect in the gene that controls the C1-inhibitor blood protein causes production of either inadequate or non-functioning C1-inhibitor protein, leading to an inability to regulate complex biochemical interactions of blood-based systems involved in disease fighting, inflammatory response, and coagulation;

Whereas HAE is an autosomal dominant disease, and 50 percent of patients with the disease inherited the defective gene from a parent, while the other 50 percent developed a spontaneous mutation of the C1-inhibitor gene at conception;

Whereas HAE patients often experience their first HAE attack during childhood or adolescence, and continue to suffer from subsequent attacks for the duration of their lives;

Whereas HAE attacks can be triggered by infections, minor injuries or dental procedures, emotional or mental stress, and certain hormonal or blood medications;

Whereas the onset or duration of an HAE attack can negatively affect a person's physical, emotional, economic, educational, and social well-being due to activity limitations;

Whereas the annual cost for treatment per patient can exceed \$500,000, causing a substantial economic burden;

Whereas there is a significant need for increased and normalized medical professional education regarding HAE; and

Whereas there is also a significant need for further research on HAE to improve diagnosis and treatment options for patients; Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes and celebrates May 16, 2012, as Hereditary Angioedema Awareness Day; and

(B) supports increased awareness of Hereditary Angioedema (HAE) by physicians and the public; and

(2) it is the sense of the Senate that increased Federal research on HAE is needed, including that—

(A) the Director of the National Institutes of Health (NIH) should take a leadership role in the search for new treatment options and a cure for HAE by—

(i) encouraging the National Institute of Allergy and Infectious Diseases (NIAID) to implement the research recommendations of the international HAE research community;

(ii) exploring collaborative research opportunities between the NIAID, the Office of Rare Diseases Research, and other NIH Institutes and Centers; and

(iii) encouraging NIAID to provide the necessary funding for continued expansion and advancement of the HAE research portfolio through intramural and extramural research; and

(B) the Commissioner of Food and Drugs should take a leadership role in ensuring new HAE treatments are developed and appropriately monitored by—

(i) issuing further guidance to industry on the development criteria and adverse event standards for HAE treatments; and

(ii) encouraging the participation of patient groups and considering the views of patients when discussing standards and proto-

cols for the development and monitoring of HAE treatments.

Mr. INOUE. Mr. President, I rise today to submit a resolution recognizing May 16, 2012, as Hereditary Angioedema, HAE, Awareness Day. HAE is a rare and potentially life threatening genetic disease which impacts between 1 in 10,000 and 1 in 50,000 Americans. HAE is characterized by severe swelling throughout the body, including the digestive tract and airways. The swelling caused by episodes of HAE is both very painful and can cause sufferers to asphyxiate when the swelling impacts the airways. To date there is only one Food and Drug Administration approved treatment for HAE, but this treatment is only effective in about a third of patients afflicted with this devastating disease. It is clearly evident that more research is needed to combat this terrible disease.

On May 16, 2012, an international conference on HAE will be convened in Copenhagen, Denmark to discuss issues relating to HAE research, treatments, and awareness. The American component of this conference will be spearheaded by the U.S. Hereditary Angioedema Association, USHAEA, based in my home state of Hawaii. USHAEA is an organization that provides education, support, funding for research, and a voice to HAE patients, their families, healthcare providers and the general public at large. I urge my colleagues to support this important resolution and help find a cure for HAE.

SENATE RESOLUTION 287—DESIGNATING OCTOBER 2011 AS “FILIPINO AMERICAN HISTORY MONTH”

Mr. REID of Nevada (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. AKAKA, Mr. INOUE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza, marks the earliest documented Filipino presence in the continental United States;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds new perspective to United States history by bringing attention to the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States;

Whereas the Filipino-American community is the third largest Asian-American group in the United States, with a population of approximately 3,417,000 individuals;

Whereas Filipino-American servicemen and servicewomen have a longstanding history of serving in the Armed Forces, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend the United States;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Forces;

Whereas Filipino Americans play an integral role in the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color largely have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the significance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2011: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as “Filipino American History Month”; and

(2) recognizes the celebration of Filipino American History Month as—

(A) a study of the advancement of Filipino Americans;

(B) a time of reflection and remembrance of the many notable contributions Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the United States; and

(3) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 722. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 723. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 724. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 725. Ms. SNOWE (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her

to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 726. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 727. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 728. Mr. COONS (for himself, Mr. GRASSLEY, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 729. Mr. COONS (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 730. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 731. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 732. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 733. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 734. Mr. JOHNSON, of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

SA 735. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1619, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 722. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE _____ AGENCY OVERREACH MORATORIUM

SEC. ____ 01. SHORT TITLE.

This title may be cited as the "Agency Overreach Moratorium Act".

SEC. ____ 02. PROHIBITION ON RETROACTIVE WITHDRAWAL OF CERTAIN PERMITS.

Unless approved by an Act of Congress, the head of a Federal agency shall not—

(1) retroactively withdraw any permit issued for Federal land or any area of the outer Continental Shelf that would have been used—

(A) to produce or harvest a domestic natural resource; or

(B) to create 1 or more jobs; or

(2) issue a designation under any law that would restrict or prohibit access to domestic natural resources on Federal land or any area of the outer Continental Shelf.

SEC. ____ 03. CONGRESSIONAL APPROVAL OF DESIGNATION OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (commonly known as the "Antiquities Act of 1906") (16 U.S.C. 431) is amended—

(1) by striking "SEC. 2. That the President" and inserting the following:

"SEC. 2. DESIGNATION OF NATIONAL MONUMENTS.

"(a) IN GENERAL.—Subject to the requirements of this section, the President";

(2) by striking "Provided, That when such objects are situated upon" and inserting the following:

"(b) RELINQUISHMENT OF PRIVATE CLAIMS.—In cases in which an object described in subsection (a) is located on"; and

(3) by adding at the end the following:

"(c) CONGRESSIONAL APPROVAL OF PROCLAMATION.—A proclamation issued under subsection (a) shall not be implemented until the proclamation is approved by an Act of Congress.".

SEC. ____ 04. ECONOMIC ANALYSIS BY SECRETARY OF COMMERCE REQUIRED.

The head of a Federal agency shall not take any action that modifies the authority of the Federal agency with respect to issuing permits for natural resource development on Federal land or making designations of Federal land under any law until the date on which the Secretary of Commerce completes, and submits to Congress, an economic analysis to determine—

(1) whether the proposed agency action has the potential to reduce revenue to the Treasury; and

(2) the potential impact of the proposed agency action on property rights and existing contracts.

SA 723. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ KEYSTONE XL OIL PIPELINE.

(a) CONDITIONAL APPROVAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall—

(1) issue a conditional approval for the construction of the Keystone XL pipeline; and

(2) recommend to the builder of the pipeline 1 alternative route for the pipeline that parallels the United States portions of Keystone 1.

(b) ACCEPTANCE.—Not later than 15 days after the receipt of the recommendation described in subsection (a)(2), as a condition of any contract to construct the pipeline, the builder shall notify the Secretary of State of whether the builder accepts—

(1) the route for building the Keystone XL pipeline that is in effect on the date of enactment of this Act; or

(2) the alternative route described in subsection (a)(2).

(c) PERMITS.—Not later than 5 days after the receipt of notice under subsection (b), the Secretary of State shall issue all necessary permits for the construction of the Keystone XL pipeline.

(d) RELATIONSHIP TO OTHER LAWS.—The issuance of a conditional approval for the Keystone XL pipeline and permits to construct the pipeline under this section shall be considered to satisfy, and shall not require any further review under, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and any other provision of law.

SA 724. Mr. KYL submitted an amendment intended to be proposed by

him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ PROHIBITION ON EXPORTATION OF DUAL-USE ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the United States International Trade Commission, exports from the United States to the People's Republic of China have risen substantially in recent years, totaling approximately \$91,900,000,000 in 2010 compared to approximately \$69,900,000,000 in 2009.

(2) China is the third-largest export market for goods produced in the United States, including dual-use items, which have both civilian and military applications.

(3) China is also a major trading partner of both the Islamic Republic of Iran and the Democratic People's Republic of North Korea.

(4) The Ambassador of China to Iran recently noted that trade between China and Iran is expected to increase to \$40,000,000,000 to \$45,000,000,000 in 2011, an increase from approximately \$30,000,000,000 in 2010.

(5) A South Korean news agency recently reported that North Korea's trade dependence on China continues to grow, accounting for more than half of all North Korea's foreign trade.

(6) The Department of Commerce requires dual-use items to be licensed before being exported to China. Since 2007, however, preauthorized end-users in China have been authorized to participate in the Validated End-User program, which allows certain items to be exported without a license. While on-site audits of validated end-users in China by the Department of Commerce are permissible, the effectiveness of the Validated End-User program remains uncertain.

(7) The Government of China has a poor track record of enforcement of export controls. Moreover, the Government of China remains largely indifferent to the implementation of international sanctions on both Iran and North Korea for activities relating to the proliferation of weapons of mass destruction.

(8) China's expanding trade relationships with both Iran and North Korea raise concern that sensitive dual-use items exported from the United States may end up in the hands of rogue regimes and dangerous proliferators of weapons of mass destruction.

(b) DENIAL OF LICENSES FOR EXPORTATION OF DUAL-USE ITEMS TO CHINA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on and after the date of the enactment of this Act, the Secretary of Commerce shall—

(A) require a license for the exportation of any item on the Commerce Control List to China; and

(B) unless the Secretary submits to Congress the certification described in paragraph (2), deny any request for such a license.

(2) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification by the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, that no items on the Commerce Control List that are exported

from the United States are transshipped through China to Iran, North Korea, Syria, or any other country of concern with respect to the proliferation of weapons of mass destruction.

(c) **REPORT ON PREVENTING TRANSSHIPMENT OF DUAL-USE ITEMS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the heads of other relevant Federal agencies, shall submit to Congress a report setting forth a comprehensive strategy to prevent the transshipment of items on the Commerce Control List to countries of concern with respect to the proliferation of weapons of mass destruction.

(d) **COMMERCE CONTROL LIST DEFINED.**—In this section, the term “Commerce Control List” means the list maintained pursuant to part 774 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SA 725. Ms. SNOWE (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . DISASTER FUNDING.

(a) **DEFINITIONS.**—Section 1101 of title 31, United States Code, is amended by adding at the end the following:

“(3) ‘10-year average disaster funding appropriation’ means the annual average amount appropriated for disaster funding during the most recent 10 fiscal years before the date of the determination of the annual average amount (excluding the highest and lowest years), as determined by the Director of the Office of Management and Budget.

“(4) ‘disaster funding’—

“(A) means funding provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for an emergency declared under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) or a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

“(B) includes funding provided under sections 304 and 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5147 and 5187).”

(b) **BUDGET CONTENTS.**—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(39) An allowance for disaster funding of at least the 10-year average disaster funding appropriation.”

(c) **RESCISSION AND REPORTS.**—Section 1105 of title 31, United States Code, is amended by adding at the end the following:

“(i) On October 1 of the first fiscal year beginning after the date of enactment of this subsection, and each year thereafter, there are rescinded from the appropriations account appropriated under the heading ‘DISASTER RELIEF’ under the heading ‘FEDERAL EMERGENCY MANAGEMENT AGENCY’ any unobligated balances in excess of the product obtained by multiplying the 10-year average disaster funding appropriation by 1.5.

“(j)(1) Not later than 10 days after the date on which the budget of the President for a

fiscal year is submitted under subsection (a), and in order to increase accountability and transparency for disaster funding, the President shall submit to Congress a report delineating the amount of disaster funding requested, the necessity for providing the disaster funding, and justifications for the amount of disaster funding requested.

“(2) Not later than 1 day after the date on which the President submits a report under paragraph (1), the President shall publish the report in the Federal Register.”

(d) **CONFORMING AMENDMENT TO THE BBEDCA.**—Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is amended by striking clause (iii) and inserting the following:

“(iii) For purposes of this subparagraph, the term ‘disaster relief’ shall have the same meaning given the term ‘disaster funding’ in section 1101 of title 31, United States Code.”

SA 726. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . EXPANSION OF WORK OPPORTUNITY TAX CREDIT TO INCLUDE THE EMPLOYMENT OF CERTAIN MILITARY VETERANS AND MEMBERS OF THE READY RESERVE AND NATIONAL GUARD.

(a) **INCREASED CREDIT AMOUNT FOR CERTAIN MILITARY VETERANS.**—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(i)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II)).”

(b) **INCLUSION OF UNEMPLOYED VETERANS.**—Section 51(d)(3)(A) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”

(c) **INCLUSION OF UNEMPLOYED MEMBERS OF READY RESERVE AND NATIONAL GUARD.**—

(1) **IN GENERAL.**—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) qualified member of Ready Reserve or National Guard.”

(2) **DEFINITION.**—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively, and by inserting after paragraph (10) the following new paragraph:

“(11) **QUALIFIED MEMBER OF READY RESERVE OR NATIONAL GUARD.**—The term ‘qualified member of Ready Reserve or National Guard’ means an individual who is certified by the local designated agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks and who is a member of—

“(A) the Ready Reserve (as described in section 10142 of title 10, United States Code), or

“(B) the National Guard (as defined in section 101(c)(1) of such title 10).”

(d) **SIMPLIFIED CERTIFICATION.**—Section 51(d) of the Internal Revenue Code of 1986, as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

“(16) **SIMPLIFIED CERTIFICATION FOR UNEMPLOYED VETERANS AND MEMBERS OF THE READY RESERVE AND NATIONAL GUARD.**—

“(A) **IN GENERAL.**—Any individual under paragraph (3)(A)(ii)(II), (3)(A)(iii), (3)(A)(iv), or (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment described in such paragraph if—

“(i) in the case of an individual under paragraph (3)(A)(ii)(II) or (3)(A)(iv), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date,

“(ii) in the case of an individual under paragraph (3)(A)(iii), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date, and

“(iii) in the case of an individual under paragraph (11), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

“(B) **REGULATORY AUTHORITY.**—The Secretary in the Secretary’s discretion may provide alternative methods for certification.”

(e) **CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.**—Section 52(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “No credit” and inserting:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no”, and

(2) by adding at the end the following new paragraph:

“(2) **EXCEPTION.**—

“(A) **IN GENERAL.**—In the case of any tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(i) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of individuals described in paragraphs (3)(A)(ii)(II), (3)(A)(iii), (3)(A)(iv), or (11), or

“(ii) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(B) **CREDIT AMOUNT.**—In the case of any tax-exempt employer, the work opportunity credit under subparagraph (A) shall be determined by substituting ‘26 percent’ for ‘40 percent’ in subsections (a) and (i)(3)(A) of section 51 and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(C) **TAX-EXEMPT EMPLOYER.**—For purposes of this paragraph, the term ‘tax-exempt employer’ means an employer which is—

“(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(D) PAYROLL TAXES.—For purposes of this paragraph, the term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3402(a),

“(ii) amounts required to be withheld from such employees under section 3101, and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.”.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of the amendments made by this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of the amendments made by this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by the amendments made by this section (other than this subsection) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of paragraph (2) of section 1324(b) of title 31, United States Code, the payments under this subsection shall be treated in the

same manner as a refund due from any credit allowed under a section specified in such paragraph.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(h) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs or the Social Security Administration.

SA 727. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ SENSE OF CONGRESS ON CERTAIN TRADE-DISTORTING PRACTICES OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Trade Representative and the United States International Trade Commission should investigate the practices of the Government of the People's Republic of China described in subsection (b) to determine if those practices violate the rules of the World Trade Organization or if a remedy for those practices is available under the laws of the United States; and

(2) the United States Trade Representative should hold the Government of the People's Republic of China accountable for failing to adhere to the spirit and the letter of its trade commitments through all available fora, including through bilateral negotiations and the dispute settlement process of the World Trade Organization.

(b) PRACTICES DESCRIBED.—The practices of the Government of the People's Republic of China described in this subsection are practices that—

(1) nullify or impair the benefits provided to the United States or United States persons under the rules of the World Trade Organization;

(2) impose restraints on the exportation from the People's Republic of China of various forms of raw or precursor materials, including rare earth oxides and alloys;

(3) impose requirements that United States persons transfer technology or other intel-

lectual property to entities of the People's Republic of China as a precondition for gaining or increasing access to the market of the People's Republic of China;

(4) impose nontariff barriers to the importation of goods and services from the United States, including goods and services produced or provided by the renewable and clean energy, clean transportation, and new energy vehicle sectors; and

(5) discriminate against intellectual property on the basis of its national origin.

(c) DEFINITIONS.—In this section:

(1) ENTITY OF THE PEOPLE'S REPUBLIC OF CHINA.—The term “entity of the People's Republic of China” means an entity owned or controlled by the Government of the People's Republic of China or by citizens of the People's Republic of China.

(2) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 728. Mr. COONS (for himself, Mr. GRASSLEY, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PREVENTING THE IMPORTATION OF COUNTERFEIT PRODUCTS AND INFRINGING DEVICES.

Notwithstanding section 1905 of title 18, United States Code—

(1) if United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946”) (15 U.S.C. 1124), and subject to any applicable bonding requirements, the Secretary of Homeland Security is authorized to share information on, and unredacted samples of, products and their packaging and labels, or photos of such products, packaging and labels, with the rightholders of the trademark suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation under that section; and

(2) upon seizure of material by United States Customs and Border Protection imported in violation of subsection (a)(2) or subsection (b) of section 1201 of title 17, United States Code, the Secretary of Homeland Security is authorized to share information about, and provide samples to affected parties, subject to any applicable bonding requirements, as to the seizure of material designed to circumvent technological measures or protection afforded by a technological measure that controls access to or protects the owner's work protected by copyright under such title.

SA 729. Mr. COONS (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the

bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended to read as follows:

“§ 1836. Civil proceedings

“(a) BY ATTORNEY GENERAL.—

“(1) IN GENERAL.—The Attorney General may bring a civil action to obtain relief described in paragraph (2) for any violation of this chapter.

“(2) RELIEF.—Relief described in this paragraph is—

“(A) appropriate injunctive relief against any violation of this chapter, including the actual or threatened misappropriation of trade secrets;

“(B) if determined appropriate by the court, an order requiring affirmative actions to be taken to protect a trade secret; and

“(C) if the court determines that it would be unreasonable to prohibit use of a trade secret, an order requiring payment of a reasonable royalty for any use of the trade secret.

“(b) PRIVATE CIVIL ACTIONS.—

“(1) IN GENERAL.—Any person aggrieved by a violation of section 1832(a) may bring a civil action under this subsection.

“(2) PLEADINGS.—A complaint filed in a civil action brought under this subsection shall—

“(A) describe with specificity the reasonable measures taken to protect the secrecy of the alleged trade secrets in dispute; and

“(B) include a sworn representation by the party asserting the claim that the dispute involves either substantial need for nationwide service of process or misappropriation of trade secrets from the United States to another country.

“(3) CIVIL EX PARTE SEIZURE ORDER.—

“(A) IN GENERAL.—In a civil action brought under this subsection, the court may, upon ex parte application and if the court finds by clear and convincing evidence that issuing the order is necessary to prevent irreparable harm, issue an order providing for—

“(i) the seizure of any property (including computers) used or intended to be used, in any manner or part, to commit or facilitate the commission of the violation alleged in the civil action; and

“(ii) the preservation of evidence in the civil action.

“(B) SCOPE OF ORDERS.—An order issued under subparagraph (A) shall—

“(i) authorize the retention of the seized property for a reasonably limited period, not to exceed 72 hours under the initial order, which may be extended by the court after notice to the affected party and an opportunity to be heard;

“(ii) require that any copies of seized property made by the requesting party be made at the expense of the requesting party; and

“(iii) require the requesting party to return the seized property to the party from which the property were seized at the end of the period authorized under clause (i), including any extension.

“(4) REMEDIES.—In a civil action brought under this subsection, a court may—

“(A) order relief described in subsection (a)(2);

“(B) award—

“(i) damages for actual loss caused by the misappropriation of a trade secret; and

“(ii) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss;

“(C) if the trade secret is willfully or maliciously misappropriated, award exemplary damages in an amount not more than the amount of the damages awarded under subparagraph (B); and

“(D) if a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or opposed in bad faith, or a trade secret is willfully and maliciously misappropriated, award reasonable attorney’s fees to the prevailing party.

“(c) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

“(d) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 3 years after the date on which the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

“1836. Civil proceedings.”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

SA 730. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. DEPUTY UNITED STATES TRADE REPRESENTATIVE FOR TRADE ENFORCEMENT.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by inserting “, one of whom shall be the Deputy United States Trade Representative for Trade Enforcement,” after “three Deputy United States Trade Representatives”.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) in paragraph (4), by striking “Each” and inserting “Except as provided in paragraph (6), each”;

(2) by moving paragraph (5) 2 ems to the left; and

(3) by adding at the end the following new paragraph:

“(6)(A) The principal function of the Deputy United States Trade Representative for Trade Enforcement shall be to ensure that United States trading partners comply with trade agreements to which the United States is a party.

“(B) The Deputy United States Trade Representative for Trade Enforcement shall—

“(i) assist the United States Trade Representative in investigating and prosecuting disputes pursuant to trade agreements to which the United States is a party, including before the World Trade Organization;

“(ii) assist the Secretary of the Treasury in determining under section 7(a) of the Currency Exchange Rate Oversight Reform Act of 2011 if a country the currency of which has been designated for priority action under section 4(a)(3) of that Act has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment of that currency;

“(iii) assist the United States Trade Representative in consultations in the World Trade Organization under section 7(a)(1) of the Currency Exchange Rate Oversight Reform Act of 2011;

“(iv) assist the United States Trade Representative in carrying out the Trade Representative’s functions under subsection (d);

“(v) make recommendations with respect to the administration of United States trade laws relating to foreign government barriers to United States goods, services, investment, and intellectual property, and with respect to government procurement and other trade matters; and

“(vi) perform such other functions as the United States Trade Representative may direct.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which an individual nominated by the President to the position of Deputy United States Trade Representative for Trade Enforcement is confirmed by the United States Senate.

SA 731. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. UNFUNDED MANDATES REFORM.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—

(1) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

“SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.”;

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

“(a) DEFINITION.—In this section, the term ‘cost’ means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

“(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of \$100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency’s notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

“(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

“(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

“(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives that—

“(i) require no action by the Federal Government; and

“(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

“(C) an explanation that the rule meets the requirements of section 205;

“(2) an assessment of the extent to which—

“(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

“(B) there are available Federal resources to carry out the rule;

“(3) estimates of—

“(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

“(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

“(4)(A) a description of the extent of the agency’s prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

“(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

“(C) a summary of the agency’s evaluation of those comments and concerns.”;

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” and inserting “subsection (b)”; and

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” each place that term appears and inserting “subsection (b)”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

“Sec. 202. Regulatory impact analyses for certain rules.”.

(b) **LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.**—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

“**SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.**

“Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

“(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

“(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.”.

SA 732. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) **IN GENERAL.**—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking “, but does not include independent regulatory agencies”.

(b) **EXEMPTION FOR MONETARY POLICY.**—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

“**SEC. 6. EXEMPTION FOR MONETARY POLICY.**

“Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

SA 733. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 24 and 25, insert the following:

(6) **SUBSIDIES COUNTERNOTIFICATION.**—The United States Trade Representative shall—

(A) not later than 90 days after the Secretary determines that the country has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment of its currency, and annually thereafter, review the notification of subsidies, if any, submitted by the country under Article 25 of the Agreement on Subsidies and Countervailing Measures (referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12))); and

(B) notify the Committee on Subsidies and Countervailing Measures under Article 25 of that Agreement of all subsidies of the country identified by the United States not later than 180 days after conducting the review required by subparagraph (A) if the Trade Representative determines that the country has, for 2 consecutive years—

(i) failed to submit such a notification; or

(ii) omitted information or included inaccurate information in such a notification that is material with respect to the totality of the subsidies of the country.

SA 734. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. —. REGULATION MORATORIUM AND JOBS PRESERVATION ACT OF 2011.

(a) **SHORT TITLE.**—This section may be cited as the “Regulation Moratorium and Jobs Preservation Act of 2011”.

(b) **DEFINITIONS.**—In this section—

(1) the term “agency” has the meaning given under section 3502(1) of title 44, United States Code;

(2) the term “regulatory action” means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(3) the term “significant regulatory action” means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term “small entities” has the meaning given under section 601(6) of title 5, United States Code.

(c) **SIGNIFICANT REGULATORY ACTIONS.**—

(1) **IN GENERAL.**—No agency may take any significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(2) **DETERMINATION.**—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(d) **WAIVERS.**—

(1) **NATIONAL SECURITY OR NATIONAL EMERGENCY.**—The President may waive the application of subsection (c) to any significant regulatory action, if the President—

(A) determines that the waiver is necessary on the basis of national security or a national emergency; and

(B) submits notification to Congress of that waiver and the reasons for that waiver.

(2) **ADDITIONAL WAIVERS.**—

(A) **SUBMISSION.**—The President may submit a request to Congress for a waiver of the application of subsection (c) to any significant regulatory action.

(B) **CONTENTS.**—A submission under this paragraph shall include—

(i) an identification of the significant regulatory action; and

(ii) the reasons which necessitate a waiver for that significant regulatory action.

(C) **CONGRESSIONAL ACTION.**—Congress shall give expeditious consideration and take appropriate legislative action with respect to any waiver request submitted under this paragraph.

(e) **JUDICIAL REVIEW.**—

(1) **DEFINITION.**—In this subsection, the term “small business” means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than \$7,000,000 on the date a civil action arising under this section is filed.

(2) **REVIEW.**—Any person that is adversely affected or aggrieved by any significant regulatory action in violation of this section is

entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(3) JURISDICTION.—Each court having jurisdiction to review any significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this section.

(4) RELIEF.—In granting any relief in any civil action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security from persons or states engaged in hostile or military activities against the United States.

(5) REASONABLE ATTORNEY FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney fees and costs to a substantially prevailing small business in any civil action arising under this section. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency changes its position as a result of the civil action.

(6) LIMITATION ON COMMENCING CIVIL ACTION.—A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

SA 735. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—AMERICAN JOBS ACT OF 2011
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “American Jobs Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Severability.
- Sec. 4. Buy American—Use of American iron, steel, and manufactured goods.
- Sec. 5. Wage rate and employment protection requirements.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

- Sec. 101. Temporary payroll tax cut for employers, employees and the self-employed.
- Sec. 102. Temporary tax credit for increased payroll.

Subtitle B—Other Relief for Businesses

- Sec. 111. Extension of temporary 100 percent bonus depreciation for certain business assets.
- Sec. 112. Surety bonds.
- Sec. 113. Delay in application of withholding on government contractors.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

- Sec. 201. Returning heroes and wounded warriors work opportunity tax credits.

Subtitle B—Teacher Stabilization

- Sec. 202. Purpose.
- Sec. 203. Grants for the outlying areas and the Secretary of the Interior; availability of funds.
- Sec. 204. State allocation.
- Sec. 205. State application.
- Sec. 206. State reservation and responsibilities.
- Sec. 207. Local educational agencies.
- Sec. 208. Early learning.
- Sec. 209. Maintenance of effort.
- Sec. 210. Reporting.
- Sec. 211. Definitions.
- Sec. 212. Authorization of appropriations.

Subtitle C—First Responder Stabilization

- Sec. 213. Purpose.
- Sec. 214. Grant program.
- Sec. 215. Appropriations.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

- Sec. 221. Purpose.
- Sec. 222. Authorization of appropriations.
- Sec. 223. Allocation of funds.
- Sec. 224. State use of funds.
- Sec. 225. State and local applications.
- Sec. 226. Use of funds.
- Sec. 227. Private schools.
- Sec. 228. Additional provisions.

PART II—COMMUNITY COLLEGE MODERNIZATION

- Sec. 229. Federal assistance for community college modernization.

PART III—GENERAL PROVISIONS

- Sec. 230. Definitions.
- Sec. 231. Buy American.

Subtitle E—Immediate Transportation Infrastructure Investments

- Sec. 241. Immediate transportation infrastructure investments.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

- Sec. 242. Short title; table of contents.
- Sec. 243. Findings and purpose.
- Sec. 244. Definitions.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

- Sec. 245. Establishment and general authority of AIFA.
- Sec. 246. Voting members of the board of directors.
- Sec. 247. Chief executive officer of AIFA.
- Sec. 248. Powers and duties of the board of directors.
- Sec. 249. Senior management.
- Sec. 250. Special Inspector General for AIFA.
- Sec. 251. Other personnel.
- Sec. 252. Compliance.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

- Sec. 253. Eligibility criteria for assistance from AIFA and terms and limitations of loans.
- Sec. 254. Loan terms and repayment.
- Sec. 255. Compliance and enforcement.
- Sec. 256. Audits; reports to the President and Congress.

PART III—FUNDING OF AIFA

- Sec. 257. Administrative fees.
- Sec. 258. Efficiency of AIFA.
- Sec. 259. Funding.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

- Sec. 260. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Subtitle G—Project Rebuild

- Sec. 261. Project Rebuild.

Subtitle H—National Wireless Initiative

- Sec. 271. Definitions.

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

- Sec. 272. Clarification of authorities to repurpose Federal spectrum for commercial purposes.
- Sec. 273. Incentive auction authority.
- Sec. 274. Requirements when repurposing certain mobile satellite services spectrum for terrestrial broadband use.
- Sec. 275. Permanent extension of auction authority.
- Sec. 276. Authority to auction licenses for domestic satellite services.
- Sec. 277. Directed auction of certain spectrum.
- Sec. 278. Authority to establish spectrum license user fees.

PART II—PUBLIC SAFETY BROADBAND NETWORK

- Sec. 281. Reallocation of D block for public safety.
- Sec. 282. Flexible use of narrowband spectrum.
- Sec. 283. Single public safety wireless network licensee.
- Sec. 284. Establishment of Public Safety Broadband Corporation.
- Sec. 285. Board of directors of the corporation.
- Sec. 286. Officers, employees, and committees of the corporation.
- Sec. 287. Nonprofit and nonpolitical nature of the corporation.
- Sec. 288. Powers, duties, and responsibilities of the corporation.
- Sec. 289. Initial funding for corporation.
- Sec. 290. Permanent self-funding; duty to assess and collect fees for network use.
- Sec. 291. Audit and report.
- Sec. 292. Annual report to Congress.
- Sec. 293. Provision of technical assistance.
- Sec. 294. State and local implementation.
- Sec. 295. State and Local Implementation Fund.
- Sec. 296. Public safety wireless communications research and development.
- Sec. 297. Public Safety Trust Fund.
- Sec. 298. FCC report on efficient use of public safety spectrum.
- Sec. 299. Public safety roaming and priority access.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

- Sec. 301. Short title.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

- Sec. 311. Extension of emergency unemployment compensation program.
- Sec. 312. Temporary extension of extended benefit provisions.
- Sec. 313. Reemployment services and reemployment and eligibility assessment activities.

- Sec. 314. Federal-State agreements to administer a self-employment assistance program.
- Sec. 315. Conforming amendment on payment of Bridge to Work wages.
- Sec. 316. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

PART II—REEMPLOYMENT NOW PROGRAM

- Sec. 321. Establishment of Reemployment NOW program.
- Sec. 322. Distribution of funds.
- Sec. 323. State plan.
- Sec. 324. Bridge to Work program.
- Sec. 325. Wage insurance.
- Sec. 326. Enhanced reemployment strategies.
- Sec. 327. Self-employment programs.
- Sec. 328. Additional innovative programs.
- Sec. 329. Guidance and additional requirements.
- Sec. 330. Report of information and evaluations to Congress and the public.
- Sec. 331. State.

PART III—SHORT-TIME COMPENSATION PROGRAM

- Sec. 341. Treatment of short-time compensation programs.
- Sec. 342. Temporary financing of short-time compensation payments in States with programs in law.
- Sec. 343. Temporary financing of short-time compensation agreements.
- Sec. 344. Grants for short-time compensation programs.
- Sec. 345. Assistance and guidance in implementing programs.
- Sec. 346. Reports.

Subtitle B—Long Term Unemployed Hiring Preferences

- Sec. 351. Long term unemployed workers work opportunity tax credits.

Subtitle C—Pathways Back to Work

- Sec. 361. Short title.
- Sec. 362. Establishment of Pathways Back to Work Fund.
- Sec. 363. Availability of funds.
- Sec. 364. Subsidized employment for unemployed, low-income adults.
- Sec. 365. Summer employment and year-round employment opportunities for low-income youth.
- Sec. 366. Work-based employment strategies of demonstrated effectiveness.
- Sec. 367. General requirements.
- Sec. 368. Definitions.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

- Sec. 371. Short title.
- Sec. 372. Findings and purpose.
- Sec. 373. Definitions.
- Sec. 374. Prohibited acts.
- Sec. 375. Enforcement.
- Sec. 376. Federal and State immunity.
- Sec. 377. Relationship to other laws.
- Sec. 378. Severability.
- Sec. 379. Effective date.

TITLE IV—OFFSETS

Subtitle A—28 Percent Limitation on Certain Deductions and Exclusions

- Sec. 401. 28 percent limitation on certain deductions and exclusions.

Subtitle B—Tax Carried Interest in Investment Partnerships as Ordinary Income

Sec. 411. Partnership interests transferred in connection with performance of services.

- Sec. 412. Special rules for partners providing investment management services to partnerships.

Subtitle C—Close Loophole for Corporate Jet Depreciation

- Sec. 421. General aviation aircraft treated as 7-year property.

Subtitle D—Repeal Oil Subsidies

- Sec. 431. Repeal of deduction for intangible drilling and development costs in the case of oil and gas wells.
- Sec. 432. Repeal of deduction for tertiary injectants.
- Sec. 433. Repeal of percentage depletion for oil and gas wells.
- Sec. 434. Section 199 deduction not allowed with respect to oil, natural gas, or primary products thereof.
- Sec. 435. Repeal oil and gas working interest exception to passive activity rules.
- Sec. 436. Uniform seven-year amortization for geological and geophysical expenditures.
- Sec. 437. Repeal enhanced oil recovery credit.
- Sec. 438. Repeal marginal well production credit.

Subtitle E—Dual Capacity Taxpayers

- Sec. 441. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
- Sec. 442. Separate basket treatment taxes paid on foreign oil and gas income.

Subtitle F—Increased Target and Trigger for Joint Select Committee on Deficit Reduction

- Sec. 451. Increased target and trigger for Joint Select Committee on Deficit Reduction.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any subtitle of this division shall be treated as referring only to the provisions of that subtitle.

SEC. 3. SEVERABILITY.

If any provision of this division, or the application thereof to any person or circumstance, is held invalid, the remainder of the division and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4. BUY AMERICAN—USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this division may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 5. WAGE RATE AND EMPLOYMENT PROTECTION REQUIREMENTS.

(a) Notwithstanding any other provision of law and in a manner consistent with other provisions in this division, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this division shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(b) With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(c) Projects as defined under title 49, United States Code, funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be subject to the requirements of section 5333(b) of title 49, United States Code.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

SEC. 101. TEMPORARY PAYROLL TAX CUT FOR EMPLOYERS, EMPLOYEES AND THE SELF-EMPLOYED.

(a) WAGES.—Notwithstanding any other provision of law—

(1) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of the Internal Revenue Code of 1986 shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a) of such Code), and

(2) with respect to remuneration paid during the payroll tax holiday period, the rate of tax under 3111(a) of such Code shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3221(a) and 3211(a) of such Code).

(3) Subsection (a)(2) shall only apply to—

(A) employees performing services in a trade or business of a qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(4) Subsection (a)(2) shall apply only to the first \$5 million of remuneration or compensation paid by a qualified employer subject to section 3111(a) or a corresponding amount of compensation subject to 3221(a).

(b) SELF-EMPLOYMENT TAXES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be—

(A) 6.2 percent on the portion of net earnings from self-employment subject to 1401(a) during the payroll tax period that does not exceed the amount of the excess of \$5 million over total remuneration, if any, subject to section 3111(a) paid during the payroll tax holiday period to employees of the self-employed person, and

(B) 9.3 percent for any portion of net earnings from self-employment not subject to subsection (b)(1)(A).

(2) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—For purposes of the Internal Revenue Code of 1986, in the case of any

taxable year which begins in the payroll tax holiday period—

(A) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—The deduction allowed under section 1402(a)(12) of such Code shall be the sum of (i) 4.55 percent times the amount of the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section, plus (ii) 7.65 percent of the taxpayer's net earnings from self-employment in excess of that amount.

(B) INDIVIDUAL DEDUCTION.—The deduction under section 164(f) of such Code shall be equal to the sum of (i) one-half of the taxes imposed by section 1401 (after the application of this section) with respect to the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section plus (ii) 62.7 percent of the taxes imposed by section 1401 (after the application of this section) with respect to the excess.

(C) REGULATORY AUTHORITY.—The Secretary may prescribe any such regulations or other guidance necessary or appropriate to carry out this section, including the allocation of the excess of \$5 million over total remuneration subject to section 3111(a) paid during the payroll tax holiday period among related taxpayers treated as a single qualified employer.

(d) DEFINITIONS.—

(1) PAYROLL TAX HOLIDAY PERIOD.—The term “payroll tax holiday period” means calendar year 2012.

(2) QUALIFIED EMPLOYER.—For purposes of this paragraph,

(A) IN GENERAL.—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding paragraph (A), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(3) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m), and 414(o) shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsections (a) and (b) to employers other than those described in (e)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by

reason of the application of subsection (a) to employers subject to the Railroad Retirement Tax. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(f) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

SEC. 102. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—Notwithstanding any other provision of law, each qualified employer shall be allowed, with respect to wages for services performed for such qualified employer, a payroll increase credit determined as follows:

(1) With respect to the period from October 1, 2011 through December 31, 2011, 6.2 percent of the excess, if any, (but not more than \$12.5 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for the corresponding period of 2010.

(2) With respect to the period from January 1, 2012 through December 31, 2012,

(A) 6.2 percent of the excess, if any, (but not more than \$50 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for calendar year 2011, minus

(B) 3.1 percent of the result (but not less than zero) of subtracting from \$5 million such wages for calendar year 2011.

(3) In the case of a qualified employer for which the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 (a) were zero for the corresponding period of 2010 referred to in subsection (a)(1), the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for the period from October 1, 2011 through December 31, 2011 and (b) were zero for the calendar year 2011 referred to in subsection (a)(2), then the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for 2012.

(4) This subsection (a) shall only apply with respect to the wages of employees performing services in a trade or business of a qualified employer or, in the case of a qualified employer exempt from tax under section 501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(b) QUALIFIED EMPLOYERS.—For purposes of this section—

(1) IN GENERAL.—The term “qualified employer” means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(2) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (1), the term “qualified employer” includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(c) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m), and 414(o) of the Internal Revenue Code of 1986 shall apply to determine when multiple entities shall be treated

as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(d) APPLICATION OF CREDITS.—The payroll increase credit shall be treated as a credit allowable under Subtitle C of the Internal Revenue Code of 1986 under rules prescribed by the Secretary of the Treasury, provided that the amount so treated for the period described in subsection (a)(1) or subsection (a)(2) shall not exceed the amount of tax imposed on the qualified employer under section 3111(a) of such Code for the relevant period. Any income tax deduction by a qualified employer for amounts paid under section 3111(a) of such Code or similar Railroad Retirement Tax provisions shall be reduced by the amounts so credited.

(e) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (d). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) APPLICATION TO RAILROAD RETIREMENT TAXES.—For purposes of qualified employers that are employers under section 3231(a) of the Internal Revenue Code of 1986, subsections (a)(1) and (a)(2) of this section shall apply by substituting section 3221 for section 3111, and substituting the term “compensation” for “wages” as appropriate.

Subtitle B—Other Relief for Businesses

SEC. 111. EXTENSION OF TEMPORARY 100 PERCENT BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code is amended—

(1) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(2) by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 168(k) of the Internal Revenue Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

SEC. 112. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

(c) SUNSET.—The amendments made by subsections (a) and (b) of this section shall remain in effect until September 30, 2012.

(d) FUNDING.—There is appropriated out of any money in the Treasury not otherwise appropriated, \$3,000,000, to remain available until expended, for additional capital for the Surety Bond Guarantees Revolving Fund, as authorized by the Small Business Investment Act of 1958, as amended.

SEC. 113. DELAY IN APPLICATION OF WITHHOLDING ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of

2005 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

SEC. 201. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) **IN GENERAL.**—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(i)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) **RETURNING HEROES TAX CREDITS.**—Section 51(d)(3)(A) of the Internal Revenue Code is amended by striking “or” at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”.

(c) **SIMPLIFIED CERTIFICATION.**—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 15 as follows—

“(15) **CREDIT ALLOWED FOR UNEMPLOYED VETERANS.**—

“(A) **IN GENERAL.**—Any qualified veteran under paragraphs (3)(A)(ii)(II), (3)(A)(iii), and (3)(A)(iv) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

“(i) in the case of qualified veterans under paragraphs (3)(A)(ii)(II) and (3)(A)(iv), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date; or

“(ii) in the case of a qualified veteran under paragraph (3)(A)(iii), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(B) **REGULATORY AUTHORITY.**—The Secretary in his discretion may provide alternative methods for certification.”.

(d) **CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.**—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word “No” at the beginning of the section and replacing it with “Except as provided in this subsection, no”;

(2) the following new paragraphs are inserted at the end of section 52(c)—

“(1) **IN GENERAL.**—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified veterans described in sections 51(d)(3)(A)(ii)(II), (iii) or (iv); or

“(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(2) **CREDIT AMOUNT.**—In calculating for tax-exempt employers, the work opportunity

credit shall be determined by substituting ‘26 percent’ for ‘40 percent’ in section 51(a) and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(3) **TAX-EXEMPT EMPLOYER.**—For purposes of this subpart, the term ‘tax-exempt employer’ means an employer that is—

“(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(4) **PAYROLL TAXES.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

“(ii) amounts required to be withheld from such employees under section 3101(a), and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111(a).”.

(e) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Teacher Stabilization

SEC. 202. PURPOSE.

The purpose of this subtitle is to provide funds to States to prevent teacher layoffs and support the creation of additional jobs in public early childhood, elementary, and secondary education in the 2011–2012 and 2012–2013 school years.

SEC. 203. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR; AVAILABILITY OF FUNDS.

(a) **RESERVATION OF FUNDS.**—From the amount appropriated to carry out this subtitle under section 212, the Secretary—

(1) shall reserve up to one-half of one percent to provide assistance to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this part under such terms and conditions as the Secretary may determine;

(2) shall reserve up to one-half of one percent to provide assistance to the Secretary of the Interior to carry out activities consistent with this part, in schools operated or funded by the Bureau of Indian Education; and

(3) may reserve up to \$2,000,000 for administration and oversight of this part, including program evaluation.

(b) **AVAILABILITY OF FUNDS.**—Funds made available under section 212 shall remain available to the Secretary until September 30, 2012.

SEC. 204. STATE ALLOCATION.

(a) **ALLOCATION.**—After reserving funds under section 203(a), the Secretary shall allocate to the States—

(1) 60 percent on the basis of their relative population of individuals aged 5 through 17; and

(2) 40 percent on the basis of their relative total population.

(b) **AWARDS.**—From the funds allocated under subsection (a), the Secretary shall make a grant to the Governor of each State who submits an approvable application under section 214.

(c) **ALTERNATE DISTRIBUTION OF FUNDS.**—

(1) If, within 30 days after the date of enactment of this Act, a Governor has not submitted an approvable application to the Secretary, the Secretary shall, consistent with paragraph (2), provide for funds allocated to that State to be distributed to another entity or other entities in the State for the support of early childhood, elementary, and secondary education, under such terms and conditions as the Secretary may establish.

(2) **MAINTENANCE OF EFFORT.**—

(A) **GOVERNOR ASSURANCE.**—The Secretary shall not allocate funds under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2012 and 2013 meet the requirements of section 209.

(B) Notwithstanding subparagraph (A), the Secretary may allocate up to 50 percent of the funds that are available to the State under paragraph (1) to another entity or entities in the State, provided that the State educational agency submits data to the Secretary demonstrating that the State will for

fiscal year 2012 meet the requirements of section 209(a) or the Secretary otherwise determines that the State will meet those requirements, or such comparable requirements as the Secretary may establish, for that year.

(3) **REQUIREMENTS.**—An entity that receives funds under paragraph (1) shall use those funds in accordance with the requirements of this subtitle.

(d) **REALLOCATION.**—If a State does not receive funding under this subtitle or only receives a portion of its allocation under subsection (c), the Secretary shall reallocate the State's entire allocation or the remaining portion of its allocation, as the case may be, to the remaining States in accordance with subsection (a).

SEC. 205. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this subtitle shall submit an application to the Secretary within 30 days of the date of enactment of this Act, in such manner, and containing such information as the Secretary may reasonably require to determine the State's compliance with applicable provisions of law.

SEC. 206. STATE RESERVATION AND RESPONSIBILITIES.

(a) **RESERVATION.**—Each State receiving a grant under section 204(b) may reserve—

(1) not more than 10 percent of the grant funds for awards to State-funded early learning programs; and

(2) not more than 2 percent of the grant funds for the administrative costs of carrying out its responsibilities under this subtitle.

(b) **STATE RESPONSIBILITIES.**—Each State receiving a grant under this subtitle shall, after reserving any funds under subsection (a)—

(1) use the remaining grant funds only for awards to local educational agencies for the support of early childhood, elementary, and secondary education; and

(2) distribute those funds, through subgrants, to its local educational agencies by distributing—

(A) 60 percent on the basis of the local educational agencies' relative shares of enrollment; and

(B) 40 percent on the basis of the local educational agencies' relative shares of funds received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2011; and

(3) make those funds available to local educational agencies no later than 100 days after receiving a grant from the Secretary.

(c) **PROHIBITIONS.**—A State shall not use funds received under this subtitle to directly or indirectly—

(1) establish, restore, or supplement a rainy-day fund;

(2) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(3) reduce or retire debt obligations incurred by the State; or

(4) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

SEC. 207. LOCAL EDUCATIONAL AGENCIES.

Each local educational agency that receives a subgrant under this subtitle—

(1) shall use the subgrant funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, recall or rehire former employees, or hire new employees to provide early childhood, elementary, or secondary educational and related services;

(2) shall obligate those funds no later than September 30, 2013; and

(3) may not use those funds for general administrative expenses or for other support services or expenditures, as those terms are defined by the National Center for Education Statistics in the Common Core of Data, as of the date of enactment of this Act.

SEC. 208. EARLY LEARNING.

Each State-funded early learning program that receives funds under this subtitle shall—

(1) use those funds only for compensation, benefits, and other expenses, such as support services, necessary to retain early childhood educators, recall or rehire former early childhood educators, or hire new early childhood educators to provide early learning services; and

(2) obligate those funds no later than September 30, 2013.

SEC. 209. MAINTENANCE OF EFFORT.

(a) The Secretary shall not allocate funds to a State under this subtitle unless the State provides an assurance to the Secretary that—

(1) for State fiscal year 2012—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2011; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2011; and

(2) for State fiscal year 2013—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2012; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2012.

(b) **WAIVER.**—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the State.

SEC. 210. REPORTING.

Each State that receives a grant under this subtitle shall submit, on an annual basis, a report to the Secretary that contains—

(1) a description of how funds received under this part were expended or obligated; and

(2) an estimate of the number of jobs supported by the State using funds received under this subtitle.

SEC. 211. DEFINITIONS.

(a) Except as otherwise provided, the terms “local educational agency”, “outlying area”, “Secretary”, “State”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) The term “State” does not include an outlying area.

(c) The term “early childhood educator” means an individual who—

(1) works directly with children in a State-funded early learning program in a low-income community;

(2) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

(3) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

(d) The term “State-funded early learning program” means a program that provides educational services to children from birth to kindergarten entry and receives funding from the State.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$30,000,000,000 to carry out this subtitle for fiscal year 2012.

Subtitle C—First Responder Stabilization

SEC. 213. PURPOSE.

The purpose of this subtitle is to provide funds to States and localities to prevent layoffs of, and support the creation of additional jobs for, law enforcement officers and other first responders.

SEC. 214. GRANT PROGRAM.

The Attorney General shall carry out a competitive grant program pursuant to section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for hiring, rehiring, or retention of career law enforcement officers under part Q of such title. Grants awarded under this section shall not be subject to subsections (g) or (i) of section 1701 or to section 1704 of such Act (42 U.S.C. 3796dd-3(c)).

SEC. 215. APPROPRIATIONS.

There are hereby appropriated to the Community Oriented Policing Stabilization Fund out of any money in the Treasury not otherwise obligated, \$5,000,000,000, to remain available until September 30, 2012, of which \$4,000,000,000 shall be for the Attorney General to carry out the competitive grant program under Section 214; and of which \$1,000,000,000 shall be transferred by the Attorney General to a First Responder Stabilization Fund from which the Secretary of Homeland Security shall make competitive grants for hiring, rehiring, or retention pursuant to the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), to carry out section 34 of such Act (15 U.S.C. 2229a). In making such grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34. Of the amounts appropriated herein, not to exceed \$8,000,000 shall be for administrative costs of the Attorney General, and not to exceed \$2,000,000 shall be for administrative costs of the Secretary of Homeland Security.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

SEC. 221. PURPOSE.

The purpose of this part is to provide assistance for the modernization, renovation, and repair of elementary and secondary

school buildings in public school districts across America in order to support the achievement of improved educational outcomes in those schools.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, \$25,000,000,000 to carry out this part, which shall be available for obligation by the Secretary until September 30, 2012.

SEC. 223. ALLOCATION OF FUNDS.

(a) **RESERVATIONS.**—Of the amount made available to carry out this part, the Secretary shall reserve—

(1) one-half of one percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 226 in schools operated or funded by the Bureau of Indian Education;

(2) one-half of one percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 226; and

(3) such funds as the Secretary determines are needed to conduct a survey, by the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States.

(b) **STATE ALLOCATION.**—After reserving funds under subsection (a), the Secretary shall allocate the remaining amount among the States in proportion to their respective allocations under part A of title I of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6311 et seq.) for fiscal year 2011, except that—

(1) the Secretary shall allocate 40 percent of such remaining amount to the 100 local educational agencies with the largest numbers of children aged 5–17 living in poverty, as determined using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, in proportion to those agencies' respective allocations under part A of title I of the ESEA for fiscal year 2011; and

(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in that State.

(c) **REMAINING ALLOCATION.**—

(1) If a State does not apply for its allocation (or applies for less than the full allocation for which it is eligible) or does not use that allocation in a timely manner, the Secretary may—

(A) reallocate all or a portion of that allocation to the other States in accordance with subsection (b); or

(B) use all or a portion of that allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I of the ESEA for fiscal year 2011 or such other method as the Secretary may determine.

(2) If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which it is eligible, or does not use that allocation in a timely manner, the Secretary may reallocate all or a portion of its allocation to the State in which that agency is located.

SEC. 224. STATE USE OF FUNDS.

(a) **RESERVATION.**—Each State that receives a grant under this part may reserve not more than one percent of the State's allocation under section 223(b) for the purpose of administering the grant, except that no State may reserve more than \$750,000 for this purpose.

(b) **FUNDS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **FORMULA SUBGRANTS.**—From the grant funds that are not reserved under subsection (a), a State shall allocate at least 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 223(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I of the ESEA for fiscal year 2011, except that no such local educational agency shall receive less than \$10,000.

(2) **ADDITIONAL SUBGRANTS.**—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 223(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most needed in the State, with priority given to projects in rural local educational agencies.

(c) **REMAINING FUNDS.**—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use that allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

SEC. 225. STATE AND LOCAL APPLICATIONS.

(a) **STATE APPLICATION.**—A State that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) an identification of the State agency or entity that will administer the program; and

(2) the State's process for determining how the grant funds will be distributed and administered, including—

(A) how the State will determine the criteria and priorities in making subgrants under section 224(b)(2);

(B) any additional criteria the State will use in determining which projects it will fund under that section;

(C) a description of how the State will consider—

(i) the needs of local educational agencies for assistance under this part;

(ii) the impact of potential projects on job creation in the State;

(iii) the fiscal capacity of local educational agencies applying for assistance;

(iv) the percentage of children in those local educational agencies who are from low-income families; and

(v) the potential for leveraging assistance provided by this program through matching or other financing mechanisms;

(D) a description of how the State will ensure that the local educational agencies receiving subgrants meet the requirements of this part;

(E) a description of how the State will ensure that the State and its local educational agencies meet the deadlines established in section 228;

(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

(i) the LEED Green Building Rating System;

(ii) Energy Star;

(iii) the CHPS Criteria;

(iv) Green Globes; or

(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency;

(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this part; and

(H) such additional information and assurances as the Secretary may require.

(b) **LOCAL APPLICATION.**—A local educational agency that is eligible under section 223(b)(1) that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) a description of how the local educational agency will meet the deadlines and requirements of this part;

(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this part; and

(3) such additional information and assurances as the Secretary may require.

SEC. 226. USE OF FUNDS.

(a) **IN GENERAL.**—Funds awarded to local educational agencies under this part shall be used only for either or both of the following modernization, renovation, or repair activities in facilities that are used for elementary or secondary education or for early learning programs:

(1) Direct payments for school modernization, renovation, and repair.

(2) To pay interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

(c) **PROHIBITION.**—Funds awarded to local educational agencies under this part may not be used for—

(1) new construction;

(2) payment of routine maintenance costs; or

(3) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 227. PRIVATE SCHOOLS.

(a) **IN GENERAL.**—Section 9501 of the ESEA (20 U.S.C. 7881) shall apply to this part in the same manner as it applies to activities under that Act, except that—

(1) section 9501 shall not apply with respect to the title to any real property modernized, renovated, or repaired with assistance provided under this section;

(2) the term "services", as used in section 9501 with respect to funds under this part, shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include only—

(A) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(C) asbestos or polychlorinated biphenyls abatement or removal from school facilities; and

(3) expenditures for services provided using funds made available under section 226 shall be considered equal for purposes of section 9501(a)(4) of the ESEA if the per-pupil expenditures for services described in paragraph (2) for students enrolled in private nonprofit elementary and secondary schools that have child-poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this subpart for children enrolled in the public schools of the local educational agency receiving funds under this subpart.

(b) REMAINING FUNDS.—If the expenditure for services described in paragraph (2) is less than the amount calculated under paragraph (3) because of insufficient need for those services, the remainder shall be available to the local educational agency for modernization, renovation, and repair of its school facilities.

(c) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstance is judicially determined to be invalid, the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

SEC. 228. ADDITIONAL PROVISIONS.

(a) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 223(b)(1), by States reserving funds under section 224(a), and by local educational agencies receiving subgrants under section 224(b)(1) only during the period that ends 24 months after the date of enactment of this Act.

(b) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving subgrants under section 224(b)(2) only during the period that ends 36 months after the date of enactment of this Act.

(c) Section 439 of the General Education Provisions Act (20 U.S.C. 1232b) shall apply to funds available under this part.

(d) For purposes of section 223(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

PART II—COMMUNITY COLLEGE MODERNIZATION

SEC. 229. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (h), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

(2) ALLOCATION.—

(A) RESERVATIONS.—Of the amount made available to carry out this section, the Secretary shall reserve—

(i) up to 0.25 percent for grants to institutions that are eligible under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to provide for modernization, renovation, and repair activities described in this section; and

(ii) up to 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this section.

(B) ALLOCATION.—After reserving funds under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to any remaining funds as the total number of students in such State who are enrolled in institutions described in section 230(b)(1)(A) plus the number of students who are estimated to be

enrolled in and pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree in institutions described in section 230(b)(1)(B), based on the proportion of degrees or certificates awarded by such institutions that are not bachelor's, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System bears to the estimated total number of such students in all States, except that no State shall receive less than \$2,500,000.

(C) REALLOCATION.—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

(D) STATE ADMINISTRATION.—A State that receives a grant under this section may use not more than one percent of that grant to administer it, except that no State may use more than \$750,000 of its grant for this purpose.

(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

(1) how the funds provided under this section will improve instruction at community colleges in the State and will improve the ability of those colleges to educate and train students to meet the workforce needs of employers in the State; and

(2) the projected start of each project and the estimated number of persons to be employed in the project.

(c) PROHIBITED USES OF FUNDS.—

(1) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of routine maintenance costs; (ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or (iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(2) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) GREEN PROJECTS.—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified,

verified, or consistent with the applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria, as applicable;

(4) Green Globes; or

(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(e) APPLICATION OF GEPA.—Section 439 of the General Education Provisions Act such Act (20 U.S.C. 1232b) shall apply to funds available under this subtitle.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant was, or will be, used;

(2) a description of the amount and nature of the assistance provided to each community college under this section; and

(3) the number of jobs created by the projects funded under this section.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965; 20 U.S.C. 1003) an annual report on the grants made under this section, including the information described in subsection (f).

(h) AVAILABILITY OF FUNDS.—

(1) There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), \$5,000,000,000 for fiscal year 2012.

(2) Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of this Act.

PART III—GENERAL PROVISIONS

SEC. 230. DEFINITIONS.

(a) ESEA TERMS.—Except as otherwise provided, in this subtitle, the terms “local educational agency”, “Secretary”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ADDITIONAL DEFINITIONS.—The following definitions apply to this title:

(1) COMMUNITY COLLEGE.—The term “community college” means—

(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

(i) bachelor's degrees (or an equivalent); or (ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term “Green Globes” means the Green Building Initiative

environmental design and rating system referred to as Green Globes.

(5) **LEED GREEN BUILDING RATING SYSTEM.**—The term “LEED Green Building Rating System” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) **MODERNIZATION, RENOVATION, AND REPAIR.**—The term “modernization, renovation and repair” means—

(A) comprehensive assessments of facilities to identify—

(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and

(ii) needed facility improvements;

(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive “green” roofs); electrical wiring; water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

(D) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

(E) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

(F) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(G) retrofitting necessary to increase energy efficiency;

(H) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as “green cleaning” programs, to reduce or eliminate potential student or staff exposure to—

(i) volatile organic compounds;

(ii) particles such as dust and pollens; or

(iii) combustion gases;

(I) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(J) installation or upgrading of educational technology infrastructure;

(K) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, and geothermal systems, and energy audits;

(L) modernization, renovation, or repair activities related to energy efficiency and renewable energy, and improvements to building infrastructures to accommodate bicycle and pedestrian access;

(M) ground improvements, storm water management, landscaping and environmental clean-up when necessary;

(N) other modernization, renovation, or repair to—

(i) improve teachers’ ability to teach and students’ ability to learn;

(ii) ensure the health and safety of students and staff; or

(iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

(O) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (L).

(7) **OUTLYING AREA.**—The term “outlying area” means the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(8) **STATE.**—The term “State” means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 231. BUY AMERICAN.

Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to funds made available under this title.

Subtitle E—Immediate Transportation Infrastructure Investments

SEC. 241. IMMEDIATE TRANSPORTATION INFRASTRUCTURE INVESTMENTS.

(a) GRANTS-IN-AID FOR AIRPORTS.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$2,000,000,000 to carry out airport improvement under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act or in title 49, United States Code.

(3) **DISTRIBUTION OF FUNDS.**—Funds provided to the Secretary under this subsection shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title.

(4) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(5) **ADMINISTRATIVE EXPENSES.**—Of the funds made available under this subsection, 0.3 percent shall be available to the Secretary for administrative expenses, shall remain available for obligation until September 30, 2015, and may be used in conjunction with funds otherwise provided for the administration of the Grants-In-Aid for Airports program.

(b) NEXT GENERATION AIR TRAFFIC CONTROL ADVANCEMENTS.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$1,000,000,000 for necessary Federal Aviation Administration capital, research and operating costs to carry out Next Generation air traffic control system advancements.

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be

available for obligation until the date that is two years after the date of the enactment of this Act.

(c) HIGHWAY INFRASTRUCTURE INVESTMENT.—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$27,000,000,000 for restoration, repair, construction and other activities eligible under section 133(b) of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under section 601(a)(8) of title 23.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable on account of any project or activity carried out with funds made available under this subsection shall be, at the option of the recipient, up to 100 percent of the total cost thereof. The amount made available under this subsection shall not be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in any Act or in title 23, United States Code.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—Of the funds provided in this subsection, after making the set-asides required by paragraphs (9), (10), (11), (12), and (15), 50 percent of the funds shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2010 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division A of Public Law 111-117.

(5) **APPORTIONMENT.**—Apportionments under paragraph (4) shall be made not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each State an amount equal to 50 percent of the funds apportioned under paragraph (4) to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this subparagraph in the manner described in section 120(c) of division A of Public Law 111-117.

(B) One year following the date of apportionment, the Secretary shall withdraw from each recipient of funds apportioned under paragraph (4) any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this paragraph (excluding funds suballocated within the State) in the manner described in section 120(c) of division A of Public Law 111-117.

(C) At the request of a State, the Secretary may provide an extension of the one-year period only to the extent that the Secretary determines that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary notify in writing the

Committee on Transportation and Infrastructure and the Committee on Environment and Public Works, providing a thorough justification for the extension.

(7) **TRANSPORTATION ENHANCEMENTS.**—Three percent of the funds apportioned to a State under paragraph (4) shall be set aside for the purposes described in section 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005).

(8) **SUBALLOCATION.**—Thirty percent of the funds apportioned to a State under this subsection shall be suballocated within the State in the manner and for the purposes described in the first sentence of sections 133(d)(3)(A), 133(d)(3)(B), and 133(d)(3)(D) of title 23, United States Code. Such suballocation shall be conducted in every State. Funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided by paragraph (6)(A).

(9) **PUERTO RICO AND TERRITORIAL HIGHWAY PROGRAMS.**—Of the funds provided under this subsection, \$105,000,000 shall be set aside for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and \$45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code.

(10) **FEDERAL LANDS AND INDIAN RESERVATIONS.**—Of the funds provided under this subsection, \$550,000,000 shall be set aside for investments in transportation at Indian reservations and Federal lands in accordance with the following:

(A) Of the funds set aside by this paragraph, \$310,000,000 shall be for the Indian Reservation Roads program, \$170,000,000 shall be for the Park Roads and Parkways program, \$60,000,000 shall be for the Forest Highway Program, and \$10,000,000 shall be for the Refuge Roads program.

(B) For investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act.

(C) One year following the enactment of this Act, to ensure the prompt use of the funding provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated.

(D) Up to four percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(E) Section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds set aside by this paragraph.

(11) **JOB TRAINING.**—Of the funds provided under this subsection, \$50,000,000 shall be set aside for the development and administration of transportation training programs under section 140(b) title 23, United States Code.

(A) Funds set aside under this subsection shall be competitively awarded and used for the purpose of providing training, apprenticeship (including Registered Apprenticeship), skill development, and skill improvement programs, as well as summer transportation institutes and may be transferred to, or administered in partnership with, the Secretary of Labor and shall demonstrate to the Secretary of Transportation program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome metrics, such as job placement and job retention rates, established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Investment Act;

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter; and

(vi) identification of areas of collaboration with the Department of Labor programs, including co-enrollment.

(B) To be eligible to receive a competitively awarded grant under this subsection, a State must certify that at least 0.1 percent of the amounts apportioned under the Surface Transportation Program and Bridge Program will be obligated in the first fiscal year after enactment of this Act for job training activities consistent with section 140(b) of title 23, United States Code.

(12) **DISADVANTAGED BUSINESS ENTERPRISES.**—Of the funds provided under this subsection, \$10,000,000 shall be set aside for training programs and assistance programs under section 140(c) of title 23, United States Code. Funds set aside under this paragraph should be allocated to businesses that have proven success in adding staff while effectively completing projects.

(13) **STATE PLANNING AND OVERSIGHT EXPENSES.**—Of amounts apportioned under paragraph (4) of this subsection, a State may use up to 0.5 percent for activities related to projects funded under this subsection, including activities eligible under sections 134 and 135 of title 23, United States Code, State administration of subgrants, and State oversight of subrecipients.

(14) **CONDITIONS.**—

(A) Funds made available under this subsection shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code.

(B) Funds made available under this subsection shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code.

(C) Funding provided under this subsection shall be in addition to any and all funds provided for fiscal years 2011 and 2012 in any other Act for “Federal-aid Highways” and shall not affect the distribution of funds provided for “Federal-aid Highways” in any other Act.

(D) Section 1101(b) of Public Law 109-59 shall apply to funds apportioned under this subsection.

(15) **OVERSIGHT.**—The Administrator of the Federal Highway Administration may set aside up to 0.15 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2015.

(d) **CAPITAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$4,000,000,000 for grants for high-speed rail projects as authorized under sections 26104 and 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, except that the Administrator of the Federal Railroad Administration may retain up to one percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this subsection, which retained amount shall remain available for obligation until September 30, 2015.

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) **FEDERAL SHARE.**—The Federal share payable of the costs for which a grant or cooperative agreements is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(4) **INTERIM GUIDANCE.**—The Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this subsection pursuant to that guidance until final regulations are issued.

(5) **INTERCITY PASSENGER RAIL CORRIDORS.**—Not less than 85 percent of the funds provided under this subsection shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors.

(6) **CONDITIONS.**—

(A) In addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this subsection, subsections 24402(a)(2), 24402(i), and 24403 (a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this subsection.

(B) A project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this subsection.

(C) Recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

(e) **CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.**—

(1) **IN GENERAL.**—There is made available \$2,000,000,000 to enable the Secretary of Transportation to make capital grants to the National Railroad Passenger Corporation (Amtrak), as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432).

(2) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) **PROJECT PRIORITY.**—The priority for the use of funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock.

(4) **CONDITIONS.**—

(A) None of the funds under this subsection shall be used to subsidize the operating losses of Amtrak.

(B) The funds provided under this subsection shall be awarded not later than 90 days after the date of enactment of this Act.

(C) The Secretary shall take measures to ensure that projects funded under this subsection shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources. The Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding sentence.

(5) **OVERSIGHT.**—The Administrator of the Federal Railroad Administration may set aside 0.5 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available in this subsection, and such funds shall be available through September 30, 2015.

(f) **TRANSIT CAPITAL ASSISTANCE.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$3,000,000,000 for grants for transit capital assistance grants as defined by section 5302(a)(1) of title 49, United States Code. Notwithstanding any provision of chapter 53 of title 49, however, a recipient of funding under this subsection may use up to 10 percent of the amount provided for the operating costs of equipment and facilities for use in public transportation or for other eligible activities.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this subsection, except that the Federal share of the costs for which any grant is made under this subsection shall be, at the option of the recipient, up to 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for transit programs set forth in any Act or chapter 53 of title 49.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—The Secretary of Transportation shall—

(A) provide 80 percent of the funds appropriated under this subsection for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title;

(B) provide 10 percent of the funds appropriated under this subsection in accordance with section 5340 of such title; and

(C) provide 10 percent of the funds appropriated under this subsection for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section.

(5) **APPORTIONMENT.**—The funds apportioned under this subsection shall be apportioned not later than 21 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(C) At the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if the Secretary determines that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify in writing the Committee on Transportation and Infrastructure and the Committee on Banking, Housing and Urban Affairs, providing a thorough justification for the extension.

(7) **CONDITIONS.**—

(A) Of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1).

(B) Section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this subsection.

(C) The funds appropriated under this subsection shall not be commingled with any prior year funds.

(8) **OVERSIGHT.**—Notwithstanding any other provision of law, 0.3 percent of the funds provided for grants under section 5307 and section 5340, and 0.3 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2015.

(g) **STATE OF GOOD REPAIR.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$6,000,000,000 for capital expenditures as authorized by sections 5309(b) (2) and (3) of title 49, United States Code.

(2) **FEDERAL SHARE.**—The applicable requirements of chapter 53 of title 49, United States Code, shall apply, except that the Federal share of the costs for which a grant is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **DISTRIBUTION OF FUNDS.**—

(A) The Secretary of Transportation shall apportion not less than 75 percent of the funds under this subsection for the modernization of fixed guideway systems, pursuant to the formula set forth in section 5336(b) title 49, United States Code, other than subsection (b)(2)(A)(ii).

(B) Of the funds appropriated under this subsection, not less than 25 percent shall be

available for the restoration or replacement of existing public transportation assets related to bus systems, pursuant to the formula set forth in section 5336 other than subsection (b).

(5) **APPORTIONMENT.**—The funds made available under this subsection shall be apportioned not later than 30 days after the date of the enactment of this Act.

(6) **REDISTRIBUTION.**—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph, utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(C) At the request of an urbanized area, the Secretary may provide an extension of the 1-year period if the Secretary finds that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Banking, Housing, and Urban Affairs, providing a thorough justification for the extension.

(7) **CONDITIONS.**—

(A) The provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this subsection.

(B) The funds appropriated under this subsection shall not be commingled with any prior year funds.

(8) **OVERSIGHT.**—Notwithstanding any other provision of law, 0.3 percent of the funds under this subsection shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2015.

(h) **TRANSPORTATION INFRASTRUCTURE GRANTS AND FINANCING.**—

(1) **IN GENERAL.**—There is made available to the Secretary of Transportation \$5,000,000,000 for capital investments in surface transportation infrastructure. The Secretary shall distribute funds provided under this subsection as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

(2) **FEDERAL SHARE; LIMITATION ON OBLIGATIONS.**—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent.

(3) **AVAILABILITY.**—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) **PROJECT ELIGIBILITY.**—Projects eligible for funding provided under this subsection include—

(A) highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments;

(B) public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service;

(C) passenger and freight rail transportation projects; and

(D) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

(5) **TIFIA PROGRAM.**—The Secretary may transfer to the Federal Highway Administration funds made available under this subsection for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this subsection.

(6) **PROJECT PRIORITY.**—The Secretary shall give priority to projects that are expected to be completed within 3 years of the date of the enactment of this Act.

(7) **DEADLINE FOR ISSUANCE OF COMPETITION CRITERIA.**—The Secretary shall publish criteria on which to base the competition for any grants awarded under this subsection not later than 90 days after enactment of this Act. The Secretary shall require applications for funding provided under this subsection to be submitted not later than 180 days after the publication of the criteria, and announce all projects selected to be funded from such funds not later than 1 year after the date of the enactment of the Act.

(8) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under this subsection shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(9) **ADMINISTRATIVE EXPENSES.**—The Secretary may retain up to one-half of one percent of the funds provided under this subsection, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this subsection. Funds retained shall remain available for obligation until September 30, 2015.

(i) **LOCAL HIRING.**—

(1) **IN GENERAL.**—In the case of the funding made available under subsections (a) through (h) of this section, the Secretary of Transportation may establish standards under which a contract for construction may be advertised that contains requirements for the employment of individuals residing in or adjacent to any of the areas in which the work is to be performed to perform construction work required under the contract, provided that—

(A) all or part of the construction work performed under the contract occurs in an area designated by the Secretary as an area of high unemployment, using data reported by the United States Department of Labor, Bureau of Labor Statistics;

(B) the estimated cost of the project of which the contract is a part is greater than \$10 million, except that the estimated cost of the project in the case of construction fund-

ed under subsection (c) shall be greater than \$50 million; and

(C) the recipient may not require the hiring of individuals who do not have the necessary skills to perform work in any craft or trade; provided that the recipient may require the hiring of such individuals if the recipient establishes reasonable provisions to train such individuals to perform any such work under the contract effectively.

(2) **PROJECT STANDARDS.**—

(A) **IN GENERAL.**—Any standards established by the Secretary under this section shall ensure that any requirements specified under subsection (c)(1)—

(i) do not compromise the quality of the project;

(ii) are reasonable in scope and application;

(iii) do not unreasonably delay the completion of the project; and

(iv) do not unreasonably increase the cost of the project.

(B) **AVAILABLE PROGRAMS.**—The Secretary shall make available to recipients the workforce development and training programs set forth in section 24604(e)(1)(D) of this title to assist recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C). The Secretary of Labor shall make available its qualifying workforce and training development programs to recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C).

(3) **IMPLEMENTING REGULATIONS.**—The Secretary shall promulgate final regulations to implement the authority of this subsection.

(j) **ADMINISTRATIVE PROVISIONS.**—

(1) **APPLICABILITY OF TITLE 40.**—Each project conducted using funds provided under this subtitle shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(2) **BUY AMERICAN.**—Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) applies to each project conducted using funds provided under this subtitle.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

SEC. 242. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Building and Upgrading Infrastructure for Long-Term Development Act”.

SEC. 243. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) infrastructure has always been a vital element of the economic strength of the United States and a key indicator of the international leadership of the United States;

(2) the Erie Canal, the Hoover Dam, the railroads, and the interstate highway system are all testaments to American ingenuity and have helped propel and maintain the United States as the world’s largest economy;

(3) according to the World Economic Forum’s Global Competitiveness Report, the United States fell to second place in 2009, and dropped to fourth place overall in 2010, however, in the “Quality of overall infrastructure” category of the same report, the United States ranked twenty-third in the world;

(4) according to the World Bank’s 2010 Logistic Performance Index, the capacity of countries to efficiently move goods and connect manufacturers and consumers with international markets is improving around the world, and the United States now ranks seventh in the world in logistics-related in-

frastructure behind countries from both Europe and Asia;

(5) according to a January 2009 report from the University of Massachusetts/Alliance for American Manufacturing entitled “Employment, Productivity and Growth,” infrastructure investment is a “highly effective engine of job creation”;

(6) according to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated \$2,200,000,000,000 investment is needed over the next 5 years to bring American infrastructure up to adequate condition;

(7) according to the National Surface Transportation Policy and Revenue Study Commission, \$225,000,000,000 is needed annually from all sources for the next 50 years to upgrade the United States surface transportation system to a state of good repair and create a more advanced system;

(8) the current infrastructure financing mechanisms of the United States, both on the Federal and State level, will fail to meet current and foreseeable demands and will create large funding gaps;

(9) published reports state that there may not be enough demand for municipal bonds to maintain the same level of borrowing at the same rates, resulting in significantly decreased infrastructure investment at the State and local level;

(10) current funding mechanisms are not readily scalable and do not—

(A) serve large in-State or cross jurisdiction infrastructure projects, projects of regional or national significance, or projects that cross sector silos;

(B) sufficiently catalyze private sector investment; or

(C) ensure the optimal return on public resources;

(11) although grant programs of the United States Government must continue to play a central role in financing the transportation, environment, and energy infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion clearly exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States ability to sustain long-term economic development, productivity, and international competitiveness;

(12) the capital markets, including pension funds, private equity funds, mutual funds, sovereign wealth funds, and other investors, have a growing interest in infrastructure investment and represent hundreds of billions of dollars of potential investment; and

(13) the establishment of a United States Government-owned, independent, professionally managed institution that could provide credit support to qualified infrastructure projects of regional and national significance, making transparent merit-based investment decisions based on the commercial viability of infrastructure projects, would catalyze the participation of significant private investment capital.

(b) **PURPOSE.**—The purpose of this Act is to facilitate investment in, and long-term financing of, economically viable infrastructure projects of regional or national significance in a manner that both complements existing Federal, State, local, and private funding sources for these projects and introduces a merit-based system for financing such projects, in order to mobilize significant private sector investment, create jobs, and ensure United States competitiveness through an institution that limits the need for ongoing Federal funding.

SEC. 244. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **AIFA.**—The term “AIFA” means the American Infrastructure Financing Authority established under this Act.

(2) **BLIND TRUST.**—The term “blind trust” means a trust in which the beneficiary has no knowledge of the specific holdings and no rights over how those holdings are managed by the fiduciary of the trust prior to the dissolution of the trust.

(3) **BOARD OF DIRECTORS.**—The term “Board of Directors” means Board of Directors of AIFA.

(4) **CHAIRPERSON.**—The term “Chairperson” means the Chairperson of the Board of Directors of AIFA.

(5) **CHIEF EXECUTIVE OFFICER.**—The term “chief executive officer” means the chief executive officer of AIFA, appointed under section 247.

(6) **COST.**—The term “cost” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) **DIRECT LOAN.**—The term “direct loan” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) **ELIGIBLE ENTITY.**—The term “eligible entity” means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, State, or other non-Federal governmental entity, including a political subdivision or any other instrumentality of a State, or a revolving fund.

(9) **INFRASTRUCTURE PROJECT.**—

(A) **IN GENERAL.**—The term “eligible infrastructure project” means any non-Federal transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act.

(B) **TRANSPORTATION INFRASTRUCTURE PROJECT.**—The term “transportation infrastructure project” means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors:

- (i) Highway or road.
- (ii) Bridge.
- (iii) Mass transit.
- (iv) Inland waterways.
- (v) Commercial ports.
- (vi) Airports.
- (vii) Air traffic control systems.
- (viii) Passenger rail, including high-speed rail.
- (ix) Freight rail systems.

(C) **WATER INFRASTRUCTURE PROJECT.**—The term “water infrastructure project” means the construction, consolidation, alteration, or repair of the following subsectors:

- (i) Wastewater treatment facility.
- (ii) Storm water management system.
- (iii) Dam.
- (iv) Solid waste disposal facility.
- (v) Drinking water treatment facility.
- (vi) Levee.
- (vii) Open space management system.

(D) **ENERGY INFRASTRUCTURE PROJECT.**—The term “energy infrastructure project” means the construction, alteration, or repair of the following subsectors:

- (i) Pollution reduced energy generation.
- (ii) Transmission and distribution.
- (iii) Storage.
- (iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

(E) **BOARD AUTHORITY TO MODIFY SUBSECTORS.**—The Board of Directors may make modifications, at the discretion of the Board, to the subsectors described in this paragraph by a vote of not fewer than 5 of the voting members of the Board of Directors.

(10) **INVESTMENT PROSPECTUS.**—

(A) The term “investment prospectus” means the processes and publications described below that will guide the priorities and strategic focus for the Bank’s investments. The investment prospectus shall follow rulemaking procedures under section 553 of title 5, United States Code.

(B) The Bank shall publish a detailed description of its strategy in an Investment Prospectus within one year of the enactment of this subchapter. The Investment Prospectus shall—

(i) specify what the Bank shall consider significant to the economic competitiveness of the United States or a region thereof in a manner consistent with the primary objective;

(ii) specify the priorities and strategic focus of the Bank in forwarding its strategic objectives and carrying out the Bank strategy;

(iii) specify the priorities and strategic focus of the Bank in promoting greater efficiency in the movement of freight;

(iv) specify the priorities and strategic focus of the Bank in promoting the use of innovation and best practices in the planning, design, development and delivery of projects;

(v) describe in detail the framework and methodology for calculating application qualification scores and associated ranges as specified in this subchapter, along with the data to be requested from applicants and the mechanics of calculations to be applied to that data to determine qualification scores and ranges;

(vi) describe how selection criteria will be applied by the Chief Executive Officer in determining the competitiveness of an application and its qualification score and range relative to other current applications and previously funded applications; and

(vii) describe how the qualification score and range methodology and project selection framework are consistent with maximizing the Bank goals in both urban and rural areas.

(C) The Investment Prospectus and any subsequent updates thereto shall be approved by a majority vote of the Board of Directors prior to publication.

(D) The Bank shall update the Investment Prospectus on every biennial anniversary of its original publication.

(11) **INVESTMENT-GRADE RATING.**—The term “investment-grade rating” means a rating of BBB minus, Baa3, or higher assigned to an infrastructure project by a ratings agency.

(12) **LOAN GUARANTEE.**—The term “loan guarantee” has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(13) **PUBLIC-PRIVATE PARTNERSHIP.**—The term “public-private partnership” means any eligible entity—

(A)(i) which is undertaking the development of all or part of an infrastructure project that will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State;

(B) which owns, leases, or operates or will own, lease, or operate, the project in whole or in part; and

(C) the participants in which include not fewer than 1 nongovernmental entity with significant investment and some control over the project or project vehicle.

(14) **RURAL INFRASTRUCTURE PROJECT.**—The term “rural infrastructure project” means

an infrastructure project in a rural area, as that term is defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

(15) **SECRETARY.**—Unless the context otherwise requires, the term “Secretary” means the Secretary of the Treasury or the designee thereof.

(16) **SENIOR MANAGEMENT.**—The term “senior management” means the chief financial officer, chief risk officer, chief compliance officer, general counsel, chief lending officer, and chief operations officer of AIFA established under section 249, and such other officers as the Board of Directors may, by majority vote, add to senior management.

(17) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

SEC. 245. ESTABLISHMENT AND GENERAL AUTHORITY OF AIFA.

(a) **ESTABLISHMENT OF AIFA.**—The American Infrastructure Financing Authority is established as a wholly owned Government corporation.

(b) **GENERAL AUTHORITY OF AIFA.**—AIFA shall provide direct loans and loan guarantees to facilitate infrastructure projects that are both economically viable and of regional or national significance, and shall have such other authority, as provided in this Act.

(c) **INCORPORATION.**—

(1) **IN GENERAL.**—The Board of Directors first appointed shall be deemed the incorporator of AIFA, and the incorporation shall be held to have been effected from the date of the first meeting of the Board of Directors.

(2) **CORPORATE OFFICE.**—AIFA shall—

(A) maintain an office in Washington, DC; and

(B) for purposes of venue in civil actions, be considered to be a resident of Washington, DC.

(d) **RESPONSIBILITY OF THE SECRETARY.**—The Secretary shall take such action as may be necessary to assist in implementing AIFA, and in carrying out the purpose of this Act.

(e) **RULE OF CONSTRUCTION.**—Chapter 91 of title 31, United States Code, does not apply to AIFA, unless otherwise specifically provided in this Act.

SEC. 246. VOTING MEMBERS OF THE BOARD OF DIRECTORS.

(a) **VOTING MEMBERSHIP OF THE BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—AIFA shall have a Board of Directors consisting of 7 voting members appointed by the President, by and with the advice and consent of the Senate, not more than 4 of whom shall be from the same political party.

(2) **CHAIRPERSON.**—One of the voting members of the Board of Directors shall be designated by the President to serve as Chairperson thereof.

(3) **CONGRESSIONAL RECOMMENDATIONS.**—Not later than 30 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each submit a recommendation to the President for appointment of a member of the Board of Directors, after consultation with the appropriate committees of Congress.

(b) **VOTING RIGHTS.**—Each voting member of the Board of Directors shall have an equal vote in all decisions of the Board of Directors.

(c) **QUALIFICATIONS OF VOTING MEMBERS.**—Each voting member of the Board of Directors shall—

- (1) be a citizen of the United States; and
- (2) have significant demonstrated expertise in—

(A) the management and administration of a financial institution relevant to the operation of AIFA; or a public financial agency or authority; or

(B) the financing, development, or operation of infrastructure projects; or

(C) analyzing the economic benefits of infrastructure investment.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this Act, each voting member of the Board of Directors shall be appointed for a term of 4 years.

(2) **INITIAL STAGGERED TERMS.**—Of the voting members first appointed to the Board of Directors—

(A) the initial Chairperson and 3 of the other voting members shall each be appointed for a term of 4 years; and

(B) the remaining 3 voting members shall each be appointed for a term of 2 years.

(3) **DATE OF INITIAL NOMINATIONS.**—The initial nominations for the appointment of all voting members of the Board of Directors shall be made not later than 60 days after the date of enactment of this Act.

(4) **BEGINNING OF TERM.**—The term of each of the initial voting members appointed under this section shall commence immediately upon the date of appointment, except that, for purposes of calculating the term limits specified in this subsection, the initial terms shall each be construed as beginning on January 22 of the year following the date of the initial appointment.

(5) **VACANCIES.**—A vacancy in the position of a voting member of the Board of Directors shall be filled by the President, and a member appointed to fill a vacancy on the Board of Directors occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(e) **MEETINGS.**—

(1) **OPEN TO THE PUBLIC; NOTICE.**—Except as provided in paragraph (3), all meetings of the Board of Directors shall be—

(A) open to the public; and

(B) preceded by reasonable public notice.

(2) **FREQUENCY.**—The Board of Directors shall meet not later than 60 days after the date on which all members of the Board of Directors are first appointed, at least quarterly thereafter, and otherwise at the call of either the Chairperson or 5 voting members of the Board of Directors.

(3) **EXCEPTION FOR CLOSED MEETINGS.**—The voting members of the Board of Directors may, by majority vote, close a meeting to the public if, during the meeting to be closed, there is likely to be disclosed proprietary or sensitive information regarding an infrastructure project under consideration for assistance under this Act. The Board of Directors shall prepare minutes of any meeting that is closed to the public, and shall make such minutes available as soon as practicable, not later than 1 year after the date of the closed meeting, with any necessary redactions to protect any proprietary or sensitive information.

(4) **QUORUM.**—For purposes of meetings of the Board of Directors, 5 voting members of the Board of Directors shall constitute a quorum.

(f) **COMPENSATION OF MEMBERS.**—Each voting member of the Board of Directors shall be compensated at a rate equal to the daily

equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(g) **CONFLICTS OF INTEREST.**—A voting member of the Board of Directors may not participate in any review or decision affecting an infrastructure project under consideration for assistance under this Act, if the member has or is affiliated with an entity who has a financial interest in such project.

SEC. 247. CHIEF EXECUTIVE OFFICER OF AIFA.

(a) **IN GENERAL.**—The chief executive officer of AIFA shall be a nonvoting member of the Board of Directors, who shall be responsible for all activities of AIFA, and shall support the Board of Directors as set forth in this Act and as the Board of Directors deems necessary or appropriate.

(b) **APPOINTMENT AND TENURE OF THE CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—The President shall appoint the chief executive officer, by and with the advice and consent of the Senate.

(2) **TERM.**—The chief executive officer shall be appointed for a term of 6 years.

(3) **VACANCIES.**—Any vacancy in the office of the chief executive officer shall be filled by the President, and the person appointed to fill a vacancy in that position occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(c) **QUALIFICATIONS.**—The chief executive officer—

(1) shall have significant expertise in management and administration of a financial institution, or significant expertise in the financing and development of infrastructure projects, or significant expertise in analyzing the economic benefits of infrastructure investment; and

(2) may not—

(A) hold any other public office;

(B) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(C) have any financial interest in an investment institution or its affiliates or any other entity seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust for the tenure of the service of the chief executive officer plus 2 additional years.

(d) **RESPONSIBILITIES.**—The chief executive officer shall have such executive functions, powers, and duties as may be prescribed by this Act, the bylaws of AIFA, or the Board of Directors, including—

(1) responsibility for the development and implementation of the strategy of AIFA, including—

(A) the development and submission to the Board of Directors of the investment prospectus, the annual business plans and budget;

(B) the development and submission to the Board of Directors of a long-term strategic plan; and

(C) the development, revision, and submission to the Board of Directors of internal policies; and

(2) responsibility for the management and oversight of the daily activities, decisions, operations, and personnel of AIFA, including—

(A) the appointment of senior management, subject to approval by the voting members of the Board of Directors, and the

hiring and termination of all other AIFA personnel;

(B) requesting the detail, on a reimbursable basis, of personnel from any Federal agency having specific expertise not available from within AIFA, following which request the head of the Federal agency may detail, on a reimbursable basis, any personnel of such agency reasonably requested by the chief executive officer;

(C) assessing and recommending in the first instance, for ultimate approval or disapproval by the Board of Directors, compensation and adjustments to compensation of senior management and other personnel of AIFA as may be necessary for carrying out the functions of AIFA;

(D) ensuring, in conjunction with the general counsel of AIFA, that all activities of AIFA are carried out in compliance with applicable law;

(E) overseeing the involvement of AIFA in all projects, including—

(i) developing eligible projects for AIFA financial assistance;

(ii) determining the terms and conditions of all financial assistance packages;

(iii) monitoring all infrastructure projects assisted by AIFA, including responsibility for ensuring that the proceeds of any loan made, guaranteed, or participated in are used only for the purposes for which the loan or guarantee was made;

(iv) preparing and submitting for approval by the Board of Directors the documents required under paragraph (1); and

(v) ensuring the implementation of decisions of the Board of Directors; and

(F) such other activities as may be necessary or appropriate in carrying out this Act.

(e) **COMPENSATION.**—

(1) **IN GENERAL.**—Any compensation assessment or recommendation by the chief executive officer under this section shall be without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

(2) **CONSIDERATIONS.**—The compensation assessment or recommendation required under this subsection shall take into account merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel.

SEC. 248. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall—

(1) as soon as is practicable after the date on which all members are appointed, approve or disapprove senior management appointed by the chief executive officer;

(2) not later than 180 days after the date on which all members are appointed—

(A) develop and approve the bylaws of AIFA, including bylaws for the regulation of the affairs and conduct of the business of AIFA, consistent with the purpose, goals, objectives, and policies set forth in this Act;

(B) establish subcommittees, including an audit committee that is composed solely of members of the Board of Directors who are independent of the senior management of AIFA;

(C) develop and approve, in consultation with senior management, a conflict-of-interest policy for the Board of Directors and for senior management;

(D) approve or disapprove internal policies that the chief executive officer shall submit to the Board of Directors, including—

(i) policies regarding the loan application and approval process, including—

(I) disclosure and application procedures to be followed by entities in the course of nominating infrastructure projects for assistance under this Act;

(II) guidelines for the selection and approval of projects;

(III) specific criteria for determining eligibility for project selection, consistent with title II; and

(IV) standardized terms and conditions, fee schedules, or legal requirements of a contract or program, so as to carry out this Act; and

(i) operational guidelines; and

(E) approve or disapprove a multi-year or 1-year business plan and budget for AIFA;

(3) ensure that AIFA is at all times operated in a manner that is consistent with this Act, by—

(A) monitoring and assessing the effectiveness of AIFA in achieving its strategic goals;

(B) periodically reviewing internal policies;

(C) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(D) reviewing and approving annual reports submitted by the chief executive officer;

(E) engaging one or more external auditors, as set forth in this Act; and

(F) reviewing and approving all changes to the organization of senior management;

(4) appoint and fix, by a vote of 5 of the 7 voting members of the Board of Directors, and without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, the compensation and adjustments to compensation of all AIFA personnel, provided that in appointing and fixing any compensation or adjustments to compensation under this paragraph, the Board shall—

(A) consult with, and seek to maintain comparability with, other comparable Federal personnel;

(B) consult with the Office of Personnel Management; and

(C) carry out such duties consistent with merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel;

(5) establish such other criteria, requirements, or procedures as the Board of Directors may consider to be appropriate in carrying out this Act;

(6) serve as the primary liaison for AIFA in interactions with Congress, the Executive Branch, and State and local governments, and to represent the interests of AIFA in such interactions and others;

(7) approve by a vote of 5 of the 7 voting members of the Board of Directors any changes to the bylaws or internal policies of AIFA;

(8) have the authority and responsibility—

(A) to oversee entering into and carry out such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out this Act with—

(i) any Federal department or agency;

(ii) any State, territory, or possession (or any political subdivision thereof, including State infrastructure banks) of the United States; and

(iii) any individual, public-private partnership, firm, association, or corporation;

(B) to approve of the acquisition, lease, pledge, exchange, and disposal of real and personal property by AIFA and otherwise approve the exercise by AIFA of all of the usual incidents of ownership of property, to

the extent that the exercise of such powers is appropriate to and consistent with the purposes of AIFA;

(C) to determine the character of, and the necessity for, the obligations and expenditures of AIFA, and the manner in which the obligations and expenditures will be incurred, allowed, and paid, subject to this Act and other Federal law specifically applicable to wholly owned Federal corporations;

(D) to execute, in accordance with applicable bylaws and regulations, appropriate instruments;

(E) to approve other forms of credit enhancement that AIFA may provide to eligible projects, as long as the forms of credit enhancements are consistent with the purposes of this Act and terms set forth in title II;

(F) to exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of AIFA;

(G) to sue or be sued in the corporate capacity of AIFA in any court of competent jurisdiction;

(H) to indemnify the members of the Board of Directors and officers of AIFA for any liabilities arising out of the actions of the members and officers in such capacity, in accordance with, and subject to the limitations contained in this Act;

(I) to review all financial assistance packages to all eligible infrastructure projects, as submitted by the chief executive officer and to approve, postpone, or deny the same by majority vote;

(J) to review all restructuring proposals submitted by the chief executive officer, including assignment, pledging, or disposal of the interest of AIFA in a project, including payment or income from any interest owned or held by AIFA, and to approve, postpone, or deny the same by majority vote; and

(K) to enter into binding commitments, as specified in approved financial assistance packages;

(9) delegate to the chief executive officer those duties that the Board of Directors deems appropriate, to better carry out the powers and purposes of the Board of Directors under this section; and

(10) to approve a maximum aggregate amount of outstanding obligations of AIFA at any given time, taking into consideration funding, and the size of AIFA's addressable market for infrastructure projects.

SEC. 249. SENIOR MANAGEMENT.

(a) IN GENERAL.—Senior management shall support the chief executive officer in the discharge of the responsibilities of the chief executive officer.

(b) APPOINTMENT OF SENIOR MANAGEMENT.—The chief executive officer shall appoint such senior managers as are necessary to carry out the purpose of AIFA, as approved by a majority vote of the voting members of the Board of Directors.

(c) TERM.—Each member of senior management shall serve at the pleasure of the chief executive officer and the Board of Directors.

(d) REMOVAL OF SENIOR MANAGEMENT.—Any member of senior management may be removed, either by a majority of the voting members of the Board of Directors upon request by the chief executive officer, or otherwise by vote of not fewer than 5 voting members of the Board of Directors.

(e) SENIOR MANAGEMENT.—

(1) IN GENERAL.—Each member of senior management shall report directly to the chief executive officer, other than the Chief Risk Officer, who shall report directly to the Board of Directors.

(2) DUTIES AND RESPONSIBILITIES.—

(A) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer shall be responsible for all financial functions of AIFA, provided that, at the discretion of the Board of Directors, specific functions of the Chief Financial Officer may be delegated externally.

(B) CHIEF RISK OFFICER.—The Chief Risk Officer shall be responsible for all functions of AIFA relating to—

(i) the creation of financial, credit, and operational risk management guidelines and policies;

(ii) credit analysis for infrastructure projects;

(iii) the creation of conforming standards for infrastructure finance agreements;

(iv) the monitoring of the financial, credit, and operational exposure of AIFA; and

(v) risk management and mitigation actions, including by reporting such actions, or recommendations of such actions to be taken, directly to the Board of Directors.

(C) CHIEF COMPLIANCE OFFICER.—The Chief Compliance Officer shall be responsible for all functions of AIFA relating to internal audits, accounting safeguards, and the enforcement of such safeguards and other applicable requirements.

(D) GENERAL COUNSEL.—The General Counsel shall be responsible for all functions of AIFA relating to legal matters and, in consultation with the chief executive officer, shall be responsible for ensuring that AIFA complies with all applicable law.

(E) CHIEF OPERATIONS OFFICER.—The Chief Operations Officer shall be responsible for all operational functions of AIFA, including those relating to the continuing operations and performance of all infrastructure projects in which AIFA retains an interest and for all AIFA functions related to human resources.

(F) CHIEF LENDING OFFICER.—The Chief Lending Officer shall be responsible for—

(i) all functions of AIFA relating to the development of project pipeline, financial structuring of projects, selection of infrastructure projects to be reviewed by the Board of Directors, preparation of infrastructure projects to be presented to the Board of Directors, and set aside for rural infrastructure projects;

(ii) the creation and management of—

(I) a Center for Excellence to provide technical assistance to public sector borrowers in the development and financing of infrastructure projects; and

(II) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects; and

(iii) the establishment of guidelines to ensure diversification of lending activities by region, infrastructure project type, and project size.

(f) CHANGES TO SENIOR MANAGEMENT.—The Board of Directors, in consultation with the chief executive officer, may alter the structure of the senior management of AIFA at any time to better accomplish the goals, objectives, and purposes of AIFA, provided that the functions of the Chief Financial Officer set forth in subsection (e) remain separate from the functions of the Chief Risk Officer set forth in subsection (e).

(g) CONFLICTS OF INTEREST.—No individual appointed to senior management may—

(1) hold any other public office;

(2) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(3) have any financial interest in an investment institution or its affiliates, AIFA or its

affiliates, or other entity then seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust during the term of service of that individual in a senior management position, and for a period of 2 years thereafter.

SEC. 250. SPECIAL INSPECTOR GENERAL FOR AIFA.

(a) IN GENERAL.—During the first 5 operating years of AIFA, the Office of the Inspector General of the Department of the Treasury shall have responsibility for AIFA.

(b) OFFICE OF THE SPECIAL INSPECTOR GENERAL.—Effective 5 years after the date of enactment of the commencement of the operations of AIFA, there is established the Office of the Special Inspector General for AIFA.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) HEAD OF OFFICE.—The head of the Office of the Special Inspector General for AIFA shall be the Special Inspector General for AIFA (in this Act referred to as the “Special Inspector General”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) BASIS OF APPOINTMENT.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) TIMING OF NOMINATION.—The nomination of an individual as Special Inspector General shall be made as soon as is practicable after the effective date under subsection (b).

(4) REMOVAL.—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) RULE OF CONSTRUCTION.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) RATE OF PAY.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of AIFA.

(2) OTHER SYSTEMS, PROCEDURES, AND CONTROLS.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) ADDITIONAL DUTIES.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(e) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) ADDITIONAL AUTHORITY.—The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(f) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) ADDITIONAL OFFICERS.—

(A) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) The Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(2) RETENTION OF SERVICES.—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

(3) ABILITY TO CONTRACT FOR AUDITS, STUDIES, AND OTHER SERVICES.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) REQUEST FOR INFORMATION.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REFUSAL TO COMPLY.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of the Treasury, without delay.

(g) REPORTS.—

(1) ANNUAL REPORT.—Not later than 1 year after the confirmation of the Special Inspector General, and every calendar year thereafter, the Special Inspector General shall submit to the President a report summarizing the activities of the Special Inspector General during the previous 1-year period ending on the date of such report.

(2) PUBLIC DISCLOSURES.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

SEC. 251. OTHER PERSONNEL.

Except as otherwise provided in the bylaws of AIFA, the chief executive officer, in consultation with the Board of Directors, shall appoint, remove, and define the duties of such qualified personnel as are necessary to carry out the powers, duties, and purpose of AIFA, other than senior management, who shall be appointed in accordance with section 249.

SEC. 252. COMPLIANCE.

The provision of assistance by the Board of Directors pursuant to this Act shall not be construed as superseding any provision of

State law or regulation otherwise applicable to an infrastructure project.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

SEC. 253. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM AIFA AND TERMS AND LIMITATIONS OF LOANS.

(a) IN GENERAL.—Any project whose use or purpose is private and for which no public benefit is created shall not be eligible for financial assistance from AIFA under this Act. Financial assistance under this Act shall only be made available if the applicant for such assistance has demonstrated to the satisfaction of the Board of Directors that the infrastructure project for which such assistance is being sought—

(1) is not for the refinancing of an existing infrastructure project; and

(2) meets—

(A) any pertinent requirements set forth in this Act;

(B) any criteria established by the Board of Directors or chief executive officer in accordance with this Act; and

(C) the definition of a transportation infrastructure project, water infrastructure project, or energy infrastructure project.

(b) CONSIDERATIONS.—The criteria established by the Board of Directors pursuant to this Act shall provide adequate consideration of—

(1) the economic, financial, technical, environmental, and public benefits and costs of each infrastructure project under consideration for financial assistance under this Act, prioritizing infrastructure projects that—

(A) contribute to regional or national economic growth;

(B) offer value for money to taxpayers;

(C) demonstrate a clear and significant public benefit;

(D) lead to job creation; and

(E) mitigate environmental concerns;

(2) the means by which development of the infrastructure project under consideration is being financed, including—

(A) the terms, conditions, and structure of the proposed financing;

(B) the credit worthiness and standing of the project sponsors, providers of equity, and cofinanciers;

(C) the financial assumptions and projections on which the infrastructure project is based; and

(D) whether there is sufficient State or municipal political support for the successful completion of the infrastructure project;

(3) the likelihood that the provision of assistance by AIFA will cause such development to proceed more promptly and with lower costs than would be the case without such assistance;

(4) the extent to which the provision of assistance by AIFA maximizes the level of private investment in the infrastructure project or supports a public-private partnership, while providing a significant public benefit;

(5) the extent to which the provision of assistance by AIFA can mobilize the participation of other financing partners in the infrastructure project;

(6) the technical and operational viability of the infrastructure project;

(7) the proportion of financial assistance from AIFA;

(8) the geographic location of the project in an effort to have geographic diversity of projects funded by AIFA;

(9) the size of the project and its impact on the resources of AIFA;

(10) the infrastructure sector of the project, in an effort to have projects from more than one sector funded by AIFA; and

(11) encourages use of innovative procurement, asset management, or financing to minimize the all-in-life-cycle cost, and improve the cost-effectiveness of a project.

(c) APPLICATION.—

(1) IN GENERAL.—Any eligible entity seeking assistance from AIFA under this Act for an eligible infrastructure project shall submit an application to AIFA at such time, in such manner, and containing such information as the Board of Directors or the chief executive officer may require.

(2) REVIEW OF APPLICATIONS.—AIFA shall review applications for assistance under this Act on an ongoing basis. The chief executive officer, working with the senior management, shall prepare eligible infrastructure projects for review and approval by the Board of Directors.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the infrastructure project obligations.

(d) ELIGIBLE INFRASTRUCTURE PROJECT COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to be eligible for assistance under this Act, an infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$100,000,000.

(2) RURAL INFRASTRUCTURE PROJECTS.—To be eligible for assistance under this Act a rural infrastructure project shall have project costs that are reasonably anticipated to equal or exceed \$25,000,000.

(e) LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.—

(1) IN GENERAL.—The amount of a direct loan or loan guarantee under this Act shall not exceed the lesser of 50 percent of the reasonably anticipated eligible infrastructure project costs or, if the direct loan or loan guarantee does not receive an investment grade rating, the amount of the senior project obligations.

(2) MAXIMUM ANNUAL LOAN AND LOAN GUARANTEE VOLUME.—The aggregate amount of direct loans and loan guarantees made by AIFA in any single fiscal year may not exceed—

(A) during the first 2 fiscal years of the operations of AIFA, \$10,000,000,000;

(B) during fiscal years 3 through 9 of the operations of AIFA, \$20,000,000,000; or

(C) during any fiscal year thereafter, \$50,000,000,000.

(f) STATE AND LOCAL PERMITS REQUIRED.—The provision of assistance by the Board of Directors pursuant to this Act shall not be deemed to relieve any recipient of such assistance, or the related infrastructure project, of any obligation to obtain required State and local permits and approvals.

SEC. 254. LOAN TERMS AND REPAYMENT.

(a) IN GENERAL.—A direct loan or loan guarantee under this Act with respect to an eligible infrastructure project shall be on such terms, subject to such conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the chief executive officer determines appropriate.

(b) TERMS.—A direct loan or loan guarantee under this Act—

(1) shall—

(A) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations (such as availability payments and dedicated State or local revenues); and

(B) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(2) may have a lien on revenues described in paragraph (1), subject to any lien securing project obligations.

(c) BASE INTEREST RATE.—The base interest rate on a direct loan under this Act shall be not less than the yield on United States Treasury obligations of a similar maturity to the maturity of the direct loan.

(d) RISK ASSESSMENT.—Before entering into an agreement for assistance under this Act, the chief executive officer, in consultation with the Director of the Office of Management and Budget and considering rating agency preliminary or final rating opinion letters of the project under this section, shall estimate an appropriate Federal credit subsidy amount for each direct loan and loan guarantee, taking into account such letter, as well as any comparable market rates available for such a loan or loan guarantee, should any exist. The final credit subsidy cost for each loan and loan guarantee shall be determined consistent with the Federal Credit Reform Act, 2 U.S.C. 661a et seq.

(e) CREDIT FEE.—With respect to each agreement for assistance under this Act, the chief executive officer may charge a credit fee to the recipient of such assistance to pay for, over time, all or a portion of the Federal credit subsidy determined under subsection (d), with the remainder paid by the account established for AIFA; provided, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government. In the case of a direct loan, such credit fee shall be in addition to the base interest rate established under subsection (c).

(f) MATURITY DATE.—The final maturity date of a direct loan or loan guaranteed by AIFA under this Act shall be not later than 35 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer.

(g) RATING OPINION LETTER.—

(1) IN GENERAL.—The chief executive officer shall require each applicant for assistance under this Act to provide a rating opinion letter from at least 1 ratings agency, indicating that the senior obligations of the infrastructure project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating.

(2) RURAL INFRASTRUCTURE PROJECTS.—With respect to a rural infrastructure project, a rating agency opinion letter described in paragraph (1) shall not be required, except that the loan or loan guarantee shall receive an internal rating score, using methods similar to the ratings agencies generated by AIFA, measuring the proposed direct loan or loan guarantee against comparable direct loans or loan guarantees of similar credit quality in a similar sector.

(h) INVESTMENT-GRADE RATING REQUIREMENT.—

(1) LOANS AND LOAN GUARANTEES.—The execution of a direct loan or loan guarantee under this Act shall be contingent on the senior obligations of the infrastructure project receiving an investment-grade rating.

(2) RATING OF AIFA OVERALL PORTFOLIO.—The average rating of the overall portfolio of AIFA shall be not less than investment grade after 5 years of operation.

(i) TERMS AND REPAYMENT OF DIRECT LOANS.—

(1) SCHEDULE.—The chief executive officer shall establish a repayment schedule for each direct loan under this Act, based on the projected cash flow from infrastructure project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this Act shall commence not later than 5 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer of AIFA.

(3) DEFERRED PAYMENTS OF DIRECT LOANS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of an infrastructure project assisted under this Act, the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act, the chief executive officer may allow the obligor to add unpaid principal and interest to the outstanding balance of the direct loan, if the result would benefit the taxpayer.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest, in accordance with the terms of the obligation, until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the infrastructure project meeting criteria established by the Board of Directors.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT OF DIRECT LOANS.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the infrastructure project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations under this Act may be applied annually to prepay the direct loan, without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A direct loan under this Act may be prepaid at any time, without penalty, from the proceeds of refinancing from non-Federal funding sources.

(5) SALE OF DIRECT LOANS.—

(A) IN GENERAL.—As soon as is practicable after substantial completion of an infrastructure project assisted under this Act, and after notifying the obligor, the chief executive officer may sell to another entity, or reoffer into the capital markets, a direct loan for the infrastructure project, if the chief executive officer determines that the sale or reoffering can be made on favorable terms for the taxpayer.

(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the chief executive officer may not change the original terms and conditions of the direct loan, without the written consent of the obligor.

(j) LOAN GUARANTEES.—

(1) TERMS.—The terms of a loan guaranteed by AIFA under this Act shall be consistent with the terms set forth in this section for a direct loan, except that the rate on the guaranteed loan and any payment, prepayment, or refinancing features shall be negotiated between the obligor and the lender, with the consent of the chief executive officer.

(2) GUARANTEED LENDER.—A guaranteed lender shall be limited to those lenders meeting the definition of that term in section 601(a) of title 23, United States Code.

(k) COMPLIANCE WITH FCRA.—IN GENERAL.—Direct loans and loan guarantees authorized by this Act shall be subject to the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as amended.

SEC. 255. COMPLIANCE AND ENFORCEMENT.

(a) CREDIT AGREEMENT.—Notwithstanding any other provision of law, each eligible entity that receives assistance under this Act from AIFA shall enter into a credit agreement that requires such entity to comply with all applicable policies and procedures of AIFA, in addition to all other provisions of the loan agreement.

(b) AIFA AUTHORITY ON NONCOMPLIANCE.—In any case in which a recipient of assistance under this Act is materially out of compliance with the loan agreement, or any applicable policy or procedure of AIFA, the Board of Directors may take action to cancel unutilized loan amounts, or to accelerate the repayment terms of any outstanding obligation.

(c) Nothing in this Act is intended to affect existing provisions of law applicable to the planning, development, construction, or operation of projects funded under the Act.

SEC. 256. AUDITS; REPORTS TO THE PRESIDENT AND CONGRESS.

(a) ACCOUNTING.—The books of account of AIFA shall be maintained in accordance with generally accepted accounting principles, and shall be subject to an annual audit by independent public accountants of nationally recognized standing appointed by the Board of Directors.

(b) REPORTS.—

(1) BOARD OF DIRECTORS.—Not later than 90 days after the last day of each fiscal year, the Board of Directors shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the operations of AIFA, for such fiscal year;

(B) a schedule of the obligations of AIFA and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(C) the status of infrastructure projects receiving funding or other assistance pursuant to this Act during such fiscal year, including all nonperforming loans, and including disclosure of all entities with a development, ownership, or operational interest in such infrastructure projects;

(D) a description of the successes and challenges encountered in lending to rural communities, including the role of the Center for Excellence and the Office of Rural Assistance established under this Act; and

(E) an assessment of the risks of the portfolio of AIFA, prepared by an independent source.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an evaluation of, and shall submit to Congress a report on, activities of AIFA for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded infrastructure project, including a review of how effectively each such infrastructure project accomplished the goals prioritized by the infrastructure project criteria of AIFA.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—AIFA shall maintain adequate books and records to support the financial transactions of AIFA, with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each such project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of AIFA shall at all times be open to inspection by the Secretary

of the Treasury, the Special Inspector General, and the Comptroller General of the United States.

PART III—FUNDING OF AIFA**SEC. 257. ADMINISTRATIVE FEES.**

(a) IN GENERAL.—In addition to fees that may be collected under section 254(e), the chief executive officer shall establish and collect fees from eligible funding recipients with respect to loans and loan guarantees under this Act that—

(1) are sufficient to cover all or a portion of the administrative costs to the Federal Government for the operations of AIFA, including the costs of expert firms, including counsel in the field of municipal and project finance, and financial advisors to assist with underwriting, credit analysis, or other independent reviews, as appropriate;

(2) may be in the form of an application or transaction fee, or other form established by the CEO; and

(3) may be based on the risk premium associated with the loan or loan guarantee, taking into consideration—

(A) the price of United States Treasury obligations of a similar maturity;

(B) prevailing market conditions;

(C) the ability of the infrastructure project to support the loan or loan guarantee; and

(D) the total amount of the loan or loan guarantee.

(b) AVAILABILITY OF AMOUNTS.—Amounts collected under subsections (a)(1), (a)(2), and (a)(3) shall be available without further action; provided further, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government.

SEC. 258. EFFICIENCY OF AIFA.

The chief executive officer shall, to the extent possible, take actions consistent with this Act to minimize the risk and cost to the taxpayer of AIFA activities. Fees and premiums for loan guarantee or insurance coverage will be set at levels that minimize administrative and Federal credit subsidy costs to the Government, as defined in Section 502 of the Federal Credit Reform Act of 1990, as amended, of such coverage, while supporting achievement of the program's objectives, consistent with policies as set forth in the Business Plan.

SEC. 259. FUNDING.

There is hereby appropriated to AIFA to carry out this Act, for the cost of direct loans and loan guarantees subject to the limitations under Section 253, and for administrative costs, \$10,000,000,000, to remain available until expended; Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Federal Credit Reform Act of 1990, as amended; Provided further, that of this amount, not more than \$25,000,000 for each of fiscal years 2012 through 2013, and not more than \$50,000,000 for fiscal year 2014 may be used for administrative costs of AIFA; provided further, that not more than 5 percent of such amount shall be used to offset subsidy costs associated with rural projects. Amounts authorized shall be available without further action.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS**SEC. 260. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.**

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2013”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, 2011, AND 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle G—Project Rebuild**SEC. 261. PROJECT REBUILD.**

(a) DIRECT APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until September 30, 2014, for assistance to eligible entities including States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), and qualified nonprofit organizations, businesses or consortia of eligible entities for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated, two thirds shall be allocated to States and units of general local government based on a funding formula established by the Secretary of Housing and Urban Development (in this subtitle referred to as the “Secretary”). Of the amounts appropriated, one third shall be distributed competitively to eligible entities.

(2) FORMULA TO BE DEvised SWIFTLY.—The funding formula required under paragraph (1) shall be established and the Secretary shall announce formula funding allocations, not later than 30 days after the date of enactment of this section.

(3) FORMULA CRITERIA.—The Secretary may establish a minimum grant size, and the funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes in default or delinquency in each State or unit of general local government; and

(C) other factors such as established program designs, grantee capacity and performance, number and percentage of commercial foreclosures, overall economic conditions, and other market needs data, as determined by the Secretary.

(4) COMPETITION CRITERIA.—

(A) For the funds distributed competitively, eligible entities shall be States, units of general local government, nonprofit entities, for-profit entities, and consortia of eligible entities that demonstrate capacity to use funding within the period of this program.

(B) In selecting grantees, the Secretary shall ensure that grantees are in areas with the greatest number and percentage of residential and commercial foreclosures and other market needs data, as determined by the Secretary. Additional award criteria

shall include demonstrated grantee capacity to execute projects involving acquisition and rehabilitation or redevelopment of foreclosed residential and commercial property and neighborhood stabilization, leverage, knowledge of market conditions and of effective stabilization activities to address identified conditions, and any additional factors determined by the Secretary.

(C) The Secretary may establish a minimum grant size; and

(D) The Secretary shall publish competition criteria for any grants awarded under this heading not later than 60 days after appropriation of funds, and applications shall be due to the Secretary within 120 days.

(c) USE OF FUNDS.—

(1) OBLIGATION AND EXPENDITURE.—The Secretary shall obligate all funding within 150 days of enactment of this Act. Any eligible entity that receives amounts pursuant to this section shall expend all funds allocated to it within three years of the date the funds become available to the grantee for obligation. Furthermore, the Secretary shall by Notice establish intermediate expenditure benchmarks at the one and two year dates from the date the funds become available to the grantee for obligation.

(2) PRIORITIES.—

(A) JOB CREATION.—Each grantee or eligible entity shall describe how its proposed use of funds will prioritize job creation, and secondly, will address goals to stabilize neighborhoods, reverse vacancy, or increase or stabilize residential and commercial property values.

(B) TARGETING.—Any State or unit of general local government that receives formula amounts pursuant to this section shall, in distributing and targeting such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(i) with the greatest percentage of home foreclosures;

(ii) identified as likely to face a significant rise in the rate of residential or commercial foreclosures; and

(iii) with higher than national average unemployment rate.

(C) LEVERAGE.—Each grantee or eligible entity shall describe how its proposed use of funds will leverage private funds.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such properties;

(C) establish and operate land banks for properties that have been abandoned or foreclosed upon;

(D) demolish blighted structures;

(E) redevelop abandoned, foreclosed, demolished, or vacant properties; and

(F) engage in other activities, as determined by the Secretary through notice, that are consistent with the goals of creating jobs, stabilizing neighborhoods, reversing vacancy reduction, and increasing or stabilizing residential and commercial property values.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a property under this section shall be at a price not

to exceed its current market value, taking into account its current condition.

(2) REHABILITATION.—Any rehabilitation of an eligible property under this section shall be to the extent necessary to comply with applicable laws, and other requirements relating to safety, quality, marketability, and habitability, in order to sell, rent, or redevelop such properties or provide a renewable energy source or sources for such properties.

(3) SALE OF HOMES.—If an abandoned or foreclosed-upon home is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, marketable, and habitable condition.

(4) ON DEMOLITION OF PUBLIC HOUSING.—Public housing, as defined at section 3(b)(6) of the United States Housing Act of 1937, may not be demolished with funds under this section.

(5) ON DEMOLITION ACTIVITIES.—No more than 10 percent of any grant made under this section may be used for demolition activities unless the Secretary determines that such use represents an appropriate response to local market conditions.

(6) ON USE OF FUNDS FOR NON-RESIDENTIAL PROPERTY.—No more than 30 percent of any grant made under this section may be used for eligible activities under subparagraphs (A), (B), and (E) of subsection (c)(3) that will not result in residential use of the property involved unless the Secretary determines that such use represents an appropriate response to local market conditions.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to eligible entities under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for an eligible entity to receive any amounts under this section.

(3) TENANT PROTECTIONS.—An eligible entity receiving a grant under this section shall comply with the 14th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd provisos of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 218-19), as amended by section 1497(b)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 124 Stat. 2211).

(4) VICINITY HIRING.—An eligible entity receiving a grant under this section shall comply with section 1497(a)(8) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 129 Stat. 2210).

(5) BUY AMERICAN.—Section 1605 of Title XVI—General Provisions of the American Recovery and Reinvestment Act of 2009—shall apply to amounts appropriated, revenues generated, and amounts otherwise made available to eligible entities under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering the program under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 or under title I of the Cranston-Gonzalez National Affordable Housing Act of 1990 (except for those provisions in these laws related to fair housing, nondiscrimination, labor standards, and the environment) for the purpose of expe-

ditioning and facilitating the use of funds under this section.

(2) NOTICE.—The Secretary shall provide written notice of intent to the public via internet to exercise the authority to specify alternative requirements under paragraph.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of eligible properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed-upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) NATIONWIDE DISTRIBUTION OF RESOURCES.—Notwithstanding any other provision of this section or the amendments made by this section, each State shall receive not less than \$20,000,000 of formula funds.

(h) LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.—No State or unit of general local government may use any amounts received pursuant to this section to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use, which shall not be construed to include economic development that primarily benefits private entities.

(i) LIMITATION ON DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) an organization which employs applicable individuals.

(2) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term “applicable individual” means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(j) RENTAL HOUSING PREFERENCES.—Each State and local government receiving formula amounts shall establish procedures to create preferences for the development of affordable rental housing.

(k) JOB CREATION.—If a grantee chooses to use funds to create jobs by establishing and operating a program to maintain eligible neighborhood properties, not more than 10 percent of any grant may be used for that purpose.

(1) PROGRAM SUPPORT AND CAPACITY BUILDING.—The Secretary may use up to 0.75 percent of the funds appropriated for capacity building of and support for eligible entities and grantees undertaking neighborhood stabilization programs, staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities.

(1) Funds set aside for the purposes of this subparagraph shall remain available until September 30, 2016;

(2) Any funds made available under this subparagraph and used by the Secretary for personnel expenses related to administering funding under this subparagraph shall be transferred to “Personnel Compensation and Benefits, Community Planning and Development”;

(3) Any funds made available under this subparagraph and used by the Secretary for training or other administrative expenses shall be transferred to “Administration, Operations, and Management, Community Planning and Development” for non-personnel expenses; and

(4) Any funds made available under this subparagraph and used by the Secretary for technology shall be transferred to “Working Capital Fund”.

(m) ENFORCEMENT AND PREVENTION OF FRAUD AND ABUSE.—The Secretary shall establish and implement procedures to prevent fraud and abuse of funds under this section, and shall impose a requirement that grantees have an internal auditor to continuously monitor grantee performance to prevent fraud, waste, and abuse. Grantees shall provide the Secretary and citizens with quarterly progress reports. The Secretary shall recapture funds from formula and competitive grantees that do not expend 100 percent of allocated funds within 3 years of the date that funds become available, and from underperforming or mismanaging grantees, and shall re-allocate those funds by formula to target areas with the greatest need, as determined by the Secretary through notice. The Secretary may take an alternative sanctions action only upon determining that such action is necessary to achieve program goals in a timely manner.

(n) The Secretary of Housing and Urban Development shall to the extent feasible conform policies and procedures for grants made under this section to the policies and practices already in place for the grants made under Section 2301 of the Housing and Economic Recovery Act of 2008; Division A, Title XII of the American Recovery and Reinvestment Act of 2009; or Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Subtitle H—National Wireless Initiative

SEC. 271. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 700 MHZ BAND.—The term “700 MHZ band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term “700 MHZ D block spectrum” means the portion of the electromagnetic spectrum frequencies from 758 megahertz to 763 megahertz and from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(5) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(6) CORPORATION.—The term “Corporation” means the Public Safety Broadband Corporation established in section 284.

(7) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(8) FEDERAL ENTITY.—The term “Federal entity” has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) NARROWBAND SPECTRUM.—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) NIST.—The term “NIST” means the National Institute of Standards and Technology.

(11) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

(12) PUBLIC SAFETY ENTITY.—The term “public safety entity” means an entity that provides public safety services.

(13) PUBLIC SAFETY SERVICES.—The term “public safety services”—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 272. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Paragraph (1) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended by striking paragraph (1) and inserting the following:

“(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use may receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.”.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) is amended by deleting and replacing subsection (B) with the following:

“(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or is assigned as a result of later legislation or other administrative direction.”.

(c) Paragraph (3) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended by striking it in its entirety and replacing it with the following:

“(3) DEFINITION OF RELOCATION AND SHARING COSTS.—For purposes of this subsection, the terms ‘relocation costs’ and ‘sharing costs’ mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology. Comparable capability of systems includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality. Such costs include—

“(A) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

“(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary, which may be renewed, to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before relocation for the remaining estimated life of the system being relocated;

“(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with (i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs; (ii) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

“(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity’s primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary

allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process;

“(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

“(F) the costs of the use of commercial systems and services (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease, subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.”.

(d) A new subsection (7) is added to Section 113(g) as follows:

“(7) SPECTRUM SHARING.—Federal entities are permitted to allow access to their frequency assignments by non-Federal entities upon approval of the terms of such access by NTIA, in consultation with the Office of Management and Budget. Such non-Federal entities must comply with all applicable rules of the Commission and NTIA, including any regulations promulgated pursuant to this section. Remuneration associated with such access shall be deposited into the Spectrum Relocation Fund. Federal entities that incur costs as a result of such access are eligible for payment from the Fund for the purposes specified in subsection (3) of this section. The revenue associated with such access must be at least 110 percent of the estimated Federal costs.”.

(e) Section 118 of such Act (47 U.S.C. 928) is amended by:

(1) In subsection (b), adding at the end, “and any payments made by non-Federal entities for access to Federal spectrum pursuant to 47 U.S.C. 113(g)(7)”;

(2) replacing subsection (c) with the following:

“The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section (g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency. In addition, the amounts in the Fund from payments by non-Federal entities for access to Federal spectrum are authorized to be used to pay Federal costs associated with such sharing, as defined in section (g)(3) of this title. The Director of the Office of Management and Budget (OMB) may transfer at any time (including prior to any auction or contemplated auction, or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title. However, the Director may not transfer more than \$100,000,000 associated with authorized pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund. Within the \$100,000,000 that may be transferred before an auction, the Director of OMB may transfer up to \$10,000,000 in total to eligible federal entities for eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title for costs incurred prior to the enactment of this legislation, but after June 28th, 2010. These amounts transferred pursuant to the previous proviso are in addition to amounts

that the Director of OMB may transfer after the enactment of this legislation.”;

(3) amending subsection (d)(1) to add, “and sharing” before “costs”;

(4) amending subsection (d)(2)(B) to add, “and sharing” before “costs”, and adding at the end, “and sharing”;

(5) replacing subsection (d)(3) with the following:

“Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the Committees on Appropriations and Energy and Commerce of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate at least 60 days in advance of the reversion of the funds to the general fund of the Treasury that such funds are needed to complete or to implement current or future relocations or sharing initiatives.”;

(6) amending subsection (e)(2) by adding “and sharing” before “costs”; by adding “or sharing” before “is complete”; and by adding “or sharing” before “in accordance”; and

(7) adding a new subsection at the end thereof:

“(f) Notwithstanding subsections (c) through (e) of this section and after the amount specified in subsection (b), up to twenty percent of the amounts deposited in the Spectrum Relocation Fund from the auction of licenses following the date of enactment of this section for frequencies vacated by Federal entities, or up to twenty percent of the amounts paid by non-Federal entities for sharing of Federal spectrum, after the date of enactment are hereby appropriated and available at the discretion of the Director of the Office of Management and Budget, in consultation with the Assistant Secretary for Communications and Information, for payment to the eligible Federal entities, in addition to the relocation and sharing costs defined in paragraph (3) of subsection 923(g), for the purpose of encouraging timely access to those frequencies, provided that:

“(1) Such payments may be based on the market value of the spectrum, timeliness of clearing, and needs for agencies’ essential missions;

“(2) Such payments are authorized for:

“(A) the purposes of achieving enhanced capabilities of systems that are affected by the activities specified in subparagraphs (A) through (F) of paragraph (3) of subsection 923(g) of this title; and

“(B) other communications, radar and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

“(3) The increase to the Fund due to any one auction after any payment is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

“(4) Payments to eligible entities must be based on the proceeds generated in the auction that an eligible entity participates in; and

“(5) Such payments will not be made until 30 days after the Director of OMB has notified the Committees on Appropriations and Commerce, Science, and Transportation of

the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives.”.

(f) Subparagraph D of section 309 (j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended by adding “, after the retention of revenue described in subparagraph (B),” before “attributable” and “and frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in 47 U.S.C. 923(g)(2)” before the first “shall” in the subparagraph.

(g) If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by sections 923 or 928 of Title 47 of the United States Code would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations the head of the executive agency shall notify the NTIA of that determination prior to release of such information. In that event, such information shall be included in a separate annex, as needed and to the extent the agency head determines is consistent with national security or law enforcement purposes. These annexes shall be provided to the appropriate subcommittee in accordance with applicable stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 273. INCENTIVE AUCTION AUTHORITY.

(a) Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by deleting “and (E)” and inserting “(E) and (F)” after “subparagraphs (B), (D),”; and

(2) by adding at the end the following new subparagraphs:

“(F) Notwithstanding any other provision of law, if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of any auction proceeds that the Commission determines, in its discretion, are attributable to the spectrum usage rights voluntarily relinquished by such licensee. If the Commission also determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate; Provided, however, that with respect to frequency bands between 54 megahertz and 72 megahertz, 76 megahertz and 88 megahertz, 174 megahertz and 216 megahertz, and 470 megahertz and 698 megahertz (‘the specified bands’), any spectrum made available for alternative use utilizing payments authorized under this subsection shall be assigned via the competitive bidding process until the winning bidders for licenses covering at least 84 megahertz from the specified bands deposit the full amount of their bids in accordance with the Commission’s instructions. In

addition, if more than 84 megahertz of spectrum from the specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available, provided that a majority of such additional spectrum is assigned via competitive bidding. Also, provided that in exercising the authority provided under this section:

“(i) The Chairman of the Commission, in consultation with the Director of OMB, shall notify the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives of the methodology for calculating such payments to licensees at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing; and

“(ii) Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this section and section 106 of this Act shall be deposited with the Public Safety Trust Fund established under section 217 of this Act.

“(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Incentive Auction Relocation Fund’.

“(ii) ADMINISTRATION.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the amounts deposited pursuant to this section.

“(iii) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 217 of this Act.

“(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

“(I) without fiscal year limitation;

“(II) for a period not to exceed 18 months following the later of—

“(aa) the completion of incentive auction from which such amounts were derived;

“(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); or

“(cc) the issuance of a construction permit by the Commission for a station to change channels, geographic locations, to collocate on the same channel or notification by a station to the Assistant Secretary that it is impacted by such a change; and

“(III) without further appropriation.

“(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

“(I) the reasonable costs of television broadcast stations that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

“(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain

their existing rights to carriage pursuant to sections 338, 614, and 615.”.

SEC. 274. REQUIREMENTS WHEN REPURPOSING CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

To the extent that the Commission makes available terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, the Commission shall recover a significant portion of the value of such right either through the authority provided in section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or by section 278 of this subtitle.

SEC. 275. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(1) of the Communications Act of 1934 (47 U.S.C. 309 (j)(1)) is repealed.

SEC. 276. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

“(17) Notwithstanding any other provision of law, the Commission shall use competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. A service is defined to be predominantly for domestic satellite communications services if the majority of customers that may be served are located within the geographic boundaries of the United States. The Commission may, however, use an alternative approach to assignment of such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity. This paragraph shall be effective on the date of its enactment and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based television or radio services as of the effective date.”.

SEC. 277. DIRECTED AUCTION OF CERTAIN SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this subtitle, the Assistant Secretary shall identify and make available for immediate reallocation, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA’s October 2010 report entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”, to be made available for reallocation or sharing with incumbent Government operations.

(b) AUCTION.—Not later than January 31, 2016, the Commission shall conduct, in such combination as deemed appropriate by the Commission, the auctions of the following licenses covering at least the frequencies described in this section, by commencing the bidding for:

(1) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.

(2) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(3) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(4) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(5) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(6) At least 25 megahertz of spectrum between the frequencies of 1755 megahertz and 1850 megahertz, minus appropriate geographic exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to auction of spectrum frequencies identified in this paragraph.

(7) The Commission may substitute alternative spectrum frequencies for the spectrum frequencies identified in paragraphs (1) through (5) of this subsection, if the Commission determines that alternative spectrum would better serve the public interest and the Office of Management and Budget certifies that such alternative spectrum frequencies are reasonably expected to produce receipts comparable to auction of the spectrum frequencies identified in paragraphs (1) through (5) of this subsection.

(c) AUCTION ORGANIZATION.—The Commission may, if technically feasible and consistent with the public interest, combine the spectrum identified in paragraphs (4), (5), and the portion of paragraph (6) between the frequencies of 1755 megahertz and 1850 megahertz, inclusive, of subsection (b) in an auction of licenses for paired spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this subsection, the term “covered spectrum” means the portion of the electromagnetic spectrum between the frequencies of 3550 to 3650 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA’s October 2010 report entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(2) IN GENERAL.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding or allocation to unlicensed use, minus appropriate exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

(A) IN GENERAL.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, then the President shall, within 1 year after the date of such determination—

(i) identify alternative bands of frequencies totaling more than 20 megahertz and no

more than 100 megahertz of spectrum used primarily by Federal agencies that satisfy the requirements of clauses (i) and (ii) of paragraph (2)(B);

(i) report to the appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

(iii) make such alternative spectrum for assignment immediately available for reallocation.

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this subtitle.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this subtitle.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking “; and” and inserting a semicolon; and

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

“(i) the deposits—

“(I) of successful bidders of any auction conducted pursuant to subparagraph (F) of section 106 of this act shall be paid to the Public Safety Trust Fund established under section 217 of such Act; and

“(II) of successful bidders of any other auction shall be paid to the Treasury.”.

SEC. 278. AUTHORITY TO ESTABLISH SPECTRUM LICENSE USER FEES.

Section 309 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

“(m) USE OF SPECTRUM LICENSE USER FEES.—For initial licenses or construction permits that are not granted through the use of competitive bidding as set forth in subsection (j), and for renewals or modifications of initial licenses or other authorizations, whether granted through competitive bidding or not, the Commission may, where warranted, establish, assess, and collect annual user fees on holders of spectrum licenses or construction permits, including their successors or assignees, in order to promote efficient and effective use of the electromagnetic spectrum.

“(1) REQUIRED COLLECTIONS.—The Commission shall collect at least the following amounts—

“(A) \$200,000,000 in fiscal year 2012;

“(B) \$300,000,000 in fiscal year 2013;

“(C) \$425,000,000 in fiscal year 2014;

“(D) \$550,000,000 in fiscal year 2015;

“(E) \$550,000,000 in fiscal year 2016;

“(F) \$550,000,000 in fiscal year 2017;

“(G) \$550,000,000 in fiscal year 2018;

“(H) \$550,000,000 in fiscal year 2019;

“(I) \$550,000,000 in fiscal year 2020; and

“(J) \$550,000,000 in fiscal year 2021.

“(2) DEVELOPMENT OF SPECTRUM FEE REGULATIONS.—

“(A) The Commission shall, by regulation, establish a methodology for assessing annual spectrum user fees and a schedule for collec-

tion of such fees on classes of spectrum licenses or construction permits or other instruments of authorization, consistent with the public interest, convenience and necessity. The Commission may determine over time different classes of spectrum licenses or construction permits upon which such fees may be assessed. In establishing the fee methodology, the Commission may consider the following factors:

“(i) the highest value alternative spectrum use forgone;

“(ii) scope and type of permissible services and uses;

“(iii) amount of spectrum and licensed coverage area;

“(iv) shared versus exclusive use;

“(v) level of demand for spectrum licenses or construction permits within a certain spectrum band or geographic area;

“(vi) the amount of revenue raised on comparable licenses awarded through an auction; and

“(vii) such factors that the Commission determines, in its discretion, are necessary to promote efficient and effective spectrum use.

“(B) In addition, the Commission shall, by regulation, establish a methodology for assessing annual user fees and a schedule for collection of such fees on entities holding Ancillary Terrestrial Component authority in conjunction with Mobile Satellite Service spectrum licenses, where the Ancillary Terrestrial Component authority was not assigned through use of competitive bidding. The Commission shall not collect less from the holders of such authority than a reasonable estimate of the value of such authority over its term, regardless of whether terrestrial services is actually provided during this term. In determining a reasonable estimate of the value of such authority, the Commission may consider factors listed in subsection (A).

“(C) Within 60 days of enactment of this Act, the Commission shall commence a rulemaking to develop the fee methodology and regulations. The Commission shall take all actions necessary so that it can collect fees from the first class or classes of spectrum license or construction permit holders no later than September 30, 2012.

“(D) The Commission, from time to time, may commence further rulemakings (separate from or in connection with other rulemakings or proceedings involving spectrum-based services, licenses, permits and uses) and modify the fee methodology or revise its rules required by paragraph (B) to add or modify classes of spectrum license or construction permit holders that must pay fees, and assign or adjust such fee as a result of the addition, deletion, reclassification or other change in a spectrum-based service or use, including changes in the nature of a spectrum-based service or use as a consequence of Commission rulemaking proceedings or changes in law. Any resulting changes in the classes of spectrum licenses, construction permits or fees shall take effect upon the dates established in the Commission's rulemaking proceeding in accordance with applicable law.

“(E) The Commission shall exempt from such fees holders of licenses for broadcast television and public safety services. The term ‘emergency response providers’ includes State, local, and tribal, emergency public safety, law enforcement, firefighter, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies and authorities.

“(3) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an

additional charge which shall be assessed as a penalty for late payment of fees required by this subsection.

“(4) REVOCATION OF LICENSE OR PERMIT.—The Commission may revoke any spectrum license or construction permit for a licensee's or permittee's failure to pay in a timely manner any fee or penalty to the Commission under this subsection. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

“(5) TREATMENT OF REVENUES.—All proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the General Fund of the Treasury.”.

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 281. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this subtitle.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking “24” in paragraph (1) and inserting “34”; and

(2) by striking “36” in paragraph (2) and inserting “26”.

SEC. 282. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the Commission and the Corporation established in section 204 of this subtitle.

SEC. 283. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this subtitle, including section 290, the Commission shall grant a license to the Public Safety Broadband Corporation established under section 284 for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) **RENEWAL OF LICENSE.**—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the Corporation has met the duties and obligations set forth under this subtitle. A renewal license granted under this paragraph shall be for a term of not to exceed 15 years.

(c) **FACILITATION OF TRANSITION.**—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the Public Safety Broadband Corporation established under section 284.

SEC. 284. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) **ESTABLISHMENT.**—There is authorized to be established a private, nonprofit corporation, to be known as the “Public Safety Broadband Corporation”, which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(b) **APPLICATION OF PROVISIONS.**—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (sec. 29-301.01 et seq., D.C. Official Code).

(c) **RESIDENCE.**—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(d) **POWERS UNDER DC ACT.**—In order to carry out the duties and activities of the Corporation, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(e) **INCORPORATION.**—The members of the initial Board of Directors of the Corporation shall serve as incorporators and shall take whatever steps that are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

SEC. 285. BOARD OF DIRECTORS OF THE CORPORATION.

(a) **MEMBERSHIP.**—The management of the Corporation shall be vested in a Board of Directors (referred to in this Title as the “Board”), which shall consist of the following members:

(1) **FEDERAL MEMBERS.**—The following individuals, or their respective designees, shall serve as Federal members:

- (A) The Secretary of Commerce.
- (B) The Secretary of Homeland Security.
- (C) The Attorney General of the United States.

(D) The Director of the Office of Management and Budget.

(2) **NON-FEDERAL MEMBERS.**—

(A) **IN GENERAL.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall appoint 11 individuals to serve as non-Federal members of the Board.

(B) **STATE, TERRITORIAL, TRIBAL AND LOCAL GOVERNMENT INTERESTS.**—In making appointments under subparagraph (A), the Secretary of Commerce should—

(i) appoint at least 3 individuals with significant expertise in the collective interests of State, territorial, tribal and local governments; and

(ii) seek to ensure geographic and regional representation of the United States in such appointments; and

(iii) seek to ensure rural and urban representation in such appointments.

(C) **PUBLIC SAFETY INTERESTS.**—In making appointments under subparagraph (A), the Secretary of Commerce should appoint at least 3 individuals who have served or are currently serving as public safety professionals.

(D) **REQUIRED QUALIFICATIONS.**—

(i) **IN GENERAL.**—Each non-Federal member appointed under subparagraph (A) should meet at least 1 of the following criteria:

(I) **PUBLIC SAFETY EXPERIENCE.**—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) **TECHNICAL EXPERTISE.**—Technical expertise and fluency regarding broadband communications, including public safety communications and cybersecurity.

(III) **NETWORK EXPERTISE.**—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) **FINANCIAL EXPERTISE.**—Expertise in financing and funding telecommunications networks.

(i) **EXPERTISE TO BE REPRESENTED.**—In making appointments under subparagraph (A), the Secretary of Commerce should appoint—

(I) at least one individual who satisfies the requirement under subclause (II) of clause (i);

(II) at least one individual who satisfies the requirement under subclause (III) of clause (i); and

(III) at least one individual who satisfies the requirement under subclause (IV) of clause (i).

(E) **INDEPENDENCE.**—

(i) **IN GENERAL.**—Each non-Federal member of the Board shall be independent and neutral and maintain a fiduciary relationship with the Corporation in performing his or her duties.

(ii) **INDEPENDENCE DETERMINATION.**—In order to be considered independent for purposes of this subparagraph, a member of the Board—

(I) may not, other than in his or her capacity as a member of the Board or any committee thereof—

(aa) accept any consulting, advisory, or other compensatory fee from the Corporation; or

(bb) be a person associated with the Corporation or with any affiliated company thereof; and

(II) shall be disqualified from any deliberation involving any transaction of the Corporation in which the Board member has a financial interest in the outcome of the transaction.

(F) **NOT OFFICERS OR EMPLOYEES.**—The non-Federal members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(G) **CITIZENSHIP.**—No individual other than a citizen of the United States may serve as a non-Federal member of the Board.

(H) **CLEARANCE FOR CLASSIFIED INFORMATION.**—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, the non-Federal members of the Board shall be required, prior to appointment, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) **TERMS OF APPOINTMENT.**—

(1) **INITIAL APPOINTMENT DEADLINE.**—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this subtitle.

(2) **TERMS.**—

(A) **LENGTH.**—

(i) **FEDERAL MEMBERS.**—Each Federal member of the Board shall serve as a member of the Board for the life of the Corporation while serving in their appointed capacity.

(ii) **NON-FEDERAL MEMBERS.**—The term of office of each non-Federal member of the Board shall be 3 years. No non-Federal member of the Board may serve more than 2 consecutive full 3-year terms.

(B) **EXPIRATION OF TERM.**—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) **APPOINTMENT TO FILL VACANCY.**—Any non-Federal member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) **STAGGERED TERMS.**—With respect to the initial non-Federal members of the Board—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 3 members shall serve for a term of 1 year.

(3) **VACANCIES.**—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(c) **CHAIR.**—

(1) **SELECTION.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall select, from among the members of the Board, an individual to serve for a 2-year term as Chair of the Board.

(2) **CONSECUTIVE TERMS.**—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(3) **REMOVAL FOR CAUSE.**—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may remove the Chair of the Board and any non-Federal member for good cause.

(d) **REMOVAL.**—All members of the Board may by majority vote—

(1) remove any non-Federal member of the Board from office for conduct determined by the Board to be detrimental to the Board or Corporation; and

(2) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined by the Board to be detrimental to the Board or Corporation.

(e) **MEETINGS.**—

(1) **FREQUENCY.**—The Board shall meet in accordance with the bylaws of the Corporation—

(A) at the call of the Chairperson; and

(B) not less frequently than once each quarter.

(2) **TRANSPARENCY.**—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, to discuss security vulnerabilities when making those

vulnerabilities public would increase risk to the network or otherwise materially threaten network operations, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(f) **QUORUM.**—Eight members of the Board shall constitute a quorum.

(g) **BYLAWS.**—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(h) **ATTENDANCE.**—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(i) **PROHIBITION ON COMPENSATION.**—Members of the Board of the Corporation shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

SEC. 286. OFFICERS, EMPLOYEES, AND COMMITTEES OF THE CORPORATION.

(a) **OFFICERS AND EMPLOYEES.**—

(1) **IN GENERAL.**—The Corporation shall have a Chief Executive Officer, and such other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board pursuant to this subsection. The Chief Executive Officer may name and appoint such employees as are necessary. All officers and employees shall serve at the pleasure of the Board.

(2) **LIMITATION.**—No individual other than a citizen of the United States may be an officer of the Corporation.

(3) **NONPOLITICAL NATURE OF APPOINTMENT.**—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—The Board may hire and fix the compensation of employees hired under this subsection as may be necessary to carry out the purposes of the Corporation.

(B) **APPROVAL BY COMPENSATION BY FEDERAL MEMBERS.**—Notwithstanding any other provision of law, or any bylaw adopted by the Corporation, all rates of compensation, including benefit plans and salary ranges, for officers and employees of the Board, shall be jointly approved by the Federal members of the Board.

(C) **LIMITATION ON OTHER COMPENSATION.**—No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the officer or employee by the Corporation, unless unanimously approved by all voting members of the Corporation.

(5) **SERVICE ON OTHER BOARDS.**—Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.

(6) **RULE OF CONSTRUCTION.**—No officer or employee of the Board or of the Corporation

shall be considered to be an officer or employee of the United States Government or of the government of the District of Columbia.

(7) **CLEARANCE FOR CLASSIFIED INFORMATION.**—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, at a minimum the Chief Executive Officer and any officers filling the roles normally titled as Chief Information Officers, Chief Information Security Officer, and Chief Operations Officer shall—

(A) be required, within six months of being hired, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) **ADVISORY COMMITTEES.**—The Board—

(1) shall establish a standing public safety advisory committee to assist the Board in carrying out its duties and responsibilities under this title; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the Board determines are necessary.

SEC. 287. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) **STOCK.**—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(c) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(d) **PROHIBITION ON LOBBYING ACTIVITIES.**—The Corporation shall not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

SEC. 288. POWERS, DUTIES, AND RESPONSIBILITIES OF THE CORPORATION.

(a) **GENERAL POWERS.**—The Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of its Board, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this title, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies, pursuant to guidelines established by the Director of the Office of Management and Budget.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To issue notes or bonds, which shall not be guaranteed or backed in any manner by

the Government of the United States, to purchasers of such instruments in the private capital markets.

(9) To incur indebtedness, which shall be the sole liability of the Corporation and shall not be guaranteed or backed by the Government of the United States, to carry out the purposes of this Title.

(10) To spend funds under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this subtitle.

(11) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(12) To expend the funds placed in any reserve accounts established under paragraph (11) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this subtitle; or

(B) are otherwise approved by an Act of Congress.

(13) To build, operate and maintain the public safety interoperable broadband network.

(14) To take such other actions as the Corporation (through its Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this subtitle.

(b) **DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.**—

(1) **IN GENERAL.**—The Corporation shall hold the single public safety wireless license granted under section 281 and take all actions necessary to ensure the building, deployment, and operation of a secure and resilient nationwide public safety interoperable broadband network in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 284(b)(1), including by—

(A) ensuring nationwide standards including encryption requirements for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network;

(C) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network; and

(D) establishing policies regarding Federal and public safety support use.

(2) **INTEROPERABILITY, SECURITY AND STANDARDS.**—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyber intrusions or cyberattacks;

(B) be informed of and manage supply chain risks to the network, including requirements to provide insight into the suppliers and supply chains for critical network components and to implement risk management best practice in network design, contracting, operations and maintenance;

(C) promote competition in the equipment market, including devices for public safety

communications, by requiring that equipment and devices for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used across the nationwide public safety broadband network operating in the 700 MHz band;

(iii) be able to be interchangeable with other vendors' equipment; and

(iv) backward-compatible with existing second and third generation commercial networks to the extent that such capabilities are necessary and technically and economically reasonable; and

(D) promote integration of the network with public safety answering points or their equivalent.

(3) **RURAL COVERAGE.**—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation, consistent with the license granted under section 281, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.

(4) **EXECUTION OF AUTHORITY.**—In carrying out the duties and responsibilities of this subsection, the Corporation may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the Corporation; and

(ii) network infrastructure constructed, owned, or operated by the Corporation; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) **OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.**—

(1) **ESTABLISHMENT OF NETWORK POLICIES.**—In carrying out the requirements under subsection (b), the Corporation shall take such actions as may be necessary, including the development of requests for proposals—

(A) request for proposals should include—

(i) build timetables, including by taking into consideration the time needed to build out to rural areas;

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical, operational and security requirements of the network and, as appropriate, network suppliers;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) training needs of entities operating on and personnel using such network.

(2) **STATE AND LOCAL PLANNING.**—

(A) **REQUIRED CONSULTATION.**—In developing requests for proposal and otherwise carrying out its responsibilities under this subtitle, the Corporation shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expendi-

ture of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of an Evolved Packet Core or Cores and any Radio Access Network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) **METHOD OF CONSULTATION.**—The consultation required under subparagraph (A) shall occur between the Corporation and the single officer or governmental body designated under section 294(d).

(3) **LEVERAGING EXISTING INFRASTRUCTURE.**—In carrying out the requirement under subsection (b), the Corporation shall enter into agreements to utilize, to the maximum economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) **MAINTENANCE AND UPGRADES.**—The Corporation shall ensure through the maintenance, operation, and improvement of the nationwide public safety interoperable broadband network established under subsection (b), including by ensuring that the Corporation updates and revises any policies established under paragraph (1) to take into account new and evolving technologies and security concerns.

(5) **ROAMING AGREEMENTS.**—The Corporation shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety interoperable broadband users to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) **NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.**—The Director of NIST, in consultation with the Corporation and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols, encryption requirements, and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety interoperable broadband network established under subsection (b).

(7) **REPRESENTATION BEFORE STANDARD SETTING ENTITIES.**—The Corporation, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 284(b)(1), shall represent the interests of public safety users of the nationwide public safety interoperable broadband network established under subsection (b) before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity regarding the development of standards relating to interoperability.

(8) **PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.**—Except as authorized by the President, the Corporation shall not have the authority to negotiate or enter into

any agreements with a foreign government on behalf of the United States.

(d) **USE OF MAILS.**—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 289. INITIAL FUNDING FOR CORPORATION.

(a) **NTIA PROVISION OF INITIAL FUNDING TO THE CORPORATION.**—

(1) **IN GENERAL.**—Prior to the commencement of incentive auctions to be carried out under section 309(j)(8)(F) of the Communications Act of 1934 or the auction of spectrum pursuant to section 273 of this subtitle, the NTIA is hereby appropriated \$50,000,000 for reasonable administrative expenses and other costs associated with the establishment of the Corporation, and that may be transferred as needed to the Corporation for expenses before the commencement of incentive auction: Provided, That funding shall expire on September 30, 2014.

(2) **CONDITION OF FUNDING.**—At the time of application for, and as a condition to, any such funding, the Corporation shall file with the NTIA a statement with respect to the anticipated use of the proceeds of this funding.

(3) **NTIA APPROVAL.**—If the NTIA determines that such funding is necessary for the Corporation to carry out its duties and responsibilities under this title and that Corporation has submitted a plan, then the NTIA shall notify the appropriate committees of Congress 30 days before each transfer of funds takes place.

SEC. 290. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) **IN GENERAL.**—The Corporation shall have the authority to assess and collect the following fees:

(1) **NETWORK USER FEE.**—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety interoperable broadband network established under this title.

(2) **LEASE FEES RELATED TO NETWORK CAPACITY.**—

(A) **IN GENERAL.**—A fee from any non-Federal entity that seeks to enter into a covered leasing agreement.

(B) **COVERED LEASING AGREEMENT.**—For purposes of subparagraph (A), a "covered leasing agreement" means a written agreement between the Corporation and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) **LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.**—A fee from any non-Federal entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the Corporation.

(b) **ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.**—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the Corporation in carrying out its duties and responsibilities described under this title for the fiscal year involved.

(c) **REQUIRED REINVESTMENT OF FUNDS.**—The Corporation shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such

funds only for constructing, maintaining, managing or improving the network.

SEC. 291. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(3) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the Comptroller General shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the Corporation.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(B) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

SEC. 292. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the President and the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section; and

(2) such recommendations or proposals for legislative or administrative action as the Corporation deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The directors, officers, employees, and agents of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit made by the Comptroller General under section 291; or

(3) any other matter which such committees may determine appropriate.

SEC. 293. PROVISION OF TECHNICAL ASSISTANCE.

The Commission and the Departments of Homeland Security, Justice and Commerce may provide technical assistance to the Corporation and may take any action at the request of the Corporation in effectuating its duties and responsibilities under this title.

SEC. 294. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety interoperable broadband network established in this subtitle to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, identity management for public safety users and their devices, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the establishment of the bylaws of the Corporation pursuant to section 286 of this subtitle, the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

SEC. 295. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “State and Local Implementation Fund”.

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program authorized under section 294 of this subtitle using funds deposited in the State and Local Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State and Local Implementation Fund—

(1) any amounts specified in section 297; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the General Fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed \$100,000,000 to implement section 294.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the General Fund of the Treasury, with interest, for any amounts borrowed under subparagraph (1) as funds are deposited into the State and Local Implementation Fund.

SEC. 296. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—From amounts made available from the Public Safety Trust Fund established under section 297, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the Corporation and the public safety advisory committee established under section 286(b)(1), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety interoperable broadband network to be established under this title;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device “talkaround” standards for broadband networks, if necessary and practical, public safety prioritization, authentication capabilities, as well as a standard application programming interfaces for the nationwide public safety interoperable broadband network to be established under this title, if necessary and practical;

(5) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency and trustworthiness; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

(c) TRANSFER AUTHORITY.—If in the determination of the Director of NIST another Federal agency is better suited to carry out and oversee the research and development of any activity to be carried out in accordance with the requirements of this section, the Director may transfer any amounts provided under this section to such agency, including to the National Institute of Justice of the Department of Justice and the Department of Homeland Security.

SEC. 297. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to

be known as the "Public Safety Trust Fund".

(2) CREDITING OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 273 of this subtitle; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 273 of this subtitle.

(B) AVAILABILITY.—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2018. Upon the expiration of the period described in the prior sentence such amounts shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) PAYMENT OF AUCTION INCENTIVE.—

(A) REQUIRED DISBURSALS.—Amounts in the Public Safety Trust Fund shall be used to make any required disbursement of payments to licensees required pursuant to clause (i) and subclause (IV) of clause (ii) of section 309(j)(8)(F) of the Communications Act of 1934.

(B) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—At least 3 months in advance of any incentive auction conducted pursuant to subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating the disbursement of payments to certain licensees required pursuant to clause (i) and subclauses (III) and (IV) of clause (ii) of such section;

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum; and

(III) of the estimated payments to be made from the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(ii) DEFINITION.—In this clause, the term "appropriate committees of Congress" means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) INCENTIVE AUCTION RELOCATION FUND.—Not more than \$1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(3) STATE AND LOCAL IMPLEMENTATION FUND.—\$200,000,000 shall be deposited in the State and Local Implementation Fund established under section 294.

(4) PUBLIC SAFETY BROADBAND CORPORATION.—\$6,450,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 284, of which pursuant to its responsibilities and duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network. Funds deposited with the Public Safety Broadband Corporation shall be available after submission of a five-

year budget by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget and Attorney General of the United States.

(5) PUBLIC SAFETY RESEARCH AND DEVELOPMENT.—After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, a Wireless Innovation (WIN) Fund of up to \$300,000,000 shall be made available for use by the Director of NIST to carry out the research program established under section 296 and be available until expended. If less than \$300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation established in section 284 and be available for duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network.

(6) DEFICIT REDUCTION.—Any amounts remaining after the deduction of the amounts required under paragraphs (1) through (5) shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

SEC. 298. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 273(a).

SEC. 299. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety users to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Supporting Unemployed Workers Act of 2011".

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

SEC. 311. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(1) by striking "January 3, 2012" each place it appears and inserting "January 3, 2013";

(2) in the heading for subsection (b)(2), by striking "January 3, 2012" and inserting "January 3, 2013"; and

(3) in subsection (b)(3), by striking "June 9, 2012" and inserting "June 8, 2013".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by inserting after subparagraph (G) the following:

"(H) the amendments made by section 101 of the Supporting Unemployed Workers Act of 2011; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 312. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking "January 4, 2012" each place it appears and inserting "January 4, 2013";

(2) in the heading for subsection (b)(2), by striking "JANUARY 4, 2012" and inserting "JANUARY 4, 2013"; and

(3) in subsection (c), by striking "June 11, 2012" and inserting "June 11, 2013".

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "June 10, 2012" and inserting "June 9, 2013".

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 502 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a) by striking "December 31, 2011" and inserting "December 31, 2012"; and

(2) in subsection (b)(2) by striking "December 31, 2011" and inserting "December 31, 2012".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 313. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note), is amended by inserting the following new subsection (h):

"(h) IN GENERAL.—

"(1) REQUIRED PROVISION OF SERVICES AND ACTIVITIES.—An agreement under this section shall require that the State provide reemployment services and reemployment and

eligibility assessment activities to each individual receiving emergency unemployment compensation who, on or after the date that is 30 days after the date of enactment of the Supporting Unemployed Workers Act of 2011, establishes an account under section 4002(b), commences receiving the amounts described in section 4002(c), commences receiving the amounts described in section 4002(d), or commences receiving the amounts described in subsection 4002(e), whichever occurs first. Such services and activities shall be provided by the staff of the State agency responsible for administration of the State unemployment compensation law or the Wagner-Peyser Act from funds available pursuant to section 4004(c)(2) and may also be provided from funds available under the Wagner-Peyser Act.

“(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

“(A) shall include—

“(i) the provision of labor market and career information;

“(ii) an assessment of the skills of the individual;

“(iii) orientation to the services available through the One-Stop centers established under title I of the Workforce Investment Act of 1998;

“(iv) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops and may include referrals to appropriate training services; and

“(v) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

“(B) may include the provision of—

“(i) comprehensive and specialized assessments;

“(ii) individual and group career counseling; and

“(iii) additional reemployment services.

“(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate, or shall have completed participation in, such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or complete such services or activities, as defined in guidance to be issued by the Secretary of Labor.”

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessments activities required to be provided under the amendments made by paragraph (1).

(b) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(A) by striking “There” and inserting “(1) ADMINISTRATION.—There”; and

(B) by inserting the following new paragraph:

“(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

“(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, out of the employment security administration account as established by section 901(a) of the Social Security Act, such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

“(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.

“(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

“(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3), multiplied by

“(ii) \$200.”

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), is amended—

(A) in paragraph (2), by striking the period and inserting “; and”; and

(B) by inserting the following paragraph (3):

“(3) to the Employment Security Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).”

SEC. 314. FEDERAL-STATE AGREEMENTS TO ADMINISTER A SELF-EMPLOYMENT ASSISTANCE PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 313, is further amended by inserting a new subsection (i) as follows:

“(i) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who meet the eligibility criteria specified in subsection (b).

“(B) PAYMENT OF ALLOWANCES.—The self-employment assistance allowance described in subparagraph (A) shall be paid for up to 26 weeks to an eligible individual from such individual's emergency unemployment compensation account described in section 4002, and the amount in such account shall be reduced accordingly.

“(2) DEFINITION OF ‘SELF-EMPLOYMENT ASSISTANCE PROGRAM’.—For the purposes of this title, the term ‘self-employment assistance program’ means a program as defined under

section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), except as follows:

“(A) all references to ‘regular unemployment compensation under the State law’ shall be deemed to refer instead to ‘emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note)’;

“(B) paragraph (3)(B) shall not apply;

“(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

“(i) include any entrepreneurial training that the State may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and”

“(D) the reference to ‘5 percent’ in paragraph (4) shall be deemed to refer instead to ‘1 percent’; and

“(E) paragraph (5) shall not apply.

“(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who has received any emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 26 times the individual's average weekly benefit amount of emergency unemployment compensation.

“(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

“(A) TERMINATION.—An individual who is participating in a State's self-employment assistance program may opt to discontinue participation in such program.

“(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual whose participation in the self-employment assistance program is terminated as described in paragraph (1) or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under this title, shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.”

SEC. 315. CONFORMING AMENDMENT ON PAYMENT OF BRIDGE TO WORK WAGES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 103, is further amended by inserting a new subsection (j) as follows:

“(j) AUTHORIZATION TO PAY WAGES FOR PURPOSES OF A BRIDGE TO WORK PROGRAM.—Any State that establishes a Bridge to Work program under section 204 of the Supporting Unemployed Workers Act of 2011 is authorized to deduct from an emergency unemployment compensation account established for such individual under section 4002 such sums as may be necessary to pay wages for such individual as authorized under section 204(b)(1) of such Act.”

SEC. 316. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act,

as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), is amended—

(1) by striking “June 30, 2011” and inserting “June 30, 2012”; and

(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

PART II—REEMPLOYMENT NOW PROGRAM

SEC. 321. ESTABLISHMENT OF REEMPLOYMENT NOW PROGRAM.

(a) **IN GENERAL.**—There is hereby established the Reemployment NOW program to be carried out by the Secretary of Labor in accordance with this part in order to facilitate the reemployment of individuals who are receiving emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) (hereafter in this part referred to as “EUC claimants”).

(b) **AUTHORIZATION AND APPROPRIATION.**—There are authorized to be appropriated and appropriated from the general fund of the Treasury for fiscal year 2012 \$4,000,000,000 to carry out the Reemployment NOW program under this part.

SEC. 322. DISTRIBUTION OF FUNDS.

(a) **IN GENERAL.**—Of the funds appropriated under section 321(b) to carry out this part, the Secretary of Labor shall—

(1) reserve up to 1 percent for the costs of Federal administration and for carrying out rigorous evaluations of the activities conducted under this part; and

(2) allot the remainder of the funds not reserved under paragraph (1) in accordance with the requirements of subsection (b) and (c) to States that have approved plans under section 323.

(b) **ALLOTMENT FORMULA.**—

(1) **FORMULA FACTORS.**—The Secretary of Labor shall allot the funds available under subsection (a)(2) as follows:

(A) two-thirds of such funds shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(B) one-third of such funds shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 27 weeks or more, compared to the total number of individuals in all States who have been unemployed for 27 weeks or more.

(2) **CALCULATION.**—For purposes of paragraph (1), the number of unemployed individuals and the number of individuals unemployed for 27 weeks or more shall be based on the data for the most recent 12-month period, as determined by the Secretary.

(c) **REALLOTMENT.**—

(1) **FAILURE TO SUBMIT STATE PLAN.**—If a State does not submit a State plan by the time specified in section 323(b), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under subsection (b) shall be allotted to States

that receive approval of the State plan under section 323 in accordance with the relative allotments of such States as determined by the Secretary under subsection (b).

(2) **FAILURE TO IMPLEMENT ACTIVITIES ON A TIMELY BASIS.**—The Secretary of Labor may, in accordance with procedures and criteria established by the Secretary, recapture the portion of the State allotment under this part that remains unobligated if the Secretary determines such funds are not being obligated at a rate sufficient to meet the purposes of this part. The Secretary shall reallocate such recaptured funds to other States that are not subject to recapture in accordance with the relative share of the allotments of such States as determined by the Secretary under subsection (b).

(3) **RECAPTURE OF FUNDS.**—Funds recaptured under paragraph (2) shall be available for reobligation not later than December 31, 2012.

SEC. 323. STATE PLAN.

(a) **IN GENERAL.**—For a State to be eligible to receive an allotment under section 322, a State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require, which at a minimum shall include—

(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including which of the activities authorized in sections 324-328 the State intends to carry out and an estimate of the amounts the State intends to allocate to the activities, respectively;

(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes;

(3) a description of coordination of activities to be carried out under this part with activities under title I of the Workforce Investment Act of 1998, the Wagner-Peyser Act, and other appropriate Federal programs;

(4) the timelines for implementation of the activities described in the plan and the number of EUC claimants expected to be enrolled in such activities by quarter;

(5) assurances that the State will participate in the evaluation activities carried out by the Secretary of Labor under this section;

(6) assurances that the State will provide appropriate reemployment services, including counseling, to any EUC claimant who participates in any of the programs authorized under this part; and

(7) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes and effects, which the Secretary determines are necessary to effectively monitor the activities carried out under this part.

(b) **PLAN SUBMISSION AND APPROVAL.**—A State plan under this section shall be submitted to the Secretary of Labor for approval not later than 30 days after the Secretary issues guidance relating to submission of such plan. The Secretary shall approve such plans if the Secretary determines that the plans meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

(c) **PLAN MODIFICATIONS.**—A State may submit modifications to a State plan that

has been approved under this part, and the Secretary of Labor may approve such modifications, if the plan as modified would meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

SEC. 324. BRIDGE TO WORK PROGRAM.

(a) **IN GENERAL.**—A State may use funds allotted to the State under this part to establish and administer a Bridge to Work program described in this section.

(b) **DESCRIPTION OF PROGRAM.**—In order to increase individuals' opportunities to move to permanent employment, a State may establish a Bridge to Work program to provide an EUC claimant with short-term work experience placements with an eligible employer, during which time such individual—

(1) shall be paid emergency unemployment compensation payable under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as wages for work performed, and as specified in subsection (c);

(2) shall be paid the additional amount described in subsection (e) as augmented wages for work performed; and

(3) may be paid compensation in addition to the amounts described in paragraphs (1) and (2) by a State or by a participating employer as wages for work performed.

(c) **PROGRAM ELIGIBILITY AND OTHER REQUIREMENTS.**—For purposes of this program—

(1) individuals who, except for the requirements described in paragraph (3), are eligible to receive emergency unemployment compensation payments under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), and who choose to participate in the program described in subsection (b), shall receive such payments as wages for work performed during their voluntary participation in the program described under subsection (b);

(2) the wages payable to individuals described in paragraph (1) shall be paid from the emergency unemployment compensation account for such individual as described in section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), and the amount in such individual's account shall be reduced accordingly;

(3) the wages payable to an individual described in paragraph (1) shall be payable in the same amount, at the same interval, on the same terms, and subject to the same conditions under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), except that—

(A) State requirements applied under such Act relating to availability for work and active search for work are not applicable to such individuals who participate for at least 25 hours per week in the program described in subsection (b) for the duration of such individual's participation in the program;

(B) State requirements applied under such Act relating to disqualifying income regarding wages earned shall not apply to such individuals who participate for at least 25 hours per week in the program described in subsection (b), and shall not apply with respect to—

(i) the wages described under subsection (b); and

(ii) any wages, in addition to those described under subsection (b), whether paid by a State or a participating employer for the same work activities;

(C) State prohibitions or limitations applied under such Act relating to employment status shall not apply to such individuals who participate in the program described in subsection (b); and

(D) State requirements applied under such Act relating to an individual's acceptance of an offer of employment shall not apply with regard to an offer of long-term employment from a participating employer made to such individual who is participating in the program described in subsection (b) in a work experience provided by such employer, where such long-term employment is expected to commence or commences at the conclusion of the duration specified in paragraph (4)(A);

(4) the program shall be structured so that individuals described in paragraph (1) may participate in the program for up to—

(A) 8 weeks, and

(B) 38 hours for each such week;

(5) a State shall ensure that all individuals participating in the program are covered by a workers' compensation insurance program; and

(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate in guidance issued by the Secretary.

(d) STATE REQUIREMENTS.—

(1) CERTIFICATION OF ELIGIBLE EMPLOYER.—A State may certify as eligible for participation in the program under this section any employer that meets the eligibility criteria as established in guidance by the Secretary of Labor, except that an employer shall not be certified as eligible for participation in the program described under subsection (b)—

(A) if such employer—

(i) is a Federal, State, or local government entity;

(ii) would engage an eligible individual in work activities under any employer's grant, contract, or subcontract with a Federal, State, or local government entity, except with regard to work activities under any employer's supply contract or subcontract;

(iii) is delinquent with respect to any taxes or employer contributions described under sections 3301 and 3303(a)(1) of the Internal Revenue Code of 1986 or with respect to any related reporting requirements;

(iv) is engaged in the business of supplying workers to other employers and would participate in the program for the purpose of supplying individuals participating in the program to other employers; or

(v) has previously participated in the program and the State has determined that such employer has failed to abide by any of the requirements specified in subsections (h), (i), or (j), or by any other requirements that the Secretary may establish for employers under subsection (c)(6); and

(B) unless such employer provides assurances that it has not displaced existing workers pursuant to the requirements of subsection (h).

(2) AUTHORIZED ACTIVITIES.—Funds allotted to a State under this part for the program—

(A) shall be used to—

(i) recruit employers for participation in the program;

(ii) review and certify employers identified by eligible individuals seeking to participate in the program;

(iii) ensure that reemployment and counseling services are available for program participants, including services describing the program under subsection (b), prior to an individual's participation in such program;

(iv) establish and implement processes to monitor the progress and performance of individual participants for the duration of the program;

(v) prevent misuse of the program; and

(vi) pay augmented wages to eligible individuals, if necessary, as described in subsection (e); and

(B) may be used—

(i) to pay workers' compensation insurance premiums to cover all individuals participating in the program, except that, if a State opts not to make such payments directly to a State administered workers' compensation program, the State involved shall describe in the approved State plan the means by which such State shall ensure workers' compensation or equivalent coverage for all individuals who participate in the program;

(ii) to pay compensation to a participating individual that is in addition to the amounts described in subsections (c)(1) and (e) as wages for work performed;

(iii) to provide supportive services, such as transportation, child care, and dependent care, that would enable individuals to participate in the program;

(iv) for the administration and oversight of the program; and

(v) to fulfill additional program requirements included in the approved State plan.

(e) PAYMENT OF AUGMENTED WAGES IF NECESSARY.—In the event that the wages described in subsection (c)(1) are not sufficient to equal or exceed the minimum wages that are required to be paid by an employer under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, whichever is higher, a State shall pay augmented wages to a program participant in any amount necessary to cover the difference between—

(1) such minimum wages amount; and

(2) the wages payable under subsection (c)(1).

(f) EFFECT OF WAGES ON ELIGIBILITY FOR OTHER PROGRAMS.—None of the wages paid under this section shall be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need.

(g) EFFECT OF WAGES, WORK ACTIVITIES, AND PROGRAM PARTICIPATION ON CONTINUING ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—Any wages paid under this section and any additional wages paid by an employer to an individual described in subsection (c)(1), and any work activities performed by such individual as a participant in the program, shall not be construed so as to render such individual ineligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note).

(h) NONDISPLACEMENT OF EMPLOYEES.—

(1) PROHIBITION.—An employer shall not use a program participant to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).

(2) OTHER PROHIBITIONS.—An employer shall not permit a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent position;

(B) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(i) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An employer shall not, by means of assigning work activities under this section, impair an existing contract for services or a collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(j) LIMITATION ON EMPLOYER PARTICIPATION.—If, after 24 weeks of participation in the program, an employer has not made an offer of suitable long-term employment to any individual described under subsection (c)(1) who was placed with such employer and has completed the program, a State shall bar such employer from further participation in the program. States may impose additional conditions on participating employers to ensure that an appropriate number of participants receive offers of suitable long term employment.

(k) FAILURE TO MEET PROGRAM REQUIREMENTS.—If a State makes a determination based on information provided to the State, or acquired by the State by means of its administration and oversight functions, that a participating employer under this section has violated a requirement of this section, the State shall bar such employer from further participation in the program. The State shall establish a process whereby an individual described in subsection (c)(1), or any other affected individual or entity, may file a complaint with the State relating to a violation of any requirement or prohibition under this section.

(l) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN BRIDGE TO WORK PROGRAM.—

(1) TERMINATION.—An individual who is participating in a program described in subsection (b) may opt to discontinue participation in such program.

(2) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual who opts to discontinue participation in such program, is terminated from such program by a participating employer, or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) of such Act or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.

(m) EFFECT OF OTHER LAWS.—Unless otherwise provided in this section, nothing in this section shall be construed to alter or affect the rights or obligations under any Federal, State, or local laws with respect to any individual described in subsection (c)(1) and with respect to any participating employer under this section.

(n) TREATMENT OF PAYMENTS.—All wages or other payments to an individual under this section shall be treated as payments of unemployment insurance for purposes of section 209 of the Social Security Act (42 U.S.C. 409) and for purposes of subtitle A and sections 3101 and 3111 of the Internal Revenue Code of 1986.

SEC. 325. WAGE INSURANCE.

(a) **IN GENERAL.**—A State may use the funds allotted to the State under this part to provide a wage insurance program for EUC claimants.

(b) **BENEFITS.**—The wage insurance program provided under this section may use funds allotted to the State under this part to pay, for a period not to exceed 2 years, to a worker described in subsection (c), up to 50 percent of the difference between—

(1) the wages received by the worker at the time of separation; and

(2) the wages received by the worker for reemployment.

(c) **INDIVIDUAL ELIGIBILITY.**—The benefits described in subsection (b) may be paid to an individual who is an EUC claimant at the time such individual obtains reemployment and who—

(1) is at least 50 years of age;

(2) earns not more than \$50,000 per year in wages from reemployment;

(3) is employed on a full-time basis as defined by the law of the State; and

(4) is not employed by the employer from which the individual was last separated.

(d) **TOTAL AMOUNT OF PAYMENTS.**—A State shall establish a maximum amount of payments per individual for purposes of payments described in subsection (b) during the eligibility period described in such subsection.

(e) **NON-DISCRIMINATION REGARDING WAGES.**—An employer shall not pay a worker described in subsection (c) less than such employer pays to a regular worker in the same or substantially equivalent position.

SEC. 326. ENHANCED REEMPLOYMENT STRATEGIES.

(a) **IN GENERAL.**—A State may use funds allotted under this part to provide a program of enhanced reemployment services to EUC claimants. In addition to the provision of services to such claimants, the program may include the provision of reemployment services to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note). The program shall provide reemployment services that are more intensive than the reemployment services provided by the State prior to the receipt of the allotment under this part.

(b) **TYPES OF SERVICES.**—The enhanced reemployment services described in subsection (a) may include services such as—

(1) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of EUC claimants and individuals described in subsection (a);

(2) comprehensive assessments designed to identify alternative career paths;

(3) case management;

(4) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State; and

(5) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment.

SEC. 327. SELF-EMPLOYMENT PROGRAMS.

A State may use funds allotted to the State under this part, in an amount specified under an approved State plan, for the administrative costs associated with starting up the self-employment assistance program described in section 4001(i) of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

SEC. 328. ADDITIONAL INNOVATIVE PROGRAMS.

(a) **IN GENERAL.**—A State may use funds allotted under this part to provide a program for innovative activities, which use a strategy that is different from the reemployment strategies described in sections 324-327 and which are designed to facilitate the reemployment of EUC claimants. In addition to the provision of activities to such claimants, the program may include the provision of activities to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110-252; 26 U.S.C. 3304 note).

(b) **CONDITIONS.**—The innovative activities approved in accordance with subsection (a)—

(1) shall directly benefit EUC claimants and, if applicable, individuals described in subsection (a), either as a benefit paid to such claimant or individual or as a service provided to such claimant or individual;

(2) shall not result in a reduction in the duration or amount of, emergency unemployment compensation for which EUC claimants would otherwise be eligible;

(3) shall not include a reduction in the duration, amount of or eligibility for regular compensation or extended benefits;

(4) shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation) or allow a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation);

(5) shall not be in violation of any Federal, State, or local law.

SEC. 329. GUIDANCE AND ADDITIONAL REQUIREMENTS.

The Secretary of Labor may establish through guidance, without regard to the requirements of section 553 of title 5, United States Code, such additional requirements, including requirements regarding the allotment, recapture, and reallocation of funds, and reporting requirements, as the Secretary determines to be necessary to ensure fiscal integrity, effective monitoring, and appropriate and prompt implementation of the activities under this Act.

SEC. 330. REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.

The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to section 329 and the evaluations of activities carried out pursuant to the funds reserved under section 322(a)(1).

SEC. 331. STATE.

For purposes of this part, the term "State" has the meaning given that term in section 205 of the Federal-State Extended Unemploy-

ment Compensation Act of 1970 (26 U.S.C. 3304 note).

PART III—SHORT-TIME COMPENSATION PROGRAM**SEC. 341. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.**

(a) **DEFINITION.**—

(1) **IN GENERAL.**—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

“(v) **SHORT-TIME COMPENSATION PROGRAM.**—For purposes of this chapter, the term ‘short-time compensation program’ means a program under which—

“(1) the participation of an employer is voluntary;

“(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

“(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are eligible for unemployment compensation;

“(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were totally unemployed from the participating employer;

“(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by their participation in the short-time compensation program;

“(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

“(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program, subject to other requirements in this section;

“(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

“(9) in the case of employees represented by a union as the sole and exclusive representative, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the applicable Federal laws; and

“(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate

for purposes of a short-time compensation program.”.

(2) **EFFECTIVE DATE.**—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) **TRANSITION PERIOD FOR EXISTING PROGRAMS.**—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) **CONFORMING AMENDMENTS.**—

(1) **INTERNAL REVENUE CODE OF 1986.**—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v)).”.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

“(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and”;

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) **SOCIAL SECURITY ACT.**—Section 303(a)(5) of the Social Security Act is amended by striking “the payment of short-time compensation under a plan approved by the Secretary of Labor” and inserting “the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)”.

(3) **UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.**—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 342. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) **PAYMENTS TO STATES.**—

(1) **IN GENERAL.**—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)) under the provisions of the State law.

(2) **TERMS OF PAYMENTS.**—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) **LIMITATIONS ON PAYMENTS.**—

(A) **GENERAL PAYMENT LIMITATIONS.**—No payments shall be made to a State under

this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) **EMPLOYER LIMITATIONS.**—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) **THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 343.**—States may receive payments under this section and section 343 with respect to a total of not more than 156 weeks.

(c) **TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.**—During any period that the transition provision under section 341(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) **FUNDING AND CERTIFICATIONS.**—

(1) **FUNDING.**—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) **CERTIFICATIONS.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Labor.

(2) **STATE; STATE AGENCY; STATE LAW.**—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 343. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) **FEDERAL-STATE AGREEMENTS.**—

(1) **IN GENERAL.**—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(2) **ABILITY TO TERMINATE.**—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) **PROVISIONS OF FEDERAL-STATE AGREEMENT.**—

(1) **IN GENERAL.**—Any agreement under this section shall provide that the State agency

of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(2) **LIMITATIONS ON PLANS.**—

(A) **GENERAL PAYMENT LIMITATIONS.**—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) **EMPLOYER LIMITATIONS.**—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) **EMPLOYER PAYMENT OF COSTS.**—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) **PAYMENTS TO STATES.**—

(1) **IN GENERAL.**—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) **TERMS OF PAYMENTS.**—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) **FUNDING.**—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) **CERTIFICATIONS.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) **APPLICABILITY.**—

(1) **IN GENERAL.**—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) **TWO-YEAR FUNDING LIMITATION.**—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) **SPECIAL RULE.**—If a State has entered into an agreement under this section and

subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 342(b), shall be eligible to receive payments under section 342 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 344. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 341(a)(3) and 342(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 341(a)), and a State with an agreement under section 343, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying \$700,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection

(a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, \$700,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term “short-time compensation program” has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 345. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)), the Secretary of Labor (in this section referred to as the “Secretary”) shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 346. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in States that have not enacted a short-time compensation program or entered into an agreement with the Secretary on a short-time compensation plan to determine the level of interest among such employers in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise

appropriated, to the Secretary of Labor, \$1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle B—Long Term Unemployed Hiring Preferences

SEC. 351. LONG TERM UNEMPLOYED WORKERS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by inserting “\$10,000 per year in the case of any individual who is a qualified long term unemployed individual by reason of subsection (d)(11), and” before “\$12,000 per year”.

(b) LONG TERM UNEMPLOYED INDIVIDUALS TAX CREDITS.—Paragraph (d) of section 51 of the Internal Revenue Code is amended by—

(1) inserting “(J) qualified long term unemployed individual” at the end of paragraph (d)(1);

(2) inserting a new paragraph after paragraph (10) as follows—

“(11) QUALIFIED LONG TERM UNEMPLOYED INDIVIDUAL.—

“(A) IN GENERAL.—The term ‘qualified long term unemployed individual’ means any individual who was not a student for at least 6 months during the 1-year period ending on the hiring date and is certified by the designated local agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

“(B) STUDENT.—For purposes of this subsection, a student is an individual enrolled at least half-time in a program that leads to a degree, certificate, or other recognized educational credential for at least 6 months whether or not consecutive during the 1-year period ending on the hiring date.”; and

(3) renumbering current paragraphs (11) through (14) as paragraphs (12) through (15).

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 16 as follows:

“(16) CREDIT ALLOWED FOR QUALIFIED LONG TERM UNEMPLOYED INDIVIDUALS.—

“(A) IN GENERAL.—Any qualified long term unemployed individual under paragraph (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

“(i) the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date.

“(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.”.

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word “No” at the beginning of the section and replacing it with “Except as provided in this subsection, no”; and

(2) the following new paragraphs are inserted at the end of section 52(c)—

“(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

“(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified long term unemployed individuals described in subsection (d)(11); or

“(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

“(2) CREDIT AMOUNT.—In calculating tax-exempt employers, the work opportunity

credit shall be determined by substituting ‘26 percent’ for ‘40 percent’ in section 51(a) and by substituting ‘16.25 percent’ for ‘25 percent’ in section 51(i)(3)(A).

“(3) TAX-EXEMPT EMPLOYER.—For purposes of this subtitle, the term ‘tax-exempt employer’ means an employer that is—

“(A) an organization described in section 501(c) and exempt from taxation under section 501(a), or

“(B) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

“(4) PAYROLL TAXES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘payroll taxes’ means—

“(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

“(ii) amounts required to be withheld from such employees under section 3101, and

“(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.”.

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term “possession of the United States” includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Pathways Back to Work

SEC. 361. SHORT TITLE.

This subtitle may be cited as the “Pathways Back to Work Act of 2011”.

SEC. 362. ESTABLISHMENT OF PATHWAYS BACK TO WORK FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the Pathways Back to Work Fund (hereafter in this Act referred to as “the Fund”).

(b) DEPOSITS INTO THE FUND.—Out of any amounts in the Treasury of the United States not otherwise appropriated, there are appropriated \$5,000,000,000 for payment to the Fund to be used by the Secretary of Labor to carry out this Act.

SEC. 363. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Of the amounts available to the Fund under section 362(b), the Secretary of Labor shall—

(1) allot \$2,000,000,000 in accordance with section 364 to provide subsidized employment to unemployed, low-income adults;

(2) allot \$1,500,000,000 in accordance with section 365 to provide summer and year-round employment opportunities to low-income youth;

(3) award \$1,500,000,000 in competitive grants in accordance with section 366 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income adults and low-income youth to provide the skills and assistance needed to obtain employment.

(b) RESERVATION.—The Secretary of Labor may reserve not more than 1 percent of amounts available to the Fund under each of paragraphs (1)–(3) of subsection (a) for the costs of technical assistance, evaluations and Federal administration of this Act.

(c) PERIOD OF AVAILABILITY.—The amounts appropriated under this Act shall be available for obligation by the Secretary of Labor until December 31, 2012, and shall be available for expenditure by grantees and subgrantees until September 30, 2013.

SEC. 364. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED, LOW-INCOME ADULTS.

(a) IN GENERAL.—

(1) ALLOTMENTS.—From the funds available under section 363(a)(1), the Secretary of Labor shall make an allotment under subsection (b) to each State that has a State plan approved under subsection (c) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing subsidized employment opportunities to unemployed, low-income adults.

(2) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor, in coordination with the Secretary of Health and Human Services, shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State and local plans and the allotment and allocation of funds, including reallocation

and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(b) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a)(1), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide subsidized employment to low-income adults who are unemployed; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide subsidized employment to low-income adults who are unemployed.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a)(1) among the States as follows:

(A) one-third shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(B) one-third shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(C) one-third shall be allotted on the basis of the relative number of disadvantaged adults and youth in each State, compared to the total number of disadvantaged adults and youth in all States.

(3) DEFINITIONS.—For purposes of the formula described in paragraph (2)—

(A) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any contiguous area with a population of at least 10,000 and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary.

(B) DISADVANTAGED ADULTS AND YOUTH.—The term “disadvantaged adults and youth” means an individual who is age 16 and older (subject to section 132(b)(1)(B)(v)(I) of the Workforce Investment Act of 1998) who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(C) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the time specified in subsection (c), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under

subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require. At a minimum, such plan shall include—

(A) a description of the strategies and activities to be carried out by the State, in coordination with employers in the State, to provide subsidized employment opportunities to unemployed, low-income adults, including strategies relating to the level and duration of subsidies consistent with subsection (e)(2);

(B) a description of the requirements the State will apply relating to the eligibility of unemployed, low-income adults, consistent with section 368(6), for subsidized employment opportunities, which may include criteria to target assistance to particular categories of such adults, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(C) a description of how the funds allotted to provide subsidized employment opportunities will be administered in the State and local areas, in accordance with subsection (d);

(D) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(E) a description of the coordination of activities to be carried out with the funds provided under this section with activities under title I of the Workforce Investment Act of 1998, the TANF program under part A of title IV of the Social Security Act, and other appropriate Federal and State programs that may assist unemployed, low-income adults in obtaining and retaining employment;

(F) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of unemployed, low-income adults expected to be placed in subsidized employment by quarter;

(G) assurances that the State will report such information as the Secretary of Labor may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(H) assurances that the State will ensure compliance with the labor standards and protections described in section 367(a) of this Act.

(2) SUBMISSION AND APPROVAL OF STATE PLAN.—

(A) SUBMISSION WITH OTHER PLANS.—The State plan described in this subsection may be submitted in conjunction with the State plan modification or request for funds required under section 365, and may be submitted as a modification to a State plan that has been approved under section 112 of the Workforce Investment Act of 1998.

(B) SUBMISSION AND APPROVAL.—

(i) SUBMISSION.—The Governor shall submit a plan to the Secretary of Labor not later than 75 days after the enactment of this Act and the Secretary of Labor shall make a determination regarding the approval or disapproval of such plans not later than 45 days after the submission of such plan. If the plan is disapproved, the Secretary of Labor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval.

(ii) APPROVAL.—The Secretary of Labor shall approve a State plan that the Sec-

retary determines is consistent with requirements of this section and reasonably appropriate and adequate to carry out the purposes of this section. If the plan is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN.—The Governor may submit a modification to a State plan under this subsection consistent with the requirements of this section.

(d) ADMINISTRATION WITHIN THE STATE.—

(1) OPTION.—The State may administer the funds for activities under this section through—

(A) the State and local entities responsible for the administration of the adult formula program under title I-B of the Workforce Investment Act of 1998;

(B) the entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act; or

(C) a combination of the entities described in subparagraphs (A) and (B).

(2) WITHIN-STATE ALLOCATIONS.—

(A) ALLOCATION OF FUNDS.—The Governor may reserve up to 5 percent of the allotment under subsection (b)(2) for administration and technical assistance, and shall allocate the remainder, in accordance with the option elected under paragraph (1)—

(i) among local workforce investment areas within the State in accordance with the factors identified in subsection (b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved, of which not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section; or

(ii) through entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act in local areas in such manner as the State may determine appropriate.

(B) LOCAL PLANS.—

(i) IN GENERAL.—In the case where the responsibility for the administration of activities is to be carried out by the entities described under paragraph (1)(A), in order to receive an allocation under subparagraph (A)(i), a local workforce investment board, in partnership with the chief elected official of the local workforce investment area involved, shall submit to the Governor a local plan for the use of such funds under this section not later than 30 days after the submission of the State plan. Such local plan may be submitted as a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998.

(ii) CONTENTS.—The local plan described in clause (i) shall contain the elements described in subparagraphs (A)–(H) of subsection (c)(1), as applied to the local workforce investment area.

(iii) APPROVAL.—The Governor shall approve or disapprove the local plan submitted under clause (i) within 30 days after submission, or if later, 30 days after the approval of the State plan. The Governor shall approve the plan unless the Governor determines that the plan is inconsistent with requirements of this section or is not reasonably appropriate and adequate to carry out the purposes of this section. If the Governor has not made a determination within the period specified under the first sentence of this clause, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of

time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after such approval.

(C) REALLOCATION OF FUNDS TO LOCAL AREAS.—If a local workforce investment board does not submit a local plan by the time specified in subparagraph (B) or the Governor does not approve a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive approval of the local plan under subparagraph (B). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under subparagraph (A)(i).

(e) USE OF FUNDS.—

(1) IN GENERAL.—The funds under this section shall be used to provide subsidized employment for unemployed, low-income adults. The State and local entities described in subsection (d)(1) may use a variety of strategies in recruiting employers and identifying appropriate employment opportunities, with a priority to be provided to employment opportunities likely to lead to unsubsidized employment in emerging or in-demand occupations in the local area. Funds under this section may be used to provide support services, such as transportation and child care, that are necessary to enable the participation of individuals in subsidized employment opportunities.

(2) LEVEL OF SUBSIDY AND DURATION.—The States or local entities described in subsection (d)(1) may determine the percentage of the wages and costs of employing a participant for which an employer may receive a subsidy with the funds provided under this section, and the duration of such subsidy, in accordance with guidance issued by the Secretary. The State or local entities may establish criteria for determining such percentage or duration using appropriate factors such as the size of the employer and types of employment.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Health and Human Services to ensure the effective implementation of this section.

SEC. 365. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.

(a) IN GENERAL.—From the funds available under section 363(a)(2), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a State plan modification (or other form of request for funds specified in guidance under subsection (b)) approved under subsection (d) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) GUIDANCE.—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications, or for forms of requests for funds by the State as

may be identified in such guidance, local plan modifications, or other forms of requests for funds from local workforce investment areas as may be identified in such guidance, and the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Workforce Investment Act of 1998 relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide summer and year-round employment opportunities to low-income youth; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide summer and year-round employment opportunities to low-income youth.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a) among the States in accordance with the factors described in section 364(b)(2) of this Act.

(3) REALLOTMENT.—If the Governor of a State does not submit a State plan modification or other request for funds specified in guidance under subsection (b) by the time specified in subsection (d)(2)(B), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(d) STATE PLAN MODIFICATION.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998, or other request for funds described in guidance in subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including the linkages to educational activities, consistent with subsection (f);

(B) a description of the requirements the States will apply relating to the eligibility of low-income youth, consistent with section 368(4), for summer employment opportunities and year-round employment opportunities, which may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding

such outcomes and processes and with section 367(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(F) assurances that the State will ensure compliance with the labor standards protections described in section 367(a).

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—

(A) SUBMISSION.—The Governor shall submit a modification of the State plan or other request for funds described in guidance in subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance. The State plan modification or request for funds required under this subsection may be submitted in conjunction with the State plan required under section 364.

(B) APPROVAL.—The Secretary of Labor shall approve the plan or request submitted under subparagraph (A) within 30 days after the submission, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within 30 days, the plan or request shall be considered approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which a disapproved plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN OR REQUEST.—The Governor may submit further modifications to a State plan or request for funds identified under subsection (b) to carry out this section in accordance with the requirements of this section.

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve up to 5 percent of the allotment for administration and technical assistance; and

(B) shall allocate the remainder of the allotment among local workforce investment areas within the State in accordance with the factors identified in section 364(b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved. Not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section.

(2) LOCAL PLAN.—

(A) SUBMISSION.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998, or other form of request for funds as may be identified in the guidance issued under subsection

(b), not later than 30 days after the submission by the State of the modification to the State plan or other request for funds identified in subsection (b), describing the strategies and activities to be carried out under this section.

(B) **APPROVAL.**—The Governor shall approve the local plan submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan is inconsistent with requirements of this section. If the Governor has not made a determination within 30 days, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after approval.

(3) **REALLOCATION.**—If a local workforce investment board does not submit a local plan modification (or other request for funds identified in guidance under subsection (b)) by the time specified in paragraph (2), or does not receive approval of a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of the local plan modification or request for funds under paragraph (2). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under paragraph (1)(B).

(f) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The funds provided under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, ages 16 through 24, with direct linkages to academic and occupational learning, and may include the provision of supportive services, such as transportation or child care, necessary to enable such youth to participate; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998, to low-income youth, ages 16 through 24, with a priority to out-of-school youth who are—

(i) high school dropouts; or
(ii) recipients of a secondary school diploma or its equivalent but who are basic skills deficient unemployed or underemployed.

(2) **PROGRAM PRIORITIES.**—In administering the funds under this section, the local board and local chief elected officials shall give a priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or
(ii) in the public or nonprofit sector that meet community needs; and

(B) linking year-round program participants to training and educational activities that will provide such participants an industry-recognized certificate or credential.

(3) **PERFORMANCE ACCOUNTABILITY.**—For activities funded under this section, in lieu of the requirements described in section 136 of the Workforce Investment Act of 1998, State and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 367(a)(5).

SEC. 366. WORK-BASED EMPLOYMENT STRATEGIES OF DEMONSTRATED EFFECTIVENESS.

(a) **IN GENERAL.**—From the funds available under section 363(a)(3), the Secretary of Labor shall award grants on a competitive basis to eligible entities to carry out work-based strategies of demonstrated effectiveness.

(b) **USE OF FUNDS.**—The grants awarded under this section shall be used to support strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income adults or low-income youth with the skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and where employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership which includes a significant work-experience component;

(4) acquisition of industry-recognized credentials in a field identified by the State or local workforce investment area as a growth sector or demand industry in which there are likely to be significant job opportunities in the short-term;

(5) connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that includes concurrent skills training and other supports;

(6) career academies that provide students with the academic preparation and training, including paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and high-demand jobs; and

(7) adult basic education and integrated basic education and training models for low-skilled adults, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(c) **ELIGIBLE ENTITY.**—An eligible entity shall include a local chief elected official, in collaboration with the local workforce investment board for the local workforce investment area involved (which may include a partnership with such officials and boards in the region and in the State), or an entity eligible to apply for an Indian and Native American grant under section 166 of the Workforce Investment Act of 1998, and may include, in partnership with such officials, boards, and entities, the following:

(1) employers or employer associations;
(2) adult education providers and postsecondary educational institutions, including community colleges;

(3) community-based organizations;
(4) joint labor-management committees;
(5) work-related intermediaries; or
(6) other appropriate organizations.

(d) **APPLICATION.**—An eligible entity seeking to receive a grant under this section shall submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible

entities will carry out to provide unemployed, low-income adults and low-income youth with the skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income adults or low-income youth, consistent with paragraphs (4) and (6) of section 368, for activities carried out under this section, which may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided may be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the grant recipient will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(9) provide assurances that the use of the funds provided under this section will comply with the labor standards and protections described in section 367(a).

(e) **PRIORITY IN AWARDS.**—In awarding grants under this section, the Secretary of Labor shall give a priority to applications submitted by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas (PUMAs) as designated by the Census Bureau.

(f) **COORDINATION OF FEDERAL ADMINISTRATION.**—The Secretary of Labor shall administer this section in coordination with the Secretary of Education, Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

SEC. 367. GENERAL REQUIREMENTS.

(a) **LABOR STANDARDS AND PROTECTIONS.**—Activities provided with funds under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 and the nondiscrimination provisions of section 188 of such Act, in addition to other applicable federal laws.

(b) **REPORTING.**—The Secretary may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, grantees and subgrantees shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under the Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this Act, including—

(A) for adults participating in activities funded under section 364 of this Act—

(i) entry in unsubsidized employment,

(ii) retention in unsubsidized employment, and

(iii) earnings in unsubsidized employment;

(B) for low-income youth participating in summer employment activities under sections 365 and 366—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(C) for low-income youth participating in year-round employment activities under section 365 or in activities under section 366—

(i) placement in or return to post-secondary education;

(ii) attainment of high school diploma or its equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A);

(D) for unemployed, low-income adults participating in activities under section 366—

(i) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A); and

(ii) the attainment of industry-recognized credentials.

(c) **ACTIVITIES REQUIRED TO BE ADDITIONAL.**—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) **ADDITIONAL REQUIREMENTS.**—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) **REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.**—The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out pursuant to the funds reserved under section 363(b).

SEC. 368. DEFINITIONS.

In this Act:

(1) **LOCAL CHIEF ELECTED OFFICIAL.**—The term “local chief elected official” means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case where more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998.

(2) **LOCAL WORKFORCE INVESTMENT AREA.**—The term “local workforce investment area” means such area designated under section 116 of the Workforce Investment Act of 1998.

(3) **LOCAL WORKFORCE INVESTMENT BOARD.**—The term “local workforce investment board” means such board established under section 117 of the Workforce Investment Act of 1998.

(4) **LOW-INCOME YOUTH.**—The term “low-income youth” means an individual who—

(A) is aged 16 through 24;

(B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998, except that States, local workforce investment areas under section 365 and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 365 and 366 of this Act; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998.

(5) **OUTLYING AREA.**—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) **UNEMPLOYED, LOW-INCOME ADULT.**—The term “unemployed, low-income adult” means an individual who—

(A) is age 18 or older;

(B) is without employment and is seeking assistance under this Act to obtain employment; and

(C) meets the definition of a “low-income individual” under section 101(25) of the Workforce Investment Act of 1998, except that for that States, local entities described in section 364(d)(1) and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 364 and 366 of this Act.

(7) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and Puerto Rico.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

SEC. 371. SHORT TITLE.

This subtitle may be cited as the “Fair Employment Opportunity Act of 2011”.

SEC. 372. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce by—

(1) reducing personal consumption and undermining economic stability and growth;

(2) squandering human capital essential to the Nation's economic vibrancy and growth;

(3) increasing demands for Federal and State unemployment insurance benefits, reducing trust fund assets, and leading to higher payroll taxes for employers, cuts in benefits for jobless workers, or both;

(4) imposing additional burdens on publicly funded health and welfare programs; and

(5) depressing income, property, and other tax revenues that the Federal Government, States, and localities rely on to support operations and institutions essential to commerce.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to prohibit employers and employment agencies from disqualifying an individual from employment opportunities because of that individual's status as unemployed;

(2) to prohibit employers and employment agencies from publishing or posting any advertisement or announcement for an employment opportunity that indicates that an in-

dividual's status as unemployed disqualifies that individual for the opportunity; and

(3) to eliminate the burdens imposed on commerce due to the exclusion of such individuals from employment.

SEC. 373. DEFINITIONS.

As used in this Act—

(1) the term “affected individual” means any person who was subject to an unlawful employment practice solely because of that individual's status as unemployed;

(2) the term “Commission” means the Equal Employment Opportunity Commission;

(3) the term “employee” means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 20000e(f));

(B) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 20000e–16b(a)(1)) applies;

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(D) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 20000e–16(a)) applies;

(4) the term “employer” means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 20000e(h)) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 20000e–16(a)) applies;

(5) the term “employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for individuals opportunities to work as employees for an employer and includes an agent of such a person, and any person who maintains an Internet website or print medium that publishes advertisements or announcements of openings in jobs for employees;

(6) the term “person” has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 20000e(a)); and

(7) the term “status as unemployed”, used with respect to an individual, means that the individual, at the time of application for employment or at the time of action alleged to violate this Act, does not have a job, is available for work and is searching for work.

SEC. 374. PROHIBITED ACTS.

(a) **EMPLOYERS.**—It shall be an unlawful employment practice for an employer to—

(1) publish in print, on the Internet, or in any other medium, an advertisement or announcement for an employee for any job that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that an employer will not consider or hire an individual for any employment opportunity

based on that individual's status as unemployed;

(2) fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(3) direct or request that an employment agency take an individual's status as unemployed into account to disqualify an applicant for consideration, screening, or referral for employment as an employee.

(b) EMPLOYMENT AGENCIES.—It shall be an unlawful employment practice for an employment agency to—

(1) publish, in print or on the Internet or in any other medium, an advertisement or announcement for any vacancy in a job, as an employee, that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that the employment agency or an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) screen, fail or refuse to consider, or fail or refuse to refer an individual for employment as an employee because of the individual's status as unemployed; or

(3) limit, segregate, or classify any individual in any manner that would limit or tend to limit the individual's access to information about jobs, or consideration, screening, or referral for jobs, as employees, solely because of an individual's status as unemployed.

(c) INTERFERENCE WITH RIGHTS, PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any employer or employment agency to—

(1) interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this Act; or

(2) fail or refuse to hire, to discharge, or in any other manner to discriminate against any individual, as an employee, because such individual—

(A) opposed any practice made unlawful by this Act;

(B) has asserted any right, filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(C) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(D) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(d) CONSTRUCTION.—Nothing in this Act is intended to preclude an employer or employment agency from considering an individual's employment history, or from examining the reasons underlying an individual's status as unemployed, in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual. Such consideration or examination may include an assessment of whether an individual's employment in a similar or related job for a period of time reasonably proximate to the consideration of such individual for employment is job-related or consistent with business necessity.

SEC. 375. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c),

in the case of an affected individual who would be covered by such title, or by section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of an affected individual who would be covered by such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of an affected individual who would be covered by section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c);

in the case of an affected individual who would be covered by such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of an affected individual who would be covered by section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES.—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) REMEDIES.—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed \$1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed \$5,000.

SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) ABROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) DEFINITION.—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies

would be available against a non-governmental entity.

SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

TITLE IV—OFFSETS

Subtitle A—28 Percent Limitation on Certain Deductions and Exclusions

SEC. 401. 28 PERCENT LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

(a) IN GENERAL.—Part I of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 69. LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

“(a) IN GENERAL.—In the case of an individual for any taxable year, if—

“(1) the taxpayer's adjusted gross income is above—

“(A) \$250,000 in the case of a joint return within the meaning of section 6013,

“(B) \$225,000 in the case of a head of household return,

“(C) \$125,000 in the case of a married filing separately return, or

“(D) \$200,000 in all other cases; and

“(2) the taxpayer's adjusted taxable income for such taxable year exceeds the minimum marginal rate amount, then the tax imposed under section 1 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (b). If the taxpayer is subject to tax under section 55, then in lieu of an increase in tax under section 1, the tax imposed under section 55 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (c).

“(b) ADDITIONAL AMOUNT.—The amount determined under this subsection with respect to any taxpayer for any taxable year is the excess (if any) of—

“(1) the tax which would be imposed under section 1 with respect to such taxpayer for such taxable year if ‘adjusted taxable income’ were substituted for ‘taxable income’ each place it appears therein, over

“(2) the sum of—

“(A) the tax which would be imposed under such section with respect to such taxpayer for such taxable year on the greater of—

“(i) taxable income, or

“(ii) the minimum marginal rate amount, plus

“(B) 28 percent of the excess (if any) of the taxpayer's adjusted taxable income over the greater of—

“(i) the taxpayer's taxable income, or

“(ii) the minimum marginal rate amount.

“(c) ADDITIONAL AMT AMOUNT.—

“(1) The amount determined under this subsection with respect to any taxpayer for any taxable year is the additional amount computed under subsection (b) multiplied by the ratio that—

“(A) the result of—

“(i) all itemized deductions (before the application of section 68), plus

“(ii) the specified above-the-line deductions and specified exclusions, minus

“(iii) the amount of deductions disallowed under section 56(b)(1)(A) and (B), minus

“(iv) the non-preference disallowed deductions, bears to

“(B) the sum of—

“(i) the total of itemized deductions (after the application of section 68), plus

“(ii) the specified above-the-line deductions and specified exclusions.

“(2) If the top of the AMT exemption phase-out range for the taxpayer exceeds the minimum marginal rate amount for the taxpayer and if the taxpayer's alternative minimum taxable income does not exceed the top of the AMT exemption phase-out range, the taxpayer must increase its additional AMT amount by 7 percent of the excess of—

“(A) the lesser of—

“(i) the top of the AMT exemption phase-out range, or

“(ii) the taxpayer's alternative minimum taxable income, computed—

“(I) without regard to any itemized deduction or any specified above-the-line deduction, and

“(II) by including the amount of any specified exclusion; over

“(B) the greater of—

“(i) the taxpayer's alternative minimum taxable income, or

“(ii) the minimum marginal rate amount.

“(d) MINIMUM MARGINAL RATE AMOUNT.—For purposes of this section, the term ‘minimum marginal rate amount’ means, with respect to any taxpayer for any taxable year, the highest amount of the taxpayer's taxable income which would be subject to a marginal rate of tax under section 1 that is less than 36 percent with respect to such taxable year.

“(e) ADJUSTED TAXABLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘adjusted taxable income’ means taxable income computed—

“(A) without regard to any itemized deduction or any specified above-the-line deduction, and

“(B) by including in gross income any specified exclusion.

“(2) SPECIFIED ABOVE-THE-LINE DEDUCTION.—The term ‘specified above-the-line deduction’ means—

“(A) the deduction provided under section 162(l) (relating to special rules for health insurance costs of self-employed individuals),

“(B) the deduction provided under section 199 (relating to income attributable to domestic production activities), and

“(C) the deductions provided under the following paragraphs of section 62(a):

“(i) Paragraph (2) (relating to certain trade and business deductions of employees), other than subparagraph (A) thereof.

“(ii) Paragraph (15) (relating to moving expenses).

“(iii) Paragraph (16) (relating to Archer MSAs).

“(iv) Paragraph (17) (relating to interest on education loans).

“(v) Paragraph (18) (relating to higher education expenses).

“(vi) Paragraph (19) (relating to health savings accounts).

“(3) SPECIFIED EXCLUSION.—The term ‘specified exclusion’ means—

“(A) any interest excluded under section 103,

“(B) any exclusion with respect to the cost described in section 6051(a)(14) (without regard to subparagraph (B) thereof), and

“(C) any foreign earned income excluded under section 911.

“(f) NON-PREFERENCE DISALLOWED DEDUCTIONS.—For purposes of this section, the term ‘AMT-allowed deductions’ means all itemized deductions disallowed by section 68 multiplied by the ratio that—

“(1) a taxpayer's itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)) and that are not limited under section 56(b)(1)(A) or (B), bears to

“(2) the taxpayer's itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)).

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations which provide appropriate adjustments to the additional AMT amount.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 2013.

Subtitle B—Tax Carried Interest in Investment Partnerships as Ordinary Income

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary—

“(A) IN GENERAL.—In the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(i) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(ii) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.

“(B) ELECTION.—The election under subparagraph (A)(ii) shall be made under rules similar to the rules of subsection (b)(2).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after December 31, 2012.

SEC. 412. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) an amount equal to the net capital gain with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) subject to the limitation of paragraph (2), an amount equal to the net capital loss with respect to such interest for any partnership taxable year shall be treated as an ordinary loss.

“(2) RECHARACTERIZATION OF LOSSES LIMITED TO RECHARACTERIZED GAINS.—The amount treated as ordinary loss under paragraph (1)(B) for any taxable year shall not exceed the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under paragraph (1)(A) with respect to the investment services partnership interest for all preceding partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under paragraph (1)(B) with respect to such interest for all preceding partnership taxable years to which this section applies.

“(3) ALLOCATION TO ITEMS OF GAIN AND LOSS.—

“(A) NET CAPITAL GAIN.—The amount treated as ordinary income under paragraph (1)(A) shall be allocated ratably among the items of long-term capital gain taken into account in determining such net capital gain.

“(B) NET CAPITAL LOSS.—The amount treated as ordinary loss under paragraph (1)(B) shall be allocated ratably among the items of long-term capital loss and short-term capital loss taken into account in determining such net capital loss.

“(4) TERMS RELATING TO CAPITAL GAINS AND LOSSES.—For purposes of this section—

“(A) IN GENERAL.—Net capital gain, long-term capital gain, and long-term capital loss, with respect to any investment services partnership interest for any taxable year, shall be determined under section 1222, except that such section shall be applied—

“(i) without regard to the recharacterization of any item as ordinary income or ordinary loss under this section,

“(ii) by only taking into account items of gain and loss taken into account by the holder of such interest under section 702 with respect to such interest for such taxable year,

“(iii) by treating property which is taken into account in determining gains and losses to which section 1231 applies as capital assets held for more than 1 year, and

“(iv) without regard to section 1202.

“(B) NET CAPITAL LOSS.—The term ‘net capital loss’ means the excess of the losses from sales or exchanges of capital assets over the gains from such sales or exchanges. Rules similar to the rules of clauses (i) through (iv) of subparagraph (A) shall apply for purposes of the preceding sentence.

“(5) SPECIAL RULES FOR DIVIDENDS.—

“(A) INDIVIDUALS.—Any dividend allocated to any investment services partnership interest shall not be treated as qualified dividend income for purposes of section 1(h).

“(B) CORPORATIONS.—No deduction shall be allowed under section 243 or 245 with respect to any dividend allocated to any investment services partnership interest.

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—

“(A) IN GENERAL.—Any gain on the disposition of an investment services partnership interest shall be—

“(i) treated as ordinary income, and

“(ii) recognized notwithstanding any other provision of this subtitle.

“(B) EXCEPTIONS—CERTAIN TRANSFERS TO CHARITIES AND RELATED PERSONS.—Subparagraph (A) shall not apply to—

“(i) a disposition by gift,

“(ii) a transfer at death, or

“(iii) other disposition identified by the Secretary as a disposition with respect to

which it would be inconsistent with the purposes of this section to apply subparagraph (A),

if such gift, transfer, or other disposition is to an organization described in section 170(b)(1)(A) (other than any organization described in section 509(a)(3) or any fund or account described in section 4966(d)(2)) or a person with respect to whom the transferred interest is an investment services partnership interest.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under subsection (a) with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under subsection (a) with respect to such interest for all partnership taxable years to which this section applies.

“(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(A)(ii) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—

“(A) IN GENERAL.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner, the partner receiving such property shall recognize gain equal to the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of such partner (determined without regard to subparagraph (C)).

“(B) TREATMENT OF GAIN AS ORDINARY INCOME.—Any gain recognized by such partner under subparagraph (A) shall be treated as ordinary income to the same extent and in the same manner as the increase in such partner's distributive share of the taxable income of the partnership would be treated under subsection (a) if, immediately prior to the distribution, the partnership had sold the distributed property at fair market value and all of the gain from such disposition were allocated to such partner. For purposes of applying paragraphs (2) and (3) of subsection (a), any gain treated as ordinary income under this subparagraph shall be treated as an amount treated as ordinary income under subsection (a)(1)(A).

“(C) ADJUSTMENT OF BASIS.—In the case of a distribution to which subparagraph (A) applies, the basis of the distributed property in the hands of the distributee partner shall be the fair market value of such property.

“(D) SPECIAL RULES WITH RESPECT TO MERGERS, DIVISIONS, AND TECHNICAL TERMINATIONS.—In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(A)(ii) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in an investment partnership acquired or held by any person in connection with the conduct of a trade or business described in paragraph (2) by such person (or any person related to such person). An interest in an investment partnership held by any person—

“(A) shall not be treated as an investment services partnership interest for any period before the first date on which it is so held in connection with such a trade or business,

“(B) shall not cease to be an investment services partnership interest merely because such person holds such interest other than in connection with such a trade or business, and

“(C) shall be treated as an investment services partnership interest if acquired from a related person in whose hands such interest was an investment services partnership interest.

“(2) BUSINESSES TO WHICH THIS SECTION APPLIES.—A trade or business is described in this paragraph if such trade or business primarily involves the performance of any of the following services with respect to assets held (directly or indirectly) by the investment partnership referred to in paragraph (1):

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(3) INVESTMENT PARTNERSHIP.—

“(A) IN GENERAL.—The term ‘investment partnership’ means any partnership if, at the end of any calendar quarter ending after December 31, 2012—

“(i) substantially all of the assets of the partnership are specified assets (determined without regard to any section 197 intangible within the meaning of section 197(d)), and

“(ii) more than half of the contributed capital of the partnership is attributable to contributions of property by one or more persons in exchange for interests in the partnership which (in the hands of such persons) constitute property held for the production of income.

“(B) SPECIAL RULES FOR DETERMINING IF PROPERTY HELD FOR THE PRODUCTION OF INCOME.—Except as otherwise provided by the Secretary, for purposes of determining whether any interest in a partnership constitutes property held for the production of income under subparagraph (A)(ii)—

“(i) any election under subsection (e) or (f) of section 475 shall be disregarded, and

“(ii) paragraph (5)(B) shall not apply.

“(C) ANTIABUSE RULES.—The Secretary may issue regulations or other guidance which prevent the avoidance of the purposes of subparagraph (A), including regulations or other guidance which treat convertible and contingent debt (and other debt having the attributes of equity) as a capital interest in the partnership.

“(D) CONTROLLED GROUPS OF ENTITIES.—

“(i) IN GENERAL.—In the case of a controlled group of entities, if an interest in the partnership received in exchange for a contribution to the capital of the partnership by any member of such controlled group would (in the hands of such member) constitute property not held for the production of income, then any interest in such partnership

held by any member of such group shall be treated for purposes of subparagraph (A) as constituting (in the hands of such member) property not held for the production of income.

“(ii) CONTROLLED GROUP OF ENTITIES.—For purposes of clause (i), the term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), applied without regard to subsections (a)(4) and (b)(2) of section 1563. A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(4) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), cash or cash equivalents, or options or derivative contracts with respect to any of the foregoing.

“(5) RELATED PERSONS.—

“(A) IN GENERAL.—A person shall be treated as related to another person if the relationship between such persons is described in section 267(b) or 707(b).

“(B) ATTRIBUTION OF PARTNER SERVICES.—Any service described in paragraph (2) which is provided by a partner of a partnership shall be treated as also provided by such partnership.

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of gain and loss (and any dividends) which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(2) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of gain and loss (and any dividends) shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS’ QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES AND CAPITAL CONTRIBUTIONS.—In the case of

an interest in a partnership which was not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership or by reason of a change in the capital contributions to such partnership, becomes an investment services partnership interest, the qualified capital interest of the holder of such partnership interest immediately after such change shall not, for purposes of this subsection, be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(2) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner’s interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution

of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(C) TECHNICAL TERMINATIONS, ETC., DISREGARDED.—No increase or decrease in the qualified capital interest of any partner shall result from a termination, merger, consolidation, or division described in section 708, or any similar transaction.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before January 1, 2013 unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(2) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any investment entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(5) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any investment entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(2).

“(D) INVESTMENT ENTITY.—The term ‘investment entity’ means any entity which, if it were a partnership, would be an investment partnership.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section, and

“(2) coordinate this section with the other provisions of this title.

“(g) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) APPLICATION OF SECTION 751 TO INDIRECT DISPOSITIONS OF INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

(1) IN GENERAL.—Subsection (a) of section 751 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) investment services partnership interests held by the partnership.”.

(2) CERTAIN DISTRIBUTIONS TREATED AS SALES OR EXCHANGES.—Subparagraph (A) of section 751(b)(1) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (i), by inserting “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) investment services partnership interests held by the partnership.”.

(3) APPLICATION OF SPECIAL RULES IN THE CASE OF TIERED PARTNERSHIPS.—Subsection (f) of section 751 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) investment services partnership interests held by the partnership.”.

(4) INVESTMENT SERVICES PARTNERSHIP INTERESTS; QUALIFIED CAPITAL INTERESTS.—Section 751 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(g) INVESTMENT SERVICES PARTNERSHIP INTERESTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ has the meaning given such term by section 710(c).

“(2) ADJUSTMENTS FOR QUALIFIED CAPITAL INTERESTS.—The amount to which subsection (a) applies by reason of paragraph (3) thereof shall not include so much of such amount as is attributable to any portion of the investment services partnership interest which is a qualified capital interest (determined under rules similar to the rules of section 710(d)).

“(3) RECOGNITION OF GAINS.—Any gain with respect to which subsection (a) applies by reason of paragraph (3) thereof shall be recognized notwithstanding any other provision of this title.

“(4) COORDINATION WITH INVENTORY ITEMS.—An investment services partnership interest held by the partnership shall not be treated as an inventory item of the partnership.

“(5) PREVENTION OF DOUBLE COUNTING.—Under regulations or other guidance prescribed by the Secretary, subsection (a)(3) shall not apply with respect to any amount to which section 710 applies.”.

(c) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM CERTAIN CARRIED INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Specified carried interest income shall not be treated as qualifying income.

“(B) SPECIFIED CARRIED INTEREST INCOME.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘specified carried interest income’ means—

“(I) any item of income or gain allocated to an investment services partnership interest (as defined in section 710(c)) held by the partnership,

“(II) any gain on the disposition of an investment services partnership interest (as so defined) or a partnership interest to which (in the hands of the partnership) section 751 applies, and

“(III) any income or gain taken into account by the partnership under subsection (b)(4) or (e) of section 710.

“(ii) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of clause (i).

“(C) COORDINATION WITH OTHER PROVISIONS.—Subparagraph (A) shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(D) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(E) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the

partnership beginning before the date which is 10 years after January 1, 2013.”.

(d) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of section 710(e) or the regulations or other guidance prescribed under section 710(h) to prevent the avoidance of the purposes of section 710.”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “, (i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(e) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) with respect to any entity, investment services partnership income or loss (as defined in subsection (m)) of such individual with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(B) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—Section 1402 of the Internal Revenue Code is amended by adding at the end the following new subsection:

“(m) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘investment services partnership income or loss’ means, with respect to any investment services partnership interest (as defined in section 710(c)), the net of—

“(A) the amounts treated as ordinary income or ordinary loss under subsections (b) and (e) of section 710 with respect to such interest,

“(B) all items of income, gain, loss, and deduction allocated to such interest, and

“(C) the amounts treated as realized from the sale or exchange of property other than a capital asset under section 751 with respect to such interest.

“(2) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of applying paragraph (1)(B)(ii).”

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) of the Internal Revenue Code of 1986 with respect to any entity, investment services partnership income or loss (as defined in section 1402(m) of such Code) shall be taken into account in determining the net earnings from self-employment of such individual.”

(f) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 of the Internal Revenue Code of 1986 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 of the Internal Revenue Code of 1986 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnerships)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnerships.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2012.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes January 1, 2013, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

(A) IN GENERAL.—Section 710(b) of such Code (as added by this section) shall apply to dispositions and distributions after December 31, 2012.

(B) INDIRECT DISPOSITIONS.—The amendments made by subsection (b) shall apply to transactions after December 31, 2012.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

Section 710(e) of such Code (as added by this section) shall take effect on January 1, 2013.

Subtitle C—Close Loophole for Corporate Jet Depreciation

SEC. 421. GENERAL AVIATION AIRCRAFT TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by striking “and” at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

“(v) any general aviation aircraft, and”.

(b) CLASS LIFE.—Paragraph (3) of section 168(g) Internal Revenue Code of 1986 is amended by inserting after subparagraph (E) the following new subparagraph:

“(F) GENERAL AVIATION AIRCRAFT.—In the case of any general aviation aircraft, the recovery period used for purposes of paragraph (2) shall be 12 years.”

(c) GENERAL AVIATION AIRCRAFT.—Subsection (i) of section 168 Internal Revenue Code of 1986 is amended by inserting after paragraph (19) the following new paragraph:

“(20) GENERAL AVIATION AIRCRAFT.—The term ‘general aviation aircraft’ means any airplane or helicopter (including airframes and engines) not used in commercial or contract carrying of passengers or freight, but which primarily engages in the carrying of passengers.”

(d) EFFECTIVE DATE.—This section shall be effective for property placed in service after December 31, 2012.

Subtitle D—Repeal Oil Subsidies

SEC. 431. REPEAL OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: “This subsection shall not apply in the case of oil and gas wells with respect to amounts paid or incurred after December 31, 2012.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 432. REPEAL OF DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by striking section 193 (relating to tertiary injectants).

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 193.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 433. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 (relating to limitation on percentage depletion in the case of oil and gas wells) is amended to read as follows:

“SEC. 613A. PERCENTAGE DEPLETION NOT ALLOWED IN CASE OF OIL AND GAS WELLS.

“The allowance for depletion under section 611 with respect to any oil and gas well shall be computed without regard to section 613.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 434. SECTION 199 DEDUCTION NOT ALLOWED WITH RESPECT TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to income attributable to domestic production activities) is amended—

(1) by striking “or” at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof “, or”, and

(3) by adding at the end thereof the following new clause:

“(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.”

(b) CONFORMING AMENDMENT.—Paragraph (9) of section 199(d) is amended to read as follows:

“(9) PRIMARY PRODUCT.—For purposes of subsection (c)(4)(B)(iv), the term ‘primary product’ has the same meaning as when used in section 927(a)(2)(C) as in effect before its repeal.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 435. REPEAL OIL AND GAS WORKING INTEREST EXCEPTION TO PASSIVE ACTIVITY RULES.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 (relating to passive activity defined) is amended by adding at the end thereof the following new subparagraph:

“(C) TERMINATION.—Subparagraph (A) shall not apply for any taxable year beginning after December 31, 2012.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 436. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Paragraph (1) of section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by striking “24-month” and inserting in lieu thereof “7-year”.

(b) CONFORMING AMENDMENTS.—Section 167(h) is amended—

(1) by striking “24-month” in paragraph (4) and inserting in lieu thereof “7-year”, and

(2) by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 437. REPEAL ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 43 (relating to enhanced oil recovery credit).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 43.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 438. REPEAL MARGINAL WELL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 45I (relating to credit for producing oil and gas from marginal wells).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 451.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

Subtitle E—Dual Capacity Taxpayers

SEC. 441. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer or any member of the worldwide affiliated group of which such dual capacity taxpayer is also a member to any foreign country or to any possession of the United States for any period shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection.”.

(b) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts that, if such amounts were an amount of tax paid or accrued, would be considered paid or accrued in taxable years beginning after December 31, 2012.

SEC. 442. SEPARATE BASKET TREATMENT TAXES PAID ON FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) combined foreign oil and gas income (as defined in section 907(b)(1)).”.

(b) COORDINATION.—Section 904(d)(2) of such Code is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

“(J) COORDINATION WITH COMBINED FOREIGN OIL AND GAS INCOME.—For purposes of this section, passive category income and general category income shall not include combined foreign oil and gas income (as defined in section 907(b)(1)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 907(a) is hereby repealed.

(2) Section 907(c)(4) is hereby repealed.

(3) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) TRANSITIONAL RULES.—

(A) CARRYOVERS.—Any unused foreign oil and gas taxes which under section 907(f) of such Code (as in effect before the amendment made by subsection (c)(3)) would have been allowable as a carryover to the taxpayer's first taxable year beginning after December 31, 2012 (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(B) LOSSES.—The amendment made by subsection (c)(2) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

Subtitle F—Increased Target and Trigger for Joint Select Committee on Deficit Reduction

SEC. 451. INCREASED TARGET AND TRIGGER FOR JOINT SELECT COMMITTEE ON DEFICIT REDUCTION.

(a) INCREASED TARGET FOR JOINT SELECT COMMITTEE.—Section 401(b)(2) of the Budget Control Act of 2011 is amended by striking “\$1,500,000,000,000” and inserting “\$1,950,000,000,000”.

(b) TRIGGER FOR JOINT SELECT COMMITTEE.—Section 302 of the Budget Control Act of 2011 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

“(b) TRIGGER.—If a joint committee bill achieving an amount greater than ‘\$1,650,000,000,000’ in deficit reduction as provided in section 401(b)(3)(B)(i)(II) of this Act is enacted by January 15, 2012, then the amendments to the Internal Revenue Code of 1986 made by subtitles A through E of title IV of the American Jobs Act of 2011, shall not be in effect for any taxable year.”.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, including germaneness requirements, for the purpose of proposing and considering amendment No. 670 to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 671 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby

give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 672 to S. 1619 or any related substitute amendment to S. 1619.

Mr. PAUL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 678 to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 680 to S. 1619 or any related substitute amendment to S. 1619.

Mr. JOHANNIS. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 692 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 703 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 720 to S. 1619 or any related substitute amendment to S. 1619.

(The aforementioned amendments are printed in the RECORD of October 4, 2011, under “Text of Amendments.”)

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 735 to S. 1619 or any related substitute amendment to S. 1619.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, October 11, 2011, at 1 p.m. at the Kellogg Conference Center, Galaudet University, 800 Florida Avenue, NE, Washington, DC, to conduct a hearing entitled "Leveraging Higher Education to Improve Employment Outcomes for People Who Are Deaf or Hard of Hearing."

For further information regarding this hearing, please contact Andrew Imperato of the committee staff on (202) 228-3453.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, October 12, 2011, at 2:30 p.m. in SD-430 to conduct a hearing entitled "The State of Chronic Disease Prevention."

For further information regarding this hearing, please contact Craig Martinez of the committee staff on (202) 224-7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Tuesday, October 18, 2011, at 2:30 p.m. in SD-106 to mark up a bill that would reauthorize the Elementary and Secondary Education Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224-5375.

AUTHORITY FOR COMMITTEES TO
MEETCOMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 5, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Gov-

ernmental Affairs be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 5, 2011, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled "Considering the Role of Judges Under the Constitution of the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING
OVERSIGHT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 5, 2011, at 2 p.m. to conduct a hearing entitled "Food Service Management Contracts: Are Contractors Overcharging the Government?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m., to conduct a hearing entitled "Consumer Protection and Middle Class Wealth Building in an Age of Growing Household Debt."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Juliana Richard and Kathryn Berge of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIPINO AMERICAN HISTORY
MONTH

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 287.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 287) designating October 2011 as "Filipino American History Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the

table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza, marks the earliest documented Filipino presence in the continental United States;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds new perspective to United States history by bringing attention to the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States;

Whereas the Filipino-American community is the third largest Asian-American group in the United States, with a population of approximately 3,417,000 individuals;

Whereas Filipino-American servicemen and servicewomen have a longstanding history of serving in the Armed Forces, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend the United States;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Forces;

Whereas Filipino Americans play an integral role in the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color largely have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the significance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2011: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as "Filipino American History Month";

(2) recognizes the celebration of Filipino American History Month as—

(A) a study of the advancement of Filipino Americans;

(B) a time of reflection and remembrance of the many notable contributions Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the United States; and

(3) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

MEASURE READ THE FIRST TIME—S. 1660

Mr. REID. Mr. President, I am told that S. 1660 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

Mr. REID. I ask for a second reading of this matter but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, OCTOBER 6, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, October 6, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1619, the Currency Exchange Rate Oversight Reform Act, with the time until 10:30 a.m. equally

divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. The second-degree filing deadline for amendments to S. 1619 is at 10 a.m. tomorrow. There will be a rollcall vote at 10:30 a.m. tomorrow on the motion to invoke cloture on S. 1619, the China currency bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Thursday, October 6, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PATTY SHWARTZ, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MARYANNE TRUMP BARRY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. PETER R. MASCIOLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JANET L. COBB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL S. TUCKER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY M. GIARDINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. FRENCH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENT T. CRITCHLOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CARLETON W. BIRCH

DEAN E. BONURA

DAVID M. BROWN

PETER M. BRZEZINSKI

MARC S. GAUTHIER

MITCHELL I. LEWIS

TERRY L. MCBRIDE

PETER L. MUELLER

ROBERT L. POWERS, JR.

CARL R. RAU

HARRY A. RAUCH III

MARK E. ROEDER

MICHAEL L. THOMAS

DARRELL E. THOMSEN, JR.

ROBERT C. WARDEN

TERRY L. WHITESIDE

ROBERT H. WHITLOCK

JERRY M. WOODBERY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM B. CARTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JUDITH A. CIESLA

HOUSE OF REPRESENTATIVES—Wednesday, October 5, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. HARTZLER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 5, 2011.

I hereby appoint the Honorable VICKY HARTZLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Madam Speaker, I think you will note today that from both sides, the Democratic side and Republican side, there will be those of us who come to the floor to speak about bringing our troops home from Afghanistan. Friday of this week will be 10 years since we committed our troops to Afghanistan.

I would like to quote from Andrew Bacevich, in an article 2 years ago, and the title, "To Die for a Mystique":

"To apply to the Long War, the plaintive query that General David Petraeus once posed with regard to Iraq—'Tell me how this ends'—the answer is clear: No one has the foggiest idea. War has become like the changing phases of the moon. It's part of everyday existence. For American soldiers there is no end in sight."

Madam Speaker, that also applies to Afghanistan. Ten years later, so many have died, so many have been wounded.

I say to the House with humility and regret that I have signed over 10,400

letters to the immediate and extended families of the fallen from both Iraq and Afghanistan. Obviously, the majority of letters now are to the families of those who have been killed in Afghanistan.

Poll after poll has shown that the American people in large percentages want our troops home now. This number of people continues to grow as the number of dead and wounded increases.

Madam Speaker, beside me is a poster of a young Army couple where the husband has lost both legs and an arm. How many more have to give their lives, their minds, and their bodies for a corrupt Afghan leader named Karzai?

I encourage the people of this country to put pressure on Congress, especially the Republican leadership, by calling their Members of Congress and telling them to bring our troops home before the 2015 deadline.

Why do I say 2015? I will quote Secretary Gates as he appeared before the Armed Services Committee in February of this year.

Secretary Gates: "That is why we believe that beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan would be significantly reduced by the end of 2014"—by the end of 2014—"in accordance with President Obama's strategy."

Madam Speaker, the problem there is that 2014 becomes 2015, 2015 becomes 2016. How many more have to die? How many more have to lose legs and arms and try to live the rest of their lives in that kind of situation?

Madam Speaker, I learned just recently that the Chinese are in Afghanistan buying copper, and this soldier told me that his unit was notified that the Chinese needed protection. How crazy is crazy? And our young men and women are over there walking the roads of Afghanistan.

American people, join those of us in Congress in both parties. Let's bring them home now, not 2015.

Madam Speaker, as I always close on the floor and I will close again today, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that

we will do what is right in the eyes of God for His people. And I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for God's people.

And I close by asking three times, God please, God please, God please continue to bless America.

TEN YEARS OF WAR IN AFGHANISTAN: THE COSTS ARE TOO HIGH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Madam Speaker, on Sunday, newspapers across the country reported that the total number of U.S. military deaths in Afghanistan since 2001 is 1,780. This tally may be slightly incomplete because of lags in reporting.

One thousand seven hundred and eighty servicemen and women, Madam Speaker. Husbands and fathers, wives and mothers, sons and daughters, brothers and sisters—holes created in families and communities that can never be filled, losses that will be felt for a generation or more.

Saturday began a new fiscal year, Madam Speaker, fiscal year 2012. According to the Congressional Research Service, the estimated war funding for Iraq and Afghanistan since 2001 through fiscal year 2011 is \$1.283 trillion; \$443 billion of that has been spent in Afghanistan.

For fiscal year 2012, which began on Saturday, we will spend another \$113.7 billion in Afghanistan. By this time next year, our total spending in Afghanistan will be \$557.1 billion, or over half a trillion dollars.

And when I say "spend," Madam Speaker, I really mean "borrow," because from day one of the Afghanistan war—and the Iraq war, for that matter—we have not paid for these wars. We have borrowed nearly every single penny of that money, put it on the national credit card, let it rack up over a quarter of our cumulative deficit, helped explode our debt year after year for a decade.

There has only been one other time in the history of the United States that a war was financed entirely through borrowing, Madam Speaker, without raising taxes, and that was when the colonies borrowed from France during the Revolutionary War.

I know lots of Members in this House believe in the Tea Party, but that's just stupid economics.

Even if we were to leave Afghanistan and Iraq tomorrow, our war debt will continue for decades. Future bills will include such things as caring for our military veterans and providing them the benefits they have earned through their services. It will require replacing military equipment, rebuilding our Armed Forces and paying interest on the trillions we have borrowed for these wars. These costs are significant.

Madam Speaker, this Friday, October 7, marks the 10th anniversary of U.S. military operations in Afghanistan. Ten years, Madam Speaker. Ten years of support for a corrupt government. Ten years of sacrificing our brave uniformed men and women. Ten years of borrowing money we never had.

This war is no longer about going after al Qaeda, which I voted to do. Osama bin Laden is dead. Instead, we're now bogged down in a seemingly endless occupation in support of a corrupt, incompetent Karzai government. This is not what I voted for.

And the human and financial costs of the war in Afghanistan go on and on and on, not just on the battlefields of Afghanistan, but in veterans hospitals and counseling clinics around the country. Another \$8.4 billion to care for our veterans wounded in both body and soul.

□ 1010

We continue to struggle with soaring posttraumatic stress and suicide rates among our soldiers and our veterans. Their impacts are devastating on families, friends, colleagues, and military buddies.

It is hard to explain how we could borrow and spend so freely, so casually, while our men and women bled in the plains and mountains of Afghanistan, but now we have to face the consequences of that lack of accountability, that lack of responsible governance.

When the supercommittee makes its decisions on how to handle the deficit and the debt, I say ending the wars as rapidly as possible must be the first item on the table. I also say that, from this point forward, the wars must be paid for. No more emergency funding. No more overseas contingency funds that get a free pass from responsible budgeting. I believe President Obama has to bring this to the negotiations, and the House and Senate members of the supercommittee have to step up to the plate and end these wars. End these wars now. They have undermined our economy, and they have undermined our security.

Ten years into the Afghanistan war, the violence shows no signs of abating; the Karzai government shows little interest in cleaning up corruption; and no one is interested in the kind of region-wide negotiations required to bring stability and security to all parties.

So I say enough is enough. Get out of Afghanistan. The costs in blood and treasure have been too high. Ten years is more than enough. After 10 years, it's time to come home.

THE IMPACT OF REGULATIONS ON BUSINESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BONNER) for 5 minutes.

Mr. BONNER. Madam Speaker, while long-term unemployment is now worse than at any time since the Great Depression and while Americans in growing numbers are becoming more and more concerned about the direction their country is heading, the one thing that is uniting Americans is the realization that their Federal Government is unnecessarily getting in the way of job creators, of both small and large businesses alike, by tying the hands of employers with bureaucratic redtape and over-the-top, unnecessary and often duplicative regulation.

A recent Tarrance Group survey found that three-quarters of the American people believe that businesses and consumers are overregulated. Another two-thirds believe that regulations have increased over the past few years. Americans, understandably so, are concerned that regulations will create a hindrance to job creation, and most believe that new regulation will either bring more job losses or increased prices.

Madam Speaker, the American people have good reason to be concerned. From higher taxes on workers and businesses to the greater intrusion by the Federal Government into personal health care decisions, there has been plenty of evidence that this administration wants to grow the size and reach and scope of government in ways that we have never before seen in the history of America. At any time, the heavy hand of Big Government regulation is bad news for jobs, but during the middle of the worst recession since the Great Depression, it defies common sense for government to place even more roadblocks in front of struggling businesses.

While largely unseen by the public and, more times than not, not even debated here on the floor of Congress, Federal regulations directly impact jobs and job creation. A Small Business Administration report released just last September, in September of 2010, noted that Federal regulations cost businesses \$1.7 trillion each year and that small businesses, in particular, bear a disproportionate share of these costs, averaging over \$10,000 for each employee.

Along America's gulf coast, we have recently experienced the direct impact of Federal Government overreach in the oil production industry. The administration's de facto moratorium on

new oil drilling has cost our region of the country tens of thousands of jobs—some say as few as 30,000, others as many as 70,000 jobs that have been lost—at a time when the gulf coast is still struggling to recover from the worst manmade disaster in American history.

Just last week, I visited several large and small manufacturers in south Alabama, in Alabama's First Congressional District, that are doing their very best to turn a profit under the mantle of increased Federal regulation.

In one case, a small manufacturer with 28 employees related how they cannot expand their production due to new Federal regulations. In fact, they are now being forced to downsize. Incredibly, when EPA visits companies to perform audits, oftentimes they take away whole file drawers or cabinets full of records. The small business owners pay taxes on company profits from their personal income taxes, and they have to keep a consultant on retainer just to stay in compliance with all of the regulations. A medium-sized manufacturer we visited last week told me—and they've got plants in other States as well, not just in Alabama—that the new proposed regulations that they are looking at would cost their company alone over \$100 million in new regulation.

During his jobs speech to Congress, in this very Chamber just last month, the President admitted that government regulations on businesses serve to dampen job creation. He even suggested that he would be willing to work with Congress to review such actions. But in the following weeks, there has been little evidence to suggest that the President is serious.

Let me be clear: Federal regulations do have their place in ensuring the safety of both workers and consumers. Federal laws have contributed greatly to maintaining our clean air and water as well as the safety of our transportation system, our food and consumer products, to name but just a few. No one is saying we shouldn't have any regulation. But for all the good that a responsible government can provide with reasonable oversight, make no mistake that overzealous regulation can stifle our economy and contribute to a reduced quality of life for all Americans. That is why House Republicans are working to pass legislation to rein in out-of-control Federal regulations that strangle job creation.

Last week, the House passed the TRAIN Act. If enacted into law, this one bill would prevent the administration from imposing some of the most controversial new EPA rules, which further threaten job creation and the economy. It would also force the administration to review the impact of new regulations before they're applied. Today, the House is considering two

additional significant regulatory reform bills—the Cement Sector Regulatory Relief Act of 2011 and the EPA Regulatory Relief Act of 2011.

I urge that Congress pass this and help put the government on the side of the American workers and job creators, not against them.

THE AMERICAN AWAKENING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Three years ago, after a decade of deregulation, the repeal of Glass-Steagall, which was the deregulation of derivatives, Wall Street—the “job creators”—gambled our economy into oblivion, but they never paid the price.

Remember George Bush and Hank Paulson, who was the Secretary of the Treasury? Well, he was kind of a stand-in, because, actually, he was the former chairman of Goldman Sachs, pretending to be Secretary of the Treasury. He took care of his buddies on Wall Street, but he was aided and abetted by none other than Tim Geithner, the chairman of the New York Fed. In fact, in one of the most outrageous moments of this whole scenario, Tim Geithner, now Secretary of the Treasury—although he wasn't chairman of Goldman Sachs, but it's probably in his future—decided to pay off the gamblers 100 cents on the dollar when the government had to do the biggest bailout in history of AIG. Now, that was incredible—100 cents on the dollar.

At the time, I proposed that, in fact, Wall Street should pay for its own bailout—that is, a tax on speculators and reinstituting a tax we had from 1916 to 1966 while we built the greatest industrial Nation on Earth. It didn't hurt investment in capitalism then. It wouldn't hurt it now. In fact, if we reined in some of the speculators, our real economy would be better off for it.

But now there's sort of been this amazing political jujitsu where somehow the Republicans, aided by the Koch Brothers, who have also subsidized the Tea Party, have changed the narrative. It was the government. It was overregulation. Overregulation? Oh, come on, guys. There were no rules. They gambled our economy into oblivion. You cannot pretend that this wasn't wild and reckless, but you've changed the narrative. You took over the House.

Now, this fall, something is happening. Something in this land is happening. I call it the American awakening—the occupation of Wall Street, which is now spreading to other cities across this country.

□ 1020

They make fun of these young people because they are not totally focused on

what they want, but what's happened is their future has been stolen from them. I saw some Fox commentators yesterday morning making fun of them saying, Oh, do you think they got time off from work? Oh, well, they don't have jobs, do they?

No, they don't have jobs. What are we doing to create jobs and give these kids a future in this country and rein in the gamblers on Wall Street and restore the real economy, the productive economy of this country? Nothing. In fact, you want to go back to 2008. That was your dream.

It is time to begin to deal meaningfully with these problems in this country and that we have the greatest disparity of wealth in our history. Corporate profits are up; jobs are down. CEO pay up; jobs are down. Bonuses on Wall Street, whoa, six figures, up. Jobs, down.

It's time to rectify this, and I think the young people and the others who are joining them on Wall Street get it. They may not be totally focused, but they know that this isn't a country that gives them a fair shot at the American Dream anymore. It's a stacked deck, and it's time for a new deck and a new order.

Reregulate the reckless gamblers on Wall Street. Rein them in, take steps to rebuild our real economy, give people a future, invest in education, invest in the basics of this country, transportation, infrastructure; and we can be a great Nation again. But if we continue down this path, or even if they accelerate us down this path with helping the job creators destroy the economy again, there's no hope.

10TH ANNIVERSARY OF OUR SEEMINGLY ENDLESS WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Madam Speaker, I rise along with others this morning to note the 10th anniversary of our seemingly endless war in Afghanistan. This is a war that long ago became much more about money for the Pentagon and defense contractors than about any real threat to the American people.

And, unfortunately, just yesterday we authorized spending at a level of \$118.7 billion for the coming year in Iraq and Afghanistan. Madam Speaker, we have turned the Defense Department into the Department of Foreign Aid, and the American people are tired of it. They want us to stop rebuilding Iraq and Afghanistan and start taking care of our own people.

We have spent and are spending billions and billions, hundreds of billions that we do not have, that we are having to borrow on people who do not appreciate it unless they are on our payroll.

I know last year, Hamid Karzai, the leader of Afghanistan, told ABCNews that he wanted us to stay there another 15 or 20 years. Well, he wants our money; but we don't have enough of it, and we can't afford this.

Alfred Regnery, the publisher of the conservative *The American Spectator* magazine wrote last October that “Afghanistan has little strategic value” and “the war is one of choice rather than necessity.” He added that it has been a wasteful and frustrating decade.

General Petraeus testified in front of one of the congressional committees several months ago that we should never forget that Afghanistan has become “the graveyard of empires.”

The American people do not want, nor can we afford, endless, permanent wars; nor do they want 11- or 12-year wars that last about three times as long as World War II.

Charlie Reese was a columnist for the Orlando newspaper, and a few years ago, probably in the mid- or late 1990s, he was voted the most popular columnist by C-SPAN viewers. Over 25,000 people, I think, participated in that poll.

But he was very much opposed to these wars, and he wrote this about the Iraq war, but it applies equally well to Afghanistan: He said this war was “against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us. And for whatever real reason we attacked, it was not to save America from any danger, imminent or otherwise.”

William F. Buckley, Jr., the conservative icon, wrote this a few years ago: He said, “A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride.”

I want to repeat that. He said, “A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride.”

I think the American people long ago reached the point where they felt that these wars should come to an end and we should start taking care of our own country.

Georgie Ann Geyer, the conservative foreign policy columnist, wrote this a few years ago: “Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe.”

Madam Speaker, fiscal conservatives should be the ones most horrified by all this waste and all this spending. I wonder sometimes if there are any conservatives at the Pentagon, any fiscal conservatives at the Pentagon.

I will say once again, these wars became long ago more about money and power than they did about any real threat. It is a shame what we are doing to the young people of this country, both those in the military and those outside the military.

Just this past Sunday, I went to the funeral of another soldier, a young 21-year-old man in Madisonville, Tennessee, who had been killed in Afghanistan. And I can tell you it's time to stop all the killings of all of our young people and let them have a good future in this country once again.

THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Madam Speaker, I, first of all, wish to associate myself with the remarks of Mr. DUNCAN, Mr. JONES, and Mr. MCGOVERN, who spoke earlier; and I intend to address the issue of the war in Afghanistan.

This war has got to end. It's got to end because it's making us weaker, not stronger. It's a dead-end strategy that is the result of decisions that were made that do not treat with the respect they are entitled to the willingness of our men and women in uniform to serve. They will do whatever it is we ask them to do.

Our job is to give them a policy that's worthy of the sacrifice that they are always willing to make. This war in Afghanistan has been going on for 10 years. It has morphed into the United States military and the United States taxpayer having the burden of building a nation in Afghanistan. That can't be done. We know it can't be done, but there is an unwillingness to have a reckoning in this Congress and in this country to turn the direction of our national defense into fighting terrorism in a sensible way, not nation-building in Afghanistan.

So the central issue here is not just the money, which I'll address; it's not just the time that this war has been going on, which I'll address; it's the basic strategy. This nation-building approach, over 100,000 American troops in Afghanistan, over 110,000 contractors, does that make sense when the enemy that we're fighting is decentralized and dispersed? It's not a nation state threat.

And the answer to that, we all know—it's common sense, you don't have to be a military strategist—is no. And the main reason we continue on in Afghanistan is because arguments are made that it will look bad or it will look weak if we leave.

Mr. DUNCAN said something, I think, that makes a lot of sense. When you are persistent in the face of facts that show that what you are doing is wrong, it's time to adjust the strategy. We in this Congress owe it to the men and

women in uniform to give them that strategy that's worthy of their willingness to sacrifice.

We went into Afghanistan for a legitimate reason. That reason does not exist today. We went in because that was the launching sight where Osama bin Laden planned the 9/11 attacks. And we had a right, in our national self-defense, to take out the sanctuaries and to pursue Osama bin Laden.

Those sanctuaries have been taken out, and now what we are engaged in is a continuation and a stumbling ahead towards a policy of this nation-building where we have 100,000 troops, 40,000 international troops, 110,000 contractors, where we're throwing money at problems as though these contractors can get something done, and the corruption associated with a lot that contracting is rampant.

□ 1030

There are 286,000 Afghan National Security Forces troops who are poorly trained and leave at a moment's notice. This has come at an enormous expense to this country: \$10 billion a month; \$2.3 billion a week; \$328 million per day; \$13.7 million an hour.

What is happening? Is that where the threat to the country is coming from? The terrorist plots that we can identify that have happened in recent years, the Fort Hood shooting that killed 13 people in November 2009, that was planned in Yemen by Anwar Al Awlaki. The plot to bring down Northwest Airlines Flight 253 on Christmas Day 2009 was planned in Yemen by the same man. The attempt to bomb Times Square in May 2010 was planned and ordered by the Pakistani Taliban. And the October 2010 plot to bomb cargo planes was again planned in Yemen.

So the threat is real. Terrorism is a threat to this country. We have to address it, but we have to have a strategy that works. And having 100,000 of our troops in one nation when the terrorist threat is dispersed and decentralized throughout other parts of the world doesn't make any sense. It's time for this Congress and this President to call the question, change the strategy which requires us to right-size what our effort is, because that will, A, protect the American people in a better, more effective way; and, B, it will be a sustainable strategy, which has to be a responsibility of the policymakers.

There's been enormous sacrifice by the men and women in uniform. The troops from the State of Vermont have sacrificed and lost more lives in the Iraq and Afghanistan war on a per capita basis than any other State in the Nation. They are entitled to a policy worthy of their sacrifice.

SUFFOCATING REGULATORY ENVIRONMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. HURT) for 5 minutes.

Mr. HURT. Madam Speaker, I rise today on behalf of the people of Virginia's Fifth District, on behalf of the small business owners and farmers across central and southside Virginia who have been directly negatively impacted by the suffocating government regulatory environment.

These good people have been so overburdened by an overreaching government that they are left struggling to make ends meet in these challenging economic times, unable to expand their businesses and discouraged from starting new ones. Over the past 2 months, I have traveled through the Fifth District, making stops from Green County to Danville, from Martinsville to Brunswick County. I heard from constituents about the very real effects that unnecessary government regulations are having on their businesses and their lives.

Just this last week, I visited with a convenience store owner in Campbell County who has five stores and 48 employees. He has the desire and the resources to expand and build two more convenience stores, creating more jobs in the area, but he reports that he is unwilling to do so because of the mandates and taxes that will be imposed on his business as a part of the job-destroying government takeover of health care.

Last week I also visited with an owner of an auto repair shop in Appomattox. He told me that he first started his business back in 1987. Back then, he was able to get his business up and running in one day. One day was all it took for him to obtain all of the required permits and licenses and pay all of the required taxes and fees. After running his shop for a number of years, he then moved on to another job. Then just recently in 2011, he decided he wanted to reopen his shop and found that instead of taking one day to wade through the regulatory redtape, this year it took him 5 months.

If the President and the United States Senate want to know why our economy isn't growing, this is why. These are the real life implications for Fifth District Virginians and all Americans created by the regulatory agenda that has been put in place by this administration and the last Congress over the past 2 years. These added costs jeopardize the success of our small businesses and destroy jobs. The added uncertainty crushes the entrepreneurial spirit and stalls economic growth. And the added expansion of the Federal Government strips away our freedoms and our opportunities.

So when a diner owner in Farmville tells me that Washington is taking the breath away from the American people,

this is what she's talking about, an ever-growing government that stands as a barrier between a struggling economy and a growing, vibrant economy that we all desperately want.

So as the House continues to lead the way and works to reduce unnecessary regulations, it is my hope that we will keep in mind the convenience store owners, the auto repair shop owners, and all of the small businesses and farmers who are relying on us to get this right, who are relying on us to support those policies that remove the Federal Government as a roadblock to job creation and return our economic recovery back where it belongs—in the hands of the people.

AFGHANISTAN STILL NEEDS AN EXIT STRATEGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Thank you, Madam Speaker.

On October 7, 2001, the United States officially began Operation Enduring Freedom, and the war in Afghanistan was underway. The last decade of wars has cost thousands of U.S. lives and hundreds of billions of taxpayer dollars.

As a member of the House Armed Services Committee and as a representative of thousands of servicemembers, military families, and veterans, I'm entrusted with weighing the decision on what the profound effect on our Nation's security this war has brought and on the men and women that risk their lives every day to ensure that security. As we mark the 10th anniversary of the longest war in America's history, we believe it's time for Congress to ask some very serious questions about our military engagement in Afghanistan.

Whom are we fighting in Afghanistan? We entered this war because of the threat posed by the international terrorist organization al Qaeda. While al Qaeda expands its operations around the globe, our military is tied up in a ground war against the Taliban, an Afghan rebel group with domestic ambitions. Senior intelligence officials have estimated fewer than 100 al Qaeda members remain in Afghanistan, yet we plan to have 68,000 U.S. troops there in that country through the next year. If we are to defeat terrorism, we must stick to our original strategic mission, maintaining a laser-like focus on al Qaeda and capitalizing on our technological and intelligence advantages to cut off their financing, intercept their operations, and take out their leaders. The successful operation against Osama bin Laden epitomizes this targeted approach.

Where's our money going? Afghanistan is widely considered to be one of

the most corrupt countries in the world, behind only Somalia, and news reports of new corruption emerge every day. Billions of U.S. dollars are siphoned off by crooked officials and contractors, carried out of the Kabul airport in bags of cash, and even funneled to warlords and the very Taliban that we often oppose. To date, the U.S. has spent nearly half a trillion dollars in Afghanistan, and that pricetag increases by \$10 billion every month that we stay there. Meanwhile, we are forced to cut critical services at home in the face of our rising deficit and financial instability. We continue to hemorrhage finite U.S. resources in Afghanistan, and it makes us less, not more safe.

When will this war end? While the current timeline commits 68,000 troops through 2013, there are reports, backed up by some facts, that in the ongoing talks with the Afghan government about the future of the U.S.-Afghanistan relationship, the U.S. is considering having 35,000 U.S. troops in Afghanistan until 2025 at an expected cost of over \$50 billion a year.

The human cost of this war is immeasurable. The dedication and the commitment of American men and women in uniform is absolute. Our troops in Afghanistan execute their orders that put them at risk because they trust the mission in which they are deployed. That is absolutely essential to our Nation's security. This steadfast loyalty is our Nation's most sacred resource, and thus, it is our most solemn responsibility to ensure that it is never squandered.

There is no U.S. military solution in Afghanistan. A political reconciliation is essential. Afghanistan's future depends upon Afghans, not American soldiers. By ending this war, America can focus on rebuilding the foundations of America's strength and security by paying down our Federal deficit, growing our economy, and putting Americans back to work.

□ 1040

THE PRESIDENT'S OCEAN ZONING PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. SOUTHERLAND) for 5 minutes.

Mr. SOUTHERLAND. Madam Speaker, yesterday, in the Natural Resources Committee, we held an oversight hearing regarding the President's new National Ocean Policy, an Executive order to tell us how we can best use our oceans.

Yesterday, it was amazing to hear those who believe in this policy applaud the use of the Federal Government in bringing stakeholders together. I will say this: This particular policy has been driven from the White

House through Executive order under the auspices of ocean conservation, when its actual effects will be far reaching, economically harmful and hurtful to American jobs and businesses both at sea as well as ashore.

Inside of this policy, there is something called marine spatial planning, how to best use our oceans, totally ignoring the common sense that the God who created us gave us at the moment He did create us. The background of this goes back quite some time.

In 2009, a task force—I love those here. We have so many. We have councils and task forces. Do you know what? We need to form another committee. Well, I'm of the opinion that had Moses formed another committee, they would still be wandering around in the desert today. However, that's the mode of operation here. And in these frameworks and in these task forces, they come out with effective coastal and marine spatial planning.

I believe this is one of the largest efforts of government regulatory overreach in my lifetime. And with the world being 73 percent water, what better way—for if we can capture and make sure that we determine what people do with these waterways, what better way to push our policies forward, to rob the American people of job opportunities and the freedoms that I believe were given at birth?

The National Ocean Policy is less about coordinating fishing activities with other ocean user activities and more about creating new regulatory processes to further restrict fishing opportunities in both the recreational and commercial fishing sectors, according to the director of public affairs for the At-sea Processors Association.

In my State of Florida, we have a crisis when it comes to homes and when it comes to real estate. Yet I know that homebuilders are going to be damaged greatly because this regulatory push does not just deal with offshore, but it also deals, as I stated, with onshore.

The National Ocean Policy has a potential to create yet another set of standards and/or approvals that could unnecessarily impose significant impacts on homebuilders, private landowners, and other businesses while providing minimal—minimal—effects. Yesterday, we heard that what this plan does is bring together, through an adaptive process, stakeholders. Well, do you know what? We have the ability as stakeholders to communicate now.

Since when do we need the Federal Government to tell us that we can talk to each other? Have we been so dumbed down? No, we have not. We have the ability to talk now and communicate without forming another government bureaucracy that robs us of those freedoms.

And I appreciate that call to being a stakeholder at the table, but really—really—that would be like the Greeks

asking the people of Troy to help plan the design and construction of the Trojan Horse. This is nuts—nuts.

I live in Florida. I lived on the coast. I have spent my whole life on the coast.

This is another plan to push onerous regulations upon the American people and to rob the States and to abolish and do away with the 10th Amendment. I'm telling you, the States should be doing more while the Federal Government should be doing less.

Do not be fooled by this. We must not be fooled by this. They say we need an economic analysis going forward. Well, how about a constitutional analysis to examine the balance between the Federal Government and the State governments?

The National Ocean Policy is something that concerns me greatly, and I really believe with all my heart it would have concerned, in a terrible way, our Founding Fathers. This is an effort to turn our oceans into an aquarium. It is high time that the American people stood up and said enough is enough.

SOCIAL SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise to defend Social Security. We've heard Social Security derided by certain extreme politicians lately claiming it can't survive, that it's unsustainable and that the beneficiaries who earned their retirement benefits need to face the hard truths. Well, here are some really hard truths about Social Security:

The average retirement benefit is merely \$14,000 a year;

The median income of senior households is only \$25,000 a year;

One in three seniors depend on Social Security for 90 percent or more of their income.

The fact is that Social Security is a critical program for seniors across our country. It is a lifeline to half of all seniors who make under \$25,000 a year.

This is a chart that shows the various income levels. Half of the people of our country who are seniors receive less than \$25,000 a year on the program. It is even more important to the 25 percent of seniors who earn less than \$15,000 a year. And for the nearly 4 million seniors who earn less than \$10,000 a year, it is the difference between scraping by or having nothing at all. According to the Center for Budget and Policy Priorities, Social Security keeps 20 million Americans out of poverty.

It is especially important for women. Women over the age of 80 are most likely to be living at or below the poverty level. Nearly a quarter of women in that age group are officially des-

titute. Pay attention to them. When you're at the supermarket and you see them looking at cases and they can't buy anything, give them \$5. Social Security benefits millions of older women and helps keep them out of poverty.

What many people seem—or choose—to forget is that Social Security is an insurance program for retirement, for disability, and for survivorship. It is not designed to give you higher returns or beat the Standard & Poor's 500 or bolster your stock portfolio. It is not welfare. Social Security is an earned insurance benefit designed to give retirees, the disabled, and survivors stable, guaranteed benefits each month for the rest of their lives. It is financed by the taxes retirees paid into the system during their working years matched by their employer.

Born out of the Great Depression, President Roosevelt ensured the program would be financed by payroll deductions, matched by employers, so Americans would understand this insurance program is an earned benefit. This arrangement would guarantee, as he put it, that: no politician can ever scrap that Social Security program.

This is exactly why putting people back to work and creating jobs is the best long-term financing solution to ensure Social Security's long-term solvency. There are 14 million Americans out of work, and getting the unemployed back to work is the fastest way to inject billions of dollars back into the Social Security trust funds, stabilizing the program for generations to come.

With all of the misleading Republican rhetoric about Social Security being broken and a so-called "lie," they claim, some have forgotten that the other side has always been opposed to the program.

In 1935, the Social Security Act made its way through the Ways and Means Committee but received not a single Republican vote on the committee. The ranking Republican said at that time that he would "vote most strenuously in opposition to the bill at each and every opportunity." Republicans have opposed the program every step of the way.

In 1984, former Representative Dick Armey, now a Tea Party godfather, described Social Security as a "bad retirement" plan and a "rotten trick" on the American people. He said, "I think we're going to have to bite the bullet on Social Security and phase it out over a period of time."

And then in 1987, former Representative Newt Gingrich said, "While many politicians are still afraid to mention abolishing Social Security," he said, "I am convinced this generation is ready for honest talk and real leadership."

These are not retired politicians speaking. One is a leader in the Tea Party, and the other is a candidate for the Republican nomination for President.

Even today in our House, we have Members who still are beating the tired, failed horse that Social Security is unconstitutional.

□ 1050

But the numbers are clear. Half of all seniors live near or below the poverty line, and one in three seniors depends on Social Security for more than 90 percent of their income. What happens to these Americans if we start violating the program they depend on, frankly, for their lives?

Let me close with some comments from Americans in Ohio about Social Security. A woman from Toledo wrote: "My retiree insurance was canceled last year. I had to get a plan to pay for my medicine. Even though I have part D, I still have to pay for my prescriptions because I'm in the doughnut hole. It costs me more than \$700 a month. That's half my Social Security check." Her story is the story of millions of Americans across this country.

I urge my colleagues to stand with me to protect Social Security and its guaranteed secured benefits for all retired Americans. Our seniors have earned these benefits.

BRING OUR TROOPS HOME FROM AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. This Friday, October 7, marks the 10th anniversary of the beginning of the war in Afghanistan. Our men and women in uniform have fought valiantly in this war over the last decade at great cost. More than 1,700 American soldiers have lost their lives as they fought to destroy al Qaeda and hunt down Osama bin Laden. Thousands more have come home with very serious life-long injuries.

When I'm at home in California and talk with veterans and their families, I can see how much our soldiers have sacrificed. I want to offer my sincere thanks and appreciation to all of the men and women in uniform who have carried out their duty in Afghanistan.

As the anniversary approaches, I am thinking particularly of Army Captain John Hallett III of Concord, California, in my congressional district, and his family. Captain Hallett was killed in action in southern Afghanistan on August 25, 2009. I was honored to have provided him a congressional nomination to the West Point Academy.

This week, all of us should honor the tremendous sacrifices our men and women in uniform made for their country in Afghanistan. And our objective in Afghanistan has been achieved—Osama bin Laden has been killed, and few al Qaeda members remain in the country. Yet, unfortunately, our troops

in Afghanistan are now bogged down in an unending and deadly war with the Taliban and defending the corrupt Afghan Government. To this day, the government in Kabul, led by President Karzai, has not been able to take charge of its country, even as it has been able to provide enormous favors for the President's cronies and family.

In these difficult times, we cannot afford to spend tens of billions of dollars per month defending a corrupt regime. We cannot afford to continue to provide payments to contractors who turn around and use those payments to pay off the very same Taliban who are killing our troops in Afghanistan. But above all, our soldiers cannot be asked to continue to risk their lives for years and years to come. Instead, it is time to bring all of our troops home and to invest in America instead. By doing so, we can honor the enormous sacrifice that our troops have made, and at the same time ensure that they have a strong and prosperous country to come home to.

HOLDING CHINA TO ACCOUNT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, I want to quote from a column earlier this week written by Paul Krugman, who does an extraordinarily good job of presenting the case for a change in our economic policies to deal with the unemployment that plagues not just us, but others in the world.

The column is headlined "Holding China to Account." And he begins: "The dire state of the world economy reflects destructive actions on the part of many players. Still, the fact that so many have behaved badly shouldn't stop us from holding individual bad actors to account." And that's what Senate leaders will be doing this week—they did it already, they've begun the process—as they take up legislation that would threaten sanction against China and other currency manipulators.

Respectable opinion is aghast, but respectable opinion has been consistently wrong lately, and the currency issue is no exception.

China has an enormous trade surplus with the United States, and a significant part of that is due to their conscious intervention to undervalue their currency. Now, that comes, to some extent, at the expense of some in China in terms of the cost of living. On the other hand, it provides employment.

There are of course other ways in which China interferes with the free trade to which they supposedly adhered when they were allowed to join the WTO, a move I voted against. They are manipulating the rare-earth situation,

restricting exports illegitimately to force companies to come there. We recently had a situation where General Motors was told that they wouldn't be allowed to sell their electric car in China unless they gave up their technology—again, a blatant violation.

So we should be more aggressive in general. But particularly on the currency issue, the manipulation by the Chinese is quite clear. As Mr. Krugman points out: "To get our trade deficit down, we need to make American products more competitive, which in practice means that we need the dollar's value to fall in terms of other currencies . . . but sensible policymakers have long known that sometimes a weaker currency means a stronger economy, and have acted on that knowledge."

"The United States can't and shouldn't be equally aggressive to Switzerland. But given our economy's desperate need for more jobs, a weaker dollar is very much in our national interest—and we can and should take action against countries that are keeping their currencies undervalued, and thereby standing in the way of a much needed decline in our trade deficit. That, above all, means China."

Now, I am very pleased to say, as Mr. Krugman notes, that the Senate is moving ahead on this, and a bipartisan majority in the Senate is voting for this bill. I was disappointed to see the Republican leadership in this body announce that they won't take the bill up. It is extraordinary to me that the Republican leadership of this body apparently plans to go to the defense of the Chinese economy by not allowing a bill that got bipartisan support in the Senate to allow us to respond to Chinese unfair manipulation of their currency.

Now, there is one argument against it, which is, well, we'd better be careful, we might make them angry. They might retaliate. How do they retaliate beyond what they're doing? The Chinese are in violation in area after area of the very free-trade rules to which they said they were there.

There is this view that goes around in this country that almost everybody in the world is doing us a favor by letting us be nice to them. The notion that we somehow will anger China ignores the way the Chinese are now behaving, and it ignores the economics. China has much more to lose in a dispute with the United States economically than we do. They have this enormous trade surplus with us. They buy American debt, it is true, not as a favor to us, but because that's the safest place to put their debt. If they had a better place to put it, they would put it somewhere else. This is no favor to us.

I am for an American role of cooperation with the world. I wish we would do more to alleviate hunger, to fight ill-

ness in poor countries. I am very much in favor of our continuing to work with the multilateral organizations, but this notion that we should not stand up for our own legitimate economic interests against a nation like China—which is so abusive of the process—because they might get mad at us is simply a total misreading of the situation.

So I ask that Mr. Krugman's column, documenting the case for the Senate legislation that directs our administration to take action against Chinese currency manipulation, be put in the RECORD.

And I want America to be cooperative with the rest of the world. I want us to share our wealth in ways that will help people who are desperately poor. But this notion—and it really comes down to this—that we have somehow taken on this geopolitical role, where we are the guarantors of stability everywhere in the world and therefore we should not be too aggressive in our own interests because we might—we should not ever be putting the legitimate economic needs of our citizens above geopolitical interests, that is wrong; and Mr. Krugman documents it.

[From the New York Times, Oct. 2, 2011]

HOLDING CHINA TO ACCOUNT

(By Paul Krugman)

The dire state of the world economy reflects destructive actions on the part of many players. Still, the fact that so many have behaved badly shouldn't stop us from holding individual bad actors to account.

And that's what Senate leaders will be doing this week, as they take up legislation that would threaten sanctions against China and other currency manipulators.

Respectable opinion is aghast. But respectable opinion has been consistently wrong lately, and the currency issue is no exception.

Ask yourself: Why is it so hard to restore full employment? It's true that the housing bubble has popped, and consumers are saving more than they did a few years ago. But once upon a time America was able to achieve full employment without a housing bubble and with savings rates even higher than we have now. What changed?

The answer is that we used to run much smaller trade deficits. A return to economic health would look much more achievable if we weren't spending \$500 billion more each year on imported goods and services than foreigners spent on our exports.

To get our trade deficit down, however, we need to make American products more competitive, which in practice means that we need the dollar's value to fall in terms of other currencies. Yes, some people will shriek about "debasing" the dollar. But sensible policy makers have long known that sometimes a weaker currency means a stronger economy, and have acted on that knowledge. Switzerland, for example, has intervened massively to keep the franc from getting too strong against the euro. Israel has intervened even more forcefully to weaken the shekel.

The United States, given its special global role, can't and shouldn't be equally aggressive. But given our economy's desperate need for more jobs, a weaker dollar is very much in our national interest—and we can and

should take action against countries that are keeping their currencies undervalued, and thereby standing in the way of a much-needed decline in our trade deficit.

That, above all, means China. And none of the arguments against holding China accountable can stand serious scrutiny.

Some observers question whether we really know that China's currency is undervalued. But they're kidding, right? The flip side of the manipulation that keeps China's currency undervalued is the accumulation of dollar reserves—and those reserves now amount to a cool \$3.2 trillion.

Others warn of bad consequences if the Chinese stop buying United States bonds. But our problem right now is precisely that too many people want to park their money in American debt instead of buying goods and services—which is why the interest rate on long-term U.S. bonds is only 2 percent.

Yet another objection is the claim that Chinese products don't really compete with U.S.-produced goods. The rebuttal is fairly technical; let me just say that those making this argument both overstate the case and fail to take the indirect effects of Chinese currency policy into account.

In the last few days a new objection to action on the China issue has surfaced: right-wing pressure groups, notably the influential Club for Growth, oppose tariffs on Chinese goods because, you guessed it, they're a form of taxation—and we must never, ever raise taxes under any circumstances. All I can say is that Democrats should welcome this demonstration that antitax fanaticism has reached the point where it trumps standing up for our national interests.

To be fair, there are some arguments against action on China that would carry some weight if the times were different. One is the undoubted fact that inflation in China, which is raising labor costs in particular, is gradually eliminating that nation's currency undervaluation. The operative word, however, is "gradually": something that brings the United States trade deficit down over four or five years isn't good enough when unemployment is at disastrous levels right now.

And the reality of the unemployment disaster is also my answer to those who warn that getting tough with China might unleash a trade war or damage world commercial diplomacy. Those are real risks, although I think they're exaggerated. But they need to be set against the fact—not the mere possibility—that high unemployment is inflicting tremendous cumulative damage as we speak.

Ben Bernanke, the chairman of the Federal Reserve, said it clearly last week: unemployment is a "national crisis," with so many workers now among the long-term unemployed that the economy is at risk of suffering long-run as well as short-run damage.

And we can't afford to neglect any important means of alleviating that national crisis. Holding China accountable won't solve our economic problems on its own, but it can contribute to a solution—and it's an action that's long overdue.

WE CAN ALL AGREE ON THE NEED FOR JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Madam Speaker, as you know, when folks turn on C-SPAN, it's not hard to find those things that divide us here on the House floor. We

can talk to anybody that we see walking around the Capitol today, and they could talk about those issues that divide us as a Nation. But I'm a firm believer that there is actually more that unites us as a Nation than divides us. And I know one of the things that unites this House in this time in our Nation's history, more than in others, is that desire to create jobs for American families.

We all have those families in our districts that are struggling with foreclosure right now, Madam Speaker. We all have those families in our districts that are struggling with layoffs. And we have those families in our districts that are the small business owners that actually drive this economy.

□ 1100

That's another area of agreement we have, Madam Speaker. Folks know it's not the big businesses in America that hire; it's the little businesses in America. It's those entrepreneurs out there. It's those folks who think that they have an idea. It's that husband and wife team who goes out and says, I can do it better, and they hang out their own shingle.

But anybody who's talked to those small business men and women these days, Madam Speaker, knows that folks have a tough time getting access to credit. It seems now in America the only people who can borrow money are folks who don't need any money at all. And that's a challenge. That's a challenge because what makes this economy grow are those folks who say: I can use that money better. I can do something more efficiently. I can add productivity if only you'll take a chance on me.

But the regulators, Madam Speaker, that's what I hear from my bankers: My regulators won't let me lend anymore. That's what I hear from my bankers: The regulators came in, ROB, and told me I can't give any more money out to small businesses.

So where are we? Where are we? What's going to hire our young people, Madam Speaker? What's going to fuel the economy? What's going to pay the Social Security taxes that need to be paid if we can't create those jobs?

Well, I want to talk about something else that unites us as a House, and that's H.R. 1418. It's the Small Business Lending Enhancement Act, Madam Speaker, and it's sponsored by 33 Republicans and 51 Democrats. You don't hear that very often when you watch C-SPAN, Madam Speaker. I know that to be true. But about half Republicans and about half Democrats come together on what is called the Small Business Lending Enhancement Act that says to our credit unions, those small institutions in each of our communities, be a part of job creation.

I ran for Congress, Madam Speaker, on the platform that it's not that the

government does too little; it's that the government does too much. There's nothing wrong with the foundation of America. It's the way we've hamstrung America with additional rules and regulations. Our credit unions are in that spot.

For folks who don't know, credit unions today are only allowed to lend about 12¼ percent of their assets to small businesses, to businesses at all, in fact, and they want to do more. Folks can't find the money at banks. They come to their credit unions. They say, Can you help? And Congress has said, No. Congress has said, No.

It's not what we need to do. It's what we need to undo. H.R. 1418 undoes that 12¼ percent cap, Madam Speaker, and raises it to 27½. Hear that. Every credit union in America would be able to participate in funding small businesses, in providing the capital that small businesses need to succeed. You can't succeed without capital. Capital's not available in America today. We need to find ways to do that.

Something else you don't hear a lot, Madam Speaker, is where the House and the Senate are coming together on things. These days, more than most, it seems hard to find those things that the House and Senate agree on. But to be clear, this bill has been introduced in the Senate, too. It's S. 509 on the Senate side, and it has 20 cosponsors in the Senate, so that's about one-fifth of the Senate is already on board. Eighty-four Members of the House, that's about 20 percent of the House also on board.

This is something we can do, Madam Speaker. It's something we can do today. It doesn't cost the taxpayer a nickel—doesn't cost the taxpayer a nickel—and frees up capital for our small business men and women.

I want folks, Madam Speaker, to look out over the horizon, as you and I do, and say: What's going to change joblessness in this country? What's going to change it?

We have the lowest level of entrepreneurship in this country that we have seen in 30 years—30 years—and it's entrepreneurs that drive this train. It's not the big guys; it's the little guys.

This bill, Madam Speaker, frees up our money that we have put into our credit unions by removing restrictions that we, as a Congress, have placed on our credit unions to allow them to be a part of job growth.

We don't need another stimulus bill. We don't need to spend more taxpayer money. And by "taxpayer money," I mean, as the gentleman from Massachusetts said earlier, money we're borrowing from China to spend on stimulus programs. We can do it simply by undoing those rules and regulations that we've passed already in this House, Madam Speaker.

H.R. 1418, it doesn't do it overnight; it does it gradually. It requires that

the regulators be involved. It says only if you have experience in member lending, only if you're well capitalized, and only if you have a history of doing it well.

Let's pass H.R. 1418, Madam Speaker, and let's move it to the Senate.

TRIBUTE TO MS. FAYE STEVENS-JETT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to one of my constituents who's spent a great deal of her life bringing joy, happiness, and direction into the lives of others. I come today to pay tribute to Ms. Faye Stevens-Jett and the Up2Us organization that is in town this week.

Athletics has been and continues to be a road to success and a better life for thousands and thousands of people. For many of them, it has been because they had a coach, a mentor, or a friend with whom they connected and formed lasting friendships and relationships in their athletic endeavors.

One such coach has been Ms. Faye Stevens-Jett, a physical education teacher and athletic director at the Morton School of Excellence in Chicago, Illinois, located in my congressional district. Ms. Stevens-Jett is a single mother of two boys, and yet finds time to be engaged with a large number of other young people through her coaching of double Dutch, cheerleading, and pom-pom teams.

Ms. Stevens-Jett has been selected by Up2Us as a coach of the year. Up2Us is an organization that supports programs that use sports to address critical issues facing youth in America. It also helps to address serious health issues such as obesity and other childhood illnesses and diseases.

Ms. Jett is a member of my congressional district, and I take this opportunity to commend and congratulate her and Up2Us for their outstanding work.

I also urge support to increase physical fitness as a part of our everyday lives. It is up to us.

WHAT DOES THE WAR IN AFGHANISTAN MEAN?

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. FARR) for 5 minutes.

Mr. FARR. Madam Speaker, I rise to talk about the war in Afghanistan.

We've been in Afghanistan since 2001. What does that mean? I'll tell you what it means.

It means 3,650 days of violence and suffering. It means 1,695 American lives lost. It means \$454 billion added to our deficit. It means that this war has got to end.

It's time to apply the Republican mantra, "cut, squeeze and trim" to the

Afghanistan war because the cost is simply too high. Also, we can't afford to lose another life in this war. We cannot afford to spend another dollar on it.

And if our spending reflects our priorities, then we're totally missing the point. Americans don't seek war. Fifty-nine percent of likely voters want U.S. troops brought home from Afghanistan.

But I'll tell you what Americans do want. They want jobs. And if we had taken all the money we've spent on the war, we could have created almost 1 million education jobs, 780,000 health care jobs, or 364,000 construction jobs. But we didn't do that.

We have 9.1 percent unemployment nationwide, and parts of my district have over 18 percent unemployment. Almost one in every five persons is unemployed. The unemployment rate among our veterans is at least 2 percent higher than among civilians.

America can do better than this because America is a country about peace and prosperity and opportunity. These ideals don't have a price tag, but they do have a value.

So let's end this war now. Let's restore peace now. And let's show what America really believes, what our real values are: peace and understanding.

CIVILITY IS NEEDED

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, thank you for your indulgence.

We were in a Judiciary Committee hearing on the importance of protecting this Nation from weapons of mass destruction and then in a hearing on the Homeland Security Committee, on which I serve, in trying to ensure that we secure this homeland and also respect the privacy of our citizens. I believe that is a very important challenge.

□ 1110

I wanted to come to this floor to call for civility and understanding. Those are two conflicting terms. But as a member of the Judiciary Committee, having the privilege to oversee the Constitution of the United States, I hold very dear the idea of the Bill of Rights, which allows our citizens the right to the First Amendment, the right to association, and the right to freedom of religion.

But sometimes you have to call upon your right to explain or to express your abhorrence with ugly speech.

So I want to say that over the past couple of days, we have had Herman Cain shouting out about brainwashing of a certain population of people, African Americans, who I guess he suggests that we are not educated persons and

as different as any other population of Americans. The greatness of Americans is that we are mosaic, we are diverse. Though I may challenge the philosophy of the Tea Party and have great abhorrence of their views, I would never suggest that those individuals didn't thoughtfully think about who they wanted to associate with. So again to Mr. Cain, get your vocabulary straight and understand that we have a brain as well and make choices on our interests.

Then my good friend Hank Williams, who I guess professes to be one of America's great philosophers, when he was posed a question about who the President of the United States and the Speaker of the House attempting civility through what a lot of Americans do, playing golf, he chose to use a, what I think was both an unhelpful and disgraceful comparison. Now, I don't know who he was calling what, but he used the phrase that it would be like the Prime Minister of Israel meeting with Hitler.

And one would have to argue, am I defending the Speaker of the House or the President of the United States? I'm defending the idea that ugly speech should be called out any time it is utilized. Mr. Williams, you might stick to the penning of a new hit that you haven't had for a long period of time, although I'm sure you have many fans, for you to characterize any leader as the dastardly and heinous person that Hitler was, the dastardly and heinous and horrific acts that he perpetrated on people who were innocent. From those who happened to be of the Jewish faith to Polish people to people of many different backgrounds that lost their lives in this disgraceful era that was led by Hitler during the time that Germany was led by the Nazis.

What a disgraceful statement.

So I would ask that we understand that America is a great country because people view us as being tolerant of so many different things.

And I conclude by suggesting that those who are watching those on Wall Street who have gathered now, 700 of them were arrested, college students may be out of their classes at 12 noon, and I say hurray for people who are standing up and asking the question, where is my country going?

I want to take it back. I do believe in saving Medicare, Medicaid, and Social Security, Pell Grants that are on the cutting board. I want a job, and I want banks to be able to give access to credit to small businesses. Of the five that I visited over my time in my district, and more that are coming as I go to many others, I hear over and over again, are we going to respond to the needs of small businesses or are banks going to continue to crush the backs of small businesses by not lending them credit? People have a reason to be upset. But we don't have to use ugly talk.

But don't judge people because they're out in the streets. I disagree with the Tea Party because of the stranglehold that they have on this Congress that doesn't allow us to come together in a civil manner and come together on behalf of the American people. But at the same time I recognize their constitutional rights, recognize the constitutional rights of those that Wall Street and other places have chosen to be arrested because they don't like what is going on in this Nation. They don't like the fact we are in an obstruction form of government, that we would take from those who need us most and we would use them to balance the budget.

I'm going to stand with the people who are out in the streets and say, you are right—and tell Hank Williams to try and write another song that might get him a hit so he doesn't have to talk so much.

RECESS

The SPEAKER *pro tempore*. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily with high hopes for a better future for our great Nation.

You have created Your people to live in an environment of great diversity of race, color, creed, and opinion. These differences enrich our human experience but also demand of us the need to negotiate preferences and opinions toward a common goal.

Please give to the Members of the people's House, in abundance, the wisdom, skill, and patience to see past their differences toward their commonalities in order to forge a strong and secure future for our Nation.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia (Mr. RIGELL) come forward and lead the House in the Pledge of Allegiance.

Mr. RIGELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HOUSE REPUBLICANS CONTINUE TO LEAD THE WAY PROMOTING JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, Federal Reserve Chairman Ben Bernanke, a native of Dillon, South Carolina, testified before the Congressional Joint Economic Committee. He sadly stated that economic indicators point toward a "sluggish job growth" and that the so-called economic recovery is "close to faltering."

Chairman Bernanke went on to say the primary factor affecting consumer confidence was the lack of job growth. He further characterized the country's long-term unemployment rate as a "national crisis." This follows the President's admission Monday that voters are not better off than they were 4 years ago. With failed policies, the President needs to change course.

House Republicans have sent nearly 90 bills to the Senate for consideration, but only 20 have passed the Senate. Much of this legislation dealt directly

with limiting spending, terminating failing housing programs, and encouraging job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

FORD AND THE UAW

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, it is with great satisfaction that I report to the House today on the agreement reached between the Ford Motor Company and the United Auto Workers and its positive impact on the Nation and in western New York.

Under the agreement, Ford will increase its workforce at its plant in Hamburg, New York. Not only will they offer to rehire 120 workers who were laid off earlier this year, they will create 400 new jobs and create a \$136 million investment in the facility. This is a substantial and generational commitment.

How did this happen? It was the recognition that western New York has a highly skilled and dependable workforce, with a long history of labor and management working together in cooperation. It is also the result of labor and management working diligently to get a deal done. Their goal was business growth and job creation, and they accomplished it without the brinksmanship and manufactured crises that have become far too common in Washington this year.

Perhaps Congress can learn from Ford and the UAW that when two sides sit down at the table and bargain in good faith toward a common good, the end can be more satisfying, resulting in new business investment and job growth.

THE CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

(Mr. YOUNG of Indiana asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Indiana. Mr. Speaker, yesterday, I had the opportunity to meet with Hilltop Resources, a concrete company that has a presence in my southern Indiana district. They were here to talk about how the new Cement MACT regulations would affect their business and their workforce.

Their cost of production would go up 7 to 10 percent—a huge hit for any business. They would have to import more of their raw materials from places like China—materials that are of a lesser quality. And those increased costs would require them to scale back their American workforce at a time when we need them to expand.

We cannot keep letting the EPA impose these burdensome and job-crushing regulations without any concern

for how they affect our constituents. When we take up H.R. 2681 later today, we have the chance to help an industry that has already been hit hard by the recession. I urge my colleagues to support this measure.

UP2US ANNUAL COACH OF THE YEAR

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize Up2Us, a leading youth sports development organization working to address childhood obesity and promote improved academic performance and constructive activities for youth. Up2Us supports a national network of nearly 500 member organizations operating in all 50 States, serving 25 million youth through both traditional and nontraditional sports programs.

Sharing best practices, advancing initiatives that extend opportunities to new players, and delivering quality programs in underserved communities, these are but some of the ways where a tremendous need for constructive outlets for our youth are occurring through this organization.

Also, the men and women serving as AmeriCorps members with the Up2Us Coach Across America program are helping young people with a passion for sports to go to the low-income communities and reach out to children who may not have someone to be their coach or their mentor.

The entire staff of Up2Us and their volunteers are doing a great job. May God continue to bless them in their successful work for years ahead and in demonstrating that we can help our young people in constructive ways with sports and recreation. Indeed, advancing the lives of all of our youth is a team sport.

DEFENDING TRICARE

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Mr. Speaker, I have the great privilege, and really the honor, of representing the largest concentration of active duty and retired military members in the country; and it's a true honor to defend those who wear our Nation's uniform and to speak boldly on behalf of our veterans.

Today, I rise to address a recent decision by the Department of Defense regarding TRICARE. The DOD has increased fees for those enrolling in TRICARE Prime after October 1, 2011. Mr. Speaker, this action is nothing less than a breach of trust between this great Nation and its veterans.

Career members of the uniformed services and their families make in-

credible sacrifices over the course of long careers defending our freedom. They honored their commitment and exceeded what they told us that they would do. They have served with distinction.

We need to honor our commitment to each of them. So I call on the Department of Defense to reverse its decision and to honor its promise to our veterans.

□ 1210

DOMESTIC VIOLENCE AWARENESS MONTH AND CELL PHONE DRIVE

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Every 9 seconds, a woman is assaulted or beaten in the United States. Every day, more than three American women are murdered by their husbands or boyfriends. And a staggering 1.3 million women and almost 840,000 men are physically assaulted by an intimate partner every year.

For the last decade, in October, during Domestic Violence Awareness Month, I stood up with the shelters and hospitals in my district to support the women and men who escaped their abusers. Many of these victims escaped with literally only the clothes on their backs. So together, we put on a donation drive of cell phones, clothing, and personal necessities to benefit victims of abuse. This drive will be going on throughout October, and you can support the effort by donating items at Kaiser offices throughout the 32nd Congressional District in California.

Together, we can and must do more to stop domestic violence.

THE DRAGON IS SNORTING FIRE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Chinese dragon is snorting the fire of intimidation against our ally, Taiwan. To defend itself from the Chinese dragon's evil intentions, Taiwan protects itself with rusty swords—outdated F-16s. It also appears that by bullying, the United States has become timid under the Chinese dragon. The Beijing Government doesn't want us to sell new F-16 CDs to Taiwan—so we don't.

Further, the Chinese evil intentions of mischief are not limited to Taiwan. In the South China Sea, the talons of the Beijing dragon have initiated confrontation with Korea, the Philippines, Japan, and Vietnam. China claims sea areas that are in international waters or belong to other nations.

With all these belligerent actions occurring by China, it's not in our national interest to play Chamberlain and appease the Chinese dragon.

Sell the Taiwanese the new swords they need to defend themselves against the fiery dragon. Sell them American F-16 CDs. It is in our national interest to help Taiwan be armed to be the dragon slayer if it needs to be and defend itself against China.

And that's just the way it is.

BENEFITS OF AMERICAN JOBS ACT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, the American Jobs Act, proposed by President Obama, is a clear path forward to rebuilding America by putting our country back to work, helping small businesses succeed, and providing tax relief for workers.

Specifically, this plan would put teachers, firefighters, police and first responders to work by creating jobs through investments in America's schools and infrastructure. It will also provide tax cuts that put money in the pockets of American workers and employers so they can grow and add jobs, as well as offer job training incentives to hire returning veterans and help the unemployed with pathways back to work.

The most critical element of the Jobs Act is that it requires immediate action to create American jobs and rebuild our economy. In conjunction with our Make It in America agenda, the Jobs Act will provide the long-term tools for rebuilding the American manufacturing base and creating well-paying jobs into the future.

The Jobs Act invests in our future and assists struggling Americans now, all without adding a dime to the deficit.

Mr. Speaker, our number one priority needs to be job creation, and the American Jobs Act is the first step in that effort.

BALANCED BUDGET AMENDMENT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, 16 years ago, Congress failed to pass a balanced budget amendment to the Constitution by a single Senate vote. Back then, our national debt was about \$5 trillion. Today, our debt stands at nearly \$15 trillion, and our Democrat leadership is showing no signs of slowing down their outrageous spending.

Imagine what the state of the economy could look like if it weren't strapped down by that extra \$10 trillion worth of debt. Imagine how much brighter the future of our children and grandchildren could be without the threat of having to repay the money that Washington has wasted. Imagine how mom-and-pop shops could be growing, hiring and expanding if looming

tax increases weren't a factor in their business plans.

Enough is enough. Missing another opportunity to balance the budget is not a mistake that we can afford to make twice. That's why I authored my balanced budget amendment, so that we can stop the spending and start paying down our debt.

I urge all of my colleagues to become cosponsors of my amendment, which is the most conservative and effective approach to balancing the budget.

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, in my congressional district, the unemployment rate is 17 percent; and in San Bernardino County, it's well above 14 percent.

My constituents need a bold plan of action, not more gridlock in Washington, D.C. They want us to come together and take action. The American Jobs Act provides a clear path forward to put our country back to work.

This bill contains bipartisan ideas that will put teachers, firefighters, first responders, and cops back to work right now, provide tax cuts that put money in the pockets of working Americans right now, give businesses job-creating tax breaks right now, and provide a boost to our economy right now. And this bill is fully paid for, not adding a dime to our deficit.

The Republican Party has supported these ideas in the past. It's time to put politics aside. Let's come to the table and work together. The American people cannot afford to wait any longer. Let's act now. Pass this bipartisan jobs bill.

TWO SIMPLE TASKS FOR THE DO-NOTHING SENATE

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, if our colleagues at the opposite end of this Capitol, the Senate, are serious about getting our economy moving and America back to work, I urge them to do two things immediately. To start with, for the first time in 888 days, they should do what every American family and business does and set a budget; 888 days—almost 30 months—without a budget is not just an abdication of responsibility. It is a fundamental failure to govern.

Second, they should immediately take up a bill we sent with overwhelming bipartisan support, the Reducing Regulatory Burdens Act. We passed it in March; they've done nothing. If we don't act on it by the end of this month, our agriculture sector will be deluged with a new avalanche of needless red tape.

I hope that this do-nothing Senate will move on both of these issues immediately in order to help both the American people and the American economy.

MODERNIZING THE AMERICAN LEGION

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, I rise in support of the brave men and women who have served our Nation and are today members of the American Legion, a congressionally chartered organization. That charter is in need of modernization. So the American Legion, at their national convention, adopted a resolution asking Congress to amend the charter to clarify that the Legion members may pay their annual dues and renewals using modern technology, such as over the Internet by credit card.

For this reason, I have joined my good friend from Florida, Congressman ROONEY, in introducing a bill to support the Legion's recommendation.

Our bill, H.R. 2369, enjoys widespread support, as evidenced by the 350 of our colleagues who have cosponsored this legislation. Hopefully, this bill will soon move through the legislative process in order to modernize the Legion's charter and make this small, but significant, change to make life a little more convenient for members of the American Legion.

1-YEAR ANNIVERSARY OF THE DEATH OF DAVID HARTLEY

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, 1 year ago last Friday marks the tragic day that David Hartley was killed on Falcon Lake, which straddles the U.S./Mexico border. My staff and I have spoken with David's wife, Tiffany, on a number of occasions and pray that she, along with help from Congress, can find the answers we are all seeking regarding David's death.

David's death is a horrible tragedy and underscores the need to restore safety and security to our borders. Our role in Congress is to ensure that Americans are not in danger when they visit the border. That means we need to act. We need to put in place real and effective measures that keep the Mexican drug cartels, pirates, and other unlawful activity away from the United States. The drug trade contributes to the all-too-frequent stories we hear about crime, kidnapping, and murder that occur along our southern border. The time is now to put pressure on the Government of Mexico to bring their own criminals to justice.

My heart goes out to Tiffany, along with the Hartley family, during this

time. I will continue to work hard for answers, and I will continue to fight for border security so that atrocities like this simply stop occurring.

IN SUPPORT OF AMERICAN JOBS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the American Jobs Act, which addresses two critical issues facing America today: the need for immediate investments in our Nation's infrastructure that will put Americans back to work, and the need to upgrade our schools to meet the requirements demanded by a 21st-century education.

Mr. Speaker, last week, I visited Adams Elementary School in Santa Barbara, California. This school is well over 45 years old and is in desperate need of more classroom space, a new library, and technology upgrades. Like other school districts around the country, Santa Barbara has been forced to cut budgets and lay off teachers, and struggles to pay for school upgrades which would promote a better-educated workforce. The American Jobs Act would help fix this problem by providing school districts with the resources they need to make the needed school improvements. This act would create good, well-paying jobs now and strengthen our future economy as well.

The American Jobs Act is about jobs, but it's also about our children's education. It's about our Nation's future. We should pass the American Jobs Act, Mr. Speaker; and we should pass it now.

□ 1220

AMERICANS SAY MEDIA ARE BIASED AND TOO LIBERAL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans say the national media are biased, untrustworthy, and too liberal, according to separate polls released recently by Gallup and the Pew Research Center. Gallup found that only 1 in 10 Americans now have a great deal of trust in the national media. A majority say the media are biased. And by a margin of more than 3-1, Americans think the media are too liberal rather than too conservative.

Pew found that 1 in 4 Americans think that news organizations, in general, get the facts straight. That's a 14 percent decrease from 4 years ago. And almost 8 in 10 Americans say news organizations favor one side over the other.

Mr. Speaker, if the media want to restore the public's trust, they should

give Americans the facts, not tell them what to think.

KEEP AMERICA'S WATERFRONTS WORKING ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, of Maine's 3,300 miles of coastline, less than 20 miles support commercial fishing and other traditional marine activities. But this small portion of the coastline contributes \$800 million to Maine's economy and provides jobs for over 30,000 people. As the coastline continues to give way to condos, hotels, and other non-compatible uses, these jobs are disappearing.

This problem is not unique to Maine. It occurs on all our coasts and waterways around the country and throughout the Great Lakes region. Working waterfront jobs are disappearing as a result of tremendous pressures communities face from incompatible development.

That's why today I'm introducing the Keep America's Waterfronts Working Act, along with my colleagues from around the country. With a grants program devoted to preserving working waterfronts across the Nation, States will be able to help preserve jobs and communities that depend on them.

HEALTH CARE PETITIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this morning here on Capitol Hill I stood with other Members of Congress to receive more than 1.6 million signatures on petitions calling for the immediate repeal of last year's huge health care law.

We've now had 18 months to find out what's in the bill, and it only looks worse every day. We found the billions of dollars in slush funds that the Secretary of Health and Human Services controls, without any input from Congress. We found a CLASS Act, a long-term care insurance care plan that is so broken that HHS had to stop planning for its implementation. We've seen health care premiums climb faster, despite promises that the law would save every American family \$2,500 per year. We've seen Federal courts reject as unconstitutional the notion that the government can force you to buy insurance.

I'd need much more than 1 minute to catalog all the ways this bill is hurting job growth and destroying health care innovation. Simply put, this is a rolling train wreck, and the American people know it. We need to listen to them and repeal this destructive and unconstitutional bill.

THE HOUSING CRISIS

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, my staff have spent countless hours fighting off wrongful foreclosures. A number of my constituents have submitted the same paperwork to banks five different times and had their short sales denied three times. Other constituents were given 24 hours to return a package of 60 documents to a bank that has had those documents for 6 months already.

Mr. Speaker, this is just not acceptable. An important step to fixing this economy is to solve this housing crisis. People cannot spend if they are living under the crushing weight of a mortgage payment worth more than their home.

Three years ago the average consumer spent \$100 a day. Now the average consumer spends about \$68 a day. We need programs to help the 14 million people whose homes are underwater.

I ask the majority, what have you done today to help the middle class afford to keep a roof over their heads?

BRING THE AMERICAN JOBS ACT TO THE FLOOR

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, I rise to urge the House GOP leadership to bring the American Jobs Act to the floor.

One of the primary reasons we've got to work together on a jobs strategy is to modernize and repair schools all across the country. This will create thousands and thousands of jobs. Small business contractors, electricians, and others can repair our schools.

Back home in Florida, the school districts are having to delay maintenance. Teachers are being laid off, and schools are unable to invest in the modern science labs that will help prepare our kids for the jobs of the new century.

Yesterday, Vice President BIDEN visited Oakstead Elementary, north of Tampa, which is an A school. It opened 5 years ago, was built for 700 students, but they have over 1,000 students at Oakstead. And even with the overcrowding, the school district has had to release eight teachers. That is not smart.

"To keep this a grade-A school, we're going to have to keep teachers in the classroom," the Vice President said.

Mr. Speaker, I urge my GOP colleagues not to block the American Jobs Act. Our small business owners and contractors are ready to modernize schools, and parents like me want dedicated teachers in the classroom.

LISTEN TO THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, last week I had the pleasure of visiting small businesses that created jobs, anyone from doctors who worked 7 days in their office to companies who could sell anything to anybody to a beauty school that had people who were trying to be independent contractors; they created jobs. And I'm going to talk about them in the weeks to come.

So I'm begging, I'm begging this bipartisan House to put the American Jobs Act on the floor. That's because the GOP, of course, for 39 weeks has put one bill after another. One put off or destroyed 700,000 jobs. That was the spending bill. Another, about the Patient Bill of Rights, destroyed 300,000 jobs.

But 65 percent of Americans say we want jobs. They're at First and Independence right now. They're down at Wall Street. They're on Main Street. They're telling us, we want jobs. We want our teachers back, our firefighters back, we want our police back. We want to rebuild our schools. We need payroll tax relief so our small businesses can hire someone else. We want J-O-B-S. It's a simple point.

Put the American Jobs Act on the floor. Listen to the American people, the people in Wall Street that are arrested, 700 of them are crying out in pain. Let's respond to the American people. That is our job.

PASS THE AMERICAN JOBS ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last week I was in Red Bank, New Jersey, in my district, outside the Broadway Diner, talking to the mayor of Red Bank and several small business leaders about the American Jobs Act.

I want to urge that this House and the Republican leadership take up the American Jobs Act as soon as possible. The bill includes an array of tax cuts for small businesses that hire new workers or give raises to existing workers. It also includes a payroll tax cut that puts money into the pockets of the American workers.

The Jobs Act will help small businesses do what they do best: create jobs, drive innovation, and provide economic security for the middle class. And the payroll tax cuts would save a small business with 50 workers approximately \$50,000 a year. On the employee side, each American family would take home an additional \$1,500 annually.

Mr. Speaker, when I talked to my small businesses in Red Bank about the American Jobs Act, they thought it

was a great idea. They thought they would be able to take advantage of it.

We also worked with the SBA to look at possible loans that they were interested in to expand their businesses. This is what we need to do. Pass the American Jobs Act, Mr. Speaker.

□ 1230

SUPPORT THE AMERICAN JOBS ACT

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I recently visited a Boeing facility in Philadelphia where 2 years ago only 4,000 people were working. Today there are 6,000. They have three shifts working each day. They have a weekend shift on Saturdays and Sundays. They are working hard and playing a vital role in our national defense.

I wanted to rise today to compliment the Obama administration for giving Boeing the largest contract in the history of our country with the tanker procurement program, well over \$34 billion, which takes American ingenuity and manufacturing jobs to a new height here in America, and I want to thank the administration for their hard work on this. This has been delayed for a long period of time, and having seen these Boeing workers work so very hard and well, it just reminds me of how many other Americans want to go to work.

I hope that we have a chance to support the American Jobs Act, that we bring it up and vote on it favorably so we can put many more of our fellow citizens to work.

RECOGNIZING REVEREND FRED LEE SHUTTLESWORTH ON HIS PASSING

(Ms. SEWELL asked and was given permission to address the House for 1 minute.)

Ms. SEWELL. Today I rise to express my condolences and heartfelt wishes for the family of Reverend Fred Shuttlesworth, who passed this morning.

Reverend Fred Shuttlesworth was an icon of the civil rights movement. I know that in Birmingham, Alabama, we hold him in high esteem, and today I just wanted to make sure that my colleagues knew that Reverend Shuttlesworth passed this morning.

I know in the days and weeks to come we will celebrate his life and memorialize him in proper form, but today I rise just to acknowledge his wonderful work and to make sure that his family knew that we as Americans truly appreciate their sacrifice and his wonderful accomplishments to making this country as great as it can be, and making sure that this country upholds its ideals of equality and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

RETURNING RECLAIMED BROADBAND STIMULUS FUNDS TO U.S. TREASURY

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCOUNTABILITY FOR BROADBAND STIMULUS FUNDS.

(a) *IN GENERAL.*—Notwithstanding any other provision of law, the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information shall take prompt and appropriate action to terminate for cause any award made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, if the Administrator or Assistant Secretary determines that cause exists to terminate the award. Such cause may include an insufficient level of performance, wasteful spending, or fraudulent spending.

(b) *DEOBLIGATION AND RETURN OF FUNDS TO TREASURY.*—

(1) *DEOBLIGATION.*—Upon terminating an award under subsection (a), the Administrator or the Assistant Secretary shall immediately deobligate an amount equivalent to such award, less allowable costs, to the extent funds with respect to such award are available in the account relating to the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively. If the Administrator or the Assistant Secretary subsequently recovers any additional amounts from such award, the Administrator or the Assistant Secretary shall deobligate such additional amounts immediately upon receipt.

(2) *RETURN TO TREASURY.*—Not later than 30 days after deobligating an amount under paragraph (1), the Administrator or the Assistant Secretary shall, without exception, return such amount to the general fund of the Treasury of the United States.

(3) *NO EXPENDITURES DURING TERMINATION PROCESS.*—The Administrator or the Assistant Secretary shall promptly pursue available corrective measures to ensure that funds received through an award terminated under subsection (a) are not expended during the termination process.

(4) *ACCOUNTING BY AWARD RECIPIENT.*—The Administrator or the Assistant Secretary shall direct the recipient of an award terminated

under subsection (a) to provide to the Administrator or the Assistant Secretary a complete and accurate accounting, which may include an independent accounting, for any award funds that, as of the date of termination, the recipient has received but has not expended on allowable costs.

SEC. 2. DISPOSITION OF UNUSED FUNDS.

The Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information shall return to the general fund of the Treasury of the United States an amount equivalent to any award, less allowable costs, made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, if such award has been returned to the Administrator or Assistant Secretary or disclaimed by the award recipient at any time after the date of enactment of such Act.

SEC. 3. OVERSIGHT AND REPORTING REQUIREMENTS.

(a) *ACTION ON INFORMATION FROM OIG OR GAO.*—If the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information receives information from an official described in subsection (b) with respect to an award made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, and such information pertains to material non-compliance with the award terms or provisions or improper usage of award funds, the Administrator or the Assistant Secretary shall—

(1) immediately review such information; and
(2) not later than 30 days after receiving such information, determine whether cause exists to terminate such award under section 1(a), unless the official who provided such information recommends that the Administrator or the Assistant Secretary limit or not make such a determination.

(b) *OFFICIALS DESCRIBED.*—The officials described in this subsection are the following:

(1) With respect to the Broadband Initiatives Program, the Inspector General of the Department of Agriculture.

(2) With respect to the Broadband Technology Opportunities Program, the Inspector General of the Department of Commerce.

(3) The Comptroller General of the United States.

(c) *CONGRESSIONAL NOTIFICATION.*—

(1) *IN GENERAL.*—Not later than 3 days after making a determination described in subsection (a)(2), the Administrator or the Assistant Secretary shall provide a notification of such determination to—

(A) the Committee on Agriculture of the House of Representatives and the Committee on Agriculture of the Senate or the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, respectively; and

(B) the official who provided the information described in subsection (a).

(2) *CONTENTS OF NOTIFICATION.*—The notification required by paragraph (1) shall include an explanation of—

(A) the determination described in subsection (a)(2); and

(B) any action taken as a result of the determination or why no action was necessary.

(3) *CONFIDENTIAL NOTIFICATION UNDER CERTAIN CIRCUMSTANCES.*—In the case of a determination by the Administrator or the Assistant Secretary under subsection (a)(2) that cause does not exist to terminate the award, the Administrator or the Assistant Secretary may make

the congressional notification required by paragraph (1)(A) on a confidential basis, if the Administrator or the Assistant Secretary determines, after consultation with the official who provided the information described in subsection (a), that—

(A) there is no merit to such information; and
(B) notification on a public basis would cause irreparable harm to any person the information is regarding.

SEC. 4. CONFORMING AMENDMENTS.

Section 6001(i)(4) of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305(i)(4)) is amended—

(1) by striking “may” and inserting “shall”; and

(2) by striking “, and award these funds competitively to new or existing applicants consistent with this section”.

SEC. 5. AWARD DEFINED.

In this Act, the term “award” includes grants and loans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank my colleague from New Hampshire, CHARLIE BASS, who has really worked hard on this issue to bring about greater accountability and oversight of how American taxpayer dollars are being allocated under the American Recovery and Reinvestment Act, especially to make sure that when the money comes back that it's really clear with these agencies that it goes back to pay down the deficit and doesn't end up in some sort of slush fund, and my colleague Mr. BASS has played a real leadership role in both crafting this legislation and making sure it comes to the House at this time.

Mr. Speaker, the American Recovery and Reinvestment Act allocated approximately \$7 billion in taxpayer money to two broadband-related grant and loan programs. One was administered by the National Telecommunications and Information Administration and the other by the Rural Utility Service. The wisdom of creating these programs and whether the money should have been better targeted to unserved households has been the subject of ongoing debate. There is, however, general consensus on the importance of oversight, as evidenced by the bill, H.R. 1343, unanimously passed out of subcommittee and the full Energy and Commerce Committee by voice

vote. I, for one, want to make sure these programs do not produce some sort of Solyndra problem. I want to thank our ranking members, WAXMAN and ESHOO, and their staffs for working with us on this bill. We incorporated a number of their suggestions, and the bill is better because of it.

Because the NTIA and RUS have already awarded all \$7 billion, the bill does not automatically revoke any money. To do so would not only be unfair to the grant and loan recipients that are abiding by their award terms, it would also likely cost the government more in legal fees than it would save.

The vast majority of the money is yet to be spent by the awardees, however. So, what H.R. 1343 does is clarify the responsibility of the NTIA and the RUS going forward to terminate failed or failing grants and loans and to return to the U.S. Treasury any rescinded or relinquished funds. The bill also improves oversight of the broadband programs. Among other things, the bill requires the NTIA and the RUS either to terminate an award within 30 days of receiving information from their respective Inspectors General or the Comptroller General regarding material in noncompliance with award terms, or to explain to Congress why they don't. It would require the NTIA and RUS to deobligate and return to the Treasury funds from terminated awards as well as return unused funds from any relinquished awards. Finally, it would require award recipients to provide an accounting of funds received but not yet expended, if the NTIA or RUS terminate those awards.

The number of NTIA and RUS awards that have already been returned, and the fact that more than 90 percent of the money the ARRA allocated for broadband still remains obligated but unspent, makes this legislation all the more important. Of 233 NTIA awards worth approximately \$3.94 billion, recipients had only spent \$480 million through June of this year, despite claims that the stimulus act generally would focus on “shovel ready” projects. Clearly, that hasn't happened here. Four of the 233 awards worth approximately \$40 million have already been rescinded or returned. The RUS has issued 320 awards, consisting of \$2.3 billion in grants and \$87 million leveraged for \$1.2 billion in loans. Yet recipients had only spent \$250 million by the middle of July, and 28 of the 320 awards, worth \$123 million in grants and \$35 million in loans, had already been returned or rescinded.

Some of my colleagues, as they did in committee, may say that the legislation is really unnecessary. I would disagree. The Department of Commerce Inspector General, the Department of Agriculture Inspector General, and the Government Accountability Office have all flagged concerns with the pro-

grams and identified them as high risk, including in testimony at the Communications and Technology Subcommittee's February 10, 2011, hearing.

A number of statutory shortcomings further demonstrate the need for this legislation. For example, existing law leaves the NTIA and the RUS too much discretion in deciding whether to deobligate and return funds from failed or failing awards. Section 6001(i)(4) of the stimulus law establishing the NTIA program stipulates only that the Assistant Secretary “may” deobligate awards in cases of waste, fraud, or insufficient performance. The statutory language provides even less guidance to the RUS, remaining silent on the issue of deobligation and return of funds. Commerce Assistant Secretary Strickling agreed in an April 2011 hearing that the bill would create more certainty. That was our effort.

While Dodd-Frank added rescission provisions to the ARRA, it is unclear whether the terms “withdraw” and “recapture” in Dodd-Frank have the same meaning as “deobligate” in section 6001 of the ARRA, leaving unclear how the Dodd-Frank provisions would be interpreted and applied to the broadband grants.

When Congress uses billions of dollars to subsidize broadband in competition with the private sector, especially when 95 percent of the country already has access, it bears all the more responsibility to police those dollars. For this and all the reasons that I have mentioned, I thank the gentleman from New Hampshire for his leadership on this issue, and I urge my colleagues to vote for the bill.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 30, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for the opportunity to review the text of H.R. 1343, to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States, for provisions of the bill that fall within the jurisdiction of this Committee.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge H.R. 1343 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim over this or similar matters. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

FRANK D. LUCAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 30, 2011.

Hon. FRANK D. LUCAS,
Chairman, Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN LUCAS: Thank you for your letter regarding H.R. 1343, to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States. As you noted, there are provisions of the bill that fall within the rule X jurisdiction of the Committee on Agriculture.

I appreciate your willingness to forgo action on H.R. 1343. I agree that your decision should not prejudice the Committee on Agriculture with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1343 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

□ 1240

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today also in support of H.R. 1343. This legislation directs the Department of Commerce's National Telecommunications and Information Administration and the Agriculture Department's Rural Utility Service to do what they are already, to a great degree, doing—returning deobligated broadband Recovery Act funds to the U.S. Treasury.

As Mr. WALDEN just said, H.R. 1343 was reported by the Energy and Commerce Committee with broad bipartisan support, and we should always take every step possible to improve oversight and ensure that U.S. tax dollars are spent wisely. So that is a good reason to support this bill, but I think it's also important today not to lose sight of the fact that the Recovery Act has been a true success for broadband deployment.

The \$7 billion in allocated broadband spending is bringing real economic, educational, and civic benefits to communities throughout the country. It's bridging the middle-mile gap, bringing high-speed Internet to small businesses and rural entrepreneurs. For businesses to grow, they need to expand their markets and enhance their realtime capabilities.

Broadband enables these successes. Broadband also connects patients with health care specialists thousands of miles away, and it enables doctors to monitor the vital signs of a heart patient while the patient sits at home. Importantly, broadband brings the world's reference materials to the fingertips of our students in classrooms in

big urban cities and in rural communities alike.

Simply put, broadband is no longer a luxury; it is a real necessity. That's why so many of my colleagues advocated for broadband applicants in our congressional districts. From coast to coast, Mr. Speaker, our colleagues joined us in understanding the necessity of broadband deployment, and there were tremendous success stories.

In my home State of California, for example, the Digital 395 Broadband Project is deploying broadband in rural communities up and down the eastern edge of the State. We're seeing community colleges expand their learning centers to provide outreach, training, and learning support services to increase the digital literacy skills of low-income residents. They are learning the critical skills needed to be full participants in our digital economy.

Across the country, the large-scale public-private Internet2 project is working to connect 121,000 community anchor institutions to a dedicated national fiber backbone. Colleges, universities, libraries, major veterans and other health care facilities, as well as public safety entities, are all benefiting from this Recovery Act broadband project.

As I said earlier, we must make sure that taxpayer dollars are always spent wisely; and that's why, to counter waste, fraud and abuse, the Recovery Act built oversight directly into the structure of the law. The two agencies overseeing the broadband programs, the Department of Commerce and the Department of Agriculture, were provided \$16 million and \$22.5 million respectively to oversee audit programs, grants, and activities funded by the Recovery Act.

To further enhance oversight, the Pay It Back Act was passed as part of the Dodd-Frank Wall Street reform. It makes clear, in no uncertain terms, that all returned or deobligated funds must be promptly transferred back to the Treasury. In fact, the Energy and Commerce Committee heard testimony from Assistant Secretary Strickling and Administrator Adelstein that they were already promptly returning deobligated funds to the Treasury, and they saw no ambiguity in current law that would prevent them from continuing to return deobligated funds. Current law is clear: deobligated funds must be returned to the Treasury.

So while I do support the bill before us, I must be honest and say that I think it is a little redundant. Oversight was built into the Recovery Act, into the broadband programs, and was reaffirmed with Dodd-Frank. This bill simply reiterates what the NTIA and the RUS are already doing—vigorously overseeing broadband projects and returning all deobligated funds to the Treasury.

While this bill is not necessarily needed, I do not oppose it, and I en-

courage my colleagues to join me in supporting this bill.

I reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, a very valuable member of our Subcommittee on Communications and Technology, the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I want to thank my friend and colleague from Oregon for yielding me time. I also want to thank my friend from California for supporting this legislation and for speaking in support of it.

Mr. Speaker, as the representative of a rural district, I understand the challenges of increasing access to broadband Internet service. We have many, many communities that suffer economically, as well as culturally, due to the lack of access to broadband; and any effort that's undertaken to improve that access is a good effort. At the same time, however, Congress must act to protect the taxpayer and provide oversight for the nearly \$7.2 billion in funds appropriated by the 2009 American Recovery and Reinvestment Act.

I would only note that a significant percentage of the obligated funds are being expended by recipients who have little or no experience in the business of designing and building broadband Internet and that that, in and of itself, justifies the passage of this legislation, which would provide much needed oversight for the broadband stimulus funds and would ensure that the law is definitive and would be quick to reclaim funds if there is reason to terminate an award for reasons of waste, fraud, or insufficient performance. As my friend from Oregon and my friend from California mentioned, it does not revoke any award that has already been granted.

The GAO and Inspectors General have testified that the size and complexity of the programs and the short turnaround time provided to the NTIA and RUS to award the money has created substantial risk in these programs. Thus far, nearly 30 awards for grants and loans worth about \$200 million have been returned to the Treasury. Many have returned the awards because they've recognized that they won't be successful. In those cases, we want to ensure that taxpayer exposure is minimized, and we want to prevent throwing good money after bad for projects that should be terminated for waste, fraud, or insufficient performance.

During committee hearings, the administrators testified that the decision to deobligate funds for awards that give rise to reason to terminate is discretionary, according to the Recovery Act language. I emphasize "discretionary." The Inspectors General said the stimulus bill does not make clear whether or when the NTIA and the

RUS must deobligate funds for troubled projects. This legislation removes that ambiguity and makes clear that such problem awards must be terminated and deobligated.

Moreover, the Inspectors General said current law does not ensure the NTIA and RUS will be responsive to their oversight recommendations. H.R. 1343 will provide important sunlight by requiring the administrators to act on recommendations made by the IG or to respond with their reasons for not acting.

While I wasn't in Congress for the Recovery Act's passage, now that the funds have been awarded, I think it's common sense that Congress should require an accounting of how these funds are being spent and what the American taxpayer is getting for these expenditures.

Mr. Speaker, I urge the Congress to pass this important piece of legislation.

Mrs. CAPPS. I reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I now yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), who chairs our very important Oversight Subcommittee and who has done extraordinary work in looking into some of these programs, not necessarily on the broadband side here, but certainly on the energy loan side, where there has been a problem.

Mr. STEARNS. First of all, let me say to my colleague from New Hampshire that you weren't here when it was passed. I am sure glad as heck that you're here today to provide this legislation and give respectful oversight to the taxpayers and help them out with trying to save money and being accountable. So it is a credit to you and your initiative to get this bill on the floor.

I also want to thank the chairman of the Telecommunications Subcommittee for his initiative in getting this on the floor. It's something that, I think, we've wanted to do for a while; and between the leadership of Mr. BASS and the leadership of Mr. WALDEN, we've got this today.

□ 1250

I obviously support this bill, this so-called stimulus package. We hear this all the time: We are going to have a stimulus package. It said to the National Telecommunications and Information Administration, which is NTIA. They said, You have the responsibility for overseeing almost \$5 billion of broadband technology opportunities, giving out this money. They tasked the Rural Utilities Service with overseeing about \$2.5 billion of broadband initiative. Altogether, that's a whole lot of money, and all the awards were made by September 30, 2010.

But my colleagues, the nationwide broadband map was not launched until

February 17, 2011. Think of that. They gave out all this money, but they didn't even have the map in place until October, November, December, January, almost 5 months later. It seems to me they shouldn't have done anything until they at least mapped this out so they knew the proper places to put this stimulus money.

Many of us in Congress, including the chairman, warned of the danger of spending the money before mapping was done and that allocating funds before maps of unserved areas were in place almost guaranteed that the money wouldn't be used effectively. Some cable and phone companies believe awards had been issued for projects that substantially duplicate—duplicate—their existing service areas. Remember, this is stimulus money.

Any time that much taxpayer money is given away so quickly and subject to political pressure, vigilant oversight is required.

H.R. 1343 clarifies the obligations of the agencies and keeps Congress informed to ensure taxpayers' interests are protected when problem awards are identified. Otherwise, as was the case, as the chairman mentioned with Solyndra, red flags are ignored, cash is rushed out the door, and Congress is told all along that everything is fine.

Today's bill clarifies the responsibility of the NTIA and the RUS going forward to terminate failed or failing grants and loans and to return to the U.S. Treasury any rescinded or relinquished funds. That's good.

This is a responsible and necessary bill, and I urge my colleagues to support it.

Mrs. CAPPS. Mr. Speaker, I encourage my colleagues to vote for H.R. 1343, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Florida who has made some terrific comments regarding this legislation about the importance of oversight. I know my colleague from New Hampshire (Mr. BASS) has been very keenly involved in the oversight efforts as well.

Let me just say, as chair of the Communications and Technology Subcommittee, that we will be doing oversight on how this program is working. We hear some reports that there have been problems getting access to fiber because of the earthquake in Japan that may have slowed build out. We understand that some of the smaller companies may have run into all kinds of problems working their way through rights-of-way issues that have delayed the build out of getting this broadband build out into many of our communities, especially those who don't have broadband today.

So I think it's incumbent upon us, and I won't presume to speak for the

minority, but I assume they would agree as well, we need to keep an eye on this just to see how is it working and what impediments are we running into, and are we going to see this broadband actually get built out as it was envisioned. The grants have been issued. The money is obligated, hasn't been spent.

So it looks to me like we have two tasks here. One is to make sure we get what we're paying for as the American taxpayer, and the money that isn't going to get spent comes back or, if there's any kind of fraud developed, all that money we can recover will come back and that there is a very surefire method, without question, that it comes back to the Treasury; and that, also, to take a look at what are the impediments to building out. I know we run into it where I am at, that we do have problems sometimes getting these permits, getting through the various regulations that really impede our opportunity.

I would encourage Members on both sides of the House to approve this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore (Mr. WALDEN). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2681.

□ 1300

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

There has been a lot of discussion in the 1-minute this morning about the importance of passing the Obama jobs bill. I would like to remind everyone today that the bailouts, the stimulus packages, all have exceeded \$2 trillion in the spending of taxpayer money. And despite the expenditure of all of that money, the unemployment rate in America is still well over 9 percent, even though it was suggested that with the spending of the stimulus money, unemployment would be brought down to less than 8 percent.

I would also remind everyone that within the last 3 days, the Department of Energy shoved out the door approximately \$5 billion in loan guarantees for so-called green energy projects without, in my view, the necessary time to clearly evaluate the loans that were being made. And we have proof of this because, in the Solyndra case, the taxpayers are going to have to expend \$538 million because that company went bankrupt. Now in the Obama jobs bill, they're asking for another approximately \$500 billion to be spent to create jobs.

Well, the reason that we're here today is that if you talk to any businesspeople today, large or small, they will tell you that the reason jobs are not being created in America is because of uncertainty, the uncertainty about health care regulations, not knowing what they're going to be. Already, 8,700 pages of new regulations have been written.

The uncertainty created by the new financial regulations that increase the capital requirements for loans to be made changes the appraisal process. That has created great uncertainty; but, most important, the uncertainty created by this aggressive Environmental Protection Agency. This administrator has been the most aggressive in issuing new regulations in the history of the EPA.

We all are committed to clean air that allows for healthful living in America, but we also want to use common sense, particularly at this time when our economy is struggling. And so when you issue new regulations that create additional obstacles for job creation, that is a major problem.

I noticed today, for example, in *The Hill* magazine: "Senate Democrats Buck Obama on Jobs Plan."

□ 1310

So they have the same concerns that we do.

So, today, we're bringing to the floor H.R. 2681, referred to as the Cement Sector Regulatory Relief Act, which basically says to EPA about their recently issued cement regulatory items, we want you to go back and revisit this bill because evidence shows that 20,000 jobs are at jeopardy and 18 percent of cement plants in America may very well be closed because of this regulation. So we're simply asking EPA in this legislation to go back, revisit this rule, issue a final rule within 15 months after the passage of this legislation and give the affected industry up to 5 years to comply with the new regulations. Because in doing so, we're going to reduce the loss of jobs, which is critical at this time of our Nation's history.

Now, I would also like to say that this legislation introduced by the gentleman from Oklahoma (Mr. SULLIVAN) has bipartisan support. If you look at the sponsors and cosponsors, you will see a lot of Democratic cosponsors of his legislation. I would also say to you that there are over 29 national associations and construction groups that support this legislation led by the American Road & Transportation Builders Association; the Associated General Contractors of America; the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; the United Brotherhood of Carpenters and Joiners of America; Laborers' International Union of North America; and the International Union of Operating Engineers. So you have businesses and labor unions all supporting this commonsense legislation simply directing EPA to do a more careful analysis before they fully implement this hard-hitting regulation that would close 18 percent of the cement plants in America.

We believe that this can be done and still clearly protect the health of the American people as well as the clean air that we now have in this great country.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I want to at this point yield 5 minutes to the very distinguished ranking member of the Subcommittee on Energy, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member of the full committee, and I commend him on his outstanding work not only on this particular matter but in most of the issues that come before this Congress as it relates to not only the purpose of us but the prosperity of the American people.

Mr. Chairman, I rise today in strong, strong opposition to this bill, H.R. 2681. I call it the Dirty Cement Pollution Bill. Let's be perfectly clear, Mr. Chairman. This bill, this measure is not about jobs. For the chairman of the

subcommittee, and my friend, just to try to persuade Members of this body that this is about jobs, I think that it's the worst kind of politics. Jobs now is the useful canard, but this is not about jobs. This is about an industry that is singular in its being eliminated or being not under the auspices of the Clean Air Act, and about an industry that is unique because it doesn't have to adhere to any of the provisions of the Clean Air Act. And it's about time that this industry be included with other industries in this Nation to come under the auspices, the jurisdiction, and the standards of the Clean Air Act.

Cement kilns emit nearly 8 tons of mercury each year, making them the Nation's second-largest mercury emitting source. Before the EPA issued its 2010 air toxics rule, these emissions remained essentially unrestrained due to the lack of controls for cement kilns regulating the release of mercury into the atmosphere.

H.R. 2681 would roll back existing Clean Air Act standards by revoking three Clean Air Act rules, including the only national limits on emissions of air toxics, such as mercury, from cement kilns. This Dirty Cement Pollution Bill will also require EPA to propose and finalize weaker replacement rules that will allow for more pollution than the law currently permits.

This bill is intended to significantly change how EPA sets the standards when issuing the alternative rules. H.R. 2681 would indefinitely delay the reductions of air toxics and other hazardous pollutants by prohibiting EPA from finalizing replacement rules prior to March 2013 if this bill were to be enacted at the end of this year.

Also, this bill does not include any statutory deadline for when polluters must reduce emissions, leaving the process ambiguous and open-ended. At the very least, this Dirty Cement Pollution Bill would postpone emission reductions from cement kilns until at least 2018—a 4½-year delay. In fact, the health safeguards from these standards are long, long, long, long overdue. EPA just finalized standards for cement plants in September of last year, making them 13 years overdue under the Clean Air Act amendments of 1990—13 years overdue already. They are overdue 13 years.

The science tells us that these dirty air toxics can cause a variety of serious health effects, including cancer and respiratory neurological impairments, as well as reproductive problems.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. RUSH. In particular, mercury exposure can cause great harm to pregnant women, unborn babies, and young children by damaging their developing nervous systems, which affects children's ability to learn and to think.

Additionally, mercury emissions can also damage the environment by polluting our Nation's lakes and streams and the seafood which we eat. In fact, EPA estimates that H.R. 2681 will allow for thousands of additional premature deaths and premature heart attacks, as well as tens of thousands of additional asthma attacks that could have been avoided.

Mr. Chairman, the public health benefits from the reduction of air toxics emissions from cement kilns have already been delayed long enough. Now is the time. The radical Republican majority cannot keep making excuses and exceptions for the largest industrial emitters of mercury in the U.S., cement plants and industrial boilers, while over 100 other industries have already controlled their air toxic pollution.

Mr. WHITFIELD. I know that we're going to be hearing a lot about mercury today. I would like to point out that it's been indicated that 98 percent of the mercury present in America today, air, land, and so forth, comes from natural causes and from sources outside of the United States. And the EPA, in its analysis of the cement regulation that they just issued, did not assign any dollar value that would come from the reduction of mercury emissions.

□ 1320

So I think that this is a red herring that our friends are bringing up on the other side.

At this point in time, I yield 4 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), the author of this legislation.

Mr. SULLIVAN. As we go around our districts, as I go around my district in Oklahoma, many people come up to me and say, JOHN, what are you politicians in Washington going to do to help this economy? What are you going to do to create jobs here in America? Well, you know, we politicians don't create jobs, but what we do do is we get in the way. And one of the things we can do to keep jobs in place and even foster new jobs is getting the heck out of the way with these burdensome over-regulations that are out there.

The EPA has gone rogue, wanting to shut down 20 percent of our cement plants. And President Obama, when he came to the joint session here recently, said he wanted to build roads and bridges and infrastructure. Well, I guess he wants to do that with imported Chinese cement, not American-made cement.

I rise today in strong support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011. As House Republicans move forward with a bold agenda to grow our economy and put Americans back to work, one area that must be addressed is the issue of over-regulation by the Federal Government.

With our economy suffering, and given that 14 million Americans are out of work, Congress must implement Federal policies that grow jobs, increase domestic manufacturing, and restore the global economic competitiveness of the United States.

Businesses make decisions on where to invest based upon a number of factors, but regulatory certainty ranks among the top factors, which is why H.R. 2681, the Cement Sector Regulatory Relief Act of 2011, is so important.

I introduced this bipartisan legislation with my good friend and colleague from Arkansas, MIKE ROSS, to protect American jobs, jobs that we are in danger of losing due to the Obama administration's radical environmental regulatory agenda.

The purpose of this legislation is to provide EPA additional time to repropose and finalize its rules setting Maximum Achievable Control Technology and other standards for cement manufacturing plants so that the rules are both achievable and protect American jobs.

Specifically, the EPA would be required to repropose the Cement MACT rules 15 months after enactment of this legislation. The bill will also extend the dates for compliance with the rules from 3 to 5 years to give our domestic cement manufacturing industry the time to comply with its rules.

If EPA's Cement MACT rule is not revised, thousands of jobs will be lost due to cement plant closures and high construction costs. This rule alone threatens to shut down up to 20 percent of the Nation's cement manufacturing plants in the next 2 years, sending thousands of jobs permanently overseas and driving up cement and construction costs across the country.

Additionally, the Portland Cement Association estimates it will cost \$3.4 billion—half of the industry's annual revenues—to comply with the EPA's Cement MACT rule. Does that make any sense?

The EPA's Cement rule also greatly impacts our Nation's construction industry, where unemployment rates have hovered between 16 and 20 percent nationally. Without my legislation, construction job losses would be further exacerbated with reduced supplies of cement being produced in the United States.

The simple fact is cement is the backbone for the construction of our Nation's buildings, roads, bridges, and crucial water and wastewater treatment infrastructure. Without further investment in cement capacity expansion, the United States will become increasingly dependent on foreign imports.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SULLIVAN. Additionally, lost supplies of cement resulting from closure of cement plants would also drive up the cost of infrastructure projects and potentially limit the number of projects that may be undertaken.

Now, some of the opponents of this commonsense, bipartisan legislation, including President Obama, say this legislation weakens the Clean Air Act. Nothing could be further from the truth. H.R. 2681 does not change or modify any existing public health protections. It simply directs the EPA to establish regulations achievable in practice by real-world cement plants. At a time of great economic uncertainty, this is something worth doing for the health of our economy.

I do not know if the President is watching, but right now jobs are not being created and our economy is not growing. The cement sector is struggling in the current economic climate and in the face of foreign competition from abroad.

President Obama likes to talk about the need to invest in our Nation's infrastructure, and this legislation will remove one of the several barriers to growth in the construction and manufacturing industries. I am amazed he is opposed to this bipartisan measure, and I encourage my colleagues to support this.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to put this bill in the perspective of what the House has been doing on the environment. The House has voted 136 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands in coastal areas, and to weaken the protections of the environment in other ways as well. This is the most anti-environment Congress in history.

Last month, the House passed radical legislation to turn back 40 years of progress towards clean air. That bill will nullify pollution control requirements on power plants—the largest source of toxic mercury pollution in the country—and weaken our national clean air goals by basing them on corporate profits, not on public health.

Today, the House continues its frontal assault on public health and the environment. The bills we will consider this week are the next phase of the Republican concerted attack on our environment. The bills would gut the Clean Air Act provisions that protect American families from toxic air pollutants. If these bills are enacted, there will be more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990, the Congress, on a bipartisan basis, voted to protect the public from

these toxic pollutants. The law directed EPA to set standards requiring the use of a Maximum Achievable Control Technology to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year.

EPA has reduced pollution from dozens of industrial sectors. More than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to this Nation. But a large source of categories still have not been required to control toxic air pollution due to delays and litigation.

The bill we consider today would nullify and indefinitely delay EPA's efforts to reduce toxic emissions from cement plants. Now, the chairman of the subcommittee said this is a commonsense bill. It's only for a short delay. He said that cement plants would have up to 5 years to comply with pollution control requirements. And you might think, well, a little bit more time is not going to do that much harm. But that is not a correct statement of what this bill would do.

The bill says that EPA cannot require any pollution reduction from any cement plant for at least 5 years. So it's 5 years before they can do anything at EPA. And then there's no deadline thereafter where the facilities ever have to comply. That, to me, is not a simple, commonsense approach to a very dangerous pollution.

Later this week, we are going to have consideration of a bill to indefinitely delay pollution controls on industrial boilers and waste incinerators. Both of these bills would rewrite the standard provisions of the Clean Air Act to weaken the levels of protection and set up new hurdles for EPA rules. We're told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. The reality is that requiring installation of pollution controls will create jobs.

□ 1330

We're going to need more factory workers. We're going to need to build the pollution controls. We're going to need construction workers to install them on-site, cement plant employees to operate them. We hear this all the time, these statements that pollution controls will cost us jobs.

But these arguments have been thoroughly debunked by independent experts. For instance, the Congressional Research Service examined one and concluded "little credence can be placed in these estimate of job losses." The State and local air pollution agencies concluded that one study's assumptions are grossly in error. It's my hope that this body will not be so easily misled.

It was lack of regulation at Wall Street—on the banks and the brokers and the other people who spent their time figuring out very crafty investments for which nothing backed them up—that caused this recession, not because we had environmental regulations that protect children from toxic mercury emissions.

I oppose these bills on substance, and I also have concerns about the process. But let me go into concern about the process.

We were told this is a small issue. It depends on how you look at it. These bills are bad enough to oppose simply on the basis of what they would do. But it shows how the Republican majority in this House wants to adopt rules and regulations on themselves but then not abide by them. The House didn't change the rules, but the majority leader said we have a protocol that, whenever we have a discretionary CutGo rule in the legislative protocols for the 112th Congress, we must have funding authorized to make up for the extra requirement that's going to be required of any government agencies. And this requires a specific amount to be offset by a reduction in an existing authorization. The majority leader announced that compliance with these protocols would be necessary before legislation could be scheduled for floor consideration.

We had a similar situation where Chairman UPTON said that our committee would follow this discretionary CutGo rule. He sent me a letter, which I'll make part of the record, in June to clarify this discretionary CutGo policy will apply to pending bills before our committee. "If CBO determines," he said, "that any of these bills will have a significant impact on the Federal budget, we'll offset the newly authorized spending with reductions elsewhere."

Well, CBO has determined that both of these bills that are on the floor this week will, in fact, authorize new discretionary spending. I read one of the quotes from a Republican staff person. We don't need to worry about it because it doesn't really authorize new spending.

CBO says it does. They determine these bills will have a significant impact on the Federal budget because of the bill's requirement the EPA spend resources on proposing and finalizing new regulations. They said it's only going to cost \$2 million over a 5-year period. That's not a lot of money, but it is money, and that's why the Republicans had this protocol. They said we didn't want any money being spent without it being offset.

Now, this is not a rule. We don't have to waive this rule. But what we have is not a waiver of this rule. We have the Republicans ignoring their own protocol and their own policies.

The American people need to focus on the radical agenda of the Repub-

licans that are controlling this House of Representatives. I don't think when the Republicans were voted into office the American people voted for poisoning more children with mercury and letting more of our seniors die prematurely because of uncontrolled pollution.

I oppose this bill, and I reserve the balance of my time.

Mr. WHITFIELD. I might say to the distinguished ranking member that we do not authorize any additional funding in this bill and that EPA does have a \$2 billion budget that allows them to deal with regulatory issues.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the chairman emeritus of the Energy and Commerce Committee.

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

I listened with interest to Mr. WAXMAN's remarks. Sometimes, when there's not a lot you can say substantively against an issue, you just put a lot of stuff out there and hope something sticks; and I would have to characterize most of his remarks as hoping that some of what he said sticks.

The bill that he just spoke against is only 8 pages long. It's just 8 pages. And here's the gist of the bill. It asks the EPA, or directs the EPA, to go back and spend 12 to 15 months to take a look at the rule that it was about to propose, in other words, to go back and reanalyze it. I don't think that's gutting the Clean Air Act.

Then it extends the compliance deadline for an additional 3 to 5 years. Now, that's substantive. That could result in some additional time, which I think is a good thing. But that, in and of itself, shouldn't be a showstopper.

And then it asks that the EPA, when they adopt these new rules, to make sure that it's still allowable for cement manufacturing to use alternative fuels. Well, last time I looked, the Democratic Party was big on alternative fuels and supporting loan guarantees to develop those fuels, so that shouldn't be a showstopper.

Then, finally, it says, whatever rule that you eventually adopt, you have to be able to implement it in the real world. Now, that is an amazing thing, that we want a regulation to be promulgated that you can actually achieve with real-world technology. In Texas, that's called common sense. I'm not sure what it's called up here.

That's the bill. That's the bill. It's an 8-page bill.

Now, Mr. WAXMAN also said that we've had 100 votes trying to do terrible things to the environment in this Congress. We've not had one vote, ladies and gentlemen, that changed an existing statute that's already in place, an existing standard. All these votes that my good friend from California talks about are a time-out and saying,

wait a minute, before we make them even tighter, let's make sure they make sense.

We've got an economy that's reeling. We've got unemployment at 10 percent. The compliance cost of this plethora of EPA regulations is in the billions of dollars annually. Billions. Billions. This particular Cement MACT rule, if implemented, would shutter somewhere between 15 to 20 percent of cement production in the United States. That's not trivial, folks. That's real.

So what those of us that support the bill are saying is: Let's take a second look at it. Let's make sure that the rules have time to be implemented. Let's let alternative fuels be used, and let's let whatever regulation is ultimately implemented actually be achievable in the real world.

I think that's worthy of support, and I would ask my friends on both sides of the aisle to support this when it comes up for a vote, I would assume sometime tomorrow probably. We've got 20-something amendments, so we're going to be here debating it.

But this is a good piece of legislation. It's common sense. It would help our economy, and we would still get additional regulation that makes sense for cement kilns.

Mr. WAXMAN. Mr. Chairman, I have in front of me the bill, and it says, whatever regulations the EPA is proposing—and it's taken them a decade to finally come up with these regulations—it'll be null and void. It will have no force of action. It will be treated as though such rule had never taken effect. And then it's going to be replaced.

Now, how is it going to be replaced? Well, it says we're not going to let them replace this rule for 5 years. Well, during this period of time, people are still being exposed to these toxic pollutants. So it says, not earlier—they'll establish compliance and they'll establish new regulations, but nobody has to do anything for 5 years.

But then it doesn't say at any time about when you have to actually come into compliance, which, of course, in existing law is set in place. That's repealed.

And then it goes on to say they're going to have to meet a different standard. The standard that's in the law is going to be replaced by some other standard that basically waters it all down.

□ 1340

The standard in the law, by the way, is the maximum achievable control technology. That means technology that already achieves reductions. But that will be wiped out. They'll have a new standard. It can't be pursuant to the regulation; the regulation can't come out for 5 years; we don't know when it would ever be complied with; and it would be based on a different standard.

That is not simple. That is in effect saying nothing is going to be done. We repeal what is being set in law, and then we are going to insist that nothing be done. That to me is an absurdity, and it's harmful to the public that's going to be exposed to these harmful chemicals.

I would at this time yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who is the lead appropriator on our side of the aisle when it comes to these kinds of issues.

Mr. MORAN. I thank the distinguished ranking member, particularly for his leadership in protecting the public's health.

Mr. Chairman, I rise in strong opposition to this bill. If this bill is enacted, an intolerable number of American babies will be born with birth defects that could have been avoided. The majority sets out a false choice: roll back clean air protections or lose jobs. The real choice is a moral one, but the economic case for defeating this bill is also compellingly clear.

EPA cement kiln rules are designed to reduce harmful pollutants from cement production, including metals like mercury, hydrocarbons, particulate matter, acid gases, sulfur dioxide, and nitrogen oxides. EPA's standards are both achievable and defensible. They will yield far more economic benefits than costs, preserving jobs and Americans' health.

The most harmful of these cement kiln pollutants is mercury. Congress required EPA to regulate mercury emissions in the 1990 Clean Air Act amendments and to identify the largest sources of mercury reductions. EPA has done what we required. These regulations are necessary because cement kilns are the second-largest source of mercury emissions in the United States. Some cement kilns emit more mercury than some coal-fired power plants. One hundred fifty cement kilns operating in the United States emit as much as 27,500 pounds per year, double EPA's estimates from 6 years ago. In Oregon, New York, and California, the largest single mercury pollution source is a cement kiln.

Please focus on this: Mercury is so toxic that just one-seventieth of a teaspoon of mercury, or .0024 ounces, can contaminate a 20-acre lake and render the fish in that lake poisonous to eat. Mercury exposure causes a number of health problems, including heart disease, reduced fertility, genetic mutations, immune system suppression, premature death, and major losses in children's mental capacity.

Elemental mercury from kilns goes up into the air. The rain washes it into our rivers and streams. Then the bacteria in the water converts it into methyl mercury, which is lethally poisonous, because methyl mercury is almost completely absorbed into the blood and distributed to all our tissues,

including the brain. It passes readily through the placenta in a mother's womb and into the fetus and into the fetal brain. Mercury then continues to impact the brains of those children as they grow and age. We know this now, which was not as clear as it is now, back in 1990. So if we know mercury does this to our children and that these regs can prevent those children from such irreparable harm, don't we have a concomitant moral responsibility to protect our children from such intellectual deprivation and suffering for the duration of their lives?

Let me say it again. It is well-documented that exposure even to low levels of mercury does reduce a child's IQ. This IQ reduction has real impacts on those children, their families, and ultimately the U.S. economy. If the majority won't listen to health-based arguments, perhaps they will listen to the economics of this issue.

Mercury exposure during pregnancy and childhood has direct and indirect effects on that child's future earning potential. Mercury-exposed children have harder times getting and keeping jobs later in life, and their performance when they get those jobs is worse. The cost to society of this IQ reduction is enormous, but it's not incalculable. Independent scientific studies estimate that the cost is as high as \$22,300 per IQ point per child, which cumulatively amounts to \$8.7 billion in lost potential per year, based on CDC studies of half a million children who have blood cord mercury levels higher than 5.8 micrograms per liter, the level that adversely affects their IQ.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. MORAN. I thank the gentleman. We know this \$8.7 billion can now be quantified.

There are so many other things that mercury does, I won't go into them. But this cement kiln rule also applies to other harmful pollutants.

The fact is, Mr. Chairman, that the majority constantly urges us to balance the costs and benefits of environmental regulation, but when the benefits of regulating hazardous pollution substantially outweigh the costs, as they do with mercury, all of a sudden that doesn't become an issue for the debate. It ought to be an issue for the debate, because it's about the future health of our children.

If we don't defeat this bill, if it were to be enacted, children will suffer and our economy will become weaker. The fact is that we have both a moral and an economic responsibility to defeat this bill, and thus I urge its defeat.

Mr. WHITFIELD. Mr. Chairman, how much time do we have remaining?

The CHAIR. The gentleman from Kentucky has 15 minutes remaining. The gentleman from California has 7½ minutes remaining.

Mr. WHITFIELD. Thank you, Mr. Chairman.

I now yield 4 minutes to the chairman of the Telecom Subcommittee of Energy and Commerce, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you very much, Mr. Chairman.

I just want to touch on a couple of things. First of all, you can tell we're into October and Halloween is coming because all the scare tactics are out and on display.

We heard several things from the last speaker, and since I'm from the State of Oregon, I want to point out, he mentioned that the biggest polluter of mercury in Oregon is the cement kiln. Why is that? Because we only have one coal plant and it's being closed. So that's it.

The cement factory in Durkee, Oregon, which is in my district, a county of 16,000, 3 years ahead of any of these rules invested \$20 million in the latest, most advanced technology to remove their pollutants, reduce their emissions, \$20 million, they reduced their emissions by 90 percent, and what this rule would do, the MACT rule under consideration here that we're trying to delay and bring common sense to, it would put them out of business, because they're already using the maximum achievable control technology that is available in the world. They've reduced their emissions by over 90 percent on a consistent basis. There isn't technology available to go further, because the limestone found behind this plant that's been in operation for, I don't know, 30 or 40 years, happens to have a little higher level of mercury.

The Clean Air Act would allow the EPA to create a subcategory. They chose not to. The Clean Air Act says you can't force a company to do ore substitution, and yet that's what would have to occur here—except there's no limestone anywhere nearby.

According to the EPA's own "Roadmap for Mercury" study in 2006, 83 percent of the mercury deposited in the U.S. originates from international sources. This is the State of Oregon. Guess what's out here somewhere: It would be China. We get it in from the atmosphere. So what we're doing here is trading our jobs to China, buying our cement there, they don't have these rules, we get their pollution, we lose, and you put a plant out of business.

□ 1350

You want to talk about jobs? There are 109 individuals who work at the Ash Grove Cement Company in Durkee, Oregon. The Teamsters wrote to me back in March, imploring me to do everything I could to ensure these jobs:

"As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the number one priority for

all of us," Lynn Lehrbach, Representative, Joint Council of Teamsters No. 37.

The entire Oregon delegation recently signed a letter to the EPA, advocating Ash Grove for their Clean Air Excellence Award. In that letter, it reads:

"Ash Grove's commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant 3 years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove's and their ultimate success in making meaningful reductions is a model that others should emulate."

Yet if these rules were to go into effect, they can't meet the new rules because the new rules would make them reduce their emissions by 98.4 percent. Now, this is the biggest employer in Baker County with direct and indirect jobs of some 654 in the area. They have been a good corporate citizen. They care about the people of Baker County and the surrounding areas. They are working day and night to reduce their emissions, and it's simply not achievable. Baker already has 10.7 percent unemployment. You take this away, and think what that unemployment rate will be. They have reduced their emissions. The emissions we're getting—83 percent according to the EPA—are already coming in from elsewhere, deposited in the United States from international sources, both natural and remitted.

Look, we're just trying to find some balance here. We're saying the Clean Air Act set the maximum achievable control technology, but that can't be met here. It doesn't work. They're already using the activated carbon injection filtering system. They've already spent \$20 million to achieve their goals. We're just saying we care about the jobs, too. We care about the air, and we care about the jobs.

So when Assistant Administrator Gina McCarthy testified before our committee, I asked her, I'm concerned about these health problems. Would you provide for me the effects in Baker County in Oregon that you've demonstrated to come up with these data points.

Twenty-seven days later, we still have no response.

I urge my colleagues to support this bill, to save the jobs and to bring responsible management to air control and quality improvement.

JOINT COUNCIL OF

TEAMSTERS NO. 37,

Portland, Oregon, March 31, 2011.

Hon. GREG WALDEN,

U.S. Representative, Oregon District 2, Rayburn House Office Building, Washington, DC.

Hon. GREG WALDEN,

U.S. Representative, Oregon District 2, Medford, OR.

DEAR REPRESENTATIVE WALDEN: The current economic conditions are affecting most of our Teamster Industries. One in particular is our Durkee Cement Plant in your district.

The EPA/Oregon DEQ is attempting to shut the Durkee Cement Plant down for not meeting emission standards. The Durkee Plant spent \$20 million to retrofit their plant to meet the EPA's requirement. They came close, but no horseshoe.

As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the No. 1 priority for all of us.

We are asking for your help to keep the Durkee Cement Plant in operation. Thank you for your attention to this most important issue.

If you have questions, please do not hesitate to call.

Sincerely,

LYNN R. LEHRBACH,
Representative.

CONGRESS OF THE
UNITED STATES,
September 27, 2011.

Re Clean Air Excellence Awards—Ash Grove Cement Company, Durkee, OR

Attn: PAT CHILDERS,

U.S. EPA, Office of Air and Radiation, Washington, DC.

DEAR MR. CHILDERS: Please accept our endorsement of Ash Grove Cement Company's application for consideration of the 12th annual EPA Clean Air Excellence Awards in the categories of Clean Air Technology and the Gregg Cooke Visionary Award. Ash Grove commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant three years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove and their ultimate success in making meaningful reductions is a model that others should emulate.

In 2008, after several years of involvement from citizens, scientists and leaders from the local community and from around Oregon, Ash Grove signed an agreement with the Oregon Department of Environmental Quality to voluntarily reduce mercury emissions at the Durkee plant. This led to the development and implementation of a first-of-its-kind Enhanced Activated Carbon Injection system, based on the best available science and peer-reviewed technology in the world. Ash Grove invested more than \$20 million in this project with the goal of reducing mercury emissions by at least 75 percent. In actuality, the mercury control efficiency has been in excess of 95 percent.

Located in rural eastern Oregon, Ash Grove's Durkee plant is the last remaining manufacturing business in Baker County. Unfortunately, the region's limestone contains naturally high concentrations of mercury due to the region's volcanic geologic history. Ash Grove's willingness to step up and address mercury emissions at its plant is vital to the social, economic and environmental welfare of our constituents.

We admire Ash Grove for proactively taking on this important environmental challenge. The results of their efforts will have a lasting benefit for Oregonians and the U.S. for generations to come and they are deserving of recognition for this contribution.

Respectfully yours,

JEFFREY A. MERKLEY,
U.S. Congress.

RON WYDEN,
U.S. Congress.

GREG WALDEN,
U.S. Congress.

KURT SCHRADER,
U.S. Congress.

EARL BLUMENAUER,
U.S. Congress.
PETER DEFazio,
U.S. Congress.

Mr. WAXMAN. I yield myself 2 minutes.

I want to acknowledge that the gentleman from Oregon is pointing out a real problem for his district, but it is a unique problem in his district because the limestone that's used in the kiln has a high content of mercury. I understand that EPA is trying to work through that issue, but I do want to point out to my colleagues that this example should not serve as the basis for this bill that's before us.

We've heard over and over again from my colleagues on the other side of the aisle that 99 percent of the mercury in America comes from nature, from outside other countries that the trade winds bring here to our land. Chairman BARTON even said most mercury that's emitted is emitted by natural causes. In 2000, EPA estimated that roughly 60 percent—not 99 percent as Mr. WHITFIELD pointed out—of the total mercury deposited in the United States comes from anthropogenic air emission sources within the United States, such as from power plants, incinerators, boilers, cement kilns, and others, and that the remaining 40 percent comes from the combination of sources of natural emissions and remission into the United States from the wind.

It hasn't changed much since the year 2000. An example is one study by the University of Michigan, which found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources. EPA estimated that 80 percent of the mercury deposited in Pines Lake, New Jersey, comes from man-made U.S. sources. There was a bit of peer-reviewed scientific study that found two-thirds to three-quarters of the annual global mercury emissions are caused by human activity. So let us not minimize the problem where those who are living near these facilities are experiencing a great deal of harm.

I reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Texas, a member of the Energy and Commerce Committee, Mr. OLSON.

Mr. OLSON. I thank the chairman of the subcommittee for yielding.

Mr. Chairman, today, the House takes another step to ensure a stable regulatory environment for the cement industry. In a rush to regulate, the EPA issued economically damaging rules that jeopardize 4,000 American jobs in the cement industry. The cement industry has stated that it cannot comply with these rules even with the best current technology.

CEMEX is a cement company with operations based in Houston, Texas. They've asked Washington for help in negotiating with EPA on these

unachievable rules. CEMEX is just one company of many that Congress has repeatedly heard from that may be forced to move operations overseas where regulations are more reasonable.

EPA's failure to strike the proper regulatory balance puts U.S. jobs in jeopardy and hurts our global competitiveness. The bill before the House today simply gives EPA the needed time to ensure the rules are reasonable and attainable in the real world.

Mr. Chairman, I urge my colleagues to vote for H.R. 2681, the Cement Sector Regulatory Relief Act, so we can stop exporting American jobs.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise today in support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

H.R. 2681 is on the House floor today as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. This bipartisan bill would provide a much needed legislative stay for the EPA to redraft new cement requirements that would affect approximately 100 cement plants and thousands of jobs.

This type of government regulation hinders job creation and forces American jobs overseas. The American public is growing increasingly concerned about government regulation coming out of the Environmental Protection Agency. A recent survey found that 74 percent of American voters throughout the country believe that businesses and consumers are overregulated. This overregulation has a chilling effect on job creation.

I urge my colleagues to support H.R. 2681 in an effort to rein in the EPA and government regulation.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman for yielding.

I think we can all agree on some things. I think Mr. WAXMAN would agree and Mr. MORAN, number one, that we want to preserve American jobs if we can; but I think, number two, we don't want to compromise our health standards. There has been a lot of talk today about we have to either do one or the other, but I think we can do both.

Now, if you'll look at the EU, which passed what they call the "gold standard" on emissions from cement plants, they determined that mercury they could bring down to .05. What has the EPA said? They've said they want to bring it down to .01. That's five times more restrictive than in Europe. .5, which is the European standard, is

about four times more strict than in Mexico. I think we all agree that even the EPA said we'd close 20 percent of our factories, but we would get that cement, according to the Congressional Budget Office, from Mexico, which is polluting our air and does not have nearly the standards we have.

So if mercury is a problem, why would we shift production to something that is four times more dangerous than even that of the European Union? On the other hand, as to the European Union, which is the strictest on environmental standards in the world now, why are their standards so bad? They don't go below this.

One reason with mercury is it is naturally occurring. There's a debate whether it's 60 or 40, but let me say this: At .01, it's actually more severe than what is naturally occurring in some of the supply.

□ 1400

Yes, I have a vested interest. The second largest employer in my second biggest county is a cement plant. The largest employer in one of my cities of 20,000 people is a cement plant.

Those jobs won't exist. They're willing to spend \$350,000; but in an industry that only had \$2 billion worth of revenue, there is no way they can spend \$10 billion.

Let's restore a little sanity, and we can do that. Common sense dictates that we can have jobs, and we can have safety, and we can do that not by these onerous standards on hydrochloric acid and other things.

U.S. VS. EUROPEAN EMISSION STANDARDS

Parameter (mg/Nm ³ at 10% O ₂)	U.S. standards (EPA final rule)	European standards
Mercury	0.01	0.05
Hydrochloric Acid	3.83	10
Particulate Matter	7.72	20

Prepared by the Office of Congressman Spencer Bachus.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the chairman.

Mr. Chairman, I rise in support of the Cement Sector Regulatory Relief Act. The cement industry is in its weakest economic condition since the 1930s. Domestic demand for cement has dropped by more than 35 percent in the last 4 years, killing more than 4,000 manufacturing jobs.

In March of last year, 136 cement workers were laid off at the Wampum cement plant in my district. It was the oldest continuously operating Portland cement manufacturing site in the United States, but now cement production at Wampum has ceased and only 15 jobs remain.

Despite this bleak scenario, the EPA issued its regulation which has a \$3.4

billion price tag and standards that no cement plant in the United States can achieve while demand languishes. The economy will have to improve for these jobs to return to Wampum; but when the EPA issues unfair, unachievable regulations, it sets these manufacturers back even further.

I urge my colleagues to support this bill.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Kentucky has 6½ minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I appreciate this opportunity to speak on this bill.

First, I am the co-chair of the Cement Caucus, along with Congressman MIKE ROSS of Arkansas.

My district is the largest cement producing district in America. I have a town in my district called Cementon. I have a high school team called the Konkrete Kids. This is what we do in my district in large part.

I have five cement plants, Lafarge, Buzzi, Keystone, Essroc, Heidleberg-Hanson, Lehigh Portland cements. I have a company that manufactures and constructs cement plants, FLSmidth-Fuller. This is a big business where I live. It's an important business, the basic industry and the manufacturing to the industrial sector of this country.

These three rules that we are dealing with are going to have a dramatically negative impact on cement production in America. Foreign imports currently make up more than 20 percent of total U.S. cement sales, and that number is going to grow if these regulations are implemented.

Many of these foreign producers, as has been pointed out by some of the previous speakers, do not operate with anything close to the types of regulations that we are talking about here today, whether they be in Europe or Mexico, China or elsewhere. And as has been stated previously, close to 20 percent of all cement production facilities in this country are likely to close as a result of these three rules.

What are they? It's NESHA rule, which cobbles together a whole range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with all the various standards simultaneously.

Also one called CISWI—and I won't read the acronym—but that is going to have an impact on the ability to use solid waste in the form of tires, waste plastics, and other materials that we use in cement plants. This material would be land-filled. We'd have un-

sightly tire piles all over America, breeding grounds for mosquitos and West Nile virus. We burn them in cement plants. They have high Btu content. This will make it much more difficult, these rules, if they are implemented. So we have to stop it.

So what this bill does, it scraps its three existing rules and requires the EPA administrator to develop and propose more realistic and achievable regulations within 15 months. This is completely reasonable. Support this. This is about protecting American jobs. I urge a "yes" vote.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise today in support of H.R. 2681, and I just want to talk a little bit about the real-world effects that have been alluded to.

I have firsthand knowledge. My family's company, now owned by my cousins, but a company started by my father and my uncle has been in the Redi Mix concrete business for over 40 years. I own a sand and gravel company back in Michigan.

I just want to point out that this is actually not an attack on clean air, as some of my colleagues on the other side have said. This stops an attack on the American worker. Let's talk about some of those real-world effects.

We will be buying more cement from outside the United States, as has been pointed out, and it is much dirtier produced over there. What are the challenges that we have been seeing in this industry over the last few years?

We know that a soft economy means less construction. Other challenges that we have been dealing with: increased fuel costs, increased health care costs under ObamaCare and other requirements, increased unemployment insurance requirements, increased labor regulations, now even greater costs with little or no benefit directly coming to us.

I don't quite understand what my colleagues on the other side think is going to happen when we are talking about building roads. Do they want to drive on wooden roads? Do they want to live in mud brick hovels and shiver in the cold?

I mean, we have got to have concrete and cement as the backbone of the recovery here that we are going to be having. We will simply be forced to buy that cement from outside the United States, and I don't understand why this administration insists on attacking the engine of our recovery.

This stops an attack on the American worker and job creators, and I support the bill.

Mr. WAXMAN. Mr. Chairman, may I inquire if the gentleman from Kentucky has more than one speaker?

Mr. WHITFIELD. Mr. Chairman, I have one more speaker and he will be closing. Other than that, I have no further requests for time.

Mr. WAXMAN. May I inquire, Mr. Chairman, which side has the prerogative to close?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Kentucky has the right to close.

Mr. WHITFIELD. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Chairman, the EPA has been working on this regulation since the 1990s. Under the 1990 law, they are required to put in place a regulation to protect from these toxic pollutants.

They are required to be put into place by the year 2000. They tried, thrown it out of court, they have now tried again, and they have already proposed a rule that is now going to be repealed by this legislation. So it's taken them over a decade to finally get to this point.

It's a long, overdue rule that requires cement kilns to reduce their emissions of toxic air pollutants. EPA estimates that this rule will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels, that is, if they are allowed to remain in effect; and they also had to do a cost-benefit analysis.

They said that this rule will yield \$7 to \$19 in health benefits for every dollar that's spent to meet the standards and will prevent up to 2,500 premature deaths and 17,000 asthma attacks each year. So EPA has been mindful of the costs and the benefits.

The bill before us effectively vacates the cement rules, kiln rules, nullifies these health benefits, forces EPA to start all over again. They give EPA 15 months to come up with more regulation, and then they bar EPA from enforcing any final rules for at least 5 years.

During all this time—and we have no guarantee after 5 years if anything will happen—cement kilns will avoid having to clean up their toxic air pollution, maybe indefinitely. The bill threatens EPA's ability to ever reissue limits on toxic air pollution from cement kilns.

□ 1410

This bill that's before us would set a new and unworkable methodology. They're not looking at the methodology that Congress provided to at least use the maximum achievable control limits. They will simply be told they have to take a subjective approach that lumps all pollutants together, and then they have to decide whether emitting more mercury but

less lead is better or worse for public health than the reverse. It's an impossible choice. It's going to guarantee years of litigation.

The bill prevents EPA from setting any emission limits at all. Under this legislation, it would require EPA to select regulatory alternatives that are the least burdensome. But the "least burdensome" to cement kilns does not mean that we will get the option that provides the best public health benefits. In effect, the bill would exempt cement kilns from ever having to achieve meaningful reductions in toxic air pollution.

So in other words, they postpone the time for regulation, then postpone for 5 more years compliance with that regulation. They change the standard from the maximum achievable under existing technology to something else. The something else is the least burdensome to the kilns. And during all that time, we will have people exposed to these toxic pollutants.

This strikes me as not a simple, fair-minded approach. It's turning our back on the purpose of the Clean Air Act. It's turning our back on the harm that's going to be done, especially to children, from the poisoning they'll get from the mercury levels from the cement kilns.

I think this is inexcusable legislation. I think we ought to stay with the work done by the EPA, not pass a law, tell them to do the job, and then wipe out their work after 11 years and say we want another decade or more to get around to doing regulations that should have already been in place long ago.

I want you to know that many organizations oppose this regulation. You would expect all of the public health groups and the environmental groups, but even sporting organizations and outdoor groups and the people who work in the field at the State level on air pollution matters tell us: Do not support this legislation.

I urge opposition to it, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 2681, a bill designed to prevent the collapse of a strategic domestic industry, the United States cement industry.

About a year ago, I became active on this issue and made it a priority of mine to help save the American cement industry and the hardworking Americans at work in those industries. Some have questioned my motives, and they are welcome to do that. But for me it's as simple as this: The new regulations on the cement industry is the wrong rule at the wrong time. It asks too much too soon. NESHAP is a rule

based on questionable science and promises to export American jobs and, ultimately, result in the import of pollution from other countries.

The U.S. cement industry is suffering through the greatest decline since the 1930s, with current employment down to a mere 15,000 jobs and less than \$6.5 billion in 2010 annual revenues. This represents a 25 percent reduction in employment and over a 35 percent reduction in revenues from prerecession levels. The cement and concrete product manufacturing sectors combined have shed more than 62,000 jobs between 2005 and 2009.

At this critical time when the cement industry can least afford significant investments from new mandates, analysts estimate this single EPA rule would cost \$3.4 billion in compliance costs, representing approximately half of the cement industry's annual revenues. This is very onerous. Let us repeat, Mr. Chairman, the NESHAP rule will cost \$3.4 billion compliance costs out of a \$6.5 billion annual revenue. That's over 50 percent of the industry's revenues.

Now, if you own a cement plant, where is the money for compliance costs going to come from? Probably from closing down a plant, stalling plans for the construction of new plants, and laying off American workers in high-paying jobs. The average low job in this industry is around \$60,000 a year, and they go up from there.

Common sense is the missing ingredient in NESHAP. In fact, at the same time that the EPA finalized the NESHAP emission standards last fall, we just saw a chart that the European Union had just issued their own compliance standards, and the EPA standards are five times more stringent than the famous model of the European Union. So what's wrong with this picture?

Speaking of common sense, if you want to remember that map that we just looked at, the map that shows you all the colors, the red part of that map represents between 80 and 100 percent of the estimated mercury deposits, and they're all from foreign sources.

So, Mr. Chairman, this is the wrong rule at the wrong time, and what we are doing here fixes this problem and gives us time to study.

Mr. TERRY. Mr. Chair, we are lucky in Nebraska.

Our unemployment rate is currently around 4.2%.

Personally, I'd like to see it be an even smaller number.

Without passage of H.R. 2681 and H.R. 2250, we will see job loss in Nebraska.

With regards to the Boiler MACT rules—Nebraska estimates a potential job loss of 921 jobs at a cost of over 57 million dollars.

With regards to the Cement MACT rules—Nebraska estimates a cost of \$24–28 million to keep the approximately 135 jobs.

These bills give EPA time to reconsider and re-propose these regulations so the final rules are achievable and based on real-world technologies.

We like our low unemployment numbers in Nebraska and passing these two bills will help ensure our numbers stay low.

Mr. President, don't let the EPA kill jobs in my state.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to this legislation, which would delay for another five years Clean Air Act standards for cement kilns that are already thirteen years overdue.

Like so many other bills the current House Leadership has brought before us, this bill is premised on a fundamentally false choice—that we can't have good jobs unless we are willing to breathe dirty air. I don't believe that. And I don't think most Americans believe that. In fact, the entire forty year history of the Clean Air Act demonstrates conclusively that it just isn't true.

The Clean Air Act protections at issue in this legislation will for the first time limit mercury, arsenic, soot, hydrochloric acid and other dangerous emissions from cement kilns. The proposed reductions will prevent as many as 2500 premature deaths and 17,000 asthma attacks annually, and produce \$7 to \$19 in public health benefits for every \$1 spent on clean-up costs. Which is why the protections have the support of reputable public health organizations like the American Lung Association, the American Public Health Association and the Asthma and Allergy Foundation of America.

Rather than undermining our nation's public health, we should be focused on enacting a real jobs agenda to put Americans back to work and accelerate our economic recovery.

I urge a no vote.

Ms. JENKINS. Mr. Chair, to spur job creation in this country, we must remove burdensome regulations stifling our job creators.

The EPA's Maximum Achievable Control Technology or MACT rule is set to crush our cement manufacturers.

Eastern Kansas has three cement manufacturers who employ thousands. I recently toured plants at Monarch Cement in Humboldt, Ashgrove Cement in Iola and LaFarge Cement in Fredonia, and heard a similar story from all three.

They have the revenue stream and the desire to hire more Kansans, but the cost of complying with Government regulations, like the cement MACT, restrict their ability to do so.

The EPA shouldn't be implementing regulations that do more economic damage than they achieve in environmental good.

I hope the EPA will take this opportunity to reform this rule and be part of the solution rather than the problem.

Let's end over regulation and get Americans back to work.

Ms. MCCOLLUM. Mr. Chair, I want to clearly state my opposition to H.R. 2681, the so-called Cement Sector Regulatory Relief Act. This legislation is a special interest giveaway that will fail to create jobs and will expose American families to unnecessary and unacceptable health risks.

Last month, President Obama proposed the American Jobs Act to address the Nation's unemployment crisis. Economist Mark Zandi of

Moody Analytics—a former McCain Presidential advisor—said the American Jobs Act would add 1.9 million jobs. Dozens of other independent economists agree this legislation would create jobs, boost economic growth and protect the country from slipping back into recession. Despite the urgent need to create jobs and grow the economy, the House Republican majority is refusing to bring the American Jobs Act to the floor for a vote.

Instead of passing the American Jobs Act, the majority is advancing a series of ideological bills that will cripple clean air and clean water protections. H.R. 2681 is the latest of these Republican assaults on public health. H.R. 2681 would delay the implementation of science-based rules to significantly reduce toxic emissions from cement plants. The 1990 Clean Air Act required the cement industry to reduce mercury and other pollutants. Today, cement plants are the third largest source of mercury pollution in the United States. Thousands of families living in the shadow of these plants are now suffering from increased rates of neurological disorders, birth defects, learning disabilities, cancer and cardiovascular problems. Developing fetuses, infants and pregnant women are particularly vulnerable to the deadly effects of mercury.

After 11 years of consultation with the cement industry and other stakeholders, the Environmental Protection Agency has finalized a proposal to close this dangerous loophole. For every \$1 spent on complying with the EPA's proposed rules, the U.S. economy is projected to reap \$7–19 dollars in benefits from lower health care costs and higher productivity. This incredible return on investment shows that smart regulation can produce cleaner air, better health and a stronger economy.

Instead of offering a competing economic analysis, House Republicans are using anecdotal evidence to argue these new rules will harm employment in the cement industry. Contrary to what supporters of H.R. 2681 argue, employment in the cement industry has decreased due to efficiency gains in production and consolidation in the sector, not federal regulation. Even Republican economists are pushing back on the argument that federal regulation has a significant impact on job creation and retention. Bruce Bartlett, former economic advisor to President Reagan, is refuting these claims with data from the Bureau of Labor Statistics showing that businesses do not cite regulation as a leading cause of layoffs. According to this data, regulations were responsible for a minuscule 0.2 percent of layoffs in 2010. Despite the evidence, Republicans continue to cling to their anti-regulatory red herrings.

While H.R. 2681 may provide good partisan talking points for cable television and talk-radio, this legislation threatens real harm to families in Minnesota, and across the country. According to EPA's analysis, delaying the clean-up of toxic pollution from the cement industry for four years as called for in H.R. 2681 would result in devastating health effects, including up to: 10,000 premature deaths; 68,000 asthma attacks; 6,000 non-fatal heart attacks; and 520,000 days when people miss work because of illness.

For over forty years, the country has made tremendous bipartisan progress in cleaning up

our environment while maintaining robust economic growth. We need to return to this tradition and refocus our attention on legislation that will actually address America's pressing jobs crisis. I urge my colleagues to reject this legislation, end the political games, and stand up for the health of American families.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cement Sector Regulatory Relief Act of 2011".

SEC. 2. LEGISLATIVE STAY.

(a) **ESTABLISHMENT OF STANDARDS.**—*In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall—*

(1) *propose regulations for the Portland cement manufacturing industry and Portland cement plants subject to any of the rules specified in subsection (b)—*

(A) *establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and*

(B) *identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such industry and plants are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the "Resource Conservation and Recovery Act") for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and*

(2) *finalize the regulations on the date that is 15 months after the date of the enactment of this Act.*

(b) **STAY OF EARLIER RULES.**—

(1) *The following rule is of no force or effect, shall be treated as though such rule had never taken effect, and shall be replaced as described in subsection (a): "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants", published at 75 Fed. Reg. 54970 (September 9, 2010).*

(2) *The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a), insofar as such rules are applicable to the Portland cement manufacturing industry and Portland cement plants:*

(A) *"Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 76 Fed. Reg. 15704 (March 21, 2011).*

(B) *"Identification of Non-Hazardous Secondary Materials That Are Solid Waste", published at 76 Fed. Reg. 15456 (March 21, 2011).*

SEC. 3. COMPLIANCE DATES.

(a) **ESTABLISHMENT OF COMPLIANCE DATES.**—*For each regulation promulgated pursuant to section 2, the Administrator—*

(1) *shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and*

(2) *in proposing a date for such compliance, shall take into consideration—*

(A) *the costs of achieving emissions reductions;*

(B) *any non-air quality health and environmental impact and energy requirements of the standards and requirements;*

(C) *the feasibility of implementing the standards and requirements, including the time needed to—*

(i) *obtain necessary permit approvals; and*

(ii) *procure, install, and test control equipment;*

(D) *the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and*

(E) *potential net employment impacts.*

(b) **NEW SOURCES.**—*The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).*

(c) **RULE OF CONSTRUCTION.**—*Nothing in this Act shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).*

SEC. 4. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the "Resource Conservation and Recovery Act"), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in section 2(b)(2), the Administrator—

(1) *shall adopt the definitions of the terms "commercial and industrial solid waste incineration unit", "commercial and industrial waste", and "contained gaseous material" in the rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units", published at 65 Fed. Reg. 75338 (December 1, 2000); and*

(2) *shall identify non-hazardous secondary material to be solid waste only if—*

(A) *the material meets such definition of commercial and industrial waste; or*

(B) *if the material is a gas, it meets such definition of contained gaseous material.*

SEC. 5. OTHER PROVISIONS.

(a) **ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.**—*In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.*

(b) **REGULATORY ALTERNATIVES.**—*For each regulation promulgated pursuant to section 2(a),*

from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by a Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, chronic exposure to carcinogens, neurotoxins, and other dangerous chemicals can take a terrible toll on people's health, particularly in communities that live in the shadows of major sources of pollution. I have next to me here a diagram, a picture of cement kilns next to an elementary school.

Everyone in this Chamber probably knows someone who's been stricken by cancer or who has a child with a learning disability or birth defect. Environmental pollution does not cause all cancers or every health problem, but numerous peer-reviewed scientific studies tell us that chemicals classified as carcinogens cause cancers, and those cancers sicken and kill real people.

Chemicals classified as neurotoxins damage the nerve system. They pose a particular threat to infants and developing brains. These effects are significant, tragic, and avoidable. That's why Republicans and Democrats together voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to step up and install modern pollution controls on their facilities.

The American people were tired of having their communities harmed by toxic air pollution. They didn't want to live in fear that the factory down the

road would give their children cancer or damage their baby's brain. We made a promise to the American people that EPA would require polluters to cut their emissions of mercury, lead, dioxins, and other air pollutants linked to serious health effects.

The Clean Air Amendments of 1990 set up an effective program to reduce toxic air pollution. It would achieve cost effective pollution reductions by simply requiring facilities to use pollution controls that others in their industry were already using.

Since 1990, EPA has set these emission standards for more than 100 different categories of industrial sources. They've reduced emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

□ 1420

But today, this Chamber is seriously proposing to just let these cement kilns pollute our communities with impunity. Cement kilns are one of the largest sources of mercury pollution. For far too long, they were allowed to pollute without installing modern technology to reduce their emissions. In August of last year, EPA finally issued standards they've been working on since the late 1990s. EPA estimated these rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. The rules would also cut emissions of hydrocarbons by 83 percent and particulate matter by 92 percent.

But the bill that's before us would nullify those rules, and they would force EPA to start all over again with another rulemaking, using new and unworkable criteria. These long overdue public health protections will be delayed, at a minimum, for 6 more years and maybe forever.

And the bill doesn't just delay. By changing the approach adopted in 1990, it threatens EPA's very ability to issue replacement standards for cement kilns that will achieve any meaningful reductions in mercury pollution.

EPA testified before our committee, and they said that this legislation would create new legal ambiguities that would tie up the new rule in litigation for years. Other clean air lawyers testified this bill would eviscerate the ability of the law to control air toxics for cement kilns.

But the Republicans have charged forward in what amounts to legislative negligence. And they say reassuring things like, this is a commonsense, minor approach delaying it for a little while. Well, we cannot afford additional delays. We cannot afford to lose these protections altogether. All across America, communities are living in the shadow of these plants. And I again refer you to this picture. These are plants next door to an elementary school, and nearby these kids and their

families live. And the closer you live, the more exposed you are. All of these people who live near these facilities are running a very high risk for dreaded diseases.

Mercury is a potent neurotoxin. Reams of scientific studies show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. Children will never reach their full potential.

That is why I ask that we support this amendment that says, in effect, let's not wait any longer when it comes to something that deals with poisoning our kids from mercury.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to this amendment for the simple reason that in 1999, EPA issued a rule for cement plants in which it regulated emissions from cement plants. All of us are very much aware of the health hazards of certain emissions. And that's why we support the ruling of the EPA in 1999.

Now, in 2006, EPA came back with a new cement rule. But the environmental groups challenged that in court. And so as a result of that challenge, EPA went back, and they came out with the new Cement MACT rules that are the subject of our legislation today. And as we said during the general debate, the economy is unusually weak today, our unemployment is high today, and we think we need a more balanced approach than what EPA came out with in its most recent cement rule, which is in effect, but compliance is not expected until 2013.

So we simply are staying that rule with this legislation asking EPA to come out with a new Cement MACT within 15 months after passage of our legislation and then give industry 5 years to comply, and longer, if the EPA administrator decides to do that. Now, looking at the history of this administrator, I can't conceive that she would be willing to give them any more than that 5 years, but that would be her choice.

So I would urge the Members to oppose this amendment because we already have some basic protections in there. We have the 1999 rule that is in effect if we are successful in passing this legislation that would negate the most recent Cement MACT rule. And as I said before, we hear today from businesses all over the country who are talking about the uncertainty—particularly because of the excess of regulations coming out from EPA—not knowing what standards are required,

and in many instances not even having technology that's available to meet the standards.

So I think our H.R. 2681 is a reasonable approach: Ask EPA to step back, propose a new rule, do it within 15 months and give the industry 5 years. And for that reason, I would reiterate all of us have the same concerns that the gentleman from California has. I do not believe that his amendment is necessary, and I would urge all of our Members to oppose his amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise in support of the Waxman amendment, and without the amendment I rise in opposition to H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

As we all know, cement plants are one of the primary sources of mercury pollution in the U.S. In my State of Texas alone, there are 10 cement plants which emitted 225 pounds of mercury in 2009 alone. It takes only one-seventieth of a teaspoon of mercury to contaminate a 25-acre lake and render the fish unsafe to eat. And children are the most vulnerable.

Mercury exposure impairs a child's ability to learn, write, walk, talk, and read. As a registered nurse, I have seen firsthand how children are particularly sensitive to emissions of mercury and other air toxins. As a mother and a grandmother, I cannot stand by and watch these emissions go unchecked.

I have always been a strong and proud defender of EPA's charge to protect public health and the environment. In 2009, I led a letter to EPA Administrator Lisa Jackson calling for even stronger emissions standards to reduce mercury pollution. Last year, I was pleased to see that EPA finalized standards for cement plant emissions that will reduce mercury and particulate matter pollution by over 90 percent, resulting in health savings of up to \$18 billion each year.

Despite all the talk that we have heard in recent months, EPA regulations do not kill jobs. As the ranking member of the Science, Space, and Technology Committee, I know that our Nation's scientific, entrepreneurial, and industrial sectors have and will innovate to meet new standards as they always have. We will reduce air pollution in this country while creating thousands of jobs.

The predictions of widespread economic disruption and collapse of our industrial sector because of what some have called the overreaching Clean Air Act have been proven wrong time and again. We should expect that today's hysteria is no different.

Therefore, I stand with the citizens of Texas and impacted communities

across the Nation in opposing this bill and not with the big polluters. Congress passed the Clean Air Act 40 years ago, and we have cleaner air today because of it. But we can always do better. And that is why we must support the purpose and the mission of the EPA and oppose this bill without this amendment. We are not here to kill jobs, but we are here to save lives.

□ 1430

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I rise in opposition to this amendment.

I listened to Mr. WAXMAN's argument, and I looked at his amendment. And this amendment targets a specific health issue: brain development and learning disabilities in infant children. We believe the EPA should consider all public health risks.

Mr. WAXMAN raised the issue of accusing the Republicans of, as he said, "legislative negligence." I'm sure it was not legislative negligence on the part of Mr. WAXMAN when he failed to include cancer in this bill even though in his argument to this august body he certainly argued that this amendment would help with cancer.

The truth is this amendment addresses one public health issue, the disability of children, and it addresses it as it relates to mercury. And we've heard arguments in this Chamber about mercury, but we've also seen the air studies that have been done by the electric industry in which they tell us that, at least west of the Mississippi, somewhere between 80 percent and 100 percent of all the mercury pollution in that area comes from outside the United States.

Where outside the United States is fairly obvious, China and India, which have the largest amount of Portland cement manufacturing in the world, also the least amount of protection of the air quality. They are polluting somewhere between 80 and 100 percent of mercury, which is what, according to the argument from the other side, is the issue here. It is not cancer, and this does not address cancer. It is harming the brain development of infant children—mercury.

So if almost 100 percent of it is west of the Mississippi, then more than half the country is polluted from outside this country. And yet we would shut down factories and force them to move to places like China and India—where there is no protection for the health of anybody on this globe—so that they can stay in business because we have adopted a 1 percent standard rather than the 5 percent standard from our so-called "model" of the future, the European Union. Now, I think that we need to question this amendment.

I oppose this amendment, and I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. I rise in strong support of this amendment. However, the underlying bill actually nullifies the EPA's rules to require cement kilns to reduce their emissions of toxic mercury and other toxic pollutants and forces EPA to go back to square one. In doing so, this bill nullifies the rule's promised reductions in mercury pollution from cement kilns, delays any potential future reductions, and threatens EPA's ability to issue replacement standards that will achieve the same benefit for public health.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. This is certainly an important issue for Democrats and Republicans to support.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including cement kilns. Cement kilns are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing modern technology to reduce their emissions of mercury and other toxic chemicals. The Clean Air Act directed EPA to issue standards to cut emissions of mercury and other toxic pollutants from cement kilns by 2000. That was a decade ago. EPA didn't finalize these rules until August of last year.

EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. Now the Republican leadership wants to nullify these rules to cut mercury pollution and delay these important public health protections. Further delay is unacceptable for the people who have been waiting for these cement kilns to clean up for years.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from a cement kiln if that kiln is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

The Republicans deny that this bill is an attack on the Clean Air Act or public health. They argue that this bill won't prevent EPA from reducing toxic mercury pollution from cement kilns. I strongly disagree. And these statements stand in stark contrast to the body of science linking mercury exposure to neurological problems.

And I have to say, instead of working to create jobs, Republicans are bringing up another assault on our public

health and the Clean Air Act. We should be passing the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible. But instead of focusing on jobs, the GOP wants to eliminate and delay Clean Air Act regulations. This will jeopardize our public health and the clean air that we breathe.

This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. This regulation also will provide up to \$19 million in public health benefits for every dollar spent on reducing harmful air pollution. So we have to support the amendments that are going to protect the public health of our people.

I urge support of the Waxman amendment, and all of the amendments that are coming today, for the sake of the public health of Americans.

Mr. Chairman, I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA of Michigan. Mr. Chairman, we're talking about common sense. Unfortunately, I don't think we're hearing much of that coming out of the other side because they're talking out of both sides of their mouth here. How in the world does a 20 percent reduction in the number of cement plants in the United States, out of the 100 that we have, how does that 20 percent loss, or estimation of 18 to 20 cement plants, equal more jobs? I'm a little lost. I know I'm a freshman here, but I'm lost as to how, when we're shutting down businesses, that equals more jobs.

I'm also curious about how in the world we can call this a Maximum Achievable Control Technology when people in the industry and people outside the industry say it's not achievable. We might as well call it the "maximum dreamed-up control technology." We've got to introduce some common sense to this.

Now, we can solve all of our pollution issues coming out of cement plants by shutting every single one of them down. We can shut every single one of those 100 plants down here in the United States. I do not think that India is going to shut theirs down. I don't think China is going to be shutting theirs down. I know Indonesia is not going to be shutting theirs down. I'm betting our friends and neighbors in Canada aren't going to be shutting theirs down.

So we can shut down every single cement plant. That's not going to solve our problems, though, because we have to keep going further. We've got to shut down every power plant. We've got to stop driving every car, every

bus, every train. We might as well ban campfires, grilled foods—and cancel Christmas while we're at it. There has got to be some common sense involved here.

Ontario tried this a few years ago when they were going to shut down all of their coal-fired power plants. Their goal: get rid of them all. The outcome: not a single one—zero—was shut down because they know that it wasn't possible. And we're seeing here a proposed regulation that is five times more stringent than what our friends in the European Union are talking about, and in Canada: five times more stringent. How is that going to make the United States more competitive, and how is that going to retain jobs here?

Mr. Chairman, we have got to make sure that, instead of using the "maximum dreamed-up control technology," we actually use the Maximum Achievable Control Technology. And that is what we have today.

Mr. Chairman, I yield back the balance of my time.

Mr. RUSH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I do want to respond to the gentleman who just spoke about how they're going to shut down these plants. Why do they have to shut down the plants? If they have to put in a control technology that's already being used somewhere else in the country to reduce that mercury pollution, that other cancer-causing pollution, they put the equipment in. They pay for it.

Now, cement kilns are having financial problems, not because of these regulations, but because of the low demand for cement. The industry admits this on their Web site, and they have a problem. But we are telling them that when the economy starts picking up, they'll get a greater demand. But we also want to make sure that they put in the control technology. They don't have to close just simply to do that.

□ 1440

Mr. RUSH. Mr. Chairman, the gentleman prior to me asked, where is the common sense?

Well, common sense begins with science, and the science is clear. I want to let the gentleman know that all sense is not common sense. In this instance, common sense begins with the science, and the science is absolutely clear that EPA must be able to reduce toxic pollution from the cement manufacturing process.

Cement kilns across the U.S. produce more toxic air pollutants, including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the nation's

problems with soot and smog. Cement kilns are the third-largest source of mercury emissions in the U.S.

Toxic air pollutants can cause cancer, impair brain development and the ability to learn, damage the eyes, skin, and breathing passages, harm the kidneys, harm the lungs, harm the nervous system, and cause pulmonary and cardiovascular disease and premature death.

Cleaning up cement kilns saves lives and protects children from hazardous air pollutants. EPA estimates that reducing toxic pollution from cement kilns can save up to 2,500 lives each year by 2013. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks, over 1,700 hospital and emergency room visits, and 130,000 missed days of work.

The most vulnerable populations depend on the EPA to protect them from the harmful health effects of cement kiln pollution. Children, teens, senior citizens, and people who exercise or work outdoors or with chronic lung diseases such as asthma, COPD, emphysema, these are the children and the people who are most in danger.

People with low incomes or who are members of racial and ethnic minorities are disproportionately affected by air pollution, in part, because they tend to live closer to industrial facilities such as cement kilns.

Mercury is a potent neurotoxin. Reams of scientific studies, common sense studies, show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak.

Children exposed to mercury may never ever reach their full potential. The National Academy of Sciences estimates that each year about 60,000 American children are born right here in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero.

The Waxman amendment is straightforward. It is common sense. It states that the EPA can continue to require a cement kiln to clean up toxic air pollution if that kiln is emitting mercury or other toxic pollutants that are causing damage to infants' developing brains.

This amendment simplifies our choice. Allow polluters to continue to harm children, to harm infants, or require facilities that are actually harming our kids to reduce their pollution. It's not too much to ask, and I ask the Members to support the Waxman amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLORES. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. Mr. Chairman, job creators across a wide range of industry

have sent urgent calls to Washington pleading for Congress to remove burdensome regulations that could destroy hundreds of thousands of jobs nationwide.

Yesterday, I had the opportunity to meet with two of America's job creators, Karl Watson from Houston, Texas, who represents CEMEX, a global leader in the building materials industry, and Brad Slabaugh of Hilltop Basic Resources, a small building materials and ready-mixed concrete producer from Ohio.

While these job creators may hail from different regions of the country, and one employs thousands of workers, versus the one that employs several hundred middle class Americans, they both face the same challenges under the Obama administration's oppressive regulatory regime. That is why Mr. Watson and Mr. Slabaugh came to Washington this week, to discuss their real world examples of how the Obama administration burdensome regulatory policy is devastating to the concrete production industry and to virtually all American employers and job creators. The worst offender that is inflicting this regulatory flaw under the Obama administration is the Environmental Protection Agency.

This week the House is tackling some of the most economically dangerous regulations that the EPA has imposed on our Nation's creators, Boiler MACT and Cement MACT. These unwarranted and indefensible regulations are costing hundreds of thousands of much-needed American jobs at a time when unemployment stands at 9.1 percent and families and small businesses are struggling to stay afloat.

Worse yet, both appear to be based upon ideology versus sound science and real word cost-benefit analyses. Both the Boiler MACT and Cement MACT could have a combined economic impact of more than 230,000 existing American jobs lost and \$14.4 billion in projected compliance, according to the Council on Industrial Boilers.

In my home State of Texas, which is home to 27 boiler facilities, the economic impact of the Boiler MACT rule on boiler and process heater owners and operators is well over \$200 million, putting thousands of good-paying jobs at risk, and opening the door to further burdens, not only for large industrial boilers, but also important institutions such as hospitals and universities.

This additional regulatory damage comes within 2 weeks of a large Texas power producer that has announced, due to the EPA's Cross State Air Pollution Rule, it will cause the loss of 500 middle class American jobs and the closure of five job sites in Texas.

The Cement MACT regulations that CEMEX and Hilltop face are some of the harshest of seven proposed or recently finalized EPA regulations targeting an already weakened cement in-

dustry. The Portland Cement Association estimates that the Cement MACT would force the shutdown of up to 20 percent of the Nation's 100 existing cement plants, and that does not include the seven plants that have already announced, due to economic or other reasons, that they have faced permanent closure since 2008.

Both CEMEX and Hilltop are experiencing depressed volume levels and are having to shed middle class jobs as they respond to increasing economic uncertainty being generated by unelected, unaccountable Washington bureaucrats. If the commonsense relief that we are currently considering does not pass, these companies will face the shutdown of up to 20 percent of their operations. Such a decrease in production capacity of the cement industry would have a ripple impact across the economy, impacting not only cement manufacturing jobs, but also industries that rely heavily on them, such as construction and building.

Worse yet, for all Americans, these jobs and plants will be relocated to foreign countries, further damaging America's already declining industrial base and middle class job opportunities. The bipartisan legislation coming to the floor today will provide the EPA with at least 15 months to re-propose and finalize new rules regarding the economically dangerous Boiler MACT and Cement MACT.

Without this commonsense regulatory relief, the EPA's current rules endanger hundreds of thousands of American middle class jobs nationwide by forcing plant shutdowns and relocation of American manufacturing and jobs to foreign countries.

Congress and this administration can and should encourage private sector job growth in this country, not hinder it with unreasonable regulations.

I urge my colleagues on both sides of the aisle and the Obama administration to join me in removing barriers to job creation and support both H.R. 2250, the EPA Regulatory Relief Act of 2011, and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

□ 1450

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. I rise in support of the Waxman amendment. As long as Mr. WAXMAN has been in the Congress, he should know that recently a new group has arrived here, and there are three things that you shouldn't do, and that is ask for anything that might be good for the President of the United States, ask for anything that could improve the environment of the people that breathe the air, and for God's sake don't ask them to bring up any bills that could create jobs.

Having said that, it just seems to me that we're involved in a political fight that concerns Democrats and Republicans and others; and yet you would think if you listened to the debate that the air in which we breathe, there's a Democratic area and there's a Republican area, or when you start talking about this is saving lives through providing an opportunity for our youngsters to be able to grow up in a healthy environment that we're just talking about Democratic babies. What we're talking about—pardon the word “scientific”—is a connection between pollution of the air and how people breathe it and what happens to their general health.

I don't really believe that anyone challenges the fact that whether it happens on a 9/11 site or on a coal mine that what you breathe is going to have an impact and if indeed it leads to illnesses, that's going to be very costly. And so it just seems to me that if we concentrate on what can we do, I know there are people who don't like the President, but there are millions of people that go to sleep every night wondering what the heck are we doing in the Congress, and it just seems so unfair for us to go back and say, we cannot bring out a bill that the President proposed that's going to create jobs.

It would be different if we said we're going to bring it out, and we're not going to vote for it; or we're not going to bring it out because we have our own bill. It just seems to me that very few Americans are going to sleep at night wondering what happens at cement factories throughout the United States. Maybe those from Texas or those that have one or two in their districts might have some concern as to whether it would cost their employers and businesspeople in order to clean the air, but that's a constant problem we always have when it costs a little extra to do the right thing to extend the value and, indeed, the condition of life.

But to get back to jobs, there's something going on in America; and I don't know whether or not it reaches the floor, since the best place to find out what's going on in the country is right here, as we come from 435 different areas and we come to tell what's happening.

In New York, people are mad as hell. They're not going to take it anymore. They're not against Democrats; they're not against Republicans. They just don't see why they have to suffer the way they do after some of them have lost their ability to go to school, have lost their jobs, have lost their savings, have no idea what the future looks like for them, and we're not even giving them hope.

Hope has made our middle class, not the rich that control most of the Nation's wealth, and certainly not the

poor that people all over the world would like to escape. But when you see the hope for the middle class just dropping and squeezing and pushing people into poverty, it seems to me that we have a higher responsibility than that.

Often I ask for our spiritual leaders to help us, because, hey, it's right over the Speaker: "In God We Trust." That means that we don't have to trust each other, but maybe if some of the rabbis, ministers, and Catholics could come down and try to get our priorities in order, because if you're talking about human life, that includes the ability to have health care, to have a healthy environment in terms of housing, and I think we do have a moral obligation not only to get ready for the polls in 2012 but to do something for the people who are so completely helpless now.

I would like to emphasize that there's no way to split up the jobs with Democrats or Republicans, and so we are not being fair to the Republicans or that the cement is going to hurt us and not you. These things are so non-political that I just hope that someday, and someday very, very soon, we will respond to the frustrated people we have, even the wealthy, and come up with something on the floor that whether we win or lose, we can be so very proud that we're doing something to improve the economy, put America back to work, have things once again made in America.

I want to thank the gentleman from California for at least directing us to the right track, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman.

I was proud to work with my colleagues on the committee in developing the Cement Regulatory Relief Act.

Let's just take a quick gander at what's happened here. Last September, the EPA released new regulations—that's kind of a theme we've been hearing a lot lately—new regulations on the American cement industry. These new requirements will cost \$3.4 billion, it will close 18 of America's 100 cement plants, and leave 20,000 more Americans without jobs. In my district alone, the 11th Congressional District in Illinois, 155 companies use that cement daily.

This is the same story, but just a little bit of a different subject: the same story of over-regulation, more government, more rules, more paperwork, more disclaimers, more everything that people are sick of in Washington, D.C. This is just more of it. This is typical of over-regulation. Somebody comes up with an idea and says, what's the sane thing to do here, or what can

we do that will way overstep the role of the Federal Government? Well, that's exactly what came down within the rules.

All we want to do is give a little more time for the cement industry, instead of saying, well, this is catching us flatfooted again, 18 of our plants are going to close, we're looking at this and saying, how can we keep these open and create jobs? There's been a lot of talk in this body, as there should be, about creating jobs, about the economy. Look, I'm 100 percent in. We want to create jobs, and so some of the things we see are, well, we need to spend additional Federal Government money, the size of what we'll call stimulus 2.

I tell you what we need to do. The very first step to creating jobs in this country is to stop killing them. That would be a great move in the right direction. If we stop killing jobs, then we can regroup and say, now how can jobs be created in the private sector? Yet we continue on and on with more and more regulation. We now hear the industry saying, look, this is going to cost 20,000 jobs. It's your prerogative out of Washington, but this is going to cost us 20,000 jobs. This is typical Federal Government over-regulation.

We have a responsibility here to do the right thing. We have a responsibility to do the economically and environmentally sound thing. When this rule goes into effect, the same amount of cement is going to be needed, so it's not like we're closing 18 of 100 plants and we're going to use 18 of 100 plants' less worth of cement.

We're still going to need to use that cement. Right? In fact, in the stimulus 2, they talk about the fact of spending more on cement. Well, then, okay. So what happens is these plants close, and we have to buy that cement from China. This is a great bill, and not the one where we're talking about saving jobs here, but if these rules go into effect, that will be great for creating jobs in China, and China has zero environmental constraints like we have here in the United States.

So what's the environmentally right thing to do? Keep these jobs in the United States, where there are good environmental regulations in place, take a look at what we need to do, but not send them over to a country that all they care about is pumping out cement, and they care nothing about the environment. That's the responsible thing to do. This bill simply gives regulators the time to develop practical rules for cement manufacturing facilities, and it's going to protect jobs in the manufacturing industry, the construction industry, and all those areas, these jobs which are otherwise going to be sent overseas.

Look, enough is enough. I mean, really, enough is enough. I urge my colleagues on both sides of the aisle,

please just support this. This doesn't have to be a partisan thing. This is just for America. How are we going to create and save American jobs so that the families who every day wake up and say, I wonder if I can pay my bills next week, I wonder if I can make my house payment, I wonder if I can make my car payment, I wonder if I can send my kids to college.

Some of those people that have those pains and wonder that every day work in the cement industry; and if these rules come into effect, that horror that they are predicting may happen, that they'll lose their job, will happen for 20,000 members and 20,000 citizens of the United States. I call for an end to the madness. Let's be sane about this. Let's finally, once and for all, save American jobs and then create them and do what we have to do to get this economy back to work.

I urge my colleagues to support this bill, and I yield back the balance of my time.

□ 1500

Mr. CLAY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLAY. I rise today in support of the Waxman amendment as well as of the subsequent amendments to come, especially the Capps amendment.

Mr. Chairman, we in Congress need to be working to create jobs. Instead of doing anything that would create jobs, my colleagues on the other side of the aisle are making yet another assault on our public health and the Clean Air Act in the form of H.R. 2681. We should pass the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible.

As my friend the President said, "Pass the bill. Pass the bill." Then we will create jobs.

Unemployed Americans need emergency jobs legislation now, not an ideological attack on public health. Instead of focusing on jobs, Republicans want to eliminate or delay reasonable Clean Air Act regulations. This will jeopardize our public health and the clean air that we all breathe—regardless of party affiliation. This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. It will also be very cost-effective. This regulation provides up to \$19 in public health benefits for every dollar spent on reducing harmful air pollution.

I represent the State of Missouri, the St. Louis metropolitan region. Less than 100 miles south of the St. Louis metropolitan area, we have the largest cement kiln in the country. The people that I represent in the St. Louis region suffer disproportionately from pollutants in the atmosphere, pollutants that

come from that nearby cement kiln, as well as from other pollutants that are emitted through smokestacks in the region. Children in my district suffer from a high incidence of asthma as well as from other respiratory diseases.

Mr. Chairman, let me make it rather personal. Shortly after my youngest son was born, he contracted asthma. It is no mere coincidence, as we were so close to a cement kiln, that he, as well as thousands of other children in the St. Louis region, suffer disproportionately from asthma attacks and respiratory diseases that are unnecessary.

The Clean Air Act is a commonsense approach, a balance, in order to allow for industry to do its work and create jobs and to also protect those children and others who live in the St. Louis region who have to breathe this air. The Clean Air Act is a commonsense approach, and it does not deserve to be attacked.

I urge my colleagues to pass the Waxman amendment as well as the Capps amendment.

With that, I yield back the balance of my time.

Ms. CHU. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. I rise today in strong opposition to H.R. 2681 and H.R. 2250.

Some in Congress want to use the jobs crisis as an excuse to roll back clean air protections that will prevent 9,000 premature deaths every year. Today, we are debating an unnecessary, wasteful bill that only delays long overdue pollution-reducing regulations at the expense of Americans' health. This is one of the Republicans' so-called "jobs bills," conducting redundant and costly studies that will do nothing but add paper to landfills instead of creating jobs by upgrading cement kilns so that they are no longer a threat to public health.

These studies have been done. Americans are still breathing mercury, arsenic, and lead; but we have a means to clean it up. It's called the Clean Air Act, and it was passed in 1963. It is known as one of the most successful pieces of legislation in congressional history; yet the Republican majority is trying to gut it over and over, bill after bill, wasting time and energy that could be spent passing legislation that would help create new jobs for Americans. Today's bill would cancel requirements to clean up toxic air pollution, smog, and soot from cement plants.

So, while big companies save a penny or two, American families will face billions of dollars in increased health costs. Thousands more people will go to hospitals with cases of bronchitis, heart attacks, asthma attacks, and thousands more will die prematurely. These pollutants are also neurotoxins, causing major harm to the develop-

ment of unborn babies, infants, and children.

While the majority claims that eliminating this antipollution rule for the cement industry will be good for business and the economy, the EPA rule institutes new standards based on the best available technology already in use in the industry. Let me repeat that. This rule that the Republicans are trying to weaken is based on the best available technology already in use voluntarily by a good portion of the companies in the industry.

What does that mean? These antipollution standards are actually achievable today, and companies are already using them and making a profit.

So today's bill is just another in a long string of anti-environment/anti-health attacks that look out for corporate interests over the best interests of American families. We cannot afford to give polluters a free pass to spew deadly, toxic air pollution that hurts our health and puts our children at risk. No matter what anyone says, increased pollution is not a sustainable path to job creation. Instead, we should be saving lives, saving our environment, and investing in the clean-tech jobs of the future.

I urge my colleagues to oppose this bill and the anti-environment/anti-American health bill that is up for a vote tomorrow.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 5, add the following:
(C) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Mr. Chairman, this atrocious bill, H.R. 2681, will make permanent changes to the Clean Air Act by weakening health- and science-based standards.

Cement kilns are a major source of mercury pollution as well as of other

toxic air pollution. However, until last year, these plants had managed to avoid any sort of requirement to reduce these emissions. Last year, the EPA finally finalized requirements for cement kilns to use readily available technology to cut their pollution. This bill that is before us today will now nullify the new health standards and direct the EPA to go back to the drawing board.

Mr. Chairman, my Republican colleagues would like to frame this as a debate between jobs and public health benefits, but I believe that this is, indeed, a false choice.

□ 1510

I am for jobs. The people in my district need jobs, but also we need clean air in order to be alive to get to those jobs and to work those jobs.

We know that since the inception of the Clean Air Act opponents of this law have been exaggerating the costs of implementing the regulations associated with the act while at the same time downplaying the benefits that the new rules have brought.

H.R. 2681, the bill before us, does not take into account the positive impacts on the economy and jobs that EPA regulations will have by spurring additional research and development of cleaner technologies and by making these same plants more efficient.

In a recent Washington Post article, the economist Steven Pearlstein takes issue with the Republican analysis of regulatory costs in an article aptly entitled, "The magical world of voodoo 'economists.'"

Mr. Pearlstein correctly notes that these EPA rules spur the creation of innovative new technologies that will not only control pollution but also create new jobs to install the emissions-control equipment.

Supporters of this bill, Mr. Chairman, will also argue that it will provide certainty to industry when, in fact, this bill as currently drafted does precisely the opposite.

As written, section 5 of H.R. 2681 will raise legal uncertainty and ambiguity by requiring the EPA to select the "least burdensome" regulatory alternative even if a stronger standard is feasible and would provide more public health benefits.

However, under current law, plant owners already have the flexibility to select an appropriate combination of controls to comply based on the practices of the cleanest and most efficient plants that are operating today.

The Clean Air Act requires that the EPA set toxic air pollution standards for cement kilns based on numeric emission levels that cleaner facilities are actually achieving right here, right now, today in this world, the real world.

Pollution control technologies that meet the requirements are commercially available and, in fact, many

plants in this Nation have already installed modern pollution control technology, even as you argue for this bill and against my amendment.

Mr. Chairman, even for policymakers that are responsible for enacting this legislation, the language in section 5 is ambiguous and vague.

I ask, Mr. Chairman, that my colleagues support this amendment.

With that, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I rise in opposition to the amendment by my friend, the gentleman from Illinois.

As I sit here and listen to the other side, they seem to be making the argument that if you pass regulations, then you are going to create jobs. It reminds me of what you hear in China and Russia, with more government intervention, more government regulations. Our friends on the other side of the aisle say that's creating new jobs. Yet on this regulation, we have had hearing after hearing after hearing in which people in the business come to Congress and say we don't know that we can meet these standards in the timeframe necessary.

We heard today, one cement kiln in Oregon has already spent \$20 million and still cannot meet the requirements of this regulation, and they have said they are going to have to close down. We have heard testimony that of 100 cement plants in America, 18 percent of them are going to have to shut down. So how do you create jobs by issuing regulations that make people close plants and lose jobs?

Now, I understand that we have a balance that we are trying to reach here, and that's the purpose of this legislation. We want to protect health. And, by the way, EPA in 1999 issued a cement regulation. And between 1999 and 2005, mercury emissions decreased by 58 percent during that time period. In 2006 they came out with a new regulation, and certain environmental groups didn't like it; so they filed a lawsuit. So as a result of that lawsuit, EPA had to come out with another regulation.

So our legislation today is simply staying the most recent regulation. As I said, they issued the regulation in 2006, environmentalists filed lawsuits, and EPA had to come back and issue a new regulation. Our legislation, because of testimony that is indisputable, that plants are going to close and jobs will be lost, simply asks EPA to go back and, within 15 months after the legislation is passed, come out with a new regulation and give the industry 5 years to comply. And if the administrator of the EPA wants to give them longer than that to comply, she may.

Of course we don't expect that she would do that.

But we have heard about mercury today, for example. EPA in its own estimates said that the Cement MACT that they've issued would reduce mercury emissions by less than one-fourth of 1 percent of global emissions. In fact, it is so small that they did not even give a dollar value of benefits to the reduction of mercury emission by their regulation.

So mercury, we know, is emitted naturally. It's also emitted globally. In fact, the Department of Energy said that 11 million pounds of mercury was emitted globally in 2005 from both natural and human resources. So this regulation that we are trying to delay is not going to have any impact on reducing mercury emissions by any significant amount.

Now, we have heard a lot about why don't you pass the Obama jobs bill. That's how you create jobs, instead of fighting EPA over regulations. The United States Congress has an obligation and a responsibility to question regulations that we believe are harming the economy, and I notice in today's The Hill it said Senate Democrats bucked Obama on his jobs plan.

So we are all committed to jobs, but I do not believe that issuing more regulations creates jobs when we have business owners large and small testify repeatedly that these regulations are going to lose jobs, that they are going to have to shut down plants at a time when the President wants to put more money into infrastructure needs in America, which is fine. You need cement to do that. Our plants are going to be closed, so we are going to be importing more cement from China, India, and elsewhere.

So I would respectfully, though I have much admiration for my friend from Illinois, oppose this amendment.

The Acting CHAIR. The time of the gentleman has expired.

□ 1520

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I yield to the gentleman from Illinois.

Mr. RUSH. I thank the ranking member for yielding.

Mr. Chairman, I have some questions that I want to ask the Members on the other side.

How much time do you need? How much time are you asking the American people to wait? How much longer do they have to wait for the EPA to finally come up with rules and regulations that will regulate the cement kiln industry, an industry that up until this date, 13 years later—13 years later—still no regulation on the cement kiln industry? Thirteen years.

And then you have the audacity to come before this Congress and come before the American people and say, after 13 years, We want you to wait even longer. Another year and a half for the EPA to act on this bill and another 5 years, another 5 years before this bill will force them to comply. That's a total of 18 years, 19 years, 19½ years. You want the American people to continue to breathe bad air, to get diseases, cancer, lung diseases, another 19 years?

How dare you come before the American people and come before this Congress and say you want more time. They've had 13 years, and most of the industries in this Nation have already complied. This one industry, the only one, the one you're trying to protect, it's the only one that's excluded. And I say we can't wait any longer. The American people can't wait any longer. Our children can't wait any longer. Our senior citizens can't wait any longer. We can't wait any longer. We cannot give them another 7 years.

Mr. WAXMAN. If I might reclaim my time, I think the gentleman is absolutely right. The gentleman from Kentucky said that they had a witness that said it's irrefutably true that they're going to lose all of these jobs. That same witness urged our committee to repeal the Clean Air Act, which seems like what the Republicans would like to do, but they want to do it bit by bit.

This amendment before us by Mr. RUSH addresses one of the most egregious provisions of the bill. It changes the requirement. It changes the standard. And it would set up a standard that would be litigated for many, many more years. He talked about how long they have been let off the hook. They'll wait many years after that because the courts will have to decide it.

What his proposal is and this pending amendment is to say this bill would be in addition to a standard that's already in place, and that standard is to require the use of a maximum achievable control technology to control the emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This is not a pie-in-the-sky technology. It's requiring technology that's already being used at the present time.

And so it would set up a floor for each toxic air pollutant that reflects the emission levels that are actually being achieved in the real world. The bill before us would strike that and replace it with a requirement that would be the least burdensome on the industry, even if it's the least effective in stopping the harm to children and others from the mercury and other toxic pollutants.

So I rise in support of the Rush amendment. I urge my colleagues to adopt it. It simply states that we're not replacing the requirement that's in the law. A requirement would be added onto it, and it would clarify that EPA

should set numeric emission limits to reduce the air toxic pollution from cement kilns unless such limits are not feasible as described in the statute.

I urge my colleagues to support the Rush amendment, and I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members that remarks should be directed to the Chair and not addressed to other Members.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, I appreciate the recognition, and I rise in support of the Rush amendment and in opposition to the underlying bill.

First of all, let us lament the fact that we are not considering on the floor today a jobs bill. Now, I understand that my friend from Kentucky believes this affects jobs. He may well be right. But it doesn't affect jobs in the short term. In fact, as the gentleman knows, one of these regulations that is the subject of legislation this week has been stayed until next year, and the EPA is working very closely with the cement industry and particular individuals in the cement industry to try to work towards an implementation which they can in fact comply with.

What is lamentable, however, and the gentleman from Kentucky mentioned it, that somehow, and he pointed at the Senators, the Senators don't agree with the President's jobs bill. In fact, the Senators do agree with the jobs bill; they don't agree with how it's paid for. And so they have a different pay-for. That, I suggest to you, is the legislative process.

But what I tell my friend from Kentucky, what my friends on the Democratic side in the Senate and the Democrats in the House both agree on, we ought to be considering jobs legislation. We ought to have every day on this floor, 5 days a week, legislation trying to get Americans back to work; millions of Americans who can't find jobs, who can't support their families, who psychologically are being damaged daily by their inability to have a job. That's what we ought to be doing. We've been in this Congress now for almost 10 months, 9 months plus, and we haven't had a jobs bill on this floor.

The President of the United States came before the Congress and the American people and said: I've got a bill, the Americans Jobs Act, and it invests in creating jobs, invests in putting money in people's pockets, and invests in making small businesses more able to expand their base, expand jobs, and grow their businesses. It invests in making sure that our schools are appropriate for our kids, and it invests in making sure that 240,000 teachers stay

on the job educating our kids so when they get out of school they can get a job.

And yet, my friends, we're here talking about two industries vital to America's well-being. I couldn't agree more with the gentleman from Kentucky, we need to have regulations and rules that are consistent with Americans being able to grow their businesses. And the gentleman from Kentucky said you're concerned about the air. I'm absolutely convinced of that. I know you are. But I'm also convinced that the gentleman from California, who's been such a giant in this effort for clean air in America, was correct when he said the witness said you ought to do away with the Environmental Protection Agency and the Clean Air Act.

I have a granddaughter who has asthma. Now, luckily, we have an intervention that she puffs on every morning and every evening that helps her. But throughout the rest of the day, she puffs on the air in our country, in our State and in our county. And Americans expect us as their Representatives to try, to the extent we can, to make sure that air is healthy and breathable and life-sustaining.

And so, yes, we have to make a balance. And that balance is between making sure that our people are healthy and making sure also, hopefully, that they're wealthy; not wealthy in the sense of being rich, but wealthy in terms of having a job, having the self-respect of a job and the ability to support themselves and their families.

We ought to be considering a jobs bill. I know you say these regulatory bills are jobs bills, but I want to call your attention to an article written by somebody who you may know, Mr. Bruce Bartlett. As you know, Mr. Bruce Bartlett was in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and RON PAUL. He has never been on our press staff.

He says the focus on these regulations as if they are job creators or job destroyers is inaccurate. That does not mean we shouldn't pay attention to them; we should. But, ladies and gentlemen, we ought to have on this floor jobs legislation, job creation legislation.

Bring to the floor the President's bill. If you don't like it, vote against it. If you don't like it, amend it, but give the American public, the American people the chance to have a jobs bill considered on this floor to give them hope and opportunity.

I yield back the balance of my time.

□ 1530

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. CARTER. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, there's a pretty heated argument going on here, and there are a couple of things I would like to point out here. First off, the EPA is conducting a reconsideration of certain aspects of the recent cement rules. However, EPA is only reconsidering a certain aspect of these rules. EPA has stayed the effective date on only one of the three rules proposed. They have stayed it only for a short period of time, and environmentalists have sued the EPA for staying the rule. None of the compliance dates for any of the three recent cement sector rules have been changed, and it is not clear that they will be. Only a legislative stay will provide regulatory certainty for these rules.

President Obama has publicly stated to us that he learned that "shovel-ready" doesn't always mean "shovel-ready," and that we are still waiting for some of the projects from the original stimulus bill to be created because "shovel-ready" doesn't mean "shovel-ready." And, in fact, we have a few of these in my district.

But let me say this: What we're talking about here is something that we've heard from the administration since the Obama administration has been in charge, and that is it is a success if you have prevented the loss of jobs. So you take credit for saying we didn't lose certain jobs because of this action. Well, we have evidence here that says we are going to lose certain jobs because of this action. In fact, we are told that we could have the close-down of 20 percent of the cement factories currently in existence within the next 2 years. That means shut down and either moved overseas or just shut down and no longer in business as a result of the regulations that are imposed by EPA. And that's actually not only the industry, but even EPA acknowledges that that is a possibility.

So what this amendment that is proposed here does is it says—and the argument we heard was we ought to be ashamed of ourselves for the position we're taking and that for 18 years we've done nothing. Well, for 18 years, we've not exactly done nothing. In 1999, regulations were imposed by the EPA which were submitted to the cement industry; and they, by their own statement of EPA, they put those in place, and then the regulations changed in '06 and they were in process; and many, as we heard from our friend from Oregon, have put those regulations in place to reduce emissions. In fact, we have reduced mercury emissions by 56 percent by the regulations that have been put in place and the implementation that the industry has done.

So it seems to be maybe another case of legislative negligence here to make

the accusation that we have done nothing for the 13 years that have gone forward. Of course, that is just not true. They have done something.

But now we've got the example of the plant that is in Oregon which has met the '99 and met the '06 regulations, and now they're looking at these regulations and the standard we have to meet, which is a 1 percent versus a 5 percent standard, .01 versus a .05 percent standard, that the folks in the European Union have set as a clean air standard. They are five times dirtier than what we are proposing, and they've taken a look at it and said, we can't meet this standard within the time frame that EPA has set forth for us.

So what we, by the underlying bill in this case, have said is EPA is supposed to be a real-world operation that this is supposed to meet. It is clearly—at least the industry feels in the timeframe set we can't meet that real-world standard. Therefore, how about taking another look for the next 15 months at these standards; and then when you come up with something that can be met in the real world, give us 5 years to implement, which is pretty reasonable if you look at the distance between '99 and '06, between the time the regulations changed the last time. It is right within the same time frame. But all of a sudden, we have accelerated the implementation of these rules, and we've set standards that we pretty well agree, everyone agrees, are not meetable.

I oppose this amendment and I support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 17 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least \$7 to \$19 in health benefits, due to the avoidance each year of—

- (1) 960 to 2,500 premature deaths;
- (2) 1,500 nonfatal heart attacks;

- (3) 1,000 emergency room visits;
- (4) 17,000 cases of aggravated asthma; and
- (5) 130,000 days of missed work.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Chairman, it's my sincere hope that we can all agree to this amendment because it would simply add a finding to the underlying bill of illustrating the health benefits of EPA's mercury and air toxics cleanup standards for large cement plants. Opponents of these clean-up standards argue that they cost too much. I don't happen to agree with that assessment. But while we can debate the cost of the standards, the health benefits are not in dispute, and that is why those facts should be included as part of this bill; and that is what this amendment makes in order.

Mr. Chairman, for decades, cement plants have been one of the largest pollution emitters in the United States. They are responsible for some of the most dangerous air pollutants in the Nation, including mercury and other emissions that react in the air to form soot and smog. But some cement plants are still failing to comply with basic Clean Air Act protections that are 13 years overdue. And that's why the EPA took final action last year to require these large cement plants to cut their emissions and to simply follow the law.

EPA science and health standards are based on the track record of the existing plants that do the best job at limiting harmful emissions. In fact, many plants have already installed modern pollution control technology that meets these requirements. But instead of supporting the EPA's lifesaving clean-up standards, the bill before us would delay these standards by at least 4½ additional years. And it eliminates any deadline by which cement plants must comply with EPA's safeguards. This could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each and every year.

These pollutants can cause cancer. They can impair brain development, and they can harm children's ability to learn. They affect the kidneys, the lungs and the nervous system, and they cause lung and heart disease and premature deaths.

Now, you've heard that some large cement plants want a free pass from cleaning up air pollution in the name of jobs. But indefinitely delaying EPA's clean-up standards will not prevent job losses. What it will do for certain is to put the lives and the health of millions of Americans at risk. Failing to implement the EPA's air pollution standards for cement plants over 1 year would lead to as many as 2,500 premature deaths, as many as 1,500 heart attacks, about 1,000 emergency room visits, about 17,000 cases of aggravated asthma, and 130,000 days of work missed by people affected.

It's clear that the benefits of these pollution safeguards significantly outweigh these costs. For every dollar the cement industry spends to clean up one of its plants, Americans get up to \$19 in health benefits back, and this fact is backed by peer-reviewed science.

□ 1540

What other investment results in this astonishing return for the American people? That's why I'm offering this simple amendment today. It would remind us of all the tremendous health benefits that EPA's mercury and air toxic clean-up standards will achieve.

So I urge my colleagues to support this straightforward amendment to the bill.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the gentleman from California's amendment. In doing so, I would be the first to recognize that she has been one of the real leaders in the Congress of looking after the health of all of our constituents in the U.S. The reason that I'm opposed to this particular amendment, however, is that she asks us to adopt EPA's findings about health and cost benefits. She wants that to be adopted as a finding in the legislation. In our legislation, we don't have any findings that we're adopting at all. And one of the reasons, among many, that we are opposed to putting the health and cost benefits as a finding in the legislation is that we have not had the ability to undertake any full analysis of EPA's methodology in assessing those health benefits and costs. And we furthermore do not have any idea what assumptions they used.

And another reason that I personally am opposed to their health and cost benefits is that we know for a fact that they do not include as a cost the health benefits lost by family members of those people who lose jobs as a result of the regulation adopted by EPA.

So if you're going to look at the cost of health benefits that people incur for the emissions that may be affected by the regulation, you most certainly should examine and analyze the cost of the health benefits to those people who lose jobs, lose their health insurance, because there has been shown to be a direct correlation between economic livelihood and health. So because of that, I would be very much opposed to adopting this as a finding. We already know that EPA has set out their cost benefits and analysis. That's available to the public, so we're not really accomplishing any purpose by putting it in this legislation.

I would also just like to make one additional comment going back to my

friend from Illinois about delay, delay, delay. And I would reiterate what the gentleman from Texas said. EPA adopted the first cement regulation in 1999. They came back in 2006 and adopted another one. That would be in effect today except that the environmental groups filed a lawsuit against it. And as we know, the pattern seems to be environmental groups file the lawsuit, EPA enters a consent decree agreeing, and then they pay the legal fees of the environmental groups. So these regulations would have been in effect a long time ago if that lawsuit had not been filed.

So all we're saying is the industry and EPA and others had agreed to those second regulations, but once the lawsuit was filed, the regulations became so stringent that the testimony has shown that many of these plants simply cannot meet those standards.

So with that, I yield back the balance of my time and ask Members to oppose the Capps amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in favor of the Capps amendment, and I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, it's been 274 days since the Republicans took over the House. What do we have to show for it? Well, first up, they've introduced a budget that would end Medicare as we know it. Then the Republican-led House voted to take money away from NPR. Next up, they voted to make it easier to outsource jobs. And just last week, they even voted to cut programs supporting green jobs. Quite a record: not one single job-creation bill. So what's on deck for today? A bill that would allow more toxic pollutants in the air that we breathe.

I'm certain, Mr. Chairman, that if we went outside and asked 100 people, would you prefer dirtier, more toxic air, we are going to get 100 "noes." So why are we taking this up today? It's not because working families are clamoring for more toxins in their homes, at the workplace, or in the parks. This bill is a handout to the polluters of America. It says that their profits are more important than the health of our Nation. More asthma? Who cares. We've got to make a profit.

Well, let's admit what this underlying bill is really about. It's one more break for Big Business at the expense of working families and our communities.

The American people have had enough, Mr. Chairman. Let's stand up for public health. Let's stand up for common sense. I urge my colleagues to vote "no" on this dangerous and reckless legislation, and I urge the Republicans to get behind President Obama's jobs bill and put America back to work.

Mr. Chairman, I yield back the balance of my time.

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, I rise in favor of the amendment because I'd like to make the point that Americans watching this debate, Mr. Chairman, should not be fooled into believing that there is some false choice between being able to breathe and having a job. This is just a false choice. It's a trick bag, and it's unfair to make this argument to the American people.

The fact is we can breathe and we can avoid asthma and mercury poisoning and have a job. You don't have to have one or the other. And the fact is, Mr. Chairman, is that the folks who argue against regulations that protect our health and sometimes impose a reasonable cost on industry, these folks have never liked regulations that ask business to do their fair share.

This is not a new thing. This is not unique to the cement industry. This is an ongoing ideological debate which has been going on for a long time. But thankfully, Americans recognized that we needed to breathe and work. So we passed regulations. We passed and enacted the EPA. And we brought laws and regulations into being that would protect our health. But now we're being asked to say, Your health or a job? And this is being done in the middle of one of the most dramatic recessions since the Great Depression.

The fact is, this claim that if you get rid of all the regulations these corporations are just going to spring forward and start hiring people is untrue. There's no evidence of it. I'd love to see some proof of this claim. It's not the case. And you can't tell me that if some self-interested business person comes to a hearing and says, I would hire if we could get rid of regulations, I don't buy that. I want to see some real evidence. But there is none. That's why you don't see it.

The fact is that if you want to put people back to work today, we've got to pass the President's American Jobs Act. We ought to be on the floor talking about the President's American Jobs Act. We ought to be talking about the infrastructure bank bill. We need to be getting Americans back to work because the real reason that our economy is dragging along and unemployment is so high is because our government is not putting people back to work by investing in infrastructure, by refurbishing our school system, by putting the necessary investments into the 21st century. That's what we need to be doing, not just relieving industry of the responsibility to respect our environment and our lungs.

So I just want to say, and to say again, Mr. Chairman, that I hope the

folks watching C-SPAN don't fall for the okeydoke, and be very, very careful in listening to this debate, and don't allow themselves to be fooled into thinking that they can either have a job or they can have lungs, but they can't have both.

Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I rise in opposition to the Capps amendment.

First let me say that the underlying concept behind the Capps amendment is fine. We are all concerned about the health of people.

Everybody's using examples of asthma. I have asthma, okay; that's why I sound like this. All right. So I understand asthma. But I want to point out some things about this that concern me.

First and foremost, we have scientific information. And what the chairman of the subcommittee said is that we don't know exactly upon what methodology the EPA bases its analysis of the health care incidents that occurred from this industry.

□ 1550

There probably are health care incidents. The question is, what's the analysis? And I would start with scientific evidence that has appeared here today that somewhere between 100 and 85 percent of the mercury pollution that's found from the Pacific Ocean to the Mississippi River comes from foreign sources.

My first question would be, in their analysis, did they analyze that relative to the mercury—infant child brain damage relative to the somewhere between 100 and 85 percent of the mercury—that comes from foreign sources, which we have no control over? And we could shut all our concrete plants down, which we may do, and the result would be, I don't know, somewhere between 15 percent better and no better, at least west of the Mississippi. So did they analyze it that way accordingly?

And then, therefore, if they said that they did it that way, is the number they're talking about relative to the 15 percent or the 0 percent that these plants are creating?

I don't know the answer to that question. But that's the reason I think it would be an irregular thing for this Congress to do to adopt the findings of the EPA or other health organizations without us knowing what actual facts they used in their analysis of doing this. And I would think that would require a pretty hard and tough inquiry, not that I'm saying there's not health care issues with anything that goes in the air. Certainly, there's got to be.

Then another question we hear today is, why don't you guys quit talking—

you're not talking about creating any jobs. No, we're talking about the same argument that the administration's been using for the entire length of the administration. We're talking about saving American jobs, because there's no evidence to the contrary that if you close down a plant and it employs 15 to 30 workers, you lose 15 to 30 jobs, not 15 to 30 corporations, 15 to 30 American worker jobs.

If you close 20 percent of the plants, and there's approximately 100 in the country, then you're going to have 20 times somewhere between 15 and 20 jobs, whatever the number is. And these are \$65,000 to \$85,000-a-year jobs by labor. But we're going to lose those jobs. And this bill that this amendment is seeking to be attached too, its purpose is to save those people's jobs, those American laborers' jobs. I think it's something we should think about.

The American Jobs Act, if it can get the support in the Senate—to my knowledge, it has not yet been dropped in the House, but I'm sure it will be sometime; someone will step up and do it.

And then the question becomes, what about the President's public statement that shovel-ready doesn't mean shovel-ready?

Well, if you're going to have to bring in a part, a major part of fixing highways and schools, which is concrete, if you're going to have to bring in the element of concrete, because Portland cement, as my colleague has corrected my Texas language, is an integral portion of that, if that has to be brought in from China, don't you think that also is going to slow down again the President's complaint that shovel-ready doesn't always mean shovel-ready? I think it is.

And, in fact, do we have any quality assurance that when we build that bridge across the Mississippi River, like we did in Minnesota, that the cement that we put into that bridge is of an adequate quality that we feel safe driving over? I don't know, but that's going to be our option if our cement industry goes overseas.

So at some point in time we have to ask ourselves, we're losing jobs when they close plants. If it's so onerous that they have to move, then why not take time to study and come up with something that actually works in the real world, as this EPA rule is supposed to work?

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I rise in support of the Capps amendment.

The Capps amendment doesn't change the bill. It allows the bill to go into effect, but the amendment would simply add the health benefits findings

in the legislation. It doesn't change what the bill does, but it does provide crucial context for the bill's provisions.

Now, I should point out that the bill, itself, nullifies the cement kiln rules and forces EPA to start all over again. In doing so, the bill nullifies all of these health benefits such as fewer asthma attacks, avoided premature deaths, reduced exposure to toxic pollution. In its place the bill offers no guarantee that any new rules will have to achieve the same level of public health protection. So the Capps amendment ensures that we have an honest accounting of the health benefits that the Republican leadership says we should erase because they just aren't worth it.

Well, I would urge that we vote for the Capps amendment because this finding is important for Members to have so that they understand they're voting with their eyes wide open to eliminate those very health benefits.

I just want to respond to this business about China. It's like we're going to close down cement plants and bring it all into the United States from China. Well, that just doesn't make a lot of sense. That's just not credible. U.S. clinker output has dropped nearly 50 percent since 2006, but the imports have declined by more than 80 percent. How could that be?

Well, there's a lack of demand. That's the reason we have a problem. The domestic cement industry is regional in nature. According to the Portland Cement Association, the cost of shipping cement prohibits profitable distribution over long distances. As a result, customers traditionally purchase cement from local sources. If we're not producing more cement, it's not because we're bringing it in from China. It's because the demand is not there.

Now, the findings that the Capps amendment would put into place are based on the EPA's economic analysis that has to follow criteria set by the Office of Management and Budget. So they're based on peer-reviewed studies. They're transparent. They're subject to public comment. They're reviewed by the Office of Management and Budget.

The industry studies meet none of these criteria. Members can get up here and say numbers of jobs that will be lost, but we don't know where those numbers have come from. We haven't seen any peer-reviewed studies.

In 40 years of experience in implementing the Clean Air Act, we've heard these predictions of disaster time after time, and yet the economy has continued to grow. Chicken Little has nothing on industry when it comes to requirements to clean up pollution.

So when we hear that we can't protect our children from toxic pollution, from brain damage, from cancers because plants will close down, I would urge my colleagues not to believe it. I

don't think we have to make that stark choice. And if you're going to make that stark choice, don't oppose the findings being in the bill because you don't like those findings, you don't want to face those findings. I think we ought to have them in the bill because that's exactly what we're going to do.

So if you're going to support this bill, then support it with the understanding that those public health benefits will be lost.

Mr. CARTER. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding. I just want to correct—maybe you said it wrong; maybe I said it wrong. If I did, I apologize. I'm not saying Chinese industry will move to the United States. I'm saying that if they close down plants in the United States, which the industry has given us a percentage of at least 20 percent of the plants will close—and we know the construction of a new plant in Alabama will stop until the stay—then I'm saying that then we would have to supplement that by overseas shipments from the largest producer of cement in the world, China.

Mr. WAXMAN. Reclaiming my time, I did understand you to say that, and I just can't think of that as a credible statement because we've already had a drop of nearly 50 percent since 2006 of cement in the United States. That didn't mean we brought in more from China. In fact, our demand, our imports from anywhere else declined by more than 80 percent.

□ 1600

So it's not a question of we're going to have to come from China; we just don't have the demand. I think we should take the cement industry at their word, when the Portland Cement Association tells us the cost of shipping cement prohibits profitable distribution over long distances. We can continue with our own industry and still meet these health-based standards.

I yield back the balance of my time.

Mr. KINZINGER of Illinois. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman. I'll be pretty brief in saying this.

It seems like we've often taken this idea of jobs and everything else, and, again, in Washington D.C., we have two epic competing viewpoints right now: One says that we need jobs; the other says we need jobs. One says we need jobs through more government spending, more government interaction, more stimulus. In fact, I had a colleague once tell me that the problem with the stimulus is it wasn't large enough. Well, I guess stimulus 2 that's being proposed is actually half as large.

There's different competing things on how to create jobs, but the one thing we can all agree on is the Environmental Protection Agency needs to protect the environment and it needs to do so at prevention of killing and stopping job creation or putting people out of work.

Again, when we talk about this whole issue, I think the thing that needs to be very obvious here is we need cement, obviously, to build infrastructure. The industry is saying, You're going to cost us 18 out of 100 plants and you're going to cost 20,000 jobs. Now, we can take issue with that. I just heard my colleague say that we have to take the cement industry at their word. I agree. This is what's being said: 20,000 jobs.

So the question is, now, do we just go ahead and say, Well, let's not give any additional time to figure out how to comply with these regulations so those jobs aren't lost; let's just take the arbitrary number and move forward? All we're trying to do is buy a little more time to allow the industry to protect those 20,000 people.

Imagine right now—and it's not just a number. Imagine there are 20,000 people out there in the United States right now that are going about their business. It's 4 o'clock on the east coast, so some are maybe getting off of work, or maybe they're going to a second shift, and they have no idea that this faceless 20,000 number is actually them. They are that 20,000 number right now. They don't realize it. They've got the little "20,000" above their head. They say, I hope my job's safe; but no, it's them. Because if these rules are allowed to go into effect haphazardly like this, they will be out of work.

Again, we have two competing philosophies here, and we can talk about those philosophies, but ultimately the first thing we have to do is quit killing jobs. It's the Environmental Protection Agency. It's not the Employment Prevention Agency or anything along that line.

We've got a lot of work to do. This is a great bill, and I would urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR (Mrs. CAPITO). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 1 OFFERED BY MS.
SCHAKOWSKY

Ms. SCHAKOWSKY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Thank you, Madam Chair.

My amendment is simple. It would include in the findings the scientific fact that mercury released into the ambient air from cement kilns is a potent neurotoxin that can damage the development of an infant's brain.

Let me just read the finding from my amendment. It says, "The Congress finds that mercury released into the ambient air from cement kilns addressed in this act is a potent neurotoxin that can damage the development of an infant's brain."

That is just fact. This is not up for debate. That is just a fact and should be acknowledged in the legislation, that mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend. Developing fetuses and children are especially at risk to even low-level mercury exposure that causes adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high enough to put their developing children at increased risk for cognitive problems.

Cement kilns are among the largest sources of airborne mercury pollution in the United States, and there is existing technology right now that would prevent that. When mercury is pumped into our air, very often it ends up in bodies of water and is ingested by fish. Mercury-contaminated fish are found in almost every American body of water, and eating contaminated fish is the dominant cause of mercury exposure in people.

This is a serious problem in my home State of Illinois. In April, Environment Illinois issued a report showing that the amount of mercury in the average sport fish tested in 36 counties exceeds the EPA safe limit for regular consumption. Due to this contamination, the Illinois Department of Public Health warns women and children to limit their consumption of fish.

Illinois is not unlike other States. According to the EPA, nearly every fish nationwide contains mercury. The EPA actually advises women who are pregnant or who may become pregnant to eat no more than 12 ounces of any fish per week, and to eat limited or no amounts of fish that have high mercury content. That advisory has also been issued for infants and children. That's because we know beyond any scientific doubt that mercury inhibits brain development in the fetal and early childhood development stages. EPA analysis and peer-reviewed studies show that mercury leads to increased incidence of neurological disorders, increased incidence of learning disabilities, and increased incidence in developmental delay.

The EPA cement plant standards would reduce this major threat without undue burden to industry. The standards will lower the mercury exposure of more than 100,000 women of childbearing age in Illinois whose blood mercury levels exceed the recommended limit. When fully implemented, EPA estimates that mercury emissions from cement kilns will be reduced by 92 percent. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new untested and legally vulnerable guidance for setting air pollution standards.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? H.R. 2681 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children by increasing mercury emissions, we should be willing to acknowledge the scientific fact that EPA inaction poses a serious health risk.

The previous speaker, my colleague from Illinois who spoke, said we have different philosophies. I hope not. I hope we agree that it is a rightful function of government to say that we don't want to overburden industry but we do want to say that our job is to protect the health and safety of the people of the United States, and mercury is a danger that is proven.

I urge my colleagues to support this simple amendment, and I yield back the balance of my time.

□ 1610

Mr. WHITFIELD. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentlelady from Illinois is certainly a valuable member of the Energy and Commerce

Committee, and is an effective advocate for her positions, but her amendment would require a finding that mercury emitted from the cement kiln is a neurotoxin.

I would first point out that EPA, itself, in its reports, has indicated that the regulation of domestic mercury, because of the Clean Air Act, has already decreased by 58 percent. It has also estimated that the Cement MACT that it issued, which is at issue in this legislation, would reduce global emissions of mercury by less than one-fourth of 1 percent. It also said that the Department of Energy estimated that the global emissions of mercury amount to about 11 million pounds.

So the amount of mercury that we're talking about in this cement regulation is so minute that the EPA, itself, did not even assign a dollar value to the benefit because it was so, in its opinion, inconsequential.

Obviously, Congress is not a scientific body. We know that mercury is dangerous, but when mercury comes out of a cement kiln, it comes out as elemental mercury. It then must fall into water, where organisms convert it to methylmercury. A fish has to take in the methylmercury, and that fish has to be cooked. Then someone has to eat it for it to be damaging to that person.

So these are very scientific assumptions. As I said, Congress is not a scientific body. The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in the bill. This statement simply assigns the responsibility for specific health impacts to specific sources when there are multiple sources of mercury in the environment, including natural resources. There is some mercury in the air as a result of cement kilns, but there is an awful lot in there which is natural, and then there is an awful lot that comes from sources outside the U.S.

We do not believe that the EPA can quantify any health benefit from reducing emissions of mercury from these sources, because they've said that themselves. Because of that, I would oppose putting into a finding this particular statement. I might also say to the gentlelady from Illinois that we don't have any findings in this legislation at all, so I would respectfully request that the Members oppose this particular amendment.

I yield back the balance of my time.

Mr. WAXMAN. I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair and my colleagues, this amendment simply states the finding of the science.

It simply says that Congress finds that mercury released into the ambient

air from cement kilns, addressed by these rules listed in 2(b) of this act, is a potent neurotoxin that can damage the development of infants' brains.

That's the finding. It's a scientific finding.

As I heard the argument of the gentleman from Kentucky, the chairman of the subcommittee, he said it depends on how much you've ingested and all that, but nobody's talking about that. This is just a finding of the science. He also indicated there is no finding in this bill. So what? This is an amendment to the bill.

EPA didn't put a dollar figure on the potential health benefits from reducing the emissions of mercury, carcinogens, and other toxic pollutants.

It's not that there won't be any benefits. EPA simply couldn't produce a well-supported dollar value estimate of those benefits given the time and methodological constraints. So I don't see how anybody can oppose this amendment, because it simply states a scientific fact. Let me be very concrete about it. This is a simple statement of a scientific fact. If Congress wants to go on record, as we already have in other legislation, that we don't believe in science, you can do it, but it doesn't wish the scientific finding away.

Mercury exposure in the womb, which can result from a mother's consumption of mercury-tainted fish and shellfish, can adversely affect the developing brain and nervous system.

You can't wish that away. You can't vote it down and say that it's not true.

Babies that were exposed to mercury in utero can suffer long-term problems with cognitive thinking, memory, attention, language, and fine motor and visual spatial skills.

You can't say that's not true. That's what the scientists have concluded.

In 1990, we adopted the Clean Air Act. We asked that these cement kilns and other polluters reduce those pollutants because they are toxic air pollutants. The Schakowsky amendment says there is a scientific basis for this law. She repeats the science. Republicans can amend the Clean Air Act and say we're not going to do anything about it, but they cannot amend the laws of nature. They cannot change the scientific reality.

I must also point out with this bill that, not only are Republicans urging that we deny the scientific reality, but they want to make sure we don't do anything about that scientific reality. The Schakowsky amendment doesn't change that. It only says that we ought to face the scientific fact, as I indicated, which is the overwhelming scientific consensus. I don't know anybody who's against this scientific consensus. If we vote against her amendment, we're denying the scientific fact that mercury is a potent neurotoxin that can damage the development of an infant's brain. I don't see how anybody could vote against that.

Even if you want to postpone the rules, even if you want to give the EPA more time and make the industry have to avoid coming into compliance for 10, 16, 18, 20 years, whatever it may be, it's irrefutable. This is the reason we want these rules in place. Otherwise, the Republicans ought to say, "We don't want the rules in place," because there's no reason to have these rules. If that's what they believe, then they can vote against the Schakowsky amendment, but it doesn't make any sense.

I don't know if I have any remaining time, but I would be happy to yield to the gentlelady from Illinois (Ms. SCHAKOWSKY) if she wants to say anything more.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. WAXMAN. I'll not even take that 30 seconds.

This is a question of voting on the scientific conclusion, so I urge my colleagues to vote for the Schakowsky amendment.

I yield back the balance of my time.

Mr. DENT. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. I rise with strong reservations about this amendment, but I also want to talk about the underlying legislation.

I think, really, what we have to be focused on here is jobs. Again, as I stated earlier during floor debate, I represent the largest cement-producing district in America. We have five cement plants in my district. Those five cement plants produce more cement than did the 50 plants that preceded them. We used to have 50 plants in my district, and now those five plants that are remaining produce more than the 50. The point is that the industry has become much more productive in many respects, including being environmentally more productive and sensitive.

That said, these new rules, these three rules in particular, will restrict the industry's ability to remain competitive with foreign producers. These foreign imports currently make up more than 20 percent of the total U.S. cement sales. If these three rules are implemented, we will see less domestic cement production.

To add insult to injury with respect to what the EPA is doing with their regulatory assault on the cement industry as well as on the coal industry, what they are doing here is just unfair to basic industry—to manufacturing, to industrial America. When you look at the stimulus law that was enacted a couple of years ago, look at what happened. Our stimulus dollars, Federal dollars, are being used to finance a cement importation terminal in New York City for the purpose of bringing in Peruvian cement.

□ 1620

No, I am not making that up; that's real. And I've talked about this issue before on the House floor. Because this regulatory assault on domestic cement and our own Federal Government, another arm of the Federal Government, trying to basically subsidize the importation of foreign cement, it's going to have a very negative impact on my congressional district, which is, again, the largest cement producing district in America.

And it's been stated before these NESHAP rules just cobble together a range of different performance characteristics for different pollutants without determining if it is possible for any single cement company to comply with all these standards simultaneously.

There are two other rules, the CISWI rule and the nonhazardous solid waste rule, that will deal with issues like tires.

And many modern cement plants here, as well as in Europe, use alternative fuel sources with high Btu content. They use tires. They use waste plastics ground up. Many of these materials and waste would be otherwise, ordinarily, landfill. We burn them in cement kilns with a high Btu content, and that replaces other fuels like coal.

So this is very important. It's a great reuse of these materials. If we leave those unsightly tire piles out and about, what will happen is we'll see another situation like we saw in Philadelphia years ago where the tire pile ignited and melted the I-95 bridge in Philadelphia. That's when many people started to realize that there was a better use for tires than letting them sit in these piles under interstate freeways and use them in cement kilns. It makes great sense, and these new rules will imperil our ability to use those types of waste fuel oils, waste tires and ground-up plastics. So this is something I think we really have to focus on as we deal with this issue.

Finally, I wanted to mention a couple of other things about what's occurring here. By scrapping these three existing rules and requiring the EPA administrator to develop and propose more realistic and achievable regulations within 15 months, we are going to provide more time for the industry to prepare for full implementation and compliance.

We are going to require that the EPA administrator establish compliance dates and requirements after considering compliance costs, non-air quality health and environmental impacts, energy requirements, the feasibility of implementation, the availability of equipment suppliers and labor, and the potential net employment impacts. That means jobs.

As has been pointed out at various points here, the industry today employs about 17,000 Americans, and we have lost more than 4,000 jobs in the

cement industry since 2008. As I pointed out, in a district like mine where we have five cement plants that are operating, and operating effectively—and not only the cement plants, but we also have ancillary industries, like the FLSmidth Company, formerly the Fuller Company, where they actually make cement equipment and build cement plants. These types of jobs are good-paying jobs, are essential to America's industrial base, to our basic industry.

We have to stop this regulatory assault on these types of manufacturing jobs. We can make things in America if our government will just allow us.

So, once again, I want to express my concerns regarding the underlying amendment but, at the same time, expressing my strong and unreserved support for the underlying legislation, which is much overdue.

Again, cement is a critical industry to our Nation, and it's time that we adopt this very important Cement MACT legislation.

I yield back the balance of my time.

Ms. HIRONO. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Madam Chair, I rise today in opposition to the two bills before the House, H.R. 2250 and H.R. 2681.

There is an old saying, "The people have spoken." The people spoke clearly back in 1990. They said, We want cleaner air and healthier communities. So President George H.W. Bush proposed changes to strengthen the Clean Air Act.

The legislation to carry out these changes was introduced by a coalition of 22 Senators from both sides of the aisle, Democrats and Republicans. Then, after an overwhelmingly bipartisan vote of 401–25 in the House and 89–10 in the Senate, the Clean Air Act Amendments of 1990 were signed into law. That was 21 years ago that these updates to the Clean Air Act were enacted. The law required acid rain, urban air pollution, and toxic air emissions to be combated by reducing the release of 189 poisonous pollutants. The deadline for implementing these changes was the year 2000. Eleven years later, the people of Hawaii and the United States are asking for the certainty that they were promised, the certainty that by 2000 their air, our air, would be on the path to being cleaner.

We have heard the arguments against these regulations before: They are too expensive; they will kill jobs. We have heard the same arguments for years. However, since the passage of the Clean Air Act 40 years ago, our Nation's economy has grown 200 percent.

When acid rain regulations were proposed after the 1990 law was enacted, industry claimed that it would cost \$7.5 billion to comply and tens of thousands

of jobs. But we know that that was not what happened. Instead, our economy added 21 million jobs and had the longest-running expansion in our Nation's history.

Recent surveys also show the biggest challenge facing small businesses today isn't regulation. The biggest challenge is that consumer demand for products and services is low.

We all agree that we need to help our economy and create more jobs, but we shouldn't be doing that at the expense of the health of our communities and our families. That is not the way to create jobs. Instead, it's time to give the American people the certainty that the air that we breathe won't contribute to asthma or heart attacks or birth defects; and it's time to give the American people the certainty that when they speak, as they did in 1990, their government will carry out their will.

So enough is enough. The deadlines are passed; the issues have been studied; the rules have been litigated and, in some cases, relitigated. Now is the time for the Environmental Protection Agency to finish the job it was given by Congress and finish these rules, and let's get to work on legislation to create jobs.

I urge my colleagues to join me in opposing both of these bills. The American people want jobs legislation now, not ideological attacks on the Clean Air Act.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

Mr. WAXMAN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. DETERMINATION; AUTHORIZATION.

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall

cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair, I oppose this bill on substantive grounds because it nullifies EPA's rules to cut toxic pollution from cement kilns and threatens EPA's ability to reissue rules that are protective of public health.

And we certainly had an exhaustive discussion of why we think this is not a good bill, but this bill has another problem: It does not comply with the Republican leadership's policy for discretionary spending.

When Congress organized this year, the majority leader announced that the House would be following a discretionary CutGo rule. This requires that when a bill authorizes discretionary funding, that funding is explicitly limited to a specific amount. The protocols also require that the specific amount be offset by a reduction in an existing authorization.

This rule was embodied in a document entitled, "Legislative Protocols for the 112th Congress." The majority leader announced that compliance with these protocols is necessary for legislation to be complied with before the bill would be scheduled for floor consideration.

Well, this bill fails to meet these protocols on two counts:

First, the bill does not include a specific authorization for EPA to complete the rulemaking required by the bill. After all, EPA finalized the cement rulemaking more than a year ago. EPA will have to start from scratch, according to this bill, and follow a whole new approach for setting emission standards. That's going to cost money.

□ 1630

Second, the bill does not offset the new spending with cuts in an existing authorization. In addition to violating the protocols of the majority leader, the bill violates the policies of the Energy and Commerce Committee. Chairman UPTON said the committee would be following a discretionary CutGo rule. He sent me a letter in June to clarify this CutGo policy with regard to bills pending before our committee, which said: If CBO determines that any of these bills will have a significant impact on the Federal budget, we will offset the newly authorized spending with reductions elsewhere.

Well, CBO has determined that H.R. 2681 does, in fact, authorize new discretionary spending. CBO determined that this bill will have a significant impact on the Federal budget because it requires EPA to spend resources on proposing and finalizing new regulations. CBO estimates that implementing this

bill would cost EPA \$1 million over a 5-year period.

Now, my Republican colleagues claim that this bill doesn't trigger the CutGo requirement. They say that EPA can use existing funds to complete the work mandated by the bill, but that's not how the appropriations law works. Not including an authorization in H.R. 2681 does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of "such sums as may be necessary." Anyone familiar with Federal appropriations law knows this and the Government Accountability Office or the Congressional Budget Office can confirm it.

My amendment would simply ask a third party to settle the debate. It requires the Director of the Office of Management and Budget, in consultation with EPA's Chief Financial Officer, the Comptroller General of GAO, and CBO, to determine whether this bill authorizes the appropriation of funds to implement its provisions and, if so, whether this bill reduces an existing authorization of appropriations by an offsetting amount.

If it is determined that this act authorizes the appropriation of funds without an offsetting reduction, the provisions in the act will be nullified. This is a truth-in-advertising amendment. With great fanfare, the Republicans announced they were so serious about addressing the Federal deficit that they would live by a new protocol on discretionary CutGo.

This amendment is an opportunity for the Republicans to live by their word. If we adopt this amendment and the legislation complies with discretionary CutGo, then the amendment will have no effect. If, on the other hand, this legislation fails to comply, as the Congressional Budget Office indicates, and has a significant impact on the Federal budget, then my amendment will ensure that the offending provisions do not go into effect.

I urge all Members to support this amendment. Let's hold the Republican leadership to their word.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. All of us are very much concerned about excessive spending by the Federal Government. We know we have a serious debt, we have a serious deficit, and all of us are determined to bring that in line and to solve that problem.

Now, the gentleman from California's amendment is trying to use the so-called CutGo rule as a means to invalidate this legislation. In our legislation, we do not authorize the appropriation

of any additional funds. We do not create any new programs in this legislation.

And I might say that each year EPA receives an appropriation for its activities, and we know that more than any other agency in the Federal Government, EPA is sued more than almost any other agency. At any one time, they have 400 or 500 lawsuits going. As a result of many of those lawsuits, they have to go back and they have to re-look at rules and so forth; and there's never any additional money appropriated to them for that purpose. So what we're doing in this legislation is no different than what they deal with at EPA every year.

Now, CBO did come forth and say that over a 5-year period, because they would have to re-look at these rules and issue new rules and so forth, there would be maybe a million dollars in additional cost. But that's not any different than what EPA goes through every year, as I said, because of lawsuits that are filed.

Our position is we do not authorize additional money in this legislation. We do not create a new program in this legislation; and, therefore, the CutGo rules are not applicable. And it is the decision of the House leadership to determine if that is the case or not, and they've determined that is not the case. So for those reasons, I would oppose the gentleman's amendment and would urge all Members to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, as the designee of the gentleman from Massachusetts (Mr. MARKEY), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water by up to—

(1) 30 percent in some areas of the western United States; and

(2) 17 percent in some areas of the eastern United States.

Page 5, line 11, strike "section 2" and insert "section 3".

Page 6, line 14, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 7, line 8, strike "section 2(a)" and insert "section 3(a)".

Page 7, lines 9 and 10, strike "section 2(b)(2)" and insert "section 3(b)(2)".

Page 8, line 3, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair, this amendment was going to be offered by Mr. MARKEY, and he strongly supports it, and I want to offer it in his place.

Power plants, cement kilns, incinerators, manufacturing facilities, and other industrial sources release toxic mercury into the air. These emissions travel through the atmosphere and eventually deposit to land or water. Once deposited, the mercury can build up in fish, shellfish, and animals that eat fish. Consumption of fish and shellfish is the main route of mercury exposure to humans.

EPA and FDA have warned women who are pregnant, of childbearing age, or nursing that they should limit their consumption of certain types of fish and avoid others entirely due to mercury contamination.

EPA's cement kiln rules are designed to cut emissions of mercury as well as other hazardous air pollutants. EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels.

EPA looked at how these reductions would affect the emissions that are deposited to land or water. EPA estimated that the cement rules would reduce mercury deposition by up to 30 percent in the West and up to 17 percent in the East by 2013. The agency's modeling indicates that the mercury deposition reductions would be the greatest nearest the cement kilns.

This amendment adds a simple finding to the bill, stating that EPA's cement kiln rules are expected to reduce mercury deposition in the eastern and western United States. This amendment does not change the substance of the bill. The bill still nullifies EPA's cement rules, which have been in place for a year. The amendment simply adds important context for this nullification. By nullifying the cement rules, this bill erases the reductions in mercury deposition that the rules would achieve.

This debate has shown us how we need this context. The bill's supporters have claimed that 99 percent of mercury is natural; and, thus, they imply, we don't need to worry about it. I have no idea where they get that figure. It wasn't from the EPA. But if that's why they're supporting this bill, their support isn't based on the facts.

The amendment sets the record straight. It makes it clear to all Mem-

bers that the cement rules will have a real and significant impact on mercury deposition. These effects will be the largest, of course, closest to the plants that will have to clean up their pollution.

□ 1640

But before we vote to throw out rules that have been in the works for over a decade, before we vote to leave communities exposed to toxic air pollution for years or decades more, let's at least recognize what we are throwing away. And what we'd be throwing away is this particular finding that is so important.

I urge all my colleagues to support this amendment, and I yield back the balance of my time.

Mr. SULLIVAN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. SULLIVAN. Madam Chair, Congress should not adopt as its own specific findings made by EPA in the context of these rulemakings. Congress has not undertaken a full analysis of the EPA's methodology in assessing these reductions. EPA's estimates encompass multiple assumptions that may or may not be true and which deserve further scrutiny.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11 million pounds, of mercury was emitted globally in 2005 from both natural and human sources. Emissions from these sources are modest when considered relative to natural and foreign emissions.

These projections are complex. Where these estimates have not been subject to rigorous scrutiny, it would be irresponsible for Congress to simply adopt EPA's findings as its own.

I urge a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. PALLONE

Mr. PALLONE. Madam Chair, I have an amendment to the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following section:

SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from cement kilns this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, I offer this amendment to this legislation that will ensure that the public health of Americans is protected under the bill.

In December of last year, the U.S. Department of Health and Human Services released their Healthy People 2020 report. And this report is a culmination of a major undertaking initiated under the Bush administration and completed by the Obama administration. It sets goals and objectives with 10-year targets designed to guide national health promotion and disease prevention efforts to improve the health of all people in the United States.

In Healthy People 2020, HHS sets a goal to reduce the American people's exposure to mercury. Mercury can cause aggravated asthma, irregular heartbeat, heart attacks, and premature death in people with heart and lung disease. In addition, mercury is a potent neurotoxin. It is toxic to all of us, but it's particularly dangerous to our children. That's why as part of the Healthy People 2020 report, HHS set a goal to reduce concentrations of mercury found in children's blood samples by 30 percent by 2020.

Children who are exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. The National Academy of Sciences estimates that each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury.

Cement kilns are one of the largest sources of air-borne mercury pollution in the United States, and yet here we are, Madam Chair, debating bills on the House floor that would go in the opposite direction. We're talking about nullifying regulations that are already on the books to increase infants' and children's exposure to mercury by indefinitely delaying implementation of a law to reduce these toxic emissions from cement kilns.

When the rules were finalized last year to cut pollution from cement kilns, the EPA conducted an analysis of the effects of the rule. The agency found that this rule would cut emissions of mercury from cement plants by 92 percent—almost 17,000 pounds of mercury each year that would be prevented from being released into our environment. For some places, like in the heart of the Western United States, that means a reduction of mercury deposition by 30 percent. And now in one fell swoop, Madam Chair, this legislation will reverse that 30 percent reduction.

My amendment would not let this happen if doing so would interfere with achieving HHS' goal. It would prevent this bill from going into effect if it interferes with the Department of Health and Human Services' goal of reducing our children's exposure to mercury. And I don't want to see this legislation enacted if it's going to affect our children's ability to talk, read, write, or learn. I don't want more people to be at risk for asthma and heart attacks, and I want Health and Human Services to be able to do their job. If they have identified mercury exposure as a risk to our children and to our citizens, I want them to be able to minimize that risk, and we should not interfere.

So, Madam Chair, I urge my colleagues to support this amendment and ensure that we can keep our country progressing towards improved public health and keep our children safe from environmental pollutants.

I yield back the balance of my time.

Mr. SULLIVAN. I rise in opposition to the Pallone amendment.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. SULLIVAN. This amendment calls for findings and also would effectively veto this bill. These are not findings for which we established an underlying record in the proceedings relating to this bill. The MACT program is a separate mandate for regulation and it operates separately from the Healthy People 2020 initiative as far as we are aware.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11

million pounds, of mercury was emitted globally in 2005 from both natural and human sources.

For these reasons, I urge my colleagues to vote "no" on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Pallone amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. First, this amendment simply adds a congressional finding that Federal agencies should support ongoing efforts to reduce Americans' exposure to mercury. This seems to me a no-brainer.

For the past 30 years, under both the Democrats and the Republicans, the Department of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and other agencies at the federal, State, and local levels have worked together to set science-based, 10-year national objectives for improving the health of all Americans. This is called the Healthy People initiative.

The Healthy People initiative has set critical public health objectives for 2020. These goals are the product of an extensive stakeholder process that involved public health experts, a wide range of federal, State, and local government officials, a consortium of more than 2,000 organizations, and the public.

The Healthy People 2020 initiative set a goal for reducing mercury exposure. This goal is to reduce the level of mercury in the blood of children and women of childbearing age by 30 percent by 2020. Mercury exposure in the womb or at a young age can adversely affect the developing brain and nervous system, damaging a child's long-term cognitive thinking, memory, attention, language, and fine motor skills.

This amendment states that Congress agrees that we ought to set this goal and we ought to try to achieve this goal as a way to reduce the mercury levels in children. I hope we can all agree this is a worthwhile objective.

The amendment also puts some weight behind this finding. If the EPA administrator determines that allowing cement kilns to continue emitting toxic mercury without controls threatens to block attainment of the Healthy People standard by 2020 to reduce mercury in children, then the bill has no effect. The administrator can reach this determination only after consultation with experts at NIH and CDC.

This amendment is common sense. There's no point in engaging in an extensive process to set broadly agreed upon goals to guide agency actions to improve the health of Americans and then adopt laws that prevent agencies from meeting these goals.

Now, if Republicans want to vote against these goals, that's what they'll

be doing if they vote against the Pallone amendment. Unfortunately, the bill we're considering today could hinder this initiative's goal to reduce children's mercury exposure by nullifying long overdue rules to reduce toxic mercury pollution from cement kilns.

□ 1650

But the Republicans have told us that their bill will not hurt public health. They've argued that mercury reductions achieved by cement and boiler rules won't have a discernable effect for public health. It won't even benefit us in how we achieve these goals. Well, if they actually believe that, then those who support this bill should consider this amendment as an opportunity to prove that the bill has no impact on the mercury levels in children's blood.

I would urge my colleagues to support this amendment, to support these goals, and not to nullify the goals as they would like to nullify the EPA rules.

I support the Pallone amendment and urge my colleagues to vote for it.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PALLONE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

Ms. JACKSON LEE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, lines 16 and 17, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I've been to the floor before and I've used these famous words, and I think I've even used them in committee: Can we all get along?

I just can't imagine that if we queried this industry that so many people would want to, if you will, ignore the facts that are impacting not only our community but our children.

First of all, it's important to note that the CBO has established that H.R. 2681 will cost \$1 million.

I want jobs to continue. I want jobs to be created. I think the service dealing with our industry is important, but I think lives are important. And I cannot imagine in this particular instance why we would want to block the EPA from finding a way to save lives. And so I rise today to introduce an amendment that would establish the fact that compliance would come by 3 years after the implementation of the resolution by the EPA.

Remember now that every party has an opportunity to participate, but listen to what is happening with the impact of mercury on our children.

If these safeguards are blocked, up to 34,300 premature deaths would be in place. These will be the consequences of it. Over 17,800 more heart attacks; over 180,000 additional asthma attacks; over 3 million more days of missed work or school; and billions of taxpayer dollars wasted treating these preventable accidents—or illnesses, if you will.

In addition, I believe that the idea of jobs should not be a threat to life. Currently, the bill requires the cement industry to comply with EPA rules no earlier than 5 years after the rules have been finalized. The bill also allows indefinite noncompliance. There is no deadline set for the industry compliance. That's an unfair imbalance between jobs and lives, and I know that we can find the right balance.

These industry leaders are citizens in communities. They support Boy Scouts and Girl Scouts. They support PTOs and school athletic teams. Their very constituents are their workers and their families, some of those very families that will be subject to the conditions where schools are near concrete manufacturing companies. It is happening all over America.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they're required to do under the Clean Air Act. The EPA has issued 100 rules targeting this and have resulted in saving—a 1.7 million ton reduction of air pollution per year.

My amendment simply says that to comply with the EPA rules, it should occur no later than 3 years after the rules have been finalized.

Let me tell you why this is a good amendment. It gets people to work. It gets you focusing quickly on the remedy. It helps you put the remedy in place, and it helps to save lives.

This is a task that has been given to the EPA for 40 years. In fact, it was given to the EPA under a Republican administration, as I recall, Richard Nixon. We worked together then because we believed that America could be better by creating jobs but also protecting our environment.

There has been a consistent theme of chipping away at the ability of the

EPA to protect our air, but I believe we can do both. We can work together.

There is pollution; it does exist. Just come to a city like Houston where asthma rates are up because of the pollution that we have.

It is important to find a way to balance the lives of those who are impacted by things like chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation, watery eyes, while keeping our jobs.

How do we do it? We rush toward fixing the problem. We rush toward creating the jobs by having the kind of technology that allows us to cure this problem and keep these jobs.

Colleagues, I believe this is an important approach. It is to find the new technology that allows us to clean the air. It is not to stall and block the EPA. It is to find a way to get quickly to the solution to be able to save lives.

Let me say that I am hopeful that the amendment will be perceived as an amendment that rushes toward helping those who are creating jobs, but it is rushing toward allowing the EPA to save lives. Let us not sacrifice lives for convenience. Let us save lives.

My amendment is a very constructive amendment to allow compliance in 3 years. I would ask my colleagues to support this amendment.

Madam Chair, I rise today in support of my amendment to H.R. 2681 the "Cement Sector Regulator Relief Act." My amendment requires the cement industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the cement industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they are required to do under the Clean Air Act. The EPA has issued 100 rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for the cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the needs of industries and the needs of our communities are addressed. This bill is a step in the wrong direction. The EPA has spent years reviewing these standards before attempting to issue regulations. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities.

The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health.

Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

- 9,000 premature deaths;
- 5,500 heart attacks;
- 58,000 asthma attacks;
- 6,000 hospital and emergency room visits;
- 6,000 cases of bronchitis; and
- 440,000 missed work days.

The EPA has done its due diligence; a comprehensive review of all aspects of these regulations has been done, and the EPA is currently in the process of revising its proposed rules in order to reflect industry concerns. If the EPA is willing to compromise, the cement industry must be as well.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

Let's not forget that since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

My friends on the other side of the aisle seem much more interested in stripping the EPA of its authority than passing jobs legislation. It has been nearly 10 months since the Republicans took control of the House, promising the American people they would create

jobs. As October begins, they have not offered a single jobs bill, nor have they brought President Obama's American Jobs Act to the floor for a vote.

The focus of this Congress must be on passing President Obama's American Jobs Act and other legislation that will create jobs and put the American people back to work. Last weekend, I had the opportunity to visit several small businesses at home in the 18th Congressional District of Texas. I was able to roll up my sleeves and get involved with the hard working men and women of Houston.

I visited Dr. German Ramos at the Canal Medical Center, where I had the opportunity to meet with Dr. Ramos and his employees. I visited Atlantic Petroleum and Mineral Resources where I met with President and CEO Donald Sheffield, and got to work at De Walt Construction Company, owned by single mother Wanda De Walt, who employs 15 people and wants to hire more. I also had the opportunity to visit floral shops, beauty salons, bakeries and other small businesses throughout Houston.

I spoke with these entrepreneurs and small business owners who represent America's biggest job creators, and their message was clear. These business owners and entrepreneurs encouraged me to work to pass powerful bipartisan, specific proposals to create jobs. It was a privilege to perform the hands on duties these hard working Houstonians do every day. We must engage and support entrepreneurs, innovators and small businesses to create jobs. I will be proposing a bill that will create jobs, and I look forward to bipartisan support.

Madam Chair, there are times in which we are 50 individual states, and there are times when we exist as a single nation with national needs. One state did not defend the nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the cement industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

Mr. WHITFIELD. Madam Chairman, I rise in opposition to the amendment. The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Under the existing Clean Air Act, cement plants have 3 years to comply with section 112 standards; incinerators have 5 years to comply with section 129 standards. Because of the testimony that we heard over a series of hearings, the affected industry has indicated that they need some conformity in complying with these new regulations.

As you know, there were regulations adopted in 2005 or 2006 that were invalidated by the courts. EPA came back with new regulations that were a little bit more complicated, more strenuous; and as a result of that, we've discovered that these cement industries have had difficulty complying with the 112 and 129 within the time period. So our legislation simply directs the EPA to go back, relook at the regulations, and within 15 months come back with a new regulation and then give the industry 5 years to comply on the cement side and the incinerator side. So we provide some conformity in our legislation.

The gentlewoman from Texas is basically changing that back to 3 years. And the whole purpose of our legislation, because of the hearings, because of the technology required, it was quite evident that more time was needed. So we set a time period, a minimum time of 5 years to comply. The administrator of the EPA may grant additional time, if necessary, but we doubt that that would happen.

So for that reason, for a pragmatic reason, I would oppose the gentlewoman's amendment so that we can have some conformity in these regulations.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I think the very argument that you just made is one that I would like to utilize and suggest that conformity could be 3 or 5. And I'm suggesting conformity should be 3 years, with the EPA doing just as you said, having the discretion to give more time. I think it shows us, as a Congress, being as balanced for jobs—which I know that you're trying to do—as trying to save lives. And there are lives that are impacted by the conditions that these companies generate.

□ 1700

Mr. WHITFIELD. Well, thank you very much.

Reclaiming my time, like I said, the purpose of our legislation is to extend it to 5 years because of the complications involved. And for that reason, I would respectfully oppose the gentlewoman's amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are increasing the risk of cancer.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. Madam Chair, my amendment permits the EPA to continue to enforce and finalize the regulations preempted by the bill at hand if the emissions limited by these regulations are found to cause cancer. In other words, this amendment says the administrator shall not delay actions to reduce the emissions from any cement kiln if such emissions are increasing the occurrence of cancer.

We stand here today having an argument that is predicated on the notion that when it comes to matters of job creation and environmental stewardship and protection of public health, you can only have one or the other. You must pick between creating and retaining jobs, they'll tell you, or protecting and conserving our land, air, water, and keeping our public healthy. This is a false notion, born of scare tactics and the fact that those who purport these ideas aren't basing their beliefs on science.

There are both economic and societal factors involved. It's not an either/or. It's dollar signs, yes; but it's also lives, days in hospitals, cancer treatments, and trips to the emergency room for small children and the elderly.

Come to Chicago, the asthma morbidity and mortality capital of the United States.

Cement kilns are the third largest source of mercury emissions in the U.S. Mercury is a powerful neurotoxin that impacts and impairs the ability of infants and children to think and learn. The toxic air pollutants found in cement kiln emissions can cause cancer, and they do.

The toxic air pollutants found in cement kiln emissions damage the eyes, skin, and breathing passages. The toxic air pollutants found in cement kiln emissions harm the kidneys, lungs, and nervous systems. They cause pulmonary and cardiovascular disease and premature death.

The carcinogens found in cement kiln emissions include toxic air pollutants

including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the Nation's problems with soot and smog. They are known carcinogens, known carcinogens pumped from these sources into our air, into our land, and into our waters. They even land on the grass in Wisconsin eaten by cows and drunk in milk.

But don't take my word for it. Look at the numbers. Plain and simple, Madam Chair, the Clean Air Act saves lives. The Clean Air Act has saved the lives of over 160,000 people in the 40 years it has been on the books. This is not a number to be debated. In fact, this is a number that is conservatively estimated by the EPA.

This is not some inflated statistic designed for shock value or for any other reason. We know that the Clean Air Act has human value. Since 1990, EPA has set numeric emission limits on a pollutant-by-pollutant basis for more than 100 industry source categories. This approach has been a major success, reducing emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

Each of EPA's proposed rules would save thousands more lives each year. One example, an example we're dealing with today, pertains to the EPA's proposed rule regarding toxic emissions from cement kilns. This rule simply calls for cement kilns to meet numeric emission standards for mercury and other toxic pollutants.

This so-called "job-killing" rule is predicted to save up to 2,500 lives each year. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks and over 1,700 hospital and emergency room visits and 130,000 days of missed work. Any rule that saves lives is a matter of public health.

We're dealing with skyrocketing rates of death due to asthma and burdening more children at earlier ages with lifelong and sometimes debilitating cases of asthma from particulate matter being pumped into our air.

A report released by the American Lung Association reported nearly 60 percent of Americans live in areas where air pollution has reached unhealthy levels that can and do make people sick.

These are measures that will help keep us alive and able to work. These are measures that will create jobs in the clean and green industrial industry.

Attacks on the Clean Air Act and the EPA's ability to regulate greenhouse gases are a huge piece of the larger climate crisis, a crisis that has a hefty cost: our lives. The need to crack down on greenhouse gas emissions is based on sound science, the results of hundreds of peer-reviewed studies that show their debilitating effects on our health and our planet—zero peer-reviewed studies that show that global

warming does not exist and that man does not contribute to it.

We're asked to go back now. Why? Why are we considering legislation to halt rules that have been considered for now 10 years? This is beyond me. Why are we considering legislation to halt rules that will keep us at work, healthy and alive?

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. This amendment directs the administrator of the EPA to implement current cement plants rules if emissions at cement kilns are increasing the risk of cancer. This amendment would, in effect, defeat the entire purpose of our legislation.

Our bill directs EPA to protect public health, also consider jobs and the effect of that on the economy, and all the aspects of American well-being, health benefits, not just one. So we think it's important that EPA consider all public health risks, not just cancer.

All of the testimony has indicated that there needs to be a more balanced approach in this cement rule issued by EPA. As you know, EPA first adopted a cement rule in 1999. They did another one in 2005. It was challenged in court. They came back with another one in 2006. That one is so vigorous that it's very difficult for the industry to meet those standards.

So for the fact that this amendment is focusing only on one public health risk, and I believe that it would defeat the entire purpose of our bill, which is to protect public health, but also to strengthen the economy by preventing a loss of jobs, and to look at the entire public health benefits, for that reason I would respectfully urge the defeat of this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. QUIGLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Chairman, this congressional session is not even a year old and the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders.

They started by attacking public health standards to reduce carbon dioxide pollution on the premise that we should trust oil-funded soothsayers over climatologists and reject the overwhelming scientific consensus that global warming is already occurring and threatens our environment and public health.

When the Republicans attacked greenhouse gas standards, they claimed that they, nonetheless, supported Clean Air Act standards to reduce toxic pollutants like mercury. After all, it was a Republican President who signed this legislation creating the Environmental Protection Agency more than 40 years ago.

A Republican President signed the Clean Air Act of 1970, which established the process that the EPA is using today to reduce toxic pollution, including mercury and dioxin. A Republican President signed the Clean Air Act amendments of 1990 establishing—steel yourself—a cap-and-trade program to reduce sulfur dioxide pollution. That Clean Air Act bill of 1990 also accelerated reductions of other toxic pollutants because Congress believed that the EPA was not moving quickly enough to reduce toxic pollution.

□ 1710

All of these major clean air bills were passed by Democratic Congresses with Republican Presidents. While it may seem unbelievable in today's political climate, there was a time in the not-so-distant past when environmental protection had bipartisan support. As a result of the bipartisan effort to protect the environment, our economy grew while air pollution levels fell and public health improved.

Air quality here in Washington, D.C., in Los Angeles, and other major cities is healthier today than it was in 1970 thanks to the Clean Air Act. Our automobiles no longer emit unlimited quantities of asthma and lung cancer-causing pollution, or lead. Our power plants now have scrubbers to reduce the sulfur dioxide pollution that caused acid rain and poisoned rivers and

streams throughout the United States before 1990. Mercury pollution has fallen 80 percent thanks to that act. Thanks to these improvements in air quality, the Clean Air Act saves approximately 160,000 lives a year by preventing deaths otherwise caused by pollution.

When this new Republican Congress attacked greenhouse gas regulations, they claimed that they would not reverse the improvements that the Clean Air Act has made in reducing toxic pollution. Of course, their attempt to block greenhouse gas pollution standards was only the opening salvo. This Republican House has passed dozens of bills and amendments effectively repealing the Clean Air Act by blocking regulation of soot, smog, and dioxin. Their assault on the Clean Air Act is so comprehensive that they have passed regulation to deregulate multiple kinds of soot. Today, we'll vote on a bill to deregulate mercury and other toxic pollution from cement factories.

This bill would not only deregulate mercury pollution from cement factories, it would also block the EPA public health standards for other deadly pollutants such as the particulate pollution that scars lung tissue and causes cancer and emphysema. Blocking public health standards for cement kilns will increase net costs for American taxpayers by \$6.3 billion to \$17.6 billion every year by increasing the incidence of heart attacks, lung cancer, asthma attacks, and developmental disabilities in children.

They claim that these antipublic health bills would create jobs. The fact is that while the Clean Air Act has reduced dangerous air pollution for the last 40 years, saving 160,000 lives last year alone, America's economy doubled in size. It didn't shrink, the sky didn't fall, and the worst predictions of our friends on the other side, not one of them came true.

I have introduced two amendments to H.R. 2681. I'm only going to move this one, Madam Chairman. This will clarify that the provisions in this bill will not go into effect if it causes respiratory illness, cardiac disease, other diseases, or death. This amendment would apply throughout the country, ensuring that rural, suburban, and urban Americans would be protected equally from reckless provisions in the underlying bill.

My amendment says, "The administrator shall not delay actions to reduce emissions from any cement kiln if such emission is causing respiratory and cardiovascular illness and death, including cases of heart attacks, asthma attacks, and bronchitis." This ensures that if H.R. 2681 passes, God help us, we will not be increasing the rate of respiratory disease or sending more children to the hospital with asthma attacks. Since members of the majority claim to be equally concerned about

the health of our constituents, I wanted to give them an opportunity to prove it.

I yield back the balance of my time. Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I rise in opposition to this amendment offered by the distinguished gentleman from Virginia.

I might also add that the last significant change to the Clean Air Act was back in 1990, and I don't think anyone would ever suggest that Congress does not have a right to go back and look at legislation that was passed 21 years ago and that there may be problems with some of that legislation.

There is no question that we've benefited from the Clean Air Act, but there is also no question that this administration, this EPA, has been the most aggressive in recent memory. They've been passing some of the most expensive regulations ever adopted by EPA, and it's having an impact on the economy because jobs are being lost as a direct result of many of these regulations.

Our bill has directed EPA to protect public health, to balance the economic needs, the jobs needs, all of this, as a part of an overall balanced view of EPA regulations.

Mr. CONNOLLY of Virginia. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. CONNOLLY of Virginia. My colleague, whom I respect, said that we're losing jobs because of this onerous regulation. I'm just wondering if my colleague has any data on how many jobs were lost in the last 40 years due to the Clean Air Act—net.

Mr. WHITFIELD. Let me just say to you that the last 40 years, we've had a lot of economic expansion. Right now we've just come out of a recession. We have a 9.1 percent unemployment rate. Everyone's talking about jobs, and all of the testimony that we've received about these regulations indicates that jobs will be lost. So what's the difference then, if you lose a job, you lose a job? That makes unemployment rates go up.

I'm not debating with you that over the last 40 years, generally speaking, we've had economic expansion and job creation, but we're in a very unique time right now, and we think that this is a time in which we need a more balanced approach to some of these regulations.

Your amendment specifically looks at respiratory, cardiovascular illnesses, and death, including heart attacks, asthma attacks, and bronchitis. We know that EPA looks at all of this in its health benefits and costs, and we do not think it's necessary to specifically spell this out in our legislation. For

that reason, I would respectfully oppose the amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. WELCH

Mr. WELCH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Madam Chair, in this legislation there are findings. It is common in our legislation for there to be a finding section. This amendment would propose a finding for inclusion in this important legislation, and that finding would read that "Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this act through the consumption of fish containing mercury, and every State in the Nation has issued at least one mercury advisory for fish consumption."

So the question is, to the proponents of this legislation, as to whether there would be an objection to include this finding about mercury and the scientific community's absolute conclusion that mercury is hazardous to the health of those who consume it. That's the question. If you believe that science has a place in our consideration of important legislation that affects health and safety, then it would suggest that you would want to have a finding affirming Congress's acceptance of the scientific conclusion that mercury causes harmful health effects.

So this amendment offers this Congress the opportunity to say the obvious, and that is: Mercury poisoning is bad for our health.

The reason why I ask that this Congress consider this finding is that this Congress has been debating the applicability of science to our deliberations.

This is not a question of whether a regulation is onerous or not or the cost is too great for the benefits derived; it's a question of whether we will accept the responsibility to acknowledge that mercury does have significant detrimental health consequences. This should be acknowledged. It should be part of this legislation.

What this Congress cannot do, whatever its dispute is about the degree of regulation, the effectiveness of regulation, whether it's too onerous or not, is have the point of view that we can, by legislation, defy science. It does not allow us to do that.

So, Madam Chair, I urge that this Congress accept this finding, and I yield back the balance of my time.

□ 1720

Mr. CULBERSON. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, the air contains mercury. The environment contains mercury from natural sources. The Communist Chinese, of course, are the world's largest polluter, and the plume of pollution from Communist China stretches all the way across the Pacific Ocean and covers up the Western and Central part of the United States.

This map, which I hope you can see there, Madam Chairman, shows the Western and Central U.S. covered by a plume of red. These are mercury deposits coming from Communist China. The United States, through the Clean Air Act and with the efforts of industry and individuals across the Nation, has dramatically reduced pollution levels in the air and in the water.

We are all committed to making sure that our kids are drinking clean water and breathing clean air. This amendment offered by the gentleman from Vermont is a simple statement that we find we're exposed to mercury. Congress might as well also issue a finding that we're exposed to carbon dioxide. I'm exposed to carbon dioxide right here. They're trying to make that a pollutant.

What the Obama Democrats have done to crush jobs in the cement industry is an illustration of what Obama Democrats have done in their attempt to crush job creation all over the United States.

In this EPA regulation on the cement industry, the Obama Democrats have set an impossibly high standard far beyond what even the European Union seeks. What the Obama Democrats attempt to impose on the cement industry is like asking them to win the decathlon, where you have to get a gold medal in every event. They've set, for example, this rule that 98 percent of all mercury has to be eliminated. The technology doesn't exist for that, yet the industry has to comply with the

Obama Democrat rule by next September, wiping out much of the cement industry in the United States at a time when the construction industry in America is already in a state of depression.

It is evident from the record that the cement industry today is producing at a rate equivalent to 1962, yet the Obama Democrats seek to crush it further and eliminate more job creation in an absolutely vital sector of American industry, which will simply have the effect, as they have already done in so many other industries, of driving the work offshore—driving more cement production to Communist China, where they have no pollution controls.

For example, in the auto industry, the Obama Democrats have set automobile mileage standards so impossibly high that no automobile in America today can meet it other than the Prius. So the auto industry is going to be crushed. In the oil industry, they've set impossibly high standards for drilling in the Gulf of Mexico, driving offshore drilling to Brazil and other countries. All those big rigs are gone. They won't come back, but we're trying to open up drilling in the gulf.

In sector after sector after sector, Obama Democrats are crushing the American economy and crushing American business owners with impossible regulations that cannot be met.

This is common sense. Constitutional conservatives in the House are trying to get this economy back on track and to grow jobs by eliminating regulation, by cutting taxes, and by cutting spending. This legislation today is a straightforward, simple attempt to postpone the damage. All we can do by controlling the House is to stop the damage inflicted by Obama Democrats on the American economy. That's what we can do with this legislation.

Give us 5 years more to implement it until we get reinforcements and have a constitutionally conservative Senate and a constitutional conservative in the White House, which is when we can really grow this economy and cut taxes and cut spending and can put the Federal Government back in the box designed by the Founders.

Get out of my pocket. Get out of my way. Get off my back. Unleash American entrepreneurship, and you'll really see the American economy grow if you'd just leave us alone. Let Texans run Texas. Let Kentuckians run Kentucky. Let us manage our own businesses, our own families, our own affairs—to manage and invest and save or spend our own money in the way we wish.

You'll see American industry protect the environment, grow jobs, drill here and drill now for oil and gas safely and cleanly in the Gulf of Mexico and across the United States. You'll see the cement industry and the construction industry come back if we just stop

crushing them with impossible regulations that cannot be met by any available technology anywhere on Earth.

For all of those reasons, I ask the Members of the House to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

Ms. MOORE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 6. DELAYED EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall not take effect until the President certifies that implementation of this Act—

(1) will not adversely affect public health in the United States; and

(2) will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

(b) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall publish in the Federal Register—

(1) the certification described in subsection (a); or

(2) an explanation of why such certification is not warranted.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Madam Chair, my amendment would simply require that the President certify that this bill will not have an adverse effect on the health of Americans. It would specifically and additionally ensure that the legislation would not result in a disproportionately adverse impact on at-risk subpopulations.

I would submit that the majority should be enthused about my amendment to require the President to certify that the delay of cement kiln standards won't harm the public health of Americans and have this disproportionate adverse impact. This is since we have heard all day the majority speak of how the majority of mercury, for example, comes from natural sources, that it comes from foreign sources from the Pacific to the Mississippi, and that the dangers of mercury should not be unfairly burdened and blamed on cement kilns.

This Presidential certification would allow them to rebut those assertions.

This Presidential certification would allow them to rebut that cement kilns are the second-largest source of airborne mercury pollution in the United States or that mercury is a powerful neurotoxin that can affect the mental development of children.

Since this majority has questioned the methodology of the EPA findings using OMB standards, the assumptions, they should welcome this Presidential finding to rebut the assertion that EPA has made that cement kilns also emit lead, arsenic, and other toxic metals that could be carcinogenic and seriously dangerous.

We do know that, throughout the history of the Clean Air Act, we have seen tremendous benefits in quality of life for Americans. Under the Clean Air Act, the individual emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year through actions taken, voluntarily in many cases, by more than 170 industries. The health benefits just keep adding up, and they've been tremendously important. In 2010, the reductions in fine particles and ozone pollution from the 1990 Clean Air Act amendments prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks.

But there is so much more work to be done.

This neurotoxin is widespread in our Nation's waterways. Currently, 48 States have issued fish consumption advisories due to mercury contamination, including 23 States that have issued Statewide advisories for all of their lakes and rivers. My district, of course, in Milwaukee, Wisconsin, is located on one of the Great Lakes, which is a major resource for my community, for the region and, indeed, for the world, and it has been subject to large amounts of mercury contamination from airborne pollutants.

I would certainly be interested in a Presidential certification and in the assurance that the delay of this bill would not have an adverse impact on my constituents. The Great Lakes Regional Collaboration Mercury Emissions Reduction Strategy compiled mercury emissions data for the eight Great Lakes States and found that, in 2005, Portland cement plants in these States emitted 1.4 tons of mercury, which is roughly 4 percent of the total of 34.9 tons.

□ 1730

I would be immensely, Madam Chair, interested in a certification by the President of the United States that indeed, indeed, this mercury contamination was not caused by these cement kilns but, instead, was caused by natural causes or from foreign sources. This, I think, would vindicate those who are trying to delay this process,

and it would work toward advancing their theory that economic development should not be hindered by untoward, unproven health concerns.

With that, I yield back the balance of my time.

Mr. CARTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Madam Chair, this amendment should really be called the "Moore veto amendment" because what it effectively does is veto this bill.

I would point out that Paul Valberg, former member of the Harvard School of Public Health, testified before the Energy and Commerce Committee that by every public health measure, from infant mortality to life expectancy, we are healthier today and exposed to fewer hazards than ever before.

Our present-day air is much cleaner than it was a year ago, and our air quality is among the best in the world. H.R. 2681 does not change or modify any existing public health protection. It simply sets forth a process for EPA to implement stronger protections as called for in the Clean Air Act that are achievable, and the issue here is achievability. Standards in this act are set in such a manner that it's going to take time to achieve these emissions.

As we pointed out, the EU, which is supposedly one of the standards of the world on air and water quality, has set a standard that ours is five times less onerous than the one that is being imposed by the EPA; and, arguably, the industry says meeting that standard is going to take more technology and more time.

This bill simply directs the EPA to follow the language of the Clean Air Act statute and write standards that real-world cement plants can meet. It may be the EU standards are the standards they can meet. I am not here to make that determination.

But the standards that we are presently asked to meet in the cement industry are not attainable at this time, and it takes time to make it work.

Well, in H.R. 2681, the costs are certain. It's going to be astronomical and certain enough that the businesses tell us that it will shut down plants. And when you shut down a plant, you kill jobs and the labor that works in that plant will be unemployed; and that will be part of the unemployment figures we will read within the next year as the plant shuts down.

So achievable standards give you the opportunity to work towards the objective that we're all seeking here. But unachievable standards cause panic, cause excess costs, and that unachievable regulation causes the industries, some of which are not tied together, they are separate companies owned by separate people, to say we can't meet this standard, not within the time we have been given.

We might as well shut the plant and go someplace else, and so they shut the plant and go someplace else. Americans lose jobs that pay \$65,000 to \$80,000 a year, and the plant goes over to China and joins in China's belch of mercury—which many people have talked about here today—that sweeps across our country every day because they don't meet the clean air standards that we already meet in this great Nation.

At some point in time, reasonableness and common sense have to come into these regulations. Give the industry a chance to achieve something that is achievable, and that's what this bill does. It says, take another look, come up with achievable standards, and then give us the time to achieve them. I don't think that is an unreasonable position to take.

I think it's the proper position to take to save this industry, the cement industry, from possible annihilation in this country; and soon we would face, once again, people saying why are all the cement jobs overseas.

Madam Chair, I oppose the Moore amendment. I was tempted to call this the "fox watching the hen house amendment," but I'm not going to do that.

We need to get this done, and having veto power over this amendment is not the suggestion that is relative to the debate we are having here today.

I ask that there be a "no" vote on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment says that the President, whoever that President is or will be, would certify that implementation of the act will not adversely affect public health in the country and will not have a disproportionate impact, a negative impact on sub-populations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

I don't know how my Republican colleagues can oppose that. First of all, I didn't like that little slur that I heard about the President of the United States. I think the President would make an honest call. I trust any President of the United States to make an honest call if this amendment were adopted.

But the whole idea of our environmental laws is that we could all live together. If an elderly person is more susceptible to asthma, and if children are more susceptible to harm from air pollution, we don't want to say that they have to live somewhere else. We should all be able to live together. But

there are some sub-populations that are at greater risk; and we ought to recognize that, especially low-income populations.

A lot of minority groups are more susceptible to asthma. And when you talk about minority and low-income people, they don't have houses where they can send their kids down to the playroom. They can have their kids play outside, and they are going to be breathing in a lot of this air pollution.

So I think that before we implement this law to delay for 6, 8, 10 years any impact to control the harmful air pollution, we ought to have some certification that we are not going to be putting these populations at risk.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CULBERSON. Mr. WAXMAN, there is no definition of "adverse" in the act. That's in this amendment. That's one of the concerns. If there's any adverse impact, then the act doesn't go into effect, nor is there any definition of "disproportionately." Those terms are not defined. Would you agree there is no definition?

Mr. WAXMAN. No, I don't agree with you. First of all, it says "adverse." I think adverse is pretty understandable. Adverse would be negative, negative.

Mr. CULBERSON. Any negative.

Mr. WAXMAN. Well, negative to air pollution. We're talking about air pollution, the harm from air pollution. We are talking about asthma, cancer. Toxic pollutants can cause brain damage.

We're not talking about some inconvenience to them. We're talking about adverse public health impact on the public in the United States, first of all, and then a disproportionate negative impact on sub-populations that are most at risk for hazardous air pollutants.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman.

Mr. CULBERSON. If there is any adverse impact or any disproportionate negative impact, the act is not going to affect that, no matter how small.

Mr. WAXMAN. It says will not have a disproportionate negative impact or adversely affect public health. I think the language is clear enough for the President to make a finding and get the guidance on it in order to determine whether this bill should be held up.

So we may disagree, but I don't think that the language is poorly drafted. I think it's pretty clearly drafted, and I would support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

□ 1740

AMENDMENT NO. 14 OFFERED BY MR. ELLISON

Mr. ELLISON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, after line 8, insert the following subsection:

(c) NOTICE IN FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants until the compliance date of the rules required by subsection (a) instead of the compliance date of the rules made ineffective by subsection (b).

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Madam Chair, this amendment is very simple. All it says is that if we're going to delay these important rules, these lifesaving rules, then the EPA would be required to publish in the Federal Register the public health impact of delaying this regulation.

For example, one of the public health impacts of clean air standards for cement plants is the prevention of 17,000 cases of asthma. All we're saying is that transparency, information given to the public, so the public will know what the impact of these delayed regulations will be.

I can see no reason why Republicans wouldn't adopt a commonsense amendment like this because, quite frankly, if they feel this is such an important measure that they clearly acknowledge based on their response to the last amendment offered, they acknowledged that there will be health impacts, they most certainly would have to agree that telling the public what the health impacts will be would be a fair and important thing to do.

So my amendment is very simple. As we delay these important environmental regulations, they are proposing delaying these important environmental regulations to protect people from dirty air emitted from cement plants, let's just tell the public how many heart attacks, how many asthma attacks, how many deaths, how much mercury contamination, how much lead and arsenic will impact the health of our citizens. How much cancer. What will be the health impacts of delaying these important rules; let's print it in the Federal Register.

I'm sure that people who favor this legislation would be happy to say, you

know what, yes, we're giving you cancer; yes, we're giving you heart attacks; yes, we're giving you asthma attacks, but we have to do it because we believe it'll save jobs. You have to be sick so somebody might theoretically be able to get a job in a cement plant.

The fact is, as I pointed out many times, it's a false choice between a job and a regulation. It's a false choice between economic activity and clean air and a healthy environment. But since my friends on the other end of the aisle want to make the case that we need to delay these important environmental regulations in order to promote jobs, at least let's talk about and be honest with the public about the health impacts.

With that, I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I rise in opposition to this amendment for a couple of reasons. Number one, because EPA has already comprehensively and exhaustively examined the health benefits cost and every other analysis relating to their regulations. We have voluminous information about those benefits.

I would also say that we've heard testimony after testimony from experts who say that you cannot in any way with certainty say how many lives are going to be saved, how many people are not going to be put in the hospital, how many cases of asthma are going to be not contracted because of passing a regulation or not passing a regulation. They have models. They come up with estimates, and there's not anything in this amendment that would provide any more certainty. And for that reason, I oppose the amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I yield to the author of the amendment.

Mr. ELLISON. I just want to make a few points in rebuttal.

First of all, Congresswoman CAPPS offered an amendment that contained the EPA findings on the health impact, and that was opposed pretty vigorously. We could have known for the public record; we would have had it there. That was opposed, though. So the response that we just heard from the other side of the aisle is interesting, to say the least.

The other important point, the fact is, if you believe this is an important measure to pass, why not disclose this to the public, let the public know what we're getting into, and I would think this would be a commonsense measure and would get approval from all sides.

Mr. WAXMAN. Reclaiming my time, I think the public has a right to know, and I don't think the Congress of the United States ought to deny them that information. As I heard the argument from the gentleman from Kentucky, it's already been evaluated and is in the record by the EPA. I think putting it in the CONGRESSIONAL RECORD is not even enough. If the public wants to know, we ought to have full-page ads in the newspapers. That's my view.

But that's not as far as the amendment would go, simply to put it in the Federal Register and hope that the press would pick it up and inform people. Let people know. Don't pass a bill to let the cement kilns avoid coming to terms with regulations that will protect the public health from all of these different incidents of serious diseases and then not tell the American people that we've let them off the hook and they should understand one of the consequences will be all of these diseases and all of these deaths that otherwise could have been prevented.

So I strongly support the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 11 by Mr. WAXMAN of California.

Amendment No. 7 by Mr. RUSH of Illinois.

Amendment No. 17 by Mrs. CAPPS of California.

Amendment No. 1 by Ms. SCHA-KOWSKY of Illinois.

Amendment No. 9 by Mr. WAXMAN of California.

Amendment No. 16 by Mr. WAXMAN of California.

Amendment No. 21 by Mr. PALLONE of New Jersey.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mr. QUIGLEY of Illinois.

Amendment No. 18 by Mr. CONNOLLY of Virginia.

Amendment No. 20 by Mr. WELCH of Vermont.

Amendment No. 2 by Ms. MOORE of Wisconsin.

Amendment No. 14 by Mr. ELLISON of Minnesota.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 246, not voting 21, as follows:

[Roll No. 747]

AYES—166

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebbeck
Lofgren, Zoe
Lujan
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeke
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano

Neal
Oliver
Pallone
Pascarella
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey

Bass (NH)
Benishke
Berg
Billbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)

Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens

Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Boren
Cohen
Davis (CA)
Deutch
Engel
Giffords

Larson (CT)
Lowey
Maloney
McIntyre
Nadler
Pastor (AZ)
Polis

□ 1811

Messrs. AMODEI, BENISHEK, THOMPSON of Pennsylvania, FLORES, CANSECO, WALBERG, BISHOP of Utah, ROE of Tennessee and Mrs.

NOES—246

Adams
Aderholt
Akin
Alexander

Amash
Amodei
Austria
Bachus

Barletta
Barrow
Bartlett
Barton (TX)

BLACK changed their vote from “aye” to “no.”

Messrs. GENE GREEN of Texas and BISHOP of Georgia changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTRYE. Madam Chair, on rollcall No. 747, had I been present, I would have voted “aye.”

AMENDMENT NO. 7 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 251, not voting 20, as follows:

[Roll No. 748]

AYES—162

Ackerman	Fattah	McGovern
Andrews	Filner	McIntyre
Baca	Frank (MA)	McNerney
Baldwin	Fudge	Meeks
Bass (CA)	Garamendi	Michaud
Becerra	Green, Al	Miller (NC)
Berkley	Green, Gene	Miller, George
Berman	Grijalva	Moore
Bishop (GA)	Hahn	Moran
Bishop (NY)	Hanabusa	Murphy (CT)
Blumenauer	Hastings (FL)	Nadler
Boswell	Heinrich	Napolitano
Brady (PA)	Higgins	Neal
Braley (IA)	Himes	Olver
Brown (FL)	Hinchey	Pallone
Butterfield	Hinojosa	Pascarell
Capps	Hirono	Pastor (AZ)
Capuano	Holt	Payne
Carnahan	Honda	Pelosi
Carney	Hoyer	Perlmutter
Carson (IN)	Inslee	Peters
Castor (FL)	Israel	Pingree (ME)
Chu	Jackson (IL)	Price (NC)
Cicilline	Jackson Lee	Quigley
Clarke (MI)	(TX)	Rangel
Clarke (NY)	Johnson (GA)	Reyes
Clay	Johnson (IL)	Ribble
Cleaver	Johnson, E. B.	Richardson
Clyburn	Jones	Richmond
Connolly (VA)	Kaptur	Rothman (NJ)
Conyers	Keating	Roybal-Allard
Cooper	Kildee	Ruppersberger
Courtney	Kind	Rush
Crowley	Kucinich	Sánchez, Linda
Cuellar	Langevin	T.
Cummings	Larsen (WA)	Sanchez, Loretta
Davis (IL)	Lee (CA)	Schakowsky
DeGette	Levin	Schiff
DeLauro	Lewis (GA)	Schrader
Deutch	Lipinski	Schwartz
Dicks	Loeb sack	Scott (VA)
Dingell	Lofgren, Zoe	Scott, David
Doggett	Luján	Serrano
Doyle	Lynch	Sewell
Edwards	Markey	Sherman
Ellison	Matsui	Shuler
Engel	McCarthy (NY)	Sires
Eshoo	McCollum	Slaughter
Farr	McDermott	Smith (WA)

Speier	Van Hollen
Stark	Velázquez
Thompson (CA)	Visclosky
Tierney	Walz (MN)
Tonko	Wasserman
Towns	Schultz
Tsongas	Waters

NOES—251

Adams	Gingrey (GA)	Nunnelee
Aderholt	Gohmert	Olson
Akin	Gonzalez	Owens
Alexander	Gosar	Palazzo
Altmire	Gowdy	Paul
Amash	Granger	Paulsen
Amodei	Graves (GA)	Pearce
Austria	Graves (MO)	Pence
Bachus	Griffin (AR)	Peterson
Barletta	Griffith (VA)	Petri
Barrow	Grimm	Pitts
Bartlett	Guinta	Platts
Barton (TX)	Guthrie	Poe (TX)
Bass (NH)	Hall	Pompeo
Benishke	Hanna	Possey
Berg	Harper	Price (GA)
Biggart	Harris	Quayle
Bilbray	Hartzler	Rahall
Bilirakis	Hastings (WA)	Reed
Bishop (UT)	Hayworth	Rehberg
Black	Heck	Reichert
Blackburn	Hensarling	Renacci
Bonner	Herger	Rigell
Bono Mack	Herrera Beutler	Rivera
Boustany	Hochul	Roby
Brady (TX)	Holden	Roe (TN)
Brooks	Huelskamp	Rogers (AL)
Broun (GA)	Huizenga (MI)	Rogers (KY)
Buchanan	Hultgren	Rogers (MI)
Bucshon	Hunter	Rohrabacher
Buerkle	Hurt	Rokita
Burgess	Issa	Rooney
Burton (IN)	Jenkins	Ros-Lehtinen
Calvert	Johnson (OH)	Roskam
Camp	Johnson, Sam	Ross (AR)
Campbell	Jordan	Ross (FL)
Canseco	Kelly	Royce
Cantor	King (IA)	Runyan
Capito	King (NY)	Ryan (WI)
Cardoza	Kingston	Scalise
Carter	Kinzinger (IL)	Schilling
Cassidy	Kissell	Schmidt
Chabot	Kline	Schock
Chaffetz	Labrador	Schweikert
Chandler	Lamborn	Scott (SC)
Coble	Lance	Scott, Austin
Coffman (CO)	Landry	Sensenbrenner
Cole	Lankford	Sessions
Conaway	Latham	Shimkus
Costa	LaTourette	Shuster
Costello	Latta	Simpson
Cravaack	Lewis (CA)	Smith (NE)
Crawford	LoBiondo	Smith (NJ)
Crenshaw	Long	Smith (TX)
Critz	Lucas	Southerland
Davis (KY)	Luetkemeyer	Stearns
Denham	Lummis	Stivers
Dent	Lungren, Daniel	Stutzman
DesJarlais	E.	Sullivan
Diaz-Balart	Mack	Terry
Dold	Manzullo	Thompson (PA)
Donnelly (IN)	Marchant	Thornberry
Duffy	Marino	Tiberi
Duncan (SC)	Matheson	Tipton
Duncan (TN)	McCarthy (CA)	Turner (NY)
Ellmers	McCaul	Turner (OH)
Emerson	McClintock	Upton
Farenthold	McCotter	Walberg
Fincher	McHenry	Walden
Fitzpatrick	McKeon	Walsh (IL)
Flake	McKinley	Webster
Fleischmann	McMorris	West
Fleming	Rodgers	Westmoreland
Flores	Meehan	Whitfield
Forbes	Mica	Wilson (SC)
Fortenberry	Miller (FL)	Wittman
Fox	Miller (MI)	Wolf
Franks (AZ)	Miller, Gary	Womack
Frelinghuysen	Mulvaney	Woodall
Gallely	Murphy (PA)	Yoder
Gardner	Myrick	Young (AK)
Garrett	Neugebauer	Young (FL)
Gerlach	Noem	Young (IN)
Gibbs	Nugent	
Gibson	Nunes	

NOT VOTING—20

Bachmann	Giffords	Ryan (OH)
Boren	Goodlatte	Sarbanes
Cohen	Gutierrez	Sutton
Culberson	Larson (CT)	Thompson (MS)
Davis (CA)	Lowey	Wilson (FL)
DeFazio	Maloney	Yarmuth
Dreier	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GOODLATTE. Madam Chair, on rollcall No. 748, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 17 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 254, not voting 21, as follows:

[Roll No. 749]

AYES—158

Ackerman	Dingell	Langevin
Andrews	Doggett	Larsen (WA)
Baca	Doyle	Lee (CA)
Baldwin	Ellison	Levin
Bass (CA)	Engel	Lewis (GA)
Becerra	Eshoo	Lipinski
Berkley	Farr	Loeb sack
Berman	Filner	Lofgren, Zoe
Bishop (NY)	Frank (MA)	Luján
Blumenauer	Fudge	Lynch
Boswell	Garamendi	Markey
Brady (PA)	Gonzalez	Matsui
Braley (IA)	Green, Al	McCarthy (NY)
Brown (FL)	Green, Gene	McCollum
Butterfield	Grijalva	McDermott
Capps	Gutierrez	McGovern
Capuano	Hahn	McIntyre
Carnahan	Hanabusa	McNerney
Carney	Hastings (FL)	Meeks
Carson (IN)	Heinrich	Michaud
Castor (FL)	Higgins	Miller (NC)
Chu	Himes	Miller, George
Cicilline	Hinchey	Moore
Clarke (MI)	Hinojosa	Moran
Clarke (NY)	Hirono	Murphy (CT)
Clay	Holt	Nadler
Cleaver	Honda	Napolitano
Clyburn	Hoyer	Neal
Connolly (VA)	Inslee	Olver
Cooper	Israel	Pallone
Courtney	Jackson (IL)	Pascarell
Crowley	Jackson Lee	Pastor (AZ)
Cuellar	(TX)	Payne
Cummings	Johnson (GA)	Pelosi
Davis (IL)	Johnson, E. B.	Peters
DeFazio	Kaptur	Pingree (ME)
DeGette	Keating	Price (NC)
DeLauro	Kildee	Quigley
Deutch	Kind	Rangel
Dicks	Kucinich	Reyes

Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodel
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)

Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko

Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey

McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmuter
Peterson
Petri
Pitts
Platts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Hochul
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi

Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Bachmann
Berg
Bilbray
Boren
Cohen
Conyers
Davis (CA)

Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Edwards
Fattah
Giffords
Hunter
Johnson, Sam
Larson (CT)
Lowey

Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)
Maloney
Polis
Sullivan
Sutton
Thompson (MS)
Thompson (FL)
Yarmuth

NOT VOTING—21

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1818

So the amendment was rejected.
The result of the vote was announced
as above recorded.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Chair, on
rollcall Nos. 747, 748, and 749, I was unable
to vote. Had I been present I would have
voted on 747—"yes," on 748—"yes," and on
749—"yes."

AMENDMENT NO. 1 OFFERED BY MS.

SCHAKOWSKY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Illinois (Ms. SCHA-
KOWSKY) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 175, noes 248,
not voting 10, as follows:

[Roll No. 750]

AYES—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bowwell
Brady (PA)
Braley (IA)
Brown (FL)
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)

Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.

Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodel
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)

Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

NOES—248

Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline

Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmuter
Peterson
Petri
Pitts
Platts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed

Rehberg	Schmidt	Tipton	Johnson (IL)	Moore	Schiff	Quayle	Ryan (WI)	Thompson (PA)
Renacci	Schock	Turner (NY)	Johnson, E. B.	Moran	Schrader	Rahall	Scalise	Thornberry
Ribble	Schweikert	Turner (OH)	Kaptur	Murphy (CT)	Schwartz	Reed	Schilling	Tiberi
Rigell	Scott (SC)	Upton	Keating	Nadler	Scott (VA)	Rehberg	Schmidt	Tipton
Rivera	Scott, Austin	Walberg	Kildee	Napolitano	Scott, David	Reichert	Schock	Turner (NY)
Roby	Sensenbrenner	Walden	Kind	Neal	Serrano	Renacci	Schweikert	Turner (OH)
Roe (TN)	Sessions	Walsh (IL)	Kissell	Oliver	Sewell	Ribble	Scott (SC)	Upton
Rogers (AL)	Shimkus	Webster	Kucinich	Pallone	Sherman	Rigell	Scott, Austin	Walberg
Rogers (KY)	Shuster	West	Langevin	Pascarell	Sires	Rivera	Sensenbrenner	Walden
Rogers (MI)	Simpson	Westmoreland	Larsen (WA)	Pastor (AZ)	Slaughter	Roby	Sessions	Walsh (IL)
Rohrabacher	Smith (NE)	Whitfield	Lee (CA)	Payne	Smith (WA)	Roe (TN)	Shimkus	Webster
Rokita	Smith (NJ)	Wilson (SC)	Levin	Pelosi	Speier	Rogers (AL)	Shuler	West
Rooney	Smith (TX)	Wittman	Lewis (GA)	Perlmutter	Stark	Rogers (KY)	Shuster	Westmoreland
Ros-Lehtinen	Southerland	Wolf	Lipinski	Peters	Thompson (CA)	Rogers (MI)	Simpson	Whitfield
Roskam	Stearns	Womack	Loeb	Pingree (ME)	Tierney	Rohrabacher	Smith (NE)	Wilson (SC)
Ross (AR)	Stivers	Woodall	Lofgren, Zoe	Price (NC)	Tonko	Rokita	Smith (NJ)	Wittman
Ross (FL)	Stutzman	Yoder	Lowe	Quigley	Towns	Rooney	Smith (TX)	Wolf
Royce	Sullivan	Young (AK)	Lujan	Rangel	Tsongas	Ros-Lehtinen	Southerland	Womack
Runyan	Terry	Young (FL)	Lynch	Reyes	Van Hollen	Roskam	Stivers	Woodall
Ryan (WI)	Thompson (PA)	Young (IN)	Markey	Richardson	Velázquez	Ross (AR)	Stutzman	Yoder
Scalise	Thornberry		Matsui	Richmond	Visclosky	Ross (FL)	Sullivan	Young (AK)
Schilling	Tiberi		McCarthy (NY)	Rothman (NJ)	Walz (MN)	Royce	Terry	Young (FL)
			McCormack	Roybal-Allard	Wasserman	Runyan		Young (IN)
			McDermott	Ruppersberger	Schultz			
			McGovern	Rush	Waters			
			McIntyre	Ryan (OH)	Watt			
			McNerney	Sánchez, Linda	Waxman			
			Meeks	T.	Welch			
			Michaud	Sanchez, Loretta	Woolsey			
			Miller (NC)	Sarbanes	Yarmuth			
			Miller, George	Schakowsky				

NOT VOTING—10

Bachmann	Larson (CT)	Thompson (MS)
Boren	Maloney	Wilson (FL)
Giffords	Polis	
Hirono	Sutton	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1822

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from California (Mr. WAX-
MAN) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 167, noes 254,
not voting 12, as follows:

[Roll No. 751]

AYES—167

Ackerman	Cleaver	Frank (MA)
Andrews	Clyburn	Fudge
Baca	Cohen	Garamendi
Baldwin	Connolly (VA)	Gibson
Bass (CA)	Conyers	Green, Al
Becerra	Cooper	Grijalva
Berkley	Courtney	Gutierrez
Berman	Crowley	Hahn
Bishop (NY)	Cummings	Hanabusa
Blumenauer	Davis (CA)	Hastings (FL)
Boswell	Davis (IL)	Heinrich
Brady (PA)	DeFazio	Higgins
Braley (IA)	DeGette	Himes
Brown (FL)	DeLauro	Hinchey
Butterfield	Deutch	Hinojosa
Capps	Dicks	Hirono
Capuano	Dingell	Hochul
Carnahan	Doggett	Holt
Carney	Doyle	Honda
Carson (IN)	Edwards	Hoyer
Castor (FL)	Ellison	Inlee
Chu	Engel	Israel
Cicilline	Eshoo	Jackson (IL)
Clarke (MI)	Frank (MI)	Farr
Clarke (NY)	Fattah	(TX)
Clay	Filner	Johnson (GA)

NOES—254

Adams	Dold	Kelly
Aderholt	Donnelly (IN)	King (IA)
Akin	Dreier	King (NY)
Alexander	Duffy	Kingston
Altmire	Duncan (SC)	Kinzing (IL)
Amash	Duncan (TN)	Kline
Amodei	Ellmers	Labrador
Austria	Emerson	Lamborn
Bachus	Farenthold	Lance
Barletta	Fincher	Landry
Barrow	Fitzpatrick	Lankford
Bartlett	Flake	Latham
Barton (TX)	Fleischmann	LaTourette
Bass (NH)	Fleming	Latta
Benishek	Flores	Lewis (CA)
Berg	Forbes	LoBiondo
Biggart	Fortenberry	Long
Bilbray	Fox	Lucas
Bilirakis	Franks (AZ)	Luetkemeyer
Bishop (GA)	Frelinghuysen	Lummis
Bishop (UT)	Gallegly	Lungren, Daniel
Black	Gardner	E.
Blackburn	Garrett	Mack
Bonner	Gerlach	Manzullo
Bono Mack	Gibbs	Marchant
Boustany	Gingrey (GA)	Marino
Brady (TX)	Gonzalez	Matheson
Brooks	Goodlatte	McCarthy (CA)
Brown (GA)	Gosar	McCaul
Buchanan	Gowdy	McClintock
Bucshon	Granger	McCotter
Buerkle	Graves (GA)	McHenry
Burgess	Graves (MO)	McKeon
Burton (IN)	Green, Gene	McKinley
Calvert	Griffin (AR)	Meehan
Camp	Griffith (VA)	Mica
Campbell	Grimm	Miller (FL)
Cantor	Guinta	Miller (MI)
Capito	Guthrie	Miller, Gary
Cardoza	Hall	Mulvaney
Carter	Hanna	Murphy (PA)
Cassidy	Harper	Myrick
Chabot	Harris	Neugebauer
Chaffetz	Hartzler	Noem
Chandler	Hastings (WA)	Nugent
Coble	Hayworth	Nunes
Coffman (CO)	Heck	Nunnelee
Cole	Hensarling	Olson
Conaway	Herger	Owens
Costa	Herrera Beutler	Palazzo
Costello	Holden	Paul
Cravaack	Huelskamp	Paulsen
Crawford	Huelskamp (MI)	Pearce
Crenshaw	Hultgren	Pence
Critz	Hunter	Peterson
Cuellar	Hurt	Petri
Culberson	Issa	Pitts
Davis (KY)	Jenkins	Platts
Denham	Johnson (OH)	Poe (TX)
Dent	Johnson, Sam	Pompeo
DesJarlais	Jones	Posey
Diaz-Balart	Jordan	Price (GA)

NOT VOTING—12

Bachmann	Larson (CT)	Sutton
Boren	Maloney	Thompson (MS)
Canseco	McMorris	Wilson (FL)
Giffords	Rodgers	
Gohmert	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated against:

Mr. CANSECO. Madam Chair, on rollcall
No. 751, had I been present, I would have
voted "no."

AMENDMENT NO. 16 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from California (Mr. WAX-
MAN) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 169, noes 254,
not voting 10, as follows:

[Roll No. 752]

AYES—169

Ackerman	Carney	Davis (IL)
Andrews	Carson (IN)	DeFazio
Baca	Castor (FL)	DeGette
Baldwin	Chu	DeLauro
Bass (CA)	Cicilline	Deutch
Becerra	Clarke (MI)	Dicks
Berkley	Clarke (NY)	Dingell
Berman	Clay	Doggett
Bishop (GA)	Cleaver	Doyle
Bishop (NY)	Clyburn	Edwards
Blumenauer	Cohen	Ellison
Boswell	Connolly (VA)	Engel
Brady (PA)	Conyers	Eshoo
Braley (IA)	Cooper	Farr
Brown (FL)	Courtney	Fattah
Butterfield	Crowley	Filner
Capps	Cuellar	Frank (MA)
Capuano	Cummings	Fudge
Carnahan	Davis (CA)	Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe

Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert

Bachmann
Boren
Giffords
Larson (CT)

Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)

NOT VOTING—10

Maloney
Polis
Sutton
Thompson (MS)

Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Young (AK)
Young (FL)
Young (IN)

Wilson (FL)
Yoder

Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)

NOES—253

Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)

Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw

Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck

Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1830

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. PALLONE
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New Jersey (Mr. PAL-
LONE) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 166, noes 253,
not voting 14, as follows:

[Roll No. 753]

AYES—166

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkeley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brady (IA)
Brown (FL)
Butterfield

Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)

Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford

McMorris	Rehberg	Simpson	Filner	Loebsack	Roybal-Allard	Meehan	Reichert	Simpson
Rodgers	Reichert	Smith (NE)	Frank (MA)	Lofgren, Zoe	Ruppersberger	Mica	Renacci	Smith (NE)
Meehan	Renacci	Smith (NJ)	Fudge	Lowey	Rush	Miller (FL)	Ribble	Smith (NJ)
Mica	Ribble	Smith (TX)	Garamendi	Lujan	Ryan (OH)	Miller (MI)	Rigell	Smith (TX)
Miller (FL)	Rigell	Southerland	Green, Al	Lynch	Sánchez, Linda	Miller, Gary	Rivera	Southerland
Miller (MI)	Rivera	Stearns	Grijalva	Markley	T.	Mulvaney	Roby	Stearns
Miller, Gary	Roby	Stivers	Gutierrez	Matsui	Sanchez, Loretta	Murphy (PA)	Roe (TN)	Stivers
Mulvaney	Roe (TN)	Stutzman	Hahn	McCarthy (NY)	Sarbanes	Myrick	Rogers (AL)	Stutzman
Murphy (PA)	Rogers (AL)	Sullivan	Hanabusa	McCollum	Schakowsky	Neugebauer	Rogers (KY)	Sullivan
Myrick	Rogers (KY)	Terry	Hastings (FL)	McDermott	Schiff	Noem	Rogers (MI)	Terry
Neugebauer	Rogers (MI)	Thompson (PA)	Heinrich	McGovern	Schwartz	Nugent	Rohrabacher	Thompson (PA)
Noem	Rohrabacher	Thornberry	Higgins	McIntyre	Scott (VA)	Nunes	Rokita	Thornberry
Nugent	Rokita	Tiberi	Himes	McNerney	Scott, David	Nunnelee	Rooney	Tiberi
Nunes	Rooney	Tipton	Hinchey	Meeks	Serrano	Olson	Ros-Lehtinen	Tipton
Nunnelee	Ros-Lehtinen	Turner (NY)	Hinojosa	Meeke	Sewell	Owens	Roskam	Turner (NY)
Olson	Roskam	Turner (OH)	Hirono	Miller (NC)	Sherman	Palazzo	Ross (AR)	Turner (OH)
Owens	Ross (AR)	Upton	Holt	Miller, George	Sires	Paul	Ross (FL)	Upton
Palazzo	Ross (FL)	Walberg	Honda	Moore	Slaughter	Paulsen	Royce	Walberg
Paul	Royce	Walden	Hoyer	Moran	Smith (WA)	Pearce	Runyan	Walden
Paulsen	Runyan	Walsh (IL)	Inslie	Murphy (CT)	Speier	Pence	Ryan (WI)	Walsh (IL)
Pearce	Ryan (WI)	Webster	Israel	Nader	Stark	Perlmutter	Scalise	Webster
Pence	Scalise	West	Jackson (IL)	Napolitano	Thompson (CA)	Peterson	Schilling	West
Peterson	Schilling	Westmoreland	Jackson Lee	Neal	Tierney	Petri	Schmidt	Westmoreland
Petri	Schmidt	Whitfield	(TX)	Oliver	Tonko	Pitts	Schock	Whitfield
Pitts	Schock	Wilson (SC)	Johnson (GA)	Pallone	Towns	Platts	Schrader	Wilson (SC)
Platts	Schrader	Wittman	Johnson (IL)	Pascarell	Tsongas	Poe (TX)	Schweikert	Wittman
Poe (TX)	Schweikert	Wolf	Johnson, E. B.	Pastor (AZ)	Van Hollen	Pompeo	Scott (SC)	Wolf
Pompeo	Scott (SC)	Womack	Jones	Payne	Velázquez	Posey	Scott, Austin	Womack
Posey	Scott, Austin	Woodall	Kaptur	Pelosi	Visclosky	Price (GA)	Sensenbrenner	Woodall
Price (GA)	Sensenbrenner	Yoder	Keating	Peters	Walz (MN)	Quayle	Sessions	Yoder
Quayle	Sessions	Young (AK)	Kildee	Pingree (ME)	Wasserman	Rahall	Shimkus	Young (AK)
Rahall	Shimkus	Young (FL)	Kucinich	Price (NC)	Schultz	Reed	Shuler	Young (FL)
Reed	Shuster	Young (IN)	Langevin	Quigley	Waters	Rehberg	Shuster	Young (IN)
			Larsen (WA)	Rangel	Watt			
			Lee (CA)	Reyes	Waxman			
			Levin	Richardson	Welch			
			Lewis (GA)	Richmond	Woolsey			
			Lipinski	Rothman (NJ)	Yarmuth			

NOT VOTING—14

Bachmann	Giffords	Polis
Boren	Griffith (VA)	Sutton
Deutch	Larson (CT)	Thompson (MS)
Emerson	Maloney	Wilson (FL)
Franks (AZ)	Perlmutter	

□ 1833

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 262, not voting 9, as follows:

[Roll No. 754]

AYES—162

Ackerman	Carnahan	Cummings
Andrews	Carney	Davis (CA)
Baca	Carson (IN)	Davis (IL)
Baldwin	Castor (FL)	DeFazio
Bass (CA)	Chu	DeGette
Becerra	Cicilline	DeLauro
Berkley	Clarke (MI)	Deutch
Berman	Clarke (NY)	Dicks
Bishop (NY)	Clay	Dingell
Blumenauer	Cleaver	Doggett
Boswell	Clyburn	Doyle
Brady (PA)	Cohen	Edwards
Braley (IA)	Connolly (VA)	Ellison
Brown (FL)	Conyers	Engel
Butterfield	Cooper	Eshoo
Capps	Courtney	Farr
Capuano	Crowley	Fattah

NOES—262

Adams	Critz	Hayworth
Aderholt	Cuellar	Heck
Akin	Culberson	Hensarling
Alexander	Davis (KY)	Herger
Altmire	Denham	Herrera Beutler
Amash	Dent	Hochul
Amodei	DesJarlais	Holden
Austria	Diaz-Balart	Huelskamp
Bachus	Dold	Huizenga (MI)
Barletta	Donnelly (IN)	Hultgren
Barrow	Dreier	Hunter
Bartlett	Duffy	Hurt
Barton (TX)	Duncan (SC)	Issa
Bass (NH)	Duncan (TN)	Jenkins
Benishek	Ellmers	Johnson (OH)
Berg	Emerson	Johnson, Sam
Biggett	Farenthold	Jordan
Bilbray	Fincher	Kelly
Bilirakis	Fitzpatrick	Kind
Bishop (GA)	Flake	King (IA)
Bishop (UT)	Fleischmann	King (NY)
Black	Fleming	Kingston
Blackburn	Flores	Kinziger (IL)
Bonner	Forbes	Kissell
Bono Mack	Fortenberry	Kline
Boustany	Fox	Labrador
Brady (TX)	Franks (AZ)	Lamborn
Brooks	Frelinghuysen	Lance
Broun (GA)	Gallegly	Landry
Buchanan	Gardner	Lankford
Bucshon	Garrett	Latham
Buerkle	Gerlach	LaTourette
Burgess	Gibbs	Latta
Burton (IN)	Gibson	Lewis (CA)
Calvert	Gingrey (GA)	LoBiondo
Camp	Gohmert	Long
Campbell	Gonzalez	Lucas
Canseco	Goodlatte	Luetkemeyer
Cantor	Gosar	Lummis
Capito	Gowdy	Lungren, Daniel
Cardoza	Granger	E.
Carter	Graves (GA)	Mack
Cassidy	Graves (MO)	Manzullo
Chabot	Green, Gene	Marchant
Chaffetz	Griffin (AR)	Marino
Chandler	Griffith (VA)	Matheson
Coble	Grimm	McCarthy (CA)
Coffman (CO)	Guinta	McCauley
Cole	Guthrie	McClintock
Conaway	Hall	McCotter
Costa	Hanna	McHenry
Costello	Harper	McKeon
Costaack	Harris	McKinley
Crawford	Hartzler	McMorris
Crenshaw	Hastings (WA)	Rodgers

NOT VOTING—9

Bachmann	Larson (CT)	Sutton
Boren	Maloney	Thompson (MS)
Giffords	Polis	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1837

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 248, not voting 10, as follows:

[Roll No. 755]

AYES—175

Ackerman	Butterfield	Cohen
Andrews	Capps	Connolly (VA)
Baca	Capuano	Conyers
Baldwin	Carnahan	Cooper
Bass (CA)	Carney	Costello
Becerra	Carson (IN)	Courtney
Berkley	Castor (FL)	Crowley
Berman	Chandler	Cuellar
Bishop (GA)	Chu	Cummings
Bishop (NY)	Cicilline	Davis (CA)
Blumenauer	Clarke (MI)	Davis (IL)
Boswell	Clarke (NY)	DeFazio
Brady (PA)	Clay	DeGette
Braley (IA)	Cleaver	DeLauro
Brown (FL)	Clyburn	Deutch

Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway

Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes

Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo

Bachmann
Boren
Giffords
Gohmert

Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shinkus

NOT VOTING—10

Larson (CT)
Maloney
Polis
Sutton

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1840

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY
OF VIRGINIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. CON-
NOLLY) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 176, noes 248,
not voting 9, as follows:

[Roll No. 756]

AYES—176

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer

Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)

Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers

Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters

NOES—248

Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar

Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta

Lewis (CA)	Pearce	Scott, Austin	Chu	Hoyer	Pingree (ME)	Kline	Nunes	Schilling
LoBiondo	Pence	Sensenbrenner	Cicilline	Inslee	Price (NC)	Labrador	Nunnelee	Schmidt
Long	Peterson	Sessions	Clarke (MI)	Israel	Quigley	Lamborn	Olson	Schock
Lucas	Petri	Shimkus	Clarke (NY)	Jackson (IL)	Rangel	Lance	Owens	Schweikert
Luetkemeyer	Pitts	Shuster	Clay	Jackson Lee	Reichert	Landry	Palazzo	Scott (SC)
Lummis	Platts	Simpson	Cleaver	(TX)	Reyes	Lankford	Paul	Scott, Austin
Lungren, Daniel	Poe (TX)	Smith (NE)	Clyburn	Johnson (GA)	Richardson	Latham	Paulsen	Sensenbrenner
E.	Pompeo	Smith (NJ)	Cohen	Johnson, E. B.	Richmond	LaTourette	Pearce	Sessions
Mack	Posey	Smith (TX)	Connolly (VA)	Jones	Rothman (NJ)	Latta	Pence	Shimkus
Manzullo	Price (GA)	Southerland	Conyers	Kaptur	Roybal-Allard	Lewis (CA)	Perlmutter	Shuster
Marchant	Quayle	Stearns	Cooper	Keating	Ruppersberger	LoBiondo	Peterson	Simpson
Marino	Rahall	Stivers	Costello	Kildee	Rush	Long	Petri	Smith (NE)
Matheson	Reed	Stutzman	Courtney	Kind	Ryan (OH)	Lucas	Pitts	Smith (TX)
McCarthy (CA)	Rehberg	Sullivan	Crowley	Kissell	Sánchez, Linda	Luetkemeyer	Platts	Southerland
McCaul	Reichert	Terry	Cuellar	Kucinich	T.	Lummis	Poe (TX)	Stearns
McClintock	Renacci	Thompson (PA)	Cummings	Langevin	Sanchez, Loretta	Lungren, Daniel	Pompeo	Stivers
McCotter	Ribble	Thornberry	Davis (CA)	Larsen (WA)	Sarbanes	E.	Posey	Stutzman
McHenry	Rigell	Tiberi	Davis (IL)	Lee (CA)	Schakowsky	Mack	Price (GA)	Sullivan
McKeon	Rivera	Tipton	DeFazio	Levin	Schiff	Manzullo	Quayle	Terry
McKinley	Roby	Turner (NY)	DeGette	Lewis (GA)	Schrader	Marchant	Rahall	Thompson (PA)
McMorris	Roe (TN)	Turner (OH)	DeLauro	Lipinski	Schwartz	Marino	Reed	Thornberry
Rodgers	Rogers (AL)	Upton	Deutsch	Loeb sack	Scott (VA)	Matheson	Rehberg	Tiberi
Meehan	Rogers (KY)	Walberg	Dingell	Lofgren, Zoe	Scott, David	McCarthy (CA)	Renacci	Tipton
Mica	Rogers (MI)	Walden	Doggett	Lowey	Serrano	McCaul	Ribble	Turner (NY)
Miller (FL)	Rohrabacher	Walsh (IL)	Doyle	Lujan	Sewell	McClintock	Rigell	Turner (OH)
Miller (MI)	Rokita	Webster	Edwards	Lynch	Sherman	McCotter	Rivera	Upton
Miller, Gary	Rooney	West	Ellison	Markey	Shuler	McHenry	Roby	Walberg
Mulvaney	Ros-Lehtinen	Westmoreland	Engel	Matsui	Sires	McKeon	Roe (TN)	Walden
Murphy (PA)	Roskam	Whitfield	Eshol	McCarthy (NY)	Slaughter	McKinley	Rogers (AL)	Walsh (IL)
Myrick	Ross (AR)	Wilson (SC)	Farr	McCollum	Smith (NJ)	McMorris	Rogers (KY)	Webster
Neugebauer	Ross (FL)	Wittman	Fattah	McDermott	Smith (WA)	Rodgers	Rogers (MI)	West
Noem	Royce	Wolf	Finler	McGovern	Speier	Meehan	Rohrabacher	Westmoreland
Nugent	Runyan	Womack	Frank (MA)	McIntyre	Stark	Mica	Rokita	Whitfield
Nunes	Ryan (WI)	Woodall	Fudge	McNerney	Thompson (CA)	Miller (FL)	Rooney	Wilson (SC)
Nunnelee	Scalise	Yoder	Garamendi	Meeks	Tierney	Miller (MI)	Ros-Lehtinen	Wittman
Olson	Schilling	Young (AK)	Gonzalez	Michaud	Tonko	Miller, Gary	Roskam	Womack
Owens	Schmidt	Young (FL)	Green, Al	Miller (NC)	Towns	Mulvaney	Ross (AR)	Woodall
Palazzo	Schock	Young (IN)	Grijalva	Miller, George	Tsongas	Murphy (PA)	Ross (FL)	Yoder
Paul	Schweikert		Gutiérrez	Moore	Van Hollen	Myrick	Royce	Young (AK)
Paulsen	Scott (SC)		Hahn	Moran	Velázquez	Neugebauer	Runyan	Young (FL)
			Hanabusa	Murphy (CT)	Visclosky	Noem	Ryan (WI)	Young (IN)
			Hastings (FL)	Nadler	Walz (MN)	Nugent	Scalise	
			Heinrich	Napolitano	Wasserman			
			Higgins	Neal	Schultz			
			Himes	Oliver	Waters			
			Hinchev	Pallone	Watt			
			Hinojosa	Pascarell	Waxman			
			Hirono	Pastor (AZ)	Welch			
			Holden	Payne	Wolf			
			Holt	Pelosi	Woolsey			
			Honda	Peters	Yarmuth			

NOT VOTING—9

Bachmann	Larson (CT)	Sutton
Boren	Maloney	Thompson (MS)
Giffords	Polis	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 249, not voting 10, as follows:

[Roll No. 757]

AYES—174

Ackerman	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Baca	Blumenauer	Cardoza
Baldwin	Boswell	Carnahan
Bass (CA)	Brady (PA)	Carney
Becerra	Braley (IA)	Carson (IN)
Berkley	Brown (FL)	Castor (FL)
Berman	Butterfield	Chandler

Adams	Chaffetz
Aderholt	Coble
Akin	Coffman (CO)
Alexander	Cole
Altmire	Conaway
Amash	Costa
Amodei	Cravack
Austria	Crawford
Bachus	Crenshaw
Barletta	Critz
Barrow	Culberson
Bartlett	Davis (KY)
Barton (TX)	Denham
Bass (NH)	Dent
Benish	DesJarlais
Berg	Diaz-Balart
Biggert	Dold
Bilbray	Donnelly (IN)
Bilirakis	Dreier
Bishop (UT)	Duffy
Black	Duncan (SC)
Blackburn	Duncan (TN)
Bonner	Ellmers
Bono	Emerson
Boustany	Farenthold
Brady (TX)	Fincher
Brooks	Fitzpatrick
Broun (GA)	Flake
Buchanan	Fleischmann
Bucshon	Fleming
Buerkle	Flores
Burgess	Forbes
Burton (IN)	Fortenberry
Calvert	Fox
Camp	Franks (AZ)
Campbell	Frelinghuysen
Canseco	Gallely
Cantor	Gardner
Capito	Garrett
Carter	Gerlach
Cassidy	Gibbs
Chabot	Gibson

NOES—249

Gingrey (GA)	Gohmert
Goodlatte	Gosar
Gowdy	Granger
Graves (GA)	Graves (MO)
Green, Gene	Griffin (AR)
Griffith (VA)	Grimm
Guinta	Guthrie
Hall	Hanna
Harper	Harris
Hartzer	Hastings (WA)
Hayworth	Heck
Hensarling	Herger
Herrera Beutler	Hochul
Huelskamp	Huizenga (MI)
Hultgren	Hunter
Hurt	Issa
Jenkins	Johnson (IL)
Johnson (OH)	Johnson, Sam
Jordan	Kelly
King (IA)	King (AR)
King (NY)	Kingston
Kinzing	Kinzing (IL)

NOT VOTING—10

Bachmann	Larson (CT)	Thompson (MS)
Boren	Maloney	Wilson (FL)
Dicks	Polis	
Giffords	Sutton	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1850

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 758]

AYES—167

Ackerman	Becerra	Blumenauer
Andrews	Berkley	Boswell
Baca	Berman	Brady (PA)
Baldwin	Bishop (GA)	Braley (IA)
Bass (CA)	Bishop (NY)	Brown (FL)

Butterfield	Hinojosa	Pastor (AZ)	Jordan	Neugebauer	Scalise	Bishop (NY)	Hahn	Olver
Capps	Hirono	Payne	Kelly	Noem	Schilling	Blumenauer	Hanabusa	Pallone
Capuano	Holden	Pelosi	King (IA)	Nugent	Schmidt	Boswell	Hastings (FL)	Pascrell
Carnahan	Holt	Peters	King (NY)	Nunes	Schock	Brady (PA)	Heinrich	Pastor (AZ)
Carney	Honda	Pingree (ME)	Kingston	Nunnelee	Schrader	Braley (IA)	Higgins	Payne
Carson (IN)	Hoyer	Price (NC)	Kinzinger (IL)	Olson	Schweikert	Brown (FL)	Himes	Pelosi
Castor (FL)	Inslee	Quigley	Kline	Owens	Scott (SC)	Butterfield	Hinchey	Peters
Chu	Israel	Rangel	Labrador	Palazzo	Scott, Austin	Capps	Hinojosa	Pingree (ME)
Cicilline	Jackson (IL)	Reyes	Lamborn	Paul	Sensenbrenner	Capuano	Hirono	Price (NC)
Clarke (MI)	Jackson Lee	Richardson	Lance	Paulsen	Sessions	Carnahan	Holden	Quigley
Clarke (NY)	(TX)	Richmond	Landry	Pearce	Shimkus	Carney	Holt	Rangel
Clay	Johnson (GA)	Rothman (NJ)	Lankford	Pence	Shuster	Carson (IN)	Honda	Reyes
Cleaver	Johnson (IL)	Roybal-Allard	Latham	Perlmutter	Simpson	Castor (FL)	Hoyer	Richardson
Clyburn	Johnson, E. B.	Ruppersberger	LaTourette	Peterson	Smith (NE)	Chandler	Inslee	Richmond
Cohen	Kaptur	Rush	Latta	Petri	Smith (NJ)	Chu	Israel	Rothman (NJ)
Connolly (VA)	Keating	Ryan (OH)	Lewis (CA)	Pitts	Smith (TX)	Cicilline	Jackson (IL)	Roybal-Allard
Conyers	Kildee	Sánchez, Linda T.	LoBiondo	Platts	Southerland	Clarke (MI)	Jackson Lee	Ruppersberger
Cooper	Kind	Sanchez, Loretta	Long	Poe (TX)	Stearns	Clarke (NY)	(TX)	Rush
Costello	Kissell	Sarbanes	Lucas	Pompeo	Stivers	Clay	Johnson (GA)	Ryan (OH)
Courtney	Kucinich	Schakowsky	Luetkemeyer	Posey	Stutzman	Cleaver	Johnson, E. B.	Sánchez, Linda T.
Crowley	Langevin	Schiff	Lummis	Price (GA)	Sullivan	Clyburn	Jones	Sanchez, Loretta
Cummings	Larsen (WA)	Schwartz	Lungren, Daniel E.	Quayle	Terry	Cohen	Kaptur	Sarbanes
Davis (CA)	Lee (CA)	Scott (VA)	Mack	Rahall	Thompson (PA)	Connolly (VA)	Keating	Schakowsky
Davis (IL)	Levin	Scott, David	Manzullo	Reed	Thornberry	Conyers	Kildee	Schiff
DeFazio	Lewis (GA)	Serrano	Marchant	Rehberg	Tipton	Cooper	Kind	Schwartz
DeGette	Lipinski	Sewell	Marino	Reichert	Turner (NY)	Costello	Kucinich	Scott (VA)
DeLauro	Loeback	Sherman	Matheson	Renacci	Turner (OH)	Courtney	Langevin	Scott, David
Deutch	Lofgren, Zoe	Shuler	McCarthy (CA)	Ribble	Upton	Crowley	Larsen (WA)	Serrano
Dingell	Lowe	Sires	McCaul	Rigell	Walberg	Cuellar	Lee (CA)	Sewell
Doggett	Lujan	Slaughter	McClintock	Rivera	Walden	Cummings	Levin	Sherman
Doyle	Lynch	Smith (WA)	McCotter	Roe (TN)	Walsh (IL)	Davis (CA)	Lewis (GA)	Shuler
Edwards	Markey	Speier	McHenry	Rogers (AL)	Webster	Davis (IL)	Lipinski	Sires
Ellison	Matsui	Stark	McKeon	Rogers (KY)	West	DeGette	Loeback	Slaughter
Engel	McCarthy (NY)	Thompson (CA)	McKinley	Rogers (MI)	Westmoreland	DeLauro	Lofgren, Zoe	Smith (WA)
Eshoo	McCollum	Tierney	McMorris	Rohrabacher	Whitfield	Deutch	Lowe	Speier
Farr	McDermott	Tonko	Rodgers	Rokita	Wilson (SC)	Dingell	Lujan	Stark
Fattah	McGovern	Towns	Meehan	Rooney	Wittman	Doggett	Lynch	Thompson (CA)
Filner	McIntyre	Tsongas	Mica	Ros-Lehtinen	Wolf	Doyle	Markey	Tierney
Frank (MA)	McNerney	Van Hollen	Miller (FL)	Roskam	Womack	Edwards	Matsui	Tonko
Fudge	Meeks	Velázquez	Miller (MI)	Ross (AR)	Woodall	Ellison	McCollum	Towns
Garamendi	Michaud	Visclosky	Miller, Gary	Ross (FL)	Yoder	Engel	McDermott	Tsongas
Gonzalez	Miller (NC)	Walz (MN)	Mulvaney	Royce	Young (AK)	Eshoo	McGovern	Van Hollen
Green, Al	Miller, George	Wasserman	Murphy (PA)	Runyan	Young (FL)	Farr	McIntyre	Velázquez
Grijalva	Moore	Schultz	Myrick	Ryan (WI)	Young (IN)	Fattah	McNerney	Visclosky
Gutierrez	Moran	Waters				Filner	Meeks	Walz (MN)
Hahn	Murphy (CT)	Watt				Fortenberry	Michaud	Wasserman
Hanabusa	Nadler	Waxman				Frank (MA)	Miller (NC)	Schultz
Hastings (FL)	Napolitano	Welch				Fudge	Miller, George	Waters
Heinrich	Neal	Woolsey				Garamendi	Moore	Watt
Higgins	Olver	Yarmuth				Gonzalez	Moran	Waxman
Himes	Pallone					Green, Al	Murphy (CT)	Welch
Hinchey	Pascrell					Green, Gene	Nadler	Woolsey
						Grijalva	Napolitano	Yarmuth
						Gutierrez	Neal	

NOES—256

Adams	Cassidy	Gardner
Aderholt	Chabot	Garrett
Akin	Chaffetz	Gerlach
Alexander	Chandler	Gibbs
Altmire	Coble	Gibson
Amash	Coffman (CO)	Gingrey (GA)
Amodei	Cole	Gohmert
Austria	Conaway	Goodlatte
Bachus	Costa	Gosar
Barletta	Cravaack	Gowdy
Barrow	Crawford	Granger
Bartlett	Crenshaw	Graves (GA)
Barton (TX)	Critz	Graves (MO)
Bass (NH)	Cuellar	Green, Gene
Benishek	Culberson	Griffin (AR)
Berg	Davis (KY)	Griffith (VA)
Biggert	Denham	Grimm
Bilbray	Dent	Guinta
Bilirakis	DesJarlais	Guthrie
Bishop (UT)	Diaz-Balart	Hall
Black	Dold	Hanna
Blackburn	Donnelly (IN)	Harper
Bonner	Dreier	Harris
Bono Mack	Duffy	Hartzler
Boustany	Duncan (SC)	Hastings (WA)
Brady (TX)	Duncan (TN)	Hayworth
Brooks	Ellmers	Heck
Broun (GA)	Emerson	Hensarling
Buchanan	Farenthold	Herger
Bucshon	Fincher	Herrera Beutler
Buerkle	Fitzpatrick	Hochul
Burgess	Flake	Huelskamp
Burton (IN)	Fleischmann	Huizenga (MI)
Calvert	Fleming	Hultgren
Camp	Flores	Hunter
Campbell	Forbes	Hurt
Canseco	Fortenberry	Issa
Cantor	Fox	Jenkins
Capito	Franks (AZ)	Johnson (OH)
Cardoza	Frelinghuysen	Johnson, Sam
Carter	Gallely	Jones

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1853

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. ELLISON
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Minnesota (Mr. ELLI-
SON) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE
The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 170, noes 252,
not voting 11, as follows:

[Roll No. 759]

AYES—170

Ackerman	Baldwin	Berkley
Andrews	Bass (CA)	Berman
Baca	Becerra	Bishop (GA)

NOES—252

Adams	Capito	Frelinghuysen
Aderholt	Carter	Gallely
Akin	Cassidy	Gardner
Alexander	Chabot	Garrett
Altmire	Chaffetz	Gerlach
Amash	Coble	Gibbs
Amodei	Coffman (CO)	Gibson
Austria	Cole	Gingrey (GA)
Bachus	Conaway	Gohmert
Barletta	Costa	Goodlatte
Barrow	Cravaack	Gosar
Bartlett	Crawford	Gowdy
Barton (TX)	Crenshaw	Granger
Bass (NH)	Critz	Graves (GA)
Benishek	Culberson	Graves (MO)
Berg	Davis (KY)	Griffin (AR)
Biggert	Denham	Griffith (VA)
Bilbray	Dent	Grimm
Bilirakis	DesJarlais	Guinta
Bishop (UT)	Diaz-Balart	Guthrie
Black	Dold	Hall
Blackburn	Donnelly (IN)	Hanna
Bonner	Dreier	Harper
Bono Mack	Duffy	Harris
Boustany	Duncan (SC)	Hartzler
Brady (TX)	Duncan (TN)	Hastings (WA)
Brooks	Ellmers	Hayworth
Broun (GA)	Emerson	Heck
Buchanan	Farenthold	Hensarling
Bucshon	Fincher	Herger
Buerkle	Fitzpatrick	Herrera Beutler
Burgess	Flake	Hochul
Burton (IN)	Fleischmann	Huelskamp
Calvert	Fleming	Huizenga (MI)
Camp	Flores	Hultgren
Campbell	Forbes	Hunter
Canseco	Fox	Hurt
Cantor	Franks (AZ)	Issa

Jenkins	Mulvaney	Ryan (WI)
Johnson (IL)	Murphy (PA)	Scalise
Johnson (OH)	Myrick	Schilling
Johnson, Sam	Neugebauer	Schmidt
Jordan	Noem	Schock
Kelly	Nugent	Schrader
King (IA)	Nunes	Schweikert
King (NY)	Nunnelee	Scott (SC)
Kingston	Olson	Scott, Austin
Kinzinger (IL)	Owens	Sensenbrenner
Kissell	Palazzo	Sessions
Kline	Paul	Shimkus
Labrador	Paulsen	Shuster
Lamborn	Pearce	Simpson
Lance	Pence	Smith (NE)
Landry	Perlmutter	Smith (NJ)
Lankford	Peterson	Smith (TX)
Latham	Petri	Southerland
LaTourette	Pitts	Stearns
Latta	Platts	Stivers
Lewis (CA)	Poe (TX)	Stutzman
LoBiondo	Pompeo	Sullivan
Long	Posey	Terry
Lucas	Price (GA)	Thompson (PA)
Luetkemeyer	Quayle	Thornberry
Lummis	Rahall	Tiberi
Lungren, Daniel	Reed	Tipton
E.	Rehberg	Turner (NY)
Mack	Reichert	Turner (OH)
Manzullo	Renacci	Upton
Marchant	Ribble	Walberg
Marino	Rigell	Walden
Matheson	Rivera	Walsh (IL)
McCarthy (CA)	Roby	Webster
McCaul	Roe (TN)	West
McClintock	Rogers (AL)	Westmoreland
McCotter	Rogers (KY)	Whitfield
McHenry	Rogers (MI)	Wilson (SC)
McKeon	Rohrabacher	Wittman
McKinley	Rokita	Wolf
McMorris	Rooney	Womack
Rodgers	Ros-Lehtinen	Woodall
Meehan	Roskam	Yoder
Mica	Ross (AR)	Young (AK)
Miller (FL)	Ross (FL)	Young (FL)
Miller (MI)	Royce	Young (IN)
Miller, Gary	Runyan	

NOT VOTING—11

Bachmann	Giffords	Sutton
Boren	Larson (CT)	Thompson (MS)
Cardoza	Maloney	Wilson (FL)
Dicks	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1857

So the amendment was rejected.

The result of the vote was announced
as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Chair, on October 5, 2011, I was not present for rollcall votes 747–759 due to the death of a close family friend. If I had been present for these votes, I would have voted: “aye” on rollcall vote 747; “aye” on rollcall vote 748; “aye” on rollcall vote 749; “aye” on rollcall vote 750; “aye” on rollcall vote 751; “aye” on rollcall vote 752; “aye” on rollcall vote 753; “aye” on rollcall vote 754; “aye” on rollcall vote 755; “aye” on rollcall vote 756; “aye” on rollcall vote 757; “aye” on rollcall vote 758; “aye” on rollcall vote 759.

AMENDMENT NO. 23 OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. Ross of Florida). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 11, strike “and” after the semicolon.

Page 6, line 12, strike “impacts.” and insert “impacts; and”.

Page 6, after line 12, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

□ 1900

Mr. COHEN. Mr. Chair, my amendment simply requires—it’s a very simple amendment—that the Environmental Protection Agency administrator consider the potential reductions in the number of illness-related absences from work when establishing a compliance date for this cement kiln rule.

Cement kilns are the second-largest source of airborne mercury pollution in the United States and also a leading emitter of lead, arsenic, and other toxic dangerous metals—nothing, of course, that anybody on either side of the aisle would like to see floating around the atmosphere and absorbed in our bodies. Dramatically reducing the amount of toxic pollutants cement kilns can spew in our Nation’s air and water will make America a healthier, more productive nation.

The EPA projects that every year that this particular rule is applicable, the administration’s cement kiln rule will prevent up to 2,500 premature deaths, 17,000 asthma attacks, and 130,000 days when people will be too sick to go to work. Despite the erroneous claims from a handful of vocal individuals within the cement industry that this rule will ruin the economy, the truth is the cement kiln rule will strengthen America’s economy and the American worker because cement kilns emit thousands of pounds of mercury and acid gases every year, thousands of workers are unable to go to work because they are simply too sick, meaning every day hardworking Americans are unable to work and earn a paycheck so they can put food on their family’s table. Not only are these hardworking Americans not generating income, but many of them are forced to spend their limited income on doctors’ bills, emergency room visits, and expensive medicines.

These Americans want to work. They want to be productive citizens. Their employers want them to work, but the employers are spewing environmental disaster into the air that prevents them from working. Despite their most sincere interest and desire to put in a hard day’s work, they can’t because the dirty cement kiln is spewing toxic pollutants into the air making them sick and making them drive to the hospital instead of their offices.

If the EPA administrator has to factor in issues such as potential net employee impacts when establishing compliance dates when they shouldn’t, the administrator also will have to factor in potential reductions in the number

of illness-related absences from work. But what good is saving 1 day’s work at a cement plant if it means that dozens of people will be too sick to go to work that day?

If the United States is going to retain its status as the world’s economic engine, then we need to have the world’s healthiest and most productive workforce. But that will not happen if we continue to let a handful of dirty cement kilns scattered across the country undermine the health and well-being of thousands of American workers.

I encourage my colleagues to understand the importance of a healthy workforce and support my amendment. We must recognize that any establishment of a compliance date that does not factor the health of the American workforce is fundamentally flawed and inadequate.

I also would mention that this will affect horses, for horses and animals, dogs and horses will breathe in the same air and it will affect their well-being—well noted. On behalf of the hundreds and thousands of American workers and animals who have been forced to miss work because of the sickness incurred by breathing in toxic pollutants from cement kilns, I ask you to support this amendment. It’s time for this Congress to stand up to protect our Nation’s most valuable resource, the American worker, and also the American worker’s best friend, his dog, and sometimes his horse.

I urge passage of my amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I certainly want to thank the gentleman from Tennessee for offering this amendment and particularly pointing out that it relates to animals as well as people, and I would say that from our analysis, certainly EPA considers work-related illnesses and absences when they issue these regulations, and the specific section of the bill, H.R. 2681, which the gentleman from Tennessee is amending relates to the provisions that the administrator must consider relating to the industry in trying to comply with the regulation.

This amendment would add to that illness-related work absences would have to be considered as well, and we think that that would really be duplicative of what they already considered. And because of that, despite the great respect we have for the gentleman from Tennessee, I would urge that this amendment not be adopted and urge other Members to vote “no” on the amendment.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I would yield to the gentleman from Tennessee if he wishes to make any further statements.

Mr. COHEN. Mr. Chair, I respect the gentleman from Kentucky greatly and appreciate his remarks, but I would say if his position is there's no harm, no foul, if there's no harm, no foul and it's duplicative, then there's no reason not to adopt it in case he's wrong, and I think he is. I think it does add something. So the best case is you protect the worker, and the worst case is you have a couple of extra sentences in the law that make no difference.

So I would ask that we all join together in a bipartisan Kumbaya moment that we've been missing and need to have again, and I ask you to support it.

Mr. WAXMAN. In light of that argument, I'd be pleased to yield to the gentleman from Kentucky if he's now been convinced of the rebuttal. If not, I will yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, beginning on line 13, strike paragraph (1) and insert the following paragraph (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. KEATING. Mr. Chairman, this bill gives the impression that we're going to deal with this issue in 5 years. If you look at the bill carefully, you will find out, Mr. Chair, that indeed what it could postpone is the effect of this amendment forever. In fact, in

terms of pollution, in terms of toxins, this is the equivalent of the "pollution road to nowhere" where there's no ending in sight, none that will ever be reached, and it's just nothing but a guise for the people to think they're doing something within the 5-year timeframe.

Now, my amendment would allow the 5 years, but it would be a maximum of 5 years before the source has to be implemented and the appropriate changes are met in terms of emissions.

Now, what else would this amendment do? This amendment would save 10,000 related deaths, avert 6,000 heart attacks, avoid nearly 70,000 asthma attacks, and the pollution reductions required in this rule would cut mercury emissions from cement kilns by over 90 percent.

As all of us know, Mr. Chairman, mercury is a poisonous substance that affects the ability of infants and children to learn and to think. It also results in birth defects and cognitive disabilities. Cement kilns emit lead and arsenic which cause cancer and damage the nervous system.

Now let's line up the costs and benefits. The costs—birth defects, cognitive disabilities, cancer, heart attacks, asthma, and attacks on the nervous system—are on one side of the ledger. On the other side of the ledger are marginal savings by the companies for not doing what they really should be doing in terms of keeping people safe.

Now let's add up the cost of that versus the cost of all those ailments, all those things that affect young people and that will affect taxpayers funding this for decades to come, a multiple of whatever savings is there for the industries that are in question.

So I hope this amendment passes. I think what this attempts to do is say let's cut through the guile. If you mean 5 years, you mean 5 years. And so we should be in agreement on this if that is indeed the case. And I hope this amendment gets the support from my colleagues that believe 5 years is a reasonable time.

I yield back the balance of my time.

□ 1910

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The amendment offered by the gentleman would set a 3-year compliance date and allow case-by-case extensions for up to 2 years if the administrator of EPA determines that there is a compelling need to do so.

The purpose, of course, of this legislation is to protect health, provide feasibility and regulatory certainty, protect jobs, and minimize plant shutdowns. Under the Clean Air Act, sources already have 3 years to comply

with section 112 standards for cement kilns, with a potential 1-year extension by the EPA administrator or a State-permitting authority. This amendment would allow for a second possible 1-year extension, so a source might be able to get 5 years for compliance. The amendment would impose additional regulatory burdens on both the EPA and those facilities trying to comply. It would require a facility to compile evidence to justify the need for an additional year, and would require the administrator to make a case-by-case determination about whether that justification is compelling.

All of the testimony in the hearings on this indicated that the current 3-year compliance timeframe is simply not workable and a definitive period of at least 5 years is needed. And so for that reason, with all due respect, we would urge the defeat of the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chair, I rise in support of the pending amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I would like to yield to the author of the amendment, the gentleman from Massachusetts.

Mr. KEATING. I thank the gentleman for yielding.

I would just say this: When you talk about certainty, the only thing that is certain about this bill is there's no end to it. So if you call certainty meaning there's no timeframe that can ever be reached for certain, then I don't understand the paradox.

And when you're talking about the cost to the EPA and the marginal cost that might be there to the industry in terms of savings, that pales in comparison—by multiples—to the cost that taxpayers are going to have to pay for the cognitive disabilities, the birth defects of infants and young children that will be borne, in most cases, by the taxpayer because we're not making these industries do what they're supposed to do.

Mr. WAXMAN. I want to reclaim my time because the gentleman is absolutely correct. There is no end point to when there would be compliance so that we can get the health benefits because of that compliance.

But let's go through the bill again. The bill would nullify EPA's emission standards for cement kilns. It ensures that if EPA is able to issue a new standard, the new standard would be less protective of public health and more protective of the cement manufacturers' profits. And even then, the bill allows for implementation of any new standard to be indefinitely delayed. It blocks EPA from requiring cement kilns to comply with the new rules for at least 5 years, and fails to establish any deadline for compliance

whatsoever. This could allow cement kilns to continue to pollute without limit indefinitely.

I support this amendment because it would use this existing framework of the bill as a baseline for compliance, but it would also allow the administrator to provide additional extensions of 1 year for existing sources if she determines there is a compelling reason. No polluter can have more than 5 years to comply. Already under the Clean Air Act, every facility has complied no later than 3 years after the limits go into effect.

Over the past 20 years, tens of thousands of sources across about 100 industries have cleaned up their toxic air pollution within that 3-year period. I think the statutory timeframe is sufficient. Five years is a long time to wait for the communities living in the shadow of these cement kilns. At least this amendment sets an outer bound for when cement kilns will have to comply, unlike the underlying legislation.

I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KEATING).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. KEATING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. EDWARDS

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of \$6,700,000,000 to \$18,000,000,000, while the costs of such rules are \$926,000,000 to \$950,000,000.

Page 5, line 11, strike "section 2" and insert "section 3".

Page 6, line 14, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 7, line 8, strike "section 2(a)" and insert "section 3(a)".

Page 7, lines 9 and 10, strike "section 2(b)(2)" and insert "section 3(b)(2)".

Page 8, line 3, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I think it's important for us to take a step back and review our history.

The Clean Air Act has a proven 40-year track record of delivering technological innovation and economic growth for the American people while at the same time protecting public health and our Nation's environment. This bipartisan act was originally signed into law by President Richard Nixon, and the 1990 amendments were enacted by President George H.W. Bush. Unfortunately, my Republican colleagues here today don't see eye to eye even with their own party's former Presidents.

Since its inception, the Clean Air Act has netted Americans \$40 in benefits for every \$1 that's been spent, making it one of the most successful and significant statutes in our Nation's history. My amendment highlights the fact that if the rules repealed by this bill remained in effect, they would yield annual public health benefits of between \$6.7 billion and \$18 billion, at a cost of under \$1 billion.

The benefit of complying with the EPA's cement kiln standards exceeds the cost by a factor of at least 7 and as much as 18. And let's say this in really plain language: That is between a 700 percent to an 1,800 percent return on an investment. It sounds like a good investment. And these returns come from avoiding the health care and social costs associated with 2,500 premature deaths, 1,500 heart attacks, 17,000 cases of aggravated asthma, 32,000 cases of respiratory illnesses each year, the cost of 1,000 emergency room visits, 740 hospital admissions, multiple trips to the doctor and taking prescription drugs, and the cost of 130,000 days of missed work a year, costs felt by employers in the form of lost productivity and the employee in the form of lost wages. One person working 7 days a week would have to work 356 years to reach 130,000 days.

This very extreme analogy makes a simple point. If we put it in perspective, the cement industry employs 13,000 workers. And if those workers took the 130,000 sick days, it would shut down the entire cement industry for 10 days every year.

A study published in the May 2011 Health Affairs found that we spend \$76 billion a year treating environmental diseases in children like lead poisoning, prenatal methylmercury exposure, childhood cancer, asthma, intellectual disability, autism, and ADHD. Now, cement factory emissions may not be responsible for every one of these instances, but cement kilns are the second-largest source of airborne mercury pollution in the United States—after power plants. It's extraordinary. Mercury is a powerful neurotoxin that when ingested, particularly by pregnant women, in the form of fish, can impair cognitive function in infants and children. In 2000, the National Research Council warned that 60,000 children could be born annu-

ally with neurological problems from exposure to mercury while in the womb.

It's a simple fact: At a time when our Nation is struggling with budget deficits, we should be targeting the causes of disease and acting to reduce the need for health care spending. And yet producers of toxic emissions need to step up and assume their fair share of responsibility.

Now, those who want to gut the EPA cement kiln standards say that complying with these rules would force them to jack up the price of cement and drive consumers—mostly construction companies—to buy cheap imports from China instead. It's not true, and it's just a scare tactic. Instead, look at the facts. The EPA estimates that cement makers would recoup nearly 90 percent of their pollution control costs—which are anyway amortized over years of operation—by adding just \$4.50 to the price of a ton of cement. This is not a prohibitive hike. And more importantly, cement is expensive to ship, and so the likelihood of shipping it from China seems highly skeptical. The truth is that the cement sector is vulnerable because the construction industry has taken a big hit in the recession and hasn't recovered. And here we're in a Congress trying to gut EPA standards when we actually should be creating jobs.

And if you want to talk about job killers, this bill is a job killer because we should be investing in the industry, allowing it to produce cement for roads, bridges, all of our infrastructure instead of gutting EPA standards. There's no way to do this except by investing in infrastructure.

And so I would urge us to look at the real cost of lowering these standards, the real cost to industry, and urge us instead to think about the Clean Air Act and the benefits to communities, and make sure that we pass this amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1920

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The last time that the Clean Air Act was amended in any significant way was 1990, over 21 years ago. And Congress certainly has the responsibility, from time to time, to look at the Clean Air Act to make changes when we believe changes should be made. And with the current situation in our economy, and the high unemployment and the number of concerns expressed by industries around the country, as well as individuals about the lack of jobs, we made a decision that we would start questioning some of the regulations coming out of the EPA.

The gentlelady from Maryland, who is a very effective Member of this body, is suggesting that, in our legislation, that we adopt as a finding the health benefits and costs as computed by EPA.

Now, we have difficulty just adopting their health benefits and costs and putting it in our legislation as a finding for a number of reasons. Number one, we don't really know the assumptions that they're using. Number two, many universities and others have questioned the models being used by EPA in computing costs and benefits. And many people have found that there is a lack of transparency in the methodology used at EPA in making many of these calculations.

I might also say that, because of that, for example, EPA determined that the cost of these rules would be between \$926 million to \$950 million; and yet other independent analyses have indicated that the cost would be anywhere up to \$3.4 billion. So we genuinely believe that for Congress to simply take those calculations and put them in as a finding of this legislation would be irresponsible.

I might also add that, with respect to the benefits, EPA itself has acknowledged that it has not even quantified the benefits from the reductions of hazardous air pollutants, which are the very pollutants that these rules, these cement rules, were intended to target. Rather, EPA's estimates of benefits are all related to incidental health benefits by the reduction of particulate matter, which are already regulated by other parts of the Clean Air Act.

So for all of those reasons, I would respectfully urge Members to oppose the gentlelady's amendment and request that they vote in opposition to it.

With that, I yield back the balance of my time.

Mr. WAXMAN. I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. For decades, regulated industry has claimed that EPA rules are not worth the cost. For decades, they've pushed laws and executive orders to require more and more detailed cost-benefit analyses. So now, that's what EPA does for every major rule. EPA conducts a regulatory impact analysis that quantifies and monetizes, to the extent possible, the costs and benefit of each rule.

These analyses are based on peer-reviewed science. They're reviewed by the Office of Management and Budget. The analyses are usually a couple hundred pages long. EPA prepares a draft analysis for the proposed rule, which is available for public comment before it is finalized with the final rule.

The information about the costs and benefits of the rules helps EPA make a

sensible decision about how stringent the standards should be. For example, as a consequence, EPA almost never adopts rules where monetized costs outweigh the benefits.

Last year, EPA finalized long overdue standards to cut emissions of mercury and other toxic air pollutants from cement kilns. As it does for every rule, EPA conducted a thorough regulatory impact analysis of cement kiln rules following the process I just described. This analysis found that the benefits of these rules for public health far outweigh the costs to the polluters. That means that, as a Nation, we're far better off with these rules than without them.

But now the Republicans aren't interested in the cost-benefit analysis. They're only interested in the costs, regardless of how much those costs are outweighed by the benefits.

Here's why these rules are such a good deal for the American public: the rules will significantly reduce emissions of fine particle pollution which can lodge deep in the lungs and cause serious health problems. By cutting emissions of fine particles, EPA estimates that these rules will prevent up to 2,500 premature deaths, 1,500 non-fatal heart attacks, 17,000 cases of aggregated asthma, and 130,000 days when people miss work or school each year.

EPA estimates that the cost to comply with the rules will be about \$950 million in 2013. In contrast, EPA estimates that the monetized health benefits associated with reduced exposure to air pollution range from \$6.7 billion to \$18 billion in 2013 and annually thereafter.

Moreover, these figures likely underestimate the health benefits of the rule because, given time and data limitations, EPA wasn't able to put a dollar value on the health benefits of reducing cement kiln emissions of carcinogens and other toxic substances such as mercury, which is a powerful neurotoxin.

Well, this amendment simply restates the conclusions of EPA's cost-benefit analysis. This amendment does not change what the bill does. If this amendment passes, the bill would still nullify the cement kiln rules and force EPA to start all over again. The bill would still rewrite the Clean Air Act in such a way that EPA may never be able to reissue emission limits for toxic air pollution from cement kilns.

But this amendment provides an important reminder. By nullifying the rules, the bill also nullifies the \$6.7 billion to \$18 billion in annual health benefits that would have made Americans better off if the rules remain in place. This amendment ensures that we have a clearly stated accounting of the monetized costs and benefits of this bill.

The Republicans have been eager to talk about the benefit to industry of shielding them from having to cut

their toxic and mercury emissions. This amendment simply outlines the costs to public health of nullifying these rules.

When it came to Congressman ELLISON's amendment, where he wanted the benefits clearly stated, the Republicans opposed it because they said that EPA had already studied it, so why should we have to put it in the finding. When it comes to this amendment they say, well, maybe they haven't studied it well enough; and they didn't want to put it in the findings for that reason. I find both arguments not only inconsistent, but not very persuasive.

So I'd urge my colleagues to vote for this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. EDWARDS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Maryland will be postponed.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. Ross of Florida, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, had come to no resolution thereon.

□ 1930

HOUR OF MEETING ON TOMORROW

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE GOP JOBS OFFENSIVE: ROLLING BACK JOB-KILLING REGULATIONS

The SPEAKER pro tempore (Mr. Ross of Florida). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes as the designee of the majority leader.

Mr. WHITFIELD. Thank you very much.

Over the last year particularly, great attention has been paid in this country to the state of our economy; and despite all of the efforts of the bailouts, the stimulus spending and other efforts, our unemployment rate is still above 9 percent nationally.

We were told that when we adopted the bailouts, when we made money available for the stimulus plans, that unemployment would be reduced in the U.S. to a maximum of 8 percent. Well, that has not come to pass. And as you talk to business leaders large and small around the country, they will tell you that one of the primary reasons that our economy has not been stimulated is because of the uncertainty that has been caused by this administration.

Now, the uncertainties that I'm talking about are, number one, all of those uncertainties that are related to the health care legislation that passed in the last Congress. We know that that health care bill will not be fully implemented until the year after the year 2014. We've been told that CMS and HHS and others have already written 8,700 pages of additional regulations. It's quite clear from discussions with physicians, hospital administrators, and other health care providers that they do not know what to do. Businesses do not know what to do because they are not able to determine what the cost of health care is going to be because they still do not even know what is in the health care bill.

So with the uncertainty caused by the health care legislation, the uncertainty caused by the financial regulatory regime, the raising of the capital requirements, the changing in the methods used for conducting appraisals, all of that has generated a lot of uncertainty, and it's more difficult particularly for community banks to make loans.

A third area of uncertainty is related to regulations implemented by this Environmental Protection Agency. Under the administrator, Lisa Jackson, this has been the most aggressive EPA in the history of the agency. Trying to keep up with all of the regulations coming out has been very difficult to do. Lawsuits have been filed, consent decrees have been entered, court decisions have been rendered, environmental groups have been reimbursed for their legal costs, the regulations are changing; and so businesspeople are saying, we're not going to invest one dollar, much less millions of dollars, until we have some certainty about these regulations.

So the uncertainty related to health care, the uncertainty related to financial regulation, and the uncertainty related to EPA regulations have been a tremendous obstacle for investment to be made and for additional jobs to be created.

I think it's essential that if we're going to get this economy back on track that we have to have certainty in a lot of these areas, and that's precisely what the leadership in this House of Representatives is attempting to do. We're calling upon the leadership in the Democratic-controlled Senate to do the same thing; and the sooner that we can do that, the more likely it is that we're going to stimulate this economy. It's not going to be stimulated by additional regulation, it's not going to be stimulated by additional government expenditures, which is basically what the President's jobs plan is all about, and I might refer to today's article in *The Hill* and the headline that says Senate Democrats Buck Obama on Jobs Plan.

So let's get back to providing certainty; and when we do that, we're going to encourage investment in our economy to create more jobs.

With that, Mr. Speaker, I would like to yield back the balance of my time.

The SPEAKER pro tempore. The balance of the majority leader's time is reallocated to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Thank you, Mr. Speaker, I appreciate that, and I thank my friend from Kentucky for being here. I wanted to let him know that I have enjoyed the day. It's been a wonderful challenge and great working with him. I thank my friend for all the good work we did today.

Today from 1 o'clock until close to 7 o'clock, we were debating the Cement Industry Relief Act, and I'm going to just rehash that a little bit.

Before I start, Mr. Speaker, I had a constituent who approached me about the fact that as we're here tonight, that you and I are in a relatively empty Chamber except for all these fine folks that are all here working on behalf of the American people and that accused me of trying to fool the American people into thinking this was a full room.

So I just wanted to set the record straight because he honestly didn't believe I would do it, that most evenings we are talking to our colleagues back in their offices and so forth who are keeping up with this on C-SPAN. This is often a very small group of folks who are in this Chamber. I'm not trying to fool anybody, and I was offended by the fact that he accused me of doing that. So I wanted to make the record clear as I started tonight that you and I are working here together.

□ 1940

So now that I've gotten that little pledge that I made to one of my constituents taken care of—I hope he was watching—I want to say that we've been talking for quite some time about the regulatory burden that's being placed on the American people and what that has to do with our economy,

the fact that we may be approaching a double-dip recession, God forbid—but there's all indications that we could be—and the fact that we're losing jobs. We've got to, instead, stop losing jobs. We've got to save jobs and start creating jobs.

The truth is that the job creators of this world are, first and foremost, our small business people. We had a whole group of small business people who came up to hear the President's speech when he talked to us the other day. They sat right up in this section of the gallery, and later they talked to the press and others about what they thought was necessary for their individual small businesses to start to grow, to prosper, and to create jobs. It's a funny thing. I didn't hear from any of them—and there were about 12—that what we need is a government bailout, that what we need is a government stimulus.

What they said was, We need the government to quit throwing up roadblocks to us prospering in our businesses. They mentioned the fact that access to capital was difficult in this country because of regulations that had been issued under the Dodd-Frank Act. They mentioned the unknown about what's going to happen as the regulations are being developed for health care, for what we call the ObamaCare bill.

As those regulations are being developed, every day it seems like they hear something new that is going to be mandatory in health care. As mandatory regulations are put upon the insurance providers of health care, the prices go up. Then as many of these small business people who are diligently trying to keep their employees hired and their employees insured as the ongoing rulings by these regulators under the health care bill are coming to the forefront so people can know about them, they hear from their providers that the prices went up.

Some of them tell me that it's now getting to a point where the costs that are being put upon them—basically the cost of these regulations—are actually making them have to decide, Not only are we not going to be able to hire anybody, but we're not going to be able to keep everybody we've got because we're doubling and sometimes tripling our costs of providing health care for our employees. Quite honestly, with the number of employees we've got, we're just going to have to double up, and some people are going to have to carry bigger shifts. We have to do that. Where, in reality, the best business practice would be to hire somebody, the regulations keep us from doing that.

Then they tell us, With the unknown of the tax structure that we've got and the fact that what we now after 12 years are still calling the Bush tax cuts, which in reality is the tax plan

that we're under now, there's a very good possibility that that tax plan might go away. Then the small business man and his accounting folks will have to look clear back to the era of Bill Clinton to see what the taxes were like then so they'll know what the taxes will be like if this body lets those things expire. They see that it's going to cause a tremendous amount of acceleration of their expenditures to pay extra taxes.

So they say, With that being unknown, with the final price tag for health care being unknown and then with learning that there are other agencies like the Environmental Protection Agency and others that are going to impose additional regulations and additional rules on our small businesses, well, you know what, we can't afford to hire anybody. Even if we could make it better and make a more prosperous business than we have, because of the unknowns, we can't afford to do that.

Quite honestly, the President is going around all over the country. So far, he's been, I think, to every member of the leadership's district but mine, and he is telling people to tell the Congress to vote for his jobs bill, he calls it. I think it's the great American jobs bill or something to that effect. He's telling us the facts that he thinks we need to know about it; but that jobs bill has a lot more in it that is unknown, and the American people know that.

I mean, this isn't their first rodeo, as we say in Texas. They've been here before; and they know that when they've got a giant bill with giant expenditures and when all they're hearing are talking points on the television and the radio, they need somebody to look at that bill. Those of us who are here who are looking at it are seeing many, many onerous things that exist in that bill that are not being talked about.

The other night, Congressman LOUIE GOHMERT was talking about some of the things he discovered as he was reading the bill. You haven't heard anyone talking about the things that he has discovered, but those things are important to the American people. It means their lives change both at home and in their businesses. American businessmen know that these unknowns are out there, and they are concerned about these unknowns. The unknown creates fear. It creates hesitation on behalf of the people who create jobs in this country.

The real jobs are the jobs that you get hired for and you make a living out of. It becomes a career job, and you are able to have a career and hopefully work in that industry until you decide it's not in your best interest to work there or until you're ready to retire with a retirement and a Social Security system that you can trust.

They say, But we're not sure we can trust that.

With a health care plan that you can trust. But we're not sure we can trust that.

We've got to put truth in front of the American people. We've got to get honest about what is in the bills that are out here. We have to be honest and stand up to the regulators and say, Wait a minute, what you're doing is going to cause people in my district back home and across this country to not be able to hold onto the jobs they've got.

This is the kind of thing that is causing a lot of the problems we have today.

Franklin Roosevelt said in the Great Depression: "The only thing we have to fear is fear, itself." I think it's an argument that's still going on as to why private industry is fearful to hire new employees—because they don't know what the results of that hiring will be as far as the bottom line of their profit margins.

So I have been taking on the regulators and talking about various regulations and how colleagues in the House with me have bills and that we are taking up one a week until we get all of them before this Congress and, hopefully, get a vote and get them out of this House and over to the Senate.

Then we hope and pray and beg and cajole the Senators, maybe, to take up the bills. We have a stack of bills sitting over on HARRY REID's desk right now that have been passed that will make a difference in creating jobs in this country; but he announces when they get there that they're dead on arrival and that the Senate is not going to act. The Senate gets paid to act, but they seem to think, this year, they get paid not to act. That's an issue between the American people and the Senate, but we have bills that are going over there. We will continue to send bills over to our colleagues in the Senate, and we are hopeful that as we approach the possibility of a double-dip recession that they'll open up a couple of those bills and take a look at them and see if they might help. I think they might.

Today, on the floor of this House, I've been involved, by permission of the chairman, in this debate on the cement regulations. We've been talking of and dealing with amendments since 1 o'clock. So I've been here a long time, but I kind of like it. I enjoyed the conversation with my colleagues on the other side of the aisle, and we had a good debate. All the amendments had been voted on and passed up until 7 o'clock, and the other amendments will be voted on tomorrow, then the final passage of this bill that is described right here, H.R. 2681.

□ 1950

What it does—probably is kind of hard to read—it provides employers with extended compliance period. What

we've got is another form I want you to look at in this debate. I'll put it down there, and I'll hang it up there in a minute.

First, what this bill does, it provides additional time to comply with the Clean Air Act and the rules that they've set relative to the manufacture of Portland cement. It blocks current regulatory overreach by the authority. It gives the EPA at least 15 months to re-propose and finalize new and available rules that do not destroy jobs.

It affects the Cement MACT and two related rules. It's expected to affect approximately 100—this current set of rules is expected to affect 100 cement plants in America, has already caused suspension of a new \$350 million cement plant proposed in, I believe, the State of Alabama, putting 1,500 construction jobs on hold.

That's what this proposed rule has already done. What this does is say time out, EPA, you're killing jobs.

So here's what we ask you to do. I want you to look at this rule and look at it in light of the fact that there's a possibility that 20 percent or more of these 100 cement plants will close. They will either close down and stop making Portland cement in the United States, or they will close down until they can open up overseas in an environment that is, quite honestly, not regulated at all. Not that our Americans don't want clean air, they do. But if they've got the clean air rules that are going to destroy them because of the cost, and the fact that they can't meet the standards and there aren't scrubbers to help them meet the standards, then they're going to say, well, if I'm going to stay in business I have got to go someplace where the regulations are not so fierce.

Now, why do I say they're fierce? Well, historically when we started off our environmental cleanup—which is a great thing, and every American's proud of it—I can remember that Europeans were held out as an example, just as they're being held out today as an example of green energy. They were held out as an example on water and air quality of how dedicated regimes could come up with solutions to solve the air and the water problem.

We have all seen the Sherlock Holmes movies of the smog and the fog in London, and it's gone. We've all heard of the pollution of the Rhine River, and it's not polluted anymore. And the Europeans were held out as having set the standards that the world needed to follow.

Well, let's look at the standards that the Europeans sets for the cement industry. The EU has just issued their final standards. The parameter for mercury, the U.S. standard in the EPA rule that we are dealing with in House bill 2681 is .01 percentage of mercury as an emission. The European standard, supposedly the state-of-the-art, is .05.

Our standard is five times more restrictive than the European standard.

Hydrochloric acid, our standard is 3.83. The European standard is 10.

In particulate matter, our standard is 7.72, the particulate matter standard in Europe, in the EU, is 20.

So the people that we and the progressives in this House held up as the model for knowing how to clean up the atmosphere and clean up the water was the EU. They have issued rules approximately at the same time we have issued our rules, and you can see how much more stringent the rules we're placing on the industries of America versus the rules that are being placed on the European industries, our competitors.

I don't mean in any way to criticize the Europeans. I just find it questionable, if the Europeans say .05 and we've got .01, and we're dealing with mercury, which is one of the pollutants that are discussed in the issue of Portland cement factories, then it's five times more difficult for us to meet the standards.

At least from what the industry says, there is equipment available to meet the European standard. Our standard at this time doesn't have equipment available to meet it. So even if they wanted to jump in and do it in the 3-year time period they have to do it, they know they can't. They don't think they can meet that standard. They feel it's either going to be cost-prohibitive because of research and development to come up with solutions, or it's not going to be reachable at all, which could cause major fines. After they spent millions of dollars trying, they said, heck, we just can't do it.

At least 20 percent of the plants have already said, hey, we just can't do it. We're small, small businesses, we're not the giant conglomerates that people presume us to be, but most of our folks that own cement plants own anywhere from one to maybe five, some of them have a few more. But most of them are fairly small, a one-family or one-person operation. They're sitting there saying, we can't meet it, we're going to shut down; or we're going to look at the areas in the world where we can meet it, maybe Mexico—which does have some standards but nothing anywhere even near the standards of Europe—or maybe we'll go to China or to India where they basically have no standards, not that we want to have a plant like that. But if we put the plant that has got the filters on it right now that meets a current standard and take it over there, at least we won't be polluting the atmosphere too much more, and we'll at least be able to be in business.

What does that mean to us? Well, the President of the United States is going all over the country, and he's making speeches. And one of the things he says is don't the Republicans want to re-

build the infrastructure of this country? Don't they want to construct new schools and repair the old schools?

Well, have you ever looked at what kinds of materials we use to build schools in the current modern world? Of course, even in the old antique world you start with a foundation made out of, what, concrete, which is made with Portland cement. So, if the Portland cement is moving overseas, and we have less and less people that can meet the standard—and it could be more than 20 percent that moved—those are the ones who have told us they'll move.

But as a business practice they're going to look at it and see if they can make it work. Now why do I say it is going to be tough to work? Well let's look at it.

They're roughly a \$6 billion industry. The estimated cost agreed upon—and the EPA doesn't dispute this—the estimated cost of making the changes to these plants, to meet the requirements set by the .01 on mercury, is \$3.4 billion. So the whole industry makes \$6 billion, and they have got to pay \$3.4 billion to fix the problem.

Now, that is half, more than half of the income from the whole industry to fix these problems. When you think about that, that's a terrible, terrible hit for people who are in the business of making a profit. I don't think anybody in America thinks that people are supposed to work for no salary and no profit.

And, by the way, the jobs that we have in the cement industry are good-paying labor jobs. They make somewhere between something like \$45,000 to \$65,000 at the lower range and \$65,000 to \$85,000 or \$90,000 in the upper range. That's a good-paying job.

□ 2000

Now, why would we want to ship that job out of the country so that America loses a job and somebody in India or China or Mexico gets a job? Why would we want to do that? That's a question we have to ask ourselves.

What our bill does, it says to the EPA, take another look at this and take into consideration the economic impact on our economy, take into consideration the impact on employment in our economy and the impact on lost jobs in our economy and the good you will do for the health care issues that are raised and have been raised all day by the Democratic Party in this Chamber.

Does anybody want sick people? Of course not. And to make that accusation against those of us who say these are onerous regulations I think is ridiculous. Nobody wants somebody to get sick, but is what we're doing going to keep them well? Let's examine that and see what we think.

I've shown this map before, but this is a very, very informative map. It tells

you the percentage of mercury deposition that originates outside of the United States. And the red is somewhere between 78 and 100. So in the areas that are tinted red there, the mercury that's in those areas, between 100 percent and 78 percent of it comes from outside this country. It's because the prevailing winds blow the plume of mercury from the areas where there are no restrictions and no clean air, and that would basically be Communist China and India. They choose to live like that. That's their choice, but their pollution blows to our country.

The yellow is from 78 to, it looks like, 58. So between 78 percent and 58 percent of the areas marked in yellow are foreign pollution. The green is between 58 percent and 19 percent that's foreign pollution in that area. And the blue, there is very little blue, just a few dots up on the East Coast and a couple of dots in the Midwest, the blue is 19 to zero is foreign pollution.

So with that much mercury as the example coming from other sources, putting the kind of burden that this thing does on our industry, which has nothing to do with the pollution source from outside our country, and yet we're going to make our folks meet a standard of 0.01 when our other clean competitor, EU, is 0.05, so you can see why the industry would say, yeah, there's plenty of equipment to meet 0.05, but we don't think we can meet 0.01.

So what does this mean? Well, it means in Oregon where they have already cleaned up their plant, one plant has announced if these rules go into effect, after they've cleaned up their plant to meet the best standards available and being told it's not good enough, they're saying, We may have to close this plant. And people in Oregon are going to lose jobs that pay \$80,000 to \$100,000 a year.

What's wrong with this picture? Well, I'll tell you what's wrong with it. The regulators are not thinking about whose job is going to get lost.

And meanwhile, if we cleaned up our 100 plants, and this is the pollution that's coming in from foreign sources, then how in the world are we going to say we're protecting our children from disease? Well, if you're going to protect our children from disease, what about all of this pollution? We can't do anything about that. We need to, but we can't.

So sometimes when you get a job and you work for an agency, you become so wrapped up in trying to save the world from your standpoint that you don't think about who gets hurt in the process. But I think it's pretty clear who gets hurt is some people who have some pretty darn good jobs. And that 9 percent unemployment figure could rapidly go up just in this industry of good American labor folks who lose great-paying jobs. And who do they lose them to? Foreign operations.

And then you ask people: Why do our jobs keep going overseas? At least in the concrete industry, the cement industry, we know.

Also, as Mr. Obama travels the country, he loves to talk about we're going to rebuild infrastructure. We talked about that in the original stimulus bill, and how out of all those \$600 billion or \$700 billion, whatever it was we spent—I know it turned out to be around 50 or \$60 billion that actually went to highways even though we were promised we were going to fix all of the highways and bridges, but let's just assume that they are going to fix the highways and bridges right now. If the cement industry is in trouble, then the concrete industry is going to be in trouble. And they have already had a 62 percent reduction in both those industries in the last 4 years because the economy has been bad and they're in the construction business.

So how are we going to build a bridge across the Mississippi River when we have to ship the products that we need to make our concrete over from China? Well, we'll do it. We'll figure out a way to transport that across the ocean. It can be done.

But remember when the President told us he found out that shovel-ready jobs in America weren't always shovel ready? Well, it's because something stood in between the time the shovel actually got used because there were other things that stood in the way. I would argue many of those other things were regulations. They were environmental regulations. They were endangered species regulations. And now they would be Portland cement regulations if this regulation stays in place.

Now, is this bill unreasonable? Well, we can analyze that for ourselves. It doesn't say we don't want to clean up the air. It says take another look at this. Factor in the economic impact and the labor impact, and then try to come up with a number that we have existing new ideas to clean up to, and that seems to be 0.05. And then when you've come up with a final rule that is doable in the industry as it exists—and that's part of the direction that EPA is given. It needs to be doable out in the actual working environment that it's in, not in some laboratory someplace. If you put rules together that will do that, then we'll all start to do it. And give us 5 years—we may do it quicker, but give us at least 5 years to spread out the cost because we're talking about a lot of cost for an industry that has to struggle. So give them a chance to get this thing done in a reasonable point of time.

Meanwhile, we're not making the air any dirtier. We're just maintaining the status quo which was cleaned up in 1999 and cleaned up again in 2006. So this is the third new standard. It's not like we have the dirty plants like our foreign competitors. No, we don't. We cleaned

our act up in 1999 and cleaned them up again in 2006, and the only thing that kept anything from getting done was lawsuits filed by environmentalists who said it wasn't enough.

Well, the industry tries its best to meet the standards. Obviously, they change almost every 5 years. So what's wrong with a period of time that says give us a chance to have 5 years to change? It's not unreasonable. It's a reasonable request to save jobs and keep an American industry alive in this country. So that's the example. That's what's being discussed today.

□ 2010

Next week and the week after that, there will be other bills that are out there.

Here is one that's probably the next one to come along, the Boiler MACT rules. What does that mean? Well, it means that we are taking a look at industries and entities that use boilers in their operation either to heat and cool or whatever, but they use a boiler to do it. And this is going to take place I think if not this week, early next week, maybe tomorrow.

Here's a statement about it. From hospitals to factories to colleges to industry, thousands of major American employers use boilers that will be impacted by the EPA's new Boiler MACT rules. These stringent rules will impose billions of dollars in capital and compliance costs, increase the costs of many goods and services, and put over 200,000 people's jobs at risk. American forest and paper industry, for example, will see an additional burden of at least 5 to \$7 billion.

H.R. 2250, a bill that we will have, the EPA Regulatory Relief Act, sponsored by MORGAN GRIFFITH of Virginia, will provide a legislative stay of four inter-related rules issued by the EPA in March of this year. The legislation would also provide the EPA with at least 15 months to repropose and finalize new and achievable rules that do not destroy jobs and provide employers with an extended compliance period.

Sound familiar? It's basically the same thing.

Hold up. What you're doing could cost 200,000 jobs and billions of dollars in extra costs. Take another look at it. Take a look at the jobs in a possibly double-dip recession that's coming up and say, Is that really what we want to do? Do we really want to have a potential of losing 200,000 jobs or more because we're not willing to take another look and see if there's not a better idea to make this thing clean? What's another 15 months when you are being told these kind of economic ramifications are there? And, by the way, give us 4 years to put them in place once you come up with these reasonable rules.

This is not unreasonable. This is, again, thinking first about the working

person and thinking first about our economy and what it takes to make our place run in a clean, efficient, and manageable manner. And if we don't get that, we lose jobs.

In this environment, for the last 3 years, we've had an interesting concept. When we put the stimulus package out there, we were waiting to hear how many jobs we had created. Well, we heard about a few. Some of those jobs cost a lot of money to create them. You get a \$40,000-a-year job and you spend \$1 million of America's tax money to get that \$40,000-a-year job. It's not real economically feasible, but we have some of those jobs. But the other thing we heard from people was, oh, well, it's not just the jobs we create; it's the jobs we saved. Well, that's exactly what we're talking about.

We've got evidence that jobs are going down the tubes as a result of the action of a United States Government bureau, the Environmental Protection Agency. They are going to cause potentially the loss of 200,000 jobs. Pass this, and we've just saved, just like the Obama administration, we just saved 200,000 jobs. This is good. This is how we do things now. We've been told for the last 3 years this is how we estimate we're doing good.

Now, it didn't turn out exactly that way, but at least you're not going to make those unemployment numbers go up. And one of our goals is to stop those things from going up and start them going down. It's the goal of every American. It's the goal of the President, and it's the goal of every American that works up here on the Hill. We have different concepts of how to go about it. We can look at the concepts that have been used thus far and see what their success is.

How about looking at some new ideas and see how successful those will be? If we can cut costs to people who create jobs, we'll get more jobs. If we can keep jobs that pay well for the American worker, he will be able to buy product. He will be in the market. He will help create demand, and we will have more jobs.

But if we are going to, by an action of a Federal agency, if we are going to cost 200,000 jobs and cause industry to go out and spend an inordinate amount, in the billions of dollars, to make the corrections, how many jobs do you think—when they get it cranked up and meeting the EPA standards, how many jobs do you think they're going to create after that? Well, first they have to figure out a way to make up that 5 to \$7 billion that the printing industry says they're going to lose. And how are they going to make that up? Guess what? They're not going to hire anybody.

This is not rocket science. This is pretty simple. If you don't have the money, you can't hire anybody. And if you've had to spend money you didn't

expect to spend to the tune of 5 to 7 billion—with a B—dollars, it's a tremendous hit. And that's just one industry. That's just the forest and paper industry. In that situation, they're not hiring anybody. You don't have to be a genius to figure that out. It's easy for you to figure that out.

So by the very nature of the regulation we're talking about on boilers, we could be looking at the loss of 200,000 jobs and an extended period that that industry isn't hiring anybody.

Just to give you an example of the regulations that are out there, we've already dealt with a bill by Representative SCOTT about the National Labor Relations Board telling Boeing that they couldn't build a plant in South Carolina when they wanted to because South Carolina was not a closed shop union State. Mr. SULLIVAN today is working on the Cement MACT bill. Mr. GRIFFITH is in line, in the queue, to come up with solutions for the Boiler MACT bill. Mr. MCKINLEY has a bill that has to do with coal ash rules. Mrs. NOEM has a bill to deal with farm dust rules. And I, with several of my colleagues, have a bill to put a 2-year moratorium on regulations. And we will hopefully come with a bill that will be reasonable, accessible, and acceptable to the people that are concerned about this and put a stop to this question mark that industry is asking: What's around the corner? Because there's tons of rules around the corner.

In the month of July, there's almost 300 new major rules that will affect this country with over \$100 million or more. There were almost 300 of them. In August, there were almost 400 of them. Now we're just talking about one, two, three, four, five, six, seven, right here, bills to deal with seven instances. But the person who keeps up and looks at these other regulations that are out there says, Holy cow, what's out there? If these things are going to cost, like the example with this EPA Regulatory Relief Act, if the Boiler MACT rules are going to cost one industry \$7 billion, what about all those other rules? We don't even know what they do. And what are they going to do to us?

□ 2020

And once again we have to convince the people who are standing on the sidelines to get back in the game and hire folks so we'll have jobs in this country.

It is unacceptable for us to look at 9 percent unemployment as the low figure for this year. It's unacceptable. It's been much higher. We've come down to 9.3, we seem to have stuck there, but that's unacceptable for an unemployment number in America. But you can't stop it unless you get real jobs created by real people. And the way you do that is take the unknown out of their lives at least until we can get our feet back on the ground.

You know, throwing all the money in the world at our problems, we have some pretty good examples of how that doesn't work, the stimulus bill being the perfect example. We threw a half a billion dollars at that solar company out there in California that is under Federal investigation by the Justice Department for what they did with our money. A half a billion dollars was thrown at those people, and what happened? Where is our money? Where did it go? They shut the doors. They declared bankruptcy. We threw it at them in a relatively short period of time, 2 or 3 years. That's a lot of money to blow in 2 or 3 years. We're now learning that some of the stuff they have is like the—not Mercedes Benz, but more the Lamborghini model of furniture and fixtures and so forth, high-dollar stuff. But the reality is we threw money at a problem, and the money didn't solve it. I don't think we should throw money at these problems that we've got right now. I think we should instigate common sense for the problems we've got right now.

I mentioned some of those things that are out there. We've got another bill that's very interesting. It has to do with cross-state air pollution—CSAPR they call this—for utility plants. These are plants that produce electricity. And the truth is that there was a concept, it was designed for the eastern part of the United States because the States are a lot smaller in the eastern part of the United States. So if you're living in Vermont, New Hampshire—and I'm not picking on them, they're just side by side, fairly small. If a plant in Vermont has prevailing winds blowing into New Hampshire and they've got some pollutant out there, they want to be able to stop the cross-State-line expansion of pollution into another State. And that's what these rules are set for.

They set out specifically which States would be under these rules—they expanded them some, but it was designed for the Midwest, some southern States, and the Northeast. And it specifically, for instance, said Texas is not under these rules. Then 19 days before they issued the final rule they said, oh well, we decided, even though we didn't test any of the air, didn't test any of the directions of the air, didn't do any monitoring at all in the State of Texas, we're putting them under the rule anyway, and we're just going to presume that the prevailing winds blow the way we think they do. I don't think anybody that wrote that rule had ever set foot in the State of Texas or they would have known better than that. But they presumed that we were blowing all of our air, any pollution we created up to the Midwest and the Northeast. They presumed that our prevailing winds blew from the Southwest to the Northeast. And I think anybody that lives in Texas knows that's far

from the prevailing winds in Texas. If anything, if we have a prevailing wind, it blows from the Gulf of Mexico—which is the Southeast—to the Northwest of our country. And the rest of the West, by the way, is not under these rules, with the exception of Oklahoma.

So these rules are going to impose such onerous air standard qualities that at least in the State of Texas, with one company, they have 13 power plants, they're saying they're going to close two—even before this starts they're going to close two. They're going to close one coal mine. They're going to stop shipping Western coal to that part of our State—because these are coal-powered plants. So there's two offline right there of the 13 they've got online. And potentially they could shut down more than that, maybe even half. That's one company's power plants.

Now, what does that do to you, to us as American citizens? It makes the price of electricity go up. It makes the possibility of a brownout and a blackout more relevant. If it's too cold or it's too hot—and down where we live it's mostly too hot—you might have a power outage. If you take power plants offline because they can't meet EPA standards because the standards are too onerous—and quite honestly a complete surprise in our State because we didn't even know we were supposed to be under this set of rules—we're probably going to have power shortages in our State.

But that's not all. The rest of the country has got these rules too, and they're just as surprising and onerous as they are to us. The only difference between them and us is they knew they were going to be under it—this is the eastern part of the country. We didn't know we were going to be under it, so we've got a particularly loud gripe. But other States are saying the same thing: Holy cow, what are we going to do?

The Midwest, almost all their power comes from coal—not in our State; we still have oil and gas. But in the Midwest, all their power comes from coal. What are they going to do when they start shutting down plants? How cold is it going to be in Chicago this next year—which my dad claims when the wind blows off the lake is the coldest place on Earth—how cold is it going to be when they shut down the power plants in the central part of the United States in the Midwest? It's a frightening thought.

The impact on humanity ought to be one of the analyses that's made when you start making an analysis under these EPA regulations. Nobody wants to dirty up the air, but you can do it with reasonable assumptions as to how much harm you're going to do when you start doing it. And the harm we're looking at here is a lot of harm. It's downright scary what can happen in a cold winter or a hot summer.

We're in the middle of a drought right now in Texas. And where I live, it

hasn't rained in—gosh, I don't know, a long time, at least 4 or 5 months. We had barely a sprinkle on top of my patio in the back yard—didn't even get my street wet, but they called it rain. I don't count that. I'm talking about when it rains. Now, could we get one? Yeah. We're a land of wild weather. We could get one tomorrow that would wash us off the face of the Earth. But that's fine—we could use it.

But the point is, that sure tells you how hot it has been. From starting in May until late in the month of September, almost the entire State of Texas had over 100-degree weather every single day. Normally our hot weather starts in late July through August, mid-September we're over 100. We had 105 and 106 the whole summer long. Now you can just imagine how much electricity got cranked out.

If we implement the rules that are imposed by the EPA, we will double the cost of electricity. I'll use my electricity bill as an example. The entire summer my electricity bill was approximately \$600 plus a month. What that's telling me is look for \$1,200 bucks a month—which is the average smaller home in our area—he's looking at \$400 a month. It's a shocker to have something like that happen to you and to realize it had to because people didn't think out regulations they imposed. We can still meet the standards and not put our people at risk. These are the kinds of things that we're talking about that so concern us.

And the first thing, when this all happens—and the reason I've been talking about this now for almost a year is because I'm convinced that a lot of Americans believe that when this happens to them in their life, they believe this is done because the Congress of the United States passed some law that caused that to happen.

□ 2030

They don't know that it's an unelected group of bureaucrats in an agency somewhere that made this decision, not Members of this Congress, not the people they elect to speak for them in Washington, D.C. No, people who have jobs that they can't be fired from and who are entrenched in these agencies around this town write rules that affect the lives of ordinary Americans, and they never know where they came from unless they're in the industry that gets affected. Industry knows what bureaucrats do, but the average American citizen, he doesn't know. That's why everywhere I go, I talk about this because I want everybody to know, but particularly I want my folks back home that I represent to know just what these agencies do on their causes that causes the cost of living to go up.

Well, I'm about through, so I'll do this the easy way. I want to thank the

Speaker for his patience. I've got plenty more to talk about. We'll talk about it on another day.

I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on October 4, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2608. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 6, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3353. A letter from the Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2011, pursuant to 50 U.S.C. 1521(j); to the Committee on Armed Services.

3354. A letter from the Under Secretary, Department of Defense, transmitting authorization of six officers to wear the authorized insignia of the grade rear admiral (lower half); to the Committee on Armed Services.

3355. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Increase the Use of Fixed-Price Incentive (Firm Target) Contracts (DFARS Case 2011-D010) (RIN: 0750-AH15) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3356. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Office of Management and Budget Guidance on Drug-Free

Workplace Requirements [Docket No.: FR-5471-F-01] (RIN: 2501-AD54) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3357. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Early Intervention Program for Infants and Toddlers With Disabilities (RIN: 1820-AB59) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3358. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Ophthalmic Devices; Classification of the Eyelid Thermal Pulsation System [Docket No.: FDA-2011-M-0570] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3359. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (El Paso, Texas) [MB Docket No.: 11-74] (RM-11630) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3360. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-14, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3361. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of a Decision Adopted under the Australia Group (AG) Intersectoral Silent Approval Procedures in 2010 and Related Editorial Amendments [Docket No.: 110222155-1110-01] (RIN: 0694-AF14) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3362. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Netherlands Antilles, Curacao, Sint Maarten and Timor-Leste [Docket No.: 110802457-1467-01] (RIN: 0694-AF18) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report and Determinations Pursuant to Section 804 of the Palestine Liberation Organization Commitments Compliance Act of 1989, as Amended, and Sections 603-604 and 699 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228); to the Committee on Foreign Affairs.

3364. A letter from the Speaker, Kyrgyzstan Parliament, transmitting a letter congratulating the United States on its Independence Day; to the Committee on Foreign Affairs.

3365. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3366. A letter from the Solicitor, National Labor Relations Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3367. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay for Sunday Work

(RIN: 3206-AM08) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3368. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees (RIN: 3206-AM29) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3369. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Personnel Records (RIN: 3206-AM05) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3370. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2013, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); to the Committee on Oversight and Government Reform.

3371. A letter from the Director, Congressional, Legislative and Intergovernmental Affairs, Federal Election Commission, transmitting a letter informing of the Commission's revision of two disclosure forms; to the Committee on House Administration.

3372. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2011 through September 30, 2011 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112—63); to the Committee on House Administration and ordered to be printed.

3373. A letter from the Management and Program Analyst, Regulatory Products Division, EXSO, USCIS, Department of Homeland Security, transmitting the Department's final rule — Immigration Benefits Business Transformation, Increment I [CIS No.: 2481-09; DHS Docket No.: USCIS-2009-0022] (RIN: 1615-AB83) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3374. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2011-0472; Directorate Identifier 2011-NM-005-AD; Amendment 39-16767; AD 2011-17-03] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3375. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) Models PW4074 and PW4077 Turbofan Engines [Docket No.: FAA-2010-1095; Directorate Identifier 2009-NE-40-AD; Amendment 39-16742; AD 2011-14-07] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3376. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0470; Directorate Identifier 2010-NM-190-AD; Amendment 39-16768; AD 2011-17-04] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3377. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-214, -232, and -233 Airplanes [Docket No.: FAA-2011-0305; Directorate Identifier 2010-NM-186-AD; Amendment 39-16766; AD 2011-17-02] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3378. A letter from the Co-Chairs, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting a letter informing the Commission's final report will be submitted by August 31, 2011; jointly to the Committees on Armed Services and Foreign Affairs.

3379. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period, pursuant to 5 U.S.C. 8348(h); jointly to the Committees on Oversight and Government Reform and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2594. A bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes (Rept. 112-232 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1025. A bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (Rept. 112-233). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1263. A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures; with amendment (Rept. 112-234). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2074. A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs; with amendments (Rept. 112-235). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2302. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs; with amendments (Rept. 112-236). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Foreign Affairs dis-

charged from further consideration. H.R. 2594 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KLINE (for himself, Mr. MCKEON, Mr. WILSON of South Carolina, Ms. FOXX, Mr. HUNTER, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. WALBERG, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, Mr. GOWDY, Mrs. ROBY, Mr. ROSS of Florida, and Mr. KELLY):

H.R. 3094. A bill to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas:

H.R. 3095. A bill to freeze the implementation of the health reform law, to establish a commission to evaluate its impact on the delivery of health care to current Medicare recipients, job creation, current health insurance coverage, participation in State exchanges, and the Federal deficit, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE (for himself, Mr. BONNER, Mr. MILLER of Florida, Mr. OLSON, Mr. PALAZZO, Mr. SOUTHERLAND, Mr. RICHMOND, Mr. ROSS of Florida, Mr. RIVERA, Mr. CRENSHAW, Mr. DIAZ-BALART, Mr. BOUSTANY, Mr. THOMPSON of Mississippi, Mr. LANDRY, Mr. ALEXANDER, Mr. ADERHOLT, Mr. BACHUS, Mrs. ROBY, Mr. ROGERS of Alabama, Ms. SEWELL, Mr. CASSIDY, Mr. WEST, Mr. BROOKS, Mr. HARPER, and Mr. NUNNELEE):

H.R. 3096. A bill to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. COSTA, Mr. CARDOZA, Mr. MATHESON, Mr. WOMACK, Mr. HARRIS, Mr. MORAN, Mr. CRAWFORD, Mr. WITTMAN, Mrs. ELLMERS, Mr. CUELLAR, Mr. MCINTYRE, Mr. HURT, Mr. ROONEY, Mr. MCCLINTOCK, Mr. WELCH, Mr. GRAVES of Georgia, Mr. GRIFFIN of Arkansas, Mr. SIMPSON, Mr. BOREN, Mr. NUNNELEE, Mr. ROSS of Arkansas, Mr. BACA, Mr. PITTS, Mr. BUTTERFIELD,

Mr. BARROW, and Mr. GRIFFITH of Virginia):

H.R. 3097. A bill to partially waive the renewable fuel standard when corn inventories are low; to the Committee on Energy and Commerce.

By Mr. GOODLATTE (for himself, Mr. FLAKE, Mr. ROSS of Florida, Mr. MCCLINTOCK, Mr. GRAVES of Georgia, Mr. DENHAM, and Mr. NUNES):

H.R. 3098. A bill to repeal the renewable fuel program of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. STUTZMAN, Mrs. MYRICK, Mrs. BLACKBURN, Mr. FLORES, and Mr. BROOKS):

H.R. 3099. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Ways and Means.

By Mr. CANSECO (for himself, Mr. SMITH of Texas, Mr. CUELLAR, and Mr. GONZALEZ):

H.R. 3100. A bill to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Natural Resources.

By Mr. CONAWAY (for himself, Mr. FLORES, Mr. CULBERSON, Mr. THORNBERRY, Mr. CANSECO, Mr. GRIFFIN of Arkansas, Mr. HENSARLING, Mr. FARENTHOLD, Mrs. HARTZLER, Mr. OLSON, Mr. WILSON of South Carolina, Mr. BILBRAY, Mr. BROOKS, Mrs. BLACKBURN, Mr. PITTS, Mr. COLE, Mr. RIBBLE, Mr. BARTLETT, Mr. GENE GREEN of Texas, and Mr. CUELLAR):

H.R. 3101. A bill to repeal a limitation on Federal procurement of certain fuels; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. ACKERMAN, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE of New York, Mr. CONYERS, Mr. DEUTCH, Mr. FARR, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. MARKEY, Ms. MATSUI, Ms. MOORE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. RANGEL, and Mr. LARSON of Connecticut):

H.R. 3102. A bill to require that every mammography summary delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the "Mammography Quality Standards Act of 1992"), contain information regarding the patient's breast density and language communicating that individuals with more dense breasts may benefit from supplemental screening tests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FALCOMA-VAEGA:

H.R. 3103. A bill to establish a Commission on Recognition of Indian Tribes to review and act on petitions by Indian groups applying for Federal recognition, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES of Georgia (for himself, Mr. MULVANEY, Mr. COLE, Mr. BARTLETT, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mr. WALSH of Illinois, and Mr. HUELSKAMP):

H.R. 3104. A bill to amend the Internal Revenue Code of 1986 to provide penalty free dis-

tributions from certain retirement plans for mortgage payments with respect to a principal residence and to modify the rules governing hardship distributions; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 3105. A bill to amend the Internal Revenue Code of 1986 to impose a surcharge on high income individuals; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. HARPER, Ms. NORTON, Mr. PIERLUISI, Ms. BORDALLO, Mr. FALCOMA-VAEGA, Mrs. CHRISTENSEN, Mr. SABLON, and Mr. PLATTS):

H.R. 3106. A bill to provide for the furnishing of statutes by the District of Columbia and territories of the United States for display in the United States Capitol; to the Committee on House Administration.

By Mr. NEUGEBAUER:

H.R. 3107. A bill to amend the Federal Crop Insurance Act to provide producers with the opportunity to purchase crop insurance coverage based on both an individual yield and loss basis and an area yield and loss basis in order to allow producers to cover all or a portion of their deductible under the individual yield and loss policy, to improve the accuracy of actual production history determinations, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 3108. A bill to amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE of Maine (for herself, Mr. ANDREWS, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. FILNER, Mr. KEATING, Ms. LEE of California, Mr. MCINTYRE, Mr. MORAN, Mr. PIERLUISI, Mr. QUIGLEY, Ms. SLAUGHTER, Mr. TONKO, and Ms. WOOLSEY):

H.R. 3109. A bill to amend the Coastal Zone Management Act of 1972 to require establishment of a Working Waterfront Grant Program, and for other purposes; to the Committee on Natural Resources.

By Mr. REED (for himself and Mr. HANNA):

H.R. 3110. A bill to exempt drivers used by motor carriers from certain regulations if transporting grapes during a harvest period, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUTZMAN:

H.R. 3111. A bill to reform and reauthorize agricultural programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio:

H.R. 3112. A bill to require that certain actions be taken with respect to complaints received by the Department of Commerce of

nontariff barriers imposed by other countries, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3113. A bill to ensure the icebreaking capabilities of the United States; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H. Res. 422. A resolution expressing the sense of the House of Representatives regarding the superiority of capitalism as an economic model; to the Committee on Financial Services.

By Mr. ROHRABACHER (for himself and Mr. GOHMERT):

H. Res. 423. A resolution expressing the sense of the House of Representatives that in order to increase and sustain pressure on the Taliban, their terrorist allies and supporters, enable an expeditious and safe withdrawal of United States and NATO soldiers, reducing the great cost in lives and money, the United States should empower and recognize Afghanistan's ethnic diversity through free local and provincial elections and replace the present failed centralized system of government with a federal political structure that ensured the full participation of all ethnic communities; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 424. A resolution honoring the Cultural Initiative, Inc. on the 20th anniversary of the first hip hop conference at Howard University; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

157. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 96 urging the Congress to modernize the Toxic Substances Control Act; to the Committee on Energy and Commerce.

158. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 3 urging the Congress to extend the alternative minimum tax holiday for private activity bonds; to the Committee on Ways and Means.

159. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 173 urging the Congress to take such actions as are necessary to provide adequate funding for essential dredging activities and removal of navigation hazards on the Calcasieu Ship Channel; to the Committee on Transportation and Infrastructure.

160. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 90 urging the Congress to provide a cost-of-living adjustment or some alternate benefit increase for Social Security recipients as soon as practicable; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KLINE:

H.R. 3094.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. SAM JOHNSON of Texas:

H.R. 3095.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. SCALISE:

H.R. 3096.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GOODLATTE:

H.R. 3097.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GOODLATTE:

H.R. 3098.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SCALISE:

H.R. 3099.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. CANSECO:

H.R. 3100.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress and the Executive Branch), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States) of the Constitution of the United States.

By Mr. CONAWAY:

H.R. 3101.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 9, Clause 7 of the United States Constitution.

By Ms. DELAURO:

H.R. 3102.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FALEOMAVAEGA:

H.R. 3103.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Con-

stitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRAVES of Georgia:

H.R. 3104.

Congress has the power to enact this legislation pursuant to the following:

16th Amendment—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. HASTINGS of Florida:

H.R. 3105.

Congress has the power to enact this legislation pursuant to the following:

The Sixteenth Amendment to the Constitution of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3106.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to exercise exclusive legislation, in all cases whatsoever, over the District of Columbia as described in Section 8 of Article I of the Constitution of the United States of America.

By Mr. NEUGEBAUER:

H.R. 3107.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. NORTON:

H.R. 3108.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

By Ms. PINGREE of Maine:

H.R. 3109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. REED:

H.R. 3110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—the Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STUTZMAN:

H.R. 3111.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

Article 1, Section 8, Clause 3 of the United States Constitution bestows upon Congress the authority "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Congress is within its constitutionally prescribed role to reform, limit, or abolish programs maintained by the United States Department of Agriculture, a body which has

regulated interstate commerce under the auspices of Congress.

By Mr. TURNER of Ohio:

H.R. 3112.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. YOUNG of Alaska:

H.R. 3113.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. FRELINGHUYSEN and Mr. GARY G. MILLER of California.

H.R. 104: Mr. ROSKAM.

H.R. 178: Ms. TSONGAS.

H.R. 196: Ms. CASTOR of Florida.

H.R. 210: Mr. PASTOR of Arizona, Mr. SHERMAN, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Ms. MCCOLLUM.

H.R. 361: Mr. CARTER.

H.R. 382: Mr. GUTIERREZ.

H.R. 384: Ms. KAPTUR.

H.R. 402: Mr. SARBANES and Mr. CARNEY.

H.R. 436: Mr. DUNCAN of Tennessee, Mr. DONNELLY of Indiana, and Mr. DANIEL E. LUNGREN of California.

H.R. 452: Mr. LUCAS.

H.R. 531: Mr. CONNOLLY of Virginia and Mr. PETERSON.

H.R. 553: Mr. HINCHEY.

H.R. 640: Mr. CLAY and Mr. MURPHY of Connecticut.

H.R. 645: Mr. MCCLINTOCK.

H.R. 674: Mr. MCNERNEY, Mr. COLE, Mr. BUCHANAN, and Mr. GRAVES of Georgia.

H.R. 689: Ms. RICHARDSON.

H.R. 711: Ms. CHU.

H.R. 733: Mr. FRELINGHUYSEN and Mr. TOWNS.

H.R. 750: Mr. NUNNELEE.

H.R. 787: Mr. SCOTT of South Carolina.

H.R. 817: Mr. RUNYAN.

H.R. 835: Mr. MARINO.

H.R. 860: Mr. LIPINSKI, Mr. SERRANO, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. RICHMOND, and Mr. KING of New York.

H.R. 881: Mr. ROHRBACHER.

H.R. 886: Mr. KINZINGER of Illinois, Mr. FLEMING, Mr. GIBSON, and Mr. HOYER.

H.R. 891: Mr. HOLT.

H.R. 905: Mr. PAULSEN.

H.R. 942: Mr. DOLD.

H.R. 951: Mr. WALSH of Illinois.

H.R. 997: Mr. UPTON.

H.R. 998: Mr. DOGGETT.

H.R. 1048: Mr. DOGGETT.

H.R. 1148: Mr. JONES.

H.R. 1181: Mr. HULTGREN.

H.R. 1195: Mr. LUCAS and Mr. OWENS.

H.R. 1206: Mr. CHABOT.

H.R. 1219: Mr. OWENS.

H.R. 1259: Mr. POE of Texas.

H.R. 1330: Ms. RICHARDSON.

H.R. 1340: Mr. STIVERS and Mr. GIBSON.

H.R. 1342: Mr. TERRY and Mr. RUSH.

H.R. 1351: Mr. CLYBURN.

H.R. 1370: Mr. GARY G. MILLER of California.

H.R. 1394: Mr. MURPHY of Connecticut.

H.R. 1416: Mr. GIBSON.

H.R. 1418: Ms. ZOE LOFGREN of California and Mr. AKIN.

H.R. 1426: Mr. AUSTRIA, Mr. CHANDLER, Mr. TOWNS, and Mr. BISHOP of New York.

H.R. 1449: Mr. JACKSON of Illinois and Mr. PRICE of North Carolina.

H.R. 1457: Mr. KING of New York.

H.R. 1464: Ms. LORETTA SANCHEZ of California.

H.R. 1465: Ms. CHU.

H.R. 1479: Mr. KING of New York.

H.R. 1513: Mr. REYES and Mr. CONYERS.

H.R. 1547: Ms. BERKLEY.

H.R. 1558: Mr. CHANDLER and Mr. HECK.

H.R. 1588: Mr. ACKERMAN.

H.R. 1639: Mr. ROSKAM and Mr. CONAWAY.

H.R. 1653: Mr. SCALISE, Mr. SAM JOHNSON of Texas, and Mr. PETRI.

H.R. 1666: Mr. COURTNEY and Mr. JACKSON of Illinois.

H.R. 1697: Mr. DESJARLAIS, Mr. GRAVES of Missouri, and Mr. BUCSHON.

H.R. 1718: Mr. COURTNEY.

H.R. 1738: Ms. SUTTON.

H.R. 1744: Mr. GARY G. MILLER of California.

H.R. 1746: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Ms. MCCOLLUM, Mr. SERRANO, Ms. MOORE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. SPEIER, Mr. ELLISON, Mr. CONNOLLY of Virginia, and Mr. MARKEY.

H.R. 1749: Ms. MCCOLLUM, Mr. ANDREWS, and Mr. DUNCAN of Tennessee.

H.R. 1756: Mr. SHUSTER and Mr. MARINO.

H.R. 1834: Mr. KELLY and Mr. GRIMM.

H.R. 1840: Mr. RIBBLE.

H.R. 1845: Mr. LANCE and Ms. DEGETTE.

H.R. 1865: Mr. GUTHRIE and Mr. KISSELL.

H.R. 1905: Mr. AKIN, Mr. FARENTHOLD, Mr. GONZALEZ, Mr. CRENSHAW, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. PALAZZO, and Mr. REED.

H.R. 1936: Mr. POSEY and Mr. ROE of Tennessee.

H.R. 1941: Ms. SUTTON.

H.R. 1943: Mr. GARAMENDI.

H.R. 1946: Mr. LUCAS.

H.R. 1965: Mr. SMITH of Washington and Mr. HINOJOSA.

H.R. 1984: Mr. MORAN.

H.R. 2015: Mr. JACKSON of Illinois.

H.R. 2030: Mr. CICILLINE, Mr. RYAN of Ohio, Ms. ZOE LOFGREN of California, and Mr. FILNER.

H.R. 2033: Ms. NORTON and Mr. MURPHY of Connecticut.

H.R. 2040: Mr. STEARNS and Mr. LANKFORD.

H.R. 2059: Mrs. ROBY, Mr. WILSON of South Carolina, Mr. CASSIDY, Mr. DESJARLAIS, Mr. FORBES, Mr. POMPEO, Mr. DUNCAN of South Carolina, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. AUSTRIA, and Mr. TURNER of New York.

H.R. 2077: Mr. GRIMM.

H.R. 2104: Ms. NORTON and Mr. SMITH of Washington.

H.R. 2123: Mr. JACKSON of Illinois.

H.R. 2131: Mr. WELCH, Mr. JONES, and Ms. PINGREE of Maine.

H.R. 2159: Mr. MCNERNEY and Mr. BACA.

H.R. 2167: Mrs. MALONEY, Mr. HINOJOSA, Mr. SMITH of Washington, and Mr. CARNEY.

H.R. 2180: Mrs. MALONEY and Mr. HINCHEY.

H.R. 2187: Mrs. NAPOLITANO.

H.R. 2234: Mr. POLIS, Ms. DELAURO, Ms. BROWN of Florida, Ms. JACKSON LEE of Texas, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. GRIJALVA, Ms. NORTON, Mr. LYNCH, Mr. RUSH, Mr. JACKSON of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Ms. LEE of California, Mr. SCHIFF, Mrs. DAVIS of California, Ms. MCCOLLUM, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2245: Ms. WOOLSEY, Mrs. ROBY, and Mr. PLATTS.

H.R. 2247: Mr. JACKSON of Illinois.

H.R. 2269: Mr. LOEBSACK, Mr. KEATING, Mr. HIGGINS, Mr. ACKERMAN, Mr. MCNERNEY, Mrs. CAPPES, Mr. BISHOP of New York, Mr. COHEN, and Mr. LEVIN.

H.R. 2275: Mr. ADERHOLT.

H.R. 2324: Mr. HULTGREN.

H.R. 2353: Mr. COURTNEY, Mr. PETRI, Ms. JACKSON LEE of Texas, Mr. WALBERG, Mr. GUTIERREZ, and Mr. FILNER.

H.R. 2369: Mr. BACA, Mr. LAMBORN, Mr. VAN HOLLEN, Mr. WOLF, Mr. SCHOCK, Mr. DENHAM, Mr. REHBERG, Mr. LUETKEMEYER, Mr. FORBES, Mr. TIPTON, Mr. HURT, Mr. SCHWEIKERT, Mr. FARR, Ms. SCHAKOWSKY, Mr. GINGREY of Georgia, and Mr. PAYNE.

H.R. 2446: Mr. FINCHER, Mr. STIVERS, and Mr. CLEAVER.

H.R. 2447: Mr. LATHAM, Mr. BARROW, Mr. LARSON of Connecticut, Mr. MICA, Mr. STEARNS, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. ALTMIRE, Mr. KING of New York, Mr. FLORES, Mr. VAN HOLLEN, Ms. SPEIER, Ms. DELAURO, Mr. ROGERS of Michigan, and Mr. PIERLUISI.

H.R. 2471: Mr. COURTNEY and Mr. DANIEL E. LUNGREN of California.

H.R. 2477: Mr. COOPER, Mr. HOLDEN, Mr. ROSS of Arkansas, and Mr. BACA.

H.R. 2492: Mr. CLARKE of Michigan, Mr. PETERS, Mr. REYES, Mr. POLIS, Mr. SERRANO, Mr. ACKERMAN, and Mr. MCGOVERN.

H.R. 2505: Mr. HINCHEY.

H.R. 2514: Mr. HANNA.

H.R. 2539: Ms. NORTON, Ms. BASS of California, and Mr. AL GREEN of Texas.

H.R. 2540: Mr. COHEN.

H.R. 2563: Mr. CRAVAACK.

H.R. 2569: Mr. PAULSEN, Mr. HERGER, and Mr. KINZINGER of Illinois.

H.R. 2585: Mr. COLE, Mr. BARTLETT, and Mr. SOUTHERLAND.

H.R. 2595: Mrs. LOWEY, Mr. JONES, and Mr. PLATTS.

H.R. 2621: Mr. GARDNER.

H.R. 2637: Mr. POLIS.

H.R. 2657: Mr. FARR and Mr. MCGOVERN.

H.R. 2668: Mr. KING of New York.

H.R. 2671: Mr. MCCAUL and Mr. KING of New York.

H.R. 2672: Mr. KINZINGER of Illinois.

H.R. 2674: Mr. HEINRICH and Mr. KELLY.

H.R. 2675: Mr. STIVERS.

H.R. 2699: Mr. THOMPSON of Pennsylvania and Mr. KLINE.

H.R. 2701: Mr. JACKSON of Illinois.

H.R. 2720: Mr. POE of Texas.

H.R. 2723: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. HASTINGS of Florida, Ms. FUDGE, Mr. DEUTCH, Ms. HOCHUL, Ms. MOORE, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.

H.R. 2724: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.

H.R. 2725: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.

H.R. 2726: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.

H.R. 2727: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr.

DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.

H.R. 2752: Mr. SCOTT of South Carolina and Mr. HECK.

H.R. 2770: Mr. TIPTON.

H.R. 2774: Mr. GRAVES of Georgia and Mr. SCOTT of South Carolina.

H.R. 2787: Ms. ESHOO and Mr. GRIJALVA.

H.R. 2815: Mr. DANIEL E. LUNGREN of California.

H.R. 2829: Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. HALL, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, and Mr. TIPTON.

H.R. 2833: Mr. GRIMM, Ms. JENKINS, and Mr. MCCLINTOCK.

H.R. 2857: Ms. EDWARDS.

H.R. 2859: Mr. TOWNS.

H.R. 2881: Mr. CRENSHAW.

H.R. 2888: Mr. POE of Texas and Mr. KING of New York.

H.R. 2898: Mr. CANSECO, Mr. BARTLETT, Mr. KING of Iowa, Mr. BROOKS, Mrs. MYRICK, Mr. COLE, and Mr. BROUN of Georgia.

H.R. 2900: Mr. WALSH of Illinois.

H.R. 2905: Mr. TOWNS.

H.R. 2926: Mr. LANKFORD, Mr. WALSH of Illinois, and Mr. CRAWFORD.

H.R. 2945: Mr. MULVANEY, Mrs. BLACKBURN, Mr. PITTS, Mr. HUELSKAMP, Mr. BARTLETT, Mr. SOUTHERLAND, Mr. KINGSTON, Mr. HULTGREN, Mr. YODER, Mr. BLBRAY, and Mr. BROOKS.

H.R. 2948: Mr. CARNAHAN, Mr. RAHALL, Mr. CONYERS, Mr. CARSON of Indiana, Ms. FUDGE, Ms. Hahn, Ms. LEE of California, Mr. TOWNS, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. HINCHEY, Ms. BROWN of Florida, Mr. OLVER, Ms. KAPTUR, Mr. KUCINICH, Mr. CLEAVER, Mr. FILNER, Mr. CUMMINGS, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. EDWARDS, and Mr. BRADY of Pennsylvania.

H.R. 2962: Mr. PAUL.

H.R. 2966: Mr. GRIMM, Mr. SARBANES, and Mr. CLARKE of Michigan.

H.R. 2972: Mr. ANDREWS.

H.R. 2982: Mr. KLINE, Ms. BASS of California, Mr. SENSENBRENNER, and Mr. CHABOT.

H.R. 2994: Ms. PINGREE of Maine and Mrs. NAPOLITANO.

H.R. 3005: Ms. DELAURO.

H.R. 3009: Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. POSEY, Mr. FLORES, Mrs. MYRICK, Mrs. BLACKBURN, and Mr. ROSS of Florida.

H.R. 3015: Ms. NORTON.

H.R. 3053: Ms. ROYBAL-ALLARD.

H.R. 3059: Mr. KING of New York, Mr. PAUL, Mr. MARKEY, and Mr. MORAN.

H.R. 3063: Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. SERRANO, and Mr. FILNER.

H.R. 3065: Mr. LUETKEMEYER, Mr. DUNCAN of South Carolina, Mr. WALBERG, and Mr. WITTMAN.

H.R. 3072: Mr. THORNBERRY.

H.R. 3087: Mr. WITTMAN.

H.R. 3089: Ms. DELAURO.

H.J. Res. 13: Mr. WILSON of South Carolina and Mr. CRAWFORD.

H.J. Res. 62: Mr. ROONEY.

H.J. Res. 73: Mr. HERGER.

H. Con. Res. 72: Mr. RANGEL and Mr. CARSON of Indiana.

H. Res. 177: Mr. RYAN of Ohio.

H. Res. 295: Mr. LATTA and Mr. CROWLEY.

H. Res. 298: Mr. DONNELLY of Indiana.

H. Res. 318: Mr. CICILLINE.

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H. Res. 336: Ms. SUTTON, Mr. SESSIONS, Mr. CONNOLLY of Virginia, Mr. MCINTYRE, Mr. BUTTERFIELD, and Mr. BACA. H. Res. 364: Mr. GOODLATTE, Mr. GALLEGLY, Mr. LATHAM, Mr. MCHENRY, Mr. RIGELL, Mr. HURT, Mr. DUNCAN of South Carolina, Mr. MCKINLEY, Mrs. CAPITO, Mr. GARDNER, Mr. CASSIDY, Mrs. BACHMANN, and Ms. DELAURO. H. Res. 365: Ms. NORTON.

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF UP2US

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. FUDGE. Mr. Speaker, I rise today to recognize Up2Us—a leader in sports based youth development—on the occasion of its annual awards ceremony for its Coach of the Year contest to be held here in Washington, D.C.

Up2Us is leading a national movement to advance sports as a tool for addressing the critical issues facing youth in this nation, including childhood obesity, academic failure and anti-social behavior.

Up2Us accomplishes this by supporting a national network of nearly 500 member organizations operating in all fifty states. Together, these organizations serve 25 million youth through both traditional and non-traditional sports. As one way of serving this network, Up2Us launched an initiative called Coach Across America.

The Up2Us Coach Across America (CAA) program is an AmeriCorps program that represents the first nationwide effort to mobilize a workforce to promote positive youth development through sports. In partnership with the Corporation for National and Community Service and Nike, CAA coaches use sports as a means to promote health and nutrition, education success, civic engagement and personal and social development among youth in some of the nation's poorest neighborhoods.

Last year, CAA placed 250 AmeriCorps members to serve as coaches in 105 youth programs across 20 states to work with more than 35,000 kids. In exchange for college tuition awards and a living stipend, coaches completed a total of 170,000 service hours (equivalent to \$3.5 million in national service), recruited over 1000 program volunteers, connected roughly 500 new parents to their respective programs and conducted more than 250 service-learning projects totaling 35,000 hours of youth volunteer service effort.

The 35,000 kids served by CAA coaches have access to the programs they need for their full development; are provided a safe place to acquire new knowledge and skills; gain a heightened sense of competency and self-respect through working to make a difference in their communities; build relationships with caring adult role models; develop leadership skills on and off the field; and have a better understanding of healthy eating and the importance of physical activity and exercise.

In recognition of the powerful role that coaches have on the lives of youth, Up2Us runs an annual contest—Coach of the Year—to honor the unsung heroes who devote their lives to the positive development of youth through sports.

Mr. Speaker, as Up2Us and its participating members honor the winners of this year's Coach of the Year contest, I ask my colleagues to please join me in congratulating this year's finalists. They are among a distinguished group of individuals dedicated to improving the lives of our youth through sport.

Renato is the Executive Director of Access Youth Academy. He came to San Diego to join Access Youth Academy (formerly Surf City Squash) in May of 2007 from Harvard University where he was the Assistant Coach of the squash team. Originally from Brazil, Renato was a Brazilian Junior Champion and a top junior in South America. He represented his home country on the national team as its captain. Now, he is a role model, teacher and coach to hundreds of urban youth in San Diego.

Lisa Hawk is the Exercise & Health Science Department Chair, Athletic Director and lacrosse coach at the Preuss School at UCSD. The Preuss School is a nationally recognized school that serves a low income diverse population. Lisa is an advocate for sports as a tool for positive youth development and is changing lives through her work. Her athletes recognize how special Lisa is: "She sees the potential in each of her players and does not quit until that spark she sees within us is released for the public eye to see. She has helped me through the turbulence of a teenage life to the hectic lifestyle at home and has given me a comfortable place to go as well as someone to turn to."

Ktrice McNeill is the 2011 Coach Across America Coach of the Year recipient. Ktrice recently completed his year of service coaching basketball at Edenwald Community Center in New York. Ktrice is a NY native influenced by his parents who reminded him daily that "without education you have nothing." Growing up in an inner city where gang violence and drugs were prevalent, Ktrice understands first-hand that "sports give me and other young people in my community a safe haven to feel secure and feel like there's not a care in the world." As a coach, Ktrice aims to use his voice to teach young people that "failure is not an option."

Faye Stevens-Jett is a Physical Education Teacher and Athletic Director at Morton School of Excellence in Chicago, Illinois. For the past eleven years, she has coached double dutch, cheerleading, and pom-pom. In addition to her many city championships, she has impacted many young lives through her work. Faye received several nominations highlighting her work ethic and commitment to her students: "Faye goes above and beyond the call of duty to make sure her students have the things they need. She is consistently incredible."

I also want to recognize Up2Us' entire staff of employees and volunteers. They are all to be commended for their work to keep Up2Us the vibrant and strong organization that it re-

mains today; I extend to all of them my best wishes for many more successful years ahead. Indeed they are demonstrating that advancing the lives of our youth is a team sport.

CONGRATULATING THE REPUBLIC OF CHINA (TAIWAN) ON ITS 100TH ANNIVERSARY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. YOUNG of Alaska. Mr. Speaker, I wish to express my heartfelt congratulations to the Republic of China (Taiwan) on their upcoming centennial anniversary of becoming the first democracy in Asia on October 10, 1911. The annual celebration of this event is known as "Double Ten Day," and celebrates the start of the Wuchang Uprising which established the Republic of China.

Since the Taiwan Relations Act of 1979, Taiwan has been a true friend and long term ally with the United States. Both the U.S. and Taiwan have maintained strong trade ties stemming from our close friendship; I hope these ties continue to advance and expand in the future.

Alaskan and Taiwanese relations are also close as Taiwan is the only country with whom Alaska has a codified relationship agreement. In 2004, leaders from both Alaska and Taiwan established the Taiwan-Alaska Trade and Investment Cooperation Council to further extend collaboration between Alaska and Taiwan. Because of this collaboration, both Alaska and Taiwan have greatly benefitted from the many cultural exchanges, and improved trade and transport relations. In fact, in 2010, Taiwan was Alaska's 16th largest export power and received \$23 million in exports including forest products, energy, and machinery. However, since 2008, Alaska has exported \$143 million to Taiwan making it Alaska's 9th largest trading partner over the last 3 years.

I would like to congratulate Taiwan on its 100th anniversary and thank them for their role as an important strategic ally of the United States.

IN RECOGNITION OF TAIWAN'S CENTENNIAL NATIONAL DAY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LAMBORN. Mr. Speaker, on October 10th, the Republic of China will celebrate its Centennial National Day. The United States of America and Taiwan enjoy a close and strong

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

relationship based on shared democratic values and free market economies.

While welcome, the improved relations between the two sides does not eliminate the need for the United States to continue to help Taiwan's defense capabilities under the Taiwan Relations Act. Based on that act, the United States should continue to aid Taiwan in replacing its aging air force. According to the most recent Department of Defense report on Taiwan's military power, China currently enjoys air superiority over Taiwan.

In recent decades, we witnessed how Taiwan evolved from authoritarian rule to a vibrant democracy. Taiwan also has been a reliable political, economic and cultural ally of the United States. In recent years, Taiwan has been very strong in cooperating with us against global terrorism.

It is also my view that we must continue to support Taiwan's participation in global affairs by supporting Taiwan and its 23,000,000 people in becoming a member of the United Nations. An internationally visible Taiwan is a strong Taiwan.

Today, Taiwan remains a major trading partner and friend. Our strong economic and cultural ties go back nearly a hundred years. We hope that this strong bond will continue for another 100 years and more. Congratulations to the people of the Republic of China (Taiwan) on their Centennial National Day.

CONGRATULATING TAIWAN ON
THEIR 100TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. TOWNS. Mr. Speaker, on October 10, 2011, The Republic of China (Taiwan) celebrates their 100th anniversary and I want to congratulate our friends in Southeast Asia on this most important of milestones.

One hundred years ago a Chinese doctor, Sun Yat-sen, rose up against the Qing rulers of China to free his people from their tight grip. The end result of this uprising led to the formation of what is now known as The Republic of China (Taiwan).

Over these last 100 years, Taiwan has become a beacon of democracy in the Pacific and a champion for peace and human rights in that part of the world. Taiwan is a strong proponent of the same freedoms we enjoy here in the United States such as freedom of speech, freedom of the press and freedom of religion.

Taiwan's President, Ma Ying-jeou is also to be congratulated for his work in maintaining peace in the Pacific by reducing tension with China, their neighbors along the Taiwan Strait.

Again, congratulations to Taiwan. We look forward to our continued friendship over the next 100 years and beyond.

KEEP AMERICA'S WATERFRONTS
WORKING ACT OF 2011

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. PINGREE of Maine. Mr. Speaker, coastal communities across this Nation are in trouble. Economically important working waterfront jobs are disappearing. Businesses that require access to the water are closing their doors, fishing wharves are being turned into condos. And, the cultural identity of our waterfront communities is dissolving.

I live in a community built around a working waterfront. My friends and neighbors on North Haven need access to the coastline to land their lobsters, store their bait, load and unload their lobster traps. They need a place to keep their skiffs and park their trucks. Elsewhere on the coast, working waterfronts are critical connections between the ocean and land for boat builders, marina operators, aquaculturists, seafood processors, charter boat captains and crew, recreational fishing businesses, and many others who require access to the water. These businesses need to be located on the water and require access to the water for their business models to work. Water dependent, coastal-related businesses are the cultural and economic heart of many of our coastal communities and working waterfronts are quickly disappearing under tremendous pressures from incompatible use and development trends.

Of Maine's 3,300 miles of coastline, less than 20 miles support commercial fishing and other traditional marine-based activities. This small portion of the coastline contributes \$800 million to Maine's economy and provides direct or indirect employment for about 30,000 people. As the coastline became more developed, traditional uses disappeared, giving way to condos, summer houses, and other non-compatible uses. These changes in how coastal communities use their land present one of the primary challenges facing Maine's working waterfronts.

This problem is not unique to Maine, it occurs on all of our coasts and in the Great Lakes region. Across the country, working waterfront jobs are quickly disappearing under the tremendous pressure communities face from conversion to incompatible uses. Once these businesses close, once the waterfronts and waterways stop supporting water dependent businesses, the businesses do not come back. And, many states and local communities have recognized this dangerous trend and are taking action to preserve waterfront dependent businesses. In recognition of the national importance of working waterfronts, local community and state representatives have come together to form a national working waterfronts and waterways council that has helped put on symposiums that bring people to the table with the tools and knowledge needed to develop sustainable working waterfronts around the Nation. But, local communities and states need help at the federal level.

It is time to help maintain working waterfronts through a federally authorized program that will serve to support, implement, and fur-

ther develop working waterfront preservation efforts across the nation. That is why I am introducing legislation with Representatives ROBERT E. ANDREWS, EARL BLUMENAUER, MADELEINE Z. BORDALLO, LOIS CAPPS, DONNA M. CHRISTENSEN, GERALD E. CONNOLLY, SAM FARR, BOB FILNER, WILLIAM R. KEATING, BARBARA LEE, MIKE MCINTYRE, JAMES P. MORAN, PEDRO R. PIERLUISI, MICHAEL QUIGLEY, LOUISE M. SLAUGHTER, PAUL TONKO, and LYNN C. WOOLSEY that encourages states to seriously think about these areas and how to best protect them. While recognizing the common problem of disappearing waterfront access for businesses, this program will also provide the flexibility that different states and local governments need to address working waterfronts around the Nation.

Our legislation amends the Coastal Zone Management Act to establish a Working Waterfronts program. This legislation embodies the spirit of the CZMA in that it allows each coastal state to determine what working waterfronts are important to the people of that state, which working waterfronts are most threatened, and who should be protecting them—the state, local or regional government, or a collaborative public-private partnership.

The CZMA was developed as a tool to allow states the flexibility to manage their coasts in a manner that fits that particular coast. The CZMA recognizes separate needs of various coastal states and provides the flexibility to states to manage their coastal resources. The working waterfront program creates a grant program that states can apply for. In order for states to be eligible for a working waterfront grant, the state must have a working waterfront plan that requires a thoughtful, collaborative, public process to identify the value and importance of working waterfronts. This bill is not designed to require states to undergo a completely new or comprehensive planning process but rather to utilize existing information, planning, and programs at state and local levels to the greatest extent possible. Finally, the bill provides technical assistance to the states to develop these plans as well as other tools to protect working waterfronts.

Maintaining working waterfronts preserves and creates coastal jobs, but also jobs beyond the water's edge. Waterfront and waterway businesses support entire economies that depend on the American tradition of marine-based trades. The Keep America's Waterfronts Working Act of 2011 will serve to maintain jobs in our communities and maintain the American tradition of coastal and waterways industry.

IN RECOGNITION OF CALLY
COLEMAN FROMME

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. FARENTHOLD. Mr. Speaker, I rise today to honor Cally Coleman Fromme, Executive Vice President of Zarsky Lumber Company in Victoria, Texas. Founded in 1928, Zarsky Lumber has ten locations throughout Texas, including Corpus Christi, Kingsville,

Harlingen and Los Fresnos, serving builders, contractors and consumers.

On October 26, 2011, Cally Fromme will become the first woman to lead the National Lumber and Building Material Dealers Association (NLBMDA) as chair of the board. NLBMDA represents the interests of over 6,000 lumber and building material dealers across the country.

Prior to becoming NLBMDA chair, Cally served as chair-elect and vice chair of NLBMDA. She also served as chair of the Association's Regulatory, Codes and Standards Committee and as president of the Lumbermen's Association of Texas and Louisiana, becoming the first woman to hold that position as well.

A native of Victoria, Texas, Cally graduated with a degree in Business Administration from Southwestern University in Georgetown, Texas. She has been honored as one of the Magazine of the Golden Crescent's 2010 Top 5 Businesswomen, as a two time Paul Harris Fellowship winner, and as a North American Retail Hardware Association (NRHA) 2011 Top Gun.

Cally has a long history providing service to others, especially in her hometown, as the first woman president of the 92-year-old Victoria Rotary Club and a Red Coat Ambassador for the Greater Victoria Area Chamber of Commerce. Cally has also worked on the boards of the Victoria Economic Development Corporation, the Victoria Regional Museum Association, the Trinity Episcopal School and the Planning Commission for the City of Victoria. She has been politically active since she was a congressional intern in Washington, DC.

Cally is married to Travis Fromme, and they have two children, Karoline, age 10 and Coleman, age 7.

Congratulations to Cally Fromme for her many achievements throughout her career, and I wish her the best of luck in her future endeavors.

HONORING THE LIEUTENANT ASA STEVENS CHAPTER

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of the 90th anniversary of the Lieutenant Asa Stevens Chapter of the Daughters of the American Revolution, and four of its most distinguished members: Ms. Nancy Forbes Owlett, Ms. Susan Kerrick Achromatic, Ms. Esther Jean House Mills, and Ms. Connie Jean Mills Keir. These four women embody the spirit of the DAR and have devoted countless years to this organization which stands for the promotion of American patriotism, preservation, and prosperity.

Ms. Nancy Forbes Owlett of Towanda, Pennsylvania has been a member of the Lt. Asa Stevens Chapter since October 16, 1971 and has held the offices of Librarian and Registrar. She has devoted herself through service on several DAR committees, including; Genealogy Records, National Defense, Membership, and DAR Library.

Ms. Susan Lerrick Achromatic has also been a long-time member of the Lt. Asa Stevens Chapter, having served since October 13, 1979.

Ms. Ester Jean House Mills of Towanda, Pennsylvania joined the DAR under her ancestor, Private Jonathan Stevens, son of Lieutenant Asa Stevens. Ms. Mills has served as the Chapter's treasurer for all 22 years that she has been a member and has sat on several committees including; Programs, Indians, and DAR Schools.

Ms. Connie Jean Mills Keir of Ulster, Pennsylvania joined her mother, Ms. Ester Jean House Mills, to serve in the Lt. Asa Stevens Chapter on October 12, 1996. In her time with the Chapter, Ms. Keir has served as both Regent and Vice Regent, as well as devoting her time to committees such as Conservation and Genealogy Records.

Mr. Speaker, I rise today to honor the Lieutenant Asa Stevens Chapter of the Daughters of the American Revolution, and ask my colleagues to join me in praising the commitment of this organization to the continued memory and spirit of those who defended our nation's independence.

TRADE LAW ENFORCEMENT ACT OF 2011

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. TURNER of Ohio. Mr. Speaker, trade agreements have the potential to increase export opportunities for U.S. businesses by removing market access barriers. However, U.S. companies' ability to take advantage of opportunities created by these, and existing, U.S. trade pacts depends on their government's willingness to enforce its trade agreements. Currently, U.S. companies face many non-tariff barriers (NTBs) that violate existing trade agreements. This bill offers an additional way for U.S. companies to get the United States Trade Representative (USTR) to act on market access barriers that are unlawful under any U.S. trade agreement.

NTBs are devices other than tariffs that are used to restrict the flow of imports into an economy. Under current law, the USTR has the ability to retaliate against a wide variety of unfair trade practices, including market access problems caused by NTBs. Sections 301 through 310 of the Trade Act of 1974, as amended, (Section 301), give USTR a mandate to take retaliatory action when the rights of the United States under any trade agreement are being denied. USTR starts this process by initiating an investigation that includes formal negotiations with the country suspected of being in breach of an agreement. Should the issue not be resolved through negotiation, at the end of the investigation, USTR issues a determination as to whether the trade practice at issue is denying U.S. rights under an agreement. If the determination is affirmative, the USTR enters the formal dispute settlement process.

While U.S. producers can petition the USTR to take action under Section 301, they seldom

do. During 2010 USTR initiated only one Section 301 investigation in response to a petition. To put together a petition that has even a chance of passing USTR's scrutiny, companies have to hire an expensive Washington law firm to compile a copious amount of information and advocate for them before the USTR. Tens of thousands of dollars later, there is no guarantee that their petition will be accepted, or that the trade practices in question will be addressed in a timely fashion. This is not a realistic option for a small or medium-sized company, especially one that is losing business due to unfair trade practices.

My bill will use a market access complaint process that the Department of Commerce's International Trade Administration (ITA) already has in place a starting point for possible action under Section 301. ITA will have 180 days to resolve interested party complaints that a foreign country is engaging in an act, policy or practice that acts as a non-tariff barrier; if ITA is unable to resolve the issue, the bill mandates that the Secretary of Commerce issue an opinion as to whether the reported NTB meets the criteria for mandatory USTR action under Section 301. If Commerce issues an affirmative opinion, the bill mandates that USTR initiate a Section 301 investigation. Further, the bill clarifies that subsections of the law giving USTR discretion not to start an investigation do not apply and gives interested parties the opportunity to request a hearing.

Only the U.S. government can ensure that U.S. trade agreements are enforced. U.S. companies should have every opportunity to have their complaints investigated and acted on. Even if only one small company makes a complaint about a specific NTB, it is highly probable that the NTB affects multiple companies in multiple sectors. Without strong enforcement of its agreements, the United States cannot get the full benefits from free trade. Given the opportunity, U.S. companies can compete with the best in the world and can grow and create good private sector jobs. This bill is one step towards ensuring that U.S. companies have the opportunity to achieve their full potential competing in the global marketplace.

Mr. Speaker, I urge all my colleagues to support this important bill.

PAYING TRIBUTE TO ST. MARY'S BENEVOLENT SOCIETY'S 100TH ANNIVERSARY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to honor the celebration of St. Mary's Benevolent Society's 100th Anniversary. The Society is an organization that provides social and community enrichment for Italian-American's in Kingston, New York and the greater community. St. Mary's Benevolent Society is a beloved meeting hall and a cornerstone of the local community. I am proud that the constituents of New York's 22nd Congressional District continue to support the traditions and values of this esteemed fraternity.

From its creation in 1911, St. Mary's Benevolent Society has been committed to providing social club members with an environment that fosters camaraderie through hosting large gatherings, dinners, and church services. The Society's original mission was to help each other in times of illness or distress; a mission still carried on today. In addition to these traditions that continue a century later, the Society also maintains three church services a year: Christmas Day, Easter Sunday and the Feast Day of St. Mary. These highly esteemed gatherings have contributed to the success and respect of St. Mary's Benevolent Society.

Kingston has changed greatly since 1911, yet St. Mary's Benevolent Society continues to thrive in our community and hold true to its core values of providing Italian-Americans with support and services that are essential to the community. Mr. Speaker, it gives me a great pleasure to recognize St. Mary's Benevolent Society as it celebrates its 100th Anniversary during its Annual Feast of Saint Mary. I am confident that St. Mary's Benevolent Society will continue to thrive and be an asset to the City of Kingston for many years to come.

TRIBUTE TO THE LIFE OF CARLOS
APARICIO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a fallen soldier and unsung hero, Carlos Aparicio. Carlos was killed while serving on September 23, 2011, at the age of 19. A viewing will be held on Friday, October 7th, at Ingold Funeral Chapel in Fontana. A memorial mass will be held on Saturday, October 8th at St. Thomas More Catholic Church in Rialto. Burial will follow at Riverside National Cemetery.

Carlos was born on January 9, 1992, in Fontana, California to Concepcion and Hugo Aparicio. He was the youngest of three children. He had an older sister, Maricela, age 26, and an older brother, Miguel, age 29. He grew up in Fontana and moved to Redlands in 2008. He attended Fontana High School before graduating from Redlands East Valley High School in 2010. In high school, he was a standout member of the football and wrestling teams. He also excelled in the classroom—Carlos had a love for literature, and could often be found reading. He earned straight As on his last report card.

Carlos enlisted in the Army in June 2010 after graduating from high school. After training at Fort Benning, Georgia, he went to Fort Pork in January 2011. He deployed to Afghanistan in February 2011. He was an infantryman with the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Pork, Louisiana.

Carlos died in Wardak province from wounds sustained when insurgents used an improvised explosive device to attack his unit, according to the Defense Department. He earned the Bronze Star, the Purple Heart, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service

Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal and the Combat Infantry Badge.

His mother recalls that Carlos wanted to devote his life to serving in the military. "He told us he loved America and he wanted to make a difference. He felt his purpose in life was to make the country safer," his mother says. The last thing Carlos told his mother was that his goal was to earn a Gold Star and become an Officer.

His mother remembers him as an outstanding young man who achieved everything he set his mind to do. "He was outgoing and touched a lot of lives. He was a very happy person," she says. His sister remembers Carlos for his big heart, intelligence and down to earth nature. "He was our hero," she says.

Carlos leaves with cherished memories his parents, two siblings, and his two grandmothers, Juana Torres and Audelia Aparicio. My thoughts and prayers, along with those of my wife, Barbara, and my children, Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Carlos' family at this time. Mr. Speaker, I ask my colleagues to join me today in honoring a true hero, Carlos Aparicio.

HONORING JAMES AND ROSE
LENEX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituents, James and Rose Lenox, on the occasion their 60th wedding anniversary.

Rose Homan was married to James Francis Lenox on October 20, 1951 at Saints Peter and Paul Roman Catholic Church in Towanda, Pennsylvania.

Attendants for James included: Frank Hoffman, Leo Lenox, and John Finlan. Attendants for Rose included: Betty Homan, Alice Bustin, and Rita May. A reception following the ceremony was held at the Homan Farm.

Jim and Rose are the parents of three children; Kathy, David, and Rosemary, and are the grandparents of eight. Jim and Rose have been an asset to their community, devoting themselves to family, God, and country.

Mr. Speaker, I rise today to honor my constituents, Jim and Rose, on their 60th wedding anniversary and ask my colleagues to join in praising their commitment to one another.

A CONGRESSIONAL RESOLUTION
RECOGNIZING ALICE WISEMAN
ON HER INDUCTION INTO THE
GREENE COUNTY WOMEN'S HALL
OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional Dis-

trict, I rise today to recognize Ms. Alice Wiseman for her induction into the Greene County Women's Hall of Fame.

Ms. Alice Wiseman along with five other candidates were selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of Public Education.

Ms. Wiseman, has been a teacher at Sugarcreek Local Schools for 30 years. During this time she has never stopped in her effort to educate children. As a teacher, she was ahead of her time identifying and accommodating students with learning difficulties, challenging gifted students and serving as a mentor to new teachers. After retiring, Alice authored an elementary level book, The History of Bellbrook, which is used in conjunction with the third-grade curricular tie-in to a tour of the town, for which she serves as director. She has been an Ohio Reads program tutor, a member of the Bellbrook Family Resource Center Board, and currently is the President of the Bellbrook-Sugarcreek Historical Society. She is also an elected member of the Greene County Educational Service Center Board of Governors.

Thus, with great pride, I congratulate Ms. Alice Wiseman for her exemplary service to Greene County and extend best wishes for the future.

HONORING DOUGLAS EDWARD
DAHILL

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. JORDAN. Mr. Speaker, I rise today to honor the life and memory of an Allen County hero, Douglas Edward Dahill, who died while bravely serving our country in Vietnam, on or about April 17, 1969.

Doug joined the Army after graduating from Lima Senior High School, following in the military tradition of his grandfather, father, and uncle—all veterans.

Shortly after his twentieth birthday, Doug and two fellow soldiers were dropped behind enemy lines on a reconnaissance mission in a dense northwest jungle of South Vietnam. On the mission's third day, his team came under severe enemy attack.

For the next 10 years, Doug was listed as missing in action. Very recently, remains returned from Vietnam in 1991 were positively identified as Doug Dahill and his two colleagues from the recon team.

At long last, Douglas Dahill will be laid to rest today in Arlington National Cemetery, bringing his family closure after more than four decades.

On behalf of the United States Congress and the families of Ohio's Fourth District, I want to thank Specialist Doug Dahill and his family for the selfless service and sacrifice they gave to this, the greatest nation in history.

I was moved by Doug's words, found in a portion of a letter he wrote to his family from Vietnam:

I hope I haven't died in vain, but for a reason—the American way of life. . . . A lot of

young American boys, rather men like myself, are dying in Vietnam now. Their eulogy would be that they died for a reason and not in vain. A job is being done and we're doing it. Sure, it's a dirty job, but freedom doesn't come easily.

Douglas Edward Dahill is an American hero who will never be forgotten. He will live forever in the hearts of every American he gave his life defending.

COMMENDING J. OSCAR WARD AND
MEMBERS OF THE GREATER IRVING
REPUBLICAN CLUB

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to commend Mr. J. Oscar Ward of Irving, Texas, President of the Greater Irving Republican Club, and its members for their concern and respect for our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen that are serving in harm's way. I appreciate their efforts in calling attention to the unfortunate extra challenges faced by the surviving family of Chief Warrant Officer Bradley Gaudet of Gladewater, Texas.

Chief Warrant Officer Gaudet was killed from injuries sustained in a helicopter crash on June 5, 2011 in Afghanistan. His surviving family faced significant hurdles and resistance from the military in transferring his body from Ft. Drum, New York to its final resting place in Gladewater, Texas. These are challenges that should never be a concern to a grieving family. I appreciate President J. Oscar Ward and the members of the Greater Irving Republican Club for their firm resolve in calling attention to the burial of Chief Warrant Officer Gaudet.

I would like to further recognize the assistance and kindness of Southwest Airlines for flying the body of this fallen hero from New York to Texas for his final resting place. Without their assistance, this situation could have been even worse for all of Chief Warrant Officer Gaudet's surviving family and loved ones.

We should never allow a situation similar to what happened to Chief Warrant Officer Gaudet to ever be experienced again by a grieving family. I call on my colleagues to help ensure that every possible consideration is made for every surviving family. I am requesting that any rules and regulations that may preclude the proper burial at the location of the surviving family's choosing of a brave American hero be promptly changed. We must avoid anything similar to this ever occurring again.

HONORING THE SERVICE AND
MEMORY OF REVOLUTIONARY
WAR PATRIOTS STEPHEN
HEARD, JOHN DARDEN, MAMMY
KATE, DADDY JACK, DIONYSUS
OLIVER, AND PETER OLIVER

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. BROWN of Georgia. Mr. Speaker, I rise today to honor the memory of Governor Stephen Heard, Captain John Darden, Mammy Kate, Daddy Jack, Captain Dionysus Oliver, and Peter Oliver for their patriotic service accomplished during the American Revolution.

Stephen Heard, who served as Governor of Georgia in 1781, Captain John Darden, Captain Dionysus Oliver, and Peter Oliver all fought courageously in the American War of Independence. Mammy Kate and Daddy Jack, who were slaves at the time, played a pivotal role as well. When their master, Heard, was captured at the Battle of Kettle Creek, the British condemned him to die. But on the eve of Heard's execution, Mammy Kate and Daddy Jack rescued him from the British prison at Fort Cornwallis, and for their heroic deeds, Heard awarded them their freedom.

All six of these Revolutionary War patriots are buried in what is currently Elbert County, Georgia. On October 15, 2011, the community will honor the memory of these patriots with a grave marking dedication conducted by the Stephen Heard and Kettle Creek Chapters of the National Society Daughters of the American Revolution, and the Samuel Elbert, But-ton Gwinnett, and Washington-Wilkes Chapters of the Georgia Society Sons of the American Revolution.

Mr. Speaker, it is my honor to pay tribute to these six brave heroes, who with countless other patriots, successfully achieved for us American liberty and made way for our nation to stand as a beacon of freedom and hope to the rest of the world.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Monday, October 3, I requested and received a leave of absence for October 3 and 4 to attend official business in my congressional district. The President of the United States came to my district on Tuesday, October 4, 2011.

For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed during this time period.

On rollcall No. 742, to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, I would have voted "yes."

On rollcall No. 743, to amend the National Forest Ski Area Permit Act of 1986 to clarify

the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, I would have voted "yes."

On rollcall No. 744, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, I would have voted "yes."

On rollcall No. 745, Continuing Appropriations Act, 2012 (Small Business Program Extension and Reform Act of 2011), I would have voted "yes."

On rollcall No. 746, providing for consideration of H.R. 2681, to provide additional time for the EPA to issue standards for cement manufacturing facilities, and for consideration of H.R. 2250, to provide additional time for the EPA to issue standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, I would have voted "no."

SALUTING MR. LOUIS E. JAMES,
PRESIDENT AND CEO SOLUTIONS
FOR ENERGY EFFICIENCY LOGIS-
TICS (SEEL)

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Louis E. James, President and Chief Executive Officer of Solutions for Energy Efficient Logistics (SEEL), recipient of the 2011 Andromeda Star of Energy Efficiency Award. Louis James has done Mississippi and his Alma Mater, Mississippi Valley State University in Itta Bena, Mississippi, proud.

SEEL, a Detroit-based minority owned enterprise was recognized by the Washington, DC-based organization, Alliance to Save Energy, for advancing energy efficiency. SEEL was selected for the award based upon its unprecedented commitment to provide energy-efficiency services to residents in the city of Detroit, its surrounding communities and throughout the state of Michigan. Specifically, SEEL is responsible for transitioning Detroit jobs from "blue" collar to "green" collar and successfully implementing energy efficiency programs for DTE Energy Neighborhood Energy Savings Outreach (NESO) program. As the facilitator of these programs, SEEL has increased efficiency at more than 25,000 properties and helped to boost neighborhood morale in its service areas and customer satisfaction for its client, DTE Energy. More significant is that Louis James created job opportunities in his area—hiring more than 75 new employees to implement the programs for which SEEL received the award.

Again, I ask that my colleagues congratulate Mr. Louis E. James and SEEL for receiving the prestigious "Star of Energy of Efficiency Awards" and for its outstanding achievements in energy efficiency and savings.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. VAN HOLLEN. Mr. Speaker, on rollcall No. 745, I was unavoidably detained. Had I been present, I would have voted "yea."

A CONGRESSIONAL RESOLUTION
RECOGNIZING SANDY SKINN ON
HER INDUCTION INTO THE
GREENE COUNTY WOMEN'S HALL
OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Sandy Skinn for her induction into the Greene County Women's Hall of Fame.

Ms. Sandy Skinn, along with five other candidates, was selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in Girl Scouting.

Ms. Skinn has worked closely with co-leader and fellow inductee Jan Dobo. Sandy has worked for over 30 years to promote the positive qualities of leadership skills, strong values, confidence and conviction about self-worth to young women. The troop led by Ms. Skinn and Ms. Dobo have maintained an open troop, reaching out to girls interested in joining the Girl Scouts from beyond their North Beavercreek neighborhood. Her love of the outdoors has led to many camping trips, both in Ohio and as far as Maine for activities ranging from outdoor survival training, to week-long sailing and adventures. Sandy and Jan have been co-chairs of the Beavercreek North Service Unit, which serves over 500 girls, as a Council area of Greene, Warren, Miami, Montgomery and Clark Counties. Additionally, Sandy has served as the Greene County representative on the Buckeye Trails Girls Scout council Board, which covered a multi-county area, and she has also served on various Council committees.

Thus, with great pride, I congratulate Ms. Sandy Skinn for her exemplary service to Greene County and extend best wishes for the future.

IN RECOGNITION OF FATHER
DANIEL G. CAHILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Reverend Daniel G. Cahill. On September 17, 2011, Father Dan will be recognized as Festival Chieftain at the Irish Festival at the Jersey Shore in Sea Girt, New Jer-

sey. Father Dan continues to provide outstanding spiritual guidance for the members of the Monmouth County community. His exceptional service is highly deserving of this body's recognition.

Father Dan, fondly referred to as "Donnie" by his family and peers, was the third of six children raised on a small farm in the village of Gortdarrig, County Kerry in Ireland. At the age of thirteen, Father Dan was enrolled at St. Brendan's Seminary in Killarney, Ireland. His attendance at this prestigious institution later influenced his future decision to become a priest. Upon graduation from St. Brendan's, Father Dan entered All Hallows Seminary College in Dublin, Ireland, an organization recognized for preparing men to serve as missionary priests in foreign countries. During his time in the Seminary, Father Dan also spent a summer abroad working in various New Jersey parishes alongside the late Father Thomas O'Connor, former Pastor of St. Robert Bellermino in Freehold, New Jersey. His positive experience serving in New Jersey later influenced his decision to accept a position as a recruit from the Diocese of Trenton. Father Dan was ordained on June 17, 1973 at the age of twenty-four. He served for many years in the parishes of St. Anthony of Padua in Hightstown, New Jersey and St. Anthony in Trenton, New Jersey. In 1989 he became the Pastor of St. Ann's Church in Browns Mills, New Jersey. Father Dan currently presides as Pastor of the Church of St. Ann in Keansburg, New Jersey and has held this position since 1995.

In addition to his work with the ministry, Father Dan provides spiritual guidance to various Christian organizations, specifically the Ancient Order of Hibernians (AOH). He served as the New Jersey State AOH Chaplain for nineteen years during which time his outstanding spiritual leadership assisted the organization in fulfill their motto of Friendship, Unity and Christian Charity. He continues to serve as the Chaplain for the Ancient Order of Hibernians Pat Torphy Division—Monmouth 2, located in Middletown, New Jersey, and hosts an annual mass in recognition of those lost during the Great Hunger. Father Dan also serves as the Chaplain of the Knights of Columbus Vincent T. Lombardi Council.

Mr. Speaker, once again, please join me in congratulating Father Daniel Cahill for receiving the esteemed title of Festival Chieftain at the Irish Festival at the Jersey Shore. His extraordinary spiritual leadership continues to guide Monmouth County Bayshore community, my district, and the State of New Jersey.

HONORING JAMES LENOX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, James Lenox, on the occasion of his 80th birthday.

James Francis Lenox was born on June 1, 1931 in Towanda, Pennsylvania. He attended Saint Agnes School through 8th grade, and then went on to graduate from Towanda High

School, where he served as captain of the football team. James attended Hamilton College in New York for one year on a football scholarship. After working at Towanda's Sylva Plant, Mr. Lenox began a 25-year tenure with Pennsylvania Electric.

James has been an active member of his community his entire life. Mr. Lenox grew up attending Saints Peter and Paul Roman Catholic Church, where he served as an altar boy and still regularly attends. Additionally, James sat on the board of the Wysox Sewer Authority, and has served on the Towanda School Board for 26 years.

Mr. Lenox has been married to his wife Rose nee Homan for 60 years. Together, James and Rose have three children (Kathy, David, and Rosemary) and eight grandchildren.

Mr. Speaker, I rise today to honor my constituent, James Lenox, on the occasion of his 80th birthday, and ask my colleagues to join in praising his commitment to his family and country.

CONGRATULATING THE REPUBLIC
OF CHINA (TAIWAN) ON THEIR
100TH ANNIVERSARY

HON. ANDY HARRIS

MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HARRIS. Mr. Speaker, it is proper and fitting that the United States offer our sincere congratulations to The Republic of China (Taiwan) on the 100th anniversary of the origins of their Democracy on October 10, 2011.

Taiwan is a true democracy and a beacon of freedom in a part of the world where it is notably needed. A true strategic ally of the U.S., Taiwan has led the fight for freedom, equal education and advancement of human rights in many areas across the globe.

Taiwan is also a willing partner in helping to respond to the economic melt-down which has so adversely affected the world economy. President Ma Ying-jeou has made stabilizing the world economy a priority, for which he should be congratulated.

RECOGNIZING DR. ADAM G. RIESS,
THE 2011 PHYSICS NOBEL PRIZE
WINNER, FOR HIS OUTSTANDING
ACHIEVEMENTS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SARBANES. Mr. Speaker, I rise today to recognize Dr. Adam G. Riess, who was recently awarded the Nobel Prize for his outstanding contributions to the field of physics. Dr. Riess is a constituent of mine living in Baltimore, Maryland.

The Nobel Prize is awarded each year to recipients for outstanding achievement in physics, chemistry, medicine, literature, and peace. These prestigious awards, which were established through the generosity and vision of Albert Nobel, are reserved for the most important discoveries and inventions.

Dr. Riess, who is a professor of physics and astronomy at Johns Hopkins University and a senior staff member at the Space Telescope Science Institute, shares the 2011 physics award with two other scientists for their combined discovery that the universe is expanding at an accelerated rate—a concept that Albert Einstein first introduced but could never fully explain or prove. This discovery was made through extensive years of studying the explosions of supernova stars.

Johns Hopkins University is a Maryland institution second to none in the world and Dr. Riess is the fourth member of the faculty to receive the Nobel Prize. Hopkins, the affiliated Applied Physics Lab, the National Institutes of Health, and other premier scientific institutions in our state showcase the best of public-private partnerships and have produced innovations that change the world and power our local economy. Dr. Riess' discoveries, and the many breakthroughs and innovations that are accomplished in partnership with the federal government, underscore the importance of federal funding for scientific research. Dr. Riess indicated that the Hubble Space Telescope, in particular, was critical to his research.

I applaud Dr. Riess' outstanding achievement as it reflects many years of study and hard work and a deep commitment to scientific innovation. Congratulations to Dr. Riess and his colleagues for their groundbreaking work in the field of physics and for their extraordinary contributions to science.

H.R. 2681 AND H.R. 2250

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SENSENBRENNER. Mr. Speaker, I rise today in strong support of H.R. 2681, the Cement Sector Regulatory Relief Act, and H.R. 2250, the Environmental Protection Agency (EPA) Regulatory Relief Act, which are common-sense bills that will reduce uncertainty in the marketplace, and allow businesses to compete and grow.

We can no longer continue with the failed economic policies of the past couple of years. As was seen with the nearly \$1 trillion failed stimulus program from last year, throwing money at our economic problem does not create jobs. Instead, we need to tackle the heart of the issue and create an environment that attracts new businesses and allows them to successfully compete in our global economy. Industries across all sectors have been reluctant to expand, in large part due to the uncertainty over the slew of heavy-handed government regulations. I believe reducing and eliminating these costly regulations will stimulate confidence and allow small businesses to grow and be successful.

Today and tomorrow, Members will have an opportunity to vote on legislation to delay two of these job-killing regulations and give industry officials more time to come into compliance. H.R. 2681 and H.R. 2250 are two important bills that will give the EPA 15 months to re-propose and finalize regulations on boil-

ers, process heaters, incinerators, and cement manufacturing facilities. Additionally, these bills instruct the EPA to establish new rules that are actually achievable, and are in the least burdensome regulatory standard.

The Cement MACT and Boiler MACT rules are two examples of over-regulation by the government that are estimated to cost billions of dollars and hundreds of thousands of jobs. The Boiler MACT regulations are estimated to affect approximately 200,000 boilers, and have a compliance cost of approximately \$14.4 billion, threatening 200,000 jobs. Even the EPA has admitted that more time was needed to consider this rule, given the outpouring of concerns they received from industry officials. The impact of the Boiler MACT regulations will be felt across a wide range of industry sectors including agriculture, chemical, biomass power, forest and paper, refining and municipal utilities. I believe we need to give the EPA more time to reconsider this rule, and we must also give those affected by it a reasonable amount of time to comply.

Additionally, the Cement MACT regulations are another set of rules that will have major implications on jobs. According to the Portland Cement Association (PCA), the likely cost of compliance for the cement industry is estimated at \$3.4 billion, nearly half of the industry's annual revenues. It will cost an additional \$2 billion to comply with incinerator requirements. The PCA estimates that almost 20 percent of the domestic industry will potentially shutdown due to these regulations. In addition to the jobs lost by the plant closures, the effect of rising cement prices on our already struggling construction industry is cause for serious concern.

I am mindful of the fact that we must do our part to preserve our environment for future generations, which includes reasonable environmental regulations. However, it is troubling to see the EPA's total disregard for our current economic situation, and its push for unrealistic and unattainable goals that are stifling economic growth. Just last month, President Obama addressed a joint session of Congress demanding that Congress pass legislation to restore confidence in our economy and create jobs. I am pleased that House Republicans have once again brought to the floor legislation that does just that. I strongly support passage of H.R. 2681 and H.R. 2250, and urge my colleagues to support these bills.

FRANCES REEVES JOLLIVETTE
CHAMBERS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. BROWN of Florida. Mr. Speaker, Frances Reeves Jollivette Chambers, warmly known as Fran, was born on November 13, 1921 in Overtown. She was the sixth of five surviving children born to The Miami Times Founder, the late Henry E.S. Reeves and Rachel Jane Cooper Reeves, who had emigrated in April 1919 from Nassau, Bahamas, to Miami. She wed Cyrus M. Jollivette, Sr., in December 1942. Widowed in January 1960,

she wed James R. Chambers in July 1963; he died in June 2000. Her daughters are Miamians Regina Jollivette Frazier and Cleo Leontine Jollivette; her son, Cyrus M. Jollivette, resides in Mandarin, Florida. She is blessed with four grandchildren and three great-grandchildren.

After graduating from Booker T. Washington High in 1938, Chambers was awarded the Bachelor of Arts degree summa cum laude from Bennett College in 1942 and the Master of Arts degree from New York University in 1959. She later studied at the University of Miami and University of Florida and Florida A&M, Florida Atlantic, and Barry universities, amassing more post graduate credits than are required for the doctoral degree. She taught and guided generations of students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary before retiring from the Dade County Public Schools in July 1979 after more than 37 years as a teacher, reading specialist, counselor, and principal.

Hers has been a lifetime of involvement. In the 1950s she was a volunteer for the March of Dimes and the American Heart Association. In the 1960s she was JESCA board chair, a board member of Senior Centers of Dade County and a member of the American Association of University Women. In the 1970s and 1980s she was a member of the Florida State Board of Optometry and the League of Women Voters. As a retiree in the 1990s she continued her community volunteerism and also traveled the world visiting more than 50 countries and six continents. She is a life member of Alpha Kappa Alpha Sorority and the NAACP, a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. At Incarnation Episcopal Church she is a member of Daughters of the King.

In a far different world almost three decades ago she conceived, developed, and implemented the research plan to publish a book to record, preserve, and transmit the history of Miami's black pioneers. Her goal was to help assure that future generations could appreciate the long and difficult road so many Pioneer Miamians had traveled.

Her vision has been realized. The 120-page hard bound coffee table book, *Linkages & Legacies*, is being published in March 2010 by The Links, Inc., Greater Miami Chapter, through the non-profit *Linkages and Legacies, Inc.* The publication—a gift to the community—was made possible because so many gave so much and demonstrated the resolve to complete the project even though Chambers could no longer lead nor participate in the effort. It is because of her concept for the book that the AT&T African-American History Calendar was created 17 years ago. In 2010 Fran Chambers is recognized for her vision to help preserve and transmit our history for generations to come.

Since 2000, Fran Chambers has been afflicted with Alzheimer's disease and cared for at her home.

**A CONGRESSIONAL RESOLUTION
RECOGNIZING JAN DOBO ON HER
INDUCTION INTO THE GREENE
COUNTY WOMEN'S HALL OF
FAME**

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Jan Dobo for her induction into the Greene County Women's Hall of Fame.

Ms. Jan Dobo along with five other candidates were selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in girl scouting.

Ms. Dobo has provided countless travel opportunities and taught valuable skills to hundreds of Junior, Cadette and Senior Girl Scouts for well over 30 years and on-going to this day. Despite suffering a debilitating stroke while on a scouting campout, Jan has continued to be deeply involved. Typically, Girl Scout Troops are organized within communities, but Jan and co-leader Sandy Skinn, have always maintained an open troop and allowed any girl to join without consideration of where she lived. The troop has had a reputation for working hard with women in order for them to achieve Gold Awards which is equivalent of an Eagle Scout in Boy Scouting. Jan has also volunteered her home over the last 30 years to be the Girl Scout Cookie Cupboard for the area. Jan has received many awards for her service, including the Thanks II Badge—the highest award to volunteers in Scouting.

Thus, with great pride, I congratulate Ms. Jan Dobo for her exemplary service to Greene County and extend best wishes for the future.

**GRANTS FOR LOCAL STEM
EDUCATION**

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of the Rancho Santiago Community College District (RSCCD) and California State University, Fullerton (CSUF), who have been selected as recipients of the Hispanic-Serving Institutions STEM and Articulation Programs Grant.

This highly competitive award will give each school approximately \$1,200,000 in funding for the next five years and will help them to develop and expand their capacity to serve Hispanic and other low-income students.

I believe STEM education is fundamental to prepare our children for jobs in a more technology-oriented economy.

This is vital for our nation's economic security, and I am proud to have supported legislation that made this grant opportunity possible.

As a longtime advocate of STEM education, I am thrilled to see that students in my district,

especially those most in need, will have the opportunity to excel in mathematics and the sciences.

This will make way for a competitive workforce that will increase minority participation in the STEM fields and lay the groundwork for a nation filled with educated and diverse individuals.

I congratulate Rancho Santiago Community College District and California State University, Fullerton for receiving such impressive grants.

**THE 10TH ANNIVERSARY OF THE
WAR IN AFGHANISTAN**

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, the war in Afghanistan will mark its 10 year anniversary this coming Friday. After 10 years, it is clear money is being wasted on military spending and wars that aren't making us safer, and are doing nothing for ordinary people in Afghanistan and Pakistan and beyond. It's working people in Michigan, and throughout the rest of the country, who understand that—but unfortunately not enough of my colleagues in Congress.

Sometimes it's only outside of Washington, DC, that the fundamental common sense of Americans shows up. This year the National Conference of Mayors passed a powerful resolution calling on the U.S. government to end the war in Afghanistan and to "bring the war money home." It was the first time since the height of the Vietnam War, in 1971, that the Mayors took a clear anti-war position. The mayors understand that the money is there, but it's being diverted—away from jobs, away from the crucial investments in people that keep our workers employed, our children healthy, and our elders safe.

Americans get it—64 percent of Americans already say that the war in Afghanistan is just not worth fighting. But it sure seems like no one is listening. Because just this year, taxpayers in my congressional district are paying about \$172 million just for our share of the war in Afghanistan. That war isn't doing anything to make us safer—the CIA and all the rest of the intelligence agencies admit there are only 50 or 100 al-Qaeda members even left in Afghanistan. But the numbers of civilian casualties are higher than they've been since this war began ten years ago.

And that 172 million in tax dollars? If we weren't wasting it on a failing war in Afghanistan we could use that money for something that really might help keep us safe—like hiring 3,275 firefighters for a year. We could retrofit 53,807 houses in my district to provide renewable electricity. Those war dollars could cover health care for 22,447 of our brave veterans, so many of whom are coming home from the wars with devastating physical and emotional injuries. Any of those things would keep us safer than wars that create more terrorists with every civilian casualty.

We can't afford to keep fighting counter-productive wars. The wars in Afghanistan and Iraq and Pakistan are not keeping us safe. It's

time to end them; it's time to spend the money we need to bring our troops safely and quickly home. We have too much to rebuild in our cities and across our country, to waste our hard-earned tax dollars. Americans get it. After 10 years, it's time to bring our troops, and our war dollars home.

**IN RECOGNITION OF PATROLMAN
FRANK PAPAIAANNI**

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today in commemoration of Patrolman Frank Papaiaanni of Edison, New Jersey. On September 16, 1971, Patrolman Papaiaanni and his partner responded to a silent holdup alarm at a bank located within the Menlo Park Mall in Edison, New Jersey. The gunfire exchanged fatally wounded Patrolman Papaiaanni and critically wounded his partner. Today, members of the Edison community gather to remember and honor the life of Patrolman Frank Papaiaanni.

Patrolman Frank Papaiaanni was a noble officer who faithfully protected and served the local residents, businesses and visitors of Edison, New Jersey. Patrolman Papaiaanni served with the Edison Division of Police for three years and continued to personify his commitment and dedication to maintaining a safe and peaceful environment. He was survived by his wife Adeline and his three children, Maria, Joann and Frank. Lake Papaiaanni in Edison, New Jersey is named in honor of the late Patrolman.

Mr. Speaker, once again, please join me in commemorating the life of Patrolman Frank Papaiaanni and remembering him for his dedication to serve and protect the Township of Edison.

**INTRODUCTION OF THE FAIRNESS
IN THE AMERICAN TAX CODE
ACT OF 2011**

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the "Fairness in the American Tax Code Act of 2011."

During these difficult economic times, the wealthiest of Americans should be paying their fair share in taxes. Our nation's unemployment rate is over nine percent and yet, we have the lowest tax rates in decades. Why are we giving tax breaks to Wall Street CEOs and Big Oil Executives, instead of helping the millions of Americans who are struggling.

Thanks to loopholes in the tax code, M. Speaker, the rich keep getting richer. The top one percent of earners are responsible for 20 percent of the nation's annual income, up from 10 percent in 1981. The wealthiest CEOs are paid 400 times what the average worker earns. Only 30 years ago, it was 20 times as much.

Since President Ronald Reagan started lowering tax rates up until President George W. Bush slashed capital gains and income tax rates for the wealthy to their current historic lows, the wealthy have continued to pay less and less in taxes. As I travel throughout my district, into areas where the unemployment rate is over 40 percent, I ask myself where are the jobs and where did all the money go?

Americans in the highest tax bracket are supposed to pay 35 percent of their income in taxes. However, since President Bush slashed the capital gains rate to 15 percent, the top 400 wealthiest Americans, for example, pay only 15 percent in taxes on 80 percent of their income. As the law is currently written, any wealthy American paying the full 35 percent needs to get a new accountant.

My bill simply asks the wealthiest to pay their fair share. It produces a progressive "job creation" surtax for those making more than \$350,000. The surtax increases gradually until those with incomes over \$10 million are paying the same amount on all their income as the legally required statutory rate. M. Speaker, it is time for the wealthiest of Americans to pay their fair share in taxes.

An editorial in the New York Times recently noted: "Critics also claim that raising the capital gains rate would hamstring investment. But economists studying the historical record have concluded that the effect is small, dwarfed by considerations like profit growth. The truth is that despite the current low tax rates, American businesses—small and big—are investing very little. Business surveys show that the main reason is that there are very few customers with money to buy their products."

The wealthiest Americans have rigged the tax system in their favor to the detriment of the middle class. They've changed the rules to their own financial advantage. My bill will make our nation's tax code fairer.

Mr. Speaker, investing in America is the only way that we are going to create jobs. The Fairness in the American Tax Code Act of 2011 ensures the investments made for strictly personal gains are investments that will actually create jobs in America. I hope my colleagues on both sides of the aisle will join me in supporting this critically important piece of legislation that will help to put our nation's economy back on track.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,856,859,498,405.73.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$ 4,218,433,752,111.93 since then. This debt and its interest payments we are passing to our children and all future Americans.

A CONGRESSIONAL RESOLUTION RECOGNIZING MARGARET "PEG" ARNOLD ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Margaret Arnold for her induction into the Greene County Women's Hall of Fame.

Ms. Arnold along with five other candidates was selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the fields of Public Education and Government.

Ms. Arnold was elected to the Beavercreek Board of Education in 2000 and is still an active on the board. Under her leadership the district passed an \$80 million dollar bond issue to build two new buildings in an effort to serve the rapidly growing population of the community. This was the first new school construction in 40 years. While it did take three attempts to gain the support of voters on the issue, she kept fighting for it until the plan was passed. She continues to play a key role to make sure the 2010 strategic plan is implemented properly. Further, Peg was awarded the Educator of the Year award by the Beavercreek Chamber of Commerce. At the same time, Peg is a certified level three acquisition professional and has been a highly successful and valued government employee at Wright-Patterson Air Force Base for over 30 years, in the contracting field. In 1994, Peg was named one of the top 100 Federal Government Employees by Federal Computer Magazine.

Thus, with great pride, I congratulate Ms. Margaret Arnold and wish her well in her service to the community.

HONORING KENT ELWOOD EDESELL

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Kent Elwood Edsell, on the occasion of his 80th birthday.

Kent Elwood Edsell was born in Bradford County, Pennsylvania on October 22, 1931. In 1950, Mr. Edsell graduated from LeRaysville High School and began working at DuPont in Towanda, Pennsylvania before entering the United States Marine Corps in 1951. After the Korean War, Kent was honorably discharged and began working for Jug Gerald. He then relocated to Nichols, New York, working for the Grange League Federation until he retired in 1992.

Mr. Edsell recently celebrated his 55th wedding anniversary with Catherine (nee Riley), whom he married on August 19, 1956 at the Saint Thomas Catholic Church of Little Meadows, Pennsylvania. Kent is the proud father of

six (Larry, Barbara, Kevin, Andrew, Theresa, and Joel), grandfather of 14, and great grandfather of five.

A long-time baseball enthusiast and Yankee fan, Kent played baseball with North Orwell and the Tri-County League through the 1980s. In addition to his love of bowling, wood working, and hunting, Mr. Edsell is a long-time member of VFW Post 6824, having held a number of positions over the years.

Mr. Speaker, I rise today to honor my constituent, Kent Elwood Edsell, on the occasion of his 80th birthday, and ask my colleagues to join in praising his commitment to his family and country.

IN HONOR OF THE 75TH ANNIVERSARY OF THE FIRST ASSEMBLY OF GOD CHURCH—BOLIVAR, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LONG. Mr. Speaker, it is with great pleasure that I rise today to congratulate the First Assembly of God Church in Bolivar, Missouri, on their 75th anniversary. I am honored to join them in their momentous milestone of celebrating 75 years of blessings.

In 1936, a small congregation in Bolivar, Missouri, received their official church charter from the Assemblies of God fellowship. Over the course of the last 75 years, First Assembly of God of Bolivar has served others with excellence, unity, and purpose.

First Assembly is a family-oriented, multi-generational church. They serve families and individuals through a variety of services and activities for all age groups, genders, and backgrounds. First Assembly believes that God makes His presence known in a variety of ways, and the church looks to Him to guide them in everything they do.

First Assembly is committed to the spiritual needs of the Bolivar community and provides their congregation the necessary tools to live a Christian lifestyle in an ever-changing world. By demonstrating the compassion of Jesus Christ, First Assembly of God reaches out to people of all backgrounds in Southwest Missouri to deliver their ministry of love.

The church also sponsors missionaries across the world, sending out members to spread the love and compassion of Jesus Christ. They have donated over \$30,000 to purchase an African Tabernacle, vehicles, equipment, and study Bibles for international ministers.

It is clear that First Assembly has performed many great services and received many blessings over the past 75 years. I ask my distinguished colleagues to join me in congratulating First Assembly of God for their exceptional service and wish them the best for another 75 years of blessings.

THE 100TH ANNIVERSARY OF THE
REPUBLIC OF CHINA (TAIWAN)

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mrs. CHRISTENSEN. Mr. Speaker, October 10th marks the 100th anniversary of China's Wuchang Uprising which led to the creation of the Republic of China, ROC, that now exists on Taiwan. The uprising marked the end of the Qing Dynasty in what is now the ROC, effectively ending 2,000 years of imperial rule and resulting in East Asia's now-oldest republic.

It is worthy of note that the Republic of China was born at a time when many repressive and colonial regimes ruled much of East Asia.

Its founding father, Sun Yat-sen, had hoped the ROC would one day develop into a fully democratic society modeled on many of the same principles and norms that he had observed while an adolescent in Hawaii. And though it came to pass well after he left this world, and on a different land mass, his dreams of representative democracy are an undeniable reality on Taiwan today.

The ROC's emulation of American principles and ideals has not been limited to the political arena. Time after time, whether it be in the struggle against fascism, the Korean War, the Vietnam War, or joining us in calling for the removal of Iraqi dictator Saddam Hussein in 2003, the ROC—be it housed on mainland China, or Taiwan—has stood shoulder to shoulder with the United States to defend and promote the very values and ideals that inspired Dr. Sun to create the ROC in the first place.

In recognition of all of the foregoing, I ask my colleagues to join me in congratulating the Republic of China on Taiwan on its 100th anniversary, while also acknowledging its Founding Fathers' foresight and—most of all—thanking the government and the people of Taiwan for their loyalty, friendship and support for an entire century.

H.R. 2681 AND H.R. 2250

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LEWIS of Georgia. Mr. Speaker, the two bills, H.R. 2681 and H.R. 2250, are an affront public health and to our environment.

When we take our air, waters and land for granted; when we show a simple lack of respect for nature and our environment, we unmake God's good creation. Over 40 years ago, Republicans and Democrats passed the Clean Air Act because they believed that every American child deserved to breathe clean air. They believed that every American child deserved an environment free from toxic pollutants that cause cancer and impair their ability to learn.

EPA standards, like the ones attacked in this bill, did not run our economy off the cliff.

EPA standards did not drive us into debt, or stop the banks from extending credit. But here we are, ready to stop common sense protections are 11 years overdue. If enacted, these bills would make damaging changes to the Clean Air Act. We would stop future EPA standards from protecting our children and our families from mercury and toxic air pollution. 2,500 lives are lost for every year these pollution reductions are delayed.

There are protesters right outside this building, Mr. Chairman. They want us to take up the American Jobs Act. They want it passed. They don't need another attack on the Clean Air Act. They don't need another attack on the public's health. We're wasting their time, Mr. Chairman.

It is my strong belief that our country needs environmental protections and that real protections do not have to come at the expense of jobs or our economy. Whatever we do to the earth, we do to each other. I urge my colleagues to vote no.

THE BREAST DENSITY AND MAMMOGRAPHY REPORTING ACT OF 2011

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. ISRAEL. Mr. Speaker, this year, more than 200,000 women will be diagnosed with breast cancer. We owe them every opportunity for early detection. Information on breast density can help both doctors and patients better understand a patient's risk of being diagnosed with breast cancer. This is why I am so pleased to join Representative DELAURO in introducing this extremely important piece of legislation. Mothers, daughters, sisters, grandmothers and aunts across America deserve all the information and resources possible when concerning their physical health. When we empower scientists, women and their doctors with knowledge, we take another step towards finding a cure.

ACKNOWLEDGING THE CONTRIBUTIONS OF THE REVEREND JESSE JACKSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, this year, a memorial honoring the late Dr. Martin Luther King, Jr. was finally unveiled on the National Mall. This unveiling, which occurs during the presidency of the first African-American President of the United States, is, for many, the culmination of the movement for equality and civil rights that began with Dr. King in the 1950s and 60s.

However, those of us who have carried Dr. King's dream forward to the present understand that history isn't so neat and clean. While the arc of history does bend toward justice, it bends only because advocates for jus-

tice, peace, and human dignity have dedicated their lives to bending that arc through their leadership, determination, and sheer force of will.

My friend, the Reverend Jesse Jackson, is one of those people. From his days standing alongside Dr. King in Selma, to his groundbreaking run for the presidency in 1988, Reverend Jackson's commitment to an uncompromising vision of racial harmony and economic opportunity for all Americans has inspired millions.

Perhaps the work Reverend Jackson is best known for are his efforts to fulfill the promise of America's great democratic experiment. Our history books teach us that the America established by our Founding Fathers purported to endow each American with certain fundamental rights. However, we all know that certain residents of this country—African-American slaves, immigrants, women, and those without property—were left out of this original social contract. Reverend Jackson has spent his life trying to remedy this failing—to expand the membership of our social contract and ensure that everyone feels welcome in our big, loud American family.

That's exactly what Reverend Jackson was doing when he founded the National Rainbow Coalition in 1984 and later ran for President in 1988. All of a sudden, millions of new voters—the young, ethnically and racially diverse minorities, the poor, and the politically marginalized all felt like they had a voice and a candidate who spoke for them. For the first time, many of them felt like they had ownership and a stake in the direction of their country. They realized they had power. I'm certain that the young people currently making headlines with their "occupation" of Wall Street owe much of their movement's energy to the groundwork laid down by Reverend Jackson in 1988, when he reminded America that "people power" is the only surefire way to successfully challenge an entrenched and corrupt power structure that favors a wealthy few.

Jesse Jackson has spent the last 50 years bending the arc of history towards justice. It is hard work, and a lesser man might be getting tired. For Reverend Jesse Jackson, the work of creating a more perfect union continues. Just last week, he marched with me through the streets of Detroit and spoke out on behalf of 41,000 mothers and children in Michigan who risk losing their access to the basic necessities of life because of cruel and misguided government policies. He was there to give a voice to the voiceless. That's just what he does. Mr. Speaker, this is why I am proud to acknowledge Reverend Jackson on the floor today for his life, his tremendous legacy, and, most of all, for the work that is yet to come.

**A CONGRESSIONAL RESOLUTION
RECOGNIZING DR. MARY AGNA
ON HER INDUCTION IN TO THE
GREENE COUNTY WOMEN'S HALL
OF FAME**

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Dr. Mary Agna for her induction into the Greene County Women's Hall of Fame.

Dr. Mary Agna, along with five other candidates, was selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of public health.

Dr. Agna was the first woman Health Commissioner in Greene County, where she served from 1963 until 1970. During this time she started the first home care program within the County Health Department. She was also an Associate Professor and Vice Chair of the Department of Family Medicine and Community Health at the Wright State School of Medicine from 1979 to 1987, and, continues today as Emeritus Associate Professor. She also served on the State Public Health Council from 1974 until 1981. This council is the primary rule-making body for the State Department of Health. Her vision and leadership led to Greene County being recognized by the Ohio Council of Home Health Agencies and the Ohio Department of Health as one of Ohio's premier home health agencies.

Thus, with great pride, I congratulate Dr. Mary Agna for her exemplary service to Greene County and extend best wishes for the future.

**PEOPLE'S MOJAHEDIN
ORGANIZATION OF IRAN**

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. CHU. Mr. Speaker, last July, the DC U.S. Court of Appeals found that People's Mojahedin Organization of Iran, PMOI/MEK, was not awarded due process when their petition to be removed as a terrorist organization was denied by the State Department. The Court ordered the State Department in conjunction with the Attorney General to review the decision and make a decision.

But I stand here today, over 500 days after the Court made this decision, and the State Department still has not given a response. Every day of delay means another day where peaceful MEK democratic leaders and activists are at risk.

Nearly 100 of my colleagues have joined together by cosponsoring H. Res. 60 to ask the State Department to heed a federal court order and remove Iran's largest opposition group called the People's Mojahedin Organization of Iran, PMOI/MEK, from the U.S. list of Foreign Terrorist Organizations, FTO.

Because the U.S. needs to use its influence to protect Iranian dissidents fighting for democracy, Iran is using the U.S. terrorist designation to attack MEK leaders opposed to their rule. As long as the MEK is listed as a foreign terrorist organization, thousands of its members living in Camp Ashraf, Iraq are subject to further brutality by the Iraqi government. The longer we wait to remove the MEK from this list, the more we put Ashraf residents and fighters for democracy at risk.

**STATEMENT CONGRATULATING
100TH ANNIVERSARY OF TAIWAN**

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. HAYWORTH. Mr. Speaker, October 10 marks the 100th anniversary of the creation of the Republic of China, which is now on Taiwan.

Just as the United States is considered a cultural melting pot, the Republic of China represents a society that has found success in embracing openness and respect for all citizens. As closely related and longstanding trade partners, the United States and Taiwan have a rich history of cooperating to create economic growth.

Since passage of the Taiwan Relations Act of 1979, the United States has been very supportive of the Republic of China, and, in turn, Taiwan has remained a friendly and faithful ally to the United States. America's support for the freedom, security, and stability of Taiwan stems from our shared foundation in individual liberty and from our mutual interest in defending peace and prosperity in the Pacific Rim region and throughout the world.

As a member of the Congressional Taiwan Caucus, I am committed to enhancing and strengthening U.S.-Taiwan relations, and ensuring that the Republic of China continues to thrive as a free and democratic country. I am working with my colleagues to ensure that Taiwan has the capacity to defend itself from potentially hostile nations, and to perpetuate the democratic ideals that inspired its creation.

I urge all my colleagues to join me in congratulating the Republic of China on completing its first century as a nation, and in renewing America's commitment to our common defense.

**INTRODUCTION OF THE CONGRESS
LEADS BY EXAMPLE ACT OF 2011**

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the Congress Leads by Example Act of 2011, to subject Congress and the rest of the legislative branch to the federal workplace laws and standards that protect individuals in the private sector and the executive branch. The Congressional Accountability Act of 1995, CAA, was an important first step in making the

legislative branch accountable to its employees, but it did not finish the job. While the CAA did bring the legislative branch under thirteen major civil rights, labor, and workplace safety and health laws, it exempted the legislative branch from important notice and training provisions, and altogether omitted important substantive and administrative provisions.

The Congress Leads by Example Act of 2011 is a follow-up to my 2010 investigation of Capitol Visitor Center, CVC, staff complaints and the recommendations from the Office of Compliance, OOC, which revealed a gap in authority to enforce the Occupational Safety and Health Act of 1970, OSHA, provisions against the legislative branch. Last year, as chair of the Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management, I held a hearing examining claims by the OOC of an estimated 6,300 safety hazards in the U.S. Capitol complex, as well as complaints by CVC guides that they were compelled to work in uniforms inappropriate for outdoor work in the summer and winter, and that they had limits on their water consumption. Our hearing demonstrated that many of the safety hazards had been resolved, and the Architect of the Capitol assured us that they continue to correct the outstanding hazards with due speed. Eventually, the formation of a union local by CVC guides led to specific improvements in uniform and water consumption practices and policies.

In the 2010 report, Recommendations for Improvements to the Congressional Accountability Act, the OOC, which was created by the CAA, identified additional provisions of federal workplace laws and standards that should be applicable to the legislative branch, including laws that grant the OOC General Counsel subpoena power, provide whistleblowers with protection from retaliation, and require the maintenance of employment records. In the 2011 report, State of the Congressional Workplace, the OOC presents the successes and shortcomings of the CAA by tracking the trends in legislative branch employee complaints and workplace safety hazards in fiscal year 2010. My bill takes into account the OOC reports, and seeks both to apply the standard of fairness to employees in the legislative branch that Congress requires for other employees and to provide a safer work environment for Capitol Hill employees by bringing the legislative branch further in line with what is legally required of private sector employers and the executive branch.

As Congress searches for ways to trim the federal budget, it would be timely to provide whistleblower protections to legislative branch employees so that they can report misuse of federal funds and other legal violations without fear of retaliation. My bill provides general whistleblower protections, also championed by Senators CHUCK GRASSLEY and CLAIRE McCASKILL. My bill also makes applicable additional provisions under OSHA, including providing subpoena authority to the OOC to conduct inspections and investigations into OSHA violations and requiring the posting of notices in workplaces detailing employee rights to a safe workplace under OSHA.

This bill also furthers the CAA's mission to prevent discrimination by prohibiting adverse

employment decisions on the basis of an employee's wage garnishment or involvement in bankruptcy proceedings pursuant to the Consumer Credit Protection Act, CCPA, and Chapter 11 of the bankruptcy code. The bill also requires employers to provide their employees with notice of their rights and remedies under the CAA anti-discrimination provisions through the placement of signage in offices highlighting relevant anti-discrimination laws, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. The bill also requires legislative branch offices to provide training to employees about their CAA rights and remedies. Adding the CCPA and bankruptcy provisions will deter economic discrimination, while the notice and training provisions will empower legislative branch employees with the full knowledge of their rights.

Finally, the bill bolsters the CAA's record-keeping requirements. It extends to the legislative branch the obligation to maintain accurate records of safety information and employee injuries, as required by OSHA, as well as the employee records necessary to administer the anti-discrimination laws. The enhanced recordkeeping requirements will facilitate better enforcement of laws.

On the eve of the CAA's passage, Senator OLYMPIA SNOWE may have best captured the intent of Congress and the will of the people when she remarked, "Congress simply cannot continue to live above the law and call itself a body that is 'representative' of the America we live in today. After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws . . . Congress should be the very last institution in America to exempt itself from living under the nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws." By passing this bill and heeding this wise call to action, Congress will help restore the faith of the public in this institution by redoubling our efforts to exercise leadership by example. I urge bipartisan support of this important measure.

THE RIPPLE EFFECT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. POE of Texas. Mr. Speaker, here in America, we can walk in to our kitchen and turn on the faucet in order to get a drink of water. This routine has become so natural, that sometimes we forget how blessed our country is. Americans are lucky to be able to drink water without the fear that it could make them ill or put their lives in jeopardy. One young man in my congressional district became aware of how fortunate he was, and wanted to find a way to make a difference in the lives of those who did not have access to

clean water. This young man, Nico Kroeker, began a business in October 2010 at 17 years old, in order to benefit people who are suffering from unsanitary water conditions.

Mr. Kroeker calls his project The Ripple Effect, and sells water bottles from his Web site in order to raise funds. Keeping nothing for himself, Mr. Kroeker takes all of the profits and puts them toward purchasing more water bottles to sell. A portion of the profits go to Living Water International, an organization that builds wells in villages where water is either unsanitary or difficult to obtain. Living Water International strategically places these wells near schools so women are able to get an education rather than travel long distances for unclean water.

Now wells do not last forever, which can be a problem with this type of program, but Living Water International has worked to find a solution to this. The organization works alongside the villagers teaching them how to build and maintain the wells. By doing this, the villagers are able to maintain the wells and fix them even after Living Water International has left.

Mr. Kroeker really liked how the fact that the organization did not just build the well and leave, but rather taught the villagers so they could become independent. Even though he is leaving for college in the fall of 2011, Mr. Kroeker still plans on managing his company from Blinn College in College Station, Texas. His company operates through a Web site, which will make it very convenient for Mr. Kroeker to balance his school work and continue to provide clean and safe water to people in need.

Mr. Speaker, I applaud this young Texan for taking action and making a difference in the lives of others.

And that's just the way it is.

THE BREAST DENSITY AND MAMMOGRAPHY REPORTING ACT OF 2011

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. DeLAURO. Mr. Speaker, I rise today to introduce the Breast Density and Mammography Reporting Act of 2011, which will provide women and their health care providers with the information they need about identifying breast cancer risks and help to detect this deadly disease at the earliest possible stage.

One in eight women in the United States will develop breast cancer in their lifetime. This year alone, more than 230,000 Americans will be diagnosed with breast cancer and nearly 40,000 women will die of the disease. We know that there are risk factors, things that increase an individual's chance of developing for breast cancer—gender, family history of cancer, certain genetic mutations, and numerous others.

Among them is dense breast tissue. Women with more dense breast tissue have a relative risk of developing breast cancer that is four or more times higher than individuals with less dense breast tissue. And dense breast tissue

may also make it more difficult to identify potential problems on mammograms.

This bill seeks simply to update the information that women and their health care providers receive after a mammogram. By including information on an individual's breast density in these reports, we can raise awareness among both patients and their physicians. We can help ensure appropriate screening, and help make sure that more women are diagnosed at an earlier stage of cancer.

This legislation has been endorsed by several national organizations, whose letters of support I hereby submit for the record. And it is based on strong legislation already enacted in my home state of Connecticut. But women should not live or die because of geography—we owe it to women across the country to ensure that they have access to the information they need to make informed decisions about their health. This legislation will help the women in our lives and their health care professionals access critical, potentially life-saving information, and I urge my colleagues to support our efforts.

OCTOBER 3, 2011.

Hon. ROSA L. DeLAURO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DeLAURO: On behalf of the Board of Directors of Are You Dense, Inc., we are pleased to support the Breast Density and Mammography Reporting Act of 2011. The grassroots breast density information effort began in Connecticut in 2004 when I was diagnosed with an advanced stage breast cancer after a decade of "normal" mammograms. When I questioned my breast surgeon why my cancer was detected at such an advanced stage, since I received a "normal" mammography report a few months earlier, her response was that I have dense breast tissue. This was the first time that I was informed about this critically important aspect of my breast health and what dense breast tissue meant to me for access to an Early Cancer Diagnosis. I began working with Connecticut State Senators Joan Hartley and Joseph Crisco and, with their unwavering support for Early Detection for women with dense breast tissue, Connecticut established itself as a leader in state legislation for breast density notification and expanded insurance coverage for women with dense breast tissue. I am so proud that you are leading the federal efforts to change the outcome of an advanced cancer to an early stage cancer for women across the country with dense breast tissue.

Research for more than a decade demonstrates that women with dense breast tissue are at increased risk of breast cancer and have only a 40% chance of having their cancer detected by mammography alone. As density increases, the sensitivity of mammogram to "see" cancer decreases. Breast density is one of the strongest predictors of the failure of mammography screening to detect cancer.

A Harris Poll found that less than 1 in ten women team about their breast density from their health care providers and ninety-five percent of women do not know their breast density even though it is one of the highest risk factors for breast cancer. The Breast Density and Mammography Reporting Act of 2011 will correct this fatal flaw in the Early Detection of Breast Cancer by standardizing the communication of breast density to the patient across our country. Breast Density notification will help bring about a new era

in which women, in conjunction with their doctors, can make fully informed choices about their breast screening and personal surveillance.

Thank you for giving Are You Dense, Inc. the opportunity to support this important and timely legislation.

Sincerely,

NANCY M. CAPPELLO, PH.D.,
President and Founder,
Are You Dense, Inc.

OCTOBER 3, 2011.

Hon. ROSA L. DELAURO,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO, the Black Women's Health Imperative is very pleased to support the introduction of the Breast Density and Mammography Reporting Act of 2011.

Women with dense breast tissue are more likely to get breast cancer, it is more likely to be aggressive, and very likely to be missed on a mammogram. The Breast Density and Mammography Reporting Act of 2011 corrects a fatal flaw in the post-mammography patient communication. The inclusion of breast density information in the lay letter, sent from radiologist to patient, recognizes the importance of patient notification of this risk factor. Without the provision for this notification, the opportunity for an informed and educated patient is tragically compromised. This legislation will ensure that the 40% of women with dense breasts, armed with critical information about their own physiology, can have equal access to early detection of breast cancer.

Breast Density notification will help bring about a new era in which women, in conjunction with their doctors, can make fully informed choices about breast screening and surveillance.

Thank you for giving us the opportunity to support this important and timely legislation.

Sincerely,

ELEANOR HINTON HOYTT,
President & CEO,
Black Women's Health Imperative.

OCTOBER 3, 2011.

Hon. ROSA L. DELAURO,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO, Are You Dense Advocacy, Inc. is pleased to support the introduction of the Breast Density and Mammography Reporting Act of 2011. It is in the interest of public safety to enact a standard that requires doctors to inform women of their breast density, its inherent risk factor, and apprise them of the limitations of mammography in dense breasts. Without this simple notification, women with dense breast tissue, unaware of this critical piece of their own physiology, and kept in the dark about density's inherent risk factor, can hardly be considered informed participants in their own health surveillance.

Women with dense breasts are more likely to get breast cancer, it is more likely to be aggressive, and is more likely to be missed on a mammogram. Over the past decade, peer reviewed scientific studies have demonstrated that mammography misses breast cancer at least 40% of the time in women with dense breasts. The inclusion of breast density information in the lay letter, sent from radiologist to patient, recognizes the fundamental right of a patient to be aware of her own density, her personal risk factor, and supplemental screening tools which may be appropriate.

We strongly support this timely legislation which will prove life saving for so many American women.

Sincerely,

JOANN PUSHKIN,
Director of Government Relations,
Are You Dense Advocacy, Inc.

AMERICAN ASSOCIATION OF
BREAST CARE PROFESSIONALS,
Houston, TX.

DEAR CONGRESS: The American Association of Breast Care Professionals (AABCP) in collaboration with the AABCP Foundation, strongly supports all legislation regarding research, education and early diagnosis of breast cancer for individuals with dense breast tissue. We ask all congressional leaders for consideration and co-sponsorship of this legislation.

AABCP is a non-profit trade association and foundation dedicated to educating the public and promoting public policy that is in the interest of the breast cancer patient, the post-mastectomy amputee, and the providers who serve them.

Currently, more than 2,500,000 individuals in the United States are living with breast cancer. Each year, more than 200,000 people, 97% women and 3% men, are diagnosed with breast cancer. Additionally, women with more dense breast tissue have at least a four-time greater risk of developing breast cancer than individuals with less dense tissue.

Physicians and health care providers are the first line of information during diagnosis and treatment. The provision of more scientific and appropriate information regarding the risks of dense breast tissue to individuals, immediately after a mammogram, ensures receipt of timely information and allows an individual to make a more informed decision regarding their health care.

The American Association of Breast Care Professionals believes that women will benefit from knowing both that they have denser breast tissue and the associated risks. When dealing with cancer, knowledge is survival.

We thank you again for your leadership and consideration of this very important issue.

Respectfully,
RHONDA F. TURNER, PhD, JD, BOCPO,
President.

RECOGNIZING THE U.S. WOMEN'S CHAMBER OF COMMERCE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. VELÁZQUEZ. Mr. Speaker, I rise to recognize the U.S. Women's Chamber of Commerce, an organization that has been vital to fostering entrepreneurship among females. Today, the number of women-owned businesses is growing at a rate double of all other firms. In 2007, women owned 7.8 million businesses and accounted for 28.7 percent of all businesses nationwide, according to the U.S. Census Bureau's Survey of Business Owners. These firms generated \$1.2 trillion in receipts, about 3.9 percent of all business receipts nationwide.

As this dynamic sector continues to evolve, it is vital women have a strong voice representing them and the Women's Chamber of

Commerce has been a stalwart champion for female entrepreneurs.

Founded ten years ago, the Women's Chamber is the only national organization of its kind, working with over 500,000 members to eliminate barriers to female entrepreneurship. Throughout its history, the Chamber has secured a series of key victories that have helped small firms owned by women flourish and grow. In 2005, the U.S. Women's Chamber of Commerce won a lawsuit against the government for failing to implement the "Women's Procurement Program," an initiative helping female entrepreneurs secure federal contracts. The Women's Chamber has also fought to expand access to capital among female entrepreneurs, which is often a key impediment to women seeking to launch a new venture.

Beyond its work advocating for female entrepreneurs, the Women's Chamber has helped to promote career advancement for women and protect the rights of female employees. The Chamber was a strong advocate for the Lilly Ledbetter Fair Pay Act and has stalwartly fought for female advancement in the workplace.

Mr. Speaker, this week the U.S. Women's Chamber of Commerce celebrates ten years of service to American female entrepreneurs. As our economy continues to evolve, we can expect female entrepreneurship will only further blossom and play a greater role in American commerce. As that happens, the U.S. Women's Chamber will continue its role as a strong advocate for women-owned businesses and female employees.

HONORING ROSE LENOX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Rose Lenox, on the occasion of her 80th birthday.

Rose Lenox nee Homan was born on October 19, 1931 in Towanda, Pennsylvania at Mills Hospital. She attended school through fourth grade in a one-room school house in Black, Pennsylvania, and then transferred to Ulster Elementary. Rose had daily responsibilities at the family farm, which she had to balance with her studies at Towanda High School. Rose met her future husband, James Lenox, in ninth grade.

After graduating, Rose was one of the first on the job training students to earn a clerical job at the DuPont plant in Towanda. After raising her children, Rose went on to work at Finlan Insurance and the Towanda Country Club.

On October 20, 1951, Rose married James Lenox at the Saints Peter and Paul Roman Catholic Church. Together, Rose and James have three children (Kathy, David, and Rosemary) and eight grandchildren.

Mr. Speaker, I rise today to honor my constituent, Rose Lenox, on the occasion of her 80th birthday, and ask my colleagues to join in praising her commitment to her family and country.

INTRODUCTION OF THE "RENEWABLE FUEL STANDARD ELIMINATION ACT" AND THE "RENEWABLE FUEL STANDARD FLEXIBILITY ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. GOODLATTE. Mr. Speaker, it is past time for us to have a serious conversation about the federal government's role in supporting ethanol. One of the big drivers of ethanol is an artificial market, created by the federal government. The Renewable Fuel Standard, RFS, mandates that 36 billion gallons of renewable fuels be in our nation's fuel supply. This mandate is being fulfilled by grain ethanol that comes from corn.

The federal government's creation of an artificial market for the ethanol industry has quite frankly created a chain reaction that is hurting consumers. It is expected that this year about 40 percent of the U.S. corn crop will be used for ethanol production. With increasing food and feed stocks being diverted into fuel, we are seeing diminished supplies for livestock and food producers. This year livestock and poultry producers will use 1.1 billion fewer bushels of corn than they used in the 2004/2005 crop year, the last crop year before the RFS. This will be the first year ever that ethanol production has used more of our corn supplies than feeding livestock and poultry in the U.S.

The RFS mandate has created a domino effect. Tightening supplies are driving up the price of corn. The higher cost for corn is passed on to livestock and food producers. In turn, consumers see that price reflected in the price of food on the grocery store shelves. In the debate over ethanol, the government is picking winners and losers and livestock and food producers, and the consumers of livestock and food products are the losers. As we confront the reality of the tightening corn supplies, there are real concerns about having enough corn supplies to satisfy the RFS and the needs of our food producers. We should not be in a position where we are choosing between fuel and food. That is why I am introducing two bills that would alter this artificially created government market.

The first bill, the Renewable Fuel Standard Elimination Act is simple; it would eliminate the RFS and make ethanol compete in a free market. The government should not be creating a market to sustain an entire industry. While I believe that we should completely eliminate the RFS, I recognize that there may not yet be the political will in Congress to completely eliminate this mandate. And while there may not yet be the political will to eliminate this mandate we have to address the reality that we are being confronted with, tightening corn supplies, and our livestock producers, our food manufacturers, and our consumers need relief now.

That is why I have joined with several colleagues in introducing legislation to reform the RFS. This reform will provide relief to our livestock and food producers and consumers of these products. This legislation, the Renew-

able Fuel Standard Flexibility Act will link the amount of ethanol required for the RFS to the amount of the U.S. corn supplies. This legislation would provide a mechanism that when the USDA reports that U.S. corn supplies are tight, based upon the ratio of corn stocks to expected use, there would be a corresponding reduction of corn ethanol made to the RFS. For example, if this policy was in place now, the legislation would trigger a 25 percent reduction in the RFS. This is a common sense solution to make sure that we have enough corn supplies to meet all of our demands.

I am a strong supporter of renewable fuels, when they compete fairly in the marketplace but the current policy is unfair and is causing unintended and negative consequences for American consumers, livestock farmers, and food manufacturers. Congress created this artificial market that is distorting the food and feed market, and we must provide relief of its unintended consequences. I urge the Congress to pass this legislation.

IN RECOGNITION OF MR. DEAN JANEWAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Dean Janeway, President and Chief Operating Officer of Wakefern Food Corporation, on the occasion of his retirement. Mr. Janeway has dedicated forty years of service to the Wakefern Food Corporation and has been a catalyst for the organization's expansion and advancement throughout the Northeast. His outstanding commitment is undoubtedly worthy of this body's recognition.

Mr. Dean Janeway's commitment to Wakefern Food Corporation is a testament to his outstanding character. Mr. Janeway joined the Wakefern team in the 1960s as a Junior Accountant. He later earned a position as Executive Vice President before being named President and Chief Operating Officer in 1995. As a member of the Wakefern team, Mr. Janeway took every opportunity to learn the intricate aspects of the business. He has overseen the largest expansion in the organization's history and managed the advancement to become the premier supermarket retailer in the Northeast. Under Mr. Janeway's direction, Wakefern has also experienced significant expansion in its membership base resulting in the growth of its retail sales by more than 150 percent. Mr. Janeway also continues to direct Wakefern's corporate giving endeavors, spearheading Wakefern's fight against hunger.

In addition to his professional responsibilities at Wakefern, Mr. Janeway served as a member of various prestigious boards including the Board of Directors of the Eastern Frosted Foods Association, EFFA, and is past President of the Eastern Perishable Products Association, EPPA. Among other prestigious positions, he has also admirably served on the Board of Directors of the national Grocers Association and is a member of the Board of the national Co-op Bank. Mr. Janeway presently sits on the Board of Directors of Insure-Rite,

Ltd and in 2009 began his reign as Chairman of the University of Medicine and Dentistry of New Jersey's Finance Committee.

As a result of his outstanding accomplishments, Mr. Janeway is the recipient of various prestigious awards including the Modern Grocer's annual Publisher's Award for Lifetime Achievement, the New Jersey Food Council's Lifetime Achievement Award and the Food Marketing Institute's Herbert Hoover Award. His humanitarian work was honored by the Special Olympics of New Jersey in 2009 and earlier this year he was recognized by the Archdiocese of Newark at their annual Business and Labor Recognition Reception for his support for various charitable causes. Mr. Janeway is a graduate of Rutgers University, a father of three adult children and currently resides in South Mantoloking, New Jersey with his wife MaryAnn.

Mr. Speaker, once again, please join me in thanking Mr. Dean Janeway for his outstanding contribution to the Wakefern Food Corporation and wishing him the best as he begins to enter the next chapter of his life.

A CONGRESSIONAL RESOLUTION
RECOGNIZING MACY REYNOLDS
ON HER INDUCTION INTO THE
GREENE COUNTY WOMEN'S HALL
OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Macy Reynolds for her induction into the Greene County Women's Hall of Fame.

Ms. Macy Reynolds along with five other candidates was from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of Horticulture.

Ms. Reynolds, a teacher by profession, taught in Mad River Schools and as an adjunct at the University of Dayton. Becoming a Master Gardner in 1998, she has taught many educational programs and volunteered in many public gardens all over Greene County. An Ohio certified insect, weed and tree specialist, Macy has removed invasive species from various locations around Greene County while also working hard to restore prairies by harvesting and planting seeds in their natural areas. Macy also put together an educational program for the Miami Valley Juvenile Rehabilitation Center in Xenia. The resident youth attend gardening classes, plant and care for the garden. The produce from these gardens are then donated to the local Fish Food Pantry. She is also a founding member of the Midwest Native Plant Society and has worked to maintain the Women's Park in Yellow Springs where she also serves as secretary of the Tree Committee. Ms. Macy also was Greene County's first representative to the Heritage Garden Ambassador Program.

Thus, with great pride, I congratulate Ms. Macy Reynolds for her exemplary service to Greene County and extend best wishes for the future.

BISHOP DUNNE HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Bishop Dunne Catholic School in Dallas, Texas for 50 years of educational excellence. Bishop Dunne is a coeducational, college preparatory school which serves grades 6 through 12.

The students here are our best and our brightest, and with encouragement and support from their principals and teachers, these students are achieving remarkable success. Because of the high quality education the students at Bishop Dunne and other schools like it are receiving, they can have the opportunity to live the American dream—to do anything they want to do, to go on to a great college or university of their choice, and to pursue any career path that sparks their interest.

In 1961, Bishop Dunne Catholic School began under the name Our Lady of Good Counsel High School. The Sisters of St. Mary of Namur had established two girls' high schools in Dallas; Our Lady of Good Counsel Academy in Oak Cliff in 1901 and St. Edward's Academy in East Dallas in 1912. At the request of the Diocese of Dallas, the Sisters agreed to close the two high schools and invite students from them to be part of a new entity, a diocesan sponsored high school. In 1963, the name of the school was officially changed to Bishop Dunne in honor of one of the first bishops of Dallas. In 1969, the school officially became coeducational.

Core values Bishop Dunne instills in its students and counts as a priority are spiritual growth and faith development; academic excellence in an innovative and creative environment; formation in a positive and nurturing environment; commitment to fellowship, social justice and community service; appreciation of individual uniqueness and value; commitment to social and civic responsibilities and to global leadership and; Service to a multi-cultural community.

Mr. Speaker, my community and our country benefits immensely from the educational excellence Bishop Dunne Catholic School continues to provide. I congratulate them on 50 years of service.

MOURNING THE LOSS OF REV. FRED SHUTTLESWORTH AND REFLECTING ON HIS LEGACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, I am deeply saddened to learn today of the passing of a great man, Reverend Fred Shuttlesworth, who was truly an American hero and a committed civil rights legend. His life and dedication fighting in Birmingham, Alabama, on behalf of the segregated black community will never be forgotten.

The Reverend helped create the Southern Christian Leadership Conference with Dr. Mar-

tin Luther King Jr. and Ralph Abernathy and served as secretary for several years. During his lifetime, Rev. Shuttlesworth was beaten and arrested several times for his activism. His church and home had even been bombed, but he persevered in his struggle. The many sit-ins and boycotts he led helped advance a people and a nation forward from the evils of segregation to enjoy many of the freedoms we have today.

As we reflect on the sad passing of one of the greatest inspirations of the Civil Rights movement, I hope everyone back in his hometown, Birmingham, Alabama, and across the nation reflects on his legacy with gratitude and admiration. I speak on behalf of all the people of New York's 15th Congressional District when I say we are all thankful for what Rev. Shuttlesworth accomplished.

CONGRATULATING THE LINCOLN MAGNET SCHOOL ON BEING NAMED A 2011 NATIONAL BLUE RIBBON SCHOOL

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SCHOCK. Mr. Speaker, I rise today to honor Lincoln Magnet School in Springfield, Illinois for being named a 2011 National Blue Ribbon award winner in high academic performance. Lincoln Magnet School was only one of 17 public and private schools in the state of Illinois and one of 304 schools nationwide to receive this prestigious honor.

Lincoln Magnet School serves 321 students in sixth, seventh and eighth grade. It incorporates technology in the classroom by providing each student with an individual laptop. The school has previously been recognized as an Apple Distinguished School, one of a select number of schools nationwide to receive that elite honor. Their vision is to "prepare students to be outstanding global citizens in an ever-changing technological world." Lincoln Magnet School has not only met this goal, but has exceeded it.

Lincoln Magnet School is the type of institution more schools should emulate. Students at the school have also consistently demonstrated high academic performance—outscored their peers at the state level in every category. For example, 95% of students in 2010 met the State of Illinois' benchmark in mathematics with 44% of students exceeding the benchmark. In reading, 96% of students achieved the reading benchmark and 33% exceeded it.

The staff and leadership of Lincoln Magnet School have also partnered with local agencies in order to offer numerous educational opportunities to their students. At a time when employers in my district lament the lack of skills in the workforce, I am proud to see schools such as Lincoln Magnet School utilize laptops, virtual lab experiences and other types of technology to better prepare their students for the technical demands of the future.

The one-to-one laptop environment present at Lincoln Magnet School offers students the ability to answer their own questions while

also incorporating real-world experiences into the classroom. Virtual science laboratories make difficult concepts easier to understand. The prevalent use of different types of technology means a student never stops learning.

Once again, I congratulate the teachers, staff, students, parents and community members of Lincoln Magnet School for all of their hard work in achieving the National Blue Ribbon award.

COMMEMORATING THE LIFE OF NANCY KEENAN

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Nancy Keenan of Perkasio, Pennsylvania. Born and raised in Southeastern Pennsylvania, Nancy was truly committed to the well-being of her friends and neighbors, particularly to the senior citizens of Bucks County.

A self-educated woman, Nancy became an integral part of her community, serving as member of the Perkasio Borough Council, a frequent columnist for her local paper, the Morning Call, the chairperson of the Bucks County Area Agency on Aging Advisory Council, and a member of the Southeast Regional Council of the Pennsylvania Council on Aging.

Of all the projects Nancy was a part of during her remarkable life, one of the dearest to her was the foundation of the new Pennridge Community Senior Center in Silverdale. While the task of raising funds to build this new center was no small undertaking, Nancy patiently and diligently persevered until the project was completed. Her advocacy for the senior citizens of Bucks County goes well beyond the construction of a single building, and this new center will stand as a testament to her hard work and dedication for generations to come.

IN RECOGNITION OF THE 75TH ANNIVERSARY AND DIAMOND JUBILEE CELEBRATION OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE NEW YORK STATE CONFERENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great pride and as a life member to recognize the 75th Anniversary and Diamond Jubilee Celebration of our beloved NAACP New York State Conference.

On October 7 thru Oct. 9, 2011, The New York State Conference of the National Association for the Advancement of Colored People (NAACP) will host its 75th Anniversary Conference and Diamond Jubilee Celebration, at the Westin Times Square Hotel and Conference Center in New York City. The Celebration will honor the rich history of the

NAACP and examine critical issues challenging all New Yorkers. Delegates and participants will enjoy interactive workshops on education, health, civic engagement, economic empowerment and criminal justice.

The NAACP New York State Conference has been a vital programmatic component of the National Association for the Advancement of Colored People for 75 of the 102-year history of the oldest, most effective and most respected civil rights organization in the Nation. The New York State Conference has played a pivotal role in moving the agenda for freedom and equality forward under the leadership of dynamic State Conference Presidents, each of whom addressed critical issues during their tenure.

Dr. James E. Allen, the first President, took on the challenge of expanding the number of branches all across the state. From 1936 to 1952, the number of branches grew from 15 to 45, providing local civil rights advocacy in every corner of the state on a wide range of issues. The succeeding Presidents have built on that solid foundation and added to the scope and innovative advocacy techniques. They were Mrs. Effie Gordon, Dr. Eugene T. Reed, Judge William Booth, Donald Lee, Raphael Dubard and the current President, my sister, Dr. Hazel N. Dukes.

Through its seventy-five year history, the New York State Conference has been a leading force in driving the missions and goals of the Association. The first Prison Branch of NAACP was chartered in New York. The Youth and College Division grew as a vigorous power to be reckoned with, and continues to be outspoken and on the front line of advocacy today.

Under the leadership of Dr. Hazel Dukes and the first Executive Director David Bryant, Esq. the New York State Conference State opened its offices in lower Manhattan in 1978. Shortly before the historic Centennial Celebration of the National Association for the Advancement of Colored People in 2009, the state conference relocated its office to a beautiful spacious Suite at 1065 Avenue of the Americas in Midtown Manhattan. The state-of-the-art office is run with an Administrative Assistant, support staffs and interns to facilitate activity throughout the state to the 56 adult units, Youth, and College Chapters from Harlem to Highland Falls, Brooklyn to Buffalo, Syracuse to Suffolk County, Albany to Amityville and all points in between.

New York State Conference Civil Rights Advocacy over the years has included historic demonstrations, marches and mobilizations. Like the memorable 160-mile march from New York City to Albany to underscore our civil rights issues, the Over-ground Railroad project to promote voter registration and voter participation throughout the State of New York, marches and demonstrations to protest police brutality and the murders of Michael Steward by Transit police and Eleanor Bumpers by Public Housing police. The New York State Conference held one of the largest demonstrations in Howard Beach to protest the racial murder of Michael Griffin and in Middletown, New York to protest the police murder of the son of NAACP branch President, Maude Bruce.

Reflecting on these important moments and milestones, President Hazel Dukes said, "The

New York State Conference has been a vital component of the National NAACP for 75 of its 102-year history. We have played a pivotal role in moving the agenda for freedom and equality forward. The celebration of our 75th Anniversary gives the State Conference an opportunity to review past challenges, celebrate accomplishments and be emboldened by future possibilities." Members and guests of the NAACP from the tri-state area will participate in numerous events during this milestone weekend.

The Conference begins Friday, October 7 at noon with registration and the opening plenary at 2:30 p.m. At 7:30 p.m., the Rev. Dr. Gregory Smith, Senior Pastor and the Congregation of the historic Mother African Methodist Episcopal Zion Church will host an Ecumenical Service in Harlem featuring keynote speaker the Honorable Benjamin Todd Jealous, President and CEO of the National NAACP. The service will also highlight a performance by Vy Higginson's Gospel for Teens Choir, recently featured on CBS' 60 Minutes, by legendary News Correspondent Barbara Walters.

On Saturday, October 8 from 8:45 a.m. to 5 p.m., a number of interactive workshops and trainings on health, education, civic engagement, criminal justice and economic development are scheduled. I will be bringing welcoming greetings to all of the delegates and special guest assembled for the 75th Annual Luncheon, which begins at 12 Noon and features our dynamic leader, the Honorable Dr. Roslyn M. Brock, Chairman of our NAACP National Board of Directors as the keynote speaker. Other speakers include the Hon. Alphonso David, New York State Deputy Secretary for Civil Rights, Michael Mulgrew, President United Federation of Teachers, Reverend Edward Mulrairie, Unity Tabernacle Baptist Church Mt. Vernon, New York, and our beloved State Conference President Dr. Hazel N. Dukes.

The activities of the day culminate with the 75th Diamond Anniversary Awards Dinner Dance. Cheryl Wills, Anchor NY1 News and author of "Die Free" A Heroic Family History," will be the Mistress of Ceremony. The evening speakers include my longtime loyal friend, supporter and ally, George Gresham, President of the mighty SEIU Local 1199. The closing program will take place on Sunday, October 9, 2011 with a breakfast, Church Service, and a legislative session presided by Judge Laura D. Blackburne, Chairman of the Crisis Magazine and by Kenneth Cohen, Sr., Regional Director of the Metropolitan Council of NAACP Branches.

Mr. Speaker, let me take a moment to salute my sister, Hazel N. Dukes as we celebrate our Diamond Jubilee of our New York State Conference. For as long as I have been involved with the NAACP and a Member of Congress, Hazel has always been an outspoken opponent of policies that she felt undermined the achievements of the civil rights movements of the 1960s and today. Hazel's political career has made her one of the most important black activists and campaigners of the last quarter of the twentieth century; I am proud of her stance to reduce class sizes in our New York City Schools and for equal and fair education for all children. Hazel can be a one-woman band, but her advocacy and hard work create and orchestrate for change.

I ask my colleagues and a very grateful Nation to join me in a very special congressional salute to the NAACP New York State Conference celebrating their 75th Diamond Jubilee Anniversary.

ST. CROIX CROSSING "MEGA-BRIDGE" OPPOSED BY TAXPAYERS FOR COMMON SENSE

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. McCOLLUM. Mr. Speaker, today, the Natural Resources Committee is marking up H.R. 850 which grants an exemption from the Wild and Scenic Rivers Act in order to allow construction of a \$700 million mega-bridge connecting Minnesota and Wisconsin across the St. Croix River. This bridge would be located less than six miles from the eight lane Interstate 94 crossing of the St. Croix. At a time of extremely scarce transportation dollars and tremendous need (Minnesota and Wisconsin have more than 2,000 structurally deficient bridges in need of repairs) building a single mega-bridge with a cost of \$700 million is fiscally irresponsible and terrible public policy.

I strongly oppose H.R. 850 and I am not alone. The conservative watchdog group Taxpayers for Common Sense sent a letter today to members of the Natural Resources Committee opposing H.R. 850 and states, "accepting a project that is too big and too expensive for the sake of speeding project delivery would be irresponsible at any time, and even more so while we are doing everything possible to find our way out of a budgetary mess."

A St. Croix River crossing that is affordable, meets transportation and safety needs, and responsibly scaled should be built, but H.R. 850 and its companion in the U.S. Senate, S. 1134, are bills that should be rejected. I appreciate that the willingness of Taxpayers for Common Sense for voicing their concerns about this mega-bridge exemption and I have enclosed their letter to the House Natural Resources Committee for printing in the CONGRESSIONAL RECORD.

TAXPAYERS FOR COMMON SENSE,

October 4, 2011.

OPPOSE H.R. 850: IT'S TIME TO RETHINK THE STILLWATER BRIDGE

DEAR NATURAL RESOURCES COMMITTEE MEMBER: Taxpayers for Common Sense Action urges you to oppose H.R. 850 ("To facilitate a proposed project in the Lower St. Croix Wild and Scenic River") when it comes before the Natural Resources Committee for your consideration. Proponents argue that this bill will not cost any taxpayer dollars, but granting the proposed bridge between Minnesota and Wisconsin over the St. Croix River an exemption from the Wild and Scenic Rivers Act is one of the final few steps before taxpayers are asked to pay many millions on a bridge that is far too large in scope and far too expensive. A bridge in this location is warranted to replace an outdated lift bridge, but needs to be done at a far lower cost. The project as proposed should be rejected.

The current fight over spending cuts and the debt ceiling highlights the immense

budget challenges our nation faces, including a trillion-dollar-plus deficit and more than \$14 trillion in debt. The state of our transportation program is little better, as the highway trust fund collects inadequate funds to meet the nation's transportation challenges. As a result, doing more with less is essential, and the same holds true for the proposed St. Croix River crossing.

We are deeply concerned about the scale and cost of this project for a number of reasons:

Driven by a desire to create a "signature" bridge for the region, stakeholders chose the most expensive alternative. This would be by far the most expensive bridge ever constructed in Minnesota, and would be more expensive than the cost of two other Minnesota bridges—the I-35W and Lafayette bridges—combined, yet will carry less than 10% as much traffic. When every dollar is scarce, it is simply irresponsible to build signature bridges that place form before function, and asking taxpayers to fund such an expensive project to carry the 18,000 vehicles the current bridge accommodates is simply outrageous.

According to Minnesota Department of Transportation documents, the so-called "extradosed" bridge proposed for this project, comes with "relatively high cost risk." An extradosed bridge—a combination of a box girder bridge and a cable-stayed bridge—is under construction in Connecticut, and that is the only other example of its kind in the U.S. MnDOT lists its own lack of internal expertise regarding such a bridge as a project risk. Though some of the extra risk has been built into the project's cost estimate, there still remains an increased chance of cost overruns.

Building this bridge would limit the funds available for the other priorities in Minnesota and Wisconsin. Combined, the two states have more than 2,000 deficient bridges and nearly 6 million trips are made across them every day. In addition, nearly half the roads in Minnesota and Wisconsin need additional maintenance to get them back to "good" condition. Building such an expensive bridge across the St. Croix, with the chance of significant cost overruns, would seriously hamper each state's ability to perform these vital maintenance efforts in as timely a manner as possible, to say nothing of new facilities that may be required to relieve congestion, improve safety, facilitate commerce, and keep the transportation system moving efficiently.

There is little question that a new bridge is required at this location to replace the outdated lift bridge that currently carries traffic over the St. Croix, but only if it can be done at a far lower cost than is currently envisioned. The proposed bridge is a relic from a different time: before our nation finally committed to taking care of its budget mess, before the end of the housing boom that dramatically changed the landscape in western Wisconsin, and before the realization that the current state of our transportation program may lead to a cut as deep as 30% from current funding levels in future years.

At the very least, it is worth taking a hard look at additional alternatives to determine whether we can accommodate the region's transportation needs at a far lower cost to taxpayers, and possibly without an exemption from the Wild and Scenic Rivers Act. We understand that there is an urgency to move forward with a new bridge, but accepting a project that is too big and too expensive for the sake of speeding project delivery

would be irresponsible at any time, and even more so while we are doing everything possible to find our way out of a budgetary mess.

If you would like additional information, please contact Erich Zimmermann in my office at (202) 546-8500 x132.

Sincerely,

RYAN ALEXANDER,
President.

HONORING THE LIFE OF REV. FRED SHUTTLESWORTH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, I rise to celebrate the life and legacy of the late Rev. Fred Shuttlesworth. Today, we mourn the loss of an American soldier who lived without fear to exemplify the power of nonviolence in the ongoing fight against injustice, inequality and inequity.

No other word best describes civil rights pioneer Reverend Fred Shuttlesworth but the word "fearless." Rev. Shuttlesworth was a native of Alabama and spent his entire life there dedicated to combating discrimination and the alienation of underrepresented communities. He co-founded the Southern Christian Leadership Conference (SCLC), and was a key strategist of nonviolent campaigns, working alongside notable civil rights leaders such as Dr. Martin Luther King, Jr., Rev. Ralph Abernathy, Bayard Rustin and Ella Baker. Rev. Shuttlesworth was committed to civil disobedience in order to bring about the Constitution's promise of equality, however, he was in no way considered a "passive" individual. Many who worked closely alongside of him recall how he prodded his fellow civil rights comrades to be more active and deliberate in the push for equality.

Prior to founding the SCLC, Rev. Shuttlesworth was a very visible civil rights figure, serving as Membership Chairman of the Alabama State Chapter of the NAACP in 1956, and establishing the Alabama Christian Movement for Human Rights (ACMHR) after the state of Alabama outlawed NAACP activities. His visibility made him a clear target of bigotry and violence, including an assassination attempt on the Christmas of 1956 where sixteen sticks of dynamite placed under Shuttlesworth's bedroom window resulted in extensive damage to his home. Shuttlesworth, however, suffered no bodily harm. When advised by a police officer with Klan allegiances to "get out of town," Shuttlesworth rejected the officer's admonition, stating "I wasn't saved to run." Rev. Shuttlesworth refused to be driven out by intimidation, ignorance and intolerance.

We are ever so grateful he did not run. Rev. Shuttlesworth was one of the many brave souls who participated in the sit-ins at segregated lunch counters in 1960. His fingerprints are all over the Freedom Rides of 1961, where he organized and saw the mission to its completion. When riders were severely beaten, Rev. Shuttlesworth solicited other clergy and religious leaders to drive the wounded to

hospitals and nursed some riders in his church, Bethel Baptist in Birmingham. His character was such that if one was hungry, he would feed them; thirsty, he would provide them with water; homeless, he would open his doors; imprisoned, he would visit them. Rev. Shuttlesworth believed that whatever we do for the least of our brothers and sisters, regardless of race, creed, orientation or any other qualifier, we are indeed doing for all of humanity.

All men perish, but it is often upon the passing of great men that we truly recognize their value. Rev. Shuttlesworth is a universal figure whose activism led to several victorious litigations against segregation, including the Supreme Court decision of *Shuttlesworth v. Birmingham*, which reversed his conviction for holding a peaceful demonstration. His involvement in the marches in St. Augustine, Florida and Selma, Alabama led to the historic passages of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Every state in the United States, as well as twenty countries, has created programs to combat racism and prejudice implementing Rev. Shuttlesworth's strategies and organizational skills.

Rev. Shuttlesworth once vowed that he would "kill segregation or be killed by it." Fortunately, he lived to see the fruits of his labor. He served our country fighting for segregation's demise and as a result, we are all beneficiaries of his efforts. Now more than ever, we must follow the example of Rev. Fred Shuttlesworth and see the value in caring for the least among us. His efforts will never be forgotten.

REPRESENTATIVE JERRY COSTELLO WILL BE DEARLY MISSED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, I am sad to learn that the House of Representatives will be losing a strong leader with the retirement of my dear friend and Colleague, Congressman JERRY COSTELLO. In the U.S. Congress, he fought hard to protect the environment and promoted progressive development of infrastructure.

I am privileged to have worked with JERRY in the past 23 years he has served in this great Institution we both so love. JERRY has been a steadfast steward of the public interest from his early days in law enforcement to his more than two decades in the House of Representatives. Throughout his public career he has demonstrated time and again how colleagues can reach across the aisle to find compromise for the good of the nation.

I wish JERRY the best of luck with his future endeavors. His service to the people of Illinois' 12th District has been impeccable and he will be dearly missed by both his constituents and colleagues.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 6, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 11

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine labor-management forums in the Federal government.

SD-342

OCTOBER 12

Time to be announced

Small Business and Entrepreneurship

Business meeting to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

Room to be announced

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine ten years after 9/11, focusing on a status report on information sharing.

SD-342

2 p.m.

Aging

To hold hearings to examine finding consensus in the Medicare reform debate.

SD-562

2:15 p.m.

Foreign Relations

Business meeting to consider the nominations of Joyce A. Barr, of Washington, to be Ambassador to Namibia, Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajewski, of Virginia, to be Ambassador to the Kingdom of Bahrain, Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, and Michael A. Hammer, of the District of Columbia, to be Assistant Secretary for Public Affairs, all of the Department of State, Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy, Katherine M. Gehl, of Wisconsin, and Terry Lewis, of Michigan, both to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and routine lists in the Foreign Service; to be immediately followed by a hearing to examine the nomination of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Department of State.

S-116, Capitol

2:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the state of chronic disease prevention.

SD-430

OCTOBER 13

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine addressing potential threats from Iran, focusing on Administration perspectives on implementing new economic sanctions one year later.

SD-538

2 p.m.

Judiciary

To hold hearings to examine arbitration.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 18

2:30 p.m.

Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled, "Elementary and Secondary Education Act", and any pending nominations.

SD-106

OCTOBER 20

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.

SD-628

NOVEMBER 3

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine speculation and compliance with the "Dodd-Frank Act".

SD-342